



ANNO DUODECIMO

ELIZABETHAE II REGINAE

A.D. 1963

No. 11 of 1963

An Act to amend the Health Act, 1935-1961.

[Assented to 24th October, 1963.]

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

Short titles.

1. (1) This Act may be cited as the "Health Act Amendment Act, 1963".

(2) The Health Act, 1935-1961, as amended by this Act, may be cited as the "Health Act, 1935-1963".

(3) The Health Act, 1935-1961, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of principal Act, s. 3.

3. Section 3 of the principal Act is amended by inserting therein after the line "Part IXa—Tuberculosis" the line "Part IXb—Radio-active Substances and Irradiating Apparatus".

Enactment of ss. 94a, 94b and 94c of the principal Act—

4. The following sections are inserted in the principal Act at the end of Division I of Part VIII :—

Interpretation.

94a. In sections 94b and 94c of this Act—

"air impurity" includes smoke, dust (including fly ash), soot, ash, grit, cinders, solid particles of any kind, gases, fumes, mists, vapours and odours :

“air impurity source” includes any source of air impurity whether originating from combustion or any other human activity or occurrence due to human activity howsoever occurring :

“control equipment” means—

- (a) any apparatus for separating any air impurities from the gas medium in which they are carried ;
- (b) any automatic device used for securing the more efficient operation of any fuel burning equipment ;
- (c) any device to indicate or record air pollution or to give warning of excessive air pollution ;
- (d) any other device used for the purpose of limiting air pollution :

“fuel burning equipment” means any furnace, boiler, fire-place, oven, retort, incinerator, open fire, vehicle, vessel or chimney, or any other apparatus, device, mechanism or structure used or to be used in or in connection with the burning of fuel or any combustible material.

94b. (1) The Governor may appoint a Committee to be known as “The Clean Air Committee” (hereinafter called “the Committee”).

Clean Air
Committee

(2) The Committee shall consist of—

(a) the persons for the time being holding the offices of—

- (i) Director General of Public Health ;
- (ii) Principal Medical Officer (Public Health) ;
- (iii) The Chief Inspector of Boilers and Factories ;
- (iv) Consulting Engineer, Department of Labour and Industry ;

(b) seven other members (in this section referred to as “nominated members”) appointed by the Governor of whom—

- (i) one shall be appointed on the nomination of the United Trades and Labour Council of South Australia ;
- (ii) one shall be appointed on the nomination of The South Australian Railways Commissioner ;

- (iii) one shall be appointed on the nomination of the Electricity Trust of South Australia ;
- (iv) one shall be a professor or teacher of physics or mechanical engineering in the University of Adelaide to be appointed on the nomination of the Council of the University ;
- (v) one shall be appointed on the nomination of the Board of Directors of the South Australian Gas Company ;
- (vi) one shall be appointed on the nomination of the South Australian Chamber of Manufactures ;
- (vii) one shall be appointed as a person, representative of local government interests.

(3) If any body authorized to nominate a person for appointment to the Committee fails for one month to comply with a request in writing by the Minister to make a nomination the Governor may appoint any suitable person to be a member of the Committee in place of the person who should have been nominated.

(4) A nominated member shall, subject to this section, hold office for such term not exceeding five years as is specified in the instrument of his appointment, but shall be eligible for re-appointment.

(5) A nominated member may be removed from office at any time by the Governor.

(6) A member of the Committee shall be deemed to have vacated his office if he dies, resigns his office in writing addressed to the Minister, or is removed from office by the Governor.

(7) In the event of a vacancy however occurring in the office of a nominated member the Governor may appoint a person to hold the vacant office for the remainder of the period of office of that nominated member.

(8) The Committee may act notwithstanding any vacancy in its membership so long as the Committee consists of more than six members.

(9) The members of the Committee shall be entitled to such fees and travelling allowances, if any, as the Governor may determine.

(10) Six members of the Committee shall constitute a quorum thereof. The decision of a majority of the members present at any meeting at which there is a quorum shall be a decision of the Committee.

(11) The functions of the Committee shall be—

- (a) to carry out investigations into problems of air pollution and air impurities and report to the Minister thereon ;
- (b) to advise and make recommendations to the Minister as to the making and contents of regulations under section 94c of this Act ;

94c. (1) The Governor, on the recommendation of the Committee, may make regulations for or with respect to all or any of the following matters :—

Regulations as to clean air.

- (a) defining or otherwise indicating the air impurities and fuel burning equipment to which all or any of the regulations made under this section shall apply, and limiting the application of any such regulations to the air impurities and fuel burning equipment so defined or indicated ;
- (b) defining “dark smoke” and “dense smoke” for the purposes of this Act and prescribing methods which may be used to determine whether smoke is dark smoke or dense smoke ;
- (c) regulating, controlling and prohibiting the emission of air impurities from fuel burning equipment or any air impurity source ;
- (d) prescribing authorized fuels for the purpose of the regulations and prohibiting regulating or controlling the burning of other fuels or materials in fuel burning equipment ;
- (e) regulating the construction and installation of fuel burning equipment ;
- (f) requiring the installation maintenance and operation at any premises of apparatus to prevent limit or control the emission of air impurities ;
- (g) requiring the installation maintenance and operation at any premises of apparatus to indicate or record the quantity or quality or nature of any

air impurities emitted from any fuel burning equipment thereat including apparatus to indicate or record the amount or percentage of carbon monoxide so emitted ;

- (h) regulating the establishment of private, public or municipal incinerators and tips and prescribing conditions to be complied with by the owners and occupiers thereof ;
- (i) regulating and controlling the burning of rubbish at private, public or municipal incinerators and tips ;
- (j) prescribing tests to be carried out and records to be maintained by occupiers of premises with respect to the emission of air impurities from and the consumption of fuel on such premises ;
- (k) requiring the installation and maintenance of control equipment in or upon any premises and prescribing the types of control equipment to be used in or upon any premises and the manner in which such equipment shall be operated and maintained ;
- (l) prescribing standards of concentration or rates of emission of air impurities, the points at which such standards of concentration or rates of emission are to be determined ; the method of making tests for the purposes of ascertaining whether any of the regulations are being or have been complied with ; and providing that any such test shall be made only in accordance with the prescribed method ;
- (m) conferring on the Director of Public Health any inspector or other prescribed officer any powers necessary or convenient for the administration of the regulations made under this section ;
- (n) generally providing for the abatement of nuisance arising from the emission of air impurities from any premises ;
- (o) providing that any regulation under this section shall be limited in operation as to persons, time, place or circumstances ;

- (p) providing that all or any of the regulations under this section shall bind the Crown, or any specified persons or bodies representing or acting on behalf of the Crown ;
- (q) generally prescribing any matters or things necessary or convenient to be prescribed for carrying into effect any regulations made under this section.
- (r) imposing penalties recoverable summarily and not exceeding one hundred pounds for any contravention of or failure to comply with any regulation.

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

EDRIC BASTYAN, Governor.