

## Draft Orders submitted to the Governor in Council by the Honourable the Minister for Energy and Resources

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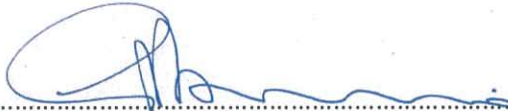
### Victorian Energy Efficiency Target Act 2007

Recommending to the Governor in Council, under section 75 of the **Victorian Energy Efficiency Target Act 2007**, that the Victorian Energy Efficiency Target (Project-Based Activities) Amendment Regulations 2025, be made.



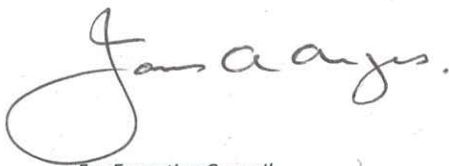
(Signature of Secretary or Authorised Delegate) .....

John Bradley, Secretary, Department of Energy, Environment and Climate Action



(Signature of Minister) .....

Lily D'Ambrosio, Minister for Energy and Resources




For Executive Council

26 AUG 2025



APPROVED BY THE  
GOVERNOR IN COUNCIL



Clerk of the Executive Council

## Victorian Energy Efficiency Target Act 2007

### VICTORIAN ENERGY EFFICIENCY TARGET (PROJECT-BASED ACTIVITIES) AMENDMENT REGULATIONS 2025

#### EXPLANATORY MEMORANDUM

##### Summary

- The Victorian Energy Efficiency Target (Project-Based Activities) Amendment Regulations 2025 (proposed Regulations), to be made under section 75 (d), (e), (g), (i) and (m) of the **Victorian Energy Efficiency Target Act 2007**, will prescribe new activities to be undertaken under the Victorian Energy Efficiency Target (Project-Based Activities) Regulations 2017 (Principal Regulations).
- The proposed Regulations will, among other things, amend the Principal Regulations to introduce four unique activities, amend project requirements for new and existing activities, update references to required certifications and codes and expand matters that can be made by the Secretary to include activities where a specified measurement method applies.
- The proposed Regulations aim to increase flexibility and reduce barriers for projects and for current and incoming accredited persons under the activity. The proposed Regulations are to commence on the day they are made.

##### Recommendation

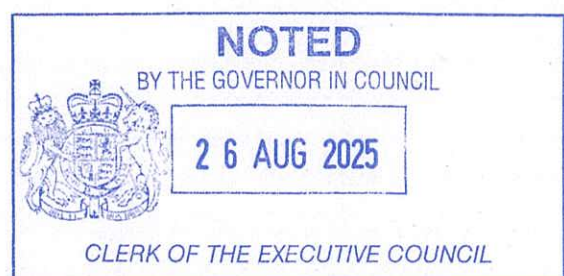
1. It is recommended to the Governor in Council that the Victorian Energy Efficiency Target (Project-Based Activities) Amendment Regulations 2025 be made.

##### Background to proposed Regulations and their effect

2. The Victorian Energy Upgrades (VEU) program is established under the **Victorian Energy Efficiency Target Act 2007** and the Victorian Energy Efficiency Target (Project-Based Activities) Regulations 2017 (Principal Regulations). The Essential Services Commission is the regulator of the VEU program.
3. The VEU program is the largest energy efficiency initiative in Victoria. The program supports Victorian households and businesses to upgrade their appliances and equipment by providing discounted energy saving products and services.

