

**HEALTH.**

4° Elizabeth II., No. XXIX.

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**No. 29 of 1955.**

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**AN ACT to amend the Health Act, 1911-1954.***[Assented to 15th November, 1955.]*

**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, 1955.* Short title and citation.

(2) In this Act the Health Act, 1911-1954,

Act No. 39 of 1911, as reprinted with amendments to and including Act No. 71 of 1948, incorporated pursuant to the provisions of the Amendments Vol. 3 of The Reprinted Acts, 1950. Approved for reprint, 17th March, 1949.

Incorporation Act, 1938, and as further amended by Acts Nos. 25 of 1950, 11 and 25 of 1952, and 34, 45 and 73 of 1954,

is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Health Act, 1911-1955.

S. 82A  
added.

2. The principal Act is amended by adding after section eighty-two, the following section:—

Where the local authority makes connections with sewers it may enter into agreements with person responsible for payment of cost.  
Cf. s. 100.

82A. (1) Where the local authority has been requested in writing by the owner of premises in the district of the local authority to arrange for the connection of any of the drains of the premises with a sewer, whether constructed by or under the control of the local authority or not, the local authority may do the necessary work and provide the necessary materials, and may recover from the owner the expenses incurred by the local authority in doing so.

(2) The local authority may at the request of the owner enter into an agreement with the owner for the payment of the expenses, by such instalments extending over such period, not exceeding fifteen years, and including such rate of interest, as the local authority deems reasonable.

(3) So much of the expense, and so much of the interest due, as is not paid to the local authority, is a charge upon the land on or in relation to which the expense is incurred, notwithstanding any change that may take place in the ownership of the land.

S. 198  
amended  
Cf. *Gazette*,  
14th December,  
1951, p.  
3422, reg. 77A  
made under  
the Stock  
Diseases Act,  
1895-1954.

3. Section one hundred and ninety-eight of the principal Act is amended by substituting for the words, "one hour" in line three, the words, "two hours".

4. Section one hundred and ninety-nine of the principal Act is amended— S. 199 amended.

- (a) by deleting the word, “not” in line three of paragraph (9); and by adding after the word, “on” being the last word in that paragraph, the words, “and prohibiting the establishing or carrying on of noxious or offensive trades, businesses, or manufactures, elsewhere than in localities so defined”; and
- (b) by adding after paragraph (20) the following paragraph:—

(21) Specifying what are toxic substances and what are hazardous substances, prescribing generally, or in any class of case, or in any particular case, how they shall be branded or labelled; and with respect to the prevention of nuisance or injury to health from the transport, deposit, use, manufacture, sale or storage, of substances so specified.

5. The principal Act is amended by adding after the heading— S. 316A added.

PART XII.—HOSPITALS.

*Division 1.—Public Hospitals.*

the following section:—

316A. (1) In the Division unless the context requires otherwise— Interpretation

“infectious disease” means—

- (i) acute anterior poliomyelitis;
- (ii) diphtheria in any person other than one who is proved to the satisfaction of the Commissioner to have been inoculated against the disease;

- (iii) dysentery whether bacillary or amœbic;
- (iv) infantile diarrhoea being diarrhoea of more than forty-eight hours duration in an infant under the age of two years;
- (v) infective hepatitis;
- (vi) murine typhus;
- (vii) paratyphoid fever;
- (viii) salmonella infection;
- (ix) typhoid fever; and
- (x) such other disease as is declared by regulation either generally or in any class of case to be an infectious disease for the purposes of this Division.

(2) By regulation the Governor may declare any disease to be an infectious disease, and may declare any disease including any disease specified in subsection (1) of this section, to be no longer an infectious disease, for the purposes of this Division.

(3) Subsection (2) of this section does not prejudice or otherwise affect the application to this Act of the provisions of the Interpretation Act, 1918 in general or of section thirty-eight of that Act, in particular.

S. 317  
amended.

6. Section three hundred and seventeen of the principal Act is amended by deleting the sentence commencing with the words, "The words, 'infectious disease' " in line seven and ending with the word, "diseases" in line fourteen.

S. 318  
amended.

7. Section three hundred and eighteen of the principal Act is amended—

- (a) by adding after the word, "shall" in line two of subsection (9), the passage, " subject to section three hundred and twenty-three A of this Act,"; and

- (b) by adding after the word, "and" in line four of subsection (10) the passage, ", subject to section three hundred and twenty-three A of this Act,".

8. Section three hundred and nineteen of the principal Act is amended— S. 319 amended.

- (a) by adding before the word, "maintenance" in line six of subsection (3), the passage, ", subject to section three hundred and twenty-three A of this Act,"; and
- (b) by adding after the word, "shall" in line three of subsection (4), the passage, ", subject to section three hundred and twenty-three A of this Act,".

9. Section three hundred and twenty of the principal Act is amended by adding after the word, "Commissioner" in line seven, the passage, ", having regard to section three hundred and twenty-three A of this Act,". S. 320 amended.

