





# **Product Stewardship (Oil) Legislation Amendment Act (No. 1) 2003**

**No. 79, 2003**

**An Act to amend the *Product Stewardship (Oil) Act  
2000*, and for related purposes**

Note: An electronic version of this Act is available in SCALEplus  
(<http://scaleplus.law.gov.au/html/comact/browse/TOCN.htm>)



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## **An Act to amend the *Product Stewardship (Oil) Act 2000*, and for related purposes**

[Assented to 14 August 2003]

The Parliament of Australia enacts:

### **1 Short title**

This Act may be cited as the *Product Stewardship (Oil) Legislation Amendment Act (No. 1) 2003*.

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## 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, on the day or at the time specified in column 2 of the table.

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<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent	14 August 2003
2. Schedules 1 and 2	A single day to be fixed by Proclamation, subject to subsection (3)	

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Note: This table relates only to the provisions of this Act as originally passed by the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table is for additional information that is not part of this Act. This information may be included in any published version of this Act.
- (3) If a provision covered by item 2 of the table does not commence within the period of 6 months beginning on the day on which this Act receives the Royal Assent, it commences on the first day after the end of that period.

## 3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## **Schedule 1—Amendment of the Product Stewardship (Oil) Act 2000**

### ***Product Stewardship (Oil) Act 2000***

#### **1 Subsection 6(1)**

Insert:

*gazetted oil* means oil of a kind that is declared by the Minister, by notice published in the *Gazette*, to be gazetted oil.

#### **2 Subsection 6(1)**

Insert:

*gazetted use*, in relation to gazetted oil, means a use of the oil that is declared by the Minister, by notice published in the *Gazette*, to be a gazetted use, being:

- (a) a use in the manufacture of a product:
  - (i) that will not permit the oil to be recycled; and
  - (ii) that constitutes only a low risk to the environment; or
- (b) a use in a process:
  - (i) that will not permit the oil to be recycled; and
  - (ii) that constitutes only a low risk to the environment.

#### **3 Subsection 8(2)**

After “make a claim”, insert “in respect of an entitlement that is referred to in subsection 9(1)”.

#### **4 At the end of section 8**

Add:

- (3) For the purposes of subsection (1), if you make a claim in respect of an entitlement referred to in subsection 9(3):
  - (a) after the introduction into the Parliament of the Bill for the *Product Stewardship (Oil) Legislation Amendment Act (No. 1) 2003*; but

(b) before you are registered;  
the claim is taken to have been made immediately after you are registered.

**5 Subsection 9(2)**

After “the sale or consumption of recycled oil”, insert “referred to in subsection (1)”.

**6 At the end of section 9**

Add:

- (3) You are entitled to a product stewardship (oil) benefit for the consumption in Australia of gazetted oil for a gazetted use.
- (4) However, you are not entitled to a product stewardship (oil) benefit for the consumption of gazetted oil for a gazetted use before the introduction into the Parliament of the Bill for the *Product Stewardship (Oil) Legislation Amendment Act (No. 1) 2003*.

**7 Subsection 10(1)**

After “in respect of the sale or consumption of recycled oil”, insert “, or the consumption of gazetted oil for a gazetted use,”.

**8 Subsection 10(2)**

After “subsection (1)”, insert “in respect of the sale or consumption of recycled oil”.

**9 After subsection 10(2)**

Insert:

- (2A) Without limiting the matters that may be taken into account under regulations made for the purposes of subsection (1) in relation to the consumption of gazetted oil for a gazetted use, the matters may include:
  - (a) the volume of the gazetted oil that you consumed for that use; and
  - (b) the quality of the gazetted oil that you consumed for that use; and
  - (c) particulars of the gazetted use to which you put the gazetted oil.

**10 Paragraph 10(3)(a)**

Omit “oil that is to undergo”, substitute “recycled oil (including gazetted oil obtained through recycling) that is to undergo”.

**11 Paragraph 10(3)(b)**

After “a benefit”, insert “in respect of the sale or consumption of recycled oil, or of gazetted oil for a gazetted use,”.

**12 Paragraph 10(4)(b)**

Repeal the paragraph, substitute:

- (b) any relevant environmental matters relating to the recycling of oils or to the use of gazetted oil.

## **Schedule 2—Amendment of the Product Grants and Benefits Administration Act 2000**

### ***Product Grants and Benefits Administration Act 2000***

#### **1 Paragraph 9(3A)(a)**

Repeal the paragraph, substitute:

- (a) except in relation to registration for entitlement only for product stewardship (oil) benefits under subsection 9(3) of the *Product Stewardship (Oil) Act 2000*—are licensed to manufacture excisable goods under Part IV of the *Excise Act 1901*; and

#### **2 Paragraph 9(3A)(b)**

Omit “satisfy any regulations”, substitute “except in relation to registration for entitlement only to product stewardship (oil) benefits under subsection 9(3) of the *Product Stewardship (Oil) Act 2000*—satisfy any regulations”.

#### **3 Transitional provision**

Any registration for entitlement to product stewardship (oil) benefits in force under the *Product Grants and Benefits Administration Act 2000* immediately before the commencement of items 1 and 2 of this Schedule has effect, on and after that commencement, as if it extended to benefits under subsection 9(3) of the *Product Stewardship (Oil) Act 2000*

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*[Minister's second reading speech made in—  
House of Representatives on 27 March 2003  
Senate on 24 June 2003]*

(28/03)