

*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

**R. E. WARD,**  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney 20 November, 1974.*

## **New South Wales**



ANNO VICESIMO TERTIO

**ELIZABETHÆ II REGINÆ**

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**Act No. , 1974.**

An Act to make further provisions relating to the prevention or the reduction of pollution of certain waters; to vary the composition and functions of the Clean Waters Advisory Committee; for these and other purposes to amend the Clean Waters Act, 1970, and the Local Government Act, 1919; to validate certain matters; and for purposes connected therewith.

BE

*Clean Waters (Amendment).*

5 **B**E 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:—

1. This Act may be cited as the "Clean Waters Short  
(Amendment) Act, 1974". title.

2. (1) This section and section 1 shall commence on the Commence-  
date of assent to this Act. ment.

10 (2) Section 5 (4) shall commence on the day appointed and notified under section 2 of the New South Wales Planning and Environment Commission Act, 1974, or shall be deemed to have commenced on that day if the date of assent to this Act is later than that day.

15 (3) Except as provided in subsections (1) and (2), the several provisions of this Act shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

20 3. The Clean Waters Act, 1970, is amended—

Amend-  
ment of  
Act No. 78,  
1970.

(a) (i) by omitting from section 6 (1) the word Sec. 6.  
"sixteen" and by inserting instead the word (Clean  
"eighteen"; Waters  
Advisory  
Com-  
mittee.)

25 (ii) by omitting from section 6 (2) (b) the word  
"fifteen" and by inserting instead the word  
"seventeen";

(iii) by omitting from section 6 (2) (b) (ix) the  
word "and";

(iv)



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*Clean Waters (Amendment).*

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- (iv) by inserting after section 6 (2) (b) (x) the following subparagraphs :—
- (xi) one shall be a member of the Health Commission of New South Wales nominated by that Commission or an officer of that Commission so nominated; and
  - (xii) one shall be an officer of the Commission nominated by the Minister.
- 5
- 10 (b) by omitting from section 7 (6) the words “may be prescribed” and by inserting instead the words “the Minister may from time to time determine in respect of that member”; Sec. 7. (Sub-committees.)
- 15 (c) (i) by omitting from section 8 (1) the word “Minister” and by inserting instead the word “Commission”; Sec. 8. (Functions of Committee.)
- (ii) by omitting section 8 (3) and (4);
- 20 (d) (i) by omitting section 10 (5) (c) and by inserting instead the following paragraph :— Sec. 10. (Provisions applicable to the Committee and the Board.)
- (c) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- 25
- (ii) by omitting from section 10 (7) the words “may be prescribed” and by inserting instead the words “the Minister may from time to time determine in respect of that member”;
- 30
- (e)

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*Clean Waters (Amendment).*

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(e) by omitting section 19 and by inserting instead the following section :—

19. (1) A person shall not—

(a) install, construct or modify any apparatus, equipment or works for—

(i) the discharge of pollutants into any waters;

(ii) the treatment of pollutants prior to and for the purpose of their discharge into any waters; or

(iii) the storage, treatment or disposal, in a prescribed manner or in prescribed circumstances, of matter of a prescribed class or description;

**or**

(b) carry out any work that constitutes the beginning of, or any subsequent step in, the installation, construction or modification of any apparatus, equipment or works of the nature referred to in paragraph (a),

Commis-  
sion's  
approval to  
installation  
or construc-  
tion of  
certain  
apparatus,  
etc.,  
required.

except in accordance with an approval in writing given by the Commission or in accordance with a direction given by the Commission under section 16 (4) or in accordance with a requirement under the regulations made pursuant to section 36 (1) (f1).

(2) A reference in subsection (1) to the discharge of pollutants into any waters includes a reference to the discharge or other disposal of pollutants so that they fall, descend, are washed, are blown or percolate, or are likely to fall, descend, be washed, be blown or percolate, into any waters or onto the bed of any waters, when dry.

(3)



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*Clean Waters (Amendment).*

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(3) An application for approval under this section shall be made to the Commission in the prescribed manner and shall be accompanied by the prescribed fee.

5 (4) The Commission—

(a) may grant any application under this section, either subject to conditions or unconditionally; or

(b) may refuse any such application.

10 (5) The Commission may revoke any condition attached to an approval under this section.

15 (6) Any person who contravenes the provisions of subsection (1) or of any conditions attached to an approval given under this section is guilty of an offence against this Act and is liable to a penalty not exceeding \$5,000.

20 (7) Proceedings in respect of an offence arising under this section and committed after the commencement of this subsection may be commenced at any time within three years after the offence was committed.

25 (8) For the purposes of subsection (1) (b), it is immaterial whether or not the installation, construction or modification referred to therein was or is completed.

30 (9) In proceedings for an offence arising under subsection (1), it is not necessary that it be established that the offence was committed on a particular day or on particular days, provided it is established that the offence was committed during a particular period.

(f)

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*Clean Waters (Amendment).*

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- (f) by omitting section 20 (5); Sec. 20.  
(Licences.)
- (g) by omitting from section 24 (1) the words "one thousand dollars" and by inserting instead the matter "\$3,000"; Sec. 24.  
(Fees.)
- 5 (h) by omitting from section 28 (2) the words "five hundred dollars" and by inserting instead the matter "\$1,000"; Sec. 28.  
(Occupier of premises may be required to furnish information.)
- (i) by omitting from section 29 (4) the words "five hundred dollars" and by inserting instead the matter "\$1,000"; Sec. 29.  
(Powers of authorised officers.)
- 10 (j) (i) by omitting from section 33 (2) the word "Proceedings" and by inserting instead the words "Subject to subsection (2A), proceedings"; Sec. 33.  
(Proceedings for offences.)
- 15 (ii) by inserting after section 33 (2) the following subsection :—
- (2A) Subsection (2) does not apply to the institution of proceedings for—
- 20 (a) an offence if the proceedings are instituted by a member or officer of the Commission and with—
- (i) the consent of the Commission; or
- (ii) the written consent of such member or officer of the Commission as may be authorised by the Commission for the purposes of this paragraph; or
- 25 (b)



*Clean Waters (Amendment).*

5 (b) an offence (other than an offence arising under section 16 in respect of the contravention of a condition of a licence, an offence arising under section 19 or an offence of a prescribed class or description) if the proceedings are instituted by a servant of the council of the city, municipality or shire in whose area the offence was committed and with—

- 10 (i) the consent of the council; or  
(ii) the written consent of such member or servant of the council as may be authorised by the council for the purposes of this paragraph,
- 15

not being proceedings against the Crown, or a person acting on behalf of the Crown, or a statutory authority.

20 (iii) by inserting in section 33 (4) after the word "Act" where firstly occurring the words "or the regulations";

(iv) by inserting after section 33 (4) the following subsection :—

25 (5) Proceedings in the Supreme Court in its summary jurisdiction in respect of an offence against this Act or the regulations may, except as provided in section 19, only be commenced within six months after the offence was committed.

30

(k) by inserting after section 36 (1) (f) the following paragraphs :—

35 (f1) requiring, or empowering the Commission to require, that measures be undertaken (including, but without affecting the generality of the provisions of this paragraph,

Sec. 36.  
(Regulations.)

the

*Clean Waters (Amendment).*

the provision, installation, maintenance or operation of traps, arrestors, separators, screens, filters, walls, dams, embankments, trenches, and areas for the treatment, dispersal or disposal of any matter) so as to prevent or reduce, or be likely to prevent or reduce, the discharge or likely discharge of pollutants into waters from any premises;

(f2) the manner of undertaking any measures referred to in paragraph (f1).

4. The Local Government Act, 1919, is amended by inserting in section 313 after the words "scheduled premises." the following paragraph :—

Amendment  
of Act No.  
41, 1919.  
Sec. 313.

Nothing in paragraph (p) operates so as to authorise the council to take into consideration the use or proposed use of any apparatus, equipment or works in relation to which approval is required under section 19 of the Clean Waters Act, 1970.

(Subjects  
for con-  
sideration.)

5. (1) A member of the Clean Waters Advisory Committee referred to in section 6 (2) (b) (xi) or (xii) of the Clean Waters Act, 1970, as amended by this Act, and holding office after the commencement of section 3 (a) and before 1st July, 1977, shall, subject to that Act as so amended—

Savings  
and transi-  
tional pro-  
visions.

(a) hold office until (and including) 30th June, 1977; and

(b) be eligible for reappointment.

(2) Any approval in force, or application pending, under section 19 of the Clean Waters Act, 1970, immediately before the commencement of section 3 (e) shall be deemed to be an approval in force, or an application pending, under section 19 of that Act, as amended by this Act, as the case may be.

