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,

Tas Sakellaris FOI Delegate

Clean Energy Regulator



NATIONAL GREENHOUSE AND ENERGY REPORTING

Application for information not to be published for the 2014–15 reporting year

FORM CER-NGER-009 V2.0 11/12/2015

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 □ with a ✓ or ✗. When an instruction asks you to 'tick' th still use either ✓ or ✗.		
Where you see an instruction like this - ☐ Go to question 5 - mark the relevant or ✗ and then skip to the question number shown. You do not need to answer to in between. Where an instruction has a black double arrow (►), go to the next indicated pay Where an instruction has a black single arrow (►), go to the next question. When instruction has a black single arrow pointing down (▼), fill in the field(s) directly		
Mandatory questions If all fields in a question are mandatory and must be completed, (required) is added to end of the question label text. If a field in a question is mandatory only IF a condition (required if any) is added to the end of the question label text.		
pombine per har company plane in the company plane to the company per	This symbol indicates an instruction on what to do next.	
County (maje desire de principal principal de principal d	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.	
nomer (grande) e magle en grande (grande) de la communida com magne (hara (el frende) de la del	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:			
Dart A.	Doub A. Annaliannah dataila			
Part A. F	Applicant details			
Part A n	nust be completed for all applications. All questions in this part are mandatory.			
1. Applicant ty	pe (required)			
What type o	f applicant are you?			
	A registered corporation. Go to question 2. >			
	Approved other person (as per section 20 of NGER Act). Go to question 3. →			
I COS-II (III SAIS A SAIS AND CARSON CONTRACTOR CONTRACTOR SAIS AND CARSON CONTRACTOR CONTRACTO	Reporting transfer certificate (RTC) holder. Go to question 4. >>			
	egistered corporations, RTC holders and an approved other person (as per section 20 of the NGER Act) may section 25 application.			
2. Registered o	orporation details (required)			
▶ Please provi	de the corporation name for the registered corporation.			
① This is th	e name that appears on the Australian Business Register.			
Corporation name	Knauf Australia Pty Limited			
	de one of the following for the registered corporation in order of precedence: ABN, ACN, ARBN ame and street address.			
ABN	86 003 621 181			
① If the reg	gistered corporation does not have an ABN, please provide the registered corporation's ACN.			
ACN	003 621 181			
① If the reg	gistered corporation does not have an ABN or an ACN, please provide the registered corporation's ARBN.			
ARBN				
	gistered corporation does not have an ABN, ACN or an ARBN please provide the registered corporation's 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	(I) parameters (I) from ((I) and the langer (I) and (I			
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.
- 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
	kathryn.walker@knaufplasterboard.com.au

		Office use:		
Pa	art B:	nformation to be withheld		
	Part B must be completed for all applications.			
Refer to the guidance document for more explanation of the the Clean Energy Regulator.		the guidance document for more explanation of the publishing of greenhouse and energy information by in Energy Regulator.		
	3.5	uments related to Part B questions that you wish to submit with this form are to be listed in the attachment at the end of Part E .		
6.	Information	to be withheld (required)		
Þ	What green	house and energy information do you want to have withheld from publication?		
\$'41-05- mg =0		t least one option. More than one may be chosen. For more information on publication refer to the e document.		
	\boxtimes	Scope 1 emissions		
The second secon	All (A) of the state of the sta	Scope 2 emissions		
Act was a cold	part d'attitud de la description de la descripti	Net energy consumption		
7.	Measureme	ent methods (required)		
Þ	Do you wan	t to have measurement methods withheld from publication for the corporate group?		
		Yes		
	\boxtimes	No		
		in Energy Regulator may choose not to publish measurement methods. For more information on ion refer to the guidance document.		
8.	Measureme	nt methods (required)		
Þ		t the greenhouse and energy information specified in question 6 above to be withheld from for the registered corporation's entire group or for a group member or business unit?		
procession	Select a:	t least one option; both may be chosen.		
lingle size resolu	\boxtimes	Group member or business unit. If checked, please answer question 9. >		
	\boxtimes	Corporate group. If checked, please answer question 10. >>		
As a service in		the guidance document for more explanation of the publishing of greenhouse and energy information by n Energy Regulator.		
9.	Group mem	bers/business unit name (required)		
Þ	What is the name of the group member(s) and/or business unit(s)?			
٠	① This info	rmation is to be the same as entered in EERS.		
A STATIONAL PROPERTY	Name	Knauf Plasterboard Pty Limited		
10.	Outside par	ties (required)		
Þ		canisation made any of the greenhouse and energy information specified above available to any ies, apart from the Clean Energy Regulator?		
	No 🔲	Go to Part C. →		
	Yes 🔀	Go to question 11. >		

