



Our reference: FOI request No. 04_2016

22 April 2016

Mr Luke Bacon

By email: foi+request-1714-0cede1e7@righttoknow.org.au

Dear Mr Bacon

**Freedom of Information Request
Notice of Decision about access**

1. I refer to your Freedom of Information request dated 3 March 2016 (**access request**) which was made under the *Freedom of Information Act 1982* (**the FOI Act**). You have requested access to an application made under section 25 of the NGER Act by Knauf Australia Pty Ltd (the Corporation) requesting the Clean Energy Regulator (the Regulator) not to publish the Corporation's greenhouse and energy information for 2014-15 financial year.
2. I am an officer of the Regulator authorised under section 23 of the FOI Act to make decisions in relation to:
 - a. an access request, and
 - b. charges in relation to an access request.

Decision about access

3. This letter sets out my decision in relation to your access request. I have identified 1 document relevant to the access request, and I have decided to release this document in full.
4. A copy of the relevant document I release to you in response to your access request is at **Attachment A**.
5. A copy of the relevant provisions of the FOI Act is included at **Attachment B** for your information.

Decision about charges

6. I have decided to exercise my discretion to not impose charges in relation to your access request. In doing so, I have had regard to the objects of the FOI Act to facilitate and promote public access to information at the 'lowest reasonable cost'.

Review Rights

7. If you are dissatisfied with this decision, you may request an internal review, or alternatively, make an application for review to the Office of the Australian Information Commissioner. For information about your review rights, please refer to **Attachment D**.
8. If you have any questions, please contact the FOI Coordinator at foi@cleanenergyregulator.gov.au.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Tas Sakellaris', is positioned above the printed name.

Tas Sakellaris
FOI Delegate
Clean Energy Regulator



Australian Government
Clean Energy Regulator

NATIONAL GREENHOUSE AND ENERGY REPORTING

FORM

CER-NGER-009

V2.0 11/12/2015

Application for information not to be published for the 2014–15 reporting year

under section 25 of the *National Greenhouse and Energy Reporting Act 2007*

Purpose of this form

Section 25 of the National Greenhouse and Energy Reporting Act 2007 (the NGER Act) provides for a registered corporation, a person required to provide information under section 19, or a person required to provide a report under section 22G or 22X, to make an application requesting certain information not be published.

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

- a) a trade secret, 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 person.

As part of assessing the application, the Clean Energy Regulator will consider whether the applicant has demonstrated that there are real and substantial grounds that publishing their information may reveal a trade secret or affect the commercial value about a specific facility, technology or corporate initiative. Grounds that are speculative, imaginable or theoretical will not be sufficient.

This form is to be used to make such a request in relation to the 2014-15 reporting year.

Instructions for completing this form

Please read each part of the application carefully, fully answer all the questions in those parts of the application that the applicant is required to submit, sign where indicated, and attach the required documentation.

The page number is shown in the footer at the bottom of each page. The form is divided into five parts:

- **Part A** seeks identifying information about the party making the application.
- **Part B** is for you to detail what greenhouse and energy information you want withheld from publication.
- **Part C** is for you to detail whether the application concerns a trade secret.
- **Part D** is for you to detail whether the application concerns a matter of commercial value other than a trade secret.
- **Part E** is to assure the Clean Energy Regulator that you have endorsed the information provided in the application.

It is compulsory to complete Parts A, B and E.

Pen colours	Please use a black or blue pen to write on the form.
Check boxes	Mark boxes like this <input type="checkbox"/> with a ✓ or X . When an instruction asks you to 'tick' the box, you can still use either ✓ or X .
Go to	Where you see an instruction like this - <input type="checkbox"/> Go to question 5 - mark the relevant box with a ✓ or X and then skip to the question number shown. You do not need to answer the question(s) in between. Where an instruction has a black double arrow (►►), go to the next indicated part/section. Where an instruction has a black single arrow (►), go to the next question. Where an instruction has a black single arrow pointing down (▼), fill in the field(s) directly below.
Mandatory questions	If all fields in a question are mandatory and must be completed, (required) is added to the end of the question label text. If a field in a question is mandatory only IF a condition is met, (required if any) is added to the end of the question label text.
►	This symbol indicates an instruction on what to do next.
①	This symbol indicates additional useful guidance to filling in the adjacent field or section.
📄	This symbol advises that more than one entry may be required for the section and therefore you may need to photocopy or print the section or fill in a duplicate section.
📎	This symbol advises that additional documentation to support a claim may need to be attached to the application.
Duplex printing	This form is designed to be duplex printed to save on paper. All new sections start on the right-hand side of a page spread.

Help filling in this form

In addition to this notes section, other segments of explanatory text are included where relevant to help you in completing this form. If you have any queries, first refer to the explanation with the question, or to this text at the end of the form.

If you require assistance filling in the form or have any questions regarding this application process please contact the Clean Energy Regulator general enquiries line **1300 553 542** or reporting@cleanenergyregulator.gov.au.

Making an application

Applications should be submitted by **31 January 2016** for greenhouse and energy information reported in the 2014-15 reporting year. Details of how to submit this form are supplied in **Additional information** at the end of this form.

Please supply any additional information you feel will strengthen your application. Any attachments are to be listed in the spaces provided at the end of **Part E**.

Office use:

Part A: Applicant details

① *Part A must be completed for all applications. All questions in this part are mandatory.*

1. Applicant type (required)

▶ What type of applicant are you?

<input checked="" type="checkbox"/>	A registered corporation. Go to question 2. ▶
<input type="checkbox"/>	Approved other person (as per section 20 of NGER Act). Go to question 3. ▶▶
<input type="checkbox"/>	Reporting transfer certificate (RTC) holder. Go to question 4. ▶▶

① *NOTE: Registered corporations, RTC holders and an approved other person (as per section 20 of the NGER Act) may make a section 25 application.*

2. Registered corporation details (required)

▶ Please provide the corporation name for the registered corporation.

