

HEALTH.

No. 24 of 1970.

AN ACT to amend the Health Act, 1911-1968.

[Assented to 20th May, 1970.]

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, 1970*.

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Vol. 19 of the
Reprinted
Acts.
Approved for
reprint 1st
June, 1966
and amended
by Acts Nos.
35 of 1966
and 52 of
1968.

(2) In this Act the Health Act, 1911-1968, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Health Act, 1911-1970.

2. This Act shall come into operation on a date to be fixed by proclamation. Commence-
ment.

3. Section 2 of the principal Act is amended by adding immediately before the passage, "PART IX.—INFECTIOUS DISEASES, ss. 248-289.", the passage, "PART VIIIA.—ANALYTICAL SERVICES, ss. 247A-247F.". S. 2 amended.

4. Section 3 of the principal Act is amended— S. 3 amended.
(a) by adding after the section number "3.", the subsection designation "(1)";

(b) by adding after the interpretation "Analyst", the following interpretation—
"Analytical Committee" means the Local Health Authorities Analytical Committee established under section two hundred and forty-seven A of this Act. ;

(c) by adding after the interpretation "Food", the following interpretation—
"Health surveyor" means a health surveyor appointed under this Act, and includes any acting or assistant health surveyor. ;

(d) by deleting the interpretation "Inspector";

(e) by deleting the words, "an inspector" in line one of the interpretation "Public Health Official" and substituting the words, "a health surveyor"; and

(f) by adding a subsection as follows—

(2) A reference in any regulation, by-law, model by-law, proclamation, notice, order, license, register or other document made or issued under this Act to an inspector shall, unless the contrary intention appears, be read as a reference to a health surveyor. .

"this Act"
Cf. Act
No. 30, 1918,
s. 4.

Heading and
s. 247A added.

5. The principal Act is amended by adding immediately after section 247 the following heading and section—

PART VIIIA.—ANALYTICAL SERVICES.

Local
Health
Authorities
Analytical
Committee.

247A. (1) For the purpose of providing analytical services for use by local authorities, a body to be known as the Local Health Authorities Analytical Committee is hereby established.

(2) The Analytical Committee—

- (a) is a body corporate with perpetual succession and shall have a common seal;
- (b) is capable, in its corporate name, of acquiring, holding and disposing of real and personal property and of suing and being sued in that name; and
- (c) is capable of doing all such acts and things as bodies corporate may do and suffer.

(3) The Committee shall consist of ten members appointed by the Minister of whom—

- (a) five shall be persons, one each of whom shall be nominated by each of the following local authorities—
 - (i) the City of Perth;
 - (ii) the City of Fremantle;
 - (iii) the City of South Perth;
 - (iv) the City of Melville;
 - (v) the Shire of Perth;
- (b) three shall be persons selected by the Minister to represent local authorities, other than the local authorities referred to in paragraph (a) of this subsection, the districts of which are wholly or partly situated within twenty-five miles of the General Post Office at Perth; and

- (c) two shall be persons selected by the Minister to represent all local authorities other than those referred to in paragraphs (a) and (b) of this subsection.

(4) A member of the Committee referred to in paragraph (a) of subsection (3) of this section ceases to hold office if—

- (a) he resigns in writing addressed to the Minister;
- (b) he dies; or
- (c) his nomination as a member is withdrawn by notice given to the Minister by the council by which he was first nominated a member.

(5) Subject to subsection (7) of this section a member of the Committee referred to in paragraph (b) of subsection (3) of this section holds office for a term of three years, but of the three members so referred to who are first appointed under this Part, one shall be appointed for a term of one year, one for a term of two years and one for a term of three years.

(6) Subject to subsection (7) of this section a member of the Committee referred to in paragraph (c) of subsection (3) of this section holds office for a term of three years, but of the two members so referred to who are first appointed under this Part, one shall be appointed for a term of two years and the other for a term of three years.

(7) A member of the Committee referred to in paragraph (b) or paragraph (c) of subsection (3) of this section ceases to hold office—

- (a) at the expiration of the term for which he is appointed;
 - (b) if he resigns in writing addressed to the Minister; or
 - (c) if he dies,
- and where an office of member becomes vacant under paragraph (b) or paragraph (c) of this

section, the Minister may appoint another person to hold office in place of the member whose office has so become vacant for the balance of the term of office of that last-mentioned member.

