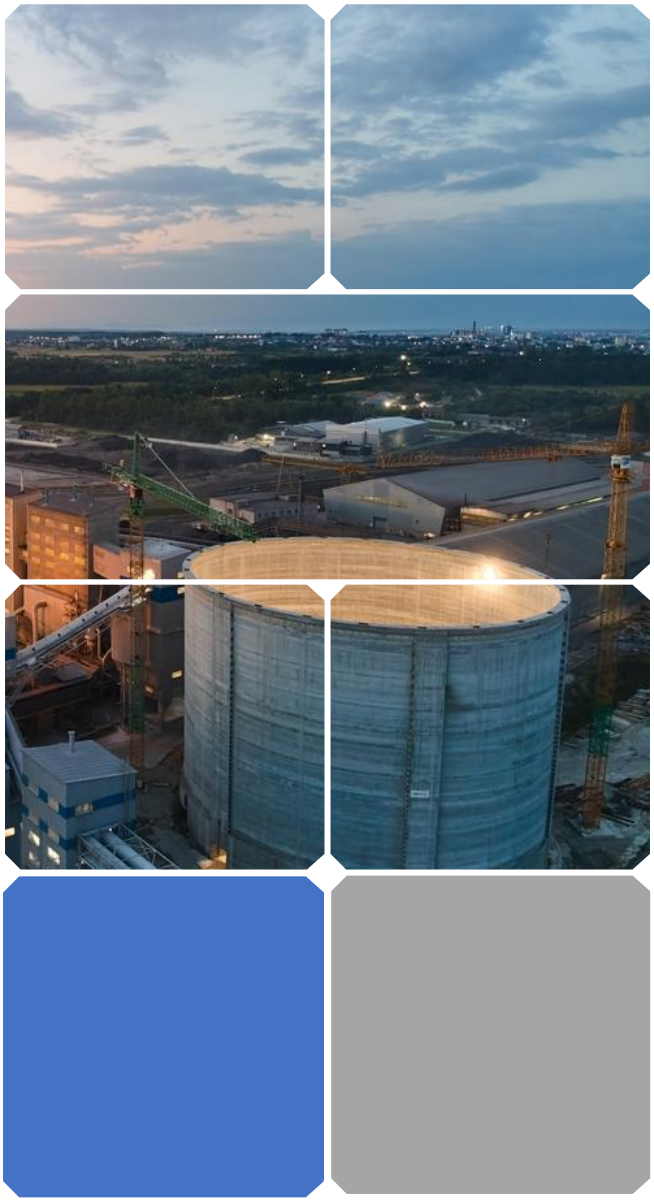
Australian Government
Clean Energy Regulator

Multi-year monitoring period application guideline

Safeguard Mechanism

Version 1.1 31 August 2026





CLEAN ENERGY REGULATOR

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Disclaimer

This guidance has been developed by the Clean Energy Regulator (CER) to assist responsible emitters to apply for a multi-year monitoring period (MYMP) declaration under the National Greenhouse and Energy Reporting (Safeguard Mechanism) Rule 2015[1] (the Safeguard Rule). This guidance must be read in conjunction with the *National Greenhouse and Energy Reporting Act 2007*[2] (the NGER Act), Safeguard Rule and any other legislative instrument referenced in this document in their current form at the time of reading.

Changes to the legislation may affect the information in this document. It is intended that this document will be updated in light of any legislative changes or if further clarity on a particular issue is required.

The information contained in this document is provided as guidance only.

This document is general in nature and does not cover every situation that may arise in relation to MYMPs or the Safeguard Mechanism broadly.

Responsible emitters are responsible for determining their obligations under the Safeguard Rule, and the NGER Act and for applying the legislation to their individual circumstances. They should seek professional advice relevant to their circumstances if they have any concerns.

This document does not contain legal advice and is not a substitute for independent legal advice.

The CER and the Commonwealth of Australia will not be liable for any loss or damage from any cause (including negligence) whether arising directly, incidentally, or as consequential loss or damage, out of or in connection with, any use of this guideline or reliance on it, for any purpose.

[1] https://www.legislation.gov.au/Series/F2015L01637
[2] https://www.legislation.gov.au/Series/C2007A00175

