



# Electricity Supply (General) Amendment (Greenhouse Gas Abatement Certificate Scheme) Regulation 2003

under the

Electricity Supply Act 1995

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Electricity Supply Act 1995*.

KIM YEADON, M.P.,  
Minister for Energy

## Explanatory note

The object of this Regulation is to make provision for the operation of the abatement certificate scheme under Part 8A of the *Electricity Supply Act 1995*.

The Regulation makes provision for the following:

- (a) eligibility for accreditation as an abatement certificate provider in respect of the following activities:
  - (i) electricity generation activities,
  - (ii) carbon sequestration activities,
  - (iii) demand side abatement activities,
  - (iv) large user abatement activities,
- (b) applications for accreditation,
- (c) conditions of accreditation,
- (d) the suspension and cancellation of accreditation,
- (e) the creation and surrender of abatement certificates,

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- (f) the transfer of abatement certificates,
- (g) audits under Part 8A of the Act,
- (h) review of decisions under Part 8A of the Act,
- (i) other miscellaneous matters.

This Regulation is made under the *Electricity Supply Act 1995*, including section 106 (the general regulation-making power) and the provisions of Part 8A of that Act.

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## **Electricity Supply (General) Amendment (Greenhouse Gas Abatement Certificate Scheme) Regulation 2003**

### **1 Name of Regulation**

This Regulation is the *Electricity Supply (General) Amendment (Greenhouse Gas Abatement Certificate Scheme) Regulation 2003*.

### **2 Amendment of Electricity Supply (General) Regulation 2001**

The *Electricity Supply (General) Regulation 2001* is amended as set out in Schedule 1.

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Schedule 1 Amendments

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### Schedule 1 Amendments

(Clause 2)

[1] **Clause 73EF Notice of assessments**

Re-number the clause as clause 73EE.

[2] **Part 8B**

Insert after Part 8A:

### **Part 8B Greenhouse gas abatement certificate scheme**

#### **Division 1 Definitions**

##### **73F Definitions**

In this Part:

*approved auditor* means a person required to conduct an audit under Division 8.

*carbon sequestration activity*—see clause 73GA.

*category A electricity generation activity*—see clause 73G.

*Commonwealth renewable energy scheme baseline* of a power station means the 1997 eligible renewable power baseline for the power station within the meaning of section 14 of the *Renewable Energy (Electricity) Act 2000* of the Commonwealth.

*demand side abatement activity*—see clause 73GB.

*electricity generation activity*—see clause 73G.

*eligible land* has the meaning given by the greenhouse gas benchmark rules.

*large user* means an elective participant, or a market customer who is a large customer.

*large user abatement activity*—see clause 73GC.

*mandatory greenhouse gas scheme* means a mandatory scheme (whether of this State or another jurisdiction) intended to promote the reduction of greenhouse gas emissions or that has the effect of substantially reducing greenhouse gas emissions (but does not include the abatement certificate scheme under Part 8A of the Act).

**ORER** means the Office of the Renewable Energy Regulator within the meaning of the *Renewable Energy (Electricity) Act 2000* of the Commonwealth.

## Division 2 Eligibility for accreditation

**Note.** This Division, together with the greenhouse gas benchmark rules, provides for eligibility for accreditation as an abatement certificate provider in respect of the following activities:

- (a) electricity generation activities (including category A electricity generation activities),
- (b) carbon sequestration activities,
- (c) demand side abatement activities,
- (d) large user abatement activities.

### 73G Electricity generation activities

- (1) A person is eligible for accreditation as an abatement certificate provider in respect of an activity if:
  - (a) the activity involves the generation of electricity by a generating system and the person is eligible for accreditation in respect of the generation of electricity by the generating system under the provisions of the greenhouse gas benchmark rules relating to generation, and
  - (b) the generating system is equipped with metering equipment approved by the Scheme Administrator, and
  - (c) the person has record keeping arrangements with respect to the activity approved by the Scheme Administrator.
- (2) A person is also eligible for accreditation as an abatement certificate provider in respect of an activity if:
  - (a) the activity involves the generation of electricity by a generating system and the person is a retail supplier in

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respect of electricity generated by the generating system and purchased by the retail supplier under a power purchase agreement, and

- (b) the power purchase agreement remains in force, and
- (c) the person has previously claimed the electricity generation as category A under the arrangements relating to greenhouse strategies in force under the Act before the commencement of Part 8A of that Act (and referred to in the Emissions Workbook), and
- (d) the generating system is classified as Category A under the greenhouse gas benchmark rules, and
- (e) the person is eligible for accreditation in respect of the generation of electricity by the generating system under the greenhouse gas benchmark rules relating to generation.

