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[1902.

## The Health Act, 1898.

E.C.  $\frac{573}{1902}$

### Order in Council.

*At the Executive Council Chamber, at Perth, the  
5th day of February, 1902.*

*Present:*

The Honourables—

The Attorney General (Senior Member),  
The Colonial Treasurer,  
The Minister for Works.  
E. M. Clarke, M.L.C.

$\frac{794}{1902}$

BY virtue of the provisions of Section 110 of "The Health Act, 1898," His Excellency the Governor, by and with the advice and consent of the Executive Council, hereby orders that the provisions contained in Section 111 of "The Health Act, 1898," for the prevention of epidemic, endemic, and contagious diseases, be put in force in Western Australia, and does hereby also make the following orders:—

1. That notice shall be given immediately by the occupier of any house, premises, or place wherein there is any infectious or contagious disease, to the Secretary of the Local Board of Health for the District, and if there be no Local Board, then to the Secretary of the Central Board.

2. That entry may be made at all times to houses, buildings, and premises by Medical or other officers of local boards, or the Central Board, for the purpose of carrying out any regulations made by the Central Board, or of inquiring into and ascertaining the presence of such disease.

3. That infected bedding, clothing, and all other infected things whatsoever shall be destroyed or disinfected.

4. That houses, schools, churches, places of assembly or entertainment, and other buildings and premises, shall be cleansed, purified, ventilated, and disinfected by the owners or occupiers thereof, or by medical or other officers of, or persons authorised thereto by the Local Board or the Central Board, at the expense of the owners or occupiers, or where necessary at the public expense.

5. That persons suffering from infectious or contagious diseases shall be removed to a hospital or other place which shall be deemed suitable or convenient by the Central Board, and shall be kept in such place until they are free from infection or contagion.

6. That all persons shall be forbidden and prevented from quitting or entering any house, premises, place, town, or district, which may be declared infected by the Governor in Council or other person or

persons authorised by him, in accordance with Section 110 of "The Health Act, 1898," by notice published in accordance with that section.

7. That the Governor in Council may declare any house, premises, town, or district to be infected.

8. That all persons occupying or using the same house, premises, or place as any person suffering from Bubonic Plague, and all other persons deemed by the Central Board, or the Medical Officer thereof, or the Officer of Health, to have been liable to infection, from any cause whatever, shall be removed to an isolated place approved by the Central Board for that purpose, and shall remain in quarantine for such period as the Central Board may direct.

9. That the times, methods, and conditions of the burial of the dead shall be such as may be prescribed under any regulation made by the Central Board for this purpose under Section 111 of "The Health Act, 1898," and by virtue of this order.

10. That, in order to prevent the introduction and spreading of such diseases as aforesaid, by means of rats—

(a.) In case of ships coming from any place or country where Bubonic Plague is known or suspected to exist, all rats on such ships shall be immediately destroyed.

(b.) All rats in all stores, warehouses, and other buildings under the control of the Railway, Customs, and Harbours Departments, at the ports of the State, shall be destroyed.

(c.) The Local Boards of Health at all the ports and towns of the State shall take the necessary steps to have the rats in such ports and towns destroyed.

(d.) Complete precautions shall be taken to prevent rats coming ashore from all ships in any port of the State.

(e.) The bodies of all rats taken, alive or dead, shall be destroyed by fire.

(f.) An efficient staff shall be appointed to carry out the destruction of rats as aforesaid.

(g.) A reward shall be offered for the bodies of rats captured at such ports as shall be named in the Regulations framed under this Order.

11. That all cargo from ships or vessels having touched at any port where Bubonic Plague is known or suspected to exist shall be disposed of and dealt with in such manner as the Medical Officer at such port may deem necessary; and all cargo consigned to Perth shall be dealt with at Fremantle in the same manner as cargo consigned to that port.

12. That as a further precaution as aforesaid, the landing of any articles or goods deemed by the Central Board to be liable to be infected may be prohibited or restricted by any regulation made by the Central Board, under Section 111 of "The Health Act, 1898," and by virtue of this order.

13. That these orders, made under Section 110 of "The Health Act, 1898," shall continue in force for one month from the date hereof, unless and until such orders may be revoked, altered, or varied in the meantime.

