

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 28 September, 1972.*

New South Wales



ANNO VICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. , 1972.

An Act to prohibit the sale or use of motor vehicles that emit excessive air impurities; to enable regulations to be made requiring that motor vehicles be fitted with prescribed anti-pollution devices; for these and other purposes to amend the Clean Air Act, 1961; and for purposes connected therewith.

BE

Clean Air (Further Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Clean Air (Further Amendment) Act, 1972". Short title.

2. This Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette. Commence-ment.

3. The Clean Air Act, 1961, is amended—

Amendment of Act No. 69, 1961.

(a) by inserting in section 1 (3) next after the matter relating to Part IV the following new matter :— Sec. 1. (Short title, commencement and division into Parts.)

PART IVA.—MOTOR VEHICLES.

15 (b) (i) by omitting from section 4 (1) the words "the Navigation Act, 1901, the Motor Traffic Act, 1909, or the Transport Act, 1930," and by inserting instead the words "or the Navigation Act, 1901,"; Sec. 4. (Certain Acts not affected.)

20 (ii) by inserting in section 4 (2) after the words "Local Government Act, 1919," the words "the Motor Traffic Act, 1909, the Transport Act, 1930,";

25 (iii) by omitting from section 4 (2) the word "either" and by inserting instead the word "any";

(c)

Clean Air (Further Amendment).

- (c) (i) by omitting from the definition of "Control equipment" in section 5 (1) the word "pollution" where lastly occurring and by inserting instead the following words :—
- pollution,
but does not include a prescribed anti-pollution device;
- (ii) by omitting from the definition of "Fuel burning equipment" in section 5 (1) the word "vehicle,";
- (iii) by inserting at the end of the same definition the words "but does not include a motor vehicle";
- (iv) by omitting from the definition of "Industrial plant" in section 5 (1) the words "locomotives, cranes or other machines" and by inserting instead the words "railway locomotives, cranes or other machines (not being motor vehicles)";
- (v) by inserting next after the definition of "Master" in section 5 (1) the following new definition :—
- "Motor vehicle" means any motor car, motor carriage, motor cycle, motor omnibus, motor lorry or other vehicle propelled wholly or partly by any volatile spirit, steam, gas, or oil, or by any means other than human or animal power, but does not include a railway locomotive.
- (vi) by inserting next after the definition of "Prescribed" in section 5 (1) the following new definition :—
- "Prescribed anti-pollution device" means a device specified or described in the regulations and therein described as

Sec. 5.
(Interpretation.)

being

Clean Air (Further Amendment).

being a device designed or intended to minimise pollution of the air caused by motor vehicles.

- (d) by inserting next after section 21 the following new Part :— New Part IVA.

PART IVA.

MOTOR VEHICLES.

21A. In this Part, "owner", in relation to a motor vehicle, includes— Definition.

- 10 (a) every person who is the owner or joint owner or part owner of the motor vehicle and any person who has the use of the motor vehicle under a hire-purchase agreement, but not the lessor under any such agreement ;
- 15 (b) the person in whose name the motor vehicle is registered under the Motor Traffic Act, 1909, except where that person has sold or otherwise disposed of the vehicle and has complied with the regulations under that Act, applicable to him in regard to the sale or disposal ; and
- 20 (c) where a trader's plate issued under those regulations is affixed to the motor vehicle, the person to whom the trader's plate is on issue.
- 25

21B. A person—

- 30 (a) shall not, whether on his own behalf or on behalf of another person, sell, exhibit or offer for sale, or conduct negotiations for the sale of, a motor vehicle ; or Requirements with respect to sale, use, etc., of motor vehicles.
- (b) who is the owner of a motor vehicle, shall not use the motor vehicle or cause or allow it to be used,

if,

Clean Air (Further Amendment).

5 if, when in operation, it emits at any point specified in or determined in accordance with the regulations air impurities in excess of the standard of concentration and the rate, or the standard of concentration or the rate, prescribed in respect of the class of motor vehicles to which that motor vehicle belongs.

