



Western Australia.

ANNO PRIMO ET SECUNDO

EDWARDI VII. REGIS.

No. XXIII.

AN ACT to amend the Health Act, 1898.

[Assented to, 19th February, 1902.]

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, 1902, and shall be incorporated with the Health Act, 1898 (hereinafter called the principal Act), and all amendments thereof.

Short title.

2. (1.) THE seat of a member of a District Board of Health shall become vacant if such member shall—

Vacancy in board of a combined district.

(a.) Cease to be a member of the municipal council or road board by which he was elected a member of such District Board; or shall

(b.) Die or resign or be ousted of such office by any Court of competent jurisdiction.

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(2.) Every such vacancy shall be filled by the municipal council or road board which elected the member whose seat has become vacant electing another of their number to be a member of the District Board. The result of such election shall be reported to the Minister, and the Governor shall, by notice in the *Government Gazette*, appoint the person so elected to be a member of the District Board.

District Board may adopt road board or municipal valuation.

3. WHERE the district of a Local or District Board comprises any land or tenement within the district of a road board or municipality, the Local or District Board, as the case may be, may adopt the valuation of such land or tenement as made by the road board or municipal council respectively, and such valuation shall, for all purposes, be as valid and binding as if made by the Local or District Board respectively.

Rates due before proclamation of a combined district may be collected by the District Board.

4. UPON the proclamation of any combined district, all moneys due or payable for any public health rate theretofore struck in any district or part of a district (including any municipal or road board district) included within such combined district shall be payable and paid to the District Board of such combined district, and may be sued or otherwise recovered and enforced as if such rate had been struck by such District Board.

This section shall be read as if it formed part of the Health Act Amendment Act, 1900, and had come into operation on the 5th December, 1900.

Where rate struck for removal of refuse, etc., exempted premises to pay charge.

5. (1.) NOTWITHSTANDING the making and levying of a rate in accordance with section one hundred and seventy-eight of the principal Act, for the purpose of providing for the proper removal of nightsoil and other refuse within the district or any part thereof, the Local or District Board making or levying such rate may provide for the removal and disposal of nightsoil and other refuse from any premises exempted from such rate, and may make an annual charge, payable in advance, for the removal of such nightsoil or refuse from such premises, and may levy and make such annual charge upon and against the owner or occupier of such exempted premises as the Local or District Board may by resolution decide, and may recover such charge in the same way as and from the same person as if the charge were a public health rate.

(2.) No annual charge in respect of any premises shall exceed the amount which would have been payable if such premises had been liable to be, and had been, rated.

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6. A DISTRICT Board shall, within its district, have and exercise all the powers and authorities which a Local Board may exercise within its district, and shall be subject to the same duties and liabilities.

District Board to have powers and duties of a local board.

7. ALL proclamations, orders, and regulations for the purpose of preventing the spread of the disease known as bubonic plague, made or published before the commencement of this Act, and made in pursuance of the provisions of the principal Act, or purporting to have been so made, declaring places to be infected or quarantined, and prohibiting persons from entering or leaving such places, shall be deemed to have been and to be good and valid proclamations, orders, and regulations under that Act excepting as regards such actions or suits which have already been commenced; and the Colonial Secretary, the Central Board, and every Local Board, and all persons and officers whatsoever are hereby saved harmless in respect of any acts done by them in pursuance of any such proclamations, orders, and regulations, and in respect of the cleansing and disinfecting of any land or buildings, and in respect of the cleansing or pulling down and removal of any buildings or parts thereof for the purpose of preventing the spread of the said disease.

Validating orders, etc., in reference to bubonic plague.

8. THE principal Act is amended, as follows:—

Amendment of principal Act.

In section thirty-eight, in the second and fourth lines of the seventeenth paragraph, the words “or fish” are inserted after the word “fruit.”

Section 38.

The following paragraphs are inserted next before the last paragraph of section thirty-eight:—

Section 38.

“For specifying some place or places at which all fish must be produced for inspection before being sold or offered or exposed for sale within the district.”

“For preventing any person expectorating on any made footpath in any street or public place, or on any building to which the public have access or any approach thereto, or on any railway carriage, tramcar, or other public conveyance.”

In section one hundred and eighteen, the words “tuberculosis of the lung” are inserted before the word “leprosy.”

Section 118.

In section one hundred and forty-six, the words “one hundred and eighty-five to one hundred and ninety-two” are struck out, and the words “one hundred and ninety-one to one hundred and ninety-five” substituted therefor.

