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| --- |
| FORM |
| CER-NGER-009 |
|  |

Application for information not to be published

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, or a person required to provide a report under section 22G, 22X or 22XB to apply to the Clean Energy Regulator requesting certain information not be published.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.

As part of assessing the application, the Clean Energy Regulator will consider whether the applicant has demonstrated that there are real and substantial grounds that publishing their information may reveal a trade secret or affect the commercial value about a specific facility, technology or corporate initiative. Grounds that are speculative, imaginable or theoretical will not be sufficient.

This form covers requests relating to information that would otherwise be published under section 24 of the NGER Act or under *the National Greenhouse and Energy Reporting (Safeguard Mechanism) Rule 2015* (the Safeguard Rule).

### 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 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 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 the information provided in the application is true and correct.

**It is compulsory to complete Parts A, B, C or D 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 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. |

### 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 the 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

**For information published under section 24 of the NGER Act**

Applications should be submitted by **30 November** following the reporting year to which the information applies. For example, if the application is in relation to the 2015-16 NGER publication, it should be submitted by 30 November 2016.

**For information published under the safeguard mechanism**

The section 25 application should accompany the baseline, exemption or multi-year period declaration application. Some information published under section 72 of the Safeguard Rule will be aligned to match the NGER publication deadline, so applications regarding total covered emissions from a facility and net emissions numbers etc. should also be submitted by **30 November** following the reporting year to which the information applies.

Details of how to submit this form are supplied in **Additional information** 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 in the **Attachments** section at the end of this form.

1. Applicant details

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

### Applicant details

1. Applicant type (required)

* What type of applicant are you?
* You must meet at least one of the categories below to apply under section 25.

|  |  |
| --- | --- |
|  | A registered corporation (for the purposes of the NGER Act) |
|  | A reporting transfer certificate (RTC) holder reporting under section 22G of the NGER Act |
|  | A reporter under section 22X of the NGER Act |
|  | A responsible emitter required to report under section 22XB of the NGER Act (for purposes of the Safeguard Rule) |

1. Applicant details (required)

* Please provide the name of the applicant.
* This is the name that appears on the Australian Business Register or the ASIC Register.

|  |  |
| --- | --- |
| Applicant name |  |

* Please provide one of the following for the applicant in order of precedence: ABN, ACN, ARBN or trading name and street address.

|  |  |
| --- | --- |
| ABN |  |

* If the applicant does not have an ABN, please provide the applicant’s ACN.

|  |  |
| --- | --- |
| ACN |  |

* If the applicant does not have an ABN or an ACN, please provide the applicant’s ARBN.

|  |  |
| --- | --- |
| ARBN |  |

Go to **question 3**. ⏩

### Details of a contact for this application

* The Clean Energy Regulator will direct communication regarding this application to the contact.
* The contact for this application **does not** have to be the same person listed in EERS as the NGER contact for your organisation.

1. Contact details (required)

|  |  |
| --- | --- |
| Title |  |
| First name |  |
| Middle name(s) |  |
| Last name |  |
| Position |  |

* Please provide the person’s postal address details.

|  |  |
| --- | --- |
| Address line 1 |  |
| Address line 2 |  |
| Suburb/city |  |
| State/territory |  |
| Postcode |  |
| Country |  |

* Please provide the person’s contact details.

|  |  |
| --- | --- |
| Phone number |  |
| Email address |  |

Part B: Information to be withheld

* **Part B** must be completed for all applications.
* Refer to the guidance document for more explanation of the publishing of information by the Clean Energy Regulator.
* Any documents related to **Part B** questions that you wish to submit with this form are to be listed in the **Attachments** section at the end of this form.

### Information to be withheld (required)

1. What information do you want to have withheld from publication?

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

1. For information published under section 24 of the NGER Act

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

1. For information published under the Safeguard Rule

|  |  |
| --- | --- |
|  | Baseline determination |
|  | Covered emissions |
|  | Net emissions number |
|  | Other (Please specify the relevant provision in the Safeguard Rule) |

1. Measurement methods (for information published under section 24 of the NGER Act only)

* Do you want to have measurement methods withheld from publication for the corporate group?
* The Clean Energy Regulator may choose not to publish measurement methods. For more information on publication refer to the guidance document.

|  |  |
| --- | --- |
|  | Yes |
|  | No |

1. Information to be withheld (for information published under section 24 of the NGER Act only)

* Do you want the information specified in question 4 above to be withheld from publication for the registered corporation’s entire group, or for a group member or business unit?
* Refer to the guidance document for more explanation of the publishing of information by the Clean Energy Regulator.
* Select at least one option; both may be chosen.

|  |  |
| --- | --- |
|  | Group member or business unit. If checked, Go to **question 7.** |
|  | Corporate group. If checked, Go to **question 8.** |

1. What is the name of the group member(s) and/or business unit(s)? (for information published under section 24 of the NGER Act only)

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

|  |  |
| --- | --- |
| Name |  |

### Information provided to outside parties (required)

1. Has your organisation made any of the information specified above available to any outside parties, apart from the Clean Energy Regulator?

|  |  |  |
| --- | --- | --- |
| No |  | Go to **Part C.**⏩ |
| Yes |  | Go to **question 9.** |

### Details of information provided to outside parties (required)

1. How was the information made available to any outside parties?

* More than one response can be selected.

