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# A BILL

## For regulating Common Lodging-houses.

[DR. MACFARLANE;—24 August, 1866.]

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**W**HEREAS the regulation of Common Lodging-houses would Preamble.  
conduce to the public health and convenience Be it therefore  
enacted by the Queen's Most Excellent Majesty by and with the  
advice and consent of the Legislative Council and Legislative Assembly  
5 of New South Wales in Parliament assembled and by the authority of  
the same as follows:—

1. In the construction of this Act the following terms in Interpretation.  
inverted commas shall bear the meanings set against them respectively.

10 “Common Lodging-house”—Any house or other edifice or any  
part of any house or other edifice into which persons are  
ordinarily admitted for pay to lodge at night or which is  
ordinarily or occasionally used with or without pay as a  
place of lodging by immigrants or wayfarers.

15 “Landlord”—The owner or any one of the joint owners of any  
such Common Lodging-house.

“Tenant”—The person occupying and chiefly superintending  
any such Common Lodging-house.

2. No lodger shall be received into any Common Lodging-house Lodging-houses to  
be inspected licensed  
and registered.  
until it shall have been inspected and its landlord and tenant registered  
20 and such house and tenant licensed as hereinafter mentioned.

3. Within three months after the passing of this Act the occu- Form of registration.  
pying tenant or keeper of such Common Lodging-house already or  
hereafter existing shall register such house by delivering at the office

of the Inspector General of Police notice in the form in the Schedule to this Act annexed marked A and such notice subject to the provisions of this Act shall be registered by the Inspector General of Police on payment of the fee of

Certificate of character.

4. Every such Lodging-house keeper shall with such form of 5 registration send a certificate of character in the form in the Schedule to this Act annexed marked B signed by the Alderman or Councillor and four respectable inhabitants of the ward in which such Lodging-house shall be situate and the Inspector General of Police may refuse to register any Lodging-house the keeper of which shall fail to produce 10 such certificate.

Provisions of this Act in certain cases to be determined by Inspector General.

5. In case any person shall object to his house being considered a Common Lodging-house under this Act he may apply to the Inspector General of Police and it shall be competent for that officer to consider and determine whether the provisions of this Act should 15 be applied to the said house.

Terms on which license may be granted.

6. Upon application in writing to the Inspector General of Police for a license under this Act accompanied by a certificate of the good character of the applicant signed as hereinbefore specified and directed the said Inspector General may refer such application to the 20 Officer of Health for the City of Sydney or in case of the absence or illness of the said Officer of Health to any other legally qualified medical practitioner who shall thereupon inspect the premises and report to such Inspector his opinion as to their fitness as a Common Lodging-house—the number and dimensions of the several rooms by square 25 superficial feet and by cubic feet—the mode in which the sexes ought to be classified—and the alterations if any which require to be made for better drainage ventilation or supply of water And if and when the said Inspector General is satisfied with such report and that such alterations if requisite have been properly made he may having regard 30 to the entire number of inmates grant a license for such premises as a Common Lodging-house for six or twelve months for so many lodgers as he may think fit And such applicant shall pay for such license the sum of if for six months and twice that amount if for twelve months—to be paid to the Inspector General of Police and by 35 him to be paid into the Colonial Treasury to the credit of the Consolidated Revenue Fund.

Register.

7. The said Inspector General shall cause a book to be kept in his office with alphabetical references to be called the Common Lodging-houses Register in which every such license shall be registered 40 with

with the exact situation of the Common Lodging-house—the number and dimensions of its sleeping-rooms—the number and sex of the lodgers allowed for each room—and the name and designation of the landlord and the name and other designation if any of the tenant.

5        8. A copy of any entry in the said register and of the rules for the regulation of Common Lodging-houses hereinafter mentioned certified under the hand of the Inspector General of Police shall be as good evidence of the contents thereof as the register itself and every person applying at a reasonable time shall be furnished gratis by the  
10 person having charge of such register with a certified copy of such entry.

9. The Inspector General of Police by and with the advice of the said Officer of Health or in case of his absence or illness by and with the advice of any other legally qualified medical practitioner may from  
15 time to time make rules for and relating to the drainage ventilation disinfection and cleansing of Common Lodging-houses and their appurtenances—the supply of water and light thereto—the numbers and classification of lodgers—the treatment and removal of sick lodgers—the purification or destruction as the case may require of clothing or  
20 bedding—the intimation of deaths—the entry in books of all particulars and the returns of lodgers admitted—the dimensions of the dormitories therein—and generally for the regulation and well-ordering of Common Lodging-houses Provided always that in each and every such dormitory or sleeping-room a space of at least five hundred cubic feet shall be  
25 allotted to each lodger And may by such rules fix and impose penalties for their violation in no case exceeding such rules when approved by the Governor with the advice of the Executive Council and published in the *Government Gazette* shall be of as full force as if they were part of this Act And all such penalties  
30 may be enforced and recovered accordingly.

10. Every person who shall keep a Common Lodging-house and shall receive lodgers therein without a license or after such license shall have been cancelled as hereinafter described shall for every such offence forfeit the sum of

35        11. Upon any death occurring in any Common Lodging-house the keeper or manager thereof shall within twenty-four hours after the same shall have taken place or become known give notice thereof and the cause thereof and the circumstances attendant thereon to the Inspector General of Police and to the Coroner of the City of Sydney.

Notice of disease to  
be given.

12. The keeper or manager of a Common Lodging-house shall when any person therein is ill of fever or of any infectious or contagious disease give immediate notice thereof to the Inspector General of Police and to the Health Office of the City of Sydney.

