



Application for deregistration

under section 18B of the *National Greenhouse and Energy Reporting Act 2007*

FORM

CER-DER-001

V2.1 24/04/2015

Purpose of this form

This form is for entities that wish to apply to the Clean Energy Regulator for deregistration under section 18B of the *National Greenhouse and Energy Reporting Act 2007* (NGER Act). If the application is approved, the applicant's name will be removed from the National Greenhouse and Energy Register.

Eligibility

The Clean Energy Regulator must deregister an applicant and remove the applicant's name from the National Greenhouse and Energy Register if satisfied that:

- where the applicant is a controlling corporation, its corporate group is not likely to meet any of the thresholds under section 13 of the NGER Act for:
 - » the financial year in which the application is made, and
 - » the next two financial years, and
- for all applicants, the applicant can demonstrate that they:
 - » do not hold a reporting transfer certificate (RTC), and
 - » have complied with their obligations under the NGER Act.

Please note that a person that was registered as a liable entity (under Division 4 of the NGER Act), does not need to apply for deregistration. The Clean Energy Regulator will automatically remove those entities from the National Greenhouse and Energy Register.

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: Applicant details
- Part B: Eligibility details
- Part C: Status as a controlling corporation
- Part D: Declaration

You can choose to complete this form by:

- printing the form and filling it in by hand, or

- saving the form and filling in an electronic copy.

Note that if you choose the second option, there may be times when you will need to print certain sections in order to sign them or in order to complete multiple entries for a single set of questions. These sections may be scanned back into the computer and submitted electronically with the rest of the form.

Pen colours	Please use a black or blue pen to write on the form.
Check boxes	Mark boxes like this <input type="checkbox"/> 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 - <input type="checkbox"/> 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.
①	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

Guidance for filling in this form is available on the [Clean Energy Regulator website](#).

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 reporting@cleanenergyregulator.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

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, they must be sent using multiple emails that are clearly marked (i.e. by including an identifier in the subject line, egg '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.

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

Part A: Applicant details

Applicant details

1. Name (required)

 This is the name that appears in the Australian Business Register.

Name

2. Trading name (required if any)

Trading name

3. Head office postal address (required)

Address

Suburb/city

State/territory

Postcode

Country

4. Australian agent (required if any)

- ▶ If the applicant is a foreign corporation, please add the name of any Australian agent through which the foreign corporation conducts business.

Agent name

5. Identifying details (required)

- ▶ You must 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

- ▶ If the applicant does not have an ABN, ACN or an ARBN, please provide the applicant's trading name and street address.
- ▶ Are the trading name and street address the same as the trading name and head office postal address provided above?

Yes

Go to question 6. ▶

No

Please provide the trading name and street address below. ▼

Trading name	
Street address	
Suburb/city	
State/territory	
Postcode	
Country	

Executive officer details

Please provide details of the executive officer of the applicant who will sign the declaration in **Part D**.

6. Position (required)

Position	
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7. Name (required)

Title	
Given name	
Middle name(s)	
Family name	

8. Postal address (required)

► Is the postal address the same as the applicant's head office postal address provided in **question 3**?

Yes

Go to question 9. ►

No

Please provide the address below. ▼

Address	
Suburb/city	
State/territory	
Postcode	
Country	

9. Contact details (required)

Phone number		ⓘ Include area code (if applicable).
Alternative phone number (optional)		
Email address		

Contact person details

Provide details about the person who will be acting as the contact officer between the applicant and the Clean Energy Regulator.

10. Is the contact person the same as the executive officer noted above? (required)

Yes

Go to Part B: Eligibility details ▶▶

No

Go to question 11. ▶

11. Position (required)

Position	
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12. Name (required)

Title	
Given name	
Middle name(s)	
Family name	

13. Postal address (required)

▶ Is the postal address the same as the applicant's head office postal address provided in **question 3**?

