

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

**AIR POLLUTION (AMENDMENT) BILL 1995**

**EXPLANATORY MEMORANDUM**

**Circulated by authority of**

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Minister for the Environment,  
Land and Planning**

## **Air Pollution (Amendment) Bill 1995**

### **Outline**

This is an amending Bill. It amends the Air Pollution Act 1984 (the Act). The Act provides for the control of emissions to air from stationary sources. The Act was originally developed to control emissions from commercial and industrial processes, and dwelling houses were specifically excluded from the provisions of the legislation. Smoke from solid fuel burning appliances on residential premises is a significant contributor to air pollution in Canberra during winter months. However, there is a lack of regulatory power under the Act to enable enforcement of smoke-free operation of solid fuel heating appliances on residential premises.

Section 24 of the Act provides that where there is no standard of concentration or rate of emission prescribed in relation to pollutants then the person shall take such steps as are necessary to prevent, so far as practicable, the emission of pollutants into the air. However, Section 6 of the Act specifically excludes applicability of Section 24 to residential premises.

This amending Bill removes the exclusion of applicability to residential premises for Section 24 of the Act.

### **Formal Clauses**

Clause 1, 2 and 3 are machinery provisions that specify the short title of the Bill, the Act that will be amended and that the Bill will commence on notification in the Gazette.

### **Applicability**

Clause 4 amends Section 6 of the Principal Act by deleting s.24 from subsection (3). Subsection 6(3) specifies those sections of the Act which do not apply to residential premises. The effect of this deletion is to provide coverage under the Act for domestic solid fuel burning appliances and require the resident to take, as far as practicable, all necessary steps to prevent the emission of pollutants into the air.