|  |
| --- |
| FORM |
| CER-RTC-001 |
| V2.0 27/11/2024 |

# Application for a reporting transfer certificate

under section 22K of the *National Greenhouse and Energy Reporting Act 2007*

# Purpose of this form

This form is for a corporation that has financial control over a facility to apply to take over National Greenhouse and Energy Reporting (NGER) requirements for that facility. Applying for a reporting transfer certificate (RTC) is voluntary.

To receive an RTC a corporation must meet the requirements of the reporting transfer test under the NGER Act 2007. These requirements are outlined below in the eligibility section.

If an RTC is issued to a corporation, they will need to report the facility’s scope 1 emissions, scope 2 emissions and energy production and consumption. This is required under section 22G of the NGER Act.

While an RTC is in place for a facility, its emissions, energy production and consumption data can only be reported by the corporation issued with the RTC.

If the corporation issued with an RTC is controlled by another corporation, the reported data will **not** count towards the controlling corporation’s:

* NGER Act section 13 threshold assessments
* Section 19 reporting obligations.

An RTC is not transferable and remains in force unless it is surrendered or cancelled. Refer to sections 22N and 22P of the NGER Act for further information about surrendering or cancelling an RTC.

## Multiple RTCs

An applicant can apply for more than one RTC using this form if both conditions are met:

* the applicant has financial control over more than one facility
* the same corporation has operational control over each of the facilities

The applicant will need to complete a separate **Part E** and **Part F** for each facility and submit them together with this form. Any supporting documentation submitted with this application will need to clearly identify which facility or facilities the documentation relates to.

A separate RTC will be issued for each facility and different RTCs may have different start dates.

## Relationship between RTCs and financial control liability transfer certificates (LTCs)

Financial control LTCs allow parties to agree to the transfer of liability (and the associated reporting obligations) for a facility under the Clean Energy Act 2011. The transfer occurs from the person with operational control to the person with financial control over the facility, provided the two entities are not members of the same corporate group.

An RTC is similar to a financial control LTC but only transfers a controlling corporation’s NGER reporting obligations, not financial liability.

Eligibility

A corporation may apply for an RTC using this form if it passes the following requirements of the reporting transfer test (under section 22J of the NGER Act):

* the facility must be under the operational control of another corporation.
* the applicant must have financial control over the facility

 *Section 22R of the NGER Act sets out the circumstances in which a corporation will be taken to have financial control over a facility. These circumstances are listed at* ***Part F*** *of this form, and the applicant must be able to provide documentation that supports their claim of having financial control over the facility.*

* the applicant must be a company registered under Part 2A.2 of the Corporations Act 2001
* the applicant must be a constitutional corporation
* the corporation with operational control over the facility must be a member of a controlling corporation’s group, but notthe applicant’s corporate group

The Clean Energy Regulator (CER) can only issue an RTC if it is satisfied that:

* the applicant passes the financial control transfer test in relation to the facility
* the applicant has, and is likely to continue to have **the capacity**, and **the access to information** necessary for it to comply with obligations that will be imposed on it by the NGER Act in relation to the facility if the RTC is issued
* during a financial year, the operation of the facility has caused, or is likely to cause:
* greenhouse gas emissions with a carbon dioxide equivalence of 25 kilotonnes or more
* production of energy of 100 terajoules or more
* consumption of energy of 100 terajoules or more.

An RTC application must be accompanied by written consents signed by an executive officer of the corporation giving consent.

Written consent must be received from the **applicant’s controlling corporation**, unless the applicant is the controlling corporation of its corporate group.

Written consent must also be provided by **one** of the following:

* the **controlling corporation** of the corporation with operational control
* the **corporation with operational control**, when it is the controlling corporation of its corporate group.

A written statement from the corporation with operational control must also be signed by an executive officer and submitted with the application. This will state the corporation has agreed to give the applicant all information necessary to comply with obligations that will be imposed on it by the NGER Act if the RTC is issued.

# 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: Details of applicant’s controlling corporation** (if applicable)
* **Part C: Details of corporation with operational control**
* **Part D: Details of controlling corporation of corporation with operational control** (if applicable)
* **Part E: Facility details**
* **Part F: Financial control criteria and test**
* **Part G: 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.

