The Parliament of the Commonwealth of Australia

THE SENATE

Presented and read a first time

DRAFT-IN-CONFIDENCE

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Renewable Energy (Electricity) Amendment (Excessive Noise from Wind Farms) Bill 2012

No. , 2012

(Senators Madigan and Xenophon)

A Bill for an Act to amend the *Renewable Energy* (*Electricity*) *Act 2000*, and for related purposes

 $9142_Renewable_Energy_Electricity_Amendment_Madigan-Xenophon.v03.docx~27/6/2012~11:02~AM$

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OPC drafter to complete		
1. Does this Bill need a message? (See H of R Practice, fifth ed,	No	
pp409-414, and OGC advice.)		
If yes:		
List relevant clauses/items—		
• Prepare message advice (see Drafting Direction 4.9)		
• Give a copy of the message advice to the Legislation area.		
2. Does this Bill need a notice? (See H of R Standing Order 178	Yes	
and Drafting Direction 3.2.)		
If no list relevant clauses/items—		
3. Is there any constitutional reason why this Bill should not be		
introduced in the Senate?		
(See Constitution sections 53 and 55 and Drafting Direction 3.2.)		

A Bill for an Act to amend the *Renewable Energy* (*Electricity*) *Act 2000*, and for related purposes

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Renewable Energy (Electricity) Amendment (Excessive Noise from Wind Farms) Act 2012.*

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This Act commences on the day this Act receives the Royal Assent.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

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² Renewable Energy (Electricity) Amendment (Excessive Noise from Wind Farms) Bill 2012 No. , 2012

R	enewable Energy (Electricity) Act 2000
1	Subsection 5(1) Insert:
	<i>creates excessive noise</i> : for when a wind farm <i>creates excessive noise</i> , see subsection 14(6).
2	Subsection 5(1) Insert:
	wind farm means a power station that generates some or all of its power from wind.
3	After paragraph 14(2)(a)
	Insert:
	(aa) if the power station is a wind farm—the Regulator is satisfied that the wind farm does not, and will not, create excessive noise (see subsection (6)); and
4	At the end of section 14
	Add:
	(6) For the purposes of this Act, a wind farm <i>creates excessive noise</i> if the level of noise that is attributable to the wind farm exceeds background noise by 10 dB(A) or more when measured within 30 metres of any premises:
	(a) that is used for residential purposes; or
	(b) that is a person's primary place of work; or
	(c) where persons habitually congregate.
5	At the end of Subdivision A of Division 4 of Part 2
	Add:

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1 2	20AB Wind farms—publishing on internet information about noise, wind speed and direction, weather conditions and power
3	output
4	(1) The nominated person for an accredited power station that is a
5	wind farm must ensure that information prescribed by the regulations relating to the following is published on the internet:
6 7	(a) noise attributable to the wind farm;
8	(b) wind speed and direction at the wind farm;
9	(c) weather conditions at the wind farm;
10	(d) power output of individual turbines at the wind farm.
11	(2) The information must be published on the internet in accordance
12 13	with any requirements prescribed by the regulations for the purposes of this subsection.
14	Example: A requirement that the information be published in real time.
15	6 Subsection 30E(3)
16	Omit "may", substitute "must".
17	7 Subsection 30E(3)
18 19	Omit "law of", substitute "law (whether written or unwritten) of or in force in".
20	8 After subsection 30E(4)
21	Insert:
22	Wind farms—excessive noise
23	(4A) The Regulator must, by written notice, suspend the accreditation of
24	an accredited power station that is a wind farm if the Regulator
25 26	believes on reasonable grounds that the wind farm is creating excessive noise (see subsection 14(6)).
27	(4B) The accreditation is suspended until the Regulator believes on
28	reasonable grounds that the wind farm is not creating excessive
29	noise. The notice must include a statement to that effect.

⁴ Renewable Energy (Electricity) Amendment (Excessive Noise from Wind Farms) Bill 2012 No. , 2012

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an accredited power station that is a wind farm if the Regulator believes on reasonable grounds that the information referred to section 20AB has not been published on the internet in accordate with that section. (4D) The accreditation is suspended until the Regulator believes on reasonable grounds that the information has been published in accordance with that section. The notice must include a statement to that effect. 9 Application of amendments (1) The amendment made by item 3 of this Schedule applies in relation an application under section 13 of the <i>Renewable Energy (Electricit Act 2000</i> that is made on or after the commencement of this item.	1		Wind farms—failure to publish information on internet
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	16		to an accredited power station, whether the power station is accredited
before or after the commencement of this item.	17		-