① *This is the name that appears on the Australian Business Register.*

Corporation name	Knauf Australia Pty Limited
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▶ Please provide one of the following for the registered corporation in order of precedence: ABN, ACN, ARBN or trading name and street address.

ABN	86 003 621 181
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① *If the registered corporation does not have an ABN, please provide the registered corporation's ACN.*

ACN	003 621 181
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① *If the registered corporation does not have an ABN or an ACN, please provide the registered corporation's ARBN.*

ARBN	
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① *If the registered corporation does not have an ABN, ACN or an ARBN please provide the registered corporation's trading name and street address.*

Trading name	Knauf Plasterboard Pty Limited
Address line 1	31 Military Road
Address line 2	PO Box 483
Address line 3	
Suburb/city	Matraville
State/territory	NSW
Postcode	2036
Country	Australia

Go to question 5. ▶▶

3. Approved other person details (required)

▶ Please provide the following details for the approved other person.

① *This is an approved other person as defined at the rear of this form.*

Name of applicant *	
Section 20 reference number	

Go to question 5. ▶▶

4. RTC holder details (required)

▶ Please provide the following details for the RTC holder.

Name of applicant *	
Certificate number	

Go to question 5. ▶▶

Details of a primary contact for this application

- ① *The Clean Energy Regulator will direct communication regarding this application to the primary contact.*
- ① *The primary contact for this application DOES NOT have to be the same person listed in EERS as the primary contact for your organisation.*

5. Primary contact details (required)

Title (eg Mr, Mrs, Dr)	Ms
First name	Kathryn
Middle name(s)	
Last name	Walker
Position	National WHS & Sustainability Manager

▶ Provide the person's postal address details.

Address line 1	31 Military Road
Address line 2	PO Box 483
Suburb/city	Matraville
State/territory	NSW
Postcode	2036
Country	Australia

▶ Provide the person's contact details.

Phone number	02 9311 6930
Email address	kathryn.walker@knaufplasterboard.com.au

Office use:

Part B: Information to be withheld

- ① *Part B must be completed for all applications.*
- ① *Refer to the guidance document for more explanation of the publishing of greenhouse and energy information by the Clean Energy Regulator.*
- ① *Any documents related to Part B questions that you wish to submit with this form are to be listed in the attachment section at the end of Part E.*

6. Information to be withheld (required)

- ▶ What greenhouse and energy information do you want to have withheld from publication?

- ① *Select at least one option. More than one may be chosen. For more information on publication refer to the guidance document.*

<input checked="" type="checkbox"/>	Scope 1 emissions
<input checked="" type="checkbox"/>	Scope 2 emissions
<input checked="" type="checkbox"/>	Net energy consumption

7. Measurement methods (required)

- ▶ Do you want to have measurement methods withheld from publication for the corporate group?

<input type="checkbox"/>	Yes
<input checked="" type="checkbox"/>	No

- ① *The Clean Energy Regulator may choose not to publish measurement methods. For more information on publication refer to the guidance document.*

8. Measurement methods (required)

- ▶ Do you want the greenhouse and energy information specified in **question 6** above to be withheld from publication for the registered corporation's entire group or for a group member or business unit?

- ① *Select at least one option; both may be chosen.*

<input checked="" type="checkbox"/>	Group member or business unit. If checked, please answer question 9 . ▶
<input checked="" type="checkbox"/>	Corporate group. If checked, please answer question 10 . ▶▶

- ① *Refer to the guidance document for more explanation of the publishing of greenhouse and energy information by the Clean Energy Regulator.*

9. Group members/business unit name (required)

- ▶ What is the name of the group member(s) and/or business unit(s)?

- ① *This information is to be the same as entered in EERS.*

Name	Knauf Plasterboard Pty Limited
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10. Outside parties (required)

- ▶ Has your organisation made any of the greenhouse and energy information specified above available to any outside parties, apart from the Clean Energy Regulator?

No	<input type="checkbox"/>	Go to Part C. ▶▶
Yes	<input checked="" type="checkbox"/>	Go to question 11. ▶

Office use:

11. Information to outside parties (required)

- How was the greenhouse and energy information made available to any outside parties?

① *More than one response can be selected.*

a) Annual report

- Was the information made available in an annual report?

No	<input checked="" type="checkbox"/>	Go to question 11b. ►
Yes	<input type="checkbox"/>	Please provide details below. ▼

Details of the information made available	
Name of the organisation the information relates to	

	Day (dd)	Month (mm)	Year (yyyy)
Date information released			

b) Sustainability report

- Was the information made available in a sustainability report?

No	<input checked="" type="checkbox"/>	Go to question 11c. ►
Yes	<input type="checkbox"/>	Please provide details below. ▼

Details of the information made available	
Name of the organisation the information relates to	

	Day (dd)	Month (mm)	Year (yyyy)
Date information released			

Office use:

c) Energy Efficiency Opportunities report

► Was the information made available in an Energy Efficiency Opportunities report?

No	<input type="checkbox"/>	Go to question 11d. ►
Yes	<input checked="" type="checkbox"/>	Please provide details below. ▼

Details of the information made available	Energy use data per group member and site reported to the DRET as per the Assessment and Reporting Schedule and in the Government Report. DRET approved bandwidth reporting for the public report.
Name of the organisation the information relates to	Knauf Australia Pty Limited and Knauf Plasterboard Pty Limited

	Day (dd)	Month (mm)	Year (yyyy)
Date information released			

d) Publication by an industry association

► Was the information made available in a publication by an industry association?

No	<input checked="" type="checkbox"/>	Go to question 11e. ►
Yes	<input type="checkbox"/>	Please provide details below. ▼

Details of the information made available	
Name of the organisation the information relates to	

	Day (dd)	Month (mm)	Year (yyyy)
Date information released			

Office use:

e) Other

► Was the information made available in any other way?

