



Clean Energy Legislation Amendment (Jobs and Competitiveness Program) Regulation 2013

Select Legislative Instrument No. 243, 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 authority set out in section 3.

Dated 21 November 2013

Quentin Bryce
Governor-General

By Her Excellency's Command

Greg Hunt
Minister for the Environment

OPC60294 - B

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No. 243, 2013 *Clean Energy Legislation Amendment (Jobs and Competitiveness
Program) Regulation 2013* *i*

OPC60294 - B

1 Name of regulation

This regulation is the *Clean Energy Legislation Amendment (Jobs and Competitiveness Program) Regulation 2013*.

2 Commencement

This regulation commences on the day after it 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 Subclause 314(1) of Schedule 1

Repeal the subclause, substitute:

- (1) The manufacture of newsprint is the chemical or physical transformation, through an integrated process, of any or all of woodchips, sawdust, wood pulp and recovered paper into rolls of coated or uncoated newsprint that:
 - (a) has a grammage range of 30 g/m² to 80 g/m²; and
 - (b) has a moisture content range of 4% to 11%; and
 - (c) is generally usable for newspaper or publication products.

2 Subclause 314(4) of Schedule 1

Repeal the subclause (not including the note), substitute:

- (4) For the manufacture of coated or uncoated newsprint that:
 - (a) has a grammage range of 30 g/m² to 80 g/m²; and
 - (b) has a moisture content range of 4% to 11%; and
 - (c) is generally usable for newspaper or publication products;the basis for the issue of free carbon units is the total air dried tonnes of rolls of coated or uncoated newsprint of saleable quality produced by carrying on the emissions-intensive trade-exposed activity.

3 At the end of Part 3 of Schedule 1

Add:

Division 51—Production of glass wool

- 351 (1) The production of glass wool is the chemical and physical transformation, through a melting, fiberising, binding and curing process, of either or both of the following:
- (a) recycled materials (such as cullet);
 - (b) silicon dioxide (SiO₂, silica);
- and both of the following:

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- (c) sodium carbonate (Na_2CO_3 , soda ash);
 - (d) other raw materials;
- into saleable glass wool.
- (2) The production of glass wool is specified as an emissions-intensive trade-exposed activity.
 - (3) The production of glass wool is a moderately emissions-intensive activity.
 - (4) For the production of glass wool, the basis for the issue of free carbon units is by a tonne of glass wool that:
 - (a) is produced by carrying on the emissions-intensive trade-exposed activity; and
 - (b) is of saleable quality.

Note: *Saleable quality* is explained in Part 2.

Division 52—Production of coal char

- 352
- (1) The production of coal char is the chemical and physical transformation of coal or a coal based input at a temperature higher than 700 °C, into coal char that, on a dry weight basis:
 - (a) has volatile matter of less than 2% after production; and
 - (b) exhibits a silicon oxide (SiO) reactivity R10 corrected value of less than 1 100 ml of silicon oxide (SiO) gas at standard temperature and pressure.
 - (2) The production of coal char is specified as an emissions-intensive trade-exposed activity.
 - (3) The production of coal char is a highly emissions-intensive activity.
 - (4) For the production of coal char, the basis for the issue of free carbon units is by a tonne of coal char that, on a dry weight basis:
 - (a) has volatile matter of less than 2% after production; and
 - (b) exhibits a silicon oxide (SiO) reactivity R10 corrected value of less than 1 100 ml of silicon oxide (SiO) gas at standard temperature and pressure; and
 - (c) is produced by carrying on the emissions-intensive trade-exposed activity; and

(d) is of saleable quality.

Note: *Saleable quality* is explained in Part 2.

4 Subclause 401(1) of Schedule 1 (table item 1.6)

Omit “dried uncoated”, substitute “dried coated or uncoated”.

5 Subclause 401(1) of Schedule 1 (after table item 1.34)

Insert:

1.35	Production of coal char	dry weight coal char of saleable quality	0.680	0.120	n/a
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6 Subclause 401(1) of Schedule 1 (at the end of the table)

Add:

2.16	Production of glass wool	glass wool of saleable quality	0.497	1.78	n/a
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7 Subclauses 702(1A) to (1H) of Schedule 1

Repeal the subclauses, substitute:

- (1A) Despite paragraph (1)(c), an application for the year ending 30 June 2013 relating to an activity mentioned in Division 51 or 52 of Part 3 may be given to the Regulator not later than 13 December 2013.
- (1B) Despite paragraph (1)(c), an application for the year ending 30 June 2014 relating to an activity mentioned in Division 51 or 52 of Part 3 may be given to the Regulator not later than 31 December 2013.
- (1C) Subclauses (1A) and (1B) expire on 1 January 2014 as if they had been repealed by another legislative instrument.

