



Australian National Registry of Emissions Units Regulations 2011

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made under the

Australian National Registry of Emissions Units Act 2011

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About this compilation

This compilation

This is a compilation of the *Australian National Registry of Emissions Units Regulations 2011* that shows the text of the law as amended and in force on 20 October 2015 (the *compilation date*).

This compilation was prepared on 23 October 2015.

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on ComLaw (www.comlaw.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on ComLaw for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on ComLaw for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 1—Preliminary

1 Name of Regulations

These Regulations are the Australian National Registry of Emissions Units Regulations 2011.

2 Commencement

These Regulations commence on the commencement of section 3 of the *Carbon Credits (Carbon Farming Initiative) Act 2011*.

3 Definitions

In these Regulations:

ABN has the meaning given by section 41 of the *A New Tax System (Australian Business Number) Act 1999*.

ACN has the meaning given by section 9 of the *Corporations Act 2001*.

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

approved form means a form approved, in writing, by the Regulator for a provision of these Regulations.

ARBN has the meaning given by section 9 of the *Corporations Act 2001*.

authorised representative means an individual who is nominated under either subregulation 9(2) or 32(1) to be an authorised representative for a particular Registry account.

cancellation day—see subregulation 43(2).

Regulation 3

Carbon Farming Act means the *Carbon Credits (Carbon Farming Initiative) Act 2011*.

certified copy means:

- (a) a copy of a document that has been certified as a true copy by one of the following persons who is in Australia:
 - (i) a bank, building society or credit union officer with 5 or more continuous years service;
 - (ii) a commissioner for declarations;
 - (iii) a judge of a court;
 - (iv) a justice of the peace;
 - (v) a legal practitioner;
 - (vi) a medical practitioner;
 - (vii) a minister of religion registered under Subdivision A of Division 1 of Part IV of the *Marriage Act 1961*;
 - (viii) a police officer;
 - (ix) a sheriff or a sheriff's officer; and
- (b) if a person who is required to provide a document under these Regulations is not in Australia at the time the document must be provided—a copy of a document that has been certified as a true copy by:
 - (i) an Australian embassy, Australian High Commission or Australian consulate (other than a consulate headed by an honorary consul); or
 - (ii) a competent authority under the Convention Abolishing the Requirement of Legalisation for Foreign Public Documents done at The Hague on 5 October 1961.

Note 1: Information about competent authorities under the convention can be found on the Hague Conference on Private International Law's website at www.hcch.net.

Note 2: The text of this convention is set out in Australian Treaty Series 1995 No. 11 ([1995] ATS 11).

commitment period reserve—see regulation 4.

documentary proof, in relation to a person's identity, means the documents required for that kind of person under Division 2.2 of Part 2.

entity means a person who is not an individual.

executive officer of a body corporate means:

- (a) a director of the body corporate; or
- (b) the chief executive officer (however described) of the body corporate; or
- (c) the chief financial officer (however described) of the body corporate; or
- (d) the secretary of the body corporate.

fit and proper person test has the same meaning as in the Carbon Farming Act.

foreign person means any of the following:

- (a) an individual who is not ordinarily resident in Australia;
- (b) a body corporate or a corporation sole that:
 - (i) is incorporated outside Australia; or
 - (ii) is an authority of a foreign country;
- (c) a body politic or a local governing body of a foreign country;
- (d) if paragraph (a), (b) or (c) applies to the trustee, or a majority of the trustees, of a trust—that trust.

GST registration number means the number notified to a person under section 25-5 of the *A New Tax System (Goods and Services Tax) Act 1999*.

Indigenous Corporation Number or **ICN** has the meaning given by section 700-1 of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*.

international transaction log means the electronic data system administered by the Secretariat of the Climate Change Convention for the purpose of monitoring and tracking transactions in Kyoto units.

Regulation 4

ordinarily resident in Australia—see regulation 5.

registered co-operative means a body registered under legislation as a co-operative.

Registry transaction means the transmission by electronic notice of an instruction in relation to a Registry account.

replacement day—see subregulation 43(2).

Note: A number of expressions used in these Regulations are defined in the Act, including the following:

- (a) Australian carbon credit unit;
- (b) clean development mechanism project;
- (c) commitment period;
- (d) Commonwealth Registry account;
- (e) hold (in relation to holding an Australian carbon credit unit);
- (f) Kyoto unit;
- (g) long-term certified emission reduction;
- (h) long-term certified emission reduction replacement (non-certification) account;
- (i) long-term certified emission reduction replacement (storage reversal) account;
- (j) mandatory cancellation account;
- (k) Registry account;
- (l) Regulator;
- (m) temporary certified emission reduction;
- (n) transfer;
- (o) voluntary cancellation account.

4 Meaning of *commitment period reserve*

For section 4 of the Act, ***commitment period reserve*** means the minimum level of Kyoto units for a relevant commitment period that must be maintained in the Registry in accordance with paragraphs 6 and 7 of the Annex to Decision 11/CMP.1 of the Meeting of the Kyoto Parties.

5 Meaning of *ordinarily resident in Australia*

An individual is *ordinarily resident in Australia* if, at a particular time:

- (a) one of the following applies to the individual:
 - (i) the individual is in Australia and has permission to remain in Australia indefinitely;
 - (ii) the individual is not in Australia but has a right to re-enter Australia and, on re-entry, to be granted permission to remain in Australia indefinitely;
 - (iii) the individual is in Australia and has a special category visa under section 32 of the *Migration Act 1958*;
 - (iv) the individual is not in Australia, is a New Zealand citizen, holds a New Zealand passport and, on re-entry to Australia, would have the right to be granted a special category visa under section 32 of the *Migration Act 1958*; and
- (b) the individual was in Australia for 200 or more days in the 12 months immediately preceding that time.

6 Approved forms

The Regulator may approve a form for a provision of these Regulations.

7 Electronic notices transmitted to Regulator

- (1) For subsection 5(2) of the Act, an electronic notice must be transmitted using the Regulator's website.
- (2) The electronic notice must be transmitted by:
 - (a) an individual who is a registered holder of the Registry account to which the notice relates; or
 - (b) an authorised representative of the registered holder who has been given access to the Registry account under subregulation 31(2).

Part 2—Australian National Registry of Emissions Units

Division 2.1—Opening Registry accounts

8 General

The regulations in this Division are made for sections 10 and 11 of the Act.

9 Requests to open Registry account

- (1) A person may request the Regulator to open a Registry account in the person's name.
- (2) The person who makes the request:
 - (a) if the person is not an individual—must nominate an authorised representative; or
 - (b) if the person is an individual—may nominate an authorised representative.
- (3) The request must be in the approved form.

