



Clean Energy Legislation Amendment Regulation 2013 (No. 1)

Select Legislative Instrument No. 58, 2013

I, Professor Marie Bashir AC CVO, Administrator of the Government 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 24 April 2013

Marie Bashir
Administrator

By Her Excellency's Command

Greg Combet
Minister for Climate Change, Industry and Innovation

OPC50432 - A

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1 Name of regulation

This regulation is the *Clean Energy Legislation Amendment Regulation 2013 (No. 1)*.

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 and 2	1 July 2013	1 July 2013
3. Schedule 1, items 3 to 36	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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Clean Energy Regulations 2011

1 Regulation 1.3

Insert:

fugitive emissions: see regulation 1.5.

2 After regulation 1.4

Insert:

1.5 Definition—fugitive emissions

- (1) For the definition of *fugitive emissions* in section 5 of the Act, fugitive emissions means greenhouse gas emissions that are released in connection with, or as a consequence of, the extraction, processing, storage or delivery of fossil fuel.
- (2) However, fugitive emissions do not include emissions released from the combustion of fuel for the production of useable heat or electricity.

3 Regulation 1.15

Repeal the regulation.

4 After Division 3 of Part 3

Insert:

Division 3A—Liquefied petroleum gas, and liquefied natural gas, for non-transport use

3.5F Amount exempt from preliminary emissions number

- (1) For paragraphs 36B(1)(f) and 36C(1)(f) of the Act, the following amounts are exempt from the calculation of a preliminary emissions number:

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- (a) an amount of LPG that is packaged in a non-refillable container that holds no more than 1 kilogram of LPG;
 - (b) an amount of LPG, packaged in a container that holds no more than 10 kilograms of LPG, that:
 - (i) indicates the gas is for use as a refrigerant; and
 - (ii) does not indicate the gas is for combustion;
 - (c) an amount of LPG:
 - (i) that is supplied, by a person mentioned in paragraph 36B(1)(d) or 36C(1)(d) of the Act (the **supplier**), to another person (the **recipient**); and
 - (ii) for which the recipient provides a statutory declaration to the supplier in accordance with subregulation (2).
- (2) For paragraph (1)(c), the statutory declaration must be provided by the recipient to the supplier before the amount of LPG is supplied, stating that:
- (a) the LPG is for incorporation into a product packaged in a container mentioned in paragraph (1)(a) or (b); or
 - (b) the LPG is for packaging into a container mentioned in paragraph (1)(a) or (b).

3.5G Netted-out numbers—LPG or LNG used as feedstock

- (1) For subsection 36B(4) of the Act, 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 LPG or LNG is used as feedstock; and
 - (d) the potential greenhouse gas emissions embodied in the amount used for feedstock has a CO₂-e of a particular number of tonnes;
- the number mentioned in paragraph (d) is a **netted-out number** of the person for the eligible financial year.
- (2) For subsection 36C(4) of the Act, 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 LPG or LNG is used as feedstock; and
 - (d) the potential greenhouse gas emissions embodied in the amount used for feedstock has a CO₂-e of a particular number of tonnes;
- the number mentioned in paragraph (d) is a *netted-out number* of the person for the eligible financial year.
- (3) For subsection 36D(5) of the Act, 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 LPG or LNG is used as feedstock; and
 - (c) the potential greenhouse gas emissions embodied in the amount used for feedstock has a CO₂-e of a particular number of tonnes;
- the number mentioned in paragraph (c) is a *netted-out number* of the OTN holder for the eligible financial year.

5 Paragraph 3.6(2)(b)

Omit "57 and 58", substitute "57, 58, 58AA and 58AB".

6 At the end of paragraph 3.6(3)(d)

Add:

- ; (e) if the applicant states that section 58AA of the Act is likely to require the applicant to quote an OTN—the information and documents mentioned in regulation 3.10A;
- (f) if the applicant states that section 58AB of the Act is likely to permit the applicant to quote an OTN—the information and documents mentioned in regulation 3.10B.

7 Subparagraph 3.7(2)(b)(i)

Omit “nominated as having operational control of the facility under subsection 11AA(5) or 11B(5) of the NGER Act; or”, substitute “taken to have operational control of the facility throughout the period under subsection 11B(15) of the NGER Act; or”.

