

Authorised Version No. 001
Climate Change Regulations 2017

S.R. No. 134/2017

Authorised Version as at
20 December 2017

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Part 1—Preliminary

1 Objectives

The objectives of these Regulations are—

- (a) to prescribe the method for determining a figure that represents the amount of the State's greenhouse gas emissions for the year 2005; and
- (b) to prescribe the method for determining the carbon dioxide equivalent of the total amount of the State's greenhouse gas emissions for a particular year; and
- (c) to prescribe the information to be recorded in the Register of Carbon Sequestration Agreements.

2 Authorising provision

These Regulations are made under section 97 of the **Climate Change Act 2017**.

3 Commencement

These Regulations come into operation on 20 December 2017.

4 Definition

In these Regulations—

the Act means the **Climate Change Act 2017**.

Part 2—Greenhouse gas emissions calculations

5 Form of interim emissions reduction targets—determining the amount of the State's greenhouse gas emissions for the year 2005

For the purposes of section 11(2) of the Act, the figure that represents the amount of the State's greenhouse gas emissions for the year 2005 is to be determined by adding the total carbon dioxide equivalent emission figures for the year 2005 for the State for each of the following sectors—

- (a) energy;
- (b) industrial processes and product use;
- (c) agriculture;
- (d) waste;
- (e) land use, land use change and forestry;
- (f) any other sectors—

as set out in Australia's National Greenhouse Gas Accounts: State and Territory Greenhouse Gas Inventories as published by the Commonwealth and issued or published from time to time.

6 Calculation of reduction of greenhouse gas emissions—determining the carbon dioxide equivalent of the State's greenhouse gas emissions for a particular year

For the purposes of **B** in the formula in section 53 of the Act, the carbon dioxide equivalent of the total amount of the State's greenhouse gas emissions is to be determined by adding the total carbon dioxide equivalent emission figures for the most recent year for the State for each of the following sectors—

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Part 2—Greenhouse gas emissions calculations

- (a) energy;
- (b) industrial processes and product use;
- (c) agriculture;
- (d) waste;
- (e) land use, land use change and forestry;
- (f) any other sectors—

as set out in Australia's National Greenhouse Gas Accounts: State and Territory Greenhouse Gas Inventories as published by the Commonwealth and issued or published from time to time.

Part 3—Register of Carbon Sequestration Agreements

7 Register of Carbon Sequestration Agreements to be maintained by the Secretary

- (1) The Register of Carbon Sequestration Agreements maintained by the Secretary must include, in relation to each Carbon Sequestration Agreement—
- (a) the names of the parties to the agreement; and
 - (b) whether the right granted under the agreement is a carbon sequestration right or soil carbon right; and
 - (c) the description of the land to which the agreement applies; and
 - (d) the date on which the agreement was made; and
 - (e) the effective date of the agreement; and
 - (f) the term of the agreement; and
 - (g) if the agreement is varied, the date on which it was varied; and
 - (h) if the agreement is transferred, the name of the person to whom the agreement is transferred and the effective date of the transfer; and
 - (i) if the right granted under the agreement is assigned, the name of the person to whom the right is assigned and the effective date of the assignment; and
 - (j) the effective date of the ending of the agreement.

- (2) The Secretary—
- (a) must ensure that the Register of Carbon Sequestration Agreements is available for inspection at the principal office of the Department; and
 - (b) must cause a copy of the Register of Carbon Sequestration Agreements to be available on the Department's Internet site; and
 - (c) must cause a copy of each Carbon Sequestration Agreement made and varied to be available for inspection at the principal office of the Department; and
 - (d) must cause a copy of each Carbon Sequestration Agreement made and varied to be available on the Department's Internet site.

8 Corrections and amendment of the Register of Carbon Sequestration Agreements

- (1) The Secretary, if satisfied that it is necessary to do so to reflect the current status of a record or information on the Register of Carbon Sequestration Agreements, may—
- (a) correct any error in a recording; or
 - (b) amend any recording; or
 - (c) delete or cancel any recording.
- (2) The Secretary may correct or amend the Register of Carbon Sequestration Agreements by—
- (a) adding, cancelling or deleting a recording; or
 - (b) adding, altering or deleting particulars or details contained in a recording.

9 Removal from the Register of Carbon Sequestration Agreements

The Secretary may remove from the Department's Internet site a Carbon Sequestration Agreement after that agreement has ended.

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

The Climate Change Regulations 2017, S.R. No. 134/2017 were made on 19 December 2017 by the Governor in Council under section 97 of the **Climate Change Act 2017**, No. 5/2017 and came into operation on 20 December 2017: regulation 3.

The Climate Change Regulations 2017 will sunset 10 years after the day of making on 19 December 2027 (see section 5 of the **Subordinate Legislation Act 1994**).

INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided regulation, rule or clause of a Schedule is amended by the insertion of one or more subregulations, subrules or subclauses the original regulation, rule or clause becomes subregulation, subrule or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original regulation, rule or clause.

Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any heading inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. This includes headings to Parts, Divisions or Subdivisions in a Schedule; Orders; Parts into which an Order is divided; clauses; regulations; rules; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A)(2B).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any examples, diagrams or notes inserted in a Statutory Rule which was made before

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1 January 2001, by a Statutory Rule made on or after 1 January 2001, form part of that Statutory Rule. See section 36(3A).

- **Punctuation**

All punctuation included in a Statutory Rule which is made on or after 1 January 2001 forms part of that Statutory Rule. Any punctuation inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. See section 36(3B).

- **Provision numbers**

All provision numbers included in a Statutory Rule form part of that Statutory Rule, whether inserted in the Statutory Rule before, on or after 1 January 2001. Provision numbers include regulation numbers, rule numbers, subregulation numbers, subrule numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of a Statutory Rule is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of a Statutory Rule. See section 36(3)(3D)(3E).

2 Table of Amendments

There are no amendments made to the Climate Change Regulations 2017 by statutory rules, subordinate instruments and Acts.

3 Amendments Not in Operation

There are no amendments which were Not in Operation at the date of this publication.

4 Explanatory details

Table of Applied, Adopted or Incorporated Matter

Note that the following table of applied, adopted or incorporated matter was included in S.R. No. 134/2017 in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2014.

Statutory rule provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulations 5 and 6	Australia's National Greenhouse Gas Accounts: State and Territory Greenhouse Gas Inventories 2015, published by the Commonwealth Department of Environment and Energy, May 2017, or published from time to time.	Appendix 3— State and Territory Emissions Trends.