



# Obligations and Program Guide for Accredited Persons

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# Introduction

The Victorian Energy Upgrades program reduces greenhouse gases by providing access to discounted energy efficient products and services. This guide is intended to provide accredited persons (APs), and those considering becoming accredited with key information about the Victorian Energy Upgrades program, their obligations as APs under the program and how to create Victorian energy efficiency certificates (VEECs) in accordance with the program's legislation

## About this guide

This guide provides information about the Victorian Energy Upgrades program, obligations as an accredited person under the program, and guidance on how to create Victorian energy efficiency certificates (VEECs).

We have summarised all key requirements (product, installation, decommissioning, training, safety and evidentiary) for each type of activity and scenarios within our activity guides. For information on undertaking a specific activity under the program, you should review the relevant activity guide:

- Space Heating/Cooling and Water Heating Activity Guide (for activities 1, 3, 5, 7, 9 10, 23 and 28)
- Space Conditioning, Shower Rose and Incandescent Lighting Activity Guide (for activities 12, 13, 14, 15, 17, 21 and 28)
- Appliances Activity Guide (for activities 22, 24, 25, 26, 30, 31, 33 and 36)
- Building Based Lighting Upgrade Activity Guide (for activity 34)
- Non-Building Based Lighting Upgrade Activity Guide (for activity 35)
- Public Lighting Upgrade Activity Guide (for activity 27)
- Gas Efficiency Activity Guide (for activities 38, 39, 40 and 41)
- Cold Room Activity Guide (for activity 43)
- Measurement and Verification Method Activity Guide
- Benchmark Rating Method Activity Guide

These activity guides are available from [www.esc.vic.gov.au/veu-activities](http://www.esc.vic.gov.au/veu-activities)

This guide is divided into the following sections:

- Section 1 outlines the key requirements for participating in the program
- Section 2 outlines the obligations you must meet as accredited persons in the program
- Section 3 provides an overview of how VEECs are calculated under the program
- Section 4 provides a guide for how to create VEECs in the VEU Registry.

## Who should use this guide?

You should use this guide if you are:

- considering, or seeking, accreditation to participate in the Victorian Energy Upgrades program.
- accredited to undertake any of the activities under the program.

## About the Victorian Energy Upgrades program

The Victorian Energy Upgrades program aims to reduce greenhouse gases by making energy efficiency improvements more affordable for consumers, as well as reducing their long-term energy consumption. It does this by providing access to discounted energy efficient products and services through a market-based energy-efficiency certificate program.

The program, which started on 1 January 2009 was established under the Victorian Energy Efficiency Target Act 2007 (the VEET Act). The VEET Act and its supporting legal documents are designed by the Department of Environment, Land, Water and Planning (DELWP).

We, the Essential Services Commission, administer the VEET Act and regulate participants in the program. Our key goal is to safeguard the integrity of the program by maintaining confidence in the energy efficiency benefits delivered to consumers, and by delivering a balanced, transparent and efficient program for participants.

Under the program, large energy retailers (known as relevant entities) are required to acquire and surrender VEECs to meet annual targets set in Victorian legislation. Accredited persons (a person accredited by us under the program) that carry out certain energy efficiency activities in residential or non-residential premises can create VEECs. The number of VEECs able to be created is based on the greenhouse gas savings associated with the specific activity. The level of incentive or discount received by households and businesses varies depending on the market activity and VEEC price as the program is a market based program.

## Legal context for this guide

We have prepared this guide as a general summary of relevant parts of:

- Victorian Energy Efficiency Target Act 2007 (the VEET Act)
- Victorian Energy Efficiency Target Regulations 2018 (the VEET Regulations)
- Victorian Energy Efficiency Target (Project-Based Activities) Regulations 2017 (the PBA Regulations)
- Victorian Energy Upgrades Specifications 2018 (the VEU specifications)
- Victorian Energy Efficiency Target Guidelines (the VEET guidelines)

View these documents at [www.esc.vic.gov.au/veu-legislation](http://www.esc.vic.gov.au/veu-legislation)

This guide should not be relied upon as substitute for legal advice and should be read in conjunction with the above source documents. In the event of inconsistency between this guide and the source documents, the content in the source documents apply.

# 1. How to participate in the program?

## 1.1. Accreditation

To create VEECs under the program, a person must be an accredited person under the VEET Act. To become accredited, you need to complete an accreditation application form (together with required supplementary information) and send it to us. The accreditation fee is \$500. As part of the accreditation process, you will need to attend an interview with us to ensure you understand your obligations, how we will go about monitoring your compliance levels, and the range of actions we can take if we find you to be non-compliant.

Read our Application Guide for Accredited Persons to learn more about the accreditation process which is available at [www.esc.vic.gov.au/become-veu-accredited](http://www.esc.vic.gov.au/become-veu-accredited)

## 1.2. Eligible activities and installation environment

There are a total of 33 different activities<sup>1</sup> eligible to create VEECs under the program, including through the project-based activities methods. Activities listed under the VEET Regulations are known as deemed activities – whereby a specified number of VEECs are deemed for a particular installation under the VEU specifications. The program also provides for project-based activities methods to be undertaken as detailed in the PBA Regulations. These are: measurement and verification; and benchmark rating.

Table 1 below lists all activities which can be undertaken under the program and their eligible installation environments – i.e. whether the activity can be undertaken in residential premises and/or the business/non-residential sector.

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<sup>1</sup> The term activity is used to refer to prescribed activities as defined in the VEET Act, whilst the term installation is used to refer to the act of installing and decommissioning a valid product in accordance with the requirements of an activity as defined in the program's legislation.

