



Western Australia.

ANNO QUINQUAGESIMO NONO

VICTORIÆ REGINÆ.

No. XXXV.

AN ACT to further amend "The Public Health Act, 1886," and to extend the powers of Local Boards of Health and for other purposes.

[Assented to, 12th October, 1895.]

BE it enacted by the Queen'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 for all purposes as "The Public Health Act Further Amendment Act, 1895."

Short Title.

2. THIS Act shall be incorporated with "The Public Health Act, 1886," hereinafter called the Principal Act, and with any amendment of the same.

Incorporation.

3. (1.) THE definition of the term "house" in Section two of the Principal Act is hereby amended by adding the following words at the end of the definition, "whether temporary or otherwise, and whether erected upon fee simple lands, reserves, municipal lands, or on Crown lands."

Amendments to Principal Act.

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Section 27. (2.) Section twenty-seven of the Principal Act is hereby amended by inserting the words "or owner" after the word "occupier," in the second line.

Section 27. (3.) Section twenty-seven is further amended by inserting after the words "dairies," in the second paragraph, the words "from which milk is supplied to persons residing in a municipality, whether such dairies are or are not within the boundaries of such municipality."

Section 40. (4.) Section forty of the Principal Act is hereby amended by inserting after the word "fever" the words "low, colonial, or typhoid fever."

Waste water not to flow into streets. 4. NO occupier or owner shall cause or permit any foul or offensive water to flow from his premises into a street. Any person offending against this section shall be liable to a penalty not exceeding Five pounds.

Areas adjoining municipalities. 5. IT shall be lawful for the Governor in Executive Council to place any area of land actually adjoining a municipality under the jurisdiction of the Local Board of Health of such municipality for the purposes mentioned in "The Public Health Act, 1886," and all amendments thereto; and more particularly for the purpose of enabling the Local Board of Health to make by-laws to prevent the surface and soil of such areas, together with the watercourses, wells, dams, and tanks therein from being polluted by human or animal excreta, manure, or other refuse; and such by-laws may determine the nature of the receptacles for nightsoil, the mode of removal, the persons by whom removed, and the place and method of disposal of nightsoil and other refuse.

By-laws shall have the same force as if made under the principal Act. 6. ALL by-laws made under any of the provisions of this Act shall have the same force and effect, and be subject to the same provisions, as if made under the principal Act.

Penalties. 7. ANY person offending against any of the provisions of this Act shall—except where otherwise herein provided—be guilty of an offence against the principal Act.

LOCAL BOARDS FOR AREAS NOT BEING MUNICIPALITIES.

Local boards outside municipalities. 8. (1.) THE Governor may, by Order in Council, from time to time appoint a Local Board of Health for any locality to be defined in such Order. Such Board shall consist of such and so many persons not exceeding seven, as the Governor may think fit, and shall have and exercise all the powers and duties vested in or imposed upon Local Boards under the Principal Act.

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(2.) The Governor may, from time to time, remove all or any of the persons so appointed, and on the removal, death, or resignation of any member of a Local Board may, from time to time, appoint some other person in his place.

(3.) The Local Board shall, from time to time, appoint one of their number to be Chairman of such Board.

(4.) In the event of the absence of the Chairman from any meeting, the members present shall elect one of their number to be Chairman of such meeting, and at all meetings of the Local Board the Chairman shall have a vote, and in case of an equality of votes shall have a casting vote; and during any vacancy in the Local Board, whether of the office of Chairman or not, the continuing members may act as if no vacancy had occurred; and at all meetings of the Local Board all questions shall be decided by a majority of the votes of the members present. The Local Board may make, alter, and rescind rules for regulating their own proceedings.

9. EVERY reference to the district of a Local Board in the Principal Act, or any Act amending the same, shall, in case of a Board appointed under this Act, be deemed to be the area of the locality for which the Board is so appointed.

Area for which such Board is appointed.

10. ALL expenses incurred by a Local Board appointed under this Act shall be defrayed out of such moneys as may from time to time be voted by Parliament.

Expenses how defrayed.

11. EVERY Board appointed under this Act shall cause accounts to be kept, in such form as may be directed by the Colonial Treasurer, of all moneys received and expended by them for the purposes of the Public Health Acts, and such accounts shall be audited by the Auditor General.

To keep accounts.

12. IN the event of the locality for which a Board is appointed under this Act, or any part thereof, being constituted a Municipality, the members of the Board shall thereupon cease to hold office, and all public moneys then in the hands of the Board or under its control shall be paid to the Municipality.

When members cease to hold office.

13. THE area of any locality defined for the purposes of a Local Board under this Act may from time to time be extended or contracted by the Governor by Order in Council.

Areas may be extended or contracted.

LODGING HOUSES.

14. IN the construction of this Act the words "Lodging House" shall mean any dwelling of any kind, any house, building, tent, edifice, or other structure, permanent or otherwise, and any part of such premises (not being the licensed premises of a licensed

Interpretation.

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virtualler) in which persons are harboured or lodged for hire for a single night, or for less than a week at one time, and also any such premises and parts thereof as aforesaid where more than six persons are boarded or lodged for hire from week to week, or for more than a week.

Cubic space for lodgers.

