

UNDERTAKING TO THE CLEAN ENERGY REGULATOR

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

by

Bell Solar Pty Ltd ('Bell Solar')

1 Glossary

1.1 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*.

Bell Solar means Bell Solar Pty Ltd (ACN 617 634 876).

Business day means a day that is not a Saturday, a Sunday or a declared public holiday in the state of NSW.

CEC means Clean Energy Council.

Certificate means a renewable energy certificate including a small-scale technology certificate.

Compliance Program means the Small-scale Renewable Energy Scheme Compliance Program set out in Annexure A to this Undertaking.

COVID-19 Pandemic means the global pandemic that began in late 2019 as a result of the spread of the coronavirus and in relation to which strict restrictions on movement and contact are in place.

Defect means a failure to satisfy the requirements listed in regulation 39(a) to (d) of the Regulations.

PV means photovoltaic.

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

Regulations means the Renewable Energy (Electricity) Regulations 2001.

Regulator means the Clean Energy Regulator.

Sites means the 142 solar PV system installations listed at Annexure B to this Undertaking

Solar PV system means small generation unit; including solar panels, solar array, isolator, inverter and wiring.

SRES means the Small-scale Renewable Energy Scheme.

SRES Smart means the online tool designed to support registered agents to refresh or gain knowledge about their obligations and expected capabilities under the SRES.

2 Background

Person giving Undertaking

- 2.1 This Undertaking is given to the Regulator by Bell Solar for the purposes of section 154Q of the Act.
- 2.2 Bell Solar is an Australian company, incorporated on 27 February 2017 and holding ACN 617 634 876.
- 2.3 Bell Solar has been a registered person under the Act since 10 October 2017 and has been creating certificates since 10 October 2017.

The creation of certificates

- 2.4 The Regulator is a statutory agency with responsibility for administering and enforcing the Act and Regulations.
- 2.5 Under the Act, registered persons can create certificates for electricity generated from certain renewable energy sources. Regulation 20AC of the Regulations sets out the conditions that must be satisfied before certificates can be created in respect of a solar PV system.
- 2.6 Included in those conditions is the requirement, under sub regulation 20AC(5), to obtain a written statement by the installer of the solar PV system stating the name of the designer and the name of the installer of the solar PV system.
- 2.7 Designers and installers of solar PV systems must be accredited by the CEC accreditation scheme and must comply with the CEC's code of conduct.

Improper creation of certificates

- 2.8 Bell Solar inadvertently improperly created 19,254 certificates between 16 October 2017 and 6 December 2019 in relation to 142 solar PV system installations, in contravention of section 24A of the Act.
- 2.9 Bell Solar was unaware that the information provided to it by a third party was false, and its compliance procedures did not identify, at the time the certificates were created, that the information provided to them contained false installer declarations.
- 2.10 Bell Solar has cooperated with the Regulator in coming to an agreeable outcome regarding the conduct above.

3 Terms of the Undertaking

- 3.1 Under section 154Q of the Act, the Regulator may accept any of the following undertakings:
 - (a) a written undertaking given by a person that the person will, in order to comply with the Act, the Regulations or the associated provisions, take specified action;

- (b) a written undertaking given by a person that the person will, in order to comply with the Act, the Regulations or the associated provisions, refrain from taking specified action;
- (c) a written undertaking given by a person that the person will take specified action directed towards ensuring that the person does not contravene the Act, the Regulations or the associated provisions, or is unlikely to contravene the Act, the Regulations or the associated provisions in the future; or
- (d) a written undertaking given by a person that the person will surrender one or more renewable energy certificates under section 28A of the Act, to compensate for the creation of one or more certificates that the person was not entitled to create.

