

# Clean Waters Act 1970 No 78

[1970-78]



New South Wales

## Status Information

### Currency of version

Repealed version for 1 July 1998 to 30 June 1999 (accessed 6 October 2024 at 20:17)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Repeal**

The Act was repealed by Sch 3 to the [Protection of the Environment Operations Act 1997 No 156](#) with effect from 1.7.1999.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 1 July 1999

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# Clean Waters Act 1970 No 78



New South Wales

An Act to make provisions with respect to the prevention or the reduction of pollution of certain waters; and for purposes connected therewith.

## Part 1 Preliminary

### 1 Name of Act and commencement

- (1) This Act may be cited as the *Clean Waters Act 1970*.
- (2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

### 2 (Repealed)

### 3 Act to bind Crown

This Act binds the Crown in right of New South Wales and, in so far as the legislative power of Parliament permits, the Crown in all its other capacities.

### 4 Effect of this Act on other Acts

- (1) Subject to subsection (2), nothing in this Act affects any of the provisions of any other Act, or any regulations, ordinances or by-laws thereunder or takes away any powers vested in any person or body by any other Act, or any regulations, ordinances or by-laws made under any other Act.
- (2) Except as provided by subsection (4), where the provisions of this Act are inconsistent with any of the provisions of any other Act or any regulation, ordinance or by-law made under any other Act (other than the *Pollution Control Act 1970*, or any regulation thereunder), the provisions of this Act shall prevail.
- (3) Except as provided by subsection (4), where the provisions of any regulation made under this Act are inconsistent with any of the provisions of any regulation, ordinance or by-law made under any other Act (other than a regulation made under the *Pollution Control Act 1970*), the provisions of the regulation made under this Act shall prevail.
- (4) Where the provisions of this Act or a regulation made under this Act are inconsistent with:

(a) Part 2, 3, 5 or 6 of the *Marine Pollution Act 1987*, or

(b) a regulation made under Part 2, 3, 5 or 6 of that Act,

in its application to the seas of the State, the provisions of the *Marine Pollution Act 1987* shall prevail.

(5) In this section:

**seas of the State** means:

(a) the territorial sea adjacent to the State, and

(b) the sea on the landward side of the territorial sea adjacent to the State that is not within the limits of the State.

## 5 Definitions

In this Act, except in so far as the context or subject-matter otherwise indicates or requires:

**authorised officer** means a person authorised in writing by the Authority either generally or in a special case to act as an authorised officer for the purposes of section 29.

**Authority** means the Environment Protection Authority.

**classified waters** means any waters classified by the Authority under section 11.

**Court** means the Land and Environment Court.

**fish** has the meaning ascribed thereto in the *Fisheries and Oyster Farms Act 1935*.

**licence** means a licence granted under the *Pollution Control Act 1970* and in force, whether it is an original licence or a renewed licence.

**local authority** means:

(a) the council of an area within the meaning of the *Local Government Act 1993*, or

(b) the Western Lands Commissioner, or

(c) the Lord Howe Island Board.

**occupier**, in relation to any premises, means the person in occupation or control of the premises and, in relation to any premises where different parts are occupied or controlled by different persons, means, in relation to any such part, the person in occupation or control of that part.

**pollute**, in relation to any waters, means:

- (a) to place in or on, or otherwise introduce into or on to, the waters (whether through an act or omission) any matter, whether solid, liquid or gaseous, so that the physical, chemical or biological condition of the waters is changed, or
- (b) to place in or on, or otherwise introduce into or on to, the waters (whether through an act or omission) any refuse, litter, debris or other matter, whether solid or liquid or gaseous, so that the change in the condition of the waters or the refuse, litter, debris or other matter, either alone or together with any other refuse, litter, debris or matter present in the waters makes, or is likely to make, the waters unclean, noxious, poisonous or impure, detrimental to the health, safety, welfare or property of persons, undrinkable for farm animals, poisonous or harmful to aquatic life, animals, birds or fish in or around the waters or unsuitable for use in irrigation, or obstructs or interferes with, or is likely to obstruct or interfere with persons in the exercise or enjoyment of any right in relation to the waters, or
- (c) to place in or on, or otherwise introduce into or on to, the waters (whether through an act or omission) any matter, whether solid, liquid or gaseous, that is of a prescribed nature, description or class or that does not comply with any standard prescribed in respect of that matter,

and **pollutant** and **pollution** have corresponding interpretations.