			Office use:				
11. Infor	1. Information to outside parties (required)						
		greenhouse and energy inform	ation made available to any o	utside parties?			
①	More the	an one response can be selected.					
a) ,	Annual	report					
		information made available in	an annual report?				
No	\boxtimes	Go to question 11b.	met e 1917 filologische Nederland (1918) (1918) (1918) (1918) (1918) (1918) (1918) (1918) (1918) (1918) (1918)	макши мажента в поселение от времента выполняем на техновичество на 400 мгс от тожбание оченення от от тожение се на			
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2		ability report : information made available in a	a sustainability report?				
No		Go to question 11c.	1995, lake katilist et kissiksi disenkiraksi lake katilist in kissiksi katilisti katilisti katilisti katilisti Tari	Manager and the second			
Yes		Please provide details below.	Control of the Contro				
		er til skriverinna fra er er i protomer oper omsett til kann et store en sette som en med ommen til sette op I skriverinne en skriverinne en store en skriverinne en skriverinne en skriverinne en skriverinne en skriverin	and the second s	nggi pingangan menenggi penggungan sanggi panggi sanggi penggungan penggungan penggungan penggungan penggunggi pen			
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			Office use:		
c) I	Energy	Efficiency Opportunities re	port		
)	Was the	information made availab	le in an Energy Efficiency Opportu	ınities report?	
No		Go to question 11d. ▶	udbaudanidanidade keras, gada 15.0 katalaan bada paking bilang da bilandada da dababan da lake sa 16.0 kila sadababa saba	r dan bermanina rena yang mpanyanya a sanas Prod sahali Sambil Mark I (makaning palik panganya kanada (h. 1) (makaning palik panganya kanada (h. 1) (makaning pangany	
Yes		Please provide details below	I. 😾	n ransa san san san amban si si si san	
	s of the mation vailable			d site reported to the DRET as per the Assessment and Reporting rt. DRET approved bandwidth reporting for the public report.	
Name of the organisation the information relates to		Knauf Australia Pty Limited	tralia Pty Limited and Knauf Plasterboard Pty Limited		
	we	Day (dd)	Month (mm)	Year (yyyy)	
	Date mation leased	nada sanaran er kirikan kara sala kara 1922 dan kirikan yang dan kirikan kara yang 1998 dan			
		ion by an industry associa information made availab	tion le in a publication by an industry a	association?	
No		Go to question 11e. ▶	ar sayan ayan ayan tarayan ay an ar ay ay ay ay ay ay at ay a taray ay a		
Yes		Please provide details below			
	of the mation vailable				
Name of the organisation the information relates to					
	Date nation leased	Day (dd)	Month (mm)	Year (yyyy)	

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		Office use:
e) C	ther	
• Was t	he info	rmation made available in any other way?
No	\boxtimes	Go to question 12. ▶
Yes		Please provide details below. 🕶
	narapamentangang termenana	
Details inforr made av	nation	NB: The information has not yet been made available. 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).
organisati inforr	of the on the nation	Knauf Australia Pty Limited and Knauf Plasterboard Pty Limited

