



Clean Energy Amendment Regulation 2012 (No. 2)¹

Select Legislative Instrument 2012 No. 51

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

Dated 19 April 2012

QUENTIN BRYCE
Governor-General

By Her Excellency's Command

GREG COMBET
Minister for Climate Change and Energy Efficiency

1 Name of regulation

This regulation is the *Clean Energy Amendment Regulation 2012 (No. 2)*.

2 Commencement

This regulation commences on the day after it is registered.

3 Amendment of *Clean Energy Regulations 2011*

Schedule 1 amends the *Clean Energy Regulations 2011*.

Schedule 1 Amendments

(section 3)

[1] Regulation 1.3

insert

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

[2] Regulation 1.3

insert

ANREU Regulations means the *Australian National Registry of Emissions Units Regulations 2011*.

[3] Regulation 1.3

insert

CNG means compressed natural gas.

[4] Regulation 1.3

insert

CO₂-e means carbon dioxide equivalence.

[5] Regulation 1.3

insert

contact details, for a person, means the person's:

- (a) name; and
- (b) phone number; and
- (c) email address; and
- (d) postal address.

[6] Regulation 1.3

insert

identifying details, for a person, means:

- (a) the person's ABN; or
- (b) if the person does not have an ABN—the person's ACN;
or
- (c) if the person does not have an ABN or ACN—the person's ARBN; or
- (d) if the person does not have an ABN, ACN or ARBN—the person's trading name and street address.

[7] Regulation 1.3

insert

identifying information, for a facility, means the information required under paragraphs 4.04A (2) (a) to (h) of the NGER Regulations.

[8] Regulation 1.3

insert

identifying information, for a person, means the following information:

- (a) the person's name and trading name (if any);
- (b) the person's identifying details;

- (c) a statement about whether the person is an individual, a body corporate, a trust, a corporation sole, a body politic or a local governing body;
- (d) if the person is an individual—the following:
 - (i) the person's telephone number, email address and residential address;
 - (ii) if the person's postal address is different from the person's residential address—the person's postal address;
- (e) if the person is not an individual—the following:
 - (i) the postal address of the head office of the person;
 - (ii) the name, position, telephone number, email address and postal address of a contact person for the person;
- (f) if the person is a body corporate that is not a foreign person—details of at least one executive officer (or equivalent) of the body corporate, including the officer's name, telephone number, email address and postal address;
- (g) if the person is a body corporate that is a foreign person—the details mentioned in paragraph (f) for the body corporate and the name of any Australian agent through which the person conducts business;
- (h) if the person is a trust—the name, telephone number, email address and postal address of each trustee;
- (i) if the person is a corporation sole—the name and address of the individual who makes up the corporation sole;
- (j) if the person is a body politic or local governing body—the name, telephone number, email address and postal address of at least one officeholder of the body politic or local governing body;
- (k) if the person is a body established under a law of the Commonwealth, a State or Territory (other than a general law allowing incorporation as a company or body corporate)—the following:
 - (i) the name of the legislation establishing the body;
 - (ii) the date the body was established;
 - (iii) whether the body is a Commonwealth, State or Territory body.

[9] Regulation 1.3

insert

liquefied natural gas, or *LNG*, has the same meaning as *liquefied natural gas* in regulation 1.03 of the NGER Regulations.

[10] Regulation 1.3

insert

liquid petroleum gas, or *LPG*, has the same meaning as *liquid petroleum gas* in regulation 1.03 of the NGER Regulations.

[11] Regulation 1.3, note

insert the following terms into the note in alphabetical order, determined on a letter-by-letter basis

- declared designated joint venture
- financial control
- foreign person
- liability transfer certificate
- mandatory designated joint venture
- participating percentage
- obligation transfer number or OTN
- registered holder
- Registry account
- relevant operator
- unit shortfall charge

[12] After regulation 1.3*insert***1.4 Definition—applicable identification procedure**

For the definition of *applicable identification procedure* in section 5 of the Act, the following procedure is the applicable identification procedure the Regulator must use in identifying a person:

- (a) the Regulator must review the person's identifying information; and
- (b) the Regulator must be satisfied that the Regulator has complete and correct identifying information for the person.

1.8 Definition—natural gas supply pipelines

- (1) For the definition of *natural gas supply pipeline* in section 5 of the Act, the kinds of pipelines mentioned in subregulation (2) are specified as pipelines that are not natural gas supply pipelines.
- (2) The pipelines are:
 - (a) anything upstream of a connection point or (if there is no connection point) an exit flange on a pipeline conveying natural gas from a gas processing plant mentioned in column 1 of the table in Schedule 2; or
 - (b) a gathering system operated as part of an upstream producing operation; or
 - (c) anything downstream of a point on a pipeline from which a person takes natural gas for use.

- (3) In this regulation:

connection point, for a pipeline conveying natural gas from a gas processing plant, means a point mentioned in column 2 of the table in Schedule 2.

exit flange, for a pipeline conveying natural gas from a gas processing plant, means a flange mentioned in column 2 of the table in Schedule 2.

1.9 Definition—withdrawal

- (1) For the definition of *withdrawal*, in relation to natural gas, in section 5 of the Act, a withdrawal of natural gas occurs when:
 - (a) the natural gas exits from a point on a pipeline at which:
 - (i) the natural gas supplier that supplies that gas; or
 - (ii) an agent of that natural gas supplier; or
 - (iii) a person otherwise acting in accordance with an agreement entered into with that natural gas supplier;
will ascertain the amount of that natural gas supplied to a person wholly or partly for use; or
 - (b) the natural gas is combusted in machinery or equipment used to heat or compress natural gas within a natural gas supply pipeline.
- (2) To avoid doubt, natural gas is not withdrawn from a natural gas supply pipeline if the natural gas:
 - (a) goes from the pipeline to an underground storage reservoir; or
 - (b) goes between two natural gas supply pipelines; or
 - (c) goes from a natural gas supply pipeline directly into the atmosphere.

1.10 When supply of natural gas occurs

For paragraph 6 (a) of the Act, the *supply* of natural gas occurs at the time at which the gas is withdrawn from a natural gas supply pipeline.

1.11 Electronic notice transmitted to the Regulator

- (1) For subsection 7 (2) of the Act, an electronic notice must be transmitted:
 - (a) using the Regulator's website; and
 - (b) as an instruction in relation to a Registry account.
- (2) The electronic notice must be transmitted by either:
 - (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) of the ANREU Regulations.

1.12 Requirements for documents

If these Regulations require a person to provide a document, any document provided must be current at the time it is provided.

1.13 English translation of documents

- (1) This regulation applies if:
 - (a) a person is required by these Regulations to provide a document; and
 - (b) the document is not in English.
- (2) The person must provide an English translation of the document, which has been prepared and certified by an authorised translation service as a true copy of the original document.
- (3) In this regulation:
authorised translation service means a translation service accredited by the National Accreditation Authority for Translators and Interpreters Ltd.

1.14 When documents need not be given

If these Regulations require a person to provide a document, the person does not need to provide the document if:

- (a) the person has previously provided the document to the Regulator under:
 - (i) the Act or these Regulations; or
 - (ii) the NGER Act or NGER Regulations; or
 - (iii) the ANREU Act or the ANREU Regulations; and
- (b) the document previously provided is current at the time it is required to be provided.

