

EXPOSURE DRAFT

2013

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

EXPOSURE DRAFT

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

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1
2 **A Bill for an Act to repeal the *Clean Energy Act***
3 ***2011*, and for other purposes**

4 The Parliament of Australia enacts:

5 **1 Short title**

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

8 **2 Commencement**

9 (1) Each provision of this Act specified in column 1 of the table
10 commences, or is taken to have commenced, in accordance with
11 column 2 of the table. Any other statement in column 2 has effect
12 according to its terms.
13

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	
2. Schedule 1, Parts 1 and 2	1 July 2014.	1 July 2014
3. Schedule 1, Part 3, Divisions 1 to 4	1 July 2014.	1 July 2014
4. Schedule 1, Part 3, Division 5	The day this Act receives the Royal Assent.	
5. Schedule 1, Part 4	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.	

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Commencement information

Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
6. Schedule 2	The later of: (a) the day after this Act receives the Royal Assent; and (b) 1 January 2014.	
7. Schedule 3	The day after this Act receives the Royal Assent.	
8. Schedule 4	1 July 2014.	1 July 2014

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

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

7 3 Schedule(s)

8 Each Act that is specified in a Schedule to this Act is amended or
9 repealed as set out in the applicable items in the Schedule
10 concerned, and any other item in a Schedule to this Act has effect
11 according to its terms.

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Repeal of the carbon tax **Schedule 1**
Repeal of Acts **Part 1**

1 **Schedule 1—Repeal of the carbon tax**

2 **Part 1—Repeal of Acts**

3 *Clean Energy Act 2011*

4 **1 The whole of the Act**

5 Repeal the Act.

6 *Clean Energy (Charges—Customs) Act 2011*

7 **2 The whole of the Act**

8 Repeal the Act.

9 *Clean Energy (Charges—Excise) Act 2011*

10 **3 The whole of the Act**

11 Repeal the Act.

12 *Clean Energy (Unit Issue Charge—Auctions) Act 2011*

13 **4 The whole of the Act**

14 Repeal the Act.

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

16 **5 The whole of the Act**

17 Repeal the Act.

18 *Clean Energy (Unit Shortfall Charge—General) Act 2011*

19 **6 The whole of the Act**

20 Repeal the Act.

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Schedule 1 Repeal of the carbon tax

Part 2 Amendments

1 **Part 2—Amendments**

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

3 **7 Section 195-1**

4 Insert:

5 *eligible Australian carbon credit unit* means:

6 (a) a Kyoto Australian carbon credit unit (within the meaning of
7 the *Carbon Credits (Carbon Farming Initiative) Act 2011*);

8 or

9 (b) a non-Kyoto Australian carbon credit unit (within the
10 meaning of that Act) issued in relation to an eligible offsets
11 project (within the meaning of that Act) for a reporting
12 period (within the meaning of that Act), where:

13 (i) if it were assumed that the reporting period had ended
14 before the Kyoto abatement deadline (within the
15 meaning of that Act), a Kyoto Australian carbon credit
16 unit would have been issued in relation to the project for
17 the reporting period instead of the non-Kyoto Australian
18 carbon credit unit; and

19 (ii) the non-Kyoto Australian carbon credit unit is not of a
20 kind specified in the regulations; or

21 (c) an Australian carbon credit unit (within the meaning of that
22 Act) of a kind specified in the regulations.

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

26 **8 Section 195-1 (definition of *eligible emissions unit*)**

27 Repeal the definition, substitute:

28 *eligible emissions unit* means:

29 (a) an *eligible international emissions unit; or

30 (b) an *eligible Australian carbon credit unit.

31 **9 Section 195-1**

32 Insert:

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

1 *eligible international emissions unit* has the same meaning as in
2 the *Australian National Registry of Emissions Units Act 2011*.

3 ***Anti-Money Laundering and Counter-Terrorism Financing***
4 ***Act 2006***

5 **10 Section 5 (definition of *carbon unit*)**

6 Repeal the definition.

7 **11 Subsection 6(2) (paragraph (baa) of the cell at table**
8 **item 33, column headed “Provision of a designated**
9 **service”)**

10 Repeal the paragraph.

11 **12 Subsection 6(2) (paragraph (d) of the cell at table item 33,**
12 **column headed “Provision of a designated service”)**

13 Omit “carbon units,”.

14 ***Australian National Registry of Emissions Units Act 2011***

15 **13 Section 3**

16 Omit:

- 17 • Entries may be made in Registry accounts for:
- 18 (a) carbon units; and
- 19 (b) Australian carbon credit units; and
- 20 (c) Kyoto units; and
- 21 (d) prescribed international units.
- 22 • This Act sets out rules about dealings with:
- 23 (a) Kyoto units; and
- 24 (b) prescribed international units.

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Schedule 1 Repeal of the carbon tax

Part 2 Amendments

1 substitute:

2

- Entries may be made in Registry accounts for:

3

(a) Australian carbon credit units; and

4

(b) Kyoto units.

5

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

6

14 Section 4 (definition of *Australian-issued international unit*)

7

Repeal the definition.

8

9

15 Section 4 (definition of *benchmark average auction charge*)

10

Repeal the definition.

11

12

16 Section 4 (definition of *carbon unit*)

13

Repeal the definition.

14

17 Section 4 (definition of *Commonwealth foreign registry account*)

15

Repeal the definition.

16

17

18 Section 4 (paragraph (d) of the definition of *eligible international emissions unit*)

18

Omit “rules; or”, substitute “rules.”.

19

20

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

21

Repeal the paragraph.

22

23

20 Section 4 (definition of *European allowance unit*)

24

Repeal the definition.

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

1 **21 Section 4 (definition of *European Union Greenhouse Gas***
2 ***Emission Allowance Trading Directive*)**

3 Repeal the definition.

4 **22 Section 4 (definition of *fixed charge year*)**

5 Repeal the definition.

6 **23 Section 4 (definition of *foreign account*)**

7 Repeal the definition, substitute:

8 *foreign account*, when used in relation to a Kyoto unit, means an
9 account kept within a foreign Kyoto registry.

10 **24 Section 4 (definition of *foreign government body*)**

11 Repeal the definition.

12 **25 Section 4 (definition of *hold*)**

13 Omit “a carbon unit or”.

14 **26 Section 4 (definition of *Information Database*)**

15 Repeal the definition.

16 **27 Section 4 (definition of *international arrangement*)**

17 Repeal the definition.

18 **28 Section 4 (definition of *international organisation*)**

19 Repeal the definition.

20 **29 Section 4 (definition of *issue*)**

21 Repeal the definition, substitute:

22 *issue*, in relation to an Australian carbon credit unit, has the same
23 meaning as in the *Carbon Credits (Carbon Farming Initiative) Act*
24 *2011*.

25 **30 Section 4 (definition of *prescribed international unit*)**

26 Repeal the definition.

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Schedule 1 Repeal of the carbon tax

Part 2 Amendments

1 **31 Section 4 (definition of *quarter*)**

2 Repeal the definition.

3 **32 Section 4 (paragraph (aa) of the definition of *registered***
4 ***holder*)**

5 Repeal the paragraph.

6 **33 Section 4 (paragraph (b) of the definition of *registered***
7 ***holder*)**

8 Omit “unit; or”, substitute “unit.”.

9 **34 Section 4 (paragraph (c) of the definition of *registered***
10 ***holder*)**

11 Repeal the paragraph.

12 **35 Section 4 (definition of *relinquish*)**

13 Repeal the definition.

14 **36 Section 4 (definition of *transfer*)**

15 Repeal the definition, substitute:

16 *transfer*, in relation to a Kyoto unit, has the meaning given by
17 section 33.

18 **37 Section 4 (definition of *vintage year*)**

19 Repeal the definition.

20 **38 Paragraph 9(4)(a)**

21 Omit “carbon units, Australian carbon credit units and prescribed
22 international units”, substitute “Australian carbon credit units”.

23 **39 Paragraph 11(5)(a)**

24 Omit “carbon units or”.

25 **40 Section 14A**

26 Repeal the section.

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

- 1 **41 Paragraph 15(2)(aa)**
2 Repeal the paragraph.
- 3 **42 Paragraph 15(2)(c)**
4 Omit “account; and”, substitute “account.”.
- 5 **43 Paragraph 15(2)(d)**
6 Repeal the paragraph.
- 7 **44 Subparagraph 16(2)(b)(ii)**
8 Omit “(4), (5) and (6)”, substitute “(4) and (6)”.
- 9 **45 Subsection 16(2A)**
10 Repeal the subsection (not including the heading).
- 11 **46 Subsection 16(5)**
12 Repeal the subsection.
- 13 **47 Paragraph 16(7)(b)**
14 Omit “or (5)”.
- 15 **48 Subsection 17(1A)**
16 Repeal the subsection.
- 17 **49 Subsection 17(3)**
18 Repeal the subsection.
- 19 **50 Paragraph 19(3A)(a)**
20 Omit “or 49A”.
- 21 **51 Subsection 19(3B)**
22 Repeal the subsection.
- 23 **52 Section 21**
24 Repeal the section.
- 25 **53 Paragraph 22(4A)(a)**
26 Omit “or 49A”.
-

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Schedule 1 Repeal of the carbon tax

Part 2 Amendments

1 **54 Subsection 22(4B)**

2 Repeal the subsection.

3 **55 Subparagraph 26(3)(a)(ia)**

4 Repeal the subparagraph.

5 **56 Subparagraph 26(3)(a)(ii)**

6 Omit “or”.

7 **57 Subparagraph 26(3)(a)(iii)**

8 Repeal the subparagraph.

9 **58 Paragraph 27(3B)(b)**

10 Omit “account; or”, substitute “account.”.

11 **59 Paragraph 27(3B)(c)**

12 Repeal the paragraph.

13 **60 Paragraph 28A(1)(aa)**

14 Repeal the paragraph.

15 **61 Paragraph 28A(1)(b)**

16 Omit “or”.

17 **62 Paragraph 28A(1)(c)**

18 Repeal the paragraph.

19 **63 Paragraph 28A(4)(aa)**

20 Repeal the paragraph.

21 **64 Paragraph 28B(1)(aa)**

22 Repeal the paragraph.

23 **65 Paragraph 28B(1)(b)**

24 Omit “or”.

25 **66 Paragraph 28B(1)(c)**

26 Repeal the paragraph.

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

1 **67 Paragraph 28B(11)(aa)**

2 Repeal the paragraph.

3 **68 Subsection 28B(11) (paragraph (c) of the note)**

4 Omit “Act; and”, substitute “Act.”.

5 **69 Subsection 28B(11) (paragraphs (d) and (e) of the note)**

6 Repeal the paragraphs.

7 **70 Paragraph 28C(17)(aa)**

8 Repeal the paragraph.

9 **71 Subparagraph 28D(5)(a)(ii)**

10 Omit “carbon units or”.

11 **72 Paragraph 28D(5)(b)**

12 Repeal the paragraph, substitute:

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

16 **73 Paragraph 28D(16)(aa)**

17 Repeal the paragraph.

18 **74 Part 4**

19 Repeal the Part.

20 **75 Section 58**

21 Omit:

- 22
- 23
- 24
- 25
- | |
|---|
| <ul style="list-style-type: none">• The Regulator must publish certain information about:<ul style="list-style-type: none">(a) the holders of Registry accounts; and(b) carbon units; and(c) Kyoto units; and |
|---|

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Schedule 1 Repeal of the carbon tax

Part 2 Amendments

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

18

19

20

21

81 Section 64

22

Omit:

23

- 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.

