

**EXPLANATORY STATEMENT
AUSTRALIAN CAPITAL TERRITORY
AIR POLLUTION (AMENDMENT) ORDINANCE 1985
MOTOR TRAFFIC (AMENDMENT) ORDINANCE (NO.8) 1985**

NO. 72 OF 1985

The Motor Traffic (Amendment) Ordinance (No. 8) 1985 and the Air Pollution (Amendment) Ordinance 1985 facilitate the introduction of unleaded petrol into the Territory.

The Motor Traffic (Amendment) Ordinance (No. 8) 1985 requires motor vehicles manufactured on or after a specified date to be capable of running on unleaded petrol and to be fitted with catalytic type emission control devices. These devices are rendered ineffectual by the prolonged use of leaded petrol.

To ensure that cars designed to operate on unleaded petrol are not accidentally fuelled with leaded petrol, the Motor Traffic (Amendment) Ordinance also requires such cars to have narrow gauge filler necks and Regulations to be made under the Air Pollution Ordinance will require bowsers containing leaded petrol to have nozzles of a diameter greater than these filler necks.

The Air Pollution (Amendment) Ordinance 1985 prohibits the sale of leaded petrol as unleaded petrol and the sale of any petrol additive which may alter the concentration of lead, sulphur or phosphorus in unleaded petrol. The Ordinance also provides for the making of Regulations which require sellers and suppliers of petrol to display signs indicating whether petrol bowsers contain leaded or unleaded petrol. It is also an offence to fuel a car designed to operate on unleaded petrol with leaded petrol.

An explanation of sections is set out in Attachments A and B.

ATTACHMENT A

Motor Traffic (Amendment) Ordinance (No. 8) 1985

Sections 1 and 2 deal with short title and citation.

Section 3 amends section 7A of the Motor Traffic Ordinance 1936 ("the Principal Ordinance") by inserting a definition of a "forward control passenger car" and by making consequential amendments to the definitions in that section. The new definition is necessary because the Australian Design Rules that have been developed for the introduction of unleaded petrol distinguish between forward control passenger cars and other motor vehicles.

Section 4 amends the Second Schedule to the Principal Ordinance. The Second Schedule sets out a series of conditions with which motor vehicles must comply with before they may be registered. The amendment incorporates in the Schedule the Australian Design Rules that have been developed for the introduction of unleaded petrol and provides that motor vehicles manufactured on or after various specified dates (ranging from 1 January 1986 for passenger cars to 1 July 1988 for omnibuses) must comply with relevant standards.

ATTACHMENT B

Air Pollution (Amendment) Ordinance 1985

Sections 1 and 2 deal with short title and citation.

Section 3 inserts into section 4 of the Air Pollution Ordinance 1984 ("the Principal Ordinance") definitions of "leaded" and "unleaded petrol". Unleaded petrol is petrol which:

- (a) contains not more than 0.013 grams of lead per litre;
- (b) contains not more than 0.0013 grams of phosphorus per litre;
- (c) contains not more than 0.10 percent of sulphur by weight (unless otherwise determined in accordance with new section 42A);
- (d) has a research octane number of less than 91.0 and not more than 93.0; and
- (e) has a motor octane number of not less than 82.0.

Leaded petrol is all petrol which is not unleaded petrol.

Section 4 amends section 6 of the Principal Ordinance so that, apart from new Part IIIA, the Principal Ordinance does not apply in relation to a motor vehicle. Section 6 previously exempted motor vehicles from the Principal Ordinance.

Section 5 inserts into the principal Ordinance a new part, Part IIIA containing sections 42A, 42B, 42C, 42D, 42E and 42F.

Section 42A enables the Pollution Control Authority to increase the permitted concentration of sulphur in unleaded petrol by notice published in the Gazette. The Authority may act under the section if it is satisfied that high sulphur levels are causing insufficient supplies of unleaded petrol to be available in the Territory.

Section 42B prohibits the sale or supply of petrol as unleaded petrol where that petrol is leaded petrol. Where the sale or supply takes place in the course of wholesaling or distribution, a maximum penalty of \$50,000 applies. In any other case a maximum penalty of \$10,000 applies. It is a defence to a prosecution under the section if the defendant provides evidence that:

- (a) the petrol was supplied to the defendant by a named person as unleaded petrol;

- (b) the defendant reasonably believed that the petrol was unleaded petrol; and
- (c) the petrol was not contaminated while it was in the defendant's possession.

Subject to section 42F, an offence against this section is punishable on indictment.

Section 42C provides that petrol bowsers are to be constructed and marked as prescribed by the Air Pollution Regulations. A maximum penalty of \$2,000 applies.

Section 42D prohibits the sale or advertising for sale of any petrol additive (other than additives used to make 2 stroke fuel) which contains any lead, sulphur or phosphorus. A maximum penalty of \$10,000 applies.

Section 42E prohibits the fueling of a car designed to operate on unleaded petrol with leaded petrol. A maximum penalty of \$1,000 applies. Sub-section (2) provides that a vehicle which complies with Australian Design Rules 37, 40 or 41 is for the purposes of the section designed to operate on unleaded petrol.

Section 42F provides that an offence against new section 42B may be tried summarily if the Court of Petty Sessions is satisfied that it is proper to do so and the defendant consents. Where the matter is tried summarily, maximum penalties of \$10,000 for offences relating to sales of leaded petrol as unleaded petrol in the course of wholesaling or distribution and \$2,000 for offences relating to other sales of leaded petrol as unleaded petrol.

Section 6 amends section 49 of the Principal Ordinance by inserting paragraphs (1)(f) and (g). These paragraphs will empower the Minister to make regulations prescribing the manner in which samples of petrol are to be taken and prescribing the manner in which the concentration of lead, sulphur or phosphorus in petrol is to be ascertained.