



Future Made in Australia (Guarantee of Origin Consequential Amendments and Transitional Provisions) Act 2024

No. 123, 2024

An Act to deal with consequential and transitional matters arising from the enactment of the *Future Made in Australia (Guarantee of Origin) Act 2024*, and for related purposes

Note: An electronic version of this Act is available on the Federal Register of Legislation (<https://www.legislation.gov.au/>)

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[Assented to 10 December 2024]

The Parliament of Australia enacts:

No. 123, 2024

Future Made in Australia (Guarantee of Origin Consequential Amendments and Transitional Provisions) Act 2024

1

1 Short title

This Act is the *Future Made in Australia (Guarantee of Origin Consequential Amendments and Transitional Provisions) Act 2024*.

2 Commencement

- (1) Each provision of this Act 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. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	10 December 2024
2. Schedule 1, Parts 1 to 3	The later of: (a) the start of the day after this Act receives the Royal Assent; and (b) the commencement of the <i>Future Made in Australia (Guarantee of Origin) Act 2024</i> . However, the provisions do not commence at all if the event mentioned in paragraph (b) does not occur.	
3. Schedule 1, Part 4	The first 1 January to occur on after the day the <i>Future Made in Australia (Guarantee of Origin) Act 2024</i> commences. However, the provisions do not commence at all if the <i>Future Made in Australia (Guarantee of Origin) Act 2024</i> does not commence.	
4. Schedule 1, Part 5	The later of: (a) the start of the day after this Act receives the Royal Assent; and	

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
	(b) the commencement of the <i>Future Made in Australia (Guarantee of Origin) Act 2024</i> . However, the provisions do not commence at all if the event mentioned in paragraph (b) does not occur.	

Note: This table relates only to the provisions of this Act as originally enacted.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

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

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Part 1—Clean Energy Regulator

Clean Energy Regulator Act 2011

1 Section 3

After:

- | |
|--|
| (a) the <i>Carbon Credits (Carbon Farming Initiative) Act 2011</i> ; and |
|--|

insert:

- | |
|---|
| (aa) the <i>Future Made in Australia (Guarantee of Origin) Act 2024</i> ; and |
|---|

2 Section 4 (after paragraph (i) of the definition of *climate change law*)

Insert:

- (ia) the *Future Made in Australia (Guarantee of Origin) Act 2024* or legislative instruments under that Act;
- (ib) the *Future Made in Australia (Guarantee of Origin Charges) Act 2024* or legislative instruments under that Act;

3 After paragraph 41(3)(b)

Insert:

- (ba) the *Future Made in Australia (Guarantee of Origin) Act 2024*; or

Part 2—Greenhouse and energy audits

National Greenhouse and Energy Reporting Act 2007

4 Section 7

Insert:

guarantee of origin audit means an audit under section 125, 127 or 128 of the *Future Made in Australia (Guarantee of Origin) Act 2024*, or under an instrument made under that Act.

guarantee of origin audit report means an audit report under section 125, 127 or 128 of the *Future Made in Australia (Guarantee of Origin) Act 2024*, or under an instrument made under that Act.

5 At the end of subsection 75(1)

Add:

- ; and (i) preparing for and carrying out guarantee of origin audits; and
- (j) preparing guarantee of origin audit reports.

6 Subsection 75A(1)

Repeal the subsection, substitute:

- (1) The Regulator must cause a register of greenhouse and energy auditors to be kept for the purposes of the following Acts:
 - (a) this Act;
 - (b) the *Carbon Credits (Carbon Farming Initiative) Act 2011*;
 - (c) the *Future Made in Australia (Guarantee of Origin) Act 2024*;
 - (d) the *Nature Repair Act 2023*.

7 After paragraph 75A(5)(ib)

Insert:

- (ic) inspection of the performance of registered greenhouse and energy auditors in carrying out guarantee of origin audits;

8 Transitional provision

The amendment of subsection 75A(1) of the *National Greenhouse and Energy Reporting Act 2007* made by this Part does not affect the continuity of the register established under that subsection.

