



ANNO VICESIMO QUINTO

ELIZABETHAE II REGINAE

A.D. 1976

No. 18 of 1976

An Act to amend the Health Act, 1935-1975.

[Assented to 4th March, 1976]

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, 1975".
- (2) The Health Act, 1935-1975, is hereinafter referred to as "the principal Act".
- (3) The principal Act, as amended by this Act, may be cited as the "Health Act, 1935-1975".

Commencement.

2. This Act shall come into operation on a day to be fixed by proclamation.

Amendment of principal Act, s. 3—
Arrangement of Act.

3. Section 3 of the principal Act is amended—

(a) by striking out the passage—

DIVISION I—Air:

DIVISION II—Food:

DIVISION III—Premises.;

and

(b) by inserting after the heading "Part IXc—Scientific Research and Studies" the heading "Part IXd—Pest Control."

Enactment of ss. 14a and 14b of principal Act—

4. The following sections are enacted and inserted in the principal Act immediately after section 14 thereof:—

Term of office of appointed members.

14a. (1) An appointed member shall, subject to this Act, hold office for a term of two years upon such conditions as the Governor determines, and, upon the expiration of his term of office, shall be eligible for re-appointment.

(2) Upon the office of an appointed member becoming vacant, a person shall be appointed in accordance with this Act to the vacant office, but where the office of an appointed member becomes vacant before the expiration of the term for which he was appointed, a person appointed in his place shall be appointed only for the balance of the term of his predecessor.

(3) The offices of the appointed members in office immediately before the commencement of the Health Act Amendment Act, 1975, shall, upon that commencement, become vacant.

(4) In this section "appointed member" means a member, other than the Chairman, of the Central Board, appointed by the Governor under this Part.

14b. (1) The Governor may remove a member, other than the Chairman, of the Central Board from office for— Vacation of office.

- (a) mental or physical incapacity;
- (b) neglect of duty;
- (c) dishonourable conduct;
- or
- (d) any other cause considered sufficient by the Governor.

(2) The office of a member, other than the Chairman, of the Central Board shall become vacant if—

- (a) he dies;
- (b) his term of office expires;
- (c) he resigns by written notice addressed to the Minister;
- or
- (d) he is removed from office by the Governor pursuant to subsection (1) of this section.

5. Section 33 of the principal Act is amended—

- (a) by striking out the passage "two auditors" and inserting in lieu thereof the passage "an auditor";

Amendment of
principal Act,
s. 33—
Auditors.

and

- (b) by striking out the passage "except for the first year, when one shall retire by lot" and inserting in lieu thereof the passage "who shall in the month of January in each year audit the accounts of the county board".

6. Section 34 of the principal Act is amended—

- (a) by striking out the word "half-year" and inserting in lieu thereof the word "year";

Amendment of
principal Act,
s. 34—
Accounts.

and

- (b) by striking out the passage "months of June and December, and shall publish in the *Government Gazette* within one month of the yearly audit in January an abstract of the receipts and expenditure as allowed by the auditors" and inserting in lieu thereof the passage "month of December".

Repeal of sub-heading to Part VIII of principal Act.

7. The principal Act is amended by striking out the passage "Division I.—Air" occurring immediately before section 82 thereof.

Repeal of s. 88 of principal Act and enactment of section in its place—

8. Section 88 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Keeping of pigs.

88. Local boards may, by regulation, provide—

- (a) for the nature and condition of any buildings in which pigs may be kept;
- (b) for the nature of lands on which pigs may be grazed;
- (c) for the inspection of piggeries and lands on which pigs are grazed;
- (d) for the maximum number of pigs which may be kept in any building or on any land;
- (e) for the siting of sties and buildings intended to house pigs in relation to buildings intended for human habitation and in relation to adjoining properties;
- (f) for the storage of materials intended to be fed to pigs and the method of feeding those pigs;
- (g) for the prevention and control of rats, mice, flies and other vermin in relation to piggeries;
- (h) for the sanitary disposal of liquid and solid wastes, the siting of effluent treatment lagoons, the destruction and disposal of dead pigs and the siting of solid waste disposal areas in relation to piggeries;
- (i) for the preservation in relation to piggeries of public health and the prevention and suppression of offensive conditions caused by piggeries.

Repeal of sub-heading to Part VIII of principal Act.

9. The principal Act is amended by striking out the passage "Division II.—Food" occurring immediately after section 94d thereof.

