

# CONCURRENCE COPY

## **CLEAN WATERS (LICENCES AND APPROVALS) AMENDMENT BILL, 1983**

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### **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 Waters Act, 1970, to remove the provisions in that Act relating to the issuing of licences 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.

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

No. , 1983.

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**A BILL FOR**

An Act to amend the Clean Waters Act, 1970, so as to remove from that Act the provisions relating to the issuing of licences 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.]

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*Clean Waters (Licences and Approvals) Amendment.*

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**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 Waters (Licences and Approvals) Amendment Act, 1983".

**Commencement.**

2. (1) Except as provided by subsection (2), this Act shall commence 10 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. 78, 1970.**

15 3. The Clean Waters Act, 1970, is amended in the manner set forth in Schedule 1.

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SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE CLEAN WATERS ACT, 1970.

20 (1) Section 3 (2), (3)—

Omit the subsections.

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*Clean Waters (Licences and Approvals) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE CLEAN WATERS ACT, 1970—*continued.*

## (2) (a) Section 5, definition of “licence”—

Omit the definition, insert instead:—

5           “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;

## (b) Section 5, definition of “pollution control approval”—

After the definition of “pollute”, insert:—

10           “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, definition of “statutory authority”—

15           Omit “Metropolitan Meat Industry Board”, insert instead “New South Wales Meat Industry Authority, the Homebush Abattoir Corporation”.

## (3) (a) Section 6 (2) (b) (vii)—

Omit the subparagraph, insert instead:—

20           (vii) one shall be an officer of the Department of Environment and Planning nominated by the Minister;

## (b) Section 6 (3) (a)—

Omit “paragraph (a) of subsection (2)”, insert instead “subsection (2) (a)”.

## (4) (a) Section 10 (7), (8)—

25           Omit “paragraph (a) of subsection (2) of section 6” wherever occurring, insert instead “section 6 (2) (a)”.

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*Clean Waters (Licences and Approvals) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE CLEAN WATERS ACT, 1970—*continued.*

(b) Section 10 (9)—

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

(5) Section 11 (2) (a)—

Omit “subsection (1) of section 13”, insert instead “section 13 (1)”.

(6) (a) Section 16 (3)–(5)—

Omit the subsections.

10 (b) Section 16 (7)—

Omit “or, being the holder of a licence, contravenes any condition of the licence”.

(7) Section 17 (4A)—

After section 17 (4), insert:—

15 (4A) For the purposes of this section, a licence specifying a drain from which pollutants may be discharged into any waters shall, if those waters are classified waters, be deemed to be a licence in respect of that drain.

(8) Section 18 (b)—

20 Omit “subsection (8) of section 20”, insert instead “the State Pollution Control Commission Act, 1970”.

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*Clean Waters (Licences and Approvals) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE CLEAN WATERS ACT, 1970—*continued.*

## (9) (a) Section 19 (1)—

5 Omit “an approval in writing given by the Commission or in accordance with a direction given by the Commission under section 16 (4)”, insert instead “a pollution control approval”.

## (b) Section 19 (3)–(5)—

Omit the subsections.

## (c) Section 19 (6)—

10 Omit “or of any conditions attached to an approval given under this section”.

## (10) Sections 20–25—

Omit the sections.

## (11) Section 29 (1) (iii)—

15 Omit “or the conditions in force and attached to any licence or approval”.

## (12) Section 31—

20 Omit “, subsection (4) of section 20, section 22, or subsection (1) of section 28, and any instrument under subsection (4) of section 16 or”, insert instead “or 28 (1), and any instrument under”.

## (13) (a) Section 32 (3) (h)—

Omit the paragraph, insert instead:—

(h) that a pollution control approval was, or was not, given in respect of any matter so specified;

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*Clean Waters (Licences and Approvals) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE CLEAN WATERS ACT, 1970—*continued.*

## (b) Section 32 (3) (j)—

5 Omit “subsection (4) of section 16”, insert instead “section 16 (4) (as in force at any time before the commencement of Schedule 1 to the Clean Waters (Licences and Approvals) Amendment Act, 1983)”.

## (c) Section 32 (4)—

Omit the subsection, insert instead:—

10 (4) A document certified by a member of the Commission or by an officer of the Commission authorised by the Commission to certify the document to be a true copy of an instrument made by the Minister under section 26 (1) or a  
15 true copy of a notice under section 28 (1) is admissible in any proceedings under this Act as if it were the original document of which it purports to be a copy.

## (14) Section 33 (2A) (b)—

Omit “an offence arising under section 16 in respect of the contravention of a condition of a licence.”.

## 20 (15) (a) Section 36 (1) (a)—

Omit the paragraph.

## (b) Section 36 (5)—

Omit “paragraph (b) or (c) of subsection (1)”, insert instead “subsection (1) (b) or (c)”.

