



Petroleum Excise (Prices) Act 1987

Act No. 149 of 1987 as amended

This compilation was prepared on 7 December 2011
taking into account amendments up to Act No. 140 of 2011

The text of any of those amendments not in force
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be
affected by application provisions that are set out in the Notes section

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Contents

Part I—Preliminary	1
1 Short title [see Note 1].....	1
2 Commencement [see Note 1].....	1
3 Incorporation	1
4 Interpretation	1
4A Application of the <i>Criminal Code</i>	4
Part IA—Determination of prices for condensate	5
5 Purpose of Part	5
5A Additional operation of Act	5
Part II—Determination of prices	7
6 Oil producers to give certain information.....	7
7 Minister etc. to determine VOLWARE prices	9
8 Notification of prices	12
Part III—Miscellaneous	13
9 Inspection of documents	13
10 Obtaining of information and evidence	13
11 Conduct by directors, servants or agents	15
12 Review of certain decisions	16
13 Statements to accompany notification of reviewable decisions	17
14 Regulations.....	18
Notes	19

An Act to establish prices in relation to which Duties of Excise are to be imposed on certain crude petroleum oil and condensate, and for related purposes

Part I—Preliminary

1 Short title [see Note 1]

This Act may be cited as the *Petroleum Excise (Prices) Act 1987*.

2 Commencement [see Note 1]

This Act shall come into operation on the day on which it receives the Royal Assent.

3 Incorporation

The *Excise Act 1901* and the *Excise Tariff Act 1921* are incorporated and shall be read as one with this Act.

4 Interpretation

- (1) In this Act, unless the contrary intention appears:

excisable condensate means condensate in respect of which subitem 21.3 of the Schedule to the *Excise Tariff Act 1921* applies, or will, upon the entry of the condensate for home consumption, apply.

excisable crude petroleum oil means stabilised crude petroleum oil in respect of which subitem 20.5, 20.6 or 20.7 of the Schedule to the *Excise Tariff Act 1921* applies, or will, upon the entry of the oil for home consumption, apply.

final VOLWARE price, in relation to a month and an oil producing region, means the price determined under subsection 7(3) for that month and that region.

Section 4

interim VOLWARE price, in relation to a month and an oil producing region, means the price determined under subsection 7(2) for that month and that region.

limited production area means a production area that is declared to be a limited production area under subsection 6(1B).

oil producer means a person who carries on operations for the recovery of stabilised crude petroleum oil and:

- (a) if that oil is obtained from an oil producing region that is located, in whole or in part, on the landward side of the outer limits of the territorial sea of Australia—is the holder of a lease or licence (however described) authorising the obtaining of that oil or a part of that oil, being a lease or licence that is issued under the appropriate law of a State or Territory in which, or in the territorial sea adjacent to which, that region, or a part of that region, is located; or
- (b) if that oil is obtained from an oil producing region that is located, in whole or in part, beyond the outer limits of the territorial sea of Australia—is a petroleum production licensee within the meaning of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

oil producing region means:

- (a) a production area within the meaning of section 5B of the *Excise Tariff Act 1921*, being an area from which stabilised crude petroleum oil is obtained and that is prescribed by the regulations as an oil producing region; or
- (b) 2 or more production areas within the meaning of that section from which stabilised crude petroleum oil is obtained, being areas that are together so prescribed.

month means one of the 12 months of a calendar year.

production area means a production area within the meaning of section 5B of the *Excise Tariff Act 1921*:

- (a) from which stabilised crude petroleum oil is obtained; and
- (b) which is prescribed to be the whole or part of an oil producing region.

reviewable decision means:

- (aa) a decision to fix a transaction price under subsection (2); or

- (ab) a decision under subsection 6(1B) refusing to declare a production area to be a limited production area; or
- (ac) a decision under subsection 6(1E) to revoke a declaration that a production area is a limited production area; or
- (a) a determination of the final VOLWARE price for a month and an oil producing region under subsection 7(3); or
- (b) a decision to fix a price for a transaction under subsection 7(6); or
- (c) a decision under subsection 7(9) to amend a determination of the final VOLWARE price for a month and an oil producing region under subsection 7(3).

transaction price, in relation to a quantity of excisable crude petroleum oil, means, subject to subsection 7(6):

- (a) where the oil producer of the oil has sold the quantity of oil—the price for which it was sold; or
- (b) in any other case—the price fixed under subsection (2).

