



Australian Capital Territory

# **Public Health Act 1928**

**A1928-21**

**Republication No 3 (RI)**

**Effective: 15 December 1994 – 9 April 1998**

Republication date of printed version: 28 February 1995  
Reissued electronically: 12 May 2014

Last amendment made by A1994-97

Authorised by the ACT Parliamentary Counsel

## **About this republication**

### **The republished law**

This is a republication of the *Public Health Act 1928* effective 15 December 1994 to 9 April 1998.

### **Kinds of republications**

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.



Australian Capital Territory

## PUBLIC HEALTH ACT 1928

This consolidation has been prepared by the ACT Parliamentary Counsel's Office

### TABLE OF PROVISIONS

Section	
1.	Short title
2.	Commencement
3.	Repeal
4.	Interpretation
5.	Medical Officer of Health
6.	Delegation
7.	Environmental Health Officers
8.	Identity cards
11A.	Power of Minister to determine fees
12.	Regulations

---

An Act relating to Public Health

#### Short title

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

#### Commencement

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

### **Repeal**

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 (1) The *Public Health Ordinance 1912* is repealed.

(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.

### **Interpretation**

4. In this Act, unless the contrary intention appears—

“authorized” means authorized in writing by the Minister;

“determined fee” means the fee determined under section 11A for the purpose of the provision of this Act or the regulations in which the expression occurs;

“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;

“Environmental Health Officer” means an Environmental Health Officer under section 7;

“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;

“Medical Officer of Health” means the Medical Officer of Health under section 5;

“this Act” includes any Regulations made thereunder.

### **Medical Officer of Health**

5. (1) There shall be a Medical Officer of Health.

(2) The Chief Executive shall create and maintain an office in the Government Service the duties of which include performing the functions of the Medical Officer of Health.

(3) Only a public servant who is a medical practitioner registered under the *Medical Practitioners Act 1930* may perform the functions of the Medical Officer of Health.

(4) Subject to subsection (3), the Medical Officer of Health shall be the public servant for the time being performing the duties of the Government Service office referred to in subsection (2).

### **Delegation**

6. The Medical Officer of Health may, by instrument, delegate any of his or her powers under this Act to any person.

### **Environmental Health Officers**

7. (1) There may be 1 or more Environmental Health Officers.

(2) The Chief Executive shall create and maintain 1 or more offices in the Government Service the duties of which include performing the functions of an Environmental Health Officer.

(3) An Environmental Health Officer shall be any public servant for the time being performing the duties of a Government Service office referred to in subsection (2).

### **Identity cards**

8. (1) The Chief Executive shall issue to an Environmental Health Officer an identity card specifying the Officer's name and office, and on which appears a recent photograph of the Officer.

(2) Upon ceasing to occupy, or to act in, an office of Environmental Health Officer, a person shall not, without reasonable excuse, fail to return his or her identity card to the Chief Executive.

Penalty: \$100.

### **Power of Minister to determine fees**

11A. The Minister may, by notice in writing published in the *Gazette*, determine fees for the purposes of this Act.

### **Regulations**

12. The Executive may make Regulations not inconsistent with this Act 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 Act, 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;
  - (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;
  - (o) the purposes for which and the conditions upon which licences, certificates and other documents may be issued; and
  - (p) the imposition of penalties for offences against the regulations not exceeding—
    - (i) if the offender is a natural person—10 penalty units; or
    - (ii) if the offender is a body corporate—50 penalty units.
-

**NOTE**

1. The *Public Health Act 1928* as shown in this reprint comprises Act No. 21, 1928 amended as indicated in the Tables below.

Citation of Laws—The *Self-Government (Citation of Laws) Act 1989* (No. 21, 1989) altered the citation of most Ordinances so that after Self-Government day they are to be cited as Acts. That Act also affects references in ACT laws to Commonwealth Acts.

