



Queensland

Liquid Fuel Supply Act 1984

Liquid Fuel Supply Regulation 2016

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Liquid Fuel Supply Regulation 2016

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Liquid Fuel Supply Regulation 2016

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Liquid Fuel Supply Regulation 2016*.

2 Commencement

This regulation commences on 1 January 2017.

3 Definitions

The dictionary in schedule 2 defines particular words used in this regulation.

Part 2 Threshold amount for fuel retailers

4 Threshold amount—Act, s 35A

For the Act, section 35A(5), definition *threshold amount*, paragraph (a), the amount prescribed is 500,000L.

Part 3 Sustainability criteria for biofuels

Division 1 Sustainability criteria

5 Sustainability criteria for biofuels

- (1) For schedule 1 of the Act, definition *sustainable biobased diesel*, the sustainability criteria for biofuel stated in schedule 1, part 2 are prescribed as sustainability criteria for biobased diesel.
- (2) For schedule 1 of the Act, definition *sustainable biobased petrol*, the sustainability criteria for biofuel stated in schedule 1, part 2 are prescribed as sustainability criteria for biobased petrol.

Division 2 Equivalent standards

6 Purpose of division

This division provides for the chief executive (environment) to approve a standard as an equivalent standard for a sustainability standard.

7 When chief executive (environment) may approve standard

- (1) The chief executive (environment) may approve a standard as an equivalent standard for a sustainability standard if the chief executive (environment) is satisfied the standard provides for sustainability measures that are at least equivalent to the sustainability standard.
- (2) The chief executive (environment) must publish a list of each standard that is approved as an equivalent standard for each sustainability standard on the environment department's website.

(3) In this section—

environment department means the department in which the *Environmental Protection Act 1994* is administered.

8 Application for approval of standard

- (1) A person may apply to the chief executive (environment) to approve a standard under this division.
- (2) The application must—
 - (a) be made in the approved form; and
 - (b) give the information necessary to enable the chief executive (environment) to decide the application.
- (3) The chief executive (environment) may give the person a written notice asking the person to give to the chief executive (environment), in the reasonable period stated in the notice, further information the chief executive (environment) reasonably considers necessary to decide the application.

9 Deciding application

- (1) For deciding an application under section 8, the chief executive (environment) must—
 - (a) approve the standard as an equivalent standard for a sustainability standard; or
 - (b) refuse to approve the standard as an equivalent standard for a sustainability standard.
- (2) In deciding whether to approve the standard, the chief executive (environment) must have regard to—
 - (a) the sustainability measures set out in the standard compared to the sustainability measures set out in the sustainability standard; and
 - (b) any adverse impact the production of biofuel in accordance with the standard may have on—

[s 10]

- (i) biodiversity, ecosystems and areas of high conservation value; or
 - (ii) surface and ground water quality, including, for example, from nutrient or sediment runoff; or
 - (iii) soil quality, including, for example, from soil degradation; and
 - (c) anything else the chief executive (environment) considers relevant.
- (3) The chief executive (environment) may refuse to approve the standard if—
- (a) the chief executive (environment) has given the person a notice under section 8(3) asking for further information; and
 - (b) the person does not comply with the request in the period stated in the notice.

10 Notice of decision on application

- (1) The chief executive (environment) must, within 10 days after making a decision under section 9, give the person notice of the decision.
- (2) If the chief executive (environment)'s decision is to refuse to approve the standard, the notice must be a QCAT information notice.
- (3) Subsection (4) applies if the chief executive (environment) fails to give the person a notice about the decision—
 - (a) within 40 days after the application is made; or
 - (b) if the person gave the chief executive (environment) further information requested under section 8(3)—within 40 days after receiving the further information.
- (4) The chief executive (environment) is taken to have refused to approve the standard.

11 Review by QCAT

A person given, or entitled to be given, a QCAT information notice under section 10(2) may apply, as provided under the QCAT Act, to QCAT for an external review of the decision.

Part 4 Transitional provision

12 Sustainability criteria for biofuel produced in Australia before commencement

- (1) For the Act, schedule 1, definition *sustainable biobased diesel*, the sustainability criteria for biobased diesel produced in Australia before the commencement is that the diesel was produced under an environmental approval relating to the production of biobased diesel.
- (2) For the Act, schedule 1, definition *sustainable biobased petrol*, the sustainability criteria for biobased petrol produced in Australia before the commencement is that the petrol was produced under an environmental approval relating to the production of biobased petrol.
- (3) Subsections (1) and (2) apply despite section 5 and schedule 1.
- (4) In this section—
environmental approval means—
 - (a) for biofuel produced in Queensland—an environmental authority under the *Environmental Protection Act 1994*; or
 - (b) for biofuel produced outside Queensland—an environmental approval (however described) under an Act or law, of the Commonwealth or another State, about the protection of the environment.

Schedule 1 Sustainability criteria for biofuels

section 5

Part 1 Preliminary

1 What is the *greenhouse gas criterion*

- (1) For this schedule, the *greenhouse gas criterion* for biofuel is that the greenhouse gas emissions for the production and use of the biofuel are at least 20% less than the greenhouse gas emissions for the production and use of the relevant equivalent fuel.
- (2) Whether biofuel meets the criterion mentioned in subsection (1) must be worked out using—
 - (a) a lifecycle assessment complying with both of the following standards—
 - (i) ISO 14040:2006;
 - (ii) ISO 14044:2006; or
 - (b) for biofuel mentioned in section 5 that is appropriately certified under section 5(2)(b)—the RSB lifecycle methodology.
- (3) In this section—

relevant equivalent fuel means—

 - (a) for biobased petrol—regular petrol; or
 - (b) for biobased diesel—diesel.