Information

- (4) The request must include the information set out in the table, as relevant to the person making the request.

Item	Information
1	The person's full name, address and contact details
2	The person's status as one of the following: <ol style="list-style-type: none">(a) an individual, including an individual who is a sole trader;(b) a body corporate;(c) a corporation sole;(d) a body politic;(e) a local governing body;

Item	Information
	(f) a trust
3	The person's ABN, ACN, ARBN, GST registration number, ICN or other unique number
4	The person's business name and, if different, trading name
5	The address of the person's principal place of business
6	For the person who is an individual, including an individual who is a sole trader: (a) the individual's date of birth and residential address; and (b) if the individual is known by any other name—the other name; and (c) the individual's gender; and (d) if the individual is a sole trader—each jurisdiction in which the individual operates as a sole trader
7	For the person that is a body corporate: (a) the full name, and the date of birth, of each executive officer; and (b) a description of the form in which the body has been incorporated; and (c) each jurisdiction in which the body operates
8	For a body corporate that is a foreign person—the name of any Australian agent through which the body conducts business
9	For the person that is a trust: (a) the full name and the address of each trustee; and (b) a description of the type of trust; and (c) the jurisdictions in which the trust operates; and (d) for each trustee who is an individual—the information required in item 6; and (e) for each trustee that is a body corporate—the information required in item 7
10	The full name, date of birth and address of a person who is an individual constituting a corporation sole
11	If there is no registered address or principal place of business for an incorporated association or an incorporated co-operative, the full name and address of that body's: (a) public officer; or (b) if there is no public officer—secretary; or (c) if the body does not have an officer mentioned in paragraph (a) or (b)— president or treasurer

Regulation 10

Information about authorised representatives

- (5) The request must also include the information required in items 1 and 6 of the table for any authorised representative nominated by the person under subregulation (2).

10 Additional information—beneficial ownership

- (1) A request to open a Registry account that is made by a person who is a proprietary or private company must include the name and address of any beneficial owner.
- (2) However, subregulation (1) does not apply to a proprietary company if the company is:
- (a) a publicly listed company in Australia, or a wholly owned subsidiary of such a company; or
 - (b) licensed and subject to the regulatory oversight of a Commonwealth statutory regulator in relation to its activities as a company.
- (3) If the person is a trust, the request must include:
- (a) the full name, and the date of birth, of each beneficiary of the trust; or
 - (b) if the terms of the trust identify the beneficiaries of the trust by reference to membership of a class—details about the class.
- (4) However, subregulation (3) does not apply to a trust if the trust is:
- (a) a government superannuation fund established by legislation; or
 - (b) registered and subject to the regulatory oversight of a Commonwealth statutory regulator in relation to its activities as a trust.
- (5) For this regulation:
- beneficial owner***, in relation to a company, means an individual who owns, through one or more share holdings, over 25% of the issued capital in the company.

11 Further information and documents

- (1) The Regulator may, in writing, ask a person who has made a request to open a Registry account to provide further information or documents in relation to the request within a specified time.
- (2) If the person does not comply with the Regulator's request, the Regulator may, in writing, tell the person that:
 - (a) the request to open the account has been refused; and
 - (b) no action, or no further action, will be taken in relation to the request.
- (3) This regulation applies despite regulation 17.

Note: Section 88 of the Act provides for the Regulator's obligations in relation to requiring further information.

12 Verification of information

The Regulator may, in writing, ask a person who makes a request to open a Registry account to verify, by statutory declaration, any statement made in the request.

13 Opening of Registry accounts

- (1) The Regulator may open a Registry account in response to a request to do so.
- (2) The Regulator may open a Registry account only if the Regulator:
 - (a) is satisfied of the identity of the person in whose name the account is to be opened, having regard to the evidence reviewed by the Regulator under subregulation 23(1); and
 - (c) is satisfied that the person passes the fit and proper person test; and
 - (d) for a person who is an entity—is satisfied that the individual making the request has been authorised by the entity and has sufficient authority to act on the entity's behalf.

Division 2.2—Identification procedures

Subdivision 2.2.1—Document requirements

14 General

- (1) The regulations in this Division are made for subsections 11(1) and 27(1) of the Act.
- (2) If this Division requires a person to provide documentary proof:
 - (a) any document required must be current; and
 - (b) the person must provide:
 - (i) if the Regulator asks to see the original document—the original document; or
 - (ii) otherwise—a certified copy of the original document.
- (2A) For documentary proof provided in relation to a request that is:
 - (a) signed by the person making the request no later than 29 May 2012; and
 - (b) given to the Regulator no later than 12 June 2012;

certified copy has the meaning given by regulation 3 as in force immediately before 30 May 2012.

- (3) In this Division:

request means a request, under regulation 9, to open a Registry account.

15 Proof of identity and authorisation—at time of request

- (1) A person in whose name a Registry account is to be opened must, at the time of making a request under regulation 9, give the Regulator:
 - (a) documentary proof of the person's identity; and
 - (b) if a provision mentioned in subregulation (2) requires documentary proof of the identity of another person

- associated with the person—documentary proof of the other person's identity; and
- (c) if the person has nominated one or more individuals under subregulation 9(2) to be an authorised representative of the person—documentary proof of the identity of each individual the person nominates.
- (2) For paragraph (1)(b), the provisions are:
- (a) paragraph (d) of item 4 of the table in regulation 21; and
- (b) item 2 or 3 of the table in regulation 22.
- (3) If the person is an entity, the person must also give the Regulator documentary evidence that the individual who is making the request:
- (a) is authorised by the entity to make the request; and
- (b) has sufficient authority to act on its behalf.

16 English translation of documents

- (1) This regulation applies if:
- (a) a person is required to provide a document under this Division; and
- (b) the document is not written in English.
- (2) The person must provide an English translation of the document that has been prepared and certified as a true copy of the original document by an authorised translation service.
- (3) In this regulation:

authorised translation service means a translation service accredited by the National Accreditation Authority for Translators and Interpreters Limited.

17 When documents need not be given under this Division

A person making a request who is an entity is not required to provide a document identifying the entity under this Division if:

Regulation 18

- (a) the entity has previously submitted the document, or a certified copy of the document, in accordance with the registration requirements under:
 - (i) the *National Greenhouse and Energy Reporting Act 2007*; or
 - (ii) the *Renewable Energy (Electricity) Act 2000*; and
- (b) the entity is currently registered under the Act in relation to which the document was previously submitted; and
- (c) the document is still current.

