**Application form**

Liquid Fuel Supply (Ethanol and Other Biofuels Mandate) Amendment Act 2015

Exemption from the sustainable biofuel requirement

This is the approved form for a fuel seller to apply for an exemption from sections 35B or 35C of the Liquid Fuel Supply (Ethanol and Other Biofuels Mandate) Amendment Bill 2015 (Biofuels Act).

**Please email** [biofuels@epw.qld.gov.au](mailto:biofuels@epw.qld.gov.au) **to discuss your exemption application and supporting information prior to submission. This will** **facilitate the department in managing and processing applications in a timely way.**

**The department also advises that applicants should highlight any commercial in confidence information prior to submitting their exemption applications in order to treat this information accordingly.**

An exemption from section 35B or 35C of the Liquid Fuel Supply Act 1984 (as in force from 1 January 2017) does not exempt a fuel seller from reporting or other requirements under the *Liquid Fuel Supply* Act 1984 or its subordinate regulation. It is recommended that you read the information on what to provide with an application, prior to making an application using the **Biofuels exemption guideline: August 2016 - Version 1.0** (the Guideline). This information is located on the Queensland Government’s business and industry website at [www.business.qld.gov.au](http://www.business.qld.gov.au). This website also has a diagnostic tool called a “Forms and fees finder” which will take you through a series of questions and provide a customised result which will identify any forms, fees and supporting information you need to make an application. Further information to assist in completing this form is located on the Department of Natural Resources, Mines and Energy website at [www.epw.qld.gov.au](http://www.epw.qld.gov.au).

**Only use this application form if you are applying for an exemption where at least one of the below criteria applies:**

* The fuel seller can not get enough sustainable biofuel or sustainable biofuel blend to comply with the requirement because of a shortage in the supply of the biofuel or blend.
* There are other extraordinary circumstances justifying the grant of the exemption.
* Complying with the requirement would threaten the viability of the fuel seller’s business.

# Applicant details

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| --- | --- |
| Name - individual or contact person if applicant is a business | ABN/ACN |
| Business name (include trading name if relevant) |
| Residential or registered business address (not a post office box) | Phone |
| Postal address (if different from above) | Facsimile |
| Email |

**1.1 - Nomination of an agent for this application**

I/we nominate the below agent to act on my/our behalf and to receive correspondence relating to this application.

|  |  |
| --- | --- |
| Name of agent - individual or contact person if the agent is a business | |
| Business name (include trading name if relevant) | ABN/ACN (if relevant) |
| Postal address | Phone |
| Email |

# 2. Business details of fuel seller

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| What is the nature of business that this exemption application relates to? |
| Fuel retailer |
| Fuel wholesaler |
| NOTE: A fuel seller is a fuel retailer or fuel wholesaler as defined under Schedule 1 of the Biofuels Act. If you are both a fuel retailer and fuel wholesaler and you are seeking an exemption from both the retailer requirement and the wholesaler requirement to sell a minimum amount of biofuel, it is recommended that you submit two separate application forms. I.e. one as a fuel retailer and one as a fuel wholesaler. |

# 3. Period for which you are seeking an exemption

Exemption applications are assessed at the fuel seller level, however the circumstances at each site that you own or operate need to be considered as part of the overall assessment. Please include details for all sites that you own or operate.

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| --- | --- | --- | --- | --- |
| Site name | Fuel seller’s interest in the site | Requested exemption start date | Requested exemption end date | Any other fuel sellers with an interest in the site |
| *E.g Street Name, Suburb, State* | *Operator or Owner (or both)* | *1 January 2017*  *(Insert n/a if you are not applying for an exemption with respect to particular sites)* | *31 March 2017* | *Site is owned by company name* |
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| NOTE: The commencement period of the exemption and end date must align with a calendar year quarter. If the requested exemption period is retrospective, please provide an explanation in your supporting information outlining why an application was not submitted earlier. | | | | |

I have included an explanation(s) in the supporting information.

I own or operate a large number of sites so rather than completing the above table I have attached the relevant information.

