



Energy Efficiency Opportunities Amendment Bill 2006

Angus Martyn
Law and Bills Digest Section

Contents

Purpose.	2
Background.	2
Financial implications	3
Main provisions.	3
Endnotes.	4

Energy Efficiency Opportunities Amendment Bill 2006

Date introduced: 30 November 2006

House: House of Representatives

Portfolio: Industry, Tourism and Resources

Commencement: Sections 1 to 3, and items 6 to 8 of Schedule 1 commence on Royal Assent. Items 1 to 5 of Schedule 1 commence retrospectively - they are taken to have commenced when the Energy Efficiencies Opportunities Act 2006 came into force on 6 April 2006.

Purpose

To make some relatively minor changes to the *Energy Efficiencies Opportunities Act 2006*.

Background

The Commonwealth's Energy Efficiency Opportunities (EEO) program is designed to 'encourage' large energy-using corporations to improve their energy efficiency. It does this by requiring them to assess their operations to identify how they could improve energy efficiencies. They are not required to actually implement any opportunities identified, but relevant corporations are required to report on how they have responded to such opportunities.

The energy 'threshold' for corporations under the *Energy Efficiencies Opportunities Act 2006* (the EEO Act) is 0.5 petajoules (PJ) of energy per year. Those that use in excess of this must register and participate in the EEO program. It is estimated that around 250 corporations in Australia exceed the threshold. Such corporations have until March 31 2007 to register with the program. The most current publicly available list of registered corporations can be accessed at the website relating to the EEO program - see <http://www.energyefficiencyopportunities.gov.au/index.cfm?event=object.showIndexPage&objectid=B14F411B-D56D-2C65-A1CBE90C576E2F60>. The initial assessment reports by registered corporations on energy efficiencies need not be completed until June 2008.

The various legal obligations, reporting provisions and enforcement powers relating to the EEO program are set out in the EEO Act and Energy Efficiencies Opportunities Regulations 2006.

Warning:

This Digest was prepared for debate. It reflects the legislation as introduced and does not canvass subsequent amendments.

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

According to the Minister's second reading speech, the Energy Efficiency Opportunities Amendment Bill 2006 (the Bill) is required:¹

to make technical amendments to the Energy Efficiency Opportunities Act 2006 to correct a small number of anomalies to properly align the act with the original publicly understood policy intent and to improve its administration.

The Bill amends the act to:²

- clarify that corporations do not need to register if they are already registered
- make clear that the period allowed for program participants to submit their assessment plans and the consequential timing of the five-year assessment cycle starts immediately after the end of the energy-use trigger year; and
- [allow] the secretary's powers and responsibilities to be delegated to acting Senior Executive Service employees.

The Bill was briefly debated in the House of Representatives on 7 December 2006. There were no substantive amendments proposed.

Financial implications

The Explanatory Memorandum states that the Bill will have no financial implications.

Main provisions

Items 1-5 make various technical amendments to clarify various obligations of corporations subject to the EEO program under the EEO Act.

Item 6 will allow the existing powers of the Secretary³ under the EEO Act to be delegated to a person who is an acting SES employee. Currently the delegate must be a substantive SES employee.

Item 7 provides that the Energy Efficiencies Opportunities Regulations 2006 (as existing at the time the Bill commences) are deemed to be valid. Although not explicitly stated, presumably there may be inconsistencies between the current EEO Act and Regulations. **Items 1-4** amend the EEO Act to correct some anomalies as mentioned above and should eliminate these inconsistencies. **Item 6** will ensure that any actions already taken under the Regulations are valid.

The intent of **item 8** is similar to **item 7**. It provides that assessment plans submitted before the commencement of the Bill are taken to be plans properly submitted under the amended EEO Act.

Warning:

This Digest was prepared for debate. It reflects the legislation as introduced and does not canvass subsequent amendments.

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

Endnotes

1. The Hon. Ian MacFarlane, House of Representatives, *Debates*, 29 November 2006, p. 11.
2. *ibid.*
3. This is currently the Secretary of the Department of Industry, Tourism and Resources.

© Copyright Commonwealth of Australia 2007

Except to the extent of the uses permitted under the *Copyright Act 1968*, no part of this publication may be reproduced or transmitted in any form or by any means including information storage and retrieval systems, without the prior written consent of the Department of Parliamentary Services, other than by senators and members of the Australian Parliament in the course of their official duties.

This brief has been prepared to support the work of the Australian Parliament using information available at the time of production. The views expressed do not reflect an official position of the Parliamentary Library, nor do they constitute professional legal opinion.

Members, Senators and Parliamentary staff can obtain further information from the Parliamentary Library on (02) 6277 2764.

Warning:

This Digest was prepared for debate. It reflects the legislation as introduced and does not canvass subsequent amendments.

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.