

Act No. 191

ENVIRONMENTALLY HAZARDOUS CHEMICALS (AMENDMENT) BILL 1987

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the State Pollution Control Commission (Amendment) Bill 1987.

The object of this Bill is to amend the Environmentally Hazardous Chemicals Act 1985 so as—

- (a) to make clearer the conditions to be met before an assessment will be made of activities prohibited under the Principal Act by a chemical control order;
- (b) to dispense with certain notices relating to the State Pollution Control Commission's making, or intention not to make, chemical control orders;
- (c) to make it clear that a chemical control order may authorise persons to carry on activities only in accordance with conditions of the order which do not require the holding of a licence;
- (d) to vary provisions restricting the disclosure of information obtained by officers of the Commission as a consequence of amendments proposed to be made to the State Pollution Control Commission Act 1970;
- (e) to provide for the sampling of tanker loads for unlisted chemicals, environmentally hazardous chemicals and declared chemical wastes; and
- (f) to omit provisions facilitating the giving of evidence for which provision is intended to be made in the State Pollution Control Commission Act 1970.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will commence on a day or days to be proclaimed by the Governor-in-Council.

Clause 3 is a formal provision giving effect to the Schedule of amendments to the Principal Act.

Environmentally Hazardous Chemicals (Amendment) 1987

Schedule 1 (1) amends section 13 (Application for assessment of prohibited activity) of the Principal Act so as to make it clear that the Commission may be requested to make an assessment of an activity which is permitted to be carried out only in accordance with the conditions of a chemical control order.

Schedule 1 (2) amends section 19 (Notice of Commission's intention) of the Principal Act so as to dispense with the requirement that the Commission give notice of its intention not to make a chemical control order and to make it clear that the Commission is not required to give notice of its intention to make such an order for a declared chemical waste.

Schedule 1 (3) amends section 24 (Scope and content of orders) of the Principal Act so as to make it clear that the conditions of a chemical control order may permit the carrying on of an activity otherwise prohibited by the order but without the necessity to obtain a licence.

Schedule 1 (4) amends section 44 (Disclosure of information) of the Principal Act as a consequence of the proposed amendment of the State Pollution Control Commission Act 1970 which will authorise officers of the Commission, in limited cases, to release information obtained by them in the course of their duties.

Schedule 1 (5) amends section 45 (Powers of authorised officers) of the Principal Act so as to empower officers to take samples from tankers and other vehicles for the purpose of examination or testing, but only if there is a suspected offence against that Act or the regulations made under it.

Schedule 1 (6) repeals section 51 (Evidence) of the Principal Act because of amendments intended to be made by the proposed State Pollution Control Commission (Amendment) Act 1987.
