

Mr MacDonell

CLEAN AIR

ANALYSIS

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A BILL INTITULED

An Act to make provision for the establishment of a Clean Air Advisory Council and for the prevention and reduction of air pollution

5 BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

10 **1. Short Title and commencement**—This Act may be cited as the Clean Air Act 1972, and shall come into force on a date to be appointed by the Governor-General by Order in Council.

No. 38—1

Price 5c

2. Interpretation—In this Act, unless the context otherwise requires,—

“Air impurities” include smoke, soot, ash, grit, dust, cinders, fumes, gases, acids, unburnt fuel, mists, odours, and any other particles or substances that may be emitted from a fireplace or as a result of any industrial process: 5

“Air pollution” means the emission into the air of any air impurity:

“Council” means the Clean Air Advisory Council established under this Act: 10

“Dense smoke” means smoke which—

(a) When compared in the appropriate manner with New Zealand Standard Specification 1568. C. 1960 Ringelmann Chart appears to be as dark as, or darker than, shade No. 2 thereon; or 15

(b) Is of such opacity as to obscure the observer’s view to a degree equal to smoke as dark as, or darker than, the said shade No. 2:

“Industrial plant” includes any plant used for any industrial or trade purposes whatsoever including the generation of power, or for the operation of vessels, dredges, vehicles, locomotives, cranes, or other machines using any combustible material for their operation: 20 25

“Local authority” means a local authority within the meaning of the Local Authorities Loans Act 1956:

“Minister” means the Minister of Health:

“Occupier” means—

(a) The person in occupation or control of any premises; 30

(b) The person for the time being having the command, charge, or management of any vehicle or vessel:

“Premises” includes land, buildings, easements, and any place, vehicle, or vessel: 35

“Vehicle” includes any motor vehicle, omnibus, locomotive, aeroplane, or other means of conveyance that uses combustible material for its operation.

Clean Air Advisory Council

3. Clean Air Advisory Council—(1) There is hereby established for the purposes of this Act a Council to be known as the Clean Air Advisory Council.

5 (2) The Council shall consist of—

(a) The Director-General of Health, who shall be the Chairman of the Council:

(b) The Director-General of the Department of Scientific and Industrial Research:

10 (c) The Secretary for Internal Affairs:

(d) The Commissioner of Works:

(e) The Under-Secretary for Mines:

(f) One person to be appointed by the Minister on the recommendation of the Municipal Association of New Zealand Incorporated:

15 (g) One person to be appointed by the Minister on the recommendation of the New Zealand Counties Association Incorporated:

20 (h) Two persons to be appointed by the Minister on the recommendation of the New Zealand Manufacturers' Federation Incorporated.

(3) Every appointed member of the Council shall be appointed for a term of 3 years, but may be reappointed or may at any time be removed from office by the Minister 25 for disability, insolvency, neglect of duty, or misconduct, or may at any time resign his office by writing addressed to the Minister.

(4) If any appointed member of the Council dies, is removed from office, resigns, or becomes ineligible to be a 30 member of the Council, the vacancy so created shall be filled in the manner in which the appointment to the vacant office was originally made. Every person appointed under this subsection shall be appointed for the residue of the term for which his predecessor was appointed.

35 (5) Unless he sooner vacates his office as provided in this section, every appointed member of the Council shall continue in office until his successor comes into office, notwithstanding that the term for which he was appointed may have expired.

(6) The powers of the Council shall not be affected by any 40 vacancy in the membership thereof.

(7) Any member of the Council referred to in paragraphs (a), (b), (c), (d), and (e) of subsection (2) of this section may authorise an officer of his Department to represent him on the Council.

(8) The Council shall meet as often as is necessary for carrying out its powers and duties under this Act at such times and places as it thinks fit.