VOLWARE commencement date in relation to excisable crude petroleum oil obtained from an oil producing region means the date prescribed by the regulations as the date after which final VOLWARE prices and interim VOLWARE prices for each month are calculated in relation to that oil, not being a date earlier than 31 December 1987.

VOLWARE price means an interim VOLWARE price or a final VOLWARE price.

Effect of regulations

- (1A) Regulations prescribing a production area or production areas as an oil producing region may be expressed to have had effect from 1 January 1988 or from any later day, including a day occurring before the making of the regulations, that is specified in the regulations.
- (1B) Where a production area or production areas are prescribed as an oil producing region with effect from 1 January 1988 or any later day and, after that day, another production area is discovered, the regulations may provide that, with effect from the date of that discovery, the oil producing region is taken to include the production area so discovered.

Section 4A

- (1C) Despite subsection 12(2) of the *Legislative Instruments Act 2003*, regulations made for the purposes of this Act in relation to condensate may be expressed to take effect from a date before the regulations are registered under the *Legislative Instruments Act 2003*.
- (1D) Subsection (1C) does not apply to regulations that create, modify or otherwise affect a provision that makes a person liable to an offence or civil penalty.

Transaction price where no sale

- (2) Where an oil producer of a quantity of excisable crude petroleum oil does not sell the oil but enters into a transaction under which another person takes, or is intended to take, possession of the oil (whether or not ownership in the oil passes, or is intended to pass, to another person) the Minister, or a person appointed or engaged under the *Public Service Act 1999* authorised by the Minister to exercise the Minister's powers under this subsection, may, by instrument in writing, fix a transaction price in respect of that oil (being a transaction price that he or she considers to be fair and reasonable having regard to the terms of the transaction).
- (3) Where the Minister or authorised person fixes a price for a transaction under subsection (2), he or she shall notify the oil producer in writing of the fixing of the price, giving reasons for it.

4A Application of the *Criminal Code*

Chapter 2 (except Part 2.5) of the *Criminal Code* applies to all offences created by this Act.

Note: Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

Part IA—Determination of prices for condensate

5 Purpose of Part

- (1) The purpose of this Part is to allow the Minister to establish prices of condensate which are used in imposing duties of excise on condensate.
- (2) It does so by providing that the Act, in addition to its general operation, operates as if:
 - (a) references to excisable crude petroleum oil were references to excisable condensate; and
 - (b) references to stabilised crude petroleum oil, crude petroleum oil and oil were references to condensate.

5A Additional operation of Act

- (1) In addition to the operation of this Act apart from this Part, this Act applies as if the modifications set out in subsections (2) and (3) were made.
- (2) The first modification is that each reference in this Act (other than the definition of ***excisable crude petroleum oil*** in subsection 4(1)) to excisable crude petroleum oil is taken to be a reference to excisable condensate.
- (3) The second modification is that each reference to:
 - (a) stabilised crude petroleum oil; or
 - (b) crude petroleum oil; or
 - (c) oil;in this Act (other than the title of this Act) is taken to be a reference to condensate.

Section 5A

- (4) Nothing in this section affects the operation of references to the following in the regulations, or in the *Excise Act 1901* or the *Excise Tariff Act 1921*:
- (a) excisable crude petroleum oil;
 - (b) stabilised crude petroleum oil;
 - (c) crude petroleum oil;
 - (d) oil.

Part II—Determination of prices

6 Oil producers to give certain information

- (1) An oil producer of excisable crude petroleum oil entered for home consumption during a particular month shall, in respect of each transaction entered into by the producer concerning that oil, give to the Minister such information as is prescribed.
- (1A) The information prescribed for the purposes of subsection (1) may differ according to whether or not the transaction entered into by the oil producer relates to excisable crude petroleum oil produced from a production area while that area is declared to be a limited production area.
- (1B) If, in respect of excisable crude petroleum oil produced by an oil producer from a particular production area:
 - (a) the volume of that oil entered for home consumption before the end of each of 3 consecutive months (whether in the same financial year or not) is less than 80% of the free volume of excisable crude petroleum oil in respect of that month, worked out in accordance with subsection (1G); and
 - (b) the Minister is satisfied that the volume of that oil likely to be entered for home consumption before the end of any future month is unlikely, having regard to production statistics and any other relevant factor known to the Minister, to exceed 80% of the free volume of that oil in respect of that future month, worked out in accordance with subsection (1G);the Minister may declare in writing that production area to be a limited production area and, if the Minister does so, he or she must notify the oil producer concerned of that declaration.
- (1C) If, in respect of excisable crude petroleum oil produced by an oil producer from a particular production area:
 - (a) paragraph (1B)(a) applies in respect of any period of 3 consecutive months; but
 - (b) the Minister does not declare that production area to be a limited production area within 15 days after the end of that period;

Section 6

the Minister is taken to have refused, under subsection (1B), to make that declaration.

