



ANNO QUADRAGESIMO QUARTO ET QUADRAGESIMO
QUINTO

VICTORIÆ REGINÆ.

A.D. 1881.

No. 212.

An Act to authorise the Establishment of Manufacturing
Districts, and for other purposes.

[Assented to, November 18th, 1881.]

WHEREAS it is expedient to make provision for the Establish-
ment of Manufacturing Districts—Be it therefore Enacted
by the Governor of the Province of South Australia, with the
advice and consent of the Legislative Council and House of Assembly
of the said province, in this present Parliament assembled, as follows:

Preamble.

1. This Act shall be called, and may be cited as, “The Manufac-
turing Districts Act.”

Short title.

2. For the purpose of assessing the compensation to be paid to
the persons, and in the cases hereinafter set out, the Ordinance No.
6 of 1847 shall be read as part of this Act, and the words “pro-
moters of the undertaking” in the said Act, No. 6 of 1847, shall
include all persons from whom compensation is recoverable under
this Act; and the expressions “the works” and “the undertaking”
in that Ordinance shall include everything done under this Act for
which compensation can be claimed. The word “manufacture”
shall, for the purposes of this Act, include every business and
process as well as every manufacture which the Governor shall by
Proclamation direct to be included within its meaning.

Definitions.

3. Ratepayers of any corporate city or town, or of a district
constituted or being a district under “The District Councils Act,
1876,” desiring the establishment, or an alteration of the boundaries
of a Manufacturing District within or co-extensive with the limits
of

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of such corporate city, or town, or of such district under the "District Councils Act, 1876," may, by petition addressed and presented to the Governor, pray him to establish in such corporate city or town, a Manufacturing District, or to alter the boundaries thereof, or to add to the manufactures to be carried on in any existing Manufacturing District established under this Act.

Householders desiring the establishment, or an alteration of the boundaries of a Manufacturing District in a place other than a corporate city or town, or an addition to the manufactures authorised to be carried on therein, or than a district constituted, or being a district under "The District Councils Act, 1876," and dwelling in houses situated within the boundaries of the proposed or existing Manufacturing District may, by petition addressed and presented to the Governor, pray him to establish a Manufacturing District in such place, or to alter the boundaries thereof, or to add to the manufactures to be carried on in any existing Manufacturing District.

Whenever there is not any inhabited house situated within the boundaries of a proposed or existing Manufacturing District, any person may by petition, signed by himself, and addressed and presented to the Governor, pray him to establish a Manufacturing District within such boundaries or to alter such boundaries, or to add to the manufactures to be carried on in any existing Manufacturing District.

Contents and signatures of petitions.

4. In every petition praying the establishment of a Manufacturing District shall be specified the proposed boundaries thereof, the manufactures which it shall be lawful to carry on within it, and the laws, orders, regulations, and by-laws, exemption from which is sought.

In every petition praying an alteration of the boundaries of a Manufacturing District shall be specified the desired alterations; the boundaries of the district, or additions to the manufactures to be carried on in such district, after the desired alterations or additions shall have been effected; and the reasons why the alterations are desired.

In every petition presented under this Act shall also be specified all other particulars which the Governor shall, by order or regulation, require or direct to be stated therein, and each petition shall contain a prayer specifying the relief which the petitioners wish to obtain.

Signature of petitions.

Every petition by ratepayers shall be signed by not less than three-fourths of the ratepayers of the corporate city, or town, or of the district under "The District Councils Act, 1876," named in the petition, and every petition by householders shall be signed by not less than three-fourths of the householders dwelling in houses situated within the boundaries of the proposed or existing Manufacturing District, and if there is not any inhabited house situated within such boundaries, the signature of the petitioner shall suffice.

5. No

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5. No part of the relief prayed for in such petition shall be granted until one week after the petition shall have been published by the petitioners for three successive weeks in the *Government Gazette*, and shall also during such three weeks have been published by them in such other newspapers (if any) and so often as the Governor may direct, and shall also have been laid before both Houses of Parliament for one month after the presenting thereof, if Parliament be then sitting, or if not, within one month after the commencement of the then ensuing Session, and if an address be presented to the Governor by either House of Parliament within such month, praying that such petition may be refused, the Governor shall thereupon refuse the same. The first publication in the *Government Gazette* of each such petition shall take place not later than fourteen days from the date of the presentation thereof to the Governor.

Relief not to be granted until after the publication of the petition.

6. Any person may, by memorial addressed and presented to the Governor not later than one week after the third successive publication in the *Government Gazette* of any such petition, show cause why some or all of the relief prayed for it should not be granted. In each such memorial shall be specified the objections to the granting of the relief prayed for, or of such part thereof as the memorialists object to, the grounds on which the objections are based, and all other particulars which the Governor may by order or regulation require or direct to be stated therein. Each memorial shall be published by the memorialists for two successive weeks in the *Government Gazette*, and shall also, during that time, be published by them in such other newspaper (if any), and so often as the Governor may direct, and the first publication thereof in the *Government Gazette* shall take place not later than fourteen days after the third publication therein of the petition to which it relates.

