

The Senate

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Environment, Communications,  
Information Technology and the Arts  
Legislation Committee

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Provisions of the Fuel Quality Standards  
Amendment Bill 2003

October 2003

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## **Committee membership**

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Senator Sue Mackay, Deputy Chair (ALP, TAS)  
Senator Andrew Bartlett (AD, QLD)  
Senate Kate Lundy (ALP, ACT)  
Senator Santo Santoro (LP, QLD)  
Senator Tsebin Tchen (LP, VIC)

### ***Substitute Members***

Senator Allison to replace Senator Bartlett for the committee's consideration of the provisions of the Fuel Quality Standards Amendment Bill 2003  
Senator O'Brien to replace Senator Mackay for the committee's consideration of the provisions of the Fuel Quality Standards Amendment Bill 2003

### ***Participating Members***

Senator the Hon Eric Abetz (LP, TAS)  
Senator the Hon Nick Bolkus (ALP, SA)  
Senator the Hon Ron Boswell (NATS, QLD)  
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Senator George Campbell (ALP, NSW)  
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## Referral and conduct of the inquiry

1.1 On the recommendation of the Selection of Bills Committee, on 20 August 2003 the Senate resolved that the provisions of the Fuel Quality Standards Amendment Bill 2003 (the Bill) be referred to the Environment, Communications, Information Technology and the Arts Legislation Committee for inquiry and report by 28 October 2003.<sup>1</sup>

1.2 The Committee invited submissions on the Bill in advertisements in *The Australian* on Wednesday, 27 August 2003 and on Wednesday, 10 September 2003. The Committee received seven submissions and five supplementary submissions which are listed at Appendix 1. It also held a public hearing in Canberra on Friday, 10 October 2003, details of which are shown at Appendix 2. Two documents were tabled at the hearing and details of these are shown at Appendix 3.

1.3 The Committee thanks all those who contributed to its inquiry by preparing submissions and by appearing at the hearing.

### The Bill

1.4 The Bill was introduced into the House of Representatives on 26 June 2003.

1.5 The Bill proposes amendments to the *Fuel Quality Standards Act 2000* and has two main purposes. The Second Reading Speech states that the amendments will complement and enhance the existing regulatory regime by providing a power to introduce and enforce uniform national fuel labelling where such labelling is needed in the public interest. It continues:

This framework will provide for determinations to be made that set Fuel Quality Information Standards for specified supplies of specified fuels. This is a flexible mechanism and, in the first instance, will be used to set parameters that will apply to the labelling, at the point of sale, of ethanol blends.<sup>2</sup>

1.6 The proposed amendments will permit State and Territory laws to be overridden where the Commonwealth has made fuel quality information standards. For example, should the Commonwealth introduce point-of-sale labelling for ethanol blends, the Commonwealth's label would override any State point-of-sale ethanol labelling requirements.<sup>3</sup>

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1 Selection of Bills Committee Report No. 9 of 2003, 20 August 2003.

2 Fuel Quality Standards Amendment Bill 2003, Second Reading Speech, p 1.

3 Fuel Quality Standards Amendment Bill 2003, Explanatory Memorandum, p 3.

1.7 The second purpose of the Bill is to declare certain key offences under the Act to be offences of strict liability and provides for revised penalties consistent with that change of status.

1.8 The Committee notes that the Senate Scrutiny of Bills Committee dealt with this Bill in its *Alert Digest* No. 8 of 2003 and made no comment on it.

## **Background to the Bill<sup>4</sup>**

1.9 The issue of blending ethanol with petrol has attracted a lot of press and public comment since late 2002. The negative publicity has concentrated on reports that ethanol levels higher than ten per cent may accelerate wear on engine components and fuel lines, and reduce fuel economy. A number of vehicle makers have advised that ethanol concentrations above ten per cent may limit or void warranties. Some petrol retailers have placed stickers on bowsers advising motorists that their petrol 'contains no ethanol'.

1.10 The Minister for the Environment and Heritage, Hon Dr David Kemp, MP, announced on 11 April 2003 that the Government would set a 10 per cent limit on the volume of ethanol blended with petrol and require the mandatory labelling of ethanol blended fuels.<sup>5</sup> Some State and Territory Governments have used their own power to require labelling of ethanol blends sold to motorists.<sup>6</sup> On 7 May 2003, the Fuel Standard (Petrol) Amendment Determination 2003 (No. 1), made by the Minister under section 21 of the Act, was gazetted.<sup>7</sup> This Determination caps the volume of ethanol that can be blended with petrol at 10 per cent. It commenced on 1 July 2003.

1.11 This Bill addresses the second of the Government's policy commitments on ethanol in fuel. The Bill does not actually introduce ethanol labelling. Its purpose is to establish an enforceable national labelling system for fuels so that motorists are made aware of the nature of the fuel they are purchasing before they buy. The proposed amendments will allow the Minister to set a fuel quality information standard for a particular supply of a particular fuel. Specific labelling standards will be introduced through the gazettal of a (disallowable) determination after the Bill has been passed.

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4 Extract from Department of the Parliamentary Library Information and Research Services, *Bills Digest No. 30* 2003-04, pp. 2-3.

