

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

Question No: 219
Hearing: Supplementary Budget Estimates
Outcome: Agency
Programme: Clean Energy Regulator
Topic: SUSPENSION OF ACCREDITATION
Hansard Page: N/A
Question Date: 29 October 2014
Question Type: Written

Senator Back asked:

Does the CER agree that the discretion to suspend that arises (under s30E(5)) where evidence exists that a power station is not operating “in accordance with any relevant Commonwealth, State, Territory or local government planning and approval requirements,” can arise even if there is no evidence that the power station is “being operated in contravention of a law of the Commonwealth, a State or a Territory”, as prescribed by s30E(3)?

In other words, does the CER agree that the basis for suspension under s30E(3) and s30E(5) are distinct and independent of each other?

Answer:

No. The discretion in subsection 30E(5) of the *Renewable Energy (Electricity) Act 2000* does not arise in the circumstances detailed in the question (see also Question on Notice number 220, Supplementary Budget Estimates 2014). The discretion only arises in the circumstances set out in regulation 20D of the *Renewable Energy (Electricity) Regulations 2001*, which provides as follows:

20D Circumstances for suspending accreditation of an accredited power station (Act s 30E)

For subsection 30E(5) of the Act, the Regulator may suspend the accreditation of an accredited power station if:

- (a) the power station no longer generates electricity using an eligible energy source; or
- (b) the power station is in the national electricity market and no longer uses standard metering that meets the requirements set by the National Electricity Rules; or
- (c) the power station is not in the national electricity market and no longer uses metering which allows the Regulator to determine the amount of electricity generated by the power station; or
- (d) both:
 - (i) at least one certificate has been created in relation to electricity generated by the power station using eligible WCMG; and
 - (ii) after the creation of the certificate, one of the following is created in relation to electricity generated by the power station using waste coal mine gas:
 - (A) an abatement certificate under the *Electricity Supply Act 1995* (NSW);
 - (B) a gas electricity certificate under the *Electricity Act 1994* (Qld);

(C) an abatement certificate under the *Electricity (Greenhouse Gas Emissions) Act 2004* (ACT).

Yes. The powers in subsection 30E(3) and 30E(5) of the *Renewable Energy (Electricity) Act 2000* are distinct and independent of each other.

Please see also Additional Estimates 2014 Question 80 and Supplementary Budget Estimates 2014 Question 218.