

## Regulations under the Public Health Ordinance 1928-1930.

I, FRANK ANSTEY, Minister of State for Health, for and on behalf of the Minister of State for Home Affairs, in pursuance of the powers conferred by the *Seat of Government (Administration) Ordinance 1930* and the *Public Health Ordinance 1928-1930*, hereby make the following Regulations to come into operation forthwith.

Dated this twelfth day of December, One thousand nine hundred and thirty.

FRANK ANSTEY  
for Minister of State for Home Affairs.

### PUBLIC HEALTH (GENERAL SANITATION) REGULATIONS.

#### PART I.—PRELIMINARY.

- Short title. 1. These Regulations may be cited as the Public Health (General Sanitation) Regulations.
- Parts. 2. These Regulations are divided into Parts, as follows:—  
PART I.—Preliminary.  
PART II.—Sanitation.  
PART III.—Sanitary Conveniences.  
PART IV.—Miscellaneous.
- Repeal. 3. The Public Health (General Sanitation) Regulations made on the 30th day of November, 1929, under the Public Health Ordinance 1928 are hereby repealed.
- Definitions. 4. In these Regulations, unless the contrary intention appears—  
“Approved” means approved by the Director-General or an authorized person;  
“Chemical closet” means a closet in which, or in connexion with which, there is a fixed or movable receptacle of watertight material containing a chemical which effectively and continuously maintains in a sterile and inodorous condition all excreta deposited therein;  
“Closet” means any structure whatsoever used for the purpose of or in connexion with the reception of excreta;  
“Domestic bird” includes any fowl, duck, goose, turkey, guinea fowl and pigeon;  
“Minister” means the Minister of State for Health;  
“Night-soil” includes all human excrementitious or faecal matter, human urine and matters mixed with both or either of them;  
“Occupier” includes the person having the charge, management or control of premises or land, and in the case of a house which is let out in separate tenements, or in the case of a lodging-house which is let to lodgers, the person receiving the rent payable by the tenants or lodgers, either on his own account or as the agent of another person, and also includes any person in occupation of the surface of any land belonging to the Commonwealth, notwithstanding any want or defect of title to occupy the land;  
“Owner” means the owner, whether jointly or severally, of any premises or land, or the authorized agent, manager or superintendent of the owner, and in the case of mortgaged premises both the mortgagor and the mortgagee, and includes a lessee;  
“Premises” includes all buildings and structures and any lands within the curtilage thereof;  
“Public place” means any road or other place which the public are entitled to use;

- “ Refuse ” means dung, offal, garbage, dead animals, or any matter which is unwholesome or from which any offensive odour arises;
- “ Sanitary conveniences ” means water-closets, earth closets, privies and receptacles for the disposal of night-soil, and includes urinals;
- “ Septic tank ” means any tank or series of tanks through which sewage is passed, and in which it is detained for the purposes of sedimentation, disintegration or digestion;
- “ the City Area ” means the City Area as defined in the *City Area Leases Ordinance 1924-1929*;
- “ the sewerage system ” means the sewerage system provided by or under the authority of the Commonwealth;
- “ to dispose of, ” in relation to a dead animal, means effectively to burn, bury to a depth of at least three feet, or otherwise to remove by any other approved method.

PART II.—SANITATION.

5. A person shall not convey any refuse, or cause any refuse to be conveyed through, in or upon any public place except in a vehicle or receptacle properly covered to the satisfaction of the Medical Officer of Health, or, if the refuse is moist or contains any liquid, except in an approved covered watertight vehicle or receptacle so constructed as to prevent the escape of the contents thereof.

Conveyance of refuse.

6. A person shall not place, carry or have in or upon any vehicle or receptacle which contains refuse, or which has contained refuse and has not since been thoroughly purified, any food for human consumption, or any receptacle used for the reception or carriage of any such food.

Carriage of food in vehicle or receptacle containing refuse.

7.—(1.) A person shall not, without the written permission of the Medical Officer of Health, keep or permit any animal, other than a cat or dog, to be kept within a distance of forty feet from any dwelling house, hospital or school building.

