

EXPOSURE DRAFT

2008-2009

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

EXPOSURE DRAFT (10/03/2009)

Carbon Pollution Reduction Scheme (Charges—General) Bill 2009

No. , 2009

(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 2009*, 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 charges for the issue of**
2 **Australian emissions units under the *Carbon***
3 ***Pollution Reduction Scheme Act 2009*, so far as**
4 **those charges are neither duties of customs nor**
5 **duties of excise**

6 The Parliament of Australia enacts:

7 **^1 Short title**

8 This Act may be cited as the *Carbon Pollution Reduction Scheme*
9 *(Charges—General) Act 2009*.

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Section ^2

1 ^2 Commencement

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

6

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 on which 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 2009</i> commences.	

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

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

13 ^3 Definitions

14 In this Act:

15 ***auction*** has the same meaning as in the *Carbon Pollution*
16 *Reduction Scheme Act 2009*.

17 ***Australian emissions unit*** has the same meaning as in the *Carbon*
18 *Pollution Reduction Scheme Act 2009*.

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

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

3 *issue*, in relation to an Australian emissions unit, has the same
4 meaning as in the *Carbon Pollution Reduction Scheme Act 2009*.

5 *person* has the same meaning as in the *Carbon Pollution Reduction*
6 *Scheme Act 2009*.

7 **^4 Crown to be bound**

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

12 **^5 Extension to external Territories**

13 This Act extends to every external Territory.

14 **^6 Extension to exclusive economic zone and continental shelf**

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

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.

27 *Fixed charge*

- 28 (2) If:

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Section ^8

- 1 (a) an amount is payable by a person to the Commonwealth by
2 way of a charge for the issue to the person of an Australian
3 emissions unit; and
4 (b) the unit is to be issued in accordance with section 89 of the
5 *Carbon Pollution Reduction Scheme Act 2009* (issue of units
6 for a fixed charge); and
7 (c) the charge is taxation within the meaning of section 55 of the
8 Constitution;
9 the charge is imposed by this section.

10 *General*

- 11 (3) This section imposes a charge only so far as that charge is neither a
12 duty of customs nor a duty of excise within the meaning of
13 section 55 of the Constitution.

14 **^8 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.