



Australian Capital Territory

# **Public Health Ordinance 1928**

**Ord1928-21**

**Republication No 0A (RI)**

**Effective: 1 July 1975 – 30 August 1979**

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(republication for amendments by Ord1930-5,  
Ord1930-18, Ord1933-29, Ord1951-3, Ord1966-19  
and Ord1975-17)

Authorised by the ACT Parliamentary Counsel

## **About this republication**

### **The republished law**

This is a republication of the *Public Health Ordinance 1928* effective 1 July 1975 to 30 August 1979.

### **Kinds of republications**

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- authorised republications to which the *Legislation Act 2001* applies
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This republication has been scanned using the printed version. There is no unauthorised version available.

# AUSTRALIAN CAPITAL TERRITORY

## PUBLIC HEALTH ORDINANCE 1928

*Incorporating all amendments by legislation made to 31 March 1979*

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### An Ordinance relating to Public Health

1. This Ordinance may be cited as the *Public Health Ordinance* 1928.<sup>1</sup> Short title

2. This Ordinance shall commence on a date to be fixed by the Commission by notice in the *Gazette*.<sup>1</sup> Commencement

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 (1) The *Public Health Ordinance* 1912 is repealed.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—  
 “authorized” means authorized in writing by the Minister or the Commissioner;  
 “Commissioner” has the same meaning as in the *Health Commission Ordinance* 1975;

Interpretation  
 Amended by  
 No. 5, 1930, s. 4;  
 No. 18, 1930,  
 s. 3; No. 17,  
 1975, s. 16

“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, flavouring matters, coloring matters, essences, condiments, spices, and confectionery;

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

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

“this Ordinance” includes any Regulations made thereunder.

Application  
of Ordinance  
Sub-section (1)  
amended by  
No. 18, 1930, s. 4

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 Minister, by notice published in the *Gazette*, declares it so to apply.<sup>2</sup>

Amended by  
No. 18, 1930, s. 4

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

Delegation  
Sub-section (1)  
amended by  
No. 18, 1930, s. 5

6. (1) The Minister may delegate any of his 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.

Amended by  
No. 18, 1930, s. 5

(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 Inspectors  
Inserted by  
No. 18, 1930, s. 6

6A. The Minister may appoint such Inspectors of Health as he thinks necessary for the purposes of this Ordinance and any Inspector so appointed shall have such powers and functions as are prescribed.

Powers of  
Commissioner

Amended by  
No. 18, 1930,  
s. 7; No. 17,  
1975, s. 2

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

7A. (1) The Commissioner may delegate any of his 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.

Delegation  
by Commis-  
sioner

Inserted by  
No. 3, 1951, s. 2  
Sub-section (1)  
amended by  
No. 17, 1975, s. 2

(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 Commissioner.

Amended by  
No. 17, 1975, s. 2

8. For the purposes of carrying the provisions of this Ordinance into effect, the Commissioner, the Medical Officer of Health, any Inspector or any authorized person may exercise such powers and shall perform such duties as are conferred or imposed on him by this Ordinance.

Powers of  
officers

Substituted by  
No. 18, 1930,  
s. 8; amended by  
No. 17, 1975, s. 2

9. Any person who—

Forgery

- (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.

10. (1) Any person who—

Bribery and  
corruption

- (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.

Amended by  
No. 19, 1966, s. 2

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

- (a) If the offence is prosecuted summarily—a fine not exceeding Two hundred dollars 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.

Proceedings  
for offences  
Amended by  
No. 18, 1930,  
s. 10; No. 29,  
1933, s. 3;  
No. 19, 1966, s. 2

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 Minister or by any person thereto authorized in writing by the Minister.

Regulations

Amended by  
No. 18, 1930,  
s. 10; No. 29,  
1933, s. 3;  
No. 19, 1966, s. 2

12. The Minister 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—

- (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 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 or for the production of food products, and the food products of those animals;
  - (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) the housing of birds or animals and the conditions under which they may be kept, and the registration of any premises used for any of these purposes;
- (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 and insects;

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- (ma) the disposal of dead animals;
- (mb) the registration, branding, testing, examination, isolation and destruction of bulls, cows or calves and the payment of compensation for the destruction of any such animals which are found to be diseased;
- (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 One hundred dollars 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 Ten dollars for every day during which the offence continues.

#### NOTES

1. The *Public Health Ordinance 1928 (a)* as shown in this reprint comprises Ordinance No. 21, 1928 as amended by the other Ordinances specified in the following table:

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement
<i>Public Health Ordinance 1928</i>	No. 21, 1928	8 Nov 1928	12 Dec 1929 ( <i>see Gazette 1929, p. 2487</i> )
<i>Seat of Government (Administration) Ordinance 1930</i>	No. 5, 1930	1 May 1930	1 May 1930
<i>Public Health Ordinance 1930</i>	No. 18, 1930	16 Oct 1930	16 Oct 1930
<i>Cemeteries Ordinance 1933</i>	No. 29, 1933	23 Nov 1933	23 Nov 1933
<i>Public Health Ordinance 1951</i>	No. 3, 1951	26 Apr 1951	26 Apr 1951

*Public Health Ordinance 1928*

## NOTES—continued

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement
<i>Ordinances Revision (Decimal Currency) Ordinance 1966</i>	No. 19, 1966	23 Dec 1966	23 Dec 1966
<i>Ordinances Revision (Health Commission) Ordinance 1975</i>	No. 17, 1975	1 July 1975	1 July 1975

(a) This citation is provided for by the *Amendments Incorporation Ordinance 1929* and the *Ordinances Citation Ordinance 1976*.

2.—S. 5—By notice dated 24 October 1952 this Ordinance (including the regulations from time to time in force thereunder, other than regulations made after the date of publication of the notice and expressed not to apply to the Jervis Bay Territory) was declared to apply to the Territory accepted by the Commonwealth in pursuance of the *Jervis Bay Territory Acceptance Act 1915*. See *Gazette 1952*, p. 4219.