Application to vary the required surrender amount (RSA) for the first 3 quarters of the assessment year

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| FORM |
| CER-RET-009 |
| V2.5 30/01/2024 |

# Purpose of this form

A liable entity must submit this form to the Clean Energy Regulator (CER) to have a proposed amount applied to their assessment year instead of the previous year’s reduced acquisitions. If approved by the CER, this will allow the variation of the required surrender amount (RSA) for the first 3 quarters of the current assessment year under section 38AF of the [*Renewable Energy (Electricity) Act 2000*](https://www.legislation.gov.au/Details/C2016C00624) (REE Act).

The liable entity must propose the amount which will be used to calculate the required surrender instead of the previous year’s reduced acquisition (PYRA). The proposed amount must be the best estimate of reduced acquisitions for the assessment year.

This form is relevant for liable entities who have forecasted less reduced acquisitions for the assessment year than the year before. A decrease in reduced acquisitions could be due to a variety of reasons including:

* loss of a large amount or multiple customers
* a migration of customers between entities
* issuance of an exemption certificate (EC)
* end of trade
* a merger with another corporation.

Eligibility

To be eligible to make an application under subsection 38AF(1), the liable entity must have:

* lodgedan energy acquisition statement (EAS) for the previous assessment year before 1 April.
* submitted this application before 1 October of the assessment year. If 30 September falls on a weekend or public holiday, the application due date becomes the next business day.

Before completing this form, the liable entity must ensure that:

* it has a REC Registry account. Information on how to [create an account](https://www.cleanenergyregulator.gov.au/OSR/REC/Create-an-account) is on our website.
* the person making this application is an active REC Registry user with relevant permissions for liability surrender. They must also be authorised to make this application on behalf of the liable entity and is subscribed to receive all emails for the liable entity.

Before choosing a proposed amount, the liable entity must:

* consider all relevant acquisitions of electricity, including any future customer loads that may occur during the year
* consider exemption certificates from their customers that conduct emissions-intensive trade-exposed (EITE) activities
* acknowledge the risks associated with making an application to vary the required surrender amount. This includes surrendering additional certificates if the proposed amount is lower than the actual relevant acquisitions for the year.

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| When the proposed amount is lower than the assessment year’s reduced acquisition (AYRA) by more than 10 percentThe AYRA will be used to re-calculate the required surrender amounts for quarters one to 3. Shortfall charges may apply to account for the increased required surrender amounts**.** The CER does not have discretion to allow additional certificates to be surrendered for previous quarters. The liable entity must be aware of this risk when applying to vary their required surrender amount.This relates to subsection 38AF(7) of the REE Act.*Note: AYRA is the amount of reduced acquisitions lodged in the annual energy acquisition statement every 14 February.* |

# Instructions for completing this form

Please read each part of the application carefully, fully answer all the questions, sign where indicated, and attach the required documentation.

You must complete and submit:

* **Part A:** Administrative
* **Part B:** Application information
* **Part C:** Declaration

You can choose to complete this form by:

* printing the form and filling it in by hand
* saving the form and filling in an electronic copy.

There may be times when you will need to print certain sections to sign or complete multiple entries for a single set of questions when filling in an electronic copy. These sections may be scanned and submitted electronically with the rest of the form.

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| 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 (8), go to the next indicated part/section. Where an instruction has a black single arrow (4), go to the next question. Where an instruction has a black single arrow pointing down (6), 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 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 text. |
| 4 | This symbol indicates an instruction on what to do next. |
| i | This symbol indicates additional useful guidance to filling in the adjacent field or section. |
| ë | 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

If you require assistance or have any questions regarding this application process, please contact the Clean Energy Regulator general enquiries line on **1300 553 542** or email CER-RET-Liability@cer.gov.au

Submitting this form

A signed copy of this form should be kept for your records.

### By post

Post your completed application with any accompanying documentation to:

Clean Energy Applications
Clean Energy Regulator
GPO Box 621
Canberra ACT 2601

### By email

Submit your completed application to the Clean Energy Regulator by emailing CER-RET-Liability@cer.gov.au

When submitting a printed and scanned application form, please make sure the signed form is saved as a single scanned file and not split into parts.

Emails and attachments larger than 10MB must be sent using multiple emails that are clearly marked in the subject line (such as '1 of 3', '2 of 3', '3 of 3'). 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.

You do not need to send the original hardcopy of the application by post if you submit your application by email.

