



ANNO UNDECIMO

GEORGI VI REGIS.

A.D. 1947.

No. 48 of 1947.**An Act to amend the Health Act, 1935-1943.**

[Assented to 11th December, 1947.]

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, 1947 ". Short titles.

(2) The Health Act, 1935-1943, as amended by this Act, may be cited as the " Health Act, 1935-1947 ".

(3) The Health Act, 1935-1943, is hereinafter referred to as " the principal Act ".

2. Section 50 of the principal Act is amended by adding at the end thereof the following proviso :— Amendment of principal Act, s. 50—

Provided that the officer of health may, with or without others, enter any premises at any hour. Power to inspect.

3. The following sections are enacted and inserted in the principal Act after section 138 thereof :— Enactment of ss. 138a and 138b of principal Act—

138a. (1) Any person who suffers or permits the body of any dead person or the body of any stillborn child to be in any premises at any time after seven days after the death of the deceased person or, as the case may be, the still-birth of the child, shall be guilty of an offence and liable to a penalty not exceeding five pounds for every day during which the contravention of this subsection continues. Duty to bury bodies.

(2) It shall be a sufficient defence to any proceedings for an offence under subsection (1) if proof is given that the

body is in the premises to which the proceedings relate with and in accordance with any conditions of the consent in writing—

- (a) if the premises are situated within a district, of the officer of health of that district ; or
- (b) if the premises are not situated within a district, of the chairman of the Central Board.

The officer of health or, as the case may be, chairman of the Central Board may, in any case where he thinks it expedient so to do, give consent as aforesaid and any such consent may be given subject to such conditions as the officer of health or, as the case may be, chairman of the Central Board thinks fit.

(3) Nothing in this section shall apply to any body which—

- (a) is in any premises being a public mortuary ; or
- (b) is in any premises by direction of a coroner or a member of the police force ; or
- (c) is in any premises being a school of anatomy which is licensed under the Anatomy Act, 1884-1934.

(4) Nothing in this section shall affect the operation of the provisions of section 138b or section 139.

Power to order
burial or
cremation
of body.

138b. (1) If any body of any deceased person or the body of any stillborn child is in any premises (other than premises such as are referred to in subsection (3) of section 138a.) and the officer of health of the district in which the premises are situated or, if the premises are not situated in a district, the chairman of the Central Board, is satisfied that the presence of the body may cause an offensive condition to arise or continue or may cause a condition likely to be prejudicial to the public health to arise or continue, the officer of health or, as the case may be, the chairman of the Central Board may, by notice in writing delivered to the occupier of the premises, require the occupier of the premises to secure the burial or cremation of the body within the time specified in the notice.

(2) Any such occupier upon being served with a notice as aforesaid shall thereupon comply with the notice by procuring the burial of the body or, subject to the provisions of the Cremation Act, 1891-1936, the cremation thereof. If the occupier fails to comply with the notice he shall be guilty of an offence and liable to a penalty not exceeding five pounds for every day during which the default continues.

(3) The provisions of this section shall apply notwithstanding any provisions of section 139.

4. The following section is enacted and inserted in Part IX. of the principal Act after section 146 thereof :—

Enactment of
s. 146a of
principal Act—

146a. (1) In this section “rest home” means any building (other than a building which is licensed under section 146 of this Act, or under section 165 of the Maintenance Act, 1926-1941, or under Part VIIa. of the Mental Defectives Act, 1935-1945) in which any person receives any other person (other than a relation of the first mentioned person) to board or lodge and who undertakes for fee or reward to exercise oversight, care or control over such other person by way of nursing treatment or treatment applicable to aged, infirm or helpless or partially helpless persons.

Licensing of
rest homes.

(2) No building or any part thereof shall, after the first day of July, nineteen hundred and forty-eight, be used for the purposes of a rest home unless and until the building or part thereof is licensed by the local board for the purpose. Every application for a licence shall be accompanied by the name of the manager.

(3) No person shall act as manager of any rest home unless licensed by the local board for the purpose.

(4) Any person guilty of any contravention of this section shall be guilty of an offence against this Act and liable to a penalty not exceeding twenty pounds.

(5) The manager of any rest home shall be responsible for the good government thereof.

(6) The licence fee for the building shall not exceed two pounds.

(7) A licence under this section shall be granted on such conditions as are prescribed by regulation made by the Governor.

(8) Any building or part thereof licensed as aforesaid shall be liable to be inspected at any time.

5. Section 147 of the principal Act is amended by inserting therein after paragraph (f1) of subsection (1) thereof the following paragraph :—

Amendment of
principal Act,
s. 147—
Regulations.

(f2) prescribing the conditions upon which licences under section 146a for rest homes as defined by that section may be granted and the revocation thereof ; prescribing the qualifications of persons acting as

managers or persons in charge of such rest homes ;
and providing for an appeal to the Central Board
from any decision of a local board with respect to
the grant or revocation of any such licence :

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

C. W. M. NORRIE, Governor.