

EXPLANATORY STATEMENT

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

Greenhouse and Energy Minimum Standards Act 2012

Instrument under section 37 of the Greenhouse and Energy Minimum Standards Act 2012

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 that the instrument is made under section 37 of the Act.
8. Section 2 provides for the commencement of the instrument.
9. Section 3 exempts the models of air conditioners specified in the Schedule to the instrument from the energy use and testing requirements of section 6 of the *Greenhouse and Energy Minimum Standards (Air Conditioners and Heat Pumps) Determination 2012* (**Determination**), subject to the conditions specified in section 4 of the instrument.
10. Section 4 specifies the condition to which the exemption is subject. The condition limits the supply of the exempted models of air conditioners, to the supply for use in the Australia Pacific Liquefied Natural Gas Project and the Gladstone Liquefied Natural Gas Project. The restriction on supply is due to the specified models being specifically engineered to meet the safety and reliability requirements of the operating environment at the specified facilities. The impact of those safety and reliability requirements on the

energy efficiency of the specified models of air conditioners, on their ability to comply with the minimum energy performance standards set in the Determination, was a reason for the exemption being granted.

11. Section 5 sets out the definition of terms used in the instrument.
12. The Schedule to the instrument sets out the manufacturer and the models of exempted air conditioners.

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

Instrument under Section 37 of the Greenhouse and Energy Minimum Standards Act 2012

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 *Instrument under Section 37 of the Greenhouse and Energy Minimum Standards Act 2012* 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 2012*, 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.