



ANNO DECIMO QUARTO

ELIZABETHAE II REGINAE

A.D. 1965

No. 14 of 1965

An Act to amend the Noxious Trades Act, 1943-1955.

[Assented to 21st October, 1965.]

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 "Noxious Trades Act Amendment Act, 1965".

(2) The Noxious Trades Act, 1943-1955, as amended by this Act, may be cited as the "Noxious Trades Act, 1943-1965".

(3) The Noxious Trades Act, 1943-1955, 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. 13—

Protection
against
actions for
nuisance.

3. Section 13 of the principal Act is amended—

(a) by inserting after the word "arising" in subsection (1) thereof the passage "before the commencement of the Noxious Trades Act Amendment Act, 1965";

(b) by inserting after subsection (1) thereof the following subsection:—

(1a) No person shall be entitled to any civil remedy, legal or equitable, on the ground of any nuisance directly arising, after the commencement of the Noxious Trades Act Amendment Act,

1965, from the carrying on under licence under this Act of any noxious trade within any part of the State to which this Act applies—

- (a) unless it is shown that the person carrying on the noxious trade has failed to carry on the noxious trade in accordance with the licence issued therefor or with the regulations under this Act; or
- (b) unless it is shown that the noxious trade was not conducted in a proper manner to prevent the same becoming a nuisance;
- (c) by inserting after the word “arising” in subsection (2) thereof the passage “before the commencement of the Noxious Trades Act Amendment Act, 1965”;
- (d) by inserting after subsection (2) thereof the following subsection :—
 - (2a) No criminal proceedings shall be taken in respect of any nuisance directly arising, after the commencement of the Noxious Trades Act Amendment Act, 1965, from the carrying on under licence under this Act of any noxious trade within any part of the State to which this Act applies unless it is shown that the noxious trade was not conducted in a proper manner to prevent the same becoming a nuisance.

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

J. M. NAPIER, Governor's Deputy.