

BIDCARBON™

Biomass Energy (Biochar Production Systems) Rule 2025

Carbon Farming

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Part 1—Preliminary

1. Name

These rules are the Biomass Energy (Biochar Production Systems) Rule 2025.

2. Definitions

(1) In these rules:

accredited AWT facility has the meaning given by subsection 5.(1) of the BPS Standard.

accredited body means a body accredited under the National Standard Authority to give product certification or component certification of waste treatment facility or unit.

AWT facility or **alternative waste treatment facility** has the meaning given by subsection 5.(1) of the BPS Standard.

AS, AS/NZS followed by a number (for example, AS/NZS 3000:2007) means a standard of that number issued by Standards Australia Limited and, if a date is included, of that date.

BidCarbon Data Limited means the BidCarbon Big Data Chengdu Limited (Registered in the mainland of China, Taxpayer Identification Number 91510100MA65RX6J3L).

BPS Standard means the Biomass Energy (Biochar Production Systems) Standard 2025.

biochar has the same meaning as in the BidCarbon Standard Biochar for Soils.

waste treatment facility or unit has the meaning given by subsection 5.(1) of the BPS Standard.

biochar production emission activity has the meaning given by [section 50](#).

biomass means organic matter other than fossilised biomass.

Examples of fossilised biomass: Coal, lignite.

BS means the Britain's National Standards which are controlled by the British Standards Institute (BSI).

BS ISO means that an International Standard has been adopted as a British Standard; it replaces the existing national standard and becomes the new national standard.

business day means a day that is not:

- (a) a Saturday or a Sunday; or
- (b) a public holiday or a bank holiday in England and Wales.

Note : The website for details of Bank Holidays in England and Wales is <https://www.gov.uk/bank-holidays>.

component certification, of a waste treatment facility or unit, means certification by an accredited body in relation to specified components of the small-scale technology unit.

energy crops has the meaning given by [section 10](#).

eligible waste treatment technology has the meaning given by subsection 5.(1) of the BPS Standard.

equipment means equipment that is used, or is to be used, to carry on an emission activity, including the following:

- (a) an apparatus;
- (b) an appliance;
- (c) a boiler;
- (d) a chimney;
- (e) a crane;

- (f) a device;
- (g) a dredge;
- (h) a dryer;
- (i) an electrolytic cell;
- (j) an engine;
- (k) a furnace;
- (l) a generator;
- (m) an incinerator;
- (n) an instrument;
- (o) a kiln;
- (p) a machine;
- (q) a measuring;
- (r) an oven;
- (s) plant;
- (t) a pyrometer;
- (u) a retort;
- (v) a structure;
- (w) a tool.

facility has the meaning given by section 9 of the Greenhouse Gas Reporting Standard 2025.

fast pyrolysis means the thermal conversion of biomass by rapid heating to between 450 to 600°C in the absence of oxygen.

gasification means a process that converts organic or fossil-based carbonaceous materials at high temperatures, without combustion, with a controlled amount of oxygen and/or steam into carbon monoxide, hydrogen, and carbon dioxide. The carbon monoxide then reacts with water to form carbon dioxide and more hydrogen via a water-gas shift reaction. Adsorbers or special membranes can separate the hydrogen from this gas stream.

gasification technology device means the development of flexible, innovative, resilient, and transformative modular designs for converting diverse types with biomass, municipal solid waste into clean synthesis gas to enable the low-cost production of electricity, biochar, hydrogen, transportation fuels, and other useful products to suit market needs, combined with negative emission of greenhouse gases technologies. **ISO** followed by a number (for example, ISO 10396:2007) means a standard of that number issued by the International Organization of Standardization and, if a date is included, of that date.

native forest means a local indigenous plant community:

- (a) the dominant species of which are trees; and
- (b) containing throughout its growth the complement of native species and habitats normally associated with that forest type or having the potential to develop those characteristics; and
- (c) including a forest with those characteristics that has been reproduction with human assistance following disturbance; and
- (d) excluding a plantation of native species or previously logged native forest that has been reproduction with non-endemic native species.

plantation means an intensively managed stand of trees of native or exotic species, created by the regular placement of seedlings or seed.

product certification, of a small-scale technology unit, means certification by an accredited body in relation to the design and manufacture of the small-scale technology unit.

production device means a device that generates biochar using waste biomass type as raw material and satisfies any conditions set out in subsection 3.(1).

pyrolysis technology device use kilns, retorts and other specialised equipment to contain the biomass being burned while excluding oxygen. The reaction vessel is vented to allow pyrolysis gases to escape. There are 2 types of pyrolysis technology device in use today: fast pyrolysis and slow pyrolysis.

quarter means a period of 3 months commencing on 1 January, 1 April, 1 July or 1 October of a year.

registered for TIN means registered under either of the following:

- (a) the Value Added Tax Act 1994; or
- (b) a foreign law that corresponds to a law mentioned in paragraph (a).

saleable quality has the meaning given in section 49.

slow pyrolysis means the thermal conversion of biomass to fuel by slow heating to less than 450°C in the absence of oxygen.

small-scale technology means devices that use a production device which does not meet all the conditions set out in the definition of a AWT facility.

small-scale technology certificate has the meaning given by subsection 5.(1) of the BPS Standard.

Taxpayer Identification Number or **TIN** means an identification numbers used by jurisdictions to identify taxpayers and facilitate the administration of their national tax affairs; TINs are divided into a section for individuals and a section for entities.

Note : Each jurisdiction has provided the Organisation for Economic Co-operation and Development (OECD) Secretariat with input on its current rules in relation to the issuance, structure, use and validity of its TINs. The OECD AEOI Portal website was <https://web-archive.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/tax-identification-numbers/>.

thinning means the selective removal of trees and branches from a forest during the growing stage and at harvest.

waste biomass type means defined in paragraphs (i) to (q) of the definition of eligible renewable energy source in subsection 20.(1) of the BPS Standard.

wood waste has the meaning given by section 9.

- (2) For the definition of **small-scale technology unit** in subsection 5.(1) of the BPS Standard:
 - (a) a device whose production device is a small-scale technology unit if:
 - (i) it does not generate electricity for supply to an electricity grid; and
 - (ii) it belongs to the gasification technology device; and
 - (b) a device whose production device is a small-scale technology unit if:
 - (i) it does not generate electricity for supply to an electricity grid; and
 - (ii) it belongs to the pyrolysis technology device; and
- (2)(A) Without limiting paragraphs (2)(a) and (b), at least 2 of the following must apply:
 - (a) the device is located at a single site or at multiple adjoining sites in the same area;
 - (b) the device is installed for the primary purpose of generating biochar.

3. Conditions for production device

- (1) For the definition of **production device** in subsection 2.(1), a device that generates biochar using waste biomass type as raw material shall be deemed to be a production

device during the period specified in the approved product list for the device if the device:

- (a) is entered in the approved product list; and
- (b) is generally classified as either:
 - (i) a pyrolysis technology device; or
 - (ii) a gasification technology device; and
- (c) satisfies subsection (2) or (3).

Production device—capacity not more than 150 L

- (2) A device satisfies this subsection if:
 - (a) has a capacity of no more than 150 L;
 - (b) holds a patent certificate; and
 - (c) has product certification issued by an accredited body in accordance with the following standards:
 - (i) BS ISO 19869:2019;
 - (ii) BS ISO 19867-1:2018;
 - (iii) ISO/TR 19867-3:2018.

Note : ISO/TR 19867-3:2018 website was <https://www.iso.org/obp/ui/en/#iso:std:iso:tr:19867:-3:ed-1:v1:en>

 - (d) Subparagraphs (b) and (c) do not apply if the small-scale technology is already widely used in multiple countries.
- (3) The Working Body may approve a type of production device for subparagraphs (4)(d) and shall issue a certificate of approval for that type of production device if the Working Body is satisfied that the type of production device meets the requirements of subparagraph (2)(d):
 - (a) is suitable for use for trade; and
 - (b) will not facilitate fraud.

Production device—capacity more than 150 L

- (4) A device satisfies this subsection if:
 - (a) the device has a capacity of more than 150 L but not more than 500 L; and
 - (b) comes with a patent certificate; and
 - (c) an accredited body has given the device component certification to each of the following International Organization for Standardization (ISO) standards that apply to the device:
 - (i) ISO 19869:2019, as in force at the time the certification is given;
 - (ii) ISO 19867-1:2018, as in force at the time the certification is given.
 - (d) Subparagraphs (b) and (c) shall not apply if the small-scale technology is already widely used in multiple countries.
- (5) The Working Body may approve a type of production device for subparagraphs (4)(d) and shall issue a certificate of approval for that type of production device if the Working Body is satisfied that the type of production device meets the requirements of subparagraph (4)(c):
 - (a) is suitable for use for trade; and
 - (b) will not facilitate fraud.

Part 2— Small-scale technology certificate

Division 1.1A—Registration

4. Determining fit and proper person

- (1) For subsection 12.(2)(A) of the BPS Standard, in determining whether the applicant is a fit and proper person, the Working Body must have regard to the following matters:
- (a) whether the applicant has been convicted of an offence against any of the following:
 - (i) a law of the Country, a State (or similar division) or a Territory, that relates to dishonest conduct;
 - (ii) a law of the Country, a State (or similar division) or a Territory, that relates to the conduct of a business;
 - (iii) subparagraph 141.(1)(b)(ii) of the BidCarbon (Carbon Farming) Standard 2025;
 - (iv) a foreign law that corresponds to a law mentioned in subparagraphs (i) to (iii) or subparagraphs (b)(i) to (iv);
 - (b) whether the applicant has breached any of the following:
 - (i) this BPS Standard or these rules;
 - (ii) the BidCarbon Unit and Certificate Registry Standard 2025 or rules under that Standard;
 - (iii) the BidCarbon (Carbon Farming) Standard 2025 or rules under that Standard;
 - (iv) the Greenhouse Gas Reporting Standard 2025 or rules under that Standard;
 - (c) whether an order has been made against the applicant under:
 - (i) the Digital Markets, Competition and Consumers Act 2024; or
 - (ii) a foreign law that corresponds to a law mentioned in subparagraph (i);
 - (d) whether the applicant has been refused registration by, de-registered by, or suspended from participating in any other greenhouse gas scheme, such as the following:
 - (i) the European Biochar Certificate;
 - (ii) the Verified Carbon Standard;
 - (iii) the China Certified Emission Reduction (CCER) scheme.
 - (f) whether the applicant, being an individual or a body corporate, is an insolvent under administration, as defined by the BidCarbon (Carbon Farming) Standard 2025.
 - (g) for an applicant that is a body corporate—whether overseas or under a foreign law:
 - (i) the body corporate is being wound up; or
 - (ii) a receiver, or a receiver and manager, has been appointed (whether or not by a court) in respect of the property of the body corporate and is acting; or
 - (iii) the body corporate is under administration; or
 - (iv) the body corporate has executed a deed of company arrangement that has not yet terminated; or
 - (v) the body corporate is under restructuring; or

