



## National Greenhouse and Energy Reporting

# Application for information not to be published for the 2013-14 reporting year

under section 25 of the *National Greenhouse and Energy Reporting Act 2007*

## Purpose of this form

Section 25 of the *National Greenhouse and Energy Reporting Act 2007* (the NGER Act) provides for a registered corporation, a person required to provide information under section 20, or a person required to provide a report under section 22A, 22AA, 22E, 22G or 22X, to make an application requesting certain information not be published.

A request can only be made in relation to information which reveals or could be capable of revealing:

- a) a trade secret, OR
- b) any other matter having a commercial value that would be, or could reasonably be expected to be, destroyed or diminished if the information were disclosed

about a specific facility, technology or corporate initiative relating to the corporation or person.

This form is to be used to make such a request in relation to the 2013-2014 reporting year.

## Instructions for completing this form

Please read each part of the application carefully, fully answer all the questions in those parts of the application that the applicant is required to submit, sign where indicated, and attach the required documentation.

The page number is shown in the footer at the bottom of each page. The form is divided into five parts:

- **Part A** seeks identifying information about the party making the application
- **Part B** is for you to detail what greenhouse and energy information you want withheld from publication
- **Part C** is for you to detail whether the application concerns a trade secret
- **Part D** is for you to detail whether the application concerns a matter of commercial value other than a trade secret
- **Part E** is to assure the Clean Energy Regulator that you have endorsed the information provided in the application.

**It is compulsory to complete Parts A, B and E.**

### Pen colours

Please use a **black** or **blue** pen to write on the form.

### Check boxes

Mark boxes like this  with a **✓** or **✗**. When an instruction asks you to 'tick' the box, you can still use either **✓** or **✗**.

### Go to

Where you see an instruction like this -  Go to **question 5** - mark the relevant box with a **✓** or **✗** and then skip to the question number shown. You do not need to answer the question(s) in between.

Where an instruction has a black double arrow (**▶▶**), go to the next indicated part/section.

Where an instruction has a black single arrow ( ▶ ), go to the next question.

Where an instruction has a black single arrow pointing down ( ▼ ), fill in the field(s) directly below.

### **Mandatory questions**

If all fields in a question are mandatory and must be completed, **(required)** is added to the end of the question label text.

If a field in a question is mandatory only IF a condition is met, **(required if any)** is added to the end of the question label text.



This symbol indicates an instruction on what to do next.



This symbol indicates additional useful guidance to filling in the adjacent field or section.



This symbol advises that more than one entry may be required for the section and therefore you may need to photocopy or print the section or fill in a duplicate section.



This symbol advises that additional documentation to support a claim may need to be attached to the application.

### **Duplex printing**

This form is designed to be duplex printed to save on paper. All new sections start on the right-hand side of a page spread.

## Help filling in this form

In addition to this notes section, other segments of explanatory text are included where relevant to help you in completing this form. If you have any queries, first refer to the explanation with the question, or to this text at the end of the form.

If you require assistance filling in the form or have any questions regarding this application process please contact the Clean Energy Regulator general enquiries line **1300 553 542** or [reporting@cleanenergyregulator.gov.au](mailto:reporting@cleanenergyregulator.gov.au).

## Making an application

Applications should be submitted by **31 December 2014** for greenhouse and energy information reported in the 2013-2014 reporting year. Details of how to submit this form are supplied with **Part E** at the end of this form.

Please supply any additional information you feel will strengthen your application. Any attachments are to be listed in the spaces provided at the end of **Part E**.

Office use:

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## Part A: Applicant details

**i** *Part A must be completed for all applications. All questions in this part are mandatory.*

### 1. Applicant type (required)

▶ What type of applicant are you?

- A registered corporation. Go to **question 2.** ▶
- Approved other person (as per section 20 of NGER Act). Go to **question 3.** ▶▶
- Reporting transfer certificate (RTC) holder. Go to **question 4.** ▶▶

**i** *NOTE: Registered corporations, RTC holders and an approved other person (as per section 20 of the NGER Act) may make a section 25 application.*

### 2. Registered corporation details (required)

▶ Please provide the corporation name for the registered corporation.

