



Future Made in Australia (Guarantee of Origin) Act 2024

No. 121, 2024

An Act to establish a scheme to certify renewable electricity and products such as hydrogen, and for related purposes

Note: An electronic version of this Act is available on the Federal Register of Legislation (<https://www.legislation.gov.au/>)

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Future Made in Australia (Guarantee of Origin) Act 2024

No. 121, 2024

An Act to establish a scheme to certify renewable electricity and products such as hydrogen, and for related purposes

[Assented to 10 December 2024]

The Parliament of Australia enacts:

Section 1

Part 1—Preliminary

1 Short title

This Act is the *Future Made in Australia (Guarantee of Origin) Act 2024*.

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
Provisions	Commencement	Date/Details
1. The whole of this Act	A single day to be fixed by Proclamation. However, if the provisions do not commence within the period of 12 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	

Note: This table relates only to the provisions of this Act as originally enacted.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 Object of this Act

The objects of this Act are to:

- (a) improve transparency and provide trusted information about renewable electricity and emissions associated with products, to enable producers and consumers to make credible claims

- about the production and use of renewable electricity and products; and
- (b) encourage decarbonisation and investment in Australian industry, and accelerate the commerciality of low emissions products; and
- (c) support the development of markets for renewable electricity and low emissions products; and
- (d) support the achievement of Australia’s greenhouse gas emissions reduction targets and the reduction of global greenhouse gas emissions in accordance with the Paris Agreement; and
- (e) give effect to certain obligations that Australia has as a party to the following:
 - (i) the Climate Change Convention;
 - (ii) the Kyoto Protocol;
 - (iii) the Paris Agreement.

4 Simplified outline of this Act

This Act establishes a scheme to certify renewable electricity and products such as hydrogen. It provides for the creation of certificates, known as REGO certificates and PGO certificates, that contain information about the attributes of the renewable electricity or product that they represent.

Both REGO certificates and PGO certificates may be registered on a register known as the GO Register.

REGO certificates can be traded through the register and retired. A person may wish to retire a REGO certificate to support claims about the person’s use of renewable electricity.

PGO certificates cannot be traded through the register or retired.

Most activities under this Act can only be carried out by a person who is registered for the purposes of this Act.

Section 5

Cost-recovery charges may be payable in relation to activities carried out under this Act.

The Regulator may require audits of one or more aspects of a person's compliance with this Act.

There are also a number of civil penalties in relation to requirements under this Act. A range of compliance and enforcement powers are provided for, primarily by applying the Regulatory Powers Act.

The Minister may make rules under this Act.

5 Definitions

In this Act:

1997 eligible renewable power baseline has the same meaning as in the *Renewable Energy (Electricity) Act 2000*.

accredited power station has the same meaning as in the *Renewable Energy (Electricity) Act 2000*.

acts jointly with: for when a person acts jointly with another person, see subsection 23(2).

aggregated system: see section 70.

amount includes a nil amount.

approved auditor means a registered greenhouse and energy auditor of a kind prescribed by the rules for the purposes of this definition.

associate: see section 22.

audit information: see section 131.

audit team leader means a registered greenhouse and energy auditor appointed under:

- (a) paragraph 125(2)(a) or 127(2)(a) or subsection 128(1); or

- (b) a provision of the rules prescribed by the rules for the purposes of this definition.

Australia, when used in a geographical sense, includes the external Territories.

Australia's greenhouse gas emissions reduction targets has the same meaning as in the *National Greenhouse and Energy Reporting Act 2007*.

below-baseline certificate: see section 93.

Chair means the Chair of the Regulator.

change in control: for when there is a change in control of a registered person, see subsection 23(5).

civil penalty provision has the same meaning as in the Regulatory Powers Act.

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.

Note: The Convention is in Australian Treaty Series 1994 No. 2 ([1994] ATS 2) and could in 2024 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

climate change law has the same meaning as in the *Clean Energy Regulator Act 2011*.

conditional module, for a production pathway for a product, means a production module for the product determined to be a conditional module for the production pathway in a methodology determination.

constitutional trade and commerce means trade and commerce:

- (a) between Australia and places outside Australia; or
- (b) between the States; or
- (c) between a State and a Territory; or
- (d) between 2 Territories; or
- (e) within a Territory.

Section 5

consumption profile: see subsection 38(2).

controls: for when a person controls a registered person, see subsection 23(1).

cost-recovery charge means:

- (a) a fee prescribed by rules made for the purposes of section 117 for a fee-bearing activity; or
- (b) a charge imposed by the *Future Made in Australia (Guarantee of Origin Charges) Act 2024*.

de facto partner of a person has the meaning given by the *Acts Interpretation Act 1901*.

delivery gate: see subsection 28(2).

delivery module: see subsection 29(5).

delivery profile: see subsection 34(2).

designated large facility has the same meaning as in the *National Greenhouse and Energy Reporting Act 2007*.

direct supply relationship: see section 71.

electricity network means:

- (a) an electricity distribution network; or
- (b) a private electricity network; or
- (c) an electricity transmission network.

eligible amount: see subsection 91(4).

eligible registered person, for a registered renewable electricity facility, means the person recorded in the register as the eligible registered person for the facility.

eligible renewable energy source: see section 69.

exclusive economic zone has the same meaning as in the *Seas and Submerged Lands Act 1973*.

fee-bearing activities: see section 117.

final declaration day: see subsection 63(2).

functional unit, of a product, means the unit specified as the functional unit of the product in a methodology determination.

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

guarantee of origin audit means an audit under:

- (a) section 125, 127 or 128; or
- (b) a provision of the rules prescribed by the rules for the purposes of this definition.

guarantee of origin audit report means an audit report under:

- (a) section 125, 127 or 128; or
- (b) a provision of the rules prescribed by the rules for the purposes of this definition.

holder: the **holder** of a registered profile, is the person recorded in the register as the holder of the registered profile.

inspector means a person appointed as an inspector under section 148.

invalidate: see section 64.

Kyoto Protocol means the Kyoto Protocol to the United Nations Framework Convention on Climate Change done at Kyoto on 11 December 1997, as amended and in force for Australia from time to time.

Note: The Protocol is in Australian Treaty Series 2008 No. 2 ([2008] ATS 2) and could in 2024 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

large-scale generation certificate has the same meaning as in the *Renewable Energy (Electricity) Act 2000*.

legacy baseline: see section 72.

measurement standard: see section 73.

Section 5

methodology determination means a determination in force under section 29.

minimum module, for a production pathway for a product, means a production module for the product determined to be a minimum module for the production pathway in a methodology determination.

NGER facility means a facility within the meaning of the *National Greenhouse and Energy Reporting Act 2007*.

nominated person has the same meaning as in the *Renewable Energy (Electricity) Act 2000*.

optional module, for a production pathway for a product, means a production module for the product determined to be an optional module for the production pathway in a methodology determination.

Paris Agreement means the Paris Agreement done at Paris on 12 December 2015, as amended and in force for Australia from time to time.

Note: The Agreement is in Australian Treaty Series 2016 No. 24 ([2016] ATS 24) and could in 2024 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

PGO certificate (short for Product Guarantee of Origin certificate) means a certificate created under section 49.

PGO certificate activity: see subsection 60(2).

post-production emissions source: see subsection 29(7).

production emissions source: see subsection 29(6).

production gate: see subsection 28(1).

production module: see subsection 29(3).

production pathway: see subsection 29(2).

production profile: see subsection 30(2).

protected audit information: see section 132.

register means the GO Register kept under section 112.

registered greenhouse and energy auditor has the same meaning as in the *National Greenhouse and Energy Reporting Act 2007*.

registered owner, of a REGO certificate, means the person recorded in the register as the registered owner of the certificate.

registered person means a person registered for the purposes of this Act.

registered profile means:

- (a) a production profile registered under section 33; or
- (b) a delivery profile registered under section 37; or
- (c) a consumption profile registered under section 41.

registered renewable electricity facility means a facility that is registered under section 78, 79, 80 or 81.

REGO certificate (short for Renewable Electricity Guarantee of Origin certificate) means a certificate created under section 91 or 92.

Regulator means the Clean Energy Regulator.

Regulatory Powers Act means the *Regulatory Powers (Standard Provisions) Act 2014*.

residual amount: see subsection 92(4).

residual fraction: see subsection 92(5).

reviewable decision: see section 152.

rules means the rules made under section 160.

Secretary means the Secretary of the Department.

small generation unit has the same meaning as in the *Renewable Energy (Electricity) Act 2000*.

staff of the Regulator has the same meaning as in the *Clean Energy Regulator Act 2011*.

Section 6

this Act includes:

- (a) instruments made under this Act; and
- (b) instruments made under instruments under this Act.

6 Act binds Crown

- (1) This Act binds the Crown in each of its capacities.
- (2) This Act does not make the Crown liable to a pecuniary penalty or to be prosecuted for an offence.

7 Extension to external Territories

This Act extends to every external Territory.

8 Extension to exclusive economic zone and continental shelf

This Act extends to a matter relating to the exercise of Australia's sovereign rights in the exclusive economic zone or the continental shelf.

9 Constitutional basis of this Act

This Act relies on the Commonwealth's legislative powers under paragraph 51(xxix) of the Constitution to give effect to Australia's obligations under one or more of the following international instruments:

- (a) the Climate Change Convention;
- (b) the Kyoto Protocol;
- (c) the Paris Agreement.

10 Additional operation of this Act

- (1) In addition to section 9, this Act also has effect as provided by this section.

Corporations

- (2) This Act also has the effect it would have if a reference in this Act to a person (other than a reference to an individual) were expressly

confined to a corporation to which paragraph 51(xx) of the Constitution applies.

Trade and commerce

- (3) This Act also has the effect it would have if a reference in this Act to an activity were expressly confined to an activity undertaken in relation to a product, or renewable electricity, that is:
- (a) produced or generated for the purposes of constitutional trade and commerce; or
 - (b) transported, stored or dispatched in the course of constitutional trade and commerce; or
 - (c) consumed as a consequence of constitutional trade and commerce.

Part 2—Registration of persons for the purposes of this Act

Division 1—Simplified outline of this Part

11 Simplified outline of this Part

A person may apply to the Regulator to be registered for the purposes of this Act. The Regulator must not register the person unless the Regulator is satisfied that the person is a fit and proper person.

In determining whether a person is a fit and proper person, the Regulator may have regard to whether the person, or an associate of the person, has been convicted of certain offences, contravened certain laws, or is insolvent, among other matters.

Most activities under this Act can only be carried out by a registered person.

A person's registration ceases to be in effect when the registration is cancelled or surrendered.

The Regulator may suspend or cancel a person's registration on certain grounds, such as if the Regulator is not satisfied that the person is a fit and proper person.

There are civil penalties in relation to notifying the Regulator of certain matters about a registered person.

Division 2—Registration

12 Application for registration

- (1) A person may apply to the Regulator to be registered for the purposes of this Act.
- (2) The application must:
 - (a) be in the form approved, in writing, by the Regulator; and
 - (b) meet the requirements (if any) prescribed by the rules; and
 - (c) include the information (if any) that is prescribed by the rules.

13 Request for further information

- (1) If a person makes an application under section 12, the Regulator may, by notice in writing, require the person to give the Regulator, within the period specified in the notice, such further information in relation to the application as the Regulator requires.
- (2) The Regulator is not required to decide the application, and may cease considering the application, if the person does not provide the required information within the period specified in the notice.

14 Withdrawal of application

- (1) A person who makes an application under section 12 may withdraw the application, in writing, at any time before the Regulator decides the application.
- (2) If the person withdraws the application, the Regulator must cease considering the application.

15 Registration

- (1) If a person applies to the Regulator under section 12, the Regulator must decide to:
 - (a) register the person; or
 - (b) refuse to register the person.

Section 16

- (2) The Regulator must not register the person unless the Regulator is satisfied that the person is a fit and proper person.

Note: See section 24 for how the Regulator determines whether the Regulator is satisfied that a person is a fit and proper person.

- (3) In deciding whether to register the person, the Regulator:
- (a) must have regard to the matters (if any) prescribed by the rules; and
 - (b) may have regard to any other matter the Regulator considers relevant.
- (4) If the Regulator does not make a decision under subsection (1) in relation to an application within the period prescribed by the rules, the Regulator is taken to have refused the application.

16 When registration is in effect

Registration of a person for the purposes of this Act:

- (a) comes into effect on the day on which the Regulator approves the person's application for registration or, if the Regulator's approval specifies that it takes effect on a later day, on that later day; and
- (b) ceases to be in effect when the registration is cancelled or surrendered.

Note: A registered person's registration remains in effect while it is suspended. However, the registered person cannot do (or apply to do) any of the following:

- (a) create PGO certificates (see subsection 49(3));
- (b) add post-production information to PGO certificates (see subsection 55(5));
- (c) register PGO certificates (see subsection 56(10));
- (d) add consumption information to PGO certificates (see subsection 59(9));
- (e) create REGO certificates (see section 101);
- (f) register REGO certificates (see subsection 104(9));
- (g) receive transferred REGO certificates (see paragraph 106(4)(b));
- (h) transfer REGO certificates (see subsection 106(5));
- (i) retire REGO certificates (see subsection 107(5)).

Division 3—Suspension, cancellation and surrender of registration

17 Regulator to be notified of certain events and circumstances

A registered person must:

- (a) notify the Regulator, in writing, if an event prescribed by the rules occurs, or if circumstances prescribed by the rules arise, in relation to the registered person; and
- (b) do so within one month after the event occurs or the circumstances arise.

18 Suspension of registration

- (1) The Regulator may, by notice in writing given to a person, suspend the person's registration for the purposes of this Act for a period:
 - (a) if the Regulator is not satisfied that the person is a fit and proper person; or
 - (b) if the Regulator reasonably believes that the person has contravened this Act; or
 - (c) in the circumstances specified in the rules.
- (2) The Regulator may, by notice in writing given to the person, end the period of suspension before it would otherwise end.

19 Cancellation of registration

The Regulator may, by notice in writing given to a person, cancel the person's registration for the purposes of this Act:

- (a) if the Regulator is not satisfied that the person is a fit and proper person; or
- (b) if the Regulator reasonably believes that the person has contravened this Act; or
- (c) in the circumstances specified in the rules.

Section 20

20 Regulator to notify person of proposed suspension or cancellation

- (1) Before suspending a person's registration under section 18 or cancelling a person's registration under section 19, the Regulator must give notice in writing of the proposed suspension or cancellation to the person.
- (2) The notice must:
 - (a) state:
 - (i) that the Regulator proposes to suspend or cancel the registration; and
 - (ii) the grounds for the proposed suspension or cancellation; and
 - (iii) if the Regulator proposes to suspend the registration—the proposed period of suspension; and
 - (b) invite the person to make a written submission to the Regulator about the proposed suspension or cancellation within a specified period.
- (3) For the purposes of paragraph (2)(b), the period specified in the notice must not be less than 14 days starting on the day after the day the notice is given.
- (4) In considering whether to suspend or cancel the person's registration, the Regulator must have regard to any submission made by the person within the period specified in the notice.

21 Surrender of registration

A registered person may surrender the person's registration for the purposes of this Act at any time by giving the Regulator notice in writing.

Division 4—Fit and proper person test

22 Meaning of *associate*

- (1) *Associate* of a person (the **first person**) includes each of the following:
- (a) a spouse, de facto partner, child (who is at least 18 years old) or parent of the first person;
 - (b) a person not mentioned in paragraph (a) who is or was:
 - (i) directly or indirectly concerned in; or
 - (ii) in a position to control or influence the conduct of; a business or undertaking of:
 - (iii) the first person; or
 - (iv) a corporation of which the first person is an officer (within the meaning of the *Corporations Act 2001*) or employee, or in which the first person holds shares;
 - (c) a corporation of which the first person, or any of the other persons mentioned in paragraph (a) or (b), is an officer (within the meaning of the *Corporations Act 2001*) or employee;
 - (d) if the first person is a body corporate—another body corporate that is a related body corporate (within the meaning of the *Corporations Act 2001*) of the first person.
- (2) Without limiting who is a child of a person for the purposes of this section, each of the following is the **child** of a person:
- (a) a stepchild or adopted child of the person;
 - (b) someone who would be the stepchild of the person except that the person is not legally married to the person's partner;
 - (c) someone who is a child of the person within the meaning of the *Family Law Act 1975*.
- (3) Without limiting who is a parent of another person for the purposes of this section, a person is the **parent** of another person if the other person is the person's child because of the definition of **child** in subsection (2).

Section 23

23 Meaning of *control* and *change in control* of registered person

- (1) A person (the ***first person***) ***controls*** a registered person if the first person (whether alone or together with one or more other persons the first person acts jointly with):
 - (a) holds the power to exercise, or control the exercise of, 20% or more of the voting rights in the registered person; or
 - (b) holds, or holds an interest in, 20% or more of the issued securities in the registered person.
- (2) A person ***acts jointly with*** another person if the person acts or is accustomed to acting in agreement with, or in accordance with the wishes of, the other person.
- (3) The rules may prescribe a different percentage, or different percentages, to the percentage specified in paragraph (1)(a) or (b).
- (4) Without limiting this section or subsection 33(3A) of the *Acts Interpretation Act 1901*, rules made for the purposes of subsection (3) of this section may prescribe different percentages for different registered persons or different classes of registered persons.
- (5) There is a ***change in control*** of a registered person if:
 - (a) one or more persons (an ***original controller***) control the registered person at a particular time; and
 - (b) either:
 - (i) one or more other persons begin to control the registered person (whether alone or together with one or more other persons the person acts jointly with) after that time; or
 - (ii) an original controller (whether alone or together with one or more other persons the person acts jointly with) ceases to control the registered person after that time.