(3)



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*Clean Waters (Amendment).*

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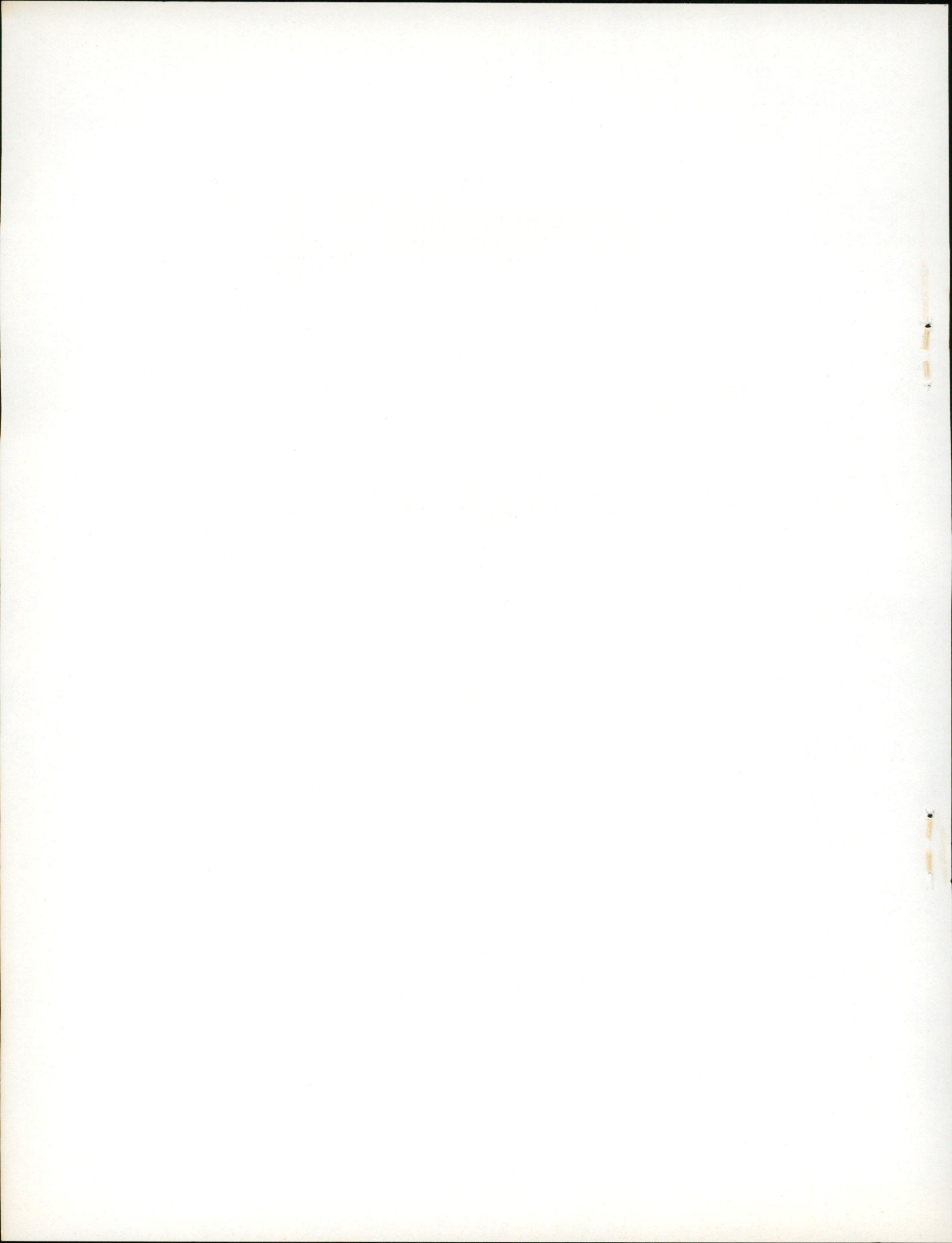
(3) Nothing in this Act affects the penalty that may be imposed under any provision of the Clean Waters Act, 1970, on conviction for an offence committed against that Act before the commencement of any amendment of that  
5 provision made by this Act.

(4) Any act, matter or thing done or omitted to be done before the commencement of this subsection by, to or in respect of the Health Commission of New South Wales, or a member or officer thereof, under or for the purposes of the  
10 Clean Waters Act, 1970, shall, to the extent that but for the enactment of the New South Wales Planning and Environment Commission Act, 1974, that act, matter or thing would after that commencement have had any force or effect or been in  
15 operation, be deemed to have been done or omitted to be done by, to or in respect of the State Pollution Control Commission or a member or officer thereof, whichever of them is, after that commencement, appropriate in relation to the doing of or omission to do that act, matter or thing.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1974  
[10c]





No. , 1974.

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## A BILL

To make further provisions relating to the prevention or the reduction of pollution of certain waters; to vary the composition and functions of the Clean Waters Advisory Committee; for these and other purposes to amend the Clean Waters Act, 1970, and the Local Government Act, 1919; to validate certain matters; and for purposes connected therewith.

[SIR CHARLES CUTLER—13 *November*, 1974.]

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BE



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*Clean Waters (Amendment).*

---

5 **B**E 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:—

1. This Act may be cited as the "Clean Waters Short title.  
(Amendment) Act, 1974".

2. (1) This section and section 1 shall commence on the Commence-  
date of assent to this Act. ment.

10 (2) Section 5 (4) shall commence on the day appointed and notified under section 2 of the New South Wales Planning and Environment Commission Act, 1974, or shall be deemed to have commenced on that day if the date of assent to this Act is later than that day.

15 (3) Except as provided in subsections (1) and (2), the several provisions of this Act shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

20 3. The Clean Waters Act, 1970, is amended— Amend-  
ment of  
Act No. 78,  
1970.

- (a) (i) by omitting from section 6 (1) the word Sec. 6.  
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mittee.)  
"sixteen" and by inserting instead the word  
"eighteen";
- 25 (ii) by omitting from section 6 (2) (b) the word  
"fifteen" and by inserting instead the word  
"seventeen";
- (iii) by omitting from section 6 (2) (b) (ix) the  
word "and";

(iv)



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*Clean Waters (Amendment).*

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- (iv) by inserting after section 6 (2) (b) (x) the following subparagraphs :—
- 5 (xi) one shall be a member of the Health Commission of New South Wales nominated by that Commission or an officer of that Commission so nominated; and
- (xii) one shall be an officer of the Commission nominated by the Minister.
- 10 (b) by omitting from section 7 (6) the words “may be prescribed” and by inserting instead the words “the Minister may from time to time determine in respect of that member”; Sec. 7. (Sub-committees.)
- 15 (c) (i) by omitting from section 8 (1) the word “Minister” and by inserting instead the word “Commission”; Sec. 8. (Functions of Committee.)
- (ii) by omitting section 8 (3) and (4);
- 20 (d) (i) by omitting section 10 (5) (c) and by inserting instead the following paragraph :— Sec. 10. (Provisions applicable to the Committee and the Board.)
- 25 (c) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- 30 (ii) by omitting from section 10 (7) the words “may be prescribed” and by inserting instead the words “the Minister may from time to time determine in respect of that member”;
- (e)



*Clean Waters (Amendment).*

(e) by omitting section 19 and by inserting instead the following section :—

19. (1) A person shall not—

(a) install, construct or modify any apparatus, equipment or works for—

(i) the discharge of pollutants into any waters;

(ii) the treatment of pollutants prior to and for the purpose of their discharge into any waters; or

(iii) the storage, treatment or disposal, in a prescribed manner or in prescribed circumstances, of matter of a prescribed class or description;

or

(b) carry out any work that constitutes the beginning of, or any subsequent step in, the installation, construction or modification of any apparatus, equipment or works of the nature referred to in paragraph (a),

except in accordance with an approval in writing given by the Commission or in accordance with a direction given by the Commission under section 16 (4) or in accordance with a requirement under the regulations made pursuant to section 36 (1) (f1).

(2) A reference in subsection (1) to the discharge of pollutants into any waters includes a reference to the discharge or other disposal of pollutants so that they fall, descend, are washed, are blown or percolate, or are likely to fall, descend, be washed, be blown or percolate, into any waters or onto the bed of any waters, when dry.

(3)

Commis-  
sion's  
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*Clean Waters (Amendment).*

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(3) An application for approval under this section shall be made to the Commission in the prescribed manner and shall be accompanied by the prescribed fee.

5 (4) The Commission—

(a) may grant any application under this section, either subject to conditions or unconditionally; or

(b) may refuse any such application.

10 (5) The Commission may revoke any condition attached to an approval under this section.

15 (6) Any person who contravenes the provisions of subsection (1) or of any conditions attached to an approval given under this section is guilty of an offence against this Act and is liable to a penalty not exceeding \$5,000.

20 (7) Proceedings in respect of an offence arising under this section and committed after the commencement of this subsection may be commenced at any time within three years after the offence was committed.

25 (8) For the purposes of subsection (1) (b), it is immaterial whether or not the installation, construction or modification referred to therein was or is completed.

