Clean Energy Legislation (Carbon Tax Repeal) Bill 2013

No. , 2013

(Environment)

A Bill for an Act to repeal the Clean Energy Act 2011, and for other purposes
## Contents

1  Short title ................................................................. 1
2  Commencement ............................................................ 1
3  Schedule(s) ................................................................. 3

### Schedule 1—Repeal of the carbon tax

Part 1—Repeal of Acts

- *Clean Energy Act 2011* 4
- *Clean Energy (Charges—Customs) Act 2011* 4
- *Clean Energy (Charges—Excise) Act 2011* 4
- *Clean Energy (Unit Issue Charge—Auctions) Act 2011* 4
- *Clean Energy (Unit Issue Charge—Fixed Charge) Act 2011* 4
- *Clean Energy (Unit Shortfall Charge—General) Act 2011* 4

Part 2—Amendments

- *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* 6
- *Australian National Registry of Emissions Units Act 2011* 6
- *Australian Securities and Investments Commission Act 2001* 14
- *Clean Energy Regulator Act 2011* 15
- *Corporations Act 2001* 18
- *Fuel Tax Act 2006* 19
- *Income Tax Assessment Act 1997* 26
- *National Greenhouse and Energy Reporting Act 2007* 30
- *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989* 41
- *Petroleum Resource Rent Tax Assessment Act 1987* 42
- *Taxation Administration Act 1953* 42

Part 3—Application and transitional provisions

- Division 1—Preliminary 43
- Division 2—Provisions relating to the Clean Energy Act 2011 and associated charge Acts 45
Division 3—Provisions relating to other Acts 53
Division 4—Miscellaneous 60
Division 5—Transitional provisions commencing on Royal Assent 61

Part 4—Jobs and Competitiveness Program 64
Division 1—Preliminary 64
Division 2—Reporting requirements 65
Division 3—Issue of additional free carbon units 66
Division 4—True-up shortfalls 67
Division 5—Collection of levy 69
Division 6—Miscellaneous 70

Schedule 2—Price exploitation in relation to the carbon tax repeal 71
  Competition and Consumer Act 2010 71

Schedule 3—Repeal of tax offset for conservation tillage 91
  Clean Energy (Consequential Amendments) Act 2011 91
  Income Tax Assessment Act 1997 91

Schedule 4—Repeal of the Steel Transformation Plan Act 2011 92
  Steel Transformation Plan Act 2011 92

Schedule 5—Australian Renewable Energy Agency’s finances 93
  Australian Renewable Energy Agency Act 2011 93
A Bill for an Act to repeal the Clean Energy Act 2011, and for other purposes

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the Clean Energy Legislation (Carbon Tax Repeal) Act 2013.

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.
<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Provision(s)</strong></td>
<td><strong>Commencement</strong></td>
<td><strong>Date/Details</strong></td>
</tr>
<tr>
<td>1. Sections 1 to 3 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. Schedule 1, Parts 1 and 2</td>
<td>1 July 2014.</td>
<td>1 July 2014</td>
</tr>
<tr>
<td>3. Schedule 1, Part 3, Divisions 1 to 4</td>
<td>1 July 2014.</td>
<td>1 July 2014</td>
</tr>
<tr>
<td>4. Schedule 1, Part 3, Division 5</td>
<td>The day this Act receives the Royal Assent.</td>
<td></td>
</tr>
<tr>
<td>5. Schedule 1, Part 4</td>
<td>The day after this Act receives the Royal Assent. However, if this Act receives the Royal Assent before 30 June 2014, the provision(s) commence on 1 July 2014.</td>
<td></td>
</tr>
<tr>
<td>6. Schedule 2</td>
<td>The later of: (a) the day after this Act receives the Royal Assent; and (b) 1 January 2014.</td>
<td></td>
</tr>
<tr>
<td>7. Schedule 3</td>
<td>The day after this Act receives the Royal Assent.</td>
<td></td>
</tr>
<tr>
<td>8. Schedule 4</td>
<td>1 July 2014.</td>
<td>1 July 2014</td>
</tr>
<tr>
<td>9. Schedule 5</td>
<td>The day this Act receives the Royal Assent.</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 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.
Schedule 1—Repeal of the carbon tax

Part 1—Repeal of Acts

Clean Energy Act 2011

1 The whole of the Act
   Repeal the Act.

Clean Energy (Charges—Customs) Act 2011

2 The whole of the Act
   Repeal the Act.

Clean Energy (Charges—Excise) Act 2011

3 The whole of the Act
   Repeal the Act.

Clean Energy (Unit Issue Charge—Auctions) Act 2011

4 The whole of the Act
   Repeal the Act.

Clean Energy (Unit Issue Charge—Fixed Charge) Act 2011

5 The whole of the Act
   Repeal the Act.

Clean Energy (Unit Shortfall Charge—General) Act 2011

6 The whole of the Act
   Repeal the Act.
Part 2—Amendments

A New Tax System (Goods and Services Tax) Act 1999

7 Section 195-1
Insert:

eligible Australian carbon credit unit means:

(a) a Kyoto Australian carbon credit unit (within the meaning of the Carbon Credits (Carbon Farming Initiative) Act 2011); or
(b) a non-Kyoto Australian carbon credit unit (within the meaning of that Act) issued in relation to an eligible offsets project (within the meaning of that Act) for a reporting period (within the meaning of that Act), where:

(i) if it were assumed that the reporting period had ended before the Kyoto abatement deadline (within the meaning of that Act), a Kyoto Australian carbon credit unit would have been issued in relation to the project for the reporting period instead of the non-Kyoto Australian carbon credit unit; and
(ii) the non-Kyoto Australian carbon credit unit is not of a kind specified in the regulations; or
(c) an Australian carbon credit unit (within the meaning of that Act) of a kind specified in the regulations.

Subparagraph (b)(ii) and paragraph (c) do not, by implication, limit the application of subsection 13(3) of the Legislative Instruments Act 2003 to other instruments under this Act.

8 Section 195-1 (definition of eligible emissions unit)
Repeal the definition, substitute:

eligible emissions unit means:

(a) an *eligible international emissions unit; or
(b) an *eligible Australian carbon credit unit.

9 Section 195-1
Insert:
eligible international emissions unit has the same meaning as in the Australian National Registry of Emissions Units Act 2011.

Anti-Money Laundering and Counter-Terrorism Financing Act 2006

10 Section 5 (definition of carbon unit)

Repeal the definition.

11 Subsection 6(2) (paragraph (baa) of the cell at table item 33, column headed “Provision of a designated service”)

Repeal the paragraph.

12 Subsection 6(2) (paragraph (d) of the cell at table item 33, column headed “Provision of a designated service”)

Omit “carbon units.”.

Australian National Registry of Emissions Units Act 2011

13 Section 3

Omit:

- Entries may be made in Registry accounts for:
  - (a) carbon units; and
  - (b) Australian carbon credit units; and
  - (c) Kyoto units; and
  - (d) prescribed international units.

- This Act sets out rules about dealings with:
  - (a) Kyoto units; and
  - (b) prescribed international units.
substitute:

- Entries may be made in Registry accounts for:
  
  (a) Australian carbon credit units; and
  
  (b) Kyoto units.

- This Act sets out rules about dealings with Kyoto units.

14 Section 4 (definition of Australian-issued international unit)
Repeal the definition.

15 Section 4 (definition of benchmark average auction charge)
Repeal the definition.

16 Section 4 (definition of carbon unit)
Repeal the definition.

17 Section 4 (definition of Commonwealth foreign registry account)
Repeal the definition.

18 Section 4 (paragraph (d) of the definition of eligible international emissions unit)
Omit “rules; or”, substitute “rules.”.

19 Section 4 (paragraph (e) of the definition of eligible international emissions unit)
Repeal the paragraph.

20 Section 4 (definition of European allowance unit)
Repeal the definition.
   Repeal the definition.

22 Section 4 (definition of fixed charge year)
   Repeal the definition.

23 Section 4 (definition of foreign account)
   Repeal the definition, substitute:
   
   *foreign account*, when used in relation to a Kyoto unit, means an account kept within a foreign Kyoto registry.

24 Section 4 (definition of foreign government body)
   Repeal the definition.

25 Section 4 (definition of hold)
   Omit “a carbon unit or”.

26 Section 4 (definition of Information Database)
   Repeal the definition.

27 Section 4 (definition of international arrangement)
   Repeal the definition.

28 Section 4 (definition of international organisation)
   Repeal the definition.

29 Section 4 (definition of issue)
   Repeal the definition, substitute:
   
   *issue*, in relation to an Australian carbon credit unit, has the same meaning as in the *Carbon Credits (Carbon Farming Initiative) Act 2011*.

30 Section 4 (definition of prescribed international unit)
   Repeal the definition.
31 Section 4 (definition of quarter)
   Repeal the definition.

32 Section 4 (paragraph (aa) of the definition of registered holder)
   Repeal the paragraph.

33 Section 4 (paragraph (b) of the definition of registered holder)
   Omit “unit; or”, substitute “unit.”.

34 Section 4 (paragraph (c) of the definition of registered holder)
   Repeal the paragraph.

35 Section 4 (definition of relinquish)
   Repeal the definition.

36 Section 4 (definition of transfer)
   Repeal the definition, substitute:
   transfer, in relation to a Kyoto unit, has the meaning given by section 33.

37 Section 4 (definition of vintage year)
   Repeal the definition.

38 Paragraph 9(4)(a)
   Omit “carbon units, Australian carbon credit units and prescribed international units”, substitute “Australian carbon credit units”.

39 Paragraph 11(5)(a)
   Omit “carbon units or”.

40 Section 14A
   Repeal the section.
Paragraph 15(2)(aa)
Repeal the paragraph.

Paragraph 15(2)(c)
Omit “account; and”, substitute “account.”.

Paragraph 15(2)(d)
Repeal the paragraph.

Subparagraph 16(2)(b)(ii)
Omit “(4), (5) and (6)”, substitute “(4) and (6)”.

Subsection 16(2A)
Repeal the subsection (not including the heading).

Subsection 16(5)
Repeal the subsection.

Paragraph 16(7)(b)
Omit “or (5)”.

Subsection 17(1A)
Repeal the subsection.

Subsection 17(3)
Repeal the subsection.

Paragraph 19(3A)(a)
Omit “or 49A”.

Subsection 19(3B)
Repeal the subsection.

Section 21
Repeal the section.

Paragraph 22(4A)(a)
Omit “or 49A”.

Clean Energy Legislation (Carbon Tax Repeal) Bill 2013 No. 2013
54 Subsection 22(4B)  
Repeal the subsection.

55 Subparagraph 26(3)(a)(ia)  
Repeal the subparagraph.

56 Subparagraph 26(3)(a)(ii)  
Omit “or”.

57 Subparagraph 26(3)(a)(iii)  
Repeal the subparagraph.

58 Paragraph 27(3B)(b)  
Omit “account; or”, substitute “account.”.

59 Paragraph 27(3B)(c)  
Repeal the paragraph.

60 Paragraph 28A(1)(aa)  
Repeal the paragraph.

61 Paragraph 28A(1)(b)  
Omit “or”.

62 Paragraph 28A(1)(c)  
Repeal the paragraph.

63 Paragraph 28A(4)(aa)  
Repeal the paragraph.

64 Paragraph 28B(1)(aa)  
Repeal the paragraph.

65 Paragraph 28B(1)(b)  
Omit “or”.

66 Paragraph 28B(1)(c)  
Repeal the paragraph.
**Schedule 1** Repeal of the carbon tax

**Part 2** Amendments

67 **Paragraph 28B(11)(aa)**
Repeal the paragraph.

68 **Subsection 28B(11) (paragraph (c) of the note)**
Omit “Act; and”, substitute “Act.”.

69 **Subsection 28B(11) (paragraphs (d) and (e) of the note)**
Repeal the paragraphs.

70 **Paragraph 28C(17)(aa)**
Repeal the paragraph.

71 **Subparagraph 28D(5)(a)(ii)**
Omit “carbon units or”.

72 **Paragraph 28D(5)(b)**
Repeal the paragraph, substitute:

(b) a notice to relinquish Australian carbon credit units under section 175 of the *Carbon Credits (Carbon Farming Initiative) Act 2011* does not have effect.

73 **Paragraph 28D(16)(aa)**
Repeal the paragraph.

74 **Part 4**
Repeal the Part.

75 **Section 58**
Omit:

- The Regulator must publish certain information about:
  
  (a) the holders of Registry accounts; and

  (b) carbon units; and

  (c) Kyoto units; and

---

Repeal of the carbon tax  
**Schedule 1**  
Amendments  **Part 2**

1. (d) prescribed international units.

2. substitute:

3. • The Regulator must publish certain information about:

4. (a) the holders of Registry accounts; and

5. (b) Kyoto units.

6. **76 Section 59A**

7. Repeal the section.

8. **77 Subsections 61(3) to (6)**

9. Repeal the subsections.

10. **78 Section 61A**

11. Repeal the section.

12. **79 Sections 63 to 63G**

13. Repeal the sections.

14. **80 Section 64**

15. Omit:

16. • If a person is the registered holder of one or more carbon units, the person may request the Regulator to cancel any or all of those units. However, this rule does not apply to a unit that was issued for a fixed charge and has a vintage year that is a fixed charge year.

