



ANNO TRICESIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1987

No. 37 of 1987

An Act to amend the Building Act, 1971, the Cremation Act, 1891, the Drugs Act, 1908, the Housing Improvement Act, 1940, and the Local Government Act, 1934.

[Assented to 23 April 1987]

The Parliament of South Australia enacts as follows:

PART I PRELIMINARY

1. This Act may be cited as the "Statutes Amendment (Public and Environmental Health) Act, 1987". Short title.

2. (1) This Act will come into operation on a day to be fixed by proclamation. Commencement.

(2) The Governor may, in a proclamation fixing a day for this Act to come into operation, suspend the operation of specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.

3. A reference in this Act to "the principal Act" is a reference to the Act referred to in the heading to the Part in which the reference occurs. Interpretation.

PART II AMENDMENT OF BUILDING ACT, 1971

4. The following section is inserted immediately after section 61 of the principal Act: Insertion of new s. 61a.

61a. Notwithstanding the other provisions of this Act, the regulations may: Special provision relating to the construction of buildings outside areas.

(a) prohibit the construction of buildings of a specified class in a part of the State that is not within an area unless—

(i) plans of the proposed building have been submitted for approval by the South Australian Health Commission;

and

- (ii) the South Australian Health Commission has signified that it is satisfied that adequate provision has been made for sanitation and for ventilation of the building;

and

- (b) prescribe a penalty not exceeding \$1 000 for non-compliance with the regulation.

PART III

AMENDMENT OF CREMATION ACT, 1891

Repeal of s. 2 and substitution of new section.

5. Section 2 of the principal Act is repealed and the following section is substituted:

Crematoria may be established.

2. Subject to this Act, a crematorium may be established if—

- (a) the site and plans for the crematorium, and the apparatus to be used for cremation, are approved by the South Australian Health Commission;

and

- (b) the crematorium is licensed in accordance with this Act.

Repeal of s. 10 and substitution of new section.

6. Section 10 of the principal Act is repealed and the following section is substituted:

Regulations.

10. (1) The Governor may make such regulations as are contemplated by this Act or as are necessary or expedient for the purposes of this Act.

(2) The regulations may prescribe penalties not exceeding \$200 for breach of any regulation.

(3) An offence constituted by the regulations is a summary offence.

(4) Proceedings for an offence against the regulations cannot be commenced except upon the complaint of a person acting on the written authority of the Chairman of the South Australian Health Commission.

PART IV

AMENDMENT OF DRUGS ACT, 1908

Amendment of s. 5—
Interpretation.

7. Section 5 of the principal Act is amended—

- (a) by striking out the definition of the “Central Board of Health”;

and

- (b) by inserting after the definition of “Government analyst” the following definition:

“the Health Commission” means the South Australian Health Commission.

Amendment of s. 6—
Health Commission to administer Act.

8. Section 6 of the principal Act is amended by striking out “the Central Board of Health” and substituting “the Health Commission”.

9. Section 7 of the principal Act is amended by striking out “the Central Board of Health” twice occurring and substituting, in each case, “the Health Commission”.

Amendment of s. 7—
Officers to be appointed under this Act.

10. Section 9 of the principal Act is amended—

(a) by striking out from subsection (1) “the Central Board of Health” and substituting “the Health Commission”;

Amendment of s. 9—
Appointment of analysts.

and

(b) by striking out from subsection (3) “the Central Board of Health” and substituting “the Health Commission”.

11. Section 17 of the principal Act is amended by striking out from subsection (1) “the Central Board of Health” and substituting “the Health Commission”.

Amendment of s. 17—
Advisory committee.

12. Section 30a of the principal Act is amended by striking out subsection (4) and substituting the following subsection:

Amendment of s. 30a—
Employment of diseased persons in handling drugs.

(4) In this section—

“infectious disease” means a controlled notifiable disease under the Public and Environmental Health Act, 1987:

“loathsome disease” means a disease proclaimed by the Governor on the advice of the Health Commission as a loathsome disease.

13. Section 46 of the principal Act is amended by striking out “under the direction or in the proper and ordinary course of their duty of the Central Board of Health shall” and substituting “in the proper and ordinary course of their duty or under the direction of the Health Commission will”.

Amendment of s. 46—
Immunity of health surveyors.

14. Section 52 of the principal Act is repealed.

Repeal of s. 52.

15. Section 53 of the principal Act is amended by striking out “the Central Board of Health” and substituting “the Health Commission”.

Amendment of s. 53—
Power of court to have drugs analysed.

16. Section 61a of the principal Act is amended by striking out from subsection (2) “the Central Board of Health” and substituting “the Health Commission”.

Amendment of s. 61a—
Provision as to regulations.

PART V

AMENDMENT OF HOUSING IMPROVEMENT ACT, 1940

17. Section 4 of the principal Act is amended by striking out the definition of “local board”.

Amendment of s. 4—
Interpretation.

18. Section 23 of the principal Act is amended—

(a) by striking out “local board” wherever it occurs and substituting, in each case, “council”;

Amendment of s. 23—
Power to declare houses unfit for habitation.

and

(b) by striking out subsection (7) and substituting the following subsection:

(7) This section is in addition to, and not in derogation of, the powers of an authority acting under the Public and Environmental Health Act, 1987.

