

REC Registry and Small-scale Technology Certificate clearing house - terms and conditions

An account owner, account administrator or user (whoever is accessing or using the REC Registry) agree to the following terms and conditions:

1. Definitions

Account means an electronic account established by the account owner in the REC Registry in order to be given access, by the Clean Energy Regulator, to the password protected part of the REC Registry.

Account administrator means an individual nominated by the account owner to have administrator level privileges in relation to the account. An account administrator is also a user.

Account owner means a person (whether an individual, company or other legal entity) who has been allowed by the Clean Energy Regulator to establish an account and access the password protected part of the REC Registry.

Act means the *Renewable Energy (Electricity) Act 2000* (Cth).

LGC means large-scale generation certificate created under the Act.

REC Registry means one or more of the following registers accessible via the REC Registry website:

- the register of small-scale technology certificates
- the register of large-scale generation certificates
- the register of renewable energy certificates
- the register of accredited power stations
- the register of applications for accredited power stations
- the register of registered persons
- the STC clearing house transfer list

including the password protected sections of these registers.

Registered person means a person registered under section 10 of the Act.

Agent means a person who has been assigned by an owner of a solar water heater, air source heat pump or small generation unit, the right to create STCs on the owners behalf under section 23 (2) and 23C (2) of the Act.

Renewable energy certificate or **REC** means a renewable energy certificate created under division 4 of part 2 of the Act.

Regulations means the Renewable Energy (Electricity) Regulations 2001 (Cth).

STC means a small-scale technology certificate created under the Act.

STC clearing house means the facility established and operated by the Clean Energy Regulator under section 30J of the Act for the transfer of STCs. The STC clearing house is accessed in the password protected section of the REC Registry.

STC clearing house transfer list means the list, maintained by the Clean Energy Regulator in accordance with the Regulations, of the STCs that are available for transfer through the STC clearing house.

User means any individual nominated by account administrator(s) to access the password protected part of the REC Registry and/or the STC clearing house on behalf of the account owner.

Websites means the Clean Energy Regulator's, Renewable Energy Target website <<http://ret.cleanenergyregulator.gov.au>> and the REC Registry website <rec-registry.gov.au>.

2. Use of the account and the REC Registry

- 2.1 The account owner and each user are jointly and severally responsible for the use of the account and the REC Registry, including the creation of all STCs and LGCs, the transfer of all STCs and LGCs in and out of the REC Registry and surrendering certificates.
- 2.2 The account owner and each user must not use the account, or the wider REC Registry for any unlawful or improper purpose.
- 2.3 The account owner and each user agree to be jointly and severally liable for any damages caused or liability arising from any unlawful or improper use of the account or the REC Registry by the account owner or user.
- 2.4 The account owner and each user acknowledge that the operation of the STC clearing house is subject to the provisions of the Act and the Regulations, including the time when applications may be made, the time within which, and the manner by which, applications must be dealt with and the timing and methods of payments.

3. Responsibilities in relation to the Account and the REC Registry

- 3.1 The account owner and each user must not:
 - a) disclose any passwords for the account to any other person, or
 - b) allow, grant, permit or enable any person other than a user to use the account, the REC Registry.
- 3.2. The Clean Energy Regulator has no liability for the results of any unauthorised access to the REC Registry by a person using the account owner's or any user's username and/or password.
- 3.3. The account owner must immediately advise the Clean Energy Regulator on 1300 553 542 if:
 - a) a user is no longer authorised to use the account, the REC Registry on the account owner's behalf
 - b) there is any suspected or actual unauthorised use of a username and/or password, or
 - c) there is any suspected or actual tampering with the security of the account, REC Registry or a password.

- 3.4. The Clean Energy Regulator will use reasonable endeavours to minimise data loss in the event of technical or system failure. However, the account owner is responsible for maintaining a complete record, independent of the REC Registry, of all relevant information.
- 3.5. Account administrator(s) have access to, and are responsible for, all administration functions in the REC Registry, and have the ability to provide other users with access to some or all functions of the account.
- 3.6. Buyers using the STC clearing house must be GST registered. Sellers on the STC clearing house do not have to be GST registered.

