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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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

The Parliament of Australia enacts:

1 **Short title**

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

2 **Commencement**

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

Commencement information

<table>
<thead>
<tr>
<th>Provision(s)</th>
<th>Commencement</th>
<th>Date/Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Sections 1 and 2 and anything in this Act not elsewhere covered by this table</td>
<td>The day this Act receives the Royal Assent.</td>
<td></td>
</tr>
<tr>
<td>2. Sections 3 to 9</td>
<td>At the same time as section 3 of the Clean Energy Act 2011 commences.</td>
<td></td>
</tr>
</tbody>
</table>

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

(2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Definitions

In this Act:

- **carbon unit** has the same meaning as in the *Clean Energy Act 2011*.
- **issue**, in relation to a carbon unit, has the same meaning as in the *Clean Energy Act 2011*.
- **Joint Petroleum Development Area** has the same meaning as in the *Petroleum (Timor Sea Treaty) Act 2003*.
- **person** has the same meaning as in the *Clean Energy Act 2011*.

4 Crown to be bound

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

5 Extension to external Territories

This Act extends to every external Territory.

6 Extension to exclusive economic zone and continental shelf

This Act extends to Australia’s exclusive economic zone and continental shelf.

7 Extension to Joint Petroleum Development Area

This Act extends to the Joint Petroleum Development Area.

8 Imposition of charge

(1) If:
   (a) a carbon unit is issued to a person; and
   (b) the unit is issued in accordance with section 100 of the Clean Energy Act 2011 (issue of units for a fixed charge);
   charge is imposed on the issue of the unit.

(2) Charge imposed by subsection (1) is payable by the person.

(3) The amount of charge imposed by subsection (1) on the issue of a unit is the amount equal to the per unit charge set out in the application under subsection 100(1) of the Clean Energy Act 2011 for the issue of the unit.

(4) Subsection (1) imposes charge only so far as that charge is:
   (a) taxation within the meaning of section 55 of the Constitution; and
   (b) neither a duty of customs nor a duty of excise within the meaning of that section.
Section 9

9 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.