EXPLANATORY STATEMENT

Issued by the Authority of the Delegate of the Secretary of the Department of Industry, Tourism and Resources

Energy Efficiency Opportunities Act 2006

Energy Efficiency Opportunities Regulations 2006

The Energy Efficiency Opportunities Act 2006 (the Act) establishes the Energy Efficiency Opportunities program. The Act requires energy efficiency opportunities assessments and public reporting of outcomes by large energy using businesses.

The Energy Efficiency Opportunities Regulations 2006 specify that the Secretary may approve and notify in the Gazette particular formats for the submission of information to the Secretary by participants in the Energy Efficiency Opportunities program (regulations 3.4(2)(a), 4.3(2)(a), 7.10(2)(a), 3.2(3), 3.4(3), 4.3(3), 5.1(5), 7.10(3) and 7.8(b)(iii) refer). The Notice has been published in the Gazette (include Gazette number/date here).

The making of this notice is timely as the Energy Efficiency Opportunities Act 2006 and Energy Efficiency Opportunities Regulations 2006 took effect on 1 July 2006. Participants in the Energy Efficiency Opportunities program have commenced making submissions under the Act.

No consultation occurred on this instrument as it is of a minor or machinery nature and does not substantially alter existing arrangements.

Details of the provisions are provided in the Attachment.

The instrument will commence on the day after it is registered on the Federal Register of Legislative Instruments.
Details of the Sections are as follows:

Section 1 – Hard Copy Documents

Section 1 provides that documents submitted to the Secretary in hard copy for the purposes of applying for an exemption from registration, applying for deregistration and reporting to the Secretary must meet certain formatting requirements.

Section 2 – Documents in Electronic Form

Section 2 provides that documents submitted to the Secretary in electronic form for the purposes of applying to register, applying for an exemption from registration, applying for deregistration, submitting an assessment plan and reporting to the Secretary must meet certain formatting requirements set out in the relevant items in the Schedule to the Notice.

Section 3 – Electronic systems in which Reports to the Secretary may be made

Section 3 provides that the form of reports to the Secretary made via an electronic system must meet the requirements in items 1 - 2 of the Schedule to the Notice, subject to the restrictions set out in item 3 to the Notice.

Schedule, item 1 – Permitted formats for text

Item 1 specifies the permissible electronic document formats that may be used to provide textual information where an application, assessment plan or report contains writing.

Schedule, item 2 – Permitted formats for diagrams

Item 2 specifies the permissible electronic document formats that may be used to provide diagrammatical information where an application, assessment plan or report contains a diagram.

Schedule, item 3 – Prohibited formats

Item 3 specifies particular electronic document formats that must not be used to provide information in any part of an application, assessment plan or report.

Schedule, item 4 - Format of contents

Item 4 provides that text provided in an application, assessment plan or report submitted in electronic form must be in English and in an easy to read font and point size. It also provides that all other material be set out in a clear and readily-comprehensible form.

Schedule, item 5 - Signatures

Item 5 provides that where an application, assessment plan or report is provided electronically and it is required to be signed, then it will only be taken to be signed if it is accompanied by a PDF copy of a statement that is actually signed by the person in which they agree that they have signed the electronic document.
Schedule, item 6 - Formats in which documents in electronic form may be given to the Secretary

Item 6 provides that an application, assessment plan or report provided in an electronic format can be submitted either by e-mail to energyefficiencyopportunities@industry.gov.au or in a digital storage medium (for example, a disk) sent to the Department's postal address.

Schedule, item 7 - Restriction on emailing files

Item 7 specifies the permissible formats for provision of an application, assessment plan or report by electronic means in the form of a compressed archive file. It also specifies that compressed archive files can only contain files in the permitted formats specified in items 1 and 2 of this Schedule. It also specifies that information provided by e-mail must not be password protected or encrypted.