



File no:

2009 Solar Water Heater and Small Generation Unit Return

Version 5.0
 As updated 10 November 2009

The Solar Water Heater and Small Generation Unit Return for 2009 must be completed by Registered Persons, including Agents, who created more than 250 Renewable Energy Certificates (RECs) for Solar Water Heaters (SWH) and/or Small Generation Units (SGU) from 1 January 2009 to 31 December 2009 inclusive, as specified under Section 23F of the *Renewable Energy (Electricity) Act 2000* (the Act) and Regulation 20C of the *Renewable Energy (Electricity) Regulations 2001* (the Regulations).

Under Section 23F of the Act, the Solar Water Heater and Small Generation Unit Return for 2009 must be submitted by **close of business Monday 15 February 2010**. Under Sections 30A and 154 of the Act, the Regulator may suspend the registration of a registered person if the return is not provided before this date. Please see page 2 of this form for legislative reference.

Individuals or companies who own an accredited power station must complete and submit a separate 'Electricity Generation Return 2009 – For Accredited Power Stations' available from www.orer.gov.au.

Please fully complete the Solar Water Heater and Small Generation Unit Return for 2009. If a return is incomplete the ORER will request additional information. This will delay the assessment of the return which, as a result, could also delay the REC validation process.

Lodgement details

The original signed and completed return should be marked as 'confidential' and posted to:

Office of the Renewable Energy Regulator
 GPO Box 621
 CANBERRA ACT 2601

The return may also be delivered to the ORER by courier – please contact the ORER by phone on 02 6159 7700 or e-mail on orer@orer.gov.au for delivery instructions.

The ORER advises respondents that faxing the statement to 02 6159 7780 is not a substitute for lodging the original signed hard copy by the due date and that faxing is undertaken at their own risk as security cannot be guaranteed.

The Office of the Renewable Regulator can be contacted by:

- Phone: (02) 6159 7700
- Email: orer@orer.gov.au

Office use Only:

Period to which statement applies: 1 January 2009 to 31 December 2009 (inclusive)

Registered Person Name: _____

Assigned Eligibility Registration Number: _____

Date Received: _____

Legislative Reference

Sections 23F, 154 and 30A of the Act and Regulation 20C of the Regulations, detailed below, are relevant legislative references with respect to the requirement, as well as the potential consequences of failing to fulfil this requirement, that all registered persons who create more than 250 Renewable Energy Certificates (RECs) in a given year must submit a return before 14 February in the immediately following year.

Full copies of the *Renewable Energy (Electricity) Act 2000* and the *Renewable Energy (Electricity) Regulations 2001* can be downloaded from www.orer.gov.au/legislation/index.html.

Renewable Energy (Electricity) Act 2000

Section 23F Solar water heater and small generation unit return

- (1) If the sum of the number of certificates created by a person during a year under Subdivisions B and BA exceeds 250, the person must give a return for the year to the Regulator on or before:
 - (a) 14 February in the following year; or
 - (b) any later day allowed by the Regulator.
- (2) The return must include details of:
 - (a) the number of certificates the person created under each of those Subdivisions during the year; and
 - (b) the number of certificates the person is entitled to create under Subdivision B because of rights assigned to the person under subsection 23(2) during the year; and
 - (c) the number of certificates the person is entitled to create under Subdivision BA because of rights assigned to the person under subsection 23C(2) during the year; and
 - (d) any other information specified by the regulations.

Section 154 Failure to provide documents

- (1) A person is guilty of an offence if:
 - (a) the person is required under this Act or the regulations to provide a document (including a statement or return) to the Regulator or to another person within a specified time or by a specified date; and
 - (b) the person does not provide the document by the specified time or the specified date (as the case requires).

Penalty: 30 penalty units.

- (2) Subsection (1) is an offence of strict liability.

Note 1: Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility and Chapter 3 of the *Criminal Code* contains general principles relating to penalties.

Note 2: For strict liability, see section 6.1 of the *Criminal Code*.

- (3) A person is guilty of an offence if:
 - (a) the person is required under this Act or the regulations to provide a document (including a statement or return) to the Regulator or to another person within a specified time or by a specified date; and
 - (b) the person does not provide the document by the specified time or the specified date (as the case requires).

Penalty: 6 months imprisonment.

Note: Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

Section 30A Suspension of registration—other grounds

Regulator's belief that offence committed

- (1) The Regulator may, by written notice, suspend the registration of a registered person if the Regulator believes on reasonable grounds that the person has committed an offence against this Act or the regulations.
- (2) The registration is suspended for such period (not exceeding 12 months) as the Regulator considers appropriate in all of the circumstances. That period must be specified in the notice.

