

## ESS Notice: 01/2019

30 January 2019

### Former ACP director Nikola Aquilina pays \$80,000 fine

Mr Nikola Aquilina, a director of a former accredited certificate provider (**ACP**), has paid \$80,000 in fines for knowingly authorising or permitting the improper creation of energy savings certificates (**ESCs**) under the Energy Savings Scheme (**ESS**).

### Penalty notices

On 25 July 2018 an IPART enforcement officer issued four penalty notices to Mr Nikola Aquilina, formerly a director of Maxee Innovations Pty Ltd, imposing fines totalling \$80,000 for knowingly authorising or permitting the improper creation of ESCs in breach of section 133 of the *Electricity Supply Act 1995* (NSW) (**ES Act**).

Mr Aquilina has paid these fines. IPART acknowledges that Mr Aquilina's payment of the fines does not constitute an admission of liability under the *Fines Act 1996*.

### Compliance with the ESS

IPART will remain vigilant in monitoring compliance with the Scheme, and will continue to act where necessary to ensure the ongoing integrity of 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 and former 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 *Energy Savings Scheme Rule of 2009* and the ACP's accreditation notice.