-11	Day (dd)	Month (mm)	Year (yyyy)
Date information released	1		

	Office use:
Part C:	Details of the trade secret
① Only co	mplete Part C if you are applying in regard to protecting a trade secret.
	o the guidance document for more explanation of the publishing of greenhouse and energy information by an Energy Regulator.
12. Trade secre	et (required)
Is the green trade secre	nhouse and energy information you are seeking to have withheld from publication related to a t?
No 🗵	Go to Part D. »
Yes	Go to question 13. ▶
13. Related to	a specific facility, technology or corporate initiative
	ade secret relate to a specific facility, technology or corporate initiative that is connected to your undertaking?
No .	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 🗍	Go to question 14. >
Is the trade	Secret related to a specific facility, technology or corporate initiative? A specific facility. Go to question 14a. Technology. Go to question 14b. Corporate initiative. Go to question 14c.
▶ Provid	c facility details the name of the facility or facilities that the trade secret is connected with.
facility/ facilities	
b) Techno	ology details
▶ Provid	e details of the technology that the trade secret is related to.
Technology details	
	ate initiative details details of the corporate initiative that the trade secret is related to.
Corporate initiative details	
	January and the state of the st

	Office use:
15.	Trade secret details (required)
>	Provide details of the trade secret that you do not want revealed.
	Trade secret details
16.	Connection with greenhouse and energy information (required)
Þ	What is the connection between the trade secret and the greenhouse and energy information specified in Part B, questions 6, 7 and 8?
2000	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.
	enhouse and energy information
17.	Connection with facility, technology or corporate initiative (required)
Þ	What is the connection between the trade secret and the facility, technology or corporate initiative that you have specified?
	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.
	nnection with facility, technology or corporate initiative

		Office use:				
18.	Limiting kno	owledge of trade secret (required)				
Þ		ganisation taken steps to limit knowledge of the trade secret?				
	No 🔲	Go to question 22. →				
	Yes	Go to question 19. >				
19.	Steps taken	(required)				
Þ	What steps	has your organisation taken to limit knowledge of the trade secret?				
tome are	① Check th	ne checkbox against each appropriate response; more than one response can be selected.				
Topic Contraction of the Contrac		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. >>				
		Details of the trade secret are kept in a secured physical environment with access limited to authorised personnel only. Go to question 22. >>				
	THE STATE OF THE S	Details of the trade secret are kept in a secured computer environment with access limited to authorised personnel only. Go to question 22. >>				
		Applied to IP Australia for intellectual property protection of the trade secret. Go to question 20. ▶				
	A Perior - PRICE OF THE CONTROL OF THE PRICE	Other steps. Provide details below and go to question 22				
	alan Panlama Nasa saka atau Samana ing Malangkah Miliang ing					
20.	Intellectual	property protection (required if any)				
Þ	What forms	of intellectual property protection for the trade secret have you applied to IP Australia for?				
		formation about technical terms related to intellectual property is available on the IP Australia website at: ww.ipaustralia.gov.au.				
, and a factoring of the control	AND THE REST OF THE PROPERTY O	Patent				
Aug. Serre name		Trade mark				
r a meetine throat Letter's li	Control to the second control to the	Design registration				
a / pa / sandar 1 a		Plant breeder's right				
		Circuit layout right				
21.	Application :	status (required if any)				
Þ	Did IP Austra	ilia grant the application?				
A COMMENT OF THE PARTY	No 🔲	Go to question 22. ▶				
	Yes 🔲	Provide identification number for the intellectual property protection below. •				
	IP Australia dentification number					

