Product Stewardship (Oil) Amendment Regulations 2004 (No. 1)

Statutory Rules 2004 No. 74

I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the Product Stewardship (Oil) Act 2000.

Dated 22 APR 2004

By His Excellency's Command

PM Jeffery
Governor-General

DAVID KEMP
Minister for the Environment and Heritage
1 Name of Regulations

These Regulations are the Product Stewardship (Oil) Amendment Regulations 2004 (No. 1).

2 Commencement

These Regulations commence on the date of their notification in the Gazette.

3 Amendment of Product Stewardship (Oil) Regulations 2000

Schedule 1 amends the Product Stewardship (Oil) Regulations 2000.

Schedule 1 Amendments
(regulation 3)

[1] Paragraph 4 (1) (a)

substitute

(a) for a recycled oil:

(i) the amount mentioned in column 3 of the first category in items 1 to 7 in the following table that applies to the recycled oil; or

(ii) if the first category that applies to the recycled oil is in item 5 or 6 of the table, and the category in item 9 of the table also applies to the recycled oil:

(A) the amount mentioned in column 3 of the first category in item 5 or 6 of the table that applies to the recycled oil, for the total quantity of that recycled oil; and
(B) the amount in column 3 of item 9 of the table, for the quantity of recycled oil that has been blended with a petroleum product that meets the criteria in Schedule 2; and

[2] Subregulation 4 (1), table, after item 8

insert
9 recycled oil mentioned in item 5 or 6 that has been 9,557 blended with a petroleum product that meets the criteria mentioned in Schedule 2

[3] Subregulation 4 (1), after the examples for item 2

Example for subparagraph 4 (1) (a) (ii)
If an entity blends diesel with 100 litres of oil mentioned in item 5 to create a petroleum product that meets the criteria in Schedule 2, and then blends that petroleum product with a further 10 litres of oil mentioned in item 5, the entity can claim the amount in column 3 of item 5 for 110 litres and the amount in column 3 of item 9 for 10 litres.

[4] Paragraph 4 (2) (b)

omit
sold to the end user.

insert
sold to the end user; and

[5] After paragraph 4 (2) (b)

insert
(c) if the amount mentioned in column 3 of item 9 of the table in subregulation 4 (1) is payable and any drawback, refund, rebate or remission of duty of excise on the recycled oil concerned:
(i) was paid or given before the time the entitlement to that amount arose; or
(ii) is paid or given at or after the time the entitlement to that amount arises;
the amount mentioned in column 3 of item 9 of the table for that recycled oil is reduced by the amount of the drawback, refund, rebate or remission.

[6] After regulation 4

insert

5 Period for claiming amount in item 9
An entitlement to the amount mentioned in column 3 of item 9 of the table in subregulation 4 (1):
(a) arises if the recycled oil concerned is or was sold or consumed after 31 January 2004; and
(b) ceases if the recycled oil concerned is sold or consumed after 30 June 2006.

[7] After Schedule 1

insert

Schedule 2 Petroleum product criteria
(subregulation 4 (1), table, item 9)

1 Density
The petroleum product must have a density:
(a) equal to or exceeding 0.900 at 15°C Celsius as determined by ASTM 1298; or
(b) less than 0.900 at 15°C Celsius as determined by ASTM 1298 and:
   (i) a maximum cetane index of 35 as determined by ASTM D976; or
(ii) in respect of the heaviest 10% of a particular volume of fuel tested, a minimum value of 0.35% mass of carbon residue on 10% distillation residue as determined by ASTM D189 or D524; or

(iii) a minimum pour point of 15° Celsius as determined by ASTM D97; or

(iv) a minimum sulphur content of 1.5% mass as determined by ASTM D129; or

(v) a minimum kinematic viscosity of 10 centistokes (millimetres squared per second) at 40° Celsius as determined by ASTM D445.

2 Duty

Duty on the petroleum product must have been paid at a rate that is applicable to diesel fuel.

3 Use

The petroleum product must be capable of being used as a fuel otherwise than in an internal combustion engine.

4 References to ASTM tests

In this Schedule, ASTM, followed by a number, is a reference to the test so numbered as prescribed by the American Society for Testing and Materials and set out in Section 5 of the Annual Book of ASTM Standards (1986 revision) published by the American Society for Testing and Materials at Philadelphia, Pennsylvania in the United States of America.

Notes