5 The Hon Dr David Kemp, 'Federal Government to set 10 per cent ethanol limit', *Media Release*, K0076, 11 April 2003.

6 See Submission No. 4, Ms Reba Meagher, MP, NSW Minister for Fair Trading, and Submission No. 5, Mr John Lenders, MP, Victorian Minister for Consumer Affairs.

7 Commonwealth of Australia Gazette, No. GN18, 17 May 2003. The Determination was tabled in both Houses of Parliament on 13 May 2003.



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## The issues

1.12 While submissions generally support the proposals in the Bill, some concerns have been raised about the proposed regime, particularly the content of the labelling; who should provide the information and labels and what fuels may be subject to a fuel quality information standard.

1.13 In its submission, the Victorian Government raised its concern about the level of penalties for strict liability offences which the proposed amendments will create. No submitter took issue with the proposal to declare certain key offences as strict liability offences, however.

### *Fuel quality information standards*

1.14 The amendments in the Bill will enable the Minister to determine a fuel quality information standard for a specified supply of a specified kind of fuel. The contents of a standard must specify:

- (a) the information about the fuel that the Minister is satisfied should, in the public interest, be provided in connection with the supply; and
- (b) the way in which that information is to be provided.

1.15 Mr Peter Burnett, Assistant Secretary, Environment Standards Branch, the Department of the Environment and Heritage, told the Committee that:

A fuel quality information standard can also impose a requirement on suppliers other than retailers. Typically, this will be an obligation on wholesalers to tell the retailer that the fuel they are providing has particular characteristics so that the retailer can then comply with the labelling obligation applying to that particular type of fuel.<sup>8</sup>

1.16 Mr Burnett described for the Committee the four-step process in developing a fuel quality information standard:

First, the minister develops a proposed standard, having regard to the objects of the act and whether it is in the public interest ... that certain information be provided to persons who may be buying the fuel. The second step is that the minister consults the Fuel Standards Consultative Committee. This is a statutory committee that already exists under the principal act. Membership of the committee is taken from both government and non-government sectors. ... to give you an idea, there are representatives from the Commonwealth government and from each state and territory government. There are also members from various sectors in industry. Currently, members include the Australian Institute of Petroleum,

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8 *Proof Committee Hansard*, 10 October 2003, p. ECITA 1.

the Australian Automobile Association as a consumer representative, the Federal Chamber of Automotive Industries, the Independent Petroleum Group and an independent consultant with a background in alternative and renewable fuels. The third step in the process after consulting the committee is that the minister makes the information standard and tables it in the parliament. The final step is that the parliament scrutinises the standard. The parliament may disallow it if it thinks it appropriate.<sup>9</sup>

1.17 Whilst the Australian Biofuels Association indicated that it ‘supports the general intent and purpose’ of the Bill, it submitted that it ‘falls short of providing the consumer with uniform advice and information on the contents and use of transport fuels in Australia’.<sup>10</sup> Its view is that labelling of all transport fuels should be mandatory, just as:

Labelling standards have long been used in Australia as a means of informing the public of the contents and risks associated with the use of substances such as tobacco, alcohol, drugs and chemicals. ...

Mandatory labelling of the contents of all transport fuels will close a wide gap in the consumers right to be informed about the contents of the fuels they use in their vehicles. Failure to take this obvious step will not only deny the consumer vital information on the impacts of transport fuels on the health and welfare of their families, but will also perpetuate a system that has been shown to be capable of abuse by dominant market forces.<sup>11</sup>

1.18 Mr Robert Gordon, Executive Director of the Australian Biofuels Association, told the Committee that his association:

... would be concerned if there were to be discriminatory labelling for ethanol and biofuels alone and the contents or some of the negative impacts of petroleum transport fuels were not brought to consumers’ attention as well.<sup>12</sup>

1.19 The Committee notes that whilst the Government has expressed its intention, in the first instance, to institute a point-of-sale labelling requirement for the supply of ethanol blends, the Bill is essentially enabling legislation to permit the Minister for the Environment and Heritage to set a fuel quality information standard for a particular supply of a particular fuel, so that, if it were determined to be in the public interest, the Minister could introduce labelling requirements for other types of fuels.

1.20 In its submission, the Australian Automobile Association (AAA) said that it ‘welcomes the Commonwealth’s moves to adopt a legislative approach to the

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9 *Proof Committee Hansard*, 10 October 2003, p. ECITA 2.

10 Australian Biofuels Association, Submission No. 1, p. 1.

11 Australian Biofuels Association, Submission No. 1, pp. 2-3.

12 *Proof Committee Hansard*, 10 October 2003, p. ECITA 8.

labelling of fuels at the point of sale through setting a fuel quality information standard', but went on to express its concern that the proposed legislation is enabling legislation which 'gives no indication of what labelling might result or even when it may be applied'.<sup>13</sup>

1.21 The AAA considers adequate labelling is essential given that ethanol-blended fuels may not be suitable for all petrol engines in the Australian vehicle fleet. It noted that 'it appears vehicle manufacturers and importers recommend against the use of ethanol in at least 40 percent of the vehicle fleet'.<sup>14</sup>

1.22 Mr Lauchlan McIntosh, Executive Director of the AAA, told the Committee that:

... it is important there should be detailed labelling at the point of sale so that consumers have information that relates to the suitability of the use of ethanol blends in their particular vehicle. The labels should also indicate the impact on fuel economy, as it is well established that ethanol blends are less efficient than normal petrol.<sup>15</sup>

He added:

What we really need is very specific labelling. The manufacturer should say 'This fuel is suitable for this car.' They do so with leaded and unleaded petrol; they make it very clear now and they make suggestions about premium and non-premium fuel.<sup>16</sup>

1.23 As an example of suitable information to be made available to consumers, Mr Greg Hunting of the AAA provided the Committee with a copy of a brochure *Fuel guide for older cars*, providing information about leaded, unleaded and substitutes for lead, and what should and should not be used. He noted that at that time lists of vehicles were published. He suggested that this level of information should occur in the case of ethanol blends. This brochure is attached at Appendix 4.

