



Australian National Registry of Emissions Units Regulations 2011

Select Legislative Instrument No. 266, 2011 as amended

made under the

Australian National Registry of Emissions Units Act 2011

Compilation start date: 17 May 2013

Includes amendments up to: SLI No. 78, 2013

Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

The compiled instrument

This is a compilation of the *Australian National Registry of Emissions Units Regulations 2011* as amended and in force on 17 May 2013. It includes any amendment affecting the compiled instrument to that date.

This compilation was prepared on 3 June 2013.

The notes at the end of this compilation (the *endnotes*) include information about amending Acts and instruments and the amendment history of each amended provision.

Uncommenced provisions and amendments

If a provision of the compiled instrument is affected by an uncommenced amendment, the text of the uncommenced amendment is set out in the endnotes.

Application, saving and transitional provisions for amendments

If the operation of an amendment is affected by an application, saving or transitional provision, the provision is identified in the endnotes.

Modifications

If a provision of the compiled instrument is affected by a textual modification that is in force, the text of the modifying provision is set out in the endnotes.

Provision ceasing to have effect

If a provision of the compiled instrument has expired or otherwise ceased to have effect in accordance with a provision of the instrument, details of the provision are set out in the endnotes.

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Part 1—Preliminary

1 Name of Regulations

These Regulations are the Australian National Registry of Emissions Units Regulations 2011.

2 Commencement

These Regulations commence on the commencement of section 3 of the *Carbon Credits (Carbon Farming Initiative) Act 2011*.

3 Definitions

In these Regulations:

ABN has the meaning given by section 41 of the *A New Tax System (Australian Business Number) Act 1999*.

ACN has the meaning given by section 9 of the *Corporations Act 2001*.

Act means the *Australian National Registry of Emissions Units Act 2011*.

approved form means a form approved, in writing, by the Regulator for a provision of these Regulations.

ARBN has the meaning given by section 9 of the *Corporations Act 2001*.

authorised representative means an individual who is nominated under either subregulation 9(2) or 32(1) to be an authorised representative for a particular Registry account.

cancellation day—see subregulation 43(2).

Carbon Farming Act means the *Carbon Credits (Carbon Farming Initiative) Act 2011*.

Regulation 3

certified copy means:

- (a) a copy of a document that has been certified as a true copy by one of the following persons who is in Australia:
 - (i) a bank, building society or credit union officer with 5 or more continuous years service;
 - (ii) a commissioner for declarations;
 - (iii) a judge of a court;
 - (iv) a justice of the peace;
 - (v) a legal practitioner;
 - (vi) a medical practitioner;
 - (vii) a minister of religion registered under Subdivision A of Division 1 of Part IV of the *Marriage Act 1961*;
 - (viii) a police officer;
 - (ix) a sheriff or a sheriff's officer; and
- (b) if a person who is required to provide a document under these Regulations is not in Australia at the time the document must be provided—a copy of a document that has been certified as a true copy by:
 - (i) an Australian embassy, Australian High Commission or Australian consulate (other than a consulate headed by an honorary consul); or
 - (ii) a competent authority under the Convention Abolishing the Requirement of Legalisation for Foreign Public Documents done at The Hague on 5 October 1961.

Note 1: Information about competent authorities under the convention can be found on the Hague Conference on Private International Law's website at www.hcch.net.

Note 2: The text of this convention is set out in Australian Treaty Series 1995 No. 11 ([1995] ATS 11).

Clean Energy Act means the *Clean Energy Act 2011*.

commitment period reserve—see regulation 4.

documentary proof, in relation to a person's identity, means the documents required for that kind of person under Division 2.2 of Part 2.

entity means a person who is not an individual.

European Union Transaction Log means the electronic data system of the European Union for the purpose of checking, recording and registering transactions in the Union Registry, as established under Article 20 of Directive 2003/87/EC of the European Parliament and of the Council, as in force from time to time.

Note: The text of the Directive may be found at: <http://eur-lex.europa.eu>.

executive officer of a body corporate means:

- (a) a director of the body corporate; or
- (b) the chief executive officer (however described) of the body corporate; or
- (c) the chief financial officer (however described) of the body corporate; or
- (d) the secretary of the body corporate.

fit and proper person criteria means the criteria for recognition set out in section 64 of the Carbon Farming Act and any regulations made under that section.

foreign person means any of the following:

- (a) an individual who is not ordinarily resident in Australia;
- (b) a body corporate or a corporation sole that:
 - (i) is incorporated outside Australia; or
 - (ii) is an authority of a foreign country;
- (c) a body politic or a local governing body of a foreign country;
- (d) if paragraph (a), (b) or (c) applies to the trustee, or a majority of the trustees, of a trust—that trust.

foreign registry: see regulation 4A.

GST registration number means the number notified to a person under section 25-5 of the *A New Tax System (Goods and Services Tax) Act 1999*.

Regulation 3

Indigenous Corporation Number or **ICN** has the meaning given by section 700–1 of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*.

international transaction log means the electronic data system administered by the Secretariat of the Climate Change Convention for the purpose of monitoring and tracking transactions in Kyoto units.

ordinarily resident in Australia—see regulation 5.

registered co-operative means a body registered under legislation as a co-operative.

Registry transaction means the transmission by electronic notice of an instruction in relation to a Registry account.

replacement day—see subregulation 43(2).

Note: Other words and expressions used in these Regulations have the meaning given by section 4 of the Act, for example:

- Australian carbon credit unit
- carbon unit
- clean development mechanism project
- commitment period
- Commonwealth Registry account
- hold (in terms of holding an Australian carbon credit unit)
- Kyoto unit
- long-term certified emission reduction
- long-term certified emission reduction replacement (non-certification) account
- long-term certified emission reduction replacement (storage reversal) account
- mandatory cancellation account
- prescribed international unit
- Registry account
- Regulator
- temporary certified emission reduction
- transfer
- voluntary cancellation account.

Union allowance deletion account means the account in the Union Registry, however described, to which an allowance can be

Regulation 4

transferred for the purpose of its final disposal without it being recorded as surrendered for any emissions.

Note: In April 2013, this account was mentioned in Article 63 of Commission Regulation (EU) No 1193/2011, the text of which may be found at: <http://eur-lex.europa.eu>.

Union Registry means the registry established under Article 19 of Directive 2003/87/EC of the European Parliament and of the Council, as in force from time to time.

Note: The text of the Directive may be found at: <http://eur-lex.europa.eu>.

4 Meaning of *commitment period reserve*

For section 4 of the Act, ***commitment period reserve*** means the minimum level of Kyoto units for a relevant commitment period that must be maintained in the Registry in accordance with paragraphs 6 and 7 of the Annex to Decision 11/CMP.1 of the Meeting of the Kyoto Parties.

4A Meaning of *foreign registry*

For the definition of ***foreign registry*** in section 4 of the Act, the Union Registry is specified.

5 Meaning of *ordinarily resident in Australia*

An individual is ***ordinarily resident in Australia*** if, at a particular time:

- (a) one of the following applies to the individual:
 - (i) the individual is in Australia and has permission to remain in Australia indefinitely;
 - (ii) the individual is not in Australia but has a right to re-enter Australia and, on re-entry, to be granted permission to remain in Australia indefinitely;
 - (iii) the individual is in Australia and has a special category visa under section 32 of the *Migration Act 1958*;
 - (iv) the individual is not in Australia, is a New Zealand citizen, holds a New Zealand passport and, on re-entry to Australia, would have the right to be granted a special

Regulation 6

category visa under section 32 of the *Migration Act 1958*; and

- (b) the individual was in Australia for 200 or more days in the 12 months immediately preceding that time.

6 Approved forms

The Regulator may approve a form for a provision of these Regulations.

7 Electronic notices transmitted to Regulator

- (1) For subsection 5(2) of the Act, an electronic notice must be transmitted using the Regulator's website.
- (2) The electronic notice must be transmitted by:
 - (a) an individual who is a registered holder of the Registry account to which the notice relates; or
 - (b) an authorised representative of the registered holder who has been given access to the Registry account under subregulation 31(2).

Part 2—Australian National Registry of Emissions Units

Division 2.1—Opening Registry accounts

8 General

The regulations in this Division are made for sections 10 and 11 of the Act.

