



New South Wales

# Environmental Offences and Penalties Act Amendment (Clean Air) Regulation 1997

under the

Environmental Offences and Penalties Act 1989

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Environmental Offences and Penalties Act 1989*.

BOB DEBUS, M.P.,  
for the Minister for the Environment

## Explanatory note

The object of this Regulation is to add to the list of offences under the *Clean Air Act 1961* for which penalty notices can be issued under the *Environmental Offences and Penalties Act 1989*. The update is consequential, in part, on the making of the *Clean Air (Motor Vehicles and Motor Vehicle Fuels) Regulation 1997* and the *Clean Air (Plant and Equipment) Regulation 1997*.

This Regulation is made under the *Environmental Offences and Penalties Act 1989*, including section 8G (penalty notices) and section 28 (the general regulation making power).

## **1997 No 427**

Clause 1            Environmental Offences and Penalties Act Amendment (Clean Air) Regulation 1997

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# **Environmental Offences and Penalties Act Amendment (Clean Air) Regulation 1997**

## **1 Name of Regulation**

This Regulation is the *Environmental Offences and Penalties Act Amendment (Clean Air) Regulation 1997*.

## **2 Amendment of Schedule 2 to Environmental Offences and Penalties Act 1989**

Schedule 2 to the *Environmental Offences and Penalties Act 1989* is amended as set out in Schedule 1.

## **3 Notes**

The explanatory note does not form part of this Regulation.

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## Schedule 1 Amendments

(Clause 2)

**[1] Schedule 2 Penalty notices**

Insert in appropriate order in Part 2, in the matter relating to the *Clean Air Act 1961*:

Section 21B (a): Sell or supply for sale, exhibit or offer for sale, or conduct negotiations for the sale of, any motor vehicle that emits excessive air impurities	Sell/supply/exhibit/offer/ conduct negotiations for sale of polluting vehicle	2	\$600
Section 21BA (1) (a): Remove, disconnect or impair a prescribed anti-pollution device or any other device designed or intended to minimise pollution of the air, or cause or allow any such device to be removed, disconnected or impaired	Remove/disconnect impair/cause/allow removal/disconnection/ impairment of pollution device	2	\$600
Section 21BA (1) (b): Adjust or modify a prescribed anti-pollution device, any other device designed or intended to minimise air pollution or any motor vehicle so that the motor vehicle emits excessive air impurities	Adjust/modify pollution control device/vehicle so that vehicle pollutes	2	\$600
Section 21BA (3): Service or repair a motor vehicle, or cause or allow a motor vehicle to be serviced or repaired, in a manner prohibited by the regulations	Service/repair vehicle/ cause/allow vehicle to be serviced/repared contrary to regulations	2	\$600

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#### Schedule 1 Amendments

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Section 21C (1): Being owner of motor vehicle required to be fitted with prescribed anti-pollution device, use motor vehicle, or cause or allow motor vehicle to be used, without device being duly fitted	Use vehicle/cause/allow use of vehicle without pollution device	2	\$600
Section 21C (2): Sell or supply for sale, exhibit or offer for sale, or conduct negotiations for sale of, any motor vehicle required to be fitted with prescribed anti-pollution device without device being duly fitted	Sell/supply/exhibit/offer/negotiate sale of vehicle without pollution device	2	\$600
Section 21EA (3): Use motor vehicle in respect of which a section 21EA direction has been given, or cause or allow such a motor vehicle to be used, knowing that such a direction has been given but has not been complied with within the time allowed by the notice	Use/cause/allow use of vehicle subject to notice to fit/refit/reconnect/repair/readjust/restore pollution device	2	\$300
Section 21EA (6): Remove prescribed label affixed to a motor vehicle or obliterate or interfere with any such label	Remove/obliterate/interfere with prescribed label affixed to vehicle	2	\$300
Section 21N (1): Place in the fuel tank of a motor vehicle that is required to be fuelled with unleaded petrol any petrol which contains more than the prescribed mass of lead or phosphorus or any additive which would result in any petrol in the fuel tank containing more than the prescribed mass of lead or phosphorus	Put leaded fuel/unleaded fuel additive in unleaded fuel vehicle	2	\$600

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Amendments

Schedule 1

Section 21N (2) Operate a motor vehicle that is required to be fuelled with unleaded petrol with petrol which contains more than the prescribed mass of lead or phosphorus	Use leaded fuel in unleaded fuel vehicle	2	\$600
Section 32 (1) (b): Neglect or fail to comply with requirement under section 21G	Neglect/fail to comply with requirement under section 21G	2	\$300

**[2] Schedule 2**

Insert in Part 2, after the matter relating to the *Clean Air (Control of Burning) Regulation 1995*:

**Clean Air (Motor Vehicles and Motor Vehicle Fuels) Regulation 1997**

<b>Provision of Regulation</b>	<b>Short description</b>		<b>Officer Penalty</b>
Clause 13 (1): Operate a motor vehicle propelled by a spark ignition engine knowing that there is present, in the vehicle's fuel tank, a lead concentration of more than 0.2 grams per litre of petrol	Operate vehicle with over 0.2 grams lead per litre petrol	2	\$300
Clause 14 (1): Sell petrol for use in the operation of a motor vehicle while there is present in the petrol a lead concentration of more than 0.2 grams per litre	Sell petrol with over 0.2 grams lead per litre	2	\$300
Clause 21 (3) (a): Sell motor vehicle requiring unleaded petrol while vehicle does not comply with requirements of clause 21	Sell unleaded fuel vehicle contrary to clause 21	2	\$300

