



FORM

CER-NGER-005

National Greenhouse and Energy Reporting

# Application for declaration of facility

under section 54 of *the National Greenhouse and Energy Reporting Act 2007*

## Purpose of this form

This form is for a **controlling corporation** to apply to the Clean Energy Regulator for a **declaration** that an **activity** or series of activities are a **facility**.

### 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.

Each applicant **must** complete and submit:

- Part A: Applicant Controlling Corporation details
- Part B: Member of the corporate group that has overall control
- The cover of Part C: Activities that are the subject of this application, section C1 and at sections C2 if applicable.
- Part D: Details of other activities
- Part E: Documents attached
- Part F: Details of other entities
- Part G: Signature

Applicants may elect to submit only the required parts of the application.

#### Pen colours

When writing on the form please use a **black** or **blue** pen.

#### Check boxes

Mark relevant boxes like this  with a **✓** or **✗**. When an instruction indicates 'tick', either **✓** or **✗** is permissible.

#### Go to

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

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

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

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

#### (required)

If all fields in a question are mandatory and must be completed, the word in brackets is added to the end of the question label text.

#### (required if any)

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

## Instructions for completing this form (continued)

- \* This symbol indicates individual mandatory fields that are required to be completed.
- ▶ This coloured arrow is used to indicate 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 this 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.

## Eligibility

### Defining a facility

Under the *National Greenhouse and Energy Reporting Act 2007* (the NGER Act) a registered controlling corporation must report on the greenhouse gas emissions, energy production and energy consumption from the operation of facilities under the operational control of the corporation's group.

Defining each facility (and its boundaries) for which a corporate group has operational control is central to defining the reporting obligations of a registered corporation under the NGER Act.

A facility is defined as an activity or series of activities that:

- Produce greenhouse gas emissions and/or produce energy and/or consume energy,
- Are part of a process that produces one or more products or services,
- Are attributable to a single ANZSIC industry sector, and
- Occur at a single site.

The single site criteria does not apply to activities that can be attributed to transport industry sectors (such as air, road, rail, post and waste collection) and network industry sectors (such as electricity transmission, gas supply, water supply and telecommunications).

### Declarations of facility

Under section 54 of the NGER Act the Clean Energy Regulator *may* make a declaration that an activity or series of activities are a facility, either on the Regulator's own initiative or on application by a controlling corporation.

When such a declaration is in force the facility is deemed to exist for the purposes of the NGER Act.

### When to apply for a declaration of facility

Only in exceptional circumstances should a corporation apply to the Clean Energy Regulator for a declaration of facility.

Specialist advice should be sought where there is uncertainty or disagreement about the definition of a facility. All reasonable efforts to apply the definition of facility in the NGER Act to a corporation's circumstances should be made prior to any application for a declaration.

## Requirements for an application for a declaration of facility

An applicant for a declaration of facility must be a controlling corporation for the purposes of the NGER Act.

Each application for a declaration of facility must relate to an activity or series of activities that are proposed to form a *single* facility.

The applicant or a member of its corporate group must have **overall control** over the activities or series of activities that are the subject of the application.

An application for a declaration of facility may be made at any time regardless of:

- whether the applicant has applied for registration under the NGER Act, and
- financial ownership of the activity or series of activities that are the subject of the application.

### Help with filling out this form

The NGER Act should be read in conjunction with the *National Greenhouse and Energy Reporting Regulations 2008* (the NGER Regulations).

The NGER Act, NGER Regulations and NGER Guidelines may be obtained on the [Clean Energy Regulator website](http://www.cleanenergyregulator.gov.au/National-Greenhouse-and-Energy-Reporting/Pages/default.aspx) (<http://www.cleanenergyregulator.gov.au/National-Greenhouse-and-Energy-Reporting/Pages/default.aspx>).

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).

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Office use:

## Part A: Applicant controlling corporation details

**i** Provide the following details for the controlling corporation making the application

### 1. Name of controlling corporation\* (required)

Name	
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### 2. Head Office postal address\* (required)

Address			
Suburb/City		State	
Country		Postcode	

### 3. Identifying details\* (required)

- ▶ You must provide one of the following for the controlling corporation in order of precedence: ABN, ACN, ARBN or trading name and street address.

