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OCTAVO

VICTORIÆ REGINÆ.

A.D. 1884.

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No. 316.

An Act to make further provision for the Preservation of  
the Public Health.

[*Assented to, November 14th, 1884.*]

**W**HEREAS it is desirable to amend “The Public Health Acts”—Preamble.  
Be it therefore Enacted by the Governor of the Province of  
South Australia, by and with the advice and consent of the Legis-  
lative Council and House of Assembly of the said province, in this  
present Parliament assembled, as follows:

**1.** This Act may be called “The Public Health Acts Amend-Short title.  
ment Act, 1884.”

**2.** Upon proof, by the certificate in writing or by telegram from Isolating houses, &c.  
the officer of health of any town or sanitary district or of a duly  
qualified medical practitioner, that smallpox, cholera, plague,  
yellow fever, or other dangerous, contagious, or infectious  
disease, which may from time to time be declared by the  
Governor by Proclamation in the *Government Gazette* to be a  
dangerous, contagious, or infectious disease within the meaning  
of this Act, exists within a district, that there is danger  
that the same may spread, and that to prevent the spreading  
thereof it is necessary to the public safety that power should be  
given to isolate any tenements, the Governor in Council may 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

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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.

Medical attendant to report existence of disease to Local Board.

**3.** The medical practitioner in attendance at any house in which there is any person suffering from any of the contagious or infectious diseases before named or declared as aforesaid, so soon as he shall have satisfied himself of the nature of such disease, shall report the existence of such disease in such house to the Central Board of Health: Provided that in cases where the house is situate more than ten miles from Adelaide the medical practitioner shall also forward a copy of such certificate to the Local Board of Health. Every medical practitioner shall be entitled to receive from the Central Board a fee of Five Shillings for every report furnished to such Central Board pursuant to this section; and if any person fails to comply with the provisions of this section, he shall be deemed guilty of an offence under this Act, and shall, on conviction thereof, be liable to a penalty of not less than Two Pounds nor exceeding Fifty Pounds for every such offence.

Duty of Local Board of Health to cause premises to be cleansed and disinfected.

**4.** Where the officer of health or any legally qualified medical practitioner shall certify 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 the spread of any of the said contagious or infectious diseases, the Board may cleanse and disinfect such house, or part thereof, and articles, and may for that purpose remove any such articles, and may recover the expenses incurred by them in the execution of this section from such owner or occupier, in a summary manner, before two Justices of the Peace, or may, if the Board sees fit, themselves defray such expenses, or any part thereof.

Provision of means of disinfection.

**5.** Any Local Board of Health may provide a proper place, with all necessary apparatus and attendance, for the disinfection of clothing, bedding, or other articles which have become infected, and may cause any articles brought for disinfection to be disinfected free of charge.

Provisions of conveyance for infected persons.

**6.** Any Local Board of Health may provide and maintain a carriage or carriages suitable for the conveyance of persons suffering under any such contagious or infectious disease, and may pay the expenses of conveying therein any person so suffering to a hospital or other place of destination.

Removal of infected persons without proper lodging to hospital by order of Justice.

**7.** Where any suitable hospital or place for the reception of the sick is provided within any town or sanitary district, or within a reasonable distance thereof, any person who is suffering from any such contagious or infectious disease, and is without proper lodging or accommodation, or lodged in a room occupied by more than one family,

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family, or is on board any ship or vessel, may, on a certificate signed by any legally qualified medical practitioner, and with the consent of the superintending body of such hospital or place, be removed, by order of any Justice of the Peace, to such hospital or place at the cost of the Local Board of Health. And any person so suffering who is lodged in any common lodging-house may, with the like consent and on a like certificate, be so removed by the order of the Local Board of Health.

An order under this section may be addressed to such officer of the Local Board of Health as the Justice of the Peace or Board making the same may think expedient, and any person who wilfully disobeys or obstructs the execution of such order shall be liable to a penalty not exceeding Ten Pounds.

**8.** Any Local Board of Health may make regulations (to be approved of by the Central Board of Health) for removing to any hospital to which such Local Board are entitled or permitted to remove patients, and for keeping in such hospital so long as may be necessary, any persons brought within the town or sanitary district of such Local Board by any ship or boat who are infected with any such contagious or infectious disease, and such regulations may impose on offenders against the same reasonable penalties not exceeding Forty Shillings for each offence.

