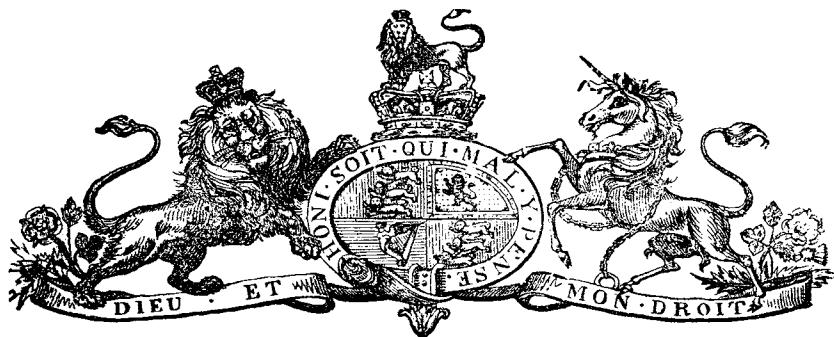


T A S M A N I A .



1887.

ANNO QUINQUAGESIMO-PRIMO

VICTORIÆ REGINÆ,

No. 35.



AN ACT to amend "The Public Health Act, A.D. 1887,  
1885." [20 December, 1887.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 In this Act:—

"The said Act" means "The Public Health Act, 1885."

Interpretation.  
49 Vict. No. 18.

2 Sections Six, Seventy-nine, Eighty, Eighty-one, Eighty-seven, and Ninety-eight of the said Act, and so much of Section Eight as refers to the payment of members of the Central Board of Health, are hereby repealed.

Repeal.

3 In the construction and for the purposes of the said Act, if not inconsistent with the context or subject-matter, "Local Board" or "Local Board of Health" shall mean the Municipal Council of the City of *Hobart* and the Town of *Launceston* and of every Rural Municipality, and, where any Town has been proclaimed or shall be hereafter proclaimed under and for the purposes of "The Town Boards Act, 1884," shall include the Board of such Town.

Local Board.  
48 Vict. No 30.

4 The said Act, save where the application thereof or of any portion thereof is therein expressly limited, shall hereafter apply to the whole

Application  
of Act.

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of *Tasmania*. And every Local Board shall have jurisdiction for the purposes of the said Act throughout the City or Town or Rural Municipality for which such Municipal Council or Town Board is or are elected.

Governor in Council may appoint Local Boards of Health.

**5** The Governor in Council may from time to time, by Proclamation in the *Gazette*, appoint such and so many persons, not less than Three, nor more than Seven, as he may think fit, to be the Local Board of Health of any such portion of *Tasmania* not included in the jurisdiction of any Local Board Health of as may be defined in such Proclamation, and the Governor in Council may from time to time remove such persons, and appoint others in the places of any such persons so removed; and any Local Board so appointed shall have and may exercise all the powers given to Local Boards under the said Act.

Where no Local Board exists, Central Board of Health to have powers of Local Board.

**6** In all such portions of *Tasmania* as are out of the jurisdiction of any Local Board of Health, the Central Board of Health shall have and exercise all the powers and authorities conferred by the said Act upon the Local Boards of Health for carrying out the provisions of the said Act in their respective Districts.

Not compulsory for Local Board to appoint Officer of Health, except *Hobart* and *Launceston*.

**7** Notwithstanding anything contained in Section Seventeen of the said Act, it shall not be compulsory for any Local Board, except the Local Board of the City of *Hobart* and the Local Board of the Town of *Launceston*, to appoint any such Officer of Health as is therein mentioned; but every other Local Board may appoint such an Officer of Health for its District, and may at any time remove such officer and appoint another officer in his stead, subject to the provisions of the said Act relating to the appointment and removal of such Officers of Health.

Sanitary Officer to have certain powers and duties of Officer of Health.

**8** Any Sanitary Officer continued in his appointment under Section Seventeen of the said Act shall have all the powers and fulfil all the duties in the said Act conferred or devolving upon an Officer of Health, except the powers and duties of an Officer of Health set forth in Sections Seventy-nine and One hundred and fifteen of the said Act. And any Local Board not having an Officer of Health shall employ a duly qualified medical practitioner to carry out the provisions of Sections Seventy-nine and One hundred and fifteen of the said Act.

Central Board may make Regulations for removing patients to Hospital, &c.