No	<input checked="" type="checkbox"/>	Go to question 12. ►
Yes	<input type="checkbox"/>	Please provide details below. ▼

Details of the information made available	<p>NB: The information has not yet been made available.</p> <p>Knauf Plasterboard is in the process of having an opt-in carbon offset program certified to the National Carbon Offset Standard (NCOS). The Public Disclosure Statement will contain a figure each year relating to the amount of CO2e offset in tonnes, of the product opted into the program by customers. It will not represent the total products or production. Under agreement with the Department of Environment, this data will not be made publicly available in a way which enables analysis of the information by our competitors which could affect market competitiveness (for more details refer to Part D: Details of the other matter).</p>
Name of the organisation the information relates to	Knauf Australia Pty Limited and Knauf Plasterboard Pty Limited

	Day (dd)	Month (mm)	Year (yyyy)
Date information released	n/a		

Office use:

Part C: Details of the trade secret

- ① Only complete **Part C** if you are applying in regard to protecting a trade secret.
- ① Refer to the guidance document for more explanation of the publishing of greenhouse and energy information by the Clean Energy Regulator.

12. Trade secret (required)

- Is the greenhouse and energy information you are seeking to have withheld from publication related to a trade secret?

No	<input checked="" type="checkbox"/>	Go to Part D. ►►
Yes	<input type="checkbox"/>	Go to question 13. ►

13. Related to a specific facility, technology or corporate initiative

- Does the trade secret relate to a specific facility, technology or corporate initiative that is connected to your business or undertaking?

No	<input type="checkbox"/>	A trade secret that is the basis of a section 25 application must be related to a specific facility, technology or corporate initiative that is connected to your business or undertaking. If you have selected 'No', you may not have sufficient grounds to make a section 25 application.
Yes	<input type="checkbox"/>	Go to question 14. ►

14. Trade secret type

- Is the trade secret related to a specific facility, technology or corporate initiative?

<input type="checkbox"/>	A specific facility. Go to question 14a. ►
<input type="checkbox"/>	Technology. Go to question 14b. ►
<input type="checkbox"/>	Corporate initiative. Go to question 14c. ►

a) Specific facility details

- Provide the name of the facility or facilities that the trade secret is connected with.

Name of facility/ facilities	
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b) Technology details

- Provide details of the technology that the trade secret is related to.

Technology details	
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c) Corporate initiative details

- Provide details of the corporate initiative that the trade secret is related to.

Corporate initiative details	
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Office use:

15. Trade secret details (required)

- Provide details of the trade secret that you do not want revealed.

Trade secret details	
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16. Connection with greenhouse and energy information (required)

- What is the connection between the trade secret and the greenhouse and energy information specified in Part B, questions 6, 7 and 8?

- ① *It is important to establish a clear connection to demonstrate sufficient grounds for an application, for example by providing worked examples or mathematical relationships between the matter of commercial value and the relevant greenhouse and energy information.*

Connection with greenhouse and energy information	
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17. Connection with facility, technology or corporate initiative (required)

- What is the connection between the trade secret and the facility, technology or corporate initiative that you have specified?

- ① *It is important to establish a clear connection to demonstrate sufficient grounds for an application, for example by providing worked examples or mathematical relationships between the matter of commercial value and the relevant greenhouse and energy information.*

Connection with facility, technology or corporate initiative	
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Office use:

18. Limiting knowledge of trade secret (required)

- ▶ Has your organisation taken steps to limit knowledge of the trade secret?

No	<input type="checkbox"/>	Go to question 22. ▶▶
Yes	<input type="checkbox"/>	Go to question 19. ▶

19. Steps taken (required)

- ▶ What steps has your organisation taken to limit knowledge of the trade secret?

① Check the checkbox against each appropriate response; more than one response can be selected.

<input type="checkbox"/>	People granted access to the trade secret have signed a confidentiality agreement that compels them to keep the trade secret secure. This may include general employment agreements that contain confidentiality provisions. Go to question 22. ▶▶
<input type="checkbox"/>	Details of the trade secret are kept in a secured physical environment with access limited to authorised personnel only. Go to question 22. ▶▶
<input type="checkbox"/>	Details of the trade secret are kept in a secured computer environment with access limited to authorised personnel only. Go to question 22. ▶▶
<input type="checkbox"/>	Applied to IP Australia for intellectual property protection of the trade secret. Go to question 20. ▶
<input type="checkbox"/>	Other steps. Provide details below and go to question 22. ▼

Other steps	
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20. Intellectual property protection (required if any)

- ▶ What forms of intellectual property protection for the trade secret have you applied to IP Australia for?

① More information about technical terms related to intellectual property is available on the IP Australia website at: <http://www.ipaustralia.gov.au>.

<input type="checkbox"/>	Patent
<input type="checkbox"/>	Trade mark
<input type="checkbox"/>	Design registration
<input type="checkbox"/>	Plant breeder's right
<input type="checkbox"/>	Circuit layout right

21. Application status (required if any)

- ▶ Did IP Australia grant the application?

No	<input type="checkbox"/>	Go to question 22. ▶
Yes	<input type="checkbox"/>	Provide identification number for the intellectual property protection below. ▼

IP Australia identification number	
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Office use:

22. Internal knowledge of the trade secret (required)

- ▶ Who in your organisation has knowledge of the trade secret?

① Check the checkbox against each appropriate response; more than one response can be selected.

<input type="checkbox"/>	Managers
<input type="checkbox"/>	Contractors
<input type="checkbox"/>	All staff
<input type="checkbox"/>	Other. Please specify who below. ▼

Others	
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23. External knowledge of the trade secret (required)

- ▶ Does anybody outside of your organisation have knowledge of the trade secret?

No	<input type="checkbox"/>	Go to question 24. ▶
Yes	<input type="checkbox"/>	Please specify who below. ▼

External knowledge	
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24. How publishing affects trade secret (required)

- ▶ How will the act of the Clean Energy Regulator publishing the aggregated greenhouse and energy information specified in Part B reveal the trade secret, or be capable of revealing it?