Table 1: Activities eligible under the Victorian Energy Upgrades program

Activity category	Activity numbers	Residential Sector <sup>2</sup>	Business/non-residential sector <sup>3</sup>
Water heating	1, 3	Yes	Yes
Space heating and cooling	5, 7, 9, 10, 23, 28	Yes	Yes
Underfloor insulation	12 <sup>4</sup>	Yes	Yes
Windows	13 and 14	Yes	Yes
Weather sealing	15	Yes	Yes
Shower rose	17	Yes	Yes
Incandescent lighting	21A – F	Yes	Yes
Refrigerator or freezer	22	Yes	Yes
Television	24	Yes	Yes
Clothes dryer	25	Yes	Yes
Pool pumps	26	Yes	Yes
Public lighting upgrade	27	No	Yes
In-home displays (IHDs)	30	Yes	No
High efficiency motors	31	No	Yes
Refrigerated display cabinets	32	No	Yes
Refrigeration and ventilation fan motors	33	No	Yes
Building based lighting upgrade #	34	No	Yes

<sup>2</sup> The 'residential sector' encompasses residential premises only, defined as buildings classified under Part A3 of the Building Code of Australia as Class 1, 2, 3, or 4 Buildings.

<sup>3</sup> The 'business/non-residential sector' encompasses premises that are neither (i) a residential premises (as defined above) nor (ii) a 'scheduled activity premises' as defined in Regulation 4 of the Principal Regulations, unless it has been 'opted in' to the VEU program pursuant to Regulation 10AA of the Principal Regulations

<sup>4</sup> A review is pending relating to administrative and installation requirements for the underfloor insulation activity. This review will be undertaken when ceiling insulation is re-introduced into the program. Until this review is complete, VEECs cannot be created for this activity.



Activity category	Activity numbers	Residential Sector <sup>2</sup>	Business/non-residential sector <sup>3</sup>
Non-building based lighting upgrade	35	No	Yes
Pre-rinse spray valve	36	No	Yes
Gas-fired steam boiler*	37	No	Yes
Gas-fired hot water boilers or gas-fired water heaters*	38	No	Yes
Electronic gas/air ratio control*	39	No	Yes
Combustion trim*	40	No	Yes
Gas fired burners*	41	No	Yes
Economisers *	42	No	Yes
Cold room	43	No	Yes
Project-based activities	N/A	No	Yes

# This activity is also allowed in a Class 3 building or the common areas of a Class 2 building as classified under Part A3 of Volume One of the Building Code

\* These activities are also allowed in Class 2 or 3 buildings as classified under Part A3 of Volume One of the Building Code.

### 1.3. Eligible products and our Register of Products

We maintain a [Register of Products](#) listing the product (brand and model) that you are able to install under each of the activities of the program. To be listed on the register, a product must meet the minimum criteria specified in the VEET Regulations, VEU Specifications, and any additional requirements specified by us in the product application guides.

Under the VEET Regulations, products are not required to be listed on our Register of Products at time of installation – however, they are required to be listed on our register at time of VEEC creation (with the exception of certain products which are listed on the GEMS Register, AEMO load table for public lighting, and gas products installed under activities 37 to 42 of the program). However, if you install products not yet approved by us, you do so at their own risk. VEECs can only be created for activities involving products which have been approved by us, as listed on our Register of Products.

For information on applying to have a product listed on our register, access the relevant documents from [www.esc.vic.gov.au/veu-product-applicants](http://www.esc.vic.gov.au/veu-product-applicants).

### 1.3.1. GEMS listed products

For some activities with products which are listed on the GEMS Register (activities 7, 10, 22, 25, 31 and 32), the VEET Regulations provide that the products only need to be listed on the GEMS Register at the time of installation and creation of VEECs. However, from an IT systems perspective, all products need to be recorded in our Register of Products in order to create VEECs in our registry system. We will be populating our register on a periodic basis (at least annually) with eligible products from the GEMS Register.<sup>5</sup>

Usually, you will not need to apply to us to have a GEMS-listed product added to our Register of Products. However, in some cases the data available from the GEMS Register is incomplete and in such cases these products may not be added to our register until additional data is provided. Likewise, if a product is added – or an update made – to the GEMS Register, that change may not be reflected in the Register of Products immediately.

You can apply to us to list a GEMS-registered product on our register with minimal supporting documentation (e.g. a screenshot of the product listed in the GEMS Register showing its minimum performance criteria).

### 1.3.2. AEMO approved products

AEMO approved products to be installed under public lighting upgrade (activity 27) are also not required by the VEET Regulations to be listed on our Register of Products to be eligible to create VEECs creation. As the same systems considerations apply, you will need to apply to us (with minimal supporting documentation) to have a product listed on our register prior to creating VEECs for these activities.

### 1.3.3. Removal of a product from the register

A product listed on the Register of Products may be removed from the register:

- where we determine the product does not meet the product criteria specified in the VEET Regulations and/or the minimum energy efficiency requirements in the VEU specifications,
- if Energy Safe Victoria gives us written notice that a product is unsafe.

Once removed, the product is no longer eligible to create VEECs.

You should familiarise yourself with the terms included in the VEU Registry disclaimer, available at [www.veu-registry.vic.gov.au/disclaimer](http://www.veu-registry.vic.gov.au/disclaimer)

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<sup>5</sup> Note that due to data quality issues we encounter when reviewing the GEMS Register, a product may not be added to our Register of Products as part of this periodic update.

## 2. Your obligations under the program

### 2.1. Meeting legal requirements

As well as the requirements specified in the VEET Regulations and PBA Regulations, all activities undertaken under the program must comply with the laws, regulations and codes of practice applicable to that activity. This includes:

- the Electricity Safety Act 1998 (Vic)
- the Gas Safety Act 1997 (Vic)
- the Building Act 1993 (Vic)
- the Plumbing Regulations 2008 (Vic)
- the Environment Protection Act 1970 (Vic)
- the Ozone Protection, Synthetic Greenhouse Gas Management Act 1989 (Cth)
- the Occupational Health and Safety Act 2004 (Vic)
- the Competition and Consumer Act 2010 (Cth)
- any other government legislative directions as issued from time during emergency measures (e.g. during the coronavirus pandemic)

You should note that undertaking activities on rented premises may affect the rights and obligations of the tenant. You should advise tenants that they need to comply with their tenancy agreements.

