



Australian Capital Territory

Electricity Feed-in (Renewable Energy Premium) Amendment Act 2011

A2011-6

Contents

| | Page |
|--|------|
| 1 Name of Act | 2 |
| 2 Commencement | 2 |
| 3 Legislation amended | 2 |
| 4 Sections 5B to 5D | 2 |
| 5 Feed-in from renewable energy generators to electricity network Section 6 (2) and (3) | 8 |
| 6 Payment for electricity from renewable energy generators Section 8 (1) (a) | 9 |
| 7 Section 8 (1) (b) | 9 |
| 8 Section 8 (2) | 10 |
| 9 Recovery of cost of renewable energy premium Section 8A (1) | 10 |

J2009-956

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Contents

| | | Page |
|----|---|------|
| 10 | Determination of premium rate | |
| | Section 10 (3) (b) (v) | 10 |
| 11 | Section 10 (3) (c) (iii) | 10 |
| 12 | Section 10 (4) | 11 |
| 13 | Premium rate—20 years | |
| | Section 11 (2) (b) and (c) | 11 |
| 14 | Dictionary, new definitions | 11 |
| 15 | Dictionary, definitions of <i>National Electricity (ACT) Regulations</i> and <i>NEL compliant</i> | 11 |
| 16 | Dictionary, definition of <i>premium rate</i> , paragraph (b) | 11 |
| 17 | Dictionary, definitions of <i>renewable energy generator</i> and <i>renewable energy source</i> | 12 |
| 18 | Dictionary, definition of <i>transition franchise tariff retail price</i> | 12 |



Australian Capital Territory

Electricity Feed-in (Renewable Energy Premium) Amendment Act 2011

A2011-6

An Act to amend the *Electricity Feed-in (Renewable Energy Premium) Act 2008*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Electricity Feed-in (Renewable Energy Premium) Amendment Act 2011*.

2 Commencement

This Act commences on a day fixed by the Minister by written notice.

Note 1 The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

Note 2 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

Note 3 If a provision has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period (see Legislation Act, s 79).

3 Legislation amended

This Act amends the *Electricity Feed-in (Renewable Energy Premium) Act 2008*.

4 Sections 5B to 5D

substitute

5B Meaning of *renewable energy generator* and *renewable energy source*

(1) In this Act:

renewable energy generator means an energy generator that generates electricity from a renewable energy source, and includes—

(a) a micro renewable energy generator; and

(b) a medium renewable energy generator.

renewable energy source means any of the following:

(a) solar;

(b) wind;

(c) any other source determined by the Minister.

(2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

5C Meaning of *capacity*

(1) In this Act:

capacity, of a renewable energy generator, means—

(a) if the generator is a solar photovoltaic generator—the rated power output of the panels of the generator; or

(b) if the Minister determines a method for measuring the capacity of a generator under subsection (2)—the capacity measured by the determined method.

(2) The Minister may determine the method for measuring the capacity of renewable energy generators.

Note Power to make a statutory instrument (including a regulation) includes power to make different provision for different categories (see Legislation Act, s 48).

(3) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

5D *Meaning of medium renewable energy generator and micro renewable energy generator*

In this Act:

medium renewable energy generator means a renewable energy generator that has a total capacity more than 30kW but not more than 200kW.

micro renewable energy generator means a renewable energy generator that has a total capacity not more than 30kW.

5E *Meaning of compliant*

- (1) For this Act, a renewable energy generator is *compliant* if—
- (a) the generator is installed on premises in the ACT; and
 - (b) when connected to the electricity distributor's network, it complies with the service and installation rules; and
 - (c) the total capacity of the generator, or the total capacity of all renewable energy generators installed on the premises, is not more than—
 - (i) 200kW; or
 - (ii) if the Minister determines another capacity under subsection (2)—the applicable determined capacity; and
 - (d) if the generator is a micro renewable generator—the generator is connected to the electricity distributor's network before the total capacity of all micro renewable energy generators connected to the network reaches—
 - (i) 15MW; or
 - (ii) if the Minister determines another capacity under subsection (3)—the determined capacity; and

- (e) if the generator is a medium renewable generator—the generator is connected to the electricity distributor’s network before the total capacity of all medium renewable energy generators connected to the network reaches—
 - (i) 15MW; or
 - (ii) if the Minister determines another capacity under subsection (3)—the determined capacity.
- (2) The Minister may determine a total capacity for the following:
 - (a) micro renewable energy generators installed on premises;
 - (b) medium renewable energy generators installed on premises;
 - (c) all renewable energy generators installed on premises.
- (3) The Minister may determine the total capacity for all micro and medium renewable energy generators connected to the electricity distributor’s network.
- (4) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

- (5) In this section:

service and installation rules means the service and installation rules for connection to the electricity distribution network, as in force from time to time, made under a technical code, as in force from time to time, made under the *Utilities Act 2000*.

Note Technical codes made under the *Utilities Act 2000* are accessible at www.icrc.act.gov.au. The service and installation rules are accessible at www.actewagl.com.au.

