



Energy Efficiency Opportunities Regulations 2006¹

Select Legislative Instrument 2006 No. 160

I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Energy Efficiency Opportunities Act 2006*.

Dated 22 June 2006

P. M. JEFFERY
Governor-General

By His Excellency's Command

IAN MACFARLANE
Minister for Industry, Tourism and Resources

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Part 1 Preliminary

1.1 Name of Regulations

These Regulations are the *Energy Efficiency Opportunities Regulations 2006*.

1.2 Commencement

These Regulations commence on the day after they are registered.

1.3 Definitions

In these Regulations:

Act means the *Energy Efficiency Opportunities Act 2006*.

business unit means a group member, or associated group members within a group, that:

- (a) is made responsible by the controlling corporation for a function that is significant to the overall business of the group; and
- (b) has a significant degree of autonomy and responsibility.

Note A business unit may be:

- (a) a group member or members; or
- (b) a part of a group member or members; or
- (c) a combination of group members and parts of group members;

that operate a large site, or a group of sites, or a team of group members providing specialist services across a business.

combustible fuel means an energy source that is combusted to create energy, and that is mentioned in Part 1 of Schedule 1.

GJ means gigajoules.

key activity, in relation to a group member or members, means a function that is:

- (a) related to a distinct product or service; and
- (b) designated as significant by the controlling corporation.

Regulation 1.3

Examples of distinct products or services that might comprise a “key activity”

- 1 Cement.
- 2 Alumina.
- 3 Supermarket/retail.
- 4 Open cut coal mining.
- 5 Aluminium smelting.

Key activities should be grouped at an appropriate level to allow meaningful comparison of key energy use and savings statistics. The activities will vary depending on the particular structure of the business.

payback period, for an opportunity, unless the contrary intention appears, is the period expressed in years, worked out in accordance with the formula:

$$\frac{A}{B}$$

where:

A is an amount equal to the initial capital cost of implementation; and

B is an amount equal to the net annual savings over the first 4 years after implementation, and not including any amount that is included in ***A***.

PJ means petajoules.

significant opportunity, for a corporation, means a potential change or modification to equipment, or to a system or activity, that:

- (a) is identified through an energy efficiency opportunities assessment; and
- (b) the corporation reasonably considers could:
 - (i) result in a material reduction in energy use of a site or process; or
 - (ii) result in a material improvement in energy efficiency of a site or process; or
 - (iii) generate materially significant financial savings for a site or business.

Regulation 1.4

site means a physical location (or a series of physical locations in close proximity to one another) on which is carried out a business activity or a number of business activities by 1 or more members of a controlling corporation's group.

Examples of sites

A factory, mine or mill.

1.4 The user of energy

In these Regulations, the *user* of energy is identified using the principles in the table.

Item	If the energy is ...	the principle is that ...
1	derived from an energy source that is a combustible fuel	the energy is used by the entity: <ol style="list-style-type: none"> (a) that last purchased the fuel for combustion, or produced it for combustion (whether the entity combusts the fuel or permits or requires it to be combusted by another person or entity who does not purchase or produce the fuel); and (b) on the combustion of the fuel
	<i>Example</i>	
	Energy that is purchased by an entity and then used by a sub-contractor on behalf of the entity is used by the entity that purchased it. That entity is the user of the energy.	
2	electricity	the electricity is used by the entity that last produced it or purchased it for consumption (whether the entity consumes the electricity or allows it to be consumed by another person or entity who does not produce or purchase the electricity)
3	compressed air	the compressed air is used by the entity that last produced it or purchased it for consumption (whether the entity consumes the compressed air or allows it to be consumed by another person or entity who does not purchase the compressed air)

Regulation 1.5

Item	If the energy is ...	the principle is that ...
4	steam	the steam is used by the entity that last produced it or purchased it for consumption (whether the entity consumes the steam or allows it to be consumed by another person or entity who does not purchase the steam)
5	derived from a reductant	the reductant is used by the entity when the entity uses the reductant to produce energy or combustible fuel

1.5 Energy use threshold — meaning of energy used

- (1) For subsection 10 (3) of the Act, this regulation explains the meaning of the *energy used* by an entity.

General meaning

- (2) The *energy used* by an entity is the total of:
- (a) all energy; and
 - (b) all energy sources;
- used by the entity, reduced by any amount mentioned in this regulation.

Kinds of energy

- (3) The meaning of *energy used* by an entity is to be determined by reference only to energy and energy sources mentioned in Part 1 of Schedule 1.

Reduction of total of all energy

- (4) For subregulations (2) and (3), the total of all energy used by the entity, mentioned in subregulation (2), does not include:
- (a) the use of energy or energy sources described in Part 2 of Schedule 1; and
 - (b) energy sources, to the extent that the sources were used to produce energy used by the entity.

Regulation 1.5

Note Paragraph (b) is intended to prevent “double counting”: where an entity uses an energy source to create energy that the entity then uses, it is only the latter use of energy that counts.

Conversion factors

- (5) If an energy source is to be converted to an amount of energy, the conversion is to be done using the conversion factors mentioned in the publication *Energy in Australia 2005*, ISSN 1833-038X, published by the Department of Industry, Tourism and Resources on 9 December 2005.

Note These conversion factors are included in order to set out a method for measuring the energy use of an entity where the only available measure of the entity’s energy consumption is by reference to the energy source they have acquired.

- (6) If, in a particular case, an entity responsible for making a report under Part 7 of the Act is aware that another conversion method would provide more accurate information, the entity may use that conversion method in that case only if the entity states:
- (a) in a public report mentioned in section 22, 22A or 22B of the Act — whether the conversion factors used were factors:
 - (i) mentioned in subregulation (5); or
 - (ii) accepted by industry; or
 - (iii) a combination of factors mentioned in subparagraphs (i) and (ii); and
 - (b) in a report to the Secretary mentioned in Division 2 of Part 7:
 - (i) a statement that complies with paragraph (a); and
 - (ii) the factors actually used.

Regulation 1.6

- (7) If, in a particular case, an entity responsible for making a report under Part 7 of the Act is aware that the use of energy by the entity would be more accurately described by an alternative method, the entity may use that method to describe its use of energy only if:
- (a) the entity states the detail of the alternative method in:
 - (i) a public report mentioned in section 22, 22A or 22B of the Act; and
 - (ii) in a report to the Secretary mentioned in section 23 of the Act; and
 - (b) the Secretary approves the method in writing.
- (8) An approval by the Secretary mentioned in paragraph (7) (b) may be included in the Secretary's approval of:
- (a) an assessment plan; or
 - (b) a variation to an assessment plan.

1.6 Energy use threshold — working out use for a group*Accuracy of calculations*

- (1) The entity responsible for making the relevant report or meeting the relevant requirement must apply the principles in the table, relating to the accuracy of its calculations, when working out the calculation.

Item	For the purpose of ...	that shows data about ...	the calculations ...
1	preparing an assessment plan to be given to the Secretary under Part 5 of the Act	estimations of energy use	<ol style="list-style-type: none"> (a) should achieve the best available level of accuracy, ideally to within $\pm 10\%$; and (b) must show the margin of error used in the calculations

Regulation 1.6

Item	For the purpose of ...	that shows data about ...	the calculations ...
2	meeting a requirement of the Assessment Framework mentioned in regulation 6.1	energy use	must achieve a level of accuracy to within $\pm 5\%$, unless another level of accuracy has been approved in the group's assessment plan
3	meeting a requirement of the Assessment Framework mentioned in regulation 6.1	(a) financial costs and financial benefits of opportunities; and (b) energy savings of opportunities	must achieve a level of accuracy to within $\pm 30\%$
4	preparing a public report, or a report to the Secretary under Part 7 of the Act	energy use of assessed parts of the group	must achieve a level of accuracy to within $\pm 5\%$, unless another level of accuracy has been approved in the group's assessment plan <i>Note</i> If another level has been approved, the actual level achieved must be stated.
5	preparing a public report, or a report to the Secretary under Part 7 of the Act	(a) financial costs and financial benefits of opportunities; and (b) energy savings of opportunities	(a) must show the level of accuracy to which the data, or each range of data, has been calculated; and (b) must show the level at the level of aggregation required for the report

Regulation 1.7

Energy use for a changed group — reporting period

- (2) If the members of a group change during a reporting period, the energy used by the group is taken to be the total of all energy used by the members of the group that are members on the last day of the reporting period.

Note A group may voluntarily report on energy used by members who have left the group, as long as the report complies with this subregulation by identifying the energy used by those who are group members on the last day of the reporting period.

1.7 Controlling corporation to ensure regulations are fulfilled

If, under these Regulations, an obligation is imposed on a controlling corporation by reference to a person, entity, group or part of a group:

- (a) the person, entity, group or part of the group must fulfil the obligation; and
- (b) if the obligation is not fulfilled — the controlling corporation is responsible.

Regulation 2.2

Part 2 Definitions relating to groups

2.1 Controlling corporation — general

- (1) For paragraph 7 (2) (b) of the Act, the class of corporations mentioned in this regulation is specified.

Note Subsection 7 (2) of the Act identifies corporations that are not to be treated as **controlling corporations** for the purposes of the Act. The corporation must be in a class of corporations specified in the regulations.

- (2) The class is each corporation:
- (a) whose main business is:
 - (i) the generation of electricity; or
 - (ii) the transmission and distribution of either or both of natural gas and electricity; and
 - (b) for which the total of energy used in its activities (other than the generation of electricity, or the transmission and distribution of natural gas and electricity) does not exceed 0.5 PJ in a year; and
 - (c) for which each of its subsidiaries, and joint ventures and partnerships for which it is the responsible entity, satisfies the requirements mentioned in paragraphs (a) and (b).
- (3) This regulation ceases to have effect at the end of 30 June 2009.

2.2 Group and members of a group — general

- (1) For paragraph 8 (4) (b) of the Act, the class of corporations mentioned in this regulation is specified.

Note Subsection 8 (4) of the Act identifies subsidiaries of controlling corporations that are not to be treated as part of a **group** for the purposes of the Act. The subsidiary must be in a class of entities specified in the regulations.

