

2010-2011

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

**Clean Energy (Unit Issue Charge—Fixed
Charge) Bill 2011**

No. , 2011

(Climate Change and Energy Efficiency)

**A Bill for an Act to impose fixed charges on the
issue of carbon units under the *Clean Energy Act
2011*, so far as those charges are neither duties of
customs nor duties of excise**

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1 **A Bill for an Act to impose fixed charges on the**
2 **issue of carbon units under the *Clean Energy Act***
3 ***2011*, so far as those charges are neither duties of**
4 **customs nor duties of excise**

5 The Parliament of Australia enacts:

6 **1 Short title**

7 This Act may be cited as the *Clean Energy (Unit Issue Charge—*
8 *Fixed Charge) Act 2011*.

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 9	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 **carbon unit** has the same meaning as in the *Clean Energy Act*
13 *2011*.

14 **issue**, in relation to a carbon unit, has the same meaning as in the
15 *Clean Energy Act 2011*.

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

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

19 4 Crown to be bound

20 This Act binds the Crown in right of each of the States, of the
21 Australian Capital Territory, of the Northern Territory and of

1 Norfolk Island. However, it does not bind the Crown in right of the
2 Commonwealth.

3 **5 Extension to external Territories**

4 This Act extends to every external Territory.

5 **6 Extension to exclusive economic zone and continental shelf**

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

8 **7 Extension to Joint Petroleum Development Area**

9 This Act extends to the Joint Petroleum Development Area.

10 **8 Imposition of charge**

- 11 (1) If:
- 12 (a) a carbon unit is issued to a person; and
- 13 (b) the unit is issued in accordance with section 100 of the *Clean*
14 *Energy Act 2011* (issue of units for a fixed charge);
- 15 charge is imposed on the issue of the unit.
- 16 (2) Charge imposed by subsection (1) is payable by the person.
- 17 (3) The amount of charge imposed by subsection (1) on the issue of a
18 unit is the amount equal to the per unit charge set out in the
19 application under subsection 100(1) of the *Clean Energy Act 2011*
20 for the issue of the unit.
- 21 (4) Subsection (1) imposes charge only so far as that charge is:
- 22 (a) taxation within the meaning of section 55 of the Constitution;
23 and
- 24 (b) neither a duty of customs nor a duty of excise within the
25 meaning of that section.

Section 9

1 **9 Act does not impose a tax on property of a State**

2 (1) This Act has no effect to the extent (if any) to which it imposes a
3 tax on property of any kind belonging to a State.

4 (2) In this section, *property of any kind belonging to a State* has the
5 same meaning as in section 114 of the Constitution.