

**THE
HEALTH ACT AMENDMENT ACT of 1886**

50 Vic. No. 21

Amended by

Local Authorities Act of 1902, 2 Edw. 7 No. 19 (Repealed)

Statute Law Revision Act of 1908, 8 Edw. 7 No. 18

An Act to Amend "The Health Act of 1884"

[Assented to 13 October 1886]

PART I—PRELIMINARY

1. Short title and construction. This Act may be cited as "The Health Act Amendment Act of 1886," and shall be read and construed with, and as an amendment of, "The Health Act of 1884," hereinafter called the Principal Act.

Act referred to:

Health Act of 1884, repealed.

2. [Repealed by Statute Law Revision Act of 1908, s. 2, title ACTS OF PARLIAMENT.]

3. Interpretation. In this Act the several terms defined by the Principal Act shall have the several meanings assigned to them by that Act.

For the purposes of Part III of this Act the term "dairy" includes any milk-house, milk-shop, or other place where milk intended for the food of man obtained from cows or other animals, or any product of such milk, is prepared, collected, deposited, sold, or exposed for sale; and also includes any dairy-farm, stock-yard, milking-yard, meadow, paddock, shed, stable, stall, or other place, where cows or other animals from which milk intended for the food of man is obtained are depastured or kept.

As amended by Statute Law Revision Act of 1908, s. 2, title ACTS OF PARLIAMENT.

The Local Government Acts, 1936 to 1965, s. 2 (3) (title LOCAL AUTHORITIES), provide that except as in that Act expressly provided, nothing therein contained shall prejudicially affect this Act.

PART II—CLEANSING RATES

4-10. [Repealed by Local Authorities Act of 1902, s. 4 (since repealed).]

PART III—DAIRIES

11. (1) Dairies may be inspected. Any health officer, inspector of nuisances, or inspector appointed for that purpose by the Central Board of Health, may at all reasonable times enter, inspect, and examine any dairy.

(2) **Sale of milk may be prohibited.** If it appears to the health officer or any such inspector that the dairy is in an unclean or unwholesome condition, or that diseased cows or other animals are milked in the dairy, or if any person affected with an infectious disease is found to be in any part of the premises upon which the dairy is situated under such circumstances that the milk in the dairy is likely to be contaminated or made unwholesome, the health officer or any such inspector may, by notice under his hand, forbid the selling of any milk or product of milk from such dairy until the matter has been determined by justices, and shall forthwith proceed to make a complaint to a justice accordingly.

(3) **Jurisdiction of justices.** Upon the hearing of the complaint the justices may give such directions as they think fit with respect to cleansing or disinfecting the dairy, or destroying or removing from it any diseased cows or other animals which are milked in it, or removing any sick person from the premises, and, if they give any such directions, shall also forbid the sale of any milk or product of milk from the dairy until such directions are complied with to the satisfaction of the health officer or inspector.

(4) **Penalty.** Any person who, after any such notice or order forbidding the sale of milk from a dairy has been given or made, and while it is in force, sells or delivers any milk or any product of milk from the dairy referred to in the notice or order, shall be liable to a penalty not exceeding fifty pounds, or, at the discretion of the justices, without the infliction of a fine, to be imprisoned for a period not exceeding six months, and any milk or product of milk so sold or delivered may be destroyed by any such health officer or inspector.

By the Health Act of 1900, s. 8 (repealed by the Health Act of 1937, s. 4, p. 765, *post*), the Central Board of Health was abolished and its powers and duties were vested in the Commissioner of Public Health. The Health Act of 1900, s. 9 (as inserted by Health Acts Amendment Act of 1934), abolished the office of Commissioner of Public Health and declared that the powers and duties of the Commissioner of Public Health should be deemed to be conferred or imposed upon the Director-General of Health and Medical Services for the State of Queensland. The office of Director-General is continued under the Health Acts, 1937 to 1962, s. 7, p. 775, *post*.

