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The Parliament of the
Commonwealth of Australia

THE SENATE

Presented and read a first time

**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**

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Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Renewable Energy (Electricity) Act 2000

1 Subsection 5(1)

Insert:

creates excessive noise: for when a wind farm *creates excessive noise*, 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 *creates excessive noise* 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:

1 **20AB Wind farms—publishing on internet information about noise,**
2 **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
6 regulations relating to the following is published on the internet:
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 with any requirements prescribed by the regulations for the
13 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 Omit “law of”, substitute “law (whether written or unwritten) of or in
19 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 believes on reasonable grounds that the wind farm is creating
26 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.

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Wind farms—failure to publish information on internet

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(4C) The Regulator must, by written notice, suspend the accreditation of an accredited power station that is a wind farm if the Regulator believes on reasonable grounds that the information referred to in section 20AB has not been published on the internet in accordance with that section.

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(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.

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9 Application of amendments

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(1) The amendment made by item 3 of this Schedule applies in relation to an application under section 13 of the *Renewable Energy (Electricity) Act 2000* that is made on or after the commencement of this item.

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(2) The amendments made by items 5 to 8 of this Schedule apply in relation to an accredited power station, whether the power station is accredited before or after the commencement of this item.