



**IPART** Energy  
Sustainability  
Schemes

2022–23 Energy  
Security Safeguard

Report to the Minister

July 2024



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## **Acknowledgment of Country**

IPART acknowledges the Traditional Custodians of the lands where we work and live. We pay respect to Elders both past and present.

We recognise the unique cultural and spiritual relationship and celebrate the contributions of First Nations peoples.

## **Tribunal Members**

The Tribunal members for this report are:

Carmel Donnelly PSM, Chair

Jonathan Coppel

Sharon Henrick

## **The Independent Pricing and Regulatory Tribunal**

IPART's independence is underpinned by an Act of Parliament. Further information on IPART can be obtained from [IPART's website](#).

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# Energy Savings Scheme

Reporting period 1 January 2022 – 31 December 2022



**4.88 million ESCs**

**Overall energy savings target**

Scheme Participants surrendered ESCs to meet 94.7% of overall target

**4,233 GWh**

**of energy saved**  
by NSW households and businesses in 2022

18,928 GWh electricity and 928 GWh gas savings to be realised over next 10 years



**Certificate surplus**

7.18 million ESC surplus for 2022, up by 34% from 2021

**3.22**

**million tonnes**  
of greenhouse gas emissions avoided in NSW households and businesses



**118**

**Scheme Participants**

76% complied with their individual energy savings target

14% carried forward shortfalls or paid penalties



**88**

**Accredited Certificate Providers**

Compliance was high

6.64 million ESCs created in 2022, delivering energy savings of 6.19 TWh over the next 15 years

# Peak Demand Reduction Scheme

Peak demand reduction period –  
2:30–8:30 pm AEST from  
1 November to 31 March

Reporting period  
1 April 2022 – 31 March 2023



## 3.91 million PRCs

**Scheme certificate target**

Scheme Participants surrendered PRCs  
to meet 98% of target

13 million PRCs available for surrender by  
Scheme Participants on the statement  
submission deadline



## 109

**Scheme Participants**

81% complied with their  
individual certificate targets

15% carried forward shortfalls  
or paid penalties

## 3.49 million PRCs

**created by Accredited Certificate  
Participants in the first  
reporting period**

2022-23 summer peak electricity  
demand reduced by 4.77 MW



**Certificate surplus**

0.34 million PRC deficit for  
2022-23 reporting period

26.6 million PRCs available for  
surrender at 30 June 2024

# 1 Introduction

## 1.1 About this report

The *Electricity Supply Act 1995* (the **Act**) requires the Independent Pricing and Regulatory Tribunal of NSW (**IPART**), as Scheme Regulator and Scheme Administrator of the NSW Energy Security Safeguard Schemes (the **Safeguard**), to provide an annual report to the Minister for Energy (the **Minister**). The Safeguard is made up of 3 schemes:

- Energy Savings Scheme (**ESS**)
- Peak Demand Reduction Scheme (**PDRS**)
- Renewable Fuel Scheme (**RFS**).

This report addresses our key statutory reporting requirements and provides an overview of our administration of 2 Safeguard schemes:

- Energy Savings Scheme for the compliance period 1 January 2022 – 31 December 2022
- Peak Demand Reduction Scheme for the compliance period 1 November 2022 – 31 March 2023.

The RFS has not yet commenced.

Timings for the ESS and PDRS compliance processes have been aligned to reduce the administrative burden on the liable parties, known as **Scheme Participants** (generally energy retailers, explained in section 1.2 below). This means that the reporting on the ESS 2022 compliance year is delayed in comparison to previous years.

For more information on scheme performance we published a [Schemes Update](#) in March 2024, with [Supplementary Data](#). For information about IPART's performance as Scheme Administrator and Scheme Regulator, we report against our [Key Performance Indicators](#) annually. For information about what IPART does generally, see IPART's [Annual Report](#).

## 1.2 About the Safeguard

The Safeguard is part of the NSW Electricity Strategy, the Government's plan for a reliable, affordable, and sustainable electricity future that supports a growing economy. The objectives of the Safeguard are to make energy more affordable, reliable, and sustainable.

The Safeguard was established under Schedule 4A to the Act to provide financial incentives to NSW households and businesses to improve energy efficiency (e.g. ESS activities), create capacity to reduce peak demand (e.g. PDRS activities) and increase the supply of green hydrogen for NSW (e.g. possible RFS activities). As the RFS has not yet commenced, only the ESS and PDRS are described in detail below.

Energy savings and peak demand reduction capacity are achieved by installing new equipment and appliances, by improving or replacing existing equipment and appliances, or by allowing a third party to control equipment or appliances at times of peak demand. Some activities that improve efficiency may both save energy and reduce demand during peak times.

Financial incentives are in the form of tradeable certificates (Energy Savings Certificates or Peak Reduction Certificates). The Act provides for accredited persons known as Accredited Certificate Providers (**ACPs**), to create certificates from energy saving or peak demand reduction activities recognised under the schemes.

The number of certificates that can be created is determined by the energy saved or the peak demand reduction capacity that is created. One Energy Savings Certificate (**ESC**) represents one notional megawatt hour<sup>1</sup> of energy saved, and one Peak Reduction Certificate (**PRC**) represents 0.1 kilowatts of peak demand reduction capacity, averaged over one hour.<sup>2</sup> This creates the supply of certificates.

Each year, the schemes are expected to meet separate targets for the reduction of energy use and creation of peak demand reduction capacity. Under the Act, electricity retailers operating in NSW and other specified liable parties, known as Scheme Participants, are required to meet these targets by purchasing and surrendering certificates equivalent to their targets. This creates the demand for certificates.

The overall certificate supply and demand process of the Safeguard is depicted in Figure 1.1.

Figure 1.1 Overview of certificate supply and demand process



\* Scheme Participants (mainly electricity retailers) are legally required to participate in the schemes and must surrender certificates to meet an individual annual target

More detailed information about the schemes is available on our [website](#).

<sup>1</sup> A megawatt hour is equivalent to 1 million watts of electricity being used for an hour.

<sup>2</sup> This is equivalent to a capacity to reduce peak demand by 100 watts over one hour.

## 1.3 Safeguard legislation

We administer the Safeguard in accordance with 5 key pieces of legislation:

- the *Electricity Supply Act 1995*, of which Schedule 4A sets out the legal framework of the Safeguard and the functions and responsibilities of the Scheme Regulator and Scheme Administrator
- the *Electricity Supply (General) Regulation 2014* (the **Regulation**), which supports the Act and describes the core functions of the Scheme Regulator and Scheme Administrator including:
  - for the Scheme Regulator, the principles governing compliance with the individual energy savings targets for Scheme Participants
  - for the Scheme Administrator, the requirements for accrediting and auditing ACPs, and rules around the creation and transfer of certificates
- the *Energy Savings Scheme Rule of 2009* (the **ESS Rule**), which applies to ACPs and their energy savings activities and provides details about:
  - eligibility requirements
  - calculation methods for determining the number of certificates that can be created
- the *Peak Demand Reduction Scheme Rule of 2022* (the **PDRS Rule**), which applies to ACPs and their peak demand reduction activities and provides details about:
  - eligibility requirements
  - calculation methods for determining the number of certificates that can be created
- the *Peak Demand Reduction Scheme Compliance Rule of 2022*, which sets out:
  - how the Scheme Regulator must calculate the forecast peak demand
  - how Scheme Participants determine individual liable demand when purchasing electricity outside of the National Electricity Market, and that purchase is not measured by an interval meter.

## 1.4 IPART's role and delegation of functions

IPART is formally appointed as the Scheme Regulator and Scheme Administrator for the Safeguard under the Act.

The Scheme Regulator role relates to activities of Scheme Participants, while the Scheme Administrator role relates to activities of ACPs. IPART is responsible for:

- administering the scheme by applying the Safeguard legislation
- reporting on the performance of the schemes and its participants to the Minister each year.

For the time periods covered by this report, the Tribunal comprised Carmel Donnelly as Chair with Deborah Cope and Sandra Gamble as Tribunal Members.

The Tribunal delegated its ESS functions to the Energy Sustainability Schemes Committee,<sup>3</sup> which comprised Sandra Gamble as Chair with Fiona Towers and Chris Spangaro as Committee Members.

All ESS functions of the Scheme Regulator and Scheme Administrator were exercised by the Energy Sustainability Schemes Committee. The Energy Sustainability Schemes Executive Director, Directors, and Principal Analysts performed certain administrative functions delegated to them by the Tribunal for administrative efficiency.

Corresponding functions under the PDRS were delegated in March 2023.

