

TASMANIA.

THE PUBLIC HEALTH ACT, 1929.

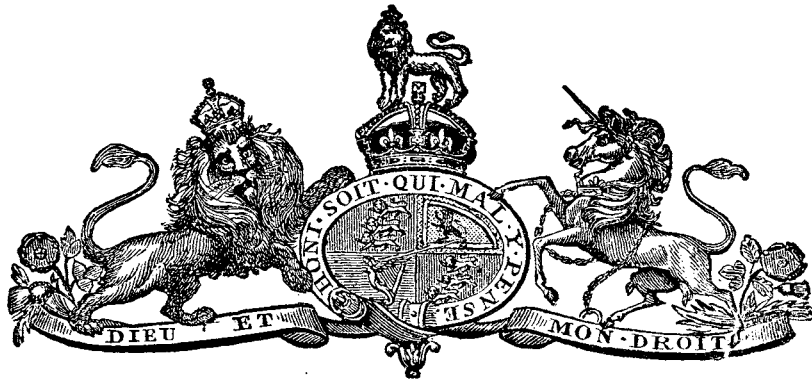
ANALYSIS.

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| <p>1. Short title.</p> <p>2. Amendment of 3 Ed. VII. No. 37.</p> <p style="padding-left: 20px;">Section 2.</p> <p style="padding-left: 20px;">Section 31.</p> <p style="padding-left: 20px;">Section 33.</p> <p style="padding-left: 20px;">Section 37.</p> <p style="padding-left: 20px;">Section 41.</p> <p style="padding-left: 20px;">Section 41a.</p> <p style="padding-left: 20px;">Section 52.</p> <p style="padding-left: 20px;">New Section 52a.</p> <p style="padding-left: 40px;">Provision of privies in certain cases.</p> <p style="padding-left: 20px;">Section 66.</p> <p style="padding-left: 20px;">Repeal of Section 86, and substitution of new section.</p> <p style="padding-left: 40px;">Keeping of swine.</p> <p style="padding-left: 20px;">Section 87.</p> <p style="padding-left: 20px;">Repeal of Section 88, and substitution of new section.</p> <p style="padding-left: 40px;">Nuisances.</p> <p style="padding-left: 20px;">Section 91.</p> <p style="padding-left: 20px;">Repeal of Section 103, and substitution of new section</p> <p style="padding-left: 40px;">Regulations.</p> | <p>Section 107.</p> <p>Section 109.</p> <p>Repeal of Section 157 and substitution of new section.</p> <p style="padding-left: 20px;">Houses unfit for habitation.</p> <p>Repeal of Section 163 and substitution of new section.</p> <p style="padding-left: 20px;">Dwellings not to be built in certain cases.</p> <p style="padding-left: 20px;">Buildings not to be converted into dwellings without consent.</p> <p style="padding-left: 20px;">Removal of buildings.</p> <p>Section 164.</p> <p>New Section 187.</p> <p style="padding-left: 20px;">Act to apply to Crown properties.</p> <p style="padding-left: 20px;">Schedule (3).</p> <p>3. Amendment of 8 Ed. VII. No. 16.</p> <p style="padding-left: 20px;">Section 11.</p> <p style="padding-left: 40px;">Plans, &c., to be approved.</p> <p style="padding-left: 40px;">Penalty.</p> <p style="padding-left: 40px;">Removal of bacteriolytic tanks.</p> <p style="padding-left: 40px;">Tanks to be approved before use.</p> <p style="padding-left: 40px;">Penalty.</p> <p>Section 12.</p> |
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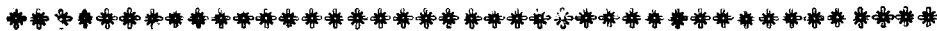


1929.

ANNO VICESIMO

GEORGII V. REGIS.

No. 39.



AN ACT to amend the Public Health Act, 1903 [16 December, 1929.]

A.D. 1929.

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, 1929." Short title.

