

1994

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

WATER POLLUTION (AMENDMENT) BILL 1994

EXPLANATORY MEMORANDUM

**Circulated by authority of the Minister for the Environment, Land and Planning
Bill Wood MLA**

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OUTLINE

The *Water Pollution Act 1984* (the Act) specifies a legislative scheme to protect waterways in the Territory from pollution. The Act vests power in the Pollution Control Authority to grant a licence to discharge waste into the waters of the Territory. The Water Pollution (Amendment) Bill 1994 (the Bill) will amend the Act to enable more effective control of discharge. The amendments will:

- increase the licensing period from one year to three years to allow large commercial and industrial organisations adequate time for the planning, design, construction, operation and evaluation of new capital equipment to meet licence requirements;
- clarify the relationship between section 20 which provides for a licence to be issued and section 21 which relates to the imposition of conditions on a licence; and
- impose an obligation on the Pollution Control Authority, when considering whether to grant a licence, to have regard to the need to reduce pollution to the lowest practicable level and, when granting a licence, to specify on the licence such conditions as are reasonably necessary to reduce pollution to the lowest practicable level.

FINANCIAL IMPLICATIONS

The amendments will have no financial implications.

CLAUSE NOTES

Clauses 1, 2 and 3

Clauses 1, 2 and 3 are mechanical provisions that specify: the short title of the Bill; when the Bill will commence and the Act that the Bill is to amend.

Clause 4

Clause 4 will amend the definition of the term 'licence' in section 5 of the Act. The amended definition will make it clear that a licence is only granted pursuant to section 20 of the Act.

Clause 5

Clause 5 will amend section 20 of the Act. Section 20 empowers the Pollution Control Authority to grant a licence. There has been some concern about ambiguity in relation to the granting of a licence and the amendment makes it clear that section 20 is the only provision that empowers the grant of a licence. The amendment to subsection 20(1) will specify that the Pollution Control Authority may grant a licence with or without conditions or refuse to grant a licence.

Clause 6

Clause 6 will amend section 21 of the Act.

Clause 6 will omit subsection 21(1) and substitute a new subsection 21(1) that will impose a statutory obligation on the Pollution Control Authority, when considering whether to grant a licence under section 20, to have regard to the need to ensure that pollution is reduced to the lowest practicable level. Proposed new subsection 21(1) will also create a statutory obligation on the Pollution Control Authority to impose such conditions on the licence as are necessary to give effect to the objective of reducing pollution to the lowest practicable level.

Clause 7

Clause 7 will amend section 23 of the Act to provide that a licence granted pursuant to section 20 shall be for a period not exceeding 3 years.

Clause 8

Clause 8 will amend the Act by omitting gender-specific language from a number of provisions. The proposed amendments to the Act are specified in the Schedule to the Bill.