

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

More Green Energy Pty Ltd (ACN 607340312)

1. Glossary

1.1 In this Undertaking, unless the contrary intention appears, the following definitions apply:

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

Approved Solar Panel Manufacturer means solar panel manufacturers who are currently participating in the SPV initiative.

AS/NZS 5033 means *AS/NZS 5033 Installation and safety requirements for photovoltaic (PV) arrays*.

CEC means Clean Energy Council.

Certificate means Small-scale Technology Certificate.

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

Compliant PV System means a SGU that is AS/NZS 5033 compliant, comprising a CEC approved inverter that is listed at <http://www.cleanenergycouncil.org.au/>.

Dispose means the destruction or permanent deportation out of Australia of Non-Compliant PV Panels.

More Green Energy means More Green Energy Pty Ltd (ACN 607340312) registered office Unit 16, 4-6 Kent Street, Blacktown, New South Wales 2148.

Non-compliant PV panels means solar PV panels that are not compliant with standard AS/NZS 5033.

PV means photovoltaic.

REC means renewable energy certificate.

REC Registry Account means More Green Energy's REC Registry Account 41654.

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.

Regulatory Requirements means the legislative requirements to be complied with for the installation of solar PV panels in Australia in order to qualify for RECs. These requirements

include without limitation the Act, Regulations, CEC Guidance, Australian Standards, Federal and State based Australia Consumer Law and laws in respect of health and safety.

SGU means a small generation unit as defined in sub regulation 3(2) of the Regulations.

SPV means the Solar Panel Validation initiative.

SRES means Small-scale Renewable Energy Scheme.

2. Background

Person giving this Undertaking

- 2.1 This Undertaking is given to the Regulator by More Green Energy Pty Ltd and its director, Hinal Tailor, and executive officer as defined by section 5 of the Act, Manan Tailor, jointly and severally, for the purposes of section 154Q of the Act.
- 2.2 More Green Energy is an Australian propriety company limited by shares.
- 2.3 More Green Energy has been a registered person under the Act since September 2016 and has been creating certificates since November 2016.

Improper creation of certificates

- 2.4 The Regulator is a statutory agency responsible 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.
- 2.6 Regulation 20AC of the Regulations sets out the conditions which must be satisfied before certificates can be created in respect of a small generation unit.
- 2.7 Included in those conditions are requirements under:
 - a) regulation 20AC(2) that the small generation unit is designed and installed by a person accredited for grid-connected power systems under the ABCSE accreditation scheme or the CEC accreditation scheme, and
 - b) regulation 20AC(5), that before certificates can be created, the person who is entitled to create certificates for the small generation unit must first obtain a written statement by the installer that the installation has used a model of PV module listed in AS/NZS 5033.
- 2.8 More Green Energy inadvertently improperly created, in contravention of section 24A of the Act, 5,090 certificates that did not meet the requirements under regulation 20AC of the Regulations. More Green Energy relied on information provided by third parties to improperly create the certificates.
- 2.9 These 5,090 improperly created certificates were for the supply and installation of 44 SGUs in New South Wales, Victoria and Western Australia containing Non-Compliant PV Panels. More Green Energy was, however, unaware at the time of certificate creation, that the solar PV panels were Non-Compliant PV panels.

- 2.10 Of the 44 installations mentioned above, the Regulator had registered 2,814 certificates regarding 24 of those installations. Of the further 20 installations, 2,276 certificates remained pending (meaning that the Regulator had not completed the registration of those certificates at the time it was discovered to have been improperly created or failed registration).
- 2.11 More Green Energy cooperated with the Regulator's investigation regarding the above conduct above and is committed to assisting the Regulator with any further investigations into the conduct described above.

3. 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 More Green Energy hereby undertakes to:

Compliance Program

- a) at its own expense and within four months of the date of this Undertaking coming into effect, develop and implement a Compliance Program in accordance with the requirements set out in Annexure A, being a program designed to minimise More Green Energy's risk of future contraventions of the Act and Regulations;
- b) maintain and continue to implement the Compliance Program for a period of two years from the date of this Undertaking coming into effect; and
- c) provide a copy of any documents required by the Regulator in accordance with Annexure A;

Surrender of Certificates

- d) surrender 2,814 certificates, equivalent to the amount registered for SGUs containing Non-Compliant PV Panels identified in Annexure B, in accordance with the following schedule:
 - 1,407 certificates within two months of the execution of the Undertaking;
 - 1,407 certificates within four months of the execution of the Undertaking.

