

HEALTH (No. 3).

12° and 13° GEO. VI., No. LXXI.

No. 71 of 1948.

AN ACT to amend the Health Act, 1911-1944.

[Assented to 21st January, 1949.]

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

1. This Act may be cited as the *Health Act Amendment Act (No. 3), 1948*, and shall be read as one with the Health Act, 1911-1944 (Act No. 34 of 1911, as reprinted pursuant to the Amendments Incorporation Act, 1938, with amendments to and including Act No. 32 of 1937, incorporated in Volume I. of the Reprinted Acts of the Parliament of Western Australia, 1939, and further amended by Acts Nos. 34 of 1942 and 21 of 1944), hereinafter referred to as the principal Act.

Short title.

2. The principal Act, as amended by this Act, may be cited as the Health Act, 1911-1948.

Citation of
principal Act
as amended
by this Act

Amendment
of s. 3.

3. Section three of the principal Act is amended by—

- (a) adding the words “cosmetics, absorbent cotton wool and surgical dressings.” after the word “perfumes” in line five of the definition “Drug”;
- (b) inserting the words “baths, wash troughs,” after the word “sinks” in line two of the definition “Sanitary convenience”.

Amendment
of s. 133.

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

(a) by inserting after paragraph (34) a paragraph as follows:—

(34A) Regulating the collection and disposal of pig swill, providing for the annual registration of collectors of pig swill, prescribing the conditions of and fees for registration, prohibiting any unregistered person from undertaking such collection or from disposing of pig swill, prescribing the mode, means and hours of collection, and compelling notification to the local authority of the premises from which a collector has contracted to collect pig swill;

(b) adding after paragraph (47), paragraphs as follow:—

(47a) Prohibiting the use of damaged vessels, whether cups, plates, dishes or otherwise and whether of crockery, glass or otherwise, for serving food for reward and prescribing the kind and condition of vessels that may be used for that purpose.

(47b) Prescribing what matters and things shall be observed and done and by what persons, for the purposes of—

- (i) preventing rodents entering premises;
- (ii) rendering premises free of rodents;
- (iii) keeping premises free of rodents; including what method of construction and what materials shall be used in the building of and alteration and addition to any premises and what alterations and additions shall be made to existing premises.

(47c) The provision, construction, situation, inspection and maintenance of bathroom and laundry facilities, including the provision of plunge baths, shower baths, wash hand basins and the connection of those facilities with an adequate water supply.

Cf. s. 98
ante.

5. Section one hundred and sixty-four of the principal Act is amended by substituting for the words "public safety and convenience in the same" in subsection (1), line 9, the words "safety and convenience in and upon any of the buildings and premises referred to in this subsection, of all persons whether members of the public, or persons who are in or upon the buildings and premises in pursuance of their employment or occupation, or other persons".

Amendment
of s. 164.

6. The principal Act is amended by adding after section one hundred and eighty-five a section as follows:—

Section 185A
added.

185A. The Governor may make regulations requiring persons engaged in prescribed industries to submit themselves for periodical medical examination at the times and in the manner prescribed.

7. Section two hundred and twelve of the principal Act is amended by adding after the word "person" in subsection (2) line eight the words "or is made and knowingly communicated by spoken word or transmission of sound or light or partly by each."

Amendment
of s. 212.

8. Section two hundred and twenty-one of the principal Act is amended by inserting the word "insecticide," after the word "germicide" in subsection (1) line four.

Amendment
of s. 221.

9. Section two hundred and twenty-five of the principal Act is amended by adding after paragraph (5) paragraphs as follows:—

Amendment
of s. 225.

(5a) Prohibiting the manufacture, sale and offering for sale of any toy, wallpaper, paper serviettes and paper for use in enclosing food, in or upon which there is any quantity of paint, colour,

facing, dressing, size or varnish or other prescribed matter, in excess of the quantity prescribed.

(5b) Prohibiting the manufacture, sale and offering for sale of any textile substance and leather intended for, or being capable of being used in, wearing apparel for use by man, which contains arsenic, lead, antimony, or barium in any form or compound.

(5c) Prohibiting the manufacture, sale and offering for sale of any tubed nursing bottles for infants' food.

Amendment
of s. 228.

10. Section two hundred and twenty-eight of the principal Act is amended by—

- (a) deleting the word “or” in line one of paragraph (4);
- (b) inserting after the word “isolating” in line one of paragraph (4) the words “, disinfecting and”.

Amendment
of s. 269.

11. Section two hundred and sixty-nine of the principal Act is amended by adding after the Proviso to subsection (3) a paragraph as follows:—

The Governor may proclaim that any drug, coming within the terms of this section, shall cease to be subject to the operation of those terms.

Amendment
of s. 314.

12. Section three hundred and fourteen of the principal Act is amended by—

- (a) inserting after the word “writing” in subsection (1) line four the words “in the manner and at the time and in the form prescribed”;
- (b) inserting after the word “living” in subsection (1) line five the words “premature or full term birth”;

(c) adding subsections as follows:—

(5) When a medical practitioner attends on the happening of any premature birth, still birth or abortion, he shall send to the Commissioner within forty-eight hours of the happening a report in the prescribed form.

(6) (a) The Governor may from time to time proclaim that the provisions of this subsection shall apply in respect of any district or part of a district and may from time to time proclaim that those provisions shall cease to apply in respect of, or having ceased to apply shall again apply in respect of any district or part of a district.

(b) The provisions of this subsection shall apply in respect of a district and part of a district so long as those provisions remain the subject of a proclamation to that effect under the provisions of the last preceding paragraph.

(c) The Commissioner shall appoint medical practitioners upon such terms and conditions as he considers fit to conduct a *post mortem* examination upon the body of every still-born child where the still birth happens in any district or part of a district to which the provisions of this subsection apply.

(d) The Commissioner shall notify in the prescribed manner all medical practitioners, midwives and midwifery nurses of the name and address of every medical practitioner appointed under the provisions of the last preceding paragraph and acting under the appointment.

(e) When a still birth happens in any district or part of a district to which the provisions of this subsection apply the medical practitioner attending, or, if there is no medical practitioner attending, the midwife or the midwifery nurse attending, shall, so soon as reasonably possible after the happening, report it in the manner and form prescribed, to a medical practitioner appointed under paragraph (c) of this subsection and acting under the appointment, who shall unless otherwise authorised or directed by the Commissioner thereupon

conduct a post mortem examination on the body of the still born child.

Section 318A
added.

13. The principal Act is amended by adding after section three hundred and eighteen a section as follows:—

318A. Any local authority may provide for immunisation of any person who consents to treatment against diphtheria, whooping cough and tetanus wholly free of cost to the person treated and the cost involved shall be paid by the local authority, which is hereby authorised to meet the cost from the annual health rate made levied and collected by it under and for the purposes of this Act.

Amendment
of s. 330.

14. Section three hundred and thirty of the principal Act is amended by—

- (a) inserting the words “and inspector who shall produce his authority” after the word “force” in subsection (1) line two;
 - (b) inserting the words “or inspector who produces his authority” after the word “force” in subsection (2) line three.
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