Definitions and abbreviations

Term	Meaning
Australian carbon credit unit (ACCU)	Each ACCU represents one tonne of carbon dioxide equivalent (t CO_2-e) emissions stored or avoided by an eligible offsets project.
Borrowing adjustment	To help manage compliance obligations, a facility can 'borrow' from its future baseline. The responsible emitter for a facility can apply to increase their facility's baseline for a financial year by borrowing a portion from the facility's baseline for the following financial year. This is called a borrowing adjustment. The facility's baseline for the following financial year will then decrease by the borrowed amount and a further 10% of the t CO_2-e borrowed (this was 2% for borrowing adjustments before 2025-26).
Controlling corporation	An entity that must register and report under section 7 of the NGER Act. A controlling corporation is a constitutional corporation that does not have a holding company in Australia. It is generally the corporation at the top of the corporate hierarchy in Australia. It can be a 'nonoperational' holding company. It may also be a foreign incorporated entity that operates directly in Australia (that is, does not operate through an Australian incorporated subsidiary).
Covered emissions	Scope 1 emissions of one or more greenhouse gas, including: • direct emissions from fugitive emissions • emissions from fuel combustion • waste disposal and industrial process such as cement and steel making. Some scope 1 emissions are not covered by the Safeguard Mechanism, such as emissions from landfills associated with legacy waste (deposited before 1 July 2016), and emissions related to the production of electricity at a grid-connected electricity generation facility.
Emissions intensity	Emissions intensity for a production variable means the emissions released, in t CO_2-e, per unit of the production variable. Production variables are set out in Schedule 1 of the Safeguard Rule[3].
Emissions intensity determination (EID)	An EID gives an existing facility a smooth transition to the default emissions intensity number for its existing production variables. When an EID is in place, the production variable has a facility-specific emissions intensity value. This is based on historical emissions and production data from 1 July 2017 to 30 June 2022. The production variable's emissions intensity each year is a hybrid of the facility-specific emissions intensity number set out in the EID and the default emissions intensity number.

[3] https://www.legislation.gov.au/F2015L01637/latest/versions

Term	Meaning
Excess emissions situation	Where the net emissions number for a facility for a monitoring period exceeds the facility's baseline emissions number for that monitoring period.
Executive officer (EO)	An executive officer is defined as a: • Director • Chief Executive Officer (however described) • Chief Financial Officer (however described) • Company Secretary.
Facility	Under section 9 of the NGER Act[4] a 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 and that either: • form a single undertaking or enterprise and meet the requirements of the NGER Regulations[5] • are declared to be a facility under section 54, 54A or 54B of the NGER Act.
Monitoring period	• A full financial year that is not included in a declared multi-year monitoring period (MYMP), if the same responsible emitter had operational control over the facility for the whole of that financial year. • Part of a financial year, if a responsible emitter only had operational control over the facility for that part and the financial year is not included in an MYMP. • An MYMP for a facility, where the same responsible emitter had operational control over the facility for the whole of that MYMP. • Part of an MYMP, if a responsible emitter only had operational control over a facility for that part.
Multi-year monitoring period (MYMP)	Responsible emitters with a credible plan to reduce their facility's excess emissions may apply for an MYMP. Under an MYMP, a facility's net emissions and baseline are calculated at the end of a multi-year period of 2 to 5 years, instead of every financial year. This allows the responsible emitter to focus attention and investment on their emissions reduction project rather than on managing safeguard excesses that arise during the project.
Net emissions number	The total amount of covered emissions in t CO_2-e for a facility during a monitoring period, plus any ACCUs issued in relation to the facility during that period, minus any ACCUs or SMCs surrendered for the facility for that monitoring period.
NGER report	A submission of energy and emissions information required under the NGER Act.

[4] https://www.legislation.gov.au/C2007A00175/latest/versions
[5] https://www.legislation.gov.au/F2008L02230/latest/text

Term	Meaning
Operational control	A person is considered to have operational control over a facility if: • that person has authority to introduce and implement operating, health and safety, or environmental policies • the CER declares the person has operational control over the facility under section 55 or 55A of the NGER Act. If there is uncertainty about which person has operational control over a facility and the CER has not made a declaration, the person with the greatest authority to introduce and implement operating and environmental policies in relation to the facility will have operational control over the facility. If 2 or more persons neither has the greatest authority to introduce and implement operating and environmental policies for a facility, and the CER has not made a declaration, nor have those persons nominated one of themselves, each of those persons will be taken to have operational control over the facility.
Prescribed carbon unit	For the purposes of the NGER Act a prescribed carbon unit is: • an Australian carbon credit unit (ACCU) • a Safeguard Mechanism credit unit (SMC).
Production variable	A production variable is a metric that generally represents the productive output of the facility. In some cases, the output may be an intermediate product or waste product. Only production variables listed in Schedule 1 of the Safeguard Rule[6] (previously known as 'prescribed' production variables listed in Schedule 2 and 3) can be used in an emissions intensity determination application for financial years commencing on or after 1 July 2023.
Responsible financial officer (RFO)	A responsible financial officer of a responsible emitter for a facility, means any of the following: • An individual person with operational control of the facility. • A person who holds or performs the duties of the position of the chief executive officer, chief financial officer or chief operating officer for the person with operational control of the facility. • A person who holds or performs the duties of a position with equivalent or similar responsibilities to those listed above. • An individual employed by the person with operational control of the facility who either: » makes, or participates in making, decisions that affect the whole, or a substantial part, of the business or affairs of the person » has the capacity to significantly affect the person's financial standing.

