

CONCURRENCE COPY

CLEAN AIR (LICENCES AND APPROVALS) AMENDMENT BILL, 1983

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the State Pollution Control Commission (Licences and Approvals) Amendment Bill, 1983.

The object of this Bill is to amend the Clean Air Act, 1961, to remove the provisions in that Act relating to the issuing of licenses and the giving of approvals as a consequence of the enactment of the proposed State Pollution Control Commission (Licences and Approvals) Amendment Act, 1983.

The Bill also contains other provisions of a minor or consequential nature.

An Act to amend the Clean Air Act, 1961, so as to remove from that Act the provisions relating to the issuing of licenses and the giving of approvals as a consequence of the inclusion in the State Pollution Control Commission Act, 1970, of provisions for the issuing of licenses and the giving of approvals in relation to pollution generally.

[Mr. Bhambhani—21 September 1983]

**CLEAN AIR (LICENCES AND APPROVALS) AMENDMENT
BILL, 1983**

No. , 1983.

A BILL FOR

An Act to amend the Clean Air Act, 1961, so as to remove from that Act the provisions relating to the issuing of licenses and the giving of approvals as a consequence of the inclusion in the State Pollution Control Commission Act, 1970, of provisions for the issuing of licences and the giving of approvals in relation to pollution generally.

[MR BEDFORD—21 *September*, 1983.]

Clean Air (Licences and Approvals) 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 Short title.

1. This Act may be cited as the "Clean Air (Licences and Approvals) Amendment Act, 1983".

Commencement.

2. (1) Except as provided by subsection (2), this Act shall commence on 10 the date of assent to this Act.

(2) Section 3 and Schedule 1 shall commence on the day appointed and notified under section 2 (3) of the State Pollution Control Commission (Licences and Approvals) Amendment Act, 1983.

Amendment of Act No. 69, 1961.

15 3. The Clean Air Act, 1961, is amended in the manner set forth in Schedule 1.

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE CLEAN AIR ACT, 1961.

20 (1) Section 1 (3)—

Omit the matter relating to Divisions 1 and 2 of Part III, insert instead:—

DIVISION 1.—*Licensing requirements*—ss. 9, 10.

DIVISION 2.—*Control of air pollution*—ss. 14–17.

Clean Air (Licences and Approvals) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CLEAN AIR ACT, 1961—*continued.*

(2) (a) Section 5 (1), definitions of “Licence”, “Licensee”—

5 Omit the definitions of “License” and “Licensee”, insert instead:—

“Licence” means a licence granted under the State Pollution Control Commission Act, 1970, and in force, whether it is an original licence or a renewed licence.

10 “Licensee” means the person to whom a licence is granted or transferred under the State Pollution Control Commission Act, 1970.

(b) Section 5 (1), definition of “Pollution control approval”—

After the definition of “Occupier”, insert:—

15 “Pollution control approval” means a pollution control approval given by the Commission under the State Pollution Control Commission Act, 1970, and in force.

(c) Section 5 (1), definition of “Statutory body”—

20 Omit “Commissioner for Railways, the Commissioner for Government Transport”, insert instead “State Rail Authority, the Urban Transit Authority”.

(3) Section 6 (10)—

Omit “Public Service Act, 1902”, insert instead “Public Service Act, 1979”.

Clean Air (Licences and Approvals) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CLEAN AIR ACT, 1961—*continued.*

(4) Part III, Division 1, heading—

Omit the heading, insert instead:—

5 DIVISION 1.—*Licensing requirements.*

(5) (a) Section 10—

Omit “license” wherever occurring, insert instead “licence”.

(b) Section 10—

10 Omit “the provisions of subsection (4) of section 11”, insert
instead “the State Pollution Control Commission Act, 1970,”.

(6) Sections 11–13—

Omit the sections.

(7) Part III, Division 2, heading—

Omit the heading, insert instead:—

15 DIVISION 2.—*Control of air pollution.*

(8) (a) Section 15A (4) (c)—

Omit “section 11 (4)”, insert instead “the State Pollution
Control Commission Act, 1970,”.

