Renewable Energy (Electricity) Amendment Regulations 2010 (No. 8)'

Select Legislative Instrument 2010 No. 320

I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the Renewable Energy (Electricity) Act 2000.

Dated 8 December 2010

QUENTIN BRYCE
Governor-General

By Her Excellency’s Command

GREG COMBET
Minister for Climate Change and Energy Efficiency
1 Name of Regulations
These Regulations are the Renewable Energy (Electricity) Amendment Regulations 2010 (No. 8).

2 Commencement
These Regulations commence as follows:
(a) on the day after they are registered — regulations 1 to 3, subregulations 5 (1) and (4) and Schedule 1; and
(b) on 1 January 2011 — regulation 4, subregulations 5 (2) and (3) and Schedule 2.

3 Amendment of Renewable Energy (Electricity) Regulations 2001

4 Amendment of Renewable Energy (Electricity) Regulations 2001
5 Transitional


(2) Despite the amendment made by item [3] of Schedule 2, regulations 24 and 25 of the Renewable Energy (Electricity) Regulations 2001, as in force immediately before the commencement of this subregulation, continue to apply to liabilities incurred for 2010 and earlier years.

(3) Despite the amendment made by item [4] of Schedule 2, subregulation 28 (4) of the Renewable Energy (Electricity) Regulations 2001, as in force immediately before the commencement of this subregulation, continues to apply to liabilities incurred for 2010 and earlier years.

(4) In this regulation:

transitional solar water heater means a solar water heater included in the Register of solar water heaters on the day this subregulation commences.
Schedule 1  Amendments commencing on day after registration  
(regulation 3)

[1] Subregulation 3 (1), after definition of *biomass*  

insert  

*business day* means a day that is not:  
(a) a Saturday or a Sunday; or  
(b) a public holiday or a bank holiday in the Australian Capital Territory.  


[2] Subregulation 3 (1), after definition of *product certification*  

insert  

*quarter* means a period of 3 months commencing on 1 January, 1 April, 1 July or 1 October of a year.

[3] Subregulation 3 (1), after definition of *regional forest agreement*  

insert  

*registered for GST* means registered under the *A New Tax System (Goods and Services Tax) Act 1999*.

[4] Subregulation 3 (1), after definition of *Register of solar water heaters*  

insert  

*required to be registered for GST* means required to be registered under the *A New Tax System (Goods and Services Tax) Act 1999*.
[5] **Subregulation 3A (1)**

*substitute*

(1) For the definition of **solar water heater** in subsection 5 (1) of the Act, a device that heats water using solar energy is a solar water heater during the period specified in the Register for the device if the device:

(a) is entered in the Register of solar water heaters; and

(b) satisfies subregulation (2) or (3).

*Note* Certificates cannot be created for a solar water heater that is an air source heat pump water heater if it has a volumetric capacity of more than 425 L — see subsection 21 (4) of the Act.

[6] **Paragraph 3A (2) (b)**

*substitute*

(b) an accredited body has given the device product certification to AS/NZS 2712:2007, *Solar and heat pump water heaters — Design and construction*, as in force at the time the certification is given.

[7] **Paragraphs 3A (3) (b) and (c)**

*substitute*

(b) an accredited body has given the device component certification to each of the following Australian Standards that applies to the device:

(i) AS/NZS 2712:2007 *Solar and heat pump water heaters — Design and construction*, as in force at the time the certification is given;

(ii) the Australian Standards mentioned in clause 1.4 of AS/NZS 2712:2007 *Solar and heat pump water heaters — Design and construction*, as in force at the time the certification is given; and
(c) the storage tank of the device meets the requirements of:
   (i) both:
      (A) AS/NZS 4692.1:2005, Electric water heaters, Part 1: Energy consumption, performance and general requirements, as in force at the time the certification mentioned in paragraph (b) is given; and
      (B) AS/NZS 4692.2:2005, Electric water heaters, Part 2: Minimum Energy Performance Standard (MEPS) requirements and energy labelling, as in force at the time the certification mentioned in paragraph (b) is given; or
   (ii) the document called Heat Loss Test Procedure for Solar Water Heaters with a Hot Water Storage Tank Greater than 630 L, first published by the Regulator on 29 May 2003, as in force at the time the certification mentioned in paragraph (b) is given.

Note A copy of the document mentioned in subparagraph (3) (c) (ii) is available by post from the Office of the Renewable Energy Regulator, GPO Box 621, Canberra ACT 2601, and the document can be viewed on and downloaded from the Regulator’s website: http://www.orer.gov.au.

[8] Regulations 19A and 19B

substitute

19A Number of certificates

(1) For subsection 22 (1) of the Act, the number of certificates that may be created for a particular installation of a model of solar water heater in a particular zone and installation period is:
   (a) for a solar water heater with a volumetric storage capacity up to and including 700 litres — the number set out in the Register of solar water heaters that is applicable to the model, zone and period; and

Federal Register of Legislative Instruments F2010L03206
(b) for a solar water heater with a volumetric storage capacity over 700 litres — either:
   (i) if the person who is entitled to create the certificates complies with subregulation (2) — the number set out in the Register of solar water heaters that is applicable to the model, zone and period; or
   (ii) if the person who is entitled to create the certificates does not comply with subregulation (2) — 0.

Note Certificates cannot be created for a solar water heater that is an air source heat pump water heater if it has a volumetric capacity of more than 425 L — see subsection 21 (4) of the Act.

(2) For paragraph (1) (b), the person who is entitled to create the certificates complies with this subregulation if, before the person creates any certificates in relation to the solar water heater, the person:
   (a) obtains a statutory declaration that states the matters set out in subregulation (3); and
   (b) obtains a further statutory declaration from the owner of the heater at the time it is installed stating that the owner intends that the solar water heater will remain installed in its original configuration and location for the life of the heater; and
   (c) gives a copy of both statutory declarations to the Regulator.

(3) For subregulation (2) the statutory declaration must state:
   (a) the model of the solar water heater; and
   (b) the volumetric storage capacity of the heater; and
   (c) the premises at which the heater is to be installed and used; and
   (d) the purposes for which the heater, and the hot water produced by the heater, are to be used; and
   (e) that the volumetric storage capacity of the heater is appropriate for the premises at which the heater is to be installed and the purposes for which the heater, and the hot water produced by the heater, are to be used; and
(f) the expertise or experience of the person signing the declaration in relation to a heater of the kind covered by the declaration.

19B Determination of method for determining number of certificates

(1) For subsection 22 (1) of the Act, the Regulator may determine, by legislative instrument, the method to be used to determine the number of certificates that may be created for a particular model of solar water heater.

(2) The determination must provide that the number of certificates that may be created is to be worked out by reference to the difference, over 10 years, between:
   (a) the energy, other than solar energy or energy collected from the latent and sensible heat of the atmosphere, to be used by the solar water heater; and
   (b) the electrical energy that would be used by an equivalent electric water heater.