Table 1

**Table of Ordinances**

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Public Health Ordinance 1928</i>	21, 1928	8 Nov 1928	12 Dec 1929 (see <i>Gazette</i> 1929, p. 2487)	
<i>Public Health Ordinance 1930</i>	18, 1930	16 Oct 1930	16 Oct 1930	—
<i>Cemeteries Ordinance 1933</i>	29, 1933	23 Nov 1933	S. 22: 1 Aug 1929 Remainder: 23 Nov 1933	—
<i>Public Health Ordinance 1951</i>	3, 1951	26 Apr 1951	26 Apr 1951	—
<i>Ordinances Revision (Decimal Currency) Ordinance 1966</i>	19, 1966	23 Dec 1966	23 Dec 1966	—
<i>Ordinances Revision (Health Commission) Ordinance 1975</i>	17, 1975	1 July 1975	1 July 1975	—
<i>Ordinances Revision (Penalties) Ordinance 1979</i>	26, 1979	31 Aug 1979	31 Aug 1979	—
<i>Community and Health Service (Consequential Provisions) Ordinance 1988</i>	29, 1988	30 June 1988	2 July 1988	S. 4
<i>Public Health (Amendment) Ordinance 1989</i>	10, 1989	8 Mar 1989	8 Mar 1989	—
<i>Self-Government (Consequential Amendments) Ordinance 1989</i>	38, 1989	10 May 1989	Ss. 1 and 2: 10 May 1989 Remainder: 11 May 1989 (see s. 2 (2) and <i>Gazette</i> 1989, No. S164)	—

**Self-Government day 11 May 1989**



## NOTE—continued

Table 2

## Table of Acts

Act	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Director of Public Prosecutions (Consequential Provisions) Act 1990</i>	23, 1990	25 June 1990	Ss. 1 and 2: 25 June 1990 Remainder: 1 July 1990 (see <i>Gazette</i> 1990, No. S44, p. 2)	S. 4
<i>Health Services (Consequential Provisions) Act 1990</i>	63, 1990	28 Dec 1990	Ss. 1 and 2: 28 Dec 1990 Remainder: 1 Jan 1991 (see s. 2 (2) and <i>Gazette</i> 1991, No. S4)	Ss. 6-17
<i>Health (Consequential Provisions) Act 1993</i>	14, 1993	1 Mar 1993	1 Mar 1993 (see s. 2)	Parts IV-VI (ss. 14-34)
<i>Statute Law Revision (Penalties) Act 1994</i>	81, 1994	29 Nov 1994	Ss. 1 and 2: 29 Nov 1994 Remainder: 29 Nov 1994 (see <i>Gazette</i> 1994, No. S269, p. 2)	—
<i>Statutory Offices (Miscellaneous Provisions) Act 1994</i>	97, 1994	15 Dec 1994	Ss. 1 and 2: 15 Dec 1994 Remainder: 15 Dec 1994 (see <i>Gazette</i> 1994, No. S293)	Part III (ss. 4-9)

**NOTES—continued****Table of Amendments**

ad. = added or inserted   am. = amended   rep. = repealed   rs. = repealed and substituted

Provision	How affected
S. 4 .....	am. No. 18, 1930; No. 17, 1975; No. 29, 1988; No. 10, 1989; Act No. 63, 1990; No. 14, 1993; No. 97, 1994
S. 5 .....	am. No. 18, 1930 rs. Act No. 97, 1994
Ss. 5A-5I .....	ad. No. 10, 1989 rep. Act No. 97, 1994
S. 6 .....	am. No. 18, 1930; No. 10, 1989 rs. Act No. 97, 1994
S. 6A .....	ad. No. 18, 1930 am. No. 10, 1989 rep. Act No. 97, 1994
S. 7 .....	am. No. 18, 1930; No. 17, 1975 rs. No. 29, 1988; Act No. 97, 1994
S. 7A .....	ad. No. 3, 1951 am. No. 17, 1975 rep. No. 29, 1988
S. 8 .....	rs. No. 18, 1930 am. No. 17, 1975 rs. No. 29, 1988 am. Act No. 63, 1990 rep. No. 14, 1993 ad. No. 97, 1994
S. 9 .....	rep. No. 26, 1979
S. 10 .....	am. No. 19, 1966 rep. No. 26, 1979
S. 11 .....	am. No. 18, 1930 rep. Act No. 23, 1990
S. 11A .....	ad. No. 10, 1989
S. 11B .....	ad. No. 10, 1989 am. Act No. 63, 1990 rep. No. 14, 1993
S. 12 .....	am. No. 18, 1930; No. 29, 1933; No. 19, 1966; No. 26, 1979; Nos. 10 and 38, 1989; Act No. 81, 1994