



New South Wales

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

under the
Clean Air Act 1961

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Clean Air Act 1961*.

PAM ALLAN, M.P.,
Minister for the Environment

Explanatory note

The object of this Regulation is to repeal and remake those provisions of the *Clean Air Regulations 1964* that relate to motor vehicles and motor vehicle fuels. The new Regulation deals with the following matters:

- (a) the emission of air impurities (Part 2 and Schedule 1),
- (b) anti-pollution devices (Part 3),
- (c) leaded petrol (Division 1 of Part 4),
- (d) unleaded petrol (Division 2 of Part 4),
- (e) motor vehicles requiring unleaded petrol (Division 3 of Part 4),
- (f) petrol pumps for leaded and unleaded petrol (Division 4 of Part 4),
- (g) the powers of authorised officers to inspect and test motor vehicles (Part 5),
- (h) the powers of the Environment Protection Authority to suspend and prohibit the registration of motor vehicles (Part 6),
- (i) other matters of a minor, consequential or ancillary nature (Parts 1 and 7 and Schedule 2).

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Explanatory note

This Regulation is made under the *Clean Air Act 1964*, including section 34 (the general regulation-making power) and sections 5, 21A, 21BA, 21EA, 21I, 21J, 21L, 21M and 21N.

This Regulation adopts the *Manual of Air Quality Testing* published by the Environment Protection Authority. It also refers to *Australian Design Rule No 37/01* under the *Motor Vehicle Standards Act 1989* of the Commonwealth.

This Regulation is made in connection with the staged repeal of subordinate legislation under the *Subordinate Legislation Act 1989*.

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

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Clean Air (Motor Vehicles and Motor Vehicle Fuels) Regulation 1997*.

2 Commencement

This Regulation commences on 1 August 1997.

3 Definitions

In this Regulation, words and expressions that are defined in the dictionary at the end of this Regulation have the meanings given to them by the dictionary.

4 Notes

The explanatory note and table of contents do not form part of this Regulation.

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Clause 5 Clean Air (Motor Vehicles and Motor Vehicle Fuels) Regulation 1997

Part 2 Air impurities

Part 2 Air impurities

5 Definition of excessive air impurities: section 21A

A motor vehicle emits excessive air impurities as referred to in section 21A (2) of the Act if

- (a) it is a vehicle to which clause 6, 7 or 8 applies, and
- (b) it emits excessive air impurities as determined by the relevant clause.

6 Visible emissions: diesel and spark-ignition vehicles

- (1) This clause applies to any motor vehicle that is propelled by a spark-ignition or diesel engine.
- (2) A motor vehicle to which this clause applies emits excessive air impurities if, when tested in accordance with Test Method 31, it emits air impurities in excess of such a standard of concentration that air impurities are visible for a continuous period of more than 10 seconds.

7 Exhaust emissions: spark-ignition vehicles

- (1) This clause applies to any motor vehicle that is propelled by a spark-ignition engine, other than:
 - (a) a motor vehicle that was manufactured more than 5 years before the date on which it is tested, or
 - (b) a motor vehicle that has been driven more than 80,000 kilometres since it was manufactured, or
 - (c) a motor vehicle that was originally manufactured to operate exclusively on liquified petroleum gas or compressed natural gas.
- (2) A motor vehicle of a class specified in Column 1 of Schedule 1 emits excessive air impurities if, when tested in accordance with Test Method 26, it emits carbon monoxide, hydrocarbons or oxides of nitrogen in excess of the number of grams per kilometre specified in Column 2 of that Schedule travelled by the vehicle.

8 Evaporative emissions: spark-ignition vehicles

- (1) This clause applies to any motor vehicle that is propelled by a spark-ignition engine and that has a manufacturer's gross vehicle mass of less than 2.7 tonnes, other than:

- (a) a motor vehicle that was manufactured more than 5 years before the date on which it is tested, or
 - (b) a motor vehicle that has been driven more than 80,000 kilometres since it was manufactured, or
 - (c) a motor vehicle that operates exclusively on liquified petroleum gas or compressed natural gas.
- (2) A motor vehicle to which this clause applies emits excessive air impurities if, when tested in accordance with Test Method 26, it emits more than 2.0 grams of hydrocarbons per test.
- (3) In the case of a motor vehicle that is tested less than 28 days after it is manufactured, the reference in subclause (2) to 2.0 grams is to be read as a reference to 5.0 grams.
- (4) In the case of a motor vehicle that is tested more than 28 days, but less than 56 days, after it is manufactured, the reference in subclause (2) to 20 grams is to be read as a reference to 3.0 grams.