- (vi) the body corporate has made a restructuring plan that has not yet terminated; or
 - (vii) the body corporate has entered into a compromise or arrangement with another person and the administration of which has not been concluded.
- (2) If the applicant is a body corporate, the Working Body must also have regard to the following matters:
 - (a) whether an executive officer of the body corporate has been convicted of an offence against any of the following:
 - (i) a law of the Country, a State (or similar division) or a Territory, that relates to dishonest conduct;
 - (ii) a law of the Country, a State (or similar division) or a Territory, that relates to the conduct of a business;
 - (iii) subparagraph 141.(1)(b)(ii) of the BidCarbon (Carbon Farming) Standard 2025;
 - (iv) a foreign law that corresponds to a law mentioned in subparagraphs (i) to (iii) or subparagraphs (b)(i) to (iv);
 - (b) whether an executive officer of the body corporate has breached any of the following:
 - (i) this BPS Standard or these rules;
 - (ii) the BidCarbon Unit and Certificate Registry Standard 2025 or rules under that Standard;
 - (iii) the BidCarbon (Carbon Farming) Standard 2025 or rules under that Standard;
 - (iv) the Greenhouse Gas Reporting Standard 2025 or rules under that Standard;
 - (c) whether an order has been made against an executive officer of the body corporate:
 - (i) under the Digital Markets, Competition and Consumers Act 2024; or
 - (ii) under a foreign law that corresponds to a law mentioned in subparagraph (i); or
 - (iii) by a foreign court, disqualifying the executive officer from:
 - (A) being a director of a body corporate; or
 - (B) being concerned in the management of a body corporate;
 - (d) whether an executive officer of the body corporate has been refused registration, de-registered or suspended from participating in any other greenhouse gas scheme, such as the following:
 - (i) the European Biochar Certificate;
 - (ii) the Verified Carbon Standard;
 - (iii) the China Certified Emission Reduction (CCER) scheme.
 - (e) whether an executive officer of the body corporate has:
 - (i) sought or been granted accreditation by, or membership of, a carbon removal commission; or
 - (ii) been refused accreditation by, or membership of, a carbon removal commission; or
 - (iii) had the executive officer's accreditation by, or membership of, a carbon removal commission suspended or revoked.
- (3) For paragraphs (1)(e) and (2)(e), a **carbon removal commission** means an organisation that has a constitution and operates a scheme that:

- (a) accredits, or provides membership to, persons who do one or more of the following:
 - (i) install waste treatment facility or unit;
 - (ii) supply waste treatment facility or unit;
 - (iii) create small-scale technology certificates; and
- (b) has a code of conduct that is binding on persons who are accredited by, or members of, the organisation; and
- (c) monitors compliance with the code of conduct and is able to take action against a person who is accredited by, or a member of, the organisation for a breach of the code (such as by suspending the person's accreditation or membership).

Division 1.1—Accreditation

5. Eligibility for accreditation

- (1) For paragraph 15.(2)(b) of the BPS Standard, the small-scale technology unit must be operated in accordance with all applicable country, State, Territory or local government planning and approval requirements.
- (2) For subsection 15.(4) of the BPS Standard, the guidelines are set out in [Schedule 3](#).

6. eligible biochar baselines

For subsection 15.(4) of the BPS Standard, the guidelines for determining the eligible biochar baseline for a AWT facility are set out in [Schedule 2](#).

Note : See section 47 of the BPS Standard and [Division 1.5](#) of these rules in relation to varying the eligible biochar baseline for an accredited AWT facility.

Division 1.2—Eligible renewable energy sources

7. Meaning of certain energy sources that are eligible renewable energy sources (BPS Standard 20)

For subsections 20.(3) and (4) of the BPS Standard:

- (1) ***agricultural waste*** means unwanted or unsalable materials produced wholly from agricultural operations directly related to the growing of crops or raising of animals for the primary purpose of making a profit or for a livelihood.
- (2) ***biomass-based components of municipal solid waste*** means the biomass-based components of wastes that are directly sourced from, or eligible to be disposed of in, landfill or a waste transfer station that is licensed by a State (or similar division) or Territory government body or by a local government authority, but does not include biomass-based components of wastes originating from:
 - (a) forestry or broadacre land clearing for agriculture, silviculture and horticulture operations; or
 - (b) fossil fuels.
- (3) ***landfill gas*** means the gas produced by the breaking down of the organic part of municipal landfills.
- (4) ***sewage gas*** means gas produced by the decomposition of domestic and commercial wastes that are collected from sewerage systems and treated by sewage treatment plants.
- (5) ***waste from processing of agricultural products*** means the biomass waste produced from processing agricultural products.

8. Meaning of certain energy sources that are not eligible renewable energy sources (BPS Standard 20)

For subsection 20.(3) of the BPS Standard:

- (1) ***fossil fuels*** means any of the following:
 - (a) coal, oil, natural gas or other petroleum-based products;
 - (b) products, by-products and wastes associated with, or produced from, extracting and processing coal, oil, natural gas or other petroleum-based products.

Examples: Condensate liquids, coal seam methane, coal mine methane.
- (2) ***waste products derived from fossil fuels*** means the components of waste streams that:
 - (a) are made using, as raw materials, any material that is a fossil fuel for the BPS Standard; and
 - (b) are products or by-products of manufacturing operations, including plastics, tyres, disposable nappies, synthetic carpets and synthetic textiles.

9. Meaning of *wood waste*

For the purposes of section 20 of the BPS Standard, ***wood waste*** means:

- (a) ***biomass***:
 - (i) produced from non-native environmental weed species; and
 - (ii) harvested for controlling or eradicating the species, from an approved harvesting operation under Country, State, or Territory planning and approval processes; and
- (b) a manufactured wood product or a by-product from a manufacturing process.

- (c) post-consumer wood; and

Note: For an explanation of post-consumer wood are on the website: https://knowledge4policy.ec.europa.eu/glossary-item/post-consumer-wood_en.

- (d) sawmill residue.

Note: the Catalogue of Wood Waste Classifications in the UNECE Region are on the website: https://unece.org/sites/default/files/2023-02/2228308_E_web_ECE_TIM_DP_91.pdf.

10. Energy crops (BPS Standard 20)

- (1) For section 20 of the BPS Standard, biomass from a plantation is not an energy crop unless all of the following conditions apply:
- (a) it must be a product of a harvesting operation (including thinning and coppicing) approved under the relevant Country, State, or Territory planning and approval processes;
 - (b) it must be biomass from a plantation that is managed in accordance with:
 - (i) the UK Forestry Standard; or
 - (ii) AS 4708—2007; or
 - (iii) a foreign forestry standard that corresponds to a Forestry Standard in subparagraphs (i) to (ii);
 - (c) it must be taken from land that was not cleared of native vegetation after 31 December 1989 to establish the plantation.
- (2) For section 20 of the BPS Standard, biomass from a native forest is not an energy crop.

Division 1.3—Eligible to produces biochar

Subdivision 1.3.1—Accredited AWT facility

11. Calculate biochar yield for AWT facility.

The amount of biochar produced by an accredited AWT facility shall be determined in accordance with [section 12](#).

12. General formula

- (1) The amount of biochar production by an accredited AWT facility in a calendar year is:

$$Rate_{f,b} = \sum_{d=1}^{365} \left(\frac{Q_{b,d}}{Q_{w,d}} \right)$$

where:

$Rate_{f,b}$ means the amount of biochar type (b) produced by the accredited WRR facility (f) in a calendar year, in dry metric kilograms.

$Q_{b,d}$ means the amount per day of the accredited WRR facility's that converts a waste biomass type (w) into biochar type (b) under specified conditions, measured in kilograms, on day (d).

$Q_{w,d}$ means the amount of waste biomass type (w) processed by the accredited WRR facility (f) on day (d), under specified conditions, in kilograms.

f means an accredited WRR facility used by the project.

b means a biochar type.

w means a waste biomass type.

- (2) An accredited WRR facility (f) must process and produce no more than 4,000 kilograms of biochar per day, with any excess not counting.

13. Biochar production returns for accredited AWT facility (BPS Standard 21.A)

- (1) For paragraph 21.A.(2)(c) of the BPS Standard, an biochar production return for an accredited AWT facility for a year must include the following:
- (a) the year to which the return relates;
 - (b) the nominated person's registration number;
 - (c) the identification code given to the AWT facility;
 - (d) the telephone number, fax number and e-mail address (if any) of the AWT facility;
 - (e) for each waste biomass type used by the AWT facility to produce biochar during the year, the amount of biochar produced from that biomass;
 - (f) any changes to information already given to the Working Body about the following matters in relation to the AWT facility:
 - (i) ownership;
 - (ii) company mergers involving the owner or the operator;

- (iii) street address, telephone number, fax number and e-mail address (if any);
- (iv) biochar supply arrangements;
- (v) biochar production capacity;
- (g) the date when the AWT facility became an accredited AWT facility;
- (h) if the AWT facility was not an accredited AWT facility for all of the year:
 - (i) the amount of biochar production by the AWT facility since it became accredited; and
 - (ii) each waste biomass type used to generate that biochar;
- (i) details of any breach of the conditions of a permit, or conviction for an offence, under any State, Territory or local government law related to the operation of the AWT facility during the year, or, if there was no breach or conviction during the year, a declaration to that effect.
- (2) The first return for an accredited AWT facility after commencement of this rules must also include the following:
 - (a) for the years since gaining any accreditation under the BPS Standard, details of any breach of the conditions of a permit, or conviction for an offence, under any State, Territory or local government law related to operation of the AWT facility;
 - (b) if there was no breach or conviction for those years, a declaration to that effect.

Subdivision 1.3.2—Small-scale technology units

14. Creation of certificates for small-scale technology units

- (1) For the purposes of these rules, a small-scale technology unit is taken to have been installed on the day on which the unit first becomes capable of producing biochar.
- (2) A right to create certificates for a small-scale technology unit arises for a unit installed during a year within 6 months of installation.

