

HEALTH.

26° GEO. V., No. XVI.

No. 16 of 1935.**AN ACT to amend the Health Act Amendment Act, 1933 (No. 2).**

[Assented to 12th November, 1935.]

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.

1. This Act may be cited as the *Health Act Amendment Act, 1935*, and shall be read as one with the Health Act Amendment Act, 1933 (No. 2)—No. 38 of 1933—hereinafter called the principal Act.

Amendment of
s. 3, prin-
cipal Act.

2. Section three of the principal Act which repeals subsection (1) of section forty-three of the Health Act, 1911-1933; and re-enacts another subsection (1) in place thereof, is amended by adding a proviso to paragraph (c) of the said re-enacted subsection, as follows:—

Provided that the provisions of any such local governing Act 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 only to persons who are resident owners of rateable land 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. This proviso shall be deemed to have come into opera-

tion on the fourth day of January, one thousand nine hundred and thirty-four.

3. Section seventeen of the principal Act is amended by striking out the word "two" in the first line of the section and inserting the word "one" in its stead.

Amendment of
s. 17, prin-
cipal Act.

The amendment effected by this section shall have effect as from the commencement of the principal Act.

4. (1.) Section twenty-one of the principal Act is amended by adding a subsection after subsection (4), as follows:—

Amendment of
s. 21, prin-
cipal Act.

(5.) Whenever, in the opinion of the local authority, the amount of any noxious or waste matter discharged into any sewer from any premises is greater than was estimated at the time any such agreement was entered into the local authority may, by notice in writing served on the owner, increase the amount to be paid by the owner pursuant to any agreement, and the remaining payments to fall due under the said agreement shall be adjusted accordingly; provided that if the owner concerned considers the increased amount excessive he may, within two months after the service on him of the notice, serve a notice on the local authority requiring the question of what (if any) is a fair sum by way of increase, and all questions connected therewith to be submitted to arbitration, and the provisions of the Arbitration Act, 1895, shall apply as if the parties had agreed to a reference of such question.

The provisions of this subsection shall apply retrospectively as well as prospectively, and in their retrospective operation shall include all agreements made under section fifty-three B of the Health Act, 1911-1932, or made since the fourth of January, one thousand nine hundred and thirty-four.

(2.) Subsections (5), (6), (7), and (8) shall be renumbered (6), (7), (8), and (9) respectively.

5. Section thirty-one of the principal Act is amended by striking out the word "forty" in line ten of subsection (1) and inserting the word "sixty."

Amendment of
s. 31, prin-
cipal Act.

Amendment of
s. 41, prin-
cipal Act.

6. Section forty-one of the principal Act is amended—

(a) by adding the following additional paragraph after paragraph 11:—

(12) prescribing scales of charges to be made periodically or otherwise, as the case may require, in respect of non-rateable premises which are served by any sewer or drain, or for any services rendered in respect of such premises under this Act, and for the recovery of such charges in the same manner as rates.

(b) by substituting the number “12” for the number “11,” in the last line of the section.

Citation of
principal Act
as amended—
Act to be re-
printed with
amendments.

7. (1.) The Health Act, 1911-1933, as amended by the principal Act and this Act, shall be reprinted under the supervision of the Clerk of Parliaments, and may be cited as the Health Act, 1911-1935.

(2.) Subject to the express provisions of this Act, the provisions of section forty-two of the principal Act shall be observed in such reprint.