Note that if you choose the second option, there may be times when you need to print certain sections to sign them or 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 □ with a ✔ or ✘. When an instruction asks you to ‘tick’ the box, you can still use either ✔ or ✘. |
| Go to | Where you see an instruction like this - **□** Go to **question 5** - mark the relevant box with a ✔ or ✘and then skip to the question number shown. You do not need to answer the question(s) in between.Where an instruction has a black double arrow (⏩), go to the next indicated part/section. Where an instruction has a black single arrow (⏵), go to the next question. Where an instruction has a black single arrow pointing down (⏷), fill in the field(s) directly below. |
| Mandatory questions | If all fields in a question are mandatory and must be completed, **(required)** is added to the end of the question label text. If a field in a question is mandatory only IF a condition is met, **(required if any)** is added to the end of the question label text. |
| ⏵ | This symbol indicates an instruction on what to do next. |
| 🛈 | This symbol indicates additional useful guidance to filling in the adjacent field or section. |
| 🗐 | This symbol advises that more than one entry may be required for the section and therefore you may need to photocopy or print the section or fill in a duplicate section. |
| 🖈 | This symbol advises that additional documentation to support a claim may need to be attached to the application. |
| Duplex printing | This form is designed to be duplex printed to save on paper. All new sections start on the right-hand side of a page spread. |

Help filling in this form

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@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

Email your completed application to the Clean Energy Regulator at reporting@cer.gov.au.

If the email and its attachments (the application and supporting documents) are larger than 10 MB, they must be sent using multiple emails that are clearly marked by including an identifier in the subject line (for example, '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.

|  |  |
| --- | --- |
| Office use: |  |

1. Applicant details
* The applicant is the corporation that has financial control over the facility that is the subject of this application.
* All questions are required.
1. Name
* If the applicant has an entry in the Australian Business Register, this is the name that appears in that register.

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

1. Trading name (if any)

|  |  |
| --- | --- |
| Trading name |       |

1. Head office postal address

|  |  |
| --- | --- |
| Address line 1 |       |
| Address line 2 |       |
| Address line 3 |       |
| Suburb/City |       |
| Country |       |
| State |       |
| Postcode |       |

1. Identifying details (required)
* You must provide one of the following for the applicant in order of precedence: Australian Business Number (ABN), Australian Company Number (ACN), Australian Registered Body Number (ARBN) or trading name and street address

|  |  |
| --- | --- |
| ABN |       |
| ACN |       |
| 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 applicant's trading name and head office postal address provided above?

|  |  |  |
| --- | --- | --- |
| Yes  | [ ]  | Go to **question 5** 4 |
| No  | [ ]  | Please provide the trading name and address below 6 |

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

Executive officer details

* Please provide details about the executive officer of the applicant, who will sign the declaration at **Part G**.
* All questions are required.
1. Position

|  |  |
| --- | --- |
| Position |       |

1. Name

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

1. Postal address
* Is the postal address the same as the head office postal address provided in **question 3**?

|  |  |  |
| --- | --- | --- |
| Yes  | [ ]  | Go to **question 8** 4 |
| No  | [ ]  | Please provide the address below 6 |

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

1. Contact details

|  |  |
| --- | --- |
| Phone number  |       |
| Alternative phone number |       |
| 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.
1. Is the contact person the same as the executive officer noted above?

|  |  |  |
| --- | --- | --- |
| Yes  | [ ]  | Go to **Part B 8** |
| No  | [ ]  | Continue to **question 10** 6 |

1. Position

|  |  |
| --- | --- |
| Position |       |

1. Name

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

1. Postal address
* Is the postal address the same as the head office postal address provided in **question 3**?

|  |  |  |
| --- | --- | --- |
| Yes  | [ ]  | Go to **question 13** 4 |
| No  | [ ]  | Please provide the address below 6 |

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

1. Contact details

|  |  |
| --- | --- |
| Phone number |       |
| Alternative phone number |       |
| Email address |       |

Part B: Details of applicant’s controlling corporation

* All questions are required.
1. Is the applicant the controlling corporation of its corporate group?

|  |  |  |
| --- | --- | --- |
| Yes  | [ ]  | Go to **Part C** 4 |
| No  | [ ]  | Continue to **question 15** 6 |

1. Controlling corporation name
* If the applicant’s controlling corporation has an entry in the Australian Business Register, this is the name that appears in that register.