[13] **After regulation 3.2**

insert

Division 3 Natural gas

**3.5 Netted-out numbers for OTN holders—transfer of
gases between storage areas**

For subsection 35 (9) of the Act, if:

- (a) the OTN holder quotes the OTN holder's OTN in relation to a supply to the OTN holder of an amount of natural gas; and
- (b) during an eligible financial year, the OTN holder uses the whole or a part (which whole or part is in this regulation called the ***relevant portion***) of the amount mentioned in paragraph (a) to manufacture:
 - (i) compressed natural gas; or
 - (ii) liquefied natural gas; or
 - (iii) liquid petroleum gas; and
- (c) the compressed natural gas, liquefied natural gas or liquid petroleum gas is transferred from storage at one place to storage at another place by the authority of:
 - (i) a written permission for the movement of the gas under paragraph 39K (6) (c) of the *Excise Act 1901*; or
 - (ii) a written permission for the removal of the gas under section 61A of the *Excise Act 1901*; and
- (d) subsection 35 (7) of the Act does not apply to the compressed natural gas, liquefied natural gas or liquid petroleum gas; and
- (e) the potential greenhouse gas emissions embodied in the relevant portion have a CO₂-e of a particular number of tonnes;

the number mentioned in paragraph (e) is a ***netted-out number*** of the OTN holder for the eligible financial year.

3.5A Netted-out numbers for OTN holders—use of natural gas without combustion

For subsection 35 (9) of the Act, if:

- (a) the OTN holder quotes the OTN holder's OTN in relation to a supply to the OTN holder of an amount of natural gas; and
- (b) during an eligible financial year, an amount of covered emissions from the operation of a facility was attributable to the use, without combustion, of the whole or a part (which whole or part is in this regulation called the *relevant portion*) of the amount mentioned in paragraph (a); and
- (c) the covered emissions mentioned in paragraph (b) count for the purposes of subsection 20 (1), 21 (1), 22 (1), 23 (1), 24 (1) or 25 (1) of the Act; and
- (d) subsections 35 (2) and 35 (6) of the Act do not apply to the covered emissions mentioned in paragraph (b); and
- (e) the potential greenhouse gas emissions embodied in the relevant portion have a carbon dioxide equivalence of a particular number of tonnes;

the number mentioned in paragraph (e) is a *netted-out number* of the OTN holder for the eligible financial year.

Division 4 Obligation Transfer Numbers

Subdivision 4.1 Requirements for application for OTN

3.6 Application for OTN

- (1) This regulation is made for paragraph 38 (2) (c) of the Act.
- (2) An application must be accompanied by the following information and documents:
 - (a) the identifying information for the applicant;
 - (b) a statement indicating which of sections 55B, 56, 57 and 58 of the Act is likely to require or permit the applicant to quote an OTN.

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- (3) An application must also be accompanied by the following information:
- (a) if the applicant states that section 55B of the Act is likely to require the applicant to quote an OTN—the information and documents mentioned in regulation 3.7;
 - (b) if the applicant states that section 56 of the Act is likely to permit the applicant to quote an OTN—the information and documents mentioned in regulation 3.19;
 - (c) if the applicant states that section 57 of the Act is likely to permit the applicant to quote an OTN—the information and documents mentioned in regulation 3.8;
 - (d) if the applicant states that section 58 of the Act is likely to permit the applicant to quote an OTN—the information and documents mentioned in regulation 3.9.
- (4) If more than one of the paragraphs in subregulation (3) applies to the applicant, the application need only be accompanied by the information and documents mentioned in one of the paragraphs applying to the applicant.

3.7 Eligibility information for large gas consuming facility

- (1) This regulation applies to an application for an OTN on the basis that the applicant is likely to be required to quote an OTN to a natural gas supplier for natural gas which it is reasonably expected will be used in operating a large gas consuming facility.
- (2) The application must be accompanied by the following information and documents:
- (a) the identifying information for the facility;
 - (b) either:
 - (i) for a facility of a mandatory designated joint venture—the name of the person nominated as having operational control of the facility under subsection 11AA (5) or 11B (5) of the NGER Act; or
 - (ii) for any other facility—the name of the person who has operational control of the facility;

- (c) if the applicant is not the person with operational control of the facility:
 - (i) the contact details of the person mentioned in subparagraph (b) (i) or (ii) for the facility;
 - (ii) a statement describing the applicant's relationship to that person; and
 - (iii) a statement describing the applicant's relationship to the facility;
- (d) the financial year in which the facility first passed the threshold test in accordance with subsection 55A (3) of the Act which resulted in the facility becoming a large gas consuming facility;
- (e) either:
 - (i) a statement confirming the quantity of covered emissions (in tonnes of CO₂-e) from the operation of the facility that were attributable to the combustion of natural gas during the financial year mentioned in paragraph (d); or
 - (ii) a statement confirming the amount of natural gas combusted at the facility during that year;
- (f) the date from which the applicant expects to be required to quote an OTN in relation to the facility;
- (g) a statement that it is likely that the applicant will be supplied with natural gas by a natural gas supplier in the 12 month period commencing on the later of the following dates:
 - (i) 1 July 2012; or
 - (ii) the date on which the application is made;
- (h) either:
 - (i) a statement that it is likely that the applicant will use the natural gas mentioned in paragraph (g) in the operation of the facility; or
 - (ii) a statement that it is likely that the applicant will provide the natural gas mentioned in paragraph (g) to another person (the *user*) for use in the operation of the facility, and the provision of the natural gas will not involve a supply of the natural gas;

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- (i) if the application includes a statement mentioned in subparagraph (h) (ii):
 - (i) the user's name and contact details;
 - (ii) a statement describing the applicant's relationship to the user;
 - (j) one of the following statements:
 - (i) a statement that the applicant is currently supplied natural gas for use at the facility;
 - (ii) a statement that the applicant is not currently supplied natural gas for use at the facility and the reason why the applicant expects to start being supplied natural gas for use at the facility in the period mentioned in subparagraph (g) (i) or (ii);
 - (k) either:
 - (i) documents that verify the information given to the Regulator under subparagraph (j) (i) or (ii); or
 - (ii) with the consent of the Regulator—a statutory declaration that verifies that information.
- (3) The information required by paragraph (2) (d), and the statement mentioned in paragraph (2) (e), must be given to the Regulator in the form of statutory declarations if requested by the Regulator.

3.8 Eligibility information for feedstock

- (1) This regulation applies to an application for an OTN on the basis that the applicant is likely to be permitted to quote an OTN to a natural gas supplier for natural gas which it is reasonably expected will be used as a feedstock at a facility, business premises or other location.
- (2) The application must be accompanied by the following information and documents:
 - (a) a description of the chemical process in which natural gas will be used as a feedstock, including:
 - (i) the inputs to the process and the relative amount of each input; and
 - (ii) the outputs of the process and the relative amount of each output;

- (b) the date from which the person expects to be permitted to quote an OTN in relation to the natural gas that will be used as a feedstock at the facility, business premises or other location;
- (c) a statement that it is likely that the applicant will be supplied natural gas by a natural gas supplier in the 12 month period commencing on the later of the following dates:
 - (i) 1 July 2012;
 - (ii) the date on which the application is made;
- (d) one of the following:
 - (i) a statement that it is likely that all or part of the natural gas mentioned in paragraph (c) will be for use by the applicant as a feedstock at the facility, business premises or other location;
 - (ii) a statement that it is likely that the applicant will provide the natural gas to another person (the *user*) who will use all or part of the natural gas as a feedstock at the facility, business premises or other location, and the provision of the natural gas will not involve a supply of the natural gas;
- (e) if the application includes a statement mentioned in subparagraph (d) (ii):
 - (i) the user's name and contact details;
 - (ii) a statement describing the applicant's relationship to the user;
- (f) one of the following statements:
 - (i) a statement that the applicant is currently supplied natural gas for use as a feedstock at the facility, business premises or other location;
 - (ii) a statement that the applicant is not currently supplied natural gas for use at the facility, business premises or other location, and the reason why the applicant expects to start being supplied natural gas for use at the facility, business premises or other location in the period mentioned in subparagraph (c) (i) or (ii);

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- (g) the information mentioned in regulation 3.10 for the facility, business premises or other location;
 - (h) either:
 - (i) documents that provide evidence of the statement given to the Regulator under subparagraph (f) (i) or (ii) or
 - (ii) with the consent of the Regulator—a statutory declaration that verifies the statement.

