

## PUBLIC HEALTH AMENDMENT BILL.

### EXPLANATORY MEMORANDUM.

CLAUSE 2: Section 13 of the Public Health Act, 1908, was amended last session by the omission from the introductory words of the reference to infectious diseases. The Legislature omitted, however, to make the necessary consequential amendment in paragraph (k), and the present clause effects that amendment.

Clause 3 enables the District Health Officer to exercise the powers conferred on him by section 18 of the principal Act with the authority of the Minister of Public Health, instead of requiring the authority of the Governor-General. It also provides that those powers may be exercised for the purpose of checking the spread of any infectious disease. The power is at present limited to dealing with cases of *dangerous* infectious disease.

Clause 4: This clause authorizes the District Health Officer, with the authority in writing of the Minister of Public Health, to close all public buildings and other places of public resort, and to prohibit the congregation of people in any place, if these precautions are considered necessary for the purpose of checking the spread of any infectious disease.

Clause 5 empowers the District Health Officer to requisition the use of lands, buildings, vehicles, drugs, and other necessities for the purpose of coping with an epidemic.

Clause 6 enables local authorities to make by-laws for the cleansing, disinfection, and ventilation of theatres and other places of public amusement or resort, and repeals section 23 of the Public Health Amendment Act, 1918 (limiting the hours during which picture-theatres may be open).

Clause 7 confers on the Governor-General power to make regulations under section 13 of the principal Act for any purpose for which a local authority may make by-laws. It is provided by section 14 of the principal Act that in any case of conflict between such regulations and the by-laws of a local authority the regulations shall prevail.

In the event of any local authority refusing to make necessary by-laws or, having made by-laws, failing to effectively enforce them, a proportion of the cost of the administration of the regulations by the Department is made recoverable from the local authority making default.

Clause 8 is declaratory of the powers of local authorities to make by-laws with respect to lodging-houses. It repeals section 12 of the Public Health Amendment Act, 1918, which has proved unworkable.

Clause 9 makes it compulsory upon the undertaker, in case of the death of any person from an infectious disease, forthwith to notify the fact to the District Health Officer.

Clause 10 repeals section 131 of the principal Act (which exempts vessels arriving in New Zealand from Australia or Fiji from the restrictive provisions of sections 121 to 129 of that Act).

*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.*

*20th October, 1919.*

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

*Legislative Council, 23rd October, 1919.*

*Hon. Mr. Herries.*

## PUBLIC HEALTH AMENDMENT.

### ANALYSIS.

Title.	
1. Short Title.	necessities for purpose of dealing effectively with patients in the event of an outbreak of infectious disease.
2. Section 13 of principal Act (power to make regulations) amended.	6. Provisions as to ventilation and disinfection of theatres and other public places. Repeal.
3. Extension of powers of District Health Officers for purpose of preventing and checking infectious diseases.	7. Further power to make regulations as to matters affecting the public health.
4. Further powers conferred on District Health Officers to prevent the spread of infectious diseases.	8. Local authorities may make by-laws with respect to lodginghouses. Repeal.
5. District Health Officer may requisition use of buildings, vehicles, drugs, and other	9. Notice of death from infectious disease to be given to District Health Officer.
	10. Repeal.

### A BILL INTITULED

AN ACT to amend the Public Health Act, 1908.

Title.

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

1. This Act may be cited as the Public Health Amendment Act, 1919, and shall be read together with and deemed part of the Public Health Act, 1908 (hereinafter referred to as the principal Act).

Short Title.

2. Section thirteen of the principal Act is hereby amended by omitting from paragraph (k) the words "in order to prevent or check the spread of infectious disease," and substituting the words "for the conservation and promotion of the public health."

Section 13 of principal Act (power to make regulations) amended.

3. Section eighteen of the principal Act is hereby amended as follows:—

Extension of powers of District Health Officers for purpose of preventing and checking infectious diseases.

