



2022–23 Clean Energy Regulator compliance and enforcement priorities

The Clean Energy Regulator (CER) administers Australian Government schemes for reporting and reducing Australia’s carbon emissions. The annual compliance and enforcement priorities identify specific areas of focus for the agency. We will use our full suite of compliance and enforcement powers to protect the integrity of, and improve outcomes for, the schemes we administer as reflected in our [Compliance policy for education, monitoring and enforcement activities](#).

Emerging Priorities for 2022–23



CORPORATE EMISSIONS REDUCTION TRANSPARENCY (CERT) REPORTS

The CERT Report is a new voluntary disclosure initiative that allows eligible companies to publicly report progress towards emissions reduction and renewable electricity commitments. The CER will not publish a company’s CERT Report if we have unresolved concerns over potential false or misleading claims in the report. We may refer concerns to the Australian Competition and Consumer Commission and the Australian Securities and Investments Commission.



EMISSIONS REDUCTION FUND

Project participants with regeneration projects are required to undertake regular ‘regeneration checks’ to assess and demonstrate forest regeneration. Further project participants will be required to provide a regeneration check for the first time during 2022–23. The CER will work with project participants so that they understand their requirements and meet the CER’s expectations.



RENEWABLE ENERGY TARGET

Serial numbers

Manufacturers and importers are required to provide serial numbers for all eligible products for inclusion in the solar PV and inverter ledgers. Manufacturer or importer who do not provide the serial numbers will have their products deemed ineligible and will not be able to obtain small-scale technology certificates (STCs).

Solar retailers

Solar retailers that provide false or misleading statements for STC claims will be deemed ineligible to participate in the Small-scale Renewable Energy Scheme — they will not be able to sell systems that include STCs as incentives.



NATIONAL GREENHOUSE AND ENERGY REPORTING (NGER) AND SAFEGUARD MECHANISM

Fugitive emissions reporting for oil & gas industries

Ensuring that reporters in the oil and gas industry report consistently with legislative amendments applying from the 2021–22 reporting year. Looking forward to continuous improvement for compliance priorities in future years, the CER will ensure that technology and reporting requirements in further amendments for coal, gas and oil are also adopted seamlessly

ENDURING PRIORITIES

CER is committed to minimising harm caused by scheme participants not complying with their legislative requirements. We will always regard certain deliberate illegal behaviour by scheme participants as a priority for appropriate enforcement action. This action will take the form of civil penalties or criminal prosecutions. The following categories will continue to attract specific attention by the CER.



EMISSIONS REDUCTION FUND

Accuracy of Australian Carbon Credit Units (ACCUs) claims

The CER will take compliance action, in the form of administrative sanction or civil proceedings, against participants who have made claims for ACCUs based on false or misleading information.

Project proponents who submit inaccurate or late reports to support claims for ACCUs

Scheme participants who submit late or inaccurate reports will be subject to further action such as having their applications for ACCUs refused, being required to relinquish ACCUs, or having a reassessment of their fit and proper person status to continue to participate in the scheme.



RENEWABLE ENERGY TARGET

Accuracy of creation of Renewable Energy Certificates (RECs)

The CER will take action against retailers, installers, designers, manufacturers, agents and nominated persons who make false or misleading claims for RECs. Action will include the suspension of registered persons from the Renewable Energy Target, commencing civil proceedings for civil penalty orders, or seeking the prosecution of persons.



NATIONAL GREENHOUSE AND ENERGY REPORTING (NGER) AND SAFEGUARD MECHANISM

Reporters with a history of non-compliance

The CER will take action, including the acceptance of enforceable undertakings, against reporters who have a history of submitting inaccurate, incomplete, or late reports, particularly where data underpins safeguard mechanism obligations. Where warranted, the CER will pursue civil proceedings. The CER will also recognise voluntary disclosure and rectification of errors.



AUDITORS

Non-compliant auditors

The CER will deregister or suspend auditors who are non-compliant or performing poorly. These will be identified through review of audit reports, the annual auditor inspection program, and other means. Where appropriate we will publish the fact of the deregistration or suspension.