3.9 Eligibility information for manufacture of CNG, LNG or LPG

- (1) This regulation applies to an application for an OTN on the basis that the applicant is likely to be permitted to quote an OTN to a natural gas supplier for natural gas to be used, in the course of carrying on a business, to manufacture CNG, LNG or LPG.
- (2) The application must be accompanied by the following information and documents:
 - (a) the date from which the applicant expects to be permitted to quote an OTN in relation to the natural gas that is to be used to manufacture CNG, LNG or LPG at a facility, business premises or other location;
 - (b) a statement that it is likely that the applicant will be supplied natural gas by a natural gas supplier in the 12 month period commencing on the later of the following dates:
 - (i) 1 July 2012; and
 - (ii) the date on which the application is made;
 - (c) one of the following:
 - (i) a statement that it is likely that the applicant will use all or part of the natural gas mentioned in paragraph (b) to manufacture CNG, LNG or LPG at the facility, business premises or other location;

- (ii) a statement that it is likely that the applicant will provide the natural gas to another person (the *user*) who will use all or part of the natural gas to manufacture CNG, LNG or LPG at the facility, business premises or other location, and the provision of the natural gas will not involve a supply of the natural gas;
- (d) if the application includes a statement mentioned in subparagraph (c) (ii):
 - (i) the user's name and contact details;
 - (ii) a statement describing the applicant's relationship to the user;
- (e) one of the following statements:
 - (i) a statement that the applicant is currently supplied natural gas for use in the manufacture of CNG, LNG or LPG at the facility, business premises or other location;
 - (ii) a statement that the applicant is not currently supplied natural gas for use in the manufacture of CNG, LNG or LPG at the facility, business premises or other location, and the reason why the applicant expects to start being supplied natural gas for use at the facility, business premises or other location in the period mentioned in subparagraph (b) (i) or (ii);
- (f) the information mentioned in regulation 3.10 for the facility, business premises or other location;
- (g) either:
 - (i) documents that provide evidence of the statement given to the Regulator under subparagraph (e) (i) or (ii); or
 - (ii) with the consent of the Regulator—a statutory declaration that verifies the statement.

3.10 Eligibility information for location where natural gas to be used

- (1A) This regulation applies to an application to which regulation 3.8 or 3.9 applies.

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- (1) If the natural gas will be used at a facility that is in existence at the time of the application, the application must also be accompanied by the following additional information:
- (a) the identifying information for the facility;
 - (b) either:
 - (i) for a facility of a mandatory designated joint venture—the name of the person nominated as having operational control of the facility under subsection 11AA (5) or 11B (5) of the NGER Act; or
 - (ii) for any other facility—the name of the person who has operational control of the facility;
 - (c) if the applicant is not the person with operational control of the facility:
 - (i) the contact details of the person mentioned in subparagraph (b) (i) or (ii) for the facility;
 - (ii) a statement describing the applicant's relationship to that person; and
 - (iii) a statement describing the applicant's relationship to the facility.
- (2) If the natural gas will be used at a facility that is not in existence at the time of the application, the application must also be accompanied by the following additional information about the proposed facility:
- (a) the identifying information for the proposed facility;
 - (b) either:
 - (i) for a proposed facility of a mandatory designated joint venture—the name of the person likely to be nominated as having operational control of the facility under section 11AA (5) or 11B (5) of the NGER Act; or
 - (ii) for any other proposed facility — the name of the person likely to have operational control of the facility;

- (c) if the applicant is not the person with operational control of the proposed facility:
 - (i) the contact details of the person mentioned in paragraph (b) for the proposed facility;
 - (ii) a statement describing the applicant's relationship to that person; and
 - (iii) a statement describing the applicant's relationship to the proposed facility.
- (3) If the natural gas will be used at a business premises or other location that is not a facility or proposed facility, the application must also be accompanied by the following additional information:
 - (a) either:
 - (i) the name of the business premises or location, if any; or
 - (ii) if the premises or location does not have a name—a description of the premises or location;
 - (b) the street address of the business premises or location, if any;
 - (c) the latitude and longitude of the business premises or location.

Subdivision 4.2 Large gas consuming facilities

3.11 Conditions for ceasing to be large gas consuming facility

For subsection 55A (2) of the Act, a facility is taken to cease to be a large gas consuming facility if:

- (a) an application is made under subregulation 3.12 (2) or 3.14 (1) in relation to the facility; and
- (b) the Regulator decides under regulation 3.13 (2) or 3.16 (2) that the facility should cease to be treated as a large gas consuming facility.

3.12 One-off year—application

- (1) This regulation applies to a facility that will become a large gas consuming facility on the basis it has passed the threshold test in a financial year (the *one-off* year).
- (2) The operator of the facility may apply to the Regulator for a decision that the facility should, immediately after becoming a large gas consuming facility, cease to be a large gas consuming facility, on the basis that the facility:
 - (a) did not pass the threshold test in the 2 financial years preceding the one-off year; and
 - (b) is unlikely to pass the test in the 2 financial years following the one-off year.
- (3) The application must be made at least 90 days before the day on which the facility will become a large gas consuming facility.
- (4) The application must be accompanied by identifying information for the applicant.
- (5) The application must also be accompanied by the following information and documents about the facility:
 - (a) the identifying information for the facility;
 - (b) the start and end dates of the one-off year;
 - (c) either:
 - (i) a statement confirming the quantity of covered emissions (in tonnes of CO₂-e) from the operation of the facility that were attributable to the combustion of natural gas in the one-off year and each of the 2 financial years preceding the one-off year; or
 - (ii) a statement confirming the amount of natural gas combusted at the facility for the one-off year and each of the 2 financial years preceding the one-off year;
 - (d) a statement of the amount of natural gas supplied for use at the facility in the one-off year and each of the 2 financial years preceding the one-off year;

- (e) a statement of the reason why the emissions from the facility that are attributable to the combustion of natural gas are likely to be less than 25 000 tonnes of CO₂-e in the 2 financial years after the one-off year;
- (f) either:
 - (i) documents that verify the information given to the Regulator under paragraphs (d) and (e); or
 - (ii) with the consent of the Regulator—a statutory declaration that verifies that information.

