

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 BEYOND BUILDING SYSTEMS PTY LTD ("BBS"), ACN 128 030 302

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) Act 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 BBS for the purposes of paragraph 154Q(1)(d) of the Act.

Background

3. BBS is a duly incorporated company engaged in trade or commerce in Australia.
4. BBS is an independent installer of residential solar panel systems and an agent for the creation of Renewable Energy Certificates.
5. BBS 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 unit was designed and installed by a person who is accredited for grid-connected power systems under the Clean Energy Council (CEC) accreditation scheme.
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 BBS

10. The ORER has conducted an investigation into the creation of Certificates by BBS. The investigation identified a number of installations where it appeared that the installation had not been conducted or supervised by CEC accredited installer. BBS was given the opportunity to substantiate the eligibility of these installations. BBS conducted their own inquiries and were able to substantiate that all but 13 installations had been supervised or subsequently checked by a CEC accredited installer/supervisor. A former accredited installer of BBS was unable to provide corroborating evidence to prove she attended the 13 subject installations. As such, BBS acknowledges that it is unable to satisfy the definition of "supervised" on these 13 installations and therefore BBS is unable to create Certificates until such 13 installations are verified and determined compliant under the Act.
11. The ORER has concluded its investigation and, based on the results of that investigation, the Regulator is satisfied that BBS is unable to satisfy the definition of "supervised" and the absence of evidence, BBS is not entitled to create Certificates as BBS is unable to prove a CEC accredited installer/supervisor was present at the time that the installation occurred.
12. BBS acknowledges that the basis on which ORER has formed its view is valid and the matter requires immediate and ongoing 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. BBS hereby undertakes to, on or before 28 October 2011, to return to each of the 13 installation sites identified by ORER and have an accredited Clean Energy Council installer/supervisor inspect the said solar photovoltaic system and sign a statutory declaration to that effect, and to provide a separate document including the signature of the system owner/resident of the said address location confirming that the inspection has occurred. BBS further undertakes that if any rectification work is required on the completion of the inspection of the 13 installation sites, that BBS will undertake and make compliant such installations on its own initiative.
15. BBS further undertakes to provide a signed statutory declaration, by or before 15 October 2011, of the responsible Clean Energy Council installers/supervisors identifying that a further 121 installation sites were supervised within the definition of the Act, for which BBS has satisfied the requirements of the Act in the creation of Certificates.
16. BBS further undertakes to ensure that all contractors and work crews retained to carry out installations on behalf of the customers of BBS will ensure that a CEC installer/supervisor is at the installation site on the day of installation as required under the Act.

Commencement of Undertaking

17. This Undertaking comes into effect when:
 - a. the Undertaking is executed by BBS ; and
 - b. the Regulator accepts the undertaking so executed.

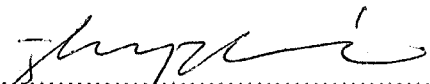
Acknowledgements


18. BBS 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 BBS.

Executed by


BEYOND BUILDING SYSTEMS PTY LTD ACN 128 030 302 by its authorised officers pursuant to s 127(1) of the Corporations Act 2001


.....
Zhi Chen Zhang
Director


.....
Vincent Brian Lee Smith
Director

This 7th day of October 2011

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


.....
Dr. Christopher Branson
Acting Regulator under the Act

This 7th day of October 2011