

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

Act No. , 1974.

An Act relating to the making of inquiries under the State Pollution Control Commission Act, 1970; to make further provisions respecting the State Pollution Control Commission's power of delegation; for these and other purposes to amend the State Pollution Control Commission Act, 1970; and for purposes connected therewith.

BE

State Pollution Control Commission (Amendment).

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:—

- 5
1. This Act may be cited as the "State Pollution Control Commission (Amendment) Act, 1974". Short title.

 2. The State Pollution Control Commission Act, 1970, is amended— Amendment of Act No. 95, 1970.
 - 10 (a) by omitting from section 6 (6) the word "Authority" and by inserting instead the word "Commission"; Sec. 6. (Constitution of the Commission.)

 - (b) by omitting section 7 (1) (f) and by inserting instead the following paragraph:— Sec. 7. (Casual vacancies.)
 - 15 (f) if he 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;

 - 20

 - (c) (i) by inserting in section 16 (1) after the word "delegation" where secondly occurring the words ", and may by such an instrument revoke wholly or in part any such delegation"; Sec. 16. (Delegation.)

 - 25 (ii) by inserting in section 16 (2) after the word "Director" the words "or by an officer of the Commission authorised by instrument in writing by the Director in that behalf either generally or in a particular case or class of cases";

 - 30
- (iii)

State Pollution Control Commission (Amendment).

- (iii) by inserting in section 16 (3) after the word "delegation" wherever occurring the words "or authorisation";
- 5 (iv) by inserting in section 16 (5) after the word "section" the words "or by an officer duly authorised in that behalf by the Director";
- (v) by inserting after section 16 (5) the following subsections :—
- 10 (6) The Director may, by an instrument in writing, revoke wholly or in part any authorisation of an officer under this section.
- 15 (7) An instrument issued, made or given by an officer of the Commission pursuant to an authorisation under this section may be issued, made or given in the name or over the name of the Director, or in any other manner in which it could have been issued, made or given had this subsection not been enacted.
- 20 (d) (i) by inserting after section 23 (1) the following subsections :— Sec. 23.
(Inquiries.)
- 25 (1A) Where the Commission is conducting an inquiry under this section (including an inquiry that the Minister has required to be conducted), the Commission may, by order in writing, authorise, subject to the terms of the authorisation—
- 30 (a) the Technical Advisory Committee or any other committee or any sub-committee established under Part IV;
- (b) any member of the Commission, the Technical Advisory Committee or any other committee or any sub-committee so established; or
- (c)

State Pollution Control Commission (Amendment).

(c) with the approval of the Minister—any other person,

to examine, and to report to the Commission on, any matter in connection with that inquiry.

5 (1B) Nothing in this section shall be construed as limiting the power of the Commission to conduct an examination in connection with an inquiry being conducted by the Commission, and the Commission may conduct such an
10 examination notwithstanding that it has authorised another body or person to do so.

(ii) by omitting from section 23 (2) the words “any such inquiry” and by inserting instead the words “an inquiry or examination under
15 this section”;

(iii) by inserting in section 23 (2) (a) and (b) after the word “inquiry” wherever occurring the words “or examination (as the case may
20 require)”;

(iv) by inserting in section 23 (3) after the word “inquiry” where firstly occurring the words “or
25 examination”;

(v) by inserting in section 23 (3) (a) and (b) after the word “inquiry” wherever occurring the words “or examination (as the case may
require)”.

BY AUTHORITY

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

No. , 1974.

A BILL

Relating to the making of inquiries under the State Pollution Control Commission Act, 1970; to make further provisions respecting the State Pollution Control Commission's power of delegation; for these and other purposes to amend the State Pollution Control Commission Act, 1970; and for purposes connected therewith.

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

BE

State Pollution Control Commission (Amendment).

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:—

1. This Act may be cited as the "State Pollution Control Commission (Amendment) Act, 1974". Short title.

2. The State Pollution Control Commission Act, 1970, is amended— Amendment of Act No. 95, 1970.
 - 10 (a) by omitting from section 6 (6) the word "Authority" and by inserting instead the word "Commission"; Sec. 6. (Constitution of the Commission.)