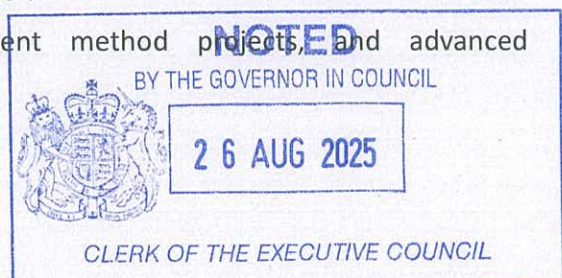


4. Private businesses accredited under the program, known as accredited persons, provide these upgrades and create Victorian Energy Efficiency Certificates (certificates) that they sell to energy retailers, who are required under the **Victorian Energy Efficiency Target Act 2007** to obtain and surrender a set number of certificates each year. One certificate represents one tonne of carbon emissions abated.
5. The VEU program is also a major contributor to the achievement of Victoria's interim emissions reduction targets established under the **Climate Change Act 2017**.
6. Part 2 of the Principal Regulations prescribes the project-based activities that can be undertaken to generate certificates within the VEU program. Over time, the VEU program has needed to introduce new activities and revise existing activities to keep up to date with the Victorian Government's emission reduction and energy policy goals, changes in the market, technologies and standards, and to provide activities for accredited persons to deliver so the VEU program can continue to meet its objectives.
7. The proposed Regulations will strengthen the ability of the VEU program to support Victorian businesses to become more energy efficient and electrify where possible, aligning with the focus of the Victorian Government Gas Substitution Roadmap.
8. The main objectives of the proposed Regulations are to reduce barriers identified in the method by introducing new activities that have a reduced level of complexity and/or reporting requirements that are commensurate with project risk, increase flexibility for established projects in regard to changes in project personnel and project scope, and to adjust participation requirements which previously discouraged participation for certain project types, such as those with minimum energy performance requirements.
9. The proposed Regulations will amend the Principal Regulations to include the following:
10. Regulation 1, 2 and 3 of the proposed Regulations set out preliminary matters, including the objectives of the Regulations, the authorising provision of the **Victorian Energy Efficiency Target Act 2007** and the title of the Principal Regulations which the proposed Regulations amend.
11. Regulation 4 of the proposed regulations make the following substitutions to regulation 1 of the Principal Regulations:





- Substitutes subregulation 1(e) to refer to 'projects', rather than 'project plans'. This amendment updates the register requirements for approved projects, as not all activities will be required to submit project plans.
  - Insert sub regulation 1 (ea) to allow a transfer of projects from one accredited provider to another.
12. Regulation 5 of the proposed Regulations amends regulation 4 of the Principal Regulations and inserts new definitions for *advanced measurement and verification project*, *advanced measurement and verification*, *incoming accredited person*, *specified measurement method project* and *specified measurement method*, and substitutes the definition for benchmark rating project, measurement and verification project and service.
13. Regulation 6 of the proposed Regulations amends regulation 5 of the Principal Regulations to remove the requirement for all activities to have an application for scoping approval and project plan approval in order to be undertaken for the purpose of achieving a reduction in greenhouse gas emissions, which would not have occurred in the absence of the project. This amendment allows for the new activities to be prescribed under regulation 5, which sets out the following new project application requirements:
- Measurement and verification projects must have an approved application for a measurement and verification scoping approval and an approved application for measurement and verification project plan approval, as per subregulation 5(b)(i).
  - Specified measurement method projects must have an approved application for a specified measurement scoping approval, as per subregulation 5(b)(ii).
  - Benchmark rating projects must have an approved benchmark rating scoping approval, as per subregulation 5(b)(iii).
  - Advanced measurement and verification projects must have an approved advanced measurement and verification project scoping approval, as per subregulation 5(b)(iv).
14. Regulation 7 of the proposed Regulations substitutes regulation 6 of the Principal Regulations, which outlines the requirements for scoping approval for measurement and verification projects and benchmark rating projects only. The amendments to regulation 6 will incorporate the requirements for scoping plans for the newly established project types which include specified measurement method projects, and advanced





measurement and verification projects. Regulation 6 of the proposed Regulations makes the following amendments:

- Substitutes subregulation 6(2) to provide for the nomination of the prescribed activity and the type of information and documentation required for each of the prescribed activities: measurement and verification, specified measurement method, benchmark rating, and advanced measurement and verification.
- Revokes regulation 6(2A) of the Principal Regulations, which stated that a benchmark rating project must nominate a benchmark administrator for the project. This regulation is proposed to be applied under regulation under 6(3A) (as amended) of the Principal Regulations, which outlines the specific information and documents required for each project type.
- Substitutes the reference to subregulation (2)(c) at Regulation 6(3) of the Principal Regulations to take account of amendments and now refer to subregulation (2)(b)(ii). Subregulation 6(3) of the Principal Regulations provides for the information and documents required to be submitted as part of a scoping approval and sets out the following new requirements:
  - Substitutes subregulation 6(3)(c) to require the timing of the project be included as part of the required information for application of scoping approval, rather than the indicative date when the project will commence.
  - Revokes subregulation 6(3)(d)(vi) and 6(3)(d)(vii) which state that any lighting equipment that was removed or installed in carrying out the activity be done so in the form specified by the Essential Services Commission. These regulations are then applied under regulation 6(3A)(d)(i) and 6(3A)(d)(ii) of the Principal Regulations, to apply to all projects other than benchmark rating projects.
  - Substitutes subregulation 6(3)(f) which states that a project must not be undertaken to comply with energy efficiency or greenhouse gas emissions requirements in any minimum standard or mandatory requirement under any legislation. The amendment clarifies that projects that are undertaken to comply with the disclosure requirements of energy efficiency or greenhouse gas emissions performance, can participate in the activity.

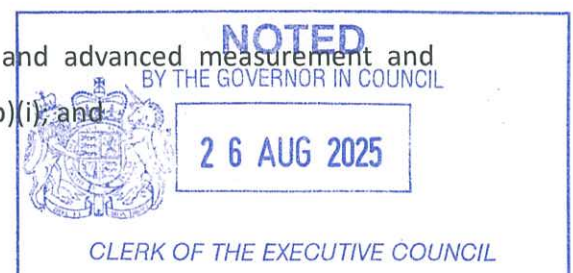


- Substitutes regulation 6(3A) of the Principal Regulations to set out the unique information and documentation required to be included for specific project types under regulation 6(b)(iii). Regulation 6(3A) sets out the following new project application requirements:
  - Subregulation 6(3A)(a) requires for a benchmark rating project, the nomination of the benchmark administrator.
  - Subregulation 6(3A)(b) requires for a specified measurement method project, the nomination of a specified measurement method to be used to calculate the reduction in greenhouse gases.
  - Subregulation 6(3A)(c) requires for an advanced measurement and verification project, a document which describes the type of appliances, the end use services and the building type for the project.
  - Subregulation 6(3A)(d) states that for a project other than a benchmark rating project:
    - Where lighting equipment is removed to carry out an activity, a declaration must be made in the form specified by the Essential Services Commission, as per subregulation 6(3A)(d)(i).
    - Where lighting equipment is installed to carry out an activity, a declaration must be made in the form specified by the Essential Services Commission, as per subregulation 6(3A)(d)(ii).
- Substitutes regulation 6(4A) of the Principal Regulations to set out requirements that must be met prior to the Essential Services Commission granting a scoping approval, including:
  - That the project must nominate an activity prescribed by regulation 5, as per subregulation 6(4A)(a).
  - That for benchmark rating projects, the premises where the project will be undertaken is the type for which the benchmark administrator is approved to administer a benchmark process, as per subregulation 6(4A)(b).
  - That for specified measurement method projects, the kinds of activities to be undertaken as part of the project are of a type which has a specified measurement method, as per subregulation 6(4A)(c).





