



True-up Shortfall Levy (Excise) (Carbon Tax Repeal) Act 2014

No. 85, 2014

Compilation No. 1

Compilation date:	19 June 2018
Includes amendments up to:	Act No. 41, 2018
Registered:	19 June 2018

Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *True-up Shortfall Levy (Excise) (Carbon Tax Repeal) Act 2014* that shows the text of the law as amended and in force on 19 June 2018 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

Contents

1	Short title	1
2	Commencement	1
3	Definitions	2
4	Crown to be bound	2
5	Extension to external Territories	2
6	Extension to exclusive economic zone and continental shelf	2
7	Extension to Joint Petroleum Development Area	2
8	Imposition of levy	2
9	Act does not impose a tax on property of a State	3

Endnotes	4
Endnote 1—About the endnotes	4
Endnote 2—Abbreviation key	6
Endnote 3—Legislation history	7
Endnote 4—Amendment history	8

An Act to impose a levy on true-up shortfalls under the *Clean Energy Legislation (Carbon Tax Repeal) Act 2014*, so far as that levy is a duty of excise

1 Short title

This Act may be cited as the *True-up Shortfall Levy (Excise) (Carbon Tax Repeal) Act 2014*.

2 Commencement

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

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 and 2 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	17 July 2014
2. Sections 3 to 9	At the same time as Part 4 of Schedule 1 to the <i>Clean Energy Legislation (Carbon Tax Repeal) Act 2014</i> commences.	18 July 2014

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

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

3 Definitions

In this Act:

Joint Petroleum Development Area has the same meaning as in the *Petroleum (Timor Sea Treaty) Act 2003*.

person has the same meaning as in the *Clean Energy Act 2011*.

true-up shortfall has the same meaning as in Part 4 of Schedule 1 to the *Clean Energy Legislation (Carbon Tax Repeal) Act 2014*.

4 Crown to be bound

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

5 Extension to external Territories

This Act extends to every external Territory.

6 Extension to exclusive economic zone and continental shelf

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

7 Extension to Joint Petroleum Development Area

This Act extends to the Joint Petroleum Development Area.

8 Imposition of levy

- (1) If a person has a true-up shortfall, levy is imposed on the true-up shortfall.
- (2) Levy imposed by subsection (1) is payable by the person.

Amount of levy

- (3) The amount of levy imposed by subsection (1) on a true-up shortfall is the amount worked out using the formula:

$$\frac{\text{Number of units in the true-up shortfall}}{\text{the true-up shortfall}} \times \$24.15$$

General

- (4) This section imposes levy only so far as that levy is a duty of excise within the meaning of section 55 of the Constitution.

9 Act does not impose a tax on property of a State

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

Endnotes

Endnote 1—About the endnotes

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can

Endnote 1—About the endnotes

be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnotes

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnote 3—Legislation history

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
True-up Shortfall Levy (Excise) (Carbon Tax Repeal) Act 2014	85, 2014	17 July 2014	s 3–9: 18 July 2014 (s 2(1) item 2) Remainder: 17 July 2014 (s 2(1) item 1)	
Statute Update (Autumn 2018) Act 2018	41, 2018	22 May 2018	Sch 4 (item 21): 19 June 2018 (s 2(1) item 4)	—

True-up Shortfall Levy (Excise) (Carbon Tax Repeal) Act 2014

7

Compilation No. 1

Compilation date: 19/6/18

Registered: 19/6/18

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
s 4	am No 41, 2018