

## HEALTH.

3° Elizabeth II., No. XLV.

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No. 45 of 1954.

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### AN ACT to amend the Health Act, 1911-1952.

[Assented to 8th December, 1954.]

**B**E 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, 1954*.

Short title  
and citation.

(2) In this Act the Health Act, 1911-1952,

Act No. 34 of 1911, as reprinted with amendments to and including Act No. 71 of 1948, incorporated pursuant to the provisions of the Amendments Incorporation Act, 1938, and as further amended by Acts Nos. 25 of 1950, 11 of 1952, and 25 of 1952,

Reprinted  
Acts, Vol. 3,  
1950,  
approved  
for reprint  
17th March,  
1949.  
Cf. No. 38 of  
1933, s. 42.

is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Health Act, 1911-1954.

S. 99  
amended.

2. Subsection (2) of section ninety-nine of the principal Act is amended by—

- (a) adding after the word “to” where first occurring in line two the words, “an inspector appointed by”;
- (b) substituting for the words, “local authority” in line five the words, “inspector with the consent of the Medical Officer for Health”.

S. 112  
amended.

3. Section one hundred and twelve of the principal Act is amended by adding after the section number “112” in line one the figure “1” in brackets thus—(1).

S. 112A  
added.

4. The principal Act is amended by adding after section one hundred and twelve a section as follows:—

Local  
authority  
may  
prescribe  
part of  
district  
in which  
occupier  
of premises  
shall not  
remove  
rubbish  
without  
permission.

112A. (1) Where a local authority undertakes or contracts for the efficient execution within its district or any part of its district of the work specified in paragraph (a) of subsection (1) of section one hundred and twelve of this Act, every occupier of premises within a prescribed part of that district or of that part of the district of the local authority as the case may be shall—

- (a) not, unless he is authorised by the local authority so to do, remove any house and trade refuse and other rubbish from the premises;
- (b) pay to the local authority or its contractor, as the case may be, for the removal, the prescribed charge or the charge according to the scale published in accordance with section one hundred and thirteen of this Act.

(2) The local authority may in writing authorise the occupier of premises within its district to remove or dispose of house and trade refuse and rubbish from or on the premises if—

(a) the refuse and rubbish on the premises is not available for removal at regular periods and is of such a nature or quantity as to be unsuitable for removal by the local authority or its contractor;

or

(b) there is installed on the premises efficient apparatus for the destruction of the refuse and rubbish and the apparatus is used to dispose of the refuse and rubbish on the premises without causing a nuisance or permitting the discharge of smoke into the atmosphere in such quantities or of such a nature as to cause annoyance to persons.

(3) Where any refuse and rubbish is removed from the premises under a written authority of a local authority, the person removing it shall—

(a) dispose of it at the place set apart by the local authority for the disposal of refuse and rubbish; and

(b) pay to the local authority the prescribed fee for the disposal.

5. Section one hundred and fourteen of the principal Act is amended by deleting the words, “and removing” in line seven. S. 114  
amended.

6. Section one hundred and thirty-four of the principal Act is amended by adding after paragraph (52) a new paragraph as follows:— S. 134  
amended.

(52a) Regulating and prohibiting the establishment or carrying on of any food stalls or

other premises used for the sale of meals but which are not eating houses.

In this paragraph the expression "meals" and "eating house" have the same meanings respectively as they have in section one hundred and sixty of this Act; .

S. 174  
amended.

7. Section one hundred and seventy-four of the principal Act is amended by adding after the word, "building" in line six of paragraph (b) of subsection (2) the words, "and also the position of all exits of the public building in relation to the roads, public thoroughfares, lanes, passage ways, rights of ways or other land on which the building abuts together with such information concerning the roads, public thoroughfares, lanes, passage ways, rights of ways or other land as the Commissioner may require".

S. 178  
amended.

8. Section one hundred and seventy-eight of the principal Act is amended by adding after the word, "building" in line four the words, "for the prevention of the obstruction of the free passage of persons through an exit of a public building into or from the road, public thoroughfare, lane, passage way, right of way, or land on which the exit abuts".

