

1993

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA  
HOUSE OF REPRESENTATIVES

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Presented and read a first time

*(Industry, Technology and Regional Development)*

## A BILL

FOR

### **An Act to amend the *Excise Tariff Act 1921***

The Parliament of Australia enacts:

#### **Short title etc.**

1.(1) This Act may be cited as the *Excise Tariff (Deficit Reduction) Act 1993*.

5 (2) In this Act, “**Principal Act**” means the *Excise Tariff Act 1921*<sup>1</sup>.

#### **Commencement**

2.(1) Sections 1 and 2 commence on the day on which this Act receives the Royal Assent.

(2) Section 3 is taken to have commenced on 18 August 1993.

**Amendments of Act having effect from 18 August 1993**

3. The Principal Act is amended as set out in the Schedule.

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## SCHEDULE

Section 3

## AMENDMENT HAVING EFFECT FROM 18 AUGUST 1993

**Subsection 6A(1) (definition of “relevant period”):**

1. Omit the definition.

**Subsection 6A(1):**

2. Insert:

“‘**indexation period**’ means the 6 month period starting on 1 February 1984 and each subsequent 6 month period;”.

**Subsections 6A(4) and (4A):**

3. Omit the subsections, substitute:

“(4) If the factor worked out in relation to an indexation period in accordance with subsection (5) is more than 1, this Act has effect as if, on the first day of the period, there were substituted for each relevant rate a rate of duty worked out using the formula:

$$\text{relevant rate} \times \text{factor}$$

where:

‘**relevant rate**’ means the rate of duty as defined in subsection (1) or if, by previous operation of this section, or of section 6AAA and this section, this Act has effect as if another rate were substituted, the last substituted rate;

‘**factor**’ means the factor worked out in relation to that period under subsection (5).

“(4A) If the rate of duty worked out under subsection (4), or under subsection (4) as modified by section 6AAA, in respect of an item, sub-item, paragraph or subparagraph of the Schedule (the ‘**prescribed rate**’) has more decimal places than the number of decimal places in the relevant rate, the prescribed rate is to be rounded in accordance with subsections (4B) and (4C).

“(4B) If the prescribed rate worked out to one more decimal place than the relevant rate would end in a number less than 5, the rate worked out under subsection (4), or under subsection (4) as modified by section 6AAA, is taken to be a rate of duty equal to the prescribed rate worked out to the same number of decimal places as the relevant rate.

“(4C) If the prescribed rate worked out to one more decimal place than the relevant rate would end in 5 or a greater number, the rate of duty worked out under subsection (4), or under subsection (4) as modified by section 6AAA, is taken to be a rate of duty equal to the prescribed rate worked out to the same number of decimal places as the relevant rate increased by:

**SCHEDULE—continued**

- (a) if the number of decimal places in the relevant rate is 2—0.01; or
- (b) if the number of decimal places in the relevant rate is 3—0.001; or
- (c) if the number of decimal places in the relevant rate is 4—0.0001; or
- (d) if the number of decimal places in the relevant rate is 5—0.00001.

“(4D) If an excise tariff alteration proposed in the Parliament proposes to alter, on and from a particular day, an item, sub-item, paragraph or subparagraph in the Schedule by substituting a rate for the relevant rate, then, for the purposes of the application of subsection (4), and of subsection (4) as modified by section 6AAA, in relation to that relevant rate, the references in subsection (4) or in that subsection as so modified and in subsections (4A), (4B) and (4C) to the relevant rate are to be read, on and after that day, as references to the rate proposed by that alteration to be substituted for the relevant rate.”

**Subsection 6A(5):**

4. After “subsection (4)” insert “, or of that subsection as modified by section 6AAA,”.

**Subsection 6A(6):**

5. After “subsection (4)” insert “, or that subsection as modified by section 6AAA,”.

**Subsection 6A(7):**

6. After “this section” insert “or section 6AAA”.

**Subsection 6A(8):**

7. After “this section” insert “or section 6AAA”.

**After section 6A:**

8. Insert:

**Modification of indexation of rates of duty applying to particular goods**

“6AAA.(1) The purpose of this section is to modify the ordinary indexation provisions set out in section 6A for particular goods in respect of nominated indexation periods beginning with the indexation period starting on 1 February 1994.