Part 3—Transitional rules

9 Transitional rules

- (1) The Minister may, by legislative instrument, make rules prescribing matters of a transitional nature (including prescribing any saving or application provisions) relating to:
 - (a) the amendments or repeals made by this Act; or
 - (b) the enactment of this Act or the *Future Made in Australia (Guarantee of Origin) Act 2024*.
- (2) To avoid doubt, the rules may not do the following:
 - (a) create an offence or civil penalty;
 - (b) provide powers of:
 - (i) arrest or detention; or
 - (ii) entry, search or seizure;
 - (c) impose a tax;
 - (d) set an amount to be appropriated from the Consolidated Revenue Fund under an appropriation in this Act or the *Future Made in Australia (Guarantee of Origin) Act 2024*;
 - (e) directly amend the text of this Act or the *Future Made in Australia (Guarantee of Origin) Act 2024*.
- (3) This Act (other than subitem (2)) does not limit the rules that may be made for the purposes of subitem (1).

Part 4—Acquisition of electricity

Renewable Energy (Electricity) Act 2000

10 Subsection 5(1)

Insert:

energy storage system has the meaning given by the regulations.

11 At the end of subsection 31(2)

Add:

- ; or (d) the electricity is acquired for the purpose of energy storage using an energy storage system, and any other requirements prescribed by the regulations for the purposes of this paragraph are met; or
- (e) the electricity is acquired for the purpose of generating electricity, and any other requirements prescribed by the regulations for the purposes of this paragraph are met.

12 After section 33

Insert:

33A Treatment of electricity created from an energy storage system

Electricity that is created from an energy storage system is taken, for the purposes of sections 32 and 33:

- (a) to have been generated by the first person to own that electricity, whether or not that person owns or operates the system; and
- (b) not to have been acquired from another person.

13 Application provision—acquisitions of electricity

The amendments of the *Renewable Energy (Electricity) Act 2000* made by this Part apply in relation to acquisitions of electricity that are made in the year in which this Part commences and later years.

14 Transitional provision—acquisitions of electricity that are no longer relevant acquisitions

- (1) Despite section 44 of the *Renewable Energy (Electricity) Act 2000*, if:
- (a) all of the relevant acquisitions of electricity that a person made in a year that ends before the commencement of this Part would not have been relevant acquisitions had they been made after the commencement of this Part; and
 - (b) the person did not, before that commencement, lodge an energy acquisition statement for that year;
- the person is not required to lodge an energy acquisition statement for that year.
- (2) Despite sections 48 and 48B of the *Renewable Energy (Electricity) Act 2000*, the Regulator must not, after the commencement of this Part:
- (a) make an assessment, under subsection 48(2) of that Act, of a person's large-scale generation shortfall for a year; or
 - (b) make an assessment, under subsection 48B(2) of that Act, of a person's small-scale technology shortfall for a year;
- if, because of subitem (1), the person is not required to lodge an energy acquisition statement for that year.
- (3) Despite sections 48 and 48B of the *Renewable Energy (Electricity) Act 2000*, if:
- (a) all of the relevant acquisitions of electricity that a person made in a year that ends before the commencement of this Part would not have been relevant acquisitions had they been made after the commencement of this Part; and
 - (b) the person, before that commencement, lodged an energy acquisition statement for that year;
- the Regulator must not, after that commencement:
- (c) make an assessment, under subsection 48(1) of that Act, of the person's large-scale generation shortfall for the year; or
 - (d) make an assessment, under subsection 48B(1) of that Act, of the person's small-scale technology shortfall for the year.

Part 5—Double counting

Renewable Energy (Electricity) Act 2000

15 At the end of subsection 18(4)

Add:

; or (d) to the extent that:

- (i) the electricity formed the basis of calculating an amount for the purposes of the *Future Made in Australia (Guarantee of Origin) Act 2024* or a scheme prescribed by the regulations; and
- (ii) a certificate (however described) has been created in respect of that amount.

16 After subsection 23A(1)

Insert:

- (1AA) However, if a small generation unit is a registered renewable electricity facility (within the meaning of the *Future Made in Australia (Guarantee of Origin) Act 2024*) or a component of such a facility, certificates cannot be created in respect of the small generation unit after the first day on which a certificate is created under that Act in relation to the facility.

[Minister's second reading speech made in—
House of Representatives on 12 September 2024
Senate on 28 November 2024]

(113/24)