30 (9) In proceedings for an offence arising under subsection (1), it is not necessary that it be established that the offence was committed on a particular day or on particular days, provided it is established that the offence was committed during a particular period.

(f)



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*Clean Waters (Amendment).*

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- (f) by omitting section 20 (5); Sec. 20.  
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- (g) by omitting from section 24 (1) the words “one thousand dollars” and by inserting instead the matter “\$3,000”; Sec. 24.  
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- 5 (h) by omitting from section 28 (2) the words “five hundred dollars” and by inserting instead the matter “\$1,000”; Sec. 28.  
(Occupier of premises may be required to furnish information.)
- (i) by omitting from section 29 (4) the words “five hundred dollars” and by inserting instead the matter “\$1,000”; Sec. 29.  
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- (j) (i) by omitting from section 33 (2) the word “Proceedings” and by inserting instead the words “Subject to subsection (2A), proceedings”; Sec. 33.  
(Proceedings for offences.)
- 15 (ii) by inserting after section 33 (2) the following subsection :—
- (2A) Subsection (2) does not apply to the institution of proceedings for—
- 20 (a) an offence if the proceedings are instituted by a member or officer of the Commission and with—
- (i) the consent of the Commission ;  
or
- 25 (ii) the written consent of such member or officer of the Commission as may be authorised by the Commission for the purposes of this paragraph; or
- (b)



*Clean Waters (Amendment).*

5 (b) an offence (other than an offence arising under section 16 in respect of the contravention of a condition of a licence, an offence arising under section 19 or an offence of a prescribed class or description) if the proceedings are instituted by a servant of the council of the city, municipality or shire in whose area the offence was committed and with—

- 10 (i) the consent of the council; or  
15 (ii) the written consent of such member or servant of the council as may be authorised by the council for the purposes of this paragraph,

not being proceedings against the Crown, or a person acting on behalf of the Crown, or a statutory authority.

20 (iii) by inserting in section 33 (4) after the word "Act" where firstly occurring the words "or the regulations";

(iv) by inserting after section 33 (4) the following subsection :—

25 (5) Proceedings in the Supreme Court in its summary jurisdiction in respect of an offence against this Act or the regulations may, except as provided in section 19, only be commenced within six months after the  
30 offence was committed.

(k) by inserting after section 36 (1) (f) the following paragraphs :—

35 (f1) requiring, or empowering the Commission to require, that measures be undertaken (including, but without affecting the generality of the provisions of this paragraph,

Sec. 36.  
(Regulations.)

(6) the



*Clean Waters (Amendment).*

5 the provision, installation, maintenance or  
operation of traps, arrestors, separators,  
screens, filters, walls, dams, embankments,  
trenches, and areas for the treatment, dis-  
persal or disposal of any matter) so as to  
prevent or reduce, or be likely to prevent  
or reduce, the discharge or likely discharge  
of pollutants into waters from any premises ;

10 (f2) the manner of undertaking any measures  
referred to in paragraph (f1).

4. The Local Government Act, 1919, is amended by Amendment  
of Act No.  
41, 1919.  
inserting in section 313 after the words "scheduled premises."  
the following paragraph :— Sec. 313.

15 Nothing in paragraph (p) operates so as to authorise (Subjects  
for con-  
sideration.)  
the council to take into consideration the use or proposed  
use of any apparatus, equipment or works in relation to  
which approval is required under section 19 of the Clean  
Waters Act, 1970.

5. (1) A member of the Clean Waters Advisory Com- Savings  
and transi-  
tional pro-  
visions.  
20 mittee referred to in section 6 (2) (b) (xi) or (xii) of the  
Clean Waters Act, 1970, as amended by this Act, and holding  
office after the commencement of section 3 (a) and before  
1st July, 1977, shall, subject to that Act as so amended—

25 (a) hold office until (and including) 30th June, 1977;  
and

(b) be eligible for reappointment.

(2) Any approval in force, or application pending,  
under section 19 of the Clean Waters Act, 1970, immediately  
before the commencement of section 3 (e) shall be deemed  
30 to be an approval in force, or an application pending, under  
section 19 of that Act, as amended by this Act, as the case  
may be.

(3)



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*Clean Waters (Amendment).*

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(3) Nothing in this Act affects the penalty that may be imposed under any provision of the Clean Waters Act, 1970, on conviction for an offence committed against that Act before the commencement of any amendment of that  
5 provision made by this Act.

(4) Any act, matter or thing done or omitted to be done before the commencement of this subsection by, to or in respect of the Health Commission of New South Wales, or a member or officer thereof, under or for the purposes of the  
10 Clean Waters Act, 1970, shall, to the extent that but for the enactment of the New South Wales Planning and Environment Commission Act, 1974, that act, matter or thing would after that commencement have had any force or effect or been in  
15 operation, be deemed to have been done or omitted to be done by, to or in respect of the State Pollution Control Commission or a member or officer thereof, whichever of them is, after that commencement, appropriate in relation to the doing of or omission to do that act, matter or thing.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1974

149—B

[10c]



1901

TO THE HONORABLE SECRETARY OF THE  
NAVY  
WASHINGTON, D. C.

Dear Sir:  
I have the honor to acknowledge the receipt of your letter of the 14th inst. in relation to the matter mentioned therein. I am sorry that I cannot give you a more definite answer at this time, but the matter is being considered by the proper authorities and I will be glad to advise you as soon as a final decision has been reached.

Very respectfully,  
J. D. [Name]

149-11

1001



**CLEAN WATERS (AMENDMENT) BILL, 1974**

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**EXPLANATORY NOTE**

THE objects of this Bill are—

- (a) to increase the number of members of the Clean Waters Advisory Committee (herein referred to as "the Committee") from sixteen to eighteen by providing for the appointment of two additional persons, being respectively—
  - (i) a member or officer of the Health Commission of New South Wales; and
  - (ii) an officer of the State Pollution Control Commission (herein referred to as "the Commission");
- (b) to enable the Minister to determine the fees and travelling expenses payable to members of the Committee, the Clean Waters Appeals Board or sub-committees of the Committee;
- (c) to provide that recommendations initiated by the Committee are to be referred to the Commission;
- (d) to remove the requirement that the Committee is to make an annual report;
- (e) to extend the provisions of section 19 of the Clean Waters Act, 1970 (herein referred to as "the Principal Act"), requiring the approval of the Commission for the installation, construction or modification of certain apparatus, equipment or works;
- (f) to remove the requirement that proposals relating to the imposition, revocation or variation of conditions affecting licences issued under section 20 of the Principal Act in relation to the pollution of waters be referred to the Committee;
- (g) to increase to \$3,000 the maximum fee that may be prescribed for an approval referred to in paragraph (e) or for a licence referred to in paragraph (f);
- (h) to increase to \$1,000 the maximum penalty that may be imposed for an offence—
  - (i) under section 28 of the Principal Act relating to the failure to comply with a requirement to furnish information to the Commission as to processes carried on in, or the wastes discharged from, certain premises; or
  - (ii) under section 29 of the Principal Act relating to the obstruction of an authorised officer or the failure to comply with certain requirements imposed by an authorised officer under the Principal Act;



- (i) to enable the Commission or the council of a city, municipality or shire to authorise the institution of proceedings for certain offences against the Principal Act;
  - (j) to empower the making of regulations for requiring the carrying out of works for the prevention or reduction of the pollution of waters;
  - (k) to amend the Local Government Act, 1919, so as to remove the obligation of a council, when considering an application for the approval of the erection of a building, to take into consideration whether the use of any apparatus, equipment or works in relation to which approval is required under section 19 of the Principal Act (as referred to in paragraph (e)) is likely to cause the pollution of any waters;
  - (l) to make transitional provisions as to acts, matters and things done or omitted to be done by, to or in respect of the Health Commission of New South Wales under or for the purposes of the Principal Act before the date of commencement of the New South Wales Planning and Environment Commission Act, 1974: and
  - (m) to make other provisions of a minor, consequential or ancillary nature.
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PROOF

No. , 1974.

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## A BILL

To make further provisions relating to the prevention or the reduction of pollution of certain waters; to vary the composition and functions of the Clean Waters Advisory Committee; for these and other purposes to amend the Clean Waters Act, 1970, and the Local Government Act, 1919; to validate certain matters; and for purposes connected therewith.

[SIR CHARLES CUTLER—13 *November*, 1974.]

---

---

BE



*Clean Waters (Amendment).*

5 **B**E 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:—

1. This Act may be cited as the "Clean Waters Short  
(Amendment) Act, 1974". title.

2. (1) This section and section 1 shall commence on the Commence-  
date of assent to this Act. ment.

10 (2) Section 5 (4) shall commence on the day appointed and notified under section 2 of the New South Wales Planning and Environment Commission Act, 1974, or shall be deemed to have commenced on that day if the date of assent to this Act is later than that day.

