

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

Supplementary Budget Estimates 2011-12, 17 October 2011

Answers to Questions on Notice

Climate Change and Energy Efficiency Portfolio

Outcome:	1	Question No:	107
Program:	ORER		
Division/Agency:	ORER		
Topic:	Cancelled STCs		
Hansard Page EC:	ECA44		

Senator BIRMINGHAM: Can we get a quick snapshot of compliance in terms of cancelled STCs during the year to date?

Mr Branson: We might have to take on notice the question of the number of cancelled STCs.

Answer:

By way of clarification, the legislation does not provide for Small-scale Technology Certificates (STCs), once created, to be cancelled. When STCs have been created, they can only be removed from the market through a surrender process.

The following response is made in the context of ‘compliance’, referring to monitoring and enforcement activity undertaken to mitigate the risks identified through the Risk Management Framework of the Office of the Renewable Energy Regulator (ORER).

The ORER monitors the creation of certificates and will, in accordance with the Risk Management Framework, prevent the creation of STCs where the requirements for the creation of STCs have not been met.

When it is identified that STCs have been improperly created, in circumstances other than administrative error, action is taken to have the creator surrender an equal number of certificates. In some cases the creator, once the issues are brought to their attention, will surrender the required number of certificates without further action by the ORER.

In other instances, the authorities of the Regulator, such as Enforceable Undertakings, are utilised.

The number of STCs surrendered for compliance purposes for the year to date is 27,997. This figure is made up of 23,449 Large-scale Generation Certificates (for small generation units installed prior to 1 January 2011) and 4,548 STCs.

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Outcome:	1	Question No:	108
Program:	ORER		
Division/Agency:	ORER		
Topic:	Staffing – 2010-11		
Hansard Page EC:	Written		

Senator Fisher asked:

1. How many permanent staff were recruited for the year 2010-11?
2. What classification are these staff?
3. How many temporary positions exist or were created for the year 2010-11?
4. For the year 2010-11, how many employees were employed on contract and what is the average length of their employment period?

Answer:

1. Nine.
2. 1 x APS4, 1 x APS5, 3 x APS6, 3 x Executive Level 1, 1 x Executive Level 2.
3. None.
4. Seven staff were employed on contract with the average length of employment of three to six months.

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Outcome:	1	Question No:	109
Program:	ORER		
Division/Agency:	ORER		
Topic:	Staffing - FYTD		
Hansard Page EC:	Written		

Senator Fisher asked:

1. How many permanent staff recruited this FYTD?
2. What classification are these staff?
3. How many temporary positions exist or have been created this FYTD?
4. This financial year to date, how many employees have been employed on contract and what is the average length of their employment period?

Answer:

1. 13.
2. 3 x APS3, 5 x APS4, 3 x APS5, 2 x APS6.
3. None.
4. Seven employees have been employed on contract this year. Employees on contracts are employed for an average of 3-6 months.

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Outcome:	1	Question No:	110
Program:	ORER		
Division/Agency:	ORER		
Topic:	Efficiency Dividend		
Hansard Page EC:	Written		

Senator Fisher asked:

1. How has the efficiency dividend been implemented?
2. Please list where and what spending has been reduced to meet the efficiency dividend.

Answer:

1. The efficiency dividend has been implemented in the Office of the Renewable Energy Regulator (ORER) by way of a reduction to the ORER's departmental supplier expenses.
2. The reduction has been applied to departmental suppliers overall and not to any specific items.

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Outcome:	1	Question No:	111
Program:	ORER		
Division/Agency:	ORER		
Topic:	Government Advertising		
Hansard Page EC:	Written		

Senator Fisher asked:

1. What advertising – Campaign and Non-Campaign – has the ORER undertaken in 2011-12? Provide details of each advertising, including the program the advertising was for, the total spend and the business that provided the advertising services.
2. Did the Department of Finance and Deregulation provide any advice about the advertising? Provide details of each advertising item.
3. Did the Advertising comply with the Guidelines on Information and Advertising Campaigns by Australian Government Departments and Agencies (March 2010)? Provide the details for each advertising item.
4. Provide details for any other communications program, including details of the program, the total spend and the business that provided the communication services.
5. What advertising – Campaign and Non-Campaign – and other communications programs is the ORER undertaking, or are planning to undertake?

Answer:

1. The Office of the Renewable Energy Regulator (ORER) has not undertaken campaign advertising in 2011-12. The ORER has undertaken some non-campaign advertising for the purposes of recruitment of new staff. The non-campaign advertising recruitment advertising spend was \$213.60.
2. The Department of Finance and Deregulation did not provide advice about this advertising.
3. The recruitment advertising was not considered to be an advertising campaign when referenced against the *Guidelines on Information and Advertising Campaigns by Australian Government Departments and Agencies*.

4. The communications program includes:
 - a) printing and distribution of brochure outlining the scheme and mini brochure for householders about STCs – \$24,000; and
 - b) development of ORER website on a CMS platform including improved navigation developed from usability testing – \$70,000.

5. Intended communications activity in 2012 includes:
 - a) the ORER stakeholder satisfaction survey – \$70,000 (to assist ORER in improving administrative processes and systems);
 - b) representation at Clean Energy Week – \$10,000. Including a booth staffed by the ORER; and
 - c) conduct usability testing of the new ORER website post launch and user test and redevelop current registration Wizard – \$70,000.

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Outcome: 1 **Question No:** 112
Program: ORER
Division/Agency: ORER
Topic: Hospitality and Entertainment
Hansard Page EC: Written

Senator Fisher asked:

1. What was the ORER's hospitality spend for the year 2010-11? Detail date, location, purpose and cost of all events.
2. What was the ORER's entertainment spend for the year 2010-11? Detail date, location, purpose and cost of all events.
3. What hospitality spend is the ORER planning on spending? Detail date, location, purpose and cost of all events.
4. What entertainment spend is the ORER planning on spending? Detail date, location, purpose and cost of all events.

