



# Proposed rules to support the operation of the NVES

## Discussion paper accompanying exposure draft

February 2026

### Summary

- We are seeking views on the exposure draft of the proposed *New Vehicle Efficiency Standard Rules 2026* to support the operation of the NVES Registry and the disclosure of information relating to the NVES under the *New Vehicle Efficiency Standard Act 2024 (NVES Act)* (**Attachment A**).
- The proposed rules set out provisions for nominating Registry Administrators and Authorised Representatives for the NVES Registry, information required for opening a Registry account, fit and proper person requirements, and Registry account suspensions.
- The proposed rules also set out provisions for unit identification, requirements for transactions of units, and proposed NVES information to be published.
- We are seeking your feedback on the proposed rules by 9 March 2026. Subject to feedback received, the department will provide advice to the Minister on the merits of making the proposed rules in the first half of 2026.
- This paper is for consultation purposes only and does not represent Government policy.
- Unless otherwise specified, the department will publish all submissions to this consultation paper.

## Key information

**The NVES Act works to incentivise the supply to Australia of new low and zero-CO<sub>2</sub> emitting light vehicles.**

The NVES Act works as follows:

1. CO<sub>2</sub> emissions targets are set each year for vehicles covered by the Act.
2. A 'regulated entity' is a 'person', that is a Vehicle Type Approval (VTA) holder, which imports light vehicles during a year. At the end of that year, the regulated entity's Interim Emissions Value (IEV) is calculated. The IEV measures the performance of the entity's vehicles against the emissions targets for the year:
  - a. A negative IEV means the entity has overperformed against the target, and the Secretary must issue units to them. The entity can extinguish some or all those units to reduce their Final Emissions Value (FEV) for another year, or transfer them to others who may want them to reduce their FEV.
  - b. A positive IEV means the entity has underperformed against the target. A person can reduce their deficit by acquiring (purchasing) units and/or accruing units by selling more efficient vehicles.
3. A person's FEV is calculated two years after their IEV is issued. The NVES Act requires a person to ensure that their FEV is zero or less, otherwise, they are liable for a financial penalty.

Like many other pieces of major legislation, the NVES Act allows legislative instrument(s) to provide administrative rules to enhance the performance of its operation. In this case, section 92(a)-(b) of the NVES Act allows the Minister to make NVES rules via legislative instrument(s), including rules which are either required, or necessary to ensure the Act operates efficiently. It is upon this basis that we have drafted the proposed rules. The rules set out in this paper can assist in the smooth operation of the system and provide further confidence in the robustness of the framework as a whole. We are seeking views on the merits of these rules, and the benefits of putting them in place.

## Summary of proposed Rules

The proposed Rules will strengthen the integrity of the Registry and set out procedures for opening and maintaining Registry accounts, dealings with units and the disclosure of information. The Rules include:

1. Prescribed information in an application to open Registry accounts
2. Fit and Proper Person Requirements
3. Requirements for a person's access to Registry accounts
4. Allowing the Secretary to impose conditions on Registry accounts
5. Provision of Registry account information to the Secretary
6. Requirement to keep up to date records in relation to Registry accounts
7. Suspension of Registry accounts
8. Review of suspensions to Registry accounts
9. Identification of units
10. Requests to the Secretary to extinguish or transfer units
11. Requests to the Secretary to cease to refuse to take action on unit dealings
12. Disclosure of information by the Secretary
13. Publication of information by the Secretary
14. Review of decisions by Administrative Review Tribunal.

Refer to **Attachment A** for a full exposure draft of the proposed Rules including explanation against many of the proposed provisions.

This paper provides further detail about key proposed rules.

## Supporting the NVES Registry

### Information required for opening a Registry account

The units issued will be financial assets for companies. The Registry, which tracks the ownership of units, will require mechanisms to ensure its integrity. These mechanisms are largely already built into the IT system that has been established, but rules set out in a legislative instrument provide legal clarity and assist in providing further confidence to industry in the operation of the registry. Consequently, the rule that we have drafted establishes a provision to require an Executive Officer for an entity to nominate a Registry Administrator who will take responsibility for administrative, operational and transactional actions taken with a registry account. The information required will also include contact details to be collected which will be shared with users of the Registry on request. Given most regulated entities under the NVES are based overseas, we consider it is important that entities are easily contactable, especially in circumstances where there may be disputed transfers of units, which could involve legal proceedings or other dispute settlement procedures.