Removal to hospital  
of infected persons  
brought by ships.

**9.** Any person who, knowing himself to be suffering from any such contagious or infectious disease, or, who having so suffered, is not sufficiently recovered to prevent all risk of infecting others—

Penalty on exposure  
of infected persons  
and things.

Exposes himself in any street or public place without taking reasonable precautions against spreading such disease ; or

Enters any shop, wareroom, factory, theatre, inn, or place of common resort ; or

Enters any railway carriage or public conveyance, or any ship or vessel, without previously notifying to the owner or person in charge the fact of such disease :

And any person who, having the charge of a person so suffering, causes or permits him to do any of the things in this section above mentioned :

And any person whosoever who knowingly gives, lends, pawns, sells, transmits, or exposes, save in pursuance of this Act, any bedding, clothing, rags, or other things which have been exposed to infection from any such disease :

Shall be liable to a penalty not exceeding Five Pounds ; and any person who, knowing himself to be suffering from any such contagious or infectious disease, or having so suffered is not sufficiently recovered to prevent all risk of infecting others, enters any public conveyance, without previously notifying to the owner or person in charge thereof the fact of such disease, shall, in addition, be liable to pay

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pay such owner or person in charge the loss and expense incurred by carrying into effect the provisions of this Act in respect of the disinfection of such conveyance.

Penalty on failing to provide for disinfection of public conveyance.

**10.** Every owner or driver of a public conveyance having conveyed any person suffering from any such contagious or infectious disease, shall, immediately after it has come to his knowledge, give notice to the Board of Health, and such owner or driver failing to do so shall be liable to a penalty not exceeding Five Pounds. The Board may disinfect such conveyance, and may recover the expenses incurred by them in the execution of this section from such owner in a summary manner before two Justices of the Peace, or may, if the Board sees fit, themselves defray such expenses, or any part thereof.

Infection in schools.

**11.** Any person who knowingly or negligently sends a child to school who has been suffering from any such infectious or contagious disease without a certificate from some legally qualified medical practitioner that such child is free from disease and infection, and unless the clothes of such child have been properly disinfected, shall be liable to a penalty not exceeding Five Pounds.

Penalty on letting houses in which infected persons have been lodging.

**12.** Any person who knowingly lets for hire any house, room, or part of a house in which any person has been suffering from any such contagious or infectious disease without having such house, room, or part of a house, and all articles therein liable to retain infection, disinfected to the satisfaction of a legally qualified medical practitioner, as testified by a certificate signed by him, shall be liable to a penalty not exceeding Twenty Pounds.

For the purpose of this section, the keeper of an inn shall be deemed to let for hire part of a house to any person admitted as a guest into such inn.

Power of Local Board of Health to provide hospitals.

**13.** Any Local Board of Health may provide, for the use of the inhabitants of their town or sanitary district, hospitals or temporary places for the reception of any person suffering from any such contagious or infectious disease, and for that purpose may—

Build such hospitals or places of reception ; or

Contract for the use of any such hospital, or part of a hospital, or place of reception ; or

Enter into any agreement with any person having the management of any hospital for the reception of the sick inhabitants of their district, on payment of such annual or other sum as may be agreed on.

Two or more Local Boards of Health may combine in providing a hospital in common.

Hospitals receiving aid from State to make arrangements with Local Board.

**14.** The managers of any hospital receiving aid from the State may be required, by an order from the Central Board of Health,

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to enter into reasonable arrangements with the Local Board of Health, or with any combined Local Boards of Health, for the reception into such hospital of any person suffering from any such contagious or infectious disease; and of the reasonableness of such arrangements the Central Board shall be judge and shall decide finally.

**15.** Any expenses incurred by a Local Board of Health in maintaining a patient in a hospital, or in a temporary place for the reception of the sick (whether or not belonging to such Board), shall be deemed to be a debt due from such patient to the Local Board of Health, and may be recovered from him at any time within six months after his discharge from such hospital or place of reception, or from his estate in the event of his dying in such hospital or place.

Recovery of costs of maintenance of patient in hospital.

