

## HEALTH.

23° GEO. V., No. XXX.

No. 30 of 1932.

### AN ACT to amend the Health Act, 1911-1926.

[Assented to 30th December, 1932.]

**B**E 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, 1932*, and shall be read as one with the Health Act, 1911-1926, as reprinted in the Appendix to the Sessional Volume of the Statutes for the year 1931, hereinafter referred to as the principal Act.

Amendments of s. 3.

2. Section three of the principal Act is amended—

- (a) by substituting the word “and” for the word “or” after the word “lodged,” wherever the same appears in the definition of “Boarding-house”;
- (b) by adding to the definition of “Boarding-house” the words “but the term does not include any premises used as a boarding school which has been approved under the Education Act, 1928”;
- (c) by inserting the word “soap” after the word “tobacco” in the definition of “Drug”;
- (d) by adding to the definition of “House” a proviso as follows:—

Provided that, where any building is let or occupied in flats, each flat shall be deemed to be a separate house;

- (e) by deleting the definition of "Infectious disease," and inserting in lieu thereof a definition as follows:—

"Infectious disease" means and includes typhoid fever (which shall include paratyphoid fever), scarlet fever, diphtheria, epidemic cerebrospinal meningitis, acute anterior poliomyelitis, plague, leprosy, smallpox, tuberculosis (which shall include all forms of tuberculosis), Asiatic cholera, yellow fever, typhus fever (all forms), lethargic encephalitis, bilharziasis, malaria, puerperal fever, relapsing fever, ancylostomiasis, amoebic dysentery, bacillary dysentery, filariasis, anthrax; and also any other disease which the Governor from time to time by notification in the *Government Gazette* declares to be an infectious disease for the purposes of this Act, either generally or with respect to any particular place, and also the condition in which the organism presumed to cause any of the before-mentioned diseases is found to be present in any person;

- (f) by adding to the definition of "Trade description" the word "or" at the end of paragraph (f), and a new paragraph as follows:—

(g) as to the efficacy of the article, or as to the effects which have followed or may be expected to follow the use thereof.

3. Section nineteen of the principal Act is amended by adding to subsection two a proviso as follows:—

Amendment of s.  
19.

Provided that, where the boundaries of a health district as originally constituted were coterminous with the boundaries of a road district and the boundaries of the road district are subsequently altered, the boundaries of the health district shall also be deemed to be correspondingly altered, and the road board shall continue to be the local authority, unless the Governor by notice published in the *Government Gazette* shall otherwise direct.

4. Section twenty of the principal Act is amended by adding thereto a subsection as follows:—

Amendment of s.  
20.

(11) (a) The Minister may at any time, by notice published in the *Government Gazette*, direct that, after

the expiry of the term of office of the then existing members of any local board of health named in the notice, the members of such board shall for the future be chosen by election.

(b) Thereafter the persons eligible for election to the board and the persons qualified to vote at any such election shall be those persons who would be so eligible or qualified if the board were a road board and the health district were a road district not divided into wards, and each elector shall be entitled to the number of votes to which he would be entitled at an election in such road district.

(c) The Minister may appoint the time when nominations for any election shall be received and the time when any such elections shall be held, and he may exercise such other powers in connection with elections as may be conferred on him by regulations.

(d) The Governor may, subject to this subsection, make regulations relating to such elections as aforesaid, and may by such regulations adopt and apply with or without modification any of the provisions contained in subdivisions six, seven, eight, nine or ten of Part III. of the Road Districts Act, 1919.

New section.

5. A section is inserted in the principal Act, after section twenty, as follows:—

Commissioner may  
constitute sanitary  
boards.

20A. (1.) The Commissioner may by order—

(a) constitute any defined portion of the State, not being a health district or within a health district, a sanitary area for the purposes of this Act, with such boundaries as may be specified in the order; and

(b) in respect of every such sanitary area, appoint a sanitary board consisting of not more than five members.

