G20 commitment on fossil fuel subsidies: SOP and Australia's response

(Session 5)

Key points

- At the Pittsburgh Summit, G20 Leaders agreed to rationalise and phase-out inefficient fossil fuel subsidies that encourage wasteful consumption. This commitment specifically excludes subsidies targeted at the poor as well as those that support clean energy. (see **Attachment A).**
  - G20 countries responses to this commitment were published after the June 2010 G20 Toronto Summit.
- G20 Leaders have subsequently committed to monitor implementation of country specific plans and have tasked G20 Finance and Energy Ministers with reporting on progress.
- Australia submitted its response to the G20 in June, concluding that we had no measures within scope of the Commitment. Australia's position was based on defining a subsidy as a measure that reduces local prices below the market price (the price-gap approach). Australia's submission excluded assistance measures that are available across the economy or across the entire resources and energy sector as well as State and Territory measures. (See **Attachment B**)
  - In Australia, consumers pay market rates for fuel and producers benefit only from economy wide or sector-wide concessions.

FOSSIL FUEL SUBSIDIES: ATTACHMENT A

G20 PITTSBURGH SUMMIT 2009

Extract from Leaders Statement

Enhancing our energy efficiency can play an important, positive role in promoting energy security and fighting climate change. Inefficient fossil fuel subsidies encourage wasteful consumption, distort markets, impede investment in clean energy sources and undermine efforts to deal with climate change. The Organization for Economic Cooperation and Development (OECD) and the IEA have found that eliminating fossil fuel subsidies by 2020 would reduce global greenhouse gas emissions in 2050 by ten percent. Many countries are reducing fossil fuel subsidies while preventing adverse impact on the poorest. Building on these efforts and recognizing the challenges of populations suffering from energy poverty, we commit to:

- *Rationalize and phase out over the medium term inefficient fossil fuel subsidies that encourage wasteful consumption. As we do that, we recognize the importance of providing those in need with essential energy services, including through the use of targeted cash transfers and other appropriate mechanisms. This reform will not apply to our support for clean energy, renewables, and technologies that dramatically reduce greenhouse gas emissions. We will have our Energy and Finance Ministers, based on their national circumstances, develop implementation strategies and timeframes, and report back to Leaders at the next Summit. We ask the international financial institutions to offer support to countries in this process. We call on all nations to adopt policies that will phase out such subsidies worldwide.*

We request relevant institutions, such as the IEA, OPEC, OECD, and World Bank, provide an analysis of the scope of energy subsidies and suggestions for the implementation of this initiative and report back at the next summit.

Australia's Submission to G20 Energy Experts Group

Fossil fuel production

Australia does not have measures related to the production of fossil fuels that fall within the scope of the G20 commitment.

Australia is a significant fossil fuel producer. It produces oil, liquefied petroleum gas, natural gas and coal for domestic consumption and export.

Fossil fuel production in Australia is generally determined by market forces. The Australian Government does not impose trade restrictions on the import of fossil fuels. The import of fossil fuel is subject to a customs duty which is equivalent to the excise on domestically produced fuel. The Australian government does not provide significant budgetary or other sectoral assistance to the industry.

Budget assistance

Australian Government budgetary support for fossil fuel production is limited to measures that are intended to support production of clean energy. These measures are outside the scope of the G20 commitment.

Tax expenditures

Australia does not have any sector-specific tax expenditures for fossil fuel production (although fossil fuel producers are able to access general measures that apply across the economy or across the mining and quarrying sector as a whole).

In the 2008-09 Budget, the Australian Government abolished an excise exemption that previously applied to the production of condensate.

Fossil fuel consumption

Oil, coal and natural gas are consumed for transport, electricity generation, heating and other industrial purposes.

The Australian Government does not have measures related to the consumption of fossil fuels that fall within the scope of the G20 commitment.

The Australian Government does not regulate fuel prices (although petrol prices are subject to monitoring by the Australian Competition and Consumer Commission).

Budget assistance

The Australian Government provides means-tested income support payments to low income earners. It does not provide any payments that are tied to the consumption of fossil fuel (such as heating oil or natural gas).

Under the Australian Fuel Tax Act 2006, the Australian Government provides a credit that partially or fully offsets the excise on the taxable fuel used by businesses (Fuel Tax Credit

Scheme). The types of business users and the use of the fuel determine the amount rebated. For example, 100 per cent of the excise less a 'road user charge' is rebated for heavy on road transport. The 'road user charge' reflects the cost of road maintenance. Because of its relationship to the tax treatment of fossil fuel consumption, it is discussed below under 'tax expenditures'.