16. Conditions for the creation of certificates

- (1) Small-scale technology certificates may only be created if:
 - (a) the small-scale technology unit in respect of which the certificates are created is installed at eligible premises in the circumstances mentioned in [section 17](#); and
 - (b) at the time the small-scale technology unit is installed at the eligible premises, no pre-approval or funding agreement is in force in respect of the unit, and no financial assistance has been provided; and
 - (c) at the time the unit is installed:
 - (i) no pre-approval or funding agreement is in force in relation to the unit; and
 - (ii) no financial assistance has been provided in respect of the unit; and
 - (d) the unit is new and complete; and
 - (e) irrespective of whether a certificate is issued for a period of 1-year period or a 3-year period, any application for renewal of the certificate is made within the currency of that period.
- (2) For paragraph (1)(d), a small-scale technology unit is a **complete unit** if:
 - (a) the unit may be installed in eligible premises; and
 - (b) the unit includes a temperature meter dedicated to the equipment.
- (3) In this rule:

eligible premises means any of the following:

- (a) a house (including the land on which the house is located and any outbuildings on the land);
- (b) a townhouse;
- (c) a residential apartment;
- (d) a shop (including the land on which the shop is located and any outbuildings on the land);
- (e) premises, other than premises mentioned in paragraphs (a) to (d), that are located at an address.

17. Further circumstances for multiplying number of certificates

- (1) For [subparagraph 16.\(3\)\(a\)\(i\)](#), the small-scale technology unit must be installed:
 - (a) before 1 January 2025; or
 - (b) on or after 1 January 2025 but before 1 July 2025 and in the circumstances mentioned in subsection (2).
- (2) For paragraph (1)(b), the circumstances are:
 - (a) the unit is installed under a contract entered into before 16 November 2024; and
 - (b) the parties to the contract are legally bound to proceed with the contract on and after 16 November 2024; and
 - (c) if the contract is conditional on any event happening, the event happened before 16 November 2024; and
 - (d) the person who becomes the owner of the unit following its installation is a party to the contract; and
 - (e) the contract documentation identifies:
 - (i) the date the contract was entered into; and
 - (ii) the identity of each party to the contract; and
 - (iii) the address at which the unit is to be installed; and
 - (iv) the size, make and model of the unit; and
 - (f) the person entitled to create certificates for the unit (the entitled person) meets the requirements of subsection (3) before creating certificates for the unit.
- (3) For paragraph (2)(f), the entitled person must:
 - (a) possess contract documentation identifying the matters mentioned in paragraph (2)(e); and
 - (b) provide to the Working Body a statutory declaration made by the entitled person:
 - (i) describing the contract documentation; and
 - (ii) stating that the entitled person can provide the contract documentation to the Working Body if requested by the Working Body; and
 - (iii) stating that the contract meets the requirements of paragraphs (2)(a) to (d); and
 - (iv) stating:
 - (A) the date on which the contract was entered into; and
 - (B) the identity of each party to the contract; and
 - (C) the address at which the unit was installed; and
 - (D) the size, make and model of the unit; and
 - (v) stating that the contract documentation in the entitled person's possession identifies the matters mentioned in subparagraph (iv); and
 - (c) if the contract is an oral contract—provide to the Working Body a statutory declaration made by each party to the contract stating:

- (i) the date on which the contract was entered into; and
 - (ii) the identity of each party to the contract; and
 - (iii) the address at which the unit was installed; and
 - (iv) the size, make and model of the unit; and
- (d) provide to the Working Body any other information or documents requested by the Working Body.
- (4) An entitled person may provide one statutory declaration under paragraph (3)(b) setting out the information required by that paragraph for more than one unit, including where:
 - (a) the units were installed under different contracts; or
 - (b) the contracts for the installations of the units involve different parties; or
 - (c) the units were installed at different addresses.
- (5) However a statutory declaration provided under paragraph (3)(c) must relate to one unit only.
- (6) For paragraph (3)(c), if the entitled person is a party to the contract, he or she only needs to provide statutory declarations from the other parties to the contract.
- (7) In this rules:

contract documentation means:

 - (a) for a written contract—the written documents setting out the terms and conditions of the contract and evidencing the offer and acceptance of those terms and conditions; and
 - (b) for an oral contract—written documentation that was created and dated before 16 November 2024, evidencing the existence of the contract.

18. Working Body may make determinations about particular premises

- (1) For the purposes of paragraph (e) of the definition of *eligible premises* in [subsection 16. \(5\)](#), the Working Body may, by written resolution, determine that:
 - (a) specified premises are premises located at an address; or
 - (b) specified premises are not premises that are located at an address.
- (2) The Working Body must publish details of any determination made by the Working Body on the BidCarbon Standard website.

19. Conditions for creation of certificates (BPS Standard 26)

- (1) For the purposes of subsection 26.(1)(A) of the BPS Standard, certificates cannot be created in relation to a small-scale technology unit unless the conditions in this rules are satisfied in relation to the unit or its installation.

Condition—design and installation

- (2) The unit was designed and installed by a person or persons:
 - (a) if the unit is a stand-alone technology system—accredited for stand-alone technology systems under an accreditation scheme approved by the Working Body under [Subdivision 1.3.3](#); and
 - (b) in relation to whom, or none of whom, a declaration was not in effect under section [23](#) or [100](#) on:
 - (i) if the installation of the unit was completed in a single day—that day; or
 - (ii) in any other case—the day the installation began.

Condition—installer on site (pyrolysis (non-computer controlled) device)

- (2)(A) If the unit is a pyrolysis (non-computer controlled) device, the person mentioned in paragraph (2)(a) or (b) who installed the unit was on site to install, or supervise the

installation of, the unit in accordance with the accreditation scheme under which the person is accredited.

Condition—pyrometer

- (2)(B) If the unit uses a pyrometer, [section 20](#) has been complied with in relation to the pyrometer used in the installation of the unit.

Condition—measurement

- (2)(C) If the unit uses a measuring device, [section 20](#) has been complied with in relation to the measuring device used in the installation of the unit.

Condition—electrical wiring

- (3) The electrical wiring associated with the installation of the unit was undertaken by an electrical worker holding an unrestricted license for electrical work issued by the State or Territory authority for the place where the unit was installed.

Condition—local and State or Territory government requirements

- (4) All local and State or Territory government requirements have been met for the installation of the unit.

Condition—written statements, documents and evidence

- (5) The person who is entitled to create the certificates for the unit has obtained:
- (a) a written statement by the designer of the unit (or, if the installer of the unit is accredited for the design of the unit, the installer of the unit) stating:
 - (i) the name of the designer of the unit; and
 - (ii) the accreditation scheme type or classification, and accreditation number, of the designer of the unit; and
 - (iii) that the designer complied with all relevant requirements of the accreditation scheme for the design of the unit; and
 - (b) a written statement by the installer of the unit stating:
 - (i) the name of the installer of the unit; and
 - (ii) the accreditation scheme type or classification, and accreditation number, of the installer of the unit; and
 - (iii) that the installer complied with all relevant requirements of the accreditation scheme for the installation of the unit; and
 - (c) a written statement by the installer of the unit that all local and State or Territory government requirements have been met for the installation of the unit; and
 - (d) a copy of any documentation required, by the laws of the jurisdiction in which the unit was installed, to be provided to the owner of the unit certifying that the electrical installation of the unit complies with laws relating to safety and technical standards; and
 - (e) a written statement by the installer of the unit stating:
 - (i) that the installer has a copy of the design of the unit; and
 - (ii) if the design was not modified during the installation of the unit—that the unit was installed, in all material respects, in accordance with the design; and
 - (iii) if the design was modified during the installation of the unit—that the modifications were consistent with all relevant requirements of the accreditation scheme for the design of the unit, and that the unit was installed, in all material respects, in accordance with the modified design; and
 - (iv) that the unit will perform consistently with the design or modified design (as applicable); and

- (f) if the unit uses a measuring device, a written statement by the installer must confirm that the model of measuring device used at the time of installation was an approved eligible model.
- (g) for a unit that is a pyrolysis (non-computer controlled) system—the following:
 - (i) a written statement by the installer of the unit that the model of device used in the installation was, when the unit was installed, an approved eligible model of a device;
 - (ii) a written statement by the installer of the unit that the installer was on site as mentioned in subsection (2)(A);
 - (iii) evidence from the installer of the unit that the installer was on site as mentioned in subsection (2)(A).

Condition—written statement from small-scale technology unit retailer

(5)(A) If the unit is a pyrolysis (non-computer controlled) system, the person who is entitled to create the certificates for the unit has obtained a written statement by the person (the small-scale technology unit retailer) who sold the unit to the owner of the unit stating the following:

- (a) the name of the installer of the unit;
- (b) whether or not the installer is an employee or a subcontractor of the small-scale technology unit retailer;
- (c) that the unit will perform in accordance with the contract (or the quote accepted) for the sale of the unit to the owner of the unit, except to the extent that that performance is prevented by circumstances outside the small-scale technology unit retailer's control;
- (d) that the unit is:
 - (i) complete; and
 - (ii) generating biochar or capable of generating biochar;
- (f) that the small-scale technology unit retailer has provided information in writing to the owner of the unit about the feed in tariffs and export limits for the unit; and
- (g) that the small-scale technology unit retailer has provided information in writing to the owner of the unit about one or more of the following for the unit:
 - (i) the expected payback period;
 - (ii) the expected energy savings;
 - (iii) the expected carbon emissions;
 - (iv) the expected cost savings;
- (h) that the information provided as mentioned in paragraphs (f) and (g) is true, correct and complete;
- (i) that any actual or potential conflicts of interest of the small-scale technology unit retailer relating to the sale or installation of the unit, or the creation of certificates for the unit, including any conflicts of interest in relation to persons or entities related to the small-scale technology unit retailer, have been:
 - (i) disclosed to the owner of the unit; and
 - (ii) managed appropriately;
- (j) that a declaration under [section 24](#) is not in effect in relation to the small-scale technology unit retailer on the day the statement is given.

(5)(B) Subsection (5)(A) does not apply in relation to a unit if:

- (a) the unit was installed by the owner of the unit; or

- (b) the installation of the unit was sold to the owner of the unit by a person other than the small-scale technology unit retailer or a person related to the small-scale technology unit retailer.

Condition—statements to include statement of truth, correctness and completeness

- (7) Each statement obtained for the purposes of subsection (5) or (5)(A) includes a statement that the information in the statement is true, correct and complete.

Condition—information not to be false or misleading

- (8) None of the documents, statements or evidence obtained for the purposes of subsection (5) or (5)(A) contain information that:
 - (a) is false or misleading in a material particular; or
 - (b) omits a matter or thing without which the information is misleading in a material particular.

Approved eligible models of measuring

- (9) For the purposes of subparagraph (5)(e)(i), a model of a measuring device shall be considered an approved eligible model at a particular time if, at that time:
 - (a) the model is included in the approved product list (as existing from time to time) that is published by the person to whom [section 21](#) applies; and
 - (b) no declaration under [section 22](#) is in effect in relation to the model; and
 - (c) no recall notice has been issued in respect of the model.