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

1. Trading name (if any)

|  |  |
| --- | --- |
| Trading name |       |

1. Head office postal address

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

1. Identifying details
* You must provide one of the following for the applicant’s controlling corporation in order of precedence: Australian Business Number (ABN), Australian Company Number (ACN), Australian Registered Body Number (ARBN) or trading name and street address

|  |  |
| --- | --- |
| ABN |       |
| ACN |       |
| 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 applicant's trading name and head office postal address provided above?

|  |  |  |
| --- | --- | --- |
| Yes  | [ ]  | Go to **question 19** 4 |
| No  | [ ]  | Please provide the trading name and address below 6 |

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

Executive officer details

* Please provide details about one executive officer of the applicant’s controlling corporation.
* This will be the person who will, on behalf of the applicant’s controlling corporation, provide written consent to the making of the application.
1. Position

|  |  |
| --- | --- |
| Position |       |

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

1. Name
2. Postal address

|  |  |  |
| --- | --- | --- |
| Yes  | [ ]  | Go to **question 22** 4 |
| No  | [ ]  | Please provide the address below 6 |

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

1. Contact details

|  |  |
| --- | --- |
|  Phone number |       |
| Alternative phone number |       |
| Email address |       |

Contact person details

* Please provide details about the person who will be acting as the contact person between the applicant’s controlling corporation and the Clean Energy Regulator.
1. Is the contact person the same as the executive officer noted above for the applicant's controlling corporation?

|  |  |  |
| --- | --- | --- |
| Yes  | [ ]  | Go to **Part C** 4 |
| No  | [ ]  | Please **question 24** 6 |

1. Position

|  |  |
| --- | --- |
| Position |       |

1. Name

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

1. Postal address
* Is the postal address the same as the head office postal address provided in question 17?

|  |  |  |
| --- | --- | --- |
| Yes  | [ ]  | Go to **question 27** 4 |
| No  | [ ]  | Please provide the address below 6 |

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

1. Contact details

|  |  |
| --- | --- |
|  Phone number |       |
| Alternative phone number |       |
| Email address |       |

Part C: Details of corporation with operational control

* Please provide the following details for the corporation that has operational control over the facility that is the subject of this application.
* All questions are required.
1. Name
* If the corporation with operational control has an entry in the Australian Business Register, this is the name that appears in that register.

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

1. Trading name (if any)

|  |  |
| --- | --- |
| Trading name |       |

1. Head office postal address

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

1. Identifying details
* You must provide one of the following for the applicant’s controlling corporation in order of precedence: Australian Business Number (ABN), Australian Company Number (ACN), Australian Registered Body Number (ARBN) or trading name and street address

|  |  |
| --- | --- |
| ABN |       |
| ACN |       |
| ARBN |       |

* If the applicant’s controlling corporation 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 applicant’s controlling corporation trading name and head office postal address provided above?

|  |  |  |
| --- | --- | --- |
| Yes  | [ ]  | Go to **question 32** 4 |
| No  | [ ]  | Please provide the address below 6 |

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

Executive Officer details

* Please provide the following details about one executive officer of the corporation with operational control. This will be the person who will, on behalf of the corporation with operational control:

» provide the signed statement that it will give the applicant the information necessary to allow the applicant to comply with its obligations under the NGER Act in relation to the facility if the RTC is granted, and if the corporation with operational control does not have a controlling corporation:

» consent to the RTC application, and

» consent to an alternate start date (if nominated under **question 66**).