15 (3) Except as provided in subsections (1) and (2), the several provisions of this Act shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

20 3. The Clean Waters Act, 1970, is amended—

Amend-  
ment of  
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(a) (i) by omitting from section 6 (1) the word Sec. 6.  
"sixteen" and by inserting instead the word (Clean  
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25 (ii) by omitting from section 6 (2) (b) the word  
"fifteen" and by inserting instead the word  
"seventeen";

(iii) by omitting from section 6 (2) (b) (ix) the  
word "and";

(iv)



---

*Clean Waters (Amendment).*

---

- (iv) by inserting after section 6 (2) (b) (x) the following subparagraphs :—
- 5 (xi) one shall be a member of the Health Commission of New South Wales nominated by that Commission or an officer of that Commission so nominated; and
- (xii) one shall be an officer of the Commission nominated by the Minister.
- 10 (b) by omitting from section 7 (6) the words “may be prescribed” and by inserting instead the words “the Minister may from time to time determine in respect of that member”; Sec. 7. (Sub-committees.)
- 15 (c) (i) by omitting from section 8 (1) the word “Minister” and by inserting instead the word “Commission”; Sec. 8. (Functions of Committee.)
- (ii) by omitting section 8 (3) and (4);
- 20 (d) (i) by omitting section 10 (5) (c) and by inserting instead the following paragraph :— Sec. 10. (Provisions applicable to the Committee and the Board.)
- 25 (c) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- 30 (ii) by omitting from section 10 (7) the words “may be prescribed” and by inserting instead the words “the Minister may from time to time determine in respect of that member”;
- (e)



*Clean Waters (Amendment).*

(e) by omitting section 19 and by inserting instead the following section :—

19. (1) A person shall not—
- 5 (a) install, construct or modify any apparatus, equipment or works for—
- (i) the discharge of pollutants into any waters;
- 10 (ii) the treatment of pollutants prior to and for the purpose of their discharge into any waters; or
- (iii) the storage, treatment or disposal, in a prescribed manner or in prescribed circumstances, of matter of a prescribed class or description;
- 15 **or**
- (b) carry out any work that constitutes the beginning of, or any subsequent step in, the installation, construction or modification of any apparatus, equipment or works of the nature referred to in paragraph (a),
- 20
- except in accordance with an approval in writing given by the Commission or in accordance with a direction given by the Commission under section 16 (4) or in accordance with a requirement under the regulations made pursuant to section 36 (1) (f1).
- 25
- (2) A reference in subsection (1) to the discharge of pollutants into any waters includes a reference to the discharge or other disposal of pollutants so that they fall, descend, are washed, are blown or percolate, or are likely to fall, descend, be washed, be blown or percolate, into any waters or onto the bed of any waters, when dry.
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Com-  
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approval to  
installation  
or construc-  
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certain  
apparatus,  
etc.,  
required.

(3)



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*Clean Waters (Amendment).*

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(3) An application for approval under this section shall be made to the Commission in the prescribed manner and shall be accompanied by the prescribed fee.

5

(4) The Commission—

(a) may grant any application under this section, either subject to conditions or unconditionally; or

(b) may refuse any such application.

10

(5) The Commission may revoke any condition attached to an approval under this section.

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(6) Any person who contravenes the provisions of subsection (1) or of any conditions attached to an approval given under this section is guilty of an offence against this Act and is liable to a penalty not exceeding \$5,000.

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(7) Proceedings in respect of an offence arising under this section and committed after the commencement of this subsection may be commenced at any time within three years after the offence was committed.

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(8) For the purposes of subsection (1) (b), it is immaterial whether or not the installation, construction or modification referred to therein was or is completed.

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(9) In proceedings for an offence arising under subsection (1), it is not necessary that it be established that the offence was committed on a particular day or on particular days, provided it is established that the offence was committed during a particular period.

(f)



*Clean Waters (Amendment).*

- (f) by omitting section 20 (5); Sec. 20.  
(Licences.)
- (g) by omitting from section 24 (1) the words “one thousand dollars” and by inserting instead the matter “\$3,000”; Sec. 24.  
(Fees.)
- 5 (h) by omitting from section 28 (2) the words “five hundred dollars” and by inserting instead the matter “\$1,000”; Sec. 28.  
(Occupier of premises may be required to furnish information.)
- (i) by omitting from section 29 (4) the words “five hundred dollars” and by inserting instead the matter “\$1,000”; Sec. 29.  
(Powers of authorised officers.)
- 10 (j) (i) by omitting from section 33 (2) the word “Proceedings” and by inserting instead the words “Subject to subsection (2A), proceedings”; Sec. 33.  
(Proceedings for offences.)
- 15 (ii) by inserting after section 33 (2) the following subsection :—
- (2A) Subsection (2) does not apply to the institution of proceedings for—
- 20 (a) an offence if the proceedings are instituted by a member or officer of the Commission and with—
- (i) the consent of the Commission; or
- (ii) the written consent of such member or officer of the Commission as may be authorised by the Commission for the purposes of this paragraph; or
- 25 (b)



*Clean Waters (Amendment).*

5 (b) an offence (other than an offence arising under section 16 in respect of the contravention of a condition of a licence, an offence arising under section 19 or an offence of a prescribed class or description) if the proceedings are instituted by a servant of the council of the city, municipality or shire in whose area the offence was committed and with—

- 10 (i) the consent of the council; or  
15 (ii) the written consent of such member or servant of the council as may be authorised by the council for the purposes of this paragraph,

not being proceedings against the Crown, or a person acting on behalf of the Crown, or a statutory authority.

20 (iii) by inserting in section 33 (4) after the word "Act" where firstly occurring the words "or the regulations";

(iv) by inserting after section 33 (4) the following subsection :—

25 (5) Proceedings in the Supreme Court in its summary jurisdiction in respect of an offence against this Act or the regulations may, except as provided in section 19, only be commenced within six months after the  
30 offence was committed.

(k) by inserting after section 36 (1) (f) the following paragraphs :—

35 (f1) requiring, or empowering the Commission to require, that measures be undertaken (including, but without affecting the generality of the provisions of this paragraph,

Sec. 36.  
(Regulations.)

the



*Clean Waters (Amendment).*

5 the provision, installation, maintenance or  
operation of traps, arrestors, separators,  
screens, filters, walls, dams, embankments,  
trenches, and areas for the treatment, dis-  
persal or disposal of any matter) so as to  
prevent or reduce, or be likely to prevent  
or reduce, the discharge or likely discharge  
of pollutants into waters from any premises ;

10 (f2) the manner of undertaking any measures  
referred to in paragraph (f1).

4. The Local Government Act, 1919, is amended by Amendment  
inserting in section 313 after the words "scheduled premises." of Act No.  
the following paragraph :— 41, 1919.  
Sec. 313.

15 Nothing in paragraph (p) operates so as to authorise (Subjects  
the council to take into consideration the use or proposed for con-  
use of any apparatus, equipment or works in relation to sideration.)  
which approval is required under section 19 of the Clean  
Waters Act, 1970.

5. (1) A member of the Clean Waters Advisory Com- Savings  
20 mittee referred to in section 6 (2) (b) (xi) or (xii) of the and transi-  
Clean Waters Act, 1970, as amended by this Act, and holding tional pro-  
office after the commencement of section 3 (a) and before visions.  
1st July, 1977, shall, subject to that Act as so amended—

25 (a) hold office until (and including) 30th June, 1977 ;  
and

(b) be eligible for reappointment.

(2) Any approval in force, or application pending,  
under section 19 of the Clean Waters Act, 1970, immediately  
before the commencement of section 3 (e) shall be deemed  
30 to be an approval in force, or an application pending, under  
section 19 of that Act, as amended by this Act, as the case  
may be.

(3)



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*Clean Waters (Amendment).*

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(3) Nothing in this Act affects the penalty that may be imposed under any provision of the Clean Waters Act, 1970, on conviction for an offence committed against that Act before the commencement of any amendment of that provision made by this Act.