8 Paragraph 3.7(2)(d)

Repeal the paragraph, substitute:

(d) for the application, the financial year in which the facility passes the threshold test set out in subsection 55A (3) of the Act;

9 Subparagraph 3.7(2)(e)(i)

Omit “quantity”, substitute “amount”.

10 Subparagraph 3.7(2)(g)(i)

Omit “or”.

11 Subparagraph 3.9(2)(b)(i)

Omit “and”.

12 Subparagraph 3.10(1)(b)(i)

Omit “nominated as having operational control of the facility under subsection 11AA(5) or 11B(5) of the NGER Act; or”, substitute “taken to have operational control of the facility throughout the period under subsection 11B(15) of the NGER Act; or”.

13 Subparagraph 3.10(2)(b)(i)

Omit “nominated as having operational control of the facility under section 11AA(5) or 11B(5) of the NGER Act; or”, substitute “taken to have operational control of the facility throughout the period under subsection 11B(15) of the NGER Act; or”.

14 At the end of Subdivision 4.1 of Division 4 of Part 3

Add:

3.10A Eligibility information for mandatory quotation of OTN for supply of LPG or LNG

- (1) This regulation applies to an application for an OTN on the basis that the applicant is likely to be required to quote an OTN under subsection 58AA(1) of the Act to a gaseous fuel supplier for LPG or LNG.
- (2) The application must be accompanied by the following information and documents:
 - (a) the identifying information for the facility;
 - (b) either:
 - (i) for a facility of 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; or
 - (ii) for any other facility—the name of the person who has operational control of the facility;
 - (c) if the applicant is not the person with operational control of the facility:
 - (i) the contact details of the person mentioned in subparagraph (b)(i) or (ii) for the facility; and
 - (ii) a statement describing the applicant’s relationship to that person; and
 - (iii) a statement describing the applicant’s relationship to the facility;
 - (d) for the application, the financial year in which the facility passes the threshold test mentioned in subregulation 3.19A(4);
 - (e) either:
 - (i) a statement confirming the amount of covered emissions (in tonnes of CO₂-e) from the operation of the facility that were attributable to the combustion of LPG or LNG during the financial year mentioned in paragraph (d); or
 - (ii) a statement confirming the amount of LPG or LNG combusted at the facility during that year;
 - (f) the day from which the applicant expects to be required to quote an OTN in relation to the facility;

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- (g) a statement that it is likely that the applicant will be supplied with 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;
 - (h) one of the following statements:
 - (i) a statement that the applicant is currently supplied LPG or LNG for use at the facility;
 - (ii) a statement that the applicant is not currently supplied LPG or LNG for use at the facility and the reason why the applicant expects to start being supplied LPG or LNG for use at the facility in the period mentioned in subparagraph (g)(i) or (ii);
 - (i) a statement that it is likely that the LPG or LNG mentioned in paragraph (h) will be used in the operation of the facility;
 - (j) documents that verify the information given to the Regulator under subparagraph (g)(i) or (ii).

3.10B Eligibility information for voluntary quotation of OTN for supply of LPG or LNG

- (1) This regulation applies to an application for an OTN on the basis that the applicant is likely to be permitted to quote an OTN under subsection 58AB(1) of the Act.
- (2) 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 or LNG as feedstock—the application must be accompanied by the following information and documents:
 - (a) a description of the chemical process in which LPG or LNG will be used as feedstock, including:
 - (i) the inputs to the process and the relative amount of each input; and
 - (ii) the outputs of the process and the relative amount of each output;
 - (b) 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 as feedstock at the facility, business premises or other location;

- (c) 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;
- (d) a statement that it is likely that all or part of the LPG or LNG mentioned in paragraph (c) will be for use as feedstock at the facility, business premises or other location;
- (e) one of the following statements:
 - (i) a statement that the applicant is currently supplied LPG or LNG for use as a feedstock at the facility, business premises or other location;
 - (ii) a statement that the applicant is not currently supplied natural gas for use at the facility, business premises or other location, and the reason why the applicant expects to start being supplied natural gas for use at the facility, business premises or other location in the period mentioned in subparagraph (c)(i) or (ii);
- (f) documents that verify the information given to the Regulator under subparagraph (e)(i) or (ii);
- (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):

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- (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) In any other case—the application must be accompanied by the information and documents mentioned in subregulation 3.19G(2).

15 Subparagraphs 3.12(5)(c)(i) and 3.14(3)(c)(i)

Omit “quantity”, substitute “amount”.

