

CONCURRENCE COPY

NOISE CONTROL (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 Noise Control Act, 1975, 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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**NOISE CONTROL (LICENCES AND APPROVALS)
AMENDMENT BILL, 1983**

No. , 1983.

A BILL FOR

An Act to amend the Noise Control Act, 1975, 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.]

Noise Control (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 "Noise Control (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. 35, 1975.

15 3. The Noise Control Act, 1975, is amended in the manner set forth in Schedule 1.

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE NOISE CONTROL ACT, 1975.

20 (1) Section 3—

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

DIVISION 1.—*Licensing requirements*—ss. 17, 18.

DIVISION 2.—*Control of noise from scheduled premises*—ss. 25–

25

27.

Noise Control (Licences and Approvals) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE NOISE CONTROL ACT, 1975—*continued.*

- (2) (a) Section 4 (1), 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 4 (1), definition of “licensee”—

10 Omit “this Act”, insert instead “the State Pollution Control
Commission Act, 1970”.

- (c) Section 4 (1), definition of “pollution control approval”—

After the definition of “plant”, 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;

- (3) (a) Section 11 (2) (b)—

Omit the paragraph, insert instead:—

(b) an officer of the Department of Health nominated by the
Minister for Health;

- 20 (b) Section 11 (2) (d), (e)—

Omit the paragraphs, insert instead:—

(d) an officer of the Department of Mineral Resources
nominated by the Minister for Mineral Resources;

25 (e) an officer of the Department of Industrial Relations
nominated by the Minister for Industrial Relations;

Noise Control (Licences and Approvals) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE NOISE CONTROL ACT, 1975—*continued.*

(c) Section 11 (7)—

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

(4) (a) Section 13 (3) (e) (i)—

Omit “or (b)”.

(b) Section 13 (3) (e) (ii)—

After “section 11 (2)”, insert “(b),”.

10 (5) Part III, Division 1, heading—

Omit the heading, insert instead:—

DIVISION 1.—*Licensing requirements.*

(6) Sections 19–24—

Omit the sections.

15 (7) Part III, Division 2, heading—

Omit the heading, insert instead:—

DIVISION 2.—*Control of noise from scheduled premises.*

(8) (a) Section 27 (1), (2)—

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

(b) Section 27 (3)–(7), (13), (14)—

Omit the subsections.

Noise Control (Licences and Approvals) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE NOISE CONTROL ACT, 1975—*continued.*

- (9) Section 36 (5)—
5 Omit “section 20 (1) or (2)”, insert instead “the State Pollution Control Commission Act, 1970,”.
- (10) Section 64 (3) (b)—
Omit the paragraph.
- (11) Section 68 (1) (a), (b)—
Omit the paragraphs.
- 10 (12) Section 76 (1) (e)—
Omit “or the conditions in force and attached to any licence or approval under this Act”.
- (13) Section 78 (5) (h), (i)—
Omit the paragraphs, insert instead:—
15 (h) that a pollution control approval was, or was not, given in relation to any matter so specified;
(i) that a pollution control approval was, or was not, subject to conditions so specified;
- (14) (a) Section 79 (a)—
20 After “regulations;”, insert “or”.
- (b) Section 79 (b), (c)—
Omit the paragraphs.

Noise Control (Licences and Approvals) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE NOISE CONTROL ACT, 1975—*continued.*

(15) Schedule, clause 5—

5 Omit “Public Transport Commission”, insert instead “State Rail Authority or the Urban Transit Authority”.

BY AUTHORITY

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

(40c)

**NOISE CONTROL (LICENCES AND APPROVALS)
AMENDMENT ACT, 1983, No. 92**

New South Wales



ANNO TRICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. 92, 1983.

An Act to amend the Noise Control Act, 1975, 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.]

Noise Control (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 "Noise Control (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. 35, 1975.

3. The Noise Control Act, 1975, is amended in the manner set forth in Schedule 1.

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE NOISE CONTROL ACT, 1975.

(1) Section 3—

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

DIVISION 1.—*Licensing requirements—ss. 17, 18.*

DIVISION 2.—*Control of noise from scheduled premises—ss. 25–27.*

Noise Control (Licences and Approvals) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE NOISE CONTROL ACT, 1975—*continued.*

(2) (a) Section 4 (1), 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 4 (1), definition of “licensee”—

Omit “this Act”, insert instead “the State Pollution Control Commission Act, 1970”.

(c) Section 4 (1), definition of “pollution control approval”—

After the definition of “plant”, insert:—

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

(3) (a) Section 11 (2) (b)—

Omit the paragraph, insert instead:—

(b) an officer of the Department of Health nominated by the Minister for Health;

(b) Section 11 (2) (d), (e)—

Omit the paragraphs, insert instead:—

(d) an officer of the Department of Mineral Resources nominated by the Minister for Mineral Resources;

(e) an officer of the Department of Industrial Relations nominated by the Minister for Industrial Relations;

Noise Control (Licences and Approvals) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE NOISE CONTROL ACT, 1975—*continued.*

- (c) Section 11 (7)—
Omit “Public Service Act, 1902”, insert instead “Public Service Act, 1979”.
- (4) (a) Section 13 (3) (e) (i)—
Omit “or (b)”.
- (b) Section 13 (3) (e) (ii)—
After “section 11 (2)”, insert “(b),”.
- (5) Part III, Division 1, heading—
Omit the heading, insert instead:—
DIVISION 1.—*Licensing requirements.*
- (6) Sections 19–24—
Omit the sections.
- (7) Part III, Division 2, heading—
Omit the heading, insert instead:—
DIVISION 2.—*Control of noise from scheduled premises.*
- (8) (a) Section 27 (1), (2)—
Omit “an approval in writing given by the Commission” wherever occurring, insert instead “a pollution control approval”.
- (b) Section 27 (3)–(7), (13), (14)—
Omit the subsections.

Noise Control (Licences and Approvals) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE NOISE CONTROL ACT, 1975—*continued.*

(9) Section 36 (5)—

Omit “section 20 (1) or (2)”, insert instead “the State Pollution Control Commission Act, 1970,”.

(10) Section 64 (3) (b)—

Omit the paragraph.

(11) Section 68 (1) (a), (b)—

Omit the paragraphs.

(12) Section 76 (1) (e)—

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

(13) Section 78 (5) (h), (i)—

Omit the paragraphs, insert instead:—

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

(i) that a pollution control approval was, or was not, subject to conditions so specified;

(14) (a) Section 79 (a)—

After “regulations;”, insert “or”.

(b) Section 79 (b), (c)—

Omit the paragraphs.

Noise Control (Licences and Approvals) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE NOISE CONTROL ACT, 1975—*continued.*

(15) Schedule, clause 5—

Omit "Public Transport Commission", insert instead "State Rail Authority or 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.*