**pollution control approval** means a pollution control approval given by the Authority under the *Pollution Control Act 1970* and in force.

**premises** includes place, ship, boat and any other vessel whatsoever.

**regulations** means regulations made under this Act.

**statutory authority** means the Broken Hill Water Board, the New South Wales Meat Industry Authority, the Water Administration Ministerial Corporation, the State Rail Authority, the State Transit Authority, the Roads and Traffic Authority and any statutory body declared by the Governor, by proclamation published in the Gazette, to be a statutory authority for the purposes of this Act.

**Editorial note—**

For a proclamation under this definition, see Gazette No 38 of 29.3.1996, p 1289.

**wastes** means any solid, gas or liquid, with or without matter in suspension or solution in it, which is or may be discharged from premises:

- (a) in the course of any process or operation carried on in connection with any mine (within the meaning of the *Mines Inspection Act 1901* or the *Coal Mines Regulation Act 1982*), open cut working (within the meaning of the latter Act), coal washing, trade, industry, agriculture or sewage treatment, or
- (b) in the course of any domestic process or operation,

or which is in, or is or may be discharged from, any waste disposal depot.

**Water Supply Authority** means a Water Supply Authority constituted under the [Water Supply Authorities Act 1987](#).

**waters** means any river, stream, lake, lagoon, swamp, wetlands, unconfined surface water, natural or artificial watercourse, dam or tidal waters (including the sea), or part thereof, and includes water stored in artificial works, water in water mains, water pipes and water channels, and any underground or artesian water, or any part thereof.

## Part 2

### 6-10 (Repealed)

## Part 3 Classification of waters

### 11 Authority may classify waters

- (1) Subject to this Part, the Authority may, by notification published in the Gazette, classify or reclassify any waters by reference to any prescribed classification.
- (2) The Authority shall not cause a notification under subsection (1) classifying any waters to be published in the Gazette:
  - (a) where no objection to the proposal to classify the waters as referred to in a notice published under section 12 is made within the prescribed time referred to in section 13 (1)—until after the expiration of that prescribed time, or
  - (b) where an objection to such a proposal is so made—until the objection has been finally determined.
- (3) The regulations prescribing any classification for the purposes of subsection (1) shall specify, in relation to waters of that classification, a standard applicable to waters of that classification.

### 12 Proposal for classifying waters to be published

Not less than one month before the publication of a notification under section 11 classifying any waters, the Authority shall cause a notice describing generally the waters and specifying the classification it proposes to assign to them to be published in the Gazette and in a newspaper circulating in such area as the Authority considers appropriate having regard to the situation of the waters.

### 13 Objections to classification of waters

- (1) Any person may, in the prescribed manner, within the prescribed time after publication of the notices or the later of the notices published under section 12 and on payment of the prescribed fee, object to the classification proposed to be assigned to

any waters as referred to in the notice or notices.

(2) Any such objection shall be lodged with the Authority which shall refer it to the Court.

#### **14 Determination of objections by the Court**

(1) Where an objection is made to a classification proposed to be assigned to any waters as referred to in a notice under section 12, the Court shall hear and determine the objection and shall either:

(a) confirm the proposed classification, or

(b) direct that some other prescribed classification be assigned to the waters.

(2) (Repealed)

(3) A determination of the Court under subsection (1) shall be final and shall be given effect to by the Authority, but nothing in this subsection prevents the Authority, where it considers the circumstances so warrant, from reclassifying, in accordance with this Part, any waters in respect of which the Court has made such a determination.

#### **15 (Repealed)**

### **Part 4 Control of pollution of waters**

#### **16 Prohibition of pollution of waters**

(1) A person shall not pollute any waters.

(2) Without limiting the generality of subsection (1), a person shall be deemed to pollute waters if:

(a) the person places any matter (whether solid, liquid or gaseous) in a position where:

(i) it falls, descends, is washed, is blown or percolates, or

(ii) it is likely to fall, descend, be washed, be blown or percolate,

into any waters, on to the dry bed of any waters, or into any drain, channel or gutter used or designed to receive or pass rainwater, floodwater or any water that is not polluted, or causes or permits any such matter to be placed in such a position, or

(b) the person places any such matter on the dry bed of any waters, or in any drain, channel or gutter used or designed to receive or pass rainwater, floodwater or any water that is not polluted, or causes or permits any such matter to be placed on such a dry bed or in such a drain, channel or gutter,

and the matter would, had it been placed in any waters have polluted or have been



likely to pollute those waters.

