



Australian Capital Territory

# **Electricity Feed-in (Large-scale Renewable Energy Generation) Act 2011**

**A2011-56**

**Republication No 10**

**Effective: 1 November 2019 – 3 September 2020**

Republication date: 1 November 2019

Last amendment made by [A2019-40](#)

## About this republication

### The republished law

This is a republication of the *Electricity Feed-in (Large-scale Renewable Energy Generation) Act 2011* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 1 November 2019. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 1 November 2019.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$160 for an individual and \$810 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

# Electricity Feed-in (Large-scale Renewable Energy Generation) Act 2011

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Australian Capital Territory

# Electricity Feed-in (Large-scale Renewable Energy Generation) Act 2011

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An Act about the large-scale generation of electricity from renewable energy sources, and for other purposes

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Electricity Feed-in (Large-scale Renewable Energy  
Generation) Act 2011

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Effective: 01/11/19-03/09/20

## Part 1 Preliminary

### 1 Name of Act

This Act is the *Electricity Feed-in (Large-scale Renewable Energy Generation) Act 2011*.

### 3 Dictionary

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition '*distribution system*—see the [National Electricity \(ACT\) Law](#), section 2.' means that the term 'distribution system' is defined in that section and the definition applies to this Act.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

### 4 Notes

A note included in this Act is explanatory and is not part of this Act.

*Note* See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.



## Part 2                      Objects and important concepts

### 5                      Objects of Act

The objects of this Act are to—

- (a) promote the establishment of large-scale facilities for the generation of electricity from a range of renewable energy sources in the Australian capital region and other places; and
- (b) promote the development of the renewable energy generation industry in the ACT and Australia consistent with the development of a national electricity market; and
- (c) reduce the ACT's contribution to greenhouse gas emissions and help achieve targets to reduce the ACT's greenhouse gas emissions; and
- (d) address the need for urgent action to be taken to reduce reliance on non-renewable energy sources while minimising the cost to electricity consumers.

### 6                      **Meaning of *large renewable energy generator* and *renewable energy source***

- (1) In this Act:

***large renewable energy generator*** means a generating system that—

- (a) generates electricity using a renewable energy source; and
- (b) has a capacity of more than 200kW.

***renewable energy source*** means any of the following energy sources:

- (a) solar;
- (b) wind;
- (c) another energy source declared by the Minister under subsection (2).

- (2) The Minister may declare an energy source to be a renewable energy source.
- (3) A declaration is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

## 7 Meaning of *capacity*

- (1) For this Act, the *capacity*, of a generating system, is the maximum power, expressed in megawatts, that can be delivered by the system at the point where it connects to the interconnected national electricity system.
- (2) However, if the Minister makes a determination under subsection (3), the *capacity* of the system is the capacity worked out in accordance with the determined method.
- (3) The Minister may determine a method for measuring the capacity of a system that generates electricity using a renewable energy source.
- (4) Also, for a system that generates electricity using a renewable energy source and a non-renewable energy source, the Minister may determine a method for working out the part of the system that generates electricity using a renewable energy source.
- (5) A determination is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

## 7A Reference to Renewable Energy (Electricity) Act 2000 (Cwlth)

For this Act, a reference to the [Renewable Energy \(Electricity\) Act 2000](#) (Cwlth) includes a reference to a regulation made under that Act.

## **Part 3**                      **FiT entitlements**

### **Division 3.1**              **Preliminary**

#### **8**                      **Meaning of *FiT entitlement***

In this Act:

*FiT entitlement* means a right for the holder of a FiT entitlement to receive FiT support payments under part 4 for the holder's eligible electricity.

#### **9**                      **FiT capacity**

The total capacity of the generating systems of large renewable energy generators in relation to which FiT entitlements may be held under this Act (the *FiT capacity*) is 900MW.

### **Division 3.2**              **Releasing FiT capacity**

#### **10**                      **FiT capacity release**

- (1) The Minister may determine that a stated part of the FiT capacity (a *FiT capacity release*) is to be made available for the grant of FiT entitlements.
- (2) The determination must state—
  - (a) whether the FiT capacity release will be made available by a competitive process or by direct grant to any person the Minister considers appropriate; and
  - (b) the following in relation to any FiT entitlement that may be granted under the release:
    - (i) the term (not longer than 20 years) of the entitlement;
    - (ii) the kind of renewable energy source that must be used;

(iii) whether a large renewable energy generator must be located within—

- (A) the ACT; or
- (B) the Australian capital region; or
- (C) a participating jurisdiction; and

*Note*    **Participating jurisdiction**—see s (6).

(c) for a release to be made available by direct grant—any criteria a person, or a person’s proposal, must meet to be eligible for a direct grant.