The NVES Rules include a provision at the point of opening a Registry account to choose to indicate whether a regulated entity is a subsidiary of a parent company. This is relevant for the publication of information and is designed to remove unnecessary reporting lines for subsidiaries and for better visibility of the entities' performance.

## Maintaining and accessing a Registry Account

Registry Administrators will be able to nominate Authorised Representatives who will have the authority to act within the Registry on any dealings with units. This is to allow flexibility in the responsibility of the Registry users and ensure that the authoriser of any unit transaction has appropriate responsibility over an entity's assets.

Entities will also be asked to keep up to date records on information relating to their Registry accounts upon request from the Secretary. Entities must also provide a yearly declaration against the identifying information, any changes in Authorised Representatives or key personnel.

In addition to requirements for applications to open Registry accounts, the Rules allow for the Secretary to impose conditions onto Registry accounts, as well as to vary and revoke these.

## Fit and Proper Person

A Fit and Proper Person (FPP) test has been established as required by the NVES Act. Establishing the FPP parameters in rules can provide further clarity about the requirements that are applied to persons applying to open a Registry account. The proposed rule is aligned with the [FPP guidance](#) that is already applied by the NVES Regulator when assessing a person's Registry account application. The Rules specify that this test will also apply to Registry Administrators of the account. Account-holders will need to provide an annual declaration of the FPP status of their Registry Administrators, to ensure that any changes to these persons are known and the integrity of the Registry is maintained. Any changes to a person's or Registry Administrator's FPP status will need to be declared within 28 days of the change.

## Suspensions of a Registry account

The proposed rules specify the instances where the Secretary may suspend a person's Registry account to ensure the integrity of the Registry, with specific inclusion of allowing the Secretary to suspend an account if they are no longer satisfied that the person is a fit and proper person. The notice for the suspension must be in writing and include information on the reasons for suspension, its length, the conditions for suspension to be lifted, and allow for the person to apply for a review of the suspension.

# Identification and Dealings with Units

## Unit identification

The proposed rules specify the information to be used for identifying units. This includes an identifier assigned to the unit, the date of issue and its expiration date.

## Unit extinguishments and transfers

The proposed rules set out the information required for any requests for extinguishing or transferring units, including the identifiers of the units involved, information identifying the initiator of the request and a declaration from the authoriser agreeing to the request.

## Requesting the Secretary to cease to refuse to take action

Section 46 of the *NVES Act* allows for the Secretary to refuse to take action on requests for unit dealings, e.g. when there are defects in the request. The provision in the draft rules, complements section 46 of the *NVES Act* by filling out the balance of the required details to enable regulated entities to request the Secretary to review this decision. The details in this provision include the identifier of the units affected, what action the person requested the Secretary take, and the account that the units were being transferred to (in the case of transfers).

## Disclosure of Information

### Information on an entity's compliance

The Rules prescribe information related to the NVES to be published annually. Some information is already required to be published in the *NVES Act*, namely the Interim Emissions Values (IEV) of a regulated entity, the name of persons with a Registry account, and the number of units held in a Registry account by year.

The Rules further prescribe the Final Emissions Values (FEV) of a regulated entity, the total number of units extinguished, and the total amount received in both infringement notices and pecuniary penalties by year.

This information will demonstrate the performance of the NVES as a whole and provide the public with information on how particular manufacturers are performing against the NVES.

## Feedback

We are seeking your feedback on the exposure draft of the proposed NVES Rules (**Attachment A**).

Please use the form on the department's Have-Your-Say webpage to provide your feedback.

## Attachments

**Attachment A:** *Proposed New Vehicle Efficiency Standard Rules 2026* with explanations embedded.

# CONSULTATION DRAFT

**IMPORTANT NOTE:** This draft Instrument is provided for the purposes of consultation only. The final terms of the Instrument may vary from the text of this draft.