Keeping of animals and domestic birds.

(2.) The owner of any land where animals are kept shall, when so required by the Medical Officer of Health, provide such stabling or other accommodation for those animals as the Medical Officer of Health thinks suitable.

(3.) In the City Area a person shall not, without the written permission of the Medical Officer of Health, keep, or cause or permit to be kept, any domestic birds, except in securely fenced yards or runs having an area of not less than two hundred square feet and so fenced as to prevent their escape:

Provided that, where more than ten birds are kept at any one time, there shall be an additional space of one hundred square feet for every five birds in excess of that number.

(4.) Every such yard or run shall be a clear twenty-five feet from any dwelling house, hospital or school building, and the Medical Officer of Health may, upon reasonable notice to the occupier of any property on which the yard or run is situated, require the occupier to remove or alter the yard or run so that no part thereof shall be within twenty-five feet of any dwelling house, hospital or school building.

(5.) A house, shelter or erection for the keeping of any domestic birds shall not be erected or placed within twenty-five feet of any dwelling house, hospital or school building.

(6.) The occupier of any property on which any animal or domestic bird is kept or housed, shall cause the place of keeping to be thoroughly cleansed as often as is necessary for the purpose of keeping the place in a clean, wholesome and sanitary state and condition.

(7.) Where any animal or bird develops any contagious or infectious disease injurious to human beings, the person keeping the animal or bird or causing or permitting the animal or bird to be kept shall forthwith cause such bird or animal to be destroyed:

Provided that, where a dog is affected with the hydatid disease parasite, it shall be considered sufficient compliance with this sub-regulation when curative treatment, to the satisfaction of the Medical Officer of Health, has been applied to the dog.

8. The owner or occupier of any premises or land shall not keep, or permit or suffer to remain, on the premises or land, any matter whatsoever which is unwholesome or from which an offensive smell arises, or any matter or thing in such a condition, or used or kept in such a manner, as to be dangerous, injurious or prejudicial to health.

Keeping of offensive matter near dwelling house.

Drainage, &c.,  
of stables.

9. The owner of any stable, cow-yard, horse-yard or cattle-shed shall, within one month after the service upon him of a notice by the Director-General, requiring him so to do—

- (a) where the stable, yard or shed has not a floor impervious to water and rats—cause the stable, yard or shed to be sufficiently paved, flagged or floored with stone, concrete or other material impervious to water and rats; and
- (b) where the stable, yard or shed is not sufficiently drained—cause it to be so drained and to have proper sewer connexions where practicable.

Cleansing of  
stables, &c.

10.—(1.) The occupier or owner of any premises or land which contains a stable, horse-yard, cow-yard or cattle-shed, shall provide an approved box or bin for the reception of all dung or refuse in the stable, yard or shed, and shall, if the stable, yard or shed is used as such, cause it to be cleansed daily.

(2.) The occupier of the premises or land shall cause all such dung or refuse to be disposed of in accordance with the directions of the Medical Officer of Health, and in such a manner as to prevent the breeding of flies, and, if not removed immediately, to be placed in the box or bin provided in pursuance of the last preceding sub-regulation.

(3.) The occupier of the premises or land shall cause the box or bin provided in pursuance of sub-regulation (1.) of this regulation to be kept covered, and, if used, to be emptied and cleansed once at least in each week, or at more frequent intervals if the Medical Officer of Health so requires, and shall not at any time allow flies to breed in the box or bin or allow the box to become insanitary.

Premises to be  
kept clean.

11.—(1.) The occupier, or, where there is no occupier, the owner of any premises or land, shall keep the premises or land, as the case may be, and all cellars, stables, sheds, out-buildings and sanitary conveniences belonging to the premises or in the curtilage thereof in a cleanly condition and free from any accumulation of decomposing organic fluid or solid matter or stagnant water, and shall, when required in writing by the Medical Officer of Health or an authorized officer, carry out to the satisfaction of the Medical Officer of Health or authorized officer, within the time specified in the requisition, such cleansing operations as are specified in the requisition:

Provided that nothing in this sub-regulation shall prevent the occupier of the premises or land from storing garden manure thereon in pursuance of and subject to the conditions of a permit issued by the Medical Officer of Health.

