



Australian Renewable Energy Agency Amendment (Clean Energy Technologies) Regulations 2022

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 31 March 2022

David Hurley
Governor-General

By His Excellency's Command

Angus Taylor
Minister for Industry, Energy and Emissions Reduction

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1 Name

This instrument is the *Australian Renewable Energy Agency Amendment (Clean Energy Technologies) Regulations 2022*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	2 April 2022

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Australian Renewable Energy Agency Act 2011*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Australian Renewable Energy Agency Regulation 2016

1 Section 4 (after the heading)

Insert:

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) ARENA (short for Australian Renewable Energy Agency);
- (b) Climate Change Convention;
- (c) financial assistance.

2 Section 4 (definition of *Clean Energy Innovation Fund*)

Repeal the definition, substitute:

Clean Energy Innovation Fund means the fund known as the Clean Energy Innovation Fund that is administered by the Clean Energy Finance Corporation in accordance with any directions made under subsection 64(1) of the *Clean Energy Finance Corporation Act 2012*.

3 Section 4

Insert:

clean energy technologies has the same meaning as in the *Clean Energy Finance Corporation Act 2012*.

Paris Agreement means the Paris Agreement, done at Paris on 12 December 2015, as in force for Australia from time to time.

Note: The Paris Agreement is in Australian Treaty Series 2016 No. 24 ([2016] ATS 24) and could in 2022 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

4 Section 5 (heading)

Repeal the heading, substitute:

5 ARENA's prescribed functions—Clean Energy Innovation Fund

5 Subsection 5(1)

Omit “(1) For paragraph 8(f)”, substitute “For the purposes of paragraph 8(f)”.

6 Paragraph 5(1)(a)

Omit “within the meaning of the *Clean Energy Finance Corporation Act 2012*”.

7 Subsection 5(1) (note)

Repeal the note.

8 Subsection 5(2)

Repeal the subsection.

9 At the end of Part 2

Add:

6 ARENA's prescribed functions—clean energy technologies

For the purposes of paragraph 8(f) of the Act, ARENA has the following functions:

- (a) to provide financial assistance for the following:
 - (i) research into clean energy technologies;
 - (ii) the development or demonstration of clean energy technologies;
 - (iii) the commercialisation or deployment of clean energy technologies;
 - (iv) the storage and sharing of information and knowledge about clean energy technologies;
- (b) to enter into agreements for the purpose of providing financial assistance as mentioned in paragraph (a) and to administer such agreements;
- (c) to collect, analyse, interpret and disseminate information and knowledge relating to the outcomes of the projects and other things for which financial assistance was provided as mentioned in paragraph (a);
- (d) to liaise with State and Territory governments and other authorities for the purpose of facilitating clean energy projects under which financial assistance is, or is proposed to be, provided as mentioned in paragraph (a).

7 Limits of functions—clean energy technologies

The functions mentioned in section 6 of this instrument do not extend to providing financial assistance that is:

- (a) inconsistent with the Act; or
- (b) not authorised by the regulation-making power provided for by paragraph 8(f) and section 74 of the Act; or
- (c) not in accordance with the general funding strategy that is in force under Subdivision A of Division 2 of Part 3 of the Act at the time when the agreement to provide the financial assistance is entered into; or
- (d) for a purpose other than the purpose of providing financial assistance for projects and other activities that could reasonably be expected to contribute to Australia meeting its obligations under:
 - (i) the Climate Change Convention; or
 - (ii) the Paris Agreement.