



Independent Pricing and Regulatory Tribunal  
New South Wales

# General Requirements Guide

## Accredited Certificate Providers

Energy Savings Scheme

October 2020

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This guide is published for the purpose of IPART providing guidance material to Accredited Certificate Providers as part of its role as Scheme Administrator of the Energy Savings Scheme. Use of the information in this guide for any other purpose is at the user's own risk, and is not endorsed by IPART.

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# 1 About this Guide

The *General Requirements Guide* (the **Guide**) summarises the key requirements that apply to all Accredited Certificate Providers (**ACPs**) participating in the NSW Energy Savings Scheme (**ESS**).

The purpose of this Guide is to help you understand the relevant legislation and other obligations you must meet to become and remain accredited under the ESS. You should use this guide if you are:

- ▼ considering whether to apply for accreditation as an ACP
- ▼ preparing an application to become an ACP or an undertake a new energy savings activity under the scheme
- ▼ wanting to confirm your understanding of a particular requirement, or
- ▼ conducting an audit of an ACP.

This is a guide only and is not legal advice. The legal requirements for ACPs participating in the ESS are set out in:

- ▼ *Electricity Supply Act 1995 (Act)*
- ▼ *Electricity Supply (General) Regulation 2014 (Regulation)*
- ▼ *Energy Savings Scheme Rule of 2009 (ESS Rule)*

In addition, ACPs are required to meet the conditions imposed on their accreditation set out in their Accreditation Notice.<sup>1</sup>

## 1.1 How to use the General Requirements

The General Requirements are presented in tables below, grouped into key themes for your convenience. Each table includes:

- ▼ the requirement you must meet
- ▼ a link to the legislative source of the requirement (eg, ESS Rule)
- ▼ a description of the requirement, and in some cases further explanatory notes or instructions (eg, the evidence you need to provide to demonstrate your compliance)
- ▼ handy links and references to additional information on the requirement on our website or other guides.

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<sup>1</sup> Clause 41 of Schedule 4A to the Act provides for the Scheme Administrator to impose conditions on the accreditation of an ACP.

## 2 ACPs have conditions of accreditation

You have ongoing compliance obligations once accredited that are core to your success as an ACP. Failure to meet these obligations can result in significant penalties (refer to [ESS Notices – Compliance Action](#)).

**Table 2.1 Compliance obligations for all ACPs**

What	Requirement	Description	Legislative Instrument	Additional information
Compliance with conditions of accreditation	<p>You must comply with your conditions of accreditation.</p> <ul style="list-style-type: none"> <li>Accreditation as an ACP is subject to conditions imposed from time to time by regulations and the Scheme Administrator</li> </ul>	<p>If you are accredited as an ACP, you will be issued with an Accreditation Notice that sets out the activities for which you are accredited and any conditions of accreditation , including:</p> <ul style="list-style-type: none"> <li>the method that you must use to calculate energy savings</li> <li>record keeping requirements</li> <li>audit requirements,</li> <li>reporting and insurance requirements,</li> <li>when you may apply to register the creation of ESCs, and</li> <li>any special conditions</li> </ul> <p>Significant penalties may apply if you contravene any of your conditions of accreditation</p>	<p>Act, Schedule 4A cl 41(1) &amp; 41(3)</p> <p>Accreditation Notice</p>	<p><a href="#">Compliance Guide - ACPs</a> for information on how we respond to non-compliance</p>

What	Requirement	Description	Legislative Instrument	Additional information
Conduct of audits	<p>You may be audited-</p> <ul style="list-style-type: none"> <li>▼ The Scheme Administrator may, at any time, conduct an audit of your participation in the ESS to obtain information and assess your compliance</li> <li>▼ The Scheme Administrator may specify who must conduct the audit, from one of the following: <ul style="list-style-type: none"> <li>– person nominated by the Scheme Administrator</li> <li>– person chosen by you from the Audit Services Panel</li> <li>– person nominated by you and approved by the Scheme Administrator</li> </ul> </li> <li>▼ Audits must be conducted independently and in accordance with the directions of the Scheme Administrator.</li> <li>▼ You must provide all information and assistance necessary to comply with any audit, including access to premises.</li> </ul>	<ul style="list-style-type: none"> <li>▼ The Accreditation Notice sets out the requirements for when you must conduct audits.</li> <li>▼ We have established an Audit Panel, which identifies persons approved to conduct audits under the ESS</li> <li>▼ In most cases you must engage and pay for the audit.</li> </ul>	<p>Act, Schedule 4A, cl 58</p> <p>Regulation, cl 47 &amp; 56</p> <p>Accreditation Notice, Item 4 of the Schedule</p>	<p><a href="#">Application for Accreditation Guide – ACPs</a> for information on types of audit regimes and how audit regimes are set.</p> <p><a href="#">About Audits</a> for information on the Audit Services Panel.</p> <p><a href="#">Audit Guide</a> for information on audit processes.</p>

