



TRIPPLICAT

Ministerial Department

2002B00117

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Fuel Quality Standards Amendment Regulations 2002 (No. 1)¹

Statutory Rules 2002 No. 1²

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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 - 6 JUN 2002 2002

PETER HOLLINGWORTH
Governor-General

By His Excellency's Command

DAVID KEMP
Minister for the Environment and Heritage

Regulation 1

1 Name of Regulations

These Regulations are the *Fuel Quality Standards Amendment Regulations 2002* (No. 1).

2 Commencement

These Regulations commence on gazettal.

3 Amendment of *Fuel Quality Standards Regulations 2001*

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

Schedule 1 Amendments

(regulation 3)

[1] Paragraph 5 (2) (b)

substitute

- (b) subject to regulation 6, the Minister may waive or reduce the application fee if the Minister thinks the fee would cause financial hardship to the applicant.

[2] Paragraph 5 (2) (c)

omit

[3] After subregulation 6 (3)*insert*

- (3A) If the request is on the basis that payment of the application fee would cause financial hardship to the applicant, the Minister must, in deciding whether to waive or reduce the fee, have regard to the following:
- (a) whether the applicant has readily accessible finances to pay the fee;
 - (b) whether the applicant is applying for an approval on behalf of a fuel supplier that has readily accessible finances to pay the fee;
 - (c) whether the applicant is a not-for-profit organisation or has income or generates profits, and if so, the amount of that income or those profits;
 - (d) whether the applicant is likely to receive financial benefit if the approval is granted and when this is likely to occur;
 - (e) whether the applicant has incurred significant expense in relation to the application (such as for testing claims);
 - (f) the reasons given by the applicant explaining why the payment of the fee would cause financial hardship to the applicant in the circumstances.

[4] Subregulation 6 (4)*omit*

The notice

insert

The notice given under paragraph (3) (b)

[5] After regulation 6*insert***6A Refund of application fee**

- (1) An application fee must be refunded if:
 - (a) the application is withdrawn within 14 days after being made; and
 - (b) the Minister has not considered the application.
- (2) If an application is withdrawn more than 14 days after being made, the applicant may request a refund of the application fee.
- (3) Within 14 days after receiving a request under subregulation (2), the Minister:
 - (a) must decide whether to refund the application fee; and
 - (b) must give to the applicant written notice of the decision and the reasons for the decision.
- (4) In deciding whether to refund an application fee under subregulation (3), the Minister must have regard to the following:
 - (a) whether the Minister has considered the application;
 - (b) whether the Commonwealth has incurred any financial obligations in relation to the application.
- (5) The notice given under paragraph (3) (b) must include a statement that, subject to the *Administrative Appeals Tribunal Act 1975*, the applicant may apply to the Administrative Appeals Tribunal for review of the decision.
- (6) The applicant may apply to the Administrative Appeals Tribunal for review of a decision by the Minister under paragraph (3) (a) not to refund an application fee.

Notes

1. These Regulations amend Statutory Rules 2001 No. 236, as amended by 2001 No. 255.
2. Notified in the *Commonwealth of Australia Gazette* on *L* 2002. *14 June*