



Renewable Energy (Electricity) Regulations 2001

Statutory Rules 2001 No. 2 as amended

made under the

Renewable Energy (Electricity) Act 2000

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Part 1 Preliminary

1 Name of Regulations [see Note 1]

These Regulations are the *Renewable Energy (Electricity) Regulations 2001*.

2 Commencement [see Note 1]

These Regulations commence on gazettal.

3 Definitions

(1) In these Regulations:

accredited body means a body accredited under the Joint Accreditation System of Australia and New Zealand to give product certification or component certification of solar water heaters.

Act means the *Renewable Energy (Electricity) Act 2000*.

auxiliary loss has the meaning given in regulation 3B.

bioenergy means the energy derived from the biomass components of an energy source mentioned in any of paragraphs (i) to (s) of the definition of eligible renewable energy source in subsection 17 (1) of the Act.

biomass means organic matter other than fossilised biomass.

Examples of fossilised biomass

Coal, lignite.

cogeneration means a power generation process that provides electricity and process heat as outputs.

component certification, of a solar water heater, means certification by an accredited body in relation to specified components of the solar water heater.

IMO means the Independent Market Operator, established under regulation 4 of the *Electricity Industry (Independent Market Operator) Regulations 2004 (WA)*.

Regulation 3

interconnected hydro-electric system means a hydro-electric system in which water can be directed from a common storage down different watercourses so that water can be diverted from 1 power station to another, altering the amount of electricity that can be generated by each power station.

national electricity market means the interconnected electricity grids in the participating jurisdictions in the National Electricity Rules.

native forest means a local indigenous plant community:

- (a) the dominant species of which are trees; and
- (b) containing throughout its growth the complement of native species and habitats normally associated with that forest type or having the potential to develop those characteristics; and
- (c) including a forest with those characteristics that has been regenerated with human assistance following disturbance; and
- (d) excluding a plantation of native species or previously logged native forest that has been regenerated with non-endemic native species.

NEM standard metering means the standard of metering mentioned in the National Electricity Rules.

network control ancillary services, for a power station, has the same meaning as in the National Electricity Rules.

plantation means an intensively managed stand of trees of native or exotic species, created by the regular placement of seedlings or seed.

product certification, of a solar water heater, means certification by an accredited body in relation to the design and manufacture of the solar water heater.

regional forest agreement has the meaning given by the *Export Control (Hardwood Wood Chips) Regulations 1996*.

Register of solar water heaters means the Register of solar water heaters kept by the Regulator under regulation 19C.

standby plant means an electricity generator that, for each of the immediately preceding 3 years:

- (a) produced less than 50 GWh; or

Regulation 3A

(b) had a load factor of less than 5%.

territorial sea has the meaning given by section 3 of the *Seas and Submerged Lands Act 1973*.

thinnings means the selective removal of trees and branches from a forest during the growing stage and at harvest.

- (2) For the definition of *small generation unit* in subsection 5 (1) of the Act:
- (a) a device whose energy source is hydro is a small generation unit if:
 - (i) it has a kW rating of no more than 6.4 kW; and
 - (ii) it generates no more than 25 MWh of electricity each year; and
 - (b) a device whose energy source is wind is a small generation unit if:
 - (i) it has a kW rating of no more than 10 kW; and
 - (ii) it generates no more than 25 MWh of electricity each year; and
 - (c) a device whose energy source is solar (photovoltaic) is a small generation unit if:
 - (i) it has a kW rating of no more than 100 kW; and
 - (ii) it generates no more than 250 MWh of electricity each year.

3A Conditions for solar water heater

- (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 if:
- (a) it is entered in the Register of solar water heaters; and
 - (aa) for the period, or on or after the date, it is stated in the Register for the device; and
 - (b) the device satisfies subregulation (2) or (3).

Solar water heaters — capacity not more than 700 L

- (2) A device satisfies this subregulation if:
- (a) the device has a capacity of not more than 700 L; and

Regulation 3A

- (b) an accredited body has given the device product certification to:
 - (i) Australian Standard 2712-2002 as in force on 27 August 2002; or
 - (ii) Australian Standard 2712-2002 as in force on 30 September 2005.

Solar water heaters — capacity more than 700 L

- (3) A device satisfies this subregulation if:
 - (a) the device has a capacity of more than 700 L; and
 - (b) an accredited body has given the device component certification to each of the Australian Standards that is relevant to the device and mentioned in clause 1.3 of:
 - (i) Australian Standard 2712-2002, as in force on 27 August 2002, as if the capacity of the device were not more than 700 L; or
 - (ii) Australian Standard 2712-2002, as in force on 30 September 2005, as if the capacity of the device were not more than 700 L; and
 - (c) the storage tank of the device meets:
 - (i) the requirements set out in Australian Standard 1056 as in force on 10 January 2000; or
 - (ii) the requirements set out in Australian Standard 1056 as in force on 19 September 2005; or
 - (iii) the requirements set out in Australian Standard 4692-2005 as in force on 27 September 2005; or
 - (iv) the requirements set out in the document called ‘Heat Loss Test Procedure for Solar Water Heaters with a Hot Water Storage Tank Greater than 630 L’, published by the Regulator on 29 May 2003.

Note A copy of the document mentioned in subparagraph (3) (c) (iv) is available by post from the Office of the Renewable Energy Regulator, GPO Box 621, Canberra ACT 2601 and is viewable and downloadable from the Regulator’s website: <http://www.orer.gov.au>.

Regulation 3B

3B Definition of *auxiliary loss*

- (1) For a power station, *auxiliary loss* means the amount of electricity used in generating electricity, and operating and maintaining the power station, but does not include any electricity used for network control ancillary services.
- (2) For a hydro-electric power station, *auxiliary loss* also includes the amount of electricity that is used to pump or to raise water before its release for hydro-electric generation.

Regulation 4

Part 2 Renewable energy certificates

Division 2.1 Accreditation

4 Eligibility for accreditation

- (1) For paragraph 14 (2) (b) of the Act:
 - (a) a power station that is in the national electricity market must use NEM standard metering; and
 - (b) a power station that is not in the national electricity market must use metering that enables the Regulator to determine the amount of electricity generated by the power station; and
 - (c) the power station must be operated in accordance with any relevant Commonwealth, State, Territory or local government planning and approval requirements.
- (2) For subsection 14 (4) of the Act, the guidelines are set out in Schedule 1.

5 1997 eligible renewable power baselines

For subsection 14 (4) of the Act, the guidelines for determining the 1997 eligible renewable power baseline for a power station are set out in Schedule 3.

Note See section 30F of the Act and Division 2.6 of these Regulations in relation to varying the 1997 eligible renewable power baseline for an accredited power station.

Division 2.2 Eligible renewable energy sources

6 Meaning of certain energy sources that are eligible renewable energy sources (Act s 17)

For subsections 17 (3) and (4) of the Act:

Regulation 7

agricultural waste means the putrescible biomass wastes produced during agricultural operations, including livestock husbandry.

biomass-based components of municipal solid waste means the biomass-based components of wastes that are directly sourced from, or eligible to be disposed of in, landfill or a waste transfer station that is licensed by a State or Territory government body or by a local government authority, but does not include biomass-based components of wastes originating from:

- (a) forestry or broadacre land clearing for agriculture, silviculture and horticulture operations; or
- (b) fossil fuels.

black liquor means the mixture arising from the chemical wood pulping process.

hot dry rock includes hot fractured rock.

landfill gas means the gas produced by the breaking down of the organic part of municipal landfills.

sewage gas means gas produced by the decomposition of domestic and commercial wastes that are collected from sewerage systems and treated by sewage treatment plants.

waste from processing of agricultural products means the biomass waste produced from processing agricultural products.

