

Energy Efficiency (Cost of Living) Improvement (Record Keeping and Reporting) Code of Practice 2017

Disallowable instrument DI2017-309

made under the

Energy Efficiency (Cost of Living) Improvement Act 2012, s25 (Codes of Practice)

EXPLANATORY STATEMENT

Terms of Reference

Administrator—the person appointed as administrator by the Minister as described in Part 4 of the *Energy Efficiency (Cost of Living) Improvement Act 2012*.

Compliance period—for the *Energy Efficiency (Cost of Living) Improvement Act 2012* a compliance period is either 1 January 2013 to 31 December 2013; 1 January 2014 to 31 December 2014; 1 January 2015 to 31 December 2015; 1 January 2016 to 31 December 2016; 1 January 2017 to 31 December 2017; 1 January 2018 to 31 December 2018; 1 January 2019 to 31 December 2019 or 1 January 2020 to 31 December 2020.

Compliance plan—a compliance plan for a compliance period that is required to contain defined information that must be provided to the Administrator before a retailer undertakes eligible activities as described in section 17 of *Energy Efficiency (Cost of Living) Improvement Act 2012*.

Eligible activity—an activity determined by the Minister that is intended to reduce the consumption of energy as described in section 10 of the *Energy Efficiency (Cost of Living) Improvement Act 2012*.

Retailer—a *National Energy Retail Law (ACT)* retailer who holds a retailer authorisation to sell electricity to premises in the ACT for consumption.

Tier one retailer—means a *National Energy Retail Law (ACT)* retailer that has at least 5000 customers in the ACT and sells at least 500,000MWh of electricity to customers in the ACT annually.

Tier two retailer—means a *National Energy Retail Law (ACT)* retailer that is not a tier one NERL retailer.

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Introduction

This explanatory statement relates to the *Energy Efficiency (Cost of Living) Improvement (Record Keeping and Reporting) Code of Practice 2017* (the instrument) as presented to the Legislative Assembly. It has been prepared in order to assist the reader of the instrument and to help inform debate on it. It does not form part of the instrument and has not been endorsed by the Assembly.

The statement must be read in conjunction with the instrument. It is not, and is not meant to be, a comprehensive description of the instrument. What is said about a provision is not to be taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

Overview

The instrument establishes a code of practice relating to record keeping and reporting requirements for eligible activities under the *Energy Efficiency (Cost of Living) Improvement Act 2012* (the Act). It replaces an existing code of practice to ensure that the requirements are up to date.

Energy Efficiency Improvement Scheme

The Act provides the legal framework for obligations and administrative arrangements promoted as the Energy Efficiency Improvement Scheme (the Scheme). The Act places a number of obligations on electricity retailers selling electricity in the ACT (retailers) to meet an energy savings obligation.

Section 14 of the Act provides that a *National Energy Retail Law (ACT) 2012* (NERL) retailer may meet their target in whole or in part by undertaking eligible activities. To achieve its energy savings and priority household obligations, a tier 1 NERL retailer, as defined in the Act, must undertake eligible activities complying with a relevant approved code of practice or acquire approved abatement factors complying with a relevant approved code of practice.

A tier 2 NERL retailer, as defined in the Act, must undertake eligible activities complying with a relevant approved code of practice; acquire approved abatement factors complying with a relevant approved code of practice; or pay an energy savings contribution for all or part of its energy savings obligations.

Eligible activities are determined by the Minister under section 10 of the Act. A determination must include the minimum specifications for the performance of the activity, amongst other things. To be included in the calculation of an energy savings result at the end of a compliance period, an eligible activity must be undertaken in accordance with relevant approved codes of practice.

The eligible activities retailers may undertake are provided for in the *Energy Efficiency (Cost of Living) Improvement (Eligible Activities) Determination 2017* (the eligible activities determination).

Section 25 of the Act provides that the Administrator may approve codes of practice relating to consumer protection obligations, quality, health, safety and environmental requirements, record keeping requirements and reporting requirements for eligible activities.

