



Fuel Legislation Amendment (Grant and Rebate Schemes) Act 2001

No. 165, 2001



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An Act to amend the law relating to certain fuel grant and rebate schemes, and for related purposes

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An Act to amend the law relating to certain fuel grant and rebate schemes, and for related purposes

[Assented to 1 October 2001]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Fuel Legislation Amendment (Grant and Rebate Schemes) Act 2001*.

2 Commencement

- (1) Subject to subsections (2) and (3), this Act commences on the day on which it receives the Royal Assent.

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- (2) Subject to subsection (3), items 13, 14, 15 and 16 of Schedule 1 to this Act commence on a day or days to be fixed by Proclamation.
 - (3) If the items referred to in subsection (2) do not commence under that subsection within the period of 6 months beginning on the day on which this Act receives the Royal Assent, those items commence on the first day after the end of that period.

3 Schedule(s)

Subject to section 2, each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

4 Application provision

The amendments made by items 9, 10, 11 and 12 of Schedule 1 to this Act apply in relation to the use of any diesel fuel or alternative fuel that is purchased, or imported into Australia, on or after the day on which this Act receives the Royal Assent.

Schedule 1—Amendment of Acts

Part 1—Amendments to extend the operation of particular grant and rebate schemes

Customs Act 1901

1 Paragraphs 164(1AB)(a) and (b)

Omit “1 July 2002”, substitute “1 July 2003”.

Diesel and Alternative Fuels Grants Scheme Act 1999

2 Subsection 4(1)

Omit “1 July 2002”, substitute “1 July 2003”.

3 Section 12

Omit “1 July 2002”, substitute “1 July 2003”.

Note: The heading to section 12 is altered by omitting “**1 July 2002**” and substituting “**1 July 2003**”.

4 Subsection 15(1)

Omit “1 December 2002”, substitute “1 December 2003”.

5 Subparagraph 21(d)(ii)

Omit “30 June 2002”, substitute “30 June 2003”.

6 Subparagraph 22(e)(ii)

Omit “30 June 2002”, substitute “30 June 2003”.

Excise Act 1901

7 Paragraphs 78A(1AB)(a) and (b)

Omit “1 July 2002”, substitute “1 July 2003”.

Part 2—Additional amendments of the Diesel and Alternative Fuels Grants Scheme

Diesel and Alternative Fuels Grants Scheme Act 1999

8 Section 5

Insert:

electronic signature means an entity's unique identification in an electronic form that is approved by the Commissioner.

9 At the end of section 5

Add:

- (2) In this Act, a reference to use of fuel in, or in operating, a vehicle includes, in the case of an emergency vehicle, a reference to the use of fuel in, or in operating, any auxiliary equipment:
- (a) that is carried on that emergency vehicle; and
 - (b) that is used for a purpose related to the principal purpose for which the emergency vehicle is used.

10 At the end of section 9

Add:

- (3) This section does not apply in relation to the use of diesel fuel or alternative fuel in an emergency vehicle.

11 Subsection 10AD(1)

Omit “, but less than 20 tonnes”.

12 Subsection 10AD(2)

Omit “on a public road”.

Note: The heading to section 10AD is altered by omitting “, **but less than 20 tonnes**”.

13 Section 10B

Repeal the section, substitute:

10B Working out eligible use of fuel

- (1) The regulations may prescribe one or more methods of working out (whether by measurement, estimate or any other means):
 - (a) if subsection 9(1) applies to you in relation to the use in a vehicle of a particular type of fuel during a grant period—the quantity of that fuel used in that vehicle during that grant period in the circumstances mentioned in subsection 9(2); and
 - (b) if subsection (1) of section 10, 10AA, 10AB, 10AC or 10AD (the *applicable section*) applies to you in relation to the use in a vehicle of a particular type of fuel during a grant period—the quantity of that fuel used in that vehicle during that grant period in the circumstances mentioned in subsection (2) of the applicable section.
- (2) The method or methods prescribed under subsection (1) may differ according to either or both of the following:
 - (a) the kind of claim that is being made;
 - (b) the circumstances in which the fuel the subject of the claim was used.