### 3 Business processes and systems

You must have and maintain certain business processes and systems in place to be eligible as an ACP, as outlined in Table 3.1. Detailed information on these requirements are included in:

- ▼ *The Record Keeping Guide*, and
- ▼ *ESS Notice 01/2013 – Minimum requirements of conduct (Minimum Requirements)*

which must be read in conjunction with this Guide.

**Table 4.1 Business process and system requirements**

What	Requirement	Explanation and instructions	Legislative Instrument	Details
Record keeping	<p>You must have record keeping arrangements in accordance with the Act and the Regulation. This includes, in respect of a RESA:</p> <ul style="list-style-type: none"> <li>▼ You must keep a record of               <ul style="list-style-type: none"> <li>– the location in which the energy savings activity occurred,</li> <li>– the energy savings arising from that activity, and</li> <li>– the methodology, data and assumptions used to calculate those energy savings.</li> </ul> </li> <li>▼ You must keep records that the Scheme Administrator requires you to keep, in a form and manner approved by the Scheme Administrator.</li> <li>▼ You must keep records for at least 6 years after the record is made.</li> <li>▼ Your record keeping arrangements must meet the requirements of the Record Keeping Guide.</li> </ul>	<ul style="list-style-type: none"> <li>▼ The Accreditation Notice includes a standard condition which requires that records are kept in accordance with the Record Keeping Guide.</li> <li>▼ The Record Keeping Guide requires that records for each method must meet minimum requirements outlined in guidance documents relevant to each calculation method, as specified on the ESS website.</li> </ul>	<p>Act, Schedule 4A, cl 44</p> <p>Regulation, cl 38(1)(b) &amp; 46</p> <p>Accreditation Notice, cl 5 &amp; Item 3 of the Schedule</p>	<p><a href="#">Record Keeping Guide</a> for detailed information on keeping records</p> <p>Guidance documents for each calculation method – as specified on the <a href="#">Record Keeping</a> page of the ESS website</p>



What	Requirement	Explanation and instructions	Legislative Instrument	Details
Training	You must ensure you provide training to employees, third parties and contractors in accordance with the Minimum Requirements	The Accreditation Notice includes a standard condition requiring that ACPs must comply with the Minimum Requirements	Accreditation Notice, cl 13	<a href="#">ESS Notice 01/2013 – Minimum Requirements of Conduct</a>
Management of employees and contractors	You must manage employees, third parties and contractors in accordance with the Minimum Requirements	The Accreditation Notice includes a standard condition requiring that ACPs must comply with the Minimum Requirements	Accreditation Notice, cl 13	<a href="#">ESS Notice 01/2013 – Minimum Requirements of Conduct</a>
Customer engagement and service	If you have or will have customers <sup>a</sup> you must have documented customer engagement processes in accordance with the Minimum Requirements	The Accreditation Notice includes a standard condition requiring that ACPs must comply with the Minimum Requirements	Accreditation Notice, cl 13	<a href="#">ESS Notice 01/2013 – Minimum Requirements of Conduct</a>

<sup>a</sup> A customer refers to the original energy saver or potential original energy saver who may nominate the ACP as the nominated energy saver for the purposes of creating ESCs – refer to Table 5.1 below for definition of energy saver. The only exception is the removal of old appliances method, where the customer is the small business owner or householder from where the appliance is removed.

## 4 ESC creation and registration requirements

The ESS legislation and the Accreditation Notice set out requirements for both the creation and registration of energy savings certificates (ESCs).