### 2.2. Meeting occupational health and safety legislation obligations

It is not our role to administer compliance with occupational health and safety (OHS) legal requirements. However, we expect that you will know and understand your obligations under the relevant OHS law and will undertake all program activities accordingly.

This includes (but is not limited to):

- implementation of robust safety management systems and risk management processes
- provision and maintenance of safe systems of work
- provision of necessary information, instruction, training and supervision of installers
- ensuring that appropriate contractor management systems are in place (note – the duties of an employer extend to an independent contractor engaged by an employer and any employees of the independent contractor)
- meeting all other obligations and requirements under relevant OHS law, including (but not limited to) the Occupational Health and Safety Act 2004 (Vic) and the Occupational Health and Safety Regulations 2017 (Vic), Australian standards, compliance codes and other guidelines covering the types of activities undertaken under the VEU program.

Further information, including OHS Act, as well as regulations, guidance notes and compliance codes can be found on the WorkSafe Victoria website - <https://www.worksafe.vic.gov.au/>

Appendix A lists some of the critical risks which you need to be aware of, and actively manage, as part of your obligations under the program. You should also audit your installers to ensure they have systems in place to actively manage these risks and their obligations.

### **2.3. Mandatory safety training for installers**

Installers must obtain units of competency before they can undertake certain program activities. Also known as 'mandatory safety training (MST) requirements', these units have been identified as a way to help ensure they have the skills and understanding needed to safely carry out these activities. Installers are approved for certain program activities by obtaining a certificate of competency from a registered training organisation (RTO) for the relevant units.

All installers wanting to undertake installations for the following activities must have completed the required training:

- Double glazed window (activity 13)
- Thermally efficient window product (activity 14)
- Weather sealing (activity 15)
- Low flow shower rose (activity 17)
- Incandescent lighting (activity 21B)
- High efficiency pool pump (activity 26).

Fully qualified and licensed electricians and plumbers, and registered builders are exempt from these requirements. See Appendix B for list of MST units for these activities.

In addition, only licensed electricians registered with Energy Safe Victoria may complete the following activities:

- Weather sealing - Sealing existing ceiling or wall exhaust fan (activity 15D)
- Incandescent lighting (activities 21A, 21C, 21D, 21E, 21F)
- Building based lighting upgrade (activity 34)
- Non-building based lighting upgrade (activity 35).

You will have to make sure that installers for the above activities are submitted and approved by us via the VEU registry prior to undertaking installations under the program. This includes licensed electricians, plumbers and builders. You must keep your installer database up to date and keep files on record to support those entries (whether that be a copy of their licence of completion of the relevant MST unit). For guidance on how to submit installers for approval, access our VEU Registry Manual available via 'Help' at [www.veu-registry.vic.gov.au](http://www.veu-registry.vic.gov.au)

There are specific licensing requirements for installers seeking to undertake cold room activities. Please refer to the Cold room activity guide for further information.

You should also note the following:

- The MST requirements do not replace any existing obligations you have under the Occupational Health and Safety Act 2004 (Vic) or other applicable legislation. We expect you to take all steps necessary to comply with your OHS obligations.
- If you are a new AP to the VEU program, you must provide information regarding the training of your installers, including management arrangements you have put in place to ensure training is completed. This is a condition of your accreditation.
- Installers can complete the required training by either:
  - attending a recognised course at a RTO leading to a certificate for the installer
  - obtaining recognition of prior learning or ‘in-house’ training by an RTO leading to a certificate for the installer.
- Where installers may be exposed to working at height risks, we strongly recommend that all installers (irrespective of their licence and qualifications) complete relevant working at heights training units. This will help ensure all installers have up-to-date training and the skills needed to work safely in this high risk environment.

## **2.4. Meeting Australian Consumer Law/Telemarketing requirements**

You, your employees, sub-contractors and/or persons engaged by third party companies must comply with:

- the Australian Consumer Law (ACL) when engaging in marketing practices under the program
- the [Telecommunications \(Telemarketing and Research Calls\) Industry Standard 2017](#) when engaging in telemarketing practices under the program

### **2.4.1. Unsolicited consumer agreements**

One of the many areas ACL covers is ‘unsolicited consumer agreements’ (UCA) which comprises telemarketing, door-to-door sales and sales made in public places.

By law all UCA salespeople must:

- tell the consumer:
  - their name
  - the name and address of the organisation (i.e. accredited person or installer company) they represent (not the name of the third party they are employed by)
  - the purpose of the phone call or visit
  - that if asked to do so they are obliged to leave the premises.
- not engage in false or misleading claims, including:

- claiming they work for or on behalf of VEET/VEU/the commission/the Victorian Government
- claiming the installation is mandatory under the VEU program/VEET scheme
- claiming the consumer number was provided by the Victorian Government
- providing the VEU support desk number to consumers as their own.

#### 2.4.2. Telemarketing practices

Your telemarketers are not allowed to call consumers:

- on Sundays or public holidays
- before 9am or after 8pm on weekdays
- before 9am or after 5pm on Saturdays.

You must ensure your telemarketers:

- inform the customer of where they acquired their telephone number, if asked
- remain on the line and answer any questions the consumer has about the AP or installer company they represent
- refrain from using recorded messages or 'robo' phone tactics designed to alarm consumers
- are able to inform the consumer which AP or installer company will be undertaking the installation
- ensure their calling line identification is enabled
- at the customer's request, hang up immediately and not call back for at least 30 days.

#### 2.4.3. Do not call register

Your telemarketers must not contact anyone whose number is on the 'do not call' register. In order to avoid contacting these numbers, you must:

- register for annual subscription from the Australian Communications and Media Authority
- wash your list of numbers every 30 days.

#### 2.4.4. Door to door sales practices

Door-to-door salespeople are not allowed to visit consumers:

- on Sundays or public holidays
- before 9am or after 6pm on weekdays
- before 9am or after 5pm on Saturdays.