Answer:

1. The Office of the Renewable Energy Regulator's (ORER) 2010-11 hospitality spend was \$646.45 (GST exclusive).

The breakdown of hospitality is detailed below:

Date	Location	Purpose	Cost (GST exclusive)
July 2010	Canberra (onsite)	Working lunch meeting with stakeholders	\$55.09
October 2010	Canberra (onsite)	Working lunch meeting with stakeholders	\$112.27
November 2010	Canberra (onsite)	Working lunch meeting with stakeholders	\$238.91
March 2011	Canberra (onsite)	Working lunch meeting with stakeholders	\$240.18

2. The ORER's 2010-11 entertainment spend is \$1,025.36 (GST exclusive).

The breakdown of hospitality is detailed below:

Date	Location	Purpose	Cost (GST exclusive)
September 2010	Canberra	Staff function – team reward lunch	\$216.36
October 2010	Canberra	Staff function – morning tea convened by the Regulator	\$85.91
February 2011	Canberra	Staff function – <i>Clearing House</i> project finalisation	\$723.09

3. The ORER's 2011-12 planned hospitality spend is \$500.

The ORER has not yet determined at what events/purposes this planned expenditure will be used.

4. The ORER's 2011-12 planned entertainment spend is \$2,000.

The ORER has not yet determined at what events/purposes this planned expenditure will be used.

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Outcome:	1	Question No:	113
Program:	ORER		
Division/Agency:	ORER		
Topic:	STC Backlog		
Hansard Page EC:	Written		

Senator Birmingham asked:

1. How many businesses are still waiting to be paid through the STC clearing house?
2. What is the average amount of money outstanding?
3. What is the largest amount due to one business?
4. What is the current market rate if these businesses decide not to wait for the STC clearing house and trade them on the market instead?
5. How long does ORER think it will take to clear the backlog, if ever?

Answer:

1. There are approximately 369 sellers who either registered as an 'Agent' or are known businesses, such as banks.

There are approximately 42 other 'entities' such as trusts, partnerships and companies which have orders in the Clearing House Transfer List; however, the Office of the Renewable Energy Regulator (ORER) cannot know if these are businesses or if they are registered agents.

2. The 369 known businesses have a total number of 6,508,955 STCs offered for sale with an average order size of 17,639 small-scale technology certificates (STCs), which equates to an average value of \$705,577 at \$40 (GST may or may not be applicable). The range of total STCs per company is from only 24 certificates to the largest holding of 1,041,000.
3. The largest combined total offer of STCs from a single company is 1,041,000 STCs, which equates to \$41.64 million, held by a domestic bank (at \$40).
4. Throughout November 2011, the spot price has fluctuated between \$29 and \$30. Last trade as at 17 November was \$29.90.
5. The ORER is not able to forecast how long it will take before buyers begin purchasing in the STC Clearing House.

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Outcome:	1	Question No:	114
Program:	ORER		
Division/Agency:	ORER		
Topic:	Freedom of Information		
Hansard Page EC:	Written		

Senator Fisher asked:

1. Has the ORER received any advice on how to respond to FOI requests?
2. How many FOI requests has the ORER received for the year 2010-11? How many have been granted or denied?
3. How many conclusive certificates have been issued in relation to FOI requests for the year 2010-11?
4. How many FOI requests has the ORER received for this FYTD? How many have been granted or denied?
5. How many conclusive certificates have been issued in relation to FOI requests for this FYTD?

Answer:

1. The Office of the Renewable Energy Regulator (ORER) has a Memorandum of Understanding (MOU) with the Department of Climate Change and Energy Efficiency. Under this MOU, the ORER receives a range of corporate support from the Department. The ORER has sought clarification from time to time from the Department on procedural matters (e.g. timing) related to handling of Freedom of Information (FOI) requests made of the Office.
2. During 2010-11 the ORER received two FOI requests. Both were granted at least in part.
3. No conclusive certificates have been issued in relation to FOI requests for the financial year 2010-11.
4. The ORER has received two FOI requests for the financial year 2011-12 to date. One was subsequently withdrawn and a decision on the second is not due until late 2011.

5. No conclusive certificates have been issued in relation to FOI requests for this financial year to date.

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Outcome:	1	Question No:	115
Program:	ORER		
Division/Agency:	ORER		
Topic:	Reviews 2010-11		
Hansard Page EC:	Written		

Senator Fisher asked:

For the year 2010-11:

1. How many Reviews were being undertaken by the ORER?
2. When will each of these reviews be concluded?
3. What reviews have been concluded?
4. Which of these reviews has been provided to Government?
5. When will the Government be responding to the respective reviews that have been completed?
6. What is the estimated cost of each of these Reviews?

Answer:

No reviews were undertaken by the ORER in the 2010-11 financial year.

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Outcome:	1	Question No:	116
Program:	ORER		
Division/Agency:	ORER		
Topic:	Reviews FYTD		
Hansard Page EC:	Written		

Senator Fisher asked:

For this financial year to date:

1. What reviews are planned?
2. When will each of these reviews be concluded?
3. What reviews have been concluded this FYTD?
4. Which of these reviews have been provided to Government?
5. When will the Government be responding to the respective reviews that have been completed?
6. What is the estimated cost of each of these Reviews?

Answer:

1. The Office of the Renewable Energy Regulator (ORER) is currently undertaking an internal review of its cost recovery arrangements.
2. The cost recovery review is anticipated to be completed late 2011 or early 2012.
3. No reviews have been concluded this financial year to date.
4. Not applicable.
5. Not applicable.
6. The estimated cost of the review of ORER's cost recovery arrangements is \$75,000.

