

# **NORTHERN TERRITORY OF AUSTRALIA**

## **PUBLIC HEALTH ACT**

As in force at 1 July 2010

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# NORTHERN TERRITORY OF AUSTRALIA

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This reprint shows the Act as in force at 1 July 2010. Any amendments that commence after that date are not included.

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## PUBLIC HEALTH ACT

### An Act relating to Public Health

#### 1 Short title

This Act may be cited as the *Public Health Act*.

#### 2 Commencement

This Act shall come into operation on a date to be fixed by the Minister by notice in the *Gazette*.

#### 3 Repeal

The Acts of the State of South Australia in their application to the Northern Territory and the Ordinances of the Northern Territory specified in the Schedule are repealed.

#### 4 Definitions

In this Act, unless the contrary intention appears:

***approved*** means approved by the Chief Health Officer.

***authorized*** means authorized in writing by the Minister or the Chief Health Officer.

***Chief Health Officer*** means the person appointed under section 5 to be the Chief Health Officer.

***food*** includes infant food, flavouring matter, colouring matter, essence, condiment, spice, confectionery and any article which is used for food or drink by man, or which enters into or is used in the composition or preparation of such an article.

***Health Officer*** means a person appointed under this Act to be a Health Officer.

***Health Surveyor*** means a Health Surveyor appointed under section 6(2).

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**Medical Officer of Health** means a Medical Officer of Health appointed by the Minister.

**nuisance** means anything which interferes with, or is likely to interfere with, public health.

## **5 Chief Health Officer**

- (1) The Minister shall appoint a person:
  - (a) who is a Chief Executive Officer or employee, as defined in the *Public Sector Employment and Management Act*, and
  - (b) who is registered, or entitled to be registered as a medical practitioner under the Health Practitioner Regulation National Law,

to be the Chief Health Officer.

- (2) The Chief Health Officer is, in the performance of his duties and functions and the exercise of his powers under this Act, subject to the direction and control of the Minister.

## **6 Appointments**

- (1) The Minister shall appoint to be Medical Officers of Health such persons who are registered, or entitled to be registered, as medical practitioners under the Health Practitioner Regulation National Law as he thinks necessary for the purpose of this Act.
- (2) The Minister may appoint such Health Surveyors as he thinks necessary for the purpose of this Act.

## **7 Powers of Chief Health Officer and Medical Officer of Health**

- (1) The Chief Health Officer shall, in addition to the powers conferred on him by this Act or by the Regulations, have the powers conferred by this Act or by the Regulations on a Medical Officer of Health.
- (2) The Chief Health Officer and each Medical Officer of Health shall, in addition to the powers conferred on them by this Act or by the Regulations, have the powers conferred by this Act or by the Regulations on a Health Surveyor.

## **7A Delegation by Chief Health Officer**

- (1) The Chief Health Officer may, in relation to any particular place or part of the Northern Territory, delegate to any person all or any of his powers or functions under this Act or any other law of the Territory (except this power of delegation), so that the delegated

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powers and functions may be exercised by the delegate with respect to the matter or class of matters, or to the place, specified in the instrument of delegation.

- (2) Every delegation under this section shall be revocable at will and no delegation shall prevent the exercise of any power or function by the Chief Health Officer.

**7B Health Officers**

- (1) The Chief Health Officer may, by instrument in writing, appoint such persons to be Health Officers as he thinks necessary for the purpose of this Act and the Regulations.
- (2) A Health Officer appointed under subsection (1) shall have the powers and functions of a Health Surveyor in such part of the Northern Territory and for such period as the Chief Health Officer specifies in the instrument of appointment.

**7C Chief Health Officer may require risk to public health to be rectified**

- (1) Where, in the opinion of the Chief Health Officer, an owner or occupier of land has committed an offence against this Act or the Regulations which, in the opinion of the Chief Health Officer, causes or may cause a risk to public health, the Chief Health Officer may, if he is of the opinion that the offence is continuing, by notice in writing, require the owner or occupier of the land to cause the risk to be removed within such time as he specifies in the notice.
- (2) Where the person on whom a notice under subsection (1) has been served fails to comply with the requirements of the notice within the time specified in the notice, the Chief Health Officer may authorize a person to enter, with or without employees, vehicles, plant, equipment or materials, on the land and carry out such work as is reasonably necessary to remove the risk specified in the notice.
- (3) The costs of carrying out the work referred to in subsection (2) may be recovered from the person on whom the notice is served as a debt due and payable to the Territory.

**8 Service of notices**

Unless otherwise prescribed, a document required to be served under this Act or the Regulations may be served by post.

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## **9 Proceedings for offences**

Proceedings for an offence against a regulation made under this Act may be instituted by an authorized person and may be heard and determined by a court of summary jurisdiction.