You must ensure your door-to-door salespeople:

- provide identification detailing the name of your organisation (i.e. the AP or installer company)
- understand that they must not approach any premises with a 'do not knock' sign
- understand that they are required to leave premises upon the consumer's request
- leave immediately if asked to and not return for 30 days.

#### 2.4.5. Lead generation materials

You, as the AP, must ensure that for any materials you use for lead generation, marketing or consumer information purposes, you must provide the name and contact details of your business.

#### 2.4.6. Consequence of breach

We will investigate potential breaches and refer relevant information to Consumer Affairs Victoria for consideration. The ACL and accompanying legislation provides a range of enforcement options to deal with minor to very serious breaches of those laws. Penalties for a breach include:

- issuing formal warnings and infringement notices
- seeking enforceable undertakings
- taking civil court action.

Criminal and civil penalties for companies for breach of ACL may be imposed for any false claims that you are a government representative for obtaining a consumer's agreement.

For further information on Australian Consumer requirements and required sales practices, visit the following websites:

- Consumer Affairs Victoria ([www.consumer.vic.gov.au](http://www.consumer.vic.gov.au))
- Australian Competition & Consumer Commission ([www.accc.gov.au/consumers](http://www.accc.gov.au/consumers)).

### 2.5. Meeting VEEC assignment form requirements

You must obtain a completed and signed VEEC assignment form from the consumer to you for any activity undertaken under the program. The assignment form needs to collect the information necessary for you to create VEECs and demonstrate compliance with the legislation.

The VEEC assignment form template documents for all activities are published on the commission website.

You can customise your form to incorporate additional text, logos and to incorporate different information requirements into the one form. For example, a business that installs lamps, low flow shower roses and space heating products in both the residential and business sectors may create their own assignment form to capture the information requirements of each activity for both sectors.

Those applying for accreditation will need to provide a copy of their VEEC assignment form for review to us as part of your accreditation application process. If you make changes to your VEEC assignment form or customise your form to accommodate more than one activity you should submit the form to us for review and approval.

We may also request you submit your amended assignment forms to us for review and approval further to any updates made to our mandatory information for VEEC assignment form documents changes.

You must provide a copy of the VEEC assignment form (or a document containing the same information) to consumers at the time of signing (written assignment) or within 10 business days (electronic assignment). You must also ensure that all personal information collected in the VEEC assignment form is held in accordance with the Information Privacy Principles (IPPs) under the Privacy and Data Protection Act 2014 (Vic). Details of how to comply can be found at [www.privacy.vic.gov.au](http://www.privacy.vic.gov.au).

You should note that the VEEC assignment form is a legal document. Any changes to the details recorded on the form after it is first signed by the consumer must be initialled and dated by all signatories.

If changes are made to the VEEC assignment form without the written consent of the signatories, the commission may consider the VEEC assignment form invalid. Where reasonable to do so, you may use other documentation such as phone or field audit records to verify any discrepancies between the assignment form and installation details as submitted on the VEEC creation upload form.

When completing VEEC assignment forms in individual dwellings and common areas<sup>6</sup> of Class 3 buildings, you must complete two separate forms:

- a residential premises VEEC assignment form detailing the total quantity of products installed into residential areas, accompanied by a document providing a complete breakdown of the numbers and products for each individual dwelling
- a business and non-residential premises VEEC assignment form detailing the total quantity of products installed into common areas along, accompanied by a document providing a complete breakdown of the numbers and products installed for each area.

## **2.6. Meeting your decommissioning declaration requirements**

You, or your associate, or an entity under your instructions, must not install a product for the purposes of decommissioning it as part of an activity under the program (e.g. you have not altered the baseline environment for a given installation for the purposes of inflating the VEEC claim for that installation).

For an activity involving the decommissioning of product(s), you, your installer, and the consumer will need to provide a declaration to us stating that the decommissioned product was not installed

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<sup>6</sup> The definition of common areas is as follows:

- For buildings owned under strata title, the common property as defined in the Owner Corporations Act 2006 (VIC); or
- For buildings not owned under strata title (e.g. under company title), the non-residential property of BCA Class 2 buildings.



for the purposes of decommissioning it as part of an activity under the program. This declaration must be made:

- as part of your VEEC assignment form (by the energy consumer and your installer) – either in electronic or in written form
- as part of you accepting the terms and conditions of your VEEC creation claim made via your VEU account.

## **2.7. Meeting EPA’s waste management requirements**

The Environment Protection Authority (EPA) is the regulator of pollution and waste in Victoria and is responsible for the administration of the Environment Protection Act 1970 (EP Act). In accordance with waste management hierarchy under the EP Act, you should take all reasonable measures to recycle decommissioned appliances or its components.

From 1 July 2019, every person must comply with the Environment Protection Authority’s Waste Management Policy (E-Waste) (e-waste policy) which is banning e-waste from landfill. If you or your installers handle e-waste, you will have to operate in compliance with that policy.

The products decommissioned under the VEU program which are potentially captured by the e-waste policy are:

- water heaters (where electronic components are present)
- space heaters (where electronic components are present)
- fan motors
- lighting equipment, including lamps, luminaires, lighting control devices and control gear
- boilers, heaters and burners (where electronic components are present)

The e-waste policy places operational and recordkeeping requirements on e-waste service providers, which is defined as any person who conducts a business or undertaking that accepts e-waste for collection, storage, handling, transport or reprocessing. There are additional recordkeeping requirements placed on those who transport and/or reprocess lighting equipment, as they are categorised as specified electronic waste.

When applying for accreditation or activity approval, you must provide detailed information on your proposed e-waste management practices (where relevant).

The e-waste policy can be found on the [Victorian Government Gazette website](#).

## **2.8. Meeting your recycling requirements for mercury-containing equipment under VEU program**

If you undertake an activity that involves decommissioning of lighting equipment, we can require you to dispose of particular lighting equipment in a waste disposal facility of a class determined by us prior to VEEC creation.