**Table 5.1 ESC creation and registration requirements**

	Requirement	Explanation and instructions	Legislative Instrument	Additional information
<b>Who can create ESCs?</b>	<ul style="list-style-type: none"> <li>▼ You can only create ESCs if you are an ACP</li> <li>▼ You can only create ESCs from an Implementation if you are:               <ul style="list-style-type: none"> <li>– accredited as an ACP, as at the implementation date, and</li> <li>– defined as the ‘energy saver’ under the ESS Rule.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▼ Refer to Table 5.1 <i>Core eligibility requirements</i> for details on how to become the energy saver.</li> </ul>	<p>Act, Schedule 4A, cl 34(1) &amp; 37</p> <p>ESS Rule, cl 6.2</p>	Table 5.1 Core eligibility requirements
<b>When can you create ESCs</b>	<p>You can only create ESCs</p> <ul style="list-style-type: none"> <li>▼ after completing an implementation in accordance with the ESS Rule, and</li> <li>▼ you have complied with all record keeping requirements that evidence the implementation.</li> </ul>	<ul style="list-style-type: none"> <li>▼ An implementation must meet the requirements outlined in Table 5.1, Table 5.2 &amp; 5.3, and all requirements specific to the calculation method.</li> </ul>	<p>Act, Schedule 4A, cl 30(1) &amp; 34(1)</p> <p>ESS Rule, cl 6.2, 6.5, 6.5A, 6.5C</p> <p>Accreditation Notice, cl 5 &amp; Item 3 of the Schedule</p> <p>Record Keeping Guide</p>	<p>Table 5.1, Table 5.2 &amp; 5.3</p> <p>Method Guides for each calculation method</p> <p>Record Keeping Guide and all guidance documents with record keeping requirements relevant to the calculation method</p>

	Requirement	Explanation and instructions	Legislative Instrument	Additional information
<b>When can you create ESCs</b>	<ul style="list-style-type: none"> <li>You may only create ESCs in relation to the calendar year in which the energy savings occurred, or were deemed to occur (<b>vintage</b>).</li> </ul>	<ul style="list-style-type: none"> <li>The date at which the energy savings occurred or deemed to occur is specific to each calculation method and defined in the ESS Rule:               <ul style="list-style-type: none"> <li>For all deemed methods (clause 9.4)<sup>a</sup> this date is the implementation date,</li> <li>This date varies for remaining calculation methods.</li> </ul> </li> <li>We refer to the calendar year in which energy savings occurred as the “vintage” of the ESC.</li> </ul>	<p>Act, Schedule 4A, cl 34(1) &amp; (3)</p> <p>Act, Schedule 4A, cl 34(4)</p> <p>ESS Rule, cl 7.4.1, 7.4.5, 7A.11, 7A.14A, 8.5.4, 8.6.4, 8.7.4, 8.8.7, 8.9.5 and 9.2</p>	<p>Refer to the ESS Rule and each Method guide under each <a href="#">calculation method</a> for the date to which energy savings are deemed to occur.</p>
<b>When can you register ESCs</b>	<ul style="list-style-type: none"> <li>You can register the creation of ESCs up until six months after the end of the vintage year (ie, by 30 June of the following year).</li> </ul>	<ul style="list-style-type: none"> <li>If you miss the 30 June deadline, then you will not be able to register those ESCs.               <ul style="list-style-type: none"> <li>IPART has no discretion to waive or extend the 30 June deadline.</li> </ul> </li> </ul>	<p>Act, Schedule 4A, cl 34(3)</p>	
<b>How and where do you register ESCs</b>	<ul style="list-style-type: none"> <li>You must apply to register for ESCs in the form and manner approved by the Scheme Administrator.</li> </ul>	<ul style="list-style-type: none"> <li>The Scheme Administrator has approved a 2 step application process:               <ol style="list-style-type: none"> <li>Submitting a completed <a href="#">Implementation Data Sheet</a> through the ESS Portal,</li> <li>Applying to register ESCs on the ESS Registry, once the Implementation Data Sheet is accepted.</li> </ol> </li> </ul>	<p>Regulation, cl 51(1)</p> <p>ESS Rule, cl 6.8</p>	<p><a href="#">Registry pages</a> on the ESS website</p>
<b>What information must you provide to register ESCs</b>	<ul style="list-style-type: none"> <li>You must submit specific data to the Scheme Administrator (as defined by the ESS Rule) for the purpose of applying to register ESCs, by completing the <i>Implementation Data Sheet</i> available on the ESS website.</li> </ul>	<ul style="list-style-type: none"> <li>The <i>Implementation Data Sheet</i> dictates the form and manner that the data must be submitted to the Scheme Administrator, hence you must populate all fields in this sheet.</li> <li>The <i>Implementation Data Sheet</i> is an excel spreadsheet template. It calculates the number of ESCs to be created in accordance with Equation 1 of the ESS Rule. If the result is not a whole number, it will be rounded down to the nearest whole number.</li> </ul>	<p>ESS Rule, cl 6.8</p>	<p>Detailed instructions on how to populate the <a href="#">Implementation Data Sheet</a> are included in an instructions tab within the excel file.</p>