9 Requests to open Registry account

- (1) A person may request the Regulator to open a Registry account in the person's name.
- (2) The person who makes the request:
 - (a) if the person is not an individual—must nominate an authorised representative; or
 - (b) if the person is an individual—may nominate an authorised representative.
- (3) The request must be in the approved form.

Information

- (4) The request must include the information set out in the table, as relevant to the person making the request.

Item	Information
1	The person's full name, address and contact details
2	The person's status as one of the following: <ol style="list-style-type: none">(a) an individual, including an individual who is a sole trader;(b) a body corporate;(c) a corporation sole;(d) a body politic;(e) a local governing body;(f) a trust

Part 2 Australian National Registry of Emissions Units

Division 2.1 Opening Registry accounts

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Item	Information
3	The person's ABN, ACN, ARBN, GST registration number, ICN or other unique number
4	The person's business name and, if different, trading name
5	The address of the person's principal place of business
6	For the person who is an individual, including an individual who is a sole trader: (a) the individual's date of birth and residential address; and (b) if the individual is known by any other name—the other name; and (c) the individual's gender; and (d) if the individual is a sole trader—each jurisdiction in which the individual operates as a sole trader
7	For the person that is a body corporate: (a) the full name, and the date of birth, of each executive officer; and (b) a description of the form in which the body has been incorporated; and (c) each jurisdiction in which the body operates
8	For a body corporate that is a foreign person—the name of any Australian agent through which the body conducts business
9	For the person that is a trust: (a) the full name and the address of each trustee; and (b) a description of the type of trust; and (c) the jurisdictions in which the trust operates; and (d) for each trustee who is an individual—the information required in item 6; and (e) for each trustee that is a body corporate—the information required in item 7
10	The full name, date of birth and address of a person who is an individual constituting a corporation sole
11	If there is no registered address or principal place of business for an incorporated association or an incorporated co-operative, the full name and address of that body's: (a) public officer; or (b) if there is no public officer—secretary; or (c) if the body does not have an officer mentioned in paragraph (a) or (b)—president or treasurer

Information about authorised representatives

- (5) The request must also include the information required in items 1 and 6 of the table for any authorised representative nominated by the person under subregulation (2).

10 Additional information—beneficial ownership

- (1) A request to open a Registry account that is made by a person who is a proprietary or private company must include the name and address of any beneficial owner.
- (2) However, subregulation (1) does not apply to a proprietary company if the company is:
- (a) a publicly listed company in Australia, or a wholly owned subsidiary of such a company; or
 - (b) licensed and subject to the regulatory oversight of a Commonwealth statutory regulator in relation to its activities as a company.
- (3) If the person is a trust, the request must include:
- (a) the full name, and the date of birth, of each beneficiary of the trust; or
 - (b) if the terms of the trust identify the beneficiaries of the trust by reference to membership of a class—details about the class.
- (4) However, subregulation (3) does not apply to a trust if the trust is:
- (a) a government superannuation fund established by legislation; or
 - (b) registered and subject to the regulatory oversight of a Commonwealth statutory regulator in relation to its activities as a trust.
- (5) For this regulation:

beneficial owner, in relation to a company, means an individual who owns, through one or more share holdings, over 25% of the issued capital in the company.

Regulation 11

11 Further information and documents

- (1) The Regulator may, in writing, ask a person who has made a request to open a Registry account to provide further information or documents in relation to the request within a specified time.
- (2) If the person does not comply with the Regulator's request, the Regulator may, in writing, tell the person that:
 - (a) the request to open the account has been refused; and
 - (b) no action, or no further action, will be taken in relation to the request.
- (3) This regulation applies despite regulation 17.

Note: Section 88 of the Act provides for the Regulator's obligations in relation to requiring further information.

12 Verification of information

The Regulator may, in writing, ask a person who makes a request to open a Registry account to verify, by statutory declaration, any statement made in the request.

13 Opening of Registry accounts

- (1) The Regulator may open a Registry account in response to a request to do so.
- (2) The Regulator may open a Registry account only if the Regulator:
 - (a) is satisfied of the identity of the person in whose name the account is to be opened, having regard to the evidence reviewed by the Regulator under subregulation 23(1); and
 - (b) for either of the following persons—has considered whether the person is a fit and proper person, having regard to the fit and proper person criteria, and is either satisfied or not satisfied that the person meets the criteria:
 - (i) a person who is a **liable entity** for section 5 of the Clean Energy Act;

Regulation 13

- (ii) a person who is eligible under Part 8 of the Clean Energy Act or Schedule 1 to the *Clean Energy Regulations 2011* to be issued free carbon units; and
- (c) for any other person—has considered whether the person is a fit and proper person, having regard to the fit and proper person criteria, and is satisfied that the person meets the criteria; and
- (d) for a person who is an entity—is satisfied that the individual making the request has been authorised by the entity and has sufficient authority to act on the entity's behalf.

Division 2.2—Identification procedures

Subdivision 2.2.1—Document requirements

14 General

- (1) The regulations in this Division are made for subsections 11(1) and 27(1) of the Act.
- (2) If this Division requires a person to provide documentary proof:
 - (a) any document required must be current; and
 - (b) the person must provide:
 - (i) if the Regulator asks to see the original document—the original document; or
 - (ii) otherwise—a certified copy of the original document.
- (2A) For documentary proof provided in relation to a request that is:
 - (a) signed by the person making the request no later than 29 May 2012; and
 - (b) given to the Regulator no later than 12 June 2012;

certified copy has the meaning given by regulation 3 as in force immediately before 30 May 2012.

- (3) In this Division:

request means a request, under regulation 9, to open a Registry account.

15 Proof of identity and authorisation—at time of request

- (1) A person in whose name a Registry account is to be opened must, at the time of making a request under regulation 9, give the Regulator:
 - (a) documentary proof of the person's identity; and
 - (b) if a provision mentioned in subregulation (2) requires documentary proof of the identity of another person

Regulation 16

- associated with the person—documentary proof of the other person's identity; and
- (c) if the person has nominated one or more individuals under subregulation 9(2) to be an authorised representative of the person—documentary proof of the identity of each individual the person nominates.
- (2) For paragraph (1)(b), the provisions are:
- (a) paragraph (d) of item 4 of the table in regulation 21; and
- (b) item 2 or 3 of the table in regulation 22.
- (3) If the person is an entity, the person must also give the Regulator documentary evidence that the individual who is making the request:
- (a) is authorised by the entity to make the request; and
- (b) has sufficient authority to act on its behalf.

16 English translation of documents

- (1) This regulation applies if:
- (a) a person is required to provide a document under this Division; and
- (b) the document is not written in English.
- (2) The person must provide an English translation of the document that has been prepared and certified as a true copy of the original document by an authorised translation service.
- (3) In this regulation:

authorised translation service means a translation service accredited by the National Accreditation Authority for Translators and Interpreters Limited.

17 When documents need not be given under this Division

Entities already identified

- (1) A person making a request who is an entity is not required to provide a document identifying the entity under this Division if:

Regulation 18

- (a) the entity has previously submitted the document, or a certified copy of the document, in accordance with the registration requirements under:
 - (i) the *National Greenhouse and Energy Reporting Act 2007*; or
 - (ii) the *Renewable Energy (Electricity) Act 2000*; and
 - (b) the entity is currently registered under the Act in relation to which the document was previously submitted; and
 - (c) the document is still current.
- (2) A person making a request is not required to give a document to the Regulator under this Division if:
- (a) at the time of making the request, the person is also applying under subsection 60(1) of the Carbon Farming Act for recognition as an offsets entity; and
 - (b) the person submits a document under regulations made for paragraph 61(1)(d) of that Act; and
 - (c) the person is required to give the same document to the Regulator under this Division.

Subdivision 2.2.2—Proof of identity for individuals

18 Individuals

- (1) This regulation applies to:
- (a) an individual in whose name a Registry account is to be opened; and
 - (b) if the Registry account is to be opened in the name of an entity—any individual who has been nominated to be an authorised representative of the entity at the time of the request; and
 - (c) each individual who is nominated by a registered holder under regulation 32 to be an authorised representative for a Registry account; and
 - (d) an individual associated with an entity, if documentary proof of the individual's identity is required under:
 - (i) paragraph (d) of item 4 of the table in regulation 21; or

Regulation 19

- (ii) item 2 or 3 of the table in regulation 22.
- (2) If the individual is an Australian citizen or is ordinarily resident in Australia, the person making the request must give the Regulator 3 documents identifying the individual, of a kind set out in Schedule 1, at least one of which must be a category A document.
- (3) If the individual is a foreign person, the person making the request must give the Regulator 3 documents identifying the individual, of a kind set out in Schedule 2, at least one of which must be a category A document.
- (4) If the individual has changed his or her name, the person making the request must give the Regulator a document that shows the change of name (in addition to any document mentioned in subregulation (2) or (3)).