24

25

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

1 **82 Section 64A**

2 Repeal the section.

3 **83 Section 66**

4 Repeal the section.

5 **84 Parts 6A and 6B**

6 Repeal the Parts.

7 **85 Paragraph 79(1)(c)**

8 Omit “27(4);”, substitute “27(4).”.

9 **86 Paragraph 79(1)(d)**

10 Repeal the paragraph.

11 **87 Section 82 (table item 2)**

12 Omit “or 53”.

13 **88 Section 82 (table item 3)**

14 Repeal the item.

15 **89 Section 82 (table items 8 and 9)**

16 Omit “or 21”.

17 **90 Section 82 (table items 15 and 16)**

18 Repeal the items.

19 **91 Section 86A**

20 Repeal the section.

21 *Australian Securities and Investments Commission Act 2001*

22 **92 Paragraph 12BAA(7)(ka)**

23 Repeal the paragraph.

24 **93 Paragraph 12BAB(1)(g)**

25 Omit “a carbon unit,”.

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Schedule 1 Repeal of the carbon tax

Part 2 Amendments

1 **94 At the end of the Act**

2 Add:

3 **Part 20—Transitional provisions relating to the**
4 **Clean Energy Legislation (Carbon Tax**
5 **Repeal) Act 2013**
6

7 **295 Definition**

8 In this Part:

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

12 **296 Transitional—carbon units issued before the designated carbon**
13 **unit day**

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

19 ***Clean Energy Regulator Act 2011***

20 **95 Section 3**

21 Omit:

- 22 • The Regulator has such functions as are conferred on it by or
23 under:
- 24 (a) the *Clean Energy Act 2011*; and
- 25 (b) the *Carbon Credits (Carbon Farming Initiative)*
26 *Act 2011*; and
- 27 (c) the *National Greenhouse and Energy Reporting*
28 *Act 2007*; and

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

1

(d) the *Renewable Energy (Electricity) Act 2000*; and

2

(e) the *Australian National Registry of Emissions Units Act 2011*.

3

4

substitute:

5

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

6

7

(a) the *Carbon Credits (Carbon Farming Initiative) Act 2011*; and

8

9

(b) the *National Greenhouse and Energy Reporting Act 2007*; and

10

11

(c) the *Renewable Energy (Electricity) Act 2000*; and

12

(d) the *Australian National Registry of Emissions Units Act 2011*.

13

14

96 Section 4

15

Insert:

16

Climate Change Convention means the United Nations Framework Convention on Climate Change, done at New York on 9 May 1992, as amended and in force for Australia from time to time.

17

18

19

20

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).

21

22

23

24

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

25

26

Repeal the paragraphs.

27

98 Section 4

28

Insert:

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Schedule 1 Repeal of the carbon tax

Part 2 Amendments

1 *greenhouse gas* has the same meaning as in the *National*
2 *Greenhouse and Energy Reporting Act 2007*.

3 **99 Section 4 (definition of *international agreement*)**

4 Repeal the definition, substitute:

5 *international agreement* means an agreement whose parties are:

- 6 (a) Australia and a foreign country; or
7 (b) Australia and 2 or more foreign countries.

8 **100 Section 4 (definition of *international climate change*
9 *agreement*)**

10 Repeal the definition, substitute:

11 *international climate change agreement* means:

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

23 **101 Section 4 (paragraph (a) of the definition of *objectives of*
24 *the Regulator*)**

25 Repeal the paragraph.

26 **102 Section 4 (definition of *prescribed international unit*)**

27 Repeal the definition.

28 **103 Paragraph 41(3)(a)**

29 Repeal the paragraph.

30 **104 Paragraph 49(1)(z)**

31 Repeal the paragraph, substitute:

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

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

4 *Corporations Act 2001*

5 **105 Section 9 (definition of *carbon unit*)**

6 Repeal the definition.

7 **106 Paragraph 764A(1)(kaa)**

8 Repeal the paragraph.

9 **107 At the end Chapter 10**

10 Add:

11 **Part 10.23—Transitional provisions relating to the** 12 **Clean Energy Legislation (Carbon Tax** 13 **Repeal) Act 2013** 14

15 **1542 Definition**

16 In this Part:

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

20 **1543 Transitional—carbon units issued before the designated** 21 **carbon unit day**

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

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Schedule 1 Repeal of the carbon tax

Part 2 Amendments

1 **1544 Transitional—variation of conditions on Australian financial**
2 **services licences**

3 *Scope*

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

9 *Variation*

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

14 **1545 Transitional—immediate cancellation of Australian financial**
15 **services licences**

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

18 *Licence relating to carbon units*

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

23 **1546 Transitional—statements of reasons for cancellation of**
24 **Australian financial services licences**

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

27 ***Fuel Tax Act 2006***

28 **108 Section 2-1**

29 Omit:

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

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

- 5 (a) fuel used in private vehicles and for certain other private
6 purposes; and
7 (b) fuel used on-road in light vehicles for business purposes.

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

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

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

22 substitute:

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

- 27 (a) fuel used in private vehicles and for certain other private
28 purposes; and
29 (b) fuel used on-road in light vehicles for business purposes.

30 **109 Subsection 40-5(2)**

31 After “reduce”, insert “or remove”.

32 **110 Subsections 40-5(3) and (4)**

33 Repeal the subsections.

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Schedule 1 Repeal of the carbon tax

Part 2 Amendments

1 **111 Section 41-1**

2 Omit:

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

- 4 (a) another person is already entitled to a fuel tax
5 credit in respect of the fuel; or
- 6 (b) the fuel is for use on-road in light vehicles; or
- 7 (c) the fuel is for use in vehicles that do not meet
8 certain environmental criteria; or
- 9 (d) the fuel is for use in aircraft, and is not covered by
10 the Opt-in Scheme.

11 substitute:

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

- 13 (a) another person is already entitled to a fuel tax
14 credit in respect of the fuel; or
- 15 (b) the fuel is for use on-road in light vehicles; or
- 16 (c) the fuel is for use in vehicles that do not meet
17 certain environmental criteria; or
- 18 (d) the fuel is for use in aircraft.

19 **112 Paragraph 41-5(3)(b)**

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

21 **113 Subsection 41-15(1)**

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

24 **114 Subparagraph 41-25(2)(a)(ii)**

25 Omit “*agricultural property”, substitute “agricultural property”.

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

1 **115 Section 41-30 (heading)**

2 Repeal the heading, substitute:

3 **41-30 No fuel tax credit for fuel to be used in an aircraft**

4 **116 Subsection 41-30(1)**

5 Omit “(1)”.

6 **117 Subsection 41-30(2)**

7 Repeal the subsection.

8 **118 Section 41-35**

9 Repeal the section.

10 **119 Division 42A**

11 Repeal the Division.

12 **120 Section 43-1**

13 Omit:

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

- 16 (a) reduced to take account of certain grants and
17 subsidies that were payable in respect of the fuel
18 (as the grants or subsidies reduced the amount of
19 fuel tax that effectively applied to the fuel); and
- 20 (b) for fuel that is not covered by the Opt-in Scheme—
21 reduced (with some exceptions) to take account of
22 what the carbon price on the fuel emissions would
23 be (if those emissions were subject to a carbon
24 price).

25 For fuel for use in aircraft that is covered by the Opt-in Scheme,
26 the amount of the credit is reduced so that it is limited to the carbon
27 component rate that was factored into the rate of fuel tax.

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Schedule 1 Repeal of the carbon tax

Part 2 Amendments

1 For gaseous fuel that is subject to the carbon pricing mechanism,
2 the amount of the credit is the amount of the carbon charge that is
3 embedded in the price of the fuel.

4 substitute:

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

10 **121 Subsection 43-5(1)**

11 Repeal the subsection, substitute:

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

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

15 **122 Subsections 43-5(4) and (5)**

16 Repeal the subsections.

17 **123 Section 43-8**

18 Repeal the section.

19 **124 Section 43-10 (heading)**

20 Repeal the heading, substitute:

21 **43-10 Reducing the amount of your fuel tax credit**

22 **125 Subsection 43-10(1A)**

23 Repeal the subsection.

24 **126 Section 43-11**

25 Repeal the section.

26 **127 Subdivision 43-B**

27 Repeal the Subdivision.

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

- 1 **128 Section 110-5 (definition of *agricultural activity*)**
2 Repeal the definition.
- 3 **129 Section 110-5 (definition of *agricultural construction***
4 ***activity*)**
5 Repeal the definition.
- 6 **130 Section 110-5 (definition of *agricultural property*)**
7 Repeal the definition.
- 8 **131 Section 110-5 (definition of *agricultural soil/water***
9 ***activity*)**
10 Repeal the definition.
- 11 **132 Section 110-5 (definition of *agricultural waste activity*)**
12 Repeal the definition.
- 13 **133 Section 110-5 (definition of *agriculture*)**
14 Repeal the definition.
- 15 **134 Section 110-5 (definition of *approved catchment area*)**
16 Repeal the definition.
- 17 **135 Section 110-5 (definition of *carbon reduction*)**
18 Repeal the definition.
- 19 **136 Section 110-5 (definition of *CNG*)**
20 Repeal the definition.
- 21 **137 Section 110-5 (definition of *core agricultural activity*)**
22 Repeal the definition.
- 23 **138 Section 110-5 (definition of *covered by the Opt-in***
24 ***Scheme*)**
25 Repeal the definition.
- 26 **139 Section 110-5 (definition of *earthworks*)**
27 Repeal the definition.
-

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Schedule 1 Repeal of the carbon tax

Part 2 Amendments

1 **140 Section 110-5 (definition of *fish*)**

2 Repeal the definition.

3 **141 Section 110-5 (definition of *fishing operations*)**

4 Repeal the definition.

5 **142 Section 110-5 (definition of *forestry*)**

6 Repeal the definition.

7 **143 Section 110-5 (definition of *half-year*)**

8 Repeal the definition.

9 **144 Section 110-5 (definition of *horticulture*)**

10 Repeal the definition.

11 **145 Section 110-5 (definition of *livestock*)**

12 Repeal the definition.

13 **146 Section 110-5 (definition of *livestock activity*)**

14 Repeal the definition.

15 **147 Section 110-5 (definition of *LNG*)**

16 Repeal the definition.

17 **148 Section 110-5 (definition of *pearling operations*)**

18 Repeal the definition.

19 **149 Section 110-5 (definition of *port*)**

20 Repeal the definition.

21 **150 Section 110-5 (definition of *processing of fish*)**

22 Repeal the definition.

23 **151 Section 110-5 (definition of *public authority*)**

24 Repeal the definition.

25 **152 Section 110-5 (definition of *renewable diesel*)**

26 Repeal the definition.

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

1 **153 Section 110-5 (definition of *sundry agricultural activity*)**

2 Repeal the definition.

3 **154 Section 110-5 (definition of *taxable fuel*)**

4 Repeal the definition, substitute:

5 *taxable fuel* means fuel in respect of which duty is payable under:

6 (a) the *Excise Act 1901* and the *Excise Tariff Act 1921*; or

7 (b) the *Customs Act 1901* and the *Customs Tariff Act 1995*;

8 but does not include fuel covered by:

9 (c) item 15, 20 or 21 of the Schedule to the *Excise Tariff Act*
10 *1921*; or

11 (d) any imported goods that would be classified to item 15 of the
12 Schedule to the *Excise Tariff Act 1921*, if the goods had been
13 manufactured in Australia.