## 1.5 Changes to the schemes

### 1.5.1 How we administer the schemes

Our role as the Scheme Administrator and Scheme Regulator is defined by the legislation and by the terms of our appointment. We administer the schemes by taking a risk-based regulatory approach, with a focus on ensuring that the outcomes of the schemes are achieved.

With the continued and predicted growth in activity within the schemes, we are implementing internal process changes and improving our capacity to handle the larger volume of activity. We published our first [Compliance Priorities](#) for the 2022–23 financial year signalling to ACPs and Scheme Participants where we would be focusing our compliance attention and resources.

During 2022, we launched our new online platform, TESSA, which replaced our legacy ESS platforms. The new platform streamlines and consolidates many processes into a single platform, reducing administrative burden and improving user experience.

### 1.5.2 Amendments to the Rules

The NSW Government has committed to regularly updating the ESS and PDRS Rules. Rule changes are approved by the Minister, and managed by the Department of Climate Change, Energy, the Environment and Water. The Department aims to ensure the Rules are effective and up-to-date and continues to incorporate new technologies and calculation methods. In 2022, the ESS Rule was amended once to amend air conditioning and refrigerated cabinet activities, and a second time to reduce the refrigerated cabinet incentives and strengthen requirements for refrigerated cabinet activities.

During the PDRS reporting period the inaugural PDRS Rule commenced with 7 activities under the Reducing Demand Using Efficiency method. The Rule was then amended in February to expand the eligibility of commercial activities to small business sites.

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<sup>3</sup> Under clauses 55, 57, 124, and 126 IPART may, with the approval of the Minister, delegate the exercise of its functions as Scheme Regulator and Scheme Administrator (except the ability to delegate its functions) to another person or body.

## 2 Scheme performance

The schemes drive certificate creation to encourage NSW households and businesses to reduce their energy use and peak demand. This chapter describes the performance of the schemes for the relevant compliance periods:

- Energy Savings Scheme – 1 January 2022 – 31 December 2022
- Peak Demand Reduction Scheme – 1 November 2022 – 31 March 2023.

Overall, the ESS met and exceeded its 2022 target by 35%, and the PDRS did not meet its 2022–23 target, shown in Figure 2.1. Certificate creation for both schemes has continued to grow in the following 2023 ESS compliance year and 2023–24 PDRS compliance period.

Figure 2.1 Performance against ESS and PDRS targets



### 2.1 Certificate creation, surrenders and surplus

#### 2.1.1 Energy Savings Scheme

In 2022, ACPs created 6,636,165 ESCs, 56% higher than the number created in 2021. Scheme Participants surrendered 4,794,787 ESCs for the 2022 compliance year. Of these, 4,627,483 ESCs were surrendered by Scheme Participants to meet their individual energy savings targets for 2022 and 167,316 ESCs were surrendered to remedy shortfalls carried forward from 2021.

The number of ESCs created was 38% greater than the number of ESCs surrendered in 2022, resulting in a 34% increase in the ESC surplus. Historically, the cumulative surplus of ESCs has steadily grown each year as annual certificate creation generally exceeds the number of certificates surrendered (see Table 2.1).<sup>4</sup> It is likely that the current surplus of 7,197,944 ESCs will exceed the number of certificates required to be surrendered for the 2023 compliance year.

<sup>4</sup> Excluding 2021, which was impacted by state-wide lockdowns occurring due to the COVID-19 pandemic.

Table 2.1 Supply and surplus of ESCs

Year	Net ESCs created	ESCs surrendered in calendar year <sup>a</sup>	Revived certificates	Surplus of certificates in calendar year	Cumulative certificate surplus	Sum of individual energy savings targets <sup>b</sup>
2009	276,942	148,928	0	128,014	128,014	298,118
2010	764,385	651,655	0	112,730	240,744	858,004
2011	1,079,407	1,063,564	0	15,843	256,587	1,414,315
2012	2,553,627	1,885,240	0	668,387	924,974	1,857,069
2013	4,121,802	2,491,055	0	1,630,747	2,555,721	2,433,461
2014	3,023,249	2,700,190	26603	349,662	2,905,383	2,698,830
2015	2,971,703	2,706,669	0	265,034	3,170,417	2,788,055
2016	4,280,155	3,766,762	0	513,393	3,683,810	3,794,614
2017	4,686,092	4,063,989	0	622,103	4,305,913	4,076,779
2018	5,148,670	4,331,734	0	816,936	5,122,849	4,330,051
2019	4,862,438	4,866,779	0	-4,341	5,118,508	4,649,936
2020	4,962,228	4,458,119	34816	538,925	5,657,433	4,546,509
2021	4,262,581	4,581,448	0	-318,867	5,338,566	4,512,439
2022	6,636,165	4,794,787	0	1,841,378	7,179,944	4,884,583
Totals	49,629,444	42,510,919	61,419	7,179,944		43,142,763

a. The surrendered ESCs include ESCs surrendered to cover shortfalls carried over from previous compliance years.

b. The sum of individual energy savings targets is the total number of certificates SPs were required to surrender for that compliance year. Some of this liability has been covered by penalty payments.

The indicative price of ESCs varied in 2022 with a high of \$37 in February and a low of \$31 in December. These prices are similar to indicative prices observed in 2021 which ranged from \$29 to \$39. IPART does not play any role in setting certificate prices – these are determined by commercial market forces.

## 2.1.2 Peak Demand Reduction Scheme

In the 2022–23 compliance period ACPs created 3,492,502 PRCs, which was driven primarily by the replacement of existing water heaters and refrigerated cabinets that occurred between 1 April 2022 and 31 March 2023.

Scheme Participants surrendered 3,834,984 PRCs for the 2022–23 PDRS compliance period. All of these were surrendered by Scheme Participants to meet their individual certificate target for the compliance period. The number of PRCs created for the compliance period was 9% less than the number of PRCs surrendered, representing an undersupply for the scheme's first compliance period. This shortage did not restrict Scheme Participants from surrendering enough certificates to meet their targets. In the PDRS certificates created after the end of a compliance period are able to be surrendered to meet previous compliance period liabilities. This means that certificates of 2023–24 vintage created after 31 March 2023 were able to be surrendered to meet the 2022–23 compliance period liability.

Rapid growth in certificate creation resulted in the creation of an additional 26.6 million PRCs as of 30 June 2024 (after this reporting period). This amount is sufficient to meet carried forward shortfalls from the 2022–23 compliance period and satisfy the 2023–24 scheme certificate target of 7,904,563 certificates.

Table 2.2 Supply and surplus of PRCs

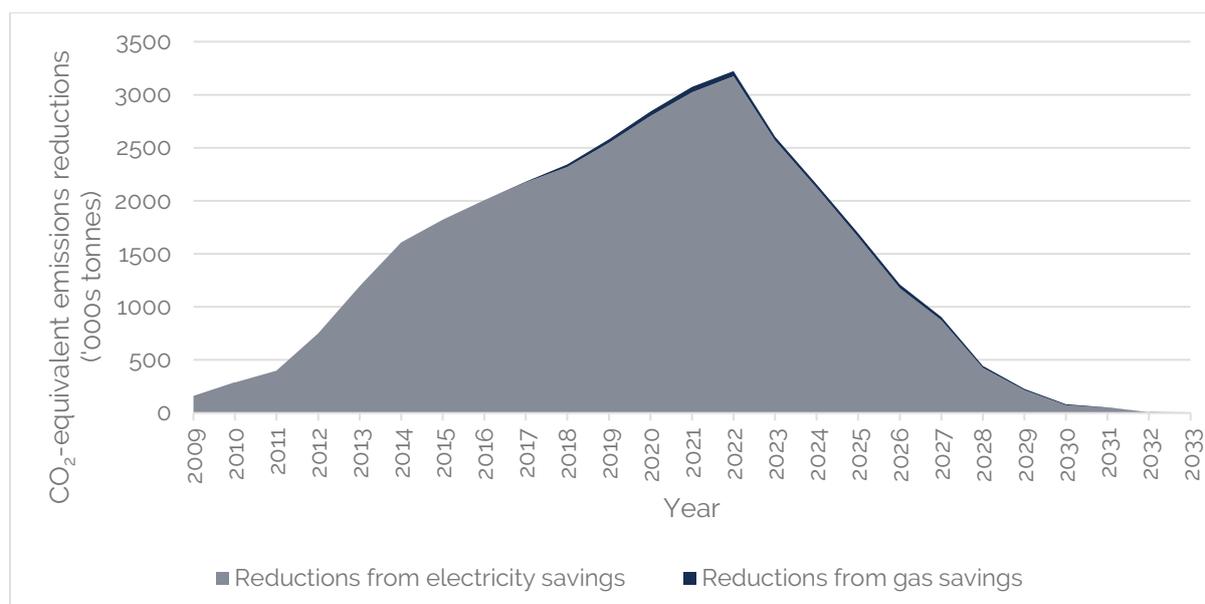
Compliance period	Net PRCs created	PRCs surrendered for the compliance period	Revived certificates	Surplus of certificates in compliance period	Cumulative certificate surplus	Scheme certificate target
2022–23	3,492,502	3,834,984	0	-342,482	-342,482	3,911,112
Totals	3,492,502	3,834,984	0	-342,482		3,911,112

The first PRC was registered on 2 November 2022. Since then, the scheme has continued to grow, and trade volumes have increased over time. In January 2023, the indicative price for PRCs was \$2.74, decreasing to \$1.73 in March 2023. IPART does not play any role in setting certificate prices – these are determined by commercial market forces.