Examples: Of documents, a marriage certificate; a deed poll; a certificate issued by a government authority that recognises the change of name.

19 Aboriginal persons or Torres Strait Islanders

- (1) This regulation applies in relation to an individual who is an Aboriginal person or a Torres Strait Islander who is unable to meet the requirements of regulation 18.
- (2) A person making a request must give the Regulator a reference by an authorised referee that verifies the individual's identity.
- (3) The authorised referee may confirm the individual's identity from any records within the referee's keeping or control.
- (4) In this regulation:

Aboriginal person means a person of the Aboriginal race of Australia.

authorised referee, for an individual, means a person who:

- (a) is not the individual's parent, grandparent, sibling, child or grandchild; and
- (b) has known the individual for at least 12 months; and
- (c) is one of the following:

Regulation 20

- (i) the chairperson, Secretary or chief executive officer of an incorporated indigenous organisation, including a land council, community council or housing organisation;
- (ii) the individual's employer;
- (iii) a school principal or a school counsellor;
- (iv) a minister of religion;
- (v) a medical practitioner;
- (vi) a treating health professional or a manager in an Aboriginal Medical Service;
- (vii) a person who has been an officer in a Department of State in the Commonwealth or a State or Territory for at least 5 years.

Torres Strait Islander means a descendant of an indigenous inhabitant of the Torres Strait Islands.

treating health professional has the meaning given by section 197 of the *Social Security Act 1991*.

Subdivision 2.2.3—Proof of identity for entities

20 Entities

- (1) This Subdivision applies to:
 - (a) an entity in whose name a Registry account is to be opened;
and
 - (b) a trustee of a trust that is a body corporate.

21 Identification of entities

A request, from an entity of a kind mentioned in an item of the following table, must be accompanied by the documentation mentioned in the item.

Regulation 21

Item	If the entity is ...	the documents that must accompany a request are ...
1	a body corporate	<p>(a) the certificate of the entity's incorporation (if any); and</p> <p>(b) the certificate of the entity's registration (if any) with the Australian Securities Investment Commission; and</p> <p>(c) if the entity is not registered in Australia—the certificate of the entity's registration (if any) with a registry established under a foreign law; and</p> <p>(d) if there is no certificate of the entity's incorporation—a document with similar effect; and</p> <p>(e) if there is no certificate of the entity's registration—a document with similar effect</p>
2	a body corporate that is an incorporated association or a registered co-operative	<p>(a) a document mentioned in item 1; and</p> <p>(b) other documentary evidence that the entity exists (for example, an annual report or the entity's constitution)</p>
3	a local governing body	<p>(a) a document mentioned in item 1; and</p> <p>(b) documentary evidence that the entity is a local governing body</p>
4	a body corporate that does not have an ABN	<p>(a) a document mentioned in item 1; and</p> <p>(b) if the body corporate is of a kind mentioned in item 2—the other documents mentioned in item 2; and</p> <p>(c) if the body corporate is of a kind mentioned in item 3—the documents mentioned in item 3; and</p> <p>(d) the following documentary evidence of the identity of executive officers:</p> <p style="padding-left: 40px;">(i) if the body corporate is a private company, incorporated association or registered co-operative (whether or not a foreign entity):</p> <p style="padding-left: 80px;">(A) if that entity has at least 3 executive officers—3 executive officers; or</p> <p style="padding-left: 80px;">(B) if that entity has one or 2 executive officers—those officers;</p>

Regulation 22

Item	If the entity is ...	the documents that must accompany a request are ...
		(ii) if the body corporate is a foreign company that is a public company—documentary evidence of the identity of an executive officer who is not the same person the entity nominates to be an authorised representative

22 Identification of trusts

If a request relates to an entity that is a trust, the request must be accompanied by the documentation set out in each item of the table.

Item	The documents that must accompany a request are ...
1	(a) if there is a trust deed—the deed, or an extract of the deed that identifies the trustees and beneficiaries (or classes of beneficiary); or (b) if there is no trust deed: (i) a document with similar effect to a trust deed; or (ii) the certificate of registration as a trust (if any)
2	documentary evidence of the identity of each trustee who is an individual
3	for each trustee that is a body corporate—the documentary evidence mentioned in the table in regulation 21 that is relevant to the kind of body corporate

Subdivision 2.2.4—Regulator must consider evidence of identity etc

23 Regulator to consider evidence of identity etc

Before opening a Registry account

- (1) Before opening a Registry account in the name of a person who makes a request, the Regulator must:
 - (a) review the evidence of identity given to the Regulator under this Division; and
 - (b) review the evidence of an individual's authorisation to submit a request on behalf of an entity.

For an authorised representative

- (2) The Regulator must review the evidence of the identity of an authorised representative that has been given to the Regulator under paragraph 15(1)(c) and subregulation 32(2) before giving the authorised representative access to a Registry account under subregulation 31(2).

Division 2.3—Commonwealth Registry accounts

Subdivision 2.3.1—Designation and opening of Commonwealth Registry accounts

24 Designation of Commonwealth Registry accounts

For section 12 of the Act, the Regulator may designate a Commonwealth Registry account as an account with one of the following names:

- (a) a Commonwealth holding account;
- (b) a Commonwealth origination account;
- (c) an Australian carbon credit unit cancellation account;
- (d) the Commonwealth relinquished units account;
- (e) an Australian carbon credit unit relinquishment account;
- (f) an Australian carbon credit unit exchange account;
- (g) the voluntary cancellation account for a particular commitment period;
- (h) the retirement account for a particular commitment period;
- (i) the net source cancellation account for a particular commitment period;
- (j) the non-compliance cancellation account for a particular commitment period;
- (k) the mandatory cancellation account for a particular commitment period;
- (l) the temporary certified emission reduction replacement (expiry) account for a particular commitment period;
- (m) the long term certified emission reduction replacement (expiry) account for a particular commitment period;
- (n) the long term certified emission reduction replacement (storage reversal) account for a particular commitment period;
- (o) the long term certified emission reduction replacement (non-certification) account for a particular commitment period;

- (p) a carbon unit surrender account for a particular vintage year;
- (q) a carbon unit relinquishment account;
- (r) a carbon unit relinquishment for auction account;
- (s) a carbon unit cancellation account;
- (t) an Australian-issued international units—substitute units—relinquished units account;
- (u) an Australian-issued international units—surrendered units account.

25 Opening of Commonwealth Registry accounts

- (1) For section 13 of the Act, the Minister may, in writing, direct the Regulator to:
 - (a) open a Registry account in the name of the Commonwealth; and
 - (b) give the Registry account the designation specified in the direction.
- (2) The Regulator must comply with a direction given under subregulation (1).

Subdivision 2.3.2—Transfer of Kyoto units

26 Kyoto units that cannot be transferred—Commonwealth Registry accounts

- (1) For subsection 14(1) of the Act, a Kyoto unit to which subregulation (2) applies cannot be transferred.
- (2) This subregulation applies to a Kyoto unit for which there is an entry in any of the following Commonwealth Registry accounts:
 - (a) the retirement account for a particular commitment period;
 - (b) the net source cancellation account for a particular commitment period;
 - (c) the non-compliance cancellation account for a particular commitment period;
 - (d) the voluntary cancellation account for a particular commitment period;

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- (e) the mandatory cancellation account for a particular commitment period;
- (f) the temporary certified emission reduction replacement (expiry) account for a particular commitment period;
- (g) the long-term certified emission reduction replacement (expiry) account for a particular commitment period;
- (h) the long-term certified emission reduction replacement (storage reversal) account for a particular commitment period;
- (i) the long-term certified emission reduction replacement (non-certification) account for a particular commitment period;
- (j) a Commonwealth relinquished units account;
- (k) an Australian carbon credit unit cancellation account.