1. Was the information made available in an annual report?

|  |  |  |
| --- | --- | --- |
| No |  | Go to **question 9b**. |
| 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 |  |  |  |

1. Was the information made available in a sustainability report?

|  |  |  |
| --- | --- | --- |
| No |  | Go to **question 9c**. |
| 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 |  |  |  |

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

|  |  |  |
| --- | --- | --- |
| No |  | Go to **question 9d**. |
| 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 |  |  |  |

1. Was the information made available in any other way?

|  |  |  |
| --- | --- | --- |
| No |  | Go to **Part C**. ⏩ |
| 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 |  |  |  |

Part C: Details of the trade secret

* Only complete **Part C** if you are applying in regard to protecting a trade secret.
* Refer to the guidance document for more explanation of the publishing of information by the Clean Energy Regulator.

1. Trade secret (required)

* Is the information you are seeking to have withheld from publication related to a trade secret?

|  |  |  |
| --- | --- | --- |
| No |  | Go to **Part D.**⏩ |
| Yes |  | Go to **question 11.** |

1. 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.  If you have selected ‘No’, you may not have sufficient grounds to make a section 25 application. |
| Yes |  | Go to **question 12.** |

1. Type of trade secret

* Which category does the trade secret relate to?

|  |  |
| --- | --- |
|  | A specific facility. Go to **question 12a.** |
|  | Technology. Go to **question 12b**. |
|  | Corporate initiative. Go to **question 12c**. |

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

|  |  |
| --- | --- |
| Name of facility/ facilities |  |

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

|  |  |
| --- | --- |
| Technology details |  |

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

|  |  |
| --- | --- |
| Corporate initiative details |  |

1. Trade secret details (required)

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

|  |  |
| --- | --- |
| Trade secret details |  |

1. Limiting knowledge of trade secret (required)

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

|  |  |  |
| --- | --- | --- |
| No |  | Go to **question 18**.⏩ |
| Yes |  | Go to **question 15**. |

1. Steps taken (required)

* What steps has your organisation taken to limit knowledge of the trade secret?
* Check the checkbox against each appropriate response; more than one response can be selected.

|  |  |
| --- | --- |
|  | Applied to IP Australia for intellectual property protection of the trade secret. Go to **question 16**.**⏵** |
|  | 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 18**.⏩ |
|  | Details of the trade secret are kept in a secured physical environment with access limited to authorised personnel only. Go to **question 18**.⏩ |
|  | Details of the trade secret are kept in a secured computer environment with access limited to authorised personnel only. Go to **question 18**.⏩ |
|  | Other steps. Provide details below and go to **question 18.**⏷ |

|  |  |
| --- | --- |
| Other steps |  |

1. Intellectual property protection (required if any)

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

1. Application status (required if any)

* Did IP Australia grant the application?

|  |  |  |
| --- | --- | --- |
| No |  | Go to **question 18.** |
| Yes |  | Provide identification number for the intellectual property protection below. ⏷ |

|  |  |
| --- | --- |
| IP Australia identification number |  |

1. Internal knowledge of the trade secret (required)

* Who in your organisation has knowledge of the trade secret?
* Check the checkbox against each appropriate response; more than one response can be selected.

|  |  |
| --- | --- |
|  | Managers |
|  | Contractors |
|  | All staff |
|  | Other**.** Please specify who below. ⏷ |

|  |  |
| --- | --- |
| Others |  |

1. External knowledge of the trade secret (required)

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

|  |  |  |
| --- | --- | --- |
| No |  | Go to **question 20.** |
| Yes |  | Please specify who below.⏷ |

|  |  |
| --- | --- |
| External knowledge |  |

20. How publishing affects trade secret (required)

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

* The applicant will need to demonstrate that there are real and substantial grounds.
* It is important to establish a clear connection to demonstrate sufficient grounds for an application, for example by providing worked examples or mathematical relationships between the trade secret and the relevant information

|  |  |
| --- | --- |
| How publishing affects trade secret |  |

Go to **Part D** if the application concerns protecting a matter of commercial value other than a trade secret. ⏩

OR

Go to **Part E** to complete the application. ⏩

Part D: Details of other matter of commercial value

* 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 **Attachments** section at the end of the form.
* Refer to the guidance document for more explanation of the publishing of information by the Clean Energy Regulator.

