

WESTERN AUSTRALIA.

CLEAN AIR ACT 1964.

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THE SCHEDULE.

WESTERN AUSTRALIA.

CLEAN AIR.

13° Elizabeth II., No. LVI.

No. 56 of 1964¹.

(Affected by Act No. 113 of 1965.)

[As amended by Acts:

No. 10 of 1967, assented to 20 October 1967;

No. 5 of 1971,² assented to 13 September 1971;

No. 5 of 1981,³ assented to 18 May 1981;

No. 63 of 1981, assented to 13 October 1981,

and by Orders in Council published in the *Government Gazette*,⁴

and reprinted pursuant to the Amendments Incorporation Act 1938.]

AN ACT relating to the Prevention and Reduction of Air Pollution and for incidental and other purposes.

[Assented to 30 November 1964.]

BE it enacted—

PART I.—PRELIMINARY.

1. This Act may be cited as the *Clean Air Act* Short title.
1964-1981.

¹ Came into operation 14 April 1967; see *Gazette* 14/4/67, p. 942.

² Came into operation 11 February 1972; see *Gazette* 11/2/72, 268.

³ Came into operation 27 November 1981; see *Gazette* 27/1/81, p. 4817.

⁴ See marginal notes to the Schedule.

Commence-
ment.

2. This Act shall come into operation on a date to be fixed by proclamation.¹

Arrangement.
Amended by
No. 5 of
1971, s. 3;
No. 5 of
1981, s. 3.

3. This Act is divided into Parts and a Schedule as follows—

PART I.—PRELIMINARY, ss. 1-6.

PART II.—AIR POLLUTION CONTROL COUNCIL
AND SCIENTIFIC ADVISORY COMMITTEE, ss.
7-22.

PART III.—SCHEDULED PREMISES, ss. 23-35.

*Division 1.—Provisions relating to Licensing of
Scheduled Premises, ss. 23-30.*

*Division 2.—Other provisions relating to
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PART IV.—PREMISES OTHER THAN SCHEDULED
PREMISES, ss. 36-39.

PART IVA.—OPERATIONS PERMITS, ss. 39A-39B.

PART V.—GENERAL PROVISIONS, ss. 40-53.

SCHEDULE.

4. (1) This Act binds the Crown.

Crown
bound.

Application
of Act.

(2) This Act or any Part thereof applies only to such area or areas of the State as the Governor may by proclamation² declare to be subject to this Act or to that Part.

(3) A proclamation made under this section may be cancelled or from time to time varied by a subsequent proclamation.

Construction.

5. (1) This Act shall be read and construed subject to the limits of the legislative powers of the State and so as not to exceed those powers, to the extent that where any enactment hereof, but for

² Act applicable to whole of State—See *Gazette* 15/9/72, p. 3585.

¹ Came into operation on 14 April 1967; see *Gazette* 14/4/67, p. 942.

this provision would be construed as being in excess of those powers, it shall nevertheless be a valid enactment to the extent to which it is not in excess of those powers.

(2) Where there is inconsistency between the provisions of this Act in their application to any circumstance, matter or thing and the provisions of the Factories and Shops Act 1963, Health Act 1911, Local Government Act 1960, Metropolitan Region Town Planning Scheme Act 1959 and Town Planning and Development Act 1928 in their application to the same circumstance, matter or thing, the provisions of this Act prevail and the former provisions to the extent of the inconsistency are inoperative with respect to the circumstance, matter or thing.

(3) A reference to the provisions of the Acts mentioned in subsection (2) of this section includes reference to the provisions of Acts amending or substituted for them and includes also the provisions of Orders in Council, Proclamations, declarations, regulations, by-laws, notices or other instruments that are made pursuant to those Acts.

6. (1) In this Act, unless the contrary intention appears—

Interpreta-
tion.
Amended by
No. 5 of
1981, s. 4.

“air impurity” includes smoke, soot, dust, ash (including fly ash), cinders, solid particles of any kind, gases, fumes, mist and odours;

“air pollution” means the emission into the air of an air impurity;

“chimney” includes any structure or opening from or through which any air impurity may be emitted and any reference to a chimney of or used in connection with any premises includes a reference to a chimney that serves the whole or a part of the premises though structurally separate from the premises or any building thereon;

"control equipment" includes—

- (a) any apparatus for separating any air impurities from the gas medium in which they are carried;
- (b) any automatic device used for securing the more efficient operation of any fuel burning equipment;
- (c) any device to indicate or record air pollution or to give warning of excessive air pollution; and
- (d) any other device used for the purpose of limiting air pollution;

"dark smoke" means smoke, which by a method prescribed by the regulations, is ascertained to be smoke that is dark smoke within a meaning prescribed by the regulations;

"department" means a department of the Public Service of the State;

"fuel burning equipment" means any furnace, boiler, fireplace, oven, retort, incinerator, open fire, vehicle, vessel, or chimney, or any other apparatus, device, mechanism or structure used or to be used in connection with the burning of any combustible material;

"industrial plant" means—

- (a) any plant or equipment used for the manufacturing, processing, handling, moving, storing or disposing of materials (including raw materials, materials in the process of manufacture, manufactured materials, by-products and waste materials) in or in connection with any trade, industry or process; or

- (b) any plant or equipment of a prescribed class or description,

but does not include fuel burning equipment or a vehicle.

“inspector” means a person appointed an inspector for the purposes of this Act;

“licence” means a valid and current licence or renewal of a licence granted under this Act;

“local authority” means the Council of a Municipality constituted under the Local Government Act 1960;

“occupier” means in relation to—

- (a) any premises, the person in occupation or control of the premises; and

- (b) any premises where different parts are occupied by different persons, means in relation to any such part, the person in occupation or control of that part,

and includes a person in occupation of any premises, notwithstanding any want of title to occupy the premises;

“practicable” means reasonably practicable having regard, among other things, to local conditions and circumstances, and to the current state of technical knowledge and the term “practicable means” includes the provision and maintenance of plant and the proper use of the plant;

“premises” includes land, buildings, easements and any place or vehicle;

“scheduled premises” means any premises for the time being included in the Schedule to this Act;

"the Commissioner" means the person for the time being holding office or duly acting in the office of Commissioner of Public Health under the Health Act 1911;

"the Committee" means the Scientific Advisory Committee established under this Act;

"the Council" means the Air Pollution Control Council established under this Act;

"vehicle" includes motor vehicle, omnibus, coach, bicycle, locomotive, aeroplane, or other means of conveyance or transit that uses combustible material for its operation;

"vessel" includes any ship, boat or other description of vessel used or designed for use for any purpose on the sea, in navigation, or on any waterway, that uses combustible material for its operation.