7 Meaning of certain energy sources that are not eligible renewable energy sources (Act s 17)

For subsection 17 (3) of the Act:

fossil fuels means any of the following:

- (a) coal, oil, natural gas or other petroleum-based products;
- (b) products, by-products and wastes associated with, or produced from, extracting and processing coal, oil, natural gas or other petroleum-based products.

Examples

Condensate liquids, coal seam methane, coal mine methane.

Regulation 8

waste products derived from fossil fuels means the components of waste streams that:

- (a) are made using, as raw materials, any material that is a fossil fuel for the Act; and
- (b) are products or by-products of manufacturing operations, including plastics, tyres, disposable nappies, synthetic carpets and synthetic textiles.

8 Meaning of *wood waste*

(1) For section 17 of the Act, *wood waste* means:

- (a) biomass:
 - (i) produced from non-native environmental weed species; and
 - (ii) harvested for the control or eradication of the species, from a harvesting operation that is approved under relevant Commonwealth, State or Territory planning and approval processes; and
- (b) a manufactured wood product or a by-product from a manufacturing process; and
- (c) waste products from the construction of buildings or furniture, including timber off-cuts and timber from demolished buildings; and
- (d) sawmill residue; and
- (e) biomass from a native forest that meets all of the requirements in subregulation (2).

Examples for paragraph (b)

Packing case, pallet, recycled timber, engineered wood product (including one manufactured by binding wood strands, wood particles, wood fibres or wood veneers with adhesives to form a composite).

(2) Biomass from a native forest must be:

- (a) harvested primarily for a purpose other than biomass for energy production; and
- (b) either:
 - (i) a by-product or waste product of a harvesting operation, approved under relevant Commonwealth, State or Territory planning and approval processes,

Regulation 8

- for which a high-value process is the primary purpose of the harvesting; or
- (ii) a by-product (including thinnings and coppicing) of a harvesting operation that is carried out in accordance with ecologically sustainable forest management principles; and
- (c) either:
- (i) if it is from an area where a regional forest agreement is in force — produced in accordance with any ecologically sustainable forest management principles required by the agreement; or
 - (ii) if it is from an area where no regional forest agreement is in force — produced from harvesting that is carried out in accordance with ecologically sustainable forest management principles that the Minister is satisfied are consistent with those required by a regional forest agreement.
- (3) For subparagraph (2) (b) (i), the primary purpose of a harvesting operation is taken to be a high-value process only if the total financial value of the products of the high value process is higher than the financial value of other products of the harvesting operation.
- (4) In this regulation:
- ecologically sustainable forest management principles*** means the following principles that meet the requirements of ecologically sustainable development for forests:
- (a) maintenance of the ecological processes within forests, including the formation of soil, energy flows, and the carbon, nutrient and water cycles;
 - (b) maintenance of the biological diversity of forests;
 - (c) optimisation of the benefits to the community from all uses of forests within ecological constraints.
- high-value process*** means the production of sawlogs, veneer, poles, piles, girders, wood for carpentry or craft uses, or oil products.

Regulation 9

9 Energy crops (Act s 17)

- (1) For section 17 of the Act, biomass from a plantation is not an energy crop unless all of the following apply to it:
 - (a) it must be a product of a harvesting operation (including thinnings and coppicing) approved under relevant Commonwealth, State or Territory planning and approval processes;
 - (b) it must be biomass from a plantation that is managed in accordance with:
 - (i) a code of practice approved for a State under regulation 4B of the Export Control (Unprocessed Wood) Regulations; or
 - (ii) if a code of practice has not been approved for a State as required under subparagraph (i), Australian Standard *AS 4708—2007 — The Australian Forestry Standard*;
 - (c) it must be taken from land that was not cleared of native vegetation after 31 December 1989 to establish the plantation.
- (2) For section 17 of the Act, biomass from a native forest is not an energy crop.

10 Special requirements — ocean, wave and tide

Electricity generated from an ocean, wave or tide energy source must be generated within the territorial sea of Australia.

Division 2.3 Eligible electricity generation

Subdivision 2.3.1 Accredited power stations

13 Working out electricity generation for a power station

For subsection 18 (3) of the Act, the amount of electricity generated by an accredited power station is worked out in accordance with regulations 14 to 16.

14 General formula

- (1) The amount of electricity generated by an accredited power station in a year is:

$$TLEG - (FSL + AUX + (DLEG \times (1 - MLF)))$$

where:

TLEG is the total amount of electricity, in MWh, generated by the power station in the year, as measured at all generator terminals of the power station in the year.

FSL is the amount (if any) of electricity, in MWh, generated by the power station in the year using energy sources that are not eligible renewable energy sources, worked out under regulation 15.

AUX is the auxiliary loss, in MWh, for the power station for the year.

Note See regulation 16 in relation to working out the auxiliary loss if some of the electricity generated by the power station in the year was generated using energy sources that are not eligible renewable energy sources.

DLEG is the amount of electricity, in MWh, transmitted or distributed by the power station in the year, measured:

- (a) if the power station is part of the national electricity market — at the point determined under the National Electricity Rules; or
- (b) in any other case — at the point determined by an authority of the State or Territory where the power station is.

MLF is the marginal loss factor, to allow for the amount of electricity losses in transmission networks, as determined by:

- (a) if the power station is part of the national electricity market — AEMO; or
- (b) in any other case — an authority of the State or Territory where the power station is.

- (2) If all the electricity generated by the accredited power station is used in the power station, or in the local distribution network, or in both the power station and the local distribution network, the marginal loss factor (**MLF**) for subregulation (1) is taken to be 1.

Regulation 15

- (3) If the amount calculated using the formula in subregulation (1) exceeds 1 MWh and results in an amount that is not a whole MWh, the amount must be rounded down to the nearest MWh.

15 Ineligible fuel component

For the purpose of regulation 14, the amount (*FSL*) of electricity generated by an accredited power station attributable to energy sources that are not eligible renewable energy sources is the amount worked out by converting the energy content of those energy sources into the equivalent number of MWh of electricity.

15A Electricity omitted from calculation

When determining the amount of electricity generated by an accredited power station, the following electricity is to be omitted from all calculations under regulation 14:

- (a) electricity that was generated by using an eligible renewable energy source that is not ecologically sustainable;
- (b) electricity that was not used to directly meet demand for electricity;
- (c) electricity generated in a power station where an approval to use an eligible renewable energy source:
 - (i) is required by a Commonwealth, State, Territory or local government authority; and
 - (ii) the nominated person for the power station is unable to give evidence of that approval.

Note *Ecologically sustainable* is defined in subsection 5 (1) of the Act.

16 Supplementary generation

For electricity generated by the power station from an energy source that is not an eligible renewable energy source, auxiliary losses from the system that are attributable to that source are to be deducted from the total auxiliary loss proportionately to the proportion of electricity generated from that source.

18 Electricity generation returns for accredited power stations (Act s 20)

- (1) For paragraph 20 (2) (d) of the Act, an electricity generation return for an accredited power station for a year must include the following:
- (a) the year to which the return relates;
 - (b) the nominated person's registration number;
 - (c) the identification code given to the power station;
 - (d) the telephone number, fax number and e-mail address (if any) of the power station;
 - (e) for each eligible renewable energy source used by the power station to generate electricity in the year:
 - (i) the amount of electricity generated; and
 - (ii) the number of certificates created by the nominated person for that electricity;
 - (f) any changes to information already given to the Regulator about the following matters in relation to the power station:
 - (i) ownership;
 - (ii) company mergers involving the owner or the operator;
 - (iii) street address, telephone number, fax number and e-mail address (if any);
 - (iv) electricity supply arrangements;
 - (v) generation capacity;
 - (g) the 1997 eligible renewable power baseline that applied to the power station for the year;
 - (h) the date when the power station became an accredited power station;
 - (i) if the power station was not an accredited power station for all of the year:
 - (i) the amount of electricity generated by the power station since it became accredited; and
 - (ii) the number of certificates created by the nominated person for that amount of electricity;

Regulation 19

- (j) if a certificate was created in the year for an amount of electricity generated by the power station in a previous year:
 - (i) the number of certificates created by the nominated person for the amount of electricity generated in each previous year; and
 - (ii) each eligible renewable energy source used to generate that electricity;
 - (k) information about any electricity that was imported into the power station in the year and how it was used;
 - (l) details of any breach of the conditions of a permit, or conviction for an offence, under any Commonwealth, State, Territory or local government law related to the operation of the power station during the year, or, if there was no breach or conviction during the year, a declaration to that effect.
- (2) The first return for an accredited power station after commencement of this regulation must also include the following:
- (a) for the years since gaining any accreditation under the Act, details of any breach of the conditions of a permit, or conviction for an offence, under any Commonwealth, State, Territory or local government law related to operation of the power station;
 - (b) if there was no breach or conviction for those years, a declaration to that effect.

