



ANNO QUADRAGESIMO ET QUADRAGESIMO PRIMO
VICTORIÆ REGINÆ.
A.D. 1877.

No. 70.

An Act to provide for Licensing Lodging-houses.

[Assented to, 21st December, 1877.]

WHEREAS it is expedient to provide for the licensing of Preamble.
lodging-houses—Be it therefore Enacted by the Governor of
the Province of South Australia, by and with the advice and consent
of the Legislative Council and House of Assembly of the said
Province in this present Parliament assembled, as follows:

1. The following words in this Act shall, for the purposes and Interpretation of terms.
execution of this Act, have the following meanings—that is to say:

The words “common lodging-house” shall mean any house, tent,
or edifice, not being a licensed public-house, in which any
number of persons, besides the occupying tenant thereof, his
or her family, and domestics, ordinarily sleep, paying hire or
reward for being allowed to do so:

The words “local authority” shall mean with respect to any place,
the body, or person or persons by this Act authorized
to execute with respect to that place the several provisions
of this Act.

2. This Act shall apply within and throughout the Corporation Extent of operation of this part.
of Port Adelaide now existing or hereafter to be constituted, and
all parts within the jurisdiction of the Corporation of Port Adelaide
aforesaid respectively, and within and throughout all other towns,
districts, and places to which the Governor in Council may think fit
to extend it upon notice of such extension being published in the
Government Gazette.

3. This

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Authorities to execute the provisions of this part.

3. This Act shall be executed as follows, to wit:—Within and for all or any parts within the jurisdiction of the Corporation of Port Adelaide respectively, by the Corporation of the said town. Within and for all or any part of any other town, district, or place not being within the jurisdictions before mentioned or the limits of any such Council, by such Corporation or such person or persons as the Governor in Council may nominate and appoint for that purpose.

Expenses incurred—how to be borne.

4. The expenses of and incidental to this Act shall be borne and paid as follows, to wit:—With respect to the Corporation of Port Adelaide, as part of the general expenses chargeable on the Corporation rates; with respect to any town, district, or place to which this Act may be applied by the Governor in Council, as part of the general expenses of the police of such town, district, or place, and as such charged upon and payable out of the moneys from time to time applicable for those expenses.

By whom and when notice of registration is to be given.

5. Within two months after the establishment or appointment of any local authority not already existing as hereinbefore provided, and from time to time thereafter, as occasion may arise, the occupying tenant or keeper of any common lodging-house already or hereafter existing within the jurisdiction of such local authority shall register such house by delivering at the proper office of such local authority notice in the form in the First Schedule to this Act annexed; and such notice (subject to the provisions of this Act) shall be registered by such local authority on payment in aid of the town funds of a fee not exceeding Two Pounds, when the same shall be registered by the local authority of Port Adelaide, and in all other cases upon payment of a fee of Ten Shillings: Provided that any local authority may refuse to register any common lodging-house, if, upon inspection or satisfactory evidence, it shall appear to such local authority, either from the unhealthiness of the position, the insufficiency of the premises, the improper character of the applicant, or from other sufficient cause that such registration should not be granted; and upon due notice, and unless sufficient cause to the contrary be shown, may suspend or cancel, and such registration for any breach of the regulations in force affecting common lodging-houses, or other sufficient cause: Provided also that all such registrations made or renewed after the coming into operation of this Act shall be annual, and shall date from such time of each year as the local authority shall appoint; and all registrations in force at the time of the coming into operation of this Act shall (if not lawfully suspended or cancelled) remain in force until the time appointed or which shall be appointed by the local authority for the expiry of the same.

Certificate of character to be returned with the form when filled up.

6. Every lodging-house keeper shall, with such form for registration, send in a certificate of character in the form in the Second Schedule to this Act, signed by six respectable ratepayers of the city, town, borough, district, or place in which such lodging-house shall be situate; and the local authority may refuse to register any lodging-house, the keeper of which shall fail to produce such certificate.

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7. In case any person shall object to his house being considered a common lodging-house under this Act, he may apply to the local authority, and it shall be competent for such local authority to consider whether such house is a common lodging-house, and whether the provisions of this Act should be applied to it.

