



Clean Energy Legislation Amendment (Various Measures) Regulation 2013

Select Legislative Instrument No. 79, 2013

I, Quentin Bryce AC CVO, 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* and the *Renewable Energy (Electricity) Act 2000*.

Dated 16 May 2013

Quentin Bryce
Governor-General

By Her Excellency's Command

Greg Combet AM
Minister for Climate Change, Industry and Innovation

OPC50420 - B

Contents

1	Name of regulation	1
2	Commencement	1
3	Authority	1
4	Schedule(s)	1
Schedule 1—Amendments		2
	<i>Clean Energy Regulations 2011</i>	2
	<i>Renewable Energy (Electricity) Regulations 2001</i>	12

1 Name of regulation

This regulation is the *Clean Energy Legislation Amendment (Various Measures) Regulation 2013*.

2 Commencement

Each provision of this regulation specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 4 and anything in this regulation not elsewhere covered by this table	The day after this regulation is registered.	
2. Schedule 1, items 1 to 10	The day after this regulation is registered.	
3. Schedule 1, items 11 to 16	1 July 2013	1 July 2013
4. Schedule 1, items 17 to 19	The day after this regulation is registered.	

3 Authority

This regulation is made under the *Clean Energy Act 2011* and the *Renewable Energy (Electricity) Act 2000*.

4 Schedule(s)

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

No. 79, 2013 *Clean Energy Legislation Amendment (Various Measures) Regulation 2013* 1

OPC50420 - B

Schedule 1—Amendments

Clean Energy Regulations 2011

1 Regulation 3.5G

Repeal the regulation, substitute:

3.5G Netted-out numbers—import of LPG or LNG for non-transport use

- (1) For subsection 36B(4) of the Act, a number ascertained in accordance with subregulation (2) or (3) is a **netted-out number** of a person for an eligible financial year.

LPG or LNG used as feedstock or without greenhouse gas emissions

- (2) If:
- (a) a person has, under subsection 36B(1) of the Act, a preliminary emissions number for an eligible financial year; and
 - (b) the preliminary emissions number is attributable to the import of an amount of LPG or LNG; and
 - (c) during an eligible financial year, the person uses the whole or part of the amount mentioned in paragraph (b) (the **relevant portion**):
 - (i) as feedstock; or
 - (ii) in such a way as to not emit any greenhouse gases; and
 - (d) 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 (d) is the **netted-out number** of the person for the eligible financial year.

LPG or LNG counted under Division 2 of Part 3 of Act

- (3) If:

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- (a) a person has, under subsection 36B(1) of the Act, a preliminary emissions number for an eligible financial year; and
 - (b) the preliminary emissions number is attributable to the import of an amount of LPG or LNG for which, apart from any remission of customs duty, customs duty is or was payable by a person; and
 - (c) during an eligible financial year, an amount of covered emissions from the operation of a facility under the operational control of the person was attributable to the non-transport combustion of the whole or part of the amount mentioned in paragraph (b) (the *relevant portion*); and
 - (d) the covered emissions mentioned in paragraph (c) count for the purposes of subsection 20(1), 21(1), 22(1), 23(1), 24(1) or 25(1) of the Act; 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 the *netted-out number* of the person for the eligible financial year.

3.5H Netted-out numbers—manufacture or production of LPG or LNG for non-transport use

- (1) For subsection 36C(4) of the Act, a number ascertained in accordance with subregulation (2) or (3) is a *netted-out number* of a person for an eligible financial year.

LPG or LNG used as feedstock or without greenhouse gas emissions

- (2) If:
 - (a) a person has, under subsection 36C(1) of the Act, a preliminary emissions number for an eligible financial year; and
 - (b) the preliminary emissions number is attributable to the manufacture or production of an amount of LPG or LNG; and

(c) during an eligible financial year, the person uses the whole or part of the amount mentioned in paragraph (b) (the **relevant portion**):

(i) as feedstock; or

(ii) in such a way as to not emit any greenhouse gases; and

(d) 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 (d) is the **netted-out number** of the person for the eligible financial year.

