



REGULATORY PLAN 2009 – 2010

Version 2 as Updated in June 2009

What are Regulatory Plans for?

Commonwealth agencies that have a responsibility for business regulation are required to publish a regulatory plan each financial year.

A regulatory plan covers business regulation. This includes primary legislation (*Renewable Energy (Electricity) Act 2000 and Renewable Energy (Electricity) Charge Act 2000*) or subordinate legislation (*Renewable Energy (Electricity) Regulations 2001*) which directly affects businesses, has a significant indirect effect on businesses, or restricts competition.

A regulatory plan provides details relating to legislative changes that have occurred or are proposed within a given financial year. Regulatory plans allow businesses an opportunity to view changes:

- to business regulation which have occurred since the beginning of the previous financial year; and
- planned in the current financial year which could lead to changes to business regulation.

A regulatory plan does not include information about regulation amendments that:

- are minor or machinery in nature, as these amendments do not substantially alter existing arrangements; and
- anticipate activity about which it would be inappropriate to publish information on grounds of confidentiality.

Please note that this regulatory plan provides a comprehensive source of information on past and potential changes to business regulation. For more information on amendment rounds you can:

- visit the Office of the Renewable Energy Regulator (ORER) website “Regulation changes” heading on the Legislative Framework page (<http://www.orer.gov.au/legislation/index.html>); or
- contact Ms Kaylia Dunstan on (02) 6159 7700 or by email kaylia.dunstan@orer.gov.au.

Types of Regulatory Amendments

The ORER administers the Australian Government’s renewable energy target which is designed to increase the contribution of renewable energy sources to Australia’s electricity supply. The ORER reviews and amends the *Renewable Energy*

(Electricity) Regulations 2001 (the Regulations) on occasions to assist with the administration of the scheme.

There are two general types of amendments to the Regulations. These are:

- administrative amendments within the existing policy structure; and
- consequential amendments to the Regulations as a result of policy or legislative change.

To date, administrative and consequential amendments have occurred.

Previous and Upcoming Administrative Amendments

The Regulations first came into effect on 6 February 2001 and have been amended several times to refine eligibility requirements for solar water heaters, include the renewable power percentage for a given year, update the list of solar water heater models that are eligible for renewable energy certificates (RECs)¹, or make other minor administrative changes.

In order to support an amendment process whereby administrative amendments are required within the existing policy structure, the ORER adheres to the following general principles:

1. Finalise drafting of amendment Regulations and, if required, commence an public consultation process, including making amendment Regulations available on the website and seek public comment;
2. Analyse public submissions and finalise draft amendment Regulations;
3. Seek Ministerial approval to submit amendment Regulations to the Federal Executive Council for consideration;
4. Certify and register the Regulations with the Federal Register of Legislative Instruments;
5. Table the Regulations in Parliament;
6. Advise stakeholders of the amendments and make available amended Regulations on the ORER's website.

The timeframe to support such a process can vary approximately between 2 to 6 months.

For details on any of the amendment rounds that have been completed or are expected to be completed you can visit the Regulation amendments page of the ORER website located at <http://www.orer.gov.au/legislation/regulation-amendments.html>.

Consequential Amendments

A comprehensive review of the *Renewable Energy (Electricity) Act 2000* was completed in 2003. Consequential amendments were conducted by the former

¹ Prior to the consequential amendments, the Regulations contained the list of eligible solar water heater models under the measure. This required the Regulations to be updated several times to include new eligible solar water heater models. However, the list of solar water heater models is now contained and maintained outside of the Regulations by the Office of the Renewable Energy Regulator in the Register of Solar Water Heaters.

Australian Greenhouse Office, now Department of Climate Change, and came into effect on 14 November 2005, 21 September 2006 and 5 October 2007. To date three consequential amendment rounds have been completed by the Australian Greenhouse Office. However, for more information on these amendment rounds and future consequential amendments you can contact:

Mr John Jende
Director
Renewable Electricity Markets; Strategies and Coordination Division
Department of Climate Change
Phone: (02) 6159 7000
Email: john.jende@climatechange.gov.au

Communication strategy to advise of administrative amendments to Regulations

Regulatory amendments prior to 11 September 2006 were made publicly available for a period of not less than 30 days prior to any amendment to the Regulation being made. The ORER now is not required to make administrative regulation amendments that are of a minor or machinery nature available for a mandatory public consultation period.

If the ORER undertakes a public consultation for administrative regulation amendments, the ORER undertakes the following activities, as required:

- makes direct contact with affected parties;
- advertises in the media;
- makes available consultation documents on the ORER's website; and
- makes provision for written and electronic comments from stakeholders to be provided to the ORER.

At the conclusion of a public consultation process, if required, and once the Regulations are made, the Office of Legislative Drafting makes consolidated Regulations available from the Comlaw website. As the Comlaw website can be difficult to navigate, the ORER provides a link to the consolidated Regulations from the Legislation page of the ORER website. The ORER also provides stakeholders with updates about amendment rounds from the What's New page and through emails to stakeholders, if required.

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