





# **Excise Tariff Amendment (Taxation of Alternative Fuels) Act 2011**

**No. 67, 2011**

**An Act to amend the law relating to excise on certain fuels, and for related purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)



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# **Excise Tariff Amendment (Taxation of Alternative Fuels) Act 2011**

**No. 67, 2011**

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## **An Act to amend the law relating to excise on certain fuels, and for related purposes**

[Assented to 29 June 2011]

The Parliament of Australia enacts:

### **1 Short title**

This Act may be cited as the *Excise Tariff Amendment (Taxation of Alternative Fuels) Act 2011*.

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## 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	29 June 2011
2. Schedule 1, Part 1	1 December 2011. However, the provision(s) do not commence at all if any of the following do not commence on or before 1 December 2011: (a) Part 1 of Schedule 1 to the <i>Customs Tariff Amendment (Taxation of Alternative Fuels) Act 2011</i> ; (b) Schedule 1 to the <i>Taxation of Alternative Fuels Legislation Amendment Act 2011</i> ; (c) Schedule 1 to the <i>Energy Grants (Cleaner Fuels) Scheme Amendment Act 2011</i> .	1 December 2011
3. Schedule 1, Part 2	1 July 2012. However, the provision(s) do not commence at all if the provision(s) covered by table item 2 do not commence at all.	1 July 2012
4. Schedule 1, Part 3	1 July 2013. However, the provision(s) do not commence at all if the provision(s) covered by table item 2 do not commence at all.	1 July 2013
5. Schedule 1, Part 4	1 July 2014. However, the provision(s) do not commence at all if the provision(s) covered by table item 2 do not commence at all.	1 July 2014
6. Schedule 1,	1 July 2015.	1 July 2015

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<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
Part 5	However, the provision(s) do not commence at all if the provision(s) covered by table item 2 do not commence at all.	
7. Schedule 1, Part 6	The day this Act receives the Royal Assent.	29 June 2011

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Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

### **3 Schedule(s)**

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

## Schedule 1—Amendment of the Excise Tariff Act 1921

### Part 1—Amendments to commence on 1 December 2011

#### 1 Subsection 3(1)

Insert:

*liquefied petroleum gas* means:

- (a) liquid propane; or
- (b) a liquid mixture of propane and butane; or
- (c) a liquid mixture of propane and other hydrocarbons that consists mainly of propane; or
- (d) a liquid mixture of propane, butane and other hydrocarbons that consists mainly of propane and butane.

#### 2 Section 6G

Repeal the section, substitute:

#### 6G Duty payable on blended goods

- (1) Work out the duty payable under this Act on goods (the *blended goods*) that are classified to subitem 10.7, 10.11, 10.12 or 10.30 of the Schedule as follows:

*Method statement*

- Step 1. Add up the amount of duty that would be payable on each constituent of the blended goods, that is classified to item 10 of the Schedule, if the constituent had not been included in the blended goods.
- Step 2. Work out the volume, in litres, of the blended goods that is not attributable to those constituents or to water added to manufacture the blended goods.
- Step 3. Multiply the result of step 2 by \$0.38143.

Step 4. Total the results of steps 1 and 3.

Step 5. Subtract from the total any duty paid on a constituent of the blended goods that is classified to item 10 or 15 of the Schedule.

- (2) If a constituent of the blended goods was imported, assume for the purposes of subsection (1) that:
- (a) the constituent was manufactured in Australia when it was imported; and
  - (b) if customs duty was paid on the constituent, there was a payment of excise duty equal to the lesser of the following amounts (or either of them if they are equal):
    - (i) the amount of excise duty that would have been payable on the constituent had it been manufactured in Australia when it was imported;
    - (ii) the amount of the customs duty paid.

**3 Schedule (subparagraph (a)(i) of the cell at table item 10, column headed “Description of goods”)**

Omit “and”, substitute “or”.

**4 Schedule (after paragraph (d) of the cell at table item 10, column headed “Description of goods”)**

Insert:

- (da) liquefied petroleum gas;
- (db) liquefied natural gas;
- (dc) compressed natural gas;

**5 Schedule (paragraph (i) of the cell at table item 10, column headed “Description of goods”)**

Omit “, liquefied petroleum gas”.