16 At the end of Division 4 of Part 3

Add:

Subdivision 4.4—Conditions for OTN quotation and acceptance of OTN quotation: supply of LPG or LNG

3.19A Condition for mandatory quotation of OTN—large LPG or LNG consuming facility

- (1) For paragraph 58AA(1)(c) of the Act, the condition is that the supply is for use in the operation of a large LPG or LNG consuming facility.
- (2) If:
 - (a) a facility passes the threshold test set out in subregulation (4) for a financial year; and
 - (b) the financial year began on or after 1 July 2011; then, at all times after the start of the second 1 July that occurs after the end of the financial year, the facility is a **large LPG or LNG consuming facility**.
- (3) However, a facility is not a large LPG or LNG consuming facility in a particular financial year if, the Regulator decides that:
 - (a) the facility is taken not to be a large LPG or LNG consuming facility in accordance with regulation 3.19C; or

- (b) the facility ceases to be a large LPG or LNG consuming facility in accordance with regulation 3.19E.
- (4) For subregulation (1), a facility *passes the threshold test* for a financial year if so much of the total amount of covered emissions from the operation of the facility during the financial year as is attributable to the combustion of LPG or LNG has a CO₂-e of 25,000 tonnes or more.

3.19B Application to be taken not to be large LPG or LNG consuming facility—one-off year

- (1) This regulation applies to a facility that will become a large LPG or LNG consuming facility on the basis it has passed the threshold test mentioned in subregulation 3.19A(4) in a financial year (the *one-off* year).
- (2) An operator of a large LPG or LNG consuming facility may apply to the Regulator, in a form approved by the Regulator for this subregulation, to have a facility taken not to be a large LPG or LNG consuming facility, on the basis that the facility:
 - (a) did not pass the threshold test in the 2 financial years preceding the one-off year; and
 - (b) is unlikely to pass the test in the 2 financial years following the one-off year.
- (3) The application must be made at least 90 days before the day on which the facility will become a large LPG or LNG consuming facility.
- (4) The application must be accompanied by the following information and documents:
 - (a) the identifying information for the applicant;
 - (b) the identifying information for the facility;
 - (c) the start day and end day of the one-off year;
 - (d) either:
 - (i) a statement confirming the amount of covered emissions (in tonnes of CO₂-e) from the operation of the facility that were attributable to the combustion of LPG or LNG in the one-off year and each of the 2 financial years preceding the one-off year; or

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- (ii) a statement confirming the amount of LPG or LNG combusted at the facility for the one-off year and each of the 2 financial years preceding the one-off year;
 - (e) a statement of the amount of LPG or LNG supplied for use at the facility in the one-off year and each of the 2 financial years preceding the one-off year;
 - (f) a statement of the reason why the emissions from the facility that are attributable to the combustion of LPG or LNG are likely to be less than 25,000 tonnes of CO₂-e in the 2 financial years after the one-off year;
 - (g) documents that verify the information given to the Regulator under paragraphs (e) and (f).

3.19C Decision on application made under regulation 3.19B

- (1) The Regulator may decide that the facility is taken not to be a large LPG or LNG consuming facility, if the Regulator is satisfied that:
 - (a) the application was made by a person mentioned in subregulation 3.19B(2); and
 - (b) the application contains the information and documents required by subregulation 3.19B(4); and
 - (c) covered emissions from the operation of the facility attributable to the combustion of natural gas:
 - (i) were less than 25,000 tonnes of CO₂-e in the 2 financial years preceding the one-off year; and
 - (ii) are likely to be less than 25,000 tonnes of CO₂-e in the 2 financial years following the one-off year.
- (2) Without limiting the matters the Regulator may take into account when making a decision under subregulation (1), the Regulator may take into account any previous applications made in relation to the facility under regulation 3.19B.
- (3) If the Regulator is not satisfied of the matters mentioned in paragraphs (1)(a), (b) and (c), the Regulator must refuse the application.
- (4) The Regulator must take all reasonable steps to ensure that a decision is made on the application:

- (a) if the Regulator requires the applicant to give further information or documents under regulation 3.19H in relation to the application—within 90 days after the applicant gave the Regulator the information or documents; or
 - (b) in any other case—within 90 days after the application was made.
- (5) If the Regulator makes a decision under subregulation (1), that the facility is taken not to be a large LPG or LNG consuming facility, the decision is effective on the 1 July that the facility would have been a large LPG or LNG consuming facility in accordance with subregulation 3.19A(2).
- (6) The Regulator must notify the applicant, in writing, of the Regulator's decision on the application.

