

2007

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**ENVIRONMENT PROTECTION (FUEL SALES DATA) AMENDMENT BILL
2007**

EXPLANATORY STATEMENT

Circulated by the authority of

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Environment Protection (Fuel Sales Data) Amendment Bill 2007

PURPOSE

The *Environment Protection (Fuel Sales Data) Amendment Bill 2007* is designed to facilitate the collection of ACT fuel sales data, for the purposes of calculating greenhouse gas emissions for the ACT transport sector. This data is best collected from each service station rather than local wholesalers, as service stations can obtain their fuel over the year from a number of different wholesalers (from areas both within and outside the ACT) or directly from fuel importers and refineries.

BACKGROUND

Greenhouse gas emissions from transport fuels make up about 23% of ACT emissions. However, accurate data on this is currently unavailable to the Government. Without effective data it is difficult to keep track of this significant portion of our emissions. Emissions information and targets were a major challenge in the development of the *ACT Greenhouse Strategy 2000*. The Government is committed to developing a Climate Change Strategy with a strong response to the issues of climate change. An effective means of monitoring of our emissions is an important underpinning of a strong and measurable strategy.

Carbon dioxide emissions from the transport sector can be accurately estimated by multiplying the volume of fuel consumed in a year for each fuel type by an emission factor. However, there are no official statistics that report on consumption of transport fuels in the ACT.

Previously, the ACT has relied upon indirect estimates based on the Australian Bureau of Statistics survey data of the average fuel consumption and distances travelled by ACT vehicles.

DETAILS OF THE BILL

Clause 1 provides that the name of the Act is the *Environment Protection (Fuel Sales Data) Amendment Act 2007*.

Clause 2 provides the commencement date of the Act on the day after its notification day.

Clause 3 provides the Legislation amended as the *Environment Protection Act 1997*.

Clause 4 inserts a new section 9A, which provides a new framework for the establishment of an obligation to provide fuel sales data by service station occupiers.

- New Part 92 (1): provides the occupier of a service station must give details of each kind of liquid fuel on a yearly basis by a specified time

- New Part 92 (2): provides that the occupier of a service station must also give any further information reasonable required to verify the information from subsection (1).
- New Part 92 (3): provides that the chief executive may require in writing the owner to give the required information.
- New Part 92 (4): provides that the occupier commits an offence by not complying with subsection (3) and may receive a penalty of up to 50 penalty units.
- New Part 92 (5): provides that an offence against this section is a strict liability offence.
- New Part 92 (6): provides definitions for “occupier” and “service station”.
- New Part 92A (1): provides that this section applies to information given to the authority under the previous section.
- New Part 92A (2) and (3): stipulates that confidential commercial information must not be disclosed unless the disclosure is to the Territory or a Territory agency, by order of a court, or with the consent of each person to whom the information has a commercial or other value.
- New Part 92A (4): provides definitions of what “confidential commercial information”, “court” and “Territory agency” are.

Clause 5 and 6 amends the *Magistrates Court (Environment Protection Infringement Notices) Regulation 2005* to include an offence under section 92 (4) as an infringement notice offence where the offence involves a failure by the occupier of a service station to give fuel sales information.