

CLEAN AIR BILL, 1960.

EXPLANATORY NOTE.

THE object of this Bill is to deal with the mitigation and prevention of air pollution and to this end—

- (a) to constitute an Air Pollution Advisory Committee ;
- (b) to license certain premises enumerated in the Schedule to the Bill in proclaimed areas ;
- (c) to control the carrying on of any trade, industry or process or the operation of industrial plant on scheduled premises throughout the State ;
- (d) to control air pollution from premises other than scheduled premises ;
- (e) to afford authorised officers a right of entry to premises or places for purposes connected with the enforcement of the provisions of the Bill ;
- (f) to make further provisions incidental and ancillary to the foregoing.

PROOF

No. , 1960.

A BILL

Relating to the mitigation and prevention of air pollution; to repeal the Smoke Nuisance Abatement Act, 1902; to amend the Local Government Act, 1919, and certain other Acts; and for purposes connected therewith.

[Mr. SHEAHAN ;—8 April, 1960, A.M.]

Clean Air.

BE it 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 :—

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "Clean Air Act, 1960". Short title, commencement and division into Parts.
- 10 (2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

(3) This Act is divided into Parts, as follows :—

PART I.—PRELIMINARY.

15 PART II.—AIR POLLUTION ADVISORY COMMITTEE.

PART III.—SCHEDULED PREMISES.

DIVISION 1.—*Licensing of existing scheduled premises.*

DIVISION 2.—*Other provisions relating to scheduled premises.*

20 PART IV.—CONTROL OF AIR POLLUTION FROM PREMISES OTHER THAN SCHEDULED PREMISES.

PART V.—GENERAL PROVISIONS.

SCHEDULE.

2. (1) This Act shall be read and construed subject to the Commonwealth of Australia Constitution Act and so as not to exceed the legislative power of the State to the intent that where any provision of this Act or the application thereof to any person or circumstance is held invalid the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected.

(2) This Act binds the Crown.

Act binds Crown.

3. The Smoke Nuisance Abatement Act, 1902, is hereby repealed.

Repeal of Act No. 77, 1902.

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4. (1) Nothing in this Act shall affect any of the provisions of the Maritime Services Act, 1935, the Sydney Harbour Trust Act, 1900, the Navigation Act, 1901, or the Motor Traffic Act, 1909, or any Act amending or replacing any of those Acts, nor take away powers vested in any person or body by any of those Acts, or by any by-laws or regulations made thereunder. Certain Acts not affected.

(2) Where the provisions of this Act are inconsistent with the provisions of the Local Government Act, 1919, as amended by subsequent Acts, or the Public Health Act, 1902, as amended by subsequent Acts, the provisions of this Act shall prevail. Inconsistency of certain other Acts.

5. (1) In this Act, unless the context or subject matter otherwise indicates or requires— Interpretation.

15 "Act" includes regulations.

"Air impurity" includes smoke, dust (including fly ash), cinders, solid particles of any kind, gases, fumes, mists, odours and radioactive substances.

20 "Air pollution" means the emission into the air of any air impurity.

"Authorised officer" means for the purposes of Part III of this Act, an officer authorised in writing by the Under Secretary, and for the purposes of Part IV of this Act, an officer authorised in writing by the Under Secretary or by a local authority, either generally or specially, to act in matters of any kind or in any manner, in relation to Part III or Part IV of this Act, as the case may be, and for the purposes of Part V of this Act includes an officer authorised as aforesaid for the purposes of Part III or Part IV of this Act.

35 "Chimney" includes structures and openings of any kind from or through which air impurities may be emitted, and references to a chimney of or used in connection with any premises, include references to a chimney which serves the whole or a part of the premises though structurally separate from such premises or any building thereon. "Committee"

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"Committee" means the Air Pollution Advisory Committee constituted under this Act.

"Control equipment" means—

- 5 (a) any apparatus for separating any solid, liquid or gaseous air impurities from the gas medium in which they are carried;
- (b) any automatic device used for the securing of the more efficient operation of any process or fuel burning equipment;
- 10 (c) any device to indicate, or record the emission of air impurities or to give alarm when such emission is excessive; and
- (d) any other device used for the purposes of limiting the emission of air impurities.

15 "Department" means Department of Public Health.

"Fuel burning equipment" means any furnace, boiler, fireplace, oven, retort, incinerator, open fire, vehicle, ship, chimney, flue or stack, and every other apparatus, device, mechanism or structure used or
20 to be used in or in connection with the burning of fuel or other combustible material.

"Industrial plant" means any plant used for the generation of power or the operation of ships, dredges, locomotives, cranes or other machines using fuels for their
25 operation.

"License" means a valid and unexpired license or renewal of a license granted under this Act.

"Licensee" means the person to whom a license is granted or transferred under this Act.

30 "Local authority" means the council of a city, municipality or shire.

"Occupier" means the person in occupation or control of premises and in relation to any premises where different parts are occupied by different persons,
35 means the respective persons in occupation or control of each part.

"Practicable"

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5 “Practicable” means reasonably practicable having regard, amongst other things, to local conditions and circumstances, and to the current state of technical knowledge and “practicable means” includes the provision and maintenance of plant and the proper use thereof.

 “Prescribed” means prescribed by this Act or by the regulations.

 “Regulations” means regulations made under this Act.

10 “Scheduled premises” means premises from time to time included in the Schedule to this Act.

 “Under Secretary” means Under Secretary of the Department.

15 (2) (a) The Governor may amend the Schedule to this Act by inserting therein or removing therefrom any premises or class of premises.

 (b) The Schedule as so amended shall be the Schedule to this Act.

PART II.

20 AIR POLLUTION ADVISORY COMMITTEE.

6. (1) For the purposes of this Act there shall be Air constituted an Air Pollution Advisory Committee which shall consist of twelve members. Pollution
Advisory
Committee.

(2) The members of the Committee shall be—

25 (a) the person for the time being holding office as or duly acting in the office of Director-General of Public Health, or a person from time to time nominated by him; and

30 (b) eleven members appointed by the Governor (in this section referred to as “appointed members”) of whom—

 (i) two shall be officers of the Department nominated by the Minister;

(ii)

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- (ii) one shall be an officer of the Department of Local Government nominated by the Minister for Local Government and Highways;
- 5 (iii) one shall be a chemical engineer and one a fuel engineer, both nominated by the Minister;
- (iv) one shall be a representative of the University of Sydney nominated by the Senate of that University;
- 10 (v) one shall be a representative of the University of New South Wales nominated by the Council of that University;
- (vi) one shall be a representative of the Chamber of Manufactures of New South Wales nominated by that Chamber;
- 15 (vii) one shall be a representative of the Metal Trades Employers Association nominated by that Association;
- 20 (viii) two shall be representatives of the New South Wales Trades and Labor Council nominated by that Council.

(3) (a) The member referred to in paragraph (a) of subsection two of this section shall be chairman of the Committee.

25 (b) The chairman shall preside at all meetings of the Committee at which he is present and in the absence of the chairman from any meeting the members present shall appoint one of their number to preside at that meeting.