17. **81 Section 64**

18. Omit:

19. • If a person is the registered holder of one or more prescribed international units, the person may request the Regulator to cancel any or all of those units.
Schedule 1  Repeal of the carbon tax

Part 2  Amendments

82 Section 64A
Repeal the section.

83 Section 66
Repeal the section.

84 Parts 6A and 6B
Repeal the Parts.

85 Paragraph 79(1)(c)
Omit “27(4);”, substitute “27(4).”.

86 Paragraph 79(1)(d)
Repeal the paragraph.

87 Section 82 (table item 2)
Omit “or 53”.

88 Section 82 (table item 3)
Repeal the item.

89 Section 82 (table items 8 and 9)
Omit “or 21”.

90 Section 82 (table items 15 and 16)
Repeal the items.

91 Section 86A
Repeal the section.

Australian Securities and Investments Commission Act 2001

92 Paragraph 12BAA(7)(ka)
Repeal the paragraph.

93 Paragraph 12BAB(1)(g)
Omit “a carbon unit,”.
94 At the end of the Act

Add:

Part 20—Transitional provisions relating to the
Clean Energy Legislation (Carbon Tax
Repeal) Act 2013

295 Definition

In this Part:

designated carbon unit day has the same meaning as in Part 3 of
Schedule 1 to the Clean Energy Legislation (Carbon Tax Repeal)
Act 2013.

296 Transitional—carbon units issued before the designated carbon
unit day

Despite the amendments of this Act made by Schedule 1 to the
Clean Energy Legislation (Carbon Tax Repeal) Act 2013, this Act
continues to apply, in relation to carbon units issued before the
designated carbon unit day, as if those amendments had not been
made.

Clean Energy Regulator Act 2011

95 Section 3

Omit:

- The Regulator has such functions as are conferred on it by or
  under:

  (a) the Clean Energy Act 2011; and

  (b) the Carbon Credits (Carbon Farming Initiative)
      Act 2011; and
Schedule 1 Repeal of the carbon tax
Part 2 Amendments

substitute:

- The Regulator has such functions as are conferred on it by or under:
  - (a) the Carbon Credits (Carbon Farming Initiative) Act 2011; and
  - (b) the National Greenhouse and Energy Reporting Act 2007; and
  - (c) the Renewable Energy (Electricity) Act 2000; and
  - (d) the Australian National Registry of Emissions Units Act 2011.

96 Section 4
Insert:


Note: The text of the Convention is set out in Australian Treaty Series 1994 No. 2 ([1994] ATS 2). In 2013, the text of a Convention in the Australian Treaty Series was accessible through the Australian Treaties Library on the AustLII website (www.austlii.edu.au).

97 Section 4 (paragraphs (b) to (h) of the definition of *climate change law*)
Repeal the paragraphs.
98 Section 4

Insert:

   greenhouse gas has the same meaning as in the National

99 Section 4 (definition of international agreement)

Repeal the definition, substitute:

   international agreement means an agreement whose parties are:
   (a) Australia and a foreign country; or
   (b) Australia and 2 or more foreign countries.

100 Section 4 (definition of international climate change agreement)

Repeal the definition, substitute:

   international climate change agreement means:
   (a) the Climate Change Convention; or
   (b) any other international agreement, signed on behalf of
      Australia, that:
      (i) relates to climate change; and
      (ii) imposes obligations on Australia to take action to
           reduce greenhouse gas emissions; or
   (c) an international agreement, signed on behalf of Australia,
      that:
      (i) relates to climate change; and
      (ii) is specified in a legislative instrument made by the
           Minister for the purposes of this definition.

101 Section 4 (paragraph (a) of the definition of objectives of
the Regulator)

Repeal the paragraph.

102 Section 4 (definition of prescribed international unit)

Repeal the definition.

103 Paragraph 41(3)(a)

Repeal the paragraph.
Schedule 1  Repeal of the carbon tax
Part 2  Amendments

104  Paragraph 49(1)(z)
Repeal the paragraph, substitute:

(z) a person or body responsible for the administration of a
scheme that involves the issue or registration of prescribed
to eligible carbon units;

Corporations Act 2001

105  Section 9 (definition of carbon unit)
Repeal the definition.

106  Paragraph 764A(1)(kaa)
Repeal the paragraph.

107  At the end Chapter 10
Add:

Part 10.23—Transitional provisions relating to the
Clean Energy Legislation (Carbon Tax
Repeal) Act 2013

1542  Definition
In this Part:

designated carbon unit day has the same meaning as in Part 3 of
Schedule 1 to the Clean Energy Legislation (Carbon Tax Repeal)
Act 2013.

1543  Transitional—carbon units issued before the designated
carbon unit day
Despite the amendments of this Act made by Schedule 1 to the
Clean Energy Legislation (Carbon Tax Repeal) Act 2013, this Act
continues to apply, in relation to carbon units issued before the
designated carbon unit day, as if those amendments had not been
made.
1544 Transitional—variation of conditions on Australian financial services licences

Scope

(1) This section applies if, as at the end of the designated carbon unit day, an Australian financial services licence is subject to a condition that authorises the financial services licensee to provide financial services in relation to financial products that are carbon units.

Variation

(2) After that day, subsections 914A(3), (4) and (5) do not apply in relation to a variation of the condition, if the only effect of the variation is to remove the authorisation to provide financial services in relation to financial products that are carbon units.

1545 Transitional—immediate cancellation of Australian financial services licences

Section 915B applies, on and after the designated carbon unit day, as if the following subsection was added at the end of the section:

Licence relating to carbon units

(5) ASIC may cancel an Australian financial services licence held by a person, by giving written notice to the person, if the licence only authorises the person to provide financial services that relate to financial products that are carbon units.

1546 Transitional—statements of reasons for cancellation of Australian financial services licences

Section 915G does not apply to a cancellation under subsection 915B(5) (as inserted by section 1545).

Fuel Tax Act 2006

108 Section 2-1

Omit:
This Act provides a single system of fuel tax credits. Fuel tax credits are paid to reduce the incidence of fuel tax levied on taxable fuels, ensuring that, generally, fuel tax is effectively only applied to:

(a) fuel used in private vehicles and for certain other private purposes; and

(b) fuel used on-road in light vehicles for business purposes.

For fuel that is not "covered by the Opt-in Scheme, the fuel tax credit entitlement is (with some exceptions) reduced by an amount equivalent to what the carbon price on the fuel emissions would be (if those emissions were subject to a carbon price). For fuel that is covered by that Scheme, the entitlement is not so reduced.

Fuel tax credits are also provided for fuel for use in aircraft if the fuel is covered by the Opt-in Scheme. The amount of the credit is limited to the carbon component rate that was factored into the rate of fuel tax.

Fuel tax credits are also provided for gaseous fuel that is subject to the carbon pricing mechanism if the fuel is for use in agriculture, fishing operations or forestry. The amount of the credit is the amount of the carbon charge that is embedded in the price of the fuel.

Substitute:

This Act provides a single system of fuel tax credits. Fuel tax credits are paid to reduce or remove the incidence of fuel tax levied on taxable fuels, ensuring that, generally, fuel tax is effectively only applied to:

(a) fuel used in private vehicles and for certain other private purposes; and

(b) fuel used on-road in light vehicles for business purposes.

**109 Subsection 40-5(2)**

After “reduce”, insert “or remove”.

**110 Subsections 40-5(3) and (4)**

Repeal the subsections.
111 Section 41-1

Omit:

However, fuel tax credits are denied under Subdivision 41-B if:

(a) another person is already entitled to a fuel tax credit in respect of the fuel; or

(b) the fuel is for use on-road in light vehicles; or

(c) the fuel is for use in vehicles that do not meet certain environmental criteria; or

(d) the fuel is for use in aircraft, and is not covered by the Opt-in Scheme.

substitute:

However, fuel tax credits are denied under Subdivision 41-B if:

(a) another person is already entitled to a fuel tax credit in respect of the fuel; or

(b) the fuel is for use on-road in light vehicles; or

(c) the fuel is for use in vehicles that do not meet certain environmental criteria; or

(d) the fuel is for use in aircraft.

112 Paragraph 41-5(3)(b)

Omit “vehicle, vessel or aircraft”, substitute “vehicle (or vessel)”.

113 Subsection 41-15(1)

Omit “this Division, Division 42 or Division 42A” (wherever occurring), substitute “this Division or Division 42”.

114 Subparagraph 41-25(2)(a)(ii)

Omit “‘agricultural property’, substitute “agricultural property’.”
115 Section 41-30 (heading)

   Repeal the heading, substitute:

   41-30 No fuel tax credit for fuel to be used in an aircraft

116 Subsection 41-30(1)

   Omit “(1)”.

117 Subsection 41-30(2)

   Repeal the subsection.

118 Section 41-35

   Repeal the section.

119 Division 42A

   Repeal the Division.

120 Section 43-1

   Omit:

   The amount of your credit for taxable fuel is the amount of fuel tax
   that was payable on the fuel:

   (a) reduced to take account of certain grants and
   subsidies that were payable in respect of the fuel
   (as the grants or subsidies reduced the amount of
   fuel tax that effectively applied to the fuel); and

   (b) for fuel that is not covered by the Opt-in Scheme—
   reduced (with some exceptions) to take account of
   what the carbon price on the fuel emissions would
   be (if those emissions were subject to a carbon
   price).

   For fuel for use in aircraft that is covered by the Opt-in Scheme,
   the amount of the credit is reduced so that it is limited to the carbon
   component rate that was factored into the rate of fuel tax.
For gaseous fuel that is subject to the carbon pricing mechanism, the amount of the credit is the amount of the carbon charge that is embedded in the price of the fuel.

substitute:

The amount of your credit for taxable fuel is the amount of fuel tax that was payable on the fuel, reduced to take account of certain grants and subsidies that were payable in respect of the fuel (as the grants or subsidies reduced the amount of fuel tax that effectively applied to the fuel).

121 Subsection 43-5(1)
Repeal the subsection, substitute:

(1) The "amount of your tax fuel credit for taxable fuel is the amount of effective fuel tax that is payable on the fuel.

Note: The amount of the credit may be reduced under section 43-10.

122 Subsections 43-5(4) and (5)
Repeal the subsections.

123 Section 43-8
Repeal the section.

124 Section 43-10 (heading)
Repeal the heading, substitute:

43-10 Reducing the amount of your fuel tax credit

125 Subsection 43-10(1A)
Repeal the subsection.

126 Section 43-11
Repeal the section.

127 Subdivision 43-B
Repeal the Subdivision.
### Schedule 1  Repeal of the carbon tax

#### Part 2  Amendments

<table>
<thead>
<tr>
<th>No.</th>
<th>Section 110-5 (definition)</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>128</td>
<td><code>agricultural activity</code></td>
<td>Repeal</td>
</tr>
<tr>
<td>129</td>
<td><code>agricultural construction activity</code></td>
<td>Repeal</td>
</tr>
<tr>
<td>130</td>
<td><code>agricultural property</code></td>
<td>Repeal</td>
</tr>
<tr>
<td>131</td>
<td><code>agricultural soil/water activity</code></td>
<td>Repeal</td>
</tr>
<tr>
<td>132</td>
<td><code>agricultural waste activity</code></td>
<td>Repeal</td>
</tr>
<tr>
<td>133</td>
<td><code>agriculture</code></td>
<td>Repeal</td>
</tr>
<tr>
<td>134</td>
<td><code>approved catchment area</code></td>
<td>Repeal</td>
</tr>
<tr>
<td>135</td>
<td><code>carbon reduction</code></td>
<td>Repeal</td>
</tr>
<tr>
<td>136</td>
<td><code>CNG</code></td>
<td>Repeal</td>
</tr>
<tr>
<td>137</td>
<td><code>core agricultural activity</code></td>
<td>Repeal</td>
</tr>
<tr>
<td>138</td>
<td><code>covered by the Opt-in Scheme</code></td>
<td>Repeal</td>
</tr>
<tr>
<td>139</td>
<td><code>earthworks</code></td>
<td>Repeal</td>
</tr>
</tbody>
</table>
140 Section 110-5 (definition of *fish*)
   Repeal the definition.

141 Section 110-5 (definition of *fishing operations*)
   Repeal the definition.

142 Section 110-5 (definition of *forestry*)
   Repeal the definition.

143 Section 110-5 (definition of *half-year*)
   Repeal the definition.

144 Section 110-5 (definition of *horticulture*)
   Repeal the definition.

145 Section 110-5 (definition of *livestock*)
   Repeal the definition.

146 Section 110-5 (definition of *livestock activity*)
   Repeal the definition.

147 Section 110-5 (definition of *LNG*)
   Repeal the definition.

148 Section 110-5 (definition of *pearling operations*)
   Repeal the definition.

149 Section 110-5 (definition of *port*)
   Repeal the definition.

150 Section 110-5 (definition of *processing of fish*)
   Repeal the definition.

151 Section 110-5 (definition of *public authority*)
   Repeal the definition.

152 Section 110-5 (definition of *renewable diesel*)
   Repeal the definition.
Schedule 1  Repeal of the carbon tax
Part 2  Amendments

153  **Section 110-5 (definition of *sundry agricultural activity*)**
Repeal the definition.

154  **Section 110-5 (definition of *taxable fuel*)**
Repeal the definition, substitute:

> *taxable fuel* means fuel in respect of which duty is payable under:
> (a) the *Excise Act 1901* and the *Excise Tariff Act 1921*; or
> (b) the *Customs Act 1901* and the *Customs Tariff Act 1995*;
> but does not include fuel covered by:
> (c) item 15, 20 or 21 of the Schedule to the *Excise Tariff Act 1921*; or
> (d) any imported goods that would be classified to item 15 of the Schedule to the *Excise Tariff Act 1921*, if the goods had been manufactured in Australia.

Note: Item 15 of the Schedule to the *Excise Tariff Act 1921* deals with certain petroleum based oils and greases. Item 20 of that Schedule deals with certain stabilised crude petroleum oils. Item 21 of that Schedule deals with certain condensate.

**Fuel Tax (Consequential and Transitional Provisions) Act 2006**

155  **Subitem 12(2A) of Schedule 3**
Repeal the subitem.

**Income Tax Assessment Act 1997**

156  **Section 12-5 (table item headed “clean energy”)**
Repeal the item.