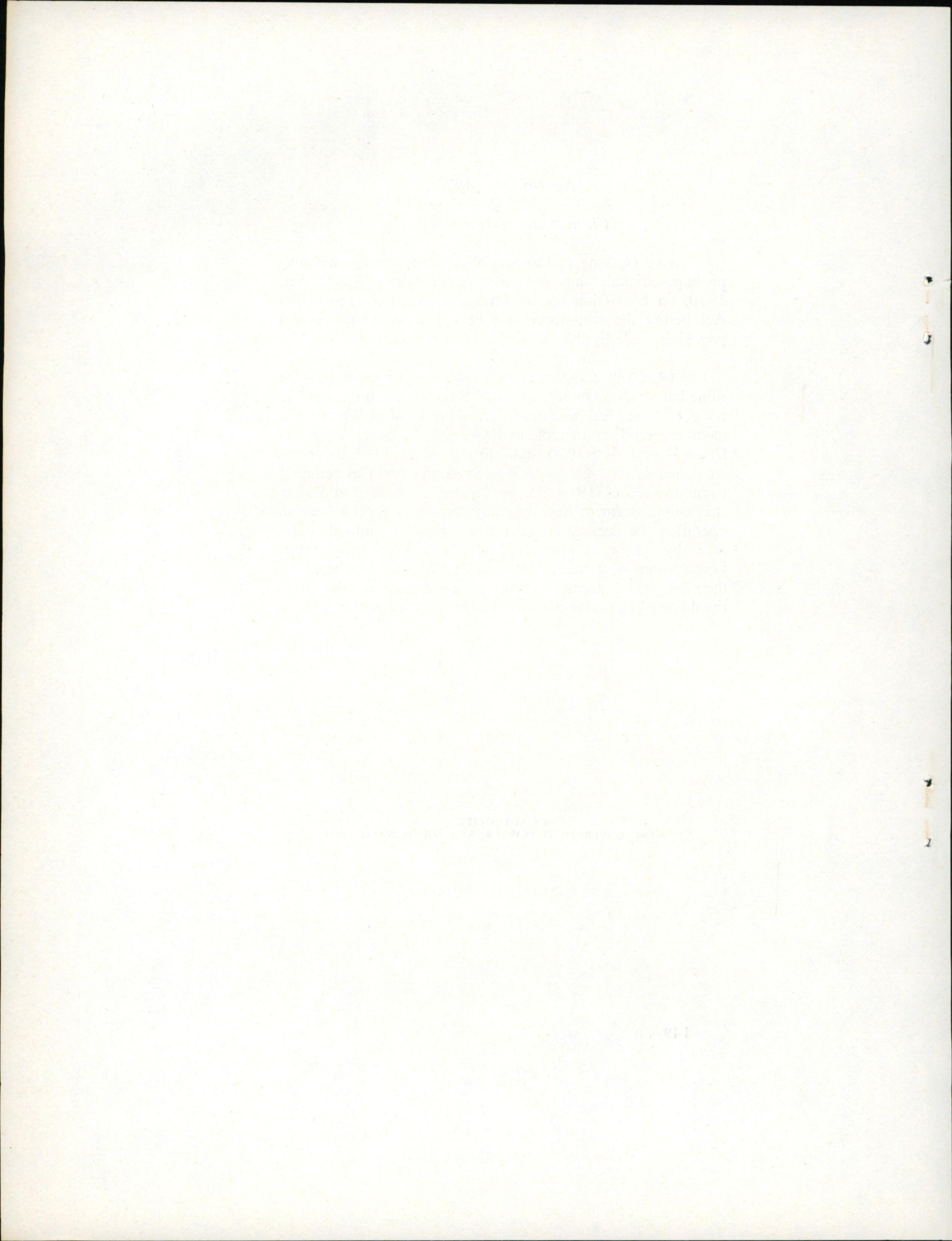
(4) Any act, matter or thing done or omitted to be done before the commencement of this subsection by, to or in respect of the Health Commission of New South Wales, or a member or officer thereof, under or for the purposes of the Clean Waters Act, 1970, shall, to the extent that but for the enactment of the New South Wales Planning and Environment Commission Act, 1974, that act, matter or thing would after that commencement have had any force or effect or been in operation, be deemed to have been done or omitted to be done by, to or in respect of the State Pollution Control Commission or a member or officer thereof, whichever of them is, after that commencement, appropriate in relation to the doing of or omission to do that act, matter or thing.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1974







*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of New South Wales.*

R. E. WARD,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 27 November, 1974.*

## New South Wales



ANNO VICESIMO TERTIO

**ELIZABETHÆ II REGINÆ**

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**Act No. 85, 1974.**

An Act to make further provisions relating to the prevention or the reduction of pollution of certain waters; to vary the composition and functions of the Clean Waters Advisory Committee; for these and other purposes to amend the Clean Waters Act, 1970, and the Local Government Act, 1919; to validate certain matters; and for purposes connected therewith. [Assented to, 10th December, 1974.]

BE

*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

J. H. BROWN,  
*Chairman of Committees of the Legislative Assembly.*



*Clean Waters (Amendment).*

**B**E 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:—

Short  
title.

1. This Act may be cited as the "Clean Waters (Amendment) Act, 1974".

Commence-  
ment.

2. (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Section 5 (4) shall commence on the day appointed and notified under section 2 of the New South Wales Planning and Environment Commission Act, 1974, or shall be deemed to have commenced on that day if the date of assent to this Act is later than that day.

(3) Except as provided in subsections (1) and (2), the several provisions of this Act shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Amend-  
ment of  
Act No. 78,  
1970.

3. The Clean Waters Act, 1970, is amended—

Sec. 6.  
(Clean  
Waters  
Advisory  
Com-  
mittee.)

(a) (i) by omitting from section 6 (1) the word "sixteen" and by inserting instead the word "eighteen";

(ii) by omitting from section 6 (2) (b) the word "fifteen" and by inserting instead the word "seventeen";

(iii) by omitting from section 6 (2) (b) (ix) the word "and";

(iv)



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*Clean Waters (Amendment).*

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- (iv) by inserting after section 6 (2) (b) (x) the following subparagraphs :—
- (xi) one shall be a member of the Health Commission of New South Wales nominated by that Commission or an officer of that Commission so nominated; and
  - (xii) one shall be an officer of the Commission nominated by the Minister.
- (b) by omitting from section 7 (6) the words “may be prescribed” and by inserting instead the words “the Minister may from time to time determine in respect of that member”; Sec. 7. (Sub-committees.)
- (c) (i) by omitting from section 8 (1) the word “Minister” and by inserting instead the word “Commission”; Sec. 8. (Functions of Committee.)
- (ii) by omitting section 8 (3) and (4);
- (d) (i) by omitting section 10 (5) (c) and by inserting instead the following paragraph :— Sec. 10. (Provisions applicable to the Committee and the Board.)
- (c) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- (ii) by omitting from section 10 (7) the words “may be prescribed” and by inserting instead the words “the Minister may from time to time determine in respect of that member”;
- (e)



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*Clean Waters (Amendment).*


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Sec. 19.

(e) by omitting section 19 and by inserting instead the following section :—

Commis-  
sion's  
approval to  
installation  
or construc-  
tion of  
certain  
apparatus,  
etc.,  
required.

19. (1) A person shall not—

(a) install, construct or modify any apparatus, equipment or works for—

(i) the discharge of pollutants into any waters;

(ii) the treatment of pollutants prior to and for the purpose of their discharge into any waters; or

(iii) the storage, treatment or disposal, in a prescribed manner or in prescribed circumstances, of matter of a prescribed class or description;

**or**

(b) carry out any work that constitutes the beginning of, or any subsequent step in, the installation, construction or modification of any apparatus, equipment or works of the nature referred to in paragraph (a),

except in accordance with an approval in writing given by the Commission or in accordance with a direction given by the Commission under section 16 (4) or in accordance with a requirement under the regulations made pursuant to section 36 (1) (f1).

(2) A reference in subsection (1) to the discharge of pollutants into any waters includes a reference to the discharge or other disposal of pollutants so that they fall, descend, are washed, are blown or percolate, or are likely to fall, descend, be washed, be blown or percolate, into any waters or onto the bed of any waters, when dry.

(3)



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*Clean Waters (Amendment).*

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(3) An application for approval under this section shall be made to the Commission in the prescribed manner and shall be accompanied by the prescribed fee.

(4) The Commission—

- (a) may grant any application under this section, either subject to conditions or unconditionally; or
- (b) may refuse any such application.

(5) The Commission may revoke any condition attached to an approval under this section.

(6) Any person who contravenes the provisions of subsection (1) or of any conditions attached to an approval given under this section is guilty of an offence against this Act and is liable to a penalty not exceeding \$5,000.

(7) Proceedings in respect of an offence arising under this section and committed after the commencement of this subsection may be commenced at any time within three years after the offence was committed.

(8) For the purposes of subsection (1) (b), it is immaterial whether or not the installation, construction or modification referred to therein was or is completed.

(9) In proceedings for an offence arising under subsection (1), it is not necessary that it be established that the offence was committed on a particular day or on particular days, provided it is established that the offence was committed during a particular period.

