

2010-2011

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

**Clean Energy (Fuel Tax Legislation
Amendment) Bill 2011**

No. , 2011

(Treasury)

**A Bill for an Act to amend fuel tax legislation, and
for related purposes**

Contents

1	Short title.....	1
2	Commencement.....	1
3	Schedule(s).....	2
Schedule 1—Fuel tax credits		3
Part 1—Amendments		3
<i>Fuel Tax Act 2006</i>		3
<i>Fuel Tax (Consequential and Transitional Provisions) Act 2006</i>		22
Part 2—Application of amendments		23

1 **A Bill for an Act to amend fuel tax legislation, and**
2 **for related purposes**

3 The Parliament of Australia enacts:

4 **1 Short title**

5 This Act may be cited as the *Clean Energy (Fuel Tax Legislation*
6 *Amendment) Act 2011*.

7 **2 Commencement**

8 (1) Each provision of this Act specified in column 1 of the table
9 commences, or is taken to have commenced, in accordance with
10 column 2 of the table. Any other statement in column 2 has effect
11 according to its terms.
12

Commencement information

Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	
2. Schedule 1	1 July 2012. However, the provision(s) do not commence at all if section 3 of the <i>Clean Energy Act 2011</i> does not commence on or before 1 July 2012.	

1 Note: This table relates only to the provisions of this Act as originally
2 enacted. It will not be amended to deal with any later amendments of
3 this Act.

4 (2) Any information in column 3 of the table is not part of this Act.
5 Information may be inserted in this column, or information in it
6 may be edited, in any published version of this Act.

7 **3 Schedule(s)**

8 Each Act that is specified in a Schedule to this Act is amended or
9 repealed as set out in the applicable items in the Schedule
10 concerned, and any other item in a Schedule to this Act has effect
11 according to its terms.
12

1

Schedule 1—Fuel tax credits

2

Part 1—Amendments

3

Fuel Tax Act 2006

4

1 Section 2-1

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Omit:

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This Act provides a single system of fuel tax credits. Fuel tax credits are paid to reduce or remove the incidence of fuel tax levied on taxable fuels, ensuring that, generally, fuel tax is effectively only applied to:

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- (a) fuel used in private vehicles and for certain other private purposes; and
- (b) fuel used on-road in light vehicles for business purposes.

substitute:

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This Act provides a single system of fuel tax credits. Fuel tax credits are paid to reduce the incidence of fuel tax levied on taxable fuels, ensuring that, generally, fuel tax is effectively only applied to:

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- (a) fuel used in private vehicles and for certain other private purposes; and
- (b) fuel used on-road in light vehicles for business purposes.

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For fuel that is not *covered by the Opt-in Scheme, the fuel tax credit entitlement is (with some exceptions) reduced by an amount equivalent to what the carbon price on the fuel emissions would be (if those emissions were subject to a carbon price). For fuel that is covered by that Scheme, the entitlement is not so reduced.

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Fuel tax credits are also provided for fuel for use in aircraft if the fuel is covered by the Opt-in Scheme. The amount of the credit is limited to the carbon component rate that was factored into the rate of fuel tax.

2 Subsection 40-5(2)

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Omit “reduce or remove”, substitute “reduce”.

1 **3 At the end of section 40-5 (after the note)**

2 Add:

3 (3) For fuel that is not *covered by the Opt-in Scheme, your fuel tax
4 credit entitlement is (with some exceptions) reduced by an amount
5 equivalent to what the carbon price on the fuel emissions would be
6 (if those emissions were subject to a carbon price). For fuel that is
7 covered by that Scheme, your entitlement is not so reduced.

8 (4) Fuel tax credits are also provided for fuel for use in aircraft if the
9 fuel is *covered by the Opt-in Scheme. The amount of the credit is
10 limited to the carbon component rate that was factored into the rate
11 of fuel tax.

