



Excise (Concessional Spirit Approvals) Guidelines 2026

I, Will Day, Deputy Commissioner of Taxation, make the following guidelines.

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1 Name

This instrument is the *Excise (Concessional Spirit Approvals) Guidelines 2026*.

2 Commencement

This instrument commences on the day after it is registered on the Federal Register of Legislation.

3 Authority

This instrument is made under subsection 77FF(5) of the *Excise Act 1901*.

4 Definitions

Note: A number of expressions used in this instrument are defined in section 4 of the Act, including the following:

- (a) CEO;
- (b) Excise Acts;
- (c) fuel.

In this instrument:

Act means the *Excise Act 1901*.

applicant means a person who applies to the CEO for approval under subsection 77FF(1) of the Act to use spirit for a specified purpose,

excluded purpose means a purpose where:

- (a) the spirit is used as a beverage or in the production of a beverage, but not where it is an incidental input; or
- (b) the spirit is used in any product that may be consumed for an intoxicating effect, whether or not that product is a beverage; or
- (c) the spirit is used as a prescribed fuel or a component of a prescribed fuel; or
- (d) the spirit is for on-supply to another person, but not where the CEO has granted approval for on-supply under subsection 77FF(1) of the Act.

incidental input means a spirit that is added to a beverage but that does not significantly increase the alcohol content of the beverage.

in the course or furtherance of carrying on an enterprise has the meaning given by the *A New Tax System (Australian Business Number) Act 1999*.

penalty unit has the meaning given by section 4AA of the *Crimes Act 1914*.

prescribed fuel means goods of a kind that fall within a classification in item 10 of the Schedule to the Tariff Act.

related person means any person, other than the applicant, that the CEO considers is relevant to ascertaining whether the applicant is fit and proper, including:

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- (a) where the applicant is an individual – the individual’s spouse, employer, colleague, or a person employed by the individual; or
 - (b) where the applicant is a partner in a partnership – any of the other partners in the partnership; or
 - (c) where the applicant is a company – a director, employee, or shareholder who participates in the management and control of the company.

specified purpose, in relation to an application for an approval under subsection 77FF(1) of the Act, means an industrial, manufacturing, scientific, medical, veterinary or educational purpose that is not an excluded purpose.

spirit means goods described in item 3 of the Schedule to the Tariff Act.

stated purpose, in relation to an application for an approval under subsection 77FF(1) of the Act, means the purpose for which the spirit will be used as stated in that application.

Tariff Act means the *Excise Tariff Act 1921*.

5 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

6 Guidelines

When deciding whether or not to grant an approval under subsection 77FF(1) of the Act, the CEO must have regard to:

- (a) the matters in section 7; and
- (b) the matters in section 8; and
- (c) whether the application for the approval contains all the information necessary for the CEO to make the decision; and
- (d) whether the approval should be subject to any conditions, including conditions relating to:
 - (i) the duration of the approval; and
 - (ii) record keeping requirements for the spirit covered by approval; and
 - (iii) the location where the spirit may be stored; and
 - (iv) security arrangements for spirit; and
 - (v) suppliers from whom spirit under the approval may be obtained; and
 - (vi) provision of a security by the applicant; and
 - (vii) any other conditions the CEO considers necessary to be satisfied the spirit will be used for a specified purpose and to reduce the likelihood and extent of risk to revenue or non-compliance with the Excise Acts.

7 Consideration of purpose

The CEO must be satisfied that the spirit covered by the approval will be used for a specified purpose by having regard to:

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- (a) the information in the application for the approval including:
 - (i) the stated purpose for which the spirit will be used; and
 - (ii) whether this stated purpose is a specified purpose; and
 - (iii) the quantity, type and strength of the spirit to be covered by the approval; and
 - (iv) the duration of use of the spirit for the stated purpose; and
 - (b) any other matter that the CEO considers relevant to the purposes of this section.

8 Consideration of revenue and non-compliance risks

- (1) The CEO must consider the risk to revenue and the risk that the applicant may not comply with the Excise Acts if the approval is granted, by having regard to the following matters:
 - (a) whether the applicant is a fit and proper person;
 - (b) whether the applicant will use the spirit in the course or furtherance of carrying on an enterprise;
 - (c) the applicant's ability to ensure the security and safety of the spirit;
 - (d) whether the applicant has appropriate procedures in place relating to the management, control and movement of the spirit;
 - (e) the applicant's ability to keep accurate records and provide the CEO with access to those records;
 - (f) the likelihood that the spirit will be used for a purpose other than the stated purpose;
 - (g) whether the approval should include conditions to mitigate any revenue or non-compliance risks;
 - (h) any other matters the CEO considers relevant.
- (2) For the purposes of determining whether the applicant is a fit and proper person under paragraph (1)(a), the CEO may take into consideration the following matters:
 - (a) whether, within one year before the application, the applicant or a related person was charged with:
 - (i) an offence under the Excise Acts; or
 - (ii) an offence under Commonwealth, State or Territory law punishable by imprisonment of one year or more, or a fine of 50 penalty units or more;
 - (b) whether, within ten years before the application, the applicant or a related person was convicted of an offence covered by paragraph (2)(a);
 - (c) the finances of the applicant or a related person;
 - (d) whether the applicant knowingly made a false statement in the application;
 - (e) the history of compliance of the applicant, or a related person, with their obligations under taxation law (as defined in section 995-1 of the *Income Tax Assessment Act 1997*);
 - (f) if the applicant is a natural person, whether they or a related person are an undischarged bankrupt;

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- (g) if the applicant is a company, whether they or a related person is under administration.

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Schedule 1—Repeals

Excise Concessional spirit approvals guidelines 2016 (No. 2)

1 The whole of the instrument

Repeal the instrument

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