



Appendix D – Amendments made since the exposure draft bills

Issue	Description of changes to legislation	Reference
Objects of the mechanism	The objects of the mechanism now include: ▪ supporting the development of an effective global response to climate change, consistent with Australia's national interest in ensuring that average global temperatures increase by not more than 2 degrees Celsius above pre-industrial levels; and ▪ putting a price on greenhouse gas emissions in a way that encourages investment in clean energy, supports jobs and competitiveness in the economy and supports Australia's economic growth while reducing pollution.	<i>Clean Energy Bill, clause 3</i>
Reasons for changes: <i>To refer more explicitly to carbon pricing and the commitment reflected in the Copenhagen Accord and Cancun Agreements that the increase in global temperature should be below 2 degrees Celsius.</i>		
Carbon budgets	The legislation now includes a definition of a 'carbon budget', being the total number of net Australian emissions over a specified time period. The legislation explicitly states that the Climate Change Authority can cover the issue of whether there should be any changes to Australia's carbon budgets as part of its reviews of the mechanism. In setting pollution caps, the Minister must have regard to the most recent report of the Climate Change Authority that dealt with carbon pollution caps and carbon budgets.	<i>Clean Energy Bill, clauses 5, 14(2)(b), 288(1)(b) and 293(4)(b)</i>
Reasons for change: <i>To provide greater clarity about what 'carbon budgets' mean and how they are taken into account by the Minister and the Climate Change Authority.</i>		

Issue	Description of changes to legislation	Reference
International commitments	In setting carbon pollution caps, the Minister may have regard to undertakings relating to the reduction of greenhouse gas emissions, that Australia has given under international climate change agreements. The Climate Change Authority must have regard to such undertakings in conducting its periodic reviews of the level of carbon pollution caps.	<i>Clean Energy Bill, clauses 14 and 289</i>
	Reasons for change: <i>To clarify that international commitments which do not have the status of legally binding international obligations, such as the Copenhagen Accord and Cancun Agreements, are relevant matters for consideration in the process for setting carbon pollution caps.</i>	
Mandatory designated joint ventures (JVs)	A JV is a 'mandatory designated JV' where two or more persons (whether or not they are JV participants) share operational control of the facility, but no particular person has the greatest authority to exercise operational control. The exposure draft legislation was restricted to situations where only JV participants shared operational control of a facility.	<i>Clean Energy Bill, clause 65</i>
	Reasons for change: <i>To reduce impediments to carbon price pass through in existing contracts by applying liability to each of the JV participants. The potential impediments to price pass through apply equally in situations where JV participants share operational control and where non-participants (for example, a contracted operator) have a share in operational control.</i>	
	If a mandatory designated JV ceases to exist after 1 July 2012, and it would be reasonable to expect that the JV would otherwise have been a liable entity, then the participants must jointly notify the Regulator in writing within 30 days of that occurring.	<i>Clean Energy Bill, clause 66(4)</i>
	Reasons for change: <i>To ensure that the Regulator is made aware of JVs that cease to exist, and enables the Regulator to carry out its compliance and enforcement functions.</i>	
Declared designated JVs (formerly voluntary designated JVs)	Under the exposure draft bill, a declaration of a voluntary designated JV was restricted to situations where the operator of the facility is not a participant in the JV. This restriction has been removed.	<i>Clean Energy Bill, clause 67</i>
	Reasons for changes: <i>To provide flexibility for JVs to manage their emissions obligations. Many JVs have one of the JV participants as an operator, and disallowing a declared designated JV in this situation would be unduly restrictive.</i>	