F. D. NORTH,  
Clerk of the Council.

### Regulations made by the Central Board of Health.

(Under Section 111 of "The Health Act, 1898.")

#### PART I.

1. (a.) All rats in all wharves, stores, warehouses, and other buildings and premises under the control of the Railway, Customs, and Harbour Departments at the ports of Western Australia shall be destroyed, and such methods shall be used for this purpose as shall be approved by an inspector authorised by the Central Board.

(b.) Owners and occupiers of all houses, warehouses, granaries, stores, stables, and other buildings and premises, shall destroy or cause to be destroyed all rats therein.

2. The Local Board of Health of each port and town of Western Australia and of the City of Perth shall—

(a.) Cause to be destroyed the rats in all drains, culverts, sewers, and other places under their control; and

(b.) Take steps to compel owners and occupiers of all warehouses, granaries, stores, stables, and other buildings in their district to destroy all rats therein.

(c.) In the event of such owners and occupiers refusing or neglecting to destroy the rats in accordance with the Regulation 1b, Part I. of these Regulations, the Local Board of Health shall undertake the destruction of the rats in such houses, warehouses, granaries, stores, stables, and other buildings and premises, and charge the owner or occupier with the cost thereof, and the owner or occupier thereof shall also be liable to the penalties under these Regulations and "The Health Act, 1898."

3. Complete precautions shall be taken to prevent rats coming ashore from all ships in any port of Western Australia, coming from or having touched at any port where Bubonic Plague is known or is suspected to exist, for which purpose the following shall be carried out:—

(a.) Every such vessel shall be made fast to a wharf or pier by means of wire ropes. Every such wire rope shall be coated with tar over a length of at least 1ft. just beyond the side of the vessel and just above the end attached to the wharf or pier, the tar being kept in a sticky condition by repeated applications; and shall be provided with two metal funnels of approved pattern and dimensions, one being fixed above the tarred space at the shore end, and the other below the similar space at the ship end of such wire rope.

(b.) The fenders and fender slings shall be tarred, so as to prevent migration of rats, and the tar shall be kept in a sticky condition by repeated applications.

(c.) No net shall be used between the ship and the wharf or pier unless tarred, and the tar kept in a sticky condition by repeated applications. All such nets shall be removed when the ship is not working.

(d.) All gangways shall be drawn up when not required for discharging or receiving cargo from 7 p.m. to 6 a.m., and tar shall be applied to such gangways over a length of at least 1ft. at each end, just beyond the side of the vessel and just above the end resting on the wharf or pier, and the tar shall be kept in a sticky condition by repeated applications.

(e.) There shall be suspended over the side along the wharf or pier four sets, or more if required, of electric or other suitable lights, so distributed as to furnish complete illumination fore and aft along the whole length of the side of the vessel.

(f.) The owner, agent, or master of every such vessel shall supply three watchmen by night and one by day, and shall see that they constantly patrol the wharf or pier alongside the vessel from stem to stern, and that they take all practicable measures to prevent the passage of rats between the ship and the wharf or pier.

(g.) All pipes, ports, and other holes in the side of the vessel next to the wharf or pier shall be completely closed, and kept closed so long as the vessel is alongside, in order to prevent ingress or egress of rats.

(h.) No lighter shall be allowed alongside any such vessel unless special permission is given by an inspector or other authorised Officer of the Central Board.

4. The bodies of all rats taken alive or dead shall be destroyed by fire.

5. The places at which rewards shall be offered for the destruction of rats captured shall be Perth, Fremantle, and Guildford, and intervening Local Board of Health Districts.

6. The owner, agent, or master of every vessel arriving at any port of Western Australia, coming from or having touched at any port where Bubonic Plague is known or is suspected to exist, shall, before such vessel is allowed to proceed to her berth, sign an undertaking to comply with these Regulations in the form prescribed by the Central Board for the purpose.

7. The Local Boards and their officers at all ports and towns of Western Australia, and in the City of Perth, are hereby authorised and directed to superintend and see to the execution of this part of these Regulations.

#### PART II.

8A. The occupier of any house, premises, or place wherein there is any infectious or contagious disease shall immediately notify the presence of such disease to the Secretary of the Local Board of the district, and if there be no Local Board, then to the Secretary of the Central Board, and the legally qualified medical practitioner in attendance on any case of Bubonic Plague shall immediately notify such case to the President of the Central Board.