How publishing affects trade secret	
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25. Additional information combined (required)

- ▶ Is other information required to be combined with the greenhouse and energy information specified in Part B in order for the trade secret to be revealed, or be capable of being revealed?

No	<input type="checkbox"/>	Go to question 28. ▶▶
Yes	<input type="checkbox"/>	What additional information is required? Please specify below. ▼

Additional information required	
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Office use:

26. How additional information and publication affect trade secret (required if any)

- How can this additional information be used in conjunction with the greenhouse and energy information specified in **Part B** to reveal the trade secret?

How additional information and publication affect trade secret	
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27. Publicly available (required if any)

- Is this additional information publicly available?

No	<input type="checkbox"/>	Go to question 28. ►
Yes	<input type="checkbox"/>	Where is this information available? Please specify below. ▼

Where publicly available	
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28. Withholding still necessary after reporting

- The greenhouse and energy information specified in **Part B** was reported for the 2014-15 reporting year. Is it still necessary to have that information withheld from publication from 28 February 2016?

No	<input type="checkbox"/>	Go to question 29. ►
Yes	<input type="checkbox"/>	Why is this still necessary? Please specify below. ▼

Why still necessary	
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29. Commercial value

- Is the greenhouse and energy information that you are seeking to have withheld from publication related to a matter of commercial value other than a trade secret?

Yes	<input type="checkbox"/>	Go to Part D. ►►
No	<input type="checkbox"/>	Go to Part E. ►►

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Office use:

Part D: Details of the other matter

- ① Only complete Part D if you are applying in regard to protecting a matter of commercial value other than a trade secret.
- ✎ Any documents related to Part D questions that are attached to this form are to be listed in the attachment section at the end of Part E.
- ① Refer to the guidance document for more explanation of the publishing of greenhouse and energy information by the Clean Energy Regulator.

30. Commercial value (required)

- Is the greenhouse and energy information that you are seeking to have withheld from publication related to a matter of commercial value other than a trade secret?

No	<input type="checkbox"/>	Go back to Part C if the application concerns a trade secret. If it does not concern a trade secret you may not have sufficient grounds to make a section 25 application.
Yes	<input checked="" type="checkbox"/>	Go to question 31. ►

31. Related to a specific facility, technology or corporate initiative (required)

- Does the matter of commercial value relate to a specific facility, technology or corporate initiative that is connected to your business or undertaking?

No	<input type="checkbox"/>	A matter of commercial value that is the basis of a section 25 application must be related to a specific facility, technology or corporate initiative that is connected to your business or undertaking. If you have selected 'No', you may not have sufficient grounds to make a section 25 application.
Yes	<input checked="" type="checkbox"/>	Go to question 32. ►

32. Matter of commercial value type (required)

- Is the matter of commercial value related to a specific facility, technology or corporate initiative?

<input checked="" type="checkbox"/>	A specific facility. Go to question 32a. ►
<input type="checkbox"/>	Technology. Go to question 32b. ►
<input type="checkbox"/>	Corporate initiative. Go to question 32c. ►

a) Specific facility details

- Provide the name of the facility or facilities that the matter of commercial value is connected with.

Name of facility/facilities	Matraville and Altona Facilities
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b) Technology details

- Provide details of the technology that the matter of commercial value is related to.

Technology details	
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c) Corporate initiative details

- Provide details of the corporate initiative that the matter of commercial value is related to.

Corporate initiative details	
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Office use:

33. Matter of commercial value details (required)

- Provide details of the matter of commercial value that you do not want revealed:

Matter of commercial value details	We do not want the specific energy and carbon emissions data revealed as it is in effect a carbon and energy footprint for our two major facilities, and as a result associated cost basis for manufacture. This data can be used to assess manufacturing or production capacity, there is a direct correlation between energy use and production volumes. These all reduce our potential market competitiveness. Our main competitors operate multiple facilities across multiple business units in multiple product categories, and report as a single corporate entity.
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34. Connection with greenhouse and energy information (required)

- What is the connection between the matter of commercial value and the greenhouse and energy information specified in **Part B, questions 6, 7 and 8?**

- ① *It is important to establish a clear connection to demonstrate sufficient grounds for an application, for example by providing worked examples or mathematical relationships between the matter of commercial value and the relevant greenhouse and energy information.*

Connection with greenhouse and energy information	Publishing the greenhouse gas and energy data of the corporation or group for scope 1 and scope 2 effectively reveals to our competitors our energy efficiency positions, our costs basis of operation and the likely cost implications ongoing into the future. These two facilities account for in excess of 97% of our energy use and greenhouse gas as a corporation, and the relative physical size of the plants is known as being very similar to each other. As there are two main types of energy consumed on a plasterboard manufacturing site, which separately correspond to scope 1 and scope 2 data, hence even publishing a total or aggregated figure will enable an evaluation. This data being published will reduce our competitiveness in the marketplace. For the detail on our greenhouse gas and data inventory please refer to our 2014/2015 NGER data as reported.
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35. Connection with facility, technology or corporate initiative (required)

- What is the connection between the matter of commercial value and the facility, technology or corporate initiative that you have specified?

- ① *It is important to establish a clear connection to demonstrate sufficient grounds for an application, for example by providing worked examples or mathematical relationships between the matter of commercial value and the relevant greenhouse and energy information.*

Connection with facility, technology or corporate initiative	As stated in Q34, our two major facilities represent in excess of 97% of energy use and greenhouse gas as a corporation. Energy use and carbon impact can be directly used to assess cost basis, as the relative physical size of the plants is known as being very similar to each other, and as there are two main types of energy consumed on a plasterboard manufacturing site, even publishing a total or aggregated figure will enable an evaluation. This data being published will reduce our competitiveness in the marketplace.
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36. Limiting knowledge of matter of commercial value (required)

- Has your organisation taken steps to limit knowledge of matter of commercial value?

