

HEALTH.

1° AND 2° GEO. VI., No. XXXII.

No. 32 of 1937.

AN ACT to amend the Health Act, 1911-1935.

[Assented to 18th January, 1938.]

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:—

Short title.
of. No. 16 of
1935, s. 7.

1. This Act may be cited as the *Health Act Amendment Act, 1937*, and shall be read as one with the Health Act, 1911-1935 (being the Act No. 34 of 1911 as reprinted in the Appendix to the Sessional Volume of the Statutes for the year 1931 and amended by the Acts No. 30 of 1932, No. 5 of 1933, No. 38 of 1933, and No. 16 of 1935), hereinafter referred to as the principal Act.

Amendment
of s. 3.

2. Section three of the principal Act (as amended by section two paragraph (a) of the Act No. 30 of 1932) is amended by substituting the word "or" for the word "and" after the word "lodged" wherever the same appears in the definition of "Boarding-house."

3. Section forty-three of the principal Act (as amended by section seven of the Act No. 30 of 1932, by section four of the Act No. 5 of 1933, by section three of the Act No. 38 of 1933, and by section two of the Act No. 16 of 1935) is amended by adding to paragraph (a) of subsection (1) a further proviso, as follows:—

Amendment
of s. 43.

Provided also, that notwithstanding anything to the contrary contained in the next preceding proviso or in the local governing Act of the local authority concerned, the Minister may by notice in the *Government Gazette* declare that in respect of the local authority named in such notice, and until such notice is revoked, the provisions of the local governing Act of such local authority relating to a demand for a poll and the taking of a poll of owners in regard to any proposition for borrowing shall for the purpose of this Act be read and construed as if any reference therein to persons who are entitled to demand a poll or to vote at a poll related to persons who are owners of rateable land situate within that portion of the district, which is to be served by any works or undertakings to be carried out with the proceeds of any such loan, whether such persons are resident within the said portion of the district or not, and such notice shall have and take effect according to the tenor thereof.

4. Section eighty-one of the principal Act (inserted by section twelve of the Act No. 30 of 1932) is amended as follows:—

Amendment
of s. 81.

- (a) by inserting in subsection (1) after the word “conveniences” in line three of the said subsection the words “and also bathroom and laundry facilities”;
- (b) by inserting in subsection (2) after the word “conveniences” in line three of the said subsection the words “or bathroom or laundry facilities.”

5. Section eighty-six of the principal Act (as amended by section fifteen of the Act No. 30 of 1932 and by section nine of the Act No. 38 of 1933) is amended by adding thereto a further subsection as follows:—

Amendment
of s. 86.

(7.) Where a local authority has heretofore or shall hereafter establish a sewerage scheme as auth-

orised by the provisions of the Health Act Amendment Act, 1933 (No. 2) (No. 38 of 1933), it may, in lieu of levying a rate as provided for in this Act, make an annual charge, according to the prescribed scale, at per pedestal, and all the provisions of this Act shall apply to any such charge as if it were a rate as aforesaid.

New section.

6. A new section is inserted in the principal Act, after section one hundred and eighteen A, as follows:—

Owner may be required to clean or repair house.

118B. In addition to the powers contained in the preceding sections of this Part, a local authority may, if in its opinion any house is unfit for human habitation by reason of uncleanness or want of repair, require the owner of such house by a notice served on such owner to render clean or to repair such house within the time and in the manner specified in such notice.

Amendment of s. 119.

7. Section one hundred and nineteen of the principal Act is amended by deleting the words “the last preceding section” in line two and inserting in lieu thereof the words “any of the foregoing provisions of this Part.”

Amendment of s. 284.

8. Section two hundred and eighty-four of the principal Act is amended by deleting subsection (3) therefrom.

New section.

9. A section is inserted in the principal Act after section two hundred and ninety-one, as follows:—

Death of a woman as the result of pregnancy or childbirth to be reported to a magistrate.

291A. (1.) Whenever any woman shall die as the result of pregnancy or of childbirth, or as the result of any complications arising from or following upon pregnancy or childbirth, the fact of such death shall be reported forthwith to the nearest stipendiary or resident magistrate by the medical practitioner and any nurse who were at the time of the death attending such woman.

(2.) Upon receipt of the report the magistrate, acting in conjunction with one person to be nominated by the British Medical Association and with another person to be nominated by the Australian Trained Nurses' Association shall, if they consider same necessary, proceed to hold an inquiry into the cause of the death, and shall hold such inquiry in private.

(3.) It shall not be necessary for the magistrate to hold an inquiry, if an inquest into the death of the deceased woman is held or is to be held under and in accordance with the provisions of the Coroners Act, 1920.

(4.) The magistrate and the persons acting with him holding an inquiry under this section shall have the powers of a coroner under the provisions of the Coroners Act, 1920.

(5.) Whenever an inquiry has been held under this section the magistrate shall report the result thereof in writing under his hand to the Minister; and in such report shall state whether or not he, and the persons acting with him, are of the opinion that there has been negligence in relation to the death of the deceased woman on the part of any person concerned in the treatment, nursing or care of such deceased woman prior to her death.

The magistrate shall also set forth in his said report any recommendations which he, and the persons acting with him deem to be warranted by the findings after the said inquiry.

10. The principal Act as amended by this Act may be cited as the Health Act, 1911-1937.

Citation of
principal Act
as amended.

11. The principal Act as amended by this Act shall be reprinted under the supervision of the Clerk of Parliaments and the provisions of section forty-two of the Health Act Amendment Act, 1933 (No. 2) (No. 38 of 1933), shall be observed in any such reprint.

Reprint.