**i** *This is the name that appears on the Australian Business Register.*

Corporation name	
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▶ Please provide one of the following for the registered corporation in order of precedence: ABN, ACN, ARBN or trading name and street address.

ABN	
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**i** *If the registered corporation does not have an ABN, please provide the registered corporation's ACN.*

ACN	
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**i** *If the registered corporation does not have an ABN or an ACN, please provide the registered corporation's ARBN.*

ARBN	
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**i** *If the registered corporation does not have an ABN, ACN or an ARBN please provide the registered corporation's trading name and street address.*

Trading name	
Address line 1	
Address line 2	
Address line 3	
Suburb/city	
State	
Postcode	
Country	

Go to **question 5.** ▶▶

Office use:

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**3. Approved other person details (required)**

- ▶ Please provide the following details for the approved other person.

 *This is an approved other person as defined at the rear of this form.*

Name of applicant*	
Section 20 reference number	

Go to **question 5.** ▶▶

**4. RTC holder details (required)**

- ▶ Please provide the following details for the RTC holder.

Name of applicant*	
Certificate number	

Go to **question 5.** ▶▶

**Details of a primary contact for this application**

 *The Clean Energy Regulator will direct communication regarding this application to the primary contact.*

 *The primary contact for this application **DOES NOT** have to be the same person listed in EERS as the primary contact for your organisation.*

**5. Primary contact details (required)**

- ▶ Add full name details below.

Title (eg Mr, Mrs, Miss, Ms)	
Given name	
Middle name(s)	
Family name	

- ▶ Provide the person's position.

Position	
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- ▶ Provide the person's postal address details.

Address line 1	
Address line 2	
Suburb/city	
State	
Postcode	
Country	

- ▶ Provide the person's contact details.

Phone number	
Email address	

Office use:

## Part B: Information to be withheld

**i** *Part B must be completed for all applications.*

**i** *Refer to the guidance document for more explanation of the publishing of greenhouse and energy information by the Clean Energy Regulator.*

**i** *Any documents related to Part B questions that you wish to submit with this form are to be listed in the attachment section at the end of Part E.*

### 6. Information to be withheld (required)

▶ What greenhouse and energy information do you want to have withheld from publication?

**i** *Select at least one option. More than one may be chosen. For more information on publication refer to the guidance document.*

- Scope 1 emissions
- Scope 2 emissions
- Net energy consumption

### 7. Measurement methods (required)

▶ Do you want to have measurement methods withheld from publication for the corporate group?

No

Yes

**i** *The Clean Energy Regulator may choose not to publish measurement methods. For more information on publication refer to the guidance document.*

### 8. Measurement methods (required)

▶ Do you want the greenhouse and energy information specified in **question 6** above to be withheld from publication for the registered corporation's entire group or for a group member or business unit?

**i** *Select at least one option; both may be chosen.*

- Group member or business unit. If checked, please answer **question 9**. ▶
- Corporate group. If checked, please answer **question 10**. ▶▶

**i** *Refer to the guidance document for more explanation of the publishing of greenhouse and energy information by the Clean Energy Regulator.*

### 9. Group members/business unit name (required)

▶ What is the name of the group member(s) and/or business unit(s)?

**i** *This information is to be the same as entered in EERS*

Group  
members/business  
unit name

### 10. Outside parties (required)

▶ Has your organisation made any of the greenhouse and energy information specified above available to any outside parties, apart from the Clean Energy Regulator?

No

Go to **Part C**. ▶▶

Yes

Go to **question 11**. ▶

Office use:

**11. Information to outside parties (required)**

▶ How was the greenhouse and energy information made available to any outside parties?

 *More than one response can be selected.*

**11a Annual report**

▶ Was the information made available in an annual report?

No

Go to **question 11b.** ▶

Yes

Please provide details below ▼

Details of the information made available	
Name of the organisation the information relates to	

	Day (dd)	Month (mm)	Year (yyyy)
Date information released			

**11b Sustainability report**

▶ Was the information made available in a sustainability report?

