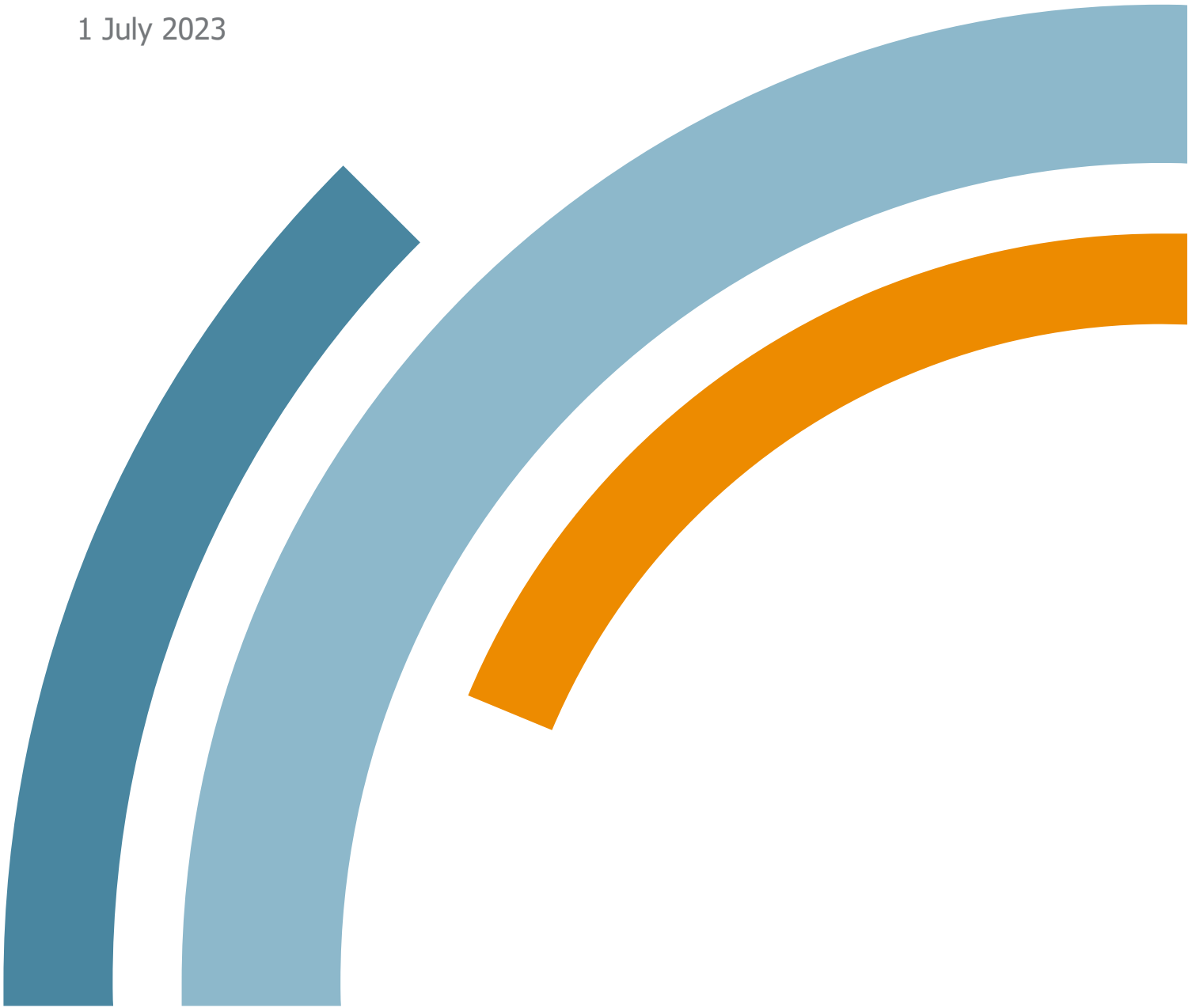


Victorian Energy Efficiency Target Guidelines Version 9

1 July 2023



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1. Background

1.1. Purpose and authority

The Victorian Energy Upgrades Program is intended to:

- reduce greenhouse gas emissions;
- encourage the efficient use of electricity and gas; and
- encourage investment, employment and technology development in industries that supply goods and services which reduce the use of electricity and gas by consumers.

The **commission** is responsible for the general administration of the *Victorian Energy Efficiency Target Act 2007 (Act)*. Its functions include to:

- accredit persons who may create certificates;
- monitor and administer the creation, registration, transfer and surrender of certificates;
- enforce the imposition of energy efficiency shortfall penalties;
- regulate participation in the holding, transfer and surrender of certificates;
- publish information relating to the holding, transfer and surrender of certificates;
- undertake compliance audits of accredited persons as well as administer the conduct of independent compliance audits and independent assurance audits;
- monitor compliance with the **Act**;
- publish information about the operation of the **Act**.

These Guidelines are the 'ESC guidelines' made under section 74 of the **Act**.

1.2. Scope of Guidelines

The **Act** requires that certain actions be done in accordance with these Guidelines. A failure to comply with these parts of the Guidelines may be a breach of the **Act** and result in enforcement action. Relevantly, the **Act** provides:

- an **accredited person** must comply with any continuing professional development obligations specified in these Guidelines;

- an assignment of certificate must be made in the manner and form specified in these Guidelines;
- a certificate must be created in an electronic form specified in these Guidelines and notification of transfer of a certificate must include information specified in the Guidelines;
- an energy acquisition statement must contain information, and be made in a form and manner, specified in these Guidelines;
- an independent auditor, when conducting a compliance or assurance audit, must comply with matters specified in these Guidelines;
- an accredited person and relevant entity must keep records relevant to ascertaining matters specified in these Guidelines.

In addition, the Guidelines can contain information on a range of other matters relevant to the commission's administration of the **Act**, relating to the following matters:

- the accreditation of a person;
- the circumstances in which a person will be taken to be a fit and proper person and a competent and capable person;
- the creation, form and transfer of a certificate;
- the manner in which a prescribed activity is to be undertaken;
- matters relating to the creation and execution of contracts for prescribed activities;
- the manner and form in which rights to create certificates may be assigned;
- the form of, and the information to be included in, an **annual energy acquisition statement**;
- the auditing by the **commission** of compliance with the **Act** and regulations made under it;
- the conduct of a compliance or assurance audit by an independent auditor;
- the auditing of an **annual energy acquisition statement** by a third party engaged by a **relevant entity**;
- the records to be kept by an **accredited person** or a **relevant entity**;
- the information to be contained in the register of **accredited persons** and the register of energy efficiency certificates; and
- any other matter that the **commission** considers is relevant to its functions under the **Act**.

1.3. Commencement date

These Guidelines originally commenced on 1 January 2009. This version (version 9) commenced on 1 July 2023.

1.4. Priority of Act, Regulations and Guidelines

These Guidelines should be read in conjunction with the **Act** and **Regulations**.

Except as specifically provided in the **Act** or **Regulations**, nothing in these Guidelines affects the interpretation of the **Act** or **Regulations**. If there is any inconsistency between these Guidelines and a provision of the **Act** or **Regulations**, the relevant provision of the **Act** or **Regulations** will prevail to the extent of that inconsistency.

2. Definitions

Terms defined in the **Act** or the regulations made under the **Act** have the same meaning when used in these Guidelines irrespective of whether they appear in bold and italics. Terms shown in **bold** in these Guidelines have the meanings shown opposite them below.

Term	Definition
accredited person	A person accredited under Part 3 of the Act .
affected person	A person specified as an 'affected person' in relation to a reviewable decision in the Table in section 56 of the Act , reproduced in Part 17 of these Guidelines.
annual energy acquisition statement	The energy acquisition statement made under section 33 of the Act .
Act	Victorian Energy Efficiency Target Act 2007 (Vic).
approved measurement and verification professional	A person who is approved as a measurement and verification professional under the PBA Regulations .
approved project plan	A project plan that is approved under the PBA Regulations .
audit deed	A tripartite audit deed between a relevant entity , its approved auditor and the commission for the purposes of clause 15 of these

Term	Definition
	Guidelines, in the form published by the commission for the VEU program or otherwise in a form satisfactory to the commission .
authorised signatory	A person who is authorised, or appears to be authorised, by the consumer to assign the right to create certificates on behalf of the consumer .
Australian Skills Quality Authority	The national regulator for Australia’s vocational education and training sector established pursuant to the <i>National Vocational Education and Training Regulator Act 2011 (Cth)</i> , or such successor body or authority established from time to time.
authorised user	VEU account to access and transact on that account on the holder's behalf.
benchmark administrator	Has the same meaning as benchmark administrator in the PBA Regulations .
Benchmark rating specifications	Benchmark Rating in Victorian Energy Upgrades Specifications published by the Department of Environment, Land, Water and Planning pursuant to the PBA Regulations .
BR	Benchmark Rating.
BR project	Has the same meaning as BR project in the PBA Regulations .
commission	The Essential Services Commission established under section 7 of the <i>Essential Services Commission Act 2001 (Vic)</i> .

Term	Definition
<p>consumer</p>	<p>The consumer of electricity or gas in respect of whom the prescribed activity is undertaken or, the owner of a premises in the circumstances set out in section 16(2)(a) or (b) of the Act, or, in the circumstances set out in section 16(2A) of the Act, the person responsible for payment of the electricity or gas supplied for public lighting purposes.</p> <p>From 1 November 2023 (or other date to be proclaimed), the definition will be amended to reflect the following.</p> <p>The consumer of electricity or gas in respect of whom the prescribed activity is undertaken.</p> <p>Under section 16(2), the owner of a premises who is not a consumer of electricity or gas at the premises is taken to be the consumer if the owner—</p> <ul style="list-style-type: none"> (a) is the landlord of the premises and has arranged for the prescribed activity to be undertaken at the premises; or (b) is undertaking the construction or renovation of the premises and the premises are not currently connected for electricity or gas. <p>In the circumstances set out in section 16(2A) of the Act, the consumer is the person responsible for payment of the electricity or gas supplied for public lighting purposes.</p>
<p>GEMS Register</p>	<p>GEMS Register means the register kept by the Greenhouse and Energy Minimum Standards Register under the <i>Greenhouse and Energy Minimum Standards Act 2012</i>.</p>

Term	Definition
guidance document	Document published by the Essential Services Commission to facilitate administration of and understanding of the requirements of the VEU program by program stakeholders.
internal review	A review of a reviewable decision carried out by the commission upon application by an affected person .
MV	Measurement and Verification.
MV project	Has the same meaning as MV project in the PBA Regulations .
MV specifications	Measurement and Verification in Victorian Energy Upgrades Specifications published by the Department of Energy, Environment and Climate Action pursuant to the PBA Regulations .
project impact report	A project impact report made under the PBA Regulations .
PBA Regulations	Victorian Energy Efficiency Target (Project-Based Activities) Regulations 2017.
VEET Regulations	Victorian Energy Efficiency Target Regulations 2018.
project plan	A project plan made under the PBA Regulations .
Register of Approved Measurement and Verification Professionals	The register listing approved measurement and verification professionals to be established and maintained by the commission under the PBA Regulations .

Term	Definition
Register of Approved Project Plans	The register listing approved project plans to be established and maintained by the commission under the PBA Regulations .
Register of Products	The register listing approved products and devices to be established and maintained by the commission under the VEET Regulations .
Regulations	VEET Regulations and PBA Regulations .
relevant entity	A person defined as a relevant entity under section 3 of the <i>Victorian Energy Efficiency Target Act 2007</i> (Vic).
relevant fee	In respect of an application, notification or registration, the relevant fee (if any) published by the Minister under section 73 of the Act .
reviewable decision	A decision specified as a ‘reviewable decision’ in the Table in section 56 of the Act , reproduced in Part 17 of these Guidelines
scoping approval	A scoping approval made under the PBA Regulations .
Secretary	Secretary to the Department of Energy, Environment and Climate Action.
shortfall statement	A statement issued by the commission to a relevant entity in accordance with section 36 of the Act .
VEEC	A Victorian energy efficiency certificate created in accordance with the Act and Regulations .

Term	Definition
VEEC assignment form	Assignment form completed by a consumer pursuant to section 16(3) of the Act .
VEU	Victorian Energy Upgrades.
VEU account	An account used to make VEU -related applications, and carry out VEU registry functions.
VEET scheme registry account	An account maintained by the ESC for the holding, transfer and surrender of energy efficiency certificates
VEU specifications	Victorian Energy Upgrades Specification published by the Department of Environment, Land, Water and Planning pursuant to regulation 35 of the VEET Regulations .
VEU Registry	The registry established by the commission for the purposes of the VEU program (www.veu-registry.vic.gov.au).
website	The website pages on the commission's website prepared for the purposes of the VEU program (www.esc.vic.gov.au/veu).
Victorian Registration and Qualifications Authority	The statutory authority established under Chapter 4 of the <i>Education and Training Reform Act 2006</i> (Vic) to be responsible for ensuring that employers, apprentices, trainees and providers of education and training (including course and qualification owners) meet quality standards, and that information is readily available to support informed choice in education and training.