3.13 One-off year—Regulator’s decision

- (1) This regulation applies if an application is made under regulation 3.12 in relation to a facility.
- (2) The Regulator may decide that the facility should, immediately after becoming a large gas consuming facility, cease to be treated as a large gas consuming facility, if the Regulator is satisfied that:
 - (a) the application contains the information and documents required by regulation 3.12; and
 - (b) the information contained in the application is correct; and
 - (c) greenhouse gas emissions from the operation of the facility attributable to the combustion of natural gas:
 - (i) were less than 25 000 tonnes of CO₂-e in the 2 financial years preceding the one-off year; and
 - (ii) are likely to be less than 25 000 tonnes of CO₂-e in the 2 financial years following the one-off year.
- (3) Without limiting the matters the Regulator may take into account when making a decision under subregulation (2), the Regulator may take into account any previous applications made in relation to the facility under regulation 3.12.
- (4) If the Regulator is not satisfied of the matters mentioned in paragraphs (2) (a), (b) and (c), the Regulator must refuse the application.

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- (5) The Regulator must take all reasonable steps to ensure that a decision is made on the application:
 - (a) if the Regulator requires the applicant to give further information or documents under regulation 3.17 in relation to the application—within 90 days after the applicant gave the Regulator the information or documents; or
 - (b) in any other case—within 90 days after the application was made.
 - (6) The Regulator must tell the applicant, in writing, of the Regulator's decision on the application.

3.14 Diminishing emissions—application

- (1) The operator of a large gas consuming facility may apply to the Regulator for a decision that the facility should cease to be a large gas consuming facility on the basis that:
 - (a) greenhouse emissions from the operation of the facility attributable to the combustion of natural gas, for the financial year immediately preceding the financial year in which the application is made, were less than 25 000 tonnes of CO₂-e; and
 - (b) it is likely that greenhouse emissions from the operation of the facility attributable to the combustion of natural gas will be less than 25 000 tonnes of CO₂-e in the financial year in which the application is made and the following financial year.
- (2) The application must be accompanied by identifying information for the applicant.
- (3) The application must also be accompanied by the following information and documents about the facility:
 - (a) the identifying information for the facility;
 - (b) if regulation 3.15 applies to the application—the name and contact details of the other person mentioned in that regulation;

- (c) either:
 - (i) a statement, for each of the previous 3 financial years, confirming the quantity of covered emissions (in tonnes of CO₂-e) from the operation of the facility that were attributable to the combustion of natural gas in the year; or
 - (ii) a statement, for each of the previous 3 financial years, confirming the amount of natural gas combusted at the facility in the year;
- (d) a statement, for each of the previous 3 financial years, stating the amount of natural gas supplied for use at the facility in the year;
- (e) the reason why the emissions from the facility attributable to the combustion of natural gas are likely to be less than 25 000 tonnes of CO₂-e in the current financial year and the following financial year;
- (f) either:
 - (i) documents that verify the information given to the Regulator under paragraphs (d) and (e); or
 - (ii) with the consent of the Regulator—a statutory declaration that verifies that information.

3.15 Diminishing emissions—notification of OTN holder

- (1) This regulation applies to an application made under regulation 3.14 in relation to a facility if a person other than the applicant (the *other person*) would have a provisional emissions number under subsection 35 (3) of the Act in relation to gas used at the facility because the facility ceased to be a large gas consuming facility, on the basis that the other person:
 - (a) on or before the date of the application, quoted an OTN under subsection 55B (1) of the Act for the supply of natural gas for use at the facility; or
 - (b) within 90 days after the application, is likely to be required to quote an OTN under subsection 55B (1) of the Act in relation to the supply of natural gas for use at the facility.
- (2) The applicant must tell the other person, in writing, about the application.

3.16 Diminishing emissions—Regulator’s decision

- (1) This section applies if an application is made under regulation 3.14 in relation to a facility.
- (2) The Regulator may decide that the facility should cease to be treated as a large gas consuming facility if the Regulator is satisfied that:
 - (a) the application contains the information and documents required by subregulations 3.14 (2) and (3); and
 - (b) the information contained in the application is correct; and
 - (c) greenhouse gas emissions from the operation of the facility attributable to the combustion of natural gas:
 - (i) were less than 25 000 tonnes of CO₂-e in the previous financial year; and
 - (ii) are likely to be less than 25 000 tonnes of CO₂-e in the current financial year and the following financial year.
- (3) If the Regulator is not satisfied of the matters mentioned in paragraphs (2) (a), (b) and (c), the Regulator must refuse the application.
- (4) The Regulator must take all reasonable steps to ensure that a decision is made on the application:
 - (a) if the Regulator requires the applicant to give further information or documents under regulation 3.17 in relation to the application—within 90 days after the applicant gave the Regulator the information; or
 - (b) in any other case—within 90 days after the application was made.
- (5) The Regulator must tell the applicant, in writing, of the Regulator’s decision on the application.
- (6) If regulation 3.15 applies to the application, the Regulator must also tell the other person mentioned in that regulation, in writing, of the Regulator’s decision on the application.

3.17 Request for further information or documents

- (1) When considering an application under regulation 3.12 or 3.14, the Regulator may, by written notice given to an applicant, require the applicant to give the Regulator, within the period specified in the notice, further information or documents in connection with the application.
- (2) If the applicant fails to provide the information or documents, the Regulator may, by written notice given to the applicant:
 - (a) refuse to consider the application; or
 - (b) refuse to take any action, or any further action, in relation to the application.

3.18 When facility taken to cease to be large gas consuming facility

- (1) If the Regulator makes a decision under subregulation 3.13 (2) in relation to a facility, the facility ceases to be a large gas consuming facility immediately after the facility becomes a large gas consuming facility.
- (2) If the Regulator makes a decision under subregulation 3.16 (2) in relation to a facility, the facility ceases to be a large gas consuming facility on:
 - (a) if regulation 3.15 applies to the application—the later of the following days:
 - (i) 30 June in the financial year in which the application is made;
 - (ii) 28 days after the Regulator notifies the OTN holder;
 - (b) in any other case—30 June in the financial year in which the application is made.

Subdivision 4.3 Large user of natural gas—application to be an approved person**3.19 Information and documents required with application**

- (1) For subsection 56 (3) of the Act, an application by a person to be an approved person must be accompanied by identifying information for the applicant.

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- (2) For paragraph 56 (3) (d) of the Act, the application must also be accompanied by the following information and documents:
- (a) a statement indicating the eligible financial year to which the application applies;
 - (b) the identifying information for the facility;
 - (c) one of the following statements in relation to the facility:
 - (i) a statement that it is likely that the following conditions will be satisfied in the specified eligible financial year:
 - (A) the facility will be under the operational control of the applicant;
 - (B) the applicant will be supplied natural gas by a natural gas supplier;
 - (C) the natural gas will be for use in the operation of the facility;
 - (D) emissions from the combustion of natural gas at the facility will be at least 25 000 tonnes CO₂-e in the specified eligible financial year;
 - (ii) a statement that it is likely that the following conditions will be satisfied in the specified eligible financial year:
 - (A) the facility will be under the operational control of another person (the *user*);
 - (B) the applicant will be supplied natural gas by a natural gas supplier;
 - (C) the applicant will provide the whole or a part of the natural gas to the user for use in the operation of the facility;
 - (D) the provision of the natural gas by the applicant will not involve a supply of the natural gas;
 - (E) emissions from the combustion of natural gas at the facility will be at least 25 000 tonnes CO₂-e in the specified eligible financial year;
 - (d) if the application is accompanied by a statement mentioned in subparagraph (c) (ii):
 - (i) the user's name and contact details;

- (ii) a statement describing the applicant's relationship to the user;
- (e) a statement of the reason why the emissions from the facility attributable to the combustion of natural gas are likely to be at least 25 000 tonnes of CO₂-e in the specified eligible financial year;
- (f) one of the following statements:
 - (i) a statement that the applicant is currently supplied natural gas for use at the facility;
 - (ii) a statement that the applicant is not currently supplied natural gas for use at the facility, and the reason why the applicant expects to start being supplied natural gas for use at the facility in the 12 month period commencing on the later of the following dates:
 - (A) 1 July 2012;
 - (B) the date on which the application is made.
- (g) either:
 - (i) documents that provide evidence of the statements given to the Regulator under paragraphs (e) and (f); or
 - (ii) with the consent of the Regulator—a statutory declaration that verifies the statements.

