



ANNO QUADRAGESIMO

ELIZABETHAE II REGINAE

A.D. 1991

No. 37 of 1991

An Act to amend the Clean Air Act 1984.

[Assented to 26 September 1991]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Clean Air (Open Air Burning) Amendment Act 1991*.
- (2) The *Clean Air Act 1984* is referred to in this Act as “the principal Act”.

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Interpretation

3. Section 3 of the principal Act is amended—

(a) by striking out from the definition of “domestic incinerator” “less than three private households” and substituting “a private household or private households”;

and

(b) by inserting after its present contents (now to be designated as subsection (1)) the following subsection:

(2) For the purposes of this Act, a fire that is burning in the open air will be regarded as a fire in the open notwithstanding that it is burning in connection with the operation of any fuel burning equipment or within a container of some kind, unless the fuel burning equipment or container has a chimney through which the products of combustion are channelled.

Powers of authorized officers

4. Section 53 of the principal Act is amended—

(a) by striking out from subsection (1) “, for the purposes of ascertaining whether the provisions of this Act are being complied with”;

(b) by inserting in paragraph (a) of subsection (1) “, for the purposes of ascertaining whether the provisions of this Act are being complied with” after “so used”;

and

(c) by inserting after subsection (1) the following subsection:

(1a) In addition to the powers conferred by subsection (1), if it appears to the authorized officer while on the premises that matter is being burned by a fire in the open, or in a domestic incinerator, in contravention of the regulations, the authorized officer—

(a) may require the person in charge of the fire to extinguish it;

and

(b) may, if the person refuses or fails to comply with such a requirement or, if there is apparently no person in charge of the fire, extinguish the fire himself or herself.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

C. L. LAUCKE, Governor's Deputy