## 25 (c) Section 36 (6)—

Omit “imposed under section 19 or 20”, insert instead “attached to a licence or subject to which a pollution control approval may be given”.

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BY AUTHORITY

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



CLEAN WATERS (LICENCES AND APPROVALS)  
AMENDMENT ACT, 1983, No. 95

New South Wales



ANNO TRICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

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Act No. 95, 1983.

An Act to amend the Clean Waters Act, 1970, so as to remove from that Act the provisions relating to the issuing of licences 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.]

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*Clean Waters (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 Waters (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. 78, 1970.**

3. The Clean Waters Act, 1970, is amended in the manner set forth in Schedule 1.

---

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE CLEAN WATERS ACT, 1970.

(1) Section 3 (2), (3)—

Omit the subsections.

---

*Clean Waters (Licences and Approvals) Amendment.*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CLEAN WATERS ACT, 1970—*continued.*

(2) (a) Section 5, definition of “licence”—

Omit the definition, 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;

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

After the definition of “pollute”, 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, definition of “statutory authority”—

Omit “Metropolitan Meat Industry Board”, insert instead “New South Wales Meat Industry Authority, the Homebush Abattoir Corporation”.

(3) (a) Section 6 (2) (b) (vii)—

Omit the subparagraph, insert instead:—

(vii) one shall be an officer of the Department of Environment and Planning nominated by the Minister;

(b) Section 6 (3) (a)—

Omit “paragraph (a) of subsection (2)”, insert instead “subsection (2) (a)”.

(4) (a) Section 10 (7), (8)—

Omit “paragraph (a) of subsection (2) of section 6” wherever occurring, insert instead “section 6 (2) (a)”.

---

*Clean Waters (Licences and Approvals) Amendment.*

---

SCHEDULE 1—*continued.*AMENDMENTS TO THE CLEAN WATERS ACT, 1970—*continued.*

## (b) Section 10 (9)—

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

## (5) Section 11 (2) (a)—

Omit “subsection (1) of section 13”, insert instead “section 13 (1)”.

## (6) (a) Section 16 (3)–(5)—

Omit the subsections.

## (b) Section 16 (7)—

Omit “or, being the holder of a licence, contravenes any condition of the licence”.

## (7) Section 17 (4A)—

After section 17 (4), insert:—

(4A) For the purposes of this section, a licence specifying a drain from which pollutants may be discharged into any waters shall, if those waters are classified waters, be deemed to be a licence in respect of that drain.

## (8) Section 18 (b)—

Omit “subsection (8) of section 20”, insert instead “the State Pollution Control Commission Act, 1970”.

---

*Clean Waters (Licences and Approvals) Amendment.*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CLEAN WATERS ACT, 1970—*continued.*

(9) (a) Section 19 (1)—

Omit “an approval in writing given by the Commission or in accordance with a direction given by the Commission under section 16 (4)”, insert instead “a pollution control approval”.

(b) Section 19 (3)–(5)—

Omit the subsections.

(c) Section 19 (6)—

Omit “or of any conditions attached to an approval given under this section”.

(10) Sections 20–25—

Omit the sections.

(11) Section 29 (1) (iii)—

Omit “or the conditions in force and attached to any licence or approval”.

(12) Section 31—

Omit “, subsection (4) of section 20, section 22, or subsection (1) of section 28, and any instrument under subsection (4) of section 16 or”, insert instead “or 28 (1), and any instrument under”.

(13) (a) Section 32 (3) (h)—

Omit the paragraph, insert instead:—

(h) that a pollution control approval was, or was not, given in respect of any matter so specified;

---

*Clean Waters (Licences and Approvals) Amendment.*

---

SCHEDULE 1—*continued.*AMENDMENTS TO THE CLEAN WATERS ACT, 1970—*continued.*

## (b) Section 32 (3) (j)—

Omit “subsection (4) of section 16”, insert instead “section 16 (4) (as in force at any time before the commencement of Schedule 1 to the Clean Waters (Licences and Approvals) Amendment Act, 1983)”.

## (c) Section 32 (4)—

Omit the subsection, insert instead:—

(4) A document certified by a member of the Commission or by an officer of the Commission authorised by the Commission to certify the document to be a true copy of an instrument made by the Minister under section 26 (1) or a true copy of a notice under section 28 (1) is admissible in any proceedings under this Act as if it were the original document of which it purports to be a copy.

## (14) Section 33 (2A) (b)—

Omit “an offence arising under section 16 in respect of the contravention of a condition of a licence,”.

## (15) (a) Section 36 (1) (a)—

Omit the paragraph.

## (b) Section 36 (5)—

Omit “paragraph (b) or (c) of subsection (1)”, insert instead “subsection (1) (b) or (c)”.

## (c) Section 36 (6)—

Omit “imposed under section 19 or 20”, insert instead “attached to a licence or subject to which a pollution control approval may be given”.

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

J. A. ROWLAND,  
*Governor.*

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