Division 5 Designated joint ventures

3.20 Application for declaration

- (1) This regulation is made for subparagraphs 68 (4) (c) (ii) and (iii) of the Act.
- (2) An application must be accompanied by the following:
 - (a) the identifying information for:
 - (i) each applicant; and
 - (ii) the person who has operational control over the facility (the *operator*) of the facility;
 - (b) the identifying information for the facility;

-
- (c) a statement that:
 - (i) the joint venture has the facility; and
 - (ii) the applicants are parties to an agreement that deals with the facility; and
 - (iii) the operator operates the facility exclusively for the joint venture; and
 - (iv) none of the applicants is an individual; and
 - (v) the joint venture is not a mandatory designated joint venture;
 - (d) a statement that the applicants have, and are likely to continue to have, the capacity, access to information and financial resources necessary for the applicants to comply with their obligations under the Act and the associated provisions if the declaration is made;
 - (e) a statement as to whether any of the applicants has previously been subject to obligations under the Act or the associated provisions and, if so, whether the applicant:
 - (i) has been convicted of an offence against the Act or the associated provisions; or
 - (ii) has previously been liable, or is currently liable, to pay an amount of late payment penalty and, if so, the amount of the penalty and the financial year when the penalty became payable;
 - (f) a statement that the joint venture is an unincorporated enterprise carried on by 2 or more persons in common otherwise than in partnership;
 - (g) if the applicants want the declaration to start on a different day from the day when the declaration is made:
 - (i) a statement by the applicants specifying the start day of the declaration; and
 - (ii) the written consent of the operator for the declaration to start on that day.
- (3) Also, the application must be accompanied by:
- (a) documents that verify the information given to the Regulator under paragraphs (2) (c) to (f); or
 - (b) with the consent of the Regulator—a statutory declaration that verifies that information.

3.21 Making of declaration

- (1) This regulation is made for paragraph 70 (3) (d) of the Act.
- (2) The Regulator must not make a declaration of a designated joint venture if a liability transfer certificate exists in relation to the facility.

3.22 Application for participating percentage determination

- (1) This regulation is made for paragraph 74 (3) (c) of the Act.
- (2) An application must be accompanied by the following:
 - (a) the participating percentage that is proposed for each of the applicants, or the proposed way of calculating the participating percentage for each of the applicants;
 - (b) a statement as to whether the joint venture is to operate using:
 - (i) a share of goods basis; or
 - (ii) a share of services basis; or
 - (iii) another basis stated in the document;
 - (c) if a share of goods basis, or share of services basis, is to be used:
 - (i) how the goods or services are to be shared between the applicants; and
 - (ii) if the goods or services are not of the same type (e.g. one applicant is to take oil and another applicant is to take gas)—the monetary value of the goods or services, and how the value is calculated;
 - (d) if another basis is to be used—the way in which the economic benefits from the facility are to be shared among the applicants;
 - (e) if the application relates to a mandatory designated joint venture:
 - (i) the identifying information for each applicant; and
 - (ii) the identifying information for the facility; and
 - (iii) a statement that the joint venture has the facility; and

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- (iv) a statement that the applicants are parties to an agreement that deals with the facility; and
 - (v) a statement that the joint venture is an unincorporated enterprise carried on by 2 or more persons in common otherwise than in partnership; and
 - (vi) a statement that 2 or more persons in the joint venture are able to satisfy paragraph 11 (1) (a) of the NGER Act; and
 - (vii) a statement that no particular person in the joint venture has the greatest authority to introduce and implement the policies mentioned in subparagraph 11 (1) (a) (i) or (iii) of the NGER Act in relation to the facility; and
 - (viii) a statement that no declaration under section 55 or 55A of the NGER Act applies in relation to the facility.
- (3) Also, the application must be accompanied by:
- (a) documents that verify the information given to the Regulator under subregulation (2); or
 - (b) with the consent of the Regulator—a statutory declaration that verifies that information.
- (4) For paragraph (2) (a), the document may state a distribution that varies from time to time.
- (5) In this regulation:
- share of goods basis*** means the basis that each applicant has a share of the goods extracted, produced or manufactured in relation to the operation of the facility.
- share of services basis*** means the basis that each applicant has a share of access to services in relation to the operation of the facility.

Division 6 Liability transfer certificates

3.23 Application for liability transfer certificate—transfer of liability to another member of a corporate group

- (1) This regulation is made for subparagraphs 81 (4) (c) (iv) and (v) of the Act.
- (2) An application must be accompanied by the following:
 - (a) the identifying information for:
 - (i) the applicant; and
 - (ii) the person who has operational control over the facility (the *operator*); and
 - (iii) the controlling corporation of the corporate group;
 - (b) the identifying information for the facility;
 - (c) a statement confirming that:
 - (i) the applicant is a company that is a member of the controlling corporation's group of which the operator is a member; and
 - (ii) the applicant is a company that is registered under Part 2A.2 of the *Corporations Act 2001*; and
 - (d) a statement, signed by the operator, confirming that the facility is under the operational control of the operator;
 - (e) a statement that the applicant has, and is likely to continue to have, the capacity, access to information and financial resources necessary for the applicant to comply with their obligations under the Act and the associated provisions if the liability transfer certificate is issued;
 - (f) if the applicant wants the declaration to start on a different day from the day when the declaration is made:
 - (i) a statement by the applicant specifying the start day of the certificate; and
 - (ii) the written consent of the operator for the certificate to start on that day;
 - (g) the written consent of the operator to the applicant making the application;
 - (h) the written acknowledgement by the operator of the operator's guarantee under section 138 of the Act.

-
- (3) Also, the application must be accompanied by:
- (a) documents that verify the information given to the Regulator under paragraphs (2) (c) to (e); or
 - (b) with the consent of the Regulator—a statutory declaration that verifies that information.

3.24 Application for liability transfer certificate—transfer of liability to a person who has financial control of a facility

- (1) This regulation is made for subparagraphs 85 (5) (c) (iv) and (v) of the Act.
- (2) An application must be accompanied by the following:
 - (a) the identifying information for:
 - (i) the applicant; and
 - (ii) the person who has operational control over the facility (the *operator*); and
 - (iii) if the operator is a member of a corporate group and is not the controlling corporation of the group—the controlling corporation of the corporate group;
 - (iv) if the applicant is a member of a corporate group and is not the controlling corporation of the group—the controlling corporation of the corporate group;
 - (b) the identifying information for the facility;
 - (c) a statement that:
 - (i) the facility is under the operational control of the operator; and
 - (ii) the applicant has financial control over the facility, and which paragraph of subsection 92 (1) of the Act describes the reason why the applicant has financial control; and
 - (iii) the applicant is not an individual; and
 - (iv) the applicant is not a foreign person; and
 - (v) if the applicant is a member of a controlling corporation's group—the operator is not a member of the group;

- (d) a statement that the applicant has, and is likely to continue to have, the capacity, access to information and financial resources necessary for the applicant to comply with their obligations under the Act and the associated provisions if the liability transfer certificate is issued;
 - (e) if the applicant wants the declaration to start on a different day from the day when the declaration is made:
 - (i) a statement by the applicant specifying the start day of the certificate; and
 - (ii) the written consent for the certificate to start on that day from the persons mentioned in subparagraphs 88 (2) (b) (iii), (iv) and (v) of the Act;
 - (f) if applicable:
 - (i) the written consent of the person required under subsection 85 (3) of the Act to the applicant making the application;
 - (ii) the written consent of the person required under subsection 85 (4) of the Act to the applicant making the application;
 - (iii) the written acknowledgement by the controlling corporation of the controlling corporation's guarantee under section 138 of the Act.
- (3) Also, the application must be accompanied by:
- (a) documents that verify the information given to the Regulator under paragraphs (2) (c) to (d); or
 - (b) with the consent of the Regulator—a statutory declaration that verifies that information.