30 (4) (a) The procedure for the calling of meetings of the Committee and for the conduct of business at such meetings shall, subject to any regulations in relation thereto, be as determined by the Committee.

(b) The number of members who shall constitute a quorum of the Committee shall be as prescribed and the
35 decision of the majority of the members present at any meeting at which there is a quorum shall be the decision of the Committee. (c)

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(c) The chairman or member presiding at any meeting of the Committee shall have a deliberative vote and, in the event of an equality of votes, a second or casting vote.

(5) The appointed members shall hold office for a 5 period of three years and shall be eligible for reappointment.

(6) (a) If any casual vacancy occurs in the office of an appointed member, the Governor may appoint a person having a like qualification or being representative of the like interest as his predecessor, to hold office for the balance of 10 his predecessor's term of office.

(b) Any such appointment shall be made on the nomination of the person or body by whom the nomination of the person whose office has been vacated was made.

(7) Any nomination under this section (paragraph (a) 15 of subsection two excepted) shall be made within the time and in the manner prescribed and in default of any person or body entitled to make any such nomination doing so within such time and in such manner the Governor may appoint any person to the Committee as if that person had been duly 20 nominated by the person or body entitled to make the nomination.

(8) A member shall be deemed to have vacated his office if he—

- (a) dies;
- 25 (b) resigns his office by writing under his hand addressed to the Governor;
- (c) becomes an incapable person, a mentally ill person, a patient or a protected person within the meaning of the Mental Health Act, 1958;
- 30 (d) absents himself from four consecutive meetings of the Committee of which reasonable notice has been given to him either personally or in the ordinary course of post, except on leave granted by the Committee; or
- 35 (e) is removed from office by the Governor.

(9)

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(9) Every appointed member shall, if he is not a member of the Public Service, be paid such fees and travelling expenses for attending meetings and transacting business of the Committee, and making inspections under this Act, as
5 may be prescribed.

(10) The provisions of the Public Service Act, 1902, as amended by subsequent Acts, shall not apply to or in respect of the appointment of any appointed member, and any such member shall not, in his capacity as such member,
10 be subject to the provisions of any such Act during his term of office.

(11) (a) No act or proceeding of the Committee shall be invalidated or prejudiced by reason only of the fact that at the time such act or proceeding was done, taken or com-
15 menced, there was a vacancy in the office of any member.

(b) All acts and proceedings of the Committee shall, notwithstanding the subsequent discovery of any defect in the appointment of any member thereof, or that any member was disqualified to act, be as valid as if such member
20 had been duly appointed and was qualified to act and had acted as a member of the Committee, and as if the Committee had been properly and fully constituted.

7. (1) The Committee may establish sub-committees for Sub-
the purpose of advising the Committee upon such matters committees.
25 within the scope of the Committee's functions as may be referred to the sub-committees by the Committee.

(2) A person may be appointed to any such sub-committee whether or not he is a member of the Committee.

(3) (a) Any such sub-committee may exercise and
30 discharge such of the Committee's powers, authorities, duties and functions as may be delegated to it by the Committee.

(b) Notwithstanding any such delegation, the Committee may continue to exercise and discharge any of the powers, authorities, duties and functions so delegated.

(c)

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(c) The Committee may at any time revoke any such delegation, either wholly or in part.

(4) Every member of a sub-committee appointed in terms of this section shall, if he is not a member of the Public Service, be paid such fees and travelling expenses for attending meetings and transacting business of the sub-committee and making inspections under this Act, as may be prescribed.

8. (1) The Committee may initiate and refer to the Minister—
Functions of Committee.

- (a) recommendations for making, altering or repealing any regulation;
- (b) recommendations relating to the administration of this Act;
- 15 (c) recommendations for the prevention, abatement or mitigation of air pollution.

(2) It shall be the duty of the Committee to consider and advise the Minister upon such matters and questions as the Minister may from time to time refer to it relating to—

- 20 (a) any proposal for making, altering or repealing any regulation;
- (b) the administration of this Act;
- (c) the prevention, abatement or mitigation of air pollution.

PART III.

25

DIVISION 1.—*Licensing of existing scheduled premises.*

9. This Division shall apply within such parts of the State as may from time to time be specified by the Governor and notified by proclamation published in the Gazette.
Application of Division.

10. Any person who is the occupier of any scheduled premises in any part of the State to which this Division applies and who is not the holder of a license issued in respect of such premises shall be guilty of an offence against this Act.
Scheduled premises to be licensed.

The

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The provisions of this section shall not apply to any person—

- 5 (a) who at the time when the provisions of this Division are applied to any part of the State is the occupier of any scheduled premises within that part, until the expiration of a period of three months, or such longer period as the Minister may in any particular case or class of cases allow, after such provisions are so applied; or
- 10 (b) who—
 - (i) at the time when the provisions of this Division are applied to any part of the State is the occupier of any scheduled premises within that part; or
 - 15 (ii) at any time after the provisions of this Division are applied to any part of the State commences to use any premises as scheduled premises; and
- 20 has, in accordance with the provisions of this Act, made an application for a license in respect of such premises, until his application has been finally determined.

11. (1) (a) An application for a license under this Division or for any renewal or transfer thereof shall be made
25 to the Under Secretary in or to the effect of the prescribed form and shall be accompanied by the prescribed fee.

(b) The Under Secretary shall refer any such application to the Committee.

(c) An applicant for a license shall furnish such
30 information as the Under Secretary may in any case require.

(2) The Under Secretary—

- (a) shall grant any application for a license or for a renewal or transfer thereof, either subject to conditions or unconditionally;

(b)

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- (b) may during the currency of a license revoke or vary any condition attached to the license, or attach new conditions to the license.

The Under Secretary shall in imposing any conditions under paragraph (a), or in exercising any powers under paragraph (b), of this subsection have regard to any recommendation with respect thereto made by the Committee.

Without prejudice to the generality of the foregoing provisions of this subsection any conditions attached to a license may—

- (a) require the holder of the license—

- (i) to install and operate control equipment in or on any scheduled premises specified in the license;
- 15 (ii) to repair, alter or replace any control equipment installed in or on any such premises;
- (iii) to erect, or alter the height of, any chimney through which air impurities may be discharged from any such premises;
- 20 (iv) to carry out any of the requirements imposed on him under the foregoing provisions of this paragraph within such period as may be specified in such conditions;
- 25 (b) prohibit the holder of the license from altering or replacing any control equipment installed in or on any such premises except with the approval of the Department.

Any condition attached under this subsection to a license shall not have force until the time limited for appealing against such condition has expired, and where an appeal against such condition has been made under this Act, until the court hearing such appeal confirms the decision of the Under Secretary imposing such condition.

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(3) A license shall remain in force for a period of one year from the date of its issue and may from time to time be renewed within the prescribed time for a period of one year.

5 (4) Where a licensee ceases to be the occupier of any scheduled premises the occupier of such premises may make application in the prescribed form, accompanied by the prescribed fee, to the Under Secretary for approval of the transfer to him of the license in respect of such premises.

10 12. The Under Secretary shall cause to be kept such Register of registers of licenses as may be prescribed. licenses.

