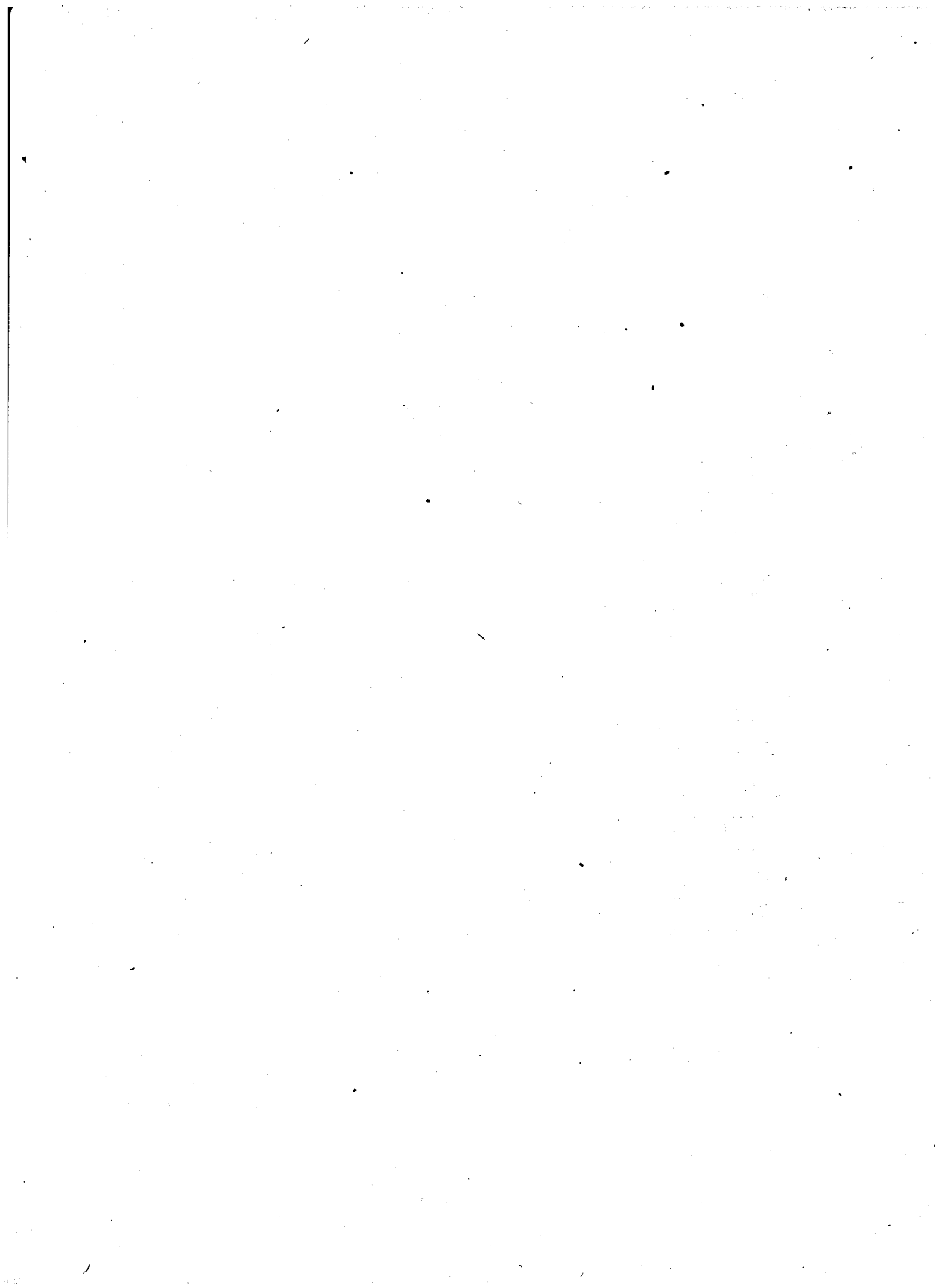


THE PUBLIC HEALTH AMENDMENT ACT, 1917.