3.2 Bell Solar, hereby undertake, at their own expense, to:

Compliance Program

- (a) Within six (6) months of the undertaking coming into effect, formalise Bell Solar's Compliance Program, being a program designed to minimise Bell Solar's risk of future contraventions of the Act and Regulations, including the continual development and implementation of Compliance Procedures, in accordance with the requirements set out in Annexure A to this Undertaking;
- (b) maintain the Compliance Procedures for a period of two years from the date of the Program coming into effect; and
- (c) provide a copy of any documents required by the Regulator in accordance with Annexure A to this Undertaking.

Inspection and rectification of Sites

On or before 31 December 2021:

- (d) for those sites identified in Annexure B to this Undertaking, write to the owners of the Sites (and where relevant, the occupiers of the Sites) to obtain consent to inspect the solar PV systems;
- (e) arrange for a CEC-accredited installer (or installers), agreed with the Regulator, to inspect each of the solar PV systems at the Sites, in accordance with regulation 39(a) to (d) of the Regulations, to assess whether the solar PV systems have any defects; and
- (f) if an inspection identifies any defect with the installation of a particular solar PV system at a Site, arrange for a CEC-accredited installer (or installers), agreed with the Regulator, to install a new solar PV system, or to remedy any defective part of that installation, ensuring that the new system or rectification complies with the Regulations.

Surrender of certificates

On or before 31 December 2021:

- (g) if any Sites are not able to be inspected as consent is unable to be obtained from the owners of the Sites (and where relevant, the

occupiers of the Sites), as required by clause 3.2(d) of this Undertaking, surrender a number of certificates equal to the number of certificates created for those solar PV system installations.

Report in writing

No later than 5pm AEST on the last business day of each month, starting 30 April 2021 until such a time as all Undertakings have been completed in full:

- (h) provide a written report, in a form approved by the Regulator, as to the progress made in completing the Undertakings at clauses 3.2(d) to (f);

On or before 31 December 2021, provide:

- (i) evidence of the inspection by CEC-accredited installers of the Sites, including resubmission of all compliance paperwork including Certificates of Compliance - Electrical Work and photographs of the solar PV systems at the Sites including of every panel's serial number;
- (j) a statutory declaration from the CEC-accredited installers who carried out the inspection, stating that the solar PV system does, or does not, have a defect, and if it does have a defect, the nature of that defect;
- (k) evidence of any rectification work completed in accordance clause 3.2(f) of this Undertaking, including submission of all compliance paperwork including Certificates of Compliance - Electrical Work and photographs of the solar PV systems at the Sites including of every panel's serial number;
- (l) for any rectification work completed under clause 3.2(f) of this Undertaking, a statutory declaration from the CEC-accredited installer who carried out the rectification, containing written statements of compliance, in accordance with regulation 20AC(5) of the Regulations;
- (m) if the consent of the owners of any Sites (and where relevant, the occupiers of the Sites) is not obtained, as required by clause 3.2(d) of this Undertaking, the steps that were carried out to obtain that consent; and
- (n) where an event or issue occurs that prevents the fulfillment of clauses 3.2(d) to (f) of this Undertaking, a written explanation of the event or issue.

Ownership and directorship

- (o) in the event of a change in ownership or change to the majority of directors of Bell Solar, bring the existence of this Undertaking to the attention of the new owners/directors and provide them a copy of this Undertaking or direct them to the website of the Regulator; and
- (p) notify the Regulator no later than 10 business days after a change in ownership or change of directors of Bell Solar and provide the contact details of the new owners or directors.

4.1 Bell Solar, acknowledge that:

- (a) the basis on which the Regulator has formed its conclusion in clause 2 of this Undertaking is valid and that the matter requires immediate attention;
- (b) the Regulator will make this Undertaking publicly available, including by publishing it on the Regulator's website;
- (c) 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;
- (d) this Undertaking in no way derogates from the rights and remedies available to any other person arising from any conduct of Bell Solar;
- (e) they bear all costs associated with their compliance with this Undertaking;
- (f) they cannot create, or receive any payment for certificates in relation to any act commenced or completed in compliance with this Undertaking;
- (g) no person is entitled to create certificates with respect to any work commenced or completed at a Site in relation to this Undertaking;
- (h) where an event or issue occurs that may prevent the fulfillment of clause 3.2 of the Undertaking, the Regulator will not consent to vary the dates specified in clauses 3.2 unless a request that outlines the event or issue and reasons why the variation is required is submitted in writing as soon as reasonably practicable after the event or issue occurs, but no later than seven calendar days prior to the specified date; and
- (i) breaching this Undertaking may result in the Regulator enforcing this Undertaking through the Federal Court.