(2.) Where the occupier or owner, as the case may be, has not at the expiration of the time specified in the requisition caused the cleansing operations to be carried out, the Medical Officer of Health or authorized officer may carry out the operations and recover the cost thereof from the occupier or owner, as the case may be, in any Court of competent jurisdiction.

Overcrowding  
of dwelling-  
house.

12. Where, in the opinion of the Medical Officer of Health, any dwelling-house is so overcrowded as to be dangerous to the health of the inmates, the occupier of the house shall, within such time as is specified in an order in writing of the Medical Officer of Health served upon the occupier, abate the overcrowding to the extent specified in the order.

Rats and  
vermin.

13. The occupier or, if there is no occupier, the owner of any premises upon which conditions favorable to the breeding and existence of rats, mice, flies, mosquitoes or other vermin exist, shall, within such time as is specified in an order in writing of the Medical Officer of Health, served upon the occupier or owner, as the case may be, remove those conditions.

Structural  
defects.

14. Where, in the opinion of the Medical Officer of Health, insanitary conditions exist on any premises by reason of any structural defect in the premises, the owner of the premises shall, within such time as is specified in an order of the Medical Officer of Health served upon the owner, repair the defect.

Premises unfit  
for human  
habitation.

15. Where, in the opinion of the Medical Officer of Health, any building used as a dwelling-house is in such a condition as to be dangerous to the health of the inmates, the Medical Officer of Health may, by order in writing served on the inmates and the owner, respectively, require the inmates to leave the building and the owner to cease using the building as a dwelling-house, and the inmates and the owner shall comply with the order accordingly within the time specified in the order.

16. A person shall not throw, cast or lay, or cause to be thrown, cast or laid, in or upon any public place, any refuse, soot, ashes, rubbish, broken glass, night-soil, blood, filth, paper or rags, or any offensive, noxious or dangerous matter or thing.

Deposit of rubbish on public places.

17. If any animal dies in any public place or on any unleased land of the Commonwealth, the owner of the animal shall cause it to be immediately disposed of, and where any animal dies on any other land, the occupier of such land shall so dispose of the carcass:

Disposal of dead animals.

Provided that, where, in the opinion of the Director-General, it is necessary or desirable in the interests of public health or convenience, the Director-General may cause the dead animal to be disposed of, and the owner of the dead animal shall, on demand, pay to the Director-General the amount fixed by him as the cost incurred by him in the disposal of the dead animal.

18. A person shall not deposit night-soil or refuse at any place unless—

Disposal of night-soil or refuse.

- (a) The permission of the Medical Officer of Health so to do has been first obtained;
- (b) Such place is a night-soil depot or refuse depot established by the Commonwealth or other place approved by the Director-General; and
- (c) The charges, if any, fixed by the Director-General have been paid.

19.—(1.) A person shall not cast or place any dead animal, or any animal with intent to drown the animal, into any watercourse, sewer, waterhole, river, creek, storm-water drain or channel, canal or surface gutter.

Protection of water-courses, &c.

(2.) The occupier or, if there is no occupier, the owner, of any premises, shall not suffer filth of any kind or any offensive matter to issue from the premises into any public place or into any watercourse, waterhole, river, creek, storm-water drain or channel, canal or surface gutter.

(3.) The occupier or, if there is no occupier, the owner of any premises, shall not, without the permission of the Director-General, suffer any impure water to issue from the premises into any public place, or suffer or cause, by means of pipes, chutes, channels or other contrivances, impure water to flow from the premises into any watercourse, waterhole, river, creek, storm-water drain or channel, canal or surface gutter.

(4.) Where any animal dies in or upon the banks of any watercourse, waterhole, river, creek, storm-water drain or channel, canal or surface gutter, the owner or person in charge of the animal shall forthwith, upon the fact becoming known to him, remove the carcass and so dispose of it as to prevent the danger of any pollution of the watercourse, waterhole, river, creek, storm-water drain or channel, canal or surface gutter.