Objections to houses being registered.

8. The local authority shall keep a register, in which shall be entered the names and residences of the keepers of all common lodging-houses within the jurisdiction of the local authority as to which such local authority shall deem fit to have this Act applied, and the situation of every such house and the number of lodgers authorized according to this Act to be received therein; and such register shall be compiled from the forms to be delivered as aforesaid, or such other information as such local authority shall think fit to use.

A register to be kept.

9. The local authority may from time to time make regulations respecting common lodging-houses within its jurisdiction for fixing the number of lodgers who may be received in such houses, for promoting cleanliness and ventilation therein, and with respect to the inspection thereof and the conditions and restrictions under which such inspection may be made, for the well ordering of such houses, for the separation of the sexes therein, and for preventing facilities for the concealment and escape of criminals therein or therefrom. And the person keeping any such common lodging-house shall give access thereto when required by any person who shall produce the written instructions of the said local authority, or his or their officer thereunto authorized by writing or under seal, as the case may be, for the purpose of introducing or using therein any disinfecting process; and the expenses incurred by the said local authority in so introducing or using any disinfecting process may be recovered from the keeper of the lodging-house in which the same shall have been used or introduced by the local authority, or his, or their officer appointed as aforesaid, in a summary manner, before any two Justices: Provided that the regulations made under this Act by the local authority shall not be in force until they shall have been confirmed by the Governor in Council.

Regulations to be made respecting lodging-houses.

Means by which they may be disinfected.

10. The local authority shall have the power of imposing by any such regulations penalties on offenders against the same, not exceeding the sum of Five Pounds for each offence; and in case of a continuing offence, a further penalty of a sum not exceeding Forty Shillings for each day during which such offence shall be continued after written notice from such local authority, or his or their officer appointed as aforesaid, of the offence having been committed: Provided that all such regulations imposing any penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty; and all such penalties may be recovered in a summary way by the local authority, or his or their officer, before any two Justices; and a copy of the regulations, purporting to be signed by the Governor, and also signed by or sealed with the seal of the local authority, shall be receivable as evidence of such regulations, and of the duly making and confirming thereof.

Penalties for breach of regulations.

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Contents of register—
how to be proved.

11. A copy of an entry made in any register kept under this Act, certified by the person having the charge thereof to be a true copy, shall be received in all Courts, and before all Justices, and on all occasions whatsoever as evidence, and be sufficient proof of all things therein registered according to the provisions of this Act aforesaid, without the production of the register or of any document, Act, or thing on which the entry is founded; and every person applying at a reasonable time, shall be furnished gratis by the person having such charge with a certificate copy of any such entry.

Lodging-house
keepers to report
deaths to Coroner
when they occur in
the lodging-house.

12. Upon any death occurring in any common lodging-house, the keeper or manager thereof shall, within twelve hours after the same shall have taken place or become known, give notice of every such death and the cause thereof and the circumstances attendant thereon to the nearest Coroner; and if there shall be no Coroner residing within five miles of such lodging-house, then to the local authority within the jurisdiction whereof such house may be situated.

Notice of infectious
diseases to be given
by keeper.

13. The keeper of a common lodging-house shall, when any person therein is ill of fever or any infectious or contagious disease, give immediate notice thereof to the local authority, or some officer of the local authority.

Provisions for pre-
venting the spread of
disease.

14. When any person in a common lodging-house is ill of fever or any infectious or contagious disease, the local authority may, on the certificate of a medical officer that the disease is infectious or contagious, and that the patient may be safely removed, cause such person to be removed to an hospital or infirmary with the consent of the authorities thereof, and may (so far as such local authority may think requisite for preventing the spread of disease) cause any clothes or bedding used by such person, to be disinfected or destroyed, and may in their discretion award to the owners of the clothes and bedding so disinfected or destroyed, reasonable compensation for the injury or destruction thereof; the amount of such compensation being first certified in writing upon a list of such articles by such local authority or his or their officer to be paid out of the rates and moneys aforesaid respectively.

Access at all times to
be given to officer.