Requirement	Explanation and instructions	Legislative Instrument	Additional information
<b>What does it cost to register ESCs</b>	<ul style="list-style-type: none"> <li>▼ You must pay the ESC registration fee when you apply to register each ESC.</li> </ul>	<ul style="list-style-type: none"> <li>▼ An invoice will be generated by the ESS Registry as part of your application to register ESCs.</li> <li>▼ The ESC registration fee is adjusted each financial year as per Schedule 3 of the Regulation.</li> </ul>	Regulation, cl 51(2) & Schedule 3  For current ESC registration fee, refer to <a href="#">Cost of being an ACP</a> webpage <a href="#">Registering and Trading ESCs</a> page for details on how the ESC registration fee can be paid

<sup>a</sup> Deemed methods include Sale of New Appliances, Commercial Lighting, Public Lighting, Installation of High Efficiency Appliances for Business, Removal of Old Appliances and HEER

## 5 Implementation requirements

There are a number of requirements that an ACP must meet to be eligible to create ESCs from the delivery of a RESA at a site (**implementation**). Your business processes and systems, including your record keeping arrangements must accommodate these requirements for you to successfully operate as an ACP.

### 5.1 Core eligibility requirements

The ESS Rule establishes core eligibility requirements to ensure that all implementations achieve energy savings that would not have occurred in the absence of the ESS.

**Table 5.1 Core eligibility requirements to create ESCs**

What	Requirement	Explanation and instructions	Legislative instrument	Additional information
Accreditation status	<ul style="list-style-type: none"> <li>▼ You can only create ESCs if you are an ACP.</li> <li>▼ You must be accredited as an ACP prior to the implementation date to be eligible to create ESCs from an implementation.</li> </ul>		Act, Schedule 4A, cl 37 ESS Rule, cl 6.2(b)	<a href="#">Method Guides</a> for each calculation method and <a href="#">ESS Rule</a> for definition of implementation date for each calculation method
Energy Saver	<p>You can only calculate energy savings and create ESCs from an implementation if you meet the definition of 'energy saver' under the ESS Rule at the implementation date. The energy saver is either:</p> <ul style="list-style-type: none"> <li>▼ the person defined as the energy saver in each of the relevant methods in the ESS Rule (<b>original energy saver</b>), or</li> </ul>	<ul style="list-style-type: none"> <li>▼ The original energy saver is generally the person who will benefit from the energy savings that will occur as a result of the implementation.</li> <li>▼ The original energy saver is defined in the ESS Rule for each method and can be:               <ul style="list-style-type: none"> <li>– the person (or business) who pays for the electricity bill,</li> <li>– the owner of the property where the implementation occurs,</li> <li>– an occupant (or tenant) of the property where the implementation occurs,</li> </ul> </li> </ul>	ESS Rule, cl 5.2 & 6.2(a)	<a href="#">Method Guides</a> for each calculation method for definition of energy saver.

What	Requirement	Explanation and instructions	Legislative instrument	Additional information
Energy Saver (cont'd)	<ul style="list-style-type: none"> <li>▼ the person nominated by the original energy saver (<b>nominated energy saver</b>) <ul style="list-style-type: none"> <li>- see below for requirements for nominated energy savers.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>- the person or business that pays for the upgrade and will benefit from the energy savings from the Implementation, or</li> <li>- the person who removes or sells an energy consuming appliance.</li> </ul>		
Nominated Energy Saver	<p>To create ESCs, for each implementation the nominated energy saver must:</p> <ul style="list-style-type: none"> <li>▼ be nominated by the original energy saver on or before the implementation date, and</li> <li>▼ be accredited as an ACP on a date prior to the implementation date (and before the nomination is made)</li> </ul>	<ul style="list-style-type: none"> <li>▼ The nomination is taken to occur on the date that the nomination form is signed by the original energy saver or such later date specified in the nomination form.</li> </ul>	ESS Rule, cl 6.2	<a href="#">Templates to carry out your operations.</a>
Nominated Energy Saver – form and manner of nomination	<p>You must</p> <ul style="list-style-type: none"> <li>▼ obtain a nomination in a form and manner approved by the Scheme Administrator, and</li> <li>▼ obtain each nomination in accordance with customer engagement processes outlined in the Minimum Requirements</li> </ul>	<ul style="list-style-type: none"> <li>▼ The nomination form template on the ESS website sets out the form and manner of nomination approved by the Scheme Administrator.</li> <li>▼ <b>Important!</b> The nomination form is a legal document. Any changes to the details recorded on the form after it is first signed by the energy saver must be initialled and dated by all signatories.</li> <li>▼ If changes are made to the nomination form without the written consent of the signatories, IPART and/or IPART's auditors may consider the nomination form invalid. This may result in ESCs being deemed to have been improperly created.</li> <li>▼ Penalties and/or imprisonment may apply for knowingly providing false or misleading information to the Scheme Administrator.</li> <li>▼ Auditors may require other information, in addition to the minimum requirements to provide assurance where there are discrepancies between the nomination form and implementation details submitted for the purpose of applying to create ESCs.</li> </ul>	<p>ESS Rule, cl 5.2(b)</p> <p>Accreditation Notice, cl 13</p> <p>Act, Schedule 4A, cl 61</p> <p>Regulation, cl 47 &amp; 56</p>	<p>Nomination form template can be accessed from <a href="#">Templates to carry out your operations.</a></p> <p><a href="#">ESS Notice 01/2013 – Minimum Requirements of Conduct</a> for customer engagement processes</p>

