



Fuel Quality Standards Regulations 2019

made under the

Fuel Quality Standards Act 2000

Compilation No. 1

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About this compilation

This compilation

This is a compilation of the *Fuel Quality Standards Regulations 2019* that shows the text of the law as amended and in force on 1 July 2021 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 1—Preliminary

1 Name

This instrument is the *Fuel Quality Standards Regulations 2019*.

3 Authority

This instrument is made under the *Fuel Quality Standards Act 2000*.

5 Definitions

In this instrument:

ABN has the meaning given by section 41 of the *A New Tax System (Australian Business Number) Act 1999*.

accredited laboratory: see section 27.

accredited person: see section 28.

ACN has the meaning given by section 9 of the *Corporations Act 2001*.

Act means the *Fuel Quality Standards Act 2000*.

biodiesel means a diesel fuel obtained by esterification of oil derived from plants or animals.

blend, for fuel, means to combine fuel with:

- (a) another kind of fuel; or
- (b) any other substance.

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

Chair means the Chair of the Committee.

Committee means the Fuel Standards Consultative Committee.

contact details, for a person, means all of the following:

- (a) the person's business address;
- (b) the person's postal address, if it differs from the address mentioned in paragraph (a);
- (c) the telephone number at which the person may be contacted personally;
- (d) the person's email address.

distributor, of fuel, means a person who supplies fuel between any 2 of the following:

- (a) an import terminal;
- (b) a refinery;

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- (c) a blending facility;
- (d) a retail outlet for fuel.

engage in conduct means:

- (a) do an act; or
- (b) omit to do an act.

infringement notice penalty means the penalty mentioned in an infringement notice as payable under the notice.

NATA means the National Association of Testing Authorities, Australia.

relevant supplier has the meaning given by section 38.

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.

6 Meaning of *fuel*

For the purposes of subsection 4(1) of the Act, **fuel** means any of the following:

- (a) petrol;
- (b) a mixture of petrol and ethanol (of which more than 50% is petrol);
- (c) automotive diesel;
- (d) a mixture of automotive diesel and biodiesel (of which more than 50% is automotive diesel);
- (e) liquefied petroleum gas;
- (f) liquefied natural gas;
- (g) compressed natural gas;
- (h) biodiesel;
- (i) a mixture of biodiesel and automotive diesel (of which more than 50% is biodiesel);
- (j) ethanol;
- (k) a mixture of ethanol and petrol (of which more than 50% is ethanol);
- (l) any substance that is used as a substitute for a fuel mentioned in paragraphs (a) to (k);
- (m) any substance that is supplied or represented as:
 - (i) a fuel mentioned in paragraphs (a) to (k); or
 - (ii) a substitute substance under paragraph (l).

7 Meaning of *fuel additive*

For the purposes of 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—Regulation of fuel and fuel additives

8 Application for approval

- (1) For the purposes of 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, contact details and, if applicable, the applicant's ABN and ACN;
 - (b) if the applicant is an agent for another person, the other person's name, contact details and, if applicable, the other person's ABN and ACN;
 - (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 fuel standard or fuel quality information 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 where (if possible), why and how much;
 - (h) contact details for any regulated person whose supply of fuel is intended to be covered by the approval, including the regulated person's ABN or ACN (if any);
 - (j) any information held by the applicant, or publicly available, that could reasonably be considered to be necessary for making a decision whether to grant the approval, including information about the possible effect of the approval, if granted, on the following matters:
 - (i) the protection of the environment;
 - (ii) the protection of occupational and public health and safety;
 - (iii) the interests of consumers;
 - (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.
- (3) The Minister may, by written notice, require the applicant to provide, within a reasonable time, specified further information that the Minister reasonably considers is necessary to decide whether or not to grant the approval.

12 Informing people of obligations

- (1) For the purposes of subsection 17(1) of the Act:
 - (a) the period within which the holder of an approval must inform a regulated person to whom a particular condition of approval, or variation of such a condition, applies:
 - (i) begins when the condition is imposed or varied; and

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- (ii) ends 5 business days after the day 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 5 business days after the day the holder is told of the revocation.
- (2) For the purposes of subsection 17(2) of the Act, the manner in which information mentioned in subsection (1) of this section must be provided to the regulated person is as follows:
 - (a) if the regulated person is an individual—by:
 - (i) giving it to the person personally; or
 - (ii) leaving it at, or posting it or sending it by electronic means to, the last-known place of residence or business of the person; or
 - (b) if the regulated person is a body corporate—by leaving it at, or posting it or sending it by electronic means to, the body corporate’s head office, registered office or principal place of business.