3.25 Issue of liability transfer certificate

- (1) This regulation is made for paragraphs 83 (3) (c) and 87 (3) (c) of the Act.
- (2) The Regulator must not issue a liability transfer certificate if either of the following exists in relation to the facility:
 - (a) a mandatory designated joint venture;
 - (b) a declared designated joint venture.

[14] **Part 4, before Division 5**

insert

**Division 3 Property in, and transfer of,
carbon units**

4.5 Transmission of carbon units by operation of law etc.

- (1) This regulation is made for paragraph 106 (3) (b) and subsection 106 (4) of the Act.
 - (2) A declaration of transmission of carbon units must:
 - (a) be made in writing; and
 - (b) be signed by the transferee; and
 - (c) state the identification numbers of the carbon units; and
 - (d) state a brief description of the circumstances that resulted in the transmission; and
 - (e) state the names and addresses of the transferor and transferee; and
 - (f) state the account number of the transferor's Registry account; and
 - (g) if the transferee has a Registry account—state the account number of the transferee's Registry account.
- Note* If the transferee does not already have a Registry account, see subsection 106 (5) of the Act about the request to open a Registry account that must accompany the declaration.
- (3) The declaration must also be accompanied by a certified copy of a document that shows that the title of the carbon unit has been transferred to the transferee (e.g. a certified copy of a court order), as evidence of the transmission.
 - (4) For subregulation (3), a ***certified copy*** of a document is a copy of a document that has been certified as a true copy by:
 - (a) a person mentioned in Schedule 2 to the *Statutory Declarations Regulations 1993*; or
 - (b) an Australian embassy, Australian high commission or Australian consulate (other than a consulate headed by an honorary consul); or

- (c) 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 this 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).

[15] Regulation 4.1, heading

substitute

4.10 Buy-back of certain free carbon units—specified factor

[16] After Part 8

insert

Part 14 Record-keeping requirements

14.1 Record keeping—applications

- (1) For subsection 227 (1) of the Act, this regulation applies if a person:
- (a) makes an application to the Regulator under any of the following subsections of the Act:
 - (i) subsection 38 (1) (obligation transfer number);
 - (ii) subsection 56 (2) (approved person);
 - (iii) subsection 68 (2) (declaration of a joint venture);
 - (iv) subsection 74 (2) (participating percentage determination);
 - (v) subsection 81 (2) (liability transfer certificate—corporate group);
 - (vi) subsection 85 (2) (liability transfer certificate—financial control); or

(b) in connection with the application, gives further information to the Regulator under subregulation 3.17 (1) or subsection 39 (1), 69 (1), 75 (1), 82 (1), or 86 (1) of the Act.

- (2) When the person makes the application, or gives the further information, the person must make a record of every source document.

Example

A scanned copy of the source document.

- (3) For subregulation (2), a **source document** is:
- (a) a document that verifies the information given to the Regulator in, or in connection with, the application; and
 - (b) the original of a document that is copied and given to the Regulator with, or in connection with, the application.
- (4) The person must keep each record for 5 years after the application is made, or the further information is given.

Note See section 227 of the Act for the penalty that applies to a person who contravenes this regulation.

14.1A Record keeping—notice of intention to quote OTN

- (1) This regulation applies if a person gives a written notice under paragraph 55B (1) (a), 57 (2) (a) or 58 (2) (a) of the Act to a natural gas supplier of the person's intention to quote the person's OTN.
- (2) When the written notice is given, each of the persons mentioned in subregulation (1) must make a record of the following:
- (a) the notice;
 - (b) the date on which the notice is given;
 - (c) the number of days between the day on which the notice is given and the day on which the OTN is to be first quoted.

Example for paragraph (a)

A scanned copy of the notice.

- (3) Each of the persons must keep the record for 5 years after the record is made.

Note See section 227 of the Act for the penalty that applies to a person who contravenes this regulation.

14.2 Record keeping—withdrawal of quotation of OTN

- (1) This regulation applies if a person withdraws the quotation of an OTN that was made to another person, in relation to a supply of natural gas, by giving the other person a written notice under subsection 51 (1) or (2) or 52 (1) or (2) of the Act.
- (2) When the written notice is given, each of the persons mentioned in subregulation (1) must make a record of the following:
- (a) the date on which the notice is given;
 - (b) the reason for withdrawing the quotation;
 - (c) if the notice is given under subsection 52 (1) or (2) of the Act—the terms of the agreement to withdraw the quotation;
 - (d) the amount of natural gas supplied in relation to the quotation of the OTN before the notice is given.

Example for paragraph (c)

A scanned copy of the written agreement.

- (3) Each of the persons must keep the record for 5 years after the record is made.

Note See section 227 of the Act for the penalty that applies to a person who contravenes this regulation.

14.3 Record keeping—acceptance of quotation of OTN

- (1) This regulation applies if a person accepts another person's quotation of an OTN, in relation to a supply of natural gas, by giving the other person a written notice under section 59 or 60 of the Act.
- (2) When the written notice is given, each of the persons mentioned in subregulation (1) must make a record of the following:
- (a) the notice;

- (b) the date on which the notice is given.

Example for paragraph (a)

A scanned copy of the notice.

- (3) When natural gas is supplied in relation to the quotation of the OTN, each of the persons must make a record of the following:
- (a) the date on which the natural gas is supplied;
 - (b) the amount of natural gas supplied.
- (4) Each of the persons must keep each record for 5 years after the record is made.

Note See section 227 of the Act for the penalty that applies to a person who contravenes this regulation.