No	<input type="checkbox"/>	Go to question 39. ►►
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Yes

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Go to question 36. ▶

Office use:

37. Steps taken (required if any)

- ▶ What steps has your organisation taken to limit knowledge of the matter of commercial value?

① Check the checkbox against each appropriate response; more than one response can be selected.

<input type="checkbox"/>	People granted access to the matter have signed a confidentiality agreement that compels them to keep the matter secure. This may include general employment agreements that contain confidentiality provisions. Go to question 40. ▶▶
<input checked="" type="checkbox"/>	Details of the matter are kept in a secured physical environment with access limited to authorised personnel only. Go to question 40. ▶▶
<input checked="" type="checkbox"/>	Details of the matter are kept in a secured computer environment with access limited to authorised personnel only. Go to question 40. ▶▶
<input type="checkbox"/>	Applied to IP Australia for intellectual property protection of the matter of commercial value. Go to question 38. ▶
<input type="checkbox"/>	Other steps. Provide details below and go to question 40. ▼

Other steps

38. Intellectual property protection (required if any)

- ▶ What forms of intellectual property protection for the matter of commercial value have you applied to IP Australia for?

① More information about technical terms related to intellectual property is available on the IP Australia website at: <http://www.ipaustralia.gov.au>.

<input type="checkbox"/>	Patent
<input type="checkbox"/>	Trade mark
<input type="checkbox"/>	Design registration
<input type="checkbox"/>	Plant breeder's right
<input type="checkbox"/>	Circuit layout right

39. Application status (required if any)

- ▶ Did IP Australia grant the application?

Yes	<input type="checkbox"/>	Go to question 40. ▶
No	<input type="checkbox"/>	Provide identification number for the intellectual property protection below. ▼

IP Australia
identification
number

Office use:

40. Internal knowledge of the matter of commercial value (required)

- ▶ Who in your organisation has knowledge of the matter of commercial value?

① Check the checkbox against each appropriate response; more than one response can be selected.

<input checked="" type="checkbox"/>	Managers
<input type="checkbox"/>	Contractors
<input type="checkbox"/>	All staff
<input type="checkbox"/>	Others. Please specify who below. ▼

List others	
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41. External knowledge of the matter of commercial value (required)

- ▶ Does anybody outside of your organisation have knowledge of the matter of commercial value?

No	<input type="checkbox"/>	Go to question 42. ▶
Yes	<input checked="" type="checkbox"/>	Please specify who below. ▼

External knowledge	Specialist consultants, suppliers, and third party certifying bodies, who assist in reporting obligations, conducting assessments, under confidentiality. Relevant government bodies operating under commercial in confidence.
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42. Value to competitor (required)

- ▶ Do you believe knowledge of the matter would be of value to a competitor?

No	<input type="checkbox"/>	Go to question 43. ▶
Yes	<input checked="" type="checkbox"/>	Please specify why below. ▼

Value to competitor	The information can reveal a significant component of cost basis of manufacture to a competitor. This could be used to reduce competitiveness in the market.
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Office use:

43. Value of matter to you (required)

- How does the matter have value for you?

① Check the checkbox against each appropriate response; more than one response can be selected.

<input type="checkbox"/>	It helps to increase or sustain revenue
<input checked="" type="checkbox"/>	It helps to decrease or contain costs
<input checked="" type="checkbox"/>	It helps to increase or maintain market share
<input type="checkbox"/>	It helps to maximise effectiveness of labour resources
<input type="checkbox"/>	Other reason. Please specify below. ▼

Other reasons	
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44. How publishing affects the matter (required)

- How will the act of the Clean Energy Regulator publishing the aggregated greenhouse and energy information specified in Part B reveal the matter of commercial value, or be capable of revealing it?

How publishing affects the matter	By publishing an aggregate figure, as we only have 2 major facilities our competitors can use the data to evaluate our costs basis, affecting our competitiveness in the market. Scope 1 and Scope 2 carbon data corresponds to the type of energy usages. It can also reveal the status of technology in our facilities and likely manufacturing capacity. In our industry type, the most significant area of energy consumption is the thermal or natural gas consumption within the calcination process. The number of stages within this process is limited, and hence energy data published could be used to assess manufacturing capacities and cost basis, as well as pricing motivations, thereby reducing our competitiveness into the market.
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45. Additional information combined (required)

- Is other information required to be combined with the greenhouse and energy information specified in Part B in order for the matter of commercial value to be revealed, or be capable of being revealed?

No	<input checked="" type="checkbox"/>	Go to question 46. ►
Yes	<input type="checkbox"/>	What additional information is required? Please specify below. ▼

Additional information required	
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46. How additional information and publication affect the matter of commercial value (required)

- How can this additional information be used in conjunction with the greenhouse and energy information specified in **Part B** to reveal the matter?

How additional information and publication affect the matter	n/a
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47. Public information (required)

- Is this additional information publicly available?

No	<input type="checkbox"/>	Go to question 48. ►
Yes	<input type="checkbox"/>	Where is this information available? Please specify below. ▼

Where publicly available	n/a
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48. Withholding still necessary after reporting (required)

- The greenhouse and energy information specified in **Part B** was reported for the 2014-2015 reporting year. Is it still necessary to have that information withheld from publication from 28 February 2016?

No	<input type="checkbox"/>	Go to Part E. ►►
Yes	<input checked="" type="checkbox"/>	Why is this still necessary? Please specify below. ▼

Why still necessary	Our greenhouse and energy data does not significantly change year on year.
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Office use:

49. Diminished value (required)

- If the greenhouse and energy information specified in Part B was published AND this caused the matter to be revealed, how could this destroy or diminish the commercial value of the matter?

① Check the checkbox against each appropriate response; more than one response can be selected.

