

No. 4010.

An Act to amend the *Health Act 1928*.

[30th December, 1931.]

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) :—

Short title
construction
and citation.
No. 3697.

1. This Act may be cited as the *Health Act 1931* and shall be read and construed as one with the *Health Act 1928* (hereinafter called the Principal Act) which Act and this Act may be cited together as the Health Acts.

Power to
councils to
agree with
Minister for
services of
officers of the
Department.
See No. 3697
ss. 22, 30.

2. Notwithstanding anything in the Principal Act where the office of inspector of any council is exempted from the operation of section thirty of that Act the council of the municipality concerned may enter into an agreement with the Minister whereby the services of an officer of the Department may be made available to the council as an inspector of the council on such terms and conditions as are agreed upon between the Minister and the council and such officer shall have and may exercise all the powers and duties of an inspector of the council accordingly.

Amendment of
No. 3697 s. 25.

3. For paragraph (b) of sub-section (1) of section twenty five of the Principal Act there shall be substituted the following paragraph :—

Reports to be
furnished to
councils by
medical officers.

“(b) furnish to the council—

(i) within one week after the expiration of each calendar month, monthly reports, and on or before the last day of February in every year, an annual report up to the last preceding thirty-first day of December, on the public health and sanitary circumstances of the municipal district; and

(ii) such other special reports relating to public health or sanitation as the council requires; and”.

Amendment of
No. 3697 s. 45.
Placing any
offensive
matter on street
road or
footpath &c.

4. In paragraph (b) of section forty-five of the Principal Act before the word “throws” there shall be inserted the words “without authority from the council”; and for the words

words "solid or partly solid matter whatsoever" there shall be substituted the words "matter whatsoever on any street road or footpath or".

5. Section seventy-two of the Principal Act is hereby amended as follows:—

Amendment of
No. 3097 s. 72.

(a) For sub-section (3) there shall be substituted the following sub-section:—

"(3) The proprietor occupier or person in charge of any abattoir or slaughter-house shall not allow permit or suffer to be in or to remain in such abattoir or slaughter-house—

Poultry and
dogs in
abattoirs &c.

(a) any poultry; or

(b) any dog unless such dog is kept locked up or chained or efficiently muzzled except when being used for yarding purposes"; and

(b) (i) In paragraph (b) of sub-section (4) the word "blood" is hereby repealed; and

Swine not to be
fed on offal.

(ii) At the end of sub-section (6) there shall be inserted the words "and also includes blood."

6. At the end of sub-section (2) of section eighty-two of the Principal Act there shall be inserted the following proviso:—

Amendment of
No. 3097 s. 82.

"Provided that the council, in the case of any abattoir or slaughter-house, shall not give consent to any works being commenced until the plans and specifications have been approved by the medical officer of health and the municipal engineer, and registration of such abattoir or slaughter-house shall not be granted until the medical officer of health and the municipal engineer have certified that the abattoir or slaughter-house has been erected in accordance with the plans and specifications approved as aforesaid."

Abattoirs and
slaughter-
houses.

7. (1) For section one hundred and thirty-one of the Principal Act there shall be substituted the following section:—

New section
substituted for
No. 3097 s. 131.

"131. (1) Subject to and in accordance with this Part and the regulations it shall be the duty of every public vaccinator—

Vaccination by
public
vaccinator.

(a) to vaccinate any child under the age of seven years brought to him for vaccination unless in his opinion the child is then unfit for vaccination; and

(b) in

(b) in any case where any child under the age of seven years brought to him for vaccination is found to be then unfit for vaccination or where the vaccination of any such child has been unsuccessful—to vaccinate or re-vaccinate the child if brought to him for that purpose at any time within twelve months thereafter.

(2) No charge shall be made by any public vaccinator to the parents of any child for any vaccination or re-vaccination under this section."