12 **4 Section 41-1**

13 Omit:

14 (d) the fuel is for use in aircraft.

15 substitute:

16 (d) the fuel is for use in aircraft, and is not covered by
17 the Opt-in Scheme.

18 **5 Paragraph 41-5(3)(b)**

19 Omit “vehicle (or vessel)”, substitute “vehicle, vessel or aircraft”.

20 **6 Subparagraph 41-25(2)(a)(ii)**

21 Omit “agricultural property”, substitute “*agricultural property”.

22 **7 Section 41-30 (heading)**

23 Repeal the heading, substitute:

24 **41-30 No fuel tax credit for fuel to be used in aircraft, unless the fuel**
25 **is covered by the Opt-in Scheme**

26 **8 Section 41-30**

27 Omit “You”, substitute “(1) You”.

1 **9 At the end of section 41-30**

2 Add:

- 3 (2) However, subsection (1) does not apply if the fuel is *covered by
4 the Opt-in Scheme.

5 **10 Section 43-1**

6 Omit:

7 The amount of your credit for taxable fuel is the amount of fuel tax
8 that was payable on the fuel, reduced to take account of certain
9 grants and subsidies that were payable in respect of the fuel (as the
10 grants or subsidies reduced the amount of fuel tax that effectively
11 applied to the fuel).

12 substitute:

13 The amount of your credit for taxable fuel is the amount of fuel tax
14 that was payable on the fuel:

- 15 (a) reduced to take account of certain grants and
16 subsidies that were payable in respect of the fuel
17 (as the grants or subsidies reduced the amount of
18 fuel tax that effectively applied to the fuel); and
- 19 (b) for fuel that is not covered by the Opt-in Scheme—
20 reduced (with some exceptions) to take account of
21 what the carbon price on the fuel emissions would
22 be (if those emissions were subject to a carbon
23 price).

24 For fuel for use in aircraft that is covered by the Opt-in Scheme,
25 the amount of the credit is reduced so that it is limited to the carbon
26 component rate that was factored into the rate of fuel tax.

27 **11 Subsection 43-5(1)**

28 Repeal the subsection, substitute:

- 29 (1) The *amount of your fuel tax credit for taxable fuel is the amount
30 (but not below nil) worked out using the following formula:

1 *Amount of *effective fuel tax — *Amount of *carbon reduction

2 Note: The amount of the credit might be reduced under section 43-10 or
3 43-11.

4 **12 After section 43-7**

5 Insert:

6 **43-8 Working out amount of carbon reduction**

7 *Amount of carbon reduction: general rule*

8 (1) Subject to subsections (3) and (4), the *amount of **carbon**
9 **reduction** that applies to a particular quantity of taxable fuel you
10 acquire, manufacture or import is worked out, to 3 decimal places
11 (rounding up if the fourth decimal place is 5 or more), using the
12 following formula:

13 Quantity of fuel × Carbon price × Carbon emission rate

14 where:

15 **carbon emission rate** means:

- 16 (a) if the fuel is gasoline—0.0024; or
17 (b) if the fuel is LPG—0.0016; or
18 (c) if the fuel is LNG—0.0029; or
19 (d) if the fuel is CNG—0.0029; or
20 (e) if the fuel is denatured ethanol for use in an internal
21 combustion engine—nil; or
22 (f) if the fuel is biodiesel or renewable diesel—nil; or
23 (g) for any other taxable fuel (other than a blend of taxable
24 fuels)—0.0027.

25 Note: If the fuel is a blend, see subsection (3).

26 **carbon price** means:

- 27 (a) if you acquire, manufacture or import the fuel in the financial
28 year starting on 1 July 2012—2,300 cents; or
29 (b) if you acquire, manufacture or import the fuel in the financial
30 year starting on 1 July 2013—2,415 cents; or
31 (c) if you acquire, manufacture or import the fuel in the financial
32 year starting on 1 July 2014—2,540 cents; or

1 (d) if you acquire, manufacture or import the fuel in the
2 *half-year starting on 1 July 2015 or a later half-year—the
3 amount that applies to that half-year under subsection (2).

