



## **Carbon Credits (Carbon Farming Initiative) Amendment Rule (No. 1) 2019**

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I, Melissa Price, Minister for the Environment, make the following rule.

Dated 21 March 2019

Melissa Price  
Minister for the Environment

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## Contents

1 Name .....	1
2 Commencement .....	1
3 Authority .....	1
4 Schedules .....	1
<b>Schedule 1—Amendments</b>	<b>2</b>
<i>Carbon Credits (Carbon Farming Initiative) Rule 2015</i>	2



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## 1 Name

This instrument is the *Carbon Credits (Carbon Farming Initiative) Amendment Rule (No. 1) 2019*.

## 2 Commencement

- (1) Each provision of this instrument 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
Provisions	Commencement	Date/Details
1. The whole of this instrument	On the day after the instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under section 308 of the *Carbon Credits (Carbon Farming Initiative) Act 2011*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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## Schedule 1—Amendments

### *Carbon Credits (Carbon Farming Initiative) Rule 2015*

#### **1 Section 9AA (heading)**

Before “regeneration project”, omit “human-induced”.

#### **2 Subsection 9AA(1)**

Before “regeneration project”, omit “human-induced”.

#### **3 Subsection 9AA(3) (Note 1)**

Before “regeneration project”, omit “human-induced”.

#### **4 Paragraph 9AA(4)(a)**

Repeal the paragraph, substitute:

- (a) both of the following apply:
  - (i) over 90% of the area of the carbon estimation area is identified as having forest cover in accordance with the most recent version of the maps that form the basis of the National Inventory Report;
  - (ii) that version of the maps does not identify any pre-existing forest cover in the carbon estimation area, taking into account any guidelines published by the Regulator on its website for the purpose of this subparagraph, as in force from time to time; or

Note: In 2019, the Regulator’s website was <http://www.cleanenergyregulator.gov.au>. Under the applicable methodology determination for the regeneration project a project proponent may choose to re-stratify the carbon estimation areas to exclude areas shown as pre-existing forest cover, or areas that have not attained forest cover, to enable this requirement to be met in relation to a reporting period.

#### **5 After paragraph 9AA(5)(a)**

Insert:

- (aa) use data sources and data processing approaches that:
  - (i) the Regulator is satisfied are either:
    - (A) the same as, or equivalent to, those relied upon to demonstrate that the carbon estimation area did not have any pre-existing forest cover; or
    - (B) if it is no longer possible or appropriate to use the data sources and data processing approaches in sub-subparagraph (A)—are consistent with, or comparable to, those data sources and data processing approaches; and
  - (ii) are approved by the Regulator on a list published on its website or are otherwise approved by the Regulator in writing, having regard to the requirements of subparagraph (i); and

#### **6 After subsection 9AA(5)**

Insert:

- (5A) For subparagraph (5)(aa)(ii), if:

- (a) a project proponent has relied upon an approval under subparagraph (5)(aa)(ii) in an offsets report covering the relevant carbon estimation area (the **first approval**); and
- (b) the project proponent has not relied on another approval under subparagraph (5)(aa)(ii) in a subsequent offsets report covering the relevant carbon estimation area;

the first approval remains relevant to the carbon estimation area despite any subsequent revocation or variation of that approval by the Regulator.

Note: While this subsection may facilitate the satisfaction of subparagraph (5)(aa)(ii), the other requirements of subsection (5) also need to be satisfied. This may not be possible if the relevant data sources or approaches are no longer available to apply to the carbon estimation area.

## **7 Subsection 9AA(7) (definition of *existing CEA*)**

Before “regeneration project”, omit “human-induced”.

## **8 Subsection 9AA(7) (definition of *human-induced regeneration project*)**

Repeat the definition, substitute (in the appropriate alphabetical position):

***regeneration project*** means either:

- (a) a project whose applicable methodology determination for the reporting period is the *Carbon Credits (Carbon Farming Initiative) (Human-Induced Regeneration of a Permanent Even-Aged Native Forest—1.1) Methodology Determination 2013* or an earlier version of that determination applicable to the project in accordance with sections 125, 126, 127 or 130 of the Act; or
- (b) a project whose applicable methodology determination for the reporting period is the *Carbon Credits (Carbon Farming Initiative) (Native Forest from Managed Regrowth) Methodology Determination 2013* or an earlier version of that methodology determinations applicable to the project in accordance with sections 125, 126, 127 or 130 of the Act.

## **9 Subsection 9AA(7)**

Insert (in the appropriate alphabetical position):

***pre-existing forest cover***, for a carbon estimation area, means forest cover that existed:

- (a) if the applicable methodology determination for the reporting period is the *Carbon Credits (Carbon Farming Initiative) (Native Forest from Managed Regrowth) Methodology Determination 2013* or an earlier version of that methodology determination applicable to the project in accordance with sections 125, 126, 127 or 130 of the Act—at the time of the decision to implement the project mechanism (within the meaning of that determination) in the carbon estimation area;
- (b) if the applicable methodology determination for the reporting period is the *Carbon Credits (Carbon Farming Initiative) (Human-Induced Regeneration of a Permanent Even-Aged Forest—1.1) Methodology Determination 2013* as in force at any time until 21 March 2016—immediately before project commencement (within the meaning of that determination) for the carbon estimation area;

- (c) if the applicable methodology determination for the reporting period is the *Carbon Credits (Carbon Farming Initiative) (Human-Induced Regeneration of a Permanent Even-Aged Forest—1.1) Methodology Determination 2013* as in force at any time after 21 March 2016—at any time during the baseline period (within the meaning of that determination) for the carbon estimation area.

**10 Subsection 70(3A) (subsection heading)**

Before “regeneration project”, omit “human-induced”.

**11 Subsection 70(3A)**

Before “regeneration project”, omit “human-induced”.

**12 Subparagraph 70(3A)(a)(v)**

After “the boundaries”, insert “and stratification”.

**13 Subsection 70(6) (definition of *human-induced regeneration project*)**

Before “regeneration project”, omit “human-induced”.

**14 Paragraph 71(c)**

Before “regeneration project”, omit “human-induced”.

**15 Section 79A (heading)**

Before “regeneration project”, omit “human-induced”.

**16 Subsection 79A(1)**

Before “regeneration project”, omit “human-induced”.

**17 Subsection 79A(5) (definition of *human-induced regeneration project*)**

Before “regeneration project”, omit “human-induced”.

**18 After section 114**

Insert:

## **Part 29—Application and transitional provisions**

### **Division 1—Application and transitional provisions relating to the *Carbon Credits (Carbon Farming Initiative) Amendment Rule (No. 1) 2019***

**120 Applications for certificate of entitlement before or within 28 days of commencement**

An application under section 12 of the Act received by the Regulator before the start of the 28<sup>th</sup> day after the commencement of the *Carbon Credits (Carbon Farming Initiative) Amendment Rule (No. 1) 2019* (the ***amendment rule***) must be determined as if the amendment rule had not commenced.

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**121 Offsets reports submitted before or within 28 days of commencement**

An offsets report received by the Regulator before start of the 28<sup>th</sup> day after the commencement of the *Carbon Credits (Carbon Farming Initiative) Amendment Rule (No. 1) 2019* (the **amendment rule**) need not include information or documents that are only required after the amendment rule had commenced.