

# PUBLIC HEALTH (SHOPS, EATING HOUSES, BOARDING-HOUSES, HOSTELS AND HOTELS) REGULATIONS\*

## PART I.—PRELIMINARY.

1. These Regulations may be cited as the Public Health (Shops, Eating Houses, Boarding-houses, Hostels and Hotels) Regulations.\* Citation.

2. These Regulations are divided into Parts as follows:—

Parts.

Part I.—Preliminary (Regulations 1-2).

Part II.—Shops (Regulations 3-10).

Part III.—Eating Houses (Regulations 11-33).

Part IV.—Boarding-houses, Hostels and Hotels (Regulations 34-50).

## PART II.—SHOPS.

3. In this Part, unless the contrary intention appears—

Definitions.

“shop” means a building, stall, tent, vehicle or caravan in which, or in any portion of which, goods are offered or exposed for sale by retail, and includes a portion of a shop. The term includes premises occupied by hairdressers and barbers, but does not include the sample-rooms of a commercial traveller;

“shopkeeper” means the person having the charge, management or control of a premises. The term includes an agent, manager, foreman, or other person acting or apparently acting in the general management or control of any shop.

4. The shopkeeper of a shop shall not use, or permit to be used, an apartment of that shop as a residential or sleeping apartment for himself or any other person or as an apartment for any domestic use whatsoever, if that apartment contains any goods intended for sale. Use of shop for sleeping.

Penalty: Fifty pounds.

5. A shopkeeper or occupier of every building in which persons are employed or are intended to be employed in any trade or business shall provide the building with suitable accommodation as may be required from time to time by the Chief Medical Officer in the way of urinals, closets, and privies; where both sexes are employed separate accommodation shall be provided with separate approaches thereto. Sanitary accommodation.

6. In any proceedings consequent upon a complaint in which an offence against regulation four of these Regulations is alleged, the averment of the prosecution or plaintiff contained in the information declaration or claim that the goods referred to in the complaint were goods intended for sale shall be deemed to be proved in the absence of proof to the contrary. Averment.

\* Regulations 1960, No. 17, in force under the *Public Health Ordinance 1952-1962*; made on 5th December, 1960; notified in *Northern Territory Government Gazette* on 14th December, 1960; commenced on 31st December, 1960.

*Public Health (Shops, Eating Houses, Boarding-houses, Hostels and Hotels) Regulations*

Hours for inspection.

7. An Inspector or other officer appointed under these Regulations may visit and inspect any shop at any time during which business is carried on and no person shall prevent or obstruct the Inspector or officer in the performance of his duties or in the exercise of his powers.

Penalty: Twenty pounds.

Powers and duties of Inspector.

8.—(1.) A shopkeeper or owner of a shop shall afford to the Inspector all reasonable facilities and all information as may reasonably be required by him for the exercise of his powers under the provisions of these Regulations.

(2.) The Inspector before entering in pursuance of the powers conferred by these Regulations, without the consent of the shopkeeper, any room or place in actual use as a shop, shall obtain a written authority to do so from a stipendiary magistrate.

(3.) On application made in that behalf, a stipendiary magistrate, if satisfied that there is good cause to suspect that any regulation relating to the public health is contravened in any room or place, may grant an authority authorizing the Inspector at any time within thirty days from the date of the application to enter therein, and to exercise the powers of inspection and examination conferred by these Regulations.

Obstruction of Inspector.

9. Every person who—

(a) wilfully impedes, obstructs, or delays an Inspector in the exercise of any power under the provisions of these Regulations; or

(b) wilfully makes any false reply to any question put to him by the Inspector, having reference to the provisions of these Regulations,

shall be deemed to obstruct an Inspector in the execution of his duty under these Regulations, and shall be liable to a penalty not exceeding Twenty pounds. Provided that no person shall be required under this or the last preceding regulation to answer any question or give any evidence tending to criminate himself.

Application of Regulations.

10. This Part shall apply to any area of the Northern Territory of Australia which is not declared by the Minister to be an exempt area by notice in the *Commonwealth of Australia Gazette*.

PART III.—EATING HOUSES.

Definitions.