4 **quantity of fuel** means:

- 5 (a) unless paragraph (b) applies—the number of litres of the fuel;
6 or
7 (b) if the fuel is LNG or CNG—the number of kilograms of the
8 fuel.

9 *Carbon price for half-years starting on or after 1 July 2015*

- 10 (2) For the purpose of paragraph (d) of the definition of **carbon price**
11 in subsection (1), the amount that applies to a *half-year is the
12 amount that:
13 (a) is worked out under section 196 of the *Clean Energy Act*
14 *2011* taking account of auctions conducted in the 6 months
15 ending at the end of:
16 (i) the last May before the start of the half-year, if the
17 half-year starts on 1 July (in 2015 or a later year); or
18 (ii) the last November before the start of the half-year, if the
19 half-year starts on 1 January (in 2016 or a later year);
20 and
21 (b) is the first amount that is worked out in that way for those 6
22 months and published under that section.

23 *Amount of carbon reduction: blends*

- 24 (3) If the fuel is a blend of 2 or more kinds of taxable fuel (the
25 **constituent fuels**), the *amount of **carbon reduction** that applies to
26 the blend is to be worked out as follows:
27 (a) work out the quantity of each of the constituent fuels that is
28 included in the blend;
29 (b) work out the amount of carbon reduction that would apply to
30 each of those quantities of the constituent fuels;
31 (c) the amount of carbon reduction that applies to the blend is the
32 sum of the amounts worked out under paragraph (b).

33 *Situations in which no carbon reduction applies*

- 34 (4) The *amount of **carbon reduction** that applies to the fuel is nil to
35 the extent that:
-

- 1 (a) the fuel is *covered by the Opt-in Scheme; or
2 (b) you acquire, manufacture or import the fuel for use in:
3 (i) *agriculture; or
4 (ii) *fishing operations; or
5 (iii) *forestry; or
6 (c) you acquire, manufacture or import the fuel for use in a
7 vehicle with a gross vehicle mass of more than 4.5 tonnes
8 travelling on a public road; or
9 (d) you acquire, manufacture or import the fuel for use otherwise
10 than by combustion of the fuel.

11 **13 Section 43-10 (heading)**

12 Repeal the heading, substitute:

13 **43-10 Reducing the amount of your fuel tax credit: fuel other than**
14 **for use in aircraft**

15 **14 Before the heading to subsection 43-10(1)**

16 Insert:

17 *Fuel to which this section applies*

- 18 (1A) This section applies to taxable fuel other than fuel that you acquire,
19 manufacture or import for use in aircraft.

20 **15 At the end of Subdivision 43-A**

21 Add:

22 **43-11 Reducing the amount of your fuel tax credit: fuel for use in**
23 **aircraft**

24 *Fuel to which this section applies*

- 25 (1) This section applies to taxable fuel that you acquire, manufacture
26 or import for use in aircraft if the fuel is *covered by the Opt-in
27 Scheme.

1 *Reduction so that credits only cover carbon component rate of fuel*
2 *tax*

3 (2) The *amount of your fuel tax credit for the taxable fuel is reduced
4 by the amount of fuel tax that would have been payable by you on
5 the fuel if the carbon component rate that applied under whichever
6 of sections 6FA and 6FB of the *Excise Tariff Act 1921* affected the
7 rate of fuel tax on the fuel had instead been nil.

8 Note: The reference to sections 6FA and 6FB of the *Excise Tariff Act 1921*
9 includes a reference to those sections as they have effect in relation to
10 rates of duties of customs because of section 19A of the *Customs*
11 *Tariff Act 1995*.