Table 2 below sets out the class of waste disposal facilities we have determined are suitable for particular lighting equipment decommissioned under the program

Table 2: Eligible disposal facilities for lighting equipment decommissioned under the VEU program

Type of lighting equipment	Eligible disposal facilities
Mercury-containing equipment: Lamps that use mercury for their operation and any other lighting equipment potentially contaminated with mercury as a result of in-house recycling or disassembling attempts	A licensed recycling facility <sup>7</sup> : A facility licensed by the EPA to accept D121 waste for the purpose of recycling at that facility (i.e. has a license with treatment code R4 for D121 waste)

This requirement does not preclude you from transporting your equipment to a licensed temporary holding facility<sup>8</sup> that will forward your equipment to a licensed recycling facility for recycling. As evidence of proper disposal and decommissioning, you must obtain and maintain a recycling invoice from the licensed recycling facility for the decommissioned lighting equipment prior to VEEC creation.

A list of facilities and their EPA license conditions is available from: <https://portal.epa.vic.gov.au>

Details of your decommissioning practices must be supplied to us for review before you are accredited to undertake this activity.

## 2.9. Recordkeeping

You must keep records that provide evidence of activities being undertaken in accordance with the VEET Regulations. This includes evidence of both installation and decommissioning (where replacement has occurred) and appropriate waste disposal, where necessary.

Your records must correspond to the information supplied as part of your VEEC creation claim. These records will be the subject of periodic audits or compliance investigations as detailed in the VEET guidelines.

When applying for accreditation, you must provide a description of your recordkeeping policy, including a description of your methods of collecting and storing relevant information associated with activities undertaken under the program.

Table 3 below provides an overview of your record keeping requirements. More specific details of the specific records to be kept for each activity are detailed in the activity guides.

<sup>7</sup> Facilities licensed to recycle mercury-containing waste by the relevant environmental protection regulator in other jurisdictions, are also considered a licensed recycling facility for the purposes of this determination

<sup>8</sup> A facility licensed by the EPA to accept D12 waste for storage pending recycling or accumulation of material intended for recycling (i.e. has a license with treatment codes D15 and/or R13 for D121 waste)

Table 3: Record keeping requirements under the Act

Requirement	Reference
A person who is an accredited person must keep records that record and explain all transactions and other acts engaged in, or required to be engaged in, by the accredited person under this Act.	72(1) of the Act
<p>The records kept by an accredited person must include any documents relevant to ascertaining:</p> <ul style="list-style-type: none"> <li>• details of all VEECs created by the accredited person during the year</li> <li>• records in relation to assignment of rights to create VEECs</li> <li>• sales, purchase and/or service records of each product or service for which VEECs have been created, including make and model number if applicable, and street address and postcode of consumer</li> <li>• the street address and postcode of the consumer (if in a residential premises) or the ABN, business name, address and postcode (if in a business or non-residential premises);</li> <li>• evidence of removal or destruction of existing products where removal or destruction is required by the regulations</li> <li>• evidence of mandatory safety training units conducted by relevant installers</li> <li>• any additional record keeping requirement set out in our activity guides as published on our website.</li> </ul>	<ul style="list-style-type: none"> <li>• 72(2) of the Act</li> <li>• 13.1 of the Guidelines</li> <li>• 7 of the Guidelines</li> </ul>
Records must be kept in writing in the English language or be readily accessible and convertible into writing in the English language.	72(4) of the Act
An accredited person must retain any records required to be kept under the Act until the end of 6 years after those records were made, or the completion of transactions to which the records relate, whichever is later.	72(5) of the Act

These recordkeeping requirements do not preclude the use of electronic devices. For example, you may use assignment forms that can be completed and signed electronically (e.g. a handheld PC).

## 2.10. Audit obligations

To ensure the integrity of the program, we may undertake audits to substantiate information you provide us with respect to the creation of VEECs. These audits provide assurance that you have created VEECs in accordance with the VEET Act and the VEET Regulations. You must comply with the audit regime imposed by us and provide us, or the auditor, with all information and assistance necessary.

For more information on our audit framework, access the VEEC Creation Audit Guide for Accredited Persons from [www.esc.vic.gov.au/veu-accredited-persons](http://www.esc.vic.gov.au/veu-accredited-persons)

## 3. Calculating the number of eligible VEECs

### 3.1. VEEC calculations for deemed activities

The VEU specifications sets out methods and variables for determining abatement (the amount of carbon dioxide equivalent (CO<sub>2</sub>-e), in tonnes, of greenhouse gas emissions) reduced by each 'deemed' activity under the program (not including project based activities), and therefore the number of VEECs able to be created for each activity given one VEEC is the equivalent of one tonne of CO<sub>2</sub>-e abated.

When determining the number of VEECs for each activity, you round up or down to the nearest whole number (e.g. 2.51 is rounded up to 3, whilst 2.49 is rounded down to 2).

For water heating activities, transitional arrangements mean that the equation calculation from the 2008 VEET Regulations remain in place until 09 June 2019. A new equation calculation, which awards fewer VEECs for the same activity, will apply from 10 June 2019.

To assist you in your VEEC calculations, we have published a VEEC Calculator at [www.veu-registry.vic.gov.au/calculators](http://www.veu-registry.vic.gov.au/calculators). You will need to have product details on hand, such as the type of decommissioned product, installed product brand and model number and the installation postcode.

You can also upload an activity using a VEEC creation upload form to help you determine how many VEECs are able to be created for an activity. This is particularly useful for complex activities like the lighting upgrade activities (activities 27, 34 and 35) where the VEEC Calculator may not be able to accommodate a complex installation (installations involving more than one baseline and upgrade zone). You can delete uploaded activities from your activity queue. You must take care not to 'submit' an uploaded activity for creation unless the activity has been validly undertaken.

For more detailed information about the methods and variables which apply to each activity, access the specifications at [www.esc.vic.gov.au/veu-legislation](http://www.esc.vic.gov.au/veu-legislation).

## 4. Creating and registering VEECs

### 4.1. Who can create VEECs and assign the rights for VEECs?

You can only create VEECs if you are an accredited person under the program.

