

SOUTH AUSTRALIA

**PETROLEUM PRODUCTS REGULATIONS 1995**

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**REGULATIONS UNDER THE PETROLEUM PRODUCTS REGULATION ACT 1995**

*Petroleum Products Regulations 1995*

being

No. 115 of 1995: *Gaz.* 1 June 1995, p. 2574<sup>1</sup>

as varied by

No. 79 of 1996: *Gaz.* 30 May 1996, p. 2639<sup>2</sup>

No. 86 of 1997: *Gaz.* 13 May 1997, p. 1878<sup>3</sup>

- <sup>1</sup> Came into operation 1 July 1995: reg. 3.
- <sup>2</sup> Came into operation 1 July 1996: reg. 2.
- <sup>3</sup> Came into operation 1 July 1997: reg. 2.

**Citation**

1. These regulations may be cited as the *Petroleum Products Regulations 1995*.

**Revocation**

2. The following regulations are revoked:

*Business Franchise (Petroleum Products) Regulations 1991;*  
*Motor Fuel Distribution Regulations 1974.*

**Commencement**

3. These regulations will come into operation on 1 July 1995.

**Interpretation**

4. In these regulations—

"Act" means the *Petroleum Products Regulation Act 1995*.

**Industrial pumps (s. 4(1))**

5. For the purposes of the definition of "**industrial pump**" in section 4(1) of the Act, the following are prescribed activities:

- (a) activities of municipal or district councils;
- (b) activities of the Surf Life Saving Association on the Association's land at the corner of Trimmer Parade and Sportsman Drive at West Lakes, South Australia;
- (c) activities of the S.A. St John Ambulance Service Incorporated.

**Prescribed retail sales (s. 4(1))**

6. For the purposes of the definition of "**prescribed retail sale**" in section 4(1) of the Act, all retail sales of petroleum products except the following are declared to be prescribed retail sales:

- (a) a sale of a petroleum product other than motor spirit;
- (b) a sale made by a person to his or her employees;
- (c) a sale—
  - (i) resulting in a single delivery of motor spirit to a single vehicle or a single container; and
  - (ii) where the quantity of motor spirit so delivered to the vehicle or the container is not less than 200 litres;
- (d) a sale made by the Royal Automobile Association of South Australia Incorporated to a financial member of that Association in a quantity not exceeding five litres in circumstances where the member has no other practical means of procuring motor spirit;
- (e) a sale made in the course of a business in which retail sales of motor spirit are made predominantly for marine purposes;

3.

- (f) a sale of motor spirit made at a motor racing circuit to a person who—
- (i) holds a general licence issued by the Confederation of Australian Motor Sport (an unincorporated association and a registered successory trust under the *Religious Successory and Charitable Trusts Act 1958* of Victoria); and
  - (ii) purchases the motor spirit for use in a motor racing event at that motor racing circuit authorised by the Confederation.

**Reference of matters to Retail Outlets Board (s. 14(3))**

7. Pursuant to section 14(3) of the Act, the following need not be referred by the Minister to the Retail Outlets Board for its recommendation:

- (a) an application for renewal of a licence; or
- (b) variation of a licence involving only the substitution of another person as the licensee.

**Avoidance of multiple licences (s. 16)**

8. Pursuant to section 16 of the Act, a person who holds a licence to keep petroleum products under Part 2 of the Act is not required to hold a licence under Part III of the *Dangerous Substances Act 1979* in order to keep those petroleum products.

**Returns relating to supply of motor spirit**

9. A person who has supplied motor spirit during a calendar year—

- (a) to premises used for the making of prescribed retail sales of motor spirit; or
- (b) to premises at which an industrial pump is installed for further supply by means of the pump,

must, within 30 days after the end of the calendar year, furnish to the Retail Outlets Board a written return listing for each of the premises the aggregate litres of motor spirit that the person has supplied to the premises during that year.

Penalty: \$1 000.

**Fees**

10. The fees set out in the schedule are payable as specified in the schedule.

**SCHEDULE**  
*Fees*

A. The fee for the issue or renewal of an annual licence (s. 20(1)(b) of the Act) is as follows:

	\$
1. Licence to sell petroleum product . . . . .	133.00
(a) if the licence specifies more than one premises from which petroleum products are authorised to be sold—for each of the premises so specified . . . . .	133.00
(b) in any other case . . . . .	133.00
2. Licence to keep—	
(a) liquefied petroleum gas ("LPG")—for each of the premises at which LPG is authorised to be kept under the licence—	
(i) if the aggregate capacity of containers for keeping LPG at the premises exceeds 560 litres (water capacity) but does not exceed 20 kilolitres . . . . .	99.00
(ii) if the aggregate capacity of containers for keeping LPG at the premises exceeds 20 kilolitres (water capacity) but does not exceed 100 kilolitres . . . . .	283.00
(iii) if the aggregate capacity of containers for keeping LPG at the premises exceeds 100 kilolitres (water capacity) . . . . .	457.00
(b) motor spirit—for each of the premises at which motor spirit is authorised to be kept under the licence—	
(i) if the aggregate capacity of containers for keeping motor spirit at the premises exceeds 120 litres but does not exceed 1 kilolitre . . . . .	52.50
(ii) if the aggregate capacity of containers for keeping motor spirit at the premises exceeds 1 kilolitre but does not exceed 25 kilolitres . . . . .	99.00
(iii) if the aggregate capacity of containers for keeping motor spirit at the premises exceeds 25 kilolitres but does not exceed 250 kilolitres . . . . .	248.00
(iv) if the aggregate capacity of containers for keeping motor spirit at the premises exceeds 250 kilolitres but does not exceed 2 500 kilolitres . . . . .	838.00
(v) if the aggregate capacity of containers for keeping motor spirit at the premises exceeds 2 500 kilolitres but does not exceed 10 000 kilolitres . . . . .	2 820.00
(vi) if the aggregate capacity of containers for keeping motor spirit at the premises exceeds 10 000 kilolitres . . . . .	4 638.00

B. The appropriate amount for a monthly licence (s. 20(2)(a) of the Act) is \$52.50.

- Note:**
1. For the purpose of calculating fees, the water capacity of a 45 kilogram LPG cylinder must be taken to be 109 litres.
  2. If a licence authorises the sale and keeping of petroleum products, the fees fixed under items A1 and 2 above are to be aggregated in respect of the licence.
  3. If a licence authorises the keeping of LPG and motor spirit, the fees fixed under paragraphs (a) and (b) of item A2 above are to be aggregated in respect of the licence.
  4. No fee is payable for the issue of a licence to, or for the renewal of a licence by, a Minister of the Crown in right of this State.

5.

## **APPENDIX**

### **LEGISLATIVE HISTORY**

Schedule:

substituted by 79, 1996, reg. 3; 86, 1997, reg. 3