1. Position

|  |  |
| --- | --- |
| Position |       |

1. Name

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

1. Postal address
* Is the postal address the same as the head office postal address provided in question 30?

|  |  |  |
| --- | --- | --- |
| Yes  | [ ]  | Go to **question 35** 4 |
| No  | [ ]  | Please provide the address below 6 |

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

1. Contact details

|  |  |
| --- | --- |
|  Phone number |       |
| Alternative phone number |       |
| Email address |       |

Contact person details

* Please provide details about the person who will be acting as the contact person between the corporation with operational control and the Clean Energy Regulator.
1. Is the contact person the same as the executive officer noted above for the corporation with operational control?

|  |  |  |
| --- | --- | --- |
| Yes  | [ ]  | Go to **Part D** 4 |
| No  | [ ]  | Go to **question 37** 6 |

1. Position

|  |  |
| --- | --- |
| Position |       |

1. Name

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

1. Postal address
* Is the postal address the same as the head office postal address provided in question 30?

|  |  |  |
| --- | --- | --- |
| Yes  | [ ]  | Go to **question 40** 4 |
| No  | [ ]  | Please provide the address below6 |

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

1. Contact details

|  |  |
| --- | --- |
| Phone number |       |
| Alternative phone number |       |
| Email address |       |

# Part D: Details of controlling corporation of corporation with operational control

* All questions are required.
1. Is the corporation with operational control the controlling corporation of its corporate group?

|  |  |  |
| --- | --- | --- |
| Yes  | [ ]  | Go to **Part E** 4 |
| No  | [ ]  | Go to **question 42**6 |

1. Name
* If the corporation with operational control has an entry in the Australian Business Register, this is the name that appears in that register.

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

1. Trading name (if any)

|  |  |
| --- | --- |
| Trading name |       |

1. Head office postal address

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

1. Identifying details
* You must provide one of the following for the applicant’s controlling corporation in order of precedence: Australian Business Number (ABN), Australian Company Number (ACN), Australian Registered Body Number (ARBN) or trading name and street address

|  |  |
| --- | --- |
| ABN |       |
| ACN |       |
| ARBN |       |

* If the applicant’s controlling corporation 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 applicant’s controlling corporation trading name and head office postal address provided above?

|  |  |  |
| --- | --- | --- |
| Yes  | [ ]  | Go to question 464 |
| No  | [ ]  | Please provide the trading name and address below 6 |

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

Executive officer details

* Please provide the following details about one executive officer of the controlling corporation of the corporation with operational control.
* This will be the person who will provide written consent on behalf of the controlling corporation of the corporation with operational control, to the making of the application, and to any proposed start date, if nominated under **question 66**.
1. Position

|  |  |
| --- | --- |
| Position |       |

1. Name (required)

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

1. Postal address (required)
* Is the postal address the same as the head office postal address provided in question 44?

|  |  |  |
| --- | --- | --- |
| Yes  | [ ]  | Go to **question 49** 4 |
| No  | [ ]  | Please provide the address below 6 |

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

1. Contact details

|  |  |
| --- | --- |
|  Phone number |       |
| Alternative phone number |       |
| Email address |       |

Contact person details

* Please provide details about the person who will be acting as the contact officer between the controlling corporation of the corporation with operational control and the Clean Energy Regulator.
1. Is the contact person the same as the executive officer noted above for the controlling corporation of the corporation with operational control?

|  |  |  |
| --- | --- | --- |
| Yes | [ ]  | Go to **Part E**4 |
| No  | [ ]  | Go to **question 51** 6 |

1. Position

|  |  |
| --- | --- |
| Position |       |

1. Name

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

1. Postal address
* Is the postal address the same as the head office postal address provided in **question 44**?

|  |  |  |
| --- | --- | --- |
| Yes  | [ ]  | Go to **question 54** 4 |
| No  | [ ]  | Please provide the address below 6 |

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

1. Contact details

|  |  |
| --- | --- |
| Phone number |       |
| Alternative phone number |       |
| Email address |       |

# Part E: Facility details

* If you are nominating more than one facility, please photocopy or print Part E, complete a copy for each facility which is the subject of this application, and attach the copies to this application.
* All questions are required.
1. Name of facility

|  |  |
| --- | --- |
| Facility name |       |

1. Industry sector
* Specify the industry sector to which the activities constituting the facility are attributable.
* Refer to Schedule 2 of the NGER Regulations for relevant code and classification.