**9** In addition to the powers to make Regulations conferred by Section Seventy-eight of the said Act upon the Central Board, it shall be lawful for the Central Board to make Regulations for removing to any Hospital or any Quarantine Station, and for keeping in any such Hospital or any such Quarantine Station until duly discharged by the said Central Board, any person who is suffering from or infected with a dangerous, infectious, or contagious disease: Provided that such Regulations shall within Two weeks from the making thereof be published in the *Gazette*.

Medical practitioners to report existence of contagious diseases to Local Board, who shall report to Central Board.

**10** The legally qualified medical practitioner in attendance at any house in which there is any person suffering from any smallpox, cholera, plague, yellow fever, or other malignant, infectious, or contagious disease, shall report the existence of such disease in such house to the Local Board of Health not later than Twenty-four hours after he has become aware

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thereof; and every Local Board receiving a report of the existence of any of such diseases as aforesaid shall forthwith communicate to the Central Board of Health the contents or purport of such report. And if any person fails to comply with the provisions of this Section he shall be deemed to be guilty of an offence under this Act, and shall on conviction thereof be liable to a penalty not exceeding Fifty Pounds for every such offence.

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**11** Notwithstanding anything to the contrary contained in the said Act, it shall be lawful for the Central Board of Health to make any such Order as is mentioned in Section One hundred and seven of the said Act, and every such Order shall have the same force and effect as any Order made by any Local Board under the said Section of the said Act.

Central Board may make Order under Section 107 of said Act.

**12** Every Local Board is hereby empowered to make By-laws regulating the burial of the dead, and the depth at which any body shall be interred.

Local Boards to make By-laws as to burial of the dead.

**13** Every Local Board may from time to time cause an inspection to be made of all premises in which any meat, milk, bread, or other articles of food are kept stored or prepared for purposes of sale, and shall cause a written report of every such inspection to be presented and read at the meeting of the Local Board held next after the making of such inspection, and a copy of such report shall immediately be forwarded to the Central Board of Health.

Quarterly inspections by Local Boards.

**14** When the Central Board of Health shall be satisfied by the certificate in writing of the Officer of Health of the district, or of a duly qualified medical practitioner, that smallpox, cholera, or any other malignant, infectious, or contagious disease exists within a district, that there is danger that the same may be spread, and that to prevent the spreading thereof it is necessary to the public safety that power should be given to isolate any tenements, it shall be lawful for the Governor in Council to make an Order empowering and directing such persons as the Central Board of Health may for that purpose appoint to stop the traffic into or through any streets, thoroughfares, or places, whether public or private, which the Central Board of Health shall specify, and to limit or prevent ingress, egress, or regress of any persons to or from any house or premises within the streets, thoroughfares, or places so specified, for so long as shall seem to the Central Board of Health necessary for the public safety; and no proceedings at law or otherwise shall be taken or lie against any person for anything done in conformity with such order and direction.

Isolating houses, &amp;c.

**15** Where the Officer of Health, or any legally qualified medical practitioner, certifies in writing to the Local Board of Health that the cleansing and disinfecting of any house or part thereof, or of any articles therein likely to retain infection, would tend to prevent or check infectious disease, it shall be the duty of such Board to give notice in writing to the owner or occupier of such house or part thereof, requiring him to cleanse and disinfect the same or any articles therein to the satisfaction of the Officer of Health within a time specified in such notice.

Duty of local authority to cause premises to be cleansed and disinfected. 38 &amp; 39 Vict. c. 55, ss. 120-2.

Where the owner or occupier of any such house or part thereof is

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from poverty or otherwise unable in the opinion of the Local Board effectually to carry out the requirements of this Section, such Board may, without enforcing such requirements on such owner or occupier, enter therein, cleanse and disinfect such house or part thereof, or any articles therein likely to retain infection, and may defray any expenses so incurred.

Penalty on exposure of infected persons 38 & 39 Vict. c. 55, s. 126.

