

CLEAN AIR (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 Clean Air Act 1961 so as—

- (a) to abolish the Air Pollution Advisory Committee;
- (b) to facilitate prosecutions which involve causing or increasing air pollution from premises;
- (c) to provide for the sampling of tanker loads for substances that may cause air pollution;
- (d) to omit provisions facilitating the giving of evidence and restricting the disclosure of information obtained by officers of the Commission, for which provision is intended to be made in the State Pollution Control Commission Act 1970; and
- (e) to make minor changes for the purpose of statute law revision.

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 states that the Clean Air Act 1961 is referred to as the Principal Act.

Clause 4 is a formal provision giving effect to the Schedule of amendments to the Principal Act.

Clause 5 is a transitional provision which provides that proposed section 14 (6) of the Principal Act (to be inserted by Schedule 1 (4)) does not have retrospective effect.

Schedule 1 (1) repeals section 1 (3) of the Principal Act, which provides for the division of that Act, because that provision is redundant.

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Schedule 1 (2) repeals the definition of "Committee" in section 5 (1) of the Principal Act because of the proposed abolition of the Air Pollution Advisory Committee.

Schedule 1 (3) omits Part II of the Principal Act so as to abolish the Air Pollution Advisory Committee.

Schedule 1 (4) amends section 14 (Occupiers to maintain and operate control equipment etc.) of the Principal Act so as to provide in proposed section 14 (6) that (in a prosecution under that section) it is sufficient to prove that air pollution was caused or increased on premises to establish that it was also caused or increased from those premises. The defendant will negate that consequence if it is proved that the air pollution did not result in, or in an increase in, air pollution outside the premises.

Schedule 1 (5) inserts proposed section 27A (Sampling of tanker loads etc. for pollutants) into the Principal Act. The proposed section will empower an authorised officer to take samples for the purpose of examination or testing only if there is a suspected offence against the Principal Act or regulations made under it.

Schedule 1 (6) and (7) repeal sections 30 (Evidence) and 31 (Unjustified disclosure of information) of the Principal Act because of amendments intended to be made by the proposed State Pollution Control Commission (Amendment) Act 1987.

Schedule 1 (8) amends section 33 (Proceedings for offences) of the Principal Act so as to update references to courts of petty sessions and stipendiary magistrates.
