(1) Opp (1) [Sheet 6154 Revised]

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(1) Each Act, and each set of regulations, that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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amendment of any regulation under subsection (1) does not prevent the regulation, as so amended, from being amended or repealed by the Governor-General.

(2) Govt (1) [Sheet AL260]

Schedule 1, page 3 (after line 15), after item 4, insert:

4A Subsection 5(1)

Insert:

clearing house price has the meaning given by section 30LA.

(3) Govt (2) [Sheet AL260]

Schedule 1, page 4 (after line 7), after item 8, insert:

8A Subsection 5(1)

Insert:

GST inclusive clearing house price has the meaning given by section 30LA.

(4) Govt (3) [Sheet AL260]

Schedule 1, item 58, page 15 (before line 12), before section 30M, insert:

30LA Clearing house price etc.

(1) The clearing house price is:

(a) subject to paragraph (b)——$40; or
(b) if the Minister, by legislative instrument, specifies a lesser amount as being the clearing house price for the purpose of this subsection—the amount so specified.

(2) The **GST inclusive clearing house price** is the amount equal to 110% of the clearing house price.

(3) Before making an instrument under paragraph (1)(b), the Minister:
   (a) must take into consideration:
      (i) whether the total value, in MWh, of small-scale technology certificates created in 2015 exceeded or is expected to exceed 6,000,000; and
      (ii) any changes to the costs of small generation units and solar water heaters; and
      (iii) the extent to which owners of small generation units and solar water heaters contribute to the costs of small generation units and solar water heaters; and
      (iv) the impact of the clearing house price, and the number of small generation units and solar water heaters installed, on the electricity market, including on electricity prices; and
   (b) may take into consideration any other matters that the Minister considers relevant.

(4) If the Minister is considering a matter mentioned in paragraph (3)(a), the Minister must obtain, and take into consideration, independent advice about that matter.

(5) An instrument made under paragraph (1)(b) must not be expressed to commence earlier than the first 1 April following the making of the instrument.

(6) If:
   (a) an instrument is made under paragraph (1)(b); and
   (b) on a particular day (the *tabling day*), a copy of the instrument is tabled before a House of the Parliament under section 38 of the *Legislative Instruments Act 2003*;
then, on or as soon as practicable after the tabling day, the Minister must cause to be tabled before that House a written statement setting out the Minister’s reasons for making the instrument.

(5) **Govt (4) [Sheet AL260]**

Schedule 1, item 58, page 15 (line 22), omit “$44”, substitute “the GST inclusive clearing house price”.

(6) **Govt (5) [Sheet AL260]**

Schedule 1, item 58, page 16 (line 15), omit “$44”, substitute “the GST inclusive clearing house price”.

(7) **Govt (6) [Sheet AL260]**

Schedule 1, item 58, page 16 (line 17), omit “$40”, substitute “the clearing house price”.

(8) **Govt (7) [Sheet AL260]**

Schedule 1, item 58, page 17 (line 28), omit “$44”, substitute “the GST inclusive clearing house price”.
(9) **Govt (8) [Sheet AL260]**

Schedule 1, item 58, page 17 (line 31), omit “$40”, substitute “the clearing house price”.

(10) **Xenophon (1) [Sheet 6116]**

Schedule 1, item 96, page 58 (lines 28 to 30), omit subparagraph 141AA(c)(ii), substitute:

(ii) a statement that the certificate was created in relation to a solar water heater other than an air source heat pump water heater, or that it was created in relation to an air source heat pump water heater, or that it was created in relation to a small generation unit (as appropriate); and

(11) **AG (R3) [Sheet 6114 Revised]**

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 of 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.

(12) **Xenophon (2) [Sheet 6116]**

Schedule 1, page 60 (after line 2), before item 100, insert:

**99A Subsection 5(1)**

Insert:

*air source heat pump water heater* means a device that uses a vapour compression cycle incorporating a compressor, an evaporator that collects energy from the latent and sensible heat of the atmosphere and a condenser that delivers heat either directly or indirectly to a hot water storage container.
116A At the end of section 21
Add:

(4) If a solar water heater is an air source heat pump water heater, certificates may only be created for the installation of such an air source heat pump water heater if it has a volumetric capacity of not more than 425 litres.

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.

119B Subsection 23B(2)
After “multiplied by”, insert “a number that does not exceed”.

119C Subsection 23B(3)
After “However,”, insert “subject to subsections (3A) and (3C),”.
119D 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 only if the certificates relate 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.

(3C) The regulations must provide that the number of certificates that may be created under subsection (3A) as a result of a multiplier in subsection (2) for a period specified in column 1 of an item in the following table must not exceed the number specified in column 2 of the item.

<table>
<thead>
<tr>
<th>Maximum number of certificates created under subsection (3A)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Item</td>
</tr>
<tr>
<td>------</td>
</tr>
<tr>
<td>1</td>
</tr>
<tr>
<td>2</td>
</tr>
<tr>
<td>3</td>
</tr>
<tr>
<td>4</td>
</tr>
<tr>
<td>5</td>
</tr>
</tbody>
</table>

(17) AG (1) [Sheet CA253]

Schedule 1, page 63 (before line 30), before item 120, insert:

119E Subsection 23B(3)

Omit “the first 1.5kW”, substitute “not more than the first 3kW”.

(18) Govt (1) [Sheet CA251]

Schedule 1, item 124, page 66 (before line 3), before subsection (2), insert:

*Adjustment of targets according to number of valid certificates as at the end of 2010*

(1A) If, as at the end of the year 2010, the total value, in GWh, of valid renewable energy certificates exceeds 34,500, the table in subsection (1) has effect in accordance with the following paragraphs:

(a) the number of GWh specified in the table for each of the following years is taken to be increased by half of the excess:
   (i) the year 2012;
   (ii) the year 2013;
(b) the number of GWh specified in the table for each of the following years is taken to be reduced by one quarter of the excess:
   (i) the year 2016;
   (ii) the year 2017;
   (iii) the year 2018;
   (iv) the year 2019.

(1B) As soon as practicable after the end of the year 2010, the Regulator must publish on its website the total value referred to in subsection (1A).

Adjustment of targets if there is a WCMG start day

(19) Govt (2) [Sheet CA251]

Schedule 1, item 124, page 66 (line 5), omit “has effect as”, substitute “has effect (after first taking account of subsection (1A))”.

(20) Xenophon (8) [Sheet 6116] (As amended)

Schedule 1, page 67 (after line 6), after item 124, insert:

124B After Division 2 of Part 4

Insert:

Division 2AA—Emerging renewable energy technologies

40AB Inclusion of emerging renewable energy technologies

The Minister may, by legislative instrument, determine that an emerging renewable energy technology be included as a renewable energy technology for the purpose of the scheme constituted by this Act.

(21) Opp (3) [Sheet 6154 Revised]

Schedule 1, Part 2, page 80 (after line 4), at the end of the Part, add:

Renewable Energy (Electricity) Regulations 2001

138 Paragraph 22ZA(4)(a)

Repeal the paragraph.

ROSEMARY LAING
Clerk of the Senate

The Senate
23 June 2010