

2007

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for the Environment, Water and Climate Change)

Environment Protection (Fuel Sales Data) Amendment Bill 2007

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Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

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(As presented)

(Minister for the Environment, Water and Climate Change)

Environment Protection (Fuel Sales Data) Amendment Bill 2007

A Bill for

An Act to amend the *Environment Protection Act 1997*, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Environment Protection (Fuel Sales Data)*
4 *Amendment Act 2007*.

5 **2 Commencement**

6 This Act commences on the day after its notification day.

7 *Note* The naming and commencement provisions automatically commence on
8 the notification day (see Legislation Act, s 75 (1)).

1 Part 2 Environment Protection Act 1997

2 3 Legislation amended—pt 2

3 This part amends the *Environment Protection Act 1997*.

4 4 New part 9A

5 *insert*

6 Part 9A Fuel sales information

7 92 Fuel sales—provision of information

- 8 (1) The occupier of a service station (the *occupier*) must, not later than
9 30 September, give the chief executive details (the *fuel*
10 *information*) of the amount of each kind of liquid fuel sold at the
11 service station in the year ending on the preceding 30 June.

12 *Note* If a form is approved under s 165A for information required under this
13 section, the form must be used.

- 14 (2) The occupier must also give the chief executive any further
15 information reasonably required by the chief executive to verify the
16 fuel information.
- 17 (3) If the occupier fails to comply with subsection (1) or (2), the chief
18 executive may, in writing, require the occupier to do so by a stated
19 day.
- 20 (4) The occupier commits an offence if the occupier fails to comply
21 with a requirement under subsection (3).
- 22 Maximum penalty: 50 penalty units.
- 23 (5) An offence against subsection (4) is a strict liability offence.

- 1 (6) In this section:
- 2 *occupier*, in relation to a service station, means a person who carries
- 3 on the business of a service station.
- 4 *service station* means any place where unpackaged liquid fuel is
- 5 offered for sale by retail.
- 6 **92A Confidential commercial information must not be**
- 7 **disclosed**
- 8 (1) This section applies to information given to the chief executive
- 9 under section 92.
- 10 (2) A person commits an offence if—
- 11 (a) the person discloses confidential commercial information that
- 12 the person has only because of exercising a function under this
- 13 Act; and
- 14 (b) the person knows that the information is confidential
- 15 commercial information; and
- 16 (c) the disclosure is not—
- 17 (i) to the Territory or a Territory agency; or
- 18 (ii) by order of a court; or
- 19 (iii) with the consent of each person to whom the information
- 20 has a commercial or other value.
- 21 Maximum penalty: 50 penalty units, imprisonment for 6 months or
- 22 both.
- 23 (3) A person commits an offence if—
- 24 (a) the person discloses confidential commercial information that
- 25 the person has only because of a disclosure permitted under
- 26 subsection (2); and

- 1 (b) the person knows that the information is confidential
2 commercial information; and
- 3 (c) the disclosure is not—
- 4 (i) to the Territory or a Territory agency; or
- 5 (ii) by order of a court; or
- 6 (iii) with the consent of each person to whom the information
7 has a commercial or other value.
- 8 Maximum penalty: 50 penalty units, imprisonment for 6 months or
9 both.
- 10 (4) In this section:
- 11 ***confidential commercial information*** means—
- 12 (a) information that has a commercial or other value that would
13 be, or could reasonably be expected to be, destroyed or
14 diminished if the information were disclosed; or
- 15 (b) other information that—
- 16 (i) concerns the lawful commercial or financial affairs of a
17 person or undertaking; and
- 18 (ii) if it were disclosed, could unreasonably affect the person
19 or undertaking.
- 20 ***court*** includes a tribunal, authority or person having power to
21 require the production of documents or the answering of questions.
- 22 ***Territory agency*** means—
- 23 (a) a Minister; or
- 24 (b) an administrative unit; or
- 25 (c) a Territory instrumentality; or

Part 2 Environment Protection Act 1997

Section 4

- 1 (d) a corporation established for a public purpose under a Territory
2 Act.

1 **Part 3** **Magistrates Court (Environment**
2 **Protection Infringement Notices)**
3 **Regulation 2005**

4 **5** **Legislation amended—pt 3**

5 This part amends the *Magistrates Court (Environment Protection*
6 *Infringement Notices) Regulation 2005*.

7 **6** **Schedule 1, part 1.1, new item 14A**

8 *insert*

14A	92 (4)—if failure to comply with 92 (1)	50	1 000
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Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2007.

2 Notification

Notified under the Legislation Act on 2007.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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