157  **Section 26-18**
Repeal the section.

158  **Section 104-5 (table item relating to CGT event K1, column headed “Event number and description”)**
Omit "*carbon unit, an "international emissions unit", substitute "Kyoto unit".  

---

159 **Subparagraphs 104-205(1)(a)(i) and (ii)**
   Repeal the subparagraphs.

160 **Subparagraph 104-205(1)(a)(iii)**
   Omit “an "international emissions unit””, substitute “a "Kyoto unit"”.

161 **Subparagraph 104-205(1)(a)(iv)**
   Omit “an "international emissions unit””, substitute “a Kyoto unit”.

162 **Section 112-97 (table item 18A, column headed “In this situation”)**
   Omit “an "international emissions unit””, substitute “a "Kyoto unit"”.

163 **Subsection 118-15(2)**
   Repeal the subsection.

164 **Paragraph 420-10(a)**
   Repeal the paragraph.

165 **Paragraph 420-10(c)**
   Repeal the paragraph.

166 **Subsection 420-15(1) (note)**
   Repeal the note.

167 **Subsection 420-15(3)**
   Repeal the subsection.

168 **Subsection 420-20(3)**
   Repeal the subsection (not including the note), substitute:

   3 This section does not apply to the issue of an "Australian carbon credit unit under the Carbon Credits (Carbon Farming Initiative) Act 2011."

169 **Subparagraphs 420-21(1)(a)(i) and (ii)**
   Repeal the subparagraphs.
Schedule 1  Repeal of the carbon tax
Part 2  Amendments

170  Subparagraph 420-21(1)(a)(iii)
    Omit “an international emissions unit”, substitute “a Kyoto unit”.

171  Subparagraph 420-21(1)(a)(iv)
    Omit “an international emissions unit”, substitute “a Kyoto unit”.

172  Subsection 420-21(1) (example)
    Omit “of international emissions unit”, substitute “of Kyoto unit”.

173  Subparagraphs 420-21(2)(a)(i) and (ii)
    Repeal the subparagraphs.

174  Subparagraph 420-21(2)(a)(iii)
    Omit “an international emissions unit”, substitute “a Kyoto unit”.

175  Subparagraph 420-21(2)(a)(iv)
    Omit “an international emissions unit”, substitute “a Kyoto unit”.

176  Subparagraph 420-35(b)(i)
    Repeal the subparagraph.

177  Subparagraph 420-35(b)(ii)
    Omit “an international emissions unit”, substitute “a Kyoto unit”.

178  Section 420-35 (example)
    Omit “of international emissions unit”, substitute “of Kyoto unit”.

179  Section 420-43
    Repeal the section.

180  Subsection 420-51(1)
    Omit “(1)”.

181  Subsection 420-51(2)
    Repeal the subsection.

182  Subparagraph 420-52(a)(i)
    Repeal the subparagraph.
183 Paragraph 420-52(b)
Repeal the paragraph.

184 Subsection 420-55(6)
Repeal the subsection.

185 Subsection 420-57(9)
Repeal the subsection.

186 Section 420-58
Repeal the section.

187 Subsections 420-60(1) and (2)
Repeal the subsections.

188 Subsection 420-60(4)
Omit all the words from and including “If a "registered" to and including “cost of the unit”, substitute “The cost of a "registered emissions unit (other than an "Australian carbon credit unit)”."

189 Subsection 420-65(3)
Repeal the subsection.

190 Subsection 420-70(3)
Repeal the subsection.

191 Subsection 995-1(1) (definition of carbon unit)
Repeal the definition.

192 Subsection 995-1(1) (definition of free carbon unit)
Repeal the definition.

193 Subsection 995-1(1) (definition of international emissions unit)
Repeal the definition.
Schedule 1  Repeal of the carbon tax

Part 2  Amendments

194 Subsection 995-1(1) (definition of prescribed international unit)
    Repeal the definition.

195 Subsection 995-1(1) (definition of vintage year)
    Repeal the definition.

National Greenhouse and Energy Reporting Act 2007

196 Section 3 (heading)
    Repeal the heading, substitute:

3 Object

197 Subsection 3(1)
    Omit “(1) The first object”, substitute “The object”.

198 Subsection 3(2)
    Repeal the subsection.

199 Subsection 4(1)
    Omit “(1) This Act (except to the extent to which it underpins the Clean Energy Act 2011)”, substitute “This Act”.

200 Subsection 4(2)
    Repeal the subsection.

201 Subsection 5(1)
    Omit “(1)”.

202 Before subparagraph 5(1)(a)(ii)
    Insert:
        (i) greenhouse gas emissions; or

203 Subsection 5(2)
    Repeal the subsection.

204 Section 7 (definition of carbon dioxide equivalence)

Repeal the definition, substitute:

\[\text{carbon dioxide equivalence}, \text{ of an amount of greenhouse gas,}\]
\[\text{means the amount of the gas multiplied by a value specified in the}\]
\[\text{regulations in relation to that kind of greenhouse gas.}\]

205 Section 7

Insert:

\[\text{designated financial year means:}\]
\[\begin{align*}
\text{(a) the financial year beginning on 1 July 2012;}& \text{ or} \\
\text{(b) a later financial year.}\end{align*}\]

206 Section 7 (definition of designated fuel)

Repeal the definition.

207 Section 7 (definition of eligible financial year)

Repeal the definition.

208 Section 7 (definition of emissions number)

Repeal the definition.

209 Section 7 (definition of financial control liability transfer certificate)

Repeal the definition.

210 Section 7 (definition of fixed charge year)

Repeal the definition.

211 Section 7 (definition of foreign country)

Repeal the definition, substitute:

\[\text{foreign country includes a region where:}\]
\[\begin{align*}
\text{(a) the region is a colony, territory or protectorate of a foreign}\]
\text{country; or} \\
\text{(b) the region is part of a foreign country; or} \\
\text{(c) the region is under the protection of a foreign country; or}\end{align*}\]
Schedule 1  Repeal of the carbon tax

Part 2  Amendments

(d) a foreign country exercises jurisdiction or control over the region; or
(e) a foreign country is responsible for the region’s international relations.

212 Section 7
Insert:

*foreign corporation* means a corporation that:
(a) is incorporated outside Australia; or
(b) is an authority of a foreign country.

213 Section 7 (definition of *foreign person*)
Repeal the definition.

214 Section 7
Insert:

*group entity* means a corporation that is a member of a controlling corporation’s group.

215 Section 7 (definition of *interim emissions number*)
Repeal the definition.

216 Section 7 (definition of *liable entity*)
Repeal the definition.

217 Section 7 (definition of *liquefied natural gas*)
Repeal the definition.

218 Section 7 (definition of *liquefied petroleum gas*)
Repeal the definition.

218A Section 7 (definition of *local governing body*)
Repeal the definition.

219 Section 7 (definition of *natural gas supplier*)
Repeal the definition.
220 Section 7 (definition of *non-group entity*)
   Repeal the definition.

221 Section 7 (definition of *operational control*)
   Omit “11A, 11B or 11C”, substitute “11A or 11B”.

222 Section 7 (definition of *Opt-in Scheme*)
   Repeal the definition.

223 Section 7 (definition of *OTN*)
   Repeal the definition.

224 Section 7 (definition of *person*)
   Repeal the definition.

225 Section 7 (definition of *potential greenhouse gas emissions*)
   Repeal the definition.

226 Section 7 (definition of *provisional emissions number*)
   Repeal the definition.

227 Section 7 (definition of *supply*)
   Repeal the definition.

228 Section 7 (definition of *taxable fuel*)
   Repeal the definition.

229 Section 7 (definition of *trust*)
   Repeal the definition.

230 Section 7 (definition of *trustee*)
   Repeal the definition.

231 Section 7 (definition of *trust estate*)
   Repeal the definition.
Schedule 1  Repeal of the carbon tax
Part 2  Amendments

232  Section 7 (definition of unit shortfall charge)
Repeal the definition.

233  Subsection 7A(1)
Omit “and the Clean Energy Act 2011”.

234  Sections 7B and 7C
Repeal the sections.

235  Subsection 8(1)
Omit “and the Clean Energy Act 2011”.

236  Subsection 9(1)
Omit “and the Clean Energy Act 2011”.

237  Paragraph 9(1)(b)
Omit “or 54A”.

238  Section 10 (heading)
Repeal the heading, substitute:

10  Emissions, energy production, energy consumption etc.

239  Subsection 10(1)
Omit “or the Clean Energy Act 2011”.

240  Subsection 10(3)
Omit “and the Clean Energy Act 2011”.

241  Subsections 10(4) to (9)
Repeal the subsections.

242  Subsection 11(1)
Omit “and the Clean Energy Act 2011”.

243  Subsection 11(1)
Omit “person” (wherever occurring), substitute “group entity”.

34  Clean Energy Legislation (Carbon Tax Repeal) Bill 2013  No. , 2013
244 Paragraph 11(1)(b)
Omit “or 55A”.

245 Subsection 11(3)
Omit “and the Clean Energy Act 2011”.

246 Subsection 11(3)
Omit “person”, substitute “group entity”.

247 Subsection 11(4)
Omit “11A, 11B and 11C”, substitute “11A and 11B”.

248 Section 11A (heading)
Repeal the heading, substitute:

11A Operational control—group entity with greatest authority

249 Subsection 11A(1)
Omit “an eligible financial year”, substitute “a designated financial year”.

250 Paragraph 11A(1)(a)
Omit “persons”, substitute “group entities”.

251 Paragraph 11A(1)(b)
Omit “person”, substitute “group entity”.

252 Paragraph 11A(1)(c)
Omit “or 55A”.

253 Subsection 11A(2)
Omit “person”, substitute “group entity”.

254 Subsection 11A(2)
Omit “and the Clean Energy Act 2011”.

255 Section 11B (heading)
Repeal the heading, substitute:
11B Operational control—nominated group entity

256 Paragraph 11B(1)(a)
Omit “more persons”, substitute “more group entities”.

257 Paragraph 11B(1)(a)
Omit “relevant persons”, substitute “relevant group entities”.

258 Paragraph 11B(1)(b)
Omit “person”, substitute “group entity”.

259 Paragraph 11B(1)(c)
Omit “or 55A”.

260 Paragraph 11B(1)(d)
Omit “an eligible financial year”, substitute “a designated financial year”.

261 Subsection 11B(2)
Omit “persons”, substitute “group entities”.

262 Subsection 11B(2)
Omit “person”, substitute “group entity”.

263 Paragraph 11B(4)(a)
Omit “persons is a foreign person”, substitute “group entities is a foreign corporation”.

264 Paragraph 11B(4)(b)
Omit “persons is not a foreign person”, substitute “group entities is not a foreign corporation”.

265 Subsection 11B(4)
Omit “foreign person cannot”, substitute “foreign corporation cannot”.

266 Paragraph 11B(5)(b)
Omit “persons”, substitute “group entities”.

267 **Subsection 11B(7)**
   Repeal the subsection.

268 **Subsection 11B(8)**
   Omit “eligible financial year” (wherever occurring), substitute “designated financial year”.

269 **Subsection 11B(10)**
   Omit “person” (wherever occurring), substitute “group entity”.

270 **Paragraph 11B(15)(b)**
   Omit “and”.

271 **Paragraph 11B(15)(c)**
   Repeal the paragraph.

272 **Subsection 11B(15)**
   Omit “person”, substitute “group entity”.

273 **Subsection 11B(16)**
   Repeal the subsection.

274 **Paragraph 11B(17)(b)**
   Omit “and”.

275 **Paragraph 11B(17)(c)**
   Repeal the paragraph.

276 **Subsection 11B(17)**
   Omit “persons”, substitute “group entities”.

277 **Subsections 11B(18) and (19)**
   Repeal the subsections.

278 **Subsection 11B(21)**
   Repeal the subsection, substitute:
Exceptions

(21) A group entity is not required to comply with subsection (20) if the question of who has operational control of the facility is not relevant (whether directly or indirectly) to a requirement under this Act.

279 Subsection 11B(22)
Omit “person”, substitute “group entity”.

280 Subsection 11B(22)
Omit “or 55A”.

281 Section 11C
Repeal the section.

282 Paragraph 11D(1)(c)
Repeal the paragraph.

283 Paragraphs 11D(1)(e) and (f)
Repeal the paragraphs, substitute:
  (e) at any time during the preceding 5 years, the person has breached a civil penalty provision of this Act; or
  (f) if the person is a body corporate—at any time during the preceding 5 years, an executive officer of the body corporate has breached a civil penalty provision of this Act; or

284 Paragraphs 11D(1)(i) and (j)
Repeal the paragraphs, substitute:
  (i) the person has been convicted of an offence against this Act; or
  (j) if the person is a body corporate—an executive officer of the body corporate has been convicted of an offence against this Act.

285 Subdivision A of Division 1 of Part 2 (heading)
Repeal the heading.
286 **Subsections 13(2) and (3)**

Omit “member of a controlling corporation’s group”, substitute “group entity”.

287 **Subsection 13(4)**

Repeal the subsection.

288 **Subdivision B of Division 1 of Part 2**

Repeal the Subdivision.

289 **Division 4 of Part 2**

Repeal the Division.

290 **Paragraph 18B(3)(b)**

Repeal the paragraph.

291 **Subsection 19(1) (note 4)**

Repeal the note.

292 **Subsection 19(4)**

Repeal the subsection.

293 **Paragraphs 22(1)(a) and (b)**

Omit “(other than Part 3A or 3D)”.

294 **Paragraphs 22(2)(a) and (b)**

Omit “(other than Part 3A or 3D)”.

295 **Parts 3A and 3D**

Repeal the Parts.

296 **Paragraph 22X(1)(a)**

Repeal the paragraph, substitute:

(a) a facility is under the operational control of a member (the responsible member) of a controlling corporation’s group during the whole or a part of a financial year; and
297 Subsection 24(1AA)
   Repeal the subsection.