- Substitutes subregulation 6(5A)(a) and (b) of the Principal Regulations, which outlines the circumstances in which the Essential Services Commission may grant scoping approval in respect of a project despite work having commenced at the premises, with the following:
    - The application for scoping approval includes a nomination under subregulation (3A) and the work did not commence before the application was submitted, as per subregulation 6(5A)(a);
    - An application has been made under regulation 9A(1) to transfer the project to an incoming accredited person, as per subregulation 6(5A)(b).
  - Substitute regulation 6(8)(a)(ii) of the Principal Regulations to reference Part A6 of the Building Code, rather than Part A3.
15. Regulation 8 proposes to amend regulation 7 of the Principal Regulations. It outlines the requirements for project plan approval and makes the following amendments to regulation 7 of the Principal Regulations:
- Revokes regulation 7(2)(c) of the Principal Regulations which refers to revoked regulation 7A(1). Regulation 7A(1) set out the information required in an application for a project plan approval. This regulation is revoked as it does not apply to all activities.
  - Substitutes regulation 7(2)(d) to exclude advanced measurement and verification projects from project plan requirements.
16. Regulation 9 of the proposed Regulations revokes regulation 7A of the Principal Regulations. Regulation 7A of the Principal Regulations outlines the information required in an application for a project plan approval. This regulation is revoked as it does not apply to all activities.
17. Regulation 10 of the proposed Regulations makes the following amendments to regulation 8 of the Principal Regulations:
- Substitutes regulation 8(3)(b) which outlines when the Essential Services Commission can approve applications for variations for measurement and verification projects, to include:
    - Both measurement and verification projects and advanced measurement and verification projects, as per subregulation 8(3)(b)(i), and



- That if the scope of service or scope of energy sources is being varied for measurement and verification projects or advanced measurement and verification projects, work for the purposes of the project under the varied scope of service or scope of energy sources has not yet commenced, as per subregulation 8(3)(b)(ii).
  - Revokes regulation 8(3)(c) and (d) of the Principal Regulations. Regulation 8(3)(c) and (d) of the Principal Regulations refer to the ability of the Essential Services Commission to approve an application for scoping approval or project plan approval variation, if the scope of the services or services as described under regulation 6(3)(d)(iv) have not expanded or the energy sources described under regulation 6(3)(d)(v) have not expanded. The intention of this revocation is to allow changes of scope to be approved under a variation, if the works for the purposes of the project have not commenced.
18. Regulation 11 of the proposed Regulations substitutes regulation 9(7) of the Principal Regulations to prescribe that the Essential Services Commission must update their register of approved projects, rather than their register of approved project plans, when projects have been cancelled or relinquished.
19. Regulation 12 of the proposed Regulations inserts new regulation 9A into the Principal Regulations to allow transfer of projects between accredited persons.
- Regulation 9A(1) states that a consumer of electricity or gas may apply to the Essential Services Commission to transfer a project to a different accredited person.
  - Regulation 9A(2) prescribes the requirements of the application, including:
    - That an application must nominate an incoming accredited person who is not listed in the scoping plan or project plan for the project and to whom the project will be transferred to, as per subregulation 9A(2)(a).
    - That the nomination must include documents specified in 9A(3), as per subregulation 9A(2)(b).
  - Regulation 9A(3) prescribes the documentation required to include:
    - A written request provided to the Essential Services Commission to transfer the project to an incoming accredited person, as per regulation 9A(2)(a).





- Written consent provided to the Essential Services Commission from the incoming accredited person in the project transfer request, as per regulation 9A(2)(b).
- Subregulation 9A(2)(c) states that evidence that the consumer of electricity or gas has provided the accredited person who is currently listed in the scoping plan or project plan for the project with:
  - A notice that the consumer of electricity or gas intends to transfer the project to a new accredited person, as per regulation 9A(2)(c)(i).
  - A period of 30 days to respond to the notice, as per regulation 9A(2)(c)(ii).
- Regulation 9A(4) states that the Essential Services Commission may grant or refuse an application to transfer projects.
- Regulation 9A(5) states that the Essential Services Commission must provide written notification to consumer of electricity or gas as soon as possible after making a decision to either grant or refuse the project transfer.

20. Regulation 13 of the proposed Regulations substitutes regulation 11 of the Principal Regulations which outlines the requirements for project impact reports. The amendments to regulation 11 will incorporate the requirements for project impact reports for the newly established project types; specified measurement method projects, and advanced measurement and verification projects. Regulation 11 of the proposed Regulations:

- Substitutes regulation 11(1) of the Principal Regulations to outline when an accredited person may apply to the Essential Services Commission for approval of an impact report and states that for a:
  - Measurement and verification project, a project plan approval has been received for that project, as per subregulation 11(1)(a).
  - For a specified measurement method project, benchmark rating project and an advanced measurement method project, a scoping approval has been received for that project, as per subregulation 11(1)(b).
- Substitute regulation 11(2)(d) of the Principal Regulations to include both specified measurement method projects and measurement and verification projects, including, but not limited to, an advanced MV project.