 - (b) by omitting section 7 (1) (f) and by inserting instead the following paragraph :— Sec. 7. (Casual vacancies.)
 - 15 (f) if he 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;

 - 20 (c) (i) by inserting in section 16 (1) after the word "delegation" where secondly occurring the words ", and may by such an instrument revoke wholly or in part any such delegation"; Sec. 16. (Delegation.)

 - 25 (ii) by inserting in section 16 (2) after the word "Director" the words "or by an officer of the Commission authorised by instrument in writing by the Director in that behalf either generally or in a particular case or class of cases";

 - 30 (iii)

State Pollution Control Commission (Amendment).

(iii) by inserting in section 16 (3) after the word "delegation" wherever occurring the words "or authorisation";

5 (iv) by inserting in section 16 (5) after the word "section" the words "or by an officer duly authorised in that behalf by the Director";

(v) by inserting after section 16 (5) the following subsections :—

10 (6) The Director may, by an instrument in writing, revoke wholly or in part any authorisation of an officer under this section.

15 (7) An instrument issued, made or given by an officer of the Commission pursuant to an authorisation under this section may be issued, made or given in the name or over the name of the Director, or in any other manner in which it could have been issued, made or given had this subsection not been enacted.

20 (d) (i) by inserting after section 23 (1) the following subsections :— Sec. 23.
(Inquiries.)

25 (1A) Where the Commission is conducting an inquiry under this section (including an inquiry that the Minister has required to be conducted), the Commission may, by order in writing, authorise, subject to the terms of the authorisation—

(a) the Technical Advisory Committee or any other committee or any sub-committee established under Part IV;

30 (b) any member of the Commission, the Technical Advisory Committee or any other committee or any sub-committee so established; or

(c)

State Pollution Control Commission (Amendment).

(c) with the approval of the Minister—any other person,

to examine, and to report to the Commission on, any matter in connection with that inquiry.

5

(1B) Nothing in this section shall be construed as limiting the power of the Commission to conduct an examination in connection with an inquiry being conducted by the Commission, and the Commission may conduct such an examination notwithstanding that it has authorised another body or person to do so.

10

(ii) by omitting from section 23 (2) the words “any such inquiry” and by inserting instead the words “an inquiry or examination under this section”;

15

(iii) by inserting in section 23 (2) (a) and (b) after the word “inquiry” wherever occurring the words “or examination (as the case may require)”;

20

(iv) by inserting in section 23 (3) after the word “inquiry” where firstly occurring the words “or examination”;

25

(v) by inserting in section 23 (3) (a) and (b) after the word “inquiry” wherever occurring the words “or examination (as the case may require)”.

BY AUTHORITY

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

[5c]

**STATE POLLUTION CONTROL COMMISSION
(AMENDMENT) BILL, 1974**

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to empower the Director of the State Pollution Control Commission (herein referred to as “the Commission”) to authorise an officer of the Commission to exercise functions delegated by the Commission to the Director;
- (b) to enable the Commission, when conducting an inquiry into matters relating to pollution, waste disposal or the protection of the environment, to authorise—
 - (i) a committee or sub-committee established under the State Pollution Control Commission Act, 1970;
 - (ii) a member of the Commission or any such committee or sub-committee; or
 - (iii) with the approval of the Minister—any other person, to conduct an examination in connection with the inquiry, for report to the Commission;
- (c) to empower a body or person authorised to conduct an examination referred to in paragraph (b) to require a person to give evidence; and
- (d) to make other provisions of a minor, consequential or ancillary character.

1907

STATE OF NEW YORK
(LEGISLATURE)

EXPLANATORY STATEMENT

of the

Bill for the purpose of amending the laws relating to the

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No. , 1974.

A BILL

Relating to the making of inquiries under the State Pollution Control Commission Act, 1970; to make further provisions respecting the State Pollution Control Commission's power of delegation; for these and other purposes to amend the State Pollution Control Commission Act, 1970; and for purposes connected therewith.

[SIR CHARLES CUTLER—13 November, 1974.]

BE

State Pollution Control Commission (Amendment).

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:—

1. This Act may be cited as the "State Pollution Control Commission (Amendment) Act, 1974". Short title.

2. The State Pollution Control Commission Act, 1970, is amended— Amendment of Act No. 95, 1970.
 - 10 (a) by omitting from section 6 (6) the word "Authority" and by inserting instead the word "Commission"; Sec. 6. (Constitution of the Commission.)