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Outcome:	1	Question No:	117
Program:	ORER		
Division/Agency:	ORER		
Topic:	Consultancies		
Hansard Page EC:	Written		

Senator Fisher asked:

1. How many consultancies were undertaken in 2010-11? Identify the name of the consultant, the subject matter of the consultancy, the duration and cost of the arrangement, and the method of procurement (ie. open tender, direct source, etc). Also include total value for all consultancies.
1. Were there any changes to any of the ORER's tenders in 2010-11? Detail any changes
2. How many consultancies have been undertaken or are underway this FYTD? Identify the name of the consultant, the subject matter of the consultancy, the duration and cost of the arrangement, and the method of procurement (ie. open tender, direct source, etc). Also include total value for all consultancies.
3. Does the ORER stand by its current tenders on the Austenders website? Have any changes or corrections been made for any tenders advertised on to Government Tenders website (www.tenders.gov.au) for tenders advertised this financial year? Explain. Are up to date with reporting requirements?
4. How many consultancies are planned for this calendar year? Have these been published in your Annual Procurement Plan (APP) on the AusTender website and if not why not? In each case please identify the subject matter, duration, cost and method of procurement as above, and the name of the consultant if known.

Answer:

1. Five consultancies took place in 2010-11. The total spent on consultancies is \$114,301.08 (GST exclusive). The details are provided in the table below.

Consultancy	Subject matter	Duration	Cost in \$ (GST exclusive)	Procurement
Sinclair Knight Merz	Economic Analysis	18 October 2010 – 31 January 2011	61,755.58	Open
ACIL Tasman	Economic Analysis	18 October 2010 – 31 March 2011	31,795.50	Open
DSI Consulting	Statistics	14 February 2011 – 18 February 2011	12,000.00	Direct
HBA Consulting	Industrial Relations	12 January 2011 – 16 June 2011	7,750.00	Direct
Gary Eilersen	Industrial Relations	1 March 2011 – 28 March 2011	1,000.00	Direct

2. There were no changes made to any of Office of the Renewable Energy Regulator's (ORER's) 2010-11 tenders.
3. There has been one consultancy undertaken this financial year to date (FYTD). The total spent on consultancies FYTD is \$7,500 (GST exclusive). The details are provided in table below:

Consultancy	Subject matter	Duration	Cost in \$ (GST exclusive)	Procurement
HBA Consulting	Industrial Relations	21 June 2011 – 26 September 2011	7,500.00	Direct

There are three consultancies underway this FYTD. The details are provided in the table below:

Consultancy	Subject matter	Duration	Cost in \$ (GST exclusive)	Procurement
Sinclair Knight Merz	Economic Analysis	8 November 2011 to 29 February 2012	41,933.00	Open
ACIL Tasman	Economic Analysis	8 November 2011 to 29 February 2012	34,286.25	Open
Green Energy Markets	Economic Analysis	8 November 2011 to 29 February 2012	25,000.00	Open

4. The ORER's current tenders are on the AusTender website.
5. The consulting services provided by HBA Consulting in the 2011-12 financial year were in relation to the preparation and management of ORER's 2011-2014 Enterprise Agreement. The contract relating to this consultancy was signed in the 2010-11 financial year however this contract expired and was required to be extended.

The three consultancies provided by Sinclair Knight Merz, ACIL Tasman and Green Energy Markets have been published in the ORER's Annual Procurement Plan.

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Outcome:	1	Question No:	118
Program:	ORER		
Division/Agency:	ORER		
Topic:	Social Media		
Hansard Page EC:	Written		

Senator Fisher asked:

1. Has there been any changes to the ORER's social media or protocols about staff access and usage of YouTube; online social media, such as Facebook, MySpace and Twitter; and access to online discussions forums and blogs since May 2011?
2. Please explain.

Answer:

1. There have been no changes to the Office of the Renewable Energy Regulator's (ORER) social media or protocols about staff access and usage of YouTube, online social media, including Facebook, MySpace and Twitter. This also includes access to online discussions forums and blogs.
2. The ORER uses the restrictions on access to social media sites and online discussion forums and blogs as applied by the Department of Climate Change and Energy Efficiency.

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Outcome:	1	Question No:	119
Program:	ORER		
Division/Agency:	ORER		
Topic:	Consultancies		
Hansard Page EC:	Written		

Senator Fisher asked:

Has the ORER ever employed Hawker Britton in any capacity or is it considering employing Hawker Britton? If yes, provide details.

Answer:

The Office of the Renewable Energy Regulator has not employed and is not considering employing Hawker Britton.

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Outcome:	1	Question No:	120
Program:	ORER		
Division/Agency:	ORER		
Topic:	Consultancies		
Hansard Page EC:	Written		

Senator Fisher asked:

Has the ORER ever employed Shannon's Way in any capacity or is it considering employing Shannon's Way? If yes, provide details.

Answer:

The Office of the Renewable Energy Regulator has not employed and is not considering employing Shannon's Way.

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Climate Change and Energy Efficiency Portfolio

Outcome:	1	Question No:	121
Program:	ORER		
Division/Agency:	ORER		
Topic:	Consultancies		
Hansard Page EC:	Written		

Senator Fisher asked:

Has the ORER ever employed John Utting and UMR Research Group in any capacity or is it considering employing John Utting and UMR Research Group? If yes, provide details.

Answer:

The Office of the Renewable Energy Regulator (ORER) has neither employed nor is considering employing John Utting and UMR Research Group at this point in time.

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Outcome:	1	Question No:	122
Program:	ORER		
Division/Agency:	ORER		
Topic:	Consultancies		
Hansard Page EC:	Written		

Senator Fisher asked:

Has the ORER ever employed McCann-Erickson in any capacity or is it considering employing McCann-Erickson? If yes, provide details.

Answer:

The Office of the Renewable Energy Regulator has not employed and is not considering employing McCann-Erickson.

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Outcome:	1	Question No:	123
Program:	ORER		
Division/Agency:	ORER		
Topic:	Consultancies		
Hansard Page EC:	Written		

Senator Fisher asked:

Has the ORER ever employed Cutting Edge in any capacity or is it considering employing Cutting Edge? If yes, provide details.

Answer:

The Office of the Renewable Energy Regulator has not employed and is not considering employing Cutting Edge.