10 21c. (1) A person who is the owner of a motor vehicle shall not, where the regulations require motor vehicles of the class to which that motor vehicle belongs to be fitted with prescribed anti-pollution devices, use the motor vehicle or cause or allow it to be used unless it is fitted, in the prescribed manner, with such a device which is maintained in accordance with the regulations.

Fitting of prescribed anti-pollution devices to motor vehicles.

15 (2) A person shall not, whether on his own behalf or on behalf of another person, sell, exhibit or offer for sale, or conduct negotiations for the sale of, a motor vehicle belonging to a class of motor vehicles required by the regulations to be fitted with prescribed anti-pollution devices unless it is fitted, in the prescribed manner, with such a device which is maintained in accordance with the regulations.

25 21D. A person who contravenes any of the provisions of section 21B or 21C is guilty of an offence against this Act and is liable—

Penalties for offences under sections 21B and 21c.

30 (a) if a corporation, to a penalty not exceeding \$1,000 and, in the case of a continuing offence, to a daily penalty not exceeding \$100 for each day the offence continues; and

35 (b) if any other person, to a penalty not exceeding \$400 and, in the case of a continuing offence, to a daily penalty not exceeding \$10 for each day the offence continues.

21E.

Clean Air (Further Amendment).

21E. It is a sufficient defence to a prosecution for an offence—

Defences to prosecutions for offences under section 21B or 21C.

5 (a) arising under paragraph (a) of section 21B,
or under subsection (2) of section 21C,
if the defendant proves that the offence was
committed by him in the course of his
employment by another person or that,
upon, or in the event of, the sale of the
10 motor vehicle, he received or was to receive
remuneration, by way of commission, from
a person other than the owner of the motor
vehicle; or

(b) arising under paragraph (a) or (b) of
section 21B if the defendant proves—

15 (i) that a certificate, relating to the
motor vehicle referred to in the
information for the offence, was
issued by a person of a prescribed
class within the prescribed period
20 before the commission of the
offence, certifying that the motor
vehicle had been tested in the pre-
scribed manner on the date which
the certificate bears and that that
test showed that it had not then
emitted at any point referred to in
that section air impurities in excess
of the standard of concentration
and the rate, or the standard of con-
centration or the rate, prescribed in
30 respect of the class of motor
vehicles to which that motor vehicle
belonged; and

(ii)

Clean Air (Further Amendment).

5 (ii) that he had not, since the date which the certificate bears, failed to take all reasonable and practicable steps to prevent the commission of the offence.

10 21F. (1) The Minister may, by order in writing, prohibit the use of all motor vehicles, any specified class of motor vehicles or all motor vehicles except a specified class of motor vehicles, as may be specified in the order, in any area so specified and at all times, or during particular times, as may be so specified. Minister's power to prohibit use of motor vehicles in certain circumstances.

(2) Any such order shall have effect—

- 15 (a) upon its publication in such manner as may be specified in the regulations; and
- (b) for such period as may be specified in the order or, if no period is so specified, until the order is revoked.

20 (3) The regulations may provide for the publication of any such order by means of a newspaper, by radio or television, by the display of notices or by any other method specified in the regulations.

25 (e) by omitting from section 22 (b) the word "vehicle" where firstly occurring and by inserting instead the words "motor vehicle"; Sec. 22. (Powers of Department.)

(f) (i) by inserting next after section 34 (1) (f) the following new paragraphs :— Sec. 34. (Regulations.)

30 (f1) the installation, maintenance, testing, inspection and operation of prescribed anti-pollution devices;

(f2)

Clean Air (Further Amendment).

- (f2) the operation of motor vehicles and the fuels to be used in the operation of motor vehicles;
- 5 (f3) the inspection of motor vehicles, and requiring motor vehicles to be tested, for the purpose of determining the concentration or rate, or the concentration and rate, of air impurities emitted by them;
- 10 (f4) prohibiting the registration under the Motor Traffic Act, 1909, of any motor vehicle that does not comply with the regulations;
- 15 (ii) by omitting from section 34 (2) the matter "paragraphs (a) to (f)" and by inserting instead the matter "paragraphs (a) to (f4)";
- 20 (iii) by omitting from section 34 (3) the words "or industrial plants" where secondly occurring and by inserting instead the words ", industrial plants or motor vehicles".