(1D) If, because the Minister does not declare a production area to be a limited production area within 15 days after the end of a period of 3 consecutive months, the Minister is taken, under subsection (1C), to have refused to make that declaration:

- (a) that subsection does not prevent the Minister making such a declaration, in accordance with subsection (1B), at the end of any period of 3 consecutive months to which paragraph (1B)(a) applies (a *subsequent period*) that ends after that first-mentioned period; but
- (b) if the Minister does not, within 15 days after the end of a subsequent period, make such a declaration, the Minister is again taken to have refused, under subsection (1B), to make such a declaration.

(1E) If:

- (a) a particular production area has been declared to be a limited production area; and
- (b) at any time after the declaration, the volume of excisable crude petroleum oil produced in that area and entered for home consumption exceeds the free volume of that oil in respect of that month, worked out in accordance with subsection (1G);

then:

- (c) the Minister must, by written notice given to the oil producer concerned, revoke the declaration; and
- (d) the producer must give to the Minister, in respect of all excisable crude petroleum oil produced in that area and entered for home consumption after the making of the declaration, the information that, but for the making of the declaration, would have been required in respect of each transaction concerning that oil.

(1F) The information required to be given to the Minister under subsection (1E), or particular parts of that information, must be given to the Minister:

- (a) unless the Minister otherwise indicates in the notice revoking the declaration—in the form specified for the purpose of subsection (2); and

(b) within a time or times specified by the Minister in that notice.

- (1G) For the purposes of this section, the free volume of excisable crude petroleum oil that is entered for home consumption before the end of a month is the maximum volume of such oil that, if entered for home consumption before the end of that month would, under section 6B, 6C, 6CA or 6D of the *Excise Tariff Act 1921*, be a volume of oil to which no notional duty was applicable.

Note 1: Subsection (4) of section 6B, 6C or 6D of the *Excise Tariff Act 1921* specifies, among other things, the minimum volume of oil to which notional duty becomes applicable. The effect of that subsection is modified by subsection (9) of each of those sections.

Note 2: Subsection 6CA(5) of the *Excise Tariff Act 1921* specifies, among other things, the minimum volume of condensate to which notional duty becomes applicable. The effect of that subsection is modified by subsection 6CA(12) of that Act.

- (2) The Minister shall, by notice published in the *Gazette*, specify:
- (a) the form in which the information is to be given; and
 - (b) the times within which the information is, or parts of the information are, to be given;
- and the oil producer shall give the information accordingly.

Penalty:

- (a) in the case of a natural person—\$2,000 or imprisonment for 12 months, or both; or
- (b) in the case of a body corporate—\$10,000.

7 Minister etc. to determine VOLWARE prices

- (1) A reference in this section to the volume weighted average of realised prices for a month and an oil producing region is a reference to the amount (expressed as an amount of Australian dollars, calculated to the nearest cent, per kilolitre) obtained by dividing the sum of the transaction prices in respect of quantities of excisable crude petroleum oil obtained from that region that are entered for home consumption during the month by the total volume of that oil.
- (2) The Minister, or a person authorised by the Minister to exercise the Minister's powers under this section, shall, not later than one month after the end of each month occurring after the VOLWARE commencement date in relation to an oil producing region,

Section 7

determine a price in relation to that month and that region, to be known as the interim VOLWARE price for that month and that region, being an estimate by the Minister or authorised person, on the basis of the information available to him or her at the time (being information obtained pursuant to section 6 or otherwise), of the amount that will finally be determined to be the volume weighted average of realised prices for that month and that region.

