



Australian National Registry of Emissions Units Amendment (Carry-Over) Regulation 2015

Select Legislative Instrument No. 168, 2015

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd),
Governor-General of the Commonwealth of Australia, acting with the
advice of the Federal Executive Council, make the following regulation.

Dated 15 October 2015

Peter Cosgrove
Governor-General

By His Excellency's Command

Greg Hunt
Minister for the Environment

OPC61024 - A

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1 Name

This is the *Australian National Registry of Emissions Units Amendment (Carry-Over) Regulation 2015*.

2 Commencement

- (1) Each provision of this instrument 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. The whole of this instrument	The day after this instrument is registered.	20 October 2015

Note: This table relates only to the provisions of this instrument as originally made.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

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

3 Authority

This instrument is made under the *Australian National Registry of Emissions Units Act 2011*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Australian National Registry of Emissions Units Regulations 2011

1 At the end of Part 3

Add:

Division 3.4—Carry-over of Kyoto units to the second commitment period

50 Application of Division

This Division applies to Kyoto units that are identified in the Registry as Kyoto units issued for use in the first commitment period.

Note: The first commitment period began on 1 January 2008 and ended on 31 December 2012. The second commitment period began on 1 January 2013 and ends on 31 December 2020.

51 Identification of Kyoto units for which carry-over is permitted

For paragraph 40(1)(a) of the Act, carry-over to the second commitment period is permitted for each Kyoto unit that:

- (a) is of a kind covered by paragraph 40(1)(a) of the Act; and
- (b) is held in the Commonwealth holding account.

52 Procedures for the carry-over of Kyoto units

- (1) For paragraph 40(1)(b) of the Act, this regulation sets out procedures for the carry-over of Kyoto units for which carry-over is permitted under regulation 51.
- (2) For each kind of Kyoto unit for which carry-over is permitted, the Minister must instruct the Regulator:
 - (a) to carry-over a specified number of units of that kind; or
 - (b) to carry-over specified units of that kind; or
 - (c) not to carry-over any units of that kind.

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- (3) An instruction under subregulation (2) must be consistent with the Kyoto rules.

Note: The Kyoto rules contain requirements relating to the kinds of units that may be carried-over and the number of units of each kind that may be carried-over.

- (4) If the Minister instructs the Regulator under paragraph (2)(a) or (b) to carry-over Kyoto units, the Regulator is to carry-over the units in accordance with the Kyoto rules and the Minister's instruction.

53 Kyoto units not included in carry-over

- (1) This regulation applies if the Minister:
- (a) gives the Regulator an instruction under paragraph 52(2)(c) in relation to a kind of Kyoto unit; or
 - (b) notifies the Regulator that all Kyoto units of a particular kind that are to be carried-over to the second commitment period have been carried-over.
- (2) For paragraph 40(1)(c) of the Act, the Regulator must transfer to the mandatory cancellation account for the first commitment period any Kyoto units of that kind:
- (a) that are in a Registry account; and
 - (b) that have not been carried-over in accordance with this Division.

54 Kyoto units for which carry-over is not permitted

- (1) For paragraph 40(2)(a) of the Act, carry-over to the second commitment period is not permitted for the following Kyoto units:
- (a) units held in Registry accounts other than the Commonwealth holding account;
 - (b) removal units;
 - (c) temporary certified emission reductions;
 - (d) long-term certified emission reductions;
 - (e) emission reduction units that have been converted from removal units.
- (2) For paragraph 40(2)(b) of the Act, the Regulator must, as soon as practicable after the end of the additional period for fulfilling commitments for the first commitment period, transfer to the

mandatory cancellation account for the first commitment period
any Kyoto units that:

- (a) are held in a Registry account, other than a Registry account referred to in regulation 24 or a Registry account opened in accordance with regulation 25; and
- (b) are Kyoto units for which carry-over to the second commitment period is not permitted under subregulation (1).