



Amanda Rishworth MP

Member for Kingston

Speech to Federal Parliament

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Fuel Quality Standards Amendment Bill 2009

Ms Rishworth: (Kingston) (10:10 AM) —I rise today to speak in favour of the measures that ensure fuel standards around the country. The purpose of the Fuel Quality Standards Amendment Bill 2009 is to amend the Fuel Quality Standards Act 2000 in order to implement the recommendations of the first statutory review of the act, conducted in 2004-05 and released in 2005. I note that there will be another review, which will be undertaken at the end of this year, and I hope that it will allow for some reflection on the new provisions before us today.

The most important new provisions are the improvements to the process of granting approval to vary fuel standards, particularly because the bill simplifies procedures when an approval is required to urgently avoid a possible fuel supply shortage. The bill also provides more effective and efficient monitoring and enforcement powers by introducing a civil penalty regime and an infringement notice system. The act currently allows the minister to approve the variation of fuel standards and impose conditions on the approval. Currently, those conditions must relate directly to the supply of fuel. This bill broadens the scope for imposing conditions. This increased scope means that negative impacts of the supply of substandard fuel can be offset by other actions of the corporation applying for a variation of the standard. Such flexibility allows for a holistic determination of the effects of an approval on human health and the environment. Offsetting projects could include paying for the monitoring project or other investments that ensure that emissions from such fuel are not dangerously harmful.

The bill also allows the minister to consider the circumstances in which fuel is supplied as one of the matters that constitute a fuel standard. The provision will assist in addressing issues related to the complexity of defining fuels used for different purposes and the management of blends—for example, diesel blended with biodiesel. Beyond improving the process for approvals in regular circumstances, the bill also establishes a streamlined process for an emergency situation and, under these new provisions, an emergency approval to avoid a potential fuel supply shortfall as exceptional circumstances are provided for. In addition, the minister will now be able to grant an emergency approval for a maximum period of 14 days and is required to notify the decision rather than consult the Fuel Standards Consultative Committee. This measure expedites the process without risking an abuse of power in this area.

Finally, as a reform to the approval process under the act, the bill allows for the minister to delegate the power to grant approvals to the secretary or the SES officer, except in relation to emergency approvals, which the minister may delegate only to the secretary. This is an important efficiency measure that will allow the more routine approvals, such as those relating to racing fuels, to be handled by the department. It will also provide some flexibility for the department in those situations where an emergency approval is required to address a potential fuel supply threat and the minister is unable to make an immediate determination for some reason.

The bill also provides for important changes to the monitoring and enforcement regime of fuel standards. Under the act currently, inspectors are required to obtain the consent of a fuel retailer before exercising monitoring powers which are quite broad. This limits the efficacy of some monitoring activities, and the changes in the bill address this and will allow inspectors to enter the public area of a business premises to exercise a limited range of monitoring powers without either the consent of the retailer or a warrant. Importantly, the retailer's right to refuse to allow an inspector to enter or remain on the premises, as is the case with any member of the public, will not be affected. This measure simply makes monitoring more effective and will also mean a better outcome for everyone.

The bill also introduces a more comprehensive range of enforcement measures to our national fuel standards regime. To complement the current criminal provisions in the act, this bill, as I have mentioned before, does include a civil penalties regime so that there will be for each offence an equivalent civil penalty provision. Other enforcement measures include the ability to issue an infringement notice and, if appropriate, accept an enforceable undertaking. The regulations may make further provision in relation to infringement notices. We all know that having this civil penalty provision will allow for more expedient penalties to be imposed for those retailers that do the wrong thing. These measures will ensure that appropriate action can be taken in respect of breaches of the act. There is also one new offence introduced in the bill. New section 65D provides that the secretary can require a person, other than the person who is suspected of contravening a civil penalty provision, who may have information relevant to an application for a civil penalty order, to provide all reasonable assistance in connection with the application. An offence applies for failure to give assistance as required. While this offence is a new offence under the act, it is a procedural offence common to other Commonwealth legislation.

The bill before the House today reflects a common-sense approach to Australia's fuel standards regime. The bill introduces several new elements to the act, which has, for the most part, served the nation well. With the bill the government is ensuring that the process of granting approvals to vary fuel standards is simplified and made more effective, particularly for emergency situations. The government is also strengthening and monitoring an enforcement provision to consolidate the integrity of the fuel standards regime. Therefore, I commend the bill to the House.