(2) The Governor may by Order in Council¹ from time to time amend the Schedule to this Act by adding thereto or removing therefrom any premises or class of premises and the Schedule as so amended shall be the Schedule to this Act.

(3) A copy of each Order in Council made pursuant to this section shall be published in the *Government Gazette*.

PART II.—AIR POLLUTION CONTROL COUNCIL AND SCIENTIFIC ADVISORY COMMITTEE.

Establish-
ment of
Air Pollution
Control
Council.

7. There is hereby established, for the purposes of this Act, a body by the name of the Air Pollution Control Council.

Constitution
of Air
Pollution
Control
Council.
Amended by
No. 10 of
1967, s. 2;
No. 5 of
1981, s. 5;
No. 63 of 1981,
Schedule.

8. (1) The Council shall consist of a Chairman and sixteen other members.

(2) The Chairman shall be the Commissioner.

¹ See marginal note to the Schedule.

(3) One member shall be the Chairman for the time being of the Committee and one member shall be the person for the time being holding the office of State Mining Engineer.

(4) The remaining fourteen members (called "the appointed members") shall be appointed by the Governor and shall consist of—

- (a) an officer of the State Energy Commission constituted under the State Energy Commission Act 1945,¹ nominated in writing by the Minister administering that Act;
- (b) an officer of the department known as the Department of Industrial Development and Commerce of the Public Service of the State so nominated by the Minister administering that department;
- (c) an officer of the department known as the Town Planning Department so nominated by the Minister administering that department;
- (d) an officer of the department known as the Department of Conservation and Environment so nominated by the Minister administering that department;
- (e) an officer of the department known as the Department of Labour and Industry employed in the Factories and Shops Branch of that department so nominated by the Minister administering that department;
- (f) a person so nominated by the Minister for Mines;
- (g) a person employed on the staff of the University of Western Australia so nominated by the Senate constituted pursuant to the University of Western Australia Act 1911;

¹ See now State Energy Commission Act 1979.

- (h) a person so nominated by the body known as the Trades and Labor Council of Western Australia;
- (i) two persons so nominated by the body known as the Local Government Association of Western Australia;
- (j) four persons so nominated by the body known as The Confederation of Western Australian Industry (Incorporated).

(5) If a Minister or a body referred to in subsection (4) of this section authorized to nominate an officer or person for appointment to the Council fails to do so within thirty days after the receipt by him or it respectively of a written request from the Minister so to do, the Minister may nominate for appointment as member an officer or person having a like qualification to the officer or person who should have been nominated by the Minister or the body in default, and the officer or person shall, subject to this Act, be appointed as if he had been duly nominated by the Minister or body first entitled to make the nomination.

(6) Each of the appointed members shall, subject to this Act, hold office for three years and is eligible for re-appointment.

(7) A person, other than the Chairman for the time being of the Committee, is not eligible to hold at the same time, both the office of member of the Council and member of the Committee.

(8) The exercise or performance of the functions or powers of the Council is not affected by reason only of there being any vacancy in the office of member of the Council.

Deputy
Chairman of
Council.

9. Where the Chairman of the Council is unable for any reason to attend any duly convened meeting of the Council, the person nominated in writing by the Chairman to be the Deputy of the Chairman—

- (a) shall preside at that meeting; and
- (b) while so presiding shall be deemed to be a member of the Council and has all the powers and duties of the Chairman of the Council.

10. The Minister may grant leave of absence to a member of the Council upon such terms and conditions as to remuneration or otherwise as the Minister determines.

Leave of absence.

11. Each member of the Council and person appointed to act in the place of, or in the vacant office of, a member, except a person employed in the State Public Service, shall be paid, in respect of his attendance at a meeting of the Council, a fee of such amount, if any, as is determined by the Minister, and is entitled to be reimbursed such expenses as he reasonably incurs in performing his functions and exercising his powers under this Act.

Remuneration allowances.

12. (1) The Governor may, in respect of each member of the Council other than the Chairman of the Council, appoint a person or officer as the case requires having a like qualification, or being representative of a like body as the member in whose place he is appointed, to be the deputy of that member and a person so appointed has, in the event of the absence or incapacity of that member, all the powers, functions and duties of that member during the period in which he acts in the office of that member.

Acting appointments.
Amended by No. 5 of 1981, s. 6.

(1a) Where—

- (a) both a member and the deputy of that member are absent or temporarily incapable of fulfilling the duties of a member;
or
- (b) the office of a member is vacant and is not filled in accordance with this Act,

the Minister may appoint a person to act in the place of that member during that absence or incapacity, or until the vacancy is filled, as the case requires, and any person so appointed has, while his appointment subsists, all the powers, functions and duties of a member.

(2) Where the Minister grants leave of absence to the Deputy of the Chairman of the Council, or where there is a vacancy in the office of that Deputy, the Council may appoint a member of the Council to act in the place of the Deputy or in the office of the Deputy, during the whole of the period of absence on leave of the Deputy or of the period of vacancy, as the case may be, and the person so appointed has all the powers and duties conferred by this Act on the Deputy of the Chairman of the Council.

(3) The Minister may, at any time, terminate the appointment of a person appointed by the Minister under this section.

(4) The Council may, at any time, terminate the appointment of a person appointed by the Council under this section to be the Deputy of the Chairman of the Council.

(5) Any reference in this Act to a member shall be construed as including a reference to—

- (a) a deputy acting in the office of that member; and
- (b) a person appointed by the Minister to act in the place of a member during any absence, temporary incapacity or casual vacancy.

Removal
of member
of the
Council.

13. The Governor may remove a member of the Council for inability, inefficiency or misbehaviour.

Resignation
of member of
the Council.

14. (1) A member of the Council may resign his office by writing under his hand addressed to the Governor.

(2) A resignation under this section is not effective until accepted by the Governor.

15. A member of the Council shall be deemed to have vacated his office, if he—

Vacation
of office of
member of
the Council.

- (a) dies;
- (b) resigns his office as provided in section fourteen of this Act;
- (c) absents himself from four consecutive meetings of the Council of which he has received due notice, except on leave granted by the Council or the Minister; or
- (d) is removed from office by the Governor under section thirteen of this Act.

16. (1) The Council shall meet as often as is necessary for the due administration of this Act at such times and place as it thinks fit, and shall conduct its business in such manner as may be prescribed, or in so far as is not prescribed, as it may from time to time determine.

Meetings of
Council.
Amended by
No. 10 of
1967, s. 3;
No. 5 of
1981, s. 7.

(2) The Chairman of the Council—

- (a) shall convene the first meeting of the Council as soon as practicable after the coming into operation of this Act; and
- (b) shall preside at all meetings of the Council at which he is present.

(3) The Chairman of the Council shall on receipt of a written request signed by any two members of the Council, convene a meeting of the Council.