[6] https://www.legislation.gov.au/F2015L01637/latest/versions

Term	Meaning
Responsible emitter	The person with operational control of a safeguard facility. The responsible emitter is responsible for meeting the Safeguard Mechanism requirements if both: • the facility exceeds the safeguard threshold for a financial year • its net emissions number for the responsible emitter's monitoring period exceeds its baseline for that period. The responsible emitter may be an individual, a body corporate, a trust, a corporation sole, a body politic or a local governing body.
Safeguard Mechanism credit unit (SMC)	A type of credit unit that may be issued to a responsible emitter for each tonne of emissions (CO_2-e) that a facility's covered emissions are below its baseline. These credits can be surrendered to meet safeguard compliance obligations, sold, or retained for future use. SMCs incentivise facilities to reduce their emissions below their baselines, including ongoing emissions reduction once a facility has dropped below the safeguard threshold. SMCs are not offsets.
Safeguard threshold	The number beyond which covered emissions produced by a facility in a financial year would cause it to be a designated large facility and therefore covered by the Safeguard Mechanism. The threshold is currently 100,000 tonnes of CO_2-e in a financial year.
Scope 1 emissions	Emissions of greenhouse gases released into the atmosphere as a direct result of the activity or activities at a facility level such as fuel combustion for electricity generation or cement production7. Some scope 1 emissions are not covered by the Safeguard Mechanism (see definition of covered emissions above).

[7] https://cer.gov.au/schemes/national-greenhouse-and-energy-reporting-scheme/about-emissions-and-energy-data/emissions#types-of-emissions

Revision history

Date	Description
4 September 2025	• Updated guidance in relation to user access permissions for completing, signing, and submitting the form (page 15).
31 August 2026	• Updating guidance to remove references to pre-reformed scheme. • General updates throughout guideline to improve clarity and usability for responsible emitters.

Who this guideline is for

This document provides guidelines about applying for an MYMP declaration under section 65 of the Safeguard Rule for a safeguard facility that is in an excess emissions situation.

The Clean Energy Regulator (CER) recommends that responsible emitters applying for an MYMP declaration for a facility consider this guideline.

All references to legislative provisions in this guideline document relate to Safeguard Rule unless otherwise indicated.

Part 1 Introduction

1.1 Multi-year monitoring periods (MYMP)

MYMPs help responsible emitters implement emissions intensity reduction activities by allowing a facility's net emissions and baseline to be managed cumulatively at the end of a multi-year period, rather than each financial year. This is particularly relevant where investment to reduce on-site emissions takes time to implement, as an MYMP enables responsible emitters to focus on delivering emissions reduction projects rather than managing safeguard excesses while their project takes effect.

The responsible emitter can specify the length of the MYMP they are applying for (up to 5 years). All MYMPs must conclude by no later than 30 June 2030.

1.2 Eligibility and application deadline

1.2.1 Eligibility requirements

To be eligible for an MYMP, the responsible emitter must meet the application requirements and satisfy the CER of the following:

- The amount of covered emissions the facility has emitted during the first financial year of the proposed MYMP exceeds the baseline emissions number for that financial year.
- During the multi-year period, the responsible emitter will conduct one or more activities to reduce the emissions intensity of the facility's production variable(s).
- The activities will be reasonably likely to prevent an excess emissions situation from existing in relation to the facility at the end of the multi-year period.

1.2.2 Application deadline

Applications must be received no later than **15 November** immediately following the end of the first financial year of the proposed MYMP. For example, 15 November 2026 is the deadline for an MYMP proposed to commence on 1 July 2025.

If a submission deadline falls on a Saturday, Sunday or public holiday in the Australian Capital Territory then the application can be submitted on the next business day, in accordance with subsection 36(2) of the *Acts Interpretation Act 1901*.

1.2.3 Interaction with SMCs and emissions management options

A facility may be eligible for SMCs at the conclusion of its MYMP, if the facility's covered emissions are below its baseline emissions number at the end of the multi-year period.

If an MYMP is approved, the responsible emitter will not be eligible for either:

- a determination that it is a trade-exposed baseline-adjusted (TEBA) facility, if the determination would commence in a year covered by the MYMP
- a borrowing adjustment determination for any financial year covered by the MYMP.

Any pre-existing borrowing adjustments which apply to a financial year covered by the MYMP must be revoked by the CER when making an MYMP.

Part 2 Application requirements

2.1 Preparing the application

The responsible emitter for a facility can apply for an MYMP declaration by submitting a form in Online Services[8].

The application form can be saved at any point, and it can be converted to PDF and printed at any stage.

Summary of information to provide in a MYMP application

- Responsible emitter for the facility
- Facility name
- First financial year that the MYMP would commence (e.g. 2025–26)
- Duration of the MYMP (between 2 and 5 financial years)
- Covered emissions in the first financial year of the proposed MYMP
- Declaration stating that the responsible emitter for the facility will:
  - conduct one or more activity during the MYMP to reduce the emissions intensity of production variables for the facility
  - as a result of conducting the activity(s), be reasonably likely to prevent an excess emissions situation from existing in relation to the facility for the MYMP
- Detailed plan explaining how the activity will prevent an excess emissions situation
- Summary of the plan (if approved, this summary will be published on the CER website)
- Explanation of any risks that the facility could be in an excess emissions situation after the compliance deadline for the last year of the MYMP

See detailed application requirements for more information.

