

South Australia

Petroleum Products Regulations 2008

under the *Petroleum Products Regulation Act 1995*

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Schedule 1—Corresponding laws

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1—Short title

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

2—Commencement

These regulations will come into operation on the day on which the *Statutes Amendment (Petroleum Products) Act 2007* comes into operation.

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

Petroleum Products Regulations 2008

Schedule 2—Permitted disclosures

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	\$190
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Schedule 4—Revocation of *Petroleum Products Regulations 1995*

The *Petroleum Products Regulations 1995* are revoked.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council

on 13 March 2008

No 25 of 2008

T&F08/006CS