(4) The Minister may at any time convene a meeting of the Council.

(5) At a meeting of the Council—

- (a) nine members form a quorum including the Chairman of the Council or in his absence, the Deputy of the Chairman;
- (b) a question arising at the meeting shall be decided by a majority of the votes of the members of the Council present and voting.

(6) All acts and proceedings of the Council are, notwithstanding the subsequent discovery of any defect in the appointment of a member thereof, or that any member was disqualified or disentitled to act, as valid as if that member had been duly appointed and was qualified and entitled to act and had acted as a member of the Council, and as if the Council had been duly and fully constituted.

Functions of
Council.
Amended by
No. 5 of
1981, s. 8.

17. (1) The functions of the Council are—

- (a) to carry out investigations into the problems of air pollution;
- (b) to consider and initiate the means of preventing, abating or mitigating air pollution;
- (c) to keep under review the progress made in preventing, abating or mitigating air pollution;
- (d) to obtain the advice of persons having special knowledge, experience or responsibility in regard to prevention of air pollution;
- (e) to advise the Minister as required upon such matters and questions relating to the prevention, abatement and mitigation of air pollution as the Minister may from time to time in writing refer to the Council for its advice;

(f) subject to the Minister, to administer this Act;

"this Act" includes regulations see s. 4 Act No. 30 of 1918.

(g) to make to the Minister recommendations—

(i) for amending or repealing this Act;

(ii) for making, amending or repealing any regulation;

(iii) relating to the administration of this Act;

(iv) for proclaiming areas of the State to which this Act shall apply;

(v) for the addition to or removal of any premises or class of premises from the Schedule to this Act;

(h) to consider applications for licences for scheduled premises and to grant or refuse any such application, subject to such conditions, if any, as the Council thinks fit to impose.

(1a) The Council may, on matters relevant to the purposes of this Act, confer and collaborate with, and make submissions and recommendations to, the departments of the Public Service and other bodies, instrumentalities, and agencies of the Commonwealth, and the States and Territories of the Commonwealth.

(2) The Council has power to do all things necessary or convenient to be done in connection with or as incidental to the performance of its functions.

17A. (1) The Council may, either generally or as provided by the instrument of delegation, by writing, delegate its power to grant or renew licences, permits, or approval under section thirty-four of this Act to the person for the time being holding or acting in the office of Chairman of the Council.

Delegation. Inserted by No. 5 of 1981, s. 9.

(2) For the purposes of this Act, the exercise of a power or the performance of a duty by a delegate under this section shall be deemed to be the exercise of the power or the performance of the duty by the Council.

(3) A delegation under this section may—

(a) be made subject to such conditions, qualifications and exceptions as are set out in the instrument of delegation;

(b) be revoked or varied at any time by instrument in writing by the Council.

(4) The Council may exercise a power or perform a duty notwithstanding that it has delegated its exercise or performance under this section.

Annual
Report of
Council.

18. (1) Before the first day of October in each year the Council shall make a written report to the Ministers as to the operations of the Council under this Act up to the last preceding thirtieth day of June and the operation of this Act generally up to that day.

(2) The Minister shall lay the report of the Council before each House of Parliament within six sitting days of that House after the receipt of the report by him.

Exemption
of members
of the
Council from
personal
liability.

19. A person who is, or has been, a member of the Council or acting member of the Council, is not personally liable for anything done, or omitted to be done, in good faith in, or in connection with, the exercise or purported exercise of any power conferred, or the carrying out of any duty imposed, on the Council by this Act.

Establish-
ment of
Scientific
Advisory
Committee.
Amended by
No. 10 of
1987, s. 4;
No. 5 of
1981, s. 10.

20. (1) For the purposes of giving advice and assistance in connection with the discharge by the Council of its functions under this Act, there shall be established a Committee to be called the Scientific Advisory Committee.

(2) The Committee—

- (a) shall consist of a Chairman and eight other members; and
- (b) may, with the prior approval of the Council, co-opt a person or persons who is or are conversant with any particular matter upon which the Committee is required to advise.

(3) The nine members of the Committee shall be appointed by the Council and shall consist of—

- (a) a person who is a legally qualified medical practitioner employed in the Public Health Department, who shall be Chairman of the Committee;
- (b) a person who is a qualified engineer or industrial chemist with expertise in fuel technology;
- (c) a person who is an engineer employed in the department known as the Public Works Department nominated in writing by the Chief Engineer in that department;
- (d) a person who is a qualified meteorologist;
- (e) a person who is a chemist employed on the staff of the University of Western Australia nominated in writing by the Senate constituted pursuant to the University of Western Australia Act 1911;
- (f) two persons nominated in writing by the body known as The Confederation of Western Australian Industry (Incorporated) to represent the interests of industry generally;

- (g) a person who is an inspector of mines under the Mines Regulation Act 1946, nominated in writing by the Minister for Mines;
- (h) a person who is a biological or agricultural scientist employed in the department known as the Department of Agriculture nominated in writing by the Minister for Agriculture.

(4) The provisions of subsections (5), (6) and (8) of section eight of this Act, sections nine, ten, eleven, twelve, thirteen, fourteen and fifteen, and subsection (6) of section sixteen of this Act, apply to the Committee and in so applying those provisions any reference therein to the Council shall be read as a reference to the Committee.

(5) The Committee shall meet as often as is necessary for carrying out its powers and duties under this Act at such times and places as it thinks fit and shall meet when and as often as it is requested to meet by the Council.

(6) The Committee shall conduct its business in such manner as it may from time to time determine.

(7) At a meeting of the Committee—

- (a) five members form a quorum including the Chairman of the Committee or in his absence, the Deputy of the Chairman; and
- (b) a question arising at the meeting shall be decided by a majority of the votes of the members of the Committee present and voting.

**Functions
of the
Committee.**

21. (1) The Committee shall—

- (a) as soon as may be after the coming into operation of this Act, take into consideration its provisions;

- (b) from time to time take into consideration and advise the Council on any matters and questions relating to the prevention, abatement and mitigation of air pollution that are referred to it for consideration and advice by the Council;
- (c) assist the Council in carrying out the functions of the Council referred to in section seventeen of this Act by advising the Council in relation to—
 - (i) whether or not a licence should be granted; and
 - (ii) if a licence is granted the conditions, if any, subject to which the licence should be granted.

(2) Where the Council has pursuant to this section referred a question or matter to the Committee for advice the Council shall before determining the question or matter give due consideration to the advice of the Committee in connection therewith but the Council is not bound to act on or give effect to the advice of the Committee.

22. (1) There may from time to time be appointed under the Public Service Act 1978, such inspectors and other officers as may be approved and required by the Council for the effective administration of this Act.

