

4 September 2020

WHAT

Amendments to the *Energy Savings Scheme Rule of 2009 (ESS Rule)* were made on 4 September 2020 and are effective immediately.

The amendments affect Activity Definition F1 of the Installation of High Efficiency Appliances for Businesses (**IHEAB**) method of the ESS Rule.

In **Section 1** below – we provide a summary of ESS Rule changes and updated documentation.

In **Section 2** below – we outline important transitional arrangements that apply to these changes.

For a version of the *Energy Savings Scheme (Amendment No. 2) Rule 2020 (Amendment No. 2)* please visit our [website](#).

WHY

The amendments to the ESS Rule were made in response to changes to the *Greenhouse and Energy Minimum Standards (Refrigerated Cabinets) Determination 2019 (GEMS 2019)*, and to provide certainty to ACPs.

IPART is committed to providing guidance material and tools to stakeholders to facilitate the use of the ESS Rule. Additionally, the Scheme Administrator is required by the legislation and the ESS Rule to define evidence requirements.

WHO

Changes to the ESS Rule are relevant to all affected stakeholders, including Accredited Certificate Providers (**ACPs**), auditors, M&V Professionals and installers.

This amendment to the ESS Rule affects ACPs accredited for Activity Definition F1 of the IHEAB method.

You should ensure that you understand the changes to the ESS Rule and the corresponding updates to the ESS documentation.

WHEN

The amendments to the ESS Rule are effective from 4 September 2020.

Updated guidance is available now on our [website](#).¹ You can access this documentation now and update your processes, documentation and systems if required (refer to section 1).

WHAT NEXT

If you have any questions about our updated guidance, please contact us at: ess_compliance@ipart.nsw.gov.au.

¹ <https://www.ess.nsw.gov.au/Home/About-ESS/Legislation-ESS-Performance/ESS-Rule>

1 Summary of changes and updates to ESS documentation

In Activity Definition F1 of the ESS Rule, references to GEMS 2019 were updated to refer to the *Greenhouse and Energy Minimum Standards (Refrigerated Cabinets) Determination 2020 (GEMS 2020)*.

Further information about the replacement of GEMS 2019 with GEMS 2020 is available [here](#).

The transitional arrangements in Clause 11.15 were also amended to allow calculation of energy savings under Activity Definition F1 before the commencement date of GEMS 2020 (refer to section 2 below).

There are no changes to our evidence requirements but we have updated our guidance to reflect these amendments.

Table 1 Summary of changes and updated ESS documentation

Calculation Method	Rule change	Relevant ESS Rule clause/section	Updated documents
IHEAB	Update to Activity Definition F1	Schedule F – activity definition F1 Clause 11.15	IHEAB - Method Guide – V3.5

2 Transitional arrangements

Under clause 11.15, transitional provisions have been introduced for the purposes of calculating energy savings under Activity Definition F1.

These arrangements apply if the **implementation date** of a project **is before the commencement date of GEMS 2020**.

For implementations with an implementation date before the commencement of GEMS 2020, ACPs can calculate energy savings under:

- ▼ The *Energy Savings Scheme Rule of 2009 – 31 July 2018 (old Rule)* if the End-User Equipment (**EUE**) is registered under GEMS 2012
- ▼ The ESS Rule as amended by the *Energy Savings Scheme (Amendment No. 2) Rule 2020 (new Rule)* if the EUE is registered under GEMS 2020
- ▼ Either the old Rule or new Rule if the EUE is registered under both GEMS 2012 and GEMS 2020.

ACPs do not have to apply for registration of ESCs attributable to energy savings calculated under the old Rule before the commencement date of GEMS 2020.

GEMS 2020 is scheduled to commence on 1 May 2021 as specified by the Minister for Energy and Emissions Reduction (Commonwealth).

The diagram in Figure 1 helps illustrate how transitional arrangements may apply, depending on the implementation date.

Figure 1 Application of transitional arrangement for Activity Definition F1

