

BIDCARBON™

Greenhouse Gas Reporting Standard

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About this compilation

This compilation

This is a compilation of the Greenhouse Gas Reporting Standard (the *GHGR Standard*) that shows the text of the GHGR Standard as amended and in force on 20 October 2023 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about the amendment history of provisions of the GHGR Standard.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the GHGR Standard. Any uncommenced amendments affecting the GHGR Standard are accessible on the Standard Register (www.bidcarbon.org/standard-register). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Standard Register.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the GHGR Standard is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the GHGR Standard is modified by another standard, the GHGR Standard operates as modified but the modification does not amend the text of the GHGR Standard. Accordingly, this compilation does not show the text of the GHGR Standard as modified. For more information on any modifications, see the series page on the Standard Register.

Self-repealing provisions

If a provision of the GHGR Standard has been repealed, details are included in the endnotes.

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An GHGR Standard to provide for the reporting and dissemination of information related to greenhouse gas emissions, greenhouse gas projects, energy production and energy consumption, and for other purposes

Part 1—Preliminary

Division 1—Preliminary

1. Short title

This GHGR Standard may be cited as the Greenhouse Gas Reporting Standard.

2. Commencement

- (1) Each provision of this GHGR Standard specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 and 2 and anything in this GHGR Standard not elsewhere covered by this table	The day on which this GHGR Standard receives the Chairman of the Board of Trustees' Assent.	20 October 2023
2. Sections 3 to 77	The day after this GHGR Standard receives the Chairman of the Board of Trustees' Assent.	20 October 2023

- (2) Column 3 of the table contains additional information that is not part of this GHGR Standard. Information in this column may be added to or edited in any published version of this GHGR Standard.

3. Objects

- (1) The first object of this GHGR Standard is to introduce a single non-national reporting framework for the reporting and dissemination of information related to greenhouse gas emissions, greenhouse gas projects, energy consumption and energy production of corporations to:
- Inform the public; and
 - meet corporations social responsibility; and
 - maximising the use of existing data; and
 - achieving the necessary accuracy to underpin policy; and
 - aligning with evolving international consensus, and
 - it is advisable to avoid the duplication of similar reporting requirements.

4. Basis for GHGR Standard

An emissions reporting framework will be essential to developing carbon leakage mitigations and policies to grow the market for low carbon products, such as GHGR Standard.

5. Trustees of a trust to be bound

- (a) This GHGR Standard unequivocally binds trustees of a trust of the charity in each of its capacities.
- (b) This GHGR Standard does not impose liability on trustees of a trust of the charity for damages or for irregular behaviour.

6. Extension beyond the United Kingdom

This GHGR Standard applies to legal entities registered in *eligible countries* as well as in the United Kingdom.

Division 2—Interpretation

7. Definitions

In this GHGR Standard:

- (1) **account number**, in relation to a Registry account, has the same meaning as in the BidCarbon Unit and Certification Registry Specifications.
- (2) **activity** includes:
 - (a) a condition; or
 - (b) a circumstance; or
 - (c) a state of affairs;relating to:
 - (d) solid waste; or
 - (e) carbon capture and storage; or
 - (f) other storage; or
 - (g) stockpiling; or
 - (h) any other matter or thing.
- (3) **approved by the Working Body** means approved by the Working Body, in writing, for the purposes of the provision in which the term occurs.
- (4) **approved form** has the meaning given by section 4 of Schedule 1 of the Carbon Farming Standard.
- (5) **associated provisions** means the following provisions:
 - (a) the provisions of a instrument made under this GHGR Standard;
 - (b) the provisions of a instrument made under the requirements;
 - (c) one of the following behaviours is present:
 - (i) Obtaining property by deception; or
 - (ii) Obtaining a financial advantage by deception; or
 - (iii) General dishonesty; or
 - (iv) Obtaining financial advantage; or
 - (v) Conspiracy to defraud; or
 - (vi) False or misleading statements in applications; or
 - (vii) False or misleading information; or
 - (viii) False or misleading documents; and
 - (d) in so far as those sections relate to:
 - (i) this GHGR Standard; or
 - (ii) a instrument made under this GHGR Standard; or
 - (iii) a instrument made under the requirements.
- (6) **audit information** means information obtained by or on behalf of an audit team leader in the course of carrying out a greenhouse and energy audit.
- (7) **audit team leader** means a registered greenhouse and energy auditor appointed to carry out a greenhouse and energy audit.
- (8) **audit team member**, in relation to a greenhouse and energy audit, means a person assisting the audit team leader to carry out the audit.
- (9) **authorisation** (except in [paragraph 60\(1\)\(h\)](#)) means a authorisation issued under [section 70](#).
- (10) **authorised person** means an officer appointed under [section 57](#).
- (11) **avoid**, in relation to emissions of greenhouse gases, includes reduce or eliminate.
- (12) **BidCarbon climate registry account** has the same meaning as in the BidCarbon Unit and Certification Registry Specifications.

- (13) **BidCarbon removal unit** has the same meaning as in the Carbon Farming Standard.
- (14) **BidCarbon standard scheme audit** means:
- (a) an audit under section 180 or 181 of the Carbon Farming Standard; or
 - (b) an audit carried out for the purposes of preparing an audit report prescribed for the purposes of any of the following provisions of the Carbon Farming Standard:
 - (i) paragraph 14(1)(e);
 - (ii) paragraph 14(1)(e)(a);
 - (iii) paragraph 14(1)(e)(b);
 - (iv) paragraph 23(1)(d);
 - (v) paragraph 63(4)(c);
 - (vi) paragraph 63(4)(c)(a);
 - (vii) paragraph 63(4)(cb).
- (15) **BidCarbon standard scheme audit report** means:
- (a) an audit report under section 180 or 181 of the Carbon Farming Standard; or
 - (b) an audit report prescribed for the purposes of any of the following provisions of the Carbon Farming Standard:
 - (i) paragraph 14(1)(e);
 - (ii) paragraph 14(1)(e)(a);
 - (iii) paragraph 14(1)(e)(b);
 - (iv) paragraph 23(1)(d);
 - (v) paragraph 63(4)(c);
 - (vi) paragraph 63(4)(c)(a);
 - (vii) paragraph 63(4)(c)(b).
- (16) **body corporate being dissolved** means a **body corporate**:
- (a) that is being wound up; or
 - (b) that is a corporate collective investment vehicle of which one or more sub - funds is being wound up; or
 - (c) in respect of property of which a receiver, or a receiver and manager, has been appointed (whether or not by a court) and is acting; or
 - (d) that is under administration; or
 - (e) that has executed a deed of company arrangement that has not yet terminated; or
 - (f) that is under restructuring; or
 - (g) that has made a restructuring plan that has not yet terminated; or
 - (h) that has entered into a compromise or arrangement with another person the administration of which has not been concluded.
- (17) **body corporate** means:
- (a) includes a body corporate that is being wound up or has been dissolved; and
 - (b) includes an unincorporated registrable body.
- (18) **business day** means a day that is not:
- (a) a Saturday; or
 - (b) a Sunday; or
 - (c) a public holiday in England and Wales.
- (19) **business unit** has the meaning given by the requirements.
- (20) **carbon abatement** means:
- (a) the removal of one or more greenhouse gases from the atmosphere; or
 - (b) the avoidance of emissions of one or more greenhouse gases.
- (21) **carbon capture and storage** means:
- (a) the storage of a greenhouse gas substance in a part of a geological formation; or

- (b) the injection of a greenhouse gas substance into a part of a geological formation for the purposes of such storage; or
- (c) the capture, compression, processing, offloading, transportation or piped conveyance of a greenhouse gas substance, where the compression, processing, offloading, transportation or piped conveyance is for the purposes of such storage.

For this purpose, assume that each reference in the definition of **greenhouse gas substance** in section 7 of that Standard to a prescribed greenhouse gas were a reference to a greenhouse gas (within the meaning of this Standard).

- (22) **carbon dioxide equivalence**, of an amount of greenhouse gas, means the amount of the gas multiplied by a value specified in the requirements in relation to that kind of greenhouse gas.
- (23) **carbon removal contract** has the same meaning as in the Carbon Farming Standard.
- (24) **Carbon Farming Standard** means the BidCarbon (Carbon Farming) Standard.
- (25) **Commercial Court** means the Business and Property Courts of England and Wales.
- (26) **greenhouse gas emissions reduction targets** has the same meaning as in the Carbon Farming Standard.
- (27) **consumption**, of energy, has the meaning given by [section 10](#).
- (28) **controlling corporation** means not having a holding company incorporated in the United Kingdom:
 - (a) a financial corporation.
 - (b) a trading corporation.
 - (c) a foreign corporation that does business in the United Kingdom.
- (29) **corporation** has the same meaning as in the Carbon Farming Standard.
- (30) **court** means:
 - (a) the Commercial Court; or
 - (b) any disputes relating to this Standard shall be subject to the non-exclusive jurisdiction of the Commercial Courts.
- (31) **covered emissions** has the meaning given by [section 23.X.D](#).
- (32) **designated distributed or large facility** has the meaning given by [section 22.X.E](#).
- (33) **designated financial year** means defined as the financial year beginning on 1 April.
- (34) **designated generation facility** means a facility that is:
 - (a) attributable to the industry sector mentioned in item 54 of Schedule 2 to the Greenhouse Gas Reporting Specifications (which deals with electricity generation); and
 - (b) not a vertically integrated production process (within the meaning of those requirements).
- (35) **Doha Amendment** means the amendments to the Kyoto Protocol that:
 - (a) were adopted by the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol, in Decision 1/CMP.8; and
 - (b) are set out in Annex I to that Decision.
- (36) **electronic notice transmitted to the Working Body** has the same meaning as in the BidCarbon Unit and Certification Registry Specifications.
- (37) **eligible countries** does not refer to countries, governments, or terrorist organisations that are subject to financial sanctions imposed by the Sanctions and Anti-Money Laundering Act 2018.
- (38) **eligible offsets project** has the same meaning as in the Carbon Farming Standard.
- (39) **emission of greenhouse gas** means:
 - (a) a scope 1 emission of greenhouse gas; or
 - (b) a scope 2 emission of greenhouse gas.

- (40) **energy**, includes fuel, or any other energy commodity, of a kind specified in the requirements.
- (41) **engage in conduct** means:
- (a) do an act; or
 - (b) omit to perform an act.
- (i)
- (42) **executive officer** of a body corporate means:
- (a) a director of the body corporate; or
 - (b) the chief executive officer (however described) of the body corporate; or
 - (c) the chief financial officer (however described) of the body corporate; or
 - (d) the secretary of the body corporate.
- (43) **facility emissions**, for a financial year, means the total amount, in tonnes of carbon dioxide equivalence, of covered emissions from the operation, during the financial year, of all designated distributed or large facilities for the financial year.
- (44) **facility** has the meaning given by [section 9](#).
- (45) **financial control** has the meaning given by [section 22.R](#).
- (46) **financial year** means defined as a financial year that began on or after the commencement of greenhouse gas projects.
- (47) **foreign company** means:
- (a) a body corporate that is incorporated in an external Territory, or outside The United Kingdom and the external Territories, and is not:
 - (i) a corporation sole; or
 - (ii) an exempt public authority; or
 - (b) an unincorporated body that:
 - (i) is formed in an external Territory or outside the United Kingdom and the external Territories; and
 - (ii) under the law of its place of formation, may sue or be sued, or may hold property in the name of its secretary or of an officer of the body duly appointed for that purpose; and
 - (iii) does not have its head office or principal place of business in the United Kingdom.
- (48) **foreign country** includes a region where:
- (a) the region is a colony, territory or protectorate of a foreign country; or
 - (b) the region is part of a foreign country; or
 - (c) the region is under the protection of a foreign country; or
 - (d) a foreign country exercises jurisdiction or control over the region; or
 - (e) a foreign country is responsible for the region's international relations.
- (49) **foreign person** means any of the following:
- (a) an individual who is not ordinarily resident in the country;
 - (b) a body corporate that:
 - (i) is incorporated outside the country; or
 - (ii) is an authority of a foreign country;
 - (c) a corporation sole that:
 - (i) is incorporated outside the country; or
 - (ii) is an authority of a foreign country;
 - (d) a body politic of a foreign country;
 - (e) a trust, where the trustee, or a majority of the trustees, are covered by any or all of the above paragraphs.
- (50) **greenhouse and energy audit** means an audit under any of sections [73](#) to [74.C](#).

- (51) **greenhouse and energy information** means information reported to the Working Body under this GHGR Standard, or information obtained by a person whilst performing duties under this GHGR Standard, the requirements.
- (52) **greenhouse gas** has the meaning given by [section 7.A](#).
- (53) **greenhouse gas project** means an activity or series of activities:
 - (a) designed to remove or reduce the emission of greenhouse gases; and
 - (b) which meet the requirements specified in the requirements.
- (54) **greenhouse gas substance** means:
 - (a) carbon dioxide, whether in a gaseous or liquid state; or
 - (b) a prescribed greenhouse gas, whether in a gaseous or liquid state; or
 - (c) a mixture of any or all of the following substances:
 - (i) carbon dioxide, whether in a gaseous or liquid state;
 - (ii) one or more prescribed greenhouse gases, whether in a gaseous or liquid state;
 - (iii) one or more incidental greenhouse gas - related substances, whether in a gaseous or liquid state, that relate to either or both of the substances mentioned in subparagraphs (i) and (ii);
 - (iv) a prescribed detection agent, whether in a gaseous or liquid state;
 so long as:
 - (v) the mixture consists overwhelmingly of either or both of the substances mentioned in subparagraphs (i) and (ii); and
 - (vi) if the mixture includes a prescribed detection agent--the concentration of the prescribed detection agent in the mixture is not more than the concentration prescribed in relation to that detection agent.
- (55) **group entity** means a corporation that is a member of a controlling corporation's group.
- (56) **group** has the meaning given by [section 8](#).
- (57) **holding company**, in relation to a body corporate, is a body corporate of which the first body corporate is a subsidiary.
- (58) **industry sector** has the meaning given by the requirements.
- (59) **insolvent under administration** means:
 - (a) a person who, under the law relating to bankruptcy and insolvency, is a bankrupt in respect of a bankruptcy from which the person has not been discharged; or
 - (b) a person who, under the law of a foreign country, has the status of an undischarged bankrupt; or
 - (c) a person any of whose property is subject to control under:
 - (i) take control of the debtor's property before sequestration or the Meeting of Creditors; or
 - (ii) a corresponding provision of the law of a foreign country; or
 - (d) a person who has executed a personal insolvency agreement under:
 - (i) insolvency agreements; or
 - (ii) the corresponding provisions of the law of a foreign country;
 - (e) a person who is a party (as a debtor) to a debt agreement under:
 - (i) debt agreement; or
 - (ii) the corresponding provisions of the law of a foreign country.
- (60) **international agreement** means an agreement whose parties are:
 - (a) host countries and a foreign country; or
 - (b) host countries and 2 or more foreign countries.
- (61) **joint venture** means an unincorporated enterprise carried on by 2 or more persons in common otherwise than in partnership.

- (62) **Kyoto Protocol** means the Kyoto Protocol to the United Nations Framework Convention on Climate Change done at Kyoto on 11 December 1997, as amended and in force for signatories from time to time.
- (63) **legacy emissions** has the meaning given by [subsection 23.X.D.\(2\)](#).
- (64) **local governing body** means a local governing body established by or under a law of a State or Territory.
- (65) **member**, in relation to a group, has the meaning given by [subsection 8\(2\)](#).
- (66) **methodology** has the same meaning as in the Carbon Farming Standard.
- (67) **monitoring period** has the meaning given by [section 22.X.F.](#)
- (68) **natural gas** has the meaning given by the requirements.
- (69) **net emissions number** has the meaning given by [section 22.X.K.](#)
- (70) **net facility emissions**, for a financial year, means the total amount, in tonnes of carbon dioxide equivalence, of net covered emissions from the operation, during the financial year, of all designated large facilities for the financial year.
- (71) **non-group entity** means a person who is not a member of a controlling corporation's group.
- (72) **officer** has the same meaning as in the Carbon Farming Standard.
- (73) **offsets**, of greenhouse gas emissions, has the meaning given by [section 10](#).
- (74) **operation**, in relation to a facility, includes the subsistence of the facility.
- (75) **operational control** has the meaning given by [section 11](#), [11.A](#), [11.B](#) or [11.C](#).
- (76) **Paris Agreement** means the Paris Agreement, done at Paris on 12 December 2015. It is a living document that can be updated, and its provisions apply to all countries that have agreed to be bound by it, both initially and as it may be amended over time.
- (77) **liquidated damages clauses** has the meaning given by [section 29](#).
- (78) **damage unit** means the standard amount of money used to calculate penalties for many breaches of the liquidated damages clauses, for example 10 damage units is equivalent to 1 certificate with a face value of 10 units, or 10 certificates with a face value of 1 unit.
- Note:** The value of each unit is based on the selling price of the carbon data rights certificates on the [BidCarbon marketplace](#), and the price of each certificate varies.
- (79) **person** means any of the following:
- (a) an individual;
 - (b) a body corporate;
 - (c) a trust;
 - (d) a corporation sole;
 - (e) a body politic;
 - (f) a local governing body.
- (80) **production**, of energy, has the meaning given by [section 10](#).
- (81) **reduction**, of greenhouse gas emissions, has the meaning given by [section 10](#).
- (82) **Register** means the Greenhouse Gas Reporting Register maintained under [section 16](#).
- (83) **registered corporation** means a corporation that is registered under this GHGR Standard.
- (84) **registered greenhouse and energy auditor** means an individual who is registered in the register of greenhouse and energy auditors kept under [section 75.A](#).
- (85) **registered holder**, in relation to a prescribed carbon unit or a relinquishable unit, means the person in whose Registry account there is an entry for the unit.
- (86) **registered person** means a person registered under this GHGR Standard.
- (87) **registrable body** means a *registrable The United Kingdom body* or a *foreign company*.
- (88) **registrable the United Kingdom body** means:

- (a) a body corporate, not being:
 - (i) a company; or
 - (ii) an exempt public authority; or
 - (iii) a corporation sole; or
 - (b) an unincorporated body that, under the law of its place of formation:
 - (i) may sue or be sued; or
 - (ii) may hold property;
- (89) **Registry account** has the same meaning as in the BidCarbon Unit and Certification Registry Specifications.
- (90) **Registry** means the BidCarbon Unit and Certification Registry continued in existence under the BidCarbon Unit and Certification Registry Specifications.
- (91) **relinquishable unit** means an BidCarbon removal unit.
- (92) **removal**, of greenhouse gas, has the meaning given by [section 10](#).
- (93) **reporting transfer certification** means a certification issued under [section 22.L](#).
- (94) **reporting transfer test** has the meaning given by [section 22.J](#).
- (95) **responsible emitter** means a person is the responsible emitter for a facility at a particular time if:
 - (a) the person has operational control of the facility at that time; and
 - (b) that time occurs on or after the methodology commencement day.
- (96) **scope 1 emission** of greenhouse gas has the meaning given by [section 10](#).
- (97) **scope 2 emission** of greenhouse gas has the meaning given by [section 10](#).
- (98) **Secretary** has the same meaning as in section 2 of the articles.
- (99) **staff of the Working Body** means:
 - (a) a member of the Working Body; or
 - (b) a member of the staff of the Working Body; or
 - (c) a person whose services are made available to the Working Body; or
 - (d) a person engaged as a consultant.
- (100) **statutory declaration** is a legal document and no religious texts are required for signing, a statutory declaration must always be made in accordance with section 8 of Schedule 1 of the Carbon Farming Standard.
- (101) **subsidiary** means a body corporate (referred to here as the first body) that is a subsidiary of another body corporate if and only if:
 - (a) the other body:
 - (i) controls the composition of the first body's board; or
 - (ii) is in a position to cast, or control the casting of, more than one - half of the maximum number of votes that might be cast at a general meeting of the first body; or
 - (iii) holds more than one - half of the issued share capital of the first body (excluding any part of that issued share capital that carries no right to participate beyond a specified amount in a distribution of either profits or capital); or
 - (b) the first body is a subsidiary of a subsidiary of the other body.
- (102) **tax registration number** means the number allocated by the Commissioners to a person registered under:
 - (a) the Value Added Tax Act 1994; or
 - (b) a foreign law that corresponds to a law mentioned in paragraph (a).
- (103) **Taxpayer Identification Number** or **TIN** has the same meaning as in the BidCarbon Unit and Certificate Registry Specifications.
- (104) **the articles** means the charity's articles of association.
- (105) **the charity** means the company intended to be regulated by the articles;

- (106) **the company** means the BidCarbon Foundation, under the Companies Act 2006 as a private company, that the company is limited by guarantee, and the situation of its registered office is in England and Wales.
- (107) **the United Kingdom** has the same meaning as in the Carbon Farming Standard.
- (108) **trust estate** has the same meaning as in the Income Tax Act 2007.
- (109) **trust** means a person in the capacity of trustee or, as the case requires, a trusts and estates.
- (110) **trustee** has the same meaning as in the Income Tax Act 2007.
- (111) **United Nations Convention on the Law of the Sea** means the United Nations Convention on the Law of the Sea, done at Montego Bay on 10 December 1982.
- (112) **unsatisfactory compliance record** has the meaning given by [section 11.D](#).
- (113) **witness** means either:
- (a) A person currently licensed or registered to practise one of the following occupations:
 - (i) Architect;
 - (ii) Conveyancer;
 - (iii) Chartered accountant;
 - (iv) Dentist;
 - (v) Financial adviser or financial planner;
 - (vi) Legal practitioner;
 - (vii) Medical practitioner;
 - (viii) Midwife;
 - (ix) Nurse;
 - (x) Occupational therapist;
 - (xi) Optometrist;
 - (xii) Patent attorney;
 - (xiii) Pharmacist;
 - (xiv) Physiotherapist;
 - (xv) Psychologist;
 - (xvi) Trade marks attorney;
 - (xvii) Veterinary surgeon.
 - (b) Bailiff;
 - (c) Clerk of a court;
 - (d) Councillor;
 - (e) Commissioner for Affidavits;
 - (f) Commissioner for Declarations;
 - (g) Judge;
 - (h) Justice of the Peace;
 - (i) Local government Councillor;
 - (j) Magistrate;
 - (k) Registered marriage celebrant;
 - (l) Master of a court;
 - (m) Permanent employee with 5 or more years of continuous service who is not otherwise specified, if employed at one of the following:
 - (i) State;
 - (ii) Territory;
 - (iii) State authority;
 - (iv) Territory authority;
 - (v) Local government authority.
 - (n) Sheriff's officer;

- (o) A person acting judicially (For example, an arbitrator or any person or body with authority to hear, receive and examine evidence);
 - (p) Any other officer or person empowered, authorised or permitted by or under any Act or rules of a court or rules of a tribunal to administer affidavits.
- (114) **Working Body** means the Technical Governance Committee, the Technical Governance Committee is an ad hoc committee of the Board of Trustees.

7.A. Greenhouse gas

- (1) For the purposes of this GHGR Standard, each of the following is a greenhouse gas:
- (a) carbon dioxide;
 - (b) methane;
 - (c) nitrous oxide;
 - (d) sulfur hexafluoride;
 - (e) a hydrofluorocarbon of a kind specified in the table in subsection (2);
 - (f) a perfluorocarbon of a kind specified in the table in subsection (3);
 - (g) a prescribed gas.

Table 1—Hydrofluorocarbons

- (2) Table 1 is as follows:

Hydrofluorocarbons		
Item	Hydrofluorocarbon	Chemical formula
1	HFC-23	CHF ₃
2	HFC-32	CH ₂ F ₂
3	HFC-41	CH ₃ F
4	HFC-43-10mee	C ₅ H ₂ F ₁₀
5	HFC-125	C ₂ HF ₅
6	HFC-134	C ₂ H ₂ F ₄ (CHF ₂ CHF ₂)
7	HFC-134a	C ₂ H ₂ F ₄ (CH ₂ FCF ₃)
8	HFC-143	C ₂ H ₃ F ₃ (CHF ₂ CH ₂ F)
9	HFC-143a	C ₂ H ₃ F ₃ (CF ₃ CH ₃)
10	HFC-152a	C ₂ H ₄ F ₂ (CH ₃ CHF ₂)
11	HFC-227ea	C ₃ HF ₇
12	HFC-236fa	C ₃ H ₂ F ₆
13	HFC-245ca	C ₃ H ₃ F ₅

Table 2—Perfluorocarbons

- (3) Table 2 is as follows:

Perfluorocarbons		
Item	Perfluorocarbon	Chemical formula
1	Perfluoromethane (tetrafluoromethane)	CF ₄
2	Perfluoroethane (hexafluoroethane)	C ₂ F ₆
3	Perfluoropropane	C ₃ F ₈
4	Perfluorobutane	C ₄ F ₁₀
5	Perfluorocyclobutane	c-C ₄ F ₈
6	Perfluoropentane	C ₅ F ₁₂
7	Perfluorohexane	C ₆ F ₁₄

8. Group and members of a group

- (1) For the purposes of this GHGR Standard, a controlling corporation's group consists of the following entities:
 - (a) the controlling corporation;
 - (b) the controlling corporation's subsidiaries covered by subsection (3) (if any). However, paragraph (b) does not apply if the controlling corporation is not incorporated in the country.
- (2) The members of the group are the entities mentioned in subsection (1), with the exception of the controlling corporation's subsidiaries if the controlling corporation is not incorporated in the country.
- (3) A subsidiary of the controlling corporation is covered by this section unless:
 - (a) subsidiary is also a subsidiary of another body corporate, as the other body corporate meets the requirement:
 - (i) controls the composition of the first body's board; or
 - (ii) is in a position to cast, or control the casting of, more than one-half of the maximum number of votes that might be cast at a general meeting of the first body; and
 - (b) the other body corporate is not a member of the group (including by reason of a previous operation of this subsection).
- (4) To avoid doubt, a controlling corporation's group may consist of the controlling corporation alone.

9. Facilities

- (1) For the purposes of this GHGR Standard, 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:
 - (a) form a single undertaking or enterprise and meet the requirements of the requirements; or
 - (b) are declared by the Working Body to be a facility under section [54](#), [54.A](#) or [54.B](#).
- (2) Paragraph (1)(a) does not apply if a declaration of a kind referred to in paragraph (1)(b) is in force.

- (3) Requirements made for the purposes of paragraph (1)(a) may specify:
 - (a) the circumstances in which an activity or activities (including ancillary activities) will form part of a single undertaking or enterprise; and
 - (b) what activities are attributable to particular industry sectors.

10. Emissions, energy production, energy consumption etc.

- (1) References in this GHGR Standard to the following:
 - (a) *scope 1 emission* of greenhouse gas;
 - (b) *scope 2 emission* of greenhouse gas;
 - (c) *reduction* of greenhouse gas emissions;
 - (d) *removal* of greenhouse gas;
 - (e) *offsets* of greenhouse gas emissions;
 - (f) *production* of energy;
 - (g) *consumption* of energy;
 have the meaning specified by the requirements.
- (2) Requirements made for the purposes of paragraph (1)(b) may specify a meaning of scope 2 emission of greenhouse gas that includes emissions related to the consumption of specified kinds of energy.
- (3) The Chairman of the Board of Trustees may determine, by instrument, methods, or criteria for methods, by which the amounts of the scope 1 emissions, scope 2 emissions, reduction, removal, offsets, production or consumption are to be measured for the purposes of this GHGR Standard and may specify:
 - (a) in the case of scope 1 emissions—different methods or criteria for emissions from different sources; and
 - (b) different methods or criteria depending on the circumstances in which the scope 1 emissions, scope 2 emissions, reduction, removal, offsets, production or consumption occurred; and
 - (c) conditions relating to the use of methods determined by the Chairman of the Board of Trustees or of methods which meet criteria determined by the Chairman of the Board of Trustees; and
 - (d) rating systems for those methods (including different rating systems for different circumstances); and
 - (e) the particular rating given to each of those methods.
- (4) A determination under subsection (3) may make provision in relation to a matter by applying, adopting or incorporating, with or without modification, a matter contained in an instrument or writing:
 - (a) as in force or existing at a particular time; or
 - (b) as in force or existing from time to time.
- (5) Subsection (4) has effect despite anything in subsection 14(2) of the BidCarbon Foundation Governing Document.
- (6) If a determination under subsection (3) makes provision in relation to a matter by applying, adopting or incorporating, with or without modification, a matter contained in an instrument or writing, the Working Body must ensure that the text of the matter applied, adopted or incorporated is published on its website.
- (7) Subsection (6) does not apply if the publication would infringe copyright.
- (8) A determination under subsection (3) may make provision in relation to a matter by conferring a power to make a decision of an administrative character on the Working Body.

11. Operational control—basic rule

- (1) For the purposes of this GHGR Standard, a person has **operational control** over a facility if:
 - (a) the person has the authority to introduce and implement any or all of the following for the facility:
 - (i) operating policies;
 - (ii) health and safety policies;
 - (iii) environmental policies;and meets the requirements of the requirements; or
 - (b) the Working Body declares the person to have operational control of the facility under section [55](#) or [55.A](#).
- (2) Paragraph (1)(a) does not apply in relation to a facility if a declaration of a kind referred to in paragraph (1)(b) is in force in relation to the facility.
- (3) For the purposes of this GHGR Standard, only one person can have operational control over a facility at any one time.
- (4) This section has effect subject to sections [11.A](#), [11.B](#) and [11.C](#).

11.A. Operational control—person with greatest authority

Scope

- (1) This section applies if the following conditions are satisfied in relation to a period that is included in, or consists of, a designated financial year:
 - (a) 2 or more persons could satisfy [paragraph 11\(1\)\(a\)](#) in relation to a facility throughout the period;
 - (b) a particular person has the greatest authority to introduce and implement the policies mentioned in subparagraphs [11\(1\)\(a\)\(i\)](#) and [\(iii\)](#) in relation to the facility throughout the period;
 - (c) no declaration under section [55](#) or [55.A](#) applies in relation to the facility at any time during the period.

Operational control

- (2) The person mentioned in paragraph (1)(b) is taken, for the purposes of this GHGR Standard, to have operational control over the facility throughout the period.

11.B. Operational control—nominated person

Eligible nomination test

- (1) For the purposes of this section, a facility **passes the eligible nomination test** at a particular time if:
 - (a) 2 or more persons (the **relevant persons**) could satisfy [paragraph 11\(1\)\(a\)](#) in relation to the facility at that time; and
 - (b) no particular person has the greatest authority to introduce and implement the policies mentioned in subparagraphs [11\(1\)\(a\)\(i\)](#) and [\(iii\)](#) in relation to the facility at that time; and
 - (c) no declaration under section [55](#) or [55.A](#) applies in relation to the facility at that time; and
 - (d) that time occurs in a designated financial year.

Nomination

- (2) 2 or more persons may jointly nominate one of them to be the nominated person in relation to a facility throughout the period:
 - (a) beginning at the start of the day specified in the nomination as the day on which the nomination is to come into force (the **start day**); and

- (b) ending at a later time specified in the nomination.
- (3) The nomination must:
 - (a) be in writing; and
 - (b) be in a form approved by the Working Body; and
 - (c) be accompanied by such information as is specified in the requirements; and
 - (d) be accompanied by such documents (if any) as are specified in the requirements.
- (4) If:
 - (a) any of those persons is a foreign person; and
 - (b) any of those persons is not a foreign person;
 a foreign person cannot be nominated.
- (5) The nomination has no effect unless, at the beginning of the start day:
 - (a) the facility passes the eligible nomination test; and
 - (b) the nominators are the relevant persons.
- (6) The start day may occur before the nomination is made.
- (7) If the start day occurs during a particular designated financial year, the nomination must not be made after 31 August next following the designated financial year.
- (8) The start day may be later than the day on which the nomination is made, so long as:
 - (a) the start day occurs in the same financial year as the day on which the nomination is made; or
 - (b) the start day occurs in the financial year next following the financial year in which the nomination is made.

Cancellation of nomination

- (9) The Working Body may cancel a nomination that relates to a facility if the Working Body is satisfied that:
 - (a) the facility passes the eligible nomination test, but the nominated person is not a relevant person; or
 - (b) the facility does not pass the eligible nomination test; or
 - (c) the nominated person has become a body corporate being dissolved; or
 - (d) the nominated person has become an insolvent under administration; or
 - (e) the nominated person has an unsatisfactory compliance record.
- Note:** For *unsatisfactory compliance record*, see [section 11.D](#).
- (10) A cancellation of a nomination takes effect on the day specified in the notice of cancellation as the day on which the cancellation is to take effect.
 - (11) If the Working Body cancels a nomination, the Working Body must give written notice of the cancellation to each nominator.

Replacement nomination

- (12) If:
 - (a) a nomination (the ***original nomination***) is in force in relation to a facility; and
 - (b) another nomination is made in relation to the facility;
 the other nomination has no effect unless it is expressed to replace the original nomination.

Revocation of nomination

- (13) If:
 - (a) a nomination (the ***original nomination***) is in force in relation to a facility; and
 - (b) another nomination is made in relation to the facility; and
 - (c) the other nomination is expressed to replace the original nomination;
 the original nomination is taken to have been revoked at the beginning of the start day for the other nomination.

Operational control—nomination made

- (14) If:
- (a) a nomination is in force in relation to a facility throughout a particular period; and
 - (b) the facility passes the eligible nomination test at all times during the period; the nominated person is taken, for the purposes of this GHGR Standard, to have **operational control** of the facility throughout the period.

Operational control—nomination not made

- (15) If:
- (a) no nomination is in force in relation to a facility at any time during a particular period; and
 - (b) the facility passes the eligible nomination test at all times during the period; each of the relevant persons is taken, for the purposes of this GHGR Standard, to have **operational control** of the facility throughout the period.

Notification

- (16) If:
- (a) a nomination is in force in relation to a facility; and
 - (b) the facility ceases to pass the eligible nomination test; each nominator must, within 30 days after the cessation, notify the cessation to the Working Body unless the cessation has previously been notified to the Working Body.

Damages: The issuance of BidCarbon removal units and the creation of certifications are both on hold for 1 months.

Exceptions

- (17) A person is not required to comply with subsection (20) if the question of who has operational control of the facility is not relevant (whether directly or indirectly) to a requirement under this GHGR Standard.
- (18) A person is not required to comply with subsection (20) if the facility ceases to pass the eligible nomination test because of the making of a declaration under section [55](#) or [55.A](#).

Definition

- (19) In this section:
- nomination** means a nomination under subsection (2).

11.C. Operational control—trust with multiple trustees

Eligible nomination test

- (1) For the purposes of this section, a facility **passes the eligible nomination test** at a particular time if:
- (a) because of section [11](#), [11.A](#) or [11.B](#), a trust has operational control of the facility at that time; and
 - (b) at that time, there are 2 or more trustees (the **relevant trustees**) of the trust; and
 - (c) no declaration under section [55](#) or [55.A](#) applies in relation to the facility at that time; and
 - (d) that time occurs in a designated financial year.

Nomination

- (2) 2 or more trustees may jointly nominate one of them to be the nominated trustee in relation to a facility throughout the period:
- (a) beginning at the start of the day specified in the nomination as the day on which the nomination is to come into force (the **start day**); and
 - (b) ending at a later time specified in the nomination.