1.24 Members of the Committee sought copies of the draft regulatory framework and possible labels but departmental officers advised that, while preparatory work had commenced on the determination, 'there is no draft label determination as yet' and the Department has 'not yet prepared a draft label'.<sup>17</sup>

1.25 When questioned further about a timetable for completion of the supporting determinations and label, Mr Burnett advised that:

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13 Australian Automobile Association, Submission No. 2, p.1.

14 Australian Automobile Association, Submission No. 2, p. 1.

15 *Proof Committee Hansard*, 10 October 2003, p. ECITA 14.

16 *Proof Committee Hansard*, 10 October 2003, p. ECITA 15.

17 *Proof Committee Hansard*, 10 October 2003, p. ECITA 3.

It is impossible to put a precise timetable on it because we do not know the final form of the legislation, we do not know when it will be passed and we do not know how extensive the consultation proves with Fuel Standards Consultative Committee will be. It could be anything from a brief meeting to requiring several meetings if people raise significant issues that require further research et cetera.<sup>18</sup>

1.26 However, the Committee has written to the Minister for the Environment and Heritage seeking his advice about when the relevant Regulations will become available.

### ***Strict liability offences and penalties***

1.27 The Bill amends the Act to create strict liability offences for the key offence provisions. Where strict liability applies to an offence, the prosecution does not need to prove any fault on the part of the defendant, for example, recklessness, negligence, or in the case of this Bill, that the defendant had the required knowledge of the applicable fuel standard as determined by the Minister. Strict liability offences are those which do not require guilty intent for their commission, but for which there is a defence if the wrongful action was based on a reasonable mistake of fact.<sup>19</sup>

1.28 The Explanatory Memorandum for the Bill states that:

Without strict liability ... the prosecution would have to prove beyond reasonable doubt that the defendant had the required knowledge of the relevant fuel quality standards under the Act. If a person is ignorant of, or mistaken about, those requirements then that person could not have the requisite intent to commit an offence. Experience in administering the Act suggests that it is likely to be very difficult to provide such an awareness on the part of the defendant and that, as with many other regulatory offences, it is appropriate to create offences of strict liability.<sup>20</sup>

1.29 This Bill proposes amendments to the Act to create a number of strict liability offences under the Act; as follows:

- item 10 amends section 12 (supply of fuel)
- item 19 amends section 19 (supplies of fuel to be accompanied by documentation)
- item 22 amends section 20 (alteration of fuel that is covered by a fuel standard)
- item 29 amends section 30 (supply of a fuel additive), and
- item 32 amends section 31 (importation of a fuel additive).

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18 *Proof Committee Hansard*, 10 October 2003. p. ECITA 32.

19 *Bills Digest* No. 30 2003-04, p.3.

20 Explanatory Memorandum, p. 4.

1.30 The Second Reading Speech states that:

This will ensure that offenders can be properly prosecuted and cannot avoid conviction by simply denying that they had the requisite knowledge of the standards. These amendments are crucial to ensure that the objectives of the Act can be achieved.<sup>21</sup>

1.31 The Bill also proposes to reduce the maximum penalty for offences which will become strict liability offences. This proposed change is because 'It is Government policy that strict liability offences would have lower penalties than would apply under a corresponding offence that was not one of strict liability'.<sup>22</sup>

1.32 This reduction of fines is a concern for the Victorian Government. It submitted that:

The fines proposed in the Bill are significantly less than those that may be imposed for the breach of an information standard under the Victorian *Fair Trading Act 1999*. While a lower level of fine is proposed to reflect the nature of an offence under the Bill as a strict liability offence, these fines are not considered to be appropriate in terms of the potentially detrimental public impact nor are they sufficient to deter suppliers from selling fuel with appropriate disclosures.<sup>23</sup>

1.33 When questioned on this issue at the Committee's public hearing, Mr Burnett, from the Department of the Environment and Heritage, advised that:

The setting of fines is a very complex process and is also a very specialised task. We take the advice of a specialised area within the Attorney-General's Department on what the fines should be. In this case, as we usually do, we have simply accepted their advice. It is not within my expertise to comment on the specific fine. I can say that as a matter of general principle they look to ensure that the fine is appropriate, having regard to a number of policy considerations. One of those is consistency both within the legislation and with other Commonwealth legislation. I understand that they take into account the levels of fines set in state legislation. Perhaps that is a secondary consideration to consistency within the Commonwealth, but I am not able to respond directly to that suggestion.<sup>24</sup>

1.34 The Committee agreed that the question be referred to the Attorney-General's Department and, accordingly, it has written to the Attorney-General seeking his advice about the process through which the appropriate penalties for particular offences are determined and the reasons for the level of penalties set out in the Bill.