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1972
[10c]

No. , 1972.

A BILL

To prohibit the sale or use of motor vehicles that emit excessive air impurities; to enable regulations to be made requiring that motor vehicles be fitted with prescribed anti-pollution devices; for these and other purposes to amend the Clean Air Act, 1961; and for purposes connected therewith.

[MR JAGO—6 *September*, 1972.]

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Clean Air (Further Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Clean Air (Further Amendment) Act, 1972". Short title.

2. This Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette. Commencement.

3. The Clean Air Act, 1961, is amended—

Amendment of Act No. 69, 1961.

(a) by inserting in section 1 (3) next after the matter relating to Part IV the following new matter :— Sec. 1. (Short title, commencement and division into Parts.)

PART IVA.—MOTOR VEHICLES.

15 (b) (i) by omitting from section 4 (1) the words "the Navigation Act, 1901, the Motor Traffic Act, 1909, or the Transport Act, 1930," and by inserting instead the words "or the Navigation Act, 1901,"; Sec. 4. (Certain Acts not affected.)

20 (ii) by inserting in section 4 (2) after the words "Local Government Act, 1919," the words "the Motor Traffic Act, 1909, the Transport Act, 1930,";

25 (iii) by omitting from section 4 (2) the word "either" and by inserting instead the word "any";

(c)

Clean Air (Further Amendment).

- (c) (i) by omitting from the definition of "Control equipment" in section 5 (1) the word "pollution" where lastly occurring and by inserting instead the following words :—

Sec. 5.
(Interpretation.)

5

pollution,

but does not include a prescribed anti-pollution device;

10

- (ii) by omitting from the definition of "Fuel burning equipment" in section 5 (1) the word "vehicle,";

- (iii) by inserting at the end of the same definition the words "but does not include a motor vehicle";

15

- (iv) by omitting from the definition of "Industrial plant" in section 5 (1) the words "locomotives, cranes or other machines" and by inserting instead the words "railway locomotives, cranes or other machines (not being motor vehicles)";

20

- (v) by inserting next after the definition of "Master" in section 5 (1) the following new definition :—

25

"Motor vehicle" means any motor car, motor carriage, motor cycle, motor omnibus, motor lorry or other vehicle propelled wholly or partly by any volatile spirit, steam, gas, or oil, or by any means other than human or animal power, but does not include a railway locomotive.

30

- (vi) by inserting next after the definition of "Prescribed" in section 5 (1) the following new definition :—

35

"Prescribed anti-pollution device" means a device specified or described in the regulations and therein described as

being

Clean Air (Further Amendment).

being a device designed or intended to minimise pollution of the air caused by motor vehicles.

- 5 (d) by inserting next after section 21 the following new Part :— New Part IVA.

PART IVA.

MOTOR VEHICLES.

21A. In this Part, "owner", in relation to a motor vehicle, includes— Definition.

- 10 (a) every person who is the owner or joint owner or part owner of the motor vehicle and any person who has the use of the motor vehicle under a hire-purchase agreement, but not the lessor under any such agreement;
- 15
- (b) the person in whose name the motor vehicle is registered under the Motor Traffic Act, 1909, except where that person has sold or otherwise disposed of the vehicle and has complied with the regulations under that Act, applicable to him in regard to the sale or disposal; and
- 20
- (c) where a trader's plate issued under those regulations is affixed to the motor vehicle, the person to whom the trader's plate is on issue.
- 25

21B. A person—

- 30 (a) shall not, whether on his own behalf or on behalf of another person, sell, exhibit or offer for sale, or conduct negotiations for the sale of, a motor vehicle; or Requirements with respect to sale, use, etc., of motor vehicles.
- (b) who is the owner of a motor vehicle, shall not use the motor vehicle or cause or allow it to be used,

if,

Clean Air (Further Amendment).

5 if, when in operation, it emits at any point specified in or determined in accordance with the regulations air impurities in excess of the standard of concentration and the rate, or the standard of concentration or the rate, prescribed in respect of the class of motor vehicles to which that motor vehicle belongs.

