

Petroleum and Other Fuels Reporting Amendment (Fuel Security Services Payment) Rule 2021

I, Angus Taylor, Minister for Energy and Emissions Reduction, make the following instrument.

Dated: 21 July 2021

Angus Taylor

Minister for Energy and Emissions Reduction

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1 Name

This instrument is the *Petroleum and Other Fuels Reporting Amendment (Fuel Security Services Payment) Rule 2021*.

2 Commencement

(1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information | | |
| --- | --- | --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this instrument | On the day after the instrument is registered. |  |

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

(2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under section 41 of the *Petroleum and Other Fuels Reporting Act 2017*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Petroleum and Other Fuels Reporting Rules 2017

[1] Section 4

Insert:

***FS Act*** means the *Fuel Security Act 2021*.

***FSSP fuel*** means gasoline, diesel or kerosene meeting the requirements to be an FSSP fuel in the FSSP rule.

***FSSP rule*** means the *Fuel Security (Fuel Security Services Payment) Rule 2021.*

***NGER (Audit) Determination*** means the*National Greenhouse and Energy Reporting (Audit) Determination 2009.*

***quarter*** means a period of 3 months ending on 31 March, 30 June, 30 September or 31 December.

***registered greenhouse and energy auditor*** has the meaning given by the FS Act.

[2] At the end of Division 3 of Part 2

Add:

Subdivision C—Reports related to Fuel Security Services Payment

19A Reports—fuel security services payment

(1) For the purposes of section 11 of the Act:

(a) a report must be given under that section if a covered activity of refining FSSP fuel is undertaken in Australia and the refining of that fuel is eligible for a fuel security services payment under the FS Act; and

(b) the report must be given by the regulated entity eligible to receive a fuel security services payment under the FS Act for the FSSP fuel; and

(c) the report must include the fuel information required by subsection (2) for FSSP fuel refined in a quarter; and

(d) the report must be given to the Secretary within 21 days after the end of each quarter.

Note: Reports under this section may be submitted with other reports under this instrument and use data already reported.

(2) The report must include the following fuel information:

(a) the volume of each FSSP fuel meeting the requirements of section 5 and 13 of the FSSP rule for the quarter, in litres;

(b) the mass of each FSSP fuel covered by paragraph (a) in tonnes;

(c) the volume of any blendstocks used at the refinery in the quarter;

(d) a statement of the accuracy of the reported information.

(3) In this section, ***blendstock*** has the meaning given by the FSSP rule.

19B Audit of fuel security services payment reports for 1 July 2021 financial year

(1) For the purposes of subsection 13B(1) of the Act, an audit report must be prepared under this section to cover reports under section 19A for all quarters in the financial year starting 1 July 2021.

(2) The audit report must be prepared by a registered greenhouse and energy auditor in accordance with the requirements for reasonable assurance engagements under the NGER (Audit) Determination.

(3) The audit to prepare the report must be about whether, in all material respects, the fuel information reported under subsection 19A(2) for the financial year starting 1 July 2021 was:

(a) prepared in accordance with section 19A; and

(b) fairly presented.

(4) The report must be provided to the Secretary no later than 30 September 2022.

19C Audit of fuel security services payment reports if concern about reports

(1) For the purposes of subsection 13B(1) of the Act, if the Secretary is concerned about the accuracy of information provided in a report under section 19A, the Secretary may, by written notice, request the person who submitted the report to obtain an audit report under this section about that report or the next report to be submitted by the person under section 19A.

(2) The audit report must be prepared by a registered greenhouse and energy auditor in accordance with the requirements for reasonable assurance engagements under the NGER (Audit) Determination.

(3) The audit to prepare the report must be about whether, in all material respects, the fuel information reported under subsection 19A(2) for quarter was:

(a) prepared in accordance with section 19A; and

(b) fairly presented.

(4) The report must be provided to the Secretary:

(a) if it relates to a report under section 19A already provided to the Secretary—no later 90 days after being requested; and

(b) if it relates to a report under section 19A yet to be provided to the Secretary—no later than 60 days after the end of the quarter to which the report relates (or such other time agreed with the person and the Secretary).

(5) The Secretary must not make requests under subsection (1) to a person more than once in each financial year unless a significant discrepancy is identified in the fuel information reported.