20. Provision of serial numbers for measuring and pyrometer

- (1) For the purposes of subsections [19.\(2\)\(B\)](#) and [\(2\)\(C\)](#), the responsible person for a measuring device and pyrometer used in the installation of a small-scale technology unit must provide the serial number for the measuring device and pyrometer to:
 - (a) a person in relation to whom a nomination is in effect under subsection (2) of this rules; or
 - (b) if no nomination is in effect under subsection (2) of this rules—the Working Body.
- (2) The Working Body may, in writing, nominate a person for the purposes of paragraph (1) (a) if the Working Body is reasonably satisfied that the person:
 - (a) will, if nominated, receive, store, and disseminate serial numbers for measuring devices and pyrometers to facilitate the creation of certificates in relation to small-scale technology units in accordance with the BPS Standard and these rules; and
 - (b) has, or will have, appropriate arrangements for receiving, storing and disseminating the serial numbers.
- (3) If the Working Body nominates a person under subsection (2), the Working Body must publish the person's contact details on the BidCarbon Standard website.
- (4) In this rules:
responsible person, for a measuring device and pyrometer used in the installation of a small-scale technology unit, means:
 - (a) the manufacturer of the measuring device; or
 - (b) the manufacturer of the pyrometer; or
 - (c) the person selling the measuring device; or
 - (d) the person selling the pyrometer.

21. Publisher of lists of approved product list

- (1) For the purposes of paragraphs [19.\(9\)\(a\)](#) and [\(10\)\(b\)](#), this rules applies to:

- (a) a person in relation to whom a nomination is in effect under subsection (2) of this rules; or
 - (b) if no nomination is in effect under subsection (2) of this rules—the BidCarbon Data Limited.
- (2) The Working Body may, in writing, nominate a person for the purposes of paragraph (1) (a).

Public consultation about whether any person should be nominated

- (3) The Working Body must, before 1 January 2026, undertake public consultation about whether any person should be nominated under subsection (2).

Process for nominating a particular person

- (4) In deciding whether to nominate a person under subsection (2), the Working Body must consider the following matters:
- (a) the efficiency, integrity, and effectiveness of the person's proposed processes, including testing and verification processes, for including measuring devices, pyrometers, or waste treatment facility or unit on the person's list of ***approved product list***;
 - (b) the person's capacity to publish the person's lists of approved product list and keep them updated;
 - (c) the fees that the person proposes to charge in relation to the inclusion of a model of a measuring device, pyrometer, or waste treatment facility or unit on the person's list of approved product list.
 - (d) any other relevant matter.
- (5) Before nominating a person under subsection (2), the Working Body must:
- (a) publish the proposed nomination on the BidCarbon Standard website; and
 - (b) consider any submissions made in accordance with subsection (6) in relation to the proposed nomination.
- (6) A person who would be affected by a proposed nomination may, within 28 days after the day the Working Body publishes the proposed nomination, make a written submission to the Working Body.
- (7) If the Working Body nominates a person under subsection (2), the Working Body must publish the person's contact details on the BidCarbon Standard website.

22. Working Body may declare small-scale technology unit components ineligible

- (1) The Working Body may, in writing, declare that a model of a measuring device, pyrometer, or small-scale technology unit is not eligible for use in the installation of small-scale technology units for the purposes of these rules.
- (2) In deciding whether or not to make a declaration in relation to a model of a measuring device, pyrometer, or small-scale technology units, the Working Body must consider the following matters:
- (a) whether the model complies with the national standards applicable to the measuring device, pyrometer, or small-scale technology unit;
 - (b) whether evidence that independent testing has shown that the model complies with those standards has been provided by:
 - (i) the manufacturer of the model; or
 - (ii) if the model was imported—the person who imported the model;
 - (c) whether the model was included in the list mentioned in paragraph [19.9\(a\)](#) or [\(10\)\(b\)](#) on the basis of false or misleading information;

- (d) whether the inclusion of the model in the list mentioned in paragraph [19.\(9\)\(a\)](#) or [\(10\)\(b\)](#) presents a risk to the integrity or creation of small-scale technology certificates;
- (e) whether [section 20](#) has been complied with in relation to the model;
- (f) any other relevant matters.

Process before making declarations

- (3) Before making a declaration, the Working Body must:
 - (a) publish the proposed declaration on the BidCarbon Standard website; and
 - (b) consider any submissions made in accordance with subsection (4) in relation to the proposed declaration.
- (4) A person who would be affected by a proposed declaration may, within 28 days after the day the Working Body publishes the proposed declaration, make a written submission to the Working Body.
- (5) Subsections (3) and (4) do not apply in relation to a model of a measuring device, pyrometer, or small-scale technology unit if the Working Body is reasonably satisfied that there is an imminent safety risk to a person or to property arising from the use of the model in the installation of small-scale technology units.

Publication of declarations

- (6) If the Working Body makes a declaration, the Working Body must publish the declaration on the BidCarbon Standard website.

23. Working Body may declare persons ineligible to design or install small-scale technology units

Designers

- (1) Subsection (2) applies in relation to a person who has designed one or more small-scale technology units as mentioned in [subsection 19.\(2\)](#) if:
 - (a) the Working Body is reasonably satisfied that the person has, on or after 11 October 2023, given 3 or more statements mentioned in [paragraph 19.\(5\)\(a\)](#) that contain information that:
 - (i) is false or misleading in a material particular; or
 - (ii) omits a matter or thing without which the information is misleading in a material particular; or
 - (b) the Working Body is reasonably satisfied that the person has, on or after 11 October 2023, on 3 or more occasions failed to comply with the accreditation scheme under which the person is accredited.
- (2) The Working Body may, in writing, declare that the person is not eligible to design small-scale technology units for the purposes of [subsection 19.\(2\)](#).

Installers

- (3) Subsection (4) applies in relation to a person who has installed one or more small-scale technology units as mentioned in [subsection 19.\(2\)](#) if:
 - (a) the Working Body is reasonably satisfied that the person has, on or after 11 October 2023, given 3 or more statements mentioned in [subsection 19.\(5\)](#) that contain information that:
 - (i) is false or misleading in a material particular; or
 - (ii) omits a matter or thing without which the information is misleading in a material particular; or
 - (b) the Working Body is reasonably satisfied, on the basis of information received from one or more State or Territory authorities, that the person has, on or after 11 October 2023, on 3 or more occasions installed a small-scale technology unit

- in a material breach of a local or State or Territory government requirements for the installation of the unit; or
 - (c) the Working Body is reasonably satisfied that the person has, on or after 11 October 2023 , on 3 or more occasions failed to comply with the accreditation scheme under which the person is accredited.
 - (4) The Working Body may, in writing, declare that the person is not eligible to install small-scale technology units for the purposes of [subsection 19.\(2\)](#).
- Period of effect and publication of declarations*
- (5) A declaration under this rules has effect for the period, not exceeding 3 years, specified in the declaration.
 - (6) The Working Body must publish a declaration under this rules on the BidCarbon Standard website.

24. Working Body may declare persons ineligible to make small-scale technology unit retailer statements

- (1) Subsection (2) applies in relation to a person if the Working Body is reasonably satisfied that:
 - (a) the person has, on or after 11 October 2023 , given 3 or more statements in relation to small-scale technology units for the purposes of [subsection 19.\(5\)\(A\)](#) that contain information that:
 - (i) is false or misleading in a material particular; or
 - (ii) omits a matter or thing without which the information is misleading in a material particular; or
 - (b) both:
 - (i) on or after 11 October 2023 , the person sold a small-scale technology unit that is a pyrolysis (non-computer controlled) system to the owner of the unit; and
 - (ii) the person is related to a person in respect of whom a declaration is in effect under this rules.
- (2) The Working Body may, in writing, declare that the person is not eligible to make statements in relation to small-scale technology units for the purposes of [subsection 19.\(5\)\(A\)](#).
- (3) A declaration under this rules has effect for the period, not exceeding 3 years, specified in the declaration.
- (4) The Working Body must publish a declaration under this rules on the BidCarbon Standard website.

25. Making declarations under sections 23 and 24

- (1) In deciding whether or not to make a declaration under section [23](#) or [24](#) in relation to a person, the Working Body must consider the following matters:
 - (a) if the proposed declaration is to be made on the basis of paragraph [23.\(1\)\(a\)](#) or [\(3\)\(a\)](#) or [24.\(1\)\(a\)](#)—the materiality of the false or misleading information concerned;
 - (b) if the proposed declaration is to be made on the basis of [paragraph 23.\(3\)\(b\)](#)—the materiality of the breaches of local or State or Territory government requirements concerned;
 - (c) if the proposed declaration is to be made on the basis of [paragraph 23.\(1\)\(b\)](#) or [\(3\)\(c\)](#)—the materiality of the failures (to comply with the accreditation scheme under which the person is accredited) concerned;

- (d) any harm or loss caused to the owners of the small-scale technology units concerned, or to third parties, resulting from the false or misleading statements, breaches or failures (as applicable);
 - (e) whether the person has rectified any problems resulting from the false or misleading statements, breaches or failures (as applicable);
 - (f) any other relevant matters.
- (2) Before making a declaration in relation to a person, the Working Body must:
- (a) give the person written notice of the proposed declaration; and
 - (b) consider any submissions made in accordance with subsection (3) in relation to the proposed declaration.
- (3) The person may, within 28 days after the Working Body gives the person notice of the proposed declaration, make a written submission to the Working Body.

28. Record keeping for small-scale technology units

For paragraph 122.(2)(d) of the BPS Standard, a registered person must keep any document relevant to ascertaining the matters mentioned in [section 19](#).

Subdivision 1.3.3—Designer and installer accreditation scheme

30. Approval of accreditation schemes

This Subdivision sets out the process for approving an accreditation scheme mentioned in [subsection 19.\(2\)](#).

31. Interpretation

- (1) In this Subdivision:
scheme operator: see [subparagraph 33.\(b\)\(iii\)](#).
- (2) For the purposes of this Subdivision, in determining whether a scheme operator is a fit and proper person, the Working Body must have regard to the matters set out in [section 4](#), as if the reference to the applicant in that requirements were a reference to a scheme operator under this Subdivision.

32. Applying for accreditation

Applications for accreditation

- (1) A person may apply to the Working Body to approve an accreditation scheme developed by the person for the purposes of paragraph [19.\(2\)\(a\)](#), [\(b\)](#), [\(c\)](#) or [\(d\)](#).

Matters to be included in applications

- (2) An application must:
 - (a) be made in the manner and form specified by the Working Body on the BidCarbon Standard website; and
 - (b) include a draft of the accreditation scheme proposed to be approved; and
 - (c) include the information required by [section 33](#); and
 - (d) be accompanied by the documents required by [section 33](#); and
 - (e) include any information, and be accompanied by any documents, required by the form; and
 - (f) include an undertaking that complies with subsection (3); and
 - (g) be made:

- (i) in the period specified by the Working Body; or
- (ii) at a later time agreed with the Working Body in writing.

