



AUSTRALIAN CAPITAL TERRITORY

## **Air Pollution (Amendment) Act 1991**

**No. 85 of 1991**

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### **An Act to amend the *Air Pollution Act 1984***

*[Notified in ACT Gazette S155: 24 December 1991]*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

#### **Short title**

1. This Act may be cited as the *Air Pollution (Amendment) Act 1991*.

#### **Principal Act**

2. In this Act, “Principal Act” means the *Air Pollution Act 1984*.<sup>1</sup>

#### **Heading to Part IIIA**

3. The heading to Part IIIA of the Principal Act is amended by omitting “**UNLEADED**”.

#### **Insertion**

4. After section 42B of the Principal Act the following sections are inserted:

#### **Prohibition of sale of leaded petrol unless low lead**

“42BA. (1) The Minister may, by notice published in the *Gazette*, declare that subsections (4) and (5) do not apply and, while the notice is in effect, those subsections do not apply.

“(2) A notice under subsection (1)—

- (a) comes into effect on such date as is specified in the notice, being a date not earlier than the date when the notice is published in the *Gazette*; and
- (b) unless sooner revoked, remains in effect for such period, not exceeding 1 month, as is specified in the notice.

“(3) A notice may be expressed to come into effect immediately upon the expiration of a previous notice.

“(4) Unless exempted by the Authority, a person shall not, in the course of the distribution or wholesaling of petrol—

- (a) sell or distribute for sale leaded petrol;
- (b) offer or exhibit for sale leaded petrol; or
- (c) have in his or her possession for sale, or for distribution for sale, leaded petrol;

if the petrol contains more than 0.40 grams of lead per litre.

Penalty:

- (a) if the offender is a natural person—\$10,000;
- (b) if the offender is a body corporate—\$50,000.

“(5) Unless exempted by the Authority, a person shall not, otherwise than in the course of the distribution or wholesaling of petrol—

- (a) sell or distribute for sale leaded petrol;
- (b) offer or exhibit for sale leaded petrol; or
- (c) have in his or her possession for sale, or for distribution for sale, leaded petrol;

if the petrol contains more than 0.40 grams of lead per litre.

Penalty:

- (a) if the offender is a natural person—\$5,000;
- (b) if the offender is a body corporate—\$25,000.

“(6) A person who purchases leaded petrol for resale may demand from the vendor a written warranty that the petrol contains no more than 0.40 grams of lead per litre.

“(7) A vendor of petrol who refuses to furnish a warranty demanded under subsection (6) is guilty of an offence.

Penalty: \$1,000.

“(8) It is a defence to a prosecution for an offence against this section that the petrol to which the charge relates—

- (a) was supplied to the defendant with a warranty under subsection (6); and
- (b) was sold in the state in which it had been purchased.

**Exemption**

“42BB. (1) Where the Authority is satisfied—

- (a) that the supply of leaded petrol is, or is likely to be, inadequate for the needs of the Territory; or
- (b) that a supplier or distributor of petrol is unable, for reasons beyond his or her control, to supply or distribute leaded petrol to the persons in the Territory to whom he or she usually supplies or distributes it;

the Authority may, by notice published in the *Gazette* and in a daily newspaper printed and published in the Territory, exempt a person or a class of persons from the provisions of subsection 42BA (4) or (5).

“(2) An exemption—

- (a) comes into operation on such date as is specified in the notice, being a date not earlier than the date when the notice is published in the *Gazette*; and
- (b) unless sooner revoked, remains in effect for such period, not exceeding 1 month, as is specified in the notice.

“(3) An exemption may be expressed to come into effect immediately upon the expiration of a previous exemption.”.

**Type of petrol to be used**

**5.** Section 42E of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:

“(1) A person shall not—

- (a) fuel with leaded petrol a motor vehicle that is designed to operate on unleaded petrol; or

- (b) except when a notice under subsection 42BA (1) or 42BB (1) is in effect, without reasonable excuse, fuel with petrol that contains more than 0.40 grams of lead per litre any other motor vehicle that is designed to operate on petrol.

Penalty:

- (a) if the offender is a natural person—\$500;
- (b) if the offender is a body corporate—\$2,500.”.

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**NOTE**

1. Ordinance No. 59, 1984 as amended by Nos. 67 and 72, 1985; Nos. 12, 74 and 85, 1986; No. 54, 1987; No. 7, 1988; Nos. 21 and 38, 1989; Act No. 37, 1990.

*[Presentation speech made in Assembly on 21 November 1991]*