
THE PUBLIC HEALTH ACT 1935.

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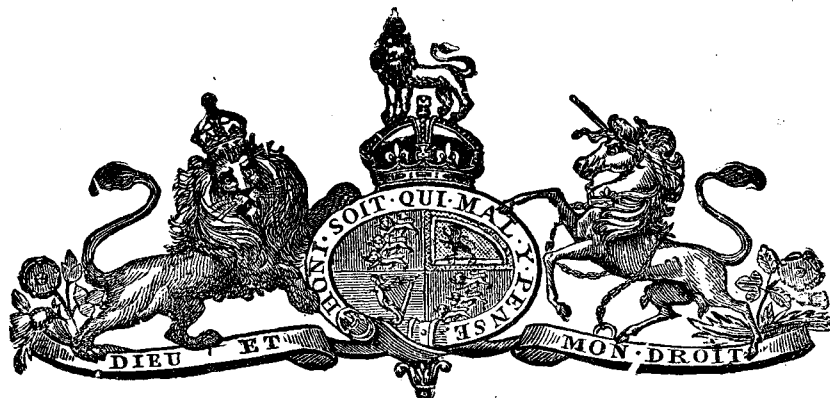
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T A S M A N I A.



1935.

ANNO VICESIMO SEXTO

GEORGII V. REGIS.

No. 43.

AN ACT to consolidate and amend the Law
relating to Public Health. [25 October, 1935.]

A.D.
1935.

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

- 1 This Act may be cited as the *Public Health Act 1935*. Short title.
- 2 The Acts enumerated in the first schedule are hereby repealed. Repeal.
- 3 In this Act, unless the contrary intention appears— Interpretation.
“ Abattoir ” or “ slaughter-house ” means any building or place
used for slaughtering cattle, horses, or animals of any
description : 3 Ed. VII. No.
“ Article of food ” means all substances, whether solid or liquid, 37, s. 2.
intended for consumption by human beings :
“ Ashpit ” means a receptacle for ashes, dust, or rubbish, fitted
with such doors or covering as the local authority pre-
scribes :

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- “Burial of the dead” includes such other mode of disposing of the dead as the Governor authorises or directs :
- “Cesspool” means any receptacle for nightsoil or for noxious or offensive matter below or above the ground :
- “Child” means a person under the age of sixteen years :
- “Clerk” means the clerk to the local authority to which the context relates :
- “Dangerous infectious disease” means asiatic cholera, epidemic cerebro-spinal meningitis, plague, small-pox, typhus fever (all forms), yellow fever, and any infectious disease which the Governor, upon the recommendation of the Director, by notice in the Gazette, declares to be a dangerous infectious disease within the meaning of this Act :
- “Department” means the Department of Public Health :
- “Director” means the Director of Public Health :
- “Disease,” when used alone, means any disease affecting man, and includes an infectious disease :
- “District,” when used alone, means the city or municipality, as the case may be, to which the context relates :
- “Drain” means a drain used solely in connection with any building or premises within the same curtilage, and “sewer” means every other drain or sewer :
- “Drug” shall include medicine for internal or external use :
- “Health officer” means an officer of the Department :
- “House” means a dwelling of any kind, and includes a school, hotel, public-house, factory, workroom, common or other lodging-house, or other building :
- “Infectious disease” means typhoid fever (which shall include paratyphoid fever), scarlet fever, diphtheria, epidemic cerebro-spinal meningitis, acute anterior poliomyelitis, plague, leprosy, small-pox, tuberculosis in all forms, asiatic cholera, yellow fever, typhus fever in all forms, lethargic encephalitis, bilharziasis, malaria, puerperal fever, relapsing fever, ankylostomiasis, amœbic dysentery, bacillary dysentery, filariasis, anthrax, and any disease which the Governor on the recommendation of the Director declares to be an infectious disease within the meaning of this Act :
- “Injurious” includes dangerous :
- “Local authority” means the council of every city and of every municipality respectively :
- “Medical practitioner” means a legally-qualified medical practitioner registered in Tasmania :
- “Municipal health officer” means a medical practitioner appointed as an officer by a local authority for the purposes of this Act :
- “Nightsoil” includes all human fæces and urine, whether mixed with earth or other matter or not :

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- “Occupier” includes a person having charge of any premises, and in case of a building let to separate tenants the person receiving the rents thereof, whether for himself or as agent for another : A.D. 1935.
- “Offal” includes all the parts of a dead animal which are unfit, or are not intended, for human consumption, and, in case of a slaughtered animal, if such parts are capable of being rendered fit for human consumption, they shall be deemed offal until they have been so rendered :
- “Offensive” includes noxious :
- “Offensive trade” means any of the trades, manufactures, or businesses specified in the second schedule, and any other trade, manufacture, or business declared by the Governor by proclamation to be offensive :
- “Owner” means the person entitled to receive the rent of the premises in respect of which the term is used, or who would be so entitled if the same were let at a rack rent, whether for himself or in trust for any other person :
- “Premises” means premises as defined by the *Local Government Act 1906* :
- “Privy” includes earth-closet, water-closet, urinal, and every place for the reception of fæcal matter :
- “Public vehicle” means a coach, cab, omnibus, or other vehicle carrying passengers for hire, and includes a tramcar and a railway carriage and a coastal or river boat :
- “Secretary” means the Secretary of the Department :
- “Stable” includes any shed or building used for the housing or shelter of horses or cattle :
- “Street” means any highway and any public bridge, road, lane, footway, square, court, alley, or passage, whether a thoroughfare or not :
- “Trade” includes business and manufacture :
- “Venereal disease” means gonorrhœa, gonorrhœal ophthalmia, ophthalmic neonatorum, syphilis, soft chancre, venereal warts, or venereal granuloma.

4 The provisions of this Act shall apply to all premises the property of His Majesty, provided that the Minister may, by order in writing, exempt any such premises specified in such order from all or any of such provisions. Act to apply to Crown properties. *Ib.*, s. 187.

PART I.
PRELIMINARY.

5 For the purpose of this Act there is hereby constituted a Department of Public Health ; and all expenses incurred by or on behalf of the Department in the administration of this Act shall be paid out of moneys to be provided by Parliament. Department of Public Health. *Ib.*, s. 7.

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Director of
Public Health.
Ib., s. 8.

6—(1) For the purposes of this Act the Governor may appoint a fit person to be Director of Public Health who shall—

- i. In every case be a medical practitioner, with special knowledge of sanitary and bacteriological science :
- ii. Hold office during the Governor's pleasure :
- iii. Not engage in private practice, but shall devote himself wholly to the functions and duties of his office :
- iv. Have such functions and duties as are prescribed by this Act.

(2) The Secretary may exercise and perform all or any of the powers and duties of the Director during any period when the office of the Director is vacant, and references in this Act to the Director shall include the Secretary when so acting.

Assistant health
officers, inspec-
tors, and other
officers.
Ib., s. 9.

7—(1) The Governor may, upon the recommendation of the Director, appoint such medical health officers, inspectors, and other officers of the Department as he thinks fit, and may define their functions and duties.

(2) Each such officer shall be subject to the control of the Director.

Local authorities.
Ib., ss. 8 and 11.

8 (1) Every city and every municipality respectively shall be a district for the purposes of this Act, and the council thereof shall be the local authority for such district.

(2) In respect of any place not within a city or municipality the Director shall have and may exercise all or any of the powers conferred by this Act on a local authority.

Officers of health
—appointment
and remuneration
and duties.
Ib., s. 12.

9—(1) Each local authority may, and if recommended by the Director shall, appoint a medical practitioner as municipal health officer for its district, and may with the approval of the Director remove any such officer, and shall thereupon appoint another in his stead.

(2) Such health officer shall be paid a sum as remuneration for his services as such local authority shall fix, and shall perform such duties and in such manner as such local authority may direct, and also such as are specially prescribed by any minute or order addressed by the Director to such local authority.

(3) The local authorities of two or more contiguous districts may, with the approval of the Director, join in the appointment of a health officer and in directing the duties to be performed by such officer and in remunerating him.

(4) If any local authority do not appoint or join in appointing a health officer within two months from the occurrence of a vacancy in such office, it shall be lawful for the Governor, upon a recommendation from the Director, to appoint a health officer for the district of such local authority and also to fix a sum as the amount of remuneration which shall be paid to such health officer, and the sum so fixed shall be a charge upon the general rates of the district of such local authority.

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(5) The Director may, by order in writing, remove any health officer, and any health officer so removed shall not be eligible for re-appointment without the previous approval of the Director: Provided that the Director shall not so remove any health officer, except for flagrant misconduct or in case of his neglecting or refusing to carry out any order of the Director so as to interfere with or prevent the efficient administration of this Act, and the local authority having first refused to remove him. A.D. 1935.

10 The local authority shall appoint such officers, inspectors, and servants as may be necessary for the due carrying out of the provisions of this Act and make such rules specifying the duties and conduct of such officers, inspectors, and servants as they think necessary. Local authorities to appoint officers—duties—salaries.
Ib., s. 13.

11 Municipal health officers are hereby empowered to give to any inspector appointed by the local authority of their respective districts such directions and instructions as such officers may deem necessary for the due execution of this Act, and such inspectors are hereby required faithfully to obey and carry out any such directions or instructions so given. Inspectors to carry out instructions of officer of health.
Ib., s. 14.

12 Health officers shall, in addition to the powers conferred on such officers by this Act, have all the powers hereby conferred on any inspector appointed by the local authority of their respective districts. Officers of health to have powers of inspectors.
Ib., s. 15.

13 No member, officer, inspector, or servant of any local authority shall be concerned or interested directly or indirectly in any bargain or contract entered into by such local authority; and, if any such member, officer, inspector, or servant is so concerned or interested, or if any such member, officer, inspector, or servant under colour of his office or employment exact, take, or accept any fee or reward whatsoever, other than his proper salary, wages, remuneration, and allowances, he shall be incapable of afterwards holding or continuing in any office or employment under this Act, and shall incur a penalty of fifty pounds. No officer to be concerned in contract.
Ib., s. 16.

PART II.

PREVENTION OF INFECTIOUS DISEASES.

14—(1) The Governor may, upon the recommendation of the Director, by notice in the Gazette, declare any disease to be an infectious disease, or any infectious disease to be a dangerous infectious disease, within the meaning of this Act, and while such notice is in force the disease specified therein shall be an infectious disease or a dangerous infectious disease accordingly. Disease may be declared infectious or dangerous.
Ib., s. 17.

(2) In any case where the Governor by notice in the Gazette declares any disease to be an infectious disease, he may, by the same or any

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subsequent notice, on the recommendation of the Director, exclude the application of any of the provisions of this Part so far as relates to such infectious disease, either for a specified time or indefinitely, and may, on the like recommendation, by notice in the *Gazette*, revoke or alter the provisions of any previous notice.

Interpretation.
8 Geo. V. No.
57, s. 3.

15—(1) In the construction of this Part, unless the contrary intention appears—

“Carrier” means any person having in his nose or throat or in his excretions or discharges germs of any infectious disease, although presenting no signs or symptoms of disease :

“Contact” means any person who within the previous twenty-one days has been in contact with or close proximity to a person suffering from an infectious disease, or who has been in any place set apart for the treatment or isolation of persons suffering from any infectious disease, or in any house, tenement, or premises where there has been within the previous twenty-one days a person suffering from an infectious disease.

(2) For the purposes of this Act a carrier shall be deemed to be suffering from an infectious disease.

Regulations to
prevent the
spread of
infectious disease.
3 Ed. VII. No.
37, s. 18.

16—(1) For the purposes of preventing or checking the spread of any infectious disease, the Governor may, upon the recommendation of the Director, as he thinks fit, make regulations prescribing—

- i. House-to-house visitation, and inspection of the houses, the occupants thereof, and the things therein, as also of the out-buildings, yards, drains, and sewers connected with any house :
- ii. The cleansing and disinfecting of houses, buildings, yards, drains, sewers, and things :
- iii. The ventilating of houses or buildings, or of rooms therein :
- iv. The registering of hotels, public-houses, and lodging-houses and regulating the number of lodgers that may be kept therein :
- v. The isolation for the public welfare of any part of Tasmania, and for the isolating or disinfecting of persons, houses, buildings, places, and things :
- vi. The provision of medical or other aid and accommodation for the sick :
- vii. The removal and curative treatment of the sick, and for the removal and detention of any other persons :
- viii. The speedy burial of the dead :
- ix. The destruction or repair of insanitary buildings and things :
- x. The destruction of rats and any other animals suffering from any disease liable to be transmitted to man, or of animals, including insects, suspected of suffering from any such disease or liable to convey any such disease to man :

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- xI. The control and direction of ships from infected ports or places, including the berthing and discharge of the ships, and the treatment of the cargo, and of bilge water, drinking water, and ballast of whatever nature:
- xII. The control and management of any hospital erected for the accommodation of persons suffering from any infectious disease, or any place of isolation:
- xIII. The conditions and circumstances under which carriers or contacts may be isolated or required to submit to such treatment as may be specified by a health officer or a municipal health officer:
- xIV. The clinical, chemical, bacteriological, and other examinations necessary to ascertain whether any person is suffering from an infectious disease, and whether any person who has been suffering from any such disease has ceased to be liable to convey infection:
- xV. That carriers or contacts shall report themselves and submit themselves to medical examination at such times and places as are specified by a health officer or a municipal health officer:
- xVI. And enforcing all such cleansing, ventilating, disinfecting, and other measures as are deemed necessary in order to prevent or check the spread of infectious disease.
- (2) Any such regulations may impose penalties not exceeding fifty pounds for any breach of the regulations.
- (3) The Governor may declare that any specified regulation shall have effect within the whole of such specified parts of Tasmania as the Minister upon the recommendation of the Director by notice in the Gazette at any time may direct.
- Special provisions
as to such
regulations.
- 17**—(1) In order to check or prevent the spread of any infectious disease, the Director may recommend the local authority to—
- i. Exercise any function or power conferred upon it: or
- ii. Remedy any sanitary defect or execute any sanitary work within the compass of its powers—
- under any Act
- Powers of
Director to check
infectious disease.
Ib., ss. 20 and 21.
- (2) Every such recommendation shall be under the hand of the Director, and shall specify with reasonable particularity what he recommends the local authority to do, and the reason why it should be done.
- Recommendation
to local authority
to be complied
with.
- (3) The local authority receiving such recommendation shall comply with the recommendation with all possible despatch, and to the satisfaction of the Director; and in default thereof the Director may himself cause the same to be done, at the expense in all things of the local authority; but no such work involving a probable expenditure exceeding one hundred pounds shall be carried out by order of the Director without the approval of the Minister.

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In special
emergency
Director may
act.

Ib., s. 22.

Special powers
of Director
when authorised
by Governor.

Ib., s. 23.

18 In cases of special emergency, whereof he shall be the sole judge, the Director may, without any such recommendation as aforesaid, himself exercise, at the expense in all things of the local authority, any function or power which might lawfully be exercised by the local authority for the purpose of doing anything to prevent or check the spread of any dangerous infectious disease.