## 2.2 Scheme outcomes

Activities that take place under the ESS and the PDRS deliver energy savings and create peak demand reduction capacity over the lifetime of the installed equipment. Past ESS activities continue to deliver energy savings in 2022 and into the future. Energy savings from the ESS also translate to direct savings for households and businesses, and to greenhouse gas reductions. These are detailed in Box 2.1 and in Figure 2.2 below.

Figure 2.2 Estimated CO<sub>2</sub>-equivalent emissions reductions



Reduction in peak demand over the next 10 years based on implementations in the 2022–23 compliance period is outlined in Table 2.3. This future estimated reduction will increase in future years as the scheme grows.

Table 2.3 Actual peak demand reduction capacity made available from 2022-23 compliance period

Compliance Period	22–23	23–24	24–25	25–26	26–27	27–28	28–29	29–30	30–31	31–32	32–33
Peak demand reduction (MW)	4.77	4.77	4.77	4.77	4.77	4.77	4.77	4.77	4.55	4.55	4.13

### Box 2.1 Scheme outcomes

Energy saved by the ESS in 2022 equated to 4,016 GWh of electricity savings and 217 GWh of gas savings. These energy savings reduced bills for households and businesses by an estimated \$513 million, and reduced greenhouse gas emissions by an estimated 3.22 million tonnes of CO<sub>2</sub>-equivalent.

Activities that have taken place before 2023 will deliver an estimated 18,928 GWh of electricity savings and 928 GWh of gas savings over the 10 years after 2022.

The PDRS created an estimated 4.77 MW of peak reduction capacity for the summer of 2022–23. This capacity is estimated to be available over the 7 following summers and will then reduce slightly over the next 3 summers. See Table 2.3 for details.

## 3 Scheme Participant compliance

Scheme Participants – typically electricity retailers – are required to participate in the ESS and PDRS. Scheme Participants have obligations under the Act to surrender certificates to meet their:

- individual energy savings target under the ESS
- individual certificate target under the PDRS.

These targets establish the demand for certificates which creates the financial incentive for ACPs to conduct energy savings and peak demand reduction activities under the schemes.

Scheme Participants must also comply with other obligations under the Act including various reporting obligations and the payment of penalties (where applicable).

### 3.1 ESS Scheme Participant compliance

The number of entities required to participate in the ESS continues to increase each year (Table 3.1). In 2022, there were 118 ESS Scheme Participants, of which 110 were electricity retailers.

Table 3.1 Number of Scheme Participants in the ESS

	2018	2019	2020	2021	2022
<b>Total number of ESS Scheme Participants</b>	74	90	102	112	118

#### 3.1.1 Compliance with individual energy savings targets

A Scheme Participant's individual energy savings target is determined by multiplying their liable acquisitions by the ESS target, which for 2022 was a rate of 9%. For most Scheme Participants, their liable acquisitions for 2022 are equivalent to their total gross electricity purchase from the Australian Energy Market Operator (**AEMO**) during the compliance period 1 January 2022 to 31 December 2022 less any exemptions they are entitled to claim.

Scheme Participants need to meet their individual energy savings target obligation by surrendering certificates equivalent to their individual energy savings target. A Scheme Participant that does not surrender sufficient certificates to meet their individual energy savings target has an 'energy savings shortfall' and may be liable to pay a penalty. Scheme Participants can also carry forward an energy savings shortfall of up to 10% of their target to the following year.

In 2022, compliance by Scheme Participants with their individual energy savings targets has decreased since last year.

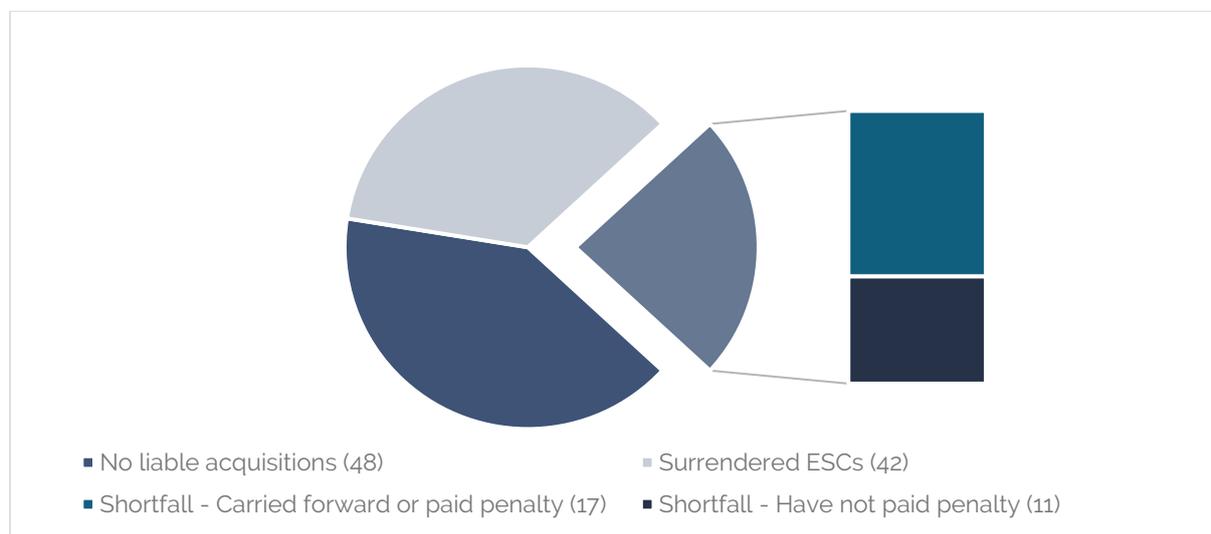
Of 118 Scheme Participants, 90 (76%) met their individual energy savings target (Figure 3.1), of which:

- 42 surrendered enough certificates to meet their target
- 48 had no liable acquisitions.

The remaining 28 Scheme Participants had an energy savings shortfall, of which:

- 17 complied with their obligations in respect of their individual energy savings target by either carrying forward a shortfall to 2023 or paying a shortfall penalty
- 11 did not comply with their obligations in respect of their individual energy savings target because their penalty invoices were still outstanding as of 30 June 2024. We continue to follow up on these payments (see section 3.1.3 below).

Figure 3.1 Breakdown of Scheme Participant compliance with individual energy savings targets



A total of 4,627,483 certificates were surrendered against the overall 2022 energy savings target of 4,884,583 notional MWh, leaving a total energy savings shortfall of 257,100 notional MWh or certificates. Of this shortfall, 32,932 notional MWh were carried forward to 2023. Penalty payment invoices were issued for the remaining 224,369 notional MWh, totalling \$6,719,840.<sup>5</sup> Penalty payments were due to be paid by 2 May 2024. At the time of writing \$561,017 is still outstanding. Unpaid penalties are recoverable in court as a debt to the Crown, and we may take further action to recover the debt.

Table A.1 summarises the performance of each Scheme Participant in relation to their individual energy savings target for 2022.

<sup>5</sup> The invoiced amount includes shortfall penalties for any unremedied carried forward shortfall from 2021 (refer to Section 3.1.2).

### 3.1.2 Remediating carried forward shortfalls from previous years

Scheme Participants must remedy any carried forward shortfall from the previous year by surrendering the number of certificates equivalent to the shortfall or paying a shortfall penalty.

Nine Scheme Participants carried forward energy savings shortfalls from 2021 to 2022. The total carried forward energy savings shortfall was equivalent to 167,505 certificates. Of these 9 Scheme Participants, 6 Scheme Participants surrendered certificates and 1 Scheme Participant paid a penalty in 2022 to remedy their carried forward shortfalls. The remaining 2 Scheme Participants have outstanding energy savings shortfalls of 123 and 66 certificates. These penalties can be recovered as debts to the Crown.