S. 247B
added.

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

Meetings and
procedure of
Analytical
Committee.

247B. (1) The Analytical Committee shall hold such meetings as are necessary for the performance of its functions.

(2) At any meeting of the Analytical Committee—

- (a) six members constitute a quorum;
- (b) the members present shall elect one of their number to preside at the meeting;
- (c) a question arising at the meeting shall be decided by a majority of the votes of the members present.

(3) Subject to this Part and the regulations made thereunder, the Analytical Committee may regulate its own procedure in such manner as it thinks fit.

S. 247C
added.

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

Powers and
functions of
Analytical
Committee.

247C. (1) The functions of the Analytical Committee are—

- (a) to formulate and operate a scheme for the provision of analytical services for use by local authorities, by employing such analysts and other persons as are necessary for the purpose or by entering into contracts with persons for the provision of those services, or by both so employing analysts and other persons and so entering into contracts;
- (b) to fix fees to be paid by local authorities for participation in any scheme referred to in this section and fees to be paid for analytical services rendered under the scheme; and

- (c) to do such other acts and things as are necessary or convenient for the purposes of this Part.

(2) The Analytical Committee may from time to time vary or terminate any scheme formulated under this section and may formulate and operate a new scheme in place of any scheme so terminated.

(3) The Analytical Committee may do all such things as are necessary or convenient to be done for or in connection with the performance of its functions.

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

247D. (1) Any local authority may, by notice in writing addressed to the Analytical Committee, advise the Analytical Committee that it desires to participate in the scheme for the time being operated by the Analytical Committee under this Part, and thereupon the local authority shall, for the purposes of this Part, become a participant in the scheme.

S. 247D added.
Participation in scheme by local authorities.

(2) Where—

- (a) a local authority is not a participant in the scheme for the time being operated by the Analytical Committee under this Part; and
(b) the Commissioner is of opinion that the local authority ought to be such a participant,

he may, by notice served on the local authority, direct it to participate in the scheme and thereupon the local authority shall, for the purposes of this Part and in particular for the purposes of subsection (4) of this section, be a participant in the scheme.

(3) A local authority which is a participant in the scheme may, if it has first obtained the consent in writing of the Commissioner, withdraw from the scheme by serving notice in writing to that effect upon the Analytical Committee.

(4) Any local authority which is, or has been, a participant in a scheme operated by the Analytical Committee under this Part shall pay to the Analytical Committee, on demand—

- (a) the fees fixed by the Analytical Committee under section two hundred and forty-seven C of this Act for participation in the scheme; and
- (b) the fees so fixed for any services rendered to the local authority under the scheme,

and any fees due but not paid may be recovered by the Analytical Committee, as a debt due to it, in any court of competent jurisdiction.

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

247E. (1) The Analytical Committee shall keep full accounts of all moneys received and paid by it and of the purposes for which the moneys were so received or paid.

(2) The Auditor-General shall at least annually audit the accounts of the Analytical Committee.

(3) Members, servants and officers of the Analytical Committee shall, to the extent of their knowledge, give to the Auditor-General and his officers all information relating to the accounts of the Analytical Committee and shall upon request produce to them all books, vouchers and other documents relating to the accounts and do all things necessary to enable the audit to be made.

(4) The Analytical Committee shall at least annually make and submit a written report of its activities to the Minister, together with a true copy of its accounts as last audited and a copy of the Auditor-General's report on those accounts.

S. 247E
added.

Accounts,
audit and
annual
report.

(5) As soon as practicable after receiving the documents referred to in subsection (4) of this section, the Minister shall cause copies of them to be laid before both Houses of Parliament.

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

S. 247F
added.

247F. The Governor may make regulations, not inconsistent with this Part, prescribing all matters that are necessary or convenient to be prescribed for carrying out or giving effect to this Part.

Regulations.

11. Subsection (3) of section 297 of the principal Act is amended by substituting for the passage, "any inspector appointed under this Act, or under the Pharmacy Act:" in lines eleven and twelve, the words, "any health surveyor".

S. 297
amended.

12. The principal Act is amended as set out in the Schedule to this Act.

Miscellaneous
amendments.

THE SCHEDULE.

