

**Senate Standing Committee on Environment and Communications
Legislation Committee
Answers to questions on notice
Environment portfolio**

Question No: 217
Hearing: Additional Estimates
Outcome: Agency
Programme: Clean Energy Regulator
Topic: Lake Bonney Wind Farm
Hansard Page: 121-122
Question Date: 8 February 2016
Question Type: Spoken

Senator BACK: I am aware of the time constraints, so I have three issues to raise very quickly, and I just hope we can get through them, or you can take some of them on notice. The first relates to the Lake Bonney Wind Farm in South Australia. The registered person named on the REC Registry is the Lake Bonney Wind Farm Pty Ltd, and the person applying for accreditation of the power station must be the owner or the operator. I wonder if you could advise or take on notice who is or has been the legal person, to use the term in legislation, who has signed the application for accreditation of the power station for stages 1, 2 and 3 of the Lake Bonney power station. Could you take that on notice?

Ms Munro: I could. I do not have that detailed information from the Registry to hand.

Senator BACK: Certainly. Also, in answering that, perhaps you could provide me with advice as to what, if any, investigation may have been undertaken to determine each time that the person qualified as a legal person under your regulations in terms of their being a fit and proper person. Could you do that?

Ms Munro: Yes. So, your specific question is about the fit and proper person test, and, again, we can certainly respond to that on notice.

Revised answer:

Is Lake Bonney Wind Farm Pty Ltd the registered person in the REC Registry?

No. The correct name is Lake Bonney Wind Power Pty Ltd. This is the record that appears in the REC Registry.

Is the person applying for accreditation of a power station required to be the owner and/or operator of the power station?

Yes.

Section 13 of the *Renewable Energy (Electricity) Act 2000* states that a "registered person" may apply to the Regulator for accreditation, as an accredited power station, of the components of an electricity generation system that the person considers are a single power station if the person:

- (a) operates those components (whether alone or together with one or more other persons);
or
- (b) owns all, or a part, of those components (whether alone or together with one or more other persons).

Who is the legal person who has signed the application for accreditation of the three power stations (Lake Bonney Wind Farm Stages 1, 2 and 3)?

The Clean Energy Regulator became responsible for the accrediting of power stations from 2 April 2012.

The applications for accreditation and decisions on those applications were assessed and determined between 2002 and 2010 by the Office of the Renewable Energy Regulator (ORER).

ORER was amalgamated into the Clean Energy Regulator with effect from 2 April 2012. ORER records have been checked in preparing these answers.

Stage 1

Applicant for accreditation: Babcock & Brown Windpower Pty Ltd

The form appears to have been signed by a "W Murphy" on 12 June 2002. The signatory did not include their name on the form.

On 8 May 2003, Babcock & Brown wrote to ORER requesting an amendment to its original application for accreditation of the Lake Bonney Wind Farm (Stage One) to reflect the change in ownership of the wind farm from Babcock & Brown Windpower Pty Ltd to Lake Bonney Wind Power Pty Ltd.

On 7 July 2004, Babcock & Brown lodged a new application for registration ("Company intending to Accredit a Power Station") showing Lake Bonney Wind Power Pty Ltd as the applicant.. It is not clear who signed the declaration on behalf of the company in that form. (The signature is illegible.)

Stage 1 was accredited by ORER on 24 July 2004.

Stage 2

Applicant for accreditation: Lake Bonney Wind Power Pty Ltd.

The form was signed by Mr Geoffrey Dutailis, Director, as authorised representative of Lake Bonney Wind Power Pty Ltd on 27 June 2007.

Stage 2 was accredited by ORER on 2 July 2007.

Stage 3

Applicant for accreditation: Lake Bonney Wind Power Pty Ltd.

The form was signed by Mr Geoffrey Dutailis, Director, as authorised representative of Lake Bonney Wind Power Pty Ltd on 14 May 2010.

Stage 2 was accredited by ORER on 28 May 2010.

What, if any, investigation was undertaken to determine if the person met the fit and proper person test in the REE Regulations each time they applied for accreditation?

The fit and proper person provisions in the Renewable Energy (Electricity) Regulations 2001 (regulation 3L) came into effect on 12 December 2012. Therefore, the applicants referred to above were not assessed against these criteria.