


# ***PCG 2016/3 - Fuel tax credits - fuel tax credit rate for non business claimants***

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## Fuel tax credits – fuel tax credit rate for non-business claimants

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### Relying on this Guideline

This Practical Compliance Guideline sets out a practical administration approach to assist taxpayers in complying with relevant tax laws. Provided you follow this guideline in good faith, the Commissioner will administer the law in accordance with this approach.

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Table of Contents	Paragraph
What this Guideline is about	1
Date of effect	2
Which entities are covered by this Guideline?	3
What claims are covered by this Guideline?	4
Background	5
Fuel tax credit rate for non-business claimants	11
More information	13

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### What this Guideline is about

1. This Guideline sets out an acceptable practical approach to determine the fuel tax credit rate for non-business claimants lodging fuel tax credit claim forms. This approach deals with the disproportionate compliance and administration costs for non-business claimants and the ATO that can arise from changes in the fuel tax credit rate during the period to which a claim relates.

### Date of effect

2. This Guideline applies to fuel tax credit claims by non-business claimants that have not already been processed and paid before the date of issue of this Guideline.

### Which entities are covered by this Guideline?

3. This Guideline applies to the following entities, referred to as '**non-business claimants**' in this Guideline:

- (a) a taxpayer that is not registered for GST and acquires taxable fuel for their use in generating electricity for domestic use, and

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- (b) a non-profit body that is not registered for GST or required to be registered and acquires taxable fuel for use in a vehicle (or vessel) that:
    - (i) provides emergency services, and
    - (ii) is clearly identifiable as such.

#### **What claims are covered by this Guideline?**

4. This Guideline applies to fuel tax credit claim forms lodged by the non-business claimants described in paragraph 3 of this Guideline.

#### **Background**

5. Under section 42-5 of the *Fuel Tax Act 2006*, there is a fuel tax credit entitlement for a non-business claimant in respect of taxable fuel acquired for their use in generating electricity for domestic use.

6. A non-profit body is also entitled to a fuel tax credit within subsection 41-5(3) of the *Fuel Tax Act 2006* for taxable fuel they acquire for use in a vehicle or vessel that provides emergency services. The vehicle must be clearly marked as an emergency vehicle.

7. These non-business claimants, who are not otherwise registered for GST, claim their fuel tax credits on a 'Fuel tax credit claim form'. When they complete the claim form they must show details of the:

- (a) earliest and latest date that the taxable fuel for which they are making a claim was purchased (referred to as the claim period)
- (b) number of litres (or kilograms) of taxable fuel they acquired during the claim period.

8. A non-business claimant is not required to calculate the amount of fuel tax credit when lodging their claim form. The amount of the fuel tax credits payable is worked out based on the number of litres (or kilograms) acquired during the period to which the claim form relates.

9. The rate of fuel tax credit is determined by reference to the rate of excise or customs duty in force on the day on which the taxable fuel was acquired.

10. Therefore, a non-business claimant may have entitlement to fuel tax credits at differing rates depending on the day on which the taxable fuel was acquired.

#### **Fuel tax credit rate for non-business claimants**

11. Where a non-business claimant lodges a fuel tax credit claim form for a period, the Commissioner will accept, as a matter of practical administration, that the non-business claimant has acquired all the taxable fuel on the day the Commissioner receives the claim form relating to the taxable fuel.

12. Accordingly, the rate of the fuel tax credit payable for all the taxable fuel acquired during the fuel tax return period will be the fuel tax credit rate in force on the day the return is lodged with the Commissioner.

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### More information

13. For more information, see:

- [Fuel tax credits – non-business](#)
- [Rates – non-business](#)
- [Fuel tax credits – claiming – non-business](#)

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### Commissioner of Taxation

22 March 2016

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### References

ATOlaw topic(s)	Excise ~~ Fuel tax credits ~~ Reporting
Legislative references	Fuel Tax Act 2006 Fuel Tax Act 2006 41-5(2) Fuel Tax Act 2006 41-5(3) Fuel Tax Act 2006 42-5

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