(3) The determination may state the minimum capacity of a large renewable energy generator’s generating system in relation to which a FiT entitlement may be granted under the FiT capacity release.

(4) In deciding whether to make a FiT entitlement available by direct grant, the Minister must have regard to—

- (a) the advantages and disadvantages to the Territory of not undertaking a competitive process; and
- (b) the objects of the Act.

(5) A determination is a disallowable instrument.

*Note*    A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

(6) In this section:

**participating jurisdiction**—see the [National Electricity \(ACT\) Law](#), section 2.

## **11 FiT entitlement—grant**

- (1) The Minister may grant a person a FiT entitlement under a FiT capacity release in relation to a large renewable energy generator located—
  - (a) in the Australian capital region; or
  - (b) outside the Australian capital region if the Minister is satisfied that the person’s proposal—
    - (i) offers exceptional economic development benefits to ACT renewable energy industries; and
    - (ii) minimises costs to electricity consumers.
- (2) However, the Minister must not grant a person a FiT entitlement if the grant would cause the FiT capacity release to be exceeded.
- (3) The Minister must not grant a FiT entitlement under a FiT capacity release before—
  - (a) if there is a motion to disallow the determination under section 10 for the release and the motion is negated by the Legislative Assembly—the day after the motion is negated; or
  - (b) the day after the 6th sitting day after the determination for the release is presented to the Legislative Assembly under the [Legislation Act](#), chapter 7; or
  - (c) if the determination for the release provides for a later date or time for the grant of the entitlement—that date or time.
- (4) Subsection (3) is subject to any disallowance or amendment of the determination under the [Legislation Act](#), chapter 7.
- (5) In granting a FiT entitlement, the Minister must have regard to the following:
  - (a) probity and ethical behaviour;
  - (b) management of risk to the Territory;

- (c) the objects of this Act;
  - (d) if the entitlement is granted under a FiT capacity release made available by a competitive process—open and effective competition.
- (6) The grant of a FiT entitlement must state the following:
- (a) the name of the holder of the entitlement;
  - (b) the term (not longer than 20 years) of the entitlement;
  - (c) when the term of the entitlement starts;
  - (d) the amount of the feed-in tariff;
  - (e) the requirements for the large renewable generator, including—
    - (i) the kind of renewable energy source that must be used; and
    - (ii) the capacity of the generator’s generating system;
  - (f) a description of the generator;

**Example**

the generator’s plant specification

- (g) whether large-scale generation certificates for eligible electricity generated by the large renewable energy generator must be transferred to the Territory under the *Renewable Energy (Electricity) Act 2000* (Cwlth).

- (7) The grant of a FiT entitlement is a notifiable instrument.

*Note*        A notifiable instrument must be notified under the [Legislation Act](#).

**12            FiT entitlement—conditions**

- (1) A FiT entitlement is subject to the following conditions:
- (a) that the large renewable energy generator complies with—
    - (i) the requirements for the generator stated in the grant under section 11 (6) (e); and

- (ii) the description of the generator stated in the grant under section 11 (6) (f);
  - (b) that the holder of the FiT entitlement complies with—
    - (i) any requirement in relation to renewable energy certificates stated in the grant under section 11 (6) (g); and
    - (ii) all laws relating to the construction, connection or operation of the large renewable energy generator; and
    - (iii) any written agreement the Minister requires the holder to enter into under subsection (3);
  - (c) any other condition imposed by the Minister that the Minister considers appropriate to protect the interests of the Territory or promote the objects of the Act.
- (2) The conditions imposed under subsection (1) (c) may include conditions about any of the following:
- (a) establishing a schedule for construction of the large renewable energy generator and meeting stated deadlines in relation to its construction;
  - (b) complying with a stated law in relation to the construction, connection or operation of the large renewable energy generator within a stated time;
  - (c) establishing and meeting stated deadlines in relation to financing arrangements necessary for the construction, connection or operation of the large renewable energy generator;
  - (d) entering into an agreement with a network service provider to connect the large renewable energy generator to the interconnected national electricity system within a stated time;
  - (e) connecting the large renewable energy generator to the interconnected national electricity system and supplying electricity to the system within a stated time;

- (f) where a large renewable energy generator must be located and connected to the interconnected national electricity system;
  - (g) the kind of generating system that must be used;
  - (h) the minimum quantity of eligible electricity that must be generated by the large renewable energy generator in a stated time;
  - (i) the maximum quantity of eligible electricity, in a financial year, in relation to which the holder is entitled to be paid a FiT support payment;
  - (j) allowing reasonable access to the premises of the holder of a FiT entitlement and where the large renewable energy generator is located to check the holder's compliance with the conditions of the FiT entitlement;
  - (k) amending a FiT entitlement, including imposing a new condition or amending an existing condition.
- (3) The Minister may require the holder of a FiT entitlement to enter into a written agreement (however described) with the Territory, on terms approved by the Minister, in relation to the entitlement.

