



Excise (Volume – residual oil) 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 (Volume – residual oil) 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 10 December 2012.

Application

4. This determination applies to residual oil classified to sub-item 10.28 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.
6. These rules govern the measurement of volume, for Excise purposes, of residual oil, produced and consumed within an excise licensed establishment, in the course of refining petroleum condensate or stabilised crude petroleum oil.

Interpretation

7. In this determination:

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

excise licensed establishment means premises that are specified in an Excise licence issued pursuant to section 39A of the *Excise Act 1901*.

residual oil means a liquid hydrocarbon product comprising heavy hydrocarbons obtained from the remnants of the distillation of petroleum based oils (including cracked petroleum based oils) or their synthetic equivalents, where the heavy hydrocarbon remnants have an initial boiling point greater than or equal to 320 °C at atmospheric pressure.

Measuring and equipment

- 8 An entity that both produces and consumes residual oil within an excise licensed establishment, in the course of refining petroleum condensate or stabilised crude petroleum oil, may measure the volume of the residual oil used by means of:
- (i) a formula that determines the volume of output by reference to historical data from similar feedstock, which is corrected to 15 degrees Celsius using the American Society for Testing and Materials (ASTM) *Petroleum Measurement Tables Volume Correction Factors, Volume VIII*; or
 - (ii) any other similar method which provides a fair and reasonable reflection of the volume of output.

Dated this Tuesday 4 December 2012

James O'Halloran

Deputy Commissioner of Taxation