EXPLANATORY STATEMENT

Select Legislative Instrument 2006 No. 201

Issued by the Authority of the Minister for Industry, Tourism and Resources

Energy Efficiency Opportunities Act 2006

Energy Efficiency Opportunities Amendment Regulations 2006 (No. 1)

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.

Section 41 of the Act provides that the Governor-General may make regulations prescribing matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

The purpose of the Regulations is to rectify an error in the Energy Efficiency Opportunities Regulations 2006 (the Principal Regulations).

Stakeholders, through comprehensive consultation with business and other stakeholders between November 2004 and May 2006, including publication of draft regulations, were informed that certain energy efficiency opportunities assessments other than those undertaken under the Act would be deemed to satisfy the Act if they satisfied the relevant assessment framework. The Assessment Framework outlines six key elements that must be met in order for the assessment to be taken to have satisfied the requirements in the Act.

The Principal Regulations contain a reference to one of these six elements, when the reference should be to the whole Assessment Framework (which is contained in Schedule 7 to the Principal Regulations). The amendment rectifies this drafting error.

Details of the Regulations are set out in the Attachment.

The Regulations commence on the day after they are registered on the Federal Register of Legislative Instruments.
Details of the *Energy Efficiency Opportunities Amendment Regulations 2006 (No. 1)*

**Regulation 1 – Name of Regulations**

Regulation 1 provides that the name of the Regulations is the *Energy Efficiency Opportunities Amendment Regulations 2006 (No. 1)*.

**Regulation 2 – Commencement**

Regulation 2 provides that the Regulations commence on the day after they are registered on the Federal Register of Legislative Instruments.

**Regulation 3 – Amendment of *Energy Efficiency Opportunities Regulations 2006***

Regulation 3 provides that Schedule 1 amends the *Energy Efficiency Opportunities Regulations 2006*.

**Schedule 1 – Amendment**

Schedule 1 provides that paragraph 6.1(7)(b) of the *Energy Efficiency Opportunities Regulations 2006* be amended to correct a drafting error.

The incorrect reference to Key Element 6 of Schedule 7 to the *Energy Efficiency Opportunities Regulations 2006* is removed, and that Regulation will instead refer to the whole of Schedule 7, which sets out the requirements for undertaking energy efficiency opportunities assessments. Key Element 6 is only one of the six key elements that make up the Assessment Framework.