### 3.1.3 Extent to which Scheme Participants complied with other obligations

Scheme Participants have additional obligations under the Act to:

- lodge an annual energy savings statement with the Scheme Regulator by 16 November 2023
- pay the Scheme Regulator any energy savings shortfall penalty payable by 2 May 2024.

The extent to which Scheme Participants have complied with these obligations is summarised in Table 3.2.

Table 3.2 Scheme Participant compliance with obligations under the Act

Obligations under Schedule 4A to the Act	Scheme Participants that met obligations	Scheme Participants that did not meet obligations	Breakdown of Scheme Participants that did not meet obligations
Clause 26(1) – Lodge an annual energy savings statement by 16 November 2023	99	19	<p>1 lodged within an extension granted prior to due date</p> <p>5 reported after the deadline</p> <p>10 did not lodge statements and had default assessments, and were in external administration or were deregistered</p> <p>3 did not lodge statements and had default assessments, and had no liable acquisitions</p>
Clause 18(1) – Pay any energy savings shortfall penalty payable by 2 May 2024	8	15	<p>4 paid subsequently by the writing of this report</p> <p>10 have outstanding penalty payments and are in external administration or have been deregistered</p> <p>1 has an outstanding penalty payment</p>

Scheme Participants that did not lodge their annual energy savings statement had default assessments made for their liability under the scheme. Some Scheme Participants went into external administration or were deregistered before the reporting deadline. Scheme Participants that did not resolve their liability by surrendering certificates or carrying forward their shortfall were issued penalty payment invoices. We continue to follow up on payment at the writing of this report and may take further action.

## 3.2 PDRS Scheme Participant compliance

For the first year of the PDRS the number of Scheme Participants was lower than for the ESS as several ESS Scheme Participants had either surrendered their AER electricity retailer authorisation or had it revoked prior to the PDRS compliance period starting on 1 November 2022. There were 109 PDRS Scheme Participants of which 101 were electricity retailers.

### 3.2.1 Compliance with individual certificate targets

A Scheme Participant's individual certificate target is determined by multiplying their portion of scheme liable demand – that is, their liable acquisitions divided by the sum of all Scheme Participants' liable acquisitions – by the scheme certificate target for the year. For most Scheme Participants their liable acquisitions are equivalent to their total gross electricity purchase from AEMO during the relevant period less any exemptions they are entitled to claim. For the PDRS, liable acquisitions only need to be reported for the 6 peak hours of the 4 days with the highest maximum demand in the compliance period (1 November 2022 to 31 March 2023). These 4 peak days were 20 February, 6 March, 16 March, and 19 March. The scheme certificate target for 2022–23 was 3,911,112 certificates.

Scheme Participants meet their individual certificate target obligation by surrendering certificates equivalent to their individual certificate target. A Scheme Participant that surrenders less certificates than their individual certificate target has a shortfall, and if they are unable to carry forward the whole shortfall may be liable to pay a penalty.

For the 2022–23 compliance period, of 109 Scheme Participants, 88 (81%) met their individual certificate target (Figure 3.2), of which:

- 38 surrendered enough certificates to meet their target
- 50 had no liable acquisitions.

The remaining 21 Scheme Participants had a shortfall, of which:

- 17 complied with their obligations in respect of their individual certificate target by either carrying forward a shortfall to 2023 or paying a shortfall penalty
- 4 did not comply with their obligations in respect of their individual certificate target because their penalty invoices were still outstanding as of 30 June 2024. We continue to follow up on these payments (see section 3.2.3 below).

Figure 3.2 Breakdown of Scheme Participant compliance with individual certificate targets

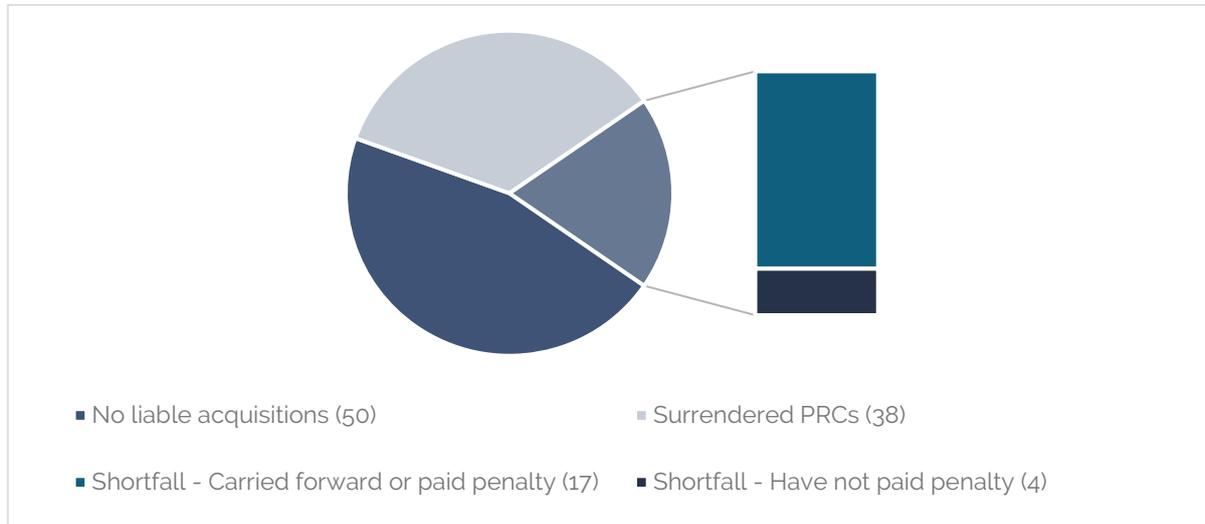


Table A.2 summarises the performance of each Scheme Participant in relation to their individual certificate target for the 2022–23 compliance period.

### 3.2.2 Overall compliance with scheme certificate target

A total of 3,834,984 certificates were surrendered against the 2022–23 scheme certificate target of 3,911,112 certificates.

The total shortfall for the 2022–23 compliance period was 76,128 certificates,<sup>6</sup> of which 59,800 certificates were carried forward to 2023–24. This carried forward shortfall will be easily met in the following compliance period as certificate creation grows, with 26.6 million certificates available for surrender as of 30 June 2024. Penalty payment invoices were issued for the remaining 16,330 certificate shortfall, totalling \$38,368. Penalty payments were due to be paid by 2 May 2024. At the time of writing \$15,631 is still outstanding. Unpaid penalties are recoverable in court as a debt to the Crown, and we may take further action to recover the debt.

### 3.2.3 Extent to which Scheme Participants complied with other obligations

Scheme Participants have additional obligations under the Act to:

- notify the Scheme Regulator by 31 May 2023 if they intend to rely on an exemption or have any liable acquisitions that are purchases of electricity from a person other than AEMO
- notify the Scheme Regulator of the Scheme Participant's individual liable demand by 16 November 2023
- lodge an annual statement with the Scheme Regulator by 18 March 2023

<sup>6</sup> This figure does not align with the sum of shortfall carried forward and penalty payment invoices issued due to rounding.

- pay the Scheme Regulator any shortfall penalty payable by 2 May 2024.

The extent to which Scheme Participants have complied with these obligations is summarised in Table 3.3.

Table 3.3 Scheme Participant compliance with obligations under the Act

Obligations under Schedule 4A to the Act	Scheme Participants that met obligations	Scheme Participants that did not meet obligations	Breakdown of Scheme Participants that did not meet obligations
Clause 88 – Notify the Scheme Regulator of exemptions and liable acquisitions by 31 May 2023	89	20	No compliance action was taken against Scheme Participants that did not report (see further information below).
Clause 89(4) – Notify the Scheme Regulator of individual liable demand by 16 November 2023	93	16	11 submitted shortly after the due date 3 were in external administration at the deadline and had default assessments made for them 2 had default assessments made for them and had no liable acquisitions
Clause 103(1) – Lodge an annual statement by 18 March 2024	104	5	3 were in external administration at the deadline and had default assessments made for them 2 had default assessments made for them and had very low liabilities (< 25 PRCs)
Clause 100(1) – Pay any shortfall penalty payable by 2 May 2024	10	9	5 paid subsequently by the writing of this report 3 have outstanding penalty payments and are in external administration or have been deregistered 1 has an outstanding penalty payment

Scheme Participants were required to notify us of their exemptions and liable acquisitions to alert us of Scheme Participants that require an audit. We took no further action against those that failed to comply with this obligation as the majority of Scheme Participants that didn't report were either not expected to need an audit or were in external administration at the time of reporting.