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Clause 9 Clean Air (Motor Vehicles and Motor Vehicle Fuels) Regulation 1997

Part 3 Anti-pollution devices
Division 1

Part 3 Anti-pollution devices

Division 1 Prescription of anti-pollution devices

9 Prescribed anti-pollution devices: sections 5, 21BA and 21EA

- (1) The object of this clause is to prescribe particular devices as prescribed anti-pollution devices, so invoking the operation of
 - (a) section 21BA of the Act (which prohibits the removal, disconnection, impairment, adjustment or modification of such devices), and
 - (b) section 21EA of the Act (which empowers an authorised officer to direct that such a device be fitted, refitted, reconnected, repaired, readjusted or restored).
- (2) For the purposes of the definition of *prescribed anti-pollution device* in section 5 (1) of the Act, each of the following devices is prescribed as a device that is designed or intended to minimise pollution of the air caused by motor vehicles:
 - (a) an *evaporative emission control system*, that is, a system of devices and equipment that is designed to trap the evaporative emissions from a motor vehicle's fuel tank and fuel supply system and so restrict their release to the atmosphere,
 - (b) a *fuel supply system*, that is, a system of devices and equipment that is designed:
 - (i) to convey fuel to a direct injection engine, or
 - (ii) to convey fuel to an engine's air intake system, to mix the fuel with air and to convey the mixture of fuel and air into the engine,
 - (c) an *engine ignition system*, that is, a system of devices and equipment that is designed to ignite the fuel, or the mixture of fuel and air, in a motor vehicle's engine,
 - (d) an *engine management system*, that is, a system of devices and equipment that is designed to control the operation of a motor vehicle's fuel supply system and engine ignition system,

- (e) a *smoke-limiting throttle control system*, that is, a system of devices and equipment that is designed to limit the maximum rate at which fuel can go into a diesel-engined motor vehicle and so reduce the amount of smoke emitted by the motor vehicle while it is being accelerated,
- (f) an *exhaust gas recirculation system*, that is, a system of devices and equipment that is designed to convey exhaust gases from a spark ignition engine to the engine's air intake system for the purpose of reducing the amount of oxygen in the mixture of air and fuel going into the engine and *so* reducing the amount of oxides of nitrogen emitted by the engine,
- (g) a *catalytic converter system*, that is, a system of devices and equipment that is designed to induce a catalytic reaction between the various exhaust gases that are emitted from a motor vehicle's engine and so reduce the emission of air impurities by the motor vehicle,
- (h) a *complying exhaust pipe*, that is, an exhaust pipe that complies with the requirements of clause 10 (2).

Division 2 Compulsory fitting of certain anti-pollution devices

10 Fitting of certain anti-pollution devices to be compulsory: sections 21C and 21EA

- (1) The object of this clause is to require certain heavy vehicles to be fitted with a particular design of exhaust pipe (which, by virtue of clause 9, is a prescribed anti-pollution device), so invoking the operation of
 - (a) section 21C of the Act (which prohibits the use or sale of such a vehicle if it is not fitted with such a device), and
 - (b) section 21EA of the Act (which empowers an authorised officer to direct that such a device be fitted, refitted, reconnected, repaired, readjusted or restored).

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Clause 10 Clean Air (Motor Vehicles and Motor Vehicle Fuels) Regulation 1997

Part 3 Anti-pollution devices
Division 2

- (2) A motor vehicle that is propelled by a diesel engine and that has a manufacturer's gross vehicle mass of more than 45 tonnes must be fitted with:
- (a) in the case of a motor vehicle for which, as at the date of its manufacture, an Australian Design Rule prescribed requirements with respect to the exhaust pipe to be fitted to it, a vertical exhaust pipe that complies with those requirements, or
 - (b) in any other case, an exhaust pipe:
 - (i) that terminates 150 millimetres or more above the highest part of the vehicle's cab, and
 - (ii) whose exhaust vent is directed upwards (within 30 degrees of the vertical) and away from the nearside of the vehicle.

