

Proposed changes to Notice 01/2013 – Minimum Requirements of Conduct

WHAT

Compliance with *ESS Notice 01/2013: Minimum Requirements for conduct of persons acting on behalf of Accredited Certificate Providers* (Amended July 2014) (**Minimum Requirements**) is a standard condition of accreditation for all RESAs.

We are proposing to update the Minimum Requirements to reflect changes to the ESS Rule, and to improve clarity for stakeholders. We are seeking feedback on the proposed changes.



WHY

We have identified that the current Minimum Requirements:

- ▼ requires update to address changes to the ESS Rule and emerging compliance issues
- ▼ would benefit from additional detail to better guide stakeholders how to comply
- ▼ would benefit from amendments to improve clarity and readability



WHO

We are inviting submissions from stakeholders, including applicants, ACPs and Auditors.



WHEN

The consultation period will run from 30 November to 14 January 2019.



HOW

Stakeholders should send their submissions to ess@ipart.nsw.gov.au with the subject "Update to Minimum Requirements consultation" by **14 January 2019**.



WHERE

The proposed updated Minimum Requirements Notice is attached to this consultation paper and can be found on our website at:

https://www.ess.nsw.gov.au/ESS_Notices_and_Updates/Updates

The current Minimum Requirements are available on our website at:

https://www.ess.nsw.gov.au/ESS_Notices_and_Updates/Notice_012013_amended_July_2014_Minimum_requirements_for_conduct_of_persons_acting_on_behalf_of_ACPs



WHAT NEXT

We will review the submissions we receive in finalising the updated Minimum Requirements.

We will notify all stakeholders when the updated Minimum Requirements is published and from when it will take effect.

We currently propose that the updated Minimum Requirements will be published in early February 2019 and take effect in early March 2019.

1 Key changes to the Notice

The proposed changes to the Notice are highlighted in yellow in the draft Minimum Requirements (Attachment A). The main changes include:

- ▼ change of name to Minimum Requirements of Conduct
- ▼ changes to requirements for contractual arrangements including:
 - ▽ removal of the requirement for ACPs to have a formal contract with every person undertaking any aspect of a RESA,
 - ▽ a new requirement for ACPs to have contractual arrangements in place to ensure any energy savings activities for which the ACPs intends to register ESCs complies with ESS requirements
 - ▽ contractual arrangements to specify that representatives co-operate with any reasonable request from the Scheme Administrator, auditor or ACP
- ▼ additional detail in training requirements for all representatives
- ▼ changes to training requirements where the ACP's customer¹ will use their own staff or contractors to implement all or part of the RESA
- ▼ additional mandatory fields in the installer register; and
- ▼ additional detail in the customer engagement requirements

2 Request for feedback

1. Do you have any views on the proposed changes? Please support these views with evidence and/or relevant examples.
2. Please describe the impact, if any, of the proposed changes on your business.

¹ For the purposes of the ESS, a customer refers to the *original* energy saver or potential *original* energy saver who may nominate the ACP as the *nominated* energy saver for the purposes of creating Energy Savings Certificates (ESCs).