Regulation 2.3

- (2) The class is each corporation:
 - (a) that is a subsidiary of a controlling corporation; and
 - (b) whose main business is:
 - (i) the generation of electricity; or
 - (ii) the transmission and distribution of either or both of natural gas and electricity; and
 - (c) for which the total of energy used in its activities (other than the generation of electricity, or the transmission and distribution of natural gas and electricity) does not exceed 0.5 PJ in a year; and
 - (d) for which each of its subsidiaries, and joint ventures and partnerships for which it is the responsible entity, satisfies the requirements mentioned in paragraphs (b) and (c).
- (3) This regulation ceases to have effect at the end of 30 June 2009.

2.3 Responsible entity — rules for making a nomination

- (1) For subsection 8 (7) of the Act, this regulation sets out rules under which:
 - (a) participants in a joint venture may make a nomination of a member of a group as the responsible entity for the joint venture for subsection 8 (5) of the Act; and
 - (b) partners in a partnership may make a nomination of a member of a group as the responsible entity for the partnership for subsection 8 (6) of the Act.
- (2) The nomination must:
 - (a) be in writing; and
 - (b) be signed for the member of the group (the *nominee*) that is being nominated as the responsible entity for the joint venture or partnership; and
 - (c) include a statement to the effect that the nominee is being nominated as the responsible entity for the joint venture or partnership for the purposes of the Act; and
 - (d) include a statement to the effect that all of the other participants or partners have been informed of the nomination; and

Regulation 2.4

- (e) state:
 - (i) the nominee's full name, address and Australian Business Number; and
 - (ii) the name and either the address or Australian Business Number of each participant or partner; and
 - (iii) the full name, address and Australian Business Number of the joint venture or partnership; and
- (f) include a declaration by an employee signing for the nominee that the information included in the nomination is, to the best of the officer's knowledge, correct and in accordance with the requirements of the Act and these Regulations.

2.4 Group and members of a group — revocation of nomination by responsible entity

- (1) The nomination of a member of a group as:
 - (a) the responsible entity for a joint venture for subsection 8 (5) of the Act; or
 - (b) the responsible entity for a partnership for subsection 8 (6) of the Act;may be revoked only in accordance with this regulation.
- (2) The responsible entity must give a notice (a *notice of intention*) to each participant in the joint venture, or to each partner, stating that the responsible entity:
 - (a) intends to revoke its nomination as a responsible entity for the joint venture or partnership; and
 - (b) will give the Secretary a notice, revoking its nomination as responsible entity, at least 28 days after the notice of intention has been given to each of the participants or partners.
- (3) If the responsible entity wishes to seek the revocation of its nomination as the responsible entity after giving the notice of intention to each of the participants or partners, the responsible entity must give a notice to the Secretary, at least 28 days after the notice of intention has been given to each of the participants or partners, stating that the responsible entity:
 - (a) has complied with subregulation (2); and

Regulation 2.5

- (b) does not propose to withdraw the notice of intention; and
 - (c) revokes its nomination as a responsible entity for the joint venture or partnership.
- (4) If the responsible entity:
- (a) does not comply with subregulation (2) when giving a notice to each of the participants or partners; or
 - (b) does not comply with subregulation (3) when giving a notice to the Secretary;
- the notice is taken to have no effect.

Note The requirement to give a notice of intention, followed by a 28 day period, before a notice of revocation may be given to the Secretary is intended to allow participants or partners time to resolve any issues between them and the responsible entity (including a resolution through proceedings for injunctions to prevent the filing of a notice of revocation) and time to organise a replacement responsible entity.

2.5 Group and members of a group — revocation of nomination otherwise than by responsible entity

- (1) For subsection 8 (7) of the Act, this regulation sets out rules under which:
- (a) participants in a joint venture may revoke the nomination of a member of a group as the responsible entity for the joint venture for subsection 8 (5) of the Act; and
 - (b) partners in a partnership may revoke the nomination of a member of a group as the responsible entity for the partnership for subsection 8 (6) of the Act; and
 - (c) participants and partners may nominate a replacement responsible entity; and
 - (d) nominations are automatically revoked.

Revocation (automatic)

- (2) The nomination is taken to be revoked on the day on which any of the following happens:
- (a) the responsible entity ceases to be a participant in the joint venture or a partner of the partnership;
 - (b) a liquidator is appointed to the responsible entity;

Regulation 2.5

- (c) if the responsible entity is incorporated under the *Corporations Act 2001* — the responsible entity is deregistered in accordance with that Act;
- (d) if the responsible entity is a body corporate established otherwise than under the *Corporations Act 2001* — the responsible entity ceases to be a body corporate entitled to conduct its affairs.

Revocation with replacement entity — participants

- (3) If a participant (the *new entity*):
 - (a) is not the responsible entity; and
 - (b) gives the Secretary:
 - (i) a nomination of the participant that complies with regulation 2.3; and
 - (ii) evidence of the consent of the current responsible entity to its replacement by the new entity;

the nomination of the current responsible entity is taken to be revoked on the later of the day on which the Secretary receives the nomination and the evidence and the day (if any) on which the nomination of the new entity is expressed to take effect.

Revocation with replacement entity — partners

- (4) If a partner (the *new entity*):
 - (a) is not the responsible entity; and
 - (b) gives the Secretary:
 - (i) a nomination of the partner that complies with regulation 2.3; and
 - (ii) evidence of the consent of the current responsible entity to its replacement by the new entity;

the nomination of the current responsible entity is taken to be revoked on the later of the day on which the Secretary receives the nomination and the evidence and the day (if any) on which the nomination of the new entity is expressed to take effect.

Regulation 2.5

Revocation (no replacement entity)

- (5) If:
- (a) all of the participants or partners (other than the participant or partner that is the responsible entity) decide in writing to revoke the nomination of a participant or partner as the responsible entity; and
 - (b) the joint venture or partnership gives the Secretary:
 - (i) notice of the decision that complies with subregulation (6); and
 - (ii) evidence of the decision;
- the nomination of the responsible entity is taken to be revoked on the later of the day on which the Secretary receives the notice and the evidence and the day (if any) on which the revocation is expressed to take effect.
- (6) For subparagraph (5) (b) (i):
- (a) a notice must:
 - (i) be signed by or for all of the participants or partners; and
 - (ii) state that it has been signed by or for each of the persons that were participants or partners at the date on which the notice is signed; and
 - (b) the date on which the notice was signed must be not more than 28 days before the day on which the notice is given to the Secretary.

Note If the nomination of a participant or partner is revoked, and there is no nomination of a replacement responsible entity, the revocation will impose obligations under the Act on each of the participants or partners.

Part 3 Corporations required to register

3.1 Obligation to apply to register — content of application

For paragraph 9(5)(b) of the Act, an application for registration must include the information set out in Schedule 2.

3.2 Obligation to apply to register — form of application

- (1) An application for registration must be:
 - (a) in writing as hard copy; or
 - (b) in electronic form.
- (2) An application in hard copy must be:
 - (a) signed by:
 - (i) the chair of the board of directors; or
 - (ii) the chief executive officer; or
 - (iii) the managing director or an equivalent officer of the controlling corporation; or
 - (iv) an authorised representative of a person mentioned in subparagraph (i), (ii) or (iii); and
 - (b) given to the Secretary by sending it to this address:

Energy Efficiency Opportunities
Department of Industry, Tourism and Resources
GPO Box 9839
CANBERRA ACT 2601.
- (3) An application in electronic form must be given to the Secretary in a format approved by the Secretary and notified in the *Gazette*.

Regulation 3.3

3.3 Exemption from registration on application by corporation — content of application

For paragraph 11 (4) (a) of the Act, an application for an exemption from the requirement to be registered under Part 4 of the Act must:

- (a) be signed by the chair of the board of directors, the chief executive officer, the managing director or an equivalent officer of the controlling corporation, or his or her authorised representative; and
- (b) include a statement that the total of all energy used by the controlling corporation's group in the financial year after the trigger year is unlikely to exceed 0.5 PJ; and
- (c) include information to support the statement; and
- (d) include a declaration by an employee signing for the controlling corporation that the information included in the application is, to the best of the officer's knowledge, correct and in accordance with the requirements of the Act and these Regulations.

Examples of information for paragraph (c)

- 1 Evidence of the group's energy use for the trigger year and the preceding 2 years.
- 2 Information that defines the group for the relevant period.
- 3 Other information that explains why the controlling corporation believes that its energy use in the year following the trigger year will not reach the 0.5 PJ threshold.

The evidence may include detailed explanations of circumstances such as a changed corporate group structure, commercial changes such as the cessation of a contract, or a change in production capacity due to plant closures.

3.4 Exemption from registration on application by corporation — form of application

- (1) For paragraph 11 (4) (b) of the Act, an application for an exemption from the requirement to be registered under Part 4 of the Act must be:
 - (a) in writing as hard copy; or
 - (b) in electronic form.

Regulation 3.4

- (2) An application in hard copy must be:
- (a) in a format that the Secretary notifies in the *Gazette*; and
 - (b) signed by:
 - (i) the chair of the board of directors; or
 - (ii) the chief executive officer; or
 - (iii) the managing director or an equivalent officer of the controlling corporation; or
 - (iv) an authorised representative of a person mentioned in subparagraph (i), (ii) or (iii); and
 - (c) given to the Secretary by sending it to this address:

Energy Efficiency Opportunities
Department of Industry, Tourism and Resources
GPO Box 9839
CANBERRA ACT 2601.
- (3) An application in electronic form must be given to the Secretary in a format approved by the Secretary and notified in the *Gazette*.

