Clean Energy Amendment Regulation 2012 (No. 5)

Select Legislative Instrument 2012 No. 181

I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation under the Clean Energy Act 2011.

Dated 2 August 2012

QUENTIN BRYCE
Governor-General

By Her Excellency’s Command

GREG COMBET
Minister for Climate Change and Energy Efficiency
Contents

1 Name of regulation
This regulation is the *Clean Energy Amendment Regulation 2012 (No. 5)*.

2 Commencement
This regulation commences, or is taken to have commenced, as follows:
(a) on 1 July 2012—sections 1 to 3 and Schedule 1;
(b) on the day after registration—Schedule 2.

3 Amendment of *Clean Energy Regulations 2011*
Schedules 1 and 2 amend the *Clean Energy Regulations 2011*. 
Schedule 1 Amendments taken to have commenced on 1 July 2012
(section 3)

[1] After subregulation 1.9 (1A)

insert

(1B) There is no withdrawal of natural gas from a natural gas supply pipeline if the gas:
(a) is supplied by a person who is the owner or operator of the pipeline; and
(b) the supply is made under an agreement for the provision of a pipeline service.

[2] After subregulation 1.9 (2)

insert

(3) In subregulation (1B), pipeline service means:
(a) a service provided by means of a natural gas supply pipeline, including:
   (i) a haulage service (such as conveyance or reticulation of natural gas); and
   (ii) a service providing for, or facilitating, the interconnection of pipelines; and
(b) a service ancillary to the provision of a service referred to in paragraph (a);
but does not include the production, sale or purchase of natural gas.
Schedule 2  Amendments commencing on day after registration

(Section 3)

[1] Schedule 1, subclause 320 (8)

Substitute

(8) For the production of coke oven coke, the basis for the issue of free carbon units is by a tonne of coke oven coke on a dry weight basis that:

(a) meets the necessary requirements for use in the integrated iron and steel manufacturing process; and

(b) is produced as part of carrying on the emissions-intensive trade-exposed activity; and

(c) is not a relevant product for the emissions-intensive trade-exposed activity of coke oven coke production mentioned in Division 45.

[2] Schedule 1, Part 3, after Division 44

Insert

Division 45  Production of coke oven coke

345 (1) The production of coke oven coke is the physical and chemical transformation (at a temperature higher than 900 °C) of coal into coke oven coke that:

(a) has a coke strength after reaction (CSR) value of more than 50% for at least 80% of the coke oven coke produced; and

(b) has a coke reactivity index (CRI) value of less than 40% for at least 80% of the coke oven coke produced.

(2) The production of coke oven coke is specified as an emissions-intensive trade-exposed activity.
(3) The production of coke oven coke is a highly emissions-intensive activity.

(4) The basis for the issue of free carbon units for the production of coke oven coke is by a tonne of coke oven coke on a dry weight basis that:
   (a) has a coke strength after reaction (CSR) value of more than 50% for at least 80% of the coke oven coke produced; and
   (b) has a coke reactivity index (CRI) value of less than 40% for at least 80% of the coke oven coke produced; and
   (c) is not a relevant product for the emissions-intensive trade-exposed activity of integrated iron and steel manufacturing; and
   (d) is produced by carrying on the emissions-intensive trade-exposed activity; and
   (e) is of saleable quality.

Note Saleable quality is explained in Part 2.

Division 46  Production of hydrogen peroxide

346 (1) The production of hydrogen peroxide is the chemical transformation of hydrogen (H) feedstocks and oxygen (O) feedstocks:
   (a) to produce crude aqueous hydrogen peroxide solution that has a concentration of hydrogen peroxide ($H_2O_2(aq)$) of at least 39% with respect to mass; and
   (b) to later produce saleable aqueous hydrogen peroxide solution that has a concentration of hydrogen peroxide ($H_2O_2(aq)$) of at least 34% with respect to mass.

(2) The production of hydrogen peroxide is specified as an emissions-intensive trade-exposed activity.

(3) The production of hydrogen peroxide is a moderately emissions-intensive activity.
(4) The basis for the issue of free carbon units for the production of hydrogen peroxide is by a tonne of 100% equivalent hydrogen peroxide in saleable aqueous hydrogen peroxide solution that:

(a) has a concentration of hydrogen peroxide (H₂O₂(aq)) of at least 34% with respect to mass; and
(b) is produced by carrying on the emissions-intensive trade-exposed activity; and
(c) is of saleable quality.

Note Saleable quality is explained in Part 2.

[3] Schedule 1, subclause 401 (1), table, after item 1.31

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Dry weight coke oven coke of saleable quality</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.32</td>
<td>Production of coke oven coke</td>
<td>0.775</td>
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</tbody>
</table>

[4] Schedule 1, subclause 401 (1), table, after item 2.12

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>100% equivalent hydrogen peroxide of saleable quality</th>
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</thead>
<tbody>
<tr>
<td>2.13</td>
<td>Production of hydrogen peroxide</td>
<td>0.928</td>
</tr>
</tbody>
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Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the Legislative Instruments Act 2003. See www.comlaw.gov.au.