If you are an accredited person, you can only create VEECs if you have been assigned the right to create a VEEC by the energy consumer that benefits from that installation. The energy consumer can be:

- a tenant of the premises (whether or not they are named on the bill)
- the landlord of the premises
- the owner of the premises being constructed or renovated which are not currently connected for electricity or gas
- for business consumers, an authorised signatory of the business.

In a rental property, the person responsible to assign VEECs depends on who is involved in the activity. For example, a tenant who purchases a refrigerator that is listed on our Register of Products is eligible to assign the related VEECs. However, if a landlord replaces old space heaters for new ones, they may be able to assign VEECs for the activity.

While energy consumers can become accredited and create VEECs, we require accredited persons to meet a set of regulatory standards beyond those set in the VEET Regulations and the PBA Regulations. In practice, consumers are more likely to access the energy efficiency benefits of the program if they assign their rights to an accredited person in exchange for some financial benefit.

The energy consumer needs to complete and sign a VEEC assignment form when assigning their right to create VEECs to you, as the accredited person. The assignment form must comply with requirements as set out in Section 2.5.

### 4.2. When are VEECs not able to be created?

Clauses 15 to 27 of the VEET Regulations state various conditions for when a VEEC cannot be created. Of note are the clauses which prohibit you from creating VEECs in the following circumstances:

- If the activity is undertaken as a performance requirement under the Building Code in relation to the premises
- if, at the time the activity is undertaken, the person proposing to create the VEEC is a person whose accreditation is suspended
- if the activity is not undertaken in accordance with the provisions of the Electricity Safety Act 1998, the Gas Safety Act 1997, the Occupational Health and Safety Act 2004 or the Building Act 1993, and regulations under any of these Acts.

- if the product installed is not listed on our Register of Products at the time the VEEC is created (with the exception of certain products which are listed on the GEMS register, AEMO load table for public lighting, and gas products installed under activities 37 to 42 of the program)
- if the activity is undertaken in a scheduled activity premises unless the activity is undertaken on or after the day on which a notice is given in relation to those premises.

For more information about scheduled activity premises and their requirements under the program, access our large energy users' scheduled activity premises guide at [www.esc.vic.gov.au/veu-sap](http://www.esc.vic.gov.au/veu-sap).

### **4.3. When can you create your VEECs?**

You can only create VEECs after completing the installation in accordance with our requirements. Schedule 3 of the VEET Regulations explains when the activity is deemed to have been undertaken. Usually, this is on the day the installation is completed and the old product has been decommissioned.

You can create VEECs up to 30 June in the year after you completed the activity.

When you submit a VEEC claim for an activity, you will need to accept the terms and conditions of creation which includes declarations pertaining to the decommissioning declaration and decommissioning requirements detailed in Sections 2.6 and 2.7 above.

#### **Fresh start for activities under the VEET Regulations**

The VEET Regulations gives activities under the program a 'fresh start' in terms of the number of times an activity can occur at the premises. Premises that previously received an upgrade under the program prior to 10 December 2018 will not be prevented from receiving further upgrades. The installation limits set out in Schedule 4 of the regulations apply only to installations undertaken at premises from 10 December 2018. Activities still need to meet any relevant baseline and decommissioning requirements.

### **4.4. Creating VEECS in VEU Registry**

VEECs can be created by completing the relevant VEEC creation upload form, available through your account page at the VEU Registry ([www.veu-registry.vic.gov.au](http://www.veu-registry.vic.gov.au)). Prior to engaging in an activity, we encourage you download a copy of an activity's upload form to determine the information fields you will need to complete to create VEECs for the activity.

Once you upload the form through your VEU account, the system automatically calculates the number of VEECs eligible to be created based on the methodology detailed in the specifications. VEEC calculations are rounded up from 0.5, or otherwise rounded down to the nearest number.

Once VEECs are created in your VEU account, they will appear in one of your activity pages. To familiarise yourself with these pages, review our VEU Registry User Manual available via 'Help' at [www.veu-registry.vic.gov.au](http://www.veu-registry.vic.gov.au)

Appendix C provides guidance on how you need to submit address data in our VEEC creation upload forms to meet our data validation checks.

## **4.5. Our VEEC validation processes**

Our key goal is to safeguard the integrity of the program by:

- maintaining confidence in the energy efficiency benefits delivered to consumers
- delivering a balanced, transparent and efficient program that ensures a level playing field for program participants.

We build the program's integrity through an effective and integrated risk-based compliance program before and after VEEC creation and registration.

### **4.5.1. Our VEEC batch checks**

Once VEECs are created in the VEU Registry, we need to assess and validate your VEEC claims for registration. We conduct automated checks, manual checks, and desktop audits of the VEEC creation information.

These assessments are based on considerations, such as:

- anomalies in the data or installation patterns of the activities
- whether the addresses at which the activities are undertaken are residential premises or business premises.

We assess VEECs in batches of up to 10,000 VEECs each. The batching process occurs weekly and groups VEECs on the basis of accredited person and activity type. All batches are assigned a status of either:

- regular: your batch will undergo standard assessment checks
- first creation: the first time you create VEECs for an activity type we will conduct detailed checks on the activities and we will notify you of any significant issues we identify through the assessment
- delayed: we may delay your batches pending the outcome of first creation assessment, or due to product or compliance issues.

We apply a processing timeframe to each batch, with the number of days for assessment depending on the combined risk rating for the accredited person and the activity.

You can identify the assessment timeframe for a batch by reviewing the anticipated invoicing window in the batch status page of your VEU account.

Please note that the target timeframe only counts the days the batch is with us for assessment and only applies to batches under 'regular' assessment - it does not apply to batches with the status of 'first creation' or 'delayed'.



## Requests for further information

We issue requests for further information (RFIs) to obtain evidence that you can substantiate the VEECs you have created. Upon receipt of a RFI request, you can find the items of evidence required to be submitted in the notes field at the bottom of the activity page. These items of evidence are detailed in our activity guides which are available at [www.esc.vic.gov.au/veu-activities](http://www.esc.vic.gov.au/veu-activities).

