

PUBLIC HEALTH (AMENDMENT)
ACT.

Act No. 7, 1915.

George V, An Act to make further provision for preserving the
No. 7. public health, and in particular to regulate sanitation and to prevent the spread of tuberculosis, small-pox, plague, cholera, and other diseases; to apply the provisions of Acts relating to Public Health and Pure Food, and certain sanitary provisions enacted by or under other Acts to the Crown and the public departments; for the above purposes to amend certain Acts; and for purposes consequent thereon or incidental thereto. [Assented to, 17th February, 1915.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Preliminary.

Short title. **1.** This Act may be cited as the "Public Health (Amendment) Act, 1915." **2.**

2. In this Act, unless the context requires another meaning—

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Definitions.

“Board” means Board of Health.

“Contact” means a person who, in the opinion of a medical officer of the board or of a medical officer of health, has been exposed to the risk of infection from small-pox, plague, or cholera.

“Food” means article used for food or drink by man, and includes confectionery, and any article that enters into or is used in the composition or preparation of food, and any spices, flavouring substances, essences, and colouring matter so used.

“Local authority” means council of a municipality or of a shire, and with respect to any police district outside a municipality or shire means such member of the police force as may be appointed by the board under the Public Health Act, 1902, to be a local authority.

“Municipality” includes the city of Sydney.

“Officer” includes any medical officer of health, assistant medical officer of health, officer of the board or of a local authority, or any superintendent, inspector, sub-inspector, or sergeant of police, or any constable specially authorised by the Inspector-General or by any superintendent of police.

“Schedule” means Schedule to this Act.

“Whole-time medical officer of health” means medical officer of health, the whole of whose time is devoted to the duties of his office.

Local Government areas and the City of Sydney.

3. The board may require the council of a municipality or shire, or its officers, to do any specified acts in relation to any of the matters mentioned in Part I of the Schedule which might lawfully be done by such council or officers in virtue of any power (except the power to make ordinances or by-laws) conferred or of any duty imposed by any statute, regulations, ordinances, or by-laws, and may in such requirement specify the time within which and the manner in which such acts shall be done.

Board may
require
council to do
specified acts.
Part I of
Schedule.

If

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No. 7.** If such council or officers fail to carry out any such requirement as aforesaid, the board may do or cause to be done the said acts, and for that purpose shall have the powers of such council or officers; and thereupon the board may demand the payment to it by the council of any expenses incurred by the board in doing the said acts, or causing them to be done. If on such demand being made the council fails to make such payment, such expenses may be recovered by the board from the council.

Regulations,
&c., relating
to Part I of
of Schedule
to be
submitted to
board.

4. Any regulations, ordinances, or by-laws which relate to any of the matters mentioned in Part I of the Schedule shall, before being made, be submitted to the board.

Such regulations, ordinances, or by-laws shall not be made unless the board gives its approval of such of the provisions thereof as relate to the matters aforesaid.

This section shall apply to regulations, ordinances, and by-laws made by the Governor or by the council of a municipality or shire.

Regulations
under Local
Government
Act which are
unsuitable or
inadequate.

5. Where the board is of opinion that any regulations or ordinances made under Local Government Act, 1906, or any Act amending it, and which relate to matters mentioned in Part I of the Schedule, are unsuitable or inadequate for preserving the public health, it may make suggestions in writing to the Minister of the Crown who administers such Act as to any alterations of or additions to such regulations or ordinances, or as to any new regulations or ordinances, which the board considers desirable.

By-laws
under Sydney
Corporation
Act.

6. The board may require the council of the city of Sydney to exercise its power to make, amend, and repeal by-laws relating to any of the matters mentioned in Part I of the Schedule. If such council neglects for three months after such requirement has been made to comply with its provisions, the Governor, on the recommendation of the board, may exercise such power.

Factories and shops.

Regulations
under Fac-
tories and
Shops Act.
Schedule
Part II.