(3) For subregulation (2), an electric water heater is an equivalent electric water heater if it:
   (a) supplies the same, or a similar, hot water load as the solar water heater mentioned in paragraph (2) (a); and
   (b) is not a heat pump.

(4) In making the determination, the Regulator must have regard to the method set out in the Australian Standard, set out in Schedule 4, as in force at the time the determination is made that applies to the solar water heater.

(5) In making the first determination under subregulation (1), the Regulator must have regard to:
   (a) the guidelines known as REC calculation methodology for solar water heaters and heat pump water heaters with a volumetric capacity up to and including 700 litres, published by the Regulator on its website, as in force at the time the determination is made; and

Federal Register of Legislative Instruments F2010L03206
(b) the guidelines known as *REC calculation methodology for solar water heaters and heat pump water heaters with a volumetric capacity over 700 litres*, published by the Regulator on its website, as in force at the time the determination is made.

19BA Determination of number of certificates

(1) For subsection 22 (1) of the Act, the Regulator may determine the number of certificates that may be created for a particular model of solar water heater in each of the zones mentioned in paragraph 19C (3) (b).

(2) In making the determination, the Regulator must:
   (a) if a determination under subregulation 19B (1) is in force — make the determination in accordance with that determination; and
   (b) if there is no determination under subregulation 19B (1) in force — determine the number of certificates using the method in subregulation (3).

(3) For paragraph (2) (b), the number of certificates that may be created is to be worked out:
   (a) by reference to the difference, over 10 years, between:
      (i) the energy, other than solar energy or energy collected from the latent and sensible heat of the atmosphere, to be used by the solar water heater; and
      (ii) the electrical energy that would be used by an equivalent electric water heater; and
   (b) having regard to the following, as in force at the time of the determination:
      (ii) AS 4234—1994, *Solar water heaters — Domestic and heat pump — Calculation of energy consumption*; and
(iii) AS/NZS 4692.1:2005, Electric water heaters, Part 1: Energy consumption, performance and general requirements; and

(c) if the solar water heater has a volumetric capacity up to and including 700 litres — having regard to the guidelines known as REC calculation methodology for solar water heaters and heat pump water heaters with a volumetric capacity up to and including 700 litres, published by the Regulator on its website, as in force at the time the determination is made; and

(d) if the solar water heater has a volumetric capacity over 700 litres — having regard to the guidelines known as REC calculation methodology for solar water heaters and heat pump water heaters with a volumetric capacity over 700 litres, published by the Regulator on its website, as in force at the time the determination is made.

(4) For subregulation (3), an electric water heater is an equivalent electric water heater if it:

(a) supplies the same, or a similar, hot water load as the solar water heater mentioned in subparagraph (3) (a) (i); and

(b) is not a heat pump.

19BB Variation of determination

(1) This regulation applies if the Regulator proposes to make a determination under regulation 19BA which would vary the information contained in the Register of solar water heaters.

(2) Before making the determination, the Regulator must:

(a) tell the manufacturer of the solar water heater, in writing:

(i) what information the Regulator proposes to vary and how it would be varied; and

(ii) the reason for the proposed variation; and

(b) invite the manufacturer to make written submissions about the proposed variation; and

(c) take into account any submissions received from the manufacturer when deciding whether to make the determination.
19BC Requests for determination

(1) A person may request the Regulator to make a determination under regulation 19BA.

(2) The request must:
   (a) be in writing in a form approved by the Regulator; and
   (b) contain, or be accompanied by, any information or document required by the approved form; and
   (c) be given to the Regulator within the 30 day period mentioned in paragraph 19BD (2) (b).

(3) The Regulator may, by written notice given to the person, request the person to give the Regulator, within the period specified in the notice, additional information and documents in connection with the request.

(4) If the person does not provide the additional information and documents within the specified period, the Regulator may, by written notice to the person:
   (a) refuse to consider the request; or
   (b) refuse to take any action, or further action, in relation to the request.

(5) The Regulator must consult with the person making the request if the Regulator proposes:
   (a) not to make the requested determination; or
   (b) to include information in the determination that is different to the information contained in the request.

(6) The Regulator must tell the person about the Regulator’s decision on the request:
   (a) in writing; and
   (b) not later than 180 days after the expiry of 30 day period mentioned in paragraph (2) (c).

19BD Invitation for requests for determination

(1) The Regulator must, at intervals of not more than 6 months, invite persons to make requests under subregulation 19BC (1).
(2) The invitation must:
   (a) be published on the Regulator’s website; and
   (b) include a 30 day period in which requests are to be made.

[9] **After subregulation 19C (3)**

*insert*

(3A) The Regulator must remove from the Register any device that is not a solar water heater.

[10] **After regulation 19D**

*insert*

19E **Conditions for creation of certificates**

(1) This regulation is made for subsection 23A (1A) of the Act and sets out the conditions that must be satisfied before a certificate can be created for a small generation unit.

(2) On and after 1 February 2011, a registered person cannot create a certificate unless the person gives the Regulator the information required under subregulation (3):
   (a) at the time the person notifies the Regulator under subsection 26 (2) of the Act; or
   (b) before that time.

(3) The information required is a reasonable estimate of the total amount of out-of-pocket expenses incurred by the purchaser to purchase and install the small generation unit.

(4) For subregulation (3), *out-of-pocket expenses* is worked out as follows:

\[
(\text{amount } A + \text{amount } B) - (\text{amount } C + \text{amount } D + \text{amount } E)
\]

where:

*amount A* is:
   (a) the total amount paid by the purchaser for the small generation unit and the installation of the unit; or
(b) if it is not possible to determine the total amount paid because the price of the small generation unit is included in the total amount paid for other goods or services — a reasonable estimate of the total amount paid by the purchaser for the small generation unit and the installation of the unit.

amount B is a reasonable estimate of the amount that the purchaser will pay to the seller of the unit after it is installed and that is not included in amount A.

amount C is a reasonable estimate of the market value of any goods or services provided, or to be provided, free of charge to the purchaser for the purchase or installation of the unit (excluding the value of the goods that make up the unit and the installation service).

amount D is a reasonable estimate of the amount of the difference between:
(a) the market value of any goods or services provided, or to be provided, to the purchaser for the purchase or installation of the unit at a non-market price not included in amount A (excluding the value of the goods that make up the unit and the installation service); and
(b) the non-market value paid by the purchaser for the goods and services

amount E is a reasonable estimate of any amount paid, or to be paid, to the purchaser after the unit has been purchased, including the value of any certificates that may be created by the purchaser.

(5) For subregulation (4), amount E does not include the monetary value of any feed-in tariff offered to the purchaser regardless of whether or not the purchaser installs a small generation unit obtained from the seller.

