



# Product Stewardship (Oil) Amendment Regulations 2008 (No. 1)<sup>1</sup>

## Select Legislative Instrument 2008 No. 28

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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 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*.

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

Schedule 4 amends the *Product Stewardship (Oil) Regulations 2000*.

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**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

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**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*

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**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.

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### **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>.