8B. For the prevention of the spread of Bubonic Plague, the Central Board may from time to time declare any house, town, or premises to be infected.

8c. Any house, premises, or place wherein there has been a case of Bubonic Plague, or which may be infected, shall not be re-occupied until permission to re-occupy be granted by the Central Board after complete disinfection thereof has been carried out; and such house, premises, or place shall, for such period and until such permission be granted, remain in strict quarantine and be disinfected from time to time as the Central Board may direct.

9. The Medical Officers of and such Inspectors as may be appointed by any Local Board or by the Central Board for the purpose of carrying out these Regulations may at all times enter all houses, buildings, and premises for the purpose of carrying out the said Regulations, or of inquiring into and ascertaining the presence therein of any infectious or contagious disease.

10. All infected bedding and clothing and all other infected things whatsoever shall, if ordered by the Central Board, be destroyed, and if not so ordered to be destroyed shall be completely and thoroughly disinfected, and for this purpose every Inspector of the Central Board, or of any Local Board, shall carry out such rules for such disinfection or destruction as may from time to time be made by the Central Board.

11. For the purpose of cleansing, purifying, ventilating, and disinfecting houses, schools, churches, places of assembly or entertainment, and other buildings and premises, the owners or occupiers thereof shall comply with all orders made by the Local Board of the district or by the Central Board, and if such owners or occupiers shall neglect or refuse to carry out within the time limited such orders made for this purpose, then the Medical or other Officers of such Local Board or the Central Board may so cleanse, purify, ventilate, or disinfect such buildings, places, and premises, at the expense of the owners or occupiers thereof.

12. The owners and occupiers of all houses, warehouses, granaries, stores, stables, and other buildings and premises shall remove and abate any nuisance whatever therefrom.

13. In the event of any nuisance whatever existing in any house, warehouse, granary, store, stable and other building and premises, the Officer of Health of any Local Board of Health or the President of the Central Board of Health, may notify the owners or occupiers to remove or abate such nuisance forthwith; and if such nuisance is not removed forthwith by such owner or occupier, then such nuisance shall be removed by any officer of the Local Board or the Central Board, and the owner or occupier shall be charged with the cost thereof, and the owners or occupiers thereof shall be also liable to the penalties under these Regulations and "The Health Act, 1898," for allowing such nuisance to exist.

14. A daily house-to-house visitation and inspection shall be made of all houses, warehouses, granaries, stores, stables, and other buildings and premises within any district in which rats infected with plague have been found, and within any other district which the Central Board of Health may deem expedient.

15. For the purpose of preventing the spread of Bubonic Plague by means of rats, the owners and occupiers of all houses, warehouses, granaries, stores, stables, and other buildings and premises, shall keep or cause to be kept all refuse bins therein so covered as not to admit of any rats having access to the contents.

16. All persons suffering from the malignant infectious disease known as Bubonic Plague shall be removed immediately to a special isolated place set

apart for that purpose and approved by the Central Board, and shall be kept in such place until they are free from all infection and contagion.

All persons occupying or using the same house, premises, or place as any person suffering from Bubonic Plague, and all other persons deemed by the Central Board, or the Medical Officer thereof, or the Officer of Health, to have been liable to infection therefrom, or from any other cause whatever, shall be removed to an isolated place approved by the Central Board for that purpose, and shall remain in quarantine for such period as the Central Board may direct.

17. No person shall enter or leave any house, premises, place, or district which may be declared infected by the Governor in Council, or person authorised by him, in accordance with Section 110 of "The Health Act, 1898," by notice published in accordance with that section; and no person shall leave any house, premises, town, or district, which the Central Board under the provisions of Section 111 of "The Health Act, 1898," or by virtue of any Order of the Governor in Council, may declare to be infected.

18. The body of any person who shall die of the malignant infectious disease known as Bubonic Plague shall not be buried in any cemetery, but shall be cremated as soon as possible after death, under the direction of a Medical Officer of the Central Board or a Local Board, and after such cremation the ashes of the body shall be buried in the usual way.

19. The Local Boards and their officers at all ports and towns of Western Australia, and in the City of Perth, are hereby authorised and directed to superintend and see to the execution of this part of these Regulations.