3. Establishment of VEET scheme registry accounts and VEU accounts

Applies to: **accredited persons, relevant entities**, persons trading certificates.

A **VEU account** is required to lodge application forms, and perform other administrative functions, on behalf of an entity. This account helps to establish registry systems, implement appropriate security measures and generally administer the **VEU** program.

From 1 November 2023 (or other date to be proclaimed), **accredited persons, relevant entities** and persons trading certificates must have a **VEET scheme registry account**. It will be an offence to hold a certificate without a **VEET scheme registry account**. The **commission** will consider whether an applicant is a 'fit and proper person' to hold such an account.

This clause 3 sets out the requirements for the establishment and maintenance of **VEET scheme registry accounts** and **VEU accounts**.

3.1. VEU accounts

A **VEU account** is an administrative account, used to carry out important **VEU**-related tasks and access **VEU** registry functions.

A **VEU account** is required to:

- make an application to become an **accredited person**;
- create a certificate;
- register the owner of a certificate; or
- transfer or surrender a certificate.

3.2. VEU account application

An application for a **VEU account** must be made on the designated online form published by the **commission** on the **VEU Registry**. All sections of the form must be completed.

3.3. Use of account and VEU registry

A **VEU account** holder must (and must ensure that its **authorised users** will) use the account and the **VEU Registry** only in accordance with, and for the purposes permitted by, the **Act**, these Guidelines and any terms and conditions of use published by the **commission** from time to time.

3.4. Information in English

All information supplied to the **commission** must be in English, or accompanied by a certified translation if the original is in a language other than English.

3.5. VEET scheme registry accounts

From 1 November 2023 (or other date to be proclaimed), it will be an offence for a person to hold, transfer, or surrender a certificate without having a **VEET scheme registry account**. Accordingly, **accredited persons**, **relevant entities** and any person trading certificates must have a **VEET scheme registry account** to carry out those activities.

Applications for a **VEET scheme registry account** will be made using the designated form on the **website**.

The **commission** may approve an application for a **VEET scheme registry account** if:

- it determines that the applicant is a fit and proper person for the purposes of holding a **VEET scheme registry account**
- the applicant (and any related body corporate) does not already hold an account
- the applicant pays the relevant fee.

In considering whether a person is 'fit and proper' to hold a **VEET scheme registry account** the **commission** will consider various matters, including those set out at section 10B of the **Act**. The **commission** must refuse the person's application if it determines that the applicant is not a fit and proper person to hold a **VEET scheme registry account**.

Approval of an application for a **VEET scheme registry account** may be subject to conditions.

The **commission** can in some circumstances suspend or cancel a person's account (e.g. where the account holder is no longer considered a fit and proper person).

The **commission** may request a person who holds a **VEET scheme registry account** to provide:

- evidence as to whether the person is a fit and proper person for the purpose of holding a **VEET scheme registry account**; and
- any other information relevant to whether the person should hold a **VEET scheme registry account**.

The **commission** may suspend a person's **VEET scheme registry account** for a period of up to twelve months if it determines that the person is not a fit and proper person, or the person breaches a condition of holding their account. Ordinarily a person will be given an opportunity to make submissions prior to any suspension, but the **commission** can make an immediate suspension of the **VEET scheme registry account** if it considers it necessary to do so.

A person must not transfer or surrender certificates while their account is suspended or cancelled, unless specifically authorised by the **commission** (see section 26N of the **Act**).

4. Accreditation of Persons

Applies to: **accredited persons**, persons seeking accreditation.

A person must be accredited by the **commission** before creating certificates, and must renew their accreditation every 12 months.

Applicants for accreditation must meet suitability criteria.

Applicants for accreditation must complete an approved form and provide information and documents which the **commission** uses for the purposes of deciding whether to approve the application.

Under section 10 of the **Act**, the **commission** may also require consents or undertakings for the purposes of ensuring that double benefits are not obtained under both the **VEU** program and any other scheme prescribed by the **VEET Regulations**.

The **commission** also maintains a public register of information about **accredited persons**.

This clause 4 describes what the **commission** will generally require from applicants for accreditation, and other information about accreditation and renewal processes.

4.1. Application for grant of accreditation

4.1.1. How to make an application for accreditation

An application for accreditation must be made:

- using a **VEU account**
- using the form approved by the **commission**.

The approved form is available on the **website**.

All sections of the application form must be completed, unless otherwise indicated on the form.

The completed form must be submitted via the **VEU Registry** together with:

- all of the information and documents specified in the application form; and
- any consent or undertaking, as applicable, referred to in clause 4.2.

The applicant must pay the **relevant fee**, once they receive an invoice from the **commission**.

4.1.2. Incorrect or incomplete applications

The **commission** must refuse an application which is incomplete, or not in the required form. For example, the **commission** will refuse your application for accreditation if:

- You do not fill out all relevant sections of the form, or fail to provide a document that the form requires you to attach.
- You make an application without using the approved form, or using the wrong form.

In some cases, the **commission** might provide an applicant with an opportunity to complete their application, before making a final decision to refuse the application (e.g. if a missing document can be immediately supplied to the **commission**, without delaying the process) – but is generally not required to do so.

The application will not be processed until the **relevant fee** is paid. The application will be refused if the **relevant fee** is not paid.

4.1.3. Requests for further evidence

If the **commission** considers that further information or documents will assist it to determine the application, it can send a written notice to the applicant requesting them to provide that additional evidence, within the time specified in the notice.

The request may seek further evidence as to whether the applicant is a fit and proper person, or a competent and capable person, or any other information relevant to the application.

If an applicant fails to comply with a notice requesting evidence within the specified timeframe, the **commission** may refuse to grant the application on that basis.

4.1.4. Timeframe for a decision

The **commission** must decide an application for accreditation within the period of 20 business days beginning on the day the **commission** received the application. The application is 'received' when:

- the application form is submitted using the online accreditation function designated by the **commission** on the **VEU Registry**; and
- the applicant has paid the **relevant fee**.

If the **commission** does not decide the application within the applicable period, then it is deemed to have refused the application.

However, the 20 business day timeframe may be extended in the following ways:

- If the **commission** makes a request for further evidence, time does not accrue from the day when the **commission** requests additional evidence, until the day that the applicant complies with that request.
 - For example, if the **commission** gives the applicant a notice requesting further evidence on the 10th business day of the period, the 'clock' stops at that point. The **commission** would have another 10 business days to decide the application, starting with the business day after the applicant complied with the request.
- Further, the timeframe can be extended if the **commission** and the applicant agree to a longer period.

4.1.5. Fit and proper person

An application to be an **accredited person** must include a declaration that the applicant is a fit and proper person for the purposes of accreditation. The application must also include information and documents related to that issue, as set out in the approved form.

The **commission** must refuse an application if it not satisfied that the person is a fit and proper person for the purposes of accreditation.

In determining whether a person is a fit and proper person, the **commission** may have regard to any relevant matter. This includes:

- a finding of guilt in relation to the person's commission of an offence against the **Act** or regulations made under it;
- a finding of guilt, within the preceding 10 years, in relation to the person's commission of an indictable offence or an offence that, if committed in Victoria, could constitute an indictable offence or an offence under any law or the Commonwealth or another State or Territory, regulating an energy efficiency regime;
- a finding of guilt in relation to the person's commission of an offence involving dishonesty or fraud;
- a pending charge for an alleged commission by the person of an offence specified above;
- a failure to comply with any provision of the **Act** or regulations made under it, or any conditions of accreditation;
- any improper or adverse conduct engaged in by the person, including a failure to disclose any information that has been requested of the person by the **commission** or that is otherwise required to be provided under the **Act** or regulations made under it, or misleading, false or deceptive conduct;
- if the person has been accredited under the **Act** or under a law of another State or Territory or of the Commonwealth relating to an energy efficiency program – a suspension, revocation or cancellation of accreditation or disqualification from applying for accreditation and the reason for the suspension, revocation, cancellation or disqualification;
- if the person has held an account for the holding, transfer and surrender of certificates under the **Act** or under a law of another State or Territory or of the Commonwealth relating to an energy efficiency program, a suspension or cancellation of the person's account and the reason for the suspension or cancellation;
- the person becoming or having been insolvent;
- the person becoming or having been an officer of an externally-administered company under the Corporations Act;
- a failure to comply with an order or decision made by a court, VCAT or the **commission** under the **Act** or a court or tribunal under a law of the Commonwealth or another State or a Territory relating to an energy efficiency regime; and
- a failure to disclose any of the above matters.

This list is not exhaustive. Further, where an applicant is a body corporate, information will be required in relation to the entity's officers and senior managers, and related companies, which can inform the **commission's** views about whether the applicant is a fit and proper person.

4.1.6. Competent and capable person

An application to be an **accredited person** must also include a declaration that the applicant is a competent and capable person for the purposes of accreditation, together with the information and documents set out in the approved form for that issue.

The **commission** must refuse an application if it is not satisfied that the person is a competent and capable person for the purposes of accreditation.

In determining whether a person is competent and capable, the **commission** may have regard to any relevant matter. This includes:

- the skills and expertise of the person exercising powers and performing duties as an **accredited person**, including undertaking a prescribed activity;
- whether the person has the appropriate licensing and regulatory approvals for undertaking a prescribed activity;
- whether the person and any contractors or employees engaged by the person have appropriate professional accreditations for undertaking a prescribed activity or part of a prescribed activity;
- the past performance of the person in undertaking a prescribed activity;
- whether the person has appropriate policies and practices to ensure a prescribed activity is undertaken in compliance with relevant occupational health and safety legislation;
- whether the person has complied with or incorporated any recommended practices for creating and executing contracts in accordance with the Act or any regulations or guidelines made under it;
- whether the person has complied with their Continuing Professional Development obligations under the **Act**.

This list is not exhaustive. Further, the **commission** will consider the competence and capability of key personnel (including their skills and expertise) as part of its assessment of the applicant's competence and capability.

4.2. Forms of consent or undertaking – prescribed greenhouse gas schemes

The **commission** requires applicants for accreditation to provide the undertakings referred to in clauses 4.2.2 and 4.2.3, and if applicable, the consent referred to in clause 4.2.1, to cover any scheme which is or may in future be prescribed in the **VEET Regulations** as a greenhouse gas scheme for the purposes of the **Act**.

4.2.1. Consent under section 10(1) of the Act

If an applicant for accreditation is a participant in a prescribed greenhouse gas scheme set out in the **VEET Regulations**, that applicant must submit a signed consent authorising the disclosure of information relating to the applicant by that administrator to the **commission**.

4.2.2. Undertaking under section 10(2) of the Act

All applicants for accreditation must give the **commission** a signed undertaking, not to claim any benefit under a prescribed greenhouse gas scheme (whether current or future) if that would result in a benefit being obtained under both that scheme and the **VEU** program in respect of the same activity.

4.2.3. Undertaking in relation to future scheme participation

All applicants for accreditation must give the **commission** a signed undertaking, in the designated form published by the **commission** on its **website**, to provide the **commission** with the form of consent referred to in clause 4.2.1, promptly upon:

- becoming a participant in any prescribed greenhouse gas scheme; or
- a greenhouse gas scheme in which the applicant is a participant becoming prescribed by the **VEET Regulations**.

4.3. Insurance

The **commission** will consider the applicant's level of insurance cover when assessing applications for accreditation.

The **commission** will request evidence that the applicant will maintain, or ensure that persons undertaking prescribed activities on its behalf maintains, insurance of the applicable type and minimum level of cover specified by the **commission** in **guidance documents** published on its **website**.

Note that **accredited persons** will also be required to submit a certificate of currency of such insurance to the **commission** at intervals of not less than 12 months and within 7 days after each renewal, reissue or change of a relevant policy except in circumstances where the **commission** does not require the **accredited person** to do so. Those circumstances will be contained in **guidance documents** issued by the **commission**.

In this clause, the **relevant date** is the date on which the **commission** specifies a type and minimum level of cover of insurance in **guidance documents** for the purposes of this clause 4.3.

A person who is an **accredited person** on the relevant date or who has applied for accreditation before the relevant date and whose application has not been decided by that date must, within 3 months of the relevant date, submit to the **commission** a certificate of currency of insurance of the applicable type and minimum level of cover specified by the **commission** in **guidance documents** published on its **website**.

4.4. Conditions of accreditation and approval of activities

4.4.1. Conditions

The **commission** can impose conditions on a person's accreditation. It can impose any conditions that it considers appropriate in the circumstances.

It is an offence for a person to create a certificate in contravention of a condition of their accreditation (see section 20A of the **Act**).

As discussed in the next section, *all* accreditations are subject to the condition that the person must only conduct the prescribed activities approved by the **commission**.