298 Subsection 24(1AD)
   Omit “22E or”.

299 Paragraph 24(1AE)(a)
   Omit “22E(2)(b) or”.

300 Subsection 24(1H)
   Omit “22E or”.

301 Subsection 24(1J)
   Omit “or financial control liability transfer certificate”.

302 Subsection 24(8)
   Omit “22E or”.

303 Subsection 25(1)
   Omit “22G, a person required to provide information under section 20, or a person required to provide a report under section 22A, 22AA, 22E or 22X”, substitute “22G or 22X, or a person required to provide information under section 20,”.

304 Subsection 30(2A)

305 Section 54A
   Repeal the section.

306 Section 55A
   Repeal the section.

307 Paragraphs 56(aab), (aa), (ga) and (gb)
   Repeal the paragraphs.
308 Paragraph 56(j)  
Omit “75A;”, substitute “75A.”

309 Paragraphs 56(k) and (l)  
Repeal the paragraphs.

310 Section 74AA  
Repeal the section.

311 Subsection 74B(1)  
Repeal the subsection, substitute:

(1) For the purposes of this section, a person is a relevant person if:
(a) the person is the responsible member mentioned in subsection 22X(1); and
(b) the person is not a registered corporation; and
(c) the Regulator has reasonable grounds to suspect that the person has contravened, is contravening, or is proposing to contravene, this Act or the regulations.

312 Subsection 74C(1)  
Repeal the subsection, substitute:

(1) For the purposes of this section, a person is a relevant person if the person:
(a) is the responsible member mentioned in subsection 22X(1); and
(b) is not a registered corporation.

Ozone Protection and Synthetic Greenhouse Gas Management Act 1989

313 Paragraphs 65C(1)(aa), (ab) and (ac)  
Omit “equal to the prescribed rate component of an amount of levy”.

314 Subsections 65C(4), (5) and (6)  
Repeal the subsections.
Schedule 1  Repeal of the carbon tax

Part 2  Amendments

315  Sections 69AA to 69AD
    Repeal the sections.

Petroleum Resource Rent Tax Assessment Act 1987

316  Subparagraph 28(1)(b)(iii)
    Omit “expenditure;”, substitute “expenditure.”.

317  Paragraph 28(1)(c)
    Repeal the paragraph.

318  Paragraph 44(1)(ia)
    Repeal the paragraph.

Taxation Administration Act 1953

319  Subsection 355-65(7) in Schedule 1 (table item 3)
    Repeal the item.
Part 3—Application and transitional provisions

Division 1—Preliminary

320 Objects

(1) The main objects of this Part are:

(a) to provide for the winding-up of the carbon tax scheme; and

(b) to ensure that carbon tax liabilities relating to:

(i) the financial year beginning on 1 July 2012; or

(ii) the financial year beginning on 1 July 2013;

can be administered, collected and recovered after the start of 1 July 2014; and

(c) to ensure that liable entities can take steps, after the start of 1 July 2014, to avoid being liable to pay unit shortfall charge in relation to the financial year beginning on 1 July 2013; and

(d) to ensure that, after the start of 1 July 2014, the Regulator can issue carbon units that are required for the financial year beginning on 1 July 2013; and

(e) to continue, after the start of 1 July 2014, the carbon tax related rights and obligations of liable entities, so far as those rights and obligations relate to:

(i) the financial year beginning on 1 July 2012; or

(ii) the financial year beginning on 1 July 2013.

(2) The other objects of this Part are:

(a) to ensure the validity of any carbon units issued as the result of an auction conducted before 1 July 2014; and

(b) to cancel any carbon units that are not required for the financial year beginning on 1 July 2013; and

(c) to ensure that, while carbon units remain in existence, the units remain subject to other Commonwealth laws.

321 Definitions

In this Part:

designated carbon unit day has the meaning given by item 322.

Registry has the same meaning as in the Australian National Registry of Emissions Units Act 2011.


**Schedule 1**  Repeal of the carbon tax

**Part 3**  Application and transitional provisions

1. *Registry account* has the same meaning as in the *Australian National Registry of Emissions Units Act 2011*.

### 322 Designated carbon unit day

1. For the purposes of this Part, *designated carbon unit day* means:
   (a) 9 February 2015; or
   (b) if a later day is specified in an instrument under subitem (2)—that later day.
2. The Regulator may, by legislative instrument, specify a day for the purposes of paragraph (1)(b).
3. The Regulator must not make an instrument under subitem (2) unless the Regulator has made a determination under subsection 142(3) of the *Clean Energy Act 2011* that relates to 2 February 2015.

Note: Subsection 142(3) of the *Clean Energy Act 2011* enables the Regulator to extend the 2 February 2015 surrender deadline. See also item 345A (deadlines of 1 February and 15 June).

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44  *Clean Energy Legislation (Carbon Tax Repeal) Bill 2013*  No.  , 2013
Division 2—Provisions relating to the Clean Energy Act 2011 and associated charge Acts

323 Winding-up of the carbon tax scheme—recovery of liabilities attributable to pre-1 July 2014 emissions etc.

(1) Despite the repeal of the Clean Energy Act 2011 by this Schedule, that Act continues in force, subject to:

(a) this Part; and

(b) the modifications set out in the following table;

as if that repeal had not happened.

<table>
<thead>
<tr>
<th>Item</th>
<th>Provision</th>
<th>Modification</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>section 4</td>
<td>Omit the section.</td>
</tr>
<tr>
<td>2</td>
<td>section 5 (definitions of average carbon unit auction price, benchmark average auction charge, carbon pollution cap, carbon pollution cap number, designated limit, and designated limit percentage)</td>
<td>Omit the definitions.</td>
</tr>
<tr>
<td>3</td>
<td>section 5 (definition of eligible financial year)</td>
<td>Omit the definition, substitute: eligible financial year means: (a) the financial year beginning on 1 July 2012; or (b) the financial year beginning on 1 July 2013.</td>
</tr>
<tr>
<td>4</td>
<td>section 5 (definition of fixed charge year)</td>
<td>Omit the definition, substitute: fixed charge year means: (a) the financial year beginning on 1 July 2012; or (b) the financial year beginning on 1 July 2013.</td>
</tr>
<tr>
<td>5</td>
<td>section 5 (definitions of flexible charge year and per-tonne carbon price)</td>
<td>Omit the definitions.</td>
</tr>
</tbody>
</table>
## Modifications of the Clean Energy Act 2011

<table>
<thead>
<tr>
<th>Item</th>
<th>Provision</th>
<th>Modification</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>section 5 (definition of \textit{unit shortfall})</td>
<td>Omit “128, 129 or 133”, substitute “128 or 129”.</td>
</tr>
<tr>
<td>7</td>
<td>section 5 (definition of \textit{vintage year})</td>
<td>Omit “eligible”.</td>
</tr>
<tr>
<td>8</td>
<td>Part 2</td>
<td>Omit the Part.</td>
</tr>
<tr>
<td>9</td>
<td>subsections 26(2), 27(2) and 28(2)</td>
<td>Omit all the words after “is taken to be”, substitute “zero”.</td>
</tr>
<tr>
<td>10</td>
<td>Subdivision A of Division 4 of Part 3</td>
<td>The Regulator must not issue an OTN under the Subdivision on or after 1 July 2014.</td>
</tr>
<tr>
<td>11</td>
<td>sections 42 and 43</td>
<td>Omit the sections.</td>
</tr>
<tr>
<td>12</td>
<td>section 43A</td>
<td>The section ceases to have effect at the end of 30 June 2015.</td>
</tr>
<tr>
<td>13</td>
<td>subsection 45(3)</td>
<td>The subsection ceases to have effect at the end of 30 June 2015.</td>
</tr>
<tr>
<td>14</td>
<td>subsections 45(4) to (13)</td>
<td>The subsections cease to have effect at the start of 1 September 2014.</td>
</tr>
<tr>
<td>15</td>
<td>subsection 46(1)</td>
<td>The subsection has effect, on and after 1 September 2014, as if the words “(as it stood at a particular time before the start of 1 September 2014)” were inserted after “OTN Register”.</td>
</tr>
<tr>
<td>16</td>
<td>section 47</td>
<td>The section ceases to have effect at the start of 1 August 2014.</td>
</tr>
<tr>
<td>17</td>
<td>section 64B</td>
<td>Omit the section.</td>
</tr>
<tr>
<td>18</td>
<td>paragraph 64F(1)(b)</td>
<td>Omit the paragraph.</td>
</tr>
<tr>
<td>19</td>
<td>subsection 66(4)</td>
<td>The subsection ceases to have effect at the start of 1 August 2014.</td>
</tr>
<tr>
<td>20</td>
<td>section 70</td>
<td>The Regulator must not make a declaration under the section on or after 1 July 2014.</td>
</tr>
<tr>
<td>21</td>
<td>section 71A</td>
<td>Omit the section.</td>
</tr>
<tr>
<td>22</td>
<td>section 72</td>
<td>The Regulator must not give a notice under the section on or after 1 July 2014.</td>
</tr>
<tr>
<td>24</td>
<td>section 83</td>
<td>The Regulator must not issue a certificate under the section on or after 1 July 2014.</td>
</tr>
</tbody>
</table>

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46 Clean Energy Legislation (Carbon Tax Repeal) Bill 2013 No. , 2013
## Modifications of the Clean Energy Act 2011

<table>
<thead>
<tr>
<th>Item</th>
<th>Provision</th>
<th>Modification</th>
</tr>
</thead>
<tbody>
<tr>
<td>25</td>
<td>section 87</td>
<td>The Regulator must not issue a certificate under the section on or after 1 July 2014.</td>
</tr>
<tr>
<td>26</td>
<td>sections 89 and 90</td>
<td>Omit the sections.</td>
</tr>
<tr>
<td>27</td>
<td>section 93</td>
<td>Omit the section.</td>
</tr>
<tr>
<td>28</td>
<td>subsection 96(2)</td>
<td>Omit “eligible”.</td>
</tr>
<tr>
<td>29</td>
<td>section 97 (note)</td>
<td>Omit the note.</td>
</tr>
<tr>
<td>30</td>
<td>subsection 100(1) (table items 5, 6, 7, 8 and 9)</td>
<td>Omit the table items.</td>
</tr>
<tr>
<td>31</td>
<td>subsection 100(2)</td>
<td>Omit the subsection.</td>
</tr>
<tr>
<td>32</td>
<td>subsection 100(3) (heading)</td>
<td>Omit “1, 3 and 5”, substitute “1 and 3”.</td>
</tr>
<tr>
<td>33</td>
<td>subsection 100(3)</td>
<td>Omit “1, 3 or 5”, substitute “1 or 3”.</td>
</tr>
<tr>
<td>34</td>
<td>subsection 100(4) (heading)</td>
<td>Omit “2, 4, 6, 7, 8 and 9”, substitute “2 and 4”.</td>
</tr>
<tr>
<td>35</td>
<td>subsection 100(4)</td>
<td>Omit “2, 4, 6, 7, 8 or 9”, substitute “2 or 4”.</td>
</tr>
<tr>
<td>36</td>
<td>subsections 100(9), (14) and (15)</td>
<td>Omit the subsections.</td>
</tr>
<tr>
<td>37</td>
<td>sections 101 and 102</td>
<td>Omit the sections.</td>
</tr>
<tr>
<td>38</td>
<td>sections 108 and 109</td>
<td>Omit the sections.</td>
</tr>
<tr>
<td>39</td>
<td>section 114</td>
<td>Omit the section.</td>
</tr>
<tr>
<td>40</td>
<td>Division 1 of Part 6</td>
<td>Omit the Division.</td>
</tr>
<tr>
<td>41</td>
<td>subsection 122(1)</td>
<td>Omit “during an eligible financial year”.</td>
</tr>
<tr>
<td>42</td>
<td>subsections 122(3), (4), (5), (9) and (11)</td>
<td>Omit the subsections.</td>
</tr>
<tr>
<td>43</td>
<td>sections 123 and 123A</td>
<td>Omit the sections.</td>
</tr>
<tr>
<td>44</td>
<td>paragraph 128(7)(d)</td>
<td>Before “this Division”, insert “if the eligible financial year began on 1 July 2012—”.</td>
</tr>
<tr>
<td>45</td>
<td>Subdivision B of Division 3 of Part 6</td>
<td>Omit the Subdivision.</td>
</tr>
<tr>
<td>46</td>
<td>subsection 134(3)</td>
<td>Omit the subsection.</td>
</tr>
<tr>
<td>47</td>
<td>subsection 134A(3) (paragraph (b) of the definition of applicable amount for the financial</td>
<td>Omit the paragraph.</td>
</tr>
</tbody>
</table>
## Schedule 1
### Repeal of the carbon tax
#### Part 3  Application and transitional provisions

