



Renewable Energy (Electricity) Regulations 2001

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made under the

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About this compilation

This compilation

This is a compilation of the *Renewable Energy (Electricity) Regulations 2001* that shows the text of the law as amended and in force on 1 July 2022 (the **compilation date**).

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

Uncommenced amendments

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

Application, saving and transitional provisions for provisions and amendments

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

Editorial changes

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

Modifications

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

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 1—Preliminary

1 Name of Regulations

These Regulations are the *Renewable Energy (Electricity) Regulations 2001*.

3 Definitions

(1) In these Regulations:

accredited body means a body accredited under the Joint Accreditation System of Australia and New Zealand to give product certification or component certification of solar water heaters.

Act means the *Renewable Energy (Electricity) Act 2000*.

AS, AS/NZS or **Australian Standard** followed by a number (for example, AS/NZS 3000:2007) means a standard of that number issued by Standards Australia Limited and, if a date is included, of that date.

auxiliary loss has the meaning given in regulation 3B.

bioenergy means the energy derived from the biomass components of an energy source mentioned in any of paragraphs (i) to (s) of the definition of eligible renewable energy source in subsection 17(1) of the Act.

biomass means organic matter other than fossilised biomass.

Examples of fossilised biomass: Coal, lignite.

business day means a day that is not:

- (a) a Saturday or a Sunday; or
- (b) a public holiday or a bank holiday in the Australian Capital Territory.

Clean Energy Council means Clean Energy Council Limited, ACN 127 102 443.

cogeneration means a power generation process that provides electricity and process heat as outputs.

commercial meter means a meter that is used to record the consumption of electricity for the purposes of a financial transaction between unrelated parties in relation to the consumption of electricity.

component certification, of a solar water heater, means certification by an accredited body in relation to specified components of the solar water heater.

interconnected hydro-electric system means a hydro-electric system in which water can be directed from a common storage down different watercourses so that water can be diverted from 1 power station to another, altering the amount of electricity that can be generated by each power station.

Regulation 3

Jobs and Competitiveness Program means the Jobs and Competitiveness Program that was in force under the *Clean Energy Act 2011* immediately before the repeal of that Act by item 1 of Schedule 1 to the *Clean Energy Legislation (Carbon Tax Repeal) Act 2014*.

national electricity market means the interconnected electricity grids in the participating jurisdictions in the National Electricity Rules.

National Electricity (NT) Rules has the same meaning as in the *National Electricity (Northern Territory) (National Uniform Legislation) Act 2015* (NT), as in force from time to time.

native forest means a local indigenous plant community:

- (a) the dominant species of which are trees; and
- (b) containing throughout its growth the complement of native species and habitats normally associated with that forest type or having the potential to develop those characteristics; and
- (c) including a forest with those characteristics that has been regenerated with human assistance following disturbance; and
- (d) excluding a plantation of native species or previously logged native forest that has been regenerated with non-endemic native species.

NEM standard metering means the standard of metering mentioned in the National Electricity Rules.

network control ancillary services, for a power station, has the same meaning as in the National Electricity Rules.

NTESMO has the same meaning as in the National Electricity (NT) Rules.

Note: See item 99A of Schedule 2 to the *National Electricity (Northern Territory) (National Uniform Legislation) (Modification) Regulations 2016* (NT), as in force from time to time.

plantation means an intensively managed stand of trees of native or exotic species, created by the regular placement of seedlings or seed.

product certification, of a solar water heater, means certification by an accredited body in relation to the design and manufacture of the solar water heater.

quarter means a period of 3 months commencing on 1 January, 1 April, 1 July or 1 October of a year.

regional forest agreement means a Regional Forest Agreement within the meaning of the *Regional Forest Agreements Act 2002*.

registered for GST means registered under the *A New Tax System (Goods and Services Tax) Act 1999*.

Register of solar water heaters means the Register of solar water heaters kept by the Regulator under regulation 19C.

required to be registered for GST means required to be registered under the *A New Tax System (Goods and Services Tax) Act 1999*.

territorial sea has the meaning given by section 3 of the *Seas and Submerged Lands Act 1973*.

thinnings means the selective removal of trees and branches from a forest during the growing stage and at harvest.

true-up report means a true-up report that is required to be given to the Regulator under section 5 of the *Clean Energy Legislation (Carbon Tax Repeal) (Jobs and Competitiveness Program) Rules 2014*.

- (2) For the definition of **small generation unit** in subsection 5(1) of the Act:
- (a) a device whose energy source is hydro is a small generation unit if:
 - (i) it has a kW rating of no more than 6.4 kW; and
 - (ii) it generates no more than 25 MWh of electricity each year; and
 - (b) a device whose energy source is wind is a small generation unit if:
 - (i) it has a kW rating of no more than 10 kW; and
 - (ii) it generates no more than 25 MWh of electricity each year; and
 - (c) a device whose energy source is solar (photovoltaic) is a small generation unit if:
 - (i) it has a kW rating of no more than 100 kW; and
 - (ii) it generates no more than 250 MWh of electricity each year.
- (2A) Without limiting paragraph (2)(c), 2 or more systems whose energy source is solar (photovoltaic) are taken to be a device for the purposes of that paragraph if any of the following apply:
- (a) the systems are connected to a grid at one or more connection points and not installed behind a commercial meter subsidiary to any of the connection points;
 - (b) both:
 - (i) the systems are connected to a grid at one or more connection points and installed behind a single commercial meter subsidiary to one or more of the connection points; and
 - (ii) there is no connection subsidiary to the commercial meter that allows electricity to flow between the commercial meter and any other commercial meter or to another connection point;
 - (c) both:
 - (i) the systems are connected to a grid at one or more connection points and installed behind more than one commercial meter subsidiary to one or more of the connection points; and
 - (ii) a connection subsidiary to the commercial meters allows electricity to flow between the commercial meters but not between any other commercial meter or to any other connection point;
 - (d) at least 3 of the following apply:

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- (i) the systems are located at a single site or multiple adjoining sites in the same area;
- (ii) the systems are installed for the primary purpose of generating electricity for export to a grid;
- (iii) electrical infrastructure (other than metering equipment) is needed to connect the systems to a grid;
- (iv) more than 50% of the total kW rating of all systems is from ground mounted systems.

3A Conditions for solar water heater

- (1) For the definition of **solar water heater** in subsection 5(1) of the Act, a device that heats water using solar energy is a solar water heater during the period specified in the Register for the device if the device:
- (a) is entered in the Register of solar water heaters; and
 - (b) satisfies subregulation (2) or (3).

Note: Certificates cannot be created for a solar water heater that is an air source heat pump water heater if it has a volumetric capacity of more than 425 L—see subsection 21(4) of the Act.

- (1A) However, a device is not a **solar water heater** if the number of certificates that could be created over a 10-year period for the installation of the device in any one or more of the zones, worked out in accordance with the method mentioned in subregulation 19B(1) or 19BA(3), would be more than 2,500, unless the device was entered into the Register of solar water heaters before 1 December 2018.

Solar water heaters—capacity not more than 700 L

- (2) A device satisfies this subregulation if:
- (a) the device has a capacity of not more than 700 L; and
 - (b) an accredited body has given the device product certification to AS/NZS 2712:2007, *Solar and heat pump water heaters—Design and construction*, as in force at the time the certification is given.

Solar water heaters—capacity more than 700 L

- (3) A device satisfies this subregulation if:
- (a) the device has a capacity of more than 700 L; and
 - (b) an accredited body has given the device component certification to each of the following Australian Standards that applies to the device:
 - (i) AS/NZS 2712:2007 *Solar and heat pump water heaters—Design and construction*, as in force at the time the certification is given;
 - (ii) the Australian Standards mentioned in clause 1.4 of AS/NZS 2712:2007 *Solar and heat pump water heaters—Design and construction*, as in force at the time the certification is given; and
 - (c) the storage tank of the device meets the requirements of:
 - (i) both:

-
- (A) AS/NZS 4692.1:2005, *Electric water heaters, Part 1: Energy consumption, performance and general requirements*, as in force at the time the certification mentioned in paragraph (b) is given; and
 - (B) AS/NZS 4692.2:2005, *Electric water heaters, Part 2: Minimum Energy Performance Standard (MEPS) requirements and energy labelling*, as in force at the time the certification mentioned in paragraph (b) is given; or
- (ii) the document called *Heat Loss Test Procedure for Solar Water Heaters with a Hot Water Storage Tank Greater than 700 L*, first published by the Regulator on 29 May 2003, as in force at the time the certification mentioned in paragraph (b) is given.

Note: A copy of the document mentioned in subparagraph (3)(c)(ii) is available by post from the Regulator, GPO Box 621, Canberra ACT 2601. The document can be viewed on and downloaded from the Regulator's website: www.cleanenergyregulator.gov.au.

3B Definition of *auxiliary loss*

- (1) For a power station, ***auxiliary loss*** means the amount of electricity used in generating electricity, and operating and maintaining the power station, but does not include any electricity used for network control ancillary services.
- (2) For a hydro-electric power station, ***auxiliary loss*** also includes the amount of electricity that is used to pump or to raise water before its release for hydro-electric generation.

Part 2—Renewable energy certificates

Division 2.1A—Registration

3L Determining fit and proper person

- (1) For subsection 11(2A) of the Act, in determining whether the applicant is a fit and proper person, the Regulator must have regard to the following matters:
- (a) whether the applicant has been convicted of an offence against any of the following:
 - (i) a law of the Commonwealth, a State or a Territory, that relates to dishonest conduct;
 - (ii) a law of the Commonwealth, a State or a Territory, that relates to the conduct of a business;
 - (iii) section 136.1, 137.1 or 137.2 of the *Criminal Code*;
 - (iv) a foreign law that corresponds to a law mentioned in subparagraphs (i) to (iii) or subparagraphs (b)(i) to (iv);
 - (b) whether the applicant has breached any of the following:
 - (i) this Act or these Regulations;
 - (ii) the *Australian National Registry of Emissions Units Act 2011* or regulations under that Act;
 - (iii) the *Carbon Credits (Carbon Farming Initiative) Act 2011* or regulations under that Act;
 - (iv) the *National Greenhouse and Energy Reporting Act 2007* or regulations under that Act;
 - (c) whether an order has been made against the applicant 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 foreign law that corresponds to a law mentioned in subparagraphs (i) or (ii);
 - (d) whether the applicant has been refused registration by, de-registered by, or suspended from participating in, a State or Territory energy efficiency scheme, such as the following:
 - (i) the Energy Savings Scheme in New South Wales;
 - (ii) the Victorian Energy Efficiency Target scheme;
 - (e) whether the applicant has:
 - (i) sought or been granted accreditation by, or membership of, a clean energy organisation; or
 - (ii) been refused accreditation by, or membership of, a clean energy organisation; or
 - (iii) had the applicant's accreditation by, or membership of, a clean energy organisation suspended or revoked;

- (f) whether the applicant is:
 - (i) for an applicant that is an individual—an insolvent under administration within the meaning of the *Corporations Act 2001*; and
 - (ii) for an applicant that is a body corporate—a Chapter 5 body corporate within the meaning of the *Corporations Act 2001*;
 - (g) for an applicant that is a body corporate—whether overseas or under a foreign law:
 - (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.
- (2) If the applicant is a body corporate, the Regulator must also have regard to the following matters:
- (a) whether an executive officer of the body corporate has been convicted of an offence against any of the following:
 - (i) a law of the Commonwealth, a State or a Territory, that relates to dishonest conduct;
 - (ii) a law of the Commonwealth, a State or a Territory, that relates to the conduct of a business;
 - (iii) section 136.1, 137.1 or 137.2 of the *Criminal Code*;
 - (iv) a foreign law that corresponds to a law mentioned in subparagraphs (i) to (iii) or subparagraphs (b)(i) to (iv);
 - (b) whether an executive officer of the body corporate has breached any of the following:
 - (i) this Act or these Regulations;
 - (ii) the *Australian National Registry of Emissions Units Act 2011* or regulations under that Act;
 - (iii) the *Carbon Credits (Carbon Farming Initiative) Act 2011* or regulations under that Act;
 - (iv) the *National Greenhouse and Energy Reporting Act 2007* or regulations under that Act;
 - (c) whether an order has been made against an executive officer of the body corporate:
 - (i) under section 76 of the *Competition and Consumer Act 2010*; or

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- (ii) under 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) under a foreign law that corresponds to a law mentioned in subparagraph (i) or (ii); or
 - (iv) by a foreign court, disqualifying the executive officer from:
 - (A) being a director of a body corporate; or
 - (B) being concerned in the management of a body corporate;
 - (d) whether an executive officer of the body corporate has been refused registration, de-registered or suspended from participating in a State or Territory energy efficiency scheme, such as the following:
 - (i) the Energy Savings Scheme in New South Wales;
 - (ii) the Victorian Energy Efficiency Target scheme;
 - (e) whether an executive officer of the body corporate has:
 - (i) sought or been granted accreditation by, or membership of, a clean energy organisation; or
 - (ii) been refused accreditation by, or membership of, a clean energy organisation; or
 - (iii) had the executive officer's accreditation by, or membership of, a clean energy organisation suspended or revoked.
- (3) For paragraphs (1)(e) and (2)(e), a **clean energy organisation** means an organisation that has a constitution and operates a scheme that:
- (a) accredits, or provides membership to, persons who do one or more of the following:
 - (i) install small generation units or solar water heaters;
 - (ii) supply small generation units or solar water heaters;
 - (iii) create or trade in small-scale technology certificates; and
 - (b) has a code of conduct that is binding on persons who are accredited by, or members of, the organisation; and
 - (c) monitors compliance with the code of conduct and is able to take action against a person who is accredited by, or a member of, the organisation for a breach of the code (such as by suspending the person's accreditation or membership).

Examples:

- 1 Clean Energy Council
- 2 REC Agents Association Incorporated (ABN 950 64 032 965).

Division 2.1—Accreditation

3S Final day for including eligible WCMG in application

For subsection 13(2A) of the Act, 1 April 2012 is prescribed as the day after which an application that lists eligible WCMG as an eligible energy source cannot be made.

4 Eligibility for accreditation

- (1) For paragraph 14(2)(b) of the Act:
 - (a) a power station that is in the national electricity market must use NEM standard metering; and
 - (b) a power station that is not in the national electricity market must use metering that enables the Regulator to determine the amount of electricity generated by the power station; and
 - (c) the power station must be operated in accordance with any relevant Commonwealth, State, Territory or local government planning and approval requirements.
- (2) For subsection 14(4) of the Act, the guidelines are set out in Schedule 1.

5 1997 eligible renewable power baselines

For subsection 14(4) of the Act, the guidelines for determining the 1997 eligible renewable power baseline for a power station are set out in Schedule 3.

Note: See section 30F of the Act and Division 2.6 of these Regulations in relation to varying the 1997 eligible renewable power baseline for an accredited power station.

5A 2008 WCMG limit

For subsection 14(4) of the Act, the guidelines for determining the 2008 WCMG limit for a power station are set out in Schedule 3A.

Note: See section 30G of the Act and Division 2.7 of these Regulations in relation to varying the 2008 WCMG limit for an accredited power station.

Division 2.2—Eligible renewable energy sources

6 Meaning of certain energy sources that are eligible renewable energy sources (Act s 17)

For subsections 17(3) and (4) of the Act:

agricultural waste means the putrescible biomass wastes produced during agricultural operations, including livestock husbandry.

biomass-based components of municipal solid waste means the biomass-based components of wastes that are directly sourced from, or eligible to be disposed of in, landfill or a waste transfer station that is licensed by a State or Territory government body or by a local government authority, but does not include biomass-based components of wastes originating from:

- (a) forestry or broadacre land clearing for agriculture, silviculture and horticulture operations; or
- (b) fossil fuels.

black liquor means the mixture arising from the chemical wood pulping process.

hot dry rock includes hot fractured rock.

landfill gas means the gas produced by the breaking down of the organic part of municipal landfills.

sewage gas means gas produced by the decomposition of domestic and commercial wastes that are collected from sewerage systems and treated by sewage treatment plants.

waste from processing of agricultural products means the biomass waste produced from processing agricultural products.

7 Meaning of certain energy sources that are not eligible renewable energy sources (Act s 17)

For subsection 17(3) of the Act:

fossil fuels means any of the following:

- (a) coal, oil, natural gas or other petroleum-based products;
- (b) products, by-products and wastes associated with, or produced from, extracting and processing coal, oil, natural gas or other petroleum-based products.

Examples: Condensate liquids, coal seam methane, coal mine methane.

waste products derived from fossil fuels means the components of waste streams that:

- (a) are made using, as raw materials, any material that is a fossil fuel for the Act; and

- (b) are products or by-products of manufacturing operations, including plastics, tyres, disposable nappies, synthetic carpets and synthetic textiles.

8 Meaning of *wood waste*

- (1) For section 17 of the Act, *wood waste* means:
 - (a) biomass:
 - (i) produced from non-native environmental weed species; and
 - (ii) harvested for the control or eradication of the species, from a harvesting operation that is approved under relevant Commonwealth, State or Territory planning and approval processes; and
 - (b) a manufactured wood product or a by-product from a manufacturing process; and
 - (c) waste products from the construction of buildings or furniture, including timber off-cuts and timber from demolished buildings; and
 - (d) sawmill residue; and
 - (e) biomass from a native forest that meets all of the requirements in subregulation (2).

Examples for paragraph (b): Packing case, pallet, recycled timber, engineered wood product (including one manufactured by binding wood strands, wood particles, wood fibres or wood veneers with adhesives to form a composite).

- (2) Biomass from a native forest must be:
 - (a) harvested primarily for a purpose other than biomass for energy production; and
 - (b) either:
 - (i) a by-product or waste product of a harvesting operation, approved under relevant Commonwealth, State or Territory planning and approval processes, for which a high-value process is the primary purpose of the harvesting; or
 - (ii) a by-product (including thinnings and coppicing) of a harvesting operation that is carried out in accordance with ecologically sustainable forest management principles; and
 - (c) either:
 - (i) if it is from an area where a regional forest agreement is in force—produced in accordance with any ecologically sustainable forest management principles required by the agreement; or
 - (ii) if it is from an area where no regional forest agreement is in force—produced from harvesting that is carried out in accordance with ecologically sustainable forest management principles that the Minister is satisfied are consistent with those required by a regional forest agreement.
- (3) For subparagraph (2)(b)(i), the primary purpose of a harvesting operation is taken to be a high-value process only if the total financial value of the products of the high-value process is higher than the financial value of other products of the harvesting operation.

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(4) In this regulation:

ecologically sustainable forest management principles means the following principles that meet the requirements of ecologically sustainable development for forests:

- (a) maintenance of the ecological processes within forests, including the formation of soil, energy flows, and the carbon, nutrient and water cycles;
- (b) maintenance of the biological diversity of forests;
- (c) optimisation of the benefits to the community from all uses of forests within ecological constraints.

high-value process means the production of sawlogs, veneer, poles, piles, girders, wood for carpentry or craft uses, or oil products.

9 Energy crops (Act s 17)

(1) For section 17 of the Act, biomass from a plantation is not an energy crop unless all of the following apply to it:

- (a) it must be a product of a harvesting operation (including thinnings and coppicing) approved under relevant Commonwealth, State or Territory planning and approval processes;
- (b) it must be biomass from a plantation that is managed in accordance with:
 - (i) a code of practice approved for a State under the *Export Control (Wood and Woodchips) Rules 2021*; or
 - (ii) if a code of practice has not been approved for a State as required under subparagraph (i), Australian Standard *AS 4708—2007—The Australian Forestry Standard*;
- (c) it must be taken from land that was not cleared of native vegetation after 31 December 1989 to establish the plantation.

(2) For section 17 of the Act, biomass from a native forest is not an energy crop.

10 Special requirements—ocean, wave and tide

Electricity generated from an ocean, wave or tide energy source must be generated within the territorial sea of Australia.

Division 2.2A—Eligible WCMG

10A Eligible WCMG starting day

- (1) For subparagraph 17A(1)(a)(i) of the Act, 1 July 2012 is prescribed as the starting day.
- (2) However, subregulation (1) does not take effect if section 3 of the *Clean Energy Act 2011* does not commence on or before 1 July 2012.

10B Meaning of *waste coal mine gas*

- (1) This regulation is made for subsection 17A(2) of the Act.
- (2) For the purposes of the Act, ***waste coal mine gas*** means either of the following:
 - (a) coal seam gas that, as part of a coal mining operation, is drained from a coal mine that is covered by a coal mining lease (however called) that authorises coal mining;
 - (b) coal seam gas that is drained from a closed coal mine that is, or was, covered by a coal mining lease (however called) that authorises coal mining.

10C Limitations on eligible WCMG

For subsection 17A(3) of the Act, waste coal mine gas is not eligible WCMG if:

- (a) an abatement certificate under the *Electricity Supply Act 1995* (NSW); or
- (b) a gas electricity certificate under the *Electricity Act 1994* (Qld); or
- (c) an abatement certificate under the *Electricity (Greenhouse Gas Emissions) Act 2004* (ACT);

is created in relation to electricity generated using the waste coal mine gas.

Division 2.3—Eligible electricity generation

Subdivision 2.3.1—Accredited power stations

13 Working out electricity generation for a power station

For subsection 18(3) of the Act, the amount of electricity generated by an accredited power station is worked out in accordance with regulations 14 to 16.

14 General formula

- (1) The amount of electricity generated by an accredited power station in a year is:
$$TLEG - \left(FSL + AUX + \left(DLEG \times (1 - MLF) \right) \right)$$

where:

TLEG is the total amount of electricity, in MWh, generated by the power station in the year, as measured at all generator terminals of the power station in the year.

FSL is the amount (if any) of electricity, in MWh, generated by the power station in the year using energy sources that are not eligible energy sources, worked out under regulation 15.

AUX is the auxiliary loss, in MWh, for the power station for the year.

Note: See regulation 16 in relation to working out the auxiliary loss if some of the electricity generated by the power station in the year was generated using energy sources that are not eligible energy sources.

DLEG is the amount of electricity, in MWh, transmitted or distributed by the power station in the year, measured:

- (a) if the power station is part of the national electricity market—at the point determined under the National Electricity Rules; or
- (b) in any other case—at the point determined by an authority of the State or Territory where the power station is.

MLF is the marginal loss factor, to allow for the amount of electricity losses in transmission networks, as determined by:

- (a) if the power station is part of the national electricity market—AEMO; or
- (b) in any other case—an authority of the State or Territory where the power station is.

- (2) If all the electricity generated by the accredited power station is used in the power station, or in the local distribution network, or in both the power station and the local distribution network, the marginal loss factor (**MLF**) for subregulation (1) is taken to be 1.

- (3) If the amount calculated using the formula in subregulation (1) exceeds 1 MWh and results in an amount that is not a whole MWh, the amount must be rounded down to the nearest MWh.

15 Ineligible fuel component

For the purpose of regulation 14, the amount (*FSL*) of electricity generated by an accredited power station attributable to energy sources that are not eligible energy sources is the amount worked out by converting the energy content of those energy sources into the equivalent number of MWh of electricity.

15A Electricity omitted from calculation

When determining the amount of electricity generated by an accredited power station, the following electricity is to be omitted from all calculations under regulation 14:

- (a) electricity that was generated by using an eligible renewable energy source that is not ecologically sustainable;
- (b) electricity that was not used to directly meet demand for electricity;
- (c) electricity generated in a power station where an approval to use an eligible energy source:
 - (i) is required by a Commonwealth, State, Territory or local government authority; and
 - (ii) the nominated person for the power station is unable to give evidence of that approval;
- (d) if certificates have been created in relation to a small generation unit under section 23A of the Act—electricity that was generated by the small generation unit.

Note: *Ecologically sustainable* is defined in subsection 5(1) of the Act.

16 Supplementary generation

For electricity generated by the power station from an energy source that is not an eligible energy source, auxiliary losses from the system that are attributable to that source are to be deducted from the total auxiliary loss proportionately to the proportion of electricity generated from that source.

18 Electricity generation returns for accredited power stations (Act s 20)

- (1) For paragraph 20(2)(d) of the Act, an electricity generation return for an accredited power station for a year must include the following:
- (a) the year to which the return relates;
 - (b) the nominated person's registration number;
 - (c) the identification code given to the power station;
 - (d) the telephone number, fax number and e-mail address (if any) of the power station;

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- (e) for each eligible energy source used by the power station to generate electricity in the year:
 - (i) the amount of electricity generated; and
 - (ii) the number of certificates created by the nominated person for that electricity;
 - (f) any changes to information already given to the Regulator or the Renewable Energy Regulator about the following matters in relation to the power station:
 - (i) ownership;
 - (ii) company mergers involving the owner or the operator;
 - (iii) street address, telephone number, fax number and e-mail address (if any);
 - (iv) electricity supply arrangements;
 - (v) generation capacity;
 - (g) the 1997 eligible renewable power baseline that applied to the power station for the year;
 - (h) the date when the power station became an accredited power station;
 - (i) if the power station was not an accredited power station for all of the year:
 - (i) the amount of electricity generated by the power station since it became accredited; and
 - (ii) the number of certificates created by the nominated person for that amount of electricity;
 - (j) if a certificate was created in the year for an amount of electricity generated by the power station in a previous year:
 - (i) the number of certificates created by the nominated person for the amount of electricity generated in each previous year; and
 - (ii) each eligible energy source used to generate that electricity;
 - (k) information about any electricity that was imported into the power station in the year and how it was used;
 - (l) details of any breach of the conditions of a permit, or conviction for an offence, under any Commonwealth, State, Territory or local government law related to the operation of the power station during the year, or, if there was no breach or conviction during the year, a declaration to that effect.
- (2) The first return for an accredited power station after commencement of this regulation must also include the following:
- (a) for the years since gaining any accreditation under the Act, details of any breach of the conditions of a permit, or conviction for an offence, under any Commonwealth, State, Territory or local government law related to operation of the power station;
 - (b) if there was no breach or conviction for those years, a declaration to that effect.

Note: See subsection 20(2) of the Act for other information that must be included in an electricity generation return.

Subdivision 2.3.2—Solar water heaters

19 Creation of certificates for solar water heaters (Act s 21)

- (1) For subsection 21(3) of the Act, the time at which a solar water heater is taken to have been installed is the day the heater is first able to produce and deliver hot water heated by solar energy.
- (2) To avoid doubt, a solar water heater is taken to have been installed once only during the life of the unit.

Note: Certificates may only be created within 12 months after the installation of the solar water heater (see subsection 21(2) of the Act).

19A Number of certificates

- (1) For subsection 22(1) of the Act, the number of certificates that may be created for a particular installation of a model of solar water heater in a particular zone and installation period is:
 - (a) for a solar water heater with a volumetric storage capacity up to and including 700 litres—the number set out in the Register of solar water heaters that is applicable to the model, zone and period; and
 - (b) for a solar water heater with a volumetric storage capacity over 700 litres—either:
 - (i) if the person who is entitled to create the certificates complies with subregulation (2)—the number set out in the Register of solar water heaters that is applicable to the model, zone and period; or
 - (ii) if the person who is entitled to create the certificates does not comply with subregulation (2)—0.
- Note: Certificates cannot be created for a solar water heater that is an air source heat pump water heater if it has a volumetric capacity of more than 425 L—see subsection 21(4) of the Act.
- (2) For paragraph (1)(b), the person who is entitled to create the certificates complies with this subregulation if, before the person creates any certificates in relation to the solar water heater, the person:
 - (a) obtains a statutory declaration that states the matters set out in subregulation (3); and
 - (b) obtains a further statutory declaration from the owner of the heater at the time it is installed stating that the owner intends that the solar water heater will remain installed in its original configuration and location for the life of the heater; and
 - (c) gives a copy of both statutory declarations to the Regulator.
 - (3) For subregulation (2) the statutory declaration must state:
 - (a) the model of the solar water heater; and
 - (b) the volumetric storage capacity of the heater; and
 - (c) the premises at which the heater is to be installed and used; and

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- (d) the purposes for which the heater, and the hot water produced by the heater, are to be used; and
- (e) that the volumetric storage capacity of the heater is appropriate for the premises at which the heater is to be installed and the purposes for which the heater, and the hot water produced by the heater, are to be used; and
- (f) the expertise or experience of the person signing the declaration in relation to a heater of the kind covered by the declaration.

19B Determination of method for determining number of certificates

- (1) For subsection 22(1) of the Act, the Regulator may determine, by legislative instrument, the method to be used to determine the number of certificates that may be created for a particular model of solar water heater.
- (2) The determination must provide that the number of certificates that may be created is to be worked out by reference to the difference, over the number of years specified for the solar water heater in regulation 19BE, between:
 - (a) the energy, other than solar energy or energy collected from the latent and sensible heat of the atmosphere, to be used by the solar water heater; and
 - (b) the electrical energy that would be used by an equivalent electric water heater.
- (3) For subregulation (2), an electric water heater is an *equivalent electric water heater* if it:
 - (a) supplies the same, or a similar, hot water load as the solar water heater mentioned in paragraph (2)(a); and
 - (b) is not a heat pump.
- (4) In making the determination, the Regulator must have regard to the method set out in the Australian Standard, set out in Schedule 4, as in force at the time the determination is made that applies to the solar water heater.
- (5) In making the first determination under subregulation (1), the Regulator must have regard to:
 - (a) the guidelines known as *REC calculation methodology for solar water heaters and heat pump water heaters with a volumetric capacity up to and including 700 litres*, published by the Regulator on its website, as in force at the time the determination is made; and
 - (b) the guidelines known as *REC calculation methodology for solar water heaters and heat pump water heaters with a volumetric capacity over 700 litres*, published by the Regulator on its website, as in force at the time the determination is made.

19BA Determination of number of certificates

- (1) For subsection 22(1) of the Act, the Regulator may determine the number of certificates that may be created for a particular model of solar water heater in each of the zones mentioned in paragraph 19C(3)(b).

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- (2) In making the determination, the Regulator must:
- (a) if a determination under subregulation 19B(1) is in force—make the determination in accordance with that determination; and
 - (b) if there is no determination under subregulation 19B(1) in force—determine the number of certificates using the method in subregulation (3).
- (3) For paragraph (2)(b), the number of certificates that may be created is to be worked out:
- (a) by reference to the difference, over the number of years specified for the solar water heater in regulation 19BE, between:
 - (i) the energy, other than solar energy or energy collected from the latent and sensible heat of the atmosphere, to be used by the solar water heater; and
 - (ii) the electrical energy that would be used by an equivalent electric water heater; and
 - (b) having regard to the following, as in force at the time of the determination:
 - (i) AS/NZS 2535.1:2007, *Test methods for solar collectors*, Part 1: *Thermal performance of glazed liquid heating collectors including pressure drop*; and
 - (ii) AS 4234—1994, *Solar water heaters—Domestic and heat pump—Calculation of energy consumption*; and
 - (iii) AS/NZS 4692.1:2005, *Electric water heaters*, Part 1: *Energy consumption, performance and general requirements*; and
 - (c) if the solar water heater has a volumetric capacity up to and including 700 litres—having regard to the guidelines known as *REC calculation methodology for solar water heaters and heat pump water heaters with a volumetric capacity up to and including 700 litres*, published by the Regulator on its website, as in force at the time the determination is made; and
 - (d) if the solar water heater has a volumetric capacity over 700 litres—having regard to the guidelines known as *REC calculation methodology for solar water heaters and heat pump water heaters with a volumetric capacity over 700 litres*, published by the Regulator on its website, as in force at the time the determination is made.
- (4) For subregulation (3), an electric water heater is an ***equivalent electric water heater*** if it:
- (a) supplies the same, or a similar, hot water load as the solar water heater mentioned in subparagraph (3)(a)(i); and
 - (b) is not a heat pump.

19BB Variation of determination

- (1) This regulation applies if the Regulator proposes to make a determination under regulation 19BA which would vary the information contained in the Register of solar water heaters.

Regulation 19BC

- (2) Before making the determination, the Regulator must:
 - (a) tell the manufacturer of the solar water heater, in writing:
 - (i) what information the Regulator proposes to vary and how it would be varied; and
 - (ii) the reason for the proposed variation; and
 - (b) invite the manufacturer to make written submissions about the proposed variation; and
 - (c) take into account any submissions received from the manufacturer when deciding whether to make the determination.
- (3) The Regulator must not make a determination that would vary the information contained in the Register of solar water heaters in relation to a device entered into the Register before 1 December 2018, if the effect of the determination would be:
 - (a) to increase, to more than 2,500 from a number less than or equal to 2,500, the number of certificates that could be created over a 10-year period for the installation of the device in any one or more of the zones; or
 - (b) to increase, from a number more than 2,500, the number of certificates that could be created over a 10-year period for the installation of the device in any one or more of the zones.

19BC Requests for determination

- (1) A person may request the Regulator to make a determination under regulation 19BA.
 - (2) The request must:
 - (a) be in writing in a form approved by the Regulator; and
 - (b) contain, or be accompanied by, any information or document required by the approved form; and
 - (c) be given to the Regulator within the 30 day period mentioned in paragraph 19BD(2)(b).
 - (3) The Regulator may, by written notice given to the person, request the person to give the Regulator, within the period specified in the notice, additional information and documents in connection with the request.
 - (4) If the person does not provide the additional information and documents within the specified period, the Regulator may, by written notice to the person:
 - (a) refuse to consider the request; or
 - (b) refuse to take any action, or further action, in relation to the request.
 - (5) The Regulator must consult with the person making the request if the Regulator proposes:
 - (a) not to make the requested determination; or
 - (b) to include information in the determination that is different to the information contained in the request.
 - (6) The Regulator must tell the person about the Regulator's decision on the request:
-

- (a) in writing; and
- (b) not later than 180 days after the expiry of 30 day period mentioned in paragraph (2)(c).

19BD Invitation for requests for determination

- (1) The Regulator must, at intervals of not more than 6 months, invite persons to make requests under subregulation 19BC(1).
- (2) The invitation must:
 - (a) be published on the Regulator’s website; and
 - (b) include a 30 day period in which requests are to be made.

19BE Working out number of certificates that may be created

For subregulation 19B(2) and paragraph 19BA(3)(a), the number of years specified is:

- (a) for a solar water heater installed on or before 31 December 2021—10 years; and
- (b) for a solar water heater installed during a year mentioned in column 1 of the following table, the number of years specified in column 2 for the item.

Period certificates may be created		
Item	Column 1 Year solar water heater installed	Column 2 Number of years
1	2022	9
2	2023	8
3	2024	7
4	2025	6
5	2026	5
6	2027	4
7	2028	3
8	2029	2
9	2030	1

19C Register of solar water heaters (Act s 23AA)

- (1) The Regulator must establish and keep a register to be known as the Register of solar water heaters.
- (2) The Regulator must keep the Register in electronic form.
- (3) The Regulator must include the following information in the Register:
 - (a) the brand name and the model name of each solar water heater for which certificates may be created (an *eligible solar water heater*);

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- (b) zones in Australia determined by the Regulator:
 - (i) on the basis of climate and solar radiation levels; and
 - (ii) by reference to a range of postcodes, taking account of each postcode area in Australia;
 - (c) the number of certificates that may be created for each eligible solar water heater in each zone;
 - (d) the installation periods in which certificates may be created for each eligible solar water heater.
- (3A) The Regulator may remove a device from the Register if satisfied that:
- (a) the device is not a solar water heater; or
 - (b) a certification that was given to the device as mentioned in subregulation 3A(2) or (3) has expired; or
 - (c) the device poses a safety risk.
- (3B) Before removing a device from the Register under paragraph (3A)(a) or (b), the Regulator must:
- (a) give written notice of the proposed removal, specifying the date proposed for the removal, to:
 - (i) the manufacturer of the device; and
 - (ii) any person who made a request in relation to the device under subregulation 19BC(1); and
 - (b) consider any submissions made in response to the proposed removal.
- (4) The Register must be accessible on a website kept by the Regulator.

Subdivision 2.3.3—Small generation units

19D Creation of certificates for small generation units (Act s 23A)

- (1) For subsection 23A(2) of the Act, the time at which a small generation unit is taken to have been installed is the day the unit is first able to produce and deliver electricity.
- (2) For subsection 23A(3) of the Act, a right to create certificates for a small generation unit arises:
 - (a) for a unit installed during a year mentioned in column 1 of the following table, within 12 months of installation and for a period mentioned in column 2 for the item; or

Period certificates may be created		
Item	Column 1 Year unit installed	Column 2 Period
1	before 2026	1 or 5 years
2	2026	1 or 5 years
3	2027	1 or 4 years

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Period certificates may be created		
Item	Column 1 Year unit installed	Column 2 Period
4	2028	1 or 3 years
5	2029	1 or 2 years
6	2030	1 year

- (b) if a right was previously exercised for a 1 year period under paragraph (a), the start of each subsequent 1 year period after installation that begins during a year mentioned in column 1 of the table in paragraph (a) for the additional period mentioned in column 2 for the item; or
- (c) if:
- (i) a right was previously exercised for a 5 year period under paragraph (a); and
 - (ii) the Regulator is satisfied that the unit is still installed and likely to remain functional for a further 5 years;
- the start of each subsequent 5 year period that begins on or before 31 December 2025 for a further 5 year period; or
- (d) if:
- (i) the unit is a solar (photovoltaic) system; and
 - (ii) no certificate has been created for the unit under paragraph (a), (b) or (c);
- for a unit installed during a year mentioned in column 1 of the following table, within 12 months of installation and for the period mentioned in column 2 for the item.

Period certificates may be created		
Item	Column 1 Year solar (photovoltaic) system installed	Column 2 Period in years
1	before 2016	15
2	2016	15
3	2017	14
4	2018	13
5	2019	12
6	2020	11
7	2021	10
8	2022	9
9	2023	8
10	2024	7
11	2025	6
12	2026	5
13	2027	4

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Period certificates may be created		
Item	Column 1	Column 2
	Year solar (photovoltaic) system installed	Period in years
14	2028	3
15	2029	2
16	2030	1

- (3) Where a right to create certificates has been exercised under the period specified for the unit in paragraph (2)(d), no additional right to create certificates arises.

20 Number of certificates that may be created (Act s 23B)

- (1) For subsection 23B(1) of the Act, the number of certificates that may be created for a small generation unit is the number that may be created:
- (a) for a hydro-electric system—for the amount calculated by multiplying 0.00095 by the rated power output of the system, measured in kW, multiplied by:
 - (i) 4 000; or
 - (ii) the number of hours each year of hydro resource availability if those hours are greater than 4 000.
 - (b) for a solar (photovoltaic) system—for the amount calculated by multiplying the zone rating of the system at the time of installation (worked out in accordance with an instrument made under subregulation (4) as existing from time to time) by the rated power output of the system measured in kilowatts-peak (kWp); or
 - (c) for a wind turbine—for the amount calculated by multiplying 0.00095 by the rated power output of the system, measured in kW, multiplied by:
 - (i) 2 000; or
 - (ii) the number of hours each year of wind resource availability if those hours are greater than 2 000.

Note: **Small generation unit** is defined in subregulation 3(2). For certificates in relation to installations other than small generation units, see Divisions 2 and 3 of Part 2 of the Act.

- (2) For subregulation (1), the number of certificates worked out for an installation is:
- (a) if the amount of electricity generated that is in excess of the 1997 renewable energy baseline for the small generation unit is at least 0.5 MWh but less than 1 MWh—1; and
 - (b) in any other case—the number calculated under subregulations (2A) and (2B).
- (2A) If a small generation unit has a rated power output of more than 1.5kW (**output power**), and is not a unit to which subregulation (2C) or (2E) applies, the number of certificates created for the unit is to be calculated as follows:
- (a) by first adding together:
 - (i) the number of certificates created for the first 1.5 kW of the unit's output power (as multiplied in accordance with regulation 20AA); and

- (ii) the number of certificates created for the remainder of the unit's output power; and
 - (b) then by rounding down the number of certificates arrived at under paragraph (a) to the nearest whole number.
- (2B) If the small generation unit has a rated power output of 1.5kW or less, and is not a unit to which subregulation (2E) applies, the number of certificates created for the unit is to be calculated as follows:
 - (a) by first multiplying the number of certificates in accordance with regulation 20AA; and
 - (b) then by rounding down the number of certificates arrived at under paragraph (a) to the nearest whole number.
- (2C) This subregulation applies to a small generation unit if:
 - (a) the unit:
 - (i) has a rated power output of more than 20 kW (**output power**); and
 - (ii) is an off-grid small generation unit; and
 - (iii) was installed after 28 June 2010 and before 1 July 2013; and
 - (b) at the time the certificates are created, the number of multiplier certificates created for off-grid small generation units installed in the period in which the unit is installed does not equal or exceed the maximum number mentioned in subregulation (2G) for the period; and
 - (c) the creation of certificates for the unit will not cause the number of multiplier certificates created for off-grid small generation units installed in the period in which the unit was installed to exceed the maximum number mentioned in subregulation (2G) for the period.
- (2D) The number of certificates created for a unit to which subregulation (2C) applies is to be worked out:
 - (a) by adding together:
 - (i) the number of certificates created for the first 20 kW of the unit's output power (as multiplied in accordance with regulation 20AA); and
 - (ii) the number of certificates created for the remainder of the unit's output power; and
 - (b) by rounding down the number of certificates worked out under paragraph (a) to the nearest whole number.
- (2E) This subregulation applies to a small generation unit if:
 - (a) the unit:
 - (i) has a rated power output of 20 kW or less; and
 - (ii) is an off-grid small generation unit; and
 - (iii) was installed after 28 June 2010 and before 1 July 2013; and
 - (b) at the time the certificates are created, the number of multiplier certificates created for off-grid small generation units installed in the period in which the unit is installed does not equal or exceed the maximum number mentioned in subregulation (2G) for the period; and

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- (c) the creation of certificates for the unit will not cause the number of multiplier certificates created for off-grid small generation units installed in the period in which the unit is installed to exceed the maximum number mentioned in subregulation (2G) for the period.
- (2F) The number of certificates created for a unit to which subregulation (2E) applies is to be worked out:
 - (a) by multiplying the number of certificates in accordance with regulation 20AA; and
 - (b) by rounding down the number of certificates worked out under paragraph (a) to the nearest whole number.
- (2G) For paragraphs (2C)(b) and (2E)(b), the maximum number of multiplier certificates that may be created for off-grid small generation units installed in a period is the number mentioned in the following table for the period.

Item	Period	Number
1	1 July 2010 to 30 June 2011	250 000
2	1 July 2011 to 30 June 2012	250 000
3	1 July 2012 to 30 June 2013	200 000

- (2H) If subregulation (2C) or (2E) does not apply to a small generation unit only because paragraph (2C)(c) or (2E)(c) does not apply to the unit, the number of certificates that may be created for the unit is the sum of:
 - (a) the number that may be created for the unit under paragraph (2A) or (2B); and
 - (b) the number of certificates that would cause the number of multiplier certificates created for off-grid small generation units installed in the period in which the unit was installed to equal the maximum number mentioned in subregulation (2G) for the period.
- (2I) For paragraphs (2C)(b) and (c) and (2E)(b) and (c), a certificate that the Regulator determines is not eligible for registration is not to be included in the number of multiplier certificates created for the period for off-grid small generation units installed in the period.
- (2J) For this regulation:

multiplier certificates, for off-grid small generation units installed in a period mentioned in the table in subregulation (2G), means the certificates created for units using the multiplier in subregulation 20AA(2), other than the certificates that would have been created were the multiplier applied only to the first 1.5 kW of the rated power output for those units.
- (3) For subparagraph (1)(a)(ii), hydro resource availability of more than 4 000 hours each year must be demonstrated by a site-specific assessment.
- (4) The Regulator may, by legislative instrument, prescribe zone ratings of solar (photovoltaic) systems, and zones, for the purposes of paragraph (1)(b).

- (5) For paragraph (1)(c)(ii), wind resource availability of more than 2 000 hours each year must be demonstrated by a site-specific wind audit.