11 Automatic exemption of certain vehicles from clause 10

- (1) Clause 10 does not apply to:
- (a) any motor vehicle that is registered outside New South Wales, or
 - (b) any motor vehicle that is sold in New South Wales for delivery outside New South Wales.
- (2) Clause 10 does not apply to the following motor vehicles sold or registered in New South Wales:
- (a) a motor vehicle that was manufactured before 1 January 1976,
 - (b) a motor vehicle that was ordered from the manufacturer before 1 July 1974,
 - (c) a motor bus that was manufactured before 1 January 1977,
 - (d) a special purpose motor vehicle,
 - (e) a motor vehicle used exclusively for the control of bush fires,
 - (f) a motor vehicle fitted with hydraulically operated elevating work platforms,
 - (g) a motor vehicle used exclusively to fuel aircraft,
 - (h) a motor vehicle having a diesel engine of a type certified by the Authority as not requiring an exhaust pipe of the kind referred to in clause 10 (2).

12 Authority may exempt rural table-top trucks from clause 10

- (1) On application by the owner of a motor vehicle, the Authority may, by instrument in writing, exempt the vehicle from the operation of clause 10 if satisfied that the vehicle:
 - (a) is a rigid table-top truck, and
 - (b) is used predominantly to transport hay or other flammable farm produce, and
 - (c) is usually garaged on a farm.
- (2) An application for such an exemption must be in the approved form and must be accompanied by a fee of \$50.
- (3) An exemption under this clause may be granted unconditionally or subject to conditions.
- (4) An exemption under this clause applies only while the motor vehicle to which it relates is owned by the person in whose name the exemption was granted.
- (5) A person who, in relation to any application under this clause, wilfully makes any statement or furnishes any information that is false or misleading is guilty of an offence.

Maximum penalty: 100 penalty units (for an offence committed by a corporation) and 10 penalty units (in any other case).

- (6) Clause 10 does not apply to a vehicle to which an exemption under this clause relates, but only so long as any conditions to which the exemption is subject are complied with.
- (7) On payment of a fee of \$25, the Authority may issue a replacement instrument of exemption if it is satisfied that the instrument it replaces has been lost or destroyed.

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Clause 13 Clean Air (Motor Vehicles and Motor Vehicle Fuels) Regulation 1997

Part 4 Leaded and unleaded petrol

Division 1

Part 4 Leaded and unleaded petrol

Division 1 Leaded petrol

13 Operation of motor vehicles using leaded petrol

- (1) A person must not operate a motor vehicle propelled by a spark-ignition engine if the person knows that there is present, in the petrol in the vehicle's fuel tank, a lead concentration, when measured in accordance with Test Method 27, of more than 0.2 grams per litre of petrol.

Maximum penalty: 100 penalty units (for an offence committed by a corporation) and 10 penalty units (in any other case).

- (2) It is a defence to a prosecution for an offence arising under this clause if the defendant establishes that the petrol to which the information relates was used at a meeting for speedway racing held on a licensed motor vehicle racing ground or in a test of a motor vehicle for any such meeting.

14 Sale of leaded petrol

- (1) A person must not sell any petrol for use in the operation of a motor vehicle while there is present in the petrol a lead concentration, when measured in accordance with Test Method 27, of more than 0.2 grams per litre of petrol.

Maximum penalty: 100 penalty units (for an offence committed by a corporation) and 10 penalty units (in any other case).

- (2) It is a defence to a prosecution for an offence arising under this clause if the defendant establishes that he or she had reasonable grounds to believe and did in fact believe, at the time the offence is alleged to have occurred, that all the petrol to which the information relates:
- (a) was to be used otherwise than in the operation of a motor vehicle propelled by a spark-ignition engine, or

- (b) was to be used at a meeting for speedway racing to be held on a licensed motor vehicle racing ground or in a test of a motor vehicle for any such meeting.

15 Exemptions

- (1) The Authority may exempt persons from the operation of clause 13 or 14 if the Authority considers it necessary or desirable because of emergency or other circumstances that result in a shortage of petrol.
- (2) Any such exemption:
 - (a) may be granted so as to apply generally or in a particular case, and
 - (b) may be in writing issued to the person concerned or by notification published in the Gazette, and
 - (c) may be limited so as to apply subject to conditions, in specified circumstances or for specified periods.

Division 2 Unleaded Petrol

16 Maximum amount of lead and phosphorus: sections 21A, 21L and 21N

For the purposes of the definition of *unleaded petrol* in section 21A (1) of the Act and of sections 21L and 21N of the Act:

- (a) the prescribed mass of lead per litre of petrol is 0.013 gram, to be determined in accordance with the Test Method 27, and
- (b) the prescribed mass of phosphorus per litre of petrol is 0.0013 gram, to be determined in accordance with Test Method 28.