11. In this Part, unless the contrary intention appears—

“approved” means approved by the Chief Medical Officer;

“eating house” means any house, tent, edifice, building, caravan or other structure (permanent or otherwise) or any part thereof in which meals are served to the public for gain or reward or premises in respect of which an authority for a licence temporarily to sell, supply or dispose of liquor on premises other than those specified in his licence is in force, or any other house, tent, edifice, building, caravan or other structure used temporarily for serving meals to the public at any fair, show, races, or other public sports, games or amusements;

“proprietor” includes the owner or the occupier of an eating house or any person having the management or control thereof.

12. A person shall not act as the proprietor of an eating house unless the eating house has been duly registered and his name has been entered as the proprietor in accordance with this Part of these Regulations.

Eating houses to be registered and name of proprietor entered.

13.—(1.) A person applying for the registration of an eating house and the entry of his name as the proprietor shall make an application to the Chief Medical Officer in accordance with Form A in the First Schedule to these Regulations and shall forward a fee of Ten shillings with his application.

Application for registration.

(2.) Upon the granting of the application, the Chief Medical Officer shall issue to the applicant a certificate in accordance with Form B in the First Schedule to these Regulations.

(3.) A certificate issued under this regulation shall continue in force until the person whose name is entered on the certificate as the proprietor ceases to act as proprietor or until the thirty-first day of December next following the date of the certificate, whichever is the sooner.

(4.) During the month of December in each year, the proprietor of an eating house shall make application for the renewal of the registration thereof.

14. The Chief Medical Officer may, in his discretion, register any eating house.

Power to refuse registration.

15. At any time during the currency of registration, the Chief Medical Officer may, after written notice to the proprietor, cancel the registration.

Cancellation of registration.

16. A proprietor—

- (a) shall provide a sufficient number of approved impervious receptacles with close fitting covers for the reception of food scraps or trade waste;
- (b) shall not permit or suffer food scraps or trade waste to be placed elsewhere than in such receptacles; and
- (c) shall cause such receptacles to be kept at all times in a clean and sanitary condition.

Garbage receptacles to be provided.

17.—(1.) The proprietor shall not permit food scraps or trade waste for consumption by pigs to be removed from the eating house between the hours of 9 a.m. and 8 p.m.

Disposal of food scraps, &c.

(2.) Where food scraps or trade waste are disposed of to a contractor, the proprietor shall cause a clean, washed and disinfected receptacle to be provided in place of any receptacle containing food or waste which is removed by the contractor.

18. A proprietor shall cause all sanitary conveniences upon or in connexion with the eating house to be kept at all times in a scrupulously clean condition.

Cleanliness in sanitary conveniences.

- Ablutionary appliances to be provided.** 19. A proprietor shall provide sufficient means of ablution (with clean towels and soap or detergent) for the use of employees in such places as required by a Medical Officer of Health and sufficient sinks supplied with hot water, at a temperature not less than 165 degrees Fahrenheit, and cold water under pressure (with clean towels and soap or detergent) for the adequate cleansing of all utensils used on the premises in the preparation and consumption of food.
- Prohibitions regarding sleeping rooms.** 20. A proprietor shall not permit to be occupied as a sleeping place any room which is in direct communication with any dining room, kitchen or other place used in the preparation or storage of foodstuffs.
- Storage of food.** 21. A proprietor shall cause all foodstuffs to be stored in such place or manner as to prevent contamination with flies, dust or vermin.
- Ice chests to be kept clean.** 22. A proprietor shall cause every ice chest or refrigerator chamber to be kept at all times in a clean and wholesome condition and, if meat is stored in a chest or chamber, the chest or chamber shall be kept exclusively for that purpose.
- Unwholesome food not to be kept.** 23. A proprietor—
- (a) shall not permit to be used in the preparation of food any tinned milks, fruits, jam or fish which, upon opening, show any signs of decomposition, fermentation or alteration in appearance, or meat from an animal which has not been slaughtered at a licensed abattoir;
  - (b) shall not permit to be used in the preparation of food any bad eggs or rancid butter; and
  - (c) shall forthwith destroy or place in the refuse receptacle any food which is unwholesome.
- Cleaning of utensils.** 24. A proprietor shall cause all used utensils, crockery and cutlery to be washed in clean, hot, and soapy water, and shall not permit any article of crockery, tableware or cutlery to be placed upon any table or before any customer unless it is thoroughly clean and is free from any crack, chip or other objectionable defect.
- Employees to be clean.** 25. An employee or any person shall be properly attired and clean and shall not smoke or spit within any dining room or kitchen and shall wash his hands with water and soap after visiting a sanitary convenience.
- Dogs, &c., prohibited.** 26. A proprietor shall not allow any animal in any dining room or kitchen appurtenant thereto.
- Sinks, &c., to be kept clean.** 27. A proprietor shall, at all times, keep all sinks, gullies and grease traps in a clean and sanitary condition.
- Compliance with directions.** 28. A proprietor shall comply with any direction given by an authorized officer with respect to the maintenance of the premises in a clean and sanitary condition.