(a.) By omitting the word "Governor" in the introductory words of the section and also in paragraph (o), and in each case substituting the word "Minister";

(b.) By omitting the word "dangerous" in the introductory words of the section, and also in paragraphs (g) and (h); and

No. 88—3.

- (c.) By adding to paragraph (h) the words " and until they have undergone such preventive treatment as he may in any such case prescribe."

Further powers conferred on District Health Officers to prevent the spread of infectious diseases.

4. (1.) In addition to the powers conferred on him by section eighteen of the principal Act, the District Health Officer may from time to time, with the authority in writing of the Minister, exercise the following special powers for the purpose of preventing the outbreak or spread of any infectious disease in the district, that is to say :—

- (a.) He may, by order published in a newspaper circulating in the health district, require all theatres and other places of public amusement, all bars and private bars in premises licensed for the sale of liquor under the Licensing Act, 1908, all billiard-rooms, all churches, reading-rooms, and public halls, and all other premises where people are accustomed to assemble for any purpose within the district, or within any defined area thereof, or any of such premises as aforesaid, to be closed for admission to the public either until further order or for any fixed period, and either absolutely or subject to such qualifications as he thinks fit; or
- (b.) He may, by order published in like manner, prohibit until further order or for any fixed period, and either absolutely or subject to such qualifications as he thinks fit the congregation of people at any racecourse, recreation-ground, or other place within the health district.

(2.) Every person who acts in contravention of any order of the District Health Officer under this section, or who counsels, procures, aids, or incites any person so to act in contravention of any such order, and every person who is on any premises contrary to the terms of any such order shall be liable on summary conviction before a Stipendiary Magistrate to a fine of *fifty* pounds or to imprisonment for a term of *three* months.

District Health Officer may requisition use of buildings, vehicles, drugs, and other necessities for purpose of dealing effectively with patients in the event of an outbreak of infectious disease.

5. (1.) In the event of the outbreak of any infectious disease the District Health Officer may, with the authority in writing of the Minister, exercise any of the following powers :—

- (a.) He may take possession of and occupy and use such lands and buildings, whether public or private, as in his opinion are required for the accommodation and treatment of patients;
- (b.) He may, by requisition in writing served on the owners or other persons for the time being in charge of any vehicles, require the exclusive use of such vehicles for the conveyance of patients, or of persons in attendance on patients, or otherwise for use in connection with the outbreak of disease as aforesaid; and
- (c.) He may, by requisition in writing served on the occupier of any premises or on any person for the time being in charge of any premises, require to be delivered to him or in accordance with his order such drugs and articles of food or drink, and such other materials as he deems necessary for the treatment of patients.

(2.) Every person who suffers any loss or damage by the exercise of any of the powers conferred on the District Health Officer by this section shall be entitled to compensation to be determined in the case of dispute by a Stipendiary Magistrate, whose decision shall be final.

(3.) Every person who refuses or fails to comply with any requisition under this section, or who counsels, procures, aids, or incites any other person so to do, or who interferes with or obstructs the District Health Officer or any person acting under the authority of the District Health Officer in the exercise of any powers under this section, shall be liable on summary conviction before a Stipendiary Magistrate to a fine of *fifty* pounds.

6. (1.) It shall be lawful for any Borough Council, County Council, or Town Board to make by-laws making provision for the proper cleansing, ventilation, sanitation, and disinfection of theatres and other places of public amusement or resort, and requiring such places to be closed for admission to the public at such intervals and during such periods as may be deemed necessary to enable such cleansing, ventilation, and disinfection to be effectively undertaken.

Provisions as to ventilation and disinfection of theatres and other public places.

(2.) The power conferred by this section is in addition to any other powers (whether to make by-laws or not) conferred on any local authority for the safeguarding of the public health.

(3.) Section twenty-three of the Public Health Amendment Act, 1918, is hereby repealed.

Repeal.

*New.*

6A. Section seven of the Public Health Amendment Act, 1918, is hereby amended as follows:—

Section 7 of Public Health Amendment Act, 1918, amended.

