



Queensland

Liquid Fuel Supply (Ethanol) Amendment Bill 2014



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2014

A Bill

for

An Act to amend the *Liquid Fuel Supply Act 1984* for particular purposes

	The Parliament of Queensland enacts—	1
Clause 1	Short title	2
	This Act may be cited as the <i>Liquid Fuel Supply (Ethanol) Amendment Act 2014</i> .	3 4
Clause 2	Act amended	5
	This Act amends the <i>Liquid Fuel Supply Act 1984</i> .	6
Clause 3	Amendment of s 5 (Interpretation)	7
	Section 5—	8
	<i>insert—</i>	9
	<i>initial period</i> , for part 5A, see section 35AD.	10
	<i>motor spirit</i> , for part 5A, means prescribed motor spirit.	11 12
	<i>motor spirit-ethanol blend</i> , for part 5A, see section 35AD.	13 14
	<i>primary wholesaler</i> , for part 5A, see section 35AD.	15 16
	<i>relevant period</i> , for part 5A, see section 35AD.	17
	<i>return</i> , for part 5A, see section 35AD.	18
	<i>sell</i> , for part 5A, see section 35AD.	19
Clause 4	Replacement of pt 5A, hdg (Ethanol substitution)	20
	Part 5A, heading—	21
	<i>omit, insert—</i>	22
	Part 5A Ethanol in motor spirit	23

Clause 5	Replacement of s 35A (Requirement to purchase ethanol)	1
	Section 35A—	2
	<i>omit, insert—</i>	3
	Division 1 Preliminary	4
	35AB Purpose of pt 5A	5
	The purpose of this part is to require a minimum ethanol content in relation to the total volume of motor spirit sales in Queensland.	6 7 8
	35AC Application of pt 5A	9
	(1) This part applies to the sale of motor spirit by a primary wholesaler—	10 11
	(a) to a person in Queensland; or	12
	(b) for delivery in Queensland, whether or not the sale is made in Queensland.	13 14
	(2) However, this part does not apply to a sale of motor spirit by a primary wholesaler to another primary wholesaler.	15 16 17
	(3) For subsection (1)(b), a sale of motor spirit is a sale for delivery in Queensland if the terms of the sale or any contract for the sale—	18 19 20
	(a) require a party to the sale to deliver, or arrange delivery of, the motor spirit into or within Queensland; or	21 22 23
	(b) provide for delivery of the motor spirit into or within Queensland.	24 25
	35AD Definitions for pt 5A	26
	In this part—	27
	<i>initial period</i> means—	28
	(a) the period prescribed by regulation; or	29

[s 5]

- (b) if a period is not prescribed—a period of 3 years starting 3 years after the commencement of this section. 1
2
3
- motor spirit-ethanol blend** means motor spirit that contains ethanol. 4
5
- Example—* 6
fuel known as E10 7
- primary wholesaler** means a relevant person who operates, or supplies motor spirit, from any of the following facilities in connection with the wholesaling of motor spirit— 8
9
10
11
- (a) an oil refinery; 12
(b) a shipping facility; 13
(c) a facility to which motor spirit is supplied by pipeline from an oil refinery or shipping facility. 14
15
16
- relevant period** means— 17
- (a) each period prescribed by regulation; or 18
(b) to the extent each period is not prescribed—each period of 3 months starting at the beginning of January, April, July and October in each year. 19
20
21
22
- return** means a return given under section 35AH(1). 23
24
- sell**, for motor spirit, includes the following— 25
- (a) sell the motor spirit by barter or exchange; 26
(b) supply the motor spirit for profit. 27

Division 2	Required ethanol content for motor spirit sales	1 2
35AE	Initial minimum percentage ethanol content	3
(1)	This section applies to the sale of motor spirit by a primary wholesaler during the initial period.	4 5
(2)	The primary wholesaler must ensure the volume of ethanol in motor spirit-ethanol blend sold by the wholesaler during each relevant period is at least a fixed percentage of the total volume of all motor spirit, including motor spirit-ethanol blend, sold by the wholesaler during the relevant period.	6 7 8 9 10 11 12
	Maximum penalty—200 penalty units or 12 months imprisonment.	13 14
(3)	In this section—	15
	<i>fixed percentage</i> means—	16
	(a) the percentage prescribed by regulation; or	17
	(b) if a percentage is not prescribed—5%.	18
35AF	Subsequent increased minimum percentage ethanol content	19 20
(1)	This section applies, from the prescribed day, to the sale of motor spirit by a primary wholesaler.	21 22
(2)	The primary wholesaler must ensure the volume of ethanol in motor spirit-ethanol blend sold by the wholesaler during each relevant period is at least a fixed percentage of the total volume of all motor spirit, including motor spirit-ethanol blend, sold by the wholesaler during the relevant period.	23 24 25 26 27 28 29
	Maximum penalty—200 penalty units or 12 months imprisonment.	30 31
(3)	In this section—	32

[s 5]

fixed percentage means— 1
(a) the percentage prescribed by regulation; or 2
(b) if a percentage is not prescribed—10%. 3
prescribed day means the day immediately after 4
the initial period ends. 5

35AG Exemptions from ss 35AE and 35AF 6

The Minister may, under section 52, exempt a 7
primary wholesaler from the operation of section 8
35AE(2) or 35AF(2) only if the Minister is 9
satisfied the wholesaler can not obtain, at the 10
price prescribed by regulation, a sufficient 11
quantity of ethanol to enable the wholesaler to 12
comply with the section. 13

35AH Returns 14

- (1) A primary wholesaler must, within 1 month after 15
the end of each relevant period, give the Minister 16
a return complying with subsection (2). 17
Maximum penalty—200 penalty units. 18
- (2) The return must— 19
(a) be in the approved form; and 20
(b) contain the following information— 21
(i) the total volume of motor spirit, 22
including motor spirit-ethanol blend, 23
sold during the relevant period; 24
(ii) the total volume of ethanol, in the form 25
of motor spirit-ethanol blend, sold 26
during the relevant period; 27
(iii) any other information prescribed by 28
regulation. 29

35AI Requirement to keep records	1
(1) A primary wholesaler must, in the form and way, and for the period, prescribed by regulation, keep the records necessary to enable the wholesaler to give the Minister the returns required under section 35AH, unless the wholesaler has a reasonable excuse.	2 3 4 5 6 7
Maximum penalty—200 penalty units.	8
(2) Without limiting subsection (1), the records must include details of transactions and other matters in relation to sales of motor spirit that are prescribed by regulation.	9 10 11 12
Division 3 Offences	13
35AJ False or misleading returns	14
(1) A person must not give the Minister a return containing information that the person knows is false or misleading in a material particular.	15 16 17
Maximum penalty—200 penalty units or 12 months imprisonment.	18 19
(2) Section 47 does not apply to a return mentioned in subsection (1).	20 21
Division 4 Miscellaneous provisions	22
35AK Allegations of false or misleading matters	23
(1) This section applies to a proceeding for an offence against this part described as involving—	24 25
(a) false or misleading information; or	26
(b) a false or misleading document or statement.	27
(2) It is enough for the complaint starting the proceeding to state the information, document or	28 29

[s 5]

statement was ‘false or misleading’ to the 1
defendant’s knowledge, without specifying 2
which. 3

Authorised by the Parliamentary Counsel