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Outcome:	1	Question No:	124
Program:	ORER		
Division/Agency:	ORER		
Topic:	Consultancies		
Hansard Page EC:	Written		

Senator Fisher asked:

Has the ORER ever employed Ikon Communications in any capacity or is it considering employing Ikon Communications? If yes, provide details.

Answer:

The Office of the Renewable Energy Regulator has not employed and is not considering employing Ikon Communications.

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Outcome:	1	Question No:	125
Program:	ORER		
Division/Agency:	ORER		
Topic:	Consultancies		
Hansard Page EC:	Written		

Senator Fisher asked:

Has the ORER ever employed CMAX Communications in any capacity or is it considering employing CMAX Communications? If yes, provide details.

Answer:

The Office of the Renewable Energy Regulator has not employed and is not considering employing CMAX Communications.

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Outcome:	1	Question No:	126
Program:	ORER		
Division/Agency:	ORER		
Topic:	Consultancies		
Hansard Page EC:	Written		

Senator Fisher asked:

Has the ORER ever employed Boston Consulting Group in any capacity or is it considering employing Boston Consulting Group? If yes, provide details.

Answer:

The Office of the Renewable Energy Regulator has not employed and is not considering employing Boston Consulting Group.

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Outcome:	1	Question No:	127
Program:	ORER		
Division/Agency:	ORER		
Topic:	Consultancies		
Hansard Page EC:	Written		

Senator Fisher asked:

Has the ORER ever employed McKinsey & Company in any capacity or is it considering employing McKinsey & Company? If yes, provide details.

Answer:

The Office of the Renewable Energy Regulator has not employed and is not considering employing McKinsey & Company.

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Outcome:	1	Question No:	128
Program:	ORER		
Division/Agency:	ORER		
Topic:	Government Payments of Accounts		
Hansard Page EC:	Written		

Senator Fisher asked:

1. For the year 2010-11, did the ORER pay its accounts to contractors/consultants etc in accordance with Government policy in terms of time for payment (i.e.within 30 days)? If not, why not, and what has been the timeframe for payment of accounts? Please provide a breakdown, average statistics etc as appropriate to give insight into how this issue is being approached.)
2. For accounts not paid within 30 days, was interest being paid on overdue amounts and if so how much has been paid by the portfolio/department agency for the current financial year and the previous financial year?
3. Where interest is being paid, what rate of interest is being paid and how is this rate determined?
4. For the FYTD, has the ORER paid its accounts to contractors/consultants etc in accordance with Government policy in terms of time for payment (i.e.within 30 days)? If not, why not, and what has been the timeframe for payment of accounts? Please provide a breakdown, average statistics etc as appropriate to give insight into how this issue is being approached.)
5. For accounts not paid within 30 days, is interest being paid on overdue amounts and if so how much has been paid by the portfolio/department agency for the current financial year and the previous financial year?
6. Where interest is being paid, what rate of interest is being paid and how is this rate determined?

Answer:

1. There have been a small number of contractor/consultant invoices that have not been paid within the 30 day limit. This is primarily related to disputes or issues with work orders. The Office of Renewable Energy Regulator (ORER) has paid the following percentage of its accounts within 30 days for 2010-11:

- Small business – 86.3 per cent.
- Medium to large business – 90 per cent.

The ORER together with the Department of Climate Change and Energy Efficiency continues to monitor its performance in relation to the timeliness of invoice payments and intends to further improve processes to reduce the average timeframe in which invoices are paid, including increasing information and education of staff and increasing the used of credit cards.

2. The ORER has not received any claims relating to interest applied to the late payment of invoices from businesses.

3. Not applicable.

4. There have been a small number of contractor/consultant invoices that have not been paid within the 30 day limit. This is primarily related to disputes or issues with work orders. The ORER has paid the following percentage of its accounts within 30 days for financial year 2011-12 to date.

- Small business – 91 per cent.
- Medium to large business – 88.50 per cent.

5. The ORER has not received any claims relating to interest applied to the late payment of invoices from businesses.

6. Not applicable.

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Outcome:	1	Question No:	129
Program:	ORER		
Division/Agency:	ORER		
Topic:	Media Subscriptions		
Hansard Page EC:	Written		

Senator Fisher asked:

1. Does the ORER subscribe to pay TV (for example Foxtel)? If yes, please provide the reason why, the cost and what channels. What was the cost for 2010-11? What is the estimated cost for 2011-12?
2. Does the ORER subscribe to newspapers?
If yes, please provide the reason why, the cost and what newspapers.
What was the cost for 2010-11?
What is the estimated cost for 2011-12?
3. Does the ORER subscribe to magazines?
If yes, please provide the reason why, the cost and what magazines.
What was the cost for 2010-11?
What is the estimated cost for 2011-12?

Answer:

1. The Office of the Renewable Energy Regulator (ORER) does not subscribe to pay TV.
2. The ORER subscribes to newspapers in order to keep abreast of developments in the renewable energy industry and issues in the RET and related mechanisms.

The ORER subscribed to *The Australian Financial Review*.

The cost for 2010-11 was \$1,135.87 (GST exclusive).

The estimated cost for 2011-12 is \$1,045.00 (GST exclusive)

3. The ORER subscribes to magazines to keep abreast of developments in the renewable energy industry, and issues in the RET and related mechanisms.

The ORER subscribed to the *APSJobs Subscription 2010-11* as published by the Australian Public Service Commission.

The cost for 2010-11 was \$767.36 (GST exclusive).

The estimated cost for 2011-12 is \$1,500 (GST exclusive).

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Outcome: 1 **Question No:** 130
Program: ORER
Division/Agency: ORER
Topic: Travel Costs
Hansard Page EC: Written

Senator Fisher asked:

1. For the year 2010-11, please detail all travel (itemised separately) undertaken by employees of the ORER. Include details of what the travel was for, what cost was spent on travel (including travel type – i.e. business airfare), accommodation, security, food, beverages (alcohol listed separately), gifts, entertainment, and all other expenses.
2. For the year FYTD, please detail all travel (itemised separately) undertaken by employees of the ORER. Include details of what the travel was for, what cost was spent on travel (including travel type – i.e. business airfare), accommodation, security, food, beverages (alcohol listed separately), gifts, entertainment, and all other expenses.