No

Go to **question 11c.** ▶

Yes

Please provide details below. ▼

Details of the information made available	
Name of the organisation the information relates to	

	Day (dd)	Month (mm)	Year (yyyy)
Date information released			

Office use:

**11c Energy Efficiency Opportunities report**

▶ Was the information made available in an Energy Efficiency Opportunities report?

No

Go to **question 11d.** ▶

Yes

Please provide details below. ▼

Details of the information made available	
Name of the organisation the information relates to	

	Day (dd)	Month (mm)	Year (yyyy)
Date information released			

**11d Publication by an industry association**

▶ Was the information made available in a publication by an industry association?

No

Go to **question 11e.** ▶

Yes

Please provide details below ▼

Details of the information made available	
Name of the organisation the information relates to	

	Day (dd)	Month (mm)	Year (yyyy)
Date information released			

Office use:

**11e Other**

▶ Was the information made available in any other way?

No

Go to **question 12.** ▶

Yes

Please provide details below ▼

Details of the information made available	
Name of the organisation the information relates to	

	Day (dd)	Month (mm)	Year (yyyy)
Date information released			



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Office use:

## Part C: Details of the trade secret

**i** Only complete **Part C** if you are applying in regard to protecting a trade secret.

**i** Refer to the guidance document for more explanation of the publishing of greenhouse and energy information by the Clean Energy Regulator.

### 12. Trade secret (required)

▶ Is the greenhouse and energy information you are seeking to have withheld from publication related to a trade secret?

No Go to **Part D**. ▶▶Yes Go to **question 13**. ▶

### 13. Related to a specific facility, technology or corporate initiative

▶ Does the trade secret relate to a specific facility, technology or corporate initiative that is connected to your business or undertaking?

No 

A trade secret that is the basis of a section 25 application must be related to a specific facility, technology or corporate initiative that is connected to your business or undertaking.

**i** If you have selected 'No', you may not have sufficient grounds to make a section 25 application.

Yes Go to **question 14**. ▶

### 14. Trade secret type

▶ Is the trade secret related to a specific facility, technology or corporate initiative?

A specific facility. Go to **question 14a**. ▶Technology. Go to **question 14b**. ▶Corporate initiative. Go to **question 14c**. ▶

#### 14a Specific facility details

▶ Provide the name of the facility or facilities that the trade secret is connected with.

Name of  
facility/ facilities

#### 14b Technology details

▶ Provide details of the technology that the trade secret is related to.

Technology  
details

Office use:

#### 14c Corporate initiative details

▶ Provide details of the corporate initiative that the trade secret is related to.

Corporate  
initiative details

Office use:

**15. Trade secret details (required)**

- ▶ Provide details of the trade secret that you do not want revealed.

Trade secret  
details
**16. Connection with greenhouse and energy information (required)**

- ▶ What is the connection between the trade secret and the greenhouse and energy information specified in **Part B, questions 6, 7 and 8?**

**i** *It is important to establish a clear connection to demonstrate sufficient grounds for an application*

Connection with  
greenhouse and  
energy  
information

Office use:

**17. Connection with facility, technology or corporate initiative (required)**

- ▶ What is the connection between the trade secret and the facility, technology or corporate initiative that you have specified?

**i** *It is important to establish a clear connection to demonstrate sufficient grounds for an application*

Connection with  
facility,  
technology or  
corporate  
initiative
**18. Limiting knowledge of trade secret (required)**

- ▶ Has your organisation taken steps to limit knowledge of the trade secret?

No Go to **question 22.** ▶▶Yes Go to **question 19.** ▶

Office use:

**19. Steps taken (required)**

- ▶ What steps has your organisation taken to limit knowledge of the trade secret?

**i** Check the checkbox against each appropriate response; more than one response can be selected.

People granted access to the trade secret have signed a confidentiality agreement that compels them to keep the trade secret secure. This may include general employment agreements that contain confidentiality provisions. Go to **question 22.** ▶▶

Details of the trade secret are kept in a secured physical environment with access limited to authorised personnel only. Go to **question 22.** ▶▶

Details of the trade secret are kept in a secured computer environment with access limited to authorised personnel only. Go to **question 22.** ▶▶

Applied to IP Australia for intellectual property protection of the trade secret. Go to **question 20.** ▶

Other steps. Provide details below and go to **question 22.** ▼

Other steps

**20. Intellectual property protection (required if any)**

- ▶ What forms of intellectual property protection for the trade secret have you applied to IP Australia for?

