



Energy Legislation Amendment (Information Requirements) Regulations 2023

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 27 April 2023

David Hurley
Governor-General

By His Excellency's Command

Chris Bowen
Minister for Climate Change and Energy

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1 Name

This instrument is the *Energy Legislation Amendment (Information Requirements) Regulations 2023*.

2 Commencement

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

| Commencement information | | |
|---------------------------------|--|---------------|
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this instrument | The day after this instrument is registered. | 29 April 2023 |

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the following:

- (a) the *Australian National Registry of Emissions Units Act 2011*;
- (b) the *National Greenhouse and Energy Reporting Act 2007*;
- (c) the *Renewable Energy (Electricity) Act 2000*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Australian National Registry of Emissions Units Regulations 2011

1 Regulation 3 (paragraph (a) of the definition of *certified copy*)

Repeal the paragraph, substitute:

- (a) a copy of a document that has been certified as a true copy by a person prescribed for the purposes of paragraph 8(b) of the *Statutory Declarations Act 1959*; or

2 Regulation 3

Insert:

digital identity of an individual means a distinct electronic representation of the individual that enables the individual to be sufficiently distinguished when interacting online with services.

3 Regulation 3 (definition of *documentary proof*)

Repeal the definition.

4 Regulation 3

Insert:

document verification service means the service known as the Australian Government Document Verification Service, or that service continuing in existence with a different name.

identity evidence, for a person, means:

- (a) if the person's identity is to be verified by means of digital identity—the person's digital identity; or
- (b) in any other case—the documents required to be given to the Regulator under Division 2.2 of Part 2 for that kind of person, and any document identifiers given in place of such documents.

identity service provider means an accredited participant in the system known as the Australian Government Digital Identity System, or that system continuing in existence with a different name, that provides a service that generates, manages, maintains or verifies information relating to the identity of an individual.

5 Subregulations 9(3) to (5)

Repeal the subregulations, substitute:

- (3) The request must:
 - (a) be made in the approved form; and
 - (b) subject to subregulation (4), include the information that is required by the approved form.

Note: Identity evidence for the person making the request, and for associated persons, must also be given to the Regulator at the time of the request: see Division 2.2.

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- (4) The approved form may require information specified in subregulation (5) to be provided if the information is relevant to the person making the request, or an authorised representative, officer, employee or trustee of the person.
- (5) The information is the following:
- (a) a person’s full name, address and contact details;
 - (b) a person’s business name and, if different, trading name;
 - (c) the address of a person’s principal place of business;
 - (d) a person’s ABN, ACN, ARBN, GST registration number, Indigenous corporation number or other unique number;
 - (e) an individual’s date of birth and residential address;
 - (f) each name by which an individual is known by;
 - (g) a person’s status as one of the following:
 - (i) an individual, including an individual who is a sole trader;
 - (ii) a body corporate;
 - (iii) a corporation sole;
 - (iv) a body politic;
 - (v) a local governing body;
 - (vi) a trust;
 - (h) a description of the form in which a body corporate has been incorporated;
 - (i) a description of the type of trust a trust is;
 - (j) the full name and date of birth of the beneficiaries of a trust;
 - (k) details about a class of which beneficiaries of a trust are members;
 - (l) each jurisdiction in which a person operates;
 - (m) the full name, address and contact details of any Australian agent through which a body corporate that is a foreign person conducts business.

6 Subregulations 10(3) and (4)

Repeal the subregulations.

7 Subdivision 2.2.1 of Part 2 (heading)

After “**Document**”, insert “**and information**”.

8 Subregulation 14(2)

Repeal the subregulation, substitute:

- (2) If a person provides a document as identity evidence to the Regulator under this Division:
- (a) the document must be current; and
 - (b) the person must provide:
 - (i) if the Regulator asks to see the original document—the original document; or
 - (ii) otherwise—either a certified copy of the original document or, in accordance with subregulation 18(5), a document identifier in place of the document.

9 Subregulation 14(2A)

Omit “documentary proof”, substitute “a document”.

10 Subregulation 15(1)

Repeal the subregulation, substitute:

- (1) A person in whose name a Registry account is to be opened must, at the time of making a request under regulation 9, give the Regulator:
 - (a) identity evidence for the person; and
 - (b) if a provision mentioned in subregulation (2) of this regulation requires identity evidence for another person associated with the person—identity evidence for the other person; and
 - (c) if the person has nominated one or more individuals under subregulation 9(2) to be an authorised representative of the person—identity evidence for each individual the person nominates.

11 Paragraph 15(2)(a)

Omit “paragraph (d)”, substitute “paragraph (d) or (e)”.