**16.** Whenever, under the powers conferred by the thirty-sixth section of "The Public Health Act," the Central Board of Health have, in writing, directed any Local Board of Health to perform any act which, in the opinion of such Central Board, shall be desirable for suppressing or preventing the spread of any such contagious or infectious disease, and the act be not performed within the time specified in such written direction, the Central Board, in lieu of applying to a Judge of the Supreme Court, may appoint some person to perform such act, and shall by order direct that the expenses of performing the same, together with a reasonable remuneration to the person appointed for superintending such performance, and amounting to a sum specified in the order, together with the costs of the proceedings, shall be paid by the Local Board in default; and any order made for the payment of such expenses and costs may be removed into the Supreme Court, and made an order of the said Court on the application of the Central Board of Health, and may be enforced in like manner as other orders of the Court for the payment of money.

Proceedings where Local Board is in default.

**17.** In any general regulations which the Central Board of Health may make under the seventh section of "The Public Health Act, 1876," they may impose on offenders against the same such reasonable penalties as they think fit, not exceeding the sum of Five Pounds for each offence; and, in the case of a continuing offence, a further penalty not exceeding Forty Shillings for each day after written notice of the offence from the said Central Board, or any inspector appointed by them; but all such general regulations imposing any penalty shall be so framed as to allow of the infliction and recovery of any sum less than the amount of the full penalty.

Power to impose penalties for breach of general regulations

**18.** The power of making regulations conferred upon the Central Board of Health in the said seventh section of "The Public Health Act, 1876," shall extend to enable them to make regulations for the inspection, lighting, ventilation, cleansing, drainage, and water supply

Power to make regulations extended so as to enable the Central Board to regulate dairies.

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supply of dairies and cowsheds; for the health of the cattle therein; for the cleanliness of milk shops or milk stores, and of milk vessels; for the protection of milk against contamination; for preventing the milk of a diseased cow from being used for human food, mixed with other milk, or used, without being boiled, for the food of swine or other animals; and for the exclusion of persons suffering, or exposed to infection, from any such contagious or infectious disease from milking cows, handling milk vessels, or taking any part in the business of a cowkeeper, dairyman, or vendor of milk.

Confirmation and publication of general regulations.

**19.** All such general regulations as in the last preceding section are mentioned, made by the Central Board of Health, shall be signed by the President; and any such general regulation may be altered or repealed by a subsequent general regulation so made as aforesaid: Provided that all such general regulations shall be in accordance with the law and with the provisions of this Act and the Acts incorporated herewith, and shall be approved by the Governor in Council and afterwards published with such approval in the *Government Gazette*, a copy whereof containing such regulations shall be evidence of the same and of such approval.

Municipal Councils may appoint five of their members to be Local Board of Health.

**20.** Every Municipal Council may annually appoint, out of their own number, so many persons, not exceeding five, as they may think fit, to be the Local Board of Health for the ensuing year, and may fill up any vacancies in such Board occurring during the year; and after such appointment such Board shall perform and suffer all the duties and liabilities, and enjoy all the rights and immunities, imposed or conferred upon the Local Board of Health by "The Public Health Act," "The Public Health Act, 1876," or this Act; and, in holding their meetings, transacting their business, and keeping their funds and accounts, shall act independently of and apart from the rest of the Municipal Council, but shall nevertheless abide by any directions which shall from time to time be received by such Local Board of Health from such Municipal Council.

Proceedings before Justices may be in name of secretary or inspector.

**21.** The Central Board of Health, or any Local Board of Health, may prefer any complaint or information or institute any proceeding before a Justice or Justices of the Peace in the name of the secretary or inspector of such Board, and the indemnity provided by the twenty-fourth section of "The Public Health Act, 1876," in favor of the president and chairman shall apply to such secretary or inspector in respect of his name being so used, and no complaint or information shall be preferred or any proceedings instituted for any offence against this Act, unless under the authority of the Central Board of Health or any Local Board of Health.

Incorporation.

**22.** "The Public Health Act," "The Public Health Act, 1876," and all Acts amending the same, or either of them, shall be incorporated and read with this Act, and the said Acts and this Act may

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may be cited and referred to in any regulations, proclamations, or proceedings as “The Public Health Acts.”

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WILLIAM C. F. ROBINSON, Governor.