

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

**Question No:** 216  
**Hearing:** Supplementary Budget Estimates  
**Outcome:** Agency  
**Programme:** Clean Energy Regulator  
**Topic:** SUSPENSION OF ACCREDITATION  
**Hansard Page:** N/A  
**Question Date:** 29 October 2014  
**Question Type:** Written

**Senator Back asked:**

By reference to s30E of the Renewable Energy (Electricity) Act 2000, does the CER agree that the CER possesses a discretion to suspend accreditation under both s30E(3) and s30E(5)?

a. Does the CER agree that the discretion s30E arises wherever evidence exists that an accredited power station has contravened (or is contravening) “a law of the Commonwealth, a State or a Territory”?

**Answer:**

**Answer:**

1. Yes.

- a. No. The discretion to suspend accreditation under section 30E of the *Renewable Energy (Electricity) Act 2000* (the Act) arises when the Clean Energy Regulator has “reasonable grounds” to believe that a power station is being operated in contravention of Commonwealth, state or territory law. The Regulator would not necessarily require a court or tribunal to make a finding that the power station is being operated in contravention of a relevant law before it would consider if it had reasonable grounds to believe that the power station is being operated in contravention of a law of the Commonwealth, a State or a Territory. It would be sufficient for the Regulator to rely on credible evidence supporting the allegation of non-compliance as a ground for suspending the accreditation under subsection 30E(3) of the Act. (A subsequent finding by a court or a tribunal that the power station is not being operated in contravention of the law would provide a reasonable ground for the Regulator to lift the suspension under subsection 30E(4) of the Act.)

Before suspending the accreditation, the Regulator would, as a matter of procedural fairness, provide the operator of the power station with an opportunity to make a submission and seek advice from the relevant Commonwealth, State or Territory department/authority.

Please refer to Additional Estimates 2014 Question 80 and Supplementary Budget Estimates 2014 Question 220.