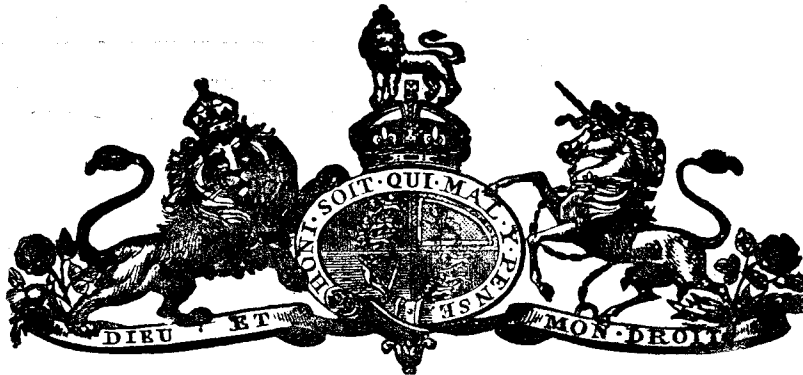
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10d.]



T A S M A N I A.



1917.

ANNO OCTAVO

GEORGII V. REGIS

No. 57.



AN ACT to amend "The Public Health Act, ^{A.D.} 1917,
1903," and for other purposes.

[22 December, 1917.]

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 Amendment Act, 1917," and shall be construed as one with "The Public Health Act, 1903" (in this Act referred to as "the Principal Act"), and any Act amending the Principal Act. Short title and incorporation. 3 Ed. VII. No. 37.

2—(1) Section Two of the Principal Act is hereby amended by omitting therefrom the definition "Offensive trade," and substituting therefor the following:—"Offensive trade" means and includes any of the trades, manufactures, or businesses specified or referred to in Schedule (1) to this Act, and any other trade, manufacture, or business declared by the Governor by proclamation to be offensive." Amendment of Section 2 of Principal Act. Cf. No. 34 of 1911. s. 150 (W.A.).

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(2) Schedule (1) to the Principal Act is hereby amended by omitting therefrom the last Two lines in such schedule commencing with the words "and any trade" and ending with the words "of the district."

Interpretation.
Cf. No. 2810 of
1915, s. 2 (44)
(Vic.).

3 After Section Seventeen of the Principal Act the Two following sections are inserted :—

"17a In the construction of this part, unless inconsistent with the context or subject-matter :—

"Carrier."

'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."

'Contact' means any person who within the previous Twenty-one days has been in contact with or in 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.

Ibid., s. 2 (3)
(Vic.).

"17b For the purposes of this Act a carrier shall be deemed to be suffering from an infectious disease."

Amendment of
Section 18 of
Principal Act.

4 Section Eighteen of the Principal Act is hereby amended—

- i. By omitting the word "dangerous" from the Second line of the section and from the Second line of Subdivision xi. :
- ii. As to Subdivision vi., by inserting after the word "medical" the words "or other" :
- iii. As to Subdivision ix., by inserting after the word "destruction" the words "or amendment" :
- iv. By inserting after Subdivision ix. the following Subdivision ix.a :—

"ix.a For the destruction of rats, and for the destruction of 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 :"

Cf. No. 2810 of
1915, s. 2 (1) (b)
(c) and (d) (Vic.).

- v. By inserting after paragraph xi. the following paragraphs :—

"xi.a Prescribing the conditions and circumstances under which carriers or contacts may be isolated or required to submit to such treatment as may be specified by an officer of the Department of Public Health, or by an officer of health of a local authority :

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x1.b Prescribing 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 : A.D. 1917.

x1.c Requiring carriers or contacts to report themselves and submit themselves to medical examination at such times and places as are specified by an officer of the Department of Public Health or by an officer of health of a local authority."

5 Section Twenty of the Principal Act is hereby amended by inserting the words "or any other Act, or under any by-law or regulation made under this Act or any other Act" at the end of Subdivision I., and also of Subdivision II. Amendment of Section 20 of Principal Act.