4.4.2. Approval of prescribed activities

A person's accreditation is subject to a condition that the **accredited person** must only undertake a prescribed activity or class of prescribed activity for which accreditation is granted.

When submitting an application for the grant or renewal accreditation, an **accredited person** must nominate one or more prescribed activities which they intend to carry out under the **VEU** program.

The **commission** will consider whether the person should be accredited to undertake the particular prescribed activities specified in the application form.

An **accredited person** can make an application at any time for approval to carry out prescribed activities in addition to those already approved.

4.4.3. Varying conditions

An **accredited person** may apply to the **commission** in writing to vary the conditions of accreditation. Applications to vary conditions must be made using the designated application form published by the **commission** on its **website** (including applications seeking approval to carry out a new prescribed activity, not already approved when accreditation was granted or renewed).

All sections of the application form must be completed unless indicated on the form. The completed form must be submitted via the online submission function on the **VEU Registry**, together with any additional information and documents indicated on the application form or in any **guidance document** issued by the **commission** and published on its **website**.

After receiving an application to vary a condition (including approval to carry out a prescribed activity), the **commission** will decide whether to grant or refuse the application. The **commission** may require the **accredited person** to provide further information in relation to the application.

As soon as practicable after granting or refusing an application, **commission** staff will notify the **accredited person** in writing of the decision.

4.5. Expiry and renewal of accreditation

A person's accreditation expires 12 months after the date it was granted. For example, if the **commission** approves the grant of accreditation to a person on 15 May 2025, the person's accreditation expires on 16 May 2026.

Accordingly, if an **accredited person** wishes to continue creating certificates, they must apply for renewal of their accreditation every 12 months.

The application for renewal must be made using the designated form published by the **commission** on its **website**, and with regard to any **guidance document** issued by the **commission**, and include payment of the **relevant fee**.

The application process, and the matters considered by the **commission**, are similar to that described above for grant of accreditation:

- The same basic process for assessing applications, seeking further information, and time limits for deciding applications will apply (see 4.1.2).
- The **commission** will consider the same kinds of issues that it considers when deciding to grant accreditation – including whether the applicant is a fit and proper person, and a competent and capable person. The designated form will set out what information is required for a renewal application.

The application for renewal must be made at least 90 days before the expiry date of person's accreditation. Note that, when the **commission** grants or renews accreditation, the notice of its decision will specify the date by which the **accredited person** must apply for renewal.

The **commission** can accept late applications, where they are accompanied by the late application fee, but it is not always required to do so. Failure to make an application in time can mean that the person's accreditation expires:

- If the application is made **before** the expiry date of the accreditation, the **commission** can accept the application if it is satisfied it is appropriate in the

circumstances to accept it, and the application is accompanied by the fee for a late application.

- If the application is made **after** the expiry date, the application will be treated as an application to grant a new accreditation (noting that the person would not be accredited, and therefore not permitted to create **VEECs** or undertake prescribed activities, or arrange for others to undertake prescribed activities unless they are a scheme participant, in the period between the expiry and the grant of a new accreditation).

4.6. Transitional arrangements for existing accredited persons

Persons that were accredited for the purpose of the **VEU** program prior to 1 July 2023 will need to apply for renewal of accreditation during the accreditation transition period. Those persons will receive written notice of their accreditation expiry date, which will also be published on the **website**. The **accredited person** will need to apply for renewal of accreditation at least 90 days before that expiry date.

4.7. Cancellation of accreditation by request

An **accredited person** may request the **commission** to cancel that person's accreditation.

Such a request must be made by written notice to the **commission**.

If the **commission** decides to cancel that person's accreditation, the cancellation takes effect:

- when the **commission** notifies the person in writing; or
- on a date mutually agreed upon by the **commission** and the **accredited person**.

Note that the **commission** can also suspend or cancel a person's accreditation as an enforcement tool – see clause 18.1 'Compliance and Enforcement', below.

5. Commission Registers

Applies to: **accredited persons**.

The **commission** is required by the **Act** and **Regulations** to establish, maintain and publish a number of registers. The registers required include the **Register of Products**, **Register of Approved Project Plans** and **Register of Approved Measurement and Verification Professionals**.

The **commission** also establishes and maintains a Register of Scheduled Activity Premises and guidance on Building Code of Australia Determinations to facilitate the administration of the **VEU** program.

This clause provides information in relation to these registers and any applicable requirements.

5.1. Register of Products

One of the **commission's** roles in relation to prescribed activities is to assess applications for approval of products for use in the **VEU** program and to establish, maintain and publish a register of efficient products and devices for the purposes of certain prescribed activities (the **Register of Products**).

5.1.1. Application for approval of products

An application for approval of a product must be made by a **VEU account** holder using the application form on the **VEU Registry** and in accordance with any **guidance document** issued by the **commission**. An application for approval of a product must be accompanied by the **relevant fee**.

All sections of the application form must be completed unless otherwise indicated on the form. The completed form must be submitted via the online product approval function designated by the **commission** on the **VEU Registry**, together with any additional information and documentation indicated on the application form or in any **guidance document** issued by the **commission**. The **commission** may require the applicant to provide further information in relation to the application.

5.1.2. Meeting standards set by the commission

Where provided by the **VEET Regulations** and if indicated in the **Register of Products**, the **commission** may determine or specify requirements that are to apply to certain products. These are set out in **guidance documents** issued by the **commission** and published on its **website**.

5.1.3. Rejection of a product application

Should the product criteria as set out in the **VEET Regulations** and **VEU Specifications** and any applicable **guidance document** issued by the **commission** not be met by an application submitted by a **VEU account** holder, the **commission** will reject such the application. The account holder must be notified by **commission** staff within 14 days of a decision to refuse to list a product on the **Register of Products**.

5.1.4. What is listed on the Register of Products

The **commission** must list on the **Register of Products**:

- all products approved by the **commission** under the **VEET Regulations**; and
- for each approved product, the information required by the **VEET Regulations**.

The **VEU account** holder must be notified by **commission** staff within 14 days of a decision to list a product on the **Register of Products**.

The **commission** will at least annually, update the **Register of Products** with products listed on the **GEMS Register** for product categories listed under regulation 16(2) of the **VEET Regulations** that may be installed under the **VEU** program.

A **VEU account** holder may at any time apply to have a product listed on the **GEMS** register or the National Electricity Market Load Tables for Unmetered Connection Points published by the Australian Energy Market Operator added to the **Register of Products**.

5.1.5. Requests to modify the Register of Products

Any person may submit a request in writing to the **commission** to modify the **Register of Products** by removing or amending the description of a product. The request must specify:

- the nature of the modification requested;
- the prescribed activity category and the name and any applicable brand or model number of the product;
- for the addition of a product, a description of how that product or device is consistent with the minimum standards and requirements for that activity set out in the **VEET Regulations**;
- for the removal of a product, the reasons for requesting its removal;
- for an amendment to the description of a product, a description of the proposed amendment and the reasons for requesting it;
- the nature of the requesting person's interest in the product; and
- any other information or supporting evidence that the requesting person considers relevant.

5.1.6. Removal of products from the ESC Register

The **commission** may remove a product from the **ESC Register** if it is satisfied that:

- the product may be unsafe;
- the product may not be of acceptable quality;
- the product may not be fit for its intended purpose or
- information provided to the **commission** with the application to list the product on the ESC register was incorrect.

5.1.7. Register of Approved Project Plans (project-based activities)

The **PBA Regulations** require the **commission** to approve project plans as well as to maintain and publish a **Register of Approved Project Plans**.

5.1.8. Information to be contained in the Register of Approved Project Plans

The **Register of Approved Project Plans** will contain the following information:

- the name of each project that has received project plan approval;
- the name of each **accredited person** for each project;
- the location of each project;
- the method or methods intended to be used to calculate the reduction in greenhouse gases;
- the date which the project plan was approved by the **commission**;
- the date which the project plan was relinquished by the **accredited person** (if applicable);
- the date which the project plan was cancelled by the **commission** (if applicable); and
- any other information the **commission** considers appropriate.

The **commission** must update the **Register of Approved Project Plans** where:

- it has approved a variation to an **approved project plan**;
- it has cancelled an **approved project plan**; or
- an **approved project plan** has been relinquished.

5.2. Register of Approved Measurement and Verification Professionals

The **PBA Regulations** require the **commission** to:

- approve a person to become a **measurement and verification professional** for the purposes of project-based activities; and
- maintain and publish a **Register of Approved Measurement and Verification Professionals**.

5.2.1. Application to become an approved measurement and verification professional

The **commission** requires persons wanting to become an **approved measurement and verification professional** to meet the experience and professional competency requirements referred to in clause 5.2.2 of the Guidelines. The **commission** also requires an undertaking from the applicant to avoid conflicts as set out in the **PBA Regulations**, as explained in clause 5.2.3.

An application to become an **approved measurement and verification professional** must be made by a person using the application form designated by the **commission** on its **website**.

All sections of the application form must be completed unless otherwise indicated on the form. The completed form must be submitted via the online submission function on the **VEU Registry**, together with any additional information and documentation indicated on the form or in any **guidance document** issued by the **commission**. The **commission** may require the applicant to provide further information in relation to the application.

The application must be accompanied by any relevant fixed fee.

After receiving an application for approval to become an **approved measurement and verification professional**, the **commission** will decide whether to grant or refuse the application.

As soon as practicable after granting or refusing an application to become an **approved measurement and verification professional**, **commission** staff will notify the applicant in writing of the **commission's** decision.

5.2.2. Measurement and verification experience and professional competency requirements

The **PBA Regulations** allow the **commission** to specify the experience and professional competency requirements that need to be met by persons wanting to become an **approved measurement and verification professional**. These requirements include the person:

- being certified by the Association of Energy Engineers as a Certified Measurement and Verification Professional;
- demonstrating an understanding of best practice measurement and verification techniques;
- demonstrating an understanding of how end-use equipment converts energy into end-use services;
- demonstrating an understanding of how end-use equipment is affected by independent variables;

- demonstrating the ability to perform either ‘regression analysis’ or ‘estimate of the mean analysis’; and
- demonstrating the ability to provide an independent opinion on the validity of energy models as set out in the **MV specifications**.

5.2.3. Form of undertaking – application to become an approved measurement and verification professional

The **PBA Regulations** require all persons applying to become an **approved measurement and verification professional** to give the **commission** a signed undertaking stating the applicant will avoid conflicts.

The undertaking is to be in the form published by the **commission** on its **website**. It requires the applicant to avoid conflicts and to promptly report any conflicts of interest or potential conflicts of interest (real or perceived) to the **commission**.

5.2.4. Information to be contained in the Register of Approved Measurement and Verification Professionals

The **PBA Regulations** require the **commission** to publish and maintain a **Register of Approved Measurement and Verification Professionals**. The register will contain the following information:

- the name of the approved person;
- the contact details of the approved person;
- the end-use equipment for which the approved person has a nominated understanding;
- the energy model(s) for which the person has a demonstrated understanding;
- the date of approval of measurement and verification professional application; and
- any other information the **commission** considers appropriate.

5.2.5. Removal of a person from the Register of Approved Measurement and Verification Professionals

As set out in the **PBA Regulations**, the **commission** may remove a person from the **Register of Approved Measurement and Verification Professionals** under the following circumstances:

- the person's certification by the Association of Energy Engineers as a Certified Measurement and Verification Professional is suspended or has expired;
- the person no longer meets the experience or professional competency requirements outlined in clause 5.3.2 of the Guidelines; and
- the person has breached the undertaking outlined in clause 5.3.3 of the Guidelines.

The **commission** must give a person 28 days' notice in writing of its intention to remove them from the **Register of Approved Measurement and Verification Professionals**. This notice must request reasons why the person should not be removed. The **commission** will consider any reasons given before a decision is made to act on its intention to remove a person from the **Register of Approved Measurement and Verification Professionals**.

5.3. Register of Scheduled Activity Premises

The **commission** maintains a Register of Scheduled Activity Premises which contains a list of the premises that the **commission** determines fall within the definition of scheduled activity premises in the **VEET Regulations**.

5.4. Guidance on Building Code of Australia Determinations

The **commission** maintains a guidance document of Building Code of Australia (BCA) Determinations which contains a list of determinations by the **commission** of the appropriate BCA classification for certain space types for the purposes of Part 34 of the **VEU specifications**.

6. Prescribed Activities

Applies to: **accredited persons**.

Under section 74(2)(c) of the **Act**, the Guidelines may provide for the manner in which prescribed activities are to be undertaken. This clause 6 sets out applicable requirements for certain prescribed activities.

6.1. Commission's role in relation to prescribed activities

The **Regulations** provide for a number of specified activities which reduce greenhouse gas emissions to be prescribed activities for the purposes of the **VEU** program. The **Regulations** also specify when an activity is taken to have been undertaken and, when a reduction in greenhouse gas is taken to have occurred.

The VEU specifications, MV specifications and Benchmark rating specifications set out the methodology to be used to calculate the number of certificates that may be created for carrying out an activity prescribed under the **Regulations**.

