

CLEAN AIR (AMENDMENT) ACT 1987 No. 188

NEW SOUTH WALES



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SCHEDULE 1—AMENDMENTS

CLEAN AIR (AMENDMENT) ACT 1987 No. 188

NEW SOUTH WALES



Act No. 188, 1987

An Act to amend the Clean Air Act 1961 so as to assist the enforcement of laws aimed at preventing air pollution and to abolish the Air Pollution Advisory Committee. [Assented to 4 December 1987]

Clean Air (Amendment) 1987

The Legislature of New South Wales enacts:**Short title**

1. This Act may be cited as the Clean Air (Amendment) Act 1987.

Commencement

2. This Act shall commence on a day or days to be appointed by proclamation.

Principal Act

3. The Clean Air Act 1961 is referred to in this Act as the Principal Act.

Amendment of Act No. 69, 1961

4. The Principal Act is amended as set out in Schedule 1.

Transitional provision

5. Section 14 (6) of the Principal Act, as amended by this Act, does not apply so as to create an offence against that Act if the time at which the air pollution is alleged to have been caused or increased occurred before the commencement of Schedule 1 (4).

SCHEDULE 1—AMENDMENTS

(Sec. 4)

(1) Section 1 (Short title and commencement)—

Section 1 (3)—

Omit the subsection.

(2) Section 5 (Interpretation)—

Section 5 (1)—

Definition of “Committee”—

Omit the definition.

(3) Part II (Air Pollution Advisory Committee)—

Omit the Part.

(4) Section 14 (Occupiers to maintain and operate control equipment etc.)—

Section 14 (6)—

After section 14 (5), insert:

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SCHEDULE 1—AMENDMENTS—*continued*

(6) To prove that air pollution was caused or increased from premises, within the meaning of this section, it is sufficient to prove that air pollution was caused or increased on the premises, unless the defendant satisfies the court that the air pollution did not result in, or in an increase in, air pollution outside the premises.

(5) Section 27A—

After section 27, insert:

Sampling of tanker loads etc. for pollutants

27A. (1) An authorised officer who suspects on reasonable grounds that an air impurity or any other substance capable of causing air pollution is being conveyed by or is situated in a container being conveyed by a motor vehicle may—

- (a) if the vehicle is moving, direct that it be stopped;
- (b) take without payment, for the purpose of examination or testing, samples of any substance being so conveyed; and
- (c) detain the vehicle for such time as is necessary to take the samples.

(2) The powers of an authorised officer under this section may be exercised only if the officer suspects on reasonable grounds that the substance, vehicle or container has been or is being used in connection with an offence against this Act or the regulations.

(3) Any person who—

- (a) wilfully delays or obstructs an authorised officer when exercising any power under this section; or
- (b) does not comply with any reasonable requirement made for the purposes of this section by an authorised officer,

is guilty of an offence against this Act and liable to a penalty not exceeding \$2,000.

(6) Section 30 (**Evidence**)—

Omit the section.

(7) Section 31 (**Unjustified disclosure of information**)—

Omit the section.

(8) Section 33 (**Proceedings for offences**)—

(a) Section 33 (1), (4)—

Omit “court of petty sessions held before a stipendiary magistrate” wherever occurring, insert instead “Local Court constituted by a Magistrate”.

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SCHEDULE 1—AMENDMENTS—*continued*

(b) Section 33 (4)—

Omit “the court”, insert instead “the Local Court”.