

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

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

by

BAMBOO DIRECT PTY LTD TRADING AS RECS DIRECT  
ACN 095151321

**Glossary**

1. In this undertaking, unless the contrary intention appears, the following definitions apply:

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

"ORER" means the Office of the Renewable Energy Regulator.

"Certificate" means renewable energy certificate as defined in section 5 of the Act.

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

"Regulator" means the Renewable Energy Regulator under section 142 of the Act.

"small generation unit" has the same meaning as it has under the Act.

**Person giving undertaking**

2. This undertaking is given to the Regulator by Bamboo Direct Pty Ltd trading as Recs Direct for the purposes of paragraph 154Q(1)(d) of the Act.

**Background**

3. Bamboo Direct Pty Ltd trading as Recs Direct is a duly incorporated company engaged in trade or commerce in Australia.
4. Bamboo Direct Pty Ltd trading as Recs Direct is an independent installer of residential solar panel systems and an agent for the creation of Renewable Energy Certificates.
5. Bamboo Direct Pty Ltd trading as Recs Direct is a registered person under Part 2, Division 2 of the Act.

**The creation of Certificates**


6. Under the Act, registered persons may create certificates in respect of energy which has been generated from renewable energy sources specified in the Act and Regulations.
7. Under Part 2, Division 4, Subdivision BA of the Act, a registered person can create certificates in respect of small generation units.

8. The Act and the Regulations set out the conditions which must be satisfied before certificates can be created in respect of a small generation unit. Those conditions include:
- the installation used a model of a photovoltaic module listed in *AS/NZS 5033 Compliant PV Modules* as in force from time to time and available at <http://www.cleanenergycouncil.org.au>
9. Failure to satisfy these conditions in respect of a small generation unit results in the person not being entitled to create certificates in respect of the unit.

**Improper creation of Certificates by Bamboo Direct Pty Ltd trading as Recs Direct**

10. The ORER has conducted an investigation into the creation of Certificates by Bamboo Direct Pty Ltd trading as Recs Direct. The investigation identified 28 installations where the modules used were not on the list of approved products maintained by the Clean Energy Council.
11. The ORER has concluded its investigation and, based on the results of that investigation, the Regulator is satisfied that Bamboo Direct Pty Ltd trading as Recs Direct have created 5,413 small technology certificates in circumstances in which Bamboo Direct Pty Ltd trading as Recs Direct was not entitled to create those Certificates - namely, the modules installed were not on the list of approved products maintained by the Clean Energy Council.
12. Bamboo Direct Pty Ltd trading as Recs Direct acknowledges that the basis on which ORER has formed its view is valid and the matter requires immediate attention.

**Undertaking**

13. Under subparagraph 154Q(1)(a) of the Act, the Regulator may accept a written undertaking given by a person that the person will, in order to comply with this Act, the regulations or the associated provisions, take specified action.
14.  Bamboo Direct Pty Ltd trading as Recs Direct hereby undertakes to, on or before 31 January 20~~11~~<sup>2012</sup>, to have the Chinaland poly crystalline 250 watt panels listed on the Clean Energy Council's *AS/NZS 5033 Compliant PV Modules*.

**Commencement of Undertaking**

15. This Undertaking comes into effect when:
- a. the Undertaking is executed by Bamboo Direct Pty Ltd trading as Recs Direct; and
  - b. the Regulator accepts the undertaking so executed.

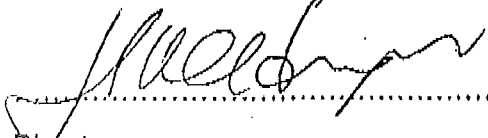
**Acknowledgements**

16. Bamboo Direct Pty Ltd trading as Recs Direct acknowledges:
- a. the Regulator will make this undertaking publicly available, including by publishing it on the Regulator's website;

- b. the Regulator and officers of the ORER will, from time to time, make public reference to this undertaking and the circumstances giving rise to this undertaking;
- c. this undertaking in no way derogates from the rights and remedies available to any other person arising from any conduct of Bamboo Direct Pty Ltd trading as Recs Direct.

**Executed by**

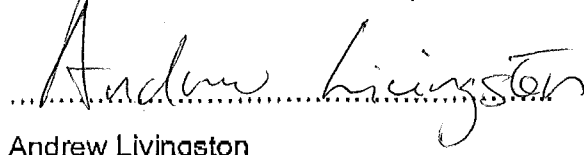
Bamboo Direct Pty Ltd trading as Recs Direct ACN 095151321 by its authorised officers pursuant to s 127(1) of the *Corporations Act 2001*

  
 .....  
 Director

.....  
 Secretary/Director

This 22 day of DECEMBER 2011

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

  
 .....  
 Andrew Livingston  
 Regulator under the Act

This 9 day of January ~~2011~~ 2012