(2.) Subsections two to eight, both inclusive, of section twenty of this Act shall apply *mutatis mutandis* to sanitary boards constituted under this section; and so far as the same can apply or be made applicable, sections eighty-six, ninety-three, and one hundred and fifteen of this Act shall apply to every such sanitary board as if it were a local authority and its area were a health district.

6. Section twenty-nine of the principal Act is amended Amendment of s. 29. as follows:—

(a) by inserting a subsection after subsection two as follows:—

(2a) Every appointment made by the Commissioner under subsection two of this section shall continue during the pleasure of the Commissioner, or until the local authorities concerned, acting under subsection one of this section, shall join in the appointment of another person to take the place of the person appointed by the Commissioner as aforesaid and the Commissioner has approved of such appointment; and while an appointment made by the Commissioner continues as aforesaid, the Commissioner may at any time, and from time to time, vary the remuneration and also the proportional part of such remuneration as varied to be paid by each local authority, either by reducing or increasing the same respectively, as he may think fit.

(b) by inserting in subsection three, after the word “fixed” in line one, the words “or so varied.”

7. Section forty-three of the principal Act is amended by Amendment of s. 43. adding thereto a subsection as follows:—

(2.) A local authority may, pending the collection of its annual health rate, and for the purpose of commencing, carrying on, or completing any works or meeting any expenses or liabilities which it is authorised under this Act to incur, obtain advances from any bank by overdraft on current account, but so that no such overdraft shall at any time exceed one-third of the annual health rate for the year then last preceding: See Road Districts Act, 1919, s 273.

Provided that the bank making such advances shall not be concerned to inquire whether the same have been obtained for the purposes mentioned in this subsection, nor be required to see to the application of such advances.

This subsection shall be deemed to apply to all existing advances on overdraft to local authorities to the extent hereby authorised, and any such advances are hereby validated.

New section.

8. A section is inserted in the principal Act after section fifty-three, as follows:—

Sewer for drainage  
of limited area.

53A. (1.) When in the opinion of the local authority any sewer, which such authority proposes to construct, will be of special benefit to a particular portion only of the district, it may, before commencing the construction of the sewer, give one month's notice of its intention to construct such sewer, by advertisement published in a newspaper circulating in the district, and in such notice shall state the opinion of the local authority and define the portion of the district to which it refers.

(2.) Such notice shall be deemed to be a decision of the local authority within the meaning of section thirty-five of this Act, and an appeal may be brought against it under that section within twenty-one days from the date of publication.

(3.) Subject to compliance with the conditions of this section, and provided the notice given by the local authority is not set aside or quashed on appeal, any loan rate applicable to loan moneys used in the construction of the sewer shall, if the local authority so directs, be levied only on the rateable land situated within such portion of the district as aforesaid.

(4.) Subject, and provided as aforesaid, the local authority may order that the cost of constructing such sewer (in so far as not defrayed out of loan moneys) shall be recoverable, by action in any court of competent jurisdiction, from the owners of the rateable lands situated within the aforesaid portion of the district, and such moneys shall be so recoverable accordingly: Provided that the respective amounts to be recoverable from the various owners shall be proportionate to the values of the rateable lands owned by them respectively within such portion of the district.

(5.) No direction or order given or made under subsection three or four hereof shall be subject to appeal.

9. A section is hereby inserted in the principal Act after New section.  
section fifty-three A, as follows:—

53B. (1.) When it shall appear to any local authority that the use of any sewer constructed or to be constructed by the local authority is or will be confined to the owners or occupiers of a limited number of premises and will not be general, then the local authority may enter into agreements relating to the use of the sewer with the respective owners of such premises. Agreements for sewers.

(2.) Any such agreement shall provide for the drainage into the sewer of sewage and liquid waste from the premises, and may provide for the local authority constructing and providing any drain to connect the premises with the sewer.

(3.) In every such agreement there shall be contained an undertaking on the part of the owner to pay to the local authority such annual sum as may, in accordance with the agreement of the parties, be necessary to cover—

- (a) a reasonable instalment of a due proportion of the cost of making and providing the sewer and any incidental works;
- (b) interest at such reasonable rate as may be stipulated on such proportion of the cost;
- (c) the expenses of the local authority for the year in maintaining and operating such sewer and works:

Provided that, in so far as the local authority has expended loan moneys on the construction and provision of such sewer and works, the period over which such instalments shall be payable shall not extend beyond the period of the loan, and the rate of interest to be charged shall be that payable on the loan.