(5.) Where an animal becomes bogged or caught on the banks of or in the waters of any watercourse, waterhole, river, creek, storm-water drain or channel, or canal or surface gutter, the owner or person in charge shall forthwith remove the animal.

20. A person shall not bathe, wash or dip, or throw, cast or place, or cause to be thrown, cast or place any rubbish, earth, stone, glass, paper or offensive matter, or any animal or thing whatsoever, in or into any reservoir, dam or water channel of the water supply system of the Territory.

Protection of water supply.

21. A person shall not—

- (a) break or damage, or remove any part of, any drinking fountain;
- (b) wash at a drinking fountain; or
- (c) place any offensive or obnoxious substance in or on any drinking fountain.

Protection of drinking fountains.

22.—(1.) A person camping or picnicking in any place shall not deposit any rubbish or organic refuse upon the ground.

Sanitation in connexion with camping and picnicking.

(2.) Any such person shall bury under at least eight inches of soil, or effectively burn, any rubbish or organic refuse resulting from the camp or picnic.

(3.) Any such person shall, if he is not within reasonable walking distance of a public sanitary convenience, bury, or cause to be buried, at least one hundred feet from any waterhole, creek, stream or any collection of standing or running water, all faecal matter and urine evacuated by him.

(4.) The owner or occupier of any camp shall carry out such instructions with respect to the sanitary conditions and cleanliness of the camp as are given by the Medical Officer of Health or an authorized officer.

Abatement of  
insanitary  
conditions.

23. Where any stable, cow-yard, horse-yard, fowl-yard or pigsty, or any enclosure, place or thing becomes insanitary, the Medical Officer of Health may by notice in writing direct the owner or occupier of the premises in which the stable, yard, pigsty, enclosure, place or thing is situated to abate the insanitary condition within seven days after service of the notice, and the owner or occupier shall abate the insanitary condition accordingly.

#### PART III.—SANITARY CONVENIENCES.

Sanitary  
conveniences  
to be installed.

24. The owner of every premises or of any occupied land shall install thereon approved sanitary conveniences of such size and in such a situation as the Director-General thinks suitable.

Temporary  
sanitary  
accommodation.

25. A building or other work requiring the assembly of a number of employees shall not be commenced until sanitary accommodation, sufficient and suitable for use by such employees and in accordance with these Regulations, has been provided.

Sanitary  
conveniences  
not connected  
with sewerage  
system.

26. Where the sanitary conveniences on any premises or occupied land are not connected with the sewerage system, they shall be connected with an approved septic tank installation or shall consist of an approved chemical closet, or such other method as the Director-General approves shall be employed for the reception and disposal of night-soil.

Installation of  
septic tanks and  
chemical closets.

27.—(1.) The owner or occupier of any premises or land shall, before commencing the installation of a septic tank or chemical closet on the premises or land, make application in writing to the Director-General for permission to make the installation.

(2.) The application shall be accompanied—

(a) in the case of a septic tank—by—

- (i) complete plans and specifications of the proposed work and connexions thereto;
- (ii) a block plan, to scale, of the premises and of the adjoining premises, public ways or places on which the proposed position of the septic tank and all connexions thereto are clearly shown;
- (iii) a statement of the manner in which it is proposed to dispose of the effluent waters; and
- (iv) a statement of the number of persons residing or likely to reside on the premises; or

(b) in the case of a chemical closet—by—

- (i) an illustration or sketch of the proposed type;
- (ii) a block plan, to scale, of the premises showing the proposed position of the closet;
- (iii) a statement of the method by which it is proposed to dispose of the contents; and
- (iv) a statement of the number of persons residing or likely to reside on the premises.

(3.) The Director-General may require the owner or occupier to furnish such other particulars in relation to the installation as the Director-General requires.

(4.) Upon consideration of the application and such other particulars as may have been furnished, the Director-General may grant or refuse permission to make the installation.

