

South Australia

## **Petroleum Products Regulations 2008**

under the *Petroleum Products Regulation Act 1995*

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### **Contents**

- 1 Short title
- 3 Interpretation
- 4 Corresponding laws (section 4(1))
- 5 Notional sale and purchase (section 4D)
- 6 Entitlement to subsidy—variation of prescribed rate (section 20(9))
- 7 Records to be kept of bulk transport of petroleum products (section 52)
- 8 Permitted disclosure of information (section 56)
- 9 Exercise of certain powers for purposes of administration or enforcement of corresponding laws
- 10 Fees

Schedule 1—Corresponding laws

Schedule 2—Permitted disclosures

Schedule 3—Fees

Legislative history

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### **1—Short title**

These regulations may be cited as the *Petroleum Products Regulations 2008*.

### **3—Interpretation**

In these regulations—

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

### **4—Corresponding laws (section 4(1))**

For the purposes of the Act, each of the laws specified in Schedule 1 is declared to be a corresponding law.

### **5—Notional sale and purchase (section 4D)**

- (1) If the holder of a wholesale licence or a wholesaler referred to in section 20(4) of the Act delivers petroleum products to premises at which petroleum products are sold by retail under a retail licence by another person who is the holder of the retail licence, then, for the purposes of Part 2A and section 53 of the Act, the following are to be taken to occur:
  - (a) a sale of the petroleum products by wholesale by the holder of the wholesale licence or wholesaler;

- (b) a purchase of the petroleum products by the holder of the retail licence for sale under the licence.

(2) If—

- (a) a person is a manufacturer or importer of eligible petroleum products; and
- (b) the person holds a wholesale licence and a bulk end user certificate; and
- (c) eligible petroleum products manufactured or imported by the person or supplied to the person by another manufacturer or importer are delivered or allocated by the person for the person's own use as a bulk end user (but not for sale as a bulk end user),

then, for the purposes of Part 2A and section 53 of the Act, the following are to be taken to occur:

- (d) a sale of the petroleum products by the person under the wholesale licence to the holder of a bulk end user certificate;
- (e) a purchase of the petroleum products by the person under the certificate.

#### **6—Entitlement to subsidy—variation of prescribed rate (section 20(9))**

- (1) Pursuant to section 20(9) of the Act, subsection (8) of section 20 of the Act is to be read as if there were a prescribed rate of 8.35 cents per litre in respect of eligible petroleum products that are, by virtue of regulation 5(2), to be taken to be sold by a manufacturer or importer to itself as the holder of a bulk end user certificate.
- (2) Pursuant to section 20(9) of the Act, subsection (8) of section 20 of the Act is to be read as if the prescribed rate were 8.35 cents per litre in respect of diesel fuel sold to the holder of an off-road diesel fuel user certificate or bulk end user certificate bearing an off-road diesel fuel user endorsement for delivery to the holder in zone 1, zone 2 or zone 3.

#### **7—Records to be kept of bulk transport of petroleum products (section 52)**

A record referred to in section 52 of the Act must be in writing and contain the following particulars:

- (a) the date on which transportation commenced;
- (b) the type and quantity of petroleum products being transported;
- (c) the name and address of the person (if any) from whom the petroleum products were purchased;
- (d) the name and address of the person who owns the petroleum products;
- (e) the name and address of the person on whose behalf the petroleum products are being transported;
- (f) the name of the person (if any) to whom the petroleum products are being transported;
- (g) the address at which the petroleum products were loaded for transportation;
- (h) the address to which the petroleum products are being transported;
- (i) the name and address of the person (if any) who has agreed to purchase the petroleum products.

## **8—Permitted disclosure of information (section 56)**

For the purposes of section 56(2)(e) of the Act, the offices and bodies specified in Schedule 2 are prescribed.

## **9—Exercise of certain powers for purposes of administration or enforcement of corresponding laws**

Pursuant to section 64(2a) of the Act—

- (a) an authorised officer may exercise the powers conferred by section 44 of the Act for the purposes of the administration or enforcement of a corresponding law;
- (b) a magistrate may exercise the powers conferred by section 44(2) of the Act for the purposes of the administration or enforcement of a corresponding law.

## **10—Fees**

- (1) The fees set out in Schedule 3 are prescribed for the purposes of section 13(3) of the Act.
- (2) 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.

## **Schedule 1—Corresponding laws**

*Business Franchise (Petroleum Products) Act 1979* of Victoria

*Fuel Subsidies Act* of the Northern Territory

*Fuel Subsidy Act 1997* of Queensland

## **Schedule 2—Permitted disclosures**

Attorney-General

Auditor-General

Australian Statistician

Chairperson of the Australian Securities and Investments Commission

Chief Executive Officer of the Australian Crime Commission

Chief Executive Officer of WorkCover Corporation of South Australia

Commissioner for Consumer Affairs

Commissioner of Police of the Australian Federal Police

Director of Public Prosecutions

Environment Protection Authority

Offices in the Attorney-General's Department

Offices in the police force of or above the rank of inspector

Offices of another State, a Territory, or the Commonwealth, the holders of which are employed in the administration of laws relating to taxation or customs

Ombudsman

Registrar of Motor Vehicles

Solicitor-General

### **Schedule 3—Fees**

1	For the issue or renewal of a retail licence—for each premises from which petroleum products are authorised to be sold	\$218
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## Legislative history

### Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Legislation revoked by principal regulations

The *Petroleum Products Regulations 2008* revoked the following:

*Petroleum Products Regulations 1995*

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2008	25	<i>Gazette 13.3.2008 p1013</i>	1.7.2008: r 2
2008	91	<i>Gazette 5.6.2008 p2029</i>	1.7.2008 immediately after 25/2008: r 2
2009	74	<i>Gazette 4.6.2009 p2384</i>	1.7.2009: r 2
2010	75	<i>Gazette 10.6.2010 p2744</i>	1.7.2010: r 2
<b>2011</b>	<b>88</b>	<b><i>Gazette 9.6.2011 p2130</i></b>	<b>1.7.2011: r 2</b>
2012	84	<i>Gazette 31.5.2012 p2366</i>	1.7.2012: r 2

### Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
<i>s 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>1.7.2008</i>
Sch 3	varied by 91/2008 r 4	1.7.2008
	varied by 74/2009 r 4	1.7.2009
	varied by 75/2010 r 4	1.7.2010
	<b>varied by 88/2011 r 4</b>	<b>1.7.2011</b>
<i>Sch 4</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>1.7.2008</i>

## **Historical versions**

1.7.2008

1.7.2009

1.7.2010