





# **Carbon Credits (Consequential Amendments) Act 2011**

**No. 102, 2011**

**An Act to deal with consequential matters arising  
from the enactment of the *Carbon Credits (Carbon  
Farming Initiative) Act 2011* and the *Australian  
National Registry of Emissions Units Act 2011*, and  
for other purposes**



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# Carbon Credits (Consequential Amendments) Act 2011

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**An Act to deal with consequential matters arising from the enactment of the *Carbon Credits (Carbon Farming Initiative) Act 2011* and the *Australian National Registry of Emissions Units Act 2011*, and for other purposes**

[Assented to 15 September 2011]

The Parliament of Australia enacts:

## **1 Short title**

This Act may be cited as the *Carbon Credits (Consequential Amendments) Act 2011*.

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## 2 Commencement

- (1) Each provision of this Act 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.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	15 September 2011
2. Schedule 1	At the same time as section 3 of the <i>Carbon Credits (Carbon Farming Initiative) Act 2011</i> commences.	
3. Schedule 2	The day after this Act receives the Royal Assent.	16 September 2011

Note: This table relates only to the provisions of this Act as originally enacted.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

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

## 3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Note: On 1 January 2011, the short title of the *Trade Practices Act 1974* was changed to the *Competition and Consumer Act 2010* by the *Trade Practices Amendment (Australian Consumer Law) Act (No. 2) 2010*.

## **Schedule 1—General amendments**

### **Part 1—Amendments**

#### *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*

##### **1 Section 5**

Insert:

*Australian carbon credit unit* has the same meaning as in the *Carbon Credits (Carbon Farming Initiative) Act 2011*.

##### **2 Section 5**

Insert:

*eligible international emissions unit* has the same meaning as in the *Australian National Registry of Emissions Units Act 2011*.

##### **3 Subsection 6(2) (after paragraph (b) of the cell at table item 33, column headed “Provision of a designated service”)**

Insert:

- (ba) an Australian carbon credit unit; or
- (bb) an eligible international emissions unit; or

##### **4 Subsection 6(2) (paragraph (d) of the cell at table item 33, column headed “Provision of a designated service”)**

After “derivatives”, insert “, Australian carbon credit units, eligible international emissions units”.

#### *Australian Securities and Investments Commission Act 2001*

##### **5 After paragraph 12BAA(7)(k)**

Insert:

- (l) an Australian carbon credit unit;

(la) an eligible international emissions unit;

**6 Paragraph 12BAB(1)(g)**

After “financial product”, insert “(other than an Australian carbon credit unit or an eligible international emissions unit)”.

**7 At the end of subsection 127(2A)**

Add:  
; (e) the Carbon Credits Administrator.

***Competition and Consumer Act 2010***

**8 After paragraph 155AAA(12)(l)**

Insert:  
(la) the Carbon Credits Administrator;

***Corporations Act 2001***

**9 Section 9**

Insert:  
*Australian carbon credit unit* has the same meaning as in the *Carbon Credits (Carbon Farming Initiative) Act 2011*.

**10 Section 9**

Insert:  
*eligible international emissions unit* has the same meaning as in the *Australian National Registry of Emissions Units Act 2011*.

**11 After paragraph 764A(1)(k)**

Insert:  
(ka) an Australian carbon credit unit;  
(kb) an eligible international emissions unit;

***National Greenhouse and Energy Reporting Act 2007***

**12 Section 7**

Insert:

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**CFI audit** means:

- (a) an audit under section 214 or 215 of the *Carbon Credits (Carbon Farming Initiative) Act 2011*; or
- (b) an audit carried out for the purposes of preparing an audit report prescribed for the purposes of any of the following provisions of the *Carbon Credits (Carbon Farming Initiative) Act 2011*:
  - (i) paragraph 13(1)(e);
  - (ii) paragraph 23(1)(d);
  - (iii) paragraph 76(4)(c).

### **13 Section 7**

Insert:

**CFI audit report** means:

- (a) an audit report under section 214 or 215 of the *Carbon Credits (Carbon Farming Initiative) Act 2011*; or
- (b) an audit report prescribed for the purposes of any of the following provisions of the *Carbon Credits (Carbon Farming Initiative) Act 2011*:
  - (i) paragraph 13(1)(e);
  - (ii) paragraph 23(1)(d);
  - (iii) paragraph 76(4)(c).

### **14 After subsection 26(4)**

Insert:

- (4A) The Greenhouse and Energy Data Officer, or a person authorised by the Greenhouse and Energy Data Officer, may disclose greenhouse and energy information to the Carbon Credits Administrator for the purposes of, or in connection with, the performance of the functions, or the exercise of the powers, of the Carbon Credits Administrator.

### **15 Section 75**

Repeal the section, substitute:

## **75 Conduct of audits**

- (1) The Minister may determine, by legislative instrument, requirements to be met by registered greenhouse and energy auditors in:
  - (a) preparing for and carrying out greenhouse and energy audits; and
  - (b) preparing audit reports in relation to greenhouse and energy audits; and
  - (c) preparing for and carrying out CFI audits; and
  - (d) preparing CFI audit reports.
- (2) The determination may set out different requirements for:
  - (a) different types of audits; and
  - (b) different types of audit reports.
- (3) A registered greenhouse and energy auditor must comply with requirements determined under subsection (1).

## **16 At the end of subsection 75A(1)**

Add “and the *Carbon Credits (Carbon Farming Initiative) Act 2011*”.

## **Part 2—Transitional provisions**

### **17 Transitional—Registry accounts**

#### *Scope*

- (1) This item applies to an account held by a person within the register:
  - (a) known as the Australian National Registry of Emissions Units; and
  - (b) that was in existence under the executive power of the Commonwealth immediately before the commencement of this item.