12 **16 At the end of Division 43**

13 Add:

14 **Subdivision 43-B—Definitions of agriculture, fishing** 15 **operations, forestry and related expressions**

16 **43-15 Agriculture**

17 (1) Subject to subsection (2), the expression ***agriculture*** means:

- 18 (a) the cultivation of the soil; or
19 (b) the cultivation or gathering in of crops; or
20 (c) the rearing of *livestock; or
21 (d) viticulture, *horticulture, pasturage or apiculture;

22 and includes:

- 23 (e) a *livestock activity; and
24 (f) an *agricultural soil/water activity; and
25 (g) an *agricultural construction activity; and
26 (h) an *agricultural waste activity; and
27 (i) a *sundry agricultural activity.

28 (2) The expression ***agriculture*** does not include:

- 29 (a) *fishing operations or *forestry; or
30 (b) an activity referred to in subsection (1) (other than hunting or
31 trapping that is conducted for the purposes of a business,
32 including the storage of any carcasses or skins obtained from
33 the hunting or trapping) unless the activity is conducted for

1 the purposes of, or for purposes that will directly benefit, a
2 business conducted to obtain produce for sale.

3 **43-20 Livestock activity and livestock**

4 *Livestock activity*

5 (1) The expression *livestock activity* means:

- 6 (a) the shearing or cutting of hair or fleece of *livestock, or the
7 milking of livestock, on an *agricultural property; or
8 (b) the transporting of livestock to an agricultural property:
9 (i) for the purpose of rearing; or
10 (ii) for the purpose of agistment; or
11 (c) the return journey from a place referred to in paragraph (b) of
12 the vehicles or equipment used in transporting the livestock,
13 if that journey is for the purpose of:
14 (i) a further transportation of livestock as mentioned in
15 paragraph (b); or
16 (ii) backloading raw materials or consumables for use in a
17 *core agricultural activity; or
18 (d) the mustering of livestock:
19 (i) by a person who conducts a core agricultural activity; or
20 (ii) by a person contracted by that person to conduct the
21 mustering;
22 on the agricultural property where the core agricultural
23 activity is conducted.

24 Note: The agricultural activities referred to in paragraph (d) are given an
25 expanded meaning by subsection 43-45(2).

26 *Livestock*

27 (2) The expression *livestock* includes any animal reared for the
28 production of food, fibres, skins, fur or feathers, or for its use in the
29 farming of land.

30 **43-25 Agricultural soil/water activity**

31 The expression *agricultural soil/water activity* means:

- 32 (a) any activity conducted for the purpose of soil or water
33 conservation:

- 1 (i) by a person who conducts a *core agricultural activity;
2 or
3 (ii) by a person contracted by that person to conduct the
4 first-mentioned activity;
5 on the *agricultural property where the core agricultural
6 activity is conducted; or
7 (b) searching for ground water solely for use in an *agricultural
8 activity, or the construction or maintenance of facilities for
9 the extraction of such water, solely for that use, if the
10 searching, construction or maintenance:
11 (i) is conducted on an agricultural property where a core
12 agricultural activity is conducted, or at a place adjacent
13 to that property; and
14 (ii) is conducted by the person who conducts the
15 first-mentioned agricultural activity or by a person
16 contracted by that person to conduct the searching,
17 construction or maintenance; or
18 (c) any activity conducted for the purposes of soil or water
19 conservation:
20 (i) by a person who conducts a core agricultural activity
21 within an *approved catchment area; or
22 (ii) by a person contracted by that person to conduct the
23 first-mentioned activity;
24 within the approved catchment area; or
25 (d) the pumping of water solely for use in an agricultural activity
26 if the pumping is conducted:
27 (i) on an agricultural property where a core agricultural
28 activity is conducted, or at a place adjacent to that
29 property; and
30 (ii) by the person who conducts the first-mentioned
31 agricultural activity or by a person contracted by that
32 person to conduct the pumping, other than a person so
33 contracted that is a *public authority; or
34 (e) the supply of water solely for use in an agricultural activity
35 if:
36 (i) the supply is to an agricultural property where a core
37 agricultural activity is conducted; and
38 (ii) the water comes from that property or a place adjacent
39 to that property; and

- 1 (iii) the supply is conducted by the person who conducts the
2 first-mentioned agricultural activity or by a person
3 contracted by that person to conduct the supply, other
4 than a person so contracted that is a public authority.

