

South Australia

# **Petroleum Products Regulations 2023**

under the *Petroleum Products Regulation Act 1995*

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### **1—Short title**

These regulations may be cited as the *Petroleum Products Regulations 2023*.

### **2—Commencement**

These regulations come into operation on 1 September 2023.

### **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 referred to in Part 2 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 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;

- (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 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—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 each petroleum product 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.

## **7—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.

## **8—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.

## **Schedule 1—Corresponding laws**

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

## **Schedule 2—Permitted disclosures**

Attorney-General

Auditor-General

Australian Statistician

Chairperson of the Australian Securities and Investments Commission

Chief Executive Officer of Return to Work Corporation of South Australia

Chief Executive Officer of the Australian Crime Commission

Commissioner for Consumer Affairs

Commissioner of Police of the Australian Federal Police

Director of Public Prosecutions

Environment Protection Authority

A Minister responsible for the administration of the *Mining Act 1971*

Offices in the administrative unit of the Public Service that is responsible for assisting a Minister in the administration of the *Mining Act 1971*

Offices in the Attorney-General's Department

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

Police officers of or above the rank of inspector

Registrar of Motor Vehicles

Solicitor-General

## **Schedule 3—Repeal of *Petroleum Products Regulations 2008***

The *Petroleum Products Regulations 2008* are repealed.

### **Editorial note—**

As required by section 10AA(2) of the *Legislative Instruments 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 3 August 2023

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