



**Thiess Pty Ltd**  
A.B.N. 87 010 221 486  
BUSINESS SERVICES  
Thiess Centre  
179 Grey Street  
South Bank QLD 4101  
Locked Bag 2009  
South Brisbane QLD 4101  
Australia  
Telephone (07) 3002 9000  
Facsimile (07) 3002 9009

27 February 2008

Greenhouse and Energy Reporting Taskforce  
Department of Climate Change  
GPO Box 854  
Canberra ACT 2601

**SUBMISSION ON THE NATIONAL GREENHOUSE AND ENERGY  
REPORTING SYSTEM REGULATIONS POLICY PAPER - FEBRUARY 2008**

Dear Sir / Madam,

As one of Australasia's largest construction, mining and services companies, Thiess welcomes the opportunity to make a submission in response to the National Greenhouse and Energy Reporting System Regulations Policy Paper (the Policy Paper) of 4 February 2008.

While the Policy Paper provides further guidance on several issues raised in previous papers, Thiess has serious concerns regarding a key aspect of the paper, specifically the approach to defining operational control of a liable facility.

The Policy Paper indicates that in the circumstances where more than one corporation could be considered to have operational control, the organisation with day to day responsibility for facility management will generally be taken to have operational control in preference to the facility owner. Accordingly there are foreseeable scenarios where Thiess could be required to report greenhouse emissions, energy production, and energy use for activities and/or facilities they are commissioned to undertake and/or operate on behalf of clients and owners. The process of identifying the party with overall operational control in accordance with this guidance could be extremely difficult under many common commercial scenarios such as when several unrelated contractors operate within same facility each with "operational control" over their own specific activities. We submit that such outcomes are inconsistent with the NGER objectives for streamlined and transparent public reporting and also the definitions of operational control provided in the NGER Act.



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The NGER Act indicates that a corporation has 'Operational Control' over a facility if it has the greatest authority to introduce and implement operating, health and safety and environmental policies. While acknowledging the enormous variation in contractual arrangements that can exist between contractors and clients, Thiess submits that project owners have the greatest authority to introduce and implement policy and should therefore have ultimate responsibility for reporting GHG emissions, energy production and usage arising at a facility/project irrespective of whether the relevant project activities are physically undertaken by contractors on their behalf.

While defining operational control under various contract scenarios is complex it is by no means impossible and, as we have demonstrated on several previous occasions, Thiess is very willing to work with government and other relevant stakeholders to develop a streamlined and effective national reporting system.

Thiess is a wholly owned subsidiary of Leighton Holdings Limited and member of the Australian Constructors Association (ACA) and supports the detailed submissions made by both of these organisations in response to the Policy Paper.

I would be pleased to discuss any issues raised in our submission at your convenience.

Yours faithfully,

Andrew Grabski.

**Group Environmental Manager**

**Thiess Pty Ltd**