Rectify SGUs containing Non-compliant PV panels

- e) within twelve months of the date of this Undertaking coming into effect:
- i. for those SGUs identified in Annexures B and C, write to the owners and the occupiers of those sites, in a form approved by the Regulator, to obtain consent to replace the Non-Compliant PV Panels with Compliant PV Systems;
 - ii. replace, using a CEC-accredited installer (or installers) approved by the Regulator, the Non-Compliant PV Panels in relation to which the consents specified in subparagraph 3.2(e)(i) have been obtained, with Compliant PV panels, in a manner which meets all Regulatory Requirements such that the Regulator may register the certificates in accordance with the Act;
 - iii. Dispose of all Non-Compliant PV Panels removed under paragraph 3.2(e)(ii);
 - iv. not create certificates for the Compliant PV Systems identified in Annexure B; and
 - v. provide a report to the Regulator, in accordance with paragraph 3.2(f) below,

Report in writing

- f) report to the Regulator, in writing every two months from the date of this Undertaking with respect to the requirements in subclause 3.2 until such time as all the requirements have been completed. This report is to include copies of the following documentation for each SGU inspected as part of the undertaking at clause 3.2(e):
- I. written consent from the system owner to carry out the inspection/rectification of their solar PV system;
 - II. details of any faults requiring rectification;
 - III. evidence of any fault rectification; and
 - IV. completed New South Wales, Victorian or Western Australian Certificate of Compliance for electrical work;

Ownership and directorship

- g) the director, Hinal Tailor and executive officer, Manan Tailor, remain responsible for the completion of this Undertaking irrespective of any change in the ownership of More Green Energy;
- h) In the event of a change in ownership or change of directors of More Green Energy, the director is obliged to bring the existence of the EU to the attention of the new owners/directors and provide them a copy of the EU or direct them to the website of the Clean Energy Regulator;
- i) More Green Energy will notify the Regulator no later than 10 business days after a change in ownership or change of directors of More Green Energy and provide the contact details of the new owners or directors; and

- j) More Green Energy will not voluntarily deregister as a company without the approval of the Regulator.

4. Acknowledgements

4.1 More Green Energy 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 Regulator may, from time to time, make public reference to this Undertaking;
- c) this Undertaking in no way derogates from the rights and remedies available to the Commonwealth and any other person arising from any conduct of More Green Energy; and
- d) it bears all costs associated with its compliance with this Undertaking.

5. Commencement of enforceable undertaking

5.1 This undertaking comes into effect when:

- a) the Undertaking is executed by More Green Energy, Hinal Tailor and Manan Tailor, and
- b) the Regulator accepts the Undertaking so executed.

5.2 This undertaking ceases to have effect no earlier than two years from the date of commencement.

Executed by

More Green Energy Pty Ltd (ACN 607340312) by its authorised officer pursuant to section 127(1) of the *Corporations Act 2001*.

.....
Hinal Tailor

Director

This 9 day of OCT 2019

Manan Tailor, executive officer of More Green Energy Pty Ltd as defined by section 5 of the *Renewable Energy (Electricity) Act 2000*.

.....
Manan Tailor

This 9 day of OCT 2019

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

.....
Mark Williamson

Mark Williamson

Delegate of the Regulator

This 18TH day of OCTOBER 2019

Small-scale Renewable Energy Scheme

Compliance Program

More Green Energy Pty Ltd (ACN 607340312) (More Green Energy) will update its Small-scale Renewable Energy Scheme Compliance Program (Compliance Program) to comply with the following requirements:

Appointments

1. Within 1 month of the Undertaking to the Clean Energy Regulator (Regulator) by More Green Energy (the Undertaking) coming into effect, More Green Energy will appoint a director or a senior manager to be responsible for the development, implementation and maintenance of the Compliance Program (the Compliance Officer).

Compliance Procedures

2. Within 4 months of the Undertaking coming into effect, the Compliance Officer will develop and implement new compliance procedures that ensure, prior to any creation of a Small-scale Technology Certificate (STC) in the REC Registry, all requirements for STC creation under the *Renewable Energy (Electricity) Act 2000* (Act) and the *Renewable Energy (Electricity) Regulations 2001* (Regulations) are met (the Compliance Procedures).
3. The Compliance Procedures will include:
 - a. More Green Energy participating in the Solar Panel Validation Program (SPV) and implement the necessary procedures and guidelines to ensure that PV panels installed meet Australian standards and are eligible for small-scale technology certificates;
 - b. where More Green Energy purchases, installs or aggregates certificates for systems that contain PV panels owned by current approved manufactures listed on the SPV, More Green Energy must validate the PV panels using SPV before creating for certificates;
 - c. documented procedures to prevent the improper creation of certificates which include steps to actively:
 - i. verify solar photovoltaic (PV) panels are accredited in accordance with the Act and Regulations
 - ii. verify SGUs are only designed and installed by Clean Energy Council (CEC) accredited designers and installers
 - iii. verify SGUs are compliant with all local, state and territory government requirements
 - iv. verify the SGU installation actually occurred at the listed address and on the provided date, and
 - v. ensure duplicate claims are never made for solar PV panels or SGU components, or for the same address;