10. Section three hundred and twenty-one of the principal Act is amended by adding after the third proviso to subsection (2) the following subsection:— S. 321 amended.

- (3) This section is subject to section three hundred and twenty-three A of this Act.

11. Section three hundred and twenty-three of the principal Act is amended by adding after the word, "and" in line three of subsection (2), the passage, ", subject to section three hundred and twenty-three A of this Act,". S. 323 amended.

12. The principal Act is amended by adding after section three hundred and twenty-three the following section:— S. 323A added.

- 323A. (1) In order to finance the treatment of infectious disease cases on and after the first day of July, one thousand nine hundred and fifty-six, Contributory scheme for financing treatment of infectious disease.

Cf. No. 23 of  
1927 as  
amended.

- (a) the total cost incurred during the year ending on the thirtieth day of June, one thousand nine hundred and fifty-seven of maintaining and treating all persons having any infectious disease
- (i) in any hospital established under this Division;
  - (ii) in any hospital which is a public hospital under the Hospitals Act, 1927; or
  - (iii) in the Princess Margaret Hospital for children;
- shall be ascertained, certified, and supplied to the Minister, by the Auditor General;
- (b) the total amount received from or on account of persons so maintained and treated during that year shall be ascertained, certified, and supplied to the Minister, by the Auditor General;
- (c) the balance of that total cost remaining after deducting that total amount received shall be paid
- (i) as to two-thirds of that balance by the Minister from money appropriated by Parliament for the purpose; and
  - (ii) as to one-third of that balance by each of the local authorities in the State by such contribution as bears to the amount of that one-third, the ratio which the population of the district of the local authority bears to the total population of all districts throughout the State at the thirtieth day of June, one thousand nine hundred and fifty-seven as certified in a certificate

supplied to the Minister by the Government Statistician in accordance with the latest information he then has;

- (d) the Minister shall pay the whole of the balance mentioned in paragraph (e) of this subsection for the year ending on the thirtieth day of June, one thousand nine hundred and fifty-seven in the first instance, and each of the local authorities shall recoup the Minister that one-third of that balance in accordance with subparagraph (ii) of paragraph (c) of this subsection, at such time as the Minister appoints by assessment served on the local authority;
- (e) the total cost mentioned in paragraph (a), the total amount mentioned in paragraph (b), and the balance mentioned in paragraph (c) of this subsection, shall likewise be ascertained as at the thirtieth day of June in the year one thousand nine hundred and fifty-eight and as at that day of that month in each year thereafter, and shall be paid as to two-thirds of that balance for each year respectively by the Minister, and as to one-third of that balance for each year respectively, by the local authorities, as provided in paragraphs (f), (g) and (h) of this subsection, by contributions in the respective proportions referred to in subparagraph (c) of this subsection, the provisions of which apply *mutatis mutandis* in respect of each of those respective years;
- (f) the Minister shall cause the contributions payable by each of the local authorities for the year ending on the

thirtieth day of June, one thousand nine hundred and fifty-eight and for each year ending on that day of that month thereafter, to be assessed as at the first day of July in the year one thousand nine hundred and fifty-seven, and as at that day of that month in each of the respective years thereafter, on the amount of contribution payable by the local authority in respect of the then next preceding financial year adjusted so as to take into account any amount by which the assessed contribution exceeds, or is less than, the ascertained contribution, in respect of that next preceding financial year;

Cf. No. 30 of 1918, s. 4. Financial year.

- (g) the Minister shall cause notice of assessment of their respective recoups or contributions to be served on each of the local authorities;
- (h) each of the local authorities shall within such time as is specified in the assessment, pay to the Minister the amount of recoup or contribution stated in an assessment so served; and
- (i) where the amount of recoup or a contribution is not paid within the time specified in the assessment, the amount is recoverable under section three hundred and sixty-seven of this Act.

Cf. s. 367.

(2) Where there is inconsistency between the provisions of this section or their operation, and any other provisions of this Division or their operation, or any agreement or arrangement made under any other provision of this Division, the provisions of this section prevail, but the provisions of this section do not affect those of section three hundred and twenty-two of this Act.

As to arrangements. Cf. s. 318 (9), 320, 321 (1) and 323 (2).

(3) (a) Where because of the operation of this section any doubt, difficulty or question, arises under any agreement or arrangement



made under this Division, if the Governor is of opinion that an Order is necessary or desirable for resolving the doubt, difficulty, or question, the Governor may from time to time make such Order in Council as he thinks fit, and may, from time to time by subsequent Order in Council amend or cancel an Order so made.

(b) The Minister shall cause an Order so made to be published in the *Gazette*, and on being so published, the Order takes effect according to its tenor.

13. Section three hundred and twenty-four of the principal Act is amended by substituting for the passage, "but any expenditure under this section shall not exceed ten per centum of the ordinary income under this Act of the local authority or one hundred pounds, whichever is the greater" commencing in line three, the passage, "or any institution or centre, residential or non-residential, for the care of the aged".

S. 324  
amended.  
Cf. s. 324 as  
amended by  
No. 25 of  
1950, s. 9.

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