3.19D Application to cease being large LPG or LNG consuming facility—diminishing emissions

- (1) An application to cease being a large LPG or LNG consuming facility must be:
- (a) in a form approved by the Regulator for this paragraph; and
 - (b) made by a person who had a preliminary emissions number in relation to the LPG or LNG used in the operation of a large LPG or LNG consuming facility in the financial year before the application is made.
- (2) An application under subregulation (1) must be accompanied by the following information and documents:
- (a) the identifying information:
 - (i) for the applicant; and
 - (ii) for the facility;
 - (b) information detailing either of the following amounts for each of the previous 3 financial years:
 - (i) the total amount of covered emissions (in tonnes of CO₂-e) from the operation of the facility that were attributable to the combustion of LPG or LNG during each financial year;
 - (ii) the amount of LPG or LNG combusted at the facility;

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- (c) a statement confirming the amount of LPG or LNG supplied for use at the facility during each of the preceding 3 financial years;
 - (d) the reason why the emissions from the facility attributable to the combustion of LPG or LNG are likely to be less than 25,000 tonnes of CO₂-e in the current financial year and the following financial year.

3.19E Decision on application made under regulation 3.19D

- (1) The Regulator may decide that a facility is taken to cease being a large LPG or LNG consuming facility if the Regulator is satisfied that:
 - (a) the application was made by a person mentioned in paragraph 3.19D(1)(b); and
 - (b) the application contains the information and documents required by subregulation 3.19D(2); and
 - (c) the covered emissions from the operation of the facility attributable to the combustion of LPG or LNG:
 - (i) had a CO₂-e of less than 25,000 tonnes in the previous financial year; and
 - (ii) are likely to have a CO₂-e of less than 25,000 tonnes in the current financial year and the following financial year.
- (2) If the Regulator is not satisfied of the matters mentioned in paragraphs (1)(a), (b) and (c), the Regulator must refuse the application.
- (3) The Regulator must take all reasonable steps to ensure that a decision is made on the application:
 - (a) if the Regulator requires the applicant to give further information or documents under regulation 3.19H in relation to the application—within 90 days after the applicant gave the Regulator the information; or
 - (b) in any other case—within 90 days after the application was made.
- (4) If the Regulator makes a decision under subregulation (1), that the facility is taken to cease being a large LPG or LNG consuming

facility, the decision is effective on 30 June in the financial year in which the application is made.

- (5) The Regulator must notify the applicant, in writing, of the Regulator's decision on the application.

3.19F Conditions for voluntary quotation of OTN

For paragraph 58AB(1)(c) of the Act, the conditions are:

- (a) the recipient is likely to use some or all of the amount of LPG or LNG as feedstock; or
- (b) the recipient is a person to whom an amount of LPG or LNG is supplied by a gaseous fuel supplier:
 - (i) during an eligible financial year that begins on or after 1 July 2013; and
 - (ii) for use in the operation of a large LPG or LNG consuming facility mentioned in regulation 3.19A; or
- (c) the recipient is an approved recipient mentioned in regulation 3.19G for the financial year.

3.19G Approved recipient for voluntary quotation of OTN

- (1) A person may apply to the Regulator, to be an approved recipient to quote the recipient's OTN in relation to a supply, in a form approved by the Regulator for this subregulation.

Note: For *approved recipient*, see subregulation (3).

- (2) An application under subregulation (1) must be accompanied by the following information and documents:
- (a) the identifying information:
 - (i) for the applicant; and
 - (ii) for the facility for which the application is made;
 - (b) if the applicant is not the person with operational control of the facility:
 - (i) the contact details of the person with operational control of the facility for which the application is made; and
 - (ii) a statement describing the applicant's relationship to that person; and