## **Division 3.3            Dealing with FiT entitlements**

### **13            FiT entitlement—cancellation**

- (1) The Minister may, by written notice (a *cancellation notice*) given to the holder of a FiT entitlement, cancel the entitlement if the Minister believes on reasonable grounds that a condition of the entitlement has been breached, whether by the holder or otherwise.



- (2) However, the Minister must not cancel a FiT entitlement unless the Minister—
- (a) gives the holder of the entitlement written notice (an *intended cancellation notice*) of the Minister’s intention to cancel the entitlement; and
  - (b) takes into consideration any response received from the holder in accordance with the notice.
- (3) An intended cancellation notice must—
- (a) state that the Minister intends to cancel the FiT entitlement; and
  - (b) explain why the Minister intends to cancel the FiT entitlement; and
  - (c) state that the holder of the entitlement may, within 28 days after the day the holder is given the notice, give a written response to the Minister about the matters in the notice.
- Note* For how documents may be served, see the [Legislation Act](#), pt 19.5.
- (4) Cancellation of a FiT entitlement under this section takes effect on the day and at the time stated in the cancellation notice.

#### **14 FiT entitlement—surrender**

- (1) The holder of a FiT entitlement may surrender the entitlement by giving written notice of the surrender to the Minister.
- (2) On receipt of a notice under subsection (1), the Minister must confirm the surrender, by written notice (a *surrender notice*) given to the holder of the FiT entitlement.
- (3) Surrender of a FiT entitlement under this section takes effect on the day and at the time stated in the surrender notice.
- (4) In fixing the day and time for the surrender of a FiT entitlement to take effect, the Minister must consider any matters prescribed by regulation.

## 15            FiT entitlement—transfer

- (1) The holder of a FiT entitlement (the *transferor*) may apply, in writing, to the Minister to transfer the entitlement to another person (the *transferee*).
- (2) The Minister may, by written notice to the transferor and transferee (a *transfer notice*), transfer the FiT entitlement to the transferee.
- (3) In considering whether to transfer the FiT entitlement to the transferee, the Minister must have regard to—
  - (a) the matters mentioned in section 11 (5) (a) to (c) (FiT entitlement—grant); and
  - (b) whether the transferee can comply with the conditions of the FiT entitlement.
- (4) The Minister may impose additional conditions on a FiT entitlement transferred under this section.

*Note*      The conditions of a FiT entitlement are set out under s 12.
- (5) The transfer of a FiT entitlement takes effect on the day and at the time stated in the transfer notice.

## 16            Public notice of FiT entitlement matters

- (1) The Minister must prepare a notice of each of the following after it happens:
  - (a) cancellation of a FiT entitlement under section 13;
  - (b) surrender of a FiT entitlement under section 14;
  - (c) transfer of a FiT entitlement under section 15.
- (2) The notice must state—
  - (a) for a cancellation or surrender of a FiT entitlement—the name of the holder of the FiT entitlement; and

- (b) for a transfer of a FiT entitlement—the names of the person transferring the entitlement and the person to whom the entitlement is transferred; and
  - (c) a description and the location of the large renewable energy generator under the FiT entitlement; and
  - (d) when the cancellation, surrender or transfer took effect.
- (3) A notice is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act](#).

## Part 4 Support payments for FiT entitlements

### Division 4.1 Calculation and payment of FiT support payments

#### 17 Meaning of *eligible electricity*

(1) In this Act:

*eligible electricity* means electricity—

(a) generated by a large renewable energy generator connected to the interconnected national electricity system; and

*Note* The [National Electricity \(ACT\) Law](#) and the [national electricity rules](#) govern the process by which a person may apply for connection to the interconnected national electricity system.

(b) that—

(i) is electricity for which large-scale generation certificates are registered under the [Renewable Energy \(Electricity\) Act 2000](#) (Cwlth) (*registered electricity*); or

(ii) if the [Renewable Energy \(Electricity\) Act 2000](#) (Cwlth) is repealed, expires or is amended in a way that ends registration of large-scale generation certificates—is electricity that—

(A) was registered electricity immediately before the repeal, expiry or amendment of that Act (*formerly registered electricity*); or

(B) is not formerly registered electricity but either satisfies the electricity accreditation requirements that apply to the electricity or is exempt electricity; and

(c) generated using a renewable energy source; and

- (d) supplied to the interconnected national electricity system; and
  - (e) sold through the national electricity market or directly to a market participant.
- (2) A regulation may prescribe electricity accreditation requirements for subsection (1), definition of *eligible electricity*, paragraph (b) (ii) (B).
- (3) However, a regulation must not prescribe a requirement if it is reasonably likely that the application of the requirement (including its application with any other requirement prescribed by regulation), when compared with the application of requirements about the creation of large-scale generation certificates under the *Renewable Energy (Electricity) Act 2000* (Cwlth) as in force on the commencement day, would disadvantage a large renewable energy generator of the electricity.
- (4) In this section:

*commencement day* means the day the *Electricity Feed-in Tariff Schemes Legislation Amendment Act 2015*, section 3 commences.