(4.) In the event of any person subsequently availing himself of the use of the sewer under agreement with the local authority, anyone who has entered into a prior agreement may apply to the local authority for a revision and adjustment of the amount to be paid by him thereunder, and in the event of no agreement thereon being arrived at within two months, then the application and

all questions connected therewith shall be deemed to have been referred and submitted by the parties to arbitration under the Arbitration Act, 1895.

(5.) Any amount payable to the local authority under any such agreement shall be and remain, until paid, a charge upon the premises to which the agreement refers, and on all the owner's estate and interest therein, as if the agreement had contained an express charge to that effect, and the personal obligation to make the payments stipulated for in the agreement, and to perform and observe the terms thereof shall be binding not only on the original party but on every subsequent owner of the premises, but so that no person shall be liable personally for the making of any payment or the discharge of any obligation which shall accrue due or arise after he has ceased to be owner of the premises.

(6.) The obligations of the local authority under any such agreement shall be enforceable by the owner for the time being of the premises as if they had been entered into with him.

(7.) Nothing in this section shall deprive the local authority of any power of imposing any rate, except in so far as any such agreement as aforesaid may impose a restriction on such power for the benefit of any person liable under or entitled to the benefit of such agreement.

(8.) In the event of the ownership of any premises, to which an agreement refers becoming divided between two or more persons, then the benefit and burden of the agreement may be so apportioned and adjusted between the owners as the Minister may determine, and the Minister's determination shall have effect as if embodied in an agreement under this section.

10. Section fifty-six of the principal Act is repealed, and a section is inserted in lieu thereof as follows:—

56. The owner or occupier of any land in the district may, with the approval of the local authority, and subject to such conditions as it may impose and to the relative by-laws, cause his drains to empty into the covered sewers of the local authority.

Amendment of s.  
6.

Right to drain into  
sewers of local  
authority.

11. A section is inserted in the principal Act, after section fifty-nine, as follows:— New section.

59A. (1.) When there exists in any district any sewer (whether constructed by or under the control of the local authority or not) ready for use and suitable for the removal of sewage on the water-carriage system, then the local authority may, by notice in writing, require the owner of any house or land situated in the district within three hundred feet of the sewer and capable, in the opinion of the local authority, of being drained into such sewer, to provide for the removal of sewage from such house or land, and for that purpose to construct and provide such drains and fittings as the authority having control of such sewer shall deem necessary, and to connect such drains with the sewer. Owner may be required to connect premises with public sewer.

(2.) Such drains and fittings shall be constructed and connected and be supplied with water in accordance with the laws and regulations applicable to the sewer and in conformity with any directions given by the authority controlling the sewer.

(3.) It shall be the duty of any owner to whom any such notice as aforesaid is given to proceed as soon as practicable to comply therewith, and to carry the same into complete effect.

12. Section eighty-one of the principal Act is repealed and a section is inserted in lieu thereof as follows:— Amendment of s. 81.

81. (1.) No person shall erect, rebuild, maintain, or use any house, or keep or use or suffer to be kept or used any public place or private place without providing for the same sanitary conveniences, to the number prescribed, constructed and equipped in accordance with the by-laws of the local authority. Houses to have sanitary conveniences.

(2.) If any house, public place, or private place in the district appears to the local authority not to have sanitary conveniences in accordance with the preceding subsection, the local authority shall by written notice require the owner or occupier thereof within a time specified in such notice to provide the same.



(3.) If it appears to the local authority to be advisable that any house, public place, or private place should be provided with an apparatus for the bacteriolytic treatment of sewage, it may cause written notice to be served on the owner of the house or place requiring him within a time specified in the notice to provide and instal such apparatus for and in connection with such house or place, and such owner shall comply with such notice, and shall observe in connection with the provision and installation of the apparatus the provisions of section eighty-eight of this Act and of the relative by-laws.

