

**ENFORCEABLE UNDERTAKING**  
***Renewable Energy (Electricity) Act 2000***

**Section 154Q**

Undertaking to the Regulator given for the purposes of paragraph 154Q of the  
*Renewable Energy (Electricity) Act 2000*

by

ENIGIN NSW PTY LTD trading as SOLAR POWER NSW (ACN: 135 601 697)

**Glossary**

1. In this Undertaking, unless the contrary intention appears, the definition in section 5 of the Act, regulation 3 of the Regulations, and this clause apply:

"Act" means the *Renewable Energy (Electricity) Act 2000*

"CEC" means the Clean Energy Council;

"Certificate" means a renewable energy certificate;

"Enigin t/a Solar Power NSW" means Enigin NSW Pty Ltd trading as Solar Power NSW;

"STC's" means small-scale technology certificates;

"Regulations" means the *Renewable Energy (Electricity) Regulations 2001*.

"Regulator" means the Clean Energy Regulator.

**Person giving undertaking**

2. This undertaking is given to the Regulator by ENIGIN t/a Solar Power NSW for the purposes of paragraph 154Q of the Act.

**Parties:**

3. The Regulator is a statutory agency with responsibility for administering and enforcing the Act and Regulations.
4. Enigin t/a Solar Power NSW are a supplier and installer of photovoltaic solar systems and other renewable energy products in Sydney and surrounding regions.
5. Enigin t/a Solar Power NSW are also a registered person under Part 2, Division 2 of the Act.

### **The creation of certificates**

6. Under the Act, registered persons can create certificates from certain renewable sources.
7. Regulation 20AC of the Regulations sets out the conditions which must be satisfied before certificates can be created for a small generation unit.
8. Included in those conditions is the requirement under sub regulation 20AC (5), to obtain a written statement by the installer that they are bound by the CEC's Code of Conduct and that they have complied with that Code of Conduct for the installation of the unit.
9. The CEC Code of Conduct includes the requirement to "demonstrate commitment to best practice and continual improvement of the industry including participation in voluntary guidelines and accreditations".
10. The December 2011 CEC "Grid-Connected Solar PV Systems – Install and Supervise Guidelines for Accredited Installers" include the following provision:

#### **"4. RESPONSIBILITIES OF ACCREDITED PERSON WHEN COMPLETING SYSTEM"**

As an accredited person when signing off on a system you have either:

1. Undertaken the installation yourself or
2. Supervised the installation by others.

Supervision includes:

- Visiting the site
- Job set up
- Mid-installation check up
- Testing and commissioning.

NOTE: "The installer or supervisor shall not sign off on more than three (3) system installations per day".

**Improper creation of Certificates by Enigin t/a Solar Power NSW.**

11. As a result of a validations audit, the Regulator identified that during the period 02 April 2012 to 30 June 2012 an accredited CEC installer employed by Enigin t/a Solar Power NSW did on 64 occasions sign off on more than three installations per day. As a result, Enigin t/a Solar Power NSW improperly created 6,288 certificates.
12. The Regulator also identified that during the period 02 April 2012 to 20 June 2012 a second installer employed by Enigin t/a Solar Power NSW did on 44 occasions sign off on more than three installations per day. As a result Enigin t/a Solar Power NSW improperly created 4,163 certificates.
13. On that basis, the Regulator considers that Enigin t/a Solar Power NSW has improperly created 10,451 certificates in breach of Section 24 (1) of the Renewable Energy (Electricity) Act 2000.

**Acknowledgements**

14. Enigin t/a Solar Power NSW acknowledge that the basis on which the Regulator has formed its conclusion is valid and that the matter requires immediate attention.
15. Enigin t/a Solar Power NSW acknowledge that:
  - a. the Regulator will make this Undertaking publicly available, including publishing it on the Regulators website;
  - b. 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; and
  - c. this Undertaking in no way derogates from the rights and remedies available to any other person arising from any conduct of Enigin t/a Solar Power NSW.

### **Undertaking**

16. Under section 154Q of the Act, the Regulator may accept a written undertaking given by a person that the person will take – or refrain from taking – specified actions.
17. Enigin t/a Solar Power NSW undertakes to, subject to clause 17, have an independent accredited CEC installer return to each installation site identified by the Regulator to inspect the installed PV systems by 30 June 2013.
18. Inspections must only be undertaken with the approval of the system owner and resident.
19. In the event that one or more system owners or residents cannot be contacted or do not wish to allow a re-inspection, Enigin t/a Solar Power NSW also undertakes to provide to the Regulator a statutory declaration, made by a Enigin t/a Solar Power NSW director, listing all such system owners and residents, with a declaration that all reasonable steps have been made to contact them and offer them a re-inspection.
20. Upon completion of the inspections, Enigin t/a Solar Power NSW undertakes to provide the Regulator with a statutory declaration, made by the nominated CEC installer, that the PV installations and electrical work meet the requirements for the issue of certificates.

### **Duration of Undertaking**

21. This Undertaking comes into effect when:
  - a. the Undertaking is executed by Enigin t/a Solar Power NSW; and
  - b. the Regulator accepts the Undertaking so executed by Enigin t/a Solar Power NSW.
22. This Undertaking ceases to have effect once the requirements of clauses 16, 18 and 19 have been completed.

**Executed by**

Enigin NSW Pty Ltd trading as Solar Power NSW ACN 135 601 697 by its authorised officer pursuant to s 127(1) of the *Corporations Act 2001*

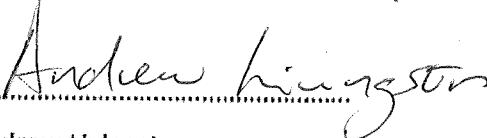
  
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George SEGHABI

Director

This .....<sup>12<sup>th</sup></sup> day of April 2013

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

  
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Andrew Livingston

Delegate of the Regulator

This .....<sup>15</sup> day of April 2013.