(6) In this regulation:

purchaser, for a small generation unit, means:
(a) the owner of the unit; or
(b) if the unit is leased to a person who owns or occupies premises on which the unit is installed by a person who is not the owner or occupier of the premises — the lessee of the unit.

**seller**, for a small generation unit that is leased to a person, includes the lessor of the unit.

*Note 1* Section 160 of the Act requires registered persons and other entities to keep records that record and explain all transactions and other acts engaged in, or required to be engaged in, by the person or entity under the Act.

*Note 2* Under subsection 26 (6) of the Act, the Regulator may require a person who has created a certificate to provide a written statement containing such information as the Regulator requires in connection with the creation of the certificate.

### 19F Certain costs to be included in purchase and installation

For regulation 19E:

(a) the amount paid by the purchaser for the installation of a small generation unit includes the costs associated with connecting the unit to a grid; and

(b) the amount paid by the purchaser for the purchase of a unit includes the cost of purchasing the following:

(i) the generating equipment for the unit;

(ii) the structures and materials to attach the unit to a property;

(iii) the metering and wiring associated with connecting the unit to the property;

(iv) batteries that store the electricity generated by the unit and associated wiring and equipment.

### 19G Publication of out-of-pocket expenses

(1) Subject to subregulation (3), the Regulator must, for each quarter within a period mentioned in column 1 of an item in the table in subregulation 20AA (2), publish details of the out-of-pocket expenses incurred for small generation units for which certificates were created during the quarter.
(2) The details must be published on the Regulator’s website within 28 days after the end of the quarter to which they relate.

(3) Subregulation (1) only applies for a quarter that commences on or after 1 January 2011.

(4) In this regulation: 

out-of-pocket expenses has the meaning given by subregulation 19E (4).

[11] **Subregulation 20AA (2), Table and note**

substitute

**Multiplier for certificates for small generation units**

<table>
<thead>
<tr>
<th>Item</th>
<th>Column 1 Period</th>
<th>Column 2 Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>9 June 2009 to 30 June 2010</td>
<td>5</td>
</tr>
<tr>
<td>2</td>
<td>1 July 2010 to 30 June 2011</td>
<td>5</td>
</tr>
<tr>
<td>3</td>
<td>1 July 2011 to 30 June 2012</td>
<td>4</td>
</tr>
<tr>
<td>4</td>
<td>1 July 2012 to 30 June 2013</td>
<td>3</td>
</tr>
<tr>
<td>5</td>
<td>1 July 2013 to 30 June 2014</td>
<td>2</td>
</tr>
</tbody>
</table>

*Note* The certificates are created in accordance with regulations 19D and 20.

[12] **Subparagraphs 20AC (5) (d) (i), (ii) and (iii)**

substitute

(i) AS/NZS 3000, *Wiring Rules*;

(ii) AS/NZS 1768, *Lightning protection*;

(iii) if the unit is an on-grid system — AS 4777, *Grid connection of energy systems via inverters*; and
Subparagraphs 20AC (5) (e) (i) (A) (B) and (C)

substitute

(A) AS/NZS 5033, *Installation of photovoltaic (PV) arrays*;
(B) AS/NZS 1170.2, *Structural design actions, Part 2: Wind actions*; and
(C) if the unit is an off-grid system — AS/NZS 4509.1, *Stand-alone power systems, Part 1: Safety and installation* and AS 4086.2, *Secondary batteries for use with stand-alone power systems, Part 2: Installation and maintenance*.

Subparagraphs 20AC (5) (f) (i) and (ii)

substitute

(i) AS/NZS 1170.2, *Structural design actions, Part 2: Wind actions*;

Paragraph 20AC (2) (d)

omit
scheme.
insert
scheme; and

After paragraph 20AC (2) (d)

insert
(e) who is not, or who are not, the subject of a declaration under regulation 47.
Subregulation 22A (1), after the definition of joint venture

*insert*

*LGC* means a large-scale generation certificate.

Paragraph 22J (d)

*substitute*

(d) the person is a party to a contract with a liable entity for a supply of electricity to be consumed at the site in the year; and

(da) upon making the application under subsection 46A (1) of the Act, the person is not eligible to be a prescribed person under regulation 22G, 22H or 22I; and

Paragraph 22O (1) (g)

*omit*

Division 5;

*insert*

Division 5 (including any assumptions made about values or amounts not known at the time of the application).

Paragraph 22O (1) (h)

*omit*
[21] **After regulation 22U**

*insert*

**Subdivision BA**  **Reports to accompany certain applications**

**22UA**  **Reports to accompany certain applications**

(1) This Subdivision is made for paragraph 46A (2) (bb) of the Act and sets out the reports that must accompany certain applications under subsection 46A (1) of the Act.

(2) This subdivision applies to an application:

(a) for 2012 or a subsequent year; and

(b) that is made by a person who is a prescribed person under regulation 22G, 22H, 22I, 22J or 22K; and

(c) for which the amount of partial exemption applied for exceeds 15 000 MWh for the application year.

**22UB**  **Application to be accompanied by audit report**

(1) The application must be accompanied by an audit report that complies with this regulation.

(2) The audit report must be prepared by:

(a) a person that is a registered company auditor under section 1280 of the *Corporations Act 2001*; or

(b) a company that is an authorised audit company under section 1299C of the *Corporations Act 2001*; or

(c) a registered greenhouse and energy auditor, within the meaning of the *National Greenhouse and Energy Reporting Act 2007*, who is registered as a Category 2 or 3 auditor under the *National Greenhouse and Energy Reporting Regulations 2008*. 
(3) The audit report must contain a statement by the person preparing the report as to whether:

(a) the activity set out in the application that is claimed to be an emissions-intensive trade-exposed activity complies, in all material respects, with each of the requirements in the description of the activity set out in Schedule 6; and

(b) the application presents, in all material respects, the amount or volume of the relevant product produced in each previous financial year that is relevant to the application:

(i) in accordance with the requirements for that amount or volume set out in Schedule 6; and

(ii) in accordance with the requirements in subregulation 22A (7) for the relevant product to be referable to the site mentioned in the application; and

(iii) on a basis consistent with the measurement policies adopted and disclosed by the applicant in the application; and

(c) for an application to which subregulation 22ZD (3) or (4) applies:

(i) the applicant’s best-estimate assumptions are reasonable for the preparation of the new or expected additional production amounts or volumes of the relevant product; and

(ii) the new or expected additional production is, in all material respects, estimated on the basis of the best-estimate assumptions; and

(iii) the new or expected additional production is presented on a basis consistent, in all material respects, with the measurement policies adopted and disclosed by the applicant in the application.