			Office use:	
22.	Inter	nal kno	wledge of the trade secret (required)	
•			organisation has knowledge of the trade secret?	
	(i) (Check th	e checkbox against each appropriate response; more than one res	sponse can be selected.
			Managers	
			Contractors	kanda sa dhaanidaan qalada aanaa aanaga dhaanidaanaan aanidaa dhaanaa aanida aanidaanaan aanaa aa ayaanad landy Affield (Affield Affield Affie
A ware the	Part Parameter - market		All staff	
A CONTRACTOR OF THE PARTY OF TH			Other. Please specify who below. ▼	
21-47)1-12-12-14-14-14-14-14-14-14-14-14-14-14-14-14-	***************************************	Others		
23.			wledge of the trade secret (required) y outside of your organisation have knowledge of the trade	secret?
	No		Go to question 24.)	
	Yes		Please specify who below. ▼	Hall South Constitution of the State South Association (Section Constitution Consti
The state of the s		xternal wledge		
24. ▶	How	will the	ing affects trade secret (required) act of the Clean Energy Regulator publishing the aggregate specified in Part B reveal the trade secret, or be capable of	
H		olishing s trade secret	And the second s	
25.	Is oth	er infor	formation combined (required) mation required to be combined with the greenhouse and the trade secret to be revealed, or be capable of being rev	
	No		Go to question 28. >>	
The state of the s	Yes		What additional information is required? Please specify below.	
	inform	litional mation quired		

			Office use:
26.	How a	additio	nal information and publication affect trade secret (required if any)
١			s additional information be used in conjunction with the greenhouse and energy information Part B to reveal the trade secret?
	affect		
27.			ilable (required if any) onal information publicly available?
	No		Go to question 28. >
	Yes		Where is this information available? Please specify below. ▼
The same of the sa	Where po	ublicly ailable	
28.	The gr	eenho	still necessary after reporting use and energy information specified in Part B was reported for the 2014-15 reporting year. Is it by to have that information withheld from publication from 28 February 2016?
	No	Control exception	Go to question 29. ▶
	Yes		Why is this still necessary? Please specify below. ▼
		ny still essary	
29. }	Comm Is the	greenh	value nouse and energy information that you are seeking to have withheld from publication related to commercial value other than a trade secret?
-	Yes		Go to Part D. →
	No		Go to Part E. →
Es a secondo com or	was a post-social of passance in a post-social		

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		Office use:
Pa	rt D:	Details of the other matter
	① Only o	complete Part D if you are applying in regard to protecting a matter of commercial value other than a trade
		cuments related to Part D questions that are attached to this form are to be listed in the attachment section nd of Part E .
		to the guidance document for more explanation of the publishing of greenhouse and energy information by ean Energy Regulator.
30.	Commerc	ial value (required)
Þ		enhouse and energy information that you are seeking to have withheld from publication related to formmercial value other than a trade secret?
		Go back to Part C if the application concerns a trade secret.
	No L	If it does not concern a trade secret you may not have sufficient grounds to make a section 25 application.
A 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Yes	Go to question 31. >
31.	Does the	na specific facility, technology or corporate initiative (required) matter of commercial value relate to a specific facility, technology or corporate initiative that is to your business or undertaking?
And described the format of the forethe of the format of the format of the format of the format of t	No	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.
PARTIES IN THE	Yes 🔀	Go to question 32. >
32. •		commercial value type (required) ter of commercial value related to a specific facility, technology or corporate initiative?
W-MON (M) (100)		A specific facility. Go to question 32a. >
		Technology. Go to question 32b. ▶
		Corporate initiative. Go to question 32c. >
		fic facility details de the name of the facility or facilities that the matter of commercial value is connected with.
fa	Name cility/faciliti	
4 W	b) Techi	nology details
	92	de details of the technology that the matter of commercial value is related to.
	Technolog detai	
<u> </u>	c) Corpo	prate initiative details
		de details of the corporate initiative that the matter of commercial value is related to.
ini	Corporat tiative detai	

		CER-NGER-009
********		Office use:
33.	Matter of co	mmercial value details (required)
Þ	Provide deta	ils 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.
34. ▶	What is the o	with greenhouse and energy information (required) connection between the matter of commercial value and the greenhouse and energy specified in Part B, questions 6, 7 and 8?
	i It is impo	rtant to establish a clear connection to demonstrate sufficient grounds for an application, for example by worked examples or mathematical relationships between the matter of commercial value and the greenhouse and energy information.
	ennection with eenhouse 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.
) C	Connections	with facility, technology or corporate initiative (required)
»	What is the c	connection between the matter of commercial value and the facility, technology or corporate tyou have specified?
	i It is impo	rtant to establish a clear connection to demonstrate sufficient grounds for an application, for example by worked examples or mathematical relationships between the matter of commercial value and the greenhouse and energy information.
	nnection 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 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.

