

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

**Question No:** 81  
**Hearing:** Additional Estimates  
**Outcome:** Agency  
**Programme:** Clean Energy Regulator  
**Topic:** Accredited wind farms  
**Hansard Page:** N/A  
**Question Date:** 04 March 2014  
**Question Type:** Written

**Senator Back asked:**

I have sighted a number of references obtained under FOI from the Department of Planning and Community Development in Victoria that show the Waubra wind farm:

- Has not yet provided satisfactory evidence of compliance with its planning permit;
- Is operating non-compliantly with its planning permit; and
- Has been operating non-compliantly since the wind farm's commencement date in July 2009.

The Waubra wind farm is now approaching 5 years of accreditation (beginning March 10, 2009) in which time the CER has issued Large-scale Generation certificates worth approximately \$100 million. During this time, the Waubra wind farm has received in excess of 1000 noise complaints from residents, has purchased eleven properties that were previously homes to neighbouring residents and, as was disclosed during the 2010 Senate Inquiry into the Social and Economic Impact of Rural Wind Farms, have gagged these residents from publically speaking about noise and health issues through confidentiality contracts.

I note CER answers to QON, Question 122, Supplementary Budget Estimates 2013:

*n) It is the responsibility of the operator of a wind farm to confirm their ongoing compliance. Giving false or misleading information to a Commonwealth officer is a serious offence.*

And: I refer to Senator Madigan's question of Mr Livingston, CER, on the 11th of February, Additional Estimates 2013:

*Senator MADIGAN: Do you confirm their compliance with the relevant state authorities, or do you simply take their word for it?*

*Mr Livingston: Initially we take their word. These are reputable businesses, but we ask for evidence of that.*

1. What classifies a wind farm operator as a 'reputable business'?  
Many of the companies that own wind farms operating in Australia are owned overseas and record significant losses on a year-to-year basis. An example of this would be Infigen who own and operate the Alinta, Lake Bonney, Woodlawn and Capital wind farms. Infigen, who previously operated as Babcock and Brown and recorded Australia's biggest ever corporate collapse — liquidating a loss of \$10 billion dollars in 2009, have recorded a loss of \$80 million dollars last year.

2. Would the CER classify Infigen as a reputable business?

I note again in answers to QON, Question 122 Supplementary Budget Estimates 2013:

*b) The Clean Energy Regulator has conducted a compliance investigation and has contacted the Department of Planning and Community Development (DPCD) and Acciona Energy — the proponents of the Waubra wind farm. The Clean Energy Regulator is satisfied with the response from both entities that the wind farm is operating in accordance with the state legislation.*

3. How does the CER reconcile this with:  
*g. The Clean Energy Regulator is satisfied that the DPCD is dealing with this issue. The Minister for Planning has not determined whether the wind farm is or is not compliant with the relevant planning permit. The DPCD and the Environment Protection Authority are investigating how to address the testing issues and what further steps may need to be taken.*

Given that:

- n) It is the responsibility of the operator of a wind farm to confirm their ongoing compliance. Giving false or misleading information to a Commonwealth officer is a serious offence.*
4. How can the CER claim:  
*t) The Renewable Energy Target has been in operation since 2001 and any eligible power stations willing to participate in the LRET scheme have been accredited in accordance with the Act and Regulations. As the suspected breaches are against the state legislation it is a state matter and state legislation. As a result this matter has not been raised by the Clean Energy Regulator to the responsible Commonwealth Minister.*

**Answer:**

1. Mr Livingston's comment was general in nature and qualified that we ask for evidence. The Clean Energy Regulator does not classify its clients as reputable or otherwise.
2. As above
3. Please refer to Question on Notice number 80 (Additional Estimates 2014)
4. Please refer to Question on Notice number 80 (Additional Estimates 2014)