(4) The audit company or auditor mentioned in subregulation (2) must be independent of the applicant or applicants to the extent that a conflict of interest situation (within the meaning of the National Greenhouse and Energy Reporting Regulations 2008) does not arise in relation to the auditing of the application.
(5) The person preparing the audit report must ensure that the audit to which the report relates is conducted in accordance with the relevant requirements for reasonable assurance engagements under:

- subject to regulation 22UC, the National Greenhouse and Energy Reporting (Audit) Determination 2009; or

- if a registered company auditor or authorised audit company is not a registered greenhouse and energy auditor, and does not wish to use the requirements in that instrument:
  - ASAE 3000, Assurance Engagements Other than Audits or Reviews of Historical Financial Information, issued by the Auditing and Assurance Standards Board; and
  - any other relevant auditing standard issued by the Auditing and Assurance Standards Board.

22UC Application of National Greenhouse and Energy Reporting (Audit) Determination 2009

For paragraph 22UB (5) (a), a reference in the definition of misstatement in the National Greenhouse and Energy Reporting (Audit) Determination 2009 to ‘the Act’ or ‘the Regulations’ is to be read as a reference to the Renewable Energy (Electricity) Act 2000 and these Regulations.

[22] Subregulation 22Z (7)

omit

REC

insert

REC or LGC
[23] **Subregulation 22ZA (1), definition of \( k^a_t \)**

*substitute*

\( k^a_t \), for a year, is the partial exemption assistance rate for the activity for the year as follows:

(a) for the 2010 application year — the following percentage:

   (i) for a highly emissions-intensive activity — 21.60%;
   (ii) for a moderately emissions-intensive activity — 14.40%;

(b) for a subsequent application year — the percentage worked out under the formula in subregulation (2).

[24] **Subregulations 22ZA (2) to (5)**

*substitute*

(2) For paragraph (b) of the factor \( k^a_t \) in subregulation (1), the formula is as follows:

\[
\frac{[(LRET_t \times LGC_{\text{price}_t}) + (STC_t \times CHP_t) - (9500 \times a)]}{[(LRET_t \times LGC_{\text{price}_t}) + (STC_t \times CHP_t)]} \times \text{[Activity\%]}
\]

where:

- \( LRET_t \) is the required GWh of renewable source electricity for the application year calculated in accordance with section 40 of the Act.
- \( LGC_{\text{price}_t} \) is:
  (a) for the 2011 application year — the Regulator’s reasonable estimate (as published on the Regulator’s website in accordance with regulation 22ZH) for the volume weighted average market price of a REC for the 12 month period ending on 30 September 2010; and
  (b) for a subsequent application year — the Regulator’s reasonable estimate (as published on the Regulator’s website in accordance with regulation 22ZH) for the volume weighted average market price of a LGC for the 12 month period ending on 30 September of the previous year.
$STC_t$ is the value in GWh of small-scale technology certificates assumed to be created in the application year for the purposes of the small-scale technology percentage under paragraph 40A (3) (a) of the Act:

(a) less any excess under subparagraph 40A (3) (d) (i) of the Act; or
(b) plus any shortfall under subparagraph 40A (3) (d) (i) of the Act.

$a$ is:

(a) if the LGCprice$_t$ is equal to or more than $40 — 40; or
(b) if the LGCprice$_t$ is less than $40 — the LGCprice$_t$.

$CHP_t$ is:

(a) for the 2011 application year — $40; and
(b) for a subsequent application year — the clearing house price as at 30 September of the year before the application year.

$Activity\%$ is:

(a) for a highly emissions-intensive activity — 90%; and
(b) for a moderately emissions-intensive activity — 60%.

[25] Subregulation 22ZH (1)

*omit*

market price for a REC for the following year.

*insert*

market price:

(a) for the 2010 estimate year — for a REC for the following year; and
(b) for each subsequent estimate year — for an LGC for the following year.
[26] Subparagraph 22ZH (3) (a) (ii)

*omit*
RECs

*insert*
RECs or LGCs, as appropriate

[27] Regulation 22ZL, heading

*substitute*

22ZL Prescribed period for issuing partial exemption certificate for 2010 and subsequent years

[28] Paragraph 22ZL (1) (a)

*omit*
or 2011

*insert*
or a subsequent year

[29] Subregulation 22ZL (1)

*omit*
exemption certificate within the period of 60 days after receiving the application.

*insert*
exemption certificate:
  (c) for 2010 — within the period of 60 days after receiving the application; or
  (d) for 2011 or a subsequent year — within:
      (i) 7 days after the small-scale technology percentage for the year has been prescribed; or
      (ii) the period of 60 days after receiving the application; whichever occurs later.
[30] **Paragraph 22ZL (2) (a)**

*omit*

or 2011

*insert*

or a subsequent year

[31] **Subregulation 22ZL (2)**

*omit*

exemption certificate within the period of 45 days after receiving the further information.

*insert*

exemption certificate:

(c) for 2010 — within the period of 60 days after receiving the further information; or

(d) for 2011 or a subsequent year — within:

(i) 7 days after the small-scale technology percentage for the year has been prescribed; or

(ii) the period of 45 days after receiving the further information;

whichever occurs later.

[32] **Regulation 22ZM**

*omit*
After Part 6

Part 7 Inspections of small generation units

Division 1 General

29 Purpose of Part

(1) The purpose of this Part is to establish a scheme for the inspection of small generation units for which renewable energy certificates have been created.

(2) This Part is made for section 23AAA of the Act.

30 General requirements for inspections

(1) The Regulator must ensure that each year a statistically significant selection of small generation units that were installed during the year are inspected under this Part for conformance with:

(a) Australian standards; and

(b) other standards or requirements relevant to the creation of certificates in relation to the installed small generation unit.

(2) The Regulator must ensure that an inspection under this Part is carried out by a person or organisation who:

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

(b) does not have a conflict of interest in relation to the small generation unit or administration of the matters being inspected.
31 Part 7 not to limit other inspections
Nothing in regulation 30 prevents small generation units for which certificates have been created from:
(a) being inspected under this Part at any time that the Regulator considers it is appropriate or necessary to do so; or
(b) being inspected as part of an audit under Part 11 of the Act.

32 Publication of inspections
(1) The Regulator must, for each year, publish on the Regulator’s website the number of inspections conducted under this Part during the year.
(2) The Regulator may also publish any other general information about inspections that the Regulator considers appropriate.

Division 2 Appointment of inspectors
33 Appointment of inspectors
(1) The Regulator may, in writing, appoint a person to be an inspector for this Part.
(2) The Regulator is not to appoint a person as an inspector unless the Regulator is satisfied that the person:
(a) is of sufficient maturity, and has had sufficient training, to properly exercise the powers of an inspector; and
(b) holds an unrestricted licence for electrical work under the laws of a State or Territory; and
(c) has sufficient expertise in matters arising under the Act and these Regulations in relation to small generation units in order to critically examine the requirements in regulation 39 and to prepare a report under regulation 42; and
(d) is of good repute, having regard to the person’s character, honesty and integrity.
(3) In exercising a power or performing a function as an inspector, an inspector must comply with any directions of the Regulator.

