



Western Australia

THE HEALTH ACT 1911

Appeals to Commissioner of Public Health, Regulations

These regulations were repealed by the *Appeals to Commissioner of Public Health, Regulations Repeal Regulations 2004* r. 3 as at 1 Jan 2005 (see *Gazette* 30 Dec 2004 p. 6935).

Ceased on 01 Jan 2005

Version 00-b0-05

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Colonial Secretary's Office,
Perth, 26th November, 1915.
M.P.H. 2505/15.

HIS Excellency the Governor in Council has been pleased to make the following Regulations relating to Appeals to the Commissioner of Public Health.

F. D. NORTH,
Under Secretary.

Whereas by Section 36 of “*The Health Act 1911*,” it is provided that in certain matters a person aggrieved by an order or decision of a Local Authority may appeal against the same to the Commissioner of Public Health, and that every such appeal shall be brought and conducted in accordance with Regulations made by the Governor: Now, therefore, His Excellency the Governor, by and with the advice and consent of the Executive Council, doth hereby make the following Regulations accordingly: —

1. Appeal to Commissioner

Any person desirous of appealing to the Commissioner under Section 36 of “*The Health Act 1911*,” against any order or decision of a Local Authority shall, within fourteen days after receiving notice of such order or decision, deliver to the Commissioner a Notice of Appeal setting forth —

- (a) The matter in respect of which the Notice of Appeal is given;
- (b) The terms of the order or decision appealed against;
- (c) The date of such order or decision;
- (d) The grounds upon which the appeal is based.

2. Commissioner to investigate

Upon receipt of such notice of appeal the Commissioner shall investigate the matter and hear such evidence as may be brought before him by the appellant or by the Local Authority, whose order or decision is appealed against.

3. Hearing

If any evidence is to be heard, the Commissioner shall fix a place and time for the hearing, of which at least seven days' notice shall be given to the appellant and to the Local Authority concerned.

4. Procedure at hearing

At such hearing the appellant and the Local Authority may be represented by counsel; the proceedings at such hearing need not be in accordance with the recognised procedure of a Court of Law, but shall be as directed by the Commissioner.

5. Evidence

All evidence shall be given upon oath, and in relation to witnesses and their examination and the production of documents, the Commissioner shall have similar powers to those conferred upon Justices by "*The Justices Act 1902.*"

Notes

- ¹ This is a compilation of the *Appeals to Commissioner of Public Health, Regulations* and includes the amendments referred to in the following Table.

Compilation table

Citation	Gazettal	Commencement
<i>Appeals to Commissioner of Public Health, Regulations</i>	26 Nov 1915 p. 3683	26 Nov 1915

These regulations were repealed by the *Appeals to Commissioner of Public Health, Regulations Repeal Regulations 2004* r. 3 as at 1 Jan 2005 (see *Gazette* 30 Dec 2004 p. 6935)