6 Section Twenty-three of the Principal Act is hereby amended— Amendment of Section 23 of Principal Act.

I. By inserting after the word "exercise," in the Third line thereof, the words "and delegate to any assistant health officer or inspector of the Department":

II. As to Subdivision III., by inserting after the word "insanitary" the words "or infected":

III. By omitting Subdivision IV., and substituting therefor the following:—

"IV. He may 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":

IV. As to Subdivision VIII., by inserting at the end thereof the words "and may enforce the return of any person who unlawfully leaves such district or place":

V. By inserting after Subdivision IX. the following Subdivision IX.a:—

"IX.a He may 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": Cf. No. 34, 1911, s. 205 (10) (W.A.)

VI. By inserting after Subdivision XI. the following subdivisions:—

"XI.a He may order owners and occupiers to destroy all rodents on their premises": Ibid., W.A., s. 205 (13).

"XI.b He may require the effectual cleansing of streets and public ways and places by those entrusted by law with the care and management thereof," Ibid., W.A., s. 205 (16).

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Chief Health
Officer may
delegate special
powers.

7 After Section Twenty-four of the Principal Act the following section is inserted :—

“**24a** The local authority shall, if requested by the Chief Health Officer, exercise all or any of the functions and powers which the Chief Health Officer is authorised to exercise under Section Twenty-three.”

Amendment of
Section 26 of
Principal Act.

8 Section Twenty-six of the Principal Act is hereby amended as follows :—

i. By omitting Subdivision i., and substituting therefor the following :—

“ i. Obstructs or hinders the Chief Health Officer or any assistant health officer, or inspector, or other officer of the department, or the local authority, or its officer of health or inspector, or other officer, in the execution of his or its functions and powers under this Act ; or ”:

ii. As to Subdivisions ii. and iii., by inserting therein, after the word “ officer,” wherever occurring, the words “ or the local authority.”

Amendment of
Section 28 of
Principal Act.

9 Section Twenty-eight of the Principal Act is hereby amended as follows :—

i. By inserting after the word “ inspector,” in the Second line thereof, the words “ and any officer of health or inspector of a local authority ” :

ii. As to Subdivision ii., by inserting after the words “ Do on ” the words “ or in,” and by inserting after the word “ officer ” the words “ or the local authority ” :

iii. As to Subdivision iii., by inserting after the word “ officer ” the words “ or the local authority.”

Amendment of
Section 30 of
Principal Act.

10 Section Thirty of the Principal Act is hereby amended by inserting at the end thereof the following subdivision :—

“ vi. All questions and disputes relating to claims for compensation shall, in the prescribed manner, be heard and determined by a police magistrate.”

Amendment of
Section 33 of
Principal Act.

11 Section Thirty-three of the Principal Act is hereby amended by inserting immediately after the word “ disinfected,” occurring in the Fourth line thereof, the words “ any premises in which any infectious disease has occurred, and also cause to be disinfected.”

Amendment of
Section 84 of
Principal Act.
See 49 Vict.
No. 8, s. 136.

12 Section Eighty-four of the Principal Act is hereby amended by inserting immediately after the word “ may,” occurring at the end of the Sixth line thereof, the following words :—“ from time to time, 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,

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drain, or make good the same in such manner and according to such levels and specifications as may be approved by the said local authority, and within a time to be named in such notice ; and if such notice is not complied with, the persons to whom such notice has been given shall each be liable to a penalty not exceeding Two Pounds for each day during which such notice is not complied with, and the said local authority may, if they think fit, subsequently to or in lieu of prosecuting for such non-compliance ”

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13 Section Eighty-seven of the Principal Act is hereby amended by omitting the words contained in the last Three lines thereof.

Amendment of Section 87 of Principal Act.

14 Section Eighty-eight of the Principal Act is hereby amended by inserting after the word “ is ” in Subsection III. the words “ or is likely to be ”

Amendment of Section 88 of Principal Act.

15 Section Eighty-nine of the Principal Act is hereby amended by inserting after the word “ order ” in line Two the words “ to prevent the outbreak of infectious disease or ”

Amendment of Section 89 of Principal Act.

16 Section Ninety of the Principal Act is hereby amended by omitting therefrom the proviso occurring at the end thereof, and also the remainder of the said section, with the exception of Subdivision IV. thereof.