*exempt electricity* means electricity for which no electricity accreditation requirements are prescribed by regulation under subsection (2).

## **17A Meaning of *FiT support payment***

- (1) In this Act:

*FiT support payment*, for a holder of a FiT entitlement, for eligible electricity for a period, means the amount worked out as follows:

- (a) the payment formula;
- (b) if the Minister has approved an assessment method—an assessment method approved by the Minister.

- (2) The Minister may only approve an assessment method if the Minister is satisfied on reasonable grounds that applying the method—
- (a) will minimise the cost for electricity consumers; and
  - (b) will not disadvantage an existing holder of a FiT entitlement.
- (3) An assessment method approved by the Minister is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

- (4) In this section:

***FiT*** means the feed-in tariff, stated in the FiT entitlement holder's grant of FiT entitlement, for the holder's eligible electricity for the period.

***payment formula*** means the following formula:

$$(\text{FiT} - \text{SP}) \times \text{quantity of electricity}$$

***quantity of electricity*** means the quantity of the FiT entitlement holder's eligible electricity for the period.

***SP*** means the spot price value for the FiT entitlement holder's eligible electricity for the period.

## **18 FiT support payment—ACT electricity distributor to pay**

- (1) This section applies if—
- (a) a large renewable energy generator in relation to which a FiT entitlement is granted is connected to the interconnected national electricity system; and
  - (b) the FiT support payment for the holder of the FiT entitlement for a period is a positive amount.

- (2) The ACT electricity distributor must pay the holder of the FiT entitlement FiT support payments for the holder's eligible electricity for the period—
- (a) in arrears; and
  - (b) within 30 days after the day the holder gives the ACT electricity distributor any information reasonably required by the distributor to work out the FiT support payment; and
  - (c) in the way (if any) prescribed by regulation.

*Note* An amount owing under a law may be recovered as a debt in a court of competent jurisdiction or the ACAT (see [Legislation Act](#), s 177).

- (3) However, if it is a condition of a holder's FiT entitlement that there is a maximum quantity of a holder's eligible electricity, in a financial year, in relation to which the holder is entitled to be paid a FiT support payment, the ACT electricity distributor need not pay the holder an amount in relation to electricity generated in excess of the maximum quantity in a financial year.

## **19 FiT support payment—negative amount**

- (1) This section applies if—
- (a) a large renewable energy generator in relation to which a FiT entitlement is granted is connected to the interconnected national electricity system; and
  - (b) the FiT support payment for the holder of the FiT entitlement for a period is a negative amount.
- (2) The ACT electricity distributor may—
- (a) offset the amount against any subsequent FiT support payment payable to the holder of the FiT entitlement; or

- (b) require the holder of the FiT entitlement, by written notice, to pay the ACT electricity distributor the amount within 30 days after the distributor gives the notice.

*Note* An amount owing under a law may be recovered as a debt in a court of competent jurisdiction or the ACAT (see [Legislation Act](#), s 177).

**20 Offences—non-payment of FiT support payment or other amount**

- (1) The ACT electricity distributor commits an offence if the distributor—
  - (a) is required to pay a FiT support payment to a holder of a FiT entitlement under section 18; and
  - (b) fails to make the payment as required.

Maximum penalty: 50 penalty units.

- (2) The holder of a FiT entitlement commits an offence if the holder—
  - (a) is required to pay an amount to the ACT electricity distributor under section 19; and
  - (b) fails to make the payment as required.

Maximum penalty: 50 penalty units.

**Division 4.2 Passing on reasonable costs of FiT support payments**

**20A ACT electricity distributor may pass on reasonable costs**

- (1) The ACT electricity distributor may pass on to electricity retailers the distributor's costs in meeting its obligations under this Act—
  - (a) to make FiT support payments; and
  - (b) to administer the FiT support payments scheme, including the cost of complying with sections 21 and 21A.



- (2) In a financial year, the costs the ACT electricity distributor may pass on to electricity retailers under subsection (1) must not exceed the reasonable costs determined under section 20C for that financial year.

*Note* Over or under recovery of costs by the ACT electricity distributor must be considered by the Minister in subsequent financial year determinations of reasonable costs—see s 20C (2) (a) (ii).

