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".

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

   (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.

PART II
AMENDMENT OF BUILDING ACT, 1971

4. The following section is inserted immediately after section 61 of the principal Act:

   61a. Notwithstanding the other provisions of this Act, the regulations may:

   (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

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 Section 2 of the principal Act is repealed and the following section is substituted:

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.

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 Section 10 of the principal Act is repealed and the following section is substituted:

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

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:

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".

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";

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".

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

(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".

14. Section 52 of the principal Act is repealed.

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

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".

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".

18. Section 23 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 subsection (7) and substituting the following sub-section:
(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.

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

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”.

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

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

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

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”.

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

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”.

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”.

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”.

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

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

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

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”.

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”.

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

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

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”.

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

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

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

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

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

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”.

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. 71—Dispossession of occupants failing to vacate premises when required to do so.

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

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

Amendment of s. 529—Installation of bacteriolytic tanks.

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

Amendment of s. 536a—“All purpose” bacteriolytic tank.

Amendment of s. 536b—Sewerage effluent disposal schemes.

Repeal of ss. 536a and 536b.

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

Repeal of ss. 538, 539 and 540.

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

Repeal of Division II of Part XXVI.

Amendment of s. 595—Regulations.

Amendment of s. 596—Provisions applicable outside areas.
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”.

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