



Australian National Registry of Emissions Units Rules 2023

I, Chris Bowen, Minister for Climate Change and Energy, make the following instrument.

Dated 4 May 2023

Chris Bowen
Minister for Climate Change and Energy

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1 Name

This instrument is the *Australian National Registry of Emissions Units Rules 2023*.

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 registration of this instrument. | |

Note: This table relates only to the provisions of this instrument as originally made.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 subsection 94A(1) of the Act.

4 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) Registry account;
- (b) Regulator;
- (c) safeguard mechanism credit unit;
- (d) transfer.

In this instrument:

Act means the *Australian National Registry of Emissions Units Act 2011*.

transferee has the same meaning as in subsection 48E(1) of the Act.

transferor has the same meaning as in subsection 48E(1) of the Act.

5 Specified ‘eligible international emissions unit’

For paragraph (e) of the definition of *eligible international emissions unit*, a safeguard mechanism credit unit is specified.

6 Unilateral closure of Registry accounts etc.

For subsection 16(5) of the Act, if, immediately before the Regulator closes a Registry account under regulations made for the purposes of subsection 16(1) of the Act, there is an entry for a safeguard mechanism credit unit in the account, the Regulator must cancel the unit.

7 Transmission of safeguard mechanism credit units by operation of law etc.

Evidence of transmission

- (1) For paragraph 48E(3)(b) of the Act, the transferee must give the Regulator a certified copy of a document showing transmission of the title to the safeguard mechanism credit units to the transferee.

Example: If a safeguard mechanism credit unit has been transmitted on the making of an order by a court, the evidence of the transmission would be a certified copy of the order.

Declaration of transmission

- (2) For subsection 48E(4) of the Act, a declaration of transmission must:
 - (a) be made in writing; and
 - (b) identify the serial numbers of the safeguard mechanism credit units; and
 - (c) set out the name, address (if relevant) and Registry account number of the transferor; and
 - (d) set out the name, address and Registry account number (if any) of the transferee; and
 - (e) include a brief description of the circumstances that resulted in the transmission; and
 - (f) be signed by the transferee.

Note: If the transferee does not already have a Registry account, the transferee must request that one be opened in the transferee's name—see subsection 48E(5) of the Act.