

[CONFIDENTIAL.]
(Rough Draft for Consideration Only.)

No. , 1932.

A BILL

To make provision for the establishment of noxious trades areas, and for the regulation, management, and control of such areas; to amend the Noxious Trades Act, 1902, and certain other Acts; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Noxious Trades Short title.
(Amendment) Act, 1932."

2.

Noxious Trades (Amendment).

2. The Noxious Trades Act, 1902, is amended—

Amendment of Act No. 82, 1902.

(a) by inserting next after section fourteen the following new short heading and sections:—

New ss. 14A-14E.

Noxious trade areas.

14A. (1) The Governor, on the recommendation of the Board, may by proclamation published in the Gazette—

Proclamation of noxious trade areas.

- (a) declare any defined area of land to be a noxious trade area for the districts specified in the proclamation;
- (b) revoke or vary any such declaration.

(2) As and from a date specified in the proclamation, the Board shall, for the purposes of this Act, be deemed to be the local authority in respect of such districts.

14B. (1) The Board may acquire land for a noxious trade area, by appropriation or resumption.

Acquisition of land for noxious trade area.

(2) Every noxious trade area so acquired shall be set apart, developed, and used as a noxious trade area for such districts as the Governor, on the recommendation of the Board, may by proclamation published in the Gazette, specify.

(3) The Governor, on the recommendation of the Board, may from time to time, by proclamation published in the Gazette, vary the districts so specified by adding thereto or excluding therefrom any district.

14c. (1) Where the Board proposes to acquire land by appropriation or resumption it may apply to the Governor.

Method of resumption. cf. Act No. 41, 1919, s. 536.

(2) The Board shall make provision to the satisfaction of the Governor for the payment of compensation for the land together with interest and all necessary charges and expenses incidental to the appropriation or resumption.

(3)

(3) The Governor may authorise the appropriation or resumption of the land.

(4) Thereupon the Minister for Public Works may—

(a) appropriate or resume the land by Gazette notification, under Division 1 of Part V of the Public Works Act, 1912; and

(b) notify that the land is vested in the Board.

(5) Thereupon the land shall vest in the Board.

(6) For the purposes of the Public Works Act, 1912, such appropriation or resumption shall be deemed to be for the purpose of carrying out an authorised work within the meaning of that Act.

14D. (1) Any land so vested in the Board shall be managed and controlled by the Board, who shall within and in respect to such area be deemed to be the local authority for the purposes of this Act. Control and management of noxious trade areas.

(2) The Board may, with the approval of the Governor, lease lands vested in them under this Act for such term or terms not exceeding fifty years as the Board thinks fit.

(3) The Board may, out of moneys provided by Parliament, or collected, received, or recovered pursuant to this Act, carry out such works for the improvement and proper utilization of the area for the purposes of the carrying on of noxious trades as to the Board may seem necessary and expedient.

14E. (1) The Governor, where a noxious trade area has been proclaimed under section 14A or acquired under section 14B and section 14C, may proclaim a date after which no noxious trade shall be carried on within the districts specified in the proclamation, save within the noxious trade area as proclaimed or acquired, Restriction on carrying on of noxious trades.
and

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and upon the thirtieth day of June after such date any license to carry on a noxious trade within such districts or elsewhere than in the noxious trade area so proclaimed or acquired shall determine, and shall not be renewed :

Provided that the Governor may, on the recommendation of the Board, by proclamation published in the Gazette—

- (a) suspend, in the case of any particular premises or license, the provisions of this section for such period or periods as he may deem proper in the circumstances ;
- (b) exempt from the operation of this section any specified class of noxious trade.

(2) This section shall not extend to any operation of the Metropolitan Meat Industry Board.

(b) by omitting section fifteen and by inserting in lieu thereof the following sections :—

15. (1) The Board shall establish such funds and accounts as are prescribed.

(2) The Colonial Treasurer may, for the purpose of acquiring any land for a noxious trade area or of developing or using as a noxious trade area any land vested in the Board, and set apart for that purpose, advance such moneys to the Board or guarantee such advances by a bank as the Governor may approve, upon such terms and conditions as to repayment and interest as may be agreed upon.

(3) There shall be paid to the credit of the Board all moneys collected, received, or recovered by the Board in pursuance of this Act or any regulation made thereunder.

(4) The funds of the Board may be operated on by the Board for the purposes of this Act in the manner prescribed.

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15A. (1) For the purposes and subject to the provisions of this Act, the Board may fix, make, demand, levy, and recover charges and fees in accordance with this section. Charges and fees. cf. Act No. 41, 1919, ss. 166, 167.

(2) Where a noxious trade area has been proclaimed under section 14A or acquired under section 14B and section 14c, and in respect of any noxious trade carried on within such area, or of any premises within such area at which any such trade is carried on, or of any person who carries on any such trade within such area, the Board, under the provisions of this Act or any regulation made thereunder—

- (a) makes any registration ; or
- (b) grants any license ; or
- (c) gives any permission ; or
- (d) furnishes any information ; or
- (e) receives any application for its approval ; or
- (f) provides any service,

the charge or fee may be fixed by the regulations, or, where there is no charge or fee so fixed, then the charge or fee may be fixed by resolution of the Board, subject to the maximum (if any) fixed by the regulations.

(3) In any such regulation or resolution provision may be made requiring a deposit or prepayment in respect of such charge or fee or the payment of such fee or charge by instalments.

3. (1) The Noxious Trades Act, 1902, is further amended— Further amendment of Act No. 82, 1902.

- (a) by omitting paragraph (b) of subsection two of section four ; Sec. 4 (2) (b).
- (b) (i) by inserting in section six after the word "municipality" wherever occurring the words "or shire" ; Sec. 6.
- (ii) by inserting in the same section after the words "within which a municipal" the words "or shire" ; (c)

- (c) (i) by inserting in paragraph (c) of section seven before the words "to keep" the words "except where the Board is deemed to be the local authority for the district"; Sec. 7. (Duties of local authorities.)
- (ii) by omitting paragraph (d) of the same section and by inserting in lieu thereof the following new paragraph:—
 - (d) to issue annual licenses in the form and in the manner prescribed upon payment of the fees prescribed, but, except where the Board is deemed to be the local authority for the district, only with the approval of the Board in that behalf previously obtained;
 - (iii) by inserting in paragraph (f) of the same section before the words "to furnish" the words "except where the Board is deemed to be the local authority for the district";
- (d) by omitting from section nine the words "the two next preceding sections" and by inserting in lieu thereof the words "this Act"; Sec. 9.
- (e) by omitting from section ten the words "or the next preceding section" and by inserting in lieu thereof the word "Act"; Sec. 10.
- (f) by inserting in section eleven before the words "The Board" where firstly occurring the words "Except where the Board is deemed to be the local authority for the district"; Sec. 11. (Board may require local authority to exercise powers or perform duties.)
- (g) (i) by inserting in subsection one of section sixteen after the word "regulations" the words "not inconsistent with this or any other Act"; Sec. 16.
- (ii) by omitting subsection three of the same section and by inserting in lieu thereof the following new subsection:—
 - (3) The regulations shall—
 - (a) be published in the Gazette;
 - (b) take effect from the date of publication, or from a later date specified in the regulations;

(c)

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(c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, or if not, then within fourteen sitting days after the commencement of the next session.

If either House passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

(2) The amendment to section sixteen made by ^{Saving of} ~~this~~ section shall not affect the validity and force of ^{regulations.} ~~regulations~~ made prior to the commencement of this Act, and such regulations shall continue in force until repealed or replaced by regulations made after such commencement.