Note Part 12 of the Act and section 70 of the Crimes Act 1914 apply to inspectors appointed under this regulation.

34 Identity cards

(1) The Regulator must issue an identity card to an inspector.

(2) An identity card must include:
   (a) the signature of the inspector; and
   (b) the name of the inspector; and
   (c) the date the card expires; and
   (d) any other information that may be necessary to indicate that the inspector is authorised to exercise powers or to perform functions under this Part.

(3) An inspector must carry the identity card at all times when exercising powers or performing functions as an inspector.

35 Offence for not returning identity card

A person commits an offence if:
   (a) the person has been issued with an identity card; and
   (b) the person ceases to be an inspector; and
   (c) the person does not, immediately upon so ceasing, return the identity card to the Regulator.

Penalty: 1 penalty unit.

36 Inspector must not have conflict of interest

A person commits an offence if:
   (a) the person is an inspector; and
   (b) the person conducts an inspection of a small generation unit under this Part; and
   (c) at the time of the inspection, the person:
      (i) is not independent of the person or organisation who designed and/or installed the small generation unit; or
(ii) has a conflict of interest in relation to the small generation unit or administration of the matters being inspected.

Penalty: 5 penalty units.

**Division 3  Powers of inspectors**

### 37 Entry to premises

(1) For the purpose of conducting an inspection under this Part, an inspector may:

(a) at any reasonable time of the day, enter any premises on which a small generation unit has been installed; and

(b) conduct an inspection of the unit and premises in order to determine if the requirements in regulation 39 have been satisfied.

(2) An inspector is not authorised to enter premises under subregulation (1) unless:

(a) the inspector has, at least 24 hours before the proposed inspection, contacted the occupier of the premises and arranged a time for the inspection; and

(b) the occupier has consented to the entry at that time; and

(c) the inspector has shown his or her identity card to the occupier or a person who represents the occupier; and

(d) before undertaking the inspection, the inspector has explained the purpose and scope of the inspection to the occupier or a person who represents the occupier.

### 38 Consent

(1) Before obtaining the consent of an occupier for paragraph 37 (2) (b), the inspector must inform the occupier that he or she may refuse consent.

(2) An entry of an inspector by virtue of the consent of the occupier is not lawful unless the occupier voluntarily consented to the entry.
39 **Matters for inspection**

In conducting an inspection under this Part, the inspector is to determine whether there is material or pervasive evidence that the following requirements in relation to the small generation unit being inspected have not been satisfied:

(a) the unit is installed at the address specified in the application to create certificates and is able to produce and deliver electricity;

(b) the unit is a small generation unit within the meaning of subregulation 3 (2);

(c) all State or Territory, and local, government requirements have been satisfied for:
   
   (i) the siting of the unit; and
   
   (ii) if the unit is attached to a building or structure — attachment of the unit to the building or structure; and
   
   (iii) if the unit is grid-connected — the grid connection of the unit;

(d) the installation of the unit complies with the following standards, as in force at the time the unit was installed:
   
   (i) AS/NZS 3000, *Electrical installations*;
   
   (ii) AS/NZS 1768, *Lightning protection*;
   
   (iii) if the unit is an on-grid system — AS 4777, *Grid connection of energy systems via inverters*;
   
   (iv) if the unit is solar (photovoltaic) system — AS/NZS 5033, *Installation of photovoltaic (PV) arrays* and AS/NZS 1170.2, *Structural design actions, Part 2: Wind actions*;
   
   (v) if the unit is an off-grid solar (photovoltaic) system or a wind system — AS/NZS 4509.1, *Stand alone power systems, Part 1: Safety and installation* and AS 4086.2, *Secondary batteries for use with stand-alone power systems, Part 2: Installation and maintenance*;
   
   (vi) if the unit is a wind system — AS/NZS 1170.2, *Structural design actions, Part 2: Wind actions*;

(e) the statements and documentation mentioned in subregulation 20AC (5) for the unit have been obtained;
(f) if the unit is a solar (photovoltaic) system — the person entitled to create the certificates for the unit obtained:
   (i) a written statement by the installer of the unit that the installer has at the time of the installation used a model of a photovoltaic module listed in AS/NZS 5033, Compliant PV Modules, as in force from time to time; and
   (ii) if the system uses an inverter — a written statement by the installer of the unit that the installer has at the time of the installation used a model of grid-connect inverter listed in Tested and Approved Grid Connected Inverters, as in force from time to time;

(g) if the certificates created for the unit were multiplied under regulation 20AA — the circumstances in subregulation 20AA (3) apply to the multiplication of the certificates;

(h) if subregulation 20 (2C) or (2E) applies to the unit — the unit is an off-grid small generation unit.

Note for subparagraphs (f) (i) and (ii) These documents are available at www.cleanenergycouncil.org.au.

40 Conduct of inspection

(1) In conducting an inspection of a small generation unit under this Part, an inspector:

(a) may examine and test the unit and any wiring or equipment associated with the unit; and

(b) may take photographs of anything on the premises relevant to the inspection; and

(c) may make a video recording of the inspection; and

(d) may request the occupier to answer any questions related to:
   (i) the design or installation of a small generation unit at the premises; and
   (ii) the creation of certificates for the unit; and

(e) may do anything incidental to the matters mentioned in paragraphs (a) to (d); and
(f) must comply with:
   (i) any requirements or conditions of the inspector’s electrical licence; or
   (ii) the law of the State or Territory where the unit is located.

(2) A person is not required to answer any questions asked by an inspector under paragraph (1) (e).

(3) The inspector must leave the premises if the occupier asks the inspector to do so.

(4) The occupier, or a person who represents the occupier, is entitled to observe the inspection being carried out.

41 Dealing with imminent safety risks

(1) If, during an inspection, the inspector considers that there is an imminent safety risk to a person or to property from a small generation unit on the premises, the inspector must immediately notify all interested parties of the extent and nature of the safety risk.

(2) In determining if there is an imminent safety risk to a person or property, the inspector must take into account any guidelines issued by the Regulator.

(3) The inspector must, after notifying the Regulator, comply with any directions given to the inspector by the Regulator.

(4) The inspector must notify the relevant State or Territory Regulator by telephone and must, as soon as practicable after the telephone notification, confirm the notification by email or other electronic communication.

(5) In this regulation:

   *Building Code of Australia* means the publication known as the Building Code of Australia, published by the Australian Building Codes Board, as in force from time to time.

   *interested parties* means the following:
   (a) the occupier;
   (b) the Regulator;
(c) the relevant State or Territory Regulator;
(d) the relevant distribution network service provider.

_relevant distribution network service provider_, for a State or Territory, means a person who engages in the activity of owning, controlling or operating an electricity distribution system in the State or Territory.

