

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 4 of 1912.

AN ORDINANCE

Relating to Public Health.

BE it ordained by the Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act 1909* and the *Seat of Government (Administration) Act 1910*, as follows :—

1. This Ordinance may be cited as the *Public Health Ordinance* 1912. Short title.

2. In this Ordinance—

Definitions.

“The Minister” means the Minister of State for Home Affairs.

“The Territory” means the Territory for the Seat of Government.

3.—(1.) The Minister may make, amend, alter or repeal regulations with respect to the following matters :— Minister may make regulations.

- (a) The pollution of natural water-courses ;
- (b) Public health, safety, and convenience ;
- (c) Sanitary matters.

(2.) All regulations made by the Minister under this Ordinance shall be notified in the *Gazette*, and shall come into operation on the day of the notification in the *Gazette*, or on a later day to be specified in the notification.

4. Until the Minister makes regulations under this Ordinance relating to the pollution of natural water-courses the provisions of Ordinance (Municipalities) No. 37 relating to the pollution of natural water-courses made under the provisions of the *Local Government Act 1906* of the State of New South Wales shall, so far as applicable, apply to the Territory as if they were regulations made under this Ordinance. Application of provisions of Ordinance No. 37 under Local Government Act 1906.

5.—(1.) Until the Minister makes regulations under this Ordinance relating to public health safety and convenience the provisions of sections 2, 3, 4, 5, 6, 7, 8, 15, 18, 20, 21, 22, 23, 25, 26, 28, 32, 33, 34, 35, 41, 42, 43, 44, 45, 49, and 50 of Ordinance (Municipalities) No. 39 relating to public health, safety, and convenience made under Application of certain provisions of Ordinance No. 39 under Local Government Act 1906.

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the *Local Government Act 1906* of the State of New South Wales shall, so far as applicable, apply to the Territory as if they were Regulations made under this Ordinance.

(2.) In the application of section 45 of the Ordinance referred to in sub-section (1.) of this section to the Territory, the section shall be read as if the words "and may, at the request of the Council, from time to time, be applied by Proclamation of the Governor to the whole or any portion of the Municipality" were omitted therefrom and the following words inserted in their stead :—

"and shall apply to such parts of the Territory as the Minister from time to time by notice in the *Gazette* and in a local newspaper circulating in the Territory directs."

Application of certain provisions of Ordinance No. 45 under *Local Government Act 1906*.

6.—(1.) Until the Minister makes Regulations under this Ordinance relating to sanitary matters, the provisions of sections 5, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19 (a), 21, 22, 23, 24, 25, 26, 27, 28, and 30 of Ordinance (Municipalities) No. 45 made under the *Local Government Act 1906* of the State of New South Wales shall, so far as applicable, apply to the Territory as if they were Regulations made under this Ordinance.

(2.) Ordinance (Municipalities) No. 45 under the *Local Government Act 1906* of the State of New South Wales in its application to the Territory shall be read as if it contained, in addition to the sections continued in force by sub-section (1.) of this section, the following sections :—

(i) This Ordinance shall apply to all scavenging areas in the Territory.

(ii) The Minister may by notice in the *Gazette* and in a local newspaper circulating in the Territory declare any part of the Territory to be a scavenging area.

Minister to have powers and functions of Council under Ordinances.

7. In the application of the Ordinances referred to in the three preceding sections of this Ordinance to the Territory, the Ordinance shall be read as if the Minister were the Council or the Board of Health as the case requires and the Territory were the Municipality.

Delegation by Minister.

8.—(1.) The Minister may, by writing under his hand, delegate to any person all or any of his powers or functions under the Ordinances referred to in sections 4, 5, and 6 of this Ordinance.

(2.) Every delegation under this section shall be revocable at will, and no delegation shall prevent the exercise of any power or function by the Minister.

Appointment of officers.

9. The Minister may appoint such Sanitary Inspectors and other officers for the purposes of this Ordinance and the Ordinances referred to in sections 4, 5, and 6 of this Ordinance as he thinks necessary.

10.—(1.) All proceedings for offences against the provisions of the Ordinances referred to in sections 4, 5, and 6 of this Ordinance or the regulations made under this Ordinance may be instituted and prosecuted by any person authorized by the Minister in that behalf, and may be heard and determined in a summary way by a Police or Stipendiary Magistrate or by two or more Justices of the Peace sitting as a Court of Summary Jurisdiction. Proceedings for offences.

(2.) The fact that any person is authorized to institute and prosecute proceedings in pursuance of this section may be proved by the production of the authority or by the production of the *Gazette* containing a notification of the issue of the authority.

11. Where in pursuance of this Ordinance or the regulations made thereunder, or of the Ordinances referred to in sections 4, 5, and 6 of this Ordinance, a person is lawfully ordered or directed to perform any work or do any act or thing, and the person fails to perform the work or do the act or thing as and when so ordered or directed, the Minister may cause the work to be performed or the act or thing to be done, and may, suing in his official name, in any Court of competent jurisdiction, recover from the person the expenses so incurred as a debt due to the Crown. Power to enforce orders.

12.—(1.) If the occupier of any premises prevents the owner thereof from obeying or carrying into effect any provisions of this Ordinance or the Regulations made thereunder, or of the Ordinances referred to in sections 4, 5, and 6 of this Ordinance, any Justice to whom application is made in that behalf may, by order in writing, require such occupier to permit the execution of any works if they appear to the Justice to be necessary for the purpose of obeying or carrying into effect the said provisions; and if the occupier does not comply with the order within forty-eight hours or such longer time as is specified in the order after the time when it was made, he shall be liable to a penalty not exceeding Five pounds for every day during the continuance of the non-compliance. Occupier preventing owner from carrying out Ordinances.

(2.) The penalty set forth in sub-section (1.) of this section shall be in lieu of any penalties to which the occupier might otherwise have become liable by reason of any default by him in carrying into effect the said provisions.

. Dated this first day of August, 1912.

DENMAN,
Governor-General.

By His Excellency's Command,

KING O'MALLEY,
Minister of State for Home Affairs.

Printed and Published for the GOVERNMENT of the COMMONWEALTH of AUSTRALIA
by ALBERT J. MULLETT, Acting Government Printer for the State of Victoria.