19—(1) In addition to the powers conferred by section eighteen for the purpose of more effectually checking or preventing the spread of any dangerous infectious disease within or with respect to a district, or any part thereof, the Director may—

- i. Declare any land, building, or thing to be insanitary, and may forbid any insanitary building to be used or occupied for any purpose :
- ii. Cause any insanitary building to be pulled down, and the timber and other materials thereof to be destroyed or otherwise disposed of as he thinks fit :
- iii. Cause insanitary or infected things to be destroyed or otherwise disposed of as he thinks fit :
- iv. Cause animals (including insects) infected, or suspected of being or liable to be infected or to convey infection, to be destroyed in such manner as he thinks fit :
- v. Require persons to report themselves or submit themselves for medical examination at specified times and places, and, in the case of patients or contacts, may require them to submit to such prophylactic or preventive or curative treatment as he deems advisable in their own interests or for the public welfare :
- vi. For the public welfare isolate any part of Tasmania and may require persons, places, buildings, ships, animals, and things to be isolated, quarantined, or disinfected as he thinks fit :
- vii. Restrict or regulate the use of, or close any building or place of public resort, or place to which the public or sections of the public have access, or where people congregate, and may make and issue any order necessary for the purpose :
- viii. Forbid persons, ships, animals, or things to come or be brought to any port or place in the health district from any port or place which is, or is supposed to be, infected with any dangerous infectious disease :
- ix. Forbid persons to leave the health district or the place in which they are isolated or quarantined until they have been medically examined and found to be free from dangerous infectious disease, and may enforce the return of any person who unlawfully leaves such district or place :
- x. Forbid the removal of ships, animals, or things from the health district, or from one port or part thereof to another, or from the place where they are isolated or quarantined, until they have been examined and found to be free from infection .

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- xI. Cause vessels and ships to be fumigated, and may require or undertake the destruction of rats in vessels and ships, and may recover from the owner of or agent for any vessel or ship all reasonable expenses incurred in the exercise of such powers :
- xII. Cause places, buildings, animals, and things to be inspected and examined :
- xIII. Require animals, or any specified description thereof, to be kept only in specified parts of the health district, or not to be kept at all within the health district, or within a specified distance outside the boundaries thereof :
- xIV. Order owners and occupiers to destroy all rodents on their premises :
- xV. Require the effectual cleansing of streets and public ways and places by those entrusted by law with the care and management thereof :
- xVI. Require watercourses and the sources of water supply to be purified :
- xVII. Forbid the discharge of sewage, drainage, or insanitary matter of any description into any watercourse, stream, lake, or source of water-supply, whether situate in the health district or outside the same :
- xVIII. Cause to be established such hospitals or places of isolation as may be necessary :
- xIX. With the approval of the Minister, use or authorise the local authority to use, as a temporary site for a special hospital or place of isolation or quarantine ground, any reserve or endowment suitable for the purpose, whether the same is situate in the health district or outside the same, notwithstanding that such use may conflict with any trusts, enactment, or condition affecting the reserve or endowment :
- xx. Prohibit, limit, restrict, or regulate traffic within, to, from, or as to any part of Tasmania.

(2) The Director shall, and is hereby empowered under the direction of the Minister to, aid and co-operate with the Commonwealth health authorities and others in effectively carrying out any Commonwealth laws, regulations, or directions, as to the performance of quarantine or generally respecting dangerous infectious diseases.

(3) The Director may delegate to any health officer any specified powers conferred upon him by this section.

20 In the exercise of his functions and powers under section nineteen, the Director may employ inspectors and workmen, and shall be entitled to the co-operation and assistance of all magistrates, justices, members of the police force, and officers of marine boards, and they are hereby enjoined to co-operate and assist accordingly.

Assistance and
co-operation.
Ib., s. 24

21 The local authority shall, if requested by the Director, exercise all or any of the functions and powers which the Director is authorised to exercise under section nineteen.

Director may
delegate speci-
powers.
8 Geo. V No
s 7.

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Hospitals.

3 Ed. VII. No.
37, s. 25.

22—(1) Hospitals for the treatment and isolation of persons suffering from any dangerous infectious disease may be established out of moneys to be provided by Parliament for that purpose.

(2) The managing board or committee of every public hospital shall, whenever required by the Director, furnish from existing stock all such proper equipment for any hospital established for the treatment of persons suffering from dangerous infectious diseases as the Director shall demand, and shall be repaid the cost of replacing the same out of funds provided by Parliament.

(3) In the event of the Director obtaining the services of a medical officer, or any nurse of any hospital, the chairman or board shall grant such medical officer or nurse leave of absence from such hospital during such period as he or she shall be employed for the purposes required by the Director.

Penalty.

Ib., s. 26.

23—(1) No person shall—

- i. Obstruct or hinder the Director or any health officer, or any officer of the local authority, in the execution of his functions and powers under this Act :
- ii. Do anything which the Director or the local authority, in the exercise of the aforesaid functions and powers, forbids to be done : or
- iii. Refuse, delay, or neglect promptly and satisfactorily to comply with any direction or requirement of the Director or the local authority in the exercise of the aforesaid functions and powers.

Penalty : Fifty pounds, and a further daily penalty of ten pounds.

On default work
may be done at
expense of
offender.

Ib., s. 27.

(2) If the offence consists of not doing any sanitary work, or remedying any sanitary defect, then, irrespective of the penalty to which the offender is liable, the Director may himself cause the work to be done, or the defect to be remedied, at the expense in all things of the offender.

(3) All such expenses until paid shall be a charge on the land in respect of which they have been incurred.

Power to enter
lands and
works.

Ib., s. 28.

24 For the purposes of this Act the Director, and any health officer, or inspector of a local authority, may at any time, with or without assistants—

- i. Enter on lands and buildings, and inspect and examine the same and all things thereon or therein :
- ii. Do on or in any land or building any sanitary or other work which the Director or the local authority authorises or directs :
- iii. Generally do with respect to persons, places, land, buildings, animals, or things whatever is necessary or expedient in order to carry out the foregoing provisions of this Act, or any direction or requirement of the Director or the local authority thereunder.

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25 In no case shall the Director or any health officer incur any personal liability by reason of anything lawfully done by him under the powers conferred by this Act.

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No personal liability.

26 In every case where, under the provisions of this Act, any building, animal, or thing is destroyed by direction of the Director, the owner shall be entitled to compensation to the extent and subject to the conditions following, that is to say:—

Ib., s. 29.

Compensation for building, animal, or thing destroyed.

Ib., s. 30.

- i. The compensation shall not exceed the actual market value of the building, animal, or thing destroyed :
- ii. If the destruction has been rendered necessary by reason of any breach or neglect of duty, or of the ordinary rules of sanitary carefulness or cleanliness on the part of the owner or of any person for whose acts or defaults the owner is responsible, then no compensation shall be payable :
- iii. If, in the case of buildings, the destruction thereof has been rendered necessary by reason of any such breach or neglect as aforesaid on the part of the occupier of the building, or of any person for whose acts or defaults the occupier is responsible, then the compensation shall be payable by the occupier :
- iv. If the destruction has been rendered necessary by reason of any such breach or neglect aforesaid on the part of the local authority, then the compensation shall be payable by such authority :
- v. If the destruction has been rendered necessary in the interests of the public health, and without any such breach or neglect as aforesaid, then the compensation shall be payable out of moneys to be appropriated by Parliament for the purpose.
- vi. All questions and disputes relating to claims for compensation shall, in the prescribed manner, be heard and determined by a police magistrate.

27—(1) Whenever in any house any person is known to be sick of any infectious disease, or of any sickness the symptoms of which raise a reasonable suspicion that it may be an infectious disease, and no medical practitioner is in attendance upon the day on which the occupier of the house becomes aware of the nature of the disease of which the patient is sick or is suspected to be sick, the occupier shall forthwith give notice thereof to the local authority.

Notice of infectious disease.

Ib., s. 31.

Penalty: Five pounds.

(2) The local authority shall immediately report the same to the Director.

(3) The medical practitioner who examines or attends such sick person shall, upon the day on which he becomes aware of the nature of the disease, or suspected disease, or of a disease which he suspects to be of an infectious nature, give notice thereof to the occupier, and also to the Director and to the local authority.

Penalty: Twenty-five pounds.

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(4) For every such notice given to the Director, the medical practitioner shall be entitled to receive out of the Consolidated Revenue Fund the sum of two shillings unless he is a paid medical officer of a public hospital.

(5) The notices to the Director and the local authority shall be in Form I. in the third schedule.

Where child attending school, any case of infectious disease at residence of child to be reported to school teacher.

(6) Whenever any child attending any school resides in a house in which any person is known to be sick of any infectious disease, or of any sickness the symptoms of which raise a reasonable suspicion that it may be an infectious disease, it shall be the duty of the father or mother of the child, and, in case of the death, absence, or inability of the father or mother, of the occupier of the said house, and of the person having charge of such child, to give notice in writing immediately of such infectious disease or sickness to the head teacher or teacher in charge of such school.

Penalty : One pound.

(6) Any notice under this section may be given by post.

Power to require cleansing and disinfecting of buildings, &c.
Ib., s. 32.

28—(1) Whenever the Director or a municipal health officer of his own knowledge or on the report of any other person is of opinion that the cleansing or disinfecting of any house or building, or of any articles therein, or of any outbuilding, yard, drain, sewer, privy, or other appurtenance belonging to or connected therewith would tend to prevent or check infectious disease, he may, by notice in writing to the occupier of the house or building, require him to do whatever works are necessary in order that the house, building, articles, or appurtenances may be effectually cleansed and disinfected in the manner and within the time specified in such notice.

(2) Every such occupier shall execute and do all such things as may be necessary in order to comply with the requirements of such notice.

Daily penalty : Five pounds.

(3) If the occupier makes default in carrying out any such requirement, the Director shall cause the requisite works to be done at the expense in all things of the occupier.

(4) Where any such house or building is unoccupied, the owner shall, for the purposes of this section, be deemed to be the occupier thereof.

Local authority may provide for destroying or disinfecting things ; also provide vehicles.
Ib., ss. 33 and 34.

29—(1) Every local authority of a district may, and shall if the Director so recommends—

1. Cause to be disinfected any premises in which any infectious disease has occurred, and also cause to be disinfected or destroyed any bedding, clothing, or other things which have been exposed to infection from any infectious disease, and pay compensation for the things destroyed, such compensation not to exceed their reasonable market value:

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ii. Provide and maintain—

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- (a) A proper place, with all necessary apparatus and attendance, for the effectual disinfection or destruction of any bedding, clothing, or other things which have been exposed to infection from any infectious disease :
- (b) A sufficient number of vehicles suitable for the conveyance of infected things to the place of disinfection or destruction :
- (c) A sufficient number of vehicles suitable for the safe conveyance of persons suffering from any infectious disease to a hospital or other appointed destination : and
- (d) Such means as may be prescribed for the immunisation of persons from any infectious or other disease.

(2) The provision and maintenance of all such vehicles, and the work of disinfecting and destroying infected things, and of conveying infected persons and things, shall be done by the local authority at its own cost in all things, but where infected things are disinfected the local authority shall be entitled to recover from the owner thereof the reasonable cost of such disinfection.

(3) Vehicles for the conveyance of infected things shall not be used for the conveyance of infected persons, and every vehicle shall be effectively disinfected immediately after being used for the conveyance of infected persons or things.

Restrictions on use of vehicles.

(4) No person shall use, or permit to be used, for any other purpose any vehicle which has been used for the conveyance of infected persons or things until the Director or a health officer has certified in writing that it has been effectively disinfected and can safely be used.

Penalty : Ten pounds.

30 The local authority shall carry out its duties under section twenty-nine to the satisfaction of the Director and in conformity with his directions ; and if it fails or neglects so to do, the Director shall cause the work to be done at the cost of the local authority.

Work to be done to satisfaction of Director.

Ib., s. 35.

31—(1) On the order of the Director or a health officer or a municipal health officer, any person who is suffering from any infectious disease may be moved to any hospital available for the reception and treatment of persons suffering from such disease.

Removal of persons suffering from infectious disease to hospital.

Ib., s. 36.

(2) In every case where the Director or municipal health officer is satisfied—

- i. That any such person is without proper lodging or accommodation, or is living in a house in which he cannot be effectually isolated so as to prevent the risk of the infection spreading to other persons living in the house :
- ii. That it is expedient in the interests of public health—

he shall order the removal of such person as provided by subsection (1) hereof.

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(3) The order need not be addressed to any specified person, but shall be obeyed by every officer of the department, police officer, and municipal health officer upon whom it is served or to whose knowledge it comes.

(4) No person shall wilfully disobey any order made under this section or in any way obstruct or delay the prompt execution thereof.

Penalty : Ten pounds.

Penalty on
exposure of
infected persons.
Ib., s. 37.

32—(1) No person shall—

- i. Whilst to his own knowledge suffering from any infectious disease, wilfully expose himself in any shop, hotel, public-house, public place, or public vehicle, without proper precautions against the spread of the infection :
- ii. Whilst suffering as aforesaid, enter any public vehicle without previously notifying the driver or conductor that he is suffering as aforesaid :
- iii. Whilst in charge of any person suffering as aforesaid, allow him to do anything in contravention of paragraph i. or paragraph ii. hereof :
- iv. Being in charge of the body of any other person who has died from any infectious disease, knowingly expose, or permit to be exposed, such body, without taking reasonable precautions against spreading such disease :
- v. Being the owner, driver, or conductor of a public vehicle which to his knowledge has been entered by a person suffering from an infectious disease, fail or neglect as soon as is possible to disinfect such vehicle effectually and to the satisfaction of an officer appointed under this Act or a medical practitioner.

Penalty : Ten pounds.

(2) If the offence relates to a public vehicle the convicting court may order the defendant (not being the owner, driver, or conductor) to pay to the owner of the vehicle the expenses incurred in effectually disinfecting the vehicle.

(3) The provisions of subsection (1) hereof shall not apply in respect of tuberculosis (in any form, malaria, filariasis, or anthrax).

Precautions
when infected
person enters
public vehicle.
Ib., s. 38.

33—(1) Before knowingly allowing any person who is suffering as aforesaid to enter a public vehicle, the owner, driver, or conductor thereof shall require proper precautions to be taken against spreading the infection.

Penalty : Ten pounds.

(2) Any such owner, driver, or conductor may require any person suffering as aforesaid to pay or deposit a sum sufficient to defray the expenses of effectually disinfecting the vehicle before allowing such person to enter the same.

*Public Health.***34**—(1) No person shall—

- i. Knowingly lend, sell, transmit, or expose any things which have been exposed to infection from any infectious disease, unless they have first been effectively disinfected, or proper precautions have been taken against spreading the infection to the satisfaction, certified in writing, of an officer appointed under this Act, or a medical practitioner :
- ii. Knowingly let for hire any house, room, or part of a house or room—
- (a) To be shared or occupied in common by or with any person suffering from any infectious disease : or
- (b) In which there then is, or within the previous six weeks has been, any person suffering from any infectious disease—

unless before the person hiring goes into occupation the house room, or part let, and all things therein liable to infection, have been effectually disinfected to the satisfaction, certified in writing, of the Director or an inspector :

- iii. When letting or negotiating to let to any person for hire any house, room, or part of a house or room, conceal the fact that any person suffering from any infectious disease then is, or within the previous six weeks has been, living in the house or in any part thereof : or
- iv. Knowingly cast or place, or cause or permit to be cast or placed, in any ashpit, ashtub, or other receptacle for the deposit of refuse matter, any matter or thing which has been exposed to the infection of infectious disease unless such matter or thing has been first effectively disinfected.