- (2A) Nothing in this section implies that the Minister, or a person authorised by the Minister to exercise the Minister's powers under this section, cannot determine an interim VOLWARE price for a month and an oil producing region at any time during the month concerned, whether or not there is available at that time any information concerning the prices for which excisable crude petroleum oil obtained from that region and entered for home consumption during that month has been sold, or is likely to be sold.
- (3) The Minister, or a person authorised by the Minister to exercise the Minister's powers under this section, shall, not later than 6 months after the end of each month occurring after the VOLWARE commencement date in relation to an oil producing region, determine a price in relation to that month and that region, to be known as the final VOLWARE price for that month and that region, being the final determination by the Minister or authorised person of the volume weighted average of realised prices for that month and that region.
- (3A) In spite of subsections (2) and (3), neither the Minister nor a person authorised by the Minister to exercise the Minister's powers under this section is required to determine an interim VOLWARE price, or a final VOLWARE price, in respect of an oil producing region and a month if, at all times during that month:
- (a) if the region consists of a single production area—there is in force a declaration under subsection 6(1B) that that area is a limited production area; or
 - (b) if the region consists of 2 or more production areas—there are in force declarations under subsection 6(1B) that each of those areas is a limited production area.
- (3B) Nothing in subsection (3A) affects the obligation of the Minister or of a person authorised by the Minister to exercise the Minister's powers under this section to determine an interim VOLWARE
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price, or a final VOLWARE price, in respect of an oil producing region and a month if a declaration under subsection 6(1B) relating to a production area in that region that was in force during that month is subsequently revoked.

- (4) A determination of the final VOLWARE price for a month and an oil producing region shall not be made unless:
- (a) the Minister or authorised person is satisfied that accurate and complete information concerning all of the transactions relevant to determining the price has become available to the Minister or authorised person; or
 - (b) 5 months and 20 days have passed since the end of that month and information that the Minister or authorised person is satisfied is accurate and complete concerning all of those transactions has not yet become available to the Minister or authorised person.
- (5) Subject to subsection (6), the regulations may provide for:
- (a) the manner in which transaction prices for quantities of excisable crude petroleum oil are to be calculated for the purposes of determining the volume weighted average of realised prices for a month and an oil producing region; and
 - (b) the manner in which the total volume of excisable crude petroleum oil is to be calculated for the purposes of such a determination.
- (6) In determining the volume weighted average of realised prices for a month and an oil producing region, the Minister or authorised person may fix, for the purposes of the determination, the transaction price in respect of a quantity of excisable crude petroleum oil obtained from that region, being a price that he or she considers to be fair and reasonable, in substitution for a price set out in information given under section 6 if he or she considers that:
- (a) the parties to any transaction concerning the oil were not dealing at arm's length in relation to that transaction; and
 - (b) the price set out is less than the amount that could reasonably be expected to be the price if the parties had been dealing at arm's length.

Section 8

- (7) Where the Minister or authorised person fixes a price for a transaction under subsection (6), he or she shall notify the oil producer in writing of the fixing of the price, giving the reasons for it.
- (8) The fact that a transaction price for a particular transaction has not been fixed, under subsection (6), for the purpose of determining the interim VOLWARE price for a month and an oil producing region does not preclude the fixing of a transaction price for that transaction, under subsection (6), for the purposes of determining the final VOLWARE price for that month and that region.
- (9) Subject to subsection (10), the Minister, or a person authorised by the Minister to exercise the Minister's powers under this section, may, at any time after a final VOLWARE price is determined under subsection (3), amend the determination if he or she is satisfied that the determination is incorrect because of:
 - (a) the making of an error in calculation or a mistake of fact; or
 - (b) the giving of information that was inaccurate or incomplete to the Minister or authorised person.
- (10) The Minister or authorised person shall not, under subsection (9), amend a determination after the expiration of 3 years from the day on which the determination was made unless he or she is satisfied that the determination is incorrect because information given to the Minister or authorised person is inaccurate or incomplete due to the fraud or evasion of an oil producer.
- (11) For the purposes of this Act (other than subsection (9) of this section) and the Acts referred to in section 3, where a determination has been amended under subsection (9), it has effect, as so amended, as a determination under subsection (3).

8 Notification of prices

- (1) The person making a determination under subsection 5(1) or 7(2), (3) or (9) shall cause written notices setting out the terms of the determination to be given to:
 - (a) the CEO; and
 - (b) each oil producer.
- (2) A failure to comply with subsection (1) does not affect the validity of the determination.

Part III—Miscellaneous

9 Inspection of documents

- (1) For the purpose of verifying information given to the Minister by an oil producer under section 6, a person authorised in writing by the Minister to exercise powers under this section:
 - (a) may, at all reasonable times, enter and remain on any land or premises on which documents that may be relevant to that information are situated;
 - (b) is entitled to full and free access at all reasonable times to all such documents; and
 - (c) may inspect, examine, make copies of, or take extracts from, any such documents.
- (2) A person is not entitled to enter or remain on any land or premises under this section if, on being requested by the occupier of the land or premises for proof of authority, the person does not produce an authority in writing signed by the Minister stating that the person is authorised to exercise powers under this section.
- (3) The occupier of land or premises entered or proposed to be entered by a person under subsection (1) shall provide the person with all reasonable facilities and assistance for the effective exercise of powers under this section.