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21 Second Reading Speech, p. 2.

22 Explanatory Memorandum, p. 3.

23 Victorian Government, Submission No. 5, p. 2.

24 *Proof Committee Hansard*, 10 October 2003, pp.28-29.

1.35 At the time of writing this report, the Committee is awaiting responses to its letters to the Attorney-General and the Minister for the Environment and Heritage.

### **Summary and recommendation**

1.36 Much of the Committee's hearing was directed at issues that may arise downstream of the Bill's enactment, rather than with the role of the Bill itself as enabling legislation. The purpose of this inquiry was to examine the provisions of the Bill to establish an enforceable national labelling system for fuels, not to inquire into the broader issue of the appropriateness of the use of ethanol fuel blends in vehicles, which was the focus of debate between the Australian Biofuels Association and the Australian Automobile Association.

1.37 The Committee was told by the Department's Mr Burnett that on 1 August 2003 State and Territory consumer affairs ministers had called on the Commonwealth to lead the implementation of a uniform national scheme of labelling.<sup>25</sup> That is, of course, what this Bill seeks to do.

1.38 The Committee believes that the Bill is a worthwhile and valuable initiative and accordingly it recommends:

**That the Fuel Quality Standards Amendment Bill 2003 be agreed to without amendment.**

**Senator Alan Eggleston**  
**Chair**

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25 *Proof Committee Hansard*, 10 October 2003, p. ECITA 28. Extract attached at Appendix 5.

# LABOR SENATORS DISSENTING REPORT

Labor Senators support the introduction of a national mandatory labelling regime for blended fuels. In September 2002, the Labor Opposition announced a policy on the introduction of capping ethanol-blended fuel to 10% and a labelling system. This position has not changed and Labor has consistently called for significant consumer protection in this area.

In December 2002, Dr Kemp, Minister for Environment and Heritage, called on State Governments to introduce mandatory labelling and indicated the Federal Government would take action if the States did not act.

In February 2003 Dr Kemp announced the Government would introduce a national mandatory labelling regime for blended fuels and relevant legislation would be introduced at the resumption of Parliament for 2003.

Evidence provided at the Inquiry by officers of the Department of Environment and Heritage asserts that the Department commenced preparation for the introduction of this policy in January 2003.

In April 2003 Dr Kemp announced the capping of ethanol blended fuel to 10% and re-announced the introduction of a national mandatory labelling regime.

The Fuel Quality Standards Amendment Bill 2003 was introduced to Parliament on 26 June 2003, the last sitting day of the Winter session.

Dr Kemp and the Department of Environment and Heritage have been developing the relevant material for this Bill since January 2003. The Department however, advised the Committee that it is yet to prepare draft regulations or proposed labels.

As highlighted during the public hearing, Labor Senators consider that without draft regulations and labels, the Committee has not been given sufficient information to fully understand the labelling regime this legislation will put in place.

Prior to the Inquiry's public hearing the Committee discussed the benefits to the Committee's work of being able to consider the draft regulations and proposed labels at the Inquiry. It was resolved that the Chair would request the Minister release this information. Unfortunately despite the Committee's request the Minister has refused to make draft regulations or proposed labels available to the Committee for consideration with the legislation.

It is not unprecedented that draft regulations be released at the time legislation is being considered in Parliament. Labor Senators do not consider the release of this information as unreasonable and wish to express their frustration in being required to consider legislation without being provided sufficient information to fully assess how the legislation will be implemented.

Labor also wishes to highlight that the Department of Environment and Heritage has been working on the implementation of a national mandatory labelling regime for most of 2003 and yet has not been asked to prepare draft regulations or proposed labels. Officers of the Department clearly indicated that once the legislation has been passed by Parliament, draft regulations and labels could be swiftly provided.

The principal operation of this Bill is to introduce consumer protection labelling for ethanol blended fuel. There has been legitimate public concern over the safety of ethanol in petrol and the issue of consumer awareness has been of primary importance to Labor throughout the debate.

Minister Kemp called for action to be taken in December 2002 and has repeatedly announced the Government's intention to introduce mandatory labelling for ethanol-blended fuel since February 2003. However, the Department was unable to explain why the introduction of the Bill was delayed until 26 June 2003.

Given the Department advised that it can quickly produce draft regulations and labels once instructed, and that to date it has not been instructed by the Minister to do so, Labor Senators are compelled to conclude that for some reason the Minister wishes to delay the introduction of a national mandatory labelling system.

Labor Senators are concerned that this legislation will provide consumers with information and protection, and it is for this reason the Opposition referred this legislation to the Committee. The Minister's claims that the Opposition has delayed the implementation of a national mandatory labelling system by referral of this bill to the Committee are demonstrably spurious.

Labor Senators continue to call on the Minister to immediately release the draft regulations and proposed labels in order to expedite the passage of this bill and the introduction of mandatory labelling of blended fuels.

Senator Kerry O'Brien  
Senator for Tasmania

Senator Kate Lundy  
Senator for the ACT



## Australian Democrats Minority Report

The purpose of the bill is to create powers enabling the Commonwealth to impose requirements for labelling of fuel at the point of sale by way of fuel quality information standards. The Bill will amend the Fuel Quality Standards Act in order to create these powers. The requirements under the fuel quality information standards have not yet been determined.