20AA Multiplying number of certificates (Act s 23B)

- (1) For subsections 23B(2) and (3) of the Act, subregulation (2) sets out the multiplier for certificates that may be created for a small generation unit in the circumstances set out in subregulation (3).
- (2) Subject to subregulation (3), the number of certificates that may be created in relation to a small generation unit that is installed during a period specified in column 1 of an item in the following table is to be multiplied by the number in column 2 of the item.

Multiplier for certificates for small generation units

Item	Column 1 Period	Column 2 Number
1	9 June 2009 to 30 June 2010	5
2	1 July 2010 to 30 June 2011	5
3	1 July 2011 to 30 June 2012	3
4	1 July 2012 to 30 June 2013	2

Note: The certificates are created in accordance with regulations 19D and 20.

- (3) The number of certificates is to be multiplied in accordance with subregulation (2):
- (a) only if:
- (i) the small generation unit in respect of which the certificates are created is installed at eligible premises:
 - (A) during a period mentioned in the table in subregulation (2); and
 - (B) in the circumstances mentioned in regulation 20AAA; and
 - (ii) at the time the small generation unit is installed at the eligible premises, there is no pre-approval or funding agreement in force in respect of the unit under the SHCP, the RRP GP or the NSSP and no financial assistance has been provided in respect of the unit under the SHCP, the RRP GP or the NSSP; and
 - (iii) at the time the small generation unit is installed at the eligible premises, financial assistance under the SHCP, the PVRP, the RRP GP or the NSSP has not been approved or provided in respect of any other small generation unit at the eligible premises; and
 - (iv) the small generation unit is a new and complete unit; and
 - (v) at the time the small generation unit is installed at eligible premises, certificates have not been multiplied under subregulation (2) in respect of any small generation unit at the premises; and
- (b) on 1 occasion only, irrespective of whether the certificates are created for a 1-year period, a 5-year period or a 15-year period; and
- (c) only if the certificates relate to:

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- (i) for a unit to which subregulation 20(2C) or (2E) applies—the first 20 kW of the rated power output of the unit; or
 - (ii) for any other unit—the first 1.5 kW of the rated power output of the unit.
- (4) For subparagraph (3)(a)(iv), a small generation unit is a **complete unit** if:
- (a) the unit is capable of generating electricity in a form that is usable at the eligible premises where it is installed without the need for an additional part or parts to be added to or incorporated into the unit; and
 - (b) either:
 - (i) the unit is wired directly to the eligible premises where the unit is installed so that its output is capable of being metered at those premises; or
 - (ii) the unit includes a meter that is dedicated to measuring the electricity output of the unit.
- (5) In this regulation:

eligible premises means any of the following:

- (a) a house (including the land on which the house is located and any outbuildings on the land);
- (b) a townhouse;
- (c) a residential apartment;
- (d) a shop (including the land on which the shop is located and any outbuildings on the land);
- (e) premises, other than premises mentioned in paragraphs (a) to (d), that are located at an address.

NSSP means the program known as the National Solar Schools Program administered by the Department administered by the Minister administering the *Environment Protection and Biodiversity Conservation Act 1999*.

PVRP means the program known as the Photovoltaic Rebate Program administered by the Australian Greenhouse Office.

RRPGP means the program known as the Renewable Remote Power Generation Program administered by the Department administered by the Minister administering the *Environment Protection and Biodiversity Conservation Act 1999*.

SHCP means the program known as the Solar Homes and Communities Plan administered by the Department administered by the Minister administering the *Environment Protection and Biodiversity Conservation Act 1999*.

20AAA Further circumstances for multiplying number of certificates

- (1) For subparagraph 20AA(3)(a)(i), the small generation unit must be installed:
 - (a) before 1 January 2013; or

- (b) on or after 1 January 2013 but before 1 July 2013 and in the circumstances mentioned in subregulation (2).
- (2) For paragraph (1)(b), the circumstances are:
- (a) the unit is installed under a contract entered into before 16 November 2012; and
 - (b) the parties to the contract are legally bound to proceed with the contract on and after 16 November 2012; and
 - (c) if the contract is conditional on any event happening, the event happened before 16 November 2012; and
 - (d) the person who becomes the owner of the unit following its installation is a party to the contract; and
 - (e) the contract documentation identifies:
 - (i) the date the contract was entered into; and
 - (ii) the identity of each party to the contract; and
 - (iii) the address at which the unit is to be installed; and
 - (iv) the size, make and model of the unit; and
 - (f) the person entitled to create certificates for the unit (the **entitled person**) meets the requirements of subregulation (3) before creating certificates for the unit.
- (3) For paragraph (2)(f), the entitled person must:
- (a) possess contract documentation identifying the matters mentioned in paragraph (2)(e); and
 - (b) provide to the Regulator a statutory declaration made by the entitled person:
 - (i) describing the contract documentation; and
 - (ii) stating that the entitled person can provide the contract documentation to the Regulator if requested by the Regulator; and
 - (iii) stating that the contract meets the requirements of paragraphs (2)(a) to (d); and
 - (iv) stating:
 - (A) the date on which the contract was entered into; and
 - (B) the identity of each party to the contract; and
 - (C) the address at which the unit was installed; and
 - (D) the size, make and model of the unit; and
 - (v) stating that the contract documentation in the entitled person's possession identifies the matters mentioned in subparagraph (iv); and
 - (c) if the contract is an oral contract—provide to the Regulator a statutory declaration made by each party to the contract stating:
 - (i) the date on which the contract was entered into; and
 - (ii) the identity of each party to the contract; and
 - (iii) the address at which the unit was installed; and
 - (iv) the size, make and model of the unit; and

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- (d) provide to the Regulator any other information or documents requested by the Regulator.
- (4) An entitled person may provide one statutory declaration under paragraph (3)(b) setting out the information required by that paragraph for more than one unit, including where:
 - (a) the units were installed under different contracts; or
 - (b) the contracts for the installations of the units involve different parties; or
 - (c) the units were installed at different addresses.
- (5) However a statutory declaration provided under paragraph (3)(c) must relate to one unit only.
- (6) For paragraph (3)(c), if the entitled person is a party to the contract, he or she only needs to provide statutory declarations from the other parties to the contract.
- (7) In this regulation:
 - contract documentation** means:
 - (a) for a written contract—the written documents setting out the terms and conditions of the contract and evidencing the offer and acceptance of those terms and conditions; and
 - (b) for an oral contract—written documentation that was created and dated before 22 December 2012, evidencing the existence of the contract.

20AB Regulator may make determinations about particular premises

- (1) For the purposes of paragraph (e) of the definition of *eligible premises* in subregulation 20AA(5), the Regulator may, by legislative instrument, determine that:
 - (a) specified premises are premises located at an address; or
 - (b) specified premises are not premises that are located at an address.
- (2) The Regulator must publish details of any determination made by the Regulator on the Regulator’s website.

20AC Conditions for creation of certificates (Act s 23A)

- (1) For the purposes of subsection 23A(1A) of the Act, certificates cannot be created in relation to a small generation unit unless the conditions in this regulation are satisfied in relation to the unit or its installation.

Condition—design and installation

- (2) The unit was designed and installed by a person or persons:
 - (a) if the unit is a stand-alone power system—accredited for stand-alone power systems under an accreditation scheme approved by the Regulator under Subdivision 2.3.4; and

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- (b) if the unit is a grid-connected power system—accredited for grid-connected power systems under an accreditation scheme approved by the Regulator under Subdivision 2.3.4; and
- (c) if the unit is a wind system—endorsed for wind systems under an accreditation scheme approved by the Regulator under Subdivision 2.3.4; and
- (d) if the unit is a hydro system—endorsed for hydro systems under an accreditation scheme approved by the Regulator under Subdivision 2.3.4; and
- (e) in relation to whom, or none of whom, a declaration was not in effect under regulation 20AG or 47 on:
 - (i) if the installation of the unit was completed in a single day—that day; or
 - (ii) in any other case—the day the installation began.

Condition—installer on site (solar (photovoltaic) systems)

- (2A) If the unit is a solar (photovoltaic) system, the person mentioned in paragraph (2)(a) or (b) who installed the unit was on site to install, or supervise the installation of, the unit in accordance with the accreditation scheme under which the person is accredited.

Condition—inverters

- (2B) If the unit uses an inverter, regulation 20AD has been complied with in relation to the inverter used in the installation of the unit.

Condition—photovoltaic modules (solar (photovoltaic) systems)

- (2C) If the unit is a solar (photovoltaic) system, regulation 20AD has been complied with in relation to the photovoltaic module used in the installation of the unit.

Condition—electrical wiring

- (3) The electrical wiring associated with the installation of the unit was undertaken by an electrical worker holding an unrestricted license for electrical work issued by the State or Territory authority for the place where the unit was installed.

Condition—local and State or Territory government requirements

- (4) All local and State or Territory government requirements have been met for the installation of the unit.

Condition—written statements, documents and evidence

- (5) The person who is entitled to create the certificates for the unit has obtained:
 - (aa) a written statement by the designer of the unit (or, if the installer of the unit is accredited for the design of the unit, the installer of the unit) stating:
 - (i) the name of the designer of the unit; and

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- (ii) the accreditation scheme type or classification, and accreditation number, of the designer of the unit; and
- (iii) that the designer complied with all relevant requirements of the accreditation scheme for the design of the unit; and
- (a) a written statement by the installer of the unit stating:
 - (i) the name of the installer of the unit; and
 - (ii) the accreditation scheme type or classification, and accreditation number, of the installer of the unit; and
 - (iii) that the installer complied with all relevant requirements of the accreditation scheme for the installation of the unit; and
- (b) a written statement by the installer of the unit that all local and State or Territory government requirements have been met for the installation of the unit; and
- (c) a copy of any documentation required, by the laws of the jurisdiction in which the unit was installed, to be provided to the owner of the unit certifying that the electrical installation of the unit complies with laws relating to safety and technical standards; and
- (d) a written statement by the installer of the unit stating:
 - (i) that the installer has a copy of the design of the unit; and
 - (ii) if the design was not modified during the installation of the unit—that the unit was installed, in all material respects, in accordance with the design; and
 - (iii) if the design was modified during the installation of the unit—that the modifications were consistent with all relevant requirements of the accreditation scheme for the design of the unit, and that the unit was installed, in all material respects, in accordance with the modified design; and
 - (iv) that the unit will perform consistently with the design or modified design (as applicable); and
- (e) if the system uses an inverter:
 - (i) a written statement by the installer of the unit that the model of inverter used in the installation was, when the unit was installed, an approved eligible model of inverter; and
 - (ii) if the system is a grid-connected power system—a written statement by the installer of the unit that, when the unit was installed, the model of inverter used in the installation complied with Australian/New Zealand Standard AS/NZS 4777.2:2020, *Grid connection of energy systems via inverters, Part 2: Inverter requirements*, published jointly by, or on behalf of, Standards Australia and Standards New Zealand (as existing from time to time); and
- (f) for a unit that is a solar (photovoltaic) system—the following:
 - (i) a written statement by the installer of the unit that the model of photovoltaic module used in the installation was, when the unit was installed, an approved eligible model of a photovoltaic module;
 - (ii) a written statement by the installer of the unit that the installer was on site as mentioned in subregulation (2A);

- (iii) evidence from the installer of the unit that the installer was on site as mentioned in subregulation (2A).

Condition—written statement from solar retailer (solar (photovoltaic) systems)

- (5A) If the unit is a solar (photovoltaic) system, the person who is entitled to create the certificates for the unit has obtained a written statement by the person (the **solar retailer**) who sold the unit to the owner of the unit stating the following:
- (a) the name of the installer of the unit;
 - (b) whether or not the installer is an employee or a subcontractor of the solar retailer;
 - (c) that the unit will perform in accordance with the contract (or the quote accepted) for the sale of the unit to the owner of the unit, except to the extent that that performance is prevented by circumstances outside the solar retailer's control;
 - (d) that the unit is:
 - (i) complete; and
 - (ii) generating electricity or capable of generating electricity;
 - (e) if the unit is a grid-connected power system—that:
 - (i) the unit is connected to the grid; or
 - (ii) the solar retailer has completed the solar retailer's obligations under the contract (or the quote accepted) relating to the connection of the unit to the grid;
 - (f) that the solar retailer has provided information in writing to the owner of the unit about the feed in tariffs and export limits for the unit; and
 - (g) that the solar retailer has provided information in writing to the owner of the unit about one or more of the following for the unit:
 - (i) the expected payback period;
 - (ii) the expected energy savings;
 - (iii) the expected cost savings;
 - (h) that the information provided as mentioned in paragraphs (f) and (g) is true, correct and complete;
 - (i) that any actual or potential conflicts of interest of the solar retailer relating to the sale or installation of the unit, or the creation of certificates for the unit, including any conflicts of interest in relation to persons or entities related to the solar retailer, have been:
 - (i) disclosed to the owner of the unit; and
 - (ii) managed appropriately;
 - (j) that a declaration under regulation 20AH is not in effect in relation to the solar retailer on the day the statement is given.
- (5B) Subsection (5A) does not apply in relation to a unit if:
- (a) the unit was installed by the owner of the unit; or
 - (b) the installation of the unit was sold to the owner of the unit by a person other than the solar retailer or a person related to the solar retailer.

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Electrical wiring to which subregulation (3) does not apply

- (6) Subregulation (3) does not apply to electrical wiring if:
- (a) the unit is not grid-connected; and
 - (b) the wiring does not involve alternating current of 50 or more volts; and
 - (c) the wiring does not involve direct current of 120 or more volts; and
 - (d) before any certificates are created for the unit, the person who is entitled to create the certificates for the unit obtains a written statement by the installer of the unit that:
 - (i) the unit is not grid-connected; and
 - (ii) an electrical worker holding an unrestricted license for electrical work issued by the State or Territory authority for the place where the unit was installed undertook all wiring of the unit that involves:
 - (A) alternating current of 50 or more volts; or
 - (B) direct current of 120 or more volts.

Condition—statements to include statement of truth, correctness and completeness

- (7) Each statement obtained for the purposes of subregulation (5) or (5A) includes a statement that the information in the statement is true, correct and complete.

Condition—information not to be false or misleading

- (8) None of the documents, statements or evidence obtained for the purposes of subregulation (5) or (5A) contain information that:
- (a) is false or misleading in a material particular; or
 - (b) omits a matter or thing without which the information is misleading in a material particular.

Note: See also section 24B of the Act (which relates to civil penalties for giving false or misleading information in relation to the installation of small generation units that results in the improper creation of certificates in relation to the units).

Approved eligible models of inverters

- (9) For the purposes of subparagraph (5)(e)(i), a model of an inverter is an approved eligible model at a particular time if, at the time:
- (a) the model is included in the list of approved inverters (as existing from time to time) that is published by the person to whom regulation 20AE applies; and
 - (b) a declaration under regulation 20AF is not in effect in relation to the model; and
 - (c) a recall notice has not been issued for the model under subsection 122(1) of the Australian Consumer Law (compulsory recall of consumer goods); and
 - (d) section 128 of the Australian Consumer Law (voluntary recall of consumer goods) does not apply in relation to the model.

Note: The reference to the Australian Consumer Law is a reference to Schedule 2 to the *Competition and Consumer Act 2010* as it applies as a law of the Commonwealth,

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States and Territories: see section 140K of that Act and corresponding provisions of Acts of States and Territories applying that Schedule.

Approved eligible models of photovoltaic modules

- (10) For the purposes of subparagraph (5)(f)(i), a model of a photovoltaic module is an approved eligible model at a particular time if, at the time:
- (a) the model complies with:
 - (i) if the time is before 19 May 2022—Australian/New Zealand Standard AS/NZS 5033:2014, *Installation and safety requirements for photovoltaic (PV) arrays*, published jointly by, or on behalf of, Standards Australia and Standards New Zealand (as existing from time to time); or
 - (ii) if the time is on or after 19 May 2022—Australian/New Zealand Standard AS/NZS 5033:2021, *Installation and safety requirements for photovoltaic (PV) arrays*, published jointly by, or on behalf of, Standards Australia and Standards New Zealand (as existing from time to time); and
 - (b) the model is included in the list of approved photovoltaic modules (as existing from time to time) that is published by the person to whom regulation 20AE applies; and
 - (c) a declaration under regulation 20AF is not in effect in relation to the model; and
 - (d) a recall notice has not been issued for the model under subsection 122(1) of the Australian Consumer Law (compulsory recall of consumer goods); and
 - (e) section 128 of the Australian Consumer Law (voluntary recall of consumer goods) does not apply in relation to the model.

Note: The reference to the Australian Consumer Law is a reference to Schedule 2 to the *Competition and Consumer Act 2010* as it applies as a law of the Commonwealth, States and Territories: see section 140K of that Act and corresponding provisions of Acts of States and Territories applying that Schedule.

20AD Provision of serial numbers for inverters and photovoltaic modules

- (1) For the purposes of subregulations 20AC(2B) and (2C), the responsible person for an inverter or photovoltaic module used in the installation of a small generation unit must give the serial number for the inverter or photovoltaic module to:
- (a) a person in relation to whom a nomination is in effect under subregulation (2) of this regulation; or
 - (b) if no nomination is in effect under subregulation (2) of this regulation—the Regulator.

Note: The responsible person may commit an offence if the person provides false or misleading information or documents (see sections 137.1 and 137.2 of the *Criminal Code*).

- (2) The Regulator may, in writing, nominate a person for the purposes of paragraph (1)(a) if the Regulator is reasonably satisfied that the person:

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- (a) will, if nominated, receive, store and disseminate serial numbers for inverters and photovoltaic modules to facilitate the creation of certificates in relation to small generation units in accordance with the Act and these Regulations; and
 - (b) has, or will have, appropriate arrangements for receiving, storing and disseminating the serial numbers.
- (3) If the Regulator nominates a person under subregulation (2), the Regulator must publish the person's contact details on the Regulator's website.
- (4) In this regulation:
- responsible person*, for an inverter or photovoltaic module used in the installation of a small generation unit, means:
- (a) if the inverter or photovoltaic module was not imported into Australia—the manufacturer of the inverter or photovoltaic module; or
 - (b) if the inverter or photovoltaic module was imported into Australia—the person who imported the inverter or photovoltaic module.

20AE Publisher of lists of approved inverters and photovoltaic modules

- (1) For the purposes of paragraphs 20AC(9)(a) and (10)(b), this regulation applies to:
- (a) a person in relation to whom a nomination is in effect under subregulation (2) of this regulation; or
 - (b) if no nomination is in effect under subregulation (2) of this regulation—the Clean Energy Council.
- (2) The Regulator may, in writing, nominate a person for the purposes of paragraph (1)(a).

Public consultation about whether any person should be nominated

- (3) The Regulator must, before 1 January 2023, undertake public consultation about whether any person should be nominated under subregulation (2).

Process for nominating a particular person

- (4) In deciding whether to nominate a person under subregulation (2), the Regulator must consider the following matters:
- (a) the efficiency, integrity and effectiveness of the person's proposed processes, including testing and verification processes, for including a model of an inverter or photovoltaic module on the person's list of approved inverters or approved photovoltaic modules;
 - (b) the person's capacity to publish the person's lists of approved inverters and approved photovoltaic modules and keep them updated;
 - (c) the fees that the person proposes to charge in relation to the inclusion of a model of an inverter or photovoltaic module on the person's list of approved inverters or approved photovoltaic modules;

- (d) any other relevant matter.
- (5) Before nominating a person under subregulation (2), the Regulator must:
 - (a) publish the proposed nomination on the Regulator’s website; and
 - (b) consider any submissions made in accordance with subregulation (6) in relation to the proposed nomination.
- (6) A person who would be affected by a proposed nomination may, within 28 days after the day the Regulator publishes the proposed nomination, make a written submission to the Regulator.
- (7) If the Regulator nominates a person under subregulation (2), the Regulator must publish the person’s contact details on the Regulator’s website.

20AF Regulator may declare models of inverters or photovoltaic modules ineligible

- (1) The Regulator may, in writing, declare that a model of an inverter, or a model of a photovoltaic module, is not eligible for use in the installation of small generation units for the purposes of these Regulations.
- (2) In deciding whether or not to make a declaration in relation to a model of an inverter or photovoltaic module, the Regulator must consider the following matters:
 - (a) whether the model complies with the Australian standards applicable to the inverter or photovoltaic module;
 - (b) whether evidence that independent testing has shown that the model complies with those standards has been provided by:
 - (i) the manufacturer of the model; or
 - (ii) if the model was imported into Australia—the person who imported the model;
 - (c) whether the model was included in the list mentioned in paragraph 20AC(9)(a) or (10)(b) on the basis of false or misleading information;
 - (d) whether the inclusion of the model in the list mentioned in paragraph 20AC(9)(a) or (10)(b) presents a risk to the integrity or creation of small-scale technology certificates;
 - (e) whether regulation 20AD has been complied with in relation to the model;
 - (f) any other relevant matters.

Process before making declarations

- (3) Before making a declaration, the Regulator must:
 - (a) publish the proposed declaration on the Regulator’s website; and
 - (b) consider any submissions made in accordance with subregulation (4) in relation to the proposed declaration.

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- (4) A person who would be affected by a proposed declaration may, within 28 days after the day the Regulator publishes the proposed declaration, make a written submission to the Regulator.
- (5) Subregulations (3) and (4) do not apply in relation to a model of an inverter or photovoltaic module if the Regulator is reasonably satisfied that there is an imminent safety risk to a person or to property from the use of the model in the installation of small generation units.

Publication of declarations

- (6) If the Regulator makes a declaration, the Regulator must publish the declaration on the Regulator's website.

20AG Regulator may declare persons ineligible to design or install small generation units

Designers

- (1) Subregulation (2) applies in relation to a person who has designed one or more small generation units as mentioned in subregulation 20AC(2) if:
 - (a) the Regulator is reasonably satisfied that the person has, on or after 1 April 2022, given 3 or more statements mentioned in paragraph 20AC(5)(aa) that contain information that:
 - (i) is false or misleading in a material particular; or
 - (ii) omits a matter or thing without which the information is misleading in a material particular; or
 - (b) the Regulator is reasonably satisfied that the person has, on or after 1 April 2022, on 3 or more occasions failed to comply with the accreditation scheme under which the person is accredited.
- (2) The Regulator may, in writing, declare that the person is not eligible to design small generation units for the purposes of subregulation 20AC(2).

Installers

- (3) Subregulation (4) applies in relation to a person who has installed one or more small generation units as mentioned in subregulation 20AC(2) if:
 - (a) the Regulator is reasonably satisfied that the person has, on or after 1 January 2022, given 3 or more statements mentioned in subregulation 20AC(5) that contain information that:
 - (i) is false or misleading in a material particular; or
 - (ii) omits a matter or thing without which the information is misleading in a material particular; or
 - (b) the Regulator is reasonably satisfied, on the basis of information received from one or more State or Territory authorities, that the person has, on or after 1 January 2022, on 3 or more occasions installed a small generation unit in a material breach of a local or State or Territory government requirement for the installation of the unit; or

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- (c) the Regulator is reasonably satisfied that the person has, on or after 1 January 2022, on 3 or more occasions failed to comply with the accreditation scheme under which the person is accredited.
- (4) The Regulator may, in writing, declare that the person is not eligible to install small generation units for the purposes of subregulation 20AC(2).

Period of effect and publication of declarations

- (5) A declaration under this regulation has effect for the period, not exceeding 3 years, specified in the declaration.
- (6) The Regulator must publish a declaration under this regulation on the Regulator's website.

20AH Regulator may declare persons ineligible to make solar retailer statements

- (1) Subregulation (2) applies in relation to a person if the Regulator is reasonably satisfied that:
 - (a) the person has, on or after 1 April 2022, given 3 or more statements in relation to small generation units for the purposes of subregulation 20AC(5A) that contain information that:
 - (i) is false or misleading in a material particular; or
 - (ii) omits a matter or thing without which the information is misleading in a material particular; or
 - (b) both:
 - (i) on or after 1 April 2022, the person sold a small generation unit that is a solar (photovoltaic) system to the owner of the unit; and
 - (ii) the person is related to a person in respect of whom a declaration is in effect under this regulation.
- (2) The Regulator may, in writing, declare that the person is not eligible to make statements in relation to small generation units for the purposes of subregulation 20AC(5A).
- (3) A declaration under this regulation has effect for the period, not exceeding 3 years, specified in the declaration.
- (4) The Regulator must publish a declaration under this regulation on the Regulator's website.

20AI Making declarations under regulations 20AG and 20AH

- (1) In deciding whether or not to make a declaration under regulation 20AG or 20AH in relation to a person, the Regulator must consider the following matters:
 - (a) if the proposed declaration is to be made on the basis of paragraph 20AG(1)(a) or (3)(a) or 20AH(1)(a)—the materiality of the false or misleading information concerned;

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- (b) if the proposed declaration is to be made on the basis of paragraph 20AG(3)(b)—the materiality of the breaches of local or State or Territory government requirements concerned;
 - (c) if the proposed declaration is to be made on the basis of paragraph 20AG(1)(b) or (3)(c)—the materiality of the failures (to comply with the accreditation scheme under which the person is accredited) concerned;
 - (d) any harm or loss caused to the owners of the small generation units concerned, or to third parties, resulting from the false or misleading statements, breaches or failures (as applicable);
 - (e) whether the person has rectified any problems resulting from the false or misleading statements, breaches or failures (as applicable);
 - (f) any other relevant matters.
- (2) Before making a declaration in relation to a person, the Regulator must:
- (a) give the person written notice of the proposed declaration; and
 - (b) consider any submissions made in accordance with subregulation (3) in relation to the proposed declaration.
- (3) The person may, within 28 days after the Regulator gives the person notice of the proposed declaration, make a written submission to the Regulator.

20A Assignment of small generation unit certificates (Act s 23C)

For subsection 23C(2) of the Act, a right to create a certificate for a small generation unit under regulation 19D may be assigned for a 1-, 5- or 15-year period.

20B Election to not create certificates (Act s 23E)

For the definition of *qualifying small generation unit* in subsection 23E(5) of the Act, a kind of small generation unit is a device:

- (aa) installed before 1 January 2018; and
- (a) with an energy source that is solar (photovoltaic); and
- (b) that has a kW rating from 10 kW to 100 kW (inclusive); and
- (c) that generates from 25 MWh to 250 MWh (inclusive) of electricity each year.

20BA Record keeping for small generation units

For paragraph 160(2)(d) of the Act, a registered person must keep any document relevant to ascertaining the matters mentioned in regulation 20AC.

Subdivision 2.3.4—Designer and installer accreditation scheme

20BB Approval of accreditation schemes

This Subdivision sets out the process for approving an accreditation scheme mentioned in subregulation 20AC(2).

20BC Interpretation

(1) In this Subdivision:

scheme operator: see subparagraph 20BE(b)(iii).

(2) For the purposes of this Subdivision, in determining whether a scheme operator is a fit and proper person, the Regulator must have regard to the matters set out in regulation 3L, as if the reference to the applicant in that regulation were a reference to a scheme operator under this Subdivision.

20BD Applying for accreditation

Applications for accreditation

(1) A person may apply to the Regulator to approve an accreditation scheme developed by the person for the purposes of paragraph 20AC(2)(a), (b), (c) or (d).

Matters to be included in applications

(2) An application must:

- (a) be made in the manner and form specified by the Regulator on the Regulator's website; and
- (b) include a draft of the accreditation scheme proposed to be approved; and
- (c) include the information required by regulation 20BE; and
- (d) be accompanied by the documents required by regulation 20BE; and
- (e) include any information, and be accompanied by any documents, required by the form; and
- (f) include an undertaking that complies with subregulation (3); and
- (g) be made:
 - (i) in the period specified by the Regulator; or
 - (ii) at a later time agreed with the Regulator in writing.

Undertakings to be included in applications

(3) For the purposes of paragraph (2)(f), an undertaking must provide that, if the scheme were to be approved, the scheme operator undertakes to do the following:

- (a) notify the Regulator, in writing, of any matters that arise that adversely affect, or that might adversely affect, the integrity of the scheme and the

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- steps being taken, or proposed to be taken, by the scheme operator to address those matters;
- (b) notify the Regulator, in writing, before making any changes to the fees charged under the scheme and provide the Regulator with an explanation of the changes;
 - (c) notify the Regulator, in writing, before varying or amending the scheme and provide the Regulator with an explanation of how the variations or amendments are consistent with the scheme as approved by the Regulator;
 - (d) notify the Regulator, in writing, if any of the events or circumstances mentioned in regulation 3L that affect the scheme operator come to the attention of the scheme operator;
 - (e) notify the Regulator, in writing, if the scheme operator ceases to undertake, or proposes to cease undertaking, activities authorised by the scheme;
 - (f) if the scheme operator is a body corporate—notify the Regulator, in writing, if there is a change, or a proposed change, in any of the directors or officers of the body corporate;
 - (g) if the scheme operator is a body corporate—notify the Regulator, in writing, if a transaction results in, or a proposed transaction will result in, a change to the type, name or number of shares in the body corporate;
 - (h) notify the following, in writing, if a designer or an installer accredited under the scheme is excluded from the scheme:
 - (i) the Regulator;
 - (ii) the operator of every other accreditation scheme approved under this Subdivision;
 - (i) if requested by the Regulator in writing—provide the Regulator with requested information, in writing, about the operation of the scheme.

Period in which application must be made

- (4) The Regulator must specify a period for the purposes of subparagraph (2)(g)(i).
- (5) The specified period must be a period of 3 months between 1 July 2022 and 31 March 2023 and must be published on the Regulator's website.

20BE Matters to be included in applications

An application must:

- (a) include the following:
 - (i) the name of the applicant;
 - (ii) if the scheme operator is a body corporate—the scheme operator's ACN, ABN or ARBN;
 - (iii) if the scheme operator is a body corporate—details of the directors or officers of the body corporate;
 - (iv) if the scheme operator is a body corporate—details of the type, name or number of shares in the body corporate;
 - (v) the mailing address and email address of the applicant;
 - (vi) a telephone contact number for the applicant; and

- (b) include the following:
 - (i) details of the proposed scheme's scope;
 - (ii) an explanation of how the proposed scheme is to be managed and operated, including details of the governance arrangements for the proposed scheme;
 - (iii) the name and contact details of the person or persons (the *scheme operator*) who will be responsible for managing the scheme;
 - (iv) details of the qualifications and experience of the scheme operator that will enable the scheme operator to properly manage the proposed scheme in accordance with the requirements of the scheme and any requirements of the Act and these Regulations;
 - (v) details of how the proposed scheme will be monitored for compliance with the requirements of the scheme and any requirements of the Act and these Regulations; and
- (c) be accompanied by details and evidence of the training to be provided to designers and installers under the proposed scheme, including training in relation to written statements by installers under subregulation 20AC(5); and
- (d) include details of the measures and procedures that are in place, or will be in place before approval, and will be maintained after approval, to ensure:
 - (i) quality assurance and process control of the accreditation process; and
 - (ii) compliance with the scheme's requirements, and the requirements of the Act and these Regulations, in relation to the installation of small generation units and the creation of certificates for such units; and
- (e) include details of the following:
 - (i) requirements of the proposed scheme relating to insurance and any codes of conduct;
 - (ii) the measures and procedures that are in place, or will be in place before approval, and will be maintained after approval, for identifying and dealing with actual and perceived conflicts of interest in relation to the proposed scheme;
 - (iii) the fees to be charged under the proposed scheme and an explanation of the basis for setting the fees and changing the amount of fees over time; and
- (f) set out reasons why the applicant believes the proposed scheme should be approved, having regard to each of the criteria and requirements for approval specified in regulation 20BH.

20BF Further information

- (1) For the purposes of making a decision under regulation 20BG, the Regulator may, by notice in writing, request further information from the applicant.
- (2) The notice must set out:
 - (a) the information sought; and
 - (b) the day by which the information is to be provided to the Regulator.

Regulation 20BG

- (3) The Regulator is not required to consider an application while waiting for the information to be provided.
- (4) If the information is not provided on or before the day specified in the notice, the application is taken to have been withdrawn.

20BG Regulator to approve or refuse application

If the Regulator receives an application that is properly made under this Subdivision, the Regulator must:

- (a) approve the application; or
- (b) refuse the application.

20BH Approval of accreditation scheme

- (1) The Regulator may approve an accreditation scheme if, and only if, the Regulator is satisfied that:
 - (a) the scheme operator is a fit and proper person; and
 - (b) the scheme operator, and each person involved in the management of the scheme:
 - (i) has appropriate knowledge and understanding of the regulatory framework and standards applicable to the installation of small generation units, including the framework for the creation of certificates under the Act and these Regulations; and
 - (ii) has the necessary qualifications, experience and expertise to properly manage the operation of the scheme; and
 - (c) the scheme operator has the capacity, resources and record (if any) to properly manage the operation of the scheme, consistent with the details set out in the application, in a sound, objective, transparent and rigorous manner; and
 - (d) the governance arrangements for the scheme are appropriate, having regard to the scope of the scheme; and
 - (e) the scheme includes appropriate measures and procedures to ensure that the requirements of the scheme, and the requirements of the Act and these Regulations, in relation to the installation of small generation units and the creation of certificates for such units are complied with; and
 - (f) the scheme operator has in place appropriate measures and procedures to identify and manage actual and perceived conflicts of interest in relation to the scheme; and
 - (g) the scheme operator has in place appropriate measures and procedures to identify and address non-compliance with the requirements of the scheme and the requirements of the Act and these Regulations, including requirements in relation to the creation of certificates for small generation units; and
 - (h) the scheme operator has in place appropriate measures and procedures for the discipline of persons accredited under the scheme for failing to comply with the scheme's requirements, and the requirements of the Act and these

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Regulations, in relation to the design and installation of small generation units and the creation of certificates for such units; and

- (i) the scheme operator has given the undertaking mentioned in paragraph 20BD(2)(f); and
 - (j) the fees to be charged under the scheme are reasonable.
- (2) In deciding whether to approve an application, the Regulator must have regard to any guidelines determined by the Regulator under subregulation (3) for the purposes of this regulation.
- (3) The Regulator may, in writing, determine guidelines for the purposes of this regulation.
- (4) The Regulator must publish details of any guidelines determined under subregulation (3) on the Regulator's website.

20BI Notification of decision

- (1) A decision of the Regulator to approve, or refuse, an application is to be made by notifiable instrument as soon as practicable after the decision is made.
- (2) In addition to the requirement under subregulation (1), the Regulator must, within 28 days of making a decision to approve, or refuse, the application:
- (a) notify the applicant in writing of the decision; and
 - (b) publish the decision on the Regulator's website; and
 - (c) if the decision is to approve the application—on the Regulator's website:
 - (i) provide details of a publicly accessible website where persons can view a copy of the accreditation scheme; and
 - (ii) specify the day on which the accreditation scheme comes into force; and
 - (d) if the decision is to refuse the application—include in the notice under paragraph (a) a statement of the applicant's review rights under regulation 49.

20BJ Duration of approval

An approval remains in force until it is revoked by the Regulator under regulation 20BK.

20BK Revocation of approval

- (1) The Regulator may revoke the approval of an accreditation scheme if:
- (a) the Regulator considers it is no longer appropriate for the scheme to be approved having regard to the criteria in subregulation 20BH(1) concerning the granting of approvals; and
 - (b) the Regulator reasonably believes any of the following:
 - (i) the applicant made a false or misleading statement in an application under this Subdivision;

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- (ii) any person involved in the management of the scheme gave false or misleading information or documents to the Regulator or to another person performing functions or exercising powers under the Act or these Regulations;
 - (iii) there has been a failure to comply with an undertaking given under paragraph 20BD(2)(f);
 - (iv) the scheme is operating in a manner that is materially different from the manner described by the applicant in the application for approval;
 - (v) non-compliance with the requirements of the scheme is not being addressed to the satisfaction of the Regulator;
 - (vi) the scheme operator or any other person involved in the management of the scheme is not a fit and proper person.
- (2) The Regulator must revoke the approval of an accreditation scheme if the scheme operator requests the Regulator, in writing, to revoke the approval.

20BL Notice of proposed revocation

Notice of proposed revocation

- (1) Before deciding to revoke an approval of an accreditation scheme under subregulation 20BK(1), the Regulator must:
- (a) notify the scheme operator, in writing, of:
 - (i) the proposed revocation; and
 - (ii) the reasons for the proposed revocation; and
 - (b) invite the scheme operator to:
 - (i) make a submission as to why the approval should not be revoked; and
 - (ii) do so within the period specified in the notice; and
 - (c) both:
 - (i) publish details of the proposed revocation and reasons on the Regulator's website on the day that the Regulator notifies the scheme operator under paragraph (a); and
 - (ii) invite members of the public to make submissions on the proposed revocation within the period specified in the notice under paragraph (a).
- (2) The period (the **response period**) specified in the notice under paragraph (1)(a) must be at least 28 days commencing on the day the notice is given.

Decision on revocation

- (3) In deciding whether to revoke the approval of an accreditation scheme under subregulation 20BK(1), the Regulator must consider any submissions made within the response period.
- (4) The Regulator must:
- (a) both:
 - (i) notify the scheme operator, in writing, of the decision; and

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- (ii) publish details of the decision on the Regulator's website; and
 - (b) do so within 28 days after the end of the response period.
- (5) If the decision is to revoke the approval of the accreditation scheme, the notice and published details must include the reasons for the decision.

Deemed decision to revoke

- (6) If the Regulator does not comply with subregulation (4) within 28 days after the end of the response period, the Regulator is taken to have decided to revoke the approval of the accreditation scheme at the end of that period.
- (7) Paragraph (4)(a) does not apply to a decision that is taken to have been made because of subregulation (6).

When revocation has effect

- (8) If no submissions were made within the response period, the revocation has effect on the day after the last day of the response period.
- (9) If submissions were made within the response period, the revocation has effect on:
- (a) if the scheme operator was given a notice under subregulation (4)—the day after the scheme operator was given the notice; or
 - (b) if the scheme operator was not given a notice under subregulation (4)—the day after the Regulator is taken, under subregulation (6), to have decided to revoke the approval of the accreditation scheme.

Notification of deemed decision

- (10) If a decision (the **deemed decision**) is taken to have been made because of subregulation (6), the Regulator must publish details of the deemed decision on the Regulator's website as soon as practicable after the deemed decision is taken to have been made.

Decision to be notified by notifiable instrument

- (11) In addition to any other requirement under this regulation, a decision (including a deemed decision) to revoke the approval of an accreditation scheme is to be notified by notifiable instrument as soon as practicable after the decision is made or is taken to have been made.

20BM Effect of revocation

If the Regulator revokes the approval of an accreditation scheme, the following provisions have effect:

- (a) subject to paragraph (b), a person accredited under the scheme continues to be accredited (the **continued accreditation**) for all purposes as if the approval had not been revoked;
- (b) the continued accreditation ceases to be in effect at the end of the earlier of:

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- (i) unless otherwise agreed in writing with the Regulator—the day the person’s accreditation would have ceased to be in effect if the approval of the accreditation scheme had not been revoked; and
- (ii) 12 months after the day the revocation of the approval of the accreditation scheme comes into effect.

20BN Further approvals if no approved accreditation scheme

- (1) If a revocation of the approval of an accreditation scheme for a kind of small generation unit mentioned in subregulation 20AC(2) results in there being no approved accreditation scheme in force for that kind of small generation unit, a person may, under regulation 20BD, apply to the Regulator to approve an accreditation scheme for that kind of small generation unit.
- (2) Despite subregulations 20BD(4) and (5), the application must be made within the period specified for the purposes of this regulation by the Regulator on the Regulator’s website.

Division 2.5A—Suspension of registration

20CL Determining fit and proper person

For subsection 30A(5A) of the Act, in determining whether a registered person is a fit and proper person, the Regulator must have regard to the matters set out in regulation 3L, as if the reference to the applicant in that regulation were a reference to the registered person.

Division 2.5—Suspending accreditation of a power station

20DA Matters relevant to a decision to suspend the accreditation of a power station (Act s 30D)

- (1) For subsection 30D(4A) of the Act, the Regulator must have regard to the following matters:
 - (a) whether the excess is material when measured against the baseline applicable to the excess station concerned;
 - (b) whether the shortfall is material when measured against the baseline applicable to the shortfall station concerned;
 - (c) whether the availability or amount of the relevant supply varied during the year for reasons that were beyond the control of the shortfall station or the excess station, as the case may be;
 - (d) whether the pattern of distribution of the relevant supply between the excess station and the shortfall station was occurring before 1 January 1997;
 - (e) whether the primary purpose of the distribution of the relevant supply between the excess station and the shortfall station was to increase the efficiency with which a product other than electricity was produced;
 - (f) the relative energy conversion efficiencies of the excess station and the shortfall station;
 - (g) if the shortfall station was permanently closed or temporarily non-operational during the year—the reasons for the closure or temporary lack of operation of the power station;
 - (h) whether the relevant supply was distributed from the shortfall power station to the excess station for the purpose of displacing fossil fuel use at the excess station.

Note 1: *Excess station, relevant supply* and *shortfall station* have the same meanings as in section 30D of the Act.

Note 2: *Eligible renewable energy source* and *renewable energy certificate* have the same meanings as in subsection 5(1) of the Act.

- (2) In this regulation:

material, in relation to an excess or shortfall, means an excess or shortfall greater than 2% of the baseline of the station concerned, or the amount of electricity that would need to be generated to create 2000 renewable energy certificates under the Act, whichever is less.

20D Circumstances for suspending accreditation of an accredited power station (Act s 30E)

- (1) For the purposes of subsection 30E(5) of the Act, the Regulator may suspend the accreditation of an accredited power station if:
 - (a) the power station no longer generates electricity using an eligible energy source; or

- (b) the power station is in the national electricity market and no longer uses standard metering that meets the requirements set by the National Electricity Rules; or
 - (c) the power station is not in the national electricity market and no longer uses metering which allows the Regulator to determine the amount of electricity generated by the power station; or
 - (d) both:
 - (i) at least one certificate has been created in relation to electricity generated by the power station using eligible WCMG; and
 - (ii) after the creation of the certificate, one of the following is created in relation to electricity generated by the power station using waste coal mine gas:
 - (A) an abatement certificate under the *Electricity Supply Act 1995* (NSW);
 - (B) a gas electricity certificate under the *Electricity Act 1994* (Qld);
 - (C) an abatement certificate under the *Electricity (Greenhouse Gas Emissions) Act 2004* (ACT); or
 - (e) the nominated person for the power station applies, in accordance with subregulation (2), to suspend the accreditation of the power station; or
 - (f) the power station has become inoperable because of the removal, in whole or in part, of the components of the electricity generation system that make up the power station; or
 - (g) both of the following apply:
 - (i) the nominated person for the power station is a registered person whose registration is suspended under section 30 or 30A of the Act;
 - (ii) the suspension relates to the power station.
- (2) For the purposes of paragraph (1)(e), the application must:
- (a) be made in a manner and form approved by the Regulator; and
 - (b) provide a reason for the proposed suspension; and
 - (c) specify the day the proposed suspension is to begin and the period of the proposed suspension, which may be indefinite; and
 - (d) be accompanied by a statement in writing from any other stakeholder in relation to the power station indicating that the stakeholder agrees to the making of the application.

Division 2.6—Varying 1997 eligible renewable power baseline for an accredited power station

20E Circumstances for varying 1997 eligible renewable power baseline for an accredited power station (Act s 30F)

Application made to Regulator

- (1) For subsections 30F(1) and (2) of the Act, the Regulator may vary the 1997 eligible renewable power baseline for an accredited power station if:
 - (a) one or more of the following situations arise:
 - (i) the nominated person for the power station becomes aware that information used to determine the baseline was inaccurate, misleading or incomplete; or
 - (ii) the nominated person for the power station becomes aware of an error in the determination of the baseline; or
 - (iii) an action or policy of the Commonwealth Government reduces the power station's ability to generate electricity using an eligible energy source for a sustained period (for example, if the action or policy requires water to be diverted from one power station to another power station); and
 - (b) the nominated person makes an application to the Regulator in the manner set out in subregulation (3), to vary the 1997 eligible renewable power baseline; and
 - (c) the Regulator considers the application, taking into account, as appropriate, the matters set out in subregulation (4), and decides that the 1997 eligible renewable power baseline should be varied.