Penalty: \$1,000.

10 Obtaining of information and evidence

- (1) The Minister, or a person authorised in writing by the Minister to exercise powers under this section, may, for the purposes of this Act, by notice in writing, require any person:
 - (a) to furnish the Minister or authorised person with such information as the Minister or authorised person requires;
 - (b) to attend before the Minister or authorised person, or before a person authorised by the Minister or authorised person for the purpose, at a time and place specified in the notice, and then and there answer questions; and

Section 10

- (c) to produce to the Minister or authorised person any documents in the custody or under the control of the person.
- (2) The Minister or authorised person may require the information or answers to questions to be verified or given, as the case may be, on oath or affirmation, and either orally or in writing, and for that purpose the Minister or authorised person, or a person authorised by the Minister or authorised person for the purpose, may administer an oath or affirmation.
- (3) The oath to be taken or affirmation to be made by a person for the purposes of this section is an oath or affirmation that the information or answers that the person will give will be true.
- (4) A person is not excused from furnishing information or producing a document, when required to do so under this section, on the grounds that furnishing the information or producing the document might tend to incriminate the person or make the person liable to a penalty.
- (5) A person is not excused from answering a question, when required to do so under this section, on the grounds that the answer to the question might tend to incriminate the person or make the person liable to a penalty.
- (6) A statement or disclosure made in information furnished, an answer given, or a document produced by a person, in accordance with a requirement made of the person under this section, and any information, document or thing obtained as a direct or indirect consequence of that statement or disclosure, is not admissible against a person in any criminal proceedings except a proceeding for an offence against section 137.1 of the *Criminal Code* that relates to this section.
- (7) A person shall not fail to comply with a requirement made of the person under this section.
- Penalty:
- (a) in the case of a natural person—\$1,000 or imprisonment for 6 months, or both; or
- (b) in the case of a body corporate—\$5,000.
- (8) An offence against subsection (7) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

11 Conduct by directors, servants or agents

- (1) Where it is necessary, for the purposes of this Act, to establish the state of mind of a body corporate in respect of conduct engaged in, or deemed by subsection (2) to have been engaged in, by the body corporate, it is sufficient to show that a director, servant or agent of the body corporate, being a director, servant or agent by whom the conduct was engaged in within the scope of his or her actual or apparent authority, had that state of mind.
- (2) Any conduct engaged in on behalf of a body corporate:
 - (a) by a director, servant or agent of the body corporate within the scope of his or her actual or apparent authority; or
 - (b) by any other person at the direction or with the consent or agreement (whether express or implied) of a director, servant or agent of the body corporate, where the giving of the direction, consent or agreement is within the scope of the actual or apparent authority of the director, servant or agent;shall be deemed, for the purposes of this Act, to have been engaged in also by the body corporate.
- (3) Where it is necessary, for the purposes of this Act, to establish the state of mind of a person in relation to conduct deemed by subsection (4) to have been engaged in by the person, it is sufficient to show that a servant or agent of the person, being a servant or agent by whom the conduct was engaged in within the scope of his or her actual or apparent authority, had that state of mind.
- (4) Conduct engaged in on behalf of a person other than a body corporate:
 - (a) by a servant or agent of the person within the scope of his or her actual or apparent authority; or
 - (b) by any other person at the direction or with the consent or agreement (whether express or implied) of a servant or agent of the first-mentioned person, where the giving of the direction, consent or agreement is within the scope of the actual or apparent authority of the servant or agent;shall be deemed, for the purposes of this Act, to have been engaged in also by the first-mentioned person.

Section 12

- (5) A reference in this section to the state of mind of a person includes a reference to the knowledge, intention, opinion, belief or purpose of the person and the person's reasons for the person's intention, opinion, belief or purpose.
- (6) A reference in this section to a director of a body corporate includes a reference to a constituent member of a body corporate incorporated for a public purpose by a law of the Commonwealth, of a State or of a Territory.

