



Fuel Quality Standards Amendment Act 2003

No. 127, 2003

**An Act to amend the *Fuel Quality Standards Act
2000*, and for related purposes**

Note: An electronic version of this Act is available in SCALEplus
(<http://scaleplus.law.gov.au/html/comact/browse/TOCN.htm>)

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3



Fuel Quality Standards Amendment Act 2003

No. 127, 2003

An Act to amend the *Fuel Quality Standards Act 2000*, and for related purposes

[Assented to 5 December 2003]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Fuel Quality Standards Amendment Act 2003*.

2 Commencement

This Act commences on the day on which it receives the Royal Assent.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendment of the Fuel Quality Standards Act 2000

1 Section 3

Repeal the section, substitute:

3 Objects of Act

The objects of this Act are to:

- (a) regulate the quality of fuel supplied in Australia in order to:
 - (i) reduce the level of pollutants and emissions arising from the use of fuel that may cause environmental and health problems; and
 - (ii) facilitate the adoption of better engine technology and emission control technology; and
 - (iii) allow the more effective operation of engines; and
- (b) ensure that, where appropriate, information about fuel is provided when the fuel is supplied.

2 Subsection 4(1)

Insert:

fuel quality information standard means a standard under section 22A.

3 Subsection 4(1)

regulated person has the meaning given by subsection 13(1).

4 Subsection 9(2)

Omit all the words after “Territory”, substitute:

relating to:

- (a) the supply of fuel that is the subject of a fuel standard; or
- (b) a supply of fuel that is subject to a fuel quality information standard.

5 Section 11

Omit “an offence relating to the supply of fuel that does not comply with a fuel standard”, substitute “offences relating to supplying fuel that does not comply with fuel standards and to supplies of fuel that do not comply with fuel quality information standards”.

6 Section 11

After “vary a fuel standard”, insert “or a fuel quality information standard”.

7 Section 11

After “making of fuel standards”, insert “and fuel quality information standards”.

8 Subsection 12(1) (penalty)

Omit “1,000”, substitute “500”.

Note: The heading to section 12 is replaced by the heading “**Complying with fuel standards**”.

9 Subsection 12(1) (note)

Repeal the note.

10 At the end of section 12

Add:

(3) Subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

11 At the end of Division 2 of Part 2

Add:

12A Complying with fuel quality information standards

(1) A person is guilty of an offence if:

- (a) the person supplies fuel in Australia; and
- (b) the person is a constitutional corporation or a Commonwealth entity or the person supplies the fuel in the course of constitutional trade or commerce; and
- (c) the supply is subject to a fuel quality information standard; and

- (d) the supply does not comply with the fuel quality information standard; and
- (e) if any person holds an approval that varies the fuel quality information standard in respect of the supply—the supply does not comply with the fuel quality information standard as varied; and
- (f) the supply is not in order to comply with a direction or order under an emergency law.

Maximum penalty: 60 penalty units.

- (2) Subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

12 Subsection 13(1)

Omit “, in respect of specified fuel that is the subject of a fuel standard, varies the standard”, substitute “varies a fuel standard or a fuel quality information standard”.

13 Subsection 17(1) (note)

Repeal the note.

14 At the end of paragraph 17A(c)

Add “or fuel quality information standard”.

15 Subsection 18(1) (note)

Repeal the note.

16 Subsection 18(2) (note 1)

Repeal the note.

17 Subsection 18(2) (note 2)

Repeal the note.

18 Section 19 (note)

Repeal the note.

19 At the end of section 19

Add:

(2) Subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

20 Subsection 20(1) (penalty)

Omit “1,000”, substitute “500”.

21 Subsection 20(1) (note)

Repeal the note.

22 At the end of section 20

Add:

(3) Subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

23 Division 6 of Part 2 (heading)

Repeal the heading, substitute:

Division 6—Fuel standards and fuel quality information standards

24 Subsection 21(5)

Omit “main object”, substitute “objects”.

Note 1: The heading to section 21 is altered by omitting “of” and substituting “fuel”.

Note 2: The heading to subsection 21(5) is altered by omitting “*main object*” and substituting “*objects*”.

Note 3: The heading to section 22 is altered by inserting “fuel” after “stringent”.

25 After section 22

Insert:

22A Making fuel quality information standards

Minister may determine fuel quality information standards

(1) The Minister may, in writing, determine a fuel quality information standard for a specified supply of a specified kind of fuel.

Content of fuel quality information standards

- (2) A fuel quality information standard must specify:
- (a) the information about the fuel that the Minister is satisfied should, in the public interest, be provided in connection with the supply; and
 - (b) the way in which that information is to be provided.

Minister must not give preference

- (3) In determining a fuel quality information standard, the Minister must not give preference (within the meaning of section 99 of the Constitution) to one State or part of a State over another State or part of a State.

Determinations are disallowable

- (4) A determination under this section is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

Regard to be had to objects of Act

- (5) In making a determination under this section, the Minister must have regard to the objects of this Act.

26 After paragraph 24A(1)(b)

Insert:

- (ba) before making a determination under section 22A; and

27 Section 30 (penalty)

Omit “500”, substitute “250”.

28 Section 30 (note)

Repeal the note.

29 At the end of section 30

Add:

- (2) Subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

30 Section 31 (penalty)

Omit “500”, substitute “250”.

31 Section 31 (note)

Repeal the note.

32 At the end of section 31

Add:

(2) Subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

33 Subsection 39(3) (note)

Repeal the note.

34 Subsection 39(4)

Repeal the subsection, substitute:

(4) Subsection (3) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

35 Subsection 42(2) (note)

Repeal the note.

36 Subsection 53(2) (note)

Repeal the note.

37 Subsection 62(1) (note)

Repeal the note.

38 Subsection 62(2) (note)

Repeal the note.

39 Subsection 66(1) (note)

Repeal the note.

40 Subsection 66(2)

Repeal the subsection, substitute:

(2) Subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

41 Subsection 67(5) (note)

Repeal the note.

42 Subsection 67(6)

Repeal the subsection, substitute:

(6) Subsection (5) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

43 At the end of subsection 68(1)

Add:

; (c) making a determination under section 22A.

[*Minister's second reading speech made in—
House of Representatives on 26 June 2003
Senate on 16 September 2003*]

(103/03)