1. Commercial value (required)

* Is the 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 will not have sufficient grounds to make a successful section 25 application. |
| Yes |  | Go to **question 22.** |

1. 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 23.**⏵ |

1. 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 23a.** |
|  | Technology. Go to **question 23b**. |
|  | Corporate initiative. Go to **question 23c.** |

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

|  |  |
| --- | --- |
| Name of facility/facilities |  |

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

|  |  |
| --- | --- |
| Technology details |  |

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

|  |  |
| --- | --- |
| Corporate initiative details |  |

1. 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 |  |

1. 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 29.** ⏩ |
| Yes |  | Go to **question 26.** |

1. Steps taken (required if any)

* What steps has your organisation taken to limit knowledge of the matter of commercial value?
* Check the checkbox against each appropriate response; more than one response can be selected.

|  |  |
| --- | --- |
|  | Applied to IP Australia for intellectual property protection of the matter of commercial value. Go to **question 27**. |
|  | 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 29**.⏩ |
|  | Details of the matter are kept in a secured physical environment with access limited to authorised personnel only. Go to **question 29**.⏩ |
|  | Details of the matter are kept in a secured computer environment with access limited to authorised personnel only. Go to **question 29**.⏩ |
|  | Other steps. Provide details below and go to **question 29.** ⏷ |

|  |  |
| --- | --- |
| Other steps |  |

1. 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?
* 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 |

1. Application status (required if any)

* Did IP Australia grant the application?

|  |  |  |
| --- | --- | --- |
| No |  | Go to **question 29.** |
| Yes |  | Provide identification number for the intellectual property protection below. ⏷ |

|  |  |
| --- | --- |
| IP Australia identification number |  |

29. Internal knowledge of the matter of commercial value (required)

* Who in your organisation has knowledge of the matter of commercial value?
* Check the checkbox against each appropriate response; more than one response can be selected.

|  |  |
| --- | --- |
|  | Managers |
|  | Contractors |
|  | All staff |
|  | Others. Please specify who below. ⏷ |

|  |  |
| --- | --- |
| List others |  |

30. 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 31.** |
| Yes |  | Please specify who below.⏷ |

|  |  |
| --- | --- |
| External knowledge |  |

31. Value to competitor (required)

* Do you believe knowledge of the matter would be of value to a competitor?
* You must demonstrate that there are real and substantial grounds. Speculative, imaginable or theoretical assertions will not be sufficient.

|  |  |  |
| --- | --- | --- |
| No |  | Go to **question 32.** |
| Yes |  | Please specify why below.⏷ |

|  |  |
| --- | --- |
| Value to competitor |  |

32. Value of matter to you (required)

* How does the matter have value for you?
* Check the checkbox against each appropriate response; more than one response can be selected.

|  |  |
| --- | --- |
|  | It helps to increase or sustain revenue |
|  | It helps to decrease or contain costs |
|  | It helps to increase or maintain market share |
|  | It helps to maximise effectiveness of labour resources |
|  | Other reason. Please specify below. ⏷ |

|  |  |
| --- | --- |
| Other reasons |  |

33. How publishing affects the commercial value of the matter (required)

* How will the act of the Clean Energy Regulator publishing the information specified in **Part B** diminish or destroy the commercial value of the matter?
* You must demonstrate that there are real and substantial grounds. It is important to establish a clear connection to demonstrate sufficient grounds for an application, for example by providing worked examples or mathematical relationships between the matter of commercial value and the relevant greenhouse and energy information.

|  |  |
| --- | --- |
| How publishing affects the matter |  |

Go back to **Part C** if the application also concerns a trade secret and **Part C** has not been filled out.

OR

Go to Part E⏩

Part E: Applicant declaration

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

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 of signatory |  |
| Title/position |  |
| Organisation |  |
| Signature |  |

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

# Attachments

* Please make a record here of any documents attached to this application.

Attachments list table (required)

* Enter the question number the attached document relates to, and its name or description

|  |  |
| --- | --- |
| Part and question number the attached document relates to | Name of document |
|  |  |
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# 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.](http://www.cleanenergyregulator.gov.au/Pages/default.aspx)

### Submitting this form

Post your completed application with any accompanying documentation to:

Manager – Regulatory Obligation Management

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. 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.

Please see Pages 2 and 3 for information relating to submission dates.