Issue	Description of changes to legislation	Reference
	Under the exposure draft bill, a voluntary designated JV may have unintentionally included JVs which were also mandatory designated JVs. The bill as introduced provides that it is a condition of being a declared designated JV is that it is not a mandatory designated JV.	<i>Clean Energy Bill, clause 67</i>
	Reasons for change: <i>To remove overlap, and any resulting uncertainty, in the treatment of mandatory and declared designated JVs.</i>	
	Under the exposure draft bill, a voluntary designated JV could not include a foreign person. This restriction has been removed.	<i>Clean Energy Bill, clause 67</i>
	Reasons for change: <i>To address stakeholder concerns that the restriction, intended to address the difficulty of enforcing obligations by foreign entities, would preclude many JVs. Enforcement will be addressed by new provisions on revocation of declarations in cases of default, and excluding participants with an unsatisfactory compliance record from future JV declarations.</i>	
	Among the criteria applied by the Regulator in making a declaration of a designated JV, participants with an unsatisfactory record of compliance under the Act and associated provisions (including the NGER Act) may be excluded from future JV declarations.	<i>Clean Energy Bill, clause 70(3)(c)</i>
	Consent for a revocation of a declaration of a declared designated JV requires the consent of the <i>current</i> operator of the facility.	<i>Clean Energy Bill, clause 71</i>
	JV participants or former participants must jointly notify the Regulator in writing if the declared designated JV ceases to pass the JV declaration test. Notice should be given within 30 days of the cessation.	<i>Clean Energy Bill, clause 71A</i>
	Where liability is transferred from a facility operator to JV participants under a declared designated JV, the statutory requirement for the operator to guarantee the payment of any unit shortfall charges and late payment penalties incurred by a JV participant has been removed.	<i>Clean Energy Bill, clause 139</i>
	Reasons for changes: <i>To address stakeholder concerns about practical compliance and provide additional clarity to liable entities.</i>	
	If payment of a unit shortfall charge by a participant in a declared designated JV is overdue by more than 3 months, the Regulator must notify all of the participants and revoke the declaration from the start of the next 1 July. This means that liability will revert to the person with operational control of the facility (unless the JV participants apply to the Regulator for a new declaration which excludes the defaulting participant).	<i>Clean Energy Bill, clause 72</i>

Issue	Description of changes to legislation	Reference
	Reasons for changes: To enable the Regulator to rectify a situation of default by a participant in the declared designated JV, and prevent the possibility of default for an unlimited time period, which may otherwise result from removal of the statutory guarantee provision in clause 139 of the exposure draft bill.	
	Provisions on designated JV declarations have been modified to enable a declaration to start on any day of the financial year in which the declaration was made, so long as the parties consent to the date.	Clean Energy Bill, clause 71
	Reasons for changes: To provide additional flexibility in the making of applications by JV participants and processing of those applications by the Regulator.	
	The amendments clarify the start dates for participating percentage determinations, which set out how liability is allocated to JV participants. The first determination must start on the same day as the designated JV declaration takes effect. Subsequent 'replacement determinations' may come into force on a date specified by the applicants, provided the start date occurs in the financial year in which the determination is made or in the next financial year.	Clean Energy Bill, clause 78A
	Reasons for changes: To give JV participants greater flexibility around the timing of their applications, whilst ensuring that the time period covered by the initial determination and any replacement determinations is continuous.	
Liability transfer certificates (LTC)	The Regulator may issue LTCs that start on a specified date, which includes a date in the future, but not later than 30 June of the following financial year. This mirrors the changes for JV declarations under clause 72.	Clean Energy Bill, clause 88
	Reasons for change: To increase flexibility for the management of compliance obligations and reduce timing pressure for the processing of applications on the Regulator.	
Natural gas	The entity liable for natural gas supplied from a pipeline (when no OTN is quoted) is the 'natural gas supplier', rather than the 'natural gas retailer', as proposed in the exposure draft legislation. The distinction between distribution and transmission pipelines, proposed in the exposure draft legislation, has been removed.	Clean Energy Bill, clause 33
	Reasons for changes: To avoid difficulties in defining a 'natural gas retailer', including unintended consequences of referring to retailers licensed under state legislation. Consultation with industry revealed that the distinction between distribution pipelines and transmission pipelines is not always clear cut.	

