



# **Product Stewardship (Oil) Regulations 2000**

**Statutory Rules 2000 No. 199 as amended**

made under the

*Product Stewardship (Oil) Act 2000*

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This compilation was prepared on 30 April 2004  
taking into account amendments up to SR 2004 No. 74

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**1 Name of Regulations** [see Note 1]

These Regulations are the *Product Stewardship (Oil) Regulations 2000*.

**2 Commencement** [see Note 1]

These Regulations commence on the commencement of section 10 of the Act.

**3 Definitions**

In these Regulations:

*Act* means the *Product Stewardship (Oil) Act 2000*.

*EPA* means the Environmental Protection Agency of the United States of America.

*EPA test* means a test mentioned in *Test Methods for Evaluating Solid Waste: Physical/Chemical Methods*, published by the EPA, publication number 955-001-00000-1.

#### 4 Amount of product stewardship benefit

- (1) For subsection 10 (1) of the Act, the amount of product stewardship (oil) benefit for a claim period is:
- (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
- (b) for gazetted oil for a gazetted use — the amount mentioned in column 3 of item 8 in the following table.

Item	Category	Amount (cents/l)
1	Re-refined base oil (for use as a lubricant or a hydraulic or transformer oil) that meets the criteria mentioned in Schedule 1	50
2	Other re-refined base oils	10
3	Diesel fuels to which the <i>Excise Tariff Act 1921</i> applies	7
4	Diesel extenders (filtered, de-watered and de-mineralised)	5
5	High grade industrial burning oils (filtered, de-watered and de-mineralised)	5
6	Low grade industrial burning oils (filtered and de-watered)	3
7	Industrial process oils and lubricants, including hydraulic and transformer oils (re-processed or	0

## Regulation 4

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Item	Category	Amount (cents/l)
	filtered, but not re-refined)	
8	Gazetted oil consumed in Australia for a gazetted use	5.449
9	recycled oil mentioned in item 5 or 6 that has been blended with a petroleum product that meets the criteria mentioned in Schedule 2	9.557

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### *Examples for item 2*

Chain bar oil, oil incorporated into a manufactured product.

### *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.

*Note* The Minister may, by notice published in the *Gazette*, declare an oil or a use to be a gazetted oil or a gazetted use (see the definitions of **gazetted oil** and **gazetted use** in subsection 6 (1) of the Act).

- (2) However:
- (a) if an oil is a gazetted oil for a gazetted use and a recycled oil to which any of the categories in items 3 to 7 in the table apply, the amount of product stewardship (oil) benefit for a claim period is the amount mentioned in column 3 of the first category in items 3 to 7 that applies to the oil; and
  - (b) no product stewardship (oil) benefit is payable in respect of oil (including gazetted oil obtained through recycling) that is to undergo further recycling before it is sold to the end user; and
  - (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.

- (3) For item 1 of the table to subregulation (1):
  - (a) the criteria must be verified by a laboratory accredited, by the national laboratory accreditation body operating in the country where the laboratory is located, to perform the tests mentioned in the criteria; and
  - (b) the verification must be given to the Commissioner:
    - (i) with the first claim for benefit; and
    - (ii) at intervals of not more than 6 months while the benefit is being claimed.
- (4) For paragraph (3) (a), a national laboratory accreditation body must:
  - (a) have a mutual recognition agreement with the National Association of Testing Authorities, Australia; and
  - (b) comply with *ISO/IEC Guide 58 Calibration and testing laboratory accreditation systems — General requirements for operation and recognition*, first edition, 1993, published by the International Organization for Standardization, Geneva.
- (5) For paragraph (3) (a), a sample may be tested for verification only if a person accredited by the National Association of Testing Authorities, Australia, certifies that:
  - (a) the sample is representative of a production run of the product; and
  - (b) the person is satisfied that the sample was not tampered with after it was collected and before it was tested.

## **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.

## Schedule 1 Re-refined base oil criteria

(regulation 4, table, item 1)

*Note* The purpose of the criteria in this Schedule is to ensure that re-refined base oil, for which a product stewardship benefit is payable, is of a quality that is not damaging to the health and safety of workers and users of the oil.