7. Where the board is of opinion that any regulations which are in force under the Factories and Shops Act, 1912, and which relate to any matters mentioned in Part II of the Schedule, are unsuitable or inadequate
for

for preserving the public health, it shall report in writing to the Minister of the Crown who administers such Act as to any alterations or additions to such regulations, or as to any new regulations, which the board considers desirable.

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Licensed premises.

8. A sanitary inspector of the board may at any time inspect the premises of any licensed publican as defined in the Liquor Act, 1912, and if he finds that such premises or any privies, urinals, or sanitary conveniences or appliances used in connection therewith are in an insanitary condition, or that the provisions of any Acts or ordinances in respect thereof have not been complied with, he may notify such publican thereof and require him to take such steps as such inspector deems necessary in order to put the premises in a sanitary condition.

Power of
sanitary
inspector to
inspect
premises
licensed
under Liquor
Act, 1912.

Any failure by the publican to put the premises in a sanitary condition shall be brought to the notice of the licensing bench by such inspector, and shall be considered by them in any application for the renewal of the license as an objection to such renewal.

Objection to
renewal of
license.

Tuberculosis.

9. The three next following sections shall apply only within such area as may be proclaimed by the Governor and notified in the Gazette. The Governor may amend or revoke any such proclamation.

Application
of three
following
sections.

10. (1) If any medical practitioner attending any person becomes aware that such person (hereinafter referred to as "the patient") is suffering from pulmonary tuberculosis, he shall examine the sputa of the patient or cause them to be examined, and, if he has reasonable grounds for believing that such sputa contain tubercle bacilli, he shall forthwith give notice thereof in the prescribed form.

Notification
of tuber-
culosis.

Such notice shall, where the patient is in a district to which a whole-time medical officer of health has been appointed, be addressed to such officer, and where he is in any other district or place be addressed to the secretary to the board.

(2)

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Fee to be
paid.

(2) The board shall pay to any legally qualified medical practitioner giving a notice as aforesaid the sum of two shillings and sixpence where the patient is seen by him in private practice.

Powers of
entry and
inspection.

(3) The Chief Medical Officer of the Government, or any medical officer of health, or assistant medical officer of health authorised in that behalf by the board or of the said Chief Medical Officer, may enter any house or place where the patient then is, and inspect him, and may require the medical practitioner attending him to furnish particulars of the case.

Cleansing and
disinfection.

(4) Any such officer may also cause any rooms, premises, and articles in the house or place where the patient then is to be cleansed and disinfected to his satisfaction and, if necessary, may cause any such articles to be destroyed. The board shall give compensation for any articles destroyed in the exercise of the above powers.

Secrecy to be
observed.

(5) The secretary to the board, and every medical officer of health, and every person acting in the administration of this section shall preserve and aid in preserving secrecy with regard to all matters which may come to his knowledge in his official capacity in such administration, and shall not communicate such matters to any other person, except in the performance of his duties under this section. If any such secretary, officer, or person contravenes or fails to carry out the provisions of this subsection, he shall be liable to a penalty not exceeding fifty pounds.

Application
of ss. 30, 34,
35, and 36 of
Public Health
Act to tuber-
culosis.

11. (1) Sections thirty, thirty-four, thirty-five, and thirty-six, and subsections one and two of section thirty-seven of the Public Health Act, 1902, so far as they relate to infectious diseases, shall apply to pulmonary tuberculosis.

For the purpose of such application, a local authority shall include the council of a shire, and a mayor shall include the president of a shire.

Fees to be
paid.

(2) A district registrar or assistant district registrar who forwards a notification of death under section thirty of the said Act, or under this section, shall be paid the sum of one shilling for every such notification.

(3)

(3) Where under the said Act or this section the report referred to in subsection one of section thirty-four of the said Act is made by a whole-time medical officer of health to a local authority, it shall be the duty of such authority, and where the authority is a municipal or shire council, it shall be the duty of the mayor or president of such council, to exercise its or his powers under that section.