14 Paragraph 11(1)(a)

Omit “under whichever of subsections 10B(1) and (2) is applicable”, substitute “in accordance with a method prescribed by regulations made for the purposes of section 10B”.

15 Section 14

Repeal the section, substitute:

14 Grant periods

- (1) You may, subject to any determination by the Commissioner under subsections (2) and (3), make a claim under section 15 for any period (the *grant period*):
 - (a) that is specified in the claim; and
 - (b) that is not covered, or covered in part, by another claim; and
 - (c) that ends before 1 July 2003.
- (2) Despite subsection (1) and subject to subsection (3), the Commissioner may, for the purposes of an application under

section 14A for an advance on account of a fuel grant that may become payable to you, determine the grant period in relation to which that application for an advance is made.

- (3) The Commissioner may make a determination specifying, either generally or in relation to entities of a kind specified in the determination, either or both of the following:
- (a) the minimum amount, or the minimum volume of fuel, in respect of which a claim or an application for an advance may be made;
 - (b) the minimum period that a claim or the application for an advance must cover.

16 Transitional provision

- (1) Section 14 of the *Diesel and Alternative Fuels Grants Scheme Act 1999*, as amended by item 15 of Schedule 1 to this Act, applies in respect of any period that has not been the subject of a claim for a fuel grant under section 15 of that Act, whether the period commences before, on or after the day on which that item commences.
- (2) The amendment of the *Diesel and Alternative Fuels Grants Scheme Act 1999* made by item 15 of Schedule 1 to this Act does not affect any claim:
- (a) that has been lodged with the Commissioner before the commencement of that item; and
 - (b) that is based on a grant period determined under section 14 of that Act as in force before the commencement of that item.

17 Subsections 14A(3) and (3A)

Omit “21 days”, substitute “28 days”.

18 Subsection 15(4)

Repeal the subsection.

19 After section 15

Insert:

15AA Authority for third party to make claim under section 15

- (1) You may apply in writing to the Commissioner for permission to authorise third parties to make claims under section 15 on your behalf.
- (2) An application under subsection (1):
 - (a) must be in the approved form; and
 - (b) must be signed by you, unless it is transmitted to the Commissioner in an electronic format approved by the Commissioner and contains your electronic signature.
- (3) If the Commissioner accepts your application:
 - (a) that acceptance may be subject to such terms and conditions (including any limitations on the kinds of third parties in respect of whom an authorisation may be given) as the Commissioner determines to be appropriate; and
 - (b) when informing you of that acceptance, the Commissioner must notify those terms and conditions to you.
- (4) If the Commissioner rejects your application, the Commissioner must notify you of the rejection and specify the reasons why the application was rejected.
- (5) If the Commissioner accepts your application, you may, subject to any terms or conditions to which the acceptance is subject, authorise in writing a third party or third parties:
 - (a) to make claims under section 15 on your behalf; and
 - (b) for the purposes of making any such claim—to attach your electronic signature to claims so made.
- (6) If a third party makes, or purports to make, a claim on your behalf under such an authority, the claim is to be treated, for all purposes of this Act, as a claim made by you under section 15.
- (7) You may, at any time, revoke in writing an authorisation of a third party given under subsection (5).
- (8) If you revoke an authorisation:
 - (a) you must notify the Commissioner, in writing, of the fact of that revocation; and
 - (b) the revocation only has effect when that notification is received by the Commissioner.

20 Section 55 (table item 3)

Repeal the table item.

21 Section 55 (before table item 4)

Insert:

| | | |
|----|---|--------------|
| 3A | Refusing to grant an application under subsection 15AA(1) | Section 15AA |
|----|---|--------------|

*[Minister's second reading speech made in—
House of Representatives on 20 September 2001
Senate on 26 September 2001]*

(187/01)