

EXC 2012/2 -



Excise (Mass of CNG) Determination 2012 (No. 1)

Excise Act 1901

Under section 65 of the *Excise Act 1901* (Excise Act) I make the following determination:

Citation

1. This determination may be cited as the *Excise (Mass of CNG) Determination 2012 (No. 1)*.

Legislative Instrument

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

Commencement

3. This determination commences on 1 June 2012.

Application

4. This determination applies to Compressed Natural Gas (CNG) classified to sub-item 10.19C of the Schedule to the *Excise Tariff Act 1921* (the Schedule) that is delivered for home consumption pursuant to section 61C of the Excise Act on or after the date of commencement.

Object

5. Under section 65 of the Excise Act, the CEO may determine rules for working out the volume or weight of excisable goods.

These rules govern the methods for calculating the mass of excisable CNG for the purposes of determining the amount of excise duty payable.

Interpretation

6. In this determination:

accounting period means the 12 month period adopted for income tax purposes as provided by section 18 of the *Income Tax Assessment Act 1936*, or another period approved in writing by the CEO.

aggregated clearances means the mass of CNG delivered for home consumption by you in the accounting period from excise licensed establishments based on historical data, or the mass of CNG reasonably expected to be delivered for home consumption by you in an accounting period if no historical data is available.

CEO means the Commissioner of Taxation (see subsection 4(1) of the Excise Act).

CNG means compressed natural gas.

Excisable CNG means CNG classified to sub-item 10.19C of the Schedule.

excise licensed establishment means premises that are specified in an Excise licence issued pursuant to section 39A of the Excise Act.

Determining the mass of CNG

7. To determine the duty applicable to excisable CNG, the dutiable quantity must first be determined. For excisable CNG this is the mass in kilograms. In determining the mass of excisable CNG delivered into home consumption, the following methods are permissible:
8. Where a person's measuring equipment can differentiate quantities of excisable CNG from other quantities of CNG produced or natural gas used the person must, subject to paragraph 11, calculate the mass of excisable CNG delivered into home consumption.

Method 1 - If your measuring equipment measures goods in kilograms, you must use this figure.

Method 2 - If your measuring equipment measures goods as energy (joules), you must convert to kilograms by either:

- (a) the use of the conversion factor stipulated in Regulation 49AAC (3) of the Excise Regulations 1925; or
- (b) the use of a conversion factor based on the composition of the gas by mole fraction using the method as described in the International Organization for Standardization ISO 6976-1995, *Natural gas – Calculation of calorific values, density and Wobbe index from composition*.

Method 3 - If your measuring equipment measures goods in volume (cubic metres), you must calculate the mass of excisable CNG delivered into home consumption by either:

- (a)
 - (i) converting from cubic metres (m³) to megajoules by using the heating value and any associated correction/pressure factors of the gas, as supplied by your gas distributor in your most recent tax invoice, or by applying an average heating value and an average of any associated correction/pressure factors of the gas, as supplied by your gas distributor, over an accounting period; and then
 - (ii) converting the megajoule value to kilograms by employing the rate stipulated in Regulation 49AAC (3) of the Excise Regulations 1925; or
 - (b)
 - (i) correcting the volume of gas measured by you to standard referencing conditions (101.325 kPa and 288.15 K) using Australian Standard / International Organization for Standardization AS ISO 13443-2007, *Natural gas – Standard reference conditions*; and then
 - (ii) applying the conversion factor based on the composition of the gas by mole fraction as per the method described in the International Organization for Standardization ISO 6976-1995, *Natural gas – Calculation of calorific values, density and Wobbe index from composition*.
9. Where a person's measuring equipment cannot differentiate excisable quantities of CNG from other quantities of CNG produced or natural gas used and aggregated clearances of

excisable CNG do not exceed 150,000 kilograms per accounting period, subject to paragraph 11, the following methods to calculate the mass of excisable CNG delivered into home consumption are permissible:

Method 4 - a measured constructive method of apportionment using an appropriate reliable measure (or combination of reliable measures) may be used as the basis for calculating the quantity of excisable CNG.

Method 5 - a measured deductive method of apportionment using an appropriate reliable measure (or combination of reliable measures) may be used as the basis for calculating the quantity of excisable CNG.

10. For methods 4 and 5, appropriate reliable measures that may be used as the basis for calculating quantities of excisable CNG include:

- gas flow meter measuring equipment
- a vehicle's odometer readings of kilometres actually travelled
- route distances if a vehicle operates on fixed routes
- kilowatt hours of electricity generated
- hours of operation of vehicle or equipment, or
- average hourly fuel consumption of vehicle or equipment

11. A person must only use one Method for each excise licensed establishment for the duration of an accounting period unless authorised in writing by the CEO to do otherwise.

Dated this 15 day of May 2012

James O'Halloran

Deputy Commissioner of Taxation