Undertakings to be included in applications

- (3) For the purposes of paragraph (2)(f), an undertaking must provide that, if the scheme were to be approved, the scheme operator undertakes to do the following:
 - (a) notify the Working Body, in writing, of any matters that arise that adversely affect, or that might adversely affect, the integrity of the scheme and the steps being taken, or proposed to be taken, by the scheme operator to address those matters;
 - (b) notify the Working Body, in writing, before making any changes to the fees charged under the scheme and provide the Working Body with an explanation of the changes;
 - (c) notify the Working Body, in writing, before varying or amending the scheme and provide the Working Body with an explanation of how the variations or amendments are consistent with the scheme as approved by the Working Body;
 - (d) notify the Working Body, in writing, if any of the events or circumstances mentioned in [section 4](#) that affect the scheme operator come to the attention of the scheme operator;
 - (e) notify the Working Body, in writing, if the scheme operator ceases to undertake, or proposes to cease undertaking, activities authorised by the scheme;
 - (f) if the scheme operator is a body corporate—notify the Working Body, in writing, if there is a change, or a proposed change, in any of the directors or officers of the body corporate;
 - (g) if the scheme operator is a body corporate—notify the Working Body, in writing, if a transaction results in, or a proposed transaction will result in, a change to the type, name or number of shares in the body corporate;
 - (h) notify the following, in writing, if a designer or an installer accredited under the scheme is excluded from the scheme:
 - (i) the Working Body;
 - (ii) the operator of every other accreditation scheme approved under this Subdivision;
 - (i) if requested by the Working Body in writing—provide the Working Body with requested information, in writing, about the operation of the scheme.

Period in which application must be made

- (4) The Working Body must specify a period for the purposes of subparagraph (2)(g)(i).
- (5) The specified period must be a period of 3 months between 1 January 2025 and 31 December 2025 and must be published on the BidCarbon Standard website.

33. Matters to be included in applications

An application must:

- (a) include the following:
 - (i) the name of the applicant;
 - (ii) if the scheme operator is a body corporate—the scheme operator's CRN or TIN;
 - (iii) if the scheme operator is a body corporate—details of the directors or officers of the body corporate;
 - (iv) if the scheme operator is a body corporate—details of the type, name or number of shares in the body corporate;
 - (v) the mailing address and email address of the applicant;
 - (vi) a telephone contact number for the applicant; and

- (b) include the following:
 - (i) details of the proposed scheme's scope;
 - (ii) an explanation of how the proposed scheme is to be managed and operated, including details of the governance arrangements for the proposed scheme;
 - (iii) the name and contact details of the person or persons (the *scheme operator*) who will be responsible for managing the scheme;
 - (iv) details of the qualifications and experience of the scheme operator that will enable the scheme operator to properly manage the proposed scheme in accordance with the requirements of the scheme and any requirements of the BPS Standard and these rules;
 - (v) details of how the proposed scheme will be monitored for compliance with the requirements of the scheme and any requirements of the BPS Standard and these rules; and
- (c) be accompanied by details and evidence of the training to be provided to designers and installers under the proposed scheme, including training in relation to written statements by installers under [subsection 19.5](#); and
- (d) include details of the measures and procedures that are in place, or will be in place before approval, and will be maintained after approval, to ensure:
 - (i) quality assurance and process control of the accreditation process; and
 - (ii) compliance with the scheme's requirements, and the requirements of the BPS Standard and these rules, in relation to the installation of small-scale technology units and the creation of certificates for such units; and
- (e) include details of the following:
 - (i) requirements of the proposed scheme relating to insurance and any codes of conduct;
 - (ii) the measures and procedures that are in place, or will be in place before approval, and will be maintained after approval, for identifying and dealing with actual and perceived conflicts of interest in relation to the proposed scheme;
 - (iii) the fees to be charged under the proposed scheme and an explanation of the basis for setting the fees and changing the amount of fees over time; and
- (f) set out reasons why the applicant believes the proposed scheme should be approved, having regard to each of the criteria and requirements for approval specified in [section 36](#).

34. Further information

- (1) For the purposes of making a decision under [section 35](#), the Working Body may, by notice in writing, request further information from the applicant.
- (2) The notice must set out:
 - (a) the information sought; and
 - (b) the day by which the information is to be provided to the Working Body.
- (3) The Working Body is not required to consider an application while waiting for the information to be provided.
- (4) If the information is not provided on or before the day specified in the notice, the application is taken to have been withdrawn.

35. Working Body to approve or refuse application

If the Working Body receives an application that is properly made under this Subdivision, the Working Body must:

- (1) approve the application; or

- (2) refuse the application.

36. Approval of accreditation scheme

- (1) The Working Body may approve an accreditation scheme if, and only if, the Working Body is satisfied that:
 - (a) the scheme operator is a fit and proper person; and
 - (b) the scheme operator, and each person involved in the management of the scheme:
 - (i) has appropriate knowledge and understanding of the regulatory framework and standards applicable to the installation of , including the framework for the creation of certificates under the BPS Standard and these rules; and
 - (ii) has the necessary qualifications, experience and expertise to properly manage the operation of the scheme; and
 - (c) the scheme operator has the capacity, resources and record (if any) to properly manage the operation of the scheme, consistent with the details set out in the application, in a sound, objective, transparent and rigorous manner; and
 - (d) the governance arrangements for the scheme are appropriate, having regard to the scope of the scheme; and
 - (e) the scheme includes appropriate measures and procedures to ensure that the requirements of the scheme, and the requirements of the BPS Standard and these rules, in relation to the installation of small-scale technology units and the creation of certificates for small-scale technology units are complied with; and
 - (f) the scheme operator has in place appropriate measures and procedures to identify and manage actual and perceived conflicts of interest in relation to the scheme; and
 - (g) the scheme operator has in place appropriate measures and procedures to identify and address non-compliance with the requirements of the scheme and the requirements of the BPS Standard and these rules, including requirements in relation to the creation of certificates for small-scale technology units; and
 - (h) the scheme operator has in place appropriate measures and procedures for the discipline of persons accredited under the scheme for failing to comply with the scheme's requirements, and the requirements of the BPS Standard and these rules, in relation to the design and installation of small-scale technology units and the creation of certificates for small-scale technology units; and
 - (i) the scheme operator has given the undertaking mentioned in [paragraph 32.\(2\)\(f\)](#); and
 - (j) the fees to be charged under the scheme are reasonable.
- (2) In deciding whether to approve an application, the Working Body must have regard to any guidelines determined by the Working Body under subsection (3) for the purposes of this rules.
- (3) The Working Body may, in writing, determine guidelines for the purposes of this rules.
- (4) The Working Body must publish details of any guidelines determined under subsection (3) on the BidCarbon Standard website.

37. Notification of decision

- (1) A decision of the Working Body to approve, or refuse, an application is to be made by notifiable instrument as soon as practicable after the decision is made.

- (2) In addition to the requirements under subsection (1), the Working Body must, within 28 days of making a decision to approve, or refuse, the application:
 - (a) notify the applicant in writing of the decision; and
 - (b) publish the decision on the BidCarbon Standard website; and
 - (c) if the decision is to approve the application—on the BidCarbon Standard website:
 - (i) provide details of a publicly accessible website where persons can view a copy of the accreditation scheme; and
 - (ii) specify the day on which the accreditation scheme comes into force; and
 - (d) if the decision is to refuse the application—include in the notice under paragraph (a) a statement of the applicant's review rights under section 49.

38. Duration of approval

An approval remains in force until it is revoked by the Working Body under [section 39](#).

39. Revocation of approval

- (1) The Working Body may revoke the approval of an accreditation scheme if:
 - (a) the Working Body considers it is no longer appropriate for the scheme to be approved having regard to the criteria in [subsection 36.\(1\)](#) concerning the granting of approvals; and
 - (b) the Working Body reasonably believes any of the following:
 - (i) the applicant made a false or misleading statement in an application under this Subdivision;
 - (ii) any person involved in the management of the scheme gave false or misleading information or documents to the Working Body or to another person performing functions or exercising powers under the BPS Standard or these rules;
 - (iii) there has been a failure to comply with an undertaking given under [paragraph 32.\(2\)\(f\)](#);
 - (iv) the scheme is operating in a manner that is materially different from the manner described by the applicant in the application for approval;
 - (v) non-compliance with the requirements of the scheme is not being addressed to the satisfaction of the Working Body;
 - (vi) the scheme operator or any other person involved in the management of the scheme is not a fit and proper person.
- (2) The Working Body must revoke the approval of an accreditation scheme if the scheme operator requests the Working Body, in writing, to revoke the approval.

40. Notice of proposed revocation

Notice of proposed revocation

- (1) Before deciding to revoke an approval of an accreditation scheme under [subsection 39.\(1\)](#), the Working Body must:
 - (a) notify the scheme operator, in writing, of:
 - (i) the proposed revocation; and
 - (ii) the reasons for the proposed revocation; and
 - (b) invite the scheme operator to:
 - (i) make a submission as to why the approval should not be revoked; and
 - (ii) do so within the period specified in the notice; and
 - (c) both:

- (i) publish details of the proposed revocation and reasons on the BidCarbon Standard website on the day that the Working Body notifies the scheme operator under paragraph (a); and
 - (ii) invite members of the public to make submissions on the proposed revocation within the period specified in the notice under paragraph (a).
- (2) The period (the **response period**) specified in the notice under paragraph (1)(a) must be at least 28 days commencing on the day the notice is given.

Decision on revocation

- (3) In deciding whether to revoke the approval of an accreditation scheme under [subsection 39.\(1\)](#), the Working Body must consider any submissions made within the response period.
- (4) The Working Body must:
 - (a) both:
 - (i) notify the scheme operator, in writing, of the decision; and
 - (ii) publish details of the decision on the BidCarbon Standard website; and
 - (b) do so within 28 days after the end of the response period.
- (5) If the decision is to revoke the approval of the accreditation scheme, the notice and published details must include the reasons for the decision.

Deemed decision to revoke

- (6) If the Working Body does not comply with subsection (4) within 28 days after the end of the response period, the Working Body is taken to have decided to revoke the approval of the accreditation scheme at the end of that period.
- (7) Paragraph (4)(a) does not apply to a decision that is taken to have been made because of subsection (6).

