



Media release

**Finally...Regulator to Regulate**

\*\*\*For immediate release\*\*\*

Friday, May 31, 2013

Senator John Madigan welcomes news the Clean Energy Regulator's (CER) office has issued standing notices to large scale renewable energy power stations requiring they show ongoing compliance with all local, State and Commonwealth regulatory requirements. He is hopeful that the CER's actions to improve regulation are positive for wind energy operators, communities, the environment and energy consumers. Senator Madigan is looking forward to the release of more details from the CER.

"I've seen too many rural communities hammered by industrial noise from wind energy facilities that may or may not comply with the standard," Senator Madigan said. "Over time the CER, together with State and Territory based regulators, have failed to ensure compliance. Worse, they have, respectively, accredited and approved wind energy facilities prior to construction thereby effectively negating post construction permit conditions.

"The action by the CER last week to issue standing notices acknowledges the laxness of previous regulation and will enable the identification of non compliant wind energy facilities. I welcome the regulator's action on this matter.

"By taking this step, the CER will not just improve the regulatory process and compliance outcomes at a Commonwealth level. It should help create more robust State-based regulatory arrangements. Currently in Victoria, proposed wind energy facilities are not thoroughly checked for their acoustic emissions and environmental impacts. Nor have State and Territory jurisdictions bothered equipping themselves with the technical capacity or procedures necessary to assess whether proposed or existing facilities will be or are compliant. The CER's recent action should help compel State and Territory governments to improve the capacity and the integrity of their regulatory testing processes so that their approvals can be verified as true and correct.

"Just as vehicle testers are licensed to check cars for their roadworthiness and to keep un-roadworthy cars off our roads, local, State and Commonwealth regulators are charged with the responsibility of testing wind energy facilities for their compliance with standards and to shut them down or require changes if they don't.

"The continuing non-compliance of Acciona's Waubra wind farm has shamed the wind industry. It is the industry's 'poster-child' of systemic regulatory failure. Shoddy regulation has rolled over communities but bent over backwards for big business. The result is ongoing harm and nuisance to local residents. This particular facility has also racked up more than \$80 million dollars worth of Renewable Energy Certificates. Under the Act, these should never have been issued. The financial cost has been passed onto Australian electricity customers while the nuisance cost has been passed onto local residents.

“A similar situation of harmful environmental impacts has also been caused by lax regulation that has allowed non-compliance of operating and proposed wind energy facilities with Commonwealth and State environmental legislation. Mt. Gellibrand, Bald Hills, and King Island are but three of many such approved or proposed facilities that will breach various provisions of the EPBC Act.

“Along with local residents, I look forward to the CER moving on Acciona’s Waubra wind farm first thing Monday morning. However, I also call on Federal Environment Minister, Tony Burke, to withdraw approval for Mt. Gellibrand and Bald Hills proposed facilities immediately and to communicate to TasHydro that the Commonwealth intends rigorously enforcing compliance with the EPBC Act regarding its proposed King Island facility.

“Standing notices issued by the CER will compel wind farm operators to prove they meet the full range of legislative and regulated protections for people and the environment. The CER has laid down the challenge. It is now up to governments, from Ministerial level down, to deliver on that.