(5.) The owner, occupier or any other person shall not, without the permission of the Director-General, erect any closet or install any septic tank or chemical closet, or alter the construction of an existing closet or septic tank.

Desludging  
of septic tanks,  
&c.

28.—(1.) The Director-General may, by notice published in the *Gazette*, declare any part of the Territory outside the area in which the sewerage system is provided to be a scavenging district in which all work in connexion with the desludging of septic tanks, and the emptying, cleansing and recharging of chemical closets shall be performed by, or under the direction of the Director-General.

(2.) The occupier of the land served by any such tank or closet shall pay to the Director-General, on demand, the amount fixed by the Director-General as the cost incurred by the Director-General in the desludging, emptying, cleansing or recharging.

(3.) The occupier of any land in a scavenging district shall not desludge or cause to be desludged by any unauthorized person any septic tank, or empty, cleanse or refill, or cause to be emptied, cleansed or refilled, any chemical closet installed on the land, unless the consent in writing of the Director-General has been first obtained.

(4.) Where such consent has been given or where land is not situated in a scavenging district, the occupier of the land shall, subject to this regulation, desludge the septic tank or empty, cleanse or refill the chemical closet.

(5.) The times at which septic tanks shall be desludged or chemical closets shall be emptied, cleansed or refilled shall be determined by the Director-General in writing, and the occupier of the land shall dispose of all sludge or chemical closet contents in such places and in such manner as the Director-General in writing directs.

29. The provisions of the Canberra Sewerage and Water Supply Regulations shall, so far as applicable, apply to the installation of water-closets discharging to septic tanks and to the installation of chemical closets: Conditions of installation of water-closets connecting with septic tanks, &c.

Provided that a closet (other than a water-closet) shall not be installed so that it is in or entered directly from any room used for the purpose of human habitation or for the manufacture, preparation or storing of food for man, or used as a factory, workshop or workplace.

30. A chemical closet shall be directly ventilated by a ventilation pipe at least three inches in diameter communicating directly with the outer air. Ventilation of chemical closets.

31. All connexions with a septic tank shall be carried out in accordance with the provisions of the Canberra Sewerage and Water Supply Regulations as if they were connexions with the sewerage system. Connexions with septic tanks.

32. The owner of any premises upon which there is any closet which is not in accordance with the provisions of these Regulations shall, when required by the Director-General, alter, demolish or remove the closet and provide a closet which is in accordance therewith. Closet not in accordance with Regulations.

33. Where, in the opinion of the Medical Officer of Health, it is necessary in the interests of health and decency that any existing sanitary convenience or septic tank should be repaired, reconstructed or removed, the occupier or, if there is no occupier, the owner of the premises or land on which the convenience or septic tank is situated shall, on receipt of a notice in writing from the Medical Officer of Health requiring him to do so, forthwith cease using the convenience or septic tank, and within such time as is specified in the notice, carry out such alterations or repairs as the Medical Officer of Health specifies, or remove the convenience or septic tank and fill in any cesspit, and any gutter or drain connected therewith. Alterations to conveniences, &c.

#### PART IV.—MISCELLANEOUS.

34. Service of any notice, requisition, direction or order under these Regulations shall be deemed to have been duly effected if the notice, requisition, direction or order or a true copy thereof is— Service of notices, &c.

- (a) delivered to the person to whom it is directed, personally;
- (b) delivered to a person apparently over the age of sixteen years on, and apparently an occupant of, the premises of which the person to whom it is directed is the occupier or an inmate;
- (c) affixed in a prominent position on the premises to which it relates; or
- (d) posted by prepaid registered post to the person to whom it is directed at his last known place of abode.

35. Any person who contravenes or fails to comply with any provision of these Regulations shall be guilty of an offence against these Regulations, and shall, upon conviction, be liable to a penalty not exceeding Fifty pounds, or, where the offence consists in the failure to comply with any notice, requisition, direction or order lawfully given under these Regulations, to a penalty not exceeding One pound for each day during which the offence continues, unless it is proved that all due diligence has been used to comply with the notice, requisition, direction or order. Penalty for offences.