Scheme Participants that did not notify us of their individual liable demand or lodge their annual statements had default assessments made for them. Some Scheme Participants went into external administration or were deregistered since the end of the compliance period. Scheme Participants that did not resolve their liability by surrendering certificates or carrying forward their shortfall were issued penalty payment invoices. We continue to follow up on payment at the writing of this report and may take further action.

## 4 Accredited Certificate Provider compliance

ACPs are voluntary participants of the schemes that are accredited to create certificates from recognised energy saving and peak demand reduction activities in NSW. ACPs have a range of legal obligations under the Act, Regulation and Rule, and must comply with any conditions of their accreditation. We actively engage with ACPs to educate them about the schemes and their obligations so they can build their capability to operate successfully within the parameters of the scheme. We also monitor their compliance with their obligations.

A major focus of our compliance activity is using audits to provide assurance over certificates created for energy savings and peak demand reduction. We also receive and act on information from other sources, including customers. Where we detect non-compliance we act to protect the integrity of the schemes.

### Box 4.1 ACP obligations

An ACP's key obligations include complying with:

- the requirements of the Act, Regulation and Rules
- the conditions of accreditation set out in its Accreditation Notice, such as engaging an auditor to undertake the audit of its certificate creation and record keeping.

The Act sets out offences relating to non-compliance with these obligations including:

- improperly creating certificates (clauses 36 and 108 of Schedule 4A)
- contravening the conditions of accreditation (clauses 41 and 114 of Schedule 4A)
- obstructing the Scheme Administrator (clauses 60 and 129 of Schedule 4A)
- supplying false or misleading information (clauses 61 and 130 of Schedule 4A).

### 4.1 Our approach to compliance

We use a risk-based compliance approach that prioritises regulatory oversight and enforcement based on the level of risk associated with non-compliance. We focus our resources on high-risk areas, reducing the regulatory burden on compliant businesses and maximising scheme outcomes. By prioritising enforcement actions on high-risk areas we also aim to signal a general deterrence to other ACPs to prevent misconduct in the industry. We achieve these outcomes through a combination of proactive and reactive measures such as notices and fact sheets, targeted inspections, monitoring, and enforcement actions.

We used this approach in 2022 when we observed inappropriate conduct for refrigerated cabinet activities under the ESS. We published a notice to ACPs, signalling our intent to look closely at these activities during audits to ensure they are carried out in accordance with the legislation.

Where we find instances of non-compliance, we take action based on the risk posed by the non-compliance. In some instances, we impose accreditation conditions, such as requiring pre-registration audits of the proposed certificate creation or reducing the number of certificates that can be registered before an audit is required. In more serious cases of non-compliance we may consider further enforcement action such as suspending or cancelling an accreditation, requiring the forfeit of certificates, or issuing penalty notices.

We also work closely with other regulators. At the time of writing this report, we are sharing information with the NSW Building Commission to target inspection activity and address the risk of poor installations of heat pump water heaters, and with the Greenhouse and Energy Minimum Standards Regulator to focus on the monitoring of non-compliant refrigerated cabinets.

#### 4.1.1 Compliance priorities for 2022–23

In September 2022 we published our 2022–23 [Compliance Priorities](#) for the first time, setting out that we would focus our compliance resources for the year on the following:

- providing support and education to ACPs and Scheme Participants in the PDRS
- understanding emerging business models and risks associated with refrigerated cabinets, heat pumps and solar water heaters
- manipulation of implementation evidence
- Scheme Participant liability
- consumer protection.

Being transparent about our compliance priorities helps businesses understand where compliance attention will be focussed and take steps to address identified risks. It helps us target resources to areas of greatest risk and maintain the integrity of the schemes to realise positive sustainability outcomes for the people of NSW.

While we don't have a direct role in consumer protection, in our role as Scheme Administrator we implement rules and develop guidance that promote good consumer outcomes, which are integral to achieving scheme objectives. We also work with NSW Fair Trading, which has a role in safeguarding consumer rights and can provide information to assist with resolving complaints and disputes against companies and the products or services they provide, and with Building Commission NSW, which regulates the building industry and can assist with resolving complaints relating to incomplete or defective trade work.

## 4.2 ESS compliance

In 2022 the level of compliance by most ACPs in the ESS was high. As in previous years, most identified non-compliances related to improper creation of certificates. Typical reasons for improper creation in 2022 are discussed further in section 4.2.2 below.

Table 4.1 summarises the numbers of ACPs and their ESS accreditations for the period 2018 to 2022.

Table 4.1 Accredited Certificate Providers and their ESS accreditations

	2018	2019	2020	2021	2022
Accredited Certificate Providers	93	91	88	88	95
Active Accredited Certificate Providers <sup>a</sup>	63	56	50	48	49
Accreditations <sup>b,c</sup>	172	177	177	180	187
Active accreditations <sup>d</sup>	93	82	81	86	77
New accreditations in 2022	15	13	8	11	15
Cancelled accreditations in 2022 <sup>c</sup>	18	8	8	8	8

a. Active means those that registered certificates in 2022.

b. Figures for Accreditations and Cancelled accreditations for 2021 have been amended due to a reporting error.

c. ACPs can hold accreditations for multiple ESS methods.

d. Active means those for which ACPs registered certificates for 2022 implementations.

### 4.2.1 Audits and audit findings

Audits of ACPs help us regulate compliance (Box 4.1 above). We use pre-registration and post-registration audits to provide assurance that certificates will be or have been created in accordance with the legislation. We typically impose a pre-registration or volumetric audit regime. Pre-registration audit regimes require audits to be conducted before certificates can be registered. Volumetric audit regimes allow ACPs to create certificates before they are audited. There is a limit to the number of unaudited certificates that can be registered and audits must be conducted at least once every 12 months. All audits are conducted by members of the Audit Services Panel.

In 2022 the Audit Services Panel conducted 114 audits of ACPs covering 74 accreditations, detailed in Table 4.2.

Table 4.2 Audits of ACPs

	2018	2019	2020	2021	2022 <sup>a</sup>
Post-registration – Volumetric audit	60	75	74	50	72
Post-registration – periodic	15	12	11	13	0
Post-registration – spot	0	2	0	0	0
Pre-registration	55	54	49	43	41
Record keeping-only audits	1	2	1	1	1
<b>Total</b>	<b>131</b>	<b>145</b>	<b>135</b>	<b>107</b>	<b>114</b>

a. Figures for 2022 may contain discrepancies due to migration issues during the launch of TESSA in September.

## 4.2.2 ACPs' performance in the ESS

In 2022 we identified 34 instances of non-compliance by ACPs in the ESS. Table 4.3 provides a breakdown of the types of non-compliance detected.

Table 4.3 Instances of non-compliance by ACPs

Type of non-compliance <sup>a</sup>	2018	2019	2020	2021	2022 <sup>b</sup>
Improper creation of certificates	51	63	56	32	34
Failure to meet record keeping requirements	2	2	2	5	0
Failure to engage an auditor by the required deadline	0	2	3	0	0
Failure to meet other Accreditation Notice conditions	0	0	0	0	0
<b>Total</b>	<b>53</b>	<b>67</b>	<b>61</b>	<b>37</b>	<b>34</b>

a. The statistics provided in this table reflect decisions made by the Scheme Administrator.

b. Figures for 2022 may contain discrepancies due to migration issues during the launch of TESSA in September.

In 2022, we identified 34 instances of improper creation of certificates, involving 25,071 certificates. These improperly created certificates are equivalent to 0.4% of all certificates created from 2022 activities. The reasons for improper creation were varied and included the following:

- A significant proportion of the errors identified at audit were specifically related to implementation of lighting upgrades. For instance, ACPs claiming an incorrect number of lamps, incorrect space types and not being nominated for the correct type of lighting activity.
- Other reasons for improper creation were more general in nature and include not collecting sufficient evidence to support energy savings, installed equipment not maintaining service levels post-implementation and errors in energy savings calculation.
- Less common errors observed that led to improper creation included an implementation being in a different jurisdiction (outside NSW) and insufficient evidence of recycling of refrigerants.

## 4.2.3 Material instances of improper creation identified by audit

Through post-registration audits we identified 3 material instances of improper creation involving 2 ACPs (Table 4.4). These 3 instances resulted in the improper creation of 21,782 certificates, accounting for 87% of the total 25,071 improperly created certificates, with one ACP responsible for the majority of these improperly created certificates.

