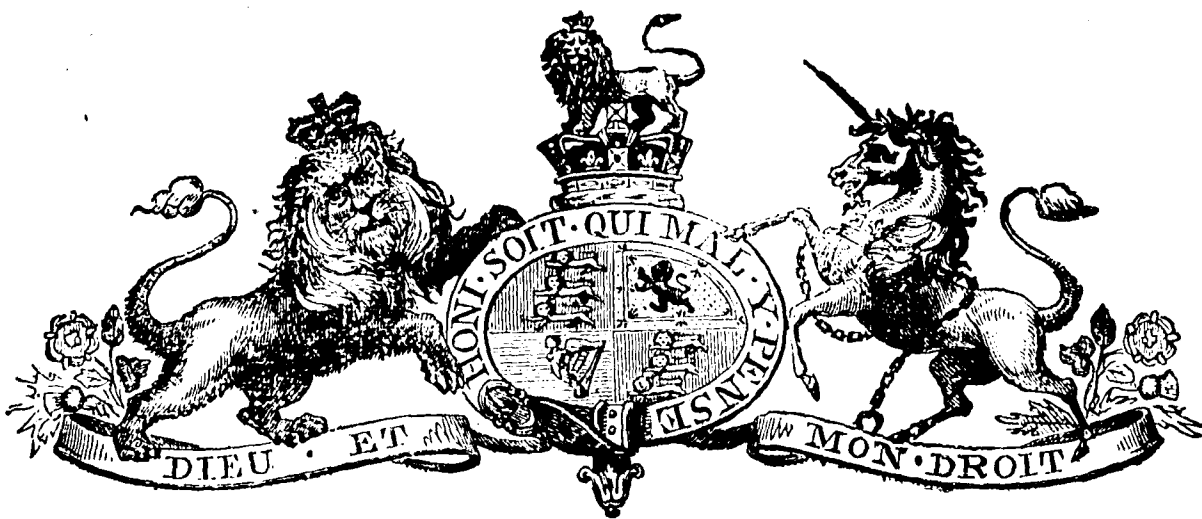


VICTORIA.



ANNO TERTIO

EDWARDI SEPTIMI REGIS.

No. 1866.

An Act to further amend the *Health Act* 1890 and for other purposes.

[22nd December, 1903.]

BE it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

1. This Act may for all purposes be cited as the *Health Act* 1903, and shall be construed as one with the *Health Act* 1890.

Short title and construction.
No. 1098.

2. (1) All persons carrying on the trade of cow-keepers dairymen and purveyors of milk who keep cows shall for the purposes of their trade provide proper cow yards bailing up yards cow sheds and milking sheds all of which shall be constructed of suitable material; and such bailing up yards and sheds and also all pigsties upon the premises wherein the trade of any such person is carried on shall be paved or flagged with stone brick cement or asphalt so as to make the same impervious and shall be provided with suitable and impervious drains

Cow yards &c. to be provided and paved.
Comp. No. 1098 s. 273.

drains and receptacles for any dung urine or refuse and all cow yards other than bailing up yards shall be so constructed as to give a firm footing to cattle, and shall have a surface which will provide sufficient facilities for cleansing and draining such cow yards.

Power of council
to order
construction &c.

(2) If in any municipal district it appears to the municipal council thereof that a proper cow yard bailing up yards cow shed or milking shed is not provided as aforesaid by any such cow-keeper dairyman or purveyor of milk or that any cow yard bailing up yard cow shed milking shed or pigsty is not properly constructed or provided as aforesaid or has not proper drains and receptacles the council may by notice specifying the time within which any such yard or shed must be constructed or within which any improvements specified in such notice must be effected direct the person carrying on such trade to provide such yard or shed or to make such improvements as the case may be.

Penalty.

(3) If such person fails to comply with such notice he shall be liable to a penalty of Five shillings a day for every day he shall so fail to comply.

Application.