17 Range of research octane numbers: sections 21A and 21L

For the purposes of the definition of *unleaded petrol* in section 21A (1) of the Act and of section 21L (e) of the Act, the prescribed range of research octane numbers is 91–98, both inclusive, to be determined in accordance with the Test Method 29.

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Clause 18 Clean Air (Motor Vehicles and Motor Vehicle Fuels) Regulation 1997

Part 4 Leaded and unleaded petrol
Division 2

18 Motor octane number

A person must not sell as unleaded petrol any petrol that has a motor octane number, when determined in accordance with Test Method 30, of less than 82.0.

Maximum penalty: 100 penalty units (for an offence committed by a corporation) and 10 penalty units (in any other case).

Division 3 Motor vehicles requiring unleaded petrol

19 Prescription of motor vehicles operating on unleaded petrol: sections 21M and 21N

- (1) The object of this clause is to prescribe those motor vehicles:
 - (a) that, under section 21M of the Act, must meet the road octane requirement prescribed by clause 20, when operating on unleaded petrol, and
 - (b) that, under section 21N of the Act, must not be operated on leaded petrol.
- (2) This clause applies to any motor vehicle propelled by a spark-ignition engine, other than:
 - (a) a motor vehicle that is not equipped to operate on petrol, or
 - (b) an unregistered motor vehicle that is used solely for competitive motor racing.
- (3) For the purposes of section 21M (1) and 21N (1) and (2) of the Act, the following classes or descriptions of motor vehicles are prescribed:
 - (a) any passenger car manufactured on or after 1 February 1986,
 - (b) any forward control passenger vehicle or off-road passenger vehicle manufactured on or after 1 January 1988,
 - (c) any motor cycle manufactured on or after 1 March 1988,

- (d) any motor vehicle manufactured before 1 July 1988 having a petrol filling pipe, as originally constructed, such that a petrol pump filling spout with an outside diameter at the terminal end equal to or greater than 23.6 millimetres cannot be inserted into the pipe,
- (e) any other motor vehicle manufactured on or after 1 July 1988.

20 Prescribed road octane requirement: section 21M

For the purposes of section 21M (1) of the Act, a motor vehicle meets the prescribed road octane requirement if its engine when tested by:

- (a) being driven in a manner likely to be encountered during normal use, and
- (b) being operated on the grade of unleaded petrol recommended for use in the vehicle by the manufacturer of the vehicle,

does not exhibit abnormal engine knock.

21 Wording to be inscribed near petrol filling pipes of certain motor vehicles

- (1) A motor vehicle requiring unleaded petrol must have the words “UNLEADED PETROL ONLY”, “UNLEADED FUEL ONLY” or “UNLEADED GASOLINE ONLY” inscribed:
 - (a) on the area immediately adjacent to each petrol filler inlet, or
 - (b) on the door to each filler inlet compartment, or
 - (c) within 150 millimetres of the door to each filler inlet compartment, or
 - (d) on or within 150 millimetres of each filler inlet cap.
- (2) The lettering:
 - (a) must be legible, in capital letters at least 6 millimetres high, and
 - (b) must be readily visible to any person intending to refuel the vehicle, and

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Clause 21 Clean Air (Motor Vehicles and Motor Vehicle Fuels) Regulation 1997

Part 4 Leaded and unleaded petrol

Division 3

(c) must be inscribed directly on the body of the vehicle, or on each filler inlet cap for the vehicle, or on a durable label securely attached to the body or to each such filler cap.

(3) A person:

- (a) must not sell a motor vehicle requiring unleaded petrol, or
- (b) being the owner of a motor vehicle requiring unleaded petrol, must not use the vehicle, or cause or allow it to be used,

unless it complies with the requirements of this clause.

Maximum penalty: 100 penalty units (for an offence committed by a corporation) and 10 penalty units (in any other case).

(4) A person must not remove or deface any words inscribed on or in relation to a motor vehicle in accordance with this clause.

Maximum penalty: 100 penalty units (for an offence committed by a corporation) and 10 penalty units (in any other case).

(5) Subclause (4) does not prohibit anything done:

- (a) in order to replace any words inscribed on or in relation to a motor vehicle, or
- (b) as a temporary measure in order to facilitate the service or repair of a motor vehicle.

