

AUSTRALIAN CAPITAL TERRITORY

Air Pollution (Amendment) Ordinance 1985

No. 72 of 1985

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 12 December 1985.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

G. SCHOLES
Minister of State for Territories

An Ordinance to amend the *Air Pollution Ordinance 1984*

Short title

1. This Ordinance may be cited as the *Air Pollution (Amendment) Ordinance 1985*.¹

Principal Ordinance

2. In this Ordinance, "Principal Ordinance" means the *Air Pollution Ordinance 1984*.²

Interpretation

3. Section 4 of the Principal Ordinance is amended—

(a) by inserting after the definition of "inspector" the following definition:

“ ‘leaded petrol’ means petrol other than unleaded petrol;” and

(b) by adding at the end the following definition:

“ ‘unleaded petrol’ means petrol that—

- (a) contains not more than 0.013 grams of lead per litre;
- (b) contains not more than 0.0013 grams of phosphorous per litre;
- (c) contains not more than 0.10 per cent of sulphur by weight or, while a determination under section 42A specifying a higher percentage is in force, not more than that percentage;
- (d) has a research octane number of not less than 91.0 and not more than 93.0; and
- (e) has a motor octane number of not less than 82.0.”.

Exemption

4. Section 6 of the Principal Ordinance is amended—

- (a) by omitting from paragraph (1) (a) “motor vehicle,”; and
- (b) by inserting after sub-section (1) the following sub-section;

“(1A) Nothing in this Ordinance, other than Part III A, applies in relation to a motor vehicle.”.

5. After Part III of the Principal Ordinance the following Part is inserted:

“PART IIIA—UNLEADED PETROL

Determination of higher sulphur content of unleaded petrol

“42A. (1) Where the Authority is satisfied that, by reason of the high sulphur levels present in petrol available in the Territory, there are insufficient supplies of unleaded petrol available in the Territory, the Authority may, by notice published in the *Gazette*, determine the percentage of sulphur for the purposes of paragraph (c) of the definition of “unleaded petrol” in section 4.

“(2) A determination under sub-section (1) remains in force for such period, not exceeding 30 days, as is specified in the notice.

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

Sale of leaded petrol as unleaded petrol

“42B. (1) A person shall not, in the course of the distribution or wholesaling of petrol—

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

petrol that, at the time it is sold, distributed, offered, exhibited or had in possession, as the case may be, is leaded petrol.

Penalty: \$50,000.

(2) A person shall not, otherwise than in the course of the distribution or wholesaling of petrol—

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

petrol that, at the time it is sold, distributed, offered, exhibited or had in possession, as the case may be, is leaded petrol.

Penalty: \$10,000.

“(3) A person (in this sub-section referred to as ‘the defendant’) is not guilty of an offence against this section if the defendant adduces evidence that—

- (a) the petrol to which the charge relates was supplied to the defendant by another named person as unleaded petrol;
- (b) the defendant reasonably believed that the petrol to which the charge relates was unleaded petrol; and
- (c) the petrol to which the charge relates had not ceased to be unleaded petrol by reason of having been contaminated while in the defendant’s possession,

and that evidence is not rebutted by the prosecution.

“(4) Subject to section 42F, an offence against this section is punishable on indictment.

Petrol pumps to be constructed and marked as prescribed

“42C. A person who sells petrol by retail shall ensure that the equipment used for or in connection with the sale of petrol is constructed and marked as prescribed.

Penalty: \$2,000.

Petrol additives

“42D. (1) A person shall not—

- (a) sell or distribute for sale; or
- (b) advertise for sale,

a substance as a substance that is suitable for adding to petrol that is to be used in a motor vehicle if that substance contains lead, phosphorous or sulphur.

Penalty: \$10,000

“(2) Nothing in sub-section (1) applies to or in relation to a substance that is sold, distributed for sale or advertised for sale as a substance that is suitable for adding to petrol to make a fuel suitable for use in engines having a two-stroke combustion cycle.

Leaded petrol not to be used in certain vehicles

“42E. (1) A person shall not fuel with leaded petrol a motor vehicle that is designed to operate on unleaded petrol.

Penalty: \$1,000

“(2) In this section—

- (a) a reference to a motor vehicle that is designed to operate on unleaded petrol shall be read as a reference to a motor vehicle that complies with any of the design rules known as Australian design Rule 37, 40 or 41; and
- (b) “design rules” has the same meaning as in the *Motor Traffic Ordinance 1936*.

Summary proceedings for indictable offences

“42F. (1) Notwithstanding that an offence referred to in section 42B is expressed to be punishable on indictment, the Court of Petty Sessions may hear and determine proceedings for such an offence if—

- (a) the Court is satisfied that it is proper to do so; and

- (b) the defendant consents to it doing so.

“(2) Where, in accordance with sub-section (1), the Court of Petty Sessions hears and determines proceedings for an offence, then, notwithstanding sub-section 42B (1) or (2), that court shall not impose a fine exceeding—

- (a) in the case of an offence referred to in sub-section 42B (1)—\$10,000; and
- (b) in the case of an offence referred to in sub-section 42B (2)—\$2,000.”.

Regulations

6. Section 49 of the Principal Ordinance is amended—

- (a) by omitting from paragraph (1) (c) “and”; and
- (b) by adding at the end of sub-section (1) the following paragraphs:
 - “(f) prescribing the manner in which samples of petrol are to be taken; and
 - “(g) prescribing the manner in which the lead, phosphorous and sulphur content of petrol is to be ascertained.”.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 19 December 1985.
2. Ordinance No. 59, 1984.