Penalty : Twenty pounds.

(2) For the purposes of this section the keeper of an hotel, public-house, or lodging-house shall be deemed to let for hire part of a house to any person admitted as a guest or lodger into such hotel, public-house, or lodging-house.

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Penalty for selling infected things or letting house where infected person is lodging.

Ib., s. 39.

When house let for hire to guest or lodger.

Ib., s. 40.

35—(1) If, in the opinion of the Director, the closing of any school would tend to prevent or check the spread of infectious disease, he may by requisition addressed to the headmaster of such school, order it to be closed forthwith, for such period as he may specify therein.

When school may be closed.

Ib., s. 41.

(2) No person shall knowingly or negligently send to, nor allow to attend, any school a child who then is, or within the space of three months has been, suffering from any infectious disease, or who has been resident in any house in which any such disease has existed within the space of eight weeks, without previously producing to the head teacher or teacher in charge of the school a certificate from a medical practitioner that such child is free from infectious disease and infection.

Infection in schools.

8 Ed. VII. No. 16, s. 5.

Penalty : Ten pounds.

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(3) No head teacher or teacher in charge of a school shall knowingly admit any child into the school in contravention of this section.

Penalty : Ten pounds.

(4) Whenever diphtheria or scarlet fever exists or is suspected to exist in any district or locality any—

i. Municipal health officer : or

ii. If there is no such officer in the district, any medical practitioner having a general or special authority in that behalf in writing from the Director—

may, after giving notice to the occupier of the object of the visit, enter upon any premises and examine any child, and, if such child is found not to be free from the infection of diphtheria or scarlet fever, he shall not be permitted to return to or attend school without a certificate from a municipal health officer or from a medical practitioner authorised in that behalf by the Director that the child is free from such infection.

C cesspools to be abolished.

8 Ed. VII. No. 16.

20. Geo. V. No. 39.

Enforcement of order not complied with.

Exception of septic tanks.

36—(1) The local authority shall, by order served upon the owner or occupier of any land or premises upon which there is a cesspool for the reception of nightsoil or human excreta, require him to empty, cleanse, and fill up the same, and dispose of the contents thereof in the manner and within the time specified in the order.

(2) If such order is not complied with, the local authority shall cause the said cesspool to be emptied, cleansed, and filled up, and the contents thereof to be properly disposed of, and may recover from the owner or occupier the cost of such work and all expenses incidental thereto.

(3) The provisions of this section shall not apply to any device certified by the Director to be a bacteriolytic tank.

(4) No person shall hereafter construct any bacteriolytic tank unless the prescribed plans and specifications thereof have been lodged with the Director, together with such fees as may be prescribed, and unless such plans and specifications have been approved by the Director.

Penalty : Ten pounds.

(5) If any bacteriolytic tank becomes, in the opinion of the Director or of an inspector to the local authority, a nuisance, or dangerous to health, the Director, by notice in writing, may require the owner to remove the same ; and may require any person using the same to forthwith discontinue such use ; and any person failing to comply with such notice shall be guilty of an offence against this Act.

(6) No bacteriolytic tank shall be used for the treatment or disposal of sewage until such tank has been inspected and approved by the Director, nor, in the case of any such tank hereafter constructed, until the Director certifies in writing that the same has been constructed in accordance with approved plans and specifications.

Penalty : Ten pounds.

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PART III.

A.D. 1935.

VENEREAL DISEASES AND DISORDERS AFFECTING THE
GENERATIVE ORGANS.

37 The Governor, by proclamation, may appoint any hospital maintained by or receiving aid from the State, or any ward of any such hospital, as a place in which persons may, under this Part, be detained for treatment.

Proclamation of hospitals.
7 Geo. V. No. 64, s. 41b.

38—(1) No person, other than a medical practitioner or a person acting under the direct instructions of a medical practitioner, shall attend upon or prescribe for, or supply any drug to, any person suffering from any venereal disease for the purpose of curing, alleviating, or treating such disease.

Who may attend upon or prescribe for sufferers from venereal disease.
Ib., s. 41c.

Penalty: Fifty pounds or six months' imprisonment.

(2) This section shall not apply to a registered pharmaceutical chemist—

Provision as to chemists dispensing prescriptions.

- i. Who dispenses to the patient of a medical practitioner the prescription of such practitioner if such prescription is dated and bears the address and usual signature (including the surname) of such practitioner: or
- ii. Who sells or supplies any drug or medicine except such drugs or medicines as are specified by regulations under this Part) in the ordinary course of his business, provided that such drug or medicine is not prescribed, sold, or supplied by such chemist for or to any person suffering from any venereal disease for the purpose of curing, alleviating, or treating such disease.

39 Every person suffering from any venereal disease, or suspecting that he is so suffering, shall, forthwith on his becoming aware of his condition, consult a medical practitioner thereon, and for the purpose of examination and treatment that may be necessary place himself under such medical practitioner, or shall attend at some hospital or other place prescribed for the purpose and place himself under treatment thereat, as may be deemed necessary.

Duty of person suffering from such disease to place himself under treatment, &c.
Ib., s. 41d.

Penalty: Twenty pounds.

40—(1) Every person suffering from any venereal disease, who has consulted and placed himself under treatment by a medical practitioner or has attended or placed himself under treatment at a hospital or other prescribed place, shall (until he has received a certificate of cure or of being free from venereal disease) personally attend or cause himself to be attended by a medical practitioner, or personally attend at a hospital or other prescribed place for the purpose of treatment and advice, at least once in every such period, not exceeding four weeks, as is prescribed, and shall follow the advice given by such medical practitioner or by a medical practitioner at such hospital or place.

Duty of patient to attend for treatment, &c.
Ib., s. 41e.

Penalty: Twenty pounds.

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Change of
medical adviser.

(2) If any such person, by reason of change of residence or otherwise, desires to change his medical adviser, or if the medical practitioner attending such person dies or for any reason is unable or unwilling to attend him further, such person shall forthwith consult and place himself under the treatment of another medical practitioner, and inform his new adviser of the name and last known address of his last previous adviser. The medical practitioner so informed shall forthwith send a notice in the prescribed form of the change made by the patient to such previous adviser, if such adviser is living and in Tasmania.

Penalty : Five pounds.

Medical practi-
tioner to notify
disease.*Ib.*, s. 41f.

Penalty.

Name and address
not to be dis-
closed.Where patient
fails to attend
medical adviser
to notify Director.
Ib., s. 41g.

Penalty.

Warning, &c. by
medical practi-
tioner to patient.
Ib., s. 41h.

41—(1) If a medical practitioner becomes aware that any person consulting or attended or treated by him is suffering from any venereal disease, the medical practitioner shall, in the prescribed form and within the prescribed time give notice thereof to the Director.

Penalty : For a first offence, twenty pounds ; and, for a subsequent offence, one hundred pounds.

(2) Such notice shall not disclose the name and address of the patient.

42—(1) If any patient who has been attended or treated by a medical practitioner for any venereal disease fails to consult or attend such medical practitioner for a period of six weeks, and the medical practitioner has not within that period received from another medical practitioner a notice that the patient has changed his medical adviser, such firstmentioned medical practitioner shall send to the Director in the prescribed form a notice of the facts, including the name and address of the patient.

(2) Any medical practitioner whose duty it is to do so who does not send the said notice to the Director shall be liable for a first offence to a penalty of twenty pounds, and for a subsequent offence to a penalty of not less than twenty pounds or more than one hundred pounds.

43—(1) Every medical practitioner who attends or advises any patient for or in respect of any venereal disease from which the patient is suffering shall—

i By written notice in the prescribed form delivered to the patient—

(a) Direct such patient's attention to the infectious character of the disease and to the legal consequences of infecting others : and

(b) Warn the patient against contracting any marriage until certified as cured : and

ii Give such patient such printed information relating to the disease and the duties of patients as is prescribed.

Penalty : Five pounds.

(2) If such practitioner has reason to believe that a patient who is suffering from venereal disease intends, notwithstanding such warning, to contract marriage, he shall forthwith notify such belief to the

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Director, who shall thereupon inform any person he believes to be the other party to the proposed marriage that the patient is suffering from such disease, or he shall give the like information to any parent or guardian of such party. A.D. 1935.

(3) The Director may also take such further action as he deems necessary in accordance with the provisions of this Act.

(4) No medical practitioner shall incur any liability as for defamation under the *Defamation Act* 1895, or otherwise, for making any such notification to the Director in good faith and without malice.

44 Subject to this Part, when any patient as aforesaid becomes cured of or free from venereal disease, or has ceased to be liable to convey infection, any medical practitioner shall, on being satisfied of the fact, give such patient a certificate in the prescribed form that such patient is cured or is free from venereal disease, or is no longer liable to convey infection, as the case may be. Certificate of
cure, &c.
Ib., s. 41i.

45—(1) Any parent, guardian, or other person in charge of any child suffering from any venereal disease shall cause such child to be treated by a medical practitioner. Duty of parent or
guardian of child.
Ib., s. 41j.

Penalty: Ten pounds.

(2) When any child is or becomes liable under this Part to do or submit to any act, matter, or thing, any parent or guardian or other person in charge of such child who knows that such child is so liable, shall exercise his authority to compel or induce such child to do or submit to such act, matter, or thing as aforesaid.

Penalty: Ten pounds.

(3) Any parent or guardian or other person in charge of any such child who knows that such child has failed to comply with any provisions of this Part applicable to such child, shall report the fact, together with such particulars as are prescribed, to the Director.

Penalty: Ten pounds.

46—(1) Whenever the Director is satisfied—

- i. By the certificate of a medical practitioner: or
- ii. By the signed statement in which shall be set forth the full name and address of the informant—

that any person is suffering from venereal disease, and is not under treatment by any medical practitioner, he may issue an order in writing requiring such person to place himself forthwith under the care of a medical practitioner.

(2) If such person does not within seven days after the service of such order upon him give notice to the Director in writing of the name and address of a medical practitioner under whose care he has placed himself for treatment, he shall for the purposes of this Part be deemed to be and be liable to be dealt with as a person suffering from venereal disease who has not placed himself under the care of a medical practitioner. Power to order
person suspected
to submit to
treatment.
Ib., s. 41k.

Power to
apprehend and
detain person
neglecting to
submit to
treatment.

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(3) If any such person gives notice to the Director in writing of the name and address of a medical practitioner under whose care he has placed himself for treatment, the medical practitioner so named, notwithstanding anything to the contrary contained in this Act, shall be at liberty to, and shall, in answer to any inquiry made by the Director, inform him whether such person is or is not being attended or treated by such medical practitioner for venereal disease.

(4) If such person does not place himself under the care of a medical practitioner, a police magistrate, on the complaint of the Director or of a medical practitioner authorised in writing either generally or in any particular case for the purpose by the Director, may, by warrant under his hand in the prescribed form and directed to prescribed persons, order the person to be apprehended and to be detained for any prescribed period, not exceeding four weeks, in any prescribed place for any clinical, chemical, bacteriological, or other examination or investigation necessary to ascertain whether such person is suffering from venereal disease, and it shall be lawful to make any such examination or investigation; and such warrant shall be a sufficient authority to all persons for the arrest and detention of such person in pursuance of the warrant aforesaid and subject to the provisions of this Part any person proved guilty of furnishing a wilfully false signed statement under this section shall be subject to a penalty of fifty pounds.

Power to detain
diseased person
until cure, &c.

(5) If the result of any such examination or investigation discloses that such person is suffering from any venereal disease, and the Director after due inquiry into all the circumstances is of the opinion that further detention is necessary in the interests of such person and of the public welfare, and so reports to the Minister, the Governor, on the recommendation of the Minister, may order that such person shall be detained under such conditions and in a prescribed or proclaimed place and for such time and be subject to such examination and treatment as are necessary to ensure that such person is cured or is free from venereal disease or has ceased to be liable to convey infection.

(6) The Governor may extend or vary any such order or at any time terminate its operation, and thereafter, if found necessary, renew such order.

(7) Every such order shall be sufficient authority to all persons for the arrest and the removal or detention of such person in pursuance of the order until his release under the provisions of this section and subject to the provisions of this Part.

Power of judge
or police magis-
trate to release
person on cure,
&c.

Ib., s. 41k.

47—(1) Any person undergoing detention under section forty six may apply in writing in the prescribed form to a judge or a police magistrate to be examined by two medical practitioners, and thereupon such judge or magistrate shall by order direct any two or more medical practitioners named in the order (one of whom shall be nominated by the patient or some person on his behalf) to examine such person accordingly, and report the result of the examination to the judge or magistrate; and every officer or person in whose custody the person is shall permit the examination.

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(2) If it appears from such report that all such medical practitioners are of opinion that the person is cured or is free from venereal disease, or has ceased to be liable to convey infection, the judge or magistrate shall order the release of such person from detention, and he shall be released accordingly.

(3) No such application shall be made by any person so detained within three months after a like prior application has been made by such person.

(4) Any person undergoing detention under section forty-six, who proves to the satisfaction of the Minister that he can obtain, and is prepared to undergo, suitable private treatment, may be released on the order of the Minister, subject to such conditions as the Minister imposes.

(5) Any person undergoing detention as aforesaid shall, once at least in every period of three months, beginning with the date of his arrest, be examined by two medical practitioners appointed by the Minister, either generally or in any particular case for the purpose, in order to ascertain whether such person is cured or is free from venereal disease, or has ceased to be liable to convey infection, and such medical practitioners shall report to the Minister accordingly.

(6) If the Minister is satisfied that such person is cured or is free from venereal disease, or has ceased to be liable to convey infection, the Minister shall order the release of such person from detention, and he shall be released accordingly.

(7) Where the person undergoing detention has been examined by order of a judge or police magistrate under this section, an examination under subsection (6) hereof shall not be necessary until a period of three months has elapsed after the firstmentioned examination.

(8) No person shall be detained under section forty-six after he is cured or is free from venereal disease or has ceased to be liable to convey infection.

(9) No certificate of any medical practitioner given for the purposes of this or the next succeeding section *bonâ fide* and without negligence that any person (including any child or any prisoner) is suffering from venereal disease shall be admissible in evidence in any proceedings, civil or criminal, against such medical practitioner, or be made the ground of any prosecution, action, or suit against him.

(10) No person shall—

- i. Detain any person undergoing detention under this Part, except as provided under this Part:
- ii. Obstruct the carrying into effect of any warrant or order under this Part:
- iii. Refuse to do or submit to anything which such person is by this Part, or any such warrant or order, required to do or submit to: or
- iv. While undergoing detention under this Part leave, except as prescribed, any prescribed or proclaimed place before being lawfully discharged.

Penalty: Twenty pounds.

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Penalty.

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Special provisions
in case of
prisoners.
Ib., s. 41l.

48—(1) Where a medical practitioner duly appointed, either generally or in any particular case for the purpose, certifies in writing to the Minister that any prisoner in any gaol is suffering from any venereal disease, such prisoner may be brought before a police magistrate in the gaol, and on proof that such prisoner is so suffering the police magistrate may order that such prisoner be detained under such conditions and in a prescribed or proclaimed place and for such time and be subject to such examination and treatment as are necessary to ensure that he is cured or is free from venereal disease or is no longer liable to convey infection.