24 Fit and proper person test

- (1) In determining whether the Regulator is satisfied that a person (the ***first person***) is a fit and proper person, the Regulator:

- (a) must have regard to the matters mentioned in subsection (2) in relation to the first person; and
 - (b) may have regard to any or all of the matters mentioned in subsection (2) in relation to any person who is an associate of the first person; and
 - (c) may have regard to any other matter connected to the first person that is relevant to this Act.
- (2) For the purposes of paragraphs (1)(a) and (b), the matters are the following:
- (a) whether the person has been convicted of any the following:
 - (i) an offence against a law of the Commonwealth, a State or a Territory involving fraud or dishonesty;
 - (ii) an offence against a law of the Commonwealth, a State or a Territory that relates to the conduct of a business;
 - (iii) an offence against section 136.1, 137.1 or 137.2 of the *Criminal Code*;
 - (iv) an offence against a law of a foreign country that corresponds to a law mentioned in subparagraph (i), (ii) or (iii);
 - (b) whether the person has contravened either of the following:
 - (i) a climate change law;
 - (ii) the *Crimes Act 1914* or the *Criminal Code*, to the extent that it relates to a climate change law;
 - (c) whether the person has been convicted of an offence against, or ordered to pay a pecuniary penalty under:
 - (i) the *Environment Protection and Biodiversity Conservation Act 1999* (or a legislative instrument under that Act); or
 - (ii) the *Nature Repair Act 2023* (or a legislative instrument under that Act); or
 - (iii) an environmental or planning law of a State or Territory;
 - (d) whether an application by the person has been refused under a climate change law;
 - (e) whether registration of the person under a climate change law has been cancelled or suspended;

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- (f) whether the person has given false or misleading information under a law mentioned in paragraph (b);
- (g) whether a debt is due and payable by the person to the Commonwealth under a law mentioned in subparagraph (a)(i), (ii) or (iii) or paragraph (b);
- (h) whether an order has been made against the person under:
 - (i) section 76 of the *Competition and Consumer Act 2010*; or
 - (ii) section 224 of Schedule 2 to the *Competition and Consumer Act 2010*, as that section applies as a law of the Commonwealth, a State or a Territory; or
 - (iii) a law of a foreign country that corresponds to a law mentioned in subparagraph (i) or (ii);
- (i) whether the person is:
 - (i) for an individual—an insolvent under administration (within the meaning of the *Corporations Act 2001*); or
 - (ii) for a body corporate—a Chapter 5 body corporate (within the meaning of the *Corporations Act 2001*);
- (j) for a person that is a body corporate—whether overseas or under a law of a foreign country:
 - (i) the body corporate is being wound up; or
 - (ii) a receiver, or a receiver and manager, has been appointed (whether or not by a court) in respect of the property of the body corporate and is acting; or
 - (iii) the body corporate is under administration; or
 - (iv) the body corporate has executed a deed of company arrangement that has not yet terminated; or
 - (v) the body corporate is under restructuring; or
 - (vi) the body corporate has made a restructuring plan that has not yet terminated; or
 - (vii) the body corporate has entered into a compromise or arrangement with another person and the administration of which has not been concluded.

Note: Nothing in this section affects the operation of Part VIIC of the *Crimes Act 1914* (which includes provisions that, in certain circumstances, relieve persons from the requirement to disclose spent

convictions and require persons aware of such convictions to disregard them).

25 Registered person must notify Regulator of events relevant to fit and proper person test

Within 28 days after any of the following events occurs in relation to a registered person, the person must give the Regulator notice in writing of the event:

- (a) the person is convicted of any of the following:
 - (i) an offence against a law of the Commonwealth, a State or a Territory involving fraud or dishonesty;
 - (ii) an offence against a law of the Commonwealth, a State or a Territory that relates to the conduct of a business;
 - (iii) an offence against section 136.1, 137.1 or 137.2 of the *Criminal Code*;
 - (iv) an offence against a law of a foreign country that corresponds to a law mentioned in subparagraph (i), (ii) or (iii);
- (b) the person is convicted of an offence against or ordered to pay a pecuniary penalty under:
 - (i) a climate change law; or
 - (ii) the *Crimes Act 1914* or the *Criminal Code*, to the extent that it relates to a climate change law;
- (c) the person is convicted of an offence against, or ordered to pay a pecuniary penalty under:
 - (i) the *Environment Protection and Biodiversity Conservation Act 1999* (or a legislative instrument under that Act); or
 - (ii) the *Nature Repair Act 2023* (or a legislative instrument under that Act); or
 - (iii) an environmental or planning law of a State or Territory.

Note: Nothing in this section affects the operation of Part VIIC of the *Crimes Act 1914* (which includes provisions that, in certain circumstances, relieve persons from the requirement to disclose spent convictions and require persons aware of such convictions to disregard them).

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Civil penalty: 40 penalty units.

26 Registered person must notify Regulator of change in control

Within 28 days after a change in control of a registered person, the registered person must give the Regulator notice in writing of the change in control.

Civil penalty: 40 penalty units.

Part 3—Certification of products

Division 1—Simplified outline of this Part

27 Simplified outline of this Part

This Part establishes a scheme for certifying products such as hydrogen or ammonia. It provides for the creation and registration of certificates, known as PGO certificates, that record information about the production, delivery and consumption of products and the associated emissions.

For certification of a product to occur, the Minister must make a determination, known as a methodology determination, that, among other things, determines production pathways, production emissions sources and post-production emissions sources for a product.

A registered person may apply to the Regulator to register a production profile, a delivery profile or a consumption profile for a product. A registered person may hold multiple profiles.

The holder of a production profile for a product may create PGO certificates in respect of a batch of the product produced at a facility specified in the profile.

The holder of a delivery profile for a product may, in certain circumstances, add information about the transport or storage of the product to PGO certificates that have been created by the holder of a production profile for the product.

The holder of a production profile who creates PGO certificates may request that the Regulator register the certificates on the GO Register.

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The holder of a consumption profile for a product may, in certain circumstances, request that the Regulator add information about the consumption of the product to registered PGO certificates.

The Regulator conducts annual reconciliation checks for PGO certificates. This involves providing a statement to a person who has been involved in the PGO certificate process, and requiring the person to declare whether the information they provided is correct.

The Regulator may correct or invalidate a registered PGO certificate on the basis of information arising from an annual reconciliation check, or on certain other grounds.

Division 2—Key concepts

28 Production gate and delivery gate

- (1) The **production gate** for a product at a facility is:
 - (a) if an instrument in force under subsection (3) determines a location in relation to the facility—that location; or
 - (b) otherwise—the point at which:
 - (i) a production module has been completed in relation to the product at the facility; and
 - (ii) the product is ready to be delivered.
- (2) Each of the following is a **delivery gate** for a product:
 - (a) a location where the product is placed on a ship with the intention that it be taken out of Australia;
 - (b) a location where the product is exported from Australia (otherwise than by being placed on a ship);
 - (c) a location where the product enters a pipeline, or other infrastructure, that is part of a shared network and conveys the product;
 - (d) a location where the product is delivered to a consumer in Australia;
 - (e) a location determined in relation to the product in an instrument in force under subsection (4).
- (3) The Regulator may determine a location in relation to a facility for the purposes of paragraph (1)(a).
- (4) The Regulator may determine a location in relation to a product for the purposes of paragraph (2)(e).
- (5) A determination under subsection (3) or (4) must be in writing but is not a legislative instrument.
- (6) In making a determination under subsection (3) or (4), the Regulator:
 - (a) must have regard to:

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- (i) guidelines (if any) prescribed by the rules for determining a location to be a production gate or delivery gate; and
- (ii) the matters (if any) prescribed by the rules; and
- (b) may have regard to any other matter the Regulator considers relevant.

29 Methodology determination

- (1) The Minister may, by legislative instrument, determine one or more production pathways for a product.
- (2) A **production pathway**, for a product, is a set of production modules.
- (3) A **production module** is a step in the production of a product and includes:
 - (a) the use of particular equipment; and
 - (b) a particular process.
- (4) If the Minister determines a production pathway for a product, the determination:
 - (a) must provide that a specified unit is the functional unit of the product; and
 - (b) must provide that at least one specified production module is a minimum module for the production pathway; and
 - (c) may provide that a specified production module is:
 - (i) an optional module for the production pathway; or
 - (ii) a conditional module for the production pathway; and
 - (d) may specify:
 - (i) a formula or method for working out the amount of a product in a batch of the product that is produced in accordance with the production pathway; and
 - (ii) one or more sources of greenhouse gas emissions for the production pathway; and
 - (iii) for any source so specified—requirements for monitoring, measuring and reporting greenhouse gas emissions from the source; and

- (e) may specify:
 - (i) a formula or method for working out the amount of a product that reaches a delivery gate for the product; and
 - (ii) one or more sources of greenhouse gas emissions for a delivery module for the product; and
 - (iii) for any source so specified—requirements for monitoring, measuring and reporting greenhouse gas emissions from the source.
- (5) A **delivery module**, for a product, is:
 - (a) a method for storing the product; or
 - (b) a method for transporting the product; or
 - (c) a method for both storing and transporting the product.
- (6) If the Minister determines a production pathway for a product, a source of greenhouse gas emissions that is specified in the determination for the production pathway is a **production emissions source** for the production pathway for the product.
- (7) If the Minister specifies a source of greenhouse gas emissions relating to a delivery module for the product, a source of greenhouse gas emissions that is so specified in the determination is a **post-production emissions source** for the delivery module.
- (8) Despite subsection 14(2) of the *Legislation Act 2003*, a determination under this section may make provision in relation to a matter by applying, adopting or incorporating, with or without modification, any matter contained in an instrument or other writing as in force or existing from time to time.
- (9) In making a determination under this section, the Minister must have regard to:
 - (a) the objects of this Act; and
 - (b) the extent to which the determination was developed in accordance with the following objectives:
 - (i) to be transparent and complete, by representing an accurate accounting of all material greenhouse gas emissions for a product's supply chain without carbon offsetting using carbon credits;

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- (ii) to be consistent with other determinations made under this section and comparable with internationally agreed standards, taking into account domestic circumstances or requirements;
- (iii) to be practical and minimise the regulatory burden on registered persons;
- (iv) to be based on the latest available scientific evidence as aligned with international frameworks.

Division 3—Profiles

Subdivision A—Registration of production profiles

30 Application to register production profile

- (1) A registered person may apply to the Regulator to register a production profile for a product.
 - (2) A **production profile**, for a product, consists of the following information:
 - (a) the product;
 - (b) the name and location of a facility at which the product is produced;
 - (c) each person who owns all or part of the facility;
 - (d) each person who operates all or part of the facility;
 - (e) the day on which the product was first produced at the facility;
 - (f) the production gate for the product at the facility;
 - (g) a production pathway for the product;
 - (h) one or more production modules for the product;
 - (i) for each of those production modules—whether it is a minimum module, optional module or conditional module for the production pathway;
 - (j) the information (if any) that is prescribed by the rules.
 - (3) The application must:
 - (a) be in the form approved, in writing, by the Regulator; and
 - (b) meet the requirements (if any) prescribed by the rules.
 - (4) The application must include:
 - (a) the production profile; and
 - (b) the name and address of each person who owns all or part of the facility specified in the profile; and
 - (c) the name and address of each person who operates all or part of the facility specified in the profile; and
 - (d) the information (if any) that is prescribed by the rules.
-

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31 Request for further information

- (1) If a registered person makes an application under section 30, the Regulator may, by notice in writing, require the registered person to give the Regulator, within the period specified in the notice, such further information in relation to the application as the Regulator requires.
- (2) The Regulator is not required to decide the application, and may cease considering the application, if the registered person does not provide the required information within the period specified in the notice.

32 Withdrawal of application

- (1) A registered person who makes an application under section 30 may withdraw the application, in writing, at any time before the Regulator decides the application.
- (2) If the registered person withdraws the application, the Regulator must cease considering the application.

33 Registration of production profile

- (1) If a registered person applies to the Regulator to register a production profile for a product, the Regulator must decide to:
 - (a) register the profile; or
 - (b) refuse to register the profile.
- (2) The Regulator must not register the profile unless the Regulator is satisfied that:
 - (a) the facility specified in the profile produces the product; and
 - (b) the production pathway specified in the profile is determined in a methodology determination; and
 - (c) production of the product at the facility includes the minimum production modules for the production pathway specified in the profile; and
 - (d) the registered person owns or operates every part of the facility (whether alone or together with another person); and

- (e) if another person owns or operates a part of the facility together with the registered person—a written agreement is in force between the other person and the registered person to the effect that the registered person may:
 - (i) apply to register the profile; and
 - (ii) create PGO certificates as the holder of the profile; and
 - (f) the facility is operated in accordance with any relevant Commonwealth, State, Territory or local government planning and approval requirements.
- (3) In deciding whether the Regulator is satisfied of the matters in subsection (2), the Regulator:
- (a) must have regard to the matters (if any) prescribed by the rules; and
 - (b) may have regard to any other matter the Regulator considers relevant.
- (4) If the Regulator registers the profile, the Regulator may, by notice in writing given to the registered person, impose a condition on the registration.
- (5) A condition imposed under subsection (4) must be:
- (a) a condition that the profile include one or more specified conditional modules for the pathway specified in the profile; or
 - (b) a condition of a kind prescribed by the rules.
- (6) If the Regulator registers the profile, the Regulator must record in the register that the registered person is the holder of the profile.

Subdivision B—Registration of delivery profiles

34 Application to register delivery profile

- (1) A registered person may apply to the Regulator to register a delivery profile for a product.
- (2) A **delivery profile**, for a product, consists of the following information:
 - (a) the product;

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- (b) a delivery gate for the product;
 - (c) one or more delivery modules for the product;
 - (d) equipment used in relation to those delivery modules;
 - (e) post-production emissions sources for those delivery modules;
 - (f) for each post-production emissions source specified in the profile—a method for monitoring, measuring and reporting greenhouse gas emissions from the source;
 - (g) the name and address of each person who has operational control over all or part of the equipment specified in the profile;
 - (h) the information (if any) that is prescribed by the rules.
- (3) The application must:
 - (a) be in the form approved, in writing, by the Regulator; and
 - (b) meet the requirements (if any) prescribed by the rules.
- (4) The application must include:
 - (a) the delivery profile; and
 - (b) the name and address of each person who owns all or part of the equipment specified in the profile; and
 - (c) the name and address of each person who has operational control over all or part of the equipment specified in the profile; and
 - (d) the information (if any) that is prescribed by the rules.

35 Request for further information

- (1) If a registered person makes an application under section 34, the Regulator may, by notice in writing, require the registered person to give the Regulator, within the period specified in the notice, such further information in relation to the application as the Regulator requires.
- (2) The Regulator is not required to decide the application, and may cease considering the application, if the registered person does not provide the required information within the period specified in the notice.

36 Withdrawal of application

- (1) A registered person who makes an application under section 34 may withdraw the application, in writing, at any time before the Regulator decides the application.
- (2) If the registered person withdraws the application, the Regulator must cease considering the application.

37 Registration of delivery profile

- (1) If a registered person applies to the Regulator to register a delivery profile for a product, the Regulator must decide to:
 - (a) register the profile; or
 - (b) refuse to register the profile.
- (2) The Regulator must not register the profile unless the Regulator is satisfied that:
 - (a) either subsection (3) or (4) applies to the equipment specified in the profile; and
 - (b) the profile includes each post-production emissions source for each delivery module for the product that is specified in the profile; and
 - (c) for each of those sources, the method specified in the profile for monitoring, measuring and reporting greenhouse gas emissions from the source is specified in a methodology determination that determines a production pathway for the product; and
 - (d) a batch of the product could reasonably pass to the delivery gate specified in the profile from a production gate for the product at a facility.
- (3) This subsection applies to the equipment specified in the profile if:
 - (a) the registered person owns or operates every part of the equipment (whether alone or together with another person); and
 - (b) if another person owns or operates a part of the equipment together with the registered person—a written agreement is

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in force between the other person and the registered person to the effect that the registered person may:

- (i) apply to register the profile; and
- (ii) request, as the holder of the profile, that the Regulator add information to PGO certificates.

(4) This subsection applies to the equipment specified in the profile if:

- (a) the registered person does not own or operate every part of the equipment (whether alone or together with another person); and
- (b) a written agreement is in force between each person who owns or operates the equipment, or a part of the equipment, and the registered person to the effect that the registered person may:
 - (i) apply to register the profile; and
 - (ii) request, as the holder of the profile, that the Regulator add information to PGO certificates.

(5) In deciding whether the Regulator is satisfied of the matters in subsection (2), the Regulator:

- (a) must have regard to the matters (if any) prescribed by the rules; and
- (b) may have regard to any other matter the Regulator considers relevant.

(6) If the Regulator registers the profile, the Regulator may, by notice in writing given to the registered person, impose a condition on the registration. The condition must be of a kind prescribed by the rules.

(7) If the Regulator registers the profile, the Regulator must record in the register that the registered person is the holder of the profile.

Subdivision C—Registration of consumption profiles

38 Application to register consumption profile

- (1) A registered person may apply to the Regulator to register a consumption profile for a product.

- (2) A **consumption profile**, for a product, consists of the following information:
- (a) the product;
 - (b) a delivery gate for the product;
 - (c) if the product is consumed at a single facility—the following information:
 - (i) the name and location of the facility;
 - (ii) whether the facility is connected to a pipeline, or other infrastructure, that is part of a shared network and conveys the product;
 - (iii) each person who owns or operates the facility or a part of the facility;
 - (iv) whether the facility is an NGER facility;
 - (v) whether the facility is a designated large facility;
 - (d) if the product is consumed at multiple facilities—a description of those facilities and their connection to:
 - (i) a pipeline, or other infrastructure, that is part of a shared network and conveys the product; and
 - (ii) the registered person who is, or is to be, the holder of the consumption profile;
 - (h) the information (if any) that is prescribed by the rules.
- (3) The application must:
- (a) be in the form approved, in writing, by the Regulator; and
 - (b) meet the requirements (if any) prescribed by the rules.
- (4) The application must include:
- (a) the consumption profile; and
 - (b) if the profile specifies that the product is consumed at a single facility—the following information:
 - (i) the name and address of each person who owns all or part of the facility;
 - (ii) the name and address of each person who operates all or part of the facility; and
 - (d) the information (if any) that is prescribed by the rules.