- (3) A person shall not cause any waters to be polluted, whether intentionally or not.
- (4) A person shall not permit any waters to be polluted.
- (5) (Repealed)
- (6) Notwithstanding the foregoing provisions of this section it shall not be an offence arising under those provisions for a person to pollute any waters if he holds a licence (including a licence granted under the *Waste Minimisation and Management Act 1995* in respect of a waste facility) and does not pollute the waters in contravention of any of the conditions of the licence.
- (7) Any person who contravenes the provisions of this section is guilty of an offence against the *Environmental Offences and Penalties Act 1989*.

#### **17 Licences in respect of certain drains**

- (1) A person in whom is vested, or who has the care, control or management of, or who is the occupier of any land on which is situated, a drain, whether open or not, shall, if the drain discharges or is likely to be used for discharging any pollutants into any classified waters, be guilty of an offence against the *Environmental Offences and Penalties Act 1989* unless a licence is in force in respect of the drain.
- (2) Without limiting the generality of subsection (1), a drain shall, for the purposes of that subsection, be deemed to discharge or to be likely to be used for discharging pollutants into any classified waters if:
  - (a) it discharges or is likely to be used for discharging any matter, whether solid, liquid or gaseous, into or onto any place from which the matter falls, descends, is washed, is blown or percolates or is likely to fall, descend, be washed, be blown or percolates into any classified waters or onto the bed of any classified waters, when dry, or
  - (b) it discharges or is likely to be used for discharging any matter into or onto the bed, when dry, of any classified waters,and the matter would, had it been discharged into any classified waters, have polluted or have been likely to pollute those waters.

- (3) Nothing in this section applies to or in respect of any drain from which any pollutants are discharged, or which is likely to be used for discharging any pollutants, into any other drain with the consent of the person in whom the other drain is vested, or who has the care, control or management of the other drain, or who is the occupier of the land on which the other drain is situated, or into any other drain in respect of which a licence is held by the person in whom the firstmentioned drain is vested, or who has

the care, control or management of the firstmentioned drain, or who is the occupier of the land on which the firstmentioned drain is situated.

(4) In this section, drain means any drain, line of pipes, sewer, stormwater channel or artificial watercourse.

(4A) For the purposes of this section, a licence specifying a drain from which pollutants may be discharged into any waters shall, if those waters are classified waters, be deemed to be a licence in respect of that drain.

(5) (Repealed)

### **18 Postponement of operation of sections 16 and 17**

Notwithstanding any provision of section 16 or 17, where a person becomes the occupier of any premises and immediately before he became the occupier of the premises the premises were occupied by a person who was the holder of a licence, that firstmentioned person is not guilty of an offence arising under any such provision if, had he been the holder of the licence, he would not have been guilty of the offence and:

- (a) if the offence occurred during the prescribed period after he became the occupier of the premises, or
- (b) if he has, during that prescribed period, made application under the *Pollution Control Act 1970* for the transfer to him of the licence and the offence occurred during the period commencing on the day on which he became the occupier of the premises and ending on the day on which the application is finally determined.

### **19 Certain apparatus etc not to be installed etc except in accordance with a pollution control approval**

(1) A person shall not:

- (a) install, construct or modify any apparatus, equipment or works for:
  - (i) the discharge of pollutants into any waters,
  - (ii) the treatment of pollutants prior to and for the purpose of their discharge into any waters, or
  - (iii) the storage, treatment or disposal, in a prescribed manner or in prescribed circumstances, of matter of a prescribed class or description, or
- (b) carry out any work that constitutes the beginning of, or any subsequent step in, the installation, construction or modification of any apparatus, equipment or works of the nature referred to in paragraph (a),

except in accordance with a pollution control approval or in accordance with a requirement under the regulations made pursuant to section 36 (1) (f1).