 - (b) by omitting section 7 (1) (f) and by inserting instead the following paragraph :— Sec. 7. (Casual vacancies.)
 - 15 (f) if he 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;

 - 20 (c) (i) by inserting in section 16 (1) after the word "delegation" where secondly occurring the words ", and may by such an instrument revoke wholly or in part any such delegation"; Sec. 16. (Delegation.)

 - 25 (ii) by inserting in section 16 (2) after the word "Director" the words "or by an officer of the Commission authorised by instrument in writing by the Director in that behalf either generally or in a particular case or class of cases";

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State Pollution Control Commission (Amendment).

- (iii) by inserting in section 16 (3) after the word "delegation" wherever occurring the words "or authorisation";
- 5 (iv) by inserting in section 16 (5) after the word "section" the words "or by an officer duly authorised in that behalf by the Director";
- (v) by inserting after section 16 (5) the following subsections :—
- 10 (6) The Director may, by an instrument in writing, revoke wholly or in part any authorisation of an officer under this section.
- 15 (7) An instrument issued, made or given by an officer of the Commission pursuant to an authorisation under this section may be issued, made or given in the name or over the name of the Director, or in any other manner in which it could have been issued, made or given had this subsection not been enacted.
- 20 (d) (i) by inserting after section 23 (1) the following subsections :— Sec. 23.
(Inquiries.)
- 25 (1A) Where the Commission is conducting an inquiry under this section (including an inquiry that the Minister has required to be conducted), the Commission may, by order in writing, authorise, subject to the terms of the authorisation—
- 30 (a) the Technical Advisory Committee or any other committee or any sub-committee established under Part IV;
- (b) any member of the Commission, the Technical Advisory Committee or any other committee or any sub-committee so established; or

(c)

State Pollution Control Commission (Amendment).

(c) with the approval of the Minister—any other person,

to examine, and to report to the Commission on, any matter in connection with that inquiry.

5 (1B) Nothing in this section shall be construed as limiting the power of the Commission to conduct an examination in connection with an inquiry being conducted by the Commission, and the Commission may conduct such an
10 examination notwithstanding that it has authorised another body or person to do so.

(ii) by omitting from section 23 (2) the words “any such inquiry” and by inserting instead the words “an inquiry or examination under
15 this section”;

(iii) by inserting in section 23 (2) (a) and (b) after the word “inquiry” wherever occurring the words “or examination (as the case may
20 require)”;

(iv) by inserting in section 23 (3) after the word “inquiry” where firstly occurring the words “or
25 examination”;

(v) by inserting in section 23 (3) (a) and (b) after the word “inquiry” wherever occurring the words “or examination (as the case may
30 require)”.

BY AUTHORITY

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

New South Wales



ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 88, 1974.

An Act relating to the making of inquiries under the State Pollution Control Commission Act, 1970; to make further provisions respecting the State Pollution Control Commission's power of delegation; for these and other purposes to amend the State Pollution Control Commission Act, 1970; and for purposes connected therewith. [Assented to, 10th December, 1974.]

BE

State Pollution Control Commission (Amendment).

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:—

Short title.

1. This Act may be cited as the "State Pollution Control Commission (Amendment) Act, 1974".

Amendment of Act No. 95, 1970.

2. The State Pollution Control Commission Act, 1970, is amended—

Sec. 6.
(Constitution of the Commission.)

(a) by omitting from section 6 (6) the word "Authority" and by inserting instead the word "Commission";

Sec. 7.
(Casual vacancies.)

(b) by omitting section 7 (1) (f) and by inserting instead the following paragraph:—

(f) if he 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;

Sec. 16.
(Delegation.)

(c) (i) by inserting in section 16 (1) after the word "delegation" where secondly occurring the words ", and may by such an instrument revoke wholly or in part any such delegation";

(ii) by inserting in section 16 (2) after the word "Director" the words "or by an officer of the Commission authorised by instrument in writing by the Director in that behalf either generally or in a particular case or class of cases";

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State Pollution Control Commission (Amendment).

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- (iv) by inserting in section 16 (5) after the word "section" the words "or by an officer duly authorised in that behalf by the Director";
- (v) by inserting after section 16 (5) the following subsections :—

(6) The Director may, by an instrument in writing, revoke wholly or in part any authorisation of an officer under this section.