Repeal of sub-heading to Part VIII of principal Act.

10. The principal Act is amended by striking out the passage "Division III.—Premises" occurring immediately after section 115 thereof.

Amendment of principal Act, s. 123—
New houses to have proper drains.

11. Section 123 of the principal Act is amended by striking out from subsection (1) the passage "five acres" and inserting in lieu thereof the passage "2 hectares".

Amendment of principal Act, s. 129—
Fee to medical practitioner.

12. Section 129 of the principal Act is amended by striking out from subsection (2) the passage "a fee of one dollar five cents" and inserting in lieu thereof the passage "the prescribed fee".

Amendment of principal Act, s. 146q—
Regulations as to radioactive substances and irradiating apparatus.

13. Section 146q of the principal Act is amended by inserting in paragraph (d) after the passage "the manufacture, possession, use," the passage "import, transport,".

14. The following heading and sections are enacted and inserted in the principal Act immediately after section 146s thereof:—

Enactment of
Part IXD of
principal Act—

PART IXD

PEST CONTROL

146t. For the purposes of this Part, unless the contrary intention appears—

Interpretation.

“pest” means any animal, plant, insect or other living thing that for agricultural, pastoral, horticultural, industrial, domestic or public health purposes is troublesome or destructive:

“pest controller” means a person who carries on the business of using pesticides for the destruction or control of pests:

“pesticide” means any substance that is capable of being used for the destruction or control of pests and is prescribed for the purposes of this definition.

146u. (1) Subject to this Act, no person shall operate as, or hold himself out in any way as being, a pest controller unless he is the holder of a pest controller’s licence granted to him pursuant to this section.
Penalty: Two hundred dollars.

Licence to
carry on
business of pest
controller.

(2) An application for a licence referred to in subsection (1) of this section shall be made to the Central Board in writing and in the prescribed manner and form.

(3) A licence referred to in subsection (1) of this section shall be granted by the Central Board for such fee and upon such conditions as are prescribed by regulation.

146v. (1) Subject to this Act, no pest controller, nor any employee or agent of a pest controller, shall, for fee or reward, use any pesticide unless he is the holder of a pest controller’s certificate granted to him pursuant to this section.

Certificate to
act as pest
controller.

Penalty: One hundred dollars.

(2) An application for a certificate referred to in subsection (1) of this section shall be made to the Central Board in writing and in the prescribed manner and form.

(3) A certificate referred to in subsection (1) of this section shall be granted by the Central Board—

(a) if the applicant has satisfied a person nominated by the Central Board that he is qualified as prescribed to be granted the certificate;

and

(b) for such fee and upon such conditions as are prescribed by regulation.

146w. (1) Subject to this Act, no person shall have in his possession or control, or use, any prescribed substance for the purpose of destroying or controlling any pests.

Offences
relating to
possession and
use of
pesticides.

Penalty: Two hundred dollars.

(2) Subject to this Act, no pest controller shall use a pesticide otherwise than in the manner prescribed in relation to that pesticide.

Penalty: Two hundred dollars.

Exemptions

146x. (1) The Governor may by proclamation exempt a person, or a class of persons, specified in the proclamation from compliance with a provision of this Part specified in the proclamation upon such conditions as are specified in the proclamation and such proclamation shall have effect according to its tenor.

(2) The Governor may by proclamation amend, vary or revoke an exemption made under subsection (1) of this section.

**Amendment of
principal Act,
s. 147—
Regulations.**

15. Section 147 of the principal Act is amended—

(a) by inserting after paragraph (d1) of subsection (1) the following paragraph:—

(d2) prescribing the fee payable by the Central Board to a medical practitioner pursuant to section 129 of this Act;

and

(b) by inserting immediately after paragraph (m8) of subsection (1) the following paragraph:—

(m9) pest controllers and pesticides prescribing—

- (i) the manner and form in which an application for a pest controller's licence is to be made;
- (ii) the fee to be paid for such a licence;
- (iii) the conditions upon which such a licence may be granted or revoked;
- (iv) the manner and form in which an application for a pest controller's certificate is to be made;
- (v) the fee to be paid for such a certificate;
- (vi) the conditions upon which such a certificate may be granted or revoked;
- (vii) the standards or requirements of education, practical skill or experience for entitlement to hold a pest controller's certificate;
- (viii) the possession or use of any pesticide.

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

M. L. OLIPHANT, Governor