Table 4.4 Material instances of improper creation identified by audit in 2022

Accredited Certificate Provider	Accreditation Method	Improperly created ESCs	Error rate (%)	Certificate forfeiture
Expert Abatement Pty Ltd	Installation of High Efficiency Appliances for Business	791	8	791
Shell Energy Engineering Pty Ltd	Project Impact Assessment with Measurement and Verification	6,585	54	427
Shell Energy Engineering Pty Ltd	Project Impact Assessment with Measurement and Verification	14,406	59.6	2,248

## Expert Abatement Pty Ltd

An audit of Expert Abatement Pty Ltd's Expert Efficiency in Refrigeration and Cooling for Business accreditation identified a material improper creation under the Installation of High Efficiency Appliances for Businesses method. It found that 791 ESCs were over created, which represented an error rate of 8% and exceeded the 5% materiality threshold. The error stemmed from 4 implementations for which incorrect Minimum Energy Performance Standards parameters were used in the calculation of energy savings. Expert Abatement agreed to forfeit the 791 ESCs.

## Shell Energy Engineering Pty Ltd

Shell Energy Engineering Pty Ltd (**Shell**) was found to have improperly created a total of 20,991 ESCs in 2022. These certificates were improperly created as a result of technical breaches relating to the way in which energy savings were calculated for 2 of Shell's Project Impact Assessment with Measurement and Verification (**PIAM&V**) accreditations. PIAM&V is a complex method, and it is important for ACPs to make sure they have a good understanding of the requirements.

The technical details of the breaches are that an audit of Shell's OP015 Commercial and Industrial Refrigeration accreditation under the PIAM&V calculation method found that for 6 implementations, Shell did not make non-routine adjustments in accordance with the requirements of the ESS Rule. As the affected period was greater than 20% of the Measurement Period, their calculations did not comply with the ESS Rule. For a further implementation Shell incorrectly deducted energy savings for a lighting implementation as counted energy savings. At another implementation Shell did not apply the accuracy factor after determining the interactive energy savings in accordance with the requirements. This represented improper creation of 6,585 ESCs and an error rate of 54%, which exceeded the 5% materiality threshold.

The Scheme Administrator required that Shell forfeit 427 ESCs associated with one implementation and allowed Shell to recalculate the energy savings from the other 7 implementations and to undertake a pre-registration audit of the revised calculations under another related PIAM&V accreditation of Shell. The vintage of the energy savings (2021) meant that any additional energy savings identified by the pre-registration audit would not be able to be registered due to the registration deadline.

An audit of Shell's OP013 Commercial & Industrial HVAC accreditation under the PIAM&V calculation method found that for 4 implementations, non-routine adjustments were not made in accordance with the requirements of the ESS Rule. The audit did not provide reasonable assurance over 14,406 ESCs which represented an error rate of 59.6%, thus exceeding the materiality threshold.

The Scheme Administrator:

- agreed to a request from Shell to recalculate energy savings and engage an auditor to audit the recalculations for 3 implementations, and
- refused a request from Shell to not forfeit 2,248 improperly created ESCs from the fourth implementation.

#### 4.2.4 Other instances of non-compliance

Audits did not identify any instances of non-compliance other than improper certificate creation in 2022.

#### 4.2.5 Material errors identified by pre-registration audit

Two pre-registration audits identified material errors during 2022. One audit identified 39 over-calculated certificates representing an error rate of 10% and another audit identified 1,199 over-calculated certificates which represented an error rate of 14.9%. As a result of pre-registration audits we avoided the improper creation of these certificates.

#### 4.2.6 Penalty notices and administrative reviews

There were no penalty notices issues or administrative reviews undertaken in the 2022 ESS compliance period.

### 4.3 PDRS compliance

The 2022–23 compliance period marked the first time ACPs could register certificates under the PDRS. Compliance activities commenced after the end of the compliance period, with audits commencing in August 2023.

Table 4.5 summarises the numbers of ACPs and their PDRS accreditations at the end of the 2022–23 compliance period and 6 months later.

Table 4.5 Accredited Certificate Providers and their PDRS accreditations

	As at 31 March 2023	As at 30 September 2023
Number of ACPs	20	37
<b>Accreditations by Activity Definitions</b>		
HVAC1	11	20
HVAC2	8	13
RF1	0	1
RF2	14	19
SYS1	4	5
SYS2	5	5
WH1	14	33
<b>Total number of accreditations<sup>a</sup></b>	<b>20</b>	<b>37</b>

a. ACPs can hold accreditations for multiple PDRS methods.

#### 4.3.1 Audit and audit findings

PDRS audits commenced in August 2023. A detailed summary of PDRS audits and audit findings conducted during the 2023–24 compliance period will be provided in the next annual report.

# Appendix

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## A Scheme Participant compliance with obligations

Table A.1 ESS Scheme Participant performance in relation to individual energy savings targets for 2022

<b>Scheme Participant</b>	<b>Surrender of certificates</b>	<b>Shortfall carried forward</b>	<b>Shortfall penalty payment</b>	<b>Met individual energy savings target?</b>	<b>Complied with 2022 individual energy savings target obligations?</b>
1st Energy Pty Ltd	100%	0%	0%	Yes	Yes
AGL Hydro Partnership	100%	0%	0%	Yes	Yes
AGL Sales (Queensland Electricity) Pty Ltd	100%	0%	0%	Yes	Yes
AGL Sales Pty Ltd	100%	0%	0%	Yes	Yes
Alinta Energy Retail Sales Pty Ltd	100%	0%	0%	Yes	Yes
Altogether Group Pty Ltd	0%	10%	90%	No	Yes
Amber Electric Pty Ltd	100%	0%	0%	Yes	Yes
Berrybank 2 Asset Pty Ltd as trustee for Berrybank 2 Asset Trust	0%	0%	100%	No	Yes
Blue NRG Pty Ltd	90%	10%	0%	No	Yes
Bright Spark Power	0%	0%	0%	No	No
Brighte Energy Pty Ltd	100%	0%	0%	Yes	Yes
CleanCo Queensland Limited	100%	0%	0%	Yes	Yes
Cogent Energy Pty Ltd	100%	0%	0%	Yes	Yes
CovaU Pty Limited	100%	0%	0%	Yes	Yes
CPE Mascot Pty Ltd	100%	0%	0%	Yes	Yes
CSR Building Products Ltd	100%	0%	0%	Yes	Yes
Darlington Point Solar Farm Pty Ltd	0%	0%	100%	No	Yes
Diamond Energy Pty Ltd	100%	0%	0%	Yes	Yes
Discover Energy Pty Ltd	100%	0%	0%	Yes	Yes
Electricity in a Box	0%	10%	90%	No	No
Elysian Energy P/L	0%	0%	0%	No	No

<b>Scheme Participant</b>	<b>Surrender of certificates</b>	<b>Shortfall carried forward</b>	<b>Shortfall penalty payment</b>	<b>Met individual energy savings target?</b>	<b>Complied with 2022 individual energy savings target obligations?</b>
Energy Locals Pty Ltd	100%	0%	0%	Yes	Yes
ENERGY SERVICES MANAGEMENT PTY LTD	98%	2%	0%	No	Yes
EnergyAustralia	59%	0%	41%	No	Yes
EnergyAustralia Yallourn	100%	0%	0%	Yes	Yes
ENGIE Retail	100%	0%	0%	Yes	Yes
Enova Energy Pty Ltd	0%	0%	0%	No	No
Ergon Energy Queensland Pty Ltd	100%	0%	0%	Yes	Yes
Finley Solar Farm Pty Ltd as the Trustee for Finley Solar Trust	0%	0%	100%	No	Yes
GEE Power & Gas Pty Ltd	0%	0%	0%	No	No
Globird Energy Pty Ltd	100%	0%	0%	Yes	Yes
Group Energy Pty Ltd	100%	0%	0%	Yes	Yes
Hanwha Energy Retail Australia Pty Ltd	100%	0%	0%	Yes	Yes
Iberdrola Australia Energy Markets Pty Limited	100%	0%	0%	Yes	Yes
Iberdrola Australia Wallgrove Pty Limited	100%	0%	0%	Yes	Yes
Locality Planning Energy Pty Ltd	0%	0%	100%	No	Yes
Localvolts Pty Ltd	0%	0%	100%	No	Yes
M2 Energy Pty Ltd	100%	0%	0%	Yes	Yes
Mojo Power Pty Ltd	0%	0%	0%	No	No
Momentum Energy Pty Limited	100%	0%	0%	Yes	Yes
MTA Energy	0%	10%	90%	No	Yes
Next Business Energy Pty Ltd	100%	0%	0%	Yes	Yes
Online Power and Gas Pty Ltd	100%	0%	0%	No	Yes
Origin Energy Electricity Ltd	100%	0%	0%	Yes	Yes
OVO Energy Pty Ltd	100%	0%	0%	Yes	Yes
Pacific Blue Retail Pty Ltd	100%	0%	0%	Yes	Yes