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

18 ***Fuel Tax (Consequential and Transitional Provisions) Act***
19 ***2006***

20 **155 Subitem 12(2A) of Schedule 3**

21 Repeal the subitem.

22 ***Income Tax Assessment Act 1997***

23 **156 Section 12-5 (table item headed “clean energy”)**

24 Repeal the item.

25 **157 Section 26-18**

26 Repeal the section.

27 **158 Section 104-5 (table item relating to CGT event K1,**
28 **column headed “Event number and description”)**

29 Omit “*carbon unit, an *international emissions unit”, substitute
30 “*Kyoto unit”.

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Schedule 1 Repeal of the carbon tax

Part 2 Amendments

1 **159 Subparagraphs 104-205(1)(a)(i) and (ii)**

2 Repeal the subparagraphs.

3 **160 Subparagraph 104-205(1)(a)(iii)**

4 Omit “an *international emissions unit”, substitute “a *Kyoto unit”.

5 **161 Subparagraph 104-205(1)(a)(iv)**

6 Omit “an *international emissions unit”, substitute “a Kyoto unit”.

7 **162 Section 112-97 (table item 18A, column headed “In this**
8 **situation”)**

9 Omit “an *international emissions unit”, substitute “a *Kyoto unit”.

10 **163 Subsection 118-15(2)**

11 Repeal the subsection.

12 **164 Paragraph 420-10(a)**

13 Repeal the paragraph.

14 **165 Paragraph 420-10(c)**

15 Repeal the paragraph.

16 **166 Subsection 420-15(1) (note)**

17 Repeal the note.

18 **167 Subsection 420-15(3)**

19 Repeal the subsection.

20 **168 Subsection 420-20(3)**

21 Repeal the subsection (not including the note), substitute:

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

25 **169 Subparagraphs 420-21(1)(a)(i) and (ii)**

26 Repeal the subparagraphs.

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

- 1 **170 Subparagraph 420-21(1)(a)(iii)**
2 Omit “an *international emissions unit”, substitute “a *Kyoto unit”.
- 3 **171 Subparagraph 420-21(1)(a)(iv)**
4 Omit “an international emissions unit”, substitute “a Kyoto unit”.
- 5 **172 Subsection 420-21(1) (example)**
6 Omit “of international emissions unit”, substitute “of Kyoto unit”.
- 7 **173 Subparagraphs 420-21(2)(a)(i) and (ii)**
8 Repeal the subparagraphs.
- 9 **174 Subparagraph 420-21(2)(a)(iii)**
10 Omit “an *international emissions unit”, substitute “a *Kyoto unit”.
- 11 **175 Subparagraph 420-21(2)(a)(iv)**
12 Omit “an international emissions unit”, substitute “a Kyoto unit”.
- 13 **176 Subparagraph 420-35(b)(i)**
14 Repeal the subparagraph.
- 15 **177 Subparagraph 420-35(b)(ii)**
16 Omit “an *international emissions unit”, substitute “a *Kyoto unit”.
- 17 **178 Section 420-35 (example)**
18 Omit “of international emissions unit”, substitute “of Kyoto unit”.
- 19 **179 Section 420-43**
20 Repeal the section.
- 21 **180 Subsection 420-51(1)**
22 Omit “(1)”.
- 23 **181 Subsection 420-51(2)**
24 Repeal the subsection.
- 25 **182 Subparagraph 420-52(a)(i)**
26 Repeal the subparagraph.
-

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Schedule 1 Repeal of the carbon tax

Part 2 Amendments

1 **183 Paragraph 420-52(b)**

2 Repeal the paragraph.

3 **184 Subsection 420-55(6)**

4 Repeal the subsection.

5 **185 Subsection 420-57(9)**

6 Repeal the subsection.

7 **186 Section 420-58**

8 Repeal the section.

9 **187 Subsections 420-60(1) and (2)**

10 Repeal the subsections.

11 **188 Subsection 420-60(4)**

12 Omit all the words from and including “If a *registered” to and
13 including “*cost* of the unit”, substitute “The *cost* of a *registered
14 emissions unit (other than an *Australian carbon credit unit)”.

15 **189 Subsection 420-65(3)**

16 Repeal the subsection.

17 **190 Subsection 420-70(3)**

18 Repeal the subsection.

19 **191 Subsection 995-1(1) (definition of *carbon unit*)**

20 Repeal the definition.

21 **192 Subsection 995-1(1) (definition of *free carbon unit*)**

22 Repeal the definition.

23 **193 Subsection 995-1(1) (definition of *international emissions***
24 ***unit*)**

25 Repeal the definition.

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

1 **194 Subsection 995-1(1) (definition of *prescribed***
2 ***international unit*)**

3 Repeal the definition.

4 **195 Subsection 995-1(1) (definition of *vintage year*)**

5 Repeal the definition.

6 ***National Greenhouse and Energy Reporting Act 2007***

7 **196 Section 3 (heading)**

8 Repeal the heading, substitute:

9 **3 Object**

10 **197 Subsection 3(1)**

11 Omit “(1) The first object”, substitute “The object”.

12 **198 Subsection 3(2)**

13 Repeal the subsection.

14 **199 Subsection 4(1)**

15 Omit “(1) This Act (except to the extent to which it underpins the *Clean*
16 *Energy Act 2011*)”, substitute “This Act”.

17 **200 Subsection 4(2)**

18 Repeal the subsection.

19 **201 Subsection 5(1)**

20 Omit “(1)”.

21 **202 Before subparagraph 5(1)(a)(ii)**

22 Insert:

23 (i) greenhouse gas emissions; or

24 **203 Subsection 5(2)**

25 Repeal the subsection.

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Schedule 1 Repeal of the carbon tax

Part 2 Amendments

1 **204 Section 7 (definition of *carbon dioxide equivalence*)**

2 Repeal the definition, substitute:

3 *carbon dioxide equivalence*, of an amount of greenhouse gas,
4 means the amount of the gas multiplied by a value specified in the
5 regulations in relation to that kind of greenhouse gas.

6 **205 Section 7**

7 Insert:

8 *designated financial year* means:
9 (a) the financial year beginning on 1 July 2012; or
10 (b) a later financial year.

11 **206 Section 7 (definition of *designated fuel*)**

12 Repeal the definition.

13 **207 Section 7 (definition of *eligible financial year*)**

14 Repeal the definition.

15 **208 Section 7 (definition of *emissions number*)**

16 Repeal the definition.

17 **209 Section 7 (definition of *financial control liability transfer*
18 *certificate*)**

19 Repeal the definition.

20 **210 Section 7 (definition of *fixed charge year*)**

21 Repeal the definition.

22 **211 Section 7 (definition of *foreign country*)**

23 Repeal the definition, substitute:

24 *foreign country* includes a region where:
25 (a) the region is a colony, territory or protectorate of a foreign
26 country; or
27 (b) the region is part of a foreign country; or
28 (c) the region is under the protection of a foreign country; or

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Repeal of the carbon tax **Schedule 1**
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- 1 (d) a foreign country exercises jurisdiction or control over the
2 region; or
3 (e) a foreign country is responsible for the region's international
4 relations.

5 **212 Section 7**

6 Insert:

7 *foreign corporation* means a corporation that:

- 8 (a) is incorporated outside Australia; or
9 (b) is an authority of a foreign country.

10 **213 Section 7 (definition of *foreign person*)**

11 Repeal the definition.

12 **214 Section 7**

13 Insert:

14 *group entity* means a corporation that is a member of a controlling
15 corporation's group.

16 **215 Section 7 (definition of *interim emissions number*)**

17 Repeal the definition.

18 **216 Section 7 (definition of *liable entity*)**

19 Repeal the definition.

20 **217 Section 7 (definition of *liquefied natural gas*)**

21 Repeal the definition.

22 **218 Section 7 (definition of *liquefied petroleum gas*)**

23 Repeal the definition.

24 **219 Section 7 (definition of *natural gas supplier*)**

25 Repeal the definition.

26 **220 Section 7 (definition of *non-group entity*)**

27 Repeal the definition.

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Schedule 1 Repeal of the carbon tax

Part 2 Amendments

1 **221 Section 7 (definition of *operational control*)**

2 Omit “11A, 11B or 11C”, substitute “11A or 11B”.

3 **222 Section 7 (definition of *Opt-in Scheme*)**

4 Repeal the definition.

5 **223 Section 7 (definition of *OTM*)**

6 Repeal the definition.

7 **224 Section 7 (definition of *person*)**

8 Repeal the definition.

9 **225 Section 7 (definition of *potential greenhouse gas***
10 ***emissions*)**

11 Repeal the definition.

12 **226 Section 7 (definition of *provisional emissions number*)**

13 Repeal the definition.

14 **227 Section 7 (definition of *supply*)**

15 Repeal the definition.

16 **228 Section 7 (definition of *taxable fuel*)**

17 Repeal the definition.

18 **229 Section 7 (definition of *trust*)**

19 Repeal the definition.

20 **230 Section 7 (definition of *trustee*)**

21 Repeal the definition.

22 **231 Section 7 (definition of *trust estate*)**

23 Repeal the definition.

24 **232 Section 7 (definition of *unit shortfall charge*)**

25 Repeal the definition.

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

1 **233 Subsection 7A(1)**

2 Omit “and the *Clean Energy Act 2011*”.

3 **234 Sections 7B and 7C**

4 Repeal the sections.

5 **235 Subsection 8(1)**

6 Omit “and the *Clean Energy Act 2011*”.

7 **236 Subsection 9(1)**

8 Omit “and the *Clean Energy Act 2011*”.

9 **237 Paragraph 9(1)(b)**

10 Omit “or 54A”.

11 **238 Section 10 (heading)**

12 Repeal the heading, substitute:

13 **10 Emissions, energy production, energy consumption etc.**

14 **239 Subsection 10(1)**

15 Omit “or the *Clean Energy Act 2011*”.

16 **240 Subsection 10(3)**

17 Omit “and the *Clean Energy Act 2011*”.

18 **241 Subsections 10(4) to (9)**

19 Repeal the subsections.

20 **242 Subsection 11(1)**

21 Omit “and the *Clean Energy Act 2011*”.

22 **243 Subsection 11(1)**

23 Omit “person” (wherever occurring), substitute “group entity”.

24 **244 Paragraph 11(1)(b)**

25 Omit “or 55A”.

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Schedule 1 Repeal of the carbon tax