Officers.
Amended by
No. 5 of
1981, s. 11.

(2) With the consent of the Minister administering any department, the Council may co-opt the services of any person employed in that department upon such terms and conditions as may be agreed between that Minister and the Minister.

(3) The Council may, with the consent of a local authority and upon such terms and conditions as may be agreed between that local authority and the Council, appoint as an inspector any officer of that local authority who is a health surveyor appointed under the Health Act 1911.

PART III.—SCHEDULED PREMISES.

Division 1.—Provisions relating to Licensing of Scheduled Premises.

Scheduled
premises to
be licensed.

23. (1) Except as provided in subsection (2) of this section, a person who is the occupier of any scheduled premises and who is not the holder of a licence issued in respect of those premises is guilty of an offence against this Act.

(2) The provisions of subsection (1) of this section do not apply to a person—

- (a) who on the date of the coming into operation of this Act is the occupier of scheduled premises, and within the prescribed period after that date makes application for a licence in respect of those scheduled premises;
- (b) who, at any time after the date of the coming into operation of this Act, commences to use any premises as scheduled premises and who within the prescribed period after his so commencing makes application for a licence in respect of those scheduled premises;
- (c) who, where by virtue of an Order in Council pursuant to subsection (2) of section six of this Act made after the coming into operation of this Act, premises not previously scheduled premises become scheduled premises, is, consequent upon the Order in Council the occupier of scheduled premises, and who within the prescribed period after the publication of the Order in Council in the *Gazette* makes application for a licence in respect of those scheduled premises;
- (d) who has made application under the provisions of subsection (3) of section twenty-seven of this Act for the transfer to him of a licence in respect of any

scheduled premises and made the application within the prescribed period after he became the occupier of those scheduled premises,

until his application has been finally determined.

24. (1) An application for a licence or for any renewal or transfer thereof shall be made to the Commissioner in the prescribed form and shall be accompanied by the prescribed fee.

Licences.
Amended by
No. 5 of
1981, s. 12.

(2) The Commissioner shall refer the application to the Council and the Council shall refer the application to the Committee for its advice thereon.

(3) An applicant for a licence or for the renewal or transfer of a licence shall furnish in writing or otherwise such information as the Commissioner and the Council may consider necessary and relevant to the application.

(4) The Council—

(a) shall grant any application for a licence or for a renewal or transfer thereof, either subject to conditions or unconditionally and where an application is granted subject to conditions, the conditions shall be specified in the licence to which the application relates;

(b) may, during the currency of a licence, by a notice in writing to the holder of the licence—

(i) revoke the licence or suspend it for such period not exceeding six months as it thinks fit;

(ii) revoke or vary any condition attached to the licence; or

(iii) attach new conditions to the licence;

- (c) shall not grant any application for a licence in respect of scheduled premises the use whereof as such would contravene any town planning scheme, or by-law of any local authority respecting the use or development of land in the municipal district of the local authority.

(5) In any case to which paragraph (c) of subsection (4) of this section applies, the application for the licence shall for the purposes of section twenty-three of this Act, be deemed to be finally determined by the refusal to grant the application, or if an appeal is made against the refusal under section forty-five of this Act upon the determination of the appeal.

Council
to regard
recommendation
of
Committee.

25. The Council shall, in imposing any conditions under paragraph (a) of subsection (4) of section twenty-four of this Act, or in exercising any powers under paragraph (b) of that subsection, have regard to any recommendation with respect thereto made by the Committee.

Power
of Council
to attach
conditions
to licence.
Amended by
No. 5 of
1981, s. 13.

26. (1) Without affecting the generality of the provisions of subsection (4) of section twenty-four of this Act, any conditions attached to a licence by the Council—

(a) may require the holder of the licence—

- (i) to repair, alter or replace any fuel burning equipment in or on any scheduled premises specified in the licence;
- (ii) to install and operate control equipment in or on any scheduled premises specified in the licence;
- (iii) to repair, alter or replace any control equipment installed in or on any scheduled premises specified in the licence;

- (iv) to erect, or alter the height of, any chimney through which air impurities may be discharged from any scheduled premises specified in the licence;
 - (v) to carry out any of the requirements imposed on him under the foregoing provisions of this paragraph within such period as may be specified in the conditions; or
- (b) may prohibit the holder of the licence from altering or replacing any control equipment installed in or on any scheduled premises specified in the licence except with the prior approval of the Council.

(2) Where under this Act a right of appeal is given against the decision of the Council attaching a condition to a licence, any condition so attached has no force until the time limited for appealing against the condition has expired and, where an appeal against the condition has been duly made under this Act, until the Minister or the Court hearing the appeal confirms the decision of the Council imposing the condition.

27. (1) A licence shall, subject to this Act, remain in force for a period of one year from the date of its issue and may from time to time be renewed for a further period of one year upon application made within the prescribed time.

Duration and renewal of licence.

(2) The holder of a licence who desires to obtain a renewal of the licence shall at any time, not being more than one month before the date of the expiration of the licence or of the subsisting renewal thereof, as the case may be, make application in the prescribed form to the Commissioner for a renewal of the licence.

(3) Where the holder of a licence ceases to be the occupier of any scheduled premises, the occupier of

Transfer of licence.

those premises may make application in the prescribed form, accompanied by the prescribed fee, to the Commissioner for approval of the transfer to him of the licence in respect of those premises.

Applications
for licence,
renewal or
transfer
thereof.

(4) Every application for a licence or any renewal or transfer thereof shall be accompanied by the amount of the prescribed fee and if the application is not granted that amount shall be refunded to the applicant.

Register of
licences.

28. The Commissioner shall cause to be kept such registers of licences as may be prescribed.

Licenses
to comply
with licence.

29. The holder of a licence shall comply in every respect with the terms and conditions thereof.

Fees.
Amended by
No. 113 of
1965, s. 8;
No. 5 of
1981, s. 14.

30. (1) The fee payable for a licence or any renewal thereof shall be such amount as may be prescribed not exceeding \$3 000.

(2) Different fees may be prescribed according to any one or more of the following factors—

- (a) the class of scheduled premises;
- (b) the location of scheduled premises;
- (c) the number of persons employed at scheduled premises;
- (d) any other prescribed factor.

(3) Where the Commisisoner is satisfied upon the recommendation of the Council that the air pollution from scheduled premises would not be such as to warrant the payment of the prescribed fee that would otherwise be payable in respect of a licence for those premises, the Commissioner may upon the application of the occupier thereof remit in whole or in part that prescribed fee.

(4) Where the aggregate of the fees that would, but for this subsection, have been payable for licences or renewals thereof in respect of any scheduled premises by any one and the same person exceeds \$5 000 in any period of twelve months, the aggregate of the fees payable for the licences, transfers or renewals for that period shall be \$5 000.