12 Review of certain decisions

- (1) An oil producer who is dissatisfied with a reviewable decision may request the decision maker to reconsider the decision.
- (1A) The request can only be made by notice given within:
 - (a) unless paragraph (b) applies—the period of 28 days after the day on which the decision first comes to the notice of the person; or
 - (b) if the reviewable decision is a determination under subsection 7(3) or a decision under subsection 7(9), and the person who made the decision gave notices of the determination in accordance with subsection 8(1)—the period of 28 days after the day on which the last of those notices was given; or
 - (c) such further period as the person who made the decision allows.
- (2) There shall be set out in the request reasons for making the request.
- (3) Upon receipt of the request, the decision maker shall reconsider the decision and may, subject to subsections (5) and (6), confirm or revoke the decision or vary the decision in such manner as he or she thinks fit.
- (4) Where the decision maker does not confirm, revoke or vary a decision before the expiration of the period of 28 days after the day on which he or she received the request, the decision shall, upon the expiration of that period, be deemed to have been confirmed under subsection (3).
- (5) Where the decision maker confirms, revokes or varies a decision before the expiration of the period referred to in subsection (4), he or she shall, by notice served on the person who made the request,

inform the person of the result of the reconsideration of the decision and the reasons for confirming, varying or revoking the decision, as the case may be.

- (6) Subject to the *Administrative Appeals Tribunal Act 1975*, applications may be made to the Administrative Appeals Tribunal for review of decisions of the decision maker that have been confirmed or varied under subsection (3).
- (7) Where a decision is deemed, because of the operation of subsection (4), to be confirmed, section 29 of the *Administrative Appeals Tribunal Act 1975* applies as if the prescribed time for making application for review of the decision were the period commencing on the day on which the decision is deemed to be confirmed and ending on the twenty-eighth day after that day.

13 Statements to accompany notification of reviewable decisions

- (1) Where written notice of a reviewable decision is given to an oil producer, that notice shall include a statement to the effect that:
 - (a) the oil producer may, if dissatisfied with the decision, seek a reconsideration of the decision under subsection 12(1); and
 - (b) a person whose interests are affected by the decision may, subject to the *Administrative Appeals Tribunal Act 1975*, if dissatisfied with a decision made upon that reconsideration confirming or varying the first-mentioned decision, make application to the Administrative Appeals Tribunal for review of the decision so confirmed or varied.
- (2) Where written notice of the confirmation or variation of a reviewable decision under subsection 12(3) is given to an oil producer, that notice shall include a statement to the effect that a person whose interests are affected by the decision may, subject to the *Administrative Appeals Tribunal Act 1975*, if dissatisfied with the decision so confirmed or varied, make application to the Administrative Appeals Tribunal for review of the decision.
- (3) Any failure to comply with the requirements of subsection (1) or (2) in relation to a reviewable decision or a decision under subsection 12(3) does not affect the validity of that decision.

Section 14

14 Regulations

The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters:

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Table of Acts**Notes to the *Petroleum Excise (Prices) Act 1987*****Note 1**

The *Petroleum Excise (Prices) Act 1987* as shown in this compilation comprises Act No. 149, 1987 amended as indicated in the Tables below.

All relevant information pertaining to application, saving or transitional provisions prior to 18 June 1997 is not included in this compilation. For subsequent information *see* Table A.

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Petroleum Excise (Prices) Act 1987</i>	149, 1987	26 Dec 1987	26 Dec 1987	
<i>Petroleum Excise (Prices) Amendment Act 1988</i>	115, 1988	12 Dec 1988	12 Dec 1988	—
<i>Petroleum Excise (Prices) Amendment Act 1990</i>	114, 1990	21 Dec 1990	26 Dec 1987	S. 3(2)–(4)
<i>Petroleum Excise (Prices) Amendment Act 1997</i>	79, 1997	18 June 1997	1 July 1997	Sch. 1 (item 11) [see Table A]
<i>Public Employment (Consequential and Transitional) Amendment Act 1999</i>	146, 1999	11 Nov 1999	Schedule 1 (item 731): 5 Dec 1999 (<i>see</i> s. 2(1) and (2) and <i>Gazette</i> 1999, No. S584)	—
<i>Criminal Code Amendment (Theft, Fraud, Bribery and Related Offences) Act 2000</i>	137, 2000	24 Nov 2000	Ss. 1–3 and Schedule 1 (items 1, 4, 6, 7, 9–11, 32): Royal Assent Remainder: 24 May 2001	Sch. 2 (items 418, 419) [see Table A]
<i>Industry, Science and Resources Legislation Amendment (Application of Criminal Code) Act 2001</i>	140, 2001	1 Oct 2001	2 Oct 2001	S. 4 [see Table A]
<i>Offshore Petroleum (Repeals and Consequential Amendments) Act 2006</i>	17, 2006	29 Mar 2006	Schedule 2 (item 72): 1 July 2008 (<i>see</i> s. 2(1) and F2008L02273)	—