Subdivision 2.2.2—Proof of identity for individuals

18 Individuals

- (1) This regulation applies to:
 - (a) an individual in whose name a Registry account is to be opened; and
 - (b) if the Registry account is to be opened in the name of an entity—any individual who has been nominated to be an authorised representative of the entity at the time of the request; and
 - (c) each individual who is nominated by a registered holder under regulation 32 to be an authorised representative for a Registry account; and
 - (d) an individual associated with an entity, if documentary proof of the individual's identity is required under:
 - (i) paragraph (d) of item 4 of the table in regulation 21; or
 - (ii) item 2 or 3 of the table in regulation 22.
- (2) If the individual is an Australian citizen or is ordinarily resident in Australia, the person making the request must give the Regulator 3 documents identifying the individual, of a kind set out in Schedule 1, at least one of which must be a category A document.
- (3) If the individual is a foreign person, the person making the request must give the Regulator 3 documents identifying the individual, of

a kind set out in Schedule 2, at least one of which must be a category A document.

- (4) If the individual has changed his or her name, the person making the request must give the Regulator a document that shows the change of name (in addition to any document mentioned in subregulation (2) or (3)).

Examples of documents: A marriage certificate; a deed poll; a certificate issued by a government authority that recognises the change of name.

19 Aboriginal persons or Torres Strait Islanders

- (1) This regulation applies in relation to an individual who is an Aboriginal person or a Torres Strait Islander who is unable to meet the requirements of regulation 18.
- (2) A person making a request must give the Regulator a reference by an authorised referee that verifies the individual's identity.
- (3) The authorised referee may confirm the individual's identity from any records within the referee's keeping or control.
- (4) In this regulation:

Aboriginal person means a person of the Aboriginal race of Australia.

authorised referee, for an individual, means a person who:

- (a) is not the individual's parent, grandparent, sibling, child or grandchild; and
- (b) has known the individual for at least 12 months; and
- (c) is one of the following:
- (i) the chairperson, Secretary or chief executive officer of an incorporated indigenous organisation, including a land council, community council or housing organisation;
 - (ii) the individual's employer;
 - (iii) a school principal or a school counsellor;
 - (iv) a minister of religion;

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Part 2 Australian National Registry of Emissions Units

Division 2.2 Identification procedures

Regulation 20

- (v) a medical practitioner;
- (vi) a treating health professional or a manager in an Aboriginal Medical Service;
- (vii) a person who has been an officer in a Department of State in the Commonwealth or a State or Territory for at least 5 years.

Torres Strait Islander means a descendant of an indigenous inhabitant of the Torres Strait Islands.

treating health professional has the meaning given by section 197 of the *Social Security Act 1991*.

Subdivision 2.2.3—Proof of identity for entities

20 Entities

- (1) This Subdivision applies to:
 - (a) an entity in whose name a Registry account is to be opened; and
 - (b) a trustee of a trust that is a body corporate.

21 Identification of entities

A request, from an entity of a kind mentioned in an item of the following table, must be accompanied by the documentation mentioned in the item.

Item	If the entity is ...	the documents that must accompany a request are ...
1	a body corporate	(a) the certificate of the entity's incorporation (if any); and (b) the certificate of the entity's registration (if any) with the Australian Securities Investment Commission; and (c) if the entity is not registered in Australia—the certificate of the entity's registration (if any) with a registry established under a foreign law; and (d) if there is no certificate of the entity's incorporation—a document with similar effect; and (e) if there is no certificate of the entity's registration—a document with similar effect
2	a body corporate that is an incorporated association or a registered co-operative	(a) a document mentioned in item 1; and (b) other documentary evidence that the entity exists (for example, an annual report or the entity's constitution)
3	a local governing body	(a) a document mentioned in item 1; and (b) documentary evidence that the entity is a local governing body
4	a body corporate that does not have an ABN	(a) a document mentioned in item 1; and (b) if the body corporate is of a kind mentioned in item 2—the other documents mentioned in item 2; and (c) if the body corporate is of a kind mentioned in item 3—the documents mentioned in item 3; and (d) the following documentary evidence of the identity of executive officers: <ul style="list-style-type: none"> (i) if the body corporate is a private company, incorporated association or registered co-operative (whether or not a foreign entity): <ul style="list-style-type: none"> (A) if that entity has at least 3 executive officers—3 executive officers; or (B) if that entity has one or 2 executive officers—those officers;

Regulation 22

Item	If the entity is ...	the documents that must accompany a request are ...
		(ii) if the body corporate is a foreign company that is a public company—documentary evidence of the identity of an executive officer who is not the same person the entity nominates to be an authorised representative

22 Identification of trusts

If a request relates to an entity that is a trust, the request must be accompanied by the documentation set out in each item of the table.

Item	The documents that must accompany a request are ...
1	(a) if there is a trust deed—the deed, or an extract of the deed that identifies the trustees and beneficiaries (or classes of beneficiary); or (b) if there is no trust deed: (i) a document with similar effect to a trust deed; or (ii) the certificate of registration as a trust (if any)
2	documentary evidence of the identity of each trustee who is an individual
3	for each trustee that is a body corporate—the documentary evidence mentioned in the table in regulation 21 that is relevant to the kind of body corporate

Subdivision 2.2.4—Regulator must consider evidence of identity etc

23 Regulator to consider evidence of identity etc

Before opening a Registry account

- (1) Before opening a Registry account in the name of a person who makes a request, the Regulator must:
 - (a) review the evidence of identity given to the Regulator under this Division; and
 - (b) review the evidence of an individual’s authorisation to submit a request on behalf of an entity.

For an authorised representative

- (2) The Regulator must review the evidence of the identity of an authorised representative that has been given to the Regulator under paragraph 15(1)(c) and subregulation 32(2) before giving the authorised representative access to a Registry account under subregulation 31(2).

Division 2.3—Commonwealth Registry accounts

Subdivision 2.3.1—Designation and opening of Commonwealth Registry accounts

24 Designation of Commonwealth Registry accounts

For section 12 of the Act, the Regulator may designate a Commonwealth Registry account as an account with one of the following names:

- (a) a Commonwealth holding account;
- (b) a Commonwealth origination account;
- (c) an Australian carbon credit unit cancellation account;
- (d) the Commonwealth relinquished units account;
- (e) an Australian carbon credit unit relinquishment account;
- (f) an Australian carbon credit unit exchange account;
- (g) the voluntary cancellation account for a particular commitment period;
- (h) the retirement account for a particular commitment period;
- (i) the net source cancellation account for a particular commitment period;
- (j) the non-compliance cancellation account for a particular commitment period;
- (k) the mandatory cancellation account for a particular commitment period;
- (l) the temporary certified emission reduction replacement (expiry) account for a particular commitment period;
- (m) the long term certified emission reduction replacement (expiry) account for a particular commitment period;
- (n) the long term certified emission reduction replacement (storage reversal) account for a particular commitment period;

- (o) the long term certified emission reduction replacement (non-certification) account for a particular commitment period.

