

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 21 of 1928.

AN ORDINANCE

Relating to Public Health.

BE it ordained by the Governor-General of the Commonwealth of Australia, 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* Short title.
1928.

2. This Ordinance shall commence on a date to be fixed by the Commencement.
Commission by notice in the *Gazette*.

3.—(1.) The *Public Health Ordinance 1912* is repealed. Repeal.

(2.) The Regulations may provide that any Act of the State of New South Wales shall, to the extent specified in the Regulations, cease to apply to the Territory, and that Act shall, to the extent so specified, thereupon cease to apply to the Territory.

4. In this Ordinance, unless the contrary intention appears— Definitions.

“ Drug ” includes any article used for or in the composition or preparation of medicine for internal or external consumption or use by man, and includes disinfectants, germicides, antiseptics, preservatives, deodorants, anaesthetics, tobacco, narcotics, soaps, cosmetics, dusting powders, essences, unguents, and all other toilet articles;

“ Food ” includes every article which is used for food or drink by man, or which enters into or is used in the composition or preparation of any such article, and includes infant foods, flavoring matters, coloring matters, essences, condiments, spices, and confectionery;

“ Inspector ” means any Inspector of Health appointed by the Commission, and includes any acting or assistant inspector so appointed;

“ The Medical Officer of Health ” means the Medical Officer of Health appointed by the Commission;

“ the Commission ” means the Federal Capital Commission;

“ this Ordinance ” includes any Regulations made thereunder.

Application of Ordinance.

5.—(1.) This Ordinance shall not apply to the Territory accepted by the Commonwealth in pursuance of the *Jervis Bay Territory Acceptance Act 1915* unless and until the Commission, by notice published in the *Gazette*, declares it so to apply.

(2.) The Commission may by any such notice declare that this Ordinance shall so apply wholly or only to the extent specified in the notice.

Delegation Clause.

6.—(1.) The Commission may delegate any of its powers and functions under this Ordinance (except this power of delegation) in relation to any matters or class of matters, so that the delegated powers and functions may be exercised by the delegate with respect to the matters or class of matters specified in the instrument of delegation.

(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 Commission.

Powers of Medical Officer of Health.

7. The Medical Officer of Health shall, in addition to any powers conferred on him by this Ordinance, have all the powers conferred by this Ordinance on an inspector.

Power of entry.

8. For the purpose of carrying the provisions of this Ordinance into effect, the Medical Officer of Health or any Inspector or any Officer of the Commission thereto authorized in writing by the Commission may at any time during which business is carried on, or is usually carried on, on the premises, and at such other times as are prescribed, enter and examine any premises and inspect any article on the premises.

Forgery.

9. Any person who—

- (a)** forges any document under this Ordinance or any official copy thereof, or the signature of any officer or person performing any duty under this Ordinance; or
- (b)** utters or puts off, knowing it to be forged, any forged document purporting to be a document issued under this Ordinance; or
- (c)** fraudulently lends any document issued under this Ordinance to any other person, or allows it to be used by any other person,

shall be guilty of an offence.

Penalty: Imprisonment for three years.

Bribery and corruption.

10.—(1.) Any person who—

- (a)** gives or offers or procures to be given or offered or promises to give or procure to be given, any bribe, recompense or reward to any officer or person to induce him in any way to neglect or not to perform his duty under this Ordinance; or
- (b)** makes any collusive agreement with an officer or person to neglect or not to perform his duty under this Ordinance; or

- (c) by threats, demands or promises attempts improperly to influence an officer or person in the performance of his duty under this Ordinance; or
- (d) assaults or by force molests or obstructs or intimidates an officer or person in the performance of his duty under this Ordinance,

shall be guilty of an offence.

(2.) An offence against this section may be prosecuted either summarily or upon indictment, but an offender shall not be liable to be punished more than once in respect of the same offence.

(3.) The punishment for an offence against this section shall be as follows:—

- (a) If the offence is prosecuted summarily—a fine not exceeding One hundred pounds or imprisonment for a term not exceeding six months, or both; or
- (b) If the offence is prosecuted upon indictment—imprisonment for a term not exceeding three years.

11. Proceedings for offences against this Ordinance and for the recovery of charges made for services may be instituted in any Court of competent jurisdiction by the Commission or by any officer of the Commission thereto authorized in writing by the Commission. Proceedings for offences.

12. The Commission may make regulations not inconsistent with this Ordinance prescribing all matters which are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for giving effect to this Ordinance, and in particular prescribing matters providing for and in relation to— Regulations.

- (a) the prevention of disease;
- (b) the maintenance of health;
- (c) sanitation in respect of any place, premises, vehicle or receptacle;
- (d) the care and treatment of sick persons;
- (e) the designation of infectious diseases and measures for the control thereof;
- (f) the promotion of public health by the establishment of special clinics for the treatment and prevention of disease;
- (g) the medical and dental inspection of school children and measures to be instituted for the remedy and prevention of dental defects and diseases in children;
- (h) the licensing, control, and inspection of—
 - (i) preparation, sale, distribution and possession of food and drugs;
 - (ii) slaughtering of animals and sale of meat;

- (iii) keeping of animals used for food and the food products thereof;
- (iv) dairies and milk supply;
- (v) eating houses and food shops;
- (vi) food manufactories;
- (vii) boarding houses;
- (viii) hospitals;
- (ix) barbers' shops and hairdressing establishments;
- (x) laundries, cleaning establishments and dye works;
- (xi) second-hand trading establishments; and
- (xii) premises used for housing birds or animals;
- (i) the inspection of theatres, public halls, billiard saloons, hotels and other places open to public resort;
- (j) the prevention of pollution of natural water courses and the maintenance of the purity of water supply;
- (k) the disposal of garbage, refuse, and night-soil;
- (l) measures for the control or destruction of noxious vermin;
- (m) establishment, control and inspection of cemeteries, burial grounds, crematories, mortuaries and morgues;
- (n) the charges to be made for services supplied or rendered in pursuance of the Regulations;
- (o) the purposes for which and the conditions upon which licences, certificates and other documents may be issued, and the fees payable therefor; and
- (p) the imposition of penalties not exceeding Fifty pounds or imprisonment for three months for offences against any Regulations made under this Ordinance; and, where the offence is a continuing offence, a penalty not exceeding Five pounds for every day during which the offence continues.

Dated this fifth day of November, One thousand nine hundred and twenty-eight.

STONEHAVEN

Governor-General.

By His Excellency's Command,

C. W. C. MARR

for Minister of State for Home and Territories.

By Authority: H. J. GREEN, Government Printer, Canberra.