(4) This section shall apply to every city town and borough. It shall also apply to any such shire or part or parts of a shire as the Governor in Council may by Order from time to time on the recommendation of the Shire Council thereof direct, and shall cease to apply thereto whenever such Shire Council by notice to the Governor in Council withdraws such recommendation and such notice of withdrawal is approved by the Governor in Council and published in the *Government Gazette*.

(5) Where in any shire or part of a shire to which this section may be made to apply it is difficult or impracticable to comply with the requirements thereof as to paving or flagging the council thereof may in lieu of such compliance order such sheds yards or pigsties to be paved with wood or other suitable material.

Amendment of s. 255
of Health Act 1890.

3. For section two hundred and fifty-five of the *Health Act 1890* there shall be substituted the following section, namely:—

Regulation of use of
night-soil.

255. (1) Any person who places or deposits or spreads or causes to be placed deposited or spread in or upon any land or garden within any city town or borough any night-soil or any human urine whether mixed with other substances or not or any solution of night-soil shall, unless the same has been thoroughly deodorized and disinfected to the satisfaction of the municipal council within whose district such land or garden is situated and unless the written consent of such council, subject to any regulations the Board may make, has been obtained, be guilty of an offence against this Act.

(2) The

(2) The provisions of sub-section (1) of this section shall also apply to such shires or portions of shires as the Governor in Council may by Order on the recommendation of the Board direct.

4. In section two hundred and sixty-nine of the Principal Act for the words "sections two hundred and thirty-four and" there shall be substituted the word "section," and in section two hundred and seventy-six of the said Act the words "two hundred and thirty-four" are hereby repealed.

Amendment of
ss. 269 and 276 of
Principal Act.

5. Where any expense is incurred under the provisions of this Act by any person being tenant of any landlord, such expense as between such landlord and tenant shall in the absence of any agreement to the contrary be payable in the proportions following:—

Provisions as to
payment of
expenses.

- (a) In case the interest of such tenant at the time such expense is incurred be less than for a term of three years, the whole expense shall be payable by such landlord;
- (b) In case the interest of such tenant be for a term of three years and less than for a term of six years, three-quarters of such expense shall be payable by such landlord and one-fourth of such expense by such tenant;
- (c) In case the interest of such tenant be for a term of six years and less than for a term of twelve years, half of such expense shall be payable by such landlord and half by such tenant;
- (d) In case the interest of such tenant be for a term of twelve years or upwards, the whole of such expense shall be payable by such tenant; and
- (e) In case either such landlord or such tenant shall, under the provisions of this Act, pay more than his proper proportion of such expense he may recover the excess from his landlord or tenant as the case may be as money paid to his use, and any tenant may set off any sum recoverable by him under this section against any rent payable to his landlord. Provided that in the case of any lease existing at the commencement of this Act the provisions of section two hereof shall not apply.

6. Where under section two of this Act notice has been served by the council on a tenant to provide a proper yard or shed or make any improvement, such tenant shall forthwith deliver or cause to be delivered a copy of the said notice to the landlord of the premises or his agent, and such landlord may within thirty days from the receipt of such copy notify to the tenant his intention to comply with such notice, and if in that event such landlord shall fail to effect such improvements as are specified in the said notice he shall be liable to the penalties provided in this Act for failing to comply with such notice to the same extent

Where notice served
on tenant to
provide a proper
yard, &c., such
tenant to inform
landlord who may
effect the
improvements.

extent and in the same manner as if he were the occupier. And provided that if such landlord shall so elect to comply with such notice he shall be at liberty with such horses carts material workmen and others to enter such leased property and to effect the necessary improvements thereon, provided that in any proceedings against any tenant under section two of this Act the production of the notification by his landlord of his intention to comply with the notice shall be a bar to such proceedings. Provided further that if such tenant shall not deliver or cause to be delivered a copy of the notice aforesaid to the landlord as required by this Act, such tenant shall forfeit any right of contribution he may have under this Act against such landlord. Provided also that a copy of this section shall be printed upon the notice served by the council on a tenant as aforesaid, otherwise such notice shall be null and void.

MELBOURNE:

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