Whilst agreeing in principle that fuels should be labelled to assist consumer decision-making, the Democrats do not support the stated intention of the Government to commence the scheme by requiring the ethanol content of petrol to be the first and possibly the only labelling requirement on transport fuel.

While consumer confidence in ethanol blended fuel is at a very low point and there remains considerable doubt as to the claim that ethanol blended petrol is not suitable for certain vehicles and uses, targeting this fuel would have a detrimental effect on its uptake, despite the demonstrable health and environmental advantages.

We note that some vehicle manufacturers have indicated that warranties will be voided in the case of ethanol blend petrol used in some vehicles, however, no evidence was advanced for the necessity to do so. The Ethanol Working Group for Restoring Confidence is currently reviewing the testing that has been carried out on 10% ethanol/petrol blends (E10) in vehicles and that greater certainty about which, if any, vehicles should not use this fuel will shortly be available.

Witnesses to the inquiry pointed out that there have been no substantiated cases of damage to vehicles from blends of E10.

Mr Gordon — The largest trials of an ethanol 10 per cent blend were conducted in Australia on 60 vehicles in 1997-98. It cost the Commonwealth around \$2.5 million to run those trials. The results of those trials on 60 vehicles—on pre- and post-1986 models—clearly showed that there were no technical or other reasons that would suggest that an E10 blend was not a safe and reliable fuel in the overwhelming majority of vehicles in the Australian fleet. This is totally consistent with trials that have been conducted over the past 20 years in the United States and totally consistent with advice from other countries as well.”<sup>1</sup>

Blends of up to 20% ethanol that have been on sale for some years in parts of Sydney without any documented vehicle damage.<sup>2</sup>

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<sup>1</sup> Evidence presented to the Committee by Mr Bob Gordon, Australian Biofuels Association. 10<sup>th</sup> October 2003.

<sup>2</sup> Mr Les Fletcher. Evidence presented to the Senate Economics Committee inquiring into the provisions of the Energy Grants (Cleaner Fuels) Scheme Bill 2003. Oct 7<sup>th</sup> 2003

## **Labelling regarding the effects of fuel emissions**

This legislation does provide an opportunity to implement a comprehensive and worthwhile labelling scheme and the Democrats will move amendments to the Bill with this aim.

We propose that a star rating system be adopted, similar to the energy efficiency rating for appliances, providing consumers with an indication of the relative benefits of each available fuel including alternative fuels (CNG, LPG, etc.). A 'clean air' rating should take into account the full spectrum of emissions as well as the relative energy efficiency of the fuel and whether it is a renewable or fossil fuel.

Although there are some good arguments for the composition of fuels to be included on labelling, particularly the many additives that are harmful to health, these would be too numerous to be able to be included at the point of sale and would not necessarily provide consumers with insights into the relative merits of fuels

## **Consistency with State Legislation**

This legislation would override state and territory laws and Victoria already has E10 labelling laws in place. In his submission to the Committee, The Victorian Minister for Consumer Affairs, Mr John Lenders MP, expressed concern that the Bill:

‘would enable a national information standard to override State and Territory labelling laws where specified by the Commonwealth’ and that ‘The Bill does not provide an exemption for more stringent information standards in a particular State or Territory’

The Democrats see merit in a nationally consistent approach to fuel labeling but we are also sympathetic to the argument that the Commonwealth labeling regime should not be less stringent than those of the states and territories. We do however urge Federal and State governments to work together to establish nationally consistent labeling, based on 'clean air' rating, as previously outlined.

Senator Lyn Allison  
Australian Democrats

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## Appendix 1

### List of submitters

- 1 Australian Biofuels Association, ACT
- 1a Australian Biofuels Association, ACT
- 1b Australian Biofuels Association, ACT
- 2 Australian Automobile Association, ACT
- 2a Australian Automobile Association, ACT
- 3 Motor Trades Association of Australia, ACT
- 4 Ms Reba Meagher MP, Minister for Fair Trading, NSW
- 5 Mr John Lenders MP, Minister for Consumer Affairs, VIC
- 6 Indcor Limited, WA
- 7 Department of the Environment and Heritage, ACT
- 7a Department of the Environment and Heritage, ACT
- 7b Department of the Environment and Heritage, ACT



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## Appendix 2

### List of witnesses

*Canberra, 10 October 2003*

#### **Department of the Environment and Heritage**

Mr Peter Burnett, Assistant Secretary, Environment Protection Branch  
Mr Graeme Marshall, Director, Clean Fuels and Vehicles Section

#### **Australian Biofuels Association**

Mr Rob Gordon, Executive Director

#### **Australian Automobile Association**

Mr Lauchlan McIntosh, Executive Director  
Mr Greg Hunting, Director, Communications & Government Relations

#### **Indcor Limited**

Mr Peter Anderton, Chairman and CEO (*by teleconference*)



## Appendix 3

### Exhibits

Australian Automobile Association

- *Fuel guide for older cars*, BP Australia Pty Ltd

Department of the Environment and Heritage

- Membership of the Fuel Standards Consultative Committee at September 2003





## Appendix 4

### Brochure:

*Fuel guide for older cars*





# fuel guide for older cars

For more information regarding BP Ultimate, BP Premium Unleaded or BP Unleaded please phone the BP Lubricants and Fuels Technical Helpline on **1300 139 700**. You can also visit our website at **[www.bp.com.au](http://www.bp.com.au)**



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Where my vehicle fits in.	BP Ultimate	Premium Unleaded	Regular Unleaded
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My pre-1986 car <b>is</b> listed in this brochure but is highlighted light green	✓	✓	X Octane level lower than manufacturer's specifications
My pre-1986 car or motorcycle <b>is not</b> listed in this brochure	✓ In conjunction with lead substitute (available in store)	✓ In conjunction with lead substitute (available in store)	X Octane level lower than manufacturer's specifications

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A lead substitute, like Valvemaster<sup>®</sup>, protects older engines by acting as a solid valve seat lubricant, in much the same way lead used to.

