



Product Stewardship (Oil) Amendment Regulations 2008 (No. 1)¹

Select Legislative Instrument 2008 No. 28

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 20 March 2008

P. M. JEFFERY
Governor-General

By His Excellency's Command

PETER ROBERT GARRETT
Minister for the Environment, Heritage and the Arts

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1 Name of Regulations

These Regulations are the *Product Stewardship (Oil) Amendment Regulations 2008 (No. 1)*.

2 Commencement

These Regulations commence, or are taken to have commenced, as follows:

- (a) immediately after the commencement of section 10 of the *Product Stewardship (Oil) Act 2000* — regulations 1 to 3 and Schedule 1;
- (b) immediately after the *Product Stewardship (Oil) Amendment Regulations 2003 (No. 1)* are taken to have commenced — regulation 4 and Schedule 2;
- (c) immediately after the commencement of the *Product Stewardship (Oil) Amendment Regulations 2005 (No. 1)* — regulation 5 and Schedule 3;
- (d) on the day after they are registered — regulation 6 and Schedule 4.

3 Amendment of *Product Stewardship (Oil) Regulations 2000*

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

4 Amendment of *Product Stewardship (Oil) Regulations 2000*

Schedule 2 amends the *Product Stewardship (Oil) Regulations 2000*.

5 Amendment of *Product Stewardship (Oil) Regulations 2000*

Schedule 3 amends the *Product Stewardship (Oil) Regulations 2000*.

Schedule 1 **Amendments taken to have
commenced immediately after
commencement of section 10
of *Product Stewardship (Oil)
Act 2000***

(regulation 3)

[1] Regulation 3, definitions of *EPA* and *EPA test*

substitute

independent laboratory means a laboratory that:

- (a) is independent of the person making the claim for product stewardship (oil) benefit; and
- (b) operates at arm's length from the person; and
- (c) has appropriate facilities, resources and expertise to conduct the tests necessary for the purposes of Schedule 1.

[2] Paragraphs 4 (3) (a) and (b)

substitute

- (a) an independent laboratory must test the oil against the criteria mentioned in Schedule 1; and
- (b) the test results 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.

[3] Subregulations 4 (4) and (5)

omit

[4] Schedule 1, clause 1

omit

(American Society for Testing and Materials test number E1687-98)

[5] Schedule 1, clause 2

omit

, demonstrated by meeting the criteria mentioned in EPA test SW- 846 8275A

[6] Schedule 1, clause 3

omit

, demonstrated by meeting the criteria mentioned in EPA test SW-846 8082

[7] Schedule 1, clause 4

omit

, demonstrated by meeting the criteria mentioned in EPA test SW-846 8290

[8] Schedule 1, clause 5

omit

, demonstrated by meeting the criteria mentioned in American Society for Testing and Materials test number D974-97

Schedule 2 **Amendments taken to have
commenced immediately after
commencement of *Product
Stewardship (Oil) Amendment
Regulations 2003 (No.1)***
(regulation 4)

[1] Schedule 1, clause 1

omit

(American Society for Testing and Materials test number
E1687-98)

[2] Schedule 1, subclause 2 (4)

omit

[3] Schedule 1, clause 3

omit

, determined using EPA test SW-846 Method 8082 or
American Society for Testing and Materials Method D4059

[4] Schedule 1, clause 4

omit

, determined using EPA Method 1613A

[5] Schedule 1, clause 5

omit

, determined using American Society for Testing and
Materials Method D974-97

[6] Schedule 1, clause 6

omit

(1)

[7] Schedule 1, subclause 6 (2)

omit

[8] Schedule 1, clause 8

omit

Schedule 3 **Amendments taken to have
commenced immediately after
commencement of *Product
Stewardship (Oil) Amendment
Regulations 2005 (No.1)***
(regulation 5)

- [1] **Regulation 3, definition of *EPA method* and *EPA test
substitute***
independent laboratory means a laboratory that:
- (a) is independent of the person making the claim for product
stewardship (oil) benefit; and
 - (b) operates at arm's length from the person; and
 - (c) has appropriate facilities, resources and expertise to
conduct the tests necessary for the purposes of Schedule 1.

Schedule 4 Amendments commencing on day after registration

(regulation 6)

[1] After subregulation 4 (3)

insert

- (4) For paragraph (3) (a), a sample may be tested only if an employee of an independent laboratory certifies that:
 - (a) the sample is representative of a production run of the product; and
 - (b) he or she is satisfied that the sample was not tampered with after it was collected and before it was dispatched to the laboratory.
- (5) For paragraph (3) (a), the independent laboratory undertaking the test must certify that the sample tested was not tampered with after receipt by the laboratory and before testing.

Note

- 1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.