25 Opening of Commonwealth Registry accounts

- (1) For section 13 of the Act, the Minister may, in writing, direct the Regulator to:
 - (a) open a Registry account in the name of the Commonwealth; and
 - (b) give the Registry account the designation specified in the direction.
- (2) The Regulator must comply with a direction given under subregulation (1).

Subdivision 2.3.2—Transfer of Kyoto units

26 Kyoto units that cannot be transferred—Commonwealth Registry accounts

- (1) For subsection 14(1) of the Act, a Kyoto unit to which subregulation (2) applies cannot be transferred.
- (2) This subregulation applies to a Kyoto unit for which there is an entry in any of the following Commonwealth Registry accounts:
 - (a) the retirement account for a particular commitment period;
 - (b) the net source cancellation account for a particular commitment period;
 - (c) the non-compliance cancellation account for a particular commitment period;
 - (d) the voluntary cancellation account for a particular commitment period;
 - (e) the mandatory cancellation account for a particular commitment period;
 - (f) the temporary certified emission reduction replacement (expiry) account for a particular commitment period;

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Division 2.3 Commonwealth Registry accounts

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- (g) the long-term certified emission reduction replacement (expiry) account for a particular commitment period;
- (h) the long-term certified emission reduction replacement (storage reversal) account for a particular commitment period;
- (i) the long-term certified emission reduction replacement (non-certification) account for a particular commitment period;
- (j) a Commonwealth relinquished units account;
- (k) an Australian carbon credit unit cancellation account.

Note: Subsection 14(2) of the Act provides that regulations made for the purposes of subsection 14(1) of the Act have effect despite any other provision of that Act or the *Carbon Credits (Carbon Farming Initiative) Act 2011*.

Division 2.4—Closing Registry accounts

27 Voluntary closure of Registry accounts

- (1) The Regulator may, for subsection 15(1) of the Act, close a Registry account kept in the name of a person, if:
 - (a) the person, by written notice, requests the Regulator to close the account; and
 - (b) there are no entries for any Australian carbon credit units in the account; and
 - (c) there are no entries for any Kyoto units in the account.

Compliance with request

- (2) The Regulator must:
 - (a) comply with the request as soon as practicable after receiving it; and
 - (b) notify the person making the request as soon as practicable after the account is closed.
- (3) The Registry must set out a record of each closure under this regulation.

28 Unilateral closure of Registry accounts etc

Application

- (1) For subsection 16(1) of the Act, this regulation applies if:
 - (a) a person has a Registry account; and
 - (b) the person has contravened, or is contravening, Part 2 of the Act or these Regulations.

Closure of account

- (2) The Regulator may close the Registry account.

Regulation 28

- (3) However, the Regulator must not close the Registry account unless, at least 30 days before closing the account, the Regulator gives the person a written notice:
- (a) stating that the Regulator proposes to close the account; and
 - (b) setting out the effect of subregulations (4) and (5).
- (4) If, immediately before the Regulator closes the Registry account, there is an entry for an Australian carbon credit unit in the account, the unit is cancelled.
- (5) If, immediately before the Regulator closes the Registry account, there is an entry for a Kyoto unit in the account, the Regulator must transfer the unit to a voluntary cancellation account.
- (7) If:
- (a) the Regulator has closed the account of a person under subregulation (2); and
 - (b) the person asks the Regulator to open another account in the person's name;
- the Regulator must refuse to do so.

Note: Subsection 16(7) of the Act provides for records that must be kept in the Registry of cancellations mentioned in subregulation (4) and the unilateral closure of a Registry account.

Division 2.5—Change in name of account holder

29 Altering the Registry

- (1) For section 18 of the Act, this regulation applies if:
 - (a) a Registry account is kept in the name of a person; and
 - (b) the name of the person has changed; and
 - (c) the person applies to the Regulator to have the new name substituted for the previous name in the Registry in relation to the account.
- (2) The Regulator may make the necessary alterations in the Registry.

Division 2.6—Miscellaneous

30 Registry requirements

The Regulations in this Division are made for subsections 5(2) and 27(1) of the Act.

31 Authorised representatives—access to Registry account

- (1) This regulation applies to an authorised representative:
 - (a) nominated under subregulation 9(2); or
 - (b) the subject of a request under subregulation 32(1).
 - (2) The Regulator may give the authorised representative access to a Registry account only if the Regulator:
 - (a) is satisfied of the identity of the authorised representative, having regard to the evidence reviewed by the Regulator under subregulation 23(2); and
 - (b) is satisfied that the authorised representative passes the fit and proper person test.
 - (2A) An authorised representative for a Commonwealth Registry account who is an SES employee is taken to pass the fit and proper person test.
 - (3) If access is provided under subregulation (2), the authorised representative may:
 - (a) view the details of the Registry account; and
 - (b) initiate transactions in relation to the account; and
 - (c) approve transactions in relation to the account.
 - (4) If the Regulator is not satisfied of the authorised representative's identity or that the authorised representative passes the fit and proper person test, the Regulator must, as soon as practicable:
 - (a) notify the relevant registered holder that access has not been given under subregulation (2), giving reasons for the refusal; and
-

- (b) require the holder to nominate another authorised representative.

Note: An authorised representative must be an individual—see the definition of *authorised representative* in regulation 3.

- (5) If the Regulator:
 - (a) has given an authorised representative access to a Registry account under subregulation (2); and
 - (b) is no longer satisfied that the authorised representative passes the fit and proper person test;the Regulator may deny the authorised representative access to the Registry account.
- (6) If the Regulator denies an authorised representative access to a Registry account, the Regulator must, as soon as practicable:
 - (a) notify the relevant registered holder that access has been denied under subregulation (5), giving reasons for the denial; and
 - (b) require the holder to nominate another authorised representative.

32 Authorised representatives—nomination after registration

Request to add or remove an authorised representative

- (1) A registered holder, or an authorised representative of the holder, may at any time request the Regulator, in the approved form, to remove or add an authorised representative.

Note: A nomination for an authorised representative may also be made in a request to open a Registry account under regulation 9.

Identification procedure

- (2) A request to add an authorised representative must be accompanied by documentary proof of the identity of the individual nominated to be an authorised representative.

Note 1: The term *documentary proof* is defined in regulation 3.