- (2) A reference in subsection (1) to the discharge of pollutants into any waters includes a reference to the discharge or other disposal of pollutants so that they fall, descend, are washed, are blown or percolate, or are likely to fall, descend, be washed, be blown or percolate, into any waters or onto the bed of any waters, when dry.
- (3)–(5) (Repealed)
- (6) Any person who contravenes the provisions of subsection (1) is guilty of an offence against the *Environmental Offences and Penalties Act 1989*.
- (7) (Repealed)
- (8) For the purposes of subsection (1) (b), it is immaterial whether or not the installation, construction or modification referred to therein was or is completed.
- (9) In proceedings for an offence arising under subsection (1), it is not necessary that it be established that the offence was committed on a particular day or on particular days, provided it is established that the offence was committed during a particular period.

## **20 Maintenance and operation of certain control equipment**

- (1) In this section:  
**control equipment** means any apparatus or device used or designed to prevent the pollution of waters or to regulate or monitor the pollution of waters.
- (2) The occupier of any premises in or on which any control equipment is installed shall:
  - (a) maintain the equipment in an efficient condition, and
  - (b) operate the equipment in a proper and efficient manner.
- (3) Any person who contravenes this section is guilty of an offence against the *Environmental Offences and Penalties Act 1989*.

## **21-25 (Repealed)**

## **26 Minister's emergency powers**

- (1) The Minister may, in circumstances that he considers to be an emergency, by instrument in writing served on any person:
  - (a) authorise that person, subject to such conditions as may be specified in the instrument, to discharge into any waters any pollutants or any specified class of pollutants, or
  - (b) order that person not to discharge into any waters, whether or not they are classified waters and whether or not that person is the holder of a licence, any pollutants or any specified class of pollutants or not to discharge into any such

waters any pollutants or any specified class of pollutants otherwise than in accordance with any conditions specified in the instrument.

- (2) A person who discharges any pollutants or any specified class of pollutants into any waters, if he is authorised to do so by an instrument under subsection (1) and does so in accordance with any conditions specified in the instrument, is, notwithstanding any other provision of this Act, not guilty of an offence arising under section 16 or 17 by reason of that discharge.
- (3) A person who discharges any pollutants or any specified class of pollutants into any waters in contravention of an order referred to in subsection (1) (b) that has been served on him, is, notwithstanding any other provision of this Act, guilty of an offence against the *Environmental Offences and Penalties Act 1989*.

## **27 Removal of pollutants**

- (1) Where any waters, whether or not they are classified waters, are polluted by any person, any statutory authority or local authority may and shall, if directed to do so by the Authority, take such action as is necessary to remove, disperse, destroy or mitigate the pollution and may recover all costs and expenses incurred by it in connection with the removal, dispersal, destruction or mitigation of the pollution from that person.
- (2) Any such costs and expenses may be recovered as a debt in a court of competent jurisdiction.

## **27A Notice to clean up pollution**

- (1) The Authority may, by a written notice, direct:
  - (a) an occupier of premises on or in which any waters have been or are polluted or from which the pollution of any waters has been caused, or
  - (b) a person who has caused the pollution of any waters,to take such measures to remove, disperse, destroy or mitigate the pollution as are specified in the notice.
- (1A) The measures to be taken may (without limitation) include:
  - (a) ascertaining the nature and extent of the pollution of the waters, and
  - (b) preparing a remedial plan of action for the waters.
- (2) Where an occupier of premises complies with any such notice and the occupier was not the person who caused the pollution, the cost of complying with the notice may be recovered as a debt in a court of competent jurisdiction from that person.
- (3) A person who, without reasonable excuse, does not comply with any direction in a

notice issued under this section and served on the person is guilty of an offence against the *Environmental Offences and Penalties Act 1989*.

- (4) More than one notice may be served on the same person under subsection (1), and the direction given by any such notice may be revoked or varied by a direction given by a subsequent notice or notices under that subsection. A direction may be varied by modification of, or addition to, its terms and specifications.