Issue	Description of changes to legislation	Reference
	If the Regulator makes, alters or removes an entry on the OTN Register, then it must notify all natural gas retailers currently listed on the OTN Register of the change.	<i>Clean Energy Bill, clause 45</i>
	Reasons for changes: <i>To provide a simple system for alerting natural gas suppliers to OTN changes, helping them to reduce their compliance burden and risk of inadvertently breaching OTN rules.</i>	
	Entities responsible for a ‘large gas consuming facility’ that used natural gas with potential greenhouse gas emissions of 25,000 tonnes CO ₂ -e or more in 2010-11 or a later financial year will be liable entities. Quotation of an OTN for natural gas supplies used in such facilities will be mandatory, rather than voluntary, as proposed in the exposure draft legislation.	<i>Clean Energy Bill, clause 20, 21, 22, 23, 35, 55A, 55B and 56</i>
	Reasons for changes: <i>To ensure consistent treatment of large facilities, and to improve carbon price pass-through to large end-users of natural gas.</i>	
	A natural gas supplier must accept an OTN quotation for natural gas which is used as a feedstock or to manufacture CNG, LNG or LPG which enters the excise system. Acceptance of a quotation in these circumstances was voluntary unless a contract for the supply of natural gas was in force on the date of Royal Assent.	<i>Clean Energy Bill, clauses 57-60</i>
	Reasons for changes: <i>To remove the possibility that non-emission uses of natural gas would attract a carbon price.</i>	
	Where a supplier is required to accept an OTN quotation, the OTN holder must notify the supplier in writing of their intention to quote their OTN. The notification period is 28 days, or a shorter period if agreed between the supplier and the OTN holder.	<i>Clean Energy Bill, clause 55B, 57 and 58</i>
	Reasons for changes: <i>To give natural gas suppliers time to make the necessary administrative adjustments to their supply arrangements.</i>	
	There will be no ‘application to own use’ provision concerning withdrawal of natural gas.	
	Reasons for change: <i>To simplify compliance for natural gas users.</i>	
	The Regulator will publish a list of OTNs that have been cancelled or surrendered on its website, including the time when the cancellation or surrender takes effect.	<i>Clean Energy Bill, clause 43A</i>
	Reasons for changes: <i>To allow natural gas suppliers to more easily determine when an OTN has been cancelled, providing warning that liability will revert back to the supplier within 28 days.</i>	

Issue	Description of changes to legislation	Reference
	The Regulator may amend an entry on the OTN Register for a natural gas supplier if the supplier changes its name or address. A person or a natural gas supplier listed on the OTN Register must notify the Regulator of a change in its name or address within 28 days after the change.	<i>Clean Energy Bill, clause 46</i> <i>Clean Energy Bill, clause 47</i>
	Reasons for changes: <i>To provide explicit powers for the Regulator to record changes in the details of natural gas suppliers.</i>	
	Following the surrender or cancellation of an OTN, the grace period (28 days) after which liability for natural gas reverts to the natural gas supplier, can be shortened only by agreement between the supplier and former OTN holder, not unilaterally by the OTN holder as proposed in the exposure draft legislation.	<i>Clean Energy Bill, clauses 54 and 55</i>
	Reasons for change: <i>To better reflect the commercial arrangements between natural gas suppliers and users.</i>	
Evidence of the Regulator's decisions and the Registry – use in evidence	Provisions concerning the use of certified copies or extracts from the OTN Register as evidence in court proceedings have been replaced with a note referencing relevant provisions of the <i>Evidence Act 1995</i> .	<i>Clean Energy Bill, clauses 46</i>
	Reasons for change: <i>To ensure consistency with the Evidence Act 1995.</i>	
Fuel opt-in scheme	Under the exposure draft, the mechanism included only covered natural gas and other fuels were covered by the equivalent carbon price under the fuel tax system. An Opt-in Scheme will allow certain entities otherwise liable under the fuel tax system to opt into the mechanism, and their liability will be based on potential greenhouse gas emissions. Under the Opt-in Scheme the opt-in entity will not necessarily be the one eligible for fuel tax credits. Eligibility will be confined to: the entity entitled to fuel tax credits, a member of the GST group under the <i>Fuel Tax Act 2006</i>, or a member of a GST joint venture under that Act. A person must apply to be declared an opt-in entity by the Regulator. The Minister must take all reasonable steps to ensure that regulations to put in place the Opt-in Scheme are made before 15 December 2012. Reporting and record-keeping requirements will be modelled on other Clean Energy Bill provisions.	<i>Clean Energy Bill, Part 3, Division 7</i>
	Reasons for changes: <i>The Opt-in Scheme responds directly to concerns expressed by stakeholders about the best way in which they could manage their emissions reduction liabilities. The changes in the bill provide a greater level of certainty about the potential contents and timing of regulations for businesses wanting to opt into the carbon pricing mechanism.</i>	

