

ACCREDITATION NOTICE

ACP: Applicant Name Pty Ltd

ACN: XXX XXX XXX

ABN: XX XXX XXX XXX

RESA: Installation and replacement of end user equipment (as described in Item 1 of the Schedule)

RESA accreditation number: GHGRXXXXXA/1

Notice issue number: 1

Date of Notice: 16 September 2022

Original date of RESA accreditation: 16 September 2022

1 Accreditation

- (a) The Scheme Administrator accredits Applicant Name Pty Ltd as the ACP in respect of the RESA outlined in this Notice. This accreditation is made in accordance with clause 39(2)(a) of Schedule 4A to the Act and, if applicable, clause 53 of Schedule 6 to the Act.
- (b) In addition to conditions imposed under the Relevant Legislation, this accreditation is subject to the conditions imposed by the Scheme Administrator in this Notice. This Notice constitutes written notice to the ACP of conditions imposed on the ACP by the Scheme Administrator as required by clause 48 of the Regulation.
- (c) The ACP must comply with the obligations and conditions imposed by the Relevant Legislation and this Notice.

2 Pre-conditions to creation of certificates

The ACP must not create any ESCs in relation to the RESA until the ACP receives written confirmation from the Scheme Administrator that the ACP has provided Insurance as specified in clause 16 of this Notice (if any).

3 Entitlement to create certificates

- (a) Subject to clause 2 of this Notice, the ACP is entitled to create ESCs in relation to the RESA, in accordance with the Relevant Legislation and this Notice from the original date of RESA accreditation specified on page 1 of this Notice.
- (b) The ACP is only entitled to apply for the registration of ESCs in relation to the RESA if the application is made in accordance with the Relevant Legislation and this Notice (including Item 8 of the Schedule).
- (c) The ACP must not apply for the registration of more than the number of ESCs permitted to be registered in Item 2(e) of the Schedule.

4 Creation of certificates

- (a) Under this Notice, the ACP may only create ESCs in respect of the RESA as outlined in Item 1 of the Schedule.
- (b) All ESCs must be created in accordance with the conditions in the Relevant Legislation and in this Notice.
- (c) The ACP must ensure that all ESCs are in a form approved by the Scheme Administrator and that any application for their registration is made in accordance with the Relevant Legislation, this Notice and the Registry Procedures.
- (d) If, in the absence of this provision, the energy savings from the RESA would allow the ACP to create ESCs and also to obtain a benefit under a Corresponding Scheme, the ACP may only create ESCs if the ACP does not claim any benefit under a Corresponding Scheme.
- (e) The ACP must immediately provide the Scheme Administrator with a completed Corresponding Scheme Notice if the ACP:
 - (1) becomes eligible under a Corresponding Scheme to obtain a benefit for energy savings from the RESA undertaken at a site within New South Wales;
 - (2) was, prior to the date of this Notice, eligible under a Corresponding Scheme to obtain a benefit for energy savings from the RESA undertaken at a site within New South Wales and continues to be so eligible on the date of this Notice; or
 - (3) ceases to be eligible under a Corresponding Scheme to obtain a benefit for energy savings from a RESA undertaken at a site within New South Wales.

5 Record keeping requirements

At all times, while the ACP's accreditation to create ESCs in relation to the RESA remains in place, the ACP must:

- (a) comply with the requirements set out in Item 3 of the Schedule; and
- (b) maintain up to date records as required by the Relevant Legislation and this Notice and ensure that those records are kept secure.

6 Reporting requirements

The ACP must provide information to the Scheme Administrator:

- (a) as requested by the Scheme Administrator from time to time; and
- (b) in accordance with any additional requirements set out in Item 5 of the Schedule.

Such information must be provided in a form and manner requested by the Scheme Administrator.

7 Audit requirements

- (a) The ACP must engage an Auditor to undertake an audit to the satisfaction of the Scheme Administrator as required by Item 4 of the Schedule.
- (b) In addition, the Scheme Administrator is entitled to conduct an audit or require an audit to be conducted in respect of the ACP's compliance with the Energy Savings Scheme at any time.
- (c) The Scheme Administrator will require that an audit is conducted at the ACP's cost, unless the Scheme Administrator gives written notice to the contrary.
- (d) The ACP must devote sufficient resources and labour to ensure that the audit is conducted and completed in an efficient manner.
- (e) For the avoidance of doubt, the Scheme Administrator is entitled to require a variation at any time to an audit that is in progress in respect of the ACP's compliance with the Energy Savings Scheme.

