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Excise Tariff Amendment Bill (No. 2) 2002

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I N F O R M A T I O N A N D R E S E A R C H S E R V I C E S

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No. 44 2002-03

Excise Tariff Amendment Bill (No. 2) 2002

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Excise Tariff Amendment Bill (No. 2) 2002

Date Introduced: 26 September 2002

House: House of Representatives

Portfolio: Treasury

Commencement: Proposed Schedule 1 commences on 14 May 2002 at 7:30 pm in the Australian Capital Territory. Sections 1 to 3 inclusive commence on the day when the Act receives the Royal Assent.

Purpose

To substitute a new definition of the 'volume of alcohol contained in goods' into the Schedule to the [Excise Tariff Act 1921](#) (Excise Tariff Act) in conjunction with proposed changes to the *Excise Act 1901* (Excise Act).

Background

As discussed in the Bills Digest for the Excise Laws Amendment Bill (No. 1) 2002, the Government undertook to impose excise duty on the higher of the actual alcoholic strength or the labelled strength of beverages subject to excise.¹ This Bill would also allow the Commissioner of Taxation to establish rules for ascertaining the volume of alcohol. The Excise Tariff Amendment Bill (No. 2) 2002 complements proposed provisions in the Excise Laws Amendment Bill (No. 1) 2002.

Main Provisions

The Bill would amend the Excise Tariff Act consequent to the amendments to the Excise Act contained in the Excise Laws Amendment Bill (No. 1) 2002.

The Excise Tariff Act contains a note in the Schedule, which deals with the volume of alcohol in goods. The note reads:

Warning:

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This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

The volume of alcohol contained in goods shall be taken to be the volume that would be the volume of that alcohol if the alcohol were measured at a temperature of twenty degrees Celsius, and a calculation made for the purpose of ascertaining the volume of alcohol by reference to the specific gravity of alcohol shall be made on the basis that, at a temperature of twenty degrees Celsius and in vacuum, the specific gravity of alcohol in relation to water is 0.79067.

Schedule 1 would repeal this note and substitute a new note:

- Parts (a) and (b) of the proposed note are almost identical with the current note and contain minor word changes.
- Part (c) provides that the volume of alcohol can be ascertained in accordance with **proposed section 77FB** of the Excise Act, that is, in accordance with rules the Commissioner of Taxation can determine to ascertain the volume of alcohol.
- Part (d) provides that the volume of alcohol can be ascertained in accordance with **proposed section 77FA** of the Excise Act, that is, in accordance with the higher of the labelled or actual alcohol content.

Concluding Comments

See the Bills Digest for the Excise Laws Amendment Bill (No. 1) 2002.

Endnotes

- 1 Senator the Hon. Helen Coonan, 'Imposition of Excise on Higher of Labelled or Actual Alcoholic Strength', [Press Release C56/02](#), 14 May 2002.

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