Issue	Description of changes to legislation	Reference
Extending buy-back and fixed price unit purchase deadlines	An extension of surrender deadlines may occur if two or more people are unable to surrender eligible emissions units during the whole or part of the last surrender day (15 June or 1 February for fixed price years; and 1 February for flexible price years) because of computer, telecommunications or internet system failures. The same extension provisions will apply to purchase of fixed price (including price cap) units and the buy-back facility.	<i>Clean Energy Bill, clauses 100A and 116A</i>
	Reasons for changes: <i>Liable entities may be disadvantaged if they are unable to acquire fixed price units or use the buy-back facility because of system failures that were out of their control.</i>	
Carbon units - Indefeasibility of title	The bill as introduced makes it clear that: - the registered holder of units is the legal owner; - the transfer of a carbon unit has no effect until it is registered; and - bona fide purchasers are protected if they have acquired units without notice of any defect in the title of the seller (e.g. where the units have been stolen). Regulations may make provision for or with respect to the registration of any equitable interest in a carbon unit, but not an equitable interest to which the <i>Personal Property Securities Act 2009</i> applies. The power in section 22 of the <i>Australian National Registry of Emissions Units Act 2011</i> to rectify the Register is subject to the vesting of the legal interest in the unit	<i>Clean Energy Bill, clauses 103A, 106 and 109A of the main bill;</i> <i>Consequential Amendments bill, Schedule 4, items 17A, 21A, 21B, 23A, and 36A</i> <i>Consequential Amendments bill, Schedule 5 item 25D</i>
	Reasons for changes: <i>The changes ensure that there is limited scope for dispute on issues relating to the ownership of units on the Registry and the way in which they may be transferred. This provides those using the Registry with greater confidence and certainty that their bona fide transactions will be honoured.</i>	
Auctions	The bill makes it clear that amount to be paid for units is the amount equal to the amount the person indicated or declared, in the course of the auction, that the person would be willing to pay by way of charge for the issue of the unit, and that the auctioneer accepted as the charge for the unit.	<i>Clean Energy Bill, clause 111</i>
	Reasons for change: <i>This change removes a potential barrier to using, for example, an ascending clock auction, which involves bidders making an offer which is not accepted because demand has outstripped supply and returning to a previous offer as the price of the unit. This means that the last amount that the person indicated they would be willing to pay for the unit is not the price of the unit.</i>	
	The Regulator may auction carbon units even if there is no determination in force.	<i>Clean Energy Bill, clause 113</i>