(b) Section 15A (4) (c)—

Omit “license”, insert instead “licence”.

Clean Air (Licences and Approvals) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE CLEAN AIR ACT, 1961—*continued.*

- (9) (a) Section 16 (1), (2)—
5 Omit “an approval in writing given by the Commission”
wherever occurring, insert instead “a pollution control approval”.
- (b) Section 16 (3)–(7), (13)—
Omit the subsections.
- (10) Section 26 (1) (a) (i), (ii)—
Omit the subparagraphs, insert instead:—
10 (ii) being a person on whom a notice under section 16 (8) or 17
has been served and who is aggrieved by the notice; or
- (11) Section 27 (1) (f)—
Omit “or the conditions in force and attached to any license or
approval under this Act”.
- 15 (12) (a) Section 30 (5), (6)—
Omit “license” wherever occurring, insert instead “licence”.
- (b) Section 30 (5) (j), (k)—
Omit the paragraphs, insert instead:—
20 (j) that a pollution control approval was, or was not, given
in relation to any matter so specified;
(k) that a pollution control approval was, or was not, subject
to conditions so specified;

Clean Air (Licences and Approvals) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CLEAN AIR ACT, 1961—*continued.*

(13) (a) Section 32 (1)—

Omit the subsection, insert instead:—

5

(1) Any person who—

(a) fails to comply with any of the provisions of this Act;
or

10

(b) neglects or fails to comply with any requirement, order
or direction made or given under or pursuant to this
Act,

shall be guilty of an offence against this Act.

(b) Section 32 (2)—

Omit “(1) (d)”, insert instead “(1) (b)”.

(14) Section 32A—

15

Omit “or of an offence in respect of the failure to comply with a
condition attached to a license or with a condition subject to which
an approval is granted by the Commission under section 16”.

(15) (a) Section 34 (1) (a), (b)—

Omit the paragraphs.

20

(b) Section 34 (1) (f)—

Omit “or any conditions attached to a license”.

Clean Air (Licences and Approvals) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CLEAN AIR ACT, 1961—*continued.*