<input type="checkbox"/>	Loss of profits
<input type="checkbox"/>	Increase in production costs
<input checked="" type="checkbox"/>	Competitive disadvantage due to competitors being able to work out pricing behaviour and motivation
<input type="checkbox"/>	Damage to the long-term commercial viability of a facility
<input type="checkbox"/>	Other reason. Please specify below . ▼

Other reasons	
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50. Reason value would be destroyed or diminished (required)

- Why do you believe the commercial value of the matter would be destroyed or diminished in this way?

① You should provide evidence to support your answer and include an assessment of the likelihood of this happening.

📎 Additional evidence may be attached.

Reason	If our competitors found out our energy consumption figures, they would be able to evaluate our costs basis for production. This would decrease our competitiveness, as they would be able to use this knowledge to understand our pricing motivations. In addition, the information leads to evaluations of our positioning regarding energy efficiency and carbon emissions, in terms of equipment and product technology.
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Go to **Part E** to complete the application. ►

OR

Go back to **Part C** if the application also concerns a trade secret. ►►

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Office use:

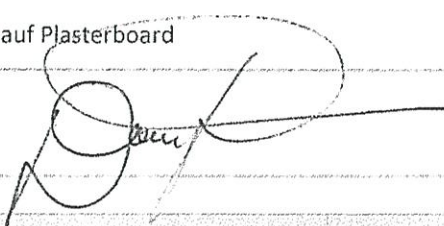
Part E: Endorsement of application

- ① *Part E must be completed for all applications.*
- ① *This form must be signed by an executive officer (or equivalent) of the applicant. The application will not be accepted if it is not signed correctly.*

Endorsement of application

By signing below, the signatory:

- declares that the information supplied in this form is true and correct and that he/she is authorised to make this application on behalf of the applicant named in the form, and
- acknowledges that giving false or misleading information is a serious offence and carries penalties under the *Criminal Code Act 1995*.

Name *	Damien Frost		
Title/position *	Executive Vice President Finance		
Organisation (required if any)	Knauf Plasterboard		
Signature *			
	Day (dd)	Month (mm)	Year (yyyy)
Signature date *	28	01	2016.

Additional information

This document should be read in conjunction with the NGER Act and the NGER Regulations.

The National Greenhouse and Energy Reporting Guidelines (the NGER Guidelines) have been developed to help persons understand their obligations under the NGER Act and the NGER Regulations.

The NGER Act, NGER Regulations and NGER Guidelines may be obtained at the [Clean Energy Regulator website](#).

Submitting this form

Post your completed application with any accompanying documentation to:

Clean Energy Applications

Clean Energy Regulator

GPO Box 621

Canberra ACT 2601

Alternatively, email your scanned completed application to the Clean Energy Regulator at reporting@cleanenergyregulator.gov.au. If the email and its attachments (the application and supporting documents) are larger than 10MB, then they may be sent using multiple emails that are clearly marked (i.e. by including an identifier: '1 of 3', '2 of 3', '3 of 3' in the subject/title), but the signed application form must be saved as a single scanned file and not split into parts. Files may be zipped to reduce their size.

The application should be sent by **31 January 2016** for greenhouse and energy information reported in the 2014-15 reporting year.

If submission occurs by email, then the applicant is not required to send the original hardcopy of the application by post.

Definitions

① *Definitions marked with an asterisk are definitions repeated from legislation.*

For the purposes of this form:

applicant	means the registered corporation, RTC holder or approved other person making the application.
Approved other person	a person in a contractual relationship with a registered corporation, or with a member of a registered corporation's group and who the Clean Energy Regulator has, under section 20 of the NGER Act, determined is to provide information.
business unit	a unit that a registered corporation recognises as having administrative responsibility for one or more facilities that belong to the corporation.
commercial value	for a matter to have 'commercial value' it only needs to be of value to its owner in relation to the owner's commercial operations.
greenhouse and energy information	means information reported to the Clean Energy Regulator under the NGER Act or information obtained by a person whilst performing duties under the NGER Act or the NGER Regulations.
EERS	means the <i>National Greenhouse and Energy Reporting Act 2007</i> .

registered corporation	a corporation that is registered by the Clean Energy Regulator under the NGER Act. Two types of corporations can be registered corporations. These are: <ul style="list-style-type: none"> Controlling corporations. These are constitutional corporations that do not have a holding company in Australia. It is generally the corporation at the top of its corporate hierarchy in Australia. Foreign corporations may also be controlling corporations. Holders of Reporting Transfer Certificates.
registered corporation's group	this consists of the registered corporation itself and the corporation's subsidiaries.
reporting transfer certificate (RTC) holder	a corporation that the Clean Energy Regulator has authorised to report greenhouse and energy information for a facility that it has financial control over, but which falls under the operational control of another registered corporation.
trade secret	a trade secret is a matter that when kept secret will ordinarily give its owner an advantage over others who do not know the trade secret and, if revealed, would be detrimental to the owner of the trade secret. A trade secret can be a formula, pattern, device or some kind of information.

Assessment of the application

Once a completed application form has been received, the Clean Energy Regulator will consider the application. For each application, the Clean Energy Regulator will either:

- accept the application and inform the applicant of the decision, or
- refuse the application and inform the applicant of the decision.

If the application is accepted then this fact will be noted in the Clean Energy Regulator's publication of greenhouse and energy information reported under the NGER Act in a manner similar to the publishing example on Page 3 of these notes.

The Clean Energy Regulator may also accept an application but publish the greenhouse and energy information in question within a range of values.

As part of the assessment process, the Clean Energy Regulator may seek further information from the applicant to inform the decision. This information will be used to assess the application.

Publishing of information

Under section 24(1) of the NGER Act the Clean Energy Regulator **MUST** publish on a website by 28 February each year the following greenhouse and energy information reported for the previous reporting year for each registered corporation's group:

- totals of scope 1 greenhouse gas emissions (the release of greenhouse gas into the atmosphere as a direct result of activity, or activities, which form part of a facility)
- totals of scope 2 greenhouse gas emissions (the release of greenhouse gas into the atmosphere as a direct result of generating electricity, heating, cooling or steam that is consumed by a facility but does not form part of the facility), and
- totals of net energy consumption.

