

EXPLANATORY STATEMENT

ISSUED BY AUTHORITY OF THE
MINISTER FOR THE ENVIRONMENT AND HERITAGE

Subject - *Fuel Quality Standards Act 2000*
Fuel Standard (Petrol) Amendment Determination 2005 (No. 1)
Fuel Standard (Automotive Diesel) Amendment Determination 2005
(No. 1)

Section 21 of the *Fuel Quality Standards Act 2000* (the Act) provides that the Minister for the Environment and Heritage may, in writing, determine that specified matters constitute a fuel standard in respect of a specified kind of fuel. Fuel standards have been set for Petrol, Diesel, Biodiesel and Autogas in Determinations under the Act.

The *Fuel Standard (Petrol) Determination 2001* and the *Fuel Standard (Automotive Diesel) Determination 2001* require amendment to correct an error that occurred with the standard for Diesel Density when the original Determination was made and to provide only one test method against each parameter listed in the standard. There are currently a number of test methods listed against some of the parameters specified.

Details of the proposed amendments are provided in Attachment A.

Under Section 24 of the Act, the Minister must consult the Fuel Standards Consultative Committee before making a determination under Section 21. The Committee was initially consulted at its meeting on 16 June 2004 and recommended that the proposed amendments proceed.

The proposed amendments would take effect the day after the Amendment Determinations are registered.

Authority:

Section 21 of the *Fuel Quality Standards Act 2000*

Attachment A**Details of the proposed amendments to the *Fuel Standard (Petrol) Determination 2001* and the *Fuel Standard (Automotive Diesel) Determination 2001******Fuel Standard (Petrol) Amendment Determination 2005 (No. 1)*****Section 1: Name of Determination**

Names the amended Determination as the *Fuel Standard (Petrol) Amendment Determination 2005 (No. 1)*.

Section 2: Commencement

Provides that the proposed amendments to the Determination come into effect on the day after the Amendment Determination is registered.

Section 3: Amendment of *Fuel Standard (Petrol) Determination 2001*

Provides that Schedule 1 of the proposed Amendment Determination amends the *Fuel Standard (Petrol) Determination 2001* (the Principal Determination).

Schedule 1 Amendments (Section 3)**[1] Section 2A, before the definition of CAS no.**

Inserts the name of the American Society for Testing and Materials standards development organisation into the list of definitions under this section.

[2] Section 4: Testing methods

Amends the list of testing methods against the parameters in the Principal Determination to provide for only one test method per fuel parameter specified.

When the Determination was originally made in 2001, all potential testing methods that could be used to determine the levels for each of the parameters were listed in the Determination. It was thought that this was necessary to facilitate the test methods currently being used by all areas of the industry. Consultation with industry has since indicated, however, that what was needed was an indication of which testing method was to be used by the Commonwealth's testing laboratories to determine compliance.

Fuel Standard (Automotive Diesel) Amendment Determination 2005 (No. 1)**Section 1: Name of Determination**

Names the amended Determination as the *Fuel Standard (Automotive Diesel) Amendment Determination 2005 (No. 1)*.

Section 2: Commencement

Provides that the proposed amendments to the Determination come into effect on the day after the Amendment Determination is registered.

Section 3: Amendment of *Fuel Standard (Automotive Diesel) Determination 2001*

Provides that Schedule 1 of the proposed Amendment Determination amends the *Fuel Standard (Automotive Diesel) Determination 2001* (the Principal Determination).

Schedule 1 Amendments (Section 3)**[1] Section 2A, before the definition of CAS no.**

Inserts the name of the American Society for Testing and Materials standards development organisation into the list of definitions under this section.

[2] Subsection 3(2)

Amends the levels specified for the diesel distillation temperature at which 95% has been recovered. When the Principal Determination was made in 2001, the levels agreed by Government for the T95 distillation were not correctly recorded in the Determination. It was intended that the standard for T95 distillation in diesel would harmonise with the Euro 2 standard in 2002 and then be tightened to harmonise with the Euro 3 standard in 2006.

The error resulted in a slight relaxation of the standard that was originally intended. The amendment will result in the correct standard of 370^o applying from 1 January 2005 which will tighten as intended to 360^o from 2006. The standard will, however, not apply retrospectively leaving the current level of 371^o.

[3] Section 4: Testing methods

Amends the list of testing methods against the parameters in the Principal Determination to provide for only one test method per fuel parameter specified.

When the Determination was originally made in 2001, all potential testing methods that could be used to determine the levels for each of the parameters were listed in the Determination. It was thought that this was necessary to facilitate the test methods currently being used by all areas of the industry. Consultation with industry has since indicated, however, that what was needed was an indication of which testing method was to be used by the Commonwealth's testing laboratories to determine compliance.

The Principal Determination does not presently specify a test method for PAHs (polycyclic aromatic hydrocarbons). The amendments will also insert a test method for this diesel parameter.

[4] Subsection 5(2)

Amends the title of the ASTM standards development organisation from "the American Society for Testing and Materials (ASTM)" to "ASTM international".