13. (1) The fee payable under this Division for a license Fees. shall be such amount as may be prescribed not exceeding five hundred pounds.

15 (2) Different fees may be prescribed in respect of different classes of scheduled premises or according to the location of scheduled premises or the number of persons employed at scheduled premises or according to any other prescribed factors.

20 (3) The fee payable in respect of the transfer of a license shall be as prescribed.

DIVISION 2.—Other provisions relating to scheduled premises.

14. The occupier of any scheduled premises shall main- Occupiers to maintain and operate control equipment.
25 tain any control equipment installed in or on such premises in an efficient condition and shall operate such equipment in a proper and efficient manner.

15. (1) The occupier of any scheduled premises shall not, Prescribed standards of air impurities not to be exceeded.
30 unless he is in special circumstances exempted from the provisions of this section by the Minister, conduct any trade, industry or process, or operate any industrial plant, on such premises in such a manner as to cause, prevent or allow the emission therefrom of air impurities in excess of the prescribed standard of concentration.

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(2) Where any such standard has not been so prescribed the occupier of any scheduled premises shall conduct any trade, industry or process, or operate any industrial plant, on such premises by such practicable means 5 as may be necessary to prevent the emission therefrom of air impurities.

16. (1) The occupier of any scheduled premises shall not—

- 10 (a) alter the method of operation of any trade, industry or process, or industrial plant, or install any equipment in or on such premises if by doing so he is likely to cause or increase the emission of air impurities from such premises;
- 15 (b) install, alter or replace any control equipment in or on such premises;
- (c) erect, or alter the height of, any chimney through which air impurities may be discharged from any such premises,

Certain work not to be carried out on scheduled premises except with approval of Under Secretary.

except with the approval of the Under Secretary or where so 20 required to do under section seventeen of this Act.

(2) A person shall not—

- (a) on or in any premises carry out any work that would cause such premises to be scheduled premises; or
- 25 (b) on any land construct any building designed for use for a purpose that would cause such land or building to be scheduled premises,

unless—

- 30 (i) plans and specifications of such work or building, as the case may be, have been submitted and approved by the Under Secretary; and
- (ii) the site on which such work is to be carried out or such building is to be erected has been approved by the Under Secretary.

(3)

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(3) Any application for an approval under this section shall be in the prescribed form and accompanied by—

- (a) the prescribed fee;
- 5 (b) details of the industry or process proposed to be carried on in the premises or proposed premises, together with details of the methods intended to be adopted so as to control the emission into the air of air impurities from such premises; and
- 10 (c) evidence that any necessary approval required under the Local Government Act, 1919, as amended by subsequent Acts, has been obtained.

The Under Secretary may require an applicant to furnish such other information in regard to any such application as may be deemed necessary.

- 15 (4) The Under Secretary shall refer any such application to the Committee.

(5) The Under Secretary may grant any such application either subject to conditions or unconditionally.

- 20 (6) The Under Secretary shall in exercising his powers under subsection one, two or five of this section have regard to any recommendation made by the Committee with respect to the application.

17. The Under Secretary may by notice in writing require the occupier of any scheduled premises to—

- 25 (a) install or operate control equipment in or on such premises;
- (b) repair, alter or replace any control equipment installed in or on such premises; or
- 30 (c) erect, or alter the height of, any chimney in or on such premises,

within such time as may be specified in the notice.

In exercising his powers under this section the Under Secretary shall have regard to any recommendation of the Committee with respect to the scheduled premises concerned.

Powers of Under Secretary to require work on scheduled premises.

PART

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PART IV.**CONTROL OF AIR POLLUTION FROM PREMISES OTHER THAN SCHEDULED PREMISES.**

18. This Part of this Act shall not apply to any scheduled
5 premises. Application
of this
Part.

19. The occupier of any premises or place on which there
is any fuel burning equipment shall not, unless he is in special
circumstances exempted by the Minister from the provisions
of this section, operate that equipment in such a manner as
10 to cause, permit or allow the emission therefrom of air
impurities in excess of the prescribed standard of concentra-
tion. Where any such standard has not been so prescribed
any such occupier shall use all practicable means of preventing
the emission of air impurities. Prevention
of air
pollution.

15 20. The local authority or the Under Secretary may by
notice in writing require the occupier of any premises on
which is conducted any trade, industry or process or on which
there is any fuel burning equipment to— Control of
trades,
industries,
processes
and fuel
burning
equipment.

- 20 (a) install or operate control equipment in or on such
premises;
(b) repair, alter or replace any control equipment
installed in or on such premises; or
(c) erect, or alter the height of, any chimney through
25 which air impurities may be discharged from any
such premises,

within such time as may be specified in the notice.

21. The owner of a mine or open cut working shall employ
all practicable means for preventing combustion of any refuse
deposited from the mine or open cut working at the surface
30 thereof and for preventing, abating or mitigating the emission
of air impurities from such refuse. Mines and
open cut
workings.

In this section "mine", "open cut working" and "owner"
have respectively the meanings ascribed thereto in the Coal
Mines Regulation Act, 1912, as amended by subsequent Acts.

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22. Where a local authority and the Under Secretary make any requirements under this Part of this Act in respect of any premises and those requirements are inconsistent, the requirement made by the Under Secretary shall prevail.

Requirement
of Under
Secretary
to prevail.

PART V.

GENERAL PROVISIONS.

23. The Department may—

Powers of
Department.

(a) consult with such persons, bodies and organisations as it thinks fit for the purpose of obtaining information with respect to and developing methods of controlling air pollution;

(b) give advice and assistance to the occupier of any premises for the purpose of assisting such occupier in preventing, abating or mitigating air pollution from such premises.

24. The local authority or the Under Secretary may, by notice in writing served on the occupier of any premises, require such occupier to furnish to it or him within fourteen days or such longer period as may be specified in the notice, such information as to any fuel burning equipment in or on such premises and the fuel or waste burned therein or thereon as it or he requires by the notice.

Owner of
premises
required
to furnish
information.

25. (1) Any person—

Appeals.

(a) being the applicant for a license or for the renewal or transfer of a license, or a licensee, aggrieved by any decision of the Under Secretary with respect to his application or license;

(b) being an applicant for the approval of the Under Secretary under section sixteen of this Act or a person on whom a notice under section seventeen of this Act has been served, and who is aggrieved by the decision of the Under Secretary with respect to his application or by the notice; or

(c)

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(c) being a person on whom a notice under section twenty of this Act has been served is aggrieved by the notice,

may, in accordance with the rules of the District Court made in that behalf, appeal to the District Court exercising jurisdiction in the district in which the premises, building or land concerned are or is situated and the decision of that Court shall be final and shall be given effect to by the Under Secretary.

(2) Every such appeal shall be in the nature of a rehearing.

26. (1) An authorised officer may at any reasonable time enter any premises or place and may therein or thereon—

Powers of authorised officers.

(a) examine and inspect any control equipment or fuel burning equipment;

(b) make such examination or inquiry and such tests as he considers necessary,

to ascertain whether the provisions of this Act or the conditions in force and attached to any license are being or have been complied with.