Yes


Go to question 14. ▶

No

Please provide the address below. ▼

Address	
Suburb/city	
State/territory	
Postcode	
Country	

14. Contact details (required)

Phone number		<p> Include area code (if applicable).</p>
Alternative phone number (optional)		
Email address		

Part B: Eligibility details

Eligibility statements

15. Eligibility statements (required)

- ▶ By ticking the boxes below, the applicant makes the statements next to them.

 *The applicant must make these statements to be eligible for deregistration.*

AND

The applicant does not hold a reporting transfer certificate.

The applicant has complied with its obligations under the NGER Act.

Part C: Status as a controlling corporation

Statement about status as a controlling corporation

16. Status as a controlling corporation (required)

- ▶ Tick only one box below next to the statement that applies to the applicant and follow the relevant instructions.

OR	<input type="checkbox"/> The applicant was registered as the result of an application for registration as a controlling corporation under section 12 of the NGER Act, but no longer meets the definition of a controlling corporation. ▶ Complete only question 17 in this Part.
OR	<input type="checkbox"/> The applicant is a controlling corporation but its group is unlikely to meet any of the thresholds under section 13 of the NGER Act in: <ul style="list-style-type: none"> • the financial year in which the application is made, and • the two financial years following the financial year in which the application is made (NGER Act section 18B(3)(a)(i) and (ii)). ▶ Complete only question 18 in this Part.
OR	<input type="checkbox"/> The applicant was invalidly registered as a controlling corporation as at the time of registration as it did not meet the definition of 'controlling corporation'. ▶ Complete only question 19 in this Part.

17. Applicant no longer meets the definition of a controlling corporation (required if any)

-  Provide details here if the applicant no longer meets the definition of a controlling corporation (e.g. due to acquisition, takeover or corporate restructure, the applicant now has an Australian incorporated holding company).

- ▶ Provide a brief explanation of why the applicant no longer meets the definition of a controlling corporation.

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- ▶ Provide the name of the applicant's new controlling corporation (if known).

Name	
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- ▶ Is the new controlling corporation currently registered?

Yes

No


Unknown

- ▶ Tick the box below to verify that you have attached the listed supporting documentation to this application.

-  You must attach evidence that supports the fact that the applicant no longer meets the definition of a controlling corporation. Mark the evidence with the code number in the table below.

Evidence	Code	Attached
Evidence that the applicant no longer meets the definition of a controlling corporation	EV001	<input type="checkbox"/>


18. Below threshold (required if any)

 Provide details here if the applicant's group is unlikely to trigger a corporate group threshold and is unlikely to trigger a facility threshold under section 13 of the NGER Act (e.g. due to sale of assets or improved operational efficiency) in the financial year in which the application is made and the next two financial years.

- ▶ Provide a brief description of why the applicant's group is unlikely to meet any of the thresholds in section 13 of the NGER Act.
- ▶ Note that you must consider all thresholds; emissions, energy production and energy consumption at both the corporate group and facility level.


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- ▶ Tick the boxes below to verify that you have attached the listed supporting documentation to this application.

 You must attach evidence that supports your description above. Mark your attachments with the relevant code in the table below.

Evidence	Code	Attached
Evidence that a corporate group threshold will not be met this financial year or the next two financial years, including relevant estimates of energy production, energy consumption greenhouse gas emissions, and emissions-producing activities during this time period.	EV002	<input type="checkbox"/>
Evidence that a facility threshold will not be met this financial year or the next two financial years including relevant estimates of energy production, energy consumption greenhouse gas emissions, and emissions-producing activities during this time period.	EV003	<input type="checkbox"/>

19. Invalid registration (required if any)

 Provide information here if the applicant is registered as a controlling corporation but did not meet the definition of a controlling corporation at the time of registration (e.g. it had an Australian incorporated holding company or did not meet the definition of a constitutional corporation).