## Attachment A

### *Proposed New Vehicle Efficiency Standard Rules 2026*



## **New Vehicle Efficiency Standard Rules 2026**

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Part 1—Preliminary

1-1 Name

This instrument is the *New Vehicle Efficiency Standard Rules 2026*.

1-2 Commencement

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

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

1-3 Authority

This instrument is made under the *New Vehicle Efficiency Standard Act 2024*.

1-4 Definitions

Note: A number of expressions used in this instrument are defined in section 10 of the Act, including the following:

- (a) covered vehicle;
- (b) final emissions value;
- (c) interim emissions value;
- (d) registry account;
- (e) unit.

In this instrument:

**account-holder** means a person who has a registry account.

**Act** means the *New Vehicle Efficiency Standard Act 2024*.

**Authorised Representatives** of a person that is a body corporate, means individuals who are nominated by an **Registry Administrator** from time to time to act for or on behalf of the body corporate in relation to the body corporate's registry account.

**executive officer** of a person that is a body corporate means an individual who:

- (a) has authority and responsibility for planning, directing and controlling the activities of the person (whether directly or indirectly) and includes any director (whether executive or otherwise) of the person; and
- (b) nominates, in a form specified by the Secretary, a person to be an **Registry Administrator** of a person in relation to a registry account.

**foreign person** means:

- (a) an individual who is not ordinarily resident in Australia; or
- (b) a body corporate that is incorporated outside Australia; or
- (c) a body corporate that is an authority of a foreign country.

**identifying information**, of a person, means the following information:

- (a) the person's name (and any business name or trading name, if different);
- (b) if the person is an individual—the following:
  - (i) the person's telephone number, email address and residential address;
  - (ii) if the person's postal address is different from the person's residential address—the person's postal address;
- (c) if the person is not an individual—the following:
  - (i) the ABN (within the meaning of section 41 of the *A New Tax System (Australian Business Number) Act 1999*) of the person (if any);
  - (ii) the ACN (within the meaning of section 9 of the *Corporations Act 2001*) of the person (if any);
  - (ii) the ARBN (within the meaning of section 9 of the *Corporations Act 2001*) of the person (if any);
  - (iv) details of at least one executive officer (however described) of the person, including the officer's name, role or position, telephone number and email address;
  - (v) the postal address of the head office or principal place of business of the person;
  - (vi) a street address for the person.

**Registry Administrator** means an individual who is authorised by an executive officer of the person, in a form specified by the Secretary, to act for or on behalf of the body corporate in relation to the body corporate's registry account.

**road vehicle legislation** means:

- (a) the Act; or
- (b) the *Road Vehicle Standards Act 2018*; or
- (c) the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018*; or
- (d) the *Motor Vehicle Standards Act 1989*; or

- (e) Parts VI and XI of the *Competition and Consumer Act 2010*; or
- (f) a provision of the Australian Consumer Law relating to the safety of consumer goods; or
- (g) any instrument made under the Acts referred to in paragraphs (a) to (d).

#### Explanation

The key definitions in this provision are the three levels of responsibility and accountability for handling the different obligations of the regulated entity in the Registry. In descending order of priority these are: the 'Executive Officer', the 'Registry Administrator', and the 'Authorised Representatives', which we explain further below.

## Part 2—Registry accounts

### 2-1 Application to open registry account

For the purposes of paragraph 53(2)(b) of the Act, the application must include the following:

- (a) identifying information of the person making the application;
- (b) information sufficient to enable the Secretary to determine whether they are satisfied that the person making the application is a fit and proper person;
- (c) if the person making the application is a body corporate:
  - (i) the full name, title and contact details of the individual who will be the Registry Administrator of the person; and
  - (ii) documentation evidencing the nomination by the executive officer of the Registry Administrator of the person;
  - (iii) if the person making the application is a parent company— provide details of its subsidiary companies;
  - (iv) if the person making the application is a subsidiary of the parent company—provide details of the parent company and other subsidiary companies;
- (d) if the person making the application is a foreign person—the full name, address and contact details of an Australian agent through which the person conducts business in Australia.