- d. a system to collect, secure and store records that assure the credibility of and support each creation of certificates;
- e. a documented procedure to ensure any improper creation of certificates is reported to the Regulator within 72 hours;
- f. documented procedures to research the capability and trustworthiness of industry partners and contractors; and
- g. the ability to provide compliance procedures and records, on request, to the Regulator.

Training

- 4. More Green Energy will require all directors, employees and contractors 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):
 - a. The *Renewable Energy (Electricity) Act 2000*, associated Regulations and policies of the Regulator
 - b. Taxation law and GST treatment of certificates, and
 - c. Consumer protection law
- 5. More Green Energy will implement these compliance procedures for a period of 2 years unless otherwise agreed with the Regulator.

Compliance Review

- 6. More Green Energy will, at its own expense, arrange for an annual review of the Compliance Program (Compliance Review) to be carried out in accordance with each of the following requirements:
 - a. each Compliance Review is carried out by a suitable qualified, independent compliance professional (Reviewer). The Reviewer will qualify as independent on the basis that:
 - i. he or she did not design or implement the Compliance Program;
 - ii. is not a present or past staff member or director of More Green Energy; and
 - iii. has no significant shareholding or other interests in More Green Energy.
 - b. More Green Energy will use its best endeavours to ensure that each Compliance Review is conducted on the basis that the Reviewer has access to all relevant sources of information in More Green Energy's possession or control, including without limitation:
 - i. The ability to make enquiries of any officers, employees, representatives, and agents of More Green Energy; and
 - ii. Documents relating to More Green Energy's Compliance Program; and

- c. More Green Energy will ensure that a Compliance Review is completed within one year of the Undertaking coming into effect and subsequently annually up to a period of 2 years.

Compliance Reports

7. More Green Energy will use its best endeavours to ensure that within 30 days of a Compliance Review, the Reviewer includes the following findings of the Compliance Review in a report to the Regulator:
 - a. whether the Compliance Program includes all the elements detailed in clauses 1 to 5 above, and if not, what elements need to be included or further developed;
 - b. whether staff training is effective, and if not, what aspects need to be further developed;
 - c. whether there are any material deficiencies in More Green Energy'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.
8. More Green Energy will implement promptly and with due diligence any recommendations made by the Reviewer of the Compliance Report to address a Material Failure.
9. Where a Material Failure has been identified by the Reviewer in the Compliance Report, More Green Energy will:
 - a. Provide a copy of that Compliance Report to the Regulator within 10 days of More Green Energy receiving the Compliance Report;
 - b. 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

10. More Green Energy will maintain a record of and store all documents relating to the Compliance Program for a period of not less than 2 years.
11. If requested by the Regulator during the period of 2 years from the date of this Undertaking, More Green Energy will, at its own expense, produce and provide to the Regulator copies of all documents constituting the Compliance Programs, including:
 - a. Staff training materials;
 - b. All completed Compliance Reports.

Regulator Recommendations

12. More Green Energy will implement promptly and with due diligence any recommendations that the Regulator may make that the Regulator deems reasonably necessary to ensure that More Green Energy maintains and continues to implement the Compliance Program in accordance with the requirements of this Undertaking.