**Note.** Category A electricity generation activities are electricity generation activities that are deemed to be assigned to a retail supplier as referred to in section 97DA (6) of the Act.

- (3) For the purposes of this Regulation:
  - (a) an activity that gives rise to eligibility for accreditation under subclause (1) or (2) may be referred to as an ***electricity generation activity***, and
  - (b) an activity that gives rise to eligibility for accreditation under subclause (2) may also be referred to as a ***category A electricity generation activity***.

- (4) In this clause:

***Emissions Workbook*** means the document entitled *Greenhouse Gas Emissions from Electricity Supplied in NSW: Emissions Workbook* published by the Ministry of Energy and Utilities in October 2000.

***power purchase agreement*** has the meaning given by the greenhouse gas benchmark rules.

**73GA Carbon sequestration activities**

- (1) A person is eligible for accreditation as an abatement certificate provider in respect of an activity if:
  - (a) the activity is a carbon sequestration activity under the greenhouse gas benchmark rules and the person is eligible for accreditation as an abatement certificate provider in respect of the activity under the provisions of the greenhouse gas benchmark rules relating to carbon sequestration, and
  - (b) the person has record keeping arrangements with respect to the activity approved by the Scheme Administrator.
- (2) For the purposes of this Regulation, an activity that gives rise to eligibility for accreditation under this clause may be referred to as a *carbon sequestration activity*.

**73GB Demand side abatement activities**

- (1) A person is eligible for accreditation as an abatement certificate provider in respect of an activity if:
  - (a) the activity is a demand side abatement activity under the greenhouse gas benchmark rules and the person is eligible for accreditation in respect of the activity under the provisions of the greenhouse gas benchmark rules relating to demand side abatement, and
  - (b) the person has record keeping arrangements with respect to the activity approved by the Scheme Administrator.
- (2) For the purposes of this Regulation, an activity that gives rise to eligibility for accreditation under this clause may be referred to as a *demand side abatement activity*.

**73GC Large user abatement activities**

- (1) A person is eligible for accreditation as an abatement certificate provider in respect of an activity if:
    - (a) the person is a large user, and
    - (b) the person is eligible for accreditation as an abatement certificate provider in respect of the activity under the provisions of the greenhouse gas benchmark rules relating to large user abatement certificates, and
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- (c) the person has record keeping arrangements with respect to the activity approved by the Scheme Administrator.
- (2) For the purposes of this Regulation, an activity that gives rise to eligibility for accreditation under this clause may be referred to as a *large user abatement activity*.

### Division 3 Applications for accreditation

#### 73H Application for accreditation

- (1) An application for accreditation as an abatement certificate provider in respect of an activity:
  - (a) is to be made in the form and manner approved by the Scheme Administrator, and
  - (b) is to be accompanied by an application fee of \$500.

**Note.** Section 97DB (5) of the Act allows the Scheme Administrator to charge a fee (in addition to the application fee) in respect of the investigation and determination of an application for accreditation.

- (2) An application for accreditation as an abatement certificate provider in respect of an electricity generation activity:
  - (a) must disclose whether or not the applicant is accredited as an accredited power station under the *Renewable Energy (Electricity) Act 2000* of the Commonwealth in respect of the generating system that the person owns or operates, and
  - (b) if the applicant is so accredited, must be accompanied by any information or authorities (such as release forms) that the Scheme Administrator may require for the purpose of obtaining from ORER, or substantiating, information relating to the following:
    - (i) any renewable energy certificates the person has created during any period,
    - (ii) the Commonwealth renewable energy scheme baseline of the power station.

