



# **Changes to Fuels Legislation New Procedures for Selling Racing 100**

## **Introduction**

At the start of this year, the government enacted the Fuels Quality Standards Act. This Act seeks to determine by legislation fuel characteristics.

Within the Australian market there has been a phase out of leaded fuel. The Act sets strict limitations on the sale of fuel containing lead. One of the products which continues to have lead in its composition, is BP Racing 100.

Sites and distributors can now only sell BP Racing 100 under strict conditions. Penalties under the law are up to \$500,000 per offence. These conditions are detailed in the pages that follow.

In short, only legitimate Motor Sport competitors associated with a small number of racing organisations can use BP Racing 100. We have discussed this issue with government and they are expecting strict controls to be implemented. Over time the racing organisations themselves intend to organise a fuel racing identification program as the only way that their competitors can access the fuel.

In the interim, we have drafted a recommended procedure which all sites and distributors must use before they sell Racing 100.

An example of this procedure, which is attached below, requires the sites to follow these steps.

1. BP requires from the reseller a statutory declaration from the reseller or distributor - this only has to be done once
2. The reseller gets from the purchaser a statutory declaration, as outlined, plus sights a Confederation of Australian Motor Sport (CAMS) or other Racing Body licence before selling the fuel

The forms and wording to complete this task are attached in the documents below.

We realise that this process is involved and may be tedious, but it does mean that we are following the spirit and intention of the new law. This issue is industry-wide and we are aware that both Shell and Mobil are following the same broad process, including statutory declarations.

If you have any questions please call our Fuels Technical Helpline on 1800 033 558. or visit [www.bp.com.au/fuelnews](http://www.bp.com.au/fuelnews)



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**SALE OF BP RACING 100 - PROCEDURE**

Suppliers of fuels for road use are required to make a statement that the fuel complies with the Fuel Quality Standards Act 2000. Failure to do this will result in heavy penalties. The Act refers to the Fuel Standard (Petrol) Determination of 2001 which states that Petrol must not contain more than 5mg/L of lead. Because Racing Fuel 100 contains up to 830 mg/L of lead and typically 450 mg/L of lead, BP Racing 100 does not comply with the *Fuel Standard (Petrol) Determination 2001* made under the *Fuel Quality Standards Act 2000* and, therefore, it cannot be supplied except under the following conditions:

1. In the Act petrol does not include:
  - (a) Avgas supplied for use in an aircraft, or
  - (b) Petrol for use solely at a racing event, or on a race track, approved or recognised by one of the following organisations:

Confederation of Australian Motor Sport  
National Association of Speedway Racing  
Australian National Drag Racing Association  
Australian Karting Association  
Motorcycling Australia

2. Petrol that does not comply with the petrol determination can be sold in accordance with an approval granted under the Act. Information about the approval process is available on Environmental Australia's website:  
<http://www.ea.gov.au/atmosphere/transport/fuel/index.html>  
All persons in the supply chain, except the end-use, need to be covered by this approval.

No exemption or approval has been granted for Racing 100; consequently, Racing 100 can only be supplied under the conditions outlined in 1(b). Currently the racing bodies are developing procedures for control and identification of bona fide Racing 100 users, but, until these are in place, the following procedures and forms should be used by distributors and resellers to ensure that they are protected from supplying fuel in contravention of the Act.



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**Actions required by BP Order Takers**

Before accepting an order and processing a sale of BP 100, the order taker must get from the site a faxed copy of a statutory declaration as in Attachment 1.

This only needs to be done once.

Attachment 1 has a form **use the declaration appropriate to the state**. The Retail Site's original Statutory Declaration must be retained with the order documentation.

**Actions required at the Reseller**

The reseller then needs to get a similar declaration from his customers of Racing 100 as outlined in Attachment 2. Again, use only the declaration appropriate to the state, and retain the declaration on file, with a record of the number of drums sold each time.

The Reseller shall note that it would be a serious offence should the drum of leaded fuel be used outside those applications listed in part 1(b) and the reseller will be held responsible. The reseller shall, therefore, also sight a current racing licence authorised by CAMS or one of the bodies referenced in section 1 with a photo ID to confirm that the purchase is genuine.



## FUEL NEWS

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### ATTACHMENT 1 - DECLARATION FROM RESELLER/SITE/DEPOT MANAGER

I \_\_\_\_\_ (manager/franchisee)  
of \_\_\_\_\_ (service station/depot) declares that

1. All BP Racing 100 petrol which I order from BP will be sold only to individuals who furnish both of the following documents:
  - (i) A statutory declaration signed by the purchaser declaring that the petrol will only be used at a race meeting or event recognised by one of the following organisations:
    - Confederation of Australian Motor Sport
    - National Association of Speedway Racing
    - Australian National Drag Racing Association
    - Australian Karting Association
    - Motorcycling Australia
  - (ii) Authorised CAMS or other racing organisation licence or approval from one of the bodies specified in section (i).
2. BP Racing 100 petrol will not be supplied into a vehicle which will enter onto the public roads under its own power except at a race meeting or an event recognised as set out in clause (1)(i) above.

*Use only the declaration appropriate to the State, cross out or delete others.*

#### **Victoria**

“And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Act of the Parliament of Victoria rendering persons making a false declaration punishable for wilful and corrupt perjury.”

#### **New South Wales**

“And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act* 1990.”

#### **Queensland**

“And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act* 1867.”



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**South Australia**

“And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act* 1936.”

**Western Australia**

“And I make this solemn declaration by virtue of s106 of the *Evidence Act* 1906.”

**Tasmania**

“And I make this solemn declaration by virtue of s132 of the *Evidence Act* 1910.”

**Australian Capital Territory and Norfolk Island**

“And I make this solemn declaration by virtue of the *Statutory Declarations Act* 1959, and subject to the penalties provided by that Act for the making of false statements in statutory declarations, conscientiously believing the statements contained in this declaration to be true in every particular.”

**Northern Territory**

“And I make this solemn declaration by virtue of the *Oaths Act* and conscientiously believing the statements contained in this declaration to be true in every particular.”

**DECLARED** at \_\_\_\_\_ in \_\_\_\_\_ )  
the State of \_\_\_\_\_ by the above- \_\_\_\_\_ )  
named declarant this \_\_\_\_\_ day \_\_\_\_\_ )  
of \_\_\_\_\_ 200 \_\_\_\_\_ ) \_\_\_\_\_

\_\_\_\_\_  
(Witness)

This declaration to be retained on file with a copy of the purchase order.



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**ATTACHMENT 2**

**Actions required of a Retail Site**

Each time they make a sale of BP Racing 100, the manager or operator of the Retail site must obtain from the purchaser a signed declaration as follows:

I ( *name of purchaser* ) declare that the ( *insert quantity* ) drums of BP Racing 100 I have purchased on the            day of            200    will only be used at a race meeting or event recognised by one of the following organisations:

Confederation of Australian Motor Sport  
National Association of Speedway Racing  
Australian National Drag Racing Association  
Australian Karting Association  
Motorcycling Australia

*Use only the declaration appropriate to the State, cross out or delete others*

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(Witness)

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