13 Supplying fuel without documentation

- (1) For the purposes of subsections 19(1) and 19A(2) of the Act, the period beginning when the fuel is supplied and ending 72 hours after the fuel is supplied is prescribed.
- (2) For the purposes of subsection (1), fuel is taken to have been supplied:
 - (a) for fuel that is supplied as one 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 the purposes of paragraphs 19(1)(e) and 19A(2)(b) of the Act, the information mentioned in subsection (4) of this section is prescribed for a supplier who:
 - (a) imports fuel; or
 - (b) produces or blends fuel; or
 - (c) is a distributor of fuel.
- (4) The information is as follows:
 - (a) the supplier’s name, contact details and, if applicable, the supplier’s ABN and ACN;
 - (b) if the supplier is an agent for another person—the other person’s name, contact details and, if applicable, the other person’s ABN and ACN;
 - (c) the delivery docket number provided by the supplier for the fuel supplied;
 - (d) the kind and grade of the fuel supplied or its product code;
 - (e) the date and time when the fuel was supplied;
 - (f) the total quantity of fuel supplied;
 - (g) the place where the fuel was supplied;

- (h) if the fuel does not comply with a fuel standard:
 - (i) particulars of the requirements of the standard that are not met; and
 - (ii) reasons why the requirements are not met; and
- (i) if a vehicle was used in the supply of the fuel and the vehicle is registered under a law of the Commonwealth, a State or Territory for the registration of vehicles—its registration number;
- (j) if a vehicle was used in the supply of the fuel but the vehicle was not registered as mentioned in paragraph (i)—particulars that uniquely identify the vehicle.

Part 3—The Committee

14 Purposes of this Part

For the purposes of section 29 of the Act, this Part prescribes matters relating to the members of the Committee.

15 Term of appointment

The term of appointment for a member must be no more than 3 years.

16 Resignation

A member may resign by giving the Minister a written resignation.

17 Disclosure of interests

- (1) A member 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, disclose the nature of the interest at a meeting of the Committee.
- (2) A member who makes a disclosure under subsection (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 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 subsection (2); or
 - (b) take part in making the determination.
- (4) A member is not taken to have an interest for this section only because of a direct or indirect interest that the member has only through being a representative mentioned in subsection 25(2) of the Act.

18 Termination of appointment

- (1) The Minister may terminate the appointment of a member:
 - (a) for misbehaviour; or
 - (b) if the member is unable to perform the duties of the member's office because of physical or mental incapacity.
- (2) The Minister may terminate the appointment of a member if:
 - (a) the member:
 - (i) becomes bankrupt; or

- (ii) applies to take the benefit of any law for the relief of bankrupt or insolvent debtors; or
- (iii) compounds with the member's creditors; or
- (iv) makes an assignment of the member's remuneration for the benefit of the member's creditors; or
- (b) the member is absent, except on leave of absence, from 3 meetings of the Committee that the member was expected to attend; or
- (c) the member fails, without reasonable excuse, to comply with section 17; or
- (d) the member is convicted of an offence punishable by imprisonment for 1 year or longer; or
- (e) because of a change in employment, residence or other circumstance, the member ceases, in the Minister's opinion, to be an appropriate representative on the Committee.

19 Leave of absence

- (1) The Minister may grant leave of absence to the Chair on the terms and conditions that the Minister determines.
- (2) The Chair may grant leave of absence to another member on the terms and conditions that the Chair determines.

Part 4—The Register

20 Publishing notices

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

Part 5—Enforcement

Division 1—Identity cards

21 Form of identity cards

- (1) For the purposes of paragraph 39(2)(a) of the Act, subsection (2) of this section prescribes the form of an identity card.
- (2) 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.

Division 2—Samples

22 Procedures for dealing with samples

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

23 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 one or more of the containers to an accredited laboratory or accredited person by means that will ensure the safe arrival of the container's contents; and
 - (b) may keep one 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 the occupier or other person that they have been sealed and labelled properly; and
 - (b) if the samples are of fuel that is in a liquid state at standard temperature and pressure—one of the containers must be given to the occupier or other person.
- (3) If the occupier or other person mentioned in subsection (2) is not present and the samples are of fuel that is in a liquid state at standard temperature and pressure, the inspector must:
 - (a) keep one of the containers; and
 - (b) if the occupier of the premises asks for the container within 1 week after the sample was taken, give the container to the occupier.
- (4) The procedure mentioned in paragraph (2)(a) need not be strictly complied with and substantial compliance is sufficient.
- (5) In this section, a reference to **standard temperature and pressure** is a reference to a temperature of 0 degrees Celsius and a pressure of 100 kilopascals.