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

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

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

Tick here if the trading name and street address are the same as the trading name and head office postal address provided above and go to question 4. ▶▶

OTHERWISE provide details below:

Trading name			
Street address			
Suburb/City		State	
Country		Postcode	

### 4. Contact details\* (required)

Phone number	
Email address	

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Office use:

## Part B: Member of the corporate group that has overall control

- ▶ Provide the following details for the member of the corporate group that has overall control over the activity or series of activities that will constitute the proposed facility.

### Member status

- ▶ This member of the corporate group is:

- the controlling corporation. Go to **Question 9** ▶

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- OR**  a subsidiary of a controlling corporation. Go to **Question 6** ▶

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- OR**  A joint venture. Go to **Question 5** ▼

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- OR**  A partnership. Go to **Question 5** ▼

### 5. Nomination under section 8 (required)

- ▶ Has a responsible entity for **the joint venture** or **partnership** been nominated under section 8 of the NGER Act?
  - No**  Go to **Question 6** ▼

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  - Yes**  Go to **Question 6** ▼

### Controlling corporation

#### 6. Name of controlling corporation\* (required)

Name	<input style="width: 85%; height: 20px;" type="text"/>
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#### 7. Head Office postal address\* (required)

Address	<input style="width: 85%; height: 20px;" type="text"/>		
	<input style="width: 85%; height: 20px;" type="text"/>		
	<input style="width: 85%; height: 20px;" type="text"/>		
Suburb/City	<input style="width: 50%; height: 20px;" type="text"/>	State	<input style="width: 20%; height: 20px;" type="text"/>
Country	<input style="width: 50%; height: 20px;" type="text"/>	Postcode	<input style="width: 20%; height: 20px;" type="text"/>

**8. Identifying details\* (required)**

- ▶ You must provide one of the following for the controlling corporation in order of precedence: ABN, ACN, ARBN or trading name and street address.

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

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

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

<input type="checkbox"/> Tick here if the trading name and street address are the same as the trading name and head office postal address provided above and go to question 9. ▶▶			
OTHERWISE provide details below: ▼			
Trading name			
Street address			
Suburb/City		State	
Country		Postcode	

**Contact details of the member****9. Contact (required)**

- ▶ Tick appropriate title, or add other title in the space provided.

Title	<input type="checkbox"/>	Mr
	<input type="checkbox"/>	Mrs
	<input type="checkbox"/>	Miss
	<input type="checkbox"/>	Ms
Other		

- ▶ Add full name details below:

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			
Suburb/City		State	
Country		Postcode	

## ▶ Provide the person's contact details:

Phone number	
Email address	

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Office use:

## Part C: Activities that are the subject of this application

- ▶ Provide the following details for the proposed facility and the activity (or series of activities) that will constitute the proposed facility.

### 10. Name of proposed facility\* (required)

Name

### 11. Activities at the facility\* (required)


- ▶ Where are, or where will, the activities that constitute the proposed facility be carried out?

Different sites. Go to **question 11a** below ▼

OR  A series of physical locations. Go to **question 11b** below ▼

OR  A single of physical location. Go to **question 11c** below ▼

#### 11a. Different sites


-  **Attach a statement** to this application describing each of the activities and explaining how the activities form, or will form, a single undertaking or enterprise.

 Refer to Subdivision 2.4.2 of the NGER Regulations for the definition of 'single undertaking or enterprise'.


Code Attached

**Different sites statement**

**EV011a**

 To assist in assembly and document tracking, mark the attachment with the correct Code and attach them to the application.

#### 11b. A series of physical locations


-  **Attach a statement** to this application describing each of the activities and explaining how the activities form, or will form, a single undertaking or enterprise.

 Refer to Subdivision 2.4.2 of the NGER Regulations for the definition of 'single undertaking or enterprise'.

Code Attached

**A series of physical locations statement**

**EV011b**

 To assist in assembly and document tracking, mark the attachment with the correct Code and attach them to the application.


#### 11c. A series of physical locations

-  **Attach a statement** to this application describing each of the activities that are the subject of this application.

Code Attached

**A single of physical location statement**

**EV011c**

 To assist in assembly and document tracking, mark the attachment with the correct Code and attach them to the application.

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Office use:

## C1 Principal activity

- ▶ Provide the following details for each of the activities that are the subject of the application.

**i** One activity must be specified as the proposed **principal activity**, and detailed below.

**ii** If you are nominating more than one activity, please photocopy the NEXT section, complete and attach details of each ancillary activity which are the subject of this application.

