



Clean Energy (International Unit Surrender Charge) Act 2011

No. 158, 2011

**An Act to impose a charge on the surrender of
eligible international emissions units under the
*Clean Energy Act 2011***

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

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Clean Energy (International Unit Surrender Charge) Act 2011

No. 158, 2011

An Act to impose a charge on the surrender of eligible international emissions units under the *Clean Energy Act 2011*

[Assented to 4 December 2011]

The Parliament of Australia enacts:

1 Short title

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

Section 2

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

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.	4 December 2011
2. Sections 3 to 11	At the same time as section 3 of the <i>Clean Energy Act 2011</i> commences.	2 April 2012

Note: This table relates only to the provisions of this Act as originally enacted.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

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

3 Definitions

In this Act:

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

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

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

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

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

4 Crown to be bound

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

5 Extension to external Territories

This Act extends to every external Territory.

6 Extension to exclusive economic zone and continental shelf

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

7 Extension to Joint Petroleum Development Area

This Act extends to the Joint Petroleum Development Area.

8 Imposition of charge

- (1) If a person surrenders an eligible international emissions unit in relation to:
 - (a) the eligible financial year beginning on 1 July 2015; or
 - (b) the eligible financial year beginning on 1 July 2016; or
 - (c) the eligible financial year beginning on 1 July 2017;charge is imposed on the surrender of the unit.
- (2) Charge imposed by subsection (1) is payable by the person.
- (3) The amount of charge imposed by subsection (1) on the surrender of a unit in relation to an eligible financial year is the amount ascertained in accordance with the regulations in relation to the eligible financial year.
- (4) The amount ascertained in accordance with the regulations must not exceed:
 - (a) in the case of surrender in relation to the eligible financial year beginning on 1 July 2015—\$15; or

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

9 Exemptions

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

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

- (1) This Act has no effect to the extent (if any) to which it imposes a tax on property of any kind belonging to a State.
- (2) In this section, *property of any kind belonging to a State* has the same meaning as in section 114 of the Constitution.

11 Regulations

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

*[Minister's second reading speech made in—
House of Representatives on 13 September 2011
Senate on 12 October 2011]*

(177/11)

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