Regulation 33

Note 2: An authorised representative must be given access by the Regulator to a Registry account before the Regulator will accept electronic notices from the person for the account—see regulation 7.

Contact details

- (3) The registered holder or the holder's authorised representative may apply to the Regulator, in the approved form, to remove, add, or change the contact details of an authorised representative.

33 Requirement to notify the Regulator

- (1) The registered holder must notify the Regulator, in the approved form, of any of the following, within 28 business days after the change takes place:
- (a) a change of the registered holder's name, business name or trading name;
 - (b) a change of the registered holder's contact details;
 - (c) a change of the name of the registered holder's authorised representative;
 - (d) a change of the contact details of the registered holder's authorised representative;
 - (e) a change that causes the registered holder, or the registered holder's authorised representative, to no longer pass the fit and proper person test.
- (1A) The following notices of change of name must be accompanied by a document that evidences the change of name:
- (a) a notice of change of the registered holder's name, business name or trading name;
 - (b) a notice of change of the name of the registered holder's authorised representative.
- (2) If a registered holder knows that:
- (a) an Australian carbon credit unit; or
 - (b) a Kyoto unit;

has been incorrectly transferred to or from the holder's Registry account, the holder must notify the Regulator as soon as practicable of the mistake.

Note: Civil penalties, including those for ancillary contraventions, apply to a failure to comply with the requirements of this regulation—see section 27 of the Act.

34 Requirements about dealings with the Registry

- (1) A registered holder must not gain, or try to gain, unauthorised access to the Registry, the Registry's server, or any other server, computer or database related to the Registry.
- (2) A registered holder:
 - (a) must maintain the security of user names and passwords issued to the holder and to its authorised representatives (if any) for the purpose of accessing the Registry; and
 - (b) must not allow any other person to gain, or try to gain, unauthorised access to the Registry, the Registry's server, or any other server, computer or database related to the Registry; and
 - (c) must ensure that its authorised representative does not allow another person to gain unauthorised access to the Registry, as described in paragraph (b).
- (3) A registered holder must not damage or corrupt, or try to damage or corrupt, any software or data related to the Registry.
- (4) A registered holder must not initiate a Registry transaction in relation to:
 - (a) an Australian carbon credit unit; or
 - (b) a Kyoto unit;

that the registered holder knows, or ought reasonably to know, has been incorrectly transferred to the registered holder's account.

Note: Civil penalties, including those for ancillary contraventions, apply to a failure to comply with the requirements of this regulation—see section 27 of the Act.

Schedule 1 Documents for identifying Australian citizens or residents

Part 2 Australian National Registry of Emissions Units

Division 2.6 Miscellaneous

Regulation 35

35 Regulator may request information

The Regulator may, in writing, require a person to give the Regulator, within a specified time, information in relation to any request the person makes under these Regulations.

Note: Section 88 of the Act provides for the Regulator's obligations in relation to requiring further information.

Part 3—Kyoto units

Division 3.1—Transfer of Kyoto units

36 Domestic transfers of Kyoto units

For paragraph 34(2)(c) of the Act, an instruction must set out the serial numbers of the units in the proposed transfer.

37 Outgoing international transfers of Kyoto units

For paragraph 35(2)(b) of the Act, an instruction must set out the following information:

- (a) the serial numbers of the units in the proposed transfer;
- (b) the type and account number of the foreign account mentioned in paragraph 35(1)(c) or (d);
- (c) the country where the foreign account is kept.

38 Conversion of assigned amount units or removal units

- (1) The conditions that must be satisfied for paragraph 38(1)(e) of the Act are:
 - (a) the unit must have been issued in relation to a joint implementation project that:
 - (i) is approved by the National Authority; and
 - (ii) is conducted in accordance with any requirements applying to joint implementation projects under the Kyoto rules; and
 - (b) the person must provide the Regulator with the ITL project ID for the project; and
 - (c) for the conversion of an assigned amount unit that was obtained as a result of a sequestration offsets project:
 - (i) a removal unit must have been issued to the Commonwealth for abatement that happened during the first commitment period; and

Regulation 38

- (ii) the removal unit must be available for exchange in the Commonwealth holding account.
- (2) The steps that the Regulator must take for subsection 38(2) of the Act are:
- (a) for the conversion of an assigned amount unit that was obtained as a result of an emissions avoidance offsets project—the steps required by the Kyoto rules; or
 - (b) for the conversion of an assigned amount unit that was obtained as a result of a sequestration offsets project:
 - (i) remove the entry for the assigned amount unit from the person's Registry account; and
 - (ii) convert a removal unit that is available for exchange in the Commonwealth holding account to an emission reduction unit, in accordance with the Kyoto rules; and
 - (iii) remove the entry for the emission reduction unit from the Commonwealth holding account; and
 - (iv) make an entry for the emission reduction unit in the person's Registry account; or
 - (c) for the conversion of a removal unit—the steps required by the Kyoto rules.
- (3) In this regulation:

emissions avoidance offsets project has the meaning given by section 53 of the Carbon Farming Act.

ITL project ID, for a joint implementation project, means the project identifier used by the international transaction log for the project.

joint implementation project means a project that is treated as a joint implementation project for the purposes of the relevant provisions of the Kyoto rules.

National Authority means the National Authority for the clean development mechanism (CDM) and joint implementation (JI), established in accordance with the Kyoto Protocol.

sequestration offsets project has the meaning given by section 54 of the Carbon Farming Act.

39 Kyoto rules—outgoing international transfers of Kyoto units

- (1) For paragraph 39(1)(a) of the Act, this regulation sets out the requirements for the transfer of a Kyoto unit from a Registry account to a foreign account.
- (2) If the Regulator receives an instruction from a registered holder of one or more Kyoto units under subsection 35(1) of the Act, the Regulator must, as soon as practicable, give the instruction to the international transaction log.
- (3) If the international transaction log notifies the Regulator that the instruction has been accepted, the Regulator must, as soon as practicable, give effect to the instruction in accordance with the Kyoto rules.
- (4) If subregulation (3) applies, the Regulator must:
 - (a) remove the entry for the unit from the relevant Registry account; and
 - (b) notify the international transaction log of the action the Regulator has taken.
- (5) However, the Regulator must refuse to give effect to an instruction if the international transaction log notifies the Regulator that:
 - (a) there is a discrepancy with the instruction or the proposed transfer; or
 - (b) the proposed transfer has been rejected or cancelled.
- (6) If subregulation (5) applies, the Regulator must, as soon as practicable:
 - (a) make a record in the Registry of the action taken; and
 - (b) notify the international transaction log that the proposed transfer has been cancelled.