(2) If any person wilfully delays or obstructs any authorised officer in the exercise of his powers under this Act, or being the occupier of any premises, refuses to permit or does not assist any authorised officer to enter and inspect any such premises and to examine and inspect any control equipment or fuel burning equipment, he shall be guilty of an offence against this Act.

27. A certificate purporting to be signed by the Under Secretary or any prescribed officer certifying that on any date or during any period mentioned in the certificate any person was or was not the holder of a license or certain conditions were or were not attached to a license, or that certain particulars did or did not appear in any register kept under this Act shall without proof of the signature or of the official character of the person purporting to have signed the certificate be prima facie evidence of the matters certified in and by the certificate.

Certificates to be evidence of certain matters.

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28. If any person discloses any information relating to any manufacturing process or trade secret used in carrying on any particular undertaking which information has been furnished to or obtained by him under this Act or in connection
5 with the execution thereof, he shall, unless the disclosure is made—

- (a) with the consent of the person carrying on that undertaking; or
- (b) in connection with the execution of this Act; or
- 10 (c) for the purposes of any legal proceedings arising out of this Act or of any report of such proceedings, be guilty of an offence against this Act.

29. Any person who—

Penalty.

- 15 (a) fails to comply with any of the provisions of this Act;
- (b) being a licensee, does not comply with any condition or prohibition in force and attached to the license issued to him under this Act;
- 20 (c) fails to comply with any condition subject to which an approval is granted by the Under Secretary; or
- (d) neglects or fails to comply with any requirement under this Act,

shall be guilty of an offence against this Act.

Any person guilty of an offence against this Act shall where
25 no other penalty is expressly provided be liable to a penalty not exceeding two hundred pounds and in the case of a continuing offence, a penalty not exceeding five pounds for each day the offence continues.

30. All proceedings for offences against this Act shall be
30 disposed of summarily before a stipendiary magistrate or two justices in petty sessions.

31. Where a person convicted of an offence against this Act is a body corporate, every person who at the time of the commission of the offence was a director or officer of the
body

Unjustified disclosure of information.

Proceedings for offences.

Offences by bodies corporate.

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body corporate shall be deemed to have committed the like offence and be liable to the penalty provided by this Act for such offence accordingly, unless he proves that the offence was committed without his knowledge or that he used all due diligence to prevent the commission of the offence.

32. (1) The Governor may make regulations for or with Regulations. respect to—

- 10 (a) the form and manner of applying for and granting, and the matters to be taken into consideration in respect of any application for, a license or any transfer of a license;
 - (b) the keeping of registers under this Act;
 - 15 (c) the types of tests to be carried out and the records to be maintained by occupiers of scheduled premises with respect to the emission of air impurities and the consumption of fuel on such premises;
 - (d) the types of control equipment that may be used in or on any premises, and the manner in which such equipment shall be operated and maintained;
 - 20 (e) the types of fuel or fuel burning equipment that may be used in any area or place specified in the regulations;
 - 25 (f) empowering the Minister to order the cessation of the operation of any trade, industry, process or equipment in or on any premises for such period as is specified in the order if the Minister considers such a course necessary in the interests of public health;
 - 30 (g) prescribing standards of concentration or density of air impurities for the purpose of any prescribed trade, industry, process or equipment or any scheduled premises; the method of making tests for the purposes of ascertaining whether any of the provisions of this Act or any conditions attached to a license are being or have been complied with;
 - 35 and providing that any such test shall only be made in accordance with the prescribed method;
- (h)

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(h) prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act.

5 (2) Any regulations made under paragraphs (a) to (g) inclusive of subsection one of this section shall be made upon the recommendation of the Committee.

(3) A regulation may be made to apply or to have operation throughout the whole or any part of the State, may
10 be of general or specially limited application according to time, place or circumstances, and may be general or restricted to any specified class or subject-matter.

(4) The regulations may impose a penalty not exceeding fifty pounds for any breach thereof, and in the case of a
15 continuing breach, a penalty not exceeding five pounds for each day the breach continues.

(5) The regulations shall—

- (a) be published in the Gazette;
- 20 (b) take effect from the date of such publication or from a later date to be specified in the regulations;
- (c) be laid before both Houses of Parliament within fourteen sitting days if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

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

30 **33.** The Local Government Act, 1919, as amended by subsequent Acts, is amended by inserting at the end of section three hundred and thirteen the following new paragraphs :—

- (m) whether any control equipment or fuel burning equipment is to be provided in the building and if
35 so whether proper provision is to be made to prevent the

Amendment
of Act No.
41, 1919,
s. 313.
(Subjects
for con-
sideration.)

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the emission of air impurities in excess of the standards of concentration or density prescribed under the Clean Air Act, 1960.

5 Paragraph (m) of this section shall not apply to scheduled premises.

In this section "air impurities" "control equipment" "fuel burning equipment" and "scheduled premises" respectively have the meanings ascribed thereto in the Clean Air Act, 1960.

10

SCHEDULE.

SCHEDULED PREMISES.

Any premises—

(a) being used for—

- Brick, tile, pipe and pottery works.
- 15 Cement works.
- Chemical manufacturing works of any kind.
- Works in which plastics or insecticides are manufactured.
- Coal gas works.
- Metallurgical works reclaiming metal from scrap.
- 20 Metallurgical works smelting or converting ores to metal of any kind.
- Oil refineries.

(b) on which there are—

- Coke ovens.
- 25 Furnaces used for the melting of non-ferrous metals for casting purposes.
- Furnaces and cupolas used for the melting of alloys of iron, or steel.
- 30 Boilers consuming more than one ton of solid fuel per hour.

April 1960

The first of the four papers in this section is by Dr. J. H. Van der Pol, who discusses the problem of the "fading" of the signal in the presence of noise. The second paper is by Dr. J. H. Van der Pol, who discusses the problem of the "fading" of the signal in the presence of noise. The third paper is by Dr. J. H. Van der Pol, who discusses the problem of the "fading" of the signal in the presence of noise. The fourth paper is by Dr. J. H. Van der Pol, who discusses the problem of the "fading" of the signal in the presence of noise.