LPG or LNG counted under Division 2 of Part 3 of Act

(3) If:

(a) a person has, under subsection 36C(1) of the Act, a preliminary emissions number for an eligible financial year; and

(b) the preliminary emissions number is attributable to the manufacture or production of an amount of LPG or LNG for which, apart from any remission of excise duty, excise duty is or was payable by a person; and

(c) during an eligible financial year, an amount of covered emissions from the operation of a facility under the operational control of the person was attributable to the non-transport combustion of the whole or part of the amount mentioned in paragraph (b) (the **relevant portion**); and

(d) the covered emissions mentioned in paragraph (c) count for the purposes of subsection 20(1), 21(1), 22(1), 23(1), 24(1) or 25(1) of the Act; 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 the **netted-out number** of the person for the eligible financial year.

3.5J Netted-out numbers—supply of LPG or LNG to a person who quotes the person's OTN

- (1) For subsection 36D(5) of the Act, a number ascertained in accordance with this regulation is a **netted-out number** of a person for an eligible financial year.

LPG or LNG used as feedstock or without greenhouse gas emissions

- (2) If:
- (a) the OTN holder quotes the OTN holder's OTN in relation to the supply to the OTN holder of an amount of LPG or LNG; and
 - (b) during an eligible financial year, the whole or part of the amount mentioned in paragraph (a) (the **relevant portion**) is used:
 - (i) as feedstock; or
 - (ii) in such a way as to not emit any greenhouse gases; and
 - (c) 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 (c) is the **netted-out number** of the OTN holder for the eligible financial year.

2 Subregulations 3.10B(2) and (3)

Repeal the subregulations, substitute:

- (2) The application must be accompanied by the following information and documents:
- (a) if the applicant is likely to be permitted to quote an OTN because the applicant is likely to use some or all of the amount of LPG as feedstock—the information and documents mentioned in subregulations (3) and (5);
 - (b) if the applicant is likely to be permitted to quote an OTN because the applicant is likely to use some or all of the amount of LPG in such a way as to not emit any greenhouse gases—the information and documents mentioned in subregulations (4) and (5);

- (c) in any other case—information and documents mentioned in subregulation 3.19G(2).
- (3) For an applicant mentioned in paragraph (2)(a), the application must be accompanied by a description of the chemical process in which LPG or LNG will be used as feedstock, including:
 - (a) the inputs to the process and the relative amount of each input; and
 - (b) the outputs of the process and the relative amount of each output.
- (4) For an applicant mentioned in paragraph (2)(b), the application must be accompanied by a description of the process by which the LPG or LNG will be used without combustion of the LPG or LNG.
- (5) For an applicant mentioned in paragraph (2)(a) or (b), the application must also be accompanied by the following information and documents:
 - (a) the day from which the person expects to be permitted to quote an OTN in relation to the LPG or LNG that will be used at the facility, business premises or other location:
 - (i) as feedstock; or
 - (ii) in such a way as to not emit any greenhouse gases;
 - (b) a statement that it is likely that the applicant will be supplied LPG or LNG in the 12 month period commencing on the later of the following days:
 - (i) 1 July 2013;
 - (ii) the day on which the application is made;
 - (c) a statement that it is likely that all or part of the LPG or LNG mentioned in paragraph (b) will be for a use mentioned in subparagraph (a)(i) or (ii) at the facility, business premises or other location;
 - (d) if the applicant is currently supplied LPG or LNG at the facility, business premises or other location for a use mentioned in subparagraph (a)(i) or (ii)—a statement to this effect;
 - (e) if the applicant is not currently supplied LPG or LNG at the facility, business premises or other location—the reason why the applicant expects to start being supplied LPG or LNG for

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- a use mentioned in subparagraph (a)(i) or (ii) at the facility, business premises or other location in the period mentioned in subparagraph (b)(i) or (ii);
- (f) documents that verify the information given to the Regulator under paragraph (d) or (e);
- (g) if the LPG or LNG will be used at a facility (whether or not the facility is in existence at the time of application):
- (i) the identifying information for the facility; and
 - (ii) if the facility belongs to a mandatory designated joint venture—the name of the person taken to have operational control of the facility throughout the period under subsection 11B(15) of the NGER Act; and
 - (iii) if the facility does not belong to a mandatory designated joint venture—the name of the person who has operational control of the facility; and
 - (iv) if the applicant is not the person with operational control of the facility—the contact details of the person mentioned in subparagraph (ii) or (iii) and a description of the applicant's relationship to that person and to the facility;
- (h) if the LPG or LNG will be used at a business premises or other location that is not a facility or proposed facility mentioned in paragraph (g):
- (i) the name of the business premises or location, or a description of the premises or location if there is no name for the business premises; and
 - (ii) the street address of the business premises or location, if any; and
 - (iii) the latitude and longitude of the business premises or location.

