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Fuel Quality Standards Amendment Regulations 2001 (No. 1)¹

Statutory Rules 2001 No. 2

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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 27 SEP 2001 2001

PETER HOLLINGWORTH
Governor-General

By His Excellency's Command

ROBERT HILL
Minister for the Environment and Heritage

Regulation 1

1 Name of Regulations

These Regulations are the *Fuel Quality Standards Amendment Regulations 2001* (No. \surd).

2 Commencement

These Regulations commence on 1 January 2002.

3 Amendment of *Fuel Quality Standards Regulations 2001*

Schedule 1 amends the *Fuel Quality Standards Regulations 2001*.

Schedule 1 Amendments

(regulation 3)

[1] Subregulation 3 (1), after definition of *Act*

insert

blend, for fuel, means to combine fuel with another substance.

bulk facility includes a storage depot, distribution terminal or refinery.

[2] Subregulation 3 (1), after definition of *contact details*

insert

NATA means the National Association of Testing Authorities, Australia.

vehicle includes railway rolling stock, a prime mover and trailer and a vessel or thing, other than a pipeline, used to transport fuel for supply.

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Fuel Quality Standards Amendment Regulations
2001 (No. \surd)

2001, \surd

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[3] After regulation 3*insert***3A Temporary exemption under *Trans-Tasman Mutual Recognition Act 1997***

- (1) For subsection 46 (2) of the *Trans-Tasman Mutual Recognition Act 1997*, the Act is exempt from the operation of that Act.
- (2) This regulation ceases to have effect at the end of 31 December 2002.

[4] Part 2, heading*substitute***Part 2 Regulation of fuel and fuel additives****[5] After regulation 7***insert***7A Fuel documentation**

- (1) For section 19 of the Act, the period within which the supplier must provide the documents mentioned in the section begins when the fuel is supplied and ends 72 hours after the fuel is supplied.
- (2) For subregulation (1), fuel is taken to have been supplied:
 - (a) for fuel that is supplied as 1 batch — when it is received by the other person; or
 - (b) for fuel that is supplied in portions — when the first portion is received by the other person.

- (3) For paragraph 19(e) of the Act, the information mentioned in subregulation (4) must be provided by a supplier who:
- (a) imports fuel; or
 - (b) produces or blends fuel; or
 - (c) distributes fuel from a bulk facility without blending or altering it.
- (4) For subregulation (3), the information is:
- (a) the supplier's name, contact details and ABN or ACN; and
 - (b) if the supplier is an agent for another person, the other person's name and contact details; and
 - (c) the delivery docket number for the fuel supplied; and
 - (d) the kind and grade of the fuel supplied or its product code; and
 - (e) the date of supply; and
 - (f) the total quantity being supplied; and
 - (g) if the fuel does not comply with a fuel standard:
 - (i) particulars of the requirements of the standards that are not met; and
 - (ii) reasons why the requirements are not met.
- (5) A supplier who operates a vehicle for supply must provide the following information:
- (a) a copy of the documents provided by the person who supplied the fuel to the supplier;
 - (b) a statement, signed by the supplier, setting out the following information:
 - (i) that the quality of the fuel has not been altered since it was received by the supplier;
 - (ii) where the fuel was supplied to the vehicle and where it is being delivered;
 - (iii) that the fuel has been supplied to the other person;

- (iv) the amount of fuel supplied, measured by dip or pump gauge readings, before and after delivery;
- (v) if the supplier cannot take a dip or pump gauge reading after delivery, the reasons for that inability;
- (vi) the date and time of delivery;
- (vii) the vehicle's registration number or other particulars that uniquely identify the vehicle.

[6] After Part 4

insert

Part 5 Enforcement

Division 5.1 Identity cards

15 Form of identity cards

For paragraph 39 (2) (a) of the Act, an identity card must include the following information:

- (a) the name and title of the person to whom it is issued;
- (b) a statement that the person is an inspector under the Act;
- (c) the name, title and signature of the person who issued it;
- (d) a serial number;
- (e) the date when it was issued;
- (f) its expiry date, being not later than 3 years after it was issued.

Division 5.2 Samples

16 Procedures for dealing with samples

For subsection 58A (1) of the Act, this Division sets out the procedures for dealing with samples of fuel, fuel additive or evidential material, taken by an inspector under Part 3 of the Act.

17 Taking samples

- (1) An inspector who takes a sample:
 - (a) must:
 - (i) take 2 or more samples that are as uniform as practicable; and
 - (ii) put each sample into a separate container; and
 - (iii) securely seal and label the containers; and
 - (iv) send 1 or more of the containers to an accredited laboratory or accredited person by means that will ensure the safe arrival of its contents; and
 - (b) may keep 1 or more of the containers for any further inspection, examination, measuring or testing.
- (2) If the occupier, or another person who apparently represents the occupier, of the premises where the samples are taken is present when the samples are taken:
 - (a) the inspector must ask the occupier or other person to inspect the containers to satisfy himself or herself that they have been sealed and labelled properly; and
 - (b) 1 of the containers must be given to the occupier or the other person.
- (3) If there is no person described in subregulation (2) present, the inspector must:
 - (a) keep 1 of the containers; and

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- (b) if the occupier of the premises asks for the container within 1 week after the sample was taken, give the container to that person.
 - (4) For subsection 58A (3) of the Act, substantial compliance with the procedures mentioned in paragraph (2) (a) is sufficient and the procedure need not be strictly complied with.