Note: Subsection 14(2) of the Act provides that regulations made for the purposes of subsection 14(1) of the Act have effect despite any other provision of that Act or the *Carbon Credits (Carbon Farming Initiative) Act 2011*.

Division 2.4—Closing Registry accounts

27 Voluntary closure of Registry accounts

- (1) The Regulator may, for subsection 15(1) of the Act, close a Registry account kept in the name of a person, if:
 - (a) the person, by written notice, requests the Regulator to close the account; and
 - (aa) there are no entries for any carbon units in the account; and
 - (b) there are no entries for any Australian carbon credit units in the account; and
 - (c) there are no entries for any Kyoto units in the account; and
 - (d) there are no entries for any prescribed international units in the account.

Compliance with request

- (2) The Regulator must:
 - (a) comply with the request as soon as practicable after receiving it; and
 - (b) notify the person making the request as soon as practicable after the account is closed.
- (3) The Registry must set out a record of each closure under this regulation.

28 Unilateral closure of Registry accounts etc

Application

- (1) For subsection 16(1) of the Act, this regulation applies if:
 - (a) a person has a Registry account; and
 - (b) the person has contravened, or is contravening, Part 2 of the Act or these Regulations.

Closure of account

- (2) The Regulator may close the Registry account.

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- (3) However, the Regulator must not close the Registry account unless, at least 30 days before closing the account, the Regulator gives the person a written notice:
- (a) stating that the Regulator proposes to close the account; and
 - (b) setting out the effect of subregulations (3A), (4), (5), and (6).

Cancellation or transfer of units

- (3A) If, immediately before the Regulator closes the Registry account, there is an entry for a carbon unit in the account, the unit is cancelled.
- (4) If, immediately before the Regulator closes the Registry account, there is an entry for an Australian carbon credit unit in the account, the unit is cancelled.
- (5) If, immediately before the Regulator closes the Registry account, there is an entry for a Kyoto unit in the account, the Regulator must transfer the unit to a voluntary cancellation account.
- (6) If, immediately before the Regulator closes the Registry account, there is an entry for a prescribed international unit in the account, the unit is cancelled.
- (7) If:
- (a) the Regulator has closed the account of a person under subregulation (2); and
 - (b) the person asks the Regulator to open another account in the person's name;
- the Regulator must refuse to do so.

Note: Subsection 16(7) of the Act provides for records that must be kept in the Registry of cancellations mentioned in subregulations (4) and (6) and the unilateral closure of a Registry account.

Division 2.5—Change in name of account holder

29 Altering the Registry

- (1) For section 18 of the Act, this regulation applies if:
 - (a) a Registry account is kept in the name of a person; and
 - (b) the name of the person has changed; and
 - (c) the person applies to the Regulator to have the new name substituted for the previous name in the Registry in relation to the account.
- (2) The Regulator may make the necessary alterations in the Registry.

Division 2.6—Miscellaneous

30 Registry requirements

The Regulations in this Division are made for subsections 5(2) and 27(1) of the Act.

31 Authorised representatives—access to Registry account

- (1) This regulation applies to an authorised representative:
 - (a) nominated under subregulation 9(2); or
 - (b) the subject of a request under subregulation 32(1).
- (2) The Regulator may give the authorised representative access to a Registry account only if the Regulator:
 - (a) is satisfied of the identity of the authorised representative, having regard to the evidence reviewed by the Regulator under subregulation 23(2); and
 - (b) has considered whether the authorised representative is a fit and proper person, having regard to the fit and proper person criteria, and is satisfied that the authorised representative meets the criteria.
- (2A) An authorised representative for a Commonwealth Registry account who is an SES employee is taken to meet the fit and proper person criteria.
- (3) If access is provided under subregulation (2), the authorised representative may:
 - (a) view the details of the Registry account; and
 - (b) initiate transactions in relation to the account; and
 - (c) approve transactions in relation to the account.
- (4) If the Regulator is not satisfied of the authorised representative's identity or that the authorised representative meets the fit and proper person criteria, the Regulator must, as soon as practicable:

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- (a) notify the relevant registered holder that access has not been given under subregulation (2), giving reasons for the refusal; and
- (b) require the holder to nominate another authorised representative.

Note: An authorised representative must be an individual—see the definition of *authorised representative* in regulation 3.

- (5) If the Regulator:
 - (a) has given an authorised representative access to a Registry account under subregulation (2); and
 - (b) is no longer satisfied that the authorised representative meets the fit and proper person criteria;the Regulator may deny the authorised representative access to the Registry account.
- (6) If the Regulator denies an authorised representative access to a Registry account, the Regulator must, as soon as practicable:
 - (a) notify the relevant registered holder that access has been denied under subregulation (5), giving reasons for the denial; and
 - (b) require the holder to nominate another authorised representative.

32 Authorised representatives—nomination after registration

Request to add or remove an authorised representative

- (1) A registered holder, or an authorised representative of the holder, may at any time request the Regulator, in the approved form, to remove or add an authorised representative.

Note: A nomination for an authorised representative may also be made in a request to open a Registry account under regulation 9.

Identification procedure

- (2) A request to add an authorised representative must be accompanied by documentary proof of the identity of the individual nominated to be an authorised representative.

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Note 1: The term *documentary proof* is defined in regulation 3.

Note 2: An authorised representative must be given access by the Regulator to a Registry account before the Regulator will accept electronic notices from the person for the account—see regulation 7.

Contact details

- (3) The registered holder or the holder's authorised representative may apply to the Regulator, in the approved form, to remove, add, or change the contact details of an authorised representative.

33 Requirement to notify the Regulator

- (1) The registered holder must notify the Regulator, in the approved form, of any of the following, within 28 business days after the change takes place:
- (a) a change of the registered holder's name, business name or trading name;
 - (b) a change of the registered holder's contact details;
 - (c) a change of the name of the registered holder's authorised representative;
 - (d) a change of the contact details of the registered holder's authorised representative;
 - (e) a change in relation to whether the registered holder, or the registered holder's authorised representative, continues to meet the fit and proper person criteria.
- (1A) The following notices of change of name must be accompanied by a document that evidences the change of name:
- (a) a notice of change of the registered holder's name, business name or trading name;
 - (b) a notice of change of the name of the registered holder's authorised representative.
- (2) If a registered holder knows that:
- (aa) a carbon unit; or
 - (a) an Australian carbon credit unit; or
 - (b) a Kyoto unit; or
 - (c) a prescribed international unit;

has been incorrectly transferred to or from the holder's Registry account, the holder must notify the Regulator as soon as practicable of the mistake.

Note: Civil penalties, including those for ancillary contraventions, apply to a failure to comply with the requirements of this regulation—see section 27 of the Act.

34 Requirements about dealings with the Registry

- (1) A registered holder must not gain, or try to gain, unauthorised access to the Registry, the Registry's server, or any other server, computer or database related to the Registry.
- (2) A registered holder:
 - (a) must maintain the security of user names and passwords issued to the holder and to its authorised representatives (if any) for the purpose of accessing the Registry; and
 - (b) must not allow any other person to gain, or try to gain, unauthorised access to the Registry, the Registry's server, or any other server, computer or database related to the Registry; and
 - (c) must ensure that its authorised representative does not allow another person to gain unauthorised access to the Registry, as described in paragraph (b).
- (3) A registered holder must not damage or corrupt, or try to damage or corrupt, any software or data related to the Registry.
- (4) A registered holder must not initiate a Registry transaction in relation to:
 - (aa) a carbon unit; or
 - (a) an Australian carbon credit unit; or
 - (b) a Kyoto unit; or
 - (c) a prescribed international unit;that the registered holder knows, or ought reasonably to know, has been incorrectly transferred to the registered holder's account.

Note: Civil penalties, including those for ancillary contraventions, apply to a failure to comply with the requirements of this regulation—see section 27 of the Act.

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35 Regulator may request information

The Regulator may, in writing, require a person to give the Regulator, within a specified time, information in relation to any request the person makes under these Regulations.

Note: Section 88 of the Act provides for the Regulator's obligations in relation to requiring further information.