5 Note: The agricultural activities referred to in the above paragraphs are
6 given an expanded meaning by subsection 43-45(2).

7 **43-30 Agricultural construction activity**

8 The expression *agricultural construction activity* means:

- 9 (a) the construction or maintenance of fences:
10 (i) by a person who conducts a *core agricultural activity;
11 or
12 (ii) by a person contracted by that person to conduct the
13 construction or maintenance;
14 on the *agricultural property where the core agricultural
15 activity is conducted; or
16 (b) the construction or maintenance of firebreaks:
17 (i) by a person who conducts a core agricultural activity; or
18 (ii) by a person contracted by that person to conduct the
19 construction or maintenance;
20 on the agricultural property where the core agricultural
21 activity is conducted or at a place adjacent to that property; or
22 (c) the construction or maintenance of sheds, pens, silos or silage
23 pits for use in an *agricultural activity if the construction or
24 maintenance is conducted:
25 (i) on an agricultural property where a core agricultural
26 activity is conducted; and
27 (ii) by the person who conducts the first-mentioned
28 agricultural activity or by a person contracted by that
29 person to conduct the construction or maintenance; or
30 (d) the construction or maintenance of dams, water tanks, water
31 troughs, water channels, irrigation systems or drainage
32 systems, including (but not limited to) water pipes and water
33 piping, for use in a core agricultural activity if the
34 construction or maintenance is conducted:
35 (i) on the agricultural property where the core agricultural
36 activity is conducted; and

- 1 (ii) by the person who conducts the core agricultural
2 activity or by a person contracted by that person to
3 conduct the construction or maintenance; or
4 (e) the conducting of *earthworks for use in a core agricultural
5 activity if the earthworks are conducted:
6 (i) on the agricultural property where the core agricultural
7 activity is conducted; and
8 (ii) by the person who conducts the core agricultural
9 activity or by a person contracted by that person to
10 conduct the earthworks.

11 Note: The agricultural activities referred to in the above paragraphs are
12 given an expanded meaning by subsection 43-45(2).

13 **43-35 Agricultural waste activity**

14 The expression *agricultural waste activity* means:

- 15 (a) the removal of waste products of an *agricultural activity
16 from the *agricultural property where the activity is
17 conducted; or
18 (b) the disposal of waste products of an agricultural activity on
19 the agricultural property where the activity is conducted.

20 **43-40 Sundry agricultural activity**

21 The expression *sundry agricultural activity* means:

- 22 (a) frost abatement on an *agricultural property; or
23 (b) hay baling on the agricultural property where the hay was
24 cultivated; or
25 (c) the planting or tending of trees on an agricultural property
26 otherwise than for the purpose of felling; or
27 (d) firefighting activities conducted:
28 (i) by a person who conducts a *core agricultural activity;
29 or
30 (ii) by a person contracted by that person to conduct the
31 firefighting activities;
32 on the agricultural property where the core agricultural
33 activity is conducted or at a place adjacent to that property; or
34 (e) the service, maintenance or repair of vehicles or equipment
35 for use in an *agricultural activity if the service, maintenance
36 or repair is conducted:

