



# **Fuel Blending (Penalty Surcharge) Act 1997**

**No. 165, 1997**





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**An Act to impose a penalty surcharge on the  
blending of certain fuel**



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## An Act to impose a penalty surcharge on the blending of certain fuel

[Assented to 11 November 1997]

The Parliament of Australia enacts:

### 1 Short title

This Act may be cited as the *Fuel Blending (Penalty Surcharge) Act 1997*.

### 2 Commencement

This Act commences on the commencement of the *Excise Tariff (Fuel Rates Amendments) Act 1997*.

### **3 Definitions**

- (1) In this Act:

*Administration Act* means the *Fuel (Penalty Surcharges) Administration Act 1997*.

- (2) Expressions used in this Act that are defined for the purposes of the Administration Act have the same meaning as in the Administration Act.

### **4 Coverage of Act and binding of Crown**

- (1) This Act does not extend to any of the External Territories.
- (2) This Act binds the Crown in all of its capacities other than the Crown in right of Norfolk Island.

### **5 Imposition of penalty surcharge**

- (1) Penalty surcharge is imposed, after the commencement of this Act, on the blending of marked fuel and unmarked fuel if the mixture resulting from the blend is itself marked fuel.
- (2) The penalty surcharge is imposed on all of the fuel in the blend.

### **6 By whom is penalty surcharge payable?**

Penalty surcharge on the blending of marked fuel and unmarked fuel is payable by the person owning the fuel immediately after its blending.

### **7 Rate of penalty surcharge**

The rate of penalty surcharge per litre of fuel on which the surcharge is imposed is twice the rate applicable to a litre of fuel of a kind classified to subparagraph 11(C)(2)(a) of the Schedule to the *Excise Tariff Act 1921*.



*[Minister's second reading speech made in—  
House of Representatives on 25 June 1997  
Senate on 1 October 1997]*

(98/97)