(f)



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*Clean Waters (Amendment).*

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- Sec. 20.  
(Licences.)
- (f) by omitting section 20 (5);
- Sec. 24.  
(Fees.)
- (g) by omitting from section 24 (1) the words "one thousand dollars" and by inserting instead the matter "\$3,000";
- Sec. 28.  
(Occupier of premises may be required to furnish
- (h) by omitting from section 28 (2) the words "five hundred dollars" and by inserting instead the matter "\$1,000";
- Sec. 29.  
(Powers of authorised officers.)  
information.)
- (i) by omitting from section 29 (4) the words "five hundred dollars" and by inserting instead the matter "\$1,000";
- Sec. 33.  
(Proceedings for offences.)
- (j) (i) by omitting from section 33 (2) the word "Proceedings" and by inserting instead the words "Subject to subsection (2A), proceedings";
- (ii) by inserting after section 33 (2) the following subsection :—
- (2A) Subsection (2) does not apply to the institution of proceedings for—
- (a) an offence if the proceedings are instituted by a member or officer of the Commission and with—
- (i) the consent of the Commission;  
or
- (ii) the written consent of such member or officer of the Commission as may be authorised by the Commission for the purposes of this paragraph; or
- (b)



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*Clean Waters (Amendment).*

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(b) an offence (other than an offence arising under section 16 in respect of the contravention of a condition of a licence, an offence arising under section 19 or an offence of a prescribed class or description) if the proceedings are instituted by a servant of the council of the city, municipality or shire in whose area the offence was committed and with—

- (i) the consent of the council; or
- (ii) the written consent of such member or servant of the council as may be authorised by the council for the purposes of this paragraph,

not being proceedings against the Crown, or a person acting on behalf of the Crown, or a statutory authority.

- (iii) by inserting in section 33 (4) after the word "Act" where firstly occurring the words "or the regulations";
- (iv) by inserting after section 33 (4) the following subsection :—

(5) Proceedings in the Supreme Court in its summary jurisdiction in respect of an offence against this Act or the regulations may, except as provided in section 19, only be commenced within six months after the offence was committed.

- (k) by inserting after section 36 (1) (f) the following paragraphs :—

(f1) requiring, or empowering the Commission to require, that measures be undertaken (including, but without affecting the generality of the provisions of this paragraph,

Sec. 36.  
(Regulations.)

the



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*Clean Waters (Amendment).*

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the provision, installation, maintenance or operation of traps, arrestors, separators, screens, filters, walls, dams, embankments, trenches, and areas for the treatment, dispersal or disposal of any matter) so as to prevent or reduce, or be likely to prevent or reduce, the discharge or likely discharge of pollutants into waters from any premises;

(f2) the manner of undertaking any measures referred to in paragraph (f1).

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

**4.** The Local Government Act, 1919, is amended by inserting in section 313 after the words "scheduled premises." the following paragraph :—

Nothing in paragraph (p) operates so as to authorise the council to take into consideration the use or proposed use of any apparatus, equipment or works in relation to which approval is required under section 19 of the Clean Waters Act, 1970.

Savings  
and transi-  
tional pro-  
visions.

**5.** (1) A member of the Clean Waters Advisory Committee referred to in section 6 (2) (b) (xi) or (xii) of the Clean Waters Act, 1970, as amended by this Act, and holding office after the commencement of section 3 (a) and before 1st July, 1977, shall, subject to that Act as so amended—

(a) hold office until (and including) 30th June, 1977;  
and

(b) be eligible for reappointment.

(2) Any approval in force, or application pending, under section 19 of the Clean Waters Act, 1970, immediately before the commencement of section 3 (e) shall be deemed to be an approval in force, or an application pending, under section 19 of that Act, as amended by this Act, as the case may be.

(3)



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*Clean Waters (Amendment).*

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(3) Nothing in this Act affects the penalty that may be imposed under any provision of the Clean Waters Act, 1970, on conviction for an offence committed against that Act before the commencement of any amendment of that provision made by this Act.

(4) Any act, matter or thing done or omitted to be done before the commencement of this subsection by, to or in respect of the Health Commission of New South Wales, or a member or officer thereof, under or for the purposes of the Clean Waters Act, 1970, shall, to the extent that but for the enactment of the New South Wales Planning and Environment Commission Act, 1974, that act, matter or thing would after that commencement have had any force or effect or been in operation, be deemed to have been done or omitted to be done by, to or in respect of the State Pollution Control Commission or a member or officer thereof, whichever of them is, after that commencement appropriate in relation to the doing of or omission to do that act, matter or thing.

*In the name and on behalf of Her Majesty I assent to this Act.*

A. R. CUTLER,  
*Governor.*

*Government House,  
Sydney, 10th December, 1974.*



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# New South Wales



ANNO VICESIMO TERTIO

## ELIZABETHÆ II REGINÆ

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Act No. 85, 1974.

An Act to make further provisions relating to the prevention or the reduction of pollution of certain waters; to vary the composition and functions of the Clean Waters Advisory Committee; for these and other purposes to amend the Clean Waters Act, 1970, and the Local Government Act, 1919; to validate certain matters; and for purposes connected therewith. [Assented to, 10th December, 1974.]

BE



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*Clean Waters (Amendment).*

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**B**E 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:—

Short  
title.

1. This Act may be cited as the "Clean Waters (Amendment) Act, 1974".

Commence-  
ment.

2. (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Section 5 (4) shall commence on the day appointed and notified under section 2 of the New South Wales Planning and Environment Commission Act, 1974, or shall be deemed to have commenced on that day if the date of assent to this Act is later than that day.

(3) Except as provided in subsections (1) and (2), the several provisions of this Act shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Amend-  
ment of  
Act No. 78,  
1970.

3. The Clean Waters Act, 1970, is amended—

Sec. 6.  
(Clean  
Waters  
Advisory  
Com-  
mittee.)

(a) (i) by omitting from section 6 (1) the word "sixteen" and by inserting instead the word "eighteen";

(ii) by omitting from section 6 (2) (b) the word "fifteen" and by inserting instead the word "seventeen";

(iii) by omitting from section 6 (2) (b) (ix) the word "and";

(iv)



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*Clean Waters (Amendment).*


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- (iv) by inserting after section 6 (2) (b) (x) the following subparagraphs :—
- (xi) one shall be a member of the Health Commission of New South Wales nominated by that Commission or an officer of that Commission so nominated; and
  - (xii) one shall be an officer of the Commission nominated by the Minister.
- (b) by omitting from section 7 (6) the words “may be prescribed” and by inserting instead the words “the Minister may from time to time determine in respect of that member”; Sec. 7. (Sub-committees.)
- (c) (i) by omitting from section 8 (1) the word “Minister” and by inserting instead the word “Commission”; Sec. 8. (Functions of Committee.)
- (ii) by omitting section 8 (3) and (4);
- (d) (i) by omitting section 10 (5) (c) and by inserting instead the following paragraph :— Sec. 10. (Provisions applicable to the Committee and the Board.)
- (c) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- (ii) by omitting from section 10 (7) the words “may be prescribed” and by inserting instead the words “the Minister may from time to time determine in respect of that member”;
- (e)



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*Clean Waters (Amendment).*


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Sec. 19.

(e) by omitting section 19 and by inserting instead the following section :—

Commission's approval to installation or construction of certain apparatus, etc., required.

19. (1) A person shall not—

(a) install, construct or modify any apparatus, equipment or works for—

(i) the discharge of pollutants into any waters;

(ii) the treatment of pollutants prior to and for the purpose of their discharge into any waters; or

(iii) the storage, treatment or disposal, in a prescribed manner or in prescribed circumstances, of matter of a prescribed class or description;  
or

(b) carry out any work that constitutes the beginning of, or any subsequent step in, the installation, construction or modification of any apparatus, equipment or works of the nature referred to in paragraph (a),

except in accordance with an approval in writing given by the Commission or in accordance with a direction given by the Commission under section 16 (4) or in accordance with a requirement under the regulations made pursuant to section 36 (1) (f1).

(2) A reference in subsection (1) to the discharge of pollutants into any waters includes a reference to the discharge or other disposal of pollutants so that they fall, descend, are washed, are blown or percolate, or are likely to fall, descend, be washed, be blown or percolate, into any waters or onto the bed of any waters, when dry.

(3)



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*Clean Waters (Amendment).*

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(3) An application for approval under this section shall be made to the Commission in the prescribed manner and shall be accompanied by the prescribed fee.

(4) The Commission—

- (a) may grant any application under this section, either subject to conditions or unconditionally; or
- (b) may refuse any such application.

(5) The Commission may revoke any condition attached to an approval under this section.

(6) Any person who contravenes the provisions of subsection (1) or of any conditions attached to an approval given under this section is guilty of an offence against this Act and is liable to a penalty not exceeding \$5,000.

(7) Proceedings in respect of an offence arising under this section and committed after the commencement of this subsection may be commenced at any time within three years after the offence was committed.

(8) For the purposes of subsection (1) (b), it is immaterial whether or not the installation, construction or modification referred to therein was or is completed.

(9) In proceedings for an offence arising under subsection (1), it is not necessary that it be established that the offence was committed on a particular day or on particular days, provided it is established that the offence was committed during a particular period.