_relevant State or Territory Regulator_, for a State or Territory, means:

(a) for matters relating to electrical work — the State or Territory agency responsible for the administration or enforcement of safety standards for electrical work in the State or Territory; and

(b) for matters relating to the design and construction of buildings and structures — the State or Territory agency responsible for the administration or enforcement of the Building Code of Australia in its application to the State or Territory.

### Division 4 Reports

#### 42 Inspector to prepare a report

(1) Upon completion of an inspection, the inspector must prepare a written report that complies with this regulation.

(2) The report must be in the form approved by the Regulator.

(3) The report must include one of the following conclusions about the design and installation of the small generation unit inspected by the inspector:

(a) a conclusion that the inspection found no material or pervasive evidence that one or more of the requirements in regulation 39 were not satisfied;

(b) a conclusion that the inspection found material or pervasive evidence that one or more of the requirements in regulation 39 were not satisfied and the non-compliance presents an imminent risk to the safe operation of the small generation unit;
(c) a conclusion that the inspection found material or pervasive evidence that one or more of the requirements in regulation 39 were not satisfied but the non-compliance does not present an imminent risk to the safe operation of the small generation unit.

(4) The report must also include:
   (a) a brief summary of how the inspection was conducted; and
   (b) a recommendation as to the steps that should be taken to rectify any problems discovered during the inspection and, in particular, how to ensure that any safety or operational problems discovered can be rectified; and
   (c) any other information required by the Regulator.

43 Procedural fairness

(1) If the report is likely to contain an adverse finding in relation to a person who designed or installed the small generation unit or who created certificates for the unit, the inspector must provide a copy of the finding to the person before finalising the report.

(2) The inspector must:
   (a) allow the person a reasonable opportunity to comment on the proposed adverse finding; and
   (b) take account of any comments provided by the person when finalising the report.

44 Copy of final report to be provided to interested parties

(1) The Regulator must provide a copy of the inspector’s final report for a small generation unit at particular premises to the following persons:
   (a) the owner of the unit;
   (b) the occupier of the premises;
   (c) the person who created certificates for the unit;
   (d) the designer of the unit;
   (e) the installer of the unit.
(2) If a person mentioned in a paragraph in subregulation (1) is the same person mentioned in another paragraph of subregulation (1), the Regulator is only required to provide the person with 1 copy of the report.

45 Copy of report to be provided to Clean Energy Council

If the final report contains a conclusion that there is material or pervasive evidence that one or more of the requirements in paragraphs 39 (c) to (f) have not been satisfied in relation to the design and installation of a small generation unit, the Regulator must provide a copy of the report to the Clean Energy Council.

46 Copy of report to be provided to relevant State or Territory Regulators

(1) If the final report contains a conclusion that there is material or pervasive evidence that one or more of the requirements in paragraphs 39 (c) and (d) have not been satisfied in relation to the design and installation of a small generation unit, the Regulator must provide a copy of the report to the relevant State or Territory Regulator.

(2) In this regulation:

Building Code of Australia means the publication known as the Building Code of Australia, published by the Australian Building Codes Board, as in force from time to time.

relevant State or Territory Regulator, for a State or Territory, means:

(a) for matters relating to electrical work — the State or Territory agency responsible for the administration or enforcement of safety standards for electrical work in the State or Territory; and

(b) for matters relating to the design and construction of buildings and structures — the State or Territory agency responsible for the administration or enforcement of the Building Code of Australia in its application to the State or Territory.
47 Regulator may declare person ineligible to design and install small generation units

(1) This regulation applies if a person mentioned in paragraph 20AC (2) (a), (b), (c) or (d) is subject to an adverse finding in an inspection report on 3 separate occasions.

(2) The Regulator may, in writing, declare that the person is not eligible to design and install small generation units for the purposes of subregulation 20AC (2).

(3) A declaration has effect for the period, not exceeding 12 months, specified in the declaration.

(4) The Regulator may publish the declaration on the Regulator’s website.

48 Matters to consider before making declaration

(1) In deciding whether or not to make a declaration in relation to a person, the Regulator must consider the following matters:
   (a) the nature and extent of the adverse finding identified in an inspection report;
   (b) the circumstances relating to the adverse finding;
   (c) whether the person has rectified the problems surrounding the adverse finding;
   (d) the extent to which the person has cooperated with inspectors and the Regulator with respect to the adverse finding;
   (e) any other matters the Regulator considers relevant.

(2) Before making a declaration, the Regulator must:
   (a) allow the person a reasonable opportunity to comment on the proposed declaration; and
   (b) take account of any comments provided by the person in relation to the proposed declaration.
Part 8 Review

49 Review of decisions

(1) A person mentioned in column 3 of an item in the following table may request the Regulator to reconsider a decision mentioned in column 2 for that item.

<table>
<thead>
<tr>
<th>Item</th>
<th>Decision</th>
<th>Person</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Decision under regulation 19BA to determine the number of certificates that may be created for a solar water heater</td>
<td>Manufacturer of the solar water heater</td>
</tr>
<tr>
<td>2</td>
<td>Decision under regulation 19BC in relation to a request to make or vary a determination about a solar water heater</td>
<td>Person making the request</td>
</tr>
<tr>
<td>3</td>
<td>Decision under subregulation 47 (2) to declare that a person is not eligible to design and install small generation units</td>
<td>Person subject to the declaration</td>
</tr>
</tbody>
</table>

(2) The request must be:
   (a) in writing; and
   (b) given to the Regulator not later than 60 days after the decision is made.

(3) The Regulator must reconsider the decision and confirm, vary or set aside the decision.

Note Section 27A of the Administrative Appeals Tribunal Act 1975 requires the person to be notified of the person’s review rights.

(4) If the Regulator does not given written notice of the Regulator’s decision under subregulation (3) to the person within 60 days after the person gives the request to the Minister:
   (a) the Regulator is taken to have made a decision confirming the original decision; and
   (b) the Regulator’s decision is taken to have been made immediately after the end of the 60 days.
(5) An application may be made to the Administrative Appeals Tribunal for review of a decision of the Regulator under subregulation (3).

[34] Schedule 4, heading

substitute

Schedule 4 Determination of solar water heater certificates
(subregulation 19B (4))

[35] Schedule 4, table, item 2

substitute

2 AS/NZS 4234:2008, Heated water systems — Calculation of energy consumption
Schedule 2 Amendments commencing on 1 January 2011
(regulation 4)

[1] After Part 2
insert

Part 2A Clearing house for small-scale technology certificates

20G Operation of clearing house
(1) For subsection 30U (1) of the Act, the Regulator may operate the clearing house as part of the register of small-scale technology certificates.

(2) The clearing house transfer list is to be:
(a) maintained by electronic means; and
(b) made available for inspection on the internet.

(3) The Regulator must ensure that the clearing house transfer list is kept up to date.

(4) A person is not entitled to use the clearing house unless the person agrees to the terms and conditions determined by the Regulator for use of the clearing house.