[17] After Schedule 1

insert

Schedule 2 Pipelines that are not natural gas supply pipelines

(subregulation 1.8 (4))

Gas processing plant Exit flange or connection point

New South Wales

Rosalind Park
(Camden)

In respect of the pipeline mentioned in pipeline licence no. 30 under the Pipelines Act 1967 of New South Wales, the 150NB flange located approximately 2 metres upstream of the pipeline insulating joint and immediately downstream of the Rosalind Park Gas Plant's sales gas metering facility

Victoria

Longford gas
processing plant,
Garretts Road,
Longford, Victoria

The exit flanges contained within the Longford Metering Station at Garretts Road, Longford, Victoria which are connected to the two 600 mm pipes from the prescribed gas processing plant to the Longford Metering Station and are:

- (a) the 600 mm weld on the 750 mm by 600 mm reducer; and

Gas processing plant	Exit flange or connection point
	<p>(b) the upstream flange face of the 600 mm branch valve; and</p> <p>(c) the 600 mm weld 3 000 mm downstream on the side arm of the 600 mm equal tee,</p> <p>all of which are immediately upstream of the metering runs which form a part of the Longford Metering Station</p>
North Paaratte gas processing plant, Government Road, Paaratte, Victoria	The exit flange that is the upstream flange face of the first actuated slamshut valve immediately upstream of the metering runs which form a part of the Paaratte Metering Station at Government Road, Paaratte
<i>Queensland</i>	
References to diagrams in the entries relating to Queensland are references to diagrams held by the Department of Mines and Energy at Brisbane	
Wungoona J.V. (Wallumbilla)	<p>In respect of the pipeline mentioned in pipeline licence PPL no. 2 (Wallumbilla to Brisbane) under the <i>Petroleum Act 1923</i> of Queensland, the flange located immediately upstream of the series of valves before the meter run, as shown on diagram W, Wungoona JV-RBP ML 1A Metering Station and marked 'AA' on the diagram</p> <p>In respect of the pipeline mentioned in pipeline licence PPL no. 30 under the <i>Petroleum Act 1923</i> of Queensland, the pipe weld on the upstream side of an insulating joint located immediately upstream of the main flow control valve, as shown on diagram X, Wungoona JV—Duke Energy Pipeline and marked 'BB' on the diagram</p>
Ballera	<p>In respect of the pipeline mentioned in pipeline licence PPL no. 24 under the <i>Petroleum Act 1923</i> of Queensland, the 2 flanges on the upstream sides of 2 isolating valves upstream of where the pipeline separates into 2 parallel meter runs, as shown on diagram Y, Ballera Gas Centre—SWQ Unit—Epic Pipeline and marked 'CC' and 'DD' on the diagram</p> <p>In respect of the pipeline mentioned in pipeline licence PPL no. 41 under the <i>Petroleum Act 1923</i> of Queensland, the pipe weld on the upstream side of the insulating joint leading to the 2 meter runs operated by the Ballera-Mount Isa Pipeline, as shown on diagram Z, Ballera Gas Centre—SWQ Unit—Ballera and marked 'EE' on the diagram</p>

Gas processing plant	Exit flange or connection point
Gilmore	In respect of the pipeline mentioned in pipeline licence PPL no. 15 under the <i>Petroleum Act 1923</i> of Queensland, the upstream flange of the actuated slamshut valve XV-0305 that is located on the metering skid downstream of the gas flow measurement, as shown on Energy Equity's P & I Drawing No. G101-40F-0004
Moura Mine	In respect of the pipeline mentioned in mining lease ML no. ML 80032 under the <i>Mineral Resources Act 1923</i> of Queensland, the downstream face of the flanged ball valve SLV 0202 located between the dehydration unit and the launcher station, as shown on Drawings Nos NP03777-P11 and NP03777-P77
Kincora	In respect of the pipeline mentioned in pipeline licence PPL no. 3 under the <i>Petroleum Act 1923</i> of Queensland, the 150NB class 600 flange immediately downstream of the Kincora Gas Plant's 150NB class 600 actuated isolation valve, as shown on P & ID Drawing No. 600-1001 Rev 3
Central Treatment (Westgrove)	In respect of the pipeline mentioned in pipeline licence PPL no. 11 under the <i>Petroleum Act 1923</i> of Queensland, the 200NB class 900 flange located approximately 0.7m away from the Central Treatment Plant's main 200NB pipeline and pig launching facility immediately downstream of the plant's 200NB class 900 main isolation valve, as shown on P & ID Drawing No. 3100-10-0020 Rev 6
Rolleston	In respect of the pipeline mentioned in pipeline licence PPL no. 10 under the <i>Petroleum Act 1923</i> of Queensland, the 150NB class 900 flange located immediately downstream of the 150NB class 900 isolation valve that is immediately downstream of the moisture analyser on the Rolleston Gas Plant's sales gas metering facility, as shown on P & ID Drawing No. 3500-10-0020 Rev 5
Dawson River Central	In respect of the pipeline mentioned in pipeline licence PPL no. 26 under the <i>Petroleum Act 1923</i> of Queensland, the 150NB class 600 flange located immediately downstream of the 150NB class 600 isolation valve at the tie-in station, as shown on P & ID Drawing No. DR—11014 Rev 1

Gas processing plant	Exit flange or connection point
Moura Central	In respect of the pipeline mentioned in pipeline licence PPL no. 26 under the <i>Petroleum Act 1923</i> of Queensland, the 150NB class 600 flange located immediately downstream of the 150NB class 600 isolation valve at the tie-in station pit, as shown on P & ID Drawing No. DR—11014 Rev 1
<i>Western Australia</i>	
North West Shelf Gas Project Domestic Gas	In respect of the pipeline that is the subject of pipeline licence PL40 under the <i>Petroleum Pipelines Act 1969</i> of Western Australia, the upstream flange of the flange joint immediately upstream of the most upstream of the monolithic insulation joints that are inside the fence of the pipeline's Dampier facilities compound
Tubridgi	In respect of the pipeline that is the subject of pipeline licence PL16 under the <i>Petroleum Pipelines Act 1969</i> of Western Australia, the downstream flange of the plant exit shut down valve that: <ul style="list-style-type: none"> (a) is between the pipeline pig launcher and the pipeline meter station; and (b) is the first shut down valve downstream of the connection to the 150 mm pipe from the filter separator
Dongara	In respect of the pipeline that is the subject of pipeline licence PL1 under the <i>Petroleum Pipelines Act 1969</i> of Western Australia, the upstream flange of the flange joint at the inlet end of the isolating valve that is at the inlet to the pipeline inlet gas flow meter
Beharra Springs	In respect of the pipeline that is the subject of pipeline licence PL18 under the <i>Petroleum Pipelines Act 1969</i> of Western Australia, the upstream flange of the insulated flange joint that: <ul style="list-style-type: none"> (a) is immediately upstream of the first barred tee downstream of the pig launcher; and (b) is on the through line of the tee

Gas processing plant	Exit flange or connection point
Griffin	In respect of the pipeline that is the subject of pipeline licence PL19 under the <i>Petroleum Pipelines Act 1969</i> of Western Australia, the downstream flange of the flange joint that connects the 200mm Griffin Gas Header pipe with the 200mm pipe connecting with the 250mm pipe to the pipeline meter station
<i>South Australia</i>	
Moomba Plant	<p>In respect of the pipeline conveying natural gas from the Moomba natural gas processing plant to Adelaide, the insulating joint situated between the meter station for the pipeline and EPIC's after cooler (as indicated in Diagram 1 below)</p> <p>In respect of the pipeline conveying natural gas from the Moomba natural gas processing plant to Sydney, the downstream weld of the 600mm x 750mm reducer situated, upstream of the insulation flange, between the meter station and East Australian Pipeline Ltd's mainline 750mm valve on the outlet of the meter station (as indicated in Diagram 2 below)</p>
Katnook Plant	The insulating flange that is located one metre inside the boundary fence of the plant, upstream of the pipeline branch to Safries and downstream of the emergency shut down skid, as shown on drawing 107.5.1 held by the Office of Energy Policy at Adelaide
<i>Northern Territory</i>	
Palm Valley Gas Plant	<p>In respect of the Palm Valley Gas Pipeline the flange:</p> <ul style="list-style-type: none"> (a) shown as the insulating flange on the drawing entitled Palm Valley—Alice Springs Gas Pipe Line Well-Head Assembly—Drawing Number 10-011 (Revision 6 of 8/84) held by the Northern Territory Department of Mines and Energy at Darwin; and (b) situated at the Palm Valley Gas Plant immediately inside the perimeter fence downstream of the main gas plant and immediately upstream of the launching system