#### 73HA Benefits under other schemes

The Scheme Administrator may require a person who applies for accreditation to give to the Scheme Administrator an undertaking, in such terms as the Scheme Administrator may



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require, not to claim any benefit under a mandatory greenhouse gas scheme if such an action would result in a benefit being obtained under both that scheme and the abatement certificate scheme established by Part 8A of the Act in respect of the same output or greenhouse gas abatement.

**73HB Grounds for refusal of application for accreditation**

- (1) The Scheme Administrator may refuse an application for accreditation as an abatement certificate provider in respect of an activity if:
  - (a) the Scheme Administrator is not satisfied that the applicant is eligible for accreditation as an abatement certificate provider in respect of the activity concerned, or
  - (b) the application for accreditation is not duly made (including if it is not accompanied by any required information or the appropriate fee), or
  - (c) the applicant fails to give the Scheme Administrator an undertaking required to be given in connection with the application under this Division in terms satisfactory to the Scheme Administrator.
- (2) If the Scheme Administrator refuses an application for accreditation as an abatement certificate provider, the Scheme Administrator must advise the applicant in writing of the grounds on which the application was refused.

**73HC Suspension or cancellation of accreditation**

- (1) The Scheme Administrator may suspend or cancel the accreditation of a person as an abatement certificate provider in respect of an activity on any of the following grounds:
  - (a) the Scheme Administrator is satisfied that the person has ceased to be eligible for accreditation as an abatement certificate provider in respect of the activity,
  - (b) the person has requested the suspension or cancellation,
  - (c) the Scheme Administrator is satisfied that the person has contravened a provision of the Act, the regulations, the greenhouse gas benchmark rules or a condition to which the accreditation is subject,

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- (d) the person has become bankrupt, applied to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounded with his or her creditors or made an assignment of his or her remuneration for their benefit,
  - (e) the person is a corporation that is the subject of a winding up order or for which a controller or administrator has been appointed.
- (2) If the Scheme Administrator suspends or cancels the accreditation of a person, the Scheme Administrator is required to notify the person in writing of the suspension or cancellation and the grounds on which the accreditation is suspended or cancelled.
- (3) A suspension or cancellation takes effect when notice of the suspension or cancellation is served on the person by the Scheme Administrator, or on such later date as may be specified by the Scheme Administrator in the notice.

#### **Division 4 Prescribed conditions of accreditation**

##### **73I Conditions of accreditation**

For the purposes of section 97DD (1) (a) of the Act, it is a condition of the accreditation of a person as an abatement certificate provider that the person does not contravene any of the provisions of this Division.

##### **73IA Claiming benefits under other schemes**

An accredited abatement certificate provider must not contravene any undertaking, of a kind referred to in clause 73HA, given to the Scheme Administrator in connection with the person's application for accreditation.

##### **73IB Commonwealth renewable energy scheme**

- (1) An accredited abatement certificate provider in respect of an electricity generation activity must not create an abatement certificate in respect of output for which it has already created a renewable energy certificate, subject to the greenhouse gas benchmark rules.

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- (2) If an accredited abatement certificate provider in respect of an electricity generation activity is accredited as an accredited power station under the *Renewable Energy (Electricity) Act 2000* of the Commonwealth in respect of the generating system used in connection with that electricity generation activity, the provider must provide to the Scheme Administrator such information, authorities (such as release forms) or other assistance that the Scheme Administrator may, by notice in writing to the person, require for the purpose of obtaining from ORER, or substantiating, information relating to the following:
- (a) any renewable energy certificates the provider has created during any period,
  - (b) the Commonwealth renewable energy scheme baseline of the accredited power station.
- (3) If an accredited abatement certificate provider in respect of an electricity generation activity obtains, at any time after accreditation, accreditation as an accredited power station under the *Renewable Energy (Electricity) Act 2000* of the Commonwealth in respect of the generating system used in connection with that electricity generation activity, the provider must disclose that fact to the Scheme Administrator within 21 days of becoming accredited under the *Renewable Energy (Electricity) Act 2000* of the Commonwealth.