29.—(1.) No person who is suffering from any infectious disease or is wearing a medicated bandage on a forearm or who for any other reason is likely to contaminate any article of food shall—

Handling of food.

- (a) handle any article of food which is being sold or which is being offered, exposed, kept, stored, carried, delivered, or produced for sale; or
- (b) be employed in connexion with the sale or the offering, exposing, keeping, storing, carrying, delivering, or producing for sale of any food.

Penalty: Ten pounds.

(2.) If any Inspector under these Regulations suspects that any person is committing a breach of sub-regulation (1.) of this regulation, the Inspector may by notice in writing under his hand notify that person of his suspicions.

(3.) No person who has received such a notice shall thereafter—

- (a) handle any article of food which is being sold or which is being offered, exposed, kept, stored, carried, delivered or produced for sale;
- (b) be employed in connexion with the sale or the offering, exposing, keeping, storing, carrying, delivering, or producing for sale of any food,

until he has produced to the Inspector or authority employing the Inspector a certificate signed by a legally qualified medical practitioner that he is not suffering from any infectious or communicable disease, and is not for any other reason likely to contaminate any article of food or drug.

Penalty: Ten pounds.

30. An Inspector under these Regulations may at all reasonable times enter and inspect any eating house.

Right of inspection.

31. Every person who—

- (a) wilfully impedes, obstructs, or delays an Inspector in the exercise of any power under the provisions of these Regulations; or
- (b) wilfully makes any false reply to a question put to him by the Inspector, having reference to the provisions of these Regulations,

Obstructing Inspector.

shall be deemed to obstruct an Inspector in the execution of his duty under these Regulations, and shall be liable to a penalty not exceeding Twenty pounds. Provided that no person shall be required under this regulation to answer any questions or give any evidence tending to criminate himself.

32. A person who contravenes or fails to comply with any provision of this Part of these Regulations shall be guilty of an offence, and shall unless some other penalty is provided be liable, upon conviction, to a penalty not exceeding Twenty pounds, and, where the offence is a continuing offence, to a penalty not exceeding Five pounds for every day during which the offence continues; but so that the total of such penalties shall not exceed One hundred pounds.

Penalties.

## Application of Regulations.

33. This Part of these Regulations shall apply to all parts of the Northern Territory of Australia which are not wholly or partly declared to be exempt areas by proclamation in the *Gazette*.

## PART IV.—BOARDING-HOUSES, HOSTELS AND HOTELS.

## Definitions.

34. In this Part, unless the contrary intention appears—

“approved” means approved by the Chief Medical Officer;

“boarding-house” includes any house, licensed premises under the *Licensing Ordinance 1939-1959*, lodging house, hostel, residential flat, motel, tent, caravan, building, structure, whether permanent or otherwise, or any other premises, and any part thereof, in which three or more persons, exclusive of the family of the proprietor thereof, are lodged or boarded for hire or reward from week to week or for more than a week;

“boarder” includes lodger or paying guest, and every person who is resident, either temporarily or permanently, on the premises of a boarding-house;

“proprietor” means the proprietor of a boarding-house, and includes the owner, occupier or any person having the management or control thereof;

“registered” means registered under this Part;

“room” includes a “sleep-out” verandah.

