

Schedule of amendments to the FirstRate5 End User Terms of Service

The updated FirstRate5 End User Terms of Service will come into effect on 12 July 2021 (9am).

Clause	Nature of amendment	Reason
Changes to enable replacement certificates		
1	<p>Add the following new definitions:</p> <p>Original Thermal Performance Certificate means the first Thermal Performance Certificate generated with respect to a dwelling for which Certificate Credits were deducted from the Registered User's account.</p> <p>Revised Project File means a Project File that is uploaded to replace an existing Project File.</p>	<p>These definitions are used in the new clause 3(h) which enables the user to create replacement certificates</p>
3(e)	<p>Add the words:</p> <p>"However, you may upload a Revised Project File in accordance with clause 3(h)."</p>	<p>A user cannot modify a project file once a certificate is issued, however, a user can upload a Revised Project File in accordance with the new clause 3(h)</p>
3(h)	<p>Add a new clause:</p> <p>"(h) Replacement of Thermal Performance Certificates. The Site allows you to upload a Revised Project File and generate a replacement Thermal Performance Certificate without further Certificate Credits being deducted from your account if:</p> <ul style="list-style-type: none"> (i) the Original Thermal Performance Certificate was generated on or after 12 July 2021 (9am AEST) and not more than 12 months ago; and (ii) the address of the dwelling in the Revised Project File exactly matches the address of the dwelling in the Original Thermal Performance Certificate." 	<p>This new clause allows users to create replacement certificates provided certain conditions are met. This will allow users to update their Thermal Performance Certificates if there is an error and to generate two certificates required for a renovation (using one x \$30 credit rather than 2 x \$15 credits which will be phased out).</p>

Clause	Nature of amendment	Reason
Other changes		
3(g)	Add website URL for the NatHERS Software Accreditation Protocol	To clarify what the Protocol is.
7(a)	<p>Add a new clause 7(a) as follows:</p> <p>“(a) Disclosure. You agree and acknowledge that Sustainability Victoria may disclose to:</p> <ul style="list-style-type: none"> (i) representatives of a relevant AAO, NatHERS, the Australian Building Codes Board or such other body responsible for the National Construction Code and other such relevant bodies, details of your use of the Site and the Services, including Project Files, for the purposes of any audit, inquiry or investigation into your accreditation and use of the Site and Services; and (ii) other government departments and entities (for example CSIRO) details of your use of the Site and the Services, including Project Files (and all data and information in them), for the purposes of research, analysis and policy development. 	<p>Consistent with the Software Licence Agreement, SV may disclose information to certain bodies including AAOs and NatHERS for the purposes of investigation into your accreditation or misuse of the FirstRate5 software or website, and for research and policy development purposes.</p> <p>This expands on the previous version which provided a licence to project files for limited purposes.</p>
7(b)	Add the words: “worldwide” to the licence	This ensures broadest possible licence to use information contained in the project files.
8(c)(ii)	<p>Add a new subclause as follows:</p> <p>“(ii) information and data that the FirstRate5 Software incorporates (either manually or automatically) from external websites and other external sources (External Inputs);”</p>	Consistent with recent changes to the Software Licence Agreement, SV has no control over the accuracy of the energy use estimates due to inputs of the user as well as “external inputs” that are incorporated into the FirstRate5 software
8(d)	Add the words: “or External Inputs”	To clarify that SV has no control over External Inputs and the effect these have on accuracy of the software
12(f)	Add the words “Subject to clause 12(ha)”	To add a new clause 12(ha) to deal with minor updates or updates that will benefit the user and therefore could be put into effect with less than 30 days’ notice
12(ha)	<p>Add a new clause 12(ha) as follows:</p> <p>“Minor updates. Sustainability Victoria may effect minor changes and updates to these Terms of Service, or changes that will benefit you, by providing less than 30 days’ notice to you, which change or update will be effective from the date specified in the notice”</p>	This new clause enables SV to provide less than 30 days’ notice of an update if the update is minor or if the update will benefit the user.