

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives.
17th November, 1903.

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Hon. Sir J. G. Ward.

PUBLIC HEALTH AMENDMENT.

ANALYSIS.

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A BILL INTITULED

AN ACT to amend "The Public Health Act, 1900."

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act is "The Public Health Amendment Act, 1903"; and it shall form part of and be read together with "The Public Health Act, 1900" (hereinafter referred to as "the principal Act").

Short Title.

2. Where compensation is claimed under section twenty-eight of the principal Act, it shall be payable subject to the same conditions as are prescribed by section twenty-five of the same Act, and the last-mentioned section shall, *mutatis mutandis*, apply to the payment of compensation under the said section twenty-eight.

Conditions under which compensation is payable.

3. (1.) Where a local authority fails within a reasonable time to carry out any work mentioned in sections twenty-eight or twenty-nine of the principal Act that is required by the District Health Officer to be done, or to carry out any such work to the satisfaction of the District Health Officer, he shall report such failure to the Minister,

District Health Officer may, on failure of local authority, carry out certain works.

whereupon the following provisions shall apply:—

- (a.) If the estimated cost of the work does not exceed *five* hundred pounds, the Minister may cause the work to be done at the cost of the local authority; and
- (b.) If such estimated cost exceeds *five* hundred pounds, the Governor in Council may direct the work to be done at the cost of the local authority.

(2.) This section is in substitution for section thirty of the principal Act, which section is hereby accordingly repealed.

Repeal.

Infectious diseases hospitals.

4. (1.) The duty of providing and maintaining hospitals for the reception and treatment of infectious cases imposed by section thirty-seven of the principal Act on local authorities, and of maintaining hospitals already provided under that section, shall hereafter devolve on Hospital Boards, and sections thirty-seven to forty-one of that Act shall, from the passing of this Act, apply to such Boards and not to local authorities. 5

(2.) The cost of providing and maintaining any such hospital shall be apportioned among such local authorities as the Chief Health Officer directs, in such shares as those local authorities agree on, or as, in the absence of agreement, a Stipendiary Magistrate by order, after hearing the District Health Officer and the local authorities, directs. 10

Repeal.

(3.) Subsections eight and nine of section thirty-eight of the principal Act are hereby repealed. 15

Duty to admit infectious cases.

5. (1.) It shall be the duty of the Board to receive into any such hospital any person suffering from any infectious disease when so directed by the District Health Officer.

(2.) Where such person is resident in a district whose local authority does not contribute under subsection *two* of the *last preceding* section towards the cost of the hospital, the Board may charge such local authority with the cost of the maintenance of and attendance on such person at a rate of *two* pounds a week, or such sum in addition as may cover the actual cost, and may recover from the local authority as a debt the amount so charged. 20 25

On default of Board, Chief Health Officer may provide hospital.

6. Where any Hospital Board fails within a reasonable time to provide, equip, or maintain any such hospital that is certified by the Chief Health Officer to be necessary, the Chief Health Officer may himself cause to be done such things as are necessary in order to carry the provisions of sections thirty-seven and thirty-eight of the principal Act into effect, and the cost of so doing may be recovered by him from the Hospital Board as a debt due to the Crown, and failing recovery from such Board may in like manner be recovered from the contributory local authorities. 30

Annexes for consumptives.

7. (1.) Where, in the opinion of the Chief Health Officer, it is expedient so to do, he may require the Hospital Board, in lieu of erecting a sanatorium for persons suffering from consumption, to erect an annexe to any hospital in the district for the reception and treatment of such persons: 35

Provided that when the estimated cost of such erection exceeds *two* hundred pounds such requisition shall be made only with the previous consent of the Minister. 40

(2.) Section thirty-eight of the principal Act and sections four to six of this Act shall apply to such annexe as if it were a hospital erected under the said section thirty-eight. 45

Immediate action for suppressing nuisances.

8. Section seventy-three of the principal Act (providing for immediate action in certain cases for the suppression of nuisances) shall extend to all cases where the District Health Officer is satisfied that immediate action is necessary to prevent the outbreak of infectious disease. 50

Scavenging and removing nightsoil offensive trades.

9. The trades of scavenging and removing nightsoil are hereby declared to be offensive trades within the meaning of the Act.

10. (1.) Every person who sells or offers or exposes for sale any article of food that is unfit for human consumption is liable to a penalty not exceeding *twenty* pounds.

Offering for sale
food unfit for
consumption.

5 (2.) Where a District Health Officer, in pursuance of paragraph one of section eighty-seven of the principal Act, orders the destruction of any animal or article offered for sale for human consumption, he may take summary proceedings before a Stipendiary Magistrate against the person in whose possession or on whose premises such animal or article was when seized, and on conviction such person
10 shall be liable to a penalty as aforesaid.

11. (1.) Upon the certificate of the District Health Officer that any building or part of a building is, by reason of its insanitary condition, dangerous to public health, the local authority shall give notice to the owner thereof requiring him to pull down the same
15 within a time named in the notice.

Power to pull down
insanitary
buildings.

(2.) If the local authority fails to give such notice the District Health Officer may himself give notice to the owner.

