

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

ZAHID MAQSOOD CHAUDHARY

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

Person giving Undertaking

2. This Undertaking is given to the Regulator by Zahid Maqsood CHAUDHARY 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. Zahid Maqsood CHAUDHARY is the sole director of Zypcom International Pty Ltd t/a Nextgen Solautions, a duly incorporated company engaged in trade or commerce in Australia.
5. Zahid Maqsood CHAUDHARY is a joint director of Solax Australia Pty Ltd, a duly incorporated company engaged in trade or commerce in Australia.

6. Zahid Maqsood CHAUDHARY is the account user and administrator for Zypcom International Pty Ltd t/a Nextgen Solautions for the creation of Renewable Energy Certificates in the REC Registry.
7. Zahid Maqsood CHAUDHARY is the account user and administrator for Solax Australia Pty Ltd for the creation of Renewable Energy Certificates in the REC Registry.
8. Zahid Maqsood CHAUDHARY is a registered person under Part 2, Division 2 of the Act.

The creation of certificates

9. Under the Act, registered persons can create certificates for energy generated from certain renewable energy sources.
10. 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.
11. 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.
12. 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 Nextgen Solutions

13. The Regulator has identified that on 4 April and 25 April 2011, Zahid Maqsood CHAUDHARY submitted incorrect information to the Regulator. Mr CHAUDHARY relied on this information to create certificates in the REC Registry on behalf of Zypcom International Pty Ltd t/a Nextgen Solutions. Mr CHAUDHARY was not entitled to create those certificates. The incorrect information related to installer and designer details.
14. The Regulator has also identified that on 11 November 2011, Zahid Maqsood CHAUDHARY submitted incorrect information to the Regulator to create certificates for Solax Australia Pty Ltd. Mr CHAUDHARY was not entitled to create those certificates. The incorrect information related to installer and designer details.
15. The Regulator considers that, on these bases, Zahid Maqsood CHAUDHARY contravened subsection 24A(1) of the Act on 3 occasions.

Acknowledgements

16. Zahid Maqsood CHAUDHARY acknowledges that the basis on which the Regulator has formed its conclusion is valid and that the matter requires immediate attention.
17. Zahid Maqsood CHAUDHARY acknowledges that:
 - a. the Regulator will make this Undertaking publicly available, including 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 Zahid Maqsood CHAUDHARY.

Undertaking


18. 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.
19. Zahid Maqsood CHAUDHARY undertakes to on or before (date to be determined), subject to clause 20, 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.
20. Inspections must only be undertaken with the approval of the system owner or resident.
21. In the event that one or more system owners or residents cannot be contacted or do not wish to allow a re-inspection, Zahid Maqsood CHAUDHARY also undertakes to provide to the Regulator a statutory declaration listing all such system owners or residents, with the declaration that all reasonable steps have been made to contact them and offer them a re-inspection.
22. Upon completion of the inspections, Zahid Maqsood CHAUDHARY undertakes to provide the Regulator with a statutory declaration, prepared by the nominated CEC installer, that the PV installations and electrical work meet the requirements for the issue of certificates.
23. The above undertakings must be completed by 27 September 2013.

Duration of Undertaking

24. This Undertaking comes into effect when:
 - a. the Undertaking is executed by Zahid Maqsood CHAUDHARY; and

- b. the Regulator accepts the Undertaking so executed by Zahid Maqsood CHAUDHARY.
25. This Undertaking ceases to have effect once the requirements of clauses 19, 20, 21 and 22 have been completed.

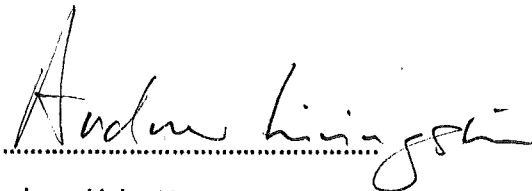
Executed by


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Zahid Maqsood CHAUDHARY

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

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


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Andrew Livingston

Delegate of the Regulator

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