

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

Jarryd John Sewell

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*.

Associated provisions means sections 134.1, 134.2, 135.1, 135.2, 135.4, 136.1, 137.1 and 137.2 of the Criminal Code, in so far as those sections relate to:

- (a) the Act; or
- (b) the Regulations.

Business day means a day that is not a Saturday or a Sunday or a public holiday or a bank holiday in the state of Western Australia.

CEC means the Clean Energy Council Limited, ACN 127 102 443.

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

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

Electrical safety certificate means the certificate of compliance referred to in Regulation 52B of the *Electricity (Licensing) Regulations 1991 (WA)*.

Jarryd Sewell means Jarryd John Sewell.

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 four solar PV system installations listed at Annexure A to this Undertaking.

Small-scale technology certificate means a certificate created under Subdivision B or BA of Division 4 of Part 2 or under section 30P of the Act.

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

2. Background

Person giving Undertaking

- 2.1. This Undertaking is given to the Regulator by Jarryd Sewell for the purposes of section 154Q of the Act.
- 2.2. Jarryd Sewell is a CEC accredited solar PV designer and installer and a licensed electrician in the state of Western Australia.

The creation of certificates

- 2.3. The Regulator is a statutory agency with responsibility for administering and enforcing the Act and Regulations.
- 2.4. 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.
- 2.5. 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.
- 2.6. Designers and installers of solar PV systems must be accredited by the CEC and must comply with the CEC's Code of Conduct.

Giving false information

- 2.7. On four separate occasions, between 3 and 7 February 2020, Jarryd Sewell was responsible for the installation of four solar PV systems by persons who were not accredited to install those solar PV systems.
- 2.8. On each of those four occasions, Jarryd Sewell gave false information that he was either the installer, or supervised the installation, of the four solar PV systems in accordance with the Act and Regulations. On each occasion, the false information was relied upon to improperly create certificates.
- 2.9. The Regulator considers that, on that basis, Jarryd Sewell has contravened subsection 24B(2) of the Act.

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;
- (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 Jarryd Sewell, hereby undertake, at their own expense to:

Inspection and rectification of Sites

On or before 30 June 2023:

- (a) within two weeks of the date of acceptance of this Undertaking, write to each of the owners (and where relevant, the occupiers) of the Sites identified in Annexure A to obtain consent to inspect the solar PV systems installed at that Site;
- (b) 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 system has any defects; and
- (c) if any 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 remedy any defective part of that installation such that the installation complies with regulation 39(a) to (d) of the Regulations.

Report to the Regulator

No later than 5pm on 31 May 2023 and until such a time as all Undertakings have been completed in full:

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

On or before 31 July 2023, provide:

- (e) evidence of the inspection of the Sites by the CEC accredited installer, completed in accordance with the Undertaking at clause 3.2(b), and resubmission of all compliance paperwork including:
 - i. Electrical Safety Certificates, and
 - ii. photographs of the accredited installer and the solar PV systems at the Sites, capturing panel serial numbers;
- (f) a statutory declaration from the CEC accredited installer who carried out the inspection, stating that the solar PV system satisfies the requirements of regulation 39(a) to (d) of the Regulations and does not have a defect, or if it does have a defect, the nature of that defect;
- (g) evidence of any rectification work completed in accordance with the

Undertaking at clause 3.2(c), and submission of all compliance paperwork including:

- i. Electrical Safety Certificates, and
 - ii. photographs of the accredited installer and the solar PV systems at the Sites, capturing panel serial numbers;
- (h) if the consent of the owners of any Sites (and where relevant, the occupiers of the Sites) is not obtained, as required by the Undertaking at clause 3.2(a), the steps that were carried out to obtain that consent; and
- (i) where an event or issue occurs that prevents the fulfillment of the Undertaking at clause 3.2, a statutory declaration from Jarryd Sewell with a written explanation of the event or issue.

4. Acknowledgements

4.1. Jarryd Sewell acknowledge that:

- (a) the basis on which the Regulator has formed its conclusion in clause 2.9 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 Jarryd Sewell;
- (e) they will bear all costs associated in complying with this Undertaking;
- (f) they cannot create any certificates, or obtain any payment or benefit, in relation to any act commenced or completed in compliance with this Undertaking;
- (g) Jarryd Sewell remains responsible for the completion of this Undertaking irrespective of any change in the ownership
- (h) no person is entitled to create any certificates with respect to any work commenced or completed at a Site in relation to this Undertaking;
- (i) where an event or issue occurs that may prevent the fulfillment of the Undertaking at clause 3.2, the Regulator will not consent to vary the dates specified in clause 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;
- (j) the Regulator will conduct an audit if provided with a Statutory Declaration by Jarryd Sewell where an event or issue occurs that prevents the fulfillment of the Undertaking at clause 3.2; and

- (k) breaching the Undertaking may result in the Regulator enforcing this Undertaking through the Federal Court.

5. Commencement of Undertaking

5.1. This Undertaking comes into effect when:

- (a) the Undertaking is executed by Jarryd Sewell; 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 to the satisfaction of the Regulator.

EXECUTED BY

Jarryd John Sewell



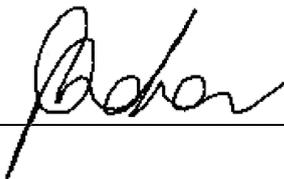
_____ on

26/04/2023

[insert date]

ACCEPTED BY the Regulator pursuant to s 154Q of the *Renewable Energy (Electricity) Act 2000* by:

Piet Powell
General Manager
(Delegate of the Regulator)



_____ on

1 May 2023

Annexure A - Sites

Site	Installation address	Installation state	Installation date	Number of certificates created	Solar PV system number of panels
1		WA	03/02/2020	101	19
2		WA	05/02/2020	100	20
3		WA	07/02/2020	100	20
4		WA	07/02/2020	100	20