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Duties of local authority under s. 34.

12. Where a person ceases to occupy any house or part of a house in which any person has been suffering from pulmonary tuberculosis, such house or part of a house and all articles therein liable to retain infection may be disinfected by an officer, or such articles may be destroyed. The expense of carrying out the above provisions shall be borne by the local authority.

House in which person has been suffering from tuberculosis.

13. (1) The Governor, on the recommendation of the board, may make regulations for the prevention of the spread of pulmonary tuberculosis and other contagious or infectious diseases, by persons employed in preparing or packing food for sale, and for the control and regulation of persons so employed who are or may be suspected to be suffering from any such disease, and may in such regulations impose any penalty not exceeding five pounds for any breach thereof.

Persons employed in preparing or packing food for sale.

(2) Any person so employed shall, at the request of a medical officer of health or an assistant medical officer of health, submit himself to be examined by any such officer or by a legally qualified medical practitioner.

Examination of such persons.

(3) If on such examination it is found that the said person is suffering from pulmonary tuberculosis, or other contagious or infectious diseases, and the said officer or medical practitioner so reports in writing, the board may, by notice served on such person, from time to time, impose conditions to be complied with by him while working in any employment connected with the preparation or packing of food for sale, or may prohibit him from working in any such employment. Such prohibition may be removed by the board, subject to compliance with such conditions (if any) as the board may think necessary.

Where person is suffering from tuberculosis or other contagious diseases.

If such person fails to comply with any such condition, or works in any such employment in contravention of such prohibition, he shall be liable to a penalty not exceeding

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No. 7. exceeding one pound for every day during which he so works without complying with such condition or in contravention of such prohibition.

If any person knowingly employs any person to work in any such employment without complying with any such condition, or in contravention of such prohibition, he shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding one pound for every day during which such person works without complying with such condition or in contravention of such prohibition.

Power of Governor to extend provisions to persons employed in any trade or calling.

(4) The Governor by proclamation in the Gazette may extend the provisions of this section so far as they relate to pulmonary tuberculosis to persons employed in any trade or calling. Such proclamation may be made so as to apply to a particular locality or a particular trade or calling, or may be otherwise limited in its application, and may be amended or repealed by like proclamation.

Regulations respecting guests in hotels and boarding-houses.

14. (1) The Governor, on the recommendation of the board, may make regulations for the prevention of the spread of tuberculosis or other contagious or infectious diseases, by guests in hotels and boarding-houses, and in particular for the disinfection of rooms, furniture, and bedding of guests suffering from the said disease, and may in such regulations impose any penalty not exceeding ten pounds for any breach thereof.

Entry and inspection.

(2) For the purpose of enforcing any such regulation an officer may enter and inspect any hotel or boarding-house: Provided that where such officer is an officer of the board, or of a local authority, or is a member of the police force, he must have the authority in writing of the board, or of the local authority, or of the Inspector-General of Police, as the case may be. Such authority may be general, or may be limited to a specified place.

Infected areas.

Declaration of infected areas.

15. (1) On the appearance of any case of small-pox, plague, or cholera, or of any eruptive fever or sickness which may reasonably be supposed to be any such disease, the Governor, on the recommendation of the board,

board, may, by proclamation in the Gazette, declare **George V,**
that any area therein described within which such case **No. 7.**
has appeared to be an infected area, and may vary or
rescind any such proclamation.

(2) When any area has been proclaimed as Powers of the board within infected areas.
aforesaid to be an infected area the board may take such
steps and give such orders and directions as in its
opinion are necessary to segregate or isolate the
inhabitants of or the persons who are found within
such area or any of them, and to disinfect any house or
premises therein, or any article therein likely in the
opinion of the board to convey infection, and to prevent
the ingress into or the egress from such area of any
person, or to permit such ingress or egress upon such
conditions as it may deem proper.

