Clean Energy Amendment Regulation 2012 (No. 5)[1]

Select Legislative Instrument 2012 No. 181

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 2 August 2012

QUENTIN BRYCE
Governor-General

By Her Excellency's Command

GREG COMBET
Minister for Climate Change and Energy Efficiency

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Contents

1 Name of regulation

This regulation is the *Clean Energy Amendment Regulation 2012 (No. 5)*.

2 Commencement

This regulation commences, or is taken to have commenced, as follows:

(a) on 1 July 2012—sections 1 to 3 and Schedule 1;

(b) on the day after registration—Schedule 2.

3 Amendment of *Clean Energy Regulations 2011*

Schedules 1 and 2 amend the *Clean Energy Regulations 2011*.

Schedule 1 Amendments taken to have commenced on 1 July 2012

(section 3)

[1] After subregulation 1.9 (1A)

insert

(1B) There is no withdrawal of natural gas from a natural gas supply pipeline if the gas:

(a) is supplied by a person who is the owner or operator of the pipeline; and

(b) the supply is made under an agreement for the provision of a pipeline service.

[2] After subregulation 1.9 (2)

insert

(3) In subregulation (1B), ***pipeline service*** means:

(a) a service provided by means of a natural gas supply pipeline, including:

(i) a haulage service (such as conveyance or reticulation of natural gas); and

(ii) a service providing for, or facilitating, the interconnection of pipelines; and

(b) a service ancillary to the provision of a service referred to in paragraph (a);

but does not include the production, sale or purchase of natural gas.

Schedule 2 Amendments commencing on day after registration

(section 3)

[1] Schedule 1, subclause 320 (8)

substitute

(8) For the production of coke oven coke, the basis for the issue of free carbon units is by a tonne of coke oven coke on a dry weight basis that:

(a) meets the necessary requirements for use in the integrated iron and steel manufacturing process; and

(b) is produced as part of carrying on the emissions-intensive trade-exposed activity; and

(c) is not a relevant product for the emissions-intensive trade-exposed activity of coke oven coke production mentioned in Division 45.

[2] Schedule 1, Part 3, after Division 44

insert

Division 45 Production of coke oven coke

345 (1) The production of coke oven coke is the physical and chemical transformation (at a temperature higher than 900 °C) of coal into coke oven coke that:

(a) has a coke strength after reaction (CSR) value of more than 50% for at least 80% of the coke oven coke produced; and

(b) has a coke reactivity index (CRI) value of less than 40% for at least 80% of the coke oven coke produced.

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

(3) The production of coke oven coke is a highly emissions-intensive activity.

(4) The basis for the issue of free carbon units for the production of coke oven coke is by a tonne of coke oven coke on a dry weight basis that:

(a) has a coke strength after reaction (CSR) value of more than 50% for at least 80% of the coke oven coke produced; and

(b) has a coke reactivity index (CRI) value of less than 40% for at least 80% of the coke oven coke produced; and

(c) is not a relevant product for the emissions-intensive trade-exposed activity of integrated iron and steel manufacturing; and

(d) is produced by carrying on the emissions-intensive trade-exposed activity; and

(e) is of saleable quality.

Note ***Saleable quality*** is explained in Part 2.

Division 46 Production of hydrogen peroxide

346 (1) The production of hydrogen peroxide is the chemical transformation of hydrogen (H) feedstocks and oxygen (O) feedstocks:

(a) to produce crude aqueous hydrogen peroxide solution that has a concentration of hydrogen peroxide ($H_2O_{2(aq)}$) of at least 39% with respect to mass; and

(b) to later produce saleable aqueous hydrogen peroxide solution that has a concentration of hydrogen peroxide ($H_2O_{2(aq)}$) of at least 34% with respect to mass.

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

(3) The production of hydrogen peroxide is a moderately emissions-intensive activity.

(4) The basis for the issue of free carbon units for the production of hydrogen peroxide is by a tonne of 100% equivalent hydrogen peroxide in saleable aqueous hydrogen peroxide solution that:

(a) has a concentration of hydrogen peroxide ($H_2O_{2(aq)}$) of at least 34% with respect to mass; and

(b) is produced by carrying on the emissions-intensive trade-exposed activity; and

(c) is of saleable quality.

Note ***Saleable quality*** is explained in Part 2.

[3] Schedule 1, subclause 401 (1), table, after item 1.31

insert

1.32	Production of coke oven coke	Dry weight coke oven coke of saleable quality	0.775	0.0109	n/a

[4] Schedule 1, subclause 401 (1), table, after item 2.12

insert

2.13	Production of hydrogen peroxide	100% equivalent hydrogen peroxide of saleable quality	0.928	0.858	n/a

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.