## Proprietor of boarding-house to be registered.

35. A person shall not act as the proprietor of a boarding-house unless the boarding-house has been duly registered and his name has been entered as the proprietor in accordance with this Part of these Regulations.

## Registration.

36.—(1.) A person applying for the registration of a boarding-house and the entry of his name as the proprietor shall make an application to the Chief Medical Officer in accordance with Form A in the Second Schedule to these Regulations and shall forward a fee of Ten shillings with his application.

(2.) The Chief Medical Officer may, in his discretion, register any boarding-house.

(3.) Upon the granting of the application, the Chief Medical Officer shall supply the proprietor with a certificate of registration in accordance with Form B in the Second Schedule to these Regulations.

(4.) Subject to this Part, a certificate of registration shall continue in force until the thirty-first day of December next following the date of the certificate issued.

(5.) The proprietor of a boarding-house shall make application during the month of December in each year for the renewal of the registration thereof.

(6.) The Chief Medical Officer may, at any time during the currency of any certificate, cancel the registration of the proprietor.

## Constructional provisions.

37. A person shall not be registered as the proprietor of a boarding-house unless—

(a) the external walls and roof of the boarding-house are weather-proof and watertight;

- (b) each internal wall is complete from the floor to ceiling;
- (c) each passage is at least four feet in width;
- (d) each main stairway is at least three feet six inches in width, and—
  - (i) the risers thereof do not exceed six and one-half inches in height; and
  - (ii) the treads thereof are not less than ten inches in width;
- (e) each stairway is provided with handrails two feet eight inches above the nosing of the heads on both sides thereof;
- (f) separate sanitary conveniences are, where the Chief Medical Officer so directs, provided for persons of opposite sexes, and so situated and screened as to ensure proper privacy;
- (g) each sanitary convenience is, during the hours of darkness, sufficiently lighted by artificial light;
- (h) approved ablutionary conveniences are provided;
- (i) the inner surfaces of all walls are so constructed that they may, without sustaining injury, be washed; and
- (j) the house to be occupied as a boarding-house, hostel or lodging-house has been approved by the Chief Medical Officer.

38.—(1.) Each room intended for use as a sleeping apartment for boarders shall bear a distinguishing number. Sleeping apartments to be numbered.

(2.) The proprietor shall cause a distinguishing number to be conspicuously displayed in figures on each side of the door of every such room.

(3.) The proprietor shall provide every door of every room occupied by a boarder with a lock and key. The lock shall be kept in good repair and working order at all times and the key available.

39.—(1.) The proprietor shall not permit—

- (a) more than two boarders above the age of seven years to occupy one bedroom unless the room has a cubic space of at least 1,000 cubic feet; Number of occupants of sleeping apartments.
- (b) more than three persons above the age of seven years to occupy a bedroom the cubic space of which is less than 1,500 cubic feet; or
- (c) any member of his family to occupy a bedroom already used as such by more than one boarder.

(2.) The Chief Medical Officer may from time to time vary the number of boarders to be received into any room used as a sleeping apartment.

(3.) Where the Chief Medical Officer varies the number of boarders to be received into any such room, he shall cause a notice of the variation to be served on the proprietor.

40. The proprietor of a boarding-house shall not permit any room to be used as a sleeping apartment for boarders other than a room specified as a bedroom on the certificate of registration. Sleeping apartment to be specified.

41. Except with the consent of the Chief Medical Officer, a proprietor shall not make any structural alterations to any room used as a sleeping apartment for boarders. Alterations to sleeping apartments.

Basement room, kitchen, &c., not to be used as sleeping apartment.

42. Any room which is situated in a basement, or below the level of the ground, or used as a kitchen, dining, general sitting room, bathroom, or laundry, or which is lighted by windows having an area of less than one square foot of glass to each five square feet of floor area shall not be registered as a sleeping apartment for boarders.

Ventilation of sleeping apartment.

43.—(1.) A room shall not be used as a sleeping apartment for boarders unless the room is sufficiently ventilated.

(2.) The proprietor shall maintain all approved means of ventilation in good order and efficient action.

