Clean Energy Legislation (Carbon Tax Repeal) Bill 2013

(Amendments to be moved by Senator Collins, on behalf of the Opposition, in committee of the whole)

(1) Title, page 1 (line 1), omit “repeal”, substitute “amend”. [emissions trading scheme]

(2) Clause 2, page 1 (line 7) to page 2 (line 6), omit the clause, substitute:

2 Commencement

This Act commences on the day after this Act receives the Royal Assent. [emissions trading scheme]

(3) Schedule 1, page 4 (line 1) to page 70 (line 21), omit the Schedule, substitute:

Schedule 1—Amendments

Australian National Registry of Emissions Units Act 2011

1 Subsection 66F(2) (paragraph (c) of the definition of prescribed amount for the financial year in which the compliance deadline occurs)

Repeal the paragraph.

2 Subsection 66F(4) (paragraph (c) of the definition of prescribed amount for the financial year in which the compliance deadline occurs)

Repeal the paragraph.

Clean Energy Act 2011

3 Section 4

Omit “, 1 July 2013 and 1 July 2014”, substitute “and 1 July 2013”.
4 Section 4
Before “1 July 2015”, insert “1 July 2014.”.

5 Section 5 (paragraph (b) of the definition of fixed charge year)
Omit “2013; or”, substitute “2013.”.

6 Section 5 (paragraph (c) of the definition of fixed charge year)
Repeal the paragraph.

7 Section 5 (paragraph (a) of the definition of flexible charge year)
Omit “1 July 2015”, substitute “1 July 2014”.

8 After paragraph 14(2)(b)
Insert:
   (ba) if the regulations declare the carbon pollution cap, and the carbon pollution cap number, for the flexible charge year beginning on 1 July 2014—must have regard to any report that:
   (i) was given to the Minister by the Climate Change Authority under section 60 of the Climate Change Authority Act 2011; and
   (ii) dealt with the carbon pollution cap for that year; and

9 At the end of subsection 15(1)
Add “(other than regulations that declare the carbon pollution cap, and the carbon pollution cap number, for the flexible charge year beginning on 1 July 2014)”.

10 After section 15
Insert:

15A When regulations must be tabled—2014-15 flexible charge year

Scope

(1) This section applies to regulations that declare the carbon pollution cap, and the carbon pollution cap number, for the flexible charge year beginning on 1 July 2014.

When regulations must be tabled

(2) The Minister must take all reasonable steps to ensure that the regulations are tabled in each House of the Parliament under section 38 of the Legislative Instruments Act 2003 not later than 31 May 2014.

(3) The regulations must not be made, or tabled in a House of the Parliament, after 31 May 2014.

Reasons must be tabled

(4) If, on a particular day (the tableing day), a copy of the regulations is tabled in a House of the Parliament under section 38 of the Legislative Instruments Act 2003, the Minister must:
(a) cause to be tabled in that House a written statement setting out the Minister’s reasons for making the recommendation to the Governor-General about the regulations; and
(b) do so on, or as soon as practicable after, the tabling day.

11 **Section 16 (at the end of the heading)**
Add “—later flexible charge years”.

12 **Subsection 16(3)**
Omit “made for the purposes of section 14”, substitute “to which section 15 applies”.

13 **Section 17 (heading)**

14 **Subsection 17(1)**
Omit “1 July 2015”, substitute “1 July 2014”.

15 **Subsection 17(2) (formula)**
Repeal the formula, substitute:

\[
\text{Total emissions numbers for the eligible financial year beginning on 1 July 2012} - 25,000,000
\]

16 **Subsection 18(1)**
Omit “1 July 2016”, substitute “1 July 2015”.

17 **Section 93**
Before “1 July 2015”, insert “1 July 2014,”.

18 **Subsection 100(1)**
After “following table”, insert “(other than an exempt item)”.  

19 **Subsection 100(1) (table items 5 and 6)**
Repeal the items.