**16** If any person who knows that he is suffering from any dangerous, infectious, or contagious disease, intentionally expose himself in any street or public place without taking reasonable precautions against spreading such disease :

Or if any person, being in charge of any person so suffering, knowingly expose or permit to be exposed such sufferer in the circumstances aforesaid :

Or if any person, being in charge of the body of any one who has died from such disease, knowingly expose or permit to be exposed such body in the circumstances aforesaid :

Or if any person who knows that he is suffering from any such disease enter any shop, wareroom, factory, theatre, inn, or place of common resort :

Or if any such person enter any railway carriage, public conveyance, ship, or vessel without previously notifying to the owner or the person in charge thereof that he is so suffering :

Or if any person, having the charge of any person so suffering, cause or permit any such sufferer to enter into any such place, or without the notice aforesaid into any such carriage, conveyance, ship, or vessel :

Or if any person gives, lends, sells, transmits, or exposes without previous disinfection any bedding, clothing, rags, or other things which have been exposed to infection from any such disease—

Every person so offending shall be liable to a penalty not exceeding Five Pounds; and any person who, while suffering from any such disease, enters any public conveyance without previously notifying to the owner or driver thereof that he is so suffering, shall, in addition, be ordered by the Court to pay such owner or driver the amount of any loss and expense such owner or driver may incur in carrying into effect the provisions of this Act with respect to the disinfection of such conveyance.

Provided, that no proceedings under this Section shall be taken against persons transmitting with proper precautions any bedding, clothing, rags, or other things for the purpose of having the same disinfected.

Duty of Local Board to complain to Justice of nuisance arising from offensive trade. *Ib.*, s. 114.

**17** Where any noxious or offensive trade, business, or manufacture as in the said Act mentioned, established after the coming into operation of the said Act, or any abattoir or slaughter-house, or any manufactory, building, or place used for any trade, business, process, or manufacture whatsoever causing effluvia, offensive fumes, vapours, smoke, or gases, or discharging dust, foul liquid, or other impurity, is certified to any Local Board of Health by their Officer of Health, or by any Two legally qualified medical practitioners, or by any Ten inhabitants of the district of such Local Board, to be a nuisance or injurious to the health of any of the inhabitants of the district, such Local Board shall cause complaint to be made before a Justice, who may summon the person by or on whose behalf the trade so complained of is carried on to appear before a Court of summary jurisdiction. The

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Court shall inquire into the complaint, and if it appear to the Court **A.D. 1887.**  
 that the business carried on by the person complained of is a nuisance or causes any effluvia, offensive fumes, vapours, or gases, or discharges dust, foul liquid, or other impurity which is a nuisance or injurious to the health of any of the inhabitants of the district, the person so offending (being the owner or occupier of the premises, or being a foreman or other person employed by such owner or occupier) shall be liable to a penalty not exceeding Five Pounds nor less than Forty Shillings, and on a second and any subsequent conviction to a penalty double the amount of the penalty imposed for the last preceding conviction, but the highest amount of such penalty shall not in any case exceed the sum of Two hundred Pounds. Provided that the Court may suspend its final determination on condition that the person complained of undertakes to adopt within a reasonable time such means as the Court may deem to be practicable and order to be carried into effect for abating such nuisance or mitigating or preventing the injurious effects thereof; or may dismiss such complaint if it be satisfied that the business is being carried on with the best known means, appliances, methods, and processes for avoiding all nuisance. But nothing in this Act contained shall take away or in any way affect any remedy at law now possessed by any person for any injury sustained by him in consequence of the carrying on by any other person of any such noxious or offensive trade or manufacture as aforesaid.

**18** Notwithstanding anything contained in the One hundred and twenty-fourth Section of the said Act, it shall be lawful for the Local Board of any City or Town to give notice to the owner of any house to close all cesspools used in connection with such house, and to construct to the satisfaction of the Local Board either such water closets or such earth closets as may be specified in such notice: Provided always, that no such notice shall be given to construct any such water-closet unless there shall be a constant supply of water obtainable for such water-closet from public waterworks within One hundred feet of the house to which such notice applies, and also a public sewer within a like distance available for use in connection with such water-closet, and which shall have been certified by an Inspector appointed under Section Eight of this Act to be a sufficient sewer both in respect of construction and outfall; and that no such notice shall be given to construct earth-closets unless there be a proper system for cleansing and emptying the same under the direction of the said Local Board.

Cesspools to be closed, and water or earth closets to be constructed.

**19** Nothing in this Act contained shall affect the past operation of the said Act, or interfere with the institution or prosecution of any proceeding in respect of any offence committed, or the recovery of any penalty or forfeiture incurred under the said Act.

Past operation of said Act not to be affected.

**20** The said Act, as altered or amended by this Act, and this Act, shall be read and construed together as one Act.

Acts to be read together.

**21** This Act may be cited as "The Public Health Act, 1887."

Short title.

