

RIVERS POLLUTION BILL.

(New clauses to be proposed in Committee of the Whole by MR. COX.)

It shall be lawful for the Governor, with the advice of the Executive Council, from time to time, by a notice published in the *Gazette* and in a newspaper published or circulating in the locality of any river, stream, or water-course affected by such notice, to declare that it is desirable to place any river, stream, or water-course, or any portion thereof (hereinafter called "water-course"), under the provisions of this Act, and such notice shall call upon all persons interested in the water-course to be affected by such notice, or causing any drainage or offensive matter to flow into such water-course, to set forth in writing, addressed to the Clerk of the Executive Council within three months from the first publication of such notice, any well-grounded objection that may appear to them to exist against the carrying out of the said notice; and if any objection shall be made, the same, and any evidence in support thereof, shall be considered by the Governor and Executive Council, who may, after due consideration thereof and if it shall seem advisable, place any water-course (the subject of such notice) under the provisions of this Act, and may make such orders and directions as to the removal of any drainage or offensive matter flowing into any such water-course as to the Governor and Executive Council may seem meet. Provided that in case any such order or direction shall involve the removal of any works, machinery, or buildings erected by any person, such person shall be allowed at least six months after such final order or direction within which to remove any works, machinery, or buildings he may have erected, or to prevent any drainage or offensive matter flowing into any water-course.

Governor may
proclaim rivers,
streams, and water-
courses.

If any party shall feel aggrieved by any determination or adjudication of any Justice of the Peace with respect to any penalty under the provisions of this Act, such party may appeal to the General or Quarter Sessions for the district or place in which the cause of appeal shall have arisen; but no such appeal shall be entertained unless it be made within four months next after the making of such determination or adjudication, nor unless ten days notice in writing of such appeal, stating the nature and grounds thereof, be given to the party against whom the appeal shall be brought, nor unless the appellant forthwith, after such notice, enter into recognizances, with two sufficient sureties, before a Justice of the Peace conditioned duly, to prosecute such appeal, and to abide the order of the Court thereon.

Parties allowed to
appeal to Quarter
Sessions on giving
security.

At the General or Quarter Sessions for which such notice shall be given, the Court shall proceed to hear and determine the appeal in a summary way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such appeal the Court may, if they think fit, mitigate any penalty, or they may confirm or quash the adjudication, and order any money paid by the appellant or levied by distress upon his goods to be returned to him; and also may order such further satisfaction to be made to the party injured as they may judge reasonable; and they may make such order concerning the costs both of the adjudication and of the appeal as they may think reasonable.

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Legislative Council.

52° VICTORIA, 1889.

A BILL

To prevent the Pollution of Rivers and other Watercourses.

[MR. W. H. SUTTON ;—3 April, 1889.]

WHEREAS it is desirable and expedient to prevent the pollution of rivers and other watercourses. Be it therefore enacted by the Queen'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. The Governor shall have power, from time to time, to declare by notice in the *Government Gazette* all such rivers and watercourses as he shall deem desirable to bring under the provisions of this Act. Governor may proclaim rivers and watercourses.
2. No Municipal Council or other corporate body shall cause any sewer or drain intended to carry faecal or other offensive matter to be constructed in such manner as to convey such faecal or other offensive matter into any river or watercourse proclaimed as aforesaid, and any person affected by the construction of such sewer or drain, any offensive or faecal matter conveyed thereby into any such river or other watercourse, may recover compensation in any Court of competent jurisdiction. Sewers and drains not to be connected with river or water-course.

jurisdiction from such Municipal Council or corporate body in such amount as such Court shall find to be justly due; and such Court may in every case make such order as to costs as the justice of the case shall require. Provided that in every case when a reasonable claim for compensation has been refused, the party aggrieved shall be entitled to double costs of suit. 5

Penalty for allowing water, &c., from manufacturing business to drain into river or watercourse.

3. Any persons or person carrying on any manufacturing business shall not allow any fæcal or other offensive matter, or any water, rendered impure and unfit for human or animal consumption by any process carried on in any such manufacturing business, to be drained, placed, or poured into any river or watercourse, proclaimed as aforesaid, under a penalty not exceeding *one hundred* pounds nor less than *ten* pounds. 10

Penalty for placing dead animal, &c., in river or watercourse.

4. No person shall cause any dead animal, or night-soil, or any stable or other manure to be placed in any river or watercourse, proclaimed as aforesaid, under a penalty not exceeding *fifty* pounds nor less than *five* pounds. 15

Recovery of penalties.

5. All penalties under sections three and four of this Act may be recovered before the nearest Court of Petty Sessions, upon the information of any person, and when any penalty shall be awarded then one moiety thereof may be payable to the informer. Provided that no second or subsequent penalty shall be awarded against any person under the third clause of this Act until after the expiration of thirty days after the infliction of any previous penalty. 20

Not to interfere with right of suing for damage.

6. Nothing herein contained, and no penalty inflicted hereunder, shall be held to interfere with any rights of suing for damage. 25

Commencement and short title of Act.

7. This Act shall come into force and take effect six months after the passing thereof, and may be styled and cited as the "Rivers Pollution Act of 1889."

Interpretation of terms.

8. The word "Governor" shall mean the Governor in Council; the word "animal," in clause four, shall mean any horse, ox, bull, cow, mule, ass, sheep, goat, pig, dog, cat, or any other animal whatsoever; the words "manufacturing business" shall mean any cloth factory, tannery, wool-washing, sheep-washing, or fellmongering establishment, as well as any slaughter-yard, piggery, stable, or dairy, or stock-yard or sheep-yard. 30 35

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