On Regulator's own initiative

- (2) For subsections 30F(1) and (2) of the Act, the Regulator may, on his or her own initiative, vary the 1997 eligible renewable power baseline for an accredited power station if:
 - (a) the Regulator becomes aware that 1 or more of the following situations has arisen:
 - (i) that information used to determine the baseline was inaccurate, misleading or incomplete;
 - (ii) that there is an error in the determination of the baseline;
 - (iii) an action or policy of the Commonwealth Government reduces the power station's ability to generate electricity using an eligible energy source for a sustained period (for example, if the action or policy requires water to be diverted from one power station to another power station); and
 - (b) the Regulator gives the nominated person written notice stating:
 - (i) that the Regulator is considering whether to vary the baseline; and
 - (ii) the reasons for the possible variation; and

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- (iii) that the nominated person may give to the Regulator, by the date and in the form (if any) specified in the notice, any information that may assist the Regulator in deciding whether to vary the baseline; and
- (c) the Regulator, having become aware of the situation and taking into account any information provided by the nominated person in response to a notice under paragraph (b), decides that the 1997 eligible renewable power baseline should be varied.

Form of application

- (3) An application by a nominated person for an accredited power station for a variation of the 1997 eligible renewable power baseline for the power station:
 - (a) must be in writing; and
 - (b) must state the circumstance in paragraph (1)(a) on the basis of which the request is made; and
 - (c) must include, or be accompanied by, a statement explaining the reasons why the variation should be made and setting out any other relevant information.

Special considerations

- (4) If the nominated person for a hydro-electric power station requests a variation of the 1997 eligible renewable power baseline for the power station on the basis of the situation mentioned in subparagraph (1)(a)(iii), the Regulator must, in deciding whether to vary the baseline, consider the following matters:
 - (a) whether any water diverted to or from the power station is a direct result of an action or policy of the Commonwealth Government;
 - (b) the release patterns of any diverted water flows;
 - (c) whether any diverted water flows pass through the power station;
 - (d) if any water was diverted from the power station—the water-to-generation ratio of the power station;
 - (e) if the power station is part of a group of interconnected power stations—the water-to-generation ratio of the group of interconnected power stations.

20F Notification of determination under regulation 20E

- (1) If the Regulator makes a determination varying the 1997 eligible renewable power baseline for an accredited power station (whether at the request of the nominated person for the power station or on his or her own initiative), the Regulator must, as soon as practicable after making the determination, give to the nominated person:
 - (a) a copy of the determination; and
 - (b) a statement of the reasons for the determination.
- (2) If, after considering a request from a nominated person for an accredited power station, the Regulator makes a determination not to vary the 1997 eligible renewable power baseline for the power station, the Regulator must, as soon as practicable after making the determination, give to the nominated person:

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Division 2.6 Varying 1997 eligible renewable power baseline for an accredited power station

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- (a) a copy of the determination; and
- (b) a statement of the reasons for the determination.

Note: A determination varying the 1997 eligible renewable power baseline for an accredited power station is a reviewable decision under section 66 of the Act.

Division 2.7—Varying 2008 WCMG limit for an accredited power station

20FA Guidelines for varying 2008 WCMG limit

This Division prescribes guidelines for subsection 30G(2) of the Act.

20FB Circumstances for varying 2008 WCMG limit for an accredited power station

On application to Regulator

- (1) The Regulator may vary the 2008 WCMG limit for an accredited power station if:
 - (a) the nominated person for the power station:
 - (i) becomes aware that information used to determine the 2008 WCMG limit was inaccurate, misleading or incomplete; or
 - (ii) becomes aware of an error in the determination of the 2008 WCMG limit; and
 - (b) the nominated person makes an application to the Regulator, in the manner set out in subregulation (3), to vary the 2008 WCMG limit; and
 - (c) after considering the application, the Regulator considers that the 2008 WCMG limit should be varied.

On Regulator's own initiative

- (2) The Regulator may, on his or her own initiative, vary the 2008 WCMG limit for an accredited power station if:
 - (a) the Regulator becomes aware that:
 - (i) information used to determine the 2008 WCMG limit was inaccurate, misleading or incomplete; or
 - (ii) there is an error in the determination of the 2008 WCMG limit; and
 - (b) the Regulator gives the nominated person written notice stating:
 - (i) that the Regulator is considering whether to vary the 2008 WCMG limit; and
 - (ii) the reasons for the possible variation; and
 - (iii) that the nominated person may give to the Regulator, by the date and in the form (if any) specified in the notice, any information that may assist the Regulator in deciding whether to vary the 2008 WCMG limit; and
 - (c) the Regulator, having become aware of the situation and having taken into account any information provided by the nominated person in response to a notice under paragraph (b), considers that the 2008 WCMG limit should be varied.

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Form of application

- (3) An application by a nominated person for an accredited power station for a variation of the 2008 WCMG limit for the power station:
 - (a) must be in writing in a form approved by the Regulator; and
 - (b) must state the circumstance in paragraph (1)(a) on the basis of which the request is made; and
 - (c) must include, or be accompanied by, a statement explaining the reasons why the variation should be made and setting out any other information the nominated person considers relevant; and
 - (d) must include, or be accompanied by, any other information or document required by the approved form.

20FC Redistribution of 2008 WCMG limits between accredited power stations

- (1) The Regulator may vary the 2008 WCMG limit for a year for 2 or more accredited power stations if:
 - (a) the nominated person for each power station makes an application to the Regulator, in the manner set out in subregulation (3), to vary the 2008 WCMG limits for the power stations; and
 - (b) at least one certificate has been created in relation to electricity generated by each power station using waste coal mine gas; and
 - (c) after considering the applications, the Regulator considers that the 2008 WCMG limits should be varied for the year.
- (2) However, the variation must not increase the combined total of the 2008 WCMG limits of the power stations.
- (3) Each application for the variation of the 2008 WCMG limit of 2 or more power stations for a year:
 - (a) must be in writing in a form approved by the Regulator; and
 - (b) must be given to the Regulator by the nominated person no later than 30 September in the previous year; and
 - (c) must identify the power stations and the proposed change to the 2008 WCMG limit for each power station; and
 - (d) must include, or be accompanied by, any other information or document required by the approved form.
- (4) The Regulator must not make a variation unless each application identifies the same power stations and the same proposed change to the 2008 WCMG limit for each power station.

20FD Notification of determination

- (1) If the Regulator makes a determination under regulation 20FB or 20FC varying the 2008 WCMG limit for an accredited power station (whether at the request of the nominated person for the power station or on his or her own initiative), the

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Regulator must, as soon as practicable after making the determination, give to the nominated person:

- (a) a copy of the determination; and
- (b) a statement of the reasons for the determination.

(2) If, after considering a request from a nominated person under regulation 20FB or 20FC for an accredited power station, the Regulator makes a determination not to vary the 2008 WCMG limit for the power station, the Regulator must, as soon as practicable after making the determination, give to the nominated person:

- (a) a copy of the determination; and
- (b) a statement of the reasons for the determination.

Note: A determination varying the 2008 WCMG limit for an accredited power station is a reviewable decision under section 66 of the Act.

Part 2A—Clearing house for small-scale technology certificates

20G Operation of clearing house

- (1) For subsection 30U(1) of the Act, the Regulator may operate the clearing house as part of the register of small-scale technology certificates.
- (2) The clearing house transfer list is to be:
 - (a) maintained by electronic means; and
 - (b) made available for inspection on the internet.
- (3) The Regulator must ensure that the clearing house transfer list is kept up to date.
- (4) A person is not entitled to use the clearing house unless the person agrees to the terms and conditions determined by the Regulator for use of the clearing house.
- (5) The Regulator must make the terms and conditions available to a person proposing to use the clearing house.

20H Application to enter small-scale technology certificates into clearing house

- (1) For paragraph 30K(2)(c) of the Act, an application must be accompanied by the following information:
 - (a) the applicant's ABN and ACN (if any);
 - (b) the name and contact details of a contact person for the application;
 - (c) whether the applicant is registered for GST or required to be registered for GST;
 - (d) the bank account details of an Australian bank into which the Regulator is to make payments to the applicant for the sale of the applicant's small-scale technology certificates;
 - (e) the unique identification code for each small-scale technology certificate proposed to be entered into the clearing house;
 - (f) if the applicant is registered for GST or required to be registered for GST—whether there is any reason why the transfer of any of the applicant's small-scale technology certificates to a purchaser under section 30N of the Act would not be a taxable supply.
- (2) For paragraph 30K(2)(d) of the Act, the application must be accompanied by documents to establish the applicant's identity.
- (3) Subregulations (1) and (2) do not apply if:
 - (a) the transferee has previously provided the information and documents to the Regulator or the Renewable Energy Regulator; and
 - (b) the information and documents remain current.

20I Entering small-scale technology certificates into the clearing house

For subsection 30L(1) of the Act, if more than 1 small-scale technology certificate is included in an application under section 30K of the Act, the Regulator may, subject to subsection 30L(2) of the Act, include the certificates on the clearing house transfer list in the order in which the Regulator considers appropriate.

20J Removing small-scale technology certificates from clearing house transfer list

For paragraph 30U(2)(d) of the Act, the Regulator may remove a small-scale technology certificate from the clearing house transfer list if:

- (a) the certificate has, for any reason, ceased to be valid; or
- (b) the removal of the certificate is necessary to comply with a court order; or
- (c) the Regulator decides to withdraw the certificate from the list under regulation 20K.

20K Regulator may withdraw small-scale technology certificates from clearing house

- (1) This regulation applies if a small-scale technology certificate is on the clearing house transfer list and the registered owner of the certificate transfers the certificate to another person (the *transferee*) otherwise than under Part 2A of the Act.
- (2) For paragraph 30U(2)(c) of the Act, the Regulator may withdraw the certificate from the clearing house unless the transferee provides the Regulator with the following information and documents within the time specified in subregulation (3):
 - (a) the transferee's ABN and ACN (if any);
 - (b) the name and work contact details of a contact person for the certificate;
 - (c) whether the transferee is registered for GST or required to be registered for GST;
 - (d) the bank account details of an Australian bank into which the Regulator is to make payments to the transferee for the transfer of the certificate;
 - (e) if the transferee is registered for GST or required to be registered for GST—whether there is any reason why the transfer of any of the transferee's certificates to a purchaser under section 30N of the Act would not be a taxable supply;
 - (f) documents to establish the applicant's identity.
- (3) The information and documents must be provided to the Regulator by electronic communication:
 - (a) within 7 days after the certificate is transferred to the transferee; or
 - (b) no later than the day the certificate is listed at the top of the clearing house transfer list;whichever occurs first.

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- (4) The Regulator must, within 7 days after withdrawing the certificate from the clearing house, notify the transferee in writing of the withdrawal.
- (5) Subregulation (2) does not apply if:
 - (a) the transferee has previously provided the information and documents to the Regulator or the Renewable Energy Regulator; and
 - (b) the information and documents remain current.

20L Owner may request Regulator to withdraw small-scale technology certificates

- (1) The registered owner of a small-scale technology certificate on the clearing house transfer list may, in writing, request the Regulator to withdraw the certificate from the clearing house.
- (2) The request must be made by electronic communication to the Regulator.
- (3) The electronic communication must be in the form specified by the Regulator.

20M Persons not entitled to purchase small-scale technology certificates through clearing house

- (1) For subsection 30M(2) of the Act, a person is not entitled to make an application to purchase a small-scale technology certificate unless, before the person makes the application, the person is registered for GST and provides the Regulator with the following information and documents:
 - (a) the person's ABN or ACN (if any);
 - (b) the name and work contact details of a contact person for the certificate;
 - (c) the bank account details of an Australian bank into which the Regulator is to make any refunds to the person under the Act;
 - (d) whether there is any reason why the transfer of the certificate to the person under section 30N or subsection 30P(3) of the Act would not be a taxable supply; and
 - (e) documents to establish the applicant's identity.
- (2) Subregulation (1) does not apply if:
 - (a) the person has previously provided the information and documents to the Regulator or the Renewable Energy Regulator; and
 - (b) the information and documents remain current.

20N Small-scale technology certificates to be transferred or created within 3 days

- (1) For paragraph 30U(2)(b) of the Act, if section 30N of the Act applies to an application to purchase a small-scale technology certificate, the Regulator must, in accordance with subsection 30N(2) of the Act, transfer the certificate within 3 business days after the GST inclusive clearing house price accompanying the application is received as cleared funds in the Regulator's bank account.

- (2) For paragraph 30U(2)(b) of the Act, if section 30P of the Act applies to an application to purchase a small-scale technology certificate, the Regulator must, in accordance with subsection 30P(2) of the Act, create the certificate within 3 business days after the GST inclusive clearing house price accompanying the application is received as cleared funds in the Regulator's bank account.

20O Refunds

- (1) This regulation is made for subparagraph 30U(2)(i)(i) of the Act and applies if the Regulator:
- (a) has transferred 1 or more certificates to a purchaser; and
 - (b) is required under paragraph 30N(3)(b) of the Act to pay the seller the clearing house price for each certificate.
- (2) The Regulator must pay into the purchaser's bank account an amount equal to 10% of the clearing house price for each certificate.
- (3) In this regulation:
- bank account*, for a purchaser, means the purchaser's bank account, the details of which have been provided to the Regulator under paragraph 20M(c).

20P GST registration

- (1) This regulation applies if the registered owner of a certificate that is on the clearing house transfer list becomes registered, or required to be registered, for GST, or ceases to be registered, or required to be registered, for GST, before the certificate is transferred to a purchaser under subsection 30N(2) of the Act.
- (2) For subsection 30U(1) of the Act, the registered owner must notify the Regulator that the owner has become registered, or required to be registered, for GST or has ceased to be registered, or required to be registered, for GST.
- (3) The notice must:
- (a) be made by electronic communication; and
 - (b) be communicated to the Regulator within 7 days after the registered owner becomes registered, or required to be registered, for GST or ceases to be registered, or required to be registered, for GST.

Part 3—Acquisition of electricity

21A Prescribed person or body

For paragraphs 31(2)(c) and 32(1)(a) and section 34 of the Act, NTESMO is prescribed.

21 Amount of electricity acquired

- (1) For subsection 31(3) of the Act, the amount of electricity acquired under a relevant acquisition is:
 - (a) if the electricity is acquired from AEMO or NTESMO—the amount worked out on the basis of metering data used for AEMO or NTESMO settlement statements; or
 - (b) if the electricity is acquired directly from the person who generated the electricity at the interface between the transmission and distribution system—the amount worked out using:
 - (i) AEMO or NTESMO equivalent settlement data; or
 - (ii) if the person who generated the electricity and the liable entity are not in the same distribution network—customer purchase data adjusted to the node, or node equivalent, by using the applicable distribution loss factor; or
 - (iii) generation data adjusted to the node, or node equivalent, by using the applicable marginal loss factor or equivalent; or
 - (c) if the electricity is used outside the site of generation but in the same distribution network—the amount worked out using, depending on the applicable contractual arrangements:
 - (i) the amount generated, as metered at the power station’s grid connection point; or
 - (ii) the acquisition as metered at the customer’s grid connection point; or
 - (d) if the electricity is acquired at the site of the generation—the amount of metered electricity at the point on which the contractual arrangement is based; or
 - (e) if none of paragraphs (a) to (d) applies:
 - (i) the amount of metered or calculated electricity provided at the interface between the transmission and distribution system; or
 - (ii) the amount of metered or calculated electricity at the point at which ownership of the electricity changes, in accordance with contractual arrangements.
- (2) In paragraphs (1)(b), (c), and (e), the method of calculation used is to be chosen by the Regulator after consultation with the liable entity.

22 Capacity of grids

- (1) For the purposes of subsection 31(3) of the Act, the capacity of a grid is the sum of the nameplate capacity (specified by the manufacturer in MW) for each electricity generator connected (directly or indirectly) to the grid, other than:
 - (a) a privately owned domestic generator; or
 - (b) a generator that:
 - (i) has been connected (directly or indirectly) to the grid for at least the 3 calendar years before the assessment year; and
 - (ii) in each of those years either produced less than 50 GWh or had a load factor of less than 5%.
- (2) Despite subregulation (1), if a liable entity satisfies the Regulator that it is not appropriate to use the nameplate capacity for a particular electricity generator to determine the capacity of a grid, the Regulator may calculate the capacity of the grid by using the nominal capacity of that generator.

Part 3A—Exemption Certificates

Division 1—Interpretation

22A Interpretation

(1) In this Part and Schedule 6:

ABN has the same meaning as in the *A New Tax System (Australian Business Number) Act 1999*.

ACN has the same meaning as in the *Corporations Act 2001*.

acquired has the meaning given by subregulation 22A(8).

activity group has the meaning given by subregulation 22A(9).

applicant means a prescribed person that makes an application for an exemption certificate.

ASTM followed by a number (for example, ASTM D6347/D6347M-99) means a standard of that number issued by ASTM International and, if a date is included, of that date.

Note: ASTM means the American Society for Testing and Materials.

carbon steel means material which:

- (a) contains by mass more iron (Fe) than any other single element; and
- (b) has a carbon (C) concentration less than 2%.

certifiable amount has the meaning given by subregulation 22ZHC(2).

coke oven coke means the solid product obtained from the carbonisation of coal (principally coking coal) at a high temperature and includes coke breeze and foundry coke.

condensate has the same meaning as in the *Excise Act 1901*.

controlling corporation means a corporation to which paragraph 51(xx) of the Constitution applies that does not have a holding company incorporated in Australia.

Department of Climate Change and Energy Efficiency means the Department administered by the Minister who administers the *National Greenhouse and Energy Reporting Act 2007*.

electricity use method advice has the meaning given by paragraph 22O(1)(i).

eligible petroleum feedstocks means any 1 or more of the following that were not produced through the conduct of an emissions-intensive trade-exposed activity carried on in Australia:

- (a) catalytic cracker feedstocks that are processed in the catalytic cracker in carrying on the emissions-intensive trade-exposed activity and have a density of 0.84 to 0.98 kg/L at 15 °C and 1 atmosphere;
- (b) hydro-cracker unit feedstocks that are processed in the hydro-cracking unit in carrying on the emissions-intensive trade-exposed activity and have a density of 0.84 to 0.98 kg/L at 15 °C and 1 atmosphere;
- (c) reformer unit feedstocks that are used to produce reformat in carrying on the emissions-intensive trade-exposed activity and have a density of 0.6 to 0.80 kg/L at 15 °C and 1 atmosphere;
- (d) alkylation unit feedstocks that are used to produce alkylate in carrying on the emissions-intensive trade-exposed activity and have a density of 0.55 to 0.62 kg/L at 15 °C and 1 atmosphere;
- (e) bitumen feedstocks that are used to produce bitumen in carrying on the emissions-intensive trade-exposed activity and have a density greater than or equal to 0.95 kg/L at 15 °C and 1 atmosphere;
- (f) lubricant base stock feedstocks that are used to produce lubricant base stocks in carrying on the emissions-intensive trade-exposed activity and have a density of 0.84 to 0.98 kg/L at 15 °C and 1 atmosphere.

facility has the meaning given by section 9 of the *National Greenhouse and Energy Reporting Act 2007*.

financial control has the meaning given by subregulations 22K(4) and (5).

group has the meaning given by subregulation (2).

highly emissions-intensive has the meaning given in subregulation (3).

iron ore, for Part 37 of Schedule 6, means any form of iron ore product that has not been semi-processed into iron ore balls or exposed to a hardening process by the application of heat or pressure and includes:

- (a) magnetite ore that has been concentrated; and
- (b) hematite ore that has been crushed to varying extents.

joint venture means an unincorporated enterprise carried on by 2 or more entities in common otherwise than as a partnership.

LGC means a large-scale generation certificate.

limited assurance conclusion has the same meaning as in the *National Greenhouse and Energy Reporting (Audit) Determination 2009*.

member has the meaning given by subregulation (4).

moderately emissions-intensive has the meaning given in subregulation (5).

operational control has the meaning given by subregulation (6).

product means a product that is specified in Division 3 of a Part in Schedule 6 as the basis for the issue of an exemption certificate in relation to the carrying on of an emissions-intensive trade-exposed activity.

Regulation 22A

reasonable assurance conclusion has the same meaning as in the *National Greenhouse and Energy Reporting (Audit) Determination 2009*.

REC means a renewable energy certificate.

referrable to a site has the meaning given in subregulation (7).

relevant financial year means:

- (a) if the application made under subsection 46A(1) of the Act for a year (the **application year**) is not for a site that meets the criteria for a new entrant site specified in subregulation 22ZD(3)—the financial year which ended 6 months before the application year; or
- (b) if the application made under subsection 46A(1) of the Act for the application year is for a site that meets the criteria for a new entrant site specified in subregulation 22ZD(3)—the financial year which began 6 months before the application year.

relevant product means:

- (a) in relation to an application for an exemption certificate:
 - (i) a product that is identified in the application as meeting the requirements specified in Division 3 of a Part in Schedule 6; or
 - (ii) a substance mentioned in paragraphs 664(1)(a) to (e) of Schedule 6 that satisfies the requirements to be included in the kilolitres of product relevant for applying the electricity baseline for the activity of petroleum refining; and
- (b) in relation to an exemption certificate that has been issued:
 - (i) a product that meets the requirements specified in Division 3 of a Part in Schedule 6 as the basis for the issue of the certificate; or
 - (ii) a substance mentioned in paragraphs 664(1)(a) to (e) of Schedule 6 that satisfies the requirements to be included in the kilolitres of product relevant for applying the electricity baseline for the activity of petroleum refining.

saleable quality has the meaning given in regulation 22C.

stabilised crude petroleum oil has the meaning given in the Australian Taxation Office Interpretative Decision, ATO ID 2008/154, published on 18 November 2008.

unleaded petrol means all grades of unleaded petrol meeting Australian or international standards, including standard unleaded petrol, premium unleaded petrol and other proprietary forms of unleaded petrol.

use amount for a liable entity has the meaning given by paragraph 22ZHC(2)(a).

- (2) Entities are taken to be a **group** if the entities are a controlling corporation's group under the *National Greenhouse and Energy Reporting Act 2007*.
- (3) An emissions-intensive trade-exposed activity is **highly emissions-intensive** if the activity is classified as a highly emissions-intensive activity in Division 2 of the relevant Part in Schedule 6 for the activity.

- (4) An entity is a **member** of a controlling corporation's group if the entity is a member of the controlling corporation's group under the *National Greenhouse and Energy Reporting Act 2007*.
- (5) An emissions-intensive trade-exposed activity is **moderately emissions-intensive** if the activity is classified as a moderately emissions-intensive activity in Division 2 of the relevant Part in Schedule 6 for the activity.
- (6) An entity is taken to have **operational control** over a facility if the entity has operational control of the facility under the *National Greenhouse and Energy Reporting Act 2007*.
- (7) An amount or volume of a relevant product that is identified in an application for an exemption certificate is **referrable to a site** only if:
 - (a) the site is nominated in the application for the certificate in relation to the product; and
 - (b) the Regulator is satisfied that the nomination meets the conditions specified in subregulation 22B(1); and
 - (c) the Regulator is satisfied that the amount or volume of relevant product meets the conditions specified in subregulation 22B(2).
- (8) Electricity is **acquired** for use at a site only if the electricity is used at the site and, in relation to that electricity, there was a relevant acquisition between the point of generation of the electricity and the point of use.
- (9) If an emissions-intensive trade-exposed activity is, or is to be, carried on partly at 1 site and partly at 1 or more different sites, then all of those sites constitute an **activity group** if:
 - (a) the processes involved in the transformation relevant to the carrying on of the activity occur, or will occur:
 - (i) at those different sites; and
 - (ii) as part of the same production process; and
 - (b) for the activity of petroleum refining—the products produced from relevant products are transferred between the sites in order to conduct any of the processes listed in paragraphs 662(1)(a) to (d) of Schedule 6; and
 - (c) for any other activity—the production of the relevant product from the activity involves the transfer of an intermediate product between the sites in order to produce the relevant product.

22B Conditions for production to be referrable to a site

- (1) For paragraph 22A(7)(b), the conditions for the nomination of a site in relation to an amount or volume of a relevant product are as follows:
 - (a) the relevant product in relation to which a site is nominated is, or will be, the product of an emissions-intensive trade-exposed activity that is, or is to be, carried on wholly or partly at the nominated site;
 - (b) only 1 site is to be nominated in respect of an amount or volume of relevant product;

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- (c) the site is not a site at which the emissions-intensive trade-exposed activity is, or is to be, carried on only in an ancillary way.
- (2) For paragraph 22A(7)(c), the conditions that the amount or volume of relevant product must meet are as follows:
- (a) if the amount or volume of relevant product is identified in the application as the product of a single site—the site:
- (i) is not part of an activity group; or
 - (ii) if the site is part of an activity group, all other sites in the activity group are sites at which the activity is, or is to be, only carried on in an ancillary way;
- (b) if the amount or volume of relevant product is identified in the application as the product of each site nominated in an activity group— the amount or volume is calculated in accordance with the following formula:

$$PT \times \frac{ES}{ET}$$

where:

PT is the total amount or volume of the relevant product produced, or to be produced, from the emissions-intensive trade-exposed activity at all of the sites that are part of the same activity group.

ES is a reasonable estimate of the following amounts of electricity:

- (a) if 80% or more of the electricity used at the site is used for the purpose of carrying on the activity—the amount of electricity (expressed in megawatt hours) acquired for use at the site; or
- (b) if less than 80% of the electricity used at the site is used for the purpose of carrying on the activity—the amount of electricity (expressed in megawatt hours) acquired for use in carrying out the activity.

ET is the sum of all the estimated amounts of electricity (**ES**) for all of the sites in the activity group (other than sites at which the emissions-intensive trade-exposed activity is, or is to be, only carried on in an ancillary way).

22C Meaning of *saleable quality*

- (1) In this Part and Schedule 6, **saleable quality** is intended to have its ordinary meaning as understood by participants in the relevant market, subject to subregulations (2) to (5).
- (2) A product is taken to be of saleable quality if it is produced to a level at which it would ordinarily be considered by participants in the relevant market:
- (a) to be the output of a process carried on as part of an emissions-intensive trade-exposed activity; and
 - (b) to have a commercial value as that output.

Note: On this basis, the output may meet particular industry standards or specifications (either general specifications or those set by particular customers). It may also meet

internal standards by which it can be used by the firm as part of another process conducted by the firm.

Outputs that are of saleable quality do not need to be sold in the year of production. Therefore, an output that is produced and entered on an inventory can be of saleable quality.

- (3) A sub-standard product that is discarded is taken not to be of saleable quality.
- (4) A product that is recycled back into the same emissions-intensive trade-exposed activity to produce a new output is taken to be of saleable quality only once.

Examples:

- 1 Metal that is re-melted in the same equipment in which it was produced.
 - 2 Paper that is re-inputted into a paper making process.
- (5) Material that is scrapped or lost before it is packaged as a product that is of saleable quality:
 - (a) is taken not to be of saleable quality; and
 - (b) is taken not to be included in an amount of product that is of saleable quality that is to be counted for the purpose of calculating a liable entity's exemption.

Part 3A Exemption Certificates

Division 2 Emissions-intensive trade-exposed activities

Regulation 22D

Division 2—Emissions-intensive trade-exposed activities

22D Emissions-intensive trade-exposed activities

For the purposes of the definition of *emissions-intensive trade-exposed activity* in section 5 of the Act, each activity specified in Division 1 of a Part (other than Part 1) in Schedule 6 is prescribed.

Note: Other Divisions in a Part of Schedule 6 set out information that is required for the purposes of calculating the amount of a liable entity's exemption.

Division 3—Publication of information

22E Information about exemptions to be published—section 38C of the Act

- (1) For the purposes of paragraph 38C(1)(c) of the Act, the name of each of the emissions-intensive trade-exposed activities set out in the exemption certificates to which the exemption relates is required.
- (2) For the purposes of subsection 38C(2) of the Act, the following information is required to be published within 28 days after an exemption certificate is issued:
 - (a) the name of the person to whom the certificate is issued;
 - (b) the site and the emissions-intensive trade-exposed activity or activities set out in the certificate;
 - (c) the State or Territory in which the site is located.
- (3) For the purposes of subsection 38C(2) of the Act, for a year, an estimate of the total amount of exemptions given for each emissions-intensive trade-exposed activity is required to be published by 30 March in the year after the year to which the exemptions relate.

Division 4—Applications for exemption certificates

Subdivision A—Who may apply—prescribed persons

22F Prescribed persons—subsection 46A(1) of the Act

This Subdivision prescribes persons for subsection 46A(1) of the Act.

22G Prescribed person—person with contract for supply of electricity to site

If:

- (a) a person is making an application under subsection 46A(1) of the Act in relation to a site and a year (the *application year*); and
- (b) the person (the *contracting person*) was a party to a contract for the supply of electricity consumed at the site during the whole, or part of, the year immediately preceding the application year; and
- (c) the contract was with a liable entity in relation to electricity consumed at the site during the period mentioned in paragraph (b); and
- (d) an emissions-intensive trade-exposed activity is to be carried on at the site during the application year; and
- (e) immediately before the day the application is made:
 - (i) the contracting person is a party to a contract for the supply of electricity consumed at the site; and
 - (ii) in relation to the site, activity and the application year there is no valid application before the Regulator, and there is no exemption certificate issued, for the activity, the site and the application year;

then the contracting person is a prescribed person for the activity, the site and the application year.

22H Prescribed person—liable entity with operational control

If:

- (a) a person has operational control of a facility immediately before the person makes an application under subsection 46A(1) of the Act in respect of a site and a year; and
- (b) an emissions-intensive trade-exposed activity is carried on at the site; and
- (c) the facility is the principal facility that is carried on at the site; and
- (d) the person is the liable entity for:
 - (i) over 30% of the electricity consumed at the site; or
 - (ii) the majority of the electricity consumed at the site that gives rise to a relevant acquisition;in the 6 months immediately preceding the day the person makes the application; and
- (e) immediately before the day the application is made in relation to the activity, the site and the year there is no valid application before the

Regulator, and there is no exemption certificate issued for the activity, the site and the application year;
then the person is a prescribed person for the activity, the site and the year.

22I Prescribed person—liable entity for future activity

If:

- (a) immediately before a person makes an application in respect of a site and a year, an emissions-intensive trade-exposed activity is not yet carried on at the site; and
- (b) the emissions-intensive trade-exposed activity is to be carried on at the site during the application year; and
- (c) when the emissions-intensive trade-exposed activity is first to be carried on at the site the person will have operational control of the facility; and
- (d) the facility will be the principal facility that is carried on at the site; and
- (e) the person will be the liable entity for over 30% of the electricity consumed at the site during the application year; and
- (f) immediately before the day the application is made in relation to the activity, the site and the year there is no valid application before the Regulator, and there is no exemption certificate issued for the activity, the site and the application year;

then the person is a prescribed person for the activity, the site and the application year.

22J Prescribed person—person with a new contract for supply of electricity

If:

- (a) a person is making an application under subsection 46A(1) of the Act in relation to a site and a year; and
- (b) an emissions-intensive trade-exposed activity is to be carried on at the site during the year; and
- (c) immediately before the day the application is made for the site, there is no prescribed person of a kind mentioned in regulation 22G, 22H or 22I; and
- (d) the person is a party to a contract with a liable entity for a supply of electricity to be consumed at the site in the year; and
- (da) upon making the application under subsection 46A(1) of the Act, the person is not eligible to be a prescribed person under regulation 22G, 22H or 22I; and
- (e) immediately before the day the application is made in relation to the activity, the site and the application year there is no valid application before the Regulator, and there is no exemption certificate issued, for the activity, the site and the year;

then the person is a prescribed person in relation to the activity, the site and the year.

Regulation 22K

22K Prescribed person—nominated person

- (1) If:
- (a) a person is a prescribed person (the *first person*) under regulation 22G, 22H, 22I or 22J for an emissions-intensive trade-exposed activity to be carried on at a site during a year; and
 - (b) before the first person makes an application in respect of the site and the year under subsection 46A(1) of the Act, the first person gives the Regulator notice; and
 - (c) the notice states that another person in relation to the principal facility carried on, or to be carried on, at the site may apply for an exemption certificate for the activity, the site and the year; and
 - (d) the other person is a controlling person (see subregulation (3)) in relation to the principal facility; and
 - (e) immediately before the day the application is made in relation to the activity, the site and the year there is no valid application before the Regulator, and there is no exemption certificate issued, for the activity, the site and the year;

then the other person is taken to be the prescribed person for the activity, the site and the year.

- (2) The notice under subregulation (1) must be given in writing.
- (3) **Controlling person**, in relation to the principal facility to be carried on at the site, means 1 of the following:
- (a) a person with operational control of the facility;
 - (b) the controlling corporation that has a member of its group with operational control of the facility;
 - (c) a person that is not the operator of the facility who has financial control (see subregulation (4)) over the facility.
- (4) If a person (the *operator*) has operational control over a facility, another person (the *second person*) has **financial control** over the facility if:
- (a) under a contract between:
 - (i) the operator; and
 - (ii) the second person;the operator operates the facility on behalf of the second person; or
 - (b) under a contract between:
 - (i) the operator; and
 - (ii) the second person and 1 or more other persons;the operator operates the facility on behalf of the second person and those other persons; or
 - (c) the second person is able to control the trading or financial relationships of the operator in relation to the facility; or
 - (d) the second person has the economic benefits from the facility; or
 - (e) all of the following conditions are satisfied:
 - (i) the second person is a participant in a joint venture;

- (ii) there is only 1 other participant in the joint venture;
 - (iii) the second person shares the economic benefits from the facility with the other participant;
 - (iv) the second person's share equals or exceeds the share of the other participant; or
- (f) all of the following conditions are satisfied:
- (i) the second person is a participant in a joint venture;
 - (ii) there are 2 or more other participants in the joint venture;
 - (iii) the second person shares the economic benefits from the facility with the other participants;
 - (iv) no other participant has a share of the economic benefits from the facility; or
- (g) all of the following conditions are satisfied:
- (i) the second person is a partner in a partnership;
 - (ii) there are 2 or more other partners in the partnership;
 - (iii) the second person shares the economic benefits from the facility with the other partners;
 - (iv) no other partner has a share that exceeds the share of the second person; or
- (h) the second person is able to direct or sell the output of the facility.
- (5) In determining whether the second person has that financial control, regard must be had to the economic and commercial substance of the matters mentioned in subregulation (4).

22L Prescribed person—liable entity changes (production calculation method)

- (1) If:
- (a) a prescribed person has been granted an exemption certificate in relation to an emissions-intensive trade-exposed activity, site and year; and
 - (aa) the amount of the exemption is worked out under Division 5 (production calculation method); and
 - (b) during the year the liable entity set out in the certificate ceases to be the liable entity in relation to the electricity consumed at the site; and
 - (c) a second liable entity begins to be the liable entity in relation to electricity consumed at the site; and
 - (d) the prescribed person applies again under subsection 46A(1) of the Act before the end of the year in relation to the activity, site, year and second liable entity;
- then the prescribed person is a prescribed person for the activity, the site, the year and the second liable entity.
- (2) If during the year:
- (a) the second liable entity ceases to be the liable entity in relation to the electricity consumed at the site; and

Regulation 22LA

- (b) a third liable entity begins to be the liable entity in relation to electricity consumed at the site; and
- (c) the prescribed person applies again under subsection 46A(1) of the Act before the end of the year in relation to the activity, site, year and third liable entity;

then the prescribed person is a prescribed person for the activity, the site, the year and the third liable entity.

22LA Prescribed person—liable entity changes (electricity use method)

(1) If:

- (a) a prescribed person has been granted an exemption certificate in relation to an emissions-intensive trade-exposed activity, site and year; and
- (b) the amount of the exemption is worked out under Division 5A (electricity use method); and
- (c) during the year, the liable entity set out in the certificate (the *old liable entity*) ceases to be a liable entity in relation to electricity consumed at the site; and
- (d) another entity (the *new liable entity*) begins to be a liable entity in relation to electricity consumed at the site instead of the old liable entity; and
- (e) either:
 - (i) the prescribed person applies again under subsection 46A(1) of the Act before the end of the year in relation to the activity, site, year and new liable entity; or
 - (ii) subregulation (2) applies in relation to another person (the *contracting person*);

then the prescribed person or the contracting person, as the case requires, is a prescribed person for the activity, site, year and new liable entity.

(2) For the purposes of subparagraph (1)(e)(ii), this subregulation applies in relation to the contracting person, if:

- (a) with the consent of the prescribed person mentioned in paragraph (1)(a), the contracting person makes an application under subsection 46A(1) of the Act before the end of the year in relation to the activity, site, year and new liable entity; and
- (b) immediately before the day the application is made, the contracting person is a party to a contract with the new liable entity for the supply of electricity consumed at the site.

22M Prescribed person—multiple liable entities (production calculation method)

If:

- (a) a prescribed person has been granted an exemption certificate in relation to an emissions-intensive trade-exposed activity, site and year; and
- (aa) the amount of the exemption is worked out under Division 5 (production calculation method); and

- (b) either:
- (i) at the start of the year there are one or more liable entities in relation to the electricity consumed at the site, other than the liable entity set out in the certificate; or
 - (ii) during the year one or more liable entities, in addition to the liable entity set out in the certificate, begin to be a liable entity in relation to the electricity consumed at the site; and
- (c) the prescribed person has not been, or has not applied to be, a prescribed person under subregulation 22L(1) for the activity, site and year; and
- (d) the prescribed person applies again under subsection 46A(1) of the Act before the end of the year in relation to:
- (i) the activity; and
 - (ii) the site; and
 - (iii) the year; and
 - (iv) the liable entity that is likely to be responsible for the most amounts of relevant acquisitions consumed at the site during the year by all the liable entities mentioned in subparagraphs (b)(i) or (ii) (other than the liable entity set out in the certificate);

then the prescribed person is a prescribed person for the activity, the site, the year and the second liable entity.

Example: Company A operates a zinc smelter at a site with 2 connection points to the National Electricity Market. The company has a different retailer for each of those connection points. The company would first apply in relation to one of the retailers and obtain the full value of the exemption for the emissions-intensive trade-exposed activity. The company would then apply for a second certificate for the second retailer by becoming a prescribed person under regulation 22M. Once approved, the first certificate would be reduced in accordance with regulation 22ZQ.

22MA Prescribed person—multiple liable entities (electricity use method)

If:

- (a) a prescribed person has been granted one or more exemption certificates, in relation to an emissions-intensive trade-exposed activity, site, year and one or more liable entities (an *earlier liable entity*); and
- (b) the amount or amounts of the exemptions is worked out under Division 5A (electricity use method); and
- (c) during the year, an entity (an *added liable entity*) begins to be a liable entity in relation to electricity consumed at the site in addition to the earlier liable entities; and
- (d) the prescribed person has not been, and has not applied to be, a prescribed person under regulation 22LA for the activity, site, year and the added liable entity; and
- (e) the prescribed person applies again under subsection 46A(1) of the Act before the end of the year in relation to the activity, site, year and the added liable entity;

then the prescribed person is a prescribed person for the activity, site, year and added liable entity.

Subdivision B—Information to be included in applications under subsection 46A(1) of the Act

22N Information to be included

- (1) This Subdivision prescribes information that must be included in an application under subsection 46A(1) of the Act.
- (2) The Subdivision is made for the purposes of paragraph 46A(2)(b) of the Act.

22O Information to be included with all applications

- (1) The following information is prescribed in relation to all applications under subsection 46A(1):
 - (a) the applicant's name, address and contact details;
 - (b) the applicant's ABN and ACN;
 - (c) the name and work contact details of a contact person for the application;
 - (d) a description of the basis upon which the applicant is a prescribed person;
 - (e) an explanation of how the emission-intensive trade-exposed activity or activities will be carried on at the site in the year and how any requirements relating to the conduct of the activity or activities will be met;
 - (f) if the amount of the exemption is to be worked out under Division 5 (production calculation method)—an explanation of the amount or volume of relevant production and other numbers relevant to the application of the method in Division 5, including:
 - (i) the basis on which such amounts have been calculated; and
 - (ii) how any amounts or volumes of relevant product have been measured and the frequency of the measurements; and
 - (iii) how the nomination of amounts or volumes of a relevant product satisfy the conditions in regulation 22B; and
 - (iv) how any other requirements relating to those amounts have been met;
 - (g) if the amount of the exemption is to be worked out under Division 5 (production calculation method)—a statement of the amount of the exemption that should be set out in the exemption certificate and how that amount should be calculated in accordance with Division 5 (including any assumptions made about values or amounts not known at the time of the application);
 - (h) if the amount of the exemption is to be worked out under Division 5A (electricity use method):
 - (i) the names of the liable entity or entities to which the application relates; and
 - (ii) for each activity identified in the application—an estimate of the amount or volume of relevant product identified in the application and referable to the site; and
 - (iii) if the applicant considers that metering data should be used (whether alone or as part of a formula with other elements) to identify the use amount for a liable entity to which the application relates—identifying

- information for the meters supplying the data, including the National Metering Identifier (if any) for each such meter within the meaning of the National Electricity Rules; and
- (iv) if there are one or more meters at the site with a National Metering Identifier (within the meaning of the National Electricity Rules) to which subparagraph (iii) does not apply—identifying information for each such meter, including the National Metering Identifier;
 - (i) if the amount of the exemption is to be worked out under Division 5A (electricity use method)—the following information (the ***electricity use method advice***):
 - (i) whether the applicant considers that metering data is sufficient and appropriate to identify the use amount for a liable entity to which the application relates, and why or why not;
 - (ii) if the applicant considers that metering data is not sufficient or not appropriate to identify the use amount for a liable entity—the formula that, having regard to the Regulator’s object set out in subregulation 22ZHC(5), the applicant considers would be appropriate to identify the use amount, and an explanation of the elements of the proposed formula and why it would be appropriate.
- (2) The following information is also prescribed in relation to all applications made under subsection 46A(1) of the Act (other than an application of a kind mentioned in regulation 22S or 22T):
- (a) a map that sets out the following:
 - (i) the site in respect of which the application is made;
 - (ii) where on the site the emission-intensive trade-exposed activities are carried on;
 - (iii) the sources of electricity generation that are part of the site and the nameplate rating (in MW) of each of those sources;
 - (iv) any point at which electricity is delivered to the site other than by means of an electricity grid with a capacity of 100 MW or more;
 - (v) how the site is connected to an electricity grid with a capacity that is 100 MW or more;
 - (b) the name of the liable entity (as referred to in paragraph 46A(1)(b) of the Act);
 - (c) if:
 - (i) an emission-intensive trade-exposed activity is proposed to be carried on at the site but is not, at the time of the application, carried on at the site; and
 - (ii) an approval is necessary to carry out the emission-intensive trade-exposed activity proposed at the site;a statement of what those approvals are and whether the prescribed person has obtained them at the time of making the application;
 - (d) information about any generation capacity that exists at the site and whether the generation gives rise to any relevant acquisitions;
 - (e) information about any electricity used at the site that is not a relevant acquisition because of subsection 31(2) of the Act;
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Regulation 22S

- (f) whether the prescribed person intends to apply to be a prescribed person under regulation 22M in relation to the activity, site and year in respect of a second liable entity at the site;
- (g) whether the prescribed person intends to apply to be a prescribed person under regulation 22MA in relation to the activity, site and year in respect of an added liable entity (within the meaning of that regulation) at the site.