4.2 The Regulator acknowledges that:

- (a) the COVID-19 Pandemic may prevent fulfilment of clause 3.2 of the Undertaking by the dates specified;
- (b) the dates specified in clause 3.2 may need to be varied as a result of restrictions imposed during the COVID-19 Pandemic; and
- (c) Bell Solar will provide details of the issues or events which require variation of clause 3.2 as a result of the COVID-19 Pandemic to the Regulator as soon as reasonably practicable for the Regulator's consideration and consent.

5 Commencement of Undertaking


5.1 This Undertaking comes into effect when:

- (a) the Undertaking is executed by Bell Solar; and
- (b) the Regulator accepts the Undertaking so executed.

5.2 This Undertaking ceases to have effect once the requirements of clause 3 have been completed.

Executed by

Bell Solar Pty Ltd (ACN 617 634 876), pursuant to section 127(1) of the *Corporations Act 2001* and executed by its authorised signatory.


.....

Kiran Bhavsar
Director
Bell Solar Pty Ltd

This 31 day of March 2021

Accepted by the Regulator pursuant to section 154Q of the *Renewable Energy (Electricity) Act 2000*


.....

Mark Williamson
Delegate of the Regulator

This 01 day of APRIL 2021

ANNEXURE A

Small-scale Renewable Energy Scheme Compliance Program

Bell Solar Pty Ltd (ACN 609 758 143) (**Bell Solar**) will formalise its Small-scale Renewable Energy Scheme Compliance Program (**Compliance Program**) that will comply with the following requirements:

Appointments

- 1 Within two (2) months of this Undertaking, Bell Solar will appoint a director or senior manager to be responsible for the maintenance of their current Compliance Program (**Compliance Officer**).

Compliance Procedures

- 2 Within two (2) months of this Undertaking,, the Compliance Officer will formalise the compliance procedures that ensure, prior to any creation of a Small-scale Technology Certificate (**certificate**) in the REC Registry, all requirements for certificate creation under the *Renewable Energy (Electricity) Act 2001 (Act)* and the *Renewable Energy (Electricity) Regulations 2001 (Regulations)* are met (**Compliance Procedures**).
- 3 Bell Solar will continue to implement these Compliance Procedures for a minimum period of 2 years from the date of the procedures coming into effect, unless otherwise agreed with the Regulator.
- 4 The Compliance Procedures will include:
 - (a) documented procedures to prevent the improper creation of certificates that include steps to actively:
 - i. verify solar photovoltaic (**PV**) panels are accredited in accordance with the Act and Regulations;
 - ii. verify solar PV systems are only designed and installed by Clean Energy Council (**CEC**) accredited designers and installers;
 - iii. verify solar PV systems are compliant with all local, state and territory government requirements;
 - iv. verify the solar PV system installation occurred at the listed address and on the provided date; and
 - v. ensure duplicate claims are never made for solar PV panels or solar PV system components, or for the same address within Bell Solar's system.
 - (b) a system to collect, secure and store records that assure the credibility of and support each creation of certificates;
 - (c) a documented procedure to ensure any improper creation of certificates is reported to the Clean Energy Regulator (**Regulator**) within 72 hours;
 - (d) documented procedures to research the capability and trustworthiness of industry partners and contractors; and

- (e) the ability to provide compliance procedures and records, on request, to the Regulator.

