NOTES ON INDIVIDUAL CLAUSES

Amendment (1) – 15A After paragraph 70(1)(d)

1. Currently, section 70 of the Fuel Quality Standards Act 2000 (the Act) provides that an application may be made to the Administrative Appeals Tribunal (AAT) for review of specified decisions including a decision to refuse to grant an approval and a decision to vary or revoke an approval, but not a decision to refuse to vary an approval. The amendment enables an application to be made to the AAT for a review of a decision of the Minister to refuse to vary an approval, other than a decision of the Minister to refuse to vary an emergency approval under section 17F.

2. The amendment excludes a decision of the Minister to refuse to vary an emergency approval to extend the period of its effect under section 17F. An emergency approval remains in effect for the period specified in the approval or 14 days, whichever is the shorter period. An emergency approval may be varied under section 17F to extend the period of its effect for a further period as specified in the approval or 14 days, whichever is the shorter period. The short period within which an emergency approval remains in effect provides flexibility for the Minister to grant an approval to avoid a potential threat of a fuel supply shortage. An emergency approval is an interim and short term measure following which an approval under section 13 of the Act may be granted. Given the short term nature of an emergency approval, it is therefore considered appropriate that a decision to refuse to vary an emergency approval to extend the period of its effect under section 17F is not subject to merits review in the AAT.