## **Part 5 General**

### **28 Occupier may be required to supply information**

- (1) The Authority may, by written notice served on the occupier of any premises, require the occupier to furnish to it, at or within such time or times as may be specified in the notice, such information as to:
- (a) any manufacturing, industrial or trade process carried on in or on the premises,
  - (b) any pollution control equipment, waste treatment works or drainage systems situated at the premises, or
  - (c) any wastes discharged or removed or likely to be discharged or removed from the premises,
- as the Authority requires by the notice.
- (2) A person who neglects or fails to comply with any requirement made under this section is guilty of an offence against the *Environmental Offences and Penalties Act 1989*.
- (3) Any information furnished or statement made to the Authority pursuant to any requirement made under subsection (1) shall not, if the person furnishing the information or making the statement objected, at the time of furnishing or making it, to doing so on the ground that it might tend to incriminate him, be admissible in evidence in any prosecution against that person for any offence, not being the offence of neglecting or failing to comply with any requirement made under this section.

### **29 Powers of authorised officers**

- (1) An authorised officer may enter:
- (a) any premises used as a factory or any premises in which an industry or trade is being carried on, at any time during which any manufacturing, industrial or trade process is being carried on therein,
  - (b) any premises, not being a dwelling-house or the land used in connection therewith, from which he reasonably suspects pollutants have been, are being or are likely to be, discharged into any waters, at any time, and

(c) any other premises, at any reasonable time,

and may therein:

- (i) examine and inspect any apparatus, equipment or works used for or in connection with the discharge of wastes into waters,
- (ii) take and remove samples of any wastes that are being, or are likely to be, or of a kind that are usually, discharged from the premises into waters,
- (iii) take and remove such samples and make such examination and inquiry and such tests as he considers necessary to ascertain whether the provisions of this Act or of any requirement made under or pursuant to this Act are being or have been complied with, and
- (iv) take such photographs as he considers necessary in connection with the administration of this Act or the regulations.

(2) An authorised officer may, by notice in writing, require:

- (a) the occupier of any premises from which pollutants are being or have been discharged into any waters to produce to that authorised officer any reports, books, plans, maps or documents relating to the discharge from the premises of pollutants into the waters or relating to any manufacturing, industrial or trade process carried on on those premises, or
- (b) any local authority or statutory authority to produce to that authorised officer any reports, books, plans, maps or documents in the custody or possession of the local authority or statutory authority relating to any apparatus, equipment or works used for the discharge of pollutants directly or indirectly into waters,

and may take copies of any such reports, books, plans, maps or documents.

- (3) Every authorised officer shall be provided with a certificate of his appointment, and on applying for admission to any premises where he is empowered by this Act to enter, shall, if requested to do so, produce the certificate to the occupier of the premises.
- (4) Any person who wilfully delays or obstructs an authorised officer, or fails to comply with any requirement made by an authorised officer, in the exercise of his powers under this Act, or who, being the occupier of any premises, refuses to permit or to assist an authorised officer to do, perform or carry out the matters or things, or any of the matters or things, which he is authorised to do, perform or carry out is guilty of an offence against the [Environmental Offences and Penalties Act 1989](#).

## **29A Sampling of tanker loads etc for pollutants**

- (1) An authorised officer who suspects on reasonable grounds that any substance which is or may become a pollutant 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) request the driver or owner of the motor vehicle to supply to the officer (immediately or within such time as may be specified by the officer) particulars of the nature and quantity of any substance being so conveyed,
  - (c) take without payment, for the purpose of examination or testing, samples of any substance being so conveyed, and
  - (d) 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 the *Environmental Offences and Penalties Act 1989* or the regulations.
- (3) Any person who:
- (a) wilfully delays or obstructs an authorised officer when exercising any power under this section,
  - (b) without reasonable excuse, does not supply any particulars as requested or supplies particulars which are false or misleading in a material respect, or
  - (c) does not comply with any reasonable requirement made for the purposes of this section by an authorised officer,
- is guilty of an offence against the *Environmental Offences and Penalties Act 1989*.

### **30 (Repealed)**

### **31 Serving of notices**

Any notice under section 15 or 28 (1), and any instrument under section 26, may be served:

- (a) by delivering it personally to the person to whom it is addressed,
- (b) by delivering it to the place last shown in the records of the Authority as the place of abode or business of the person to whom it is addressed and by leaving it there with some person for him, or
- (c) by posting it by certified mail in an envelope duly stamped and addressed to the person to whom it is addressed at the place last shown in the records of the Authority as his place of abode or business.

### **32-34 (Repealed)**

### **35 Other rights to restrict or prevent pollution etc not affected**

Nothing in this Act or the regulations affects any right that a person may have under any rule of law to restrict or prevent, or to obtain damages in respect of, the pollution of any waters.

