

ENFORCEABLE UNDERTAKING

Renewable Energy (Electricity) Act 2000

Section 154Q

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

by

ZYPCOM INTERNATIONAL PTY LTD t/a NEXTGEN SOLUTIONS

ACN 110 195 670

Glossary

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*;

"CEC" means the Clean Energy Council;

"certificate" means a renewable energy certificate;

"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>;

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

"Regulator" means the Clean Energy Regulator;

"STCs" means small-scale technology certificates; and

"Zypcom t/a Nextgen Solutions" means Zypcom International Pty Ltd, which also operates under the trading name of Nextgen Solutions.

Person giving Undertaking

2. This Undertaking is given to the Regulator by Zypcom t/a Nextgen Solutions for the purposes of section 154Q of the Act.

Parties

3. The Regulator is a statutory agency with responsibility for administering and enforcing the Act and Regulations.
4. Zypcom t/a Nextgen Solutions is a duly incorporated company engaged in trade or commerce in Australia.

5. Zypcom t/a Nextgen Solutions is a registered person under Part 2, Division 2 of the Act and an agent for the creation of certificates in the REC Registry.

The creation of certificates

6. Under the Act, registered persons can create certificates for energy generated from certain renewable energy sources.
7. Regulation 20AC of the Regulations sets out the conditions which must be satisfied before certificates can be created in respect of a small generation unit.
8. Included in those conditions is the requirement, under subregulation 20AC(5), to obtain a written statement by the installer of the unit stating the name of the designer and the name of the installer of the unit.
9. Designers and installers of units must be accredited by either the Australian Business Council for Sustainable Energy or the Clean Energy Council and must comply with the Clean Energy Council's Code of Conduct.

Improper creation of certificates by Zypcom t/a Nextgen Solutions

10. The Regulator has identified that on 13 occasions between 4 April 2011 and 2 June 2012, Zypcom t/a Nextgen Solutions submitted incorrect information to a second party in relation to installer and designer details. It was confirmed that the installer and designer noted was not responsible for the installations. On all 13 occasions, the second party relied on the information supplied which resulted in the improper creation of certificates in the REC Registry.
11. The Regulator considers that, on that basis, Zypcom t/a Nextgen Solutions contravened subsection 24B(1) of the Act on 13 occasions.

Acknowledgements

12. Zypcom t/a Nextgen Solutions acknowledges that the basis on which the Regulator has formed its conclusion is valid and that the matter requires immediate attention.
13. Zypcom t/a Nextgen Solutions acknowledges that:
 - a. the Regulator will make this Undertaking publicly available, including by publishing it on the Regulator's 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 Zypcom t/a Nextgen Solutions.

Undertaking

14. 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 – specified actions.
15. Zypcom t/a Nextgen Solutions undertakes to, subject to clause 16, have an independent accredited CEC installer return to each installation address identified by the Regulator to inspect the installed PV system to ensure the system is compliant with the CEC guidelines and all state and local requirements.
16. Inspections must only be undertaken with the approval of the system owner and resident.
17. In the event that one or more system owners or residents cannot be contacted or do not wish to allow a re-inspection, Zypcom t/a Nextgen Solutions also undertakes to provide to the Regulator a statutory declaration, prepared by the Zypcom t/a Nextgen Solutions 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.
18. Upon completion of the inspections, Zypcom t/a Nextgen Solutions undertakes to provide the Regulator with a statutory declaration, prepared by the CEC installer who carried out the re-inspections, that the PV installations and electrical work meet the requirements for the issue of certificates.
19. The above undertakings must be completed by 27 September 2013.

Duration of Undertaking

20. This Undertaking comes into effect when:
 - a. the Undertaking is executed by Zypcom t/a Nextgen Solutions; and
 - b. the Regulator accepts the Undertaking so executed by Zypcom t/a Nextgen Solutions.
21. This Undertaking ceases to have effect once the requirements of clauses 15, 16, 17 and 18 have been completed.

Executed by

Zypcom International Pty Ltd ACN 110 195 670 by its authorised officer pursuant to s 127(1) of the *Corporations Act 2001*

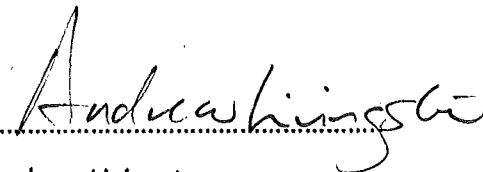

.....

Zahid Maqsood CHAUDHARY

Director

This.....*03*.....day of *July* 2013

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


.....

Andrew Livingston

Delegate of the Regulator

This*9*..... day of *July* 2013.