



FACT SHEET

HOW A ELIGIBLE PARTY CAN APPEAL A DECISION OF THE RENEWABLE ENERGY REGULATOR

Version 1 as Updated in March 2006

The *Renewable Energy (Electricity) Act 2000* (the Act) requires the Renewable Energy Regulator (Regulator) to make rulings relating to the accreditation of power stations including the allocation of baselines, the validation of Renewable Energy Certificates (RECs) and the determination of liabilities.

If you're unhappy with a decision of the Regulator, discuss it with the contact person mentioned in the correspondence from the Regulator. The contact person will be a staff member of the Office of the Renewable Energy Regulator (ORER).

This gives you and the ORER the chance to correct misunderstandings, present new information or evidence and get an incorrect decision revised.

If you are still unhappy with a decision after discussing it with the contact person, you can request a review by the Regulator. Your request for a review must be in writing stating fully, and in detail, the grounds for your review request. Your request for a review of the decision must be lodged with the Regulator within 60 days of when the original decision was made.

The Regulator will appoint an officer of the ORER who was not involved in the original decision making process to undertake the review. The reviewing officer will:

- look at the information used by the person who made the original decision;
- where possible, contact the person who requested a review either in person or by phone;

- check whether any new, relevant information is available;
- clear up any misunderstandings;
- correct any errors, if applicable; and
- review the original decision and recommend to the Regulator that it be confirmed, varied or set aside.

The Regulator will then consider the reviewing officer's recommendation and make a decision. The person who requested the review will then be informed of the result with an explanation of the reasons for the decision.

If the Regulator does not provide you with a written decision within 60 days then the Regulator is taken to have confirmed the original decision.

If you still believe that the decision is incorrect, you can then apply to the Administrative Appeals Tribunal for a review of the decision.

The Administrative Appeals Tribunal (AAT) is an independent body that resolves disputes between individuals and government agencies including the Regulator.

The AAT may confirm, vary or set aside the decision of the Regulator.

For more information relating to the process for appealing against ORER decisions you can view Part 6 of the Act.

The types of objections that this process applies to are set out in the table taken from the Act below.

Table of reviewable decisions			
Item	For a decision ...	Made under the Act ...	The affected person is ...
1	to refuse to register a person	Section 11	The person.
2	in relation to an application for accreditation of a power station	Section 14	The applicant for accreditation.
3	to refuse to accredit a power station	Section 15	the applicant for accreditation.
4	not to register a certificate	Section 26	the person who created the certificate.
5	to suspend a person's registration	Section 30	the registered person.
6	assessing additional renewable shortfall charge	Section 102	the liable entity that is liable to pay the additional renewable energy shortfall charge.
7	not to remit, or to remit only a part of, additional renewable energy shortfall charge	Section 103	The liable entity that is liable to pay the additional renewable energy shortfall charge.

For further information you can:

- visit the Legislative Framework, Publication or Power Stations page of the ORER website (www.orer.gov.au);
- contact the ORER by email on orer@orer.gov.au
- phone the ORER on (02) 6274 2192