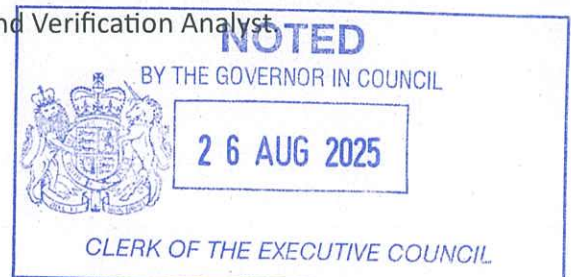
21. Regulation 14 of the proposed Regulations makes the following substitutions to regulation 11(A) of the Principal Regulations:

- Substitute regulation 11A (b) and (c) to state that if the application is in respect of an measurement and verification project or a specified measurement method project:
  - If any lighting equipment was removed in carrying out the project, evidence that the removed lighting was decommissioned.
  - If any lighting equipment was installed in carrying out the project, evidence that the lighting equipment installed is listed on the register kept by the Essential Services Commission in accordance with regulation 29 of the Victorian Energy Efficiency Target Regulations 2018.

22. Regulation 15 of the proposed Regulations amends regulation 16 of the Principal Regulations to:

- Substitute the heading of regulation 16 with 'Register of approved projects'.
- Substitute subregulation 16(1) and 16(2) to refer to 'projects' rather than 'project plans' in reference to the register that the Essential Services Commission must keep. This amendment clarifies that the Essential Services Commission is required to maintain a register of approved projects, rather than approved project plans, as not all activities will be required to submit project plans.
- Substitute subregulation 16(2)(a) to state the name of each project that has:
  - Received project plan approval, as per (16(2)(a)(i), or
  - Where a project plan is not required, received project impact report, as per subregulation 16(2)(a)(ii).
- Substitute regulation 16(3) in the Principal Regulations to provide the Essential Services Commission the ability to vary the register of projects to:
  - Reflect approved project variations, as per subregulation 16(3)(a), or
  - Reflect cancelled or relinquished projects, as per subregulation 13(1)(b).

23. Regulation 16 of the proposed Regulations amends regulations 17(3)(a) and (5)(a) of the Principal Regulations to enable the Essential Services Commission to approve a Measurement and Verification Professional, where that person is certified by the Energy Efficiency Council as a performance Measurement and Verification Analyst.





24. Regulation 17 of the proposed Regulations inserts new subregulation 18(1)(ba) to enable the Secretary to specify the definition of advanced measurement and verification.

#### **Authorising legislation**

25. Under section 75 of the **Victorian Energy Efficiency Target Act 2007**, the Governor in Council may make regulations for or with respect to:

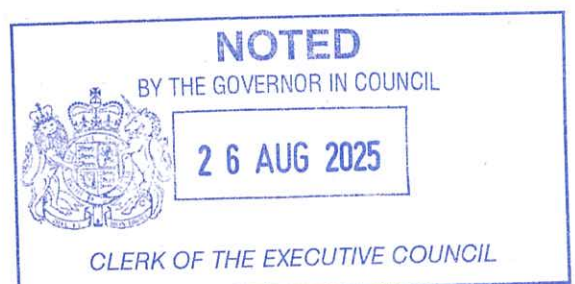
- Section 75(1)(d) – prescribing an activity as a prescribed activity in respect of which a certificate may be created.
- Section 75(1)(e) – prescribing conditions or circumstances under which a certificate cannot be created.
- Section 75(1)(g) – specifying when a prescribed activity is to be taken to have been undertaken.
- Section 75(1)(i) – the method and variables to calculate the carbon dioxide equivalent of greenhouse gases to be reduced by the prescribed activity.
- Section 75(1)(m) – any matter or thing authorised or required to be prescribed or necessary to be prescribed for carrying the Act into effect.