Regulation 4.1

Part 4 Registration**4.1 The Register — matters to be entered on Register**

- (1) For paragraph 12 (4) (b) of the Act, the following matters are specified:
- (a) details of the controlling corporation, including:
 - (i) its name; and
 - (ii) its trading name (if any); and
 - (iii) its Australian Business Number (ABN); and
 - (iv) the address of its head office;
 - (b) for each affected group member:
 - (i) its name; and
 - (ii) its trading name (if any); and
 - (iii) if the member has an Australian Business Number (ABN) — its ABN; and
 - (iv) if the member does not have an ABN — the address of its head office;described either for each group member or grouped by kinds of activity;
 - (c) the same description of the group's corporate structure as described in item 4 of Schedule 2;
 - (d) information about the controlling corporation's compliance with the Act, including information about:
 - (i) whether it has lodged an assessment plan; and
 - (ii) whether it has completed assessments of all or part of the group; and
 - (iii) whether it has published a report to the public about its compliance; and
 - (iv) whether it has provided a report to the Secretary about its compliance;

Regulation 4.2

- (e) if the controlling corporation has stated in its application that a separate assessment plan mentioned in paragraph 5.1 (1) (b) is likely to be prepared by a part of the controlling corporation's group, on behalf of the controlling corporation:
 - (i) that information; and
 - (ii) a description of that part of the controlling corporation's group.

Note Energy use information may be published only:

- (a) if:
 - (i) individual groups or entities are not identified or identifiable; and
 - (ii) it is not information that is provided in the course of registration; or
 - (b) if the controlling corporation or the person providing the information has given consent to the publication.
- (2) If any of the matters mentioned in subregulation (1) changes in a financial year:
 - (a) the controlling corporation must tell the Secretary of the change as soon as practicable, but not later than 3 months after the end of the financial year; and
 - (b) the changed matter is specified for paragraph 12 (4) (b) of the Act.
 - (3) In this regulation:

affected group member means a member of the group that the controlling corporation reasonably considers likely to be assessed under these Regulations.

4.2 Corporation may apply for deregistration — content of application

For paragraph 14 (2) (a) of the Act, an application to be deregistered must:

- (a) be signed by the chair of the board of directors, the chief executive officer, the managing director or an equivalent officer of the controlling corporation, or his or her authorised representative; and

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- (b) include a statement that the total of all energy used by the registered corporation's group in:
 - (i) the first financial year to which the application relates; and
 - (ii) the 2 subsequent financial years;is unlikely to exceed 0.5 PJ; and
- (c) include information to support the statement; and
- (d) include a declaration by the officer mentioned in paragraph (a) that the information included in the application is, to the best of the officer's knowledge, correct and in accordance with the requirements of the Act and these Regulations.

Examples of information for paragraph (c)

- 1 Information relating to the group's energy use for the preceding 3 years.
- 2 Information that identifies the group for the period to which the application relates.
- 3 Other information that explains why the registered corporation believes that its energy use in the 2 years following the current financial year will not reach the 0.5 PJ threshold.

The information may contain detailed explanations of circumstances such as a changed corporate group structure, commercial changes such as the cessation of a contract, or a change in production capacity due to plant closures.

4.3 Corporation may apply for deregistration — form of application

- (1) For paragraph 14 (2) (b) of the Act, an application to be deregistered must be:
 - (a) in writing as hard copy; or
 - (b) in electronic form.
- (2) An application in hard copy must be:
 - (a) in a format that the Secretary notifies in the *Gazette*; and
 - (b) given to the Secretary by sending it to this address:

Energy Efficiency Opportunities
Department of Industry, Tourism and Resources
GPO Box 9839
CANBERRA ACT 2601.

Regulation 4.3

- (3) An application in electronic form must be given to the Secretary in a format approved by the Secretary and notified in the *Gazette*.

Regulation 5.1

Part 5 Assessment plan**5.1 Requirements for an assessment plan — form of plan**

- (1) For subsection 18 (3) of the Act, an assessment plan must be set out as:
 - (a) a single plan addressing the whole of the controlling corporation's group; or
 - (b) separate plans addressing specified parts of the controlling corporation's group.
- (2) A controlling corporation may authorise a member or members of its group to prepare and submit a plan that relates to part of the group, as agent of the controlling corporation.
- (3) For subsection 18 (3) of the Act, a plan must be:
 - (a) in writing as hard copy; or
 - (b) in electronic form.
- (4) A plan in hard copy must be given to the Secretary by sending it to this address:

Energy Efficiency Opportunities
Department of Industry, Tourism and Resources
GPO Box 9839
CANBERRA ACT 2601.
- (5) An assessment plan in electronic form must be given to the Secretary in a format approved by the Secretary and notified in the *Gazette*.
- (6) If a separate assessment plan mentioned in paragraph (1) (b) is to be prepared by a member of the controlling corporation's group on behalf of the controlling corporation:
 - (a) the separate assessment plan is taken to have been prepared by the member of the group, as the agent of the controlling corporation; and
 - (b) the controlling corporation remains responsible for preparing the assessment plan; and

Regulation 5.3

- (c) the controlling corporation is taken not to have given the Secretary an assessment plan in compliance with subsection 15 (1) of the Act until the Secretary has been given all of the separate plans that address the whole of the controlling corporation's group.

5.2 Requirements for an assessment plan — content of plan

For paragraph 18 (8) (b) of the Act, an assessment plan must:

- (a) include the information set out in Schedule 3; and
- (b) relate:
 - (i) to the controlling corporation's group as a whole; or
 - (ii) if the controlling corporation has authorised members of the group to submit parts of the plan — to all of the group, when the parts are combined.

5.3 Identifying parts of a group that must be planned to be assessed

- (1) The assessment plan, or the combination of the parts of the plan, must identify all the parts of the controlling corporation's group to which the plan applies, in accordance with the following principles.
- (2) The controlling corporation must assess:
 - (a) at least 80% of its group in the first 5 year cycle, worked out, having regard to the energy used by the group, in accordance with regulation 1.5; and
 - (b) at least 90% of its group in each subsequent 5 year cycle, worked out, having regard to the energy used by the group, in accordance with regulation 1.5.
- (3) If an assessment plan relates to a part of a controlling corporation's group, the controlling corporation must ensure that:
 - (a) at least 80% of the part is assessed in the first 5 year cycle, worked out, having regard to the energy used by the group, in accordance with regulation 1.5; and

Regulation 5.4

- (b) at least 90% of the part is assessed in each subsequent 5 year cycle, worked out, having regard to the energy used by the group, in accordance with regulation 1.5.
- (4) An assessment is taken to be an assessment of the whole group if it is:
 - (a) an assessment of at least 80% of the group, conducted in accordance with paragraph (2) (a); or
 - (b) an assessment of at least 90% of the group, conducted in accordance with paragraph (2) (b).
- (5) If energy use exceeded 0.5 PJ at a site during the period mentioned in item 202 of Schedule 3:
 - (a) the site must be assessed by the controlling corporation's group; and
 - (b) a maximum of 0.01 PJ of energy may be omitted from the assessment of the site.

5.4 Aggregation of information

- (1) The Secretary must aggregate the information contained in all the plans that relate to parts of a controlling corporation's group, to form an overall total assessment plan for the controlling corporation's group.
- (2) For subregulation (1):
 - (a) the controlling corporation remains responsible for ensuring that:
 - (i) all information is provided to the Secretary; and
 - (ii) assessment plans are submitted for all parts of the controlling corporation's group; and
 - (b) the Secretary is responsible for the information that is produced as a result of the aggregation.

Part 6 Energy efficiency opportunities assessments

6.1 Requirement to carry out energy efficiency opportunities assessments

- (1) For paragraphs 20 (3) (a), (b), (c) and (d) of the Act, the requirements for the carrying out of a proposal for assessing the opportunities for improving energy efficiency are set out in the Assessment Framework in Schedule 7.
- (2) A controlling corporation must complete energy efficiency opportunities assessments, or arrange for the completion of energy efficiency opportunities assessments, in accordance with subregulation (1).
- (3) A controlling corporation must complete, or arrange for the completion of, at least 1 assessment within 2 years after the end of the trigger year for:
 - (a) each member of the controlling corporation's group for which an assessment is planned to be undertaken; or
 - (b) each business unit for which an assessment is planned to be undertaken; or
 - (c) each key activity for which an assessment is planned to be undertaken.
- (4) A controlling corporation may apply to the Secretary for an extension of time for the completion of an assessment.
- (5) An application under subregulation (4) must be contained in:
 - (a) an assessment plan; or
 - (b) a variation to an assessment plan.
- (6) The Secretary may grant an extension of time if he or she is satisfied that it is appropriate, having regard to:
 - (a) the alternative periods proposed; and
 - (b) the details of the plans to complete an assessment within the alternative periods; and

Regulation 6.1

- (c) the objectives of the Act.
- (7) An assessment is taken to comply with the requirements of subregulation (3) if:
 - (a) the assessment:
 - (i) commenced on or after the 1 July that occurred 24 months before the end of the trigger year, and was completed after the end of the trigger year; or
 - (ii) commenced on or after the 1 July that occurred 12 months before the end of the trigger year, and was completed at or before the end of the trigger year; and
 - (b) the assessment complies with the form and content requirements of Key Element 6 of Schedule 7.

Note The central component of the Energy Efficiency Opportunities program is the undertaking of a comprehensive and rigorous assessment of energy use across a controlling corporation and its group members, to identify cost effective energy saving and efficiency opportunities with up to a 4 year payback.

Companies will need to meet the intent and requirements of the 6 key elements that form the basis of a comprehensive and rigorous assessment. The key elements are set out in Schedule 7.

Companies will also be required to keep evidence that they have done so for verification purposes.

Part 7 **Reporting about energy efficiency opportunities assessments**

Division 1 **Reporting to the public**

7.1 **Period to which report relates**

- (1) For subsection 22 (2) of the Act, the first period for a registered corporation is the period:
 - (a) commencing on:
 - (i) the day after the end of the trigger year; or
 - (ii) if the corporation includes an assessment or assessments that commenced before the end of the trigger year — the commencement date, or the earliest commencement date, of that assessment or those assessments; and
 - (b) ending on:
 - (i) the day that the first assessment for the group, or part of the group, is completed; or
 - (ii) a later day, that is not later than the day on which the report is due.
- (2) For subsection 22 (2) of the Act, each period of 12 months after the end of the first period is a period for the registered corporation.

