

AUSTRALIAN CAPITAL TERRITORY

Air Pollution (Amendment) Ordinance (No. 2) 1986

No. 85 of 1986

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 18 December 1986.

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 (No. 2) 1986*.¹

Commencement

2. This Ordinance shall come into operation on 1 January 1987.

Principal Ordinance

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

Interpretation

4. Section 4 of the Principal Ordinance is amended—

- (a) by inserting after the definition of “fuel burning equipment” the following definition:

“‘high octane unleaded petrol’ means unleaded petrol that has a research octane number of more than 93.0;”;
- (b) by inserting after the definition of “inspector” the following definition:

“‘low octane unleaded petrol’ means unleaded petrol that has a research octane number of not less than 91.0 and not more than 93.0;” ; and
- (c) by omitting “and not more than 93.0” from paragraph (d) of the definition of “unleaded petrol”.

Sale of leaded petrol as unleaded petrol

5. Section 42B of the Principal Ordinance is amended—

- (a) by omitting the penalty set out at the foot of sub-section (1) and substituting the following penalty:

“Penalty—

 - (a) in the case of a body corporate—\$50,000; or
 - (b) in the case of a natural person—\$10,000.”; and
- (b) by omitting the penalty set out at the foot of sub-section (2) and substituting the following penalty:

“Penalty—

 - (a) in the case of a body corporate—\$25,000; or
 - (b) in the case of a natural person—\$5,000.”.

Petrol pumps to be constructed and marked as prescribed

6. Section 42C of the Principal Ordinance is amended by omitting the penalty set out at the foot and substituting the following penalty:

- “Penalty—
- (a) in the case of a body corporate—\$10,000; or
 - (b) in the case of a natural person—\$2,000.”.

Petrol additives

7. Section 42D of the Principal Ordinance is amended by omitting the penalty set out at the foot of sub-section (1) and substituting the following penalty:

“Penalty—

- (a) in the case of a body corporate—\$10,000; or
- (b) in the case of a natural person—\$2,000.”.

Leaded petrol not to be used in certain vehicles

8. Section 42E of the Principal Ordinance is amended by omitting the penalty set out at the foot of sub-section (1) and substituting the following penalty:

“Penalty—

- (a) in the case of a body corporate—\$2,500; or
- (b) in the case of a natural person—\$500.”.

9. After section 42E of the Principal Ordinance the following section is inserted:

Sale of high octane unleaded petrol

“42EA. (1) A person shall not offer high octane unleaded petrol for sale unless the person also offers low octane unleaded petrol for sale.

“Penalty—

- “(a) in the case of a body corporate—\$25,000; or
- (b) in the case of a natural person—\$5,000.

“(2) A person is not guilty of an offence under sub-section (1) if the person adduces evidence that he or she failed to offer low octane unleaded petrol for sale for reasons beyond his or her control, and that evidence is not rebutted by the prosecution.

“(3) An offence against this section is punishable on indictment.”.

Summary proceedings for indictable offences

10. Section 42F of the Principal Ordinance is amended—

- (a) by inserting in sub-section (1) “or 42EA” after “42B”;

- (b) by inserting in sub-section (2) “or sub-section 42EA (1)” after “or (2)”; and
- (c) by omitting paragraphs (2) (a) and (b) and substituting the following paragraphs:
 - “(a) in the case of a body corporate—\$10,000; or
 - (b) in the case of a natural person—\$2,000.”.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 22 December 1986.
2. No. 59, 1984 as amended by Nos. 67 and 72, 1985; Nos. 12 and 74, 1986.