For RTC holders, scope 1 emissions relate to the facility that the RTC is held for. The same approach is used to derive the scope 2 emissions and net energy consumption figures for the facility.

The Regulator can only publish data reported by an RTC holder if the data relates to a facility that generates greenhouse gas emissions of 25 kilotonnes or more (in carbon dioxide equivalence), or that produces 100 terajoules or more of energy, or that consumes 100 terajoules or more of energy.

The Clean Energy Regulator may publish aggregated greenhouse and energy information for group members and business units in each registered corporation's group.

The Clean Energy Regulator may also publish the measurement methods corporate groups used to measure greenhouse gas emissions and net energy consumption.

This application applies only to publication of greenhouse and energy information by the Clean Energy Regulator. This application does not prevent the Clean Energy Regulator from disclosing greenhouse and energy information to other Commonwealth agencies and State and Territory governments as required or permitted under the NGER Act or the *Clean Energy Regulator Act 2011* (CER Act).

Protection threshold

A registered corporation should only apply for information not to be published if it meets the publishing threshold.

An approved other person should only apply if the registered corporation's group that its data is attributed to meets the publishing threshold.

A registered corporation's group will only have data it reports to the Clean Energy Regulator published by the Clean Energy Regulator if it meets the publishing threshold of having greenhouse gas emissions totalling 50 kilotonnes or more, in carbon dioxide equivalence. This total consists of both scope 1 and scope 2 emissions totalled together.

The Regulator can only publish data reported by an RTC holder if the data relates to a facility that generates greenhouse gas emissions of 25 kilotonnes or more (in carbon dioxide equivalence), or that produces 100 terajoules or more of energy, or that consumes 100 terajoules or more of energy.

More information on what greenhouse and energy information the Clean Energy Regulator publishes can be found on Page 3 under the heading of Publication of Information.

Definitions of key terms are provided below.

Publishing example

Below is an example of how the Clean Energy Regulator will publish greenhouse and energy information reported under the NGER Act (fictional data used). Note that corporations that have information withheld under section 25, or that have made a section 25 application at the time that the greenhouse and energy information is published, have that fact noted on the publication.

Registered corporations	Total scope 1 greenhouse gas emissions (t CO ₂ -e)	Total scope 2 greenhouse gas emissions (t CO ₂ -e)	Total net energy consumption (GJ)
Company A	80,400	59,500	7,111
Company B	2,134,500	14,290	444
Company C ¹	345,000	-	-
Company D	13,000	135,999	2,756,340
Company E ¹	-	-	-

¹These corporations have applied to have all or part of their greenhouse and energy data withheld from publication under the provisions of section 25 of the *NGER Act*.

Security classification

Once this form is completed, it will be classified as Sensitive under the definition provided in the Australian Government Protective Security Policy Framework (PSPF). Sensitive material (including hard copy and electronic copies) is required to be managed and handled in the manner prescribed under the PSPF and associated protocols, guidelines and policies. Officers of the Clean Energy Regulator are obliged to meet these requirements in order to maintain the confidentiality of the information provided in this form. Officers of the Clean Energy Regulator are also subject to the secrecy provisions in the CER Act in relation to information collected under this form.

Protection of information

The Clean Energy Regulator is bound by the secrecy provisions of Part 3 of the Clean Energy Regulator Act 2011 (CER Act) in regard to information it collects in relation to this application and also by the Privacy Act 1988 in regard to personal information it collects.

Privacy notice

'Personal information' is defined in the Privacy Act 1988 to mean information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- a) whether the information or opinion is true or not; and
- b) whether the information or opinion is recorded in a material form or not.

The collection of personal information relating to this application is authorised by the *National Greenhouse and Energy Reporting Act 2007* (NGER Act) and the National Greenhouse and Energy Reporting Regulations 2008.

Personal information collected in relation to this application will be used for the purposes of assessing the application, auditing compliance, enforcement of relevant laws and regulations and for related purposes. We cannot process the application if we do not collect relevant personal information.

The Clean Energy Regulator's Privacy Policy contains information about the agency's procedures for handling personal information including how a person can access their personal information held by the agency, and how to seek correction of such information. The Privacy Policy also contains information about how to complain about a breach of the Australian Privacy Principles. The Clean Energy Regulator's Privacy Policy can be found at www.cleanenergyregulator.gov.au.

Accessibility disclaimer

The Clean Energy Regulator has worked to ensure that this document is accessible but please contact us to obtain an alternative version if you are having difficulty or you have specific accessibility needs.

Please call **1300 553 542** or email the name of the form and your needs to enquiries@cleanenergyregulator.gov.au.

FREEDOM OF INFORMATION ACT 1982
Extract of relevant provisions

11A Access to documents on request

Scope

(1) This section applies if:

(a) a request is made by a person, in accordance with subsection 15(2), to an agency or Minister for access to:

(i) a document of the agency; or

(ii) an official document of the Minister; and

(b) any charge that, under the regulations, is required to be paid before access is given has been paid.

(2) This section applies subject to this Act.

Note: Other provisions of this Act are relevant to decisions about access to documents, for example the following:

(a) section 12 (documents otherwise available);

(b) section 13 (documents in national institutions);

(c) section 15A (personnel records);

(d) section 22 (access to edited copies with exempt or irrelevant matter deleted).

Mandatory access—general rule

(3) The agency or Minister must give the person access to the document in accordance with this Act, subject to this section.

Exemptions and conditional exemptions

(4) The agency or Minister is not required by this Act to give the person access to the document at a particular time if, at that time, the document is an exempt document.

Note: Access may be given to an exempt document apart from under this Act, whether or not in response to a request (see section 3A (objects—information or documents otherwise accessible)).