35A Suspension of Registry link with Union Registry

- (1) This regulation applies to the following activities:
 - (a) the issue of Australian-issued international units for European allowance units;
 - (b) the processing of instructions to transfer prescribed international units from foreign accounts into Registry accounts;
 - (c) the processing of instructions to transfer prescribed international units from Registry accounts into foreign accounts.
- (2) The Regulator may temporarily suspend the operation of the Registry in relation to one or more of the activities if the Regulator is satisfied that:
 - (a) the suspension is required so that maintenance can be carried out; or
 - (b) it is prudent to suspend the operation of the Registry in order to:
 - (i) ensure the integrity of the Registry; or
 - (ii) prevent, mitigate or minimise abuse of the Registry; or
 - (iii) prevent, mitigate or minimise criminal activity involving the Registry.
- (3) A suspension under subregulation (2) must be for no more than 5 business days.
- (4) If the Regulator suspends the operation of the Registry in relation to one or more activities, the Regulator must, as soon as practicable:

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- (a) publish a notice on the Regulator's website informing the public of the suspension; and
 - (b) tell the European Union Transaction Log.
- (5) If the Regulator suspends the operation of the Registry in relation to one or more activities, the Regulator may defer taking action in relation to the activity until the suspension ends.

Note: See also sections 28 to 28D of the Act.

Part 3—Kyoto units

Division 3.1—Transfer of Kyoto units

36 Domestic transfers of Kyoto units

For paragraph 34(2)(c) of the Act, an instruction must set out the serial numbers of the units in the proposed transfer.

37 Outgoing international transfers of Kyoto units

For paragraph 35(2)(b) of the Act, an instruction must set out the following information:

- (a) the serial numbers of the units in the proposed transfer;
- (b) the type and account number of the foreign account mentioned in paragraph 35(1)(c) or (d);
- (c) the country where the foreign account is kept.

38 Conversion of assigned amount units or removal units

- (1) The conditions that must be satisfied for paragraph 38(1)(e) of the Act are:
 - (a) the unit must have been issued in relation to a joint implementation project that:
 - (i) is approved by the National Authority; and
 - (ii) is conducted in accordance with any requirements applying to joint implementation projects under the Kyoto rules; and
 - (b) the person must provide the Regulator with the ITL project ID for the project; and
 - (c) for the conversion of an assigned amount unit that was obtained as a result of a sequestration offsets project:
 - (i) a removal unit must have been issued to the Commonwealth for abatement that happened during the first commitment period; and

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- (ii) the removal unit must be available for exchange in the Commonwealth holding account.
- (2) The steps that the Regulator must take for subsection 38(2) of the Act are:
 - (a) for the conversion of an assigned amount unit that was obtained as a result of an emissions avoidance offsets project—the steps required by the Kyoto rules; or
 - (b) for the conversion of an assigned amount unit that was obtained as a result of a sequestration offsets project:
 - (i) remove the entry for the assigned amount unit from the person's Registry account; and
 - (ii) convert a removal unit that is available for exchange in the Commonwealth holding account to an emission reduction unit, in accordance with the Kyoto rules; and
 - (iii) remove the entry for the emission reduction unit from the Commonwealth holding account; and
 - (iv) make an entry for the emission reduction unit in the person's Registry account; or
 - (c) for the conversion of a removal unit—the steps required by the Kyoto rules.
- (3) In this regulation:

emissions avoidance offsets project has the meaning given by section 53 of the Carbon Farming Act.

ITL project ID, for a joint implementation project, means the project identifier used by the international transaction log for the project.

joint implementation project means a project that is treated as a joint implementation project for the purposes of the relevant provisions of the Kyoto rules.

National Authority means the National Authority for the clean development mechanism (CDM) and joint implementation (JI), established in accordance with the Kyoto Protocol.

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sequestration offsets project has the meaning given by section 54 of the Carbon Farming Act.

39 Kyoto rules—outgoing international transfers of Kyoto units

- (1) For paragraph 39(1)(a) of the Act, this regulation sets out the requirements for the transfer of a Kyoto unit from a Registry account to a foreign account.
- (2) If the Regulator receives an instruction from a registered holder of one or more Kyoto units under subsection 35(1) of the Act, the Regulator must, as soon as practicable, give the instruction to the international transaction log.
- (3) If the international transaction log notifies the Regulator that the instruction has been accepted, the Regulator must, as soon as practicable, give effect to the instruction in accordance with the Kyoto rules.
- (4) If subregulation (3) applies, the Regulator must:
 - (a) remove the entry for the unit from the relevant Registry account; and
 - (b) notify the international transaction log of the action the Regulator has taken.
- (5) However, the Regulator must refuse to give effect to an instruction if the international transaction log notifies the Regulator that:
 - (a) there is a discrepancy with the instruction or the proposed transfer; or
 - (b) the proposed transfer has been rejected or cancelled.
- (6) If subregulation (5) applies, the Regulator must, as soon as practicable:
 - (a) make a record in the Registry of the action taken; and
 - (b) notify the international transaction log that the proposed transfer has been cancelled.

40 Kyoto rules—incoming international transfers of Kyoto units

- (1) For paragraph 39(1)(b) of the Act, this regulation sets out the requirements for the transfer of a Kyoto unit from a foreign account to a Registry account.
- (2) The Regulator must refuse to give effect to an instruction under subsection 36(1) of the Act if:
 - (a) the international transaction log notifies the Regulator that:
 - (i) there is a discrepancy with the instruction or the proposed transfer; or
 - (ii) the proposed transfer has been rejected or cancelled; or
 - (b) the instruction is given in the first commitment period, and giving effect to the instruction would result in the total Registry holdings of:
 - (i) long-term certified emissions reductions that have not been cancelled; and
 - (ii) temporary certified emissions reductions that have not been cancelled;exceeding 27,384,992 for the first commitment period.
- (3) The Regulator must:
 - (a) make a record in the Registry of:
 - (i) a refusal under subregulation (2) or subsection 36(2) of the Act; or
 - (ii) a completed transfer under subsection 36(1) of the Act; and
 - (b) notify the international transaction log of the record made under paragraph (a).

41 Commitment period reserve

- (1) For subsection 41(1) of the Act, the Regulator must not give effect to an instruction mentioned in subregulation (2) or a request mentioned in subregulation (3) if the circumstances mentioned in subregulation (4) apply.
- (2) The instruction is:

Part 3 Kyoto units

Division 3.1 Transfer of Kyoto units

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- (a) an instruction under section 35 of the Act to transfer a Kyoto unit from a Registry account to a foreign account; or
 - (b) an instruction under section 154 of the Carbon Farming Act to transfer a Kyoto Australian carbon credit unit to a foreign account.
- (3) The request is a request under section 65 of the Act to transfer a Kyoto unit from a Registry account to the voluntary cancellation account for the relevant commitment period.
- (4) The circumstances are that the transfer would result in the total number of Kyoto units for the relevant commitment period in any of the following Registry accounts falling below the commitment period reserve:
 - (a) all Registry accounts kept in the name of an account holder other than the Commonwealth of Australia;
 - (b) all Commonwealth holding accounts;
 - (c) the retirement account for the relevant commitment period.

Division 3.2—Dealings with emission reductions under the Kyoto rules

Subdivision 3.2.1—Cancellation of expired temporary certified emission reductions or long-term certified emission reductions

42 Cancellation after expiry

- (1) For subsection 42(2) of the Act, the Regulator must:
 - (a) tell the registered holder of a temporary certified emission reduction or a long-term certified emission reduction, in writing, that the emission reduction is due to expire at least 21 days before its expiry date; and
 - (b) on the expiry date, transfer the emission reduction mentioned in paragraph (a) to the mandatory cancellation account for the same commitment period.
- (2) For paragraph (1)(b), the same commitment period is identified by the reference to the serial number of the unit.
- (3) A failure by the Regulator to tell the registered holder within the time specified in paragraph (1)(a) does not affect the validity of the transfer.

Note 1: An entry for a temporary certified emission reduction or long-term certified emission reduction in a Registry account will have an expiry date included in its serial number.

Note 2: A temporary certified emission reduction or long-term certified emission reduction may have been transferred to another registered holder between the date of the notice under paragraph (1)(a) and the expiry date.

Regulation 43

Subdivision 3.2.2—Replacement and cancellation of long-term certified emission reductions

43 General

- (1) The regulations under this Subdivision are made for section 43 of the Act.
- (2) In this Subdivision:

cancellation day means the day the international transaction log notifies under subregulation 44(1) or 45(1) as the day that a specified number of long-term emission reductions mentioned in the notice must be replaced or cancelled.

replacement day means the day that is 7 days before the cancellation day for a specified number of long-term emission reductions mentioned in a notice under subregulation 44(1) or 45(1).

