

# EXPOSURE DRAFT

2008-2009

The Parliament of the  
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

EXPOSURE DRAFT (10/03/2009)

## **Carbon Pollution Reduction Scheme (Charges—Customs) 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 duties of customs**



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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 duties of customs**

5     The Parliament of Australia enacts:

6     <sup>^1</sup> **Short title**

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

9     <sup>^2</sup> **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

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## Section ^3

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

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### Commencement information

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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.	

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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 2009*.

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

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 2009*.

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1                    *person* has the same meaning as in the *Carbon Pollution Reduction*  
2                    *Scheme Act 2009*.

3                    **^4 Crown to be bound**

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

8                    **^5 Extension to external Territories**

9                    This Act extends to every external Territory.

10                  **^6 Extension to exclusive economic zone and continental shelf**

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

13                  **^7 Imposition of charge**

14                  *Auction*

15                  (1) If:

- 16                      (a) an amount is payable by a person to the Commonwealth by  
17                      way of a charge for the issue to the person of an Australian  
18                      emissions unit; and  
19                      (b) the unit is to be issued as the result of an auction; and  
20                      (c) the charge is taxation within the meaning of section 55 of the  
21                      Constitution;  
22                  the charge is imposed by this section.

23                  *Fixed charge*

24                  (2) If:

- 25                      (a) an amount is payable by a person to the Commonwealth by  
26                      way of a charge for the issue to the person of an Australian  
27                      emissions unit; and

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## Section ^8

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

### 7 *General*

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

### 10 **^8 Act does not impose a tax on property of a State**

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