



# **Energy Efficiency Opportunities Amendment Act 2007**

**No. 40, 2007**

**An Act to amend the *Energy Efficiency  
Opportunities Act 2006*, and for related purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)



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## Contents

1	Short title .....	1
2	Commencement .....	2
3	Schedule(s) .....	2
<b>Schedule 1—Amendments</b>		<b>3</b>
	<i>Energy Efficiency Opportunities Act 2006</i>	3





# Energy Efficiency Opportunities Amendment Act 2007

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## **An Act to amend the *Energy Efficiency Opportunities Act 2006*, and for related purposes**

[Assented to 30 March 2007]

The Parliament of Australia enacts:

### **1 Short title**

This Act may be cited as the *Energy Efficiency Opportunities Amendment Act 2007*.

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## 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	30 March 2007
2. Schedule 1, items 1 to 5	Immediately after the commencement of the <i>Energy Efficiency Opportunities Act 2006</i> .	6 April 2006
3. Schedule 1, items 6 to 8	The day on which this Act receives the Royal Assent.	30 March 2007

Note: This table relates only to the provisions of this Act as originally passed by both Houses of the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

## 3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

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## Schedule 1—Amendments

### *Energy Efficiency Opportunities Act 2006*

#### **1 Subsection 9(1)**

Repeal the subsection (not including the notes), substitute:

- (1) If the following are satisfied in relation to a financial year (the *trigger year*):
  - (a) a controlling corporation's group meets the energy use threshold for that year under section 10;
  - (b) the controlling corporation is not registered under Part 4 on 30 June of that year;the controlling corporation must, in accordance with this section, apply in the next financial year to be registered under Part 4.

#### **2 Subsection 9(4)**

Repeal the subsection, substitute:

- (4) The application must be made during the period:
  - (a) beginning on 1 July in the financial year after the trigger year; and
  - (b) ending on 31 March in the financial year after the trigger year.

#### **3 Subsection 15(1)**

Omit “subsections 18(1), (2) and (3)”, substitute “section 18”.

#### **4 Subsections 15(2) and (3)**

Repeal the subsections, substitute:

- (2) An assessment plan must be given to the Secretary at a time during each of the following periods:
  - (a) the period of 18 months beginning on 1 July in the financial year in which the corporation was most recently required to make an application under section 9 to be registered under Part 4;
  - (b) the period of 18 months beginning on every fifth anniversary of that 1 July.

Example: A registered corporation's trigger year under section 9 is the financial year 2005-2006. In the financial year 2006-2007 the corporation is required to apply under that section to be registered under Part 4.

The corporation's first assessment plan must be given during the period of 18 months beginning on 1 July 2006 and ending on 31 December 2007.

The corporation's later assessment plans must be given during the period of 18 months beginning on 1 July 2011 and ending on 31 December 2012, and so on.

## 5 Subsections 18(1) and (2)

Repeal the subsections, substitute:

- (1) An assessment plan must set out a proposal for assessing the opportunities for improving the energy efficiency of the controlling corporation's group for the period mentioned in this table:

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### Assessment plans

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Item	For this assessment plan:	the period is:
1	First assessment plan given after the corporation's most recent application for registration under Part 4	the period of 5 years beginning on 1 July in the financial year in which the corporation was required to make that application.
2	If the corporation is registered because of that application—each later assessment plan given during the period of that registration	the period of 5 years beginning on the day after the end of the period covered by the last assessment plan.

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Example: A controlling corporation's trigger year under section 9 is the financial year 2005-2006. In the financial year 2006-2007 the corporation is required to apply under that section to be registered under Part 4.

The corporation's first assessment plan must cover the period of 5 years beginning on 1 July 2006 and ending on 30 June 2011.

The corporation's later assessment plans must cover the period of 5 years beginning on 1 July 2011 and ending on 30 June 2016, and so on.

## 6 Section 39

After "SES employee", insert ", or an acting SES employee,".

## 7 Validation of regulations

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Regulations made under the *Energy Efficiency Opportunities Act 2006* before the commencement of this item are as valid as they would have been if they had been made under that Act as amended by this Act.

## **8 Validation of assessment plans**

An assessment plan given under Part 5 of the *Energy Efficiency Opportunities Act 2006* before the commencement of this item is taken to have been given under that Part as amended by this Act.

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[*Minister's second reading speech made in—  
House of Representatives on 29 November 2006  
Senate on 6 February 2007*]

(170/06)

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