22S Information to be included for person prescribed under regulation 22L or 22LA

- (1) If an application under subsection 46A(1) of the Act is made by a prescribed person mentioned in subregulation 22L(1), in addition to the information mentioned in subregulation 22O(1), the application must:
 - (a) specify the circumstances in which the liable entity (the *old liable entity*) mentioned in paragraph 22L(1)(b) ceased to be the liable entity; and
 - (b) provide evidence of the date on which the old liable entity ceased to be the liable entity and the date the liable entity mentioned in paragraph 22L(1)(c) (the *new liable entity*) became the liable entity; and
 - (c) provide evidence that both the old and new liable entity have been informed of the application.
- (2) If an application under subsection 46A(1) of the Act is made by a prescribed person mentioned in subregulation 22L(2), in addition to the information mentioned in subregulation 22O(1), the application must:
 - (a) specify the circumstances in which the liable entity (the *old liable entity*) mentioned in paragraph 22L(2)(a) ceased to be the liable entity; and
 - (b) provide evidence of the date on which the old liable entity ceased to be the liable entity and the date the liable entity mentioned in paragraph 22L(2)(b) (the *new liable entity*) became the liable entity; and
 - (c) provide evidence that both the old and new liable entity have been informed of the application.
- (3) If an application under subsection 46A(1) of the Act is made by a prescribed person under regulation 22LA, in addition to the information mentioned in subregulation 22O(1), the application must:
 - (a) specify the circumstances in which the liable entity mentioned in paragraph 22LA(c) (the *old liable entity*) ceased to be the liable entity; and
 - (b) provide evidence of the date on which the old liable entity ceased to be the liable entity and the date the liable entity mentioned in paragraph 22LA(d) (the *new liable entity*) became the liable entity; and
 - (c) provide evidence that both the old and new liable entity have been informed of the application; and
 - (ca) if the application is made by the contracting person within the meaning of subparagraph 22LA(1)(e)(ii)—provide evidence that the prescribed person mentioned in paragraph 22LA(1)(a) has consented to the contracting person making the application; and
 - (d) if the applicant considers the use amount for the new liable entity should be identified in a way that is materially different from the way the use amount

for the old liable entity is identified—include a description of the material difference; and

- (e) provide a description of, and reasons for, amendments that the applicant considers the Regulator should make to an exemption certificate issued in relation to the old liable entity.

22T Information to be included for person prescribed under regulation 22M or 22MA

- (1) If an application under subsection 46A(1) of the Act is made by a prescribed person mentioned in regulation 22M, in addition to the information mentioned in subregulation 22O(1), the application must:
 - (a) include a description of the liable entities in relation to electricity consumed at the site and the amount of relevant acquisitions expected in relation to each liable entity in the year to which the exemption certificate relates; and
 - (b) provide evidence that the liable entities specified in the certificates mentioned in regulation 22M have been informed of the application.
- (2) If an application under subsection 46A(1) of the Act is made by a prescribed person mentioned in regulation 22MA, in addition to the information mentioned in subregulation 22O(1), the application must:
 - (a) include a description of the liable entities in relation to electricity consumed at the site and the amount of relevant acquisitions expected in relation to each liable entity in the year to which the exemption certificate relates; and
 - (b) provide evidence that the liable entities specified in the certificates mentioned in regulation 22MA have been informed of the application; and
 - (c) if the applicant considers the use amount for the entity mentioned in paragraph 22MA(c) (the *added liable entity*) should be identified in a way that is materially different from the way the use amount for one or more liable entities mentioned in paragraph 22MA(a) (the *earlier liable entity*) is identified—include a description of the material difference; and
 - (d) provide a description of, and reasons for, amendments that the applicant considers the Regulator should make to one or more exemption certificates that have been issued in relation to one or more earlier liable entities.

Subdivision BA—Reports to accompany certain applications for exemption amounts to be worked out under Division 5 (production calculation method)

22UA Reports to accompany certain applications

- (1) This Subdivision is made for paragraph 46A(2)(bb) of the Act and sets out the reports that must accompany certain applications under subsection 46A(1) of the Act.
- (2) This subdivision applies to an application:

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Division 4 Applications for exemption certificates

Regulation 22UB

- (aa) for which the amount of the exemption applied for is to be worked out under Division 5 (production calculation method); and
- (a) for 2012 or a subsequent year; and
- (b) that is made by a person who is a prescribed person under regulation 22G, 22H, 22I, 22J or 22K; and
- (c) for which the amount of exemption applied for exceeds 15 000 MWh for the application year.

22UB Application to be accompanied by audit report

- (1) The application must be accompanied by an audit report that complies with this regulation.
- (2) The audit report must be prepared by:
 - (a) a person that is a registered company auditor under section 1280 of the *Corporations Act 2001*; or
 - (b) a company that is an authorised audit company under section 1299C of the *Corporations Act 2001*; or
 - (c) a registered greenhouse and energy auditor, within the meaning of the *National Greenhouse and Energy Reporting Act 2007*, who is registered as a Category 2 auditor under the *National Greenhouse and Energy Reporting Regulations 2008*.
- (3) The audit report must set out, under a separate heading from any limited assurance conclusion provided, the auditor's reasonable assurance conclusion as to whether:
 - (a) the activities set out in the application that are claimed to be an emissions-intensive trade-exposed activity comply, in all material respects, with each of the requirements in the description of the activity set out in Schedule 6; and
 - (b) the application presents fairly, in all material respects, the amount or volume of the relevant product produced in each previous financial year that is relevant to the application in accordance with:
 - (i) the requirements for that amount or volume set out in Schedule 6; and
 - (ii) the measurement policies adopted and disclosed by the applicant in the application.
- (3A) For an application to which subregulation 22ZD(3) or (4) applies, the audit report must set out, under a separate heading from any reasonable assurance conclusion provided, the auditor's limited assurance conclusion as to whether, based on the audit procedures performed, anything causes the auditor to believe that:
 - (a) the applicant's assumptions do not provide a reasonable basis for the preparation of the expected production amount or volume of the relevant product; and
 - (b) the expected production is not properly prepared, in all material respects, on the basis of the assumptions described in the application; and

- (c) the expected production is not presented fairly, in all material respects, in accordance with the measurement policies adopted and disclosed by the applicant in the application.
- (4) The audit company or auditor mentioned in subregulation (2) must be independent of the applicant or applicants to the extent that a conflict of interest situation (within the meaning of the *National Greenhouse and Energy Reporting Regulations 2008*) does not arise in relation to the auditing of the application.
- (5) The person preparing the audit report must ensure that the audit to which the report relates is conducted in accordance with the relevant requirements for assurance engagements under:
 - (a) subject to regulation 22UC, the *National Greenhouse and Energy Reporting (Audit) Determination 2009*; or
 - (b) if a registered company auditor or authorised audit company is not a registered greenhouse and energy auditor, and does not wish to use the requirements in that instrument:
 - (i) ASAE 3000, *Assurance Engagements Other than Audits or Reviews of Historical Financial Information*, issued by the Auditing and Assurance Standards Board; and
 - (ii) any other relevant auditing standard issued by the Auditing and Assurance Standards Board.

22UC Application of *National Greenhouse and Energy Reporting (Audit) Determination 2009*

For paragraph 22UB(5)(a), a reference in the definition of *misstatement* in the *National Greenhouse and Energy Reporting (Audit) Determination 2009* to ‘the Act’ or ‘the Regulations’ is to be read as a reference to the *Renewable Energy (Electricity) Act 2000* and these Regulations.

Subdivision BB—Reports to accompany certain applications for exemption amounts to be worked out under Division 5A (electricity use method)

22UF Application of this Subdivision

This Subdivision is made:

- (a) for the purposes of paragraph 46A(2)(bb) of the Act; and
- (b) in relation to an application for an exemption certificate for which the amount of the exemption is to be worked out under Division 5A (electricity use method).

Regulation 22UG

22UG When an audit report is required

Use of electricity use method for first time

- (1) An application for a year, in relation to a site, must be accompanied by an audit report if:
 - (a) an application has not previously been made in relation to the site for which the amount of the exemption applied for is to be worked out under Division 5A (electricity use method); and
 - (b) the total amount of exemptions applied for in the application is likely to exceed 15,000 MWh.

Every 5 years

- (2) An application for a year, in relation to a site, must also be accompanied by an audit report if:
 - (a) the year is at least 4 years after the last year for which an application in relation to the site was accompanied by an audit report required under this regulation; and
 - (b) the total amount of exemptions applied for in the application is likely to exceed 15,000 MWh.

On request

- (3) An application for a year, in relation to a site, must also be accompanied by an audit report if the Regulator has given the applicant a notice in writing for the year and the site in accordance with subregulation (4).
- (4) For the purposes of subregulation (3), the Regulator may give a person a written notice, for a year and a site, requiring an application by the person to be accompanied by an audit report, if the Regulator is satisfied that the way the use amount for a liable entity is identified for the year in relation to the site is likely to be materially different from the way the use amount for a liable entity is identified in relation to the site for the year or the previous year.

Application by prescribed person mentioned in regulation 22LA or 22MA

- (5) Subject to subregulation (7), an application for a year, in relation to a site, must also be accompanied by an audit report if:
 - (a) the application is made by a prescribed person mentioned in regulation 22LA; and
 - (b) the applicant considers that the use amount for the new liable entity mentioned in paragraph 22LA(d) should be identified in a way that is materially different from the way the use amount for the old liable entity mentioned in paragraph 22LA(c) is identified; and
 - (c) the total amount of exemptions applied for in the application is likely to exceed 15,000 MWh.
 - (6) Subject to subregulation (7), an application for a year, in relation to a site, must also be accompanied by an audit report if:
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- (a) the application is made by a prescribed person mentioned in regulation 22MA; and
 - (b) the applicant considers that the use amount for the added liable entity mentioned in paragraph 22MA(c) should be identified in a way that is materially different from the way the use amount for one or more earlier liable entities mentioned in paragraph 22MA(a) is identified; and
 - (c) the total amount of exemptions applied for in the application is likely to exceed 15,000 MWh.
- (7) Subregulations (5) and (6) do not apply if the Regulator determines that an audit report is not required.
- (8) The applicant may apply to the Regulator for a determination that an audit report is not required.

22UH Requirements for audit report

- (1) The audit report must be prepared by a registered greenhouse and energy auditor (within the meaning of the *National Greenhouse and Energy Reporting Act 2007*):
- (a) who is registered as a Category 2 auditor under the *National Greenhouse and Energy Reporting Regulations 2008*; and
 - (b) for whom no conflict of interest situation (within the meaning of those Regulations) exists in relation to the applicant.
- (2) The auditor must ensure that the audit to which the report relates is conducted in accordance with the applicable requirements under the *National Greenhouse and Energy Reporting (Audit) Determination 2009* for assurance engagements.
- (3) The audit report must set out the auditor's reasonable assurance conclusion as to whether:
- (a) the activities set out in the application that are claimed to be an emissions-intensive trade-exposed activity comply, in all material respects, with each of the requirements in the description of the activity set out in Schedule 6; and
 - (b) the application presents fairly, in all material respects, the electricity use method advice (see paragraph 22O(1)(i)); and
 - (c) the electricity use method advice is reasonable, and in all material respects is not likely to result in including an amount of electricity that is not a use amount; and
 - (d) if an audit report is required under subregulation 22UG(5) or (6)—the amendments and reasons for the amendments mentioned in paragraph 22S(3)(e) or 22T(2)(d) are reasonable.

Regulation 22V

Subdivision C—Time and manner of lodging applications under section 46A of the Act

22V Time for lodging

This Subdivision is made for paragraph 46A(2)(c) of the Act.

22X Time for lodging—applications for exemption amount to be worked out under Division 5 (production calculation method)

(1AA) This regulation applies in relation to an application for an exemption certificate, for a year, if the amount of the exemption is to be worked out under Division 5 (production calculation method).

(1) An application under subsection 46A(1) of the Act for an exemption certificate in relation to a year occurring after 2010 made by a prescribed person mentioned in regulation 22G, 22H, 22I, 22J or 22K must be lodged with the Regulator before 31 March of the year to which the application relates.

(1A) However, if an application under subsection 46A(1) of the Act for an 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 Part 51 or 52 of Schedule 6 (production of glass wool or coal char);

the application must be lodged with the Regulator before 13 December 2013.

(2) An application under subsection 46A(1) of the Act for an exemption certificate in relation to a year occurring after 2010 made by a prescribed person mentioned in regulation 22L must be lodged with the Regulator before 1 January of the year immediately following the year to which the application relates.

(3) An application under subsection 46A(1) of the Act for an exemption certificate made by a person mentioned in regulation 22M must be lodged with the Regulator before:

- (a) if the application relates to a liable entity first mentioned in subparagraph 22M(b)(i)—1 July of the year to which the application relates; or
- (b) if the application relates to a liable entity first mentioned in subparagraph 22M(b)(ii)—1 January of the year immediately after the year to which the application relates.

22XA Time for lodging—applications for exemption amount to be worked out under Division 5A (electricity use method)

(1) This regulation applies in relation to an application for an exemption certificate, for a year, if the amount of the exemption is to be worked out under Division 5A (electricity use method).

- (2) If the applicant is a prescribed person mentioned in regulation 22G, 22H, 22I, 22J or 22K, the application must be lodged during the period:
- (a) starting on 1 August of the previous year; and
 - (b) ending on 30 March of the year.
- (2A) However, if an application for an exemption certificate is:
- (a) for 2021; and
 - (b) made by a prescribed person mentioned in regulation 22G, 22H, 22I, 22J or 22K;
- the application must be lodged on or before 10 December 2021.
- (3) If the applicant is a prescribed person mentioned in regulation 22LA or 22MA, the application must be lodged by the end of the year.

22Y Manner and form of lodging

An application under subsection 46A(1) of the Act must be lodged with the Regulator in a manner and form specified by the Regulator on the Regulator's website.

Division 5—Method for working out amount of exemption: production calculation method (before 2020)

Subdivision A—General

22Z Method for calculating amount of exemption

(1) This Division is made for paragraph 46B(1)(a) of the Act and prescribes the method for calculating the amount of a liable entity's exemption for a year in relation to an emissions-intensive trade-exposed activity and site mentioned in an application under subsection 46A(1) of the Act.

(1A) This Division does not apply for working out the amount of a liable entity's exemption if Division 5A applies.

Note: Division 5A applies for 2020 and later years. Division 5A may apply in some cases for 2018 and 2019 as well. See regulation 22ZHA.

(2) For the purpose of calculating the liable entity's exemption in respect of the emissions-intensive trade-exposed activity, Divisions 2 and 3 of a Part in Schedule 6 set out, respectively:

(a) whether the activity is:

(i) highly emissions-intensive; or

(ii) moderately emissions-intensive; and

(b) the electricity baseline for calculating the amount of the liable entity's exemption in respect of the activity.

(3) Subdivision B sets out the method for calculating the amount of the liable entity's exemption. Subregulation 22ZA(1) contains the formula for the calculation.

(4) Subdivision C sets out matters relating to *ASP*, a factor in the formula.

(5) Subdivision D sets out matters relating to *G*, a factor in the formula.

(6) Subdivision E sets out the method for calculating the amount of an exemption where the applicant is a prescribed person because of regulation 22L or 22M.

Subdivision B—Method for calculation

22ZA Method

(1) Subject to subregulation (3) and regulations 22ZF and 22ZG, the method for calculating the amount of the liable entity's exemption for the year in relation to the emissions-intensive trade-exposed activity and site mentioned in the application under subsection 46A(1) of the Act is:

$$PE_t^{ia} = EP^a \times ASP_t^{ia} \times k_t^a \times G_t^{ia}$$

where:

Regulation 22ZB

PE is the amount of the liable entity's exemption measured in megawatt hours.

i represents the liable entity.

a represents the emissions-intensive trade-exposed activity carried on at the site and mentioned in the application.

t represents the year to which the application relates and during which the activity is, or is to be, carried on at the site.

EP is the electricity baseline set out in Division 3 of a Part (other than Part 1) in Schedule 6 in respect of the activity.

ASP is the amount or volume of relevant product produced by the activity as determined under Subdivision C.

k^a , means 100%.

G is an adjustment for the generation or acquisition of electricity (that does not constitute a relevant acquisition) and is worked out under subregulation 22ZE(1) and expressed as a percentage.

- (3) If a liable entity's exemption calculated for a year in accordance with subregulation (1) is a negative amount, the entity's exemption for the year is zero.
- (6) If there are multiple relevant products for the same emissions-intensive trade-exposed activity, the formula in subsection (1) must be applied to each of those products and the result summed to calculate the amount of the exemption.

Subdivision C—Matters relating to factor ASP**22ZB Factor—ASP**

- (1) For the factor **ASP** in subregulation 22ZA(1), the amount or volume of relevant product for 2010 is the amount or volume:
 - (a) that:
 - (i) was produced by the applicant in the financial year commencing on 1 July 2006, 1 July 2007 or 1 July 2008; or
 - (ii) if no relevant product was produced in any of those financial years—is reasonably likely to be produced in the financial year commencing on 1 July 2009; and
 - (b) that is set out in the application; and
 - (c) that the Regulator is, in accordance with regulation 22ZC, satisfied is accurate or is the best estimate of the amount or volume possible in all the circumstances; and
 - (d) is referable to the site mentioned in the application.
- (2) For the factor **ASP** in subregulation 22ZA(1), the amount or volume relevant product for a year after 2010 is the amount or volume that:

Part 3A Exemption Certificates

Division 5 Method for working out amount of exemption: production calculation method (before 2020)

Regulation 22ZB

- (a) is set out in the application; and
 - (b) the Regulator is, in accordance with regulation 22ZC, satisfied:
 - (i) is accurate or the best estimate of the amount or volume possible in all the circumstances; and
 - (ii) has been correctly calculated using the formula in subregulation (3).
- (2A) For an application relating to an activity mentioned in Part 51 or 52 of Schedule 6 (production of glass wool or coal char) for the year ending 30 June 2013, the factor *ASP* in subregulation 22ZA(1) is worked out using the formula in subregulation (3) or using the following formula:

$$ASP = SP^{ia}_{2013}$$

where:

SP^{ia}_{2013} is the amount or volume of the relevant product produced in the financial year ending 30 June 2013 that is referable to the site mentioned in the application.

- (3) For subparagraph (2)(b)(ii), the formula is:

$$SP^{ia}_{tfinprev} + EASP^{ia}_{tfincurr} + ST^{ia}_{tfincurr}$$

where:

$SP^{ia}_{tfinprev}$ is, subject to subregulations (4A) and (4B), the amount or volume of the relevant product produced in the financial year that ended 6 months before the year to which the application relates and that is referable to the site mentioned in the application.

$EASP^{ia}_{tfincurr}$ is the ***new or expected additional production*** (within the meaning of subregulation 22ZD(1)) for:

- (a) the liable entity; and
- (b) the site that meets:
 - (i) for a new entrant—1 of the criteria specified in subregulation 22ZD(3); or
 - (ii) for a significant expansion—the criteria specified in regulation 22ZD(4).

$ST^{ia}_{tfincurr}$ is, subject to subregulation (4), the adjustment for the previous financial year's production, worked out using the formula:

$$SP^{ia}_{tfinprev} - SP^{ia}_{tfinprev-1} - EASP^{ia}_{tfinprev}$$

where:

$SP^{ia}_{tfinprev}$ is, subject to subregulations (4A) and (4B), the amount or volume of the relevant product produced in the financial year that ended 6 months before the year to which the application relates and that is referable to the site mentioned in the application.

$SP^{ia}_{tfinprev-1}$ is, subject to subregulation (5), the amount or volume of the relevant product produced in the financial year that began 30 months before the year to

Regulation 22ZC

which the application relates and that is referable to the site mentioned in the application.

$EASP^{ia}_{finprev}$ is the amount or volume that related to expected production for the relevant site in the financial year that began 18 months before the year to which the application relates and was referable to the site mentioned in the application.

- (4) In subregulation (3), the factor $ST^{ia}_{fincurr}$ is 0 in relation to a site:
- (a) that meets the new entrant criteria specified in subregulation 22ZD(3); or
 - (b) in respect of which no exemption certificate was issued in the year preceding the application for the emissions-intensive trade-exposed activity and site to which the application relates.
- (4A) For the activity of petroleum refining, the factor $SP^{ia}_{finprev}$ in subregulation (3) is 0 in relation to a site:
- (a) that meets the new entrant site criteria specified in subregulation 22ZD(3); and
 - (b) for which the combined volume of diesel, jet fuel, unleaded petrol, lubricant base stocks and bitumen, at 15 °C and 1 atmosphere, that is produced from stabilised crude petroleum oil, condensate, tallow, vegetable oil and eligible petroleum feedstocks is less than 75% of the total kilolitres of those substances used in the financial year that ended 18 months before the year to which the application relates.
- (4B) For the activity of integrated iron and steel manufacturing, the factor $SP^{ia}_{finprev}$ in subregulation (3) is 0 in relation to a site:
- (a) that meets the new entrant site criteria specified in subregulation 22ZD(3); and
 - (b) for which, in the financial year that ended 18 months before the year to which the application relates, the percentage of cold ferrous feed transformed into 1 or more of the items in subparagraphs 656(1)(e)(i) to (iii) of Schedule 6, as a portion of molten iron and cold ferrous feed, was greater than 30%.
- (5) For the 2011 year, in the formula for $ST^{ia}_{fincurr}$ in subregulation (3), factor $SP^{ia}_{finprev-1}$ is the amount or volume of relevant product that was set out in the application for 2010.

22ZC Regulator must be satisfied about amount or volume

- (1) For paragraph 22ZB(1)(c), the Regulator must be satisfied that the amount or volume is accurate or the best estimate of the relevant amount or volume possible in all the circumstances.
- (2) For paragraph 22ZB(2)(b), the Regulator must be satisfied that the amount or volume:
 - (a) is accurate or the best estimate of the relevant amount or volume possible in all the circumstances; and
 - (b) correctly calculated under subregulation 22ZB(3).

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Division 5 Method for working out amount of exemption: production calculation method (before 2020)

Regulation 22ZC

- (3) Under subregulations (1) and (2), the Regulator must be so satisfied in relation to:
- (a) the year to which the application relates; and
 - (b) the liable entity that is the subject of the application; and
 - (c) the period during which the emissions-intensive trade-exposed activity is carried on; and
 - (d) the site that is mentioned in the application.
- (4) The Regulator must, when deciding under subregulation (1) or (2), have regard to the following:
- (a) if the amount or volume relates to an amount or volume previously given to the Department of Climate Change and Energy Efficiency for:
 - (i) the assessment of whether the activity should be an emissions-intensive trade-exposed activity; and
 - (ii) the determination of the electricity baseline for each relevant product of the activity;the amount or volume and any related audit report provided with it;
 - (b) if the application relates to 2013 or 2014—the considerations that applied under the Jobs and Competitiveness Program in relation to an application for free carbon units in respect of an equivalent amount or volume of relevant product;
 - (ba) if the application relates to 2015—the considerations that apply under the modified JCP in relation to a reportable application for free carbon units in respect of an equivalent amount or volume of relevant product;
 - (c) if the application relates to 2016 or a later year—the following matters in relation to the measurement of an amount or volume of relevant product:
 - (i) any relevant requirements imposed by or under the *National Measurement Act 1960*;
 - (ii) the way in which the amount or volume of relevant product is measured by the industry;
 - (iii) accredited industry test methods for measuring the amount or volume of relevant product;
 - (iv) whether the measurement of the amount or volume of the relevant product is frequent enough to produce data that is representative and unbiased;
 - (v) the risk of the relevant product not satisfying the qualities required by Schedule 6;
 - (vi) the administrative costs in implementing more accurate testing methods for measuring the amount or volume of relevant product at the site;
 - (d) any other relevant matter.
- (5) In this regulation:

Regulation 22ZD

modified JCP has the meaning given by subsection 3(2) of the *Clean Energy Legislation (Carbon Tax Repeal) (Jobs and Competitiveness Program) Rules 2014*.

reportable application has the meaning given by subsection 3(2) of the *Clean Energy Legislation (Carbon Tax Repeal) (Jobs and Competitiveness Program) Rules 2014*.

22ZD Factor— $EASP^{ia}_{fincurr}$

New or expected additional production

- (1) For the factor $EASP^{ia}_{fincurr}$ in subregulation 22ZB(3), **new or expected additional production** is, if the site meets the criteria for a new entrant, the amount or volume of relevant product that is reasonably likely to be produced in the financial year that began six months before the year to which the application relates and that is referable to that site.
- (2) For the factor $EASP^{ia}_{fincurr}$ in subregulation 22ZB(3), **new or expected additional production** is, if the site meets the criteria for a significant expansion, the amount or volume of the relevant product that:
 - (a) is reasonably likely to be produced in the financial year that began six months before the year to which the application relates; and
 - (b) exceeds the amount of the production of the relevant product produced in the previous financial year; and
 - (c) is referable to that site.

Criteria for new entrant site

- (3) For subparagraph (b)(i) of the factor $EASP^{ia}_{fincurr}$ in subregulation 22ZB(3), the specified criteria are:
 - (a) the emissions-intensive trade-exposed activity mentioned in the application in relation to the site has not been carried on at that site in the financial year that began 18 months before the year to which the application relates; or
 - (b) all of the following:
 - (i) the emissions-intensive trade-exposed activity mentioned in the application in relation to the site was carried on for the first time at that site in the financial year that began 18 months before the year to which the application relates;
 - (ii) no application for an exemption certificate was made in relation to the carrying on of that activity at that site for the previous year; or
 - (c) all of the following:
 - (i) the emissions-intensive trade-exposed activity mentioned in the application in relation to the site commenced to be carried on again at the site in the financial year that began 18 months before the year to which the application relates after a period of more than 12 months during which the activity was not carried on at the site;

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Regulation 22ZD

- (ii) no application for an exemption certificate was made in relation to the carrying on of that activity at that site for the previous year.

Criteria for significant expansion site

- (4) For subparagraph (b)(ii) of the factor *EASP^{ia}_{fincurr}* in subregulation 22ZB(3), the specified criteria are:
 - (a) an emissions-intensive trade-exposed activity was carried on at the site in the year preceding the year to which the application relates; and
 - (b) equipment has been installed, or is to be installed, at the site to carry on the activity; and
 - (c) the equipment has not previously been taken into account under these Regulations in relation to the significant expansion of a site; and
 - (d) for equipment that has been installed—the equipment was first fully installed at the site not more than 4 and a half years before the start of the year to which the application relates; and
 - (e) for equipment that is to be installed—the equipment is expected to be installed, or substantially installed, within 6 months after the end of the year to which the application relates; and
 - (f) after the equipment is commissioned, and any existing equipment that is to be decommissioned has been decommissioned, the maximum productive capacity of the equipment used to produce the relevant product will be more than 20% greater than the maximum productive capacity of the equipment that existed before the installation.
- (5) In paragraph (4)(f), a reference to the equipment that existed before the installation does not include decommissioned equipment that exists at the site and that:
 - (a) has not been used since the equipment was installed; and
 - (b) is not proposed to be used for at least 12 months after the application year.
- (6) In subregulation (4), *equipment* means equipment that is used, or is to be used, to carry on an emission-intensive trade-exposed activity, including the following:
 - (a) an apparatus;
 - (b) an appliance;
 - (c) a boiler;
 - (d) a chimney;
 - (e) a crane;
 - (f) a device;
 - (g) a dredge;
 - (h) a dryer;
 - (i) an electrolytic cell;
 - (j) an engine;
 - (k) a furnace;
 - (l) a generator;
 - (m) an incinerator;

- (n) an instrument;
- (o) a kiln;
- (p) a machine;
- (q) an oven;
- (r) plant;
- (s) a retort;
- (t) a structure;
- (u) a tool.

Subdivision D—Matters relating to factor G

22ZE Factor—G

- (1) For subregulation 22ZA(1), **G** is worked out using the following formula:

$$\frac{EC_{tfinprev}^{ia} - EG_{tfinprev}^{ia}}{EC_{tfinprev}^{ia}}$$

where:

$EC_{tfinprev}^{ia}$ is:

- (a) for a site that does not meet the criteria specified in subregulation 22ZD(3) for a new entrant—the amount of electricity (measured in MWh) that is consumed at the site at which the activity occurs in the financial year that ended 6 months before the year to which the application relates; or
- (b) for a site that meets the criteria specified in subregulation 22ZD(3) for a new entrant—the amount of electricity (measured in MWh) that is reasonably likely to be consumed at the site in the financial year that began 6 months before the year to which the application relates.

$EG_{tfinprev}^{ia}$ is:

- (a) for a site that does not meet the criteria specified in subregulation 22ZD(3) for a new entrant—the sum of the following amounts of electricity (measured in MWh) for the financial year that ended 6 months before the year to which the application relates:
 - (i) the amount of electricity generated and consumed at the site for which there is no relevant acquisition;
 - (ii) the amount of electricity delivered to the site for which no relevant acquisition occurs between the point of generation and the point of use; or
- (b) for a site that meets the criteria specified in subregulation 22ZD(3) for a new entrant—the sum of the following amounts of electricity (measured in MWh) for the financial year that began 6 months before the year to which the application relates:
 - (i) the amount of electricity that is reasonably likely to be generated and consumed at the site for which there is no relevant acquisition;

Part 3A Exemption Certificates

Division 5 Method for working out amount of exemption: production calculation method (before 2020)

Regulation 22ZF

- (ii) the amount of electricity that is reasonably likely to be delivered to the site for which no relevant acquisition occurs between the point of generation and the point of use.
- (2) For the purposes of working out **G** using the formula in subregulation (1), electricity generation from an electricity generator with a nameplate rating of less than 1 MW may be disregarded.

Subdivision E—Method for calculation if liable entity changes and new certificate is issued

22ZF Prescribed method if liable entity changes and new certificate is issued—paragraph 46B(1)(a) of the Act

- (1) If:
- (a) a prescribed person is issued an exemption certificate in relation to the liable entity (the *old liable entity*) set out in the application made by that person under subsection 46A(1) of the Act; and
 - (b) during the same year, the prescribed person applies for another exemption certificate in relation to another liable entity (the *second liable entity*) as a prescribed person mentioned in regulation 22L;

the amount of the second liable entity's exemption is calculated in accordance with the following formula:

$$\frac{OL \times D}{\text{year's days}}$$

where:

OL is the amount of the exemption, expressed in megawatt hours, set out in the exemption certificate issued in relation to the old liable entity.

D is the number of days in the year for which the second liable entity will be the liable entity in relation to the exemption.

year's days is the number of days in the year to which the exemption certificates relate.

- (2) If:
- (a) the Regulator issues an exemption certificate mentioned in paragraph (1)(b); and
 - (b) during the same year, the prescribed person applies for another exemption certificate in relation to another liable entity (the *third liable entity*) as a prescribed person mentioned in regulation 22L;

the amount of the third liable entity's exemption is calculated in accordance with the following formula:

$$\frac{OL \times D}{OLD}$$

where:

Regulation 22ZG

OL is the amount of the exemption, expressed in megawatt hours, set out in the exemption certificate issued in relation to the second liable entity.

D is the number of days in the year for which the third liable entity will be the liable entity in relation to the exemption.

OLD is the number of days used as **D** in subregulation (1).

22ZG Prescribed method if there is a second liable entity and new certificate is issued—paragraph 46B(1)(a) of the Act

If:

- (a) a prescribed person is issued an exemption certificate in relation to the liable entity (the **first liable entity**) set out in the application made by that person under subsection 46A(1) of the Act; and
- (b) during the same year, the prescribed person applies for another exemption certificate in relation to another liable entity (the **second liable entity**) as a prescribed person mentioned in regulation 22M;

the amount of the second liable entity's exemption is calculated in accordance with the following formula:

$$OL \times SL \div (SL + FL)$$

where:

OL is the amount of the exemption, expressed in megawatt hours, set out in the exemption certificate issued in relation to the first liable entity.

SL is the reasonable estimate of the expected relevant acquisitions of electricity consumed at the site by the second liable entity in the year to which the exemption relates.

FL is the reasonable estimate of the expected relevant acquisitions of electricity consumed at the site by the first liable entity in the year to which the exemption certificate relates.

Division 5A—Method for working out amount of exemption: electricity use method

22ZHA Application of this Division

- (1) This Division applies for the purposes of working out the amount of a liable entity's exemption, in relation to an emissions-intensive trade-exposed activity and a site, for 2020 and later years.
- (2) This Division also applies for the purposes of working out the amount of a liable entity's exemption, in relation to an emissions-intensive trade-exposed activity and a site, for a year before 2020, if:
 - (a) the application for the exemption certificate for the year indicates that the applicant chooses for this Division to apply instead of Division 5; or
 - (b) a previous application for an exemption certificate for the year, in relation to any activity carried on at the site (whether or not made by the same applicant or for the same liable entity) indicated that the applicant chose for this Division to apply instead of Division 5; or
 - (c) both:
 - (i) the site is part of an activity group; and
 - (ii) a previous application for an exemption certificate for the year, in relation to any activity carried on at any site that is part of the activity group (whether or not made by the same applicant or for the same liable entity) indicated that the applicant chose for this Division to apply instead of Division 5; or
 - (d) the activity was prescribed as an emissions-intensive trade-exposed activity within the meaning of these Regulations on or after the day this regulation commenced; or
 - (e) the year is 2019 and the total electricity consumed at the site in 2018 was more than 2,000 GWh; or
 - (f) the year is 2019 and the amount of the exemption in an exemption certificate issued for 2018 in relation to any activity carried on at the site was worked out under this Division.

22ZHB When electricity is consumed in carrying on an activity

For the purposes of this Division, electricity is only consumed in carrying on an emissions-intensive trade-exposed activity if:

- (a) every aspect of the activity as described in Schedule 6 is carried on at the site; or
- (b) aspects of the activity are carried on at different sites and all of those sites together constitute an activity group within the meaning of subregulation 22A(9).

22ZHC Method for working out amount of exemption

- (1) For the purposes of paragraph 46B(4)(a) of the Act, this regulation prescribes the method for working out, for a liable entity in relation to which an application for an exemption certificate is made, the amount of the liable entity's exemption for a year, in relation to the emissions-intensive trade-exposed activity or activities, and the site, specified in the application.
- (2) The method is:
 - (a) unless subregulation (3) applies, to use metering data to identify the amount of electricity consumed at the site in the year that is:
 - (i) acquired by, or from, the liable entity under a relevant acquisition; and
 - (ii) consumed in carrying on the activity or activities;
(the ***use amount*** for the liable entity); and
 - (b) to adjust the use amount by adding or subtracting an amount to reflect:
 - (i) any changes to the exemption amount in an exemption certificate (within the meaning of subsection 38B(2) of the Act) in relation to the previous year that resulted from changes to the final settlement data issued by AEMO; and
 - (ii) any errors in metering data used to identify the exemption amount in an exemption certificate in relation to the previous year; and
 - (iii) any other errors that have affected the exemption amount in an exemption certificate in relation to any of the 3 immediately preceding years that have not otherwise been corrected; and
 - (c) if the result is not a whole MWh—to round the result down to the nearest whole MWh.

This is the ***certifiable amount***.

- (3) If the Regulator is satisfied that metering data is not sufficient, or not appropriate, to identify the use amount for the liable entity, the Regulator may instead determine a formula to be used to identify the use amount for the liable entity.

Note: The formula may or may not use metering data, as well as having other elements based on data from a site.

- (4) The metering data used may be:
 - (a) data for the year; or
 - (b) if the Regulator is satisfied that a reasonable approximation of the use amount can be obtained by using data for a 12 month period determined by the Regulator that includes at least 3 quarters in the year—data for that 12 month period.
- (5) In making a decision for the purposes of this regulation, the Regulator's object must be to choose the most accurate way to identify the use amount for a liable entity, having regard to:
 - (a) the instrument titled *Emissions-Intensive Trade-Exposed Activity Boundaries*, as existing from time to time; and
 - (b) the practicalities and costs of giving effect to the method; and

Part 3A Exemption Certificates

Division 5A Method for working out amount of exemption: electricity use method

Regulation 22ZHD

- (c) any other matters the Regulator considers relevant.

22ZHD Notice of certifiable amount

As soon as practicable after a certifiable amount is determined in accordance with the method specified or described in an exemption certificate, the Regulator must give written notice of the amount:

- (a) to the applicant for the certificate; and
- (b) if the applicant consents to the Regulator doing so—to the liable entity to which the certificate relates.

Division 6—Form of exemption certificate

22ZI Prescribed information—paragraph 46B(1)(b) of the Act

This Division prescribes information for paragraph 46B(1)(b) of the Act.

22ZJ Exemption certificate information

The following information is prescribed information:

- (a) a unique identification number for the certificate as determined by the Regulator;
- (b) the name of the person to whom the certificate is issued;
- (c) the name of the liable entity to whom the application relates (as referred to in paragraph 46A(1)(b) of the Act);
- (d) the site and the emissions-intensive trade-exposed activity or activities to which the application relates;
- (e) the year to which the application relates;
- (f) the date the certificate is issued;
- (g) if the amount of the exemption is worked out under Division 5 (production calculation method)—the amount of production that was used in the determination of the liable entity's exemption for the year in relation to the site and the emissions-intensive trade-exposed activity;
- (h) if the amount of the exemption is worked out under Division 5 (production calculation method)—the percentage calculated in accordance with subregulation 22ZE(1) and used in the determination of the liable entity's exemption for the year in relation to the site and the emissions-intensive trade-exposed activity;
- (ha) if the amount of the exemption is worked out under Division 5A (electricity use method) and the Regulator determines a formula to be used to identify the use amount for the liable entity under subregulation 22ZHC(3)—the formula;
- (i) if the certificate has been amended, the date of the amendments and an indication of the amendments made.

Division 7—Prescribed period for issuing exemption certificates

22ZK Prescribed period

This Division is made for subsection 46B(2) of the Act.

22ZL Prescribed period for issuing exemption certificate for 2010 and subsequent years

- (1) If:
- (a) a prescribed person has applied under subsection 46A(1) of the Act in relation to 2010 or a subsequent year; and
 - (aa) the amount of the exemption is worked out under Division 5 (production calculation method); and
 - (b) the Regulator did not seek further information in respect of the application;
- then the Regulator must issue the exemption certificate:
- (c) for 2010—within the period of 60 days after receiving the application; or
 - (d) for 2011 or a subsequent year—within:
 - (i) 7 days after the small-scale technology percentage for the year has been prescribed; or
 - (ii) the period of 60 days after receiving the application;whichever occurs later.
- (2) If:
- (a) a prescribed person has applied under subsection 46A(1) of the Act in relation to 2010 or a subsequent year; and
 - (aa) the amount of the exemption is worked out under Division 5 (production calculation method); and
 - (b) the Regulator did seek further information in respect of the application;
- then the Regulator must issue the exemption certificate:
- (c) for 2010—within the period of 60 days after receiving the further information; or
 - (d) for 2011 or a subsequent year—within:
 - (i) 7 days after the small-scale technology percentage for the year has been prescribed; or
 - (ii) the period of 60 days after receiving the further information;whichever occurs later.
- (3) If a prescribed person has applied under subsection 46A(1) of the Act for an exemption certificate and the amount of the exemption is worked out under Division 5A (electricity use method), the Regulator must issue the exemption certificate within the period of 60 business days after the later of:
- (a) the day the application was received; or
 - (b) if the Regulator sought further information in respect of the application—the day the further information was received.

Division 8—Amending exemption certificates

Subdivision A—Amendment of exemption certificates on application— paragraph 46C(2)(a) of the Act

22ZN Amendment upon request

- (1) This regulation prescribes matters for paragraph 46C(2)(a) of the Act.
- (2) The matters that the Regulator must have regard to are the following:
 - (a) whether the information in the exemption certificate is inaccurate;
 - (b) if the amount of the exemption is worked out under Division 5 (production calculation method)—whether the Regulator miscalculated the amount of the exemption given the amount of the relevant product that the Regulator had identified in applying the method prescribed in the regulations to the application under subsection 46A(1) of the Act;
 - (ba) if the amount of the exemption is worked out under Division 5A (electricity use method)—whether the amendment would result in the certificate better giving effect to the requirements of Division 5A;
 - (bb) if the amount of the exemption is worked out under Division 5A (electricity use method) and the way the use amount for a liable entity is to be identified is likely to be materially different from the way the use amount is identified in an exemption certificate issued in relation to the liable entity—whether an audit report has been provided under regulation 22UG;
 - (c) whether the liable entity set out in the exemption certificate has consented in writing to the amendment;
 - (d) whether the request for an amendment is based upon issues that were considered in the granting of the exemption certificate;
 - (e) whether the request for an amendment is made before the end of the year to which the exemption certificate relates;
 - (f) that in general an exemption certificate should not be amended more than 5 years after the start of the year to which the certificate relates.

Subdivision B—Amendment of exemption certificate on Regulator’s own initiative—subsection 46C(3) of the Act

22ZO Amendment of exemption certificate—subsection 46A(3) of the Act

Each regulation in this Subdivision prescribes a circumstance for the purposes of subsection 46C(3) of the Act.

Regulation 22ZP

22ZP Circumstance—if change of liable entity (regulation 22L applies)

- (1) If:
- (a) an exemption certificate (the *first certificate*) is issued in relation to a liable entity (the *first liable entity*) and a year following an application by a prescribed person; and
 - (b) the prescribed person becomes a prescribed person under regulation 22L; and
 - (c) the prescribed person makes an application under subsection 46A(1) of the Act in relation to another liable entity (the *second liable entity*) and the year; and
 - (d) in issuing another certificate (the *second certificate*), the Regulator is satisfied that the evidence referred to in paragraphs 22S(1)(b) and (c) evidences the matters stated in those paragraphs;
- then the Regulator may amend the first certificate.

- (2) The amendment must reduce the amount of the first liable entity's exemption set out in the certificate that is attributable to the activity by the number calculated in accordance with the following formula:

$$\frac{OL \times D}{\text{year's days}}$$

where:

OL is the amount of the exemption set out in the first exemption certificate expressed as megawatt hours.

D is the number of days in the year for which the second liable entity will be the liable entity.

year's days is the number of days in the year to which the exemption certificates relate.

- (3) If:
- (a) the Regulator amends the first certificate under subregulation (1) and issues another certificate as mentioned in paragraph (1)(d) (the *second certificate*) in relation to the second liable entity; and
 - (b) the prescribed person again becomes a prescribed person under regulation 22L; and
 - (c) the prescribed person makes an application under subsection 46A(1) of the Act in relation to another liable entity (the *third liable entity*) and the year; and
 - (d) in issuing another certificate (the *third certificate*) in respect of the third liable entity, the Regulator is satisfied that the evidence referred to in paragraphs 22S(2)(b) and (c) evidences the matters stated in those paragraphs;
- then the Regulator may again, on 1 occasion only, amend the second certificate.

- (4) The amendment must reduce the amount of the second liable entity's exemption set out in the certificate that is attributable to the activity by the number calculated in accordance with the following formula:

$$\frac{OL \times D}{OLD}$$

where:

OL is the amount of the exemption set out in the first exemption certificate expressed as megawatt hours.

D is the number of days in the year for which the third liable entity will be the liable entity in relation to the exemption.

OLD is the number of days used as **D** in subregulation (2).

22ZPA Circumstance—if change of liable entity (regulation 22LA applies)

If:

- (a) an exemption certificate (the **first certificate**) is issued in relation to a liable entity, an activity, a site and a year; and
- (b) a person becomes a prescribed person under regulation 22LA; and
- (c) the prescribed person makes an application under subsection 46A(1) of the Act in relation to the activity, the site and the year and another liable entity; and
- (d) in issuing another certificate (the **second certificate**), the Regulator is satisfied that the evidence referred to in paragraphs 22S(3)(b) and (c), and (ca) if applicable, evidences the matters stated in those paragraphs;

then the Regulator may amend the first certificate to take account of the issuing of the second certificate.