Note The effect of paragraph 22 (1) (a) and subsection 22 (2) of the Act is that a registered corporation must prepare a report in accordance with section 22 for each period specified in the regulations.

7.2 **Information in report**

For paragraph 22 (3) (d) of the Act, the other information required to be contained in a report under section 22 of the Act is set out in Schedule 4.

Regulation 7.3

7.3 Form of report

For paragraph 22 (4) (a) of the Act, a report under section 22 of the Act must be:

- (a) in writing and in English; and
- (b) in an easily-readable font and point size.

7.4 Time of making report available

- (1) For paragraph 22 (5) (a) of the Act, for a first report under section 22 of the Act, the report must be made available to the public by a registered corporation, or a member or a group, by the earlier of:
 - (a) 15 months after the completion of key elements 1 to 5 of the Assessment Framework in Schedule 7 for the first assessment of opportunities for the corporation or group; and
 - (b) 30 months after the end of the trigger year.

Note The first assessment of opportunities for improving the energy efficiency of the registered corporation's group must be conducted in accordance with the requirements of the Assessment Framework mentioned in regulation 6.1. The requirements will include an explanation of when the first assessment will be completed.

- (2) For paragraph 22 (5) (a) of the Act, a report other than the first report is due on the anniversary of the end of the period mentioned in subregulation (1).

7.5 Manner of making report available

- (1) For paragraph 22 (5) (b) of the Act, a report under section 22 of the Act must be made available to the public by a registered corporation in a manner that is:
 - (a) readily available to the public; and
 - (b) accessible by the public.
- (2) The registered corporation may also make a summary of the report available in a form that is directed particularly to investors, shareholders and other key stakeholders.

Regulation 7.5

- (3) A summary must include as many of the following details as are relevant:
- (a) the names of:
 - (i) corporations that have been assessed by the end of the reporting period; and
 - (ii) joint ventures and partnerships that have been assessed by the end of the reporting period; and
 - (iii) business units that have been assessed by the end of the reporting period; and
 - (iv) key activities that have been assessed by the end of the reporting period; and
 - (v) sites for which the energy use in the trigger year was over 0.5 PJ that have been assessed by the end of the reporting period;
 - (b) the period to which the summary relates;
 - (c) the period over which the assessment was undertaken;
 - (d) the percentage of total energy that has been assessed (as a percentage of what is to be assessed);
 - (e) the total energy value of opportunities mentioned in item 4 of Schedule 3 that have been identified through an energy assessment;
 - (f) the total energy value of opportunities mentioned in item 3 of Schedule 4 that are being implemented, or are proposed to be implemented;
 - (g) the total energy value of opportunities mentioned in item 3 of Schedule 4 that have been implemented (if applicable);
 - (h) the energy use of the relevant group or part of the group that has been assessed by the end of the reporting period, expressed as a percentage of the total energy use that is planned to be assessed by the controlling corporation or part of the controlling corporation to which the report relates.
- (4) If the registered corporation makes a summary available, the registered corporation must:
- (a) ensure that the full report is published:
 - (i) at a website address; or

Regulation 7.6

- (ii) by means of another medium proposed in an assessment plan and approved by the Secretary; or
- (iii) in another publication; and
- (b) include the entire summary in the registered corporation's annual report.

Note Reports should be readily available to investors, shareholders, other key stakeholders, and interested members of the public. Registered corporations are encouraged to publish these reports in existing public reports published in Australia, such as an annual report, a sustainability report or an environment report.

If the registered corporation does not publish reports of those kinds in Australia, it should publish the report on its website or in other suitable media.

In some cases, space requirements may not allow a registered corporation to meet the minimum reporting requirements of the Energy Efficiency Opportunities Program in an annual report, a sustainability report or an environment report. In those cases, the corporation is encouraged to make a short statement in that report that summarises its involvement in the Program and refers readers to another publication or its own website for a complete public report.

Those corporations that are members of the Australian Government's Greenhouse Challenge Plus programme may use the Greenhouse Challenge Plus website to publish the complete public report.

Division 2 Reporting to the Secretary

7.6 Period to which report relates

- (1) For subsection 23 (2) of the Act, the periods for which a registered corporation must give reports are set out in this regulation.
- (2) Each of the following periods apply:
 - (a) the first period, mentioned in subregulation 7.1 (1);
 - (b) the period:
 - (i) commencing on:
 - (A) the day after the end of the trigger year; or

Regulation 7.7

- (B) if the registered corporation includes an assessment or assessments that commenced before the end of the trigger year — the commencement date, or the earliest commencement date, of that assessment or those assessments; and
 - (ii) ending 5 years after the trigger day;
- (c) the period:
 - (i) commencing on each fifth anniversary of the day after the end of the trigger day; and
 - (ii) ending 2 years after that anniversary;
- (d) the period:
 - (i) commencing on each fifth anniversary of the day after the end of the trigger day; and
 - (ii) ending 5 years after that anniversary.

Note For every 5 year period after the day after the trigger day, there will be:

- (a) an initial report covering the first 2 years of the period; and
- (b) an end of period report covering the 5 years of the period, including the first 2 years.

The reports must be given to the Secretary in accordance with regulation 7.9.

7.7 Information in report

For paragraph 23 (3) (b) of the Act, the other information required to be contained in a report under section 23 of the Act is:

- (a) a list of all assessments of opportunities for improving the energy efficiency of the registered corporation's group, including the amount of energy assessed in each assessment, detailed by the kinds of energy or energy sources mentioned in Schedule 1; and

Regulation 7.7

- (b) an explanation, for each group member or each business unit or each key activity relating to the group (as appropriate), of the outcomes of, and responses to, assessments by the kind of energy and the amount and value, expressed in both net monetary terms and in terms of the net savings of energy, of the kind of energy, identified by the number of opportunities that have been identified in total and, of these, the number of opportunities that:
 - (i) are proposed to be implemented; or
 - (ii) are being implemented; or
 - (iii) have been implemented; or
 - (iv) are under investigation; or
 - (v) will not be implemented; and
- (c) the information that the registered corporation was required to provide in the first public report for the period; and
- (d) if the registered corporation publishes a subsequent public report in the reporting period:
 - (i) a copy of the report; or
 - (ii) an explanation of where the report can be obtained or accessed; and
- (e) the total energy use, in each year, of as many of the following as are relevant:
 - (i) corporations;
 - (ii) joint ventures and partnerships;
 - (iii) business units;
 - (iv) key activities;
 - (v) sites for which the energy use in the trigger year was over 0.5 PJ; and
- (f) the energy use of the relevant group or part of the group relative to a unit of production or service that is reasonably relevant to the particular industry or energy use as an indicator relative to the trigger year; and

Regulation 7.9

- (g) a declaration by the responsible officer signing for the registered corporation that the information included in the report is, to the best of the officer's knowledge, correct and in accordance with the Act and these Regulations.

Note 1 If an entity departs from standard conversion methods in calculating the amount of energy derived from an energy source, the entity must mention in its report the conversion factors that were used.

Note 2 Energy use information may be published only:

- (a) if:
- (i) individual groups or entities are not identified or identifiable; and
 - (ii) it is not information that is provided in the course of registration;
or
- (b) if the controlling corporation or the person providing the information has given consent to the publication.

7.8 Form of report

For subsection 23 (4) of the Act, the form of a report under section 23 of the Act must be:

- (a) in writing and in English; and
- (b) in any of the following formats:
- (i) Microsoft Word;
 - (ii) Microsoft Excel;
 - (iii) another electronic system approved by the Secretary.

7.9 Time of giving report

- (1) For paragraph 23 (5) (a) of the Act, the times at which a registered corporation must give reports to the Secretary are set out in this regulation.
- (2) For the first report, the time is the earlier of:
- (a) 15 months after the completion of key elements 1 to 5 of the Assessment Framework in Schedule 7 for the first assessment of opportunities for the corporation or group; and
 - (b) 30 months after the end of the trigger year.

Note These options are the same as specified in regulation 7.4 for providing reports to the public.

Regulation 7.10

- (3) However, if the registered corporation:
- (a) proposes to publish the report mentioned in regulation 7.4;
and
 - (b) has not given the first report mentioned in subregulation (2) to the Secretary;
- the time at which the registered corporation must give the first report to the Secretary is the time at which the registered corporation publishes the report mentioned in regulation 7.4.
- (4) For each subsequent report, the time is the day that is 6 months after the end of the period to which the report relates.

7.10 Manner of giving report

- (1) For paragraph 23 (5) (b) of the Act, a report under section 23 of the Act must be given to the Secretary by a registered corporation:
- (a) in writing as hard copy; or
 - (b) in electronic form.
- (2) A report in hard copy must be:
- (a) in a format that the Secretary notifies in the *Gazette*; and
 - (b) given to the Secretary by sending it to this address:

Energy Efficiency Opportunities
Department of Industry, Tourism and Resources
GPO Box 9839
CANBERRA ACT 2601.

- (3) A report in electronic form must be given to the Secretary in a format approved by the Secretary and notified in the *Gazette*.

Note Arrangements for giving a report online may be publicised to the industry in other appropriate ways.

Part 8 Powers of inspection

8.1 Identity cards

For subsection 26 (1) of the Act, the form of an identity card is set out in Schedule 5.

Regulation 9.1

Part 9 Miscellaneous

**Division 1 Verification of compliance with the
Energy Efficiency Opportunities
Program**

9.1 Verification of compliance

A controlling corporation must:

- (a) make and keep records of its compliance with these Regulations and the Act for at least 7 years; and
- (b) make its records available for inspection in accordance with Part 8 of the Act.

Note Verification incorporates a range of approaches designed to encourage willing compliance by providing assistance to controlling corporations to meet program requirements, while balancing the need for the Minister to review businesses actions regarding Energy Efficiency Opportunities.

The Department will provide information and assistance about the verification process, including advice about best practices and the operation of Part 8 of the Act.