The *Energy Efficiency (Cost of Living) Improvement (Eligible Activities) Code of Practice 2017* (the eligible activities code of practice) provides for the following minimum requirements in relation to undertaking eligible activities:

- (a) consumer protection;
- (b) quality requirements;
- (c) health and safety requirements; and
- (d) environmental requirements.

This Code of Practice

The instrument provides for minimum standards in relation to record keeping and reporting requirements relevant to eligible activities.

A retailer must complete an activity in accordance with the requirements of a relevant Code of Practice. This is the sixth version of this Code, replacing the *Energy Efficiency (Cost of Living) Improvement (Record Keeping and Reporting) Code of Practice 2016 (No 2)* (the previous disallowable instrument). The policy objective of the instrument is to ensure that activities undertaken in relation to the scheme are conducted in an appropriate manner. This is achieved by updating the code of practice. The record keeping and reporting requirements also assist with compliance and auditing.

The instrument makes several amendments to the previous disallowable instrument.. The key changes are:

- increasing the scope of priority household classes;
- streamlining and moving specific activity recording and reporting requirements to the Eligible Activities Code of Practice to avoid duplication; and
- updates to general record keeping and reporting requirements to reduce ambiguity and avoid misinterpretation.

This explanatory statement provides information on both the updates to the previous disallowable instrument and also the pre-existing parts. This provides retailers, contractors and installers with clarity where feedback has suggested this will improve the quality of installations. The setting of specific requirements is essential to provide clear methods of engaging with consumers and undertaking work involved in eligible activities without compromising consumer protections and the health and safety of workers, householders and other members of the public whilst ensuring the environment is protected.

Activity specific requirements have been moved to the eligible activities code of practice, under the respective activity. This will facilitate compliance of recording and reporting requirements for each activity by retailers, contractors and installers.

General record keeping and reporting requirements remain in the instrument and should be read in conjunction with the specific requirements in the eligible activities code of practice.

The record keeping and reporting requirements will be used to assess whether an activity has been undertaken correctly so that the Administrator may establish a retailer's compliance with all relevant activity and general scheme requirements. This will inform the Administrator's actions under the Scheme in relation to calculating an energy savings result for a retailer and assist with promoting safe and effective outcomes.

The instrument does not affect any human right set out in the *Human Rights Act 2004* and is consistent with the Scrutiny of Bills Committee's terms of reference, as set out below.

a) Disallowable instrument is in accord with the general objects of the Act under which it is made

The instrument is in accord with the objects of the *Energy Efficiency (Cost of Living) Improvement Act 2012* (the Act). The instrument supports the achievement of the objects of the Act, namely:

- a) encourage the efficient use of energy; and
- b) reduce greenhouse gas emissions associated with stationary energy use in the Territory; and
- c) reduce household and business energy use and costs; and
- d) increase opportunities for priority households to reduce energy use and costs.

The instrument is also in accord with the purpose for making the codes of practice. The code of practice is for consumer protection obligations, under s 25(1)(a) of the Act, and quality, health, safety and environmental requirements applying to eligible activities, under s 25(1)(a) of the Act.

b) The disallowable instruments do not unduly trespasses on rights previously established by law

The instrument does not unduly trespass on rights previously established by law. The instrument determines codes of practice for implementing the Energy Efficiency Improvement Scheme.

c) The disallowable instruments do not make rights, liberties and/or obligations unduly dependent upon non-reviewable decisions

The instrument does not make rights, liberties and/or obligations unduly dependent upon non-reviewable decisions. The new code of practice simply includes updates to take account of changes since the last code of practice was made. Decisions which may be impacted by the code of practice, such as determining retailer energy savings result, are reviewable, see Schedule 1 of the Act.

d) Contains matter which in the opinion of the Committee should properly be dealt with in an Act of the Legislative Assembly

The matter contained in the code of practice is appropriate to be dealt with in subordinate legislation and is in accordance with the Act (section 25).