- (3) In this section:

*electricity retailer* means a NERL retailer or a NERL exempt seller to whom the ACT electricity distributor supplies electricity.

*NERL exempt seller*—see the *Utilities Act 2000*, section 75A.

*NERL retailer*—see the *Utilities Act 2000*, section 75.

## **20B Reasonable costs—application for determination**

- (1) The ACT electricity distributor must, in each financial year (the *current financial year*) apply to the Minister for a determination of the reasonable costs (a *reasonable costs determination*) for the next financial year (the *upcoming financial year*) of the distributor meeting its obligations under this Act—
- (a) to make FiT support payments; and
  - (b) to administer the FiT support payments scheme, including the cost of complying with sections 21 and 21A.
- (2) The application must be made no later than 6 months after the beginning of the current financial year.
- (3) The application must include—
- (a) in relation to the financial year immediately preceding the current financial year—
    - (i) the total amount of FiT support payments paid by the ACT electricity distributor; and

- (ii) the costs incurred by the ACT electricity distributor in administering the FiT support payments, including the cost of complying with sections 21 and 21A; and
    - (iii) the total amount of costs mentioned in section 20A (1) that the ACT electricity distributor recovered from electricity retailers; and
  - (b) in relation to the upcoming financial year and the following 4 financial years—
    - (i) the total amount of FiT support payments that the ACT electricity distributor estimates it will pay; and
    - (ii) the estimated cost to the ACT electricity distributor in administering the FiT support payments, including the cost of complying with sections 21 and 21A; and
  - (c) if the Minister has determined a methodology under section 20D (the *determined methodology*)—the manner in which the ACT electricity distributor has applied the determined methodology in estimating the costs under paragraph (b) (i); and
  - (d) if the Minister has not determined a methodology under section 20D—the methodology applied by the ACT electricity distributor in estimating the costs under paragraph (b) (i).
- (4) If the application does not contain sufficient information for the Minister to make a decision the Minister may, within 1 month of receiving the application, require the ACT electricity distributor to provide further information (the *required information*).
- (5) The ACT electricity distributor must provide the required information to the Minister within 10 working days after the day the Minister requests the information.

## **20C Reasonable costs—determination**

- (1) The Minister must make a reasonable costs determination for an upcoming financial year no later than 2 months after the day the ACT electricity distributor applies to the Minister under section 20B (1).
- (2) In making a reasonable costs determination, the Minister must consider—
  - (a) the information provided by the ACT electricity distributor under section 20B, including—
    - (i) the application of the methodology mentioned in section 20B (3) (c); and
    - (ii) the difference between the amounts mentioned in section 20B (3) (a) (i) and (ii) and the amount mentioned in section 20B (3) (a) (iii); and
  - (b) the need to ensure that neither ACT electricity consumers nor the ACT electricity distributor are unreasonably financially disadvantaged by the determination.
- (3) The Minister may determine the reasonable costs to be—
  - (a) the amounts mentioned in section 20B (3) (b) set out in the ACT electricity distributor's application; or
  - (b) another amount.
- (4) If the Minister does not make a reasonable costs determination within the required time under subsection (1), the reasonable costs are taken to be the amounts mentioned in section 20B (3) (b) set out in the ACT electricity distributor's application.
- (5) A determination under subsection (1) is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act](#).

**20D Reasonable costs—methodology**

- (1) The Minister may determine the methodology to be applied by the ACT electricity distributor in estimating the cost of the FiT support payment.
- (2) The Minister must consult the ACT electricity distributor before making a determination under subsection (1).
- (3) A determination under subsection (1) is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act](#).

## Part 5 Reporting

### 21 Quarterly reports by ACT electricity distributor

- (1) This section applies if, during a quarter, a large renewable energy generator in relation to which a FIT entitlement is granted is connected to the interconnected national electricity system.
- (2) The ACT electricity distributor must give the Minister a report for the quarter in relation to the generator.
- (3) The report must include the following:
  - (a) if the generator was first connected to the ACT electricity distribution system during the quarter—the cost of connecting the generator to the ACT electricity distribution system, including any network augmentation that was required to facilitate the connection;
  - (b) if the generator is connected to the ACT electricity distribution system—the cost of maintaining the connection of the generator to the ACT electricity distribution system and maintaining any network augmentation required to facilitate the connection;
  - (c) the quantity of eligible electricity supplied by the generator to the interconnected national electricity system in a trading interval, and the spot price value for the electricity in each interval;
  - (d) the FiT support payment paid by the ACT electricity distributor during the quarter to the holder of the FiT entitlement in relation to the generator.
- (4) The ACT electricity distributor must give the Minister the report for a quarter before the end of the next quarter.

