



Excise Tariff Amendment (Condensate) Act 2011

No. 134, 2011

**An Act to amend the law relating to excise tariffs,
and for related purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

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An Act to amend the law relating to excise tariffs, and for related purposes

[Assented to 24 November 2011]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Excise Tariff Amendment
(Condensate) Act 2011*.

2 Commencement

This Act commences on the day this Act receives the Royal Assent.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Part 1—Amendments

Excise Tariff Act 1921

1 Section 6AB

Omit “, under by-laws,”.

2 Subsection 6CA(1) (definition of *prescribed condensate production area*)

Repeal the definition, substitute:

prescribed condensate production area has the meaning given by subsection (1A).

3 After subsection 6CA(1)

Insert:

(1A) *Prescribed condensate production area* means any of the following:

- (a) a condensate production area prescribed by by-laws (which, without limiting the generality of the foregoing, may be a relevant accumulation, a well, an oilfield or a gas field);
- (b) the Rankin Trend (see subsection (1B)).

Note: A by-law may be expressed to take effect before the date it is registered under the *Legislative Instruments Act 2003* (see subsection (13) of this section).

(1B) The *Rankin Trend* means the area that includes the following:

- (a) the reservoirs, or groups of reservoirs, known as:
 - (i) North Rankin; and
 - (ii) Perseus; and
 - (iii) Searipple; and
 - (iv) Goodwyn; and
 - (v) Keast/Dockrell; and
 - (vi) Echo/Yodel;

- (b) other reservoirs, or groups of reservoirs, (if any) that are specified in the regulations made for the purposes of this paragraph.
- (1C) Before the Governor-General makes a regulation specifying a reservoir, or a group of reservoirs, for the purposes of paragraph (1B)(b):
- (a) the Resources Minister must be satisfied that the reservoir, or the group of reservoirs, is part of the same field as a reservoir or group of reservoirs mentioned in paragraph (1B)(a); and
 - (b) if the Resources Minister is so satisfied—the Resources Minister must consider the effect of specifying the reservoir, or the group of reservoirs, on the efficient exploitation of the resource related to the reservoir, or to the group of reservoirs.
- (1D) Despite subsection 12(2) of the *Legislative Instruments Act 2003*, regulations specifying a reservoir, or a group of reservoirs, for the purposes of paragraph (1B)(b) of this section may be expressed to take effect from a date before the regulations are registered under the *Legislative Instruments Act 2003*.
- (1E) Subsection (1D) does not apply to regulations that create, modify or otherwise affect a provision that makes a person liable to an offence or civil penalty.

4 At the end of the Act

Add:

7 Regulations

The Governor-General may make regulations prescribing matters required or permitted by this Act to be prescribed.

Part 2—Application and savings provisions

5 Application and savings

- (1) The amendments made by this Schedule apply in relation to condensate produced after midnight (by legal time in the Australian Capital Territory) on 13 May 2008.
- (2) Subitems (3) and (4) apply to a by-law if:
 - (a) the by-law prescribed a condensate production area for the purposes of the definition of *prescribed condensate production area* in subsection 6CA(1) of the *Excise Tariff Act 1921*; and
 - (b) the by-law was in force immediately before the commencement of this item.
- (3) The by-law has effect, on and after the commencement of this item, as if it had been made for the purposes of paragraph (a) of the definition of *prescribed condensate production area* in subsection 6CA(1A) of the *Excise Tariff Act 1921* as amended by this Schedule.
- (4) However, the by-law does not have effect, and is taken never to have had effect, to the extent that it prescribed the Rankin Trend as a condensate production area for the purposes of the definition of *prescribed condensate production area* in subsection 6CA(1) of the *Excise Tariff Act 1921*.

[*Minister's second reading speech made in—
House of Representatives on 6 July 2011
Senate on 24 August 2011*]