(3.) The cubic space of a bedroom is deemed to be the volume of space which would be contained within the bedroom if the walls were extended from the floor to the ceiling or roof of the bedroom as the case may be with a continuous flat surface measured from the floor to a vertical height of 9 feet and measuring not less than ten feet wide and ten feet long of floor area.

General maintenance.

44. The proprietor shall cause all ventilators, windows and skylights to be kept free from obstruction.

Restriction on use of verandahs, &c.

45. The proprietor shall not permit—

- (a) any verandah, balcony, balconette, portico or stair landing to be used as a kitchen or for cooking purposes; or
- (b) any verandah, balcony, balconette or portico to be enclosed or used so as permanently to interfere (directly or indirectly) with the lighting or ventilation of the premises.

Prohibition of certain linings.

46. Any premises wherein any wall or ceiling is lined with paper, or any similar material, shall not be used as a boarding-house unless the paper is close adherent to solid boarding or other approved material.

Duties of proprietor.

47. A proprietor shall—

- (a) provide sufficient refrigeration as, in the opinion of a Medical Officer of Health, is necessary;
- (b) provide a properly equipped kitchen and scullery approved by an authorized officer;
- (c) provide a suitable larder or larders of sufficient capacity for the storage of food, satisfactorily constructed, lighted and ventilated, and so situated as not to be in direct communication with any living room, bedroom, laundry, wash-house or sanitary convenience, or under a stairway, and cause the larder or larders at all times to be maintained in a clean and wholesome condition, free from flies, vermin or dust and protected from the admission of steam fumes, offensive or unwholesome vapours and gases;
- (d) not permit any unsound, stale or mouldy articles of food, or offensive substances, to be placed or kept in the larder or larders;
- (e) cause all drainage from the premises to be disposed of in such manner as not to be a nuisance, dangerous to health or offensive;



- (f) cause the roofs, skylights, rain-water spouting and down pipes to be kept in good repair and condition so that the rain-water shall not enter or lodge under the building;
- (g) cause all sinks, gullies and grease traps to be kept at all times in a sanitary condition; and the seat and floor of every sanitary convenience and floor of every bathroom to be scrubbed and washed with soap and water daily;
- (h) cause the premises and every ice-chest or refrigerator safe or locker and all appliances or articles used in the preparation of food to be kept at all times, to the satisfaction of the Chief Medical Officer, in a clean and sanitary condition, and in a proper state of repair;
- (i) cause every bed, bedstead, blanket, rug, cover, bed linen, mosquito net, house linen and towel to be kept at all times in good repair and thoroughly clean and free from vermin and in a wholesome condition;
- (j) cause every sheet, pillow case, towel and house linen to be washed at least once weekly or as often as required by an Inspector;
- (k) provide every sleeping apartment with a sufficient number of bedsteads and bedding so that each bed shall be provided with a mattress, two sheets, pillow and pillow case and a blanket or rug and mosquito net;
- (l) cause any room together with its contents and any other portion of the premises to be cleansed and disinfected whenever directed by an Inspector so to do;
- (m) permit an Inspector to inspect any portion of the premises at any time and truthfully answer all inquiries made by the Inspector;
- (n) cause any part of his premises or any fittings thereon to be painted at such times and in such manner as is directed by a Medical Officer of Health.

48.—(1.) A proprietor shall, as soon as it comes to his knowledge that any person on the premises is suffering or is suspected to be suffering from an infectious disease, immediately notify a Medical Officer of Health of the circumstances and shall at once isolate the person from coming in contact with articles used by other inmates of the boarding-house.

Duty of proprietor in cases of infectious disease.

(2.) The proprietor shall comply with every direction of a Medical Officer of Health, or an authorized officer, in respect of—

- (a) the isolation or removal of any person suffering or suspected to be suffering from an infectious disease;
- (b) cleansing and disinfection of the boarding-house, or of any bedding, linen, blankets, crockery, cutlery, or other articles used by such person; and
- (c) any measures necessary for the prevention or eradication of any infection of the boarding-house or amongst the inmates thereof.

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Penalties for offences.