10 21c. (1) A person who is the owner of a motor vehicle shall not, where the regulations require motor vehicles of the class to which that motor vehicle belongs to be fitted with prescribed anti-pollution devices, use the motor vehicle or cause or allow it to be used unless it is fitted, in the prescribed manner, with such a device which is maintained in accordance with the regulations.

Fitting of prescribed anti-pollution devices to motor vehicles.

15 (2) A person shall not, whether on his own behalf or on behalf of another person, sell, exhibit or offer for sale, or conduct negotiations for the sale of, a motor vehicle belonging to a class of motor vehicles required by the regulations to be fitted with prescribed anti-pollution devices unless it is fitted, in the prescribed manner, with such a device which is maintained in accordance with the regulations.

25 21d. A person who contravenes any of the provisions of section 21b or 21c is guilty of an offence against this Act and is liable—

Penalties for offences under sections 21b and 21c.

30 (a) if a corporation, to a penalty not exceeding \$1,000 and, in the case of a continuing offence, to a daily penalty not exceeding \$100 for each day the offence continues; and

35 (b) if any other person, to a penalty not exceeding \$400 and, in the case of a continuing offence, to a daily penalty not exceeding \$10 for each day the offence continues.

21E.

Clean Air (Further Amendment).

21E. It is a sufficient defence to a prosecution for an offence—

Defences to prosecutions for offences under section 21B or 21C.

5 (a) arising under paragraph (a) of section 21B, or under subsection (2) of section 21C, if the defendant proves that the offence was committed by him in the course of his employment by another person or that, upon, or in the event of, the sale of the motor vehicle, he received or was to receive remuneration, by way of commission, from a person other than the owner of the motor vehicle; or

10 (b) arising under paragraph (a) or (b) of section 21B if the defendant proves—

15 (i) that a certificate, relating to the motor vehicle referred to in the information for the offence, was issued by a person of a prescribed class within the prescribed period before the commission of the offence, certifying that the motor vehicle had been tested in the prescribed manner on the date which the certificate bears and that that test showed that it had not then emitted at any point referred to in that section air impurities in excess of the standard of concentration and the rate, or the standard of concentration or the rate, prescribed in respect of the class of motor vehicles to which that motor vehicle belonged; and

(ii)

Clean Air (Further Amendment).

(ii) that he had not, since the date which the certificate bears, failed to take all reasonable and practicable steps to prevent the commission of the offence.

5

21F. (1) The Minister may, by order in writing, prohibit the use of all motor vehicles, any specified class of motor vehicles or all motor vehicles except a specified class of motor vehicles, as may be specified in the order, in any area so specified and at all times, or during particular times, as may be so specified.

10

Minister's power to prohibit use of motor vehicles in certain circumstances.

(2) Any such order shall have effect—

(a) upon its publication in such manner as may be specified in the regulations; and

15

(b) for such period as may be specified in the order or, if no period is so specified, until the order is revoked.

(3) The regulations may provide for the publication of any such order by means of a newspaper, by radio or television, by the display of notices or by any other method specified in the regulations.

20

(e) by omitting from section 22 (b) the word "vehicle" where firstly occurring and by inserting instead the words "motor vehicle";

25

Sec. 22. (Powers of Department.)

(f) (i) by inserting next after section 34 (1) (f) the following new paragraphs :—

Sec. 34. (Regulations.)

(f1) the installation, maintenance, testing, inspection and operation of prescribed anti-pollution devices;

30

(f2)

Clean Air (Further Amendment).

- (f2) the operation of motor vehicles and the fuels to be used in the operation of motor vehicles;
- 5 (f3) the inspection of motor vehicles, and requiring motor vehicles to be tested, for the purpose of determining the concentration or rate, or the concentration and rate, of air impurities emitted by them;
- 10 (f4) prohibiting the registration under the Motor Traffic Act, 1909, of any motor vehicle that does not comply with the regulations;
- 15 (ii) by omitting from section 34 (2) the matter “paragraphs (a) to (f)” and by inserting instead the matter “paragraphs (a) to (f4)”;
- 20 (iii) by omitting from section 34 (3) the words “or industrial plants” where secondly occurring and by inserting instead the words “. industrial plants or motor vehicles”.