4. Warranties

- 4.1 The account owner and each user represents and warrants that:
 - a) any information provided by the account owner or any user to the Clean Energy Regulator including through the account or the REC Registry, is true and correct and complies with the provisions of the Act and the Regulations;
 - b) their use of the REC Registry complies with the provisions of the Act and the Regulations;
and
 - c) they will not use the REC Registry for any unlawful, fraudulent or improper purpose.
- 4.2 The account owner and each user acknowledge that giving false or misleading information is a serious offence.
- 4.3 The account owner represents and warrants that each user has full authority to access and use the account and the REC Registry on the account owner's behalf including to create, surrender and transfer STCs and LGCs in and out of the account, consistent with authority granted by an account administrator.

5. Disclaimer and limitation of liability

- 5.1 The account owner and each user acknowledge and agree to the following disclaimer and limitation of liability.
- 5.2 The Clean Energy Regulator will make reasonable efforts to ensure that information contained in the REC Registry is readily available and accurate. However, the use of the REC Registry is at the user's risk and the user should take all relevant precautions to protect against loss or damage arising from their use of the REC Registry. To the maximum extent permitted by law:
 - a) The Clean Energy Regulator makes no representation and gives no warranty of any kind to users, whether express, implied, statutory or otherwise in respect to the availability, accuracy, completeness, currency, quality, reliability or fitness for purpose of the REC Registry.
 - b) The Clean Energy Regulator's liability to a user for any loss, damage, cost or expense (whether direct or indirect) resulting from use of the REC Registry or any action taken or reliance made by a user on the REC Registry is entirely excluded.

6. Privacy

Personal information will be collected as part of the account creation and registration process. All information provided during the account creation and registration process will be handled in accordance with the *Privacy Act 1988* (Cth). For more information, please refer to the privacy statement on the website (<https://www.rec-registry.gov.au/privacy.shtml>)

- 6.1 If the account owner is also a registered person, the account owner acknowledges and agrees to the publication of the account owner's name and REC Registry registration number in the REC Registry which will be publicly available on the REC Registry.
- 6.2 The account owner acknowledges that the information about the STCs and LGCs may be provided to other government entities for reporting purposes in accordance with the Act and Regulations. This may include some personal information, including details of ownership of STCs and LGCs and who created them.

7. Agents

- 7.1 I agree that I will act lawfully and properly at all times in obtaining declarations from registered persons or owners of solar water heaters, air source heat pumps or small generation units as a registered agent on their behalf.

8. Fees

The account owner and each user acknowledge that any fees for the making of an application for registration of an account, accessing the clearing house, creating certificates, transferring certificates or surrendering certificates are not refundable.

9. Removal of STCs from the STC clearing house transfer list

Subject to the Act and the Regulations, the Clean Energy Regulator may remove a STC from the STC clearing house transfer list:

- a) if the STC has, for any reason, ceased to be valid
- b) if it is necessary to comply with a court order
- c) if the registered owner of the STC transfers the STC to another person other than in accordance with part 2A of the Act and does not provide the information requested by the Clean Energy Regulator in accordance with Act and Regulations
- d) if the registered owner of the STC requests the Clean Energy Regulator to remove the STC, or
- e) in other circumstances as set out in the Act or the Regulations.

10. Suspension or Termination

- 10.1 The Clean Energy Regulator may, by written notice, suspend or terminate the account if it believes on reasonable grounds that an account owner or any user has breached any of these terms and conditions or relevant provisions of the Act or Regulations.
- 10.2. The account owner acknowledges that the Clean Energy Regulator publicly publishes the name, registration number and period of suspension of the suspended account on the REC Registry.

11. General

- 11.1 Variations: These terms and conditions may change from time to time by unilateral decision of the Clean Energy Regulator. The terms and conditions that are current at any time are those applicable to account owners that are published by the Clean Energy Regulator at that time. By using the REC Registry, the account owner and each user agree in each case to be bound by the terms and conditions current as at that time.
- 11.2 Severability: A provision or part of a provision of these terms and conditions that is void or otherwise unenforceable may be severed and the remaining provisions or parts of the provisions continue in force.
- 11.3 Interpretation: A reference to any legislation or legislative provision includes any statutory modification, substitution or re-enactment of that legislation or legislative provision.
- 11.4 Applicable law: These terms and conditions are to be construed in accordance with, and any matter related to them is to be governed by, the law of the Australian Capital Territory. The parties submit to the jurisdiction of the courts of the Australian Capital Territory.