



Renewable Energy (Electricity) Amendment Regulations 2011 (No. 5)¹

Select Legislative Instrument 2011 No. 222

I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Renewable Energy (Electricity) Act 2000*.

Dated 23 November 2011

QUENTIN BRYCE
Governor-General

By Her Excellency's Command

GREG COMBET
Minister for Climate Change and Energy Efficiency

1 Name of Regulations

These Regulations are the *Renewable Energy (Electricity) Amendment Regulations 2011 (No. 5)*.

2 Commencement

These Regulations commence on the day after they are registered.

3 Amendment of *Renewable Energy (Electricity) Regulations 2001*

Schedule 1 amends the *Renewable Energy (Electricity) Regulations 2001*.

4 Transitional

- (1) Subregulation (2) applies in relation to a power station that:
 - (a) was accredited under Division 3 of Part 2 of the *Renewable Energy (Electricity) Act 2000* on or before 10 July 2011; and
 - (b) listed, in the application for accreditation, wood waste as an eligible energy source from which power was intended to be generated; and
 - (c) has created at least one renewable energy certificate that:
 - (i) was created because of electricity generated using wood waste; and
 - (ii) was registered by the Regulator on or before 10 July 2011.
- (2) Despite the amendment made by Schedule 1, regulation 8 of the *Renewable Energy (Electricity) Regulations 2001*, as in force immediately before the commencement of this regulation (***previous regulation 8***), continues to apply to a power station in the following circumstances:
 - (a) if the power station has a generation capacity that is equal to or less than the generation capacity the power

station had on 10 July 2011 — previous regulation 8 continues to apply to the power station until the earlier of the following:

- (i) the generation capacity of the power station exceeds the generation capacity the power station had on 10 July 2011;
 - (ii) 31 December 2020;
 - (b) if the power station has a generation capacity that is greater than the generation capacity the power station had on 10 July 2011 — previous regulation 8 continues to apply to the power station until 31 December 2020, but only in relation to any electricity the power station generates using wood waste in a calendar year up to the contingent annual cap.
- (3) For this regulation:
- contingent annual cap*** means the maximum amount of electricity generated using wood waste that a power station has previously generated over a full calendar year that:
- (a) commenced after the power station was accredited to use wood waste to generate electricity; and
 - (b) ended on 31 December 2011, or on 31 December of an earlier year.

Schedule 1 Amendment

(regulation 3)

[1] Regulation 8

substitute

8 Meaning of **wood waste**

For section 17 of the Act, **wood waste** means:

- (a) biomass:
 - (i) produced from non-native environmental weed species; and

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- (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, other than a product or a by-product that is derived from biomass from a native forest; and
 - (c) waste products from the construction of buildings or furniture, including timber off-cuts and timber from demolished buildings; and
 - (d) sawmill residue, other than sawmill residue derived from biomass from a native forest.

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).

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.