20 **Subsection 100(1) (table items 7, 8 and 9)**
Repeal the items, substitute:

<table>
<thead>
<tr>
<th>7</th>
<th>The period:</th>
<th>8</th>
<th>The period:</th>
<th>9</th>
<th>The period:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The period:</td>
<td>(a) beginning at the emissions number publication time of the person for the eligible financial year beginning on 1 July 2014; and</td>
<td>the eligible financial year beginning on 1 July 2014</td>
<td>the amount prescribed by the regulations for the purposes of this table item</td>
<td>(b) ending at the end of 1 February 2016.</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>The period:</td>
<td>the eligible financial year beginning on 1 July 2015</td>
<td>the amount obtained by multiplying the per unit charge applicable under item 7 by:</td>
<td></td>
<td></td>
</tr>
<tr>
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<td></td>
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</tr>
<tr>
<td></td>
<td>(a) beginning at the emissions number publication time of the person for the eligible financial year beginning on 1 July 2015; and</td>
<td></td>
<td>(a) 1.07625; or</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(b) ending at the end of 1 February 2017.</td>
<td></td>
<td>(b) if another number is specified in the regulations —that other number</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>9</th>
<th>The period:</th>
<th>the eligible financial year beginning on 1 July 2016</th>
<th>the amount obtained by multiplying the per unit charge applicable under item 8 by:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(a) beginning at the emissions number publication time of the person for the eligible financial year beginning on 1 July 2016; and</td>
<td></td>
<td>(a) 1.07625; or</td>
</tr>
<tr>
<td></td>
<td>(b) ending at the end of 1 February 2018.</td>
<td></td>
<td>(b) if another number is specified in the regulations —that other number</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>10</th>
<th>The period:</th>
<th>the eligible financial year beginning on 1 July 2017</th>
<th>the amount obtained by multiplying the per unit charge applicable under item 9 by:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(a) beginning at the emissions number publication time of the person for the eligible financial year beginning on 1 July 2017; and</td>
<td></td>
<td>(a) 1.07625; or</td>
</tr>
<tr>
<td></td>
<td>(b) ending at the end of 1 February 2019.</td>
<td></td>
<td>(b) if another number is specified in the regulations —that other number</td>
</tr>
</tbody>
</table>

21 **Subsection 100(1) (note)**

Omit “Note”, substitute “Note 1”.

22 **At the end of subsection 100(1) (after the note)**

Add:

Note 2: For exempt item, see subsections (13A), (13B) and (13C).
23 Subsection 100(2)
Omit “item 7, 8 or 9”, substitute “item 7, 8, 9 or 10”.

24 Subsection 100(3) (heading)
Omit “items 1, 3 and 5”, substitute “items 1 and 3”.

25 Subsection 100(3)
Omit “item 1, 3 or 5”, substitute “item 1 or 3”.

26 Subsection 100(4) (heading)
Omit “6, 7, 8 and 9”, substitute “7, 8, 9 and 10”.

27 Subsection 100(4)
Omit “item 2, 4, 6, 7, 8 or 9”, substitute “item 2, 4, 7, 8, 9 or 10”.

28 Subsection 100(6)
After “subsection (1)”, insert “(other than an exempt item)”.

29 At the end of subsection 100(6)
Add:

Note: For exempt item, see subsections (13A), (13B) and (13C).

30 Before paragraph 100(9)(a)
Insert:

(aa) the eligible financial year beginning on 1 July 2014;

31 After subsection 100(13)
Insert:

Exempt item

(13A) The regulations may declare that item 8 of the table in subsection (1) is an exempt item for the purposes of this section.

(13B) The regulations may declare that item 9 of the table in subsection (1) is an exempt item for the purposes of this section.

(13C) The regulations may declare that item 10 of the table in subsection (1) is an exempt item for the purposes of this section.

32 Subsection 100(14)
Omit “31 May 2014”, substitute “1 July 2014”.

33 Subsection 100(15)
Repeal the subsection.

34 Before subsection 101(1A)
Insert:
(1AA) Subsection (1) does not apply to carbon units with the vintage year beginning on 1 July 2014 that are issued as a result of auctions that are conducted by the Regulator during the financial year beginning on 1 July 2013.

(1AB) The Regulator must ensure that not more than 40 million carbon units with the vintage year beginning on 1 July 2014 are issued as a result of auctions that were conducted by the Regulator during the financial year beginning on 1 July 2013 if there are no regulations in effect that declare the carbon pollution cap, and the carbon pollution cap number, for the vintage year.