8 Special conditions

The ACP must comply with the special conditions set out in Item 9 of the Schedule.

9 Undertaking

- (a) The Scheme Administrator may notify the ACP if it considers that the ACP may have applied for the registration of a number of ESCs that is in excess of the entitlement set out in Item 2(e) of the Schedule.
- (b) If the ACP receives such notification, the ACP:
 - (1) may give the Scheme Administrator an undertaking that it will limit the number of ESCs for which it applies for registration (despite any entitlement the ACP may have) in relation to the RESA in a future period; and
 - (2) must not contravene any undertaking given to the Scheme Administrator.

10 Assistance and information to Scheme Administrator

- (a) The ACP must provide any information, documents, assistance or access to premises required by the Scheme Administrator (or any person appointed by the Scheme Administrator) to monitor or audit the ACP's compliance with the Relevant Legislation, this Notice or the Registry Procedures.
- (b) The ACP must notify the Scheme Administrator:
 - (1) within 28 days of a change to the ACP's:
 - (i) principal place of business; or
 - (ii) Director(s) or secretary; and
 - (2) immediately where:
 - (i) a winding up order or resolution is made with respect to the ACP; or
 - (ii) a liquidator, controller or administrator is appointed to the ACP.
- (c) If an event referred to in clause 10(b)(1) or (2) takes place, the ACP must, within 14 days of receiving a written request from the Scheme Administrator, provide the Scheme Administrator with any information in relation to the event specified in the written request.

11 Schedule

Attached to this Notice is the Schedule. The Schedule contains requirements relating specifically to the RESA in respect of which the ACP is accredited.

12 Duration and variation

- (a) The ACP's accreditation in respect of the RESA takes effect from the original date of accreditation as specified in this Notice and remains in force until suspended or cancelled by the Scheme Administrator in accordance with clause 42 of the Regulation.
- (b) At any time the Scheme Administrator may revoke or vary a condition imposed on the ACP's accreditation (not being a condition imposed by the Act or the Regulation) by providing written notice to the ACP, in accordance with clause 48 of the Regulation.

13 Third party representatives

The ACP must comply with the *Minimum requirements of conduct* ESS Notice: 01/2013 as published on the Scheme Administrator's website and amended from time to time.

14 Deleted

15 Deleted

16 Insurance

- (a) The ACP must, at its own expense, hold and maintain Insurance of the kind and for the amount, if any, specified in Item 7 of the Schedule.
- (b) This Insurance must cover any debt, liability, expense, claim or cost incurred or suffered by the Scheme Administrator or any other person as a result of any failure of the ACP to comply with the Relevant Legislation, this Notice or the Registry Procedures.

17 Completion or discontinuation of RESA

Within one month after the completion or discontinuation of the RESA, the ACP must confirm in writing to the Scheme Administrator:

- (a) that the RESA has been completed or discontinued;
- (b) the total number of ESCs that have been registered in relation to the RESA; and
- (c) that the characteristics and details of the activity in respect of which ESCs were registered are not materially different from the characteristics and details of the RESA.

18 Definitions and interpretation

(a) In this Notice, the following words and expressions have the following meanings:

ACP means the accredited certificate provider set out in clause 1(a) of this Notice.

Act means the *Electricity Supply Act 1995* (NSW).

Auditor means an auditor approved by the Scheme Administrator.

Calendar Year means a period of 12 months commencing on 1 January.

Corresponding Scheme means a scheme or arrangement with similar objectives to the Energy Savings Scheme. For the avoidance of doubt, the Commonwealth Emissions Reduction Fund (implemented under the *Carbon Credits (Carbon Farming Initiative) Act 2011* (Cth) and associated legislation) is a Corresponding Scheme.

Corresponding Scheme Notice means the form entitled “Corresponding Scheme Notice” as published on the Scheme Administrator’s website and updated from time to time.

Director has the meaning given to that term in the *Corporations Act 2001* (Cth).

Energy Savings Scheme means the scheme established by Schedule 4A to the Act.

ESC means an energy savings certificate created under Schedule 4A to the Act.

Insurance means a policy of insurance with an insurer acceptable to the Scheme Administrator and on terms acceptable to the Scheme Administrator.

Notice means this document including the Schedule.

Pre-registration Audit means an audit of ESCs that are proposed to be registered in respect of the RESA.

Registry Procedures means all procedures, rules, processes and requirements established or published by the Scheme Administrator (or any person appointed from time to time by the Scheme Administrator to assist it with the establishment or operation of the registers) in connection with the registers established by the Scheme Administrator under Division 12 of Schedule 4A to the Act.