See now Dairy Produce Acts, 1920 to 1963, ss. 4, 8 *et seq.*, title DAIRY PRODUCE, Vol. 4, p. 375.

12. (1) Person in charge to furnish list of customers, etc., and report cases of illness. Every person in charge of a dairy shall, on request, furnish to any health officer, inspector of nuisances, or other inspector authorised in that behalf, a list of his customers and any personal assistance and information which he is capable of furnishing to such officer, to enable him to discover or endeavour to discover any source of contamination or infection to which any milk in the dairy may be exposed.

(2) Every such person shall forthwith report to the health officer or inspector of nuisances of the District where the dairy is situated, or, if there is no such officer or inspector, to the Central Board of Health, any case of infectious or contagious disease which may happen in any part of the premises upon which the dairy is situated.

(3) **Milk of diseased animal not to be used.** If at any time disease exists among the cattle in a dairy, the milk of a diseased cow or other animal therein shall not be mixed with other milk, or be sold or used in any way for human food, or for the food of any animal.

(4) **Drainage into dairies.** No water-closet, privy, cesspool, or urinal shall be allowed to be within, or to communicate directly with, or to be ventilated into, any place where milk intended for the food of man is obtained from cows or other animals, or where any product of such milk is prepared, collected, deposited, sold, or exposed for sale.

(5) **Utensils to be cleansed.** All utensils and vessels used by a cowkeeper, dairyman, or purveyor of milk for the reception, storage, or delivery of milk or any product of milk, shall be thoroughly cleansed with steam or scalding water as frequently as may be necessary for keeping such utensils and vessels perfectly clean and sweet, and clean water only shall be used for this purpose.

(6) **Penalty.** Any person offending against the provisions of this section shall be liable to a penalty not exceeding twenty pounds.

See now Dairy Produce Acts, 1920 to 1963, ss. 4, 12-13, title DAIRY PRODUCE, Vol. 4, p. 375.

As to the Central Board of Health, see note to s. 11, *ante*.

Provision similar to that contained in subsection (3) is made by the Health Acts, 1937 to 1962, s. 116, p. 858, *post*.

13. Local Authority may make by-laws. A Local Authority may, and if required by the Central Board of Health shall, from time to time make by-laws for any of the following purposes, that is to say—

- (1) The registration of dairies;
- (2) The cleansing of dairies and vessels used for containing milk;
- (3) Regulating the lighting, ventilation, cleansing, drainage, and water supply, of dairies;
- (4) Prescribing precautions to be taken for protecting milk or any product of milk against contamination or infection.

If a Local Authority, upon being required so to do by the Central Board, makes default in making any such By-laws for three months after being so required, the Central Board may make Regulations for the purposes for which the Local Authority were so required to make by-laws. And any such regulations shall have the same force and effect as if they were By-laws made by the Local Authority.

As to the Central Board of Health, see note to s. 11.

See also the provisions of the Health Acts, 1937 to 1962, ss. 13 (1) (v), 115, 152 (1) (xiv), pp. 783, 858, 882, *post*.

The provisions of this Act relating to dairy produce premises are suspended in any district in which the Dairy Produce Acts, 1920 to 1963 (title DAIRY PRODUCE, Vol. 4, p. 371) are in force, to the extent stated in s. 4 of those Acts. Provision for registration of premises and otherwise with respect to dairy produce premises is made by those Acts.

14. Penalty for obstructing officers. Any person who in any manner prevents any health officer, inspector of nuisances, or other inspector or person duly authorised in that behalf, from entering any dairy and inspecting any milk or product of milk exposed or deposited therein for the purpose of sale or of preparation for sale, and intended for the food of man, or who obstructs or impedes any such health officer or inspector, or his assistant, when carrying into execution the provisions of this Act, shall be liable to a penalty not exceeding five pounds.

The proof that any milk so exposed or deposited was not exposed or deposited for any such purpose, or was not intended for the food of man, shall be upon the party charged.