Amendment of
s. 24—
Appeal.

19. Section 24 of the principal Act is amended by striking out “local board” wherever it occurs and substituting, in each case, “council”.

Amendment of
s. 25—
Power of housing
authority.

20. Section 25 of the principal Act is amended—

(a) by striking out “local board” wherever it occurs and substituting, in each case, “council”;

and

(b) by striking out “local boards” wherever it occurs and substituting, in each case, “councils”.

Amendment of
s. 27—
Advances to
owners.

21. Section 27 of the principal Act is amended by striking out from subsection (1) “local board” and substituting “council”.

Amendment of
s. 32—
Power to acquire
lands.

22. Section 32 of the principal Act is amended by striking out from subsection (1) “local board of” and substituting “council or”.

Amendment of
s. 35—
Powers of
housing authority
as to demolition.

23. Section 35 of the principal Act is amended by striking out “local board” and substituting “council”.

Amendment of
s. 61—
Orders for
possession.

24. Section 61 of the principal Act is amended by striking out from paragraph (h) of subsection (1) “, a local board, the Central Board of Health” and substituting “the South Australian Health Commission”.

Amendment of
s. 64—
Basis of
compensation.

25. Section 64 of the principal Act is amended by striking out “or a local board”.

Amendment of
s. 66—
Co-operation with
departments and
councils.

26. Section 66 of the principal Act is amended—

(a) by striking out from subsection (1) “any council or local board” and substituting “a council”;

(b) by striking out from subsection (1) “, council or local board” and substituting “or council”;

and

(c) by striking out from subsection (2) “, council, or local board,” and substituting “or council”.

Amendment of
s. 67—
Powers of entry
and inspection.

27. Section 67 of the principal Act is amended by striking out “member of a local board or any officer of a local board or other person authorized by the local board” and substituting “officer of a council or other person authorized by a council”.

Amendment of
s. 68—
Obstruction, etc.,
of officers, etc.

28. Section 68 of the principal Act is amended—

(a) by striking out “or a local board” (where it first occurs);

and

(b) by striking out “local board” and substituting “council”.

Amendment of
s. 69—
Offences by
occupiers and
others.

29. Section 69 of the principal Act is amended by striking out from subsection (2) “local board” and substituting “council”.

30. Section 71 of the principal Act is amended by striking out "local board" twice occurring and substituting, in each case, "council".

Amendment of s. 71—
Dispossession of occupiers failing to vacate premises when required to do so.

31. Section 75 of the principal Act is amended by striking out from paragraph (b) of subsection (1) "local board" and substituting "council".

Amendment of s. 75—
Proof of notices, orders or documents.

PART VI

AMENDMENT OF LOCAL GOVERNMENT ACT, 1934

32. Section 528 of the principal Act is amended by striking out "Central Board of Health" wherever it occurs and substituting, in each case, "South Australian Health Commission".

Amendment of s. 528—
Resolution of council for providing of bacteriolytic tanks.

33. Section 529 of the principal Act is amended by striking out from subsection (3) "the Health Act, 1935" and substituting "the Public and Environmental Health Act, 1987".

Amendment of s. 529—
Installation of bacteriolytic tanks.

34. Section 530a of the principal Act is amended by striking out "Central Board of Health" and substituting "South Australian Health Commission".

Amendment of s. 530a—
Provision of treatment unit in lieu of bacteriolytic tank.

35. Section 530b of the principal Act is amended by striking out "Central Board of Health" and substituting "South Australian Health Commission".

Amendment of s. 530b—
"All purpose" bacteriolytic tank.

36. Section 530c of the principal Act is amended by striking out "Central Board of Health" wherever it occurs and substituting, in each case, "South Australian Health Commission".

Amendment of s. 530c—
Sewerage effluent disposal schemes.

37. Sections 536a and 536b of the principal Act are repealed.

Repeal of ss. 536a and 536b.

38. Section 537 of the principal Act is amended by striking out "Central Board of Health" and substituting "South Australian Health Commission".

Amendment of s. 537—
Charging of fees for sanitary services.

39. Sections 538, 539 and 540 of the principal Act are repealed.

Repeal of ss. 538, 539 and 540.

40. Section 540a of the principal Act is amended by striking out subsection (4).

Amendment of s. 540a—
Penalty if smoke, dust, fumes, or gas from premises other than dwelling-houses amount to nuisance.

41. Division II of Part XXVI of the principal Act (and the heading to that Division) is repealed.

Repeal of Division II of Part XXVI.

42. Section 595 of the principal Act is amended by striking out from subsection (1) "Central Board of Health" and substituting "South Australian Health Commission".

Amendment of s. 595—
Regulations.

43. Section 596 of the principal Act is amended by striking out "Central Board of Health" and substituting "South Australian Health Commission".

Amendment of s. 596—
Provisions applicable outside areas.

Amendment of
s. 668—
Passing of by-
laws.

44. Section 668 of the principal Act is amended by striking out from paragraph (b) of subsection (2) "Central Board of Health" and substituting "South Australian Health Commission".

Amendment of
s. 682—
Power to make
model by-laws.

45. Section 682 of the principal Act is amended by striking out from subsection (1) " , and whether as a council or as a local board of health or otherwise".

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

D. B. DUNSTAN, Governor