(2) Such an order shall be sufficient authority to the Controller of Prisons to remove such prisoner to the prescribed or proclaimed place named in the order, and for his detention therein in pursuance of the order and subject to the provisions of this section.

(3) During any period of detention under this section such prisoner shall be deemed to be in legal custody, and the period of detention shall run concurrently with, but may exceed, the term of imprisonment to which such prisoner has been sentenced.

(4) The provisions of subsection (1) of section forty-seven shall extend and apply to prisoners undergoing detention under this section.

(5) If the Director is satisfied that any prisoner undergoing detention under this section is cured or is free from venereal disease, or is no longer liable to convey infection, he shall so report to the Minister, and thereupon the Minister shall order that such prisoner be discharged from such detention, and such prisoner, unless his sentence has sooner expired, shall be remitted to his former custody to serve the remainder of his sentence.

(6) It shall be lawful for any medical practitioner appointed by the Minister, either generally or in any particular case for the purpose, to examine any prisoner in any gaol for the purpose of ascertaining whether such prisoner is suffering from venereal disease, and to make such clinical, chemical, bacteriological, and other examinations and investigations as are necessary or expedient for the purpose.

Extension of
provisions to
certain persons.

(7) The provisions of this section with respect to prisoners shall extend and apply to persons committed to and detained in industrial and training schools, and shall, with such alterations, modifications, and substitutions as are necessary, be read and construed accordingly: Provided that for the purpose of this subsection—

- i. Upon the discharge of any such person from detention under this section such person shall be returned to the industrial school or training school from which he was removed: and
- ii. Any reference in this section to the Controller of Prisons shall be read and construed as a reference to the person in charge of a training school or industrial school or the superintendent or matron of any such school (as the case may be).

Hearing by judge
or police magis-
trate to be in
private.
Ib., s. 41m.

49—(1) Any matter to be heard by a judge or police magistrate under this Part shall be heard and decided in chambers and in private, and no person other than the judge or magistrate, the party concerned, the Director, and such officers, witnesses, or persons as the judge or

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magistrate may require or may, at the request of the party concerned, permit to be present, shall have access to or be permitted to be present in any room where the matter is being heard. A.D. 1935.

(2) Every person who acts or assists in the administration of this Part, and every person present in any room where any matter under this Part is being heard, shall preserve and aid in preserving secrecy with regard to all matters and things which come to his knowledge while so acting or assisting or present, and shall not communicate any such matter or thing to any other person, except in the performance of his duties under this Part or in answer to some question which he is legally bound to answer. Secrecy to be preserved.

Penalty : Fifty pounds.

50 If any person to be examined under this Part is a female, then, if so desired by the person to be examined, the examination, if by one medical practitioner, shall if practicable be made by a medical practitioner who is a woman, and if by more than one medical practitioner all of such medical practitioners shall if practicable be women. Examination of females.
Ib., s. 41n.

51 The fact that a person who has been suffering from any venereal disease has ceased to be liable to convey infection, but has not been cured, shall not exonerate such person from complying with the provisions of this Part with respect to treatment or any medical practitioner from complying with the requirements of this Part with respect to notices. Person though ceasing to be infective to continue treatment until cured.
Ib., s. 41o.

52 No person shall knowingly infect any other person with a venereal disease, or knowingly do or permit or suffer any act likely to lead to the infection of any other person with such a disease. Infecting any person an offence.
Ib., s. 41p.

Penalty : Imprisonment for twelve months.

53—(1) The managers of any hospital receiving aid from the State shall make effective provision as prescribed for the reception, accommodation, examination, and treatment, free of charge, of such numbers of persons or such classes of persons suffering from venereal disease as are prescribed. Duty of public hospital to treat persons free of charge.
Ib., s. 41q.

(2) In case of default the Treasurer may withhold the whole or any portion of any subsidy which would be payable from the Consolidated Revenue in respect of such hospital during the current or the next financial year.

54 The Minister may—

- i. Establish hospitals, dispensaries, or places for the reception and treatment of persons suffering from venereal disease :
- ii. Arrange for the treatment by medical practitioners, or at hospitals not receiving aid from the State, of persons suffering from venereal disease :

Powers of Minister.
Ib., s. 41r.

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- iii. Arrange for clinical, chemical, bacteriological, and other examinations and investigations, free of charge, for the purpose of ascertaining whether a person is suffering from or is cured of any venereal disease, or whether he has ceased to be liable to convey infection : and
- iv. Provide for the preparation and distribution of information relating to venereal diseases.

Regulations.
Ib., s. 41s.

- 55**—(1) The Governor may make regulations prescribing—
- i. The persons or classes of persons who may apprehend any person against whom a warrant or order of apprehension under this Part has been issued :
 - ii. The conditions under which a certificate of cure of, or of freedom from, venereal disease, or of having ceased to be liable to convey infection, may be issued :
 - iii. The persons or the classes of persons who shall be eligible to receive free treatment for venereal diseases at a hospital maintained by or receiving aid from the State :
 - iv. The management of any hospital, dispensary, or place provided by the Minister for the reception, accommodation, examination, or treatment of persons pursuant to this Part :
 - v. What medical officers of hospitals or other prescribed places shall have charge of cases of venereal disease treated thereat, and to or by whom notices required by this Part shall be given :
 - vi. The remuneration of medical practitioners for the free examination or free treatment of persons pursuant to this Part :
 - vii. The fees payable for clinical, chemical, bacteriological, and other examinations and investigations pursuant to this Part :
 - viii. Hospitals or places where persons suffering from any venereal disease may be detained for treatment :
 - ix. Returns to be made by medical practitioners with respect to the number of cases of venereal disease attended or treated by them and the number of such cases cured :
 - x. The preventive measures against the spread of infection to be adopted by persons suffering from any venereal disease, and by persons attending or having the care or charge of such persons.
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PART III.

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MORGUES.

56 A local authority may provide, equip, and maintain morgues for the reception of the dead in or for its district.

Local authority to provide mortuaries and morgues.

57 With respect to morgues, the following provisions shall apply—

3 Ed. VII. No. 37, s. 47.

i. The sites and plans thereof shall be subject to the approval of the Director:

By-laws.

ii. The Director or any health officer may at all times enter and inspect any morgue:

Ib., s. 48.

iii. If at any time the Director or a health officer is of opinion that any sanitary or other defect exists in the morgue, he shall notify the defect to the local authority, and it shall be the duty of the local authority forthwith to remove or amend the same to his satisfaction:

iv. The local authority shall make due provision, to the satisfaction of the Director, for the decent and economical burial of bodies received into a morgue:

v. The local authority may make by-laws regulating the management and use of its morgues, and may prescribe reasonable burial fees in respect of burials therefrom:

vi. The local authority shall at all times exhibit and maintain in some conspicuous place in or about every morgue all by-laws in force affecting the same:

vii. The coroner may order a dead body to be removed to and from a morgue, as and when such removal is deemed necessary for the purposes of any coroner's inquest or *post mortem* examination:

viii. The costs of every such removal shall be deemed to be part of the costs of the inquest or examination, and shall be payable accordingly.

58—(1) Where—

Burial or removal of body to morgue.

i. The body of a person who has died of any infectious disease is lying in a house in which persons live or sleep: or

ii. Whatever the cause of death, the dead body of any person is in such a state as to be dangerous to health—

Ib., s. 49.

the Director or any municipal health officer may order the body to be buried, or to be removed to the nearest morgue forthwith, or within a time limited in the order.

(2) Upon the certificate of a medical practitioner of the existence of such facts as aforesaid, a justice may make an order as provided by subsection (1) hereof.

(3) If any such order directs the burial of the body or its removal to a mortuary, and the friends or relatives of the deceased do not bury or remove it in terms of the order, it shall be the duty of the local authority to cause the body to be buried forthwith, or to be removed to a morgue for the purpose of being thence buried, which

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ever course is the more convenient ; and such duty may be performed on behalf and at the cost of the local authority by the inspector or any police officer.

(4) If the body is removed to the morgue, it shall be the duty of the local authority to cause it to be buried.

(5) The expenses of the removal and burial of the body by the local authority may be recovered by the local authority from any person liable to pay the expenses of the burial.

(6) No person shall in any way prevent or obstruct the due and prompt execution of any order under this section, or of any of the powers exercisable under this section.

Penalty : Ten pounds.

PART IV.

PRIVIES, ASHPITS, AND DRAINS.

Penalty for erecting house without privy or ashpit.

Ib., ss. 50 and 51.

59—(1) If any house is erected or rebuilt without being provided with a sufficient privy and ashpit, the person for whom it is erected or rebuilt shall be liable to a penalty of five pounds.

(2) In addition to his liability under subsection 1) hereof, the owner of a dwelling-house shall be liable to a penalty of one pound for every day on which the house is let or inhabited whilst not provided with a sufficient privy and ashpit.

Privy accommodation for factories, shops, &c.

Ib., s. 52.

60—(1) With respect to every factory, workroom, school, shop, office, warehouse, or other business-place in which persons are employed or engaged, there shall be provided and at all times maintained—

- i. Adequate and sufficient privy accommodation as prescribed for the use of the persons employed in the business-place : and
- ii. If the persons so employed are of different sexes, separate privy accommodation for each sex, so constructed and situated as to ensure complete seclusion for each sex.

(2) If in any business-place default is made in faithfully complying with any of the foregoing requirements of this section, the owner and occupier thereof shall be severally liable to a daily penalty of one pound.

Provision of privies in certain cases.

Ib., s. 55.

20 Geo. V. No. 39, s. 2, VIII.

61—(1) The local authority shall provide in every public reserve, park, recreation ground, or place of public resort, such sanitary conveniences for each sex as the Director may approve.

(2) If any such place as aforesaid is under the jurisdiction or control of any public authority the Director, by order in writing, may require such authority to provide such conveniences therein, or to permit the local authority to provide the same, and every such authority shall comply with such order.

(3) A local authority may provide and maintain in proper and convenient situations in its district sufficient privies, ashpits, and similar conveniences for public accommodation.

Public conveniences.

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(4) It shall be the duty of a local authority to provide, to the satisfaction of the Director, that all privies, ashpits, and drains within its district are so constructed and kept as not to be a nuisance or injurious to health.

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Privies and drains to be properly kept.

62 A privy or ashpit shall not be deemed to be sufficient within the meaning of this Act unless it is of such class or description, and is furnished with such coverings, fittings, and connections as the local authority by by-law prescribes, or as in the absence of such by-laws the Director directs.

When privy or ashpit sufficient.
3 Ed. VII. No. 37, s. 53.

63 In every case where, on the report of the Director, or any health officer or municipal health officer, it is made to appear to a local authority that, by reason of any foulness, want of repair, or any other structural or non-structural defect, any privy, ashpit, or drain is a nuisance or injurious to health, and that immediate action is necessary in order to remedy the defect—

Procedure when privy or drain a nuisance or injurious.
Ib., s. 56.

- i. Any officer so empowered by the local authority may, with or without assistants, enter on any land or premises after giving twenty-four hours' previous notice to the occupier, if any, or, in case of emergency, without any notice, and there open up the ground and inspect the privy, ashpit, or drain, and its connections, and do whatever work may be necessary for the purpose of discovering and remedying the defect:
- ii. Having effectually remedied the defect, if any, such officer shall close up the ground and make good any damage done to land or buildings in the course of his operations:
- iii. Except where the same have been incurred in respect of an alleged defect which is found not to exist, all expenses incurred by the local authority under this section shall be payable by, and recoverable from, the owner and occupier of the land in respect of which they were incurred, who shall be jointly and severally liable therefor, and such expenses shall be a charge on such land.

64—(1) It shall be the duty of the local authority to take action under section sixty-three in any case where the Director so recommends.

If local authority fails to act, Director may do so.

(2) If the local authority fails or neglects to comply with such recommendation, or, where the Director considers the case to be one of urgency, the Director, at the expense in all things of the local authority, may himself take action under that section in the same manner and with the same consequences as if he were the local authority, and an inspector under this Act were the local authority's officer.

Ib., s. 57.

(3) In every case where the Director takes action under this section, he shall notify the local authority; and thereupon the local authority shall take no action under section sixty-three except for the purpose of recovering from the occupier or owner the expenses incurred.

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PART V.

SCAVENGING AND CLEANSING.

Local authority to provide for removal of refuse and cleansing works.
Ib., ss. 58 and 60.

65—(1) A local authority may, and shall whenever the Director so recommends, undertake or contract for the efficient execution within its district or any part of its district—

- i. The removal of house refuse and other rubbish from houses and house premises :
- ii. The supply of some sufficient disinfectant for use in privies :
- iii. The cleansing of privies, ashpits, and drains :
- iv. The collection, removal, and disposal of nightsoil :
- v. The cleansing and watering of streets :
- vi. The providing, in proper and suitable places, of receptacles for the temporary deposit of refuse and rubbish collected : and
- vii. The providing of suitable places, buildings, and appliances for the deposit or destruction of refuse, rubbish, and nightsoil.

(2) It shall not be lawful to deposit nightsoil in any place where it will be a nuisance or injurious to health.

Penalty for obstruction.

(3) No person shall in any way obstruct or hinder the local authority or its contractor in the execution of any works under this section.

Penalty : Ten pounds.

Occupier may dispose of refuse.

(4) The provisions of this section shall not prevent any person himself collecting and removing, or using, selling, or otherwise disposing of his own house-refuse or rubbish, if in so doing he take sufficient precautions to prevent the creation of any nuisance or anything offensive to the neighbours or injurious to health.

Disposal of refuse and waste matter.
Ib., s. 59.

66 All refuse, rubbish, nightsoil, and waste matter collected by the local authority or its contractor in the execution of any of the works under section sixty-five shall be destroyed, sold, or otherwise disposed of in such a manner as, with the approval of the Director, the local authority thinks fit.

Procedure when local authority undertakes work itself.
Ib., s. 61.

67—(1) Where the local authority has undertaken or contracted for carrying out any of the matters specified in paragraphs i. to iv. of section sixty-five, the work shall be executed promptly, efficiently, and at regular and prescribed intervals to the satisfaction of the Director.

(2) If in respect of any house default is made in executing any such work efficiently, or at the prescribed intervals, and by reason thereof refuse, rubbish, or nightsoil has accumulated, or any privy, ashpit, or drain is offensive or is not cleansed, the occupier of the house or an inspector may serve notice thereof on the local authority.

(3) Upon receipt of such notice, the local authority shall forthwith inform the contractor, if any ; and, unless within seventy-two hours after the service of the notice the requisite work is done and the cause of the complaint is removed, the contractor or officer responsible for the default shall be liable to a daily penalty of one pound.

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68 Where the local authority does not itself undertake or contract for the work of cleansing privies, ashpits, or drains belonging to any premises, removing house-refuse or nightsoil from any premises, or cleansing footways or pavements adjacent to any premises, it may, and whenever the Director so recommends shall, make by-laws imposing on the owner or occupier of such premises the duty of effectually doing the work in such manner and at such regular intervals as are prescribed.

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Local authority may make by-laws imposing duty of cleansing on occupier.
Ib., s. 62.

69 A local authority may, and whenever the Director so recommends shall, make by-laws for—

- i. Preventing the accumulation of filth, dust, ashes, and refuse :
- ii. Regulating or preventing the keeping of live or dead animals where the keeping thereof, though not prohibited by any Act, is, or is likely to be, a nuisance or injurious to health :
- iii. Regulating the use of stables :
- iv. Prescribing the classes or descriptions of privies which may lawfully be in use in the district generally, or in specified parts of the district :
- v. Regulating the mode of disposal of nightsoil : and
- vi. Any purpose which the Director recommends as calculated to prevent nuisances and safeguard the public health.