When revocation has effect

- (8) If no submissions were made within the response period, the revocation has effect on the day after the last day of the response period.
- (9) If submissions were made within the response period, the revocation has effect on:
 - (a) if the scheme operator was given a notice under subsection (4)—the day after the scheme operator was given the notice; or
 - (b) if the scheme operator was not given a notice under subsection (4)—the day after the Working Body is taken, under subsection (6), to have decided to revoke the approval of the accreditation scheme.

Notification of deemed decision

- (10) If a decision (the deemed decision) is taken to have been made because of subsection (6), the Working Body must publish details of the deemed decision on the BidCarbon Standard website as soon as practicable after the deemed decision is taken to have been made.

Decision to be notified by notifiable instrument

- (11) In addition to any other requirements under this rules, a decision (including a deemed decision) to revoke the approval of an accreditation scheme is to be notified by notifiable instrument as soon as practicable after the decision is made or is taken to have been made.

41. Effect of revocation

If the Working Body revokes the approval of an accreditation scheme, the following provisions have effect:

- (a) subject to paragraph (b), a person accredited under the scheme continues to be accredited (the *continued accreditation*) for all purposes as if the approval had not been revoked;
- (b) the continued accreditation ceases to be in effect at the end of the earlier of:
 - (i) unless otherwise agreed in writing with the Working Body—the day the person’s accreditation would have ceased to be in effect if the approval of the accreditation scheme had not been revoked; and
 - (ii) 12 months after the day the revocation of the approval of the accreditation scheme comes into effect.

42. Further approvals if no approved accreditation scheme

- (1) If a revocation of the approval of an accreditation scheme for a kind of small-scale technology unit mentioned in [subsection 19.\(2\)](#) results in there being no approved accreditation scheme in force for that kind of small-scale technology unit , a person may, under [section 32](#), apply to the Working Body to approve an accreditation scheme for that kind of small-scale technology unit.
- (2) Despite subsections [32.\(4\)](#) and [\(5\)](#), the application must be made within the period specified for the purposes of this rules by the Working Body on the BidCarbon Standard website.

Division 1.4A—Suspension of registration

43. Determining fit and proper person

For subsection 43.(5)(A) of the BPS Standard, in determining whether a registered person is a fit and proper person, the Working Body must have regard to the matters set out in [section 4](#), as if the reference to the applicant in that requirements were a reference to the registered person.

Division 1.4—Suspending accreditation of a AWT facility

44. Matters relevant to a decision to suspend the accreditation of a AWT facility (BPS Standard 45)

- (1) For subsection 45.(4)(A) of the BPS Standard, the Working Body must have regard to the following matters:
 - (a) whether the excess is material when measured against the baseline applicable to the excess facility concerned;
 - (b) whether the shortfall is material when measured against the baseline applicable to the shortfall facility concerned;
 - (c) whether the availability or amount of the relevant supply varied during the year for reasons that were beyond the control of the shortfall facility or the excess facility, as the case may be;
 - (d) whether the primary purpose of the distribution of the relevant supply between the excess facility and the shortfall facility was to increase the efficiency with which a product other than biochar was produced;
 - (e) if the shortfall facility was permanently closed or temporarily non-operational during the year—the reasons for the closure or temporary lack of operation of the AWT facility;

Note 1: *Excess facility*, *relevant supply* and *shortfall facility* have the same meanings as in section 45 of the BPS Standard.

Note 2: *Eligible renewable energy source* and *small-scale technology certificate* have the same meanings as in subsection 5.(1) of the BPS Standard.

- (2) In this rules:
material, in relation to an excess or shortfall, means an excess or shortfall greater than 5% of the baseline of the AWT facility.

45. Circumstances for suspending accreditation of an accredited AWT facility (BPS Standard 46)

- (1) For the purposes of subsection 46.(5) of the BPS Standard, the Working Body may suspend the accreditation of an accredited AWT facility if:
 - (a) the AWT facility no manufacture of biochar using an waste biomass type; or
 - (b) the AWT facility no longer uses metering which allows the Working Body to determine the amount of biochar production by the AWT facility; or
 - (d) the nominated person for the AWT facility applies, in accordance with subsection (2), to suspend the accreditation of the AWT facility; or
 - (e) the AWT facility has become inoperable because of the removal, in whole or in part, of the components of the small-scale technology unit that make up the AWT facility; or
 - (f) both of the following apply:
 - (i) the nominated person for the AWT facility is a registered person whose registration is suspended under section 42 or 43 of the BPS Standard;
 - (ii) the suspension relates to the AWT facility.
- (2) For the purposes of paragraph (1)(e), the application must:
 - (a) be made in a manner and form approved by the Working Body; and

- (b) provide a reason for the proposed suspension; and
- (c) specify the day the proposed suspension is to begin and the period of the proposed suspension, which may be indefinite; and
- (d) be accompanied by a statement in writing from any other stakeholder in relation to the AWT facility indicating that the stakeholder agrees to the making of the application.

Division 1.5—Varying eligible biochar baseline for an accredited AWT facility

46. Circumstances for varying eligible biochar baseline for an accredited AWT facility (BPS Standard 47)

Application made to Working Body

- (1) For subsections 47.(1) and (2) of the BPS Standard, the Working Body may vary the eligible biochar baseline for an accredited AWT facility if:
- (a) one or more of the following situations arise:
 - (i) the nominated person for the AWT facility becomes aware that information used to determine the baseline was inaccurate, misleading or incomplete; or
 - (ii) the nominated person for the AWT facility becomes aware of an error in the determination of the baseline; or
 - (iii) an action or policy of the Government reduces the AWT facility's ability to biochar production using an waste biomass type for a sustained period (for example, if the action or policy requires waste biomass type to be diverted from one AWT facility to another AWT facility); and
 - (b) the nominated person makes an application to the Working Body in the manner set out in subsections (3), to vary the eligible biochar baseline; and
 - (c) the Working Body considers the application, taking into account, as appropriate, the matters set out in subsections (4), and decides that the eligible biochar baseline should be varied.

On Working Body's own initiative

- (2) For subsections 47.(1) and (2) of the BPS Standard, the Working Body may, on his or her own initiative, vary the eligible biochar baseline for an accredited AWT facility if:
- (a) the Working Body becomes aware that 1 or more of the following situations has arisen:
 - (i) that information used to determine the baseline was inaccurate, misleading or incomplete;
 - (ii) that there is an error in the determination of the baseline;
 - (iii) an action or policy of the Government reduces the AWT facility's ability to biochar production using an waste biomass type for a sustained period (for example, if the action or policy requires waste biomass type to be diverted from one AWT facility to another AWT facility); and
 - (b) the Working Body gives the nominated person written notice stating:
 - (i) that the Working Body is considering whether to vary the baseline; and
 - (ii) the reasons for the possible variation; and
 - (iii) that the nominated person may give to the Working Body, by the date and in the form (if any) specified in the notice, any information that may assist the Working Body in deciding whether to vary the baseline; and
 - (c) the Working Body, having become aware of the situation and taking into account any information provided by the nominated person in response to a notice under paragraph (b), decides that the eligible biochar baseline should be varied.

Form of application

- (3) An application by a nominated person for an accredited AWT facility for a variation of the eligible biochar baseline for the AWT facility:
 - (a) must be in writing; and
 - (b) must state the circumstance in paragraph (1)(a) on the basis of which the request is made; and
 - (c) must include, or be accompanied by, a statement explaining the reasons why the variation should be made and setting out any other relevant information.

Special considerations

- (4) If the nominated person for a AWT facility requests a variation of the eligible biochar baseline for the AWT facility on the basis of the situation mentioned in subparagraph (1)(a)(iii), the Working Body must, in deciding whether to vary the baseline, consider the following matters:
 - (a) whether any water diverted to or from the AWT facility is a direct result of an action or policy of the Government;
 - (b) whether any diverted waste biomass type pass through the AWT facility.

49. Meaning of saleable quality

- (1) In this Part, ***saleable quality*** is intended to have its ordinary meaning as understood by participants in the relevant market, subject to subsections (2) to (5).
- (2) A product is taken to be of saleable quality if it is produced to a level at which it would ordinarily be considered by participants in the relevant market:
 - (a) to be the output of a process carried on as part of an biochar production emission activity; and
 - (b) to have a commercial value as that output.

Note : On this basis, the output may meet particular industry standards or specifications (either general specifications or those set by particular customers). It may also meet internal standards by which it can be used by the firm as part of another process conducted by the firm.
Outputs that are of saleable quality do not need to be sold in the year of production. Therefore, an output that is produced and entered on an inventory can be of saleable quality.

- (3) A sub-standard product that is discarded is taken not to be of saleable quality.
- (4) A product that is recycled back into the same biochar production emission activity to produce a new output is taken to be of saleable quality only once.
- (5) Material that is scrapped or lost before it is packaged as a product that is of saleable quality:
 - (a) is taken not to be of saleable quality; and
 - (b) is taken not to be included in an amount of product that is of saleable quality that is to be counted for the purpose of calculating a liable entity's biochar.

Division 2—Biochar production emission activities

50. Biochar production emission activities

For the purposes of the definition of *biochar production emission activity* in section 5 of the BPS Standard, each activity specified in Division 1 of a Part (other than Part 1) in [Schedule 1](#) is prescribed.

Division 3—Information for AWT facility certificates

51. Requirements to give information

For paragraph 58.(1)(a) of the BPS Standard, the information is information about all of the following:

- (a) the emissions of greenhouse gases for the activity;
- (b) the biochar used by the activity;
- (c) the revenue production by the activity.

Part 4—Inspections of small-scale technology unit

Division 1—General

52. Purpose of Part

- (1) The purpose of this Part is to establish a scheme for the inspection of small-scale technology units for which small-scale technology certificates have been created.
- (2) This Part is made for section 27 of the BPS Standard.

53. General requirements for inspections

- (1) The Working Body must ensure that each year a statistically significant selection of small-scale technology unit that were installed during the year are inspected under this Part for conformance with:
 - (a) ISO standards; and
 - (b) other standards or rules relevant to the creation of certificates in relation to the installed small-scale technology unit.
- (2) The Working Body must ensure that an inspection under this Part is carried out by a person or organisation who:
 - (a) is independent of the person or organisation who designed and/or installed the small-scale technology unit ; and
 - (b) does not have a conflict of interest in relation to the small-scale technology unit or administration of the matters being inspected.

54. Part 7 not to limit other inspections

Nothing in [section 83](#) prevents small-scale technology unit for which certificates have been created from:

- (a) being inspected under this Part at any time that the Working Body considers it is appropriate or necessary to do so; or
- (b) being inspected as part of an audit under Part 8 of the BPS Standard.

55. Publication of inspections

- (1) The Working Body must, for each year, publish on the BidCarbon Standard website the number of inspections conducted under this Part during the year.
- (2) The Working Body may also publish any other general information about inspections that the Working Body considers appropriate.