#### **Certificates provided in accordance with the Subordinate Legislation Act 1994**

26. The following certificates are attached for the proposed Victorian Energy Efficiency Target (Project-Based Activities) Amendment Regulations 2025 in accordance with the

##### **Subordinate Legislation Act 1994:**

- A consultation certificate under section 6 of the **Subordinate Legislation Act 1994** detailing the consultation undertaken for the proposed Regulations.
- An exemption certificate under section 8(1)(a) of the **Subordinate Legislation Act 1994** advising that the proposed Regulations do not impose a significant economic or social burden on a sector of the public. Accordingly, a Regulatory Impact Statement has not been prepared.
- A human rights certificate under section 12A of the **Subordinate Legislation Act 1994** advising that the proposed Regulations do not limit any human rights in the **Charter of Human Rights and Responsibilities Act 2006**.



### **National Competition Policy**

27. In accordance with the guidelines contained in the *Victorian Guide to Regulation* (published by the Office of the Commissioner for Better Regulation), the proposed Regulations are not required to be tested under competition policy assessment requirements as they are exempt from the Regulatory Impact Statement process.

### **Gazettal**

28. The proposed Regulations will be published in a Special Gazette on the day of their making.

Contact Name: Jack Brown, Manager, Energy Efficiency Technologies

Contact number: 0400 700 651







Hon Lily D'Ambrosio MP

Minister for Climate Action  
Minister for Energy and Resources  
Minister for the State Electricity Commission

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East Melbourne, Victoria 3002  
Telephone: 03 9637 9504

## Victorian Energy Efficiency Target Act 2007

### VICTORIAN ENERGY EFFICIENCY TARGET (PROJECT-BASED ACTIVITIES) AMENDMENT REGULATIONS 2025

#### RECOMMENDATION

It is recommended to the Governor in Council that, under section 75 of the **Victorian Energy Efficiency Target Act 2007**, the Victorian Energy Efficiency Target (Project-Based Activities) Amendment Regulations 2025 be made.

Advice from the Chief Parliamentary Counsel is submitted as required by section 13 of the **Subordinate Legislation Act 1994**.

A Regulatory Impact Statement for these Regulations has not been prepared. As the Minister responsible for the administration of the **Victorian Energy Efficiency Target Act 2007**, I have issued an exemption certificate under section 8 of the **Subordinate Legislation Act 1994**, and it is attached.

Under my hand, the following, additional, certificates are attached:

- A consultation certificate under section 6 of the **Subordinate Legislation Act 1994**.
- An exemption certificate under section 8(1)(a) of the **Subordinate Legislation Act 1994**.
- A human rights certificate under section 12A of the **Subordinate Legislation Act 1994**.

Dated: 13/08/2025

Hon Lily D'Ambrosio MP  
Minister for Energy and Resources





Hon Lily D'Ambrosio MP

Minister for Climate Action  
Minister for Energy and Resources  
Minister for the State Electricity Commission

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## Subordinate Legislation Act 1994

### CONSULTATION CERTIFICATE

(Section 6)

#### VICTORIAN ENERGY EFFICIENCY TARGET (PROJECT-BASED ACTIVITIES) AMENDMENT REGULATIONS 2025

I, Lily D'Ambrosio, Minister for Energy and Resources, and Minister responsible for administering the **Victorian Energy Efficiency Target Act 2007**, certify that in accordance with the guidelines made under the **Subordinate Legislation Act 1994** there has been consultation with:

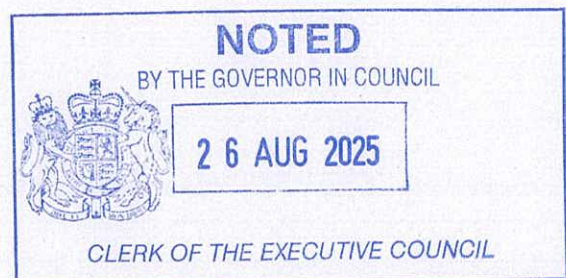
- (a) every other Minister whose area of responsibility may be affected by the proposed Victorian Energy Efficiency Target (Project-Based Activities) Amendment Regulations 2025 and there is no overlap or conflict with any other existing or proposed statutory rule, legislation or stated government policy; and
- (b) sectors of the public on which a significant economic or social burden may be imposed by the proposed Victorian Energy Efficiency Target (Project-Based Activities) Amendment Regulations 2025, so that the need for and the scope of the proposed Victorian Energy Efficiency Target (Project-Based Activities) Amendment Regulations 2025 have been considered.