The types of activities that may lead to the creation of certificates within the VEU program are set by the Governor in Council in the **Regulations**. The **commission's** role is to ensure that certificates are being created lawfully, and that the prescribed activity that led to the creation of the certificate complied with the **Act** and **Regulations**.

The **commission's** functions include making determinations in relation to a number of matters specified in the **VEET Regulations**. When the **commission** makes a determination, the **commission** will publish the determination and relevant **guidance documents** on its **website**.

6.2. Prescribed activities – compliance with legal obligations

In addition to the requirements, standards and specifications set out in the **Act** and the **Regulations**, certificates cannot be created for prescribed activities if they are not

undertaken in accordance with the provisions of the following legislation (and regulations made under any of those acts):

- Australian Consumer Law (Victoria)
- *Electricity Safety Act 1998* (Vic);
- *Gas Safety Act 1997* (Vic);
- *Occupational Health and Safety Act 2004* (Vic)
- *Building Act 1993* (Vic),

6.3. Compliance with training requirements

From a date to be specified by the **commission**, an activity must be undertaken by a person who meets any applicable training requirements specified by the **commission** under chapter 7.

6.4. Project-based activities

The **commission** has the role of administering projects carried out under the **PBA Regulations**.

6.4.1. Scoping approval

An application for scoping approval must be made by an **accredited person** using the application form designated by the **commission** on its **website**.

All sections of the application form must be completed unless indicated on the form. The completed form must be submitted via the online submission function on the **VEU Registry**, together with any additional information and documentation indicated on the form or in any **guidance document** issued by the **commission**. This includes any information required by the **PBA Regulations**.

The application must be accompanied by any **relevant fee**.

The **commission** may require the **accredited person** to provide further information in relation to the application or facilitate an inspection of the premises where the project will be undertaken.

After receiving an application for scoping approval, the **commission** may grant or refuse scoping approval as provided in the **PBA Regulations**. The decision to grant or refuse a scoping approval must be made within 60 days of the application.

The **commission** must not grant a scoping approval where the **PBA Regulations** prohibit the approval of a scoping plan.

As soon as practicable after granting or refusing an application for scoping approval, **commission** staff must notify the **accredited person** in writing of the **commission's** decision.

An **accredited person** may apply to the **commission** to vary a scoping plan for which they have received approval as outlined in clause 6.4.2 of the Guidelines.

6.4.2. Scoping approval variations

An application to vary scoping approval the **commission** has granted must be made by an **accredited person** using the application form designated by the **commission** on its **website**.

All sections of the application form must be completed unless indicated on the form. The completed form must be submitted via the online submission function on the **VEU Registry**, together with any additional information and documentation indicated on the electronic form or in any **guidance document** issued by the **commission**.

The application must be accompanied by any relevant fixed fee.

The **commission** may require the applicant to provide further information in relation to the application.

The **commission** may approve an application to vary scoping approval if it is satisfied:

- the address of the premises where the project will be undertaken has not changed;
- if the project is an **MV project**, the description of the activities to be undertaken as part of the **MV project** included in the scoping approval application has not substantially changed;
- the scope of the service or services has not expanded;
- the scope of the energy sources has not expanded; and

- the application has demonstrated that the applicant holds or can access the knowledge, skills or capacity to deliver the project described in the application.

As soon as practicable after granting or refusing an application to vary scoping approval, the **commission** staff must notify the **accredited person** in writing of the **commission's** decision.

6.4.3. Project plan approval

An application for project plan approval must be made by an **accredited person** using the application form designated by the **commission** on its **website**.

All sections of the application form must be completed unless indicated on the form. The completed form must be submitted via the online submission function on the **VEU Registry** together with any additional information and documentation indicated on the form or in any **guidance document** issued by the **commission**. This includes any information required by the **PBA Regulations**.

The application must be accompanied by any relevant fixed fee.

The **commission** may require the **accredited person** to provide further information in relation to an application for project plan approval.

After receiving an application for project plan approval, the **commission** may grant or refuse the project plan approval as provided in the **PBA Regulations**. The decision to grant or refuse a project plan must be made within 180 days of the application.

As soon as practicable after granting or refusing an application for project plan approval, the **commission** staff must notify the **accredited person** in writing of the **commission's** decision. Once a project plan is approved, the **commission** must update the **Register of Approved Project Plans**.

6.4.4. Project plan variations

An application to vary a project plan must be made by an **accredited person** using the application form designated by the **commission** on its **website**.

All sections of the application form must be completed unless indicated on the form. The completed form must be submitted via the online submission function on the **VEU**

Registry together with information and documentation indicated on the application form or in any **guidance documents** issued by the **commission**.

The application must be accompanied by any **relevant fee**.

The **commission** may approve an application to vary a project plan if it is satisfied:

- the address of the premises where the project will be undertaken has not changed;
- the description of the activities to be undertaken as part of the project included in the scoping approval application has not substantially changed;
- the scope of the service or services has not expanded;
- the scope of the energy sources has not expanded;
- the application has demonstrated that the applicant holds or can access the knowledge, skills or capacity to deliver the project described in the application; and
- if the project is a **MV project**, the description of the activities to be undertaken as part of the **MV project** included in the scoping approval application has not substantially changed.

As soon as practicable after granting or refusing an application to vary a project plan, the **commission** must notify the **accredited person** in writing of the **commission's** decision.

VEECs should not be created for a project while the **commission** is processing an application to vary the project plan approved in respect of the project. **VEECs** will not be registered until the **commission** can determine the impact of the variation on the number of **VEECs** created.

6.4.5. Project plan relinquishment

A request to relinquish an **approved project plan** must be made in writing by an **accredited person** in respect of a project where the **accredited person** has received project plan approval. The request must be made in accordance with any **guidance document** issued by the **commission**. The **commission** may require the **accredited person** to provide further information in relation to a request to relinquish an **approved project plan**.

As soon as practicable after granting or refusing a request to relinquish an **approved project plan**, the **commission** staff must notify the **accredited person** in writing of the

commission's decision. The **commission** must also update the **Register of Approved Project Plans**.

A project plan that has been relinquished cannot be varied.

6.4.6. Project plan cancellation

The **commission** may cancel an approved project plan where it is satisfied there has been an unreasonable delay in work commencing to undertake the activities specified in the application for **project plan approval**.

The **commission** must give the **accredited person** 28 days' notice in writing of its intention to cancel the **approved project plan**. This notice must request reasons why the **approved project plan** should not be cancelled. The **commission** will consider any reasons given before a decision is made to act on its intention to cancel the **approved project plan**.

As soon as practicable after cancelling an **approved project plan**, the **commission** staff must notify the **accredited person** in writing of the **commission's** decision. The **commission** must also update the **Register of Approved Project Plans**.

A project plan that has been cancelled cannot be varied.

6.4.7. Project impact report approval

An application for approval of a project impact report may be made by an **accredited person** for a project where they have received a project plan approval.

The application must be made using the application form designated by the **commission** on its **website**. All sections of the application form must be completed unless indicated on the form.

The completed form must be submitted via the online submission function on the **VEU Registry** together with any additional information and documentation indicated on the form or in any **guidance document** issued by the **commission**. This includes any information required by the **PBA Regulations**.

The application must be accompanied by any **relevant fee**.

6.4.8 Specific information to be supplied with a MV Project

Information to be supplied with the application for approval of a **project impact report** for a **MV project** includes:

- a **project impact report** that complies with the **PBA Regulations**, these Guidelines and the **MV specifications**;
- if it is the initial application, the **VEEC assignment form**;
- a report from an **approved measurement and verification professional** (verification report) advising that the information contained in the **project impact report** complies with the **PBA Regulations** and these Guidelines and is consistent with the **MV project** plan;
- a declaration by the **approved measurement and verification professional** that they are independent from the **accredited person** and the project;
- evidence that any lighting equipment removed was decommissioned; and
- evidence that any lighting equipment installed was on the **Register of Products**.

6.4.9 Specific information to be supplied with a BR Project

Information to be supplied with the application for approval of a **project impact report** for a **BR project** includes:

- a **project impact report** that complies with the **PBA Regulations**, these Guidelines and the **Benchmark rating specifications**;
- if it is the initial application, the **VEEC assignment form**;
- a rating report and other documents produced by the **benchmark administrator** in respect of the baseline period that complies with the **PBA Regulations**, these Guidelines and **guidance documents**;
- a rating report and other documents produced by the **benchmark administrator** in respect of the reporting period that complies with the **PBA Regulations** and these Guidelines
- evidence that any lighting equipment removed was decommissioned; and
- evidence that any lighting equipment installed was on the **Register of Products**.

The **commission** may require the **accredited person** to provide further information in relation to the application or facilitate an inspection of the premises where the project will be undertaken.

After receiving an application for approval of a **project impact report**, the **commission** may approve a **project impact report** if it is satisfied that, the **project impact report** demonstrates a reasonably accurate and reliable calculation of the carbon dioxide equivalent of greenhouse gases reduced by the project.

In addition, if the application is in relation to a **MV project**, the **commission** must have regard to the verification report when deciding to approve a **project impact report**.

As soon as practicable after approving or refusing a **project impact report**, **commission** staff must notify the **accredited person** in writing of the **commission's** decision.

An **accredited person** may only create **VEECs** for a project after the **commission** has approved the **project impact report**. This application and approval process must be undertaken each time an **accredited person** wants to create **VEECs** for a project.

If the **commission** believes on reasonable grounds that the **accredited person** has breached an undertaking to decommission equipment or failed to use the equipment listed on the **Register of Products** for a lighting upgrade, the **commission** must issue a notice to the **accredited person** stating the nature of the breach. The **commission** must not approve a **project impact report** for a project if such a notice has been issued.

7. Safety and Training

Applies to: **accredited persons**.

Prescribed activities are determined by the **Regulations**, but under section 74(2)(c) of the **Act**, the Guidelines may provide for the manner in which prescribed activities are to be undertaken. This clause 7 sets out applicable requirements for certain prescribed activities.

7.1. Commission to specify units of competency

The **commission** may specify that certain units of competency provided by registered training organisations accredited by the **Australian Skills Quality Authority** or the **Victorian Registration and Qualifications Authority** are required for safety reasons by persons undertaking certain prescribed activities.

Prior to specifying a unit of competency, the **commission** will consult on the proposal and on the lead time required by industry to implement the proposal if it proceeds.

Details of units of competency specified under this clause will be provided to all **accredited persons** and published in a **guidance document** on the **commission's website**. Unless otherwise stated, each unit of competency is taken to be specified for the purposes of this clause on the date it is published in a **guidance document** on the **commission's website**.

7.2. Compliance with training requirements

When undertaking a prescribed activity, an **accredited person** must:

- ensure that all individuals undertaking relevant prescribed activities for or on behalf of the **accredited person**, have been assessed as competent in all the applicable units of competency specified by the **commission** under clause 7.1; and
- on request by the **commission**, supply evidence that all relevant individuals have achieved competency in those units.

In this clause, the **relevant date** is the date on which the **commission** specifies units of competency under this clause that are relevant to prescribed activities undertaken, or to be undertaken, by individuals for or on behalf of an **accredited person**

A person who is an **accredited person** on the **relevant date** or who has applied for accreditation before the **relevant date** and whose application has not been decided by that date must, within three months of the **relevant date**, supply evidence that its business systems provide for the applicable training to be completed by all individuals undertaking relevant prescribed activities for or on behalf of that person.

7.3. Commission to specify training requirements

The **commission** may specify training requirements for certain prescribed activities and who can provide the training. Details of training requirements specified under this clause will be published in relevant **guidance documents** on the **commission's website**.

An **accredited person** must:

- ensure that all individuals undertaking relevant prescribed activities for or on behalf of the **accredited person**, have been assessed as competent in all the applicable training requirements specified by the **commission**; and
- on request by the **commission**, supply evidence that all relevant individuals have achieved competency in those units.

7.4. Commission may specify a requirement for licensed installers

The **commission** may specify for safety reasons that certain prescribed activities must be carried out by licensed installers (e.g. licensed electricians). Details of licensing requirements specified under this clause will be published in relevant **guidance documents** on the **commission's website**.

An **accredited person** must on request by the **commission** supply evidence that the relevant activities have been carried out by a licensed installer.

8. Assignment of Rights to Create Certificates

Applies to: **accredited persons**, **consumers**, authorised signatories

Section 16 of the **Act** provides that the **consumer** of electricity of gas in respect of whom a prescribed activity is undertaken may assign the right to create certificates for that prescribed activity. The **consumer** might be the landlord or owner, rather than the occupant, of the premises (see definition of **consumer**).

In some situations, the **consumer** of gas or electricity may not be available to assign the right to create certificates. In this situation, a person authorised by the **consumer** may assign the right to create certificates on behalf of the **consumer**.