22ZQ Circumstances—if there is a second liable entity (regulation 22M applies)

(1) If:

- (a) an exemption certificate (the **first certificate**) is issued in relation to a liable entity (the **first liable entity**) and a year following an application by a prescribed person; and
- (b) the prescribed person becomes a prescribed person under regulation 22M; and
- (c) the prescribed person makes an application under subsection 46A(1) of the Act in relation to another liable entity (the **second liable entity**) and the year; and
- (d) in issuing another certificate, the Regulator is satisfied that:
 - (i) the second liable entity is the liable entity in respect of the electricity consumed at the site during the year; and
 - (ii) the evidence referred to in paragraph 22T(1)(b) evidences the matters stated in those paragraphs;

then the Regulator may amend the first certificate.

Regulation 22ZQA

- (2) The amendment must reduce the amount of the first liable entity's exemption set out in the certificate that is attributable to the activity by the number calculated in accordance with the following formula:

$$OL \times SL \div (SL + FL)$$

where:

OL is the amount of the exemption, expressed as megawatt hours, set out in the first certificate in relation to the first liable entity.

SL is the reasonable estimate of the expected relevant acquisitions of electricity consumed at the site by the second liable entity in the year to which the exemption relates.

FL is the reasonable estimate of the expected relevant acquisitions of electricity consumed at the site by the first liable entity in the year to which the exemption certificate relates.

22ZQA Circumstances—if there are multiple liable entities (regulation 22MA applies)

If:

- (a) one or more exemption certificates (the *earlier certificates*) have been issued in relation to a liable entity and a year following an application or applications by a prescribed person; and
- (b) the prescribed person becomes a prescribed person under regulation 22MA; and
- (c) the prescribed person makes an application under subsection 46A(1) of the Act in relation to another liable entity (an *added liable entity*) and the year; and
- (d) in issuing another certificate as a result of the application, the Regulator is satisfied that:
 - (i) the added liable entity is a liable entity in respect of the electricity consumed at the site during the year; and
 - (ii) the evidence referred to in paragraph 22T(2)(b) evidences the matters stated in those paragraphs;

then the Regulator may amend an earlier certificate to take account of the issuing of the additional certificate.

22ZR Circumstance—if activity ceases at site

- (1) If:
- (a) an exemption certificate has been issued in respect of an emissions-intensive trade-exposed activity, a site and a year; and
 - (b) during the year, the Regulator becomes satisfied that:
 - (i) the activity has not been conducted at the site for a period of at least 3 months; and

- (ii) it is unlikely that the activity will be conducted again at the site for at least 9 months from the end of the period mentioned in subparagraph (i); and
then, subject to subregulation (3), the Regulator may amend the certificate.
- (2) If the amount of the exemption is worked out under Division 5 (production calculation method), the amendment must reduce the amount of the exemption set out in the certificate that is attributable to the activity by the number calculated in accordance with the following formula:
$$\frac{OL \times D}{\text{year's days}}$$
where:
OL is the amount of the exemption set out in the exemption certificate expressed as megawatt hours.
D is the number of days in the year that the activity was not, or is not likely to be, conducted.
year's days is the number of days in the year to which the exemption certificate relates.
- (3) The Regulator must not amend the certificate if the certificate has previously been amended under regulation 22ZP because the liable entity set out in the certificate ceased to be a liable entity for the site:
(a) in the circumstances mentioned in paragraph 22L(1)(b) or paragraph 22L(2)(a); and
(b) before the last time during the year when the emissions-intensive trade-exposed activity was conducted at the site.
- (4) If the amount of the exemption is worked out under Division 5A (electricity use method), the amendment must take account of the cessation of the activity at the site.

22ZS Circumstance—if exemption certificate is inaccurate

- (1) If:
(a) the Regulator becomes aware that an exemption certificate is inaccurate;
and
(b) the Regulator becomes aware before 1 February in the year after the year to which the certificate relates;
then, subject to subregulation (2), the Regulator may amend the certificate to correct the inaccuracy.
- (2) The Regulator must not amend the exemption certificate unless the Regulator has, in writing, advised the following persons about the inaccuracy and the proposed correction:
(a) the prescribed person to whom the certificate has been issued;
(b) the liable entity in respect of which the certificate has been issued.

Part 3A Exemption Certificates

Division 8 Amending exemption certificates

Regulation 22ZS

- (3) Without limiting the circumstances in which an exemption certificate for which the amount of the exemption is worked out under Division 5A may be inaccurate, the certificate is taken to be inaccurate if there has been any change in relation to:
- (a) information that formed part of the electricity use method advice (see paragraph 22O(1)(i)); or
 - (b) any other matter that affected a decision of the Regulator in relation to the certificate under regulation 22ZHC.

Division 8A—Information for exemption certificates

22ZSA Requirement to give information

For paragraph 46D(1)(a) of the Act, the information is information about all of the following:

- (a) the emissions of greenhouse gases for the activity;
- (b) the electricity used by the activity;
- (c) the revenue generated by the activity.

Division 9—Record keeping

22ZT Records to be kept by persons issued with an exemption certificate

- (1) For paragraph 160(3A)(b) of the Act, if in relation to an exemption certificate, the percentage calculated in accordance with subregulation 22ZE(1) is less than 100%, the following matters are prescribed:
 - (a) the amount of the electricity consumed at the site during the financial year that started 6 months before the year to which the exemption relates;
 - (b) the amount of electricity generated and consumed, at the site for which there is no relevant acquisition of electricity during that financial year;
 - (c) the amount of electricity delivered to the site for which no relevant acquisition occurs between the point of generation and the point of use.
- (2) This regulation does not apply in relation to an exemption certificate if the amount of the exemption is worked out under Division 5A (electricity use method).

Part 4—Renewable energy shortfall charge

Division 1—Liability to charge—small-scale technology shortfall charge

22ZU Prescribed percentage

For subsection 38AF(7) of the Act, the prescribed percentage is 10%.

22ZV Energy acquisition statement lodged—requirements for Regulator exercising powers or functions

- (1) This regulation is made for subsection 38AF(9) of the Act and sets out the requirements the Regulator must comply with when exercising his or her functions or powers under section 38AF of the Act.
- (2) If the Regulator is satisfied that the proposed amount specified in the liable entity's application is the best estimate of the liable entity's reduced acquisitions for the assessment year, the Regulator must determine that amount under paragraph 38AF(3)(a) of the Act.
- (3) If the Regulator is not satisfied as mentioned in subregulation (2), the Regulator must, subject to subsection 38AF(5) of the Act, determine an amount that is the Regulator's best estimate of the liable entity's reduced acquisitions for the assessment year.

22ZW No energy acquisition statement lodged—requirements for Regulator exercising powers or functions

- (1) This regulation is made for subsection 38AG(8) of the Act and sets out the requirements the Regulator must comply with when exercising his or her functions or powers under section 38AG of the Act.
- (2) If the Regulator is satisfied that the proposed amount for a quarter specified in the liable entity's application is the best estimate of 4 times the liable entity's reduced acquisitions for the relevant quarter, the Regulator must determine that amount for the relevant quarter under paragraph 38AG(3)(a) of the Act.
- (3) If the Regulator is not satisfied as mentioned in subregulation (2), the Regulator must, subject to subsection 38AG(5) of the Act, determine an amount that is the Regulator's best estimate of 4 times the liable entity's reduced acquisitions for the relevant quarter.
- (4) In making a decision under subregulation (2) or (3), the Regulator must deduct, on a pro-rata basis, the estimated total amount of exemptions for the assessment year from each quarter's relevant acquisitions.

Regulation 22ZX

22ZX Applications under section 38AF of Act

- (1) This regulation is made for section 38AI of the Act and sets out the information that must be included in an application under section 38AF of the Act by a liable entity.
- (2) The application must:
 - (a) set out the liable entity's reasons for choosing the proposed amount; and
 - (b) include a written statement from a person with responsibility for the liable entity's compliance with the Act that the proposed amount is the person's best estimate of the amount of the liable entity's reduced acquisitions for the year at the time of the application; and
 - (c) set out an estimate of the amount of relevant acquisitions made by the liable entity in the year before the day of the application; and
 - (d) set out any factors of which the liable entity is aware that could result in the amount of the liable entity's reduced acquisitions being more, or less, than the proposed amount; and
 - (e) if the application is made before 1 April in the assessment year—set out the estimated amount of the liable entity's previous year's reduced acquisitions that would apply if the Regulator did not make a determination under section 38AF of the Act; and
 - (f) if the application is made after 1 April in the assessment year—set out the amount of the liable entity's previous year's reduced acquisitions that would apply if the Regulator did not make a determination under section 38AF of the Act.

22ZY Applications under section 38AG of Act

- (1) This regulation is made for section 38AI of the Act and sets out the information that must be included in an application under section 38AG of the Act by a liable entity.
- (2) The application must:
 - (a) set out the liable entity's reasons for choosing the proposed amount; and
 - (b) include a written statement from a person with responsibility for the liable entity's compliance with the Act that, subject to subregulation (3), the proposed amount is the person's best estimate of 4 times the amount of the liable entity's reduced acquisitions for a relevant quarter at the time of the application; and
 - (c) set out an estimate of the amount of the relevant acquisitions made by the entity in the year before the day of the application; and
 - (d) specify whether there is any quarter in which the liable entity has not, or is not likely to, make any relevant acquisitions; and
 - (e) set out any factors of which the liable entity is aware that could result in the amount of the liable entity's reduced acquisitions being more, or less, than the proposed amount for a quarter.

- (3) For paragraph (2)(b), the person is to assume that the total amount of exemptions are allocated on a pro-rata basis for the estimated amount of relevant acquisitions for the year.

Division 2—Large-scale generation shortfall charge

23 Renewable power percentage

For subsection 39(1) of the Act, the renewable power percentage is the following:

- (a) for 2001—0.24%;
- (b) for 2002—0.62%;
- (c) for 2003—0.88%;
- (d) for 2004—1.25%;
- (e) for 2005—1.64%;
- (f) for 2006—2.17%;
- (g) for 2007—2.70%;
- (h) for 2008—3.14%;
- (i) for 2009—3.64%;
- (j) for 2010—5.98%;
- (k) for 2011—5.62%;
- (l) for 2012—9.15%;
- (m) for 2013—10.65%;
- (n) for 2014—9.87%;
- (o) for 2015—11.11%;
- (p) for 2016—12.75%;
- (q) for 2017—14.22%;
- (r) for 2018—16.06%;
- (s) for 2019—18.60%;
- (t) for 2020—19.31%;
- (u) for 2021—18.54%;
- (v) for 2022—18.64%.

Division 3—Small-scale technology shortfall charge

23A Small-scale technology percentage

For subsection 40A(1) of the Act, the small-scale technology percentage is the following:

- (a) for 2011—14.80%;
- (b) for 2012—23.96%;
- (c) for 2013—19.70%;
- (d) for 2014—10.48%;
- (e) for 2015—11.71%;
- (f) for 2016—9.68%;
- (g) for 2017—7.01%;
- (h) for 2018—17.08%;
- (i) for 2019—21.73%;
- (j) for 2020—24.40%;
- (k) for 2021—28.80%;
- (l) for 2022—27.26%.

Part 5—Statements and assessments

24 Annual energy acquisition statements

- (1) For paragraph 44(2)(f) of the Act, an energy acquisition statement must set out the following information:
- (a) the year to which the statement applies;
 - (b) the date of the statement;
 - (c) whether the liable entity must lodge a renewable energy shortfall statement for the year;
 - (d) how any small-scale technology shortfalls and large-scale generation shortfalls were calculated;
 - (e) the telephone number, fax number and email address (if any) of the liable entity;
 - (f) any large-scale generation shortfall charge refund owing under section 98 of the Act;
 - (g) any changes to information already given to the Regulator about the following matters for the liable entity:
 - (i) ownership;
 - (ii) company mergers;
 - (iii) street address, telephone number, fax number and email address (if any);
 - (iv) electricity supply arrangements;
 - (h) the year for which the renewable energy certificates are being surrendered;
 - (i) any adjustments to the information set out in an energy acquisition statement lodged in a previous year (for example, changes to the statement resulting from changes to the final settlement data issued by AEMO or NTESMO).

Note: For other information that must also be included in the statement, see subsection 44(2) of the Act.

- (2) For paragraph 44(6)(b) of the Act, an energy acquisition statement must be lodged with the Regulator:
- (a) electronically; or
 - (b) in exceptional circumstances—by post.
- (3) For paragraph (2)(b), *exceptional circumstances* means a circumstance that makes electronic lodgement not reasonably possible.

Examples: Major natural disaster or other large-scale emergency.

24A Surrender of small-scale technology certificates

For subparagraph 45(1)(a)(ii) of the Act, the notice must be lodged electronically in the register of small-scale technology certificates.

24B Surrender of additional certificates

For paragraph 45C(2)(c) of the Act, the additional surrender notice must be lodged electronically in the register of large-scale generation certificates or the register of small-scale technology certificates, as the case requires.

25 Annual large-scale generation shortfall statements

- (1) For paragraph 46(3)(e) of the Act, an annual large-scale generation shortfall statement must set out the following information:
 - (a) the year to which the statement applies;
 - (b) the telephone number, fax number and email address (if any) of the liable entity;
 - (c) how any large-scale generation shortfall charge was worked out;
 - (d) any adjustments to the information set out in a large-scale generation shortfall statement lodged in a previous year (for example, changes to the statement resulting from changes to the final settlement data issued by AEMO or NTESMO).

Note: For other information that must also be included in the statement, see subsection 46(3) of the Act.

- (2) For paragraph 46(6)(b) of the Act, a large-scale generation shortfall statement must be lodged with the Regulator:
 - (a) electronically; or
 - (b) in exceptional circumstances—by post.
- (3) For paragraph (2)(b), *exceptional circumstances* means a circumstance that makes electronic lodgement not reasonably possible.

Examples: Major natural disaster or other large-scale emergency.

25A Annual small-scale technology shortfall statements

- (1) For paragraph 46(5)(d) of the Act, an annual small-scale technology shortfall statement must set out the following information:
 - (a) the year to which the statement applies;
 - (b) the telephone number, fax number and email address (if any) of the liable entity;
 - (c) how the small-scale technology shortfall charge was worked out;
 - (d) any adjustments to the information set out in a small-scale technology shortfall statement lodged in a previous year (for example, changes to the statement resulting from changes to the final settlement data issued by AEMO or NTESMO).

Note: For other information that must also be included in the statement, see subsection 46(5) of the Act.

- (2) For paragraph 46(6)(b) of the Act, a small-scale technology shortfall statement must be lodged with the Regulator:
 - (a) electronically; or

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(b) in exceptional circumstances—by post.

- (3) For paragraph (2)(b), *exceptional circumstances* means a circumstance that makes electronic lodgement not reasonably possible.

Examples: Major natural disaster or other large-scale emergency.

Part 6—Administration

26 Seizing and disposing of property

- (1) For subsection 94(2) of the Act, this regulation sets how an authorised person may seize and dispose of the property of a deceased person.
- (2) After property is seized, the authorised person must keep it secure until the authorised person disposes of it.
- (3) On a sale of land under this regulation, the authorised person must comply with the law of the State or Territory where the land is situated for the transfer of title to land.
- (4) The authorised person may sell as much of the property that is seized as will, in the opinion of the authorised person, be sufficient to raise the amount mentioned in subsection 94(1) of the Act.
- (5) A sale of seized property must take place as soon as possible after the property is seized.
- (6) After the authorised person sells seized property, he or she:
 - (a) may keep the reasonable costs incurred by him or her; and
 - (b) must give any remaining amount to the Regulator.
- (7) The authorised person must tell the Regulator if the sale of all available property of the deceased person raises less than the amount mentioned in subsection 94(1) of the Act.

27 Identity cards for authorised officers

For subsection 108(1) of the Act, an identity card must include:

- (a) the signature of the authorised officer; and
- (b) the name and office of the authorised officer; and
- (c) the date the card expires; and
- (d) any other information that may be necessary to indicate that the officer is authorised to exercise powers or to perform functions under the Act.

28 Fees

- (1) For paragraph 10(2)(d) of the Act:
 - (a) the fee for an application for registration is \$20; and
 - (b) the fee for an application for registration as a person to whom certificates may be assigned under subsection 23(2) or 23C(2) of the Act is \$250.
- (2) For paragraphs 12A(2)(f) and 13(2)(e) of the Act, the fee for an application for provisional accreditation or accreditation is:

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Item	Generator	1997 eligible renewable power baseline type	Fee
1	< 10 kW, small generation unit or solar water heater for which the right to create certificates is not assigned under subsection 23(2) or 23C(2) of the Act	Any baseline	\$20
2	< 10MW, other than small generation unit or solar water heater to which item 1 applies	(a) default or nil baseline (b) special baseline with data (c) special baseline without required data (modelling required)	\$50 \$150 \$250
3	≥ 10 MW, ≤ 25 MW	(a) default or nil baseline (b) special baseline with data (c) special baseline without required data (modelling required)	\$200 \$500 \$1 000
4	> 25 MW	(a) default or nil baseline (b) special baseline with data (c) special baseline without required data (modelling required)	\$1 000 \$1 700 \$3 000

- (3) For subsection 26(3A) of the Act, the fee for registration of a certificate is:
- (a) for a small-scale technology certificate created on or after 17 October 2011 for a small generation unit:
 - (i) for the first 250 certificates registered—nil;
 - (ii) for the 251st certificate registered—\$117.97;
 - (iii) for each certificate registered after the 251st certificate—47 cents; and
 - (b) for any other certificate:
 - (i) for the first 250 certificates registered—nil;
 - (ii) for the 251st certificate registered—\$20.08;
 - (iii) for each certificate registered after the 251st certificate—8 cents.
- (4) For subsection 45E(1) of the Act, the fee for the surrender of a certificate under Subdivision A of Division 1 of Part 5 of the Act is 8 cents.
- (5) For section 98 of the Act, the administration fee for a certificate surrendered by a liable entity under section 95 of the Act for a charge year is:

$$\frac{\text{Total of certificate values}}{\text{Number of certificates}} \times P$$

where:

total of certificate values is the total of the certificate values of all certificates surrendered by the liable entity under paragraph 95(1)(b) for that year.

number of certificates is the number of certificates surrendered by the liable entity under section 95 for that year.

P is:

- (a) if the total of certificate values for the number of certificates surrendered for the charge year is less than \$1 000—2%; or
- (b) if the total of certificate values for the number of certificates surrendered for the charge year is at least \$1 000 but less than \$5 000—1.5%; or
- (c) if the total of certificate values for the number of certificates surrendered for the charge year is at least \$5 000 but less than \$15 000—1%; or
- (d) if the total of certificate values for the number of certificates surrendered for the charge year is \$15 000 or more—0.5%.

Note: For the meaning of *certificate value*, see section 96 of the Act.

Part 7—Inspections of small generation units

Division 1—General

29 Purpose of Part

- (1) The purpose of this Part is to establish a scheme for the inspection of small generation units for which renewable energy certificates have been created.
- (2) This Part is made for section 23AAA of the Act.

30 General requirements for inspections

- (1) The Regulator must ensure that each year a statistically significant selection of small generation units that were installed during the year are inspected under this Part for conformance with:
 - (a) Australian standards; and
 - (b) other standards or requirements relevant to the creation of certificates in relation to the installed small generation unit.
- (2) The Regulator must ensure that an inspection under this Part is carried out by a person or organisation who:
 - (a) is independent of the person or organisation who designed and/or installed the small generation unit; and
 - (b) does not have a conflict of interest in relation to the small generation unit or administration of the matters being inspected.

31 Part 7 not to limit other inspections

Nothing in regulation 30 prevents small generation units for which certificates have been created from:

- (a) being inspected under this Part at any time that the Regulator considers it is appropriate or necessary to do so; or
- (b) being inspected as part of an audit under Part 11 of the Act.

32 Publication of inspections

- (1) The Regulator must, for each year, publish on the Regulator's website the number of inspections conducted under this Part during the year.
- (2) The Regulator may also publish any other general information about inspections that the Regulator considers appropriate.

Division 2—Appointment of inspectors

33 Appointment of inspectors

- (1) The Regulator may, in writing, appoint a person to be an inspector for this Part.
- (2) The Regulator is not to appoint a person as an inspector unless the Regulator is satisfied that the person:
 - (a) is of sufficient maturity, and has had sufficient training, to properly exercise the powers of an inspector; and
 - (b) holds an unrestricted licence for electrical work under the laws of a State or Territory; and
 - (c) has sufficient expertise in matters arising under the Act and these Regulations in relation to small generation units in order to critically examine the requirements in regulation 39 and to prepare a report under regulation 42; and
 - (d) is of good repute, having regard to the person's character, honesty and integrity.
- (3) In exercising a power or performing a function as an inspector, an inspector must comply with any directions of the Regulator.

Note: Part 12 of the Act and section 70 of the *Crimes Act 1914* apply to inspectors appointed under this regulation.

34 Identity cards

- (1) The Regulator must issue an identity card to an inspector.
- (2) An identity card must include:
 - (a) the signature of the inspector; and
 - (b) the name of the inspector; and
 - (c) the date the card expires; and
 - (d) any other information that may be necessary to indicate that the inspector is authorised to exercise powers or to perform functions under this Part.
- (3) An inspector must carry the identity card at all times when exercising powers or performing functions as an inspector.

35 Offence for not returning identity card

A person commits an offence if:

- (a) the person has been issued with an identity card; and
- (b) the person ceases to be an inspector; and
- (c) the person does not, immediately upon so ceasing, return the identity card to the Regulator.

Penalty: 1 penalty unit.

Regulation 36

36 Inspector must not have conflict of interest

A person commits an offence if:

- (a) the person is an inspector; and
- (b) the person conducts an inspection of a small generation unit under this Part; and
- (c) at the time of the inspection, the person:
 - (i) is not independent of the person or organisation who designed and/or installed the small generation unit; or
 - (ii) has a conflict of interest in relation to the small generation unit or administration of the matters being inspected.

Penalty: 5 penalty units.

Division 3—Powers of inspectors

37 Entry to premises

- (1) For the purpose of conducting an inspection under this Part, an inspector may:
 - (a) at any reasonable time of the day, enter any premises on which a small generation unit has been installed; and
 - (b) conduct an inspection of the unit and premises in order to determine if the requirements in regulation 39 have been satisfied.
- (2) An inspector is not authorised to enter premises under subregulation (1) unless:
 - (a) the inspector has, at least 24 hours before the proposed inspection, contacted the occupier of the premises and arranged a time for the inspection; and
 - (b) the occupier has consented to the entry at that time; and
 - (c) the inspector has shown his or her identity card to the occupier or a person who represents the occupier; and
 - (d) before undertaking the inspection, the inspector has explained the purpose and scope of the inspection to the occupier or a person who represents the occupier.

38 Consent

- (1) Before obtaining the consent of an occupier for paragraph 37(2)(b), the inspector must inform the occupier that he or she may refuse consent.
- (2) An entry of an inspector by virtue of the consent of the occupier is not lawful unless the occupier voluntarily consented to the entry.

39 Matters for inspection

In conducting an inspection under this Part, the inspector is to determine whether there is material or pervasive evidence that the following requirements in relation to the small generation unit being inspected have not been satisfied:

- (a) the unit is installed at the address specified in the application to create certificates and is able to produce and deliver electricity;
- (b) the unit is a small generation unit within the meaning of subregulation 3(2);
- (c) all local and State or Territory government requirements have been met for the installation of the unit;
- (d) the installation of the unit complies with the following standards, as in force at the time the unit was installed:
 - (i) AS/NZS 3000, *Electrical installations*;
 - (ii) AS/NZS 1768, *Lightning protection*;
 - (iii) if the unit is an on-grid system—AS 4777, *Grid connection of energy systems via inverters*;

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- (iv) if the unit is solar (photovoltaic) system—AS/NZS 5033, *Installation of photovoltaic (PV) arrays* and AS/NZS 1170.2, *Structural design actions*, Part 2: *Wind actions*;
- (v) if the unit is an off-grid solar (photovoltaic) system or a wind system—AS/NZS 4509.1, *Stand alone power systems*, Part 1: *Safety and installation* and AS 4086.2, *Secondary batteries for use with stand-alone power systems*, Part 2: *Installation and maintenance*;
- (vi) if the unit is a wind system—AS/NZS 1170.2, *Structural design actions*, Part 2: *Wind actions*;
- (e) the statements and documentation mentioned in subregulations 20AC(5) and (5A) for the unit have been obtained;
- (f) the documents, statements and evidence mentioned in subregulations 20AC(5) and (5A) for the unit do not contain information that:
 - (i) is false or misleading in a material particular; or
 - (ii) omits a matter or thing without which the information is misleading in a material particular;
- (g) if the certificates created for the unit were multiplied under regulation 20AA—the circumstances in subregulation 20AA(3) apply to the multiplication of the certificates;
- (h) if subregulation 20(2C) or (2E) applies to the unit—the unit is an off-grid small generation unit.

40 Conduct of inspection

- (1) In conducting an inspection of a small generation unit under this Part, an inspector:
 - (a) may examine and test the unit and any wiring or equipment associated with the unit; and
 - (b) may take photographs of anything on the premises relevant to the inspection; and
 - (c) may make a video recording of the inspection; and
 - (d) may request the occupier to answer any questions related to:
 - (i) the design or installation of a small generation unit at the premises; and
 - (ii) the creation of certificates for the unit; and
 - (e) may do anything incidental to the matters mentioned in paragraphs (a) to (d); and
 - (f) must comply with:
 - (i) any requirements or conditions of the inspector's electrical licence; or
 - (ii) the law of the State or Territory where the unit is located.
- (2) A person is not required to answer any questions asked by an inspector under paragraph (1)(e).
- (3) The inspector must leave the premises if the occupier asks the inspector to do so.

- (4) The occupier, or a person who represents the occupier, is entitled to observe the inspection being carried out.

41 Dealing with imminent safety risks

- (1) If, during an inspection, the inspector considers that there is an imminent safety risk to a person or to property from a small generation unit on the premises, the inspector must immediately notify all interested parties, and may notify any other person, of the extent and nature of the safety risk.
- (2) In determining if there is an imminent safety risk to a person or property, the inspector must take into account any guidelines issued by the Regulator.
- (3) The inspector must, after notifying the Regulator, comply with any directions given to the inspector by the Regulator.
- (4) The inspector must notify the relevant State or Territory Regulator by telephone and must, as soon as practicable after the telephone notification, confirm the notification by email or other electronic communication.
- (5) In this regulation:

Building Code of Australia means the publication known as the Building Code of Australia, published by the Australian Building Codes Board, as in force from time to time.

interested parties means the following:

- (a) the occupier;
- (b) the Regulator;
- (c) the relevant State or Territory Regulator;
- (d) the relevant distribution network service provider;
- (e) the owner of the small generation unit.

relevant distribution network service provider, for a State or Territory, means a person who engages in the activity of owning, controlling or operating an electricity distribution system in the State or Territory.

relevant State or Territory Regulator, for a State or Territory, means:

- (a) for matters relating to electrical work—the State or Territory agency responsible for the administration or enforcement of safety standards for electrical work in the State or Territory; and
- (b) for matters relating to the design and construction of buildings and structures—the State or Territory agency responsible for the administration or enforcement of the Building Code of Australia in its application to the State or Territory.

Division 4—Reports

42 Inspector to prepare a report

- (1) Upon completion of an inspection, the inspector must prepare a written report that complies with this regulation.
- (2) The report must be in the form approved by the Regulator.
- (3) The report must include one of the following conclusions about the design and installation of the small generation unit inspected by the inspector:
 - (a) a conclusion that the inspection found no material or pervasive evidence that one or more of the requirements in regulation 39 were not satisfied;
 - (b) a conclusion that the inspection found material or pervasive evidence that one or more of the requirements in regulation 39 were not satisfied and the non-compliance presents an imminent risk to the safe operation of the small generation unit;
 - (c) a conclusion that the inspection found material or pervasive evidence that one or more of the requirements in regulation 39 were not satisfied but the non-compliance does not present an imminent risk to the safe operation of the small generation unit.
- (4) The report must also include:
 - (a) a brief summary of how the inspection was conducted; and
 - (b) a recommendation as to the steps that should be taken to rectify any problems discovered during the inspection and, in particular, how to ensure that any safety or operational problems discovered can be rectified; and
 - (c) any other information required by the Regulator.

43 Procedural fairness

- (1) If the report is likely to contain an adverse finding in relation to any of the following persons, the inspector must provide a copy of the finding to the person before finalising the report:
 - (a) a person who designed or installed the small generation unit;
 - (b) the person who sold the unit to the owner of the unit;
 - (c) a person who created certificates for the unit.
- (2) The inspector must:
 - (a) allow the person a reasonable opportunity to comment on the proposed adverse finding; and
 - (b) take account of any comments provided by the person when finalising the report.

44 Copy of final report to be provided to interested parties

- (1) The Regulator must provide a copy of the inspector's final report for a small generation unit at particular premises to the following persons:
 - (a) the owner of the unit;
 - (b) the occupier of the premises;
 - (c) the person who created certificates for the unit;
 - (d) the designer of the unit;
 - (e) the installer of the unit.
- (2) If a person mentioned in a paragraph in subregulation (1) is the same person mentioned in another paragraph of subregulation (1), the Regulator is only required to provide the person with 1 copy of the report.

45 Copy of report to be provided to scheme operator

If the final report contains a conclusion that there is material or pervasive evidence that one or more of the requirements in paragraphs 39(c) to (f) have not been satisfied in relation to the design and installation of a small generation unit, the Regulator must provide a copy of the report to the scheme operator for the accreditation scheme under which the person or persons who designed and installed the small generation unit were accredited.

46 Copy of report to be provided to relevant State or Territory Regulators

- (1) If the final report contains a conclusion that there is material or pervasive evidence that one or more of the requirements in paragraphs 39(c) and (d) have not been satisfied in relation to the design and installation of a small generation unit, the Regulator must provide a copy of the report to the relevant State or Territory Regulator.
- (2) In this regulation:

Building Code of Australia means the publication known as the Building Code of Australia, published by the Australian Building Codes Board, as in force from time to time.

relevant State or Territory Regulator, for a State or Territory, means:

- (a) for matters relating to electrical work—the State or Territory agency responsible for the administration or enforcement of safety standards for electrical work in the State or Territory; and
- (b) for matters relating to the design and construction of buildings and structures—the State or Territory agency responsible for the administration or enforcement of the Building Code of Australia in its application to the State or Territory.

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47 Regulator may declare person ineligible to design and install small generation units

- (1) This regulation applies if a person mentioned in paragraph 20AC(2)(a), (b), (c) or (d) is subject to an adverse finding in an inspection report on 3 separate occasions.
- (2) The Regulator may, in writing, declare that the person is not eligible to design and install small generation units for the purposes of subregulation 20AC(2).
- (3) A declaration has effect for the period specified in the declaration.
- (3A) A period specified in a declaration cannot exceed:
 - (a) if the 3 adverse findings relate to the requirement mentioned in paragraph 39(f) not being satisfied for a document, statement or evidence obtained from the person—3 years;
 - (b) in any other case—12 months.
- (4) The Regulator may publish the declaration on the Regulator’s website.

48 Matters to consider before making declaration

- (1) In deciding whether or not to make a declaration in relation to a person, the Regulator must consider the following matters:
 - (a) the nature and extent of the adverse finding identified in an inspection report;
 - (b) the circumstances relating to the adverse finding;
 - (c) whether the person has rectified the problems surrounding the adverse finding;
 - (d) the extent to which the person has cooperated with inspectors and the Regulator with respect to the adverse finding;
 - (e) any other matters the Regulator considers relevant.
- (2) Before making a declaration, the Regulator must:
 - (a) allow the person a reasonable opportunity to comment on the proposed declaration; and
 - (b) take account of any comments provided by the person in relation to the proposed declaration.

Part 8—Review

49 Review of decisions

- (1) A person mentioned in column 3 of an item in the following table may request the Regulator to reconsider a decision mentioned in column 2 for that item.

Item	Decision	Person
1	Decision under regulation 19BA to determine the number of certificates that may be created for a solar water heater	Manufacturer of the solar water heater
2	Decision under regulation 19BC in relation to a request to make or vary a determination about a solar water heater	Person making the request
2AA	Decision under subregulation 19C(3A) to remove a device from the Register of solar water heaters	Any of the following: (a) the manufacturer of the device; (b) a person who made a request in relation to the device under subregulation 19BC (1); (c) a person whose business involves the sale or installation of the device
2AB	Decision under regulation 20AF to declare that a model of an inverter or photovoltaic module is not eligible for use in the installation of small generation units for the purposes of these Regulations	Either: (a) the manufacturer of the model; or (b) if the model was imported into Australia—the person who imported the model
2AC	Decision under regulation 20AG to declare that a person is not eligible to design small generation units for the purposes of subregulation 20AC(2)	Person subject to the declaration
2AD	Decision under regulation 20AG to declare that a person is not eligible to install small generation units for the purposes of subregulation 20AC(2)	Person subject to the declaration
2AE	Decision under regulation 20AH to declare that a person is not eligible to make statements in relation to small generation units for the purposes of subregulation 20AC(5A)	Person subject to the declaration
2AF	Decision under Subdivision 2.3.4 to refuse to approve an accreditation scheme	Applicant for the approval
2AG	Decision under subregulation 20BK(1) to revoke the approval of an	Person whose interests

Regulation 49

Item	Decision	Person
	accreditation scheme	are affected by the decision
2A	Decision under subregulation 22UG(4) to give a notice (requiring application for exemption certificate to be accompanied by audit report)	Person to whom the notice is given
2B	Decision under subregulation 22ZHC(3) to specify a formula in an exemption certificate (identification of use amount for a liable entity)	Applicant for the exemption certificate
3	Decision under subregulation 47(2) to declare that a person is not eligible to design and install small generation units	Person subject to the declaration

- (2) The request must be:
- (a) in writing; and
 - (b) given to the Regulator not later than 60 days after the decision is made.

- (3) The Regulator must reconsider the decision and confirm, vary or set aside the decision.

Note: Section 27A of the *Administrative Appeals Tribunal Act 1975* requires the person to be notified of the person's review rights.

- (4) If the Regulator does not give written notice of the Regulator's decision under subregulation (3) to the person within 60 days after the person gives the request to the Regulator:
- (a) the Regulator is taken to have made a decision confirming the original decision; and
 - (b) the Regulator's decision is taken to have been made immediately after the end of the 60 days.
- (5) An application may be made to the Administrative Appeals Tribunal for review of a decision of the Regulator under subregulation (3).

Part 9—Application and transitional provisions

50 Amendments made by the *Clean Energy Legislation Amendment (2014 Measures No. 1) Regulation 2014*

The amendments of these Regulations made by items 16 and 17 of Schedule 1 to the *Clean Energy Legislation Amendment (2014 Measures No. 1) Regulation 2014* apply in relation to the following applications for the issue of exemption certificates in respect of the production of coal char:

- (a) an application made, but not finally determined, before the commencement of this regulation;
- (b) an application made on or after the commencement of this regulation.

51 Amendments made by the *Renewable Energy (Electricity) Amendment (Exemptions for EITE Activities) Regulation 2015*

Application—partial exemptions for 2014 and earlier years

- (1) Despite the amendments made by the amending regulation, these regulations, as in force immediately before the commencement of the amending regulation, continue to apply in relation to partial exemptions (and partial exemption certificates) for 2014 and earlier years.

Transitional—exemption certificates

- (2) Subregulation 3 applies if, before the commencement of the amending regulation, a partial exemption amount (the **exemption amount**) for 2015:
 - (a) is calculated in accordance with the formula in subregulation 22ZF(1) or (2) or regulation 22ZG; or
 - (b) is reduced in accordance with the formula in subregulation 22ZP(2) or (4) or 22ZQ(2).
- (3) The Regulator must amend the certificates concerned so they have effect as if the exemption amounts had been calculated after items 30 and 31 of Schedule 1 of the amending regulation had commenced.

Meaning of amending regulation

- (4) In this regulation:

amending regulation means the *Renewable Energy (Electricity) Amendment (Exemptions for EITE Activities) Regulation 2015*.

Regulation 52

52 Amendments made by the *Renewable Energy (Electricity) Amendment (Small-scale Solar Eligibility and Other Measures) Regulations 2019*

The amendments of these Regulations made by Part 2 of Schedule 1 to the *Renewable Energy (Electricity) Amendment (Small-scale Solar Eligibility and Other Measures) Regulations 2019* that relate to amendments of exemption certificates apply in relation to applications for amendments to exemption certificates for 2019 and later years.

53 Amendments made by Schedule 1 to the *Renewable Energy (Electricity) Amendment (Small-Scale Renewable Energy Scheme Reforms and Other Measures) Regulations 2021*

- (1) Subject to this regulation, the amendments of these Regulations made by Schedule 1 to the *Renewable Energy (Electricity) Amendment (Small-Scale Renewable Energy Scheme Reforms and Other Measures) Regulations 2021* apply to the creation of certificates in relation to a small generation unit that is installed on or after 1 April 2022.
- (2) Paragraphs 39(e) and (f), as amended by Schedule 1 to the *Renewable Energy (Electricity) Amendment (Small-Scale Renewable Energy Scheme Reforms and Other Measures) Regulations 2021*, apply to the inspection of a small generation unit that is installed on or after 1 April 2022.

54 Amendments made by Schedule 2 to the *Renewable Energy (Electricity) Amendment (Small-Scale Renewable Energy Scheme Reforms and Other Measures) Regulations 2021*

Existing accreditations

- (1) This regulation applies if an accreditation mentioned in paragraph 20AC(2)(a), (b), (c) or (d) was in force for a person immediately before 1 July 2022.
- (2) The accreditation for the person:
 - (a) continues to have effect on and from 1 July 2022 as if it were an accreditation mentioned in paragraph 20AC(2)(a), (b), (c) or (d), as amended by the amending Schedule; and
 - (b) unless it ceases to have effect earlier in accordance with its terms, ceases to have effect at the later of:
 - (i) the end of 31 December 2022; and
 - (ii) the end of the period of 3 months commencing on the day the Regulator approves an accreditation scheme under regulation 20BH.

Pending applications

- (3) This regulation also applies in relation to an application by a person for accreditation under the Clean Energy Council accreditation scheme:
 - (a) made, but not finally determined, before 1 July 2022; or

- (b) made on or after 1 July 2022 and before the approval of an accreditation scheme under regulation 20BG.
- (4) Despite the repeal and substitution of paragraphs 20AC(2)(a), (b), (c) and (d) by the amending Schedule, the person may, until an accreditation scheme is approved under regulation 20BG, be accredited under the Clean Energy Council accreditation scheme as if those paragraphs had not been repealed.
- (5) An accreditation mentioned in subregulation (4):
 - (a) has effect as if it were an accreditation under an accreditation scheme approved by the Regulator under regulation 20BG; and
 - (b) unless it ceases to have effect earlier in accordance with its terms, ceases to have effect at the later of:
 - (i) the end of 31 December 2022; and
 - (ii) the end of the period of 3 months commencing on the day the Regulator approves an accreditation scheme under regulation 20BG.

Definitions

- (6) In this regulation:

amending Schedule means Schedule 2 to the *Renewable Energy (Electricity) Amendment (Small-Scale Renewable Energy Scheme Reforms and Other Measures) Regulations 2021*.

55 Amendments made by Schedule 3 to the *Renewable Energy (Electricity) Amendment (Small-Scale Renewable Energy Scheme Reforms and Other Measures) Regulations 2021*

The amendments of these Regulations made by Schedule 3 to the *Renewable Energy (Electricity) Amendment (Small-Scale Renewable Energy Scheme Reforms and Other Measures) Regulations 2021* apply to devices entered in the Register of solar water heaters before, on or after 1 January 2022.

Schedule 1—Guidelines for determining components of electricity generation system that are taken to be part of a power station

(subregulation 4(2))

1 General

- 1.1 Components of an electricity generation system that may be taken to be part of a power station for the Act include any of the following, whether or not they are owned by the operator of the system, that are integral to the operation of the system and the generation of electricity:
 - (a) any component that operates to transform an eligible energy source into electricity;
 - (b) any infrastructure of the system, including buildings, fuel storage areas, fuel handling devices, information technology, instrumentation and controls.
- 1.2 The components of a supplementary power supply for an electricity generation system are taken to be components of the system that may be taken to be part of a power station for the Act.

Note: To the extent that a supplementary power supply uses energy sources that are not eligible energy sources or that are generated during any period of suspension of accreditation of the accredited power station, the electricity generated is to be omitted in calculating the amount of electricity generated by the power station: see Act, subsection 18(4).
- 1.3 If fuel is processed in an electricity generation system before it is converted to electrical energy, the fuel processing and delivery components of the system may be taken to be part of a power station for the Act.
- 1.4 A long-term storage hydro-electric dam that provides water to 2 or more power stations is to be taken to be a component of each power station affected by release of water from the dam.
- 1.5 This Schedule is not intended to limit the kind of components of an electricity generation system that may be taken to be part of a power station for the Act.

2 Bioenergy

- 2.1 The following components of an electricity generation system that uses bioenergy may be taken to be part of a power station for the Act:
 - (a) buildings and stationary infrastructure;
 - (b) combustion system, including waste heat boilers;
 - (c) combustion or steam turbine;
 - (d) compressor;
 - (e) control system;

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- (f) cooling tower;
 - (g) digestion tank;
 - (h) feedstock preparation;
 - (i) fuel storage, transport and processing system;
 - (j) gas cleaning system;
 - (k) gasifier;
 - (l) generator;
 - (m) heat recovery system;
 - (n) mechanical cleaner;
 - (o) oxygen supply system;
 - (p) particulate removal system;
 - (q) pumping equipment;
 - (r) switchyard and transformer;
 - (s) thermal reactor;
 - (t) water supply and treatment system.

3 Co-firing

- 3.1 If an electricity generation system co-fires an energy source that is not an eligible energy source and fuel from an eligible energy source, each component of the system (regardless of the kind of energy source used to fuel the component) may be taken to be part of a power station for the Act.

4 Fuel cell

- 4.1 The following components of an electricity generation system that is a fuel cell may be taken to be part of a power station for the Act:
- (a) air filter;
 - (b) anode, electrolyte and cathode;
 - (c) catalytic converter;
 - (d) control system;
 - (e) cooling system;
 - (f) desulphuriser;
 - (g) power conditioner;
 - (h) pumping equipment;
 - (i) steam generator;
 - (j) waste heat recovery system;
 - (k) water filter.

5 Geothermal electricity generation

- 5.1 The following components of a geothermal electricity generation system may be taken to be part of a power station for the Act:
- (a) control system;
 - (b) generator;

Clause 6

- (c) transformer;
- (d) turbine;
- (e) water treatment system;
- (f) well;
- (g) working fluid.

6 Hydro-electricity

6.1 The following components of a hydro-electric electricity generation system may be taken to be part of a power station for the Act:

- (a) control, telemetering and protection system;
- (b) turbine, generator, associated buildings, transformer and grid connection;
- (c) water channelling infrastructure;
- (d) water discharge system;
- (e) water intake system;
- (f) water storage or weir;
- (g) for a pumped storage hydro-electric power station—pumping equipment.

7 Ocean, wave and tide

7.1 The following components of an ocean, wave or tide electricity generation system may be taken to be part of a power station for the Act:

- (a) the equipment used:
 - (i) to channel or trap water; or
 - (ii) to exchange heat; or
 - (iii) to provide for air or water flow;
- (b) generators;
- (c) turbines.

8 Solar electricity generation

8.1 The following components of a solar electricity generation system may be taken to be part of a power station for the Act:

- (a) device for converting incident solar energy to electrical energy;
Examples: Photovoltaic panels, solar thermal collectors.
- (b) enabling equipment, including:
 - (i) DC and AC cabling;
 - (ii) energy storage system, including specially designed batteries;
 - (iii) inverter for converting DC output of a generator to AC;
 - (iv) backup power supply;
 - (v) framework and housing for the system;
 - (vi) trackers and sensors;
 - (vii) instrumentation;
 - (viii) control system.

