



Excise Amendment (Alcohol Manufacturers Remissions) Regulations 2021

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 10 June 2021

David Hurley
Governor-General

By His Excellency's Command

Michael Sukkar
Assistant Treasurer, Minister for Housing and Minister for Homelessness, Social and
Community Housing

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1 Name

This instrument is the *Excise Amendment (Alcohol Manufacturers Remissions) Regulations 2021*.

2 Commencement

- (1) Each provision of this instrument 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.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	12 June 2021

Note: This table relates only to the provisions of this instrument as originally made.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

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

3 Authority

This instrument is made under the *Excise Act 1901*.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Excise Regulation 2015

1 Section 11 (table item 6, column headed “Circumstance”)

Omit “21 or”.

2 Section 12 (table item 5)

Repeal the item.

3 Section 12 (at the end of the table)

Add:

- | | | |
|---|---|---|
| 7 | A circumstance mentioned in item 10 of the table in subclause 2(1) of Schedule 1. | The amount that is the whole of the duty payable. |
|---|---|---|

4 At the end of Part 8

Add:

62 Application and transitional provisions relating to the Excise Amendment (Alcohol Manufacturers Remissions) Regulations 2021

- (1) The amendments made by Schedule 1 to the *Excise Amendment (Alcohol Manufacturers Remissions) Regulations 2021* apply in relation to alcoholic beverages that are entered for home consumption on or after 1 July 2021.
- (2) Treat the references in paragraphs (b), (c) and (e) of item 10 of the table in subclause 2(1) of Schedule 1 to “this item” as including references to “item 21 of the table in subclause 1(1) of Schedule 1, as in force before the commencement of the *Excise Amendment (Alcohol Manufacturers Remissions) Regulations 2021*”.
- (3) Despite subsection (1), item 21 of the table in subclause 1(1) of Schedule 1 does not apply in relation to an alcoholic beverage entered for home consumption before 1 June 2021 unless excise duty is paid on the alcoholic beverage on or before 30 June 2021.
- (4) Despite subsection (1), item 21 of the table in subclause 1(1) of Schedule 1 applies in relation to an alcoholic beverage as if the reference in subparagraph (c)(i) of the item to \$100,000 were a reference to \$8,333 if:
 - (a) the alcoholic beverage was entered for home consumption in the period beginning on 1 June 2021 and ending on 30 June 2021; and
 - (b) excise duty is paid on the alcoholic beverage on or after 1 July 2021.

5 Subclause 1(1) of Schedule 1 (table item 21)

Repeal the item.

6 Subclauses 1(5) and (6) of Schedule 1

Repeal the subclauses.

7 Clause 2 of Schedule 1

Repeal the clause (not including the table), substitute:

2 Circumstances in which remission may be made without an application

- (1) For section 8, the following table sets out circumstances in which a remission of excise duty may be made by the CEO without an application being made.

8 Clause 2 of Schedule 1 (table heading)

Omit “, rebate or refund”.

9 Clause 2 of Schedule 1 (at the end of the table)

Add:

- 10 Excise duty is payable on an alcoholic beverage that is entered for home consumption during a financial year and is manufactured by an alcohol manufacturer, and:
- (a) the duty is payable by the alcohol manufacturer; and
 - (b) in accordance with subclause (4), the alcohol manufacturer is legally and economically independent of any other alcohol manufacturer that has received a remission, rebate or refund because of this item, or in the circumstances mentioned in subclause (2), in relation to duty paid or payable on an alcoholic beverage entered for home consumption during the financial year; and
 - (c) the amount of excise duty remitted, rebated or refunded because of this item, or in the circumstances mentioned in subclause (2), to the alcohol manufacturer in relation to duty paid or payable on an alcoholic beverage entered for home consumption during the financial year does not exceed:
 - (i) if the alcohol manufacturer is an alcohol manufacturer at the start of the financial year—\$350,000; or
 - (ii) if the alcohol manufacturer first becomes an alcohol manufacturer after the start of the financial year—an amount worked out under subclause (3); and
 - (d) the alcohol manufacturer fermented or distilled at least 70% by volume of the alcohol content of the alcoholic beverage; and
 - (e) if the alcoholic beverage is obtained from distillation, and the remission, rebate or refund is not of duty paid or payable on any alcoholic beverage entered for home consumption in the first or second financial year in relation to which the CEO could first make a remission, rebate or refund to the alcohol manufacturer because of this item:
 - (i) in accordance with subclause (4), the alcohol manufacturer has sole ownership of one or more stills that have a capacity of at least 5 litres; and
 - (ii) at least one of those stills had been installed and was ready to use at the start of the financial year in which the alcoholic beverage was entered for home consumption; and
 - (iii) at least one of those stills is used by the alcohol manufacturer during the financial year for the purposes of manufacturing any alcoholic beverages.

10 At the end of clause 2 of Schedule 1

Add:

- (2) For item 10 of the table in subclause (1) of this clause, the circumstances are that:
- (a) the refund is of an amount of duty that has been paid by the alcohol manufacturer on an alcoholic beverage; and
 - (b) the alcohol manufacturer receives the refund because of item 3 of the table in subclause 1(1); and

(c) the circumstance in which the refund is made is that, if the duty had not been paid, the alcohol manufacturer would have been entitled to a remission of that amount of duty because of item 10 of the table in subclause (1) of this clause.

(3) For item 10 of the table in subclause (1), an amount for an alcohol manufacturer is worked out using the formula:

$$\frac{\$350,000 \times \text{Eligible days}}{365}$$

where:

eligible days means the number of days in the period:

- (a) starting on the day the alcohol manufacturer first becomes an alcohol manufacturer; and
- (b) ending at the end of the relevant financial year.

(4) For item 10 of the table in subclause (1):

- (a) the circumstance in each of paragraph (b), and subparagraph (e)(i) (if applicable), of that item must exist for the whole period between the day on which the financial year starts and the day on which the alcoholic beverage was entered for home consumption; and
- (b) unless the remission of duty is made at the end of the financial year in which the alcoholic beverage was entered for home consumption—the alcohol manufacturer must have a reasonable expectation that those circumstances will exist for the remainder of the financial year.