36. Limiting knowledge of matter of commercial value (required)

>	Has vour	organisation t	aken steps	to limit	knowledge of	f matter of	f commercia	ıl value
-------------	----------	----------------	------------	----------	--------------	-------------	-------------	----------

No		Go to question 39. >>	
	A		ur

	Yes 🗵	Go to question 36. >
Same manual subserva	an i rail de de la companya (15 p. 15 pen i rail 55 f. Na 1777) (mendel de del de de benevo, de des j	Office use:
37.	Steps taken	(required if any)
•	What steps h	nas your organisation taken to limit knowledge of the matter of commercial value?
	① Check th	e checkbox against each appropriate response; more than one response can be selected.
manufacture and in contrast of the contrast of		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. >>
		Details of the matter are kept in a secured physical environment with access limited to authorised personnel only. Go to question 40. >>
A Second Prof. 1 de 10	\boxtimes	Details of the matter are kept in a secured computer environment with access limited to authorised personnel only. Go to question 40. >>
		Applied to IP Australia for intellectual property protection of the matter of commercial value. Go to question 38. ▶
Populario de		Other steps. Provide details below and go to question 40. 🕶
***************************************	Other steps	
38.	Intellectual	property protection (required if any)
>	What forms Australia for	of intellectual property protection for the matter of commercial value have you applied to IP ?
		ormation about technical terms related to intellectual property is available on the IP Australia website at: www.ipaustralia.gov.au .
		Patent
		Trade mark
		Design registration
		Plant breeder's right
Wells or	region and exposure explanation institutionally given a large X	Circuit layout right
39.	Application :	status (required if any)
Þ	Did IP Austra	lia grant the application?
Anne Oberton (Co	Yes 🔲	Go to question 40. ▶
	No 🔲	Provide identification number for the intellectual property protection below. ▼
	IP Australia	
-	identification number	
-		
-		
	adolf a laws to become constitute of parties, who were recently constitute can be seen and another a	

			Office use:			
40.	Inter	nal kno	wledge 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.					
	\boxtimes]	Managers			
			Contractors			
1474-49,41	6-114/ aca / 1-12]	All staff			
- Comme			Others. Please specify who below. 🕶			
granican en	erenen european errenen errenen errene	en en ege e ago, e e , e que e e anno e , e que e e en en e e e e e e e e e e e e e e				
-	List	others				
MARKA AARRA						
	and the second s	al Photosopper and beautiful by the server by				
41.			wledge of the matter of commercial value (required) If youtside of your organisation have knowledge of the matter of commercial value?			
	i	anyboo				
	No		Go to question 42. ▶ Please specify who below. ♥			
Yes			riedse specify wild below.			
External knowledge			Specialist consultants, suppliers, and third party certifying bodies, who assist in reporting obligations, conducting assessments, under confidentiality.			
arrentements and a second			Relevant government bodies operating under commercial in confidence.			
mallery of Camera Cons						
- mondon man						
L	nerediseneedelineer (141 aen	oar restraction des debugs of the p.				
42.			npetitor (required)			
b	Do yo	u believ	ve knowledge of the matter would be of value to a competitor?			
-M-m/	No		Go to question 43. >			
	Yes		Please specify why below. ▼			
	,	mana e e e e e e e e e e e e e e e e e e				
-		alue to petitor	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.			
-			todia de asea to reduce competitiveness in the market.			
AV STRUCTURE VALLAGES						