### Principal activity

**i** This activity is proposed to be the principal activity for the proposed facility for the purpose of regulation 6.02 (1)(e)(i) of the NGER Regulations.

**ii** Other activities IF detailed in this application on the following pages are proposed to be ancillary activities for the purpose of regulation 6.02 (1)(e)(ii) of the NGER Regulations. Refer to regulation 6.02 (2) of the NGER Regulations for the definition of principal activity.

### 12. Industry sector\* (required)

- ▶ Add the Industry sector to which the principal activity is attributable to under the NGER Regulations.

**i** Refer to Schedule 2 of the NGER Regulations for relevant code and classification. Use ANZSIC 3 digit group codes.

	ANZSIC Code (3 digit)	Classification
ANZSIC		

### 13. Facility location\*

- ▶ Does the facility have a street address?

No  Go to **question 13a** ▼

Yes  Go to **question 13b** ▶

#### 13a. Other description\*

- ▶ Provide a description of where the activity will be carried out.

Other description	
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#### 13b. Street address of the facility\*

- ▶ Provide a street address of the facility.

Address			
Suburb/City		State	
Country		Postcode	

Office use:

**14. Transport facility\* (required)**


- ▶ Are all the principal activities proposed to form a transport facility?

No  Go to question 14a ▼

Yes  Go to question 14b ▶

**14a. Facility geocode**

- ▶ Provide the latitude and longitude of the principal activity

	Latitude	Longitude	
Facility geocode	<input type="text"/>	<input type="text"/>	 Google Maps reference accepted for Geocoding: <a href="http://maps.google.com.au/">http://maps.google.com.au/</a>

**14b. State/Territory**

- ▶ Which State or Territory are the activities constituting the facility attributed to?

State/Territory	<input type="text"/>
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Office use:

## C2 Ancillary activities

- ▶ Provide the following details for each of the ancillary activities that are the subject of the application.



If you are nominating more than one activity, please photocopy this section, complete and attach details of each ancillary activity which are the subject of this application.

### Ancillary activity

- i** Other activities detailed below in this application are proposed to be ancillary activities for the purpose of regulation 6.02 (1)(e)(ii) of the NGER Regulations. Refer to regulation 6.02 (2) of the NGER Regulations for the definition of principal activity.

#### 15. Facility location\*

- ▶ Does the facility have a street address?

No  Go to question 15a ▼

Yes  Go to question 15b ▶

##### 15a. Other description\*

- ▶ Provide a description of where the activity will be carried out.

Other description	
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##### 15b. Street address of the facility\*

- ▶ Provide a street address of the facility.

Address			
Suburb/City		State	
Country		Postcode	

#### 16. Transport facility\* (required)

- ▶ Is this ancillary activity proposed to form part of a transport facility?

No  Go to question 16a ▼

Yes  Go to question 16b ▶

##### 16a. Facility geocode

- ▶ Provide the latitude and longitude of the principal activity

Facility geocode	Latitude	Longitude	<b>i</b> Google Maps reference accepted for Geocoding: <a href="http://maps.google.com.au/">http://maps.google.com.au/</a>

##### 16b. State/Territory

- ▶ Which State or Territory are the activities constituting the facility attributed to?

State/Territory	
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Office use:


## Part D: Details of other activities

### 17. Other activities


- ▶ Is there, or will there be, another activity or series of activities that are the subject of a further application for a declaration of facility in relation to the same site or sites as those listed in this application?

No  Go to **Part E** ▼


Yes  Attach a statement (see below) ▼

 **Attach a statement** to this application setting out the details of the other activities which explains how all the activities at the same site or sites, relate or will relate, to each other.

	Code	Attached
<b>Other activities statement</b>	<b>EV017</b>	<input type="checkbox"/>

 To assist in assembly and document tracking, mark the attachment with the correct Code and attach them to the application.

## Part E: Documents attached

 Please make sure the following statement documents mentioned in previous question in this application have been attached to your application

	Code	Attached
<b>Question 11 – Activities at the facility</b>	<b>EV011x</b>	<input type="checkbox"/>
<b>Question 17 – Other activities</b>	<b>EV017</b>	<input type="checkbox"/>

 To assist in assembly and document tracking, mark the attachment with the correct Code and attach them to the application.

## Part F: Details of other entities

### 18. Other entities (required)

- ▶ Are there any other entities that may be affected if the Clean Energy Regulator were to make a declaration in line with this application?

 For example contractors and/or corporate entities outside the applicant controlling corporations group.

