

**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

TRUE VALUE SOLAR (VIC) PTY LTD  
ACN 135821626

**Glossary**

1. In this undertaking, unless the contrary intention appears, the following definitions apply:
  - "Act" means the *Renewable Energy (Electricity) Act 2000*.
  - "ORER" means the Office of the Renewable Energy Regulator.
  - "Certificate" means renewable energy certificate as defined in section 5 of the Act.
  - "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 True Value Solar (Vic) Pty Ltd for the purposes of paragraph 154Q(1)(d) of the Act.

**Background**

3. True Value Solar (Vic) Pty Ltd is a duly incorporated company engaged in trade or commerce in Australia.
4. True Value Solar (Vic) Pty Ltd is an independent Installer of residential solar panel systems and an agent for the creation of Renewable Energy Certificates.
5. True Value Solar (Vic) Pty Ltd is a registered person under Part 2, Division 2 of the Act.

**The creation of Certificates**

6. 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.
7. Under Part 2, Division 4, Subdivision BA of the Act, a registered person can create certificates in respect of small generation units.

8. 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. Those conditions include:
  - The unit was designed and installed by a person who is accredited for grid-connected power systems under the Clean Energy Council (CEC) accreditation scheme.
9. Failure to satisfy these conditions in respect of a small generation unit results in the person not being entitled to create certificates in respect of the unit.

#### **Improper creation of Certificates by True Value Solar (Vic) Pty Ltd**

10. Between 13 October 2010 and 23 March 2011, True Value Solar (Vic) Pty Ltd created 9,442 certificates in respect of the installation of 61 small generation units.
11. The ORER has conducted an investigation into the creation of those Certificates. The ORER has concluded its investigation and, based on the results of that investigation, the Regulator is satisfied that Between 13 October 2010 and 23 March 2011, True Value Solar (Vic) Pty Ltd appear to have created 9,442 Certificates in circumstances in which True Value Solar (Vic) Pty Ltd was not entitled to create those Certificates - namely, the units were not designed and installed by the person who was nominated as the accredited installer for the purposes of the creation of the Certificates.
12. True Value Solar (Vic) Pty Ltd acknowledges that the basis on which ORER has formed its view is valid and the matter requires immediate and ongoing investigation.

#### **Undertaking**

13. 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.
14. True Value Solar (Vic) Pty Ltd hereby undertakes to, on or before 21 June 2011, have an independent accredited Clean Energy Council installer return to each installation site identified by ORER and inspect the installed small generation units and sign a statutory declaration that the installation meets the requirements for the issue of certificates and include the signature of the system owner / resident of the identified location.
15. True Value Solar (Vic) Pty Ltd hereby undertakes to, on or before 30 June 2011, audit all the documents provided to then by True Value Solar (SA) to support the creation of Certificates between 20 August 2010 and 24 May 2011 and check for irregularities in that documentation.
16. Where irregularities are found, the documents are verified or have an independent accredited Clean Energy Council installer return to each installation site identified and inspect the installed small generation units and sign a statutory declaration that the installation meets the requirements for the issue of certificates and include the signature of the system owner / resident of the identified location.

17. True Value Solar (Vic) Pty Ltd hereby undertakes to, on or before 30 July 2011, establish a full time position responsible for compliance and governance as it relates to compliance with ORER requirements. This resource will audit installation and certificate submissions and proactively report to the TVS board and ORER with any concerns or installations that require further inspection. It will be an initiative of this role to introduce performance management frameworks and ensure installer compliance with ORER requirements.

**Commencement of Undertaking**

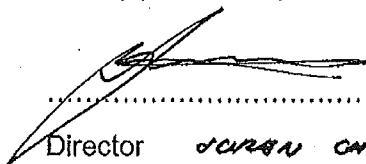
18. This Undertaking comes into effect when:
- a. the Undertaking is executed by True Value Solar (Vic) Pty Ltd; and
  - b. the Regulator accepts the undertaking so executed.

**Acknowledgements**

19. True Value Solar (Vic) Pty 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 True Value Solar (Vic) Pty Ltd.

**Executed by**

True Value Solar (Vic) Pty Ltd ACN 135821626 by its authorised officers pursuant to s 127(1) of the *Corporations Act 2001*

  
.....  
Director *JOCHEM CHONIGAARDT*

.....  
Secretary/Director

This *1*..... day of *JUNE* 2011

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

*Andrew Livingston*

Andrew Livingston

Regulator under the Act

This .....<sup>2<sup>nd</sup></sup>..... day of *June* 2011