What	Requirement	Explanation and instructions	Legislative instrument	Additional information
		<ul style="list-style-type: none"> <li>You should have a documented procedure to demonstrate that you can obtain a nomination from the original energy saver in a form and manner approved by the Scheme Administrator.</li> </ul>		

## 5.2 Equipment requirements

You are responsible for ensuring each implementation meets the equipment requirements for the activity being performed.

**Table 5.2 Equipment requirements**

What	Requirement	Explanation and instructions	Legislative instrument	Additional information
All ACPs	You must ensure that equipment you install as part of each implementation complies with equipment requirements.	<ul style="list-style-type: none"> <li>Equipment requirements are specified in the ESS Rule and vary for each calculation method, and in some cases each activity under each method of the ESS Rule.</li> </ul>	ESS Rule, cl 9.2A.1 cl 8.4B.1 cl 7A.21A.1	<a href="#">Method Guides</a> for each calculation method  ESS Rule
ACPs installing Emerging Lighting Technologies (ELTs)	You must ensure that the lighting equipment you install has been accepted by the Scheme Administrator before creating any ESCs from each implementation.	<ul style="list-style-type: none"> <li>There is a separate application process for ELTs to be accepted by the Scheme Administrator. This process requires you to provide evidence that each product meets the equipment requirements - eg, Laboratory test reports.</li> <li>There are different requirements for equipment under the different methods (Commercial Lighting, HEER, MBM and PIAM&amp;V).</li> <li>A list of equipment already accepted by the Scheme Administrator under each method is available on the ESS Website.</li> </ul>	ESS Rule cl 9.2A.1 cl 8.4B.1 cl 7A.21A.1	<a href="#">Lighting Equipment Requirements</a> for details on application process and list of accepted equipment for each method.

### 5.3 Recycling and disposal requirements

The ESS Rule requires that any equipment removed or replaced as part of a RESA is disposed of appropriately. Therefore if your RESA involves removing equipment, you must have business processes and systems in place to ensure this requirement is met for each implementation.

**Table 5.3 Recycling and disposal requirements**

What	Requirement	Explanation and instructions	Legislative instrument	Additional information
All ACPs	You must not refurbish, re-use or resell end-user equipment that you remove as part of the RESA.	<ul style="list-style-type: none"> <li>Method guides include information on the minimum records that you must keep to demonstrate you meet this requirement.</li> </ul>	ESS Rule, cl 5.3A(a)	<a href="#">Method Guides</a> for each calculation method – section on <i>Minimum Required Records</i> (where applicable)
ACPs that remove lighting end-user equipment	For each implementation in a metropolitan levy area (an area with a postcode listed in Table A25 of Schedule A to the ESS Rule). <ul style="list-style-type: none"> <li>you must ensure that any lighting end-user equipment containing mercury is recycled in accordance with the recycling requirements of a product stewardship scheme.</li> </ul>	<ul style="list-style-type: none"> <li>This applies to all implementations on or after 15 May 2016.</li> <li>Method guides include information on the minimum records you must keep to demonstrate that you meet this requirement.</li> </ul>	ESS Rule, cl 5.3A(b)	<a href="#">Method Guides</a> for each calculation method – section on <i>Minimum Required Records</i> , where applicable
ACPs that remove equipment containing refrigerants	<ul style="list-style-type: none"> <li>You must obtain recycling evidence for any refrigerants being disposed of.</li> <li>Refrigerants must be disposed of in a manner that is compliant with the <i>Ozone Protection and Synthetic Greenhouse Gas Management Act 1989</i>.</li> </ul>	<ul style="list-style-type: none"> <li>This applies to all Implementations               <ul style="list-style-type: none"> <li>on or after 15 May 2016,</li> <li>involving removal of refrigerants, for example such as the removal and replacement of an air conditioner.</li> </ul> </li> <li>Method guides include information on the minimum records you must keep to demonstrate that you meet this requirement.</li> </ul>	ESS Rule, cl 5.3A(b)	<a href="#">Method Guides</a> for each calculation method – section on <i>Minimum Required Records</i> , where applicable



