

# **Lighting Council Australia**

## **Submission to Senate Standing Committees on Environment and Communications**

### **Greenhouse and Energy Minimum Standards Bill 2012 [Provisions]**

**July 2012**

#### ***Introduction***

Lighting Council Australia is the peak body for Australia's lighting industry. Its members include manufacturers and suppliers of luminaires, lighting control devices, lamps, solid state lighting and associated technologies. Lighting Council's goal is to encourage the use of environmentally appropriate, energy efficient, quality lighting systems.

Lighting Council Australia supports the original intent of the GEMS legislation as proposed to industry several years ago by proponents in the then Australian Greenhouse Office – namely, to achieve nationally consistent regulation of equipment energy efficiency by transferring responsibilities from the states to the Commonwealth.

Lighting Council Australia is concerned with two elements of the Bill:-

1. The application of criminal sanctions
2. The mandatory provision of sales data to the regulator

Lighting Council Australia has consistently voiced its opposition to these elements – during initial consultation sessions with the Department of Climate Change and Energy Efficiency and later in response to three discussion/consultation papers issued by the Department.

#### ***Criminal sanctions***

Criminal sanctions are disproportionate to the nature of offences in a minimum energy performance standards and labelling regime. Criminal sanctions do not apply in the registration process associated with Australia's electrical safety regime. Transgressing a MEPS and labelling regime surely is far less serious than avoiding electrical safety regulatory requirements where lives could be at risk. Of particular concern to Lighting Council Australia is that little attempt has been given in the consultation process to explain how criminal sanctions may apply. The wording of the Exposure Draft Bill and the Greenhouse and Energy Minimum Standards Bill 2012 currently before Parliament (Part 8 – Enforcement) suggests that they may be applied broadly by the statement 'Criminal proceedings may be

commenced against a person for conduct that is the same, or substantially the same, as conduct that would constitute a contravention of a civil penalty provision...'

Lighting Council Australia contends that civil penalties are adequate for enforcement in a MEPS and labelling regime.

***Mandatory provision of sales and import data***

Lighting Council Australia objects to the requirement for industry to supply sales and import data (Section 56). We have no confidence that sensitive private commercial data will not be kept confidential. Particularly offensive is advice from the Department of Climate Change and Energy Efficiency during the earlier consultation stage that such information could be passed to unspecified 'international agencies'.

As far as Lighting Council Australia is aware, New Zealand is the only other country in the world that requires companies to supply sales and import data in connection with energy efficiency regulation. It appears that New Zealand's requirement is the primary reason for the provision being included in Australia's legislation. Lighting Council Australia contends that this is insufficient reason for such a gross breach of a company's right to keep its sales and import data private.