(5) The fee payable in respect of the transfer of a licence shall be as prescribed.

*Division 2.—Other provisions relating to
Scheduled Premises.*

30A. This Division of this Part of this Act is supplementary to, and not in derogation of, any of the provisions of Division 1 of this Part of this Act.

Application
of this
Division.
Inserted by
No. 5 of
1981, s. 15.

31. The occupier of any scheduled premises shall maintain any fuel burning equipment and any control equipment installed in or on those premises in an efficient condition and shall operate the equipment in a proper and efficient manner.

Occupiers
to maintain
and operate
equipment.

32. (1) The occupier of any scheduled premises shall not cause, permit or suffer the emission of dark smoke from a chimney of, or used in connection with, the scheduled premises.

Prohibition
of dark
smoke from
chimneys.

(2) Emissions of smoke from any chimney lasting for such periods on any day as may be prescribed shall, in such classes of cases and subject to such limitations as may be prescribed, be left out of account for the purposes of this section.

33. (1) The occupier of any scheduled premises shall not, unless he is exempted by the Council from the provisions of this subsection, conduct any trade, industry or process, or operate any fuel burning equipment or industrial plant in or on those premises in such manner as to cause, permit or suffer the emission at the prescribed point of air

Excess of
prescribed
standards
of air
impurities
prohibited.
Amended by
No. 5 of
1981, s. 16.

impurities in excess of the standard of concentration and rate of emission, or the standard of concentration or rate of emission prescribed in respect of that trade, industry, process, fuel burning equipment or industrial plant.

(2) (a) Where any such standard as is referred to in subsection (1) of this section has not been so prescribed, the occupier of any scheduled premises shall conduct any trade, industry, or process and operate any fuel burning equipment or industrial plant, in or on the scheduled premises by such practicable means as may be necessary to prevent or minimize air pollution.

(b) Subject to section forty-five of this Act, if the Council is of opinion that the occupier of scheduled premises is not complying with paragraph (a) of this subsection, it may by notice in writing signed by the Chairman thereof, served on the occupier, specify therein the practical means that the occupier shall adopt within such time as is so specified, so as in the opinion of the Council, to comply with that paragraph.

(c) Subject to section forty-five of this Act, the occupier of scheduled premises to whom the notice is given shall comply therewith.

(3) If the Council for special reasons thinks fit to do so, the Council may conditionally or unconditionally exempt the occupier of any scheduled premises from the provisions of subsection (1) of this section.

(4) The occupier of any scheduled premises who has been exempted by the Council from the provisions of subsection (1) of this section shall comply in every respect with any condition attached to the exemption.

Certain
work on
scheduled
premises
to have prior
approval.
Amended by
No. 5 of
1981, s. 17.

34. (1) Except with the prior written approval of the Council or where so required to do under section thirty-five of this Act, the occupier of any

scheduled premises shall not, if by so doing he is likely to cause or increase air pollution from those premises—

- (a) alter the method of operation of any trade, industry, process, fuel burning equipment or industrial plant in or on the premises; or
- (b) install, alter or replace any equipment or plant in or on the premises.

(2) A person shall not—

- (a) in or on any premises carry out any work that could cause those premises to become scheduled premises;
- (b) on any land construct any building designed for use for a purpose that would cause the land or building to become scheduled premises; or
- (c) except where so required to do under section thirty-five of this Act, erect or alter the height of any chimney through which air impurities may be emitted from any scheduled premises,

unless

- (d) plans and specifications of the work or building or erection or alteration, as the case may be, have been submitted to and approved by the Council; and
- (e) the site on which the work is to be carried out or the building is to be constructed or the chimney is to be erected or altered, as the case may be, has been approved by the Council.

(3) An application for any approval under this section shall be made to the Commissioner in the prescribed form and accompanied by—

- (a) the prescribed fee;

- (b) in any case to which paragraph (a) or (b) of subsection (2) of this section applies, details of the trade, industry or process proposed to be carried on in or on the premises or proposed premises, together with details of the methods intended to be adopted so as to control air pollution from those premises; and
 - (c) evidence that any necessary approval in respect thereof required under the Local Government Act 1960, has been obtained.
- (4) The Commissioner—
- (a) shall refer any such application to the Council; and
 - (b) may require an applicant to furnish such other information as the Commissioner and the Council may consider necessary and relevant to the application.
- (5) The Council may grant any such application either subject to conditions or unconditionally.
- (6) Without limiting the generality of the provisions of subsection (5) of this section any condition attached to the grant of an application for approval may limit the time within which the approval is valid.

Power of
Council
to require
work on
scheduled
premises.

35. (1) Where any air impurities are being, or are likely to be, emitted from any scheduled premises in or on which is conducted any trade, industry or process, or in or on which there is any fuel burning equipment, control equipment or industrial plant the Council may by notice in writing signed by the Chairman thereof, require the occupier of those premises to—

- (a) install and operate control equipment, or additional control equipment, in or on those premises;

- (b) repair, alter, or replace any fuel burning equipment or control equipment installed in or on those premises;
 - (c) erect or alter the height of, any chimney through which air impurities may be emitted from those premises,
- within such time and in such manner as may be specified in the notice.

(2) The Council may by notice in writing signed by the Chairman thereof require the occupier of any scheduled premises in carrying on any trade, industry or process or in operating any fuel burning equipment or industrial plant to operate, in accordance with any directions contained in the notice, any control equipment in or on those premises.

(3) The occupier of scheduled premises to whom the notice is given under this section shall comply therewith.

PART IV.—PREMISES OTHER THAN SCHEDULED PREMISES.

36. This Part of this Act does not apply to any scheduled premises. Application of this Part.

37. (1) The occupier of any premises shall not cause, permit or suffer the emission of dark smoke from a chimney or open fire of, or used in connection with, the premises. Prohibition of dark smoke from chimneys.
Amended by No. 5 of 1981, s. 18.

(2) Emissions of smoke from any chimney or open fire lasting for not longer than such periods on any day as may be prescribed, shall, in such classes of cases and subject to such limitations as may be prescribed, be left out of account for the purposes of this section.

(3) Subsections (1) and (2) of this section apply to a vessel within the limits of any harbour or in any inland navigable waters, as they apply in relation

to premises other than scheduled premises, but as if for the reference to the occupier of any premises there was substituted a reference to the Master of the vessel, or the person for the time being having the command, charge or management thereof, and as if references to a chimney included any stack, structure, opening or other means whatever from, through or by means of which dark smoke has been emitted from the vessel.

Prescribed
standards
of air
impurities
not to be
exceeded.