Scheme Participant	Surrender of certificates	Shortfall carried forward	Shortfall penalty payment	Met individual energy savings target?	Complied with 2022 individual energy savings target obligations?
People Energy Pty Ltd	0%	0%	0%	No	No
Pooled Energy Pty Ltd	0%	0%	0%	No	No
POWER CLUB LIMITED	0%	0%	0%	No	No
Powerdirect Pty Ltd	100%	0%	0%	Yes	Yes
Powershop Australia Pty Limited	99%	1%	0%	No	Yes
Progressive Green Pty Ltd	100%	0%	0%	Yes	Yes
QEnergy Limited	0%	0%	0%	No	No
Radian Holdings Pty Ltd	4%	0%	96%	No	Yes
ReAmped Energy Pty Ltd	100%	0%	0%	Yes	Yes
Red Energy Pty Limited	90%	10%	0%	No	Yes
Sanctuary Energy Pty Ltd	0%	0%	0%	No	No
Shell Energy Retail Pty Ltd	100%	0%	0%	Yes	Yes
Smart Energy Retail Pty Ltd	13%	10%	77%	No	Yes
SmartestEnergy Australia	100%	0%	0%	Yes	Yes
Social Energy Australia Pty Ltd	0%	0%	0%	No	No
Stanwell Corporation Limited	100%	0%	0%	Yes	Yes
Sumo Power Pty Ltd	100%	0%	0%	Yes	Yes
Sun Retail Pty Ltd	100%	0%	0%	Yes	Yes
Sunset Power International Pty Ltd	100%	0%	0%	Yes	Yes
Telstra Energy (Retail) Pty Ltd	100%	0%	0%	Yes	Yes
Tomago Aluminium Company Pty Ltd	100%	0%	0%	Yes	Yes
WINenergy Pty Ltd	100%	0%	0%	Yes	Yes
YES Energy (SA) Pty Ltd	0%	0%	100%	No	Yes
ZEN ENERGY RETAIL PTY LTD	100%	0%	0%	Yes	Yes
ActewAGL Retail Ltd		no liable acquisitions		Yes	Yes
Active Utilities Retail Pty Ltd		no liable acquisitions		Yes	Yes

<b>Scheme Participant</b>	<b>Surrender of certificates</b>	<b>Shortfall carried forward</b>	<b>Shortfall penalty payment</b>	<b>Met individual energy savings target?</b>	<b>Complied with 2022 individual energy savings target obligations?</b>
AGL Macquarie Pty Ltd		no liable acquisitions		Yes	Yes
AGL South Australia Pty Ltd		no liable acquisitions		Yes	Yes
Ampol Energy (Retail) Pty Ltd		no liable acquisitions		Yes	Yes
Apex Energy Holdings Pty Ltd		no liable acquisitions		Yes	Yes
Arc Energy Corporation Pty Ltd		no liable acquisitions		Yes	Yes
ARC Utilities Management Pty Ltd		no liable acquisitions		Yes	Yes
Aurora Energy Pty Ltd		no liable acquisitions		Yes	Yes
Balance Commodities and Energy Pty Ltd		no liable acquisitions		Yes	Yes
CleanPeak Energy Retail Pty Ltd		no liable acquisitions		Yes	Yes
CleanTech Energy Pty Ltd		no liable acquisitions		Yes	Yes
CS Energy Ltd		no liable acquisitions		Yes	Yes
EDL Retail Pty Ltd		no liable acquisitions		Yes	Yes
ElectrAg Pty Ltd		no liable acquisitions		Yes	Yes
Ellis Air Connect Pty Ltd		no liable acquisitions		Yes	Yes
Enel Energy Australia Pty Ltd		no liable acquisitions		Yes	Yes
Energy On Pty Ltd		no liable acquisitions		Yes	Yes
Evergy Pty Ltd		no liable acquisitions		Yes	Yes
EZI Power Pty Ltd		no liable acquisitions		Yes	Yes
Genuity Retail Pty Ltd		no liable acquisitions		Yes	Yes
Humenergy Group Pty Ltd		no liable acquisitions		Yes	Yes
Iberdrola Australia Holdings Pty Limited		no liable acquisitions		Yes	Yes
iGENO Pty Limited		no liable acquisitions		Yes	Yes
Incite Energy Pty Ltd		no liable acquisitions		Yes	Yes
International Power (Retail) Pty Limited		no liable acquisitions		Yes	Yes
Lumo Energy (NSW) Pty Ltd		no liable acquisitions		Yes	Yes
Lumo Energy (QLD) Pty Ltd		no liable acquisitions		Yes	Yes

<b>Scheme Participant</b>	<b>Surrender of certificates</b>	<b>Shortfall carried forward</b>	<b>Shortfall penalty payment</b>	<b>Met individual energy savings target?</b>	<b>Complied with 2022 individual energy savings target obligations?</b>
Lumo Energy (SA) Pty Ltd		no liable acquisitions		Yes	Yes
Lumo Energy Australia Pty Ltd		no liable acquisitions		Yes	Yes
Macarthur Energy Retail Pty Ltd		no liable acquisitions		Yes	Yes
Macquarie Bank Ltd		no liable acquisitions		Yes	Yes
Maximum Energy Retail Pty Ltd		no liable acquisitions		Yes	Yes
Metered Energy Holdings Pty Ltd		no liable acquisitions		Yes	Yes
Microgrid Power Pty Ltd		no liable acquisitions		Yes	Yes
Neighbourhood Energy Pty Ltd		no liable acquisitions		Yes	Yes
OC Energy Pty Ltd		no liable acquisitions		Yes	Yes
Positive Energy TM Pty Ltd		no liable acquisitions		Yes	Yes
PowerHub Pty Ltd		no liable acquisitions		Yes	Yes
Powow Power Pty Ltd		no liable acquisitions		Yes	Yes
Real Utilities Pty Limited		no liable acquisitions		Yes	Yes
Rush Energy Pty Ltd		no liable acquisitions		Yes	Yes
Savant Energy Power Networks Pty Limited		no liable acquisitions		Yes	Yes
Starcorp Energy Pty Ltd		no liable acquisitions		Yes	Yes
Sustainable Savings Pty Ltd		no liable acquisitions		Yes	Yes
The Embedded Networks Company Pty Ltd		no liable acquisitions		Yes	Yes
Tilt Renewables Retail Pty Ltd		no liable acquisitions		Yes	Yes
Totalenergies Gas & Power Australia Pty Ltd		no liable acquisitions		Yes	Yes

Table A.2 PDRS Scheme Participant performance in relation to individual certificate targets for 2022–23

<b>Scheme Participant</b>	<b>Surrender of certificates</b>	<b>Shortfall carried forward</b>	<b>Shortfall penalty payment</b>	<b>Met individual certificate target?</b>	<b>Complied with 2022–23 individual certificate target obligations?</b>
1st Energy Pty Ltd	100%	0%	0%	Yes	Yes
AGL Hydro Partnership	100%	0%	0%	Yes	Yes
AGL Sales (Queensland Electricity) Pty Ltd	100%	0%	0%	Yes	Yes
AGL Sales Pty Ltd	100%	0%	0%	Yes	Yes
Alinta Energy Retail Sales Pty Ltd	100%	0%	0%	Yes	Yes
Amber Electric Pty Ltd	100%	0%	0%	Yes	Yes
Berrybank 2 Asset Pty Ltd as trustee for Berrybank 2 Asset Trust	0%	0%	100%	No	Yes
Blue NRG Pty Ltd	0%	20%	80%	No	Yes
CleanCo Queensland Limited	0%	0%	100%	No	Yes
CovaU Pty Limited	100%	0%	0%	Yes	Yes
CPE Mascot Pty Ltd	100%	0%	0%	Yes	Yes
CSR Building Products Ltd	100%	0%	0%	Yes	Yes
Darlington Point Solar Farm Pty Ltd	0%	0%	100%	No	Yes
Diamond Energy Pty Ltd	100%	0%	0%	Yes	Yes
Discover Energy Pty Ltd	0%	0%	100%	No	Yes
Electricity in a Box	0%	0%	100%	No	Yes
Energy Locals Pty Ltd	100%	0%	0%	Yes	Yes
ENERGY SERVICES MANAGEMENT PTY LTD	0%	0%	100%	No	Yes
EnergyAustralia	100%	0%	0%	Yes	Yes
EnergyAustralia Yallourn	100%	0%	0%	Yes	Yes
ENGIE Retail	100%	0%	0%	Yes	Yes
Ergon Energy Queensland Pty Ltd	100%	0%	0%	Yes	Yes
Finley Solar Farm Pty Ltd as the Trustee for Finley Solar Trust	0%	20%	80%	No	Yes
GEE Power & Gas Pty Ltd	0%	20%	0%	No	No