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1972

[10c]

PROOF

CLEAN AIR (FURTHER AMENDMENT) BILL, 1972

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to prohibit a person from selling, offering or exhibiting for sale, or conducting negotiations for the sale of, any motor vehicle that emits excessive air impurities;
- (b) to prohibit the sale or use of motor vehicles unless they are, if required by the regulations, fitted with a prescribed anti-pollution device;
- (c) to empower the Minister to prohibit the use of motor vehicles in certain areas under certain circumstances;
- (d) to make other provisions consequential upon or ancillary to the foregoing.

PROOF

No. , 1972.

A BILL

To prohibit the sale or use of motor vehicles that emit excessive air impurities; to enable regulations to be made requiring that motor vehicles be fitted with prescribed anti-pollution devices; for these and other purposes to amend the Clean Air Act, 1961; and for purposes connected therewith.

[MR JAGO—6 September, 1972.]

BE

Clean Air (Further Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Clean Air (Further Amendment) Act, 1972". Short title.

2. This Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette. Commencement.

3. The Clean Air Act, 1961, is amended—

Amendment of Act No. 69, 1961.

(a) by inserting in section 1 (3) next after the matter relating to Part IV the following new matter :—

Sec. 1. (Short title, commencement and division into Parts.)

PART IVA.—MOTOR VEHICLES.

15 (b) (i) by omitting from section 4 (1) the words "the Navigation Act, 1901, the Motor Traffic Act, 1909, or the Transport Act, 1930," and by inserting instead the words "or the Navigation Act, 1901,";

Sec. 4. (Certain Acts not affected.)

20 (ii) by inserting in section 4 (2) after the words "Local Government Act, 1919," the words "the Motor Traffic Act, 1909, the Transport Act, 1930,";

25 (iii) by omitting from section 4 (2) the word "either" and by inserting instead the word "any";

(c)

Clean Air (Further Amendment).

- (c) (i) by omitting from the definition of "Control equipment" in section 5 (1) the word "pollution" where lastly occurring and by inserting instead the following words :—

Sec. 5.
(Interpretation.)

5

pollution,

but does not include a prescribed anti-pollution device;

10

- (ii) by omitting from the definition of "Fuel burning equipment" in section 5 (1) the word "vehicle,";

- (iii) by inserting at the end of the same definition the words "but does not include a motor vehicle";

15

- (iv) by omitting from the definition of "Industrial plant" in section 5 (1) the words "locomotives, cranes or other machines" and by inserting instead the words "railway locomotives, cranes or other machines (not being motor vehicles)";

20

- (v) by inserting next after the definition of "Master" in section 5 (1) the following new definition :—

25

"Motor vehicle" means any motor car, motor carriage, motor cycle, motor omnibus, motor lorry or other vehicle propelled wholly or partly by any volatile spirit, steam, gas, or oil, or by any means other than human or animal power, but does not include a railway locomotive.

30

- (vi) by inserting next after the definition of "Prescribed" in section 5 (1) the following new definition :—

35

"Prescribed anti-pollution device" means a device specified or described in the regulations and therein described as

being

Clean Air (Further Amendment).

being a device designed or intended to minimise pollution of the air caused by motor vehicles.

- (d) by inserting next after section 21 the following new New Part IVA.
Part :—

PART IVA.

MOTOR VEHICLES.

21A. In this Part, "owner", in relation to a motor Definition.
vehicle, includes—

- 10 (a) every person who is the owner or joint
owner or part owner of the motor vehicle
and any person who has the use of the
motor vehicle under a hire-purchase agree-
15 ment, but not the lessor under any such
agreement ;
- (b) the person in whose name the motor vehicle
is registered under the Motor Traffic Act,
1909, except where that person has sold or
20 otherwise disposed of the vehicle and has
complied with the regulations under that
Act, applicable to him in regard to the sale
or disposal ; and
- (c) where a trader's plate issued under those
25 regulations is affixed to the motor vehicle,
the person to whom the trader's plate is
on issue.