Amendment of Section 90 of Principal Act.

17 Section Ninety-one of the Principal Act is hereby repealed, and the following substituted therefor :—

Repeal and re-enactment of Section 91 of Principal Act.

“ **91** Subject to the provisions of Section Eighty-nine of this Act, any nuisance may be dealt with in manner following ; that is to say :—

Mode of dealing with nuisances. W.A., 1911, No. 34, s. 148.

- 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 Chief Health Officer 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 Chief Health Officer, then the owner and occupier shall be severally liable to a penalty not exceeding Two Pounds for every day thereafter until the requisite work is done :
- 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.

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v. All such expenses shall be recoverable by the local authority from the owner and occupier by action in a court of competent jurisdiction or summarily before a police magistrate or any Two or more justices."

Repeal of Section 98 of Principal Act, and substitution of other sections.

Governor may define offensive trades areas. Cf. 3 Ed. VII. No. 37, s. 101 (Tas.).

Where area appointed for a district offensive trade not to be established except within such area.

Consent necessary for establishing offensive trade within a district for which no such area is appointed. Cf. No. 34 of 1911, s. 151 (W.A.).

Repeal of Section 101 of Principal Act, and substitution of other sections. Offensive trades to be registered. W.A., 1911, No. 34, s. 155.

18 Section Ninety-eight of the Principal Act is hereby repealed, and the following sections are hereby inserted in lieu thereof:—

"**98** The Governor may, upon the advice of the Chief Health Officer, from time to time 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 Chief Health Officer, and subject to regulations to be made by the Governor, be established or carried on."

"**98a** After the First day of January, One thousand nine hundred and eighteen, 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 after the passing of this Act), save and except within the part of such district (if any) included in such offensive trades area."

"**98b**—(1) After the First day of January, One thousand nine hundred and eighteen, 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 Chief Health Officer.

"(2) Any person aggrieved by the refusal or the granting of such consent by the local authority may appeal to the Chief Health Officer, who may affirm or reverse the decision of the local authority.

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

19 Section One hundred and one of the Principal Act is hereby repealed, and the following sections are hereby inserted in lieu thereof:—

"**101**—(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.

"(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) Every person contravening this section commits an offence against this Act.

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“**101a**—(1) The local authority may not refuse to register or to renew the registration of any building, premises, or place used for an offensive trade, unless the Chief Health Officer shall certify that such building, premises, or place constitutes a nuisance.

“(2) Any person aggrieved by such refusal, or, in case 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.”

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Local authority may refuse to renew registration.

Ibid., s. 156.

20 Section One hundred and six of the Principal Act is hereby amended by inserting the words “prevention and” immediately before the words “extinction of fire” wherever occurring in the said section.

Amendment of Section 106 of Principal Act.

21 Section One hundred and seven of the Principal Act is hereby amended by inserting the following paragraphs:—

Amendment of Section 107 of Principal Act

“The registration of and regulating 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”—

immediately before the following paragraph:—

“The position and manner of construction of water or earth closets or urinals.”

22 After Section One hundred and sixty-seven of the Principal Act the following section is inserted:—

Proceedings on complaints to Chief Health Officer of default of local authority. Sec. 342 of Act, 1915 (Vic.).

“**167a** Where complaint is made to the Chief Health Officer, either by an officer of the Department of Public Health 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 any by-law or regulation thereunder, or of any recommendation, requirement, or order of the Chief Health Officer which it is the local authority's duty to enforce, carry out, or comply with, the Chief Health Officer, 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 the local authority in the matter of such complaint. 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 Chief Health Officer 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 superintending 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; and any order

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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.

“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, and the Chief Health Officer may from time to time remove any person so appointed and appoint another in his stead.

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

General penalty.
W.A., 1911, No.
34, s. 284.

23 After Section One hundred and seventy of the Principal Act the following section is inserted :—

“**170a** Every person failing to do any act directed to be done, or doing any act forbidden to be done, by this Act, or by any proclamation, regulation, by-law, notice, or order under this Act, shall be deemed to commit an offence against this Act.”