

HEALTH (No. 2).

1° Elizabeth II., No. XXV.

No. 25 of 1952.

AN ACT to amend the Health Act, 1911-1950.

[Assented to 28th November, 1952.]

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:—

Short title.
and citation

1. (1) This Act may be cited as the *Health Act Amendment Act (No. 2)*, 1952.

(2) In this Act the Health Act, 1911-1950,

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 Act No. 25 of 1950,

is referred to as the principal Act.

Reprtd. Acts.
Vol. 3, 1950,
Apprvd for
reprint 17
Mar. 1949.
Cf. No. 38 of
1933, s. 42.

(3) The principal Act as amended by this Act S. 3 amended.
may be cited as the Health Act, 1911-1952.

2. Section three of the principal Act is amended by adding after the interpretation "Piggery" the following interpretation—

"pig-swill" means residues or wastes, whether solid or liquid or part of each, from kitchens, manufactories, shops, abattoirs or markets, which residues or wastes may be used as food for pigs.

3. The principal Act is amended by repealing and re-enacting section one hundred and two as follows— S. 102 repealed and re-enacted.

102. A person who undertakes work in the district of a local authority and who does not provide and maintain for the use of persons engaged, whether as employees or as independent contractors or otherwise, on the work, sanitary conveniences of the number, situation, construction, dimensions and equipment prescribed by the regulations or by-laws of that local authority, or who does not remove those sanitary conveniences when required by the local authority, commits an offence.

Penalty—Two pounds for each day the offence continues.

4. Section one hundred and thirty-four of the principal Act is amended by— S. 134 amended.

(a) adding after paragraph (1) the following paragraph—

(1a) Prescribing the nature, quality and dimensions of and marks to be applied to fittings or parts of apparatus for the bacteriolytic treatment of sewerage and prohibiting the use in the construction of the apparatus of fittings or parts not in conformity with the standards prescribed;

(b) adding after paragraph (25) the following paragraph—

(25a) The provision, n u m b e r, situation, construction, equipment, dimensions, maintenance, period of maintenance and removal of sanitary conveniences on the site of works undertaken in the district for the use of persons engaged on the work;

.S. 191
amended.

5. Section one hundred and ninety-one of the principal Act is amended by—

(a) adding before the words, “No person”, in line one of subsection (1) the words, “Subject to the provisions of subsection (4) of this section”;

(b) adding the following subsection—

(4) A person who carries on a piggery is not required to register the premises, in or upon which it is carried on unless—

(a) the premises are situated in an area prescribed as one in which a piggery may be carried on, only if registered as required by this section; or

(b) the pigs in the piggery, wherever the premises are situated, are fed wholly or partly on pig-swill.

.S. 199
amended.

6. Section one hundred and ninety-nine of the principal Act is amended by adding after paragraph (1) the following paragraph—

(1a) Prescribing areas in which piggeries may be carried on, only if the premises in or upon which they are carried on, are registered as required by section one hundred and ninety-one of this Act.

.S. 232A
added.

7. The principal Act is amended by adding after section two hundred and thirty-two the following section—

232A. (1) In this section—

“deficient product” means a manufactured food or a manufactured drug, which, when sold by the manufacturer of it,

Responsi-
bility of
manufacturer
as well as
that of seller
of food or
drugs.

is not
of the quality, nature, substance,
degree of purity, standard, or com-
position,
or is not free from
admixture, colouring, staining,
powder, ingredient, material, or sub-
stance,
or is not
labelled,
as required by this Act or the regula-
tions;

“manufacturer” means the manufacturer
of a deficient product;

“to sell” means to sell by wholesale or retail
and includes barter, supply for profit,
offer for sale, receive for sale, have in
possession for sale, expose for sale, send
forward or deliver for sale, cause or
suffer or allow to be sold, and inflections
and derivatives of the verb “to sell”
have correlative meanings;

“vendor” means a person who, not being a
manufacturer, sells a deficient product
whether he purchases it directly or
indirectly from the manufacturer or
otherwise.

(2) Where in the district of a local authority
a vendor commits an offence by selling a deficient
product, the local authority may prosecute the
vendor, or may prosecute the manufacturer, or
both of them, for their respective offences.

(3) Notwithstanding that anything con-
stituting or partly constituting the sale by the
manufacturer of a deficient product was done
or omitted, or caused to be done or omitted, by
the manufacturer elsewhere than in the district
of a local authority, the local authority may
prosecute the manufacturer in all respects as
if the sale had been effected in that district
by the manufacturer.

(4) Where a prosecution is against both the vendor and the manufacturer, the local authority may, notwithstanding the provisions of section forty-three of the Justices Act, 1902, but subject to those of section fifty-one of that Act, join both matters in the same complaint.

(5) The provisions of this section do not derogate from those of section two hundred and thirty-two of this Act.

S. 276
amended.

8. Subsection (2) of section two hundred and seventy-six of the principal Act is repealed and re-enacted as follows—

- (2) (a) For each notice given by him in accordance with this section, a medical practitioner shall be paid the appropriate fee prescribed by the regulations.
- (b) The Governor may make regulations prescribing fees payable to medical practitioners for notices so given.
- (c) The regulations may prescribe differentiating fees for notices or classes of notices and may prescribe that fees or classes of fees shall be payable by the local authority notified or the Minister and if made shall specify the cases in which fees shall be payable by the local authority and the cases in which fees shall be payable by the Minister.

S. 322
re-enacted.

9. Section three hundred and twenty-two of the principal Act is re-enacted as follows—

Recovery of
cost of
maintenance
of patient
in hospital.
No. 34 of
1911, s. 248.
Repealed by
No. 24 of
1950, s. 8.
Re-enacted.

322. Any expenses incurred by a local authority in or about the treatment and maintenance of a patient in a hospital or in a temporary place for the reception of the sick shall be a debt due from such patient and also, if such patient is an infant, from the parent or other person liable for the maintenance of such infant, to the local authority, and may be recovered from him, or in the event of his death from his legal representatives, or in the case of an infant from such parent or other person, by action in any court of competent jurisdiction.

10. The Second Schedule to the principal Act is amended by substituting for the word, "Piggeries" the following—

Second
Schedule
amended.

"Piggeries—

- (a) carried on, in or upon premises situated in areas prescribed as those in which piggeries may be carried on, only if registered as required by section one hundred and ninety-one of this Act; or
- (b) the pigs in which, wherever the premises are situated, are fed wholly or partly on pig-swill".

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