**731C Category A electricity generation activities**

- (1) An accredited abatement certificate provider in respect of a category A electricity generation activity must provide such information and assistance to the Scheme Administrator as the Scheme Administrator, by notice in writing to the accredited abatement certificate provider, may require for the purpose of estimating the Commonwealth renewable energy baseline of a power station that supplies electricity to the provider.
- (2) An accredited abatement certificate provider in respect of a category A electricity generation activity must notify the Scheme Administrator in writing of any change to the power purchase agreement (including any termination of that agreement) that gives rise to the provider's entitlement to accreditation in respect of a category A electricity generation activity within 21 days after that change occurs.

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#### **73ID Carbon sequestration activity to be maintained**

An accredited abatement certificate provider who creates an abatement certificate in respect of a carbon sequestration activity must ensure the continued storage, by means of planted forests on eligible land, of the quantity of carbon dioxide stored by the activity in respect of which the certificate is created (calculated in accordance with the greenhouse gas benchmark rules) for a period of 100 years after the certificate is created.

#### **73IE Retail suppliers of elective participants to be notified to Scheme Administrator**

- (1) An accredited abatement certificate provider in respect of a large user abatement activity must notify the Scheme Administrator in writing if the provider enters into any agreement or arrangement to purchase electricity from a retail supplier that has not already been notified to the Scheme Administrator.
- (2) The notification must be given to the Scheme Administrator within 21 days after entering into the agreement or arrangement.

#### **73IF Record keeping**

- (1) An accredited abatement certificate provider in respect of an electricity generation activity must keep a record of the following:
  - (a) the amount of electricity supplied by the generating system,
  - (b) the type of fuel or fuels used by the generating system to generate electricity,
  - (c) the source of the fuel or fuels,
  - (d) the amount of each fuel used by the generating system to generate electricity.
- (2) An accredited abatement certificate provider in respect of a carbon sequestration activity must keep a record of the following:
  - (a) the location and size of any eligible land owned or controlled from time to time by the person,

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- (b) any carbon sequestration rights held in respect of any other eligible land from time to time,
    - (c) any activity conducted on land referred to in subclause (2) (a) or (b) that is likely to result in a reduction in the greenhouse gas emissions abated by the planted forests on that land, including any clearing of that land.
  - (3) An accredited abatement certificate provider in respect of a demand side abatement activity must keep a record of the following:
    - (a) the location in which the activity occurred,
    - (b) the abatement of greenhouse gases (calculated in accordance with the greenhouse gas benchmark rules) associated with that activity,
    - (c) the methodology, data and assumptions used to calculate that abatement,
    - (d) if the activity relates to the on-site generation of electricity, the matters referred to in subclause (1).
  - (4) An accredited abatement certificate provider in respect of a large user abatement activity must keep a record of the following:
    - (a) the location in which the activity occurred,
    - (b) emissions of greenhouse gases associated with that activity,
    - (c) the abatement of greenhouse gases (calculated in accordance with the greenhouse gas benchmark rules) associated with that activity,
    - (d) the methodology, data and assumptions used to calculate that abatement.
  - (5) An accredited abatement certificate provider must keep such other records as the Scheme Administrator, by notice in writing to the accredited abatement certificate provider, requires the accredited abatement certificate provider to keep.
  - (6) Subclause (1) does not apply to an accredited abatement certificate provider in respect of a category A electricity generation activity, but subclause (5) applies.
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- (7) A record required to be kept by a person by or under this clause must be retained by the person for at least 6 years after the record is made.
- (8) Records are to be kept in a form and manner approved by the Scheme Administrator.
- (9) In this clause:
  - carbon sequestration right* has the meaning given by the greenhouse gas benchmark rules.
  - clearing* of land means:
    - (a) cutting down, felling, thinning, logging or removing any trees on the land, or
    - (b) killing, destroying, poisoning, ringbarking, uprooting or burning trees on the land, or
    - (c) substantially damaging or injuring trees on the land in any other way.

#### **73IG Co-operation with audits**

- (1) An accredited abatement certificate provider must provide such information and assistance as is necessary to comply with any audit conducted under Division 8.
- (2) Without limiting subclause (1), an accredited abatement certificate provider must provide such access to premises as is necessary to comply with any schedule or timetable of audits agreed to by the accredited abatement certificate provider (whether before or after accreditation).