Schedule 1 Energy use

(subregulations 1.5 (3) and (4))

Part 1 Energy and energy sources

Note Under subregulation 1.5 (2), the *energy used* by an entity is the total of:

- (a) all energy; and
- (b) all energy sources;

used by the entity, reduced by any amount mentioned in that regulation.

Under subregulation 1.5 (3), the meaning of *energy used* by an entity is to be determined by reference only to energy and energy sources mentioned in this Part. The kinds of energy and energy sources mentioned in this Part are set out as a comprehensive list of kinds of energy and energy sources to which these Regulations apply.

Energy

- 100 Electricity (whether from renewable or other sources).
- 101 Steam (if used to provide energy).
- 102 Compressed air (if used to provide energy).

Energy sources

Combustible fuels

- 103 Agricultural and food processing residues.
- 104 Bagasse.
- 105 Biodiesel.
- 106 Biogas.
- 107 Black liquor.
- 108 Coal (all kinds).
- 109 Coal seam methane.
- 110 Condensate.
- 111 Crude oil.
- 112 Ethanol.

- 113 Fuels derived from coal, including the following:
- (a) blast furnace gas;
 - (b) BTX;
 - (c) coal tar;
 - (d) coke;
 - (e) coke oven gas;
 - (f) gaseous fuels derived from coal;
 - (g) synthetic liquid.
- 114 Hydrogen and reductants.
- 115 Landfill gas.
- 116 Natural gas.
- 117 Natural gas liquids.
- 118 Petroleum products including the following:
- (a) automotive diesel oil;
 - (b) automotive gasoline (petrol);
 - (c) aviation gasoline (avgas);
 - (d) aviation turbine fuel (avtur);
 - (e) fuel oil;
 - (f) kerosene, heating oil;
 - (g) LPG;
 - (h) marine diesel oil;
 - (i) synthetic petroleum products derived from natural gas.
- 119 Petroleum fuel blends (for example, blends of petroleum and ethanol).
- 120 Sewage gas.
- 121 Sulphur (when converted to electricity).
- 122 Unconventional crudes and related oils (for example, shale oil).
- 123 Wood and wood waste.
- 124 Other materials used as an energy source by means of combustions (for example, waste or vehicle tyres).
- Other*
- 125 A reductant.

Part 2 Energy that is not treated as energy used by an entity

Note Under subregulation 1.5 (2), the *energy used* by an entity is the total of:

- (a) all energy; and
- (b) all energy sources;

used by the entity, reduced by any amount mentioned in that regulation.

Under subregulation 1.5 (4), the total of all energy used by the entity does not include:

- (a) the use of energy or energy sources described in this Part; and
- (b) energy sources, to the extent that the sources were used to produce energy used by the entity.

Paragraph (b) is intended to prevent “double counting”. If an entity uses an energy source to create energy that the entity then uses, it is only the latter use of energy that counts.

This Part identifies energy and energy sources that are not to be counted.

201 Energy or energy sources sold by the entity.

Example

Electricity or steam produced at a site but exported from the site to a purchaser.

202 Energy and energy sources:

- (a) produced and stored without being used; or
- (b) purchased and stored without being used.

Example

Fuel stored in tanks. If the stored energy is then used, it would be counted as energy use.

203 Material that is a potential energy source, but is disposed of as a waste product.

Examples

- 1 Bagasse that is burned for a purpose other than as an energy source.
- 2 Waste gas that is vented or flared.

204 Material that is a potential energy source, but is used for another purpose.

Examples

- 1 Gas or liquid hydrocarbons used as chemical feedstock in plastics manufacture.
- 2 LPG used as a propellant in aerosols.
- 3 Hydrocarbons used as a solvent.
- 4 Ethanol used in consumer goods or lubricants.
- 5 Base oils used in lubricants.
- 6 Energy used as a reductant in an endothermic reaction.

However, if:

- (a) the material is used to provide or produce energy and for another purpose; and
- (b) the amount that is used to provide or produce energy cannot be differentiated from the amount that is used for the other purpose;

the entire amount is to be treated as having been used to provide or produce energy, and counts as part of the energy use of the group.

Schedule 2 Application to register — content of application

(regulation 3.1)

- 1 For the controlling corporation:
 - (a) its name; and
 - (b) its trading name (if any); and
 - (c) its Australian Business Number (ABN); and
 - (d) the address of its head office; and
 - (e) the name of a contact person for the controlling corporation; and
 - (f) the contact person's full name, position, telephone number, email address and postal address; and
 - (g) if a Global Industry Classification Standard is applicable to the controlling corporation — the classification of the controlling corporation under the Standard; and
 - (h) if an Australian and New Zealand Standard Industrial Classification is applicable to the controlling corporation — the classification.
- 2 A statement that the group exceeded 0.5 PJ of energy use in the trigger year, and mentioning the trigger year in respect of which the statement is made.
- 3 For each member of the group that the chair of the board of directors, the chief executive officer, the managing director or an equivalent officer of the controlling corporation reasonably considers may be likely to be assessed:
 - (a) its name; and
 - (b) its trading name (if any); and
 - (c) if the member has an Australian Business Number (ABN) — the ABN; and

- (d) if the member does not have an ABN — the address of its head office;

described either for each group member or grouped by kinds of activity.

- 4 A graphical representation of the group's corporate structure showing the relationship between those of the following entities, joint ventures, business units or sites that, in the opinion of the chair of the board of directors, the chief executive officer, the managing director or an equivalent officer of the group, are likely to be assessed:
 - (a) the controlling corporation;
 - (b) each subsidiary corporation;
 - (c) any joint venture or partnership of which a member of the controlling corporation's group is a participant or partner;
 - (d) any business unit to which a member of the controlling corporation's group belongs;
 - (e) any site for which the use of energy in the trigger year exceeded 0.5 PJ;
 - (f) at the option of the chair of the board of directors, the chief executive officer, the managing director or an equivalent officer — the estimated annual energy use of the corporation, subsidiary, joint venture, partnership, business unit or site.
- 5 A list of each group member that is likely to submit a separate assessment plan for the part of the group.
- 6 If a separate assessment plan mentioned in paragraph 5.1 (1) (b) is likely to be prepared by a member or members of the controlling corporation's group, on behalf of the controlling corporation:
 - (a) a statement that the separate assessment plan is likely to be prepared; and
 - (b) a description of that part of the controlling corporation's group.

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- 7 A declaration by the Chief Executive Officer (or equivalent officer) or authorised representative, signing for the controlling corporation, that the information included in the application is, to the best of the officer's knowledge, correct and in accordance with the Act and these Regulations.
 - 8 For a controlling corporation in respect of which the contact or corporate structure information has changed — a statement at any time providing the amended information.

Schedule 3 Content of assessment plan

(regulation 5.2)

Part 1 Corporate structure

- 101 The trigger year.
- 102 For the controlling corporation:
- (a) its name; and
 - (b) its trading name (if any); and
 - (c) its Australian Business Number (ABN); and
 - (d) the address of its head office; and
 - (e) the name of a contact person for the controlling corporation; and
 - (f) the contact person's full name, position, telephone number, email address and postal address; and
 - (g) if a Global Industry Classification Standard is applicable to the controlling corporation — the classification of the controlling corporation under the Standard; and
 - (h) if an Australian and New Zealand Standard Industrial Classification is applicable to the controlling corporation — the classification.
- 103 For each group member, joint venture, partnership business unit or site to be assessed under the assessment plan:
- (a) its name; and
 - (b) its relationship to the controlling corporation; and
 - (c) its Australian Business Number (ABN); and
 - (d) if the group member, joint venture, partnership, business unit or site does not have an ABN — the address of its head office; and
 - (e) if a Global Industry Classification Standard is applicable to the corporation — the classification of the corporation under the Standard; and

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- (f) if an Australian and New Zealand Standard Industrial Classification is applicable to the corporation — the classification;
- described either for each group member, joint venture, partnership business unit or site or grouped by kinds of activity.
- 104 A declaration by the employee signing for the controlling corporation or group member that the information included in the plan is, to the best of the officer's knowledge, correct and in accordance with the Act and these Regulations.
- 105 If a plan is submitted as a separate assessment plan mentioned in paragraph 5.1 (1) (b):
- (a) the part of the controlling corporation's group authorised to submit the plan does not need to provide the information in item 102, but must provide the information in item 103 and also provide contact details for the part of the group; and
 - (b) the controlling corporation must include the information in item 102 for the assessment plan (if any) that it submits.
- 106 If a member of the group is exempted by the application of regulation 2.2:
- (a) the name and trading name of the member; and
 - (b) the amount of its energy use in the trigger year; and
 - (c) the outcome and consequences of the application of that regulation.
- 107 A diagrammatic representation of the structure of the controlling corporation's group:
- (a) showing the links between the controlling corporation and members of the group that are intended to be assessed; and
 - (b) identifying any group member that is to submit separate assessment plans; and
 - (c) providing a brief summary of each member of the group (or member of a part of a group) that is not intended to be assessed.

- 108 If a nomination of a responsible entity was made under regulation 2.3 for a joint venture or partnership in which the controlling corporation or a group member had an interest — a statement of the outcome of the nomination process.

Note If a group member within the group, other than the controlling corporation, completes an individual assessment plan in relation to energy use within its control, that assessment plan will be taken to form part of the group's assessment plan.

Part 2 Current energy use and savings data

- 201 A summary of:
- (a) total energy use; and
 - (b) total energy use, having regard to the kinds of energy and energy sources mentioned in Schedule 1; and
 - (c) energy use relative to a unit of production or service reasonably relevant to the particular industry; identified for the group, and for any of the following:
 - (d) all members of the group;
 - (e) all key activities;
 - (f) all business units.

Note For paragraph (c) — Energy use indicators: The intention is that corporations should define their indicators at a level that will provide meaningful benchmarking information.

If reporting using energy use relative to a unit of production, corporations should transparently describe the methodology and assumptions used in presenting energy use relative to a unit of production.