22 Design of petrol filling pipes of certain motor vehicles

(1) Each petrol filling pipe fitted to a motor vehicle requiring unleaded petrol (not being a motor cycle or a motor vehicle designed, constructed, used and operated exclusively for off-road purposes) must be so constructed that:

- (a) a petrol pump filling spout with an outside diameter at the terminal end equal to or greater than 23.6 millimetres cannot be inserted into the pipe, and
- (b) any modification to the pipe to accept a petrol pump filling spout with an outside diameter at the terminal end equal to or greater than 23.6 millimetres cannot be carried out without causing such damage to the pipe as to require its replacement or repair, and

(c) during petrol filling operations, petrol will not spill from the pipe when petrol is being dispensed into the fuel tank at a rate of 30 litres per minute.

(2) A person:

- (a) must not sell a motor vehicle requiring unleaded petrol, or
- (b) being the owner of a motor vehicle requiring unleaded petrol, must not use the vehicle, or cause or allow it to be used,

unless it complies with the requirements of this clause.

Maximum penalty: 100 penalty units (for an offence committed by a corporation) and 10 penalty units (in any other case).

(3) A person must not modify any petrol filling pipe fitted to a motor vehicle that is constructed in accordance with this clause.

Maximum penalty: 100 penalty units (for an offence committed by a corporation) and 10 penalty units (in any other case).

(4) Subclause (3) does not prohibit anything done:

- (a) in order to replace any equipment fitted to a motor vehicle, or
- (b) as a temporary measure in order to facilitate the service or repair of a motor vehicle.

Division 4 General

23 Petrol pump notices

(1) A person who sells petrol by retail:

- (a) must display in a conspicuous position beside or on each petrol pump, in letters at least 40 millimetres high, words indicating:
 - (i) that only unleaded petrol may be used in motor vehicles marked “UNLEADED PETROL ONLY”, “UNLEADED FUEL ONLY” or “UNLEADED GASOLINE ONLY”, and

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Clause 23 Clean Air (Motor Vehicles and Motor Vehicle Fuels) Regulation 1997

Part 4 beaded and unleaded petrol
Division 4

- (ii) that it is an offence to use leaded petrol in any such vehicle, and
- (b) must display in a conspicuous position on each petrol pump a sign indicating that the petrol dispensed from that pump is unleaded petrol or is petrol containing lead or lead compounds, as the case requires.

Maximum penalty: 100 penalty units (for an offence committed by a corporation) and 10 penalty units (in any other case).

- (2) Only one notice of the kind referred to in subclause (1) (a) is necessary where 2 or more petrol pumps are situated in the one location.

24 Petrol pump nozzles

A person who sells petrol by retail:

- (a) must fit any pump used to dispense leaded petrol into motor vehicles with a nozzle spout having a discharge end with an outside diameter of at least 23.6 millimetres, and
- (b) must fit any pump used to dispense unleaded petrol into motor vehicles with a nozzle spout having a terminal end with an outside diameter of not more than 21.3 millimetres.

Maximum penalty: 100 penalty units (for an offence committed by a corporation) and 10 penalty units (in any other case).

25 Transfer of petrol into fuel tanks of motor vehicles

- (1) This clause applies to all premises from which petrol is sold to the public.
- (2) The occupier of premises to which this clause applies must not, at those premises:
 - (a) transfer any petrol into a motor vehicle's fuel tank, or
 - (b) cause or allow any petrol to be transferred into a motor vehicle's fuel tank,

except by means of a petrol delivery hose whose nozzle is fitted with an automatic over-fill protection device.

Maximum penalty: 40 penalty units.

- (3) A person must not, at premises to which this clause applies, transfer petrol into the fuel tank of a motor vehicle by means of a petrol delivery hose unless the nozzle of the hose is inserted as far as it will go into the fuel tank's fill-pipe.

Maximum penalty: 8 penalty units.

- (4) In this clause, *automatic over-fill protection device* means a device:
- (a) that immediately cuts off the flow of petrol into the fuel tank when the tip of the nozzle becomes immersed in petrol, and
 - (b) that is properly installed and efficiently maintained.

26 Preliminary analysis of petrol sold as unleaded petrol: sections 21I, 21J and 21L

- (1) If, after being analysed in accordance with Test Method 27, any petrol that:
- (a) appears to an authorised officer to be kept for sale as unleaded petrol, and
 - (b) according to that analysis, contains a greater mass of lead per litre than the amount for the time being prescribed by clause 16 (a),

the authorised officer may serve on the occupier of the premises a notice in the approved form.

