



Australian Capital Territory

Environment Protection (Fuel Sales Data) Amendment Act 2007

A2007-17

Contents

	Page	
Part 1	Preliminary	
1	Name of Act	2
2	Commencement	2
Part 2	Environment Protection Act 1997	
3	Legislation amended—pt 2	3
4	New part 9A	3
Part 3	Magistrates Court (Environment Protection Infringement Notices) Regulation 2005	
5	Legislation amended—pt 3	7
6	Schedule 1, part 1.1, new item 14A	7



Australian Capital Territory

Environment Protection (Fuel Sales Data) Amendment Act 2007

A2007-17

An Act to amend the *Environment Protection Act 1997*, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

2006-814

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Part 1 Preliminary

1 Name of Act

This Act is the *Environment Protection (Fuel Sales Data) Amendment Act 2007*.

2 Commencement

This Act commences on 1 July 2007.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

Part 2 Environment Protection Act 1997

3 Legislation amended—pt 2

This part amends the *Environment Protection Act 1997*.

4 New part 9A

insert

Part 9A Fuel sales information

92 Fuel sales—provision of information

- (1) The occupier of a service station (the *occupier*) must, not later than 30 September, give the chief executive details (the *fuel information*) of the amount of each kind of liquid fuel sold at the service station in the year ending on the preceding 30 June.

Note If a form is approved under s 165A for information required under this section, the form must be used.

- (2) The occupier must also give the chief executive any further information reasonably required by the chief executive to verify the fuel information.
- (3) If the occupier fails to comply with subsection (1) or (2), the chief executive may, in writing, require the occupier to do so by a stated day.
- (4) The occupier commits an offence if the occupier fails to comply with a requirement under subsection (3).

Maximum penalty: 50 penalty units.

- (5) An offence against subsection (4) is a strict liability offence.

(6) In this section:

occupier, in relation to a service station, means a person who carries on the business of a service station.

service station means any place where unpackaged liquid fuel is offered for sale by retail.

92A Confidential commercial information must not be disclosed

(1) This section applies to information given to the chief executive under section 92.

(2) A person commits an offence if—

(a) the person discloses confidential commercial information that the person has only because of exercising a function under this Act; and

(b) the person knows that the information is confidential commercial information; and

(c) the disclosure is not—

(i) to the Territory or a Territory agency; or

(ii) by order of a court; or

(iii) with the consent of each person to whom the information has a commercial or other value.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

(3) A person commits an offence if—

(a) the person discloses confidential commercial information that the person has only because of a disclosure permitted under subsection (2); and

- (b) the person knows that the information is confidential commercial information; and
- (c) the disclosure is not—
 - (i) to the Territory or a Territory agency; or
 - (ii) by order of a court; or
 - (iii) with the consent of each person to whom the information has a commercial or other value.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (4) In this section:

confidential commercial information means—

- (a) information that has a commercial or other value that would be, or could reasonably be expected to be, destroyed or diminished if the information were disclosed; or
- (b) other information that—
 - (i) concerns the lawful commercial or financial affairs of a person or undertaking; and
 - (ii) if it were disclosed, could unreasonably affect the person or undertaking.

court includes a tribunal, authority or person having power to require the production of documents or the answering of questions.

Territory agency means—

- (a) a Minister; or
- (b) an administrative unit; or
- (c) a Territory instrumentality; or

- (d) a corporation established for a public purpose under a Territory Act.

Part 3 Magistrates Court (Environment Protection Infringement Notices) Regulation 2005

5 Legislation amended—pt 3

This part amends the *Magistrates Court (Environment Protection Infringement Notices) Regulation 2005*.

6 Schedule 1, part 1.1, new item 14A

insert

14A	92 (4)—if failure to comply with 92 (1)	50	1 000
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Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 3 May 2007.

2 Notification

Notified under the Legislation Act on 14 June 2007.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Environment Protection (Fuel Sales Data) Amendment Bill 2007, which was passed by the Legislative Assembly on 5 June 2007.

Clerk of the Legislative Assembly

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