- 202 For item 201:
- (a) the assessment plan must state the accuracy of the energy use data; and
 - (b) the data is to be provided for a 12 month period that occurs in a period of 36 months starting 12 months before the first day of the trigger year; and
 - (c) the 12 month period for paragraph (b) may be chosen at the discretion of the controlling corporation, but:
 - (i) the data must relate to a period of 12 months that has been completed at the time of preparing the assessment plan; and

- (ii) the data should be shown at an appropriate level of disaggregation that would be meaningful for the comparison of key energy use and energy efficiency statistics.

Note As a guide, energy use values should be provided at an appropriate level of disaggregation so as to be meaningful to compare key energy use and energy efficiency statistics. That is, total energy values should be disaggregated based on business units, sites or activities, depending on the particular structure of the business.

Ideally this information should be identified for the trigger year. However, if this is not a typical year for energy usage, or the registered corporation's systems do not facilitate collecting data in that period, the registered corporation may use any continuous 12 month period from July of the year before the trigger year to June of the year after the trigger year.

- 203 The total of all energy efficiency opportunities that:
 - (a) were identified before the preparation of the assessment plan; and
 - (b) have not been implemented; and
 - (c) may be implemented before 2011.
- 204 For each of the totals mentioned in item 203:
 - (a) an estimate of the per annum net energy savings and per annum net financial savings anticipated for the year 2011; and
 - (b) the number of opportunities; and
 - (c) an estimate of the per annum net energy savings and per annum net financial savings anticipated for the year 2011, calculated by reference to the energy use and production levels in the trigger year.

Note 1 The information mentioned in paragraph 204 (a) may be optionally estimated by fuel type and by key activity.

Note 2 Energy use information may be published only:

- (a) if:
 - (i) individual groups or entities are not identified or identifiable; and
 - (ii) it is not information that is provided in the course of registration; or
- (b) if the controlling corporation or the person providing the information has given consent to the publication.

General notes

Note A registered corporation may, at its option, choose to provide an estimate of its energy savings, and a brief written summary of major energy efficiency initiatives implemented from the year 2000 to the end of the trigger year.

Part 3 Assessment schedule

301 A statement of which group members, joint ventures, partnerships, business units or sites are in the controlling corporation's group.

302 A statement of which corporations, joint ventures, partnerships, business units or sites need to be assessed.

303 A statement of when each corporation, joint venture or partnership intends to undertake the assessment or assessments for which it is responsible.

Note Subregulation 6.1 (3) provides that a controlling corporation must complete, or arrange for the completion of, at least 1 assessment within 2 years after the end of the trigger year for:

- (a) each member of the controlling corporation's group for which an assessment is planned to be undertaken; or
- (b) each business unit for which an assessment is planned to be undertaken; or
- (c) each key activity for which an assessment is planned to be undertaken.

304 A statement:

- (a) stating whether the controlling corporation proposes, for sites, technologies or processes for which the annual use of energy is less than 0.5 PJ, to undertake assessments that can be shown to be reasonably representative of other sites, technologies and processes; and
- (b) if the controlling corporation intends to undertake a representative assessment:
 - (i) the entities or sites for which the representative assessment will be conducted; and
 - (ii) information showing that the manner of undertaking a representative assessment will not diminish the accuracy and comprehensiveness of the assessment.

Examples

- 1 Assessing a sample of retail outlets that is representative of a larger population of outlets.
- 2 Assessing a sample of vehicles that is representative of a larger fleet of vehicles.
- 3 Assessing a machine or technology that is used in an identical fashion at other sites or within a site.
- 4 Assessing a commercial building that is representative of a population of commercial buildings.

305 A summary:

- (a) stating how the controlling corporation intends to undertake its assessments in order to meet the requirements of the Assessment Framework; and
- (b) stating:
 - (i) that the controlling corporation believes that it is likely to be able to measure its energy use, for the purpose of meeting the requirements of the Assessment Framework, at a level of accuracy to within $\pm 5\%$; or
 - (ii) that the controlling corporation believes that it would be unreasonable for it to measure its energy use, for the purpose of meeting the requirements of the Assessment Framework, at a level of accuracy to within $\pm 5\%$; and
- (c) if subparagraph (b) (ii) applies — setting out:
 - (i) evidence explaining why it would be unreasonable to require a greater level of accuracy; and
 - (ii) a proposed level of accuracy; and
- (d) stating how the controlling corporation intends to use existing energy assessment practices; and
- (e) stating what additional activities the controlling corporation intends to undertake, in addition to its existing practices.

Part 4 Reporting schedule

- 401 An explanation of how the group proposes to meet its public reporting obligations, including:
- (a) details of the intended dates of publication of public reports; and
 - (b) details of the proposed means of publication; and
 - (c) if the controlling corporation intends to rely on section 22A of the Act in order to comply with its obligations under subsection 22 (1) of the Act:
 - (i) a statement of that intention; and
 - (ii) details of the other members of the group that are intended to prepare a report in accordance with section 22A of the Act; and
 - (iii) a statement whether each member of the group that is intended to prepare a report prepares annual financial reports or otherwise produces reports; and
 - (iv) if a group member is a public company, a statement that its report will be published widely; and
 - (d) if the controlling corporation intends to rely on section 22B of the Act in order to comply with its obligations under subsection 22 (1) of the Act:
 - (i) a statement of that intention; and
 - (ii) details of the corporation that is intended to prepare a report in accordance with section 22B of the Act; and
 - (e) the intended dates of submission of reports to government.

Note Section 22A of the Act authorises decentralised public reporting by members of a controlling group. Section 22B of the Act authorises public reporting by the manager of a joint venture.

- 402 If the controlling corporation proposes to publicly report in the energy bandwidths mentioned in the table in item 2 of Schedule 4:
- (a) a statement of the proposal; and
 - (b) an explanation of why reporting actual total energy use is unreasonable in terms of the company's reasonable commercial interests.

Note Factors that will be considered in such a request would include:

- (a) the total percentage of energy to operating costs and variable costs; and
- (b) how generic the use of energy is within the industry sector (including the range of types of energy used); and
- (c) whether or not the total energy used by other companies in the sector will be disclosed in item 2 of Schedule 4, or is otherwise publicly disclosed.

403 If a plan is a separate assessment plan mentioned in paragraph 5.1 (1) (b), prepared by a group member or members, on behalf of the controlling corporation:

- (a) a statement that the plan is a separate assessment plan; and
- (b) a description of the group member or members.

General notes to Schedule 3

1. For a corporation to determine which entities in its corporate group need to be assessed, and what type of assessment to undertake, the controlling corporation needs to apply the “coverage rule” explained in Part 5 of these Regulations to its corporate structure.

While the controlling corporation is obliged to ensure that assessments are undertaken, it does not have to undertake all or any assessments itself. The assessments may be completed by subsidiary entities, and may use resources and expertise that are internal or external to the group.

2. The controlling corporation should also prepare an analysis of how its existing practices align with the requirements of the Assessment Framework (mentioned in regulation 6.1). The analysis should focus on the accuracy of energy data available to the controlling corporation, as this will impact upon the corporation’s capacity to undertake assessments.

The controlling corporation is not required to provide the analysis to the Secretary with the Assessment Schedule, but it should be retained by the corporation. The Secretary may request the analysis when reviewing the corporation’s Assessment Schedule.

Schedule 4 Information in reports to the public about energy efficiency opportunities assessments

(regulation 7.2)

- 1 A summary of each assessment of opportunities for improving the energy efficiency of the registered corporation's group that have been undertaken.

The summary must include as many of the following details as are relevant:

- (a) the names of:
 - (i) corporations; and
 - (ii) joint ventures and partnerships; and
 - (iii) business units; and
 - (iv) key activities; and
 - (v) sites for which the energy use in the trigger year was over 0.5 PJ;
- (b) the energy use of the relevant part of the group that has been assessed, expressed as a percentage of the energy use of the total energy use of the group or the part of the group covered by the report.

- 2 A statement of the total energy use covered by all assessments to which the report relates, reported:

- (a) as an actual total of the energy used; or
- (b) with the approval of the Secretary, given in an assessment plan — in accordance with the table.

The statement must include the energy use of each group member, or each business unit, or each key activity, that has been assessed, reported as:

- (a) an actual total; or
- (b) with the approval of the Secretary, given in relation to an assessment plan — in accordance with the table.

Item	Total energy used, in PJ, falls within the range...		Reported, in PJ, as....
	<i>Bottom of range</i>	<i>Top of range</i>	
1	0.1	25	<p>reported as a bandwidth that:</p> <ul style="list-style-type: none"> (a) is no greater than 20% of the total energy used; and (b) is expressed as a <i>bottom number</i> and the <i>top number</i>, where: <p><i>bottom number</i> is a number that is:</p> <ul style="list-style-type: none"> (a) no greater than the total energy used; and (b) no less than the total energy used minus 20%; and <p><i>top number</i> is a number that is:</p> <ul style="list-style-type: none"> (a) no less than the total energy used; and (b) no more than the total energy used plus 20%

Item	Total energy used, in PJ, falls within the range...		Reported, in PJ, as....
	<i>Bottom of range</i>	<i>Top of range</i>	
2	greater than 25	(unlimited)	<p>reported as a bandwidth that:</p> <p>(a) is no greater than 5 PJ; and</p> <p>(b) is expressed as a <i>bottom number</i> and the <i>top number</i>, where:</p> <p><i>bottom number</i> is a number that is:</p> <p>(a) no greater than the total energy used; and</p> <p>(b) no less than the total energy used minus 5 PJ; and</p> <p><i>top number</i> is a number that is:</p> <p>(a) no less than the total energy used; and</p> <p>(b) no more than the total energy used plus 5 PJ</p>

Note If a proposal to report in a bandwidth of energy use has been approved in an assessment plan, the methodology in the table must be applied. The table sets out the rules to be used to calculate what reporting bandwidth may be used for a level of actual energy use.

A reporting entity should identify the row of the table that corresponds to the relevant actual energy use by identifying the range, specified in the first 2 columns of the table, into which the actual energy use falls. The entity can then calculate the bandwidth of energy use which it may report, using the rules in the third column of that row.