(5) The Regulator must make the terms and conditions available to a person proposing to use the clearing house.

20H Application to enter small-scale technology certificates into clearing house
(1) For paragraph 30K (2) (c) of the Act, an application must be accompanied by the following information:
(a) the applicant’s ABN and ACN (if any);
(b) the name and contact details of a contact person for the application;
(c) whether the applicant is registered for GST or required to be registered for GST;
(d) the bank account details of an Australian bank into which the Regulator is to make payments to the applicant for the sale of the applicant’s small-scale technology certificates;
(e) the unique identification code for each small-scale technology certificate proposed to be entered into the clearing house;
(f) if the applicant is registered for GST or required to be registered for GST — whether there is any reason why the transfer of any of the applicant’s small-scale technology certificates to a purchaser under section 30N of the Act would not be a taxable supply.

(2) For paragraph 30K (2) (d) of the Act, the application must be accompanied by documents to establish the applicant’s identity.

(3) Subregulations (1) and (2) do not apply if:
(a) the transferee has previously provided the information and documents to the Regulator; and
(b) the information and documents remain current.

20I Entering small-scale technology certificates into the clearing house

For subsection 30L (1) of the Act, if more than 1 small-scale technology certificate is included in an application under section 30K of the Act, the Regulator may, subject to subsection 30L (2) of the Act, include the certificates on the clearing house transfer list in the order in which the Regulator considers appropriate.
20J Removing small-scale technology certificates from clearing house transfer list

For paragraph 30U (2) (d) of the Act, the Regulator may remove a small-scale technology certificate from the clearing house transfer list if:

(a) the certificate has, for any reason, ceased to be valid; or
(b) the removal of the certificate is necessary to comply with a court order; or
(c) the Regulator decides to withdraw the certificate from the list under regulation 20K.

20K Regulator may withdraw small-scale technology certificates from clearing house

(1) This regulation applies if a small-scale technology certificate is on the clearing house transfer list and the registered owner of the certificate transfers the certificate to another person (the transferee) otherwise than under Part 2A of the Act.

(2) For paragraph 30U (2) (c) of the Act, the Regulator may withdraw the certificate from the clearing house unless the transferee provides the Regulator with the following information and documents within the time specified in subregulation (3):

(a) the transferee’s ABN and ACN (if any);
(b) the name and work contact details of a contact person for the certificate;
(c) whether the transferee is registered for GST or required to be registered for GST;
(d) the bank account details of an Australian bank into which the Regulator is to make payments to the transferee for the transfer of the certificate;
(e) if the transferee is registered for GST or required to be registered for GST — whether there is any reason why the transfer of any of the transferee’s certificates to a purchaser under section 30N of the Act would not be a taxable supply;
(f) documents to establish the applicant’s identity.
(3) The information and documents must be provided to the Regulator by electronic communication:
   (a) within 7 days after the certificate is transferred to the transferee; or
   (b) no later than the day the certificate is listed at the top of the clearing house transfer list;
   whichever occurs first.

(4) The Regulator must, within 7 days after withdrawing the certificate from the clearing house, notify the transferee in writing of the withdrawal.

(5) Subregulation (2) does not apply if:
   (a) the transferee has previously provided the information and documents to the Regulator; and
   (b) the information and documents remain current.

20L Owner may request Regulator to withdraw small-scale technology certificates

(1) The registered owner of a small-scale technology certificate on the clearing house transfer list may, in writing, request the Regulator to withdraw the certificate from the clearing house.

(2) The request must be made by electronic communication to the Regulator.

(3) The electronic communication must be in the form specified by the Regulator.

20M Persons not entitled to purchase small-scale technology certificates through clearing house

(1) For subsection 30M (2) of the Act, a person is not entitled to make an application to purchase a small-scale technology certificate unless, before the person makes the application, the person is registered for GST and provides the Regulator with the following information and documents:
   (a) the person’s ABN or ACN (if any);
   (b) the name and work contact details of a contact person for the certificate;
(c) the bank account details of an Australian bank into which the Regulator is to make any refunds to the person under the Act;

(d) whether there is any reason why the transfer of the certificate to the person under section 30N or subsection 30P (3) of the Act would not be a taxable supply; and

(e) documents to establish the applicant’s identity.

(2) Subregulation (1) does not apply if:

(a) the person has previously provided the information and documents to the Regulator; and

(b) the information and documents remain current.

20N Small-scale technology certificates to be transferred or created within 3 days

(1) For paragraph 30U (2) (b) of the Act, if section 30N of the Act applies to an application to purchase a small-scale technology certificate, the Regulator must, in accordance with subsection 30N (2) of the Act, transfer the certificate within 3 business days after the GST inclusive clearing house price accompanying the application is received as cleared funds in the Regulator’s bank account.

(2) For paragraph 30U (2) (b) of the Act, if section 30P of the Act applies to an application to purchase a small-scale technology certificate, the Regulator must, in accordance with subsection 30P (2) of the Act, create the certificate within 3 business days after the GST inclusive clearing house price accompanying the application is received as cleared funds in the Regulator’s bank account.

20O Refunds

(1) This regulation is made for subparagraph 30U (2) (i) (i) of the Act and applies if the Regulator:

(a) has transferred 1 or more certificates to a purchaser; and

(b) is required under paragraph 30N (3) (b) of the Act to pay the seller the clearing house price for each certificate.
(2) The Regulator must pay into the purchaser’s bank account an amount equal to 10% of the clearing house price for each certificate.

(3) In this regulation:

bank account, for a purchaser, means the purchaser’s bank account, the details of which have been provided to the Regulator under paragraph 20M (c).

20P GST registration

(1) This regulation applies if the registered owner of a certificate that is on the clearing house transfer list becomes registered, or required to be registered, for GST, or ceases to be registered, or required to be registered, for GST, before the certificate is transferred to a purchaser under subsection 30N (2) of the Act.

(2) For subsection 30U (1) of the Act, the registered owner must notify the Regulator that the owner has become registered, or required to be registered, for GST or has ceased to be registered, or required to be registered, for GST.

(3) The notice must:

(a) be made by electronic communication; and

(b) be communicated to the Regulator within 7 days after the registered owner becomes registered, or required to be registered, for GST or ceases to be registered, or required to be registered, for GST.


insert

23A Prescribed percentage

For subsection 38AF (7) of the Act, the prescribed percentage is 10%.
23B **Energy acquisition statement lodged — requirements for Regulator exercising powers or functions**

(1) This regulation is made for subsection 38AF (9) of the Act and sets out the requirements the Regulator must comply with when exercising his or her functions or powers under section 38AF of the Act.

(2) If the Regulator is satisfied that the proposed amount specified in the liable entity’s application is the best estimate of the liable entity’s reduced acquisitions for the assessment year, the Regulator must determine that amount under paragraph 38AF (3) (a) of the Act.