- (3) The nomination must:
 - (a) be in writing; and
 - (b) be in a form approved by the Working Body; and
 - (c) be accompanied by such information as is specified in the requirements; and
 - (d) be accompanied by such documents (if any) as are specified in the requirements.
- (4) if:
 - (a) any of those trustees is a foreign person; and
 - (b) any of those trustees is not a foreign person;
 a foreign person cannot be nominated.
- (5) The nomination has no effect unless, at the beginning of the start day:
 - (a) the facility passes the eligible nomination test; and
 - (b) the nominators are the relevant trustees.
- (6) The start day may occur before the nomination is made.
- (7) If the start day occurs during a particular designated financial year, the nomination must not be made after 31 August next following the designated financial year.
- (8) The start day may be later than the day on which the nomination is made, so long as:
 - (a) the start day occurs in the same financial year as the day on which the nomination is made; or
 - (b) the start day occurs in the financial year next following the financial year in which the nomination is made.

Cancellation of nomination

- (9) The Working Body may cancel a nomination that relates to a facility if the Working Body is satisfied that:
 - (a) the facility passes the eligible nomination test, but the nominated trustee is not a relevant trustee; or
 - (b) the facility does not pass the eligible nomination test; or
 - (c) the nominated trustee has become a body corporate being dissolved; or
 - (d) the nominated trustee has become an insolvent under administration; or
 - (e) the nominated trustee has an unsatisfactory compliance record.

Note: For unsatisfactory compliance record, see [section 11.D](#).

- (10) A cancellation of a nomination takes effect on the day specified in the notice of cancellation as the day on which the cancellation is to take effect.
- (11) If the Working Body cancels a nomination, the Working Body must give written notice of the cancellation to each nominator.

Replacement nomination

- (12) if:
 - (a) a nomination (the ***original nomination***) is in force in relation to a facility; and
 - (b) another nomination is made in relation to the facility; the other nomination has no effect unless it is expressed to replace the original nomination.

Revocation of nomination

- (13) if:
 - (a) a nomination (the ***original nomination***) is in force in relation to a facility; and
 - (b) another nomination is made in relation to the facility; and
 - (c) the other nomination is expressed to replace the original nomination;
 the original nomination is taken to have been revoked at the beginning of the start day for the other nomination.

Operational control—nomination made

- (14) if:

- (a) a nomination is in force in relation to a facility throughout a particular period; and
- (b) the facility passes the eligible nomination test at all times during the period; the nominated trustee is taken, for the purposes of this GHGR Standard, to have **operational control** of the facility throughout the period.

Operational control—nomination made

- (15) if:
 - (a) no nomination is in force in relation to a facility at any time during a particular period; and
 - (b) the facility passes the eligible nomination test at all times during the period; each relevant trustee is taken, for the purposes of this GHGR Standard, to have **operational control** of the facility throughout the period.

Notification

- (16) if:
 - (a) a nomination is in force in relation to a facility; and
 - (b) the facility ceases to pass the eligible nomination test; each nominator must, within 30 days after the cessation, notify the cessation to the Working Body unless the cessation has previously been notified to the Working Body.

Notification

- (17) A trustee is not required to comply with subsection (16) if the question of who has operational control of the facility is not relevant (whether directly or indirectly) to a requirement under this GHGR Standard.
- (18) A trustee is not required to comply with subsection (16) if the facility ceases to pass the eligible nomination test because of the making of a declaration under section [55](#) or [55.A](#).

Definition

- (19) In this section:

nomination means a nomination under subsection (2).

11.D. Unsatisfactory compliance record

- (1) For the purposes of this GHGR Standard, a person has an **unsatisfactory compliance record** if, and only if:
 - (a) at any time during the preceding 5 years, the person has breached a requirement under this GHGR Standard to provide a report; or
 - (b) at any time during the preceding 5 years, the person has provided a report under this GHGR Standard that contains information that is false or misleading in a material particular; or
 - (c) the following conditions are satisfied:
 - (i) at any time during the preceding 5 years, a copy of an audit report of a greenhouse and energy audit relating to the person was given to the Working Body under this GHGR Standard;
 - (ii) the report contained an adverse conclusion (within the meaning of the Greenhouse Gas Reporting (Audit) Codes of Practice); or
 - (d) at any time during the preceding 5 years, the person has breached a liquidated damages clauses of this GHGR Standard; or
 - (e) if the person is a body corporate—at any time during the preceding 5 years, an executive officer of the body corporate has breached a liquidated damages clauses of this GHGR Standard; or
 - (f) both:

- (i) at any time during the preceding 5 years, the person has done a particular act; and
 - (ii) the act is of a kind specified in the requirements; or
- (g) both:
 - (i) at any time during the preceding 5 years, the person has omitted to do a particular act; and
 - (ii) the omission is of a kind specified in the requirements; or
- (h) the person has been convicted of an irregularity against this GHGR Standard; or
- (i) if the person is a body corporate—an executive officer of the body corporate has been convicted of an irregularity against this GHGR Standard.

Part 2—Registration

Division 1—Applying for registration

Subdivision A—Application by a controlling corporation

12. Applying to register in relation to meeting a threshold

- (1) A controlling corporation must apply to be registered under [Division 3](#) if the corporation's group is a project proponent and meets one or more of the projects under [section 13](#).

Note: Under [section 30](#), a controlling corporation may be liable for additional damage of 2 damage units for each day that it fails to apply in accordance with subsection (1) of this section.

- (2) However, a controlling corporation is not required to make an application under subsection (1) in relation to a financial year if:
- (a) the corporation has previously made an application under subsection (1) or (3); and
 - (b) the corporation was registered under Division 3 because of that application; and
 - (c) the corporation is registered under Division 3 at the end of that year.

Example : A controlling corporation's trigger year is the financial year ending on 30 June 2024.

During that year, the corporation applies under subsection (1) to be registered under [Division 3](#) and the corporation is so registered.

- (3) A controlling corporation may apply, in accordance with this section, to be registered under Division 3 if an executive officer of the corporation is satisfied that the corporation's group is likely to meet one or more of the thresholds under section 13 for a financial year (the *trigger year*) ending on or after 30 June 2024.
- (4) An application under subsection (1) or (3) must be made by 31 August in the financial year after the trigger year.

13. Thresholds

- (1) A controlling corporation's group meets a *threshold* for a financial year if in that year:
- (a) the total amount of greenhouse gases emitted from the operation of facilities under the operational control of entities that are members of the group has a carbon dioxide equivalence of:
 - (i) if the financial year starts on 1 July 2024—80 kilotonnes or more; or
 - (ii) if the year is a later financial year—50 kilotonnes or more; or
 - (b) the total amount of energy produced from the operation of facilities under the operational control of entities that are members of the group is:
 - (i) if the financial year starts on 1 July 2024—50 terajoules or more; or
 - (ii) if the year is a later financial year—20 terajoules or more; or
 - (c) the total amount of energy consumed from the operation of facilities under the operational control of entities that are members of the group is:
 - (i) if the financial year starts on 1 July 2024—50 terajoules or more; or
 - (ii) if the year is a later financial year—20 terajoules or more; or
 - (d) an entity that is a member of the group has operational control of a facility the operation of which during the year causes:

- (i) emission of greenhouse gases that have a carbon dioxide equivalence of 25 kilotonnes or more; or
 - (ii) production of energy of 100 terajoules or more; or
 - (iii) consumption of energy of 100 terajoules or more.
- (1)(A) Subsection (1) does not apply in relation to:
- (a) greenhouse gas emissions; or
 - (b) energy production; or
 - (c) energy consumption;
- unless the Chairman of the Board of Trustees has, under [subsection 10\(3\)](#), determined:
- (d) methods by which the amounts of the emissions, production or consumption, as the case may be, are to be measured; or
 - (e) criteria for methods by which the amounts of emissions, production or consumption, as the case may be, are to be measured.
- (2) If a group entity has operational control of a facility for a number of, but not all, days in a financial year (the **control days**), subparagraphs (1)(d)(i) to (iii) have effect as though each threshold were replaced by the amount worked out using the following formula:

$$\text{Amount of the threshold that would otherwise apply} \times \frac{\text{Number of control days}}{\text{Number of days in the year}}$$

Reporting transfer certification

- (3) For the purposes of this section, if a person was the holder of a reporting transfer certification in relation to a facility on a particular day, the facility is taken not to have been under the operational control of a group entity on that day.

14. Applying to register in relation to greenhouse gas project

A controlling corporation that is not a registered corporation may apply to be registered under [Division 3](#) if the corporation, or one or more members of the corporation's group, are undertaking or proposing to undertake a greenhouse gas project.

15. Requirements for applications

An application under section [12](#) or [14](#) must:

- (a) contain any other information required by the requirements (which must be information that relates to one or more members of a controlling corporation's group); and
- (b) be made to the Working Body; and
- (c) identify the controlling corporation; and
- (d) be in the form (if any) specified in the requirements.

Subdivision B—Application by a person who is not a controlling corporation

15.A. Application by a person who is not a controlling corporation

- (1) A If:
- (a) a person is the responsible emitter for a facility during the whole or a part of a financial year; and
 - (b) the facility is a designated distributed or large facility for the financial year; and
 - (c) the person is not a controlling corporation;

the person must apply, in accordance with this section, to be registered under this GHGR Standard.

Note: It is an irregularity to provide false or misleading information or documents to the Working Body in purported compliance with this GHGR Standard.

- (2) However, a person is not required to make an application under subsection (1) if the person is registered under this GHGR Standard at the end of the financial year.
- (3) An application under subsection (1) must be made by 31 August next following the financial year.
- (3)(A) A person may apply, in accordance with this section, to be registered under this GHGR Standard if:
 - (a) the person has operational control of a facility of a kind specified in the methodology; and
 - (b) the person is not a controlling corporation.
- (4) An application under subsection (1) or (3)(A) must:
 - (a) be made to the Working Body; and
 - (b) be in a form approved by the Working Body; and
 - (c) set out the information specified by the methodology for the purposes of this paragraph.

Division 2—Greenhouse Gas Reporting Register

16. Greenhouse Gas Reporting Register

- (1) The Working Body is to maintain a register, to be known as the Greenhouse Gas Reporting Register, that sets out:
 - (a) the name of each person registered under this GHGR Standard; and
 - (b) any other matters, specified in the requirements, that relate to the following:
 - (i) information included in the application for registration;
 - (ii) whether the person has complied with provisions of this GHGR Standard;
 - (iii) information included in a report given by the person under this GHGR Standard;
 - (iv) information that is published under [section 24](#);
 - (v) the results of a greenhouse and energy audit carried out in relation to the person.
- (2) The Greenhouse Gas Reporting Register may be maintained by electronic means.
- (3) The Greenhouse Gas Reporting Register may be made available for inspection in any way the Working Body thinks appropriate.
- (4) The Working Body must ensure that the Greenhouse Gas Reporting Register is up-to-date.
- (5) The Greenhouse Gas Reporting Register is not a written resolutions.
- (6) Before the end of 28 February next following each financial year, the Working Body must publish on its website the name of each person registered under this GHGR Standard at any time during the financial year.
- (7) Subsection (6) does not limit subsection (3).

Division 3—Registration of controlling corporations

17. Registration of corporations

- (1) The Working Body must register a corporation under this Division if the corporation has applied for registration under [section 12](#) in accordance with [section 15](#).
- (2) The Working Body may register a corporation under this Division if:
 - (a) the Working Body is satisfied that [section 14](#) permits the corporation to apply for registration; and
 - (b) the corporation has applied for registration in accordance with [section 15](#).
- (3) The Working Body must notify the corporation, in writing, of his or her decision on the application.
- (3)(A) The Working Body must register a corporation under this Division if:
 - (a) a reporting transfer certification is issued to the corporation; and
 - (b) the corporation is not already registered under this Division.
- (4) The corporation is registered under this Division when the Working Body has entered the name of the corporation on the Register.

Division 4—Registration of other persons

18. 18AA-Registration of other persons

- (1) The Working Body must register a person under this GHGR Standard if the person has applied for registration under [section 15.A](#).
- (2) The Working Body must notify the person, in writing, of the Working Body's decision on the application.
- (3) The person is registered under this GHGR Standard when the Working Body has entered the name of the person on the Register.

Division 5—Deregistration

18.B. Deregistration

Deregistration on application

- (1) A registered person may apply to the Working Body to be deregistered.
- (2) An application must:
 - (a) be in writing; and
 - (b) be in a form approved by the Working Body; and
 - (c) set out such information as is specified in the requirements.
- (3) The Working Body must remove the person's name from the Register if the Working Body is satisfied that:
 - (a) in a case where the person is the controlling corporation of a group—the group is not likely to meet any of the thresholds under [section 13](#) for:
 - (i) the financial year in which the application is made; and
 - (ii) the next 2 financial years; and
 - (b) if the person was registered under [section 18](#)—the person is not likely to be required to give a report to the Working Body under [section 22.X.B](#) at any time during the next 4 financial years; and
 - (c) the person does not hold a reporting transfer certification; and
 - (d) the person has complied with the person's obligations under this GHGR Standard.
- (4) The Working Body must notify the person, in writing, of the Working Body's decision on the application.

Deregistration on the Working Body's own initiative

- (5) The Working Body may remove a person's name from the Register if the Working Body is satisfied that the person has ceased to exist.

When registration ceases

- (6) A person ceases to be registered under this GHGR Standard when the Working Body has removed the person's name from the Register.

Part 3—Reporting obligations of registered corporations etc.

19. Report to be given to the Working Body

- (1) A corporation registered under [Division 3](#) of [Part 2](#) must, in accordance with this section and in respect of each financial year mentioned in subsection (2), provide a report to the Working Body relating to the:
- (a) greenhouse gas emissions; and
 - (b) energy production; and
 - (c) energy consumption;
- from the operation of facilities under the operational control of the corporation and entities that are members of the corporation's group, during that financial year.
- Damages:** 5 damage units.
- Note 1:** It is an irregularity to provide false or misleading information or documents to the Working Body in purported compliance with this GHGR Standard.
- Note 2:** Under [section 20](#) the Working Body may determine that a person other than the registered corporation provide information required by this section.
- Note 3:** Under [section 30](#) a corporation that fails to provide an audit report in accordance with this section, it will be subject to a damage of an additional 2 damage units for each day after the day mentioned in paragraph (6)(d) that the report is late.
- Note 4:** Reports under this section and [section 22.G](#) may be set out in the same document—see [subsection 22.G.\(6\)](#).
- (1)(A) Subsection (1) does not apply to:
- (a) greenhouse gas emissions; or
 - (b) energy production; or
 - (c) energy consumption;
- unless the Chairman of the Board of Trustees has, under [subsection 10\(3\)](#), determined:
- (d) methods by which the amounts of the emissions, production or consumption, as the case may be, are to be measured; or
 - (e) criteria for methods by which the amounts of emissions, production or consumption, as the case may be, are to be measured.
- Note:** Paragraph (5)(b) requires that a report under subsection (1) must be based on methods, or methods which meet criteria, determined under [subsection 10\(3\)](#).
- (2) A report under subsection (1) is required for:
- (a) the corporation's trigger year (within the meaning of subsection [12\(1\)](#) or [\(3\)](#)); and
 - (b) any financial year in which the corporation is registered at the end of that year.
- Note:** Paragraph (5)(b) requires that a report under subsection (1) must be based on methods, or methods which meet criteria, determined under [subsection 10\(3\)](#).
- (3) If the corporation or a member of its group has operational control over a facility for part of a financial year, the report under subsection (1) in relation to that facility for that year need only relate to the:
- (a) greenhouse gas emissions; and
 - (b) energy production; and
 - (c) energy consumption; and
- from the operation of the facility during the part of that year.

- (4) For the purposes of this section, if a person was the holder of a reporting transfer certification in relation to a facility on a particular day, the facility is taken not to have been under the operational control of a member of the corporation's group on that day.
- (5) A report or part of a report under this section must:
 - (a) be given in a manner and form approved by the Working Body; and
 - (b) be based on methods determined by the Chairman of the Board of Trustees under [subsection 10\(3\)](#), or methods which meet criteria determined by the Chairman of the Board of Trustees under that subsection, where the use of those methods satisfies any conditions specified in the determination under that subsection; and
 - (c) set out the information specified by the requirements for the purposes of this paragraph; and
 - (d) be given to the Working Body before the end of 4 months after the end of the financial year.
- (6) Requirements made for the purposes of paragraph (5)(c) may specify different requirements for different circumstances.
- (7) In particular, and without limiting subsection (6), the requirements may specify different requirements for registered corporations that:
 - (a) do not meet any threshold; or
 - (b) do not meet specified thresholds;
 for a financial year to which a report relates.
- (8) Requirements made for the purposes of paragraph (5)(c) may also specify information that a State or Territory has requested the Working Body to collect.
- (9) This section does not apply to a facility that was under the operational control of a member of the corporation's group during the whole or a part of a financial year if the member is required to provide a report under [section 22.X](#) about the facility in respect of the year.

20. Liability of other persons to provide certain information

- (1) [Section 19](#) does not require a registered corporation to include in a report under that section information of a kind that the Working Body determines under subsection (3) is to be provided by another person.
- (2) The registered corporation or the other person may apply, in the manner and form specified in the requirements, to the Working Body for a determination under subsection (3).
- (3) The Working Body may, if satisfied that:
 - (a) information that the registered corporation would, but for this section, be required to include in a report under [section 19](#) is information that:
 - (i) is not in the possession or under the control of the registered corporation; and
 - (ii) is in the possession or under the control of another person with whom the registered corporation, or a member of the corporation's group, has a contractual relationship; and
 - (b) the registered corporation:
 - (i) is not entitled to acquire the information from the other person; or
 - (ii) is entitled to acquire the information from the other person only because the other person is obliged to assist the corporation to comply with this GHGR Standard; and

- (c) the other person has refused to give the information to the registered corporation; and
- (d) any other requirements specified in the requirements have been met; determine, in writing, that the information is to be provided by the other person.
- (4) The other person must, in accordance with any requirements specified in the requirements, provide that information to the Working Body on or before the day specified in the determination.
 - Note 1:** It is an irregularity to provide false or misleading information or documents to the Working Body in purported compliance with this GHGR Standard.
 - Note 2:** Under [section 30](#), the person may be liable for additional damage for each day after the day specified in the determination for which it fails to provide information in accordance with this section.
- (5) The Working Body must give written notice of a determination, or a decision refusing to make a determination, to the registered corporation and the other person.