Note See subsection 20 (2) of the Act for other information that must be included in an electricity generation return.

Subdivision 2.3.2 Solar water heaters

19 Creation of certificates for solar water heaters (Act s 21)

- (1) For subsection 21 (3) of the Act, the time at which a solar water heater is taken to have been installed is the day the heater is first able to produce and deliver hot water heated by solar energy, if this happens no more than 60 days from the start of installation of any component of the heater.

Regulation 19A

- (2) To avoid doubt, a solar water heater is taken to have been installed once only during the life of the unit.

Note Subsection 21 (2) of the Act provides that certificates may be created only within 12 months after the installation of the solar water heater.

19A Number of certificates (Act s 22)

- (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
 - (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.
- (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

Regulation 19B

- (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 by Regulator of number of certificates (Act s 22)

- (1) For subsection 22 (1) of the Act, the Regulator may make a written determination setting out the method to be used to determine the number of certificates that may be created for a particular model of solar water heater.
- (2) In making a determination under subregulation (1), the Regulator must have regard to:
 - (a) the method set out in the relevant Australian Standard, set out in Schedule 4, as in force immediately before the commencement of this regulation; and
 - (b) 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 a website kept by the Regulator, as in force immediately before the commencement of this regulation; and
 - (c) 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 a website kept by the Regulator, as in force immediately before the commencement of this regulation.

Regulation 19D

19C Register of solar water heaters (Act s 23AA)

- (1) The Regulator must establish and keep a register to be known as the Register of solar water heaters.
- (2) The Regulator must keep the Register in electronic form.
- (3) The Regulator must include the following information in the Register:
 - (a) the brand name and the model name of each solar water heater for which certificates may be created (an *eligible solar water heater*);
 - (b) zones in Australia determined by the Regulator:
 - (i) on the basis of climate and solar radiation levels; and
 - (ii) by reference to a range of postcodes, taking account of each postcode area in Australia;
 - (c) the number of certificates that may be created for each eligible solar water heater in each zone;
 - (d) the installation periods in which certificates may be created for each eligible solar water heater.
- (4) The Register must be accessible on a website kept by the Regulator.
- (5) For this regulation, the Regulator is taken, on the specified day, to have included in the Register the information set out in Schedule 7 to these Regulations, as in force immediately before the specified day.
- (6) In subregulation (5), the *specified day* means the day beginning 30 days after commencement of Schedule 1 to these Regulations.

Subdivision 2.3.3 Small generation units

19D Creation of certificates for small generation units (Act s 23A)

- (1) For subsection 23A (2) of the Act, the time at which a small generation unit is taken to have been installed is the day the unit is first able to produce and deliver electricity.

Regulation 20

- (2) For subsection 23A (3) of the Act, a right to create certificates for a small generation unit arises:
- (a) within 12 months of installation — for a 1-year period or a 5-year period; or
 - (b) if a right was previously exercised for a 1-year period under paragraph (a), the start of each subsequent 1-year period after installation — for an additional 1-year period or 5-year period; or
 - (c) if:
 - (i) a right was previously exercised for a 5-year period under paragraph (a); and
 - (ii) the Regulator is satisfied that the unit is still installed and likely to remain functional for the further 5 years;
the start of each subsequent 5-year period after installation — for a further 5-year period; or
 - (d) within 12 months of installation — for a 15-year period if:
 - (i) the unit is a solar (photovoltaic) system installed after 31 July 2005; and
 - (ii) no certificate has been created for the unit under paragraph (a), (b) or (c); and
 - (iii) the unit is designed and installed by a person accredited for stand-alone and grid-connected power systems under the Australian Business Council for Sustainable Energy accreditation scheme or the Clean Energy Council accreditation scheme.
- (3) Where a right to create certificates has been exercised under paragraph (2) (d) for a period of 15 years, no additional right to create certificates arises.

**20 Number of certificates that may be created
(Act s 23B)**

- (1) For subsection 23B (1) of the Act, the number of certificates that may be created for a small generation unit is the number that may be created:

Regulation 20

- (a) for a hydro-electric system — for the amount calculated by multiplying 0.00095 by the rated power output of the system, measured in kW, multiplied by:
 - (i) 4 000; or
 - (ii) the number of hours each year of hydro resource availability if those hours are greater than 4 000.
- (b) for a solar (photovoltaic) system — for the amount calculated by multiplying the zone rating of the system by the rated power output of the system measured in kilowatts-peak (kW_p);
- (c) for a wind turbine — for the amount calculated by multiplying 0.00095 by the rated power output of the system, measured in kW, multiplied by:
 - (i) 2 000; or
 - (ii) the number of hours each year of wind resource availability if those hours are greater than 2 000.

Note **Small generation unit** is defined in subregulation 3 (2). For certificates in relation to installations other than small generation units, see Divisions 2 and 3 of Part 2 of the Act.

- (2) For subregulation (1), the number of certificates worked out for an installation is:
 - (a) if the amount of electricity generated that is in excess of the 1997 renewable energy baseline for the small generation unit is at least 0.5 MWh but less than 1 MWh — 1; and
 - (b) in any other case — the number calculated under subregulations (2A) and (2B).
- (2A) If a small generation unit has a rated power output of more than 1.5kW (**output power**), the number of certificates created for the unit is to be calculated as follows:
 - (a) by first adding together:
 - (i) the number of certificates created for the first 1.5 kW of the unit's output power (as multiplied in accordance with regulation 20AA); and
 - (ii) the number of certificates created for the remainder of the unit's output power; and

Regulation 20AA

- (b) then by rounding down the number of certificates arrived at under paragraph (a) to the nearest whole number.
- (2B) If the small generation unit has a rated power output of 1.5kW or less, the number of certificates created for the unit is to be calculated as follows:
 - (a) by first multiplying the number of certificates in accordance with regulation 20AA; and
 - (b) then by rounding down the number of certificates arrived at under paragraph (a) to the nearest whole number.
- (3) For subparagraph (1) (a) (ii), hydro resource availability of more than 4 000 hours each year must be demonstrated by a site-specific assessment.
- (4) For paragraph (1) (b):
 - (a) the zone rating of the system is the rating mentioned in an item in Part 1 of Schedule 5 for the zone where the system is installed; and
 - (b) the zone where the system is installed is the zone mentioned in an item in Part 2 of Schedule 5 for the postcode where the system is installed.
- (5) For paragraph (1) (c) (ii), wind resource availability of more than 2 000 hours each year must be demonstrated by a site-specific wind audit.

20AA Multiplying number of certificates (Act s 23B)

- (1) This regulation is made for subsections 23B (2) and (3) of the Act.
- (2) Subject to subregulation (3), the number of certificates that may be created in relation to a small generation unit that is installed during a period specified in column 1 of an item in the following table is to be multiplied by the number in column 2 of the item.

