

Queensland



# **LIQUID FUEL SUPPLY AMENDMENT BILL 2002**



# Queensland



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**2002**

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**A BILL**

**FOR**

**An Act to amend the *Liquid Fuel Supply Act 1984***

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**The Parliament of Queensland enacts—**

1

**Clause 1 Short title**

2

This Act may be cited as the *Liquid Fuel Supply Amendment Act 2002*.

3

**Clause 2 Act amended**

4

This Act amends the *Liquid Fuel Supply Act 1984*.

5

**Clause 3 Amendment of s 5 (Interpretation)**

6

Section 5—

7

*insert—*

8

‘**“prescribed person”**, for part 5A, see section 35AA.

9

**“prescribed price”**, for part 5A, see section 35AA.

10

**“sell”**, for part 5A, see section 35AA.’.

11

**Clause 4 Replacement of pt 5A, heading (Ethanol substitution)**

12

Part 5A, heading—

13

*omit, insert—*

14

**‘PART 5A—ETHANOL IN MOTOR SPIRIT’.**

15

**Clause 5 Replacement of s 35A (Requirement to purchase ethanol)**

16

Section 35A—

17

*omit, insert—*

18

**‘35A Purpose of pt 5A**

19

‘The purpose of this part is to require the use in Queensland of motor spirit with a minimum quantity of ethanol.

20

21

**‘35AA Definitions for pt 5A**

‘In this part—

**“prescribed person”** means a relevant person engaged in producing, refining or selling motor spirit in Queensland.

**“prescribed price”** means—

(a) the price prescribed under section 35AD(1); or

(b) the price decided using the method prescribed under section 35AD(1).

**“sell”**, for motor spirit, includes the following—

(a) sell the motor spirit by barter or exchange;

(b) supply the motor spirit for profit.

**‘35AB Offence to sell motor spirit without 10% ethanol content**

‘(1) A prescribed person must not, without a reasonable excuse, sell in Queensland motor spirit, in bulk or otherwise, if the motor spirit has an ethanol content of less than 10% by volume.

Maximum penalty—200 penalty units or 1 year’s imprisonment.

‘(2) It is a reasonable excuse for a prescribed person not to comply with subsection (1) if the person could not have obtained, at the prescribed price, a sufficient quantity of ethanol to enable the person to comply with the subsection.

**‘35AC Exemptions from s 35AB**

‘The Minister may exempt, under section 52, a prescribed person from the operation of section 35AB(1) only if the Minister is satisfied the person can not obtain, at the prescribed price, a sufficient quantity of ethanol to enable the person to comply with the section.

**‘35AD Regulations for pt 5A**

‘(1) A regulation must be made prescribing, for sections 35AB(2) and 35AC, a price, or a method for deciding a price, for ethanol sold to a prescribed person.

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‘(2) A regulation may be made—

- (a) prescribing the person or class of persons from whom a prescribed person must purchase ethanol; or
- (b) directing a prescribed person to give the Minister stated information that is relevant to a decision of the Minister about granting an exemption mentioned in section 35AC.

**‘35AE Failure to comply with directions under s 35AD**

‘A prescribed person must comply with a direction under section 35AD(2)(b) that is applicable to the person unless the person has a reasonable excuse.

Maximum penalty—200 penalty units or 1 year’s imprisonment.’.