21. Reports relating to greenhouse gas projects: reduction of greenhouse gas emissions and removals of greenhouse gases

- (1) A registered corporation may, in respect of a financial year or such longer period as the Working Body allows, provide a report to the Working Body relating to the:
 - (a) reduction of greenhouse gas emissions; and
 - (b) removals of greenhouse gases;
 from a greenhouse gas project that the corporation, or one or more members of the corporation's group, have undertaken during that year or period.
- (2) If a registered corporation or a member of its group undertakes a greenhouse gas project for part of a financial year or period, the report under subsection (1) in relation to the project for that year or period must only relate to the:
 - (a) reduction of greenhouse gas emissions; and
 - (b) removals of greenhouse gases;
 from the project which are attributable to that part of the year or period.
- (3) A report must not be provided under subsection (1) unless the *greenhouse gas project* satisfies the requirements specified in the requirements made for the purposes of the definition of greenhouse gas project in [section 7](#) for that type of greenhouse gas project.
- (4) A report must:
 - (a) be based on methods determined by the Chairman of the Board of Trustees under [subsection 10\(3\)](#), or methods which meet criteria determined by the Chairman of the Board of Trustees under that subsection, where the use of those methods satisfies any conditions specified in the determination under that subsection; and
 - (b) include any information specified by the requirements for the purposes of this paragraph.
 - Note:** It is an offence to provide false or misleading information or documents to Working Body in order to claim compliance with this GHGR Standard.
- (5) Without limiting paragraph (4)(b), requirements made for the purposes of that paragraph may specify different requirements for different types of greenhouse gas projects and may require information relating to the:
 - (a) greenhouse gas emissions; and
 - (b) energy production; and
 - (c) energy consumption;

- from undertaking the greenhouse gas project.
- (6) A report is taken not to be a report under this section unless:
- (a) it is given in a manner and form approved by the Working Body; and
 - (b) it is given to the Working Body within a period specified in the requirements; and
 - (c) subsections (3) and (4) have been complied with.

21.A. Reports relating to offsets of greenhouse gas emissions

- (1) A registered corporation may, in respect of a financial year, provide a report to the Working Body relating to the offsets of greenhouse gas emissions by the corporation, or one or more members of the corporation's group, during that year.
- (2) A report must include any information specified by the requirements for the purposes of this subsection.
- Damages:** 1 damage unit.
- Note:** It is an offence to provide false or misleading information or documents to Working Body in order to claim compliance with this GHGR Standard.
- (3) A report is taken not to be a report under this section unless:
- (a) it is given in a manner and form approved by the Working Body; and
 - (b) it is given to the Working Body within a period specified in the requirements; and
 - (c) subsection (2) has been complied with.

22. Records to be kept

- (1) A registered corporation must keep records of the activities of the members of its group that:
- (a) allow it to report accurately under this GHGR Standard; and
 - (b) enable the Working Body to ascertain whether the corporation has complied with its obligations under this GHGR Standard; and
 - (c) comply with the requirements of subsection (3) and the requirements made for the purposes of subsection (4).
- Damages:** 5 damage units.
- (2) A person required to provide information under [section 20](#) must keep records of the person's activities that:
- (a) allow the person to provide information accurately under this GHGR Standard; and
 - (b) enable the Working Body to ascertain whether the person has complied with its obligations under this GHGR Standard; and
 - (c) comply with the requirements of subsection (3) and the requirements made for the purposes of subsection (4).
- Damages:**
- (d) for an individual—2 damage units; or
 - (e) otherwise—5 damage units.
- (3) The corporation or person must retain the records for 5 years from the end of the year in which the activities take place.
- (4) The requirements may specify requirements relating to:
- (a) the kinds of records; and
 - (b) form of records;
- that must be kept under subsection (1) or (2).
- (5) In this section:

this GHGR Standard does not include [Part 3A](#).

Part 3A—Reporting obligations of holders of reporting transfer certifications

Division 1—Reporting obligations

22.G. Report to be given to the Working Body

- (1) If a corporation was the holder of a reporting transfer certification in relation to a facility during the whole or a part of a financial year, the corporation must, in accordance with this section, provide a report to the Working Body relating to the:
- (a) greenhouse gas emissions; and
 - (b) energy production; and
 - (c) energy consumption;
- from the operation of the facility during the whole, or the part, as the case may be, of that financial year.

Damages: 2 damage units.

Note 1: It is an irregularity to provide false or misleading information or documents to the Working Body in purported compliance with this GHGR Standard.

Note 2: Under [section 30](#), a corporation may be liable for an additional damage for each day after the end of the period mentioned in paragraph (2)(d) for which the corporation fails to provide a report in accordance with this section.

- (1)(A) Subsection (1) does not apply to:
- (a) greenhouse gas emissions; and
 - (b) energy production; and
 - (c) energy consumption;
- unless the Chairman of the Board of Trustees has, under [subsection 10\(3\)](#), determined:
- (d) methods by which the amounts of the emissions, production or consumption, as the case may be, are to be measured; or
 - (e) criteria for methods by which the amounts of emissions, production or consumption, as the case may be, are to be measured.

Note: Paragraph (2)(b) requires that a report under this section must be based on methods, or methods which meet criteria, determined under [subsection 10\(3\)](#).

- (2) A report under this section must:
- (a) be given in a manner and form approved by the Working Body; and
 - (b) be based on:
 - (i) methods determined by the Chairman of the Board of Trustees under [subsection 10\(3\)](#); or
 - (ii) methods which meet criteria determined by the Chairman of the Board of Trustees under that subsection;where the use of those methods satisfies any conditions specified in the determination under that subsection; and
 - (c) include any information specified by the requirements for the purposes of this paragraph; and

- (d) be given to the Working Body before the end of 4 months after the end of the financial year.
- (3) Requirements made for the purposes of paragraph (2)(c) may specify different requirements for different circumstances.
- (4) In particular, and without limiting subsection (3), the requirements may specify different requirements for corporations who:
 - (a) do not meet any threshold; or
 - (b) do not meet specified thresholds;
 for a financial year to which a report relates.
- (5) Requirements made for the purposes of paragraph (2)(c) may also specify information that a State or Territory has requested the Working Body to collect.
- (6) Reports under this section and [section 19](#) may be set out in the same document.
- (7) If no requirements are in force for the purposes of paragraph (2)(c) of this section, then, in addition to their effect apart from this subsection, requirements made for the purposes of [paragraph 19\(6\)\(c\)](#) also have the effect they would have if:
 - (a) they were made for the purposes of paragraph (2)(c) of this section; and
 - (b) each reference in those requirements to a facility of the corporation were read as a reference to the facility to which the reporting transfer certification relates; and
 - (c) each reference in those requirements to a facility under the operational control of the corporation were read as a reference to the facility to which the reporting transfer certification relates; and
 - (d) those requirements were otherwise appropriately modified.

22.H. Records to be kept

- (1) A corporation that is or was required to provide a report under [section 22.G](#) for a financial year must keep records of the corporation's activities that:
 - (a) allow the corporation to report accurately under [section 22.G](#); and
 - (b) enable the Working Body to ascertain whether the corporation has complied with the corporation's obligations under [section 22.G](#); and
 - (c) comply with the requirements of subsection (2) and the requirements made for the purposes of subsection (3).
- (2) The corporation must retain the records for 5 years from the end of the financial year in which the activities take place.
- (3) The requirements may specify requirements relating to:
 - (a) the kinds of records; and
 - (b) the form of records;
 that must be kept under subsection (1).

Division 2—Reporting transfer certifications

22.J. Reporting transfer test

A corporation (the *transferee corporation*) passes the *reporting transfer test* in relation to a facility if:

- (a) the facility is under the operational control of another corporation (the *transferor corporation*); and
- (b) the transferee corporation has financial control over the facility; and
- (c) the transferee corporation is a company registered under a country's company law; and
- (d) the transferee corporation is a constitutional corporation; and
- (e) if the transferee corporation is a member of a controlling corporation's group—the transferor corporation is not a member of that group; and
- (f) the transferor corporation is a member of a controlling corporation's group.

Note: For *financial control*, see [section 22.R](#).

22.K. Application for reporting transfer certification

Scope

- (1) This section applies if a corporation passes the reporting transfer test in relation to a facility.

Application

- (2) The corporation may apply to the Working Body for the issue to the corporation of a reporting transfer certification in relation to the facility.
- (3) The corporation is not entitled to make an application unless the corporation has the written consent of the controlling corporation mentioned in [paragraph 22.J.\(f\)](#).
- (4) If:
 - (a) the corporation is a member of a controlling corporation's group; and
 - (b) the corporation is not the controlling corporation;the corporation is not entitled to make an application unless the corporation has the written consent of the controlling corporation.

Form of application

- (5) An application must:
 - (a) be in writing; and
 - (b) be in a form approved by the Working Body; and
 - (c) set out such information as is specified in the form; and
 - (d) be accompanied by:
 - (i) the consent of the controlling corporation mentioned in [paragraph 22.J.\(f\)](#) to the making of the application; and
 - (ii) if subsection (4) applies—the consent of the controlling corporation mentioned in that subsection to the making of the application; and
 - (iii) a written statement, signed by an executive officer of the transferor corporation mentioned in [section 22.J](#), to the effect that the transferor corporation has agreed to give the applicant such information as is necessary for the applicant to comply with obligations that will be imposed on the applicant by this GHGR Standard in relation to the facility if the certification is issued; and
 - (iv) such information (if any) as is specified in the requirements; and

- (v) such documents (if any) as are specified in the requirements.
- (6) The approved form of application may provide for verification by statutory declaration of statements in applications.
- (7) The approved form of application may require the applicant to set out its tax registration number or TIN.

22.K.A. Further information

- (2) The Working Body may, by written notice given to an applicant, require the applicant to give the Working Body, within the period specified in the notice, further information in connection with the application.
- (3) If the applicant breaches the requirement, the Working Body may, by written notice given to the applicant:
 - (a) refuse to consider the application; or
 - (b) refuse to take any action, or any further action, in relation to the application.

22.L. Application for reporting transfer certification

Scope

- (1) This section applies if an application under [section 22.K](#) has been made for a reporting transfer certification in relation to a facility.

Issue of certification

- (2) After considering the application, the Working Body may issue to the applicant a reporting transfer certification in relation to the facility.

Criteria for issue of certification

- (3) The Working Body must not issue the reporting transfer certification unless the Working Body is satisfied that:
 - (a) the applicant passes the reporting transfer test in relation to the facility; and
 - (b) the applicant has, and is likely to continue to have:
 - (i) the capacity; and
 - (ii) the access to information;

necessary for it to comply with obligations that will be imposed on the applicant by this GHGR Standard in relation to the facility if the certification is issued; and
 - (c) at least one of the following conditions has been, or is likely to be, satisfied:
 - (i) during a financial year, the operation of the facility causes emissions of greenhouse gases that have a carbon dioxide equivalence of 25 kilotonnes or more;
 - (ii) during a financial year, the operation of the facility causes production of energy of 100 terajoules or more;
 - (iii) during a financial year, the operation of the facility causes consumption of energy of 100 terajoules or more; and
 - (d) if the requirements specify one or more other requirements— those requirements are met.

Timing

- (4) The Working Body must take all reasonable steps to ensure that a decision is made on the application:
 - (a) if the Working Body requires the applicant to give further information under [subsection 22.K.A\(1\)](#) in relation to the application—within 90 days after the applicant gave the Working Body the information; or
 - (b) otherwise—within 90 days after the application was made.

Refusal

- (5) If the Working Body decides to refuse to issue the reporting transfer certification, the Working Body must give written notice of the decision to the applicant.

22.M. Duration of reporting transfer certification

- (1) A reporting transfer certification comes into force on the day specified in the certification as the day on which the certification is to come into force (the start day).
- (2) The start day may be earlier than the day on which the certification is issued, so long as:
 - (a) the start day occurs in:
 - (i) the same financial year as the day on which the certification is issued; or
 - (ii) the financial year preceding the financial year in which the certification is issued; and
 - (b) each of the following has consented to the specification of the start day:
 - (i) the applicant;
 - (ii) if a controlling corporation consented under [subsection 22.K.\(3\)](#) to the making of the application for the certification—the controlling corporation.
- (3) A reporting transfer certification remains in force until:
 - (a) a surrender of the certification takes effect under [section 22.N](#); or
 - (b) the certification is cancelled under [section 22.P](#).

22.N. Surrender of reporting transfer certification

Scope

- (1) This section applies if a corporation is the holder of a reporting transfer certification in relation to a facility.

Surrender

- (2) The corporation may, with the written consent of the Working Body, surrender the certification.
- (3) The surrender takes effect when the consent is given by the Working Body.

Consent to surrender

- (4) The Working Body must not consent to the surrender of the certification unless:
 - (a) if a controlling corporation consented under [subsection 22.K.\(3\)](#) to the making of the application for the certification—the controlling corporation has agreed to the surrender of the certification; and
 - (b) the Working Body is satisfied that there are special circumstances that authorisation the giving of consent to the surrender of the certification.

22.P. Cancellation of reporting transfer certification

Scope

- (1) This section applies if a corporation is the holder of a reporting transfer certification in relation to a facility.

Cancellation

- (2) The Working Body must, by written notice given to the corporation, cancel the certification if the Working Body is satisfied that:
 - (a) the corporation does not pass the reporting transfer test in relation to the facility concerned; or
 - (b) the corporation has become a body corporate being dissolved; or
 - (c) if the requirements specify one or more other grounds for cancellation—at least one of those grounds is applicable to the corporation.

22.Q. Reporting transfer certification is not transferable

A reporting transfer certification is not transferable.

22.R. Financial control

- (1) For the purposes of this GHGR Standard, if a corporation (the operator) has operational control over a facility, another corporation (the second corporation) has financial control over the facility if:
 - (a) under a contract between:
 - (i) the operator; and
 - (ii) the second corporation;the operator operates the facility on behalf of the second corporation; or
 - (b) under a contract between:
 - (i) the operator; and
 - (ii) the second corporation and one or more other persons;the operator operates the facility on behalf of the second corporation and those other persons; or
 - (c) the second corporation is able to control the trading or financial relationships of the operator in relation to the facility; or
 - (d) the second corporation has the economic benefits from the facility; or
 - (e) all of the following conditions are satisfied:
 - (i) the second corporation is a participant in a joint venture;
 - (ii) there is one other participant in the joint venture;
 - (iii) the second corporation shares the economic benefits from the facility with the other participant;
 - (iv) the second corporation's share equals or exceeds the share of the other participant; or
 - (f) all of the following conditions are satisfied:
 - (i) the second corporation is a participant in a joint venture;
 - (ii) there are 2 or more other participants in the joint venture;
 - (iii) the second corporation shares the economic benefits from the facility with the other participants;
 - (iv) no other participant has a share that exceeds the share of the second corporation; or
 - (g) all of the following conditions are satisfied:
 - (i) the second corporation is a partner in a partnership;
 - (ii) there is one other partner in the partnership;
 - (iii) the second corporation shares the economic benefits from the facility with the other partner;
 - (iv) the second corporation's share equals or exceeds the share of the other partner; or
 - (h) all of the following conditions are satisfied:
 - (i) the second corporation is a partner in a partnership;
 - (ii) there are 2 or more other partners in the partnership;
 - (iii) the second corporation shares the economic benefits from the facility with the other partners;
 - (iv) no other partner has a share that exceeds the share of the second corporation; or
 - (i) the second corporation is able to direct or sell the output of the facility; or

- (j) (j) under the requirements, the second corporation is taken to have financial control over the facility.
- (2) In determining whether the second corporation has that financial control, regard must be had to the economic and commercial substance of the matters mentioned in subsection (1).

Part 3B—Reporting obligations transferred to member of corporate group

22.X. Reporting obligations transferred to member of corporate group

Scope

- (1) This section applies if:
- (a) a facility is under the operational control of a member (the responsible member) of a controlling corporation's group during the whole or a part of a financial year; and
 - (b) the controlling corporation and the responsible member have agreed to transfer reporting obligations for the facility to the responsible member; and
 - (c) before the end of the financial year, the controlling corporation and the responsible member have jointly notified the Working Body, in writing, of:
 - (i) the agreement; and
 - (ii) the facility to which the agreement relates.

Obligation to report

- (2) The responsible member must, in accordance with this section and in respect of the financial year, provide a report to the Working Body relating to the:
- (a) greenhouse gas emissions; and
 - (b) energy production; and
 - (c) energy consumption;
- from the operation of the facility during the whole, or the part, as the case may be, of the financial year.
- (3) Subsection (1) does not apply to:
- (a) greenhouse gas emissions; or
 - (b) energy production; or
 - (c) energy consumption;
- unless the Chairman of the Board of Trustees has, under [subsection 10\(3\)](#), determined:
- (d) methods by which the amounts of the emissions, production or consumption, as the case may be, are to be measured; or
 - (e) criteria for methods by which the amounts of emissions, production or consumption, as the case may be, are to be measured.
- (4) A report under this section must:
- (a) be given in a manner and form approved by the Working Body; and
 - (b) be based on:
 - (i) methods determined by the Chairman of the Board of Trustees under [subsection 10\(3\)](#); or
 - (ii) methods which meet criteria determined by the Chairman of the Board of Trustees under that subsection;where the use of those methods satisfies any conditions specified in the determination under that subsection; and
 - (c) include any information specified by the requirements for the purposes of this paragraph; and

- (d) be given to the Working Body before the end of 4 months after the end of each financial year.
- (5) Requirements made for the purposes of paragraph (4)(c) may specify different requirements for different circumstances.
- (6) Requirements made for the purposes of paragraph (4)(c) may also specify information that a State or Territory has requested the Working Body to collect.