Consultation

A different consultation process was undertaken for each of the different types of amendments provided for in this update. Those consultation processes are detailed in the accompanying *Regulatory Impact Statement updating activities and streamlining instruments* and are summarised here.

a) Consultation on consequential amendments associated with a new regulation to increase the scope of priority household classes

Targeted consultation was undertaken with a broad group including government, electricity retailers and non-government organisations with an interest in the welfare of low income households. The non-government organisations who were consulted included all of the proposed referral agencies and a wide range of housing providers. Feedback was very positive with all stakeholders supporting the proposed expansion of priority households. The record keeping arrangements that are included in Section 44 were supported by stakeholders.

b) Consultation on updates to requirements associated with some activities

Consultation on activity updates was undertaken primarily with electricity retailers involved in delivering activities, but also with suppliers of energy efficient products and services. Each of the proposed new record keeping and reporting requirements were supported by the stakeholders involved in consultation.

c) Consultation on streamlining of requirements so that activity-specific recording and keeping and reporting requirements have been shifted to the activities code of practice

Retailers who have been involved in delivering the scheme were consulted on the updates to activity-specific record keeping. They confirmed that shifting activity-specific recording and reporting requirements from this instrument to the eligible activities code of practice reduces duplication and will improve compliance.

d) Consultation on new requirements for installers to pass on educational material to assist recipients use the equipment to achieve energy and bill savings

Retailers involved in delivering activities were consulted on the proposed record keeping to confirm provision of educational material. They confirmed that the approach provided for here is reasonable and practical.

Compliance and Enforcement

The Act requires retailers undertaking eligible activities to undertake the eligible activities determined by the Minister. The activities in the determination must be completed in accordance with a relevant Code of Practice. If activities are not completed in accordance with the instrument, abatement cannot be attributed to the activity. A retailer that does not meet its energy saving obligation under the Act is liable to pay a shortfall penalty to the Territory set at \$300 per tonne of carbon dioxide equivalent.

Notes on Provisions

Section 1 – Name of instrument

This section names the instrument.

Section 2 – Commencement

This section provides for the commencement of the instrument.

Section 3 – Code of practice

This section approves the code of practice as contained in the schedule. Details of the provisions of the code are explained below.

Section 4 – Disapplication of Legislation Act s47 (5) and 47 (6)

This section allows the code of practice to apply, incorporate or adopt an instrument without the instrument having to be notified.

The effect of subsection 47(5) is to make any law of another jurisdiction, or an instrument, that is applied by a subordinate law or by a disallowable instrument, as in force from time to time, a ‘notifiable instrument’. The effect of subsection 47(6) is to make any amendments or revisions of such (external) instruments also notifiable instruments.

The reason for disapplying the application of section 47(5) and (6) is to avoid breaching copyright. The code refers to Australian standards which would be required to be notified if s47 of the Legislation Act applied. Standards Australia is the nation's peak non-government, not-for-profit standards organization whose main responsibility is the development of standards. Australian standards are protected by copyright and are sold and distributed worldwide by SAI Global Limited. To provide a standard referred to in legislation as a notifiable instrument on the ACT Legislation Register (that is make it available publically for free) would constitute a breach of Standards Australia's copyright in that particular standard. For this reason, the instrument disapplies s47 (5) and (6) of the Legislation Act which require the documents to be notified.

Disapplying s47 (5) and (6) means interested persons will be required to purchase the relevant standard. In relation to the cost associated with having to purchase a standard, the only people likely to have sufficient interest or need to purchase a Standard are those considering delivering activities as part of the Energy Efficiency Improvement Scheme (EEIS). Those parties include service providers such as electricians and plumbers who should already have access to the relevant Standards as part of their professions. The cost therefore should be minimal.

Additionally, many Australian and International Standards are available for viewing at the National Library of Australia (NLA). An online search of the NLA's catalogue can be undertaken to identify which Standards it has available.

Section 5 – Referenced documents

This section contains information about documents to which the code of practice refers and includes links to access those documents.