24 Identification of samples

- (1) An inspector who takes a sample must:
 - (a) record:

- (i) enough details to identify the sample; and
 - (ii) the address of the premises where the sample 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) The procedure mentioned in paragraph (1)(b) need not be strictly complied with and substantial compliance is sufficient.

25 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 in a way that ensures:
 - (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.

26 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.

Division 3—Accredited laboratories etc.

27 Accredited laboratories

- (1) For the purposes of the definition of **accredited laboratory** in subsection 58B(8) of the Act, the following are accredited laboratories for the purposes of the Act:
 - (a) a laboratory in Australia that is accredited by NATA;
 - (b) subject to subsection (2), 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 that:
 - (i) is accredited by NATA; and
 - (ii) has more than one laboratory, or similar undertaking, that uses joint resources.
- (2) For the purposes of paragraph (1)(b), a national laboratory 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 17011:2017 *Conformity assessment—requirements for accreditation bodies accrediting conformity assessment bodies*, second edition, published by the International Organization for Standardization, Geneva, as in force at the commencement of this instrument.

28 Accredited persons

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

29 Authorised persons

For the purposes of the definition of **authorised person** in subsection 58B(8) of the Act, an individual who is approved by NATA as an authorised representative of an accredited laboratory is an authorised person in relation to the accredited laboratory for the purposes of the Act.

Division 4—Infringement notices

Subdivision A—Matters to be included in infringement notices

30 Payments by instalments

For the purposes of paragraph 65M(1)(p) of the Act, an infringement notice must state that, within 28 days after the notice is given, the person to whom the notice is given may apply to the Secretary to make an arrangement for payment of the infringement notice penalty by instalments.

Subdivision B—Further provisions in relation to infringement notices

31 Further provisions in relation to infringement notices

This Subdivision is made for the purposes of section 65S of the Act.

32 Ways of giving infringement notices

An infringement notice may be given to a person:

- (a) personally or by post; or
- (b) by leaving the notice:
 - (i) at the last-known place of residence or business of the person who is alleged to have engaged in the conduct to which the infringement notice relates; and
 - (ii) with a person, apparently over the age of 16 years, who appears to live or work at the place.

33 Payment by instalments

- (1) Within 28 days after an infringement notice is given to a person, the person may, in writing, apply to the Secretary to make an arrangement for payment of the infringement notice penalty by instalments.
- (2) The Secretary must:
 - (a) decide whether to make, or refuse to make, the arrangement; and
 - (b) give the person written notice of the decision; and
 - (c) if the decision is to refuse to make the arrangement—set out in the notice the reasons for refusal.
- (3) The person must pay the infringement notice penalty:
 - (a) if the arrangement is made—in accordance with the arrangement; or
 - (b) if the arrangement is refused—before the end of the latest of the following:
 - (i) 28 days after the infringement notice is given;
 - (ii) if the period in which to pay the penalty has been extended under section 65N of the Act—the extended period;
 - (iii) 7 days after receiving notice of the refusal.

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34 Admissions in representations for withdrawal of infringement notice

Evidence of an admission made by a person in a representation under section 65P of the Act seeking withdrawal of an infringement notice is inadmissible in criminal or civil proceedings in relation to conduct of the person to which the infringement notice relates.

35 Evidence for proceedings

- (1) In criminal or civil proceedings in relation to conduct to which an infringement notice relates, the following certificates are prima facie evidence of the facts stated in the certificate:
 - (a) a certificate signed by an inspector stating that:
 - (i) the infringement notice was given to a person; and
 - (ii) the infringement notice penalty has not been paid;
 - (b) a certificate signed by an inspector stating that the notice was withdrawn on a day specified in the certificate;
 - (c) a certificate signed by the Secretary stating that:
 - (i) the period for payment of the infringement notice penalty was not extended under section 65N of the Act; and
 - (ii) the infringement notice penalty has not been paid;
 - (d) a certificate signed by the Secretary stating that:
 - (i) the period for payment of the infringement notice penalty was extended under section 65N of the Act; and
 - (ii) the infringement notice penalty was not paid in accordance with the notice or within the extended period.
- (2) A certificate that purports to have been signed by an inspector or the Secretary is taken to have been signed by that officer unless the contrary is proved.

