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Fuel Quality Standards Regulations 2001

Statutory Rules 2001 No. ¹

236

I, PETER JOHN HOLLINGWORTH, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Fuel Quality Standards Act 2000*.

Dated 29 AUG 2001 2001

PETER HOLLINGWORTH

Governor-General

By His Excellency's Command

ROBERT HILL

Minister for the Environment and Heritage

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Part 1 Preliminary

1 Name of Regulations

These Regulations are the *Fuel Quality Standards Regulations 2001*.

2 Commencement

These Regulations commence on gazettal.

3 Definitions

(1) In these Regulations:

Act means the *Fuel Quality Standards Act 2000*.

Chair means the Chair of the Committee.

Committee means the Fuel Standards Consultative Committee.

contact details, for a person, means:

- (a) the person's business or residential address; and
- (b) the person's postal address; and
- (c) the telephone number (if any) at which the person may be contacted personally; and
- (d) the telephone number (if any) to which a fax message for the person may be transmitted; and
- (e) the person's e-mail address (if any).

(2) For the definition of *fuel* in subsection 4 (1) of the Act:

fuel means any of the following:

- (a) petrol;
- (b) automotive diesel;
- (c) liquefied petroleum gas;
- (d) liquefied natural gas;
- (e) compressed natural gas;
- (f) diesohol (that is, a blend of diesel, hydrated ethanol and an emulsifier);

Regulation 3

- (g) biodiesel (that is, a diesel fuel obtained by esterification of oil derived from plants or animals);
 - (h) any substance that is used as a substitute for a substance mentioned in paragraphs (a) to (g);
 - (i) any substance that is sold or represented as fuel for which a fuel standard is in effect.
- (3) For the definition of ***fuel additive*** in subsection 4 (1) of the Act:

fuel additive means a substance that is generally sold or represented as suitable for adding to fuel to affect the properties of the fuel, including the effect of the additive on engine performance, engine emissions or fuel economy.

Part 2 Approvals for variation of fuel standards

4 Application for approval

- (1) For subsection 14 (1) of the Act, an application for an approval must be in writing and must include the following information:
- (a) the applicant's name and contact details;
 - (b) if the applicant is an agent for another person, the other person's name and contact details;
 - (c) a declaration that the information in the application is correct to the best of the applicant's knowledge;
 - (d) a statement of the reasons why the applicant wants the standard to be varied;
 - (e) an explanation of the variation sought;
 - (f) the period for which the variation is sought;
 - (g) the circumstances in which the specified fuel will be supplied, including (if possible) where, why and how much;
 - (h) contact details for any regulated persons whose supply of fuel is intended to be covered by the approval;
 - (i) any information held by the applicant, or publicly available, that could reasonably be considered to be relevant in making a decision whether to grant an approval, including information about the possible effect of the approval, if granted, on:
 - (i) protection of the environment; and
 - (ii) protection of occupational and public health and safety; and
 - (iii) interests of consumers; and
 - (iv) economic and regional development.
- (2) An application may be withdrawn at any time before the Minister decides whether or not to grant the approval.

Regulation 5

- (3) The Minister may, by written notice, require the applicant to provide, within a reasonable time, specified further information that the Minister reasonably considers to be relevant to the application.

5 Application fee

- (1) For subsection 14 (2) of the Act, the application fee for an approval is the sum of:
- (a) \$2 500; and
 - (b) \$275 for each regulated person whose supply of fuel is intended to be covered by the approval; and
 - (c) the amount mentioned in the following table for the number of pages in the application (including any attachments):

Item	Number of pages	Amount
1	≤ 10	\$725
2	> 10, ≤ 50	\$6 200
3	> 50, ≤ 100	\$13 750
4	> 100, ≤ 1 000	\$18 500
5	> 1 000	\$18 500 + \$18.50 for each additional page

- (2) However:
- (a) no application fee is payable by an applicant that is an agency of the Commonwealth or a State or Territory; and
 - (b) the Minister may waive or reduce the application fee if the Minister thinks the fee would cause financial hardship for the applicant; and
 - (c) if the applicant withdraws the application before it is considered, any application fee paid must be refunded.
- (3) In this regulation, a page of an application is taken to be the amount of information that can reasonably be contained on 1 side of an A4 sheet when printed in a type size of at least 10 point.

Regulation 7**6 Waiver or reduction of application fee**

- (1) An applicant that is not an agency of the Commonwealth or a State or Territory may ask the Minister to waive or reduce the application fee.
- (2) A request under subregulation (1) must set out the reasons for making the request.
- (3) Within 14 days after the Minister receives the request, the Minister must:
 - (a) decide whether to waive or reduce the application fee; and
 - (b) give to the person who made the request written notice of the decision and of the grounds for the result.
- (4) The notice must include a statement that, subject to the *Administrative Appeals Tribunal Act 1975*, the person may apply to the Administrative Appeals Tribunal for review of the decision.
- (5) The person may apply to the Administrative Appeals Tribunal for the review of a decision by the Minister made under paragraph (3) (a).
- (6) If a request is made under subregulation (1) at the same time as an application is made under regulation 4, the application is taken not to have been made until the Minister has decided whether to waive or reduce the application fee.