**i** More information about technical terms related to intellectual property is available on the IP Australia website at: <http://www.ipaustralia.gov.au>.

Patent

Trade mark

Design registration

Plant breeder's right

Circuit layout right

**21. Application status (required if any)**

- ▶ Did IP Australia grant the application?

No Go to **question 22.** ▶Yes 

Provide identification number for the intellectual property protection below. ▼

IP Australia  
identification  
number

Office use:

**22. Internal knowledge of the trade secret (required)**

▶ Who in your organisation has knowledge of the trade secret?

**i** Check the checkbox against each appropriate response; more than one response can be selected.

	<input type="checkbox"/>	Managers
	<input type="checkbox"/>	Contractors
	<input type="checkbox"/>	All staff
	<input type="checkbox"/>	Other. Please specify who below. ▼

Others	
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**23. External knowledge of the trade secret (required)**

▶ Does anybody outside of your organisation have knowledge of the trade secret?

No

Go to **question 24.** ▶

Yes

Please specify who below ▼

External knowledge	
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**24. How publishing affects trade secret (required)**

▶ How will the act of the Clean Energy Regulator publishing the aggregated greenhouse and energy information specified in Part B reveal the trade secret, or be capable of revealing it?

How publishing affects trade secret	
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**25. Additional information combined (required)**

▶ Is other information required to be combined with the greenhouse and energy information specified in **Part B** in order for the trade secret to be revealed, or be capable of being revealed?

No

Go to **question 28.** ▶▶

Yes

What additional information is required? Please specify below ▼

Additional information required	
Office use:	

Office use:

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**26. How additional information and publication affect trade secret (required if any)**

- ▶ How can this additional information be used in conjunction with the greenhouse and energy information specified in **Part B** to reveal the trade secret?

How additional information and publication affect trade secret	
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**27. Publicly available (required if any)**

- ▶ Is this additional information publicly available?

No Go to **question 28.** ▶Yes 

Where is this information available? Please specify below ▼

Where publically available	
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Office use:

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**28. Withholding still necessary after reporting**

- ▶ The greenhouse and energy information specified in **Part B** was reported for the 2013-2014 reporting year. Is it still necessary to have that information withheld from publication from 28 February 2015?

No Go to **question 29.** ▶Yes 

Why is this still necessary? Please specify below ▼

Why still necessary	
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**29. Commercial value**

- ▶ Is the greenhouse and energy information that you are seeking to have withheld from publication related to a matter of commercial value other than a trade secret?

Yes Go to **Part D.** ▶▶No Go to **Part E.** ▶▶




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Office use:

## Part D: Details of the other matter

-  Only complete **Part D** if you are applying in regard to protecting a matter of commercial value other than a trade secret.
-  Any documents related to **Part D** questions that are attached to this form are to be listed in the attachment section at the end of **Part E**.
-  Refer to the guidance document for more explanation of the publishing of greenhouse and energy information by the Clean Energy Regulator.

### 30. Commercial value (required)

- ▶ Is the greenhouse and energy information that you are seeking to have withheld from publication related to a matter of commercial value other than a trade secret?

No  Go back to **Part C** if the application concerns a trade secret.

If it does not concern a trade secret you may not have sufficient grounds to make a section 25 application.

Yes  Go to **question 31.** ▶

### 31. Related to a specific facility, technology or corporate initiative (required)

- ▶ Does the matter of commercial value relate to a specific facility, technology or corporate initiative that is connected to your business or undertaking?

No  A matter of commercial value that is the basis of a section 25 application must be related to a specific facility, technology or corporate initiative that is connected to your business or undertaking.

If you have selected 'No', you may not have sufficient grounds to make a section 25 application.

Yes  Go to **question 32.** ▶

### 32. Matter of commercial value type (required)

- ▶ Is the matter of commercial value related to a specific facility, technology or corporate initiative?

