

**ENVIRONMENTALLY HAZARDOUS CHEMICALS  
(AMENDMENT) ACT 1987 No. 191**

NEW SOUTH WALES



**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of Act No. 14, 1985

SCHEDULE 1—AMENDMENTS

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**ENVIRONMENTALLY HAZARDOUS CHEMICALS (AMENDMENT)  
ACT 1987 No. 191**

NEW SOUTH WALES



**Act No. 191, 1987**

An Act to amend the Environmentally Hazardous Chemicals Act 1985 so as to assist the enforcement of laws aimed at preventing pollution from hazardous chemicals and chemical wastes. [Assented to 4 December 1987]

*Environmentally Hazardous Chemicals (Amendment) 1987*

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

**Short title**

1. This Act may be cited as the Environmentally Hazardous Chemicals (Amendment) Act 1987.

**Commencement**

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

**Amendment of Act No. 14, 1985**

3. The Environmentally Hazardous Chemicals Act 1985 is amended as set out in Schedule 1.

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**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

**(1) Section 13 (Application for assessment of prohibited activity)—**

Section 13 (1)—

After “authority of”, insert “, and in accordance with any conditions for the time being in force in respect of, the chemical control order concerned or”.

**(2) Section 19 (Notice of Commission’s intention)—**

Omit section 19 (1), insert instead:

(1) When it intends to make an assessment of a listed chemical, the Commission shall cause notice of its intention to be published in the Gazette.

**(3) Section 24 (Scope and content of orders)—**

Section 24 (1) (a)—

Before “a licence”, insert “the chemical control order or”.

**(4) Section 44 (Disclosure of information)—**

(a) Section 44 (1), (4)—

Omit “Subject to subsection (3)” wherever occurring, insert instead “Except as provided by section 26 (3) and (4) of the State Pollution Control Commission Act 1970”.

(b) Section 44 (1) (b)—

Omit “or”.

*Environmentally Hazardous Chemicals (Amendment) 1987*SCHEDULE 1—AMENDMENTS—*continued*

## (c) Section 44 (1) (c), (d)—

At the end of section 44 (1) (c), insert:

; or

(d) in accordance with a requirement imposed under the Ombudsman Act 1974.

## (d) Section 44 (3)—

Omit the subsection.

(5) Section 45 (**Powers of authorised officers**)—

## (a) Section 45 (1) (j)—

Before “detain”, insert “stop or”.

## (b) Section 45 (2A)—

After section 45 (2), insert:

(2A) An authorised officer who suspects on reasonable grounds that an unlisted chemical, an environmentally hazardous chemical or a declared chemical waste is being conveyed by or is situated in a container being conveyed by a motor vehicle in a public place 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;
- (c) detain the vehicle for such time as is necessary to take the samples;
- (d) if the authorised officer suspects on reasonable grounds that the substance and any vehicle or container being used to convey it has been or is being used in connection with an offence against this Act or the regulations, seize and remove the substance and the vehicle or container;
- (e) for the purposes of paragraph (d), direct the occupier of any place where the substance is seized, or the owner of the substance, to retain it in that place, or in a place under the control of the occupier or owner that will, in the opinion of the officer, least endanger the environment; and
- (f) give directions for or with respect to the detention of any substance, vehicle or container that has been removed under paragraph (d).

## (c) Section 45 (3) (a)—

After “(1) (g)”, insert “or (2A) (b)”.

*Environmentally Hazardous Chemicals (Amendment) 1987*

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SCHEDULE 1—AMENDMENTS—*continued*

- (d) Section 45 (3) (b)—  
After “(1) (h)”, insert “or (2A) (d)”.
- (6) Section 51 (**Evidence**)—  
Omit the section.