Renewable Energy (Electricity) Regulations 2001

Division 2.4 Solar water heater and small generation unit returns

Regulation 20C Information to be included in return (Act s 23F)

For paragraph 23F (2) (d) of the Act, a solar water heater return and small generation unit return must include the following information:

- (a) the year to which the return relates;
- (b) the person's registration number;
- (c) the telephone number, fax number and e-mail address (if any) of the person;
- (d) for a solar water heater return, the following:
 - (i) the number of units installed in the year;
 - (ii) details of any certificates assigned under subsection 23 (2) of the Act;
 - (iii) the number of certificates found ineligible for registration in the year;
 - (iv) the reasons for certificates being found ineligible for registration in the year;
- (e) for a small generation unit return, the following:
 - (i) the number and type of unit for which a certificate was created in the year and the period of time for which the certificate was created;
 - (ii) details of any certificates assigned under subsection 23C (2) of the Act;
 - (iii) the number of certificates found ineligible for registration in the year;
 - (iv) the reasons for certificates being found ineligible for registration in the year;
- (f) the process used by the person to ensure that certificates created or assigned under Subdivision B or BA of Division 4 of Part 2 of the Act are eligible for registration.

Note: For other information that must also be included in the return, see Act, subsection 23F (2).

Notes on Completing the Solar Water Heater and Small Generation Unit Return

The Solar Water Heater and Small Generation Unit Return for 2009 must be completed by Registered Persons, including Agents, who created Renewable Energy Certificates (RECs) for a Solar Water Heater (SWH) or Small Generation Unit (SGU) from 1 January 2009 to 31 December 2009 inclusive.

SWH and SGU Return checklist – please cross the relevant and completed sections of the return:

- Section A1 – Company Contact Details. If the 'Registered Person' is a company, this section must be completed.
- Section A2 – Individual Contact Details. If the 'Registered Person' is an individual, this section must be completed
- Section B – Registration Status. This section must be completed by all agents.
- Section C – Solar Water Heater REC Creation. This section must be completed by all Registered Persons that created RECs for a Solar Water Heater installation from 1 January 2009 to 31 December 2009 inclusive.
- Section D – Small Generation Unit REC Creation. This section must be completed by all Registered Persons that created RECs for a Small Generation Unit installation from 1 January 2009 to 31 December 2009 inclusive.
- Section E – Assignment of rights to create RECs. This section must be completed by all agents to whom rights to create RECs were assigned from 1 January 2009 to 31 December 2009 inclusive.
- Section F – Records. This section must be completed by all agents who created RECs from 1 January 2009 to 31 December 2009 inclusive.
- Section G – ORER REC processes for Solar Water Heater and Small Generation Unit installations. This section may be completed by all agents.
- Section H – Declaration. This section must be read and signed by all. The original declaration must be submitted to the ORER.
- Attachments. Please submit all relevant attachments, including a completed example of your current REC assignment form(s), with the Solar Water Heater and Small Generation Unit Return for 2009.

SECTION A1 – Company Contact Details

This section should be completed by companies only.
Individuals should fill out Section A2 'Individual Contact Details'

Registration Number (Registration Person Code) Registration numbers can be found by searching the Register of registered persons at www.rec-registry.gov.auCompany Registered Name Trading Name (if different) ABN Company Postal Address State Postcode **Primary Contact**Title (Mr, Mrs, etc.) Name* Position Phone*

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Fax

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Mobile Email* **Secondary Contact**Title (Mr, Mrs, etc.) Name* Position Phone*

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Fax

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Mobile Email* **Chief Executive Officer
(or equivalent)**Title (Mr, Mrs,
etc.) Name* Position Phone*

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Fax

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Mobile Email*

*Mandatory Fields

SECTION A2 – Individual Contact Details

This section should be completed by individuals only.
Companies should fill out Section A1 'Company Contact Details'

Registration Number (Registration Person Code)

Registration numbers can be found by searching the Register of registered persons at www.rec-registry.gov.au

Name

Title (Mr, Mrs, etc.)

Name*

Postal Address

State

Postcode

Phone*

Fax

Mobile

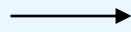
Email*

*Mandatory Fields

SECTION B – Registration Status

This section must be completed by all agents.

Did you create RECs from eligible Solar Water Heaters or Small Generation Units in 2009?

No Yes 

Continue to Section C



If No, would you like your registered agent status suspended?

Yes No

If you indicate that you would like your registered agent status suspended the ORER will action your request by suspending the company and all system users attached to the company in the REC Registry. Consequently you will:

- not be required to submit an Annual Electricity Return whilst you are suspended; and
- need to contact the ORER should you wish to create RECs for SWH or SGU installations again in the future.

SECTION C – Solar Water Heater REC Creation

This section must be completed if RECs were **created** for Solar Water Heater (SWH) installations from 1 January 2009 to 31 December 2009 inclusive.

Did you create RECs for a SWH installation from 1 January 2009 to 31 December 2009 inclusive?

Yes No →

Continue to Section D



Complete the following table for RECs created from 1 January 2009 to 31 December 2009 inclusive.