Answer:

1. The Office of the Renewable Energy Regulator's (ORER) travel expenditure for 2010-11 was \$262,232 (GST exclusive). The breakdown is detailed below:

Domestic airfares	\$107,757
Car hire/fuel	\$7,476
Cabcharge and parking	\$28,252
Domestic travel - meals/accommodation/incidentals	\$97,207
Domestic travel - non staff costs*	\$416
Overseas airfares	\$15,850
Overseas travel - meals/accommodation/incidentals	\$5,274

*Non-staff travel was to cover travel costs for a consultant to travel to Canberra from Sydney for the purposes of ORER business.

The ORER does not record travel data in a way that would readily allow answers to be provided to these questions. To attempt to provide this level of detail would involve an unreasonable diversion of resources.

2. The ORER's travel expenditure for the financial year to date is \$78,266 (GST exclusive). The breakdown is detailed below:

Domestic airfares	\$30,981
Car hire/fuel	\$2,842
Cabcharge and parking	\$7,422
Domestic travel - meals/accommodation/incidentals	\$36,862
Domestic travel - non staff costs	-
Overseas airfares	\$159
Overseas travel - meals/accommodation/incidentals	-

The ORER does not record travel data in a way that would readily allow answers to be provided to these questions. To attempt to provide this level of detail would involve an unreasonable diversion of resources.

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Answers to Questions on Notice

Climate Change and Energy Efficiency Portfolio

Outcome: 1 **Question No:** 131
Program: ORER
Division/Agency: ORER
Topic: Legal Costs – 2010-11
Hansard Page EC: Written

Senator Fisher asked:

1. What sum did the Office of the Renewable Energy Regulator (ORER) spend on legal services for the year 2010-11 within the department and agency? Please provide a list of each service and costs.
2. What sum did the ORER spend on legal services for the year 2010-11 from the Australian Government Solicitor? Please provide a list of each service and costs.
3. What sum did the ORER spend on legal services for the year 2010-11 from private firms? Please provide a list of each service and costs.
4. What sum did the ORER spend on legal services for the year 2010-11 from other sources? Please provide a list of each service and costs.

Answer:

1. The Office of the Renewable Energy Regulator (ORER) spent \$332,062.00 (GST exclusive) in 2010-11 in relation to legal services. The breakdown is as follows:

Legal Service	Cost
Legal advice (review matters)	\$15,168.55
Legal advice (contractual matters)	\$46,894.00
Legal advice (general professional legal matters)	\$82,386.45
Legal advice (compliance matters)	\$48,394.50
Legal advice (legislative changes matters)	\$65,236.00
Legal advice (policy interpretation matters)	\$4,682.50
Legal advice (applications matters)	\$5,671.00
Legal advice (review matters)	\$22,110.00
Legal advice (liable parties matters)	\$25,819.00
Legal advice (service orders matters)	\$16,700.00
Total	\$333,062.00

2. The ORER spent \$316,362.00 (GST exclusive) for legal services from the Australian Government Solicitor. The breakdown is as follows:

Legal Service	Cost
Legal advice (review matters)	\$15,168.55
Legal advice (contractual matters)	\$46,894.00
Legal advice (general professional legal matters)	\$82,386.45
Legal advice (compliance matters)	\$48,394.50
Legal advice (legislative changes matters)	\$65,236.00
Legal advice (policy interpretation)	\$4,682.50
Legal advice (application matters)	\$5,671.00
Legal advice (review matters)	\$22,110.00
Legal advice (liable parties matters)	\$25,819.00
Total	\$316,362.00

3. The ORER spent \$16,700.00 (GST exclusive) for legal services from a private firm (Mallesons Stephen Jacques) for the preparation and reviewing of the service order for AusRegistry.
4. The ORER did not source/pay for legal services from any other sources.

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Climate Change and Energy Efficiency Portfolio

Outcome: 1 **Question No:** 132
Program: ORER
Division/Agency: ORER
Topic: Legal Costs – FYTD
Hansard Page EC: Written

Senator Fisher asked:

1. What sum did the ORER spend on legal services FYTD within the department and agency? Please provide a list of each service and costs.
2. What sum did the ORER spend on legal services FYTD from the Australian Government Solicitor? Please provide a list of each service and costs.
3. What sum did the ORER spend on legal services FYTD from private firms? Please provide a list of each service and costs.
4. What sum did the ORER spend on legal services FYTD from other sources? Please provide a list of each service and costs.

Answer:

1. As at 16 November 2011, the Office of the Renewable Energy Regulator (ORER) has spent \$105,986.98 (GST exclusive) in the financial year-to-date on legal services. The breakdown is below:

Legal Service	Cost
Legal advice (review matters)	\$12,486.92
Legal advice (compliance matters)	\$90,528.56
Legal advice (SGU Inspection matters)	\$2,971.50
Total	\$105,986.98

2. The ORER spent \$105,986.98 (GST exclusive) in the financial year-to-date on legal services from the Australian Government Solicitor.

Please refer to the breakdown used above.

3. The ORER has not sourced/paid for legal services from private firms.
4. The ORER has not sourced/paid for legal services from any other sources.

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Climate Change and Energy Efficiency Portfolio

Outcome:	1	Question No:	133
Program:	ORER		
Division/Agency:	ORER		
Topic:	Education Expenses – 2010-11		
Hansard Page EC:	Written		

Senator Fisher asked:

For the year 2010-11, detail all education expenses (i.e. in house courses and tertiary studies) for the ORER. Include what type of course, the total cost, cost per participant, how many participants and the amount of study leave granted to each participant.

Answer:

The Office of the Renewable Energy Regulator's education expense for 2010-11 was \$1,500.00 (GST exclusive).

