

# Activity 21A Requirements and Compliance Regime



Information for program participants



We have augmented our requirements and compliance regime for the new activity 21A to ensure integrity of this new activity.

We will be consulting on licensing/training requirements for this activity. In the interim, only licensed electricians are able to undertake 21A installations.

This regime applies from 10 December 2018.

## Key messages

### Overview

We have augmented the compliance regime for the new activity 21A which commences on 10 December 2018 under the 2018 VEET Regulations, which includes AP approval, activity and product requirements.

The new requirements will be published in the activity guide and product application guide for this activity by 10 December. We will be consulting on changes to training/licensing requirements for this activity.

### Who is impacted by these changes

- Accredited Persons (APs) planning to undertake installations under the activity 21A from 10 December.
- Product applicants (whether they be APs, product manufacturers or other stakeholders) seeking to apply for products to be listed on our Register of Products for product category 21A.

### Outline of new changes

We will introduce a range of new requirements and compliance measures for the installations under activity 21A from 10 December 2018, as listed in the tables below.





**Table 1: Product related requirements and compliance measures**

Requirement/Compliance measures	Responsibility
We will continue to undertake laboratory report checking to identify falsified laboratory reports before product approval occurs.	Commission
<p>Products will need to meet a new omni-directionality requirement<sup>1</sup>.</p> <ul style="list-style-type: none"><li>• This requirement will only be mandatory after a transition period (period to be advised by 10 December 2018).</li><li>• Products which do not meet this new requirement will only be able to be installed in ‘specified’ situations, and only until the end of the transition period. Acceptable situations may be determined with consideration of lamp orientation and covering—for example, lamps fitted behind a strong diffuser or a heavy shade. Following the transition period, these products will no longer be able to be installed under the activity. We will fully specify these situations by 10 December 2018.</li></ul>	Product applicants
We will increase our product performance check testing for activity 21A. We will perform our tests on randomly sourced lamps from AP’s warehouses, in consultation with APs.	Commission/APs
We strongly encourage APs to conduct product performance check testing of random samples from each shipment of product received. Active compliance measures undertaken by APs to mitigate this risk may be a factor we consider when determining the appropriate enforcement approach to adopt in the event of non-compliance.	APs
APs must maintain, and provide to us upon request, stock delivery docket or invoice records which include serial numbers of all stock.	APs

<sup>1</sup> As previously communicated to stakeholders via our email of 13 November.





**Table 2: Activity/approval related requirements and compliance measures**

Requirement/Compliance measures	Responsibility
<p>APs currently accredited to undertake activity 21A will need to be re-approved by us to undertake this activity under the 2018 VEET Regulations. You will need to apply providing us with updated information and/or process documentation as set out in appendix A. This approval process will include a face-to-face meeting with our Audit and Compliance team and/or VEET Director.</p>	APs/Commission
<p>APs must meet the decommissioning and recycling requirements for lighting equipment under the program (i.e. all mercury containing equipment needs to be disposed of at a licensed recycling facility). Recycling invoice must be obtained prior to VEEC creation.</p>	APs
<p>During the product transition period (see Table 1):</p> <ul style="list-style-type: none"><li>• Lamps which are omni-directional can be installed in all situations at eligible premises.</li><li>• Lamps which are not omni-directional can only be installed in ‘specified’ situations<sup>2</sup>.</li><li>• APs must ensure installers only install lamps which are not omni-directional in the ‘specified’ situations.</li><li>• Installers will be required to declare in the VEEC assignment form that they have only installed lamps which are not omni-directional in ‘specified’ situations.</li></ul> <p>APs not meeting this requirement will be required to replace the non-compliant installations with omni-directional lamps at their own cost.</p>	APs

<sup>2</sup> We will specify these situations by 10 December 2018.



Requirement/Compliance measures	Responsibility
APs must ensure they comply with the Australian Consumer Law (ACL) when engaging in marketing practices under the program (including telemarketing practices, door to door sales, and lead generation materials.) <sup>3</sup>	APs
APs must collect and maintain:- <ul style="list-style-type: none"><li>• geo-tagged photos of installation environments, for example each room of an upgrade site, showing the lamps and/or fittings.</li><li>• a separate geo-tagged photo of the installer at every installation, showing their face and identity tag (or another form of ID).</li></ul>	APs
We will increase our phone and field audit program for this activity	Commission
We encourage APs to increase their phone and field audit program for this activity	APs

## Licensing/training requirements – under review

We are in the process of finalising our draft position on the licensing and/or mandatory safety training requirements for this activity. We have received a number of submissions from stakeholders on this issue and have consulted with experts and relevant bodies such as Energy Safe Victoria in developing our draft position.

We will be seeking feedback from program stakeholders on our draft position shortly. We aim to release our consultation paper by early December and to complete our review and publish our requirements in February 2019.

In the interim (prior to releasing our requirements on this issue), only licensed electricians will be eligible to install lamps under activity 21A from 10 December 2018.

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<sup>3</sup> This is an existing requirement under the current activity 21A.





## What does it mean for stakeholders?

This change means that the new activity 21A compliance regime has been augmented to ensure integrity of this new activity and safety of installers and consumers.

## Feedback sought from stakeholders by COB 30 November 2018

We are seeking feedback from you on:-

- the term of the transition period to be applied as referred to in Tables 1 and 2. Please outline rationale for the proposed term.
- the installation situations/type of fittings for which non-onmi directional lamps should be able to be installed during the transition period. Please provide rationale for these proposed situations/fittings.

Please provide your feedback on above items to [veu@esc.vic.gov.au](mailto:veu@esc.vic.gov.au) by COB Friday, 30 November 2018

## Where to get help

If you have any questions with respect to matters set out in this information bulletin, please contact VEU support on (03) 9032 1310 or [veu@esc.vic.gov.au](mailto:veu@esc.vic.gov.au).





## Appendix A: Approval requirements for activity 21A

All accredited persons currently accredited to undertake activity 21 (lighting) who intend to undertake installations under activity 21A from 10 December 2018 will need to be approved by us to undertake this activity under the 2018 VEET Regulations.

To apply for approval to undertake this activity, you need to provide us with updated information and/or process documentation on the following items:

- Estimated monthly VEEC creation – include methodology
- Lead generation methods – include details of any subcontracting of this service
- Compliance and quality assurance processes
- Internal training materials
- Decommissioning process – include step by step details of your reconciliation methods to ensure decommissioning occurs prior to VEEC creation.

You must submit your information and documentation by email to [veu@esc.vic.gov.au](mailto:veu@esc.vic.gov.au) with the subject heading 'AP Name: Activity 21A – Updated accreditation materials'.

Following review of your submitted information, you may be required to meet with our Audit and Compliance team and the VEET Director to discuss your business model and demonstrate to us how your organisation will manage compliance with the activity requirements.

If you have not operated under the VEU program for some time, you must also inform of us of any significant changes to your business, in particular:

- Transfer of ownership of your VEU accredited entity to a different party
- Transfer of operations of your VEU accredited entity to a different party.