12 Regulation 18

Repeal the regulation, substitute:

18 Individuals

Identification procedures for individuals

- (1) This regulation sets out the identification procedures for verifying the identity of the following individuals:
 - (a) an individual in whose name a Registry account is to be opened;
 - (b) if a Registry account is to be opened in the name of an entity—an individual who has been nominated to be an authorised representative of the entity at the time of the request to open the account;
 - (c) an individual who is nominated by a registered holder under regulation 32 to be an authorised representative for a Registry account;
 - (d) an individual associated with an entity, if evidence of the individual’s identity is required under:
 - (i) paragraph (d) or (e) of item 4 of the table in regulation 21; or
 - (ii) item 2 or 3 of the table in regulation 22.
- (2) The individual’s identity must be verified by the Regulator accepting:
 - (a) the individual’s digital identity (see subregulation (3)); or
 - (b) the documentary evidence provided in accordance with subregulations (4) and (5).

Verification of identity by accepting individual’s digital identity

- (3) An individual may provide evidence of the individual’s identity by consenting to the transfer of the individual’s digital identity from an identity service provider to the Regulator, if the Regulator is able to accept that digital identity from that provider.

Verification of identity by means of documentary evidence

- (4) The identity of an individual may be verified by the provision of the following documents to the Regulator:

- (a) if the individual is an Australian citizen or is ordinarily resident in Australia—3 documents identifying the individual, of a kind set out in Schedule 1, at least one of which must be a category A document;
- (b) if the individual is a foreign person—3 documents identifying the individual, of a kind set out in Schedule 2, at least one of which must be a category A document;
- (c) if the individual’s name has changed—a document that shows the change of name.

Note: Examples for paragraph (4)(c) include a marriage certificate, a deed poll and a certificate issued by a government authority that recognises the change of name.

- (5) An individual may provide a document identifier for a document in place of a document mentioned in subregulation (4) if the Regulator is able to verify the document by providing the document identifier to the document verification service.

13 Regulation 21

Omit “documentation mentioned”, substitute “documentation or identity evidence mentioned”.

14 Regulation 21 (table item 4, paragraph (d) of the column headed “the documents that must accompany a request are ...”)

Repeal the paragraph, substitute:

- (d) if the body corporate is a private company, incorporated association or registered co-operative (whether or not a foreign entity)—identity evidence of the following:
 - (i) in the case that the entity has no more than one executive officer—the executive officer of the entity;
 - (ii) otherwise—2 executive officers of the entity; and
- (e) if the body corporate is a foreign company that is a public company—identity evidence of an executive officer of the entity who is not the same person the entity nominates to be an authorised representative

15 Regulation 22

Omit “documentation set out in each item of the table”, substitute “documentation and identity evidence mentioned in the items of the following table”.

16 Regulation 22 (table item 2)

Repeal the item, substitute:

- 2 for each trustee who is an individual—identity evidence of the trustee

17 Subregulation 32(2)

Omit “documentary proof of the identity of”, substitute “identity evidence for”.

18 Subregulation 32(2) (note 1)

Omit “*documentary proof*”, substitute “*identity evidence*”.

19 In the appropriate position in Part 6

Insert:

71 Amendments made by the *Energy Legislation Amendment (Information Requirements) Regulations 2023*

The amendments of this instrument made by Schedule 1 to the *Energy Legislation Amendment (Information Requirements) Regulations 2023* (the *amending instrument*) apply in relation to a request to open a Registry account made after the commencement of the amending instrument.

20 Schedule 1 (note to Schedule heading)

Repeal the note, substitute:

Note: See paragraph 18(4)(a).

21 Schedule 2 (note to Schedule heading)

Repeal the note, substitute:

Note: See paragraph 18(4)(b).

National Greenhouse and Energy Reporting Regulations 2008

22 Regulation 1.03 (paragraph (d) of the definition of *identifying details*)

Repeal the paragraph, substitute:

- (d) if the entity does not have an ABN, ACN or ARBN—the following:
 - (i) any other unique number issued to the entity for the purpose of identifying the entity;
 - (ii) the entity's name (and any business name or trading name, if different);
 - (iii) the entity's street address.

23 Regulation 1.03 (paragraph (a) of the first definition of *identifying information*)

Repeal the paragraph, substitute:

- (a) the person's name (and any business name or trading name, if different);

24 Regulation 1.03 (paragraph (f) of the first definition of *identifying information*)

Omit "number, email address and postal address", substitute "number and email address".

25 Paragraph 3.02(1)(b)

Omit "details of the controlling corporation", substitute "details of the applicant".

26 Subparagraphs 3.02(1)(b)(i) and (ii)

Repeal the paragraphs, substitute:

- (i) its name (and any business name or trading name, if different); and

27 Subparagraph 3.02(1)(b)(vi)

Omit "controlling corporation", substitute "applicant".