10 Wind

10.1 The following components of an electricity generation system that is a wind farm may be taken to be part of a power station for the Act:

- (a) rotor;
- (b) generator;
- (c) control system;
- (d) tower;
- (e) cabling to transformer and other wind turbines;
- (f) battery.

11 Waste coal mine gas

11.1 The following components of an electricity generation system that uses waste coal mine gas may be taken to be part of a power station for the Act:

- (a) combustion turbine or engine;
- (b) compressor;
- (c) control system;
- (d) waste coal mine gas cleaning system;
- (e) waste coal mine gas pumping or extraction system;
- (f) waste coal mine gas treatment or conditioner;
- (g) generator;
- (h) heat recovery system;
- (i) pumping equipment;
- (j) switchyard and transformer;
- (k) oxygen supply system;
- (l) water supply system;
- (m) mechanical cleaner;
- (n) particulate removal system.

Schedule 3—Guidelines for determining 1997 eligible renewable power baseline for a power station

(regulation 5)

Note: For power stations generating electricity using waste coal mine gas, the gas is treated as an eligible energy source—see clause 7.

1 Nil baselines

- 1.1 The 1997 eligible renewable power baseline for a power station is nil if:
- (a) before 1 January 1997, the power station generated electricity using an energy source that was not an eligible energy source and, on or after that date, the power station began generating electricity using an eligible energy source; or
 - (b) the power station began generating electricity for the first time on or after 1 January 1997, and all or part of the electricity was generated using an eligible energy source; or
 - (c) the power station was built after 1 January 1997 to take advantage of a change in water flow as a result of an action or policy of the Commonwealth Government to divert water from one power station to another.

2 Default baselines

- 2.1 For a power station that generated electricity using an eligible energy source before 1 January 1997, the 1997 eligible renewable power baseline is the average of the annual electricity generated from eligible energy sources in 1994, 1995 and 1996 (the *reference period*), worked out in accordance with Subdivision 2.3.1.
- 2.2 If the amount of electricity generated using an eligible energy source was not measured in the manner provided by these Regulations, the amount should be estimated from the measurements that were made and worked out in accordance with Subdivision 2.3.1.
- 2.3 However, if the power station did not generate electricity using an eligible energy source continuously in the reference period, the Regulator may:
- (a) for a power station that generated electricity using an eligible energy source for at least 24 months in the reference period:
 - (i) extrapolate the amount of electricity generated using an eligible energy source or, in consultation with the nominated person for the power station, model the output of the power station over the months when electricity was not generated, based on fuel use, plant capacity and plant technology; and
 - (ii) if, in the reference period, the power station began to generate electricity using an eligible energy source, or increased its capacity to generate electricity using an eligible energy source—model the output

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- of the power station over the year when the power station began to generate electricity or increased its capacity to generate electricity, based on fuel use, plant capacity and plant technology; or
- (b) for a power station that generated electricity using an eligible energy source for less than 24 months in the reference period:
- (i) in consultation with the nominated person for the power station, model the output of the power station over the months when electricity was not generated, based on fuel use, plant capacity and plant technology; and
 - (ii) if, in the reference period, the power station began to generate electricity using an eligible energy source, or increased its capacity to generate electricity using an eligible energy source—model the output of the power station over the year when the power station began to generate electricity or increased its capacity to generate electricity, based on fuel use, plant capacity and plant technology.
- 2.4 If, in the reference period, the power station generated, on an intermittent basis, electricity using an eligible energy source, the Regulator may consider the level of operation at a particular time to be representative of a full year's production.
- 2.5 However, subclause 2.4 applies only if the intermittent nature of the production was caused by the cyclical availability of fuel.

3 Special baselines

- 3.1 This clause applies to a power station that generates electricity using an eligible energy source.
- 3.1A The nominated person for the power station may apply to the Regulator, or the Regulator may decide on his or her own initiative, to determine a 1997 eligible renewable power baseline for the power station in a manner different from that set out in clause 2, if:
- (a) the nominated person or the Regulator considers that a period other than the reference period mentioned in clause 2 would be more representative of the normal operational cycles of the power station; and
 - (b) any of the conditions mentioned in subclause 3.2 are satisfied.
- 3.2 The Regulator may determine a 1997 eligible renewable power baseline for the power station in a manner different from that set out in clause 2 if:
- (a) electricity generated using an eligible energy source by the power station is linked to seasonal variations of longer than 3 years; or
 - (aa) measurement for the reference period would not be representative of 1997 levels of generation; or
 - (b) at any time in the reference period, there were major changes to the infrastructure or operating environment of the power station; or
 - (c) determining the baseline in accordance with clause 2 would cause hardship for the nominated person; or
 - (d) the amount of electricity generated by the power station before 1994 using an eligible energy source was significantly different from that generated in

Clause 6

the reference period for reasons other than the capacity of the power station, demand for electricity or other operating constraints; or

- (e) at any time in the reference period, the power station's capacity to generate electricity using an eligible energy source, or its output, was significantly reduced by unplanned outages or other operating constraints; or
- (f) an action or policy of the Commonwealth government directly reduced the power station's capacity to generate electricity using an eligible energy source for a sustained period.

3.3 In determining a 1997 eligible renewable power baseline for the power station in a manner different from that set out in clause 2, the Regulator should take into account:

- (a) the need for the baseline to be representative of the amount of electricity the power station could have generated using an eligible energy source in 1997 under normal conditions; and
- (b) the generation capacity of the power station; and
- (c) the amount of electricity the power station has had to generate using an eligible energy source to meet the requirements of the electricity grid; and
- (d) any other matters that might have affected the amount of electricity the power station generated using an eligible energy source; and
- (e) any other information provided by the nominated person about electricity generated by the power station.

3.3A For subclause 3.3, the Regulator may take into account information about 1997 or later years.

3.4 Subclause 3.5 applies to a power station:

- (a) that is closed for at least 3 years continuously after 1 January 1997; and
- (b) that is refurbished at a cost of at least half the replacement cost of the power station at the same capacity.

3.5 The power station may be considered to be a new power station.

6 Baselines in 2001

6.1 For 2001, the 1997 eligible renewable power baseline for a power station is taken to be three-quarters of the baseline determined for the power station.

7 Treatment of waste coal mine gas as eligible energy source

7.1 In this Schedule (including calculations in accordance with Subdivision 2.3.1), electricity generated using waste coal mine gas is taken to have been generated using an eligible energy source, even though waste coal mine gas was not an eligible energy source at the time the electricity was generated.

Schedule 3A—Guidelines for determining 2008 WCMG limit

(regulation 5A)

1 Meaning of *WCMG power station*

- 1.1 A power station is a *WCMG power station* if the power station:
- (a) was generating electricity using waste coal mine gas during May 2009; or
 - (b) if paragraph (a) does not apply—had generated electricity from waste coal mine gas before May 2009, and, as at the end of May 2009, the owner or operator of the power station had a plan for the power station to resume generating electricity from waste coal mine gas before the end of September 2009.

2 Overall 2008 WCMG limit

- 2.1 The total of the 2008 WCMG limits for all WCMG power stations during a year mentioned in column 1 of the following table must not exceed the total amount of electricity set out in column 2 for the year.

Year	Total amount of electricity (GWh)
2012	425
2013	850
2014	850
2015	850
2016	850
2017	850
2018	850
2019	850
2020	850

3 2008 WCMG limit—general

- 3.1 Subject to clauses 4 and 5, the 2008 WCMG limit for a WCMG power station is the amount of electricity generated in 2008, worked out in accordance with Subdivision 2.3.1, less the amount of the 1997 eligible renewable power baseline (if any) for the power station.
- 3.2 However, for 2012:
- (a) the 2008 WCMG limit for a WCMG power station is half of the limit mentioned in subclause 3.1 for the power station; and
 - (b) the 1997 eligible renewable power baseline for the WCMG power station is taken to be half of the baseline determined for the power station.

Clause 4

- 3.3 If the amount of electricity generated using waste coal mine gas was not measured in the manner provided for by these Regulations, the amount is to be estimated from the measurements that were made and worked out in accordance with Subdivision 2.3.1.
- 3.4 For the purpose of working out an amount of electricity generated in accordance with Subdivision 2.3.1, waste coal mine gas is to be treated as if it was an eligible energy source in 2008.

4 2008 WCMG limit—special circumstances

- 4.1 The Regulator may determine that the 2008 WCMG limit for a WCMG power station is greater than the limit mentioned in clause 3 if the nominated person for the power station provides satisfactory evidence to the Regulator that during 2008:
- (a) the power station did not generate electricity continuously because:
 - (i) there was an unplanned plant outage affecting the power station; or
 - (ii) the power station did not commence operating until after the beginning of 2008; or
 - (b) the power station's capacity to generate electricity using waste coal mine gas was reduced because of unplanned operating constraints beyond the control of the power station operator; or
 - (c) the power station increased its capacity to generate electricity as a result of enhanced waste coal mine gas fuel supply, additional plant capacity, or generation efficiency; or
 - (d) construction occurred to enhance the power station's capacity to generate electricity through additional plant capacity or generation efficiency, but was not yet completed.
- 4.2 If the Regulator is satisfied as provided in paragraph 4.1(a) or (b), the Regulator may determine the 2008 WCMG limit for the power station by extrapolating the amount of electricity generated by the power station during 2008 to establish the amount of electricity that would have been generated by the power station had the occurrence mentioned in paragraph 4.1(a) or (b) not occurred.
- 4.3 If the Regulator is satisfied as provided in paragraph 4.1(c) or (d), the Regulator may, in consultation with the nominated person for the power station, determine the 2008 WCMG limit for the power station by modelling the output of the power station to establish the amount of electricity that would have been generated by the power station had the power station operated for the whole of 2008 with the increased capacity to generate electricity.
- 4.4 The 1997 eligible renewable power baseline (if any) for the power station must be subtracted from the amount determined under subclause 4.2 or 4.3.
- 4.5 However, for 2012:
- (a) the 2008 WCMG limit for a WCMG power station is half of the limit determined under subclause 4.2 or 4.3, as appropriate, for the power station; and

- (b) the 1997 eligible renewable power baseline for the WCMG power station is taken to be half of the baseline determined for the power station.

5 Moderating 2008 WCMG limits

- 5.1 If the total of the 2008 WCMG limits for all WCMG power stations worked out in accordance with clauses 3 and 4 for a year exceeds the amount of electricity specified in the table in subclause 2.1 for the year, then the 2008 WCMG limit for a power station for that year is to be worked out in accordance with the following formula, expressed in GWh:

$$\left(\frac{\text{year total}}{\text{2008 WCMG total}} \right) \times \text{station total}$$

where:

year total, for a year, is the amount of electricity specified in subclause 2.1 for the year.

2008 WCMG total, for a year, is the sum of all station total amounts for the year.

station total, for a power station for a year, is the amount of electricity worked out in accordance with clause 3 or 4 for the station for the year.

- 5.2 The result worked out under subclause 5.1 is to be rounded down to the nearest MWh.
- 5.3 The 2008 WCMG limit for a power station for a year is not to be increased if the 2008 WCMG limit for all WCMG power stations for a year is less than the amount specified in the table in subclause 2.1 for the year.

Schedule 4—Determination of solar water heater certificates

(subregulation 19B(4))

Item	Australian Standard
1	AS/NZS 2535.1:2007, 'Test methods for solar collectors—Thermal performance of glazed liquid heating collectors including pressure drop'
2	AS/NZS 4234:2008, <i>Heated water systems—Calculation of energy consumption</i>
3	AS/NZS 4692.1:2005, 'Electric water heaters—Energy consumption, performance and general requirements'

Schedule 6—Emissions-intensive trade-exposed activities

(regulation 22D)

Part 1—Preliminary

601 Preliminary

- (1) In this Schedule:
- (a) Division 1 of a Part (other than this Part) specifies activities that are emissions-intensive trade-exposed activities; and
 - (b) Division 2 of the Part sets out whether the activity is:
 - (i) highly emissions-intensive; or
 - (ii) moderately emissions-intensive; and
 - (c) Division 3 of the Part sets out the electricity baseline for calculating the amount of a liable entity's exemption in respect of the activity.

Note: The matters mentioned in paragraphs (b) and (c) are required for the purpose of calculating the amount of a liable entity's exemption for a year in relation to an emissions-intensive trade-exposed activity and site under Division 5 of Part 3A (production calculation method)—see paragraph 46B(1)(a) of the Act. The method for calculating the relevant amount is set out in regulations 22Z to 22ZG.

- (2) In this Schedule, unless the contrary intention appears:
- (a) a concentration of a substance that is expressed as a percentage is a percentage with respect to mass; and
 - (b) a reference to the moisture content of a substance expressed as a percentage is a percentage with respect to mass.

Part 2—Production of glass containers

Division 1—Production of glass containers

602 Production of glass containers

- (1) The production of glass containers is the physical and chemical transformation of silica (silicon dioxide (SiO₂)) and other raw and recycled materials (such as cullet) to produce blown or pressed glass containers, by controlled melting and forming in a contiguous process.
- (2) The production of glass containers is specified as an emissions-intensive trade-exposed activity.

Division 2—Classification of activity

603 Classification of activity

The production of glass containers is a moderately emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

604 Electricity baseline for product

The electricity baseline for calculating the amount of a liable entity's exemption in respect of the production of glass containers is 0.308 MWh per tonne of blown and pressed glass containers that are:

- (a) produced by carrying on the emissions-intensive trade-exposed activity;
and
- (b) of saleable quality.

Note: **Saleable quality** is defined in regulation 22C.

Part 3—Production of bulk flat glass

Division 1—Production of bulk flat glass

605 Production of bulk flat glass

- (1) The production of bulk flat glass is the physical and chemical transformation of silica (silicon dioxide (SiO₂)) and other raw and recycled materials (such as cullet) to produce bulk flat glass products, including wired glass and patterned glass, by controlled melting and forming in a contiguous process.
- (2) The production of bulk flat glass is specified as an emissions-intensive trade-exposed activity.

Division 2—Classification of activity

606 Classification of activity

The production of bulk flat glass is a highly emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

607 Electricity baseline for product

The electricity baseline for calculating the amount of a liable entity's exemption in respect of the production of bulk flat glass is 0.276 MWh per tonne of bulk flat glass that is:

- (a) produced by carrying on the emissions-intensive trade-exposed activity;
and
- (b) of saleable quality.

Note: **Saleable quality** is defined in regulation 22C.

Part 4—Production of methanol

Division 1—Production of methanol

608 Production of methanol

- (1) The production of methanol is the chemical transformation of 1 or more of the following:
 - (a) hydrocarbons;
 - (b) hydrogen feedstocks;
 - (c) carbon feedstocks;
 - (d) oxygen feedstocks;to produce liquid methanol (CH₃OH) in which the concentration of methanol is equal to or greater than 98%.
- (2) The production of methanol is specified as an emissions-intensive trade-exposed activity.

Division 2—Classification of activity

609 Classification of activity

The production of methanol is specified as a highly emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

610 Electricity baseline for product

The electricity baseline for calculating the amount of a liable entity's exemption in respect of the production of methanol is 0.490 MWh per tonne of 100% equivalent methanol (CH₃OH) that is produced by carrying on the emissions-intensive trade-exposed activity.

Part 5—Production of carbon black

Division 1—Production of carbon black

611 Production of carbon black

- (1) The production of carbon black is the chemical transformation of gaseous or liquid hydrocarbons to produce a colloidal carbon material (known as ‘carbon black’) in the form of spheres or of fused aggregates of the spheres.
- (2) The particle size of the colloidal carbon must be below 1 000nm in at least 1 dimension.
- (3) The production of carbon black is specified as an emissions-intensive trade-exposed activity.

Division 2—Classification of activity

612 Classification of activity

The production of carbon black is a highly emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

613 Electricity baseline for product

The electricity baseline for calculating the amount of a liable entity's exemption in respect of the production of carbon black is 0.514 MWh per tonne, on a dry weight basis, of pelletised carbon black that is:

- (a) produced by carrying on the emissions-intensive trade-exposed activity;
and
- (b) of saleable quality.

Note: **Saleable quality** is defined in regulation 22C.

Part 6—Production of white titanium dioxide (TiO₂) pigment

Division 1—Production of white titanium dioxide (TiO₂) pigment

614 Production of white titanium dioxide (TiO₂) pigment

- (1) The production of white titanium dioxide (TiO₂) pigment is the chemical transformation of 1 or more of the following:
 - (a) rutile (TiO₂);
 - (b) synthetic rutile (TiO₂);
 - (c) ilmenite (FeTiO₃);
 - (d) leucoxene;
 - (e) titanium slag that has an iron (Fe) concentration of greater than or equal to 7%;to produce white titanium dioxide (TiO₂) pigment.
- (2) The white titanium dioxide (TiO₂) pigment must:
 - (a) conform with ASTM classification D476-00; and
 - (b) have an iron (Fe) concentration of less than or equal to 0.5%.
- (3) The production of white titanium dioxide (TiO₂) pigment is specified as an emissions-intensive trade-exposed activity.

Division 2—Classification of activity

615 Classification of activity

The production of white titanium dioxide (TiO₂) pigment is a moderately emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

616 Electricity baseline for product

The electricity baseline for calculating the amount of a liable entity's exemption in respect of the production of white titanium dioxide (TiO₂) pigment is 0.986 MWh per tonne of white titanium dioxide pigment that:

- (a) is produced by carrying on the emissions-intensive trade-exposed activity; and
- (b) conforms with ASTM classification D476-00; and
- (c) has an iron (Fe) concentration of less than or equal to 0.5%; and
- (d) is of saleable quality.

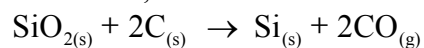
Note: *Saleable quality* is defined in regulation 22C.

Part 7—Production of silicon

Division 1—Production of silicon

617 Production of silicon

- (1) The production of silicon is the chemical transformation of silica (silicon dioxide (SiO₂)) to produce silicon (Si) with a concentration of silicon equal to or greater than 98.0%, conducted in accordance with the overall chemical equation:



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

Division 2—Classification of activity

618 Classification of activity

The production of silicon is a highly emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

619 Electricity baseline for product

The electricity baseline for calculating the amount of a liable entity's exemption in respect of the production of silicon is 11.7 MWh per tonne of silicon that:

- (a) has a concentration of silicon equal to or greater than 98.0%; and
- (b) is produced by carrying on the emissions-intensive trade-exposed activity;
and
- (c) is of saleable quality.

Note: *Saleable quality* is defined in regulation 22C.

Part 8—Smelting zinc

Division 1—Smelting zinc

620 Smelting zinc

- (1) Smelting zinc is the chemical transformation of either or both of:
 - (a) concentrated mineralised zinc compounds; and
 - (b) zinc-bearing secondary materials;to produce zinc metal (Zn) with a concentration of zinc equal to or greater than 99.95%.
- (2) Smelting zinc is specified as an emissions-intensive trade-exposed activity.

Division 2—Classification of activity

621 Classification of activity

Smelting zinc is a highly emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

622 Electricity baseline for product

The electricity baseline for calculating the amount of a liable entity's exemption in respect of smelting zinc is 4.25 MWh per tonne of zinc that:

- (a) has a concentration of zinc equal to or greater than 99.95%; and
- (b) is produced by carrying on the emissions-intensive trade-exposed activity;
and
- (c) is of saleable quality.

Note: *Saleable quality* is defined in regulation 22C.

Part 9—Integrated production of lead and zinc

Division 1—Integrated production of lead and zinc

623 Integrated production of lead and zinc

- (1) The integrated production of lead and zinc is the chemical transformation of either or both of:
 - (a) concentrated mineralised lead compounds, with or without additional lead-bearing secondary materials; and
 - (b) concentrated mineralised zinc compounds, with or without additional zinc-bearing secondary materials;to produce:
 - (c) lead metal (Pb) with a concentration of lead equal to or greater than 99.97%; and
 - (ca) lead metal (Pb) with a concentration of lead of at least 99.5% but less than 99.97%; and
 - (d) zinc in fume (Zn) with a concentration of zinc equal to or greater than 60%.
- (2) The integrated production of lead and zinc is specified as an emissions-intensive trade-exposed activity.

Division 2—Classification of activity

624 Classification of activity

The integrated production of lead and zinc is a moderately emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

625 Electricity baseline for product

- (1) For the production of lead metal (Pb) with a concentration of lead of at least 99.97%, the basis for calculating the amount of a liable entity's exemption is 0.355 MWh per tonne of lead metal that:
- (a) has a concentration of lead equal to or greater than 99.97%; and
 - (aa) is not produced from a product mentioned in paragraph 623(1)(ca); and
 - (b) is produced by carrying on the emissions-intensive trade-exposed activity;
and
 - (c) is of saleable quality.

Note: **Saleable quality** is defined in regulation 22C.

- (1A) For the production of lead metal (Pb) with a concentration of lead of at least 99.5% but less than 99.97%, the basis for calculating the amount of a liable entity's exemption is 0.371 MWh per tonne of lead metal that:
- (a) has a concentration of lead of at least 99.5% but less than 99.97%; and
 - (b) is produced by carrying on the emissions-intensive trade-exposed activity;
and
 - (c) is of saleable quality.

Note: **Saleable quality** is defined in regulation 22C.

- (2) For the production of zinc in fume (Zn), the basis for calculating the amount of a liable entity's exemption is 0.820 MWh per tonne of 100% equivalent zinc contained within zinc in fume that:
- (a) has a concentration of zinc equal to or greater than 60%; and
 - (b) is produced by carrying on the emissions-intensive trade-exposed activity.

Part 10—Aluminium smelting

Division 1—Aluminium smelting

626 Aluminium smelting

- (1) Aluminium smelting is the physical and chemical transformation of alumina (aluminium oxide (Al₂O₃)) into saleable aluminium metal (Al).
- (2) Aluminium smelting is specified as an emissions-intensive trade-exposed activity.

Division 2—Classification of activity

627 Classification of activity

Aluminium smelting is a highly emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

628 Electricity baseline for product

The electricity baseline for calculating the amount of a liable entity's exemption in respect of aluminium smelting is 15.0 MWh per tonne of primary aluminium (Al) that:

- (a) has a concentration of aluminium equal to or greater than 98%; and
- (b) is produced as part of carrying on the emissions-intensive trade-exposed activity; and
- (c) is weighed after electrolysis but before casting.

Part 11—Production of high purity ethanol

Division 1—Production of high purity ethanol

629 Production of high purity ethanol

- (1) The production of high purity ethanol is the chemical transformation of fermentable sugars (such as $C_6H_{12}O_6$, $C_5H_{10}O_5$, $C_{12}H_{22}O_{11}$ or $C_{18}H_{32}O_{16}$) to ethanol (C_2H_5OH) and subsequent purification process to obtain a solution of high purity ethanol where the concentration of ethanol is equal to or greater than 95% with respect to volume.
- (2) The production of high purity ethanol is specified as an emissions-intensive trade-exposed activity.

Division 2—Classification of activity

630 Classification of activity

The production of high purity ethanol is a moderately emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

631 Electricity baseline for product

The electricity baseline for calculating the amount of a liable entity's exemption in respect of the production of high purity ethanol is 0.168 MWh per kilolitre of 100% equivalent ethanol (C₂H₅OH) at 20 °C that is produced by carrying on the emissions-intensive trade-exposed activity, assuming a density of ethanol of 789.24 kg/m³ at 20 °C.

Part 12—Production of magnesia

Division 1—Production of magnesia

632 Production of magnesia

- (1) The production of magnesia is the chemical and physical transformation of magnesite (magnesium carbonate (MgCO_3)) into 1 or more of the following magnesia products:
 - (a) caustic calcined magnesia that:
 - (i) has a concentration of magnesium oxide (MgO) equal to or greater than 75%; and
 - (ii) is burned between 650 °C and 1 200 °C;
 - (b) deadburned magnesia that:
 - (i) has a concentration of magnesium oxide equal to or greater than 85%; and
 - (ii) has grain density of 2.85 g/cm³ to 3.45 g/cm³; and
 - (iii) is burned between 1 300 °C and 2 200 °C;
 - (c) electrofused magnesia that:
 - (i) has a concentration of magnesium oxide equal to or greater than 90%; and
 - (ii) has grain density of greater than 3.45 g/cm³; and
 - (iii) is fused at temperatures in excess of 2 750 °C.
- (2) The production of magnesia is specified as an emissions-intensive trade-exposed activity.

Division 2—Classification of activity

633 Classification of activity

The production of magnesia is a highly emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

634 Electricity baseline for product

- (1) For the production of caustic calcined magnesia, the basis for calculating the amount of a liable entity's exemption is 0.0757 MWh per tonne of caustic calcined magnesia on a dry weight basis that:
- (a) has a concentration of magnesium oxide (MgO) equal to or greater than 75%; and
 - (b) is produced by, or as part of, carrying on the emissions-intensive trade-exposed activity; and
 - (c) is of saleable quality;
- whether or not it is later transformed into deadburned magnesia or electrofused magnesia.

Note: **Saleable quality** is defined in regulation 22C.

- (2) For the production of deadburned magnesia, the basis for calculating the amount of a liable entity's exemption is 0.202 MWh per tonne of deadburned magnesia on a dry weight basis that:
- (a) has a concentration of magnesium oxide equal to or greater than 85%; and
 - (b) has grain density of 2.85 g/cm³ to 3.45 g/cm³; and
 - (c) is produced by carrying on the emissions-intensive trade-exposed activity; and
 - (d) is of saleable quality.

Note: **Saleable quality** is defined in regulation 22C.

- (3) For the production of electrofused magnesia, the basis for calculating the amount of a liable entity's exemption is 2.45 MWh per tonne of electrofused magnesia on a dry weight basis that:
- (a) has a concentration of magnesium oxide equal to or greater than 90%; and
 - (b) has grain density of greater than 3.45 g/cm³; and
 - (c) is produced by carrying on the emissions-intensive trade-exposed activity; and
 - (d) is of saleable quality.

Note: **Saleable quality** is defined in regulation 22C.

Part 13—Manufacture of newsprint

Division 1—Manufacture of newsprint

635 Manufacture of newsprint

- (1) The manufacture of newsprint is the chemical or physical transformation, through an integrated process, of any or all of woodchips, sawdust, wood pulp and recovered paper into rolls of coated or uncoated newsprint that:
 - (a) has a grammage range of 30 g/m² to 80 g/m²; and
 - (b) has a moisture content range of 4% to 11%; and
 - (c) is generally usable for newspaper or publication products.
- (2) The manufacture of newsprint is specified as an emissions-intensive trade-exposed activity.

Division 2—Classification of activity

636 Classification of activity

The manufacture of newsprint is a highly emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

637 Electricity baseline for product

- (1) For the manufacture of coated or uncoated newsprint that:
- (a) has a grammage range of 30 g/m² to 80 g/m²; and
 - (b) has a moisture content range of 4% to 11%; and
 - (c) is generally usable for newspaper or publication products;
- the electricity baseline for calculating the amount of a liable entity's exemption is 0.697 MWh per air dried tonne of rolls of coated or uncoated newsprint of saleable quality produced by carrying on the emissions-intensive trade-exposed activity.

Note: *Saleable quality* is defined in regulation 22C.

- (2) For the production of pulp from either or both of woodchips and sawdust, the basis for calculating the amount of a liable entity's exemption is 2.48 MWh per tonne of bone dried equivalent pulp that is:
- (a) used in the integrated process of manufacturing newsprint; and
 - (b) produced as part of carrying on the emissions-intensive trade-exposed activity.
- (3) For the production of pulp from recovered paper, the basis for calculating the amount of a liable entity's exemption is 0.431 MWh per tonne of bone dried equivalent pulp that is:
- (a) used in the integrated process of manufacturing newsprint; and
 - (b) produced as part of carrying on the emissions-intensive trade-exposed activity.
- (4) For this Part, an amount of pulp or paper that is used as a basis for calculating the amount of a liable entity's exemption for 1 of the following emissions-intensive trade-exposed activities:
- (a) the manufacture of newsprint;
 - (b) dry pulp manufacturing;
 - (c) cartonboard manufacturing;
 - (d) packaging and industrial paper manufacturing;
 - (e) printing and writing paper manufacturing;
 - (f) tissue paper manufacturing;
- does not count for the purpose of the basis for allocation of another of those emissions-intensive trade-exposed activities.

Part 14—Dry pulp manufacturing

Division 1—Dry pulp manufacturing

638 Dry pulp manufacturing

- (1) Dry pulp manufacturing is the physical or chemical transformation of any or all of wood chips, sawdust, wood pulp and recovered paper into either or both of rolls and bales of dry pulp that:
 - (a) has a moisture content in the range of 4% to 14%; and
 - (b) is generally useable in either or both of:
 - (i) paper manufacturing; and
 - (ii) the production of sanitary products (such as a fluff pulp layer in sanitary products).
- (2) Dry pulp manufacturing is specified as an emissions-intensive trade-exposed activity.

Division 2—Classification of activity

639 Classification of activity

Dry pulp manufacturing is a highly emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

640 Electricity baseline for product

- (1) For dry pulp manufacturing, the basis for calculating the amount of a liable entity's exemption is 0.404 MWh per tonne of either or both of rolls and bales of dry pulp that:
 - (a) has a moisture content in the range of 4% to 14%; and
 - (b) is generally useable in either or both of:
 - (i) paper manufacturing; and
 - (ii) the production of sanitary products (such as a fluff pulp layer in sanitary products); and
 - (c) is produced by carrying on the emissions-intensive trade-exposed activity; and
 - (d) is of saleable quality.

Note: *Saleable quality* is defined in regulation 22C.

- (2) For the production of pulp from either or both of woodchips and sawdust as part of dry pulp manufacturing, the basis for calculating the amount of a liable entity's exemption is 0.448 MWh per total air dried tonne (applying a 10% moisture content) of equivalent pulp that is:
 - (a) produced from either or both of woodchips and sawdust;
 - (b) used in the process of manufacturing dry pulp; and
 - (c) produced as part of carrying on the emissions-intensive trade-exposed activity.
- (3) For this Part, an amount of pulp or paper that is used as a basis for calculating the amount of a liable entity's exemption for 1 of the following emissions-intensive trade-exposed activities:
 - (a) the manufacture of newsprint;
 - (b) dry pulp manufacturing;
 - (c) cartonboard manufacturing;
 - (d) packaging and industrial paper manufacturing;
 - (e) printing and writing paper manufacturing;
 - (f) tissue paper manufacturing;does not count for the purpose of the basis for allocation of another of those emissions-intensive trade-exposed activities.

Part 15—Cartonboard manufacturing

Division 1—Cartonboard manufacturing

641 Cartonboard manufacturing

- (1) Cartonboard manufacturing is the physical or chemical transformation of any or all of wood chips, sawdust, wood pulp and recovered paper into rolls of cartonboard that:
 - (a) has a grammage range of 150 g/m² to 500 g/m²; and
 - (b) has a moisture content in the range of 4% to 11%, and
 - (c) is coated; and
 - (d) is generally useable as cartonboard product such as coated kraft liner, coated multiply and other coated paperboard.
- (2) Cartonboard manufacturing is specified as an emissions-intensive trade-exposed activity.

Division 2—Classification of activity

642 Classification of activity

Cartonboard manufacturing is a highly emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

643 Electricity baseline for product

- (1) For cartonboard manufacturing, the basis for calculating the amount of a liable entity's exemption is 0.775 MWh per total tonne of rolls of cartonboard that:
 - (a) has a grammage range of 150 g/m² to 500 g/m²; and
 - (b) has a moisture content in the range of 4% to 11%; and
 - (c) is coated; and
 - (d) is generally useable as cartonboard product such as coated kraft liner, coated multiply and other coated paperboard; and
 - (e) is produced by carrying on the emissions-intensive trade-exposed activity; and
 - (f) is of saleable quality.

Note: *Saleable quality* is defined in regulation 22C.

- (2) For the production of pulp from either or both of woodchips and sawdust as part of cartonboard manufacturing, the basis for calculating the amount of a liable entity's exemption is 0.448 MWh per total air dried tonne (applying a 10% moisture content) of equivalent pulp that is:
 - (a) produced from either or both of woodchips and sawdust; and
 - (b) used in the process of cartonboard manufacturing; and
 - (c) produced as part of carrying on the emissions-intensive trade-exposed activity.
- (3) For this Part, an amount of pulp or paper that is used as a basis for calculating the amount of a liable entity's exemption for 1 of the following emissions-intensive trade-exposed activities:
 - (a) the manufacture of newsprint;
 - (b) dry pulp manufacturing;
 - (c) cartonboard manufacturing;
 - (d) packaging and industrial paper manufacturing;
 - (e) printing and writing paper manufacturing;
 - (f) tissue paper manufacturing;does not count for the purpose of the basis for allocation of another of those emissions-intensive trade-exposed activities.

Part 16—Packaging and industrial paper manufacturing

Division 1—Packaging and industrial paper manufacturing

644 Packaging and industrial paper manufacturing

- (1) Packaging and industrial paper manufacturing is the physical or chemical transformation of any or all of wood chips, sawdust, wood pulp and recovered paper into rolls of packaging and industrial paper that
 - (a) is produced from wholly or partially unbleached input fibre; and
 - (b) has a grammage range of 30 g/m² to 500 g/m²; and
 - (c) has a moisture content in the range of 4% to 11%; and
 - (d) is uncoated; and
 - (e) is generally useable as a packaging or industrial paper, including products such as kraft liner, recycled or multiply liner, medium, sack and bag paper, wrapping paper, plasterboard liner, horticultural paper and building paper.
- (2) Packaging and industrial paper manufacturing is specified as an emissions-intensive trade-exposed activity.

Division 2—Classification of activity

645 Classification of activity

Packaging and industrial paper manufacturing is a highly emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

646 Electricity baseline for product

- (1) For packaging and industrial paper manufacturing, the basis for calculating the amount of a liable entity's exemption is 0.554 MWh per total tonne of rolls of packaging and industrial paper that:
 - (a) is produced from wholly or partially unbleached input fibre; and
 - (b) has a grammage range of 30 g/m² to 500 g/m²; and
 - (c) has a moisture content in the range of 4% to 11%; and
 - (d) is uncoated; and
 - (e) is generally useable as a packaging or industrial paper product, including products such as kraft liner, recycled or multiply liner, medium, sack and bag paper, wrapping paper, plasterboard liner, horticultural paper and building paper; and
 - (f) is produced by carrying on the emissions-intensive trade-exposed activity; and
 - (g) is of saleable quality.

Note: *Saleable quality* is defined in regulation 22C.

- (2) For the production of pulp from either or both of woodchips and sawdust as part of packaging and industrial paper manufacturing, the basis for calculating the amount of a liable entity's exemption is 0.448 MWh per total air dried tonne (assuming a 10% moisture content) of equivalent pulp that is:
 - (a) produced from either or both of woodchips and sawdust; and
 - (b) used in the process of manufacturing packaging and industrial paper; and
 - (c) produced as part of carrying on the emissions-intensive trade-exposed activity.
- (3) For this Part, an amount of pulp or paper that is used as a basis for calculating the amount of a liable entity's exemption for 1 of the following emissions-intensive trade-exposed activities:
 - (a) the manufacture of newsprint;
 - (b) dry pulp manufacturing;
 - (c) cartonboard manufacturing;
 - (d) packaging and industrial paper manufacturing;
 - (e) printing and writing paper manufacturing;
 - (f) tissue paper manufacturing;

does not count for the purpose of the basis for allocation of another of those emissions-intensive trade-exposed activities.

Part 17—Printing and writing paper manufacturing

Division 1—Printing and writing paper manufacturing

647 Printing and writing paper manufacturing

- (1) Printing and writing paper manufacturing is the physical or chemical transformation of any or all of wood chips, sawdust, wood pulp and recovered paper into rolls of coated or uncoated printing and writing paper that:
 - (a) is produced from 100% bleached or brightened input fibre; and
 - (b) has a grammage range of 42 g/m² to 350 g/m²; and
 - (c) has a moisture content in the range of 4% to 11%; and
 - (d) is generally useable as a printing and writing paper product, including products such as offset paper, copy paper, laser printing paper, magazine paper, filing card paper, manilla, book printing paper, envelope paper, forms paper, scholastic paper, cheque paper and security paper.
- (2) Printing and writing paper manufacturing is specified as an emissions-intensive trade-exposed activity.

Division 2—Classification of activity

648 Classification of activity

Printing and writing paper manufacturing is a highly emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

649 Electricity baseline for product

- (1) For printing and writing paper manufacturing, the basis for calculating the amount of a liable entity's exemption is 0.880 MWh per total tonne of rolls of coated or uncoated printing and writing paper that:
 - (a) is produced from 100% bleached or brightened input fibre; and
 - (b) has a grammage range of 42 g/m² to 350 g/m²; and
 - (c) has a moisture content in the range of 4% to 11%; and
 - (d) is generally useable as a printing and writing paper product, including products such as offset paper, copy paper, laser printing paper, magazine paper, filing card paper, manilla, book printing paper, envelope paper, forms paper, scholastic paper, cheque paper and security paper; and
 - (e) is produced by carrying on the emissions-intensive trade-exposed activity; and
 - (f) is of saleable quality.

Note: *Saleable quality* is defined in regulation 22C.

- (2) For the production of pulp from either or both of woodchips and sawdust as part of printing and writing paper manufacturing, the basis for calculating the amount of a liable entity's exemption is 0.448 MWh per total air dried tonne (assuming a 10% moisture content) of equivalent pulp that is:
 - (a) produced from either or both of woodchips and sawdust; and
 - (b) used in the process of manufacturing printing and writing paper; and
 - (c) produced as part of carrying on the emissions-intensive trade-exposed activity.
- (2A) For the production of pulp from recovered paper as part of printing and writing paper manufacturing, the basis for calculating the amount of a liable entity's exemption is 0.824 MWh per total air dried tonne (assuming a 10% moisture content) of equivalent pulp that is:
 - (a) produced from recovered paper; and
 - (b) used in the process of manufacturing printing and writing paper; and
 - (c) produced as part of carrying on the emissions-intensive trade-exposed activity.
- (3) For this Part, an amount of pulp or paper that is used as a basis for calculating the amount of a liable entity's exemption for 1 of the following emissions-intensive trade-exposed activities:
 - (a) the manufacture of newsprint;
 - (b) dry pulp manufacturing;
 - (c) cartonboard manufacturing;
 - (d) packaging and industrial paper manufacturing;
 - (e) printing and writing paper manufacturing;

(f) tissue paper manufacturing;
does not count for the purpose of the basis for allocation of another of those emissions-intensive trade-exposed activities.

Part 18—Alumina refining

Division 1—Alumina refining

650 Alumina refining

- (1) Alumina refining is the physical and chemical transformation of bauxite (which is an ore containing mineralised aluminium compounds) into alumina (aluminium oxide (Al_2O_3)) with a concentration of aluminium oxide equal to or greater than 95%.
- (2) Alumina refining is specified as an emissions-intensive trade-exposed activity.

Division 2—Classification of activity

651 Classification of activity

Alumina refining is a highly emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

652 Electricity baseline for product

The electricity baseline for calculating the amount of a liable entity's exemption in relation to alumina refining is 0.228 MWh per tonne of alumina (aluminium oxide (Al_2O_3)) that:

- (a) has a concentration of aluminium oxide equal to or greater than 95%; and
- (b) is produced by carrying on the emissions-intensive trade-exposed activity;
and
- (c) is of saleable quality.

Note: *Saleable quality* is defined in regulation 22C.

Part 19—Tissue paper manufacturing

Division 1—Tissue paper manufacturing

653 Tissue paper manufacturing

- (1) Tissue paper manufacturing is the physical or chemical transformation of any or all of wood chips, sawdust, wood pulp and recovered paper into rolls of uncoated tissue paper that:
 - (a) has a grammage range of 13 g/m² to 75 g/m²; and
 - (b) has a moisture content in the range of 4% to 11%; and
 - (c) is generally useable in sanitary products such as facial tissue, paper towel, bathroom tissue and napkins.
- (2) Tissue paper manufacturing is specified as an emissions-intensive trade-exposed activity.

Division 2—Classification of activity

654 Classification of activity

Tissue paper manufacturing is a moderately emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

655 Electricity baseline for product

- (1) Subject to subclause (3), for tissue paper manufacturing, the basis for calculating the amount of a liable entity's exemption is 1.67 MWh per total tonne of rolls of uncoated tissue paper that:
 - (a) has a grammage range of 13 g/m² to 75 g/m²; and
 - (b) has a moisture content in the range of 4% to 11%; and
 - (c) is generally useable in sanitary products such as facial tissue, paper towel, bathroom tissue and napkins; and
 - (d) is produced by carrying on the emissions-intensive trade-exposed activity; and
 - (e) is of saleable quality.

Note: *Saleable quality* is defined in regulation 22C.

- (2) For the production of pulp from either or both of woodchips and sawdust as part of the tissue paper manufacturing, the basis for calculating the amount of a liable entity's exemption is 0.448 MWh per total air dried tonne (assuming a 10% moisture content) of equivalent pulp that is:
 - (a) produced from either or both of woodchips and sawdust; and
 - (b) used in the process of manufacturing tissue paper; and
 - (c) produced as part of carrying on the emissions-intensive trade-exposed activity.
- (3) For this Part, an amount of pulp or paper that is used as a basis for calculating the amount of a liable entity's exemption for 1 of the following emissions-intensive trade-exposed activities:
 - (a) the manufacture of newsprint;
 - (b) dry pulp manufacturing;
 - (c) cartonboard manufacturing;
 - (d) packaging and industrial paper manufacturing;
 - (e) printing and writing paper manufacturing;
 - (f) tissue paper manufacturing;does not count for the purpose of the basis for allocation of another of those emissions-intensive trade-exposed activities.

Part 20—Integrated iron and steel manufacturing

Division 1—Integrated iron and steel manufacturing

656 Integrated iron and steel manufacturing

- (1) Integrated iron and steel manufacturing is the chemical and physical transformation of iron ore into crude carbon steel products and hot-rolled carbon steel products involving all of the following processes:
- (a) the chemical and physical transformation of iron ore into agglomerated iron ore, such as iron ore sinter or iron ore pellets;
 - (b) the carbonisation of coal (principally coking coal) into coke oven coke;
 - (c) the chemical and physical transformation of either or both of limestone or dolomite, into lime (including burnt lime and burnt dolomite);
 - (d) the chemical and physical transformation of iron ore feed, including agglomerated iron ore, into molten iron which includes the reduction of oxides of iron using carbon as the predominant reducing agent;
 - (e) the chemical and physical transformation of molten iron and cold ferrous feed, such as pig iron, flat iron and ferrous scrap, into 1 or more of the following:
 - (i) continuously cast carbon steel products;
 - (ii) ingots of carbon steel;
 - (iii) hot-rolled carbon steel products, which commenced hot-rolling at a temperature above 800 °C.

Note: *Carbon steel* and *coke oven coke* are defined in regulation 22A.

- (2) Integrated iron and steel manufacturing may also include the physical transformation of continuously cast carbon steel products into hot-rolled carbon steel products which commence hot-rolling at a temperature above 800 °C if the continuously cast carbon steel products are produced:
- (a) at a site that:
 - (i) conducts the activity of integrated iron and steel manufacturing; and
 - (ii) is not a site that is part of the activity group associated with the activity that is the subject of the application made under subsection 46A(1) of the Act; or
 - (b) from the activity of manufacture of carbon steel from cold ferrous feed.

Note: *Activity group* is defined in regulation 22A.

- (3) For the purposes of paragraph (1)(e), if the amount of the exemption is worked out under Division 5 (production method), the maximum percentage of cold ferrous feed transformed into 1 or more of the items in subparagraphs (1)(e)(i) to (iii) as a proportion of molten iron and cold ferrous feed, must not:
- (a) for a site that does not meet the criteria specified in subregulation 22ZD(3) for a new entrant site and that is not part of an activity group—be greater than 30% over the relevant financial year for the site; or

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- (b) for a site that does not meet the criteria specified in subregulation 22ZD(3) for a new entrant site and that is part of an activity group—be greater than 30% over the relevant financial year for the sites that are part of the activity group; or
- (c) for a site that does meet the criteria specified in subregulation 22ZD(3) for a new entrant site—be likely to be greater than 30% over the relevant financial year for the site.