#### Explanation

As noted above, we have sought to place the appropriate level of accountability on the appropriate individuals of the account holder. As most of the regulated entities will be based overseas, there is significant value in tying accountability to the Executive Representatives of the regulated entity to the registry account. (NB A similar approach is taken in s.33 of the *Road Vehicle Standards Act 2018*) At the same time, we acknowledge it would not be appropriate to compel these staff to be involved in the day-to-day operation of the registry account.

As such, we have designed the application process to enable accountable executive-level staff to appoint mid and lower-level staff to do the day-to-day running of the Registry. This arrangement will avoid the need to have the senior, likely overseas-based staff requiring Registry access by enabling what we have defined as the 'Executive Officer' to appoint a 'Registry Administrator' in a declaration which is sent outside of the system. Further, we consider the Registry Administrator, which will likely be locally based mid-level staff, will in turn nominate their Authorised Representatives, who will be the lower-level day-to-day users of the Registry.

In the event a regulated entity is a subsidiary of a parent company, the department has included a provision which allows these companies to inform the Regulator to avoid unnecessary duplication of reporting.

## 2-2 Fit and proper person

For the purposes of subparagraph 55(2)(c)(ii) of the Act, the Secretary must have regard to whether the person and the Registry Administrator of the person have:

- (a) within the previous 10 years, had a registry account that has been closed under section 57 of the Act; or
- (b) if the person is an individual—within the previous 10 years, been declared bankrupt under an Australian law or an equivalent law of a foreign country; or
- (c) if the person is a body corporate—within the previous 10 years, been insolvent under administration under an Australian law or an equivalent law of a foreign country a foreign country; or
- (d) within the previous 10 years, contravened a provision of the road vehicle legislation or an equivalent law of a foreign country; or
- (e) within the previous 10 years, been convicted of an offence under an Australian law or an equivalent law of a foreign country involving any of the following:
  - (i) misleading or deceptive conduct;
  - (ii) dishonesty, including fraud, theft or misappropriation;
  - (iii) corporate misconduct or financial crime;
  - (iv) money laundering or terrorism financing;
  - (v) cartel conduct;
  - (vi) climate change or the environment;
  - (vii) vehicle emissions;
  - (viii) road vehicle safety; or
- (f) within the previous 3 years, entered into an enforceable undertaking, been subject to civil penalty proceedings or issued with an infringement notice in relation to conduct that may constitute an offence in relation to the matters in subparagraph (e)(i) to (viii); or
- (g) within the previous 10 years, been the subject of a fine or other penalty imposed by a regulatory body, tribunal or a court under an Australian law or an equivalent law of a foreign country for engaging in conduct that was obstructive, misleading or deceptive in relation to the regulatory body, tribunal or court; or
- (h) within the previous 10 years, been the subject of a fine or other penalty imposed by a regulatory body, tribunal or a court under an Australian law or an equivalent law of a foreign country for engaging in dishonest, negligent or other discreditable conduct in relation to conducting a business; or
- (i) if the person is an individual—within the previous 10 years, been banned or disqualified under an Australian law or an equivalent law of a foreign country from being a company director; or

- (j) if the person is an individual—within the previous 10 years, failed to cooperate with, or engaged in conduct that may threaten or harass, an inspector appointed under section 49 of the *Road Vehicle Standards Act 2018*.

#### Explanation

Section 2-3 sets out the requirements for the 'fit and proper person' ('FPP') test requirement for opening a registry account. These requirements align with the existing the Regulator's existing FPP guidance. The FPP test will also apply to the nominated Registry Administrator but not to the Authorised Representatives.

