

## THE UNITING CHURCH IN AUSTRALIA ENFORCEABLE UNDERTAKING

### *National Greenhouse and Energy Reporting Act 2007*

Undertaking to the Regulator given for the purposes of section 45 of the *National Greenhouse and Energy Reporting Act 2007*

by

### THE UNITING CHURCH IN AUSTRALIA PROPERTY TRUST (NSW)

ABN 77 005 284 605

#### Glossary

1. In this Undertaking, unless the contrary intention appears, the following definitions apply:

"Act" means the *National Greenhouse and Energy Reporting Act 2007*

"Reporting" or "report" means the greenhouse gas emission, energy production or energy consumption reporting as required by s19 of the Act.

"Regulations" means the *National Greenhouse and Energy Reporting Regulations 2008*

"Regulator" means the Clean Energy Regulator

"The Uniting Church" means The Uniting Church in Australia Property Trust (NSW)

"Undertaking" means this enforceable undertaking.

#### Person giving undertaking

2. This Undertaking is given to the Regulator by The Uniting Church for the purposes of section 45 of the Act.

#### Background

3. The Uniting Church is a statutory trust established by the *Uniting Church in Australia Act 1977 No 47* and the *Uniting Church in Australia Act 1977 No 15 (ACT)* and it holds the assets of the Uniting Church in Australia, Synod of NSW and the ACT in accordance with these Acts and the *Uniting Church in Australia Regulations*.

4. Clauses 4.4.1 and 4.5.2 of the *Uniting Church in Australia Regulations* provide that individual church congregations are responsible for the management and control of all property of the Church acquired or held for the use of the individual congregations.
5. The Uniting Church is registered as a controlling corporation under section 17 of the Act.
6. 2009/2010 was the first financial year that The Uniting Church was required to report under the Act.

#### **Reporting**

7. The Act requires registered controlling corporation's to report on their greenhouse gas emissions, energy consumption and energy production for each financial year that they are registered.
8. Sections 19, 22G and 22X of the Act set out the reporting requirements.
9. The Uniting Church is required to report under section 19 of the Act.
10. Under paragraph 19(6)(d) of the Act a report must be submitted to the Regulator before the end of four months after the end of the financial year.

#### **Failure to meet reporting obligations**

11. The Uniting Church failed to submit its report for the 2013-2014 financial year by the due date of 31 October 2014.
12. The Uniting Church acknowledges that it failed to meet its obligations under the Act.

#### **Undertaking**

13. Under paragraph 45(1)(a) of the Act, the Regulator may accept a written undertaking given by a person that the person will take specified action in order to comply with the provisions of the Act or the Regulations, and under paragraph 45(1)(c) of the Act, the Regulator may accept a written undertaking given by a person that the person will take specified action directed towards ensuring that the person does not commit a contravention of the Act or the Regulations, or is unlikely to commit a contravention of the Act or the Regulations, in the future.
14. The Uniting Church hereby undertakes to:
  - a. submit their report before the end of four months after the end of the 2015/2016 financial year;

- b. submit their report before the end of four months after the end of the 2016/2017 financial year;
- c. submit their report before the end of four months after the end of the 2017/2018 financial year;
- d. engage an external contractor with appropriate skills and experience with the aim of ensuring the reports required to be submitted by The Uniting Church under section 19 of the Act in relation to the 2015/2016, 2016/2017 and 2017/2018 financial years are produced using best practice reporting methodologies.

#### **Acknowledgements**


- 15. The Uniting Church acknowledges:
  - a. the Regulator will make this Undertaking publicly available, including by publishing it on the Regulator's website;
  - b. the Regulator and officers of the Regulator will, from time to time, make public reference to this Undertaking;
  - c. this Undertaking in no way derogates from the rights and remedies available to any other person arising from any conduct of the Uniting Church;
  - d. The Uniting Church undertakes to pay all costs associated with its compliance with this Undertaking;

#### **Commencement of Undertaking**

- 16. This Undertaking comes into effect when:
  - a. the Undertaking is executed by The Uniting Church; and
  - b. the Regulator accepts the undertaking so executed.
- 17. This Undertaking ceases to have effect once the requirements of clause 13 have been completed.

**Executed by**

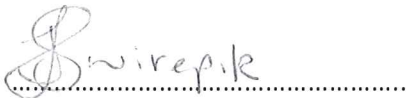
18. The Uniting Church in Australia Property Trust (NSW) ABN 77 005 284 605 by its authorised representative



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John Kitchener  
Executive Director  
This 28<sup>th</sup> day of July 2015

Accepted by the Clean Energy Regulator pursuant to section 45 of the *National Greenhouse and Energy Reporting Act 2007*



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Jody Swirepik  
Delegate of the Regulator  
This 10<sup>th</sup> day of August 2015