In either situation, section 16(3) of the **Act** requires an assignment of such rights to be made by written notice or for activities prescribed for the purposes of section 16(3)(a)(ii) of the **Act**, in a manner prescribed in the **Regulations**. In either case, the assignment must occur in the manner and form specified by these Guidelines. This clause 8 sets out those requirements.

8.1. Parties to the assignment

Rights to create certificates can only be assigned by the **consumer** or **authorised signatory** in respect of the prescribed activity to an **accredited person** (the assignee).

The rights to create all of the certificates attributable to a prescribed activity must be assigned to the same **accredited person** (the assignee).

A single **VEEC assignment form** may relate to more than one prescribed activity.

8.2. Time of VEEC assignment

An assignment:

- may be made at any time up to and including the latest date for creation of certificates in respect of the relevant prescribed activity under the **Act**; but

- must not take effect before the prescribed activity has been undertaken in accordance with the **Regulations**.

8.3. Manner and form of VEEC assignment

For the purposes of section 16(3) of the **Act**, each assignment of a right to create certificates in respect of a prescribed activity must be made:

- in writing;
- electronically; or
- verbally in the case of the prescribed activity set out in regulation 13(2)(b) being refrigerator or freezer destruction, when undertaken in the residential sector, and where written assignment cannot reasonably be obtained.

The assignee must comply with the requirements in clause 8.4 for **VEEC** assignments made in writing and clause 8.5 **VEEC** assignments made verbally.

8.4. VEEC assignments required to be in writing

VEEC assignments which are required to be in writing must be made on a form containing the mandatory information and fields designated by the **commission** and published on its **website**. The form may be paper based or electronic. The **commission** may designate separate mandatory information and fields relating to different categories of prescribed activity.

For an electronic form, compliance with these requirements can be met using the appropriate electronic communication and storage methods set out in the *Electronic Transactions Act 2000 (Vic)*.

8.5. Verbal VEEC assignments

In the case of the prescribed activity set out in regulation 13(2)(b) being refrigerator or freezer destruction undertaken in the residential sector, the assignee must:

- a) obtain confirmation from the **consumer** or **authorised signatory** that the **consumer** is the tenant, landlord or owner of the premises from which the appliance

is removed, and that the appliance is in working order and was manufactured before 1996;

- b) clearly explain the following to the **consumer** or **authorised signatory**:
- the mandatory information required to be given to the **consumer** as set out in the **VEEC assignment form** for the prescribed activity published on the **commission's website**;
 - the assignee will destroy the appliance in accordance with the requirements of the **Act**;
 - the **consumer** is assigning to the assignee its right to create Victorian energy efficiency certificates for that activity;
 - information relating to this activity will be disclosed to the **commission** for the purpose of creating certificates and for related verification, audit and scheme monitoring purposes; and
 - penalties can be applied for providing misleading information under the **Act**;
- c) obtain the **consumer** or **authorised signatory**'s verbal consent to the assignment of the right to create certificates; and
- d) ensure that all relevant sections of the applicable **VEEC assignment form** are completed and that the form is signed by the assignee or its agent.

8.6. Consumer to receive a copy of VEEC assignment form or similar document

The **consumer** or **authorised signatory** must be provided with a copy of the **VEEC assignment form** or another document that shows:

- the assignment date;
- specific details of the quantity and type of goods and services provided at the premises;
- the type and amount of benefit provided in exchange for the assignment of a right to create certificates in respect of the prescribed activity;
- the name of the **accredited person**;
- the name of the individual undertaking the activity; and
- (if different from the **accredited person**) the organisation the individual works for.

The **VEEC assignment form** copy or other document must be given to the **consumer** or **authorised signatory**:

- in the case of written assignment, at the time of signing the **VEEC assignment form**;
- in the case of an electronic written assignment, within ten business days after the date of assignment; or
- in the case of verbal assignment, within ten business days after the date of assignment.

8.7. Records to be retained by the assignee

An assignee must maintain for six years after the date of the assignment in the case of an activity carried out under the **VEET Regulations** or six years after the final certificate has been registered for the activity in the case of an activity carried out under the **PBA Regulations**:

- if assignment is in writing, a copy of the completed **VEEC assignment form** signed by the **consumer** or **authorised signatory** and assignee; or
- if assignment is verbal, a copy of the completed **VEEC assignment form** signed by the assignee and any other document sent to the **consumer** or **authorised signatory** under clause 8.5; or
- if assignment is in electronic form, an electronic copy of the completed form of assignment with evidence of agreement on behalf of the **consumer** or **authorised signatory**; and
- evidence of the benefit provided to the **consumer**.

8.8. Consumer personal information to comply with the Information Privacy Principles

The assignee must ensure that the collection, storage and use of all **personal information** collected in an assignment form or otherwise about the **consumer**, **authorised signatory** or any other individual (such as an installer) complies with the Information Privacy Principles (IPPs) contained in the *Privacy and Data Protection Act 2014* and where applicable, the *Privacy Act 1988* (Cth).

The IPPs and information about how to comply with them can be found at <http://www.ovic.vic.gov.au>.

9. Creation and Registration of Certificates

Applies to: **accredited persons**.

A certificate may be created by an **accredited person** in respect of a prescribed activity, subject to and in accordance with sections 16 to 20 of the **Act**. Sections 21 and 22 provide for the form and content of certificates and the registration of certificates by the **commission**. This clause specifies the form for creating certificates for the purposes of section 21(1) of the **Act**, the manner of notification and additional information for the purposes of determining whether the certificate has been properly created and is eligible for registration.

9.1. Form for creation of certificates

An **accredited person** may only create certificates using the form designated by the **commission** on the **VEU Registry**, and in accordance with any **guidance document** issued by the **commission**.

9.2. Creation of certificates

An **accredited person** is taken to have created a certificate when that person has complied with the creation requirements of the **Act** and **Regulations**. An **accredited person** must pay the **relevant fee** for creation of certificates.

Certificates must be created in the specified form via the online creation function designated by the **commission** on the **VEU Registry**.

9.3. Notification of creation

For the purposes of section 22(2) of the **Act** an **accredited person** is taken to have notified the **commission** that it has created a certificate when that person submits the required creation information in the form specified by clause 9.1 through the online creation function on the **VEU Registry**.

9.4. Payment of fee

The **accredited person** must pay the **relevant fee** for creation of certificates. Certificates will not be processed for registration unless the fee is paid.

9.5. Unique identification code

The **commission** will allocate a unique identification code for each certificate.

9.6. Further information

In some circumstances, the **commission** may request the **accredited person** to provide additional information after a certificate has been created, in order to decide whether the certificate is eligible for registration and has been properly created. Any information requested must be provided within ten business days unless otherwise agreed between the **commission** and the **accredited person**. The **commission** may decide not to register the relevant certificate if that information is not provided.

9.7. Reduction, waiver or refund of creation fee

In exceptional circumstances, the **commission** may consider reducing, waiving or refunding, in whole or in part, the fee for the creation of a certificate under the **Act**, where:

- the certificate was created to make good a registered certificate which was not eligible for registration or was improperly created; and
- the reason that the original certificate was ineligible or improperly created was outside the control of the **accredited person**.

10. Transfer of Certificates

Applies to: **accredited persons, relevant entities** and holders of a **VEET Scheme Registry account**.

Certificates may be transferred. The form and terms of the transfer agreement itself are commercial matters for the parties. The **commission** is obliged under the **Act** to register transfers that are notified in the manner specified in these Guidelines.

This clause sets out the requirements for transfer notifications for the purposes of section 24(2A) and (3) of the **Act**.

10.1. Transfer requirements

Certificates may be transferred by the owner of those certificates to any person. The transfer must be registered by the **commission** and this requires that the **commission** be notified in accordance with clause 10.2. The **commission** will not register a transfer of certificates unless:

- both the transferor and the transferee hold a **VEU account**;
- the transferor is the current registered owner of the certificates; and
- the transferor has complied with the requirements in clause 10.2.

From 1 November 2023 (or other date to be proclaimed), certificates may be transferred by the owner of those certificates only to the holder of a **VEET scheme registry account**. The transfer will still need to be registered by the **commission**, and this will also require that the **commission** be notified in accordance with clause 10.2.

10.2. Electronic notification of transfer

In order to notify the **commission** of a transfer of a certificate, the following steps must be completed:

- the transferor must submit a completed transfer offer using the online form designated for those purposes by the **commission** on the **VEU Registry** and

- the transferor must complete any additional verification requests made by the **commission**.

A single transfer offer may be used in respect of the transfer of any number of certificates in a single transaction on the same date and between the same transferor and transferee.

11. Surrender of Certificates

Applies to: **accredited persons**, **relevant entities** and persons trading certificates.

A certificate owner may surrender a certificate at the same time giving the **commission** reasons in writing for the surrender (known as voluntary surrender).

Before 30 April each year, relevant entities must surrender registered **VEECs** equal to their **relevant entity** liability for the previous calendar year (known as obligatory surrender).

In separate circumstances, the **commission** may require an **accredited person** or other person to surrender **VEECs** equal to the number of certificates which are found to be improperly created, or created in breach of a person's obligations under the **Act** or **Regulations**. This is known as mandatory surrender.

This clause 11 describes the notification to be given to the **commission**.

11.1. Notification of surrender

The registered owner of a certificate may surrender that certificate by:

- using the online surrender function designated for those purposes by the **commission** on the **VEU Registry**; and
- completing any additional verification requests made by the **commission**.

A single surrender form may be submitted for the surrender of any number of certificates.

11.2. Voluntary surrender

A certificate may be surrendered voluntarily under section 25 of the **Act**.

The registered owner of a certificate may surrender that certificate by:

- notifying the **commission** according to the procedure outlined by clause 11.1 above; and

- providing reasons for the voluntary surrender of the certificate(s).

Certificates that have been surrendered voluntarily must not be included in an **annual energy acquisition statement**.

11.3. Obligatory surrender

A **relevant entity** must surrender the number of certificates specified in the **annual energy acquisition statement** under section 33(4) of the **Act**:

- using the notification procedure outlined in clause 11.1 above, and
- on or before the date on which the statement is required to be lodged pursuant to section 33(1) of the **Act**.

If the **commission** is satisfied that the surrendered certificates are eligible for surrender the **commission** will invalidate those certificates permanently.

11.4. Mandatory surrender

The **commission** may require mandatory surrender of certificates under sections 38, 39 and 40 of the **Act**.

A person may surrender a certificate in accordance with section 38, 39 or 40 of the **Act** by using the forms in the notification procedure outlined in clause 11.1 above.

12.Fees

Applies to: **relevant entities, accredited persons**, applicants for accreditation or **VEET scheme registry accounts**.

The Minister has fixed fees for various matters. This clause sets out the types and amounts of the fees.

12.1. Relevant fees

The types of fees, and the amount of the fee, applicable from 1 July 2023, are set out in the following table:

Fee	Amount
Application for registration (also referred to as creation) of a certificate	\$1.00
Application for accreditation	\$3,000
Annual application for renewal of accreditation	\$1,000
Application for approval of a project impact report, where there has been no prior approval of an application for a project impact report for the project (regulation 11 of the PBA Regulations)	\$500
Application to list a product on the ESC Register (regulation 32 of the Regulations)	\$500
Lodgement of an energy acquisition statement	\$3,122
Request for reconsideration of a reviewable decision (i.e. internal review)	\$750

From 1 November 2023, the following additional fees will apply:

Fee for creation of, and notification to determine registration of, a certificate	\$2.33
Late lodgement of an application for renewal of accreditation	\$13,814
Application to open a VEET scheme registry account	\$2,000
Application for variation of conditions of accreditation	\$1,500

For the avoidance of doubt, the fee applying to certificates created prior to 1 July 2023 for which no fee has been invoiced as at 1 July 2023 is \$1.00.

12.2. Non-payment of fees

The consequences for failing to pay the **relevant fee** will depend on the fee type. In general, the **commission** will not progress the relevant application or transaction until the fee has been paid.

12.3. Waiver or reduction of fees

The **commission** can waive or reduce fees. However, the **commission** will generally only consider waiving or reducing a fee in exceptional circumstances.

13. Annual Energy Acquisition Statements

Applies to: **relevant entities**.

Under section 33 of the **Act**, if a **relevant entity** makes a scheme acquisition in a calendar year, it must submit an **annual energy acquisition statement** to the **commission** by 30 April in the following year or any later day allowed by the **commission**. This clause 12 describes the information to be contained in each statement in addition to that specified in section 33(2)(a) to (f), and the form and manner in which an **annual energy acquisition statement** must be submitted.

13.1. Form of energy acquisition statement

Relevant entities must prepare an **annual energy acquisition statement** using the designated form published by the **commission** on its **website**.

13.2. Submission of annual energy acquisition statement

Each **annual energy acquisition statement** must be signed and audited as required by the **Act** and clause 14 of these Guidelines. The **relevant entity** must submit to the **commission** each of:

- the audited **annual energy acquisition statement**;
- the auditor's report;
- details of certificates surrendered (or to be surrendered) as required by section 33(4) of the **Act** and clause 11.3 of these Guidelines; and
- the **relevant fee** for lodgement of the statement,

in the manner specified in the form of **energy acquisition statement** or any **guidance document** published by the **commission**.