18 Identification of samples

- (1) An inspector who takes a sample must:
 - (a) record:
 - (i) enough details to identify it; and
 - (ii) the address of the premises where it was taken; and
 - (b) ask the occupier, or another person who apparently represents the occupier, of the premises to sign the record as soon as possible after the sample is taken.
- (2) For subsection 58A (3) of the Act, substantial compliance with the procedures mentioned in paragraph (1) (b) is sufficient and the procedure need not be strictly complied with.

19 Method of securing samples

An inspector who takes a sample must ensure that:

- (a) the container of the sample is marked so that the sample is clearly identifiable, but in a way that prevents a person testing the sample from identifying the source of the sample; and
- (b) the container cannot be opened, or the identification of the sample removed, without breaking the seal; and
- (c) the sample is packed, stored and transported so that:
 - (i) the integrity of the sample is preserved; and

- (ii) testing of the sample produces the same results as would have been obtained if the sample had been tested immediately after it was taken.

20 Payment for samples

If a sample is taken from a place where it could be sold legally, the Commonwealth is liable to pay, to the owner of material from which the sample is taken, the market value, at the time the sample was taken, of any part of the sample removed by an inspector.

21 Accredited laboratories

- (1) For subsection 58B (8) of the Act, the following are accredited laboratories:
 - (a) a laboratory in Australia that is accredited by NATA;
 - (b) a laboratory in another country that is accredited by the national laboratory accreditation body operating in the country where the laboratory is located;
 - (c) an organisation of more than 1 laboratory or similar undertaking that uses their joint resources and is accredited by NATA.
- (2) For paragraph (1) (b), a national accreditation body must:
 - (a) be a member of the International Laboratory Accreditation Corporation; and
 - (b) accept the accreditation standards of that Corporation; and
 - (c) comply with ISO/IEC Guide 58:1993 *Calibration and testing laboratory accreditation systems — general requirements for operation and recognition*, first edition, published by the International Organization for Standardization, Geneva.

22 Accredited persons

For subsection 58B (8) of the Act, an accredited person is an individual who is accredited by NATA.

23 Authorised persons

For subsection 58B (8) of the Act, an authorised person is an individual who is approved by NATA as an authorised representative.

Part 6 Record keeping and reporting obligations**24 Record keeping**

- (1) For subsection 66 (1) of the Act, this Part sets out the records that must be kept.
- (2) A record that must be kept under this Part must:
 - (a) be kept, for each calendar year, for fuel that is supplied in Australia in the year; and
 - (b) be retained for 2 years.

25 Records of producers or blenders of fuel

A supplier who produces or blends fuel must keep the following records:

- (a) the kind and grade of fuel produced or blended, or its product code;
- (b) the quantity of fuel produced or blended;
- (c) details of any testing done on the fuel, including:
 - (i) the date of each test; and
 - (ii) records by which the fuel tested can be traced to delivery docket numbers for the fuel; and
 - (iii) test methods used; and
 - (iv) the results of the tests;

- (d) for each supply of fuel, the following details:
 - (i) how the fuel was supplied;
 - (ii) the quantity supplied;
 - (iii) the kind and grade of fuel, or its product code;
 - (iv) to whom it was supplied;
 - (v) delivery docket numbers;
- (e) records by which the fuel supplied can be traced to delivery docket numbers for the fuel;
- (f) records by which each receipt of fuel into the supplier's tanks can be traced to fuel supplied from the tanks;
- (g) stock reconciliation records.

26 Records for importers of fuel

- (1) A supplier who imports fuel into Australia must keep the following records:
 - (a) records of the matters mentioned in paragraphs 25 (d) to (g);
 - (b) for each shipment of fuel imported — a record of the matters mentioned in subregulation (2).
- (2) For paragraph (1) (b), the matters are the following for each kind of fuel imported:
 - (a) the kind and grade of fuel, or its product code;
 - (b) the quantity of fuel;
 - (c) the date when the fuel was imported;
 - (d) the port where the fuel arrived in Australia;
 - (e) the tariff code for the fuel;
 - (f) the importer number for the shipment;
 - (g) the contact details of the manufacturer of the fuel, if known;
 - (h) details of any testing done on the fuel, including:
 - (i) the date of each test; and

- (ii) records by which the fuel tested can be traced to delivery docket numbers for the fuel; and
- (iii) test methods used; and
- (iv) the results of the tests;
- (i) stock reconciliation records.

27 Records for operators of vehicles

A supplier who supplies fuel by vehicle must keep copies of all documents received or provided under section 19 of the Act.

28 Records for service station operators and distributors

A supplier who operates a service station or distributes fuel must keep the following records:

- (a) copies of all documents received or provided under section 19 of the Act;
- (b) stock reconciliation records, including all delivery records received;
- (c) details of any testing done on the fuel, including:
 - (i) the date of each test; and
 - (ii) records by which the fuel tested can be traced to delivery docket numbers for the fuel; and
 - (iii) test methods used; and
 - (iv) the results of the tests.

29 Annual statements

For subsection 67 (4) of the Act, an annual statement must be sent to the Secretary:

- (a) by post at GPO Box 787, Canberra, ACT 2601; or
- (b) by e-mail at fuel.quality@ea.gov.au.

Notes

1. These Regulations amend Statutory Rules 2001 No. 236.
2. Notified in the *Commonwealth of Australia Gazette* on / 2001. 28 September