

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

Question No: 88
Hearing: Additional Estimates
Outcome: Agency
Programme: Clean Energy Regulator
Topic: Compliance of NSW and VIC wind farms
Hansard Page: N/A
Question Date: 04 March 2014
Question Type: Written

Senator Back asked:

I refer to answers to Question 99, Additional Estimates, 11 February 2013, CER to Senator Madigan.

1. What steps have been taken by the CER to investigate or enforce compliance with the Act and regulations in relation to wind farms in NSW and Victoria? Please detail those steps?
2. Are you able to supply us with any documents setting out investigations or enforcement activities undertaken by the CER in relation to wind farms?
3. Apart from assertions by wind farm operators about their purported compliance, what evidence has the CER gathered to satisfy itself that all wind farms are, in fact, complying with their planning permits?

Answer:

Please refer to Question on Notice number 80 (Additional Estimates 2014) for details of the Clean Energy Regulator's role verses the role of state authorities.

1. As at 24 February 2014, the Clean Energy Regulator has received three reports relating to two wind farms alleging non compliance with state and territory planning requirements. The steps taken with regard to these reports are:
 - The allegation is recorded in the Clean Energy Regulator's investigation management system.
 - An initial assessment is made to determine if the information provided identifies a potential breach of the legislation administered by the Clean Energy Regulator.
 - Relevant Clean Energy Regulator documents are obtained and examined for information that may assist a decision on what, if any, further action may be required.
 - Further steps may include:
 - further contact with the person making the allegation;
 - contact with the relevant state, territory or local government authority; and/or
 - contact with the entity against whom the allegation was made to obtain further information.
 - All information obtained through this process is assessed and a decision made as to whether a formal investigation is required.

One of the three allegations received has been finalised and found to have not been substantiated. As at 31 January 2014, the other two have not yet been finalised.

2. Some documents are covered by the secrecy provisions set out in Part 3 of the *Clean Energy Regulator Act 2011* and can only be provided to third parties in the situations specified in that Act.

Other documents could be released under the *Freedom of Information Act 1982* to a person making a request under that Act. The release of requested documents would be dependent upon the nature of the documents and whether any exemptions set out in that Act apply.

3. Please refer to Question on Notice number 80 (Additional Estimates 2014)