13.3 Additional information required

In addition to the information specified in section 33(2)(a) to (f) of the **Act**, each **energy acquisition statement** must set out:

- the telephone number and email address of the **relevant entity**;
- the year to which the statement applies;
- the date of the statement;
- the quantity of energy acquired under scheme acquisitions from each of the persons or bodies referred to in paragraphs (a) and (b) of the definition of 'scheme acquisition' in the **Act**;
- the **relevant entity**'s calculation, in accordance with section 29 of the **Act**, of whether the **relevant entity** had an energy efficiency certificate shortfall for the year;
- the **relevant entity**'s methodology for the calculation of energy acquisitions and exclusions; and
- any changes during the year to information (even if already given to the **commission**) about the following matters for the **relevant entity**:
 - ownership;
 - material business acquisitions and disposals;
 - location and contact details; and
 - energy purchase arrangements.

After reviewing an **energy acquisition statement**, **commission** staff may request additional information.

14. Record Keeping

Applies to: **accredited persons** and **relevant entities**.

Section 72 of the **Act** requires **accredited persons** and **relevant entities** to keep records that record and explain all transactions and other acts that they engage in, or are required to be engaged in, under the **Act**.

This clause sets out minimum requirements that an **accredited person** or **relevant entity** must meet to satisfy that obligation.

14.1. Accredited persons

An **accredited person** must keep records that record and explain all transactions and other acts engaged in, or required to be engaged in, by that person under the **Act**. In particular, the records kept by an **accredited person** must include any documents relevant to ascertaining details of all certificates created by the **accredited person**.

To meet those obligations, an **accredited person** must keep:

- the records referred to in clause 8.7 of these Guidelines in relation to assignments of rights to create certificates;
- the street address and postcode of the **consumer** (if in a residential premises) or the ABN, business name, address and postcode (if in a business or non-residential premises);
- evidence that all relevant individuals have been assessed as competent in each relevant unit of competency specified by the **commission** under clause 7.1 including the title of each unit, the name of each relevant individual, the date(s) on which they were assessed as competent, and by which registered training organisation as accredited by the **Australian Skills Quality Authority** or the **Victorian Registration and Qualifications Authority**; and
- the records set out in Annexure A to these Guidelines, relevant to the prescribed activity undertaken.

Annexure A sets out specific minimum requirements for particular prescribed activities. Accredited providers must keep all of the types of records specified in the annexure for the particular prescribed activity (or activities) they carry out.

Accredited persons may also refer to the Activity Guide for the prescribed activity, available on the **website**, for further information about records that must be kept, and in some cases, examples of records that will meet the relevant obligations.

For activities carried out under the **PBA Regulations**, plans, reports and information records used must be kept.

As part of the obligation to keep relevant records, and to provide details of certificates created:

- Accredited providers must ensure that records are in English, are sufficiently clear and readable, and in an accessible format.
- Accredited providers must consider whether, in a particular case, additional records are required to properly 'record and explain' a particular act or transaction. For example, keeping additional documents might give important context that is not clear on the face of the 'minimum' records in Annexure A – but may be necessary to explain why an installation meets the prescribed activity or other **Act** requirements in a specific case.

14.2. Relevant entities

A **relevant entity** must keep any documents relevant to ascertaining the amount of electricity and gas acquired by the **relevant entity** under scheme acquisitions during a year. Records must be kept so that the **relevant entity's** liability under the **Act** can be readily ascertained.

In addition, **relevant entities** must keep records and documents which provide evidence of matters outlined under clause 13.3 of these Guidelines.

14.3. Document retention period

An **accredited person** or **relevant entity** must retain records kept or obtained under or for the purposes of the **Act** until the later of the following:

- the end of 6 years after those records were prepared or obtained, or
- the completion of the transactions or acts to which those records relate.

Where the activity is carried out under the **PBA Regulations**, that retention period starts when the final certificate has been registered for the project-based activities project.

14.4. Record keeping whilst accreditation is suspended or revoked

The requirement for an **accredited person** or **relevant entity** to retain records for the purposes of the **Act** or **Regulations** is not affected by any period of suspension or revocation of accreditation.

15. Audit Of Annual Energy Acquisition Statements

Applies to: **relevant entities**, auditors.

Section 33(6) of the **Act** requires each **annual energy acquisition statement** to be audited by an independent third party before lodgement by a **relevant entity**. This clause identifies the requirements for the audit of **annual energy acquisition statements**.

15.1. Nominating, approving and appointing an auditor

15.1.1. Nominating an auditor

By a date specified by the **commission** in each year, each **relevant entity** must nominate to the **commission** for approval an independent auditor to undertake the relevant audit, unless a current approval from the **commission** is in place in respect of that **relevant entity** and auditor.

The **commission** will consider approving auditors for a period greater than 1 year but no more than 5 years.

In nominating an auditor to the **commission**, the **relevant entity** must provide details of:

- the proposed auditor who will undertake the specified audit;
- the proposed individuals who will undertake any relevant audit work for the auditor (that is, the audit team);
- the proposed individual who will lead the audit team (who must be a partner or equivalent of the auditor and who will be required to sign the audit report and take full responsibility for the audit findings);
- the work history and skills of the audit team leader and each audit team member, and the role they will play in undertaking the audit;

- the auditor’s field of work, core expertise, experience and corporate or business structure (unless the auditor has been selected from the panel of auditors established under clause 14.1.2);
- any work undertaken by the auditor for the **relevant entity** in the previous two years, and any work that the auditor is currently doing or has bid for in relation to the **relevant entity**;
- any potential or perceived conflict of interest and the manner in which the potential or perceived conflict of interest is proposed to be managed; and
- the term of the approval requested.

In deciding whether to approve an auditor nominated by a **relevant entity**, the **commission** will have regard to the following key criteria:

- demonstrated skill, experience in, and detailed knowledge of quality assurance, including operational or compliance auditing and where relevant, science or engineering, and information systems (in terms of both the nominated auditor and the proposed audit team);
- appropriate knowledge of the electricity and gas industries (in terms of both the nominated auditor and the proposed audit team);
- an absence of conflicts; and
- if relevant, the resource capacity to undertake multiple audits under tight time constraints.

15.1.2. Audit panel

The **commission** will establish a panel of auditors who it considers meet the skill, experience and knowledge criteria set out in the Guidelines and the resource capacity to undertake more than one audit.

Panel members will need to agree:

- in principle to the terms of the **audit deed**; and
- to take actions to ensure that staff maintain the necessary skill level and familiarity with the **commission’s** audit requirements.

If the **relevant entity** fails to nominate an auditor or the **commission** decides not to approve the nominated auditor, the **commission** may (but is not obliged to) appoint an

auditor from its audit panel in respect of a statement to be provided by that **relevant entity**, without limiting or qualifying any liability of the **relevant entity**, and the **relevant entity** will be responsible for the costs of any auditor appointed by the **commission**.

15.1.3. Approval of auditors

If the **commission** is satisfied that the nominated auditor and audit team members have the appropriate skills and experience to conduct the audit, it will provide the **relevant entity** with written notice of the **commission's** intention to approve the auditor, which may be conditional. Approval will only be provided of a person nominated as auditor by a **relevant entity**, if:

- the **commission** has given notice of its intention to approve the person as auditor with respect to the **relevant entity**;
- any conditions applicable to that notice have been satisfied (or waived by the **commission**); and
- an **audit deed** has been delivered to the **commission** duly executed by both the auditor and the **relevant entity**.

The approval of the **commission** will take effect upon the **commission's** execution of the relevant **audit deed**.

15.1.4. Appointment and termination of approval

The **relevant entity** must ensure that no person nominated by it as auditor commences an audit until that person has been approved by the **commission** under clause 15.1.3. Such a person cannot commence an audit before the **commission's** receipt of a duly executed **audit deed**.

Once approved, the primary duty of care of the auditor is to the **commission**.

The **relevant entity** must not:

- require or seek changes to be made to an auditor's report that conflict with the auditor's professional judgment and its primary responsibility to the **commission** including, for instance, requiring a change to be made that would, in effect, remove or obscure any adverse finding of the auditor; or

- unreasonably withhold payment or terminate any contract with the auditor over a disputed audit finding.

If the auditor believes that a **relevant entity** has engaged in any of the above conduct, the auditor must advise the **commission** as soon as possible after the event has occurred.

Once approved, the auditor must:

- notify the **commission** immediately of any change to the audit team members;
- ensure that no member of the audit team performs fee earning work for the **relevant entity** except as disclosed under clause 14.1.4 and that no work is undertaken that either influences any members of the audit team or could reasonably be considered to give rise to a material risk of any members of the audit team being influenced in relation to the relevant audit;
- minimise the risk of conflicts of interest arising or being seen to arise, for example an approved auditor will be required not to do, and not to have done in the 12 months preceding its appointment, work which would create, or could be seen to create, a conflict of interest; and
- notify the **commission** of and manage any conflicts of interest or perceived conflicts of interest that arise in accordance with any conditions approved by the **commission**.

The **audit deed** elaborates on these requirements and qualifies their application in the context of work undertaken in connection with the audit.

The **commission's** approval of an auditor constitutes an approval of that auditor only for the purpose of conducting audits which the nominating **relevant entity** is obliged under the **Act** to arrange and for no other purpose.

The **commission** may at its absolute discretion, remove an auditor from the panel of auditors at any time.

15.2. Briefing the auditors

The **commission** may, at its discretion, brief auditors annually (either individually or jointly) to ensure that the audit requirements are clearly understood.

If the **commission** exercises this discretion, representatives of each **relevant entity's** auditor must attend the briefing. The **relevant entity** may also attend the briefing.

15.3. Audit timing

An indicative process timeline for the **relevant entity** audit of **annual energy acquisition statements** is set out in Figure 1 at the end of this document.

15.4. General audit scope

Except as otherwise required in a specific audit scope issued by the **commission** to a **relevant entity** under clause 15.5, auditors must:

- a) investigate compliance with the requirements of sections 29, 31 and 33 of the **Act**, and clause 13 of the Guidelines;
- b) analyse relevant data in the **relevant entity's** information systems and records to:
 - ensure that the data in those systems and records is consistent with the data reported to the **commission** in the **annual energy acquisition statement**;
 - verify the correct application of formulae and the accuracy of arithmetical calculations in the **annual energy acquisition statement**;
 - assess the **relevant entity's** methodology for the calculation of energy acquisitions and exclusions; and
 - identify any missing data or unusual figures or trends that might suggest incorrect data, errors in data entry or manipulation.
- c) analyse documented procedures to assess whether they are consistent with the matters that are subject to audit. Documented procedures include anything that guides staff in complying with obligations or acting in relation to relevant matters, for example training manuals and procedures for generating, entering and reporting information and source data used as an input for the **annual energy acquisition statement**;
- d) interview responsible staff to assess whether they understand and comply with the documented procedures;

- e) analyse information systems to assess the extent to which they produce information that supports information presented in the **annual energy acquisition statement**. This will require an examination of:
- system design and security; and
 - the design of queries and calculations formulae that are used to compute the amount of electricity and/or gas acquired under scheme acquisitions.
- f) analyse quality controls to assess whether misrepresented data is and information defects are systematically identified and corrected;
- g) test a sample of cases or data. The auditor must establish the extent to which there has been actual compliance (insofar as compliance is subject of audit) or the extent to which relevant information is free of defect; it is not enough to ensure only that procedures are robust; and
- h) take any other action set out in an audit scope issued to the **relevant entity** under clause 15.5.

15.5. Specific audit scopes

15.5.1. Issue of specific audit scope by the Commission

The **commission** may issue to a **relevant entity** by 1 October in any year an audit scope which specifies additional requirements beyond those identified in clause 15.4 for the conduct of audits.

An audit scope issued under this clause will apply to the audit of the **annual energy acquisition statement** due in the following calendar year and all subsequent audits unless the **commission** varies or withdraws that audit scope by notice to the **relevant entity** by 1 October in any year.

In specifying additional requirements in an audit scope issued under this clause, the **commission** will have regard to:

- a) the obligations of the **relevant entity** under the **Act**;
- b) the objectives of the **Act**;
- c) its assessment of risk associated with a **relevant entity** in accordance with clause 15.5.2; and

d) such other matters as it considers relevant.