(4.) Any person who neglects or refuses to comply with the requisitions of any notice served upon him either under subsection (2) or subsection (3) of this section shall be guilty of an offence against this Act, and shall be liable to a penalty not exceeding fifty pounds and to a daily penalty not exceeding forty shillings; and the local authority may do the work required to be done and provide the material or apparatus required to be provided in order to carry out the requisitions of the notice in respect whereof default has been made as aforesaid, and may recover from the person making such default the expenses incurred by the local authority in so doing.

(5) Such expenses, until paid, shall be and remain a charge upon the land, notwithstanding any change that may take place in the ownership thereof.

13. Section eighty-one a of the principal Act is amended—

(a) by deleting from subsection two the words “the erection of which was completed or commenced before the end of the year nineteen hundred and twenty-six” in the third, fourth, and fifth lines of the said subsection;

(b) by adding at the end of subsection two a proviso as follows:—

Provided further, that no such agreement shall be entered into in respect of any house the erection of which was not commenced before the date fixed for the district by a resolution passed for the purposes of this section by the local authority and published in the *Government Gazette*.

(c) by adding a subsection as follows:—

(3) Such expenses, until paid, whether by instalment, or otherwise, shall be and remain a charge upon the land upon or in relation to which the expenses were incurred, notwithstanding any change that may take place in the ownership thereof.

14. A section is inserted in the principal Act after section eighty-three, as follows:— New section.

83A. Where any person undertakes any work upon any land, whether such work necessitates the employment of workmen or not, such person shall, if required by the local authority, collect and dispose of, in accordance with the terms of the local authority's requisition, all night-soil, urine, liquid wastes, and rubbish present or found as the result of work being undertaken within the land occupied or controlled by him in connection with or for the purposes of such work. Persons to carry out sanitary work in certain cases.

15. Section eighty-six of the principal Act is amended— Amendment of s. 86.

- (a) by inserting in subsection one, after the word "payable," in line five, the words "in one sum or";
- (b) by substituting in subsection three the word "and" for the word "or," in line one; and by substituting the words "pan removals" for the word "pans," in line three of the subsection;
- (c) by adding subsections as follows:—

(5) Charges under this section may be levied in respect of and shall be payable for all premises in respect of which removal and disposal services are rendered, whether such premises are rateable or not.

(6) A local authority may, with the approval of the Commissioner, make different charges for services rendered in different portions of its district.

16. Section eighty-seven of the principal Act is repealed. Repeal of s. 87.

Amendment of s. 93. 17. Section ninety-three of the principal Act is amended by adding thereto a subsection, as follows:—

(3.) After the end of the year nineteen hundred and thirty-four no nightsoil collected in one district shall be deposited in any other district, except with the consent of the local authority of such other district, or of the Commissioner.

Amendment of s. 94. 18. Section ninety-four of the principal Act is amended by inserting after the word “contractor,” in line nine, the words “or by the local authority on his behalf.”

Amendment of s. 113. 19. Section one hundred and thirteen of the principal Act is amended by deleting from subsection three the words “belonging to such person shall, within one month after his conviction under this section,” and inserting in lieu thereof the words “shall, after the posting up of a notice as aforesaid.”

Amendment of s. 115. 20. Section one hundred and fifteen of the principal Act is amended—

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

(3a) the provision of water for sanitation purposes by either of the following methods, namely:—

(i) the supply of water from established water supplies; or

(ii) the provision of wells and equipment; or

(iii) the provision and maintenance of water storage tanks with catchment facilities and with a prescribed capacity for premises in prescribed areas:

Provided that a water storage tank used for sanitation purposes in connection with a house or other premises shall be deemed sufficient if it has a capacity of not less than one thousand gallons;

(b) by inserting after paragraph thirty-three a paragraph as follows:—

(33a) prescribing the fees to be paid to a local authority for any sanitary or other services rendered by it in connection with any camp.

21. Section one hundred and eighteen of the principal Act is amended by adding a proviso as follows:— Amendment of s. 118.

