



New South Wales

# Electricity Supply (General) Amendment (Reduction of Greenhouse Gas Emissions) Regulation 2004

under the

Electricity Supply Act 1995

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

FRANK ERNEST SARTOR, M.P.,  
Minister for Energy and Utilities

## Explanatory note

The objects of this Regulation are as follows:

- (a) to make provision with respect to an election to become an elective participant for only part of the person's electricity load in the scheme relating to greenhouse benchmarks in Part 8A of the *Electricity Supply Act 1995* (*the Act*),
- (b) to provide for accreditation of persons as abatement certificate providers under that Part of the Act with respect to proposed, as well as existing, activities,
- (c) to enable an abatement certificate provider to create abatement certificates in respect of an activity that took place after the date on which an application for accreditation as an abatement certificate provider was lodged by the provider.

This Regulation is made under the *Electricity Supply Act 1995*, including sections 97BB (2) (a) and (b), 97DA (1)–(4), 97E (1) and 106 (the general regulation-making power).

**2004 No 669**

Clause 1 Electricity Supply (General) Amendment (Reduction of Greenhouse Gas Emissions) Regulation 2004

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**Electricity Supply (General) Amendment (Reduction of Greenhouse Gas Emissions) Regulation 2004**

under the

Electricity Supply Act 1995

**1 Name of Regulation**

This Regulation is the *Electricity Supply (General) Amendment (Reduction of Greenhouse Gas Emissions) Regulation 2004*.

**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

(Clause 2)

### [1] **Clause 73BB Elections to become benchmark participants**

Omit clause 73BB (2). Insert instead:

- (2) An election must identify any retail supplier or electricity generator who is to supply the electricity load or the part of the load covered by the election.

### [2] **Clause 73BC Elections by large customers**

Omit clause 73BC (4).

### [3] **Clause 73BD Duration of election to be elective participant**

Insert after clause 73BD (1):

- (1A) If only part of an electricity load is covered by an election, the Tribunal must not accept the election unless it is satisfied that the part will be separately metered at the commencement of the period in respect of which the election is made.

### [4] **Clause 73BD (2) (b)**

Omit the paragraph. Insert instead:

- (b) any retail supplier or electricity generator that is to supply the electricity load or the part of the load covered by the election.

### [5] **Clause 73G Electricity generation activities**

Omit “a generating system” in clause 73G (1) (a).

Insert instead “an existing or proposed generating system”.

### [6] **Clause 73G (1) (b)**

Insert “or (in the case of a proposed generating system) the Scheme Administrator is satisfied that the generating system will, when the generating system is operating, be equipped with appropriate metering equipment” after “Administrator”.

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Schedule 1 Amendments

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**[7] Clause 73G (1) (c)**

Insert “or (in the case of a proposed generating system) the Scheme Administrator is satisfied that the person will, when the generating system is operating, have appropriate record keeping arrangements in respect of that activity” after “Administrator”.

**[8] Clause 73G (1) (d)**

Insert at the end of clause 73G (1) (c):

, and

- (d) in the case of a proposed generating system—the Scheme Administrator is satisfied that the system will operate substantially as described in the person’s application for accreditation.

**[9] Clause 73G (2) (a)**

Omit “a generating system”.

Insert instead “an existing or proposed generating system”.

**[10] Clause 73G (2) (c)**

Insert “, or could have claimed,” after “claimed”.

**[11] Clause 73GA Carbon sequestration activities**

Omit “a carbon sequestration activity” in clause 73GA (1) (a).

Insert instead “an existing or proposed carbon sequestration activity”.

**[12] Clause 73GA (1) (b)**

Insert “or (in the case of a proposed carbon sequestration activity) the Scheme Administrator is satisfied that the person will, when the carbon sequestration activity is carried out, have appropriate record keeping arrangements in respect of that activity” after “Administrator”.

**[13] Clause 73GA (1) (c)**

Insert at the end of clause 73GA (1) (b):

, and

- (c) in the case of a proposed carbon sequestration activity—the Scheme Administrator is satisfied that the activity will be carried out substantially as described in the person’s application for accreditation.

**[14] Clause 73GB Demand side abatement activities**

Omit “a demand side abatement activity” in clause 73GB (1) (a).

Insert instead “an existing or proposed demand side abatement activity”.

**[15] Clause 73GB (1) (b)**

Insert “or (in the case of a proposed demand side abatement activity) the Scheme Administrator is satisfied that the person will, when the demand side abatement activity is carried out, have appropriate record keeping arrangements in respect of that activity” after “Administrator”.

**[16] Clause 73GB (1) (c)**

Insert at the end of clause 73GB (1) (b):

, and

- (c) in the case of a proposed demand side abatement activity—the Scheme Administrator is satisfied that the proposal will be undertaken substantially as described in the person’s application for accreditation.

**[17] Clause 73GC Large user abatement activities**

Omit “an activity” in clause 73GC (1).

Insert instead “an existing or proposed activity”.

**[18] Clause 73GC (1) (c)**

Insert “or (in the case of a proposed activity) the Scheme Administrator is satisfied that the person will, when the activity is carried out, have appropriate record keeping arrangements in respect of that activity” after “Administrator”.

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**[19] Clause 73GC (1) (d)**

Insert at the end of clause 73GC (1) (c):

, and

- (d) in the case of a proposed activity—the Scheme Administrator is satisfied that the activity will be carried out substantially as described in the person’s application for accreditation.

**[20] Clause 73H Application for accreditation**

Insert after clause 73H (2):

- (3) A reference in this Division to an activity includes a reference to an existing or proposed activity.

**[21] Clause 73KB Activities that take place before application for accreditation**

Omit clause 73KB (1). Insert instead:

- (1) An accredited abatement certificate provider is not entitled to create an abatement certificate in respect of an activity that took place before the date on which the accredited abatement certificate provider lodged with the Scheme Administrator an application (completed to the satisfaction of, and in a form acceptable to, the Scheme Administrator) for accreditation as an abatement certificate provider.

BY AUTHORITY

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