(2) The Principal Act is hereby amended as follows:—

(a) In section one hundred and twenty-nine the interpretation of "Registrar" is hereby repealed;

(b) At the end of sub-section (1) of section one hundred and thirty there shall be inserted the words "who shall have such duties as are prescribed";

(c) Sections one hundred and thirty-two to one hundred and forty-two one hundred and forty-seven and one hundred and forty-eight thereof and the Seventh Schedule thereto are hereby repealed;

(d) In section one hundred and forty-four after the words "regulations thereunder" all words to the end of the section are hereby repealed; and

(e) In section one hundred and forty-nine—

(i) in paragraph (a) thereof after the words "forms of" the words "certificates notices statements" are hereby repealed; and

(ii) in paragraph (e)—

after the word "prescribing" there shall be inserted the words "the duties of public vaccinators and"; and the words "and registrars and other persons" are hereby repealed.

8. (1) In paragraph (e) of sub-section (3) of section one hundred and sixty-one of the Principal Act after the word "management" there shall be inserted the words "equipment and staff".

(2) At the end of paragraph (a) of section one hundred and sixty-eight of the Principal Act there shall be inserted the words "and the management thereof and the classification thereof in accordance with the equipment and staff thereof and the class or classes of cases received therein".

9. (1) For

No charge to be made to parents for such vaccination.

Amendment of No. 3697 Part VII.

Interpretation.

No. 3697 s. 129.

Duties of public vaccinator.

Ib.

Repeal of provisions as to compulsory vaccination &c.

Ib. ss. 132-142,

147, 148,

Seventh

Schedule.

Books &c. to be provided.

Ib. s. 144.

Regulations.

Ib. s. 149.

Amendment of No. 3697 ss. 161, 168.

Registration and classification of private hospitals.

9. (1) For the purposes of Part XII. of the Principal Act, where any shop or other premises is or are used for the sale of any food drug article or substance or where any vehicle (other than a vehicle used solely in connexion with the business of a common carrier) is used for the delivery or sale of any food drug article or substance the name of any person appearing on such shop premises or vehicle shall be *prima facie* evidence that such person is the owner of such shop premises or vehicle and of any food drug article or substance contained therein.

Name on shop or vehicle *prima facie* evidence of ownership thereof and of articles &c. therein.

No. 3697 Part XII.

(2) Any person who sells any food drug article or substance which is adulterated or falsely described or is packed for sale contrary to the said Part or any regulation thereunder from any shop or other premises or any vehicle which bears or bear the name of any other person shall be deemed to have sold such food drug article or substance as the servant or agent of such other person unless and until the contrary is proved.

Sale by person of adulterated article &c. from shop vehicle &c. bearing name of any other person deemed sale by agent &c. of such other person.

10. (1) At the end of section two hundred and twenty-seven of the Principal Act there shall be inserted the following interpretation :—

Amendment of No. 3697 s. 227. Interpretation.

“‘Fortified wine’ means wine to which pure wine spirit has been added.”

“Fortified wine.”

(2) No person shall sell port madeira or muscat or any other fortified wine specified in a proclamation unless it contains not less than thirty-four per centum of proof spirit.

Fortified wine to contain at least 34 per cent. of proof spirit.

(3) This section shall be read and construed as one with Division two of Part XII. of the Principal Act.

Construction of section.

No. 3697 ss. 227-234.

11. Section two hundred and twenty-nine of the Principal Act is hereby amended as follows :—

Amendment of No. 3697 s. 229.

As to soluble chlorides and sulphur dioxide in wine.

(a) In paragraph (a) for the words “half-a-gramme per litre or thirty-five grains” there shall be substituted the words “one gramme per litre or seventy grains”; and

(b) For paragraphs (c) and (d) there shall be substituted the following paragraphs :—

“(c) free sulphur dioxide exceeding forty-five milligrammes per litre or three and three-twentieths grains per gallon;

or

(d) total

(d) total sulphur dioxide (free and combined) exceeding four hundred and fifty milligrammes per litre or thirty-one and a half grains per gallon”.

New section substituted for No. 3697 s. 241

Certain persons named on package &c. deemed to have sold food or drug therein.

