

Queensland



ANNO TRICESIMO TERTIO
ELIZABETHAE SECUNDAE REGINAE

No. 94 of 1984

An Act to amend the Clean Air Act 1963-1981 in certain
particulars

[ASSENTED TO 6TH DECEMBER, 1984]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. Short title and citation. This Act may be cited as the *Clean Air Act Amendment Act 1984*.

2. Commencement. (1) Section 1 and this section shall commence on the day on which this Act is assented to for and on behalf of Her Majesty.

(2) Except as provided by subsection (1), this Act or the provisions thereof specified by Proclamation shall commence on the day or days appointed by Proclamation for the commencement of this Act or, as the case may be, those provisions.

3. Citation. (1) In this Act the *Clean Air Act 1963-1981* is referred to as the Principal Act.

(2) The Principal Act as amended by this Act may be cited as the *Clean Air Act 1963-1984*.

4. Amendment of s. 7. Interpretation. Section 7 of the Principal Act is amended by, in subsection (1)—

(a) in the definition "Chairman" omitting the words "any person appointed under this Act to act temporarily in the office of the chairman" and substituting the words "any person acting in accordance with this Act as chairman";

(b) after the definition "Dark smoke" inserting the following definition:—

““Deputy chairman”—The deputy chairman of the Air Pollution Council of Queensland, appointed under this Act; the term includes any person temporarily performing the duties of deputy chairman;”.

5. Amendment of s. 8. Air Pollution Council. The Principal Act is amended by omitting subsections (2) to (8), both inclusive, and substituting the following subsections:—

“(2) The Council shall consist of the following members:—

(a) a chairman; and

(b) six other members, or such greater number of other members as the Governor in Council directs from time to time, appointed as representative, in the opinion of the Governor in Council, of interests likely to be affected by the administration of this Act.

(3) If the Governor in Council directs that membership of the Council be increased during the term of appointment of members then current, the term of appointment of the additional member or members shall be the balance of the term of

appointment then current of the other members of the Council in lieu of the term of appointment referred to in paragraph (a) or subsection (4).

(4) Each member of the Council shall be appointed by the Governor in Council by notification published in the Gazette and, subject to this Act—

(a) shall hold office for a period of three years commencing on the date of publication of the notification in the Gazette or on such later date as is specified in that behalf in the notification; and

(b) shall be eligible for re-appointment.

(5) The Governor in Council may from time to time appoint one of the members, other than the chairman, to be deputy chairman of the Council.

A member appointed as deputy chairman shall hold the appointment at the pleasure of the Governor in Council and shall, while he holds the appointment and during any absence of or vacancy in the office of the chairman, have and may exercise all the powers and authorities and shall perform all the duties of chairman.

(6) Upon the commencement of section 5 of the *Clean Air Act Amendment Act 1984*, the persons who, immediately prior to that commencement, held office as members of the Council shall go out of office.”

6. Repeal of s. 8A. Procedure with respect to certain nominations and panel of names. The Principal Act is amended by repealing section 8A.

7. Amendment of s. 8B. Filling of casual vacancies. The Principal Act is amended by—

(a) in subsection (1), omitting the word “appointed”;

(b) omitting subsection (3).

8. Amendment of s. 8C. Vacation of office by appointed member. The Principal Act is amended by—

(a) in the note appearing in and at the beginning of the section omitting the word “appointed”;

(b) in subsection (1), omitting the words “An appointed” and substituting the word “A”;

(c) in subsection (2)—

(i) omitting the words “an appointed” and substituting the word “a”;

(ii) omitting the word “appointed” occurring after the words “the name of any”.

9. Amendment of s. 9. Proceedings of the Council Meetings. Section 9 of the Principal Act is amended by—

(a) in subsection (1), in paragraph (b), omitting the word “six” and substituting the word “five”;

(b) in subsection (2), in paragraph (a)—

(i) after the word “chairman” where first occurring, inserting the words “or, in the absence of the chairman, the deputy chairman”;

(ii) after the words “If the chairman”, omitting the word “is” and substituting the words “and the deputy chairman are”;

(iii) omitting the words “If both the chairman” and substituting the words “If the chairman, the deputy chairman”.

10. Amendment of s. 12. Where officers of Government Departments appointed. Section 12 of the Principal Act is amended by—

(a) omitting the words “or a” occurring after the words “the office of chairman” and substituting the words “, deputy chairman or other”;

(b) inserting after the words “section eleven of this Act” the following expression and words:—

“:

Provided that such a person shall not be paid any remuneration or fees on account of his attendance at meetings of the Council or any such committee during his ordinary hours of duty but he shall be entitled to such allowances in respect of expenses necessarily incurred by him in so attending as are prescribed”.

11. Amendment of s. 14A. Delegation by Council. Section 14A of the Principal Act is amended by, in subsection (1), omitting the words “or the Director”.