# 4. Fuel seller declaration

I am a person duly authorised to complete this application on behalf of the registered fuel seller and declare that the information provided herein, and in the attached statements is true and correct.

and;

I have read and understood the Guideline published on the department’s website <http://www.epw.qld.gov.au>

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| --- | --- |
| Name - individual or contact person if the agent is a business | |
| Position | Phone |
| Postal address | Fax |
| Email | Date |
| Signature |

# 5. Exemption details

A fuel seller must select at least one of the following types of exemptions.

# 5.1 - Sustainable biofuel or biofuel blend supply

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| I am applying for an exemption because I can not get enough sustainable biofuel or sustainable biofuel blend to comply with the requirement because of a shortage in the supply of the biofuel or blend. Refer to section 35G(1)(a) of the Biofuels Act. | |
| No | This exemption category is not applicable for this application. |
| Yes | Information to support an application for exemption based on lack of supply   * Please refer to the Guideline available at [www.epw.qld.gov.au](http://www.epw.qld.gov.au) for further details on the sort of information that applicants should provide to support their application. * Applications for exemption must be supported by information which is relevant, reliable and sufficient to support an informed decision.   Additional information covering the matters outlined below must also be provided and attached:   * The fuel seller should provide information about all of the supply options they have explored, including details for each of the suppliers approached, date of contact and why each of the options is not feasible. * Please attach documentary evidence as appropriate. |

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| NOTE: Fuel sellers who wish to submit an exemption application on the basis that the capital costs to comply with the mandate are unreasonable may choose to submit an application within the ‘threat to viability’ category of the exemption or the ‘other extraordinary circumstances’ category. The Biofuels Exemption Guideline available at [www.epw.qld.gov.au](http://www.epw.qld.gov.au) provides further information. |

# 5.2 - Other extraordinary circumstances

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| I am applying for an exemption because there are other extraordinary circumstances that I believe justify the grant of an exemption. Refer to section 35G(1)(c)) of the Biofuels Act. | |
| No | This exemption category is not applicable for this application. |
| Yes | Information to support an application for exemption based on lack of supply   * Please refer to the Guideline available at [www.epw.qld.gov.au](http://www.epw.qld.gov.au) for further details on the sort of information that you should provide to support your application. * Applications for exemption must be supported by information which is relevant, reliable and sufficient to support an informed decision. * Please attach documentary evidence as appropriate and complete the list of attachments. * The options for achieving compliance with the mandate must be provided and be accompanied by a statement which outlines and explains the fuel seller’s preferred option.   Generally, information to support an exemption must be broken down by site and be comprehensive for the portfolio of sites that are owned/operated by the fuel seller. For example, if a fuel seller is submitting an exemption application based on unreasonable cost of compliance, details on the cost of compliance (generally, quotations for the cost of essential works) should be provided separately for each site in the portfolio. It is also recommended that the fuel seller provide a statement outlining the scope for essential works.  Financial data which is provided by the fuel seller must be of a suitable quality to support an informed assessment of the exemption application. It is the department’s preference that financial data is taken from general purpose audited accounts, however management accounts may be accepted if the data is supported by a statement from a Director or the Chief Executive Officer/Chairperson of the company declaring that to the best of her/his knowledge, the data provided is a true and accurate representation of the fuel seller’s financial circumstances.   * Please attach documentary evidence as appropriate. |