Division 2—Appointment of inspectors

56. Appointment of inspectors

- (1) The Working Body may, in writing, appoint a person to be an inspector for this Part.
- (2) The Working Body is not to appoint a person as an inspector unless the Working Body is satisfied that the person:
 - (a) is of sufficient maturity, and has had sufficient training, to properly exercise the powers of an inspector; and
 - (b) has sufficient expertise in matters arising under the BPS Standard and these rules in relation to small-scale technology unit in order to critically examine the requirements in section 92 and to prepare a report under section 95; and
 - (c) is of good repute, having regard to the person's character, honesty and integrity.
- (3) In exercising a power or performing a function as an inspector, an inspector must comply with any directions of the Working Body.

Note : Part 9 of the BPS Standard applies to inspectors appointed under this rules.

57. Identity cards

- (1) The Working Body must issue an identity card to an inspector.
- (2) An identity card must include:
 - (a) the signature of the inspector; and
 - (b) the name of the inspector; and
 - (c) the date the card expires; and
 - (d) any other information that may be necessary to indicate that the inspector is authorised to exercise powers or to perform functions under this Part.
- (3) An inspector must carry the identity card at all times when exercising powers or performing functions as an inspector.

58. Offence for not returning identity card

A person is suspected of being in breach of the law if:

- (a) the person has been issued with an identity card; and
- (b) the person ceases to be an inspector; and
- (c) the person does not, immediately upon so ceasing, return the identity card to the Working Body.

59. Inspector must not have conflict of interest

A person is prohibited from acting as an inspector if:

- (a) the person is an inspector; and
- (b) the person conducts an inspection of a small-scale technology unit under this Part; and
- (c) at the time of the inspection, the person:
 - (i) is not independent of the person or organisation who designed and/or installed the small-scale technology unit ; or
 - (ii) has a conflict of interest in relation to the small-scale technology unit or administration of the matters being inspected.

Division 3—Entitled of inspectors

60. Entry to premises

- (1) For the purpose of conducting an inspection under this Part, an inspector may:
 - (a) at any reasonable time of the day, enter any premises on which a small-scale technology unit has been installed; and
 - (b) conduct an inspection of the unit and premises in order to determine if the requirements in [section 92](#) have been satisfied.
- (2) An inspector is not authorised to enter premises under subsection (1) unless:
 - (a) the inspector has, at least 24 hours before the proposed inspection, contacted the occupier of the premises and arranged a time for the inspection; and
 - (b) the occupier has consented to the entry at that time; and
 - (c) the inspector has shown his or her identity card to the occupier or a person who represents the occupier; and
 - (d) before undertaking the inspection, the inspector has explained the purpose and scope of the inspection to the occupier or a person who represents the occupier.

61. Consent

- (1) Before obtaining the consent of an occupier for [paragraph 60.\(2\)\(b\)](#), the inspector must inform the occupier that he or she may refuse consent.
- (2) An entry of an inspector by virtue of the consent of the occupier is not lawful unless the occupier voluntarily consented to the entry.

62. Matters for inspection

In conducting an inspection under this Part, the inspector is to determine whether there is material or pervasive evidence that the following requirements in relation to the small-scale technology unit being inspected have not been satisfied:

- (a) the unit is installed at the address specified in the application to create certificates and is able to produce and deliver biochar;
- (b) the unit is a small-scale technology unit within the meaning of subsection 3(2);
- (c) all local and State or Territory government requirements have been met for the installation of the unit;
- (d) the installation of the unit complies with the following standards, as in force at the time the unit was installed:
 - (i) AS/NZS 3000, Electrical installations;
 - (ii) AS/NZS 1768, Lightning protection;
 - (iii) a foreign standard that corresponds to a standard mentioned in subparagraphs (i) and (ii);
- (e) the statements and documentation mentioned in subsections [19.\(5\)](#) and [\(5\)\(A\)](#) for the unit have been obtained;
- (f) the documents, statements and evidence mentioned in subsections [19.\(5\)](#) and [\(5\)\(A\)](#) for the unit do not contain information that:
 - (i) is false or misleading in a material particular; or
 - (ii) omits a matter or thing without which the information is misleading in a material particular;
- (g) if the certificates created for the unit were increase under [section 16](#)—the circumstances in [subsection 16.\(3\)](#) apply to the multiplication of the certificates;

63. Conduct of inspection

- (1) In conducting an inspection of a small-scale technology unit under this Part, an inspector:
 - (a) may examine and test the unit and any wiring or equipment associated with the unit; and
 - (b) may take photographs of anything on the premises relevant to the inspection; and
 - (c) may make a video recording of the inspection; and
 - (d) may request the occupier to answer any questions related to:
 - (i) the design or installation of a small-scale technology unit at the premises; and
 - (ii) the creation of certificates for the unit; and
 - (e) may do anything incidental to the matters mentioned in paragraphs (a) to (d); and
 - (f) must comply with:
 - (i) any requirements or conditions of the inspector's electrical licence; or
 - (ii) the law of the State or Territory where the unit is located.
- (2) A person is not required to answer any questions asked by an inspector under paragraph (1)(e).
- (3) The inspector must leave the premises if the occupier asks the inspector to do so.
- (4) The occupier, or a person who represents the occupier, is entitled to observe the inspection being carried out.

64. Dealing with imminent safety risks

- (1) If, during an inspection, the inspector considers that there is an imminent safety risk to a person or to property from a small-scale technology unit on the premises, the inspector must immediately notify all interested parties, and may notify any other person, of the extent and nature of the safety risk.
- (2) In determining if there is an imminent safety risk to a person or property, the inspector must take into account any guidelines issued by the Working Body.
- (3) The inspector must, after notifying the Working Body, comply with any directions given to the inspector by the Working Body.
- (4) The inspector must notify the relevant State or Territory Working Body by telephone and must, as soon as practicable after the telephone notification, confirm the notification by email or other electronic communication.
- (5) In this rules:

Building Code means the publication known as the Building Code of National, published by the Ministry of Housing and Construction, as in force from time to time.

interested parties means the following:

 - (a) the occupier;
 - (b) the Working Body;
 - (c) the relevant State or Territory Working Body;
 - (d) the relevant Data Service Provider;
 - (e) the owner of the small-scale technology unit.

relevant Data Service Provider, for a State (or similar division) or Territory, means a third-party service provider who engages in the activity of owning, controlling or operating an Data Management System in the State or Territory.

relevant State or Territory Working Body, for a State (or similar division) or Territory, means:

- (a) for matters relating to solid waste work—the State or Territory agency responsible for the administration or enforcement of the National Standards for solid waste work in the State or Territory; and
- (b) for matters relating to the design and construction of buildings and structures—the State or Territory agency responsible for the administration or enforcement of the Building Code in its application to the State or Territory.

Division 4—Reports

65. Inspector to prepare a report

- (1) Upon completion of an inspection, the inspector must prepare a written report that complies with this rules.
- (2) The report must be in the form approved by the Working Body.
- (3) The report must include one of the following conclusions about the design and installation of the small-scale technology unit inspected by the inspector:
 - (a) a conclusion that the inspection found no material or pervasive evidence that one or more of the requirements in [section 62](#) were not satisfied;
 - (b) a conclusion that the inspection found material or pervasive evidence that one or more of the requirements in [section 62](#) were not satisfied and the non-compliance presents an imminent risk to the safe operation of the small-scale technology unit ;
 - (c) a conclusion that the inspection found material or pervasive evidence that one or more of the requirements in [section 62](#) were not satisfied but the non-compliance does not present an imminent risk to the safe operation of the small-scale technology unit.
- (4) The report must also include:
 - (a) a brief summary of how the inspection was conducted; and
 - (b) a recommendation as to the steps that should be taken to rectify any problems discovered during the inspection and, in particular, how to ensure that any safety or operational problems discovered can be rectified; and
 - (c) any other information required by the Working Body.

66. Procedural fairness

- (1) If the report is likely to contain an adverse finding in relation to any of the following persons, the inspector must provide a copy of the finding to the person before finalising the report:
 - (a) a person who designed or installed the small-scale technology unit ;
 - (b) the person who sold the unit to the owner of the unit;
 - (c) a person who created certificates for the unit.
- (2) The inspector must:
 - (a) allow the person a reasonable opportunity to comment on the proposed adverse finding; and
 - (b) take account of any comments provided by the person when finalising the report.

67. Copy of final report to be provided to interested parties

- (1) The Working Body must provide a copy of the inspector's final report for a small-scale technology unit at particular premises to the following persons:
 - (a) the owner of the unit;
 - (b) the occupier of the premises;
 - (c) the person who created certificates for the unit;
 - (d) the designer of the unit;
 - (e) the installer of the unit.

- (2) If a person mentioned in a paragraph in subsection (1) is the same person mentioned in another paragraph of subsection (1), the Working Body is only required to provide the person with 1 copy of the report.

68. Copy of report to be provided to scheme operator

If the final report contains a conclusion that there is material or pervasive evidence that one or more of the requirements in paragraphs [62.\(c\)](#) to [\(f\)](#) have not been satisfied in relation to the design and installation of a small-scale technology unit, the Working Body must provide a copy of the report to the scheme operator for the accreditation scheme under which the person or persons who designed and installed the small-scale technology unit were accredited.

69. Copy of report to be provided to relevant State or Territory Working Body

- (1) If the final report contains a conclusion that there is material or pervasive evidence that one or more of the requirements in paragraphs [62.\(c\)](#) and [\(d\)](#) have not been satisfied in relation to the design and installation of a small-scale technology unit, the Working Body must provide a copy of the report to the relevant State or Territory Working Body.
- (2) In this rules:
Building Code means the publication known as the Building Code of National, published by the Ministry of Housing and Construction, as in force from time to time.
relevant State or Territory Working Body, for a State (or similar division) or Territory, means:
 - (a) for matters relating to solid waste work—the State or Territory agency responsible for the administration or enforcement of the National Standards for solid waste work in the State or Territory; and
 - (b) for matters relating to the design and construction of buildings and structures—the State or Territory agency responsible for the administration or enforcement of the Building Code in its application to the State or Territory.

70. Working Body may declare person ineligible to design and install small-scale technology unit

- (1) This rules applies if a person mentioned in paragraph [19.\(2\)\(a\)](#), [\(b\)](#), [\(c\)](#) or [\(c\)](#) is subject to an adverse finding in an inspection report on 3 separate occasions.
- (2) The Working Body may, in writing, declare that the person is not eligible to design and install small-scale technology unit for the purposes of [subsection 19.\(2\)](#).
- (3) A declaration has effect for the period specified in the declaration.
- (4) A period specified in a declaration cannot exceed:
 - (a) if the 3 adverse findings relate to the requirements mentioned in [paragraph 62.\(f\)](#) not being satisfied for a document, statement or evidence obtained from the person—3 years;
 - (b) in any other case—12 months.
- (5) The Working Body may publish the declaration on the BidCarbon Standard website.