(16) Schedule, paragraph (c)—

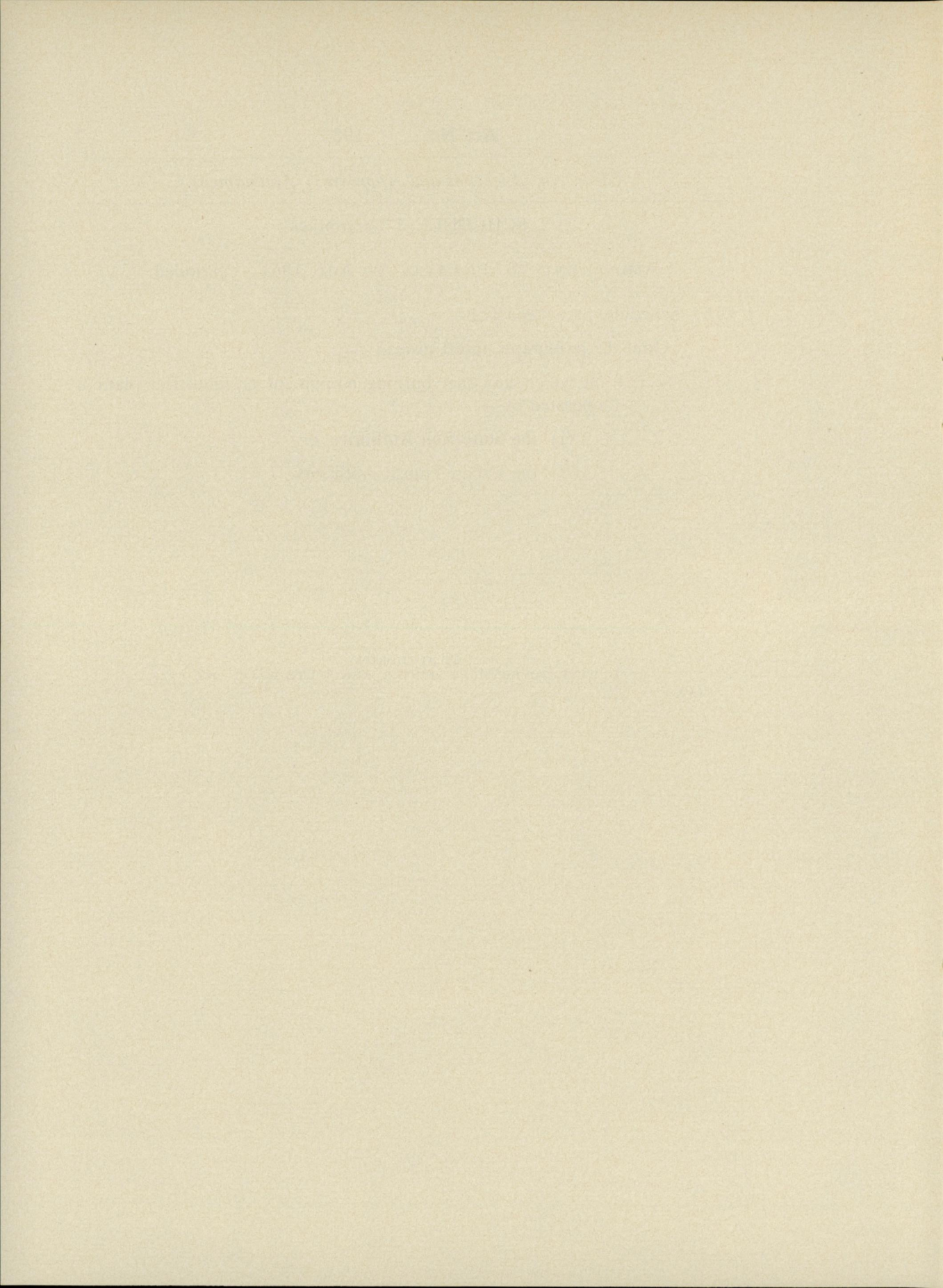
Omit the paragraph, insert instead:—

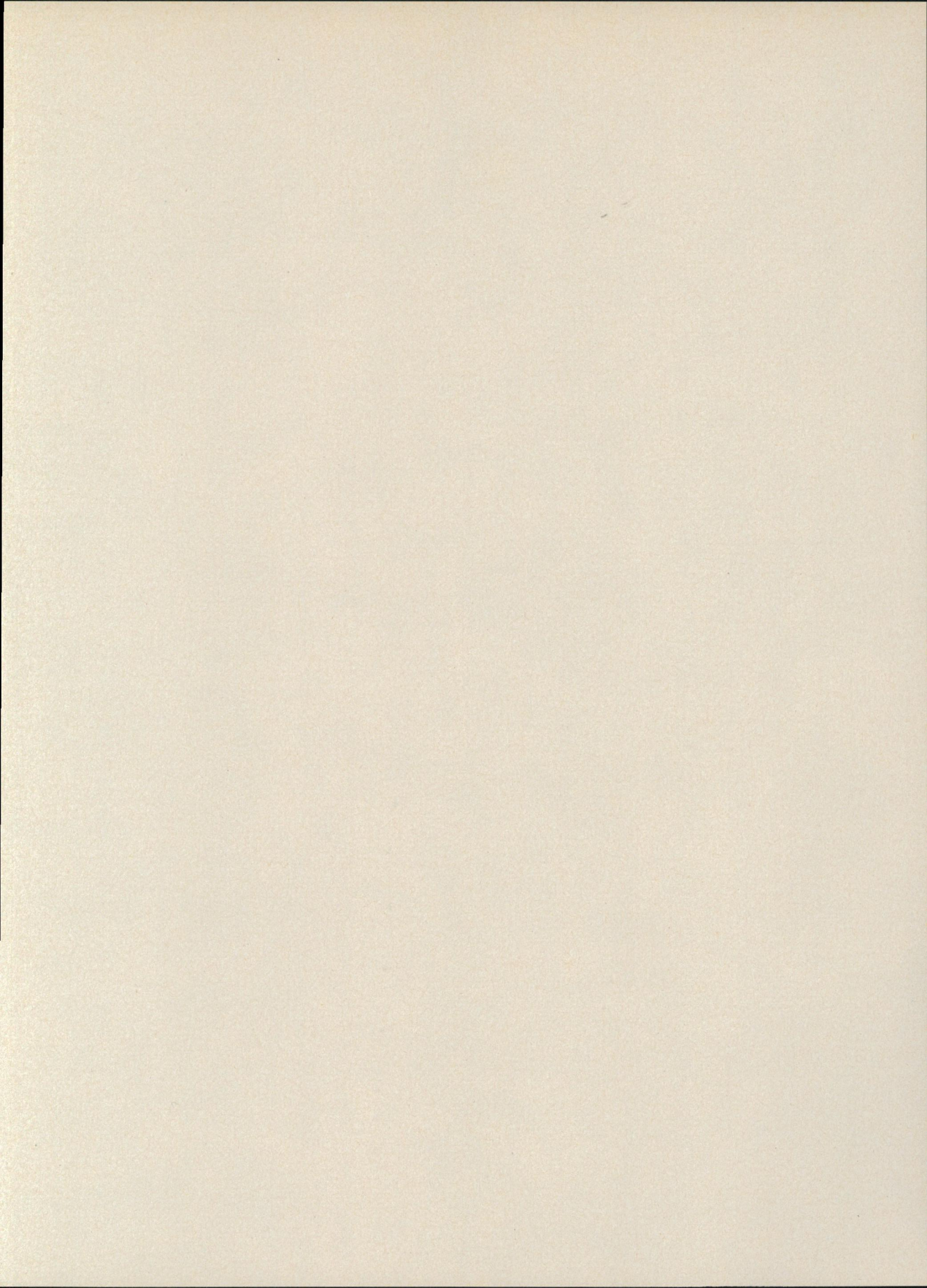
- 5 (c) on which any fuel burning equipment or industrial plant is operated by—
- (i) the State Rail Authority; or
 - (ii) the Urban Transit Authority.