2.2 Signing the declaration

The MYMP form includes a declaration confirming, among other things, that the information supplied is true and not misleading.

[8] https://onlineservices.cer.gov.au/

The person signing the declaration must be both:

- a responsible financial officer (RFO) of the applicant as defined under section 4 of the Safeguard Rule, or a person authorised by the RFO
- an executive officer (EO) of the applicant as defined under section 7 the NGER Act, or a person authorised by an EO.

The online form contains an upload document section to provide relevant evidence of the position held, or the authority to sign.

2.2.1 RFO and EO positions

A person who holds the position of chief executive officer, chief financial officer, or chief operating officer of the responsible emitter meets the definition of both an RFO and an EO.

A person who holds the position of a director or secretary meets the definition of an EO. They may also meet the definition of an RFO if they either:

- make, or participate in making, decisions that affect the whole, or a substantial part, of the business or affairs of the responsible emitter
- have the capacity to significantly affect the responsible emitter's financial standing.

2.2.2 Evidence of being an RFO or EO

If the application is being signed directly by an RFO or EO, evidence must be provided to show that the person meets the definition of an RFO or an EO in the Safeguard Rule or NGER Act. This should include:

- the person's position title(s) with the responsible emitter
- an explanation of how that position meets the relevant definitions in the Safeguard Rule and/or NGER Act.

The evidence may take the form of, for example, an excerpt of an organisational structure diagram or a written explanation of the person's role.

In the case of an RFO, it may be relevant for this explanation to include the person's duties, responsibilities, role in decision making, or capacity to significantly affect the responsible emitter's financial standing.

2.2.3 Evidence of authorisation to sign for an RFO or EO

If the application is being signed by a person who is authorised by an RFO or EO, the form must be accompanied by evidence that demonstrates:

- the authorisation to sign on behalf of the RFO or EO
- the RFO or EO meets the definition of their role in the Safeguard Rule or NGER Act.

The evidence may be in the form of an email or written document and include the following information:

- first and last name and position of the RFO or EO
- first and last name and position of the authorised person
- name of the responsible emitter and facility for which the MYMP application is being lodged
- explicit authorisation from the RFO or EO to the authorised person to sign the MYMP application
- evidence confirming the RFO or EO meets the relevant definition under the Safeguard Rule or NGER Act.

Example of email to meet evidence requirements in the online form

Dear [signatory's name]

In my power as the chief financial officer of **[responsible emitter's name]** I **[responsible financial officer's full name]** hereby authorise you**, [signatory' full name]**, to sign a multi-year monitoring period application for **[facility name]** commencing on the financial year beginning on 1 July **[first financial year applied for]**, on behalf of **[responsible emitter's name]**.

2.3 Submitting the application

Once all sections of the application are complete, including attaching the detailed summary plan documents and any required supporting information and authorisations, it can be submitted online. There are 2 options outlined below to sign and submit the application form in Online Services[9].

If you are having difficulty accessing, completing or submitting the online form, please contact the CER via cer-safeguardbaselines@cer.gov.au.

2.3.1 Online submission

An Online Services user with the 'manage facilities' user permission for the responsible emitter, who has either the authority or authorisation to sign the application can:

1. log in to Online Services
2. open the draft version of the application
3. review the declaration
4. submit the application directly online.

2.3.2 Print and upload

1. An Online Services user with the 'manage facilities' user permission for the responsible emitter can open the draft form and print a PDF copy of the application.
2. The person with either the authority or authorisation to sign the application can then sign the form (electronic signature is also acceptable).
3. The person with 'manage facilities' user permission may then upload the signed PDF to the online application form and submit it.

[9] https://www.cleanenergyregulator.gov.au/OSR/online-services

Part 3 Detailed application requirements

3.1 Responsible emitter

The application must be submitted by the current responsible emitter for the facility. This is the person (individual, body corporate, trust, corporation sole, body politic or local governing body) with operational control[10] of the facility.

The application form will be pre-filled with the responsible emitter's details based on the organisation identified in the user and organisation profile icon, which is found in the top right-hand corner of the Online Services page.

If an applicant needs to change to a different responsible emitter, click on the user profile icon and select 'Switch organisations'. If the required responsible emitter doesn't appear, contact a user within the organisation who has 'admin' access, and request they update user permissions to grant access. See NGER Online Services User Guide[11] for more information.

If a responsible emitter is not already registered under the NGER Act and is not a controlling corporation, the applicant must apply to register under section 15B of the NGER Act. For more information on how to identify the responsible emitter for a facility and apply for registration, see register as an NGER reporter[12].

3.2 Facility

The application form provides a list of safeguard facilities under the selected responsible emitter to choose from. If you need to make an application for a facility that is not listed, contact us[13].