Any person who disobeys or in any manner con-
travenes any such order or direction of the board shall
be liable to a penalty not exceeding ten pounds.

(3) The board, or the Chief Medical Officer of Isolation or removal to quarantine of contacts.
the Government, or any medical officer of health or
assistant medical officer of health authorised for that
purpose by the board or by the said Chief Medical
Officer, may isolate or remove to quarantine any
contact.

Insanitary buildings.

16. Sections fifty-eight and fifty-nine of the Public
Health Act, 1902, are repealed, and the following
section is substituted for them:—

58. (1) Where a medical officer of health, or Certificate of medical officer that building unfit for occupation, and power of local authority to declare building unfit.
assistant medical officer of health, or any officer of the
board, or of a local authority authorised in writing
in that behalf by the board, certifies in writing to
the local authority that any house or other building
within its area is unfit or unsafe for human habita-
tion or occupation, such local authority may by
an order in writing (hereinafter referred to as a
“closing order”) declare that such house or
building or such part thereof is not fit for human
habitation or occupation, and direct that such house
or building, or part thereof, shall not after a time
specified in such order be inhabited or occupied by
any person. Such

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Such order may provide that such direction shall not have effect if the specified repairs or alterations are made in the house or building so as to render it fit for human habitation or occupation to the satisfaction of the local authority or of the board.

Such order shall be served on the owner or occupier of the house or building, or if neither the occupier nor the owner can be found such service may be effected by affixing copy of such order on a conspicuous part of such house or building.

Power of medical officers and assistants.

(2) For the purposes of this section any medical officer of health or assistant medical officer of health, and any such officer as aforesaid, shall have the powers of inspection conferred on a local authority by the last-preceding section.

Penalty for letting or occupying house or building declared unfit.

(3) If any person lets or occupies or knowingly suffers to be occupied such house or building or such part thereof in contravention of an order made under this section, he shall be liable to a penalty not exceeding five pounds nor less than ten shillings for every day during which such house or building or such part thereof is let or occupied or knowingly suffered to be occupied in contravention of such order.

Amendment of Public Health Act, 1902, s. 60 (1) and (2).

17. (1) Subsection one of section sixty of the same Act is amended by inserting after "local authority" the words "or the board."

(2) Subsection two of the same section is repealed, and the following substituted for it:—

Local authority to make allowance to tenant for expenses.

(2) The local authority, or board, shall make to every such tenant reasonable allowance on account of his expenses in removing; if the tenant is dissatisfied with the amount of such allowance he may apply to a stipendiary or police magistrate, who shall determine such amount, and such determination shall be final. The amount of such allowance shall be a civil debt owing by the owner of the house to the local authority or the board.

Amendment of Public Health Act, 1902, s. 61.

18. (1) Section sixty-one of the same Act is amended as follows:—

(a) Omit "dwelling house" insert "house or building."

(b) After "the house", wherever occurring, insert "or building."

(c)

- (c) After "human habitation", wherever occurring, insert "or occupation." **George V, No. 7.**
- (d) After "local authority", wherever occurring, insert "or the board."
- (e) In subsection four omit "or the magistrate or justices aforesaid."

(2) Section sixty-two of the same Act is amended by inserting after "house", wherever occurring, the words "or building," and by inserting after "local authority", wherever occurring, the words "or the board."

Amendment of Public Health Act, 1902, s. 62.

19. Section sixty-three of the same Act is amended by inserting after "local authority", wherever occurring, the words "or the board", and by omitting "this Part of the Act" and substituting therefor the words "section sixty-one."

Amendment of s. 63, *ibid.*

The Crown and public departments.

20. The provisions of the Public Health Act, 1902, of the Pure Food Act, 1908, and of this Act and any regulations thereunder, and such of the provisions of the Local Government Act, 1906, the Sydney Corporation Act, 1902, and any Act amending those Acts, and any regulations, ordinances, and by-laws made thereunder as relate to any matters mentioned in Part I of the Schedule, and such of the provisions of the Factories and Shops Act, 1912, and the regulations thereunder as relate to any matters mentioned in Part II of the Schedule shall apply to the Crown and to any department of His Majesty's Government.