2 The Public Health Act, 1903, is hereby amended, as follows, Section 2. that is to say :—

Amendment of 3 Ed. VII. No. 87.

I. By expunging from Section Two thereof the definitions of "Dangerous infectious disease," "Infectious disease," "Minister," and "Prescribed" respectively, and by inserting therein—

(a) After the definition of "Cesspool" the following :— "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 :

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(b) After the definition of "Department," the following:—

" 'Director' means the Director of Public Health ":

(c) After the definition of "House," the following:—

"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:

(d) After the definition of "Medical Practitioner," the following:—

" Nightsoil " includes all human fæces and urine, whether mixed with earth or other matter or not " :

(e) After the definition of "Offensive trade," the following:—

" '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 :

' 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 :

' 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 " :

(f) After the definition of "Offensive trade," the following:—

" 'Premises' means premises as defined by the Local Government Act, 1906 " :

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- g* After the definition of "Secretary to the Local Authority," the following—
- " 'Stable' includes any shed or building used for the housing or shelter of horses or cattle ":
- II. By inserting after the word "who," in the first line of paragraph III. of Section Thirty-one thereof, the words "examines or"; and by inserting after the word "practitioner" in the seventh line of that paragraph the words "(not being a paid medical officer of a public hospital)":
- III. By inserting after Paragraph IV. of Section Thirty-three thereof the following new Paragraph v.—
- " v. Provide such means as may be prescribed for effecting the immunization of persons from any infectious or other disease ":
- IV. By inserting the figure (1) before the word "every" in the first line of Section Thirty-seven thereof and adding at the end of that section the following new Subsection (2)—
- "(2) The provisions of Subsection (1) hereof shall not apply in respect of tuberculosis (in any form), malaria, filariasis, or anthrax ":
- V. By deleting the words "or the local health officer" in the first and second lines of Section Forty-one thereof:
- VI. By inserting at the beginning of the last line of Subsection (1) of Section **41a** thereof, in the definition of venereal disease (inserted by the Public Health Act, 1917) the words "ophthalmia neonatorum ":
- VII. By deleting the words "to the satisfaction of an inspector," in the first and second lines of Paragraph I. of Section Fifty-two thereof, and substituting therefor the words "as prescribed ":
- VIII. By inserting after Section Fifty-two thereof the following new Section **52a** :—
- "**52a**— (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 ":
- IX. By inserting after the word "authority," in the third line of Paragraph I. of Section Sixty-six thereof the words "or any water supply used for domestic purposes ":

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Section 31.

Section 33.

Section 37.

Section 41.

Section 41a.

Section 52.

New Section
52a.Provision of
privies in
certain cases.

Section 66.

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Repeal of
Section 86 and
substitution of
new section. Keeping of
swine.

X. By repealing Section Eighty-six thereof and Section Seven of the Public Health Amendment Act, 1908, and substituting the following new Section Eighty-six :—

“ **86**—(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.

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(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 ” :

XI. By inserting after the word “ factory ” in the second line of Section Eighty-seven thereof the words “ nor within twenty feet of the boundary of any adjoining property ” :

XII. By repealing Section Eighty-eight thereof, and substituting therefor the following new Section Eighty-eight :—

“ **88** A nuisance shall be deemed to have been created in respect of any premises in any of the following cases—

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 :

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Section 87.

Repeal of Section 88, and substitution of new section.

Nuisances.

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- 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
- 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 ” :

Section 91.

XIII. By inserting after Paragraph v. of Section Ninety-one thereof, the following new Paragraph vi :—

“ vi. 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 ” :

Repeal of
Section 103,
and substitu-
tion of new
section.

Regulations.

