



Fuel Tax (Fuel blends) Determination 2006 (No. 3)

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. 3)*.

Legislative instrument

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

Commencement

3. The determination commences on the day after registration.

Application

4. This determination applies to blends that are produced after commencement.

Revocation of previous instrument

5. *Fuel Tax (Fuel Blends) Determination 2006 (No. 1)* is revoked on the commencement of this determination.

Object

6. 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.
7. The determination replaces *Fuel Tax (Fuel Blends) Determination 2006 (No. 1)* which contains an error at paragraph 7.

Interpretation

8. 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

9. 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:
- (a) the blend is not marketed or sold for use as fuel in an internal combustion engine and
 - (a) it can be demonstrated that the blend contains either:
 - (i) a product listed in the Schedule at a concentration equal to or greater than the specified minimum; or
 - (ii) more than one product listed in the Schedule and the total concentration of those products is equal to or exceeds 10% by volume, whether or not the blend contains other substances.

Example

An entity produces the following blends and does not market or sell them for use as fuel in an internal combustion engine:

- (1) 90% toluene with 10% v/v methyl ethyl ketone
- (2) 90% toluene with 8% v/v methyl ethyl ketone and 2% v/v butanol (Other alcohol)
- (3) 92% toluene with 4% v/v methyl ethyl ketone and 4% v/v butanol (Other alcohol)

Under this determination, blends (1) and (2) do not constitute fuel for the purposes of the fuel tax law; blend (3) is a fuel for those purposes.

Dated this 21st day of August 2006

signed

Neil Olesen

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