Multiplier for certificates for small generation units

Item	Column 1 Period	Column 2 Number
1	9 June 2009 to 30 June 2010	5
2	1 July 2010 to 30 June 2011	5
3	1 July 2011 to 30 June 2012	5
4	1 July 2012 to 30 June 2013	4
5	1 July 2013 to 30 June 2014	3
6	1 July 2014 to 30 June 2015	2

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

- (3) The number of certificates is to be multiplied in accordance with subregulation (2):
- (a) only if:
- (i) the small generation unit in respect of which the certificates are created is installed at eligible premises during a period mentioned in the table in subregulation (2); and
 - (ii) at the time the small generation unit is installed at the eligible premises, there is no pre-approval or funding agreement in force in respect of the unit under the SHCP, the RRP GP or the NSSP and no financial assistance has been provided in respect of the unit under the SHCP, the RRP GP or the NSSP; and
 - (iii) at the time the small generation unit is installed at the eligible premises, financial assistance under the SHCP, the PVRP, the RRP GP or the NSSP has not been approved or provided in respect of any other small generation unit at the eligible premises; and
 - (iv) the small generation unit is a new and complete unit; and
 - (v) at the time the small generation unit is installed at eligible premises, certificates have not been multiplied under subregulation (2) in respect of any small generation unit at the premises; and

Regulation 20AA

- (b) on 1 occasion only, irrespective of whether the certificates are created for a 1-year period, a 5-year period or a 15-year period; and
 - (c) only if the certificates relate to the first 1.5 kW of the rated power output of the unit.
- (4) For subparagraph (3) (a) (iv), a small generation unit is a **complete unit** if:
- (a) the unit is capable of generating electricity in a form that is usable at the eligible premises where it is installed without the need for an additional part or parts to be added to or incorporated into the unit; and
 - (b) either:
 - (i) the unit is wired directly to the eligible premises where the unit is installed so that its output is capable of being metered at those premises; or
 - (ii) the unit includes a meter that is dedicated to measuring the electricity output of the unit.
- (5) In this regulation:
- eligible premises** means any of the following:
- (a) a house (including the land on which the house is located and any outbuildings on the land);
 - (b) a townhouse;
 - (c) a residential apartment;
 - (d) a shop (including the land on which the shop is located and any outbuildings on the land);
 - (e) premises, other than premises mentioned in paragraphs (a) to (d), that are located at an address.

NSSP means the program known as the National Solar Schools Program administered by the Department administered by the Minister administering the *Environment Protection and Biodiversity Conservation Act 1999*.

PVRP means the program known as the Photovoltaic Rebate Program administered by the Australian Greenhouse Office.

RRPGP means the program known as the Renewable Remote Power Generation Program administered by the Department

Regulation 20B

administered by the Minister administering the *Environment Protection and Biodiversity Conservation Act 1999*.

SHCP means the program known as the Solar Homes and Communities Plan administered by the Department administered by the Minister administering the *Environment Protection and Biodiversity Conservation Act 1999*.

20AB Regulator may make determinations about particular premises

- (1) For the purposes of paragraph (e) of the definition of *eligible premises* in subregulation 20AA (5), the Regulator may, by legislative instrument, determine that:
 - (a) specified premises are premises located at an address; or
 - (b) specified premises are not premises that are located at an address.
- (2) The Regulator must publish details of any determination made by the Regulator on the Regulator's website.

20A Assignment of small generation unit certificates (Act s 23C)

For subsection 23C (2) of the Act, a right to create a certificate for a small generation unit under regulation 19D may be assigned for a 1-, 5- or 15-year period.

20B Election to not create certificates (Act s 23E)

For the definition of *qualifying small generation unit* in subsection 23E (5) of the Act, a kind of small generation unit is a device:

- (a) with an energy source that is solar (photovoltaic); and
- (b) that has a kW rating from 10 kW to 100 kW (inclusive); and
- (c) that generates from 25 MWh to 250 MWh (inclusive) of electricity each year.

Regulation 20C

Division 2.4 Solar water heater and small generation unit returns

20C Information to be included in return (Act s 23F)

For paragraph 23F (2) (d) of the Act, a solar water heater return and small generation unit return must include the following information:

- (a) the year to which the return relates;
- (b) the person's registration number;
- (c) the telephone number, fax number and e-mail address (if any) of the person;
- (d) for a solar water heater return, the following:
 - (i) the number of units installed in the year;
 - (ii) details of any certificates assigned under subsection 23 (2) of the Act;
 - (iii) the number of certificates found ineligible for registration in the year;
 - (iv) the reasons for certificates being found ineligible for registration in the year;
- (e) for a small generation unit return, the following:
 - (i) the number and type of unit for which a certificate was created in the year and the period of time for which the certificate was created;
 - (ii) details of any certificates assigned under subsection 23C (2) of the Act;
 - (iii) the number of certificates found ineligible for registration in the year;
 - (iv) the reasons for certificates being found ineligible for registration in the year;
- (f) the process used by the person to ensure that certificates created or assigned under Subdivision B or BA of Division 4 of Part 2 of the Act are eligible for registration.

Note For other information that must also be included in the return, see Act, subsection 23F (2).

Division 2.5 Suspending accreditation of a power station

20D Circumstances for suspending accreditation of an accredited power station (Act s 30E)

For subsection 30E (5) of the Act, the Regulator may suspend the accreditation of an accredited power station if:

- (a) the power station no longer generates electricity using an eligible renewable energy source; or
- (b) the power station is in the national electricity market and no longer uses standard metering that meets the requirements set by the National Electricity Rules; or
- (c) the power station is not in the national electricity market and no longer uses metering which allows the Regulator to determine the amount of electricity generated by the power station.

Division 2.6 Varying 1997 eligible renewable power baseline for an accredited power station

20E Circumstances for varying 1997 eligible renewable power baseline for an accredited power station (Act s 30F)

Application made to Regulator

- (1) For subsections 30F (1) and (2) of the Act, the Regulator may vary the 1997 eligible renewable power baseline for an accredited power station if:
 - (a) one or more of the following situations arise:
 - (i) the nominated person for the power station becomes aware that information used to determine the baseline was inaccurate, misleading or incomplete; or

Regulation 20E

- (ii) the nominated person for the power station becomes aware of an error in the determination of the baseline; or
 - (iii) an action or policy of the Commonwealth Government reduces the power station's ability to generate electricity using an eligible renewable energy source for a sustained period (for example, if the action or policy requires water to be diverted from one power station to another power station); and
- (b) the nominated person makes an application to the Regulator in the manner set out in subregulation (3), to vary the 1997 eligible renewable power baseline; and
- (c) the Regulator considers the application, taking into account, as appropriate, the matters set out in subregulation (4), and decides that the 1997 eligible renewable power baseline should be varied.

On Regulator's own initiative

- (2) For subsections 30F (1) and (2) of the Act, the Regulator may, on his or her own initiative, vary the 1997 eligible renewable power baseline for an accredited power station if:
- (a) the Regulator becomes aware that 1 or more of the following situations has arisen:
 - (i) that information used to determine the baseline was inaccurate, misleading or incomplete;
 - (ii) that there is an error in the determination of the baseline;
 - (iii) an action or policy of the Commonwealth Government reduces the power station's ability to generate electricity using an eligible renewable energy source for a sustained period (for example, if the action or policy requires water to be diverted from one power station to another power station); and

Regulation 20E

- (b) the Regulator gives the nominated person written notice stating:
 - (i) that the Regulator is considering whether to vary the baseline; and
 - (ii) the reasons for the possible variation; and
 - (iii) that the nominated person may give to the Regulator, by the date and in the form (if any) specified in the notice, any information that may assist the Regulator in deciding whether to vary the baseline; and
- (c) the Regulator, having become aware of the situation and taking into account any information provided by the nominated person in response to a notice under paragraph (b), decides that the 1997 eligible renewable power baseline should be varied.