### 2-3 Access to registry accounts

- (1) This section is made for the purposes of section 69 of the Act.
- (2) In a form specified by the Secretary, the Registry Administrator of a person may give the Authorised Representative permissions and access to the registry account of the person.
- (3) If access or permission is provided under subsection (2), in respect of the Authorised Representative of the person, they may do any of the following:
  - (a) view the details of the person's registry account;
  - (b) initiate transactions in relation to the person's account;
  - (c) approve transactions in relation to the person's account;
- (4) If access is provided, the Secretary may deny the Registry Administrator and Authorised Representative further access to the registry account if:
  - (a) having regard to the matters in section 2-2, the Secretary is not satisfied that it is appropriate for the Registry Administrator or the Authorised Representative to continue to have such access; or
  - (b) the Secretary is satisfied that it is prudent to do so in order to:
    - (i) ensure the integrity of the Registry; or
    - (ii) prevent, mitigate or minimise abuse of the Registry; or
    - (iii) prevent, mitigate or minimise criminal activity involving the Registry.
- (5) If the Secretary denies a Registry Administrator, of a person access to the registry account of the person:
  - (a) any other individual granted access to the account is also denied; and
  - (b) the Secretary must, as soon as practicable:
    - (i) notify the person that access has been denied giving reasons for the denial;
    - (ii) in the case where the Registry Administrator is denied access, require the executive officer to nominate another Authorised Representative; and
    - (iii) in the case where an Authorised Representative is denied access, require the representative Registry Administrator to nominate another person as Authorised Representative.

#### Explanation

This section sets out the levels of access that the Registry Administrators and Authorised Representatives will hold within the Registry, with the key difference being, Registry Administrators will have the ability to grant access to other individuals as Authorised Representatives. The provision then allows for access to be revoked if the Secretary believes that the person is no longer fit and proper regarding the requirements in the above provision 2-2 and they believe it is appropriate to do so.

### 2-4 Secretary may impose conditions on Registry accounts

- (1) This section is made for the purposes of section 69 of the Act.
- (2) The Secretary may, at any time do the following:

- (a) impose one or more conditions on a person's registry account;
  - (b) vary conditions imposed on a person's registry account;
  - (c) revoke conditions imposed on a person's registry account.
- (3) Conditions may be imposed, varied or revoked:
  - (a) on application by the account-holder; or
  - (b) on application by the Authorised Representative of the registry account; or
  - (c) on the Secretary's own initiative.

**Explanation**

The *NVES Act* allows for rules to be made in relation to conditions to be imposed on registry accounts. This provision does not set the conditions; however, it allows for the Secretary to impose conditions in the future.

**2-5 Provision of registry account information to the Secretary**

- (1) This section is made for the purposes of section 69 of the Act.
- (2) An account-holder must, when requested in writing by the Secretary, and within such reasonable time as is specified in the request, provide the Secretary with any information that in the Secretary's opinion is relevant to the person's account.
- (3) An account holder must provide the following information to the Secretary, within 28 days after the change occurs:
  - (a) a change in the identifying information for the account-holder;
  - (b) a change in the Registry Administrator of the account-holder; and
  - (c) a change in relation to the matters in section 2-2.
- (4) An account-holder must provide, within 2 months after each anniversary of the day the account was opened, a declaration in a form specified by the Secretary in relation to the matters in section 2-2.

**Explanation**

Section 2-5 allows the Secretary to request information relating to the registry account. The provision also contains a requirement to notify any changes in the identifying information for an account, the Registry Administrator and/or the matters in section 2-2, which will ensure the information on each account holder is kept up to date. The provision also includes a requirement for an annual declaration against the fit and proper person requirements in section 2-2.

**2-6 Keeping up to date records in relation to registry accounts**

- (1) This section is made for the purposes of section 69 of the Act.
- (2) A person in whose name a registry account is opened must keep a record of the information referred to in section 2-1.
- (3) The records referred to in subsection (2) must:
  - (a) be kept during the period the account is open; and

- (b) be kept up to date.

#### Explanation

This provision will ensure the appropriate records regarding the registry account are kept by the registry account users.