## 6 Controls around ESC creation

ACPs are subject to a number of controls around the creation, transfer and surrender of ESCs. These are a combination of legislative requirements and controls put in place by the Scheme Administrator to manage the risk of invalid ESC creation.

**Table 7.1 Controls around ESC creation**

What	Requirement	Explanation	Legislative Instrument	Additional information
Undertakings to withhold ESCs from transfer	<p>You may be required to enter into undertakings to withhold ESCs from transfer</p> <ul style="list-style-type: none"> <li>All applicants may be required to sign undertakings prior to accreditation.</li> </ul>	<ul style="list-style-type: none"> <li>If you are required to enter into an undertaking and refuse to sign the undertaking, the Scheme Administrator may               <ul style="list-style-type: none"> <li>refuse to accredit you as an ACP, or</li> <li>accredit you as an ACP, but impose conditions on your accreditation, such as requiring pre-registration audits (so you can only apply to register ESCs after their validity has been confirmed by an audit).</li> </ul> </li> </ul>	<p>Regulation, cl 40(b)</p> <p>Regulation, cl 41(1)(c) &amp; 48(1)</p>	<p><a href="#">Fact Sheet – Undertakings</a> for detailed information on how undertakings and set-aside deeds work</p>
Set-aside deeds	<p>You may enter into deeds to set-aside ESCs</p> <ul style="list-style-type: none"> <li>You may be requested to sign a set-aside deed where an undertaking is not in place.</li> </ul>	<ul style="list-style-type: none"> <li>Set-aside deeds are applied to existing accreditations</li> <li>You usually will be asked to sign a set-aside deed during an application for amendment</li> <li>The Accreditation Notice sets out the limits on the number of ESCs that you may register for each accreditation. The limits are typically expressed as one (or a combination of) the following:</li> </ul>	<p>None – This is our expectation</p>	<p><a href="#">Fact Sheet – Undertakings</a> for detailed information on how undertakings and set-aside deeds work</p>

What	Requirement	Explanation	Legislative Instrument	Additional information
Registration and transfer of ESCs	<ul style="list-style-type: none"> <li>▼ You may create ESCs for the activities for which you are accredited if they meet all the relevant requirements of the ESS legislation, and conditions of accreditation.</li> <li>▼ You may request to transfer ESCs to another party.</li> <li>▼ Transfer of an ESC must meet the requirements of the Act and the Regulation.</li> </ul>	<ul style="list-style-type: none"> <li>– the number of ESCs you can create before an audit is required,</li> <li>– the number of ESCs you can create in a particular calendar year, and/or</li> <li>– the number of ESCs you can create over the lifetime of the accreditation.</li> <li>▼ You can meet the requirements of the Act and Regulation for transfer of ESCs by following the process on the ESS Registry.</li> </ul>	<p>Act, Schedule 4A, cl 37</p> <p>Accreditation Notice, Item 2(e) &amp; Item 4</p> <p>Act, Schedule 4A, cl 50 Regulation, cl 54</p>	<p>Table 5.1 for detailed instructions on how to create ESCs</p> <p><a href="#">ESS Registry</a> for information on transferring ESCs</p>
Surrender of ESCs	<p>You may be required to surrender ESCs</p> <ul style="list-style-type: none"> <li>▼ We may order you to surrender ESCs if we find you have: <ul style="list-style-type: none"> <li>– improperly created ESCs, or</li> <li>– contravened your conditions of accreditation.</li> </ul> </li> <li>▼ We may also require you to surrender ESCs under a set-aside deed or undertaking.</li> </ul>	<p>An order or requirement to surrender ESCs is usually made when we have relevant supporting information through an audit or other sources and you have declined to surrender the ESCs voluntarily.</p>	<p>Act, Schedule 4A, cl 45 Regulation, cl 53</p> <p>Set-aside deed or undertaking applied to your accreditation</p>	<p><a href="#">Compliance Guide – ACPs</a></p>

## 7 Insurance requirements

ACPs may be required to hold and maintain insurance. Insurance requirements are dependent on the activity for which you are or will be accredited. Where insurance is required, it must be in place before you become accredited.