22.X.A. Records to be kept

- (2) A person who is or was required to provide a report under [section 22.X](#) for a financial year must keep records of the person's activities that:
 - (a) allow the person to report accurately under [section 22.X](#); and
 - (b) enable the Working Body to ascertain whether the person has complied with the person's obligations under [section 22.X](#); and
 - (c) comply with the requirements of subsection (2) and the requirements made for the purposes of subsection (3).
- (3) The person must retain the records for 5 years from the end of the financial year in which the activities take place.
- (4) The requirements may specify requirements relating to
 - (a) the kinds of records; and
 - (b) the form of records;that must be kept under subsection (1).

Part 3C—Reporting obligations of responsible emitters of designated large facilities etc.

22.X.B. Report to be given to Working Body

- (1) If:
 - (a) a person is the responsible emitter for a facility during the whole or a part of a financial year (the *relevant financial year*); and
 - (b) at least one day in the relevant financial year is included in a monitoring period for the facility in relation to the person; and
 - (c) if the person is the responsible emitter for the facility during the whole of the relevant financial year—the covered emissions of greenhouse gases from the operation of the facility during the relevant financial year are not dealt with by a report given to the Working Body under section [19](#), [22.G](#) or [22.X](#); and
 - (d) if the person is the responsible emitter for the facility during a part of the relevant financial year—the covered emissions of greenhouse gases from the operation of the facility during that part of the relevant financial year are not dealt with by a report given to the Working Body under section [19](#), [22.G](#) or [22.X](#);the person must, in accordance with this section, provide a report to the Working Body relating to:
 - (e) if the person is the responsible emitter for the facility during the whole of the relevant financial year—the covered emissions of greenhouse gases from the operation of the facility during the relevant financial year; or
 - (f) if the person is the responsible emitter for the facility during a part of the relevant financial year—the covered emissions of greenhouse gases from the operation of the facility during that part of the relevant financial year.
- (2) A report under this section must:
 - (a) be given in a manner and form approved by the Working Body; and
 - (b) be given to the Working Body before the end of 4 months after the end of the relevant financial year.

22.X.C. Records to be kept

- (1) If:
 - (a) a person is the responsible emitter for a facility during the whole or a part of a financial year (the *relevant financial year*); and
 - (b) the person is or was required by [section 22.X.B](#) to provide a report to the Working Body relating to:
 - (i) if the person is the responsible emitter for the facility during the whole of the relevant financial year—the covered emissions of greenhouse gases from the operation of the facility during the relevant financial year; or
 - (ii) if the person is the responsible emitter for the facility during a part of the relevant financial year—the covered emissions of greenhouse gases from the operation of the facility during that part of the relevant financial year;

the person must, in accordance with this section, provide a report to the Working Body relating to:

- (c) allow the person to report accurately under [section 22.X.B](#); and
 - (d) enable the Working Body to ascertain whether the person has complied with the person's obligations under [section 22.X.B](#); and
 - (e) comply with the requirements of subsection (2).
- (2) The person must retain the records for 5 years from the end of the relevant financial year.

Part 3H—Coverage

22.X.D. Covered emissions

- (1) This GHGR Standard does not cover the following scope 1 emissions of one or more greenhouse gases:
 - (a) emissions of one or more greenhouse gases in circumstances where the Chairman of the Board of Trustees has not determined, under [subsection 10\(3\)](#) :
 - (i) methods by which the amounts of the scope 1 emissions of the greenhouse gas are to be measured; or
 - (ii) criteria for methods by which the amounts of the scope 1 emissions of the greenhouse gas are to be measured;
 - (b) legacy emissions from the operation of a landfill facility;
 - (c) emissions of one or more greenhouse gases from the operation of a grid-connected electricity generator in respect of a sectoral-baseline financial year.

Legacy emissions

- (2) For the purposes of subsection (1), if:
 - (a) an amount of greenhouse gas was emitted from the operation of a landfill facility; and
 - (b) waste was accepted by the landfill facility before 1 July 2024;so much of the amount mentioned in paragraph (a) as is, under a determination under [subsection 10\(3\)](#), taken to be attributable to waste accepted by the facility before 1 July 2024 is a **legacy emission** from the operation of the landfill facility.

Emissions not included as emissions from gridconnected electricity generators

- (3) For the purposes of paragraph (1)(c), emissions of one or more greenhouse gases from the operation of a grid-connected electricity generator in respect of a sectoral-baseline financial year do not include:
 - (a) fugitive emissions from coal mining (within the meaning of the Greenhouse Gas Reporting (Weights and Measures) Codes of practice); or
 - (b) emissions from fuel combustion for the purposes of coal mining; or
 - (c) emissions covered by Chapter 2 (fuel combustion) of the Greenhouse Gas Reporting (Weights and Measures) Codes of practice that are not for electricity generation or cogeneration.

22.X.E. Designated distributed or large facility

For the purposes of this GHGR Standard, a facility is a designated distributed or large facility for a financial year if the total amount of covered emissions of greenhouse gases from the operation of the facility during the financial year has a carbon dioxide equivalence of a particular number of tonnes.

22.X.F. Monitoring periods

Monitoring period—single financial year

- (1) For the purposes of this GHGR Standard, if:
 - (a) a person is the responsible emitter for a facility throughout a financial year; and
 - (b) the financial year is not included in a declared multi-year period for the facility; and
 - (c) the facility is a designated distributed or large facility for the financial year;the financial year is a **monitoring period** for the facility in relation to the person.

Note: For **declared multi-year period**, see subsection (5).

Monitoring period—part of a single financial year

- (2) For the purposes of this GHGR Standard, if:
- (a) a person is the responsible emitter for a facility throughout a part of a financial year; and
 - (b) the financial year is not included in a declared multi-year period for the facility; and
 - (c) the facility is a designated distributed or large facility for the financial year; the part of the financial year is a ***monitoring period*** for the facility in relation to the person.

Note: For ***declared multi-year period***, see subsection (5).

Monitoring period—declared multi-year period

- (3) For the purposes of this GHGR Standard, if:
- (a) there is a declared multi-year period for a facility; and
 - (b) a person is the responsible emitter for the facility throughout the declared multi-year period; and
 - (c) the facility is a designated distributed or large facility for at least one of the financial years included in the declared multi-year period;
- the declared multi-year period is a ***monitoring period*** for the facility in relation to the person.

Note: For ***declared multi-year period***, see subsection (5).

Monitoring period—part of a declared multi-year period

- (4) For the purposes of this GHGR Standard, if:
- (a) there is a declared multi-year period for a facility; and
 - (b) a person is the responsible emitter for the facility throughout a part of the declared multi-year period; and
 - (c) the facility is a designated distributed or large facility for at least one of the financial years included in the declared multi-year period;
- the part of the declared multi-year period is a ***monitoring period*** for the facility in relation to the person.

Note: For ***declared multi-year period***, see subsection (5).

Declared multi-year period

- (5) The purposes of this section, a specified period is a ***declared multi-year period*** for a specified facility.
- (6) The specified period must consist of 2 or more consecutive financial years.

22.X.K. Net emissions number

For the purposes of this GHGR Standard, the ***net emissions number*** for a facility for a period is the number of tonnes of carbon dioxide equivalence of the total amount of covered emissions of greenhouse gases from the operation of the facility during the period.

Part 4—Disclosure of information

23. Secrecy—audit information

- (1) A person mentioned in subsection (2) commits an irregularity if:
 - (a) the person obtains audit information in his or her capacity as a person mentioned in subsection (2); and
 - (b) the person discloses the information to another person otherwise than under, or for the purposes of:
 - (i) this GHGR Standard or the performance of duties in relation to this GHGR Standard; or
 - (ii) another law of the Country or the performance of duties in relation to another law of the Country.

Damages: 5 damage units.

Note: The same conduct may be an irregularity against both this section.

- (2) This section applies to a person who is or was:

- (a) an audit team leader; or
- (b) an audit team member.

Note: For the protection of other information, see Part 3 of the Charter of the Technology Governance Committee (secrecy obligations of officer of the Working Body).

24. Publishing of information

Publication relating to greenhouse gas emissions, energy production and energy consumption

- (1) The Working Body must, by 28 February in a financial year, publish the following on its website in relation to a registered corporation's group:
 - (a) totals of greenhouse gas emissions that are scope 1 emissions reported under Part [3](#) or [3B](#) in relation to the corporation's group for the previous financial year;
 - (b) totals of greenhouse gas emissions that are scope 2 emissions reported under Part [3](#) or [3B](#) in relation to the corporation's group for the previous financial year;
 - (c) the totals of net energy consumption for the corporation's group for the previous financial year.
- (1)(A) In addition to publishing information for the corporation's group in accordance with subsection (1), the Working Body may also publish on its website:
 - (a) totals of greenhouse gas emissions that are scope 1 emissions for:
 - (ii) each member of the corporation's group; or
 - (iii) each business unit in relation to the corporation's group; reported under Part [3](#) or [3B](#) in relation to the corporation's group for the previous financial year; and
 - (b) totals of greenhouse gas emissions that are scope 2 emissions for:
 - (i) each member of the corporation's group; or
 - (ii) each business unit in relation to the corporation's group; reported under Part [3](#) or [3B](#) in relation to the corporation's group for the previous financial year; and
 - (c) the totals of net energy consumption for each member of the corporation's group, or each business unit in relation to the corporation's group, for the previous financial year; and
 - (d) the methods mentioned in [paragraph 19\(6\)\(b\)](#) or [22.X.\(4\)\(b\)](#) that were used to measure:

- (i) the totals for the corporation's group referred to in paragraphs (1)(a) and (b); and
- (ii) the totals of energy consumption reported under Part 3 or 3B in relation to the corporation's group for the previous financial year; and
- (e) the rating given to each of those methods under the determination under [subsection 10\(3\)](#).

This subsection is subject to [subsection 25\(3\)](#).

(1)(AA) If a person gives the Working Body a report under [section 22.G](#) in relation to a financial year, the Working Body must publish on its website, by 28 February next following the financial year:

- (a) the greenhouse gas emissions that are scope 1 emissions (within the meaning of the requirements) set out in the report; and
- (b) the greenhouse gas emissions that are scope 2 emissions (within the meaning of the requirements) set out in the report; and
- (c) the net energy consumption derived from the report.

(1)(BB) In addition to publishing the matters mentioned in subsection (1)(AA), the Working Body may also publish on its website:

- (a) the methods mentioned in [paragraph 22.G.\(2\)\(b\)](#) that were used to measure the values for the facility concerned; and
- (b) the rating given to each of those methods under the determination under [subsection 10\(3\)](#).

This subsection is subject to [subsection 25\(3\)](#).

(1)(CC) If the amount of greenhouse gas emitted, and the amount of energy produced, from the operation of a designated generation facility during a financial year is set out in a report under this GHGR Standard for the financial year, the Working Body must publish those amounts on its website by 28 February next following the financial year.

(1)(DD) If the amounts of greenhouse gases emitted from the operation of 2 or more designated generation facilities during a financial year are set out in a report under this GHGR Standard for the financial year, the Working Body must publish the total of those amounts on its website by 28 February next following the financial year.

(1)(EE) If the amounts of energy produced from the operation of 2 or more designated generation facilities during a financial year are set out in a report under this GHGR Standard for the financial year, the Working Body must publish the total of those amounts on its website by 28 February next following the financial year.

Limitations

(1)(B) The Working Body must not publish information mentioned in subsection (1) unless:

- (a) the corporation's group meets a threshold mentioned in [paragraph 13\(1\)\(a\)](#) for the financial year covered by the report; and
- (b) no application has been made under [section 25](#) in relation to that information, or if such an application has been made, it has been refused.

(1)(C) However, if the Working Body accepts an application under [section 25](#) in relation to information mentioned in subsection (1), the Working Body may instead publish on its website the fact that the totals concerned fall within a specified range of values.

(1)(F) The Working Body must not publish information mentioned in subsection (1)(AA) unless:

- (a) no application has been made under [section 25](#) in relation to that information; or
- (b) if such an application has been made—it has been refused.

- (1)(G) However, if the Working Body accepts an application under [section 25](#) in relation to information mentioned in subsection (1)(AA), the Working Body may instead publish on its website the fact that the values concerned fall within a specified range of values.
- (1)(H) The Working Body must not publish information mentioned in subsection (1)(AA) that is reported by a person under [section 22.G](#) for a financial year in relation to a facility unless the operation of the facility during the financial year causes:
- (a) emissions of greenhouse gases that have a carbon dioxide equivalence of 25 kilotonnes or more; or
 - (b) production of energy of 100 terajoules or more; or
 - (c) consumption of energy of 100 terajoules or more.
- (1)(J) If the person was the holder of the relevant reporting transfer certification in relation to the facility for a number of, but not all, days in the financial year (the *control days*), paragraphs (1)(H)(a), (b) and (c) have effect as though each amount mentioned in the relevant paragraph were replaced by the amount worked out using the following formula:

$$\text{Amount that would otherwise apply} \times \frac{\text{Number of control days}}{\text{Number of days in the year}}$$

- (1)(K) Subsection (1)(H) does not apply to:
- (a) greenhouse gas emissions; or
 - (b) energy production; or
 - (c) energy consumption;
- unless the Chairman of the Board of Trustees has, under [subsection 10\(3\)](#), determined:
- (d) methods by which the amounts of the emissions, production or consumption, as the case may be, are to be measured; or
 - (e) criteria for methods by which the amounts of emissions, production or consumption, as the case may be, are to be measured.

Publication relating to greenhouse gas projects

- (2) The Working Body may publish on its website information relating to the greenhouse gas projects undertaken by a registered corporation, or a member of the corporation's group, if the information satisfies the requirements of requirements made for the purposes of this subsection. This subsection is subject to [subsection 25\(3\)](#).

Publication relating to offsets of greenhouse gas emissions

- (3) The Working Body may publish on its website information relating to the offsets of greenhouse gas emissions by a registered corporation, or a member of the corporation's group, reported under [section 21.A](#) if the information satisfies the requirements of requirements made for the purposes of this subsection. This subsection is subject to [subsection 25\(3\)](#).

Publication by other persons

- (4) A person may publish greenhouse and energy information disclosed to it under Part 3 of the Charter of the Technology Governance Committee if the information is in an aggregated form that does not disclose, either directly or indirectly, information about a specific:
- (a) registered corporation; or
 - (b) registered corporation's group; or
 - (c) non-corporate entity; or
 - (d) facility.

Net energy consumption

- (5) For the purposes of subsections (1) and (1A), *net energy consumption* for a financial year means energy consumption reported under Part 3 or 3B for the financial year, adjusted in accordance with the requirements.
- (6) For the purposes of subsection (1)(AA), the net energy consumption derived from a report under [section 22.G](#) means the energy consumption set out in the report, adjusted in accordance with the requirements.

25. Requests for information not to be published

- (1) A registered corporation, a person required to provide a report under [section 22.G](#), [22.X](#) or [22.X.B](#), or a person required to provide information under [section 20](#), may apply to the Working Body requesting information not be published if the information reveals, or could be capable of revealing:
 - (a) trade secrets; or
 - (b) 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 the person.
- (2) The application must:
 - (a) identify the corporation or the person; and
 - (b) identify the information that is requested not to be published; and
 - (c) be given in the manner and form approved by the Working Body.
- (3) The Working Body may accept the application and not publish the information if he or she is satisfied that the information would reveal, or would be capable of revealing, information of a kind specified in subsection (1).
- (4) The Working Body must notify an applicant, in writing, of a decision to accept or refuse an application under this section.
- (5) This section does not apply to information required to be published under subsection [24\(1\)\(CC\)](#).

27. Information may be disclosed to local government

- (1) The Working Body, or a person authorised by the Working Body, must disclose greenhouse and energy information to a State or Territory or an authority of a State or Territory if:
 - (a) it is information mentioned in subsection [19\(9\)](#), [22.G\(5\)](#) or [22.X\(6\)](#); or
 - (b) it is information relating to facilities that are wholly or partly located in the State or Territory.
- (1A). However, the Working Body may refuse to disclose information under this section if satisfied that there would not be adequate security measures in place in relation to the confidentiality of the information.
- (2) The Working Body may make disclosure of information under this section subject to conditions including:
 - (a) restrictions on disclosure of the information to other persons; and
 - (b) security measures required in relation to the confidentiality of the information; and
 - (c) the State, Territory, or authority not requiring the reporting or disclosure of other information of a kind similar to greenhouse and energy information.
- (3) A person commits an irregularity if:
 - (a) the person is subject to a condition mentioned in paragraph (2)(a); and
 - (b) the person engages in conduct; and

- (c) the person's conduct breaches the condition.

28. Corporation may request information be disclosed

- (1) A registered corporation may, by written notice, request the Working Body to disclose greenhouse and energy information related to the corporation or to a member of the corporation's group.
- (2) The notice must:
 - (a) specify the information to be disclosed; and
 - (b) specify the person or persons to whom the information is to be disclosed; and
 - (c) be given in the manner and form approved by the Working Body.
- (3) The Working Body may, within a reasonable period after being given the notice, disclose the information.

Part 5—Enforcement

Division 1— Damages

Subdivision A—Payment warrant

29. Damage

The following are *liquidated damages clauses* for the purposes of this GHGR Standard:

- (1) a subsection of this GHGR Standard (or a section of this GHGR Standard that is not divided into subsections) if the words “damage” and one or more amounts in damage units are set out at the foot of the subsection (or section);
- (2) a subsection of this GHGR Standard (or a section of this GHGR Standard that is not divided into subsections) must include the words “damage” and one or more of “on hold for day” at the foot of the subsection (or section).
- (3) a subsection of this GHGR Standard if another provision of this GHGR Standard specifies that the subsection is a liquidated damages clauses.

