

Request a review of a Safeguard decision

April 2026

1 Introduction

The Independent Pricing and Regulatory Tribunal (IPART) is the administrator and regulator of the schemes in NSW's Energy Security Safeguard (the Safeguard). Businesses operating under the schemes can request a review of certain decisions made under the Safeguard.

If you disagree with a Safeguard decision, a review allows you to explain why it should be changed and seek a different outcome.

This guide offers general guidance on the decision review process for:

- Accredited Certificate Providers (ACPs)
- applicants for accreditation as an ACP
- Scheme participants.

Consider getting legal advice when deciding if a review is right for you.

2 Review options for Safeguard decisions

Certain Safeguard decisions may be reconsidered through administrative and/or judicial reviews.

2.1 Administrative review

An administrative review involves reconsidering the original decision. The reviewer will consider the reasons for the original decision, and any additional relevant information you provide. They can vary or affirm the original decision or replace it with a new decision.

There are 2 stages of administrative review:

- Internal review within IPART
- External review by the NSW Civil and Administrative Tribunal (NCAT)

Only certain IPART decisions may be administratively reviewed. See section 3 for the list of decisions that can be reviewed. If you are not satisfied with the outcome of IPART's internal review of a Safeguard decision, you may apply for an external administrative review with NCAT.^a NCAT operates independently of IPART and aims to resolve issues fairly, quickly and at low cost. For more information, visit [NCAT - Administrative review and regulation](#).

If you disagree with the outcome of NCAT's review, you may be able to appeal or seek judicial review.

^a NCAT may allow you to proceed directly to external review where it is satisfied that IPART has unreasonably refused to consider a late application, or where it is necessary to protect your interests (*Administrative Decisions Review Act 1997*, s 55(4)).

2.2 Judicial review

Judicial review takes place in a court and may be available for most Safeguard decisions. You can seek judicial review at any time, including before, during or after administrative review.

Judicial review looks at whether the decision-maker applied the law correctly. It does not assess if the decision was the most appropriate or preferable outcome. If the court identifies a legal error, it may require IPART or NCAT to remake the decision according to law.

Judicial review can be complex and costly. We strongly recommend getting legal advice before choosing this option.

3 Which Safeguard decisions can be reviewed

Certain IPART decisions can be reviewed through the administrative review process. These are known as administratively reviewable decisions.

3.1 Reviewable decisions for ACPs and applicants for accreditation

- Refuse an application for accreditation.
- Refuse an application to vary the activities for which you are accredited.
- Cancel or suspend an accreditation.
- Refuse the registration of certificates.
- Impose or vary a condition of accreditation.
- Make a claim on or realise any financial assurance you provided.
- Order the surrender of certificates.
- Issue a civil penalty order or the monetary penalty imposed by the order.^b

3.2 Reviewable decisions for scheme participants

- Determine your ESS individual energy savings target.
- Determine whether you have complied with your PDRS individual certificate target.
- Refuse to accept a certificate surrender to meet your individual ESS energy savings or PDRS certificate target or remedy a carried forward shortfall.
- Assess the amount of any shortfall penalty payable.
- Issue a civil penalty order or the monetary penalty imposed by the order.^b

^b*Electricity Supply Act 1995*, Schedule 4A, clauses 63G, 63H, 73, 132G, 132H, 139, 205, 206 and 220; *Electricity Supply (General) Regulation 2014*, clauses 59 and 62ZH.

4 How to request an internal administrative review

The first step in seeking administrative review is to submit an application for internal review. To apply, you need to send a written request explaining why the decision should be reviewed. Direct your application to ess@ipart.nsw.gov.au.

You must submit your application within 28 days^c of when you were notified of the decision. Contact us if you cannot meet this deadline or explain the reason it is late in your application.

4.1 What to include in your request

Use the checklist below to help prepare your application:

- ☐ Include your details (contact name, organisation name, email and/or postal address).
Identify the decision you want reviewed (Refer to [section 3 Which Safeguard decisions can be reviewed](#)).
- ☐ Explain why the original decision was not correct and preferable.
- ☐ State what decision you want instead.
- ☐ Give reasons why the decision you want is correct and preferable.
- ☐ Include any other relevant information for the internal reviewer to consider and attach documents if needed.

4.2 What happens next

We will send your application to an internal reviewer. Under the law, the reviewer should, where possible, be suitably qualified and not substantially involved in making the original decision.

The reviewer will consider:

- material used by IPART to make the original decision
- information you provided in your application.

You may also be contacted for more information or to arrange a meeting.

4.3 Results and timeframe

We will notify you in writing of the outcome of the review and provide reasons for the decision within 21 days of receiving your application. We may extend this timeframe if you agree.

Once the internal administrative review is complete, the internal reviewer may decide to:

- affirm the decision (it stays the same)
- vary the decision (parts of it may change)
- set aside the decision and make a substitute decision (replace it with a new decision).

^c The Scheme Administrator may allow a longer period (except for civil penalty order reviews): *Administrative Decisions Review Act 1997* s 53(2)(d).

5 Contact us

You can contact IPART for general or procedural enquiries about the administrative review process.

Email: ess@ipart.nsw.gov.au

Phone: (02) 9290 8452, Monday to Friday, 9:00 am to 5:00 pm