3.3 First financial year and duration

The application must specify the first financial year that the MYMP would commence if approved.

MYMPs cannot be made for a part of a financial year. However, more than one responsible emitter may be responsible for a facility throughout the duration of an MYMP if there is a change of operational control.

The application must also specify the duration of the MYMP, which can be between 2 and 5 financial years. An MYMP cannot have an end date later than 30 June 2030. For example, an MYMP that starts on 1 July 2026 can be up to 4 years long – it cannot be 5 years, as that would put the end date past 30 June 2030.

Responsible emitters may apply to:

- reduce or extend the duration of an approved MYMP (to a minimum of 2 years or a maximum of 5 years)
- revoke an MYMP.

[10] https://cer.gov.au/schemes/national-greenhouse-and-energy-reporting-scheme/assess-your-obligations#assess-if-you-have-to-report
[11] https://cer.gov.au/document_page/nger-online-services-user-guide
[12] https://www.cleanenergyregulator.gov.au/NGER/Reporting-cycle/Register-and-deregister
[13] https://cer.gov.au/about-us/contact-us

Note that the CER may:

- reduce the duration of an MYMP so that it ceases to be in force at the end of the current financial year, if satisfied the emissions reduction plan is not being implemented or is not effective
- revoke an MYMP if the application included false or misleading information, without which the MYMP would not have been declared.

See variations and revocation to an MYMP for more information.

3.4 Covered emissions

The application must specify the amount of covered emissions from the operation of the facility during the first financial year of the proposed MYMP.

If the NGER report for the facility has been submitted, use the amount of covered emissions from that report. Otherwise, provide an estimate of covered emissions reasonably likely to be emitted at the facility during the first financial year.

To approve an MYMP application, the CER must be satisfied that the facility's covered emissions for the first financial year of the proposed MYMP are greater than the its baseline emissions number for that financial year. When deciding if this is the case, the CER can rely on the amount of covered emissions in an NGER report, even if that information was not available at the time the application was submitted.

3.5 Declaration

The application form includes a declaration in a 'tick box' format, stating that the responsible emitter will both:

- conduct an activity(s) to reduce the emissions intensity of production variables for the facility
- as a result of conducting the activity(s), be reasonably likely to prevent an excess emissions situation from existing in relation to the facility at the end of the MYMP.

The application needs to provide information and evidence substantiating the above declaration, which is provided in the detailed plan.

The application must be signed by a responsible financial officer, who makes this declaration on behalf of the responsible emitter. Therefore, the responsible emitter must have a high degree of confidence that the activity(s) will be conducted during the MYMP and will succeed in preventing an excess emissions situation.

3.6 Detailed plan requirements

3.6.1 Overview

The application must include a detailed plan setting out how conducting the activity(s) is reasonably likely to enable the responsible emitter to reduce the net emissions number for the facility during the MYMP.

In deciding whether to approve an MYMP application, the CER must be satisfied that the plan is likely to reduce the facility's covered emissions below the facility's baseline emissions number for the MYMP (that is to avoid an excess emissions situation). For further information see decision to make a multi-year monitoring period declaration.

The CER recommends that the detailed plan covers (at a minimum) each of the following matters, which are detailed further below:

- A description of the activity(s) including current status and evidence the activity(s) will be conducted during the MYMP.
- The expected timeline, including milestones, to conduct the activity(s).
- An explanation and evidence for how the planned activity(s) is reasonably likely to reduce the facility's emissions and the emissions intensity of its production variable during the MYMP.
- Estimates of:
  - the facility's covered emissions, net emissions and baseline for each financial year in the MYMP
  - the impact of the activity(s) on the emissions intensity of the relevant production variable(s) and on the facility's overall covered emissions for each financial year in the MYMP.
- A description of organisational capacity to deliver the activities in the specified timeframes.
- Analysis of the risks to the implementation or effectiveness of the activity(s), and the planned mitigation measures if the risks eventuate.

3.6.2 Recommended information and evidence to include in detailed plan

The obligation lies with the applicant to provide enough information and evidence for the CER to make an informed decision on the application.

Any additional information is encouraged, especially where aspects of the activity(s) or the emissions outcomes are not appropriately outlined by the types of evidence recommended below.

3.6.2.1 Description of activity(s)

Provide a description of each activity, including:

- the activity's current status
- how and when it will be implemented
- the production variable(s) to which it is applicable
- the manner and estimated amount of the activity's impact on the:
  - emissions intensity of the relevant production variable during the MYMP
  - net emissions number for the facility during the MYMP.

It is recommended that a responsible emitter notify the CER if there are any changes to these aspects of the plan at any time during the MYMP.