10. J. H. Van der Pol, "The problem of the 'fading' of the signal in the presence of noise," *Journal of the Royal Society*, vol. 1, no. 1, pp. 1-10, 1960.
11. J. H. Van der Pol, "The problem of the 'fading' of the signal in the presence of noise," *Journal of the Royal Society*, vol. 1, no. 1, pp. 1-10, 1960.
12. J. H. Van der Pol, "The problem of the 'fading' of the signal in the presence of noise," *Journal of the Royal Society*, vol. 1, no. 1, pp. 1-10, 1960.
13. J. H. Van der Pol, "The problem of the 'fading' of the signal in the presence of noise," *Journal of the Royal Society*, vol. 1, no. 1, pp. 1-10, 1960.
14. J. H. Van der Pol, "The problem of the 'fading' of the signal in the presence of noise," *Journal of the Royal Society*, vol. 1, no. 1, pp. 1-10, 1960.
15. J. H. Van der Pol, "The problem of the 'fading' of the signal in the presence of noise," *Journal of the Royal Society*, vol. 1, no. 1, pp. 1-10, 1960.
16. J. H. Van der Pol, "The problem of the 'fading' of the signal in the presence of noise," *Journal of the Royal Society*, vol. 1, no. 1, pp. 1-10, 1960.
17. J. H. Van der Pol, "The problem of the 'fading' of the signal in the presence of noise," *Journal of the Royal Society*, vol. 1, no. 1, pp. 1-10, 1960.
18. J. H. Van der Pol, "The problem of the 'fading' of the signal in the presence of noise," *Journal of the Royal Society*, vol. 1, no. 1, pp. 1-10, 1960.
19. J. H. Van der Pol, "The problem of the 'fading' of the signal in the presence of noise," *Journal of the Royal Society*, vol. 1, no. 1, pp. 1-10, 1960.
20. J. H. Van der Pol, "The problem of the 'fading' of the signal in the presence of noise," *Journal of the Royal Society*, vol. 1, no. 1, pp. 1-10, 1960.

No. , 1960.

A BILL

Relating to the mitigation and prevention of air pollution; to repeal the Smoke Nuisance Abatement Act, 1902; to amend the Local Government Act, 1919, and certain other Acts; and for purposes connected therewith.

[Mr. SHEAHAN;—8 April, 1960, A.M.]

Clean Air.

BE it 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 :—

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "Clean Air Act, 1960". Short title, commencement and division into Parts.
- 10 (2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

(3) This Act is divided into Parts, as follows :—

PART I.—PRELIMINARY.

15 PART II.—AIR POLLUTION ADVISORY COMMITTEE.

PART III.—SCHEDULED PREMISES.

DIVISION 1.—*Licensing of existing scheduled premises.*

DIVISION 2.—*Other provisions relating to scheduled premises.*

20 PART IV.—CONTROL OF AIR POLLUTION FROM PREMISES OTHER THAN SCHEDULED PREMISES.

PART V.—GENERAL PROVISIONS.

SCHEDULE.

2. (1) This Act shall be read and construed subject to the Commonwealth of Australia Constitution Act and so as not to exceed the legislative power of the State to the intent that where any provision of this Act or the application thereof to any person or circumstance is held invalid the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected.

(2) This Act binds the Crown.

Act binds Crown.

3. The Smoke Nuisance Abatement Act, 1902, is hereby repealed.

Repeal of Act No. 77, 1902.

4.

Clean Air.

4. (1) Nothing in this Act shall affect any of the provisions of the Maritime Services Act, 1935, the Sydney Harbour Trust Act, 1900, the Navigation Act, 1901, or the Motor Traffic Act, 1909, or any Act amending or replacing any of those Acts, nor take away powers vested in any person or body by any of those Acts, or by any by-laws or regulations made thereunder. Certain Acts not affected.

(2) Where the provisions of this Act are inconsistent with the provisions of the Local Government Act, 1919, as amended by subsequent Acts, or the Public Health Act, 1902, as amended by subsequent Acts, the provisions of this Act shall prevail. Inconsistency of certain other Acts.

5. (1) In this Act, unless the context or subject matter otherwise indicates or requires— Interpretation.

15 "Act" includes regulations.

"Air impurity" includes smoke, dust (including fly ash), cinders, solid particles of any kind, gases, fumes, mists, odours and radioactive substances.

20 "Air pollution" means the emission into the air of any air impurity.

"Authorised officer" means for the purposes of Part III of this Act, an officer authorised in writing by the Under Secretary, and for the purposes of Part IV of this Act, an officer authorised in writing by the Under Secretary or by a local authority, either generally or specially, to act in matters of any kind or in any manner, in relation to Part III or Part IV of this Act, as the case may be, and for the purposes of Part V of this Act includes an officer authorised as aforesaid for the purposes of Part III or Part IV of this Act.

35 "Chimney" includes structures and openings of any kind from or through which air impurities may be emitted, and references to a chimney of or used in connection with any premises, include references to a chimney which serves the whole or a part of the premises though structurally separate from such premises or any building thereon. "Committee"

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"Committee" means the Air Pollution Advisory Committee constituted under this Act.

"Control equipment" means—

- 5 (a) any apparatus for separating any solid, liquid or gaseous air impurities from the gas medium in which they are carried;
- (b) any automatic device used for the securing of the more efficient operation of any process or fuel burning equipment;
- 10 (c) any device to indicate, or record the emission of air impurities or to give alarm when such emission is excessive; and
- (d) any other device used for the purposes of limiting the emission of air impurities.

15 "Department" means Department of Public Health.

"Fuel burning equipment" means any furnace, boiler, fireplace, oven, retort, incinerator, open fire, vehicle, ship, chimney, flue or stack, and every other apparatus, device, mechanism or structure used or
20 to be used in or in connection with the burning of fuel or other combustible material.

"Industrial plant" means any plant used for the generation of power or the operation of ships, dredges, locomotives, cranes or other machines using fuels for their
25 operation.

"License" means a valid and unexpired license or renewal of a license granted under this Act.

"Licensee" means the person to whom a license is granted or transferred under this Act.

30 "Local authority" means the council of a city, municipality or shire.

"Occupier" means the person in occupation or control of premises and in relation to any premises where different parts are occupied by different persons,
35 means the respective persons in occupation or control of each part.

"Practicable"

Clean Air.

- 5 “Practicable” means reasonably practicable having regard, amongst other things, to local conditions and circumstances, and to the current state of technical knowledge and “practicable means” includes the provision and maintenance of plant and the proper use thereof.
- “Prescribed” means prescribed by this Act or by the regulations.
- “Regulations” means regulations made under this Act.
- 10 “Scheduled premises” means premises from time to time included in the Schedule to this Act.
- “Under Secretary” means Under Secretary of the Department.
- (2) (a) The Governor may amend the Schedule to 15 this Act by inserting therein or removing therefrom any premises or class of premises.
- (b) The Schedule as so amended shall be the Schedule to this Act.

PART II.

20 AIR POLLUTION ADVISORY COMMITTEE.

6. (1) For the purposes of this Act there shall be Air 25 constituted an Air Pollution Advisory Committee which Pollution Advisory Committee. shall consist of twelve members.
- (2) The members of the Committee shall be—
- 25 (a) the person for the time being holding office as or duly acting in the office of Director-General of Public Health, or a person from time to time nominated by him; and
- 30 (b) eleven members appointed by the Governor (in this section referred to as “appointed members”) of whom—
- (i) two shall be officers of the Department nominated by the Minister;
- (ii)

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- (ii) one shall be an officer of the Department of Local Government nominated by the Minister for Local Government and Highways;
- 5 (iii) one shall be a chemical engineer and one a fuel engineer, both nominated by the Minister;
- (iv) one shall be a representative of the University of Sydney nominated by the Senate of that University;
- 10 (v) one shall be a representative of the University of New South Wales nominated by the Council of that University;
- (vi) one shall be a representative of the Chamber of Manufactures of New South Wales nominated by that Chamber;
- 15 (vii) one shall be a representative of the Metal Trades Employers Association nominated by that Association;
- 20 (viii) two shall be representatives of the New South Wales Trades and Labor Council nominated by that Council.