Form of application

- (3) An application by a nominated person for an accredited power station for a variation of the 1997 eligible renewable power baseline for the power station:
 - (a) must be in writing; and
 - (b) must state the circumstance in paragraph (1) (a) on the basis of which the request is made; and
 - (c) must include, or be accompanied by, a statement explaining the reasons why the variation should be made and setting out any other relevant information.

Special considerations

- (4) If the nominated person for a hydro-electric power station requests a variation of the 1997 eligible renewable power baseline for the power station on the basis of the situation mentioned in subparagraph (1) (a) (iii), the Regulator must, in deciding whether to vary the baseline, consider the following matters:
 - (a) whether any water diverted to or from the power station is a direct result of an action or policy of the Commonwealth Government;
 - (b) the release patterns of any diverted water flows;

Regulation 20F

- (c) whether any diverted water flows pass through the power station;
- (d) if any water was diverted from the power station — the water-to-generation ratio of the power station;
- (e) if the power station is part of a group of interconnected power stations — the water-to-generation ratio of the group of interconnected power stations.

20F Notification of determination under regulation 20E

- (1) If the Regulator makes a determination varying the 1997 eligible renewable power baseline for an accredited power station (whether at the request of the nominated person for the power station or on his or her own initiative), the Regulator must, as soon as practicable after making the determination, give to the nominated person:
 - (a) a copy of the determination; and
 - (b) a statement of the reasons for the determination.
- (2) If, after considering a request from a nominated person for an accredited power station, the Regulator makes a determination not to vary the 1997 eligible renewable power baseline for the power station, the Regulator must, as soon as practicable after making the determination, give to the nominated person:
 - (a) a copy of the determination; and
 - (b) a statement of the reasons for the determination.

Note A determination varying the 1997 eligible renewable power baseline for an accredited power station is a reviewable decision under section 66 of the Act.

Part 3 Acquisition of electricity

21A Prescribed person or body

For paragraphs 31 (2) (c) and 32 (1) (a) and section 34 of the Act, the IMO is prescribed.

21 Amount of electricity acquired

- (1) For subsection 31 (3) of the Act, the amount of electricity acquired under a relevant acquisition is:
 - (a) if the electricity is acquired from AEMO or IMO — the amount worked out on the basis of metering data used for AEMO or IMO settlement statements; or
 - (b) if the electricity is acquired directly from the person who generated the electricity at the interface between the transmission and distribution system — the amount worked out using:
 - (i) AEMO or IMO equivalent settlement data; or
 - (ii) if the person who generated the electricity and the liable entity are not in the same distribution network — customer purchase data adjusted to the node, or node equivalent, by using the applicable distribution loss factor; or
 - (iii) generation data adjusted to the node, or node equivalent, by using the applicable marginal loss factor or equivalent; or
 - (c) if the electricity is used outside the site of generation but in the same distribution network — the amount worked out using, depending on the applicable contractual arrangements:
 - (i) the amount generated, as metered at the power station's grid connection point; or
 - (ii) the acquisition as metered at the customer's grid connection point; or

Regulation 22

- (d) if the electricity is acquired at the site of the generation — the amount of metered electricity at the point on which the contractual arrangement is based; or
 - (e) if none of paragraphs (a) to (d) applies:
 - (i) the amount of metered or calculated electricity provided at the interface between the transmission and distribution system; or
 - (ii) the amount of metered or calculated electricity at the point at which ownership of the electricity changes, in accordance with contractual arrangements.
- (2) In paragraphs (1) (b), (c), and (e), the method of calculation used is to be chosen by the Regulator after consultation with the liable entity.

22 Capacity of grids

For subsection 31 (3) of the Act, the capacity of a grid is the sum of all installed electricity generation capacity of the grid other than:

- (a) standby plant; and
- (b) privately owned domestic generators.

Part 4 **Renewable energy shortfall charge**

23 **Renewable power percentage**

For subsection 39(1) of the Act, the renewable power percentage is:

- (a) for 2001 — 0.24%; and
- (b) for 2002 — 0.62%; and
- (c) for 2003 — 0.88%; and
- (d) for 2004 — 1.25%; and
- (e) for 2005 — 1.64%; and
- (f) for 2006 — 2.17%; and
- (g) for 2007 — 2.70%; and
- (h) for 2008 — 3.14%; and
- (i) for 2009 — 3.64%.

Regulation 25

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

25 Annual renewable energy shortfall statements

- (1) For paragraph 46 (2) (f) of the Act, an annual renewable energy shortfall statement must set out the following information:
- (a) the year to which the statement applies;
 - (b) the telephone number, fax number and e-mail address (if any) of the liable entity;
 - (c) how the renewable energy shortfall charge was worked out;
 - (d) any adjustments to the information set out in a renewable energy 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 Act, subsection 46 (2).

- (2) For paragraph 46 (3) (b) of the Act, a renewable energy shortfall statement must be sent by post or fax to the Office of the Renewable Energy Regulator.
- (3) If the renewable energy shortfall statement is sent by fax, the original statement must also be sent by post to the Office of the Renewable Energy Regulator.

Regulation 26

Part 6 Administration**26 Seizing and disposing of property**

- (1) For subsection 94 (2) of the Act, this regulation sets how an authorised person may seize and dispose of the property of a deceased person.
- (2) After property is seized, the authorised person must keep it secure until the authorised person disposes of it.
- (3) On a sale of land under this regulation, the authorised person must comply with the law of the State or Territory where the land is situated for the transfer of title to land.
- (4) The authorised person may sell as much of the property that is seized as will, in the opinion of the authorised person, be sufficient to raise the amount mentioned in subsection 94 (1) of the Act.
- (5) A sale of seized property must take place as soon as possible after the property is seized.
- (6) After the authorised person sells seized property, he or she:
 - (a) may keep the reasonable costs incurred by him or her; and
 - (b) must give any remaining amount to the Regulator.
- (7) The authorised person must tell the Regulator if the sale of all available property of the deceased person raises less than the amount mentioned in subsection 94 (1) of the Act.

27 Identity cards for authorised officers

For subsection 108 (1) of the Act, an identity card must include:

- (a) the signature of the authorised officer; and
- (b) the name and office of the authorised officer; and
- (c) the date the card expires; and

Regulation 28

- (d) any other information that may be necessary to indicate that the officer is authorised to exercise powers or to perform functions under the Act.

28 Fees

- (1) For paragraph 10 (2) (d) of the Act:
- (a) the fee for an application for registration is \$20; and
 - (b) the fee for an application for registration as a person to whom certificates may be assigned under subsection 23 (2) or 23C (2) of the Act is \$250.
- (2) For paragraphs 12A (2) (f) and 13 (2) (e) of the Act, the fee for an application for provisional accreditation or accreditation is:

Item	Generator	1997 eligible renewable power baseline type	Fee
1	< 10 kW, small generation unit or solar water heater for which the right to create certificates is not assigned under subsection 23 (2) or 23C (2) of the Act	Any baseline	\$20
2	< 10MW, other than small generation unit or solar water heater to which item 1 applies	(a) default or nil baseline (b) special baseline with data (c) special baseline without required data (modelling required)	\$50 \$150 \$250
3	≥ 10 MW, ≤ 25 MW	(a) default or nil baseline (b) special baseline with data (c) special baseline without required data (modelling required)	\$200 \$500 \$1 000
4	> 25 MW	(a) default or nil baseline (b) special baseline with data (c) special baseline without required data (modelling required)	\$1 000 \$1 700 \$3 000

Regulation 28

- (3) For subsection 26 (3A) of the Act, the fee for registration of a certificate is as follows:
- (a) for the first 250 certificates registered — nil;
 - (b) for the 251st certificate registered — \$20.08;
 - (c) for all certificates registered after the 251st certificate — 8 cents.
- (4) For subsection 44 (5) of the Act, the fee for surrender of a certificate is 8 cents.
- (5) For section 98 of the Act, the administration fee for a certificate surrendered by a liable entity under section 95 of the Act for a charge year is:

$$\frac{\text{Total of certificate values}}{\text{Number of certificates}} \times P$$

where:

total of certificate values is the total of the certificate values of all certificates surrendered by the liable entity under paragraph 95 (1) (b) for that year.

number of certificates is the number of certificates surrendered by the liable entity under section 95 for that year.