- (5) The Minister must, within 3 months after receiving the report, make the report publicly available.

**Example—publicly available**

published on a website operated by the administrative unit responsible for this Act

- (6) In this section:

*trading interval*—see the [national electricity rules](#), chapter 10 (Glossary).

**21A Audit of information given to Minister**

- (1) The Minister may require the ACT electricity distributor to commission an audit of the information provided by the distributor in the report under section 21.
- (2) The audit must be—
- (a) paid for by the ACT electricity distributor; and
  - (b) undertaken by—
    - (i) an auditor appointed by the Minister; or
    - (ii) if the Minister decides not to appoint an auditor—an auditor that is independent of the distributor; and
  - (c) undertaken in accordance with procedures determined by the Minister following consultation with the ACT electricity distributor.
- (3) A determination is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

- (4) The Minister must not require the ACT electricity distributor to commission more than 1 audit in any 12 month period.

- (5) The ACT electricity distributor commits an offence if—
- (a) the distributor gives the Minister information in a report under section 21; and
  - (b) the Minister requires an audit of the information; and
  - (c) the distributor engages in conduct; and
  - (d) as a result of the conduct, the distributor fails to commission the required audit.

Maximum penalty: 400 penalty units.

## Part 5A Notification and review of decisions

### 21B Meaning of *reviewable decision*—pt 5A

In this part:

*reviewable decision* means a reasonable costs determination under section 20C.

### 21C Reviewable decision notice

If the Minister makes a reviewable decision, the Minister must give a reviewable decision notice to the ACT electricity distributor.

*Note* The requirements for reviewable decision notices are prescribed under the [ACT Civil and Administrative Tribunal Act 2008](#).

### 21D Applications for review

The ACT electricity distributor may apply to the ACAT for review of a reviewable decision.

*Note* If a form is approved under the [ACT Civil and Administrative Tribunal Act 2008](#) for the application, the form must be used.



## Part 6                      Miscellaneous

### 22                      Review of Act

- (1) The Minister must review a FiT capacity release within 6 months after the last FiT entitlement under the release is granted.
- (2) A review under subsection (1) must include—
  - (a) an evaluation of the outcomes in relation to achieving value for money; and
  - (b) in relation to a competitive process for a FiT capacity release— an evaluation of the process, including the administration of the process and its effectiveness in generating competition.
- (3) The Minister must review the operation of this Act after the end of its 5th year of operation, and at least once every subsequent 5 years of its operation.
- (4) A review under subsection (3) must include—
  - (a) an evaluation of the progress of construction of large renewable energy generators; and
  - (b) a consideration of the effectiveness of the operation of this Act in achieving the objects of this Act; and
  - (c) a consideration of the impact of costs under this Act on electricity consumers.
- (5) The Minister must present a copy of a review to the Legislative Assembly not later than 6 months after the end of the period for undertaking the review.

## 23 Determination of fees

- (1) The Minister may determine fees for this Act.

*Note* The [Legislation Act](#) contains provisions about the making of determinations and regulations relating to fees (see pt 6.3)

- (2) A determination is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

## 24 Approved forms

- (1) The Minister may approve forms for this Act.

- (2) If the Minister approves a form for a particular purpose, the approved form must be used for the purpose.

*Note* For other provisions about forms, see the [Legislation Act](#), s 255.

- (3) An approved form is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act](#).

## 25 Regulation-making power

- (1) The Executive may make regulations for this Act.

*Note* Regulations must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

- (2) A regulation may make provision in relation to the following:

- (a) working out a FiT support payment;
- (b) paying a FiT support payment;
- (c) the verification of information provided by the holder of a FiT entitlement.

- (3) A regulation may create offences and fix maximum penalties of not more than 30 penalty units for the offences.

## Dictionary

(see s 3)

*Note 1* The [Legislation Act](#) contains definitions and other provisions relevant to this Act.

*Note 2* For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- ACAT
- Act
- ACT
- Commonwealth
- disallowable instrument (see s 9)
- Executive
- in relation to
- may (see s 146)
- Minister (see s 162)
- month
- must (see s 146)
- notifiable instrument (see s 10)
- penalty unit (see s 133)
- person (see s 160)
- quarter
- regulation
- territory law
- the Territory
- under
- writing.

***ACT electricity distribution system*** means the distribution system component of the interconnected national electricity system in the ACT.

***ACT electricity distributor*** means the network service provider operating the ACT electricity distribution system.

**AEMO**—see the [national electricity rules](#), chapter 10 (Glossary).

**Australian capital region** means the region made up of—

- (a) the ACT; and
- (b) if a regulation prescribes an area that makes up the region—the prescribed area.