21B. A person—

- (a) shall not, whether on his own behalf or on Require-
ments with
respect to
sale, use,
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30 behalf of another person, sell, exhibit or
offer for sale, or conduct negotiations for
the sale of, a motor vehicle ; or
- (b) who is the owner of a motor vehicle, shall
not use the motor vehicle or cause or allow
it to be used,

if,

Clean Air (Further Amendment).

5 if, when in operation, it emits at any point specified in or determined in accordance with the regulations air impurities in excess of the standard of concentration and the rate, or the standard of concentration or the rate, prescribed in respect of the class of motor vehicles to which that motor vehicle belongs.

10 21C. (1) A person who is the owner of a motor vehicle shall not, where the regulations require motor vehicles of the class to which that motor vehicle belongs to be fitted with prescribed anti-pollution devices, use the motor vehicle or cause or allow it to be used unless it is fitted, in the prescribed manner, with such a device which is maintained in accordance with the regulations.

Fitting of prescribed anti-pollution devices to motor vehicles.

15 (2) A person shall not, whether on his own behalf or on behalf of another person, sell, exhibit or offer for sale, or conduct negotiations for the sale of, a motor vehicle belonging to a class of motor vehicles required by the regulations to be fitted with prescribed anti-pollution devices unless it is fitted, in the prescribed manner, with such a device which is maintained in accordance with the regulations.

20 21D. A person who contravenes any of the provisions of section 21B or 21C is guilty of an offence against this Act and is liable—

Penalties for offences under sections 21B and 21C.

25 (a) if a corporation, to a penalty not exceeding \$1,000 and, in the case of a continuing offence, to a daily penalty not exceeding \$100 for each day the offence continues; and

30 (b) if any other person, to a penalty not exceeding \$400 and, in the case of a continuing offence, to a daily penalty not exceeding \$10 for each day the offence continues.

35 21E.

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Defences to prosecutions for offences under section 21B or 21C.

5 (a) arising under paragraph (a) of section 21B,
or under subsection (2) of section 21C,
if the defendant proves that the offence was
committed by him in the course of his
employment by another person or that,
upon, or in the event of, the sale of the
10 motor vehicle, he received or was to receive
remuneration, by way of commission, from
a person other than the owner of the motor
vehicle; or

(b) arising under paragraph (a) or (b) of
section 21B if the defendant proves—

15 (i) that a certificate, relating to the
motor vehicle referred to in the
information for the offence, was
issued by a person of a prescribed
class within the prescribed period
20 before the commission of the
offence, certifying that the motor
vehicle had been tested in the pre-
scribed manner on the date which
the certificate bears and that that
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emitted at any point referred to in
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of the standard of concentration
and the rate, or the standard of con-
centration or the rate, prescribed in
30 respect of the class of motor
vehicles to which that motor vehicle
belonged; and

(ii)

Clean Air (Further Amendment).

5 (ii) that he had not, since the date which the certificate bears, failed to take all reasonable and practicable steps to prevent the commission of the offence.

10 21F. (1) The Minister may, by order in writing, prohibit the use of all motor vehicles, any specified class of motor vehicles or all motor vehicles except a specified class of motor vehicles, as may be specified in the order, in any area so specified and at all times, or during particular times, as may be so specified. Minister's power to prohibit use of motor vehicles in certain circumstances.

(2) Any such order shall have effect—
15 (a) upon its publication in such manner as may be specified in the regulations; and
(b) for such period as may be specified in the order or, if no period is so specified, until the order is revoked.

20 (3) The regulations may provide for the publication of any such order by means of a newspaper, by radio or television, by the display of notices or by any other method specified in the regulations.

25 (e) by omitting from section 22 (b) the word "vehicle" where firstly occurring and by inserting instead the words "motor vehicle"; Sec. 22. (Powers of Department.)

(f) (i) by inserting next after section 34 (1) (f) the following new paragraphs :— Sec. 34. (Regulations.)
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Clean Air (Further Amendment).

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the fuels to be used in the operation
of motor vehicles ;
- (f3) the inspection of motor vehicles, and
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for the purpose of determining the
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vehicle that does not comply with the
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- 15 (ii) by omitting from section 34 (2) the matter
“paragraphs (a) to (f)” and by inserting
instead the matter “paragraphs (a) to (f4)” ;
- 20 (iii) by omitting from section 34 (3) the words
“or industrial plants” where secondly occur-
ring and by inserting instead the words “.
industrial plants or motor vehicles”.