## **10 Regulations**

The Administrator may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular prescribing matters for or in relation to:

- (a) the prevention of disease;
- (b) the maintenance of health;
- (c) sanitation;
- (d) the care and treatment of sick persons;
- (e) the designation of diseases and measures for the control of diseases;
- (f) the promotion of public health by the establishment of special clinics for the treatment and prevention of disease;
- (g) the medical and dental inspection of school children and measures to be instituted for the remedy, prevention and treatment of diseases and of dental and eye defects in children;
- (h) the control and inspection of:
  - (i) animals, birds and poultry used for food or for the production of food;
  - (ii) eating houses and food shops;
  - (iii) boarding houses and hostels;
  - (iv) food and cordial factories;
  - (v) barbers, hairdressers and their establishments;
  - (vi) laundries, cleaning establishments and dye works;
  - (vii) second-hand trading establishments and marine stores;  
and

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- (viii) the housing of animals, birds and poultry;
  - (i) the inspection of, and maintenance of health in, hotels and premises licensed under the *Liquor Act*;
  - (j) garbage, refuse, trade waste and night soil and the making of charges for and in relation to the collection and disposal of garbage, refuse, trade waste and night soil;
  - (k) the disposal of human corpses;
  - (l) the prevention and abatement of nuisances;
  - (m) measures for the control or destruction of noxious vermin and insects;
  - (n) the disposal of dead animals;
  - (o) the testing, examination, isolation and destruction of animals and the payment of compensation for the destruction of animals which are found to be diseased;
  - (p) the purposes for which and the conditions upon which licences, certificates and other documents may be issued and the fees payable therefor;
  - (q) directing that a specified regulation or a specified part of a regulation made under this Act shall not apply in relation to a specified area;
  - (qa) approval of the construction of wells by the Controller of Water Resources appointed under the *Water Act*; and
  - (r) the imposition of penalties not exceeding \$1,000 for offences against the regulations, and where an offence is a continuing offence, an additional penalty not exceeding \$100 for every day during which the offence continues.

## The Schedule

section 3

*The Health Act, 1898*  
*The Health Act Amendment Act, 1909*  
*Health Ordinance 1915*  
*Health Ordinance 1923*  
*Health Ordinance 1924*  
*Health Ordinance 1928*  
*Health Ordinance 1939*  
*Health Ordinance 1945*  
*Health Ordinance 1950*  
*Health Ordinance 1952*  
*Health Ordinance 1953*  
*Health Ordinance 1957*  
*Health Ordinance 1960*

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## ENDNOTES

### 1 KEY

Key to abbreviations

<b>amd</b> = amended	<b>od</b> = order
<b>app</b> = appendix	<b>om</b> = omitted
<b>bl</b> = by-law	<b>pt</b> = Part
<b>ch</b> = Chapter	<b>r</b> = regulation/rule
<b>cl</b> = clause	<b>rem</b> = remainder
<b>div</b> = Division	<b>renum</b> = renumbered
<b>exp</b> = expires/expired	<b>rep</b> = repealed
<b>f</b> = forms	<b>s</b> = section
<b>Gaz</b> = <i>Gazette</i>	<b>sch</b> = Schedule
<b>hdg</b> = heading	<b>sdiv</b> = Subdivision
<b>ins</b> = inserted	<b>SL</b> = Subordinate Legislation
<b>lt</b> = long title	<b>sub</b> = substituted
<b>nc</b> = not commenced	

### 2 LIST OF LEGISLATION

#### ***Public Health Ordinance 1952 (Act No. 27, 1952)***

Assent date	4 June 1952
Commenced	31 December 1960 ( <i>Gaz</i> No. 55, 28 December 1960)

#### ***Public Health Ordinance 1957 (Act No. 8, 1957)***

Assent date	12 April 1957
Commenced	31 December 1960 (s 2, s 2 <i>Public Health Ordinance 1952</i> (Act No. 27, 1952) and <i>Gaz</i> No. 55, 28 December 1960)

#### ***Public Health Ordinance 1958 (Act No. 17, 1958)***

Assent date	14 November 1958
Commenced	31 December 1960 (s 2, s 2 <i>Public Health Ordinance 1952</i> (Act No. 27, 1952) and <i>Gaz</i> No. 55, 28 December 1960)

#### ***Public Health Ordinance 1961 (Act No. 32, 1961)***

Assent date	26 September 1961
Commenced	26 September 1961

#### ***Public Health Ordinance 1962 (Act No. 14, 1962)***

Assent date	8 June 1962
Commenced	15 August 1962 ( <i>Gaz</i> No. 37, 8 August 1962)

#### ***Ordinances Revision Ordinance 1973 (Act No. 87, 1973)***

Assent date	11 December 1973
Commenced	11 December 1973 (s 12(2))