|  |  |  |
| --- | --- | --- |
|  | ANZSIC code (2 or 3 digits) | Classification |
| ANZSIC |       |       |

1. Street address of the facility (if any)

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

1. State or territory
* If the facility is NOT a network or pipeline facility, specify the state or territory to which the activities constituting the facility are attributable, OR
* If the facility IS a network or pipeline facility, specify the state or territory in which the facility is located. Note that a network or pipeline facility may be located in more than one state or territory, so list all applicable.

|  |  |
| --- | --- |
| State/territory |       |

1. Type of facility
* Indicate which of the following applies to the facility:

|  |  |
| --- | --- |
| [ ]  | Transport facility that is not a single site facility and does not have a street address.Complete **question 59(a)** only4 |
| [ ]  | Network or pipeline facility that is not a single site facility and does not have a street address. Complete **question 59(a)** only 4 |
| [ ]  | Other facility. Complete **question 59(b)** only 4 |

1. **Facility description**
* Please provide a brief description of the location of the facility and a brief description of the activities constituting the facility.

|  |  |
| --- | --- |
| Description of location of facility  |       |
| Activities constituting the facility |       |

1. **Coordinates of the facility**
* If the facility has been described as 'Other facility', provide the facility location in latitude and longitude to 3 decimal places.

|  |  |  |
| --- | --- | --- |
|  | Latitude | Longitude |
| Facility coordinates  |    |    |

# Part F: Financial control criteria and test

* If you are nominating more than one facility, please photocopy this part, complete it and attach the evidence requested in **questions 61** and **65** and the consents/acknowledgements required in **question 67** for each facility which is the subject of this application.
* An RTC can only be issued to the applicant if, in accordance with section 22R of the NGER Act, the applicant has financial control over the facility that is the subject of the application.
* All questions are required.

Financial control of a facility

1. Financial control test
* Tick the box next to the one criterion the applicant satisfies in relation to the facility. Tick **only one box** as the applicant only needs to satisfy one of the criteria.
* In determining whether the applicant meets any of the criteria and, as such, has financial control over the facility, consider the economic and commercial substance of the matters mentioned below.

|  |  |
| --- | --- |
| [ ]  | Under a contract between the corporation with operational control over the facility and the applicant, the corporation with operational control operates the facility on behalf of the applicant.  |
| [ ]  | Under a contract between the corporation with operational control over the facility and the applicant and one or more other persons, the corporation with operational control operates the facility on behalf of the applicant and those other persons.  |
| [ ]  | The applicant is able to control the trading or financial relationships of the corporation with operational control over the facility, in relation to the facility.  |
| [ ]  | The applicant has the economic benefits from the facility.  |
| [ ]  | All of the following conditions are satisfied: The applicant is a participant in a joint venture. There is one other participant in the joint venture. The applicant shares the economic benefits from the facility with the other participant. The applicant’s share equals or exceeds the share of the other participant.  |
| [ ]  | All of the following conditions are satisfied: The applicant is a participant in a joint venture. There are two or more other participants in the joint venture. The applicant shares the economic benefits from the facility with the other participants. No other participant has a share that exceeds the share of the applicant.  |
| [ ]  | All of the following conditions are satisfied: The applicant is a partner in a partnership. There is one other partner in the partnership. The applicant shares the economic benefits from the facility with the other partner. The applicant’s share equals or exceeds the share of the other partner.  |
| [ ]  | All of the following conditions are satisfied: The applicant is a partner in a partnership. There are two or more other partners in the partnership. The applicant shares the economic benefits from the facility with the other partners. No other partner has a share that exceeds the share of the applicant corporation.  |
| [ ]  | The applicant is able to direct or sell the output of the facility. |

1. Evidence of financial control
* Evidence is required for the information provided in response to **question 60**. Provide the evidence listed (code EV001) in support of the application and tick the box to confirm this evidence is attached.

|  |  |  |
| --- | --- | --- |
| Documentary evidence type | Code | Attached |
| Documentary evidence that verifies the information provided in response to **question 60**. | EV001 | [ ]  |

* To help in assembly and document tracking, mark each attachment with the relevant code and attach it to this application.