# 5.3 - Threat to business viability

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| I am applying for an exemption because complying with the requirement would threaten the viability of my business? Refer to section 35G(1)(b) of the Biofuels Act. | |
| No | I am applying for an exemption because complying with the requirement would threaten the viability of my business? Refer to section 35G(1)(b) of the Biofuels Act. |
| Yes | Information to support an application for exemption based on compliance threatening the viability of the business   * Please refer to the Guideline available at [www.epw.qld.gov.au](http://www.epw.qld.gov.au) for further details on the sort of information that applicants should provide to support their application. * Applications for exemption must be supported by information which is relevant, reliable and sufficient to support an informed decision.   An application based on compliance threatening the viability of the business should be supported by additional information covering the matters outlined below:   * An explanation of options explored in order to be able to sell the minimum amount, including quotations for essential works (if capital works are required). * Details outlining the choice and rationale of the preferred path.  |  |  |  |  | | --- | --- | --- | --- | | **Site** | **Preferred path including rationale** | **Scope of essential works** | **Cost of essential works** | |  | *E.g. Replace existing PULP 95 product with E10 since this provides the most economical way to offer a biobased petrol option at this site.* | E.g. Clean existing tank, replace signage and labels at dispenser, fill/dip points. | E.g. $15,000. Refer to Attachment X for actual quotation from suitably qualified person. | |  |  |  |  | |  |  |  |  | |  |  |  |  | |  |  |  |  | |  |  |  |  | |  |  |  |  |  * Financial data for the business as a whole:   Note: If the fuel seller chooses to submit site specific information, the information must still be presented in a manner that provides sufficient insight into the fuel seller’s business as a whole. For example, individual site data which is submitted must be provided for all sites in a manner which allows it to be aggregated to form a view of the business as a whole. |

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|  | |  |  |  |  | | --- | --- | --- | --- | | **Profit/Loss data** | **Most recently completed financial year (please insert year here \_\_\_\_\_\_\_\_\_)** | **Financial year prior to the one most recently completed (please insert year here \_\_\_\_\_\_)** | **Notes regarding quality of financial data (e.g. data sourced from audited general purpose accounts)** | | Revenue |  |  |  | | Forecast revenue (optional) |  |  |  | | Forecast cost of goods (optional) |  |  |  | | EBITDA |  |  |  | | EBIT |  |  |  | | Interest expense |  |  |  | | Interest income |  |  |  | | Lease expense |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | | **Balance sheet data** | **As at the end of the most recently completed financial year (please insert year here \_\_\_\_\_\_\_)** | **As at the end of the financial year prior to the one most recently completed (please insert year here \_\_\_\_\_\_\_)** | **Notes regarding quality of financial data (e.g. data sourced from audited general purpose accounts)** | | Cash and cash equivalents |  |  |  | | Short term marketable investments |  |  |  | | Accounts receivable |  |  |  | | Total current liabilities |  |  |  |  * Please attach documentary evidence as appropriate. |

# 6. Compliance Plan

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| Under section 35G(4) of the Biofuels Act, the Minister or her/his delegate may grant an exemption on stated conditions.  The conditions imposed under section 35G(4) may include conditions requiring a fuel seller to undertake particular steps with a view to ensuring the seller will in future be able to comply with the requirement to sell the minimum amount of biobased fuel.  To enable fuel sellers to have input in developing action plans for their business, they are invited to submit a draft ‘compliance plan’ with their exemption application, which identifies the steps the fuel seller(s) proposes to implement to improve their ability to comply with the minimum sales requirement.  Fuel sellers should be aware that the inclusion of a draft compliance plan with an exemption application is not a requirement under *the Liquid Fuel Supply Act 1984* and it is not mandatory to submit a compliance plan before an exemption application can be considered. However, submitting a compliance plan will provide an opportunity for fuel sellers to work with the decision-maker to ensure any conditions imposed on an exemption relating to compliance in future are appropriately adapted to the fuel seller’s individual circumstances.  It is anticipated that in many cases where a draft compliance plan is submitted together with an exemption application and the exemption is granted, implementation of the compliance plan (as modified during the application process by discussions between the decision-maker and the applicant) may be a prescribed condition upon granting the exemption.  A compliance plan is a document which clearly identifies the reasonable steps (including timeframes) that the fuel seller will take in order to comply with the requirement to sell a minimum amount of biobased fuel. Further details regarding the information a fuel seller may choose to include in a compliance plan are provided within the Guideline available at [www.epw.qld.gov.au](http://www.epw.qld.gov.au).  If a compliance plan is attached to this exemption application, please ensure it is clearly identified as an attachment with the supporting information. |

(not compulsory) I have included a compliance plan as an attachment to this application.

# Applicant certification

I declare that the information I have provided is true and correct. I understand that it is an offence to give information that I know is false or misleading.

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| Signature |  | Date |