#### *Continuation of account*

- (2) The account continues in existence as a Registry account under the *Australian National Registry of Emissions Units Act 2011*.

### **18 Transitional—Commonwealth Registry accounts**

#### *Scope*

- (1) This item applies to an account held by the Commonwealth within the register:
  - (a) known as the Australian National Registry of Emissions Units; and
  - (b) that was in existence under the executive power of the Commonwealth immediately before the commencement of this item.

#### *Designation of account*

- (2) If, immediately before the commencement of this item, the account was described as a Commonwealth holding account, the *Australian National Registry of Emissions Units Act 2011* has effect as if the account had been designated by the Carbon Credits Administrator as a Commonwealth holding account.
- (3) If, immediately before the commencement of this item, the account was described as the retirement account for the first commitment period, the *Australian National Registry of Emissions Units Act 2011* has effect as

**Schedule 1** General amendments

**Part 2** Transitional provisions

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if the account had been designated by the Carbon Credits Administrator as the retirement account for the first commitment period.

- (4) If, immediately before the commencement of this item, the account was described as the net source cancellation account for the first commitment period, the *Australian National Registry of Emissions Units Act 2011* has effect as if the account had been designated by the Carbon Credits Administrator as the net source cancellation account for the first commitment period.
  - (5) If, immediately before the commencement of this item, a Commonwealth Registry account was described as the non-compliance cancellation account for the first commitment period, the *Australian National Registry of Emissions Units Act 2011* has effect as if the account had been designated by the Carbon Credits Administrator as the non-compliance cancellation account for the first commitment period.
  - (6) If, immediately before the commencement of this item, the account was described as the voluntary cancellation account for the first commitment period, the *Australian National Registry of Emissions Units Act 2011* has effect as if the account had been designated by the Carbon Credits Administrator as the voluntary cancellation account for the first commitment period.
  - (7) If, immediately before the commencement of this item, the account was described as the mandatory cancellation account for the first commitment period, the *Australian National Registry of Emissions Units Act 2011* has effect as if the account had been designated by the Carbon Credits Administrator as the mandatory cancellation account for the first commitment period.
  - (8) If, immediately before the commencement of this item, a Commonwealth Registry account was described as the temporary certified emission reduction replacement (expiry) account for the first commitment period, the *Australian National Registry of Emissions Units Act 2011* has effect as if the account had been designated by the Carbon Credits Administrator as the temporary certified emission reduction replacement (expiry) account for the first commitment period.
  - (9) If, immediately before the commencement of this item, the account was described as the long-term certified emission reduction replacement (expiry) account for the first commitment period, the *Australian National Registry of Emissions Units Act 2011* has effect as if the account had been designated by the Carbon Credits Administrator as the
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long-term certified emission reduction replacement (expiry) account for the first commitment period.

- (10) If, immediately before the commencement of this item, the account was described as the long-term certified emission reduction replacement (storage reversal) account for the first commitment period, the *Australian National Registry of Emissions Units Act 2011* has effect as if the account had been designated by the Carbon Credits Administrator as the long-term certified emission reduction replacement (storage reversal) account for the first commitment period.
- (11) If, immediately before the commencement of this item, the account was described as the long-term certified emission reduction replacement (non-certification) account for the first commitment period, the *Australian National Registry of Emissions Units Act 2011* has effect as if the account had been designated by the Carbon Credits Administrator as the long-term certified emission reduction replacement (non-certification) account for the first commitment period.

**19 Transitional—section 75 of the *National Greenhouse and Energy Reporting Act 2007***

- (1) This item applies to a determination if:
- (a) the determination was made for the purpose of section 75 of the *National Greenhouse and Energy Reporting Act 2007*;
  - and
  - (b) the determination was in force immediately before the commencement of this item.
- (2) The determination has effect, after the commencement of this item, as if it had been made under section 75 of the *National Greenhouse and Energy Reporting Act 2007* as amended by this Act.

## **Schedule 2—Amendments relating to reporting transfer certificates**

### ***National Greenhouse and Energy Reporting Act 2007***

#### **1 Section 7 (definition of *interim financial year*)**

Repeal the definition.

#### **2 Subsection 13(3)**

Omit “in an interim financial year”.

#### **3 Subsection 19(5A)**

Omit “in an interim financial year”.

#### **4 Subsection 22G(1)**

Omit “an interim financial year”, substitute “a financial year”.

#### **5 Subsection 22G(1)**

Omit “that interim financial year”, substitute “that financial year”.

#### **6 Paragraph 22G(2)(d)**

Omit “interim financial year”, substitute “financial year”.

#### **7 Subsection 22G(4)**

Omit “an interim financial year”, substitute “a financial year”.

#### **8 Subsection 22H(1)**

Omit “an interim financial year”, substitute “a financial year”.

#### **9 Subparagraphs 22L(3)(c)(i), (ii) and (iii)**

Omit “an interim financial year”, substitute “a financial year”.

#### **10 Subsections 22M(3) and (4)**

Repeal the subsections, substitute:

(3) A reporting transfer certificate remains in force until:

- (a) a surrender of the certificate takes effect under section 22N;  
or
- (b) the certificate is cancelled under section 22P.

**11 Subsection 24(1AD)**

Omit “an interim financial year”, substitute “a financial year”.

**12 Subsection 24(1AD)**

Omit “the interim financial year”, substitute “the financial year”.

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*[Minister’s second reading speech made in—  
House of Representatives on 24 March 2011  
Senate on 20 June 2011]*