			Office use:
43.	Value	of ma	tter to you (required)
Þ			ne matter have value for you?
	① CH	heck th	e checkbox against each appropriate response; more than one response can be selected.
i and with			It helps to increase or sustain revenue
T / CTRO TO CAME	\boxtimes	akumaka" , 1910 jili Vadi Angjal (1904	It helps to decrease or contain costs
	\boxtimes		It helps to increase or maintain market share
1202			It helps to maximise effectiveness of labour resources
		THE COLUMN TWO PARTS OF THE CO	Other reason. Please specify below. ▼
	Carlotte of the carlot of carried the		
	Other re	asons	
H	inform ow publi affec	ation :	act of the Clean Energy Regulator publishing the aggregated greenhouse and energy specified in Part B reveal the matter of commercial value, or be capable of revealing it? 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.
45. ▶	Is othe	r infor	Information combined (required) Imation required to be combined with the greenhouse and energy information specified in Part representation to the matter of commercial value to be revealed, or be capable of being revealed?
	No	\boxtimes	Go to question 46.
	Yes		What additional information is required? Please specify below. ▼
The state of the s	inform	tional ation uired	

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

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

infc	Public		n/a
>	ls this	additio	onal information publicly available?
or self-sect self-self-sect	No	e- seasoes	Go to question 48. ▶
A STATE OF	Yes		Where is this information available? Please specify below. ▼
	nere p	oublicly railable	n/a
> 7	The g t still No	reenho	still necessary after reporting (required) use and energy information specified in Part B was reported for the 2014-2015 reporting year. Is ary to have that information withheld from publication from 28 February 2016? Go to Part E. Why is this still presentative Places specify below.
nerven ilinkraler	Yes		Why is this still necessary? Please specify below. ▼
Why still necessary			Our greenhouse and energy data does not significantly change year on year.

		Office use:
49.	Diminished v	value (required)
•	If the greenh	ouse and energy information specified in Part B was published AND this caused the matter to be w could this destroy or diminish the commercial value of the matter?
Administration	① Check th	e checkbox against each appropriate response; more than one response can be selected.
and the second second		Loss of profits
		Increase in production costs
The same of the same		Competitive disadvantage due to competitors being able to work out pricing behaviour and motivation
		Damage to the long-term commercial viability of a facility
n delament n		Other reason. Please specify below . 🕶
(Other reasons	
50. ▶	Why do you l (i) You shou	e would be destroyed or diminished (required) Delieve the commercial value of the matter would be destroyed or diminished in this way? Industrial distribution of the likelihood of this happening. The levidence 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.
OR		Go to Part E to complete the application. ▶
h		Go back to Part C if the application also concerns a trade secret. ▶

	ende de menskeltetismer i menne enderlim enderhietset in tribet i enterliët to bistolomet 2.2	રાજ્યની પાંચન કરમાં આવ્યા પ્રાથમિક સામે ઉપયોગ ઉપયોગ અને લોકો હોય કરીના લીધનો કરી હતી. તેમણે માટે મહાનો કરી કરી	es dividures son consisti se esta di servizio de consistente de consistente de consistente de consistente de c	antinen talen is de la transière i sed de crédiud e de timbre ches interésional transières de c	had allowed the lateral allowed allowed allowed and published and published allowed to
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Office use:	
	1

Part E: Endorsement of application

- (i) 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 Presiden	Executive Vice President Finance		
Organisation (required if any)	Knauf Plasterboard	nauf Plasterboard		
Signature *	Jones			
A TO THE WATER OF THE PROPERTY				
a alleri kolonomi da kali kada eta kolonomia partak impanakon kalinnak	Day (dd)	Month (mm)	Year (yyyy)	
Signature date *	28	01	2016.	

Office use:	

Attachments

Please make a record here of any documents attached to this application.

Attachments list table (required)

▶ Enter the question number the attached document relates to, and its name or description

Part and question number the attached document relates to	Name of document
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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 National Greenhouse and Energy Reporting Act 2007.

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:
	 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.
	Moiders 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		Professional Profe
Company D	13,000	135,999	2,756,340
Company E ¹	-		-

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.

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.

<u>FREEDOM OF INFORMATION ACT 1982</u> 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:
 - 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).

