Renewable Energy (Electricity) Amendment Regulation 2013 (No. 3)

Select Legislative Instrument No. 44, 2013

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 Renewable Energy (Electricity) Act 2000.

Dated 28 March 2013

Quentin Bryce
Governor-General

By Her Excellency’s Command

Greg Combet
Minister for Climate Change, Industry and Innovation

OPC50366 - A
Contents

1 Name of regulation ................................................................. 1
2 Commencement ........................................................................ 1
3 Authority .................................................................................. 1
4 Schedule(s) ............................................................................. 1

Schedule 1—Amendments ......................................................... 2

Renewable Energy (Electricity) Regulations 2001 2

No. 44, 2013 Renewable Energy (Electricity) Amendment Regulation 2013 (No. 3) i

OPC50366 - A
1 Name of regulation

This regulation is the *Renewable Energy (Electricity) Amendment Regulation 2013 (No. 3)*

2 Commencement

This regulation commences on the day after it is registered.

3 Authority

This regulation is made under the *Renewable Energy (Electricity) Act 2000*.

4 Schedule(s)

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Renewable Energy (Electricity) Regulations 2001

1 Subregulations 22X(1A) and (1B)

Repeal the subregulations, substitute:

(1A) However, if an application under subsection 46A(1) of the Act for a partial exemption certificate is:

(a) for 2013; and

(b) made by a prescribed person mentioned in regulation 22G, 22H, 22I, 22J or 22K; and

(c) for an emissions-intensive trade-exposed activity mentioned in Parts 48 and 49 of Schedule 6;

the application must be lodged with the Regulator before 1 June 2013.

2 Paragraph 731(a) of Schedule 6

Omit “more than 50%”, substitute “at least 50%”.

3 Paragraph 731(b) of Schedule 6

Omit “less than 40%”, substitute “no more than 40%”.

4 Paragraph 733(a) of Schedule 6

Omit “more than 50%”, substitute “at least 50%”.

5 Paragraph 733(b) of Schedule 6

Omit “less than 40%”, substitute “no more than 40%”.

6 Subclause 740(2) of Schedule 6 (paragraph (a) of the definition of cobalt products)

After “(Co(OH)₂)”, insert “or cobalt oxyhydroxide (CoOOH)”.

7 Subclause 740(2) of Schedule 6 (paragraph (b) of the definition of intermediate nickel products)

Omit “42%”, substitute “35%”.

Federal Register of Legislative Instruments F2013L00605
8  At the end of Schedule 6
   Add:

Part 49 Production of helium

Division 1 Production of helium

743 Production of helium
   The production of helium is the chemical and physical transformation of a gas mixture that has a mole fraction of helium of no more than 10% to a product with a mole fraction of helium of at least 99%.

Division 2 Classification of activity

744 Classification of activity
   The production of helium is a moderately emissions-intensive activity.

Division 3 Electricity baseline for calculating partial exemption

745 Electricity baseline for product
   The electricity baseline for calculating the amount of a liable entity’s partial exemption in respect of the production of helium is 36.5 MWh per tonne of 100% equivalent helium that:
   (a) is produced by carrying on the emissions-intensive trade-exposed activity; and
   (b) is of saleable quality.

Note:  Saleable quality is defined in regulation 22C.