Tax expenditures

Production or import of fossil fuel in Australia is subject to excise and the consumption of any fuel is subject to the Goods and Services Tax (GST). The GST applies at a rate of one eleventh of the final retail price. Excise is levied on a volumetric basis.

The rate of excise that applies in Australia varies between different types of fossil fuels.

- LPG, CNG and LNG are currently exempt from excise.
- Aviation fuel excise is raised for the purpose of funding the operations of the Civil Aviation Safety Authority (CASA), the agency responsible for provision of aviation services.

These measures are listed as tax expenditures in the Australian Government's Tax Expenditure Statement (as the applicable excise rate is below the relevant benchmark rate).

~~The excise exemption for LPG, CNG and LNG was introduced to diversify Australia's sources of transport fuels. Its main effect is to encourage the substitution of two conventional fossil fuels (petrol and diesel) for other cleaner fossil fuels (LPG, LNG and CNG).~~

~~The measure does not fall within the scope of the G20 commitment as it does not encourage wasteful consumption.~~

To further improve the efficiency of Australia's fuel tax arrangements, the Australian Government recently introduced legislation ~~confirmed in the 2010-11 Budget~~ that ~~it~~ will phase-in excise on LPG, LNG and CNG between 1 December~~July~~ 2011 and 1 July 2015. At the end of this transition period, these fuels will be taxed at 50 per cent of the full energy content tax rate.

Under Australia's tax system, consumption taxes are intended to apply to final consumption (rather than business inputs). In the case of the GST, the liability for the GST falls on the supplier but the incidence of the tax is intended to fall on the final consumer. To achieve this outcome, businesses who have incurred GST on their inputs are entitled to a tax offsetting input tax credit. Similarly, although the liability for fuel tax falls on producers or importers, the incidence of fuel tax is generally intended to fall on on-road users of light vehicles (with a road user charge applying to heavy vehicles). Therefore, like the GST input tax credits, businesses that have purchased fuel on which excise has been levied (other than those using the fuel in light on-road vehicles) are generally entitled to a fuel tax credit to offset the incidence of the tax.

Measures aimed at avoiding the application of consumption taxes on business inputs are not within the scope of the G20 commitment. Similarly, collecting excise from fuel producers or importers and rebating business users on whom the tax is not intended to apply is more efficient than requiring individual fuel vendors to apply different rates of tax at the point of sale depending on the customer.

Under Australia's tax framework, employers are taxed on certain benefits they provide to employees. When an employer makes a car available to an employee for private use, a car fringe benefit will generally arise and be subject to fringe benefits tax. Car fringe benefits are currently valued under either the operating cost method or the statutory formula method.

Under the operating cost method, the taxable value of the benefit is based on the cost of owning and operating the car, reduced by the portion which relates to the business use of the vehicle. Employers are required to substantiate the business use of the vehicle by maintaining a log book for a specified period.

The statutory formula method is designed to provide employers with a low compliance cost alternative to the operating cost method, eliminating the need to maintain a vehicle log book. It removes the need to explicitly distinguish between the business and private use of a vehicle.

In the 2011-2012 Budget the Government announced a measure to remove the unintended tax incentive for people to drive more than they need to in order to obtain a larger tax concession, by reforming the statutory formula method for valuing car fringe benefits.

The statutory formula method applies equally to all types of fuel (including renewables).

This approach which is aimed at providing a simple approach to determining the application of the Fringe Benefit Tax to the provision of motor vehicles does not fall within the scope of the G20 commitment.

~~Under Australia's tax framework, employers are taxed on certain benefits they provide to employees. The Fringe Benefits Tax applies to the provision of motor vehicles. The tax liability on employers for the provision of a motor car to employees reflects the extent to which the vehicle is used for private use. One of the methods available for determining this is the statutory method that uses distance travelled as a proxy for business use. The longer the distance travelled, the lower the effective tax rate paid by the employer. The purpose of this measure is to provide a simple way of determining the balance between business and private use. In addition, it applies to all costs associated with acquisition and operation of a motor vehicle, not only fuel. Also, it applies equally to all types of fuel (including renewables).~~

~~This approach which is aimed at providing a simple approach to determining the application of the Fringe Benefit Tax to the provision of motor vehicles does not fall within the scope of the G20 commitment.~~