Cause may be shown against granting the relief.

Publication of memorials.

7. After the second publication of the memorials relating to any petition, or if there be no such memorial, one week after the last publication of the petition as aforesaid, and after the said petition shall have been laid before both Houses of Parliament, and not refused, as hereinbefore provided, the Governor may by Proclamation in the *Government Gazette*, grant or refuse all or some of the relief prayed for, and with or without such alteration or modification as to him may appear necessary or expedient; and before granting or refusing it, may require that the statements in the petitions and memorials respectively, or either of them, shall be substantiated by such proof and within such time as he may direct, or may appoint some person to inquire into and report upon the matter of any petition and of the memorials relating thereto.

Governor may require statements to be proved.

8. The Governor may by such Proclamation exempt such Manufacturing District, or any part thereof, from such of the enactments of "The Public Health Act," and of "The Public Health Amendment Act," and any other Act now or hereafter in force relating to public health, and of any regulations made under them, or either of

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of them; and also from such of the enactments of "The Municipal Corporations Act, 1880," and of "The District Councils Act, 1876," and of any other Act relating to Corporations or District Councils, and of any by-laws made under them, or either of them, as he shall think proper. In every Proclamation establishing a Manufacturing District, or altering the boundaries thereof, or altering or adding to the manufactures which may be carried on in such district, the boundaries of such district as so established or altered shall be defined; and the manufactures which may be carried on there shall also be specified in the Proclamation.

Proclamation to specify provisions from which District shall be exempted.

9. From and after such Proclamation all the orders, regulations, by-laws, and enactments specified in such Proclamation shall cease to have effect within and with respect to that Manufacturing District, or such part thereof; and no subsequent order or regulation of the Central Board of Health, or of any Local Board of Health, and no subsequent by-law made under "The Municipal Corporations Act, 1880," or "The District Councils Act, 1876," or such other Act as aforesaid, which is inconsistent with or contrary to, or which abrogates or lessens any right, privilege, or benefit conferred by or resulting from such exemption, shall have any effect or force within such Manufacturing District, or such part thereof; but whenever the boundaries of any Manufacturing District are altered so that any portion thereof ceases to be within the boundaries of such Manufacturing District then (unless and until such portion has become part of another Manufacturing District) all statutes, laws, by-laws, and regulations, which, but for such exemption, would have been in force within the limits of such Manufacturing District, shall thenceforward have the same force and effect in every place which has ceased to be or to form part of such district as they would have had if such exemption had never been made.

Power to carry on manufactures, &c.

10. Subject to the provisions and restrictions contained in this Act, and in the enactments incorporated with it, any person may, within a Manufacturing District, erect, execute, make, construct, maintain, and use all such buildings, works, and machinery as he shall require, and may do all acts necessary and proper for carrying on, and may carry on any manufacture authorised by Proclamation to be carried on there.

Limitation of powers of Corporations and District Councils over Manufacturing Districts.

11. Every Manufacturing District which is situated within the limits of a corporate city or town, or of a district under "The District Councils Act, 1876," shall, save as hereinafter mentioned, be subject to the jurisdiction of the Corporation, Town Council, or (as the case may be) of the District Council thereof, and to the jurisdiction of the Local Board of Health (if any) thereof, and of the Central Board of Health; but no such Corporation, Town Council, District Council, or Local Board of Health, or Central Board of Health shall exercise within or over any Manufacturing District, or the part thereof to which such exemption extends, any right or power which they or it might have exercised, or do, or cause

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cause to be done there any act which they or it might have done or caused to be done in pursuance or by virtue of the enactments, orders, regulations, and by-laws, or any of them from the operation of which such Manufacturing District, or such part thereof is exempted.

12. Every person who shall be seized or possessed of or entitled to any lands, or any estate, or interest in lands which shall be damaged or injuriously or prejudicially affected or deteriorated in marketable value by the erection, execution, construction, or making of any buildings, works, or machinery, erected, executed, constructed, or made for the purpose of or to be used in carrying on any manufacture authorised by Proclamation to be carried on within a Manufacturing District, or by the subsequent use of such buildings, works, or machinery, or any of them, or by the carrying on there of such manufacture, or by any immediate consequence resulting from the erection, execution, construction, making, or use of any such buildings, works, or machinery, or from the carrying on in such district of any such manufacture, shall be entitled to compensation for such damage, injury, prejudice, or deterioration: Provided always that compensation shall not be given in respect of land bought by the claimant after the establishment of the Manufacturing District, unless the purchase shall have been made in fulfilment of a valid agreement subsisting when the district was established: Provided also that all claims for compensation under this clause shall be made and prosecuted within three years from the time when the manufacture which is alleged to have caused the injury was first carried on. All compensation, where the amount claimed is less than Fifty Pounds, may be recovered in a summary way before a Special Magistrate or two Justices of the Peace; and where exceeding Fifty Pounds, may be settled in the manner provided by the sixty-eighth section of the "Lands Clauses Consolidation Act."