The sectors of the public that have been consulted are:

- Participants in the Victorian Energy Upgrades program, including accredited persons under project-based activities and Measurement and Verification professionals.
- Key Project-Based Activities industry groups, including energy efficiency research institutes and not-for-profit associations.
- The program administrator, the Essential Services Commission.

Dated: 13/08/2025

Hon Lily D'Ambrosio MP  
Minister for Energy and Resources







Hon Lily D'Ambrosio MP

Minister for Climate Action  
Minister for Energy and Resources  
Minister for the State Electricity Commission

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## Subordinate Legislation Act 1994

### EXEMPTION CERTIFICATE

(Section 8)

#### VICTORIAN ENERGY EFFICIENCY TARGET (PROJECT-BASED ACTIVITIES) AMENDMENT REGULATIONS 2025

I, Lily D'Ambrosio, Minister for Energy and Resources, and Minister responsible for administering the **Victorian Energy Efficiency Target Act 2007**, certify under section 8(1)(a) of the **Subordinate Legislation Act 1994** that in my opinion, the proposed Regulations would not impose a significant economic or social burden on a sector of the public.

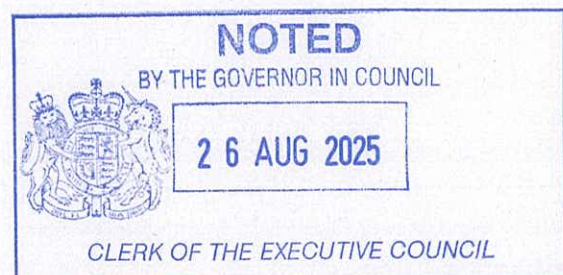
The reasons for forming this opinion are that:

- An assessment of the burden of the proposed Regulations has been carried out, which has also included consultation with stakeholders on the proposed Regulations. It is estimated that any cost burden imposed by the proposed Regulations would not exceed the \$2 million per annum threshold set out in the Victorian Guide to Regulation.
- The proposed Regulations contain amendments relating to prescribing four unique activities under project-based activities which will enable program participants to streamline projects and generate Victorian Energy Efficiency Certificates under the Act. The addition of these new activities is not expected to have an overall material impact on the costs associated with meeting the energy efficiency targets set under the Act (the targets), or on accredited persons working in project-based activities as no additional fees will be prescribed for the new activities.
- Accredited persons who deliver energy efficiency activities under the Act do so on a voluntary basis. It is anticipated that these persons will have sufficient opportunities to create Victorian Energy Efficiency Certificates under the Act allowing them to move between prescribed activities to meet the targets at the lowest cost and highest profit.

Accordingly, a Regulatory Impact Statement is not required for these Regulations.

Dated: 13/08/2025

Hon Lily D'Ambrosio MP  
Minister for Energy and Resources







Hon Lily D'Ambrosio MP

Minister for Climate Action  
Minister for Energy and Resources  
Minister for the State Electricity Commission

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**Subordinate Legislation Act 1994**

**HUMAN RIGHTS CERTIFICATE**

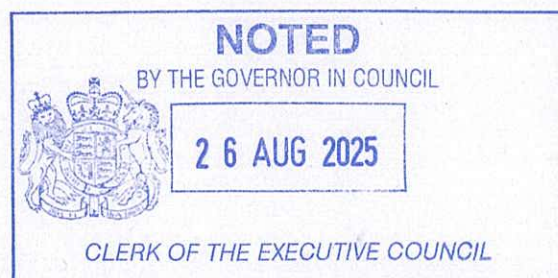
(Section 12A)

**VICTORIAN ENERGY EFFICIENCY TARGET (PROJECT-BASED ACTIVITIES) AMENDMENT  
REGULATIONS 2025**

I, Lily D'Ambrosio, Minister for Energy and Resources and Minister responsible for administering the **Victorian Energy Efficiency Target Act 2007** certify that, in my opinion, the proposed Victorian Energy Efficiency Target (Project-Based Activities) Amendment Regulations 2025 do not limit any human right set out in the **Charter of Human Rights and Responsibilities Act 2006**.