(7) An instrument issued, made or given by an officer of the Commission pursuant to an authorisation under this section may be issued, made or given in the name or over the name of the Director, or in any other manner in which it could have been issued, made or given had this subsection not been enacted.

- (d) (i) by inserting after section 23 (1) the following Sec. 23.
(Inquiries.) subsections :—

(1A) Where the Commission is conducting an inquiry under this section (including an inquiry that the Minister has required to be conducted), the Commission may, by order in writing, authorise, subject to the terms of the authorisation—

- (a) the Technical Advisory Committee or any other committee or any sub-committee established under Part IV;
- (b) any member of the Commission, the Technical Advisory Committee or any other committee or any sub-committee so established; or

(c)

State Pollution Control Commission (Amendment).

(c) with the approval of the Minister—any other person,

to examine, and to report to the Commission on, any matter in connection with that inquiry.

(1B) Nothing in this section shall be construed as limiting the power of the Commission to conduct an examination in connection with an inquiry being conducted by the Commission, and the Commission may conduct such an examination notwithstanding that it has authorised another body or person to do so.

- (ii) by omitting from section 23 (2) the words “any such inquiry” and by inserting instead the words “an inquiry or examination under this section”;
- (iii) by inserting in section 23 (2) (a) and (b) after the word “inquiry” wherever occurring the words “or examination (as the case may require)”;
- (iv) by inserting in section 23 (3) after the word “inquiry” where firstly occurring the words “or examination”;
- (v) by inserting in section 23 (3) (a) and (b) after the word “inquiry” wherever occurring the words “or examination (as the case may require)”.

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

Act No. 88, 1974.

An Act relating to the making of inquiries under the State Pollution Control Commission Act, 1970; to make further provisions respecting the State Pollution Control Commission's power of delegation; for these and other purposes to amend the State Pollution Control Commission Act, 1970; 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.

State Pollution Control Commission (Amendment).

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:—

Short
title.

1. This Act may be cited as the "State Pollution Control Commission (Amendment) Act, 1974".

Amendment
of Act No.
95, 1970.

2. The State Pollution Control Commission Act, 1970, is amended—

Sec. 6.
(Consti-
tution of
the Com-
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(a) by omitting from section 6 (6) the word "Authority" and by inserting instead the word "Commission";

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(b) by omitting section 7 (1) (f) and by inserting instead the following paragraph:—

(f) if he 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;

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(c) (i) by inserting in section 16 (1) after the word "delegation" where secondly occurring the words ", and may by such an instrument revoke wholly or in part any such delegation";

(ii) by inserting in section 16 (2) after the word "Director" the words "or by an officer of the Commission authorised by instrument in writing by the Director in that behalf either generally or in a particular case or class of cases";

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State Pollution Control Commission (Amendment).

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 - (7) An instrument issued, made or given by an officer of the Commission pursuant to an authorisation under this section may be issued, made or given in the name or over the name of the Director, or in any other manner in which it could have been issued, made or given had this subsection not been enacted.
- (d) (i) by inserting after section 23 (1) the following subsections :—
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 - (b) any member of the Commission, the Technical Advisory Committee or any other committee or any sub-committee so established; or
 - (c)

Sec. 23.
(Inquiries.)

State Pollution Control Commission (Amendment).

(c) with the approval of the Minister—any other person,
to examine, and to report to the Commission on, any matter in connection with that inquiry.

(1B) Nothing in this section shall be construed as limiting the power of the Commission to conduct an examination in connection with an inquiry being conducted by the Commission, and the Commission may conduct such an examination notwithstanding that it has authorised another body or person to do so.

- (ii) by omitting from section 23 (2) the words “any such inquiry” and by inserting instead the words “an inquiry or examination under this section”;
- (iii) by inserting in section 23 (2) (a) and (b) after the word “inquiry” wherever occurring the words “or examination (as the case may require)”;
- (iv) by inserting in section 23 (3) after the word “inquiry” where firstly occurring the words “or examination”;
- (v) by inserting in section 23 (3) (a) and (b) after the word “inquiry” wherever occurring the words “or examination (as the case may require)”.

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

A. R. CUTLER,
Governor.

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