36 Matters not to be taken into account in determining penalty

- (1) This section applies if a person served with an infringement notice:
 - (a) elects not to pay the infringement notice penalty; and
 - (b) is found by a court to have committed the offence or contravened the civil penalty provision mentioned in the infringement notice.
- (2) In determining the penalty to be imposed, the court must not take into account the fact that the person chose not to pay the infringement notice penalty.

37 Payment of penalty by cheque

If a cheque is given to the Commonwealth in payment of all or part of the amount of an infringement notice penalty, the payment is taken not to have been made unless and until the cheque is honoured on presentation.

Part 6—Record keeping and reporting obligations

Division 1—Records

38 Purposes of this Division

For the purposes of subsections 66(1) and 66A(2) of the Act, this Division sets out requirements in relation to the records that must be kept and maintained by a person (a *relevant supplier*) that is covered by subsection 66(1) or 66A(1) of the Act.

39 How records to be kept

A record that must be kept and maintained under this Division must:

- (a) be kept, for each calendar year, for fuel that is supplied in Australia during the year; and
- (b) be kept at the premises where the fuel is supplied; and
- (c) be retained for 12 months after the end of the calendar year to which the record relates.

40 Records for relevant suppliers who produce or blend fuels

A relevant supplier that produces or blends fuel must keep and maintain records of the following:

- (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 the following:
 - (i) the date of each test;
 - (ii) records by which the fuel tested can be traced to delivery docket numbers for the fuel;
 - (iii) test methods used;
 - (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 relevant supplier's tanks can be traced to fuel supplied from the tanks;
- (g) stock reconciliation records (except in relation to fuel for which it is not possible for the relevant supplier to keep separate reconciliation records).

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41 Records for relevant suppliers who import fuel

- (1) A relevant supplier that imports fuel into Australia must keep and maintain records of the following:
 - (a) records of the matters mentioned in paragraphs 40(d) to (g);
 - (b) for each shipment of fuel imported—a record of the matters mentioned in subsection (2).
- (2) For the purposes of 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 the following:
 - (i) the date of each test;
 - (ii) records by which the fuel tested can be traced to delivery docket numbers for the fuel;
 - (iii) test methods used;
 - (iv) the results of the tests;
 - (i) stock reconciliation records (except in relation to fuel for which it is not possible for the relevant supplier to keep separate reconciliation records).

42 Records for relevant suppliers who distribute fuel using their own vehicles or contractors' vehicles

- (1) This section applies to a relevant supplier that is a distributor of fuel:
 - (a) that the relevant supplier distributes using the relevant supplier's vehicle;
or
 - (b) that a person engaged by the relevant supplier distributes, for the relevant supplier, using the person's vehicle.
- (2) The relevant supplier:
 - (a) must keep copies of all documents received or provided under section 19 or 19A of the Act in relation to fuel described in paragraph (1)(a) or (b) of this section; and
 - (b) for each instance when a vehicle is loaded with fuel by or for the relevant supplier—must keep and maintain a record of the place, date and time the fuel was loaded.

43 Records for relevant suppliers who operate retail outlets or distribute fuel

- (1) Subject to subsection (2), a relevant supplier that operates a retail outlet that sells fuel or is a distributor of fuel must keep and maintain the following records:
-

- (a) copies of all documents received or provided under section 19 or 19A 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.
- (2) A relevant supplier that operates a retail outlet that sells fuel or is a distributor need not keep reconciliation records referred to in paragraph (1)(b) in relation to fuel for which it is not possible for the relevant supplier to keep separate reconciliation records.

Division 2—Annual statements

44 Annual statements

For the purposes of paragraph 67(4)(c) of the Act, an annual statement must be provided to the Secretary by:

- (a) delivering it by hand to the Department; or
- (b) sending it, by pre-paid post, to the Department's postal address; or
- (c) sending it electronically to the Department's email address for fuel quality matters, as specified on the Department's website.

Part 7—Other matters

45 Disclosure of information obtained under the Act

For the purposes of subparagraph 67A(b)(iii) of the Act, the following Acts are prescribed:

- (a) the *Australian Crime Commission Act 2002*;
- (b) the *Low Aromatic Fuel Act 2013*.

46 Delegation of Minister's powers and functions

- (1) The Minister may, in writing, delegate all or any of the Minister's powers or functions under this instrument to the Secretary or to an SES employee, or acting SES employee, in the Department.

