

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

Question No: 82
Hearing: Additional Estimates
Outcome: Agency
Programme: Clean Energy Regulator
Topic: Suspension of accreditation for non-compliance with state laws
Hansard Page: N/A
Question Date: 04 March 2014
Question Type: Written

Senator Back asked:

With reference to: Section 30E, 50 Renewable Energy (Electricity) Act 2000 — Contravention of Commonwealth, State or Territory law:

(3) The Regulator may, by written notice, suspend the accreditation of an accredited power station if the Regulator believes on reasonable grounds that the power station is being operated in contravention of a law of the Commonwealth, a State or a Territory.

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

1. How does the CER explain:
d) Please refer to part b). The Clean Energy Regulator has no reasonable grounds to suspend Waubra wind farm under Section 30E of the Act.
2. What is the total number, to date, of Large-scale Generation Certificates that have been issued to the Waubra wind farm since it was accredited on the 10th of March 2009?

I refer to Question 97, Additional Estimates 11 February 2013:

If an accredited power station operates in contravention of a law of the Commonwealth, state and/or territory then it may be suspended by the Clean Energy Regulator in accordance with the section 30E (3) of the Renewable Energy (Electricity) Act 2000. Clean Energy Regulator has not found the Waubra Wind Farm to be non-compliant with the Victorian planning requirements and its accreditation has not been suspended.

3. How does the CER reconcile this answer with:
Question 122, Supplementary Budget Estimates 2013:
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.
4. How does the CER reconcile with:
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.
5. Has the CER corresponded with Minister Guy regarding the non-compliance of the Waubra Wind Farm with the state noise limits and therefore Commonwealth law?

6. What steps has the CER taken to resolve this issue of accreditation of a non-compliant wind farm?
7. Does the Clean Energy Regulator consider that the Waubra Wind Farm should be automatically entitled to receive Large-scale Generation Certificates?

Answer:

1. Please refer to Question on Notice number 80 (Additional Estimates 2014).
2. As at 11 March 2014, 3,045,124 Large-scale Generation Certificates (LGCs) have been registered for Waubra wind farm.
3. Please refer to Question on Notice number 80 (Additional Estimates 2014).
4. Please refer to Question on Notice number 80 (Additional Estimates 2014).
5. Please refer to Question on Notice number 80 (Additional Estimates 2014).
6. The Clean Energy Regulator has not been informed that any wind farm is not compliant with state or territory legislation.
7. No wind farm is automatically entitled to receive LGCs. To be eligible to create LGCs, a power station must be accredited under the *Renewable Energy (Electricity) Act 2000*, and meet all obligations of the Act.