44 Notification of reversal of storage

- (1) This regulation applies if the international transaction log notifies the Regulator that a specified number of long-term certified emission reductions held in relation to a specified clean development mechanism project must be replaced or cancelled by the cancellation day because a reversal of storage for the project has occurred.
- (2) The Regulator must notify a registered holder of the emission reductions, in writing, of the following:
 - (a) that a specified number of the holder's long-term certified emission reductions held in relation to the project must be replaced;
 - (b) the replacement day, and that the replacement must occur 7 days before the cancellation day;
 - (c) the cancellation day;
 - (d) if the replacement has not occurred by the replacement day—that the specified number of emission reductions will be

transferred to the mandatory cancellation account for the relevant commitment period.

- (3) The Regulator must work out the number of long-term certified emission reductions that the registered holder will be required to replace by:
 - (a) dividing the total number of long-term certified emission reductions specified in the notice as affected by the reversal of storage by the total number of long-term certified emission reductions for the project held in the Registry; and
 - (b) multiplying the result by the number of long-term certified emission reductions for the project that are held by the registered holder; and
 - (c) rounding up the result to the nearest whole number.
- (4) For paragraph (3)(a), the total number of long-term certified emission reductions for the project held in the Registry does not include cancelled or previously replaced long-term certified emission reductions.
- (5) The Regulator must notify the registered holder under subregulation (2) at least 21 days before the cancellation day.

45 Notification of non-submission of certification report

- (1) This regulation applies if the international transaction log notifies the Regulator that all remaining long-term certified emissions reductions held in relation to a clean development mechanism project must be replaced or cancelled by the cancellation day because a certification report for the project has not been submitted.
- (2) The Regulator must notify a registered holder of the emission reductions, in writing, of the following:
 - (a) that all of the holder's long-term certified emission reductions held in relation to the project must be replaced;
 - (b) the replacement day, and that the replacement must occur 7 days before the cancellation day;
 - (c) the cancellation day;

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- (d) if the replacement has not occurred by the replacement day—that the relevant emission reductions will be transferred to the mandatory cancellation account for the commitment period.
- (3) The Regulator must notify the registered holder under subregulation (2) at least 21 days before the cancellation day.

46 Replacement or cancellation of long-term certified emission reductions

- (1) This regulation applies if a registered holder of a long-term certified emission reduction receives a written notice from the Regulator under:
 - (a) subregulation 44(2); or
 - (b) subregulation 45(2).

Registered holder to instruct the Regulator

- (2) The holder must, by the replacement day, instruct the Regulator, in accordance with section 34 of the Act, to:
 - (a) in the circumstances in regulation 44—transfer the particular units from the holder's Registry account to the long-term certified emission reduction replacement (storage reversal) account; or
 - (b) in the circumstances in regulation 45—transfer particular units from the holder's Registry account to the long-term certified emission reduction replacement (non- certification) account.
- (3) The units mentioned in paragraph (2)(a) or (b) must be of a kind mentioned in paragraph 43(3)(a), (b), (c), (d) or (e) of the Act.

Transfer to mandatory cancellation account

- (4) If the holder breaches the requirement to replace a long-term certified emission reduction under subregulation (2), the Regulator must, before the cancellation day:

- (a) in the circumstances in regulation 44—transfer the specified number of the holder’s long-term certified emission reductions for the project to the mandatory cancellation account for the relevant commitment period; or
 - (b) in the circumstances in regulation 45—transfer all of the holder’s long-term certified emission reductions for the project to the mandatory cancellation account for the relevant commitment period.
- (5) A failure by the Regulator to notify the holder within the time specified in subregulation 44(5) or 45(3) does not affect the validity of a transfer by the Regulator of a long-term certified emission reduction to the mandatory cancellation account.

Restriction on transfers

- (6) The registered holder must not instruct the Regulator to transfer any of the long-term certified emission reductions it holds in relation to the project other than in accordance with subregulations (2) to (5) until the holder receives the notice mentioned in subregulation (7).
- (7) The Regulator must notify the holder if the Regulator receives notice from the international transaction log confirming that the holder’s long-term certified emission reductions (held in relation to the project) have been replaced or cancelled.

Division 3.3—Other matters relating to Kyoto units

47 Restrictions on transfer of Kyoto units to a Commonwealth Registry account

- (1) For section 44 of the Act, this regulation sets out the restrictions on the transfer of a Kyoto unit from a Registry account, or a foreign account, to a Commonwealth Registry account.
- (2) The Regulator must transfer a Kyoto unit to a Commonwealth Registry account only if the relevant commitment period of the unit is valid under the Kyoto rules for transfer to the Commonwealth Registry account.
- (3) The Regulator must not transfer a temporary certified emission reduction or long-term certified emission reduction from a Registry account, other than a Commonwealth Registry account, to a retirement account.

48 A registered Kyoto unit is personal property for certain purposes

The following purposes are prescribed for paragraph 45(2)(d) of the Act:

- (a) the purposes of the *Personal Property Securities Act 2009*;
- (b) the purposes of the *Proceeds of Crime Act 2002*.

49 Transmission of Kyoto units by operation of law

Evidence of transmission

- (1) For paragraph 47(2)(b) of the Act, the transferee must give the Regulator a certified copy of a document showing transmission of the title to the Kyoto units to the transferee.

Example

If a Kyoto unit has been transmitted on the making of an order by a court, including a sequestration order, the evidence of the transmission would be a certified copy of the order.

Declaration of transmission

- (2) For subsection 47(3) of the Act, a declaration of transmission must:
- (a) be made in writing; and
 - (b) identify the serial numbers of the Kyoto units; and
 - (c) set out the name, address (if relevant) and Registry account number of the transferor; and
 - (d) set out the name, address and Registry account number (if any) of the transferee; and
 - (e) include a brief description of the circumstances that resulted in the transmission; and
 - (f) be signed by the transferee.

Note: If the transferee does not already have a Registry account, the transferee must request that one be opened in the transferee's name—see subsection 47(4) of the Act.

Part 4—Prescribed international units

Division 4.1—Australian-issued international units

50 General

This Division is made for sections 48D and 48E of the Act.

51 When Australian-issued international units may be issued—conditions

- (1) The following conditions are specified for the issue of an Australian-issued international unit that is issued for a European allowance unit:
 - (a) the Commonwealth has opened a Commonwealth foreign registry account in the Union Registry and that account is operational;
 - (b) a person (the *transferor*) has made a request to an administrator of the Union Registry for a European allowance unit in an account in the Union Registry to be transferred to the Commonwealth foreign registry account so that an Australian-issued international unit may be issued;
 - (c) the transferor has specified a Registry account in which the corresponding Australian-issued international unit is to be issued;
 - (d) the Regulator and the European Union Transaction Log have validated the transfer in accordance with subregulation (3);
 - (e) at the time of the issue, no international arrangement that allows the direct transfer of the European allowance unit from the Union Registry into a Registry account is operational.
- (2) The Regulator must issue the Australian-issued international unit as soon as practicable after the transfer is validated.

Note: At this stage the European Union Transaction Log and the Union Registry will complete the transfer of the corresponding European

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allowance unit to the Commonwealth foreign registry account in the Union Registry.

- (3) A transfer is validated if:
- (a) the Regulator has verified that the specified Registry account in which the Australian-issued international unit is to be issued is open and that:
 - (i) the operation of the Registry is not suspended under section 28 of the Act or regulation 35A; and
 - (ii) the Registry account is not subject to any conditions under section 28C of the Act prohibiting, restricting or limiting the transfer of units to the account; and
 - (iii) the Registry account is not suspended under section 28D of the Act; and
 - (b) the European Union Transaction Log has confirmed that the European allowance unit will be transferred from the transferor's account in the Union Registry to the Commonwealth foreign registry account.

52 Requirement following issue of Australian-issued international units

The Regulator must, as soon as practicable after an Australian-issued international unit is issued, tell the European Union Transaction Log that the unit has been issued.