Section 6 – Revocation

This section revokes the *Energy Efficiency (Cost of Living) Improvement (Record Keeping and Reporting) Code of Practice 2016 (No 2)*.

Outline of the provisions of the schedule

Part 1 Preliminary

Part 1 provides for the name of the code, the application of the dictionary and makes reference to the offences provided for by the Act and under other legislation relating to undertaking eligible activities.

Part 2 Important concepts

Part 2 identifies a number of important concepts relating to undertaking eligible activities as they relate to the Act and the Scheme, as well as the application of the code to certain stakeholders under the Scheme, including retailers, authorised contractors, authorised installers and authorised sellers.

This part also provides the object of and context for the code. The code is intended to be read in conjunction with a number of relevant instruments so that people operating under the Scheme will be aware of and consider all of the requirements applying to an eligible activity. This is important as requirements for activities are located in the Act, the determination of eligible activities made by the Minister and other codes of practice.

In addition, this part clarifies that the code is not intended to be exhaustive and all relevant legislation that applies to work involved in undertaking an eligible activity must be complied with. Retailers and their representatives cannot rely solely on the code to determine all relevant requirements. This includes other construction legislation that applies to certain activities, as well as fair trading, work health and safety and privacy legislation. This is important when considering the range of activities and the health, safety and other risks that may apply regardless of the Scheme. Section 7 provides that in the case of an inconsistency with another law, the highest legislative requirement must be complied with.

Part 3 General obligations

Part 3 outlines the requirements universal to the undertaking of eligible activities. Section 15 of the code requires each retailer to nominate a central contact for compliance purposes. The purpose of this is to facilitate the coordinated provision of information between retailers and the Administrator.

This part provides for a number of consumer protections including:

- availability of information on the Scheme;
- management of consumer complaints;
- privacy of consumer information;
- general conduct standards, including those that reflect Australian Consumer Law in relation to unsolicited contact and dealings with consumers;
- a retailer's requirements to manage the conduct of their representatives and report any investigations by a relevant authority to the Administrator; and

- the mandatory provision of identification cards to authorised installers and other people attending premises on behalf of the retailer to arrange or undertake activities.

Part 4 Compliance Plans

This Part provides for the information that must be contained in a compliance plan, which must be provided to the Administrator before a retailer undertakes any activities under the Scheme.

In particular, a compliance plan must provide a comprehensive overview of the retailer's estimated energy savings obligation for the compliance period and the activities they intend to undertake to meet their obligation. Further, information must be provided about the systems and processes a retailer has in place to ensure all requirements under the Act, and any other relevant legislation, are met.

The purpose of the compliance plan is to provide the Administrator with information on the types of activities planned and to inform the Administrator of further steps that may need to be taken to ensure compliance with activity definitions and the disallowable instruments. The lodgement of the compliance plan also provides an opportunity for the Administrator to work with the relevant retailer to resolve any potential compliance matters that may be indicated by information in the plan. For this reason, it is considered essential that all information required to be included in a compliance plan, as identified under this part, is provided to the Administrator, to the satisfaction of the Administrator. If the Administrator determines that the required information has not been included in the compliance plan, the Administrator may request additional information. If additional information is requested, the compliance plan is not taken to be lodged and eligible activities must not be undertaken by the retailer until the Administrator determines that the compliance plan is complete.

Part 5 Activity records

This Part provides that retailers must collect and keep information about the eligible activities they (or their authorised contractor, installer or seller) undertake for the purpose of meeting their energy savings obligation under the Act. This information must be recorded and kept on forms prepared by the retailer to the specifications of this part. These forms are referred to as activity record forms and are part of the overall activity certification, explained in Part 6.

A streamlining process was carried out to avoid duplication of record keeping and reporting requirements across instruments. This was needed because this instrument had sections that overlapped activity specific record keeping and reporting sections of the eligible activities code of practice. Therefore, all activity specific record keeping and reporting requirements were moved from this instrument to the eligible activities code of practice to reduce duplication. Specific changes will be reflected in the respective clauses. Part 5 of this instrument continues to include the general aspects of activity record keeping and reporting.