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| Office use: |  |

1. Administrative
2. Company name
* The liable entity’s company name must match the details in the REC Registry account.

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| REC Registry account ID |       |
| Company name |       |

1. Primary contact
* The primary contact is the person who will be contacted to clarify information in this form if required.

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| --- | --- |
| First name |       |
| Last name |       |
| Position |       |
| Primary contact number |       |
| REC Registry email address |       |

1. Primary contact user role settings

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| [ ]  | I confirm that the primary contact is an active REC Registry user with relevant permissions for liability surrender enabled. They are subscribed to emails for liable entities. |

* *Please update these settings if they are not currently in place before proceeding to the next question.*
1. Specify the assessment year this application relates to
* The assessment year is the current calendar year.

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| Assessment year |       |

1. Were there any previous applications made by the liable entity for this assessment year under section 38AF of the REE Act?

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| Yes | [ ]  | Provide details of any previous applications such as when the application was made and the amount the CER determined.4 |
| No  | [ ]  | Answer ‘***not applicable’*** below. Go to question 6. 6 |

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| Details of previous applications under s38AF |       |

## Application information

1. Specify your proposed amount for the assessment year (in MWh)

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| Proposed amount |       MWh |

* *Provide information whether actual or forecast data was used to determine the proposed amount. Explain how this amount was calculated if forecast data was used. Include if it was based on the metering settlement data from AEMO for actual relevant acquisitions.*

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| Explanation  |       |

* Attach the following documents.

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| [ ]  | Data showing how the proposed amount was calculated. This should detail the actual and forecast amount/s of relevant acquisitions and exemption certificates. |
| [ ]  | Other information you believe is relevant to support your application. |

1. Were exemption certificates from your EITE customers factored into the proposed amount of reduced acquisitions?

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| Yes | [ ]  | Please attach the below documents. |
| No  | [ ]  | Go to question 8.4 |

1. Attach the following documents.

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| [ ]  | Copies of most recently approved exemption certificates provided to EITE customers. |
| [ ]  | Evidence of any exemption certificates you used to calculate your reduced acquisitions for the assessment year. |
| [ ]  | A summary of total relevant acquisitions provided to your EITE customers from 1 January of the assessment year to the day before the lodgement of this application. |
| [ ]  | A forecast of total relevant acquisitions to be provided to your EITE customers for the remainder of the assessment year. |

## Application requirements

* The information requested below are application requirements specified under regulation 22ZX(2) of the REE Regulations.
1. Provide a reason for applying to vary your required surrender amount

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| Reasons  |       |

1. Provide a statement that the proposed amount is the best estimate of the amount of the liable entity’s reduced acquisitions for the assessment year, at the time of this application
* This statement must be made by a person with responsibility for the liable entity’s compliance with the REE Act.
* List details on the relevant acquisitions, including where the liable entity acquired the electricity from and to whom it is supplied to.

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| Statement |       |

1. Provide an estimate of the amount of relevant acquisitions made by the liable entity from 1 January (of the assessment year) to the day before submitting this application
* Relevant acquisitions are the amount of electricity within the assessment year. This amount must not include exemption certificates from EITEs customers.

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| Electricity acquired |       MWh |

1. Set out any factors that the liable entity is aware of that could result in the reduced acquisitions for the assessment year being more or less than the proposed amount
* Factors may include the unexpected increase or decrease of customers, change to end of trade plans, changes to AEMO revision data and changes to forecast amounts.

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| Factors |       |

1. Enter the amount of reduced acquisitions that was assessed in your previous year’s energy acquisition statement.
* This amount can be found in your energy acquisition statement for the previous assessment year.
* If the application is made before 1 April, provide the amount reported in the EAS.
* If you have previously applied to vary the surrender amount for this assessment year, provide the amount if the CER has made a previous determination under s38AF for the assessment year.
* This amount will apply if the CER does not make a determination under s38AF of the Act.

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| PYRA |            MWh |

1. Declaration

This section must be signed by the applicant, if an individual, or by a representative on behalf of the applicant.

The representative must be as follows:

* For a body corporate: the executive officer for whom details are provided in this application.
* For a trust: one of the trustees for whom details are provided in this application.
* For a corporation sole: the individual constituting the corporation sole for whom details are provided in this application.
* For a body politic or local governing body: the officeholder for whom details are provided in this application.