Regulation 40

40 Kyoto rules—incoming international transfers of Kyoto units

- (1) For paragraph 39(1)(b) of the Act, this regulation sets out the requirements for the transfer of a Kyoto unit from a foreign account to a Registry account.
- (2) The Regulator must refuse to give effect to an instruction under subsection 36(1) of the Act if:
 - (a) the international transaction log notifies the Regulator that:
 - (i) there is a discrepancy with the instruction or the proposed transfer; or
 - (ii) the proposed transfer has been rejected or cancelled; or
 - (b) the instruction is given in the first commitment period, and giving effect to the instruction would result in the total Registry holdings of:
 - (i) long-term certified emissions reductions that have not been cancelled; and
 - (ii) temporary certified emissions reductions that have not been cancelled;exceeding 27,384,992 for the first commitment period.
- (3) The Regulator must:
 - (a) make a record in the Registry of:
 - (i) a refusal under subregulation (2) or subsection 36(2) of the Act; or
 - (ii) a completed transfer under subsection 36(1) of the Act; and
 - (b) notify the international transaction log of the record made under paragraph (a).

41 Commitment period reserve

- (1) For subsection 41(1) of the Act, the Regulator must not give effect to an instruction mentioned in subregulation (2) or a request mentioned in subregulation (3) if the circumstances mentioned in subregulation (4) apply.

- (2) The instruction is:
 - (a) an instruction under section 35 of the Act to transfer a Kyoto unit from a Registry account to a foreign account; or
 - (b) an instruction under section 154 of the Carbon Farming Act to transfer a Kyoto Australian carbon credit unit to a foreign account.
- (3) The request is a request under section 65 of the Act to transfer a Kyoto unit from a Registry account to the voluntary cancellation account for the relevant commitment period.
- (4) The circumstances are that the transfer would result in the total number of Kyoto units for the relevant commitment period in any of the following Registry accounts falling below the commitment period reserve:
 - (a) all Registry accounts kept in the name of an account holder other than the Commonwealth of Australia;
 - (b) all Commonwealth holding accounts;
 - (c) the retirement account for the relevant commitment period.

Division 3.2—Dealings with emission reductions under the Kyoto rules

Subdivision 3.2.1—Cancellation of expired temporary certified emission reductions or long-term certified emission reductions

42 Cancellation after expiry

- (1) For subsection 42(2) of the Act, the Regulator must:
 - (a) tell the registered holder of a temporary certified emission reduction or a long-term certified emission reduction, in writing, that the emission reduction is due to expire at least 21 days before its expiry date; and
 - (b) on the expiry date, transfer the emission reduction mentioned in paragraph (a) to the mandatory cancellation account for the same commitment period.
- (2) For paragraph (1)(b), the same commitment period is identified by the reference to the serial number of the unit.
- (3) A failure by the Regulator to tell the registered holder within the time specified in paragraph (1)(a) does not affect the validity of the transfer.

Note 1: An entry for a temporary certified emission reduction or long-term certified emission reduction in a Registry account will have an expiry date included in its serial number.

Note 2: A temporary certified emission reduction or long-term certified emission reduction may have been transferred to another registered holder between the date of the notice under paragraph (1)(a) and the expiry date.

Subdivision 3.2.2—Replacement and cancellation of long-term certified emission reductions

43 General

- (1) The regulations under this Subdivision are made for section 43 of the Act.
- (2) In this Subdivision:

cancellation day means the day the international transaction log notifies under subregulation 44(1) or 45(1) as the day that a specified number of long-term emission reductions mentioned in the notice must be replaced or cancelled.

replacement day means the day that is 7 days before the cancellation day for a specified number of long-term emission reductions mentioned in a notice under subregulation 44(1) or 45(1).

44 Notification of reversal of storage

- (1) This regulation applies if the international transaction log notifies the Regulator that a specified number of long-term certified emission reductions held in relation to a specified clean development mechanism project must be replaced or cancelled by the cancellation day because a reversal of storage for the project has occurred.
- (2) The Regulator must notify a registered holder of the emission reductions, in writing, of the following:
 - (a) that a specified number of the holder's long-term certified emission reductions held in relation to the project must be replaced;
 - (b) the replacement day, and that the replacement must occur 7 days before the cancellation day;
 - (c) the cancellation day;

Regulation 45

- (d) if the replacement has not occurred by the replacement day—
that the specified number of emission reductions will be transferred to the mandatory cancellation account for the relevant commitment period.
- (3) The Regulator must work out the number of long-term certified emission reductions that the registered holder will be required to replace by:
 - (a) dividing the total number of long-term certified emission reductions specified in the notice as affected by the reversal of storage by the total number of long-term certified emission reductions for the project held in the Registry; and
 - (b) multiplying the result by the number of long-term certified emission reductions for the project that are held by the registered holder; and
 - (c) rounding up the result to the nearest whole number.
- (4) For paragraph (3)(a), the total number of long-term certified emission reductions for the project held in the Registry does not include cancelled or previously replaced long-term certified emission reductions.
- (5) The Regulator must notify the registered holder under subregulation (2) at least 21 days before the cancellation day.

45 Notification of non-submission of certification report

- (1) This regulation applies if the international transaction log notifies the Regulator that all remaining long-term certified emissions reductions held in relation to a clean development mechanism project must be replaced or cancelled by the cancellation day because a certification report for the project has not been submitted.
- (2) The Regulator must notify a registered holder of the emission reductions, in writing, of the following:
 - (a) that all of the holder's long-term certified emission reductions held in relation to the project must be replaced;

- (b) the replacement day, and that the replacement must occur 7 days before the cancellation day;
 - (c) the cancellation day;
 - (d) if the replacement has not occurred by the replacement day—that the relevant emission reductions will be transferred to the mandatory cancellation account for the commitment period.
- (3) The Regulator must notify the registered holder under subregulation (2) at least 21 days before the cancellation day.

46 Replacement or cancellation of long-term certified emission reductions

- (1) This regulation applies if a registered holder of a long-term certified emission reduction receives a written notice from the Regulator under:
- (a) subregulation 44(2); or
 - (b) subregulation 45(2).

Registered holder to instruct the Regulator

- (2) The holder must, by the replacement day, instruct the Regulator, in accordance with section 34 of the Act, to:
- (a) in the circumstances in regulation 44—transfer the particular units from the holder's Registry account to the long-term certified emission reduction replacement (storage reversal) account; or
 - (b) in the circumstances in regulation 45—transfer particular units from the holder's Registry account to the long-term certified emission reduction replacement (non-certification) account.
- (3) The units mentioned in paragraph (2)(a) or (b) must be of a kind mentioned in paragraph 43(3)(a), (b), (c), (d) or (e) of the Act.