The provision of general information to consumers must be included on all forms and there are a number of fields that must be provided for completion on all forms as

provided in section 41 (noting some variation for select activities that do not require installation by the retailer). Provisions in sections 35 and 39 provide flexibility to retailers in allowing them to customise forms and to create forms that contain the records for a number of activities they intend to offer.

Information must be collected about the value of the service and the value of any contributions made by the retailer and/or the consumer. The purpose of this was to inform the review of the Act carried out in 2014 (regarding cost effectiveness) and the setting of the Tier 2 retailer contribution. This remains relevant as it will be used to inform a future review of the Act, prior to the completion of the current phase.

The purpose of this is so that the compliance of the activity, and the abatement associated with undertaking that activity, may be confirmed.

The installer(s) or contractor(s) responsible for the installation of each activity, or component of an activity, (or the seller of a product where installation is not required) must be identified on the form. These installers and sellers must sign a declaration in relation to their involvement in the activity.

In the instance that multiple installers are required for the completion of an activity or an activity record form, a primary installer must be nominated. The primary installer must organise the completion of all sections. The purpose of this is to ensure coordination and adequate oversight of the completion of all requirements for an activity, especially where the completion of a requirement could be undertaken by any of the installers involved in the activity – such as providing a consumer with a compulsory fact sheet or arranging copies of certification of work.

A form is signed by all identified installers (or the seller in the case of activities not requiring installation by a retailer) and the consumer.

The completed form constitutes an activity record and each form must be easily identified by a unique identifier so that it may be easily recalled by the retailer if requested by the Administrator. The record must be stored by the retailer for 5 years following the end of a compliance year to which the record relates, as provided for by clause 26 of the Act.

The purpose of requiring the collection and storage of detailed information about each activity undertaken is to ensure that the appropriate information is captured relating to an activity when undertaken for the purposes of complying with the Scheme, and to verify calculations of abatement factors. This includes activity-specific recording information relating to the schedule and part number in the eligible activities determination.

In addition a portion of the information captured on the form will be reported periodically and annually to the Administrator, as provided for under Part 7 and Part 8 respectively. The Administrator may request copies of the forms, as provided for under Part 10. As such, the activity record may affect the determination of a retailer's compliance with activity requirements and the corresponding abatement achieved towards their energy savings obligation.

Part 5 also specifies the information that must be collected for activities undertaken in a residential premises where the resident is eligible for priority household status.

Section 41 requires standard information for the activity record form. Clause (d) was excluded to streamline with the excluded “New premises” definition and avoid ruling out homes built after 2011.

Section 44 specifies record keeping requirements for verifying priority households. It has been amended to support the *Energy Efficiency (Cost of Living) Improvement (Priority Household Classes) Regulation 2017* which establishes additional classes of priority households. These include new classes of commonwealth concessions, people on financial hardship programs, financial hardship referrals and priority dwellings. This section establishes how each of the classes of priority households is to be recorded and reported.

Sections 49 and 50 specify points to be included in a consumer declaration. A point has been added to clarify that information may be disclosed to a contracted third party for expert analysis to support audit and compliance processes. This is consistent with the *Australian Privacy Act 1988* which supports disclosure of personal information where consent is provided, as well as when individuals would reasonably expect this disclosure directly related to the primary purpose of the information gathering.

Section 54 requires information specific to each eligible activity. This section was also updated as part of the streamlining process that was carried out to avoid duplication of recording and reporting requirements across instruments. The following clause was added to this section:

- recording and reporting information for the specific eligible activity information for the eligible activity as required in the relevant “Recording and Reporting” sections of the *Energy Efficiency (Cost of Living) Improvement (Eligible Activities) Code of Practice*.

The example in clause (4) of this section was removed to align with the exclusion of the “New premises” definition.

Part 6 Activity certification

Part 6 details the requirements for activity certifications. Activity certifications represent the complete record that must be kept in relation to each activity undertaken by a retailer (or their representative) for the purpose of meeting their energy savings obligation.