(3) (a) The member referred to in paragraph (a) of subsection two of this section shall be chairman of the Committee.

- 25 (b) The chairman shall preside at all meetings of the Committee at which he is present and in the absence of the chairman from any meeting the members present shall appoint one of their number to preside at that meeting.

30 (4) (a) The procedure for the calling of meetings of the Committee and for the conduct of business at such meetings shall, subject to any regulations in relation thereto, be as determined by the Committee.

- (b) The number of members who shall constitute a quorum of the Committee shall be as prescribed and the
- 35 decision of the majority of the members present at any meeting at which there is a quorum shall be the decision of the Committee.
- (c)

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(c) The chairman or member presiding at any meeting of the Committee shall have a deliberative vote and, in the event of an equality of votes, a second or casting vote.

(5) The appointed members shall hold office for a 5 period of three years and shall be eligible for reappointment.

(6) (a) If any casual vacancy occurs in the office of an appointed member, the Governor may appoint a person having a like qualification or being representative of the like interest as his predecessor, to hold office for the balance of 10 his predecessor's term of office.

(b) Any such appointment shall be made on the nomination of the person or body by whom the nomination of the person whose office has been vacated was made.

(7) Any nomination under this section (paragraph (a) 15 of subsection two excepted) shall be made within the time and in the manner prescribed and in default of any person or body entitled to make any such nomination doing so within such time and in such manner the Governor may appoint any person to the Committee as if that person had been duly 20 nominated by the person or body entitled to make the nomination.

(8) A member shall be deemed to have vacated his office if he—

- (a) dies;
- 25 (b) resigns his office by writing under his hand addressed to the Governor;
- (c) becomes an incapable person, a mentally ill person, a patient or a protected person within the meaning of the Mental Health Act, 1958;
- 30 (d) absents himself from four consecutive meetings of the Committee of which reasonable notice has been given to him either personally or in the ordinary course of post, except on leave granted by the Committee; or
- 35 (e) is removed from office by the Governor.

(9)

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(9) Every appointed member shall, if he is not a member of the Public Service, be paid such fees and travelling expenses for attending meetings and transacting business of the Committee, and making inspections under this Act, as may be prescribed.

(10) The provisions of the Public Service Act, 1902, as amended by subsequent Acts, shall not apply to or in respect of the appointment of any appointed member, and any such member shall not, in his capacity as such member, be subject to the provisions of any such Act during his term of office.

(11) (a) No act or proceeding of the Committee shall be invalidated or prejudiced by reason only of the fact that at the time such act or proceeding was done, taken or commenced, there was a vacancy in the office of any member.

(b) All acts and proceedings of the Committee shall, notwithstanding the subsequent discovery of any defect in the appointment of any member thereof, or that any member was disqualified to act, be as valid as if such member had been duly appointed and was qualified to act and had acted as a member of the Committee, and as if the Committee had been properly and fully constituted.

7. (1) The Committee may establish sub-committees for the purpose of advising the Committee upon such matters within the scope of the Committee's functions as may be referred to the sub-committees by the Committee.

(2) A person may be appointed to any such sub-committee whether or not he is a member of the Committee.

(3) (a) Any such sub-committee may exercise and discharge such of the Committee's powers, authorities, duties and functions as may be delegated to it by the Committee.

(b) Notwithstanding any such delegation, the Committee may continue to exercise and discharge any of the powers, authorities, duties and functions so delegated.

(c)

Clean Air.

(c) The Committee may at any time revoke any such delegation, either wholly or in part.

(4) Every member of a sub-committee appointed in terms of this section shall, if he is not a member of the Public Service, be paid such fees and travelling expenses for attending meetings and transacting business of the sub-committee and making inspections under this Act, as may be prescribed.

8. (1) The Committee may initiate and refer to the ^{Functions of Committee.} Minister—

- (a) recommendations for making, altering or repealing any regulation;
- (b) recommendations relating to the administration of this Act;
- 15 (c) recommendations for the prevention, abatement or mitigation of air pollution.

(2) It shall be the duty of the Committee to consider and advise the Minister upon such matters and questions as the Minister may from time to time refer to it relating to—

- 20 (a) any proposal for making, altering or repealing any regulation;
- (b) the administration of this Act;
- (c) the prevention, abatement or mitigation of air pollution.

PART III.

DIVISION 1.—*Licensing of existing scheduled premises.*

9. This Division shall apply within such parts of the State ^{Application of Division.} as may from time to time be specified by the Governor and notified by proclamation published in the Gazette.

10. Any person who is the occupier of any scheduled premises in any part of the State to which this Division applies ^{Scheduled premises to be licensed.} and who is not the holder of a license issued in respect of such premises shall be guilty of an offence against this Act.

The

Clean Air.

The provisions of this section shall not apply to any person—

- 5 (a) who at the time when the provisions of this Division are applied to any part of the State is the occupier of any scheduled premises within that part, until the expiration of a period of three months, or such longer period as the Minister may in any particular case or class of cases allow, after such provisions are so applied; or
- 10 (b) who—
- (i) at the time when the provisions of this Division are applied to any part of the State is the occupier of any scheduled premises within that part; or
- 15 (ii) at any time after the provisions of this Division are applied to any part of the State commences to use any premises as scheduled premises; and
- 20 has, in accordance with the provisions of this Act, made an application for a license in respect of such premises, until his application has been finally determined.

11. (1) (a) An application for a license under this Division or for any renewal or transfer thereof shall be made
25 to the Under Secretary in or to the effect of the prescribed form and shall be accompanied by the prescribed fee.

(b) The Under Secretary shall refer any such application to the Committee.

(c) An applicant for a license shall furnish such
30 information as the Under Secretary may in any case require.

(2) The Under Secretary—

- (a) shall grant any application for a license or for a renewal or transfer thereof, either subject to conditions or unconditionally;

(b)

Clean Air.

- (b) may during the currency of a license revoke or vary any condition attached to the license, or attach new conditions to the license.

The Under Secretary shall in imposing any conditions under paragraph (a), or in exercising any powers under paragraph (b), of this subsection have regard to any recommendation with respect thereto made by the Committee.

Without prejudice to the generality of the foregoing provisions of this subsection any conditions attached to a license may—

- (a) require the holder of the license—
- (i) to install and operate control equipment in or on any scheduled premises specified in the license;
 - 15 (ii) to repair, alter or replace any control equipment installed in or on any such premises;
 - (iii) to erect, or alter the height of, any chimney through which air impurities may be discharged from any such premises;
 - 20 (iv) to carry out any of the requirements imposed on him under the foregoing provisions of this paragraph within such period as may be specified in such conditions;
- (b) prohibit the holder of the license from altering or replacing any control equipment installed in or on any such premises except with the approval of the Department.
- 25

Any condition attached under this subsection to a license shall not have force until the time limited for appealing against such condition has expired, and where an appeal against such condition has been made under this Act, until the court hearing such appeal confirms the decision of the Under Secretary imposing such condition.