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1972

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 7 November, 1972.*

New South Wales



ANNO VICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 60, 1972.

An Act to prohibit the sale or use of motor vehicles that emit excessive air impurities; to enable regulations to be made requiring that motor vehicles be fitted with prescribed anti-pollution devices; for these and other purposes to amend the Clean Air Act, 1961; and for purposes connected therewith. [Assented to, 13th November, 1972.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

L. A. PUNCH,
Chairman of Committees of the Legislative Assembly.

Clean Air (Further Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title. 1. This Act may be cited as the "Clean Air (Further Amendment) Act, 1972".

Commence-
ment. 2. This Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Amendment
of Act No.
69, 1961. 3. The Clean Air Act, 1961, is amended—

Sec. 1.
(Short title,
commence-
ment and
division into
Parts.) (a) by inserting in section 1 (3) next after the matter relating to Part IV the following new matter:—

PART IVA.—MOTOR VEHICLES.

Sec. 4.
(Certain
Acts not
affected.) (b) (i) by omitting from section 4 (1) the words "the Navigation Act, 1901, the Motor Traffic Act, 1909, or the Transport Act, 1930," and by inserting instead the words "or the Navigation Act, 1901,";

(ii) by inserting in section 4 (2) after the words "Local Government Act, 1919," the words "the Motor Traffic Act, 1909, the Transport Act, 1930,";

(iii) by omitting from section 4 (2) the word "either" and by inserting instead the word "any";

(c)

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- (c) (i) by omitting from the definition of "Control equipment" in section 5 (1) the word "pollution" where lastly occurring and by inserting instead the following words :—

Sec. 5.
(Interpretation.)

pollution,

but does not include a prescribed anti-pollution device;

- (ii) by omitting from the definition of "Fuel burning equipment" in section 5 (1) the word "vehicle,";

- (iii) by inserting at the end of the same definition the words "but does not include a motor vehicle";

- (iv) by omitting from the definition of "Industrial plant" in section 5 (1) the words "locomotives, cranes or other machines" and by inserting instead the words "railway locomotives, cranes or other machines (not being motor vehicles)";

- (v) by inserting next after the definition of "Master" in section 5 (1) the following new definition :—

"Motor vehicle" means any motor car, motor carriage, motor cycle, motor omnibus, motor lorry or other vehicle propelled wholly or partly by any volatile spirit, steam, gas, or oil, or by any means other than human or animal power, but does not include a railway locomotive.

- (vi) by inserting next after the definition of "Prescribed" in section 5 (1) the following new definition :—

"Prescribed anti-pollution device" means a device specified or described in the regulations and therein described as

being

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being a device designed or intended to minimise pollution of the air caused by motor vehicles.

**New Part
IVA.**

(d) by inserting next after section 21 the following new Part :—

PART IVA.

MOTOR VEHICLES.

Definition.

21A. In this Part, "owner", in relation to a motor vehicle, includes—

- (a) every person who is the owner or joint owner or part owner of the motor vehicle and any person who has the use of the motor vehicle under a hire-purchase agreement, but not the lessor under any such agreement;
- (b) the person in whose name the motor vehicle is registered under the Motor Traffic Act, 1909, except where that person has sold or otherwise disposed of the vehicle and has complied with the regulations under that Act, applicable to him in regard to the sale or disposal; and
- (c) where a trader's plate issued under those regulations is affixed to the motor vehicle, the person to whom the trader's plate is on issue.

**Require-
ments with
respect to
sale, use,
etc., of
motor
vehicles.**

21B. A person—

- (a) shall not, whether on his own behalf or on behalf of another person, sell, exhibit or offer for sale, or conduct negotiations for the sale of, a motor vehicle; or
- (b) who is the owner of a motor vehicle, shall not use the motor vehicle or cause or allow it to be used,

if,

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if, when in operation, it emits at any point specified in or determined in accordance with the regulations air impurities in excess of the standard of concentration and the rate, or the standard of concentration or the rate, prescribed in respect of the class of motor vehicles to which that motor vehicle belongs.