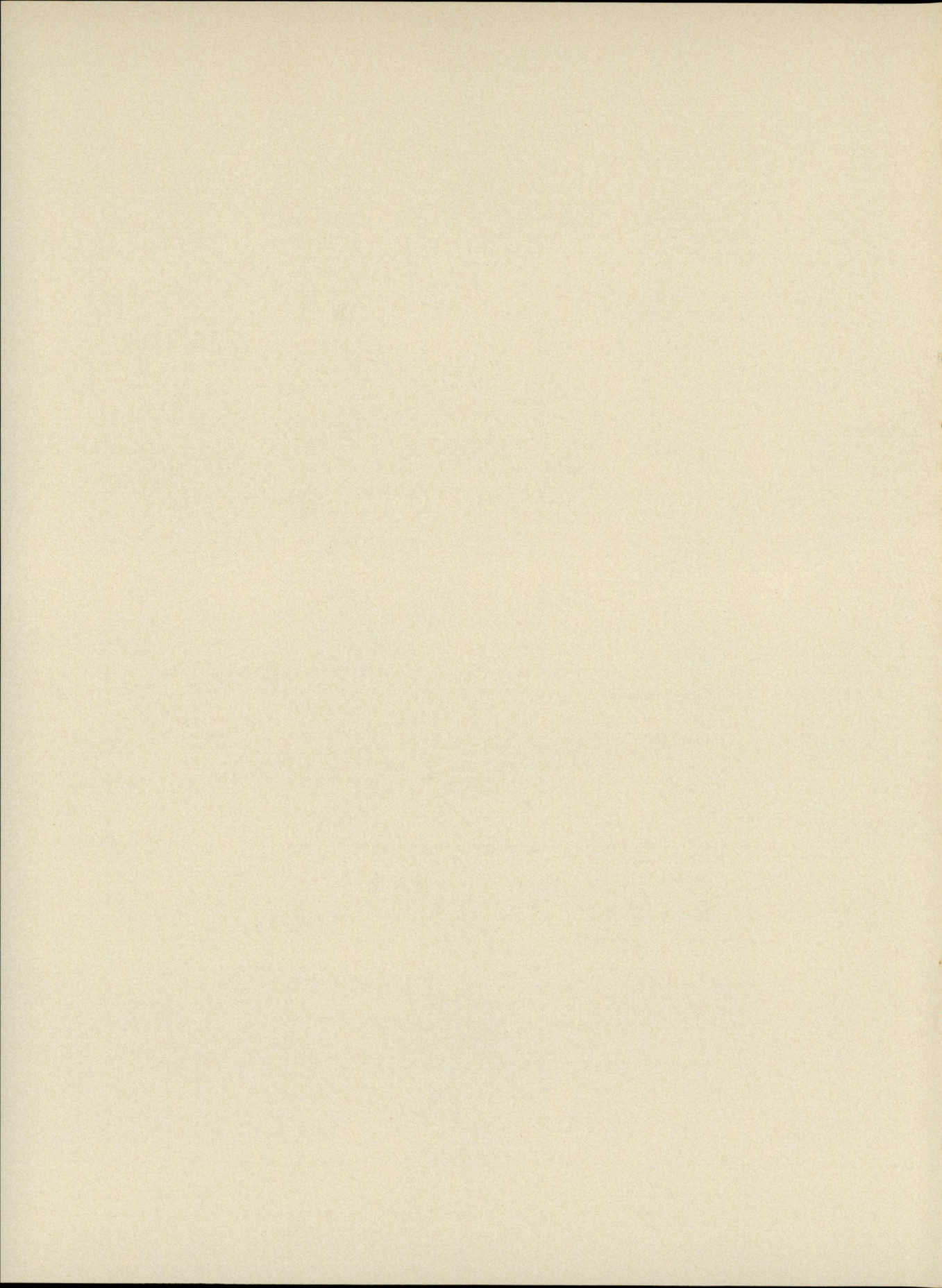
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D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1983

(40c)







CLEAN AIR (LICENCES AND APPROVALS) AMENDMENT
ACT, 1983, No. 94

New South Wales



ANNO TRICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. 94, 1983.

An Act to amend the Clean Air Act, 1961, so as to remove from that Act the provisions relating to the issuing of licenses and the giving of approvals as a consequence of the inclusion in the State Pollution Control Commission Act, 1970, of provisions for the issuing of licences and the giving of approvals in relation to pollution generally. [Assented to, 9th November, 1983.]

Clean Air (Licences and Approvals) 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 "Clean Air (Licences and Approvals) Amendment Act, 1983".

Commencement.

2. (1) Except as provided by subsection (2), this Act shall commence on the date of assent to this Act.

(2) Section 3 and Schedule 1 shall commence on the day appointed and notified under section 2 (3) of the State Pollution Control Commission (Licences and Approvals) Amendment Act, 1983.

Amendment of Act No. 69, 1961.

3. The Clean Air Act, 1961, is amended in the manner set forth in Schedule 1.

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE CLEAN AIR ACT, 1961.

(1) Section 1 (3)—

Omit the matter relating to Divisions 1 and 2 of Part III, insert instead:—

DIVISION 1.—*Licensing requirements*—ss. 9, 10.

DIVISION 2.—*Control of air pollution*—ss. 14–17.

