



Renewable Energy (Electricity) Amendment (Transitional Provisions) Regulations 2009¹

Select Legislative Instrument 2009 No. 380

I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Renewable Energy (Electricity) Amendment Act 2009*.

Dated 14 December 2009

QUENTIN BRYCE
Governor-General

By Her Excellency's Command

PENELOPE YING YEN WONG
Minister for Climate Change and Water

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1 Name of Regulations

These Regulations are the *Renewable Energy (Electricity) Amendment (Transitional Provisions) Regulations 2009*.

2 Commencement

These Regulations commence as follows:

- (a) on the day after registration — regulations 1, 2 and 3;
- (b) on the day that item 6 of Schedule 3 to the *Renewable Energy (Electricity) Amendment Act 2009* comes into operation — regulations 4 and 5 and Schedule 1;
- (c) on 1 February 2010 — regulations 6 and 7.

3 Definitions

In these Regulations:

amendment Act means the *Renewable Energy (Electricity) Amendment Act 2009*.

Commonwealth certificate means a renewable energy certificate.

Commonwealth Regulations means the *Renewable Energy (Electricity) Regulations 2001*.

Note The following expressions used in these Regulations are defined in Part 2 to Schedule 3 of the amendment Act:

- Commonwealth Act
- Commonwealth regulator
- renewable energy certificate
- small generation unit
- State Act
- State certificate
- State regulator.

4 Conversion of State certificates

- (1) This regulation is made for subitem 6 (3) of Schedule 3 to the amendment Act and prescribes:
 - (a) the form of the written notice required under subitems 6 (1) and (2) of that Schedule; and
 - (b) the information that must be included in the form.
- (2) The notice must be in the form set out in Schedule 1.
- (3) The notice must:
 - (a) state the number of State certificates being surrendered for the purposes of subitem 6 (1) or (2) of Schedule 3 to the amendment Act; and
 - (b) state that each State certificate covered by the notice was surrendered:
 - (i) under a provision of the State Act of the State that substantially corresponds to section 28A of the Commonwealth Act; and
 - (ii) after 1 April 2010; and
 - (iii) for the purposes of subitems 6 (1) and (2) of Schedule 3 to the amendment Act.
- (4) The notice must also include the following information in relation to each State certificate:
 - (a) the unique identification code of the certificate;
 - (b) the year in which the certificate was created;

- (c) the name of the person who created the certificate;
 - (d) the name of:
 - (i) the person who owned the State certificate immediately before it was surrendered under the State Act; and
 - (ii) each previous registered owner of the certificate;
 - (e) the eligible renewable energy source of the electricity in respect of which the certificate was created;
 - (f) details of the power station or small generation unit in respect of which the certificate was created;
 - (g) for a certificate created in respect of electricity generated by a power station — the date of generation of electricity in relation to the certificate;
 - (h) for a certificate created in respect of electricity generated by a small generation unit — the date on which the certificate was created in respect of the unit and the address where the unit is installed.
- (5) The notice must also include the following information:
- (a) if the person who owned the State certificate immediately before it was surrendered under the State Act has a registry account under the Commonwealth Act where the converted State certificate will be registered — details of the account name and, where applicable, number;
 - (b) if the person who owned the State certificate immediately before it was surrendered under the State Act does not have a registry account under the Commonwealth Act where the converted State certificate will be registered — details of:
 - (i) the account that will be created under the Commonwealth Act for registering the converted certificate; and
 - (ii) the postal address, telephone number, fax number (if any) and email address (if any) of the person.

5 Prescribed provisions

For subitem 6 (5) of Schedule 3 to the amendment Act, the following provisions of the Commonwealth Act are prescribed:

- (a) for an accredited power station — section 18;
- (b) for a solar water heater — section 23;
- (c) for a small generation unit — section 23C.