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Excise Laws Amendment (Fuel Tax Reform and Other Measures) Act 2006</i>	74, 2006	26 June 2006	Schedule 1 (item 95): 1 July 2006	—
<i>Excise Legislation Amendment (Condensate) Act 2008</i>	108, 2008	18 Oct 2008	Schedule 1 (items 4–10, 13, 14): 18 Oct 2008	Sch. 1 (items 13, 14) [see Table A]
<i>Offshore Petroleum Amendment (Greenhouse Gas Storage) Act 2008</i>	117, 2008	21 Nov 2008	Schedule 2 (item 58): (a) Schedule 3 (item 32): 22 Nov 2008	—
<i>Excise Legislation Amendment (Condensate) Act 2011</i>	140, 2011	29 Nov 2011	29 Nov 2011	Sch. 1 (item 4) [see Table A]

Act Notes

- (a) Subsection 2(1) (item 3) of the *Offshore Petroleum Amendment (Greenhouse Gas Storage) Act 2008* provides as follows:
- (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.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
2. Schedule 1	The day after this Act receives the Royal Assent.	22 November 2008
3. Schedule 2	Immediately after the commencement of the provision(s) covered by table item 2.	22 November 2008

Table of Amendments**Table of Amendments**

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Title	am. No. 108, 2008
Part I	
Subhead. to s. 4(1A)	ad. No. 108, 2008
Subhead. to s. 4(2)	ad. No. 108, 2008
S. 4	am. No. 115, 1988; No. 114, 1990; No. 79, 1997; No. 146, 1999; Nos. 17 and 74, 2006; Nos. 108 and 117, 2008
S. 4A	ad. No. 140, 2001
Part IA	
Part IA	ad. No. 108, 2008
S. 5	am. No. 114, 1990 rep. No. 79, 1997 ad. No. 108, 2008
S. 5A	ad. No. 108, 2008
Part II	
S. 6	am. No. 79, 1997; No. 137, 2000; No. 108, 2008
Note to s. 6(1G) Renumbered Note 1	No. 108, 2008
Note 2 to s. 6(1G)	ad. No. 108, 2008
S. 7	am. No. 114, 1990; No. 79, 1997
S. 8	am. No. 79, 1997; No. 140, 2011
Part III	
S. 10	am. No. 115, 1988; No. 137, 2000; No. 140, 2001
S. 12	am. No. 140, 2011

Table A

Table A

Application, saving or transitional provisions

Petroleum Excise (Prices) Amendment Act 1997 (No. 79, 1997)

Schedule 1

11 Saving

- (1) The *Petroleum Excise (Prices) Act 1987* as in force immediately before the commencement day continues to apply in relation to excisable crude petroleum oil obtained from an oil producing region and entered for home consumption during a month occurring before that day.

- (2) In this item:

commencement day means the day on which this Act commences.

excisable crude petroleum oil, oil producing region and *month* have the same meanings as in subsection 4(1) of the *Petroleum Excise (Prices) Act 1987* as in force immediately before the commencement day.

Criminal Code Amendment (Theft, Fraud, Bribery and Related Offences) Act 2000 (No. 137, 2000)

Schedule 2

418 Transitional—pre-commencement offences

- (1) Despite the amendment or repeal of a provision by this Schedule, that provision continues to apply, after the commencement of this item, in relation to:
- (a) an offence committed before the commencement of this item; or
 - (b) proceedings for an offence alleged to have been committed before the commencement of this item; or

Table A

- (c) any matter connected with, or arising out of, such proceedings;
as if the amendment or repeal had not been made.
- (2) Subitem (1) does not limit the operation of section 8 of the *Acts Interpretation Act 1901*.

419 Transitional—pre-commencement notices

If:

- (a) a provision in force immediately before the commencement of this item required that a notice set out the effect of one or more other provisions; and
 - (b) any or all of those other provisions are repealed by this Schedule; and
 - (c) the first-mentioned provision is amended by this Schedule;
- the amendment of the first-mentioned provision by this Schedule does not affect the validity of such a notice that was given before the commencement of this item.

Industry, Science and Resources Legislation Amendment (Application of Criminal Code) Act 2001 (No. 140, 2001)

4 Application of amendments

- (1) Each amendment made by this Act applies to acts and omissions that take place after the amendment commences.
 - (2) For the purposes of this section, if an act or omission is alleged to have taken place between 2 dates, one before and one on or after the day on which a particular amendment commences, the act or omission is alleged to have taken place before the amendment commences.
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Table A

Excise Legislation Amendment (Condensate) Act 2008 (No. 108, 2008)

Schedule 1

13 Application

Application of Schedule

- (1) The amendments made by this Schedule apply in relation to condensate produced after midnight (by legal time in the Australian Capital Territory) on 13 May 2008.