Provide evidence demonstrating that the activity will be conducted during the MYMP. Examples may include evidence that the responsible emitter has:

- made funding or planning commitment for the activity(s) to take place (e.g. internal documents or extracts of those documents, showing that the responsible emitter's decision making body has approved the activity to proceed)

- secured, or will secure, funding for the activity(s), particularly evidence of any third-party funding that has been sought or secured. This may include government funding for the activity(s) (e.g. via Powering the Regions or the Clean Energy Finance Corporation)
- secured or progressed any required government approvals
- entered into contractual agreements required to implement the activity(s)
- the ability to secure the required workforce for the activity(s) and any related tasks or projects
- secured or can secure the materials to enable the activity(s) to take place.

Note that the responsible emitter must declare that they will conduct this activity(s) during the MYMP. The CER requires a high degree of confidence that the activity(s) will be conducted as described.

3.6.2.2 Expected timeline and milestones

The CER needs to be satisfied the activity(s) will reduce the facility's covered emissions below its baseline emissions number during the MYMP.

Provide a timeline indicating when each activity will be implemented. The timelines should provide at least a high-level overview of the timing and duration of each milestone to set up and conduct the activity(s).

Provide evidence, such as an approved project plan or project schedule, to support the timeline.

It is recommended that a responsible emitter notify the CER if there are any changes to the timeline at any time during the MYMP.

Note the CER may reduce the duration of an MYMP so that it ceases to be in force at the end of the current financial year, if satisfied that the activity(s) contained in the plan are not being implemented and the facility's covered emissions are likely to exceed its baseline emissions number for the MYMP. For more see variation by the CER.

3.6.2.3 Explanation of how the activity(s) reduces emissions

Explain how the planned activity(s) is reasonably likely to reduce the facility's emissions and the emissions intensity of its production variables during the MYMP.

Provide evidence that the activity(s) are reasonably likely to operate in the manner described, and to be effective.

The amount of explanation and evidence required may depend on whether the activity(s) is relatively established or is more novel. The CER will seek further information if required.

3.6.2.4 Estimated emissions, baselines and impacts

The detailed plan should include estimates of the following figures, for each financial year of the MYMP:

- amount of covered emissions for the facility
- amount of net emissions for the facility
- annual baseline emissions number for the facility

- impact of each activity on the emissions intensity of each relevant production variable
- impact of each activity on the facility's overall covered emissions.

This information can be provided in a spreadsheet or within the detailed plan document.

If you anticipate other factors will impact the facility's net or covered emissions during the MYMP, provide an explanation of their anticipated effect so that the CER can distinguish the effect of the MYMP activity(s).

The CER will use the estimate data to assess whether the plan is reasonably likely to reduce the amount of the facility's covered emissions below the facility's baseline emissions number for the MYMP.

The detailed plan should explain how the estimates were prepared, including:

- a summary of the material assumptions that provide a reasonable basis for all forecasts
- a description of any calculations that were used to develop the forecasts
- evidence of the reasonableness of the forecasts (for example, excerpts from capital plans or engineering reports from which the forecasts have been derived).

Preparation of estimates

The estimates should take into account any expected changes resulting from implementation of the activity(s), such as changes to production.

Estimates should clearly show the financial year during which the aggregate covered emissions for the MYMP are expected to first fall below the baseline emissions number for the MYMP period.

If an applicant has a range of estimates under different scenarios with different underlying assumptions, each set of estimates should be provided with an explanation of why that estimate value was chosen over other values.

If there is a large range in the estimate values or a high degree of uncertainty associated with the forecasts, timing, or predicted effectiveness of the activity(s) in reducing emissions intensity and covered emissions, include an explanation of why an excess emissions situation is likely to be prevented because of conducting the activity(s) during the MYMP.

Calculations and modelling used to derive the forecasts should be transparent, repeatable and based on internal standard procedures where available.

Forecasts of covered emissions, production variable quantities, and emissions intensity values must be calculated in accordance with the relevant methods specified in the NGER legislation. This includes the specific requirements for attributing covered emissions to production variables under the Safeguard Rule.

MYMP and emissions intensity determination

A facility that has one or more production variables that began commercial production before 1 July 2023 (an existing facility) may have, or be eligible for, an emissions intensity determination (EID).

If submitting an MYMP application while awaiting the CER's decision on an application for a new EID, provide evidence to support the estimates of the annual baseline emissions numbers for the facility in your MYMP application. This must substantiate the facility-specific emissions intensity value used in the calculation of

the estimates. The evidence should include the calculations made to determine the facility-specific emissions intensity value for each production variable.

When estimating the baseline number for a facility with an EID in place, the EID may be varied if the facility:

- is affected by a relevant regulatory change
- changes its NGER reporting method for an emissions source.

Account for any such change when calculating the estimated baseline emissions numbers for relevant years and explain the change, including your calculations, in the detailed plan.

3.6.2.5 Organisational capacity

The detailed plan should demonstrate the responsible emitter has the capacity to implement the activity(s) at the facility within the timeframe required.

This information must demonstrate that the activity(s) is reasonably likely to be implemented and to reduce the amount of the facility's covered emissions below its baseline emissions number for the MYMP. It should include the applicant's:

- resources (financial and personnel), including relevant expertise and qualifications of personnel
- experience in delivery of activities or projects of a similar scale
- access to necessary equipment and technology.