Part 2 Amendments

1 **245 Subsection 11(3)**

2 Omit “and the *Clean Energy Act 2011*”.

3 **246 Subsection 11(3)**

4 Omit “person”, substitute “group entity”.

5 **247 Subsection 11(4)**

6 Omit “11A, 11B and 11C”, substitute “11A and 11B”.

7 **248 Section 11A (heading)**

8 Repeal the heading, substitute:

9 **11A Operational control—group entity with greatest authority**

10 **249 Subsection 11A(1)**

11 Omit “an eligible financial year”, substitute “a designated financial
12 year”.

13 **250 Paragraph 11A(1)(a)**

14 Omit “persons”, substitute “group entities”.

15 **251 Paragraph 11A(1)(b)**

16 Omit “person”, substitute “group entity”.

17 **252 Paragraph 11A(1)(c)**

18 Omit “or 55A”.

19 **253 Subsection 11A(2)**

20 Omit “person”, substitute “group entity”.

21 **254 Subsection 11A(2)**

22 Omit “and the *Clean Energy Act 2011*”.

23 **255 Section 11B (heading)**

24 Repeal the heading, substitute:

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

1 **11B Operational control—nominated group entity**

2 **256 Paragraph 11B(1)(a)**

3 Omit “more persons”, substitute “more group entities”.

4 **257 Paragraph 11B(1)(a)**

5 Omit “*relevant persons*”, substitute “*relevant group entities*”.

6 **258 Paragraph 11B(1)(b)**

7 Omit “person”, substitute “group entity”.

8 **259 Paragraph 11B(1)(c)**

9 Omit “or 55A”.

10 **260 Paragraph 11B(1)(d)**

11 Omit “an eligible financial year”, substitute “a designated financial
12 year”.

13 **261 Subsection 11B(2)**

14 Omit “persons”, substitute “group entities”.

15 **262 Subsection 11B(2)**

16 Omit “person”, substitute “group entity”.

17 **263 Paragraph 11B(4)(a)**

18 Omit “persons is a foreign person”, substitute “group entities is a
19 foreign corporation”.

20 **264 Paragraph 11B(4)(b)**

21 Omit “persons is not a foreign person”, substitute “group entities is not
22 a foreign corporation”.

23 **265 Subsection 11B(4)**

24 Omit “foreign person cannot”, substitute “foreign corporation cannot”.

25 **266 Paragraph 11B(5)(b)**

26 Omit “persons”, substitute “group entities”.

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Schedule 1 Repeal of the carbon tax

Part 2 Amendments

1 **267 Subsection 11B(7)**

2 Repeal the subsection.

3 **268 Subsection 11B(8)**

4 Omit “eligible financial year” (wherever occurring), substitute
5 “designated financial year”.

6 **269 Subsection 11B(10)**

7 Omit “person” (wherever occurring), substitute “group entity”.

8 **270 Paragraph 11B(15)(b)**

9 Omit “and”.

10 **271 Paragraph 11B(15)(c)**

11 Repeal the paragraph.

12 **272 Subsection 11B(15)**

13 Omit “person”, substitute “group entity”.

14 **273 Subsection 11B(16)**

15 Repeal the subsection.

16 **274 Paragraph 11B(17)(b)**

17 Omit “and”.

18 **275 Paragraph 11B(17)(c)**

19 Repeal the paragraph.

20 **276 Subsection 11B(17)**

21 Omit “persons”, substitute “group entities”.

22 **277 Subsections 11B(18) and (19)**

23 Repeal the subsections.

24 **278 Subsection 11B(21)**

25 Repeal the subsection, substitute:

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Repeal of the carbon tax **Schedule 1**
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1

Exceptions

2

(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.

3

4

5

279 Subsection 11B(22)

6

Omit “person”, substitute “group entity”.

7

280 Subsection 11B(22)

8

Omit “or 55A”.

9

281 Section 11C

10

Repeal the section.

11

282 Paragraph 11D(1)(c)

12

Repeal the paragraph.

13

283 Paragraphs 11D(1)(e) and (f)

14

Repeal the paragraphs, substitute:

15

(e) at any time during the preceding 5 years, the person has breached a civil penalty provision of this Act; or

16

17

(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

18

19

20

284 Paragraphs 11D(1)(i) and (j)

21

Repeal the paragraphs, substitute:

22

(i) the person has been convicted of an offence against this Act;
or

23

24

(j) if the person is a body corporate—an executive officer of the body corporate has been convicted of an offence against this Act.

25

26

27

285 Subdivision A of Division 1 of Part 2 (heading)

28

Repeal the heading.

29

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Schedule 1 Repeal of the carbon tax

Part 2 Amendments

1 **286 Subsections 13(2) and (3)**

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

4 **287 Subsection 13(4)**

5 Repeal the subsection.

6 **288 Subdivision B of Division 1 of Part 2**

7 Repeal the Subdivision.

8 **289 Division 4 of Part 2**

9 Repeal the Division.

10 **290 Paragraph 18B(3)(b)**

11 Repeal the paragraph.

12 **291 Subsection 19(1) (note 4)**

13 Repeal the note.

14 **292 Subsection 19(4)**

15 Repeal the subsection.

16 **293 Paragraphs 22(1)(a) and (b)**

17 Omit “(other than Part 3A or 3D)”.

18 **294 Paragraphs 22(2)(a) and (b)**

19 Omit “(other than Part 3A or 3D)”.

20 **295 Parts 3A and 3D**

21 Repeal the Parts.

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

23 Repeal the paragraph, substitute:

24 (a) a facility is under the operational control of a member (the
25 *responsible member*) of a controlling corporation’s group
26 during the whole or a part of a financial year; and

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

1 **297 Subsection 24(1AA)**

2 Repeal the subsection.

3 **298 Subsection 24(1AD)**

4 Omit “22E or”.

5 **299 Paragraph 24(1AE)(a)**

6 Omit “22E(2)(b) or”.

7 **300 Subsection 24(1H)**

8 Omit “22E or”.

9 **301 Subsection 24(1J)**

10 Omit “or financial control liability transfer certificate”.

11 **302 Subsection 24(8)**

12 Omit “22E or”.

13 **303 Subsection 25(1)**

14 Omit “22G, a person required to provide information under section 20,
15 or a person required to provide a report under section 22A, 22AA, 22E
16 or 22X”, substitute “22G or 22X, or a person required to provide
17 information under section 20,”.

18 **304 Subsection 30(2A)**

19 Omit “11C, 15A, 15AA, 22A, 22AA, 22E, 22X, 74AA”, substitute
20 “22X”.

21 **305 Section 54A**

22 Repeal the section.

23 **306 Section 55A**

24 Repeal the section.

25 **307 Paragraphs 56(aab), (aa), (ga) and (gb)**

26 Repeal the paragraphs.

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Schedule 1 Repeal of the carbon tax

Part 2 Amendments

1 **308 Paragraph 56(j)**

2 Omit “75A;”, substitute “75A.”

3 **309 Paragraphs 56(k) and (l)**

4 Repeal the paragraphs.

5 **310 Section 74AA**

6 Repeal the section.

7 **311 Subsection 74B(1)**

8 Repeal the subsection, substitute:

9 (1) For the purposes of this section, a person is a *relevant person* if:

10 (a) the person is the responsible member mentioned in
11 subsection 22X(1); and

12 (b) the person is not a registered corporation; and

13 (c) the Regulator has reasonable grounds to suspect that the
14 person has contravened, is contravening, or is proposing to
15 contravene, this Act or the regulations.

16 **312 Subsection 74C(1)**

17 Repeal the subsection, substitute:

18 (1) For the purposes of this section, a person is a *relevant person* if the
19 person:

20 (a) is the responsible member mentioned in subsection 22X(1);
21 and

22 (b) is not a registered corporation.

23 ***Ozone Protection and Synthetic Greenhouse Gas***
24 ***Management Act 1989***

25 **313 Paragraphs 65C(1)(aa), (ab) and (ac)**

26 Omit “equal to the prescribed rate component of an amount of levy”.

27 **314 Subsections 65C(4), (5) and (6)**

28 Repeal the subsections.

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

1 **315 Sections 69AA to 69AD**

2 Repeal the sections.

3 ***Petroleum Resource Rent Tax Assessment Act 1987***

4 **316 Subparagraph 28(1)(b)(iii)**

5 Omit “expenditure;”, substitute “expenditure.”.

6 **317 Paragraph 28(1)(c)**

7 Repeal the paragraph.

8 **318 Paragraph 44(1)(ia)**

9 Repeal the paragraph.

10 ***Taxation Administration Act 1953***

11 **319 Subsection 355-65(7) in Schedule 1 (table item 3)**

12 Repeal the item.

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Schedule 1 Repeal of the carbon tax

Part 3 Application and transitional provisions

1 **Part 3—Application and transitional provisions**

2 **Division 1—Preliminary**

3 **320 Objects**

4 (1) The main objects of this Part are:

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

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

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

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

9 can be recovered after the start of 1 July 2014; and

10 (c) to ensure that liable entities can take steps, after the start of
11 1 July 2014, to avoid being liable to pay unit shortfall charge
12 in relation to the financial year beginning on 1 July 2013; and

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

16 (2) The other objects of this Part are:

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

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

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

23 **321 Definitions**

24 In this Part:

25 **business day** means a day that is not:

26 (a) a Saturday; or

27 (b) a Sunday; or

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

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

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

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Repeal of the carbon tax **Schedule 1**
Application and transitional provisions **Part 3**

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

3 **Regulator** means the Clean Energy Regulator.

4 **322 Designated carbon unit day**

5 (1) For the purposes of this Part, **designated carbon unit day** means:

6 (a) 9 February 2015; or

7 (b) if a later day is specified in an instrument under
8 subitem (2)—that later day.

9 (2) The Regulator may, by legislative instrument, specify a day for the
10 purposes of paragraph (1)(b).

11 (3) The Regulator must not make an instrument under subitem (2) unless
12 the Regulator has made a determination under subsection 142(3) of the
13 *Clean Energy Act 2011* that relates to 1 February 2015.

14 Note: Subsection 142(3) of the *Clean Energy Act 2011* enables the Regulator to extend the
15 1 February 2015 surrender deadline.

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Schedule 1 Repeal of the carbon tax

Part 3 Application and transitional provisions

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.

Modifications of the *Clean Energy Act 2011*

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

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Repeal of the carbon tax **Schedule 1**
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Modifications of the *Clean Energy Act 2011*

Item	Provision	Modification
	<i>equivalent</i>	
6	section 5 (definition of <i>unit shortfall</i>)	Omit “128, 129 or 133”, substitute “128 or 129”.
7	section 5 (definition of <i>vintage year</i>)	Omit “eligible”.
8	Part 2	Omit the Part.
9	subsections 26(2), 27(2) and 28(2)	Omit all the words after “is taken to be”, substitute “zero”.
10	Subdivision A of Division 4 of Part 3	The Regulator must not issue an OTN under the Subdivision on or after 1 July 2014.
11	sections 42 and 43	Omit the sections.
12	section 43A	The section ceases to have effect at the end of 30 June 2015.
13	subsection 45(3)	The subsection ceases to have effect at the end of 30 June 2015.
14	subsections 45(4) to (13)	The subsections cease to have effect at the start of 1 September 2014.
15	subsection 46(1)	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”.
16	section 47	The section ceases to have effect at the start of 1 August 2014.
17	section 64B	Omit the section.
18	paragraph 64F(1)(b)	Omit the paragraph.
19	subsection 66(4)	The subsection ceases to have effect at the start of 1 August 2014.
20	section 70	The Regulator must not make a declaration under the section on or after 1 July 2014.
21	section 71A	Omit the section.
22	section 72	The Regulator must not give a notice under the section on or after 1 July 2014.
23	paragraph 78A(3)(a)	Omit the paragraph, substitute: (a) the start day is before 1 July 2014; and

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Schedule 1 Repeal of the carbon tax

Part 3 Application and transitional provisions

Modifications of the *Clean Energy Act 2011*

Item	Provision	Modification
24	section 83	The Regulator must not issue a certificate under the section on or after 1 July 2014.
25	section 87	The Regulator must not issue a certificate under the section on or after 1 July 2014.
26	sections 89 and 90	Omit the sections.
27	section 93	Omit the section.
28	subsection 96(2)	Omit “eligible”.
29	section 97 (note)	Omit the note.
30	subsection 100(1) (table items 5, 6, 7, 8 and 9)	Omit the table items.
31	subsection 100(2)	Omit the subsection.
32	subsection 100(3) (heading)	Omit “1, 3 and 5”, substitute “1 and 3”.
33	subsection 100(3)	Omit “1, 3 or 5”, substitute “1 or 3”.
34	subsection 100(4) (heading)	Omit “2, 4, 6, 7, 8 and 9”, substitute “2 and 4”.
35	subsection 100(4)	Omit “2, 4, 6, 7, 8 or 9”, substitute “2 or 4”.
36	subsections 100(9), (14) and (15)	Omit the subsections.
37	sections 101 and 102	Omit the sections.
38	sections 108 and 109	Omit the sections.
39	section 114	Omit the section.
40	Division 1 of Part 6	Omit the Division.
41	subsection 122(1)	Omit “during an eligible financial year”.
42	subsections 122(3), (4), (5), (9) and (11)	Omit the subsections.
43	sections 123 and 123A	Omit the sections.
44	paragraph 128(7)(d)	Before “this Division”, insert “if the eligible financial year began on 1 July 2012—”.
45	Subdivision B of Division 3 of Part 6	Omit the Subdivision.
46	subsection 134(3)	Omit the subsection.
47	subsection 134A(3) (paragraph (b) of the	Omit the paragraph.