8 At the end of clause 906 of Schedule 1

Add:

- (3) For an application relating to an activity mentioned in Division 51 or 52 of Part 3 for the year ending 30 June 2013, AP^{ia}_t is worked out using the formula in subclause 907(7) or using the following formula:

$$AP_t^{ia} = P_t^{ia}$$

where:

P_t^{ia} is the amount or volume of the relevant product produced in the financial year to which the application relates.

Renewable Energy (Electricity) Regulations 2001

9 Paragraph 10C(c)

Omit “(ACT)”, insert “(ACT);”.

10 Subregulations 22X(1A) to (1D)

Repeal the subregulations, substitute:

- (1A) 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 51 or 52 of Schedule 6 (production of glass wool or coal char);
- the application must be lodged with the Regulator before 13 December 2013.

11 After subregulation 22ZB(2)

Insert:

- (2A) For an application relating to an activity mentioned in Part 51 or 52 of Schedule 6 (production of glass wool or coal char) for the year ending 30 June 2013, the factor **ASP** in subregulation 22ZA(1) is worked out using the formula in subregulation (3) or using the following formula:

$$ASP = SP_{2013}^{ia}$$

where:

SP_{2013}^{ia} is the amount or volume of the relevant product produced in the financial year ending 30 June 2013 that is referable to the site mentioned in the application.

12 Subclause 635(1) of Schedule 6

Repeal the subclause, substitute:

- (1) The manufacture of newsprint is the chemical or physical transformation, through an integrated process, of any or all of woodchips, sawdust, wood pulp and recovered paper into rolls of coated or uncoated newsprint that:
 - (a) has a grammage range of 30 g/m² to 80 g/m²; and
 - (b) has a moisture content range of 4% to 11%; and
 - (c) is generally usable for newspaper or publication products.

13 Subclause 637(1) of Schedule 6

Repeal the subclause (not including the note), substitute:

- (1) For the manufacture of coated or uncoated newsprint that:
 - (a) has a grammage range of 30 g/m² to 80 g/m²; and
 - (b) has a moisture content range of 4% to 11%; and
 - (c) is generally usable for newspaper or publication products;the electricity baseline for calculating the amount of a liable entity's partial exemption is 0.697 MWh per air dried tonne of rolls of coated or uncoated newsprint of saleable quality produced by carrying on the emissions-intensive trade-exposed activity.

14 At the end of the Regulations

Add:

Part 51—Production of glass wool

Division 1—Production of glass wool

749 Production of glass wool

- (1) The production of glass wool is the chemical and physical transformation, through a melting, fiberising, binding and curing process, of either or both of the following:
 - (a) recycled materials (such as cullet);
 - (b) silicon dioxide (SiO₂, silica);and both of the following:

-
- (c) sodium carbonate (Na₂CO₃, soda ash);
 - (d) other raw materials;
- into saleable glass wool.
- (2) The production of glass wool is specified as an emissions-intensive trade-exposed activity.

Division 2—Classification of activity

750 Classification of activity

The production of glass wool is a moderately emissions-intensive activity.

Division 3—Electricity baseline for calculating partial exemption

751 Electricity baseline for product

The electricity baseline for calculating the amount of a liable entity's partial exemption in respect of the production of glass wool is 1.78 MWh per tonne of glass wool that:

- (a) is produced by carrying on the emissions-intensive trade-exposed activity; and
- (b) is of saleable quality.

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

Part 52—Production of coal char

Division 1—Production of coal char

752 Production of coal char

- (1) The production of coal char is the chemical and physical transformation of coal or a coal based input at a temperature higher than 700 °C, into coal char that, on a dry weight basis:
- (a) has volatile matter of less than 2% after production; and

- (b) exhibits a silicon oxide (SiO) reactivity R10 corrected value of less than 1 100 ml of silicon oxide (SiO) gas at standard temperature and pressure.
- (2) The production of coal char is specified as an emissions-intensive trade-exposed activity.

Division 2—Classification of activity

753 Classification of activity

The production of coal char is a highly emissions-intensive activity.

Division 3—Electricity baseline for calculating partial exemption

754 Electricity baseline for product

The electricity baseline for calculating the amount of a liable entity's partial exemption in respect of the production of coal char is 0.120 MWh per tonne of coal char that:

- (a) has volatile matter of less than 2% after production; and
- (b) exhibits a silicon oxide (SiO) reactivity R10 corrected value of less than 1 100 ml of silicon oxide (SiO) gas at standard temperature and pressure; and
- (c) is produced by carrying on the emissions-intensive trade-exposed activity; and
- (d) is of saleable quality.

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