38. The provisions of section thirty-three of this Act, other than the provisions of paragraphs (b) and (c) of subsection (2) thereof, apply to the occupier of premises other than scheduled premises and in so applying those provisions any reference therein to scheduled premises shall be read as a reference to premises.

Control
of trades
industrial
processes,
fuel burning
equipment
and indus-
trial plant.

39. (1) Where any air impurities are being or are likely to be emitted from any premises in or on which is conducted any trade, industry, or process, or in or on which there is any fuel burning equipment or industrial plant, the Council may by notice in writing signed by the Chairman thereof, require the occupier of those premises, if in the opinion of the Council he has not taken all practicable means to prevent or to minimize the emission of air impurities from those premises,—

- (a) to install and operate control equipment in or on the premises;
- (b) to repair, alter or replace any fuel burning equipment or control equipment installed in or on the premises; or
- (c) to erect or alter the height of any chimney through which air impurities may be discharged from the premises,

within such time and in such manner as may be specified in the notice.

(2) The Council may by notice in writing signed by the Chairman thereof, require the occupier of any premises in carrying on any trade, industry or process, or in operating any fuel burning equipment or industrial plant to operate, in accordance with any directions contained in the notice, any control equipment in or on those premises.

(3) An occupier of premises to whom any notice in writing is given under this section shall comply therewith.

PART IVA.—OPERATIONS PERMITS.

39A. In this Part and in section fifty-three of this Act—

“abrasive blasting operations” means any operation or process carried out other than on scheduled premises licensed as abrasive blasting works, by or in the course of which any abrasive blasting process or technique is carried out upon, or applied to, any building, structure, vessel, object, article or material.

“construction operations” means any work—

- (a) in connection with the construction, erection, installation, addition to, alteration, repair, maintenance, cleaning, painting, renewal, removal, dismantling or demolition of any building or structure which, when done in relation to a vessel, includes the construction of the vessel and all work that is done on or adjacent to a vessel in a dock or on a slip or at a wharf or other place;
- (b) driving or extracting piles, sheet piles or trench sheet;

Heading.
Substituted
by No. 5 of
1981, s. 19.

Interpreta-
tion.
Inserted by
No. 5 of
1971, s. 4.
Amended by
No. 5 of
1981, s. 20.

- (c) laying or lining any pipe having an internal diameter exceeding 175 millimetres; or
- (d) excavating, trenching, cutting or any work in connection with—
 - (i) excavating for or preparing foundations for any building or structure; or
 - (ii) excavating for water, sewerage, drainage, gas or electricity supply,

but does not include any work done in relation to a single storey dwelling or a two storey dwelling that is used or is intended to be used exclusively as a self-contained private dwelling;

“controlled operations” means any construction operations, demolition operations or abrasive blasting operations;

“demolition operations” means any operations in which any demolition is carried out and in which the nature or natures of the processes carried on, or the materials used, is or are likely to cause air pollution.

Permits to carry out controlled operations. Inserted by No. 5 of 1971, s. 5. Amended by No. 5 of 1981, s. 21.

39B. (1) A person shall not carry out any controlled operations unless he holds a permit issued to him by the Council under this section.

(2) An application to the Council for the issue of a permit under this section shall be made in the form approved by the Council, and be accompanied by a fee of \$50.

(3) A permit issued under this section—

- (a) remains in force, unless sooner cancelled under paragraph (c) of this subsection for a period of twelve months from the date of its issue, but may be renewed from time to

time in accordance with the regulations for periods of twelve months on payment of a fee of ten dollars;

- (b) authorizes the holder, while the permit subsists, to carry on controlled operations subject to and in accordance with the regulations; and
- (c) may be revoked by the Council if the holder of the permit is convicted of any offence against the regulations which arises from or is committed in the course of the carrying out by him of any controlled operations.

(4) The provisions of section forty-five of this Act apply, with such modifications and adaptations as are necessary, to and in relation to an applicant for a permit as if the references therein to a licence included a reference to a permit under this section.

PART V.—GENERAL PROVISIONS.

40. The Chairman of the Council may—

Powers of
Chairman.

- (a) consult with such persons, bodies and associations as he thinks fit for the purpose of obtaining information with respect to, and developing methods of, controlling air pollution; and
- (b) give advice and assistance to the occupier of any premises or to any person operating any vehicle or vessel for the purpose of assisting the occupier or person in preventing or minimizing air pollution from the premises, vehicle or vessel.

41. The Council, by notice in writing signed by the Chairman thereof and served on the occupier of any premises, may require the occupier to furnish to the Council within fourteen days or such longer period as may be specified in the notice, such

Occupier of
premises
to furnish
information.

information as to any fuel burning equipment, control equipment or industrial plant in or on the premises as the Council requires by the notice.

Offences.
Refusal
to furnish
information,
etc.
Amended by
No. 113 of
1965, s. 8;
No. 5 of
1981, s. 22.

42. (1) A person who, where required by the Council or by an inspector under or pursuant to this Act, to answer any question, or to furnish any information—

- (a) fails to answer the question or furnish the information; or
- (b) gives any answer or furnishes any information that is false or misleading in any material respect,

is guilty of an offence against this Act.

Penalty: \$2 000.

(2) Any statement made pursuant to any requirement made pursuant to this section, shall not, if the person making the statement objected, at the time of making it, to doing so on the ground that it might tend to incriminate him, be admissible in evidence in any prosecution against the person for any offence not being the offence of contravening or failing to comply with the provisions of this section.

Power to
prohibit
the use of
combustible
materials,
fuel burning
equipment,
etc.

43. The Governor may, on the recommendation of the Council, by Order in Council published in the *Government Gazette*—

- (a) prohibit the use of such combustible materials or fuel burning equipment or industrial plant or such classes of fuel or fuel burning equipment or industrial plant as may be specified in the order; or
- (b) prohibit the use of all combustible materials or fuel burning equipment or industrial plant other than such combustible

materials or fuel burning equipment or industrial plant or such classes of combustible materials or fuel burning equipment or industrial plant as may be specified in the order,

within such area as may be so specified.

44. All expenses incurred in the administration of this Act, including all salaries, fees, allowances, travelling expenses and fees payable to the members or deputy members of the Council or the Committee shall be paid out of the Consolidated Revenue Fund from moneys appropriated by Parliament for the purpose.

Expenses
incurred in
administra-
tion of Act.

45. (1) Any person—

Appeals.
Amended by
No. 5 of
1981, s. 23.