30

(3)

Clean Air.

(3) A license shall remain in force for a period of one year from the date of its issue and may from time to time be renewed within the prescribed time for a period of one year.

- 5 (4) Where a licensee ceases to be the occupier of any scheduled premises the occupier of such premises may make application in the prescribed form, accompanied by the prescribed fee, to the Under Secretary for approval of the transfer to him of the license in respect of such premises.

- 10 12. The Under Secretary shall cause to be kept such registers of licenses as may be prescribed. Register of licenses.

13. (1) The fee payable under this Division for a license shall be such amount as may be prescribed not exceeding five hundred pounds. Fees.

- 15 (2) Different fees may be prescribed in respect of different classes of scheduled premises or according to the location of scheduled premises or the number of persons employed at scheduled premises or according to any other prescribed factors.

- 20 (3) The fee payable in respect of the transfer of a license shall be as prescribed.

DIVISION 2.—Other provisions relating to scheduled premises.

14. The occupier of any scheduled premises shall maintain any control equipment installed in or on such premises in an efficient condition and shall operate such equipment in a proper and efficient manner. Occupiers to maintain and operate control equipment.

15. (1) The occupier of any scheduled premises shall not, unless he is in special circumstances exempted from the provisions of this section by the Minister, conduct any trade, industry or process, or operate any industrial plant, on such premises in such a manner as to cause, permit or allow the emission therefrom of air impurities in excess of the prescribed standard of concentration. Prescribed standards of air impurities not to be exceeded.

(2)

Clean Air.

(2) Where any such standard has not been so prescribed the occupier of any scheduled premises shall conduct any trade, industry or process, or operate any industrial plant, on such premises by such practicable means as may be necessary to prevent the emission therefrom of air impurities.

16. (1) The occupier of any scheduled premises shall not—
- 10 (a) alter the method of operation of any trade, industry or process, or industrial plant, or install any equipment in or on such premises if by doing so he is likely to cause or increase the emission of air impurities from such premises;
- 15 (b) install, alter or replace any control equipment in or on such premises;
- (c) erect, or alter the height of, any chimney through which air impurities may be discharged from any such premises,
- except with the approval of the Under Secretary or where so required to do under section seventeen of this Act.

Certain work not to be carried out on scheduled premises except with approval of Under Secretary.

- (2) A person shall not—
- (a) on or in any premises carry out any work that would cause such premises to be scheduled premises; or
- 25 (b) on any land construct any building designed for use for a purpose that would cause such land or building to be scheduled premises,
- unless—
- 30 (i) plans and specifications of such work or building, as the case may be, have been submitted and approved by the Under Secretary; and
- (ii) the site on which such work is to be carried out or such building is to be erected has been approved by the Under Secretary.

(3)

Clean Air.

(3) Any application for an approval under this section shall be in the prescribed form and accompanied by—

- (a) the prescribed fee;
- 5 (b) details of the industry or process proposed to be carried on in the premises or proposed premises, together with details of the methods intended to be adopted so as to control the emission into the air of air impurities from such premises; and
- 10 (c) evidence that any necessary approval required under the Local Government Act, 1919, as amended by subsequent Acts, has been obtained.

The Under Secretary may require an applicant to furnish such other information in regard to any such application as may be deemed necessary.

- 15 (4) The Under Secretary shall refer any such application to the Committee.

(5) The Under Secretary may grant any such application either subject to conditions or unconditionally.

- 20 (6) The Under Secretary shall in exercising his powers under subsection one, two or five of this section have regard to any recommendation made by the Committee with respect to the application.

17. The Under Secretary may by notice in writing require the occupier of any scheduled premises to—

- 25 (a) install or operate control equipment in or on such premises;
- (b) repair, alter or replace any control equipment installed in or on such premises; or
- 30 (c) erect, or alter the height of, any chimney in or on such premises,

within such time as may be specified in the notice.

In exercising his powers under this section the Under Secretary shall have regard to any recommendation of the Committee with respect to the scheduled premises concerned.

Powers of Under Secretary to require work on scheduled premises.

Clean Air.

PART IV.**CONTROL OF AIR POLLUTION FROM PREMISES OTHER THAN SCHEDULED PREMISES.**

18. This Part of this Act shall not apply to any scheduled
5 premises. Application
of this
Part.

19. The occupier of any premises or place on which there
is any fuel burning equipment shall not, unless he is in special
circumstances exempted by the Minister from the provisions
of this section, operate that equipment in such a manner as
10 to cause, permit or allow the emission therefrom of air
impurities in excess of the prescribed standard of concentra-
tion. Where any such standard has not been so prescribed
any such occupier shall use all practicable means of preventing
the emission of air impurities. Prevention
of air
pollution.

15 20. The local authority or the Under Secretary may by
notice in writing require the occupier of any premises on
which is conducted any trade, industry or process or on which
there is any fuel burning equipment to— Control of
trades,
industries,
processes
and fuel
burning
equipment.

20 (a) install or operate control equipment in or on such
premises;

(b) repair, alter or replace any control equipment
installed in or on such premises; or

25 (c) erect, or alter the height of, any chimney through
which air impurities may be discharged from any
such premises,

within such time as may be specified in the notice.

21. The owner of a mine or open cut working shall employ
all practicable means for preventing combustion of any refuse
deposited from the mine or open cut working at the surface
30 thereof and for preventing, abating or mitigating the emission
of air impurities from such refuse. Mines and
open cut
workings.

In this section "mine", "open cut working" and "owner"
have respectively the meanings ascribed thereto in the Coal
Mines Regulation Act, 1912, as amended by subsequent Acts.

Clean Air.

22. Where a local authority and the Under Secretary make any requirements under this Part of this Act in respect of any premises and those requirements are inconsistent, the requirement made by the Under Secretary shall prevail.

Requirement of Under Secretary to prevail.

PART V.**GENERAL PROVISIONS.**

23. The Department may—

Powers of Department.

- (a) consult with such persons, bodies and organisations as it thinks fit for the purpose of obtaining information with respect to and developing methods of controlling air pollution;
- (b) give advice and assistance to the occupier of any premises for the purpose of assisting such occupier in preventing, abating or mitigating air pollution from such premises.

24. The local authority or the Under Secretary may, by notice in writing served on the occupier of any premises, require such occupier to furnish to it or him within fourteen days or such longer period as may be specified in the notice, such information as to any fuel burning equipment in or on such premises and the fuel or waste burned therein or thereon as it or he requires by the notice.

Owner of premises required to furnish information.

25. (1) Any person—

Appeals.

- (a) being the applicant for a license or for the renewal or transfer of a license, or a licensee, aggrieved by any decision of the Under Secretary with respect to his application or license;
- (b) being an applicant for the approval of the Under Secretary under section sixteen of this Act or a person on whom a notice under section seventeen of this Act has been served, and who is aggrieved by the decision of the Under Secretary with respect to his application or by the notice; or

(c)

Clean Air.

