

EXPLANATORY STATEMENT

AUSTRALIAN CAPITAL TERRITORY
AIR POLLUTION (AMENDMENT) ORDINANCE (NO. 2) 1986
ORDINANCE NO. 85 OF 1986

The Air Pollution Ordinance 1984 (the Principal Ordinance) controls the emission of pollution into the atmosphere. Part 111A of the Principal Ordinance regulates the sale and use of unleaded petrol.

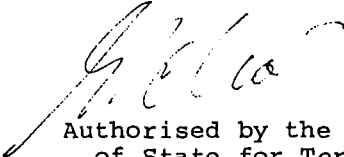
Unleaded petrol is defined in section 4 of the Principal Ordinance as having a research octane number of not less than 91.0 and not more than 93.0. The Air Pollution (Amendment) Ordinance (No. 2) 1986 removes the upper octane limit from the definition of unleaded petrol and provides for two grades of unleaded petrol:

- . 'low octane unleaded petrol' having a research octane number of not less than 91.0 and not more than 93.0; and
- . 'high octane unleaded petrol' having a research octane number of more than 93.0.

In order to ensure that motorists are given the option of buying the cheaper, low octane unleaded petrol the Air Pollution (Amendment) Ordinance (No. 2) 1986 makes it an offence to offer for sale high octane unleaded petrol unless low octane unleaded petrol is also offered for sale.

The Ordinance also amends the penalties prescribed in Part 111A of the Principal Ordinance to provide different levels of penalties for a body corporate and a natural person in accordance with Commonwealth criminal law policy.

The effect of each of the provisions in the amending Ordinance is outlined in the attachment.


Authorised by the Minister
of State for Territories

Ord 101/86

AIR POLLUTION (AMENDMENT) ORDINANCE (NO. 2) 1986

Section 1 cites the short title of the Ordinance as the Air Pollution (Amendment) Ordinance (No. 2) 1986.

Section 2 provides that the Ordinance commences on 1 January 1987.

Section 3 defines "Principal Ordinance" for the purposes of the Ordinance as the Air Pollution Ordinance 1984.

Section 4 amends section 4 of the Principal Ordinance by removing the upper octane limit from paragraph (d) of the definition of "unleaded petrol" and by providing for two grades of unleaded petrol:

- "low octane unleaded petrol" having a research octane number of not less than 91.0 and not more than 93.0; and
- "high octane unleaded petrol" having a research octane number of more than 93.0.

Section 5 amends the penalties provided in sub-sections 42B(1) and (2). The new penalties in sub-section 42B(1) are: in the case of a body corporate - \$50,000 and in the case of a natural person - \$10,000. The new penalties in sub-section 42B(2) are: in the case of a body corporate - \$25,000 and in the case of a natural person - \$5,000.

Section 6 amends the penalty provided in section 42C of the Principal Ordinance. The new penalties are: in the case of a body corporate - \$10,000 and in the case of a natural person - \$2,000.

Section 7 amends the penalty provided in section 42D of the Principal Ordinance. The new penalties are: in the case of a body corporate - \$10,000 and in the case of a natural person - \$2,000.

Section 8 amends the penalty provided in section 42E of the Principal Ordinance. The new penalties are: in the case of a body corporate - \$2,500 and in the case of a natural person - \$500.

Section 9 inserts a new section 42EA into the Principal Ordinance. Section 42EA makes it an offence for a person to offer high octane unleaded petrol for sale unless the person also offers low octane unleaded petrol for sale except where he or she cannot offer low octane unleaded petrol for sale for reasons beyond his or her control. The penalties provided under the section are: in the case of a body corporate - \$25,000 and in the case of a natural person - \$5,000. This is an indictable offence.

Section 10 amends section 42F of the Principal Ordinance to allow proceedings under new section 42EA to be heard and determined summarily where the Court is satisfied that it is proper to do so and if the defendant consents. Section 10 also amends the penalties provided in sub-section 42F(2). The new penalties are: in the case of a body corporate - \$10,000 and in the case of a natural person - \$2,000.