Schedule 1 Fuel tax credits

Part 1 Amendments

- 1 (i) on an agricultural property where a core agricultural
2 activity is conducted; and
- 3 (ii) by the person who conducts the first-mentioned
4 agricultural activity or by a person contracted by that
5 person to conduct the service, maintenance or repair; or
- 6 (f) the storage of produce of a core agricultural activity on an
7 agricultural property where a core agricultural activity is
8 conducted; or
- 9 (g) the packing, or the prevention of deterioration, of the produce
10 of a core agricultural activity if:
- 11 (i) the packing, or the prevention of deterioration, of the
12 produce is conducted on an agricultural property where
13 a core agricultural activity is conducted; and
- 14 (ii) there is no physical change to the produce; and
- 15 (iii) the packing, or the prevention of deterioration, of the
16 produce does not constitute a processing of the produce;
17 or
- 18 (h) weed, pest or disease control conducted:
- 19 (i) by a person who conducts a core agricultural activity; or
- 20 (ii) by a person contracted by that person to conduct the
21 weed, pest or disease control;
22 on the agricultural property where the core agricultural
23 activity is conducted; or
- 24 (i) hunting or trapping that is conducted for the purposes of a
25 business, including the storage of any carcasses or skins
26 obtained from the hunting or trapping; or
- 27 (j) the *use of taxable fuel at *residential premises in:
- 28 (i) providing food and drink for; or
- 29 (ii) providing lighting, heating, air-conditioning, hot water
30 or similar amenities for; or
- 31 (iii) meeting other domestic requirements of;
32 residents of the premises if:
- 33 (iv) the use is by a person who conducts a core agricultural
34 activity; and
- 35 (v) the residential premises are situated on the agricultural
36 property where that activity is conducted.

37 Note: The agricultural activities referred to in paragraphs (d), (e) and (h) are
38 given an expanded meaning by subsection 43-45(2).

1 **43-45 Agricultural activity**

- 2 (1) The expression ***agricultural activity*** means an activity referred to
3 in any one of the paragraphs of the definition of ***agriculture*** in
4 subsection 43-15(1) (other than an activity referred to in
5 paragraph (i) or (j) of the definition of ***sundry agricultural activity***
6 in section 43-40) if that activity is conducted for the purposes of, or
7 for purposes that will directly benefit, a business conducted to
8 obtain produce for sale.
- 9 (2) For the purposes of determining whether an activity is an
10 ***agricultural activity***, the activity referred to in:
11 (a) paragraph (d) of the definition of ***livestock activity*** in
12 subsection 43-20(1); or
13 (b) any of the paragraphs of the definition of ***agricultural***
14 ***soil/water activity*** in section 43-25; or
15 (c) any of the paragraphs of the definition of ***agricultural***
16 ***construction activity*** in section 43-30; or
17 (d) paragraph (d), (e) or (h) of the definition of ***sundry***
18 ***agricultural activity*** in section 43-40;
19 includes such an activity when it is conducted by a subcontractor
20 of a person contracted to conduct the activity.

21 **43-50 Approved catchment area**

- 22 The expression ***approved catchment area*** means an area:
23 (a) in respect of which a soil or water conservation plan has been
24 adopted by the persons who conduct *core agricultural
25 activities within that area; or
26 (b) in respect of which a soil or water conservation agreement
27 has been made between the persons who conduct core
28 agricultural activities within that area.

29 **43-55 Core agricultural activity**

30 The expression ***core agricultural activity*** means an activity
31 referred to in paragraph (a), (b), (c) or (d) of the definition of
32 ***agriculture*** in subsection 43-15(1) if that activity is conducted for
33 the purposes of, or for purposes that will directly benefit, a
34 business conducted to obtain produce for sale.

1 **43-60 Earthworks**

2 The expression *earthworks* means:

- 3 (a) the forming or maintenance of levee banks or windbreaks; or
4 (b) contour banking; or
5 (c) land levelling or land grading.

6 **43-65 Horticulture**

7 The expression *horticulture* includes:

- 8 (a) the cultivation or gathering in of fruit, vegetables, herbs,
9 edible fungi, nuts, flowers, trees, shrubs or plants; or
10 (b) the propagation of trees, shrubs or plants; or
11 (c) the production of seeds, bulbs, corms, tubers or rhizomes.