Other purposes for which by-laws may be made.
Ib., s. 63.

70—(1) With the consent of the Governor, the local authority of a district may set apart any portion of its reserves or other lands as a site for the deposit and disposal of nightsoil or refuse.

Reserves for deposit of nightsoil and refuse.

(2) In using any land for the purpose aforesaid, the local authority shall in every case conform to the recommendations of the Director, and, if it fails or neglects so to do, the Governor may revoke his consent, whereupon it shall be unlawful for the local authority to use the land for the purpose aforesaid.

Ib., s. 64.

71—(1) Where any river (whether tidal or otherwise), watercourse, stream, or open ditch or drain, lying near to or on the boundaries of two or more districts, or running into two or more districts, is foul or offensive, or out of repair, or otherwise defective, the Director or any local authority may apply to a judge for a summons to the local authorities concerned to show cause why an order should not be made directing them, or any of them, to cleanse the river, watercourse, stream, ditch, or drain, and remedy all defects affecting the same, and prohibiting the recurrence of the defect.

Provision for obtaining order for cleansing offensive watercourse or ditch on boundaries of districts.

Ib., s. 65.

(2) Upon the hearing of the summons, and after making such inquiry as he thinks necessary, the judge may, by order—

- i. Specify the works that are necessary in order to effectually cleanse the watercourse, stream, ditch, or drain, amend all defects in the same, and effect any requisite structural or non-structural improvements to the same :
- ii. Direct one of the local authorities to execute the whole of the works, or apportion the works and the execution thereof between two or more of the local authorities :

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- iii. Direct one of the local authorities to pay the whole cost of the works, or apportion the cost between two or more of the local authorities :
 - iv. Prohibit the recurrence of the defect :
 - v. Give such other directions in the premises as he thinks fit.
- (3) Any such order may be varied or amended by subsequent order made on application as hereinbefore provided.
- (4) Every order made under this section shall, according to its tenor, bind all the local authorities concerned.
- (5) For the purposes of this section—
- I. The Director may appoint an engineer or other competent person to supervise the execution of the works, and the expenses of such supervision shall be deemed to be part of the cost of the works :
 - II. The works shall be executed with all reasonable diligence, and to the satisfaction of the Director or the person appointed to supervise as aforesaid ; and, if default is made in so doing, the Director may cause the works or any portion thereof to be executed at the cost in all things of the local authority in default :
 - III. For the purpose of executing the works, the local authority or person executing the same may enter on land and there do whatever may be reasonably necessary in the premises : and
 - IV. If, independently of this section, any person, other than a local authority, would be liable to cleanse the watercourse, stream, ditch, or drain, or to keep the same in repair, or would be responsible for the defects, the local authority executing any work under this section shall be entitled to recover from such person the whole or a proportionate part of the costs incurred by it under this section.

 PART VI.

PREVENTION OF POLLUTION OF WATERCOURSES, &c.

72 No person shall in any way—

- i. Defile or pollute any watercourse, stream, lake, or reservoir forming part of the water supply of the district of a local authority or any water supply for domestic purposes : or
- ii. Permit or suffer drainage or refuse from his land or premises to flow into or be deposited in such watercourse, stream, lake, or reservoir.

Penalty : Ten pounds.

Pollution of
stream, lake, or
reservoir.
Ib., s. 66.

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73—(1) In any case where, on the report of the Director, the Governor thinks it expedient in the interests of the public health so to do, he may, by notice in the Gazette, place any specified watercourse, stream, or lake, or any specified portion thereof, under the sole control of any specified local authority, notwithstanding that it may not be within the district of such local authority, or on land belonging to such local authority.

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Control of streams and lakes.

Ib., ss. 67 and 68.

(2) Except as aforesaid, each local authority shall, for the purposes of this Act, be deemed to have control of all watercourses, streams, and lakes within its district.

74 The local authority having the control of any watercourse, stream, or lake may, as it thinks fit, and shall whenever the Director so recommends, make by-laws to enforce the cleansing and prevent the polluting or defiling of such watercourse, stream, or lake.

By-laws.

Ib., s. 69.

PART VII.

NUISANCES.

75 Whenever, on the report of the Director, or any other person, it appears that, by reason of not being cleansed, any house or any outbuilding, yard, privy, ashpit, drain, or other appurtenance belonging to the house, is in such a filthy or unwholesome condition as to be a nuisance or dangerous to health, the local authority may, and if the Director so recommends shall, by requisition to the occupier or owner of the house, require the occupier or owner or either of them to cleanse the house or appurtenances in the manner and within the time specified in the requisition, and any such requisition shall have the like effect and consequences as a notice under section twenty-eight.

Power to require house or appurtenances to be cleansed.

Ib., s. 71.

76—(1) In every case where—

- i. Any waste or stagnant water, or any accumulation of filth or other offensive matter, is suffered to remain in, under, or near a dwelling-house for twenty-four hours after the Director or any inspector, or municipal inspector under this Act has, by requisition to the occupier, required him to remove the same : or
- ii. The contents of any privy or drain belonging to a dwelling-house are suffered to overflow or escape—

Penalty in respect of certain nuisances.

Ib., ss. 72 and 73.

the occupier of the dwelling-house shall be deemed to have thereby created a nuisance, and shall be liable to a penalty of forty shillings for creating the nuisance, and to a daily penalty of ten shillings.

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Local authority
may abate
nuisance.

(2) The local authority may, and if the Director so recommends shall, abate any nuisance created as aforesaid ; and the expenses thereby incurred shall be recoverable from the owner and occupier of the dwelling-house, who shall be jointly and severally liable therefor.

(3) Such expenses until paid shall be a charge on the land on which such dwelling-house is built, or to which it appertains.

Removal of
manure or other
offensive matter.
Ib., s. 74.

77—(1) In any case where it appears to the Director or an inspector or municipal inspector under this Act that on any premises within the district of the local authority there exists any such accumulation of manure, dung, filth, or other offensive matter as to be a nuisance, or injurious to health, the Director or any such officer may, by requisition to the occupier, and in the case of unoccupied premises the owner, of the premises, require such occupier or owner within a specified time to remove such matter and destroy the same, or otherwise dispose of it so that it shall cease to be offensive.

(2) Every such occupier or owner, as the case may be, shall comply with the requisition within the time specified in that behalf.

Daily penalty : One pound.

(3) If any such default occurs, the officer by whom the requisition was issued shall cause the offensive matter to be removed at the expense of the local authority.

(4) The offensive matter so removed shall be destroyed, sold, or otherwise disposed of by or on behalf of the local authority, and unless the proceeds thereof, if any, are sufficient to defray the expenses of removal and disposal, such expenses, or any deficiency over and above such proceeds, shall be recoverable from the person to whom such requisition was directed.

Special provisions
as to stables,
mews, or
slaughter-yards.
Ib., s. 75.

78—(1) In respect of all premises used as stables, mews, or slaughter-yards, or for the carrying on of any offensive trade—

- I. It shall be the duty of the occupier of the premises to prevent manure, filth, refuse, or other offensive matter of any description from so accumulating on the premises as to become a nuisance or injurious to health :
- II. For that purpose the occupier shall cause all such offensive matter to be removed at regular periodical intervals, and to be destroyed or otherwise disposed of so as to cease to be offensive :
- III. The local authority may, and whenever the Director so recommends shall, prescribe in what manner and at what periodical intervals such removal shall be effected :
- IV. The local authority may prescribe such matters as aforesaid either by by-laws or by notification advertised in a newspaper :
- V. Such prescription may be either the same for all such premises within its district or different for different classes or descriptions of premises, but shall in every case be subject to the approval of the Director :

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vi. If any default is made by such occupier the provisions of subsections (3) and (4) of section seventy-four shall apply in the same manner in all respects as if the default had been made under that section. A.D. 1935

(2) Every occupier of such premises as aforesaid shall comply with all the requirements prescribed as aforesaid.

Daily penalty : One pound.

79 Any local authority may, with the consent of the Director, and shall, if he recommends, direct that any well or other source of domestic water supply which may, by a health officer or by any legally qualified medical practitioner, be certified in writing to be so polluted or unwholesome as to be unfit for human consumption, shall forthwith, and until the local authority, with the consent of the Director, has given a notice revoking such direction, be closed, and that the contents thereof shall not be used for human consumption ; and any person so using or causing to be used any such well or other source of water supply as aforesaid while such direction remains in force shall be liable to a daily penalty of five pounds. Power to close polluted wells.
Ib., s. 76.

80 No person shall throw or cast, or cause or allow to be thrown or cast, any nightsoil into any river, creek, or running stream, channel, lake, lagoon, swamp, or waterhole ; and no person shall place, or cause or allowed to be placed, any nightsoil on any land whence such nightsoil flows or falls, or is liable to flow or fall, into any river, creek, or running stream, channel, lake, lagoon, swamp, or waterhole, not being within the limit of ebb and flow of tidal waters. Penalty for throwing nightsoil into, or near, rivers, &c.
Ib., s. 77.

Penalty : One hundred pounds, or imprisonment for six months.

81 The local authorities within their respective jurisdictions shall cause all sewers and drains to be constructed and kept so as not to be a nuisance or injurious to health, and to be properly cleared, cleansed, and emptied ; and for the purpose of clearing, cleansing, and emptying the same may construct and erect such works as appear necessary, and may cause all or any of such sewers to communicate with and be emptied into such places as they may deem fit or necessary ; and no person shall, without the consent of the local authority, cause any private drain or sewer to be emptied or flow into any public drain or sewer under the control of such local authority, nor do any act, matter, or thing which, in the opinion of such local authority, tends to the injury or stoppage of any such drain or sewer. Management of sewers and drains.
Ib., s. 78.

82—(1) All houses within the jurisdiction of a local authority shall have such drains leading to such sewers or other places and having such a fall, and constructed of such materials, and in such manner as such local authority by notice directs. Management of drains on private premises.
Ib., s. 79.

(2) No drain shall, without the written consent of the local authority, be made under any house or under the surface of any yard or premises ; and such local authority may, in the case of there not being any sufficient drain to any house or premises within its jurisdiction, whenever

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erected, cause an order to be served on the owner, his attorney, or agent, to construct, at the expense of the owner, a drain of such nature and description as such local authority thinks necessary and describes in such order.

Stagnant water
in cellars, &c.
Ib., s. 80.

83—(1) No person shall suffer any waste or stagnant water to remain in any cellar or premises in or about any dwelling-house for twenty-four hours after notice given and served upon him by the local authority or their officer to remove the same.

(2) If any local authority have reason to suspect that there is any waste or stagnant water in or about any house or premises, such local authority, after twenty-four hours' notice in writing to the occupier or owner of any such house, may, by themselves or by any officer, make entry into or upon such house or premises, and may cause any floor or portion thereof to be opened up in order to ascertain whether there is in or about any such house any waste or stagnant water; if there be no waste or stagnant water found underneath any floor so removed, such local authority shall cause to be repaired and made good any such floor or portion thereof so removed as aforesaid; but, if there be found any waste or stagnant water under any such floor, then in such case all expenses incurred in the removal and repair of such floor or portion thereof shall be chargeable to the owner or occupier of the house or premises, and may be recovered from such owner or occupier as hereinafter provided.

(3) Before any waste or stagnant water having an offensive smell is emptied from any cellar or other premises, the occupier of such premises shall cause such water to be thoroughly deodorised.

Cellars, asphalt-
ing, &c.
Ib., s. 81.

84—(1) The owner or occupier of any house to which there is a cellar shall, if so required by the local authority, and within a time, being not less than fourteen days, to be specified by the local authority, cause such cellar to be paved or asphalted in manner directed by and to the satisfaction of the local authority; and if such cellar be subject to the leakage of water thereinto, and there be no drain for the discharge of such water, such owner or occupier shall likewise, if so required by the local authority, construct in such cellar where, when, and as directed, and to the satisfaction of the local authority, a well for the gathering of such leakage, and upon completion of such well shall cause the same to be regularly and periodically emptied at intervals not exceeding twenty-four hours.

(2) In case the occupier of any such house has paved or asphalted any such cellar, or constructed any such well, he may, subject to any agreement previously made between him and the owner of such house, recover, before any two justices, the moneys expended by him on such paving or asphaltting or in constructing such well, or may deduct the same from any rent payable by him to such owner.

Stagnant water-
holes.
Ib., s. 82.

85 The local authority shall cause to be drained, cleansed, covered, or filled up, all ponds, pools, open ditches, sewers, drains, and places containing or used for the collection of any drainage, filth, water,

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matter, or thing of an offensive nature, or likely to be prejudicial to health, by making and serving an order upon the person causing any such nuisance, or upon the overseer, owner, or occupier of any premises whereon the same exists, requiring him, within a time to be specified in such order, to drain, cleanse, cover, or fill up any such pond, pool, ditch, sewer, drain, or place, or to construct a proper sewer or drain for the discharge thereof, as the case may require. A.D. 1935.

86 Whenever it appears to the local authority that the surface of any yard or land within a city or town, and not being a street therein, is lower than the level of the nearest street, or of the street, sewer, or drain into which the water off the said yard or land should in the opinion of the local authority flow, the local authority may order the owner of such yard or land to raise the surface thereof to such height, or to make such provision for sufficiently draining the soil in such manner, and within such time, as the said local authority may by such order direct. Low-lying land. *Ib.*, s. 83.

87—(1) In case any street, lane, yard, or passage, or other premises formed or set out on private property, or in case any lane or passage formed or set out on public property on land of the Crown, in such manner as to afford means of back access to or drainage from property adjacent to such lane or passage, is not formed, paved, levelled, or drained to the satisfaction of the local authority, the local authority may, by notice to the respective owners of the premises fronting, adjoining, or abutting upon such parts thereof as may require to be formed, paved, levelled, drained, or made good, require them to form, pave, level, drain, or make good the same in such manner and according to such levels and specifications as may be approved by the local authority, and within a time to be named in such notice. Power of local authority to require owners to perform certain works on back streets, lanes, &c. *Ib.*, s. 85.

(2) If such notice is not complied with, the persons to whom such notice has been given shall each be liable to a daily penalty of two pounds, and the local authority may, if they think fit, subsequently to or in lieu of prosecuting for such non-compliance, execute the works mentioned or referred to therein, and the expenses incurred by them in so doing shall be paid by the owners in default in such proportions as may be fixed by the local authority.

(3) In the case of lanes and passages only, such owners of premises fronting, abutting, or adjoining upon such lanes or passages as by themselves or their tenants have the right to use or commonly do use any such lane or passage, shall, for the purposes of this section, be deemed to be owners of premises.

88 Any local authority may, by order addressed to the owner or occupier of any land which has been excavated for brickmaking, quarrying, mining, or other purposes, whether before or after the commencement of this Act, direct such owner or occupier to have any excavation so made securely fenced round to the satisfaction of such authority; and may further direct such owner or occupier to take such Brickmaking and other excavations to be fenced in, &c. *Ib.*, s. 86.

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measures as are in the opinion of such local authority necessary, and as are specified in such order, for preventing any noxious or offensive drainage or other matter from flowing or being thrown or cast into any such excavation.