Regulation 46

Transfer to mandatory cancellation account

- (4) If the holder breaches the requirement to replace a long-term certified emission reduction under subregulation (2), the Regulator must, before the cancellation day:
 - (a) in the circumstances in regulation 44—transfer the specified number of the holder’s long-term certified emission reductions for the project to the mandatory cancellation account for the relevant commitment period; or
 - (b) in the circumstances in regulation 45—transfer all of the holder’s long-term certified emission reductions for the project to the mandatory cancellation account for the relevant commitment period.
- (5) A failure by the Regulator to notify the holder within the time specified in subregulation 44(5) or 45(3) does not affect the validity of a transfer by the Regulator of a long-term certified emission reduction to the mandatory cancellation account.

Restriction on transfers

- (6) The registered holder must not instruct the Regulator to transfer any of the long-term certified emission reductions it holds in relation to the project other than in accordance with subregulations (2) to (5) until the holder receives the notice mentioned in subregulation (7).
- (7) The Regulator must notify the holder if the Regulator receives notice from the international transaction log confirming that the holder’s long-term certified emission reductions (held in relation to the project) have been replaced or cancelled.

Division 3.3—Other matters relating to Kyoto units

47 Restrictions on transfer of Kyoto units to a Commonwealth Registry account

- (1) For section 44 of the Act, this regulation sets out the restrictions on the transfer of a Kyoto unit from a Registry account, or a foreign account, to a Commonwealth Registry account.
- (2) The Regulator must transfer a Kyoto unit to a Commonwealth Registry account only if the relevant commitment period of the unit is valid under the Kyoto rules for transfer to the Commonwealth Registry account.
- (3) The Regulator must not transfer a temporary certified emission reduction or long-term certified emission reduction from a Registry account, other than a Commonwealth Registry account, to a retirement account.

48A registered Kyoto unit is personal property for certain purposes

The following purposes are prescribed for paragraph 45(2)(d) of the Act:

- (a) the purposes of the *Personal Property Securities Act 2009*;
- (b) the purposes of the *Proceeds of Crime Act 2002*.

49 Transmission of Kyoto units by operation of law

Evidence of transmission

- (1) For paragraph 47(2)(b) of the Act, the transferee must give the Regulator a certified copy of a document showing transmission of the title to the Kyoto units to the transferee.

Example

If a Kyoto unit has been transmitted on the making of an order by a court, including a sequestration order, the evidence of the transmission would be a certified copy of the order.

Regulation 49

Declaration of transmission

- (2) For subsection 47(3) of the Act, a declaration of transmission must:
- (a) be made in writing; and
 - (b) identify the serial numbers of the Kyoto 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 47(4) of the Act.

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.
- (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.

Regulation 53

- (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).

Schedule 1 Documents for identifying Australian citizens or residents

Part 5 Publication of information

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

Regulation 66

Part 5—Publication of information

66 Kyoto information

For subsection 60(1) of the Act, the Regulator must publish on its website the information required to be made publicly available under paragraphs 44 to 48 of the Annex to Decision 13/CMP.1 of the Meeting of the Kyoto Parties.

Part 6—Application and transitional provisions

70 Amendments made by Part 1 of Schedule 1 to the *Australian National Registry of Emissions Units Amendment Regulation 2014 (No. 1)*

- (1) Despite the amendments of the old regulations made by Part 1 of Schedule 1 to the *Australian National Registry of Emissions Units Amendment Regulation 2014 (No. 1)*, the old regulations continue to apply, for the purposes of the operation of the continuing Act, as if those amendments had not been made.
- (2) In this regulation:

continuing Act means the *Australian National Registry of Emissions Units Act 2011* as it continues to apply because of item 332 of Schedule 1 to the *Clean Energy Legislation (Carbon Tax Repeal) Act 2014*.

old regulations means these regulations as in force immediately before the commencement of Schedule 1 to the *Australian National Registry of Emissions Units Amendment Regulation 2014 (No. 1)*.

Schedule 1—Documents for identifying Australian citizens or residents

(subregulation 18(2))

Category A documents

1. A birth certificate issued by a State or Territory.
2. A current passport issued by the Commonwealth.
3. A citizenship certificate issued by the Commonwealth, or documentary evidence that the individual has been registered by the Commonwealth as an Australian citizen by descent.
4. A passport or similar document issued for the purpose of international travel, that:
 - (a) contains a photograph and the signature of the individual in whose name the document is issued; and
 - (b) is issued by a foreign government, the United Nations or an agency of the United Nations; and
 - (c) has evidence of the individual's immigration status in Australia.

Category B documents

1. A driver's licence or a learner's permit, issued under a law of a State or Territory, that includes:
 - (a) a photograph of the individual and the individual's signature; and
 - (b) a street address that is the same as the address stated in the request.
2. A Medicare card.
3. A notice issued within the previous 3 months to the individual by a local government body or utilities provider, which:
 - (a) contains the individual's name; and
 - (b) contains the individual's street address; and

- (c) records the provision of services by the local government body or utilities provider to that address or the individual.
4. An Australian firearms licence issued under a law of a State or Territory that includes:
- (a) the individual's signature; and
 - (b) a photograph of the individual; and
 - (c) a street address that is the same as the address stated in the request.
5. A secondary school or tertiary education student identification card that:
- (a) includes a photograph of the individual; and
 - (b) was issued by an education authority that has been accredited by the Commonwealth, a State or Territory government.

Schedule 2—Documents for identifying individuals who are foreign persons

(subregulation 18(3))

Category A documents

1. A passport or similar document issued for the purpose of international travel, that:
 - (a) contains a photograph and the signature of the individual in whose name the document is issued; and
 - (b) is issued by a foreign government, the United Nations or an agency of the United Nations.
2. A birth certificate issued by a foreign government, the United Nations or an agency of the United Nations.
3. A national identity card issued for the purpose of identification, that:
 - (a) contains a photograph and the signature of the individual in whose name the document is issued; and
 - (b) is issued by a foreign government, the United Nations or an agency of the United Nations.

Category B documents

1. A document issued by a foreign government that identifies the individual.
2. A marriage certificate issued by a foreign government.
3. A driver's licence issued by a foreign government for the purpose of driving a vehicle that contains:
 - (a) a photograph of the individual in whose name the licence is issued; and
 - (b) a street address that is the same as the address stated in the request.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Endnotes about misdescribed amendments and other matters are included in a compilation only as necessary.