### **Division 5 Imposition of conditions by Scheme Administrator**

#### **73J Imposition of conditions by Scheme Administrator**

- (1) If the Scheme Administrator intends to impose a condition on the accreditation of a person as an accredited abatement certificate provider under section 97DD (1) (b) of the Act (including any condition of a kind referred to in section 97DD (3) of the Act), either at the time of accreditation or any

time during the period in which the accreditation remains in force, the Scheme Administrator must give notice in writing of that fact to the person on whom the condition is to be imposed.

- (2) The condition takes effect on the date on which the notice is given to the person, or a later date specified in the notice, subject to subclause (3).
- (3) In the case of a condition to be imposed at the time of accreditation, the condition does not take effect until the date on which the person is accredited as an abatement certificate provider.
- (4) The Scheme Administrator may, at any time by notice in writing given to a person, revoke or vary a condition imposed on the accreditation of the person by the Scheme Administrator.
- (5) If the Scheme Administrator imposes or varies a condition of accreditation of a person, the Scheme Administrator must advise the person in writing of the reasons for the decision to impose or vary the condition.

**73JA Financial assurances**

- (1) This clause applies if the Scheme Administrator imposes a condition on the accreditation of a person as an accredited abatement certificate provider requiring the person to provide a financial assurance to the Scheme Administrator to secure or guarantee the person's compliance with any order that may be made against the person under section 97EF of the Act.
- (2) The amount of any financial assurance required by the Scheme Administrator is to be determined by the Scheme Administrator having regard to the following:
  - (a) the activities in respect of which the person is accredited or to be accredited,
  - (b) the number of abatement certificates that the person has created or is likely to create,
  - (c) the frequency of audits conducted or to be conducted in respect of the person,
  - (d) any other matters the Scheme Administrator considers relevant.

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- (3) A financial assurance is to be in such form as the Scheme Administrator considers appropriate (such as a bank guarantee or bond).
- (4) A financial assurance provided to the Scheme Administrator may be claimed or realised by the Scheme Administrator only if:
  - (a) an order is made against the person under section 97EF of the Act, and
  - (b) the person who gave the financial assurance fails to comply with the order.
- (5) The Scheme Administrator must give to the person who provided the financial assurance written notice of its intention to make a claim on or realise the financial assurance (or any part of it) at least 21 days before doing so.
- (6) The maximum amount that the Scheme Administrator may claim or recover under the financial assurance is the compliance cost in respect of the person's failure to comply with the order under section 97EF of the Act.
- (7) For the purposes of this clause, the *compliance cost* in respect of a person's failure to comply with an order under section 97EF of the Act is to be determined by the Scheme Administrator by multiplying the number of certificates that the person failed to surrender in compliance with the order by the market value of those certificates at the time that the financial assurance is claimed on or realised.

## Division 6 Creation of abatement certificates

### 73K Form of abatement certificates

- (1) Abatement certificates are to be created in a form approved by the Scheme Administrator.
- (2) Each abatement certificate is to include the following:
  - (a) a statement of the activity in respect of which the abatement certificate is created, including any information relating to that activity that the Scheme



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Administrator, by notice in writing to an accredited abatement certificate provider, requires to be included in the certificate,

- (b) the year in which the activity took place,
- (c) the name of the person who created the certificate.

#### **73KA Determination of baseline**

The Scheme Administrator may determine, in accordance with the greenhouse gas benchmark rules, a baseline for the activities of a person in respect of which an abatement certificate provider is entitled to create certificates.

**Note.** Baselines may be used to determine the activities in respect of which abatement certificates may be created under the greenhouse gas benchmark rules.

#### **73KB Activities that take place before accreditation**

- (1) An accredited abatement certificate provider is not entitled to create an abatement certificate in respect of an activity that took place before accreditation was granted by the Scheme Administrator.
- (2) Subclause (1) does not apply in respect of activities that take place in the year 2003.
- (3) In the year 2003, an accredited abatement certificate provider is not entitled to create an abatement certificate in respect of an activity that took place before 1 January 2003.
- (4) For avoidance of doubt, any regulations or greenhouse gas benchmark rules made under section 97EC (3) of the Act apply in respect of this clause.

**Note.** Section 97EC (3) of the Act allows the regulations and greenhouse gas benchmark rules to specify when an activity is considered to have taken place for the purposes of Part 8A of the Act.

