

2008-2009-2010

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

**Carbon Pollution Reduction Scheme
(Charges—Customs) Bill 2010**

No. , 2010

(Climate Change and Water)

**A Bill for an Act to impose charges for the issue of
Australian emissions units under the *Carbon
Pollution Reduction Scheme Act 2010*, so far as
those charges are duties of customs**

Contents

1	Short title.....	1
2	Commencement.....	1
3	Definitions.....	2
4	Crown to be bound.....	3
5	Extension to external Territories.....	3
6	Extension to exclusive economic zone and continental shelf.....	3
6A	Extension to Joint Petroleum Development Area.....	3
7	Imposition of charge.....	3
8	Act does not impose a tax on property of a State.....	4

1 **A Bill for an Act to impose charges for the issue of**
2 **Australian emissions units under the *Carbon***
3 ***Pollution Reduction Scheme Act 2010*, so far as**
4 **those charges are duties of customs**

5 The Parliament of Australia enacts:

6 **1 Short title**

7 This Act may be cited as the *Carbon Pollution Reduction Scheme*
8 (*Charges—Customs*) Act 2010.

9 **2 Commencement**

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

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 8	At the same time as section 3 of the <i>Carbon Pollution Reduction Scheme Act 2010</i> commences.	

4 Note: This table relates only to the provisions of this Act as originally
5 passed by both Houses of the Parliament and assented to. It will not be
6 expanded to deal with provisions inserted in this Act after assent.

7 (2) Column 3 of the table contains additional information that is not
8 part of this Act. Information in this column may be added to or
9 edited in any published version of this Act.

10 3 Definitions

11 In this Act:

12 ***auction*** has the same meaning as in the *Carbon Pollution*
13 *Reduction Scheme Act 2010*.

14 ***Australian emissions unit*** has the same meaning as in the *Carbon*
15 *Pollution Reduction Scheme Act 2010*.

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

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

20 ***issue***, in relation to an Australian emissions unit, has the same
21 meaning as in the *Carbon Pollution Reduction Scheme Act 2010*.

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

3 **person** has the same meaning as in the *Carbon Pollution Reduction*
4 *Scheme Act 2010*.

5 **4 Crown to be bound**

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

10 **5 Extension to external Territories**

11 This Act extends to every external Territory.

12 **6 Extension to exclusive economic zone and continental shelf**

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

15 **6A Extension to Joint Petroleum Development Area**

16 This Act extends to the Joint Petroleum Development Area.

17 **7 Imposition of charge**

18 *Auction*

19 (1) If:

- 20 (a) an amount is payable by a person to the Commonwealth by
21 way of a charge for the issue to the person of an Australian
22 emissions unit; and
23 (b) the unit is to be issued as the result of an auction; and
24 (c) the charge is taxation within the meaning of section 55 of the
25 Constitution;

26 the charge is imposed by this section.

Section 8

Fixed charge

(2) If:

- (a) an amount is payable by a person to the Commonwealth by way of a charge for the issue to the person of an Australian emissions unit; and
- (b) the unit is to be issued in accordance with section 89 of the *Carbon Pollution Reduction Scheme Act 2010* (issue of units for a fixed charge); and
- (c) the charge is taxation within the meaning of section 55 of the Constitution;

the charge is imposed by this section.

General

- (3) This section imposes a charge only so far as that charge is a duty of customs within the meaning of section 55 of the Constitution.

8 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.
- (3) For the purposes of this section, it is to be assumed that a reference in section 114 of the Constitution to a State includes a reference to the Australian Capital Territory and the Northern Territory.