Provided that—

- (i) the notice may direct the owner to take down and remove the house, without giving him the alternative of amending the same; and
- (ii) any person aggrieved by any notice under this section shall have a right of appeal against such notice, and, in relation to any such appeal, the provisions of section thirty-five of this Act shall *mutatis mutandis* apply.

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

118A. Any person who dismantles any house, building, or other structure, whether in pursuance of a notice from the local authority or not, shall forthwith clean the land to the satisfaction of the local authority, and remove all rubbish to a place appointed by the local authority. Land to be cleaned up after removal of house or building therefrom.

23. A section is inserted in the principal Act after section one hundred and twenty-three, as follows:— New section.

123A. (1.) Any medical officer of health may order that any house or part of a house, or any furniture, goods, or things therein shall be cleansed to the satisfaction of an inspector, and the occupier shall forthwith comply with such order. Medical officer may order house or things to be cleansed.

(2.) In case default is made in compliance with such order, the local authority may take such steps as in the opinion of its medical officer of health are necessary to carry out the terms of the order, and may recover the cost and expenses of so doing from the person guilty of the default by action in any court of competent jurisdiction; but nothing in this section shall be deemed to relieve such person from any penalty to which he has rendered himself liable by his default.

(3.) In this section the word "occupier" includes the owner of any premises which are in fact unoccupied.

24. Section one hundred and thirty-six of the principal Act is amended— Amendment of s. 136.

(a) by deleting paragraph one and inserting in lieu thereof a paragraph as follows:—

- (1) The registration and inspection of boarding-houses and lodging-houses;

(b) by deleting subparagraph (a) of paragraph two and inserting in lieu thereof a subparagraph as follows:—

(a) Fixing and from time to time varying the number of boarders who may be received into a boarding-house and the number of lodgers who may be received into a lodging-house, and for the separation of the sexes in such houses;

(c) by inserting, after subparagraph (f) of paragraph two, new paragraphs as follows:—

(f1) enforcing the provision of proper and sufficient bathrooms and ablutionary appliances, including plunge baths and heaters;

(f2) requiring unsuitable bedsteads, bedding and bed-clothing to be removed from the premises.

Amendment of s.  
137.

25. Section one hundred and thirty-seven of the principal Act is amended by adding thereto a proviso as follows:—

Provided that, for the purposes of this section, no person shall be deemed to be a member of the family who is not the wife or husband or a child, parent, grandparent, grand-child, brother or sister, nephew or niece of the occupier of the premises.

New section.

26. A section is inserted in the principal Act after section one hundred and fifty-eight, as follows:—

Offensive trades.

158A. (1.) Where any trade process, whether an offensive trade or not, has been established in any district, and is of such a nature that the carrying on thereof will unavoidably result in fumes, dust, vapour, gas, or other chemical elements which, in the opinion of the Commissioner, are likely to be injurious to health, escaping into the air, the Governor may, on the recommendation of the Commissioner, by proclamation—

(a) define any area surrounding the place where such trade process is carried on, within which, after the issue of the proclamation and whilst the same remains unrevoked, no dwelling-house shall be erected or used for habitation; and

- (b) define any area surrounding the place where such trade process is carried on, within which, after the issue of the proclamation and whilst the same remains unrevoked, no rainwater tanks shall be erected or used, and no rainwater shall be collected or stored for human consumption:

Provided that, where any dwelling-house has, prior to the issue of a proclamation under this subsection, been erected within the area defined by such proclamation as an area within which dwelling-houses shall not be erected or used, the Commissioner may, notwithstanding the proclamation, grant a permit in writing signed by him to any person to use such dwelling-house for purposes of habitation, upon and subject to such conditions as the Commissioner may deem fit to impose and which are specified in the permit so granted.

27. Section one hundred and sixty-three of the principal Act is amended by inserting after paragraph sixteen new paragraphs, as follows:—

Amendment of s.  
163.