**Table 8.1 Insurance requirements and obligations**

What	Who	Requirement	Legislative Instrument	Additional information
Public liability insurance	ACPs performing RESAs which involve performing implementations at sites that are not your property	<ul style="list-style-type: none"> <li>▼ You and your contractors<sup>a</sup> and agents must hold and maintain public liability insurance of at least \$5 million</li> <li>▼ Public liability insurance must:               <ul style="list-style-type: none"> <li>– at a minimum, cover the replacement and/or rectification of customers’ property damaged as a result of work performed by you or your contractors or agents, and</li> <li>– be maintained for the life of the RESA.</li> </ul> </li> </ul>	Accreditation Notice, Item 7 of the Schedule	Refer to your Accreditation Notice
Product liability insurance	ACPs performing RESAs that involve installation of products at a site that is not your property	<ul style="list-style-type: none"> <li>▼ You must hold and maintain product liability insurance of at least \$5 million. If you cannot obtain product liability insurance, you must ensure that your contractors<sup>a</sup> and agents hold and maintain insurance of at least \$5 million.</li> <li>▼ Product liability insurance must:               <ul style="list-style-type: none"> <li>– cover all products that will be used in the RESA, and</li> <li>– cover the replacement and rectification of third party property damaged as result of work performed by you or your contractors,</li> <li>– be maintained for the life of the RESA.</li> </ul> </li> </ul>	Accreditation Notice, Item 7 of the Schedule	Refer to your Accreditation Notice
Ongoing insurance obligations	All ACPs with insurance requirements	<ul style="list-style-type: none"> <li>▼ If insurance is required for your RESA, once accredited your ongoing obligations include:               <ul style="list-style-type: none"> <li>– providing the Scheme Administrator with certificates of currency for your or your contractors’ or agents’ public liability and product liability insurances, within seven days of each renewal, reissue or change of policy, and</li> <li>– maintaining a register of contractors that contains copies of their insurance.</li> </ul> </li> </ul>	Accreditation Notice, Item 7 of the Schedule	Refer to your Accreditation Notice

<sup>a</sup> This includes any person or company the ACP is working with that is involved directly in the implementation of any aspect of the RESA

## 8 ACPs have notification and administrative obligations

You must meet the notification and administrative requirements specified in the Accreditation Notice. In addition, it is your responsibility to ensure all your contact details remain current. This helps us contact you when we need to.

**Table 3.1 Notification and administrative obligations**

What	Requirement	Explanation and instructions	Legislative Instrument	Additional information
Change of company details	<p>You must notify us of any change of company details, including:</p> <ul style="list-style-type: none"> <li>▼ a change to the principal place of business</li> <li>▼ changes to the Director(s) or Secretary</li> <li>▼ a winding-up order or resolution is made in respect of you, or</li> <li>▼ a liquidator, controller or administrator is appointed.</li> </ul>	<ul style="list-style-type: none"> <li>▼ You must notify us of these events in writing and include supporting documents, such as a current company extract (that is less than four weeks old) and/or other relevant evidence by email.               <ul style="list-style-type: none"> <li>- ACPs may purchase current company extracts from the Australian Securities and Investments Commission (<b>ASIC</b>) or an ASIC approved information broker.</li> </ul> </li> <li>▼ The required timing for notification is set out in the Accreditation Notice.</li> </ul>	Accreditation Notice, cl 10	
Corresponding Scheme	<p>You must immediately provide us with a completed Corresponding Scheme Notice if:</p> <ul style="list-style-type: none"> <li>▼ you were eligible, cease to be eligible, or become eligible under a Corresponding Scheme (eg, the Emissions Reduction Fund) to obtain a benefit for the energy savings arising from implementation of a RESA.</li> </ul>	<ul style="list-style-type: none"> <li>▼ You must retain a copy of the Corresponding Scheme Notice and any supporting documentation for audit purposes.</li> </ul>	Accreditation Notice, cl 4	<a href="#">Corresponding Scheme Notice</a>