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Schedule 1 Amendments

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<b>Provision of Regulation</b>	<b>Short description</b>	<b>Officer</b>	<b>Penalty</b>
Clause 21 (3) (b): Being owner of motor vehicle requiring unleaded petrol, use vehicle, or cause or allow vehicle to be used, while vehicle does not comply with requirements of clause 21	Use unleaded fuel vehicle/cause/allow use of unleaded fuel vehicle contrary to clause 21	2	\$300
Clause 22 (2) (a): Sell motor vehicle requiring unleaded petrol while vehicle does not comply with requirements of clause 22	Sell unleaded fuel vehicle contrary to clause 22	2	\$600
Clause 22 (2) (b): Being owner of motor vehicle requiring unleaded petrol, use vehicle, or cause or allow vehicle to be used, while vehicle does not comply with requirements of clause 22	Use unleaded fuel vehicle/cause/allow use of unleaded fuel vehicle contrary to clause 22	2	\$600
Clause 23 (1) (a): Being petrol retailer, fail to display in a conspicuous position beside or on each petrol pump words indicating that only unleaded petrol may be used in vehicles marked for unleaded petrol and that the use of leaded petrol in such a vehicle is an offence	Petrol retailer fail to notify that vehicles to use unleaded petrol	2	\$300
Clause 23 (1) (b): Being petrol retailer, fail to display in a conspicuous position on each petrol pump words indicating whether petrol from that pump is leaded or unleaded	Petrol retailer fail to distinguish leaded from unleaded pumps	2	\$300

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Amendments

Schedule 1

<b>Provision of Regulation</b>	<b>Short description</b>	<b>Officer</b>	<b>Penalty</b>
Clause 24 (a): Being a petrol retailer, fail to fit pump dispensing leaded petrol with a nozzle spout having a discharge end with an outside diameter of at least 23.6 millimetres	Leaded petrol pump nozzle too narrow	2	\$300
Clause 24 (b): Being a petrol retailer, fail to fit pump dispensing unleaded petrol with a nozzle spout having a discharge end with an outside diameter of less than 21.3 millimetres	Unleaded petrol pump nozzle too wide	2	\$300
Clause 25 (2): Being the occupier of premises from which petrol is sold to the public, transfer petrol into a motor vehicle's fuel tank, or cause or allow petrol to be transferred into a motor vehicle's fuel tank, by means of a petrol delivery hose whose nozzle is not fitted with an automatic over-fill protection device	Fill vehicle/cause/allow filling of vehicle without petrol over-fill device	2	\$300
Clause 25 (3): Transfer petrol into a motor vehicle's fuel tank by means of a hose whose nozzle is not fully inserted into the fuel tank's filler-pipe	Petrol hose not fully inserted into fuel tank	2	\$300
Clause 28 (2): Fail to comply with a direction given by an authorised officer to stop a motor vehicle and/or to do whatever the authorised officer considers reasonably necessary to enable the motor vehicle to be tested or inspected	Fail to comply with direction to stop/test/inspect vehicle	2	\$300

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#### Schedule 1 Amendments

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<b>Provision of Regulation</b>	<b>Short description</b>	<b>Officer</b>	<b>Penalty</b>
Clause 29 (4): Fail to comply with the terms of a motor vehicle inspection notice without lawful excuse	Fail to comply with vehicle inspection notice	2	\$300

#### **Clean Air (Plant and Equipment) Regulation 1997**

<b>Provision of Regulation</b>	<b>Short description</b>	<b>Officer</b>	<b>Penalty</b>
Clause 8 (3): Operate fuel burning equipment in the Sydney, Wollongong, Newcastle or Central Coast Metropolitan Area on liquid fuel having a sulphur content of more than 0.5 per cent by weight	Operate equipment in Sydney/Wollongong/ Newcastle/Central Coast with fuel over 0.5 per cent sulphur	2	\$600
Clause 8 (2): Operate fuel burning equipment outside the Sydney, Wollongong, Newcastle or Central Coast Metropolitan Area on liquid fuel having a sulphur content of more than 2.5 per cent by weight	Operate equipment outside Sydney/ Wollongong/ Newcastle/ Central Coast with fuel over 2.5 per cent sulphur	2	\$600
Clause 24 (2): Being owner of a large tank vehicle, use the tank vehicle, or allow it to be used, to load or unload volatile organic liquid without the tank vehicle being fitted with the prescribed control equipment for large tank vehicles	Use tank vehicle/allow tank vehicle to be used without control equipment	2	\$600

<b>Provision of Regulation</b>	<b>Short description</b>	<b>Officer Penalty</b>	
Clause 25 (2): Being person in charge of a large tank vehicle being loaded with volatile organic liquid from large loading plant, fail to ensure that the delivery tank on the vehicle is properly connected to the vapour collection system of that plant	Fail to ensure delivery tank connected to vapour collection system	2	\$600
Clause 25 (3): Being person in charge of a large tank vehicle loading volatile organic liquid into a small storage tank, fail to ensure that the vapour reduction requirements of clause 25 (3) are complied with	Fail to observe vapour reduction requirements during unloading	2	\$600
Clause 25 (4): Being person in charge of a large tank vehicle loading volatile organic liquid into a small storage tank, leave open any hatch, manhole or other cover on any delivery tank mounted on the vehicle if to do so would be likely to result in vapour being emitted to the atmosphere	Leave open hatch/manhole/cover	2	\$600
Clause 27 (3): Being the occupier of premises, fail to comply with requirement specified in notice under clause 27 (1)	Fail to comply with clause 27 (1) notice	2	\$300