3.6.2.6 Risks and mitigation strategies

The detailed plan should provide information on all risks the responsible emitter is aware of that may result in the activity(s) not being implemented, or being delayed such that the amount of the facility's covered emissions reductions do not avoid an excess emissions situation at the end of the MYMP.

Risks may include (but are not limited to):

- activity risks – which may cause the activity(s) to not be implemented
- timeline risks – which could impact whether the activity(s) is completed on time
- performance risks – which could cause the activity(s) to not meet the forecast covered emissions reductions.

The information provided should include a description of each risk, the likelihood and severity of each risk, how the responsible emitter plans to mitigate the risk, and the expected outcome of the mitigation activities.

The applicant must also provide an explanation of all risks the responsible emitter is aware of that may cause the responsible emitter to breach section 22XF of the NGER Act. For further information see explanation of risks of breaching section 22XF of the NGER Act.

3.6.3 Plan summary

The application must include a summary of the detailed plan. If the application is approved, the CER is required to publish this summary on its website.

Before submitting your MYMP application, check whether the public release of the information in the summary plan will affect any of the company's current or future public reporting, information disclosure or other legal obligations.

The plan summary should include the following:

- a description of the activity(s) and how they will reduce the facility's net emissions
- financial year(s) the activity(s) is expected to start
- the expected net emissions amount for the MYMP, if the activity(s) proceed as planned
- the financial year in which the amount of the facility's covered emissions is expected to be below the baseline emissions number.

The summary should be no more than 1,000 words.

Responsible emitters generally format their summary on a company letterhead or as a branded report. For examples of how plan summaries have been formatted by other responsible emitters, see published summary plans[14].

3.7 Explanation of risks of breaching section 22XF of the NGER Act

Under section 22XF of the NGER Act, a responsible emitter for the facility must ensure it is not in an excess emissions situation on the 1 April following the end of the MYMP.

The MYMP application must:

- identify whether the responsible emitter is aware of any risks that they will breach section 22XF of the NGER Act at the end of the MYMP, if it is declared
- include an explanation of how the responsible emitter proposes to mitigate each risk.

The application form allows the risks to be provided in text as an attached file, or as part of the detailed plan.

Part 4 Other matters

4.1 Variations and revocation to an MYMP

4.1.1 Variation and revocation by the responsible emitter

Once an MYMP declaration has been approved by the CER, the responsible emitter may apply to vary the MYMP to extend or reduce its length (between the minimum of 2 and the maximum of 5 years' total duration), or revoke the MYMP.

An application must include:

- reasons for the proposed variation or revocation

[14] https://cer.gov.au/markets/reports-and-data/safeguard-data/multi-year-monitoring-period-data#mymp-emissions-reduction-summary-plan

- if the variation would affect the length of a monitoring period for any person other than the applicant, the written consent of that person.

The CER will assess the application and either make the requested variation or revocation, or supply written notice of a decision not to grant the request.

Please contact the CER if you wish to apply for an MYMP variation or revocation.

4.1.2 Variation by the CER

The CER may unilaterally reduce the duration of an MYMP if satisfied that both:

- the responsible emitter is not implementing, or cannot implement, the emissions intensity reduction plan
- the facility's covered emissions are likely to exceed its baseline emissions number for the MYMP.

A variation for this reason will result in the MYMP ceasing to be in force at the end of the financial year in which the CER becomes satisfied of the 2 matters noted above.

If the CER is considering varying an MYMP, the CER will provide a written notice of intent to the responsible emitter. This will include an opportunity for the responsible emitter for the facility to make submissions to the CER, prior to this decision being finalised.

It is recommended that a responsible emitter notify the CER if there are changes to the planned activity(s) for the MYMP, including to the activity timeline.

4.1.3 Revocation by the CER

The CER may unilaterally revoke an MYMP if any material contained in the application or otherwise provided to the CER in connection with making the MYMP declaration included false or misleading information, without which the declaration would not have been approved.

This includes estimates, figures or any other supporting information in the detailed plan or summary plan.

If the CER is considering revoking an MYMP on this basis, the CER will provide a written notice of intent to the responsible emitter. This will include an opportunity for comment by the responsible emitter prior to this decision being finalised.

4.2 Processing, decision making and publication

4.2.1 Application receipt and processing timeframes

On receipt of the application, the CER will review the application to ensure that it is complete. If the application is incomplete, the CER may give the responsible emitter a notice to provide further information, so that a formal assessment of the application can begin (see below).

Once the application is complete, the CER will take all reasonable steps to ensure a decision is made by the later of:

- 31 January after the end of the first financial year of the proposed MYMP
- 60 days after the applicant provides information in accordance with a request for further information.

A responsible emitter may, by written notice to the CER, withdraw an application at any time before a decision is made on the application.

