

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

Question No: 228
Hearing: Supplementary Budget Estimates
Outcome: Agency
Programme: Clean Energy Regulator
Topic: WAUBRA WIND FARM - FALSE AND MISLEADING INFORMATION
Hansard Page: N/A
Question Date: 28 October 2014
Question Type: Written

Senator Madigan asked:

In addition to the offence which attracts penalties under Section 125E of the REE Act 2000, Sections 137.1 and 137.2 of the Criminal Code create offences for giving false or misleading information or documents.

- (1) A person is guilty of an offence if:
- (a) the person gives information to another person; and
 - (b) the person does so knowing that the information:
 - (i) is false or misleading; or
 - (ii) omits any matter or thing without which the information is misleading; and
 - (c) any of the following subparagraphs applies:
 - (i) the information is given to a Commonwealth entity;
 - (ii) the information is given to a person who is exercising powers or performing functions under, or in connection with, a law of the Commonwealth;
 - (iii) the information is given in compliance or purported compliance with a law of the Commonwealth.

Penalty: Imprisonment for 12 months.

Between 2010 and 2012 the Waubra Wind Farm's authorised representative/s provided false and misleading information to the CER. The CER qualifies an agency of the Commonwealth which exercises powers and performs functions under, or in connection with, a law of the Commonwealth. Will the CER refer this matter of fraud to the Australian Federal Police to investigate whether there has also been a serious violation of Section 137.1 and 137.2 of the Criminal Code, 1995?

Answer:

- No. These matters are currently the subject of a Clean Energy Regulator investigation.
- Please see also Supplementary Budget Estimates 2014 Questions 225, 226, 227, 228 and 231.