

1994

**AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY**

**AIR POLLUTION (AMENDMENT) BILL 1994
EXPLANATORY MEMORANDUM**

**Circulated by authority of the
Minister for the Environment, Land and Planning
Bill Wood MLA**

Outline

The *Air Pollution Amendment Bill 1994* (the Bill) amends section 24A of the *Air Pollution Act 1984* (the Principal Act). In part, section 24A provides that a solid fuel-burning appliance cannot be sold unless a certificate of compliance has been issued. That certificate can only be provided by the person or body that has tested the equipment.

The Bill puts into effect recent changes, agreed to by an ANZECC working group dealing with solid fuel-burning appliances, on the procedures relating to the testing of solid fuel-burning appliances. A National Clearing House will be responsible for verifying that tests of solid fuel-burning appliances have been carried out and that the emission standards are met. The tests will be conducted by laboratories which will submit all documentation and test results to the National Clearing House.

As the National Clearing House will not now conduct the tests an amendment to the Act is required.

Financial Implications

The amendment will have no financial implications.

Clause Notes

Clauses 1, 2 and 3 – Machinery Provisions

Clauses 1, 2 and 3 are machinery provisions that specify the short title of the Act, provide for the commencement of the Act and identify the Principal Act being amended.

Clause 4 – Sale of solid fuel-burning equipment

Clause 4 amends section 24A of the Principal Act. Section 24A makes it an offence to sell solid fuel-burning equipment, other than prescribed equipment, unless it complies with AS 4013 and is so certified by an authorised person or body.

Paragraph 24A(1)(b) is amended to provide that the certificate issued under subsection 24A(3) will be issued in relation to equipment of the same type. Each appliance will not have to be tested, rather a certificate will be issued by the National Clearing House in respect of a model.

Subsection 24A(3) is omitted and a new subsection substituted. An authorised person or body will be able to certify for the purposes of paragraph 24A(1)(b) that the solid fuel-burning equipment has been tested in accordance with the procedures specified in AS 4013. That person or body will not necessarily have to carry out the tests but will have to be satisfied that the equipment tested meets the maximum allowable particulate emission factor.