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Repeal of the carbon tax **Schedule 1**
Application and transitional provisions **Part 3**

Modifications of the *Clean Energy Act 2011*

Item	Provision	Modification
	definition of <i>applicable amount for the financial year</i>)	
48	paragraphs 142(3)(c), (e) and (f)	Omit the paragraphs.
49	paragraph 145(5)(b)	Omit the paragraph.
50	paragraph 145(5)(c)	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;
51	Division 5 of Part 7	Omit the Division.
52	section 160	Omit the section.
53	paragraphs 161(2)(b) and (c)	Omit the paragraphs.
54	subsection 161(3)	Omit the subsection.
55	subsection 161(4)	Omit “or (3)”.
56	subsection 161(5)	Omit “a later”, substitute “an”.
57	subsections 161(6), (7), (8) and (9)	Omit “or (3)”.
58	Part 9	The Part ceases to have effect at the end of 30 June 2015.
59	Division 3 of Part 9	Omit the Division.
60	sections 196 and 196A	Omit the sections.
61	subsections 197(3) to (6)	Omit the subsections.
62	section 199	After “each quarter”, insert “that ends on or before 31 March 2015”.
63	section 200	Omit the section.
64	subsection 212(2) (subparagraph (d)(ii) of the definition of <i>prescribed amount for the financial year in which the compliance deadline occurs</i>)	Omit the subparagraph.

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Schedule 1 Repeal of the carbon tax

Part 3 Application and transitional provisions

Modifications of the *Clean Energy Act 2011*

Item	Provision	Modification
65	subsection 212(3) (subparagraph (d)(ii) of the definition of <i>prescribed amount for the financial year in which the compliance deadline occurs</i>)	Omit the subparagraph.
66	Part 12	Omit the Part.
67	paragraphs 262(1)(ma), (r), (u) and (v) and 263(2)(g), (i) and (j)	Omit the paragraphs.
68	section 281 (table items 3, 4, 5, 7, 8, 11, 12, 13 and 16)	Omit the table items.
69	Part 22	Omit the Part.
70	subparagraph 295(d)(iii)	Omit the subparagraph.
71	subparagraph 295(e)(ii)	Omit the subparagraph.
72	subparagraph 295(i)(iii)	Omit the subparagraph.
73	sections 303A and 303B	Omit the sections.

1 *Carbon units with a vintage year beginning on or after 1 July*
2 *2014*

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

7 *Review of decisions*

8 (3) The modification of section 281 of the *Clean Energy Act 2011* made by
9 the table in subitem (1) does not apply to a decision made before 1 July
10 2014.

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Repeal of the carbon tax **Schedule 1**
Application and transitional provisions **Part 3**

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.

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Schedule 1 Repeal of the carbon tax

Part 3 Application and transitional provisions

1 **325 Issue of carbon units**

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

4 **326 Carbon units issued as a result of an auction conducted**
5 **by the Regulator**

6 (1) If:

- 7 (a) a carbon unit was issued as a result of an auction conducted
8 by the Regulator; and
9 (b) there is an entry for the unit in a person's Registry account as
10 at 3.00 pm (by legal time in the Australian Capital Territory)
11 on the fifth business day after the day this Act receives the
12 Royal Assent;

13 the Regulator must:

- 14 (c) cancel the unit; and
15 (d) remove the entry for the unit from the person's Registry
16 account; and
17 (e) on behalf of the Commonwealth, pay to the person an
18 amount equal to the charge paid for the issue of the unit.

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

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

23 **327 Cancellation of carbon units—designated carbon unit**
24 **day**

25 *Scope*

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

28 *Cancellation of unit*

29 (2) The Regulator must cancel the unit.

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

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

3 **328 Surrender of eligible Australian carbon credit units**

- 4 (1) If:

- 5 (a) subsection 128(7) of the *Clean Energy Act 2011* applies to a
6 person because the person surrendered, in relation to the
7 financial year beginning on 1 July 2013, eligible Australian
8 carbon credit units; and
9 (b) under paragraph (c) of that subsection, Division 3 of Part 6 of
10 that Act has effect as if the person had not surrendered,
11 during the period mentioned in paragraph (a) of that
12 subsection, a particular number of eligible Australian carbon
13 credit units; and
14 (c) the person has a Registry account;

15 then:

- 16 (d) the Regulator must, by written notice given to the person,
17 determine that specified eligible Australian carbon credit
18 units that were surrendered by the person:
19 (i) during that period; and
20 (ii) in relation to the financial year beginning on 1 July
21 2013;
22 are **restored units** for the purposes of this item; and
23 (e) a restored unit is taken never to have been surrendered or
24 cancelled; and
25 (f) the Regulator must make an entry for a restored unit in a
26 Registry account kept by the person.

- 27 (3) The number of units specified in the determination must equal the
28 number mentioned in paragraph (1)(b).
29 (4) Subitem (1) does not affect the validity of the removal of the entry of a
30 restored unit from a Registry account in accordance with
31 paragraph 122(12)(b) of the *Clean Energy Act 2011*.
32 (5) A determination under paragraph (1)(d) is not a legislative instrument.

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Schedule 1 Repeal of the carbon tax

Part 3 Application and transitional provisions

1 **329 Opt-in Scheme**

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

4 (2) Regulations 3.48 and 3.50 of the *Clean Energy Regulations 2011* cease
5 to have effect at the end of 30 June 2014.

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Repeal of the carbon tax **Schedule 1**
Application and transitional provisions **Part 3**

1 **Division 3—Provisions relating to other Acts**

2 **330 Transitional—A New Tax System (Goods and Services**
3 **Tax) Act 1999**

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

8 **331 Transitional—Anti-Money Laundering and**
9 **Counter-Terrorism Financing Act 2006**

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

14 **332 Transitional—Australian National Registry of Emissions**
15 **Units Act 2011**

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

20 **333 Transitional—Clean Energy Regulator Act 2011**

21 The amendments of the *Clean Energy Regulator Act 2011* made by this
22 Schedule do not, by implication, limit paragraph 12(b) of that Act.

23 **334 Application—amendments of the Fuel Tax Act 2006**

24 The amendments of the *Fuel Tax Act 2006* made by this Schedule apply
25 to taxable fuel acquired, manufactured or imported on or after 1 July
26 2014.

27 **335 Application—amendment of the Fuel Tax (Consequential**
28 **and Transitional Provisions) Act 2006**

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

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Schedule 1 Repeal of the carbon tax

Part 3 Application and transitional provisions

1 **336 Application—amendments of the *Income Tax***
2 ***Assessment Act 1997***

- 3 (1) The repeal of section 26-18 of the *Income Tax Assessment Act 1997* by
4 this Schedule does not apply to unit shortfall charge imposed on:
5 (a) a unit shortfall for the financial year beginning on 1 July
6 2012; or
7 (b) a unit shortfall for the financial year beginning on 1 July
8 2013.
- 9 (2) Despite the amendments of the *Income Tax Assessment Act 1997* made
10 by this Schedule (other than the amendment of section 12-5 or the
11 repeal of section 26-18), that Act continues to apply, in relation to
12 carbon units issued before the designated carbon unit day, as if those
13 amendments had not been made.

14 **337 Transitional—*National Greenhouse and Energy***
15 ***Reporting Act 2007***

16 *General*

- 17 (1) Despite the amendments of the *National Greenhouse and Energy*
18 *Reporting Act 2007* made by this Schedule, that Act continues to apply,
19 in relation to the following matters:
20 (a) determining the meaning of the following expressions, when
21 used in the *Clean Energy Act 2011*:
22 (i) carbon dioxide equivalence;
23 (ii) facility;
24 (iii) greenhouse gas;
25 (iv) group;
26 (v) member, when used in relation to a group;
27 (vi) non-group entity;
28 (vii) operational control;
29 (viii) potential greenhouse gas emissions;
30 (ix) provisional emissions number;
31 (x) scope 1 emission of greenhouse gas;
32 (b) the matters mentioned in subsections 10(3) to (9) of the
33 *National Greenhouse and Energy Reporting Act 2007*, so far
34 as those matters are relevant to the *Clean Energy Act 2011*;

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- 1 (c) reports under section 22A, 22AA or 22E of the *National*
2 *Greenhouse and Energy Reporting Act 2007*;
3 (d) records under section 22B, 22C or 22F of the *National*
4 *Greenhouse and Energy Reporting Act 2007*;
5 (e) applications under section 15A or 15AA of the *National*
6 *Greenhouse and Energy Reporting Act 2007*;
7 (f) the registration of persons under section 18A of the *National*
8 *Greenhouse and Energy Reporting Act 2007*;
9 (g) the publication of information under section 24 of the
10 *National Greenhouse and Energy Reporting Act 2007*, so far
11 as the information relates to:
12 (i) the financial year beginning on 1 July 2012; or
13 (ii) the financial year beginning on 1 July 2013;
14 (h) audits under section 74AA of the *National Greenhouse and*
15 *Energy Reporting Act 2007*;
16 (i) audits under section 74B or 74C of the *National Greenhouse*
17 *and Energy Reporting Act 2007*, so far as the audits relate to
18 a person's compliance with obligations under that Act or the
19 regulations in relation to:
20 (i) the financial year beginning on 1 July 2012; or
21 (ii) the financial year beginning on 1 July 2013;
22 as if:
23 (j) the *National Greenhouse and Energy Reporting Act 2007*
24 were modified as set out in the following table; and
25 (k) those amendments had not been made; and
26 (l) subitem (6) had not been enacted.
27

Modifications of the *National Greenhouse and Energy Reporting Act 2007*

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

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Part 3 Application and transitional provisions

Modifications of the *National Greenhouse and Energy Reporting Act 2007*

Item	Provision	Modification
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(a) the financial year beginning on 1 July 2012; or

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

1

2 *Thresholds*

3 (2) The amendments of the *National Greenhouse and Energy Reporting Act*
4 *2007* made by this Schedule, so far as they are relevant to determining
5 whether a controlling corporation's group meets a threshold under
6 section 13 of that Act for a financial year, apply in relation to a
7 threshold for:

8 (a) the financial year beginning on 1 July 2014; or

9 (b) a later financial year.

10 *Reports*

11 (3) The amendments of the *National Greenhouse and Energy Reporting Act*
12 *2007* made by this Schedule, so far as they relate to reports under
13 section 19 of that Act, apply in relation to reports for:

14 (a) the financial year beginning on 1 July 2014; or

15 (b) a later financial year.