- A specific facility. Go to **question 32a.** ▶
- Technology. Go to **question 32b.** ▶
- Corporate initiative. Go to **question 32c.** ▶

#### 32a Specific facility details

- ▶ Provide the name of the facility or facilities that the matter of commercial value is connected with.

Name of facility/ facilities

#### 32b Technology details

- ▶ Provide details of the technology that the matter of commercial value is related to.

Technology details

#### 32c Corporate initiative details

- ▶ Provide details of the corporate initiative that the matter of commercial value is related to.

Corporate initiative details



Office use:

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**33. Matter of commercial value details (required)**

- ▶ Provide details of the matter of commercial value that you do not want revealed:

Matter of commercial value details	
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**34. Connection with greenhouse and energy information (required)**

- ▶ What is the connection between the matter of commercial value and the greenhouse and energy information specified in **Part B, questions 6, 7 and 8?**

 *It is important to establish a clear connection to demonstrate sufficient grounds for an application*

Connection with greenhouse and energy information	
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Office use:

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**35. Connection with facility, technology or corporate initiative (required)**

- ▶ What is the connection between the matter of commercial value and the facility, technology or corporate initiative that you have specified?

 *It is important to establish a clear connection to demonstrate sufficient grounds for an application*

Connection with facility, technology or corporate initiative	
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**36. Limiting knowledge of matter of commercial value (required)**

- ▶ Has your organisation taken steps to limit knowledge of matter of commercial value?

No Go to **question 39.** ▶▶Yes Go to **question 36.** ▶

Office use: **37. Steps taken (required if any)**

- ▶ What steps has your organisation taken to limit knowledge of the matter of commercial value?

**i** Check the checkbox against each appropriate response; more than one response can be selected.

- People granted access to the matter have signed a confidentiality agreement that compels them to keep the matter secure. This may include general employment agreements that contain confidentiality provisions. Go to **question 40.** ▶▶
- Details of the matter are kept in a secured physical environment with access limited to authorised personnel only. Go to **question 40.** ▶▶
- Details of the matter are kept in a secured computer environment with access limited to authorised personnel only. Go to **question 40.** ▶▶
- Applied to IP Australia for intellectual property protection of the matter of commercial value. Go to **question 38.** ▶
- Other steps. Provide details below and go to **question 40.** ▼

Other steps **38. Intellectual property protection (required if any)**

- ▶ What forms of intellectual property protection for the matter of commercial value have you applied to IP Australia for?

**i** More information about technical terms related to intellectual property is available on the IP Australia website at: <http://www.ipaustralia.gov.au>.

- Patent
- Trade mark
- Design registration
- Plant breeder's right
- Circuit layout right

**39. Application status (required if any)**

- ▶ Did IP Australia grant the application?

No  Go to **question 40.** ▶

Yes  Provide identification number for the intellectual property protection below ▼

IP Australia  
identification  
number

Office use:

**40. Internal knowledge of the matter of commercial value (required)**

▶ Who in your organisation has knowledge of the matter of commercial value?

**i** Check the checkbox against each appropriate response; more than one response can be selected.

	<input type="checkbox"/>	Managers
	<input type="checkbox"/>	Contractors
	<input type="checkbox"/>	All staff
	<input type="checkbox"/>	Others. Please specify who below ▼

List others	
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**41. External knowledge of the matter of commercial value (required)**

▶ Does anybody outside of your organisation have knowledge of the matter of commercial value?

No  Go to **question 42.** ▶

Yes  Please specify who below ▼

External knowledge	
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**42. Value to competitor (required)**

▶ Do you believe knowledge of the matter would be of value to a competitor?

No  Go to **question 43.** ▶

Yes  Please specify why below ▼

Value to competitor	
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Office use:

**43. Value of matter to you (required)**

▶ How does the matter have value for you?