The details are as follows:

- Bachelor of Communication (Honours)
- University of Canberra
- One participant, total cost – \$1000
- 3.5 hours per week in study leave

- Advanced Diploma of Public Relations
- Canberra Institute of Technology
- One participant, total cost – \$500
- 3 hours per week in study leave

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Climate Change and Energy Efficiency Portfolio

Outcome:	1	Question No:	134
Program:	ORER		
Division/Agency:	ORER		
Topic:	Education Expenses - FYTD		
Hansard Page EC:	Written		

Senator Fisher asked:

1. For the FYTD, detail all education expenses (i.e. in house courses and tertiary studies) for the ORER.
2. Include what type of course, the total cost, cost per participant, how many participants and the amount of study leave granted to each participant.

Answer:

1. The ORER has not incurred any education expenses for the FYTD.
2. The ORER anticipates that education expenses will be incurred later in the 2011-12 financial year. The ORER anticipates that these education expenses will be similar to the 2010-11 financial year. Please refer to QON 133 for these details.

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Answers to Questions on Notice

Climate Change and Energy Efficiency Portfolio

Outcome:	1	Question No:	135
Program:	ORER		
Division/Agency:	ORER		
Topic:	Executive Coaching and Leadership Training for the year – 2010-11		
Hansard Page EC:	Written		

Senator Fisher asked:

In relation to the purchase of executive coaching and/or other leadership training services purchased by the ORER, please provide the following information for the year 2010-11:

1. Total spending on these services
2. The number of employees offered these services and their employment classification
3. The number of employees who have utilised these services, their employment classification and how much study leave each employee was granted
4. The names of all service providers engaged

For each service purchased from a provider listed under (4), please provide:

- a) The name and nature of the service purchased
- b) Whether the service is one-on-one or group based
- c) The number of employees who received the service and their employment classification
- d) The total number of hours involved for all employees
- e) The total amount spent on the service
- f) A description of the fees charged (i.e. per hour, complete package)

Where a service was provided at any location other than the ORER's own premises, please provide:

- i) The location used
- ii) The number of employees who took part on each occasion
- iii) The total number of hours involved for all employees who took part
- iv) Any costs the ORER incurred to use the location.

Answer:

1. The Office of the Renewable Energy Regulator (ORER) spent \$4,072.72 (GST exclusive) on leadership training courses.
2. One employee was offered this service. The employment classification was EL1.
3. Refer to the details in Part 2.
4. The service provider was Centre for Public Management.
 - a) In reference to Part 4 above, the service purchased was “From Management to Leadership”.

The nature of this service was a training course.

- b) The service was group based.
- c) One employee was offered this service. The employment classification was EL1.
- d) The ORER spent \$4,480.00 (GST inclusive).
- e) The fee was a complete package.
 - i) Location for the service was “The Briars”, Bowral, New South Wales.
 - ii) One employee participated.
 - iii) The total number of hours involved was 30 hours.
 - iv) The ORER did not incur any costs to use the location.

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Climate Change and Energy Efficiency Portfolio

Outcome:	1	Question No:	136
Program:	ORER		
Division/Agency:	ORER		
Topic:	Executive Coaching and Leadership Training for the year - FYTD		
Hansard Page EC:	Written		

Senator Fisher asked:

In relation to the purchase of executive coaching and/or other leadership training services purchased by the ORER, please provide the following information FYTD:

1. Total spending on these services.
2. The number of employees offered these services and their employment classification.
3. The number of employees who have utilised these services, their employment classification and how much study leave each employee was granted.
4. The names of all service providers engaged.
5. For each service purchased from a provider listed in point 4, please provide:
 - a) The name and nature of the service purchased;
 - b) Whether the service is one-on-one or group based;
 - c) The number of employees who received the service and their employment classification;
 - d) The total number of hours involved for all employees;
 - e) The total amount spent on the service.
6. A description of the fees charged (i.e. per hour, complete package).
7. Where a service was provided at any location other than the ORER's own premises, please provide:
 - a) location used;
 - b) The number of employees who took part on each occasion;
 - c) The total number of hours involved for all employees who took part;
 - d) Any costs the ORER incurred to use the location.

Answer:

1. The Office of the Renewable Energy Regulator (ORER) spent \$5,436.36 (GST exclusive) on leadership training courses.
2. Two employees were offered this service. The employment classifications were EL1 and APS6.
3. Refer to the details in Part 2.
4. The service providers were:
 - Centre for Public Management; and
 - Magical Learning.
5. a) In reference to part 4. above, the services purchased were:
 - Centre for Public Management – From Management to Leadership.
 - Magical Learning – The Effective Supervisor.b) These services were group based.
- c) Two employees were offered this service. The employment classifications were EL1 and APS6.
- d) The total number of hours involved was 51 hours.
- e) The ORER spent \$5,436.36 (GST exclusive).
6. The fees were for a complete package.
7. a) The location for the services is as follows:
 - From Management to Leadership - Bowral, New South Wales;
 - The Effective Supervisor – Canberra, Australian Capital Territory.b) One employee participated in each training course.
- c) The total number of hours involved was 51 hours.

The ORER did not incur any costs to use the location.

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Climate Change and Energy Efficiency Portfolio

Outcome:	1	Question No:	137
Program:	ORER		
Division/Agency:	ORER		
Topic:	Paid Parental Leave		
Hansard Page EC:	Written		

Senator Fisher asked:

- 1 Please list how many staff in the ORER are eligible to receive payments under the Government's Paid Parental Leave scheme?
1. For the year 2010-11 list did the ORER provide payments under the Government's Paid Parental Leave scheme? Please list how many staff are in receipt of these payments.
2. For the FYTD list is/has the ORER providing/provided its employees with payments under the Government's Paid Parental Leave scheme? Please list how many staff are in receipt of these payments.

Answer:

1. All Office of the Renewable Energy Regulator (ORER) staff members are eligible to receive payments under the Government's Paid Parental Leave scheme.
2. In the financial year 2010-11, the ORER did not provide payments under the Government's Paid Parental Leave scheme.
3. For the financial year to date, the ORER has provided one employee with payments under the Government's Paid Parental Leave scheme.