“(2) If the factor worked out under subsection 6A(5) in relation to an indexation period starting on 1 February 1994, 1 August 1994, 1 February 1995 or 1 August 1995 is more than 1, section 6A operates in respect of that

## SCHEDULE—continued

period as if subsection 6A(4) provided, in relation to goods in item 6, 7 or 8 of the Schedule, that this Act has effect as if, on the first day of that period, there were substituted for the relevant rate applying to the goods, a rate worked out using the formula:

$$\frac{103 \times [\text{relevant rate} \times \text{factor}]}{100}$$

where:

**'relevant rate'** means the rate as defined in subsection (8) that applies to those goods or if, by previous operation of section 6A and this section, this Act has effect as if another rate were substituted, the last substituted rate;

**'factor'** means the factor worked out in relation to that period under subsection 6A(5).

“(3) If the factor worked out under subsection 6A(5) in relation to an indexation period starting on 1 February 1994, 1 August 1994, 1 February 1995 or 1 August 1995 is equal to or less than 1, section 6A operates in respect of that period as if subsection 6A(4) provided, in relation to goods in item 6, 7 or 8 of the Schedule, that this Act has effect as if, on the first day of that period, there were substituted for the relevant rate applying to the goods, a rate worked out using the formula:

$$\frac{103 \times \text{relevant rate}}{100}$$

where:

**'relevant rate'** means the rate as defined in subsection (8) that applies to those goods or if, by previous operation of section 6A and this section, this Act has effect as if another rate were substituted, the last substituted rate.

“(4) If the factor worked out under subsection 6A(5) in relation to an indexation period starting on 1 February 1994, 1 August 1994 or 1 February 1995 is more than 1, section 6A operates in respect of that period as if subsection 6A(4) provided, in relation to goods in an item of the Schedule in column 1 of Table 1, that this Act has effect as if, on the first day of that period, there were substituted for the relevant rate applying to the goods, a rate worked out using the formula:

$$[\text{relevant rate} \times \text{factor}] + \text{additional rate}$$

where:

**'relevant rate'** means the rate as defined in subsection (8) or if, by previous operation of section 6A and this section, this Act has effect as if another rate were substituted, the last substituted rate;

**SCHEDULE**—continued

**'factor'** means the factor worked out in relation to that period under subsection 6A(5);

**'additional rate'**, in relation to an indexation period, means the additional rate set out in the column of Table 1 that refers to that period.

TABLE 1

Column 1	Column 2	Column 3	Column 4
<b>Items of the Schedule</b>	<b>Additional rate for indexation period starting on 1 February 1994</b>	<b>Additional rate for indexation period starting on 1 August 1994</b>	<b>Additional rate for indexation period starting on 1 February 1995</b>
11(A)(3)(b) 11(C)(2)(a) 11(F)(1)	2 cents per litre	2 cents per litre	3 cents per litre

“(5) If the factor worked out under subsection 6A(5) in relation to an indexation period starting on 1 February 1994, 1 August 1994 or 1 February 1995 is equal to or less than 1, section 6A operates in respect of that period as if subsection 6A(4) provided, in relation to goods in an item of the Schedule in column 1 of Table 1 above, that this Act has effect as if, on the first day of that period, there were substituted for the relevant rate applying to the goods, a rate worked out using the formula:

$$\text{relevant rate} + \text{additional rate}$$

where:

**'relevant rate'** means the rate as defined in subsection (8) or if, by previous operation of section 6A and this section, this Act has effect as if another rate were substituted, the last substituted rate;

**'additional rate'**, in relation to an indexation period, means the additional rate set out in the column of Table 1 above that refers to that period.

“(6) If the factor worked out under subsection 6A(5) in relation to an indexation period starting on 1 February 1994 or 1 August 1994 is more than 1, section 6A operates in respect of that period as if subsection 6A(4) provided, in relation to goods in an item of the Schedule in column 1 of Table 2, that this Act has effect as if, on the first day of that period, there were substituted for the relevant rate applying to the goods, a rate worked out using the formula:

## SCHEDULE—continued

$$[\text{relevant rate} \times \text{factor}] + \text{additional rate}$$

where:

**'relevant rate'** means the rate as defined in subsection (8) or if, by previous operation of section 6A and this section, this Act has effect as if another rate were substituted, the last substituted rate;

**'factor'** means the factor worked out in relation to that period under subsection 6A(5);

**'additional rate'**, in relation to an indexation period, means the additional rate set out in the column of Table 2 that refers to that period.

TABLE 2

Column 1	Column 2	Column 3
Items of the Schedule	Additional rate for indexation period starting on 1 February 1994	Additional rate for indexation period starting on 1 August 1994
11(A)(3)(c) 11(B)(3) 11(C)(2)(b) 11(E)(2) 11(E)(3) 11(F)(2) 11(G)(2)	1 cent per litre	1 cent per litre

“(7) If the factor worked out under subsection 6A(5) in relation to an indexation period starting on 1 February 1994 or 1 August 1994 is equal to or less than 1, section 6A operates in respect of that period as if subsection 6A(4) provided, in relation to goods in an item of the Schedule in column 1 of Table 2 above, that this Act has effect as if, on the first day of that period, there were substituted for the relevant rate applying to the goods, a rate worked out using the formula:

$$\text{relevant rate} + \text{additional rate}$$

where:

**'relevant rate'** means the rate as defined in subsection (8) or if, by previous operation of section 6A and this section, this Act has effect as if another rate were substituted, the last substituted rate;

**'additional rate'**, in relation to an indexation period, means the additional rate set out in the column of Table 2 above that refers to that period.