Other conditions

1. The following conditions must be met
* By ticking the box below, you make the following statements:

|  |  |
| --- | --- |
| [ ]  | The facility is under the operational control of a corporation, other than the applicant; and the applicant has financial control over the facility; and the applicant is a company registered under Part 2A.2 of the *Corporations Act 2001*; and the applicant is a constitutional corporation; and if the applicant is a member of a controlling corporation’s group — the corporation with operational control over the facility is not a member of the same corporate group; and the corporation with operational control over the facility is a member of a controlling corporation’s group.  |

Capacity and access to information

1. The applicant confirms capacity and access to information
* By ticking the box below, you make the following statements:

|  |  |
| --- | --- |
| [ ]  | The applicant has, and is likely to continue to have: the capacity, and the access to information necessary for it to comply with obligations that will be imposed on the applicant by the NGER Act in relation to the facility if the RTC is issued.  |

Thresholds

1. The applicant confirms that the facility meets, or is likely to meet, thresholds (required)
* By ticking the box below, you make the following statements:

|  |  |
| --- | --- |
| [ ]  | During a financial year, the operation of the facility has caused, or is likely to cause: greenhouse gas emissions with a carbon dioxide equivalence of 25 kilotonnes or more; production of energy of 100 terajoules or more; and/or consumption of energy of 100 terajoules or more.  |

1. Evidence (required)
* Evidence is required for the information provided in response to **question 64**. Provide the evidence listed (code EV002 in support of the application and tick the box to confirm this evidence is attached.

|  |  |  |
| --- | --- | --- |
| Documentary evidence type | Code | Attached |
| Documentary evidence that verifies the information provided in response to **question 60**. | EV002 | [ ]  |

* To help in assembly and document tracking, mark each attachment with the relevant code and attach it to the application.

Start date

* Nomination of a start date is optional. Where no start date is specified, the RTC, if granted, will come into force on the day that the RTC is issued.
* The nominated start date may be earlier than the day on which the RTC is issued, provided that the start date occurs in the same financial year as the day on which the RTC is issued, or in the financial year preceding the financial year in which the RTC is issued. The nominated start date may be later than the day on which the RTC is issued, provided that the start date occurs in the same financial year as the day on which the RTC is issued, or in the next financial year.
* By signing this application, the executive officer of the applicant consents on behalf of the applicant to the nominated start date.
1. Do you wish to nominate a start date for the RTC for the facility?

|  |  |  |
| --- | --- | --- |
| Yes  | [ ]  | Provide the start date below. 6 |
| No | [ ]  | Go to **question 67**4 |

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

Consent / acknowledgement

1. Consents/acknowledgments
* The following documents are required to support the application. Provide the documents listed (codes EV003, EV004 and EV005) in support of the application and tick the box to confirm this evidence is attached.

|  |  |  |
| --- | --- | --- |
| Documentary evidence type | Code | Attached |
| If the applicant is a member of a controlling corporation’s group and is not the controlling corporation - written consent from the applicant’s controlling corporation, to the making of the application. | EV003 | [ ]  |
| If the corporation with operational control over the facility is a member of a controlling corporation’s group, and is not the controlling corporation - written consent to the application and written consent to the start date (if nominated under **question 66**), from the controlling corporation.ORIf the corporation with operational control is the controlling corporation of its corporate group – written consent to the application and written consent to the start date (if nominated under **question 66**), from the corporation with operational control. | EV004 | [ ]  |
| From the named executive officer of the corporation with operational control, a signed statement to the effect that the corporation has agreed to give the applicant such information as is necessary for the applicant to comply with obligations that will be imposed on it under the NGER Act in relation to the facility if the RTC is issued. | EV005 | [ ]  |

Part G: Declaration

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

By signing below, the signatory:

* declares that the information supplied in this form is true and correct and that 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*.

