



**ENFORCEABLE UNDERTAKING**

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

**Section 154Q**

Undertaking to the Regulator given for the purposes of paragraph 154Q(1)(d) of the  
*Renewable Energy (Electricity) Act 2000*

by

**JRA GROUP PTY LTD**

**ACN 131 961 861**

**Glossary**

1. In this undertaking, unless the contrary intention appears, the following definitions apply:

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

"JRA Group" means JRA Group Pty Ltd

"multiplier formula" means the formula for determining how many RECs can be created in respect of a small generation unit as set out in section 23B of the Act and regulation 20AA of the Regulations.

"ORER" means the Office of the Renewable Energy Regulator.

"NSSP" means the National Solar Schools Program.

"REC" means renewable energy certificate as defined in section 5 of the Act.

"REC Registry" means internet based REC Registry where all RECs are created, traded and surrendered.

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

"Regulator" means the Renewable Energy Regulator under section 142 of the Act.

"RRPGP" means the Renewable Remote Power Generation Program.

"SHCP" means the Solar Homes and Community Plan.

"small generation unit" has the same meaning as it has under the Act.



### Person giving undertaking

2. This undertaking is given to the Regulator by JRA Group for the purposes of paragraph 154Q(1)(d) of the Act.

### Background

3. JRA Group is a duly incorporated company engaged in trade or commerce in Australia.
4. JRA Group is an Australian owned company that provides renewable energy solutions and increased energy efficiency to the Australian community. In particular JRA Group sells and installs solar photovoltaic systems both domestically, commercially and to schools. JRA Group is a registered person and agent under the Act, which allows JRA Group to have RECs assigned to them on behalf of owners of SGU systems and allows them to create RECs for these SGU installations on the REC Registry.
5. JRA Group is a registered person under Part 2, Division 2 of the Act.

### The creation of RECs

6. Under the Act, registered persons may create RECs in respect of energy which has been generated from renewable energy sources specified in the Act and Regulations.
7. Under Part 2, Division 4, Subdivision BA of the Act, a registered person can create RECs in respect of small generation units.
8. The Act and the Regulations set out the conditions which must be satisfied before RECs can be created in respect of a small generation unit.
9. The Act and the Regulations provide that, in specified circumstances, a person is entitled to create a number of RECs based on the multiplier formula set out in section 23B of the Act and regulation 20AA of the Regulations.
  - at the time the small generation unit is installed at the eligible premises, there is no pre-approval or funding agreement in force in respect of the unit under the SHCP, the RRP GP or the NSSP and no financial assistance has been provided in respect of the unit under the SHCP, the RRP GP or the NSSP; and
  - at the time the small generation unit is installed at the eligible premises, financial assistance under the SHCP, the PVRP, the RRP GP or the NSSP has not been approved or provided in respect of any other small generation unit at the eligible premises.
10. If these circumstances are not present in respect of a small generation unit, the person who is entitled to create RECs in respect of the unit is not entitled to create the number of RECs based on the application of the multiplier formula.



### Improper creation of RECs by JRA Group

11. Between 29 July 2010 and 24 September 2010, JRA Group created **2012** RECs in respect of the installation of 16 small generation units.
12. The ORER has conducted an investigation into the creation of those RECs. The ORER has concluded its investigation and, based on the results of that investigation, the Regulator is satisfied that between 29 July 2010 and 24 September 2010, JRA Group created **2012** RECs by applying the multiplier formula in circumstances where it was not entitled to do so because at the time the small generation unit was installed, there was a pre-approval in force in respect of the unit under the NSSP.
13. Accordingly, the Regulator is satisfied that between 29 July 2010 and 24 September 2010, JRA Group created **2012** RECs in circumstances in which JRA Group was not entitled to create those RECs.
14. JRA Group acknowledges that it was not entitled to create the RECs referred to at paragraph 13.

### Undertaking

15. Under subparagraph 154Q(1)(d) of the Act, the Regulator may accept a written undertaking given by a person that the person will surrender one or more RECs under section 28A of the Act, to compensate for the creation of one or more RECs that the person was not entitled to create.
16. JRA Group hereby undertakes to, on or before **31 January 2011** surrender to the Regulator under section 28A of the Act **2012** RECs to compensate for the creation of the RECs referred to in paragraphs 13 and 14 above.

### Commencement of Undertaking

17. This Undertaking comes into effect when:
  - a. the Undertaking is executed by JRA Group; and
  - b. the Regulator accepts the undertaking so executed.

### Acknowledgements

18. JRA Group 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 ORER will, from time to time, make public reference to this undertaking and the circumstances giving rise to this undertaking;



Australian Government  
Office of the Renewable Energy Regulator

- c. this undertaking in no way derogates from the rights and remedies available to any other person arising from any conduct of JRA Group.

**Executed by**

JRA Group ACN 131 961 861 by its authorised officers pursuant to s 127(1) of the Corporations Act 2001

*Ross Young*

Director

Secretary/Director

This *10<sup>th</sup>* day of *December* 2010

**ACCEPTED BY THE REGULATOR PURSUANT TO PARAGRAPH 154Q(1)(d) OF THE RENEWABLE ENERGY (ELECTRICITY) ACT 2000.**

*Andrew Livingston*

**Andrew Livingston**

Renewable Energy Regulator under the Act

This *10<sup>th</sup>* day of *December* 2010