Comp. No. 3918 s. 13.

12. For section two hundred and forty-one of the Principal Act there shall be substituted the following section:—

“241. (1) Where any food or drug in connexion with which there is a contravention of any of the provisions of the Health Acts is sold in an unopened package to any officer, then that one of the persons hereinafter specified to whom the facts in the particular case apply—

- (a) shall be deemed to have sold such food or drug to the officer as on the day of the sale thereof to him and at the place where he purchased the same; and
- (b) shall be liable to the same penalty as if he had actually sold such food or drug to the officer on that day and at that place.

(2) The persons specified as being deemed to have sold any such food or drug as aforesaid are respectively as follows:—

Where package labelled.

(a) Any person who appears from any label on such package or attached thereto to have manufactured or prepared such food or drug or to have imported the same into Victoria or to have enclosed or caused to be enclosed the same in such package or to have been the wholesale supplier of such food or drug; or

Where package not labelled.

(b) If there is no label on such package or attached thereto giving any such particulars as are set out in the last preceding paragraph—

(i) any person who had sold or supplied the same to the person (hereinafter in this section referred to as ‘the said last vendor’) on whose premises the package was when being sold to the officer; or

(ii) where such first-mentioned person purchased such food or drug already enclosed in such package from some other

other person prior to selling the same to the said last vendor—then such other person.

(3) It shall be a good defence to any prosecution for or in respect of any contravention of this section if the person charged shows—

Defence.

- (a) that the contravention is due to the act or default of the said last vendor or any other person who has purchased the same from the person so charged ; or
- (b) that the contravention is due to deterioration or other causes beyond the control of the person so charged ; or
- (c) in any case specified in paragraph (a) of the last preceding sub-section, that he did not in fact attach or cause to be attached such label as aforesaid to such food or drug or enclose or cause to be enclosed the same in the package ; or
- (d) in any case specified in paragraph (b) of the last preceding sub-section, that he purchased such food or drug already enclosed in such package from some other person prior to selling the same to the said last vendor.

(4) Nothing in this section shall affect the liability of the said last vendor with respect to any such contravention due to his default or to other causes within his control ; and the conviction of any person under the preceding provisions of this section shall not exonerate the said last vendor or any other person from liability with respect to any such contravention.

As to liability of retailer &c.

(5) Without affecting the generality of the application of this or any other provision of the Health Acts to firms or their members, where a firm appears from any such label to have imported manufactured or prepared any such food or drug or to have been the wholesale supplier of the same or to have enclosed the same in a package—

Where name of firm appears on label.

- (a) proceedings under this section may be taken (whether in a court of petty sessions or otherwise) and penalties recovered accordingly against any member or members of the firm ; and

(b) this

(b) this section shall be read and construed and have effect as if the name or names of such member or members of the firm had appeared on such label.

"Wholesale supplier."

(6) For the purposes of this section 'Wholesale supplier' means a person who sells or supplies goods to any other person for the purpose of re-sale."

Amendment of No. 3697 s. 281. Restrictions on slaughtering.

13. In paragraph (a) of section two hundred and eighty-one of the Principal Act for the words "by members of his own family" there shall be substituted the words "by persons on such premises".

Regulations as to training and examination of sanitary plumbers.

14. The Governor in Council may under and in accordance with the Principal Act make regulations for or with respect to the training and examination of sanitary plumbers carrying on work under the supervision of the Melbourne and Metropolitan Board of Works the Geelong Waterworks and Sewerage Trust or any sewerage authority within the meaning of the Sewerage Districts Acts.

Nos. 3772 &c.

Amendment of No. 3697 s. 257.

15. At the end of section two hundred and fifty-seven of the Principal Act there shall be inserted the following sub-section :—

Power of Governor in Council to revoke regulations.

"(4) Without prejudice to any other method or revoking any regulation under sub-section (1) of this section, any such regulation whether made before or after the commencement of the *Health Act* 1931 may be revoked by Order of the Governor in Council."