71. Matters to consider before making declaration

- (1) In deciding whether or not to make a declaration in relation to a person, the Working Body must consider the following matters:
 - (a) the nature and extent of the adverse finding identified in an inspection report;

- (b) the circumstances relating to the adverse finding;
 - (c) whether the person has rectified the problems surrounding the adverse finding;
 - (d) the extent to which the person has cooperated with inspectors and the Working Body with respect to the adverse finding;
 - (e) any other matters the Working Body considers relevant.
- (2) Before making a declaration, the Working Body must:
- (a) allow the person a reasonable opportunity to comment on the proposed declaration; and
 - (b) take account of any comments provided by the person in relation to the proposed declaration.

Part 5—Review

72. Review of decisions

- (1) A person mentioned in column 3 of an item in the following table may request the Working Body to reconsider a decision mentioned in column 2 for that item.

Item	Decision	Person
2AB	Decision under section 21 to declare that a model of an pyrometer or photovoltaic module is not eligible for use in the installation of small generation units for the purposes of these rules	Either: (a) the manufacturer of the model; or (b) if the model was imported into Australia—the person who imported the model
2AC	Decision under section 23 to declare that a person is not eligible to design small generation units for the purposes of subsection 23.(2)	Person subject to the declaration
2AD	Decision under section 23 to declare that a person is not eligible to install small generation units for the purposes of subsection 19.(2)	Person subject to the declaration
2AE	Decision under section 24 to declare that a person is not eligible to make statements in relation to small generation units for the purposes of subsection 19.(5)(A)	Person subject to the declaration
2AF	Decision under Subdivision 1.3.3 to refuse to approve an accreditation scheme	<u>Applicant</u> for the approval
2AG	Decision under subsection 39.(1) to revoke the approval of an accreditation scheme	Person whose interests are affected by the decision
3	Decision under subsection 70.(2) to declare that a person is not eligible to design and install small generation units	Person subject to the declaration

- (2) The request must be:
- in writing; and
 - given to the Working Body not later than 60 days after the decision is made.
- (3) The Working Body must reconsider the decision and confirm, vary or set aside the decision.
- (4) If the Working Body does not give written notice of the Working Body's decision under subsection (3) to the person within 60 days after the person gives the request to the Working Body:
- the Working Body is taken to have made a decision confirming the original decision; and
 - the Working Body's decision is taken to have been made immediately after the end of the 60 days.

- (5) An application may be made to the Grievance Review Panel for review of a decision of the Working Body under subsection (3).

Part 6—Fees

73. Fees

(1) For paragraph 11.(2)(d) of the BPS Standard:

(a) the fee for an application for registration is:

Fee		
GBP	20.00	per year
USD	30.00	
CNY	150.00	

(b) the fee for an application for registration as a person to whom certificates may be assigned under subsection 29.(2) of the BPS Standard is:

Fee		
GBP	240.00	per year
USD	330.00	
CNY	2,300.00	

(2) For paragraph 14.(2)(e) of the BPS Standard the fee for an application for accreditation is:

Fee		
GBP	1,000.00	per year
USD	1,500.00	
CNY	8,000.00	

(3) For subsection 37.(3)(C) of the BPS Standard, the fee for registration of a certificate is:

(a) for a small-scale technology certificate created on or after 1 October 2025:

- (i) for the first 20 certificates registered—nil;
- (ii) for each certificate registered after the 21st certificate is:

Fee		
GBP	10.00	per year
USD	15.00	
CNY	80.00	

Schedule 1—Biochar production emission activities

Part 1—Preliminary

1. Preliminary

- (1) In this Schedule:
 - (a) Division 1 of a Part (other than this Part) specifies activities that are biochar production emission activities; and
 - (b) Division 2 of the Part sets out the biochar baseline for calculating the amount of a liable entity's activity.
- (2) In this Schedule, unless the contrary intention appears:
 - (a) a concentration of a substance that is expressed as a percentage is a percentage with respect to mass; and
 - (b) a reference to the moisture content of a substance expressed as a percentage is a percentage with respect to mass.

Part 2—Production of biochar

Division 1—Production of biochar

2. Production of biochar

- (1) Biochar is a carbon-rich, porous solid produced by the thermal decomposition of biomass in a reactor with little or no available air and at moderate temperature.
- (2) The production of biochar is specified as an biochar production emission activity.

Division 2—Biochar baseline for calculating

3. Biochar baseline for product

The biochar baseline for calculating the amount of a liable entity's in respect of the production of biochar is 4,000 kg per day, on a dry weight basis, of pelletised biochar that is:

- (a) produced by carrying on the biochar production emission activity; and
- (b) of saleable quality.

Note : ***Saleable quality*** is defined in [section 49](#).

Schedule 2—Guidelines for determining eligible biochar baseline for a AWT facility

([section 6](#))

1. Nil baselines

- (1) The eligible biochar baseline for a AWT facility is nil if:
 - (a) the AWT facility began generating biochar for the first time on or after 11 October 2023, and all or part of the biochar was production using an waste biomass type; or
 - (b) the AWT facility was built after 11 October 2023 to take advantage of a change in waste biomass type as a result of an action or policy of the Government to divert waste biomass type from one AWT facility to another.

2. Default baselines

- (1) For a AWT facility that produce biochar using an waste biomass type before 1 July 2027, the eligible biochar baseline is the average of the annual biochar production from waste biomass type in 2025 and 2026 (the *reference period*), worked out in accordance with [Subdivision 1.3.1](#).
- (2) If the amount of biochar production using an waste biomass type was not measured in the manner provided by these rules, the amount should be estimated from the measurements that were made and worked out in accordance with [Subdivision 1.3.1](#).
- (3) However, if the AWT facility did not produce biochar using an waste biomass type continuously in the reference period, the Working Body may:
 - (a) for a AWT facility that produce biochar using an waste biomass type for at least 24 months in the reference period:
 - (i) extrapolate the amount of biochar production using an waste biomass type or, in consultation with the nominated person for the AWT facility, model the output of the AWT facility over the months when biochar was not production, based on waste biomass type use, plant capacity and eligible waste treatment technology; and
 - (ii) if, in the reference period, the AWT facility began to produce biochar using an waste biomass type, or increased its capacity to produce biochar using an waste biomass type—model the output of the AWT facility over the year when the AWT facility began to produce biochar or increased its capacity to produce biochar, based on waste biomass type use, plant capacity and eligible waste treatment technology; or
 - (b) for a AWT facility that produce biochar using an waste biomass type for less than 24 months in the reference period:
 - (i) in consultation with the nominated person for the AWT facility, model the output of the AWT facility over the months when biochar was not production, based on waste biomass type use, plant capacity and eligible waste treatment technology; and
 - (ii) if, in the reference period, the AWT facility began to produce biochar using an waste biomass type, or increased its capacity to produce biochar using an waste biomass type—model the output of the AWT facility over the year when the AWT facility began to produce biochar or increased its

capacity to produce biochar, based on waste biomass type use, plant capacity and eligible waste treatment technology.

- (4) If, in the reference period, the AWT facility production, on an intermittent basis, biochar using an waste biomass type, the Working Body may consider the level of operation at a particular time to be representative of a full year's production.
- (5) However, subsection (4) applies only if the intermittent nature of the production was caused by the cyclical availability of waste biomass type.

Schedule 3—Guidelines for determining components of the small-scale technology unit that are taken to be part of a AWT facility

(subsection 4.(2))

1. General

- (1) Components of a small-scale technology unit that may be taken to form part of an AWT facility for the purposes of the BPS Standard include any of the following components, whether or not they are owned by the operator of the facility, provided they are integral to the operation of the system and the generation of biochar
 - (a) any component that operates to transform an eligible energy source into biochar;
 - (b) any infrastructure of the system, including buildings, fuel storage areas, fuel handling devices, information technology, instrumentation and controls.
- (2) Where an eligible energy source is processed in a biomass pelletiser system before it is converted into biochar, the components of the system used for processing and delivering the eligible energy source may be taken to form part of an AWT facility for the purposes of the BPS Standard.
- (3) Where biomass pellet fuel is used for cooking in a high-efficiency wood stove and a small amount of biochar is produced, the high-efficiency wood stove may be taken to be a component of an AWT facility for the purposes of the BPS Standard.
- (4) Nothing in this Schedule is intended to limit the kinds of components of a biochar-generation system that may be taken to form part of an AWT facility for the purposes of the BPS Standard.

2. Bioenergy

The following components of an facility that uses bioenergy may be taken to be part of a AWT facility for the BPS Standard:

- (a) buildings and stationary infrastructure;
- (b) combustion system, including production device;
- (c) combustion or steam turbine;
- (d) compressor;
- (e) control system;
- (f) cooling tower;
- (g) digestion tank;
- (h) feedstock preparation;
- (i) fuel storage, transport and processing system;
- (j) gas cleaning system;
- (k) gasifier;
- (l) generator;
- (m) heat recovery system;
- (n) mechanical cleaner;

- (o) oxygen supply system;
- (p) particulate removal system;
- (q) pumping equipment;
- (r) switchyard and transformer;
- (s) thermal reactor;
- (t) water supply and treatment system.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the Biomass Energy (Biochar Production Systems) Rule 2025.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Citation history and amendment history—Endnotes 3

Amending standards are annotated in the amendment history.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under the BidCarbon Foundation Governance Document.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

Endnote 2—Abbreviation key

ad = added or inserted
am = amended
amdt = amendment
c = clause(s)
C[x] = Compilation No. x
Ch = Chapter(s)
def = definition(s)
Dict = Dictionary
disallowed = disallowed by the Board of Trustees
Div = Division(s)
ed = editorial change
exp = expires/expired or ceases/ceased to have effect
BFGD = BidCarbon Foundation Governance Document
WR = Written Resolutions
(md) = misdescribed amendment can be given effect
(md not incorp) = misdescribed amendment cannot be given effect
mod = modified/modification
No. = Number(s)
Ord = Ordinance
orig = original
par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
pres = present
prev = previous
(prev...) = previously
Pt = Part(s)
r = rule(s)
reloc = relocated
renum = renumbered
rep = repealed
rs = repealed and substituted
s = section(s)/subsection(s)
Sch = Schedule(s)
Sdiv = Subdivision(s)
SWR = Select Written Resolutions
SR = Statutory Rules
Sub-Ch = Sub-Chapter(s)
SubPt = Subpart(s)
underlining = whole or part not commenced or to be commenced

Endnote 3—Amendment history

Provision affected	How affected