Keeping of swine.

Ib., s. 86.

89 - (1) No person shall keep any swine in any sty, enclosure, or place, any part whereof is—

- i. If in any city or town, within one hundred and fifty feet : or
- ii. If elsewhere, within one hundred feet—

of any—

- (a) House, shop, office, or warehouse :
- (b) Place of public entertainment :
- (c) Sports ground or recreation reserve :
- (d) Grandstand, saddling paddock, or totalisator-house on any racecourse : or
- (e) Any street or public road —

or in such position or manner as to be offensive or injurious to public health.

Penalty : Ten pounds.

(2) No person shall keep, or permit to be kept, in or about any slaughter-house—

- i. Any swine, unless intended for immediate slaughter, except with the written consent of the local authority and at such distance from the slaughter-house as may be specified in such consent : or
- ii. Any dog, except when being used for yarding purposes, unless the same is constantly chained at a distance of not less than thirty feet from the slaughter-house and from any place used for the hanging or storage of meat.

Penalty : Ten pounds.

(3) No person shall feed any animal or cause or suffer any animal in his possession or control to be fed, or knowingly permit any such animal on any land occupied by him to feed—

- i. On any offal or blood that has not been treated for that purpose as prescribed :
- ii. On any manure, nightsoil, or other filthy or offensive matter :
- iii. On the flesh of any animal which has died of any disease or natural causes or been killed by reason of being diseased : or
- iv. On the milk of any cow suffering from any disease of the udder, unless such milk has been boiled or sterilised.

Penalty : Ten pounds.

(4) The local authority may prohibit the keeping of swine within any specified area in any city or town, and no person shall keep any swine within such area.

Penalty : Ten pounds.

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90 No stable or cowshed shall be erected in any city or town within thirty feet of any dwelling-house, school, or workroom, or factory, nor within twenty feet of the boundary of any adjoining property or street.

Restriction on erection of stables, &c.

Ib., s. 87.

91 A nuisance shall be deemed to have been created in respect of any premises in any of the following cases:—

Nuisances.

Ib., s. 88.

- i. Where a pool, ditch, gutter, watercourse, sanitary convenience, or drain is so foul or out of repair, or otherwise in such a state as to be offensive or injurious to health :
- ii. Where any animal is so kept as to be a nuisance, or injurious or dangerous to health :
- iii. Where there exists an accumulation or deposit which is offensive, or injurious or dangerous to health :
- iv. Where any house or premises are in such a dilapidated or unclean state as to be injurious or dangerous to health :
- v. Where any way, lane, passage, yard, land, or premises are in such a state in regard to drainage as to be offensive, or injurious or dangerous to health :
- vi. Where any house or part thereof is so overcrowded as to be injurious or dangerous to the health of the inmates :
- vii. Where any factory, workroom, laundry, shop, office, warehouse, or other business place, or any portion thereof—
 - (a) Is so structurally defective, or is so dilapidated as to be unsafe or dangerous, or injurious to the health of the inmates :
 - (b) Is so unclean as to be offensive, or injurious or dangerous to health :
 - (c) Is not with regard to the inmates sufficiently supplied with fresh air :
 - (d) Is not so ventilated as to render harmless, as far as practicable, all gases, fumes, dust, or other impurities generated in the course of the work carried on therein :
 - (e) Is so overcrowded as to be injurious or dangerous to the health of the persons employed therein :
 - (f) Is insufficiently supplied with natural light : or
 - (g) Is not provided with sufficient sanitary conveniences :
- viii. Where any house or part thereof is infested with rats, mice, bugs, fleas, lice, cockroaches, or other vermin :
- ix. Where any fireplace or furnace is used in working engines by steam, or in any manufacturing or trade process whatsoever, and does not as far as practicable consume its own smoke :
- x. Where any chimney (not being the chimney of a private dwelling-house) sends forth smoke in such quantity or of such nature as to be offensive to the public, or injurious or dangerous to health : or

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- xi. Where any drainage falls into any harbour or river, or on to any foreshore, so as to be offensive, or injurious or dangerous to health—

and any such nuisance may be abated and dealt with in accordance with the provisions of this Act.

Immediate action
in respect of
nuisances.

Ib., s. 89.

92 If the Director is satisfied that any nuisance exists, and that immediate action for its abatement is necessary in order to prevent the outbreak of infectious disease, or to check or prevent the spread of infectious disease, he may take action in respect thereof in manner provided by section twenty-eight, and any proceedings so taken shall have the like consequences as under that section.

Procedure as to
summary judicial
proceedings, and
action thereafter.

Ib., s. 91.

93 Subject to the provisions of section ninety-two, any nuisance may be dealt with in manner following, that is to say:—

- i. On the report of any inspector or other person that the nuisance exists on any premises, the local authority may of its own motion, and shall if the Director so recommends, by requisition to the owner and occupier of the premises, require them to abate the nuisance in the manner and within the time specified in the requisition :
- ii. The owner and occupier are hereby jointly and severally empowered and required to comply with the requisition, and do whatever is necessary in order to effectually abate the nuisance :
- iii. If default is made in duly complying with the requisition within the time specified therein, or such extension of time as the local authority may grant with the consent of the Director, then the owner and occupier shall be severally liable to a daily penalty of two pounds :
- iv. If such default occurs, the local authority shall cause the requisite work to be done at the expense in all things of the owner and occupier, who shall be jointly and severally liable therefor :
- v. In any case in which any person has been required under the provisions of paragraph i. hereof to abate any nuisance, and such nuisance, though abated, has been allowed to recur within six months after such abatement, the local authority may proceed in respect thereof under this section without further notice or requisition.

Duties of
inspection and
enforcing Act

Ib., s. 92.

94 Within the district of each local authority the Director and the local authority are hereby empowered and directed—

- i. To cause careful inspection to be regularly made in order to ascertain whether any nuisances or sanitary defects exist : and also
- ii. To enforce the provisions of this Act for the abatement of all nuisances, the remedying of all sanitary defects, and the safeguarding of the public health.

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95—(1) Except where otherwise specially authorised by the Director or an order of a justice, the following rules shall be observed with respect to the entry and inspection of any premises other than vacant or unoccupied premises :—

- i. In the case of business premises, the entry and inspection shall be during ordinary business hours :
- ii. In the case of dwelling premises the entry and inspection shall be between the hours of eleven in the forenoon and four in the afternoon, and no room of the dwelling-house shall be entered unless the occupier consents :
- iii. In every case the entry and inspection shall be so made as to interfere as little as possible with the occupier or his business.

(2) Nothing in this section shall prevent the Director or any health officer or municipal health officer entering on any land or premises with workmen and appliances at any time for the purpose of doing any sanitary works pursuant to any notice, requisition, or order duly issued or made under this Act.

96—(1) The provisions of this Act relating to the abatement of nuisances and the remedying of sanitary defects shall be deemed to be in addition to, and shall not abridge or affect, any right, remedy, or proceeding that exists independently of this Act.

(2) In any case where the local authority or the Director is of opinion that proceedings under this Act would not give, or have not given, a sufficient remedy, the local authority or the Director on its behalf may, in lieu of proceedings under this Act, or after having proceeded under this Act, take proceedings in the Supreme Court to enforce the abatement of a nuisance or the remedying of any sanitary defect.

(3) In such case the expenses incurred by or on behalf of the local authority in connection with the proceedings shall be payable out of the fund or rate applicable for sanitary purposes.

97 In any case where it appears that a nuisance existing within the district of a local authority is wholly or partly caused by some act or default outside the district, proceedings may be taken against any person in respect of such act or default in the same manner and with the same incidents and consequences as if the act or default were wholly inside the district.

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Rules as to entry and inspection.

Ib., ss. 94 & 95.

Not to affect entry to do works under requisition or order.

Other remedies not affected.

Ib., s. 96.

Proceedings when nuisance caused by default outside district.

Ib., s. 97.

PART VIII.

OFFENSIVE TRADES.

98—(1) The Governor may, upon the advice of the Director, define and appoint for any district localities situate within or without the district as offensive trades areas, within which offensive trades may, with the consent of the Director, and subject to the regulations, be established or carried on.

Governor may define offensive trades areas.

Ib., s. 98.

8 Geo. V. No. 57, s. 18.

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(2) It shall not be lawful to establish any offensive trade within any part of a district in or for which there is an offensive trades area proclaimed, save and except within such offensive trades area.

(3) It shall not be lawful to establish any offensive trade within the district of a local authority for which no offensive trades area has been appointed, unless with the consent in writing of the local authority, or, in case of appeal as hereinafter provided, of the Director.

(4) Any person aggrieved by the refusal or the granting of such consent by the local authority may appeal to the Director who may affirm or reverse the decision of the local authority.

(5) Any person applying for such consent shall, with his application, lodge with the local authority plans and specifications of any proposed buildings.

Penalties for breaches

3 Ed VII. No. 37, ss. 99 & 100.

99—(1) No person shall establish an offensive trade in contravention of this Act.

Penalty : Fifty pounds.

(2) No person shall carry on any offensive trade established in contravention of this Act.

Daily penalty : Five pounds.

Offensive trades premises to be registered.

Ib., s. 101.

100—(1) No person shall carry on an offensive trade (whenever established) within a district unless the building, premises, or place in or upon which such trade is carried on is registered annually at the office of the local authority of such district during the first week in January in every year.

Penalty : Five pounds, and a daily penalty of one pound.

(2) A fee of five pounds, or of such lesser amount as may be prescribed, shall be payable on registration.

(3) Where an offensive trade is established after the first week in January in any year, the building, premises, or place shall be registered within one week after such trade is established.

(4) The local authority shall not refuse to register or to renew the registration of any building, premises, or place used for an offensive trade, unless the Director shall certify that such building, premises, or place constitutes a nuisance.

(5) Any person aggrieved by such refusal, or, if the local authority grants or renews the registration, any person aggrieved by such registration or renewal, may appeal to the Minister, who may affirm, vary, or rescind such refusal or registration, or renewal of registration, and his decision shall be final.

Noxious trades within area not deemed a nuisance.

Ib., s. 102.

101 Any manufacture, trade, or business carried on within any area defined in any such proclamation as aforesaid shall not, by reason only of being an offensive trade, be deemed to be a nuisance, and the person conducting or carrying on any such manufacture, trade, or business shall be free from all proceedings in respect thereof, so long as such person is conducting or carrying on such manufacture, trade, or business in conformity with the regulations under this Act.

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102 The Governor may make regulations for the purposes of this Part, and in particular may prescribe— A.D. 1935.

- i. The manner in which buildings, premises, and places shall be registered, and the fees to be paid therefor, with power to discriminate for different classes of offensive trades :
 - ii. The manner in which buildings for the carrying on of offensive trades may be constructed :
 - iii. The manner in which any offensive trade may be carried on and the methods to be adopted, and the appliances to be used therein to minimise or prevent nuisances :
 - iv. The manner in which, and the means by which, offal and garbage shall be dealt with and disposed of—
- and any other matter for the purposes of this Part.

Governor may make regulations.
Ib., s. 103.

PART IX.

PUBLIC BUILDINGS.

103 In this Part, unless the contrary intention appears—

“Public building” means any benevolent or other asylum, or any theatre, opera house, concert room, music or assembly hall, whether forming part of or appurtenant to a public-house or not, or any church, chapel, or meeting house, or any building, structure, circus tent, gallery, or platform, in or upon which numbers of persons are usually or occasionally assembled for the purpose of public amusement.

Theatres, hospitals, and public buildings.
Ib., s. 106.

104—(1) Whenever it is intended to build or open or extend any public building, the owner or occupier, or the manager, trustees, or other persons by whose authority such public building is intended to be so built or opened or extended, shall give notice of such intention to the local authority, and such notice shall be accompanied by a plan and specification or description showing the proposed mode of constructing, draining, and ventilating such public building ; and no such public building shall be built or opened as aforesaid until the Director has approved thereof in writing.

Building and opening of public buildings.

(2) The local authority shall forthwith give notice in writing to the Director of the intention to build, open, or extend such public building, and shall at the same time submit to him such plan and specification or description.

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Inspection of
public buildings.

105 Every public building may be inspected by any officer appointed under this Act; and, in the case of theatres, opera houses, music or assembly halls, circuses, or places of public amusement, such public buildings may be inspected by any such officer at any time during the day or night when such building is open for public amusement or entertainment.

Ventilation,
drainage, and
sanitation of
public buildings.

106 The Director or local authority respectively may direct or order—

- i. Such means to be taken by the owner or occupier, or by the trustees of such public building, for the proper or better ventilation and draining thereof, and for the provision of proper privy and urinal accommodation therein, and for the safe and proper construction thereof, as he or they respectively think necessary :
- ii. Other or better provision for ingress and egress to be made in any such public building: and
- iii. The erection or provision therein of suitable appliances for the prevention and extinction of fire, and require the employment and attendance of skilled persons sufficient in number for the proper using of such appliances.

Penalties.

107 — (1) No public building or addition thereto shall be opened without the written approval of the Director.

Penalty : One hundred pounds, and a daily penalty of ten pounds.

(2) After the Director has given his approval to the opening of any public building or addition thereto, no alteration shall, without the written approval of the Director, be made in the provision therein made for the safety or stability of such building, or for drainage, ventilation, means of ingress or egress, or the prevention and extinction of fire

Penalty : One hundred pounds.

PART X.
BY-LAWS.By-laws for
certain purposes.
Ib., s. 107.