49. Any person who contravenes or fails to comply with any provision of or direction under this Part of these Regulations shall be guilty of an offence, and shall be liable, upon conviction, to a penalty not exceeding Twenty pounds; and, where the offence is a continuing offence, a penalty not exceeding Five pounds for every day during which the offence continues, but so that the total of such penalties shall not exceed One hundred pounds.

Application of Regulations.

50. This Part shall apply to any area of the Northern Territory of Australia which is not declared by the Minister to be an exempt area by notice in the *Commonwealth of Australia Gazette*.

THE FIRST SCHEDULE.

Regulation 13.

FORM A.

THE NORTHERN TERRITORY OF AUSTRALIA.

*Public Health Ordinance 1952-1958.*

PUBLIC HEALTH (SHOPS, EATING HOUSES, BOARDING-HOUSES, HOSTELS AND HOTELS) REGULATIONS.

APPLICATION FOR REGISTRATION OF EATING HOUSE.

The Chief Medical Officer,  
Darwin.

I (*the owner, occupier or person having the management or control*) of the Eating House mentioned hereunder, hereby apply for the registration of the Eating House for the year ending the 31st day of December, 19 .

The undermentioned particulars are true in every respect.

I enclose herewith the prescribed fee of Ten shillings.

PARTICULARS OF APPLICANT.

Name in full

Address

Situation of Eating House.

Signature of applicant.

Date

Regulation 13.

FORM B.

THE NORTHERN TERRITORY OF AUSTRALIA.

*Public Health Ordinance 1952-1958.*

PUBLIC HEALTH (SHOPS, EATING HOUSES, BOARDING-HOUSES, HOSTELS AND HOTELS) REGULATIONS.

CERTIFICATE OF REGISTRATION OF EATING HOUSE.

This is to certify that the Eating House situated at \_\_\_\_\_ is registered under and subject to the *Public Health Ordinance 1952-1958* and the Public Health (Shops, Eating Houses, Boarding-houses, Hostels and Hotels) Regulations thereunder until the 31st day of December, 19 , unless sooner cancelled in accordance with the said Regulations and that the name of \_\_\_\_\_ is entered as the proprietor thereof.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 .

Chief Medical Officer.

THE SECOND SCHEDULE.

Regulation 36.

FORM A.

THE NORTHERN TERRITORY OF AUSTRALIA.

*Public Health Ordinance 1952-1958.*

PUBLIC HEALTH (SHOPS, EATING HOUSES, BOARDING-HOUSES, HOSTELS AND HOTELS) REGULATIONS.

APPLICATION FOR REGISTRATION AS THE PROPRIETOR OF A BOARDING-HOUSE.

Name in full of proprietor:

Locality, street and number:

Description of house—

—	Living rooms.	Bedrooms.	Bathrooms.	Closet.	Verandah space.
Available for family ..					
Available for Boarders ..					
Totals ..					

Members of proprietor's family—

Males.	Females.	Children under seven years.	Total.

I, \_\_\_\_\_, hereby declare that the above particulars are true in every particular, and that I will comply with the provisions of the *Public Health Ordinance 1952-1958* and the Public Health (Shops, Eating Houses, Boarding-houses, Hostels and Hotels) Regulations. I hereby apply for registration of my premises as a boarding-house under the said Regulations. The registration fee of Ten shillings is forwarded herewith in the form of cash/cheque/postal note.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 .

Proprietor.

Regulation 36.

FORM B.

THE NORTHERN TERRITORY OF AUSTRALIA.

*Public Health Ordinance 1952-1958.*

PUBLIC HEALTH (SHOPS, EATING HOUSES, BOARDING-HOUSES, HOSTELS AND HOTELS) REGULATIONS.

CERTIFICATE OF REGISTRATION OF BOARDING-HOUSE.

This is to certify that the premises situated at \_\_\_\_\_ are registered as a boarding-house under and subject to the *Public Health Ordinance 1952-1958* and the Public Health (Shops, Eating Houses, Boarding-houses, Hostels and Hotels) Regulations thereunder until the 31st day of December, 19 \_\_\_\_\_, unless sooner cancelled in accordance with the said Regulations and that the name of \_\_\_\_\_ is entered as the proprietor thereof.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 .

Chief Medical Officer.