Note: *Activity group* and *relevant financial year* are defined in regulation 22A.

- (4) Integrated iron and steel manufacturing is specified as an emissions-intensive trade-exposed activity.

Division 2—Classification of activity

657 Classification of activity

Integrated iron and steel manufacturing is a highly emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

658 Electricity baseline for product

- (1) For the production of iron ore sinter, the electricity baseline for calculating the amount of a liable entity's exemption is 0.0397 MWh per tonne of iron ore sinter 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.
- (2) For the production of iron ore pellets, the electricity baseline for calculating the amount of a liable entity's exemption is 0.0742 MWh per tonne of iron ore pellets on a dry weight basis that:
 - (a) meet the necessary requirements for use in the integrated iron and steel manufacturing process; and
 - (b) are produced as part of carrying on the emissions-intensive trade-exposed activity.
- (3) For the production of coke oven coke, the electricity baseline for calculating the amount of a liable entity's exemption is 0.0397 MWh per 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 production of coke oven coke.
- (4) For the production of lime, the electricity baseline for calculating the amount of a liable entity's exemption is 0.0405 MWh per tonne of lime 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 production of lime.
- (5) For the production of either or both of continuously cast carbon steel products and ingots of carbon steel, the electricity baseline for calculating the amount of a liable entity's exemption is 0.145 MWh per tonne of either or both of continuously cast carbon steel products and ingots of carbon steel that:
 - (a) are produced as part of carrying on the emissions-intensive trade-exposed activity; and

- (b) are not a relevant product for the emissions-intensive trade-exposed activity of the manufacture of carbon steel from cold ferrous feed; and
- (c) are of a saleable quality.

Note 1: **Carbon steel** and **relevant product** are defined in regulation 22A.

Note 2: **Saleable quality** is defined in regulation 22C.

- (6) For the production of hot-rolled carbon steel products that are long products, the electricity baseline for calculating the amount of a liable entity's exemption is 0.133 MWh per tonne of long products of hot-rolled carbon steel that:
 - (a) is in coils or straight lengths; and
 - (b) is generally produced in rod, bar and structural (section) mills; and
 - (c) generally has a cross sectional shape such as I, T, Y, U, V, H, C, L, square, rectangular, round, flat, hexagonal, angle, channel, structural beam profile or rail profile; and
 - (d) is produced by carrying on the emissions-intensive trade-exposed activity; and
 - (e) is produced from continuously cast carbon steel products that satisfy the requirements mentioned in subclause (8); and
 - (f) is not a relevant product for the emissions-intensive trade-exposed activity of integrated iron and steel manufacturing that is conducted at a site that is not part of the activity group associated with the activity that is the subject of the application made under subsection 46A(1) of the Act; and
 - (g) is not a relevant product for the emissions-intensive trade-exposed activity of the manufacture of carbon steel from cold ferrous feed; and
 - (h) is of saleable quality.

Note 1: **Activity group**, **carbon steel** and **relevant product** are defined in regulation 22A.

Note 2: **Saleable quality** is defined in regulation 22C.

- (7) For the production of hot-rolled carbon steel products that are flat products, the electricity baseline for calculating the amount of a liable entity's exemption is 0.116 MWh per tonne of flat products of hot-rolled carbon steel that:
 - (a) is flat in profile, such as plate and hot rolled coil; and
 - (b) is generally produced in hot strip mills and plate mills; and
 - (c) is generally greater than 600 mm in width; and
 - (d) is generally less than 150 mm in thickness; and
 - (e) is produced by carrying on the emissions-intensive trade-exposed activity; and
 - (f) is produced from continuously cast carbon steel products that satisfy the requirements mentioned in subclause (8); and
 - (g) is not a relevant product for the emissions-intensive trade-exposed activity of integrated iron and steel manufacturing that is conducted at a site that is not part of the activity group associated with the activity that is the subject of the application made under subsection 46A(1) of the Act; and
 - (h) is not a relevant product for the emissions-intensive trade-exposed activity of the manufacture of carbon steel from cold ferrous feed; and

(i) is of saleable quality.

Note 1: *Activity group, carbon steel* and *relevant product* are defined in regulation 22A.

Note 2: *Saleable quality* is defined in regulation 22C.

- (8) For paragraphs (6)(e) and (7)(f), the continuously cast carbon steel products must:
- (a) be produced as part of carrying on the emissions-intensive trade-exposed activity; or
 - (b) be produced from the activity of integrated iron and steel manufacturing that is conducted at a site that is not part of the activity group associated with the activity that is the subject of the application made under subsection 46A(1) of the Act; or
 - (c) be produced from the activity of manufacture of carbon steel from cold ferrous feed.

Note: *Activity group and relevant product* are defined in regulation 22A.

Part 21—Manufacture of carbon steel from cold ferrous feed

Division 1—Manufacture of carbon steel from cold ferrous feed

659 Manufacture of carbon steel from cold ferrous feed

- (1) The manufacture of carbon steel from cold ferrous feed is the physical and chemical transformation of cold ferrous feed (such as ferrous scrap, pig iron and flat iron) by heating and melting into liquid steel and the subsequent casting of the liquid steel to produce 1 or more of the following:
 - (a) continuously cast carbon steel products;
 - (b) ingots of carbon steel;
 - (c) hot-rolled carbon steel products, which commenced hot-rolling at a temperature above 800 °C.
- (2) The manufacture of carbon steel from cold ferrous feed may also include the physical transformation of continuously cast carbon steel products into hot-rolled carbon steel products which commenced hot-rolling at a temperature above 800 °C where the continuously cast carbon steel products are produced:
 - (a) at a site that:
 - (i) conducts the activity of manufacture of carbon steel from cold ferrous feed; and
 - (ii) is not a site that is part of the activity group associated with the activity that is the subject of the application made under subsection 46A(1) of the Act; or
 - (b) from the activity of integrated iron and steel manufacturing.

Note: *Activity group* is defined in regulation 22A.

- (3) The manufacture of carbon steel from cold ferrous feed is specified as an emissions-intensive trade-exposed activity.

Note: *Carbon steel* is defined in regulation 22A.

Division 2—Classification of activity

660 Classification of activity

The manufacture of carbon steel from cold ferrous feed is a highly emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

661 Electricity baseline for product

- (1) For the production of either or both of continuously cast carbon steel products and ingots of carbon steel, the electricity baseline for calculating the amount of a liable entity's exemption is 0.532 MWh per tonne of either or both continuously cast carbon steel products and ingots of carbon steel that:
 - (a) are produced as part of carrying on the emissions-intensive trade-exposed activity; and
 - (b) are not a relevant product for the emissions-intensive trade-exposed activity of integrated iron and steel manufacturing; and
 - (c) are of a saleable quality.

Note 1: **Carbon steel** and **relevant product** are defined in regulation 22A.

Note 2: **Saleable quality** is defined in regulation 22C.

- (2) For the production of hot-rolled carbon steel products which are long products, the electricity baseline for calculating the amount of a liable entity's exemption is 0.133 MWh per tonne of long products of hot-rolled carbon steel that:
 - (a) is in coils or straight lengths; and
 - (b) is generally produced in rod, bar and structural (section) mills; and
 - (c) generally has a cross sectional shape such as I, T, Y, U, V, H, C, L, square, rectangular, round, flat, hexagonal, angle, channel, structural beam profile or rail profile; and
 - (d) is produced by carrying on the emissions-intensive trade-exposed activity; and
 - (e) is produced from continuously cast carbon steel products that satisfy the requirements mentioned in subclause (4); and
 - (f) is not a relevant product for the emissions-intensive trade-exposed activity of manufacture of carbon steel from cold ferrous feed that is conducted at a site that is not part of the activity group associated with the activity that is the subject of the application made under subsection 46A(1) of the Act; and
 - (g) is not a relevant product for the emissions-intensive trade-exposed activity of integrated iron and steel manufacturing; and
 - (h) is of saleable quality.

Note 1: **Activity group**, **carbon steel** and **relevant product** are defined in regulation 22A.

Note 2: **Saleable quality** is defined in regulation 22C.

- (3) For the production of hot-rolled carbon steel products which are flat products, the electricity baseline for calculating the amount of a liable entity's exemption is 0.116 MWh per tonne of flat products of hot-rolled carbon steel that:
 - (a) is flat in profile, such as plate and hot rolled coil; and
 - (b) is generally produced in hot strip and plate mills; and
 - (c) is generally greater than 600 mm in width; and

- (d) is generally less than 150 mm in thickness; and
- (e) is produced by carrying on the emissions-intensive trade-exposed activity;
and
- (f) is produced from continuously cast carbon steel products that satisfy the requirements mentioned in subclause (4); and
- (g) is not a relevant product for the emissions-intensive trade-exposed activity of manufacture of carbon steel from cold ferrous feed that is conducted at a site that is not part of the activity group associated with the activity that is the subject of the application made under subsection 46A(1) of the Act;
and
- (h) is not a relevant product for the emissions-intensive trade-exposed activity of integrated iron and steel manufacturing; and
- (i) is of saleable quality.

Note 1: **Carbon steel** is defined in regulation 22A.

Note 2: **Saleable quality** is defined in regulation 22C.

- (4) For paragraphs (2)(e) and (3)(f), the continuously cast carbon steel products must:
- (a) be produced as part of carrying on the emissions-intensive trade-exposed activity; or
 - (b) be produced from the activity of manufacture of carbon steel from cold ferrous feed that is conducted at a site that is not part of the activity group associated with the activity that is the subject of the application made under subsection 46A(1) of the Act; or
 - (c) be produced from the activity of integrated iron and steel manufacturing.

Note: **Activity group and relevant product** are defined in regulation 22A.

Part 22—Petroleum refining

Division 1—Petroleum refining

662 Petroleum refining

- (1) Petroleum refining is the chemical and physical transformation of stabilised crude petroleum oil, which may be supplemented with 1 or more of condensate, tallow, vegetable oil, eligible petroleum feedstocks or other petroleum feedstocks, to produce a range of refined petroleum products through the following processes:
- (a) the distillation of stabilised crude petroleum oil, condensate, tallow, vegetable oil and other petroleum feedstocks;
 - (b) the adjustment of the molecular weight and structure of hydrocarbons (such as that which occurs through catalytic or hydro-cracking, steam or catalytic reforming, polymerisation, isomerisation or alkylation);
 - (c) the blending of products from distillation and adjustment of molecular weight and structure to produce Australian and international standard diesel, jet fuel and unleaded petrol;
 - (d) the production of 2 or more of the following refinery products saleable in Australian or international markets:
 - (i) hydrogen;
 - (ii) ethane;
 - (iii) propane;
 - (iv) refinery grade propylene;
 - (v) polymer grade propylene;
 - (vi) liquefied petroleum gas;
 - (vii) butane;
 - (viii) naphtha;
 - (ix) aviation gasoline;
 - (x) before oxygenate blend;
 - (xi) kerosene;
 - (xii) heating oil;
 - (xiii) solvents;
 - (xiv) lubricant base stocks;
 - (xv) leaded petrol;
 - (xvi) waxes;
 - (xvii) bitumen.

Note: *Condensate, eligible petroleum feedstocks, stabilised crude petroleum oil and unleaded petrol* are defined in regulation 22A.

- (1A) The activity of petroleum refining only takes place in the application year if:

- (a) the application is for the amount of the exemption to be worked out under Division 5 of Part 3A (production calculation method) and subclause (2) applies; or
 - (b) the application is for the amount of the exemption to be worked out under Division 5A of Part 3A (electricity use method) and subclause (2A) applies.
- (2) For the purposes of paragraph (1A)(a), this subclause applies in relation to the application year if:
- (a) each of the processes mentioned in paragraphs (1)(a) to (d) are conducted within the relevant financial year for the site; and
 - (b) the combined volume of diesel, jet fuel, unleaded petrol, lubricant base stocks and bitumen at 15°C and 1 atmosphere produced from stabilised crude petroleum oil, condensate, tallow, vegetable oil and eligible petroleum feedstocks is:
 - (i) for a site that does not meet the criteria specified in subregulation 22ZD(3) for a new entrant site and that is not part of an activity group—equal to or greater than 75% of the total kilolitres of stabilised crude petroleum oil, condensate, tallow, vegetable oil and eligible petroleum feedstocks used within the relevant financial year for the site; or
 - (ii) for a site that does not meet the criteria specified in subregulation 22ZD(3) for a new entrant site and that is part of an activity group—equal to or greater than 75% of the total kilolitres of stabilised crude petroleum oil, condensate, tallow, vegetable oil and eligible petroleum feedstocks used within the relevant financial year for the sites that are part of the activity group; or
 - (ii) for a site that does meet the criteria specified in subregulation 22ZD(3) for a new entrant site—is likely to be equal to or greater than 75% of the total kilolitres of stabilised crude petroleum oil, condensate, tallow, vegetable oil and eligible petroleum feedstocks likely to be used within the relevant financial year for the site.

Note: *Activity group* and *relevant financial year* are defined in regulation 22A.

- (2A) For the purposes of paragraph (1A)(b), this subclause applies in relation to the application year if:
- (a) each of the processes mentioned in paragraphs (1)(a) to (d) are conducted within the application year for the site; and
 - (b) the combined volume of diesel, jet fuel, unleaded petrol, lubricant base stocks and bitumen at 15°C and 1 atmosphere produced from stabilised crude petroleum oil, condensate, tallow, vegetable oil and eligible petroleum feedstocks is:
 - (i) for a site that is not part of an activity group—equal to or greater than 75% of the total kilolitres of stabilised crude petroleum oil, condensate, tallow, vegetable oil and eligible petroleum feedstocks likely to be used in the application year for the site; or

- (ii) for a site that is part of an activity group—equal to or greater than 75% of the total kilolitres of stabilised crude petroleum oil, condensate, tallow, vegetable oil and eligible petroleum feedstocks likely to be used in the application year for the sites that are part of the activity group.
- (3) The processes mentioned in paragraphs (1)(a) to (d) are not required to be conducted for every product mentioned in paragraphs (1)(c) and (d) for the activity of petroleum refining to occur in the application year.
- (4) Petroleum refining is specified as an emissions-intensive trade-exposed activity.
- (5) For this Part:

application year, for an application under subsection 46A(1) of the Act, means the year for which the application is made for under subsection 46A(1) of the Act.

Division 2—Classification of activity

663 Classification of activity

Petroleum refining is a highly emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

664 Electricity baseline for product

- (1) Subject to subclause (2), the electricity baseline for calculating the amount of a liable entity's exemption in respect of petroleum refining is 0.0421 MWh per kilolitres of:
 - (a) stabilised crude petroleum oil at 15 °C and 1 atmosphere; and
 - (b) condensate at 15 °C and 1 atmosphere; and
 - (c) tallow at 15 °C and 1 atmosphere; and
 - (d) vegetable oil at 15 °C and 1 atmosphere; and
 - (e) eligible petroleum feedstocks at 15 °C and 1 atmosphere.
- (2) A substance mentioned in paragraphs (1)(a) to (e) may be used for calculating the amount of a liable entity's exemption for subclause (1) if the substance is, or is to be, refined:
 - (a) by 1 or both of the processes mentioned in paragraphs 662(1)(a) and (b); and
 - (b) into either of the following:
 - (i) 1 or more petroleum products mentioned in paragraphs 662 (1)(c) and (d);
 - (ii) other by-products which result from carrying on the emissions-intensive trade-exposed activity; and
 - (c) in the financial year:
 - (i) that applies, for the purpose of subregulation 22ZB(3), to the application made under subsection 46A(1) of the Act; and
 - (ii) in which the combined volume of diesel, jet fuel, unleaded petrol, lubricant base stocks and bitumen, at 15 °C and 1 atmosphere, produced from substances mentioned in paragraphs (1)(a) to (e) is:
 - (A) for new or expected additional production—likely to be equal to or greater than 75% of the total kilolitres of those substances likely to be used in the financial year; or
 - (B) for production that is not new or expected additional production—equal to or greater than 75% of the total kilolitres of those substances used in the financial year.

Note: *Condensate, eligible petroleum feedstocks, petroleum oil, stabilised crude and unleaded petrol* are defined in regulation 22A.

Part 23—Production of ethene (ethylene)

Division 1—Production of ethene (ethylene)

665 Production of ethene (ethylene)

- (1) The production of ethene (ethylene) is the chemical transformation of hydrocarbons to produce ethene (ethylene (C₂H₄)) that has a concentration of ethene (ethylene (C₂H₄)) equal to or greater than 99%.
- (2) The production of ethene (ethylene) is specified as an emissions-intensive trade-exposed activity.

Division 2—Classification of activity

666 Classification of activity

The production of ethene (ethylene) is a highly emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

667 Electricity baseline for product

The electricity baseline for calculating the amount of a liable entity's exemption in respect of the production of ethene (ethylene) is 0.275 MWh per tonne of 100% equivalent ethene (ethylene (C₂H₄)) that is contained within ethene that:

- (a) has a concentration of ethene (ethylene (C₂H₄)) equal to or greater than 99%; and
- (b) is produced by carrying on the emissions-intensive trade-exposed activity; and
- (c) is of saleable quality.

Note: *Saleable quality* is defined in regulation 22C.

Part 24—Production of polyethylene

Division 1—Production of polyethylene

668 Production of polyethylene

- (1) The production of polyethylene is the chemical transformation of ethene (ethylene (C₂H₄)) to produce polyethylene with a standard density equal to or greater than 0.910 g/cm³.
- (2) The production of polyethylene is specified as an emissions-intensive trade-exposed activity.
- (3) For this Part:

standard density, for polyethylene, means the density of polyethylene moulded to a thickness of 1.9 mm using Procedure C of Annex A1 to ASTM D4703, as in force from time to time.

Division 2—Classification of activity

669 Classification of activity

The production of polyethylene is a moderately emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

670 Electricity baseline for product

The electricity baseline for calculating the amount of a liable entity's exemption in respect of the production of polyethylene is 0.646 MWh per tonne of pelletised polyethylene that:

- (a) has a standard density equal to or greater than 0.910 g/cm³; and
- (b) is produced by carrying on the emissions-intensive trade-exposed activity;
and
- (c) is of saleable quality.

Note: *Saleable quality* is defined in regulation 22C.

Part 25—Production of synthetic rutile

Division 1—Production of synthetic rutile

671 Production of synthetic rutile

- (1) The production of synthetic rutile is the chemical transformation of ilmenite ore (ore containing FeTiO_3) through the reduction of iron oxides in order to increase the titanium dioxide (TiO_2) concentration to produce synthetic rutile that:
 - (a) has a titanium dioxide (TiO_2) concentration equal to or greater than 88% and less than 95.5%; and
 - (b) has an iron (Fe) concentration greater than 0.5%.
- (2) The production of synthetic rutile is specified as an emissions-intensive trade-exposed activity.

Division 2—Classification of activity

672 Classification of activity

The production of synthetic rutile is a highly emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

673 Electricity baseline for product

The electricity baseline for calculating the amount of a liable entity's exemption in respect of the production of synthetic rutile is 0.304 MWh per tonne of synthetic rutile that:

- (a) has a titanium dioxide (TiO₂) concentration equal to or greater than 88% and less than 95.5%; and
- (b) has an iron (Fe) concentration greater than 0.5%; and
- (c) is produced by carrying on the emissions-intensive trade-exposed activity; and
- (d) is of saleable quality.

Note: **Saleable quality** is defined in regulation 22C.

Part 26—Production of manganese

Division 1—Production of manganese

674 Production of manganese

- (1) The production of manganese is any of the following:
 - (a) the physical and chemical transformation of manganese (Mn) ore into manganese sinter (Mn_3O_4) that has a concentration of manganese equal to or greater than 40%;
 - (b) the physical and chemical transformation of either or both of manganese ore and manganese sinter into either or both of the following:
 - (i) ferromanganese alloy that has a concentration of manganese equal to or greater than 67%;
 - (ii) silicomanganese alloy that has a concentration of:
 - (A) manganese equal to or greater than 60%; and
 - (B) silicon (Si) equal to or greater than 12%.
- (2) The production of manganese is specified as an emissions-intensive trade-exposed activity.

Division 2—Classification of activity

675 Classification of activity

The production of manganese is a highly emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

676 Electricity baseline for product

- (1) For the production of manganese sinter, the electricity baseline for calculating the amount of a liable entity's exemption is 0.0300 MWh per tonne of manganese sinter that:
 - (a) has a concentration of manganese equal to or greater than 40%; and
 - (b) is produced by, or as part of, carrying on the emissions-intensive trade-exposed activity; and
 - (c) is of saleable quality.

Note: **Saleable quality** is defined in regulation 22C.

- (2) For the production of ferromanganese alloy, the electricity baseline for calculating the amount of a liable entity's exemption is 2.61 MWh per tonne of ferromanganese alloy that:
 - (a) has a concentration of manganese equal to or greater than 67%; and
 - (b) is produced by carrying on the emissions-intensive trade-exposed activity; and
 - (c) is of saleable quality.

Note: **Saleable quality** is defined in regulation 22C.

- (3) For the production of silicomanganese alloy, the electricity baseline for calculating the amount of a liable entity's exemption is 4.31 MWh per tonne of silicomanganese alloy that:
 - (a) has a concentration of manganese equal to or greater than 60%; and
 - (b) has a concentration of silicon (Si) equal to or greater than 12%; and
 - (c) is produced by carrying on the emissions-intensive trade-exposed activity; and
 - (d) is of saleable quality.

Note: **Saleable quality** is defined in regulation 22C.

Part 27—Production of clinker

Division 1—Production of clinker

677 Production of clinker

- (1) The production of clinker is the physical and chemical transformation of:
 - (a) either or both of calcium carbonate compounds (limestone (CaCO_3)) and other calcium carbonate (CaCO_3) feedstocks; and
 - (b) any of the following:
 - (i) clay;
 - (ii) clay mixed with 1 or more feedstocks that contain 1 or more of the following:
 - (A) silicon dioxide (SiO_2);
 - (B) iron (Fe);
 - (C) aluminium oxide (alumina (Al_2O_3));
 - (iii) 1 or more feedstocks that, when combined, contain all of the following:
 - (A) silicon dioxide (SiO_2); and
 - (B) iron (Fe); and
 - (C) aluminium oxide (alumina (Al_2O_3));

that are fused together at a temperature above 1000 °C into Portland cement clinker.

- (1A) The production process may or may not involve the physical transformation of Portland cement clinker into cement through a process of comminution with gypsum or other additives. However, the process must involve the production of clinker as described in subclause (1).
- (2) The Portland cement clinker must:
 - (a) have a concentration of calcium silicates equal to or greater than 60%; and
 - (b) have a concentration of magnesium oxide (MgO) equal to or less than 4.5%; and
 - (c) be useable in the making of Portland cement.
- (3) The production of clinker is specified as an emissions-intensive trade-exposed activity.

Division 2—Classification of activity

678 Classification of activity

The production of clinker is a highly emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

679 Electricity baseline for product

The electricity baseline for calculating the amount of a liable entity's exemption in respect of the production of clinker is 0.1252 MWh per tonne of Portland cement clinker on a dry weight basis that:

- (a) is produced by carrying on the emissions-intensive trade-exposed activity; and
- (b) has a concentration of calcium silicates equal to or greater than 60%; and
- (c) has a concentration of magnesium oxide (MgO) equal to or less than 4.5%; and
- (d) is useable in the making of Portland cement; and
- (e) is of saleable quality.

Note: *Saleable quality* is defined in regulation 22C.

Part 28—Production of lime

Division 1—Production of lime

680 Production of lime

- (1) The production of lime is the physical and chemical transformation, through the calcining process, of calcium and magnesium sources (such as calcium carbonate (CaCO_3) and magnesium carbonate (MgCO_3)) into lime that has a concentration of either or both of calcium oxide (CaO) and magnesium oxide (MgO) equal to or greater than 60%.
- (2) The production of lime is specified as an emissions-intensive trade-exposed activity.

Division 2—Classification of activity

681 Classification of activity

The production of lime is a highly emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

682 Electricity baseline for product

The electricity baseline for calculating the amount of a liable entity's exemption in respect of the production of lime is 0.0476 MWh per tonne of lime on a dry weight basis that:

- (a) has a concentration of either or both of calcium oxide (CaO) and magnesium oxide (MgO) equal to or greater than 60%; and
- (b) is not a relevant product for the emissions-intensive trade-exposed activity of integrated iron and steel manufacturing; and
- (c) is produced by carrying on the emissions-intensive trade-exposed activity; and
- (d) is of saleable quality.

Note 1: **Relevant product** is defined in regulation 22A.

Note 2: **Saleable quality** is defined in regulation 22C.

Part 29—Production of fused alumina

Division 1—Production of fused alumina

683 Production of fused alumina

- (1) The production of fused alumina is the physical transformation of alumina (aluminium oxide (Al_2O_3)) by heating it to its fusion point to produce fused alumina that:
 - (a) has an alpha alumina crystalline structure; and
 - (b) has a concentration of aluminium oxide equal to or greater than 99.0%.
- (2) The production of fused alumina is specified as an emissions-intensive trade-exposed activity.

Division 2—Classification of activity

684 Classification of activity

The production of fused alumina is a highly emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

685 Electricity baseline for product

The electricity baseline for calculating the amount of a liable entity's exemption in respect of the production of fused alumina is 2.03 MWh per tonne of fused alumina (aluminium oxide (Al_2O_3)) that:

- (a) has an alpha alumina crystalline structure; and
- (b) has a concentration of aluminium oxide equal to or greater than 99.0%; and
- (c) is produced by carrying on the emissions-intensive trade-exposed activity;
and
- (d) is of saleable quality.

Note: *Saleable quality* is defined in regulation 22C.

Part 30—Production of copper

Division 1—Production of copper

686 Production of copper

- (1) The production of copper is either or both of the following:
 - (a) the physical and chemical transformation of concentrated mineralised copper compounds into either or both of the following:
 - (i) copper cathode that has a concentration of copper greater than 99.90%;
 - (ii) copper anode that has a concentration of copper:
 - (A) equal to or greater than 99.00%; and
 - (B) equal to or less than 99.90%;
 - (b) the physical and chemical transformation of copper anode into copper cathode that has a concentration of copper greater than 99.90% where the copper anode:
 - (i) has a concentration of copper:
 - (A) equal to or greater than 99.00%; and
 - (B) equal to or less than 99.90%; and
 - (ii) was not produced as part of the transformation in subparagraph (a)(i).
- (2) For subclause (1), concentrated mineralised copper compounds include:
 - (a) copper sulphide concentrates; and
 - (b) copper electrolyte solution.
- (3) The production of copper is specified as an emissions-intensive trade-exposed activity.

Division 2—Classification of activity

687 Classification of activity

The production of copper is a highly emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

688 Electricity baseline for product

- (1) For the production of copper cathode from concentrated mineralised copper compounds, the electricity baseline for calculating the amount of a liable entity's exemption is 1.69 MWh per tonne of copper cathode that:
 - (a) has a concentration of copper greater than 99.90%; and
 - (b) is produced by carrying on the emissions-intensive trade-exposed activity; and
 - (c) is not transformed into copper cathode as part of the transformation mentioned in paragraph 686(1)(b); and
 - (d) is of saleable quality.

Note: **Saleable quality** is defined in regulation 22C.

- (2) For the production of copper anode from concentrated mineralised copper compounds, the electricity baseline for calculating the amount of a liable entity's exemption is 1.31 MWh per tonne of copper anode that:
 - (a) has a concentration of copper:
 - (i) equal to or greater than 99.00%; and
 - (ii) equal to or less than 99.90%; and
 - (b) is produced by carrying on the emissions-intensive trade-exposed activity; and
 - (c) is not subsequently transformed into copper cathode as part of the transformation mentioned in subparagraph 686(1)(a)(i); and
 - (d) is of saleable quality.

Note: **Saleable quality** is defined in regulation 22C.

- (3) For the production of copper cathode from copper anode, the electricity baseline for calculating the amount of a liable entity's exemption is 0.387 MWh per tonne of copper cathode that:
 - (a) has a concentration of copper equal to or greater than 99.90%; and
 - (b) is produced from copper anode that was not produced as part of the transformation mentioned in subparagraph 686(1)(a)(i); and
 - (c) is produced by carrying on the emissions-intensive trade-exposed activity; and
 - (d) is of saleable quality.

Note: **Saleable quality** is defined in regulation 22C.

Part 31—Production of carbamide (urea)

Division 1—Production of carbamide (urea)

689 Production of carbamide (urea)

- (1) The production of carbamide (urea ($\text{CO}(\text{NH}_2)_2$)) is the chemical transformation of carbon dioxide (CO_2) and anhydrous ammonia (NH_3) to produce carbamide solution (urea ($\text{CO}(\text{NH}_2)_{2(\text{aq})}$)) that:
 - (a) has a concentration of carbamide (urea ($\text{CO}(\text{NH}_2)_2$)) equal to or greater than 80%; and
 - (b) is subsequently used to produce either or both of:
 - (i) carbamide solutions (urea ($\text{CO}(\text{NH}_2)_{2(\text{aq})}$)); and
 - (ii) saleable granulated, prilled or other solid forms of carbamide (urea ($\text{CO}(\text{NH}_2)_{2(\text{s})}$)).
- (2) The production of carbamide (urea) is specified as an emissions-intensive trade-exposed activity.

Division 2—Classification of activity

690 Classification of activity

The production of carbamide (urea) is a moderately emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

691 Electricity baseline for product

The electricity baseline for calculating the amount of a liable entity's exemption in respect of the production of carbamide (urea) is 0.285 MWh per tonne of 100% equivalent carbamide (urea (CO(NH₂)₂)) on a dry weight basis that is:

- (a) contained within either of the following products:
 - (i) carbamide solutions (urea (CO(NH₂)_{2(aq)}));
 - (ii) saleable, granulated, prilled or other solid forms of carbamide (urea (CO(NH₂)_{2(s)})); and
- (b) produced by carrying on the emissions-intensive trade exposed activity;
and
- (c) of saleable quality.

Note: **Saleable quality** is defined in regulation 22C.

Part 32—Production of sodium carbonate (soda ash) and sodium bicarbonate

Division 1—Production of sodium carbonate (soda ash) and sodium bicarbonate

692 Production of sodium carbonate (soda ash) and sodium bicarbonate

- (1) The production of sodium carbonate (soda ash) and sodium bicarbonate is the chemical and physical transformation of calcium carbonate (CaCO_3), sodium chloride (salt (NaCl)), ammonia (NH_3) and carbon bearing materials (such as coke) into 1 or more of the following:
 - (a) light sodium carbonate (light soda ash (Na_2CO_3)) which has a concentration of sodium carbonate (soda ash (Na_2CO_3)) equal to or greater than 98.0%;
 - (b) dense sodium carbonate (dense soda ash (Na_2CO_3)) which has a concentration of sodium carbonate (soda ash (Na_2CO_3)) equal to or greater than 97.5%;
 - (c) refined sodium bicarbonate (NaHCO_3) which has a concentration of sodium bicarbonate (NaHCO_3) equal to or greater than 95.0%.
- (2) The production of sodium carbonate (soda ash) and sodium bicarbonate is specified as an emissions-intensive trade exposed activity.

Division 2—Classification of activity

693 Classification of activity

The production of sodium carbonate (soda ash) and sodium bicarbonate is a highly emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

694 Electricity baseline for product

The electricity baseline for calculating the amount of a liable entity's exemption in respect of the production of sodium carbonate (soda ash) and sodium bicarbonate is 0.130 MWh per tonne of 1 or more of the following:

- (a) light sodium carbonate (light soda ash (Na_2CO_3)) that:
 - (i) has a concentration of sodium carbonate (soda ash (Na_2CO_3)) equal to or greater than 98.0%; and
 - (ii) is produced by carrying on the emissions-intensive trade-exposed activity; and
 - (iii) is of saleable quality;
- (b) dense sodium carbonate (dense soda ash (Na_2CO_3)) that:
 - (i) has a concentration of sodium carbonate (soda ash (Na_2CO_3)) equal to or greater than 97.5%; and
 - (ii) is produced by carrying on the emissions-intensive trade-exposed activity; and
 - (iii) is of saleable quality;
- (c) refined sodium bicarbonate (NaHCO_3) that:
 - (i) has a concentration of sodium bicarbonate (NaHCO_3) equal to or greater than 95.0%; and
 - (ii) is produced by carrying on the emissions-intensive trade-exposed activity; and
 - (iii) is of saleable quality.

Note: **Saleable quality** is defined in regulation 22C.

Part 33—Production of ammonia

Division 1—Production of ammonia

695 Production of ammonia

The production of ammonia is the chemical transformation of hydrocarbons (or other hydrogen feedstock) to hydrogen (H_2) that is subsequently reacted with nitrogen (N_2) to produce anhydrous ammonia (NH_3) that has a concentration of ammonia (NH_3) equal to or greater than 98%.

Division 2—Classification of activity

696 Classification of activity

The production of ammonia is a highly emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

697 Electricity baseline for product

The electricity baseline for calculating the amount of a liable entity's exemption in respect of the production of ammonia is 0.224 MWh per tonne of 100% equivalent anhydrous ammonia (NH₃) contained within anhydrous ammonia that:

- (a) has a concentration of ammonia equal to or greater than 98%; and
- (b) is produced by carrying on the emissions-intensive trade-exposed activity;
and
- (c) is of saleable quality.

Note: *Saleable quality* is defined in regulation 22C

Part 34—Production of ammonium nitrate

Division 1—Production of ammonium nitrate

698 Production of ammonium nitrate

The production of ammonium nitrate is the chemical transformation of anhydrous ammonia (NH_3) to ammonium nitrate solution ($\text{NH}_4\text{NO}_3(\text{aq})$) that has a concentration of ammonium nitrate (NH_4NO_3) equal to or greater than 60%.

Division 2—Classification of activity

699 Classification of activity

The production of ammonium nitrate is a highly emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

700 Electricity baseline for product

The electricity baseline for calculating the amount of a liable entity's exemption in respect of the production of ammonium nitrate is 0.114 MWh per tonne of 100% equivalent ammonium nitrate (NH_4NO_3) contained within ammonium nitrate solution ($\text{NH}_4\text{NO}_{3(\text{aq})}$) that:

- (a) has a concentration of ammonium nitrate (NH_4NO_3) equal to or greater than 60%; and
- (b) is produced by carrying on the emissions-intensive trade-exposed activity; and
- (c) is of saleable quality.

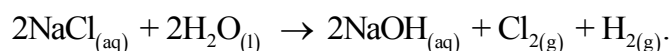
Note: *Saleable quality* is defined in regulation 22C

Part 35—Production of chlorine gas and sodium hydroxide (caustic soda) solution

Division 1—Production of chlorine gas and sodium hydroxide (caustic soda) solution

701 Production of chlorine gas and sodium hydroxide (caustic soda) solution

- (1) The production of chlorine gas and sodium hydroxide solution (caustic soda solution ($\text{NaOH}_{(\text{aq})}$)) is the chemical transformation of sodium chloride solution ($\text{NaCl}_{(\text{aq})}$) brine to chlorine ($\text{Cl}_{2(\text{l,g})}$) and sodium hydroxide solution (caustic soda solution ($\text{NaOH}_{(\text{aq})}$)) that has a concentration of sodium hydroxide (NaOH) equal to or greater than 14%.
- (2) The production of sodium hydroxide (NaOH) must be 1:1.13 times the produced weight of chlorine (Cl_2).
- (3) The following chemical reaction must be involved in the chemical transformation:



Division 2—Classification of activity

702 Classification of activity

The production of chlorine gas and sodium hydroxide solution (caustic soda solution (NaOH_(aq))) is a highly emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

703 Electricity baseline for product

The electricity baseline for calculating the amount of a liable entity's exemption in respect of the production of chlorine gas and sodium hydroxide solution (caustic soda solution ($\text{NaOH}_{(\text{aq})}$)) is 2.67 MWh per tonne of 100% equivalent sodium hydroxide (caustic soda (NaOH)) on a dry weight basis that:

- (a) is not recycled back into the emissions-intensive trade-exposed activity (such as a stream of sodium hydroxide solution (caustic soda solution $\text{NaOH}_{(\text{aq})}$) recycled back into the chemical treatment step); and
- (b) is contained within the sodium hydroxide solution produced by carrying on the emissions-intensive trade-exposed activity.

Part 36—Production of fused zirconia

Division 1—Production of fused zirconia

704 Production of fused zirconia

The production of fused zirconia is the physical and chemical transformation of zircon (ZrSiO_4) by:

- (a) the removal of silica (silicon dioxide (SiO_2)) using a reductant such as carbon; and
- (b) heating the zircon to its fusion point;

to produce fused zirconia (zirconium dioxide (ZrO_2)) that has a concentration of zirconium dioxide (ZrO_2) equal to or greater than 96%.

Division 2—Classification of activity

705 Classification of activity

The production of fused zirconia is a highly emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

706 Electricity baseline for product

The electricity baseline for calculating the amount of a liable entity's exemption in respect of the production of fused zirconia is 6.07 MWh per tonne of fused zirconia (zirconium dioxide (ZrO_2)) that:

- (a) has a concentration of zirconium dioxide (ZrO_2) equal to or greater than 96%; and
- (b) is produced by carrying on the emissions-intensive trade-exposed activity; and
- (c) is of saleable quality.

Note: *Saleable quality* is defined in regulation 22C

Part 37—Production of iron ore pellets

Division 1—Production of iron ore pellets

707 Production of iron ore pellets

The production of iron ore pellets is the physical and chemical transformation of iron ore to produce saleable iron ore pellets that are for the production of steel and that have:

- (a) a concentration of iron (Fe) equal to or greater than 63%; and
- (b) a concentration of alumina (aluminium oxide (Al_2O_3)) equal to or less than 2%; and
- (c) a concentration of silicon dioxide (silica (SiO_2)) equal to or less than 7%; and
- (d) an average diameter of between 9 and 16 millimetres.

Division 2—Classification of activity

708 Classification of activity

The production of iron ore pellets is a moderately emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

709 Electricity baseline for product

The electricity baseline for calculating the amount of a liable entity's exemption in respect of the production of iron ore pellets is 0.0498 MWh per tonne of iron ore pellets on a dry weight basis that:

- (a) have a concentration of iron (Fe) equal to or greater than 63%; and
- (b) have a concentration of alumina (aluminium oxide (Al_2O_3)) equal to or less than 2%; and
- (c) have a concentration of silicon dioxide (silica (SiO_2)) equal to or less than 7%; and
- (d) have an average diameter of between 9 and 16 millimetres; and
- (e) are not a relevant product for the emissions-intensive trade-exposed activity of integrated iron and steel manufacturing; and
- (f) are produced by carrying on the emissions-intensive trade-exposed activity; and
- (g) are of saleable quality.

Note 1: **Relevant product** is defined in regulation 22A.

Note 2: **Saleable quality** is defined in regulation 22C

Part 38—Production of liquefied natural gas

Division 1—Production of liquefied natural gas

710 Production of liquefied natural gas

The production of liquefied natural gas is the physical transformation of natural gas (in a gaseous state) into liquefied natural gas that has a concentration of methane (CH₄) equal to or greater than 70%.

Division 2—Classification of activity

711 Classification of activity

The production of liquefied natural gas is a moderately emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

712 Electricity baseline for product

The electricity baseline for calculating the amount of a liable entity's exemption in respect of the production of liquefied natural gas is 0.0640 MWh per tonne of liquefied natural gas that:

- (a) has a concentration of methane (CH₄) equal to or greater than 70%; and
- (b) is produced as part of carrying on the emissions-intensive trade-exposed activity; and
- (c) is transported (either as a gas or liquid) away from the facility where the natural gas was liquefied and not taken back to that facility.

Note: A tonne of liquefied natural gas transported away from the facility does not include any liquefied natural gas that is transferred to the transportation vessel but boils off and returns to the facility.

Part 39—Production of magnetite concentrate

Division 1—Production of magnetite concentrate

713 Production of magnetite concentrate

The production of magnetite concentrate is the physical transformation of magnetite ore (ore containing Fe_3O_4 that has a key property of ferrimagnetism) to produce saleable magnetite (Fe_3O_4) concentrate that:

- (a) has a concentration of iron (Fe) equal to or greater than 60% of the concentrate on a dry weight basis; and
- (b) has a particle size of less than 75 microns for at least 80% of the concentrate.

Note: Ferrimagnetism is ions of iron (Fe^{2+} and Fe^{3+}) spontaneously aligning in the sublattice of a crystalline solid to produce a net magnetic moment that is observed as permanent magnetisation of the solid at normal room temperature.

Division 2—Classification of activity

714 Classification of activity

The production of magnetite concentrate is a moderately emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

715 Electricity baseline for product

The electricity baseline for calculating the amount of a liable entity's exemption in respect of the production of magnetite concentrate is 0.0826 MWh per tonne of 100% equivalent iron (Fe) contained within magnetite (Fe₃O₄) concentrate that:

- (a) has a concentration of iron (Fe) equal to or greater than 60% of the concentrate on a dry weight basis; and
- (b) has a particle size of less than 75 microns for at least 80% of the concentrate; and
- (c) is produced by carrying on the emissions-intensive trade-exposed activity; and
- (ca) is not a relevant product for the emissions-intensive trade-exposed activity of the production of ferrovandium; and
- (d) is of saleable quality.

Note: *Saleable quality* is defined in regulation 22C.

Part 40—Production of glass beads

Division 1—Production of glass beads

716 Production of glass beads

The production of glass beads is the physical and chemical transformation of either or both of the following:

- (a) recycled materials (such as cullet);
- (b) all of the following:
 - (i) silicon dioxide (SiO₂, silica);
 - (ii) sodium carbonate (Na₂CO₃, soda ash);
 - (iii) any other raw materials;

through a crushing, sieving and firing process into saleable, solid, spherical glass beads where the refractive index is at least 1.50 and the size is smaller than 2 millimetres.

Division 2—Classification of activity

717 Classification of activity

The production of glass beads is a highly emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

718 Electricity baseline for product

The electricity baseline for calculating the amount of a liable entity's exemption in respect of the production of solid glass beads is 0.400 MWh per tonne of solid glass beads on a dry weight basis that:

- (a) have a refractive index of at least 1.50; and
- (b) have a size smaller than 2 millimetres; and
- (c) are produced by carrying on the emissions-intensive trade-exposed activity;
and
- (d) are of saleable quality.

Note: *Saleable quality* is defined in regulation 22C.

Part 41—Production of sodium silicate glass

Division 1—Production of sodium silicate glass

719 Production of sodium silicate glass

The production of sodium silicate glass is the physical and chemical transformation of silicon dioxide (SiO_2 , silica) and sodium carbonate (Na_2CO_3 , soda ash) into saleable sodium silicate glass where the concentration of sodium silicate (Na_2SiO_3) is at least 99% with respect to mass.

Division 2—Classification of activity

720 Classification of activity

The production of sodium silicate glass is a highly emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

721 Electricity baseline for product

The electricity baseline for calculating the amount of a liable entity's exemption in respect of the production of sodium silicate glass is 0.0205 MWh per tonne of sodium silicate glass on a dry weight basis that:

- (a) has a concentration of sodium silicate (Na_2SiO_3) that is at least 99% 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 defined in regulation 22C.

Part 42—Production of polymer grade propene (polymer grade propylene)

Division 1—Production of polymer grade propene (polymer grade propylene)

722 Production of polymer grade propene (polymer grade propylene)

The production of polymer grade propene (C_3H_6 , polymer grade propylene) is the physical transformation of hydrocarbons that have a concentration of propene (C_3H_6 , propylene) between 45% and 85% with respect to mass (inclusive) to polymer grade propene (polymer grade propylene) that has a concentration of propene (propylene) of at least 98% with respect to mass.