108 Every local authority may, and if recommended by the Director shall, make by-laws for—

The removal by the occupier, or in case of his default by the local authority, of dust, mud, ashes, rubbish, filth, blood, offal, manure, dung, or soil collected, placed, or found in or about any house, stable, cow-house, pigsty, lane, yard, street, or place whatsoever, and for preventing the placing or depositing thereof in any place so as to be a nuisance to any person :

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- Requiring the occupiers of houses or premises to provide boxes or other specified receptacles for the temporary deposit of house refuse, and for authorising and directing the placing of such boxes or such other receptacles at or between certain specified hours in places at or contiguous to such houses or premises convenient for the discharge and removal of the contents of such boxes or receptacles : A.D. 1935.
- Regulating the times and manner of cleansing, emptying, and managing of earth-closets, water-closets, privies, cesspools, and places for the deposit of nightsoil, offal, blood, or other refuse matter, and for regulating the disinfecting or the deodorising of the nightsoil, offal, blood, or other refuse matter contained therein or removed therefrom :
- The prevention of nuisance or injury to health from the transport, deposit, or use as manure of nightsoil, offal, blood, or other offensive matter :
- The rendering of the foundations of any new building, and the ground over which such building is to be placed, dry, sound, and well drained, so that no water soakage, or damp, shall lodge there :
- The drainage and plumbing of buildings :
- The mode of carriage of meat to or from abattoirs or butchers' shops or premises :
- The registration annually with the local authority of all persons carrying on the trade of cowkeepers, dairymen, or purveyors of milk, and the payment by each such person to the local authority of a reasonable fee not exceeding one pound for each such registration : Provided that, if such person is registered in the district in which his dairy is situate, he shall not be liable to pay a higher fee than two shillings and six pence per annum to any other local authority as a purveyor of milk :
- The inspection of the grazing ground or food of dairy cattle, and, if found to be likely to be prejudicial to health by affecting the milk or otherwise, to prohibit the use of the same, and for the inspection, examination, and isolation of cattle in dairies, and the prescribing and regulating of the construction, lighting, ventilation, cleansing, drainage, and water supply of houses, dairies, butter factories, and cow-sheds in the occupation of persons following the trade of cowkeepers or dairymen :
- The securing of the cleanliness of butter factories, milk stores, milk shops, and of milk vessels used for containing milk for sale by such persons :
- The prescribing of precautions to be taken for protecting milk against infection or contamination, and for the registration and regulation of bakehouses and butchers' establishments :
- The prevention of the storage or keeping of bone-dust or artificial or other manure so as to be a nuisance or injurious to health :
- The prevention of the keeping of animals of any kind so as to be a nuisance or injurious to health :

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The prevention of the feeding of swine or other animal intended for human consumption on garbage, or uncooked offal from a slaughter-house, or on milk from a cow suffering from any disease of the udder :

The supply of a sufficient quantity of water to abattoirs or slaughter-houses :

The prevention of danger to the public from manufactories or places for the storage, keeping, or sale of inflammable materials :

The disinfection of, and the prevention of nuisances or injury to health from, rags or other materials used or stored in marine stores, flock or bedding or furniture manufactories :

The regulation of noxious or offensive trades, businesses or manufactories, whether established before or after the passing of this Act, in order to prevent or diminish the noxious or offensive effects thereof, and to prevent nuisance or injury to health arising therefrom :

The registration of and regulating of offensive trades, and prescribing fees for registration :

Prescribing the construction, drainage, ventilation, lighting, and cleanliness of premises occupied for the purpose of any offensive trade :

Regulating the situation, construction, drainage, and cleansing of stables, and other buildings in which animals are kept :

The position and manner of construction of water or earth closets or urinals :

The prevention of the use of steam whistles at factories or other establishments so as to be a nuisance to any person :

The prevention of pollution of atmosphere by smoke, fumes, vapour, dust, oil, water waste, or waste products :

Regulating the sanitation and cleanliness of the premises of hairdressers, and the precautions to be observed by persons carrying on the business of a hairdresser :

Providing for suitable housing and sanitary accommodation, the protection of food supplies, general cleanliness, water supply, and other conveniences for persons employed on hopfields and orchards and mutton-bird reserves :

Prohibiting expectoration on any prescribed part of any public place or any public vehicle, and for the cleansing of public vehicles :

Providing for the disinfection of second hand mattresses, bedding, and clothing offered for sale and prohibiting any such sale without disinfection—

And generally for the abatement and prevention of nuisances not hereinbefore specified, and for securing the healthfulness of the district and of its inhabitants.

Confirmation of
by-laws.

Ib., s. 108.

109—(1) No by-law made by the local authority under the authority of this Act shall be of any force until it shall have been confirmed by the Director, who is hereby empowered to allow or disallow the same

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as he thinks fit ; and no such by-law shall be confirmed unless notice of the intention to apply for a confirmation of the same have been given in the city, or municipality, one month at least before the making of such application by posting a copy of such by-law in some conspicuous place in or upon the door of the office of such local authority. A.D. 1935.

(2) No by-law made by the local authority under the authority of this Act shall be of any force unless, prior to the confirmation thereof by the Director, it shall have been certified by the Attorney or Solicitor General not to be repugnant to any law in force in Tasmania.

110—(1) The Director may frame by-laws (hereinafter called “model by-laws”) for all or any of the purposes for which by-laws may be made under this Act, and such by-laws, when certified as provided in section one hundred and nine, shall be published in the Gazette. Model by-laws.
20 Geo. V. No.
39.

(2) If any local authority desires to adopt the whole of any model by-laws so made, it may publish in the Gazette a notice specifying—

- i. The date upon which such model by-laws were published in the Gazette : and
- ii. That such local authority had, by resolution, duly passed and adopted the same—

and thereupon such by-laws shall, without any further publication or confirmation, be of the same effect as if originally made and published by such local authority (subject to the provisions of section forty-seven of the *Acts Interpretation Act* 1931 as herein modified), and shall take effect from the date of the publication of such notice in the Gazette, or from such later date as shall be therein specified.

(3) If any local authority shall, for a space of three months after receiving a recommendation from the Director to adopt the whole or any portion of any such model by-laws, refuse or neglect so to do, the Governor may, by proclamation, declare such by-laws or any part thereof to be in force within the district of such local authority.

(4) Every such proclamation as aforesaid shall—

- i. If the whole of such model by-laws is proclaimed, specify the date upon which the same were published as aforesaid :
- ii. If part only thereof is proclaimed, set forth the full text of such part, and specify the date upon which the same was published as aforesaid : and
- iii. Be subject to the provisions of section forty-seven of the *Acts Interpretation Act* 1931 applicable thereto.

111 With respect to by-laws made under this Act by a local authority, the following provisions shall apply :— By-laws of local
authority.

- i. All grazing grounds, dairy cattle, milk stores, dairies, and cow-sheds, belonging to or occupied by any person selling milk or butter, or sending milk or butter to be sold, or supplying milk or butter intended for sale by any other person, within the district of any local authority shall be held to be within the jurisdiction of such last-mentioned local authority : 3 Ed. VII. No.
37, s. 110.

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- ii. They may impose for any breach of the by-laws a penalty not exceeding five pounds, and in the case of a continuous breach a daily penalty not exceeding five pounds.
- iii. The continued existence in a state contrary to any by-law of any work or thing shall be deemed a continuous breach within the meaning of this section :
- iv. A person shall be deemed to commit an offence against this Act if he commits any breach of a by-law for which the by-laws themselves do not provide a penalty.

Regulations.

Ib., s. 111

1 Geo. V. No 56.

112—(1) The Governor may make regulations for the purposes of this Act.

(2) Any such regulations may provide for, prescribe, and regulate—

(a) Courses of instruction for females—

i. In hygiene generally : and

ii. In subjects concerning the health and welfare of women and children, and in particular the nurture, care, and feeding of infants—

and for examinations to be held, and for the granting and issuing of certificates of knowledge or merit and of medals to candidates passing such examinations :

(b) The method and conduct of examinations, and the remuneration, if any, payable to instructors, lecturers, and examiners :

(c) Payable under this section :

(d) The appointment by the Minister of instructors, lecturers, and examiners : and

(e) The places where, and the times when, any examinations shall be held.

(3) Any such regulations may prescribe—

i. The privy accommodation and sanitary conveniences that shall be provided in or in connection with any premises or class of premises, and the manner in which different parts of any such accommodation or conveniences shall be separated when necessary :

ii. The manner in which, and the conditions under which, applications may be made for the approval of plans and specifications of bacteriolytic tanks, public buildings, or other buildings, or any alterations therein or thereto respectively ; the fees to be paid in respect of any such approval in each case respectively ; and the forms of application and approval to be used in connection therewith : and

iii. What shall be deemed to be overcrowding in respect of dwelling-houses.

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PART XI.

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CEMETERIES AND BURIAL GROUNDS.

113 No person shall bury the body of any dead person in any place other than a cemetery or public burial ground without the consent in writing of the local authority of the district in which the proposed place of burial is situate.

Penalty : Five pounds.

Penalty for burying the dead in place other than a cemetery, &c.
Ib., s. 112.

114 No new cemetery or burial ground shall be laid out or used for the burial of the dead without the approval of the Director and of the local authority.

New cemeteries to be approved.
Ib., s. 113.

115—(1) If it shall appear to any local authority that any existing cemetery or burial ground is from its position or condition injurious to the public health, such local authority may, with the approval of the Director, give notice to the trustees or other persons in whom such cemetery or burial ground is vested, or having charge of the same, that such cemetery or burial ground shall, on a day to be named in such notice, being not less than six months from the date of such notice, be closed.

Local authority may order cemetery or burial ground to be closed.
Ib., s. 114.

(2) Any twenty ratepayers residing within a radius of half a mile of any cemetery or burial ground outside of any city, and any forty ratepayers residing within a radius of a quarter of a mile of any cemetery or burial ground within any city, may petition the local authority that such cemetery or burial ground may be closed on the ground that it is injurious to the public health; and such local authority, if satisfied that such cemetery or burial ground is injurious to the public health, may give notice to the trustees or other persons in whom such cemetery or burial ground is vested, or having charge of the same, that such cemetery or burial ground shall, on a day to be named in such notice, being not less than six months from the date of such notice, be closed.

(3) If after having received any such petition as aforesaid the local authority neglects or refuses without sufficient cause to order any such cemetery or burial ground to be closed, the Director may, upon receipt of a like petition, and, if satisfied that such cemetery or burial ground is injurious to the public health, order such cemetery or burial ground to be closed, in the same manner as such local authority is hereby empowered to close such cemetery or burial ground.

(4) In any case in which there is an exclusive right of interment in any vault or inclosure in any cemetery or burial ground, the Director, on application being made to him, may grant permission for the exercise of such right after such cemetery or burial ground has been closed as aforesaid during such time, and subject to such conditions and restrictions, as he may think fit.

116 It shall not be lawful to bury, or permit or suffer to be buried, any further corpses or coffins otherwise than as hereinbefore provided in any cemetery or burial ground ordered to be closed in pursuance of this Act, after the day on which the same shall have been ordered to be closed.

Penalty for burying corpse in closed cemetery, &c.
Ib., s. 115.

Penalty: Not less than five pounds nor more than fifty pounds.

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Local authority to regulate depth of grave.

Ib., s. 116.

117 Every local authority is hereby empowered, and shall, if the Director recommends, make such by-laws as it shall think necessary and proper for directing the depths of the graves, the construction of coffins to be admitted into vaults, and the covering of vaults so as to prevent the escape of any noxious exhalation or evaporation, in any burial ground not being a cemetery under the *Cemeteries Act 1865*.

PART XII.
DWELLING-HOUSES.

Houses unfit for habitation.

Ib., s. 157.

118—(1) Upon the certificate of the Director, or of a municipal health officer, or of any two duly qualified medical practitioners, that any house or building within its jurisdiction is unfit or unsafe for human occupation or habitation, the local authority by order in writing may declare such house or building or any specified portion thereof unfit or unsafe, as the case may be, to be occupied or inhabited by any person, and may forbid any person to occupy or inhabit the same after a date specified in such order.

(2) In every case where the Director so recommends, the local authority shall make such order.

(3) The local authority shall cause a duplicate of every order so made to be affixed to some conspicuous part of the building affected thereby before the date specified therein as aforesaid.

(4) If within ninety days after the date specified as aforesaid such house or building, or such portion thereof as aforesaid, as the case may be, has not been again rendered fit or safe, as the case may be, for occupation or habitation to the satisfaction of the health officer of such local authority as certified by him in writing, such local authority may cause such house or building to be pulled down or demolished, and may recover from the owner thereof all costs and expenses incurred therein.

(5) Any person who, at any time after the date specified as aforesaid in any such order and before the house or building, or part thereof, as the case may be, thereby affected is certified as aforesaid to be again fit for occupation or habitation, shall let or occupy, or knowingly suffer to be occupied, such house, building, or part, as the case may be, shall be liable to a daily penalty not exceeding five pounds and not less than ten shillings.

(6) For the purposes of this section a house or building may be declared to be unfit or unsafe for habitation or occupation in any one or more of the following cases, namely, when in respect thereof—

- i. A suitable water supply is not provided :
- ii. A satisfactory privy accommodation is not provided :
- iii. The drainage is so defective as to allow the admission of drain or sewer gas to any room therein :
- iv. Any room is so deficient of natural light that a newspaper cannot be read in any part of the room at mid-day :

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- v. The roof is not watertight :
 vi. The walls are pervious to water :
 vii. The floors are not ventilated and allow dampness to penetrate into any room :
 viii. When, through neglect to instal damp-proof courses, moisture from the ground rises through the walls to the inside of any room :
 ix. When the floor, internal walls, and ceilings are so foul or dirty, or the surface thereof is broken to such an extent as to prevent the effective cleansing thereof :
 x. When any room is so lacking in ventilation appliances as to create an offensive odour or foul atmosphere :
 xi. When any part thereof is by reason of disrepair or dilapidation in such a condition as to be unsafe for habitation.

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119 Upon the certificate of the Director or of a municipal health officer, or of any two medical practitioners, that any house or building, or any part thereof, is so overcrowded as to be dangerous or prejudicial to the health of the inmates or inhabitants or persons employed therein the local authority shall cause complaint to be made against the person permitting such overcrowding; and the court hearing such complaint shall thereupon make such order as it may think fit to abate such overcrowding; and the person permitting such overcrowding shall be liable to a penalty of five pounds.

Overcrowding in houses.

Ib., s. 158.

120—(1) It shall not be lawful to let or occupy, or suffer to be occupied, separately as a dwelling, any cellar, vault, or underground room.

Prohibition of occupying cellar dwellings.

(2) No person shall let, occupy, or knowingly suffer to be occupied for hire or rent any cellar, vault, or underground room after notice in writing from the local authority in this behalf.

Ib., ss. 159-161.

Penalty.

Daily penalty : One pound.

(3) Any cellar, vault, or underground room in which any person passes the night shall be deemed to be occupied as a dwelling within the meaning of this Part.

Definition.

121 Where two convictions, whether of the same person or not, against the provisions of this Part relating to the occupation of a cellar, vault, or underground room as a dwelling have taken place with respect to the same cellar, vault, or underground room, within three months, a court of petty sessions may direct the closing of the premises so occupied for such period as it may deem necessary; or may empower the local authority permanently to close the same.

Power to close cellars in case of two convictions.

Ib., s. 162.

122—(1) No dwelling-house shall be built within the limits of any city or town unless the same shall have access to a public street by direct frontage thereon of not less than twenty feet or by a right-of-way, lane, or passage not less than twenty feet in width at its narrowest part, and which is not the sole or principal means of access to any other dwelling-house.

Dwellings not to be built in certain cases.

Ib., s. 163.

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Buildings not
to be converted
into dwellings
without consent.Removal of
buildings.

(2) If any dwelling-house at any time shall cease to have such access to a public street as is prescribed by subsection (1) hereof, the same shall not be further inhabited, and any person who inhabits, or permits to be inhabited, any dwelling-house in contravention of this provision shall incur a daily penalty of five pounds.

(3) No house, not originally built as and for a dwelling-house, shall be converted into or used as a dwelling-house without the previous consent of the local authority, who may grant such consent upon and subject to such conditions as they may think fit, or may refuse the same.

(4) Upon a conviction for an offence against this section, the court may, in addition to imposing a penalty therefor, order that the house, in respect whereof such offence was committed, shall be removed by the owner thereof; or, in default of removal by him, by the local authority at his expense.

PART XIII.

NEW STREETS AND BUILDINGS.

Power to make
by-laws.
Ib., s. 164.

123—(1) Every local authority may make by-laws with respect to—

- i. The level, width, and construction of new streets, and the provisions for the sewerage thereof:
- ii. The structure of walls, foundations, roofs, and chimneys of new buildings, for securing stability, and the prevention of fires, and for purposes of health:
- iii. The sufficiency of the space about buildings to secure free circulation of air, and with respect to the ventilation of buildings: and
- iv. The drainage of buildings and to bathrooms, baths, water-closets, earth-closets, privies, ashpits, and cesspools in connection with buildings, and to the closing of buildings or parts of buildings unfit for human habitation, and to prohibition of their use for such habitation.