RSB lifecycle methodology means the RSB lifecycle GHG emission calculation methodology under the RSB global standard.

Part 2 Sustainability criteria

2 Biofuel produced from palm oil

- (1) Biofuel produced from palm oil (whether or not in combination with another source) must—
 - (a) be appropriately certified; and
 - (b) comply with the greenhouse gas criterion.
- (2) For subsection (1), biofuel produced from palm oil is *appropriately certified* if, when the biofuel is produced, each supply chain entity for the biofuel is certified under—
 - (a) the RSPO standard or a superseded version of the RSPO standard; or
 - (b) an equivalent standard for the RSPO standard.

3 Biofuel produced from sugar cane

- (1) Biofuel produced from sugar cane (whether or not in combination with another source) must—
 - (a) be appropriately certified; and
 - (b) comply with the greenhouse gas criterion.
- (2) For subsection (1), biofuel produced from sugar cane is *appropriately certified* if—
 - (a) at least 30% of the sugar cane is accredited sugar cane; or
 - (b) when the biofuel is produced, the facility at which the biofuel is produced, or each supply chain entity for the biofuel, is certified under—
 - (i) the International Sustainability and Carbon Certification system in accordance with—
 - (A) the ISCC EU standard or the ISCC PLUS standard; or
 - (B) a superseded version of the ISCC EU standard or the ISCC PLUS standard; or

- (ii) the RSB global standard or a superseded version of the RSB global standard; or
 - (iii) an equivalent standard for a sustainability standard.
- (3) In this section—

accredited sugar cane means sugar cane produced by a person accredited under the ‘Smartcane Best Management Practices (BMP)’ program administered by the Queensland Cane Growers Organisation Ltd ACN 089 992 969.

4 Biofuel produced from only waste

Biofuel produced from only waste must comply with the greenhouse gas criterion.

5 Other biofuel

- (1) Biofuel not otherwise mentioned in this part must—
- (a) be appropriately certified; and
 - (b) comply with the greenhouse gas criterion.
- (2) For subsection (1), biofuel is *appropriately certified* if, when the biofuel is produced, the facility at which the biofuel is produced, or each supply chain entity for the biofuel, is certified under—
- (a) the International Sustainability and Carbon Certification system in accordance with—
 - (i) the ISCC EU standard or the ISCC PLUS standard; or
 - (ii) a superseded version of the ISCC EU standard or the ISCC PLUS standard; or
 - (b) the RSB global standard or a superseded version of the RSB global standard; or
 - (c) an equivalent standard for a sustainability standard.

Schedule 2 Dictionary

section 3

biofuel means—

- (a) biobased petrol; or
- (b) biobased diesel.

certified, in relation to an equivalent standard, means certified, accredited or otherwise formally recognised.

chief executive (environment) means the chief executive of the department in which the *Environmental Protection Act 1994* is administered.

equivalent standard, for a sustainability standard, means a standard approved by the chief executive (environment), under part 3, division 2, as an equivalent standard for the sustainability standard.

greenhouse gas criterion, for schedule 1, see schedule 1, section 1.

ISCC EU standard means the document titled ‘ISCC 201 system basics’, published by the International Sustainability and Carbon Certification, as in force from time to time under that title (regardless of the edition or year of publication of the document).

ISCC PLUS standard means the document titled ‘ISCC plus’, published by the International Sustainability and Carbon Certification, as in force from time to time under that title (regardless of the edition or year of publication of the document).

ISO 14040:2006 means the standard titled ‘ISO 14040:2006 Environmental management—Life cycle assessment—Principles and framework’, published by the International Organization for Standardization.

ISO 14044:2006 means the standard titled ‘ISO 14044:2006 Environmental management—Life cycle

assessment—Requirements and guidelines’, published by the International Organization for Standardization.

produced, from a substance, includes produced from a derivative of the substance.

QCAT information notice means a notice complying with the QCAT Act, section 157(2).

RSB global standard means the standard designated ‘RSB-STD-01-001’, published by the Roundtable on Sustainable Biomaterials, as in force from time to time under that designation (regardless of the edition or year of publication of the standard).

RSPO standard means the document titled ‘Principles and criteria for the production of sustainable palm oil 2018’, adopted by the RSPO General Assembly on 15 November 2018.

standard means a code, guideline, program, protocol, standard or other instrument or series of instruments, whether made in or outside Australia, relating to the production of biofuel or a source from which biofuel may be produced.

superseded version, of a sustainability standard, means a version of the standard that was in force from time to time before the current version of the standard.

supply chain entity, for biofuel, means an entity responsible for a step in the supply chain for the production of the biofuel, including, for example, an entity responsible for—

- (a) the production of the source of the biofuel; or
- (b) the processing of the source of the biofuel; or
- (c) the conversion of the biofuel source into the biofuel.

sustainability standard means a standard mentioned in schedule 1.