

Carbon Credits (Carbon Farming Initiative) Amendment (Additionality Test and Other Measures) Regulation 2013

Select Legislative Instrument No. 223, 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 *Carbon Credits (Carbon Farming Initiative) Act 2011*.

Dated 05 August 2013

Quentin Bryce

Governor‑General

By Her Excellency’s Command

Yvette D’Ath

Parliamentary Secretary for Climate Change, Innovation and Industry

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1 Name of regulation

 This regulation is the *Carbon Credits (Carbon Farming Initiative) Amendment (Additionality Test and Other Measures) Regulation 2013*.

2 Commencement

 This regulation commences on the day after it is registered.

3 Authority

 This regulation is made under the *Carbon Credits (Carbon Farming Initiative) Act 2011.*

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 Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Carbon Credits (Carbon Farming Initiative) Regulations 2011

1 Subregulation 1.3(1) (definition of *deforestation*)

Repeal the definition, substitute:

***deforestation*** means:

 (a) for abatement generated before 1 January 2013—the direct human‑induced conversion of forest to a non‑forest land use if:

 (i) the conversion occurred on or after 1 January 1990; and

 (ii) the land on which the conversion occurred was forest on 31 December 1989; or

 (b) for abatement generated on or after 1 January 2013—the direct human‑induced conversion of forest, on or after 1 January 1990, to a non‑forest land use.

2 Paragraph 1.5(a)

Repeal the paragraph, substitute:

 (a) 31 December 2012 is specified in relation to the kinds of project mentioned in regulation 3.35; and

 (aa) 31 December 2020 is specified in relation to the kinds of project mentioned in regulation 3.35A; and

3 Paragraph 1.13(1A)(a)

Omit “subregulation 3.28(2)”, substitute “paragraph 3.28(2)(b)”.

4 Regulation 3.27

Before “In”, insert “(1)”.

5 Regulation 3.27

Insert:

***gasification*** means the thermal decomposition of feedstock at temperatures usually greater than 700 °C using a controlled amount of oxidising agent required to maximise outputs of combustible gas, charcoal or tar.

***hardwood*** means any angiospermous trees, such as eucalypt species.

***long‑rotation hardwood forest*** means a hardwood forest that is managed for a harvest cycle of at least 25 years.

***new long‑rotation hardwood plantation*** means a plantation of long‑rotation hardwood forest grown from seed or seedlings on land that has not previously been used for long‑rotation hardwoodforestry.

***pyrolysis*** means the thermal decomposition of feedstock at temperatures usually less than 700 °C, in the absence of oxygen, to produce combustible gas, charcoal or tar.

6 Regulation 3.27 (definition of *rangeland*)

Repeal the definition.

7 Regulation 3.27

Insert:

***residual feed intake***,for an animal:

 (a) means the efficiency with which the animal uses its food for maintenance and growth; and

 (b) is the value worked out by subtracting the feed intake expected to be required by the animal for maintenance and growth from the animal’s actual feed intake; and

 (c) improves when the value worked out in accordance with paragraph (b) lessens.

***semi‑arid rangeland*** means land:

 (a) that, according to the CFI rainfall map, receives average annual rainfall of less than 450 mm; and

 (b) on which the vegetation is mainly native vegetation including grasses, forbs or shrubs; and

 (c) on which agricultural activity, if any, consists of grazing; and

 (d) that is not routinely:

 (i) fertilised; or

 (ii) cultivated for broadacre cropping.

***torrefaction*** means a form of pyrolysis, usually at temperatures between 200 °C and 320 °C, undertaken to facilitate handling and storage of biomass and to increase energy density.

8 Subparagraph 3.28(1)(c)(vi)

After “on”, insert “semi‑arid”.

9 Paragraph 3.28(1)(i)

Repeal the paragraph, substitute:

 (i) the reduction of emissions by feeding:

 (i) tannins to livestock; or

 (ii) *Eremophila* species to livestock; or

 (iii) fats or oils to dairy cattle that are pasture grazed for at least 9 months each year; or

 (iv) fats or oils to livestock that are pasture grazed for the whole year; or

 (v) nitrate supplements to livestock;

10 At the end of subregulation 3.28(1)

Add:

 ; (q) the increase in long‑rotation hardwood forestry by establishing, on or after 1 July 2010, a new long‑rotation hardwood plantation;

 (r) the torrefaction, pyrolysis or gasification of livestock manure at a location other than any of the following:

 (i) a landfill facility covered by Part 5.2 of the *National Greenhouse and Energy Reporting (Measurement) Determination 2008*;

 (ii) a wastewater treatment facility covered by Parts 5.3 and 5.4 of that Determination;

 (iii) a waste incineration facility covered by Part 5.5 of that Determination;

 (s) the reduction of emissions from livestock by selective breeding for improved residual feed intake.

11 Regulation 3.35 (heading)

Repeal the heading, substitute:

3.35 Kyoto offsets projects—abatement generated before 1 January 2013

12 Subregulation 3.35(1)

Omit “The”, substitute “For abatement generated before 1 January 2013, the”.

13 After regulation 3.35

Insert:

3.35A Kyoto offsets projects—abatement generated on or after 1 January 2013

 For abatement generated on or after 1 January 2013, the following activities are Kyoto offsets projects:

 (a) the protection of native forest from deforestation;

 (b) the establishment or management of vegetation on land that covers an area of at least 0.05 hectares;

 (c) projects, on land used for cropping or livestock production, to manage carbon stocks.

Note: The Regulator must be satisfied that an offsets project meets the requirements of a Kyoto offsets project before declaring it to be an eligible Kyoto project: see subsection 27(12) of the Act.