

EXPOSURE DRAFT

2010-2011

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

EXPOSURE DRAFT (28/07/2011)

Clean Energy (International Unit Surrender Charge) Bill 2011

No. , 2011

(Climate Change and Energy Efficiency)

**A Bill for an Act to impose a charge on the
surrender of eligible international emissions units
under the *Clean Energy Act 2011***

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1 **A Bill for an Act to impose a charge on the**
2 **surrender of eligible international emissions units**
3 **under the *Clean Energy Act 2011***

4 The Parliament of Australia enacts:

5 **1 Short title**

6 This Act may be cited as the *Clean Energy (International Unit*
7 *Surrender Charge) Act 2011*.

8 **2 Commencement**

9 (1) Each provision of this Act specified in column 1 of the table
10 commences, or is taken to have commenced, in accordance with

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Section 3

1 column 2 of the table. Any other statement in column 2 has effect
2 according to its terms.

3

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 and 2 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	
2. Sections 3 to 11	At the same time as section 3 of the <i>Clean Energy Act 2011</i> commences.	

4 Note: This table relates only to the provisions of this Act as originally
5 enacted. It will not be amended to deal with any later amendments of
6 this Act.

7 (2) Any information in column 3 of the table is not part of this Act.
8 Information may be inserted in this column, or information in it
9 may be edited, in any published version of this Act.

10 3 Definitions

11 In this Act:

12 ***continental shelf*** has the same meaning as in the *Seas and*
13 *Submerged Lands Act 1973*.

14 ***eligible financial year*** has the same meaning as in the *Clean*
15 *Energy Act 2011*.

16 ***eligible international emissions unit*** has the same meaning as in
17 the *Clean Energy Act 2011*.

18 ***exclusive economic zone*** has the same meaning as in the *Seas and*
19 *Submerged Lands Act 1973*.

20 ***Joint Petroleum Development Area*** has the same meaning as in
21 the *Petroleum (Timor Sea Treaty) Act 2003*.

22 ***person*** has the same meaning as in the *Clean Energy Act 2011*.

1 *surrender* has the same meaning as in the *Clean Energy Act 2011*.

2 **4 Crown to be bound**

3 This Act binds the Crown in right of each of the States, of the
4 Australian Capital Territory, of the Northern Territory and of
5 Norfolk Island. However, it does not bind the Crown in right of the
6 Commonwealth.

7 **5 Extension to external Territories**

8 This Act extends to every external Territory.

9 **6 Extension to exclusive economic zone and continental shelf**

10 This Act extends to Australia's exclusive economic zone and
11 continental shelf.

12 **7 Extension to Joint Petroleum Development Area**

13 This Act extends to the Joint Petroleum Development Area.

14 **8 Imposition of charge**

- 15 (1) If a person surrenders an eligible international emissions unit in
16 relation to:
- 17 (a) the eligible financial year beginning on 1 July 2015; or
 - 18 (b) the eligible financial year beginning on 1 July 2016; or
 - 19 (c) the eligible financial year beginning on 1 July 2017;
- 20 charge is imposed on the surrender of the unit.
- 21 (2) Charge imposed by subsection (1) is payable by the person.
- 22 (3) The amount of charge imposed by subsection (1) on the surrender
23 of a unit in relation to an eligible financial year is the amount
24 ascertained in accordance with the regulations in relation to the
25 eligible financial year.
- 26 (4) The amount ascertained in accordance with the regulations must
27 not exceed:

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Section 9

- 1 (a) in the case of surrender in relation to the eligible financial
2 year beginning on 1 July 2015—\$15; or
3 (b) in the case of surrender in relation to the eligible financial
4 year beginning on 1 July 2016—\$16; or
5 (c) in the case of surrender in relation to the eligible financial
6 year beginning on 1 July 2017—\$17.05.
- 7 (5) The regulations may make provision for the ascertainment of
8 different amounts for different types of eligible international
9 emissions units.

10 **9 Exemptions**

11 The regulations may provide that charge is not imposed by this Act
12 in such circumstances as are ascertained in accordance with the
13 regulations.

14 **10 Act does not impose a tax on property of a State**

- 15 (1) This Act has no effect to the extent (if any) to which it imposes a
16 tax on property of any kind belonging to a State.
- 17 (2) In this section, *property of any kind belonging to a State* has the
18 same meaning as in section 114 of the Constitution.
- 19 (3) For the purposes of this section, it is to be assumed that a reference
20 in section 114 of the Constitution to a State includes a reference to
21 the Australian Capital Territory and the Northern Territory.

22 **11 Regulations**

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