- (16a) Prohibiting the sale or storage for sale in any place of any second-hand furniture, bedding, or clothing which is filthy or verminous, and prescribing the method of cleansing or purifying the same, or requiring or authorising the destruction thereof;
- (16b) Prohibiting any person who is in a verminous condition from entering or remaining in any public vehicle, boarding-house, lodging-house, public house or public place, but so that no prosecution for a breach of any by-law made under this paragraph shall be instituted except on the complaint of an inspector.

28. Section one hundred and sixty-four of the principal Act is amended by inserting the word "or" between the words "officer" and "inspector," in line one, and by deleting the words "or other officer of the local authority," in lines one and two.

Amendment of s.  
164.

29. Section one hundred and sixty-five of the principal Act is amended—

Amendment of  
165.

- (a) by substituting the words "the inspecting" for the word "such" in line two;

(b) by substituting the word "inspecting" for the word "medical" in line one of paragraph one;

(c) by adding to paragraph one a proviso as follows:—

Provided that, if the owner shall forthwith give notice in writing to the inspecting officer that he intends to submit the matter to the determination of justices, then the provisions of the next succeeding paragraph (2) shall apply.

Amendment of s.  
168.

30. Section one hundred and sixty-eight of the principal Act is amended—

(a) by inserting, after the word "consumption," in line six, the words "or not in conformity with the standards prescribed for the same respectively";

(b) by adding to the section a proviso as follows:—

Provided that, if the owner shall forthwith give notice in writing to the inspecting officer that he intends to submit the matter to the determination of justices, then the provisions of paragraph (2) of section one hundred and sixty-five of this Act shall apply.

Amendment of s.  
174

31. Section one hundred and seventy-four of the principal Act is amended—

(a) by adding at the end of subsection two the words "or Skimmed milk";

(b) by deleting from subsection five the words "For the purposes of this section 'cream' shall be deemed to be milk";

(c) by inserting a new subsection as follows:—

(6) In this section, and in sections one hundred and seventy-one and one hundred and seventy-three, the word "milk" shall include "cream."

Amendment of s.  
198.

32. Section one hundred and ninety-eight of the principal Act is amended by adding at the end of subsection two the words "or to a bacteriologist."

Amendment of s.  
201.

33. Section two hundred and one of the principal Act is amended—

(a) by adding the word "or" at the end of paragraph

(b) in subsection one and by inserting in the said subsection one a paragraph, as follows:—

- (c) applied to any article by way of advertisement;
- (b) by adding at the end of subsection two the words "Advertisement" includes statements made in circulars or pamphlets, whether issued with the article or not."

34. A section is inserted in the principal Act after section two hundred and one, as follows:— New section.

201A. If any person shall, for the purpose of promoting the sale of any artificial food for infants, advise the mother or any person in charge of any child under the age of six months to use any particular kind or description of artificial food for the purpose of feeding such child in preference to natural food, such person shall be guilty of an offence against this Act:

Persons prohibited from advising use of artificial food for infants.

35. Section two hundred and two of the principal Act is amended— Amendment of s. 202.

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

(4a) Prohibiting persons having in their possession for sale any food, drug, or disinfectant which has been adulterated by the admixture of any foreign substance;

(b) by adding to subparagraph (b) of paragraph nine the words "and prohibiting the use on a label of any particular words or expressions";

(c) by inserting in paragraph fifteen after the word "adulteration," in line one, the words "or contamination."

36. Section two hundred and forty of the principal Act is amended by deleting subsection one and subsection two therefrom. Amendment of s. 240.

37. Section two hundred and seventy-two of the principal Act is amended by inserting after the word "system," in line two, the words "infant health centre." New section.

38. Section two hundred and eighty-three of the principal Act is amended— Amendment of s. 283.

(a) by substituting the word "eighteen" for the word "twelve" in line three of subsection two;



- (b) by substituting the word "nine" for the word "six" in line five of the proviso to subsection two.

Amendment of s.  
286.

39. Section two hundred and eighty-six of the principal Act is amended by inserting after the word "incompetent" in line four of subsection one, the words "or to have become incapable."

Amendment of s.  
291.

40. Section two hundred and ninety-one of the principal Act is amended by inserting in subsection two after the word "furnished," in line two, the words "to the Commissioner and."