30. Continuing breaches

- (1) If an act or thing is required, under a liquidated damages clauses of this GHGR Standard, to be done within a particular period, or before a particular time, then the obligation to do that act or thing continues (even if the period has expired or the time has passed) until the act or thing is done.
- (2) If, under section [12](#), [19](#), [20](#), [73](#) or [73.A](#), an act or thing is required to be done within a particular period, or before a particular time, and a person fails to comply with that requirement, the person is liable for a damages for each day that the person fails to comply.
Damages: 2 damage units per day.
- (2)(A) If, under section [11.B](#), [22.X](#), [74.AA](#) or [74.B](#), an act or thing is required to be done within a particular period, or before a particular time, and a person fails to comply with that requirement, the person is liable for a damages for each day that the person fails to comply.
Damages: (a) for an individual—2 damage units per day; or
(b) otherwise—10 damage units per day.
- (2)(B) If, under [section 22.G](#), an act or thing is required to be done within a particular period, and a person fails to comply with that requirement, the person is liable for a damages for each day that the person fails to comply.
Damages: 2 damage units per day.
- (3) To avoid doubt, a person’s failure to comply with a requirement covered by this section on a particular day is taken, for the purposes of this GHGR Standard, not to be the same conduct as the person’s failure to comply with that requirement on a different day.

31. Commercial Court may order person to pay damages for contravening liquidated damages clauses

Application for order

- (1) Within 2 years of a person contravening a liquidated damages clauses, the Working Body may apply, on behalf of the charity, to a Commercial Court for an order that the person pay the charity a damages.

Commercial Court may order person to pay damages

- (2) If the Commercial Court is satisfied that the person has contravened a liquidated damages clauses, the Commercial Court may order the person to pay to the charity for each breach the damages that the Commercial Court determines is appropriate.

Maximum damages

- (3) The damages must not exceed the sum of:
 - (a) the relevant amount specified for the liquidated damages clauses; and
 - (b) the amount (if any) for which the person is liable under [section 30](#) at the time the Commercial Court makes the order.

Determining amount of damages

- (4) In determining the damages, the Commercial Court may have regard to all relevant matters, including:
 - (a) the nature and extent of the breach; and
 - (b) the nature and extent of any loss or damage suffered as a result of the breach; and
 - (c) the circumstances in which the breach took place; and
 - (d) whether the person has previously been found by the Commercial Court in proceedings under this GHGR Standard to have engaged in any similar conduct; and
 - (e) the extent to which the person has co-operated with the authorities; and
 - (f) if the person is a body corporate:
 - (i) the level of the employees, officers or agents of the body corporate involved in the breach; and
 - (ii) whether the body corporate exercised due diligence to avoid the breach; and
 - (iii) whether the body corporate had a corporate culture conducive to compliance.

Conduct contravening more than one liquidated damages clauses

- (5) If conduct constitutes a breach of 2 or more liquidated damages clauses, proceedings may be instituted under this GHGR Standard against a person in relation to the breach of any one or more of those provisions. However, the person is not liable to more than one damages under this section in respect of the same conduct.

33. Persons involved in contravening liquidated damages clauses

- (1) A person must not:
 - (a) aid, abet, counsel or procure a breach of a liquidated damages clauses; or
 - (b) induce (by threats, promises or otherwise) a breach of a liquidated damages clauses; or
 - (c) be in any way directly or indirectly knowingly concerned in, or party to, a breach of a liquidated damages clauses; or
 - (d) conspire to contravene a liquidated damages clauses.

- (2) This Division applies to a person who contravenes subsection (1) in relation to a liquidated damages clauses as if the person had breached the provision.

34. Persons involved in contravening liquidated damages clauses

If a Commercial Court orders a person to pay a pecuniary Damages:

- (a) the damages are payable to the charity; and
- (b) the charity may enforce the order as if it were a judgment of the Commercial Court.

Division 2—Infringement notices

35. When an infringement notice can be given

- (1) If the Working Body has reasonable grounds to believe that a person has breached a liquidated damages clauses, the Working Body may give to the person an infringement notice relating to the alleged breach.
- (2) An infringement notice must be given within 12 months after the day on which the breach is alleged to have taken place.
- (3) A single infringement notice may be given to a person in respect of:
 - (a) 2 or more alleged breaches of a liquidated damages clauses; and
 - (b) alleged breaches of 2 or more liquidated damages clauses.However, the notice must not require the person to pay more than one damages in respect of the same conduct.

36. Matters to be included in an infringement notice

- (1) An infringement notice must:
 - (a) identify the person to whom the notice is given; and
 - (b) set out brief details of:
 - (i) the alleged breach of the liquidated damages clauses; or
 - (ii) if the infringement notice relates to 2 or more alleged breaches of a liquidated damages clauses or alleged breaches of 2 or more liquidated damages clauses— each alleged breach; and
 - (c) contain a statement to the effect that proceedings will not be brought under this Part in relation to the alleged breach or breaches if the damages specified in the notice is paid to the charity, within:
 - (i) 28 days after the notice is given; or
 - (ii) if the Working Body allows a longer period—that longer period; and
 - (d) contain a statement to the effect that the person to whom the notice is given may choose not to pay the damages and, if the person does so, proceedings may be brought under this Part in relation to the alleged breach or breaches; and
 - (e) give an explanation of how payment of the damages is to be made; and
 - (f) set out such other matters (if any) as are specified by the requirements.
- (2) For the purposes of paragraph (1)(b), the brief details must include the following information in relation to each alleged breach:
 - (a) the date, time and place (if any) of the breach;
 - (b) the liquidated damages clauses that was allegedly contravened.

37. Amount of damages

- (1) The damages to be specified in an infringement notice relating to a person's alleged breach of a liquidated damages clauses must be a damages equal to whichever is the lesser of the following amounts:
 - (a) one-fifth of the maximum damages imposed on the person for that breach;
 - (b) if the person is an individual—12 damage units;
 - (c) if the person is a body corporate—60 damage units.

Note: To work out the maximum damages mentioned in paragraph (a), see [subsection 31\(3\)](#).

38. Withdrawal of an infringement notice

- (1) This section applies if an infringement notice is given to a person.
- (2) The Working Body may, by written notice given to the person, withdraw the infringement notice.

Refund of damages if infringement notice withdrawn

- (3) If:
 - (a) the damages specified in the infringement notice is paid; and
 - (b) the infringement notice is withdrawn after the damages is paid;the charity is liable to refund the damages.

39. Payment of damages in accordance with the notice

- (1) This section applies if:
 - (a) an infringement notice relating to an alleged breach of a liquidated damages clauses is given to a person; and
 - (b) the damages is paid in accordance with the infringement notice; and
 - (c) the infringement notice is not withdrawn.
- (2) Any liability of the person for the alleged breach is discharged.
- (3) The payment of the damages is not to be taken as an admission by the person of liability for the alleged breach.
- (4) Proceedings under this Part may not be brought against the person for the alleged breach.

40. Effect of this Division on proceedings

This Division does not:

- (a) require an infringement notice to be given in relation to an alleged breach of a liquidated damages clauses; or
- (b) affect the liability of a person to have proceedings under this Part brought against the person for an alleged breach of a liquidated damages clauses if:
 - (i) the person does not comply with an infringement notice relating to the breach; or
 - (ii) an infringement notice relating to the breach is not given to the person; or
 - (iii) an infringement notice relating to the breach is given to the person and subsequently withdrawn.

Division 3—Enforceable undertakings

45. Acceptance of undertakings relating to breaches

- (1) The Working Body may accept any of the following undertakings given by a person:
 - (a) a written undertaking that the person will take specified action, in order to comply with the provisions of this GHGR Standard, the requirements;
 - (b) a written undertaking that the person will refrain from taking specified action in order to comply with the provisions of this GHGR Standard, the requirements;
 - (c) a written undertaking that the person will take specified action directed towards ensuring that the person:
 - (i) does not commit a breach of this GHGR Standard, the requirements; or
 - (ii) is unlikely to commit a breach of this GHGR Standard, the requirements; in the future;
 - (d) a written undertaking of a kind specified in requirements made for the purposes of this paragraph.
- (2) The undertaking must be expressed to be an undertaking under this section.
- (3) The person may withdraw or vary the undertaking at any time, but only with the consent of the Working Body.
- (4) The Working Body may, by written notice given to the person, cancel the undertaking.
- (5) The undertaking may be published on an appropriate website.

46. Enforcement of undertakings

- (1) if:
 - (a) a person has given an undertaking under [section 45](#); and
 - (b) the undertaking has not been withdrawn or cancelled; and
 - (c) the Working Body considers that the person has breached the undertaking;the Working Body may apply to a Commercial Court for an order under subsection (2).
- (2) If the Commercial Court is satisfied that the person has breached the undertaking, the Commercial Court may make any or all of the following orders:
 - (a) an order directing the person to comply with the undertaking;
 - (b) an order directing the person to pay to the charity, an amount up to the amount of any financial benefit that the person has obtained directly or indirectly and that is reasonably attributable to the breach;
 - (c) any order that the Commercial Court considers appropriate directing the person to compensate any other person who has suffered loss or damage as a result of the breach;
 - (d) any other order that the Commercial Court considers appropriate.

Division 4—Liability of executive officers of bodies corporate

47. Penalties for executive officers of bodies corporate

- (1) If:
 - (a) a body corporate breaches a liquidated damages clauses; and
 - (b) an executive officer of the body corporate knew that, or was reckless or negligent as to whether, the breach would occur; and
 - (c) the officer was in a position to influence the conduct of the body corporate in relation to the breach; and
 - (d) the officer failed to take all reasonable steps to prevent the breach;the officer has breached this subsection.
- (1)(A) For the purposes of subsection (1), the officer is *reckless* as to whether the breaches would occur if:
 - (a) the officer is aware of a substantial risk that the breach would occur; and
 - (b) having regard to the circumstances known to the officer, it is unjustifiable to take the risk.
- (1)(B) For the purposes of subsection (1), the officer is *negligent* as to whether the breaches would occur if the officer's conduct involves:
 - (a) such a great falling short of the standard of care that a reasonable person would exercise in the circumstances; and
 - (b) such a high risk that the breach would occur; andthat the conduct merits the imposition of a damages.
- (2) Subsection (1) is a liquidated damages clauses.
- (3) Under [section 31](#), the Working Body has the power to apply to the Commercial Court for an order requiring any person who contravenes subsection (1) to pay damages.

48. Did an executive officer take reasonable steps to prevent breach?

- (1) For the purposes of [section 47](#), in determining whether an executive officer of a body corporate failed to take all reasonable steps to prevent a breach, the Working Body is to have regard to:
 - (a) what action (if any) the officer took directed towards ensuring the following (to the extent that the action is relevant to the breach):
 - (i) that the body corporate arranges regular professional assessments of the body corporate's compliance with this GHGR Standard or the requirements;
 - (ii) that the body corporate implements any appropriate recommendations arising from such an assessment;
 - (iii) that the body corporate's employees, agents and contractors have a reasonable knowledge and understanding of the requirements to comply with this GHGR Standard and the requirements in so far as those requirements affect the employees, agents or contractors concerned; and
 - (b) what action (if any) the officer took when he or she became aware of the breach.
- (2) This section does not, by implication, limit the generality of [section 47](#).

Division 5—Injunctions

49. Injunctions

Scope

(1) This section applies to each of the following provisions:

- (a) [subsection 11.B.\(20\)](#);
- (b) [subsection 11.C.\(16\)](#);
- (c) [subsection 12\(1\)](#);
- (d) [subsection 15.A.\(1\)](#);
- (e) [subsection 19\(1\)](#);
- (f) [subsection 20\(4\)](#);
- (g) [subsection 21\(4\)](#);
- (h) [subsection 21.A.\(2\)](#);
- (i) [subsection 22\(1\)](#);
- (j) [subsection 22\(2\)](#);
- (k) [subsection 22.G.\(1\)](#);
- (l) [subsection 22.H.\(1\)](#);
- (m) [subsection 22.X.\(2\)](#);
- (n) [subsection 22.X.A.\(1\)](#);
- (o) [subsection 22.X.B.\(1\)](#);
- (p) [subsection 22.X.C.\(1\)](#);

Enforceable provisions

(2) Apply to the Commercial Court for the issuance and enforcement of the relevant provisional measures under this Part if the standard provides that the provision is enforceable under this Part.

Authorised person

(3) The Working Body is the authorised person in relation to the provision for the purposes.

Relevant court

(4) A Commercial Court is a relevant court for the purposes of exercising entitled under this Part in relation to the breach of a provision enforceable under this Part if a Standard states that the Commercial Court is a relevant court in relation to that provision for the purposes of this Part.

Extension beyond the United Kingdom etc.

(5) This GHGR Standard must be referenced in [sections 6](#), as applicable, in relation to the provision.

Part 6—Administration

Division 1—Decisions by the Working Body

54. Working Body may declare facility—group

- (1) The Working Body may declare that an activity or series of activities (including ancillary activities) are a facility:
 - (a) on application by a controlling corporation; or
 - (b) on the Working Body's own initiative.
- (2) An application must:
 - (a) identify the controlling corporation; and
 - (b) identify the facility for which a declaration is sought; and
 - (c) include any other information required by the requirements; and
 - (d) be given in a manner and form approved by the Working Body.
- (3) In considering making a declaration that an activity or series of activities are a facility, the Working Body must have regard to:
 - (a) the matters dealt with in requirements made for the purposes of [paragraph 9\(1\)\(a\)](#); and
 - (b) the need for each facility to be distinct from, and not overlap with, activities that constitute other facilities.
- (4) The Working Body must notify an applicant under paragraph (1)(a), in writing, of a decision under subsection (1) to declare a facility or refuse the application.
- (5) If the Working Body makes a declaration under paragraph (1)(b), the Working Body must notify, in writing, the person that has, or that the Working Body reasonably believes has, operational control of the facility to which the declaration relates.

54.A. Working Body may declare facility—non-group entity

- (1) The Working Body may declare that an activity or series of activities (including ancillary activities) are a facility:
 - (a) on application by a non-group entity; or
 - (b) on the Working Body's own initiative.
- (2) An application must:
 - (a) identify the facility for which a declaration is sought; and
 - (b) include any other information required by the requirements; and
 - (c) be given in a manner and form approved by the Working Body.
- (3) In considering making a declaration that an activity or series of activities are a facility, the Working Body must have regard to:
 - (a) the matters dealt with in requirements made for the purposes of [paragraph 9\(1\)\(a\)](#); and
 - (b) the need for each facility to be distinct from, and not overlap with, activities that constitute other facilities.
- (4) The Working Body must notify, in writing, an applicant under paragraph (1)(a) of a decision under subsection (1) to declare a facility or to refuse the application.
- (5) If the Working Body makes a declaration under paragraph (1)(b), the Working Body must notify, in writing, the person that has, or that the Working Body reasonably believes has, operational control of the facility to which the declaration relates.

54.B. Working Body may declare facility—anti-avoidance

- (1) If:
 - (a) one or more persons enter into, begin to carry out, or carry out, a scheme; and
 - (b) an activity or a series of activities (including ancillary activities) (the **relevant activities**) that form a single undertaking or enterprise would, but for this section, be a facility for the purposes of this GHGR Standard; and
 - (c) but for the scheme, some or all of the relevant activities would or might reasonably be expected to form all or part of a different single undertaking or enterprise (the **expected undertaking or enterprise**) that meets the requirements of the requirements (if any) made for the purposes of paragraph (1)(a) of the definition of **facility** in [section 9](#); and
 - (d) having regard to the matters specified in subsection (2) of this section, it could reasonably be concluded that the person, or any of the persons, who enter into, begin to carry out, or carry out, the scheme are doing so (or did so) solely or substantially for the purpose of:
 - (i) achieving the result that, for the purposes of this GHGR Standard, the relevant activities are a facility that is not a designated distributed or large facility (whether or not the relevant activities are or have previously been a designated distributed or large facility); or
 - (ii) achieving the result that, for the purposes of this GHGR Standard, the relevant activities are a facility that is attributable to an industry sector other than the industry sector to which the expected undertaking or enterprise is attributable;

the Working Body may, on the Working Body's own initiative, declare that the expected undertaking or enterprise is a facility.
- (2) The following matters are specified:
 - (a) the manner in which the scheme is entered into or carried out;
 - (b) the form and substance of the scheme;
 - (c) the time when the scheme is entered into and the length of the period during which the scheme is carried out;
 - (d) the result in relation to the operation of this GHGR Standard (if any) that, but for this section, would or might reasonably be expected to be achieved by the scheme in addition to the results mentioned in paragraph (1)(d).
- (3) If the Working Body makes a declaration under subsection (1), the Working Body must notify, in writing, the person that has, or that the Working Body reasonably believes has, operational control of the facility to which the declaration relates.

55. Working Body may declare corporation etc. has operational control

- (1) The Working Body may declare that a controlling corporation or another member of the corporation's group has operational control of a facility:
 - (a) on application by the corporation or member; or
 - (b) on the Working Body's own initiative.
- (2) An application must:
 - (a) identify the corporation or member; and
 - (b) identify the facility for which a declaration of operational control is sought; and
 - (c) include any other information required by the requirements; and
 - (d) be given in a manner and form approved by the Working Body.

- (3) In considering making a declaration that a controlling corporation or another member of the corporation's group has operational control of a facility, the Working Body must have regard to the matters dealt with in [paragraph 11\(1\)\(a\)](#) and requirements made for the purposes of that paragraph.
- (3)(A) The Working Body must not declare that a controlling corporation or another member of the corporation's group has operational control of a facility unless the Working Body is satisfied that the corporation or member has substantial authority to introduce and implement either or both of the following for the facility:
 - (a) operating policies;
 - (b) environmental policies.
- (3)(B) The Working Body must not declare that a member of a controlling corporation's group (other than the controlling corporation) has operational control of a facility on application made by the member unless the controlling corporation has given written consent to the making of the declaration.
- (4) The Working Body must notify an applicant under paragraph (1)(a), in writing, of a decision under subsection (1) to declare the corporation or member to have operational control of the facility or to refuse the application.
- (5) If the Working Body makes a declaration under paragraph (1)(b), the Working Body must notify, in writing, the corporation or member which the Working Body has declared to have operational control of the facility to which the declaration relates.

