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# Product Stewardship (Oil) Amendment Regulations 2004 (No. 1)<sup>1</sup>

Statutory Rules 2004 No. 1<sup>2</sup>

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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 2004

PM Jeffery

Governor-General

By His Excellency's Command

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° 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

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- (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.

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### Notes

1. These Regulations amend Statutory Rules 2000 No. 199, as amended by 2000 No. 353; 2003 Nos. 47 and 294.
2. Notified in the *Commonwealth of Australia Gazette* on / 2004.

30 April