<table>
<thead>
<tr>
<th>Item</th>
<th>Provision</th>
<th>Modification</th>
</tr>
</thead>
<tbody>
<tr>
<td>48</td>
<td>paragraphs 142(3)(c), (e) and (f)</td>
<td>Omit the paragraphs.</td>
</tr>
<tr>
<td>48A</td>
<td>section 144</td>
<td>Omit the section.</td>
</tr>
<tr>
<td>49</td>
<td>paragraph 145(5)(b)</td>
<td>Omit the paragraph.</td>
</tr>
<tr>
<td>50</td>
<td>paragraph 145(5)(c)</td>
<td>Omit the paragraph, substitute: (c) the principle that changes should not have a negative effect on recipients of assistance under the Jobs and Competitiveness Program;</td>
</tr>
<tr>
<td>51</td>
<td>Division 5 of Part 7</td>
<td>Omit the Division.</td>
</tr>
<tr>
<td>52</td>
<td>section 160</td>
<td>Omit the section.</td>
</tr>
<tr>
<td>53</td>
<td>paragraphs 161(2)(b) and (c)</td>
<td>Omit the paragraphs.</td>
</tr>
<tr>
<td>54</td>
<td>subsection 161(3)</td>
<td>Omit the subsection.</td>
</tr>
<tr>
<td>55</td>
<td>subsection 161(4)</td>
<td>Omit “or (3)”</td>
</tr>
<tr>
<td>56</td>
<td>subsection 161(5)</td>
<td>Omit “a later”, substitute “an”.</td>
</tr>
<tr>
<td>57</td>
<td>subsections 161(6), (7), (8) and (9)</td>
<td>Omit “or (3)”</td>
</tr>
<tr>
<td>58</td>
<td>Part 9</td>
<td>The Part ceases to have effect at the end of 30 June 2015.</td>
</tr>
<tr>
<td>59</td>
<td>Division 3 of Part 9</td>
<td>Omit the Division.</td>
</tr>
<tr>
<td>60</td>
<td>sections 196 and 196A</td>
<td>Omit the sections.</td>
</tr>
<tr>
<td>61</td>
<td>subsections 197(3) to (6)</td>
<td>Omit the subsections.</td>
</tr>
<tr>
<td>62</td>
<td>section 199</td>
<td>After “each quarter”, insert “that ends on or before 31 March 2015”.</td>
</tr>
<tr>
<td>63</td>
<td>section 200</td>
<td>Omit the section.</td>
</tr>
<tr>
<td>64</td>
<td>subsection 212(2) (subparagraph (d)(ii) of the definition of prescribed amount for the financial year in which the compliance deadline occurs)</td>
<td>Omit the subparagraph.</td>
</tr>
<tr>
<td>65</td>
<td>subsection 212(3)</td>
<td>Omit the subparagraph.</td>
</tr>
</tbody>
</table>

*Clean Energy Legislation (Carbon Tax Repeal) Bill 2013 No. 2013*
### Modifications of the Clean Energy Act 2011

<table>
<thead>
<tr>
<th>Item</th>
<th>Provision</th>
<th>Modification</th>
</tr>
</thead>
<tbody>
<tr>
<td>66</td>
<td>(subparagraph (d)(ii) of the definition of prescribed amount for the financial year in which the compliance deadline occurs)</td>
<td>Omit the Part.</td>
</tr>
<tr>
<td>67</td>
<td>paragraphs 262(1)(ma), (r), (u) and (v) and 263(2)(g), (i) and (j)</td>
<td>Omit the paragraphs.</td>
</tr>
<tr>
<td>68</td>
<td>section 281 (table items 3, 4, 5, 7, 8, 11, 12, 13 and 16)</td>
<td>Omit the table items.</td>
</tr>
<tr>
<td>69</td>
<td>Part 22</td>
<td>Omit the Part.</td>
</tr>
<tr>
<td>70</td>
<td>subparagraph 295(d)(iii)</td>
<td>Omit the subparagraph.</td>
</tr>
<tr>
<td>71</td>
<td>subparagraph 295(e)(ii)</td>
<td>Omit the subparagraph.</td>
</tr>
<tr>
<td>72</td>
<td>subparagraph 295(i)(iii)</td>
<td>Omit the subparagraph.</td>
</tr>
<tr>
<td>73</td>
<td>sections 303A and 303B</td>
<td>Omit the sections.</td>
</tr>
</tbody>
</table>

**Carbon units with a vintage year beginning on or after 1 July 2014**

(2) The modification made by item 3 of the table in subitem (1) does not apply in relation to the issue of a carbon unit with a vintage year beginning on or after 1 July 2014, if the carbon unit was issued as a result of an auction conducted before 1 July 2014.

**Review of decisions**

(3) The modification of section 281 of the Clean Energy Act 2011 made by the table in subitem (1) does not apply to a decision made before 1 July 2014.

**Civil penalty orders**

(4) The modification of section 262 of the Clean Energy Act 2011 made by the table in subitem (1) does not apply to a contravention that occurred before 1 July 2014.
Schedule 1 Repeal of the carbon tax
Part 3 Application and transitional provisions

324 Application—repeal of Charge Acts

Charge for issue of carbon units for a fixed charge

(1) The repeal by this Schedule of the following Acts, so far as they relate to the issue of carbon units in accordance with section 100 of the Clean Energy Act 2011:

(a) the Clean Energy (Charges—Customs) Act 2011;
(b) the Clean Energy (Charges—Excise) Act 2011;
(c) the Clean Energy (Unit Issue Charge—Fixed Charge) Act 2011;

does not apply to the issue of carbon units with a vintage year beginning on 1 July 2012 or 1 July 2013.

Charge for issue of carbon units as a result of an auction

(2) The repeal by this Schedule of the following Acts, so far as they relate to the issue of carbon units as a result of an auction:

(a) the Clean Energy (Charges—Customs) Act 2011;
(b) the Clean Energy (Charges—Excise) Act 2011;
(c) the Clean Energy (Unit Issue Charge—Auctions) Act 2011;

does not apply to the issue of carbon units if the carbon units were issued as a result of an auction conducted before 1 July 2014.

Charge on unit shortfall

(3) The repeal by this Schedule of the following Acts, so far as they relate to a unit shortfall for a financial year:

(a) the Clean Energy (Charges—Customs) Act 2011;
(b) the Clean Energy (Charges—Excise) Act 2011;
(c) the Clean Energy (Unit Shortfall Charge—General) Act 2011;

does not apply to:

(d) a unit shortfall for the financial year beginning on 1 July 2012; or
(e) a unit shortfall for the financial year beginning on 1 July 2013.
325 Issue of carbon units

The Regulator must not issue any carbon units after the start of the designated carbon unit day.

327 Cancellation of carbon units—designated carbon unit day

Scope

(1) This item applies if there was an entry for a carbon unit in a person’s Registry account at the start of the designated carbon unit day.

Cancellation of unit

(2) The Regulator must cancel the unit.

(3) The Regulator must remove the entry for the unit from the person’s Registry account.

(4) The Registry must set out a record of each cancellation under subitem (2).

328 Surrender of eligible Australian carbon credit units

(1) If:

(a) subsection 128(7) of the Clean Energy Act 2011 applies to a person because the person surrendered, in relation to the financial year beginning on 1 July 2013, eligible Australian carbon credit units; and

(b) under paragraph (c) of that subsection, Division 3 of Part 6 of that Act has effect as if the person had not surrendered, during the period mentioned in paragraph (a) of that subsection, a particular number of eligible Australian carbon credit units; and

(c) the person has a Registry account;

then:

(d) the Regulator must, by written notice given to the person, determine that specified eligible Australian carbon credit units that were surrendered by the person:

(i) during that period; and

(ii) in relation to the financial year beginning on 1 July 2013;
Schedule 1  Repeal of the carbon tax
Part 3  Application and transitional provisions

are restored units for the purposes of this item; and
(e) a restored unit is taken never to have been surrendered or
cancelled; and
(f) the Regulator must make an entry for a restored unit in a
Registry account kept by the person.

(2) The number of units specified in the determination must equal the
number mentioned in paragraph (1)(b).

(3) Subitem (1) does not affect the validity of the removal of the entry of a
restored unit from a Registry account in accordance with
paragraph 122(12)(b) of the Clean Energy Act 2011.

(4) A determination under paragraph (1)(d) is not a legislative instrument.

329 Opt-in Scheme

(1) A reference in the Opt-in Scheme to a financial year does not include a
reference to a financial year beginning on or after 1 July 2014.

(2) Regulations 3.48 and 3.50 of the Clean Energy Regulations 2011 cease
to have effect at the end of 30 June 2014.
Division 3—Provisions relating to other Acts


Despite the amendments of the A New Tax System (Goods and Services Tax) Act 1999 made by this Schedule, that Act continues to apply, in relation to carbon units issued before the designated carbon unit day, as if those amendments had not been made.

331 Transitional—Anti-Money Laundering and Counter-Terrorism Financing Act 2006

Despite the amendments of the Anti-Money Laundering and Counter-Terrorism Financing Act 2006 made by this Schedule, that Act continues to apply, in relation to carbon units issued before the designated carbon unit day, as if those amendments had not been made.

332 Transitional—Australian National Registry of Emissions Units Act 2011

Despite the amendments of the Australian National Registry of Emissions Units Act 2011 made by this Schedule, that Act continues to apply, in relation to carbon units issued before the designated carbon unit day, as if those amendments had not been made.

333 Transitional—Clean Energy Regulator Act 2011

(1) Despite the amendment of the definition of climate change law in section 4 of the Clean Energy Regulator Act 2011 made by this Schedule, that definition continues to apply, in relation to paragraph 12(a) and subsection 43(3) and section 44 of that Act, as if that amendment had not been made.

(2) Each of the following:

(a) this Act;
(b) a legislative instrument under this Act;
(c) the True-up Shortfall Levy (General) (Carbon Tax Repeal) Act 2013;
(d) the True-up Shortfall Levy (Excise) (Carbon Tax Repeal) Act 2013;
Schedule 1  Repeal of the carbon tax
Part 3  Application and transitional provisions

is taken to be a climate change law for the purposes of paragraph 12(a) and subsection 43(3) and section 44 of the Clean Energy Regulator Act 2011.


The amendments of the Fuel Tax Act 2006 made by this Schedule apply to taxable fuel acquired, manufactured or imported on or after 1 July 2014.


The amendment of the Fuel Tax (Consequential and Transitional Provisions) Act 2006 made by this Act applies to taxable fuel acquired, manufactured or imported on or after 1 July 2014.


(1) The repeal of section 26-18 of the Income Tax Assessment Act 1997 by this Schedule does not apply to unit shortfall charge imposed on:

(a) a unit shortfall for the financial year beginning on 1 July 2012; or

(b) a unit shortfall for the financial year beginning on 1 July 2013.

(2) Despite the amendments of the Income Tax Assessment Act 1997 made by this Schedule (other than the amendment of section 12-5 or the repeal of section 26-18), that Act continues to apply, in relation to carbon units issued before the designated carbon unit day, as if those amendments had not been made.


General

(1) Despite the amendments of the National Greenhouse and Energy Reporting Act 2007 made by this Schedule, that Act continues to apply, in relation to the following matters:

(a) determining the meaning of the following expressions, when used in the Clean Energy Act 2011:
(i) carbon dioxide equivalence;
(ii) facility;
(iii) greenhouse gas;
(iv) group;
(v) member, when used in relation to a group;
(vi) non-group entity;
(vii) operational control;
(viii) potential greenhouse gas emissions;
(ix) provisional emissions number;
(x) scope 1 emission of greenhouse gas;

(b) the matters mentioned in subsections 10(3) to (9) of the 
National Greenhouse and Energy Reporting Act 2007, so far 
as those matters are relevant to the Clean Energy Act 2011;

(c) reports under section 22A, 22AA or 22E of the National 
Greenhouse and Energy Reporting Act 2007;

(d) records under section 22B, 22C or 22F of the National 
Greenhouse and Energy Reporting Act 2007;

(e) applications under section 15A or 15AA of the National 
Greenhouse and Energy Reporting Act 2007;

(f) the registration of persons under section 18A of the National 
Greenhouse and Energy Reporting Act 2007;

(g) the publication of information under section 24 of the 
National Greenhouse and Energy Reporting Act 2007, so far 
as the information relates to:
   (i) the financial year beginning on 1 July 2012; or
   (ii) the financial year beginning on 1 July 2013;

(h) audits under section 74AA of the National Greenhouse and 
Energy Reporting Act 2007;

(i) audits under section 74B or 74C of the National Greenhouse 
and Energy Reporting Act 2007, so far as the audits relate to 
a person’s compliance with obligations under that Act (or 
regulations under that Act) in relation to:
   (i) the financial year beginning on 1 July 2012; or
   (ii) the financial year beginning on 1 July 2013;

as if:

(j) the National Greenhouse and Energy Reporting Act 2007 
were modified as set out in the following table; and

(k) those amendments had not been made; and
Schedule 1  Repeal of the carbon tax
Part 3  Application and transitional provisions

(l) subitem (6) had not been enacted.

<table>
<thead>
<tr>
<th>Item</th>
<th>Provision</th>
<th>Modification</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>section 7 (definition of eligible financial year)</td>
<td>Omit the definition, substitute: eligible financial year means: (a) the financial year beginning on 1 July 2012; or (b) the financial year beginning on 1 July 2013.</td>
</tr>
<tr>
<td>2</td>
<td>section 7 (definition of fixed charge year)</td>
<td>Omit the definition, substitute: fixed charge year means: (a) the financial year beginning on 1 July 2012; or (b) the financial year beginning on 1 July 2013.</td>
</tr>
</tbody>
</table>

Thresholds

(2) The amendments of the National Greenhouse and Energy Reporting Act 2007 made by this Schedule, so far as they are relevant to determining whether a controlling corporation’s group meets a threshold under section 13 of that Act for a financial year, apply in relation to a threshold for: (a) the financial year beginning on 1 July 2014; or (b) a later financial year.

Reports

(3) The amendments of the National Greenhouse and Energy Reporting Act 2007 made by this Schedule, so far as they relate to reports under section 19 of that Act, apply in relation to reports for: (a) the financial year beginning on 1 July 2014; or (b) a later financial year.

(4) The amendments of the National Greenhouse and Energy Reporting Act 2007 made by this Schedule, so far as they relate to reports under section 22G or 22X of that Act, apply in relation to reports for: (a) the financial year beginning on 1 July 2014; or
Unsatisfactory compliance record

(5) Despite the amendments of section 11D of the National Greenhouse and Energy Reporting Act 2007 made by this Schedule, that Act continues to apply, in relation to:

(a) unpaid unit shortfall charge; and

(b) a breach of a civil penalty provision of:

(ii) the Clean Energy Act 2011; or

(iii) a determination under section 113 of the Clean Energy Act 2011; and

(c) a conviction of an offence against the Clean Energy Act 2011;

as if those amendments had not been made.