|  |  |
| --- | --- |
| Name of signatory  |       |
| Title/position  |       |
| Name of applicant) |       |
| Signature  |  |
| 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: Details of applicant’s controlling corporation – if applicable**  |
| [ ]  | **Part C: Details of corporation with operational control** |
| [ ]  | **Part D: Details of controlling corporation of corporation with operational control** (if applicable) |
| [ ]  | **Part E: Facility details*** Provided completed copies of Part E for any additional facilities.
 |
| [ ]  | **Part F: Financial control criteria and test*** Provided completed copies of Part F for any additional facilities.
* Attached the documentary evidence and consents requested in questions 61 and 65 and the consents/acknowledgements required in question 67 for each facility which is the subject of this application.
 |
| [ ]  | **Part G: Declaration** |

# Additional information

|  |  |
| --- | --- |
| applicant | The corporation with financial control over the facility that is the subject of this application. This corporation, if granted an RTC, will be required to report on the facility’s scope 1 and scope 2 emissions and energy production and consumption. This corporation is also referred to as the transferee corporation and the second corporation in the NGER Act. |
| applicant’s controlling corporation | The corporation which has control over the group of businesses the applicant is part of. If the applicant is the controlling corporation of its group, Part B of this form should be left blank after ticking the first box of that Part. |
| controlling corporation | A constitutional corporation that does not have a holding company incorporated in Australia.  |
| controlling corporation of the corporation with operational control | The corporation which has control over the group of businesses the corporation with operational control over the facility is part of. In the absence of an RTC, this corporation is required to report under section 19 of the NGER Act for the facility. If the corporation with operational control over the facility is the controlling corporation of its group, Part D of this form should be left blank after ticking the first box of that Part. |
| corporation with operational control | The corporation that has operational control over the facility that is the subject of this application. This corporation is also referred to as the transferor corporation and the operator in the NGER Act. |
| 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.\*
 |
| NGER Act | * [*National Greenhouse and Energy Reporting Act 2007*](https://www.legislation.gov.au/Series/C2007A00175)
 |

Definitions

The following are definitions for key terms used in this form.

Assessment of the application

Once a complete application has been received, the Clean Energy Regulator will consider the application and the supporting documentation provided in accordance with the provisions of the NGER Act. For each RTC application, the Clean Energy Regulator will decide whether to issue an RTC to the applicant or refuse the application.

The Clean Energy Regulator may seek further information from the applicant to inform the decision and will specify when the additional information must be provided. If the applicant does not provide the additional information or does not provide it within the specified time, the Clean Energy Regulator may refuse to consider the application or refuse to take any action, or any further action, in relation to the application.

To enable quick assessment of your application, please make sure all details are accurate, up-to-date and complete. An RTC application will only be assessed if the required information is provided.

The Clean Energy Regulator will take all reasonable steps to make sure a decision is made on the application within 90 days of the application or, if the Clean Energy Regulator requires additional information, within 90 days of the applicant providing the additional information. The Clean Energy Regulator will notify the applicant and the person transferring operational control in writing of the result of the application.

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

Publishing of information

Under section 16 of the NGER Act, the Clean Energy Regulator is required to maintain a register known as the National Greenhouse and Energy Register.

Once an application for an RTC is approved, the Clean Energy Regulator will register the RTC holder on the National Greenhouse and Energy Register. Details include, but are not limited to, the corporation’s name, identifying details, the first year it was registered, information about its compliance with the NGER Act and information about any greenhouse and energy audits carried out in relation to it.

The Clean Energy Regulator may make all, or any part of, the National Greenhouse and Energy Register available for public inspection and must, by 28 February of each year, publish on its website the name of each person registered under the NGER Act during the previous financial year.

Under section 24 of the NGER Act, by 28 February each year, the Clean Energy Regulator must publish on its website the greenhouse gas emissions data and the net energy consumption data that is reported by RTC holders under section 22G of the NGER Act. A corporation holding an RTC may apply to the Clean Energy Regulator under section 25 of the NGER Act for information not to be published if the information reveals, or could be capable of revealing:

* trade secrets
* 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
* technology or corporate initiatives relating to the facility, and therefore the corporation.

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 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.

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 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
* 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
* 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@cer.gov.au.