16 (4) The amendments of the *National Greenhouse and Energy Reporting Act*
17 *2007* made by this Schedule, so far as they relate to reports under
18 section 22G or 22X of that Act, apply in relation to reports for:

19 (a) the financial year beginning on 1 July 2014; or

20 (b) a later financial year.

21 *Unsatisfactory compliance record*

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

25 (a) unpaid unit shortfall charge; and

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

27 (ii) the *Clean Energy Act 2011*; or

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Repeal of the carbon tax **Schedule 1**
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- 1 (iii) a determination under section 113 of the *Clean Energy*
2 *Act 2011*; and
3 (c) a conviction of an offence against the *Clean Energy Act*
4 *2011*;
5 as if those amendments had not been made.

6 *Regulations—carbon dioxide equivalence*

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

14 *Deregistration—section 18A registrations*

- 15 (7) If:
16 (a) a person was registered under the *National Greenhouse and*
17 *Energy Reporting Act 2007* because of the operation of
18 section 18A of that Act; and
19 (b) the person is registered under that Act as at the start of 1 July
20 2014;
21 the Regulator must remove the person's name from the Register.

22 **338 Transitional—Ozone Protection and Synthetic**
23 **Greenhouse Gas Management Act 1989**

24 *Amounts to be credited to the Ozone Protection and SGG*
25 *Account*

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

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Schedule 1 Repeal of the carbon tax

Part 3 Application and transitional provisions

1 *Remission or refund of levy for a quarter ending before 1 July*
2 *2014*

- 3 (2) Despite the repeal of sections 69AA to 69AD of the *Ozone Protection*
4 *and Synthetic Greenhouse Gas Management Act 1989* by this Schedule,
5 those sections continue to apply, in relation to levy for a quarter ending
6 before 1 July 2014, as if:
7 (a) that Act provided that an application under section 69AA,
8 69AB or 69AC of that Act must be made before 1 January
9 2016; and
10 (b) that repeal had not happened.

11 **339 Transitional—*Petroleum Resource Rent Tax Assessment***
12 ***Act 1987***

- 13 (1) Despite the amendments of section 28 of the *Petroleum Resource Rent*
14 *Tax Assessment Act 1987* made by this Schedule, that Act continues to
15 apply, in relation to carbon units issued before the designated carbon
16 unit day, as if those amendments had not been made.
- 17 (2) The repeal of paragraph 44(1)(ia) of the *Petroleum Resource Rent Tax*
18 *Assessment Act 1987* by this Schedule does not apply to unit shortfall
19 charge imposed on:
20 (a) a unit shortfall for the financial year beginning on 1 July
21 2012; or
22 (b) a unit shortfall for the financial year beginning on 1 July
23 2013.

24 **340 Transitional—*Taxation Administration Act 1953***

- 25 Despite the amendment of the *Taxation Administration Act 1953* made
26 by this Schedule, that Act continues to apply, in relation to records or
27 disclosures made for the purpose of:
28 (a) the verification from the Regulator of information provided
29 to the Commissioner under or for the purposes of the *Fuel*
30 *Tax Act 2006* so far as that Act applies to taxable fuel
31 acquired, manufactured or imported before 1 July 2014; or
32 (b) administering the *Clean Energy Act 2011* or the associated
33 provisions (within the meaning of that Act);
34 as if that amendment had not been made.

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Repeal of the carbon tax **Schedule 1**
Application and transitional provisions **Part 3**

1 **Division 4—Miscellaneous**

2 **341 Compensation for acquisition of property**

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

8 (2) If the Commonwealth and the person do not agree on the amount of the
9 compensation, the person may institute proceedings in a court of
10 competent jurisdiction for the recovery from the Commonwealth of
11 such reasonable amount of compensation as the court determines.

12 **342 Transitional rules**

13 The Minister may, by legislative instrument, make rules in relation to
14 transitional matters arising out of the amendments and repeals made by
15 this Schedule.

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Schedule 1 Repeal of the carbon tax

Part 3 Application and transitional provisions

1 **Division 5—Transitional provisions commencing on**
2 **Royal Assent**

3 **343 Auctions of carbon units**

4 (1) The Regulator must not conduct an auction of carbon units after the
5 earlier of the following days:

- 6 (a) the day this item commences;
7 (b) 30 June 2014.

8 (2) Any determination under subsection 113(1) of the *Clean Energy Act*
9 *2011* ceases to have effect after the day (the **relevant day**) that is the
10 earlier of the following days:

- 11 (a) the day this item commences;
12 (b) 30 June 2014;

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

15 **344 Carbon pollution cap regulations**

16 If this item commences on a day (the **commencement day**) before
17 31 May 2014, the *Clean Energy Act 2011* has effect during the period:

- 18 (a) beginning at the start of the commencement day; and
19 (b) ending at the end of 30 June 2014;

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

21 **345 Fixed charge regulations**

22 If this item commences on a day (the **commencement day**) before
23 31 May 2014, the *Clean Energy Act 2011* has effect during the period:

- 24 (a) beginning at the start of the commencement day; and
25 (b) ending at the end of 30 June 2014;

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

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Repeal of the carbon tax **Schedule 1**
Jobs and Competitiveness Program **Part 4**

1 **Part 4—Jobs and Competitiveness Program**

2 **Division 1—Preliminary**

3 **346 Definitions**

4 (1) In this Part:

5 *levy* means levy imposed by the *True-up Shortfall Levy (Carbon Tax*
6 *Repeal) Act 2013*.

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

9 *rules* means rules made under item 359.

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

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

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

15 **347 Crown to be bound**

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

20 **348 Extension to external Territories**

21 This Part extends to every external Territory.

22 **349 Extension to exclusive economic zone and continental**
23 **shelf**

24 This Part extends to Australia's exclusive economic zone and
25 continental shelf.

26 **350 Extension to Joint Petroleum Development Area**

27 This Part extends to the Joint Petroleum Development Area.

EXPOSURE DRAFT

Schedule 1 Repeal of the carbon tax

Part 4 Jobs and Competitiveness Program

1 **Division 2—Reporting requirements**

2 **351 Reporting requirements**

3 *Report*

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

7 *Designated person*

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

12 *Compliance with reporting requirements*

- 13 (3) Subsection 151(1) of the *Clean Energy Act 2011* has effect as if a
14 requirement under rules made for the purposes of subitem (1) were a
15 requirement under the Jobs and Competitiveness Program.

EXPOSURE DRAFT

EXPOSURE DRAFT

Repeal of the carbon tax **Schedule 1**
Jobs and Competitiveness Program **Part 4**

1 **Division 3—Issue of additional free carbon units**

2 **352 Under-allocation of free carbon units**

3 For the purposes of this Part, if:

- 4 (a) free carbon units with a vintage year beginning on 1 July
- 5 2013 are or were issued to a person in accordance with the
- 6 Jobs and Competitiveness Program; and
- 7 (b) the conditions specified in the rules are satisfied;

8 then:

- 9 (c) the person has an *under-allocation of free carbon units*; and
- 10 (d) the number of units in that under-allocation is equal to the
- 11 number ascertained in accordance with the rules.

12 **353 Issue of additional free carbon units**

13 (1) If:

- 14 (a) a person has an under-allocation of free carbon units; and
- 15 (b) the person has a Registry account;

16 the Regulator must:

- 17 (c) issue to the person, under section 98 of the *Clean Energy Act*
- 18 *2011*, a number of free carbon units equal to the number of
- 19 units in the under-allocation; and
- 20 (d) do so within the period ascertained in accordance with the
- 21 rules.

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

- 23 (a) are to have a vintage year beginning on 1 July 2013; and
- 24 (b) are taken (except for the purposes of this Part) to have been
- 25 issued in accordance with the Jobs and Competitiveness
- 26 Program.

EXPOSURE DRAFT

EXPOSURE DRAFT

Schedule 1 Repeal of the carbon tax

Part 4 Jobs and Competitiveness Program

1 **Division 4—True-up shortfalls**

2 **354 Over-allocation of free carbon units**

3 For the purposes of this Part, if:

- 4 (a) free carbon units with a vintage year beginning on 1 July
5 2013 are or were issued to a person in accordance with the
6 Jobs and Competitiveness Program; and
7 (b) the conditions specified in the rules are satisfied;

8 then:

- 9 (c) the person has an *over-allocation of free carbon units*; and
10 (d) the number of units in that over-allocation is equal to the
11 number ascertained in accordance with the rules.

12 **355 True-up shortfall**

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

- 14 (a) a person has an over-allocation of free carbon units; and
15 (b) the number worked out using the formula in subitem (2)
16 exceeds zero;

17 then:

- 18 (c) the person has a *true-up shortfall*; and
19 (d) the number of units in that shortfall is equal to the number
20 worked out using that formula.

21 Note: Levy is imposed on a true-up shortfall by the *True-up Shortfall Levy (Carbon Tax*
22 *Repeal) Act 2013*.

23 (2) The formula is as follows:

24
$$\frac{\text{Number of units in the over-allocation}}{\text{Number of units relinquished}}$$

25 where:

26 *number of units relinquished* means the number of carbon units with a
27 vintage year beginning on 1 July 2013 that were relinquished by the
28 person (other than as mentioned in paragraph 210(2)(b) or (c) of the
29 *Clean Energy Act 2011*) during the period ascertained in accordance
30 with the rules.

EXPOSURE DRAFT

Repeal of the carbon tax **Schedule 1**
Jobs and Competitiveness Program **Part 4**

1 **Division 5—Collection of levy**

2 **356 When levy is due and payable**

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

5 **357 Late payment penalty**

6 (1) If an amount of levy payable by a person remains unpaid after the time
7 when it became due for payment, the person is liable to pay, by way of
8 penalty, an amount calculated at the rate of:

9 (a) 20% per annum; or

10 (b) if a lower percentage is specified in the rules—that lower
11 percentage per annum;

12 on the amount unpaid, computed from that time.

13 *Power to remit*

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

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

19 **358 Recovery of levy and late payment penalty**

20 *Scope*

21 (1) This item applies to the following amounts:

22 (a) an amount of levy;

23 (b) an amount payable under item 357.

24 *Recovery*

25 (2) The amount:

26 (a) is a debt due to the Commonwealth; and

27 (b) may be recovered by the Regulator, on behalf of the
28 Commonwealth, by action in a court of competent
29 jurisdiction.

EXPOSURE DRAFT

Schedule 1 Repeal of the carbon tax

Part 4 Jobs and Competitiveness Program

1 **Division 6—Rules**

2 **359 Rules**

3 The Minister may, by legislative instrument, make rules prescribing
4 matters:

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

EXPOSURE DRAFT

Price exploitation in relation to the carbon tax repeal **Schedule 2**

1 **Schedule 2—Price exploitation in relation to**
2 **the carbon tax repeal**
3

4 *Competition and Consumer Act 2010*

5 **1 After paragraph 2B(1)(a)**

6 Insert:
7 (aa) Part V;

8 **2 After subparagraph 6(2)(b)(i)**

9 Insert:
10 (ia) Part V (other than Division 5);

11 **3 After Part IVB**

12 Insert:

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

15 **Division 1—Preliminary**

16 **60 Simplified outline of this Part**

- 17
- 18
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- 24
- 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.

EXPOSURE DRAFT

Schedule 2 Price exploitation in relation to the carbon tax repeal

-
- 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*;

EXPOSURE DRAFT

Price exploitation in relation to the carbon tax repeal **Schedule 2**

- 1 (iv) the *Ozone Protection and Synthetic Greenhouse Gas*
2 (Manufacture Levy) Amendment (Carbon Tax Repeal)
3 Act 2013.