Note: Sections 34AA to 34A of the *Acts Interpretation Act 1901* contain provisions relating to delegations.

- (2) In performing a delegated function or exercising a delegated power, the delegate must comply with any written directions of the Minister.

47 Delegation of Secretary's powers and functions

- (1) The Secretary may, in writing, delegate all or any of the Secretary's powers or functions under this instrument to an SES employee, or acting SES employee, in the Department.

Note: Sections 34AA to 34A of the *Acts Interpretation Act 1901* contain provisions relating to delegations.

- (2) In performing a delegated function or exercising a delegated power, the delegate must comply with any written directions of the Secretary.

Part 8—Application, saving and transitional provisions

Division 1—Provisions for this instrument as originally made

48 Definitions

In this Division:

commencement day means 1 October 2019.

old regulations means the *Fuel Quality Standards Regulations 2001*.

49 Pre-commencement applications

- (1) This section applies in relation to an application under section 14 of the Act if:
 - (a) the application was made before the commencement day; and
 - (b) immediately before that day, a decision on the application has not been made.
- (2) Despite the repeal of regulations 4 and 5 of the old regulations, those regulations, as in force immediately before the commencement day, continue to apply in relation to the application as if the repeal had not happened.

50 Pre-commencement requests for exemption or refund

- (1) This section applies in relation to a request under regulation 6 or 6A of the old regulations for an exemption or a refund if:
 - (a) the request was made before the commencement day; and
 - (b) immediately before that day, a decision on the request has not been made.
- (2) Despite the repeal of regulations 6 and 6A of the old regulations, those regulations, as in force immediately before the commencement day, continue to apply in relation to the request as if the repeal had not happened.

51 Informing people of obligations

- (1) This section applies in relation to an approval that was in force immediately before the commencement day.
- (2) On and after the commencement day, the following apply in relation to the approval:
 - (a) subject to paragraph (b), regulation 7 of the old regulations, as in force immediately before the commencement day, continues to apply to the approval; but
 - (b) section 12 of this instrument applies in relation to any condition of the approval that is imposed, or any variation or revocation of a condition that occurs, on or after that day.

52 Committee members

- (1) This section applies in relation to a person who, immediately before the commencement day, was a member of the Committee.
- (2) Despite the repeal of Part 3 of the old regulations, that Part, as in force immediately before the commencement day, continues to apply in relation to the member as if the repeal had not happened.

53 Identity cards

- (1) This section applies in relation to an identity card issued by the Secretary under section 39 of the Act that was in force immediately before the commencement day.
- (2) Despite the repeal of regulation 15 of the old regulations, that regulation, as in force immediately before the commencement day, continues to apply in relation to the card as if the repeal had not happened.

54 Samples

Despite the repeal of regulations 17 to 20 of the old regulations, those regulations, as in force immediately before the commencement day, continue to apply in relation to samples taken before the commencement day as if the repeal had not happened.

55 Infringement notices

Despite the repeal of Division 5.3 of Part 5 of the old regulations, that Division, as in force immediately before the commencement day, continues to apply in relation to infringement notices given under section 65L of the Act before that day as if the repeal had not happened.

56 Record keeping

Despite the repeal of Part 6 of the old regulations, that Part, as in force immediately before the commencement day, continues to apply on and after that day in relation to fuel supplied during the calendar year commencing on 1 January 2019 as if the repeal had not happened.

**Division 2—Amendments made by the Fuel Quality Standards
Amendment (Fees) Regulations 2021**

57 Application

Despite the repeal of sections 9, 10 and 11 by the *Fuel Quality Standards Amendment (Fees) Regulations 2021*, those sections, as in force immediately before 1 July 2021, continue to apply in relation to applications made before 1 July 2021, as if the repeal had not happened.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnotes

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Fuel Quality Standards Regulations 2019	8 Apr 2019 (F2019L00560)	1 Oct 2019 (s 2(1) item 1)	
Fuel Quality Standards Amendment (Fees) Regulations 2021	10 June 2021 (F2021L00728)	1 July 2021 (s 2(1) item 1)	—

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
s 2	rep LA s 48D
s 4	rep LA s 48C
Part 2	
s 9	rep F2021L00728
s 10	rep F2021L00728
s 11	rep F2021L00728
Part 8	
Division 2	
Division 2	ad F2021L00728
s 57	ad F2021L00728
Schedule 1	rep LA s 48C