Application of certain enactments to the Crown.

Supplemental.

21. The Governor, on the recommendation of the board, may make regulations for carrying out the provisions of this Act, and in such regulations may impose any penalty not exceeding ten pounds for any breach thereof.

The making of regulations.

22. (1) Regulations made in pursuance of this Act shall be published in the Gazette, and thereupon shall, if not disallowed as hereinafter provided, and if not repugnant to this Act, have the force of law.

Publication of regulations.

(2)

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(2) All such regulations on being gazetted shall be laid before both Houses of Parliament within fourteen days if Parliament is then sitting, and, if not sitting, then within fourteen days after the next meeting of Parliament. But if either House of the Parliament passes a resolution, of which notice has been given, at any time within fifteen sitting days after such regulations have been laid before such House, disallowing any regulation, such regulation shall thereupon cease to have effect.

Penalty for
contravention
of Act.

23. If any person contravenes or fails to comply with any provision of this Act he shall, where no penalty is specifically provided, be liable to a penalty not exceeding ten pounds.

Penalty for
obstruction
of officers.

24. If any person obstructs or hinders any officer in the exercise of any power conferred on him by this Act he shall be liable to a penalty not exceeding ten pounds.

Recovery of
penalties.

25. Penalties imposed by this Act or any regulations thereunder may be recovered in a summary way before a stipendiary or police magistrate or any two justices of the peace in petty sessions.

SCHEDULE.

PART I.

Municipalities and Shires.

1. Keeping premises free from offensive or unwholesome matter, and the suppression of nuisances arising therefrom.
2. Regulating the storage, sale, conveyance, disposal, and delivery of meat, fish, oysters, and crustacea.
3. Regulating cattle intended for slaughter and regulating abattoirs and slaughter-houses.
4. Sewerage and drainage.
5. The removal of nightsoil, filth, refuse, and garbage, and the destruction of garbage.
6. The construction and situation of privies, the regulation of the degree of closet accommodation.
7. Public urinals, closets, and lavatories.
8. The sanitary requirements of public baths, dressing sheds, and dressing rooms.
9. The regulation and control of common lodging-houses and seamen's boarding-houses.
10. The establishment, control, maintenance, and regulation of infants' milk depots.
11. The regulation of the interment of the dead.

PART

SCHEDULE—*continued.*

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PART II.

Factories and Shops.

1. Prescribing the cubical spaces and the amount of ventilation for each person, and to prevent overcrowding.
2. Prescribing the dimensions of dressing-rooms.
3. Regulating closet accommodation.
4. Prescribing separate closet accommodation for the sexes.
5. Regulating the supply of drinking water.
6. Regulating the furnishing of accommodation for washing.
7. The administration of the sanitary provisions of Division 3 of the Factories and Shops Act, 1912, namely :—
 - (a) Factories and shops to be kept clean (s. 20 (1)).
 - (b) Must not be overcrowded, and shall contain prescribed cubical space and ventilation (s. 20 (2)).
 - (c) Painting, varnishing, and washing periodically (s. 21).
 - (d) Bakehouses, as to sleeping-places, privies, water supply, and drain-pipes (s. 23).
 - (e) Meals taken in factories (s. 24).
 - (f) Ventilation in cases of special trades, and for the prevention of humidity (s. 25).
 - (g) Sitting accommodation for females (s. 26).
 - (h) Dressing-rooms for females (s. 27).
 - (i) Persons suffering from infectious diseases not to be employed in factory or other building where wearing apparel is made or dealt with (s. 28).
 - (j) Premises in connection with factory in which employees are lodged to be open for inspection (s. 29).
 - (k) Duties of authorities in case of neglect or default in relation to any drain, water-closet, privy, ashpit, water-supply, or nuisance (s. 30).