

SOUTH AUSTRALIA

**MANUFACTURING INDUSTRIES PROTECTION ACT, 1937**

## **SUMMARY OF PROVISIONS**

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**MANUFACTURING INDUSTRIES PROTECTION ACT, 1937**

being

Manufacturing Industries Protection Act, 1937,  
No. 2355 of 1937 [Assented to 10 November 1937]

**An Act to enact certain provisions for the protection of the proprietors of factories.**

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

**Short title**

1. This Act may be cited as the *Manufacturing Industries Protection Act, 1937*.

**Interpretation**

2. In this Act "protected area" means an area which by any proclamation for the time being in force under this Act is declared to be a protected area.

**Declaration of protected areas**

3. (1) If the Governor is satisfied that it is desirable in the public interests that the proprietors and occupiers of factories in any area should obtain the protection provided for in this Act, he may by proclamation declare that that area (which shall be defined in the proclamation either by setting out the boundaries thereof or otherwise) shall be a protected area within the meaning of this Act.

(2) The Governor may from time to time, if he considers it in the public interest to do so, by proclamation extend or alter any protected area.

**Effect of proclamation**

4. So long as an area is a protected area under this Act—

- (a) no person shall be entitled to civil remedy, legal or equitable, on the ground of any noise or vibration arising (at any time whether before or after that area became a protected area or before or after the passing of this Act) from any factory within that area, unless he became the owner or occupier of the land or premises injuriously affected by the noise or vibration before manufacturing operations were originally commenced in the factory, or unless it is shown that the occupier of the factory has failed to take reasonable precautions to prevent the noise or vibration from becoming a nuisance;
- (b) no criminal proceedings shall be taken in respect of any such noise or vibration.

Provided that this section shall not affect the rights of any person under any judgment of a competent court given before the passing of this Act.

**Power to revoke proclamation**

5. Any proclamation made under section 3 may be revoked by proclamation if owing to the removal of all factories in the area the necessity for the protection provided by this Act shall have ceased.