- (2) Part of the analysed sample of the petrol to which the notice relates must be delivered, at the time of service of the notice, to the person on whom the notice is served.
- (3) Any person selling petrol from any premises in respect of which a notice has been served in accordance with subclause (1) is exempted, from the time the notice is served until the end of the period of 14 days commencing on the day after the notice is served, from the operation of
- (a) section 21 I of the Act (which obliges petrol retailers to sell unleaded petrol), and
 - (b) section 21 J of the Act (which obliges petrol suppliers to supply unleaded petrol),

in so far as those sections relate to the sale of petrol from those premises.

- (4) Nothing in this clause affects the liability of any person in respect of a contravention of section 21 L of the Act.

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Clause 27 Clean Air (Motor Vehicles and Motor Vehicle Fuels) Regulation 1997

Part 5 Powers of authorised officers

Part 5 Powers of authorised officers

27 Power to inspect and test motor vehicles

An authorised officer may inspect and test a motor vehicle that the authorised officer knows or reasonably suspects:

- (a) is intended to be sold in breach of section 21B of the Act, or is otherwise in breach of the Act or this Regulation, or
- (b) is being used in breach of the Act or this Regulation.

28 Power to stop motor vehicles

- (1) An authorised officer who reasonably suspects that an offence against this Regulation is being committed in connection with the use of a motor vehicle may give either or both of the following directions to the driver or person in charge of the motor vehicle:
 - (a) a direction to stop the motor vehicle,
 - (b) a direction to do whatever is reasonably necessary to enable the motor vehicle to be tested or inspected.
- (2) A person must not fail to comply with any direction under this clause.

Maximum penalty: 5 penalty units.

- (3) It is a sufficient defence to a prosecution for an offence of failing to comply with a direction under this clause if the defendant establishes that he or she had lawful excuse for failing to comply with the direction.

29 Power to require motor vehicles to be presented for further testing

- (1) This clause applies to a motor vehicle that an authorised officer reasonably suspects does not comply with the requirements of the Act or this Regulation.
- (2) An authorised officer may, by notice in writing served on the owner or person in charge of such a motor vehicle, direct the owner or person to present the motor vehicle for inspection and testing:
 - (a) at a specified place, and
 - (b) on or before a specified day.

- (3) The place so specified must be within 50 kilometres of the owner's or person's residence or place of business.
- (4) A person must not, without lawful excuse, fail to comply with any direction under this clause.

Maximum penalty: 50 penalty units (for an offence committed by a corporation) and 5 penalty units (in any other case).

30 Ancillary functions

- (1) For the purpose of inspecting or testing a motor vehicle, an authorised officer:
 - (a) may enter the motor vehicle, and
 - (b) may operate the motor vehicle, and
 - (c) may take photographs or video films of the motor vehicle or any part of the motor vehicle, and
 - (d) may take a sample of fuel (not exceeding 1 litre) from the vehicle's fuel tank.
- (2) An authorised officer must produce evidence of his or her appointment as an authorised officer if requested to do so by a person to whom the authorised officer has given a direction under this Part.

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Clause 31 Clean Air (Motor Vehicles and Motor Vehicle Fuels) Regulation 1997

Part 6 Suspension and prohibition of registration of motor vehicles

**Part 6 Suspension and prohibition of
registration of motor vehicles**

31 Suspension of registration pending inspection

- (1) The Authority may, by notice in writing to the owner of the motor vehicle, suspend the registration of a motor vehicle under the *Traffic Act 1909*:
 - (a) if the motor vehicle has not been presented for inspection in accordance with the requirements of a defective vehicle notice or inspection notice, or
 - (b) if the motor vehicle is in such a condition that its sale or use in that condition would constitute an offence under the *Clean Air Act 1961* or this Regulation.
- (2) The Authority may remove any such suspension if satisfied, after inspecting or testing the motor vehicle, that the sale or use of the motor vehicle would no longer constitute an offence under the Act or this Regulation.
- (3) The Authority must give written notice of any suspension, or removal of suspension, to the Roads and Traffic Authority.
- (4) The suspension of registration of a motor vehicle takes effect when notice of the suspension is served on the owner of the motor vehicle or, if a later time is specified in the notice, at that later time.
- (5) The suspension of registration of a motor vehicle does not have effect while the vehicle is being taken to a place:
 - (a) where repairs or other work required to remedy any defect referred to in a relevant defective vehicle notice are to be carried out, or
 - (b) for the purpose of its being inspected or tested by an authorised officer,or is being taken directly from any such place to the place where the vehicle is usually kept.
- (6) In this clause:

defective vehicle notice means a notice issued under section 21EA of the Act.

inspection notice means a notice issued under clause 29.