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39 Request for further information

- (1) If a registered person makes an application under section 38, the Regulator may, by notice in writing, require the registered person to give the Regulator, within the period specified in the notice, such further information in relation to the application as the Regulator requires.
- (2) The Regulator is not required to decide the application, and may cease considering the application, if the registered person does not provide the required information within the period specified in the notice.

40 Withdrawal of application

- (1) A registered person who makes an application under section 38 may withdraw the application, in writing, at any time before the Regulator decides the application.
- (2) If the registered person withdraws the application, the Regulator must cease considering the application.

41 Registration of consumption profile

- (1) If a registered person applies to the Regulator to register a consumption profile for a product, the Regulator must decide to:
 - (a) register the profile; or
 - (b) refuse to register the profile.
- (2) The Regulator must not register the profile unless:
 - (a) if the profile specifies that the product is consumed at a single facility—the Regulator is satisfied that:
 - (i) either subsection (3) or (4) applies to the facility; and
 - (ii) if the facility is connected to a pipeline, or other infrastructure, that is part of a shared network and conveys the product—the product could reasonably pass through the pipeline or other infrastructure to the facility; or
 - (b) if the profile specifies that the product is consumed at multiple facilities—the Regulator is satisfied that:

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- (i) the product could reasonably pass to those facilities through the pipeline or other infrastructure specified in the profile; and
 - (ii) it would not be practicable for the registered person to create a consumption profile in respect of each of those facilities.
- (3) This subsection applies to a facility if:
 - (a) the registered person owns or operates every part of the facility (whether alone or together with another person); and
 - (b) if another person owns or operates a part of the facility together with the registered person—a written agreement is in force between the other person and the registered person to the effect that the registered person may:
 - (i) apply to register the profile; and
 - (ii) request, as the holder of the profile, that the Regulator add information to PGO certificates.
- (4) This subsection applies to a facility if:
 - (a) the registered person does not own or operate every part of the facility (whether alone or together with another person); and
 - (b) a written agreement is in force between each person who owns or operates the facility, or a part of the facility, and the registered person to the effect that the registered person may:
 - (i) apply to register the profile; and
 - (ii) request, as the holder of the profile, that the Regulator add information to PGO certificates.
- (5) In deciding whether the Regulator is satisfied of the matters specified in subsection (2), the Regulator:
 - (a) must have regard to the matters (if any) prescribed by the rules; and
 - (b) may have regard to any other matter the Regulator considers relevant.
- (6) If the Regulator registers the profile, the Regulator may, by notice in writing given to the registered person, impose a condition on the

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registration. The condition must be of a kind prescribed by the rules.

- (7) If the Regulator registers the profile, the Regulator must record in the register that the registered person is the holder of the profile.

Subdivision D—Correction and transfer of registered profiles

42 Correction of profiles

- (1) The holder of a registered profile may apply to the Regulator to correct a minor or technical error in the profile.
- (2) The application must:
 - (a) be in writing; and
 - (b) explain the cause of the error; and
 - (c) specify the correction to be made.
- (3) On receipt of the application, the Regulator must decide to:
 - (a) make the correction; or
 - (b) refuse to make the correction.
- (4) In deciding whether to make the correction, the Regulator may have regard to any matter the Regulator considers relevant.
- (5) The Regulator may also correct a profile in the circumstances prescribed by the rules.

43 Transfer of profiles

- (1) The rules may provide for or in relation to the transfer of a registered profile from the holder of the profile to another registered person.
- (2) If a profile is transferred to another registered person in accordance with the rules, the Regulator must update the register accordingly.

Subdivision E—Suspension, cancellation and surrender of registration

44 Suspension of registration

- (1) The Regulator may, by notice in writing given to the holder of a profile, suspend the registration of the profile for a period if section 46 applies to the profile.
- (2) While the profile is suspended, the holder of the profile cannot create a PGO certificate or add information to a PGO certificate.
- (3) The Regulator may, by notice in writing given to the holder of the profile, end the period of suspension before it would otherwise end.

45 Cancellation of registration

The Regulator may, by notice in writing given to the holder of a profile, cancel the registration of the profile if section 46 applies to the profile.

46 Grounds of suspension or cancellation

- (1) This section applies to a registered profile if:
 - (a) the Regulator reasonably believes that a condition imposed on the registration of the profile has been contravened; or
 - (b) the Regulator is no longer satisfied:
 - (i) if the profile is a production profile that is registered under section 33—that the profile meets the criteria in subsection (2) of that section; or
 - (ii) if the profile is a delivery profile that is registered under section 37—that the facility meets the criteria in subsection (2) of that section; or
 - (iii) if the profile is a consumption profile that is registered under section 41—that the profile meets the criteria in subsection (2) of that section.
- (2) This section also applies to a registered profile in the circumstances prescribed by the rules.

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47 Regulator to notify person of proposed suspension or cancellation

- (1) Before suspending the registration of a profile under section 44 or cancelling the registration of the profile under section 45, the Regulator must give notice in writing of the proposed suspension or cancellation to the holder of the profile.
- (2) The notice must:
 - (a) state:
 - (i) that the Regulator proposes to suspend or cancel the registration; and
 - (ii) the grounds for the proposed suspension or cancellation; and
 - (iii) if the Regulator proposes to suspend the registration—the proposed period of suspension; and
 - (b) invite the holder of the profile to make a written submission to the Regulator about the proposed suspension or cancellation within a specified period.
- (3) For the purposes of paragraph (2)(b), the period specified in the notice must not be less than 14 days starting on the day after the day the notice is given.
- (4) In considering whether to suspend or cancel the registration, the Regulator must have regard to any submission made by the holder of the profile within the period specified in the notice.

48 Surrender of registration

The holder of a profile may surrender the registration of the profile at any time by giving the Regulator notice in writing.

Division 4—PGO certificates

Subdivision A—Creation and registration of PGO certificates

49 Creation of certificates

- (1) The holder of a production profile for a product may create certificates in respect of a batch of the product that is produced at the facility specified in the production profile.
- (2) One certificate may be created for each whole functional unit of the product in the batch.

Suspended persons

- (3) A person whose registration is suspended under section 18 cannot create a certificate under this section.

50 Content of certificates at creation—general

- (1) A PGO certificate created by the holder of a production profile for a product in respect of a batch of the product must state the following:
 - (a) the product;
 - (b) the functional unit of the product;
 - (c) the holder of the production profile;
 - (d) the production pathway specified in the production profile;
 - (e) the facility at which the product was produced;
 - (f) the production gate for the product at the facility;
 - (g) the amount of the product in the batch;
 - (h) the amount of time taken to produce the batch;
 - (i) the time and day the last part of the batch left the production gate;
 - (j) the amount of greenhouse gases emitted in relation to the batch from each production emissions source for the production pathway;
 - (k) the emissions intensity of the batch;

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- (l) the information (if any) that is prescribed by the rules.
- (2) If a methodology determination specifies a formula or method for working out the amount of a product in a batch of the product that is produced in accordance with the production pathway specified in the production profile, the amount stated for the purposes of paragraph (1)(g) must be worked out in accordance with that formula or method.
- (3) The amount of time stated in the certificate for the purposes of paragraph (1)(h) must be between 1 hour and 1 year.

51 Content of certificates at creation—related certificates

- (1) This section applies if the holder of a production profile for a product creates a PGO certificate in respect of a batch of a product (the *certified batch*).

Related PGO certificates

- (2) If:
 - (a) a batch of another product was used to produce the certified batch; and
 - (b) there are registered PGO certificates in respect of the batch of the other product;the certificate must also state the unique identification codes of those other PGO certificates.
- (3) If:
 - (a) part of a batch of another product was used to produce the certified batch; and
 - (b) there are registered PGO certificates in respect of the batch of the other product;the certificate must also state the unique identification codes of a number of those other PGO certificates that is equal to the number of functional units for the other product in the part of the batch of the other product.

Related large-scale generation certificates

- (4) If:
- (a) electricity was used to produce the certified batch; and
 - (b) the holder of the production profile surrendered large-scale generation certificates in respect of that electricity use;
- the certificate must also state the unique identification codes of those large-scale generation certificates.

Related REGO certificates

- (5) If:
- (a) electricity was used to produce the certified batch; and
 - (b) at the request of the holder of the production profile, the Regulator retired REGO certificates in respect of that electricity use;
- the certificate must also state the unique identification codes of those REGO certificates.

Other related certificates

- (6) If:
- (a) electricity was used to produce the certified batch; and
 - (b) the holder of the production profile surrendered certificates (however described) in respect of that electricity use; and
 - (c) the certificates are of a kind prescribed by the rules;
- the certificate must also identify those prescribed certificates.

Invalidated certificates

- (7) Despite subsections (2) and (3), the certificate must not identify another PGO certificate that has been invalidated.

Timing

- (8) Despite subsections (4) to (6), the certificate must not identify another certificate if the other certificate was created in respect of electricity that was generated more than 1 year before production of the certified batch commenced.

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53 Form and identification of certificates

- (1) A PGO certificate must be created in an electronic form approved in writing by the Regulator.
- (2) The Regulator may approve different electronic forms for different PGO certificates.
- (3) A PGO certificate must include:
 - (a) a unique identification code; and
 - (b) such other information relating to the identification of the certificate as is prescribed by the rules.

54 Authorisation to add post-production information to certificates

- (1) If the holder of a production profile for a product creates a PGO certificate in respect of a batch of the product, the holder of the production profile may authorise the holder of a delivery profile for the product to add post-production information to the certificate.
- (2) The holder of a production profile for a product may withdraw an authorisation given under this section.
- (3) The holder of a production profile for a product must notify the Regulator, in writing, of any authorisation given or withdrawn by the holder of the production profile under this section.
- (4) At any one time, only one person may be authorised under this section to add post-production information to a PGO certificate.

55 Addition of post-production information to certificates

- (1) The holder of a delivery profile for a product may add the information specified in subsection (3) to PGO certificates created in respect of a batch of the product if:
 - (a) the holder of the delivery profile is the person who created the certificates and no other person is authorised under section 54 to add post-production information to the certificates; or
 - (b) the holder of the delivery profile is authorised under section 54 to add post-production information to the certificates.
-

- (2) The number of certificates to which the holder of the delivery profile adds information must not exceed the number of functional units of the product in the amount of the product in the batch that reached the delivery gate specified in the delivery profile.
- (3) The following information is specified:
 - (a) the holder of the delivery profile;
 - (b) the amount of the product from the batch that reached the delivery gate specified in the profile;
 - (c) the amount of greenhouse gases emitted in relation to the batch from each post-production emissions source specified in the profile;
 - (d) the information (if any) that is prescribed by the rules.
- (4) If a methodology determination specifies a formula or method for working out the amount of a product that reaches a delivery gate for the product, the amount mentioned in paragraph (3)(b) must be worked out in accordance with that formula or method.

Suspended persons

- (5) A person whose registration is suspended under section 18 cannot add information to a PGO certificate under this section.

56 Registration of certificates

- (1) The holder of a production profile for a product who creates PGO certificates in respect of a batch of the product may request that the Regulator register the certificates.
- (2) The request must:
 - (a) be in the form approved, in writing, by the Regulator; and
 - (b) meet the requirements (if any) prescribed by the rules.
- (3) If information has not been added to the certificates in accordance with section 55, the request must explain why information was not added to the certificates in accordance with that section.
- (4) If:

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- (a) the holder of the production profile created other PGO certificates in respect of the batch of the product; and
 - (b) information has not been added to those other certificates in accordance with section 55;

the request must explain why information was not added to those other certificates in accordance with that section.
- (5) On receiving the request, the Regulator must decide to:
 - (a) register the certificates; or
 - (b) refuse to register the certificates.
- (6) The Regulator must not register the certificates if the request is made more than 1 year after the last part of the batch left the production gate that is specified in the certificates.
- (7) The Regulator may refuse to register the certificates if:
 - (a) information has not been added to the certificates in accordance with section 55; and
 - (b) the Regulator is not satisfied with the explanation provided in accordance with subsection (3) of this section.
- (8) The Regulator may also refuse to register the certificates if the Regulator is not satisfied that:
 - (a) the following have been worked out correctly in accordance with the requirements specified in a methodology determination that determines a production pathway for the product:
 - (i) the emissions stated in the certificates in relation to a production emissions source for the product;
 - (ii) the emissions stated in the certificates in relation to a post-production emissions source for a delivery module for the product; or
 - (b) the information stated in the certificates is complete and correct; or
 - (c) if the certificates state that an amount of the product from the batch reached a particular delivery gate—that amount could reasonably pass from the production gate stated in the certificates to the delivery gate.

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- (9) In deciding whether to register the certificates, the Regulator:
 - (a) must have regard to the matters (if any) prescribed by the rules; and
 - (b) may have regard to any other matter the Regulator considers relevant.

Suspended persons

- (10) A request under this section cannot be made by a person whose registration is suspended under section 18.

56A Request for further information

- (1) If a person makes a request under section 56 (registration of certificates), the Regulator may, by notice in writing, require the person to give the Regulator, within the period specified in the notice, such further information in relation to the request as the Regulator requires.
- (2) The Regulator is not required to decide the request, and may cease considering the request, if the person does not provide the required information within the period specified in the notice.

56B Withdrawal of request for registration of certificates

- (1) A person who makes a request under section 56 (registration of certificates) may withdraw the request, in writing, at any time before the Regulator decides the request.
- (2) If the person withdraws the request, the Regulator must cease considering the request.

Subdivision B—Addition of consumption information to registered PGO certificates

57 Authorisation to add consumption information to certificates

- (1) If the holder of a production profile for a product creates a PGO certificate in respect of a batch of the product, the holder of the production profile may authorise the holder of a consumption

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profile for the product to add consumption information to the certificate.

- (2) The holder of a production profile for a product may withdraw an authorisation given under this section.
- (3) The holder of a production profile for a product must notify the Regulator, in writing, of any authorisation given or withdrawn by the holder of the production profile under this section.
- (4) At any one time, only one person may be authorised under this section to add consumption information to a PGO certificate.

58 Transfer of authorisation

- (1) The holder of a consumption profile for a product who is authorised under section 57 to add consumption information to a PGO certificate may authorise another holder of a consumption profile for the product to add consumption information to the certificate.
- (2) The holder of a consumption profile for a product may withdraw an authorisation given under this section.
- (3) The holder of a consumption profile for a product must notify the Regulator, in writing, of any authorisation given or withdrawn by the holder of the consumption profile under this section.
- (4) At any one time, only one person may be authorised under this section to add consumption information to a PGO certificate.

59 Addition of consumption information

- (1) The holder of a consumption profile for a product may request that the Regulator add the information specified in subsection (2) to a registered PGO certificate created in respect of a batch of the product if:
 - (a) the delivery gate stated in the certificate is specified in the consumption profile; and
 - (b) one of the following applies:

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- (i) the holder of the consumption profile is the person who created the certificate, and no other person is authorised to add consumption information to the certificate;
 - (ii) the holder of the consumption profile is authorised under section 57 to add consumption information to the certificate, and no other person is authorised to add consumption information to the certificate;
 - (iii) the holder of the consumption profile is authorised under section 58 to add consumption information to the certificate; and
 - (c) no other person has made a request under this section in relation to the certificate.
- (2) The following information is specified:
- (a) the holder of the consumption profile;
 - (b) if the consumption profile specifies that the product is consumed at a single facility—the name and location of the facility;
 - (ba) if the consumption profile specifies that the product is consumed at multiple facilities—a description of those facilities;
 - (c) the nature of the consumption of the batch;
 - (d) the information (if any) that is prescribed by the rules.
- (3) The request must:
- (a) be in the form approved, in writing, by the Regulator; and
 - (b) meet the requirements (if any) prescribed by the rules.
- (4) On receiving the request, the Regulator must decide to:
- (a) add the information; or
 - (b) refuse to add the information.
- (5) If the consumption profile specifies that the product is consumed at a single facility, the Regulator may refuse to add the information if the Regulator is not satisfied that:
- (a) if the facility is connected to a pipeline, or other infrastructure, that is part of a shared network and conveys the product—the batch of the product was consumed at the

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facility or another facility connected to the pipeline or other infrastructure; or

- (b) otherwise—the batch of the product was consumed at the facility.
- (7) If the holder of the consumption profile is not the person who created the certificate, then the Regulator may refuse to add the information if the Regulator is not satisfied that the holder of the consumption profile directly or indirectly purchased the batch, or part of the batch, from the person who created the certificate.
- (8) In deciding whether to add the information, the Regulator:
 - (a) must have regard to the matters (if any) prescribed by the rules; and
 - (b) may have regard to any other matter the Regulator considers relevant.

Suspended persons

- (9) A request under this section cannot be made by a person whose registration is suspended under section 18.

59A Request for further information

- (1) If a person makes a request under section 59 (addition of consumption information), the Regulator may, by notice in writing, require the person to give the Regulator, within the period specified in the notice, such further information in relation to the request as the Regulator requires.
- (2) The Regulator is not required to decide the request, and may cease considering the request, if the person does not provide the required information within the period specified in the notice.

59B Withdrawal of request for addition of consumption information

- (1) A person who makes a request under section 59 (addition of consumption information) may withdraw the request, in writing, at any time before the Regulator decides the request.

- (2) If the person withdraws the request, the Regulator must cease considering the request.