Persons entitled to compensation and mode of settling it.

13. Claimants of compensation under this Act may make parties to any proceedings for the settlement and recovery thereof, all persons by whom the damage, injury, or prejudice in respect of which the compensation shall be claimed has been done or permitted, or who have contributed thereto, and at any time after the commencement of any proceeding under this Act to obtain compensation the Court or a Judge may, of its own motion, or on the application of any party to the proceeding, order the claimant to make a party defendant to such proceeding any person whom the Court or Judge shall think ought to be a party thereto in order to effect complete justice in one and the same proceeding, and may by subsequent order stay all further proceedings until such former order has been obeyed, or may make such other order as shall seem to such Court or Judge proper to effect complete justice. Every person from whom compensation shall be claimed under this Act may join as parties to any proceeding for the settlement and recovery thereof all persons who have contributed to the damage, injury, or prejudice

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prejudice complained of, and the burden of proving that the persons so joined to the proceedings have contributed to such damage, injury, or prejudice shall lie on the person who made them parties to the proceedings. The jury, or other persons by whom the amount of compensation to be paid in any case to a claimant shall be determined, shall also fix the portion of such amount which is to be paid by each person liable to make compensation in that case, and each such person shall be liable for that portion, and for a proportionate amount of the costs of the proceedings, but for no more.

No liability for nuisance if manufacture properly carried on.

14. The carrying on within a Manufacturing District of any manufacture authorised by Proclamation to be carried on within such district, shall not be deemed a nuisance, or, save as aforesaid, subject any person engaged in carrying on the same to any proceeding, civil or criminal: Provided, however, that such persons shall not be entitled to the protection of this Act if it be proved that the said manufacture was not conducted and carried on in a proper manner to prevent the same becoming a nuisance.

Power to make general rules, &c.

15. The Governor may make general rules, orders, and regulations for the effectual execution of this Act and of the intention and objects thereof, and may thereby prescribe, define, and fix the forms of all such Proclamations, petitions, and memorials, and the mode of substantiating the statements therein, and the mode, time, and place of conducting any inquiry into the matter of any such petition or memorial, and the procedure to be adopted at such inquiry, and the mode and time of using for any such manufacture the buildings and machinery being in any Manufacturing District, and the mode and time of carrying on any such manufacture, so that the damage, injury, prejudice, and annoyance created thereby or arising therefrom may be as little as reasonably may be, and may also thereby prescribe, define, and fix the proceedings and forms and modes of procedure for ascertaining and recovering the price of land purchased or taken otherwise than by agreement, and for obtaining compensation under this Act in any particular in which the proceedings or forms and modes of procedure for such purposes under the said Ordinance are wholly or in part inapplicable, or are not sufficiently prescribed, defined, or fixed, and may also make all such other general rules, orders, and regulations as shall be in his judgment proper or necessary for carrying out all or any of the purposes of this Act, and for accomplishing all or any of the aforesaid purposes; and (whether such general rules, orders, and regulations shall have been made or no) in any case under this Act in which suitable or adequate proceedings, forms, or modes of procedure have not been provided, it shall be lawful for the Supreme Court or a Judge thereof to make such rules, orders, or regulations for that particular case or occasion as to such Court or Judge shall seem necessary or proper to effect justice.

Rules and regulations to be laid before Parliament.

16. All general rules, orders, and regulations made by virtue of the authority of this Act, or copies thereof shall be laid before both Houses

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Houses of Parliament not later than one month from the making thereof, if throughout such month Parliament shall be in Session, and if Parliament shall not be in Session throughout such month, then within one month after the commencement of the next ensuing Session thereof, and if not disallowed by express resolution of either House of Parliament within one month after being so laid before both Houses of Parliament, all such general rules, orders, and regulations shall, after the expiration of such lastly-mentioned month, be conclusively deemed to be valid, and shall have the force of law, and shall be judicially noticed, but until the expiration of such lastly-mentioned month shall not have any validity. All such general rules, orders, and regulations shall, as soon as conveniently may be after the making thereof, be published in the *Government Gazette*, and the production of a paper being or purporting to be a copy of the *Government Gazette*, in which all or any general rules, orders, and regulations shall be published shall, after such general rules, orders, and regulations respectively have obtained the force of law as aforesaid, be conclusive evidence that all the provisions of this Act in respect thereto have been complied with.

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

WM. F. DRUMMOND JERVOIS, Governor.