



Excise Amendment Regulation 2012 (No. 3)

Select Legislative Instrument 2012 No. 190

I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation under the *Excise Act 1901*.

Dated 2 August 2012

QUENTIN BRYCE
Governor-General

By Her Excellency's Command

DAVID BRADBURY
Assistant Treasurer

1 Name of regulation

This regulation is the *Excise Amendment Regulation 2012 (No. 3)*.

2 Commencement

This regulation commences on the day after it is registered.

3 Amendment of *Excise Regulations 1925*

Schedule 1 amends the *Excise Regulations 1925*.

Schedule 1 Amendments

(section 3)

[1] Subregulation 2 (1)

omit

(1)

[2] Subregulation 2 (1)

insert

eligible brewery has the meaning given by regulation 3.

[3] Subregulation 2 (1), definition of *microbrewery*

omit

[4] Regulation 2AB

omit

[5] After regulation 2

insert

3 Eligible breweries

An *eligible brewery* is a brewery that:

- (a) is operated by an entity that is legally and economically independent of any other entity that operates a brewery; and
- (b) sells beer (whether wholesale or retail), on which excise has been paid, directly from the manufacturing premises of the brewery.

[6] Paragraph 50 (1) (zzd)

substitute

- (zzd) excise duty has been paid on beer that is manufactured in an eligible brewery during a financial year starting on or after 1 July 2012, and the amount of refund paid during the financial year to the entity that operates the brewery does not exceed:
 - (i) if the brewery is an eligible brewery at the start of the financial year—\$30 000; or
 - (ii) if the brewery first becomes an eligible brewery after the start of the financial year—an amount worked out by:
 - (A) multiplying \$30 000 by the number of days in the period starting when the brewery first becomes an eligible brewery and ending at the end of the financial year; and
 - (B) dividing the result by 365.