3 Subregulation 3.12(3)

Repeal the subregulation, substitute:

- (3) The application must be made by:
- (a) at least 90 days before the day on which the facility will become a large gas consuming facility; or

- (b) if the Regulator is satisfied that it is justified in the circumstances—a day decided by the Regulator that is less than 90 days before the day on which the facility will become a large gas consuming facility.

4 Subregulation 3.19B(3)

Repeal the subregulation, substitute:

- (3) The application must be made by:
 - (a) at least 90 days before the day on which the facility will become a large LPG or LNG consuming facility; or
 - (b) if the Regulator is satisfied that it is justified in the circumstances—a day decided by the Regulator that is less than 90 days before the day on which the facility will become a large LPG or LNG consuming facility.

5 Paragraph 3.19C(1)(c)

Omit “natural gas”, substitute “LPG or LNG”.

6 Paragraph 3.19F(a)

Repeal the paragraph, substitute:

- (a) the recipient is likely to use some or all of the amount of LPG or LNG:
 - (i) as feedstock; or
 - (ii) in such a way as to not emit any greenhouse gases; or

7 Regulation 3.19J

Omit “as feedstock.”, substitute:

- : (a) as feedstock; or
- (b) in such a way as to not emit any greenhouse gases.

8 Subclause 348(5) of Schedule 1 (definition of *intermediate nickel products*)

Omit “11%”, substitute “6.5%”.

9 Subclause 702(1A) of Schedule 1

Omit “, 48”.

10 After subclause 702(1D) of Schedule 1

Insert:

- (1E) Despite paragraph (1)(c), an application for the year ending 30 June 2013 relating to an activity mentioned in Division 48 of Part 3 may be given to the Regulator not later than 31 July 2013.
- (1F) Subclause (1E) expires on 1 August 2013 as if it had been repealed by another legislative instrument.

11 Schedule 2 (note to Schedule heading)

Repeal the note, substitute:

Note: See regulation 1.8.

12 Schedule 2 (table item dealing with North Paaratte gas processing plant)

Repeal the item.

13 Schedule 2 (at the end of the table items headed "Victoria")

Add:

Lang Lang	<p>In respect of the pipeline conveying natural gas from the Lang Lang gas plant to the South Gippsland pipeline (pipeline licence number VIC/PL261), the 4" flange immediately outside the fence of the plant</p> <p>In respect of the pipeline conveying natural gas from the Lang Lang gas plant to the Lang Lang pipeline (pipeline licence number VIC/PL265), the 6" underground flange inside the fence of the pipeline station at the plant</p> <p>In respect of the pipeline conveying natural gas from the Lang Lang gas plant to the Pakenham Station, the last flange upstream of the flow metering skid at the station</p>
Iona	<p>In respect of the pipeline conveying natural gas from the Iona gas plant to the Victorian gas transmission grid, the exit flange downstream of meter FT463081, which has a metering installation registration number 30000154PC</p> <p>In respect of the pipeline conveying natural gas from the Iona gas plant to the South Australian gas transmission grid, the connection upstream of South East Australia Gas (SEA Gas)</p>

Schedule 1 Amendments

	pipeline meter FT9207 in the secure fenced SEA Gas yard located at the plant
Otway	<p>In respect of the pipeline conveying natural gas from the Otway gas plant to the Iona gas plant, the last flange or joint inside the Otway gas plant</p> <p>In respect of the pipeline conveying natural gas from the Otway gas plant to the SEA gas pipeline (pipeline licence number VIC/PL239), the last flange or joint inside the plant</p> <p>In respect of the pipeline conveying natural gas from the Otway gas plant to the South West pipeline (pipeline licence number VIC/PL231), the last flange or joint inside the plant</p>

14 Schedule 2 (at the end of the table items headed "Queensland")

Add:

Moranbah	The exit flange or connection point associated with the Moranbah upstream producing operation at the point where the North Queensland gas pipeline connects to the outlet of the gas meter at the Moranbah gas processing facility (also known as the Moranbah central gas processing facility)
Kogan North	The exit flange or connection point associated with the Kogan North central gas processing plant where the exit lateral connects to the outlet of the gas meter at the plant
Daandine	The exit flange or connection point associated with the Daandine central gas processing plant where the exit lateral connects to the outlet of the plant
Tipton West	The exit flange or connection point associated with the Tipton West central gas processing plant where the exit lateral connects to the outlet of the gas meter at the plant
Talinga	The 250NB class 900 flange located immediately upstream of the spectacle blind that is immediately upstream of the DN250 class 900 Talinga Meter Station shutdown valve SDV 030-002
Peat	The 100NB class 900 flange located immediately downstream of the Peat gas processing plant shut down valve that is immediately downstream of the moisture analyser
Strathblane	In respect of the pipeline linking the Strathblane gas processing plant and the Spring Gully to Wallumbilla pipeline, the 250NB class 900 flange located in line 250-SG-001-#900-000 immediately upstream of the Spring Gully to Wallumbilla

10

*Clean Energy Legislation Amendment (Various Measures)
Regulation 2013*

No. 79, 2013

OPC50420 - B

	<p>pipeline Pig Launcher PL8000-03</p> <p>In respect of the pipeline conveying natural gas from the Strathblane gas processing plant to the Gooimbah lateral pipeline, the 200NB class 900 flange located in line 200-SG-001-C905-011 immediately upstream of the take-off for pressure transmitter number PIT 011-001</p>
Taloona	<p>The 200NB class 900 flange located in line 200-SG-408-C900-500 immediately upstream of the pipeline tie-in valve and split tee located at approximately KP 11.37 on the Spring Gully to Wallumbilla pipeline</p>
Spring Gully	<p>In respect of the pipeline linking the Spring Gully gas processing plant and the Spring Gully to Wallumbilla pipeline, the 250NB class 900 flange located in line 250-SG-001-#900-000 immediately upstream of the Spring Gully to Wallumbilla pipeline Pig Launcher PL8000-03</p> <p>In respect of the pipeline conveying natural gas from the Spring Gully Gas Processing Plant to the Gooimbah lateral pipeline, the 200NB class 900 flange located in line 200-SG-001-C905-011 immediately upstream of the take-off for pressure transmitter number PIT 011-001</p>

15 Schedule 2 (at the end of the table items headed “Western Australia”)

Add:

Varanus Island Hub	<p>In respect of the pipeline linking the Varanus Island Hub natural gas processing plant and the Dampier to Bunbury natural gas pipeline, the insulation gasket located inside the Harriet CS1 meter compound upstream of DBNGP valve ZV1 between the Harriet CS1 meter station and the mainline interconnecting pipe</p> <p>In respect of the pipeline conveying natural gas from the Varanus Island Hub natural gas processing plant to the Goldfields gas transmission pipeline, the flange connection located inside the Harriet CS1 meter compound approximately 4 metres downstream of valve HV5134</p>
Devil Creek	<p>In respect of the pipeline that is mentioned in pipeline licence PL86 under the <i>Petroleum Pipelines Act 1969</i> (WA), exit point number I1-04 that is located:</p> <p>(a) at the custody transfer welded tie-in point (TIP-002) downstream of valve SDV3Z6000, approximately 95 metres downstream of the Devil Creek compound meter station; and</p>

No. 79, 2013

*Clean Energy Legislation Amendment (Various Measures)
Regulation 2013*

11

OPC50420 - B

	(b) below the ground at the northern boundary of the 30 metre wide Dampier to Bunbury natural gas pipeline easement
Gorgon Project	In respect of the pipeline linking the Gorgon Project gas processing facility on Barrow Island and the Dampier to Bunbury natural gas pipeline, the outlet face of the flange forming part of the Gorgon Project facility which meets the Dampier to Bunbury natural gas pipeline

16 Schedule 2 (at the end of the table items headed “Northern Territory”)

Add:

Darwin LNG	In respect of the Darwin LNG gas processing plant, the exit point N2 (Nozzle 2) at the loading arms on the jetty
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Renewable Energy (Electricity) Regulations 2001

17 Subregulation 22X(1A)

Omit “Parts 48 and”, substitute “Part”.

18 After subregulation 22X(1B)

Insert:

- (1C) However, if an application under subsection 46A(1) of the Act for a partial exemption certificate is:
- (a) for 2013; and
 - (b) made by a prescribed person mentioned in regulation 22G, 22H, 22I, 22J or 22K; and
 - (c) for an emissions-intensive trade-exposed activity mentioned in Part 48 of Schedule 6;
- the application must be lodged with the Regulator before 1 August 2013.

19 Subclause 740(2) of Schedule 6 (definition of *intermediate nickel products*)

Omit “11%”, substitute “6.5%”.