Regulations—carbon dioxide equivalence

(6) If, immediately before the commencement of this item, regulations were in force for the purposes of paragraph (a) of the definition of carbon dioxide equivalence in section 7 of the National Greenhouse and Energy Reporting Act 2007, the regulations have effect, after that commencement, as if they had been made for the purposes of the definition of carbon dioxide equivalence in section 7 of that Act as amended by this Schedule.

Deregistration—section 18A registrations

(7) If:

(a) a person was registered under the National Greenhouse and Energy Reporting Act 2007 because of the operation of section 18A of that Act; and

(b) the person is registered under that Act as at the start of 1 July 2014;

the Regulator must remove the person’s name from the Register.
338 Transitional—Ozone Protection and Synthetic
Greenhouse Gas Management Act 1989

Amounts to be credited to the Ozone Protection and SGG
Account

(1) Despite the amendments of section 65C of the Ozone Protection and
Synthetic Greenhouse Gas Management Act 1989 made by this
Schedule, that section continues to apply, in relation to levy for a
quarter ending before 1 July 2014, as if those amendments had not been
made.

Remission or refund of levy for a quarter ending before 1 July
2014

(2) Despite the repeal of sections 69AA to 69AD of the Ozone Protection
and Synthetic Greenhouse Gas Management Act 1989 by this Schedule,
those sections continue to apply, in relation to levy for a quarter ending
before 1 July 2014, as if:

(a) that Act provided that an application under section 69AA,
69AB or 69AC of that Act must be made before 1 January
2016; and

(b) that repeal had not happened.

339 Transitional—Petroleum Resource Rent Tax Assessment
Act 1987

(1) Despite the amendments of section 28 of the Petroleum Resource Rent
Tax Assessment Act 1987 made by this Schedule, that Act continues to
apply, in relation to carbon units issued before the designated carbon
unit day, as if those amendments had not been made.

(2) The repeal of paragraph 44(1)(ia) of the Petroleum Resource Rent Tax
Assessment Act 1987 by this Schedule does not apply to unit shortfall
charge imposed on:

(a) a unit shortfall for the financial year beginning on 1 July
2012; or

(b) a unit shortfall for the financial year beginning on 1 July
2013.
Despite the amendment of the *Taxation Administration Act 1953* made by this Schedule, that Act continues to apply, in relation to records or disclosures made for the purpose of:

(a) the verification from the Regulator of information provided to the Commissioner under or for the purposes of the *Fuel Tax Act 2006* so far as that Act applies to taxable fuel acquired, manufactured or imported before 1 July 2014; or

(b) administering the *Clean Energy Act 2011* or the associated provisions (within the meaning of that Act);

as if that amendment had not been made.
Division 4—Miscellaneous

342 Transitional rules

The Minister may, by legislative instrument, make rules in relation to transitional matters arising out of the amendments and repeals made by this Schedule.
Division 5—Transitional provisions commencing on Royal Assent

343 Auctions of carbon units

(1) The Regulator must not conduct an auction of carbon units after the earlier of the following days:
   (a) the day this item commences;
   (b) 30 June 2014.

(2) Any determination under subsection 113(1) of the Clean Energy Act 2011 ceases to have effect at the end of the day (the relevant day) that is the earlier of the following days:
   (a) the day this item commences;
   (b) 30 June 2014;

   except to the extent to which the determination relates to auctions conducted on or before the relevant day.

343A Carbon units issued as a result of an auction conducted by the Regulator

(1) If:
   (a) a carbon unit was issued as a result of an auction conducted
       by the Regulator; and
   (b) there is an entry for the unit in a person’s Registry account as
       at 3.00 pm (by legal time in the Australian Capital Territory)
       on the fifth business day after the day this item commences;

       the Regulator must:
       (c) cancel the unit; and
       (d) remove the entry for the unit from the person’s Registry
           account; and
       (e) on behalf of the Commonwealth, pay to the person an amount
           equal to the charge paid for the issue of the unit.

(2) The Registry must set out a record of each cancellation under paragraph (1)(c).

(3) The Consolidated Revenue Fund is appropriated for the purposes of
    making payments under this item.
In this item:

*business day* means a day that is not:

(a) a Saturday; or

(b) a Sunday; or

(c) a public holiday in the Australian Capital Territory.

### 344 Carbon pollution cap regulations

If this item commences on a day (the *commencement day*) before 31 May 2014, the *Clean Energy Act 2011* has effect during the period:

(a) beginning at the start of the commencement day; and

(b) ending at the end of 30 June 2014;

as if section 16 of that Act had not been enacted.

### 345 Fixed charge regulations

If this item commences on a day (the *commencement day*) before 31 May 2014, the *Clean Energy Act 2011* has effect during the period:

(a) beginning at the start of the commencement day; and

(b) ending at the end of 30 June 2014;

as if subsections 100(14) and (15) of that Act had not been enacted.

### 345A Deadlines of 1 February and 15 June

The *Clean Energy Act 2011* has, and is taken always to have had, effect as if the following definitions were inserted in section 5 of that Act:

**15 June** means:

(a) if the 15 June concerned is a business day—that 15 June; or

(b) if the 15 June concerned is not a business day—the first business day after that 15 June.

**1 February** means:

(a) if the 1 February concerned is a business day—that 1 February; or

(b) if the 1 February concerned is not a business day—the first business day after that 1 February.
345B Surplus and estimation error adjustment number

The *Clean Energy Act 2011* has, and is taken always to have had, effect as if the formula in subsection 131(3) of that Act were omitted and the following formula substituted:

\[
\text{Total estimation error numbers} + \text{Provisional surplus surrender number}
\]

345C Definitions

If this Division commences before 1 July 2014, this Division has effect as if item 321 (definitions) had commenced at the same time as this Division commences.

345D Compensation for acquisition of property

(1) If the operation of this Schedule would result in an acquisition of property (within the meaning of paragraph 51(xxxi) of the Constitution) from a person otherwise than on just terms (within the meaning of that paragraph), the Commonwealth is liable to pay a reasonable amount of compensation to the person.

(2) If the Commonwealth and the person do not agree on the amount of the compensation, the person may institute proceedings in a court of competent jurisdiction for the recovery from the Commonwealth of such reasonable amount of compensation as the court determines.
Part 4—Jobs and Competitiveness Program

Division 1—Preliminary

346 Definitions

(1) In this Part:

- **levy** means levy imposed by whichever of the following is applicable:
  - (a) the *True-up Shortfall Levy (General) (Carbon Tax Repeal) Act 2013*;
  - (b) the *True-up Shortfall Levy (Excise) (Carbon Tax Repeal) Act 2013*.

- **over-allocation of free carbon units** has the meaning given by item 354.

- **rules** means rules made under item 359.

- **true-up shortfall** has the meaning given by item 355.

- **under-allocation of free carbon units** has the meaning given by item 352.

(2) An expression used in this Part and in the *Clean Energy Act 2011* has the same meaning in this Part as in that Act.

347 Crown to be bound

This Part 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.

348 Extension to external Territories

This Part extends to every external Territory.

349 Extension to exclusive economic zone and continental shelf

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

350 Extension to Joint Petroleum Development Area

This Part extends to the Joint Petroleum Development Area.
Division 2—Reporting requirements

351  Reporting requirements

Report

(1) The rules may make provision for and in relation to requiring a designated person to give a written report to the Regulator for the purposes of this Part.

Designated person

(2) For the purposes of this item, a person is a designated person if free carbon units with a vintage year beginning on 1 July 2013 are or were issued to the person in accordance with the Jobs and Competitiveness Program.

Compliance with reporting requirements

(3) Subsection 151(1) of the Clean Energy Act 2011 has effect as if a requirement under rules made for the purposes of subitem (1) were a requirement under the Jobs and Competitiveness Program.
Division 3—Issue of additional free carbon units

352 Under-allocation of free carbon units

For the purposes of this Part, if:

(a) free carbon units with a vintage year beginning on 1 July 2013 are or were issued to a person in accordance with the Jobs and Competitiveness Program; and

(b) the conditions specified in the rules are satisfied;

then:

(c) the person has an under-allocation of free carbon units; and

(d) the number of units in that under-allocation is equal to the number ascertained in accordance with the rules.

353 Issue of additional free carbon units

(1) If:

(a) a person has an under-allocation of free carbon units; and

(b) the person has a Registry account;

the Regulator must:

(c) issue to the person, under section 94 of the Clean Energy Act 2011, a number of free carbon units equal to the number of units in the under-allocation; and

(d) do so within the period ascertained in accordance with the rules.

(2) Free carbon units issued in accordance with subitem (1):

(a) are to have a vintage year beginning on 1 July 2013; and

(b) are taken (except for the purposes of this Part) to have been issued in accordance with the Jobs and Competitiveness Program.
Division 4—True-up shortfalls

354 Over-allocation of free carbon units

For the purposes of this Part, if:

(a) free carbon units with a vintage year beginning on 1 July 2013 are or were issued to a person in accordance with the Jobs and Competitiveness Program; and

(b) the conditions specified in the rules are satisfied;

then:

(c) the person has an over-allocation of free carbon units; and

(d) the number of units in that over-allocation is equal to the number ascertained in accordance with the rules.

355 True-up shortfall

(1) For the purposes of this Part, if:

(a) a person has an over-allocation of free carbon units; and

(b) the number worked out using the formula in subitem (2) exceeds zero;

then:

(c) the person has a true-up shortfall; and

(d) the number of units in that shortfall is equal to the number worked out using that formula.

Note: Levy is imposed on a true-up shortfall by whichever of the following is applicable:

(a) the True-up Shortfall Levy (General) (Carbon Tax Repeal) Act 2013;

(b) the True-up Shortfall Levy (Excise) (Carbon Tax Repeal) Act 2013.

(2) The formula is as follows:

\[
\text{Number of units in the over-allocation} \times \text{Number of units relinquished}
\]

where:
number of units relinquished means the number of carbon units with a
vintage year beginning on 1 July 2013 that were relinquished by the
person (other than as mentioned in paragraph 210(2)(b) or (c) of the
Clean Energy Act 2011) during the period ascertained in accordance
with the rules.
Division 5—Collection of levy

356 When levy is due and payable

Levy imposed on a true-up shortfall of a person is due and payable at the end of the period ascertained in accordance with the rules.

357 Late payment penalty

(1) If an amount of levy payable by a person remains unpaid after the time when it became due for payment, the person is liable to pay, by way of penalty, an amount calculated at the rate of:
   (a) 20% per annum; or
   (b) if a lower percentage is specified in the rules—that lower percentage per annum;

   on the amount unpaid, computed from that time.

Power to remit

(2) The Regulator may remit the whole or a part of an amount payable under subitem (1).

(3) Applications may be made to the Administrative Appeals Tribunal for review of decisions of the Regulator under subitem (2) to refuse to remit the whole or a part of an amount.

358 Recovery of levy and late payment penalty

Scope

(1) This item applies to the following amounts:
   (a) an amount of levy;
   (b) an amount payable under item 357.

Recovery

(2) The amount:
   (a) is a debt due to the Commonwealth; and
   (b) may be recovered by the Regulator, on behalf of the Commonwealth, by action in a court of competent jurisdiction.
Division 6—Miscellaneous

358A Associated provisions

A reference in the Clean Energy Act 2011 (other than section 307) to the associated provisions includes a reference to:

(a) the provisions of this Part; and
(b) the provisions of the rules; and
(c) the provisions of the True-up Shortfall Levy (General) (Carbon Tax Repeal) Act 2013; and
(d) the provisions of the True-up Shortfall Levy (Excise) (Carbon Tax Repeal) Act 2013.

359 Rules

(1) The Minister may, by legislative instrument, make rules prescribing matters:

(a) required or permitted by this Part to be prescribed by the rules; or
(b) necessary or convenient to be prescribed for carrying out or giving effect to this Part.

(2) Conditions specified in rules made for the purposes of paragraph 352(b) or 354(b) may relate to events or things that occurred, or circumstances that existed, before the rules were registered under the Legislative Instruments Act 2003.
Schedule 2—Price exploitation in relation to the carbon tax repeal

Competition and Consumer Act 2010

1 After paragraph 2B(1)(a)
   Insert:
   (aa) Part V;

2 After subparagraph 6(2)(b)(i)
   Insert:
   (ia) Part V (other than Division 5);

3 After Part IVB
   Insert:

Part V—Price exploitation in relation to the carbon tax repeal

Division 1—Preliminary

60 Simplified outline of this Part

- A corporation must not engage in price exploitation in relation to the carbon tax repeal.
- The Commission may monitor prices in relation to the carbon tax repeal and the carbon tax scheme.
- A corporation must not make false or misleading representations about the effect of the carbon tax repeal, or the carbon tax scheme, on the price for the supply of goods or services.
Infringement notices may be issued for contraventions of this Part.

**60A Definitions**

In this Part:

**carbon charge component** of levy means so much of the amount of the levy as is calculated by multiplying the number of tonnes of carbon dioxide equivalence by a per unit charge applicable under subsection 100(1) of the *Clean Energy Act 2011* for the issue of a carbon unit.