21C. (1) A person who is the owner of a motor vehicle shall not, where the regulations require motor vehicles of the class to which that motor vehicle belongs to be fitted with prescribed anti-pollution devices, use the motor vehicle or cause or allow it to be used unless it is fitted, in the prescribed manner, with such a device which is maintained in accordance with the regulations.

Fitting of prescribed anti-pollution devices to motor vehicles.

(2) A person shall not, whether on his own behalf or on behalf of another person, sell, exhibit or offer for sale, or conduct negotiations for the sale of, a motor vehicle belonging to a class of motor vehicles required by the regulations to be fitted with prescribed anti-pollution devices unless it is fitted, in the prescribed manner, with such a device which is maintained in accordance with the regulations.

21D. A person who contravenes any of the provisions of section 21B or 21C is guilty of an offence against this Act and is liable—

Penalties for offences under sections 21B and 21C.

- (a) if a corporation, to a penalty not exceeding \$1,000 and, in the case of a continuing offence, to a daily penalty not exceeding \$100 for each day the offence continues; and
- (b) if any other person, to a penalty not exceeding \$400 and, in the case of a continuing offence, to a daily penalty not exceeding \$10 for each day the offence continues.

21E.

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Defences to
prosecutions
for offences
under sec-
tion 21B or
21C.

21E. It is a sufficient defence to a prosecution for an offence—

(a) arising under paragraph (a) of section 21B, or under subsection (2) of section 21C, if the defendant proves that the offence was committed by him in the course of his employment by another person or that, upon, or in the event of, the sale of the motor vehicle, he received or was to receive remuneration, by way of commission, from a person other than the owner of the motor vehicle; or

(b) arising under paragraph (a) or (b) of section 21B if the defendant proves—

(i) that a certificate, relating to the motor vehicle referred to in the information for the offence, was issued by a person of a prescribed class within the prescribed period before the commission of the offence, certifying that the motor vehicle had been tested in the prescribed manner on the date which the certificate bears and that that test showed that it had not then emitted at any point referred to in that section air impurities in excess of the standard of concentration and the rate, or the standard of concentration or the rate, prescribed in respect of the class of motor vehicles to which that motor vehicle belonged; and

(ii)

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- (ii) that he had not, since the date which the certificate bears, failed to take all reasonable and practicable steps to prevent the commission of the offence.

21F. (1) The Minister may, by order in writing, prohibit the use of all motor vehicles, any specified class of motor vehicles or all motor vehicles except a specified class of motor vehicles, as may be specified in the order, in any area so specified and at all times, or during particular times, as may be so specified. Minister's power to prohibit use of motor vehicles in certain circumstances.

(2) Any such order shall have effect—

- (a) upon its publication in such manner as may be specified in the regulations; and
- (b) for such period as may be specified in the order or, if no period is so specified, until the order is revoked.

(3) The regulations may provide for the publication of any such order by means of a newspaper, by radio or television, by the display of notices or by any other method specified in the regulations.

- (e) by omitting from section 22 (b) the word "vehicle" where firstly occurring and by inserting instead the words "motor vehicle"; Sec. 22. (Powers of Department.)
- (f) (i) by inserting next after section 34 (1) (f) the following new paragraphs :— Sec. 34. (Regulations.)
- (f1) the installation, maintenance, testing, inspection and operation of prescribed anti-pollution devices;

(f2)

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- (f2) the operation of motor vehicles and the fuels to be used in the operation of motor vehicles;
 - (f3) the inspection of motor vehicles, and requiring motor vehicles to be tested, for the purpose of determining the concentration or rate, or the concentration and rate, of air impurities emitted by them;
 - (f4) prohibiting the registration under the Motor Traffic Act, 1909, of any motor vehicle that does not comply with the regulations;
- (ii) by omitting from section 34 (2) the matter "paragraphs (a) to (f)" and by inserting instead the matter "paragraphs (a) to (f4)";
 - (iii) by omitting from section 34 (3) the words "or industrial plants" where secondly occurring and by inserting instead the words "industrial plants or motor vehicles".

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 13th November, 1972.*