4 **carbon tax repeal transition period** means the period:

- 5 (a) beginning at the start of 1 July 2014; and
6 (b) ending at the end of 30 June 2015.

7 **carbon tax scheme** means the scheme embodied in the following:

- 8 (a) the *Clean Energy Act 2011*, as in force at the start of
9 1 January 2014;
10 (b) the associated provisions (within the meaning of that Act as
11 in force at that time);
12 (c) the following provisions of the *Fuel Tax Act 2006*, as in force
13 at the start of 1 January 2014:
14 (i) Division 42A;
15 (ii) section 43-5, so far as that section relates to a carbon
16 reduction;
17 (iii) section 43-8;
18 (iv) section 43-11;
19 (d) section 3A of the *Ozone Protection and Synthetic*
20 *Greenhouse Gas (Import Levy) Act 1995*, as in force at the
21 start of 1 January 2014, so far as that section relates to carbon
22 charge component;
23 (e) section 4A of the *Ozone Protection and Synthetic*
24 *Greenhouse Gas (Import Levy) Act 1995*, as in force at the
25 start of 1 January 2014, so far as that section relates to carbon
26 charge component;
27 (f) section 3A of the *Ozone Protection and Synthetic*
28 *Greenhouse Gas (Manufacture Levy) Act 1995*, as in force at
29 the start of 1 January 2014, so far as that section relates to
30 carbon charge component;
31 (g) sections 6FA, 6FB and 6FC of the *Excise Tariff Act 1921*, as
32 in force at the start of 1 January 2014;
33 (h) section 19A of the *Customs Tariff Act 1995*, as in force at the
34 start of 1 January 2014.

35 **engages in price exploitation in relation to the carbon tax repeal:**
36 see section 60C.

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EXPOSURE DRAFT

Schedule 2 Price exploitation in relation to the carbon tax repeal

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

3 *infringement notice compliance period*: see section 60P.

4 *infringement notice provision* means section 60C or 60K.

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

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

10 *price*, in relation to a supply, includes:

- 11 (a) a charge of any description for the supply; and
12 (b) any pecuniary or other benefit, whether direct or indirect,
13 received or to be received by a person for or in connection
14 with the supply.

15 *regulated goods*: see section 60B.

16 *regulated supply* means a supply that:

- 17 (a) occurs during the carbon tax repeal transition period; and
18 (b) is of regulated goods.

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

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

23 **60B Regulated goods**

24 (1) For the purposes of this Part, *regulated goods* means:

- 25 (a) natural gas; or
26 (b) electricity; or
27 (c) synthetic greenhouse gas; or
28 (d) SGG equipment; or
29 (e) other goods of a kind specified in a legislative instrument
30 under subsection (2).

EXPOSURE DRAFT

Price exploitation in relation to the carbon tax repeal **Schedule 2**

- 1 (2) The Minister may, by legislative instrument, specify one or more
2 kinds of goods for the purposes of paragraph (1)(e).

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

5 **60C Price exploitation in relation to the carbon tax repeal**

- 6 (1) A corporation must not engage in price exploitation in relation to
7 the carbon tax repeal.
- 8 (2) For the purposes of this Part, a corporation *engages in price*
9 *exploitation in relation to the carbon tax repeal* if, and only if:
- 10 (a) it makes a regulated supply; and
11 (b) the price for the supply is unreasonably high, having regard
12 alone to the carbon tax repeal; and
13 (c) the price for the supply is unreasonably high even if the
14 following other matters are also taken into account:
- 15 (i) the supplier's costs;
16 (ii) supply and demand conditions;
17 (iii) any other relevant matter.

18 **60D Notice to corporation that is considered to have engaged in**
19 **price exploitation in relation to the carbon tax repeal**

- 20 (1) The Commission may give a corporation a written notice under this
21 section if the Commission considers that the corporation has
22 engaged in price exploitation in relation to the carbon tax repeal.
- 23 (2) The notice must:
- 24 (a) be expressed to be given under this section; and
25 (b) identify:
26 (i) the corporation that made the supply; and
27 (ii) the kind of supply made; and
28 (iii) the circumstances in which the supply was made; and
29 (c) state that, in the Commission's opinion:
30 (i) the price for the supply was unreasonably high as
31 mentioned in paragraph 60C(2)(b); and

EXPOSURE DRAFT

Schedule 2 Price exploitation in relation to the carbon tax repeal

- 1 (ii) that unreasonably high price was not attributable to
2 matters referred to in paragraph 60C(2)(c).
- 3 (3) In any proceedings:
4 (a) under section 76 for a pecuniary penalty order relating to
5 section 60C; or
6 (b) under section 80 for an injunction relating to section 60C; or
7 (c) under section 80A, 82, 86C, 86D or 87 for an order relating
8 to section 60C;
9 the notice is prima facie evidence that:
10 (d) the price for the supply was unreasonably high as mentioned
11 in paragraph 60C(2)(b); and
12 (e) that unreasonably high price was not attributable to matters
13 referred to in paragraph 60C(2)(c).
- 14 (4) The Commission may vary or revoke the notice on its own
15 initiative or on application made by the corporation. The
16 Commission must give the corporation written notice of the
17 variation or revocation.
- 18 (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

- 19
20
- 21 (1) The Commission may give a corporation a written notice under this
22 section if the Commission considers that doing so will aid the
23 prevention of the corporation engaging in price exploitation in
24 relation to the carbon tax repeal.
- 25 (2) The notice must:
26 (a) be expressed to be given under this section; and
27 (b) be expressed to relate to any supply that the corporation
28 makes that is:
29 (i) of a kind specified in the notice; and
30 (ii) made in circumstances specified in the notice; and
31 (iii) made during the period specified in the notice (which
32 must not be a period ending after the end of the carbon
33 tax repeal transition period); and

EXPOSURE DRAFT

Price exploitation in relation to the carbon tax repeal **Schedule 2**

- 1 (c) specify the maximum price that, in the Commission's
2 opinion, may be charged for a supply to which the notice is
3 expressed to relate.
- 4 (3) The Commission may, on its own initiative or on application made
5 by the corporation:
6 (a) vary the notice to:
7 (i) change the period specified as required by
8 subparagraph (2)(b)(iii); or
9 (ii) change the price specified in the notice as required by
10 paragraph (2)(c); or
11 (b) revoke the notice.
12 The Commission must give the corporation written notice of the
13 variation or revocation.
- 14 (4) The Commission may publish the notice, or particulars of any
15 variation or revocation of the notice, in such manner as the
16 Commission considers appropriate.
- 17 (5) A notice under this section is not a legislative instrument.

18 **60F Acquisition of property**

19 *Scope*

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

24 *Effect of provision*

- 25 (2) The provision has no effect to the extent (if any) to which its
26 operation would result in the acquisition of property (within the
27 meaning of paragraph 51(xxxi) of the Constitution) otherwise than
28 on just terms (within the meaning of that paragraph).

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Schedule 2 Price exploitation in relation to the carbon tax repeal

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

3 **60G Commission may monitor prices in relation to the carbon tax**
4 **repeal etc.**

5 *Price monitoring—carbon tax repeal transition period*

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

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

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

13 (a) advertised; or

14 (b) displayed; or

15 (c) offered;

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

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

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

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

26 (a) advertised; or

27 (b) displayed; or

28 (c) offered;

29 for supplies, in the carbon tax repeal transition period, of goods by
30 a corporation for which there is an entry in the Information
31 Database (within the meaning of the *Clean Energy Act 2011*).

EXPOSURE DRAFT

Price exploitation in relation to the carbon tax repeal **Schedule 2**

1 *Price monitoring—price exploitation*

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

6 *Price monitoring—pre-repeal transition period*

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

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

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

- 12 (7) The Commission may monitor prices to assess the general effect of
13 the carbon tax scheme on prices:

- 14 (a) advertised; or
15 (b) displayed; or
16 (c) offered;

17 for supplies, in the pre-repeal transition period, of relevant goods
18 by corporations.

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

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

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

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

- 27 (9) The Commission may monitor prices to assess the general effect of
28 the carbon tax scheme on prices:

- 29 (a) advertised; or
30 (b) displayed; or
31 (c) offered;

32 for supplies, in the pre-repeal transition period, of goods by a
33 corporation for which there is an entry in the Information Database
34 (within the meaning of the *Clean Energy Act 2011*).

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Schedule 2 Price exploitation in relation to the carbon tax repeal

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

2 *Section does not limit Part VIIA*

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

5 *Relevant goods*

6 (11) For the purposes of this section, the following are *relevant goods*:

7 (a) regulated goods;

8 (b) other goods of a kind specified in a legislative instrument
9 under subsection (12).

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

12 *Pre-repeal transition period*

13 (13) For the purposes of this section, *pre-repeal transition period*
14 means the period:

15 (a) beginning at the commencement of this section; and

16 (b) ending at the end of 30 June 2014.

17 **60H Information-gathering powers**

18 (1) A member of the Commission may, by written notice given to a
19 person, require the person:

20 (a) to give the Commission specified information in writing
21 signed by:

22 (i) the person; or

23 (ii) if the person is a body corporate—a competent officer
24 of the body corporate; or

25 (b) to produce to the Commission specified documents;

26 if:

27 (c) the information, or information contained in the documents,
28 relates to prices or the setting of prices; and

29 (d) the member reasonably believes that the information, or
30 information contained in the documents, will or may be
31 useful to the Commission in monitoring prices as mentioned
32 in any of subsections 60G(1) to (9).

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Schedule 2 Price exploitation in relation to the carbon tax repeal

- 1 (3) Subsection (2) does not limit subsection (1).
- 2 (4) For the purposes of this section, a *quarter* is a period of 3 months:
- 3 (a) that occurs wholly or partly during the carbon tax repeal
- 4 transition period; and
- 5 (b) that starts on any of the following days in a year:
- 6 (i) 1 January;
- 7 (ii) 1 April;
- 8 (iii) 1 July;
- 9 (iv) 1 October.
- 10 (5) As soon as practicable after the Minister receives a report under
- 11 subsection (1), the Minister must make the report public by such
- 12 means as the Minister considers appropriate.
- 13 (6) If this section commences during a quarter (but not on the first day
- 14 of a quarter):
- 15 (a) no report is to be made at the end of the quarter; but
- 16 (b) the report made at the end of the next quarter is also to
- 17 include the information required by subsections (1) and (2) in
- 18 relation to the previous quarter.

19 **Division 4—False or misleading representations about the**

20 **effect of the carbon tax repeal etc. on prices**

21 **60K False or misleading representations about the effect of the**

22 **carbon tax repeal etc. on prices**

- 23 A corporation must not, in trade or commerce, in connection with:
- 24 (a) the supply or possible supply of goods or services; or
- 25 (b) the promotion by any means of the supply or use of goods or
- 26 services;
- 27 make a false or misleading representation, during the carbon tax
- 28 repeal transition period, concerning the effect of:
- 29 (c) the carbon tax repeal or a part of the carbon tax repeal; or
- 30 (d) the carbon tax scheme or a part of the carbon tax scheme;
- 31 on the price for the supply of the goods or services.

