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Statutory Rules 1997 No. 1

387/

## Fuel (Penalty Surcharges) Administration Regulations

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Fuel (Penalty Surcharges) Administration Act 1997*.

Dated 1 1997.

18 December/

WILLIAM DEANE/  
Governor-General

By His Excellency's Command,

WARREN ERROL TRUSS/  
Minister for Customs and Consumer Affairs

### Citation

1. These Regulations may be cited as the Fuel (Penalty Surcharges) Administration Regulations.

### Commencement

2. These Regulations commence on 31 January 1998.

**Definitions****3. In these Regulations:**

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

**Marked fuel**

**4.** For the definition of “marked fuel”, the proportion of 1 milligram of marker per litre of fuel is prescribed for the Act.

**Particulars for a type A record**

**5.** For the definition of a “type A record” in section 11 of the Act, the following particulars are prescribed:

- (a) for paragraph (a) of that definition—the same details as are set out in an entry for home consumption under section 71A of the *Customs Act 1901* or under section 58 of the *Excise Act 1901*, as the case requires;
- (b) for paragraphs (b) and (c) of that definition:
  - (i) the name, and business name (if any), of the person acquiring ownership of the fuel;
  - (ii) the name, or business name (if any), of the person acquiring physical control of the fuel;
  - (iii) the name, and business name (if any), of the person disposing of ownership of the fuel;
  - (iv) the name, and business name (if any), of the person disposing of physical control of the fuel;
  - (v) the place and time at which ownership of the fuel and physical control of the fuel passes;
  - (vi) the points of dispatch and receipt of the fuel;
  - (vii) dates of acquisition and dispatch of the fuel;
  - (viii) description of the fuel including its product code;
  - (ix) the quantity of the fuel acquired;
  - (x) the classification of the fuel under Schedule 3 to the *Customs Tariff Act 1995* or the Schedule to the *Excise Tariff Act 1921*;

- (xi) on the acquisition of ownership of the fuel—a statement under subsection 16 (1) of the Act indicating whether the fuel is marked fuel or unmarked fuel;
- (xii) on the acquisition of physical control of the fuel—a statement under subsection 16 (2) of the Act indicating whether the fuel is marked fuel or unmarked fuel;
- (xiii) for transportation of the fuel—the name and number of driving licence of the driver, and the registration details of the prime mover and trailer (if any).

#### **Particulars for a type B record**

6. For the definition of a “type B record” in section 11 of the Act, the following particulars for the storage of fuel are prescribed:

- (a) the capacity of the storage tank or tanks;
- (b) the location of the tank or tanks;
- (c) if the tanks are joined—particulars as to how the tanks are joined and the total number of bowsers or outlets;
- (d) description of fuel stored in each tank including a statement as to whether the fuel is marked fuel or unmarked fuel.

#### **Particulars for a type C record**

7. For the definition of a “type C record” in section 11 of the Act, the following particulars relating to fuel are prescribed:

- (a) details of actual use of the fuel;
- (b) details of any blending of the fuel with other fuel;
- (c) for the disposal of the fuel—particulars required for a type A record.

[NOTE: Subsection 13 (3) of the Act provides that a type A record may, at the acquirer’s discretion, be created by the acquirer of fuel by signing a copy of the type C record created by the disposer.]

**Circumstances where fuel records not required to be kept**

8. (1) For paragraphs 14 (1) (a), (b), (c), or (e) of the Act, the respective fuel record is not required to be kept for the acquisition, storage, use, or disposal of fuel if the amount involved is less than 1000 litres.

(2) For paragraph 14 (1) (d) of the Act, a type C record is not required to be kept if the blending of fuel results in an amount of less than 1000 litres.

**Circumstances where movement records not required to be kept**

9. For subsection 15 (3) of the Act, a movement record is not required to be kept if the amount of fuel being moved is less than 1000 litres.

**Circumstances where notifications not required to be made for transfer of fuel**

10. For subsection 17 (1) of the Act, a notification is not required to be given if the amount of fuel being transferred is less than 1000 litres.

**Threshold limit for the exercise of preliminary audit powers**

11. For subsection 22 (1) of the Act, the following limits are prescribed:

- (a) for a quantity of fuel—1000 litres of fuel; or
- (b) for a fuel storage facility—a capacity of 1000 litres of fuel.

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**NOTE**

1. Notified in the *Commonwealth of Australia Gazette* on

24 December /  
1997.