

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL  
TERRITORY**

**AIR POLLUTION (AMENDMENT) BILL (NO 2) 1991**

**EXPLANATORY MEMORANDUM**

**Circulated by the Authority of the Minister for the Environment,  
Land and Planning**

AIR POLLUTION (AMENDMENT) BILL (NO 2) 1991

The Air Pollution Act 1984 ("the Principal Act") provides for the control of air pollution in the Australian Capital Territory.

The Principal Act does not contain provisions to control the lead content of leaded petrol supplied to or sold in the ACT.

Concern has recently been expressed in the media about Canberra's high lead in air levels and this has been linked to the fact that Canberra receives some country grade petrol (high lead concentration up to 0.84 grams of lead per litre).

Monitoring for lead-in-air reveals that there is a continuing improvement in air quality. Although the downward trend is encouraging, national air quality guidelines were exceeded on two occasions in 1990.

In order to accelerate the improving trend in air quality it is considered desirable that the lead content of leaded petrol supplied to the ACT be controlled.

Following discussions with the Australian Institute of Petroleum, the Institute has agreed to supply 'Sydney' metropolitan grade leaded petrol to the ACT (maximum lead content of 0.40 grams per litre) at no extra cost to ACT motorists.

The Bill proposes to legislate to ensure that the terms of the agreement are enforced.

The Bill has some minor financial implications namely that the Pollution Control Authority will require additional funding to enable analysis of petrol samples. It is estimated that \$4,000 per annum is required over the next 3 years. This will permit the analysis of 53 samples per year. Without this funding the monitoring program will have to be scaled down considerably.

Details of the Bill are included in the Attachment.

## ATTACHMENT

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- Clause 1** provides that , upon enactment, the short title of the Bill is to be the Air Pollution (Amendment) Bill (No 2) 1991 ("the Act").
- Clause 2** states that references to the "Principal Act" are to be read as references to the Air Pollution Act 1984.
- Clause 3** amends the heading to Part IIIA of the Principal Act by omitting "Unleaded".
- Clause 4** After Section 42B proposed Sections 42BA and 42BB are inserted.

Section 42BA (1) empowers the Minister to suspend the operation of Section 42BA (4) and (5).

Proposed Section 42BA (4) which relates to a wholesaler and (5) which relates to a retailer, makes it an offence to sell or distribute for sale, offer or exhibit for sale or have in possession for sale or distribution leaded petrol if it contains more than 0.40 grams of lead per litre.

It provides for penalties ranging from \$5,000 for a natural person to \$50,000 for a body corporate for breaches of this Section.

Section 42BA also provides for a reseller to demand from the vendor a certificate that the petrol contains not more than the prescribed concentration of lead.

It is a defence to a prosecution against this Section if the defendant was supplied with a certificate and the defendant had not contaminated the petrol.

Section 42BB states that the Pollution Control Authority may by notice in the Gazette permit a person, in the event of an emergency, to supply petrol with a higher lead content.

**Clause 5**

amends Section 42E by adding that it is an offence for a person to fuel a vehicle with petrol that contains more than 0.40 grams of lead per litre.

Penalty for breaches of this Section are \$500 for a natural person and \$2,500 for a body corporate.