## 2-7 Suspension of registry accounts

- (1) This section is made for the purposes of section 69 of the Act.
- (2) The Secretary may suspend a person's registry account, for a specified period or until a specified event occurs, if the Secretary reasonably believes that:
  - (a) the person has contravened, is contravening or is proposing to contravene the Act, this instrument, another instrument made under the Act, the *Road Vehicle Standards Act 2018* or an instrument made under that Act, or an equivalent law of a foreign country; or
  - (b) the person is being investigated in relation to any of the following:
    - (i) an offence against Division 4 of Part 4 of the Act;
    - (ii) an offence against the *Crimes Act 1914* or the *Criminal Code*, to the extent that it relates to the Act;
    - (iii) a contravention of a civil penalty provision of the Act (other than section 17);
    - (iv) an offence against Part 2 of the *Road Vehicle Standards Act 2018*;
    - (v) a contravention of a civil penalty provision of Part 2 of the *Road Vehicle Standards Act 2018*; or
    - (vi) an offence of contravention of any law of a foreign country which are equivalent to those referred to in paragraphs (i) – (v) above;
  - (c) it is appropriate in all the circumstances to do so.
- (3) The Secretary may suspend a person's registry account, for a specified period or until a specified event occurs, if the Secretary is no longer satisfied that the person is a fit and proper person, having regard to the matters in section 2-2.
- (4) If a person's registry account is suspended under subsection (2), the Secretary must give the person written notice of the suspension, which must include the following information:
  - (a) if the account is suspended for a specified period—the period for which the account is suspended;
  - (b) if the account is suspended until a specified event occurs—the day on which the suspension starts and the event;
  - (c) the reasons for the suspension;
  - (d) the steps (if any) the person may take to end the suspension before the specified period ends or specified event occurs;
  - (e) that the person may apply for a review of the suspension within 30 days after the day the suspension starts.
- (5) If a person's registry account is suspended under subsection (2), to ensure the integrity of the Registry the Secretary must not:

- (a) give effect to any request to transfer units to or from the person's registry account; or
  - (b) give effect to any request to extinguish units from the person's registry account.
- (6) The Registry must set out a record of each suspension under this section.

**Explanation**

This provision sets out the grounds for suspension of a registry account and the process the Secretary must follow in providing notice to the suspension to the account holder. The primary grounds for suspension encompassed by this provision include a contravention of the *Road Vehicle Standards Act 2018* (or a foreign equivalent), or a criminal offence for which the regulated entity is subject to an ongoing investigation.

**2-8 Review of suspension of registry accounts**

- (1) This section is made for the purposes of section 69 of the Act.
- (2) If a person's registry account is suspended under section 2-7, the person may request the Secretary to vary or revoke the suspension.
- (3) A request under subsection (2) must:
  - (a) be in writing; and
  - (b) set out the reasons for the request.
- (4) If the Secretary receives a request under subsection (2), the Secretary must:
  - (a) decide whether to vary or revoke the suspension as requested; and
  - (b) notify the person of the decision.

**Explanation**

Through this provision we have provided a straightforward process for a regulated entity to follow in the event they wish to have the Secretary to review the suspension of their registry account.

## **Part 3—Identification of and dealings with units**

### **3-1 Identification of units**

- (1) This section is made for the purpose of section 69 of the Act.
- (2) If the Secretary issues a unit to a person by making an entry for the unit in the person's registry account, the Secretary must include with the entry:
  - (a) a unique identifier of the unit; and
  - (b) the day on which the unit was issued; and
  - (c) the day on which the unit will be extinguished under section 44 of the Act, if not extinguished earlier.

#### **Explanation**

This provision sets out the basic requirements for the Registry to distinguish units, including the attribution of a 'unique identifier' for each unit and the day on which it is generated and extinguished. This will help ensure the account-holder is aware of the expiry date of each.

### **3-2 Requesting the Secretary to extinguish or transfer units**

- (1) This section is made for the purposes of the following provisions of the Act:
  - (a) paragraph 42(2)(c);
  - (b) subsection 43(2);
  - (c) subsection 45(2).
- (2) A request to extinguish or transfer one or more units held in a person's registry account must include the following information:
  - (a) the unique identifier of the units;
  - (b) the holding account details of the receiver (if any)
  - (c) a declaration by an Authorised Representative of the person who has been granted permission to approve transactions

#### **Explanation**

This provision outlines the information required for the Secretary to extinguish or transfer units, which include the units to be actioned, the account of the receiver (in the event of a transfer), and a declaration by an Authorised Representative of the entity authorising the action.

### **3-3 Requesting the Secretary to cease to refuse to take action**

- (1) This section is made for the purposes paragraph 46(5)(b) of the Act.
- (2) A request to the Secretary to cease to refuse to take an action must include the following information:

- (a) the unique identifier numbers of the units involved;
- (b) the action the person is requesting the Secretary to take; and
- (c) if the action is the transfer of units to another registry account—the account-holder of the other account.