The activity certification must include the activity record provided for in Part 5, all certifications relating to the activity, evidence relating to the disposal, removal or decommissioning of products and proof of purchase for each installed product.

Part 7 Periodic activity reporting

Part 7 provides for the information that must be given to the Administrator, at given intervals throughout a compliance period, relating to eligible activities undertaken by a retailer (or their representative). This information constitutes a *periodic activity*

report. As a minimum, periodic activity reports must be given to the Administrator quarterly in relation to all activities undertaken during the previous quarter.

This Part also provides, however, that the Administrator may request the more frequent reporting by retailers on certain eligible activities or the installation of certain products. This reflects the differing quality, health, safety, environmental, and consumer protection risks that apply to each of the activities. In setting a more frequent reporting requirement the Administrator must have regard to these risks and include a requirement in the code of practice. Such arrangements must also be reviewed every 6 months. This is to establish the necessity of the reporting and align requirements to the risks of the activity, which may change over time and with experience of installers. Only retailers undertaking activities are required to submit periodic activity reports.

Section 59 requires information to be given to the Administrator. This section has been updated as part of a streamlining process carried out to avoid duplication of recording and reporting requirements across instruments. This streamlining process will also align record keeping processes with scheme databases and formalise record keeping and reporting requirements with information that is currently provided by retailers in the Periodic Activity Report.

To formalise new reporting requirements and make them consistent with existing processes and with new activities being delivered to the business sector, the following requirements were added to section 59:

- the prefix and numbers of the unique activity record form identifier on which the eligible activity is recorded to be reported separately. This is necessary to differentiate multiple retailers;
- implementation date to be reported as when the job occurred;
- the sector type of the premises: residential or business; and
- Australian Business Number

And the following requirement was deleted from section 59:

- an indication of whether the premises is a new residential premises. This clause was excluded to streamline with the excluded “New premises” definition and avoid ruling out homes built after 2011.

The periodic activity report must be provided in the prescribed format provided in section 62. The purpose of the provision of periodic activity reports is to allow the Administrator to monitor the types of activity being undertaken. In particular, this may inform the monitoring and compliance regime of the Administrator using the periodic activity reports in accordance with section 64 of the code in relation to the Scheme and other measures taken by the Administrator to ensure the ongoing safe and effective operation of the Scheme. In addition to the information provided in a period activity report, the Administrator may request access to specific activity records, as provided for under Part 10 of the disallowable instrument.

Part 8 Compliance period report

Part 8 provides for information to be given to the Administrator pursuant to section 19 of the Act. This information constitutes a compliance period report. Reports must be provided not later than 3 months after the end of the compliance period, in accordance with the compliance period dates provided in section 73 of the disallowable instrument.

The information required to be given in a compliance report is similar to that given in a periodic activity report. However, a retailer must supply a report of all activities undertaken to be counted towards a retailer's energy savings obligation for a compliance period. Information about the retailer's sales and any acquired abatement factors must also be provided.

For Tier 2 retailers, information must be provided about the extent to which the retailer's energy savings obligation was achieved by paying an energy savings contribution, in addition to any information related to undertaking eligible activities. The purpose of this is to ensure that the necessary information is given to the Administrator, in a standardised format, so that the Administrator may determine if a retailer has complied with their obligations for a compliance period under the Act.

NERL retailers who do not sell any electricity in the ACT during a compliance period will have an energy savings obligation of zero tonnes of carbon dioxide equivalents. Such retailers must still provide a compliance period report to confirm that they do not have an obligation under the Act – effectively a 'nil return'. However, if a retailer with a zero obligation chooses to undertake eligible activities, information on these activities must be provided.

Section 67 has been updated as part of a streamlining process carried out to avoid duplication of recording and reporting requirements across instruments. This streamlining process will also align record keeping processes with scheme databases and formalise record keeping and reporting requirements with information that is currently provided by retailers for the Compliance Period Report.