**capacity**, of a generating system—see section 7.

**distribution system**—see the [National Electricity \(ACT\) Law](#), section 2.

**eligible electricity**—see section 17 (1).

**FiT capacity**—see section 9.

**FiT capacity release**—see section 10 (1).

**FiT entitlement**—see section 8.

**FiT support payment**, for a holder of a FiT entitlement, for eligible electricity for a period—see section 17A (1).

**generating system**—see the [national electricity rules](#), chapter 10 (Glossary).

**generating unit**—see the [national electricity rules](#), chapter 10 (Glossary).

**interconnected national electricity system**—see the [National Electricity \(ACT\) Law](#), section 2.

**large renewable energy generator**—see section 6.

**large-scale generation certificate**—see the [Renewable Energy \(Electricity\) Act 2000](#) (Cwlth), section 5.

**market participant**—see the [national electricity rules](#), chapter 10 (Glossary).

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***National Electricity (ACT) Law*** means the provisions applying in the ACT because of the [Electricity \(National Scheme\) Act 1997](#), section 5.

***national electricity market***—see the [National Electricity \(ACT\) Law](#), section 2.

***national electricity rules*** means the [national electricity rules](#) under the [National Electricity \(ACT\) Law](#).

***network service provider***—see the [National Electricity \(ACT\) Law](#), section 2.

***reasonable costs determination***—see section 20B (1).

***renewable energy source***—see section 6.

***spot market***—see the [national electricity rules](#), chapter 10 (Glossary).

***spot price value***, for eligible electricity, means the amount that would have been paid for the electricity by the AEMO if the electricity had been sold on the spot market.

## Endnotes

1 About the endnotes

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## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

### 3 Legislation history

#### **Electricity Feed-in (Large-scale Renewable Energy Generation) Act 2011 A2011-56**

notified LR 14 December 2011  
s 1, s 2 commenced 14 December 2011 (LA s 75 (1))  
remainder commenced 15 December 2011 (s 2)

as amended by

#### **Electricity Feed-in (Large-scale Renewable Energy Generation) Amendment Act 2014 A2014-7**

notified LR 27 March 2014  
s 1, s 2 commenced 27 March 2014 (LA s 75 (1))  
remainder commenced 28 March 2014 (s 2)

#### **Electricity Feed-in Tariff Schemes Legislation Amendment Act 2015 A2015-20 pt 2**

notified LR 15 June 2015  
s 1, s 2 commenced 15 June 2015 (LA s 75 (1))  
pt 2 commenced 16 June 2015 (s 2)

#### **Renewable Energy Legislation Amendment Act 2016 A2016-26 pt 3**

notified LR 12 May 2016  
s 1, s 2 commenced 12 May 2016 (LA s 75 (1))  
pt 3 commenced 13 May 2016 (s 2)

#### **Planning, Building and Environment Legislation Amendment Act 2017 (No 2) A2017-20 pt 3**

notified LR 15 June 2017  
s 1, s 2 commenced 15 June 2017 (LA s 75 (1))  
pt 3 commenced 16 June 2017 (s 2)

#### **Electricity Feed-in (Large-scale Renewable Energy Generation) Amendment Act 2017 A2017-35 pt 2**

notified LR 8 November 2017  
s 1, s 2 taken to have commenced 14 September 2017 (LA s 75 (2))  
s 4 taken to have commenced 14 September 2017 (s 2 (1))  
pt 2 remainder commenced 9 November 2017 (s 2 (2))

## Endnotes

3 Legislation history

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### **Electricity Feed-in (Large-scale Renewable Energy Generation) Amendment Act 2019 A2019-40**

notified LR 31 October 2019

s 1, s 2 commenced 31 October 2019 (LA s 75 (1))

remainder commenced 1 November 2019 (s 2)



## 4 Amendment history

### Commencement

s 2 om LA s 89 (4)

### Dictionary

s 3 am [A2014-7](#) s 4

### Objects of Act

s 5 am [A2014-7](#) s 5

### Meaning of *capacity*

s 7 am [A2014-7](#) s 6, s 7

### Reference to Renewable Energy (Electricity) Act 2000 (Cwlth)

s 7A ins [A2015-20](#) s 4

### FiT capacity

s 9 am [A2014-7](#) s 8; [A2016-26](#) s 6  
sub [A2019-40](#) s 4

### FiT capacity release

s 10 am [A2014-7](#) s 9, s 10

### FiT entitlement—grant

s 11 am [A2014-7](#) s 11

### FiT entitlement—conditions

s 12 am [A2014-7](#) s 12

### FiT entitlement—surrender

s 14 am [A2017-35](#) s 4

### Calculation and payment of FiT support payments

div 4.1 hdg ins [A2017-35](#) s 5

### Meaning of *eligible electricity*

s 17 am [A2014-7](#) s 13, s 14; [A2015-20](#) s 5, s 6

### Meaning of *FiT support payment*

s 17A ins [A2014-7](#) s 15  
sub [A2015-20](#) s 7

### FiT support payment—ACT electricity distributor to pay

s 18 sub [A2014-7](#) s 15  
am [A2015-20](#) s 8

### FiT support payment—negative amount

s 19 sub [A2014-7](#) s 15

### Offences—non-payment of FiT support payment or other amount

s 20 sub [A2014-7](#) s 15

## Endnotes

4 Amendment history

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**Passing on reasonable costs of FiT support payments**