53 Requirement following cancellation of Australian-issued international units

- (1) If a Registry account is closed and an Australian-issued international unit is consequently cancelled in accordance with subregulation 28(6), the Regulator must:
- (a) as soon as practicable after the unit is cancelled, tell the European Union Transaction Log that the unit has been cancelled; and
 - (b) within 12 months after the unit is cancelled, arrange for a European allowance unit in the Commonwealth foreign registry account in the Union Registry to be transferred to the Union allowance deletion account.

Part 4 Prescribed international units

Division 4.1 Australian-issued international units

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- (2) A transfer under paragraph (1)(b) must be made in accordance with any direction given under subsection 86A(4) of the Act.

Division 4.2—Ownership of prescribed international unit

54 Legal ownership

For subsection 49A(1) of the Act, the registered holder of a prescribed international unit:

- (a) is the legal owner of the unit; and
- (b) may, subject to the Act and these regulations, deal with the unit as its legal owner and give good discharges for any consideration for any such dealing.

Division 4.3—Transfers of prescribed international units

55 Outgoing international transfers of Australian-issued international units

- (1) For paragraph 52(2)(b) of the Act, the account number of the foreign account is specified.
- (2) For paragraph 52(3)(b) of the Act, the condition is that a person (the *transferor*) has requested that an Australian-issued international unit be cancelled and a European allowance unit be transferred from the Commonwealth foreign registry account in the Union Registry to a foreign account.
- (3) For subsection 52(3) of the Act, if the Regulator is satisfied that the condition in subregulation (2) has been met, the Regulator must:
 - (a) decide if the transfer can be validated in accordance with paragraph (4)(a) and, if the transfer cannot be validated, tell the transferor that the transfer is declined; and
 - (b) if the transfer can be validated, send information about the transfer to the European Union Transaction Log, including:
 - (i) the number of Australian-issued international units instructed to be cancelled; and
 - (ii) the account in the Union Registry to which an equivalent number of European allowance units are to be transferred; and
 - (c) if the transfer cannot be validated by the European Union Transaction Log in accordance with paragraph (4)(b), tell the transferor that the transfer is declined; and
 - (d) if the transfer is validated by the European Union Transaction Log, cancel the Australian-issued international units and remove the entries from the person's Registry account; and
 - (e) advise the European Union Transaction Log that the Australian-issued international units have been cancelled; and

- (f) arrange for an equivalent number of European allowance units to be transferred from the Commonwealth foreign registry account in the Union Registry to the nominated account in the Union Registry.

Note: Division 4.5 modifies paragraphs 50(1)(c) and (d) of the Act as to what constitutes the transfer of an Australian-issued international unit to a foreign account.

- (4) A transfer is validated if:
 - (a) the Regulator has verified that the specified Registry account from which the Australian-issued international unit is to be cancelled is open and that:
 - (i) the operation of the Registry is not suspended under section 28 of the Act or regulation 35A; and
 - (ii) the Registry account is not subject to any conditions under section 28C of the Act prohibiting, restricting or limiting the transfer of units from the account; and
 - (iii) the Registry account is not suspended under section 28D of the Act; and
 - (b) the European Union Transaction Log has confirmed that the European allowance unit will be transferred from the Commonwealth foreign registry account to the nominated foreign account in the Union Registry.

56 Incoming international transfers of prescribed international units

For paragraph 53(1)(b) of the Act, the following conditions are specified:

- (a) at the time the instruction is received, an international arrangement is operational;
- (b) the transfer of the prescribed international unit from the foreign account to the Registry account is in accordance with the arrangement.

Division 4.4—General provisions about prescribed international units

57 A registered prescribed international unit is personal property for certain purposes

The following purposes are prescribed for paragraph 54(2)(d) of the Act:

- (a) the purposes of the *Personal Property Securities Act 2009*;
- (b) the purposes of the *Proceeds of Crime Act 2002*.

58 Transmission of prescribed international units by operation of law

Evidence of transmission

- (1) For paragraph 56(2)(b) of the Act, the transferee must give the Regulator a certified copy of a document showing the title to the prescribed international units has been transmitted to the transferee.

Example: If a prescribed international unit has been transmitted on the making of an order by a court, including a sequestration order, the evidence of the transmission would be a certified copy of the order.

Declaration of transmission

- (2) For subsection 56(3) of the Act, a declaration of transmission must:
 - (a) be made in writing; and
 - (b) identify the serial numbers of the prescribed international units; and
 - (c) set out the name, address (if relevant) and Registry account number of the transferor; and
 - (d) set out the name, address and Registry account number (if any) of the transferee; and
 - (e) include a brief description of the circumstances that resulted in the transmission; and
 - (f) be signed by the transferee.

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Note: If the transferee does not already have a Registry account, the transferee must request that a Registry account be opened in the transferee's name: see subsection 56(4) of the Act.

Division 4.5—Modification of Division 3 of Part 4 of the Act for Australian-issued international units

59 General

This Division is made for subsection 57(2) of the Act and applies to Australian-issued international units issued for European allowance units.

60 Modification of Act

Paragraphs 50(1)(c) and (d) of the Act are modified in their application to an Australian-issued international unit by substituting the following:

- “(c) the *transfer* of an Australian-issued international unit from the first Registry account to a foreign account kept by another person consists of:
- (i) the cancellation of the Australian-issued international unit; and
 - (ii) the removal of the entry for the Australian-issued international unit from the first Registry account; and
 - (iii) the transfer of a European allowance unit from the Commonwealth foreign registry account to the foreign account kept by the other person; and
- (d) the *transfer* of an Australian-issued international unit from the first Registry account to a foreign account kept by the first person consists of:
- (i) the cancellation of the Australian-issued international unit; and
 - (ii) the removal of the entry for the Australian-issued international unit from the first Registry account; and
 - (iii) the transfer of a European allowance unit from the Commonwealth foreign registry account to the foreign account kept by the first person.”.

Part 5—Publication of information

65 Information about prescribed international units

For section 59A of the Act, the class of prescribed international units that are Australian-issued international units is specified.

66 Kyoto information

For subsection 60(1) of the Act, the Regulator must publish on its website the information required to be made publicly available under paragraphs 44 to 48 of the Annex to Decision 13/CMP.1 of the Meeting of the Kyoto Parties.

Part 6—Voluntary cancellation of prescribed international units

68 Voluntary cancellation of Australian-issued international units

- (1) For subsection 66(3) of the Act, if the Regulator receives a notice to cancel an Australian-issued international unit, the Regulator must:
 - (a) cancel the unit; and
 - (b) as soon as practicable after the unit is cancelled, tell the European Union Transaction Log that the unit has been cancelled; and
 - (c) within 12 months after the unit is cancelled, arrange for a European allowance unit in the Commonwealth foreign registry account in the Union Registry to be transferred to the Union allowance deletion account.
- (2) A transfer under paragraph (1)(c) must be made in accordance with any direction given under subsection 86A(4) of the Act.

Part 6A—Cancellation of Australian-issued international units

70 Cancellation of Australian-issued international units for European allowance units

- (1) For paragraph 66A(1)(b) of the Act, the following conditions are specified:
 - (a) at the time the Australian-issued international units are cancelled, an international arrangement that allows the direct transfer of European allowance units from the Union Registry into a Registry account is operational;
 - (b) the arrangement ensures that the cancelled Australian-issued international units are replaced with the same number of European allowance units (*replacement units*);
 - (c) the replacement units are able to be transferred from the Commonwealth foreign registry account in the Union Registry to the person's Registry account no more than 3 business days after the cancellation of the Australian-issued international units.
- (2) In this regulation:

business day means a day that is not a Saturday, a Sunday or a public holiday in the Australian Capital Territory.

Part 6B—Relinquishment of Australian-issued international units

72 How Australian-issued international units are relinquished

- (1) For paragraph 66D(3)(c) of the Act, if an Australian-issued international unit is relinquished, the Regulator must:
 - (a) as soon as practicable after the unit is relinquished, tell the European Union Transaction Log that the unit has been relinquished; and
 - (b) within 12 months after the unit is relinquished, arrange for a European allowance unit in the Commonwealth foreign registry account in the Union Registry to be transferred to the Union allowance deletion account.
- (2) A transfer under paragraph (1)(b) must be made in accordance with any direction given under subsection 86A(4) of the Act.