(5) The agency or Minister must give the person access to the document if it is conditionally exempt at a particular time unless (in the circumstances) access to the document at that time would, on balance, be contrary to the public interest.

Note 1: Division 3 of Part IV provides for when a document is conditionally exempt.

Note 2: A conditionally exempt document is an exempt document if access to the document would, on balance, be contrary to the public interest (see section 31B (exempt documents for the purposes of Part IV)).

Note 3: Section 11B deals with when it is contrary to the public interest to give a person access to the document.

(6) Despite subsection (5), the agency or Minister is not required to give access to the document at a particular time if, at that time, the document is both:

(a) a conditionally exempt document; and

(b) an exempt document:

(i) under Division 2 of Part IV (exemptions); or

(ii) within the meaning of paragraph (b) or (c) of the definition of **exempt document** in subsection 4(1).

11B Public interest exemptions—factors

Scope

(1) This section applies for the purposes of working out whether access to a conditionally exempt document would, on balance, be contrary to the public interest under subsection 11A(5).

(2) This section does not limit subsection 11A(5).

Factors favouring access

(3) Factors favouring access to the document in the public interest include whether access to the document would do any of the following:

- (a) promote the objects of this Act (including all the matters set out in sections 3 and 3A);
- (b) inform debate on a matter of public importance;
- (c) promote effective oversight of public expenditure;
- (d) allow a person to access his or her own personal information.

Irrelevant factors

(4) The following factors must not be taken into account in deciding whether access to the document would, on balance, be contrary to the public interest:

- (a) access to the document could result in embarrassment to the Commonwealth Government, or cause a loss of confidence in the Commonwealth Government;
- (aa) access to the document could result in embarrassment to the Government of Norfolk Island or cause a loss of confidence in the Government of Norfolk Island;
- (b) access to the document could result in any person misinterpreting or misunderstanding the document;
- (c) the author of the document was (or is) of high seniority in the agency to which the request for access to the document was made;
- (d) access to the document could result in confusion or unnecessary debate.

Guidelines

(5) In working out whether access to the document would, on balance, be contrary to the public interest, an agency or Minister must have regard to any guidelines issued by the Information Commissioner for the purposes of this subsection under section 93A.

47F Public interest conditional exemptions—personal privacy

General rule

(1) A document is conditionally exempt if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).

(2) In determining whether the disclosure of the document would involve the unreasonable disclosure of personal information, an agency or Minister must have regard to the following matters:

- (a) the extent to which the information is well known;
- (b) whether the person to whom the information relates is known to be (or to have been) associated with the matters dealt with in the document;
- (c) the availability of the information from publicly accessible sources;
- (d) any other matters that the agency or Minister considers relevant.

(3) Subject to subsection (5), subsection (1) does not have effect in relation to a request by a person for access to a document by reason only of the inclusion in the document of matter relating to that person.

Access given to qualified person instead

(4) Subsection (5) applies if:

- (a) a request is made to an agency or Minister for access to a document of the agency, or an official document of the Minister, that contains information concerning the applicant, being information that was provided by a qualified person acting in his or her capacity as a qualified person; and
- (b) it appears to the principal officer of the agency or to the Minister (as the case may be) that the disclosure of the information to the applicant might be detrimental to the applicant's physical or mental health, or well-being.

(5) The principal officer or Minister may, if access to the document would otherwise be given to the applicant, direct that access to the document, so far as it contains that information, is not to be given to the applicant but is to be given instead to a qualified person who:

- (a) carries on the same occupation, of a kind mentioned in the definition of **qualified person** in subsection (7), as the first-mentioned qualified person; and

(b) is to be nominated by the applicant.

(6) The powers and functions of the principal officer of an agency under this section may be exercised by an officer of the agency acting within his or her scope of authority in accordance with arrangements referred to in section 23.

(7) In this section:

qualified person means a person who carries on, and is entitled to carry on, an occupation that involves the provision of care for the physical or mental health of people or for their well-being, and, without limiting the generality of the foregoing, includes any of the following:

- (a) a medical practitioner;
- (b) a psychiatrist;
- (c) a psychologist;
- (d) a counsellor;
- (e) a social worker.

Note: Access must generally be given to a conditionally exempt document unless it would be contrary to the public interest (see section 11A).

47G Public interest conditional exemptions—business

- (1) A document is conditionally exempt if its disclosure under this Act would disclose information concerning a person in respect of his or her business or professional affairs or concerning the business, commercial or financial affairs of an organisation or undertaking, in a case in which the disclosure of the information:
- a) would, or could reasonably be expected to, unreasonably affect that person adversely in respect of his or her lawful business or professional affairs or that organisation or undertaking in respect of its lawful business, commercial or financial affairs; or
 - b) could reasonably be expected to prejudice the future supply of information to the Commonwealth, Norfolk Island or an agency for the purpose of the administration of a law of the Commonwealth or of a Territory or the administration of matters administered by an agency.
 - c) Subsection (1) does not apply to trade secrets or other information to which section 47 applies.
- (3) Subsection (1) does not have effect in relation to a request by a person for access to a document:
- a) by reason only of the inclusion in the document of information concerning that person in respect of his or her business or professional affairs; or
 - b) by reason only of the inclusion in the document of information concerning the business, commercial or financial affairs of an undertaking where the person making the request is the proprietor of the undertaking or a person acting on behalf of the proprietor; or

- c) by reason only of the inclusion in the document of information concerning the business, commercial or financial affairs of an organisation where the person making the request is the organisation or a person acting on behalf of the organisation.
- (4) A reference in this section to an undertaking includes a reference to an undertaking that is carried on by, or by an authority of, the Commonwealth, Norfolk Island or a State or by a local government authority.
- (5) For the purposes of subsection (1), information is not taken to concern a person in respect of the person's professional affairs merely because it is information concerning the person's status as a member of a profession.

Note: Access must generally be given to a conditionally exempt document unless it would be contrary to the public interest (see section 11A).