Clean Air (Licences and Approvals) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CLEAN AIR ACT, 1961—*continued.*

(2) (a) Section 5 (1), definitions of “Licence”, “Licensee”—

Omit the definitions of “License” and “Licensee”, insert instead:—

“Licence” means a licence granted under the State Pollution Control Commission Act, 1970, and in force, whether it is an original licence or a renewed licence.

“Licensee” means the person to whom a licence is granted or transferred under the State Pollution Control Commission Act, 1970.

(b) Section 5 (1), definition of “Pollution control approval”—

After the definition of “Occupier”, insert:—

“Pollution control approval” means a pollution control approval given by the Commission under the State Pollution Control Commission Act, 1970, and in force.

(c) Section 5 (1), definition of “Statutory body”—

Omit “Commissioner for Railways, the Commissioner for Government Transport”, insert instead “State Rail Authority, the Urban Transit Authority”.

(3) Section 6 (10)—

Omit “Public Service Act, 1902”, insert instead “Public Service Act, 1979”.

Clean Air (Licences and Approvals) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE CLEAN AIR ACT, 1961—*continued.*

(4) Part III, Division 1, heading—

Omit the heading, insert instead:—

DIVISION 1.—*Licensing requirements.*

(5) (a) Section 10—

Omit “license” wherever occurring, insert instead “licence”.

(b) Section 10—

Omit “the provisions of subsection (4) of section 11”, insert instead “the State Pollution Control Commission Act, 1970,”.

(6) Sections 11–13—

Omit the sections.

(7) Part III, Division 2, heading—

Omit the heading, insert instead:—

DIVISION 2.—*Control of air pollution.*

(8) (a) Section 15A (4) (c)—

Omit “section 11 (4)”, insert instead “the State Pollution Control Commission Act, 1970,”.

(b) Section 15A (4) (c)—

Omit “license”, insert instead “licence”.

Clean Air (Licences and Approvals) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CLEAN AIR ACT, 1961—*continued.*

(9) (a) Section 16 (1), (2)—

Omit “an approval in writing given by the Commission” wherever occurring, insert instead “a pollution control approval”.

(b) Section 16 (3)–(7), (13)—

Omit the subsections.

(10) Section 26 (1) (a) (i), (ii)—

Omit the subparagraphs, insert instead:—

- (ii) being a person on whom a notice under section 16 (8) or 17 has been served and who is aggrieved by the notice; or

(11) Section 27 (1) (f)—

Omit “or the conditions in force and attached to any license or approval under this Act”.

(12) (a) Section 30 (5), (6)—

Omit “license” wherever occurring, insert instead “licence”.

(b) Section 30 (5) (j), (k)—

Omit the paragraphs, insert instead:—

- (j) that a pollution control approval was, or was not, given in relation to any matter so specified;
- (k) that a pollution control approval was, or was not, subject to conditions so specified;

Clean Air (Licences and Approvals) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE CLEAN AIR ACT, 1961—*continued.*

(13) (a) Section 32 (1)—

Omit the subsection, insert instead:—

(1) Any person who—

- (a) fails to comply with any of the provisions of this Act;
or
- (b) neglects or fails to comply with any requirement, order or direction made or given under or pursuant to this Act,

shall be guilty of an offence against this Act.

(b) Section 32 (2)—

Omit “(1) (d)”, insert instead “(1) (b)”.

(14) Section 32A—

Omit “or of an offence in respect of the failure to comply with a condition attached to a license or with a condition subject to which an approval is granted by the Commission under section 16”.

(15) (a) Section 34 (1) (a), (b)—

Omit the paragraphs.

(b) Section 34 (1) (f)—

Omit “or any conditions attached to a license”.

Clean Air (Licences and Approvals) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CLEAN AIR ACT, 1961—*continued.*

(16) Schedule, paragraph (c)—

Omit the paragraph, insert instead:—

(c) on which any fuel burning equipment or industrial plant is operated by—

(i) the State Rail Authority; or

(ii) the Urban Transit Authority.

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

J. A. ROWLAND,
Governor.

*Government House,
Sydney, 9th November, 1983.*

