

HEALTH (No. 2).

9° Elizabeth II., No. XXXVIII.

No. 38 of 1960.

AN ACT to amend the Health Act, 1911-1959.*[Assented to 3rd November, 1960.]*

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Health Act Amendment Act (No. 2), 1960.* Short title and citation.

(2) In this Act the Health Act, 1911-1959, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Health Act, 1911-1960.

Reprinted in Vol. 11 of the Reprinted Acts as approved for reprint, 5th June, 1957, and amended by Acts Nos. 21 of 1957 and 22 of 1959.

S. 82A
amended.

2. Section eighty-two A of the principal Act is amended by inserting after the word, "not" in line six of subsection (1) the passage, "or for the supply and installation in the premises of any bath, basin, sink or trough, and the pipes and fittings necessary for the proper functioning thereof, whether the supply and installation is by way of replacement or not,".

S. 112
amended.

3. Section one hundred and twelve of the principal Act is amended by substituting for paragraph (b) of subsection (1) the following paragraph:—

(b) The supply of disinfectants for the prevention or control of disease, and pesticides for the destruction of pests; .

S. 160
amended.

4. Section one hundred and sixty of the principal Act is amended—

(a) by substituting for the passage, "house, building or structure or any part thereof" in lines one and two of the interpretation, "Eating-house" the passage, "land, premises or place, or any part thereof, on or";

(b) by substituting for paragraph (a) of the interpretation, "Eating-house" the following paragraph:—

(a) Any premises licensed under the Licensing Act, 1911, other than a restaurant within the meaning of section forty-four G of that Act in respect of which a restaurant license under that Act is granted, or .

S. 228
amended.

5. Section two hundred and twenty-eight of the principal Act is amended by adding after subsection (4) the following subsection:—

(4a) Where the purchaser of the food or drug has pursuant to subsection (3) of this section notified the seller or his servant or

agent selling the same of his intention to have the same analysed, he shall also, within three days after such notice, give a similar notice to the manufacturer of the food or drug, if the manufacturer is other than the seller and his name and address are known to the purchaser and he resides or carries on business within the State.

6. Section two hundred and thirty of the principal Act is amended by adding after the word, "analysed" being the last word in the third paragraph the following passage:—

S. 230
amended.

In addition to the foregoing the officer shall, within three days after seizing or procuring the sample, give to the manufacturer of the food or drug, if that manufacturer is other than the consignor and his name and address are known to the officer and he resides or carries on business within the State, notice in writing of the intention of the officer to submit the third part to an analyst.

7. The principal Act is amended by adding in Part XIV. after section three hundred and forty-eight the following section:—

S. 348A
added.

348A. (1) Power given by this Act to make proclamations, orders in council or declarations includes power from time to time—

Proclama-
tions, etc.
may be
revoked or
varied.

- (a) to revoke or cancel those proclamations, orders in council or declarations, wholly or in part, either absolutely or for the purpose of substituting other proclamations, orders in council or declarations for those revoked or cancelled; and

(b) to otherwise vary those proclamations, orders in council or declarations,

unless the terms used in conferring that power, or the nature of the subject matter or the objects of the power, indicate that it is intended to be exercised either finally in the first instance, or only subject to certain restrictions.

(2) The provisions of this section apply to proclamations, orders in council and declarations made under this Act whether made before or after the coming into operation of the Health Act Amendment Act (No. 2), 1960.
