

**Senate Standing Committee on Environment and Communications
Legislation Committee**

Answers to questions on notice
Environment and Energy portfolio

Question No: 314
Hearing: Supplementary Budget Estimates
Outcome: Agency
Program: Clean Energy Regulator (CER)
Topic: Global Investments Limited - Renewable Energy (Electricity) Regulations 2001
Hansard Page: n/a
Question Date: 28 October 2016
Question Type: Written

Senator Back, Chris asked:

With reference to the Renewable Energy (Electricity) Regulations 2001 (Regulation 3L) and QON 222:

1. The board of directors of Global Investments Limited filed writs in the Supreme Court of Victoria and the New York County Supreme Court against Babcock and Brown and a number of its subsidiaries for, inter alia, false and misleading representations, breaches of fiduciary duties and breaches of duty and contract. Was the CER aware of the proceedings in the Supreme Court of Victoria against defendant Brad Hopwood, formerly executive officer of Babcock and Brown and currently the executive general manager of corporate finance at Infigen Energy prior to the date of this question?
2. Has the CER undertaken any investigation to confirm if communities or individuals in Australia have been subject to similar false and misleading representations, breaches of fiduciary duties and breaches of duty and contract?
3. Was the CER aware that the former Chief Executive Officer of Global Investments Limited at the time of the allegations was recently appointed as a non-executive director of Infigen Energy in April 2016, at which time the proceedings against Mr Brad Hopwood were on-going?
4. Has the CER had any communication with Infigen Energy relating to these allegations? If so, on what dates?
5. Has the CER investigated the subsequent agreement between Global Investments Limited and Infigen Energy's General Manager of Corporate Finance to discontinue its action against him?

Answer:

1. No. The Clean Energy Regulator was not previously aware of the proceedings in the Supreme Court of Victoria.

If legal proceedings were completed with adverse findings made against an existing or potential participant in the Renewable Energy Target, these findings could be taken into account by the Clean Energy Regulator in a fit and proper person assessment. However, as far as the Clean Energy Regulator is aware, no such adverse findings have been made against any person who could be assessed under Regulation 3L of the Renewable Energy (Electricity) Regulations 2001.

2. No. The Clean Energy Regulator has not received any information that would lead it to conduct an investigation of the kind suggested. If we were to receive credible information (more than mere allegations) that, if correct, may cause us to reconsider the fit and proper person status of a person or entity, then we may make further enquiries. If a court or

relevant regulator were to make adverse findings in relation to such matters, this would provide considerable weight to any reconsideration of fit and proper person status.

3. No. The Clean Energy Regulator does not monitor every change of directors or personnel in companies participating in the statutory schemes it administers. Infigen Energy is a listed company and subject to regulation by other Commonwealth regulators including ASIC which manages notifications of change of Directors.
4. No.
5. No.