Note: The request must also set out the reasons for the request (see paragraph 46(5)(c) of the Act).

#### Explanation

In the event where the Secretary deems it prudent to refuse to take action under section 46 of the *NVES* Act to refuse to extinguish or transfer units, persons can request the Secretary to cease the refusal to take action. This provision sets out the information required in such a request.

## **Part 4—Reserved for future use**

Note: This Part is reserved for future use.

## **Part 5—Reserved for future use**

Note: This Part is reserved for future use.

## Part 6—Disclosure and publication of information

### 6-1 Disclosure of information by the Secretary

- (1) This section is made for the purposes of section 69 of the Act.
- (2) If an account-holder is a body corporate, the Secretary may disclose to another account-holder the details of an executive officer (however described) of the person, including the officer's name, role or position, telephone number and email address.
- (3) If an account-holder is a foreign person, the Secretary may disclose to another account-holder the full name, address and contact details of an Australian agent through which the foreign person conducts business in Australia.

#### Explanation

This provision outlines the information that can be disclosed by the Secretary. Upon request, account-holders will be able to receive the contact details of either an executive officer and, in the case where the account holder is a foreign person their Australian agent. We anticipate this could be used in the event of any disputes or legal proceedings that may occur between account-holders.

### 6-2 Publication of information by the Secretary

- (1) This section is made for the purposes of paragraph 86(1)(d) of the Act.

#### *Final emissions values*

- (2) For each person for whom there is a covered vehicle for a year beginning on or after 1 January 2025, the person's final emissions value for the year is prescribed.
- (3) Where the parent company has elected for group reporting — the sum of the final emissions values for the parent company and all of its subsidiaries for the year is prescribed.
- (4) The sum of final emissions values for all persons for a year is prescribed.
- (5) The information prescribed by subsections (2), (3) and (4) must be published as soon as practicable after the final reconciliation day for the relevant year.

#### *Extinguishment of units*

- (6) The total number of units extinguished in a year beginning on or after 1 January 2026 is prescribed.

#### *Compliance information*

- (7) The total amount received by the Commonwealth under infringement notices issued in a year beginning on or after 1 January 2028 for alleged contraventions of section 17 of the Act is prescribed.

Note: Section 17 of the Act imposes a duty to ensure that a person's final emissions value is zero or less.

- (8) Total pecuniary penalties in 2028 and later years ordered by a court to be paid for a contravention of section 17 of the Act is prescribed.

#### Explanation

This provision prescribes the additional information that the Secretary must publish in relation to the NVES. This includes the Final Emissions Value (FEV), in accordance with the existing publication of the Interim Emissions Value (IEV). Where elected by the parent companies, the sum of the FEVs for the parent company and all its subsidiaries will be published. A firm may wish to do this to better show their NVES outcomes by brand where they have multiple legal entities holding their VTAs.

The total number of units extinguished is designed to capture all extinguishments as an aggregate. This information will not be reported against specific Registry accounts.

NVES compliance information is designed similarly, in that the total amount received under infringement notices and pecuniary penalties ordered by a court is prescribed to be published. Likewise, it will not be published against specific Registry accounts.

## Part 7—Review of decisions

### 7-1 Review by Administrative Review Tribunal

- (1) This section is made for the purposes of section 69 of the Act.
- (2) Applications may be made to the Administrative Review Tribunal for review of the following decisions:
  - (a) a decision of the Secretary under subsection 2-3(4) to deny an Authorised Representative or Registry Administrator of a person access to the person's registry account;
  - (b) a decision of the Secretary under section 2-4 to impose conditions on a registry account on the Secretary's own initiative;
  - (c) a decision of the Secretary under section 2-4 to refuse to impose, vary or revoke conditions on a registry account on application by an account-holder;
  - (d) a decision of the Secretary under section 2-7 to suspend a person's registry account;
  - (e) a decision of the Secretary under section 2-8 to decide not vary or revoke a suspension.

#### Explanation

This provision allows for any of the listed decisions made under these Rules to be reviewed by the Administrative Review Tribunal.

END