Subdivision C—Annual reconciliation checks

60 Regulator must give statement

- (1) Within 1 month after the end of a financial year, the Regulator must give a person a statement in writing if there was any PGO certificate activity in relation to the person in the financial year.
- (2) Each of the following is a **PGO certificate activity** in relation to a person:
- (a) the Regulator registering a PGO certificate created by the person;
 - (b) the Regulator registering a PGO certificate to which the person added information as the holder of a delivery profile;
 - (c) the Regulator adding information to a registered PGO certificate at the person's request as the holder of a consumption profile;
 - (d) the Regulator correcting, under section 63, a registered PGO certificate:
 - (i) created by the person; or
 - (ii) to which the person added information as the holder of a delivery profile; or
 - (iii) to which the Regulator added information at the person's request as the holder of a consumption profile.
- (3) The statement must set out:
- (a) the information given to the Regulator for the purposes of the certificate activity in relation to the person in the financial year; and
 - (b) the information (if any) that is prescribed by the rules.

61 Recipient of statement must respond with declaration

Within 3 months after the end of a financial year (or such longer period including up to 30 additional days as the Regulator allows),

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a person who is given a statement under section 60 in relation to the financial year must give the Regulator:

- (a) a declaration that the information in the statement is accurate and complete; or
- (b) all of the following:
 - (i) a declaration that specified information in the statement is not accurate or complete;
 - (ii) the information that the person considers necessary to correct or complete the specified information and a declaration that the information is accurate and complete;
 - (iii) a declaration that the remaining information (if any) in the statement is accurate and complete.

Subdivision D—Correction of PGO certificates

62 Correction following annual reconciliation check

- (1) If a person declares under section 61 that information stated in a registered PGO certificate is not accurate or complete, the Regulator must, within 30 days after the declaration is made, decide to:
 - (a) correct the certificate with the information that the person considers necessary to correct or complete that information; or
 - (b) not correct the certificate.
- (2) In deciding whether to correct the certificate, the Regulator:
 - (a) must have regard to the matters (if any) prescribed by the rules; and
 - (b) may have regard to any other matter the Regulator considers relevant.

63 Other corrections

- (1) Before the final declaration day for a PGO certificate, the Regulator may correct the certificate:
 - (a) to correct a minor or technical error; or

- (b) if the correction is of a kind prescribed by the rules.
- (2) The ***final declaration day***, for a PGO certificate, is the last day on which a person is required to make a declaration under section 61 in relation to the certificate.
- (3) The Regulator may correct a certificate under this section:
 - (a) on the Regulator's own initiative; or
 - (b) on written application being made to the Regulator by:
 - (i) the holder of a production profile who created the certificate; or
 - (ii) the holder of a delivery profile who added information to the certificate; or
 - (iii) the holder of a consumption profile who requested that the Regulator add information to the certificate (if the Regulator added that information).

Subdivision E—Invalidating PGO certificates

64 Invalidation

The Regulator ***invalidates*** a registered PGO certificate by recording in the register that the certificate is not valid.

65 Invalidating incorrect certificates

- (1) The Regulator may invalidate a registered PGO certificate:
 - (a) if both of the following apply:
 - (i) the Regulator gives a statement to a person in relation to the certificate under section 60;
 - (ii) the person does not respond to the statement in accordance with section 61; or
 - (b) if all of the following apply:
 - (i) the Regulator gives a statement to a person in relation to the certificate under section 60;
 - (ii) the person responds to the statement in accordance with paragraph 61(b);

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- (iii) the Regulator decides, under section 62, not to correct the certificate; or
 - (c) if the certificate states the unique identification code of another certificate that is invalidated under this section; or
 - (d) in circumstances prescribed by the rules.
- (2) In deciding whether to invalidate the certificate, the Regulator:
 - (a) must have regard to the matters (if any) prescribed by the rules; and
 - (b) may have regard to any other matter the Regulator considers relevant.

66 Invalidating excess certificates

- (1) The Regulator must invalidate registered PGO certificates created in respect of a batch of a product if:
 - (a) the Regulator corrects the certificates under section 62 or 63; and
 - (b) the correction results in a decrease in the total delivered amount in relation to the certificates.
- (2) The number of certificates to be invalidated in accordance with subsection (1) is the number of functional units of the product included in the amount of the decrease.
- (3) In this section:

total delivered amount, in relation to PGO certificates, means the sum of the amounts referred to in paragraph 55(3)(b) (about the amount of a product that reaches a delivery gate) that are added to the certificates in accordance with section 55.

67 Notice of invalidation

- (1) If the Regulator invalidates a registered PGO certificate, the Regulator must notify the following, in writing, of the invalidation:
 - (a) the holder of a production profile who created the certificate;
 - (b) the holder of a delivery profile who added information to the certificate;

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- (c) any holder of a consumption profile who requested that the Regulator add information to the certificate (if the Regulator added that information).
- (2) The notice must include the reasons for the Regulator's decision to invalidate the certificate.

Part 4—Certification of renewable electricity

Division 1—Simplified outline of this Part

68 Simplified outline of this Part

This Part establishes a scheme for certifying renewable electricity.

A registered person may apply to the Regulator to register a renewable electricity facility. Such a facility may be an electricity generation system, an energy storage system, or an aggregated system.

A renewable electricity facility is made up of components. The Regulator must not register a facility unless satisfied that, among other things, the facility is made up of the components included in the application.

If the Regulator registers a renewable electricity facility, the registered person who applied for its registration becomes known as the eligible registered person for the facility.

The eligible registered person for a facility may create certificates, known as REGO certificates, in respect of the eligible amount of electricity for the facility and a time period. The eligible amount is calculated by applying a formula or method prescribed by the rules to the amount of electricity generated or dispatched by the facility in the time period. The time period may be an hour or another time period prescribed by the rules. The number of certificates that may be created is the number of whole megawatt hours included in the eligible amount.

In certain circumstances, the eligible registered person for a facility may create REGO certificates in respect of the residual amount for the facility and a calendar month. Generally speaking, the residual amount consists of amounts of electricity for which REGO

certificates cannot be created because they are not whole megawatt hours.

The eligible registered person for a facility who creates REGO certificates in respect of the facility may apply to the Regulator to register the certificates on the GO Register. If the Regulator registers the certificates, the eligible registered person becomes the registered owner of the certificates.

A REGO certificate may be transferred from its registered owner to another registered person or retired.

The Regulator may correct a REGO certificate.

There are civil penalties for improper creation of REGO certificates.

This Part also contains provisions about how the *Renewable Energy (Electricity) Act 2000* relates to this scheme. This includes provisions dealing with baselines and the double-counting of amounts of renewable electricity.

Division 2—Key concepts

69 Eligible renewable energy sources

- (1) The following energy sources are *eligible renewable energy sources*:
- (a) hydro;
 - (b) wave;
 - (c) tide;
 - (d) ocean;
 - (e) wind;
 - (f) solar;
 - (g) geothermal-aquifer;
 - (h) hot dry rock;
 - (i) energy crops other than biomass from a native forest;
 - (j) wood waste;
 - (k) agricultural waste;
 - (l) waste from processing of agricultural products;
 - (m) food waste;
 - (n) food processing waste;
 - (o) bagasse;
 - (p) black liquor;
 - (q) biomass-based components of municipal solid waste;
 - (r) landfill gas;
 - (s) sewage gas and biomass-based components of sewage;
 - (t) any other energy source prescribed by the rules for the purposes of this paragraph.
- (2) However, the following energy sources are not *eligible renewable energy sources*:
- (a) fossil fuels;
 - (b) materials or waste products derived from fossil fuels;
 - (c) biomass from a native forest;
 - (d) any other energy source prescribed by the rules for the purposes of this paragraph.
-

- (3) The rules may provide that, for the purposes of this section, an expression used to identify an energy source has the meaning that is prescribed by the rules. In doing so, the rules may limit or extend the meaning of the expression.

70 Aggregated system

An **aggregated system** is a system for generating or storing electricity that includes:

- (a) 2 or more electricity generation systems; or
- (b) 2 or more energy storage systems; or
- (c) at least one electricity generation system and at least one energy storage system.

71 Direct supply relationship

An energy storage system and an electricity generation system have a **direct supply relationship** if:

- (a) electricity is transferred to the energy storage system directly from the electricity generation system; and
- (b) the energy storage system, the electricity generation system and the transfer, meet the requirements (if any) prescribed by the rules.

72 Legacy baseline

- (1) If:
- (a) a facility is an accredited power station; and
 - (b) the 1997 eligible renewable power baseline for the facility is greater than zero;
- that baseline is the **legacy baseline** for the facility.

Note: The 1997 eligible renewable power baseline for an accredited power station may be varied under the *Renewable Energy (Electricity) Act 2000* (see section 30F of that Act).

- (2) If:
- (a) a determination is in force in relation to a facility under section 83; and

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- (b) the baseline specified in the determination is greater than zero;
that baseline is the *legacy baseline* for the facility.

73 Measurement standard

- (1) The Minister may, by legislative instrument, prescribe requirements that apply to a facility.
- (2) The requirements may relate to:
 - (a) metering, or otherwise measuring, electricity that is generated, stored, consumed, lost or dispatched by the facility or a component of the facility; or
 - (b) measuring an energy source for the facility or a component of the facility; or
 - (c) measuring an input (other than an energy source) into the facility or a component of the facility.
- (3) An instrument under subsection (1) is to be known as a *measurement standard*.
- (4) Despite subsection 14(2) of the *Legislation Act 2003*, a measurement standard may make provision in relation to a matter by applying, adopting or incorporating, with or without modification, any matter contained in an instrument or other writing as in force or existing from time to time.

Division 3—Renewable electricity facilities

Subdivision A—Applications to register facilities

74 Application to register accredited power stations

- (1) A registered person may apply to the Regulator to register a facility that is an accredited power station.
- (2) The application must:
 - (a) be in the form approved, in writing, by the Regulator; and
 - (b) meet the requirements (if any) prescribed by the rules.
- (3) The application must include the following information:
 - (a) the name of the facility;
 - (b) the identification code allocated to the facility under the *Renewable Energy (Electricity) Act 2000*;
 - (c) the location of the facility;
 - (d) the commissioning date of the facility;
 - (e) the electricity network to which the facility is connected;
 - (f) the 1997 eligible renewable power baseline for the facility;
 - (g) each energy source for electricity generated by the facility;
 - (h) such other information as is prescribed by the rules.

75 Application to register other facilities

- (1) A registered person may apply to the Regulator to register a facility that is:
 - (a) an electricity generation system that is not an accredited power station; or
 - (b) an energy storage system; or
 - (c) an aggregated system.
- (2) The application must:
 - (a) be in the form approved, in writing, by the Regulator; and
 - (b) meet the requirements (if any) prescribed by the rules.

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- (3) The application must include the following information:
- (a) the location of the facility;
 - (b) the commissioning date of the facility;
 - (c) the electricity network to which the facility is connected;
 - (d) the components (the ***facility components***) that the registered person considers to make up the facility;
 - (e) for each facility component:
 - (i) each person who owns the component (whether alone or together with one or more other persons); and
 - (ii) each person who operates the component (whether alone or together with one or more other persons);
 - (f) whether the facility, or a facility component, generated or contributed to the generation of electricity before 1 January 1997;
 - (g) information about how the following are metered or otherwise measured in relation to the facility:
 - (i) the electricity that is generated, stored, consumed, lost or dispatched by the facility or a component of the facility;
 - (ii) the energy sources (if any) for the facility and the components of the facility;
 - (iii) the other inputs (if any) into the facility and the components of the facility;
 - (h) if the facility is an energy storage system that has a direct supply relationship with an electricity generation system—the information that is prescribed by the rules for the purposes of this paragraph;
 - (i) if the facility is an electricity generation system or an aggregated system—each energy source for electricity generated by the facility;
 - (j) such other information as is prescribed by the rules.

Small generation units

- (4) If:

- (a) a certificate has been created under the *Renewable Energy (Electricity) Act 2000* in relation to a small generation unit; and
 - (b) the small generation unit:
 - (i) consists or consisted of a facility component; or
 - (ii) includes or included a facility component;
- the application must include the information (if any) about the small generation unit that is prescribed by the rules.

76 Request for further information

- (1) If a registered person makes an application under this Subdivision, the Regulator may, by notice in writing, require the registered person to give the Regulator, within the period specified in the notice, such further information in relation to the application as the Regulator requires.
- (2) The Regulator is not required to decide the application, and may cease considering the application, if the registered person does not provide the required information within the period specified in the notice.

77 Amendment or withdrawal of application

- (1) A registered person who makes an application under this Subdivision may, in writing, at any time before the Regulator decides the application:
 - (a) amend the application; or
 - (b) withdraw the application.
- (2) If the registered person withdraws the application, the Regulator must cease considering the application.

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Subdivision B—Registration of facilities

78 Registration of accredited power stations

- (1) If a registered person applies to the Regulator under section 74 to register a facility that is an accredited power station, the Regulator must decide to:
 - (a) register the facility; or
 - (b) refuse to register the facility.
- (2) The Regulator must not register the facility unless the Regulator is satisfied that:
 - (a) the registered person is the nominated person for the facility; or
 - (b) a written agreement is in force between the registered person and the nominated person for the facility to the effect that the registered person may apply to register the facility.
- (3) In deciding whether to register the facility, the Regulator:
 - (a) must have regard to the matters (if any) prescribed by the rules; and
 - (b) may have regard to any other matter the Regulator considers relevant.

Imposition of conditions

- (4) If the Regulator registers the facility, the Regulator may, by notice in writing given to the registered person, impose a condition on the registration. The condition must be of a kind prescribed by the rules.

Rules

- (5) Rules made for the purposes of paragraph (3)(a) may prescribe different matters for different kinds of facilities.

79 Registration of electricity generation systems that are not accredited power stations

- (1) If a registered person applies to the Regulator under section 75 to register a facility that is an electricity generation system, the Regulator must decide to:
 - (a) register the facility; or
 - (b) refuse to register the facility.
- (2) The Regulator must not register the facility unless the Regulator is satisfied that:
 - (a) the facility generates electricity from at least one eligible renewable energy source; and
 - (b) if a measurement standard prescribes a requirement that applies to the facility—the requirement is met; and
 - (c) the facility is made up of the components included in the application; and
 - (d) none of the components that make up the facility are included in:
 - (i) an accredited power station; or
 - (ii) a registered renewable electricity facility; and
 - (e) for each of the components that make up the facility:
 - (i) the registered person owns the component alone; or
 - (ii) the registered person owns the component together with one or more other persons and a written agreement is in force between the registered person and each of those persons to the effect that the registered person may apply to register the facility and create REGO certificates relating to electricity generated by the facility; or
 - (iii) the registered person operates the component, either alone or together with another person, and a written agreement is in force between the registered person and each owner of the component to the effect that the registered person may apply to register the facility and create REGO certificates relating to electricity generated by the facility; and

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- (f) the facility is operated in accordance with any relevant Commonwealth, State, Territory or local government planning and approval requirements; and
 - (g) the facility, and each component of the facility, meets the requirements (if any) prescribed by the rules.
- (3) The Regulator may refuse to register the facility if the Regulator is satisfied that a component included in the application should not be included in the facility.
- (4) In deciding whether to register the facility, the Regulator:
 - (a) must have regard to:
 - (i) guidelines (if any) prescribed by the rules in relation to what components may make up an electricity generation system; and
 - (ii) the matters (if any) prescribed by the rules; and
 - (b) may have regard to any other matter the Regulator considers relevant.

Imposition of conditions

- (5) If the Regulator registers the facility, the Regulator may, by notice in writing given to the registered person, impose a condition on the registration. The condition must be of a kind prescribed by the rules.

Rules

- (6) Rules made for the purposes of paragraph (2)(g) or (4)(a) may prescribe different requirements, guidelines or matters for different kinds of facilities or components.
- (7) The rules may provide that paragraph (2)(d) does not apply to a facility in specified circumstances.

80 Registration of energy storage systems

- (1) If a registered person applies to the Regulator under section 75 to register a facility that is an energy storage system, the Regulator must decide to:

- (a) register the facility; or
 - (b) refuse to register the facility.
- (2) The Regulator must not register the facility unless the Regulator is satisfied that:
 - (a) if a measurement standard prescribes a requirement that applies to the facility—the requirement is met; and
 - (b) the facility is made up of the components included in the application; and
 - (c) none of the components that make up the facility are included in:
 - (i) an accredited power station; or
 - (ii) a registered renewable electricity facility; and
 - (d) for each of the components that make up the facility:
 - (i) the registered person owns the component alone; or
 - (ii) the registered person owns the component together with one or more other persons and a written agreement is in force between the registered person and each of those persons to the effect that the registered person may apply to register the facility and create REGO certificates relating to electricity dispatched by the facility; or
 - (iii) the registered person operates the component, either alone or together with another person, and a written agreement is in force between the registered person and each owner of the component to the effect that the registered person may apply to register the facility and create REGO certificates relating to electricity dispatched by the facility; and
 - (e) the facility is operated in accordance with any relevant Commonwealth, State, Territory or local government planning and approval requirements; and
 - (f) the facility, and each component of the facility, meets the requirements (if any) prescribed by the rules.
- (3) The Regulator may refuse to register the facility if the Regulator is satisfied that a component included in the application should not be included in the facility.

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- (4) In deciding whether to register the facility, the Regulator:
 - (a) must have regard to:
 - (i) guidelines (if any) prescribed by the rules in relation to what components may make up an energy storage system; and
 - (ii) the matters (if any) prescribed by the rules; and
 - (b) may have regard to any other matter the Regulator considers relevant.

Imposition of conditions

- (5) If the Regulator registers the facility, the Regulator may, by notice in writing given to the registered person, impose a condition on the registration. The condition must be of a kind prescribed by the rules.

Rules

- (6) Rules made for the purposes of paragraph (2)(f) or (4)(a) may prescribe different requirements, guidelines or matters for different kinds of facilities or components.
- (7) The rules may provide that paragraph (2)(c) does not apply to a facility in specified circumstances.

