

## ESS Notice: 03/2019

16 September 2019

### **\$20,000 fine issued to Accredited Certificate Provider**

IPART has taken action in relation to an accredited certificate provider (**ACP**) for the improper creation of energy savings certificates (**ESCs**) under the Energy Savings Scheme (**ESS**).

#### **Penalty notice**

On 11 September 2019, an IPART enforcement officer issued a penalty notice to an ACP, imposing a fine of \$20,000 for the improper creation of ESCs resulting from a failure to satisfy the requirements of clause 6.2 of the *Energy Savings Scheme Rule of 2009* (**ESS Rule**).

Under clause 6.2 of the ESS Rule, an ACP can only create ESCs for an Implementation (ie, a particular upgrade at a site) if it is properly nominated as the “Energy Saver” as at the “Implementation Date”.

Clause 6.2 is aimed at ensuring that the energy savings are additional to those that would have occurred in the absence of the ESS. The principal object of the ESS is to ‘create a financial incentive to reduce the consumption of energy by encouraging energy saving activities’ (section 98(1) of the *Electricity Supply Act 1995* (**ES Act**)).

#### **Compliance with the ESS**

IPART has a range of powers available to it in dealing with non-compliance, including prosecution for certain offences under the ES Act. Importantly, IPART may prosecute directors of ACPs, or persons concerned in the management of ACPs, in certain circumstances.

ACPs, and the directors and managers of ACPs, must ensure all activities conducted under the ESS are fully compliant with the ES Act, the *Electricity Supply (General) Regulation 2014*, the ESS Rule and the ACP’s accreditation notice.

IPART will maintain its focus on monitoring compliance with the ESS, and will continue to act, where necessary, to ensure its ongoing integrity.