No  Go to **Part G** ▼


Yes  Go to **Question 19** ▼

### 19. How many other entities (required)

Number of other entities	<input style="width: 100%; height: 25px;" type="text"/>	 Fill in an Other entity sheet for each entity and attach them to the application
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Office use:

**Other entity**

 If you are nominating more than one other entity, please photocopy this section before starting to fill it in, then complete and attach details of each every entity that are the subject of this application.

**20. Name of other entity\* (required)**

Name	<input type="text"/>
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**21. Head Office postal address\* (required)**

Address	<input type="text"/>		
	<input type="text"/>		
	<input type="text"/>		
Suburb/City	<input type="text"/>	State	<input type="text"/>
Country	<input type="text"/>	Postcode	<input type="text"/>

**22. Contact person (required)**

▶ Tick appropriate title, or add other title in the space provided.

Title	<input type="checkbox"/>	Mr	<input style="width: 70%;" type="text"/>
	<input type="checkbox"/>	Mrs	
	<input type="checkbox"/>	Miss	
	<input type="checkbox"/>	Ms	
Other	<input type="text"/>		

▶ Add full name details below:

Given name	<input type="text"/>
Middle name(s)	<input type="text"/>
Family name	<input type="text"/>

▶ Provide the person's contact details:

Phone number	<input type="text"/>
Email address	<input type="text"/>

## Part G: Signature

- i** This form should be signed by the Chief Executive Officer or equivalent of the controlling corporation making this application.
- i** Under Division 137 of the Criminal Code it may be an offence to provide false or misleading information or documents to the Clean Energy Regulator in purported compliance with the National Greenhouse and Energy Reporting Act 2007.

Name *			
Title/Position *			
Organisation (required, if any)			
Phone number*		Alternate phone number (optional)	
Postal address			
Suburb/City		State	
Country		Postcode	

Signature *	
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	Day (dd)	Month (mm)	Year (yyyy)	
Signature date *				<b>i</b> numbers only

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## Additional information

This document contains important terms that are found within the NGER Act. Refer to the NGER Act, in conjunction with the NGER Regulations, for the meaning of these terms and ensure that you correctly apply them to your particular circumstances.

The *National Greenhouse and Energy Reporting Guidelines* (the NGER Guidelines) have been developed to help corporations 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/National-Greenhouse-and-Energy-Reporting/Pages/default.aspx) (<http://www.cleanenergyregulator.gov.au/National-Greenhouse-and-Energy-Reporting/Pages/default.aspx>).

## Assessment of the Application

Once an application has been received, the Clean Energy Regulator will consider the application and the information provided.

For each application for a declaration of a facility, the Clean Energy Regulator will either:

- make a declaration, or
- refuse the application.

The Clean Energy Regulator may seek any further information required to inform the decision on the application, either from the applicant corporation or any other affected party.

Please ensure that all details provided in this application are accurate, up to date and complete. A declaration will only be made if complete information is provided.

There is no statutory timeframe for a decision regarding an application for a declaration of facility.

The Clean Energy Regulator will notify the applicant in writing of the decision on the application.

## 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).

## Accessibility disclaimer

Whilst the Clean Energy Regulator has worked to ensure this document is accessible, 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)

## Disclosure of information

The Clean Energy Regulator is only able to disclose information relating to this application (including personal information) in accordance with the *Clean Energy Regulator Act 2011*, the NGER Act, the *Privacy Act 1988* or as otherwise required by law.

The circumstances in which such information may be disclosed include:

- Disclosure to other agencies, persons or organisations to enable the verification of information contained in the application;
- Disclosure to the Secretary or authorised officer of a Department for the purpose of administering a program or collecting statistics relating to greenhouse gas emissions, energy consumption or energy production;
- Disclosure to certain agencies, bodies or persons where the Regulator is satisfied that disclosure will enable or assist those agencies, bodies or persons to perform or exercise their functions or powers, including the Australian Securities and Investments Commission, the Australian Competition and Consumer Commission and the Commissioner of Taxation;
- Disclosure for the purposes of law enforcement; and
- Disclosure to States and Territories in accordance with the NGER Act.

## Submitting this form

- ▶ Post your completed application with any accompanying documentation to either:

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

### Clean Energy Applications

#### Clean Energy Regulator

GPO Box 621

Canberra ACT 2601

OR

DCCEE

NISHI Building

2 Phillip Law St,

New Acton 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.