

HEALTH.

No. 52 of 1968.

AN ACT to amend the Health Act, 1911-1966.

[Assented to 12th November, 1968.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.
and citation.

1. (1) This Act may be cited as the *Health Act Amendment Act, 1968*.

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the
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Acts.

(2) In this Act the Health Act, 1911-1966 is referred to as the principal Act.

Approved for
reprint 1st
June, 1966
and
amended by
Act No. 35
of 1966.

(3) The principal Act as amended by this Act may be cited as the Health Act, 1911-1968.

2. The principal Act is amended by adding after section sixty-three a section as follows—

63A. Without limiting the generality of sections sixty-three and sixty-four of this Act, it is hereby declared that any sewerage or drainage works, or any sewer, carried out or constructed at the expense of the local authority, are sewerage or drainage works, or is a sewer, carried out by or constructed by the local authority for the purposes of those sections, notwithstanding that those works or that sewer are or is connected to a sewer or drain vested in the Metropolitan Water Supply, Sewerage, and Drainage Board and notwithstanding that the works or the sewer may not have been actually carried out or constructed by the local authority. .

Interpreta-
tion.

3. Section one hundred and twelve A of the principal Act is amended by adding after subsection (3) a subsection as follows—

S. 112A
amended.

(4) Any occupier of premises who, whether with authority granted under subsection (2) of this section, or not—

(a) disposes of any house or trade refuse or other rubbish on those premises; or

(b) causes or permits any house or trade refuse or other rubbish to be disposed of on those premises,

in such a manner as to cause a nuisance or to permit the discharge of smoke into the atmosphere in such quantities or of such a nature as to cause a nuisance to persons, commits an offence. .

4. Section one hundred and forty of the principal Act is amended—

S. 140
amended.

(a) by adding after the section number, "140.", the subsection designation, "(1)"; and

(b) by adding at the end thereof a subsection as follows—

(2) Where, pursuant to subsection (1) of this section, a local authority is empowered and has resolved to take down and remove a house, any person or authority that supplies electricity, gas or water to the house may, and shall if so requested by the local authority, take such action as is necessary to ensure that all equipment, fixtures and fittings on or about the house for the purposes of the supply thereto of electricity, gas or water, as the case may be, are removed or are left in such a state as will not interfere with the taking down and removal of the house. .

S. 195
repealed and
re-enacted.

5. Section one hundred and ninety-five of the principal Act is repealed and re-enacted as follows—

Construc-
tion,
drainage and
equipment
of
slaughter-
houses.

195. No person shall use any premises as a slaughter-house unless the construction, drainage and equipment of the premises are of the prescribed standards. .

S. 205A
added.

6. The principal Act is amended by adding after section two hundred and five a section as follows—

Contamina-
tion of food.

205A. (1) Where the Commissioner—

(a) has received a report from a public health official, inspector or officer of a local authority that there is a possibility that food may be, or has been contaminated on any premises used for the storage, manufacture, preparation, processing, inspection, handling, packaging or sale of food and that the contamination or possibility of contamination arises from circumstances existing on the premises; and

- (b) is satisfied that reasonable grounds exist for believing that the contamination or possibility of contamination exists and arises from circumstances existing on the premises,

he may, by order served on the occupier of the premises, direct the occupier—

- (c) to cease such of the operations carried on on the premises as are specified in the order; and
- (d) not to suffer or permit any other person on those premises to carry out or assist in the carrying out of any of those operations.

(2) An order under subsection (1) of this section has effect when served on the occupier to whom it is directed.

(3) Where—

- (a) an order under subsection (1) of this section has been served on an occupier of premises; and
- (b) the Commissioner is satisfied, whether by reason of the taking of measures by the occupier to prevent the contamination, or possibility of contamination, of food on the premises, or for any other reason, that the resumption of all or some of the operations on the premises will not give rise to contamination, or the possibility of contamination, of food on the premises,

the Commissioner shall forthwith serve on the occupier a notice revoking—

- (c) the order previously served on the occupier; or
- (d) so much of that order as relates to the operations the resumption of which the Commissioner is satisfied will not give rise to contamination or the possibility of contamination,

as the case requires.

(4) An occupier who contravenes or fails to comply with any of the provisions of an order made under subsection (1) of this section that has not been revoked under subsection (3) of this section commits an offence and is liable to a penalty not exceeding four hundred dollars and to a daily penalty of twenty dollars. .

S. 205B
added.

7. The principal Act is amended by adding a section as follows—

By-laws.

205B. (1) The local authority may make by-laws—

- (a) authorizing the local authority to direct the occupier of, or any other person using, premises to maintain, repair, cleanse or disinfect the premises and any fixtures, fittings, equipment and utensils therein in the manner specified in a notice issued by the local authority;
- (b) requiring premises to be registered with the local authority;
- (c) requiring the occupiers of premises to be licensed by the local authority;
- (d) requiring plans of premises and of any alterations and extensions to premises and plans showing the disposition of equipment, fixtures, fittings and equipment on premises to be lodged with and approved by the local authority before any premises are constructed, altered or extended, and before any fixtures, fittings and equipment are included on, or removed from, any premises;
- (e) prescribing the fixtures, fittings, equipment and utensils to be provided on premises, and the manner in which the fixtures, fittings, equipment and utensils are to be set out or arranged;

- (f) prescribing the setting out and arrangement of the operations conducted on premises;
- (g) relating to any other matter incidental to the matters for which by-laws may be made under this section.

(2) In this section, "premises" means any premises, within the meaning given to that term by section three of this Act, that are used or intended to be used for the manufacture, processing, preparation or packaging of meat or products containing meat. .

8. Section two hundred and seven of the principal Act is amended by adding after the word, "Division" in line three, the passage, ", for which no specific penalty is provided". S. 207
amended.

9. Section three hundred and forty-four of the principal Act is amended— S. 344
amended.

- (a) by adding after the section number, "344." the subsection designation, "(1)"; and
- (b) by adding a subsection as follows—

(2) Any regulation or by-law under this Act may be so made as to require a matter affected by it to be in accordance with a specified standard or specified requirement; or as approved by, or to the satisfaction of, a specified person or body or class of person or body, and so as to delegate to or confer upon a specified person or body, or class of person or body, a discretionary authority. .
