



Australian Government

Office of the Renewable Energy Regulator

## ENFORCEABLE UNDERTAKING

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

#### Section 154Q

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

by

**Origin Energy Electricity Ltd**

**ABN: 33071052287**

#### **Glossary**

1. In this undertaking, unless the contrary intention appears, the following definitions apply:
  - "Act" means the *Renewable Energy (Electricity) Act 2000*.
  - "CEC" means the Clean Energy Council
  - "ORER" means the Office of the Renewable Energy Regulator.
  - "Certificate" 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.
  - "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 Origin Energy Electricity Ltd for the purposes of paragraph 154Q(1)(a) of the Act.

#### **Background**

3. Origin Energy Electricity Ltd is a duly incorporated company engaged in trade or commerce in Australia.



4. Origin Energy Electricity Ltd is an Australian owned company that provides renewable energy solutions and increased energy efficiency to the Australian community. Origin Energy Electricity Ltd is a registered person and agent under the Act, which allows Origin Energy Electricity Ltd to have certificates assigned to them on behalf of owners of SGU systems and allows them to create certificates for these SGU installations on the REC Registry. Origin Energy Electricity Ltd is an independent trader of certificates in Australia. Origin Energy Electricity Ltd is a registered person under Part 2, Division 2 of the Act.

#### **The creation of Certificates**

5. Under the Act, registered persons may create certificates in respect of energy which has been generated from renewable energy sources specified in the Act and Regulations.
6. Under Part 2, Division 4, Subdivision BA of the Act, a registered person can create certificates in respect of a small generation unit.
7. The Act and the Regulations set out the conditions which must be satisfied before certificates can be created in respect of a small generation unit.
8. The Act and the Regulations sets out the circumstances in which certificates may be created for a small generation unit in section 23B of the Act and regulation 20AC of the Regulations.
  - The small generation unit was designed and installed by a person or persons:
    - If the unit is a stand-alone power system — accredited for stand-alone power systems under the Australian Business Council for Sustainable Energy accreditation scheme (the **ABCSE accreditation scheme**) or the Clean Energy Council accreditation scheme (the **CEC accreditation scheme**); and
    - If the unit is a grid-connected power system — accredited for grid-connected power systems under the ABCSE accreditation scheme or the CEC accreditation scheme; and
9. 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 due to system not being installed by a person accredited under the CEC accreditation scheme.

#### **Improper creation of RECs by Origin Energy Electricity Ltd**

10. Between 11 May 2010 and 24 June 2010, Origin Energy Electricity Ltd created 798 RECs in respect of the installation of six (6) small generation units based on information provided by a third party.



11. 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 11 May 2010 and 24 June 2010, Origin Energy Electricity Ltd created 798 RECs where it was not entitled to do so because the system had not been installed by a person accredited under the CEC accreditation scheme.
12. Accordingly, the Regulator is satisfied that between 11 May 2010 and 24 June 2010, Origin Energy Electricity Ltd created 798 RECs in circumstances in which Origin Energy Electricity Ltd was not entitled to create those RECs.
13. Origin Energy Electricity Ltd acknowledges that it was not entitled to create the RECs referred to at paragraph 11.

#### **Undertaking**

14. Under subparagraph 154Q(1)(a) of the Act, the Regulator may accept a written undertaking given by a person that the person will, in order to comply with this Act, the regulations or the associated provisions, take specified action; namely
15. Origin Energy Electricity Ltd hereby undertakes to, on or before 30 April 2011, return to each installation site identified by ORER and have an accredited Clean Energy Council installer inspect the said solar photovoltaic system and sign a statutory declaration to that effect and a document signed by the system owner / resident of the said address confirming the attendance of the CEC accredited installer, to compensate for the creation of the RECs referred to in paragraphs 12 and 13 above.

#### **Commencement of Undertaking**

16. This Undertaking comes into effect when:
  - a. the Undertaking is executed by Origin Energy Electricity Ltd; and
  - b. the Regulator accepts the undertaking so executed.

#### **Acknowledgements**

17. Origin Energy Electricity Ltd 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;
  - c. this undertaking in no way derogates from the rights and remedies available to any other person arising from any conduct of Origin Energy Electricity Ltd

#### **Executed by**



**Australian Government**  
**Office of the Renewable Energy Regulator**

Origin Energy Electricity Ltd ABN 33071052287 by its authorised officers pursuant to s 127(1) of the *Corporations Act 2001*

*Frank Calabria*  
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Frank Calabria

Director

.....  
Secretary/Director

This *12<sup>th</sup>* day of *April* 2011

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

*Andrew Livingston*  
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**Andrew Livingston**

Renewable Energy Regulator under the Act

This *18* day of *April* 2011