12 **43-70 Fishing operations and related definitions**

13 *Fishing operations*

14 (1) The expression *fishing operations* means:

- 15 (a) the taking, catching or capturing of *fish; or
16 (b) the farming of fish; or
17 (c) the construction of ponds, tanks or other structures to contain
18 fish that are to be farmed, where the construction is
19 conducted by:
20 (i) the person who will do the farming; or
21 (ii) a person contracted by that person to conduct the
22 construction; or
23 (iii) a subcontractor of a person so contracted; or
24 (d) the *processing of fish on board vessels; or
25 (e) *pearling operations; or
26 (f) the operation of a dedicated mother vessel in connection with
27 an activity referred to in paragraphs (a), (b), (d) or (e); or
28 (g) the conducting of:
29 (i) voyages to or from a *port by a vessel for the purposes
30 of refitting or repairing the vessel, or its equipment, for
31 purposes that are integral to the performance of an
32 activity referred to in any of the preceding paragraphs;
33 or

- 1 (ii) trials in connection with such a refit or repair of a vessel
2 or of its equipment;
3 but does not include any activity referred to in any of the preceding
4 paragraphs that is conducted, in whole or in part:
5 (h) otherwise than for the purposes of a business; or
6 (i) for business purposes connected with recreation, sport or
7 tourism.

8 *Fish*

- 9 (2) The expression ***fish*** means freshwater or saltwater fish, and
10 includes crustacea, molluscs or any other living resources, whether
11 of the sea or seabed or of fresh water or the bed below fresh water.

12 *Pearling operations*

- 13 (3) The expression ***pearling operations*** means:
14 (a) the taking of pearl shell; or
15 (b) the culture of pearls or pearl shell;
16 and includes the taking or capturing of trochus, beche-de-mer or
17 green snails.

18 *Processing of fish*

- 19 (4) The expression ***processing of fish*** includes:
20 (a) the cutting up, dismembering, cleaning, sorting or packing of
21 *fish; or
22 (b) the preserving or preparing of fish; or
23 (c) the producing of any substance or article from fish.

24 **43-75 Forestry**

25 The expression ***forestry*** means:

- 26 (a) the planting or tending, in a forest or plantation, of trees
27 intended for felling; or
28 (b) the thinning or felling, in a forest or plantation, of standing
29 timber;
30 and includes:
31 (c) the transporting, milling or processing, in a forest or
32 plantation, of timber felled in the forest or plantation; and

- 1 (d) the milling of timber at a sawmill or chipmill that is not
2 situated in the forest or plantation in which the timber was
3 felled; and
4 (e) if timber is milled at a sawmill or chipmill that is not situated
5 in the forest or plantation in which the timber was felled—the
6 transporting of the timber from the forest or plantation in
7 which it was felled to the sawmill or chipmill; and
8 (f) the making and maintaining in a forest or plantation referred
9 to in paragraph (a) or (b) of a road that is integral to the
10 activities referred to in paragraph (a), (b) or (c).

11 **17 Section 110-5**

12 Insert:

13 *agricultural activity* has the meaning given by section 43-45.

14 **18 Section 110-5**

15 Insert:

16 *agricultural construction activity* has the meaning given by
17 section 43-30.

18 **19 Section 110-5**

19 Insert:

20 *agricultural property* means land or premises on which a *core
21 agricultural activity is conducted.

22 **20 Section 110-5**

23 Insert:

24 *agricultural soil/water activity* has the meaning given by
25 section 43-25.

26 **21 Section 110-5**

27 Insert:

28 *agricultural waste activity* has the meaning given by section 43-35.

29 **22 Section 110-5**

30 Insert:

1 *agriculture* has the meaning given by section 43-15.

2 **23 Section 110-5**

3 Insert:

4 *approved catchment area* has the meaning given by section 43-50.