#### **Amending Legislation**

#### ***Ordinances Revision Ordinance 1974 (Act No. 34, 1974)***

Assent date	26 August 1974
Commenced	11 December 1973 (s 3(2))



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***Ordinances Revision Ordinance (No. 2) 1974 (Act No. 69, 1974)***

Assent date 24 October 1974  
Commenced 11 December 1973 (s 3)

***Ordinances Revision Ordinance 1976 (Act No. 27, 1976)***

Assent date 28 June 1976  
Commenced ss 1, 2 and 6: 28 June 1976 (s 6(2));  
ss 3 and 4: 11 December 1973; s 5: 24 October 1974

***Statute Law Revision Act 1978 (Act No. 95, 1978)***

Assent date 5 September 1978  
Commenced 5 September 1978

***Transfer of Powers (Health) Act 1978 (Act No. 122, 1978)***

Assent date 21 December 1978  
Commenced 1 January 1979 (s 2)

***Statute Law Revision Act (No. 2) 1979 (Act No. 128, 1979)***

Assent date 15 October 1979  
Commenced 15 October 1979

***Public Health Amendment Act 1981 (Act No. 103, 1981)***

Assent date 21 December 1981  
Commenced 1 May 1982 (Gaz G17, 30 April 1982, p 10)

***Public Health Amendment Act 1985 (Act No. 6, 1985)***

Assent date 1 April 1985  
Commenced 1 April 1985

***Water (Consequential Amendments) Act 1992 (Act No. 27, 1992)***

Assent date 5 June 1992  
Commenced 1 July 1992 (s 2, s 2 *Water Act 1992* (Act No. 19, 1992) and  
Gaz S35, 30 June 1992)

***Public Sector Employment and Management (Consequential Amendments) Act 1993 (Act No. 28, 1993)***

Assent date 30 June 1993  
Commenced 1 July 1993 (s 2, s 2 *Public Sector Employment and Management Act 1993* (Act No. 11, 1993) and Gaz S53, 29 June 1993)

***Medical (Consequential Amendments) Act 1995 (Act No. 8, 1995)***

Assent date 10 April 1995  
Commenced 1 June 1995 (s 2, s 2, *Medical Act 1995* (Act No. 7, 1995) and  
Gaz S21, 1 June 1995)

***Statute Law Revision Act 1997 (Act No. 17, 1997)***

Assent date 11 April 1997  
Commenced 1 May 1997 (Gaz G17, 30 April 1997, p 2)

***Statute Law Revision Act 2005 (Act No. 44, 2005)***

Assent date 14 December 2005  
Commenced 14 December 2005

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***Health Practitioner (National Uniform Legislation) Implementation Act 2010 (Act No. 18, 2010)***

Assent date	20 May 2010
Commenced	1 July 2010 (s 2)

### **3 LIST OF AMENDMENTS**

lt	amd No. 103, 1981, s 8
s 2	amd No. 103, 1981, s 8
s 3	amd No. 87, 1973, s 3
s 4	amd No. 8, 1957, s 2; No. 17, 1958, s 3; No. 122, 1978, s 73; No. 103, 1981, ss 4 and 8; No. 6, 1985, s 3; No. 17, 1997, s 17
s 5	sub No. 122, 1978, s 74 amd No. 128, 1979, s 27; No. 103, 1981, s 8; No. 28, 1993, s 3; No. 8, 1995, s 4; No. 17, 1997, s 17; No. 44, 2005, s 22; No. 18, 2010, s 89
s 6	amd No. 17, 1958, s 4; No. 87, 1973, s 7; No. 122, 1978, s 75; No. 103, 1981, ss 5 and 8; No. 8, 1995, s 4; No. 44, 2005, s 22; No. 18, 2010, s 89
s 7	amd No. 17, 1958, s 5 sub No. 14, 1962, s 3 amd No. 103, 1981, ss 6 and 8; No. 17, 1997, s 17
s 7A	ins No. 17, 1958, s 6 amd No. 103, 1981, s 8; No. 6, 1985, s 4; No. 17, 1997, s 17
s 7B	ins No. 17, 1958, s 6 amd No. 87, 1973, s 3; No. 103, 1981, s 8; No. 17, 1997, s 17
s 7C	ins No. 6, 1985, s 5 amd No. 17, 1997, s 17
ss 8 – 9	amd No. 103, 1981, s 8
s 10	amd No. 17, 1958, s 7; No. 32, 1961, s 2; No. 87, 1973, ss 5, 6 and 7; No. 95, 1978, s 14; No. 103, 1981, s 8; No. 6, 1985, s 6; No. 27, 1992, s 3
sch	amd No. 17, 1958, s 8; No. 32, 1961, s 3