32 Prohibition on registration of certain motor vehicles

- (1) The Authority, by notice in writing to the Roads and Traffic Authority:
 - (a) may prohibit the registration under the *Traffic Act 1909* of a particular motor vehicle if it is satisfied that the motor vehicle is in such a condition that the sale or use of the motor vehicle in that condition would constitute an offence under the *Clean Air Act 1961* or this Regulation, and
 - (b) may remove any such prohibition if, after inspecting or testing the motor vehicle concerned, it is satisfied that the motor vehicle is no longer in such a condition.
- (2) The Authority must give written notice of any prohibition, or removal of prohibition, to the owner of the motor vehicle.

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Clause 33 Clean Air (Motor Vehicles and Motor Vehicle Fuels) Regulation 1997

Part 7 Miscellaneous

Part 7 Miscellaneous

33 Notices to repair motor vehicles: section 21EA

- (1) For the purposes of section 21EA (5) and (6) of the Act, the prescribed label is a label in or to the effect of Form 1 in Schedule 2.
- (2) A person is exempt from the provisions of section 21EA (3) of the Act in respect of a motor vehicle that is being driven to a place:
 - (a) where repairs or other work required to comply with a direction under section 21EA of the Act are to be carried out, or
 - (b) for the purpose of its being inspected or tested by an authorised officer,

or that is being driven from any such place to the place where the vehicle is usually kept.

34 Amendment of Clean Air Regulations 1964

- (1) The *Clean Air Regulations 1964* are amended:
 - (a) by omitting Part 5, and
 - (b) by omitting Schedule 1, and
 - (c) by omitting Appendix B from Schedule 2.
- (2) Any act, matter or thing that, immediately before the repeal of a provision referred to in subclause (1), had effect under that provision continues to have effect under this Regulation.
- (3) A reference in any licence in force under the *Pollution Control Act 1970* to a Test Method set out in the *Clean Air Regulations 1964* in relation to a provision referred to in subclause (1) is taken to be a reference to the corresponding Test Method set out in the *Manual of Air Quality Testing*.

Schedule 1 Maximum exhaust emission levels

(Clause 7)

Column 1			Column 2		
Description	Manufactured on or after	Models	Carbon Monoxide	Hydrocarbons	Oxides of Nitrogen
Passenger car	1.02.86	All models, both new and existing	9.3	0.93	1.93
	1.01.97	New models only	2.1	0.26	0.63
	1.01.99	All models, both new and existing	2.1	0.26	0.63
Forward control passenger vehicle	1.01.88	All models, both new and existing	12.4	1.24	1.93
	1.01.98	All models, both new and existing	6.2	0.5	1.4
Light bus	1.07.88	All models, both new and existing	12.4	1.24	1.93
	1.07.98	All models, both new and existing	6.2	0.5	1.4
Off-road passenger vehicle	1.01.88	All models, both new and existing	12.4	1.24	1.93
	1.01.98	All models, both new and existing	6.2	0.5	1.4
Light goods vehicle	1.07.88	All models, both new and existing	12.4	1.24	1.93
	1.07.98	New models only	6.2	0.5	1.4
	1.01.99	All models, both new and existing	6.2	0.5	1.4
LEP vehicle	1.01.97	New models only	2.1	0.26	0.63
	1.01.99	All models, both new and existing	2.1	0.26	0.63
LEG vehicle	1.07.97	New models only	6.2	0.5	1.4
	1.01.99	All models, both new and existing	6.2	0.5	1.4

1997 No 364

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

Schedule 2 Forms

Schedule 2 Forms

Form 1

(Clause 33)

[Front of label]

DEFECTIVE VEHICLE

This vehicle is in a defective condition and must not be used after the date shown on the back of this label unless the repairs, reconnections or readjustments shown on the back of the label have been properly effected and the defective vehicle notice given in relation to this vehicle has been cleared.

You must not use this vehicle or allow it to be used while that notice is in force. PENALTY UP TO \$5,000. However, it is not an offence to drive the vehicle to or from a place of repair or inspection.

This label must not be removed or interfered with except by an authorised officer of the Environment Protection Authority. PENALTY UP TO \$5,000.

Failure to comply with the defective vehicle notice may result in this vehicle's registration under the *Traffic Act 1909* being suspended or cancelled.

[Back of label]

Defect Notice No:

Registration/chassis/Engine No of vehicle:

Date for completion of repairs, reconnections or readjustments:

The following repairs, reconnections or readjustments must be carried out:

.....