 An invalid registration only applies if the applicant did not meet the definition of a controlling corporation at the time of registration. If there was a corporate restructure, sale of asset or takeover, etc., after registration then you should complete **question 17** instead.

- ▶ Provide an explanation of why the applicant's registration as a controlling corporation was invalid.

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- ▶ Provide the name of the correct controlling corporation that should have been registered (if applicable).

Name	
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- ▶ Is this controlling corporation currently registered?

Yes

No

Unknown

- ▶ Tick the box below to verify you have attached the listed supporting documentation to this application.

- ① *You must attach evidence supporting the reason provided for the registration being invalid (e.g. evidence of a higher holding company incorporated in Australia at the time of registration).*

Evidence	Code	Attached
Evidence that the controlling corporation was not the correct entity at the time of registration	EV004	<input type="checkbox"/>

Part D: Declaration

This section must be signed by the executive officer for whom details are provided in Part A of this application.

By signing below, the signatory

- a) 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
- b) acknowledges that giving false or misleading information is a serious offence and carries penalties under the *Criminal Code Act 1995*.

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

	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: Applicant details**
- Part B: Eligibility details**
- Part C: Status as a controlling corporation**
Attached any requested supporting documentation.
- Part D: Declaration**

Additional information

Definitions

 Definitions marked with an asterisk are definitions repeated from legislation.

For the purposes of this form:

applicant	the person that is applying for deregistration. If the application is successful, the person's name will be removed from the National Greenhouse and Energy Register.
controlling corporation	means a constitutional corporation that does not have a holding company incorporated in Australia.*
executive officer	means, in relation to a body corporate: <ul style="list-style-type: none"> • 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.*
facility	is an activity, or a series of activities (including ancillary activities) that involve greenhouse gas emissions, the production of energy or the consumption of energy (as defined in section 9, NGER Act)
Identifying information	means information as described in regulation 1.03 of the NGER Regulations.
NGER Act	means the <i>National Greenhouse and Energy Reporting Act 2007</i> .
NGER Regulations	means the National Greenhouse and Energy Reporting Regulations 2008.
Facility threshold	is met if, during the financial year, the operation of a facility gives rise to: <ul style="list-style-type: none"> • the emission of greenhouse gases with a carbon dioxide equivalence (CO₂-e) • of 25 kilotonnes (kt) or more, or • the production of 100 terajoules (TJ) or more of energy, or • the consumption of 100 TJ or more of energy.
Corporate threshold	is met if, during a financial year, the total amount of greenhouse gas emissions, energy production or energy consumption from all of the facilities under the operational control of a controlling corporation and members of the controlling corporation's group is: <ul style="list-style-type: none"> • 50kt or more of greenhouse gases (CO₂-e), or • production of 200 TJ or more of energy, or • consumption of 200 TJ or more of energy.

Assessment of the application

Once a completed application has been received, the Clean Energy Regulator will consider the application and the information provided in line with the provisions of the NGER Act.

The Clean Energy Regulator will decide whether to deregister the applicant or refuse the application. The Clean Energy Regulator may seek further information from the applicant before making the decision.

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

If you have any questions concerning your application, please contact the Clean Energy Regulator on 1300 553 542 or email reporting@cleanenergyregulator.gov.au.

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 statement

Personal information is defined in the Privacy Act 1988 to mean any 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 NGER Regulations.

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, the performance of our statutory functions and for related purposes. We will also use the personal information which you provide for our administrative purposes, and for improving our service delivery to you. 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.

Disclosure of information

The Clean Energy Regulator is only able to disclose information relating to the affairs of a person (including personal information) collected in relation to this application in accordance with the CER Act, the NGER Act, the Privacy Act 1988 or as otherwise required by law.

Part 3 of the CER Act 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 or for the purposes of the performance of our functions under a climate change law
- disclosure to the Minister
- disclosure of summaries or statistics if those summaries or statistics are not likely to enable the identification of a person

- disclosure 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, and
- disclosure 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.