(9) Subject to the provisions of this Act and of any regulations made thereunder, the Council may regulate its procedure in such manner as it thinks fit. 5

4. Functions of Council—The functions of the Council are:

- (a) To carry out investigations into the problems of air pollution:
- (b) To consider and initiate the means of preventing, abating, or mitigating air pollution: 10
- (c) To keep under review the progress made in preventing, abating, or mitigating air pollution:
- (d) To obtain the advice of persons having special knowledge, experience, or responsibility in regard to prevention of air pollution: 15
- (e) To make recommendations to the Minister concerning the preventing, abating, or mitigating of air pollution:
- (f) To investigate and report to the Minister on any specific matter relating to air pollution which is referred to the Council by the Minister. 20

Air Pollution

5. Prohibition of dense smoke from industrial chimneys—Subject to this Act dense smoke shall not be emitted from a chimney of or used in connection with an industrial plant, and if on any day dense smoke is so emitted the occupier of the premises shall be guilty of an offence against this Act. 25

6. Excess of prescribed standards of air impurities prohibited—(1) The occupier of any premises shall not, unless he is exempted by a local authority from the provisions of this section, conduct any trade, industry, or process, or operate any fuel burning equipment or industrial plant in or on these premises in such a manner as to cause, permit, or suffer the emission at the prescribed point of air impurities in excess of the standard of concentration and rate of emission, or the standard of concentration or rate of emission prescribed in respect of that trade, industry, process, fuel burning equipment, or industrial plant. 30 35

(2) Where any such standard as is referred to in subsection (1) of this section has not been so prescribed, the occupier of any premises shall conduct any trade, industry, or process and operate any fuel burning equipment or industrial plant, in or on the premises by such practicable means as may be necessary to prevent or minimise air pollution.

(3) If a local authority for special reasons thinks fit to do so, it may conditionally or unconditionally exempt the occupier of any premises from the provisions of subsection (1) of this section.

(4) The occupier of any premises who has been exempted by a local authority from the provisions of subsection (1) of this section shall comply in every respect with any condition attached to the exemption.

(5) Any person who does not comply with the provisions of this section shall be guilty of an offence against this Act.

7. Act to bind the Crown—This Act shall bind the Crown.

Miscellaneous

8. Offences—(1) Any person who contravenes or fails to comply with any provision of this Act or any requirement of, or prohibition imposed by, any order made under or pursuant to this Act, is guilty of an offence against this Act.

(2) A person who is guilty of an offence against this Act or any regulation made thereunder is liable to a penalty of not more than \$1,000, and if the offence is a continuing one is liable to a further penalty not exceeding \$100 for each day the offence continues.

9. Power to make bylaws—Every local authority may, for the purposes of this Act, make bylaws for all or any of the following matters, namely:

- (a) Regulating, controlling, or prohibiting air pollution:
- (b) Regulating, controlling, or prohibiting the emission of dense smoke:
- (c) Regulating, controlling, or prohibiting the emission of air impurities in excess of the prescribed standards:
- (d) Providing for the inspection of any premises for the purposes of this Act:
- (e) Generally for the more effectual carrying out of any of the provisions of this Act relating to the powers and duties of local authorities.

10. Annual Report of Council—(1) The Council shall, in the month of April of each year or as soon thereafter as practicable, prepare and submit to the Minister a report as to its operations and the operation of this Act for the year that ended with the 31st day of March then last past. 5

(2) Every such report shall be laid before Parliament within 28 days after the date of its receipt by the Minister if Parliament is then in session, and, if not, shall be laid before Parliament within 28 days after the date of the commencement of the next ensuing session. 10

11. Regulations—The Governor-General may from time to time, by Order in Council, make all such regulations as may be deemed necessary or expedient for giving full effect to the provisions of this Act, and in particular for all or any of the following purposes— 15

(a) Giving effect to any recommendation of the Council;

(b) Prescribing standards of concentration or rates of emission of air impurities;

(c) Exempting, unconditionally or subject to prescribed conditions, the occupier of any premises or any premises from any specified provisions of the regulations. 20

12. Acts not affected—Nothing in this Act shall relieve any person from complying with any of the provisions of the Counties Act 1956, the Health Act 1956, or the Municipal Corporations Act 1954, or any bylaws or regulations made thereunder. 25