15.5.2. Assessing risk

In assessing the risk associated with a **relevant entity** the **commission** will consider:

- a) the likelihood and the consequences of non-compliance;
- b) in the case of information, the likelihood and consequences of it being defective, unreliable, lacking in quality or not conforming with relevant specifications;
- c) In assessing the likelihood of non-compliance and the likelihood of information being defective, unreliable, lacking in quality or not conforming with relevant specifications, the **commission** will consider the following factors:
 - any previous audit results or evidence of non-compliance;
 - the likely or known extent of information defects;
 - any issues identified by the **commission** during the ongoing administration of the scheme;
- d) In assessing the consequences of non-compliance or of information being defective, unreliable, lacking in quality or not conforming with relevant specifications, the **commission** will consider the following factors:
 - the effect on the **commission's** ability to administer the scheme;
 - the effect on the market for certificates;
 - the effect on the objectives of the **Act**; and
 - the effect on commercial and administrative decision making (for example, the setting of the greenhouse gas reduction rate at an inadequate level based on inaccurate information); and
- e) The **commission** will conduct any risk assessment under this clause 14.5.2 in accordance with Australian/New Zealand Standard AS/NZS ISO 31000:2009, which has been issued by Standards Australia and is the Australian standard relating to Risk management – Principles and guidelines.

15.6. Reliance and standards

Auditors:

- a) may have regard to internal audits conducted by the **relevant entity** but, in arriving at a conclusion in relation to an audit matter, must not rely on them exclusively. Where an auditor has previously audited a matter, they should exercise professional judgment as to the depth of inquiry required;
- b) must have regard to the requirements of the Auditing and Assurance Standards Board (AUASB) and the relevant Australian Standards for Assurance Sampling, Compliance and Risk Management; and
- c) notwithstanding clause 15.7, must issue an audit report under ASAE 3000 “Assurance Engagements Other than Audits or Reviews of Historical Information” which provides for reasonable assurance¹.

15.7. Generic issues to be addressed

In auditing the quality, reliability or conformity of information with specified requirements, an auditor should address the following generic issues:

- is the information generated in accordance with documented methodologies, policies, practices and procedures?
- are the methodologies, policies, practices and procedures fully understood by relevant staff?
- how accurately do those procedures and the information reflect applicable information specifications in the **Act** and **Regulations**?
- is the information based on sound information systems and records?

In auditing compliance, an auditor should address the following generic issues:

- is the matter under investigation reflected in documented policies, practices and procedures?
- has the matter been fully understood by staff?
- has the matter been performed as specified?

¹ The objective of reasonable assurance engagement is defined under ASAE 3000 “Assurance Engagements Other than Audits or Reviews of Historical Financial Information”, issued July 2014, as “a reduction in the engagement risk to an acceptably low level in the circumstances of the engagement as the basis for the assurance practitioner’s conclusion”.

- is the matter the subject of effective compliance monitoring and quality control (e.g. internal audits)?
- does the culture appear to support compliant behaviour?
- does the organisational structure support compliant behaviour and outcomes?

15.8. Audit report

15.8.1. Form of audit report

An auditor must prepare a report that addresses all applicable matters and issues identified in clause 15.4. The audit report must contain at least the following:

- a) an executive summary identifying key issues arising from the audit that reflects any current standard reporting format issued by the **commission**;
- b) a description of the audit methodology used;
- c) a description of the systems and procedures that have been put in place to complete the **annual energy acquisition statement**;
- d) grades pursuant to clause 15.8.2 and a summary of findings for each matter, which includes a detailed description of each issue of non-compliance; and
- e) a completed data assessment table.

15.8.2. Data integrity grades

The auditor must assess the integrity of the data presented in the **relevant entity's annual energy acquisition statement** by using a standard grading system.

The grading system is a two-step process requiring auditors to use Harvey balls and a traffic light system to assess the data.






Reporting – Step one

Harvey balls are used to represent the presence and quality associated with each of the five principles represented in Table 1 below.

Table 1: Principles for auditing information relevant to the scheme




Principle	Definition
1. <i>Faithful representation</i>	<ol style="list-style-type: none"> 1. Information should faithfully represent the events and transactions that it purports to represent or could reasonably be expected to represent. 2. Uncertainties should be identified and quantified where possible.
2. <i>Completeness</i>	<ol style="list-style-type: none"> 1. Information should be complete in all respects in accordance with any applicable requirements of the Act, such that information is not misleading or unreliable in terms of relevance to the processes of the relevant entity. 2. All relevant transactions or events shall be included within the calculation or estimation of data.
3. <i>Consistency</i>	<ol style="list-style-type: none"> 1. Consistent methodologies, measurements and source data should be used such that comparative assessments can be made from year to year and over time. 2. Estimates should be consistent with relevant Australian and state government estimates.
4. <i>Reliability</i>	<p>Information and source data should be free of misstatement and able to be relied upon by users of the information to faithfully represent that which it either purports to represent or could reasonably be expected to represent.</p>
5. <i>Transparency</i>	<ol style="list-style-type: none"> 1. Data shall be replicable by a third party through adequate record keeping. 2. Data will have a clearly defined audit trail. 3. Reference sources, methodologies and approaches to data generation shall be clearly documented.

4. Changes to data and methodologies over time shall be clearly documented.

Grade	Description
	No adherence to the principle.
	Some adherence to the principle.
	General regard to the principle.
	High regard to the principle.
	Total adherence to the principle.

Reporting – Step 2

A traffic light system is used to indicate the overall integrity of the data.

-  Unacceptable
-  Acceptable but adjustments needed
-  Acceptable

15.8.3. Signed statement

The auditor must include in its final audit report a statement signed by the leader of its audit team that states that:

- a) the audit report findings accurately reflect the professional opinion of the auditor;
- b) the auditor and team members have observed the requirements of this guideline and the relevant **audit deed** in conducting the audit, making audit findings and preparing the report;
- c) the conclusion of the audit specified as a reasonable assurance review opinion under ASAE 3000; and
- d) the audit report findings have not been unduly influenced by the **relevant entity**.

15.9. Commission response to audits

- a) The **commission** may (without limiting its powers and rights under the **Act**, an **audit deed** or otherwise):
 - obtain and analyse the auditor’s record of its contacts with the **relevant entity**, for example to obtain more details of reported non-compliance, misrepresentation of data, or to investigate whether significant changes have been made to drafts of the report;
 - require further auditing to be undertaken (whether by the relevant auditor or another) where it considers the report is or may be unsatisfactory in a material respect, for example where the **commission** has independent information contradicting an assessment made by the auditor;
 - require that the **relevant entity** arrange for another auditor approved by the **commission** to undertake any such further auditing work;
 - require further information from the **relevant entity** under Part 8 of the **Act**;
 - through its authorised officers, exercise any powers under Part 7 of the **Act** to the extent necessary to substantiate the information provided in an **annual energy acquisition statement**, or otherwise to determine whether the **relevant entity** has complied with the **Act**;
 - require termination of any contract by which the auditor was engaged to conduct the relevant audit; or

- remove a firm from the audit panel if it has failed to follow this audit guideline or has not observed the necessary level of independence.
- b) The **commission** may report publicly and/or comment on the aggregated results of the audits undertaken. This may include but is not limited to reporting aggregated audit results as part of its annual reporting function under section 67 of the **Act**.
- c) Should the results of an audit of an **annual energy acquisition statement** provide reason, the **commission** may issue a **shortfall statement** in accordance with section 36 of the **Act**.

16. Compliance and assurance audits for accredited persons

Applies to: **accredited persons**, auditors.

Under Part 7A of the **Act**, the **commission** can conduct compliance audits, and appoint an independent auditor to conduct a compliance audit or an assurance audit. This clause describes those auditing functions and the manner in which those audits will generally be performed.

16.1. Types of audits

Part 7A of the **Act** provides for two types of audits for **accredited persons** (note: these are different from audits into **annual energy acquisition statements** under section 33(6) of the **Act**).

The **commission** may require a *compliance audit* (Division 1) where it has reasonable grounds to suspect that an **accredited person** has contravened a provision of this **Act** or regulations made under it. A compliance audit may be carried out by the **commission**; or the **commission** may require the **accredited person** to appoint an independent auditor.

The **commission** may require an *assurance audit* (Division 2) of the reliability, accuracy and completeness of a matter specified by the **commission**. Assurance audits will be carried out by independent auditors at regular intervals.

16.2. General rules for audits

In audits conducted by an independent auditor, Part 7A provides that the **accredited person**:

- must comply with the requirements of the audit, set by the **commission**, which will be set out in the notice given to the **accredited person**
- must ensure that the audit report is given to the **commission** within the timeframe specified in that notice
- must cooperate with the auditor;
- must *not* without reasonable excuse, give information to an auditor that the person knows or believes to be false or misleading in a material particular
- must not, without reasonable excuse, withhold information from or otherwise fail to disclose information that they are required to disclose to an auditor.

Where the audit is a compliance audit conducted by the **commission**, the **accredited person** must not give false or misleading information to the **commission** (section 68).

16.3. Independent auditors

Where the **commission** requires the use of an independent auditor:

- The **accredited person** is responsible for the costs associated with the assurance audit.
- The **accredited person** must select the auditor from the list of independent auditors that will be published on the **commission's website**. The auditors on that list will have been assessed by the **commission** as having the relevant skills, competencies and qualifications to conduct audits in accordance with the **Act**, and have sufficient training, knowledge or experience in relation to the VEET scheme.

16.4. Compliance audits

16.4.1. Purpose of an assurance audit

A compliance audit may be undertaken where the **commission** has reasonable grounds to suspect that an **accredited person** has contravened a provision of the **Act** or **Regulations**. It is possible that enforcement action may be taken as a result of the audit.

16.4.2. Commencing a compliance audit

Before conducting a compliance audit of an **accredited person**, the **commission** will give the **accredited person** written notice of

- the matters to be covered by the compliance audit;
- the date or dates on which the audit will be conducted; and
- the **accredited person's** obligation to co-operate with the **commission** in the conduct of the audit.

If the **commission** requires an **accredited person** to appoint an independent auditor to conduct a compliance audit, the **commission** will give the **accredited person** written notice of:

- requirements for appointing an independent auditor;
- requirements for the independent auditor to comply with;
- the matters to be covered by the compliance audit;
- the required form of the audit report;
- the matters to be addressed by the audit report; and
- the timeframe in which the audit report must be provided to the commission.

16.5. Assurance Audits

16.5.1. Purpose of an assurance audit

Assurance audits are used to regularly review the reliability, accuracy and completeness of matters related to the activities of **accredited persons**.

16.5.2. Commencing an assurance audit

An **accredited person** must appoint an independent auditor to conduct an assurance audit when required by the **commission**.

Unlike a compliance audit, assurance audits can occur without the **commission** suspecting that any contravention has occurred. Rather, the **commission** will prepare a schedule to ensure that **accredited persons** are audited at regular intervals, at least once every two years. This schedule will be published on the **commission's website**.

When the **commission** requires an assurance audit, it will give the **accredited person** a notice stating:

- the requirements for appointing an independent auditor to conduct the assurance audit;
- the requirement for the independent auditor, when conducting an assurance audit, to comply with the matters specified in the ESC guidelines for the purposes of this Part;
- the matters to be covered by the assurance audit;
- the required form of the audit report;
- the matters to be addressed by the audit report;
- the timeframe in which the assurance audit report must be provided to the **commission**.

17. Internal review and VCAT

Applies to: **accredited persons**, **relevant entities**, **affected persons**, account holders, persons making applications for **reviewable decisions**.

Some of the **commission's** decisions under the **Act** are **reviewable decisions**.

If a decision is a **reviewable decision**, the **affected person** can ask the **commission** to reconsider that decision (an internal review). If the person is still not satisfied, they can ask the Victorian Civil and Administrative Tribunal (**VCAT**) to conduct a review.

17.1. Reviewable decisions

An **affected person** can seek review of a **reviewable decision**.

The following table sets out kinds of decisions that are **reviewable decisions**. For each kind of decision, it also sets out the relevant provision of the **Act**, and the **affected person** in relation to that kind of decision.

<i>Item</i>	<i>For a decision...</i>	<i>made under...</i>	<i>the affected person is...</i>
1	to refuse an application for accreditation or renewal of accreditation	section 11	the applicant
2	to grant accreditation in respect of one or more prescribed activities	section 11	the applicant
3	to impose conditions on accreditation relating to the prescribed activity or class of prescribed activity that may be undertaken	section 13C	the accredited person
4	to suspend a person's accreditation	section 14	the accredited person
5	to cancel a person's accreditation	section 14	the accredited person
6	to disqualify a person from applying for renewal of accreditation for a specified period	section 14	the disqualified person
7	not to register a certificate or multiple certificates	section 22	the person who created the certificate or certificates
8	to refuse to approve an application for a VEET scheme registry account	section 26B	the applicant
9	to suspend a VEET scheme registry account	section 26D	the account holder

Table of reviewable decisions

10	to cancel a VEET scheme registry account	section 26M	the account holder
11	prescribed in regulations to be a reviewable decision for the purposes of section 56 of the Act	the prescribed section	the prescribed applicant in the regulations.

17.2. Internal review

An **affected person** in relation to a **reviewable decision** may request that the **commission** reconsider the decision. This is known as an **internal review**.

