

Passed by both Houses



New South Wales

Electricity Supply Amendment (Greenhouse Gas Abatement Scheme) Bill 2006

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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 2006*



New South Wales

Electricity Supply Amendment (Greenhouse Gas Abatement Scheme) Bill 2006

Act No , 2006

An Act to amend the *Electricity Supply Act 1995* with respect to greenhouse gas benchmarks; and for other purposes.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

Chairman of Committees of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Electricity Supply Amendment (Greenhouse Gas Abatement Scheme) Act 2006*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Amendment of Electricity Supply Act 1995 No 94

The *Electricity Supply Act 1995* is amended as set out in Schedule 1.

4 Amendment of Electricity Supply (General) Regulation 2001

The *Electricity Supply (General) Regulation 2001* is amended as set out in Schedule 2.

5 Repeal of Act

- (1) This Act is repealed on the day following the day on which all of the provisions of this Act have commenced.
- (2) The repeal of this Act does not, because of the operation of section 30 of the *Interpretation Act 1987*, affect any amendment made by this Act.

Schedule 1 Amendment of Electricity Supply Act 1995

(Section 3)

[1] Section 97B State greenhouse gas benchmarks

Omit section 97B (1) (e). Insert instead:

- (e) for each of the years commencing 1 January 2007 and ending on 31 December 2021 and each subsequent year, 7.27 tonnes of carbon dioxide equivalent of greenhouse gas emissions per head of State population.

[2] Section 97CA Greenhouse penalties

Omit section 97CA (2). Insert instead:

- (2) The amount of the greenhouse penalty per tonne of carbon dioxide equivalent of greenhouse shortfall determined under this Part is the following amount, as adjusted in accordance with any regulations made under subsection (3):
 - (a) for the year concerned before the year commencing 1 January 2010—\$11.50,
 - (b) for the year commencing 1 January 2010—\$12.50,
 - (c) for the year commencing 1 January 2011—\$13.50,
 - (d) for the year commencing 1 January 2012—\$14.50,
 - (e) for the year commencing 1 January 2013 and each subsequent year—\$15.50.

[3] Section 97DD Conditions of accreditation

Omit section 97DD (2).

[4] Section 97DD (3) (a) and (b)

Omit “for the purposes of compliance with another mandatory scheme (whether of this State or another jurisdiction)” wherever occurring.

Insert instead “for the purposes of compliance with another scheme (whether mandatory or voluntary and whether or not imposed by or under a law of this State or another jurisdiction or otherwise), or in accordance with any agreement, arrangement or undertaking of any kind.”.

[5] Section 97DDA

Insert after section 97DD:

97DDA Variation or revocation of conditions of accreditation

- (1) An accredited abatement certificate provider may apply to the Scheme Administrator for the variation or revocation of any condition of accreditation imposed by the Scheme Administrator under section 97DD (1) (b).
- (2) The regulations may make provision for or with respect to the variation or revocation of any conditions of accreditation that are imposed by the Scheme Administrator, including the fee (if any) to be paid to the Scheme Administrator in respect of an application under subsection (1).
- (3) The Scheme Administrator may charge a fee (in addition to any application fee) in respect of the investigation and determination of an application under subsection (1). The fee is to be determined by the Scheme Administrator on a cost recovery basis.

[6] Section 97GBA

Insert after section 97GB:

97GBA Information from registers

- (1) The Scheme Administrator may compile information concerning the following from the register of accredited abatement certificate providers and the register of abatement certificates:
 - (a) the creation or cancellation of abatement certificates under this Part,
 - (b) current and previous registered owners of abatement certificates,
 - (c) the transfer of abatement certificates,
 - (d) other information of a kind prescribed by the regulations.
- (2) The Scheme Administrator may make information compiled under subsection (1) available for public inspection (free of charge) in such form as the Administrator thinks fit.

[7] Section 97HF Annual report by Tribunal

Omit “30 June” from section 97HF (1). Insert instead “31 July”.

[8] Part 8A, Division 12

Insert after Division 11:

Division 12 Termination of operation of Part

97KB Termination of operation of Part on establishment of national scheme for reduction of greenhouse gas emissions

- (1) The Governor may, by proclamation published in the Gazette, terminate the operation of any or all of the provisions of this Part.
- (2) A proclamation may be made only if the Minister has certified to the Governor that the Minister is satisfied that New South Wales is, or will be, a participant in a scheme that:
 - (a) has been or will be established (either nationally or in this State and at least one or more other States or Territories), and
 - (b) is designed to achieve outcomes that include the reduction of greenhouse gas emissions associated with the production and use of electricity and encouragement of participation in activities to offset the production of greenhouse gas emissions nationally or in the participating jurisdictions.
- (3) The termination of the operation of the provisions concerned takes effect on the day (not being a day earlier than the day on which the proclamation is published in the Gazette) specified in the proclamation.
- (4) The day specified in the proclamation must not be a day that is earlier than the day on which New South Wales becomes, or will become, a participant in the scheme concerned.
- (5) Regulations may be made for or with respect to the effect of the termination of any provisions on rights conferred or obligations imposed under this Part.
- (6) Without limiting subsection (5), regulations may specify conditions that must be complied with in respect of termination of a provision.

[9] Schedule 6 Savings, transitional and other provisions

Insert at the end of clause 1 (1):

Electricity Supply Amendment (Greenhouse Gas Abatement Scheme) Act 2006

[10] Schedule 6, Part 8

Insert after Part 7:

**Part 8 Provisions consequent on enactment of
Electricity Supply Amendment
(Greenhouse Gas Abatement Scheme) Act
2006**

50 Greenhouse penalties

The amount of greenhouse penalty determined in accordance with section 97CA and clause 73C of the *Electricity Supply (General) Regulation 2001*, as in force immediately before the commencement of Schedule 1 [2] to the *Electricity Supply Amendment (Greenhouse Gas Abatement Scheme) Act 2006*, is the amount of greenhouse penalty for the year commencing 1 January 2006.

51 Variation or revocation of conditions of accreditation

Section 97DDA, as inserted by Schedule 1 [5] to the *Electricity Supply Amendment (Greenhouse Gas Abatement Scheme) Act 2006*, extends to the variation or revocation of a condition of accreditation imposed before the commencement of that item.

Schedule 2 Amendment of Electricity Supply (General) Regulation 2001

(Section 4)

[1] Clause 73C CPI adjustment to greenhouse penalty

Omit “*M* is the greenhouse penalty for the previous year” from clause 73C (1).

Insert instead “*M* is the greenhouse penalty specified for the year concerned in section 97CA (2) of the Act”.

[2] Clause 73C (1)

Omit “*B* is the sum of the consumer price index numbers for each quarter of the year 2 years previous to the year commencing on 1 July when the adjustment is to be made”.

Insert instead “*B* is the sum of the consumer price index numbers for each quarter of the year commencing 1 July 2005”.