- 3 A statement of the amounts of energy savings (in the form mentioned in Schedule 6, expressed in GJ), for each group member, or each business unit, or each key activity, according to the time periods set out in the table in Schedule 6, that:
- have been identified by the corporation; and
 - that have been evaluated using costs and benefits, including energy savings, that are certain to an accuracy to within $\pm 30\%$.

The statement must identify the amounts of energy savings according to whether an opportunity for the group member, or business unit, or key activity:

- (a) has been identified through an assessment; and
- (b) either:
 - (i) is under current investigation; or
 - (ii) has been implemented; or
 - (iii) is being implemented; or
 - (iv) is proposed to be implemented; or
 - (v) will not be implemented.

The statement may also include the number of, and the amounts of energy savings for, opportunities for the group member, or business unit, or key activity, that:

- (a) are under current investigation; but
- (b) have not been evaluated to an accuracy to within $\pm 30\%$.

4 The number of opportunities mentioned in item 3.

5 For a statement of energy use provided in accordance with item 1 or 2 that does not certify a level of accuracy to within $\pm 5\%$, a statement:

- (a) concerning the level or range of accuracy achieved for each entity, key activity or business unit; and
- (b) stating the reasons for failing to achieve a level of accuracy to within $\pm 5\%$.

Note Item 305 of Schedule 3 requires that this information be included in an Assessment Schedule.

6 For a statement of energy savings provided in accordance with item 3, the level or range of accuracy for each category of opportunity.

7 At least 3 examples of significant opportunities that have been mentioned in an energy efficiency opportunities assessment by the part of the group to which the report relates.

For each example, the report must include:

- (a) a brief description of the opportunity; and

-
- (b) at the option of the person providing the information — a statement of the upfront and other costs of implementation, the ongoing savings having regard to energy use, and any other benefits.

If fewer than 3 significant opportunities have been mentioned in the energy efficiency opportunities assessment, each opportunity must be identified in the way mentioned above.

If no significant opportunities have been mentioned in the energy efficiency opportunities assessment, the report must include a statement to that effect.

- 8 A declaration by the person mentioned in paragraph 22 (4) (b) of the Act in relation to the corporation that the information included in the report is, to the best of the person's knowledge, correct and in accordance with the Act and these Regulations.
- 9 The period to which the report relates.
- 10 Cumulative information for each year, starting at the beginning of the assessment cycle, mentioning changes caused by an event including (for example):
- (a) the addition of opportunities due to the completion of further assessments; or
 - (b) progress in the business response to assessments; or
 - (c) a change in estimates due to improved accuracy arising from further investigation or implementation; or
 - (d) a change to original estimates due to changes in productivity, production and product mix; or
 - (e) the disposal or acquisition of:
 - (i) members of the group; or
 - (ii) a business unit; or
 - (iii) a site; or
 - (f) a merger or demerger; or
 - (g) significant variations in energy use and energy savings resulting from a change mentioned in this item.

Example for paragraph (b)

The progress of an opportunity from “identified” to “implemented”.

Note 1 If an entity departs from standard conversion methods in calculating the amount of energy derived from an energy source, the entity must mention in its report the conversion factors that were used.

Note 2 The reporting requirements outlined in the Act and this Schedule should be considered as minimum reporting requirements. Registered corporations are encouraged to present additional contextual information such as:

- (a) the result of voluntary verification activities; and
- (b) energy use data using indicators such as energy use per unit product;
and
- (c) prior energy savings; and
- (d) past and future energy and greenhouse savings.

Schedule 5 Identity cards

(regulation 8.1)

An identity card must:

- (a) display the Australian coat of arms; and
- (b) incorporate a recent photograph of the authorised officer of sufficient quality to identify the officer accurately; and
- (c) include a statement that the officer is an authorised officer; and
- (d) state the name of the authorised officer; and
- (e) show the date on which the card was signed by the Secretary or a delegate of the Secretary; and
- (f) show an expiry date that is not more than 60 months after the date on which the card is signed.

The following is a sample form of the identity card, and is provided for information only



COMMONWEALTH OF AUSTRALIA

Energy Efficiency Opportunities Act 2006

IDENTITY CARD — AUTHORISED OFFICER

I, * the Secretary of the Department of *[name]* /
 *delegate of the Secretary of the Department of
[name], acting under subsection 26 (1) of the
Energy Efficiency Opportunities Act 2006,
 certify that the person whose name,
 photograph and signature appear on this card
 is an authorised officer for the purposes of the
 Act.

(Photograph)

Dated: *[date]*

The officer's authorisation ceases on: *[date]*

(Name of authorised officer)

* Secretary

* Delegate of the Secretary

(Signature of authorised
 officer)

* *Omit if inapplicable*

Schedule 6 Form of statement

(Schedule 4, item 3)

Outcomes of and business response to assessments

Status of opportunities		Number of opportunities	Estimated energy savings per annum by payback period		Total estimated energy savings per annum (GJ)	Accuracy range* (%)
			0 - <2 years	2 - ≤4 years		
Outcome of assessment	Identified					
Business response	Under investigation					
	To be implemented					
	Implementation commenced					
	Implemented					
	Not to be implemented					
Other categories (information that may be provided voluntarily)						
Energy efficiency opportunities prior to commencement of the program	Previously identified, not yet implemented (pre-assessment cycle)					
	Energy efficiency savings implemented (2000 to beginning of the assessment cycle)					

* The accuracy ranges for projected or actual costs, benefits and energy savings.

Schedule 7 The Assessment Framework

(regulation 6.1)

Key Element 1

Leadership

Intent

- ❖ Visible leadership and commitment from senior management provides clear direction to the assessment through the setting of energy use and assessment objectives aligned with business priorities.
- ❖ Senior management support, motivate and provide value to the efforts of staff and other stakeholders involved in the identification and implementation of energy efficiency opportunities.

No.	Key Requirements	Evidence / Supporting documentation
1.1	Energy assessment or energy use improvement objectives are established and communicated by senior and operational management to all personnel who are responsible for or have an influence on energy use and the energy assessment.	Evidence showing the existence and communication of energy assessment or energy use improvement objectives, for example: <ul style="list-style-type: none"> • Policy documents containing energy objectives approved by senior management (e.g. specific energy policies, environment policies). • Strategic plans signed-off by senior management that contain either energy use (performance) or energy assessment (management) objectives.

No.	Key Requirements	Evidence / Supporting documentation
		<ul style="list-style-type: none"> • Assessment objectives signed-off by senior and operational management. • Meeting minutes, e-mails, memos and presentations showing communication of objectives, including details of the recipients and senders.
1.2	Resources (people, time and money) are made available to meet energy assessment or energy use improvement objectives.	<p>Evidence that identifies the appropriate personnel, for example:</p> <ul style="list-style-type: none"> • An organisational chart (clearly identifying senior management and personnel responsible for energy use). <p>Evidence showing allocation of people, time and money, for example:</p> <ul style="list-style-type: none"> • An internal plan with a budget detailing people, time and costs. • Budgets showing allocations and expenditures.

Key Element 2

People

Intent

- ❖ Skilled and knowledgeable people and people with direct and indirect influence on energy use are involved in the assessment to effectively identify and evaluate energy efficiency opportunities, provide fresh perspectives and make the business case for identified energy efficiency opportunities.
- ❖ Responsibilities and accountabilities are suitably allocated and team diversity is encouraged.

No.	Key Requirements	Evidence / Supporting documentation
2.1	Personnel with appropriate skills and expertise are involved in the analysis of energy and process data.	Evidence showing the involvement of appropriate personnel in the analysis of data, for example: <ul style="list-style-type: none"> • A schedule of participant roles, skills and experience.
2.2	The energy efficiency opportunity identification, evaluation and business case development process involves a broad cross section of people, including: <ol style="list-style-type: none"> (a) People from various levels of the site or business unit who have a direct and indirect influence on energy use (e.g. site managers, operators, sub-contractors, tenants, finance, marketing, production); 	Evidence showing the involvement of people in the opportunity identification and evaluation process, for example: <ul style="list-style-type: none"> • Meeting minutes, e-mails, memos, presentations, and organisational map or list of those involved.

No.	Key Requirements	Evidence / Supporting documentation
	<p>(b) People from within the corporation but external to the site who can integrate business objectives and assist with making a business case for identified opportunities (e.g. chief financial officer, procurement, business case analysts, senior corporate management, public relations, strategic planning, operational excellence);</p> <p>(c) Internal and external people with energy, technology and process expertise (e.g. suppliers of current and alternative equipment and technologies, systems modelling experts, engineers); and</p> <p>(d) People external to the site who can provide alternative perspectives, question assumptions and practices, and encourage innovation</p>	
2.3	Clear roles, responsibilities and accountabilities are attributed to people involved in the assessment and the business response.	<p>Evidence showing the allocation of roles and responsibilities for people involved in the assessment and the business response, for example:</p> <ul style="list-style-type: none"> • Planning documents with roles and responsibilities outlined. • A copy of action plans, project plans or budget proposals.

Key Element 3

Information, data and analysis

Intent

- ❖ Sufficient data, in suitable forms, is used to quantify and understand energy use, identify and quantify energy saving opportunities, and to track performance and outcomes (where actions are implemented).
- ❖ Energy data is analysed from different perspectives to understand relationships between activity and consumption, and to identify energy efficiency opportunities.

No.	Key Requirements	Evidence / Supporting documentation
3.1	<p>Business contextual information that influences energy use is identified and documented, including:</p> <ul style="list-style-type: none"> (a) The key business priorities and plans (e.g. relocation, expansion) and how these influence or impact on energy use and the energy assessment; and (b) The key site processes and activities that use energy. 	<p>Evidence showing that key background information has been collected and analysed for its impact on energy use, for example:</p> <ul style="list-style-type: none"> • A background paper, series of reports or presentations summarising this analysis for consideration during the assessment.