I declare that:

* I am authorised to complete and lodge this application on behalf of the liable entity
* the information contained in this application is true and correct
* records that demonstrate the accuracy of the information provided in this application have been retained and can be provided to the Clean Energy Regulator on request
* I have kept a completed copy of this application form for the liable entity’s records
* I have responsibility for the liable entity’s compliance with the *Renewable Energy (Electricity) Act 2000*.

By signing below, the signatory:

* declares that the information supplied in this form is true and correct and they are authorised to make this application on behalf of the applicant named in the form
* acknowledges that giving false or misleading information is a serious offence and carries penalties under the Criminal Code Act 1995
* acknowledges the financial risk associated with varying surrender amounts under subsection 38AF(1), including in the event that the assessment year’s reduced acquisitions exceed the proposed amount by more than 10%
* acknowledges that the Clean Energy Regulator may, by written notice, request further information in relation to this application, to be provided within the period specified in the notice. If the liable entity fails to provide the requested information within the specified period, the Clean Energy Regulator may, by written notice, refuse to consider this application or refuse to take any further action in relation to this application.

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| Full name of signatory |       |
| Title/position |       |
| Organisation(if applicable) |       |
| Signature |  |

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

# Application checklist

* Have you completed the following? Tick the box when you've completed the task beside it.

Part A: Administrative

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| Tick | Task |  |
| [ ]  | Completed all required fields. |  |

Part B: Application information

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| Tick | Task |  |
| [ ]  | Attached relevant documents for question 6 |  |
| [ ]  | Attached relevant documents for question 7  |  |

Part C: Declaration

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| Tick | Task |  |
| [ ]  | Completed all required fields. |  |

# Additional information

Definitions

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

For the purposes of this form:

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| Clean Energy Act | the *Clean Energy Act 2011*. |
| controlling corporation | a constitutional corporation that does not have a holding company incorporated in Australia.\* In some cases, the controlling corporation might also be the Applicant or the Person with operational control of the facility. |
| executive officer | in relation to a body corporate:* a director of the body corporate, or
* the chief executive officer (however described) of the body corporate, or
* the chief financial officer (however described) of the body corporate, or
* the secretary of the body corporate.\*
 |
| person | any of the following:* a body corporate
* a trust
* a corporation sole
* a body politic
* a local governing body
* an individual.\*
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| REE Act | [*Renewable Energy (Electricity) Act 2000*](https://www.legislation.gov.au/Details/C2016C00624) |

Assessment of the application

Once the Clean Energy Regulator (CER) receives your application, we will:

* notify you with a receipt of your application
* assess your application within four to six business weeks.

During the assessment process, a validation officer may ask you for more supporting data or information for clarification. Please respond to these information requests promptly to assist us with the assessment process.

The CER will notify you in writing whether your application has been approved, refused or if we have determined a different amount than your proposed amount.

Before the CER determines a different amount, we will notify you of the amount and will give you at least two weeks to make comments. Once the final determination has been made, you will receive a written notice with the determined amount. The final determined amount and your new required surrender amounts will be updated in the REC Registry.

Protection of information

The Clean Energy Regulator is bound by the secrecy provisions in Part 3 of the *Clean Energy Regulator Act 2011* and by the *Privacy Act 1988*.

Privacy statement

‘Personal information’, as defined in the *Privacy Act 1988*, means any information from which a person’s identity is apparent or can be reasonably ascertained.

Personal information collected in relation to this application will be used for the purpose of assessing the application, auditing compliance, enforcement of relevant laws and regulations and for related purposes. The collection of personal information is authorised by the *Clean Energy Regulator Act 2011* and/or other relevant Act(s).

Disclosure of information

The Clean Energy Regulator and authorised staff are only able to disclose information relating to the affairs of a person (including personal information) collected in relation to this application. This is in accordance with the *Clean Energy Regulator Act 2011* or as otherwise required by law.

Part 3 of the *Clean Energy Regulator Act 2011* prevents disclosure of relevant information except in circumstances set out in that Part. Those circumstances include disclosure:

* for the purposes of a climate change law.
* to the Minister.
* of summaries or statistics if those summaries or statistics are not likely to enable the identification of a person.
* to certain bodies where the Chair of the Clean Energy Regulator is satisfied that disclosure will assist those bodies in the performance of their functions or powers, including the Australian Securities and Investment Commission and the Australian Competition and Consumer Commission.
* for the purposes of enforcement of the criminal law, enforcement of a law imposing a pecuniary penalty or for protection of the public revenue, if the Chair of the Clean Energy Regulator is satisfied that disclosure is reasonably necessary for such purpose.

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

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