



# Energy Grants (Cleaner Fuels) Scheme Regulations 2004

**Statutory Rules 2004 No. 96<sup>1</sup>**

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I, JOHN SANDERSON, Administrator 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 May 2004

JOHN SANDERSON  
Administrator

By His Excellency's Command

HELEN COONAN  
Minister for Revenue and Assistant Treasurer

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### 1 Name of Regulations

These Regulations are the *Energy Grants (Cleaner Fuels) Scheme Regulations 2004*.

### 2 Commencement

These Regulations are taken to have commenced on the commencement of the *Energy Grants (Cleaner Fuels) Scheme Act 2004*.

*Note* The Act commenced on 18 September 2003.

### 3 Definitions

In these Regulations:

*Act* means the *Energy Grants (Cleaner Fuels) Scheme Act 2004*.

*biodiesel blend* means fuel:

- (a) for use in an internal combustion engine; and
- (b) that is a blend, in any proportion, of:
  - (i) biodiesel; and

- (ii) diesel that, if used as automotive diesel, would comply with the applicable fuel standard for automotive diesel.

*Note* By definition, biodiesel is fuel that complies with the applicable fuel standard for such fuel. See subsection 4 (1) of the Act.

#### 4 Cleaner fuel

For paragraph (b) of the definition of *cleaner fuel* in subsection 4 (1) of the Act, biodiesel blend is prescribed.

#### 5 Start and end days for entitlements

- (1) For paragraph (b) of the definition of *start day* in subsection 4 (1) of the Act, the start day for a fuel mentioned in the table in this regulation is set out in the table.
- (2) For paragraph (b) of the definition of *end day* in subsection 4 (1) of the Act, the end day for a fuel mentioned in the table in this regulation is set out in the table.

Item	Fuel	Start day	End day
1	Biodiesel blend	18 September 2003	30 June 2015

#### 6 Grant amount — biodiesel

For subsection 8 (1) of the Act, the amount of grant to which a claimant is entitled in relation to a quantity of biodiesel is:

$$(V \times \text{the offset rate}) - \text{previous grant}$$

where:

*V* means:

- (a) the volume, in litres, of the biodiesel; or
- (b) if regulation 8 applies to the claimant — the volume, in litres, of the biodiesel, worked out in accordance with subregulation 8 (2).

**previous grant** means the total amount of cleaner fuel grant worked out in relation to any of the biodiesel, contained in the quantity of biodiesel, for which any provisional entitlements arose before the qualifying time under section 5 of the Act.

*Note 1* A quantity of biodiesel might contain some components of biodiesel for which provisional entitlements arose before the qualifying time under section 5 of the Act.

*Note 2* For the meaning of **offset rate**, see subsection 8 (1) of the Act.

## 7 **Grant amount — biodiesel blend**

For subsection 8 (1A) of the Act, the amount of grant to which a claimant is entitled in relation to a quantity of biodiesel blend is:

$(V \times \text{biodiesel \%} \times \text{biodiesel rate}) - \text{previous grant}$

where:

**V** means:

- (a) the volume, in litres, of the biodiesel blend; or
- (b) if regulation 8 applies to the claimant — the volume, in litres, of the blend, worked out in accordance with subregulation 8 (2).

**biodiesel %** means the percentage, by volume, of biodiesel in the blend.

**biodiesel rate** means the rate that would have been the offset rate for the quantity of biodiesel in the blend, if the quantity of biodiesel were taken to have been entered as a cleaner fuel at the time when the blend is entered.

*Note* For the meaning of **offset rate**, see subsection 8 (1) of the Act.

**previous grant** means the total amount of cleaner fuel grant worked out in relation to any of the biodiesel, contained in the quantity of biodiesel blend, for which any provisional entitlements arose before the qualifying time under section 5 of the Act.

*Note* A quantity of biodiesel blend might contain some components of biodiesel for which provisional entitlements arose before the qualifying time under section 5 of the Act.

**8 Measurement of volume of cleaner fuels**

- (1) This regulation applies to a claimant for a cleaner fuel grant if the claimant:
- (a) is a licensed person for the fuel at the qualifying time; and
  - (b) holds a relevant licence that contains a condition to the effect that the quantity of that kind of fuel is to be determined, for the purpose of excise duty, by reference to the quantity of the fuel at 15° Celsius.
- (2) For regulations 6 and 7, the volume of the fuel is:
- (a) if the fuel is to be measured through a bulk filling meter — the volume of the fuel measured on the totaliser of the meter corrected to 15° Celsius; or
  - (b) in any other case — the volume determined by physical measurement of the fuel, converted to its notional volumetric equivalent at 15° Celsius.
- (3) In this regulation:
- relevant licence** means any of the following that makes the claimant a licensed person for the fuel at the qualifying time:
- (a) a manufacturer licence as defined in the *Excise Act 1901*;
  - (b) a storage licence as defined in the *Excise Act 1901*;
  - (c) a permission given under section 61C of the *Excise Act 1901*;
  - (d) a permission granted under section 69 of the *Customs Act 1901*.

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**Note**

1. Notified in the *Commonwealth of Australia Gazette* on 20 May 2004.