

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

**Question No:** 84  
**Hearing:** Additional Estimates  
**Outcome:** Agency  
**Programme:** Clean Energy Regulator  
**Topic:** Suspend accreditation  
**Hansard Page:** N/A  
**Question Date:** 04 March 2014  
**Question Type:** Written

**Senator Back asked:**

One purpose of the CER's power to suspend accreditation is to protect power consumers from unnecessarily bearing the cost of operators that are acting unlawfully. Another purpose of the CER's power to suspend accreditation is to penalise unlawful conduct by removing entitlements to Large-scale Generation Certificates.

1. Does the CER agree that s30E(3) was designed to give the CER a specific power to penalise unlawful conduct?
2. What does the CER require from the Victorian Minister in order to suspend the accreditation of the Waubra wind farm?
3. What does the CER require from the Commonwealth Minister in order to suspend the accreditation of the Waubra wind farm?
4. Does the CER agree that it would be appropriate for the CER to suspend accreditation to receive Large-scale Generation Certificates where the consequence of the unlawful conduct itself results in harm to people living adjacent to a Wind farm?
5. Has the CER ever suspended an entity's accreditation to receive Large-scale Generation Certificates and, if so, in what circumstances?
6. How many reports of non-compliant wind farms has the CER received?
7. How many allegations of fraud has the CER received?
8. How many of these were from internal sources?
9. How many of these were from external sources?
10. What will the CER achieve by not investigating accreditation of non-compliant wind farms?

Referring to remittance of Large-scale Generation Certificates issued where a wind farm is reported to be non-compliant by the Minister:

11. What is the procedure for criminal prosecution in relation to false information for the creation of RECs?
12. What details do the Australian Federal Police and the Commonwealth Department of Public Prosecutions require from the CER for their investigations?

13. What is the procedure for amending electricity returns that relate to RECs issued improperly with false information?
14. What is the procedure for surrendering these RECs back to the CER?
15. What is the procedure for remittance from amended electricity returns and surrendered RECs?

**Answer:**

1. Subsection 30E(3) of the *Renewable Energy (Electricity) Act 2000* (the REE Act) gives the Clean Energy Regulator the authority to suspend the accreditation of an accredited power station if the Clean Energy Regulator believes on reasonable grounds that the power station is being operated in contravention of a law of the Commonwealth, state or territory.
2. If the Victorian Minister for Planning were to determine that the Waubra Wind Farm was not compliant with the relevant permits, the Clean Energy Regulator would take that information into account in determining whether or not to suspend the accreditation under section 30E of the REE Act. The Minister for Planning has not determined whether the wind farm is or is not compliant with the relevant planning permit.
3. The Commonwealth Minister for the Environment has no role in the Clean Energy Regulator's decision under Section 30E (3) of the REE Act.
4. The Clean Energy Regulator does not currently have any reasonable grounds to believe that any wind farm is operating in contravention with state laws.
5. No, the Clean Energy Regulator has not suspended any entity's accreditation.
6. The Clean Energy Regulator has received three reports relating to two wind farms alleging non-compliance with state and territory planning requirements.
7. The Clean Energy Regulator has received 55 allegations of fraud.
8. 15 allegations originated from internal sources.
9. 40 allegations originated from external sources.
10. The Clean Energy Regulator refutes the inference that the agency does not investigate allegations of non-compliance.
11. Please refer to Question on Notice number 87 (Additional Estimates 2014)
12. Please refer to Question on Notice number 87 (Additional Estimates 2014)
13. Please refer to Question on Notice number 87 (Additional Estimates 2014)
14. Please refer to Question on Notice number 87 (Additional Estimates 2014)
15. Please refer to Question on Notice number 87 (Additional Estimates 2014)