

EXC 2006/10 -



Fuel Tax (Fuel Blends) Determination 2006 (No. 1)

Fuel Tax Act 2006

Under section 95-5 of the *Fuel Tax Act 2006* (Fuel Tax Act), I make the following determination:

Citation

1. This determination may be cited as the *Fuel Tax (Fuel Blends) Determination 2006 (No. 1)*.

Legislative instrument

2. The determination is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

Commencement

3. The determination has effect from 1 July 2006.

Object

4. Under section 95-5 of the Fuel Tax Act, the Commissioner of Taxation may determine that a blend of a fuel and another product does not constitute a fuel for the purposes of the Fuel Tax Act.

Application

5. This determination applies to blends that are produced on or after 1 July 2006.

Interpretation

6. In this determination:

CAS registry number refers to the unique number allocated to the chemical substance in the registry of the Chemical Abstracts Service, a division of the American Chemical Society.

taxable fuel means taxable fuel as defined in section 110-5 of the Fuel Tax Act but only if they are classified to subitem 10.25, 10.26, 10.27 or 10.28 of the Schedule to the *Excise Tariff Act 1921*.

v/v means volume to volume.

Where a blend is not a fuel

7. A blend of a taxable fuel and another product or other products is not a fuel for the purposes of the fuel tax law where:
- (i) the blend is not marketed or sold for use as fuel in an internal combustion engine; **and**
 - (ii) it can be demonstrated that the blend contains a product listed in the Schedule at a concentration equal to or greater than the specified minimum; **or**
 - (iii) it can be demonstrated that the blend contains more than one product listed in the Schedule and the total concentration of those products is equal to or exceeds 10% by volume.
8. This applies whether or not the blend contains other substances.

Example:

The following blends are not marketed or sold for use as fuel in an internal combustion engine:

- (a) 90% toluene with 10% v/v methyl ethyl ketone
- (b) 90% toluene with 8% v/v methyl ethyl ketone and 2% v/v butanol (Other Alcohol)
- (c) 92% toluene with 4% v/v methyl ethyl ketone and 4% v/v butanol (Other Alcohol)

Under this determination, blends (a) and (b) do not constitute fuel for the purposes of the fuel tax law; blend (c) is a fuel for those purposes.

Dated this 30th day of June 2006

Signed Paul Southwell

Paul Dennis Southwell

Acting Deputy Commissioner and Delegate of the Commissioner of Taxation



Schedule

Item	Product	CAS Registry Number	Minimum concentration % v/v
1	Tertiary butyl alcohol	75-65-0	0.5
2	Other alcohols (other than methanol, ethanol and isopropyl alcohol)	-	10.0
3	Ketones	-	10.0
4	Methyl tertiary butyl ether	1634-04-4	1.0
5	Di-isopropyl ether	108-20-3	1.0
6	Other ethers	-	10.0
7	Esters	-	10.0
8	Surfactants		1.0
9	Silicone Oils		2.0
10	Oleic Acid	112-80-1	2.0
11	Water	-	5.0