

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

RACV Solar Pty Ltd ('**RACV 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*.

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

CEC means the 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 clause 3.2(a) of this Undertaking.

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

PV means photovoltaic.

RACV Solar means RACV Solar Pty Ltd (ACN 634 408 398).

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>.

Registered person means an individual or entity registered under the Act who can create certificates.

Regulations means the Renewable Energy (Electricity) Regulations 2001.

Regulator means the Clean Energy Regulator.

SAA means Solar Accreditation Australia.

Sites means the five solar PV system installations listed at Annexure A 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.

2. Background

Person giving Undertaking

- 2.1 This Undertaking is given to the Regulator by RACV Solar for the purposes of section 154Q of the Act.
- 2.2 RACV Solar is an Australian Company, incorporated on 26 June 2019 and holding ACN 634 408 398.
- 2.3 RACV Solar is a solar retailer who provides statutory information relating to solar PV system installations to registered persons. A registered person then uses that information to create certificates in the REC Registry under the SRES. RACV Solar has been involved in the SRES in this capacity since 14 January 2020.
- 2.4 RACV Solar has no previous compliance history with the Regulator. However, in the instance described herein, compliance requirements were not adhered to by the company, resulting in improper creation of certificates within the SRES.

False information resulting in improper creation of certificates

- 2.5 The Regulator is a statutory agency with responsibility for administering and enforcing the Act and Regulations.
- 2.6 Under the Act, certificates can be created 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.
- 2.7 Included in those conditions is the requirement for a solar PV system, under sub regulation 20AC(5A) of the Regulations, that a written statement be obtained from the solar retailer who sold the system stating the name of the installer of the unit. Further, the written statement from the solar retailer must not be false or misleading in a material particular.
- 2.8 On five occasions between 20 July 2022 and 5 August 2022, RACV Solar provided false written statements under sub regulation 20AC(5A) that misidentified the installer of five solar PV systems. This resulted in the improper creation of 328 certificates, in contravention of section 24B of the Act.
- 2.9 RACV Solar reported to the Regulator that on 18 and 19 January 2024, the Sites were inspected by a CEC accredited installer with minor rectification work required.
- 2.10 RACV Solar has cooperated with the Regulator in coming to an agreeable outcome regarding the conduct outlined in clause 2 of this Undertaking.

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 RACV Solar hereby undertakes to:

Compliance Program

- (a) On or before 17 July 2024, implement a Compliance Program, agreed with the Regulator, outlining procedures to ensure that the accredited installer recorded for the purpose of 20AC(5A) of the Regulations, is the installer who completes the installation of a solar PV system. The Compliance Program will be outlined in a written document to include:
 - (i) fortnightly written notices to RACV Solar's contracted and employed CEC or SAA accredited installers to the effect that:
 - (A) if a job for the installation of a solar PV system is allocated to them, they, as the CEC or SAA accredited installer, must complete or appropriately supervise the installation in accordance with the CEC Guidelines and/or SAA Requirements. Otherwise, they must request RACV Solar's scheduling team to re-allocate the job to the CEC or SAA accredited installer who will complete or appropriately supervise the installation
 - (B) the CEC or SAA accredited installer completing or appropriately supervising the installation must be shown in the photographs evidencing the installer was onsite, taken for the purposes of sub regulation 20AC(5)(f)(iii) of the Regulations; and
 - (C) any non-compliance with the requirements in 3.2(a)(i)(A) and 3.2(a)(i)(B) is a serious matter and may result in termination of employment or RACV Solar ceasing to contract with the installer.
 - (ii) For a period of three months after the date of the Compliance Program being implemented, telephoning CEC or SAA accredited installers to confirm verbally that they attended, and completed or appropriately supervised the installation, and are the person shown in the photographs evidencing the installer was onsite, taken for the purposes of sub regulation 20AC(5)(f)(iii) of the Regulations; and
 - (iii) storing photo identification of CEC and/or SAA accredited installers to check against photographs evidencing the installer was onsite,

taken for the purposes of sub regulation 20AC (5)(f)(iii) of the Regulations.