(3.) In lieu of requiring the owner to pull down any insanitary building, the local authority or the District Health Officer, as the case may be, may by a like notice require the owner to make such structural alterations or additions to the building as the District Health Officer directs.
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(4.) If the owner fails to comply with any such requisition within the time named in the notice, any Stipendiary Magistrate may, on the application of the local authority or the District Health Officer, as the case may be, and after notice to the owner, order such building or any part thereof to be pulled down, at the expense in all things of the owner, after hearing such evidence as may be adduced for or against such application.
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(5.) Whenever any building or portion of a building used as a dwelling, workshop, or for any business purpose whatever, is condemned by the District Health Officer as unfit for human occupation, it shall be unlawful for any person to remain in occupation of such building or portion thereof after the expiration of twenty-one days from the date of the notice of condemnation served by the local authority or District Health Officer, and any and every person remaining in occupation after the said twenty-one days shall, upon conviction, be liable to a penalty not exceeding *ten* pounds per day for each and every day such person shall so remain in occupation.
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(6.) Where a building or any part thereof is required under this section to be pulled down, it shall not be removed for the purpose of being re-erected as a dwellinghouse, shop, or factory, or as a dairy or place where any article of food for human consumption may be kept, nor shall any part of the materials of which such building or part thereof was composed be used, without the consent of the District Health Officer, in the construction of any building used for any such purpose.
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Struck out.

(7.) Every local authority as defined in the interpretation clause of "The Public Health Act, 1900," shall have power to make by-laws for the conservation of public health and the prevention and abatement of all nuisances, and every such local authority shall have similar powers to those conferred on boroughs in virtue of sections three hundred and forty-nine and three hundred and fifty of "The Municipal Corporations Act, 1900."
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New subclause.

(7A.) Any local authority may from time to time make by-laws for all or any of the following purposes :—

- (a.) The more effectually carrying out any of the objects of the principal Act or of this Act. 5
- (b.) Regulating any of the subject-matters of the principal Act or of this Act.
- (c.) Conserving public health, safety, and convenience, and preventing and abating nuisances, and concerning the erection, construction, and repair of buildings, and regulating drainage and sanitation, and regulating or prohibiting the erection of buildings not having a frontage to a public or private street, and preventing the overcrowding of land with buildings, and for the inspection of any land, building, or premises for any purpose of the principal Act or of this Act, or of any regulation or by-law made hereunder or thereunder. 10 15
- (d.) Any such by-law may apply to part only of the district of any such local authority.

District Health Officers to be Inspectors of Hospitals.

12. Every District Health Officer shall, in respect of every hospital established under the principal Act, be *ex officio* an Inspector under "The Hospitals and Charitable Institutions Act, 1885." 20

Regulations as to inspection.

13. The Governor may from time to time, by Order in Council gazetted, make regulations for the inspection of all hospitals in receipt of Government subsidy, whether established under the principal Act or under "The Hospitals and Charitable Institutions Act, 1885," and the reports of all such inspection shall be laid on the table of the House before Parliament within twenty-one days after the meeting of Parliament, commencement of each session. 25 30

Expenses of local authorities.

14. (1.) All expenses incurred by or on behalf of a local authority in carrying out any of the provisions of the principal Act may be paid by the local authority out of its general funds, and in order to meet any such expenses the local authority may, in addition to its other rating-powers, by special order make and levy a separate rate, not exceeding one halfpenny in the pound on the capital value of the rateable property of the district, or its equivalent on the unimproved value or annual value, according to the system of rating adopted in the district. 35

Local authority may contribute towards salary of Inspector.

(2.) Where such expenses are or have been incurred for the benefit of some portion of the district defined by the special order the separate rate may be made and levied on that portion only. 40

15. (1.) Any local authority may, in lieu of itself appointing an inspector of nuisances, out of its ordinary funds contribute towards the salary of an Inspector appointed under the principal Act. 45

(2.) This section shall be deemed to have been in force from the passing of the principal Act.

Expense of disinfection when ship liable to quarantine.

16. All expenses incurred by or on behalf of the Minister in connection with the disinfection or destruction of any goods in consequence of the presence of infectious disease on any ship shall be borne by the owners of the ship, and may be recovered as a debt due to the Crown. 50

17. (1.) On and after the passing of this Act all private hospitals in the colony shall be licensed, and for the purposes of inspection shall be deemed to be public hospitals. Private hospitals to be licensed.

5 (2.) Such licenses shall be granted by the Minister for Public Health; and the Governor may from time to time, by Order in Council gazetted, make regulations for the licensing and inspection of such hospitals, and for the imposing of a penalty not exceeding fifty pounds for any breach of such regulations.

18. The principal Act is hereby further amended as follows:— Amendments of principal Act.

10 (a.) As to section one hundred and fifty-six thereof: By repealing the words "Registrar-General," and substituting in lieu thereof the words "Chief Health Officer."

15 (b.) As to section one hundred and seventy-two thereof: By repealing the words "Colonial Secretary," and substituting in lieu thereof the words "Minister of Public Health."

New clause.

20 18A. (1.) The parcel of land described in the First Schedule to "The North Canterbury Common Hospital Reserve Act, 1902," and vested in the Corporation of the City of Christchurch for the purposes of a common hospital for infectious diseases, is hereby declared to be vested in the North Canterbury Hospital and Charitable Aid Board for the benefit in common of the local authorities from time to time liable to contribute to the maintenance of such common hospital. North Canterbury Common Hospital.

25 (2.) On production to the District Land Registrar of the certificate of title to the said land held by the Corporation of the City of Christchurch, he shall cancel the same and issue to the North Canterbury Hospital and Charitable Aid Board a new certificate of title in lieu thereof.