81 Registration of aggregated systems

- (1) If a registered person applies to the Regulator under section 75 to register a facility that is an aggregated system, the Regulator must decide to:
 - (a) register the facility; or
 - (b) refuse to register the facility.
- (2) The Regulator must not register the facility unless the rules prescribe requirements that apply in relation to facilities that are aggregated systems and components of such facilities.
- (3) The Regulator must not register the facility before 1 January 2031 if:

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- (a) a certificate has been created under the *Renewable Energy (Electricity) Act 2000* in relation to a small generation unit; and
- (b) the small generation unit:
 - (i) consists or consisted of a component of the facility; or
 - (ii) includes or included a component of the facility.
- (4) The Regulator must not register the facility unless the Regulator is satisfied that:
 - (a) each electricity generation system included in the facility generates electricity from at least one eligible renewable energy source; and
 - (b) if a measurement standard prescribes a requirement that applies to the facility—the requirement is met; and
 - (c) the facility is made up of the components included in the application; and
 - (d) none of the components that make up the facility are included in:
 - (i) an accredited power station; or
 - (ii) a registered renewable electricity facility; and
 - (e) for each of the components that make up the facility:
 - (i) the registered person owns the component alone; or
 - (ii) the registered person owns the component together with one or more other persons and a written agreement is in force between the registered person and each of those persons to the effect that the registered person may apply to register the facility and create REGO certificates relating to electricity generated or dispatched by the facility; or
 - (iii) the registered person operates the component, either alone or together with another person, and a written agreement is in force between the registered person and each owner of the component to the effect that the registered person may apply to register the facility and create REGO certificates relating to electricity generated or dispatched by the facility; or
 - (iv) the registered person neither owns nor operates the component, but a written agreement is in force between

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the registered person and each owner of the component, and each operator of the component, to the effect that the registered person may apply to register the facility and create REGO certificates relating to electricity generated or dispatched by the facility; and

- (f) the facility is operated in accordance with any relevant Commonwealth, State, Territory or local government planning and approval requirements; and
 - (g) the facility, and each component of the facility, meets the requirements prescribed by the rules for the purposes of subsection (2).
- (5) The Regulator may refuse to register the facility if the Regulator is satisfied that a component included in the application should not be included in the facility.
- (6) In deciding whether to register the facility, the Regulator:
- (a) must have regard to:
 - (i) guidelines (if any) prescribed by the rules in relation to what components may make up an aggregated system; and
 - (ii) the matters (if any) prescribed by the rules; and
 - (b) may have regard to any other matter the Regulator considers relevant.

Imposition of conditions

- (7) If the Regulator registers the facility, the Regulator may, by notice in writing given to the registered person, impose a condition on the registration. The condition must be of a kind prescribed by the rules.

Rules

- (8) Rules made for the purposes of subsection (2) or paragraph (6)(a) may prescribe different requirements, guidelines or matters for different kinds of facilities or components.
- (9) Without limiting the requirements that the rules may prescribe for the purposes of subsection (2), the rules may prescribe:

- (a) a requirement that the capacity of an electricity generation system included in an aggregated system must not exceed a specified capacity; or
 - (b) a requirement that the capacity of an energy storage system included in an aggregated system must not exceed a specified capacity.
- (10) The rules may provide that paragraph (4)(d) does not apply to a facility in specified circumstances.

Subdivision C—Eligible registered persons

82 Eligible registered person

- (1) If a registered person applies to the Regulator under Subdivision A to register a facility and the Regulator registers the facility under Subdivision B, the Regulator must record in the register that the registered person is the eligible registered person for the facility.
- (2) The Regulator may determine, on written application by the eligible registered person for a facility, that another registered person is the eligible registered person for the facility instead of the person who made the written application.
- (3) In deciding whether to make a determination under subsection (2), the Regulator:
 - (a) must have regard to the matters (if any) prescribed by the rules; and
 - (b) may have regard to any other matter the Regulator considers relevant.
- (4) A determination under subsection (2) takes effect on the day it is made or on a later day specified in the determination.
- (5) If the Regulator makes a determination under subsection (2), the Regulator must update the register accordingly.
- (6) A determination under subsection (2) must be in writing but is not a legislative instrument.

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Subdivision D—Determination of baseline

83 Determination of baseline

- (1) If:
 - (a) the Regulator registers a facility that includes a component that generated or contributed to the generation of electricity before 1 January 1997; and
 - (b) the facility is not an accredited power station;the Regulator must determine a baseline for the facility.
- (2) The Regulator must determine the baseline, in accordance with guidelines prescribed in the *Renewable Energy (Electricity) Regulations 2001*, as if:
 - (a) the Regulator had determined under paragraph 14(1)(a) of the *Renewable Energy (Electricity) Act 2000* that the components that make up the facility are taken to be a power station for the purposes of that Act; and
 - (b) the Regulator had determined under paragraph 14(1)(b) of that Act that the power station is eligible for accreditation; and
 - (c) the Regulator were determining the 1997 eligible renewable power baseline for the power station in accordance with paragraph 14(3)(a) of that Act.
- (3) A determination under this section must be in writing but is not a legislative instrument.
- (4) This section does not apply in relation to a facility registered after 31 December 2030.

Subdivision E—Record-keeping etc.

84 Creation and variation of record

- (1) If the Regulator registers a facility under Subdivision B, the Regulator must create a record in relation to the facility that contains:
 - (a) each component included in the facility; and

- (b) such other information as is prescribed by the rules.
- (2) The Regulator may vary the record:
 - (a) on written application being made to the Regulator by the eligible registered person for the facility; or
 - (b) on the Regulator's own initiative.

85 Notification of certain events

- (1) The eligible registered person for a registered renewable electricity facility must:
 - (a) notify the Regulator, in writing, if an event specified in subsection (2) occurs; and
 - (b) do so within 1 month after the event occurs.
- (2) The following events are specified:
 - (a) a component being added to, or removed from, the facility;
 - (b) the facility ceasing to comply with a requirement prescribed by a measurement standard that applies to the facility;
 - (c) the facility starting to generate electricity from a different eligible renewable energy source;
 - (d) any other event prescribed by the rules.
- (3) The Regulator may, by notice in writing, require a registered person to give the Regulator, within the period specified in the notice, such further information in relation to a notice given by the registered person under subsection (1) as the Regulator requires.

Subdivision F—Suspension, cancellation and surrender of registration

86 Suspension of registration

- (1) The Regulator may, by notice in writing given to the eligible registered person for a registered renewable electricity facility, suspend the facility's registration under Subdivision B for a period if section 88 applies to the facility.

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- (2) The Regulator may, by notice in writing given to the eligible registered person, end the period of suspension before it would otherwise end.

87 Cancellation of registration

The Regulator may, by notice in writing given to the eligible registered person for a registered renewable electricity facility, cancel the facility's registration under Subdivision B if section 88 applies to the facility.

88 Grounds of suspension or cancellation

- (1) This section applies to a registered renewable electricity facility if:
- (a) the Regulator reasonably believes that a condition imposed on the registration of the facility under Subdivision B has been contravened; or
 - (b) both of the following apply:
 - (i) a component is added to, or removed from, the facility;
 - (ii) the Regulator is satisfied that the Regulator would not have registered the facility under Subdivision B if the component had not been included, or had been included, as the case may be, in the application to register the facility; or
 - (c) the Regulator is no longer satisfied:
 - (i) if the facility is an electricity generation system that is registered under section 79—that the facility meets the criteria in subsection (2) of that section; or
 - (ii) if the facility is an energy storage system that is registered under section 80—that the facility meets the criteria in subsection (2) of that section; or
 - (iii) if the facility is an aggregated system that is registered under section 81—that the facility meets the criteria in subsection (4) of that section.
- (2) This section also applies to a registered renewable electricity facility in the circumstances prescribed by the rules.

89 Regulator to notify person of proposed suspension or cancellation

- (1) Before suspending the registration of a facility under section 86 or cancelling the registration of the facility under section 87, the Regulator must give notice in writing of the proposed suspension or cancellation to the eligible registered person for the facility.
- (2) The notice must:
 - (a) state:
 - (i) that the Regulator proposes to suspend or cancel the registration; and
 - (ii) the grounds for the proposed suspension or cancellation; and
 - (iii) if the Regulator proposes to suspend the registration—the proposed period of suspension; and
 - (b) invite the eligible registered person to make a written submission to the Regulator about the proposed suspension or cancellation within a specified period.
- (3) For the purposes of paragraph (2)(b), the period specified in the notice must not be less than 14 days starting on the day after the day the notice is given.
- (4) In considering whether to suspend or cancel the registration, the Regulator must have regard to any submission made by the eligible registered person within the period specified in the notice.

90 Surrender of registration

The eligible registered person for a registered renewable electricity facility may surrender the facility's registration under Subdivision B at any time by giving the Regulator notice in writing.

Division 4—REGO certificates

Subdivision A—Creation of certificates

91 Creation of certificates in respect of eligible amounts

- (1) The eligible registered person for a registered renewable electricity facility may create certificates in respect of the eligible amount of electricity for the facility and a time period.
- (2) The time period must be:
 - (a) an hour; or
 - (b) a time period of a kind prescribed by the rules.

Note: The rules may prescribe a kind of time period such as a day or a calendar month for the purposes of paragraph (2)(b).

- (3) One certificate may be created for each whole megawatt hour included in the eligible amount.

Example: If the eligible amount for a facility and the hour between 2 pm and 3 pm on 1 September 2025 is 1.8MWh, 1 certificate may be created in respect of that hour.

- (4) The **eligible amount** of electricity for a facility and a time period is the amount worked out, in accordance with the formula or method prescribed by the rules, in relation to the amount of electricity generated or dispatched by the facility during the time period.
- (5) Rules made for the purposes of subsection (4) may prescribe different formulas or methods in relation to different kinds of facilities.
- (6) This section has effect subject to Subdivision B (restrictions on certificate creation).

92 Creation of certificates in respect of residual amounts

- (1) The eligible registered person for a registered renewable electricity facility may create certificates in respect of the residual amount for

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the facility and a calendar month in a calendar year if the eligible registered person:

- (a) has created certificates in respect of the eligible amount of electricity for the facility and an hour that falls within the calendar year; and
 - (b) has not created certificates in respect of the eligible amount of electricity for the facility and a time period that:
 - (i) is of a kind prescribed by the rules for the purposes of paragraph 91(2)(b); and
 - (ii) falls within the calendar year.
- (2) One certificate may be created for each whole megawatt hour included in the residual amount.
- Example: If the residual amount for a facility for April 2026 is 18.7MWh, 18 certificates may be created in respect of that month.
- (3) An amount of electricity that is equal to the difference between:
- (a) the residual amount; and
 - (b) the number of whole megawatt hours included in the residual amount;
- may be added to the residual amount for the facility and the next calendar month (unless the next calendar month is a January).
- Example: If the residual amount for a facility for April 2026 is 18.7MWh, 0.7MWh may be added to the residual amount for the facility for May 2026.
- (4) The **residual amount**, for a facility and a calendar month, is the amount of electricity that is equal to the sum of:
- (a) the residual fractions for the facility and each hour that falls within the month; and
 - (b) the amount (if any) added to the residual amount for the facility and the month in accordance with subsection (3).
- Example: The residual amount for a facility and the month of April 2026 is the sum of 720 residual fractions: 1 residual fraction for each hour in that month.
- (5) The **residual fraction**, for a facility and an hour, is the amount of electricity that is equal to the difference between:

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- (a) the eligible amount of electricity for the facility and the hour;
and
- (b) the number of whole megawatt hours included in that eligible amount.

Example: If the eligible amount of electricity for a facility and the hour between 2 pm and 3 pm on 1 September 2025 is 4.7MWh, the residual fraction for the facility and that hour is 0.7MWh.

Note: The number referred to in paragraph (b) may be zero.

- (6) This section has effect subject to Subdivision B (restrictions on certificate creation).

93 Below-baseline certificates

- (1) If a facility has a legacy baseline, a REGO certificate created in respect of the eligible amount of electricity for the facility and a time period that falls within a calendar year is a ***below-baseline certificate*** unless:
 - (a) the calendar year begins after 31 December 2030; or
 - (b) the amount of renewable electricity generated by the facility in the calendar year before the start of the time period is equal to or greater than the facility's legacy baseline; or
 - (c) the certificate is covered by the rules.
- (2) If a facility has a legacy baseline, a REGO certificate created in respect of the residual amount for the facility and a calendar month that falls within a calendar year is a ***below-baseline certificate*** unless:
 - (a) the calendar year begins after 31 December 2030; or
 - (b) the amount of renewable electricity generated by the facility in the calendar year before the start of the calendar month is equal to or greater than the facility's legacy baseline; or
 - (c) the certificate is covered by the rules.
- (3) For the purposes of subsections (1) and (2), the amount of renewable electricity generated by a facility in a calendar year before the start of a particular time period is to be worked out in accordance with the *Renewable Energy (Electricity) Regulations 2001*.

Note: See also subsection 18(3) of the *Renewable Energy (Electricity) Act 2000*.

94 Content of certificates

- (1) If the eligible registered person for a registered renewable electricity facility creates a REGO certificate in respect of:
 - (a) the eligible amount of electricity for the facility and a time period; or
 - (b) the residual amount for the facility and a calendar month;the certificate must state the following:
 - (c) the eligible registered person;
 - (d) the facility;
 - (e) the location of the facility;
 - (f) the commissioning date of the facility;
 - (g) the electricity network to which the facility is connected;
 - (h) the time period or the calendar month, as the case may be;
 - (i) that the certificate represents 1 megawatt hour of renewable electricity;
 - (j) such other information as is prescribed by the rules.

Electricity generation systems

- (2) If the facility is an electricity generation system, the certificate must also state each eligible renewable energy source for the facility.

Aggregated systems

- (4) If the facility is an aggregated system that includes an electricity generation system, the certificate must also state each eligible renewable energy source for the electricity generation system.

Facilities with legacy baselines

- (5) If:
 - (a) the facility has a legacy baseline; and
 - (b) the time period or the calendar month, as the case may be, ends before 1 January 2031;

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the certificate must also state whether it is a below-baseline certificate.

Optional information

- (6) The certificate may also include the information prescribed by the rules for the purposes of this subsection.

95 Form and identification of certificates

- (1) A REGO certificate must be created in an electronic form approved in writing by the Regulator.
- (2) The Regulator may approve different electronic forms for different kinds of REGO certificates.
- (3) A REGO certificate must include:
- (a) a unique identification code; and
 - (b) such other information relating to the identification of the certificate as is prescribed by the rules.

96 Creation of certificates representing different amounts of renewable electricity

- (1) This section applies if the rules provide that a REGO certificate may represent a specified unit of renewable electricity (instead of 1 megawatt hour).

Certificates created in respect of eligible amounts

- (2) If REGO certificates are created in respect of the eligible amount of electricity for a facility and a time period, then despite subsection 91(3) and paragraph 94(1)(i):
- (a) one certificate may be created for each whole specified unit (instead of each whole megawatt hour) included in the eligible amount; and
 - (b) each of the certificates so created must state that it represents the specified unit of renewable electricity.

Certificates created in respect of residual amounts

- (3) If REGO certificates are created in respect of the residual amount for a facility and a calendar month, then:
- (a) despite subsection 92(2) and paragraph 94(1)(i):
 - (i) one certificate may be created for each whole specified unit (instead of each whole megawatt hour) included in the residual amount; and
 - (ii) each of the certificates so created must state that it represents the specified unit of renewable electricity; and
 - (b) subsection 92(5) has effect, for the purposes of working out the residual amount, as if paragraph (b) of the definition of ***residual fraction*** in that subsection referred to whole specified units instead of whole megawatt hours.

97 Creation of certificates—direct supply relationship

- (1) A formula or method prescribed by the rules for the purposes of subsection 91(4) may provide that, if:
- (a) an electricity generation system has a direct supply relationship with an energy storage system; and
 - (b) an amount of electricity (the ***directly supplied amount***) is dispatched by the electricity generation system to the energy storage system during a time period;
- the directly supplied amount is to be deducted from the amount of electricity dispatched by the electricity generation system during the time period for the purposes of working out the eligible amount of electricity for the electricity generation system and the time period.
- (2) This section does not limit the formulas or methods that may be prescribed for the purposes of subsection 91(4).

98 Creation of certificates—exported renewable electricity

Nothing in this Act prevents the creation of a REGO certificate, in accordance with this Act, in relation to renewable electricity that is exported from Australia.

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Subdivision B—Restrictions on certificate creation

99 Restriction on certificate creation—double counting

Certificates created in respect of eligible amounts

- (1) A REGO certificate must not be created in respect of the eligible amount of electricity for a facility and a time period if:
 - (a) electricity generated or dispatched by the facility during the time period formed the basis of calculating another amount for the purposes of:
 - (i) the *Renewable Energy (Electricity) Act 2000*; or
 - (ii) a scheme prescribed by the rules; and
 - (b) another certificate (however described) has been created in respect of that calculated amount.

Certificates created in respect of residual amounts

- (2) A REGO certificate must not be created in respect of a residual amount for a facility and a calendar month if:
 - (a) electricity generated or dispatched by the facility during the month formed the basis of calculating another amount for the purposes of:
 - (i) the *Renewable Energy (Electricity) Act 2000*; or
 - (ii) a scheme prescribed by the rules; and
 - (b) another certificate (however described) has been created in respect of that calculated amount.

100 Restriction on certificate creation—suspension of facility's registration

If the registration of a facility is suspended under section 86, the eligible registered person for the facility must not:

- (a) while the suspension is in force:
 - (i) create a REGO certificate in respect of the eligible amount of electricity for the facility and a time period; or

- (ii) create a REGO certificate in respect of the residual amount for a facility and a calendar month; or
- (b) create a REGO certificate in respect of:
 - (i) the eligible amount of electricity for the facility and a time period that falls within, or overlaps with, the period of suspension; or
 - (ii) the residual amount for a facility and a calendar month that falls within, or overlaps with, the period of suspension.