#### **73KC Registration of creation of certificate**

- (1) An application for registration of the creation of an abatement certificate is to be made to the Scheme Administrator in the form and manner approved by the Scheme Administrator.
- (2) The application is to be accompanied by a fee of \$0.15 for each certificate created.

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- (3) The Scheme Administrator may refuse an application for registration of the creation of an abatement certificate on any of the following grounds:
- (a) the applicant is not an accredited abatement certificate provider or the accreditation of the person as an abatement certificate provider is suspended at the time of application,
  - (b) the application for registration was not duly made (including if it is not accompanied by the appropriate fee),
  - (c) the Scheme Administrator is not satisfied that the applicant was entitled to create an abatement certificate in respect of the activity,
  - (d) the Scheme Administrator is of the opinion that the accredited abatement certificate provider who created the certificate has contravened a provision of the Act, the regulations, the greenhouse gas benchmark rules or the conditions of the provider's accreditation.
- (4) If the Scheme Administrator refuses an application for registration of the creation of an abatement certificate, the Scheme Administrator must notify the applicant in writing of the reasons for the determination.

#### **73KD Order requiring surrender of abatement certificates**

- (1) This clause applies if an order is made or is proposed to be made under section 97EF of the Act against a person who has been found guilty of an offence against section 97DD (5) of the Act, being an offence that arose as a result of the following:
- (a) the person contravening a condition referred to in clause 73IA (relating to undertakings given to the Scheme Administrator in connection with benefits under mandatory greenhouse gas schemes),
  - (b) the person contravening a condition referred to in clause 73IB (1) (relating to the creation of abatement certificates in respect of output for which a renewable energy certificate has already been created),

- (c) the person contravening a condition referred to in clause 73ID (relating to maintenance of carbon sequestration).
- (2) For the purposes of section 97EF (4) of the Act, the number of certificates to be surrendered under the order is to be determined by the Scheme Administrator as follows:
  - (a) in a case referred to in subclause (1) (a)—the number that is equivalent to the number of abatement certificates that, in the opinion of the Scheme Administrator, were created in respect of output or greenhouse gas abatement for which a benefit was obtained under a mandatory greenhouse gas scheme,
  - (b) in a case referred to in subclause (1) (b)—the number that is equivalent to the number of abatement certificates that, in the opinion of the Scheme Administrator, were created by the person in contravention of the condition referred to in subclause (1) (b),
  - (c) in a case referred to in subclause (1) (c)—the number of abatement certificates that, in the opinion of the Scheme Administrator, were created by the person in respect of carbon sequestration activities and in respect of which the person has contravened the condition referred to in subclause (1) (c).

## **Division 7      Transfer of certificates**

### **73L    Entitlement to create transferable abatement certificates**

- (1) Transferable abatement certificates may be created in respect of the following activities:
  - (a) electricity generation activities,
  - (b) carbon sequestration activities,
  - (c) demand side abatement activities.

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- (2) Any person (including a large user) who is an accredited abatement certificate provider in respect of an activity referred to in subclause (1) may create a transferable abatement certificate in respect of that activity in accordance with the Act, this Regulation and the greenhouse gas benchmark rules.

#### **73LA Entitlement to create non-transferable abatement certificates**

- (1) Non-transferable abatement certificates may be created in respect of large user abatement activities.
- (2) An accredited abatement certificate provider in respect of a large user abatement activity may create a non-transferable abatement certificate in respect of that activity in accordance with the Act, this Regulation and the greenhouse gas benchmark rules.

#### **73LB Registration of transfers of certificates**

- (1) An application for registration of the transfer of an abatement certificate is to be made to the Scheme Administrator in the form and manner approved by the Scheme Administrator.
- (2) The Scheme Administrator may refuse an application for registration of the transfer of an abatement certificate on any of the following grounds:
  - (a) the application for registration is not duly made,
  - (b) the Scheme Administrator is of the opinion that the proposed transfer of the abatement certificate contravenes the Act, the regulations or the greenhouse gas benchmark rules.

**Note.** If the abatement certificate is a non-transferable abatement certificate, the Scheme Administrator must refuse an application for registration of a transfer of the certificate unless the transfer is associated with the sale of the business of the transferor to the transferee or the Scheme Administrator is otherwise authorised to register the transfer. See section 97FB of the Act.