S. 220  
amended.

9. Subsection (1) of section two hundred and twenty of the principal Act is amended by adding after the word "purchaser" in line three of paragraph (b) the following:—

; or

- (c) exposes for sale or deposits in any place for the purpose of sale or preparation for sale any food or drug, which is not of the standard referred to in section two hundred and thirty-one of this Act.

10. The principal Act is amended by adding after section two hundred and thirty-five a section as follows:—

S. 235A  
added.

235A. (1) Where the Governor receives a certificate in writing from the Commissioner that the Commissioner is of opinion that any quantity of—

Food or drugs  
may be  
declared  
dangerous by  
Governor on  
certificate of  
Commis-  
sioner.

(a) food is injurious or dangerous to health;

or

(b) drugs, even where they are correctly administered, would or may be in the circumstances, injurious or dangerous to health, owing to some extraneous matter being by mistake or fraudulently mixed with the drug in the process of preparation, deterioration of the drug, chemical change in the drug or for any other reason whatsoever,

if the Governor is satisfied that there are reasonable grounds for the Commissioner's opinion, the Governor may declare that the quantity of food or drugs is dangerous.

(2) Where the Governor so declares, the Commissioner may from time to time order in writing the owner or person having possession of the food or drugs to—

(a) secure the food or drugs in a safe place and ensure that the food or drugs are not removed from his possession or used or sold;

(b) deliver up the food or drugs to a person at a place, and within a time to be specified in the order; or

(c) do such things in relation to the food or drugs as the Commissioner deems necessary for the protection of the public health, but before any action is

taken under the provisions of paragraphs (b) and (c) of this subsection the Commissioner shall give seven days' notice in writing to the wholesaler or manufacturer of the food or drugs, of his intention to exercise his powers under the provisions.

(3) Where the Commissioner is of opinion that the food or drug is no longer dangerous or injurious to health he shall forthwith give notice of the fact to the owner of the food or drug and revoke any order made by him under subsection (2) of this section relative to the food or drug, but if at any time after a period of thirty days of the date of the making of an order the Commissioner is of opinion that the food or drug is still so dangerous or injurious he may destroy or otherwise dispose of it as he thinks fit.

(4) A person shall not be entitled to any compensation either from the Crown or the Commissioner of Public Health by reason of anything done, or the destruction of or damage to or loss of value of any food or drugs as a result of any action taken in accordance with an order issued by the Commissioner under subsection (2) of this section or as a result of any action taken by the Commissioner under subsection (3) of this section.

S. 324A  
added.

11. The principal Act is amended by adding after section three hundred and twenty-four a section as follows:—

324A. The Commissioner may enter into an agreement with a local authority in respect to all or any of the following matters:—

Power for  
Commis-  
sioner  
to enter into  
agreement  
for  
establi-  
shment  
of maternal  
and health  
centres and  
provide  
nursing staff,  
etc.

- (a) The erection, purchase, and maintenance of premises for the establishment of maternal and infant health centres and sub-centres and living accommodation for staff employed therein.
- (b) The provision of nursing and other staff.

- (c) The area to be served by a maternal and infant health centre and sub-centre.
- (d) The provision of furnishings, fittings, appliances, vehicles and equipment necessary for the conduct of a maternal and infant health centre and sub-centre.
- (e) The provision of moneys for any purpose necessary for the establishment or carrying on of a maternal and infant health centre and sub-centre.

12. Subsection (5) of section three hundred and thirty-five of the principal Act is amended by— S. 335  
amended.

- (a) adding after the subsection designation (5) the letter “a” in brackets thus—(a);
  - (b) adding the following paragraphs:—
    - (b) A medical practitioner, or where a medical practitioner is not in attendance, a midwife, who attends a woman at the delivery of a foetus at any time after the twentieth week of pregnancy shall notify the Commissioner of the attendance in the prescribed form.
    - (c) Where a medical practitioner gives a death certificate in relation to any child who died within twenty-eight days of his birth, he shall notify the Commissioner of the fact in the prescribed form within forty-eight hours of the death certificate being given.
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