EXPOSURE DRAFT

Price exploitation in relation to the carbon tax repeal **Schedule 2**

1 **Division 5—Infringement notices**

2 **60L Issuing an infringement notice**

3 *Issuing an infringement notice*

- 4 (1) If the Commission has reasonable grounds to believe that a person
5 has contravened an infringement notice provision, the Commission
6 may issue an infringement notice to the person.
- 7 (2) The Commission must not issue more than one infringement notice
8 to the person for the same alleged contravention of the
9 infringement notice provision.
- 10 (3) The infringement notice does not have any effect if the notice:
11 (a) is issued more than 12 months after the day on which the
12 contravention of the infringement notice provision is alleged
13 to have occurred; or
14 (b) relates to more than one alleged contravention of an
15 infringement notice provision by the person.

16 *Matters to be included in an infringement notice*

- 17 (4) An infringement notice must:
18 (a) be identified by a unique number; and
19 (b) state the day on which it is issued; and
20 (c) state the name and address of the person to whom it is issued;
21 and
22 (d) identify the Commission; and
23 (e) state how the Commission may be contacted; and
24 (f) give details of the alleged contravention by the person,
25 including:
26 (i) the date of the alleged contravention; and
27 (ii) the particular infringement notice provision that was
28 allegedly contravened; and
29 (g) state the maximum pecuniary penalty that the court could
30 order the person to pay under section 76 for the alleged
31 contravention; and
32 (h) specify the penalty that is payable in relation to the alleged
33 contravention; and

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Schedule 2 Price exploitation in relation to the carbon tax repeal

- 1 (i) state that the penalty is payable within the infringement
2 notice compliance period for the notice; and
3 (j) state that the penalty is payable to the Commission on behalf
4 of the Commonwealth; and
5 (k) explain how payment of the penalty is to be made; and
6 (l) explain the effect of sections 60M, 60N, 60P and 60Q.

7 *Amount of penalty*

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

15 **60M Effect of compliance with an infringement notice**

16 *Scope*

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

24 *Effect*

- 25 (2) The person is not, merely because of the payment, regarded as:
26 (a) having contravened the infringement notice provision; or
27 (b) having been convicted of an offence constituted by the same
28 conduct that constituted the alleged contravention of the
29 infringement notice provision.
- 30 (3) No proceedings (whether criminal or civil) may be started or
31 continued against the person, by or on behalf of the
32 Commonwealth, in relation to:

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Price exploitation in relation to the carbon tax repeal **Schedule 2**

- 1 (a) the alleged contravention of the infringement notice
2 provision; or
3 (b) an offence constituted by the same conduct that constituted
4 the alleged contravention.

5 **60N Effect of failure to comply with an infringement notice**

- 6 If:
7 (a) an infringement notice for an alleged contravention of an
8 infringement notice provision is issued to a person; and
9 (b) the person fails to pay the penalty specified in the
10 infringement notice within the infringement notice
11 compliance period and in accordance with the notice; and
12 (c) the infringement notice is not withdrawn under section 60Q;
13 the person is liable to proceedings under Part VI in relation to the
14 alleged contravention of the infringement notice provision.

15 **60P Infringement notice compliance period for infringement notice**

- 16 (1) The *infringement notice compliance period* for an infringement
17 notice is the period of 28 days beginning on the day after the day
18 on which the infringement notice is issued by the Commission.
19 (2) Subsection (1) has effect subject to subsection (7).
20 (3) The Commission may extend, by notice in writing, the
21 infringement notice compliance period for the notice if the
22 Commission is satisfied that it is appropriate to do so.
23 (4) Only one extension may be given, and the extension must not be
24 for longer than 28 days.
25 (5) Notice of the extension must be given to the person who was
26 issued the infringement notice.
27 (6) A failure to comply with subsection (5) does not affect the validity
28 of the extension.
29 (7) If the Commission extends the infringement notice compliance
30 period for an infringement notice, a reference in this Division to
31 the infringement notice compliance period for an infringement
32 notice is taken to be a reference to the infringement notice
33 compliance period as so extended.
-

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Schedule 2 Price exploitation in relation to the carbon tax repeal

1 **60Q Withdrawal of an infringement notice**

2 *Representations to the Commission*

- 3 (1) A person to whom an infringement notice has been issued for an
4 alleged contravention of an infringement notice provision may
5 make written representations to the Commission seeking the
6 withdrawal of the infringement notice.
- 7 (2) Evidence or information that the person, or a representative of the
8 person, gives to the Commission in the course of making
9 representations under subsection (1) is not admissible in evidence
10 against the person or representative in any proceedings (other than
11 proceedings for an offence based on the evidence or information
12 given being false or misleading).

13 *Withdrawal by the Commission*

- 14 (3) The Commission may, by written notice (the ***withdrawal notice***)
15 given to the person to whom an infringement notice was issued,
16 withdraw the infringement notice if the Commission is satisfied
17 that it is appropriate to do so.
- 18 (4) Subsection (3) applies whether or not the person has made
19 representations seeking the withdrawal.

20 *Content of withdrawal notices*

- 21 (5) The withdrawal notice must state:
- 22 (a) the name and address of the person; and
23 (b) the day on which the infringement notice was issued to the
24 person; and
25 (c) that the infringement notice is withdrawn; and
26 (d) that proceedings under Part VI may be started or continued
27 against the person in relation to:
28 (i) the alleged contravention the infringement notice
29 provision; or
30 (ii) an offence constituted by the same conduct that
31 constituted the alleged contravention.

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1 *Time limit for giving withdrawal notices*

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

5 *Refunds*

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

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

12 **60R Effect of this Division**

13 This Division does not:

- 14 (a) require an infringement notice to be issued to a person for an
15 alleged contravention of an infringement notice provision; or
16 (b) affect the liability of a person to proceedings under Part VI in
17 relation to an alleged contravention of an infringement notice
18 provision if:
19 (i) an infringement notice is not issued to the person for the
20 alleged contravention; or
21 (ii) an infringement notice issued to a person for the alleged
22 contravention is withdrawn under section 60Q; or
23 (c) prevent a court from imposing a higher penalty than the
24 penalty specified in the infringement notice if the person
25 does not comply with the notice.

26 **4 Subsection 75B(1)**

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

28 **5 After subparagraph 76(1)(a)(i)**

29 Insert:

- 30 (ii) section 60C;
31 (ia) section 60K;

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Schedule 2 Price exploitation in relation to the carbon tax repeal

1 **6 After paragraph 76(1A)(b)**

2 Insert:

- 3 (ba) for each act or omission to which this section applies that
4 relates to section 60C—10,000 penalty units; and
5 (bb) for each act or omission to which this applies that relates to
6 section 60K—6,500 penalty units; and

7 **7 Before paragraph 76(1B)(a)**

8 Insert:

- 9 (aa) for each act or omission to which this section applies that
10 relates to section 60C—2,000 penalty units; and
11 (ab) for each act or omission to which this section applies that
12 relates to section 60K—1,300 penalty units; and

13 **8 Paragraph 77A(3) (at the end of the definition of *civil***
14 ***liability*)**

15 Add “or Part V”.

16 **9 Paragraph 80(1)(a)**

17 Repeal the paragraph, substitute:

- 18 (a) a contravention of any of the following provisions:
19 (i) a provision of Part IV;
20 (ii) a provision of Division 2 or 5 of Part IVB;
21 (iii) section 60C;
22 (iv) section 60K; or

23 **10 At the end of subsection 80(1A)**

24 Add “, 60C or 60K”.

25 **11 After section 80**

26 Insert:

27 **80A Price exploitation in relation to the carbon tax repeal—orders**
28 **limiting prices or requiring refunds of money**

- 29 (1) If, on the application of the Commission, the Court is satisfied that
30 a person has engaged in conduct constituting a contravention of

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1 section 60C, the Court may make either or both of the following
2 orders:

- 3 (a) an order requiring that person, or a person involved in the
4 contravention, not to make a regulated supply of a kind
5 specified in the order for a price in excess of the price
6 specified in the order while the order remains in force;
- 7 (b) an order requiring that person, or a person involved in the
8 contravention, to refund money to a person specified in the
9 order.

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

12 (2) This section does not limit section 80.

13 (3) In this section:

14 *price* has the same meaning as in Part V.

15 *regulated supply* has the same meaning as in Part V.

16 **12 Subsection 82(1)**

17 After “IVB”, insert “, or of section 60C or 60K,”.

18 **13 Section 83**

19 After “IVB”, insert “, or of section 60C or 60K,”.

20 **14 Paragraphs 84(1)(b) and (3)(b)**

21 After “IVB”, insert “or V”.

22 **15 After paragraph 85(a)**

23 Insert:

- 24 (aa) engaged in conduct in contravention of section 60C or 60K;
25 or

26 **16 Paragraph 86C(2)(a)**

27 Before “a”, insert “except in the case of contravening conduct that
28 relates to section 60C or 60K—”.

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Schedule 2 Price exploitation in relation to the carbon tax repeal

1 **17 Paragraph 86C(2)(b)**

2 Before “a probation”, insert “except in the case of contravening conduct
3 that relates to section 60C or 60K—”.

4 **18 Subsection 86C(4) (paragraph (a) of the definition of**
5 ***contravening conduct***)

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

7 **19 Subsection 87(1)**

8 After “IVB”, insert “, or of section 60C or 60K,”.

9 **20 Paragraph 87(1A)(a)**

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

11 **21 Paragraph 87(1A)(b)**

12 Omit “45E) or Division 2 of Part IVB”, substitute “45E), Division 2 of
13 Part IVB or section 60C or 60K”.

14 **22 Paragraph 87(1B)(a)**

15 Omit “45E) or Division 2 of Part IVB”, substitute “45E), Division 2 of
16 Part IVB or section 60C or 60K”.

17 **23 Subsection 87(1C)**

18 Omit “or Division 2 of Part IVB”, substitute “, Division 2 of Part IVB
19 or section 60C or 60K”.

20 **24 Subsection 155AAA(21) (paragraph (a) of the definition of**
21 ***core statutory provision***)

22 After “Part IV,”, insert “V,”.

23 **25 Subsection 155AAA(21) (after paragraph (b) of the**
24 **definition of *protected information*)**

25 Insert:

26 (ba) information that was obtained by the Commission under
27 section 60H; or

28 **26 Before subparagraph 163A(1)(a)(ii)**

29 Insert:

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Price exploitation in relation to the carbon tax repeal **Schedule 2**

1

(i) Part V;

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Schedule 3 Repeal of tax offset for conservation tillage

1 **Schedule 3—Repeal of tax offset for**
2 **conservation tillage**
3

4 ***Clean Energy (Consequential Amendments) Act 2011***

5 **1 Subsection 2(1) (table item 6)**

6 Repeal the item.

7 **2 Part 3 of Schedule 2**

8 Repeal the Part.

9 ***Income Tax Assessment Act 1997***

10 **3 Section 67-23 (table item 24)**

11 Repeal the item.

12 **4 Subdivision 385-J**

13 Repeal the Subdivision.

14 **5 Subsection 995-1(1) (definition of *eligible no-till seeder*)**

15 Repeal the definition.

16 **6 Application of amendments**

17 The amendments made by this Schedule apply to assessments for the
18 2014-15 income year and later income years.

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

21 **7 Transitional—timing relating to 2013-14 income year**

22 The following provisions of the *Income Tax Assessment Act 1997*:

23 (a) subparagraph 385-175(1)(e)(ii);

24 (b) subparagraph 385-190(1)(c)(ii);

25 apply for the purposes of assessments for the 2013-14 income year as if
26 those provisions referred to 30 June 2014 rather than 30 June 2015.

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Repeal of the Steel Transformation Plan Act 2011 **Schedule 4**

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.

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