Regulation means the *Electricity Supply (General) Regulation 2014* (NSW).

Relevant Legislation means the Act, the Regulation, any other regulations made under Schedule 4A to the Act, and the Scheme Rule.

RESA means the recognised energy savings activity described in Item 1 of the Schedule.

Scheme Administrator means the Independent Pricing and Regulatory Tribunal in its capacity as Scheme Administrator under Schedule 4A to the Act and its successors.

Scheme Rule means the *Energy Savings Scheme Rule of 2009* (NSW).

Scope of Works, with respect to an audit, means the first document that the Auditor provides to the Scheme Administrator, which sets out the scope of the activities that the Auditor proposes to carry out as part of that audit.

- (b) In this Notice, unless the context requires otherwise:
- (1) references to clauses are references to clauses in this Notice;
 - (2) references to Items are references to Items in the Schedule;
 - (3) a reference to Schedule is a reference to the Schedule to this Notice;
 - (4) the singular includes the plural and vice versa;
 - (5) headings are used for convenience only and do not affect the interpretation of this Notice or its Schedule;
 - (6) a reference to a document includes the document as modified from time to time and any document replacing it;
 - (7) person includes a natural person and any body or entity whether incorporated or not;
 - (8) month means calendar month and year means 12 months;
 - (9) a reference to an ‘audit’ is a reference to an audit in respect of the RESA, and includes a Pre-registration Audit;
 - (10) a reference to any statute, proclamation, rule, regulation or ordinance includes any amendment, consolidation, modification, re-enactment or reprint of it or any statute, proclamation, rule, regulation or ordinance replacing it. A reference to a specified section, clause, paragraph, schedule or item of any statute, proclamation, rule, regulation or ordinance means a reference to the equivalent section of the statute, proclamation, rule, regulation or ordinance which is for the time being in force;
 - (11) including and similar expressions are not words of limitation; and
 - (12) words and expressions that are defined in the Scheme Rule and not defined in this Notice have the same meaning as in the Scheme Rule.

Executed for and on behalf of) Signature of Authorised Representative
Independent Pricing and Regulatory)
Tribunal (as Scheme Administrator))
by its duly authorised representative.)
)

SCHEDULE

Item 1 Recognised Energy Saving Activity

The following activity is a RESA for which the ACP is accredited to create ESCs:

(a) The activity:

- (1) increases the efficiency of energy consumption, by:
 - (i) modifying End-User Equipment or the usage of End-User Equipment (including by installing additional components) with the result that there is a reduction in the consumption of energy compared to what would have otherwise been consumed (clause 5.3(a)(i) of the Scheme Rule); or
 - (ii) replacing End-User Equipment with other End-User Equipment that consumes less energy (clause 5.3(a)(ii) of the Scheme Rule); or
 - (iii) installing New End-User Equipment that consumes less energy than other comparable End-User Equipment of the same type, function, output or service (clause 5.3(a)(iii) of the Scheme Rule); or
- (2) increases the efficiency of energy consumption, by:
 - (i) increasing the efficiency of electricity consumption (clause 5.3(e)(i) of the Scheme Rule); and
- (3) is an activity whose energy savings may be calculated using the calculation method specified in Item 2(a), for activity definitions E1 under Schedule E of the Scheme Rule; and
- (4) uses End-User Equipment that:
 - (i) meets the Equipment Requirements for the activity definitions E1 under Schedule E of the Scheme Rule, and any further requirements Published by the Scheme Administrator under clause 9.2A.1 of the Scheme Rule; and
 - (ii) if it is of a type listed in Table A9.3 in Schedule A of the Scheme Rule, is Published by the Scheme Administrator under clause 9.2A.2 of the Scheme Rule in a list of Products accepted by the Scheme Administrator as meeting the Equipment Requirements.

(b) RESA identifier:

GHGRXXXXXA/1

(c) Site(s):

The RESA will be conducted at multiple sites within New South Wales that are:

- (1) Residential Buildings; or
- (2) Small Business Sites.

Item 2 Calculation of certificates

The ACP must comply with the following provisions for the purpose of applying the Scheme Rule to create ESCs for the RESA:

- (a) Calculation method:
 - (1) Home Energy Efficiency Retrofits under clause 9.8 of the Scheme Rule.
- (b) Application of calculation method:

Not applicable
- (c) Applicable confidence factor:

Not applicable
- (d) Application Date:

Not applicable
- (e) ESC creation limits:

The number of ESCs for which an application for registration can be made under Item 4.