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Climate Change and Energy Efficiency Portfolio

Outcome:	1	Question No:	138
Program:	ORER		
Division/Agency:	ORER		
Topic:	Corporate Cars		
Hansard Page EC:	Written		

Senator Fisher asked:

1. How many cars are owned by the ORER?
2. Where is/are the car/s located?
3. What is/are the car/s used for?
4. What was the cost of each car for 2010-11?
5. How far did each car travel in 2010-11?

Answer:

The Office of the Renewable Energy Regulator does not own any cars.

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Climate Change and Energy Efficiency Portfolio

Outcome:	1	Question No:	139
Program:	ORER		
Division/Agency:	ORER		
Topic:	Taxi Costs		
Hansard Page EC:	Written		

Senator Fisher asked:

How much did the ORER spend on taxis in 2010-11? Provide a breakdown of each business group in each department/agency.

Answer:

The Office of the Renewable Energy Regulator (ORER) spent \$27,569.85 (GST exclusive) on taxis in 2010-11.

The ORER is not able to provide a breakdown by each business group as the agency does not record taxi data in a way that would readily allow answers to provided to this question. To attempt to provide this level of detail would involve an unreasonable diversion of agency resources.

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Climate Change and Energy Efficiency Portfolio

Outcome:	1	Question No:	140
Program:	ORER		
Division/Agency:	ORER		
Topic:	Credit Cards		
Hansard Page EC:	Written		

Senator Fisher asked:

1. How many staff in the ORER have a corporate credit card? What is their classification?
2. What action is taken if the corporate credit card is misused?
3. How is corporate credit card use monitored?
4. What happens if misuse of a corporate credit card is discovered?
5. Have any instances of corporate credit card misuse have been discovered? List staff classification and what the misuse was, and the action taken.
6. What action is taken to prevent corporate credit card misuse?

Answer:

1. There are six staff members in the Office of the Renewable Energy Regulator (ORER) with credit cards. Classifications are Renewable Energy Regulator, Executive Level 2 and Executive Level 1.
2. If misuse of credit cards is reported, management is advised and the staff member is counselled. The staff member is required to repay the debt and attend financial management training and receive refresher training on delegations and fraud control.
3. ORER corporate credit cards are monitored by the individual credit card holder, their manager and the ORER finance team.
4. If misuse of credit cards is reported, management is advised and the staff member is counselled. The staff member is required to repay the debt and attend financial management training and receive refresher training on delegations and fraud control.
5. There have been no instances of corporate credit card misuse.
6. To prevent corporate credit card misuse, all ORER staff members attend financial management training and are briefed in the ORER fraud control framework.

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Climate Change and Energy Efficiency Portfolio

Outcome:	1	Question No:	141
Program:	ORER		
Division/Agency:	ORER		
Topic:	Communications		
Hansard Page EC:	Written		

Senator Fisher asked:

How many communications people are there in the ORER. List their classification, position description, services they provide to Ministers and/or Parliamentary Secretaries and any guidelines they must adhere to.

Answer:

The Office of the Renewable Energy Regulator (ORER) currently has three full time communications staff members.

The classification and position descriptions of the three staff members are as follows:

- Communications Manager: The Communications Manager is responsible for the strategic direction of the communications activities including identifying communications opportunities and improvements to assist with stakeholder understanding of the *Renewable Energy (Electricity) Act 2000* – Public Affairs Officer 3.
- Senior Communications Officer: Supports the Communications Manager in the above – APS 6.
- Communications Officer: Supports the Communications Manager in the above – APS 5

The communications team provides communications advice and support for the ORER including maintenance of the ORER website; providing events and presentation support; and development of communications collateral.

The communications team may assist ORER staff with writing briefs provided to the Minister's Office and with ministerials when appropriate.

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Climate Change and Energy Efficiency Portfolio

Outcome:	1	Question No:	203
Program:	ORER		
Division/Agency:	ORER		
Topic:	Staff Reduction Plans		
Hansard Page EC:	Written		

Senator Fisher asked:

Are there any plans for staff reduction? If so, please advise details ie. reduction target, how this will be achieved, services/programs to be cut etc.
If there are plans for staff reductions, please give the reason why these are happening.

Answer:

There are currently no plans for staff reduction.

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Climate Change and Energy Efficiency Portfolio

Outcome:	1	Question No:	211
Program:	ORER		
Division/Agency:	ORER		
Topic:	Solar Panels – Quality		
Hansard Page EC:	Written		

Senator Birmingham asked:

1. What work is ORER doing in checking the quality of solar panels being installed?
2. How many checks are being conducted and where?
3. If there are no checks, why not?
4. What sort of failure rates are being identified?
5. Are there any patterns in the faults?
6. Are there any concerns about the quality of the panels which are now being imported?
7. Is any assessment being done to ensure that the panels are being placed in the best position to generate the maximum output?
8. If they are not generating the maximum output, will this mean that calculated emissions reductions will be overstated and more STCs generated than should have been?
9. What additional funding is being allocated to ORER for inspections and how many audits is this expected to cover?

Answer:

1. The Office of the Renewable Energy Regulator (ORER) commenced inspections of solar photovoltaic systems in May 2011, undertaking inspections under Part 7 of the *Renewable Energy (Electricity) Regulations 2001*. The inspections check that installations meet the legislated requirements for the creation of Small-scale Technology Certificates (STCs). This includes checking if the solar panels installed meet applicable Australian standards, state and territory requirements and industry guidelines.
2. By the end of 2011, 2,800 inspections will be completed across Australia in New South Wales, Victoria, Queensland, Adelaide, Western Australia, Northern Territory, Tasmania and the Australian Capital Territory.