ANNEXURE B

Registered solar generation units containing Non-Compliant PV Panels

Accreditation code	Certificates Passed	SGU Brand	SGU Model	Installation State
PVD2984877	116	Jinko Solar Co Ltd	JKM295M-60	NEW SOUTH WALES
PVD2984793	118	Jinko Solar Co Ltd	JKM300M-60	NEW SOUTH WALES
PVD2984875	115	Jinko Solar Co Ltd	JKM280PP-60	NEW SOUTH WALES
PVD3006862	118	Jinko Solar Co Ltd	JKM300M-60	WESTERN AUSTRALIA
PVD2988984	116	Jinko Solar Co Ltd	JKM295M-60	NEW SOUTH WALES
PVD3006856	118	Jinko Solar Co Ltd	JKM300M-60	WESTERN AUSTRALIA
PVD2983805	110	Jinko Solar Co Ltd	JKM280PP-60	NEW SOUTH WALES
PVD2989039	100	Jinko Solar Co Ltd	JKM280PP-60	NEW SOUTH WALES
PVD2990579	95	Jinko Solar Co Ltd	JKM295M-60	NEW SOUTH WALES
PVD2992016	116	Jinko Solar Co Ltd	JKM295M-60	NEW SOUTH WALES
PVD2986889	115	Jinko Solar Co Ltd	JKM280PP-60	NEW SOUTH WALES
PVD2986910	148	Jinko Solar Co Ltd	JKM295M-60	NEW SOUTH WALES
PVD2986046	116	Jinko Solar Co Ltd	JKM295M-60	NEW SOUTH WALES
PVD2990605	111	Jinko Solar Co Ltd	JKM295M-60	NEW SOUTH WALES
PVD2983807	115	Jinko Solar Co Ltd	JKM280PP-60	NEW SOUTH WALES
PVD2990587	115	Jinko Solar Co Ltd	JKM280PP-60	NEW SOUTH WALES
PVD2990632	116	Jinko Solar Co Ltd	JKM295M-60	NEW SOUTH WALES
PVD3006816	118	Jinko Solar Co Ltd	JKM300M-60	WESTERN AUSTRALIA
PVD3006830	115	Jinko Solar Co Ltd	JKM280M-60	WESTERN AUSTRALIA
PVD2984878	116	Jinko Solar Co Ltd	JKM295M-60	NEW SOUTH WALES
PVD2989029	201	Jinko Solar Co Ltd	JKM295M-60	NEW SOUTH WALES
PVD2989656	116	Jinko Solar Co Ltd	JKM295M-60	NEW SOUTH WALES
PVD3159736	95	Jinko Solar Co Ltd	JKM305M-60	VICTORIA
PVD3159719	95	Jinko Solar Co Ltd	JKM305M-60	VICTORIA
Total	2,814			

Solar generation units containing Non-Compliant PV Panels- Pending or Failed Registration

Accreditation code	Certificates Passed	SGU Brand	SGU Model	Installation State
PVD2984876	90	Jinko Solar Co Ltd	JKM295M-60	NEW SOUTH WALES
PVD2989065	116	Jinko Solar Co Ltd	JKM295M-60	NEW SOUTH WALES
PVD2999450	115	Jinko Solar Co Ltd	JKM280PP-60	WESTERN AUSTRALIA
PVD2999389	115	Jinko Solar Co Ltd	JKM280PP-60	NSW NEW SOUTH WALES
PVD2999397	118	Jinko Solar Co Ltd	JKM300M-60	WESTERN AUSTRALIA
PVD2997527	115	Jinko Solar Co Ltd	JKM280PP-60	NEW SOUTH WALES
PVD2999391	110	Jinko Solar Co Ltd	JKM280PP-60	NEW SOUTH WALES
PVD2999442	118	Jinko Solar Co Ltd	JKM300M-60	WESTERN AUSTRALIA
PVD2995302	190	Jinko Solar Co Ltd	JKM295M-60	NEW SOUTH WALES
PVD3169086	109	Jinko Solar Co Ltd	JKM300M-60	WESTERN AUSTRALIA
PVD3169103	109	Jinko Solar Co Ltd	JKM300M-60	WESTERN AUSTRALIA
PVD3152970	106	Jinko Solar Co Ltd	JKM305M-60	NEW SOUTH WALES
PVD3168034	109	Jinko Solar Co Ltd	JKM315M-60	NEW SOUTH WALES
PVD3168137	109	Jinko Solar Co Ltd	JKM300M-60	WESTERN AUSTRALIA
PVD3168391	109	Jinko Solar Co Ltd	JKM315M-60	NEW SOUTH WALES
PVD3166412	95	Jinko Solar Co Ltd	JKM305M-60	VICTORIA
PVD3159571	106	Jinko Solar Co Ltd	JKM305M-60	NEW SOUTH WALES
PVD2990507	116	Jinko Solar Co Ltd	JKM295M-60	NEW SOUTH WALES
PVD3026130	115	Jinko Solar Co Ltd	JKM280M-60	WESTERN AUSTRALIA
PVD3155100	106	Jinko Solar Co Ltd	JKM305M-60	WESTERN AUSTRALIA
Total	2,276			