**i** Check the checkbox against each appropriate response; more than one response can be selected.

	<input type="checkbox"/>	It helps to increase or sustain revenue
	<input type="checkbox"/>	It helps to decrease or contain costs
	<input type="checkbox"/>	It helps to increase or maintain market share
	<input type="checkbox"/>	It helps to maximise effectiveness of labour resources
	<input type="checkbox"/>	Other reason. Please specify below ▼

Other reasons	
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**44. How publishing affects the matter (required)**

▶ How will the act of the Clean Energy Regulator publishing the aggregated greenhouse and energy information specified in **Part B** reveal the matter of commercial value, or be capable of revealing it?

How publishing affects the matter	
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**45. Additional information combined (required)**

▶ Is other information required to be combined with the greenhouse and energy information specified in Part B in order for the matter of commercial value to be revealed, or be capable of being revealed?

No

Go to **question 46.** ▶

Yes

What additional information is required? Please specify below ▼

Additional information required	
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Office use:

**46. How additional information and publication affect the matter of commercial value (required)**

- ▶ How can this additional information be used in conjunction with the greenhouse and energy information specified in **Part B** to reveal the matter?

How additional information and publication affect the matter	
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**47. Public information (required)**

- ▶ Is this additional information publicly available?

No

Go to **question 48.** ▶

Yes

Where is this information available? Please specify below ▼

Where publically available	
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**48. Withholding still necessary after reporting (required)**

- ▶ The greenhouse and energy information specified in **Part B** was reported for the 2013-2014 reporting year. Is it still necessary to have that information withheld from publication from 28 February 2015?

No

Go to **Part E.** ▶▶

Yes

Why is this still necessary? Please specify below ▼

Why still necessary	
---------------------	--

Office use:

**49. Diminished value (required)**

- ▶ If the greenhouse and energy information specified in Part B was published AND this caused the matter to be revealed, how could this destroy or diminish the commercial value of the matter?


 Check the checkbox against each appropriate response; more than one response can be selected.

	<input type="checkbox"/> Loss of profits
	<input type="checkbox"/> Increase in production costs
	<input type="checkbox"/> Competitive disadvantage due to competitors being able to work out pricing behaviour and motivation
	<input type="checkbox"/> Damage to the long-term commercial viability of a facility
	<input type="checkbox"/> Other reason. Please specify below . ▼

Other reasons	
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**50. Reason value would be destroyed or diminished (required)**

- ▶ Why do you believe the commercial value of the matter would be destroyed or diminished in this way?

 You should provide evidence to support your answer and include an assessment of the likelihood of this happening.

 Additional evidence may be attached.

Reason	
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- ▶ Go to **Part E** to complete the application.

OR

- ▶ Go back to **Part C** if the application also concerns a trade secret.

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Office use:

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## Part E: Endorsement of application

**i** *Part E must be completed for all applications.*

**i** *This form must be signed by an executive officer (or equivalent) of the applicant. The application will not be accepted if it is not signed correctly.*

### 51. Endorsement of application

By signing below, the signatory:

- declares that the information supplied in this form is true and correct and that he/she is authorised to make this application on behalf of the applicant named in the form, and
- acknowledges that giving false or misleading information is a serious offence and carries penalties under the *Criminal Code Act 1995*.

Name *	
Title/position *	
Organisation (required if any)	

Signature *	
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	Day (dd)	Month (mm)	Year (yyyy)
Signature date *			





## Additional information

This document should be read in conjunction with the NGER Act and the NGER Regulations.

The National Greenhouse and Energy Reporting Guidelines (the NGER Guidelines) have been developed to help persons understand their obligations under the NGER Act and the NGER Regulations.

The NGER Act, NGER Regulations and NGER Guidelines may be obtained at the [Clean Energy Regulator website](#).

### Definitions

**i** Definitions marked with an asterisk are definitions repeated from legislation.

For the purposes of this form:

<b>applicant</b>	means the registered corporation, RTC holder or approved other person making the application.
<b>Approved other person</b>	a person in a contractual relationship with a registered corporation, or with a member of a registered corporation's group and who the Clean Energy Regulator has, under section 20 of the NGER Act, determined is to provide information.
<b>business unit</b>	a unit that a registered corporation recognises as having administrative responsibility for one or more facilities that belong to the corporation.
<b>commercial value</b>	for a matter to have 'commercial value' it only needs to be of value to its owner in relation to the owner's commercial operations.
<b>greenhouse and energy information</b>	Information reported to the Clean Energy Regulator under the NGER Act or information obtained by a person whilst performing duties under the NGER Act or the NGER Regulations.
<b>EERS</b>	means the <i>National Greenhouse and Energy Reporting Act 2007</i> .
<b>registered corporation</b>	a corporation that is registered by the Clean Energy Regulator under the NGER Act. Two types of corporations can be registered corporations. These are: <ul style="list-style-type: none"> <li>Controlling corporations. These are constitutional corporations that do not have a holding company in Australia. It is generally the corporation at the top of its corporate hierarchy in Australia. Foreign corporations may also be controlling corporations.</li> <li>Holders of Reporting Transfer Certificates.</li> </ul>
<b>registered corporation's group</b>	this consists of the registered corporation itself and the corporation's subsidiaries.
<b>reporting transfer certificate (RTC) holder</b>	a corporation that the Clean Energy Regulator has authorised to report greenhouse and energy information for a facility that it has financial control over, but which falls under the operational control of another registered corporation.
<b>trade secret</b>	a trade secret is a matter that when kept secret will ordinarily give its owner an advantage over others who do not know the trade secret and, if revealed, would be detrimental to the owner of the trade secret. A trade secret can be a formula, pattern, device or some kind of information.

### Assessment of the application

Once a completed application form has been received, the Clean Energy Regulator will consider the application. For each application, the Clean Energy Regulator will either:

- accept the application and inform the applicant of the decision, or
- refuse the application and inform the applicant of the decision.

If the application is accepted then this fact will be noted in the Clean Energy Regulator's publication of greenhouse and energy information reported under the NGER Act in a manner similar to the publishing example on Page 3 of these notes.

The Clean Energy Regulator may also accept an application but publish the greenhouse and energy information in question within a range of values.

As part of the assessment process, the Clean Energy Regulator may seek further information from the applicant to inform the decision. This information will be used to assess the application.

### Publishing of information

Under section 24(1) of the NGER Act the Clean Energy Regulator **MUST** publish on a website by 28 February each year the following greenhouse and energy information reported for the previous reporting year for each registered corporation's group:

- totals of scope 1 greenhouse gas emissions (the release of greenhouse gas into the atmosphere as a direct result of activity, or activities, which form part of a facility)
- totals of scope 2 greenhouse gas emissions (the release of greenhouse gas into the atmosphere as a direct result of generating electricity, heating, cooling or steam that is consumed by a facility but does not form part of the facility), and
- totals of net energy consumption.

For RTC holders, scope 1 emissions relate to the facility that the RTC is held for. The same approach is used to derive the scope 2 emissions and net energy consumption figures for the facility.

The Regulator can only publish data reported by an RTC holder if the data relates to a facility that generates greenhouse gas emissions of 25 kilotonnes or more (in carbon dioxide equivalence), or that produces 100 terajoules or more of energy, or that consumes 100 terajoules or more of energy.

The Clean Energy Regulator may publish aggregated greenhouse and energy information for group members and business units in each registered corporation's group.

The Clean Energy Regulator may also publish the measurement methods corporate groups used to measure greenhouse gas emissions and net energy consumption.

This application applies only to publication of greenhouse and energy information by the Clean Energy Regulator. This application does not prevent the Clean Energy Regulator from disclosing greenhouse and energy information to other Commonwealth agencies and State and Territory governments as required or permitted under the NGER Act or the *Clean Energy Regulator Act 2011* (CER Act).

### Protection threshold

A registered corporation should only apply for information not to be published if it meets the publishing threshold.

An approved other person should only apply if the registered corporation's group that its data is attributed to meets the publishing threshold.

A registered corporation's group will only have data it reports to the Clean Energy Regulator published by the Clean Energy Regulator if it meets the publishing threshold of having greenhouse gas emissions totalling 50 kilotonnes or more, in carbon dioxide equivalence. This total consists of both scope 1 and scope 2 emissions totalled together.

The Regulator can only publish data reported by an RTC holder if the data relates to a facility that generates greenhouse gas emissions of 25 kilotonnes or more (in carbon dioxide equivalence), or that produces 100 terajoules or more of energy, or that consumes 100 terajoules or more of energy.