15. The keeper of a common lodging-house, and every other person having or acting in the care or management thereof shall at all times, when required by any local authority or his or their officer appointed as aforesaid, or by any Justice, or superintendent or inspector of police, or police officer having charge of a police station or police district, give him free access to such house or any part thereof.

Keeper to use sana-
itary precautions.

16. The keeper of a common lodging-house shall thoroughly cleanse all the rooms, passages, stairs, floors, windows, doors, walls, ceilings, privies, cesspools, and drains thereof, to the satisfaction of and so often as shall be required by or in accordance with any regulation of the local authority; and shall limewash the walls and ceilings thereof, or so much of them as shall be required by such authority in the first week of each of the months of April and October in every year.

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17. The keeper of a common lodging-house shall from time to time, if required by any order of the local authority served on such keeper, report to the local authority, or to such person as the local authority shall direct, the name of every person who resorted to such house during the preceding day or night; and for that purpose schedules will be furnished by the local authority to the person so ordered to report, which schedules he shall fill up with the information required, and transmit to the local authority.

To make returns of lodgers.

18. If the keeper of any common lodging-house or any other person having or acting in the care and management thereof, shall omit to cause his house to be registered as aforesaid, or shall offend against any of the provisions of this Act, or any of the regulations made in pursuance of this Act, or if any person shall have died in any common lodging-house, or if any person in any common lodging-house shall have been confined to his bed forty-eight hours by fever or any infectious or contagious disease without the keeper of such house having given notice thereof respectively as required by this Act, every person so offending shall for every such offence be liable to a penalty not exceeding Five Pounds, and to a further penalty not exceeding Forty Shillings for every day during which the offence continues: Provided that this Act shall not exempt any person from any penalty or liability to which he might be subject irrespective of this Act.

Penalties.

19. Where the keeper of any common lodging-house, or any person having or acting in the care or management thereof is convicted of a third offence against any of the provisions of this Act, the Justices before whom such third conviction takes place, may, if they think fit, adjudge that he shall not at any time within a period not exceeding five years after such conviction, as the Justices think fit, keep, or have, or act in the care or management of a common lodging-house without the previous licence in writing of the local authority, which licence the local authority may withhold or may grant on such terms and conditions as it shall think fit.

Keeper may be suspended.

20. The local authorities, all Justices constables, and others shall respectively have full jurisdiction, powers, and indemnities for executing the several provisions of this Act.

Execution of the Act.

21. All proceedings under this Act shall be had and taken, and all fines, penalties, and forfeitures shall be recovered in a summary way; and no conviction under this Act shall be quashed or removed by writ of *certiorari* or otherwise into the Supreme Court for want of form.

How penalties to be recovered.

22. All pecuniary fines, fees, and penalties, payable under this Act shall be paid, in case the same are payable or incurred in any city or corporate town, into the funds of such city or corporate town; and in case the same are payable or incurred in any other place, shall be paid into the General Revenue of the said Province.

Application of fines and fees.

23. There shall be an appeal from any order or conviction by Justices

Appeal to Local Court.

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Justices of the Peace under the provisions of this Act, or of any regulation made in pursuance hereof, which appeal shall be to the Local Court of Adelaide of Full Jurisdiction only; and the proceedings on such appeal shall be conducted in manner appointed by the Ordinance, No. 6 of 1850, for appeals to Local Courts.

Short title.

24. This Act may be cited for all purposes as "The Lodging-house Act."

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

WM. F. DRUMMOND JERVOIS, Governor.

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FIRST SCHEDULE.

Form of Register of Common Lodging-House.

Name of Proprietor, Keeper, and Manager.	An accurate description of locality of Common Lodging-House.	Of what material house built, how many rooms used as sleeping apart- ments, and what other accommodation in the house.	The number of Lodgers intended to be accommodated.

SECOND SCHEDULE.

We, the undersigned, being inhabitant householders within [*here state the city, town, district, or place in which the lodging-house applied to be registered is situated*], do certify that we know [*here state the name of the keeper or manager of the common lodging-house*], and believe him to be a fit and proper person to keep and have the management of a common lodging-house.

(Signed)

