The Parliament of the
Commonwealth of Australia

THE SENATE

Renewable Energy (Electricity) Amendment Bill 2010

(Amendments to be moved by Senator Milne on behalf of the Australian Greens in committee of the whole)

(1) Clause 3, page 2 (lines 7 to 11), omit the clause, substitute:

3 Schedule(s)

(1) Each Act, and each set of regulations, that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

(2) The amendment of any regulation under subsection (1) does not prevent the regulation, as so amended, from being amended or repealed by the Governor-General.

[consequential – biomass from native vegetation no longer an eligible renewable energy source]

(2) Schedule 1, page 35 (after line 9), after item 65, insert:

65A After section 40

Insert:

40AA Required GWh of renewable source electricity for 2011 and 2012

(1) The required GWh of renewable source electricity in section 40 for the years 2011 and 2012 must be increased as specified in declarations made under subsection (3) for the relevant year.

(2) The Regulator must, by 10 May 2011, make the following calculations in respect of the large-scale generation certificates on the register of large-scale generation certificates as at 30 April 2011:

(a) the total of the number of registered large-scale generation certificates and the number of large-scale generation certificates that are pending registration in the register (total A);

(b) the number of registered large-scale generation certificates that are pending surrender (total B);
(c) the number of registered large-scale generation certificates that are pending voluntary surrender (total C);
(d) the number of registered large-scale generation certificates that have been created on or after 1 January 2011 under Subdivision A of Division 4 of Part 2 (total D);
(e) the number of registered large-scale generation certificates that are subject to eligible pre-existing contracts for transfer from one party to another party (total E);
(f) the figure (total F) that is the result of:
   total A – (total B + total C + total D) + total E;
(g) the figure (total G) that is the result of:
   total F – 16,200,000;
(h) the figure expressed in megawatt hours (total H) that is the result of:
   total G ÷ 2;
and publish the results of those calculations on the Internet.

(3) If total G is greater than zero, the Regulator must, within 5 days of complying with subsection (2), make a declaration increasing the required GWh of renewable source electricity in section 40 for 2011 and 2012 by total H (converted in gigawatt hours).

(4) A declaration made under subsection (3) is not a legislative instrument.

(R3) Schedule 1, item 99, page 59 (lines 16 to 21), omit the item, substitute:

99 Section 162
Repeal the section, substitute:

162 Biennial review of operation of renewable energy legislation

(1) The Minister must cause an independent review of the following to be undertaken as soon as practicable after 30 June 2012 and every 2 years after that date:
   (a) the operation this Act and the scheme constituted by this Act;
   (b) the operation of the regulations;
   (c) the operation of the Renewable Energy (Electricity) (Large-scale Generation Shortfall Charge) Act 2000;
   (d) the operation of the Renewable Energy (Electricity) (Small-scale Technology Shortfall Charge) Act 2010;
   (e) the diversity of renewable energy access to the scheme constituted by this Act, to be considered with reference to a cost benefit analysis of the environmental and economic impact of that access.

(2) A review must be undertaken by a person who, in the Minister’s opinion, possesses appropriate qualifications to undertake the review.

(3) The person undertaking a review must give the Minister a written report of the review before 31 December in that year.

(4) The Minister must cause a copy of the report to be tabled in each House of the Parliament within 15 sitting days of that House after the day on which the report is given to the Minister.

(5) The report is not a legislative instrument.

[biennial review]
(4) Schedule 1, page 61 (after line 22), after item 110, insert:

110A  At the end of subsection 17(2)
Add:

; (c) biomass from native vegetation of any kind.

[biomass from native vegetation no longer an eligible renewable energy source]

(R5) Schedule 1, page 63 (after line 29), after item 119, insert:

119A  After section 23A
Insert:

23AAA  Regulations to establish scheme for inspection of new installations of small generation units

(1) The regulations must establish a scheme for the inspection of the installation of small generation units for which certificates have been created.

(2) Without limiting subsection (1), regulations made under that subsection must provide, for small generation units installed after the commencement of this section:

(a) that each year a statistically significant selection of small generation units that were installed during that year must be inspected for conformance with Australian standards and any other standards or requirements relevant to the creation of certificates in relation to that small generation unit;

(b) that an inspection of a small generation unit is to be carried out by a person or organisation who:

(i) is independent of the person or organisation who designed and/or installed that small generation unit; and

(ii) does not have a conflict of interest in relation to that small generation unit or administration of the matters being inspected;

(c) for the transfer of information, about any failures to comply with standards or other requirements relevant to the creation of certificates in relation to small generation units, to State, Territory or Commonwealth bodies with responsibility for the enforcement and administration of those standards or requirements.

[inspection of new installations of small generation units]

(6) Schedule 1, page 63 (after line 29), after item 119, insert:

119B  Subsection 23B(1)
Repeal the subsection, substitute:

(1) The number of certificates that may be created in relation to a small generation unit is to be determined in accordance with the regulations, which may also provide for a multiplier.

119C  Subsection 23B(2)
Repeal the subsection.

[multiplier for certificates removed from Act]

(7) Schedule 1, page 63 (after line 29), after item 119, insert:
119D Subsection 23B(3)
After “However,”, insert “subject to subsection (3A) and paragraph (6)(b),”.

119E After subsection 23B(3)
Insert:

(3A) However, in the case of an off-grid small generation unit, the regulations must provide for a number of certificates to be multiplied in relation to the first 20kW of the rated power output of the unit.

(3B) In subsection (3A):

off-grid small generation unit means:
(a) a small generation unit at least 1 kilometre from the nearest main-grid line; or
(b) in the case of a small generation unit less than 1 kilometre from a main-grid line—the owner has provided written evidence from the local network service provider that the total cost of connecting the unit to the main-grid is more than $30,000, making it uneconomic to connect the unit to the main-grid.

[Rated power output: of off-grid small generation units; and generally]

119F Subsection 23B(4)
Omit “as mentioned in subsection (2)”.

119G At the end of section 23B
Add:

(5) The Minister must appoint a Small-Scale Technology Certificate Advisory Board to:
(a) monitor the effect of the multiplier for certificates and any other factors which may affect the installation of small generation units; and
(b) provide the Minister with at least monthly advice in relation to any variation of the multiplier for certificates in subregulation 20AA(2) of the Renewable Energy (Electricity) Regulations 2001 that may be necessary in the circumstances.

(6) The Minister may, by legislative instrument, vary:
(a) the multiplier for certificates in subregulation 20AA(2) of the Renewable Energy (Electricity) Regulations 2001 in accordance with any advice provided by the Board under subsection (5); and
(b) the rated power output of a small generation unit in subsection (3) and in paragraph 20AA(3)(c) of the Renewable Energy (Electricity) Regulations 2001 to which the multiplier for certificates is to apply.

[Advisory board for multiplier for certificates; variations by legislative instrument]

137 Paragraph 8(1)(d)
Omit “; and”, substitute “;.”.
138 **Paragraph 8(1)(e)**
Repeal the paragraph.

139 **Subregulations 8(2), (3) and (4)**
Repeal the subregulations.

140 **Subregulation 9(2)**
Repeal the subregulation, substitute:

(2) For section 17 of the Act, biomass from native vegetation is not an energy crop.

141 **Subregulation 20AA(1)**
Omit “subsections 23B (2) and”, substitute “subsection”.

[biomass from native vegetation no longer an eligible renewable energy source; consequential – multiplier for certificates]