THE SENATE

Carbon Farming Initiative Amendment Bill 2014

(Government)

(1) Schedule 1, item 107, page 31 (lines 22 and 23), omit “methodology determination that covers the project specifies”, substitute “legislative rules specify”. [government program requirement]

(2) Schedule 1, item 152, page 47 (lines 6 to 10), omit subsection 71(2), substitute:

**Crediting period**

(2) Despite any other provision of this Part, the crediting period for the project is:

(a) the first crediting period for the project worked out under section 69 as it stood immediately before the commencement of this Part; or

(b) if another period is specified in the applicable methodology determination for the project—that other period that began when the declaration of the project under section 27 took effect. [crediting period]

(3) Schedule 1, item 203, page 58 (line 26), omit “and 70”, substitute “, 70 and 71”. [crediting period]

(4) Schedule 1, item 387, page 92 (lines 18 to 22), omit subitem (1), substitute:

(1) This item applies if an eligible offsets project is a native forest protection project (within the meaning of the old law), and:

(a) the following conditions are satisfied:

(i) the project existed immediately before the commencement of this item;

(ii) the applicable methodology determination includes one or more provisions covered by paragraph 106(1)(d) of the old law; or

(b) the following conditions are satisfied:

(i) the project became an eligible offsets project after the commencement of this item as the result of an ERF transitional application;

(ii) the project is covered by the *Carbon Credits (Carbon Farming Initiative) (Avoided Deforestation) Methodology Determination 2013*;

(iii) that determination includes one or more provisions covered by paragraph 106(1)(d) of the old law. [native forest protection projects]
Schedule 1, item 393, page 105 (after line 17), after paragraph (1)(a), insert:

(aa) the Committee or the Department published on the Department’s website:
   (i) a draft of the methodology determination; and
   (ii) a notice inviting the public to make a submission on the draft by a specified time limit (being a time limit of at least 14 days after the notice is published); and

(ab) the Committee considered any submissions that were received within that time limit; and

[Intertem Emissions Reduction Assurance Committee]

Schedule 1, item 393, page 105 (after line 27), after subitem (2), insert:

(2A) Section 123D of the new law does not apply to that advice.

[Intertem Emissions Reduction Assurance Committee]

Schedule 1, page 106 (after line 4), after item 393, insert:

393A Transitional—advice request given to the Interim Emissions Reduction Assurance Committee

Scope

(1) This item applies if, before the commencement of this item:
   (a) the Minister requested the Interim Emissions Reduction Assurance Committee to advise the Minister about whether the Minister should make a methodology determination; and
   (b) the Committee had not given that advice to the Minister; and
   (c) the Committee or the Department published on the Department’s website:
      (i) a draft of the methodology determination; and
      (ii) a notice inviting the public to make a submission on the draft by a specified time limit (being a time limit of at least 14 days after the notice is published).

Effect of request

(2) The new law has effect as if the Minister had, immediately after the commencement of this item, made that request to the Emissions Reduction Assurance Committee under subsection 106(10) of the new law.

Consultation

(3) The Emissions Reduction Assurance Committee:
   (a) is not required to comply with section 123D in relation to the requested advice; and
   (b) must not advise the Minister to make the methodology determination unless the Committee has considered any submissions mentioned in subparagraph (1)(c)(ii) of this item that were received within the time limit mentioned in that subparagraph; and
   (c) must publish on the Department’s website any submissions received within that time limit.

(4) However, the Emissions Reduction Assurance Committee must not publish a particular submission made by a person if the person has requested the Committee not to publish the submission on the ground that publication of the submission could reasonably be expected to substantially prejudice the commercial interests of the person or another person.
(5) A request under subitem (4) must:
   (a) be in writing; and
   (b) be in a form approved, in writing, by the Emissions Reduction Assurance Committee.

Definition

(6) In this item:

*Interim Emissions Reduction Assurance Committee* means the committee that was:
   (a) established under the executive power of the Commonwealth before the commencement of this item; and
   (b) known as the Interim Emissions Reduction Assurance Committee.

*Interim Emissions Reduction Assurance Committee*