

Biofuel (Ethanol Content) Regulation 2007

[2007-492]



New South Wales

Status Information

Currency of version

Historical version for 28 September 2007 to 30 September 2009 (accessed 10 January 2025 at 2:39)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Does not include amendments by**
[Biofuel \(Ethanol Content\) Amendment Regulation 2009 \(335\)](#) (LW 17.7.2009) (not commenced — to commence on 1.10.2009)

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 17 July 2009

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Biofuel (Ethanol Content) Regulation 2007



New South Wales

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Biofuel (Ethanol Content) Act 2007*.

ANTHONY KELLY, M.L.C., Minister for Regional Development

1 Name of Regulation

This Regulation is the *Biofuel (Ethanol Content) Regulation 2007*.

2 Commencement

This Regulation commences on 1 October 2007.

3 Definition

(1) In this Regulation:

the Act means the *Biofuel (Ethanol Content) Act 2007*.

(2) Notes included in this Regulation do not form part of this Regulation.

4 Primary wholesalers

A petrol wholesaler who engages in the blending of ethanol with petrol (whether or not in New South Wales) to produce petrol-ethanol blend is included in the definition of **primary wholesaler** in section 4 of the Act.

5 Records to include sales records

(1) Records kept by a primary wholesaler for the purposes of section 8 of the Act are to include a record in respect of each sale of petrol (including petrol-ethanol blend) by the primary wholesaler showing in respect of each sale:

(a) the volume of petrol sold, and

(b) whether the petrol sold was or was not petrol-ethanol blend, and

(c) in the case of a sale of petrol-ethanol blend, the amount of ethanol in the petrol-ethanol blend.

- (2) Records required by this clause may be kept in the form of copies of invoices or other records of sale issued by the primary wholesaler.

6 Retention period for records

Records kept by a primary wholesaler for the purposes of section 8 of the Act in respect of petrol sold during any relevant period must be retained for not less than 7 years after the end of the relevant period.

7 Reasonable steps for compliance with 2% ethanol requirement

The taking of all the following actions by a primary wholesaler constitutes the taking of reasonable steps to comply with section 6 of the Act:

- (a) the making of all reasonable efforts (on a continuing basis) to secure sufficient supplies of ethanol or petrol-ethanol blend to ensure compliance with section 6 of the Act,
- (b) the taking of all reasonable action to upgrade the primary wholesaler's infrastructure to enable it to distribute sufficient petrol-ethanol blend to ensure compliance with section 6 of the Act,
- (c) the taking of all reasonable action to ensure the availability of facilities for the sale of petrol-ethanol blend at those petrol stations at which the business of selling petrol is owned or otherwise controlled by the primary wholesaler or at which the person who conducts that business leases or subleases the premises from the primary wholesaler,
- (d) the taking of all reasonable action (on a continuing basis) to market petrol-ethanol blend to ensure compliance with section 6 of the Act.

Note—

Section 9 (4) of the Act provides that the regulations do not prevent a primary wholesaler from proving that other actions taken by the primary wholesaler constitute the taking of reasonable steps to comply with section 6 of the Act.

8 Certain information not to be published

Information must not be published under section 11 (Compliance reporting by Minister) of the Act if:

- (a) the information will reveal or is capable of revealing the total volume of petrol or ethanol sold by a primary wholesaler during any period, or
- (b) the Minister is of the opinion that the information is otherwise commercially sensitive.

9 Grounds for exemption

Each of the following circumstances is prescribed for the purposes of section 12 of the Act as a circumstance that justifies the exemption of a primary wholesaler from compliance

with section 6 of the Act:

- (a) compliance may result in a risk to public health or safety,
- (b) other extraordinary circumstances demonstrated by the primary wholesaler.

10 Penalty notices

For the purposes of section 25 of the Act:

- (a) each offence arising under a provision specified in Column 1 of Schedule 1 is prescribed as a penalty notice offence, and
- (b) the prescribed penalty for such an offence is the amount specified in relation to the offence in Column 2 of Schedule 1.

Schedule 1 Penalty notice offences

(Clause 10)

Column 1	Column 2
Offence	Penalty
<i>Biofuel (Ethanol Content) Act 2007</i>	
Section 9 (1)	\$1,100
Section 10 (1)	\$1,100
Section 10 (2)	\$1,100