(f)



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*Clean Waters (Amendment).*


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- Sec. 20.**  
(Licences.) (f) by omitting section 20 (5) ;
- Sec. 24.**  
(Fees.) (g) by omitting from section 24 (1) the words "one thousand dollars" and by inserting instead the matter "\$3,000";
- Sec. 28.**  
(Occupier of premises may be required to furnish (h) by omitting from section 28 (2) the words "five hundred dollars" and by inserting instead the matter "\$1,000";
- Sec. 29.**  
(Powers of authorised officers.) information.) (i) by omitting from section 29 (4) the words "five hundred dollars" and by inserting instead the matter "\$1,000";
- Sec. 33.**  
(Proceedings for offences.) (j) (i) by omitting from section 33 (2) the word "Proceedings" and by inserting instead the words "Subject to subsection (2A), proceedings";  
(ii) by inserting after section 33 (2) the following subsection :—  
(2A) Subsection (2) does not apply to the institution of proceedings for—  
(a) an offence if the proceedings are instituted by a member or officer of the Commission and with—  
(i) the consent of the Commission ;  
or  
(ii) the written consent of such member or officer of the Commission as may be authorised by the Commission for the purposes of this paragraph; or

(b)



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*Clean Waters (Amendment).*

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(b) an offence (other than an offence arising under section 16 in respect of the contravention of a condition of a licence, an offence arising under section 19 or an offence of a prescribed class or description) if the proceedings are instituted by a servant of the council of the city, municipality or shire in whose area the offence was committed and with—

- (i) the consent of the council; or
- (ii) the written consent of such member or servant of the council as may be authorised by the council for the purposes of this paragraph,

not being proceedings against the Crown, or a person acting on behalf of the Crown, or a statutory authority.

- (iii) by inserting in section 33 (4) after the word "Act" where firstly occurring the words "or the regulations";
- (iv) by inserting after section 33 (4) the following subsection :—

(5) Proceedings in the Supreme Court in its summary jurisdiction in respect of an offence against this Act or the regulations may, except as provided in section 19, only be commenced within six months after the offence was committed.

- (k) by inserting after section 36 (1) (f) the following paragraphs :—

(f1) requiring, or empowering the Commission to require, that measures be undertaken (including, but without affecting the generality of the provisions of this paragraph,

Sec. 36.  
(Regulations.)

the



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*Clean Waters (Amendment).*

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the provision, installation, maintenance or operation of traps, arrestors, separators, screens, filters, walls, dams, embankments, trenches, and areas for the treatment, dispersal or disposal of any matter) so as to prevent or reduce, or be likely to prevent or reduce, the discharge or likely discharge of pollutants into waters from any premises;

(f2) the manner of undertaking any measures referred to in paragraph (f1).

Amendment  
of Act No.  
41, 1919.  
Sec. 313.

(Subjects  
for con-  
sideration.)

**4.** The Local Government Act, 1919, is amended by inserting in section 313 after the words "scheduled premises." the following paragraph :—

Nothing in paragraph (p) operates so as to authorise the council to take into consideration the use or proposed use of any apparatus, equipment or works in relation to which approval is required under section 19 of the Clean Waters Act, 1970.

Savings  
and transi-  
tional pro-  
visions.

**5.** (1) A member of the Clean Waters Advisory Committee referred to in section 6 (2) (b) (xi) or (xii) of the Clean Waters Act, 1970, as amended by this Act, and holding office after the commencement of section 3 (a) and before 1st July, 1977, shall, subject to that Act as so amended—

(a) hold office until (and including) 30th June, 1977;  
and

(b) be eligible for reappointment.

(2) Any approval in force, or application pending, under section 19 of the Clean Waters Act, 1970, immediately before the commencement of section 3 (e) shall be deemed to be an approval in force, or an application pending, under section 19 of that Act, as amended by this Act, as the case may be.

(3)



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*Clean Waters (Amendment).*

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(3) Nothing in this Act affects the penalty that may be imposed under any provision of the Clean Waters Act, 1970, on conviction for an offence committed against that Act before the commencement of any amendment of that provision made by this Act.

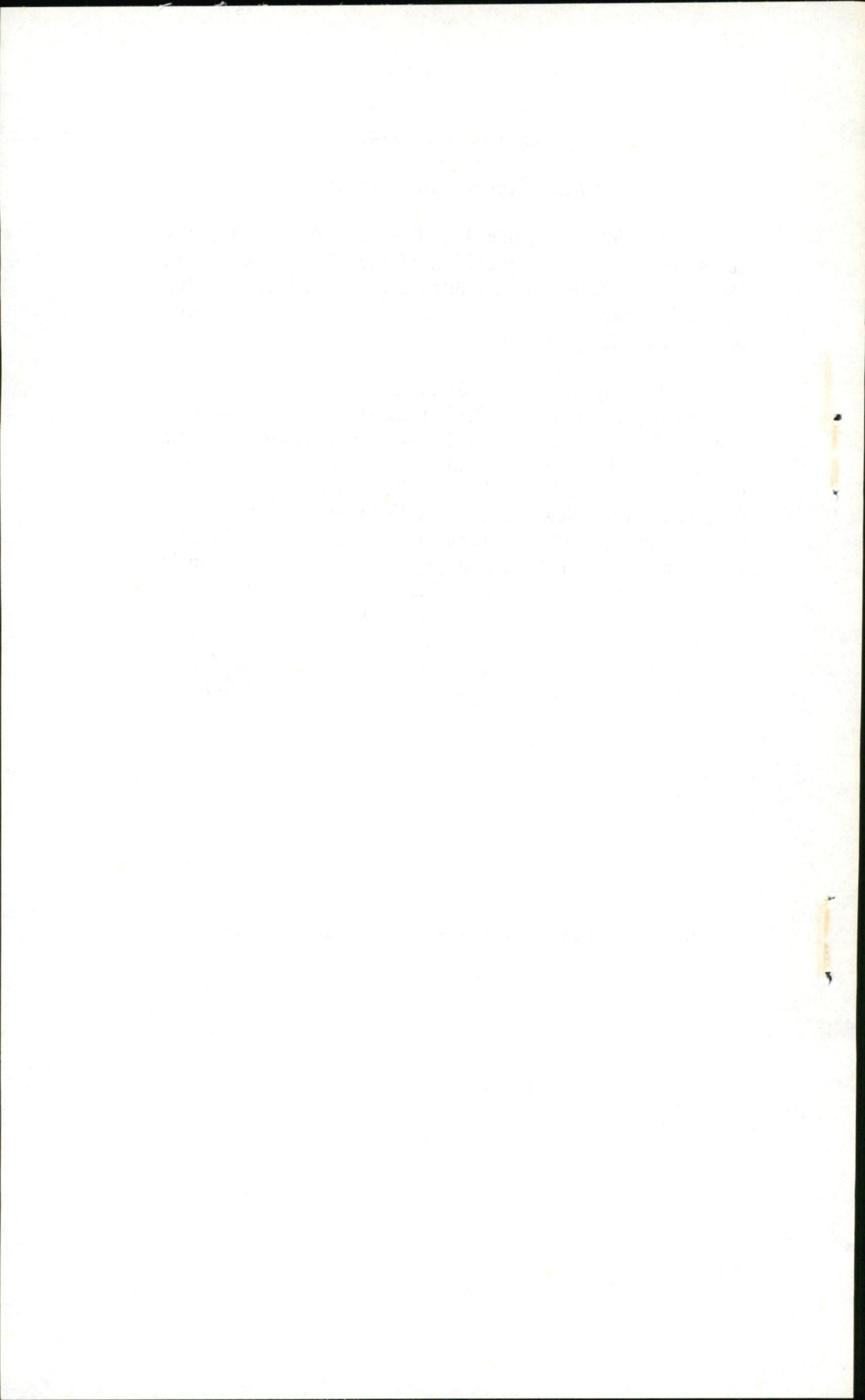
(4) Any act, matter or thing done or omitted to be done before the commencement of this subsection by, to or in respect of the Health Commission of New South Wales, or a member or officer thereof, under or for the purposes of the Clean Waters Act, 1970, shall, to the extent that but for the enactment of the New South Wales Planning and Environment Commission Act, 1974, that act, matter or thing would after that commencement have had any force or effect or been in operation, be deemed to have been done or omitted to be done by, to or in respect of the State Pollution Control Commission or a member or officer thereof, whichever of them is, after that commencement appropriate in relation to the doing of or omission to do that act, matter or thing.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975







*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of New South Wales.*

R. E. WARD,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 27 November, 1974.*

## New South Wales



ANNO VICESIMO TERTIO

**ELIZABETHÆ II REGINÆ**

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**Act No. 85, 1974.**

An Act to make further provisions relating to the prevention or the reduction of pollution of certain waters; to vary the composition and functions of the Clean Waters Advisory Committee; for these and other purposes to amend the Clean Waters Act, 1970, and the Local Government Act, 1919; to validate certain matters; and for purposes connected therewith. [Assented to, 10th December, 1974.]