## SCHEDULE—continued

“(8) In this section:

‘**indexation period**’ means the 6 month period commencing on a day referred to in subsection (1), (2), (3), (4), (5), (6) or (7);

‘**relevant rate**’, in relation to goods referred to in subsection (2), (3), (4), (5), (6) or (7), means the rate of duty specified in respect of the item in the Schedule that covers those goods.”.

**Items 6, 7 and 8 of the Schedule:**

9. Omit the items, substitute the following items:

- |     |  |                        |
|-----|--|------------------------|
| “6. | Tobacco (except tobacco delivered under item 8 or item 9A of this Schedule)  | \$60.17 per kilogram   |
| “7. | Cigars (except cigars delivered under item 9A of this Schedule)  | \$60.17 per kilogram   |
| “8. | Cigarettes (except cigarettes delivered under item 9A of this Schedule); fine-cut tobacco suitable for the manufacture of cigarettes (except goods delivered under item 6 or item 9A of this Schedule) | \$60.17 per kilogram”. |

**Subparagraph 11(A)(3)(b) of the Schedule:**

10. Omit the subparagraph, substitute:

- |      |  |                       |
|------|--|-----------------------|
| “(b) | For use otherwise than in aircraft and having a lead content exceeding 13 milligrams per litre     | \$0.29573 per litre   |
| (c)  | For use otherwise than in aircraft and having a lead content not exceeding 13 milligrams per litre | \$0.29573 per litre”. |

**Paragraph 11(B)(3) of the Schedule:**

11. Omit the paragraph, substitute:

- |      |        |                       |
|------|--------|-----------------------|
| “(3) | N.E.I. | \$0.29573 per litre”. |
|------|--------|-----------------------|

**Paragraph 11(C)(2) of the Schedule:**

12. Omit the paragraph, substitute:

- |      |   |                       |
|------|---|-----------------------|
| “(2) | N.E.I. —  |                       |
| (a)  | Having a lead content exceeding 13 milligrams per litre | \$0.29573 per litre   |
| (b)  | Other   | \$0.29573 per litre”. |



**SCHEDULE**—continued

**Paragraphs 11(E)(2) and 11(E)(3) of the Schedule:**

13. Omit the paragraphs, substitute:

- |                            |               |
|----------------------------|---------------|
| “(2) Goods, as follows:    | \$0.29573 per |
| (a) automotive diesel oil  | litre         |
| (b) industrial diesel fuel |               |
| (c) marine diesel fuel     |               |
| “(3) Other                 | \$0.08512 per |
|                            | litre”.       |

**Sub-item 11(F) of the Schedule:**

14. Omit the sub-item, substitute:

- |   |               |
|---|---------------|
| “(F) Gasoline referred to in subparagraph (A)(3)(b) or (c) of this item mixed with ethanol specified in sub-item 2(R) — |               |
| That gasoline:  |               |
| (1) Referred to in subparagraph (A)(3)(b) of this item  | \$0.29573 per |
|   | litre         |
| (2) Referred to in subparagraph (A)(3)(c) of this item  | \$0.29573 per |
|   | litre         |
| That ethanol  | Free”.        |

**Paragraph 11(G)(2):**

15. Omit the paragraph, substitute:

- |            |               |
|------------|---------------|
| “(2) Other | \$0.08512 per |
|            | litre”.       |
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**SCHEDULE—continued****NOTE**

1. No. 26, 1921, as amended. For previous amendments see No. 28, 1924; No. 28, 1926; No. 4, 1928; Nos. 20 and 21, 1933; No. 17, 1936; Nos. 24 and 70, 1938; Nos. 29, 54 and 65, 1939; Nos. 3, 4, 14 and 93, 1948; Nos. 77 and 82, 1949; Nos. 61, 62 and 80, 1950; No. 83, 1952; No. 78, 1953; Nos. 16, 59 and 87, 1956; No. 82, 1957; No. 19, 1958; Nos. 26, 65 and 66, 1959; Nos. 26 and 57, 1960; Nos. 21 and 55, 1961; No. 73, 1962; Nos. 41 and 91, 1963; No. 125, 1964; Nos. 83 and 140, 1965; Nos. 18 and 82, 1967; Nos. 74 and 75, 1968; Nos. 5 and 33, 1969; No. 81, 1970; No. 108, 1971; Nos. 22, 64 and 119, 1972; Nos. 20, 23, 146 and 216, 1973; No. 121, 1974; Nos. 104 and 136, 1977; Nos. 48 and 184, 1978; Nos. 81, 83 and 164, 1979; Nos. 43, 44, 45 and 122, 1980; No. 50, 1981; Nos. 45, 54 and 80, 1982; Nos. 27 and 99, 1983; Nos. 53, 72 and 131, 1984; Nos. 41 and 189, 1985; Nos. 20 and 160, 1986; Nos. 53 and 150, 1987; Nos. 29, 99 and 149, 1988; Nos. 77 and 177, 1989; No. 112, 1990; Nos. 80 and 186, 1991; No. 65, 1992; and No. 00, 1993.