Gas processing plant	Exit flange or connection point
Mereenie Gas Plant	<p>In respect of the Mereenie Gas Pipeline—the flange:</p> <ul style="list-style-type: none">(a) shown as the insulating flange (I.F.) on the drawing entitled Amadeus Basin to Darwin Pipeline Mereenie Meter Station—P & I Diagram Inlet and Station Limit Valve—Drawing Number AD M000-7002 (Revision D of 25.2.86) held by the Northern Territory Department of Mines and Energy at Darwin; and(b) situated at the Mereenie Gas Plant immediately inside the perimeter fence and downstream of the main gas plant

DIAGRAM 1

**MOOMBA PLANT PRESCRIBED PLANT AND EXIT FLANGE
- MOOMBA TO ADELAIDE PIPELINE**

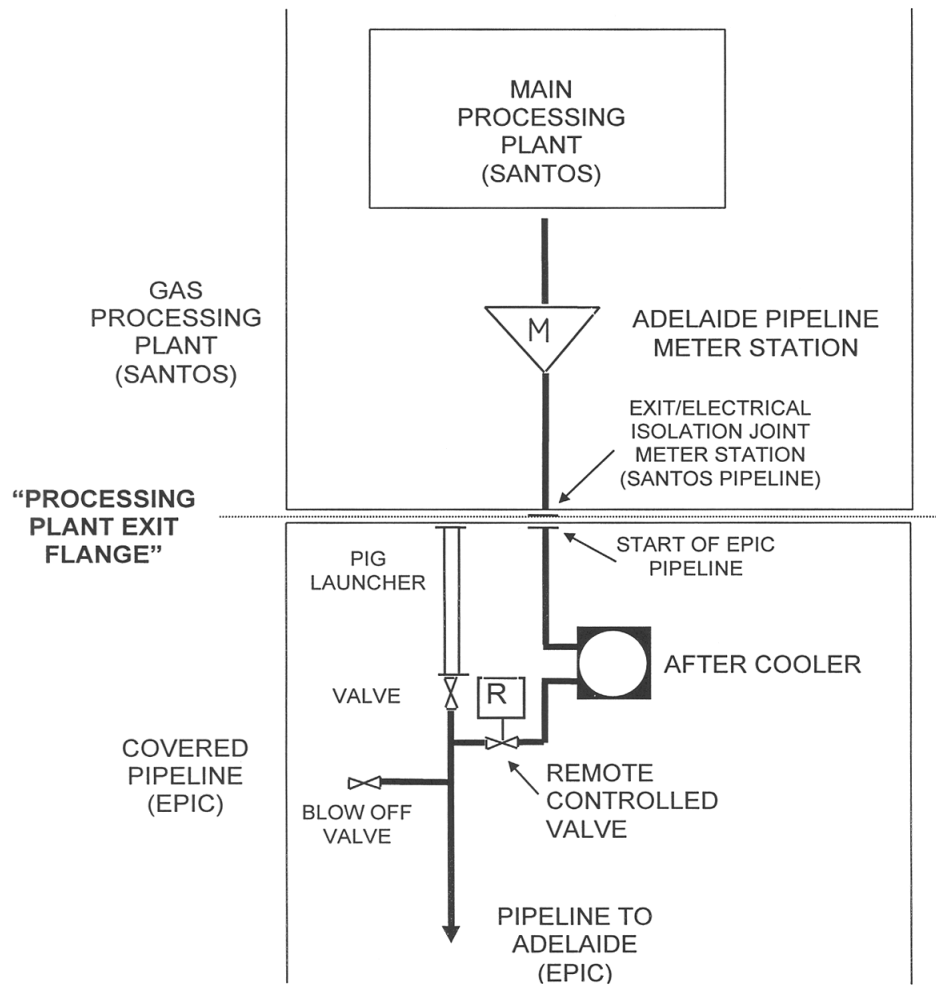
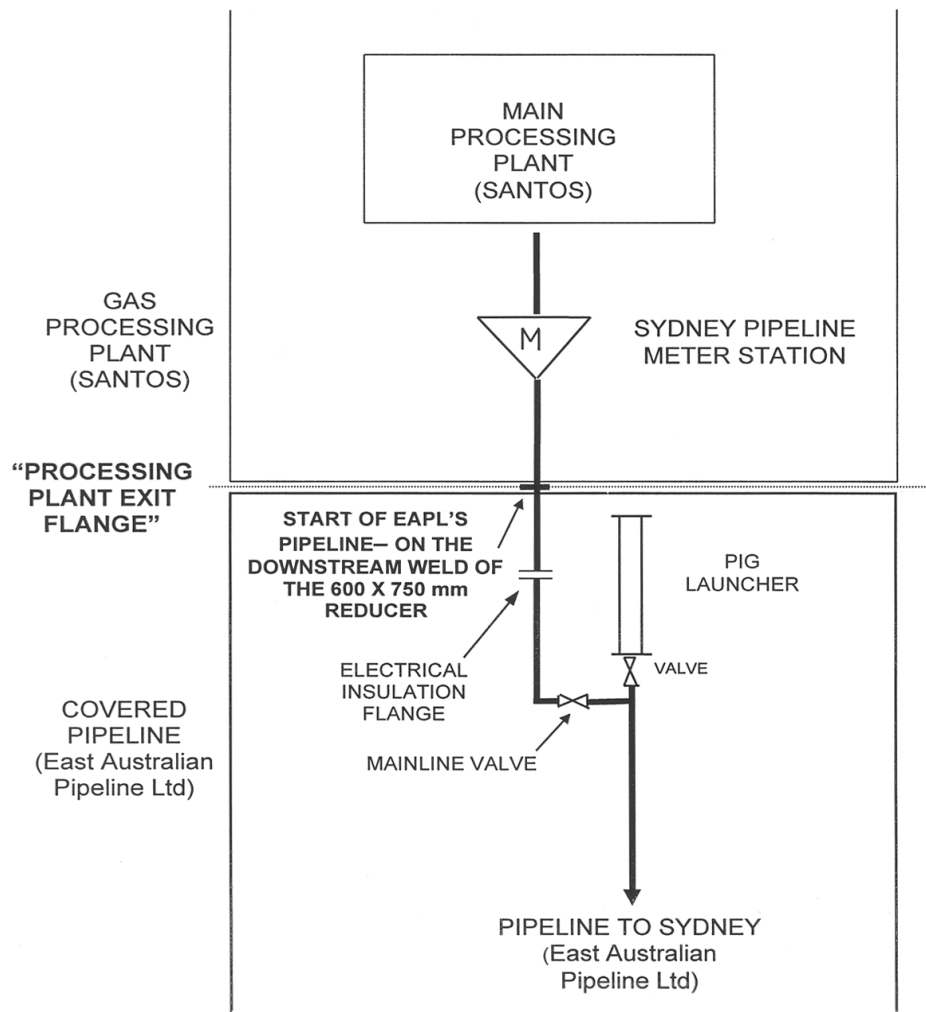


DIAGRAM 2
MOOMBA PLANT PRESCRIBED PLANT AND EXIT FLANGE
- MOOMBA TO SYDNEY PIPELINE



Note

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