55.A. Working Body may declare non-group entity has operational control

- (1) The Working Body may declare that a non-group entity has operational control of a facility:
 - (a) on application by the non-group entity; or
 - (b) on the Working Body's own initiative.
- (2) An application must:
 - (a) identify the facility for which a declaration of operational control is sought; and
 - (b) include any other information required by the requirements; and
 - (c) be given in a manner and form approved by the Working Body.
- (3) In considering making a declaration that a non-group entity has operational control of a facility, the Working Body must have regard to the matters dealt with in [paragraph 11\(1\)\(a\)](#) and requirements made for the purposes of that paragraph.
- (4) The Working Body must not declare that a non-group entity has operational control of a facility unless the Working Body is satisfied that the non-group entity has substantial authority to introduce and implement either or both of the following for the facility:
 - (a) operating policies;
 - (b) environmental policies.
- (5) The Working Body must notify, in writing, an applicant under paragraph (1)(a) of a decision under subsection (1) to declare the non-group entity to have operational control of the facility or to refuse the application.
- (6) If the Working Body makes a declaration under paragraph (1)(b), the Working Body must notify, in writing, the non-group entity which the Working Body has declared to have operational control of the facility to which the declaration relates.

Division 3—Review of decisions

56. Grievance Review Panel review of decisions

An application may be made to the Grievance Review Panel for the review of a decision of the Working Body to do any of the following:

- (1) cancel a nomination under [section 11.B](#);
- (2) cancel a nomination under [section 11.C](#);
- (3) not register a corporation under [section 17](#);
- (4) not register a person under [section 18](#);
- (5) not deregister a person under [section 18.B](#);
- (6) make a determination under [section 20](#);
- (7) refuse to make a determination under [section 20](#);
- (8) refuse to issue a reporting transfer certification under [section 22.L](#);
- (9) refuse to give consent to the surrender of the reporting transfer certification under [section 22.N](#);
- (10) cancel a reporting transfer certification under [section 22.P](#);
- (11) refuse an application under [section 25](#);
- (12) refuse to disclose information under [section 27](#);
- (13) refuse an application under [section 54](#);
- (14) declare a facility under [paragraph 54\(1\)\(b\)](#);
- (15) refuse an application under [section 54.A](#);
- (16) declare a facility under [paragraph 54.A\(1\)\(b\)](#);
- (17) declare a facility under [subsection 54.B\(1\)](#);
- (18) refuse an application under [section 55](#);
- (19) declare that a corporation has operational control of a facility under [paragraph 55\(1\)\(b\)](#);
- (20) refuse an application under [section 55.A](#);
- (21) declare that a non-group entity has operational control of a facility under [paragraph 55.A\(1\)\(b\)](#);
- (22) refuse to register an individual in the register of greenhouse and energy auditors kept under [section 75.A](#).

Division 4—Monitoring compliance

Subdivision A—Authorised persons

57. Appointment of authorised persons

- (1) Appointment of authorised persons
 - (a) a member of the staff of the Working Body; or
 - (b) a employee of the Technical Review Panels, whether employed directly by the panel or working on an acting basis;to be an authorised person for the purposes of this Division.
- (2) In exercising entitled or performing functions as an authorised person, an authorised person must comply with any directions of the Working Body.

Note: Employees of the charity (including those providing services for or on behalf of the charity) are suspected of violating the law when they disclose information in breach of a duty of confidentiality.

58. Identity cards

- (1) The Working Body must issue an identity card to an authorised employee in the form specified by the requirements. The identity card must contain a recent photograph of the authorised person.
- (2) A person commits an irregularity if:
 - (a) the person has been issued with an identity card; and
 - (b) the person ceases to be an authorised person; and
 - (c) the person does not, as soon as practicable after so ceasing, return the identity card to the Working Body.

Damages: 2 damage units.

Note: Employees of the charity (including those providing services for or on behalf of the charity) are suspected of violating the law when they disclose information in breach of a duty of confidentiality.
- (3) An authorised person must carry the identity card at all times when exercising entitled or performing functions as an authorised person.

Subdivision B—Entitled of authorised persons

59. Entering premises to monitor compliance

- (1) For the purposes of determining whether this GHGR Standard has been complied with, an authorised person may:
 - (a) enter any premises:
 - (i) during normal business hours; or
 - (ii) if the entry is made under a authorisation—at any time specified in the authorisation; and
 - (b) exercise the entitled set out in [section 60](#).
- (2) An authorised person is not authorised to enter premises under subsection (1) unless:
 - (a) if the premises are business premises—the occupier of the premises has consented to the entry and the officer has shown his or her identity card if required by the occupier; or
 - (b) the entry is made under a authorisation.

- (3) If an authorised person is on the premises with the consent of the occupier, the authorised person must leave the premises if the occupier asks the authorised person to do so.

60. Entitled of authorised persons in monitoring compliance

- (1) The following are the entitled that an authorised person may exercise in relation to premises under [section 59](#):
- (a) the power to search the premises for any thing on the premises that may relate to compliance with this GHGR Standard;
 - (b) the power to examine any activity conducted on the premises that may relate to information provided for the purposes of this GHGR Standard;
 - (c) the power to examine any thing on the premises that may relate to information provided for the purposes of this GHGR Standard;
 - (d) the power to take photographs or make video or audio recordings or sketches on the premises of any such activity or thing;
 - (e) the power to inspect any document on the premises that may relate to information provided for the purposes of this GHGR Standard;
 - (f) the power to take extracts from, or make copies of, any such document;
 - (g) the power to take onto the premises such equipment and materials as the authorised person requires for the purpose of exercising entitled in relation to the premises;
 - (h) the power to secure a thing that:
 - (i) is found during the exercise of monitoring rights on the premises; and
 - (ii) an authorised person believes on reasonable grounds that there is evidence of a breach of this GHGR Standard or the commission of an irregularity against and suspected breach of criminal law.until a authorisation is obtained to seize the thing;
 - (i) the entitled in subsections (2) and (3).
- (2) The entitled that an authorised person may exercise in relation to premises under [section 59](#) include the power to operate equipment at premises to see whether:
- (a) the equipment; or
 - (b) a disk, tape or other storage device that:
 - (i) is at the premises; and
 - (ii) can be used with the equipment or is associated with it;contains information that is relevant to assessing the correctness of information provided under this GHGR Standard.
- (3) The entitled that an authorised person may exercise in relation to premises under [section 59](#) include the following entitled in relation to information described in subsection (2) found in the exercise of the power under that subsection:
- (a) the power to operate facilities at the premises to put the information in documentary form and copy the documents so produced;
 - (b) the power to operate facilities at the premises to transfer the information to a disk, tape or other storage device that:
 - (i) is brought to the premises for the exercise of the power; or
 - (ii) is at the premises and the use of which for the purpose has been agreed in writing by the occupier of the premises;
 - (c) the power to remove from the premises a disk, tape or other storage device to which the information has been transferred in exercise of the power under paragraph (b).

61. Authorised person may request persons to answer questions

- (1) If the authorised person was only authorised to enter premises because the occupier of the premises consented to the entry, the authorised person may ask the occupier to:
 - (i) answer any questions related to the operation of this GHGR Standard that are put by the authorised person; and
 - (ii) produce any document requested by the authorised person that is so related.
- (2) If the authorised person was authorised to enter the premises by a authorisation, the authorised person has power to require the occupier (if the occupier is in or on the premises), or another person who apparently represents the occupier (if that person is in or on the premises), to:
 - (a) answer any questions related to the operation of this GHGR Standard that are put by the authorised person; and
 - (b) produce any document requested by the authorised person that is so related.
- (3) A person commits an irregularity if the person refuses or fails to comply with a requirement under subsection (2).
- (4) An individual is excused from complying with a requirement of subsection (2) if the answer to the question or the production of the document might tend to incriminate the individual or expose the individual to a penalty.

Subdivision C—Obligations and incidental entitled of authorised persons

62. Authorised person must produce identity card on request

An authorised person is not entitled to exercise any entitled under this GHGR Standard in relation to premises if:

- (1) the occupier of the premises requires the authorised person to produce his or her identity card for inspection by the occupier; and
- (2) the authorised person fails to comply with the requirement.

63. Consent

- (1) Before obtaining the consent of a person for the purposes of [paragraph 59\(2\)\(a\)](#), the authorised person must inform the person that he or she may refuse consent.
- (2) An entry of an authorised person because of the consent of a person is not lawful unless the person voluntarily consented to the entry.

64. Announcement before entry

An authorised person executing a authorisation must, before entering premises under the authorisation:

- (1) announce that he or she is authorised to enter the premises; and
- (2) give any person at the premises an opportunity to allow entry to the premises.

65. Details of authorisation to be given to occupier etc. before entry

- (1) If a authorisation is being executed and the occupier of the premises in respect of which it is being executed or another person who apparently represents the occupier is present at the premises, the authorised person must make available to that person a copy of the authorisation.
- (2) The authorised person must identify himself or herself to that person.

- (3) The copy of the authorisation referred to in subsection (1) need not include the signature of the Working Body who issued the authorisation.

66. Use of electronic equipment in exercising monitoring rights

- (1) An authorised person or a person assisting that officer may operate electronic equipment already at premises in order to exercise the entitled set out in [section 60](#) if he or she believes, on reasonable grounds, that the operation of the equipment can be carried out without damage to the equipment.
- (2) If the authorised person or a person assisting believes, on reasonable grounds, that:
 - (i) there is on the premises material relating to information supplied under this GHGR Standard that may be accessible by operating electronic equipment on the premises; and
 - (ii) expert assistance is required to operate the equipment; and
 - (iii) if he or she does not take action under this subsection, the material may be destroyed, altered or otherwise interfered with;he or she may do whatever is necessary to secure the equipment, whether by locking it up, placing a guard, or otherwise.
- (3) The authorised person or a person assisting must give notice to the occupier of the premises of his or her intention to secure equipment and of the fact that the equipment may be secured for up to 24 hours.
- (4) The equipment may be secured:
 - (a) for a period not exceeding 24 hours; or
 - (b) until the equipment has been operated by the expert;whichever first happens.
- (5) If an authorised person or a person assisting believes, on reasonable grounds, that the expert assistance will not be available within 24 hours, he or she may apply to a Working Body for an extension of the period.
- (6) The Working Body may extend the period of time, up to a maximum of a further 48 hours.
- (7) The authorised person or a person assisting must give notice to the occupier of the premises of his or her intention to apply for an extension and the occupier is entitled to be heard in relation to that application.
- (8) The provisions of this Part relating to the issue of authorisations apply, with such modifications as are necessary, to the issue of an extension.
- (9) In this section:
premises means:
 - (a) premises that an authorised person has entered, and remains on, with the consent of the occupier; and
 - (b) authorisation premises.

67. Compensation for damage to electronic equipment

- (1) This section applies if:
 - (a) as a result of equipment being operated as mentioned in [section 66](#):
 - (i) damage is caused to the equipment; or
 - (ii) the data recorded on the equipment is damaged; or
 - (iii) programs associated with the use of the equipment, or with the use of the data, are damaged or corrupted; and
 - (b) the damage or corruption occurs because:

- (i) insufficient care was exercised in selecting the person who was to operate the equipment; or
 - (ii) insufficient care was exercised by the person operating the equipment.
- (2) The Country must pay the owner of the equipment, or the user of the data or programs, such reasonable compensation for the damage or corruption as the Country and the owner or user agree on.
- (3) However, if the owner or user and the Country fail to agree, the owner or user may institute proceedings in a Commercial Court for such reasonable amount of compensation as the Commercial Court determines.
- (4) In determining the amount of compensation payable, regard is to be had to whether the occupier of the premises, or the occupier's employees or agents, if they were available at the time, provided any appropriate warning or guidance on the operation of the equipment.
- (5) Compensation is payable out of money appropriated by the Board of Trustees.
- (6) For the purposes of subsection (1):
damage, in relation to data, includes damage by erasure of data or addition of other data.

Subdivision D—Occupier's rights and responsibilities

68. Occupier entitled to be present during execution of authorisation

- (1) If a authorisation is being executed and the occupier of the authorisation premises, or another person who apparently represents the occupier, is present at the premises, the person is entitled to observe the execution of the authorisation.
- (2) The right to observe the execution of the authorisation ceases if the person impedes that execution.
- (3) This section does not prevent the execution of the authorisation in 2 or more areas of the premises at the same time.

69. Occupier to provide authorised person with all facilities and assistance

- (1) The occupier of authorisation premises, or another person who apparently represents the occupier, must provide the officer executing the authorisation and any person assisting that officer with all reasonable facilities and assistance for the effective exercise of their entitled.
- (2) A person commits an irregularity if the person fails to comply with the obligation set out in subsection (1).

Damages: 10 damage units.

Note: Subsection (1) belongs to the general principles.

Subdivision E—Monitoring rights

70. Monitoring rights

- (1) An verifier may apply to a project proponent and the Working Body for a authorisation under this section in relation to premises.

- (2) Subject to subsection (3), the Working Body may issue the authorisation if the project proponent is satisfied, by information on oath or affirmation, that it is reasonably necessary that one or more verifiers should have access to the premises for the purpose of substantiating information provided under this GHGR Standard or of determining whether this GHGR Standard has been complied with.
- (3) The Working Body must not issue the authorisation unless the verifier or some other person has given to the Working Body, either orally or by affidavit, such further information (if any) as the Working Body requires concerning the grounds on which the issue of the authorisation is being sought.
- (4) The authorisation must:
 - (a) authorise one or more verifiers (whether or not named in the authorisation), with such assistance as is necessary and reasonable:
 - (i) to enter the premises; and
 - (ii) to exercise the entitled set out in [section 60](#) in relation to the premises; and
 - (b) state whether the entry is authorised to be made at any time of the day or during specified hours of the day; and
 - (c) specify the day (not more than 6 months after the issue of the authorisation) on which the authorisation ceases to have effect; and
 - (d) state the purpose for which the authorisation is issued.

Subdivision F—Information gathering

71. Power to request information

- (1) This section applies to a person if the Working Body has reason to believe that information (the *compellable information*) relating to whether this GHGR Standard or the associated provisions has been complied with is in a person's possession, custody or control (whether held electronically or in any other form).
- (2) The Working Body may, in writing, require the person to give specified compellable information to the Working Body:
 - (a) within a specified period of time; and
 - (b) in a specified form or manner.
- (3) The person must not fail to comply with a requirement under this section.
Damages: 10 damage units.
- (4) The person must not, in purported compliance with a requirement under this section, give to the Working Body information that is false or misleading in a material particular.
Damages: 10 damage units.
- (5) Subsection (3) does not apply to the extent that the person has a reasonable excuse. However, a person does not have a reasonable excuse merely because the information in question is:
 - (a) of a commercial nature; or
 - (b) subject to an obligation of confidentiality arising from a commercial relationship; or
 - (c) commercially sensitive.
- (6) Subsection (3) does not apply in relation to compellable information if giving the information might tend to incriminate the person or expose the person to a penalty.

72. Prohibitions on disclosure of information do not apply

This Division has effect despite any law of the Country, a State or a Territory prohibiting disclosure of the information.

Subdivision G—Greenhouse and energy audits

73. Audits of registered corporations—compliance

- (1) This section applies if the Working Body has reasonable grounds to suspect that a registered corporation has contravened, is contravening, or is proposing to contravene, this GHGR Standard or the associated provisions.
- (2) The Working Body may, by written notice given to the corporation, require the corporation to:
 - (a) appoint as an audit team leader:
 - (i) a registered greenhouse and energy auditor of its choice; or
 - (ii) if the Working Body specifies a registered greenhouse and energy auditor in the notice—that auditor; or
 - (iii) if the Working Body specifies more than one registered greenhouse and energy auditor in the notice—any one of those auditors; and
 - (b) arrange for the audit team leader to carry out an audit on one or more aspects of the corporation's compliance with this GHGR Standard or the associated provisions; and
 - (c) arrange for the audit team leader to give the corporation a written report setting out the results of the audit; and
 - (d) give the Working Body a copy of the audit report on or before the day specified in the notice.
- (3) The notice must specify the:
 - (a) type of audit to be carried out; and
 - (b) matters to be covered by the audit; and
 - (c) form of the audit report and the kinds of details it is to contain.
- (4) The corporation, and each member of the corporation's group, must provide the audit team leader and any audit team members with all reasonable facilities and assistance necessary for the effective exercise of the audit team leader's duties under this GHGR Standard.

Damages: 5 damage units.
- (5) If the Working Body gives a corporation written notice under subsection (2), the corporation must comply with the requirements of the notice.

Damages: 5 damage units.

Note: Under [section 30](#) a corporation that fails to provide an audit report in accordance with this section will be subject to a damages of an additional 2 damage units for each day after the day mentioned in paragraph (2)(d) that the report is late.

73.A. Audits of persons providing information under section 20—compliance

- (1) This section applies if the Working Body has reasonable grounds to suspect that a person required to provide information under [section 20](#) has contravened, is contravening, or is proposing to contravene, this GHGR Standard or the associated provisions.

- (2) The Working Body may, by written notice given to the person, require the person to:
 - (a) appoint as an audit team leader:
 - (i) a registered greenhouse and energy auditor of the person's choice; or
 - (ii) if the Working Body specifies a registered greenhouse and energy auditor in the notice—that auditor; or
 - (iii) if the Working Body specifies more than one registered greenhouse and energy auditor in the notice—any one of those auditors; and
 - (b) arrange for the audit team leader to carry out an audit on one or more aspects of the person's compliance with this GHGR Standard or the associated provisions; and
 - (c) arrange for the audit team leader to give the person a written report setting out the results of the audit; and
 - (d) give the Working Body a copy of the audit report on or before the day specified in the notice.
- (3) The notice must specify the:
 - (a) type of audit to be carried out; and
 - (b) matters to be covered by the audit; and
 - (c) form of the audit report and the kinds of details it is to contain.
- (4) The person must provide the audit team leader and any audit team members with all reasonable facilities and assistance necessary for the effective exercise of the audit team leader's duties under this GHGR Standard.