Section 146.

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- Section 169. In section one hundred and sixty-nine, line one, the word "houses" is inserted after the word "all."
- Section 187. In section one hundred and eighty-seven, the words "in charge of any abattoir, slaughterhouse, or piggery" are struck out.
- Section 231. In section two hundred and thirty-one, sub-section six, the words "sixty-one" are substituted for the words "sixty-three."

Amendment of sections 110 and 111 of principal Act. **9. SECTIONS** one hundred and ten and one hundred and eleven of the principal Act are struck out, and the following sections are substituted therefor:—

Governor may direct enforcement of provisions to prevent disease.
Ibid., s. 37.
Ibid., s. 121.

110. THE Governor may make orders from time to time directing that the provisions in the next following section contained, for the prevention of epidemic, endemic, and contagious diseases, be put in force in Western Australia, or in such parts thereof, or in such places therein, as in such orders respectively may be expressed; and may in like manner from time to time revoke, alter, or vary any such orders; and such orders shall have the like effect as if the provisions therein contained were included in this Act: Provided that such orders shall, within one week from the making thereof, be published in the *Government Gazette*.

Board to make regulations as to diseases.
Ibid., s. 74.

111. FROM time to time after the issuing of any such order as in the last preceding section mentioned, and whilst the same continues in force, the Central Board may make such regulations as the said Board shall think fit for the prevention, as far as possible, or mitigation of such epidemic, endemic, or contagious diseases, and may from time to time revoke, renew, and alter any such regulations, or substitute such new regulations as to the said Board may seem expedient; and the said Board may, by such regulations, provide—

- (a.) For the giving of notice of the presence of any infectious or contagious disease in any house, premises, place, town, or district;
- (b.) For the entry, at all times, of houses, buildings, and premises by medical or other officers or persons, for the purpose of carrying out any of the said regulations, or of inquiring into and ascertaining the presence of such diseases;
- (c.) For the effectual cleansing of streets and public ways and places by those entrusted by law with

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the care and management thereof, or by the owners and occupiers of houses and tenements adjoining thereto;

- (d.) For the cleansing, purifying, ventilating, and disinfecting of houses, schools, churches, buildings, and places of assembly or entertainment, and other buildings and premises, by the owners or occupiers or persons having the care and ordering thereof, or by other persons at the expense of such owners or occupiers or persons, or, where necessary, at the public expense;
- (e.) For the destruction or disinfection of any goods or chattels, and of night-soil or the fæcal or other discharges of persons suffering from infectious or contagious disease;
- (f.) For a house-to-house visitation and inspection of the whole or part of any district;
- (g.) For the removal of persons suffering from infectious or contagious diseases to hospitals, or other suitable or convenient places, and the keeping of them in such places until they are free from infection or contagion;
- (h.) For the forbidding and preventing of persons from quitting or entering any house, premises, place, town, or district which may be declared by the said Board to be infected;
- (i.) For the declaring of any house, premises, town, or district to be infected as aforesaid;
- (j.) For the times, methods, and conditions of the burial or disposal of the dead;
- (k.) For lessening or regulating the number of the inmates and occupants of common or other lodging houses, workrooms, or factories, or other public buildings;
- (l.) For causing public and private privies and earth closets to be established and properly constructed, maintained, and cleansed;
- (m.) For the speedy removal of nuisances;
- (n.) For any matter of the like or other kind which the Board may deem to be necessary as a precaution against the breaking out or spreading of any such diseases as aforesaid;

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(o.) And generally for preventing or mitigating such epidemic, endemic, or contagious diseases in such manner as to the Board may seem expedient;

And the said Board may, by any such regulations, authorise, require, and direct any local board or their officers to superintend and see to the execution of any such regulations, and to provide for the dispensing of medicines, and for affording to persons afflicted by or threatened with such epidemic, endemic, or contagious diseases such medical aid as may be required, and the said Board may do and provide all such acts, matters, and things as may be necessary for executing or superintending and aiding in the execution of such regulations.

Such regulations shall extend to all parts or places included in any order to be issued by the Governor as aforesaid, unless such regulations be expressly confined to some of such parts or places, and shall continue in force until such order be rescinded in regard to the parts or places to which such regulations shall extend. All such regulations shall, within two weeks from the making thereof, be published in the *Government Gazette*.

The Board shall be deemed to have had such powers from the commencement of the Health Act, 1898.

In the name and on behalf of the King I hereby assent to this Act.

ARTHUR LAWLEY, Governor.