Issue	Description of changes to legislation	Reference
	Reasons for change: <i>This change means that there is no doubt about the Regulator's capacity to conduct auctions in the event that a determination is disallowed by either House of Parliament. Without auctions, the emissions trading scheme could not function.</i>	
Payment and surrender	If an eligible Australian carbon credit unit is surrendered, the Regulator must cancel the unit and remove the entry for the unit from the Registry account.	<i>Clean Energy Bill, clause 122</i>
	The bill clarifies the methodology for calculating interim emissions numbers in the first year of the mechanism (2012-13), which allows for the use of data relating to the previous year for a facility.	<i>Clean Energy Bill, clause 126</i>
	Reasons for changes: <i>These changes improve the practical application of the payment and surrender process.</i>	
Voluntary changes to emissions numbers	The Regulator may remit unit shortfall charges <u>in part</u> where a liable entity voluntarily discloses that an earlier emissions number was underreported. The remission is limited to the extent of the underreporting.	<i>Clean Energy Bill, clause 134A</i>
	Reasons for change: <i>The change will remove disincentives for liable entities to report errors in reported emissions numbers.</i>	
Jobs and Competitiveness Program	The need for ongoing assistance to emissions-intensive trade-exposed industries is to be considered having regard to whether the impact of measures taken by competing countries and major emitting countries to reduce emissions is comparable to the impact of Australian measures (including but not restricted to the carbon pricing mechanism).	<i>Clean Energy Bill, clause 143</i>
	Reasons for change: <i>To clarify that the full range of emissions reduction measures internationally is to be considered in reviews of the Jobs and Competitiveness Program.</i>	
	Any changes to regulations that have a negative effect on recipients of assistance under the Program should not take effect before the later of 1 July 2017 or the end of the 3-year period that begins when the reduction is announced.	<i>Clean Energy Bill, clause 145</i>
	Reasons for change: <i>This change reflects the Clean Energy Future Plan and ensures that the Government, when considering changes to assistance, has regard to the agreed principle that industry needs a notice period before adverse changes to assistance take effect.</i>	
	In conducting an inquiry on the Program, the Productivity Commission must have regard to, among other things, the impact of the carbon pricing mechanism on emissions-intensive trade-exposed industries (rather than just the impact of the Jobs and Competitiveness Program); and whether the Program is supporting Australia's medium and long-term emissions reduction objectives.	<i>Clean Energy Bill, clause 156(2)</i>

Issue	Description of changes to legislation	Reference
	Reasons for change: <i>This change clarifies the broader scope of matters to be considered.</i>	
	The Productivity Commission must publish a report as soon as practicable after its being tabled in a House of the Parliament.	<i>Clean Energy Bill, clause 158</i>
	Reasons for changes: <i>Clarifies relationship between tabling and publication.</i>	
Energy Security – Generator assistance	To apply for assistance, the applicant must apply within 30 days after the commencement of Part 8. This would have the effect of changing the extended time limit to 60 days and changing the timing for the regulator to make a decision to 150 days. Application forms may be approved by the Minister as a combined form (including application for payments from the Energy Security Fund). A special appropriation is made for the funding provided from the Energy Security Fund.	<i>Clean Energy Bill, clause 163</i> <i>Clean Energy Bill, clauses 303A and 303B</i>
	Reasons for changes: <i>The changes provide a faster application and assessment period in response to feedback from industry. The combined form (covering cash payments in 2011-12 as well as free carbon units under the legislation) simplifies the application process and minimises the need to provide duplicate information.</i> <i>The special appropriation ensures that measures from the Energy Security Fund can be funded and implemented quickly should this be required to achieve energy security outcomes.</i>	
Energy Security – Clean Energy Plans	The required contents of a Clean Energy Investment Plan are detailed in the legislation rather than being specified in a legislative instrument by the Resources and Energy Minister. The legislation provides greater clarity that the power system reliability test and the requirement for a Clean Energy Investment Plan <i>do not apply</i> to generation complexes which are subject to closure contracts.	<i>Clean Energy Bill, clauses 177, 178 and 181A</i>
	Reasons for changes: <i>Placing the requirements for Clean Energy Investment Plans in legislation provide additional industry certainty as how it might comply with the requirement to lodge a Plan.</i> <i>Generators which close will not be required to submit Clean Energy Investment Plans. Power system reliability issues will be covered by closure contract provisions.</i>	