A request for an **internal review** must:

- be in writing
- be accompanied by the **relevant fee**;
- set out the reasons for the request for **internal review** (e.g. why you think the decision should be changed).

You must make your request within 30 business days after the **commission** makes the **reviewable decision**.

If the commission conducts an **internal review**:

- It will reconsider the decision, and decide whether to confirm, vary or set aside the decision.
- The **commission** will give you written notice of the decision, including reasons for the decision, within 40 business days after the request to reconsider the decision is received.

You can make only one request for **internal review** for a **reviewable decision**.

17.3. VCAT review

If the **commission** gives you an **internal review** decision, but you are still unsatisfied, you can then request that VCAT review the decision. You can only apply to VCAT after the **commission** has made an **internal review** decision.

VCAT is an independent merits review tribunal. Their website (<https://www.vcat.vic.gov.au/>) contains information about VCAT, how to make an application, and the forms you need to make an application.

Generally, you must make your application to VCAT within 28 days of the date of the **internal review** decision.²

² The deadline will be different if you request a statement of reasons under the VCAT legislation – being within 28 days after the date the reasons are given, or the date you are informed that reasons will *not* be given: see s56B(3) of the Act.

If you apply for review to VCAT, the tribunal will determine the process for the review.

At the end of the process, VCAT will decide either:

- affirm the **commission**'s decision (i.e. the **commission**'s decision stands); or
- set aside the decision and remit the matter to the **commission** for reconsideration in accordance with any directions or recommendations of VCAT (i.e. VCAT sends the matter back to the **commission** for further consideration, with directions or recommendations about how the **commission** should resolve the matter).

18. Compliance and Enforcement

Applies to: **accredited persons, relevant entities.**

This clause refers to the **commission's** compliance and enforcement policy document, which sets out the **commission's** approach to promoting and enforcing compliance with the **Act** and **Regulations**.

18.1. Compliance and enforcement policy

The **Act** and **Regulations** create various obligations for **accredited persons** and **relevant entities**. The **commission** has compliance and enforcement tools that it can use in cases of non-compliance, ranging from warnings through to civil penalties or criminal prosecution.

The Compliance and Enforcement Policy outlines the **commission's** approach to its compliance and enforcement functions, including those relating to the **VEU** program. The Compliance and Enforcement Policy can be found on the **website**.

Annexure A – minimum record-keeping requirements for prescribed activities

Geotagged photographs

The records specified for several activities includes ‘geotagged photographs’. Geotagged photographs are used to verify that the relevant activity has been performed in accordance with all of the relevant rules. This includes, where applicable, evidence that:

- the product supplied or installed is eligible to create **VEECs**
- the installation has in fact occurred
- the product was installed in an eligible type of environment
- existing products were decommissioned, and disposed of appropriately.

To satisfy record-keeping requirements, geotagged photographs must:

- be clear and in focus
- include any relevant markings (e.g. sufficient to identify that the relevant product is eligible)
- include a date stamp showing the date the photographs were taken
- include the GPS derived latitude and longitude coordinates. This should be stored in the metadata and generated automatically by the device used to take the geo-tagged photographs.

Further guidance in relation to specific activities is available in the relevant Activity Guide on the **website**.

Minimum records for prescribed activities 1 and 3: Water heating activities

Records
Geotagged photographs showing existing product before upgrade, installed product and decommissioning (where applicable)
Invoice or proof of purchase listing all products (brand and model) installed
Victorian Building Authority (VBA) compliance certificate, if required by law
Certificate of electrical safety (prescribed or non-prescribed, as applicable), if required by law
Disposal documentation, regarding compliance with Environmental Protection Agency (EPA) waste duties
Disposal or recycling record or disposal transportation record

Minimum records for prescribed activity 6: Installing a high efficiency air-conditioner

Records
Geotagged photographs of existing product before upgrade, installation of product and decommissioning (where applicable)
Invoice or proof of purchase listing all products (brand and model) installed
VBA compliance certificate, if required by law

Certificate of electrical safety (prescribed or non-prescribed, as applicable), if required by law
Disposal documentation regarding compliance regarding EPA waste duties
Disposal or recycling record or disposal transportation record
Refrigerant recovery and disposal record

Minimum records for prescribed activity 44: commercial and industrial heat pump water heater activity

Records
Geotagged photographs of baseline products, upgrade products, decommissioning, and installation (as applicable to specific activity)
Manufacturer document(s) or data sheet(s) (where geotagged photographs of baseline product do not contain enough information to identify product)
Tax invoice for work carried out
VBA compliance certificate, if required by law
Certificate of electrical safety (prescribed or non-prescribed, as applicable), if required by law
Recycling invoice (may be substituted for geotagged photograph of decommissioning)

Minimum records for prescribed activity 28: Upgrade of gas heating ductwork

Records
Geotagged photographs of existing product before upgrade, decommissioning (as applicable)
Invoice or proof of purchase listing all products (brand and model) installed
VBA compliance certificate, if required by law
Certificate of electrical safety (prescribed or non-prescribed, as applicable), if required by law
Disposal documentation regarding EPA waste duties
Disposal or recycling record / disposal transportation record

Minimum records for prescribed activity 12: under floor insulation

A review is pending relating to administrative and installation requirements for the underfloor insulation activity. This review will be undertaken when ceiling insulation is re-introduced into the program. Until this review is complete, **VEECs** cannot be created for this activity

Minimum records for prescribed activity 13 and 14: double glazed window and thermally efficient window product

Records
Invoice or proof of purchase listing all products (brand and model) installed

Minimum records for prescribed activity 15: weather sealing activities

Records
Geotagged photograph of installed product
Invoice or proof of purchase listing all products (brand and model) installed
Certificate of electrical safety detailing the method of decommissioning, if required by law (15C and 15D)

Minimum records for prescribed activity 17: low flow shower rose

Records
Geotagged photographs of original product position prior to removal
Invoice or proof of purchase listing all products (brand and model) installed
Stock reconciliation
Recycling invoice

Minimum records for prescribed activity 22: high efficiency refrigerators or freezers

Records
Invoice / proof of purchase and delivery (or installation) listing all products (brand and model) installed

Minimum records for prescribed activity 24 (High efficiency television), 25 (Energy efficient clothes dryer)

Records
Invoice / proof of purchase listing all products (brand and model) installed

Minimum records for prescribed activity 26: high efficiency pool pump

Records
Invoice or proof of purchase listing all products (brand and model) installed
Non-prescribed certificate of electrical safety, if required by law
VBA compliance certificate, if required by law

Minimum records for prescribed activity 27: public lighting upgrade

Records
Certificate of electrical safety (prescribed or non-prescribed, as applicable), if required by law
Energy contract between energy consumer and asset owner/relevant body
Recycling invoice
Lighting inventory, locations and specifications of existing and installed lighting equipment
AS/NZS 1158 compliance or deviation declaration and lighting design, if applicable

Minimum records for prescribed activity 30: in-home display unit activities

Records
Geotagged photographs of installed product, consumer energy bill and tariff information, and showing successful pairing with installed unit (activity 30B only)
Invoice or proof of purchase listing all products (brand and model) installed
Certificate of electrical safety (prescribed or non-prescribed, as applicable), if required by law
Binding report from the distributed network service provider (DNSP)

Minimum records for prescribed activity 31: High efficiency motor

Records
Invoice or proof of purchase listing all products (brand and model) installed
Certificate of electrical safety (prescribed or non-prescribed, as applicable), if required by law
A declaration that the work conducted meets VEU requirements and is fit for purpose, signed by energy consumer ('fit-for-purpose' declaration)

Minimum records for prescribed activity 32: Refrigerated cabinet

Records
Geotagged photographs showing the installation environment and the installed product
Invoice or proof of purchase listing all products (brand and model) installed
Certificate of electrical safety (prescribed or non-prescribed, as applicable), if required by law
Product specification sheet for unit installed
A declaration that the work conducted meets VEU requirements and is fit for purpose, signed by energy consumer ('fit-for-purpose' declaration)

Minimum records for prescribed activity 33: Refrigeration/ventilation fan motor

Records
Invoice or proof of purchase listing all products (brand and model) installed
Certificate of electrical safety (prescribed or non-prescribed, as applicable), if required by law
VBA compliance certificate if required by law
Refrigerant recovery record, if the installation included the handling of refrigerant
A declaration that the work conducted meets VEU requirements and is fit for purpose, signed by energy consumer ('fit-for-purpose' declaration)

Minimum records for prescribed activity 34: building based lighting upgrade

Records

Geotagged photographs demonstrating space type(s), nature and configuration of baseline lighting equipment, nature and configuration of upgrade lighting equipment, of air conditioning (where applicable), decommissioned lighting equipment and recycling
Further evidence of space type (e.g. schematic, documents verifying space type/building classification – see Activity Guide Appendix C)
Tax invoice for the installation
Certificate of electrical safety (prescribed or non-prescribed, as applicable), if required by law
Electricity invoice issued to consumer , showing power connected
Recycling invoice
Professionally drafted reflective ceiling plan or site plan
Lighting design software output report or lux report (optional for upgrades less than 100 VEECs)
AS/NZS 1680 compliance declaration
AS/NZS 1680 exemption report, where applicable
For maintained emergency lighting space type, additional documents showing compliant electric lighting design, statutory legal requirements for safety or of related purpose, geotagged photographs of lighting control gear and battery

Minimum records for prescribed activity 35: non-building based lighting upgrades

Records
Geotagged photographs of baseline lighting equipment, upgrade lighting equipment, decommissioned lighting equipment and recycling
Invoice or proof of purchase listing all products (brand and model) installed
Certificate of electrical safety (prescribed or non-prescribed, as applicable), if required by law
Recycling invoice
AS/NZS 1158 compliance or deviation records and lighting design, where applicable
AS 2560 compliance or deviation records and lighting design, where applicable
Minimum illuminance records and lighting design (where AS/NZS 1158 does not apply)

Minimum records for prescribed activity 36: Water efficient pre-rinse spray valve

Records
Invoice or proof of purchase listing all products (brand and model) installed.
VBA compliance certificate, if required by law
Decommissioning records, for all removed pre-rinse spray valves
Geotagged photographs showing the installation environment before the product is installed (including existing product being replaced, if applicable) and the installed product after installation.

Minimum records for prescribed activity 37, 38: boiler/water heater replacement

Records
Geotagged photographs of baseline appliance, upgrade appliance, decommissioned appliance and installation of upgrade appliance
Manufacturer's specifications
Evidence of thermal efficiency requirement
Schematic diagram of upgrade environment.
Application to Energy Safe Victoria and/or the Victorian Building Authority for acceptance of a Type B appliance installation
Energy Safe Victoria's compliance plate and final acceptance letter

Minimum records for prescribed activity 39: Installation of an electronic gas/air ratio control

Records
Geotagged photographs of existing appliance, electronic gas/air ratio control, installation of upgrade system
Manufacturer's specifications
Schematic diagram of upgrade environment
Application to Energy Safe Victoria and/or the Victorian Building Authority for acceptance of a Type B appliance installation
Energy Safe Victoria's compliance plate and final acceptance letter

Minimum records for prescribed activity 40: installation of combustion trim system

Records
Geotagged photographs of existing appliance, upgrade system, installation of upgrade system
Manufacturer's specifications
Schematic diagram of upgrade environment
Application to Energy Safe Victoria and/or the Victorian Building Authority for acceptance of a Type B appliance installation
Energy Safe Victoria's compliance plate and final acceptance letter

Minimum records for prescribed activity 41: replacement of a gas-fired burner

Records
Geotagged photographs of existing appliance (including burner nameplate), upgraded burner, decommissioned burner, and installation of upgrade product
Manufacturer's specifications
Schematic diagram of upgrade environment
Application to Energy Safe Victoria and/or the Victorian Building Authority for acceptance of a Type B appliance installation
Energy Safe Victoria's compliance plate and final acceptance letter

Minimum records for prescribed activity 42: installation of an economizer

Records
Geotagged photographs of existing appliance (including nameplate), the upgrade product, and installation of upgrade product
Manufacturer's specifications
Schematic diagram of upgrade environment
Application to Energy Safe Victoria and/or the Victorian Building Authority for acceptance of a Type B appliance installation
Energy Safe Victoria's compliance plate and final acceptance letter

Minimum records for prescribed activity 43: cold room activities

Records
Invoice or proof of purchase
VBA compliance certificate, if required by law
Certificate of electrical safety (prescribed or non-prescribed, as applicable), if required by law
Technical data sheet(s) for installed parts
For activity 43A, geotagged photographs of installed parts and thermostat controlling the installed cold room system
For activity 43B, schematic diagram of refrigeration system, where multiple cold rooms are served by shared compressor(s) and/or condenser(s)
For activity 43B, geotagged photographs of installed parts or manufacturer's documentation listing installed parts

Minimum records for prescribed activity 45: Home Energy Rating Assessment activity

Records
Geotagged photographs of accredited score assessor at premises
Scorecard assessment certificate

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