

EXPLANATORY STATEMENT

Issued by the Authority of the Minister for Climate Change and Energy

Fuel Quality Standards Act 2000

Fuel Quality Standards Legislation (Consequential Amendments) Determination 2024

Legislative Authority

The *Fuel Quality Standards Act 2000* (the Act) provides the legislative framework for regulating the quality of fuel supplied in Australia. The Act seeks to reduce the level of pollutants and emissions arising from the use of fuel that may cause environmental and health problems; facilitate the adoption of better engine and emission control technology; allow the more effective operation of engines and ensure that, where appropriate, information about fuel is provided when the fuel is supplied.

Section 21 of the Act provides that the Minister may, by legislative instrument, determine a fuel standard in respect of a specified kind of fuel.

Section 22A of the Act provides that the Minister may, by legislative instrument, determine a fuel quality information standard for a specified supply of a specified kind of fuel.

The *Fuel Quality Standards Legislation (Consequential Amendments) Determination 2024* (2024 Amendment Determination) is made for the purposes of the relevant provisions in sections 21 and 22A of the Act, relying on subsection 33(3) of the *Acts Interpretation Act 1901* to amend and repeal legislative instruments made under those provisions of the Act as the case may be.

Purpose

The purpose of the 2024 Amendment Determination is to repeal the *Fuel Quality Standards (Petrol) Determination 2019* (2019 Petrol Determination) and the *Fuel Quality Standards (Ethanol E85) Determination 2019* (2019 Ethanol E85 Determination), which are being replaced by the *Fuel Quality Standards (Petrol) Determination 2024* (2024 Petrol Determination) and the *Fuel Quality Standards (Ethanol E85) Determination 2024* (2024 Ethanol E85 Determination) respectively.

The 2024 Amendment Determination also amends the *Fuel Quality Standards (Ethanol E85) Information Standard 2019* and *Fuel Quality Standards (Ethanol) Information Standard 2019* to omit references to the 2019 Petrol Determination and substitute with the 2024 Petrol Determination.

Impact and Effect

The 2024 Amendment Determination repeals the 2019 Petrol Determination and 2019 Ethanol E85 Determination to allow the 2024 Petrol Determination and 2024 Ethanol E85 Determination to operate effectively. It also replaces reference to the 2019 Petrol Determination with the 2024 Petrol Determination in the definition of ‘petrol’ in the *Fuel Quality Standards (Ethanol E85) Information Standard 2019* and *Fuel Quality Standards (Ethanol) Information Standard 2019*.

Consultation

In accordance with subsection 24A(1) of the Act, the Minister consulted with the Fuel Standards Consultative Committee prior to making the 2024 Amendment Determination.

Extensive consultation was undertaken with respect to the changes to petrol specifications included in the 2024 Petrol Determination and reflected in the 2024 Ethanol E85 Determination.

No further consultation was undertaken on the 2024 Amendment Determination specifically because it is considered minor and machinery in nature.

Details and operation

Consistent with subsections 21(5) and 22A(5) of the Act, the Minister had regard to the objects of the Act in making this instrument. This instrument commences immediately after section 1 of the 2024 Petrol Determination commences.

Details of the 2024 Amendment Determination are set out in [Attachment A](#).

Other

The 2024 Amendment Determination is compatible with the human rights and freedoms recognised or declared under section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*. A full statement of compatibility is set out in [Attachment B](#).

The 2024 Amendment Determination is a legislative instrument for the purposes of the *Legislation Act 2003*.

Details of the *Fuel Quality Standards Legislation (Consequential Amendments) Determination 2024*

Section 1 – Name

1. Section 1 provides that the name of the instrument is the *Fuel Quality Standards Legislation (Consequential Amendments) Determination 2024*.

Section 2 – Commencement

2. Section 2 provides that the instrument commences immediately after section 1 of the *Fuel Quality Standards (Petrol) Determination 2024* (2024 Petrol Determination) commences.