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- (iii) a statement describing the applicant's relationship to the facility;
 - (c) the financial year to which the application relates;
 - (d) a statement that:
 - (i) the facility for which the application is made will be under the operational control of the applicant or the person with operational control of the facility in the financial year to which the application relates; and
 - (ii) the total amount of covered emissions from the combustion of LPG or LNG attributable to the facility during the financial year is likely to have a CO₂-e of 25,000 tonnes or more;
 - (e) if the applicant is currently supplied LPG or LNG for use at the facility—a statement to that effect;
 - (f) if the applicant is not currently supplied LPG or LNG for use at the facility—a statement to that effect and the reason why the applicant expects to start being supplied LPG or LNG for use at a facility within 12 months commencing on the later of:
 - (i) 1 July 2013; and
 - (ii) the day on which the application is made;
 - (g) documents that verify the information given to the Regulator under paragraph (e) or (f).
- (3) The Regulator may decide that the applicant is an ***approved recipient*** for the purposes of paragraph 3.19F(c), for a financial year specified in the application, if the Regulator is satisfied that:
- (a) the facility is likely to be under the operational control of the applicant or the person mentioned in subparagraph (2)(b)(i) in the financial year; and
 - (b) the applicant is currently supplied LPG or LNG by one or more gaseous fuel suppliers or is likely to be supplied the LPG or LNG by one or more suppliers in the period mentioned in paragraph (2)(f); and
 - (c) it is likely that the total amount of covered emissions from the operation of the facility of the applicant during the financial year attributable to the combustion of LPG or LNG will have a CO₂-e of 25,000 tonnes or more.

- (4) The Regulator must take all reasonable steps to ensure that a decision is made on the application:
 - (a) if the Regulator requires the applicant to give further information or documents under regulation 3.19H in relation to the application—within 90 days after the applicant gave the Regulator the information or documents; or
 - (b) in any other case—within 90 days after the application was made.
- (5) The Regulator must notify the applicant, in writing, of the Regulator’s decision on the application.

3.19H Request for further information

- (1) In considering an application under regulation 3.19C, 3.19E or 3.19G, the Regulator may, by written notice, require the applicant to give the Regulator, within the period specified in the notice, further information or documents in connection with the application.
- (2) If the applicant fails to provide the information or documents, the Regulator may, by written notice given to the applicant:
 - (a) refuse to consider the application; or
 - (b) refuse to take any action, or any further action, in relation to the application.

3.19J Conditions for acceptance of quotation of OTN in relation to supply of LPG or LNG

For paragraphs 59(3A)(b) and 60(3A)(b) of the Act, the condition is that the OTN holder, by written notice given to the gaseous fuel supplier, declares that the quotation is a quotation under section 58AB for an amount of LPG or LNG the OTN holder will use as feedstock.

17 Subregulation 3.37(2) (item 1)

Repeal the item, substitute:

1	a representative member of a GST group	the amount of specified taxable fuel acquired, manufactured or imported
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during the financial year by each person that is a member of the representative member's GST group at the start of the financial year that is:

- (a) for the use of any members who are in the GST group at any time during the financial year; and
- (b) for the purposes of the GST group or the enterprise of any of those members

18 Regulation 3.50 (heading)

Repeal the heading, substitute:

3.50 Notification of changes requirement

19 Subregulation 14.1A(1)

Repeal the subregulation, substitute:

- (1) This regulation applies if a person gives written notice of an intention to quote the person's OTN to a gaseous fuel supplier in accordance with paragraph 55B(2)(a), 57(2)(a), 58(2)(a), 58AA(2)(a) or 58AB(2)(a) of the Act.

20 Subregulation 14.3(1)

Omit "natural gas," substitute "natural gas, LPG or LNG,".

21 Subregulation 14.3(3)

Omit "natural gas" (wherever occurring), substitute "natural gas, LPG or LNG,".

22 After regulation 14.3

Insert:

14.4 Record keeping—statutory declaration for exempt supply

- (1) This regulation applies if a person provides another person a statutory declaration in accordance with subparagraph 3.5F(c)(ii).

- (2) The importer or producer of the LPG and the recipient of the LPG must retain a copy of the statutory declaration for 5 years after the making of the declaration.

23 After regulation 21.1A

Insert:

21.1B Reviewable decisions—auctioning of carbon units

For item 17 of the table in section 281 of the Act, a decision of the Regulator under a subsection 113(1) determination to disqualify a person from participating in an auction of carbon units is prescribed.

24 After Part 21

Insert:

Part 23—Miscellaneous

23.1 Set-off

For subparagraphs 137(1)(b)(ii) and 215(b)(ii) of the Act, the following amounts are specified:

- (a) an amount payable under section 116 of the Act (buy-back amount for free carbon units);
- (b) an amount payable under section 140 of the Act (refund of overpayments of unit shortfall charge or late payment penalty);
- (c) an amount payable under section 216 of the Act (refund of overpayments of relinquishment penalty or late payment penalty);
- (d) an amount payable under subsection 268(4) of the Act (refund of penalty if infringement notice withdrawn).