Issue	Description of changes to legislation	Reference
Significant holdings	The bill as introduced: increases the threshold for when someone has a significant holding from 5 per cent to 10 per cent; simplifies the information that needs to be provided to the Regulator in such a notification, to remove the requirement to provide the total number of carbon units, or the total number of carbon units expressed as a percentage of the carbon pollution cap; reduces the amount of information that needs to be published by the Regulator. The Regulator will now only need to publish the name and address of the controlling corporation or non-group entity; and the significant holding percentage; and requires a notification to the Regulator if there is a change in the significant holding percentage.	<i>Clean Energy Bill, clauses 218 and 219</i>
	Reasons for changes: <i>The changes respond to stakeholder concerns about the practicability of the significant holdings obligations while still ensuring the disclosure of useful information to the market.</i>	
Land Sector Carbon and Biodiversity Board	Board size increased to 5 members (including the Chair); and additional areas of expertise added (including indigenous land management). Greater clarity of the Board's functions has been provided, including specific references to the Board's role in relation to the Government's Biodiversity Fund. The Board's annual reporting requirements have been broadened to require an outline of progress against performance indicators and implementation of activities related to its functions and the role of these activities in advancing Australia's biodiversity or mitigation measures.	<i>Climate Change Authority bill, clauses 62, 64, 65 and 81</i>
	Reasons for changes: <i>The changes respond to stakeholder concerns about Board membership and that its role in relation to the Biodiversity Fund needs to be specifically articulated. They provide greater clarity on the Board's functions and reporting obligations.</i>	
Anti-avoidance	Matters to be considered in deciding whether there is an anti-avoidance scheme have been added, including the manner in which the scheme was entered into or carried out, the form, substance and timings of the scheme, the result which would otherwise have been achieved, and whether the scheme involves artificial splitting of facilities to avoid the emissions threshold.	<i>Clean Energy Bill, clause 29</i>
	Reasons for changes: <i>Greater clarity on factors to be considered by the Regulator in deciding whether avoidance activity is being carried out.</i>	

Issue	Description of changes to legislation	Reference
Regulator's powers and obligations	The Regulator must give written notice of decisions under the bill to the person or persons affected by the decision.	<i>Clean Energy Bill, various clauses</i>
	Reasons for changes: <i>These changes make it clear that the Regulator must give clear advice to affected persons about its decisions.</i>	
	Additional disclosure powers for the Regulator to other Departments which collect statistics relating to greenhouse gas emissions, energy consumption or energy production, for the purposes of advising the relevant Minister or administering the relevant program. The Regulator may disclose protected information to the CEO of the Australian Customs and Border Protection Service (Customs).	<i>Clean Energy Regulator Bill 2011, clauses 46 and 49</i>
	Reasons for changes: <i>More effective information exchange provisions. Disclosure to Customs added to ensure effective operation of fuel opt-in provisions.</i>	
<i>National Greenhouse and Energy Reporting Act 2007</i>	Removal of previous requirement for permission by the Regulator before republication by States and Territories of greenhouse and energy information relating to facilities located there.	<i>Consequential Amendments bill, Schedule 1, Part 1, Item 153A, item 369</i>
	Reporting obligations can be transferred within a corporate group to a member who is a holder of a Corporate Group Liability Transfer Certificate in addition to a group member with operational control.	<i>Consequential Amendments bill, Schedule 1, Part 2, Item 371</i>
	Methodology for the publication of energy consumption to be set out in regulations.	
	Other minor technical amendments to reflect other policy changes in the <i>Clean Energy Bill 2011</i> following the exposure draft (e.g. treatment of natural gas).	
	Reasons for changes: <i>These changes provide more efficient dissemination of information by States/Territories and respond to industry feedback by providing greater consistency of reporting under the NGER Act.</i>	
	<i>The methodology currently specified in the NGER Act for the publication of data can overstate the level of energy consumption through double counting, leading to inaccuracy and a loss of confidence in the accuracy of the system. This change will allow for the methodology to be spelt out in regulations and changed as needed.</i>	
<i>Australian National Registry of Emissions Units Act 2011</i>	Additional requirements in relation to decisions on refusing to give effect to transfer instructions, restricting or limiting the operation of, or suspending, Registry accounts, to require the Regulator to make decisions within 7 days, require the Regulator to notify persons of final decisions, and to provide notice to persons affected by an interim decision about transactions on the Registry.	<i>Consequential Amendments bill, Schedule 4, item 23, new sections 28B, 28C and 28D</i>