- (b) On or before 24 July 2024, provide the Regulator with a copy of the written procedures implemented by RACV Solar, as outlined in clause 3.2(a) of this Undertaking;
- (c) Maintain and continue to implement the Compliance Program for a period of six months from the date of the Compliance Program being implemented; and
- (d) Provide a copy of any document required by the Regulator for the purpose of ensuring the Compliance Program is being executed. RACV Solar must provide the document to the Regulator within 10 business days of any request.

Rectification of Sites

On or before Monday 19 August 2024;

- (e) if during the inspection of the Sites, conducted on 18 and 19 January 2024, any defect was identified with the installation, arrange for a CEC or SAA accredited solar installer (or installers), agreed with the Regulator, to install a new solar PV system, or to remedy any defective part of the installation, ensuring that the new system or rectification complies with the Regulations.

Evidence of inspection and rectification of Sites

On or before 17 October 2024, provide the Regulator;

- (f) evidence of the inspection of the Sites completed by the CEC accredited installer on 18 and 19 January 2024, including resubmission of all relevant State or Territory Certificate of Compliance for electrical work;
- (g) a statutory declaration from the CEC accredited installer who carried out the inspection(s) of the Sites, stating that the solar PV system at each Site does, or does not, have a defect, and if it does have a defect, the nature of that defect;
- (h) evidence of any rectification work completed by the approved CEC or SAA accredited solar installer (or installers), as required by clause 3.2(e) of this Undertaking, including resubmission of all relevant State of Territory Certificate of Compliance for electrical work;
- (i) for any rectification work completed under clause 3.2(e) of this Undertaking, a statutory declaration from the approved CEC or SAA accredited installer who carried out the rectification, containing written statements of compliance, in accordance with regulation 20AC(5) of the Regulations.
- (j) if any Sites are not able to be rectified as required by clause 3.2(e) of this Undertaking, as consent is unable to be obtained from the owners of the Sites (and where relevant, the occupiers of the Sites), RACV Solar will provide a statutory declaration outlining the:
 - (i) full address of the Site;
 - (ii) steps taken to contact the owner/occupier of the Site;

- (iii) method of that contact;
- (iv) date/s of that contact; and
- (v) any further relevant details of that contact.

Ownership and directorship

- (k) in the event of a change in ownership or change to the majority of directors of RACV 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
- (l) notify the Regulator no later than 10 business days after a change in ownership or change of directors of RACV Solar and provide the contact details of the new owners or directors.

4. Acknowledgements

4.1 RACV Solar acknowledges that:

- (a) the basis on which the Regulator has formed its conclusion in clause 2 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 may, 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 RACV 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 the Sites related 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 five business days prior to the specified date; and
- (i) breaching this Undertaking may result in the Regulator enforcing this Undertaking through the Federal Court.

Commencement of Undertaking

4.2 This Undertaking comes into effect when:

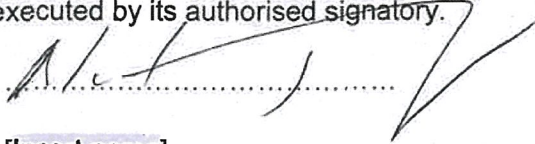
- (a) the Undertaking is executed by RACV Solar; and

(b) the Regulator accepts the Undertaking so executed.

4.3 This Undertaking ceases to have effect once the requirements of clause 3.2 have been completed.

Executed by

RACV Solar Pty Ltd (ACN 634 408 398) pursuant to s 127(1) of the *Corporations Act 2001* and executed by its authorised signatory.



[Insert name]

Director NEIL TAYLOR

This...6...day of June 2024

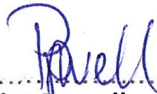


[Insert name]

Director MICHAEL SHEEHY

This...6...day of JUNE 2024

ACCEPTED BY THE REGULATOR PURSUANT TO SECTION 154Q OF THE RENEWABLE ENERGY (ELECTRICITY) ACT 2000.



Piet Powell

Delegate of the Regulator

This...18... day of June 2024

Annexure A

Sites

Ref.	Accreditation code	Installation State	Certificate creation date	Number of certificates created
1	PVD4711312	VIC	10 Aug 22	70
2	PVD4742877	VIC	02 Sep 22	70
3	PVD4718743	VIC	16 Aug 22	70
4	PVD4759986	VIC	15 Sep 22	48
5	PVD4765990	VIC	20 Sep 22	70