35 Subsection 121
Omit “first 5 flexible charge years”, substitute “first 6 flexible charge years”.

36 Subsection 123A(3)
Omit “1 July 2015”, substitute “1 July 2014”.

37 Subparagraph 123A(6)(a)(i)
Omit “1 July 2015”, substitute “1 July 2014”.

38 Subparagraphs 123A(6)(b)(i) and (ii)
Repeal the subparagraphs, substitute:
- (i) if the eligible financial year begins on 1 July 2014—6.25%; or
- (ii) if the eligible financial year begins on 1 July 2015, 1 July 2016, 1 July 2017, 1 July 2018 or 1 July 2019—12.5%; or
- (iii) if the eligible financial year begins on or after 1 July 2020, and the regulations do not specify a percentage for that year—12.5%; or
- (iv) if the eligible financial year begins on or after 1 July 2020, and the regulations specify a percentage for that year—that percentage; and

39 Subsection 123A(7)
Omit “(6)(b)(ii)”, substitute “(6)(b)(iv)”.

40 Subparagraphs 133(7)(a)(i) and (7A)(a)(i)
Omit “1 July 2015”, substitute “1 July 2014”.

41 Subparagraph 133(7A)(a)(ii)
Omit “4”, substitute “5”.

42 Subparagraph 133(7E)(a)(i)
Omit “1 July 2015”, substitute “1 July 2014”.

43 Subparagraph 133(7E)(a)(ii)
Omit “4”, substitute “5”.

44 Subparagraph 133(7F)(a)(i)
Omit “1 July 2015”, substitute “1 July 2014”.

45 Section 160
Omit “each of the next 3 financial years”, substitute “the financial year beginning on 1 July 2014”.

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46 Subsection 161(2)
Omit all the words from and including “On each” to and including “the following formula”, substitute “On 1 September in the eligible financial year beginning on 1 July 2013, the Regulator must issue a number of free carbon units equal to the number worked out using the following formula”.

47 Subsection 161(3) (formula)
Repeal the formula, substitute:

\[
\left( \frac{\text{Annual assistance factor specified in the certificate}}{\text{Total annual assistance factors for that eligible financial year}} \times 125,115,000 \right) - A - B
\]

48 Subsection 196(1AA) (heading)
Omit “31 May 2015”, substitute “31 May 2014”.

49 Subsection 196(1AA)
Omit “end of 31 May 2015”, substitute “end of 31 May 2014”.

50 Subsection 196(1AA) (definition of number of units issued as the result of auctions)
Omit “May 2015”, substitute “May 2014”.

51 Subsection 196(1AA) (definition of total auction proceeds)
Omit “May 2015”, substitute “May 2014”.

52 Subsection 196(1AB)
Omit “May 2015”, substitute “May 2014”.

53 Paragraph 196(1)(a)
Omit “May 2016”, substitute “May 2015”.

54 Paragraph 196(2)(a)
Omit “November 2015”, substitute “November 2014”.

55 Paragraph 196(3)(a)
Omit “1 July 2015”, substitute “1 July 2014”.

56 Subsection 196A(18) (paragraph (a) of the definition of designated 6-month period)
Omit “May 2015”, substitute “May 2014”.

57 Subsection 196A(18) (paragraph (c) of the definition of designated 6-month period)
Omit “November 2015”, substitute “November 2014”.
58 Subsection 212(2) (paragraph (c) of the definition of *prescribed amount for the financial year in which the compliance deadline occurs*)

Repeal the paragraph.

59 Subsection 212(3) (paragraph (c) of the definition of *prescribed amount for the financial year in which the compliance deadline occurs*)

Repeal the paragraph.

60 Subsection 289(8)

Repeal the subsection, substitute:

Report

(8) The report of the first review must set out recommendations relating to the level of carbon pollution caps for each of the following flexible charge years:
   (a) the eligible financial year beginning on 1 July 2015;
   (b) the eligible financial year beginning on 1 July 2016;
   (c) the eligible financial year beginning on 1 July 2017;
   (d) the eligible financial year beginning on 1 July 2018;
   (e) the eligible financial year beginning on 1 July 2019.

(4) Schedule 2, page 71 (line 1) to page 90 (line 27), **to be opposed**.

(5) Schedule 3, page 91 (lines 1 to 26), **to be opposed**.

(6) Schedule 4, page 92 (lines 1 to 29), **to be opposed**.

(7) Schedule 5, page 93 (line 1) to page 94 (line 4), **to be opposed**.