### PART III.

20. The master of every ship arriving at any port in Western Australia from any place or country where Bubonic Plague is known, or suspected to exist, or having received cargo from such place or country, shall destroy the rats in such ship, and shall use such methods for this purpose as may be directed from time to time by the Central Board.

21. All cargo from all ships mentioned in Regulation 15 shall be disinfected or dealt with at such port in such manner as the Medical Officer may deem necessary, and all cargo consigned to Perth shall be dealt with at Fremantle in the same manner as cargo consigned to that Port: Provided always that all packages suspected to be infected or liable to carry infection shall be opened, and, if deemed necessary, disinfected or destroyed.

22. Before removing cargo from such ships—

(a.) Every package shall be separately examined and passed by an Inspector of the Central Board before being slung.

(b.) Every package not passed on such inspection shall be dealt with in such manner as the Inspector (subject to the instructions of the Central Board) may direct.

(c.) No package whatsoever shall be landed from such ship or vessel without the consent of the Inspector, nor until so inspected, and passed or otherwise dealt with.

23. No cargo shall be discharged from any ship or vessel before 7 a.m. or after 6 p.m., except by permission of the Central Board.

24. All ships arriving at any port in Western Australia coming from or having touched at any port where Bubonic Plague is known or is suspected to exist, besides being subject to the Regulations of Part III., are also subject to the provisions contained in Part I. of these Regulations, and the owners, agents, and masters thereof are hereby held responsible for the whole of the Regulations being strictly carried out, and such owners, agents, and masters shall be subject to all penalties for default under "The Health Act, 1898."

25. The following articles are deemed by the Central Board liable to be infected, and shall not be landed at any port in Western Australia from any place where Bubonic Plague is known or suspected to exist, or from any ship which shall have touched at or received cargo from such place; that is to say:—

Green hides, untanned skins, fresh skins, and bones, whether whole, crushed, or in the form of bone dust, except bone dust chemically treated.

26. The Local Boards and their officers at all ports and towns of Western Australia, and in the City of Perth, are hereby authorised and directed to superintend and see to the execution of this part of these Regulations.

By Order of the Central Board of Health,

J. R. CAMPBELL,

7th February, 1902.

Secretary.

**The attention of Officers of the Central Board and Local Boards is drawn to the following Provisions:—**

**HEALTH ACT, 1898.**

**LEGAL PROCEEDINGS.**

Section 242.—Where anything is by this Act, or by any by-law, regulation, notice, order, or direction of the Central Board, or by any order, notice, direction, or by-law of any Local Board, made under the authority of this Act, directed to be done or forbidden to be done, or where any authority is given

to the Central Board or any Local Board, or any officers of theirs, to direct anything to be done or to forbid anything to be done, and such act so directed to be done remains undone, or such act forbidden to be done is done, in every such case the person making default as to such direction and prohibition respectively shall be deemed guilty of an offence against this Act.

And every person guilty of an offence against this Act, not otherwise specially provided for by or under the authority hereof, shall be liable for every such offence, besides any costs or expenses which may be incurred in the taking of proceedings against such person guilty of such offence, as well as any costs or expenses which may be incurred in remedying such default, as particularly provided for in this Act, to a penalty not exceeding the sum of Twenty pounds, and to a penalty not exceeding Five pounds nor less than Twenty shillings for each day during which such offence is continued by such person, and such penalty or penalties shall be recoverable notwithstanding that the Local Board may not have chosen to exercise any power given to Local Boards by this Act to remedy such default.

Section 239.—All complaints of offences under this Act shall (save as is herein otherwise provided) be heard and determined, and all moneys, costs, and expenses made payable or recoverable hereby may be recovered in a summary way before two or more Justices of the Peace.

Section 232.—Any inspector or other officer of the Central Board, or of any Local Board, or any member of the police force may prosecute for any breach of or offence against any Act relating to the public health, or any by-law, regulation, or order made under the provisions of any such Act. No fee shall be payable on the issue of any summons under this section.

In addition to the above, officers carrying out the Regulations of the Central Board should refer to Sections 225 to 242 of "The Health Act, 1898."

By order of the Central Board of Health,

J. R. CAMPBELL,

7th February, 1902.

Secretary.