Damages: (a) for an individual—1 damage unit; or
(b) otherwise—2 damage units.
- (5) If the Working Body gives a person required to provide information under [section 20](#) written notice under subsection (2), the person must comply with the requirements of the notice.

Damages: (a) for an individual—1 damage unit; or
(b) otherwise—2 damage units.

Note: Under [section 30](#) a corporation that fails to provide an audit report in accordance with this section will be subject to a damage of an additional 1 damage unit for each day after the day mentioned in paragraph (2)(d) that the report is late.

74. Audits of registered corporations—other

- (1) The Working Body may appoint a registered greenhouse and energy auditor as an audit team leader to carry out an audit of a registered corporation's compliance with one or more aspects of this GHGR Standard or the associated provisions.
- (2) The Working Body must give written notice to the corporation of a decision to appoint an audit team leader under subsection (1). The notice must:
 - (a) specify the audit team leader; and
 - (b) specify the period within which the audit is to be undertaken; and
 - (c) specify the type of audit to be carried out; and
 - (d) specify the matters to be covered by the audit; and
 - (e) be given to the corporation at a reasonable time before the audit is to be undertaken.
- (3) The corporation, and each member of the corporation's group, must provide the audit team leader and any audit team members with all reasonable facilities and assistance necessary for the effective exercise of the audit team leader's duties under this GHGR Standard.

- (4) If a corporation is given a notice under subsection (2), the corporation must arrange for the audit team leader to carry out the audit.

74.AA. Audit of persons providing reports under section 19, 22G, 22X or 22XB

Scope

- (1) This section applies if:
- (a) a person is required to provide a report (the *Sustainability Statements*) under section 19, 22.G, 22.X or 22.X.B for a financial year in relation to one or more facilities; and
 - (b) for that financial year, the facility, or at least one of those facilities, was:
 - (i) a designated distributed or large facility; or
 - (ii) a facility of a kind specified by the methodology for the purposes of this subparagraph; and
 - (c) the conditions set out in the methodology are satisfied.

Audit

- (2) The person must:
- (a) appoint as an audit team leader a registered greenhouse and energy auditor of the person's choice; and
 - (b) arrange for the audit team leader to carry out an audit of:
 - (i) the Sustainability Statements; and
 - (ii) such other matters (if any) relating to the Sustainability Statements as are specified in the methodology; and
 - (iii) if the Sustainability Statements was under [section 19](#)—the person's compliance with [section 22](#) (about record-keeping) in relation to the financial year and so much of the report as relates to facilities to which paragraph (1)(b) of this section applies; and
 - (iv) if the Sustainability Statements was under [section 22.G](#)—the person's compliance with [section 22.H](#) (about record-keeping) in relation to the financial year; and
 - (v) if the Sustainability Statements was under [section 22.X](#)—the person's compliance with [section 22.X.A](#) (about record-keeping) in relation to the financial year; and
 - (vi) if the Sustainability Statements was under [section 22.X.B](#)—the person's compliance with [section 22.X.C](#) (about record-keeping) in relation to the financial year; and
 - (c) arrange for the audit team leader to give the person a written report setting out the results of the audit; and
 - (d) give the Working Body a copy of the audit report:
 - (i) on the day on which the Sustainability Statements is provided to the Working Body; and
 - (ii) in the manner specified in the methodology.
- Damages:**
- (a) for an individual—2 damage units; or
 - (b) otherwise—5 damage units.
- (3) The methodology may specify:
- (a) the type of audit to be carried out; and
 - (b) the matters to be covered by the audit; and
 - (c) the form of the audit report and the kinds of details it is to contain.

- (4) The person must provide the audit team leader and any audit team members with all reasonable facilities and assistance necessary for the effective exercise of the audit team leader's duties under this GHGR Standard.

Damages: (a) for an individual—5 damage units; or
(b) otherwise—25 damage units.

74.A. Audits of persons providing information under section 20—other

- (1) The Working Body may appoint a registered greenhouse and energy auditor as an audit team leader to carry out an audit of the compliance of a person required to provide information under [section 20](#) with one or more aspects of this GHGR Standard or the associated provisions.
- (2) The Working Body must give written notice to the person of a decision to appoint an audit team leader under subsection (1). The notice must:
- (a) specify the audit team leader; and
 - (b) specify the period within which the audit is to be undertaken; and
 - (c) specify the type of audit to be carried out; and
 - (d) specify the matters to be covered by the audit; and
 - (e) be given to the person at a reasonable time before the audit is to be undertaken.
- (3) The person must provide the audit team leader and any audit team members with all reasonable facilities and assistance necessary for the effective exercise of the audit team leader's duties under this GHGR Standard.
- Damages:** (a) for an individual—2 damage units; or
(b) otherwise—5 damage units.
- (4) If a person required to provide information under [section 20](#) is given a notice under subsection (2), the person must arrange for the audit team leader to carry out the audit.
- Damages:** (a) for an individual—2 damage units; or
(b) otherwise—5 damage units.

74.B. Audits of certain entities—compliance

- (1) For the purposes of this section, a person is a **relevant person** if:
- (a) either:
 - (i) the person is the responsible member mentioned in [subsection 22.X.\(1\)](#); or
 - (ii) the person is the responsible emitter for a facility that is or was a designated distributed or large facility in relation to a financial year; and
 - (b) the person is not a registered corporation; and
 - (c) the Working Body has reasonable grounds to suspect that the person has contravened, is contravening, or is proposing to contravene, this GHGR Standard or the associated provisions.
- (2) The Working Body may, by written notice given to a relevant person, require the relevant person to:
- (a) appoint as an audit team leader:
 - (i) a registered greenhouse and energy auditor of the relevant person's choice; or
 - (ii) if the Working Body specifies a registered greenhouse and energy auditor in the notice—that auditor; or

- (iii) if the Working Body specifies more than one registered greenhouse and energy auditor in the notice—any one of those auditors; and
- (b) arrange for the audit team leader to carry out an audit on one or more aspects of the relevant person's compliance with this GHGR Standard or the associated provisions; and
- (c) arrange for the audit team leader to give the relevant person a written report setting out the results of the audit; and
- (d) give the Working Body a copy of the audit report on or before the day specified in the notice.
- (3) The notice must specify:
 - (a) the type of audit to be carried out; and
 - (b) the matters to be covered by the audit; and
 - (c) the form of the audit report and the kinds of details it is to contain.
- (4) The relevant person must provide the audit team leader and any audit team members with all reasonable facilities and assistance necessary for the effective exercise of the audit team leader's duties under this GHGR Standard.
- (5) If the Working Body gives the relevant person written notice under subsection (2), the relevant person must comply with the requirements of the notice.

Damages: (a) for an individual—2 damage units; or
(b) otherwise—5 damage units.

Note: Under [section 30](#) a corporation that fails to provide an audit report in accordance with this section will be subject to a damage of an additional 2 damage units for each day after the day mentioned in paragraph (2)(d) that the report is late.

74.C. Audits of certain entities—other

- (1) For the purposes of this section, a person is a **relevant person** if the person:
 - (a) either:
 - (i) the person is the responsible member mentioned in [subsection 22.X.\(1\)](#); or
 - (ii) the person is the responsible emitter for a facility that is or was a designated distributed or large facility in relation to a financial year; and
 - (b) is not a registered corporation.
- (2) The Working Body may appoint a registered greenhouse and energy auditor as an audit team leader to carry out an audit of a relevant person's compliance with one or more aspects of this GHGR Standard or the associated provisions.
- (3) The Working Body must give written notice to the relevant person of a decision to appoint an audit team leader under subsection (2). The notice must:
 - (a) specify the audit team leader; and
 - (b) specify the period within which the audit is to be undertaken; and
 - (c) specify the type of audit to be carried out; and
 - (d) specify the matters to be covered by the audit; and
 - (e) be given to the relevant person at a reasonable time before the audit is to be undertaken.
- (4) The relevant person must provide the audit team leader and any audit team members with all reasonable facilities and assistance necessary for the effective exercise of the audit team leader's duties under this GHGR Standard.
- (5) If a relevant person is given a notice under subsection (3), the relevant person must arrange for the audit team leader to carry out the audit.

75. Conduct of audits

- (1) The Chairman of the Board of Trustees may determine, by instrument, requirements to be met by registered greenhouse and energy auditors in:
 - (a) preparing for and carrying out greenhouse and energy audits; and
 - (b) preparing audit reports in relation to greenhouse and energy audits; and
 - (c) preparing for and carrying out BidCarbon standard scheme audits; and
 - (d) preparing BidCarbon standard scheme audit reports; and
 - (e) preparing for and carrying out sustainability audits; and
 - (f) preparing sustainability audit reports; and
- (2) The determination may set out different requirements for:
 - (a) different types of audits; and
 - (b) different types of audit reports.
- (3) A registered greenhouse and energy auditor must comply with requirements determined under subsection (1).

75.A. Register of greenhouse and energy auditors

- (1) The Working Body must cause a register of greenhouse and energy auditors to be kept for the purposes of this GHGR Standard and the Carbon Farming Standard.
- (2) The Working Body must register an individual in the register if the individual:
 - (a) has applied for registration in accordance with requirements under subsection (5); and
 - (b) meets such requirements as to qualifications, knowledge, expertise, competence, independence and other matters as are set out in the requirements for the purposes of this paragraph or in a instrument made under the requirements in accordance with subsection (4).
- (3) If an individual who has applied for registration in the register does not meet the requirements referred to in paragraph (2)(b), the Working Body must refuse to register the individual.
- (4) Requirements made for the purposes of paragraph (2)(b) may provide for the Working Body to make a instrument setting out:
 - (a) some or all of the requirements that could otherwise be set out in the requirements; or
 - (b) ways in which requirements set out in the requirements may be met.
- (5) The requirements may provide for any of the following:
 - (a) the form and content of the register;
 - (b) publication of the register;
 - (c) the form and content of applications for registration and the manner in which applications are to be made;
 - (d) fees to be paid in connection with registration (including ongoing or recurrent fees to maintain registration);
 - (e) requirements to be met in order to maintain registration;
 - (f) review of registration;
 - (g) suspension of registration in prescribed circumstances;
 - (h) deregistration in prescribed circumstances;
 - (i) inspection of the performance of registered greenhouse and energy auditors in carrying out greenhouse and energy audits;
 - (j) inspection of the performance of registered greenhouse and energy auditors in carrying out BidCarbon standard scheme audits;

- (k) inspection of the performance of registered greenhouse and energy auditors in carrying out sustainability audits;
 - (l) other matters in connection with registration in the register.
- (6) A fee under paragraph (5)(d) must not be such as to amount to taxation.
- (7) The Working Body may, by written instrument, delegate to another person (whether or not an secretariat employee or acting secretariat employee) any of the Working Body's functions or entitled under this section or requirements under this section.
- (8) However, the Working Body must not delegate the power to make a instrument as mentioned in subsection (4) other than to an secretariat employee or acting secretariat employee.

Part 7—Miscellaneous

76. Periodic reviews of operation of this GHGR Standard etc.

- (1) The Technical Advisory Committee must conduct reviews of the operation of:
 - (a) this GHGR Standard; and
 - (b) instruments under this GHGR Standard.

Public consultation

- (2) A review under subsection (1) must make provision for public consultation.

Report

- (3) The Technical Advisory Committee must:
 - (a) give the Chairman of the Board of Trustees a report of the review; and
 - (b) as soon as practicable after giving the report to the Chairman of the Board of Trustees, publish the report on the Technical Advisory Committee's website.
- (4) The Chairman of the Board of Trustees must cause copies of a report under subsection (3) to be tabled in each Committee within 20 sitting days of that House after the review is completed.

First review

- (5) The first review under subsection (1) must be completed during the period:
 - (a) beginning at the start of 30 June 2024; and
 - (b) ending at the end of 31 December 2025.

Subsequent reviews

- (6) Each subsequent review under subsection (1) must be completed within 5 years after the deadline for completion of the previous review.
- (7) For the purposes of subsections (4), (5) and (6), a review is completed when the report of the review is given to the Chairman of the Board of Trustees under subsection (3).

Recommendations

- (8) A report of a review under subsection (1) may set out recommendations to the Working Body.
- (9) In formulating a recommendation that the Working Body should take particular action, the Technical Advisory Committee must analyse the costs and benefits of that action.
- (10) Subsection (9) does not prevent the Technical Advisory Committee from taking other matters into account in formulating a recommendation.
- (11) If a report of a review under subsection (1) sets out one or more recommendations to the Working Body, the report must set out the Technical Advisory Committee's reasons for those recommendations.

Foundation response to recommendations

- (12) If a report of a review under subsection (1) sets out one or more recommendations to the charity:
 - (a) as soon as practicable after receiving the report, the Chairman of the Board of Trustees must cause to be prepared a statement setting out the charity's response to each of the recommendations; and
 - (b) within 3 months of receipt of the report, the Chairman of the Board of Trustees shall present copies of the statement to the Commission.
- (13) The Working Body's response to the recommendations may have regard to the views of the following:
 - (a) the Technical Advisory Committee;
 - (b) the Technical Governance Committee;
 - (c) such other persons as the Chairman of the Board of Trustees considers relevant.

76.B. Special reviews of operation of this GHGR Standard etc.

Scope

- (1) This section applies if:
 - (a) the Chairman of the Board of Trustees, by written instrument given to the Chair of the Technical Advisory Committee, requests the Technical Advisory Committee to conduct a review under this section of such matters as are specified in the instrument; and
 - (b) the matters specified in the instrument are covered by subsection (4).

Review

- (2) The Technical Advisory Committee must conduct a review of those matters.

Consultation

- (3) In conducting a review, the Technical Advisory Committee must make provision for public consultation.

Covered matters

- (4) This subsection covers the operation of:
 - (a) this GHGR Standard; and
 - (b) instruments under this GHGR Standard.

Report

- (5) The Technical Advisory Committee must:
 - (a) give the Chairman of the Board of Trustees a report of the review; and
 - (b) as soon as practicable after giving the report to the Chairman of the Board of Trustees, publish the report on the Technical Advisory Committee's website.
- (6) The Chairman of the Board of Trustees must cause copies of a report under subsection (5) to be tabled in each board member of the Board of Trustees within 15 sitting days of that board member after the completion of the preparation of the report.

Recommendations

- (7) A report of a review under subsection (2) may set out recommendations to the Working Body.
- (8) In formulating a recommendation that the Working Body should take particular action, the Technical Advisory Committee must analyse the costs and benefits of that action.
- (9) Subsection (8) does not prevent the Technical Advisory Committee from taking other matters into account in formulating a recommendation.
- (10) If a report of a review under subsection (2) sets out one or more recommendations to the Working Body, the report must set out the Technical Advisory Committee's reasons for those recommendations.

Government response to recommendations

- (11) If a report of a review under subsection (2) sets out one or more recommendations to the Working Body:
 - (a) as soon as practicable after receiving the report, the Chairman of the Board of Trustees must cause to be prepared a statement setting out the Working Body's response to each of the recommendations; and
 - (b) within 6 months after receiving the report, the Chairman of the Board of Trustees must cause copies of the statement to be tabled in each board member of the Board of Trustees.
- (12) The Working Body's response to the recommendations may have regard to the views of the following:
 - (a) the Technical Advisory Committee;
 - (b) the Working Body;
 - (c) such other persons as the Chairman of the Board of Trustees considers relevant.

77. Requirements

- (1) The Working Body may make requirements prescribing matters:
 - (a) required or permitted by this GHGR Standard to be prescribed; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this GHGR Standard.
- (2) The requirements may make provision in relation to a matter by applying, adopting or incorporating, with or without modification, a matter contained in an instrument or writing:
 - (a) as in force or existing at a particular time; or
 - (b) as in force or existing from time to time.
- (3) Subsection (2) has effect despite anything in subsection 14(2) of the BidCarbon Foundation Governing Document.
- (4) If the requirements make provision in relation to a matter by applying, adopting or incorporating, with or without modification, a matter contained in an instrument or writing, the Working Body must ensure that the text of the matter applied, adopted or incorporated is published on its website.
- (5) Subsection (4) does not apply if the publication would infringe copyright.
- (6) The requirements may make provision in relation to a matter by conferring a power to make a decision of an administrative character on the Working Body.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the Standard.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Citation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Citation history and amendment history—Endnotes 3 and 4

Amending standards are annotated in the citation history and amendment history.

Endnote 3 citation history provides information about each citation that has amended (or will amend) the compilation. This includes crucial details such as commencement information for amending standards, along with specifics on any application, saving or transitional provisions not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under the BidCarbon Foundation Governing Document.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

Endnote 2—Abbreviation key

ad = added or inserted
am = amended
amdt = amendment
c = clause(s)
C[x] = Compilation No. x
Ch = Chapter(s)
def = definition(s)
Dict = Dictionary
disallowed = disallowed by the Board of Trustees
Div = Division(s)
ed = editorial change
exp = expires/expired or ceases/ceased to have effect
gaz = gazette
BFGD = BidCarbon Foundation Governing Document
WR = Written Resolutions
(md) = misdescribed amendment can be given effect
(md not incorp) = misdescribed amendment cannot be given effect
mod = modified/modification
No. = Number(s)
Ord = Ordinance
orig = original
par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
pres = present
prev = previous
(prev...) = previously
Pt = Part(s)
r = requirement(s)
reloc = relocated
renum = renumbered
rep = repealed
rs = repealed and substituted
s = section(s)/subsection(s)
Sch = Schedule(s)
Sdiv = Subdivision(s)
SWR = Select Written Resolutions
SR = Statutory Rules
Sub-Ch = Sub-Chapter(s)
SubPt = Subpart(s)
underlining = whole or part not commenced or to be commenced

Endnote 3—Citation history

Name	Number and year	Assent	Application, saving and transitional provisions

Endnote 4—Amendment history

Provision affected	How affected