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

### Definitions

For the purposes of this form:

|  |  |
| --- | --- |
| applicant | means the registered corporation, RTC holder, section 22X reporter or section 22XB responsible emitter making the application. |
| baseline determination | means: (a)  a reported-emissions baseline determination  (b)  a calculated-emissions baseline determination (c)  a benchmark-emissions baseline determination (d)  a production-adjusted baseline determination, or (e)  a landfill-benchmark baseline determination. |
| business unit | means a unit that a registered corporation recognises as having administrative responsibility for one or more facilities that belong to the corporation. |
| CER Act | means the *Clean Energy Regulator Act (2011)*. |
| commercial value | 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. |
| EERS | The Emissions and Energy Reporting System (EERS) is the system for reporting under the NGER Act |
| exemption declaration | means a written declaration by the Regulator that an excess emissions situation does not exist in relation to a specified facility for a specified monitoring period as per s22XE of the NGER Act. |
| greenhouse and energy information | means 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. |
| multi-year declaration | means a written declaration that for the purposes of s22XG of the NGER Act that a specified period is a declared multi-year period. |
| NGER Act | means the *National Greenhouse and Energy Reporting Act 2007*. |
| registered corporation | a corporation that is registered by the Clean Energy Regulator under the NGER Act. Three types of corporations can be registered corporations.   * Controlling corporations registered under section 17. 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; * Responsible emitters registered under section 18AA. These are persons that have operational control over a large designated facility; and * A controlling corporation that is registered under Section 14, in relation to a greenhouse gas project. |
| registered corporation’s group | this consists of the registered corporation itself and the corporation’s subsidiaries. |
| reporting transfer certificate (RTC) holder | 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. |
| responsible emitter | for the purposes of the Safeguard Rule, means a person that has operational control over a facility. |
| Safeguard Rule | means the *National Greenhouse and Energy Reporting (Safeguard Mechanism) Rule 2015*. |
| trade secret | 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 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 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 of the NGER Act

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.

For 22X responsible members, scope 1 emissions from the facility that the 22X agreement relates to, are published as part of the controlling corporation group.

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 to the 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* (the CER Act).

A registered corporation should only apply for information not to be published if it 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.

### Publishing example (for information published under section 24 of the NGER Act)

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 of the NGER Act, 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 CO2-e) | Total scope 2 greenhouse gas emissions (t CO2-e) | Total net energy consumption (GJ) |
| Company A | 80,400 | 59,500 | 7,111 |
| Company B | 2,134,500 | 14,290 | 444 |
| Company C1 | 345,000 | - | - |
| Company D | 13,000 | 135,999 | 2,756,340 |
| Company E1 | - | - | - |

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

### Publication of information under the safeguard mechanism

Under the Safeguard Rule, as soon as practicable after a baseline determination, exemption declaration, or multi-year period declaration has been made, the Clean Energy Regulator is required to publish details of that determination or declaration. Details will include:

* the type of determination or declaration
* the facility to which the determination or declaration relates
* the responsible emitter for the facility
* the start and any end date of the determination or declaration
* whether the new facility, significant expansion, inherent emissions variability or initial calculated baseline criteria were satisfied in relation to the making of the determination
* if the determination specifies a baseline emission number—that number
* if a determination or declaration is being varied—the nature of that variation, and
* where a baseline determination has been made for a facility — an outline of the measures to reduce greenhouse gas emissions intensity undertaken, or to be undertaken, at the facility.

Additionally, for each designated large facility under the safeguard mechanism, the Clean Energy Regulator is required to publish:

* the responsible emitter for the facility
* whether or not the facility is a grid-connected electricity generator
* the current baseline emissions number for the facility
* the baseline emissions number for each financial year that the facility is a designated large facility
* the covered emissions of the facility for each financial year that the facility is a designated large facility
* if the facility is a grid-connected electricity generator—the covered emissions for each financial year after 1  July 2016 calculated on the basis that no financial year is a sectoral-baseline financial year
* the net emissions number for each monitoring period that applies to the facility
* the number of prescribed carbon units surrendered under section 22XN(1) of the NGER Act for each monitoring period that applies to the facility
* if a multi-year period declaration applies to the facility—the start date and end date of the declared multi-year period for the facility, and
* the start date and end date of any monitoring period for which an exemption declaration has been made in relation to the facility.

The Clean Energy Regulator is also required to publish:

* in respect of any excess emissions situations:
  + the responsible emitter for the excess emissions situation
  + when the excess emissions situation started, and
  + if the excess emissions situation no longer exists—the date when the excess emissions situation ended
* the covered emissions of each grid-connected electricity generator for each financial year after 1 July 2016 calculated on the basis that no financial year is a sectoral-baseline financial year.

### 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.

Once this form is completed, it will also be subject to the *Freedom of Information Act 1988* and hence may be released by the Clean Energy Regulator in response to any application under this Act.

### Protection of information

The Clean Energy Regulator is bound by the secrecy provisions of Part 3 of the 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 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/).

### Accessibility disclaimer

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

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