101 Restriction on certificate creation—suspension of person’s registration under this Act

A person whose registration is suspended under section 18 must not:

- (a) while the suspension is in force:
 - (i) create a REGO certificate in respect of the eligible amount of electricity for the facility and a time period; or
 - (ii) create a REGO certificate in respect of the residual amount for a facility and a calendar month; or
- (b) create a REGO certificate in respect of:
 - (i) the eligible amount of electricity for the facility and a time period that falls within, or overlaps with, the period of suspension; or
 - (ii) the residual amount for a facility and a calendar month that falls within, or overlaps with, the period of suspension.

102 Restriction on certificate creation—suspension of person’s registration under *Renewable Energy (Electricity) Act 2000*

- (1) This section applies if:
 - (a) a registered renewable electricity facility is an accredited power station; and

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- (b) the registration under the *Renewable Energy (Electricity) Act 2000* of the nominated person for the accredited power station is suspended under section 30 or 30A of that Act.
- (2) The eligible registered person for the facility must not:
 - (a) while the suspension is in force:
 - (i) create a REGO certificate in respect of the eligible amount of electricity for the facility and a time period; or
 - (ii) create a REGO certificate in respect of the residual amount for a facility and a calendar month; or
 - (b) create a REGO certificate in respect of:
 - (i) the eligible amount of electricity for the facility and a time period that falls within, or overlaps with, the period of suspension; or
 - (ii) the residual amount for a facility and a calendar month that falls within, or overlaps with, the period of suspension.
- (3) For the purposes of this section, it is immaterial whether the nominated person and the eligible registered person are the same person.

Subdivision C—Improper creation of certificates

103 Improper creation of REGO certificates

- (1) A person must not create a REGO certificate except in accordance with this Act.
- (2) A person is liable to a civil penalty if the person contravenes subsection (1).
- (3) Despite subsection 82(5) of the Regulatory Powers Act, the pecuniary penalty in relation to a contravention of subsection (1) of this section by an individual must not be more than the greater of:
 - (a) 1 penalty unit for each REGO certificate to which the contravention relates, up to a maximum of 10,000 penalty units; and

- (b) 100 penalty units.
- (4) Despite subsection 82(5) of the Regulatory Powers Act, the pecuniary penalty in relation to a contravention of subsection (1) of this section by a body corporate must not be more than the greater of:
 - (a) 5 penalty units for each REGO certificate to which the contravention relates, up to a maximum of 50,000 penalty units; and
 - (b) 500 penalty units.

Subdivision D—Registration of certificates

104 Registration of REGO certificates

- (1) The eligible registered person for a registered renewable electricity facility may apply to the Regulator to register REGO certificates created in respect of:
 - (a) the eligible amount of electricity for the facility and a time period; or
 - (b) the residual amount for the facility and a calendar month.
- (2) The application must:
 - (a) be in the form approved, in writing, by the Regulator; and
 - (b) meet the requirements (if any) prescribed by the rules; and
 - (c) include the information (if any) that is prescribed by the rules.
- (3) The Regulator must decide to:
 - (a) register the certificates; or
 - (b) refuse to register the certificates.

Timing

- (4) The Regulator must not register the certificates if the application is made more than 1 year after the end of the time period or the calendar month, as the case may be.

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Information must be correct

- (5) The Regulator must not register the certificates unless the Regulator is satisfied that:
- (a) the certificates have been created in accordance with this Act; and
 - (b) the information stated in the certificates is correct.

Energy storage systems

- (6) If the registered renewable electricity facility is an energy storage system, the Regulator must not register the certificates unless:
- (a) there is a direct supply relationship between the energy storage system and an electricity generation system, and that direct supply relationship is covered by the rules; or
 - (b) the total number of the following is equal to the number worked out, in accordance with a formula or method prescribed by the rules, in relation to the number of megawatt hours of renewable electricity represented by the certificates:
 - (i) a number of megawatt hours of renewable electricity that is represented by REGO certificates retired by the Regulator for the purposes of the application at the request of the eligible registered person;
 - (ii) a number of large-scale generation certificates surrendered by the eligible registered person for the purposes of the application;
 - (iii) a number of megawatt hours of renewable electricity that is worked out, in accordance with a formula or method prescribed by the rules, in relation to the amount of electricity that has been transferred to the facility from an electricity generation system with which the facility has a direct supply relationship.

Relevant considerations

- (7) In deciding whether to register the certificates, the Regulator:
- (a) must have regard to the matters (if any) prescribed by the rules; and

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- (b) may have regard to any other matter the Regulator considers relevant.

Registered owner

- (8) If the Regulator registers the certificates, the Regulator must record in the register that the eligible registered person is the registered owner of the certificates.

Suspended persons

- (9) An application under this section cannot be made by a person whose registration is suspended under section 18.

Rules

- (10) Rules made for the purposes of a provision of subsection (6) may prescribe different formulas or methods in relation to different kinds of facilities.

105 Request for further information

- (1) If a registered person applies to the Regulator under section 104 to register REGO certificates, the Regulator may, by notice in writing, require the registered person to give the Regulator, within the period specified in the notice, such further information in relation to the application as the Regulator requires.
- (2) Without limiting the information that the Regulator may require, if the certificates were created in respect of a facility with a legacy baseline, the required information may relate to the generation of electricity by the facility.
- (3) The Regulator is not required to decide the application, and may cease considering the application, if the registered person does not provide the required information within the period specified in the notice.

Subdivision E—Transfer and retirement of certificates

106 Transfer of certificates

- (1) The registered owner of a REGO certificate may request that the Regulator transfer the certificate to another registered person.
- (2) The request must:
 - (a) be in the form approved, in writing, by the Regulator; and
 - (b) state the first day on which the other registered person is to be the registered owner of the certificate; and
 - (c) meet the requirements (if any) prescribed by the rules.
- (3) On receiving the request, the Regulator must transfer the certificate by updating the register to record:
 - (a) that the other registered person is the registered owner of the certificate; and
 - (b) the first day on which the other registered person is the registered owner of the certificate.
- (4) However, the Regulator must not transfer the certificate:
 - (a) if the other registered person has not agreed, in writing, to the transfer; or
 - (b) if the registration of the other registered person is suspended under section 18; or
 - (c) in circumstances prescribed by the rules.
- (5) A request under this section cannot be made:
 - (a) in relation to a REGO certificate that has been retired; or
 - (b) by a person whose registration is suspended under section 18.

107 Retirement of certificates

- (1) The registered owner of a REGO certificate may request that the Regulator retire the certificate.
 - (2) The request must:
 - (a) be in the form approved, in writing, by the Regulator; and
 - (b) meet the requirements (if any) prescribed by the rules; and
-

- (c) include the following information:
 - (i) the purpose of the retirement;
 - (ii) the person (who may be the registered person) or entity for whose benefit the certificate is retired;
 - (iii) such other information as is prescribed by the rules.
- (3) On receiving the request, the Regulator must:
 - (a) retire the certificate by updating the register to record that the certificate is retired at the start of a specified day; and
 - (b) update the certificate to include the information mentioned in paragraph (2)(c).
- (4) However, the Regulator must not retire the certificate in circumstances prescribed by the rules.
- (5) A request under this section cannot be made by a person whose registration is suspended under section 18.
- (6) This section has effect subject to section 108 (retirement of below-baseline certificates).

108 Retirement of below-baseline certificates

- (1) The Regulator must not retire a below-baseline certificate that has been created in respect of the eligible amount of electricity for a facility and a time period, or the residual amount for a facility and a calendar month, if:
 - (a) the time period or the calendar month, as the case may be, ends before 1 January 2031; and
 - (b) the rules prescribe conditions that apply to the retirement; and
 - (c) those conditions are not satisfied.
- (2) Rules made for the purposes of paragraph (1)(b) may prescribe:
 - (a) a condition that the registered owner of a below-baseline certificate be undertaking a specified activity; or
 - (b) a condition that a below-baseline certificate be retired for a specified purpose; or

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- (c) a condition that a request to retire a below-baseline certificate be made before the end of a specified period beginning when the certificate is created.
- (3) Subsection (2) does not limit the rules that may be made for the purposes of paragraph (1)(b).

109 Request for further information

- (1) If the registered owner of a REGO certificate requests that the Regulator transfer or retire the certificate, the Regulator may, by notice in writing, require the registered owner to give the Regulator, within the period specified in the notice, such further information in relation to the request as the Regulator requires.
- (2) The Regulator is not required to grant the request, and may cease considering the request, if the registered owner does not provide the required information within the period specified in the notice.

Subdivision F—Correction of certificates

110 Correction of certificates

- (1) The Regulator may amend a REGO certificate to correct a minor or technical error.
- (2) The Regulator may do so:
 - (a) on written application being made to the Regulator by the registered owner of the certificate; or
 - (b) on the Regulator's own initiative.
- (3) The Regulator may also amend a REGO certificate in circumstances prescribed by the rules.

Part 5—The GO Register

Division 1—Simplified outline of this Part

111 Simplified outline of this Part

This Part provides for the creation of the GO Register.

The register contains information about registered persons, registered profiles, registered PGO certificates and REGO certificates, and registered renewable electricity facilities.

The register is maintained and kept up-to-date by the Regulator.

A registered person may apply to the Regulator to not include information on the register or remove information from the register. The Regulator may grant the application on certain grounds, such as that the publication of the information may harm public safety or the safety of an individual.

Division 2—The GO Register

112 The GO Register

- (1) The Regulator must keep a register to be known as the GO Register (short for Guarantee of Origin Register).
- (2) The register is to contain the following:
 - (a) the name of each registered person;
 - (b) each registered profile;
 - (c) each registered PGO certificate;
 - (d) the name of each registered renewable electricity facility;
 - (e) each registered REGO certificate.
- (3) The Regulator must ensure that the register is up-to-date.

113 Other information included in the register

Registered persons

- (1) The register must set out, for each registered person:
 - (a) any registered profile held by the person; and
 - (b) any facility for which the person is the eligible registered person; and
 - (c) whether the person's registration is suspended, cancelled or surrendered; and
 - (d) if the person's registration is suspended—the period of suspension; and
 - (e) such other information as is prescribed by the rules.

Registered profiles

- (2) The register must set out, for each registered profile:
 - (a) the holder of the profile; and
 - (b) whether the profile is suspended, cancelled or surrendered; and
 - (c) if the profile is suspended—the period of suspension; and

- (d) such other information as is prescribed by the rules.

Registered PGO certificates

- (3) The register must set out, for each registered PGO certificate:
 - (a) whether the certificate is valid; and
 - (b) if the certificate is not valid—the reason why the certificate was invalidated; and
 - (c) such other information as is prescribed by the rules.

Registered renewable electricity facilities

- (4) The register must set out, for each registered renewable electricity facility:
 - (a) the eligible registered person for the facility; and
 - (b) whether the facility is an accredited power station, an electricity generation system other than an accredited power station, an energy storage system or an aggregated system; and
 - (c) the location of the facility; and
 - (d) the commissioning date of the facility; and
 - (e) the electricity network to which the facility is connected; and
 - (f) if the registered renewable electricity facility is an electricity generation system or an aggregated system—the eligible renewable energy source of the electricity generation system; and
 - (g) whether the facility's registration is suspended, cancelled or surrendered; and
 - (h) if the facility's registration is suspended—the period of suspension; and
 - (i) such other information as is prescribed by the rules.

Registered REGO certificates

- (5) The register must set out, for each registered REGO certificate:
 - (a) the registered owner of the certificate; and
 - (b) whether the certificate has been retired; and
 - (c) if the certificate has been retired—the day of retirement; and

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- (d) such other information as is prescribed by the rules.

114 Withholding or removing information from the register

- (1) A registered person may apply, in writing, to the Regulator:
 - (a) to not include specified information in the register; or
 - (b) to remove specified information from the register.
- (2) The Regulator may grant the application if the Regulator is satisfied, having regard to any matter the Regulator considers relevant, that:
 - (a) the publication of the information specified in the application may prejudice national security; or
 - (b) the publication of the information specified in the application may harm public safety or the safety of an individual; or
 - (c) the information specified in the application contains commercially sensitive information; or
 - (d) the information specified in the application is covered by the rules.

115 Form of register

- (1) The register is to be maintained by electronic means.
- (2) The register is to be made available for inspection on the internet.

Part 6—Cost recovery

Division 1—Simplified outline of this Part

116 Simplified outline of this Part

The rules may prescribe fees in relation to activities carried out under this Act.

The *Future Made in Australia (Guarantee of Origin Charges) Act 2024* imposes charges on profiles and facilities registered under this Act.

These fees and charges are together called cost-recovery charges.

The Minister may make rules that deal with the payment of cost-recovery charges, and allow the Regulator to waive, refund or remit cost-recovery charges.

Unpaid cost-recovery charges may be recovered by the Commonwealth, and may affect the activities that can be carried out under this Act in relation to a person who is liable to pay the charge.

Division 2—Fees

117 Fees and other rules for fee-bearing activities

- (1) The rules may prescribe fees that may be charged in relation to activities (*fee-bearing activities*) carried out by, or on behalf of, the Regulator or the Commonwealth in the performance of functions or the exercise of powers under this Act.
- (2) Without limiting subsection (1), or subsection 33(3A) of the *Acts Interpretation Act 1901*, the rules may do the following:
 - (a) prescribe 2 or more fees for the same matter;
 - (b) prescribe a method for working out a fee;
 - (c) prescribe circumstances in which a person is exempt from paying a specified fee;
 - (d) prescribe different fees for different classes of persons or activities;
 - (e) specify that the amount of a fee is the cost (including the internal cost) incurred by the Regulator or the Commonwealth in arranging and paying for another person to carry out the relevant fee-bearing activity.
- (3) A fee prescribed for the purposes of subsection (1) must not be such as to amount to taxation.

Division 3—Payment of cost-recovery charges

118 Paying cost-recovery charges

The rules may:

- (a) prescribe the time when a specified cost-recovery charge is due and payable; and
- (b) prescribe the way in which a specified cost-recovery charge is payable; and
- (c) prescribe one or more persons who are liable to pay a specified cost-recovery charge.

119 Cost-recovery charges payable to the Commonwealth.

Cost-recovery charges are payable to the Commonwealth.

Division 4—Unpaid cost-recovery charges

120 Recovery of cost-recovery charges

A cost-recovery charge that is due and payable to the Commonwealth under this Act may be recovered as a debt due to the Commonwealth by action in:

- (a) the Federal Court; or
- (b) the Federal Circuit and Family Court of Australia (Division 2); or
- (c) a court of a State or Territory that has jurisdiction in relation to matters arising under this Act.

121 Regulator may direct that activities not be carried out

If a person (the *debtor*) is liable to pay a cost-recovery charge that is due and payable, the Regulator may refuse to carry out, or direct a person not to carry out, specified activities or kinds of activities in relation to the debtor under this Act until the cost-recovery charge has been paid.

Division 5—Miscellaneous

122 Regulator may remit cost-recovery charges

- (1) The Regulator may remit the whole or part of a cost-recovery charge that is payable, or that has been paid, to the Commonwealth if the Regulator is satisfied there are circumstances that justify doing so.
- (2) The Regulator may do so on the Regulator's own initiative or on application by a person.
- (3) An application under subsection (2) must:
 - (a) be in the form approved, in writing, by the Regulator; and
 - (b) meet the requirements (if any) prescribed by the rules.

123 Rules relating to when cost-recovery charges may be waived, refunded or remitted

- (1) The rules may provide for the following:
 - (a) the Regulator to be permitted or required to waive a cost-recovery charge in specified circumstances;
 - (b) the Regulator to be permitted or required to refund, or remit, in whole or in part, a cost-recovery charge in specified circumstances.
- (2) Rules made for the purposes of this section do not limit section 122.

Part 7—Audits

Division 1—Simplified outline of this Part

124 Simplified outline of this Part

The Regulator may require audits of one or more aspects of a person's compliance with this Act or certain provisions of the *Criminal Code*.

Persons are required to provide facilities and assistance to auditors, including by providing relevant information and documents on the request of an auditor.

Limitations apply to use or disclosure of protected audit information unless the use or disclosure is:

- (a) authorised by a provision of this Act; or
- (b) authorised or required by a law of the Commonwealth or a law of a State or Territory prescribed by the rules.

An audit team leader or person assisting an audit team leader is authorised to use or disclose audit information in certain circumstances.

Division 2—Audits

125 Compliance audits

Scope

- (1) This section applies if:
 - (a) a person is, or has been, a registered person; and
 - (b) the Regulator reasonably suspects that the person has contravened, is contravening, or is proposing to contravene:
 - (i) this Act; or
 - (ii) sections 134.1, 134.2, 135.1, 135.2, 135.4, 136.1, 137.1 and 137.2 of the *Criminal Code*, in so far as those sections relate to this Act.

Audit

- (2) The Regulator may, by notice in writing given to the person, require the person to:
 - (a) appoint as an audit team leader:
 - (i) an approved auditor of the person's choice; or
 - (ii) if the Regulator specifies a registered greenhouse and energy auditor in the notice—that auditor; or
 - (iii) if the Regulator specifies more than one registered greenhouse and energy auditor in the notice—any one of those auditors; and
 - (b) arrange for the audit team leader to carry out an audit on one or more aspects of the person's compliance with:
 - (i) this Act; or
 - (ii) sections 134.1, 134.2, 135.1, 135.2, 135.4, 136.1, 137.1 and 137.2 of the *Criminal Code*, in so far as those sections relate to this Act; and
 - (c) arrange for the audit team leader to give the person a written report setting out the results of the audit; and
 - (d) give the Regulator a copy of the audit report on or before the day specified in the notice.

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Note: For the conduct of an audit under this section, see section 75 of the *National Greenhouse and Energy Reporting Act 2007*.

- (3) The notice must specify:
 - (a) the type of audit to be carried out; and
 - (b) the matters to be covered by the audit; and
 - (c) the form of the audit report and the kinds of details it is to contain.
- (4) A notice under subsection (2) is not a legislative instrument.
- (5) If the Regulator gives a person written notice under subsection (2), the person must comply with the requirements of the notice.

Civil penalty: 30 penalty units.

