

EXPLANATORY STATEMENT

Issued by the Authority of the Greenhouse and Energy Minimum Standards Regulator

Greenhouse and Energy Minimum Standards Act 2012

Greenhouse and Energy Minimum Standards (Exemption) Instrument (No.3) 2014

Power and Purpose

1. Section 70 of the *Greenhouse and Energy Minimum Standards Act 2012 (Act)* provides for the designation of the position of the GEMS Regulator.
2. The functions of the GEMS Regulator are set out in section 71 of the Act, including the responsibility for monitoring and enforcing compliance with the Act.
3. Section 37 of the Act sets out the power of the GEMS Regulator to exempt models of GEMS products from the requirements of GEMS determinations. GEMS determinations are defined in section 11 of the Act.
4. Section 37 of the Act enables the GEMS Regulator, by legislative instrument, to exempt models of GEMS products from one or more requirements of a GEMS determination in relation to all or specified supplies or uses of products of that model and enables the GEMS Regulator to specify conditions to which the exemption is subject.
5. Section 37 also provides that regulations may be made in order to provide a framework for administrative processes around the submission and assessment of applications for exemption.

Consultation

6. The exemption set out in the instrument was considered on application from the particular supplier named in the instrument. No further consultation was considered necessary.

Contents of the Instrument

7. Section 1 sets out the name of the instrument.
8. Section 2 provides for the commencement of the instrument.
9. Section 3 sets out the definition of terms used in the instrument. The term 'exempt models' is defined in Section 4.
10. Section 4 exempts the air conditioner models specified in the Schedule (the **exempt models**) to the instrument from the energy use requirements of section 6 of the *Greenhouse and Energy Minimum Standards (Air Conditioners and Heat Pumps) Determination 2013 (Determination)*, subject to the condition specified in clause 4 of the Schedule to the instrument.
11. Section 5 provides that the conditions to which the exemption is subject is specified at clause 3 of the Schedule. The Schedule provides that the exempt models must only be

supplied for use in the apartment complex located at 60-68 Terrace Road, East Perth WA 6004.

12. The Schedule to the instrument sets out the following terms:

- specification of the exempt models;
- the requirements of the Determination from which the model is exempt; and
- conditions of the exemption.

Making the Instrument

13. The instrument has been made by the GEMS Regulator in accordance with section 37 of the GEMS Act.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Greenhouse and Energy Minimum Standards (Exemption) Instrument (No.3) 2014

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

The *Greenhouse and Energy Minimum Standards (Exemption) Instrument (No.3) 2014* specifies models of GEMS products that the GEMS Regulator has exempted from the requirements of section 6 of the *Greenhouse and Energy Minimum Standards (Air Conditioners and Heat Pumps) Determination 2013*, and the conditions to which the exemption is subject.

Human rights implications

This Legislative Instrument does not engage any of the applicable rights or freedoms.

Conclusion

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.