- (3) If the Scheme Administrator refuses an application for registration of the transfer of an abatement certificate, the Scheme Administrator must notify the applicant in writing of the reasons for the determination.

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**73LC Register of accredited abatement certificate providers**

- (1) The register of accredited abatement certificate providers is to include the following information (in addition to the information specified in section 97GA of the Act):
  - (a) the activity or activities in respect of which the accredited abatement certificate provider is accredited as an abatement certificate provider,
  - (b) the total number of abatement certificates created by the accredited abatement certificate provider in respect of each of those activities and registered in the register of abatement certificates in the previous financial year,
  - (c) the States or Territories in which those activities took place,
  - (d) such other information relating to the person's accreditation as the Scheme Administrator considers appropriate.
- (2) The register of accredited abatement certificate providers is to include the following information in relation to a person whose accreditation as an abatement certificate provider is suspended or cancelled:
  - (a) the name of the person,
  - (b) the type of certificates (that is, transferable or non-transferable) the person was formerly entitled to create under the terms of the person's accreditation,
  - (c) the reason or reasons why the accreditation was suspended or cancelled,
  - (d) the date on which the accreditation was suspended or cancelled and, in the case of a suspension, the period of the suspension,
  - (e) any conditions of accreditation that continue to have effect in respect of the person.
- (3) The following information is to be made available for public inspection under section 97GA of the Act (in addition to the information referred to in section 97GA (4) of the Act):
  - (a) the information referred to in subclause (1) (c),
  - (b) the information referred to in subclause (2).

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## **Division 8 Audits of accredited abatement certificate providers**

### **73M Audits**

- (1) The Tribunal or the Scheme Administrator may at any time conduct or require audits to be conducted of accredited abatement certificate providers in relation to the following matters:
  - (a) the creation of abatement certificates,
  - (b) eligibility for accreditation,
  - (c) compliance with any conditions of accreditation.
- (2) An audit may be conducted for the purpose of:
  - (a) substantiating information provided to the Tribunal or Scheme Administrator, or
  - (b) determining whether the provider has complied with the Act, the regulations, the greenhouse gas benchmark rules or the conditions of the provider's accreditation.
- (3) In the case of an audit required by the Tribunal, the Tribunal may require the audit to be conducted by:
  - (a) a person nominated by the Tribunal, or
  - (b) a person chosen by the accredited abatement certificate provider from a panel of persons nominated by the Tribunal, or
  - (c) a person nominated by the accredited abatement certificate provider and approved by the Tribunal.
- (4) In the case of an audit required by the Scheme Administrator, the Scheme Administrator may require the audit to be conducted by:
  - (a) a person nominated by the Scheme Administrator, or
  - (b) a person chosen by the accredited abatement certificate provider from a panel of persons nominated by the Scheme Administrator, or
  - (c) a person nominated by the accredited abatement certificate provider and approved by the Scheme Administrator.

- (5) An approved auditor is to conduct an audit in accordance with the directions (if any) of the Tribunal or Scheme Administrator.

**73MA Impersonating approved auditor**

A person must not impersonate an approved auditor.

Maximum penalty:

- (a) in the case of a corporation—250 penalty units,
- (b) in the case of an individual—100 penalty units.

**Division 9 Miscellaneous**

**73N Reviews**

For the purposes of section 97I (2) (d) of the Act, the following decisions are prescribed:

- (a) a decision of the Scheme Administrator to impose or vary a condition of accreditation of an accredited abatement certificate provider,
- (b) a decision of the Scheme Administrator to make a claim on or realise any financial assurance provided by an accredited abatement certificate provider.

**Note.** This clause allows the decisions referred to above to be reviewed by the Administrative Decisions Tribunal.

**[3] Clause 120 Service of documents**

Omit “a service provider or supplier” wherever occurring.

Insert instead “an applicant for accreditation as an accredited abatement certificate provider, an accredited abatement certificate provider, a service provider or a supplier”.

**[4] Clause 120**

Omit “the service provider or supplier”.

Insert instead “the applicant, accredited abatement certificate provider, service provider or supplier”.