**carbon tax repeal** means:

(a) the repeal of the following Acts by the *Clean Energy Legislation (Carbon Tax Repeal) Act 2013*:

(i) the *Clean Energy Act 2011*;

(ii) the *Clean Energy (Charges—Customs) Act 2011*;

(iii) the *Clean Energy (Charges—Excise) Act 2011*;

(iv) the *Clean Energy (Unit Issue Charge—Auctions) Act 2011*;

(v) the *Clean Energy (Unit Issue Charge—Fixed Charge) Act 2011*;

(vi) the *Clean Energy (Unit Shortfall Charge—General) Act 2011*; and

(b) the amendments of the following Acts made by the *Clean Energy Legislation (Carbon Tax Repeal) Act 2013*:

(i) the *Fuel Tax Act 2006*;

(ii) the *Fuel Tax (Consequential and Transitional Provisions) Act 2006*; and

(c) the amendments made by the following Acts:

(i) the *Customs Tariff Amendment (Carbon Tax Repeal) Act 2013*;

(ii) the *Excise Tariff Amendment (Carbon Tax Repeal) Act 2013*;

(iii) the *Ozone Protection and Synthetic Greenhouse Gas (Import Levy) Amendment (Carbon Tax Repeal) Act 2013*;
(iv) the *Ozone Protection and Synthetic Greenhouse Gas (Manufacture Levy) Amendment (Carbon Tax Repeal)* Act 2013.

**carbon tax repeal transition period** means the period:
(a) beginning at the start of 1 July 2014; and
(b) ending at the end of 30 June 2015.

**carbon tax scheme** means the scheme embodied in the following:
(a) the *Clean Energy Act 2011*, as in force at the start of 1 January 2014;
(b) the associated provisions (within the meaning of that Act as in force at that time);
(c) the following provisions of the *Fuel Tax Act 2006*, as in force at the start of 1 January 2014:
   (i) Division 42A;
   (ii) section 43-5, so far as that section relates to a carbon reduction;
   (iii) section 43-8;
   (iv) section 43-11;
(d) section 3A of the *Ozone Protection and Synthetic Greenhouse Gas (Import Levy) Act 1995*, as in force at the start of 1 January 2014, so far as that section relates to carbon charge component;
(e) section 4A of the *Ozone Protection and Synthetic Greenhouse Gas (Import Levy) Act 1995*, as in force at the start of 1 January 2014, so far as that section relates to carbon charge component;
(f) section 3A of the *Ozone Protection and Synthetic Greenhouse Gas (Manufacture Levy) Act 1995*, as in force at the start of 1 January 2014, so far as that section relates to carbon charge component;
(g) sections 6FA, 6FB and 6FC of the *Excise Tariff Act 1921*, as in force at the start of 1 January 2014;
(h) section 19A of the *Customs Tariff Act 1995*, as in force at the start of 1 January 2014.

*engages in price exploitation in relation to the carbon tax repeal*: see section 60C.
Schedule 2 Price exploitation in relation to the carbon tax repeal

infringement notice means an infringement notice issued under subsection 60L(1).

infringement notice compliance period: see section 60P.

infringement notice provision means section 60C or 60K.

listed corporation has the meaning given by section 9 of the Corporations Act 2001.

natural gas has the same meaning as in the National Gas (Commonwealth) Law (as defined by the Australian Energy Market Act 2004).

price, in relation to a supply, includes:
(a) a charge of any description for the supply; and
(b) any pecuniary or other benefit, whether direct or indirect, received or to be received by a person for or in connection with the supply.

regulated goods: see section 60B.

regulated supply means a supply that:
(a) occurs during the carbon tax repeal transition period; and
(b) is of regulated goods.

SGG equipment has the same meaning as in the Ozone Protection and Synthetic Greenhouse Gas Management Act 1989.

synthetic greenhouse gas has the same meaning as in the Ozone Protection and Synthetic Greenhouse Gas Management Act 1989.

60B Regulated goods
(1) For the purposes of this Part, regulated goods means:
(a) natural gas; or
(b) electricity; or
(c) synthetic greenhouse gas; or
(d) SGG equipment; or
(e) other goods of a kind specified in a legislative instrument under subsection (2).

74 Clean Energy Legislation (Carbon Tax Repeal) Bill 2013 No. , 2013
(2) The Minister may, by legislative instrument, specify one or more kinds of goods for the purposes of paragraph (1)(e).

**Division 2—Price exploitation in relation to the carbon tax repeal**

**60C Price exploitation in relation to the carbon tax repeal**

(1) A corporation must not engage in price exploitation in relation to the carbon tax repeal.

(2) For the purposes of this Part, a corporation engages in price exploitation in relation to the carbon tax repeal if, and only if:

(a) it makes a regulated supply; and

(b) the price for the supply is unreasonably high, having regard alone to the carbon tax repeal; and

(c) the price for the supply is unreasonably high even if the following other matters are also taken into account:

(i) the supplier’s costs;

(ii) supply and demand conditions;

(iii) any other relevant matter.

**60D Notice to corporation that is considered to have engaged in price exploitation in relation to the carbon tax repeal**

(1) The Commission may give a corporation a written notice under this section if the Commission considers that the corporation has engaged in price exploitation in relation to the carbon tax repeal.

(2) The notice must:

(a) be expressed to be given under this section; and

(b) identify:

(i) the corporation that made the supply; and

(ii) the kind of supply made; and

(iii) the circumstances in which the supply was made; and

(c) state that, in the Commission’s opinion:

(i) the price for the supply was unreasonably high as mentioned in paragraph 60C(2)(b); and
(ii) that unreasonably high price was not attributable to matters referred to in paragraph 60C(2)(c).

(3) In any proceedings:
   (a) under section 76 for a pecuniary penalty order relating to section 60C; or
   (b) under section 80 for an injunction relating to section 60C; or
   (c) under section 80A, 82, 86C, 86D or 87 for an order relating to section 60C;

   the notice is prima facie evidence that:
   (d) the price for the supply was unreasonably high as mentioned in paragraph 60C(2)(b); and
   (e) that unreasonably high price was not attributable to matters referred to in paragraph 60C(2)(c).

(4) The Commission may vary or revoke the notice on its own initiative or on application made by the corporation. The Commission must give the corporation written notice of the variation or revocation.

(5) A notice under this section is not a legislative instrument.

60E Commission may issue notice to aid prevention of price exploitation in relation to the carbon tax repeal

(1) The Commission may give a corporation a written notice under this section if the Commission considers that doing so will aid the prevention of the corporation engaging in price exploitation in relation to the carbon tax repeal.

(2) The notice must:
   (a) be expressed to be given under this section; and
   (b) be expressed to relate to any supply that the corporation makes that is:
       (i) of a kind specified in the notice; and
       (ii) made in circumstances specified in the notice; and
       (iii) made during the period specified in the notice (which must not be a period ending after the end of the carbon tax repeal transition period); and
(c) specify the maximum price that, in the Commission’s opinion, may be charged for a supply to which the notice is expressed to relate.

(3) The Commission may, on its own initiative or on application made by the corporation:
   (a) vary the notice to:
      (i) change the period specified as required by subparagraph (2)(b)(iii); or
      (ii) change the price specified in the notice as required by paragraph (2)(c); or
   (b) revoke the notice.
   The Commission must give the corporation written notice of the variation or revocation.

(4) The Commission may publish the notice, or particulars of any variation or revocation of the notice, in such manner as the Commission considers appropriate.

(5) A notice under this section is not a legislative instrument.

60F Acquisition of property

Scope

(1) This section applies to the following provisions of this Act:
   (a) section 60C;
   (b) any other provision to the extent to which it relates to section 60C.

Effect of provision

(2) The provision has no effect to the extent (if any) to which its operation would result in the acquisition of property (within the meaning of paragraph 51(xxxi) of the Constitution) otherwise than on just terms (within the meaning of that paragraph).
Schedule 2  Price exploitation in relation to the carbon tax repeal

Division 3—Price monitoring in relation to the carbon tax repeal etc.

60G  Commission may monitor prices in relation to the carbon tax repeal etc.

Price monitoring—carbon tax repeal transition period

(1) The Commission may monitor prices to assess the general effect of the carbon tax repeal on prices charged by corporations for supplies, in the carbon tax repeal transition period, of relevant goods.

Note: For relevant goods, see subsection (11).

(2) The Commission may monitor prices to assess the general effect of the carbon tax repeal on prices:

   (a) advertised; or
   (b) displayed; or
   (c) offered;

for supplies, in the carbon tax repeal transition period, of relevant goods by corporations.

Note: For relevant goods, see subsection (11).

(3) The Commission may monitor prices to assess the general effect of the carbon tax repeal on prices charged for supplies, in the carbon tax repeal transition period, of goods by a corporation for which there is an entry in the Information Database (within the meaning of the Clean Energy Act 2011).

(4) The Commission may monitor prices to assess the general effect of the carbon tax repeal on prices:

   (a) advertised; or
   (b) displayed; or
   (c) offered;

for supplies, in the carbon tax repeal transition period, of goods by a corporation for which there is an entry in the Information Database (within the meaning of the Clean Energy Act 2011).
Price monitoring—price exploitation

(5) The Commission may monitor prices to assist the Commission’s consideration of whether a corporation has engaged, is engaging, or may in the future engage, in price exploitation in relation to the carbon tax repeal.

Price monitoring—pre-repeal transition period

(6) The Commission may monitor prices to assess the general effect of the carbon tax scheme on prices charged by corporations for supplies, in the pre-repeal transition period, of relevant goods.

Note 1: For pre-repeal transition period, see subsection (13).

Note 2: For relevant goods, see subsection (11).

(7) The Commission may monitor prices to assess the general effect of the carbon tax scheme on prices:
   (a) advertised; or
   (b) displayed; or
   (c) offered;
for supplies, in the pre-repeal transition period, of relevant goods by corporations.

Note 1: For pre-repeal transition period, see subsection (13).

Note 2: For relevant goods, see subsection (11).

(8) The Commission may monitor prices to assess the general effect of the carbon tax scheme on prices charged for supplies, in the pre-repeal transition period, of goods by a corporation for which there is an entry in the Information Database (within the meaning of the Clean Energy Act 2011).

Note: For pre-repeal transition period, see subsection (13).

(9) The Commission may monitor prices to assess the general effect of the carbon tax scheme on prices:
   (a) advertised; or
   (b) displayed; or
   (c) offered;
for supplies, in the pre-repeal transition period, of goods by a corporation for which there is an entry in the Information Database (within the meaning of the Clean Energy Act 2011).
Note: For pre-repeal transition period, see subsection (13).

Section does not limit Part VIIA

(10) This section does not limit Part VIIA (which is about prices surveillance).

Relevant goods

(11) For the purposes of this section, the following are relevant goods:
(a) regulated goods;
(b) other goods of a kind specified in a legislative instrument under subsection (12).

(12) The Minister may, by legislative instrument, specify one or more kinds of goods for the purposes of paragraph (11)(b).

Pre-repeal transition period

(13) For the purposes of this section, pre-repeal transition period means the period:
(a) beginning at the commencement of this section; and
(b) ending at the end of 30 June 2014.

60H Information-gathering powers

(1) A member of the Commission may, by written notice given to a person, require the person:
(a) to give the Commission specified information in writing signed by:
   (i) the person; or
   (ii) if the person is a body corporate—a competent officer of the body corporate; or
(b) to produce to the Commission specified documents;
   if:
   (c) the information, or information contained in the documents, relates to prices or the setting of prices; and
   (d) the member reasonably believes that the information, or information contained in the documents, will or may be useful to the Commission in monitoring prices as mentioned in any of subsections 60G(1) to (9).
Note: Sections 137.1 and 137.2 of the Criminal Code create offences for providing false or misleading information or documents.

(2) Information or documents that may be required under subsection (1) may relate to prices, or the setting of prices:
   (a) before or after the carbon tax repeal; and
   (b) before or after the start of the carbon tax repeal transition period; and
   (c) in a situation, or during a period, specified in the notice.

(3) Subsection (2) does not limit subsection (1).

(4) A person commits an offence if:
   (a) the person is subject to a requirement under subsection (1); and
   (b) the person is capable of complying with the requirement; and
   (c) the person omits to do an act; and
   (d) the omission breaches the requirement.

   Penalty: 20 penalty units.

(5) An individual is excused from giving information or producing a document in accordance with a requirement under subsection (1) on the ground that the information or the production of the document might tend to incriminate the individual or expose the individual to a penalty.

Section does not limit section 155

(6) This section does not limit section 155 (which is about the general information-gathering powers of the Commission).

60J Reporting

(1) The Commission must, within 28 days after the end of each quarter, give the Minister a written report about the operations of the Commission under this Part during the quarter.

(2) A report under subsection (1) must include particulars of:
   (a) all notices given under section 60E during the quarter; and
   (b) all variations or revocations during the quarter of notices given under section 60E.
(3) Subsection (2) does not limit subsection (1).

(4) For the purposes of this section, a *quarter* is a period of 3 months:
   (a) that occurs wholly or partly during the carbon tax repeal
       transition period; and
   (b) that starts on any of the following days in a year:
       (i) 1 January;
       (ii) 1 April;
       (iii) 1 July;
       (iv) 1 October.

(5) As soon as practicable after the Minister receives a report under
subsection (1), the Minister must make the report public by such
means as the Minister considers appropriate.

(6) If this section commences during a quarter (but not on the first day
of a quarter):
   (a) no report is to be made at the end of the quarter; but
   (b) the report made at the end of the next quarter is also to
       include the information required by subsections (1) and (2) in
       relation to the previous quarter.

**Division 4—False or misleading representations about the effect of the carbon tax repeal etc. on prices**

60K False or misleading representations about the effect of the
carbon tax repeal etc. on prices

A corporation must not, in trade or commerce, in connection with:
   (a) the supply or possible supply of goods or services; or
   (b) the promotion by any means of the supply or use of goods or
       services;
make a false or misleading representation, during the carbon tax
repeal transition period, concerning the effect of:
   (c) the carbon tax repeal or a part of the carbon tax repeal; or
   (d) the carbon tax scheme or a part of the carbon tax scheme;
on the price for the supply of the goods or services.
Division 5—Infringement notices

60L Issuing an infringement notice

Issuing an infringement notice

(1) If the Commission has reasonable grounds to believe that a person has contravened an infringement notice provision, the Commission may issue an infringement notice to the person.

