

***FTR 2006/4W - Fuel tax: fuel tax credits for taxable fuel acquired or manufactured in, or imported into Australia for use in carrying on an enterprise involving 'fishing operations' as defined in section 34 of the Energy Grants (Credit) Scheme Act 2003***

⚠ This cover sheet is provided for information only. It does not form part of *FTR 2006/4W - Fuel tax: fuel tax credits for taxable fuel acquired or manufactured in, or imported into Australia for use in carrying on an enterprise involving 'fishing operations' as defined in section 34 of the Energy Grants (Credit) Scheme Act 2003*

⚠ This document has changed over time. This is a consolidated version of the ruling which was published on *1 July 2012*



## Fuel Tax Ruling

Fuel tax: fuel tax credits for taxable fuel acquired or manufactured in, or imported into Australia for use in carrying on an enterprise involving 'fishing operations' as defined in section 34 of the *Energy Grants (Credit) Scheme Act 2003*

**ⓘ This publication provides you with the following level of protection:**

This publication (excluding appendixes) is a public ruling for the purposes of the *Taxation Administration Act 1953*.

A public ruling is an expression of the Commissioner's opinion about the way in which a relevant provision applies, or would apply, to entities generally or to a class of entities in relation to a particular scheme or a class of schemes.

If you rely on this ruling, we must apply the law to you in the way set out in the ruling (or in a way that is more favourable for you if we are satisfied that the ruling is incorrect and disadvantages you, and we are not prevented from doing so by a time limit imposed by the law). You will be protected from having to pay any underpaid tax, penalty or interest in respect of the matters covered by this ruling if it turns out that it does not correctly state how the relevant provision applies to you.

## Withdrawal

1. This Ruling is withdrawn and ceases to have effect on 1 July 2012. The Ruling continues to apply, in respect of the fuel tax law ruled upon, to all taxpayers within the specified class who acquire, manufacture in, or import into, Australia, taxable fuel before 1 July 2012. Thus, the Ruling continues to apply to those taxpayers, even following its withdrawal, who acquire taxable fuel prior to the withdrawal of the Ruling (see paragraph 46 of TR 2006/10).

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**Commissioner of Taxation**

4 October 2006

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## References

### *Previous draft:*

Not previously issued as a draft

### *Related Rulings/Determinations:*

FTD 2006/2; FTD 2006/3;  
GSTR 2006/3; GSTR 2006/4;  
MT 2006/1; PGBR 2004/1;  
PGBR 2005/1; PGBR 2005/2;  
PGBR 2005/3; TR 97/11;  
TR 97/11ER; TR 2006/10

### *Subject references:*

- taxable fuel
  - use
  - use in fishing operations
- acquire
  - acquire, or manufacture in, or import into, Australia
  - attribution
  - apportionment
  - apportionment of fuel
  - BAS
  - business
  - business activity statement
  - business purposes
  - carrying on your enterprise
  - cash
  - construction of ponds, tanks and other structures
  - credit
  - decreasing fuel tax adjustment
  - diesel fuel
  - early payment
  - election
  - eligible use
  - energy grant
  - Energy Grants Scheme
  - entitlement
  - grants
  - half credit
  - in
  - in whole or in part
  - increasing fuel tax adjustment
  - farming of fish
  - fish
  - fishing operations
  - fuel tax adjustment
  - fuel tax credit
  - fuel tax credit system
  - net fuel amount
  - off-road diesel fuel
  - pearling operations
  - primary production
  - qualifying use
  - recreation, sport or tourism
  - tax period

### *Legislative references:*

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- ANTS(GST)A 1999 9-20
- ANTS(GST)A 1999 Div 23
- ANTS(GST)A 1999 184-1
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- EGCSA 2003 34(1)(g)
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- FTA 2006 Div 44
- FTA 2006 44-5(3)
- FTA 2006 Subdiv 45-A
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- FTA 2006 45-5(2)
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- FTA 2006 60-5
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  - FTA 2006 65-5(3)
  - FTA 2006 65-5(4))
  - FTA 2006 65-5(5)
  - FTA 2006 95-5
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  - FT (Consequential and Transitional Provisions) Act 2006
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  - FT (Consequential and Transitional Provisions) Act 2006 Sch 3 9(3)
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- Case References:*
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  - Australian National Railways Commission v. Collector of Customs SA (1985) 8 FCR 264; (1985) 69 ALR 367
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  - Re City of Nunawading and Comptroller General of Customs No. V93/540 AAT No. 9758; (1994) 36 ALD 628
  - Collector of Customs v. Cliffs Robe River Iron Associates (1985) 7 FCR 271; (1985) 7 ALN N269a
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HCA 3, 46 ATR 228;  
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(2001) 202 CLR 93;  
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