



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

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

made under the

*Product Stewardship (Oil) Act 2000*

**Compilation start date:** 1 July 2014

**Includes amendments up to:** SLI No. 111, 2014

Prepared by the Office of Parliamentary Counsel, Canberra

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## About this compilation

### **This compilation**

This is a compilation of the *Product Stewardship (Oil) Regulations 2000* as in force on 1 July 2014. It includes any commenced amendment affecting the legislation to that date.

This compilation was prepared on 25 July 2014.

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of each amended provision.

### **Uncommenced amendments**

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in the endnotes.

### **Application, saving and transitional provisions for provisions and amendments**

If the operation of a provision or amendment is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

### **Modifications**

If a provision of the compiled law is affected by a modification that is in force, details are included in the endnotes.

### **Provisions ceasing to have effect**

If a provision of the compiled law has expired or otherwise ceased to have effect in accordance with a provision of the law, details are included in the endnotes.

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## Part 1—Preliminary

### 1 Name of Regulations

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

### 2 Commencement

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

### 3 Definitions

- (1) In these Regulations:

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

*base oil* means an oil that is free from contaminants or additives and to which other substances may be added for a particular application.

*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.

*re-refined*—see subregulation (2).

- (2) For the purposes of these Regulations, a used oil has been *re-refined* if it has been restored to the condition of a base oil:

- (a) by either:
  - (i) thin film evaporation; or
  - (ii) vacuum distillation;followed by either:
  - (iii) solvent extraction; or

**Schedule 1** Re-refined base oil criteria

**Part 1** Preliminary

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**Regulation 3**

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- (iv) hydrofinishing; or
- (b) by another process approved for this subregulation by the Minister as being:
  - (i) consistent with the objects of the Act; and
  - (ii) similar in purpose and effect to the processes mentioned in paragraph (a).

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## **Part 2—Entitlement to product stewardship (oil) benefits**

### **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.

<b>Item</b>	<b>Category</b>	<b>Amount (cents/l)</b>
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 that comply with the <i>Fuel Standard (Automotive Diesel) Determination 2001</i> , as in force from time to time	7

**Schedule 1** Re-refined base oil criteria

**Part 2** Entitlement to product stewardship (oil) benefits

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Regulation 4

Item	Category	Amount (cents/l)
4	Diesel extenders: (a) that are filtered, de-watered and de-mineralised; and (b) that, if combined with diesel fuels, would produce a combined fuel that complies with the Determination mentioned in item 3	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 filtered, but not re-refined)	0
8	Gazetted oil consumed in Australia for a gazetted use	8.5
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

*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

**Regulation 4**

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- 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) 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.
- (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.

**Schedule 1** Re-refined base oil criteria

**Part 2** Entitlement to product stewardship (oil) benefits

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Regulation 4A

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**4A Additional amount of benefit**

*Application of regulation*

- (1) This regulation applies if a person is receiving an amount of product stewardship (oil) benefit under item 5 or 6 of the table in subregulation 4 (1).

*Additional amount*

- (2) If this regulation applies, the benefit includes an additional amount specified in column 3 of an item of the following table for an entitlement that arises in the period specified in column 2 of that item in the table.

<b>Item</b>	<b>Time period</b>	<b>Amount (cents/l)</b>
1	1 July 2006 to 30 June 2007	10.057
2	1 July 2007 to 30 June 2008	6.7
3	1 July 2008 to 30 June 2009	3.3

**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.

## **Part 3—Application and transitional provisions**

### **6 Amendments made by the *Product Stewardship (Oil) Amendment Regulation 2014***

The amendment of these Regulations made by item 3 of Schedule 1 to the *Product Stewardship (Oil) Amendment Regulation 2014* applies in relation to gazetted oil that is consumed on or after 1 July 2014.

## **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.

### **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.

### **3 Polychlorinated biphenyls**

The oil must contain less than 2.0 mg of polychlorinated biphenyls for each kilogram of oil.

#### **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.

#### **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.

#### **6 Heavy metals**

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.

#### **7 Appearance**

The oil must have a clear and bright appearance.