	Registered (A)	Pending (B)	Failed (C)	Created (A+B+C)
Number of SWH RECs				
Number of SWH installations				

NOTE: Registered persons should note that under Subsection 21(2) of the Act provides that certificates may be created only within 12 months after the installation of the solar water heater.

In 2009 did you have any SWH RECs marked invalid (failed) by the ORER?

No Yes →

Detail

State the main reasons the RECs were failed

SECTION D – Small Generation Unit REC Creation

This section must be completed if RECs were **created** for Small Generation Units (SGU) from 1 January 2009 to 31 December 2009 inclusive.

Did you create RECs for a SGU from 1 January 2009 to 31 December 2009 inclusive?

Yes No →

Continue to Section E



PHOTOVOLTAIC:

Complete the following table for RECs created between 1 January 2009 and 31 December 2009 for photovoltaic SGUs.

	Registered (A)	Pending (B)	Failed (C)	Created (A+B+C)
Number of photovoltaic SGU RECs				
Number of photovoltaic SGU installations for which RECs were created				
Number of photovoltaic SGU installations where RECs have been created for a 1 year period				
Number of photovoltaic SGU installations where RECs have been created for a 5 year period				
Number of photovoltaic SGU installations where RECs have been created for a 15 year period				

HYDRO:

Complete the following table for RECs created between 1 January 2009 and 31 December 2009 for hydro SGUs.

	Registered (A)	Pending (B)	Failed (C)	Created (A+B+C)
Number of hydro SGU RECs created				
Number of hydro SGU installations for which RECs were created				
Number of hydro SGU installations where RECs have been created for a 1 year period				
Number of hydro SGU installations where RECs have been created for a 5 year period				

WIND:

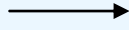
Complete the following table for RECs created between 1 January 2009 and 31 December 2009 for wind SGUs.

	Registered (A)	Pending (B)	Failed (C)	Created (A+B+C)
Number of wind SGU RECs created				
Number of wind SGU installations for which RECs were created				
Number of wind SGU installations where RECs have been created for a 1 year period				
Number of wind SGU installations where RECs have been created for a 5 year period				

In 2009 did you have any SGU RECs marked invalid (failed) by the ORER?

No

Yes



Detail

State the main reasons the RECs were failed

SECTION E – Assignment of rights to create RECs

This section must be completed if rights to create RECs were **assigned** to you for Solar Water Heater (SWH) or Small Generation Unit (SGU) installations from 1 January 2009 to 31 December 2009 inclusive.

Did you have rights to create RECs assigned to you from 1 January 2009 to 31 December 2009 inclusive?

Yes

No



Continue to Section F



Complete the following table for REC creation rights that were assigned to you from 1 January 2009 to 31 December 2009 inclusive (the date of assignment of the right to create the RECs, rather than the date of creation in the REC Registry).

Type of Installation	Number of RECs for which the creation rights were assigned to you
SWH	
Photovoltaic SGU	
Hydro SGU	
Wind SGU	
Total	

SECTION F – Records

This section must be completed by all Agents who created RECs from 1 January 2009 to 31 December 2009 inclusive.


Please note you must attach a completed example of your current REC assignment form(s)

Have you retained records demonstrating the eligibility of every SWH and SGU installation, as applicable?

Yes No

Please outline your process for ensuring that certificates created or assigned under Subdivision B or BA of Division 4 of Part 2 of the Act are eligible for registration in the space below. This should cover internal audit and verification processes.

Have you attached a complete example of your current REC assignment form(s)?

Yes No 

You **must** attached a complete example of your current REC assignment form(s)

SECTION G – ORER REC processes for Solar Water Heater and Small Generation Unit installations

This section may be completed by agents.

Please outline any suggestions with the ORER REC processes in regards to Solar Water Heaters and Small Generation Units.

SECTION H: Declaration

I _____ (insert name), am an authorised representative of _____ (insert company name if applicable), certify that the information provided in this form is a true and accurate representation of the facts. Further, records that demonstrate the accuracy of the statements have been retained and can be provided on request.

I acknowledge that:

- the *Renewable Energy (Electricity) Act 2000* (the Act) imposes obligations with respect to the retention of records relating to this form (section 160);
- penalties can apply for providing misleading information under Part 11A of the Act;
- knowingly providing false or misleading evidence or documents is an offence with a maximum penalty of imprisonment for 12 months;
- failure to comply with section 23F of the Act, is an offence and can result in the suspension of my registered person status (section 30A);
- if a person is found guilty of an offence under section 24 of the Act (Improper creation of certificates – offences) penalties apply in line with the *Criminal Code*, this includes strict liabilities;
- the ORER can seek to verify information provided under the Act or check compliance with the Act by consent or monitoring warrant under Part 11 of the Act. Authorised officers of the ORER can request or require that information be provided as part of this process; and
- failure to provide information to an authorised officer when requested under monitoring warrant constitutes an offence with a maximum penalty of imprisonment for 6 months.

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Signature

Name

Date

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Witness Signature

Name

Date