15. EVERY boarding or lodging house keeper who shall permit persons to sleep on his premises so that there shall be less than five hundred cubic feet of air for the use of each of the persons in a room shall forfeit and pay for each offence any sum not exceeding Five pounds. For the purposes of this section it shall be lawful for the Health Inspector to visit and inspect boarding or lodging houses at such times as may be necessary to ascertain whether the provisions of this section are being observed.

Local Boards may make by-laws for lodging houses.

16. (1.) EVERY Local Board may from time to time make, alter, amend, or repeal any by-laws for the following matters and things (that is to say):—

- (a.) Requiring the annual registration of all lodging houses and specifying the terms and conditions upon which such registration shall be granted and continued, and providing for the revocation or cancellation of any such registration.
- (b.) Fixing the number of lodgers who may be received in such houses, and in every way providing for the conduct, management, inspection, and control of such houses, and the cleanliness, ventilation, and sanitation thereof.

(2.) All by-laws shall apply to all lodging houses, whether now or heretofore erected, occupied, or used as such, and whether now or hereafter registered.

Local Board shall keep a register.

17. (1.) EVERY Local Board shall forthwith, after making any such by-laws, establish, and thereafter keep a register in which shall be entered the names and residences of the keepers of all lodging houses, and the situation of such houses, and the number of lodgers authorised to be received thereat.

(2.) A copy of any entry made in any such Register, certified to be a true copy by the Health Officer or any Health Inspector of the Board, shall be received in all Courts and on all occasions as evidence, and sufficient proof of all things and matters therein contained stated, without production of the register.

(3.) A fee of five shillings shall be paid to the Local Board for each registration.

Access to lodging houses.

18. THE person keeping or in charge of any lodging house shall at all times give access thereto, and to every part thereof, to any

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officer, inspector, or servant of the Local Board, and to any other person or persons thereto authorised by the Local or Central Board, and also to any Justice or Justices of the Peace or police officer.

19. THE Local or Central Board, or any officer, inspector, or servant or any person or persons thereunto authorised by either such Board, may enter and, if necessary, remain upon any lodging house for the purpose of disinfecting the same, and the expense of any such disinfection shall be paid by the keeper of such house, and may be recovered summarily by the Board.

Authorised persons may enter and disinfect.

20. THE registered keeper of any lodging house shall, upon any death occurring therein, give or cause to be given a written notice thereof to the Local Board within twelve hours thereof, and of the name of the medical practitioner (if any) who attended the deceased.

Notice of death.

21. (1.) THE keeper of any lodging house shall, when any person therein is ill of fever or any infectious or contagious disease whatever, give immediate written notice thereof to the Local Board.

Notice of illness.

(2.) The Local Board or its Health Officer may, if satisfied that any person in a lodging house is ill of fever, or any contagious or infectious disease, cause such person to be removed to a hospital.

Removal to hospital.

22. THE keeper of every lodging house shall from time to time, if required by any order of the Local Board, report to the Board the name of every person who resorted to such house during the preceding week, or such less period as may be so required.

To report names of visitors.

23. AFTER the making of such by-laws, any person who shall be the keeper of or have the charge or management of any lodging house, unless the same be duly registered, shall be guilty of an offence against the principal Act.

Offence of not registering.

PRIVATE HOSPITALS.

24. (1.) EVERY Local Board may from time to time, and, if required by the Central Board, shall make, alter, amend, or repeal by-laws for any or all of the following matters (that is to say):

Local Boards may make by-laws for private hospitals.

(a.) Requiring the annual registration of all Private Hospitals, and specifying the terms and conditions upon which registration shall be granted and continued, and providing for the revocation or cancellation of any such registration.

(b.) For the inspection, drainage, good management, and sanitary regulation of such hospitals.

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- (c.) Requiring the keeping and using of a proper register for the registration of all cases admitted into or treated in any such hospital, and for the inspection of such register by any officer, inspector, or servant of the Local or Central Board.
- (d.) Providing for the separation or removal of any patients suffering from any fever or infectious or contagious disease.
- (e.) Regulating the number of patients to be admitted, and of nurses or assistants to be maintained, or the class or classes of disease or cases to be admitted into or treated at any such hospital.
- (f.) Providing for the qualification of any person or persons keeping, nursing, or assisting in any such hospital.

(2.) Such by-laws may apply to the whole or any part of the district of the Local Board making the same, and all such by-laws may apply to every private hospital whether heretofore or hereafter established.

(3.) "Private Hospital" shall mean and include all houses, buildings, or places, or structures, whether permanent or otherwise, in which persons are received and lodged for medical or surgical treatment or care, but shall not include institutions maintained by the Government or controlled by a Board appointed under "The Hospitals Act, 1894."

Offence of not
registering.

25. (1.) AFTER the making of such by-laws no person shall open, occupy, or conduct, or keep open, occupied, or conducted any private hospital as aforesaid, unless the same be duly registered, nor after registration thereof has been revoked or cancelled.

(2.) A fee of five shillings shall be paid to the Local Board for each registration.

Offence by nurses.

26. ANY person offending against the provisions of the last preceding section, and any person nursing or otherwise assisting at any such private hospital after written notice that the same is opened, occupied, or conducted in contravention of the last preceding section, shall be guilty of an offence against the Principal Act.

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

ALEX. C. ONSLOW, Administrator.