No.	Key Requirements	Evidence / Supporting documentation
3.2	<p>A data collection process is identified, documented and implemented, including:</p> <p>(a) Energy consumption and cost data for each energy source. Data should be entered at the frequency that bills and other records are received (typically monthly) for a total of 24 months. The accuracy of data must be within $\pm 5\%$. A less accurate level may only be used if this was approved in the Assessment Schedule;</p> <p>(b) Production data for a total of 24 months. Data should be entered at the same frequency and timing as the energy consumption and cost data;</p> <p>(c) Data on other process parameters that impact on energy use e.g. ambient temperature, geology (mining), production inputs;</p> <p>(d) The energy and material flows through the site or fleet (e.g. through using an energy-mass balance or similar technique);</p> <p>(e) The impact of the operating profile of the site / fleet on energy use;</p>	<p>A documented data collection process including assumptions and uncertainties.</p> <p>Evidence of the implementation of the data collection process, for example:</p> <ul style="list-style-type: none"> • A data inventory that includes production, energy cost and energy consumption data based on billing data. <p>An energy-mass balance or equivalent.</p> <p>Operating and production logs tracked against energy use.</p> <p>Evidence showing the measures undertaken to improve the accuracy and completeness of data, and reduce data gaps and uncertainties, for example:</p> <ul style="list-style-type: none"> • A copy of action plans, project plans or budget proposals.

No.	Key Requirements	Evidence / Supporting documentation
	<p>(f) Measures being undertaken to ensure the accuracy and completeness of the energy data;</p> <p>(g) Measures being undertaken to identify and resolve material data gaps and anomalies; and</p> <p>(h) Assumptions used in the data collection process and their associated uncertainties.</p>	
3.3	<p>An energy analysis process to assist in the identification of energy efficiency opportunities is identified, documented and implemented, including:</p> <p>(a) Energy use performance indicators established by activity and energy source, considering variations over time and major factors that affect energy performance;</p> <p>(b) Application of a range of methods of data analysis (e.g. energy-mass balance, review of graphs and charts) to explore relationships between energy use and variables that may influence it, using data collected at appropriate time intervals; and</p>	<p>A documented energy analysis process.</p> <p>Evidence of the implementation of an energy analysis process, for example:</p> <ul style="list-style-type: none"> • A background paper, series of reports or presentations summarising this analysis for consideration during the assessment.

No.	Key Requirements	Evidence / Supporting documentation
	(c) A comparison of performance to theoretical and actual energy use benchmarks, at the relevant level (process, technology, site, or indicator). Where appropriate, other detailed numerical analysis or the application of indicators and other comparative techniques are used to fully understand energy consumption, including its variability.	

Key Element 4:**Opportunity identification and evaluation****Intent**

- ❖ An effective process is undertaken so that all potential energy efficiency opportunities are identified. This process is broad, open-minded and encourages innovation.
- ❖ Opportunity areas are documented and analysed to a level sufficient for informed evaluation up to a 4 year payback.
- ❖ A whole of business evaluation is undertaken to enable decision makers to make good business decisions about energy efficiency opportunities.

No.	Key Requirements	Evidence / Supporting documentation
4.1	A process to identify potential opportunities is implemented and documented. The process should involve review of information, data and analysis and use of necessary people, and result in a comprehensive list of opportunity areas.	<p>The list of opportunity areas identified and evidence showing the implementation of a process to identify opportunities, for example:</p> <ul style="list-style-type: none"> • A summary linking the process used to personnel involved, time period, and the level of the business at which it was carried out. • Meeting agendas or minutes involving the identification of opportunities, and a list of the people who attended. • Correspondence related to opportunity identification (e.g. e-mails). • External reports used to assist in the identification of opportunities (e.g. energy audit reports).

No.	Key Requirements	Evidence / Supporting documentation
4.2	<p>All the opportunity areas with potentially a 4 year payback or better are categorised into “opportunities for implementation” or “opportunities for further investigation”. The opportunity areas in each category are documented and business criteria are applied to rank them.</p> <p>Reasons for not pursuing specific opportunity areas are documented.</p>	<p>A complete list of potential opportunities for implementation or further investigation including business criteria used for ranking.</p> <p>Documentation of reasons for not pursuing specific opportunity areas (if relevant).</p>
4.3	<p>Detailed investigation is undertaken of opportunity areas to enable the credible identification, costing and evaluation of the costs and benefits of opportunities to within $\pm 30\%$. Detailed investigation includes sub-metering or real time metering to a sufficient level of detail to understand the energy use of major systems and items of equipment (see box).</p> <p>Where an opportunity cannot be evaluated to within $\pm 30\%$, an indication is given in 5.3 of how the accuracy level will be achieved, including further investigation and sub-metering.</p>	<p>List of opportunities with energy saving value and associated levels of accuracy documented.</p> <p>Evidence of detailed investigation, showing the involvement of necessary people and the process used for determining accuracy, for example:</p> <ul style="list-style-type: none"> • Correspondence regarding investigations. • Documentation including sub-metered data, quotations for equipment and calculations undertaken or advice provided by external experts. <p>Evidence of further planned action to improve accuracy of identified opportunities in action plans, project plans or budget proposals (if relevant).</p>

No.	Key Requirements	Evidence / Supporting documentation
4.4	<p>A “whole of business” evaluation is undertaken of the likely costs and benefits for each opportunity identified in order to calculate a payback period. The evaluation must:</p> <p>(a) Consider relevant business costs and benefits, including direct energy-related costs and benefits (e.g. energy savings and costs) and other quantifiable financial costs and benefits, for example avoided capital investment, OH&S costs and benefits, reduced maintenance, reduced or increased waste and water usage costs and improved productivity; and</p> <p>(b) Evaluate and investigate to a level of detail and accuracy appropriate for the size of investment and consistent with core-business investment decision making within the corporation. Where an opportunity will require approval for significant capital expenditure, the costs and benefits should be evaluated to within $\pm 10\%$.</p>	<p>List of opportunities and documentation showing all relevant quantifiable business costs and benefits, their associated levels of accuracy, and calculations for payback periods.</p> <p>Evidence of using standard evaluation methodologies for core-business investment decision making, for example:</p> <ul style="list-style-type: none"> • Documentation showing the calculations undertaken. • Procedures describing standard evaluation methodologies.

No.	Key Requirements	Evidence / Supporting documentation
4.5	For all the opportunities with up to a four year payback make recommendations based on business criteria. Recommendations should include whether the opportunities should undergo further investigation, be implemented, or not be implemented. Reasons for not pursuing opportunities are documented.	List of opportunities and associated recommendations, including criteria used to make recommendations.

Key Element 5

Decision making

Intent

- ❖ Management responsible for resource allocation make informed decisions on the assessment based on investment quality information.
- ❖ Clear lines of accountability, appropriate resources and timeframes are developed for all energy efficiency opportunities that a corporation decides to implement or investigate further.
- ❖ Mechanisms for reviewing, monitoring and reporting on outcomes are established to learn from experience and allow public reporting.

No.	Key Requirements	Evidence / Supporting documentation
5.1	<p>Management responsible for investment / resource allocation decision making is presented with key background information and the outcomes of the assessment. Information presented to management includes:</p> <ul style="list-style-type: none"> (a) Total energy use and energy cost relative to variable operating costs and profit; (b) Energy savings identified for each opportunity; 	<p>Evidence showing presentation of required information to management, for example:</p> <ul style="list-style-type: none"> • Reports or presentations to management.

No.	Key Requirements	Evidence / Supporting documentation
	<p>(c) The costs and benefits based on a whole of business evaluation including payback for each of the opportunities;</p> <p>(d) The business recommendation for each opportunity; and</p> <p>(e) Recommendations to improve data and evaluation accuracy (if required).</p>	
5.2	<p>Management responsible for investment / resource allocation determine the business response including which opportunities are to be implemented, which are to be further investigated (including improvements in data and evaluation accuracy) and which are not to be implemented.</p>	<p>Evidence showing the decisions of management, for example:</p> <ul style="list-style-type: none"> • Reports to management with documented decisions.

No.	Key Requirements	Evidence / Supporting documentation
5.3	<p>Timelines, resources and accountabilities are allocated for the business response to the assessment, including:</p> <p>(a) All energy efficiency opportunities that a corporation decides to implement or investigate further (including improvements in data and evaluation accuracy); and</p> <p>(b) Reviewing and monitoring to learn from experience and support public reporting.</p>	<p>Evidence of allocation of timelines, resources and accountabilities, for example:</p> <ul style="list-style-type: none"> • A copy of action plans, strategies, project plans, budget proposals. • Monitoring and feedback mechanisms.

Key Element 6

Communicating outcomes

Intent

- ❖ Senior management and the members of the board are aware of the outcomes of the assessment in a strategic business context (risk management, corporate social responsibility and major investment decisions).
- ❖ The board reviews and notes the public report in the context of relevant business information.
- ❖ Increased awareness of the benefits of improved energy efficiency and the outcomes achieved by the assessment within an organisation.

No.	Key Requirements	Evidence / Supporting documentation
6.1	<p>For each relevant business unit or key activity, the board and the senior officer responsible for signing the public report are presented with:</p> <ul style="list-style-type: none"> (a) Total energy use and energy cost relative to variable operating costs and profit; (b) Total energy savings identified and business's response; (c) Total whole of business costs and benefits of the opportunities identified and business's response; 	Evidence of presentation to the board.

No.	Key Requirements	Evidence / Supporting documentation
	(d) Recommendations for major investments; and (e) The information to be included in the public report prior to public release.	
6.2	The board reviews and notes the information to be included in the public report.	Evidence of board review and noting, for example: <ul style="list-style-type: none"> • Meeting minutes. • Board agendas and reports. • Statement by signer of the public report.
6.3	A clear message on the outcomes of the assessments, in the context of the objectives set in leadership is communicated from senior management and operational management to relevant staff in the organisation.	Evidence of communication of the outcomes of assessments and progress against objectives, including who has provided and been provided the information, for example: <ul style="list-style-type: none"> • Correspondence to relevant staff of documents containing the relevant information (e.g. email of sustainability report or other reports that may contain the information). • Presentations of outcomes, including meeting invitees, attendees and presenters.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See www.frli.gov.au.