Amendment of s.  
292.

41. Section two hundred and ninety-two of the principal Act is amended—

- (a) by adding at the end of subsection three the words "punishable on summary conviction by a penalty not exceeding five pounds";

- (b) by adding subsections as follows:—

(4) In addition to making the requisition mentioned in subsection (3) hereof, the medical officer or nurse may, by writing under the hand of such officer or nurse, require the parent or guardian to keep the child's hair cut short to the satisfaction of the officer or nurse or of the medical officer of health of the local authority; and such parent or guardian shall comply with the requisition and do what is necessary to ensure continued compliance therewith.

Penalty: Five pounds.

(5) Every such requisition as is mentioned in subsection (3) or subsection (4) hereof shall, in so far as it is of a continuing character, remain in force for twelve months.

New sections.

42. Sections are inserted in the principal Act after section two hundred and ninety-two, as follows:—

Parent or guardian  
to provide medical  
or surgical treat-  
ment for child in  
certain cases.

292A. (1.) Any parent or guardian who, after being notified by a medical officer of some physical defect in a child, which defect requires medical or surgical attention, fails or neglects to secure or provide such attention, shall, if such failure or neglect endangers or is likely to endanger the life or the health of such child, be guilty of an offence against this Act.

Provided that no prosecution shall be instituted for a breach of this section without the approval of the Commissioner and until the child has been examined by a medical officer (appointed under section eleven of this Act), acting in consultation with a private medical practitioner.

(2.) It shall be the duty of any such child to submit to, and of the parents or guardians of such child to permit, any examination necessary for the purposes of this section.

292B. (1.) Any medical officer may, and, when requested by the Chief Protector of Aborigines shall, examine medically and physically any aboriginal or half-caste to whom the Aborigines Act, 1905, applies, who is living in any aboriginal institution or other place controlled or administered by or otherwise subject to the supervision of the Aborigines department under the provisions of the said Act, and also any aboriginal or half-caste to which the said Act applies who is found or kept in any other place.

Medical  
examination of  
aboriginals.

(2.) Any aboriginal or half-caste to whom subsection one hereof applies shall submit to such examination as the medical officer may deem necessary; and to such subsequent treatment as may be ordered by the medical officer.

(3.) No person in charge or control of any aboriginal institution or place in which an aboriginal or half-caste, to whom subsection one hereof applies, is living or is found or kept, shall interfere with or obstruct the examination of such aboriginal or half-caste by the medical officer.

43. Section two hundred and ninety-five of the principal Act is amended by adding at the end of subsection two the words "with or without modification."

Amendment of s.  
295.

44. Section three hundred and nine of the principal Act is amended by adding at the end thereof the words "and may refuse any subsequent application from such person for a similar license or registration.

Amendment of s.  
309.

New section.

45. A section is inserted in the principal Act after section three hundred and twenty-two, as follows:—

Money owing to local authority to be a charge against land in certain cases.

322A. In every case where a local authority carries out work on any land or premises, whether such work be done by agreement with the owner, or on account of default on the part of the owner of such land or premises, the amount due to the local authority in respect of such work may be recovered from the owner in any court of competent jurisdiction, and until paid shall be and remain a charge upon the said land.

Amendment of s. 323.

46. Section three hundred and twenty-three of the principal Act is amended—

(a) by inserting in paragraph four, between the word “be” and the word “enforced,” in line one of the said paragraph, the word “registered”;

(b) by adding a paragraph as follows:—

(5) Such charge shall rank, if the expenses are due to the Crown, *pari passu* with land tax, and in other cases it shall rank *pari passu* with rates due to the local authority.

Amendment of s. 328.

47. Section three hundred and twenty-eight of the principal Act is amended by adding thereto a paragraph as follows:—

(11.) The averment in a complaint that a defendant is the parent or guardian of a child in any proceedings under sections two hundred and ninety-two and two hundred and ninety-two A of this Act shall be deemed sufficient proof until the contrary is proved.

Citation of principal Act as amended.

48. The principal Act as amended by this Act may be cited as the Health Act, 1911-1932.