(a.) By omitting from subsection two the words "the District Health Officer," and substituting the words "the local authority";

(b.) By omitting from subsection three the words "The owner of the building may," and substituting the words "The owner may within ten days after service of the notice"; and

(c.) By repealing subsection five, and substituting the following:—

"(5.) If no such appeal is made, or if any such appeal is not allowed, and if the owner fails to comply with the requirements of the notice within the time named in the notice, the local authority shall itself do the work required by the notice, and shall be entitled to recover from the owner all costs and expenses incurred."

6B. Notwithstanding the repeal of section two hundred and ninety-six of the Municipal Corporations Act, 1908, by section twelve of the Public Health Amendment Act, 1918, the said section two hundred and ninety-six shall continue in force, and shall be deemed at all times since the passing of the Public Health Amendment Act, 1918, to have been in force, in so far only as it prescribes penalties in respect of offences against section two hundred and ninety-four of the Municipal Corporations Act, 1908.

Restricting operation of section 12 (3) of the Public Health Amendment Act, 1918.

Further power to make regulations as to matters affecting the public health.

7. (1.) In addition to the powers conferred on him by section thirteen of the principal Act, as amended by this Act, the Governor-General is hereby empowered to make regulations under that section for any matter affecting the public health in respect of which any local authority is, whether by the principal Act or any other Act, empowered to make by-laws. 5

(2.) Where any local authority has failed to make by-laws for any matter as aforesaid, or, having made such by-laws, has failed effectively to enforce them, and the Governor-General has made regulations under the authority conferred by this section in respect to such matter, such portion of the cost of the administration of those regulations as the Minister shall deem just and equitable shall be chargeable to the local authority and may be recovered as a debt due to the Crown, or the amount thereof may be deducted from any subsidy or other moneys that may from time to time become payable to the local authority out of the Public Account. 10 15

Local authorities may make by-laws with respect to lodginghouses.

8. (1.) The power conferred on local authorities by section one hundred and eight of the principal Act to make by-laws conserving the public health, safety, and convenience, and preventing and abating nuisances shall be deemed to include power to make by-laws with respect to hotels, lodginghouses, boardinghouses, or other premises occupied by more than the members of one family, for any of the following matters :— 20

(a.) The minimum floor-space and the minimum height of the walls and ceiling of any room used as a bedroom and the minimum air-space to be provided for every occupant of any such room ; 25

(b.) The supply of water for any such premises ;

(c.) The sanitary conveniences to be provided ; and

(d.) The proper lighting and ventilation of any rooms in such premises. 30

(2.) Nothing in this section shall be so construed as to limit the powers conferred on any local authority by the said section one hundred and eight.

Repeal.

(3.) Section twelve of the Public Health Amendment Act, 1918 (requiring the licensing of lodginghouses and restricting the number of lodgers that may be accommodated in any lodginghouse), is hereby repealed. 35

Notice of death from infectious disease to be given to District Health Officer.

9. (1.) When any person has died of an infectious disease, the undertaker or other person having charge of the funeral of the deceased shall forthwith after having been informed of the cause of death and before the removal of the body from the building or other place in which it may then be give to the District Health Officer notice in the prescribed form and manner of the fact of the death and the cause thereof. 40 45

(2.) Every person who commits an offence against this section shall be liable to a fine of *twenty* pounds.

Repeal.

10. Section one hundred and thirty-one of the principal Act (relating to ships arriving from the Commonwealth of Australia or from Fiji) is hereby repealed. 50

921

*New.*

5 11. (1.) Notwithstanding anything to the contrary in the Cemeteries Act, 1908, the body of any person who has died on any quarantine station appointed under the principal Act may, with the approval in writing of the District Health Officer, be buried on such quarantine station, and the body of any person who has died on board any ship while in quarantine may be buried on any such station.

Burials  
on quarantine  
stations.

10 (2.) Any person may, with the permission of the Minister of Internal Affairs, erect on any quarantine station any monument or tombstone, in accordance with a plan to be approved by that Minister, in memory of any person whose body may be buried on that station as herein provided.