- (6) The maximum civil penalty for each day that a contravention of subsection (5) continues after the day specified for the purposes of paragraph (2)(d) is 5% of the maximum civil penalty that can be imposed in respect of that contravention.

Note: Subsection (5) is a continuing civil penalty provision under section 93 of the *Regulatory Powers Act*.

126 Reimbursement for costs in relation to compliance audits

- (1) If:
 - (a) the Regulator gives a person a notice under subsection 125(2); and
 - (b) in complying with that notice, the person arranges for an audit team leader to carry out an audit on one or more aspects of the person's compliance with the following provisions (the ***relevant provisions***):
 - (i) this Act;
 - (ii) sections 134.1, 134.2, 135.1, 135.2, 135.4, 136.1, 137.1 and 137.2 of the *Criminal Code*, in so far as those sections relate to this Act; and
 - (c) the audit report does not indicate that there is evidence of non-compliance by the person with the relevant provisions; and

- (d) the person requests the Regulator to reimburse the person for reasonable costs incurred by the person in relation to the carrying out of the audit;

the Regulator may, on behalf of the Commonwealth, reimburse the person for those costs if the Regulator considers it appropriate to do so.
- (2) A request under paragraph (1)(d) must:
 - (a) be in the form approved, in writing, by the Regulator; and
 - (b) meet the requirements (if any) prescribed by the rules.
- (3) In deciding under subsection (1) whether to reimburse a person for reasonable costs incurred by the person in relation to the carrying out of an audit, the Regulator must have regard to:
 - (a) the report prepared by an audit team leader in accordance with the notice; and
 - (b) whether the person would suffer financial hardship if the person were not reimbursed for those costs; and
 - (c) such other matters (if any) as the Regulator considers relevant.

127 Scheduled audits

Scope

- (1) This section applies if a person is, or has been, a registered person and:
 - (a) the Regulator registers a production profile following an application by the person; or
 - (b) the person first gives the Regulator a declaration under section 61 (declaration in relation to annual reconciliation check); or
 - (c) the fifth anniversary, or a subsequent fifth anniversary, of an event mentioned in paragraph (b) of this subsection occurs; or
 - (d) both of the following apply:

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- (i) the person gives the Regulator a declaration under section 61 (declaration in relation to annual reconciliation check);
- (ii) any circumstances prescribed by the rules apply; or
- (e) both of the following apply:
 - (i) the person is or has been the eligible registered person for a registered renewable electricity facility;
 - (ii) any circumstances prescribed by the rules apply.

Audit

- (2) The Regulator may, by notice in writing given to the person, require the person to:
- (a) appoint as an audit team leader:
 - (i) an approved auditor of the person's choice; or
 - (ii) if the Regulator specifies a registered greenhouse and energy auditor in the notice—that auditor; or
 - (iii) if the Regulator specifies more than one registered greenhouse and energy auditor in the notice—any one of those auditors; and
 - (b) arrange for the audit team leader to carry out an audit on one or more aspects of the person's compliance with:
 - (i) this Act; or
 - (ii) sections 134.1, 134.2, 135.1, 135.2, 135.4, 136.1, 137.1 and 137.2 of the *Criminal Code*, in so far as those sections relate to this Act; and
 - (c) arrange for the audit team leader to give the person a written report setting out the results of the audit; and
 - (d) give the Regulator a copy of the audit report on or before the day specified in the notice.

Note: For the conduct of an audit under this section, see section 75 of the *National Greenhouse and Energy Reporting Act 2007*.

- (3) The notice must specify:
- (a) the type of audit to be carried out; and
 - (b) the matters to be covered by the audit; and

- (c) the form of the audit report and the kinds of details it is to contain.
 - (4) A notice under subsection (2) is not a legislative instrument.
 - (5) If the Regulator gives a person written notice under subsection (2), the person must comply with the requirements of the notice.
- Civil penalty: 30 penalty units.
- (6) The maximum civil penalty for each day that a contravention of subsection (5) continues after the day specified for the purposes of paragraph (2)(d) is 5% of the maximum civil penalty that can be imposed in respect of that contravention.

Note: Subsection (5) is a continuing civil penalty provision under section 93 of the Regulatory Powers Act.

128 Other audits

- (1) If a person is, or has been:
 - (a) the holder of a registered profile; or
 - (b) the eligible registered person for a registered renewable electricity facility;the Regulator may appoint a registered greenhouse and energy auditor as an audit team leader to carry out an audit of the person's compliance with one or more aspects of this Act.
- (2) The Regulator must give the person notice in writing of a decision to appoint an audit team leader under subsection (1).
- (3) The notice must:
 - (a) specify the audit team leader; and
 - (b) specify the period within which the audit is to be undertaken; and
 - (c) specify the type of audit to be carried out; and
 - (d) specify the matters to be covered by the audit; and
 - (e) be given to the person at a reasonable time before the audit is to be undertaken.

Note: For the conduct of an audit under this section, see section 75 of the *National Greenhouse and Energy Reporting Act 2007*.

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129 Information-gathering of audit team leaders and persons assisting audit team leaders

- (1) For the purpose of carrying out a guarantee of origin audit, an audit team leader or a person assisting an audit team leader may request a person who the audit team leader or person assisting the audit team leader has reasonable grounds to believe has information or documents that are relevant to the audit to:
 - (a) provide any such information; or
 - (b) produce any such documents.
- (2) An audit team leader or a person assisting an audit team leader may make copies of, or take extracts from, a document produced under subsection (1).

130 Persons must provide assistance in relation to an audit

- (1) A person must provide an audit team leader for a guarantee of origin audit, and any persons assisting the audit team leader, with all reasonable facilities and assistance necessary for the effective exercise of the audit team leader's duties under this Act.
- (2) A person is liable to a civil penalty if the person contravenes subsection (1).

Civil penalty: 30 penalty units.
- (3) Without limiting subsection (1), providing assistance that is reasonably necessary includes complying with any request under section 129 that relates to the audit.
- (4) Subsection (1) does not require a person to allow an audit team leader or a person assisting an audit team leader:
 - (a) to enter premises; or
 - (b) to take samples of any thing on premises; or
 - (c) to inspect any thing on premises.

Division 3—Audit information

Subdivision A—Information

131 Meaning of *audit information*

For the purposes of this Act, ***audit information*** means information that satisfies the following conditions:

- (a) the information was obtained by a person in the person's capacity as an audit team leader or a person assisting an audit team leader;
- (b) the information was obtained in the course of, or for the purposes of:
 - (i) carrying out a guarantee of origin audit; or
 - (ii) preparing a guarantee of origin audit report.

132 Meaning of *protected audit information*

For the purposes of this Act, ***protected audit information*** means audit information that is:

- (a) information the use or disclosure of which could reasonably be expected to substantially prejudice the commercial interests of a person; or
- (b) information the disclosure of which could reasonably be expected to found an action by a person (other than the Commonwealth) for breach of a duty of confidence; or
- (c) information the disclosure of which could reasonably be expected to prejudice the prevention, detection or investigation of, or the conduct of proceedings relating to, an offence or a contravention of a civil penalty provision; or
- (d) information the disclosure of which could reasonably be expected to prejudice the protection of public safety or the environment; or
- (e) information the disclosure of which could reasonably be expected to endanger the life or safety of an individual or group of individuals.

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Subdivision B—Secrecy

133 Secrecy—protected audit information

- (1) If:
- (a) a person is, or has been, an audit team leader or a person assisting an audit team leader; and
 - (b) the person has obtained protected audit information:
the person must not:
 - (c) disclose the information to another person; or
 - (d) use the information.

Civil penalty: 120 penalty units.

- (2) Each of the following is an exception to the prohibition in subsection (1):
- (a) the disclosure or use is authorised by a provision of this Act;
 - (b) the disclosure or use is authorised or required by:
 - (i) a law of the Commonwealth; or
 - (ii) a law of a State or a Territory prescribed by the rules.

Note: A defendant bears an evidential burden in relation to the matter in this subsection (see section 96 of the Regulatory Powers Act).

Subdivision C—Disclosure or use of audit information

134 Disclosure or use for purposes of carrying out guarantee or origin audit or preparing guarantee of origin audit report etc.

An audit team leader or a person assisting an audit team leader may disclose or use audit information if:

- (a) the disclosure or use is for the purposes of carrying out a guarantee of origin audit; or
- (b) the disclosure or use is for the purposes of preparing a guarantee of origin audit report.

135 Disclosure to the Regulator

An audit team leader or a person assisting an audit team leader may disclose audit information to the Regulator if:

- (a) the disclosure is for the purposes of this Act; and
- (b) the audit team leader or person assisting an audit team leader is satisfied that the disclosure is likely to assist the Regulator in performing functions or exercising powers under this Act.

136 Use or disclosure authorised by rules

- (1) An audit team leader or a person assisting an audit team leader may use audit information if:
 - (a) the use is for a purpose prescribed by rules made for the purposes of this paragraph; and
 - (b) the use complies with any conditions prescribed by rules made for the purposes of this paragraph.
- (2) An audit team leader or a person assisting an audit team leader may disclose audit information if:
 - (a) the disclosure is for a purpose prescribed by rules made for the purposes of this paragraph; and
 - (b) the disclosure complies with any conditions prescribed by rules made for the purposes of this paragraph.
- (3) Rules made for the purposes of this section must specify the legislative power or powers of the Parliament in respect of which the rules are made.
- (4) The other provisions of this Subdivision do not limit the rules that may be made for the purposes of this section.

Part 8—Enforcement

Division 1—Simplified outline of this Part

137 Simplified outline of this Part

The Chair may require the production of information, documents or evidence relevant to the operation of this Act.

Civil penalty orders may be sought under Part 4 of the Regulatory Powers Act from a relevant court in relation to contraventions of civil penalty provisions.

Infringement notices may be given under Part 5 of the Regulatory Powers Act for alleged contraventions of certain offences and civil penalty provisions.

Undertakings to comply with certain provisions may be accepted and enforced under Part 6 of the Regulatory Powers Act.

Injunctions under Part 7 of the Regulatory Powers Act may be used to restrain a person from contravening certain provisions or to compel compliance with certain provisions.

Division 2—Information gathering

138 Regulator may obtain information or documents

- (1) This section applies to a person if the Chair has reasonable grounds to believe that the person:
 - (a) has information or a document that is relevant to the operation of this Act; or
 - (b) is capable of giving evidence which the Chair has reasonable grounds to believe is relevant to the operation of this Act.
- (2) The Chair may, by notice in writing to the person, require the person:
 - (a) to give to the Regulator, within the period and in the manner and form specified in the notice, any such information; or
 - (b) to produce to the Regulator, within the period and in the manner specified in the notice, any such documents; or
 - (c) to make copies of any such documents and to produce to the Regulator, within the period and in the manner specified in the notice, those copies; or
 - (d) if the person is an individual—to appear before an official of the Regulator (within the meaning of the *Clean Energy Regulator Act 2011*) at a time and place specified in the notice to give any such evidence, either orally or in writing, and produce any such documents; or
 - (e) if the person is a body corporate—to cause a competent officer of the body to appear before an official of the Regulator (within the meaning of the *Clean Energy Regulator Act 2011*) at a time and place specified in the notice to give any such evidence, either orally or in writing, and produce any such documents.
- (3) A period specified under subsection (2) must not be shorter than 14 days after the notice is given.
- (4) A notice under subsection (2) must:

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- (a) if the notice is under paragraph (2)(d)—state that the person can be accompanied by a legal representative when appearing before the official; and
- (b) if the notice is under paragraph (2)(e)—state that the officer can be accompanied by a legal representative when appearing before the official; and
- (c) in any case—set out the effect of subsection (5) of this section (including the penalty), subsection 142(2) of this Act and sections 137.1 and 137.2 of the *Criminal Code*.

Note: Sections 137.1 and 137.2 of the *Criminal Code* create offences for giving false or misleading information or documents.

- (5) A person commits an offence of strict liability if:
 - (a) the person is given a notice under subsection (2); and
 - (b) the person fails to comply with the notice.

Penalty: 10 penalty units.

- (6) This section does not limit, and is not limited by, any other provision of this Act that relates to the powers of the Chair or the Regulator to obtain information, documents or evidence.

139 Copying documents—compensation

A person is entitled to be paid by the Regulator, on behalf of the Commonwealth, reasonable compensation for complying with a requirement covered by paragraph 138(2)(c).

140 Copies of documents

- (1) The Regulator may:
 - (a) inspect a document or copy produced under subsection 138(2); and
 - (b) make and retain copies of, or take and retain extracts from, such a document.
- (2) The Regulator may retain possession of a copy of a document produced in accordance with a requirement covered by paragraph 138(2)(c).

141 Regulator may retain documents

- (1) The Regulator may take, and retain for as long as is necessary, possession of a document produced under subsection 138(2).
- (2) The person otherwise entitled to possession of the document is entitled to be supplied, as soon as practicable, with a copy certified by the Regulator to be a true copy.
- (3) The certified copy must be received in all courts and tribunals as evidence as if it were the original.
- (4) Until a certified copy is supplied, the Regulator must, at such times and places as the Regulator thinks appropriate, permit the person otherwise entitled to possession of the document, or a person authorised by that person, to inspect and make copies of, or take extracts from, the document.

142 Privilege against self-incrimination and self-exposure to a penalty

- (1) An individual is not excused from giving information or evidence or producing a document or copy under this Division on the ground that giving the information or evidence or producing the document or copy might tend to incriminate the individual in relation to an offence.

Note: A body corporate is not entitled to claim the privilege against self-incrimination.

- (2) However:
 - (a) the information or evidence given or document or copy produced; and
 - (b) the giving of the information or evidence or the production of the document or copy; and
 - (c) any information, document or thing obtained as a direct or indirect consequence of the giving of the information or evidence or the production of the document or copy;are not admissible in evidence against the individual in criminal proceedings other than proceedings for an offence against section

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138 of this Act or section 137.1 or 137.2 of the *Criminal Code* that relates to this Act.

- (3) If, at general law, an individual would otherwise be able to claim the privilege against self-exposure to a penalty (other than a penalty for an offence) in relation to giving information or evidence or producing a document or copy under this Division, the individual is not excused from giving the information or evidence or producing the document or copy under those provisions on that ground.

Note: A body corporate is not entitled to claim the privilege against self-exposure to a penalty.

Division 3—Civil penalties

143 Civil penalty provisions

Enforceable civil penalty provisions

- (1) Each civil penalty provision of this Act is enforceable under Part 4 of the Regulatory Powers Act.

Note: Part 4 of the Regulatory Powers Act allows a civil penalty provision to be enforced by obtaining an order for a person to pay a pecuniary penalty for the contravention of the provision.

Authorised applicant

- (2) For the purposes of Part 4 of the Regulatory Powers Act, the Chair is an authorised applicant in relation to the civil penalty provisions of this Act.

Relevant court

- (3) For the purposes of Part 4 of the Regulatory Powers Act, each of the following courts is a relevant court in relation to the civil penalty provisions of this Act:
- (a) the Federal Court of Australia;
 - (b) the Federal Circuit and Family Court of Australia (Division 2);
 - (c) a court of a State or Territory that has jurisdiction in relation to matters arising under this Act.

Additional matters to be taken into account in determining a pecuniary penalty

- (4) In determining the pecuniary penalty for a contravention by a person of a civil penalty provision of this Act, the court must take into account, in addition to the matters mentioned in subsection 82(6) of the Regulatory Powers Act:
- (a) in any case—the extent of the person’s cooperation with the Regulator; and
 - (b) if the person is a body corporate:

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- (i) the level of the employees, officers or agents of the body corporate involved in the contravention; and
- (ii) whether the body corporate exercised due diligence to avoid the contravention; and
- (iii) whether the body corporate had a corporate culture conducive to compliance.

Extension to external Territories

- (5) Part 4 of the Regulatory Powers Act, as that Part applies in relation to the civil penalty provisions of this Act, extends to every external Territory.
- (6) Part 4 of the Regulatory Powers Act, as that Part applies in relation to the civil penalty provisions of this Act, extends to a matter relating to the exercise of Australia's sovereign rights in the exclusive economic zone or the continental shelf.

Liability of Crown

- (7) Part 4 of the Regulatory Powers Act, as that Part applies in relation to the civil penalty provisions of this Act, does not make the Crown liable to a pecuniary penalty.

Division 4—Infringement notices

144 Infringement notices

Provisions subject to an infringement notice

- (1) The following provisions are subject to an infringement notice under Part 5 of the Regulatory Powers Act:
- (a) section 25 (notification of events relevant to fit and proper person test);
 - (b) section 26 (notification of change in control);
 - (c) subsection 103(1) (improper creation of REGO certificates);
 - (d) subsection 125(5) (compliance audits);
 - (e) subsection 127(5) (scheduled audits);
 - (f) subsection 138(5) (Regulator may obtain information or documents);
 - (g) subsection 150(2) (record keeping).

Note: Part 5 of the Regulatory Powers Act creates a framework for using infringement notices in relation to provisions.

Infringement officer

- (2) For the purposes of Part 5 of the Regulatory Powers Act, each inspector is an infringement officer in relation to the provisions mentioned in subsection (1).

Relevant chief executive

- (3) For the purposes of Part 5 of the Regulatory Powers Act, the Chair is the relevant chief executive in relation to the provisions mentioned in subsection (1).

Single infringement notice may deal with more than one contravention

- (4) Despite subsection 103(3) of the Regulatory Powers Act, a single infringement notice may be given to a person in respect of:

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- (a) 2 or more alleged contraventions of a provision mentioned in subsection (1) of this section; or
- (b) alleged contraventions of 2 or more provisions mentioned in subsection (1) of this section.

However, the notice must not require the person to pay more than one amount in respect of the same conduct.

Matters to be included in infringement notice

- (5) In addition to the matters included in subsection 104(1) of the Regulatory Powers Act, an infringement notice given in relation to an alleged contravention of a provision mentioned in subsection (1) of this section must also include the information prescribed by the rules.