Training

- 5 Bell Solar will require all directors and employees to receive regular (at least once a year) training administered by the Compliance Officer or a qualified compliance professional or legal practitioner with expertise in the Act and Regulations. This training should ensure that up-to-date knowledge is maintained regarding responsibilities under all relevant laws including (but not limited to) the Act, associated Regulations and policies of the Regulator.

SRES Smart

- 6 Bell Solar will ensure that any person authorised within the REC Registry to create certificates has completed the SRES Smart program.
- 7 Bell Solar will require all future persons authorised within the REC Registry to create certificates to complete the SRES Smart program within 1 month of becoming authorised to create certificates.
- 8 Bell Solar will require all persons authorised within the REC Registry to create certificates to complete the SRES Smart program at least once every 12 months.

Compliance Review

- 9 Bell Solar will, at its own expense, arrange a review of the Compliance Program (**Compliance Review**) to be carried out by a suitable qualified, independent compliance professional (**Reviewer**), to be agreed with the Regulator.
 - (a) Commencing nine (9) months after the date of the Undertaking; and completed 12 months after the date of this Undertaking, and
 - (b) Bell Solar will ensure that during the Compliance Review, the Reviewer has access to all relevant sources of information in Bell Solar's possession or control, including without limitation:
 - i. the ability to make enquiries of any officers, employees, representatives, and agents of Bell Solar; and
 - ii. documents relating to Bell Solar's Compliance Program.

Compliance Reports

- 10 Bell Solar will take all reasonable steps to ensure that after a Compliance Review has been completed, the Reviewer includes the following findings of the Compliance Review in a report to the Regulator (**Compliance Report**) to be completed within thirty (30) days of the completion of the Compliance Review:
 - (a) whether the current Compliance Program is effective and includes all requirements in part 2;
 - (b) whether staff training is effective, and if not, what aspects need to be further developed; and
 - (c) whether there are any material deficiencies in Bell Solar's Compliance Program, or whether there are or have been instances of material non-

compliance with the Compliance Program (**Material Failure**), and if so, recommendations for rectifying these Material Failures.

- 11 Bell Solar will implement promptly and with due diligence any recommendations made by the Reviewer in the Compliance Report to address a Material Failure.
- 12 Where a Material Failure has been identified by the Reviewer in the Compliance Report, Bell Solar will inform the Regulator of any steps that have been taken, or are proposed to be taken, to implement the recommendations made by the Reviewer in the Compliance Report.

Provision of Compliance Program to the Regulator

- 13 Bell Solar will maintain a record of and store all documents relating to the Compliance Program until such a time as this Enforceable Undertaking ceases to have effect.
- 14 Bell Solar will, at its own expense, comply with a request made by the Regulator, to produce and provide to the Regulator copies of all documents constituting the Compliance Program, including:
 - (a) staff training materials;
 - (b) all completed Compliance Reports.

The Regulator may make a request until such a time as this Enforceable Undertaking ceases to have effect.

Regulator Recommendations

- 15 Bell Solar will implement promptly and with due diligence any recommendations that the Regulator may make that the Regulator deems reasonable to ensure that Bell Solar maintains and continues to implement the Compliance Program in accordance with the requirements of this Enforceable Undertaking.