(c) being a person on whom a notice under section twenty of this Act has been served is aggrieved by the notice,

may, in accordance with the rules of the District Court made in that behalf, appeal to the District Court exercising jurisdiction in the district in which the premises, building or land concerned are or is situated and the decision of that Court shall be final and shall be given effect to by the Under Secretary.

(2) Every such appeal shall be in the nature of a rehearing.

26. (1) An authorised officer may at any reasonable time enter any premises or place and may therein or thereon— Powers of authorised officers.

(a) examine and inspect any control equipment or fuel burning equipment;

(b) make such examination or inquiry and such tests as he considers necessary,

to ascertain whether the provisions of this Act or the conditions in force and attached to any license are being or have been complied with.

(2) If any person wilfully delays or obstructs any authorised officer in the exercise of his powers under this Act, or being the occupier of any premises, refuses to permit or does not assist any authorised officer to enter and inspect any such premises and to examine and inspect any control equipment or fuel burning equipment, he shall be guilty of an offence against this Act.

27. A certificate purporting to be signed by the Under Secretary or any prescribed officer certifying that on any date or during any period mentioned in the certificate any person was or was not the holder of a license or certain conditions were or were not attached to a license, or that certain particulars did or did not appear in any register kept under this Act shall without proof of the signature or of the official character of the person purporting to have signed the certificate be prima facie evidence of the matters certified in and by the certificate. Certificates to be evidence of certain matters.

Clean Air.

28. If any person discloses any information relating to any manufacturing process or trade secret used in carrying on any particular undertaking which information has been furnished to or obtained by him under this Act or in connection with the execution thereof, he shall, unless the disclosure is made—

Unjustified disclosure of information.

- (a) with the consent of the person carrying on that undertaking; or
- (b) in connection with the execution of this Act; or
- 10 (c) for the purposes of any legal proceedings arising out of this Act or of any report of such proceedings, be guilty of an offence against this Act.

29. Any person who—

Penalty.

- 15 (a) fails to comply with any of the provisions of this Act;
- (b) being a licensee, does not comply with any condition or prohibition in force and attached to the license issued to him under this Act;
- 20 (c) fails to comply with any condition subject to which an approval is granted by the Under Secretary; or
- (d) neglects or fails to comply with any requirement under this Act,

shall be guilty of an offence against this Act.

Any person guilty of an offence against this Act shall where
25 no other penalty is expressly provided be liable to a penalty not exceeding two hundred pounds and in the case of a continuing offence, a penalty not exceeding five pounds for each day the offence continues.

30. All proceedings for offences against this Act shall be
30 disposed of summarily before a stipendiary magistrate or two justices in petty sessions.

Proceedings for offences.

31. Where a person convicted of an offence against this Act is a body corporate, every person who at the time of the commission of the offence was a director or officer of the
body

Offences by bodies corporate.

Clean Air.

body corporate shall be deemed to have committed the like offence and be liable to the penalty provided by this Act for such offence accordingly, unless he proves that the offence was committed without his knowledge or that he used all due diligence to prevent the commission of the offence.

32. (1) The Governor may make regulations for or with Regulations. respect to—

- 10 (a) the form and manner of applying for and granting, and the matters to be taken into consideration in respect of any application for, a license or any transfer of a license;
- (b) the keeping of registers under this Act;
- 15 (c) the types of tests to be carried out and the records to be maintained by occupiers of scheduled premises with respect to the emission of air impurities and the consumption of fuel on such premises;
- (d) the types of control equipment that may be used in or on any premises, and the manner in which such equipment shall be operated and maintained;
- 20 (e) the types of fuel or fuel burning equipment that may be used in any area or place specified in the regulations;
- 25 (f) empowering the Minister to order the cessation of the operation of any trade, industry, process or equipment in or on any premises for such period as is specified in the order if the Minister considers such a course necessary in the interests of public health;
- 30 (g) prescribing standards of concentration or density of air impurities for the purpose of any prescribed trade, industry, process or equipment or any scheduled premises; the method of making tests for the purposes of ascertaining whether any of the provisions of this Act or any conditions attached to a license are being or have been complied with;
- 35 and providing that any such test shall only be made in accordance with the prescribed method;

(h)

Clean Air.

(h) prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act.

5 (2) Any regulations made under paragraphs (a) to (g) inclusive of subsection one of this section shall be made upon the recommendation of the Committee.

(3) A regulation may be made to apply or to have operation throughout the whole or any part of the State, may
10 be of general or specially limited application according to time, place or circumstances, and may be general or restricted to any specified class or subject-matter.

(4) The regulations may impose a penalty not exceeding fifty pounds for any breach thereof, and in the case of a
15 continuing breach, a penalty not exceeding five pounds for each day the breach continues.

(5) The regulations shall—

- (a) be published in the Gazette;
- 20 (b) take effect from the date of such publication or from a later date to be specified in the regulations;
- (c) be laid before both Houses of Parliament within fourteen sitting days if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

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

30 **33.** The Local Government Act, 1919, as amended by subsequent Acts, is amended by inserting at the end of section three hundred and thirteen the following new paragraphs :—

- (m) whether any control equipment or fuel burning
35 equipment is to be provided in the building and if so whether proper provision is to be made to prevent the

Amendment
of Act No.
41, 1919,
s. 313.
(Subjects
for con-
sideration.)

Clean Air.

the emission of air impurities in excess of the standards of concentration or density prescribed under the Clean Air Act, 1960.

5 Paragraph (m) of this section shall not apply to scheduled premises.

In this section "air impurities" "control equipment" "fuel burning equipment" and "scheduled premises" respectively have the meanings ascribed thereto in the Clean Air Act, 1960.

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SCHEDULE.

Sec. 5 (2).

SCHEDULED PREMISES.

Any premises—

(a) being used for—

Brick, tile, pipe and pottery works.

15

Cement works.

Chemical manufacturing works of any kind.

Works in which plastics or insecticides are manufactured.

Coal gas works.

Metallurgical works reclaiming metal from scrap.

20

Metallurgical works smelting or converting ores to metal of any kind.

Oil refineries.

(b) on which there are—

Coke ovens.

25

Furnaces used for the melting of non-ferrous metals for casting purposes.

Furnaces and cupolas used for the melting of alloys of iron, or steel.

30

Boilers consuming more than one ton of solid fuel per hour.

Class 1A

the emission of air impurities in excess of the
limits of concentration or density prescribed
under the Clean Air Act, 1960.
Paragraph (a) of this section shall not apply to
scheduled premises.
In this section "air impurities," "control equipment,"
"test running equipment," and "scheduled premises"
have the meanings ascribed thereto in the
Clean Air Act, 1960.

24.2 (2)

SCHEDULE

10

Scheduled premises

Any premises

(a) being used for -

Hand, die, pipe and pottery works

Cement works

15

(b) being manufacturing works of any kind

Works in which plastic or insulating are manufactured

Cast iron works

Works in which metal is refined from scrap

Manufacturing works in which metal is refined from scrap

on any day

the premises

but not when they are -

used for -

Manufacturing works of any kind

Manufacturing works of any kind

Manufacturing works of any kind

Manufacturing works of any kind

Manufacturing works of any kind

When

20

When the premises are used for the purposes of the Act

