

**STATE POLLUTION CONTROL COMMISSION
(AMENDMENT) ACT.**

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

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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:—

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";

(iii)

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

(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 subsections :—

Sec. 23.
(Inquiries.)

(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)

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(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)”.

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