BE

*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

J. H. BROWN,  
*Chairman of Committees of the Legislative Assembly.*



*Clean Waters (Amendment).*

**B**E 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:—

Short  
title.

1. This Act may be cited as the "Clean Waters (Amendment) Act, 1974".

Commence-  
ment.

2. (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Section 5 (4) shall commence on the day appointed and notified under section 2 of the New South Wales Planning and Environment Commission Act, 1974, or shall be deemed to have commenced on that day if the date of assent to this Act is later than that day.

(3) Except as provided in subsections (1) and (2), the several provisions of this Act shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Amend-  
ment of  
Act No. 78,  
1970.

3. The Clean Waters Act, 1970, is amended—

Sec. 6.  
(Clean  
Waters  
Advisory  
Com-  
mittee.)

(a) (i) by omitting from section 6 (1) the word "sixteen" and by inserting instead the word "eighteen";

(ii) by omitting from section 6 (2) (b) the word "fifteen" and by inserting instead the word "seventeen";

(iii) by omitting from section 6 (2) (b) (ix) the word "and";

(iv)



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*Clean Waters (Amendment).*

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- (iv) by inserting after section 6 (2) (b) (x) the following subparagraphs :—
- (xi) one shall be a member of the Health Commission of New South Wales nominated by that Commission or an officer of that Commission so nominated; and
  - (xii) one shall be an officer of the Commission nominated by the Minister.
- (b) by omitting from section 7 (6) the words “may be prescribed” and by inserting instead the words “the Minister may from time to time determine in respect of that member”; Sec. 7. (Sub-committees.)
- (c) (i) by omitting from section 8 (1) the word “Minister” and by inserting instead the word “Commission”; Sec. 8. (Functions of Committee.)
- (ii) by omitting section 8 (3) and (4);
- (d) (i) by omitting section 10 (5) (c) and by inserting instead the following paragraph :— Sec. 10. (Provisions applicable to the Committee and the Board.)
- (c) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- (ii) by omitting from section 10 (7) the words “may be prescribed” and by inserting instead the words “the Minister may from time to time determine in respect of that member”;
- (e)



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*Clean Waters (Amendment).*


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Sec. 19.

(e) by omitting section 19 and by inserting instead the following section :—

Commis-  
sion's  
approval to  
installation  
or construc-  
tion of  
certain  
apparatus,  
etc.,  
required.

19. (1) A person shall not—

(a) install, construct or modify any apparatus, equipment or works for—

(i) the discharge of pollutants into any waters;

(ii) the treatment of pollutants prior to and for the purpose of their discharge into any waters; or

(iii) the storage, treatment or disposal, in a prescribed manner or in prescribed circumstances, of matter of a prescribed class or description;

**or**

(b) carry out any work that constitutes the beginning of, or any subsequent step in, the installation, construction or modification of any apparatus, equipment or works of the nature referred to in paragraph (a),

except in accordance with an approval in writing given by the Commission or in accordance with a direction given by the Commission under section 16 (4) or in accordance with a requirement under the regulations made pursuant to section 36 (1) (f1).

(2) A reference in subsection (1) to the discharge of pollutants into any waters includes a reference to the discharge or other disposal of pollutants so that they fall, descend, are washed, are blown or percolate, or are likely to fall, descend, be washed, be blown or percolate, into any waters or onto the bed of any waters, when dry.

(3)



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*Clean Waters (Amendment).*

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(3) An application for approval under this section shall be made to the Commission in the prescribed manner and shall be accompanied by the prescribed fee.

(4) The Commission—

- (a) may grant any application under this section, either subject to conditions or unconditionally; or
- (b) may refuse any such application.

(5) The Commission may revoke any condition attached to an approval under this section.

(6) Any person who contravenes the provisions of subsection (1) or of any conditions attached to an approval given under this section is guilty of an offence against this Act and is liable to a penalty not exceeding \$5,000.

(7) Proceedings in respect of an offence arising under this section and committed after the commencement of this subsection may be commenced at any time within three years after the offence was committed.

(8) For the purposes of subsection (1) (b), it is immaterial whether or not the installation, construction or modification referred to therein was or is completed.

(9) In proceedings for an offence arising under subsection (1), it is not necessary that it be established that the offence was committed on a particular day or on particular days, provided it is established that the offence was committed during a particular period.

(f)



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*Clean Waters (Amendment).*

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- Sec. 20.  
(Licences.)
- (f) by omitting section 20 (5);
- Sec. 24.  
(Fees.)
- (g) by omitting from section 24 (1) the words "one thousand dollars" and by inserting instead the matter "\$3,000";
- Sec. 28.  
(Occupier of premises may be required to furnish
- (h) by omitting from section 28 (2) the words "five hundred dollars" and by inserting instead the matter "\$1,000";
- Sec. 29.  
(Powers of authorised officers.)  
information.)
- (i) by omitting from section 29 (4) the words "five hundred dollars" and by inserting instead the matter "\$1,000";
- Sec. 33.  
(Proceedings for offences.)
- (j) (i) by omitting from section 33 (2) the word "Proceedings" and by inserting instead the words "Subject to subsection (2A), proceedings";
- (ii) by inserting after section 33 (2) the following subsection :—
- (2A) Subsection (2) does not apply to the institution of proceedings for—
- (a) an offence if the proceedings are instituted by a member or officer of the Commission and with—
- (i) the consent of the Commission;  
or
- (ii) the written consent of such member or officer of the Commission as may be authorised by the Commission for the purposes of this paragraph; or
- (b)



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*Clean Waters (Amendment).*

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(b) an offence (other than an offence arising under section 16 in respect of the contravention of a condition of a licence, an offence arising under section 19 or an offence of a prescribed class or description) if the proceedings are instituted by a servant of the council of the city, municipality or shire in whose area the offence was committed and with—

- (i) the consent of the council; or
- (ii) the written consent of such member or servant of the council as may be authorised by the council for the purposes of this paragraph,

not being proceedings against the Crown, or a person acting on behalf of the Crown, or a statutory authority.

- (iii) by inserting in section 33 (4) after the word "Act" where firstly occurring the words "or the regulations";
- (iv) by inserting after section 33 (4) the following subsection :—

(5) Proceedings in the Supreme Court in its summary jurisdiction in respect of an offence against this Act or the regulations may, except as provided in section 19, only be commenced within six months after the offence was committed.

- (k) by inserting after section 36 (1) (f) the following paragraphs :—

(f1) requiring, or empowering the Commission to require, that measures be undertaken (including, but without affecting the generality of the provisions of this paragraph,

Sec. 36.  
(Regulations.)

the



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*Clean Waters (Amendment).*


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the provision, installation, maintenance or operation of traps, arrestors, separators, screens, filters, walls, dams, embankments, trenches, and areas for the treatment, dispersal or disposal of any matter) so as to prevent or reduce, or be likely to prevent or reduce, the discharge or likely discharge of pollutants into waters from any premises;

(f2) the manner of undertaking any measures referred to in paragraph (f1).

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

**4.** The Local Government Act, 1919, is amended by inserting in section 313 after the words "scheduled premises." the following paragraph :—

Nothing in paragraph (p) operates so as to authorise the council to take into consideration the use or proposed use of any apparatus, equipment or works in relation to which approval is required under section 19 of the Clean Waters Act, 1970.

Savings  
and transi-  
tional pro-  
visions.

**5.** (1) A member of the Clean Waters Advisory Committee referred to in section 6 (2) (b) (xi) or (xii) of the Clean Waters Act, 1970, as amended by this Act, and holding office after the commencement of section 3 (a) and before 1st July, 1977, shall, subject to that Act as so amended—

(a) hold office until (and including) 30th June, 1977;  
and

(b) be eligible for reappointment.

(2) Any approval in force, or application pending, under section 19 of the Clean Waters Act, 1970, immediately before the commencement of section 3 (e) shall be deemed to be an approval in force, or an application pending, under section 19 of that Act, as amended by this Act, as the case may be.

(3)



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*Clean Waters (Amendment).*

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(3) Nothing in this Act affects the penalty that may be imposed under any provision of the Clean Waters Act, 1970, on conviction for an offence committed against that Act before the commencement of any amendment of that provision made by this Act.

(4) Any act, matter or thing done or omitted to be done before the commencement of this subsection by, to or in respect of the Health Commission of New South Wales, or a member or officer thereof, under or for the purposes of the Clean Waters Act, 1970, shall, to the extent that but for the enactment of the New South Wales Planning and Environment Commission Act, 1974, that act, matter or thing would after that commencement have had any force or effect or been in operation, be deemed to have been done or omitted to be done by, to or in respect of the State Pollution Control Commission or a member or officer thereof, whichever of them is, after that commencement appropriate in relation to the doing of or omission to do that act, matter or thing.

*In the name and on behalf of Her Majesty I assent to this Act.*

A. R. CUTLER,  
*Governor.*

*Government House,  
Sydney, 10th December, 1974.*



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