3. Not applicable.
4. ORER has publicly released initial inspection results. These are available at: www.orer.gov.au/Solar-Panels/Inspections/inspections.
5. Initial results have identified that the majority of issues relate to DC isolators and their enclosures. However, it is early in the program implementation and the number of inspections completed to date is insufficient to draw firm conclusions. As further information becomes available, analysis of the data will provide a clearer picture of any patterns in faults and enable better targeting of non-compliance.
6. The ORER has no particular reason to be concerned about the quality of imported panels.
7. Under the *Renewable Energy (Electricity) Act 2000*, for a solar photovoltaic system to be eligible for the creation of STCs, the system must be designed and installed in accordance with the relevant Australian Standards and the Clean Energy Council (CEC) guidelines. The CEC design guidelines specify the designer of the system must estimate the available solar irradiation for the array based on the Australian Solar Radiation Data Handbook. The calculation takes into account the tilt, orientation and the effect of any shadows. This estimate must be provided in the quotation to the customer.
8. Under the *Renewable Energy (Electricity) Act 2000*, eligibility for STCs from solar photovoltaic systems is based on the deemed amount of electricity generated by solar photovoltaic systems. The deeming calculation used by ORER is not based on the maximum output but on average amount of electricity generated. The STC eligibility for solar photovoltaic systems is generally equivalent to one megawatt hour of renewable electricity deemed to be generated by small generation units (unless the Solar Credits multiplier applies).
9. The ORER has been allocated the following funding for inspections:

	2011-12	2012-13	2013-14	2014-15	Total
Total Funding	\$6,350,000	\$4,539,000	\$3,745,440	\$3,816,603	\$18,451,043
Estimated number of inspections	3,175	2,225	1,800	1,800	

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Climate Change and Energy Efficiency Portfolio

Outcome:	1	Question No:	212
Program:	ORER		
Division/Agency:	ORER		
Topic:	Solar Panels – Installation Quality		
Hansard Page EC:	Written		

Senator Birmingham asked:

Is ORER aware of reports of electricians accredited by the Clean Energy Council installing solar panels incorrectly? Does ORER hold any concerns and what actions, if any, have been taken by ORER?

Answer:

Yes. The role of the Office of the Renewable Energy Regulator (ORER), with regard to the installation of solar panels, centres on the proper creation of certificates. For a solar installation to be eligible for certificates, it must satisfy the conditions prescribed in the *Renewable Energy (Electricity) Regulations 2001*. The Regulations require that the installation complies with all relevant Australian standards and applicable state and territory legislation.

Allegations of breaches of the *Renewable Energy (Electricity) Act 2000* or the *Renewable Energy (Electricity) Regulations 2001* are referred to the ORER compliance team and dealt with in accordance with ORER's Compliance and Enforcement policy.

Allegations are received from a number of sources including:

- the Clean Energy Council (CEC);
- members of the public;
- solar industry members;
- ORER's inspection function; and
- other ORER functional areas that monitor compliance with the Act.

The ORER has a range of options for dealing with potential breaches. These range from encouraging voluntary rectification of any issues identified through to taking civil or criminal prosecution action.

Where safety issues are identified during an ORER inspection of a solar installation, the relevant state or territory regulatory authority is advised of the issue. The states and territories have the responsibility for dealing with safety issues.

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Climate Change and Energy Efficiency Portfolio

Outcome:	1	Question No:	213
Program:	ORER		
Division/Agency:	ORER		
Topic:	Solar Panels – Feedback		
Hansard Page EC:	Written		

Senator Birmingham asked:

1. Is ORER aware of problems arising from the number of solar panels providing 'feed in' to the electricity grid?
2. If so, how significant is the issue and what steps, if any, are being taken to address it? Can this result in fluctuations in voltage and, if so, what sort of damage could be caused?
3. What are the implications if it results in some solar systems being shut down?
4. Will any action being taken result in increase costs as networks invest further in infrastructure to cope with the increase number of solar panels?

Answer:

The Office of the Renewable Energy Regulator (ORER) has seen some media articles about the impact of solar panels (photovoltaic (PV) systems) on electricity grids and understands that electricity distribution businesses are responsible for ensuring network capability, reliability and safety. The ORER is unable to provide a response about the increased cost to infrastructure as a result of the large number of PV systems currently being installed with the distribution networks. However, the Department of Resources, Energy and Tourism would be in a better position to provide a response.

Network service providers are required under the National Electricity Rules to maintain standards for voltage, frequency and network loading under changing electricity demand and generation from embedded solar PV panels. Organisations such as the Australian Energy Market Operator, Australian Energy Regulator and Australian Energy Market Commission will also be in a better position to provide information about network related issues.

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Climate Change and Energy Efficiency Portfolio

Outcome:	1	Question No:	214
Program:	ORER		
Division/Agency:	ORER		
Topic:	Renewable Energy Certificates		
Hansard Page EC:	Written		

Senator Birmingham asked:

When was ORER first notified of concerns about the operations of Well Being Green? How many complaints have they received about Well Being Green? What action did ORER take? Did ORER notify the Minister? Is ORER aware of any other examples of companies going into liquidation owing businesses money?

Answer:

The Office of the Renewable Energy Regulator's (ORER'S) role in respect to this matter is to ensure that only eligible Renewable Energy Certificates enter the market. As far as the ORER is aware, Well Being Green has not breached the *Renewable Energy (Electricity) Act 2000* (the Act) or the associated Regulations by creating ineligible certificates. The business practices and/or payment arrangements of Well Being Green are not matters covered by the Act.

The ORER does not keep records of matters unrelated to its statutory responsibilities. The ORER is not able to say with certainty when or how many times matters related to the business practices and/or payment arrangements of Well Being Green have been raised with ORER staff.

When matters of this kind are raised it is usual Office practice to recommend to anyone with a concern about the business practices and/or payment arrangements of a company to contact the Australian Competition and Consumer Commission, the Australian Securities and Investments Commission or the relevant state/territory fair trading office as appropriate. The ORER may also pass on information to these agencies to the extent permitted by the Act.

The ORER does not maintain records about companies that have gone into liquidation owing businesses money.