Any information requested must be provided within ten business days, unless otherwise agreed with us. In some instances, we may require further information or explanation to complete checks.

The evidence you provide is assessed against assessment standards. You can view these via the assessment standards page through your VEU account.

We assign the need for a maximum number of requests for further information (RFI) depending on the combined risk rating for the accredited person, the activity and the risk profile of the batch.

## Duplicate verification

When an accredited person attempts to create VEECs for the same activity for an address previously claimed themselves or by another accredited provider, a duplicate will be flagged on creation. Accredited persons are required to provide justification for activities flagged as a duplicate in the internal or external duplicate justification field. We expect you to investigate and provide valid reasons for the duplicate that is supported by evidentiary documents such as VEEC assignment forms, geo-tagged photos (where required) and/or phone audit records. For example, you may justify the duplicate as being the result of a new tenant as confirmed through a phone audit and by the VEEC assignment form which states the length of time the tenant has lived at the property.

The justification should demonstrate you have investigated the reason for the duplicate and relate to details unique to the installation. Generic statements such as 'replaced lights in different section of house' are not valid. Failure to provide adequate justification and the requested evidence may result in delays or refusal to register VEECs.

## Critical issues

We assess the information you provide and classify the activity as a pass, non-critical issue or critical issue. If an activity is assessed as having a critical issue, we will return the activity to you for further action. You will find the details of the critical issue listed on the right-hand side of the activity page. Click the plus symbol to view the description and instructions on how to respond to the issue.

If one activity within a batch has a critical issue, the target timeframe no longer applies and the anticipated invoicing window will display 'n/a' for the entire batch. Because all activities within a batch are processed together, the entire batch may be delayed as a result of any critical issue(s).



#### 4.5.2. Escalated investigations

We may remove your batches from 'regular' processing and escalate your batches in order to measure the compliance across the entire batch. In this case, we will contact you and advise you of the impacted batches along with the scope and method of the investigation.

We will also estimate the completion date, when we will present to you the findings and options for the next steps. The details of an escalation can be viewed at any time through your escalations page in the VEU Registry.

#### 4.6. Registering VEECs

Once we are satisfied that the VEECs have been created in compliance with the VEET Act and regulations, we will accept the VEECs for registration. Once accepted, we will forward an invoice for payment of the \$1 registration fee per VEEC. Once payment has been received and the invoice settled, the VEECs will be registered and issued a unique identification code.

Once registered, you are then able to trade the VEECs to another party in the market or to surrender the VEECs to us.

#### 4.7. Audit and compliance on registered VEECs

After VEEC registration, we continue to assess the validity of registered VEECs as part of our integrated compliance framework. Our focus at this stage is to maintain and restore compliance and make good through targeted investigations.

The post-registration compliance functions we undertake include:

- detailed audits of accredited persons to ensure their systems and processes remain robust and provide confidence in the installations they undertake,
- audit investigations when we become aware of potentially significant non-compliance with the VEET Act and the regulations by an accredited person
- risk-based audits (phone, desktop or field audits) of installations undertaken to ensure that installations undertaken at a particular premises corresponds with the parameters used to create VEECs for that premises

For further information on our approach to promoting and enforcing compliance with the VEET Act and regulations, access our Compliance and Enforcement Policy available at [www.esc.vic.gov.au/veu-audit-compliance](http://www.esc.vic.gov.au/veu-audit-compliance) .

## Appendix A – Some critical risks

Under OHS legislation, you and your contractors must (as far as is reasonably practicable) provide and maintain a working environment that is safe and without health risks. Your installers may encounter a range of critical risks when completing program activities in the program. To assist you to comply with OHS legislation, some of these risks and the associated recommended ways to reduce them are briefly discussed below.

### **Undertaking wiring work**

Prescribed activities that involve wiring work carry the serious risk of electrocution. These activities include installations of general purpose electrical outlets, clamps on switchboard circuits, in-home display switchboard sensors, decommissioning or installation of products like water heaters, and aspects of the installation of lighting products. To mitigate this risk you must only engage electricians licensed by Energy Safe Victoria (ESV) to complete activities requiring wiring work.

### **Working at heights**

A fall from any height can leave employees with permanent and debilitating injuries. The risk of serious injury or death from a fall increases significantly when working at heights over two metres. Before starting work at heights over two metres, under OHS legislation you and your contractors must prepare a safe work method statement (SWMS) describing this risk and risk control measures. Risk control measures may include use of equipment and/or administrative controls such as training and supervision.

To help ensure installers have the skills needed to safely work at heights, we recommend you have all installers complete relevant working at heights training units – this includes installers that are fully qualified, licensed and registered tradespeople (e.g. electricians, plumbers or builders). Additionally, we believe it is good practice for installers to be providing training to mitigate working at heights risk on a regular basis. Accordingly, we encourage you to conduct appropriate in-house working at heights training for your installers on an annual basis.

### **Working in ceiling cavities**

The risks of working in ceiling cavities include physical injury (e.g. falls from height or electrocution) and potential risks from inhaling or making contact with various materials (e.g. asbestos or fungal spores). Under OHS legislation, a safe work method statement (SWMS) must be used to identify the risks of working in ceiling cavities and outline risk control measures. Risk mitigation strategies should include providing adequate instruction, information, training and supervision to installers working on activities in these environments, as well as verifying the competence of these individuals.

## Safe use and care of portable ladders

Ladders are commonly used in a number of program activities. Ladders should be safe to use, appropriate for the tasks undertaken and be set up in the correct manner. You have a duty under OHS legislation to provide your installers with information and training in the safe use and care of portable ladders, as a fall from a ladder can result in serious or fatal injuries even if only working at a relatively low height.

You must ensure that:

- installers are equipped with, and trained in the use of, safe portable ladders when undertaking relevant program activities
- ladders used are compliant with AS/NZS 1892.5 (Portable ladders: Selection, safe use and care).

