

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

Answers to questions on notice
Environment and Energy portfolio

Question No: 227
Hearing: Budget Estimates
Outcome: Agency
Programme: Clean Energy Regulator (CER)
Topic: Proposed wind farms
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Question Date: 07 June 2017
Question Type: Written

Senator BACK asked:

Referring to QON 313 (28 October 2016), regarding Regulation 3L and the fit and proper person test, where I asked questions about a Mr Tim Flato, National Power and OneWind Australia. OneWind Australia has now been transferred to Singapore's Nexif Energy. OneWind's proposed wind farms being Glen Innes (Glen Innes Wind Power Pty Ltd), Lincoln Gap (Lincoln Gap Wind Farm Pty Ltd), Cattle Hill (Cattle Hill Wind Farm Pty Ltd), and Walkaway 2 and 3 (Renewable Power Ventures Pty Ltd).

1. Has the CER received applications for accreditation from any of the aforementioned proposed wind farms?
2. Has the CER received any correspondence or had any communications with the aforementioned companies regarding potential applications for accreditation of the proposed wind farms?
3. Does the CER refer to ASIC resources (current and historical company extracts for example) as part of the CER accreditation process?
4. Will the CER please ensure that Regulation 3L is followed in relation to all four of OneWind's wind farm projects? Including but not limited to the following subsidiaries:
 - Glen Innes (Glen Innes Wind Power Pty Ltd)
 - Lincoln Gap (Lincoln Gap Wind Farm Pty Ltd)
 - Cattle Hill (Cattle Hill Wind Farm Pty Ltd)
 - Walkaway 2 and 3 (Renewable Power Ventures Pty Ltd)

Answer:

In relation to Mr Tim Flato, publically available records reveal that Mr Flato ceased being a director of Glen Innes WindPower Pty Ltd, Lincoln Gap Wind Farm Pty Ltd, and Cattle Hill Wind Farm Pty Ltd in May 2013. Mr Flato has never been a director of Renewable Power Ventures Pty Ltd.

There are no records of Mr Flato having interacted with the Clean Energy Regulator since 2004.

Based on publically available information, Nexif Energy Australia and Onewind Australia may still be associated with the Glenn Innes and Lincoln Gap projects.

However, the Clean Energy Regulator believes Goldwind Australia now effectively owns the Cattle Hill project and Infigen Energy owns the Walkaway 2 and 3 projects. We currently have no concerns about both companies participating in our schemes. We can find no current association between Mr Flato and these two companies.

1. No. The Clean Energy Regulator has not received applications for accreditation of power stations for the wind farm projects identified below:

- Glen Innes
- Lincoln Gap
- Cattle Hill
- Walkaway 2 and 3

We do not believe any of these projects have reached a final investment decision nor commenced construction. Wind farms would typically apply for accreditation approximately 12 months after construction commences (i.e. around two months before first generation).

2. No. The Clean Energy Regulator has not identified any past correspondence or communication with the mentioned companies in relation to accreditation of the proposed wind farms.

3. Since 12 December 2012, when the fit and proper person provisions were introduced into the Renewable Energy (Electricity) Regulations 2001, the Clean Energy Regulator has had in place standard operating procedures to ensure consistency and rigour in the assessment of registered persons. Only a registered person may apply for accreditation of a power station under the Renewable Energy Target.

The assessment procedures include risk-based checks to confirm the veracity of information presented in applications which may involve review of ASIC company extracts, open source searches, national police records checks and information sharing with partner regulatory agencies as appropriate.

4. Yes. The Clean Energy Regulator assesses all applications for registered persons against the fit and proper person requirements under section 3L of the Renewable Energy (Electricity) Regulations 2001.

As stated at the Budget Estimates hearing of 23 May 2017, the Clean Energy Regulator does not always explore who the directors are behind all of the entities, unless we have specific information that would suggest we should do so. Company Directors can and do change.