

**ENFORCEABLE UNDERTAKING**  
***Renewable Energy (Electricity) Act 2000***  
**Section 154Q**

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

by

BURMAR PTY LTD T/A PLANET POWER RIVERINA (ACN: 145 198 643)

**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 the Clean Energy Council;

"certificate" means a renewable energy certificate;

"STCs" means small-scale technology certificates;

"Burmar t/a Planet Power" means Burmar Pty Ltd trading as Planet Power Riverina

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

"Regulator" means the Clean Energy Regulator.

**Person giving Undertaking**

2. This Undertaking is given to the Regulator by Burmar t/a Planet Power Riverina 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. Burmar t/a Planet Power Riverina are a supplier and installer of photovoltaic solar systems and other renewable energy products in Wagga and surrounding regions.

**The creation of certificates**

5. Under the Act, registered persons can create certificates for energy generated from certain renewable sources.
6. 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.
7. Certificates only become valid once they have been registered by the Regulator.

### **Provision of False and Misleading information,**

8. The Regulator considers that, during the period 14 May 2011 – 31 August 2012, Burmar t/a Planet Power Riverina breached subsection 24B(1) of the Act by providing false and misleading information to a second person, with the expectation that the second person would rely on that information to create certificates.
9. The second person did in fact rely on that false information, and, as a result, created 5,988 certificates which they were not entitled to create.
10. The misleading information supplied to the second person included:
  - STC assignment forms stating that the installer was on site to supervise and / or install the PV system when the installer did not attend the site, and
  - STC Assignment Forms stating that the nominated Electrician completed the electrical component of the PV installation when in fact it was completed by a different electrical contractor.

### **Acknowledgements**

11. Burmar t/a Planet Power Riverina acknowledge that the basis on which the Regulator has formed its conclusion is valid and that the matter requires immediate attention.
12. Burmar t/a Planet Power Riverina 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 Burmar t/a Planet Power Riverina

### **Undertaking**

13. Under section 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.
14. Burmar t/a Planet Power Riverina undertakes to, on or before 11 October 2013 subject to clause 15, have an independent accredited CEC installer return to each installation site identified by the Regulator to inspect the installed PV system.
15. Inspections must only be undertaken with the approval of the system owner and resident.

16. In the event that one or more system owners or residents cannot be contacted or do not wish to allow a re-inspection, Burmar t/a Planet Power Riverina also undertakes to provide to the Regulator a statutory declaration, made by a Burmar t/a Planet Power Riverina 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.
17. Upon completion of the inspections, Burmar t/a Planet Power Riverina undertakes to provide the Regulator with a statutory declaration, made by the nominated CEC installer, that the PV installations and electrical work meet the requirements for the issue of certificates.

**Duration of Undertaking**

18. This Undertaking comes into effect when:
  - a. the Undertaking is executed by Burmar t/a Planet Power Riverina; and
  - b. the Regulator accepts the Undertaking so executed by Burmar t/a Planet Power Riverina.
19. This Undertaking ceases to have effect once the requirements of clauses 14, 16 and 17 have been completed.

**Executed by**

Burmar Pty Ltd trading as Planet Power Riverina, ACN 145 198 643 by its authorised officers pursuant to s 127(1) of the *Corporations Act 2001*

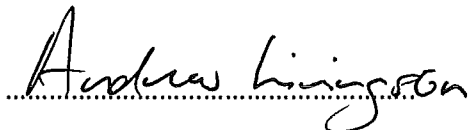


Craig BURMEISTER

Sole Director

This .....17th..... day of April 2013.

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



Andrew Livingston

Delegate of the Regulator

This .....<sup>18</sup>..... day of 2013.