P is:

- (a) if the total of certificate values for the number of certificates surrendered for the charge year is less than \$1 000 — 2%; or
- (b) if the total of certificate values for the number of certificates surrendered for the charge year is at least \$1 000 but less than \$5 000 — 1.5%; or
- (c) if the total of certificate values for the number of certificates surrendered for the charge year is at least \$5 000 but less than \$15 000 — 1%; or
- (d) if the total of certificate values for the number of certificates surrendered for the charge year is \$15 000 or more — 0.5%.

Note For the meaning of ***certificate value***, see section 96 of the Act.

Schedule 1 Guidelines for determining components of electricity generation system that are taken to be part of a power station

(subregulation 4 (2))

1 General

1.1 Components of an electricity generation system that may be taken to be part of a power station for the Act include any of the following, whether or not they are owned by the operator of the system, that are integral to the operation of the system and the generation of electricity:

- (a) any component that operates to transform an eligible renewable energy source into electricity;
- (b) any infrastructure of the system, including buildings, fuel storage areas, fuel handling devices, information technology, instrumentation and controls.

1.2 The components of a supplementary power supply for an electricity generation system are taken to be components of the system that may be taken to be part of a power station for the Act.

Note To the extent that a supplementary power supply uses energy sources that are not eligible renewable energy sources or that are generated during any period of suspension of accreditation of the accredited power station, the electricity generated is to be omitted in calculating the amount of electricity generated by the power station: see Act, subsection 18 (4).

1.3 If fuel is processed in an electricity generation system before it is converted to electrical energy, the fuel processing and delivery components of the system may be taken to be part of a power station for the Act.

- 1.4 A long-term storage hydro-electric dam that provides water to 2 or more power stations is to be taken to be a component of each power station affected by release of water from the dam.
- 1.5 This Schedule is not intended to limit the kind of components of an electricity generation system that may be taken to be part of a power station for the Act.

2 Bioenergy

- 2.1 The following components of an electricity generation system that uses bioenergy may be taken to be part of a power station for the Act:
- (a) buildings and stationary infrastructure;
 - (b) combustion system, including waste heat boilers;
 - (c) combustion or steam turbine;
 - (d) compressor;
 - (e) control system;
 - (f) cooling tower;
 - (g) digestion tank;
 - (h) feedstock preparation;
 - (i) fuel storage, transport and processing system;
 - (j) gas cleaning system;
 - (k) gasifier;
 - (l) generator;
 - (m) heat recovery system;
 - (n) mechanical cleaner;
 - (o) oxygen supply system;
 - (p) particulate removal system;
 - (q) pumping equipment;
 - (r) switchyard and transformer;
 - (s) thermal reactor;
 - (t) water supply and treatment system.

3 Co-firing

- 3.1 If an electricity generation system co-fires an energy source that is not an eligible renewable energy source and fuel from an eligible renewable energy source, each component of the system (regardless of the kind of energy source used to fuel the component) may be taken to be part of a power station for the Act.

4 Fuel cell

- 4.1 The following components of an electricity generation system that is a fuel cell may be taken to be part of a power station for the Act:
- (a) air filter;
 - (b) anode, electrolyte and cathode;
 - (c) catalytic converter;
 - (d) control system;
 - (e) cooling system;
 - (f) desulphuriser;
 - (g) power conditioner;
 - (h) pumping equipment;
 - (i) steam generator;
 - (j) waste heat recovery system;
 - (k) water filter.

5 Geothermal electricity generation

- 5.1 The following components of a geothermal electricity generation system may be taken to be part of a power station for the Act:
- (a) control system;
 - (b) generator;
 - (c) transformer;
 - (d) turbine;
 - (e) water treatment system;

- (f) well;
- (g) working fluid.

6 Hydro-electricity

- 6.1 The following components of a hydro-electric electricity generation system may be taken to be part of a power station for the Act:
- (a) control, telemetering and protection system;
 - (b) turbine, generator, associated buildings, transformer and grid connection;
 - (c) water channelling infrastructure;
 - (d) water discharge system;
 - (e) water intake system;
 - (f) water storage or weir;
 - (g) for a pumped storage hydro-electric power station — pumping equipment.

7 Ocean, wave and tide

- 7.1 The following components of an ocean, wave or tide electricity generation system may be taken to be part of a power station for the Act:
- (a) the equipment used:
 - (i) to channel or trap water; or
 - (ii) to exchange heat; or
 - (iii) to provide for air or water flow;
 - (b) generators;
 - (c) turbines.

8 Solar electricity generation

- 8.1 The following components of a solar electricity generation system may be taken to be part of a power station for the Act:
- (a) device for converting incident solar energy to electrical energy;

Examples

Photovoltaic panels, solar thermal collectors.

- (b) enabling equipment, including:
 - (i) DC and AC cabling;
 - (ii) energy storage system, including specially designed batteries;
 - (iii) inverter for converting DC output of a generator to AC;
 - (iv) backup power supply;
 - (v) framework and housing for the system;
 - (vi) trackers and sensors;
 - (vii) instrumentation;
 - (viii) control system.

10 Wind

10.1 The following components of an electricity generation system that is a wind farm may be taken to be part of a power station for the Act:

- (a) rotor;
- (b) generator;
- (c) control system;
- (d) tower;
- (e) cabling to transformer and other wind turbines;
- (f) battery.

Schedule 3 Guidelines for determining 1997 eligible renewable power baseline for a power station

(regulation 5)

1 Nil baselines

- 1.1 The 1997 eligible renewable power baseline for a power station is nil if:
- (a) before 1 January 1997, the power station generated electricity using an energy source that was not an eligible renewable energy source and, on or after that date, the power station began generating electricity using an eligible renewable energy source; or
 - (b) the power station began generating electricity for the first time on or after 1 January 1997, and all or part of the electricity was generated using an eligible renewable energy source; or
 - (c) the power station was built after 1 January 1997 to take advantage of a change in water flow as a result of an action or policy of the Commonwealth Government to divert water from one power station to another.

2 Default baselines

- 2.1 For a power station that generated electricity using an eligible renewable energy source before 1 January 1997, the 1997 eligible renewable power baseline is the average of the annual electricity generated from eligible renewable energy sources in 1994, 1995 and 1996 (the *reference period*), worked out in accordance with Subdivision 2.3.1.
- 2.2 If the amount of electricity generated using an eligible renewable energy source was not measured in the manner provided by these Regulations, the amount should be estimated from the measurements that were made and worked out in accordance with Subdivision 2.3.1.

-
- 2.3 However, if the power station did not generate electricity using an eligible renewable energy source continuously in the reference period, the Regulator may:
- (a) for a power station that generated electricity using an eligible renewable energy source for at least 24 months in the reference period:
 - (i) extrapolate the amount of electricity generated using an eligible renewable energy source or, in consultation with the nominated person for the power station, model the output of the power station over the months when electricity was not generated, based on fuel use, plant capacity and plant technology; and
 - (ii) if, in the reference period, the power station began to generate electricity using an eligible renewable energy source, or increased its capacity to generate electricity using an eligible renewable energy source — model the output of the power station over the year when the power station began to generate electricity or increased its capacity to generate electricity, based on fuel use, plant capacity and plant technology; or
 - (b) for a power station that generated electricity using an eligible renewable energy source for less than 24 months in the reference period:
 - (i) in consultation with the nominated person for the power station, model the output of the power station over the months when electricity was not generated, based on fuel use, plant capacity and plant technology; and
 - (ii) if, in the reference period, the power station began to generate electricity using an eligible renewable energy source, or increased its capacity to generate electricity using an eligible renewable energy source — model the output of the power station over the year when the power station began to generate electricity or increased its capacity to generate electricity, based on fuel use, plant capacity and plant technology.