Valvemaster<sup>®</sup> is readily available, easy to use and comes in either 'single shot' packs for use with up to 20 litres of fuel, or in a 250ml re-sealable bottle. For full details, look for a Valvemaster<sup>®</sup> brochure in store.



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Fast becoming the new standard in automotive fuel, BP Premium Unleaded offers 95 octane performance, active detergents to help your engine stay cleaner, and a competitive price.



## The original, and for some, still the best.

Many pre-1986 vehicles can use BP Unleaded fuel (see full list overleaf). It delivers good performance at a competitive price. Some older cars may require a higher octane level – make sure you check your own car model.

Make	Model	Production Dates	Series Engine	Engine Capacity	
<b>Audi</b>	Passat/Audi-80		FS	1.6L	
	Passat/Audi-80		YN	1.6L	
	Passat/Audi-80		YP	1.6L	
	Audi-80 5+5		WE	2.1L	
	Audi-100		WE	2.1L	
<b>BMW</b>	320	Sept '75-Aug '77	4 cylinder		
	320i	Oct '75-Mar '85	4 cylinder		
<b>Chrysler (see Mitsubishi/Chrysler)</b>					
<b>Daihatsu</b>	Charade G10, G11	CB20, CB22			
	Delta Truck V67, V68	'85 on	3Y		
	Handi L55	Aug '80 on	AB30		
	Handivan L55V	Jan '81 on	AB30		
	Handivan L60V	'82 on	AD10		
	Hi-Jet S60, S65, S70	'78 on			
	Hi-Jet S76	'84 on			
	Rocky F80, F85	'84 on	3YE, 3Y		
	F10 Soft Top 4WD	Sept '74 on	FE		
	F10 Van 4WD	Feb '77 on	FE		
	L38 Sedan	Mar '70 on	ZM		
	S38 Van	Feb '72 on	ZM		
S40 Van	May '76 on	AB20			
<b>Daimler (see Jaguar/Daimler)</b>					
<b>Ford</b>	Courier	Jun '83 on			
	Econovan	Mar '84 on			
	Laser/Meteor	Jun '84 on			
	Laser/Meteor Sport & turbo	Jun '84 on			
	Spectron	Mar '84 on			
	Telstar	Jun '84 on			
<b>Holden</b>	Astra	'84 on	LB	1.5L	
	Drover	'85 on	QB (manual)	1.3L	
	Gemini	'75-'85	TX,TC,TD, TE,TF,TG	1.6L	
	Gemini	'85 on	RB	1.5L	
	Jackaroo	'81 on	UBS (manual)	2.0L, 2.3L	
	Rodeo	'80 on	KB (manual)	1.6L	
	Rodeo	'82 on	KB (manual)	1.8L	
	Rodeo	'83 on	KB (manual)	2.0L	
	Rodeo	'85 on	KB (manual)	2.3L	
	Scurry	'85 on	NB	1.0L	
	Shuttle	'82 on	WRF (manual)	1.8L	
	<b>Jaguar &amp; Daimler</b>	XJS, Sovereign & Daimler	'68-'86	6 cylinder	4.2L
			'75-'81	V12	5.3L
			'81-'89	V12 HE	5.3L
XJS HE		'75-'81	V12	5.3L	
		'81-'89	V12 HE	5.3L	
<b>Mazda</b>	RX-2, RX-3	all vehicles			
	RX-4, RX-5	all vehicles			
	RX-7	'79 on			
	929	'83 on	except fuel injection		
	929 Wagon	'82 on			
	626	'83 on			
	323	'83 on	except SS series		
	323 Wagon	'83 on			
	B2000	'82 on			
	E1800/E2000	'84 on			

