

Legislative Council

No. , 1905.

A BILL

To amend the Smoke Nuisance Abatement Act, 1902, and for other purposes connected therewith.

[MR. BRUNKER ;—13 *September*, 1905.]

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:—

5 **1.** This Act may be cited as the "Smoke Nuisance Abatement Short title.
(Amendment) Act, 1905," and shall be read as one with the Smoke
Nuisance Abatement Act, 1902, hereinafter called the Principal Act.

2. Notwithstanding anything in the Principal Act, the same To what furnaces
applicable.
shall apply to every furnace in the city of Sydney employed in the
10 working of any engine.

3. For the purposes of this and the Principal Act, all furnaces Furnaces on same
premises.
(communicating with the same chimney) upon the same premises
shall be deemed to be one furnace.

- Evidence of breach. **4.** If in any proceedings under the Principal Act evidence shall be given of smoke other than white smoke having issued from any chimney for a period of six minutes in the aggregate in any half-hour upon the date of the alleged offence such evidence shall be prima facie evidence that the furnace communicating with such chimney has not been so constructed as to prevent as far as possible the formation of smoke therein, or that such furnace has been so negligently used that smoke has arisen therefrom as may be alleged in the complaint, and the onus of proof to the contrary shall be upon the defendant. 5
- Power to enter upon premises. **5.** Any officer of the Municipal Council of Sydney, or of any municipality comprising any city, town, or hamlet subject to the provisions of the Principal Act, may at any time enter upon any premises within the said city or municipality, as the case may be, in which there shall be any furnace to which this or the Principal Act shall apply, and examine the same; and any person obstructing any such officer in such entry or examination shall be liable to a penalty not exceeding ten pounds. 10
- Penalty. **6.** If the owner or occupier of any premises in respect of any furnace upon which proceedings under the Principal Act are about to be taken is a corporation, it shall be sufficient to proceed against the manager, secretary, or other principal officer of such corporation who shall be deemed the owner or occupier of such premises for the purpose of such proceedings. 20
- Proceedings in the case of corporations. **7.** All penalties recovered in any proceeding under the Principal Act at the suit of the inspector of nuisances of the city of Sydney shall be paid into and form part of the City Fund, and all penalties recovered at the suit of an inspector of nuisances of any municipality shall be paid into and form part of the General Fund of such municipality. 25
- Application of penalties recovered.