

Act No. 189

CLEAN WATERS (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 Waters Act 1970 so as—

- (a) to expand and make clearer the circumstances in which waters are to be regarded as having been polluted for the purposes of that Act;
- (b) to add a representative of the Soil Conservation Service of New South Wales to the membership of the Clean Waters Advisory Committee.
- (c) to require equipment used to prevent the pollution of waters to be adequately maintained and operated;
- (d) to enable the Commission to require the cleaning up of water pollution;
- (e) to empower the Commission to obtain additional information from the occupiers of premises;
- (f) to provide for the sampling of tanker loads for substances that may cause the pollution of waters;
- (g) 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
- (h) 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 Waters Act 1970 is referred to as the Principal Act.

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

Clean Waters (Amendment) 1987

Clause 5 is a transitional provision which makes it clear that proposed section 20 (Maintenance and operation of certain control equipment) of the Principal Act will apply to equipment installed before the commencement of that proposed section.

Schedule 1 (1) repeals section 2 of the Principal Act, which provides for the division of that Act, because that provision is redundant.

Schedule 1 (2) amends section 5 (Interpretation) of the Principal Act so as to expand the definitions of "pollute", "wastes" and "waters".

Schedule 1 (3) amends section 6 (Clean Waters Advisory Committee) of the Principal Act so as to increase the membership of the Clean Waters Advisory Committee to 19 by including a representative of the Soil Conservation Service of New South Wales.

Schedule 1 (4) amends section 16 (Prohibition of pollution of waters) of the Principal Act so as to restate in clearer terms the separate offences contained in that section and to expand the offence created by section 16 (2).

Schedule 1 (5) inserts proposed section 20 (Maintenance and operation of certain control equipment) into the Principal Act which will require an occupier of premises to adequately maintain and operate any equipment installed on the premises and used or designed for use to prevent the pollution of waters.

Schedule 1 (6) inserts proposed section 27A (Notice to clean up pollution) into the Principal Act which will enable the Commission to require pollution of waters to be removed, dispersed, destroyed or mitigated, as appropriate.

Schedule 1 (7) amends section 28 (Occupier may be required to supply information) of the Principal Act so that the Commission may require the supply of information concerning pollution control equipment, waste treatment works or drainage systems from an occupier of premises.

Schedule 1 (8) inserts proposed section 29A (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 (9) and (10) repeal sections 30 (Disclosure of information) and 32 (Evidence) of the Principal Act because of amendments intended to be made by the proposed State Pollution Control Commission (Amendment) Act 1987.

Schedule 1 (11) amends section 33 (Proceedings for offences) of the Principal Act so as to update references to courts of petty sessions and stipendiary magistrates.