Dated: 13/08/2025

Hon Lily D'Ambrosio MP  
Minister for Energy and Resources







## PARLIAMENTARY COUNSEL VICTORIA

Your Reference: LEX- 26164  
Our Reference: D25/6690 25-045/23741:CD/GL

Parliamentary Counsel's Chambers  
Level 2, 1 Macarthur Street, Melbourne, VIC 3002  
Tel: (03) 9651 2103 Fax: (03) 9651 2107

### SUBORDINATE LEGISLATION ACT 1994 SECTION 13 CERTIFICATE

Proposed statutory rule : **Victorian Energy Efficiency Target (Project-Based Activities) Amendment Regulations 2025**

Authorising Act : **Victorian Energy Efficiency Target Act 2007**

Date of print of proposed statutory rule : **15 July 2025**

*A proposed statutory rule that is to be made by, or with the consent or approval of, the Governor in Council must be submitted to the Chief Parliamentary Counsel for the issue of a certificate by the Chief Parliamentary Counsel specifying whether the proposed statutory rule —*



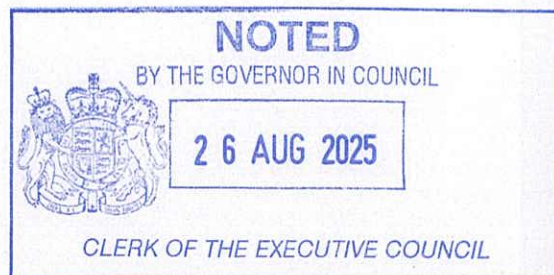
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|---|---------------------------|
| (a) <i>appears to be within the powers conferred by the authorising Act;</i>                    | (a) so appears;           |
| (b) <i>appears without clear and express authority being conferred by the authorising Act —</i> | (b)                       |
| (i) <i>to have a retrospective effect; or</i>   | (i) does not so appear;   |
| (ii) <i>to impose a tax, fee, fine, imprisonment or other penalty; or</i>                       | (ii) does not so appear;  |
| (iii) <i>to shift the legal burden of proof to a person accused of an offence; or</i>           | (iii) does not so appear; |
| (iv) <i>to sub-delegate powers delegated by the authorising Act;</i>                            | (iv) does not so appear;  |
| (c) <i>appears to be consistent with the general objectives of the authorising Act;</i>         | (c) so appears;           |

- |  |  |
|--|--|
| (d) <i>appears to be consistent with and to achieve the objectives set out in the proposed statutory rule and, if the proposed statutory rule is to amend an existing statutory rule, appears to be consistent with the objectives set out in the existing statutory rule;</i> | (d) in relation to the proposed statutory rule, so appears and in relation to the objectives of the existing statutory rule as amended by the proposed statutory rule, so appears; |
| (e) <i>appears to be inconsistent with principles of justice and fairness;</i>   | (e) does not so appear;  |
| (f) <i>appears significantly or substantially to overlap or conflict with any other statutory rule or legislation;</i>   | (f) does not so appear;  |
| (g) <i>is expressed as clearly and unambiguously as is reasonably possible.</i>  | (g) is so expressed.   |

**NOTE:** This certificate relates only to the proposed statutory rule as attached to this certificate.

Nothing in this certificate applies to the documents referred to in the Table of Applied, Adopted or Incorporated Matter that appears at the end of the statutory rule nor to any other document applied, adopted or incorporated by the statutory rule. No opinion has been formed in relation to those documents.

*J*



*Jane*

**JAYNE ATKINS**

**Chief Parliamentary Counsel**

**Date : 15 July 2025**

This certificate relates to the circumstances as at the date of the certificate.