Make	Model	Production Dates	Series Engine	Engine Capacity	
<b>Mercedes Benz</b>	For Australian specification vehicles only; imported through Mercedes-Benz Australia				
	380	Sept '81 on	SE/SEL saloon SEC coupe SL roadster	3.8L	
	230	Feb '84 on	E saloon TE station wagon	2.3L	
	280	May '78-Mar '82	SE/SEL saloon W116 SE/SEL saloon W126 E saloon W123 CE coupe W123 TE wagon W123	2.8L	
	450	Jul '76 on	SE/SEL saloon W116 SL/SLC roadster W107 SEL 6.9 W116	4.5L 6.9L	
	<b>Mitsubishi/Chrysler</b>				
	<b>Mitsubishi</b>	Canter	'72-'74		2.4L
		Canter	'79-'83	FC	2.6L
		Canter	'84-'85	FC	2.6L
		Colt	'79-'81	RA	1.4L
		Colt	'82-'83	RB	1.4L, 1.6L
		Colt	'84-'85	RC	1.4L, 1.6L
		Cordia	'83		1.6L
		Cordia	'84	AA	1.6L
		Scorpion	'79-'83		2.6L
Scorpion		'84-'85		2.6L	
Sigma		'80-'81	GH	1.6L, 2.6L	
Sigma		'82-'83	GJ	1.6L, 2.6L	
Sigma		'84	GK	1.6L, 2.6L	
Express		'79-'83	L200	1.6L	
Express		'80-'83	L300	1.6L	
Express		'83	L300	1.8L	
Express		'84	L300 SD	1.8L	
Express	'84-'85	L200, L300	1.6L		
Pajero	'83		2.6L		
Pajero	'84-'85		2.6L		
Pajero LWB	'84-'85		2.6L		
<b>Chrysler</b>	Galant	'70-'71	GA, A51	1.3L	
	Galant	'72-'76	GB, GC, G	1.4L	
	Galant	'71	GA, A51	1.5L	
	Galant	'72-'76	GB, GC, GD	1.6L	
	Lancer	'74-'79		1.2L, 1.4L, 1.6L	
	Scorpion	'78-'80		2.6L	
	Sigma	'77-'80	GE	1.6L, 1.8L	
	Sigma	'77-'80	GE	2.6L	
	<b>Nissan/Datsun</b>	Bluebird	'81-Sept '83	L20B (no EAI)	2.0L
		Cabstar		Z20, Z22	2.0L, 2.2L
Gazelle			CA20E	2.0L	
Half Tonne Ute			A12	1.2L	
Patrol			L28	2.8L	
Prairie			E15	1.5L	
Pulsar Van			E13	1.3L	
Pulsar Sedan			E15	1.5L	
Pulsar Hatch			E13, E15	1.3L, 1.5L	
Pulsar ET Hatchback			E15 ET	1.5L	
Skyline			L24E	2.4L	
Stanza		L16	1.6L		
Sunny		A12	1.2L		
Urvan		Z20	2.0L		
Vanette		A15	1.5L		
120Y		A12	1.2L		

If you own a pre-1986 car or motorcycle NOT liste

Make	Model	Production Dates	Series Engine	Engine Capacity
Nissan/ Datsun	200B		L20B	2.0L
	280C		L28E fuel inj.	2.8L
	280ZX		L28E fuel inj.	2.8L
	300C		VG30E	3.0L
	300ZX		VG30E	3.0L
	720		L18, Z22	1.8L,2.2L
Peugeot	604			
	505		GR/SR	
	505		STI	
	505		GTI	
	505		Executive	
Renault	Fuego	all models		
Rover	3500	SDI		
	Quintet			
	Range Rover	8.13:1 compression ratio		
	Land Rover	V8 series 3, 8.13:1 compression ratio		
Subaru	1800 sedan & wagon	'80-'84	EA81	
	1800 L series	'85	EA82 carburettor	
	MV Brumby	'85	EA81	
	Sherpa 700	'82-'85	EK42	
	1800	'85	EA82 XT, Vortex, Turbo, fuel injected	
Suzuki	Alto	'85-'88	CA71V, CA91V	
	Carry	'73-'85	L50/60, ST10/20/80/90	
	Hatch	'80-'84	SS40V, SS80V	540cc, 800cc
	LJ Series 4WD	'72-'81	LJ 20/50/80/81	
	Mighty Boy	'85-'87	ST40T	
	Sierra	'81-'86	SJ40/41, SJ40T	1.0L
	Sierra	'84-'86	SJ50/51, SJ51T	
	Stockman 4WD	'72-'81	LJ 20/50/80/81	
	Swift	'84-'86	AA41V/41S/51V/51S, AB51B	1.0L,1.3L
	Toyota	Camry SV11	'83-'85	2S-E
Celica TA20 series		'72-'77	2T	
Celica RA60		'81-'83	21R-C	
Celica SA63		'83-'85	2S-C	
Celica RA65		'84-'85	22R-C	
Coaster Bus RB11		'77-'82	20R	
Coaster Bus RB20		'82 on	22R	
Corolla KE1#/2#		'66-'74	K, 3K, 3K-H	
Corolla KE38/55		'74-'81	3K-C	
Corolla KE70		'81-'84	4K-C	
Corolla AE71/ 80/82 & Sprinter AE86		'81-'85	2A-C/4A-C	
Corona RT133		'79-'83	21R-C	
Corona Mk2, MX13, MX36		'76-'77	4M	
Corona ST141		'83-'85	S-C	
Corona RT142		'83-'85	22R-E	
Cressida MX32, MX36		'77-'80	4M	
Cressida MX62		'80-'83	5M-E (up to engine #5M-3429546)	

