

Biofuels Act 2007

Statement of Regulatory Intent

This Statement sets out the enforcement intentions of NSW Fair Trading in the first and second quarters of 2017, following commencement of the *Biofuels Amendment Act 2016* and the Biofuels Regulation (No 2) 2016 on 1 January 2017.

To provide clarity and certainty to industry during the transition to the new laws, I have approved the following regulatory approach by NSW Fair Trading.

Registration requirement applies to all service station operators from 1 January 2017

Section 10 of the Biofuels Act, as amended, requires primary wholesalers, volume fuel retailers and all other operators of service stations to register with NSW Fair Trading.

This requirement will apply to all operators from 1 January 2017.

Compliance by 'major retailers' required from 1 January 2017 onwards

A volume fuel retailer who is registered under the Biofuels Act as a 'major retailer' as at 31 December 2016 will be required to comply with the new laws from 1 January 2017 onwards.

No enforcement action will be taken against 'major retailers' during first quarter 2017 if they have lodged an application for a first quarter exemption from the section 8 ethanol mandate by 30 January 2017.

Section 8 exemption applications must include a plan and timetable detailing the steps that will be taken to achieve compliance with section 8 of the Act. The exemption application will be made via the paper form provided by NSW Fair Trading directly to those major retailers.

'Major retailers' will be required to lodge quarterly returns for first quarter 2017 via a new online form. The due date for quarterly returns is one month after the end of the relevant quarter, meaning first quarter 2017 returns must be lodged online by 1 May 2017.

Full compliance by all Volume Fuel Retailers will be required from 1 April 2017

In the case of volume fuel retailers who have not been subject to the Biofuels Act prior to 1 January 2017, compliance with the minimum biofuels requirements set out in sections 6, 7 and 8 of the Biofuels Act will be required from 1 April 2017 onwards.

Volume fuel retailers who wish to request an exemption in advance for second quarter 2017 must lodge an application online by 3 March 2017.

No enforcement action will be taken during second quarter 2017 against volume fuel retailers whose exemption applications for second quarter 2017 are either granted or pending as at 1 April 2017.

All volume fuel retailers will be required to lodge quarterly returns for first quarter 2017 via a new online form. The due date for quarterly returns is one month after the end of the relevant quarter, meaning first quarter 2017 returns must be lodged online by 1 May 2017.

Ensuring petrol-ethanol blend is as accessible as any other type of petrol

Section 8 of the Act requires volume fuel retailers to ensure that at all of their volume fuel service stations, a petrol-ethanol blend is available for retail sale.

Further, clause 8 of the Regulation states that the petrol-ethanol blend must be as accessible to the service station's customers as any other type of petrol available for retail sale at the volume fuel service station.

Fair Trading's enforcement intention in this regard is that nozzles of petrol-ethanol blend must be conveniently located across the forecourt of the volume fuel service station, and in comparable numbers to the other most available petrol product being offered for retail sale.

More information

More information about the biofuels regime is available in the service stations section of the Fair Trading website www.fairtrading.nsw.gov.au.

More information on applying for an exemption is contained in the [Biofuels Exemptions Framework and Guidelines](#) which is published on the Fair Trading website.

A handwritten signature in black ink that reads "Rod Stowe". The signature is written in a cursive style with a large initial 'R' and a trailing flourish.

Rod Stowe
Commissioner
14 December 2016