XIV. By repealing Section One hundred and three thereof, and substituting therefor the following new Section One hundred and three:—

“ **103** The Governor may from time to time make regulations for any of the purposes of this part, and in particular for prescribing—

- 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 :
- v. Any other matters or things that may be thought necessary or desirable for giving effect to the provisions of this part ” :

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XV. By making in Section One hundred and seven thereof the following alterations and additions, namely—

- (a) Inserting therein, after the word “inspection” in the forty-third line thereof the words “examination and isolation”; and
- (b) Inserting at the end thereof the additional paragraphs as under:—

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 on any public vehicle, and for the cleansing of public vehicles.

Providing for the disinfection of second-hand mattresses, bedding, and clothing offered for sale in public auction marts and prohibiting any such sale without disinfection:

XVI. By making in Section One hundred and nine thereof the following alterations and additions, namely—

- (a) Inserting the figure “(1)” before the word “No” in the first line thereof: and
- (b) Expunging therefrom all the words after the word “Act” in the fifth line thereof, and inserting in lieu thereof the following new Subsections (2), (3), (4), and (5):—

“(2) The Director may, from time to time, 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 Subsection (1) hereof shall be published in the Gazette.

(3) 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

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Section 107.

Section 109.

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6 Ed. VII.
No. 12.

of Section Forty-four of the Interpretation Act, 1906, 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.

(4) 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.

(5) 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-four of the Interpretation Act, 1906, applicable thereto”:

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No. 12.

Repeal of
Section 157
and substitution
of new
section.

Houses unfit
for habitation.

XVII. By repealing Section One hundred and fifty-seven thereof and substituting therefor the following new Section One hundred and fifty-seven:—

“**157**—(1) Upon the certificate of the Director, or of a 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

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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.

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(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 :
- 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” :

XVIII. By repealing Section One hundred and sixty-three thereof, and substituting therefor the following new Section One hundred and sixty-three :—

“(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

Repeal of
Section 163
and substitution of new
section.

Dwellings not
to be built in
certain cases.

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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.

(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”:

Buildings not to be converted into dwellings without consent.

Removal of buildings.

Section 164.

XIX. By inserting before the word “water-closets” in the first line of Paragraph iv. of Section One hundred and sixty-four thereof the words “bathrooms and baths,” and by inserting after the word “construct” in the nineteenth line of that section the words “or erect”:

New Section 187.

XX. By inserting after Section One hundred and eighty-six thereof the following new Section One hundred and eighty-seven—

“**187** 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 from all or any of such provisions”:

Act to apply to Crown properties.

Schedule (3).

XXI. By expunging Form No. 1 from Schedule (3) thereto, and substituting therefor the following new Form No. 1—

“Form No. 1.

Under the Public Health Act, 1903.

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 disease:—

Name.
Age.
Address
Local Authority.
Sex.
Disease.

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Occupation.
 Duration of illness.
 Observations and remarks.
 Dated at _____, this _____ day of _____
 19 . _____
 _____ Medical Practitioner.

A. D. 1929.

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

3 The Public Health Amendment Act, 1908, is hereby amended—

Amendment of
 8 Ed. VII
 No. 16.
 Section 11.

- 1.—(a) By deleting the word "may" from the first lines of Subsection (1) and (2) of Section Eleven thereof respectively, and substituting therefor in each case the word "shall";
- (b) By deleting from Subsection (3) of the same section the word "bacteriolytic" at the end of the first line thereof and substituting for the word "septic" in the next line the word "bacteriolytic";
- (c) By inserting after the said Subsection (3) the following new Subsections (4), (5), and (6)—

Plans, &c., to be approved.

"(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.

Penalty.

(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.

Removal of bacteriolytic tanks.

(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.

Tanks to be approved before use.

Penalty: Ten Pounds":

Penalty.

II. By inserting after Subsection (2) of Section Twelve thereof the following new Subsection (3)—

Section 12.

"(3) Without limiting the powers conferred by this section the Governor is hereby empowered to make regulations prescribing—

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- 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 :
- iii. What shall be deemed to be overcrowding in respect of dwelling-houses : and
- iv. Any other matters or things that may be required for giving effect to the purposes of this Act."