What	Requirement	Explanation and instructions	Legislative Instrument	Additional information
Use of IPART name and logo	You (and any of your contractors/employees) must not identify yourselves as a representative of the ESS, IPART or the NSW Government.	<ul style="list-style-type: none"> <li>▼ You may include information that explains how the ESS operates and provide a link to the <a href="#">ESS website</a> on your website or documentation.</li> <li>▼ However, you and your representatives <ul style="list-style-type: none"> <li>– are not permitted to use the IPART logo on your website or other documentation,</li> <li>– are not, and cannot purport to be, representatives of the NSW Government.</li> </ul> </li> <li>▼ In addition, the NSW Government limits the use of their logo.</li> </ul>	Accreditation Notice, cl 13 (through the ESS Notice 01/2013 – <i>Minimum Requirements of Conduct</i> ( <b>Minimum Requirements</b> ))	<a href="#">ESS Notice 01/2013 – Minimum Requirements of Conduct</a>  <a href="#">NSW Government Copyright Statement and the ESS Privacy and Disclaimer Statement</a>
Keep your company details up to date	You are responsible for maintaining your company information including: <ul style="list-style-type: none"> <li>▼ company details</li> <li>▼ contact details, and</li> <li>▼ user accounts on the ESS Portal and ESS Registry, particularly the 'primary contact'.</li> </ul>	<ul style="list-style-type: none"> <li>▼ We send ACP-related communication, such as the Accreditation Notice, to your identified 'primary contact' via the ESS Portal.</li> <li>▼ The primary contact must work within your organisation and have authority to act on behalf of the organisation regarding the accreditation including: <ul style="list-style-type: none"> <li>– managing transactions associated with ESCs, such as their registration, transfer and surrender on the ESS Registry, and</li> <li>– signing undertakings and deeds relating to audits and the set aside of ESCs, or be in a position to arrange for these to be signed.</li> </ul> </li> </ul>	None – This is our expectation	<a href="#">User Guide – ESS Portal</a>

## 9 Glossary

Category	Definition
Accreditation Notice	A written notice issued by the Scheme Administrator under clause 48(1) of the Regulation specifying any conditions of accreditation.
Accredited Certificate Provider ( <b>ACP</b> )	ACPs are voluntary participants in the ESS. They are parties that are accredited to create Energy Savings Certificates ( <b>ESCs</b> ) from carrying out Recognised Energy Saving Activities ( <b>RESAs</b> ) that increase the efficiency of electricity and/or gas consumption.
Audit	An assessment by an auditor, independent of the auditee, of whether the auditee has complied, in all material respects, with the requirements of the ESS legislation and conditions of accreditation. In relation to ACPs, audits can occur either before ESC registration (pre-registration) or after ESC registration (post-registration).
Compliance	The extent to which an ACP meets the requirements of the Act, Regulation, ESS Rule and conditions of accreditation. This is established mainly through auditing and controls on the Registry.
Compliance record	A record of how the ACP has complied with the requirements of the ESS legislation, our guidance documents and conditions of accreditation, as well as its audit history.
Conditions of accreditation	Conditions imposed by the Scheme Administrator on the accreditation of an ACP under section 138(1)(b) of the Act and specified in their Accreditation Notice.
Corresponding Scheme	A scheme or arrangement with similar objectives to the ESS approved by the Minister administering the Act. For example, the Commonwealth Emissions Reduction Fund (implemented under the <i>Carbon Credits (Carbon Farming Initiative) Act 2011</i> (Cth) and associated legislation) is a Corresponding Scheme.
Corresponding Scheme Notice	Corresponding Scheme Notice means the form entitled “Corresponding Scheme Notice” as published on the Scheme Administrator’s website and updated from time to time.
Energy Saver	Defined in the ESS Rule to mean the person who has the right to create ESCs for particular energy savings (electricity and/or gas) from the Implementation of a RESA at a Site.
Energy Savings Certificates ( <b>ESCs</b> )	A transferable certificate under Part 9 of the Act that is created in accordance with the ESS Rule, and that represents the energy savings associated with the installation, modification, replacement or removal of energy using equipment.
Implementation	The delivery of a RESA at a site.
Implementation date	The date in which an implementation is taken to occur. The definition of implementation date varies depending on the method used to create energy savings, and is defined under each method of the ESS Rule
Improperly created ESCs	ESCs not created in a way that meet the requirements of the Act, Regulation, ESS Rule and any conditions of accreditation imposed on the ACP. In general, improperly created ESCs must be forfeited by the ACP.
Recognised Energy Savings Activity ( <b>RESA</b> )	Activities that are eligible under the ESS Rule to create ESCs. ACPs are accredited to carry out these activities at a single site, or at multiple sites as a program of energy savings activities.
Scheme Administrator	Scheme Administrator means the person or body required to exercise the functions of Scheme Regulator under the Act. The Scheme Administrator is the decision making body with respect to ACPs and their ESS activities.