6 Transfer of registered person from State scheme to Commonwealth scheme

- (1) This regulation is made for paragraphs 9 (2) (a) and (b) of Schedule 3 to the amendment Act.
- (2) The provisions in subregulation (3) apply in relation to a person who is registered under a State Act if, on or after 1 February 2010 but before 2 November 2010, a State regulator gives to the Commonwealth regulator a written notice that:
 - (a) states that the person has requested the State regulator to notify the Commonwealth regulator that the person wishes to be registered under the Commonwealth Act; and
 - (b) sets out the person's registration number and account name under the State Act; and
 - (c) states whether the person is registered as a person who may create certificates or a person to whom certificates may be assigned; and
 - (d) sets out the person's postal address, telephone number, fax number (if any) and email address (if any).
- (3) For subregulation (2), the following provisions apply:
 - (a) upon receipt of the notice by the Commonwealth regulator:
 - (i) the person is taken to have made an application (the *deemed application*) in accordance with section 10 of the Commonwealth Act; and
 - (ii) the Commonwealth regulator is taken to have approved the deemed application under section 11 of the Commonwealth Act;

- (b) as soon as practicable after receipt of the notice, the Commonwealth regulator:
 - (i) must register the person under the Commonwealth Act as a person who may create certificates or as a person to whom certificates may be assigned, as the case requires; and
 - (ii) must allocate the person a unique registration number and must advise the person of the number;
- (c) the person is, in relation to the deemed application, exempt from the fee prescribed under the Commonwealth Regulations for the making of applications under section 10 of the Commonwealth Act.

7 Number of renewable energy certificates for small generation units

- (1) This regulation is made for paragraph 9 (2) (c) of Schedule 3 to the amendment Act.
- (2) If:
 - (a) a person is registered under the Commonwealth Act under regulation 6; and
 - (b) at any time before that registration, the person had created certificates under a State Act in relation to a small generation unit; and
 - (c) immediately before that registration, the person was not entitled to create any further certificates for the unit under the State Act;then the person is not entitled to create any further certificates in relation to the unit under the Commonwealth Act.
- (3) If:
 - (a) a person is registered under the Commonwealth Act under regulation 6; and
 - (b) at any time before that registration, the person had created certificates under a State Act in relation to a small generation unit; and
 - (c) immediately before that registration, the person was entitled to create further certificates for the unit under the State Act but had not created those certificates;

then the person is entitled to create the same number of certificates in relation to the unit under the Commonwealth Act as the person would have been entitled to create under the State Act had the person not been registered under the Commonwealth Act.

Schedule 1 Form of notice of surrender

(subregulation 4 (2))

Renewable Energy (Electricity) Amendment (Transitional Provisions) Regulations 2009

NOTICE OF SURRENDER OF STATE CERTIFICATES FOR CONVERSION TO RENEWABLE ENERGY CERTIFICATES

[DATE OF NOTIFICATION]

I [FULL NAME OF NOMINATED PERSON] on behalf of [FULL NAME OF STATE REGULATOR] give notice that, in accordance with subitem [6 (2)/ 6 (3)] of Schedule 3 to the *Renewable Energy (Electricity) Amendment Act 2009*, [INSERT NUMBER] State certificates have been surrendered.

The State certificates under this notice have been surrendered:

- (a) in accordance with [INSERT RELEVANT PROVISION OF RELEVANT STATE ACT] that substantially corresponds to Section 28A of the Commonwealth Act; and
- (b) after 1 April 2010; and
- (c) for the purposes of subitem [6 (2)/6 (3)] of Schedule 3 to the *Renewable Energy (Electricity) Amendment Act 2009*.

Attachment 1 to this notice lists the persons who owned (*owner*) certificates covered by this notice immediately before their surrender, together with:

- (a) details of the number of certificates surrendered in respect of each owner; and
- (b) the following information:
 - (i) if the owner has a Commonwealth registry account — details of the owner's Commonwealth account;

- (ii) if the owner does not have a Commonwealth registry account — details of the account that will be created under the Commonwealth Act for registering the converted certificates and the owner's contact details.

The information required under subregulation 4 (4) of the *Renewable Energy (Electricity) Amendment (Transitional Provisions) Regulations 2009* in respect of each State certificate is set out in the Microsoft Excel spreadsheet in the CD-ROM included in Attachment 2 to this notice

[NAME]

[SIGNATURE]

[DATE]

ATTACHMENT 1: DETAILS OF STATE CERTIFICATES SURRENDERED

Name of person (Note 1)	Number of State certificates surrendered	Existing Commonwealth registry account? (Yes/No)	Details of existing or intended Commonwealth registry account (Note 2)	Contact details if no existing Commonwealth registry account (Note 3)

Notes:

1. Name of person who owned the certificate immediately before surrender.
2. Name, and number if applicable, of person's existing or intended Commonwealth registry account.
3. Postal address, telephone number, fax number (if any) and email address (if any).

ATTACHMENT 2: CD ROM WITH MICROSOFT EXCEL SPREADSHEET

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.