You should refer to the WorkSafe Victoria guidance note 'Prevention of falls in construction: Selection and safe use of portable ladders' for information about how to determine when to use a ladder, what to look for when purchasing or selecting a ladder, and how to safely use and maintain a ladder (see <https://www.worksafe.vic.gov.au/>).

## Overhead electrical and critical underground assets

Working near overhead power lines or critical underground assets (electrical conductors and pipelines) can pose significant risks to installer safety through electrocution and interaction with pipelines. To mitigate these risks and to meet the requirements of the Electricity Safety Act 1998 and OHS legislation, you must determine the extent which work might enter a 'No Go Zone' involving overhead or underground services. If this happens, you will need to implement safe systems of work before undertaking activities near these services. Safe systems of work may include use of a competent spotter to observe and warn against unsafe approaches to overhead and underground assets. For overhead electrical cables the spotter must be registered with ESV.

You should refer to the WorkSafe Victoria (<https://www.worksafe.vic.gov.au/>) and ESV (<http://www.esv.vic.gov.au/>) websites for further information about requirements for undertaking work near overhead or underground utility services, as well as the approved spotter courses.

## Atmosphere (hazardous) risk

There is potential for build-up of hazardous gases and the risk of asphyxiation when water heating systems have not been used for a period of time. We strongly recommend when a new water heater is installed that the consumer is provided with the relevant product manual and made aware of this risk, its potential impacts, and the appropriate ways to reduce risk.

## **Public interface**

There is the potential for adverse effects when program activities are undertaken in areas accessible to the public or when installers have increased interactions with the public. You are obligated under OHS and other safety legislation to identify and mitigate any potential risks in these situations.

## Appendix B - Mandatory Safety Training (MST) Units

**Current MST unit requirements – available for completion by installers from 1 January 2021 (or earlier for Group B units)**

Mandatory safety training units				
Activities and Schedules	GROUP A	GROUP B		
	VU23076 Retrofit to improve energy and water efficiency	CPCCM2012 Work safely at heights	CPCCM2010 Work safely on scaffolding higher than two meters	RIIWS204E Work safely at heights
Installers require to complete:				
External window activities (Activities 13 & 14)	The above unit, and	one of the above units.		
Weather sealing (Activities 15A, 15B, 15C, 15E, 15F, 15G, 15H)	The above unit, and	one of the above units.		
Shower rose (Activity 17)	The above unit.	<i>Not required</i>		
Incandescent lighting replacement (Activity 21B)	The above unit, and	one of the above units.		
Pool pumps (Activity 26)	The above unit.	<i>Not required</i>		

## 2020 MST unit requirements – available for completion by installers up to 31 March 2021

Mandatory safety training units							
Activities and Schedules	GROUP A			GROUP B	GROUP C		
	VU21858	CPCCOHS2001A	CPCPCM2043A	VU21859	CPCCCM2010B	CPCCCM2010	RIIWH204D
	Minimise health and safety risk when retrofitting for energy and water efficiency	Apply OHS requirements, policies & procedures in the construction industry	Carry out WHS requirements	Undertake retrofitting to improve energy and water efficiency	Work safely at heights	Work safely on scaffolding higher than two meters	Work safely at heights
Installers require to complete:							
External window activities (Activities 13 & 14)	One of the above units			the above unit, and	one of the above units.		
Weather sealing (Activities 15A, 15B, 15C, 15E, 15F, 15G, 15H)	One of the above units			the above unit, and	one of the above units.		
Shower rose (Activity 17)	One of the above units, and			the above unit.	<i>Not required</i>		
Incandescent lighting replacement (Activity 21B)	One of the above units			the above unit, and	one of the above units.		
Pool pumps (Activity 26)	One of the above units, and			the above unit.	<i>Not required</i>		

## Appendix C - Address data entry requirements

When completing an upload form for multiple activities or submitting an individual activity, you will need to enter address data as follows to minimise delays in your ability to create VEECs in the system and minimise delays in our processes to register VEECs:

### Approved format for entry for address data

Unit type	Unit number	Level type	Level number	Street number	Street name	Street type	Street type suffix	Town/suburb	State	Postcode
Unit	12	Level	5	35	Spring	Street		Melbourne	VIC	3000
Apartment	1	Level	1	174	Toorak	Road	West	South Yarra	VIC	3141
Townhouse				56	Collins	Street		Melbourne	VIC	3000

- PO Box/GPO Box/Locked bag addresses entered in the VEEC upload form will not be accepted by the commission.
- Data should be submitted in sentence case format – that is, standard capitalisation with first letter uppercase and subsequent letter lowercase (e.g. Brunswick East).

Please note that when uploading activities that were undertaken within a Class 3 building, you must ensure that each individual dwelling is submitted as an individual activity under the residential sector. For all products installed in common areas, a single activity upload under the business and non-residential sector will suffice.

### Approved format for entry for address data for class 3 installations under the residential sector

Unit type	Unit number	Level type	Level number	Street number	Street name	Street type	Street type suffix	Town/suburb	State	Postcode
Apartment	2	Level	1	174	Toorak	Road	West	South Yarra	VIC	3141

Apartment	3	Level	1	174	Toorak	Road	West	South Yarra	VIC	3141
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## Document version control

The RM reference for this document is: C/18/28699

Version	Amendments made	Date published
1.0	First release	10 December 2018
1.1	'Safe use and care of portable ladders' section in Appendix A updated to clarify occupational health and safety requirements	3 May 2019
1.2	Update to include e-waste management requirements introduced by the Waste Management Policy (E-Waste)	1 July 2019
1.3	Update to training/licensing requirements for lighting activity 21A	16 August 2019
1.4	Update to: <ul style="list-style-type: none"><li>• include duplicate verification process info under section 4.5.1</li><li>• include emergency measure legislative requirements under section 2.1</li><li>• include minor changes to section 2.4</li></ul>	2 December 2020
1.5	Update to remove activity 19: Destruction of pre-1996 refrigerator or freezer	10 December 2020
1.6	Update to reflect changes in MST course units	22 January 2021
1.7	Update to reflect inclusion of cold room activity into the VEU program	17 August 2021