<b>Scheme Participant</b>	<b>Surrender of certificates</b>	<b>Shortfall carried forward</b>	<b>Shortfall penalty payment</b>	<b>Met individual certificate target?</b>	<b>Complied with 2022–23 individual certificate target obligations?</b>
Globird Energy Pty Ltd	100%	0%	0%	Yes	Yes
Group Energy Pty Ltd	92%	8%	0%	No	Yes
Hanwha Energy Retail Australia Pty Ltd	100%	0%	0%	Yes	Yes
Iberdrola Australia Energy Markets Pty Limited	100%	0%	0%	Yes	Yes
Iberdrola Australia Wallgrove Pty Limited	100%	0%	0%	Yes	Yes
Localvolts Pty Ltd	0%	0%	100%	No	Yes
M2 Energy Pty Ltd	100%	0%	0%	Yes	Yes
Mojo Power Pty Ltd	0%	0%	0%	No	No
Momentum Energy Pty Limited	100%	0%	0%	Yes	Yes
MTA Energy	100%	0%	0%	Yes	Yes
Next Business Energy Pty Ltd	100%	0%	0%	Yes	Yes
Online Power and Gas Pty Ltd	0%	20%	80%	No	Yes
Origin Energy Electricity Ltd	100%	0%	0%	Yes	Yes
OVO Energy Pty Ltd	100%	0%	0%	Yes	Yes
Pacific Blue Retail Pty Ltd	100%	0%	0%	Yes	Yes
Powershop Australia Pty Limited	100%	0%	0%	Yes	Yes
Powow Power Pty Ltd	0%	0%	100%	No	Yes
Progressive Green Pty Ltd	100%	0%	0%	Yes	Yes
QEnergy Limited	0%	0%	0%	No	No
Radian Holdings Pty Ltd	0%	0%	100%	No	Yes
ReAmped Energy Pty Ltd	100%	0%	0%	Yes	Yes
Red Energy Pty Limited	80%	20%	0%	No	Yes
Sanctuary Energy Pty Ltd	0%	0%	0%	No	No
Shell Energy Retail Pty Ltd	100%	0%	0%	Yes	Yes
Smart Energy Retail Pty Ltd	0%	20%	80%	No	Yes
SmartestEnergy Australia	100%	0%	0%	Yes	Yes

<b>Scheme Participant</b>	<b>Surrender of certificates</b>	<b>Shortfall carried forward</b>	<b>Shortfall penalty payment</b>	<b>Met individual certificate target?</b>	<b>Complied with 2022–23 individual certificate target obligations?</b>
Stanwell Corporation Limited	100%	0%	0%	Yes	Yes
Sumo Power Pty Ltd	100%	0%	0%	Yes	Yes
Sun Retail Pty Ltd	100%	0%	0%	Yes	Yes
Sunset Power International Pty Ltd	100%	0%	0%	Yes	Yes
Telstra Energy (Retail) Pty Ltd	0%	0%	100%	No	Yes
Tomago Aluminium Company Pty Ltd	100%	0%	0%	Yes	Yes
WINenergy Pty Ltd	100%	0%	0%	Yes	Yes
YES Energy (SA) Pty Ltd	0%	0%	100%	No	Yes
ZEN ENERGY RETAIL PTY LTD	100%	0%	0%	Yes	Yes
ActewAGL Retail Ltd		no liable acquisitions		Yes	Yes
Active Utilities Retail Pty Ltd		no liable acquisitions		Yes	Yes
AGL Macquarie Pty Ltd		no liable acquisitions		Yes	Yes
AGL South Australia Pty Ltd		no liable acquisitions		Yes	Yes
Altogether Group Pty Ltd		no liable acquisitions		Yes	Yes
Ampol Energy (Retail) Pty Ltd		no liable acquisitions		Yes	Yes
Apex Energy Holdings Pty Ltd		no liable acquisitions		Yes	Yes
Arc Energy Corporation Pty Ltd		no liable acquisitions		Yes	Yes
ARC Utilities Management Pty Ltd		no liable acquisitions		Yes	Yes
Aurora Energy Pty Ltd		no liable acquisitions		Yes	Yes
Balance Commodities and Energy Pty Ltd		no liable acquisitions		Yes	Yes
Brighte Energy Pty Ltd		no liable acquisitions		Yes	Yes
CleanPeak Energy Retail Pty Ltd		no liable acquisitions		Yes	Yes
CleanTech Energy Pty Ltd		no liable acquisitions		Yes	Yes
Cogent Energy Pty Ltd		no liable acquisitions		Yes	Yes
CS Energy Ltd		no liable acquisitions		Yes	Yes
EDL Retail Pty Ltd		no liable acquisitions		Yes	Yes

<b>Scheme Participant</b>	<b>Surrender of certificates</b>	<b>Shortfall carried forward</b>	<b>Shortfall penalty payment</b>	<b>Met individual certificate target?</b>	<b>Complied with 2022–23 individual certificate target obligations?</b>
ElectrAg Pty Ltd		no liable acquisitions		Yes	Yes
Ellis Air Connect Pty Ltd		no liable acquisitions		Yes	Yes
Enel Energy Australia Pty Ltd		no liable acquisitions		Yes	Yes
Energy On Pty Ltd		no liable acquisitions		Yes	Yes
Evergy Pty Ltd		no liable acquisitions		Yes	Yes
EZI Power Pty Ltd		no liable acquisitions		Yes	Yes
Genuity Retail Pty Ltd		no liable acquisitions		Yes	Yes
Humenergy Group Pty Ltd		no liable acquisitions		Yes	Yes
Iberdrola Australia Holdings Pty Limited		no liable acquisitions		Yes	Yes
iGENO Pty Limited		no liable acquisitions		Yes	Yes
Incite Energy Pty Ltd		no liable acquisitions		Yes	Yes
International Power (Retail) Pty Limited		no liable acquisitions		Yes	Yes
Locality Planning Energy Pty Ltd		no liable acquisitions		Yes	Yes
Lumo Energy (NSW) Pty Ltd		no liable acquisitions		Yes	Yes
Lumo Energy (QLD) Pty Ltd		no liable acquisitions		Yes	Yes
Lumo Energy (SA) Pty Ltd		no liable acquisitions		Yes	Yes
Lumo Energy Australia Pty Ltd		no liable acquisitions		Yes	Yes
Macarthur Energy Retail Pty Ltd		no liable acquisitions		Yes	Yes
Maximum Energy Retail Pty Ltd		no liable acquisitions		Yes	Yes
Metered Energy Holdings Pty Ltd		no liable acquisitions		Yes	Yes
Microgrid Power Pty Ltd		no liable acquisitions		Yes	Yes
Neighbourhood Energy Pty Ltd		no liable acquisitions		Yes	Yes
OC Energy Pty Ltd		no liable acquisitions		Yes	Yes
Positive Energy TM Pty Ltd		no liable acquisitions		Yes	Yes
Powerdirect Pty Ltd		no liable acquisitions		Yes	Yes
PowerHub Pty Ltd		no liable acquisitions		Yes	Yes

<b>Scheme Participant</b>	<b>Surrender of certificates</b>	<b>Shortfall carried forward</b>	<b>Shortfall penalty payment</b>	<b>Met individual certificate target?</b>	<b>Complied with 2022–23 individual certificate target obligations?</b>
Real Utilities Pty Limited		no liable acquisitions		Yes	Yes
Savant Energy Power Networks Pty Limited		no liable acquisitions		Yes	Yes
Starcorp Energy Pty Ltd		no liable acquisitions		Yes	Yes
Sustainable Savings Pty Ltd		no liable acquisitions		Yes	Yes
The Embedded Networks Company Pty Ltd		no liable acquisitions		Yes	Yes
Tilt Renewables Retail Pty Ltd		no liable acquisitions		Yes	Yes
Totalenergies Gas & Power Australia Pty Ltd		no liable acquisitions		Yes	Yes