### **36 Regulations**

- (1) The Governor may make regulations, not inconsistent with this Act for or with respect to:
  - (a) (Repealed)
  - (b) prescribing standards for the purpose of determining when matter is to be treated as poisonous, noxious or polluting for the purposes of this Act,
  - (c) prescribing tests for the determination of the extent of pollution of any waters and providing that any determination made in accordance with those tests shall be conclusive evidence of the extent of pollution of any waters in respect of which the tests have been made,
  - (d) requiring, or empowering the Authority to require, the installation, maintenance and operation of apparatus or equipment for the measuring, sampling or analysing of pollutants, or effluents containing pollutants, that are discharged or likely to be discharged into waters from any premises,
  - (e) the manner of installing, maintaining and operating any apparatus or equipment referred to in paragraph (d),
  - (f) the recording by any apparatus or equipment referred to in paragraph (d) or otherwise of any measurements or analyses made by means of any such apparatus or equipment,
  - (f1) requiring, or empowering the Authority to require, that measures be undertaken (including, but without affecting the generality of the provisions of this paragraph, the provision, installation, maintenance or operation of traps, arrestors, separators, screens, filters, walls, dams, embankments, trenches, and areas for the treatment, dispersal or disposal of any matter) so as to prevent or reduce, or be likely to prevent or reduce, the discharge or likely discharge of pollutants into waters from any premises,
  - (f2) the manner of undertaking any measures referred to in paragraph (f1),
  - (g) the marking of places where pollutants are discharged into any waters,
  - (h) prohibiting or regulating bathing, swimming or boating or any other aquatic activity specified in the regulations in, on, or around any waters that form part of any public water supply system,



- (i) the classification by the Authority of any waters as classified waters,
  - (j) (Repealed)
  - (k) exempting any persons or class of persons, or any premises or class of premises, from any specified provision or provisions of this Act, in such circumstances, if any, and subject to such conditions, if any, as may be specified in the regulations,
  - (l) generally, the prevention, control, abatement or mitigation of the pollution of waters,
  - (m) prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) The provisions of section 26B of the *Public Health Act 1902* do not apply to regulations made under this Act.
- (3) Any person who contravenes a provision of a regulation is guilty of an offence against the *Environmental Offences and Penalties Act 1989* and is liable to the penalty imposed by the regulation in respect of the offence in accordance with the *Environmental Offences and Penalties Act 1989*.
- (4) Regulations under this section may be so made as to apply to the whole of the State or to any specified part or parts thereof, to all waters or to any specified waters or classes of waters, to all premises or any specified class of premises or to any specified person or to any specified class or classes of persons.
- (5) Regulations made for the purposes of subsection (1) (b) or (c) may prescribe standards or tests by reference to standards or tests specified in any work or document that has been published and is referred to in the regulations or by reference to any such standards or tests as amended in any manner specified in any such work or document.
- (6) Nothing in this section limits or restricts the conditions that may be attached to a licence or subject to which a pollution control approval may be given, but any such condition that is inconsistent with a regulation made under this section shall have no force or effect.

### **37 Amendment of Act No 41, 1919**

The *Local Government Act 1919* is amended by inserting next after paragraph (o) of section three hundred and thirteen the following new paragraph:

- (p) whether the use of the building is likely to cause pollution (as defined in the *Clean Waters Act 1970*) of any waters, as so defined.

### **38 Savings and transitional provisions**

Schedule 1 has effect.

## **Schedule 1 Savings and transitional provisions**

(Section 38)

### **Part 1 Provisions consequent on enactment of [Clean Waters \(Amendment\) Act 1987](#)**

#### **1 Definition**

In this Part, **amending Act** means the [Clean Waters \(Amendment\) Act 1987](#).

#### **2 Maintenance and operation of control equipment**

- (1) Section 20 of this Act, as amended by the amending Act, applies to control equipment installed before or after 15 January 1988 (the date of commencement of Schedule 1 (5) to the amending Act).
- (2) This clause is taken to have commenced on 15 January 1988.
- (3) Subclause (1) re-enacts (with minor modification) section 5 of the amending Act. Subclause (1) is a transferred provision to which section 30A of the [Interpretation Act 1987](#) applies.