73 Transfer of certain units instead of relinquishment of Australian-issued international units

For subsection 66E(4) of the Act, the substitute units must be transferred to the Australian-issued international units—substitute units—relinquished units account.

Note: For *substitute unit*, see subsection 66E(7) of the Act.

Schedule 1—Documents for identifying Australian citizens or residents

(subregulation 18(2))

Category A documents

1. A birth certificate issued by a State or Territory.
2. A current passport issued by the Commonwealth.
3. A citizenship certificate issued by the Commonwealth, or documentary evidence that the individual has been registered by the Commonwealth as an Australian citizen by descent.
4. A passport or similar document issued for the purpose of international travel, that:
 - (a) contains a photograph and the signature of the individual in whose name the document is issued; and
 - (b) is issued by a foreign government, the United Nations or an agency of the United Nations; and
 - (c) has evidence of the individual's immigration status in Australia.

Category B documents

1. A driver's licence or a learner's permit, issued under a law of a State or Territory, that includes:
 - (a) a photograph of the individual and the individual's signature; and
 - (b) a street address that is the same as the address stated in the request.
2. A Medicare card.
3. A notice issued within the previous 3 months to the individual by a local government body or utilities provider, which:
 - (a) contains the individual's name; and
 - (b) contains the individual's street address; and

- (c) records the provision of services by the local government body or utilities provider to that address or the individual.
- 4. An Australian firearms licence issued under a law of a State or Territory that includes:
 - (a) the individual's signature; and
 - (b) a photograph of the individual; and
 - (c) a street address that is the same as the address stated in the request.
- 5. A secondary school or tertiary education student identification card that:
 - (a) includes a photograph of the individual; and
 - (b) was issued by an education authority that has been accredited by the Commonwealth, a State or Territory government.

Schedule 2—Documents for identifying individuals who are foreign persons

(subregulation 18(3))

Category A documents

1. A passport or similar document issued for the purpose of international travel, that:
 - (a) contains a photograph and the signature of the individual in whose name the document is issued; and
 - (b) is issued by a foreign government, the United Nations or an agency of the United Nations.
2. A birth certificate issued by a foreign government, the United Nations or an agency of the United Nations.
3. A national identity card issued for the purpose of identification, that:
 - (a) contains a photograph and the signature of the individual in whose name the document is issued; and
 - (b) is issued by a foreign government, the United Nations or an agency of the United Nations.

Category B documents

1. A document issued by a foreign government that identifies the individual.
2. A marriage certificate issued by a foreign government.
3. A driver's licence issued by a foreign government for the purpose of driving a vehicle that contains:
 - (a) a photograph of the individual in whose name the licence is issued; and
 - (b) a street address that is the same as the address stated in the request.

Endnotes

Endnote 1—Legislation history

Endnotes

Endnote 1—Legislation history

This endnote sets out details of the legislation history of the *Australian National Registry of Emissions Units Regulations 2011*.

Number and year	Gazettal or FRLI registration date	Commencement date	Application, saving and transitional provisions
2011 No. 266	7 Dec 2011 (<i>see</i> F2011L02585)	8 Dec 2011 (<i>see</i> r. 2 and F2011L02581)	
2012 No. 33	23 Mar 2012 (<i>see</i> F2012L00672)	2 Apr 2012 (<i>see</i> s. 2 and F2011L02617)	—
2012 No. 76	29 May 2012 (<i>see</i> F2012L01106)	ss. 1–3 and Schedule 1: 30 May 2012 Schedule 2: 1 July 2012	—
2012 No. 124	2 July 2012 (<i>see</i> F2012L01488)	30 May 2012	—
2012 No. 288	13 Dec 2012 (<i>see</i> F2012L02443)	14 Dec 2012	—
No. 78, 2013	16 May 2013 (<i>see</i> F2013L00778)	Schedule 1 (items 1–10): 17 May 2013	—

Endnote 2—Amendment history

Endnote 2—Amendment history

This endnote sets out the amendment history of the *Australian National Registry of Emissions Units Regulations 2011*.

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
Part 1	
r. 3	am. 2012 Nos. 33 and 76; No. 78, 2013
Note to r. 3.....	rs. 2012 No. 76
r. 4A	ad. No. 78, 2013
r. 6	am. 2012 No. 33
Heading to r. 7	am. 2012 No. 33
r. 7	am. 2012 No. 33
Part 2	
Division 2.1	
r. 9	am. 2012 Nos. 33 and 76
r. 10	am. 2012 No. 288
Heading to r. 11	rs. 2012 No. 76
r. 11	am. 2012 Nos. 33 and 76
Note to r. 11.....	am. 2012 No. 33
r. 12	am. 2012 No. 33
r. 13	am. 2012 Nos. 33 and 76
Division 2.2	
Subdivision 2.2.1	
r. 14	am. 2012 Nos. 76 and 124
r. 15	am. 2012 No. 33
r. 16	am. 2012 No. 76
r. 17	am. 2012 Nos. 33 and 76
Subdivision 2.2.2	
r. 18	am. 2012 No. 33
r. 19	am. 2012 No. 33

Endnotes

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
Subdivision 2.2.4	
Heading to Subdiv. 2.2.4	am. 2012 No. 33
Heading to r. 23	am. 2012 No. 33
r. 23	am. 2012 No. 33
Division 2.3	
Subdivision 2.3.1	
r. 24	am. 2012 Nos. 33, 76 and 288; No. 78, 2013
r. 25	am. 2012 No. 33
Division 2.4	
r. 27	am. 2012 Nos. 33 and 76
r. 28	am. 2012 Nos. 33 and 76
Subhead. to r. 28(3A)	ad. 2012 No. 288
Subhead. to r. 28(4)	rep. 2012 No. 288
Division 2.5	
r. 29	am. 2012 No. 33
Division 2.6	
r. 31	am. 2012 Nos. 33, 76 and 288
r. 32	am. 2012 Nos. 33 and 76
Note 2 to r. 32(2)	am. 2012 No. 33
Heading to r. 33	am. 2012 No. 33
r. 33	am. 2012 Nos. 33 and 76
r. 34	am. 2012 No. 76
Heading to r. 35	am. 2012 No. 33
r. 35	am. 2012 No. 33
Note to r. 35	am. 2012 No. 33
r. 35A	ad. No. 78, 2013
Part 3	
Division 3.1	
r. 38	ad. 2012 No. 76
r. 39	am. 2012 No. 33

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
r. 40	am. 2012 No. 33
r. 41	am. 2012 No. 33
Division 3.2	
Subdivision 3.2.1	
r. 42	am. 2012 No. 33
Subdivision 3.2.2	
r. 44	am. 2012 No. 33
r. 45	am. 2012 No. 33
r. 46	am. 2012 No. 33
Division 3.3	
r. 47	am. 2012 No. 33
r. 48	rs. 2012 No. 76
r. 49	am. 2012 Nos. 33 and 76
Part 4	
Part 4	ad. No. 78, 2013
Division 4.1	
r. 50	ad. No. 78, 2013
r. 51	ad. No. 78, 2013
r. 52	ad. No. 78, 2013
r. 53	ad. No. 78, 2013
Division 4.2	
r. 54	ad. No. 78, 2013
Division 4.3	
r. 55	ad. No. 78, 2013
r. 56	ad. No. 78, 2013
Division 4.4	
r. 57	ad. No. 78, 2013
r. 58	ad. No. 78, 2013
Division 4.5	
r. 59	ad. No. 78, 2013

Endnotes

Endnote 2—Amendment history

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exp. = expired or ceased to have effect

Provision affected	How affected
r. 60	ad. No. 78, 2013

Part 5

r. 65	ad. No. 78, 2013
r. 50	am. 2012 No. 33
Renumbered r. 66	No. 78, 2013

Part 6

Part 6	ad. No. 78, 2013
r. 68	ad. No. 78, 2013

Part 6A

Part 6A	ad. No. 78, 2013
r. 70	ad. No. 78, 2013

Part 6B

Part 6B	ad. No. 78, 2013
r. 72	ad. No. 78, 2013
r. 73	ad. No. 78, 2013

Endnote 4—Uncommenced amendments [none]

Endnote 4—Uncommenced amendments [none]

There are no uncommenced amendments.

Endnotes

Endnote 5—Misdescribed amendments [none]

Endnote 5—Misdescribed amendments [none]

There are no misdescribed amendments.