Issue	Description of changes to legislation	Reference
	Reasons for changes: Greater clarity on decision-making powers with regard to the suspension of accounts, so as to provide certainty to the market and promote confidence it is secure, and that the rights of affected persons are recognised.	
<i>Carbon Credits (Carbon Farming Initiative) Act 2011</i>	Technical changes to facilitate the transfer of projects from prescribed non-CFI offsets schemes, such as the NSW/ACT Greenhouse Gas Reduction Scheme and the former national Greenhouse Friendly Initiative, to the CFI.	<i>Consequential Amendments bill, Schedule 5, items 5-12, 15-17</i>
	Reasons for changes: These changes provide avenues for persons covered by non-CFI offsets schemes to become part of the CFI.	
	Regulations will specify circumstances in which the regulatory additionality test does not apply.	<i>Consequential Amendments bill, Schedule 5, items 13-14</i>
	Reasons for change: This change prevents unintended exclusion of projects that are undertaken voluntarily, but incorporated into licence or environmental approval conditions.	
	Transitional provisions will ensure that advice and consultation by the interim Domestic Offsets Integrity Committee are carried over into the statutory CFI when it commences.	<i>Consequential Amendments bill, Schedule 5, items 18, 24 and 25</i>
	Two members of the DOIC will be CSIRO officers and the requirement that the majority of members must not be Commonwealth employees is removed.	<i>Consequential Amendments bill, Schedule 5, items 30 and 31</i>
	Reasons for changes: These changes ensure that the work of the interim DOIC can be preserved during the transition to the statutory CFI and that the DOIC has members with appropriate levels of technical expertise.	
	Other technical changes (e.g. disclosure of protected information allowed where it has been lawfully made available to the public, AUSTRAC added as a body to which protected information may be disclosed)	<i>Consequential Amendments bill, Schedule 5</i>
	Reasons for change: Minor changes to make CFI provisions consistent with the carbon pricing mechanism.	

Issue	Description of changes to legislation	Reference
Renewable Energy (Electricity) Act 2000	The Regulator has a discretion to refuse registration under the RET on grounds prescribed by regulations. The regulator will be given additional powers to suspend registration on grounds prescribed by regulations. Clarification of the close relationship between the inspection process for small generation units and that for registering certificates, including that fees charged for registration must be reasonably related to the Commonwealth's expenses in carrying out inspections and preparing inspection reports. A recommendation by the Climate Change Authority made as part of a periodic review of the Renewable Energy (Electricity) Act must not be inconsistent with the objects of that Act.	<i>Consequential Amendments bill, Schedule 3</i> <i>Consequential Amendments bill, Schedule 1, Item 451A Section 162</i>
Reasons for changes: <i>These changes ensure that the RET scheme is properly administered and reviewed.</i> <i>The change to the requirements for Climate Change Authority reviews is intended to ensure its recommendations are consistent with the Parliament's intent regarding the renewable energy target.</i>		
Ozone Protection and Synthetic Greenhouse Gas Management Act 1989	The Minister may exempt licensees from the levy when satisfied that the synthetic greenhouse gas (SGG) to be imported or manufactured in the following circumstances: it would be impracticable to impose levy on the import of an SGG that is to be used for a purpose to be prescribed by those regulations; SGGs for medical, veterinary, health or safety purposes; SGGs imported solely for the purpose of destruction under prescribed conditions. This exemption for private or domestic equipment will only apply where the equipment has also been prescribed by regulation or legislative instrument made by the Minister and any prescribed conditions have also been complied with. Regulations may authorise a licensee to assign their right to receive a remittal or refund of the carbon charge component to a third party.	<i>Levy Amendment Bills, Schedule 1, item 3</i> <i>Consequential Amendments bill, Schedule 1, Part 2, item 425</i> <i>Consequential Amendments bill, Schedule 1, Part 2, item 450</i>
Reasons for changes: <i>This change ensures that SGGs when imported or manufactured for specific public benefit purposes, such as medical equipment, may be excluded from the application of the carbon price when appropriate and avoids unintentionally disadvantaging users of products such as inhalers to relieve asthma. It allows possible unintended consequences to be avoided regarding the appropriate refund or remittal of the carbon charge component when licensees have passed it on to a third party.</i>		