**6 Schedule (at the end of the cell at table item 10, column headed “Description of goods”)**

Add:

- (j) goods covered by section 77HA or 77HB of the *Excise Act 1901*

**7 Schedule (after table subitem 10.18)**

**Schedule 1** Amendment of the Excise Tariff Act 1921  
**Part 1** Amendments to commence on 1 December 2011

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Insert:

10.19A	Liquefied petroleum gas, other than liquefied petroleum gas exempted from excise duty by section 77HB of the <i>Excise Act 1901</i>	\$0.025 per litre
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10.19B	Liquefied natural gas, other than liquefied natural gas exempted from excise duty by section 77HB of the <i>Excise Act 1901</i>	\$0.0522 per kilogram
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10.19C	Compressed natural gas, other than compressed natural gas exempted from excise duty by section 77HA of the <i>Excise Act 1901</i>	\$0.0522 per kilogram
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## **Part 2—Amendments to commence on 1 July 2012**

### **8 Schedule (table subitems 10.19A, 10.19B and 10.19C)**

Repeal the subitems, substitute:

10.19A	Liquefied petroleum gas, other than liquefied petroleum gas exempted from excise duty by section 77HB of the <i>Excise Act 1901</i>	\$0.05 per litre
10.19B	Liquefied natural gas, other than liquefied natural gas exempted from excise duty by section 77HB of the <i>Excise Act 1901</i>	\$0.1045 per kilogram
10.19C	Compressed natural gas, other than compressed natural gas exempted from excise duty by section 77HA of the <i>Excise Act 1901</i>	\$0.1045 per kilogram

## Part 3—Amendments to commence on 1 July 2013

### 9 Schedule (table subitems 10.19A, 10.19B and 10.19C)

Repeal the subitems, substitute:

10.19A	Liquefied petroleum gas, other than liquefied petroleum gas exempted from excise duty by section 77HB of the <i>Excise Act 1901</i>	\$0.075 per litre
10.19B	Liquefied natural gas, other than liquefied natural gas exempted from excise duty by section 77HB of the <i>Excise Act 1901</i>	\$0.1567 per kilogram
10.19C	Compressed natural gas, other than compressed natural gas exempted from excise duty by section 77HA of the <i>Excise Act 1901</i>	\$0.1567 per kilogram

## **Part 4—Amendments to commence on 1 July 2014**

### **10 Schedule (table subitems 10.19A, 10.19B and 10.19C)**

Repeal the subitems, substitute:

10.19A	Liquefied petroleum gas, other than liquefied petroleum gas exempted from excise duty by section 77HB of the <i>Excise Act 1901</i>	\$0.10 per litre
10.19B	Liquefied natural gas, other than liquefied natural gas exempted from excise duty by section 77HB of the <i>Excise Act 1901</i>	\$0.209 per kilogram
10.19C	Compressed natural gas, other than compressed natural gas exempted from excise duty by section 77HA of the <i>Excise Act 1901</i>	\$0.209 per kilogram

## Part 5—Amendments to commence on 1 July 2015

### 11 Schedule (table subitems 10.19A, 10.19B and 10.19C)

Repeal the subitems, substitute:

10.19A	Liquefied petroleum gas, other than liquefied petroleum gas exempted from excise duty by section 77HB of the <i>Excise Act 1901</i>	\$0.125 per litre
10.19B	Liquefied natural gas, other than liquefied natural gas exempted from excise duty by section 77HB of the <i>Excise Act 1901</i>	\$0.2613 per kilogram
10.19C	Compressed natural gas, other than compressed natural gas exempted from excise duty by section 77HA of the <i>Excise Act 1901</i>	\$0.2613 per kilogram

## **Part 6—Application of amendments**

### **12 Application of amendments**

- (1) The amendments of the Schedule to the *Excise Tariff Act 1921* made by a Part of this Schedule apply to goods manufactured or produced in Australia on or after the day that Part commenced and goods for which all the following conditions are met:
    - (a) the goods were manufactured or produced in Australia before that day;
    - (b) on that day, the goods either:
      - (i) were subject to the CEO's control; or
      - (ii) were in the stock, custody or possession of, or belonged to, a manufacturer or producer of the goods; and
    - (c) no duty of excise had been paid on the goods before that day.
  - (2) This item has effect despite subsection 5(2) of the *Excise Tariff Act 1921*.
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[*Minister's second reading speech made in—  
House of Representatives on 12 May 2011  
Senate on 16 June 2011*]