(2) Such local authority may further provide for the observance of such by-laws by enacting therein such provisions as they think necessary as to the giving of notices, as to the deposit of plans and sections by persons intending to lay out streets or to construct or erect buildings, as to the inspection of any such works, and as to the power of the local authority, subject to the provisions of this Act, to remove, alter, or pull down any work begun or done in contravention of such by-laws.

Commencement
of work and
removal of work
in certain cases.
Ib., s. 165.

124—(1) Where a notice, plan, or description of any work is required by any by-law made by any local authority to be laid before such authority, the local authority shall, within one month after the same has been delivered or sent to their surveyor or secretary, signify in writing their approval or disapproval of the intended work to the

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person proposing to execute the same; and, if the work is commenced after such notice of disapproval or before the expiration of such month without such approval, and is in any respect not in conformity with any by-law of the local authority, such authority may cause so much of the work as has been executed to be pulled down or removed. A.D. 1935.

(2) Where a local authority incurs expenses in or about the removal of any work executed contrary to any by-law, such authority may recover the amount of such expenses either from the person executing the works removed or from the person causing the works to be executed, at their discretion.

(3) Where a local authority may, under this section, pull down or remove any work begun or executed in contravention of any by-law, or where the beginning or the execution of the work is an offence in respect whereof the offender is liable in respect of any by-law to a penalty, the existence of the work during its continuance in such a form and state as to be in contravention of the by-law shall be deemed to be a continuing offence, but a penalty shall not be incurred in respect thereof after the expiration of one year from the day when the offence was committed or the by-law was broken.

125 For the purposes of this Act, the re-erecting of any building pulled down to or below the ground floor, or of any frame building of which only the framework is left down to the ground floor, or the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only, shall be considered the erection of a new building. What to be deemed a new building. *Ib.*, s. 166.

PART XIV.

LEGAL PROCEEDINGS.

126—(1) Where complaint is made to the Director, either by an officer of the Department or any ratepayer of the district of the local authority whose default is the subject of such complaint, that a local authority has made default in enforcing or carrying out or complying with any provisions of this Act, or of any recommendation, requirement, or order of the Director which it is the local authority's duty to enforce, carry out, or comply with, the Director, if satisfied after due inquiry that such local authority has been guilty of the alleged default, shall make an order limiting a time for the performance of the duty of a local authority in the matter of such complaint. Procedure on default of local authority. 8 Ed. VII. No. 57, s. 22.

(2) If such duty is not performed within the time limited in such order, the performance of such duty may be enforced by writ of *mandamus*, or the Director may appoint some person to perform such duty, and shall order that the expenses of performing the same, together with a reasonable remuneration to the person appointed for superintend-

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ing such performance and amounting to a sum specified in the order, together with the costs of the proceedings, be paid out of its municipal fund by the local authority in default.

(3) Any order made for the payment of such expenses and costs may be removed into the Supreme Court and be enforced in the same manner as if the same were an order of such court.

(4) Any person appointed under this section to perform the duty of a defaulting local authority shall, in the performance and for the purposes of such duty, be invested with all the powers of such local authority.

(5) Any report of an officer of the Department of Public Health may be deemed to be a complaint within the meaning of this section.

Penalty for
obstruction.
3 Ed. VII. No.
37, s. 168.

127 If in the performance of any duty imposed on him by this Act the owner of any premises is in any way obstructed or hindered by the occupier, or the occupier by the owner, the one who obstructs or hinders the other shall be liable to a daily penalty of five pounds.

Name of owner
or occupier to be
disclosed.
Ib., s. 169.

128 If, when requested by the Director or any health officer or municipal health officer so to do—

- i. The owner of any premises makes default in truly and fully disclosing the name of the occupier : or
- ii. The occupier makes default in truly and fully disclosing the name of the owner—

the person so making default shall be liable to a penalty of five pounds.

Obstruction of
Director or other
officers an offence.
Ib., ss. 170-171.
Offences.

129—(1) A person commits an offence against this Act if in any way, directly or indirectly, he obstructs or hinders the Director or any health officer, or any inspector or other officer of a local authority, in the exercise of any of his functions, powers, or duties under this Act.

(2) A person commits an offence against this Act if he fails to do any act directed to be done, or does any act forbidden to be done, by this Act, or by any proclamation, regulation, by-law, notice, or order under this Act.

General penalty.

(3) If any person commits an offence against this Act for which no penalty is elsewhere by this Act provided, he shall be liable to a penalty of five pounds, and in the case of a continuing offence to a daily penalty of five pounds.

Recovery of
expenses.
Ib., s. 172.

130—(1) All expenses incurred by the Director on behalf of a local authority, or for which a local authority is liable under this Act, shall be recoverable as a debt due to the Crown.

(2) Without affecting any other mode of recovering such expenses they may, on the warrant of the Minister, be deducted and retained out of any moneys at any time payable by the Government to the local authority in respect of subsidy, or otherwise howsoever.

(3) All expenses incurred by or on behalf of the Director in connection with the disinfection or destruction of any goods in

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consequence of the presence of infectious disease on any ship, or the replacing of any goods so destroyed shall be borne by the owners of the ship, and may be recovered as a debt due to the Crown.

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(4) Where by this Act any work is authorised or directed to be done at the expense of any person, or the owner or occupier of any premises is made liable for the expenses of doing any work, all such expenses shall be recoverable by action in any court of competent jurisdiction or upon complaint under the *Justices Procedure Act 1919*.

10 Geo.V. No. 55.

131—(1) Where any notice, order, or requisition is required to be given under this Act to any owner or occupier :—

Requisitions to owners or occupiers—form, service, proof, and validity.

Ib., ss. 175 and 179.

- i. The notice, order, or requisition shall be in the prescribed form ; or, if no form or no sufficient form is prescribed, then in such form as the officer by whom it is issued thinks fit ; and every notice, order, or requisition requiring authentication by any local authority, shall be sufficiently authenticated if signed by the secretary of such local authority, without the common seal of such local authority :
- ii. A notice, order, or requisition to the owner of any premises may be served :
 - (a) By delivering the same to the owner or occupier, as the case may be, personally, or at his place of business or abode, if any, in the district, to any person appearing to be employed therein, or an inmate thereof : or
 - (b) By posting the same in a registered letter, addressed to the owner or occupier, as the case may be, at his last known place of business or abode, if any, in the district, or at the premises to which the notice, order, or requisition relates :
- iii. It shall be sufficient if the owner or occupier is described by his usual name or style, or, in the case of a firm, by the usual name or style of the firm :
- iv. If there are more owners or occupiers respectively than one, it shall be sufficient if the notice, order, or requisition is served on any one of them and the name of any one of them is specified, with the addition of the words “and others” :
- v. Non-service on the owner shall not affect the validity of service on the occupier, and non-service on the occupier shall not affect the validity of service on the owner :
- vi. If the name of the owner or occupier is not known, it shall be sufficient if he is described generally as “owner” or “occupier” of the premises to which the notice, order, or requisition relates :
- vii. In all proceedings against the owner or occupier in which the notice, order, or requisition has to be proved, the defendant shall be deemed to have received notice to produce it ; and,

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until the contrary is shown, the notice, order, or requisition and its due service may be sufficiently proved by or on behalf of the plaintiff or complainant by the production of what purports to be a copy, bearing what purports to be a certificate under the hand of the officer authorised to issue the original that the copy is a true copy of the original, and that the original was served on the date specified in the certificate :

VIII. The validity of the notice, order, or requisition, or of the service thereof, shall not be affected by any error, misdescription, or irregularity which is not calculated to mislead, or which, in fact, does not mislead.

(2) All notices or orders required under this Act to be served on any owner or occupier shall, if due service thereof has been once made on any owner or occupier, be binding on all persons claiming by, from, or under such owner or occupier to the same extent as if such order or notice had been served on such lastmentioned persons respectively.

Liability of owner and occupier under requisition or order.

Ib., s. 176.

132—(1) In every case where, under this Act, or any requisition or justices' order under this Act, the owner and occupier of any house, building, land, or other premises are—

- I. Jointly and severally liable to carry out any work :
- II. Are severally liable to a penalty for any default in connection with any such work : or
- III. Are jointly and severally liable for any expenses incurred by or on behalf of the Department, or any local authority, in connection with any such work—

their rights and obligations, as between one another, shall be subject to the provisions set forth in subsection (2) hereof.

Payment for works.

(2) In any such case—

- I. The owner who does or pays for the work, or pays the penalty or expenses, shall be entitled to recover from the occupier as a debt the cost of the work so done or the amount so paid, if he satisfies the court in which he seeks to recover the debt that the work was rendered necessary through no fault of his own, or if any person for whose acts or defaults he was responsible, but solely through the fault of the occupier or some person for whose acts or defaults the occupier was responsible :
- II. The occupier who does or pays for the work, or pays the penalty or expenses, shall be entitled to recover from the owner as a debt the cost of the work so done or the amount so paid, if he satisfies the court in which he seeks to recover the debt that the work was rendered necessary through no fault of his own, or of any person for whose acts or defaults he was responsible, but solely through the fault of the owner or some person for whose acts or defaults the owner was responsible :

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- iii. The amount of the debt recoverable as aforesaid by the occupier may be set off against rent due or to accrue due by him to the owner : A.D. 1935.
- iv. In determining the rights and obligations of the owner and occupier under this section, regard shall be had to the conditions or covenants of any written instrument.
Provided that any condition or covenant to indemnify the owner against his obligation under this section shall be void :
- v. Except as provided by paragraph iv. hereof, the rights and obligations of the owner and occupier under this section shall not be affected by any agreement between the parties.

133—(1) Where by this Act any expenses are declared to be a charge on any land— Provisions as to charge on land or premises.

- i. If any question or dispute arises as to the fact or amount of the charge, or as to the land subject thereto, or as to the persons liable to pay the same, the question shall be determined by a court of petty sessions, whose decision shall be final : Ib., s. 178.
- ii. Subject to any order of such court as aforesaid, a certificate under the hand of the Director, or of the clerk to the local authority, shall be sufficient evidence of the amount of the charge, the land subject to the charge, and the persons liable to pay the charge :
- iii. Such certificate, or a certificate of the order, if any, of such court under the hand of the justices, may be registered against the land affected thereby :
- iv. The charge shall be enforced and may be discharged in such manner as may be prescribed.

134—(1) Where any nuisance under this Act appears to be wholly or partially caused by the acts or defaults of two or more persons, it shall be lawful for the local authority within whose district such nuisance is caused, or for any other complainant, to institute proceedings against any one of such persons, or to include all or any two or more of such persons in one proceeding ; and any one or more of such persons may be ordered to abate such nuisance so far as the same appears to the court having cognizance of the case to be caused by his or their acts or defaults, or may be prohibited from continuing any acts or defaults which in the opinion of such court contribute to such nuisance, or may be fined or otherwise punished, notwithstanding that the acts or defaults of any one of such persons would not separately have caused a nuisance ; and the costs may be distributed as to such court may appear fair and reasonable. Proceedings where nuisance is caused by two or more persons.
Ib., s. 180.

(2) Proceedings against several persons included in one complaint shall not abate by reason of the death of any among the persons so included, but all such proceedings may be carried on as if the deceased person had not been originally so included.

(3) Whenever in any proceeding under the provisions of this Act, whether written or otherwise, it becomes necessary to mention or refer

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A.D. 1935. — to the owner or occupier of any premises, it shall be sufficient to designate him as the "owner" or "occupier" of such premises without name or further description.

Appropriation. Expenses. **135**—(1) All fees and expenses received by the Department under this Act shall be paid into the Consolidated Revenue.

Ib., s. 174. (2) Any expenses incurred by the Department in the administration of this Act shall be defrayed out of moneys to be appropriated by Parliament for the purpose.

Protection of sanitary authority and their officers from personal liability. **136** No matter or thing done, and no contract entered into by any local authority, and no matter or thing done by any member of such authority, or by any officer of any such authority, or other person whomsoever acting under the direction of any such authority, shall, i.

Ib., s. 186. the matter or thing were done, or the contract were entered into in good faith for the purpose of executing this Act, subject them or any of them personally to any action, liability, claim, or demand whatsoever; and any expense incurred by any such authority, member, officer, or other person acting as last aforesaid, shall be borne and paid out of the fund or rate applicable by such authority to the general purposes of this Act.

THE FIRST SCHEDULE.

REPEAL.

Section 2.

Regnal Year and Number of Act.	Title of Act.
42 Vict. No. 36	<i>The Contagious Diseases Act 1879</i>
43 Vict. No. 5	<i>The Contagious Diseases Act (No. 2) 1879</i>
45 Vict. No. 23	<i>The Contagious Diseases Act 1881</i>
46 Vict. No. 41	<i>The Contagious Diseases Act 1882</i>
48 Vict. No. 37	<i>The Public Health (Hobart) Act</i>
3 Ed. VII. No. 37	<i>The Public Health Act 1903</i>
8 Ed. VII. No. 16	<i>The Public Health Amendment Act 1908</i>
9 Ed. VII. No. 28	<i>The Public Health Amendment Act 1909</i>
1 Geo. V. No. 56	<i>The Public Health Amendment Act 1910</i>
7 Geo. V. No. 64	<i>The Public Health Act 1917</i>
8 Geo. V. No. 57	<i>The Public Health Amendment Act 1917</i>
9 Geo. V. No. 9	<i>The Public Health Act 1918</i>
9 Geo. V. No. 36	<i>The Public Health Act (No. 2) 1918</i>
11 Geo. V. No. 59	<i>The Director of Public Health Act 1920</i>
16 Geo. V. No. 59	<i>The Director of Public Health Act 1925</i>
20 Geo. V. No. 39	<i>The Public Health Act 1929</i>

*Public Health.***THE SECOND SCHEDULE.**

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OFFENSIVE TRADES.

Section 3.

Blood or offal boiling or treating.
 Bone boiling or crushing.
 Candle-making (where tallow is rendered on the premises).
 Chemical or acid making.
 Copper or lead smelting.
 Fat-extracting.
 Fat-melting.
 Fellmongering.
 Flock-making.
 Glue-making.
 Gut-scraping.
 Gut-spinning.
 Manure-manufacturing.
 Rag-dealing.
 Skin-storing.
 Slaughtering.
 Soap-boiling.
 Soup-drying.
 Spray-painting.
 Swine-keeping.
 Tallow-melting (where refined tallow is not used).
 Tanning.
 Tin-smelting.
 Trade of a knacker.
 Wool-scouring (excepting thereout wool-scouring carried on at
 woollen-mills where wool is manufactured into material).
 Zinc-smelting.

THE THIRD SCHEDULE.**FORM I.**

Section 27.

*The Public Health Act 1935.***MEDICAL ATTENDANT'S NOTICE OF ACTUAL OR
SUSPECTED INFECTIOUS DISEASE.**

Pursuant to section thirty-one of the abovementioned Act, I hereby
 give the following notice of actual or suspected infectious diseases:—

Name:
 Age:
 Address:
 Local Authority:
 Sex:
 Disease:
 Occupation:
 Duration of illness:
 Observations and remarks:

Dated at _____, this _____ day of _____,
 19 _____ Medical Practitioner.

To the Director of Public Health
 and to the Secretary of the Local Authority.

WALTER E. SHIMMINS,
 GOVERNMENT PRINTER, TASMANIA.