Limited production areas

- (2) Subsections 6(1A) to 6(1G) and 7(3A) of the *Petroleum Excise (Prices) Act 1987* (as amended by this Act) do not apply in relation to condensate produced during the period:
- (a) beginning on the day on which this item commences; and
 - (b) ending at the end of the third month that begins on or after the day on which this item commences.

Determination of interim VOLWARE prices

- (2A) Subsections 7(2), (3) and (4) of the *Petroleum Excise (Prices) Act 1987* apply, in relation to a prescribed condensate production area and the pre-commencement period, as if those subsections were replaced with the following:
- “ (2) The Minister, or a person authorised by the Minister to exercise the Minister’s powers under this section, must, not later than 2 months, or such longer period as the Minister allows, after the day on which Schedule 1 to the *Excise Tariff Amendment (Condensate) Act 2008* commences, determine a price in relation to each month in the pre-commencement period and an oil producing region, to be known as the interim VOLWARE price for that month and that region, being an estimate by the Minister or authorised person, on the basis of the information available to him or her at the time (being information obtained under section 6 or otherwise), of the amount that will finally be determined to be the volume weighted average of realised prices for that month and that region.”
- “ (3) The Minister, or a person authorised by the Minister to exercise the Minister’s powers under this section, must, not later than 6 months
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Table A

after the day on which an interim VOLWARE price is determined for a month in relation to an oil producing region, determine a price in relation to that month and that region, to be known as the final VOLWARE price for that month and that region, being the final determination by the Minister or authorised person of the volume weighted average of realised prices for that month and that region.”

- “ (4) A determination of the final VOLWARE price for a month and an oil producing region must not be made unless:
- (a) the Minister or authorised person is satisfied that accurate and complete information concerning all of the transactions relevant to determining the price has become available to the Minister or authorised person; or
 - (b) 5 months and 20 days have passed since the day on which an interim VOLWARE price was determined for that month and information that the Minister or authorised person is satisfied is accurate and complete concerning all of those transactions has not yet become available to the Minister or authorised person.”

Definitions

- (3) In this item:

month means one of the 12 months of a calendar year.

pre-commencement period means the period:

- (a) beginning at midnight (by legal time in the Australian Capital Territory) on 30 April 2008; and
- (b) ending at midnight on the last day of the last month that ends before the day on which Schedule 1 to the *Excise Tariff Amendment (Condensate) Act 2008* commences.

14 Deemed entry for home consumption

- (1) This item applies if:
- (a) a person produces condensate after midnight (by legal time in the Australian Capital Territory) on 13 May 2008; and
 - (b) the person does not have a manufacturer’s licence (within the meaning of the *Excise Act 1901*) to manufacture condensate; and
 - (c) the person’s grace period has not ended (see subitem (4)).

Table A

- (2) For the purposes of the *Excise Act 1901* and the *Petroleum Excise (Prices) Act 1987* (as amended by this Act), the person is taken to have been given a permission under section 61C of the *Excise Act 1901* to deliver the condensate for home consumption from the prescribed condensate production area from which the condensate is produced.
- (3) The permission is taken to be revoked at the end of the person's grace period.
- (4) In this item:
- grace period***, in relation to a person, means the period:
- (a) beginning immediately after midnight (by legal time in the Australian Capital Territory) on 13 May 2008; and
 - (b) ending at the earlier of the following times:
 - (i) the time when the CEO grants, or refuses to grant, the person a manufacturer's licence to manufacture condensate under section 39A of the *Excise Act 1901*;
 - (ii) the end of the transition period.
- transition period*** means the period that would be the ***transition period*** within the meaning of subsection 15(3) of the *Excise Act 1901* if the references to "the first day" in paragraph (a) and subparagraph (b)(iii) of the definition of ***transition period***, and in subparagraph 15(4)(a)(ii) and paragraph 15(4)(b) of the *Excise Act 1901*, were references to "the day on which Schedule 1 to the *Excise Tariff Amendment (Condensate) Act 2008* commences".

Excise Legislation Amendment (Condensate) Act 2011 (No. 140, 2011)

Schedule 1

4 Application

The amendments made by this Schedule apply after midnight (by legal time in the Australian Capital Territory) on 13 May 2008.