5 **24 Section 110-5**

6 Insert:

7 *biodiesel* has the same meaning as it has in the *Excise Tariff Act*
8 *1921*.

9 **25 Section 110-5**

10 Insert:

11 *carbon reduction* has the meaning given by subsection 43-8(1).

12 **26 Section 110-5**

13 Insert:

14 *CNG* means compressed natural gas.

15 **27 Section 110-5**

16 Insert:

17 *core agricultural activity* has the meaning given by section 43-55.

18 **28 Section 110-5**

19 Insert:

20 *covered by the Opt-in Scheme*: an amount of taxable fuel that an
21 entity acquires, manufactures or imports (which may be part of a
22 larger quantity of fuel so acquired, manufactured or imported) is
23 *covered by the Opt-in Scheme* if, under the Opt-in Scheme
24 provided for by the *Clean Energy Act 2011*:

25 (a) there is a designated opt-in person in respect of the amount of
26 fuel; and

27 (b) there is a preliminary emissions number of the designated
28 opt-in person for the financial year, and that number is
29 attributable to the amount of fuel.

1 **29 Section 110-5**

2 Insert:

3 *earthworks* has the meaning given by section 43-60.

4 **30 Section 110-5**

5 Insert:

6 *fish* has the meaning given by subsection 43-70(2).

7 **31 Section 110-5**

8 Insert:

9 *fishing operations* has the meaning given by subsection 43-70(1).

10 **32 Section 110-5**

11 Insert:

12 *forestry* has the meaning given by section 43-75.

13 **33 Section 110-5**

14 Insert:

15 *half-year* means a period of 6 months beginning on 1 July or
16 1 January.

17 **34 Section 110-5**

18 Insert:

19 *horticulture* has the meaning given by section 43-65.

20 **35 Section 110-5**

21 Insert:

22 *livestock* has the meaning given by subsection 43-20(2).

23 **36 Section 110-5**

24 Insert:

25 *livestock activity* has the meaning given by subsection 43-20(1).

26 **37 Section 110-5**

1 Insert:

2 *LNG* means liquefied natural gas.

3 **38 Section 110-5**

4 Insert:

5 *pearling operations* has the meaning given by subsection 43-70(3).

6 **39 Section 110-5**

7 Insert:

8 *port* means a port appointed under section 15 of the *Customs Act*
9 *1901*.

10 **40 Section 110-5**

11 Insert:

12 *processing of fish* has the meaning given by subsection 43-70(4).

13 **41 Section 110-5**

14 Insert:

15 *public authority* means:

16 (a) an instrumentality of the Commonwealth, a State or a
17 Territory; or

18 (b) an authority or body established for a public purpose by or
19 under a law of the Commonwealth, a State or a Territory.

20 **42 Section 110-5**

21 Insert:

22 *renewable diesel* means liquid fuel that is manufactured by
23 chemically altering vegetable oils or animal fats (including
24 recycled oils from these sources) through a process of
25 hydrogenation (whether or not that process was part of some other
26 process).

27 **43 Section 110-5**

28 Insert:

Schedule 1 Fuel tax credits

Part 1 Amendments

1 *sundry agricultural activity* has the meaning given by
2 section 43-40.

3 ***Fuel Tax (Consequential and Transitional Provisions) Act***
4 ***2006***

5 **44 After subitem 12(2) of Schedule 3**

6 Insert:

7 (2A) If, because of subitem (2), you are entitled to a credit in respect of the
8 fuel acquired, manufactured or imported for use as mentioned in
9 subparagraph (1)(b)(i), then, for the purpose of section 43-8 of the Fuel
10 Tax Act, the amount of carbon reduction that applies to the fuel is taken
11 to be nil.
12

1

2 **Part 2—Application of amendments**

3 **45 Application of amendments**

4 The amendments made by this Schedule apply to fuel acquired,
5 manufactured or imported on or after the commencement of this
6 Schedule.