Make	Model	Production Dates	Series Engine	Engine Capacity
Toyota	Cressida MX62	'83-'85	5M-E (from engine # 5M-3429547)	
	Crown MS65	'71-'76	4M	
	Crown MS83, MS85	'77-'80	4M	
	Crown MS111, MS112	'77-'83	5M-E (up to engine # 5M-3429546)	
	Crown MS123	'83-'85	5M-E (from engine # 5M-3429547)	
	Dyna YU60	'84 on	3Y	
	Hiace YH50/60/70	'82-'85	2Y-C, 3Y-C	
	Hilux YN57/ 60/65	'82-'85	3Y, 3Y-C	
	Hilux YN55	'82-'85	1Y-C, 2Y-C	
	Hilux YN57/ 60/65	'82-'85	4Y, 4Y-C	
	Land Cruiser FJ62/70/73/75	'80-'85	3F	
	Land Cruiser RJ70	'84-'85	22R-C	
	Land Cruiser FJ40/45/55	refer comments '77 on if first sold in NSW, else '79 on	2F	
	Liteace KM20	'79-'85	4K, 4K-C	
	Liteace YM21	'79-'85	2Y-C	
	Liteace KM36	'85	5K-C	
	Supra MA61	'83-'85	5M-E	
T18 Liftback TE72	'79-'83	3T-C		
Tarago YR20	'82-'84	2Y-C		
Tarago YR21	'84-'85	3Y-C		
Tercel AL25	'83-'85	3A-C		
VW	Transporter		GD	2.0L
	Transporter		GE	2.0L
	Transporter		CV	2.0L
	Transporter		DH	1.9L
	Golf	'77 on		
Passat	'77 on			
Volvo	244/245	'75-'79	carburettor	
	244/245	'75-'81	fuel injected	
	264/265	'75-'78	fuel injected	

Motorcycles				
Make	Model	Production Dates	Series Engine	Engine Capacity
Suzuki		'77 on		
Yamaha	Except YZ range	'79 on		
Kawasaki	Except ZX750 Turbo and KDX Enduro	'78 on		
Honda	All except the following models			
	VF1000R, CB1100R, CB1100F, CX500 Turbo, XR500 1982-1985, XR250 1984-1985, XL600, XL500, XL350 before 1982, ATC250R, CR450, 480, 500, CR250 1980-1985, CR125 1980-1985, CR80			

Use only a high-octane fuel such as BP Ultimate or Premium Unleaded. Regular Unleaded is not suitable, as the octane level is generally lower than the manufacturer's specifications.

BEFORE ACTING ON THE INFORMATION CONTAINED IN THIS BROCHURE, PLEASE READ THE NOTICE PRINTED ON THE BACK COVER.

ed here, use a lead substitute such as Valvemaster.®

## Appendix 5

### EXTRACT FROM

#### JOINT COMMUNIQUE MINISTERIAL COUNCIL ON CONSUMER AFFAIRS MEETING FRIDAY, 1 AUGUST 2003

The Ministerial Council on Consumer Affairs (MCCA) held its twelfth annual meeting in Sydney today. MCCA comprises Commonwealth, State, Territory and New Zealand Ministers responsible for fair trading, consumer protection laws, trade measurement and credit laws.

Members of the Council are:

Hon Reba Meagher, MP (Chair - New South Wales)  
Senator the Hon Ian Campbell, (Commonwealth)  
Hon John Hill, MP (South Australia)  
Hon Judy Jackson, MP (Tasmania)  
Hon John Kobelke, MLA (Western Australia)  
Mr John Lenders, MLC (Victoria)  
Hon Merri Rose, MP (Queensland)  
Mr Jon Stanhope, MLA (Australian Capital Territory)  
Hon Judith Tizard, MP (New Zealand)  
Hon Dr Peter Toyne, MLA (Northern Territory)

Apologies were received from

- The Hon John Hill, MP, Minister for Consumer Affairs in South Australia. Minister Hill was represented by Mr Mark Bodycoat, Commissioner for Consumer Affairs.
- The Hon Dr Peter Toyne, MLA, NT Minister for Justice and Attorney-General. Dr Toyne was represented by Mr Elliot McAdam MLA.

#### **MCCA's objective**

MCCA's objective is to provide the best and most consistent protection for Australian consumers through its consideration of consumer affairs and fair trading issues of national significance and, where possible, development of consistent approaches to those issues.

#### **MCCA's principal strategies**

To achieve this objective, MCCA's principal strategies are to facilitate and encourage:

1. Nationally coordinated and consistent policy development and implementation by all jurisdictions, including legislative consistency of major elements of

consumer protection law and emerging policy issues (Policy and Legislative Harmonisation);

2. Consistency of policy and enforcement decisions for the suppliers of goods and services within a national marketplace (Consistent enforcement);
3. Access to education and information for consumers and suppliers (Education);  
and
4. Consultation across governments and with consumer and industry groups to enhance the work of the Council (Consultation).

MCCA is supported by a Standing Committee of Officials on Consumer Affairs (SCOCA).

Today, MCCA considered a range of consumer issues in the context of these strategies. Outcomes of the meeting included:

**[text omitted]**

#### *Ethanol Content in Fuel*

Ministers noted that the Commonwealth Government has implemented a national fuel standard that caps the maximum ethanol content in fuel at 10 percent from 1 July 2003, and that Australian consumers need to be provided with the appropriate information to assist them in making an informed choice regarding the use of ethanol blended fuel. A lack of consumer confidence risks compromising a sustainable biofuels industry in Australia. Ministers called on the Commonwealth Government to lead the implementation of a uniform national labelling regime in concert with the States and Territories for ethanol blended fuel as per the 11 April 2003 commitment by the Commonwealth Minister for the Environment, the Hon David Kemp, by 31 October 2003. Ministers also asked the Commonwealth to consider the New South Wales and Victorian labelling regulations as a possible model and to consult the States and Territories on the proposed national labelling regime for ethanol blended fuel.

**[text omitted]**