4.2.2 Requests for further information

If additional information is required at any point to inform the decision making process, the CER may request this from the responsible emitter through either:

- an informal request
- a formal request under section 66 of the Safeguard Rule.

The request will specify the period in which the information must be provided, which is typically 14 days.

If the requested information is not provided within the specified period, the CER may refuse to consider the application or refuse to take any further action in relation to the application.

4.2.3 Decision to make a MYMP declaration

The CER must be satisfied the facility's covered emissions for the proposed first financial year of the MYMP are greater than the facility's baseline emissions number for that financial year. If this is the case, the CER may make a declaration, having regard to:

- whether the responsible emitter has previously been in an excess emissions situation after the compliance deadline specified under section 22XF of the NGER Act
- whether the CER considers that there is a significant risk the responsible emitter will be in an excess emissions situation after the compliance deadline specified under section 22XF of the NGER Act after the end of the MYMP
- whether the CER considers that the responsible emitter is likely to experience financial stress in, or immediately after, the MYMP
- whether the CER considers that the plan is likely to reduce facility's covered emissions below its baseline emissions number for the MYMP
- any other matters the CER considers relevant including whether the information in the application is correct.

If the CER decides to declare the MYMP, the responsible emitter will be notified by email shortly after the decision has been made. This will include the following details of the declaration:

- the first financial year in which the MYMP will commence
- the duration of the MYMP.

The notification will also explain which information about the MYMP will be published on CER's website.

4.2.4 Decision to refuse to make a MYMP declaration

Before a decision to refuse to make a MYMP declaration is made, the CER will notify the responsible emitter in writing that it intends to refuse the application and provide reasons for the proposed decision. The responsible emitter will have an opportunity to respond to the proposed reasons.

If the CER subsequently decides to refuse to make the MYMP declaration, it will provide the responsible emitter with written notice of the decision, including reasons for the decision.

4.2.5 Review rights

A person whose interests are affected by a decision of the CER to make, or refuse to make, an MYMP declaration and is not satisfied with the decision may apply to the Administrative Review Tribunal for review of the decision.

The CER will notify the responsible emitter of their review rights when making a decision (refer to section 56 of the NGER Act for more details).

4.2.6 Publication of details of the determination

The CER is required under section 67(5)(b) of the Safeguard Rule to publish the details of all MYMP declarations on its website. Details of the MYMP declaration will be published as soon as practical to do so and will include the:

- type of declaration
- facility name
- responsible emitter for the facility
- start and end date of the declaration
- plan summary provided by the responsible emitter in the MYMP application.

If the MYMP declaration is varied or revoked, details of the variation or revocation will also be published.

The CER must also publish a range of information about facilities under section 72 of the Safeguard Rule, including the annual baseline emissions number, covered emissions, and information on units issued or surrendered under the scheme.

Data published under these requirements is available at safeguard data[15].

4.2.7 Request not to publish details of an MYMP declaration

Under specific circumstances, responsible emitters can apply under section 25 of the NGER Act to request some details of an MYMP declaration not be published.

A request can only be made in relation to information which reveals or could be capable of revealing either:

- trade secrets

[15] https://cer.gov.au/markets/reports-and-data/safeguard-data

- any other matter having a commercial value that would be, or could reasonably be expected to be, destroyed or diminished if the information were disclosed about a specific facility, technology or corporate initiative relating to the corporation or person.

In assessing an application, the CER will consider whether the applicant has demonstrated that there are real and substantial grounds to find that publishing the information will (or could reasonably) reveal a trade secret, or affect the commercial value of a specific facility, technology, or corporate initiative. Grounds that are speculative, hypothetical, or theoretical will not be sufficient.

For more information about how to make a request for information not to be published see application for information not to be published[16].

4.2.8 Explanation of performance after the MYMP

By **31 October** following the final financial year of the MYMP, the responsible emitter for the facility must submit an explanation of performance.

This is a statement explaining how the facility performed against the plan provided in the application. This statement will be published on the CER website.

This statement should include:

- an explanation of any variations from the activity(s), timeframes, and other details described in in the detailed plan
- a description of the actual emissions intensity reductions compared to the forecasts in the application
- an explanation of the resulting impact on the amount of the facility's covered emissions
- an explanation of whether the net emissions number for the facility for the multi-year period was reduced by the amount forecast in the plan, and if not, why that is the case
- if relevant, an explanation as to why the amount of the facility's net emissions exceeded its baseline emissions number on conclusion of the MYMP.

The summary should be no more than 1,000 words.

Responsible emitters generally format their summary on a company letterhead. For examples of how explanations of performance have been formatted by other responsible emitters, you can see published MYMP explanations of performance[17].

[16] https://cer.gov.au/schemes/national-greenhouse-and-energy-reporting-scheme/about-emissions-and-energy-data#:~:text=Application%20for%20information%20not%20to%20be%20published
[17] https://cer.gov.au/markets/reports-and-data/safeguard-data/multi-year-monitoring-period-data#mymp-explanation-of-performance