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnotes

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

A = Act	o = order(s)
ad = added or inserted	Ord = Ordinance
am = amended	orig = original
amdt = amendment	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
c = clause(s)	pres = present
C[x] = Compilation No. x	prev = previous (prev...) = previously
Ch = Chapter(s)	Pt = Part(s)
def = definition(s)	r = regulation(s)/rule(s)
Dict = Dictionary	Reg = Regulation/Regulations
disallowed = disallowed by Parliament	reloc = relocated
Div = Division(s)	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislative Instruments	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LI = Legislative Instrument	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnote 3—Legislation history

Endnote 3—Legislation history

Number and year	FRLI registration or gazettal	Commencement	Application, saving and transitional provisions
2011 No. 266	7 Dec 2011 (F2011L02585)	8 Dec 2011 (<i>see</i> r. 2 and F2011L02581)	
2012 No. 33	23 Mar 2012 (F2012L00672)	2 Apr 2012 (<i>see</i> s. 2 and F2011L02617)	—
2012 No. 76	29 May 2012 (F2012L01106)	ss. 1–3 and Schedule 1: 30 May 2012 Schedule 2: 1 July 2012	—
2012 No. 124	2 July 2012 (F2012L01488)	30 May 2012	—
2012 No. 288	13 Dec 2012 (F2012L02443)	14 Dec 2012	—
No. 78, 2013	16 May 2013 (F2013L00778)	Schedule 1 (items 1– 10): 17 May 2013	—
No 129, 2014	8 Sept 2014 (F2014L01201)	Sch 2: 13 Dec 2014 (s 2 item 3) Remainder: 9 Sept 2014 (s 2 items 1, 2)	—
168, 2015	19 Oct 2015 (F2015L01664)	Sch 1: 20 Oct 2015 (s 2(1) item 1)	—

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
r 3	am. 2012 Nos. 33 and 76; No. 78, 2013; No 129, 2014
Note to r 3.....	rs. 2012 No. 76; No 129, 2014
r 4A.....	ad. No. 78, 2013 rep No 129, 2014
r 6	am. 2012 No. 33
Heading to r 7	am. 2012 No. 33
r 7	am. 2012 No. 33
Part 2	
Division 2.1	
r 9	am. 2012 Nos. 33 and 76
r 10	am. 2012 No. 288
Heading to r 11	rs. 2012 No. 76
r 11	am. 2012 Nos. 33 and 76
Note to r 11.....	am. 2012 No. 33
r 12	am. 2012 No. 33
r 13	am. 2012 Nos. 33 and 76; No 129, 2014
Division 2.2	
Subdivision 2.2.1	
r 14	am. 2012 Nos. 76 and 124
r 15	am. 2012 No. 33
r 16	am. 2012 No. 76
r 17	am. 2012 Nos. 33 and 76; No 129, 2014
Subdivision 2.2.2	
r 18	am. 2012 No. 33
r 19	am. 2012 No. 33
Subdivision 2.2.4	
Heading to Subdiv. 2.2.4	am. 2012 No. 33

Endnote 4—Amendment history

Provision affected	How affected
Heading to r 23	am. 2012 No. 33
r 23	am. 2012 No. 33
Division 2.3	
Subdivision 2.3.1	
r 24	am. 2012 Nos. 33, 76 and 288; No. 78, 2013; No 129, 2014
r 25	am. 2012 No. 33
Division 2.4	
r 27	am. 2012 Nos. 33 and 76; No 129, 2014
Subhead. to r 28(3A).....	ad. 2012 No. 288
Subhead. to r 28(4)	rep. 2012 No. 288
r 28	am. 2012 Nos. 33 and 76; No 129, 2014
Note to r 28(7)	am No 129, 2014
Division 2.5	
r 29	am. 2012 No. 33
Division 2.6	
r 31	am. 2012 Nos. 33, 76 and 288; No 129, 2014
r 32	am. 2012 Nos. 33 and 76;
Note 2 to r 32(2)	am. 2012 No. 33
Heading to r 33	am. 2012 No. 33
r 33	am. 2012 Nos. 33 and 76; No 129, 2014
r 34	am. 2012 No. 76; No 129, 2014
Heading to r 35	am. 2012 No. 33
r 35	am. 2012 No. 33
Note to r 35.....	am. 2012 No. 33
r 35A.....	ad. No. 78, 2013
	rep No 129, 2014
Part 3	
Division 3.1	
r 38	ad. 2012 No. 76
r 39	am. 2012 No. 33
r 40	am. 2012 No. 33

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
r 41	am. 2012 No. 33
Division 3.2	
Subdivision 3.2.1	
r 42	am. 2012 No. 33
Subdivision 3.2.2	
r 44	am. 2012 No. 33
r 45	am. 2012 No. 33
r 46	am. 2012 No. 33
Division 3.3	
r 47	am. 2012 No. 33
r 48	rs. 2012 No. 76
r 49	am. 2012 Nos. 33 and 76
Division 3.4	
Division 3.4	ad No 168, 2015
r 50	ad No 168, 2015
r 51	ad No 168, 2015
r 52	ad No 168, 2015
r 53	ad No 168, 2015
r 54	ad No 168, 2015
Part 4	ad. No. 78, 2013
	rep No 129, 2014
r 50	ad. No. 78, 2013
	rep No 129, 2014
r 51	ad. No. 78, 2013
	rep No 129, 2014
r 52	ad. No. 78, 2013
	rep No 129, 2014
r 53	ad. No. 78, 2013
	rep No 129, 2014
r 54	ad. No. 78, 2013
	rep No 129, 2014

Endnote 4—Amendment history

Provision affected	How affected
r 55	ad. No. 78, 2013 rep No 129, 2014
r 56	ad. No. 78, 2013 rep No 129, 2014
r 57	ad. No. 78, 2013 rep No 129, 2014
r 58	ad. No. 78, 2013 rep No 129, 2014
r 59	ad. No. 78, 2013 rep No 129, 2014
r 60	ad. No. 78, 2013 rep No 129, 2014
Part 5	
r 65	ad. No. 78, 2013 rep No 129, 2014
r 50	am. 2012 No. 33
Renumbered r 66	No. 78, 2013
Part 6	
Part 6	ad. No. 78, 2013 rs No 129, 2014
r 68	ad. No. 78, 2013 rep No 129, 2014
Part 6A.....	ad. No. 78, 2013 rep No 129, 2014
r 70	ad. No. 78, 2013 rs No 129, 2014
Part 6B.....	ad. No. 78, 2013 rep No 129, 2014
r 72	ad. No. 78, 2013 rep No 129, 2014
r 73	ad. No. 78, 2013

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
	rep No 129, 2014
