



National Greenhouse and Energy Reporting Amendment (2016 Measures No. 1) Regulation 2016

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation.

Dated 05 May 2016

Peter Cosgrove
Governor-General

By His Excellency's Command

Greg Hunt
Minister for the Environment

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1 Name

This is the *National Greenhouse and Energy Reporting Amendment (2016 Measures No. 1) Regulation 2016*.

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.	10 May 2016

Note: This table relates only to the provisions of this instrument as originally made.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 *National Greenhouse and Energy Reporting Act 2007*.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Part 1—General amendments

National Greenhouse and Energy Reporting Regulations 2008

1 Regulation 1.03 (definition of *greenhouse gas substance*)

Repeal the definition.

2 At the end of regulations 4.07 and 4.08

Add:

- (3) This regulation does not apply to the combustion of international bunker fuel for transport.

3 Subregulations 4.12(2) and (3)

Omit “greenhouse gas substances” (wherever occurring), substitute “greenhouse gases”.

4 Paragraph 4.19(2)(a)

Repeal the paragraph, substitute:

- (a) does not have the capacity to produce 0.5 megawatts or more of electricity;
or

5 Subregulation 4.20(2) (note)

Omit “Note”, substitute “Note 1”.

6 At the end of subregulation 4.20(2)

Add:

- Note 2: The electricity transmission or distribution networks mentioned in paragraphs (2)(b) and (c) may be connected to the main electricity grid in a State or Territory, or to another electricity grid.

7 Paragraph 4.20(3)(a)

Repeal the paragraph, substitute:

- (a) does not have the capacity to produce 0.5 megawatts or more of electricity;
or

8 Paragraph 4.25(3)(c)

Repeal the paragraph, substitute:

- (c) for each aggregated amount included in the report in accordance with subregulation (2):
(i) the number of facilities to which the aggregated amount relates; and
(ii) the State or Territory in which those facilities are located.

9 Schedule 1 (cell at table item 18, column headed “Primary or secondary fuel or energy commodity”)

Repeal the cell, substitute:

Nomination required

**10 Source 2 of Part 6 of Schedule 3 (table item 1, column headed
“Matters to be identified”, paragraph (a))**

Repeal the paragraph, substitute:

- (a) the tonnes of commodity produced

**11 Source 2 of Part 6 of Schedule 3 (table item 2, column headed
“Matters to be identified”, paragraph (a))**

Repeal the paragraph, substitute:

- (a) the tonnes of commodity produced

Part 2—Greenhouse and energy auditors

National Greenhouse and Energy Reporting Regulations 2008

12 Regulation 1.03

Insert:

audit team member, in relation to a Part 6 audit, means a person assisting the audit team leader to carry out the audit.

13 Regulation 1.03 (paragraph (a) of the note)

Repeal the paragraph.

14 At the end of regulation 6.18

Add:

- ; or (c) for an applicant for registration as a Category 1 auditor:
- (i) the referee has been an audit team leader and the applicant has been an audit team member assisting the referee to carry out a Part 6 audit; or
 - (ii) the referee has been responsible for an audit that, under a provision of the Auditor Registration Instrument made for the purposes of subregulation 6.19(1), is relevant to the auditing experience of an applicant for registration as a Category 1 auditor, and the applicant assisted the referee to carry out the audit.

15 At the end of regulation 6.19

Add:

- (5) At least one of the references mentioned in subregulation (4) must be from an eligible referee mentioned in paragraph 6.18(a) or (b).

16 Paragraph 6.28(a)

Omit “subregulation 6.30 (1)”, substitute “regulation 6.30”.

17 After subregulation 6.30(3)

Insert:

(3A) If:

- (a) the notice does not contain actions that the Regulator considers the auditor may take to avoid suspension; and
 - (b) before the end of the response period, the auditor responds to the notice; and
 - (c) the response does not indicate that he or she accepts the suspension;
- then the Regulator must, as soon as practicable after receiving the response:
- (d) consider the response in making a decision on whether or not to suspend the auditor’s registration; and
 - (e) if the Regulator considers it appropriate, suspend the auditor’s registration for the period mentioned in the notice.

18 Paragraph 6.33(a)

Omit “or regulation 6.36”, substitute “, 6.35A or 6.36”.

19 Before subregulation 6.34(1)

Insert:

Deregistration—general

20 Paragraphs 6.34(1)(a) and (c)

Omit “subject to subregulation (2),”.

21 Subregulation 6.34(2)

Repeal the subregulation, substitute:

Deregistration as Category 2 auditor

- (2) The Regulator may deregister an auditor as a Category 2 auditor under regulation 6.35 if the Regulator is satisfied that:
 - (a) the auditor does not meet the requirements for registration as a Category 2 auditor; or
 - (b) the auditor has not performed his or her duties as an audit team leader in accordance with the Audit Determination and these Regulations.
- (2A) If a person is registered as both a Category 1 auditor and a Category 2 auditor, and the Regulator deregisters the person as a Category 2 auditor under regulation 6.35 in accordance with subregulation (2) of this regulation, the person’s registration as a Category 1 auditor is not affected by the deregistration.
- (2B) Subregulation (2) does not limit subregulation (1).

Notice of intention to deregister

22 At the end of regulation 6.35

Add:

- (3) If, before the end of the response period, the auditor responds without indicating that he or she accepts the deregistration, the Regulator:
 - (a) must, as soon as practicable after receiving the response, consider the response in making a decision on whether or not to deregister the auditor; and
 - (b) may, if the Regulator considers it appropriate, deregister the auditor.

23 After regulation 6.35

Insert:

6.35A Deregistration where auditor cannot be contacted

The Regulator may deregister a registered greenhouse and energy auditor if:

- (a) the Regulator has taken reasonable steps to contact the auditor; and
- (b) at least 3 months have passed since the auditor last made contact with the Regulator; and

(c) the Regulator is satisfied that the auditor cannot be contacted.

24 Paragraph 6.73(c)

After “6.35”, insert “, or 6.35A,”.

Part 3—Application provisions

National Greenhouse and Energy Reporting Regulations 2008

25 After Division 7.1 of Part 7

Insert in its appropriate numerical position:

Division 7.1A—Application provisions relating to the National Greenhouse and Energy Reporting Amendment (2016 Measures No. 1) Regulation 2016

7.03A Application—reports under the Act

The amendments of these Regulations made by Part 1 of Schedule 1 to the *National Greenhouse and Energy Reporting Amendment (2016 Measures No. 1) Regulation 2016* apply in relation to a report under Part 3, 3E or 3F of the Act for:

- (a) the financial year beginning on 1 July 2016; and
- (b) a later financial year.

7.03B Application—applicants for registration as Category 1 auditors

The amendments of regulations 6.18 and 6.19 made by items 14 and 15 of Schedule 1 to the *National Greenhouse and Energy Reporting Amendment (2016 Measures No. 1) Regulation 2016* apply in relation to an application for registration as a Category 1 auditor made on or after the commencement of those items.

7.03C Application—suspension and deregistration of auditors

The amendments of these Regulations made by items 16 to 24 of Schedule 1 to the *National Greenhouse and Energy Reporting Amendment (2016 Measures No. 1) Regulation 2016* apply in relation to the suspension or deregistration of an auditor on or after the commencement of those items even if the circumstances to which the suspension or deregistration relates arose wholly or partly before that commencement.