(2) The Commission must not issue more than one infringement notice to the person for the same alleged contravention of the infringement notice provision.

(3) The infringement notice does not have any effect if the notice:
   (a) is issued more than 12 months after the day on which the contravention of the infringement notice provision is alleged to have occurred; or
   (b) relates to more than one alleged contravention of an infringement notice provision by the person.

Matters to be included in an infringement notice

(4) An infringement notice must:
   (a) be identified by a unique number; and
   (b) state the day on which it is issued; and
   (c) state the name and address of the person to whom it is issued; and
   (d) identify the Commission; and
   (e) state how the Commission may be contacted; and
   (f) give details of the alleged contravention by the person, including:
      (i) the date of the alleged contravention; and
      (ii) the particular infringement notice provision that was allegedly contravened; and
   (g) state the maximum pecuniary penalty that the court could order the person to pay under section 76 for the alleged contravention; and
   (h) specify the penalty that is payable in relation to the alleged contravention; and
(i) state that the penalty is payable within the infringement notice compliance period for the notice; and
(j) state that the penalty is payable to the Commission on behalf of the Commonwealth; and
(k) explain how payment of the penalty is to be made; and
(l) explain the effect of sections 60M, 60N, 60P and 60Q.

Amount of penalty

(5) The penalty to be specified in an infringement notice that is to be issued to a person in relation to an alleged contravention of an infringement notice provision must be:
   (a) if the person is a listed corporation—600 penalty units; or
   (b) if the person is a body corporate other than a listed corporation—60 penalty units; or
   (c) if the person is not a body corporate—12 penalty units.

60M Effect of compliance with an infringement notice

Scope

(1) This section applies if:
   (a) an infringement notice for an alleged contravention of an infringement notice provision is issued to a person; and
   (b) the person pays the penalty specified in the infringement notice within the infringement notice compliance period and in accordance with the notice; and
   (c) the infringement notice is not withdrawn under section 60Q.

Effect

(2) The person is not, merely because of the payment, regarded as:
   (a) having contravened the infringement notice provision; or
   (b) having been convicted of an offence constituted by the same conduct that constituted the alleged contravention of the infringement notice provision.

(3) No proceedings (whether criminal or civil) may be started or continued against the person, by or on behalf of the Commonwealth, in relation to:
(a) the alleged contravention of the infringement notice provision; or

(b) an offence constituted by the same conduct that constituted the alleged contravention.

60N Effect of failure to comply with an infringement notice

If:

(a) an infringement notice for an alleged contravention of an infringement notice provision is issued to a person; and

(b) the person fails to pay the penalty specified in the infringement notice within the infringement notice compliance period and in accordance with the notice; and

(c) the infringement notice is not withdrawn under section 60Q; the person is liable to proceedings under Part VI in relation to the alleged contravention of the infringement notice provision.

60P Infringement notice compliance period for infringement notice

(1) The infringement notice compliance period for an infringement notice is the period of 28 days beginning on the day after the day on which the infringement notice is issued by the Commission.

(2) Subsection (1) has effect subject to subsection (7).

(3) The Commission may extend, by notice in writing, the infringement notice compliance period for the notice if the Commission is satisfied that it is appropriate to do so.

(4) Only one extension may be given, and the extension must not be for longer than 28 days.

(5) Notice of the extension must be given to the person who was issued the infringement notice.

(6) A failure to comply with subsection (5) does not affect the validity of the extension.

(7) If the Commission extends the infringement notice compliance period for an infringement notice, a reference in this Division to the infringement notice compliance period for an infringement notice is taken to be a reference to the infringement notice compliance period as so extended.
60Q Withdrawal of an infringement notice

Representations to the Commission

(1) A person to whom an infringement notice has been issued for an alleged contravention of an infringement notice provision may make written representations to the Commission seeking the withdrawal of the infringement notice.

(2) Evidence or information that the person, or a representative of the person, gives to the Commission in the course of making representations under subsection (1) is not admissible in evidence against the person or representative in any proceedings (other than proceedings for an offence based on the evidence or information given being false or misleading).

Withdrawal by the Commission

(3) The Commission may, by written notice (the withdrawal notice) given to the person to whom an infringement notice was issued, withdraw the infringement notice if the Commission is satisfied that it is appropriate to do so.

(4) Subsection (3) applies whether or not the person has made representations seeking the withdrawal.

Content of withdrawal notices

(5) The withdrawal notice must state:
   (a) the name and address of the person; and
   (b) the day on which the infringement notice was issued to the person; and
   (c) that the infringement notice is withdrawn; and
   (d) that proceedings under Part VI may be started or continued against the person in relation to:
      (i) the alleged contravention the infringement notice provision; or
      (ii) an offence constituted by the same conduct that constituted the alleged contravention.
Time limit for giving withdrawal notices

(6) To be effective, the withdrawal notice must be given to the person within the infringement notice compliance period for the infringement notice.

Refunds

(7) If the infringement notice is withdrawn after the person has paid the penalty specified in the infringement notice, the Commission must, on behalf of the Commonwealth, refund to the person an amount equal to the amount paid.

Note: For appropriation, see section 28 of the Financial Management and Accountability Act 1997.

60R Effect of this Division

This Division does not:
(a) require an infringement notice to be issued to a person for an alleged contravention of an infringement notice provision; or
(b) affect the liability of a person to proceedings under Part VI in relation to an alleged contravention of an infringement notice provision if:
   (i) an infringement notice is not issued to the person for the alleged contravention; or
   (ii) an infringement notice issued to a person for the alleged contravention is withdrawn under section 60Q; or
(c) prevent a court from imposing a higher penalty than the penalty specified in the infringement notice if the person does not comply with the notice.

4 Subsection 75B(1)

After “section”, insert “60C, 60K or”.

5 After subparagraph 76(1)(a)(i)

Insert:
(ii) section 60C;
(iia) section 60K;
Schedule 2  Price exploitation in relation to the carbon tax repeal

6 After paragraph 76(1A)(b)
   Insert:
   (ba) for each act or omission to which this section applies that
   relates to section 60C or 60K—6,471 penalty units; and

7 Before paragraph 76(1B)(a)
   Insert:
   (aa) for each act or omission to which this section applies that
   relates to section 60C or 60K—1,295 penalty units; and

8 Paragraph 77A(3) (at the end of the definition of civil liability)
   Add “or Part V”.

9 Paragraph 80(1)(a)
   Repeal the paragraph, substitute:
   (a) a contravention of any of the following provisions:
      (i) a provision of Part IV;
      (ii) a provision of Division 2 or 5 of Part IVB;
      (iii) section 60C;
      (iv) section 60K; or

10 At the end of subsection 80(1A)
   Add “, 60C or 60K”.

11 After section 80
   Insert:

80A Price exploitation in relation to the carbon tax repeal—orders limiting prices or requiring refunds of money

   (1) If, on the application of the Commission, the Court is satisfied that
   a person has engaged in conduct constituting a contravention of
   section 60C, the Court may make either or both of the following
   orders:
      (a) an order requiring that person, or a person involved in the
          contravention, not to make a regulated supply of a kind
specified in the order for a price in excess of the price
specified in the order while the order remains in force;
(b) an order requiring that person, or a person involved in the
contravention, to refund money to a person specified in the
order.

Note: Section 60C is about price exploitation in relation to the carbon tax
repeal.

(2) This section does not limit section 80.

(3) In this section:
(price has the same meaning as in Part V.
regulated supply has the same meaning as in Part V.

12 Subsection 82(1)
After “IVB”, insert “, or of section 60C or 60K,.”.

13 Section 83
After “IVB”, insert “, or of section 60C or 60K,.”.

14 Paragraphs 84(1)(b) and (3)(b)
After “IVB”, insert “or V”.

15 After paragraph 85(a)
Insert:
(aa) engaged in conduct in contravention of section 60C or 60K;
or

16 Paragraph 86C(2)(a)
Before “a”, insert “except in the case of contravening conduct that
relates to section 60C or 60K—”.

17 Paragraph 86C(2)(b)
Before “a probation”, insert “except in the case of contravening conduct
that relates to section 60C or 60K—”.
Schedule 2 Price exploitation in relation to the carbon tax repeal

18 Subsection 86C(4) (paragraph (a) of the definition of contravening conduct)
   After “section”, insert “60C, 60K or”.

19 Subsection 87(1)
   After “IVB”, insert “, or of section 60C or 60K,”.

20 Paragraph 87(1A)(a)
   After “IVB”, insert “or section 60C or 60K”.

21 Paragraph 87(1A)(b)
   Omit “45E) or Division 2 of Part IVB”, substitute “45E), Division 2 of Part IVB or section 60C or 60K”.

22 Paragraph 87(1B)(a)
   Omit “45E) or Division 2 of Part IVB”, substitute “45E), Division 2 of Part IVB or section 60C or 60K”.

23 Subsection 87(1C)
   Omit “or Division 2 of Part IVB”, substitute “, Division 2 of Part IVB or section 60C or 60K”.

24 Subsection 155AAA(21) (paragraph (a) of the definition of core statutory provision)
   After “Part IV,”, insert “V, ”.

25 Subsection 155AAA(21) (after paragraph (b) of the definition of protected information)
   Insert:
      (ba) information that was obtained by the Commission under section 60H; or

26 Before subparagraph 163A(1)(a)(ii)
   Insert:
      (i) Part V;
Schedule 3—Repeal of tax offset for conservation tillage

Clean Energy (Consequential Amendments) Act 2011

1 Subsection 2(1) (table item 6)
   Repeal the item.

2 Part 3 of Schedule 2
   Repeal the Part.

Income Tax Assessment Act 1997

3 Section 67-23 (table item 24)
   Repeal the item.

4 Subdivision 385-J
   Repeal the Subdivision.

5 Subsection 995-1(1) (definition of eligible no-till seeder)
   Repeal the definition.

6 Application of amendments
   The amendments made by this Schedule apply to assessments for the 2014-15 income year and later income years.

Note: The provisions of the Income Tax Assessment Act 1997 repealed by this Schedule will continue to apply to assessments for the 2012-13 and 2013-14 income years.

7 Transitional—timing relating to 2013-14 income year
   The following provisions of the Income Tax Assessment Act 1997:
   (a) subparagraph 385-175(1)(e)(ii);
   (b) subparagraph 385-190(1)(c)(ii);
   apply for the purposes of assessments for the 2013-14 income year as if those provisions referred to 30 June 2014 rather than 30 June 2015.
Schedule 4—Repeal of the Steel Transformation Plan Act 2011

Steel Transformation Plan Act 2011

1 The whole of the Act

Repeal the Act.

Note: On the repeal of the Act, the Steel Transformation Plan 2012 (which was made under Part 3 of the Act) will also cease to have effect.

2 Effect of repeal

(1) To avoid doubt:

(a) no assistance is payable under the old Act or the old Plan after the commencement of this Schedule, including in respect of the half-year ending on 30 June 2014; and

(b) a return is not required to be (and cannot be) provided under Part 4 of the old Plan in respect of the half-year ending on 30 June 2014 (or any later half-year); and

(c) the following conditions cease to have effect on the commencement of this Schedule:

(i) conditions to which payments of competitiveness assistance advances under the old Act were subject;

(ii) conditions to which registrations of corporations under the old Plan as STP participants were subject; and

(d) the Department’s annual report for the financial year ending on 30 June 2014 (or any later financial year) is not required to comply with section 26 of the old Act.

(2) In this item:

old Act means the Steel Transformation Plan Act 2011.

old Plan means the Steel Transformation Plan 2012 made under Part 3 of the old Act.
Schedule 5—Australian Renewable Energy Agency’s finances

Australian Renewable Energy Agency Act 2011

1 Subsection 64(1) (table)
Repeal the table, substitute:

Yearly maximum payments to ARENA

<table>
<thead>
<tr>
<th>Item</th>
<th>Financial year</th>
<th>Amount for financial year</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2013-2014</td>
<td>$581,276,000.00</td>
</tr>
<tr>
<td>2</td>
<td>2014-2015</td>
<td>$194,340,000.00</td>
</tr>
<tr>
<td>3</td>
<td>2015-2016</td>
<td>$89,991,000.00</td>
</tr>
<tr>
<td>4</td>
<td>2016-2017</td>
<td>$56,950,000.00</td>
</tr>
<tr>
<td>5</td>
<td>2017-2018</td>
<td>$499,893,000.00</td>
</tr>
<tr>
<td>6</td>
<td>2018-2019</td>
<td>$237,000,000.00</td>
</tr>
<tr>
<td>7</td>
<td>2019-2020</td>
<td>$468,340,000.00</td>
</tr>
<tr>
<td>8</td>
<td>2020-2021</td>
<td>$135,000,000.00</td>
</tr>
<tr>
<td>9</td>
<td>2021-2022</td>
<td>$135,000,000.00</td>
</tr>
</tbody>
</table>

2 Subsections 64(3) to (6)
Repeal the subsections.

3 Subsection 65(4) (note)
Omit “subsections 64(2) to (6)”, substitute “subsection 64(2)”.

4 Application
To avoid doubt:

(a) the amendments made by this Part do not affect how the Australian Renewable Energy Agency Act 2011 applied, before the commencement of this Part, in relation to the financial year 2012-2013; but

(b) for the purposes of that Act as amended by this Part, subsection 64(2) of that Act does not apply so as to carry
Schedule 5  Australian Renewable Energy Agency’s finances

1 over to the 2013-2014 financial year any unspent amount
2 from the 2012-2013 financial year.

3 Note: The unspent amount from the 2012-2013 financial year has instead been directly
4 factored into amounts specified in the table substituted by item 1.