

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

Aman Singh Dhakla and Remec International Pty Ltd (ACN 619 977 650) trading as Remec
Power

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*.

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

CEC means the Clean Energy Council.

Certificate means a renewable energy certificate created and registered under the Act.

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 15 solar PV system installations listed at Schedule 1 to this Undertaking.

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

Remec Power means Remec International Pty Ltd trading as Remec Power, ACN 619 977 650.

2. Background

Person giving Undertaking

- 2.1. This Undertaking is given to the Regulator by Aman Singh Dhakla and REMEC Power jointly and severally, for the purposes of section 154Q of the Act.
- 2.2. Mr Dhakla is a CEC accredited solar PV designer and installer and a licensed electrician in the state of WA.

- 2.3. Mr Dhakla is a director of Remec Power, an Australian company, incorporated on 23 June 2017 and holding ACN 619 977 650, with Mr Dhakla being a director since its incorporation.

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 which 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 and must comply with the CEC's Code of Conduct.

Giving false information

- 2.8. On 15 separate occasions during the period 19 October 2018 to 3 June 2019, Mr Dhakla was responsible for the installation of 15 solar PV systems by persons who were not accredited to install those solar PV systems.
- 2.9. On each of those 15 occasions, Mr Dhakla gave false information to a second party. The false information Mr Dhakla gave to the second party was that he was either the installer, or supervised the installation, of various solar PV systems in accordance with the Act and Regulations. On each occasion the second party relied on the false information to improperly create certificates.
- 2.10. The Regulator considers that, on that basis, Mr Dhakla has contravened subsection 24B(1) of the Act.

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.

Inspection and rectification of Sites

3.2. Mr Dhakla on his own behalf and on behalf of Remec Power hereby undertake, at their own expense, on or before 31 August 2022 to:

- (a) within two weeks of the date of acceptance of this Undertaking, write to each of the owners or occupiers of the Sites identified in Schedule 1 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;
- (c) starting from the 1st day of the month immediately preceding acceptance of this Undertaking, complete a minimum of 5 of the inspections at clause 3.2(b) per calendar month until completed;
- (d) if any inspection identifies any defect with the installation of a particular solar PV system at a Site, arrange for a new installation of the solar PV systems, 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

3.3. Mr Dhakla undertakes to provide the following to the Regulator:

due no later than 5pm on the last business day of each month, starting 30 September 2022 and until such a time as all Undertakings have been completed in full:

- (a) 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 (d); and

on or before 30 September 2022 (specified date):

- (b) evidence of the inspection by the CEC accredited installer of the Sites including resubmission of all compliance paperwork including the Electrical Safety Certificate and photographs of the accredited installer and the solar PV systems at the Sites including panel serial numbers;
- (c) a statutory declaration from the CEC accredited installer who carried out the inspection, stating that the solar PV system satisfies, or does not satisfy, the requirements of regulation 39(a) to (d) of the Regulations;
- (d) evidence of any rectification work completed under 3.2(d) of the Undertaking;
- (e) if the consent of the owners of any Sites (and where relevant, the occupiers of the Sites) is not obtained, as required by subclause 3.2(a) of this Undertaking, the steps that were carried out to seek that consent;

and

- (f) where an event or issue occurs that prevents the fulfillment of clause 3.2 or 3.3 of the Undertaking, a statutory declaration from Mr Dhakla with a written explanation of the event or issue.

4. Acknowledgements

4.1. Mr Dhakla and Remec Power acknowledges 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 Mr Dhakla or Remec Power;
- (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) Mr Dhakla remains responsible for the completion of this Undertaking irrespective of any change in the ownership of Remec Power;
- (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 clauses 3.2 or 3.3 of the Undertaking, the Regulator will not consent to vary the dates specified in clause 3.2 or 3.3 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 Mr Dhakla where an event or issue occurs that prevents the fulfillment of clauses 3.2 or 3.3 of the Undertaking, and
- (k) breaching the Undertaking may result in the Regulator enforcing the Undertaking through the Federal Court.

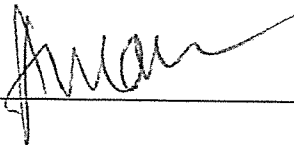
5. Duration of Undertaking

5.1. This Undertaking comes into effect when:

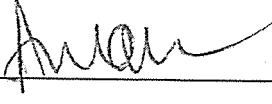
- (a) the Undertaking is executed by Mr Dhakla and Remec Power; and
- (b) the Regulator accepts the Undertaking.

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

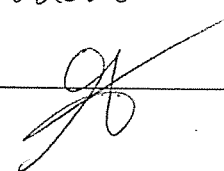
EXECUTED BY

Aman Singh Dhakla  on 15/7/22 [insert date]

Remec International Pty Ltd (ACN 619 977 650) in accordance with section 127(1) of the Corporations Act 2001 by:

Aman Singh Dhakla  on 15/7/22 [insert date]
Sole Director

ACCEPTED BY the Regulator pursuant to s 154Q(3) of the Renewable Energy (Electricity) Act 2000 by:

Thomas Stoddart
~~Piet Powell,~~
General Manager
(delegate of the Regulator)  on 5/8/22 [insert date]

Schedule 1 - Sites

Site	Installation address	Installation state	Installation date	Number of certificates created	Solar PV system number of panels
1		WA	19/10/2018	115	21
2		WA	19/10/2018	69	14
3		WA	23/05/2019	84	17
4		WA	23/05/2019	109	22
5		WA	24/05/2019	109	22
6		WA	27/05/2019	109	22
7		WA	27/05/2019	109	22
8		WA	28/05/2019	80	18
9		WA	29/05/2019	109	24
10		WA	29/05/2019	109	24
11		WA	30/05/2019	109	22
12		WA	31/05/2019	108	23
13		WA	1/06/2019	109	22
14		WA	3/06/2019	54	12
15		WA	3/6/2019	109	22