

TASMANIA.



1937.

ANNO PRIMO
 GEORGII VI. REGIS.

No. 72.

ANALYSIS.

1. Short title.
2. Amendment of 26 Geo. V No. 43.
 - Section 10.
 - New section 90.
 - Restriction on erection and use of stables, &c.
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AN ACT to amend the *Public Health Act 1935*.
 [20 December, 1937.]

A.D.
 1937.
 —

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 1937*. Short title.

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Amendment
of 26 Geo.
V. No. 43.
Section 10.**2** The Principal Act is hereby amended—

I. As to section ten thereof—

- (a) By inserting “(1)” at the commencement: and
- (b) By adding thereto the following new subsections (2) and (3)—

“(2) No person shall be appointed as an inspector under this Act unless he holds a certificate of competency approved by the Director, or has previously held a position as inspector under this Act. Provided that the Director may, in any case in which he thinks fit, dispense with the requirements of this provision.

“(3) No local authority shall remove an inspector under the provisions of this section without the approval in writing of the Director; and in any case in which an inspector is so removed the local authority shall, if required by the Director, appoint another in his place.”:

II. By substituting for repealed section ninety thereof the following new section namely—

“**90**—(1) In any city or town, no—

- i. Stable or cowshed shall be erected:
- ii. Building shall be converted for use as a stable or cowshed: and
- iii. Building which was not so used prior to the commencement of this Act shall be used as a stable or cowshed—

if the same is within thirty feet of any dwelling-house, school, workroom, or factory, or within twenty feet of any adjoining property or street.

“(2) No person shall use, for the keeping of any horse, ox, sheep, pig, dog, or poultry, any building or premises if, in the opinion of the Director or a municipal health officer, the condition or situation of such building or premises is such as to render such use prejudicial to health

New section
90.Restriction
on erection
and use of
stables, &c.

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“(3) The Director or any municipal health officer may, by notice in writing, require any person to discontinue the use as aforesaid of any such building or premises from a date to be specified in such notice, and no person shall fail to comply with such notice while the same remains in force. A.D. 1937.

Penalty : Twenty pounds. ” :

III. By deleting the words “ subject to the provisions of section ninety-two ” in the first line of section ninety-three thereof : Section 93.

IV. By substituting for the words “ the grazing ground or ” in the first line of the ninth paragraph of section one hundred and eight thereof the words “ any dairy premises or any part thereof and the ” ; and by inserting the numerals i. to xxviii. respectively before the several paragraphs into which the section is divided : Section 103.

V. By inserting at the end thereof the following new section one hundred and thirty-seven— N w section 137.

“ 137—(1) Subject to subsection (9) hereof any local authority, after passing a special resolution for that purpose, may enter into an agreement with the Minister for the carrying out by the Department, subject to this section, of the functions and duties of such local authority under this Act. Performance of local authority : functions by Department.

“(2) The Minister is hereby authorised to enter into such agreement for such period and upon such terms and conditions as the Governor may approve.

“(3) While any such agreement is in force the local authority shall make, levy, and collect, in accordance with the provisions of the *Local Government Act 1906*, a health rate of such amount annually as may be specified in such agreement and shall pay to the Treasurer the whole of the proceeds of such rate, together with such further amount, if any, as may be specified in the agreement.

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“(4) During the continuance of the agreement the local authority, except as aforesaid, shall be relieved of all its functions, duties, and obligations under this Act and the same shall be performed, carried out, and discharged by the Director, and the cost thereof shall be deemed to be expenses incurred by the Department in the administration of this Act.

“(5) The local authority making any such agreement may lawfully pay to the Treasurer in pursuance thereof any moneys, in addition to the proceeds of its health rate, which it might lawfully have applied to health services if such agreement had not been made.

“(6) If in any year the local authority shall fail or neglect to make, levy, or collect the health rate as provided by its agreement, the Minister, by notice in the Gazette, may impose a rate of the amount specified in the agreement, and the same shall thereupon be payable and paid by the same persons, in the same manner and at the same time, as if such rate had been made and levied by the local authority.

“(7) The Minister may cause any rate imposed by him as aforesaid to be collected and the expenses incurred in such collection shall be paid by the local authority to the Treasurer and may be recovered by the Minister from the local authority in any court of competent jurisdiction as a debt due to His Majesty.

“(8) Subject to the provisions of this section, where by this Act any power, authority, or obligation is conferred or imposed on a local authority, the same shall during the subsistence of any agreement under this section, be deemed to be conferred or imposed upon, and shall be exercised or discharged by, the Director, and the foregoing provisions of this Act shall be read and construed accordingly.

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“(9) No local authority shall enter into an agreement authorised by this section— A.D. 1937.

- i. Unless within the municipality of such local authority there is stationed a medical officer of health appointed by the Governor and remunerated by the State for free medical services to specified classes of persons in such municipality: or
- ii. If any such agreement is in force in each of ten other municipalities.

“(10) This section shall expire on the twenty-eighth day of February, one thousand nine hundred and forty-two.”

3 This Act shall expire on the date of the gazettal of a proclamation made under section eight of the *Statute Law Revision Act 1934*, effecting in the Principal Act, as from the date of such gazettal, the amendments made by this Act with such alterations, if any, as may be required to adapt the same for incorporation in the reprint of the Principal Act.

Date of
expiry.