Division 2—Classification of activity

723 Classification of activity

The production of polymer grade propene (C₃H₆, polymer grade propylene) is a highly emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

724 Electricity baseline for product

The electricity baseline for calculating the amount of a liable entity's exemption in respect of the production of polymer grade propene (C_3H_6 , polymer grade propylene) is 0.220 MWh per tonne of 100% equivalent propene contained within polymer grade propene (C_3H_6 , propylene) that:

- (a) has a concentration of propene that is at least 98% with respect to mass;
and
- (b) is produced by carrying on the emissions-intensive trade-exposed activity.

Part 43—Production of rolled aluminium

Division 1—Production of rolled aluminium

725 Production of rolled aluminium

The production of rolled aluminium is the chemical and physical transformation of either or both of primary aluminium metal and secondary aluminium metal with alloying metals into coiled aluminium sheet of saleable quality with a concentration of aluminium of at least 90% with respect to mass, and with a thickness no more than 6 millimetres.

Division 2—Classification of activity

726 Classification of activity

The production of rolled aluminium is a highly emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

727 Electricity baseline for product

The electricity baseline for calculating the amount of a liable entity's exemption in respect of the production of rolled aluminium is 0.982 MWh per tonne of coiled aluminium sheet that:

- (a) has a concentration of aluminium of at least 90% with respect to mass; and
- (b) has a thickness no more than 6 millimetres measured after the finishing process is complete; and
- (c) is produced by carrying on the emissions-intensive trade-exposed activity; and
- (d) is of saleable quality.

Note: *Saleable quality* is defined in regulation 22C.

Part 44—Manufacture of reconstituted wood-based panels

Division 1—Manufacture of reconstituted wood-based panels

728 Manufacture of reconstituted wood-based panels

The manufacture of reconstituted wood-based panels is the physical and chemical transformation of wood, including wood particles and residues (such as chips, shavings and sawdust) into a reconstituted wood-based panel that:

- (a) has a density of greater than 500 kg a cubic metre; and
- (b) has individual wood particles or fibres with an average maximum dimension of no more than 30 mm.

Examples of reconstituted wood-based panels are particleboard and medium density fibreboard.

Division 2—Classification of activity

729 Classification of activity

The manufacture of reconstituted wood-based panels is a moderately emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

730 Electricity baseline for product

The electricity baseline for calculating the amount of a liable entity's exemption in respect of the manufacture of reconstituted wood-based panels is 0.372 MWh per tonne of raw reconstituted wood-based panel that:

- (a) has a density of greater than 500 kg a cubic metre; and
- (b) has individual wood particles or fibres with an average maximum dimension of no more than 30 mm; and
- (c) is produced by carrying on the emissions-intensive trade-exposed activity; and
- (d) is of saleable quality.

Note: **Saleable quality** is defined in regulation 22C.

Part 45—Production of coke oven coke

Division 1—Production of coke oven coke

731 Production of coke oven coke

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 at least 50% for at least 80% of the coke oven coke produced; and
- (b) has a coke reactivity index (CRI) value of no more than 40% for at least 80% of the coke oven coke produced.

Division 2—Classification of activity

732 Classification of activity

The production of coke oven coke is a highly emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

733 Electricity baseline for product

The electricity baseline for calculating the amount of a liable entity's exemption in respect of the production of coke oven coke is 0.0109 MWh per tonne of coke oven coke on a dry weight basis that:

- (a) has a coke strength after reaction (CSR) value of at least 50% for at least 80% of the coke oven coke produced; and
- (b) has a coke reactivity index (CRI) value of no more 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 defined in regulation 22C.

Part 46—Production of hydrogen peroxide

Division 1—Production of hydrogen peroxide

734 Production of hydrogen peroxide

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 ($\text{H}_2\text{O}_{2(\text{aq})}$) 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 ($\text{H}_2\text{O}_{2(\text{aq})}$) of at least 34% with respect to mass.

Division 2—Classification of activity

735 Classification of activity

The production of hydrogen peroxide is a moderately emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

736 Electricity baseline for product

The electricity baseline for calculating the amount of a liable entity's exemption in respect of the production of hydrogen peroxide is 0.858 MWh per tonne of 100% equivalent hydrogen peroxide in saleable aqueous hydrogen peroxide solution that:

- (a) has a concentration of hydrogen peroxide ($\text{H}_2\text{O}_{2(\text{aq})}$) 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 defined in regulation 22C.

Part 47—Production of ceramic floor and wall tiles

Division 1—Production of ceramic floor and wall tiles

737 Production of ceramic floor and wall tiles

The production of ceramic floor and wall tiles is the physical and chemical transformation of raw clay and other raw materials, such as feldspar and quartz, into saleable ceramic floor and wall tiles that conform to ISO 13006:2012 (issued by the International Organization for Standardization), or an equivalent standard, as in force when the tiles are produced.

Note: ISO 13006:2012 is published at www.iso.org.

Division 2—Classification of activity

738 Classification of activity

The production of ceramic floor and wall tiles is a moderately emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

739 Electricity baseline for product

The electricity baseline for calculating the amount of a liable entity's exemption in respect of the production of ceramic floor and wall tiles is 0.221 MWh per tonne of ceramic floor and wall tiles that:

- (a) conform to ISO 13006:2012; and
- (b) are produced by carrying on the emissions-intensive trade-exposed activity; and
- (c) are of saleable quality.

Note: *Saleable quality* is defined in regulation 22C.

Part 48—Production of nickel

Division 1—Production of nickel

740 Production of nickel

- (1) The production of nickel is the chemical and physical transformation of either or both of:
 - (a) nickel bearing inputs into intermediate nickel products, primary nickel products or cobalt products;
 - (b) intermediate nickel products into primary nickel products or cobalt products.

- (2) In this Part:

cobalt products means:

- (a) cobalt hydroxide ($\text{Co}(\text{OH})_2$) or cobalt oxyhydroxide (CoOOH) where the concentration of cobalt is at least 65% with respect to mass, measured on a dry weight basis; and
- (b) cobalt (Co) where the concentration of cobalt is at least 99% cobalt with respect to mass, measured on a dry weight basis.

intermediate nickel products means the following outputs of saleable quality from a nickel production process that are suitable for further refining:

- (a) nickel matte where the concentration of nickel is at least 64% nickel with respect to mass, measured on a dry weight basis;
- (b) mixed nickel-cobalt hydroxide precipitate where the concentration of nickel is between 35% and 47% with respect to mass, measured on a dry weight basis;
- (c) basic nickel carbonate ($\text{Ni}_3(\text{CO}_3)(\text{OH})_4$) where the concentration of nickel is between 40% and 45% with respect to mass, measured on a dry weight basis;
- (d) nickel sulphide concentrate (NiS) where the concentration of nickel is between 6.5% and 29% with respect to mass, measured on a dry weight basis.

nickel bearing inputs means mineralised nickel ores and low grade nickel waste products that require equivalent processing to mineralised nickel ores to produce intermediate or primary nickel products.

primary nickel products means:

- (a) basic nickel carbonate ($\text{Ni}_3(\text{CO}_3)(\text{OH})_4$) where the concentration of nickel is at least 50% nickel with respect to mass, measured on a dry weight basis; and
- (b) nickel oxide (NiO) where the concentration of nickel is at least 78% nickel with respect to mass, measured on a dry weight basis; and

- (c) nickel (Ni) where the concentration of nickel is at least 98% nickel with respect to mass, measured on a dry weight basis.

Division 2—Classification of activity

741 Classification of activity

The production of nickel is a moderately emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

742 Electricity baseline for product

- (1) The electricity baseline for calculating the amount of a liable entity's exemption in respect of the production of nickel is the following:
 - (a) 9.29 MWh per tonne of 100% equivalent nickel, measured on a dry weight basis, contained in primary nickel products produced from nickel bearing inputs;
 - (b) 6.45 MWh per tonne of 100% equivalent nickel, measured on a dry weight basis, contained in intermediate nickel products produced from nickel bearing inputs that are not subsequently transformed into primary nickel products at the same facility;
 - (c) 2.84 MWh per tonne of 100% equivalent nickel, measured on a dry weight basis, contained in primary nickel products produced from intermediate nickel products that have not been produced at the same facility;
 - (d) 8.89 MWh per tonne of 100% equivalent cobalt, measured on a dry weight basis, contained in cobalt products.
- (2) The production of nickel mentioned in subclause (1) is nickel 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.

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 exemption

745 Electricity baseline for product

The electricity baseline for calculating the amount of a liable entity's 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.

Part 50—Production of dried distillers grains with solubles

Division 1—Production of dried distillers grains with solubles

746 Production of dried distillers grains with solubles

The production of dried distillers grains with solubles is the physical and chemical transformation of either or both of:

- (a) condensed distillers solubles with a moisture content equal to or more than 55%;
- (b) wet distillers grains with a moisture content equal to or more than 60%; into dried distillers grains with solubles of saleable quality with a moisture content equal to or less than 12% and a protein content equal to or more than 20% (on a dry solids basis).

Division 2—Classification of activity

747 Classification of activity

The production of dried distillers grains with solubles is a highly emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

748 Electricity baseline for product

The electricity baseline for calculating the amount of a liable entity's exemption in respect of the production of dried distillers grains with solubles is 0.0785 MWh per tonne of dried distillers grains with solubles 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.

Part 51—Production of glass wool

Division 1—Production of glass wool

749 Production of glass wool

- (1) The production of glass wool is the chemical and physical transformation, through a melting, fiberising, binding and curing process, of either or both of the following:
 - (a) recycled materials (such as cullet);
 - (b) silicon dioxide (SiO₂, silica);and both of the following:
 - (c) sodium carbonate (Na₂CO₃, soda ash);
 - (d) other raw materials;into saleable glass wool.
- (2) The production of glass wool is specified as an emissions-intensive trade-exposed activity.

Division 2—Classification of activity

750 Classification of activity

The production of glass wool is a moderately emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

751 Electricity baseline for product

The electricity baseline for calculating the amount of a liable entity's exemption in respect of the production of glass wool is 1.78 MWh per tonne of glass wool 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.

Part 52—Production of coal char

Division 1—Production of coal char

752 Production of coal char

- (1) The production of coal char is the chemical and physical transformation of coal or a coal based input at a temperature higher than 700 °C, into coal char that, on a dry weight basis:
 - (a) has volatile matter of less than 2% after production; and
 - (b) has a fixed carbon content equal to or more than 92% after production.
- (2) The production of coal char is specified as an emissions-intensive trade-exposed activity.

Division 2—Classification of activity

753 Classification of activity

The production of coal char is a highly emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

754 Electricity baseline for product

The electricity baseline for calculating the amount of a liable entity's exemption in respect of the production of coal char is 0.120 MWh per tonne of coal char that:

- (a) has volatile matter of less than 2% after production; and
- (b) has a fixed carbon content equal to or more than 92% after production; and
- (c) is produced by carrying on the emissions-intensive trade-exposed activity; and
- (d) is of saleable quality.

Note: *Saleable quality* is defined in regulation 22C.

Part 53—Production of ferrovanadium

Division 1—Production of ferrovanadium

755 Production of ferrovanadium

- (1) The production of ferrovanadium is the chemical and physical transformation of magnetite ore, combined with soda ash and other chemicals, to produce ferrovanadium with a vanadium content equal to or more than 75%.
- (2) The production of ferrovanadium is specified as an emissions-intensive trade-exposed activity.
- (3) In this regulation:

magnetite ore means ore containing Fe_3O_4 and mineralised vanadium compounds.

Division 2—Classification of activity

756 Classification of activity

The production of ferrovanadium is a highly emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

757 Electricity baseline for product

The electricity baseline for calculating the amount of a liable entity's exemption in respect of the production of ferrovanadium is 58.7 MWh per tonne of 100% equivalent vanadium concentrate contained within ferrovanadium, in which the concentration of vanadium is equal to or more than 75%, which:

- (a) is produced by carrying on the emissions-intensive trade-exposed activity; and
- (b) is not a relevant product for the emissions-intensive trade-exposed activity of the production of magnetite concentrate; and
- (c) is of saleable quality.

Note: *Saleable quality* is defined in regulation 22C.

Part 54—Rendering of animal by-products

Division 1—Rendering of animal by-products

758 Rendering of animal by-products

- (1) The rendering of animal by-products is the chemical and physical transformation of raw livestock-derived animal material into processed animal protein meal with a moisture content that does not exceed 10% by weight and tallow with a moisture content that does not exceed 4% by weight.

Note: Examples of processed animal protein meal include meat and bone meal, dried blood meal and feather meal.

- (2) The rendering of animal by-products is specified as an emissions-intensive trade-exposed activity.

Division 2—Classification of activity

759 Classification of activity

The rendering of animal by-products is a moderately emissions-intensive activity.

Division 3—Electricity baseline for calculating exemption

760 Electricity baseline for product

The electricity baseline for calculating the amount of a liable entity's exemption in respect of the rendering of animal by-products is 0.248 MWh per tonne of processed animal protein meal with a moisture content that does not exceed 10% by weight, which:

- (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.

Endnotes

Endnote 1—About the endnotes

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

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

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

Legislation history and amendment history—Endnotes 3 and 4

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

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

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

Editorial changes

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

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

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

Endnotes

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

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

Endnote 3—Legislation history

Endnote 3—Legislation history

Number and year	FRLI registration or gazettal	Commencement	Application, saving and transitional provisions
2001 No. 2	6 Feb 2001	6 Feb 2001 (r 2)	
2001 No. 219	23 Aug 2001	23 Aug 2001 (r 2)	r 4
2002 No. 48	15 Mar 2002	Sch 1: 1 Apr 2001 (r 2(a)) Sch 2: 1 Jan 2002 (r 2(b)) Remainder: 15 Mar 2002 (r 2(c))	—
2002 No. 232	4 Oct 2002	Sch 1: 1 July 2002 (r 2(a)) Remainder: 4 Oct 2002 (r 2(b))	—
2002 No. 339	20 Dec 2002	Sch 1: 27 Aug 2002 (r 2(a)) Remainder: 1 Jan 2003 (r 2(b))	—
2003 No. 96	29 May 2003	29 May 2003 (r 2)	—
2003 No. 315	11 Dec 2003	11 Dec 2003 (r 2)	—
2004 No. 322	25 Nov 2004	25 Nov 2004 (r 2)	—
2005 No. 5	14 Feb 2005 (F2005L00222)	15 Feb 2005 (r 2)	—
2005 No. 72	29 Apr 2005 (F2005L00954)	Sch 1: 25 Nov 2004 (r 2(a)) Remainder: 30 Apr 2005 (r 2(b))	—
2005 No. 255	11 Nov 2005 (F2005L03467)	14 Nov 2005 (r 2)	—
2005 No. 256	14 Nov 2005 (F2005L03271)	15 Nov 2005 (r 2)	—
2005 No. 310	19 Dec 2005 (F2005L04003)	20 Dec 2005 (r 2)	—
2006 No. 120	7 June 2006 (F2006L01653)	8 June 2006 (r 2)	—
2006 No. 248	21 Sept 2006 (F2006L03049)	21 Sept 2006 (r 2)	—
2006 No. 344	15 Dec 2006 (F2006L03994)	16 Dec 2006 (r 2)	—
2006 No. 345	15 Dec 2006 (F2006L03960)	16 Dec 2006 (r 2)	—
2007 No. 218	24 July 2007 (F2007L02204)	25 July 2007 (r 2)	—
2007 No. 308	27 Sept 2007 (F2007L03761)	28 Sept 2007 (r 2)	—
2007 No. 336	5 Oct 2007 (F2007L03953)	Sch 1: 6 Oct 2007 (s 2(a)) Sch 2: 5 Nov 2007 (r. 2(b))	—
2008 No. 263	18 Dec 2008 (F2008L04657)	19 Dec 2008 (r 2)	—
2009 No. 131	25 June 2009 (F2009L02502)	1 July 2009 (r 2 and F2009L02489)	—
2009 No. 221	8 Sept 2009 (F2009L03474)	9 Sept 2009 (r 2)	—
2009 No. 222	8 Sept 2009 (F2009L03475)	9 Sept 2009 (r 2)	r 4
2009 No. 379	16 Dec 2009 (F2009L04571)	17 Dec 2009 (r 2)	—
2010 No. 46	12 Mar 2010 (F2010L00654)	13 Mar 2010 (r 2)	—
2010 No. 52	26 Mar 2010 (F2010L00713)	27 Mar 2010 (r 2)	—

Endnotes

Endnote 3—Legislation history

Number and year	FRLI registration or gazettal	Commencement	Application, saving and transitional provisions
2010 No. 142	18 June 2010 (F2010L01597)	21 June 2010 (r 2)	r 4
2010 No. 204	9 July 2010 (F2010L01954)	10 July 2010 (r 2)	—
2010 No. 239	30 Sept 2010 (F2010L02544)	1 Oct 2010 (r 2)	r 4
2010 No. 246	15 Oct 2010 (F2010L02641)	16 Oct 2010 (r 2)	—
2010 No. 256	29 Oct 2010 (F2010L02806)	30 Oct 2010 (r 2)	—
2010 No. 320	13 Dec 2010 (F2010L03206)	r 1–3, 5 (1), 5 (4) and Sch 1: 14 Dec 2010 (r 2(a)) r. 4, 5 (2), 5 (3) and Sch 2: 1 Jan 2011 (r 2(b))	r 5
2010 No. 321	13 Dec 2010 (F2010L03159)	1 Jan 2011 (r 2))	—
2011 No. 11	1 Mar 2011 (F2011L00332)	2 Mar 2011 (r 2)	—
2011 No. 88	21 June 2011 (F2011L01090)	1 July 2011 (r2)	—
2011 No. 116	30 June 2011 (F2011L01381)	1 July 2011 (r 2)	r 4
2011 No. 177	5 Oct 2011 (F2011L02025)	6 Oct 2011 (r 2)	—
2011 No. 222	23 Nov 2011 (F2011L02410)	24 Nov 2011 (r 2)	r 4
2011 No. 270	12 Dec 2011 (F2011L02649)	13 Dec 2011 (r 2)	—
2012 No. 13	24 Feb 2012 (F2012L00399)	25 Feb 2012 (s 2)	—
2012 No. 14	24 Feb 2012 (F2012L00400)	Sch 1: 25 Feb 2012 (s 2(a)) Sch 2: 25 Feb 2012 (s 2(b))	—
2012 No. 15	24 Feb 2012 (F2012L00402)	25 Feb 2012 (s 2)	—
2012 No. 33	23 Mar 2012 (F2012L00672)	2 Apr 2012 (s 2 and F2011L02617)	—
2012 No. 101	19 June 2012 (F2012L01246)	20 June 2012 (s 2)	—
2012 No. 127	2 July 2012 (F2012L01483)	3 July 2012 (s 2)	—
2012 No. 182	7 Aug 2012 (F2012L01658)	8 Aug 2012 (s 2)	—
2012 No. 227	3 Oct 2012 (F2012L01993)	Sch 1: 4 Oct 2012 (s 2(a)) Sch 2: 1 Jan 2013 (s 2(b))	—
2012 No. 290	11 Dec 2012 (F2012L02419)	Sch 1: 12 Dec 2012 (s2(a)) Sch 2: 1 Jan 2013 s 2(b))	—
18, 2013	4 Mar 2013 (F2013L00387)	5 Mar 2013 (s 2)	—
36, 2013	15 Mar 2013 (F2013L00475)	16 Mar 2013 (s 2)	—
44, 2013	3 Apr 2013 (F2013L00605)	4 Apr 2013 (s 2)	—
58, 2013	30 Apr 2013 (F2013L00706)	Sch 1 (items 32–36): 1 May 2013 (s 2 item 3)	—
79, 2013	16 May 2013 (F2013L00779)	Sch 1 (items 17–19): 17 May 2013 (s 2 item 4)	—
144, 2013	2 July 2013 (F2013L01302)	Sch 1 (items 4–17): 3 July 2013 (s 2 item 2) Sch 2: 29 July 2013 (s 2 item 3)	—
243, 2013	25 Nov 2013 (F2013L01975)	Sch 1 (items 9–14): 26 Nov 2013 (s 2)	—

Endnote 3—Legislation history

Number and year	FRLI registration or gazettal	Commencement	Application, saving and transitional provisions
27, 2014	14 Mar 2014 (F2014L00259)	15 Mar 2014 (r 2)	—
155, 2014	3 Nov 2014 (F2014L01475)	4 Nov 2014 (r 2)	—
179, 2014	28 Nov 2014 (F2014L01606)	Sch 1 (items 15-18, 20): 29 Nov 2014 (s 2)	—
11, 2015	27 Feb 2015 (F2015L00229)	28 Feb 2015 (s 2)	—
121, 2015	23 July 2015 (F2015L01172)	24 July 2015 (s 2(1) item 1)	—
228, 2015	16 Dec 2015 (F2015L02030)	17 Dec 2015 (s 2(1) item 1)	—

Name	Registration	Commencement	Application, saving and transitional provisions
Renewable Energy (Electricity) Amendment (Percentages) Regulation 2016	11 Mar 2016 (F2016L00313)	12 Mar 2016 (s 2(1) item 1)	—
Corporations and Other Legislation Amendment (Insolvency Law Reform) Regulation 2016	13 Dec 2016 (F2016L01926)	Sch 1 (item 51): 1 Mar 2017 (s 2(1) item 2)	—
Renewable Energy (Electricity) Amendment (Percentages) Regulations 2017	28 Mar 2017 (F2017L00322)	29 Mar 2017 (s 2(1) item 1)	—
Renewable Energy (Electricity) Amendment (Exemptions and Other Measures) Regulations 2017	18 Dec 2017 (F2017L01639)	Sch 2 (items 6–8): 1 July 2018 (s 2(1) item 4) Remainder: 19 Dec 2017 (s 2(1) items 1–3)	—
Renewable Energy (Electricity) Amendment (Percentages) Regulations 2018	29 Mar 2018 (F2018L00451)	30 Mar 2018 (s 2(1) item 1)	—
Renewable Energy (Electricity) Amendment (Solar Water Heater Eligibility) Regulations 2018	7 Dec 2018 (F2018L01683)	8 Dec 2018 (s 2(1) item 1)	—
Renewable Energy (Electricity) Amendment (Small-scale Solar Eligibility and Other Measures) Regulations 2019	25 Feb 2019 (F2019L00197)	26 Feb 2019 (s 2(1) item 1)	—

Endnotes

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Renewable Energy (Electricity) Amendment (Percentages) Regulations 2019	12 Mar 2019 (F2019L00279)	13 Mar 2019 (s 2(1) item 1)	—
Renewable Energy (Electricity) Amendment (Percentages) Regulations 2020	10 Mar 2020 (F2020L00236)	11 Mar 2020 (s 2(1) item 1)	—
Renewable Energy (Electricity) Amendment (Percentages) Regulations 2021	3 Mar 2021 (F2021L00192)	4 Mar 2021 (s 2(1) item 1)	—
Export Control Legislation (Repeals and Consequential Amendments) Regulations 2021	25 Mar 2021 (F2021L00336)	Sch 2 (items 11, 12): 3 am (A.C.T.) 28 Mar 2021 (s 2(1) item 1)	—
Renewable Energy (Electricity) Amendment (Exemption Certificate Application Extension) Regulations 2021	29 Oct 2021 (F2021L01475)	30 Oct 2021 (s 2(1) item 1)	—
Renewable Energy (Electricity) Amendment (Small- Scale Renewable Energy Scheme Reforms and Other Measures) Regulations 2021	17 Dec 2021 (F2021L01828)	Sch 1: 1 Apr 2022 (s 2(1) item 2) Sch 2: 1 July 2022 (s 2(1) item 3) Sch 3 and 4: 1 Jan 2022 (s 2(1) items 4, 5)	—
Treasury Laws Amendment (Corporate Insolvency Reforms Consequential Amendments) Regulations 2021	20 Dec 2021 (F2021L01847)	Sch 1 (items 17–19): 21 Dec 2021 (s 2(1) item 1)	—
Renewable Energy (Electricity) Amendment (Percentages) Regulations 2022	4 Feb 2022 (F2022L00114)	5 Feb 2022 (s 2(1) item 1)	—

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Renewable Energy (Electricity) Amendment Act 2010	69, 2010	28 June 2010	Sch 1 (item 138) and Sch 2 (items 14, 15): 29 June 2010 (s 2(1) items 3, 4)	Sch 2 (items 14, 15)

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Renewable Energy (Electricity) Amendment Act 2015	90, 2015	26 June 2015	Sch 1 (items 47–52): 27 June 2015 (s 2(1) item 1)	Sch 1 (item 52)

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
r 2	rep LA s 48D
r 3	am 2001 No 219; 2002 No 48, 232 and 339; 2003 No 96 and 315; 2004 No 322; 2005 No 255 and 256; 2006 No 248 and 345; 2007 No 336; 2010 No 239 and 320; 2012 No 13; No 155, 2014; F2017L01639; F2019L00197; F2021L00336; F2021L01828
r 3A	ad No 345, 2006 am No 320, 2010; No 33, 2012; F2017L01639; F2018L01683
r 3B	ad 2007 No 336
Part 2	
Division 2.1A	
Division 2.1A	ad 2012 No 290
r 3L	ad 2012 No 290 am F2016L01926; F2021L01847
Division 2.1	
r 3S	ad 2012 No 15
r 4	am 2007 No 336
r 5	am 2007 No 336
r 5A	ad 2012 No 15
Division 2.2	
r 6	rs 2007 No 336
r 7	am 2001 No 219 rs 2007 No 336
r 8	rs 2007 No 336; 2011 No 222 am Act No 90, 2015
r 9	rs 2005 No 255; 2007 No 336 am F2021L00336
r 11	rep 2001 No 219
r 12	rep 2007 No 336
Division 2.2A	
Division 2.2A	ad 2011 No 270
r 10A	ad 2011 No 270
r 10B	ad 2011 No 270
r 10C	ad 2011 No 270 am No 243, 2013
Division 2.3	
Subdivision 2.3.1	
Subdivision 2.3.1 heading	rs 2007 No 336
r 13	am 2007 No 336

Endnote 4—Amendment history

Provision affected	How affected
r 14.....	am 2001 No 219 rs 2007 No 336 am 2009 No 131; 2011 No 270
r 15.....	rs 2007 No 336 am 2011 No 270
r 15A.....	ad 2007 No 336 am 2011 No 270; F2019L00197
r 16.....	am 2011 No 270
r 17.....	rep 2007 No 336
r 18.....	rs 2007 No 336 am 2011 No 270; 2012 No 33
Subdivision 2.3.2	
r 19.....	am 2001 No 219; 2002 No 48 and 232; 2003 No 96 rs 2005 No 256 am 2006 No 345 rs 2007 No 336 am F2017L01639; F2021L01828
r 19A.....	ad 2007 No 336 am 2009 No 222 rs 2010 No 320
r 19B.....	ad 2007 No 336 rs 2010 No 320 am No 144, 2013
r 19BA.....	ad 2010 No 320 am No 144, 2013
r 19BB.....	ad No 320, 2010 am F2018L01683
r 19BC.....	ad 2010 No 320
r 19BD.....	ad 2010 No 320
r 19BE.....	ad No 144, 2013
r 19C.....	ad 2007 No 336 am 2010 No 320; No 155, 2014; F2021L01828
Subdivision 2.3.3	
r 19D.....	ad 2007 No 336 am 2010 No 142; No 144, 2013
r 19E.....	ad 2010 No 320 rep No 144, 2013
r 19F.....	ad 2010 No 320 rep No 144, 2013
r 19G.....	ad 2010 No 320

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
	am No 144, 2013 rep No 144, 2013
r 20	am 2002 No 232; 2004 No 322; 2005 No 255; 2007 No 336; 2009 No 221; 2010 No 142 and 204; 2011 No 88; No 155, 2014; F2017L01639; F2021L01828
r 20AA	ad 2009 No 221 am 2010 No 204 and 320; 2011 No 88; 2012 No 290
r 20AAA	ad No 290, 2012 am F2018L01683
r 20AB	ad 2009 No 221
r 20AC	ad 2010 No 142 am 2010 No 239 and 320; F2021L01828
r 20AD	ad F2021L01828
r 20AE	ad F2021L01828
r 20AF	ad F2021L01828
r 20AG	ad F2021L01828
r 20AH	ad F2021L01828
r 20AI	ad F2021L01828
r 20A	ad 2007 No 336
r 20B	ad 2007 No 336 am F2017L01639
r 20BA	ad 2010 No 142
Subdivision 2.3.4	
Subdivision 2.3.4	ad F2021L01828
r 20BB	ad F2021L01828
r 20BC	ad F2021L01828
r 20BD	ad F2021L01828
r 20BE	ad F2021L01828
r 20BF	ad F2021L01828
r 20BG	ad F2021L01828
r 20BH	ad F2021L01828
r 20BI	ad F2021L01828
r 20BJ	ad F2021L01828
r 20BK	ad F2021L01828
r 20BL	ad F2021L01828
r 20BM	ad F2021L01828
r 20BN	ad F2021L01828
Division 2.4	ad 2007 No 336 rep No 144, 2013
r 20C	ad 2007 No 336 rep No 144, 2013

Endnote 4—Amendment history

Provision affected	How affected
Division 2.5A	
Division 2.5A.....	ad 2012 No 290
r 20CL.....	ad 2012 No 290
Division 2.5	
Division 2.5.....	ad 2007 No 336
r 20DA.....	ad 2009 No 379
r 20D.....	ad 2007 No 336 am 2011 No 270; F2021L01828
Division 2.6	
Division 2.6.....	ad 2007 No 336
r 20E.....	ad 2007 No 336 am 2011 No 270
r 20F.....	ad 2007 No 336
Division 2.7	
Division 2.7.....	ad 2012 No 15
r 20FA.....	ad 2012 No 15
r 20FB.....	ad 2012 No 15
r 20FC.....	ad 2012 No 15 am 2012 No 227
r 20FC(5).....	exp 1 Nov 2012 (r 20FC(6))
r 20FC(6).....	exp 1 Nov 2012 (r 20FC(6))
r 20FD.....	ad 2012 No 15
Part 2A	
r 20G.....	ad 2010 No 320
r 20H.....	ad 2010 No 320 am 2012 No 33
r 20I.....	ad 2010 No 320
r 20J.....	ad 2010 No 320
r 20K.....	ad 2010 No 320 am 2012 No 33
r 20L.....	ad 2010 No 320
r 20M.....	ad 2010 No 320 am 2012 No 33
r 20N.....	ad 2010 No 320
r 20O.....	ad 2010 No 320
r 20P.....	ad 2010 No 320
Part 3	
r 21A.....	ad 2006 No 248 am F2021L01828
r 21.....	rs 2007 No 336

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
r 22.....	am 2009 No 131; F2021L01828 rs F2017L01639
Part 3A	
Part 3A heading.....	am No 121, 2015
Part 3A.....	ad No 46, 2010
Division 1	
r 22A.....	ad No 46, 2010 am No 246, 2010; No 320, 2010; No 11, 2011; No 13, 2012; No 121, 2015; F2017L01639 ed C68
r 22B.....	ad 2010 No 46
r 22C.....	ad No 46, 2010 am No 121, 2015
Division 2	
r 22D.....	ad No 46, 2010 am No 204, 2010; No 13, 2012; No 121, 2015; F2021L01828
Division 3	
r 22E.....	ad No 46, 2010 am No 121, 2015; F2017L01639; F2021L01828
Division 4	
Division 4 heading.....	am No 121, 2015
Subdivision A	
r 22F.....	ad No 46, 2010
r 22G.....	ad No 46, 2010 am No 121, 2015; F2017L01639
r 22H.....	ad No 46, 2010 am No 121, 2015
r 22I.....	ad No 46, 2010 am No 121, 2015
r 22J.....	ad No 46, 2010 am No 320, 2010; No 121, 2015
r 22K.....	ad No 46, 2010 am No 121, 2015
r 22L.....	ad No 46, 2010 am No 121, 2015; F2017L01639
r 22LA.....	ad F2017L01639 am F2021L01828
r 22M.....	ad No 46, 2010 am No 144, 2013; No 121, 2015; F2017L01639
s 22MA.....	am F2017L01639

Endnote 4—Amendment history

Provision affected	How affected
Subdivision B	
r 22N	ad No 46, 2010
r 22O	ad No 46, 2010
	am No 320, 2010; No 121, 2015; F2017L01639; F2021L01828
r 22P	ad 2010 No 46
	am 2012 No 13; No 155, 2014
	rep F2017L01639
r 22Q	ad 2010 No 46
	am F2017L01639
	rep F2021L01828
r 22R	ad 2010 No 46
	am F2017L01639
	rep F2021L01828
r 22S	ad 2010 No 46
	am F2017L01639; F2019L00197; F2021L01828
r 22T	ad No 46, 2010
	am No 121, 2015; F2017L01639; F2019L00197
r 22U	ad 2010 No 46
	am No 18, 2013
	rep F2017L01639
Subdivision BA	
Subdivision BA heading	rs F2017L01639
r 22UA	ad No 320, 2010
	am No 290, 2012; No 18, 2013; No 155, 2014; No 121, 2015; F2017L01639
r 22UB	ad 2010 No 320
	am No 18, 2013; F2017L01639
r 22UC	ad 2010 No 320
r 22UD	ad No 18, 2013
	rep F2017L01639
Subdivision BB	
Subdivision BB	ad F2017L01639
r 22UF	ad F2017L01639
r 22UG	ad F2017L01639
	am F2019L00197; F2021L01828
r 22UH	ad F2017L01639
	am F2019L00197
Subdivision C	
r 22V	ad 2010 No 46
r 22W	ad 2010 No 46
	am 2010 No 239

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
r 22X	rep 2012 No 13 ad No 46, 2010
r 22XA	am No 239, 2010; No 13, 2012; No 101, 2012; No 127, 2012; No 182, 2012; No 227, 2012; No 44, 2013; No 58, 2013; No 79, 2013; No 144, 2013; No 243, 2013; No 121, 2015; F2017L01639 ad F2017L01639 am F2021L01475
r 22Y	ad 2010 No 46 rs F2017L01639
Division 5	
Division 5 heading	am No 121, 2015 rs F2017L01639
Subdivision A	
r 22Z	ad No 46, 2010 am No 320, 2010; No 121, 2015; F2017L01639
Subdivision B	
r 22ZA	ad No 46, 2010 am Act No 69, 2010; No 320, 2010; No 11, 2011; No 116, 2011; No 121, 2015
Subdivision C	
r 22ZB	ad No 46, 2010 am No 246, 2010; No 243, 2013; No 121, 2015
r 22ZC	ad 2010 No 46 am 2012 No 13; No 155, 2014
r 22ZD	ad No 46, 2010 am No 121, 2015
Subdivision D	
r 22ZE	ad 2010 No 46 am No 144, 2013
Subdivision E	
r 22ZF	ad No 46, 2010 am No 121, 2015
r 22ZG	ad No 46, 2010 am No 121, 2015
Subdivision F	
Subdivision F	rep No 121, 2015
r 22ZH	ad 2010 No 46 am 2010 No 320 rep No 121, 2015
Division 5A	
Division 5A	ad F2017L01639

Endnote 4—Amendment history

Provision affected	How affected
r 22ZHA	ad F2017L01639
r 22ZHB	ad F2017L01639
r 22ZHC	ad F2017L01639
	am F2019L00197; F2021L01828
r 22ZHD	ad F2017L01639
Division 6	
Division 6 heading	am No 121, 2015
r 22ZI	ad 2010 No 46
r 22ZJ	ad 2010 No 46
	am No 121, 2015; F2017L01639; F2019L00197
Division 7	
Division 7 heading	am No 121, 2015
r 22ZK	ad 2010 No 46
r 22ZL	ad 2010 No 46
	am 2010 No 320; No 121, 2015; F2017L01639; F2021L01828
r 22ZM	ad 2010 No 46
	rep 2010 No 320
Division 8	
Division 8 heading	am No 121, 2015
Subdivision A	
Subdivision A heading	am No 121, 2015
r 22ZN	ad No 46, 2010
	am No 121, 2015; F2017L01639; F2019L00197; F2021L01828
Subdivision B	
Subdivision B heading	am No 121, 2015
r 22ZO	ad No 46, 2010
	am No 121, 2015; F2019L00197
r 22ZP	ad No 46, 2010
	am No 121, 2015; F2017L01639
r 22ZPA	ad F2017L01639
	am F2019L00197; F2021L01828
r 22ZQ	ad No 46, 2010
	am No 144, 2013; No 121, 2015; F2017L01639; F2019L00197
r 22ZQA	ad F2017L01639
	am F2019L00197
r 22ZR	ad No 46, 2010
	am No 121, 2015; F2017L01639
r 22ZS	ad No 46, 2010
	am No 121, 2015; F2017L01639; F2019L00197; F2021L01828

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
Division 8A	
Division 8A heading	am No 121, 2015
Division 8A.....	ad 2010 No 239
r 22ZSA.....	ad 2010 No 239
Division 9	
r 22ZT	ad No 46, 2010
	am No 121, 2015; F2017L01639
Part 4	
Part 4 heading.....	rs 2007 No 336
Division 1	
Division 1.....	ad No 14, 2012
Division 2	
r 23	am F2020L00236; F2021L00192; F2022L00114
Division 3	
r 23A	ad No 320, 2010
	am F2020L00236; F2021L00192; F2022L00114
r 22ZU (prev r 23A)	renum No 14, 2012
r 23B	ad No 320, 2010
r 22ZV (prev r 23B)	renum No 14, 2012
r 23C	ad No 320, 2010
r 22ZW (prev r 23C).....	renum No 14, 2010
	am No 121, 2015
r 23D	ad No 320, 2010
r 22ZX (prev r 23D).....	renum No 14, 2012
r 23E.....	ad No 320, 2010
r 22ZY (prev r 23E).....	renum No 14, 2012
	am No 121, 2015
Division 1 heading	ad No 321, 2010
	rep No 14, 2012
Division 1.....	rep 2012 No 14
r 23	am 2002 No 48 and 339; 2003 No 315; 2005 No 5 and 310; 2006 No 344; 2007 No 308; 2008 No 263; 2010 No 52 and 321
	rep 2012 No 14
Division 2	
Division 2.....	ad 2010 No 321
	rs 2012 No 14
r 23A (second occurring).....	ad 2010 No 321
	rep 2012 No 14
r 23	ad 2012 No 14

Endnote 4—Amendment history

Provision affected	How affected
	am No 36, 2013; No 27, 2014; No 11, 2015; F2016L00313; F2017L00322; F2018L00451; F2019L00279
Division 3	
Division 3.....	ad 2012 No 14
r 23A.....	ad 2012 No 14
	am No 36, 2013; No 27, 2014; No 11, 2015; F2016L00313; F2017L00322; F2018L00451; F2019L00279
Part 5	
r 24.....	am 2007 No 336 am 2009 No 131 rs 2010 No 320 am 2012 No 33 and 290; F2021L01828
r 24A.....	ad 2010 No 320
r 24B.....	ad 2010 No 320
r 25.....	am 2007 No 336 am 2009 No 131 rs 2010 No 320 am 2012 No 33 and 290; F2021L01828
r 25A.....	ad 2010 No 320 am 2012 No 33 and 290; F2021L01828
Part 6	
r 28.....	am 2001 No 219; 2007 No 336; 2010 No 320; 2011 No 177
r 29.....	rep 2007 No 336
Part 7	
Part 7.....	ad 2010 No 320
Division 1	
r 29.....	ad 2010 No 320
r 30.....	ad 2010 No 320
r 31.....	ad 2010 No 320
r 32.....	ad 2010 No 320
Division 2	
r 33.....	ad 2010 No 320
r 34.....	ad 2010 No 320
r 35.....	ad 2010 No 320
r 36.....	ad 2010 No 320
Division 3	
r 37.....	ad 2010 No 320
r 38.....	ad 2010 No 320
r 39.....	ad 2010 No 320 am F2021L01828

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
r 40.....	ad 2010 No 320
r 41.....	ad 2010 No 320 am F2021L01828
Division 4	
r 42.....	ad 2010 No 320
r 43.....	ad 2010 No 320 am F2021L01828
r 44.....	ad 2010 No 320
r 45.....	ad 2010 No 320 am F2021L01828 ed C79
r 46.....	ad 2010 No 320
r 47.....	ad 2010 No 320 am F2021L01828
r 48.....	ad 2010 No 320
Part 8	
r 49.....	ad 2010 No 320 am F2017L01639; F2019L00197; F2021L01828 ed C79
Part 9	
r 50.....	ad No 179, 2014 am No 121, 2015
r 51.....	ad No 121, 2015
r 52.....	ad F2019L00197
r 53.....	ad F2021L01828
r 54.....	ad F2021L01828
r 55.....	ad F2021L01828
Schedule 1	
Schedule 1 heading.....	rs 2007 No 336
Schedule 1.....	am 2001 No 219; 2007 No 336; 2011 No 270; 2012 No 15
Schedule 2.....	rep 2007 No 336
Schedule 3	
Schedule 3 heading.....	rs 2007 No 336
Schedule 3.....	am 2001 No 219; 2007 No 336; 2012 No 15
Schedule 3A	
Schedule 3A.....	ad 2012 No 15
Schedule 4	
Schedule 4 heading.....	rs 2010 No 320
Schedule 4.....	rep 2004 No 322 ad 2007 No 336

Endnote 4—Amendment history

Provision affected	How affected
	am 2010 No 320
Schedule 5 heading	rs 2007 No 336
	rep F2017L01639
Schedule 5	rs 2002 No 232
	am 2007 No 336; 2009 No 379; No 115, 2014
	rep F2017L01639
Schedule 6	
Schedule 6	rep 2004 No 322
	ad 2010 No 46
	am No 204, 2010; No 239, 2010; No 246, 2010; No 256, 2010; No 11, 2011; No 13, 2012; No 101, 2012; No 127, 2012; No 182, 2012; No 227, 2012; No 290, 2012; No 44, 2013; No 58, 2013; No 79, 2013; No 144, 2013; No 243, 2013; No 155, 2014; No 179, 2014; No 121, 2015; No 228, 2015
	ed C64
	am F2017L01639
Schedule 7	am 2001 No 219; 2002 No 48 and 232; 2003 No 96 and 315; 2004 No 322; 2005 No 72, 256 and 310; 2006 No 120 and 345; 2007 No 218
	rep 2007 No 336

Endnotes

Endnote 5—Editorial changes

Endnote 5—Editorial changes

In preparing this compilation for registration, the following kinds of editorial change(s) were made under the *Legislation Act 2003*.

Regulation 45

Kind of editorial change

Removal of redundant text

Details of editorial change

Schedule 2 item 4 of the *Renewable Energy (Electricity) Amendment (Small-Scale Renewable Energy Scheme Reforms and Other Measures) Regulations 2021* instructs to omit “Clean Energy Council” and substitute “the scheme operator for the accreditation scheme under which the person or persons who designed and installed the small generation unit were accredited” in regulation 45.

This amendment results in two consecutive occurrences of the word “the”.

This compilation was editorially changed to omit “the the” and substitute “the” in regulation 45 to remove the redundant text.

Endnote 5—Editorial changes

In preparing this compilation for registration, the following kinds of editorial change(s) were made under the *Legislation Act 2003*.

Subregulation 49(1) (table item 2AE)**Kind of editorial change**

Reordering of provisions

Details of editorial change

Schedule 2 item 5 of the *Renewable Energy (Electricity) Amendment (Small-Scale Renewable Energy Scheme Reforms and Other Measures) Regulations 2021* instructs to insert table items 2AF and 2AG after table item 2AD of subregulation 49(1).

This amendment results in table item 2AE of subregulation 49(1) being out of alphanumerical order.

This compilation was editorially changed to move table item 2AE of subregulation 49(1) to the correct alphanumerical position.