Item 3 Record keeping requirements

The ACP must comply with the requirements set out in section 3 and section 4 of the document entitled “Record Keeping Guide” as published on the Scheme Administrator’s website and updated from time to time.

Item 4 Audit requirements

Periodic auditing requirement

- (a) By 16 September 2023, the ACP must engage an Auditor to undertake at least one audit.
- (b) The ACP must engage an Auditor to undertake an audit as often as is necessary to ensure that a period of 12 months does not elapse between the Scheme Administrator receiving the Scope of Works for consecutive audits.

Volumetric auditing requirement

- (c) The ACP must ensure that at no time are there more than 10,000 Unaudited ESCs that are registered in respect of the RESA.
- (d) ESCs are “Unaudited ESCs” unless the Scheme Administrator or the Executive Director ESS has notified the ACP in writing that the Scheme Administrator has accepted the outcome of:
 - (1) an audit of the creation of those ESCs; or
 - (2) a Pre-registration Audit of those ESCs.

Waiver of audit requirements

- (e) The Scheme Administrator may at its discretion waive or grant an extension in relation to any of the requirements of Items 4(a) to 4(d) by notice in writing to the ACP. The notice may specify that the waiver or extension applies in respect of a particular period, particular ESCs, or both.

Scope of audits

- (f) Each audit must include in its scope whether the ACP’s record-keeping arrangements are:
 - (1) adequate to meet the requirements of clause 46 of the Regulation;
 - (2) consistent with the “Record Keeping Guide” as published on the Scheme Administrator’s website and updated from time to time;
 - (3) adequate to support the creation of ESCs using the approach approved by the Scheme Administrator; and
 - (4) adequate to demonstrate the ACP’s ability to achieve on-going compliance with the Relevant Legislation and this Notice for the purpose of creating ESCs.
- (g) Each audit of the creation of ESCs and each Pre-registration Audit must include in its scope whether the relevant number of ESCs has been calculated in accordance with the Relevant Legislation and this Notice.
- (h) Each audit must include in its scope any other matters notified in writing to the ACP by the Scheme Administrator from time to time, whether in relation to a specific audit or a class of audits. Requirements set out in the Scheme Administrator’s published guidance are deemed to be notified to the ACP for the purposes of this Item 4(h).
- (i) Each audit must include in its scope whether the ACP’s risk management processes and internal audit procedures are adequate to effectively review and monitor whether the RESA is implemented in compliance with the Relevant Legislation and this Notice.

- (j) The Scheme Administrator may at its discretion waive any of the requirements of Items 4(f) to 4(i) by notice in writing to the ACP.

Spot audit requirement

- (k) In addition to the requirements in Items 4(a) to 4(i), the ACP must engage an Auditor to undertake audits by any time and in any manner that the Scheme Administrator directs.

Item 5 Additional reporting requirements

The ACP must report by the end of each calendar month the information specified in clause 6.8 of the Scheme Rule by submitting an Implementation Data Sheet to the Scheme Administrator via email for all implementations of the RESA specified in Item 1 that occurred in the previous month.

Item 6 Deleted

Item 7 Insurance

- (a) The ACP must hold and maintain public liability insurance of at least \$5 million. The ACP must ensure that its contractors¹ and agents hold and maintain public liability insurance of at least \$5 million. Insurance cover of this amount must be maintained for the life of the RESA.
- (b) Public liability insurance must, at a minimum, cover the replacement and/or rectification of customers' property damaged as a result of work performed by the ACP and/or the ACP's contractors or agents.
- (c) The ACP must hold and maintain product liability insurance of at least \$5 million that covers all products used in the RESA. In the event that the ACP is unable to obtain product liability insurance, the ACP must ensure that its contractors and agents hold and maintain product liability insurance of at least \$5 million.
- (d) Product liability insurance must include cover for the replacement and rectification of third party property damaged as a result of work performed by the ACP or its contractors or agents.
- (e) The ACP must provide the Scheme Administrator with certificates of currency of all insurance required to be maintained by the ACP or its contractors or agents under this Item 7 within seven days of each renewal, reissue or change of policy.

¹ This includes any person or company the ACP is working with that is involved directly in the implementation of any aspect of the RESA.

- (f) The ACP must maintain a register of contractors that contains copies of their insurance.

Item 8 Registration of certificates

The ACP must apply for the registration of ESCs from the RESA under the RESA identifier GHGRXXXXXA/1.

Item 9 Special conditions

The ACP must notify the Scheme Administrator within one month of any changes to the manner in which the RESA is implemented by the ACP.