## 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.

## Endnotes

Endnote 1—About the endnotes

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## Endnotes

### Endnote 1—About the endnotes

The endnotes provide details of the history of this legislation and its provisions. The following endnotes are included in each compilation:

- Endnote 1—About the endnotes
- Endnote 2—Abbreviation key
- Endnote 3—Legislation history
- Endnote 4—Amendment history
- Endnote 5—Uncommenced amendments
- Endnote 6—Modifications
- Endnote 7—Misdescribed amendments
- Endnote 8—Miscellaneous

If there is no information under a particular endnote, the word “none” will appear in square brackets after the endnote heading.

### Abbreviation key—Endnote 2

The abbreviation key in this endnote sets out abbreviations that may be used in the endnotes.

### Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended the compiled law. The information includes commencement information for amending laws and details of application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision level. It also includes information about any provisions that have expired or otherwise ceased to have effect in accordance with a provision of the compiled law.

### Uncommenced amendments—Endnote 5

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in endnote 5.

**Modifications—Endnote 6**

If the compiled law is affected by a modification that is in force, details of the modification are included in endnote 6.

**Misdescribed amendments—Endnote 7**

An amendment is a misdescribed amendment if the effect of the amendment cannot be incorporated into the text of the compilation. Any misdescribed amendment is included in endnote 7.

**Miscellaneous—Endnote 8**

Endnote 8 includes any additional information that may be helpful for a reader of the compilation.

## Endnotes

### Endnote 2—Abbreviation key

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#### Endnote 2—Abbreviation key

ad = added or inserted	pres = present
am = amended	prev = previous
c = clause(s)	(prev) = previously
Ch = Chapter(s)	Pt = Part(s)
def = definition(s)	r = regulation(s)/rule(s)
Dict = Dictionary	Reg = Regulation/Regulations
disallowed = disallowed by Parliament	reloc = relocated
Div = Division(s)	renum = renumbered
exp = expired or ceased to have effect	rep = repealed
hdg = heading(s)	rs = repealed and substituted
LI = Legislative Instrument	s = section(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sch = Schedule(s)
mod = modified/modification	Sdiv = Subdivision(s)
No = Number(s)	SLI = Select Legislative Instrument
o = order(s)	SR = Statutory Rules
Ord = Ordinance	Sub-Ch = Sub-Chapter(s)
orig = original	SubPt = Subpart(s)
par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)	

## Endnote 3—Legislation history

**Endnote 3—Legislation history**

<b>Number and year</b>	<b>FRLI registration or gazettal</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
2000 No. 199	31 July 2000	1 Jan 2001 (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	—
2005 No. 4	14 Feb 2005 (F2005L00158)	15 Feb 2005	—
2006 No. 144	27 June 2006 (F2006L01835)	1 July 2006	—
2006 No. 343	15 Dec 2006 (F2006L04055)	r 1–3 and Sch 1: 1 July 2006 Remainder: 16 Dec 2006	—
2008 No. 28	20 Mar 2008 (F2008L00920)	r 1–3 and Sch 1:1 Jan 2001 r. 4 and Sch 2: 1 July 2002 r. 5 and Sch 3: 15 Feb 2005 r. 6 and Sch 4:21 Mar 2008	—
111, 2014	24 June 2014 (F2014L01021)	1 July 2014	—

## Endnotes

### Endnote 4—Amendment history

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#### Endnote 4—Amendment history

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<b>Provision affected</b>	<b>How affected</b>
<b>Pt 1</b>	
hdg to Pt 1.....	ad No 111, 2014
r. 3.....	am. 2000 No. 353 rs. 2005 No. 4 am. 2008 No. 28
<b>Pt 2</b>	
hdg to Pt 2.....	ad No 111, 2014
r. 4.....	am. 2000 No. 353; 2003 No. 294; 2004 No. 74; 2006 No. 343; 2008 No. 28; No 111, 2014
r. 4A.....	ad. 2006 No. 144 am. 2006 No. 343
r. 5.....	ad. 2004 No. 74
<b>Pt 3</b>	
hdg to Pt 3.....	ad No 111, 2014
r 6.....	ad No 111, 2014
<b>Schedule 1</b>	
Schedule 1.....	am. 2000 No. 353 rs. 2003 No. 47 am. 2008 No. 28
<b>Schedule 2</b>	
Schedule 2.....	ad. 2004 No. 74

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Endnote 5—Uncommenced amendments [none]

**Endnote 5—Uncommenced amendments [none]**

**Endnote 6—Modifications [none]**

**Endnote 7—Misdescribed amendments [none]**

**Endnote 8—Miscellaneous [none]**