To formalise new reporting requirements and make them consistent with existing processes and with new activities being delivered to the business sector, the following requirements were added to section 67:

- the prefix and numbers of the unique activity record form identifier on which the eligible activity is recorded to be reported separately. This is necessary to differentiate multiple retailers;
- implementation date to be reported as when the job;
- the sector type of the premises: residential or business; and
- Australian Business Number.

And the following requirement was deleted from section 67:

- an indication of whether the premises is a new residential premises. This clause was excluded to streamline with the excluded "New premises" definition and avoid ruling out homes built after 2011.

Section 68 of the disallowable instrument has been amended and the requirements simplified to avoid misinterpretation. These amendments will clarify the financial reporting process and ensure its consistency across all retailers and compliance years.

Part 9 Independent information audits

Part 9 details the requirements for independent audits on information required by the Administrator under clause 19(2)(a) of the Act. This includes the process for nomination of an auditor by the retailer and approval by the Administrator or the appointment of an auditor by the Administrator and provides for the Administrator's use and response to an audit report. The purpose of this is to confirm a retailer's obligations under the Act and other relevant legislation have been complied with. This is necessary to provide a clear process for audit reporting and provide reasonable timeframes for provision of information that the Administrator may require to be reported on at the time a compliance period report is given.

Part 10 Information and reporting requests

Part 10 applies to all record keeping and reporting requirements under the Code and the Act. While only certain information captured in an Activity Record must be reported periodically or per compliance period to the Administrator under Part 7 and Part 8 respectively, Part 10 provides that the Administrator may request further information on any compliance matter. For example, the Administrator may request access to activity records and certification collected as provided for under Part 5 and Part 6 respectively. The Administrator may also request all activity records for a particular activity or product used or for work undertaken by a particular installer. These provisions complement those for periodic reporting. It is expected that periodic reporting will identify records or activities that may need further inspection to establish compliance with relevant requirements. This section can also be used in response to inspections and other compliance activities undertaken by the Administrator or authorised people to target further investigation to specific activities, installations or records.

Part 10 provides the time periods in which information must be given to the Administrator, but also identifies that the timeframe may be adjusted in consideration of likely risk of death or injury to a person, significant harm to the environment or significant damage to property. This is necessary as a number of activities, if not carried out correctly and competently, can cause serious risks to people and property. This includes work health and safety risks to installers. If an unsafe situation arises as a result of, or in conjunction with, a person undertaking an eligible activity, retailers will need to cooperate with the Administrator to provide information as expediently as possible to deal with imminent risks.

Dictionary

The dictionary defines the terms used in the Code of practice.

The dictionary has been updated to include or amend definitions for the following terms:

- Australian Business Number - standard definition for new record keeping and reporting requirement;

- AS/NZS 5263 - standard definition for new Australian Standard regarding ducted gas heaters energy efficiency rating;
- Business premises - amendment to existing definition to align with National Construction Code business classes and updated and streamlined with the eligible business premises definition;
- Date of completion – streamlining standard definition for existing record keeping requirement;
- Eligible business premises -updated and streamlined with the business premises definition
- Eligible residential premises - updated and streamlined with the residential premises definition;
- Implementation date - standard definition for new record keeping and reporting requirement;
- National Construction Code - standard definition required to allow updating of references from the previous 'Building Code of Australia' to the 'National Construction Code';
- New premises - "new residential premises" and "new business premises" definitions were deleted as they incorrectly defined new premises as being residential or commercial buildings built since 2011. The intention of EEIS is that activities will be done on existing buildings including those built since 2011;
- Priority Households - amended to include note with reference to the Energy Efficiency (Cost of Living) Improvement (Priority Household Classes) Regulation 2017;
- Register of products - amended to include Greenhouse and Energy Minimum Standards Act 2012 (GEMS); amended so that it refers to VEET and/or ESS, not VEET or ESS, as in previous versions; amended so that if a product is suspended from either GEMS, the VEET or the ESS product register, it is not eligible to be used under EEIS;
- Residential premises - updated and streamlined with the eligible residential premises definition.