### 1 Mutagenicity

The oil must be non-carcinogenic, demonstrated by having a mutagenicity index of less than 1 using the Modified Ames Test (American Society for Testing and Materials test number E1687-98).

### 2 Poly-aromatic hydrocarbons

- (1) The oil must contain less than the following for each kilogram of oil:
  - (a) 10 mg of benzo(a)pyrene;
  - (b) 10 mg of dibenz(ah)anthracene;
  - (c) 100 mg of benz(a)anthracene;
  - (d) 100 mg of benzo(b)fluoranthene;
  - (e) 100 mg of benzo(k)fluoranthene;
  - (f) 100 mg of chrysene;
  - (g) 100 mg of indeno(123-cd)pyrene.
- (2) The total amount of poly-aromatic hydrocarbons mentioned in subclause (1) that the oil contains must be less than 400 mg for each kilogram of oil.
- (3) The total amount of all poly-aromatic hydrocarbons that the oil contains (including poly-aromatic hydrocarbons mentioned in subclause (1)) must be less than 1 000 mg for each kilogram of oil.
- (4) For the purpose of determining whether the criteria mentioned in subclauses (1), (2) and (3) are met, EPA test SW-846 Method 8270C must be used.

**3 Polychlorinated biphenyls**

The oil must contain less than 2.0 mg of polychlorinated biphenyls for each kilogram of oil, determined using EPA test SW-846 Method 8082 or American Society for Testing and Materials Method D4059.

**4 Polychlorinated dibenzo-p-dioxins**

The total amount of dioxins and furans that the oil contains must be less than 10 picograms Toxic Equivalent for each gram of oil, determined using EPA Method 1613A.

**5 Total acid number**

The oil must have a total acid number of less than 0.07 mg of potassium hydroxide for each gram of oil, determined using American Society for Testing and Materials Method D974-97.

**6 Heavy metals**

- (1) The oil must contain less than the following for each kilogram of oil:
  - (a) 5 mg of arsenic;
  - (b) 2 mg of cadmium;
  - (c) 10 mg of chromium;
  - (d) 100 mg of lead.
- (2) For the purpose of determining whether the criteria mentioned in subclause (1) are met, American Society for Testing and Materials Method D5185 must be used.

**7 Appearance**

The oil must have a clear and bright appearance.

**8 References to tests or methods**

In this Schedule, a reference to a test or a method followed by a number or a letter, or both, is a reference to the test or method so numbered or lettered, or both, as in force on 1 July 2002.

## 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° Celsius as determined by ASTM 1298; or
- (b) less than 0.900 at 15° 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.

**Table of Statutory Rules**

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**Notes to the *Product Stewardship (Oil) Regulations 2000***

**Note 1**

The *Product Stewardship (Oil) Regulations 2000* (in force under the *Product Stewardship (Oil) Act 2000*) as shown in this compilation comprise Statutory Rules 2000 No. 199 amended as indicated in the Tables below.

**Table of Statutory Rules**

<b>Year and number</b>	<b>Date of notification in <i>Gazette</i></b>	<b>Date of commencement</b>	<b>Application, saving or transitional provisions</b>
2000 No. 199	31 July 2000	1 Jan 2001 (see r. 2)	
2000 No. 353	20 Dec 2000	1 Jan 2001	—
2003 No. 47	8 Apr 2003	1 July 2002	—
2003 No. 294	27 Nov 2003	1 Dec 2003	—
2004 No. 74	30 Apr 2004	30 Apr 2004	—

**Table of Amendments****Table of Amendments**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

<b>Provision affected</b>	<b>How affected</b>
R. 3 .....	am. 2000 No. 353
R. 4 .....	am. 2000 No. 353; 2003 No. 294; 2004 No. 74
R. 5 .....	ad. 2004 No. 74
<b>Schedule 1</b>	
Schedule 1 .....	am. 2000 No. 353 rs. 2003 No. 47
<b>Schedule 2</b>	
Schedule 2 .....	ad. 2004 No. 74