- (a) being the applicant for a licence or for the renewal or transfer thereof or the holder of a licence, and who is aggrieved by any decision of the Council with respect to his application or licence including, without limiting the generality of the foregoing, any decision of the Council attaching a condition to a licence or revoking or suspending a licence; or
- (b) being an applicant for the approval of the Council under section thirty-four of this Act or a person to whom a notice under section thirty-three, thirty-five, thirty-eight or thirty-nine of this Act has been given, who is aggrieved by the decision of the Council with respect to his application or by the notice,

may appeal against the decision or the notice to the Minister or to the Local Court constituted under the Local Courts Act 1904 that is held nearest to the place where the premises, building or land to which the appeal relates are or is situated, but the commencement of an appeal to one extinguishes any right of appeal to the other.

(2) An appeal under this section shall be instituted within thirty days after the giving to the applicant, holder of the licence or person to whom a notice has been given under section thirty-three, thirty-five, thirty-eight or thirty-nine of this Act, of notice of the decision of the Council or of the notice under those sections, as the case may be.

(2a) On an appeal to the Minister, the Minister may dismiss or allow the appeal wholly or in part, and may make such modifications in any requisition, determination, decision or condition appealed against as he thinks fit, and may make or impose any new determination, decision or condition in substitution for or in addition to the one appealed against.

(3) An appeal to the Local Court under this section shall be by way of rehearing and, subject to this Act, the decision of the Local Court shall be given effect to.

(4) An appeal to the Local Court under this section shall be instituted by filing with the Clerk of the Local Court having jurisdiction to hear the appeal, within the prescribed time, a notice of appeal.

(5) The power to make Rules of Court under the Local Courts Act 1904 shall be deemed to include power to make Rules of Court providing and regulating practice and procedure in respect of appeals to the Local Court under this section but until those Rules of Court are made, or so far as the Rules of Court do not extend, the Magistrate of the Local Court hearing any appeal under this section may, in the particular case, give such directions as he may deem fit, and the directions have, according to their tenor, the force and effect of Rules of Court made under the Local Courts Act 1904.

(6) On an appeal to the Local Court, the Court may allow or dismiss any appeal wholly or in part, and may make such modifications in any requisition,

tion, determination, decision or condition appealed against as it thinks fit, and may make or impose any new determination, decision or condition in substitution for or in addition to the one appealed against and make such order as to costs to be paid by any party to the appeal as it thinks just and the order may be enforced in the same manner as a judgment of the Court.

46. Any member of the Council or Committee or any inspector in addition to such other powers and duties as may from time to time devolve upon him under this Act, or as may be prescribed, may together with any person he may think competent to assist him in making any inspection or examination, enter any premises, and may therein or thereon—

Power of
members of
Council,
Committee
and
inspectors.

- (a) examine and inspect any fuel burning equipment, control equipment and industrial plant; and
- (b) make such examination and inquiry and tests and ask such questions, and request such information as he considers necessary or desirable,

to ascertain whether the provisions of this Act or any requirement or order made under or pursuant thereto or the conditions attached to any licence or exemptions granted thereunder are being or have been complied with.

47. The occupier of any premises and any person in charge or apparently in charge of any premises shall furnish to any member of the Council or the Committee or any inspector all reasonable assistance and all such information that he is capable of furnishing or as required by that member or inspector with respect to the exercise of his powers and the discharge of his duties under this Act.

Occupier
to allow
entry and
inspection.

Offence.
Obstruction
of inspector.
Amended by
No. 113 of
1965, s. 8;
No. 5 of
1981, s. 24.

48. A person who—

- (a) delays or obstructs an inspector in the exercise of his powers under this Act; or
- (b) fails to facilitate by all reasonable means available to him the entry and inspection of any premises by any inspector, or the examination of any fuel burning equipment, control equipment, or industrial plant, or the making of any tests that an inspector is empowered, under this Act, to make,

is guilty of an offence against this Act.

Penalty: \$2 000.

Exemptions.

49. (1) Any exemption granted by the Council under this Act—

- (a) shall be in writing signed by the Chairman thereof;
- (b) shall, subject to subsection (2) of this section, remain in force during such period as is specified therein; and
- (c) is subject to such conditions as are specified therein.

(2) (a) The Council may, at any time revoke or vary, whether by way of addition or substitution, any term or condition of an exemption.

(b) The Chairman of the Council shall notify in writing, the person to whom the exemption relates of any revocation or variation thereof.

(3) The Council shall cause to be kept registers of exemptions granted under this Act in such form as the Council thinks fit.

50. A certificate purporting to be signed by the Commissioner or any prescribed officer certifying that on any date or during any period mentioned in the certificate any person was or was not the holder of a licence or certain conditions were or were not attached to a licence, or that certain particulars did or did not appear on any register kept under this Act, is, without proof of the signature or of the official character of the person purporting to have signed the certificate, evidence of the matters certified in and by the certificate.

Certificate to be evidence of certain matters.

51. A person who discloses any information relating to any manufacturing process or trade secret used in carrying on or operating any particular undertaking or equipment or plant, that has been furnished to him or obtained by him under this Act, or in connection with the execution of this Act, is, unless the disclosure is made—

Secrecy.
Amended by
No. 113 of
1965, s. 8;
No. 5 of
1981, s. 25.

- (a) with the consent of the person carrying on or operating the undertaking, equipment or plant;
- (b) in connection with the execution of this Act;
- (c) with the prior permission of the Minister; or
- (d) subject to the provisions of section forty-two of this Act, for the purposes of any legal proceedings arising out of this Act or of any report of such proceedings,

guilty of an offence against this Act.

Penalty: \$2 000.

52. (1) A person who—

- (a) contravenes or fails to comply with any provision of this Act;

Offences.
Amended by
No. 113 of
1965, s. 8;
No. 5 of
1981, s. 26.

- (b) being the holder of a licence, contravenes or fails to comply with any condition or prohibition in force, and attached to the licence;
- (c) contravenes or fails to comply with any condition subject to which any approval is granted under this Act;
- (d) contravenes or fails to comply with any conditions, subject to which any exemption is granted by the Council under this Act;
- (e) contravenes or fails to comply with any requirement of, or prohibition imposed by, any order made under or pursuant to this Act,

is guilty of an offence against this Act.

(2) A person who is guilty of an offence against this Act is, except where no other penalty is expressly provided for the offence, liable to a penalty of \$10 000, and if the offence is a continuing one is liable to a further penalty not exceeding \$1 000 for each day the offence continues.

(3) A prosecution for an offence against this Act may be instituted at any time within three years after the commission of the offence or within six months after the commission of the offence comes to the notice of the Council, whichever is the later period.

Regulations.
Amended by
No. 113 of
1965, s. 8;
No. 5 of
1971, s. 6;
No. 5 of
1981, s. 27.