ANNEXURE B

Sites

Ref.	Accreditation code	Installation State	Certificate creation date	Number of certificates created
1	PVD2840196	NSW	04 Jan 2018	313
2	PVD2840342	NSW	04 Jan 2018	1128
3	PVD2840537	NSW	04 Jan 2018	626
4	PVD2855251	NSW	25 Jan 2018	98
5	PVD2855252	NSW	25 Jan 2018	108
6	PVD2855249	NSW	25 Jan 2018	88
7	PVD2855248	NSW	25 Jan 2018	108
8	PVD2855253	NSW	25 Jan 2018	93
9	PVD2855247	NSW	25 Jan 2018	98
10	PVD2855250	NSW	25 Jan 2018	108
11	PVD2855254	NSW	25 Jan 2018	108
12	PVD2855255	NSW	25 Jan 2018	177
13	PVD2855256	NSW	25 Jan 2018	98
14	PVD3014107	NSW	18 Aug 2018	116
15	PVD3014109	NSW	18 Aug 2018	118
16	PVD3014111	NSW	18 Aug 2018	217
17	PVD3014108	NSW	18 Aug 2018	118
18	PVD3014115	NSW	18 Aug 2018	118
19	PVD3023341	NSW	29 Aug 2018	118
20	PVD3023338	NSW	29 Aug 2018	241
21	PVD3023353	NSW	29 Aug 2018	120
22	PVD3023336	NSW	29 Aug 2018	131
23	PVD3023355	NSW	29 Aug 2018	131
24	PVD3023354	NSW	29 Aug 2018	219
25	PVD3023358	NSW	29 Aug 2018	98
26	PVD3023351	NSW	29 Aug 2018	131
27	PVD3023342	NSW	29 Aug 2018	131
28	PVD3023347	NSW	29 Aug 2018	237
29	PVD3023343	NSW	29 Aug 2018	256
30	PVD3023357	NSW	29 Aug 2018	108
31	PVD3023335	NSW	29 Aug 2018	118
32	PVD3023340	NSW	29 Aug 2018	118
33	PVD3023334	NSW	29 Aug 2018	118
34	PVD3023350	NSW	29 Aug 2018	118
35	PVD3023345	NSW	29 Aug 2018	118
36	PVD3023346	NSW	29 Aug 2018	98
37	PVD3023337	NSW	29 Aug 2018	118
38	PVD3023356	NSW	29 Aug 2018	118
39	PVD3023349	NSW	29 Aug 2018	59

40	PVD3023352	NSW	29 Aug 2018	118
41	PVD3023344	NSW	29 Aug 2018	237
42	PVD3023348	NSW	29 Aug 2018	118
43	PVD3023339	NSW	29 Aug 2018	217
44	PVD3042098	NSW	21 Sep 2018	118
45	PVD3042043	NSW	21 Sep 2018	103
46	PVD3042028	NSW	21 Sep 2018	118
47	PVD3042044	NSW	21 Sep 2018	197
48	PVD3070204	NSW	24 Oct 2018	118
49	PVD3096640	NSW	20 Nov 2018	118
50	PVD3096636	NSW	20 Nov 2018	118
51	PVD3096642	NSW	20 Nov 2018	118
52	PVD3096646	NSW	20 Nov 2018	113
53	PVD3096637	NSW	20 Nov 2018	118
54	PVD3096638	NSW	20 Nov 2018	76
55	PVD3096635	NSW	20 Nov 2018	118
56	PVD3096644	NSW	20 Nov 2018	101
57	PVD3096639	NSW	20 Nov 2018	101
58	PVD3104955	NSW	28 Nov 2018	118
59	PVD3104959	NSW	28 Nov 2018	108
60	PVD3104954	NSW	28 Nov 2018	118
61	PVD3153410	NSW	23 Jan 2019	109
62	PVD3153406	NSW	23 Jan 2019	109
63	PVD3153403	NSW	23 Jan 2019	109
64	PVD3153405	NSW	23 Jan 2019	109
65	PVD3153407	NSW	23 Jan 2019	109
66	PVD3153409	NSW	23 Jan 2019	109
67	PVD3153404	NSW	23 Jan 2019	86
68	PVD3153400	NSW	23 Jan 2019	200
69	PVD3153401	NSW	23 Jan 2019	109
70	PVD3153408	NSW	23 Jan 2019	109
71	PVD3153412	NSW	23 Jan 2019	191
72	PVD3153487	NSW	24 Jan 2019	109
73	PVD3153488	NSW	24 Jan 2019	109
74	PVD3160089	NSW	31 Jan 2019	109
75	PVD3160090	NSW	31 Jan 2019	109
76	PVD3160091	NSW	31 Jan 2019	218
77	PVD3161301	NSW	01 Feb 2019	109
78	PVD3161300	NSW	01 Feb 2019	109
79	PVD3183108	NSW	25 Feb 2019	109
80	PVD3201038	NSW	14 Mar 2019	109
81	PVD3217349	NSW	28 Mar 2019	109
82	PVD3218620	NSW	30 Mar 2019	109
83	PVD3315675	NSW	11 Jul 2019	109
84	PVD3315677	NSW	11 Jul 2019	109
85	PVD3320895	NSW	17 Jul 2019	215

