



ANNO SECUNDO

ELIZABETHAE II REGINAE

A.D. 1953

No. 18 of 1953.

An Act to amend the Health Act, 1935-1952.

[Assented to 19th November, 1953.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the " Health Act Amendment Act, 1953 ". Short titles.

(2) The Health Act, 1935-1952, as amended by this Act, may be cited as the " Health Act, 1935-1953 ".

(3) The Health Act, 1935-1952, is hereinafter referred to as " the principal Act ".

2. The following sections are enacted and inserted in Division I. of Part VIII. of the principal Act after section 88 thereof : Enactment of ss. 89 to 91 of principal Act—

89. (1) If in the opinion of the local board any place used for any trade or business is or is likely to become injurious to the health of or offensive to any of the inhabitants of the district, or any person employed therein, the local board may institute summary proceedings against the person by or on whose behalf the trade or business is carried on. Trade nuisances.
Cf. U.K. 39 & 39, Vict. c. 55, s. 114.
Cf. U.K. 26 Geo. V & 1 Edw. 8, c. 40, ss. 93, 94

(2) If on the hearing it appears to the court that the trade or business is or is likely to become injurious to the health of or offensive to any of the inhabitants of the district, or any person employed therein, then, unless it be shown that the best practicable means for preventing

injury to health or offence have been used, the person so summoned shall be guilty of an offence against this Act and liable for a first offence to a penalty not exceeding fifty pounds and for a second or subsequent offence to a penalty not exceeding one hundred pounds.

(3) The court may suspend its final determination in any case upon condition that the person summoned shall undertake to adopt, within a time to be fixed by the court, such means as may be deemed practicable and are ordered to be carried into effect for preventing or mitigating injury or offence.

(4) The court of summary jurisdiction before which any proceedings may be taken under this section shall be constituted by a special magistrate.

Accumulations
of offensive
matter.

90. Any person who keeps any accumulation or deposit of offensive matter longer than in the opinion of the local board is necessary for the purposes of any trade or business, or who omits to take the best available means of preventing any such accumulation or deposit being injurious to the public health, shall be guilty of an offence against this Act and liable to a penalty not exceeding twenty pounds.

Application of
ss. 89 and 90.

91. The provisions of sections 89 and 90 shall not apply within any part of the State to which the provisions of the Noxious Trades Act, 1943, apply.

Amendment of
principal Act,
s. 123—
Provision of
drains for new
houses.

3. Section 123 of the principal Act is amended—

- (a) by inserting after the word "municipalities" in the first line thereof the words "or in townships within district council districts";
- (b) by adding at the end of subsection (1) thereof the passage "In this section 'township' means a township as defined by section 5 of the Local Government Act, 1934-1952";
- (c) by striking out the words "occupation of any such house" in the last line of subsection (2) thereof and by inserting in lieu thereof the words "erection or rebuilding of any such house is commenced";
- (d) by adding at the end thereof the following subsection:—

(4) This section shall not apply within any part of the State to which the provisions of the Building Act, 1923-1946, apply.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.