25 After paragraph 309(2)(a) of Schedule 1

Insert:

- (aa) lead metal (Pb) with a concentration of lead of at least 99.5% but less than 99.97%; and

26 Subclause 309(5) of Schedule 1

Omit “lead metal,”, insert “lead metal with a concentration of lead of at least 99.97%,”.

27 After paragraph 309(5)(a) of Schedule 1

Insert:

- (aa) is not produced from a product mentioned in paragraph (2)(aa); and

28 After subclause 309(5) of Schedule 1

Insert:

- (5A) For the production of lead metal with a concentration of lead of at least 99.5% but less than 99.97%, the basis for the issue of free carbon units is by a tonne of lead metal (Pb) that:
- (a) has a concentration of lead of at least 99.5% but less than 99.97%; 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.

29 Subclause 401(1) of Schedule 1 (table item 2.3)

Repeal the item, substitute:

2.3	Integrated production of lead and zinc	Lead metal of saleable quality with a concentration of lead of at least 99.97%	1.12	0.355	n/a
		Lead metal of saleable quality with a concentration of lead of at least 99.5% but less than 99.97%	0.833	0.371	n/a
		100% equivalent zinc in fume	3.07	0.820	n/a

30 After subclause 702(1B) of Schedule 1

Insert:

Schedule 1 Amendments

(1C) Despite paragraph (1)(c), an application for the year ending 30 June 2013 relating to an activity mentioned in Division 9 of Part 3 may be given to the Regulator not later than 30 June 2013.

(1D) Subclause (1C) expires on 1 July 2013 as if it had been repealed by another legislative instrument.

31 Amendments of listed provisions—date and day

Amendments of listed provisions—date and day			
Item	Provision	Omit	Substitute
1	Regulation 1.3, subparagraph (k)(ii) of the definition of <i>identifying information</i> , for a person.	date	day
2	Paragraph 3.7(2)(f)	date	day
3	Paragraph 3.7(2)(g);	dates	days
4	Subparagraph 3.7(2)(g)(ii)	date	day
5	Paragraph 3.8(2)(b)	date	day
6	Paragraph 3.8(2)(c)	dates	days
7	Subparagraph 3.8(2)(c)(ii)	date	day
8	Paragraph 3.9(2)(a)	date	day
9	Paragraph 3.9(2)(b)	dates	days
10	Subparagraph 3.9(2)(b)(ii)	date	day
11	Paragraph 3.12(5)(b)	the start and end dates of the	the start day and end day for the
12	Paragraph 3.15(1)(a)	date	day
13	Subparagraph 3.19(2)(f)(ii)	dates	days
14	Sub-subparagraph 3.19(2)(f)(ii)(B)	date	day
15	Paragraphs 14.1A(2)(b),	date	day

20 *Clean Energy Legislation Amendment Regulation 2013 (No. 1)*

No. 58, 2013

OPC50432 - A

Amendments of listed provisions—date and day

Item	Provision	Omit	Substitute
	14.2(2)(a), 14.3(2)(b) and (3)(a)		

Renewable Energy (Electricity) Regulations 2001**32 After subregulation 22X(1A)**

Insert:

- (1B) 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 9 of Schedule 6;
- the application must be lodged with the Regulator before 1 July 2013.

33 After paragraph 623(1)(c) of Schedule 6

Insert:

- (ca) lead metal (Pb) with a concentration of lead of at least 99.5% but less than 99.97%; and

34 Subclause 625(1) of Schedule 6

Omit “(Pb),”, insert “(Pb) with a concentration of lead of at least 99.97%,”.

35 After paragraph 625(1)(a) of Schedule 6

Insert:

- (aa) is not produced from a product mentioned in paragraph 623(1)(ca); and

36 After subclause 625(1) of Schedule 6

Insert:

- (1A) For the production of lead metal (Pb) with a concentration of lead of at least 99.5% but less than 99.97%, the basis for calculating the amount of a liable entity's partial exemption is 0.371 MWh per tonne of lead metal that:
- (a) has a concentration of lead of at least 99.5% but less than 99.97%; and
 - (b) is produced by carrying on the emissions-intensive trade-exposed activity; and
 - (c) is of saleable quality.

Note: **Saleable quality** is defined in regulation 22C.