53. (1) The Governor may make such regulations as he deems necessary for giving effect to this Act and in particular make regulations for or with respect to—

- (a) the form and manner of applying for and granting, and the matters to be taken into consideration in respect of any application for, a licence or renewal or transfer of a licence;
- (b) giving effect to any recommendation of the Council;

- (c) the keeping of registers under this Act;
- (d) the prescribing of forms and fees under this Act;
- (e) the types of tests to be carried out and the records to be maintained by occupiers of premises with respect to the emission of air impurities from, and the consumption of fuel on, the premises;
- (f) the types of control equipment that may be used in or on any premises, and the manner in which that equipment shall be operated and maintained;
- (g) the assistance and facilities, including access to, and the means of making examinations, inspections and tests at, any prescribed point referred to in section thirty-three or thirty-eight of this Act, to be provided by the occupier of premises to enable inspectors to exercise their powers under this Act;
- (h) prescribing standards of concentration or rates of emission of air impurities; the points at which those standards of concentration or rates of emission are to be determined; the method of making tests for the purposes of ascertaining whether any of the provisions of this Act or any conditions attached to a licence or to an exemption are being or have been complied with; and providing that any such test shall only be made in accordance with the prescribed method;
- (i) prescribing all matters concerning the methods by which, and the times and places at which, controlled operations may be carried out, the equipment to be used therefor, and in particular—

- (i) requiring any person proposing to carry out any particular controlled operations to give to the Council the prescribed period of notice in the prescribed manner before commencing to carry out those controlled operations;
 - (ii) prohibiting the carrying out of any prescribed type or class of controlled operations within prescribed areas, either absolutely or except with the consent of the Council, and prescribing fees for the obtaining of the consent of the Council to the carrying out of such controlled operations;
- (j) prescribing—
- (i) the manner of referring an appeal to the Minister;
 - (ii) the procedure to be followed on appeal;
 - (iii) the fees to be paid on appeal; and
 - (iv) the forms to be used in relation to an appeal.
- (2) A regulation may—
- (a) be general in application or may be restricted in operation as to time, place or circumstance and may be general or restricted to any specified class or subject matter;
 - (b) discriminate according to different premises, trades, industries, processes, fuel burning equipment or industrial plants or different classes of premises, trades, industries, processes, fuel burning equipment or industrial plants;
 - (c) be made so as to operate for a limited period or without limit as to the period of operation thereof;

- (d) exempt, unconditionally or subject to prescribed conditions, the occupier of any premises or any premises from any specified provisions of the regulations;
- (e) adopt either wholly or partially either specifically or by reference any of the standard rules, codes, specifications or tests of any recognized authority specified in the regulations in relation to any matters with respect to which regulations may be made;
- (f) provide, in such cases as may be prescribed, that any document required by or under this Act to be lodged with or sent to the Commissioner, the Council or the Committee shall be verified by statutory declaration made by such persons as may be prescribed;
- (g) impose a penalty not exceeding \$2 000 for any offence against any regulation and, in the case of a continuing offence against the regulation, a further sum of \$400 for each day during which the offence continues;
- (h) impose upon any person or class of person a discretionary authority.

THE SCHEDULE.

Scheduled Premises.

Any premises—

(a) being used for—

abrasive blasting works, being premises on which metal or other material is cleaned or abraded by blasting with any abrasive blasting material;

asphalt works, being premises in which asphalt is mixed or prepared for use at places or premises other than at those works;

Section 6.
Schedule
amended by
G.G. 2/6/67,
pp. 1490-1;
G.G. 16/8/68,
p. 2432;
G.G. 19/12/69,
pp. 4154-5;
G.G. 26/11/71,
p. 4890;
G.G. 14/9/73,
p. 3438;
G.G. 6/9/74,
p. 3341;
G.G. 13/6/75,
p. 1848;
G.G. 10/6/77,
p. 1742;
G.G. 26/8/77,
pp. 2954-5;
G.G. 8/10/82,
p. 4021.
No. 5 of
1981, s. 28.

bitumen works, being premises in which bitumen is mixed or prepared for use at places or premises other than at those works;

cement product manufacturing works, being premises in which cement or concrete is mixed, prepared, or treated by way of trade or business in connection with the manufacture on those premises of articles in which cement forms a principal ingredient, including concrete slabs, curbing, pipes and drainage fittings, bowls and ornaments, and castings;

cement works, being premises in which argillaceous and calcareous materials are used in the production of cement clinker and premises in which cement clinker is ground and lime is manufactured;

ceramic works, being premises in which any product, such as bricks, tiles, pipes, pottery goods, refractories or glass are manufactured in furnaces or kilns fired by any fuel;

chemical works (class 1) being premises in which sulphuric acid, chemical fertilizers, soap, sodium silicate, or calcium compounds other than lime are manufactured;

chemical works (class 2), being premises in which any chemical or chemical product not included, or referred to, in the definition of the premises or class of premises of chemical works (class 1) is manufactured, blended, mixed or re-packaged, and in which the nature or natures of the processes carried on, or the materials used is or are likely to cause air pollution;

coke works, being premises in which coke is produced and quenched, cut, crushed and graded;

concrete batching plants, being premises where concrete is made or batched and loaded for transport to another site;

ferrous and non-ferrous metal works, being premises in which metal melting processes for casting or metal coating are carried out;

fibreglass works, being premises in which fibreglass reinforced plastics are prepared or manufactured and in which in excess of 500 kilograms per annum of plastic resin is used;

gas works, being premises in which coal, coke, oil or their mixtures or derivatives are handled or prepared for carbonization or gasification and in which such materials are subsequently carbonized or converted to combustible gas;

grinding and milling works, being premises in which rock, ores, minerals or chemicals are processed by grinding, milling or separating into different sizes by sieving, air elutriation, or in any other manner;

loading or unloading vessels, at which vessels are loaded or unloaded by an open materials handling system, but not where the system operated is pneumatic or a screw conveyor and is enclosed;

oil refineries, being premises in which crude shale oil or crude petroleum is refined;

primary metallurgical works, being premises in which ores are smelted to produce metal;

rendering works, being premises in which animal matter is rendered or reduced for use as a fertilizer, stock food, or any other purpose;

scrap metal reclaiming works, being premises in which scrap is treated by heat for the recovery of metal, irrespective of whether that is the principal activity carried on on any particular premises, and including premises where metal is recovered from scrap cable by burning the insulation on that cable;

sewage or waste water treatment plants, being premises in which sewage or waste waters are treated for the removal of solids or for the drying or incineration of such solids;

stockyards, being premises associated with abattoirs, saleyards or quays in which live animals are held or assembled pending their slaughter, sale or trans-shipment;

- (b) on which there is erected any boiler or boilers consuming or capable of consuming either alone or in the aggregate more than 500 kilograms per hour of combustible material;
- (c) on which any fuel burning equipment or industrial plant is operated by The Western Australian Government Railways Commission constituted under the Government Railways Act 1904.