div 4.2 hdg ins [A2017-35](#) s 6

**ACT electricity distributor may pass on reasonable costs**

s 20A ins [A2017-35](#) s 6

**Reasonable costs—application for determination**

s 20B ins [A2017-35](#) s 6

**Reasonable costs—determination**

s 20C ins [A2017-35](#) s 6

**Reasonable costs—methodology**

s 20D ins [A2017-35](#) s 6

**Quarterly reports by ACT electricity distributor**

s 21 sub [A2014-7](#) s 16  
am [A2015-20](#) s 9; ss renum R3 LA

**Audit of information given to Minister**

s 21A ins [A2017-35](#) s 7

**Notification and review of decisions**

pt 5A hdg ins [A2017-35](#) s 8

**Meaning of *reviewable decision*—pt 5A**

s 21B ins [A2017-35](#) s 8

**Reviewable decision notice**

s 21C ins [A2017-35](#) s 8

**Applications for review**

s 21D ins [A2017-35](#) s 8

**Regulation-making power**

s 25 am [A2014-7](#) s 17; [A2015-20](#) s 10

**Electricity Feed-in (Large-scale Renewable Energy Generation) Regulation 2017—sch 1**

s 26 ins [A2016-26](#) s 7  
exp 13 May 2016 (s 26 (6))  
ins [A2017-20](#) s 7  
exp 16 June 2017 (s 26 (5))

**Electricity Feed-in (Large-scale Renewable Energy Generation) Regulation 2017**

sch 1 ins [A2016-26](#) s 8  
exp 13 May 2016 (s 26 (6))  
ins [A2017-20](#) s 8  
exp 16 June 2017 (s 26 (5))

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**Dictionary**

- am [A2017-35](#) s 9
- def **ACT electricity distribution system** ins [A2014-7](#) s 18
- def **ACT electricity distributor** ins [A2014-7](#) s 18
- def **AEMO** ins [A2014-7](#) s 18
- def **Australian capital region** ins [A2017-20](#) s 9
- def **distribution system** ins [A2014-7](#) s 18
- def **electricity distributor** om [A2014-7](#) s 19
- def **electricity network** om [A2014-7](#) s 19
- def **FiT support payment** sub [A2014-7](#) s 20
- def **interconnected national electricity system** ins [A2014-7](#) s 21
- def **national electricity market** sub [A2014-7](#) s 22
- def **network service provider** ins [A2014-7](#) s 23
- def **reasonable costs determination** ins [A2017-35](#) s 10
- def **spot market** ins [A2014-7](#) s 23
- def **spot price value** ins [A2014-7](#) s 23

## Endnotes

### 5 Earlier republications

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#### 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R1 15 Dec 2011	15 Dec 2011– 27 Mar 2014	not amended	new Act
R2 28 Mar 2014	28 Mar 2014– 15 June 2015	<a href="#">A2014-7</a>	amendments by <a href="#">A2014-7</a>
R3 16 June 2015	16 June 2015– 12 May 2016	<a href="#">A2015-20</a>	amendments by <a href="#">A2015-20</a>
R4 13 May 2016	13 May 2016– 13 May 2016	<a href="#">A2016-26</a>	amendments by <a href="#">A2016-26</a>
R5 14 May 2016	14 May 2016– 15 June 2017	<a href="#">A2016-26</a>	expiry of provisions (s 26 and sch 1)
R6 16 June 2017	16 June 2017– 16 June 2017	<a href="#">A2017-20</a>	amendments by <a href="#">A2017-20</a>
R7 17 June 2017	17 June 2017– 13 Sept 2017	<a href="#">A2017-20</a>	expiry of provisions (s 26 and sch 1)
R8 8 Nov 2017	14 Sept 2017– 8 Nov 2017	<a href="#">A2017-35</a>	retrospective amendments by <a href="#">A2017-35</a>
R9 9 Nov 2017	9 Nov 2017– 31 Oct 2019	<a href="#">A2017-35</a>	amendments by <a href="#">A2017-35</a>

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