

**ENFORCEABLE UNDERTAKING**  
***Renewable Energy (Electricity) Act 2000***

**Section 154Q**

Undertaking to the Regulator given for the purposes of paragraph 154Q (1)(a) of the  
*Renewable Energy (Electricity) Act 2000*

by

SOLAR STORAGE PTY LTD (ACN: 108 061 267)

**Glossary**

1. In this Undertaking, unless the contrary intention appears, the definitions in section 5 of the Act, regulation 3 of the Regulations, and this clause apply:

"Act" means the *Renewable Energy (Electricity) Act 2000*;

"CEC" means Clean Energy Council;

"certificate" means renewable energy certificate;

"STCs" means small-scale technology certificates;

"REC Registry" means the public registry of information maintained by the Regulator in accordance with Part 13 of the Act which is published at <http://www.rec-registry.gov.au>;

"Regulations" means the *Renewable Energy (Electricity) Regulations 2001*;

"Regulator" means the Clean Energy Regulator;

"Solar Storage" means Solar Storage Pty Ltd (ACN: 108 061 267)

2. **Person Giving undertaking:**

This undertaking is given to the Regulator by Solar Storage for the purposes of section 154Q of the Act.

**Parties:**

3. The Regulator is a statutory agency with responsibility for administering and enforcing the Act and Regulations.
4. Solar Storage is a duly incorporated company engaged in trade or commerce in Australia.
5. Solar Storage is a supplier and installer of photovoltaic systems in South Australia
6. Solar Storage is a registered person under Part 2, Division 2 of the Act.

### **The Creation of Certificates**

7. Under the Act, registered persons can create certificates for energy generated from certain renewable sources.
8. Regulation 20AC of the Regulations sets out the conditions which must be satisfied, including information provision requirements, before certificates can be created for a small generation unit.
9. Included in those conditions is the requirement, under sub regulation 20AC(5), to obtain a written statement by the installer of the unit stating the name of the designer and installer of the unit.
10. Designers and installers of units must be accredited either by the Australian Business Council for Sustainable Energy or the Clean Energy Council and must comply with the Clean Energy Council's Code of Conduct.

### **Provision of False information,**

11. The Regulator considers that, during the period 19 May 2011 – 14 November 2011, Solar Storage breached subsection 24B(1) of the Act on 109 occasions by providing false information to a second person, with the expectation that the second person would rely on that information to create certificates.
12. The second person did in fact rely on that false information, and, as a result, created 18,418 certificates which they were not entitled to create.
13. The false information supplied to the second person included:
  - Compliance paperwork stating that the installer designed and installed 74 PV systems at various locations when it is alleged he was never on site.
  - 35 Certificates of Compliance and STC Assignment Forms where the signature of the installer has allegedly been forged.

### **Acknowledgements**

14. Solar Storage acknowledges the basis on which the Regulator has formed its conclusion but maintains that the false information originated from one particular contracted installer.
15. The contracted installer has since ceased working for Solar Storage.
16. Solar Storage acknowledges that:
  - a. the Regulator will make this Undertaking publicly available, including publishing it on the Regulator's website;
  - b. the Regulator and Officials of the Regulator will, from time to time, make public reference to this Undertaking and the circumstances giving rise to this Undertaking; and

- c. this Undertaking in no way derogates from the rights and remedies available to any other person arising from any conduct of Solar Storage.

#### **Undertaking**

17. Under subparagraph 154Q of the Act, the Regulator may accept a written undertaking given by a person that the person will take – or refrain from – specified actions.
18. Subject to clause 19, Solar Storage undertakes to, on or before 31 May 2014, have an independent accredited CEC installer return to each installation site identified by the Regulator to inspect the installed PV system.
19. Inspections must only be undertaken with the approval of the system owner and resident.
20. In the event that one or more system owners or residents cannot be contacted or do not wish to allow a re-inspection, Solar Storage also undertakes to provide to the Regulator a statutory declaration, made by a Solar Storage director, listing all such system owners and residents, with a declaration that all reasonable steps have been made to contact them and offer them a re-inspection.
21. Upon completion of the inspections, Solar Storage undertakes to provide the Regulator with a statutory declaration, made by the CEC installer(s) who carried out the re-inspections, that the PV installations and electrical work meet the requirements for the issue of certificates.

#### **Duration of Undertaking**

22. This Undertaking comes into effect when:
  - a. the Undertaking is executed by Solar Storage; and
  - b. the Regulator accepts the Undertaking so executed by Solar Storage.
23. This Undertaking ceases to have effect once the requirements of clauses 18 - 21 have been completed.

**Executed by**

Solar Storage Pty Ltd (ACN: 108 061 267) by its authorised officers pursuant to s 127(1) of the *Corporations Act 2001*

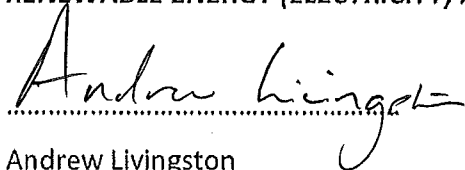


David DADDOW

Sole Director

This 22<sup>nd</sup> day of November 2013

**ACCEPTED BY THE REGULATOR PURSUANT TO PARAGRAPH 154Q (1)(a) OF THE  
RENEWABLE ENERGY (ELECTRICITY) ACT 2000.**



Andrew Livingston

Delegate of the Regulator

This 18 day of December ~~November~~ 2013.