Sick persons may  
be removed.

13. When any person in a Common Lodging-house is ill of fever or of any infectious or contagious disease the Inspector General of Police may on the certificate of the said Officer of Health or of any other legally qualified medical practitioner that the disease is infectious or contagious and that the patient may be safely removed cause such person to be removed to a hospital or infirmary with the consent of the authorities thereof and may so far as the said Inspector General of Police by and with the advice of the said Officer of Health or of any other duly qualified medical practitioner may deem requisite for preventing the spread of disease cause any clothes or bedding used by such person to be disinfected or destroyed and may in his discretion award to the owners of the clothes or bedding so destroyed reasonable compensation for the destruction thereof such compensation to be paid out of the fees and moneys payable under this Act.

Houses to be  
cleaned.

14. The keeper or manager of every Common Lodging-house shall thoroughly cleanse all the rooms passages stairs floors windows doors walls ceilings privies cesspools and drains to the satisfaction of and so often as shall be required by or in accordance with any regulation of the Inspector General of Police and shall lime-wash the walls and ceilings thereof in the first week in April and October in every year or oftener if so required by the said officer.

Schedules to be kept  
and filled up.

15. The keeper or manager of a Common Lodging-house shall from time to time if required by any order of the Inspector General of Police served on such keeper or manager report to that officer or to such person as he shall direct the name age and description of every person who lodged in or resorted to such house during the preceding day or night and for that purpose schedules shall be furnished by the said Inspector General of Police to the person so ordered to report which schedules the said Common Lodging-house keeper or manager shall fill up with the information required and transmit the same forthwith to the said Inspector General of Police.

Penalty for offences.

16. If the keeper of any Common Lodging-house or any person having the care or management thereof shall offend against any of the provisions of this Act or of any of the regulations made in pursuance of this Act or if any person shall have died in any Common Lodging-house

house or if any person in any Common Lodging-house shall have been confined to his bed by fever or by any infectious or contagious disease without the keeper of the said house having given notice thereof respectively as required by this Act any person so offending shall for  
 5 every such offence be liable to a penalty not exceeding                      nor less than                      and to a penalty not exceeding  
 nor less than                      for every day during which the offence is continued Provided that this Act shall not exempt any person from any penalty or liability to which he might be subject irrespective of  
 10 this Act.

17. All proceedings under this Act shall be had and taken and <sup>Recovery of penalties.</sup> all penalties and forfeitures shall be recovered in a summary way And the statement of any offence in the words of this Act shall be deemed sufficient and no convictions under this Act shall be quashed  
 15 for want of form or be removed by writ of *certiorari* or otherwise into <sup>No certiorari.</sup> the Supreme Court.

18. The Inspector General of Police or the said Officer of Health <sup>Right of entry and inspection.</sup> or the Inspector of Nuisances for the City of Sydney or any Superintendent or Sergeant of Police alone or with any constable may enter and  
 20 inspect any Common Lodging-house or any part thereof not exclusively occupied by the landlord or tenant or by his family at any hour of the day or night And every person who shall prevent or obstruct such entrance shall for every such offence forfeit and pay a sum not exceeding  
 ing                      nor less than

25 19. All penalties recoverable under this Act may be recovered <sup>Recovery of penalties.</sup> before either of the Police Magistrates of and in the City of Sydney or before any two Justices of the Peace upon complaint by the Inspector General of Police or by the said Officer of Health or by the Inspector of Nuisances for the City of Sydney or by any Superintendent or  
 30 Sergeant of Police And either of the said Police Magistrates or the said Justices may also if they shall think fit by writing under their hands cancel the license of any landlord or tenant of a Common <sup>Cancelling of license.</sup> Lodging-house upon his having been convicted twice in penalties for the same offence or three times in penalties for any offence under this  
 35 Act and such license shall be cancelled accordingly and no new license shall be granted to the person so offending for one year thereafter.

20. This Act shall extend throughout the Metropolitan District <sup>Extent.</sup> of Sydney.

Act may be applied  
to other districts.

21. The Governor with the advice aforesaid may by proclamation published in the *Government Gazette* from time to time declare that the provisions of this Act shall apply to any other district in the Colony and may in such proclamation determine and name the officers and persons who in such district shall have all the like powers and execute the like duties as are hereby conferred or imposed upon the said Inspector General or other officer of Police and upon the said Officer of Health And every such proclamation shall on and after the day therein named for its taking effect not being less than two months after the day of its first publication have the same force and effect in such district as if it were part of this Act. 5

Certain boarding-  
houses exempt.

22. Nothing in this Act shall extend to any private boarding or lodging house which shall be registered in the office of the Inspector General of Police and certified by him to be a private boarding or lodging house. 15

Publication of Act.

23. A copy of this Act shall be published by the Inspector General of Police in two Sydney newspapers twice in every month between the time of its passing and its commencement.

Commencement and  
short title.

24. This Act shall commence three months after its passing and may be cited as the "Common Lodging-house Act of 1866." 20

#### SCHEDULE A.

##### *Form of Register of Common Lodging-house.*

Name of Proprietor Keeper or Manager.	An accurate description of locality of Common Lodging-house.	Of what material house is built—how many rooms used as sleeping apartments and what other accommodation in the house.	The number of lodgers intended to be accommodated.

#### SCHEDULE B.

WE the undersigned being inhabitant householders within the Ward [*here state the street or place in which the lodging-house applied to be registered is situated*] do certify that we are personally acquainted with [*here state the name of the keeper or manager of the Common Lodging-house*] and believe him to be a person of good repute and to be a fit and proper person to keep and have the management of a Common Lodging-house. 30