86	PVD3320897	NSW	17 Jul 2019	106
87	PVD3320896	NSW	17 Jul 2019	121
88	PVD3327212	NSW	24 Jul 2019	121
89	PVD3328452	NSW	25 Jul 2019	109
90	PVD3328457	NSW	25 Jul 2019	121
91	PVD3328480	NSW	25 Jul 2019	182
92	PVD3330878	NSW	29 Jul 2019	243
93	PVD3002307	NSW	04 Aug 2018	118
94	PVD3003422	NSW	06 Aug 2018	122
95	PVD3008116	NSW	10 Aug 2018	59
96	PVD3010986	NSW	15 Aug 2018	59
97	PVD3014099	NSW	18 Aug 2018	59
98	PVD3023610	NSW	30 Aug 2018	118
99	PVD3035332	NSW	14 Sep 2018	98
100	PVD2852534	NSW	23 Jan 2018	88
101	PVD2852537	NSW	23 Jan 2018	108
102	PVD2853829	NSW	24 Jan 2018	79
103	PVD2856458	NSW	29 Jan 2018	108
104	PVD2856459	NSW	29 Jan 2018	108
105	PVD2856456	NSW	29 Jan 2018	88
106	PVD2856457	NSW	29 Jan 2018	98
107	PVD2856461	NSW	29 Jan 2018	64
108	PVD2856460	NSW	29 Jan 2018	108
109	PVD2863617	NSW	07 Feb 2018	158
110	PVD2896556	NSW	20 Mar 2018	167
111	PVD3429704	NSW	04 Nov 2019	109
112	PVD2780062	NSW	16 Oct 2017	118
113	PVD2783094	NSW	19 Oct 2017	95
114	PVD2782973	NSW	19 Oct 2017	106
115	PVD2782998	NSW	19 Oct 2017	69
116	PVD2783031	NSW	19 Oct 2017	117
117	PVD2787375	NSW	25 Oct 2017	95
118	PVD2787369	NSW	25 Oct 2017	95
119	PVD2787679	NSW	26 Oct 2017	95
120	PVD2791628	NSW	31 Oct 2017	106
121	PVD2803510	NSW	16 Nov 2017	106
122	PVD2805985	NSW	20 Nov 2017	95
123	PVD2808243	NSW	22 Nov 2017	133
124	PVD2808210	NSW	22 Nov 2017	216
125	PVD2808231	NSW	22 Nov 2017	95
126	PVD2808278	NSW	22 Nov 2017	106
127	PVD2810795	NSW	24 Nov 2017	117
128	PVD2818360	NSW	04 Dec 2017	95
129	PVD2818361	NSW	04 Dec 2017	478
130	PVD2820506	NSW	06 Dec 2017	117
131	PVD3450311	SA	22 Nov 2019	109

132	PVD3450328	SA	22 Nov 2019	219
133	PVD3450308	SA	22 Nov 2019	99
134	PVD3450323	SA	22 Nov 2019	109
135	PVD3450313	SA	22 Nov 2019	109
136	PVD3450321	SA	22 Nov 2019	109
137	PVD3450317	SA	22 Nov 2019	78
138	PVD3450320	SA	22 Nov 2019	109
139	PVD3464269	SA	04 Dec 2019	68
140	PVD3468024	SA	06 Dec 2019	109
141	PVD3468023	SA	06 Dec 2019	154
142	PVD2881113	WA	28 Feb 2018	108