Provision amended.			Amendment.
Section 11	....	....	Delete "inspectors" in line 3, substitute "health surveyors".
Section 12	....	....	Delete "inspector" in each of lines 2, 4, 8, 9, 12, 17 and 19, substitute "health surveyor" in each case.
Section 27 (1)	....	....	Delete "inspectors" in line 4, substitute "health surveyors".
Section 27 (2)	....	....	Delete "inspectors" in line 1, substitute "health surveyors".
Section 28 (1)	....	....	Delete "inspector" in line 2, substitute "health surveyor".
Section 29	....	....	Delete "inspector" in line 2, substitute "health surveyor".
Section 30 (1)	....	....	Delete "inspector" in line 4, substitute "health surveyor".
Section 30 (2)	....	....	Delete "inspector" in line 3, substitute "health surveyor".

Provision amended.			Amendment.
Section 31	....	....	Delete "inspector of health" in line 1, substitute "health surveyor".
Section 31	....	....	Delete "an inspector" in line 11, substitute "a health surveyor".
Section 31	....	....	Delete "inspector" in line 15, substitute "health surveyor".
Section 32 (1)	....	....	Delete "inspector" in line 2, substitute "health surveyor".
Section 32 (4)	....	....	Delete "inspector" in line 1, substitute "health surveyor".
Section 33 (1)	....	....	Delete "inspector" in line 1, substitute "health surveyor".
Section 33 (1)	....	....	Delete "inspectors" in line 4, substitute "health surveyors".
Section 33 (2)	....	....	Delete "an inspector" in line 3, substitute "a health surveyor".
Section 114	....	....	Delete "an inspector" in lines 11 and 12, substitute "a health surveyor".
Section 145 (1)	....	....	Delete "an inspector" in line 4, substitute "a health surveyor".
Section 157 (2)	....	....	Delete "inspector" in line 4, substitute "health surveyor".
Section 181	....	....	Delete "an inspector" in line 1, substitute "a health surveyor".
Section 183	....	....	Delete "an inspector" in line 1, substitute "a health surveyor".
Section 184 (1)	....	....	Delete "inspector" in line 1, substitute "health surveyor".
Section 199 (18)	....	....	Delete "an inspector" in lines 7 and 8, substitute "a health surveyor".
Section 201	....	....	Delete "inspector" in line 1, substitute "health surveyor".
Section 205	....	....	Delete "inspector" in each of lines 4 and 6, substitute "health surveyor" in each case.
Section 205A (1)	....	....	Delete "inspector" in line 2 of paragraph (a), substitute "health surveyor".

Provision amended.	Amendment.
Section 211 (2)	Delete "inspector" in line 4, substitute "health surveyor".
Section 222 (1)	Delete "an inspector" in line 5, substitute "a health surveyor".
Section 228 (1)	Delete "inspector" in line 2, substitute "health surveyor".
Section 230	Delete "inspector" in line 1, substitute "health surveyor".
Section 235 (1)	Delete "inspector" in line 4, substitute "health surveyor".
Section 241D (3)	Delete "an inspector" in lines 2 and 3, substitute "a health surveyor".
Section 252	Delete "inspectors" in line 3, substitute "health surveyors".
Section 253	Delete "inspector" in line 9, substitute "health surveyor".
Section 257	Delete "inspector" in line 2, substitute "health surveyor".
Section 258	Delete "inspector" in line 2, substitute "health surveyor".
Section 262 (3)	Delete "an inspector" in line 4, substitute "a health surveyor".
Section 265 (1)	Delete "an inspector" in line 2, substitute "a health surveyor".
Section 267 (1)	Delete "an inspector" in line 9 of paragraph (c), substitute "a health surveyor".
Section 277 (1)	Delete "an inspector" in line 1 of paragraph (b), substitute "a health surveyor".
Section 277 (1)	Delete "inspector" in line 3 of paragraph (b), substitute "health surveyor".
Section 277 (3)	Delete "inspector" in each of lines 3 and 9, substitute "health surveyor" in each case.
Section 352 (1)	Delete "inspector" in line 2, substitute "health surveyor".
Section 352 (2)	Delete "inspector" in line 3, substitute "health surveyor".
Section 358 (2)	Delete "An inspector" in line 1, substitute "A health surveyor".