

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

GREEN AND GOLD SOLAR AUSTRALIA PTY LTD (ACN 146516074)

Glossary

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

“**Act**” means the *Renewable Energy (Electricity) Act 2000* (Cth).

“**Compliant PV System**” means AS/NZS 5033 compliant solar PV modules and Clean Energy Council approved inverter that are listed at www.cleanenergycouncil.org.au

“**Green and Gold**” means Green and Gold Solar Australia Pty Ltd (ACN 146516074) with principle place of business unit 11 7-9 Progress Circuit Prestons 2170

“**REC Registry Account**” means Green and Gold's Renewable Energy Certificate Account 29384.

“**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* (Cth).

“**Regulator**” means the Clean Energy Regulator.

“**Solar PV Installation**” means a solar photovoltaic panel installation.

“**STCs**” means small-scale technology certificates.

Person giving enforceable undertaking

2. This enforceable undertaking is given by Green and Gold by its nominated director for the purposes of section 154Q of the Act.

Background

3. Green and Gold is an Australian propriety company limited by shares; its registered office is located in Sydney N.S.W.
4. Green and Gold has been a registered person under the Act since October 2010 and (amongst other things) creates, aggregates and sells STCs.
5. It is a requirement under regulation 20AC of the Regulations that all local, state or territory government requirements be met prior to the creation of STCs.

6. Green and Gold, through its REC Registry Account, improperly created 3,262 STCs in the period April 2015 to September 2016 for 42 installations identified in Annexure A that did not comply with regulation 20AC of the Regulations.
7. At the time of STC creation, no Certificate of Electrical Safety had been lodged with Energy Safe Victoria. Green and Gold's compliance procedures failed to identify this non-compliance.
8. The Regulator considers that Green and Gold has contravened the Act in that, contrary to section 24A of the Act, Green and Gold were not entitled to create the certificates identified in Annexure A.

Enforceable Undertakings

9. 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.
10. Green and Gold hereby undertakes to:
 - a) **within 2 months from the date of these enforceable undertakings:**
 - i. develop and implement compliance procedures that ensure, prior to any STC creation, all requirements under the Act and the regulations are met. The new compliance procedures will contain a strong emphasis on, but not be limited to, ensuring STCs are created for solar PV installations:
 - i. that are compliant with all local, state and territory government requirements;
 - ii. that contain compliant PV systems;
 - iii. that are installed by a Clean Energy Council accredited installer;
 - iv. that are designed by a Clean Energy Council designer; and
 - v. that have actually occurred.

- II. include within the compliance procedures a commitment to reporting any instance of non-compliance to the Regulator within 72 hours of detection.
- III. provide a copy of these new compliance procedures to the Regulator on request.

b) within 6 months from the date of these enforceable undertakings:

- I. commission the inspection, by an independent Licensed Electrical Inspector approved by the Regulator, of all 42 solar PV installations identified in Annexure A;
- II. rectify all faults or non-compliances identified through clause 10(b)(I)
- III. submit compliant Certificates of Electrical Safety to Energy Safe Victoria following the completion of clauses 10(b)(I) and 10(b)(II)
- IV. report to the Regulator, in writing:
 - i. monthly against the undertakings in clause 10(b) until such time as all requirements have been met in full. This report is to include copies of the following documentation for each solar PV installation inspection:
 - written consent from the system owner to carry out the inspection of their solar PV system;
 - details of any faults requiring rectification;
 - evidence of any fault rectification;
 - completed Certificate of Electrical Safety; and
 - evidence that the Certificate of Electrical Safety has been lodged with Energy Safe Victoria.

Acknowledgements

11. Green and Gold acknowledges:
 - a) the Regulator will make this enforceable undertaking publicly available, including by publishing it on the Regulator's website;
 - b) the Regulator and officers of the Regulator may, from time to time, make public reference to this enforceable undertaking;
 - c) this enforceable undertaking in no way derogates from the rights and remedies available to any other person arising from any conduct of Green and Gold;
 - d) Green and Gold undertakes to pay all costs associated with its compliance with this enforceable undertaking; and
 - e) the Regulator will fail pending STC creations identified in Annexure A where clause 10(b) has not been met; and
 - f) the Regulator will pass pending STC creations identified in Annexure A where clause 10(b) has been met.

Commencement of enforceable undertaking

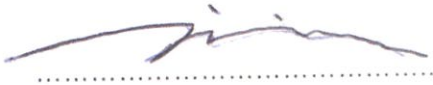
12. This enforceable undertaking comes into effect when:

- a) the enforceable undertaking is executed by Green and Gold; and
- b) the Regulator accepts the enforceable undertaking so executed.

13. This enforceable undertaking ceases to have effect once the requirements of clause 10 have been completed.

Executed by

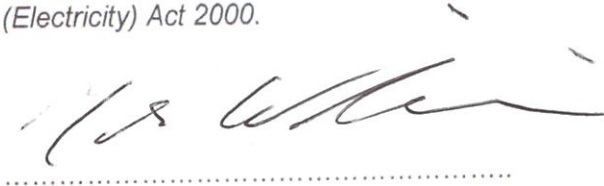
Green and Gold Solar Australia Pty Ltd (ACN 146516074) by its authorised officer pursuant to section 127(1) of the *Corporations Act 2001*



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Director
This 23th day of Oct 2017

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



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Mark Williamson
Delegate of the Regulator

This 27th day of OCTOBER 2017

ANNEXURE A

Accreditation Code	Pending STCs
PVD2423126	79
PVD2423128	53
PVD2423130	53
PVD2423131	71
PVD2454373	79
PVD2454374	177
PVD2454375	53
PVD2454376	53
PVD2454457	71
PVD2454458	35
PVD2457903	53
PVD2457904	53
PVD2457905	79
PVD2457906	88
PVD2457907	53
PVD2457908	88
PVD2457909	79
PVD2457910	88
PVD2457911	53
PVD2457912	88
PVD2457913	88
PVD2457915	88
PVD2461146	88
PVD2461147	88
PVD2461148	124
PVD2461149	53
PVD2525839	79
PVD2529598	62
PVD2529599	79
PVD2529600	79
PVD2529601	88
PVD2529602	79
PVD2529603	53
PVD2529604	79
PVD2529605	71
PVD2529606	35
PVD2529607	88
PVD2529608	88
PVD2540276	88
PVD2540278	106
PVD2540279	142
PVD2540280	71