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- 2.4 If, in the reference period, the power station generated, on an intermittent basis, electricity using an eligible renewable energy source, the Regulator may consider the level of operation at a particular time to be representative of a full year's production.
- 2.5 However, subclause 2.4 applies only if the intermittent nature of the production was caused by the cyclical availability of fuel.

3 Special baselines

- 3.1 This clause applies to a power station that generates electricity using an eligible renewable energy source.
- 3.1A The nominated person for the power station may apply to the Regulator, or the Regulator may decide on his or her own initiative, to determine a 1997 eligible renewable power baseline for the power station in a manner different from that set out in clause 2, if:
- (a) the nominated person or the Regulator considers that a period other than the reference period mentioned in clause 2 would be more representative of the normal operational cycles of the power station; and
 - (b) any of the conditions mentioned in subclause 3.2 are satisfied.
- 3.2 The Regulator may determine a 1997 eligible renewable power baseline for the power station in a manner different from that set out in clause 2 if:
- (a) electricity generated using an eligible renewable energy source by the power station is linked to seasonal variations of longer than 3 years; or
 - (aa) measurement for the reference period would not be representative of 1997 levels of generation; or
 - (b) at any time in the reference period, there were major changes to the infrastructure or operating environment of the power station; or
 - (c) determining the baseline in accordance with clause 2 would cause hardship for the nominated person; or

-
- (d) the amount of electricity generated by the power station before 1994 using an eligible renewable energy source was significantly different from that generated in the reference period for reasons other than the capacity of the power station, demand for electricity or other operating constraints; or
 - (e) at any time in the reference period, the power station's capacity to generate electricity using an eligible renewable energy source, or its output, was significantly reduced by unplanned outages or other operating constraints; or
 - (f) an action or policy of the Commonwealth government directly reduced the power station's capacity to generate electricity using an eligible renewable energy source for a sustained period.
- 3.3 In determining a 1997 eligible renewable power baseline for the power station in a manner different from that set out in clause 2, the Regulator should take into account:
- (a) the need for the baseline to be representative of the amount of electricity the power station could have generated using an eligible renewable energy source in 1997 under normal conditions; and
 - (b) the generation capacity of the power station; and
 - (c) the amount of electricity the power station has had to generate using an eligible renewable energy source to meet the requirements of the electricity grid; and
 - (d) any other matters that might have affected the amount of electricity the power station generated using an eligible renewable energy source; and
 - (e) any other information provided by the nominated person about electricity generated by the power station.
- 3.3A For subclause 3.3, the Regulator may take into account information about 1997 or later years.
- 3.4 Subclause 3.5 applies to a power station:
- (a) that is closed for at least 3 years continuously after 1 January 1997; and
 - (b) that is refurbished at a cost of at least half the replacement cost of the power station at the same capacity.

- 3.5 The power station may be considered to be a new power station.

6 Baselines in 2001

- 6.1 For 2001, the 1997 eligible renewable power baseline for a power station is taken to be three-quarters of the baseline determined for the power station.

Schedule 4 **Determination of solar water heater certificates**

(paragraph 19B (2) (a))

Item	Australian Standard
1	AS/NZS 2535.1:2007, 'Test methods for solar collectors — Thermal performance of glazed liquid heating collectors including pressure drop'
2	AS 4234—1994, 'Solar water heaters - Domestic and heat pump — Calculation of energy consumption'
3	AS/NZS 4692.1:2005, 'Electric water heaters — Energy consumption, performance and general requirements'

Schedule 5 Zone ratings and zones for solar (photovoltaic) systems

(subregulation 20 (4))

Part 1 Zone ratings

Item	Zone	Rating
1	1	1.622
2	2	1.536
3	3	1.382
4	4	1.185

Part 2 Zones

Item	Postcodes		Zone	Item	Postcodes		Zone
	From	To			From	To	
1	0000	0799	3	16	2411	2414	2
2	0800	0869	2	17	2415	2536	3
3	0870	0879	1	18	2537	2537	4
4	0880	1000	2	19	2538	2544	3
5	1001	2356	3	20	2545	2557	4
6	2357	2357	2	21	2558	2626	3
7	2358	2384	3	22	2627	2629	4
8	2385	2393	2	23	2630	2630	3
9	2394	2395	3	24	2631	2639	4
10	2396	2398	2	25	2640	2820	3
11	2399	2399	3	26	2821	2842	2
12	2400	2400	2	27	2843	2872	3
13	2401	2404	3	28	2873	2874	2
14	2405	2407	2	29	2875	2876	3
15	2408	2410	3	30	2877	2889	2

Item	Postcodes		Zone	Item	Postcodes		Zone
	From	To			From	To	
31	2890	2897	3	59	4000	4416	3
32	2898	2899	4	60	4417	4417	2
33	2900	2999	3	61	4418	4422	3
34	3000	3390	4	62	4423	4423	2
35	3391	3398	3	63	4424	4426	3
36	3399	3413	4	64	4427	4473	2
37	3414	3426	3	65	4474	4476	1
38	3427	3474	4	66	4477	4478	2
39	3475	3514	3	67	4479	4485	1
40	3515	3516	4	68	4486	4490	2
41	3517	3520	3	69	4491	4492	1
42	3521	3524	4	70	4493	4499	2
43	3525	3538	3	71	4500	4721	3
44	3539	3539	4	72	4722	4722	2
45	3540	3549	3	73	4723	4723	3
46	3550	3560	4	74	4724	4735	2
47	3561	3569	3	75	4736	4736	1
48	3570	3570	4	76	4737	4824	3
49	3571	3606	3	77	4825	4827	2
50	3607	3617	4	78	4828	4828	3
51	3618	3622	3	79	4829	4829	2
52	3623	3628	4	80	4830	5261	3
53	3629	3657	3	81	5262	5263	4
54	3658	3684	4	82	5264	5270	3
55	3685	3687	3	83	5271	5300	4
56	3688	3724	4	84	5301	5429	3
57	3725	3731	3	85	5430	5450	2
58	3732	3999	4	86	5451	5653	3

Item	Postcodes		Zone	Item	Postcodes		Zone
	From	To			From	To	
87	5654	5669	2	115	6507	6555	2
88	5670	5679	3	116	6556	6573	3
89	5680	5699	2	117	6574	6602	2
90	5700	5709	3	118	6603	6607	3
91	5710	5722	2	119	6608	6641	2
92	5723	5724	1	120	6642	6724	1
93	5725	5733	2	121	6725	6750	2
94	5734	5799	1	122	6751	6797	1
95	5800	6243	3	123	6798	6799	2
96	6244	6250	4	124	6800	6999	3
97	6251	6254	3	125	7000	8999	4
98	6255	6270	4	126	9000	9999	3
99	6271	6315	3				
100	6316	6357	4				
101	6358	6393	3				
102	6394	6400	4				
103	6401	6430	3				
104	6431	6431	2				
105	6432	6433	3				
106	6434	6439	2				
107	6440	6441	1				
108	6442	6444	3				
109	6445	6459	4				
110	6460	6467	3				
111	6468	6469	2				
112	6470	6471	3				
113	6472	6474	2				
114	6475	6506	3				

Notes to the *Renewable Energy (Electricity) Regulations 2001*

Note 1

The *Renewable Energy (Electricity) Regulations 2001* (in force under the *Renewable Energy (Electricity) Act 2000*) as shown in this compilation comprise Statutory Rules 2001 No. 2 amended as indicated in the Tables below.