7 Informing people of obligations

- (1) For subsection 17 (1) of the Act:
 - (a) the period within which the holder of an approval must inform a regulated person of a condition or variation of a condition of the approval begins when the condition is imposed or varied and ends on the earlier of:
 - (i) the first time the holder supplies fuel to the regulated person after the holder is told of the condition or variation; or
 - (ii) if the condition applies to fewer than 16 regulated persons — 24 hours after the holder is told of the condition or variation; or

Regulation 7

- (iii) if the condition applies to more than 15 but fewer than 31 regulated persons — 36 hours after the holder is told of the condition or variation; or
 - (iv) if the condition applies to more than 30 but fewer than 51 regulated persons — 48 hours after the holder is told of the condition or variation; or
 - (v) if the condition applies to more than 50 regulated persons — 5 working days after the holder is told of the condition or variation; and
 - (b) the period within which the holder must inform a regulated person of the revocation of the approval begins when the holder is told that the approval is revoked and ends at the time mentioned in whichever of subparagraphs (a) (ii) to (v) applies to the holder.
- (2) For subsection 17 (2) of the Act, information must be given:
- (a) personally; or
 - (b) by leaving it at, or posting it or sending it by electronic means:
 - (i) for an individual — to the last-known place of residence or business of the person; or
 - (ii) for a body corporate — to its head office, registered office or principal place of business.

Part 3 The Committee

8 Application of Part 3

For section 29 of the Act, this Part sets out matters relating to members of the Committee and expert advisers.

9 Term of appointment

The term of appointment for a member or an expert adviser must be not more than 3 years.

10 Disclosure of interests

- (1) A member or an expert adviser who has a direct or indirect interest in a matter being considered or about to be considered by the Committee must, as soon as possible after the relevant facts have come to the knowledge of the member or expert adviser, disclose the nature of the interest at a meeting of the Committee.
- (2) A member or expert adviser who makes a disclosure under subregulation (1) must not, unless the Committee or the Minister otherwise determines:
 - (a) be present during any deliberation of the Committee about the matter; or
 - (b) take part in any decision of the Committee about the matter.
- (3) A member or expert adviser who has a direct or indirect pecuniary interest in the matter to which the disclosure relates must not:
 - (a) be present during any deliberation of the Committee about making a determination under subregulation (2); or
 - (b) take part in making the determination.
- (4) A member or expert adviser is not taken to have an interest for this regulation only because of a direct or indirect interest that

Regulation 11

the member or expert adviser has only through being a representative mentioned in subsection 25 (2) of the Act.

11 Resignation

A member or an expert adviser may resign by giving written notice to the Minister.

12 Termination of appointment

The Minister may terminate the appointment of a member or expert adviser:

- (a) for misbehaviour or physical or mental incapacity; or
- (b) for incompetence or inefficiency; or
- (c) who:
 - (i) becomes bankrupt; or
 - (ii) applies to take the benefit of the law for the relief of bankrupt or insolvent debtors; or
 - (iii) compounds with his or her creditors; or
 - (iv) makes an assignment of his or her remuneration for the benefit of his or her creditors; or
- (d) who is convicted of an offence punishable by imprisonment for 1 year or longer; or
- (e) who does not comply with regulation 10; or
- (f) who is absent, except on leave of absence, from 3 meetings of the Committee that he or she was expected to attend; or
- (g) if, because of a change in employment, residence or other circumstance, he or she ceases, in the Minister's opinion, to be an appropriate representative on the Committee.

13 Leave of absence

- (1) The Minister may grant leave of absence to the Chair.
- (2) The Chair may grant leave of absence to another member.

Regulation 14

Part 4 The Register

14 Publishing notices

- (1) For subsections 34 (2) and 35 (3) of the Act, a notice must be published:
 - (a) at an appropriate location on the Internet; and
 - (b) in the *Gazette*; and
 - (c) in the Government Gazettes of Cocos (Keeling) Islands and Christmas Island; and
 - (d) in a daily newspaper that circulates throughout Australia; and
 - (e) for each State and Territory — in a daily newspaper that circulates throughout the State or Territory; and
 - (f) if practical, in regional newspapers throughout Australia.
- (2) For paragraph (1) (f), it would not be practical to publish a notice in all relevant regional papers if the relevant impacts of a decision under subsection 35 (2) of the Act could affect the whole, or a large proportion, of Australia.

Note

1. Notified in the *Commonwealth of Australia Gazette* on *5* 2001. *5 September*