(3) If the Regulator is not satisfied as mentioned in subregulation (2), the Regulator must, subject to subsection 38AF (5) of the Act, determine an amount that is the Regulator’s best estimate of the liable entity’s reduced acquisitions for the assessment year.

23C **No energy acquisition statement lodged — requirements for Regulator exercising powers or functions**

(1) This regulation is made for subsection 38AG (8) of the Act and sets out the requirements the Regulator must comply with when exercising his or her functions or powers under section 38AG of the Act.

(2) If the Regulator is satisfied that the proposed amount for a quarter specified in the liable entity’s application is the best estimate of 4 times the liable entity’s reduced acquisitions for the relevant quarter, the Regulator must determine that amount for the relevant quarter under paragraph 38AG (3) (a) of the Act.

(3) If the Regulator is not satisfied as mentioned in subregulation (2), the Regulator must, subject to subsection 38AG (5) of the Act, determine an amount that is the Regulator’s best estimate of 4 times the liable entity’s reduced acquisitions for the relevant quarter.
(4) In making a decision under subregulation (2) or (3), the Regulator must deduct, on a pro-rata basis, the estimated total amount of partial exemptions for the assessment year from each quarter’s relevant acquisitions.

23D Applications under section 38AF of Act

(1) This regulation is made for section 38AI of the Act and sets out the information that must be included in an application under section 38AF of the Act by a liable entity.

(2) The application must:

(a) set out the liable entity’s reasons for choosing the proposed amount; and

(b) include a written statement from a person with responsibility for the liable entity’s compliance with the Act that the proposed amount is the person’s best estimate of the amount of the liable entity’s reduced acquisitions for the year at the time of the application; and

(c) set out an estimate of the amount of relevant acquisitions made by the liable entity in the year before the day of the application; and

(d) set out any factors of which the liable entity is aware that could result in the amount of the liable entity’s reduced acquisitions being more, or less, than the proposed amount; and

(e) if the application is made before 1 April in the assessment year — set out the estimated amount of the liable entity’s previous year’s reduced acquisitions that would apply if the Regulator did not make a determination under section 38AF of the Act; and

(f) if the application is made after 1 April in the assessment year — set out the amount of the liable entity’s previous year’s reduced acquisitions that would apply if the Regulator did not make a determination under section 38AF of the Act.
23E Applications under section 38AG of Act

(1) This regulation is made for section 38AI of the Act and sets out the information that must be included in an application under section 38AG of the Act by a liable entity.

(2) The application must:

(a) set out the liable entity’s reasons for choosing the proposed amount; and

(b) include a written statement from a person with responsibility for the liable entity’s compliance with the Act that, subject to subregulation (3), the proposed amount is the person’s best estimate of 4 times the amount of the liable entity’s reduced acquisitions for a relevant quarter at the time of the application; and

(c) set out an estimate of the amount of the relevant acquisitions made by the entity in the year before the day of the application; and

(d) specify whether there is any quarter in which the liable entity has not, or is not likely to, make any relevant acquisitions; and

(e) set out any factors of which the liable entity is aware that could result in the amount of the liable entity’s reduced acquisitions being more, or less, than the proposed amount for a quarter.

(3) For paragraph (2) (b), the person is to assume that the total amount of partial exemptions are allocated on a pro-rata basis for the estimated amount of relevant acquisitions for the year.


substitute

24 Annual energy acquisition statements

(1) For paragraph 44 (2) (f) of the Act, an energy acquisition statement must set out the following information:

(a) the year to which the statement applies;

(b) the date of the statement;
(c) whether the liable entity must lodge a renewable energy shortfall statement for the year;
(d) how any small-scale technology shortfalls and large-scale generation shortfalls were calculated;
(e) the telephone number, fax number and email address (if any) of the liable entity;
(f) any large-scale generation shortfall charge refund owing under section 98 of the Act;
(g) any changes to information already given to the Regulator about the following matters for the liable entity:
   (i) ownership;
   (ii) company mergers;
   (iii) street address, telephone number, fax number and email address (if any);
   (iv) electricity supply arrangements;
(h) the year for which the renewable energy certificates are being surrendered;
(i) any adjustments to the information set out in an energy acquisition statement lodged in a previous year (for example, changes to the statement resulting from changes to the final settlement data issued by AEMO or IMO).

Note For other information that must also be included in the statement, see subsection 44 (2) of the Act.

(2) For paragraph 44 (6) (b) of the Act, an energy acquisition statement must be sent by post or fax to the Office of the Renewable Energy Regulator.

24A Surrender of small-scale technology certificates

For subparagraph 45 (1) (a) (ii) of the Act, the notice must be lodged electronically in the register of small-scale technology certificates.
24B  **Surrender of additional certificates**  
For paragraph 45C (2) (c) of the Act, the additional surrender notice must be lodged electronically in the register of large-scale generation certificates or the register of small-scale technology certificates, as the case requires.

25  **Annual large-scale generation shortfall statements**
(1) For paragraph 46 (3) (e) of the Act, an annual large-scale generation shortfall statement must set out the following information:
(a) the year to which the statement applies;
(b) the telephone number, fax number and email address (if any) of the liable entity;
(c) how any large-scale generation shortfall charge was worked out;
(d) any adjustments to the information set out in a large-scale generation shortfall statement lodged in a previous year (for example, changes to the statement resulting from changes to the final settlement data issued by AEMO or IMO).

*Note*  For other information that must also be included in the statement, see subsection 46 (3) of the Act.

(2) For paragraph 46 (6) (b) of the Act, a large-scale generation shortfall statement must be sent by post or fax to the Office of the Renewable Energy Regulator.

(3) If the large-scale generation shortfall statement is sent by fax, the original statement must also be sent by post to the Office of the Renewable Energy Regulator.

25A  **Annual small-scale technology shortfall statements**
(1) For paragraph 46 (5) (d) of the Act, an annual small-scale technology shortfall statement must set out the following information:
(a) the year to which the statement applies;
(b) the telephone number, fax number and email address (if any) of the liable entity;
(c) how the small-scale technology shortfall charge was worked out;
(d) any adjustments to the information set out in a small-scale technology shortfall statement lodged in a previous year (for example, changes to the statement resulting from changes to the final settlement data issued by AEMO or IMO).

Note For other information that must also be included in the statement, see subsection 46 (5) of the Act.

(2) For paragraph 46 (6) (b) of the Act, a small-scale technology shortfall statement must be sent by post or fax to the Office of the Renewable Energy Regulator.

(3) If the small-scale technology shortfall statement is sent by fax, the original statement must also be sent by post to the Office of the Renewable Energy Regulator.

[4] **Subregulation 28 (4)**

substitute

(4) For subsection 45E (1) of the Act, the fee for the surrender of a certificate under Subdivision A of Division 1 of Part 5 of the Act is 8 cents.

**Note**