More information on what greenhouse and energy information the Clean Energy Regulator publishes can be found on Page 3 under the heading of Publication of Information.

Definitions of key terms are provided below.

### Publishing example

Below is an example of how the Clean Energy Regulator will publish greenhouse and energy information reported under the NGER Act (fictional data used). Note that corporations that have information withheld under section 25, or that have made a section 25 application at the time that the greenhouse and energy information is published, have that fact noted on the publication.

Registered corporations	Total scope 1 greenhouse gas emissions (t CO <sub>2</sub> -e)	Total scope 2 greenhouse gas emissions (t CO <sub>2</sub> -e)	Total net energy consumption (GJ)
Company A	80,400	59,500	7,111
Company B	2,134,500	14,290	444
Company C <sup>1</sup>	345,000	-	-
Company D	13,000	135,999	2,756,340
Company E <sup>1</sup>	-	-	-

<sup>1</sup>These corporations have applied to have all or part of their greenhouse and energy data withheld from publication under the provisions of section 25 of the *NGER Act*.

### Security classification

Once this form is completed, it will be classified as Sensitive under the definition provided in the Australian Government Protective Security Policy Framework (PSPF). Sensitive material (including hard copy and electronic copies) is required to be managed and handled in the manner prescribed under the PSPF and associated protocols, guidelines and policies. Officers of the Clean Energy Regulator are obliged to meet these requirements in order to maintain the confidentiality of the information provided in this form. Officers of the Clean Energy Regulator are also subject to the secrecy provisions in the CER Act in relation to information collected under this form.

### Protection of information

The Clean Energy Regulator is bound by the secrecy provisions of Part 3 of the Clean Energy Regulator Act 2011 (CER Act) in regard to information it collects in relation to this application and also by the Privacy Act 1988 in regard to personal information it collects.

### Privacy notice

'Personal information' is defined in the Privacy Act 1988 to mean information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- (a) whether the information or opinion is true or not; and
- (b) whether the information or opinion is recorded in a material form or not.

The collection of personal information relating to this application is authorised by the *National Greenhouse and Energy Reporting Act 2007* (NGER Act) and the *National Greenhouse and Energy Reporting Regulations 2008*.

Personal information collected in relation to this application will be used for the purposes of assessing the application, auditing compliance, enforcement of relevant laws and regulations and for related purposes. We cannot process the application if we do not collect relevant personal information.

The Clean Energy Regulator's Privacy Policy contains information about the agency's procedures for handling personal information including how a person can access their personal information held by the agency, and how to seek correction of such information. The Privacy Policy also contains information about how to complain about a breach of the Australian Privacy Principles. The Clean Energy Regulator's Privacy Policy can be found at [www.cleanenergyregulator.gov.au](http://www.cleanenergyregulator.gov.au).

### Submitting this form

Post your completed application with any accompanying documentation to:

#### Clean Energy Applications

#### Clean Energy Regulator

**GPO Box 621**

**Canberra ACT 2601**

Alternatively, email your scanned completed application to the Clean Energy Regulator at [reporting@cleanenergyregulator.gov.au](mailto:reporting@cleanenergyregulator.gov.au). If the email and its attachments (the application and supporting documents) are larger than 10MB, then they may be sent using multiple emails that are clearly marked (i.e. by including an identifier: '1 of 3', '2 of 3', '3 of 3' in the subject/title), but the signed application form must be saved as a single scanned file and not split into parts. Files may be zipped to reduce their size.

The application should be sent by **31 December 2014** for greenhouse and energy information reported in the 2013-2014 reporting year.

If submission occurs by email, then the applicant is not required to send the original hardcopy of the application by post.

### Accessibility disclaimer

The Clean Energy Regulator has worked to ensure that this document is accessible but please contact us to obtain an alternative version if you are having difficulty or you have specific accessibility needs.

Please call **1300 553 542** or email the name of the form and your needs to [enquiries@cleanenergyregulator.gov.au](mailto:enquiries@cleanenergyregulator.gov.au).