28 Paragraph 3.02(1)(c)

Repeal the paragraph, substitute:

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- (c) details of at least one executive officer (or equivalent) of the applicant, including the officer's name, telephone number and email address;

29 Subparagraph 3.02(1)(e)(i)

Repeal the paragraph, substitute:

- (i) the entity's business name or trading name, if different from the entity's name; and

30 Paragraph 3.02(1)(g)

Omit all the words after "to the", substitute "applicant—that number".

31 Paragraph 3.02(1)(h)

Repeal the paragraph, substitute:

- (h) if the applicant is a foreign person—details of a contact person in Australia, including the contact person's name, telephone number, email address and postal address.

32 In the appropriate position in Part 7

Insert:

Division 7.8—Application provisions relating to the Energy Legislation Amendment (Information Requirements) Regulations 2023

7.19 Application

The amendments of this instrument made by Schedule 1 to the *Energy Legislation Amendment (Information Requirements) Regulations 2023* (the **amending instrument**) apply in relation to an application under section 12 or 14 of the Act made after the commencement of the amending instrument.

Renewable Energy (Electricity) Regulations 2001

33 Subregulation 3(1)

Insert:

digital identity of an individual means a distinct electronic representation of the individual that enables the individual to be sufficiently distinguished when interacting online with services.

document verification service means the service known as the Australian Government Document Verification Service, or that service continuing in existence with a different name.

identity evidence, for a person: see subregulation 20Q(1).

identity service provider means an accredited participant in the system known as the Australian Government Digital Identity System, or that system continuing in existence with a different name, that provides a service that generates, manages, maintains or verifies information relating to the identity of an individual.

34 Subregulations 20H(2) and (3)

Repeal the subregulations, substitute:

- (2) For the purposes of paragraphs 30K(2)(c) and (d) of the Act, the application must be accompanied by identity evidence for the applicant.
- (3) Subregulation (1) does not apply to information if:
 - (a) the applicant has previously provided the information to the Regulator; and
 - (b) the information remains current.
- (4) Subregulation (2) does not apply to identity evidence for the applicant if:
 - (a) the applicant has previously provided the identity evidence to the Regulator; and
 - (b) the documentation or the digital identity in respect of which the identity evidence was provided remains current.

35 Subregulation 20K(2)

Omit “documents”, substitute “identity evidence”.

36 Paragraph 20K(2)(f)

Repeal the paragraph, substitute:

- (f) identity evidence for the transferee.

37 Subregulation 20K(3)

Omit “documents”, substitute “identity evidence”.

38 Subregulation 20K(5)

Repeal the subregulation, substitute:

- (5) Subregulation (2) does not apply to information if:
 - (a) the transferee has previously provided the information to the Regulator;
and
 - (b) the information remains current.
- (6) Subregulation (2) does not apply to identity evidence for the transferee if:
 - (a) the transferee has previously provided the identity evidence to the Regulator; and
 - (b) the documentation or the digital identity in respect of which the identity evidence was provided remains current.

39 Subregulation 20M(1)

Omit “documents” (first occurring), substitute “identity evidence”.

40 Paragraph 20M(1)(e)

Repeal the paragraph, substitute:

- (e) identity evidence for the applicant.

41 Subregulation 20M(2)

Repeal the subregulation, substitute:

- (2) Subregulation (1) does not apply to information if:

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- (a) the applicant has previously provided the information to the Regulator; and
 - (b) the information remains current.
- (3) Subregulation (1) does not apply to identity evidence for the applicant if:
- (a) the applicant has previously provided the identity evidence to the Regulator; and
 - (b) the documentation or the digital identity in respect of which the identity evidence was provided remains current.

42 After regulation 20P

Insert:

20Q Identity evidence

- (1) A person provides evidence (*identity evidence*) of the person's identity if:
- (a) in the case that the person is an individual—the person consents to the transfer of the person's digital identity from an identity service provider to the Regulator; or
 - (b) in any case—the person provides documents to establish the person's identity to the Regulator.

Note: For the requirement to provide identity evidence, see subregulation 20H(2) and paragraphs 20K(2)(f) and 20M(1)(e).

- (2) A person may provide a document identifier for a document in place of a document mentioned in paragraph (1)(b) if the Regulator is able to verify the document by providing the document identifier to the document verification service.

43 In the appropriate position in Part 9

Insert:

57 Amendments made by the *Energy Legislation Amendment (Information Requirements) Regulations 2023*

The amendments of this instrument made by Schedule 1 to the *Energy Legislation Amendment (Information Requirements) Regulations 2023* (the *amending instrument*) apply in relation to:

- (a) an application under subsection 30K(1) or 30M(1) of the Act made after the commencement of the amending instrument; or
- (b) the transfer of a small-scale technology certificate after the commencement of the amending instrument.