Extension to external Territories

- (6) Part 5 of the Regulatory Powers Act, as that Part applies in relation to the provisions mentioned in subsection (1), extends to every external Territory.
- (7) Part 5 of the Regulatory Powers Act, as that Part applies in relation to the provisions mentioned in subsection (1), extends to a matter relating to the exercise of Australia's sovereign rights in the exclusive economic zone or the continental shelf.

Division 5—Enforceable undertakings

145 Enforceable undertakings

Enforceable provisions

- (1) The following provisions are enforceable under Part 6 of the Regulatory Powers Act:
- (a) a provision of this Act that creates an offence;
 - (b) a civil penalty provision of this Act.

Note: Part 6 of the Regulatory Powers Act creates a framework for accepting and enforcing undertakings relating to compliance with provisions.

Authorised person

- (2) For the purposes of Part 6 of the Regulatory Powers Act, the Chair is an authorised person in relation to the provisions mentioned in subsection (1).

Relevant court

- (3) For the purposes of Part 6 of the Regulatory Powers Act, each of the following courts is a relevant court in relation to the provisions mentioned in subsection (1):
- (a) the Federal Court of Australia;
 - (b) the Federal Circuit and Family Court of Australia (Division 2);
 - (c) a court of a State or Territory that has jurisdiction in relation to matters arising under this Act.

Undertakings to be expressed to be for the purposes of this Act

- (4) Despite subsection 114(2) of the Regulatory Powers Act, an undertaking accepted under subsection 114(1) of the Regulatory Powers Act in relation to a provision mentioned in subsection (1) of this section must be expressed to be an undertaking under section 114 of the Regulatory Powers Act for the purposes of this Act.

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Enforceable undertaking may be published on the Regulator's website

- (5) An authorised person in relation to a provision mentioned in subsection (1) may publish an undertaking given in relation to the provision on the Regulator's website.

Extension to external Territories

- (6) Part 6 of the Regulatory Powers Act, as that Part applies in relation to the provisions mentioned in subsection (1), extends to every external Territory.
- (7) Part 6 of the Regulatory Powers Act, as that Part applies in relation to the provisions mentioned in subsection (1), extends to a matter relating to the exercise of Australia's sovereign rights in the exclusive economic zone or the continental shelf.

Division 6—Injunctions

146 Injunctions

Enforceable provisions

- (1) The following provisions are enforceable under Part 7 of the Regulatory Powers Act:
- (a) a provision of this Act that creates an offence;
 - (b) a civil penalty provision of this Act.

Note: Part 7 of the Regulatory Powers Act creates a framework for using injunctions to enforce provisions.

Authorised person

- (2) For the purposes of Part 7 of the Regulatory Powers Act, the Chair is an authorised person in relation to the provisions mentioned in subsection (1).

Relevant court

- (3) For the purposes of Part 7 of the Regulatory Powers Act, each of the following courts is a relevant court in relation to the provisions mentioned in subsection (1):
- (a) the Federal Court of Australia;
 - (b) the Federal Circuit and Family Court of Australia (Division 2);
 - (c) a court of a State or Territory that has jurisdiction in relation to matters arising under this Act.

Extension to external Territories

- (4) Part 7 of the Regulatory Powers Act, as that Part applies in relation to the provisions mentioned in subsection (1), extends to every external Territory.
- (5) Part 7 of the Regulatory Powers Act, as that Part applies in relation to the provisions mentioned in subsection (1), extends to a matter

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relating to the exercise of Australia's sovereign rights in the
exclusive economic zone or the continental shelf.

Division 7—Miscellaneous

147 Contravening an offence provision or a civil penalty provision

- (1) This section applies if a provision of this Act provides that a person contravening another provision of this Act (the *conduct provision*) commits an offence or is liable to a civil penalty.
- (2) For the purposes of this Act, and the Regulatory Powers Act to the extent that it relates to this Act, a reference to a contravention of an offence provision or a civil penalty provision includes a reference to a contravention of the conduct provision.

148 Appointment of inspectors

- (1) The Chair may, in writing, appoint a person who is one of the following as an inspector for the purposes of this Act:
 - (a) a person who is:
 - (i) a member of the staff of the Regulator; and
 - (ii) an SES employee or acting SES employee;
 - (b) a person who is:
 - (i) a member of the staff of the Regulator; and
 - (ii) an APS employee who holds or performs the duties of an Executive Level 2 position or an equivalent position.

Note: The expressions *APS employee*, *SES employee* and *acting SES employee* are defined in section 2B of the *Acts Interpretation Act 1901*.

- (2) The Chair must not appoint a person as an inspector unless the Chair is satisfied that the person has the knowledge or experience necessary to properly exercise the powers of an inspector.
- (3) An inspector must, in exercising powers as such, comply with any directions of the Chair.
- (4) If a direction is given under subsection (3) in writing, the direction is not a legislative instrument.

Part 9 Miscellaneous

Division 1 Simplified outline of this Part

Section 149

Part 9—Miscellaneous

Division 1—Simplified outline of this Part

149 Simplified outline of this Part

This Part deals with miscellaneous matters, including record keeping requirements, review of decisions, delegation by the Minister and the Chair and review of the operation of this Act and associated legislation.

This Part also contains the general rule-making power.

Division 2—Record keeping etc.

150 Record keeping

- (1) A person who is, or has been, a registered person must keep records of the kind, for the period and in the form prescribed by the rules.
- (2) A person contravenes this section if the person:
 - (a) is subject to a requirement under this section; and
 - (b) fails to comply with the requirement.

Civil penalty: 30 penalty units.

151 Information previously given to the Regulator

If:

- (a) on a particular occasion, a person gave information or a document to the Regulator under:
 - (i) a climate change law; or
 - (ii) a biodiversity law (within the meaning of the *Clean Energy Regulator Act 2011*); and
- (b) the person is subsequently required or permitted, under this Act, to give the same information or document to the Regulator;

the person is taken to have given the information or document to the Regulator on that later occasion.

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Division 3—Review of decisions

152 Reviewable decisions

For the purposes of this Act, each of the following decisions is a *reviewable decision*.

Reviewable decisions	
Item	Decision
1	A decision under section 15 to refuse to register a person
2	A decision under section 18 to suspend the registration of a person
3	A decision under section 19 to cancel the registration of a person
4	A decision under subsection 33(1), 37(1) or 41(1) to refuse to register a profile
5	A decision under subsection 33(4), 37(6) or 41(6) to impose a condition on the registration of a profile
6	A decision under subsection 33(4), 37(6) or 41(6) to revoke a condition on the registration of a profile
7	A decision under section 42 to refuse to make a correction to a profile
8	A decision under subsection 44(1) to suspend the registration of a profile
9	A decision under subsection 44(3) to end the period of suspension of a profile
10	A decision under section 45 to cancel the registration of a profile
11	A decision under section 56 to refuse to register a certificate
12	A decision under section 59 to refuse to add information to a registered PGO certificate
13	A decision under section 62 or 63 to correct a PGO certificate
14	A decision under section 62 or 63 to refuse to correct a PGO certificate
15	A decision under section 65 to invalidate a registered PGO certificate
16	A decision under subsection 78(1), 79(1), 80(1) or 81(1) to refuse to register a facility
17	A decision under subsection 78(4), 79(5), 80(5) or 81(7) to impose a condition on the registration of a facility
18	A decision under subsection 82(2) to refuse to determine that another person

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Reviewable decisions	
Item	Decision
	is the eligible registered person for the facility
19	A decision under section 83 to determine a baseline for a facility
20	A decision under section 86 to suspend the registration of a facility
21	A decision under section 87 to cancel the registration of a facility
22	A decision under section 104 to refuse to register a REGO certificate
23	A decision under section 106 to refuse to transfer a REGO certificate
24	A decision under section 107 or 108 to refuse to retire a REGO certificate
25	A decision under section 121 to direct a person not to carry out an activity
26	A decision under section 122 to refuse to remit the whole or part of a cost-recovery charge
27	A decision under section 126 to refuse to reimburse a person
28	A decision under subsection 138(2) to give a notice
29	A decision made under the rules that the rules specify is a reviewable decision

153 Applications for reconsideration of decisions made by delegates

- (1) If a reviewable decision of the Regulator is made by a delegate of the Regulator (other than under this Division), a person whose interests are affected by the decision may apply to the Regulator for the Regulator to reconsider the decision.
- (2) If a reviewable decision of the Chair is made by a delegate of the Chair (other than under this Division), a person whose interests are affected by the decision may apply to the Chair for the Chair to reconsider the decision.
- (3) The application must:
 - (a) be in the form approved, in writing, by the Regulator; and
 - (b) meet the requirements (if any) prescribed by the rules.
- (4) The application must include:
 - (a) the reasons for making the application; and
 - (b) the information (if any) that is prescribed by the rules.

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- (5) The application must be made within 21 days after the person is notified of the decision.

154 Request for further information

- (1) If a person makes an application under section 153 for the Regulator or the Chair to reconsider a reviewable decision, the Regulator or the Chair may, by notice in writing, require the person to give the Regulator or the Chair, within the period specified in the notice, such further information in relation to the application as the Regulator or the Chair requires.
- (2) The Regulator or the Chair is not required to reconsider the decision, and may cease reconsidering the decision, if the person does not provide the required information within the period specified in the notice.

155 Withdrawal of application

- (1) A person who makes an application under section 153 for the Regulator or the Chair to reconsider a reviewable decision may withdraw the application, in writing, at any time before the Regulator or the Chair reconsiders the decision.
- (2) If the person withdraws the application, the Regulator or the Chair must cease reconsidering the decision.

156 Reconsideration by the Regulator or Chair

Reconsideration by Regulator

- (1) If a person whose interests are affected by a reviewable decision of the Regulator makes an application under section 153 for the Regulator to reconsider the reviewable decision, the Regulator must:
- (a) reconsider the reviewable decision; and
 - (b) make a decision:
 - (i) affirming the reviewable decision; or
 - (ii) varying the reviewable decision; or

- (iii) setting aside the reviewable decision and making a decision in substitution for it.
- (2) The Regulator is taken to have affirmed the reviewable decision if the Regulator does not give notice of the Regulator's decision under paragraph (1)(b) to the applicant within 90 days after receiving the application.

Reconsideration by Chair

- (3) If a person whose interests are affected by a reviewable decision of the Chair makes an application under section 153 for the Chair to reconsider the reviewable decision, the Chair must:
 - (a) reconsider the reviewable decision; and
 - (b) make a decision:
 - (i) affirming the reviewable decision; or
 - (ii) varying the reviewable decision; or
 - (iii) setting aside the reviewable decision and making a decision in substitution for it.
- (4) The Chair is taken to have affirmed the reviewable decision if the Chair does not give notice of the Chair's decision under paragraph (3)(b) to the applicant within 90 days after receiving the application.

Effect of decision on reconsideration

- (5) A decision under paragraph (1)(b) or (3)(b) in relation to a reviewable decision has effect as if it had been made under the provision under which the reviewable decision was made.
- (6) A decision under paragraph (1)(b) or (3)(b) takes effect on the day on which it is made or, if it specifies that it takes effect on a later day, on that later day.

Reconsideration by delegates

- (7) Reconsideration of a reviewable decision must not be done by a delegate of the Regulator or the Chair unless the delegate:
 - (a) was not involved in making the reviewable decision; and

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- (b) holds a higher position than the delegate who made the reviewable decision.

157 Review by the Administrative Review Tribunal

An application may be made to the Administrative Review Tribunal to review any of the following decisions:

- (a) a reviewable decision affirmed by the Regulator under subparagraph 156(1)(b)(i);
- (b) a reviewable decision varied by the Regulator under subparagraph 156(1)(b)(ii);
- (c) a decision made in substitution for a reviewable decision by the Regulator under subparagraph 156(1)(b)(iii);
- (d) a reviewable decision affirmed by the Chair under subparagraph 156(3)(b)(i);
- (e) a reviewable decision varied by the Chair under subparagraph 156(3)(b)(ii);
- (f) a decision made in substitution for a reviewable decision by the Chair under subparagraph 156(3)(b)(iii);
- (g) a reviewable decision made by the Regulator or the Chair personally.

Division 4—Delegations

158 Delegation by Minister

- (1) The Minister may, in writing, delegate all or any of the Minister's functions or powers under this Act to:
 - (a) the Secretary; or
 - (b) an SES employee, or acting SES employee, in the Department.

Note 1: The expressions *SES employee* and *acting SES employee* are defined in section 2B of the *Acts Interpretation Act 1901*.

Note 2: Sections 34AA to 34A of the *Acts Interpretation Act 1901* contain provisions relating to delegations.

- (2) In performing a delegated function or exercising a delegated power, the delegate must comply with any written directions of the Minister.
- (3) Subsection (1) does not apply to a power to make, vary or revoke a legislative instrument.

159 Delegation by Chair

- (1) The Chair may, in writing, delegate all or any of the Chair's functions or powers:
 - (a) under this Act; or
 - (b) under Parts 4, 5, 6 or 7 of the Regulatory Powers Act in relation to the provisions of this Act;to:
 - (c) a member of the Regulator; or
 - (d) a person who is:
 - (i) a member of the staff of the Regulator; and
 - (ii) an SES employee or acting SES employee; or
 - (e) a person who is:
 - (i) a member of the staff of the Regulator; and

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- (ii) an APS employee who holds or performs the duties of an Executive Level 2 position or an equivalent position; or
 - (f) a person who is:
 - (i) a person assisting the Regulator under section 37 of the *Clean Energy Regulator Act 2011*; and
 - (ii) an SES employee or acting SES employee in a Department mentioned in subsection (2) of this section; or
 - (g) a person who is:
 - (i) a person assisting the Regulator under section 37 of the *Clean Energy Regulator Act 2011*; and
 - (ii) an APS employee who holds or performs the duties of an Executive Level 2 position, or an equivalent position, in a Department mentioned in subsection (2) of this section.
- Note 1: The expressions **SES employee** and **acting SES employee** are defined in the *Acts Interpretation Act 1901*.
- Note 2: Sections 34AA to 34A of the *Acts Interpretation Act 1901* contain provisions relating to delegations.
- (2) For the purposes of subparagraphs (1)(f)(ii) and (g)(ii), the Departments are:
 - (a) the Department administered by the Minister administering the *Clean Energy Regulator Act 2011*; and
 - (b) the Department administered by the Minister administering the *Nature Repair Act 2023*.
 - (3) Despite subsection (1), the Chair may not delegate a function or power under section 138 (Regulator may obtain information or documents) to a person mentioned in paragraph (1)(e), (f) or (g) of this section.
 - (4) In performing a delegated function or exercising a delegated power, the delegate must comply with any written directions of the Chair.

Division 5—Other matters

Subdivision A—Rules

160 Rules

- (1) The Minister may, by legislative instrument, make rules prescribing matters:
 - (a) required or permitted by this Act to be prescribed by the rules; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) To avoid doubt, the rules may not do the following:
 - (a) create an offence or civil penalty;
 - (b) provide powers of:
 - (i) arrest or detention; or
 - (ii) entry, search or seizure;
 - (c) impose a tax;
 - (d) set an amount to be appropriated from the Consolidated Revenue Fund under an appropriation in this Act;
 - (e) directly amend the text of this Act.
- (3) Despite subsection 14(2) of the *Legislation Act 2003*, the rules may make provision in relation to a matter by applying, adopting or incorporating, with or without modification, any matter contained in an instrument or other writing as in force or existing from time to time.

Subdivision B—Review of scheme

161 Periodic review of operation

Reviews must be undertaken

- (1) The Minister must cause reviews to be undertaken of the operation of the following legislation (the ***Guarantee of Origin legislation***):

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- (a) this Act (other than Part 6 (cost recovery));
- (b) the amendments made by the *Future Made in Australia (Guarantee of Origin Consequential Amendments and Transitional Provisions) Act 2024*;
- (c) each legislative instrument made under a provision amended by the *Future Made in Australia (Guarantee of Origin Consequential Amendments and Transitional Provisions) Act 2024*.

Report

- (2) The person undertaking a review under subsection (1) must give the Minister a written report of the review.
- (3) The Minister must cause a copy of a report under subsection (2) to:
 - (a) be tabled in each House of the Parliament within 15 sitting days of that House after the report is given to the Minister; and
 - (b) be published on the Department's website as soon as practicable after the earliest day on which a copy of the report is tabled in a House of the Parliament.

What review must consider

- (4) Without limiting the matters to be covered by the review, each review under subsection (1):
 - (a) must consider the matters set out in subsection (5); and
 - (b) may consider potential changes to the Guarantee of Origin legislation in relation to any matter referred to in subsection (5).
- (5) For the purposes of paragraph (4)(a), the matters are the following:
 - (a) the effectiveness of the Guarantee of Origin legislation in meeting the objects of this Act;
 - (b) the functionality and efficiency of the Guarantee of Origin legislation, taking into account the relevant market conditions;

- (c) changes in relation to the international environment relevant to the operation of the Guarantee of Origin legislation, including in relation to:
 - (i) international agreements to which Australia is a party; and
 - (ii) market, technological or legislative matters; and
 - (iii) emissions accounting and certification schemes;
- (d) any other matters relevant to the operation of the Guarantee of Origin legislation that the Minister directs, in writing, the review to consider.

First review

- (6) The first review under subsection (1) must be undertaken within 3 years after the commencement of this section. The review must not be started before 1 year after that commencement.

Second review

- (7) The second review under subsection (1) must be undertaken no later than 3 years after the completion of the first review.

Subsequent reviews

- (8) Each subsequent review under subsection (1) must be undertaken within 5 years after the completion of the previous review.

When review is completed

- (9) For the purposes of subsections (7) and (8), a review is completed when the report of the review is given to the Minister under subsection (2).

Direction not a legislative instrument

- (10) A direction given under paragraph (5)(d) is not a legislative instrument.

*[Minister's second reading speech made in—
House of Representatives on 12 September 2024
Senate on 28 November 2024]*

(112/24)