



Energy Grants (Cleaner Fuels) Scheme Amendment Regulations 2006 (No. 1)¹

Select Legislative Instrument 2006 No. 363

I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Energy Grants (Cleaner Fuels) Scheme Act 2004*.

Dated 13 December 2006

P. M. JEFFERY
Governor-General

By His Excellency's Command

PETER CRAIG DUTTON
Minister for Revenue and Assistant Treasurer

1 Name of Regulations

These Regulations are the *Energy Grants (Cleaner Fuels) Scheme Amendment Regulations 2006 (No. 1)*.

2 Commencement

These Regulations commence on 1 January 2007.

3 Amendment of *Energy Grants (Cleaner Fuels) Scheme Regulations 2004*

Schedule 1 amends the *Energy Grants (Cleaner Fuels) Scheme Regulations 2004*.

Schedule 1 Amendments

(regulation 3)

[1] Regulation 3, after definition of *low sulphur PULP*

insert

ultra low sulphur automotive diesel means automotive diesel fuel that:

- (a) has 10 milligrams or less of sulphur content per kilogram; and
- (b) complies with the applicable fuel standard for automotive diesel, specified in the *Fuel Standard (Automotive Diesel) Determination 2001* as in force from time to time.

[2] Paragraph 4 (b)

omit

PULP.

insert

PULP;

[3] After paragraph 4 (b)*insert*

(c) ultra low sulphur automotive diesel.

[4] Subregulation 5 (2), table, after item 2*insert*

3	Ultra low sulphur automotive diesel	1 January 2007	31 December 2008
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[5] After regulation 7A*insert***7B Grant amount — ultra low sulphur automotive diesel**

- (1) For subsection 8 (1A) of the Act, the amount of grant to which a claimant is entitled for the quantity of ultra low sulphur automotive diesel to which a claim relates is:

$$(\text{volume} - \text{returns}) \times \text{grant rate} - \text{previous grant}$$

where:

volume means the volume, in litres, of the ultra low sulphur automotive diesel, worked out in accordance with subregulation 8 (2).

returns means the volume, in litres, of ultra low sulphur automotive diesel returned to the claimant during the claim period:

- (a) worked out in accordance with subregulation 8 (2); and
- (b) subject to subregulation (2).

grant rate means 1.0 cents per litre.

previous grant:

- (a) means the total amount of cleaner fuel grant worked out in relation to any ultra low sulphur automotive diesel, contained within the quantity of ultra low sulphur automotive diesel to which the claim relates, for which

any provisional entitlements arose before the qualifying time under section 5 of the Act; but

- (b) does not include any cleaner fuel grant worked out in relation to an amount of ultra low sulphur automotive diesel that is part of the ultra low sulphur automotive diesel mentioned in the definition of **returns** for any claim period.

Note 1 If the ultra low sulphur automotive diesel contains a quantity of biodiesel, making it a biodiesel blend, the claimant may also be eligible for grant in relation to the quantity of biodiesel in the biodiesel blend: see regulation 7.

Note 2 A quantity of ultra low sulphur automotive diesel might contain some components of fuel for which provisional entitlements arose before the qualifying time under section 5 of the Act.

- (2) For the definition of **returns** in subregulation (1):

- (a) a quantity of ultra low sulphur automotive diesel returned to the claimant must satisfy the following conditions:
 - (i) the claimant must be provisionally entitled to a cleaner fuel grant under section 5 of the Act in relation to the ultra low sulphur automotive diesel;
 - (ii) the ultra low sulphur automotive diesel must have been returned to the claimant after the provisional entitlement arose;
 - (iii) as a consequence of the return of the ultra low sulphur automotive diesel, the claimant is entitled to:
 - (A) a refund of excise duty under paragraph 50 (1) (v) of the *Excise Regulations 1925*; or
 - (B) a refund of customs duty under paragraph 126 (1) (p) of the *Customs Regulations 1926*; and
- (b) if ultra low sulphur automotive diesel is returned to the claimant mixed with other fuel, the volume is the volume of the component of the mixture that is ultra low sulphur automotive diesel.

- (3) In this regulation:

claim period, in relation to a grant, has the meaning given by section 12 of the *Product Grants and Benefits Administration Act 2000*.

[6] Subregulation 8 (2)

omit

regulations 6, 7 and 7A,

insert

regulations 6, 7, 7A and 7B,

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See www.frli.gov.au.