For all relevant information pertaining to application, saving or transitional provisions *see* Table A.

Table of Instruments

Year and number	Date of notification in <i>Gazette</i> or FRLI Registration	Date of commencement	Application, saving or transitional provisions
2001 No. 2	6 Feb 2001	6 Feb 2001	
2001 No. 219	23 Aug 2001	23 Aug 2001	R. 4
2002 No. 48	15 Mar 2002	Rr. 1–3 and Schedule 1: 1 Apr 2001 Schedule 2: 1 Jan 2002 Remainder: 15 Mar 2002	—
2002 No. 232	4 Oct 2002	Rr. 1–3 and Schedule 1: 1 July 2002 Remainder: 4 Oct 2002	—
2002 No. 339	20 Dec 2002	Rr. 1–3 and Schedule 1: 27 Aug 2002 Remainder: 1 Jan 2003	—
2003 No. 96	29 May 2003	29 May 2003	—
2003 No. 315	11 Dec 2003	11 Dec 2003	—
2004 No. 322	25 Nov 2004	25 Nov 2004	—
2005 No. 5	14 Feb 2005 (see F2005L00222)	15 Feb 2005	—
2005 No. 72	29 Apr 2005 (see F2005L00954)	Rr. 1–3 and Schedule 1: 25 Nov 2004 Remainder: 30 Apr 2005	—
2005 No. 255	11 Nov 2005 (see F2005L03467)	14 Nov 2005	—
2005 No. 256	14 Nov 2005 (see F2005L03271)	15 Nov 2005	—

Table of Instruments

Year and number	Date of notification in <i>Gazette</i> or FRLI Registration	Date of commencement	Application, saving or transitional provisions
2005 No. 310	19 Dec 2005 (see F2005L04003)	20 Dec 2005	—
2006 No. 120	7 June 2006 (see F2006L01653)	8 June 2006	—
2006 No. 248	21 Sept 2006 (see F2006L03049)	21 Sept 2006	—
2006 No. 344	15 Dec 2006 (see F2006L03994)	16 Dec 2006	—
2006 No. 345	15 Dec 2006 (see F2006L03960)	16 Dec 2006	—
2007 No. 218	24 July 2007 (see F2007L02204)	25 July 2007	—
2007 No. 308	27 Sept 2007 (see F2007L03761)	28 Sept 2007	—
2007 No. 336	5 Oct 2007 (see F2007L03953)	Rr. 1–3 and Schedule 1: 6 Oct 2007 Schedule 2: 5 Nov 2007 (see r. 2 (b))	—
2008 No. 263	18 Dec 2008 (see F2008L04657)	19 Dec 2008	—
2009 No. 131	25 June 2009 (see F2009L02502)	1 July 2009 (see r. 2 and F2009L02489)	—
2009 No. 221	8 Sept 2009 (see F2009L03474)	9 Sept 2009	—
2009 No. 222	8 Sept 2009 (see F2009L03475)	9 Sept 2009	R. 4

Table of Amendments**Table of Amendments**

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Part 1	
R. 3	am. 2001 No. 219; 2002 Nos. 48, 232 and 339; 2003 Nos. 96 and 315; 2004 No. 322; 2005 Nos. 255 and 256; 2006 Nos. 248 and 345; 2007 No. 336
R. 3A.....	ad. 2006 No. 345
R. 3B.....	ad. 2007 No. 336
Part 2	
Division 2.1	
R. 4	am. 2007 No. 336
Note to r. 5	ad. 2007 No. 336
Division 2.2	
R. 6	rs. 2007 No. 336
R. 7	am. 2001 No. 219 rs. 2007 No. 336
R. 8	rs. 2007 No. 336
R. 9	rs. 2005 No. 255 rs. 2007 No. 336
R. 11	rep. 2001 No. 219
R. 12	rep. 2007 No. 336
Division 2.3	
Subdivision 2.3.1	
Heading to Subdiv. 2.3.1.....	rs. 2007 No. 336
R. 13	am. 2007 No. 336
R. 14	am. 2001 No. 219 rs. 2007 No. 336 am. 2009 No. 131
R. 15	rs. 2007 No. 336
R. 15A.....	ad. 2007 No. 336
R. 17	rep. 2007 No. 336
R. 18	rs. 2007 No. 336
Subdivision 2.3.2	
R. 19	am. 2001 No. 219; 2002 Nos. 48 and 232; 2003 No. 96 rs. 2005 No. 256 am. 2006 No. 345 rs. 2007 No. 336
R. 19A.....	ad. 2007 No. 336 am. 2009 No. 222
R. 19B.....	ad. 2007 No. 336

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
R. 19C.....	ad. 2007 No. 336
Subdivision 2.3.3	
R. 19D.....	ad. 2007 No. 336
Heading to r. 20	rs. 2007 No. 336
R. 20	am. 2002 No. 232; 2004 No. 322; 2005 No. 255; 2007 No. 336; 2009 No. 221
Note to r. 20 (1).....	ad. 2002 No. 232
R. 20AA	ad. 2009 No. 221
R. 20AB	ad. 2009 No. 221
R. 20A.....	ad. 2007 No. 336
R. 20B.....	ad. 2007 No. 336
Division 2.4	
Div. 2.4 of Part 2	ad. 2007 No. 336
R. 20C.....	ad. 2007 No. 336
Division 2.5	
Div. 2.5 of Part 2	ad. 2007 No. 336
R. 20D.....	ad. 2007 No. 336
Division 2.6	
Div. 2.6 of Part 2	ad. 2007 No. 336
R. 20E.....	ad. 2007 No. 336
R. 20F.....	ad. 2007 No. 336
Part 3	
R. 21	rs. 2007 No. 336 am. 2009 No. 131
R. 21A.....	ad. 2006 No. 248
Part 4	
Heading to Part 4.....	rs. 2007 No. 336
R. 23	am. 2002 Nos. 48 and 339; 2003 No. 315; 2005 Nos. 5 and 310; 2006 No. 344; 2007 No. 308; 2008 No. 263
Part 5	
R. 24	am. 2007 No. 336 am. 2009 No. 131
R. 25	am. 2007 No. 336 am. 2009 No. 131
Part 6	
R. 28	am. 2001 No. 219; 2007 No. 336
R. 29	rep. 2007 No. 336
Schedule 1	
Heading to Schedule 1.....	rs. 2007 No. 336
Schedule 1	am. 2001 No. 219; 2007 No. 336

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Schedule 2.....	rep. 2007 No. 336
Schedule 3	
Heading to Schedule 3.....	rs. 2007 No. 336
Schedule 3.....	am. 2001 No. 219; 2007 No. 336
Schedule 4	
Schedule 4.....	rep. 2004 No. 322 ad. 2007 No. 336
Schedule 5	
Heading to Schedule 5.....	rs. 2007 No. 336
Schedule 5.....	rs. 2002 No. 232 am. 2007 No. 336
Schedule 6.....	rep. 2004 No. 322
Schedule 7	
Schedule 7.....	am. 2001 No. 219; 2002 Nos. 48 and 232; 2003 Nos. 96 and 315; 2004 No. 322; 2005 Nos. 72, 256 and 310; 2006 Nos. 120 and 345; 2007 No. 218 rep. 2007 No. 336

Table A

Table A Application, saving or transitional provisions

Statutory Rules 2001 No. 219

4 Transitional

Items 14 to 17, 34 and 35 of Part 2 of Schedule 7 of the *Renewable Energy (Electricity) Regulations 2001* as in force immediately before 23 August 2001 continue to apply to solar hot water heaters, mentioned in those items, that were installed before gazettal.

Select Legislative Instrument 2009 No. 222

4 Application

The amendments made by Schedule 1 apply in relation to solar water heaters that are installed after the commencement of these Regulations.