Section 3 – Authority

3. Section 3 provides that the instrument is made under sections 21 and 22A of the *Fuel Quality Standards Act 2000*.

Section 4 – Schedules

4. Section 4 provides that each instrument that is specified in a Schedule to the instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.
5. This enables the amendment of the *Fuel Quality Standards (Ethanol E85) Information Standard 2019* and *Fuel Quality Standards (Ethanol) Information Standard 2019*, as well as the repeal of *Fuel Quality Standards (Petrol) Determination 2019* (2019 Petrol Determination) and *Fuel Quality Standards (Ethanol E85) Determination 2019* (2019 Ethanol E85 Determination).

Schedule 1 – Amendments

Fuel Quality Standards (Ethanol E85) Information Standard 2019

Item 1 – Section 5 (paragraph (b) of the definition of *E85*)

1. Item 1 of Schedule 1 amends the definition of *petrol* at section 5 of the *Fuel Quality Standards (Ethanol E85) Information Standard 2019* to omit reference to 2019 and substitute with reference to 2024. This amendment ensures that petrol is defined with reference to the 2024 Petrol Determination rather than the 2019 Petrol Determination, which is being repealed by Schedule 2 of this instrument.

Item 2 – Schedule 1

2. Item 2 of Schedule 1 repeals Schedule 1 of the *Fuel Quality Standards (Ethanol E85) Information Standard 2019*. That Schedule repealed the *Fuel Quality Information Standard (Ethanol E85) Determination 2012* and is now spent.

Fuel Quality Standards (Ethanol) Information Standard 2019

Item 3 – Section 5 (definition of *ethanol blend*)

3. Item 3 of Schedule 1 amends the definition of *ethanol blend* at section 5 of the *Fuel Quality Standards (Ethanol) Information Standard 2019* to omit reference to 2019 and substitute with reference to 2024. This amendment ensures that ethanol blend is defined with reference to the 2024 Petrol Determination rather than the 2019 Petrol Determination, which is being repealed by Schedule 2 of this instrument.

Item 4 – Schedule 1

4. Item 4 of Schedule 1 repeals Schedule 1 of the *Fuel Quality Standards (Ethanol) Information Standard 2019*. That Schedule repealed the *Fuel Quality Information Standard (Ethanol) Determination 2003* and is now spent.

Schedule 2 – Repeals

Fuel Quality Standards (Petrol) Determination 2019

Item 1 – The whole of the instrument

5. Item 1 of Schedule 2 repeals the 2019 Petrol Determination. The 2024 Petrol Determination replaces the 2019 Petrol Determination.

Fuel Quality Standards (Ethanol E85) Determination 2019

Item 2 – The whole of the instrument

6. Item 2 of Schedule 2 repeals the 2019 Ethanol E85 Determination. The *Fuel Quality Standards (Ethanol E85) Determination 2024* replaces the 2019 Ethanol E85 Determination.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Fuel Quality Standards Legislation (Consequential Amendments) Determination 2024

This instrument is compatible with human rights and freedom recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of instrument

The *Fuel Quality Standards Legislation (Consequential Amendments) Determination 2024* repeals the *Fuel Quality Standards (Petrol) Determination 2019* (2019 Petrol Determination) and the *Fuel Quality Standards (Ethanol E85) Determination 2019*. The instrument also replaces references to the 2019 Petrol Determination with the *Fuel Quality Standards (Petrol) Determination 2024* in the *Fuel Quality Standards (Ethanol E85) Information Standard 2019* and *Fuel Quality Standards (Ethanol) Information Standard 2019*. These amendments are technical in nature and are necessary to ensure the new *Fuel Quality Standards (Petrol) Determination 2024* and *Fuel Quality Standards (Ethanol E85) Determination 2024* can operate effectively.

Human Rights implications

This instrument does not engage any of the applicable rights or freedoms.

Conclusion

This instrument is compatible with human rights as it does not raise any human rights issues.

The Hon. Chris Bowen MP

Minister for Climate Change and Energy