.....

.....

.....

After the above repairs, reconnections or readjustments have been carried out, this vehicle must be inspected by an authorised officer of the Environment Protection Authority in order for this label to be removed. Inspection may be arranged by telephoning the following number between 9 am and 4 pm Monday to Friday:

Issued on:

Signature of authorised officer:

Dictionary

(Clause 3)

Australian Design Rule No 37/01 means the national standard published under that title, being a standard determined under section 7 of the *Motor Vehicle Standards Act 1989* of the Commonwealth.

diesel engine means an engine that is designed to operate on automotive diesel fuel.

forward control passenger vehicle means a passenger vehicle (other than a motor bus or an off-road passenger vehicle) in which the centre of the steering wheel is in the forward quarter of the vehicle.

goods vehicle means a motor vehicle constructed primarily for the carriage of goods, but does not include a special purpose motor vehicle.

LEG vehicle means a 3-wheel motor vehicle (other than a motor cycle) that has such features as are sufficient to categorise it as an LEG vehicle for the purposes of *Australian Design Rule No 37/01*.

LEP vehicle means a 3-wheel motor vehicle (other than a motor cycle) that has such features as are sufficient to categorise it as an LEP vehicle for the purposes of *Australian Design Rule No 37/01*.

licensed motor vehicle racing ground means a motor vehicle racing ground in respect of which a licence is in force under the *Motor Vehicle Sports (Public Safety) Act 1985*.

light bus means a motor bus with a manufacturer's gross vehicle mass of less than 2.7 tonnes.

light goods vehicle means a goods vehicle with a manufacturer's gross vehicle mass of less than 2.7 tonnes.

manufacturer's gross vehicle mass, in relation to a vehicle, means the maximum loaded mass of the vehicle:

- (a) specified by the manufacturer, or
- (b) specified by the Roads and Traffic Authority in circumstances in which:
 - (i) the manufacturer is unknown, or

- (ii) the manufacturer has failed to specify a maximum loaded mass for the vehicle, or
- (iii) the manufacturer has specified a maximum loaded mass for the vehicle, but the vehicle has been modified to the extent that the manufacturer's specification is no longer appropriate for the vehicle.

motor bus means a passenger vehicle that seats more than 9 adult persons (including the driver).

motor cycle includes a motor tricycle and a motor cycle combination.

motor vehicle is defined in section 5 of the Act.

motor vehicle requiring unleaded petrol means a motor vehicle of a class or description prescribed by clause 19.

off-road passenger vehicle means a passenger vehicle (other than a motor bus) that has such of the special features for off-road operation as are appropriate to categorise it as an off-road passenger vehicle for the purposes of *Australian Design Rule No 37/01*.

passenger car means any passenger vehicle (other than a motor bus, a forward control passenger vehicle or an off-road passenger vehicle), and includes any passenger vehicle derivative, that is a vehicle:

- (a) of the kind generally known as a utility, station wagon or panel van, and
- (b) of the same make as a factory-produced passenger car, and
- (c) of a kind in which that part of the body form forward of the windscreen, and the majority of the mechanical equipment, are substantially the same as in a factory-produced passenger car of the same make.

passenger vehicle means a motor vehicle constructed primarily for the carriage of persons, but does not include a motor cycle.

registered, in relation to a motor vehicle, means registered under the *Traffic Act 1909*.

sell includes supply for sale, exhibit or offer for sale, have in possession for sale or for distribution for sale and conduct negotiations for sale.

spark-ignition engine means an engine that is designed to operate on petrol, liquefied petroleum gas or compressed natural gas, being an engine that has its air-fuel mixture ignited by means of an electrical spark.

special purpose motor vehicle means a fork lift truck or motor vehicle constructed principally for off-road agricultural use or for use in road or building site construction work, and includes:

- (a) a tractor, harvester, header, thresher, swather, baler, cuber, loader, digger, bulldozer, excavator, grader, scraper and roller, and
- (b) a mobile crane the engine of which is used for the purpose of both lifting loads and propelling the vehicle,

but does not include any vehicle constructed on a chassis of a type normally used in the construction of a goods vehicle.

Test Method, together with a number, means a test method of that number prescribed by the document entitled *Manual of Air Quality Testing*, published by the Authority, and as in force on 1 August 1997, copies of which are available for inspection and purchase at the offices of the Authority.

the Act means the *Clean Air Act 1961*.

unleaded petrol is defined in section 21A of the Act, which section relies on matters prescribed by clauses 16 and 17.