5F Meaning of *eligible entity*

(1) In this Act:

eligible entity—

(a) means—

- (i) if an incorporated association owns the premises on which a compliant renewable energy generator is installed—the incorporated association; or
- (ii) if a cooperative owns the premises on which a compliant renewable energy generator is installed—the cooperative; or
- (iii) if a person owns commercial or retail premises on which a compliant renewable energy generator is installed—the person; or
- (iv) if a person (the *lessee*) leases premises, or a part of premises, to install or operate a compliant renewable energy generator—the lessee; or
- (v) in any other case—the occupier of premises on which a compliant renewable energy generator is installed; but

(b) does not include—

- (i) a territory agency; or
- (ii) a territory-owned corporation; or
- (iii) the Commonwealth or a Commonwealth authority; or
- (iv) an entity determined by the Minister.

(2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

(3) In this section:

commercial premises—see the *Leases (Commercial and Retail) Act 2001*, section 7 (1).

Commonwealth authority means any of the following (other than an educational institution):

- (a) a corporation established for a public purpose under a Commonwealth Act;
- (b) a company in which a controlling interest is held by any 1 of the following, or by 2 or more of the following together:
 - (i) the Commonwealth;
 - (ii) a corporation mentioned in paragraph (a);
 - (iii) an entity mentioned in subparagraph (i) or (ii).

cooperative—see the *Cooperatives Act 2002*, dictionary.

educational institution means—

- (a) a government school or school-related institution established under the *Education Act 2004*, section 20; or
- (b) a higher education provider; or
- (c) a university.

higher education provider—see the *Training and Tertiary Education Act 2003*, dictionary.

incorporated association means an association incorporated under the *Associations Incorporation Act 1991* or a law of another jurisdiction corresponding, or substantially corresponding, to that Act.

retail premises—see the *Leases (Commercial and Retail) Act 2001*, section 7 (2).

territory agency means any of the following (other than an educational institution):

- (a) the Territory;
- (b) a territory instrumentality, and any other corporation established for a public purpose under a territory law;
- (c) a company in which a controlling interest is held by any 1 of the following, or by 2 or more of the following together:
 - (i) the Territory;
 - (ii) a Minister;
 - (iii) a corporation mentioned in paragraph (b);
 - (iv) an entity mentioned in subparagraphs (i) to (iii).

**5 Feed-in from renewable energy generators to electricity network
Section 6 (2) and (3)**

substitute

- (2) It is a condition of the electricity distributor's licence that the distributor must, on application by an eligible entity—
 - (a) connect a renewable energy generator to the distributor's network to enable electricity generated by the generator to be supplied to the network; and
 - (b) reimburse the utility that is the electricity supplier to the premises the difference between—
 - (i) the amount payable under subsection (3) for electricity generated by the generator to be supplied to the network; and
 - (ii) the normal cost of that electricity; and

- (c) pass on to the eligible entity the additional metering costs in relation to electricity generated by the generator.
- (3) It is a condition of the electricity supplier's licence that the supplier must, on application by an eligible entity, pay the eligible entity, in accordance with section 8, for the total amount of electricity generated by the renewable energy generator on or after the day the application is made.

**6 Payment for electricity from renewable energy generators
Section 8 (1) (a)**

omit

generators installed at the premises the total capacity of which is not more than 10kW

substitute

a micro renewable energy generator

7 Section 8 (1) (b)

substitute

- (b) for electricity generated by a medium renewable energy generator—
 - (i) 75% of the premium rate; or
 - (ii) if another percentage is determined under section 9 for this paragraph—that percentage of the premium rate.

8 Section 8 (2)

omit

occupier

substitute

eligible entity

**9 Recovery of cost of renewable energy premium
Section 8A (1)**

omit

occupier

substitute

eligible entity

**10 Determination of premium rate
Section 10 (3) (b) (v)**

omit

occupiers

substitute

eligible entities

11 Section 10 (3) (c) (iii)

omit

occupier

substitute

eligible entity

12 Section 10 (4)

omit

**13 Premium rate—20 years
Section 11 (2) (b) and (c)**

substitute

- (b) if the generator is transferred with the premises to another person who is an eligible entity in relation to the premises; or
- (c) if the generator is transferred to other premises in relation to which the eligible entity is also an eligible entity.

14 Dictionary, new definitions

insert

capacity, of a renewable energy generator—see section 5C.

compliant—see section 5E.

medium renewable energy generator—see section 5D.

micro renewable energy generator—see section 5D.

15 Dictionary, definitions of *National Electricity (ACT) Regulations* and *NEL compliant*

omit

16 Dictionary, definition of *premium rate*, paragraph (b)

substitute

- (b) the eligible entity for the generator makes the application for payment mentioned in section 6 (3).

17 Dictionary, definitions of *renewable energy generator* and *renewable energy source*

substitute

renewable energy generator—see section 5B.

renewable energy source—see section 5B.

18 Dictionary, definition of *transition franchise tariff retail price*

omit

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 9 December 2010.

2 Notification

Notified under the Legislation Act on 24 February 2011.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Electricity Feed-in (Renewable Energy Premium) Amendment Bill 2011, which originated in the Legislative Assembly as the Electricity Feed-in (Renewable Energy Premium) Amendment Bill 2010 and was passed by the Assembly on 17 February 2011.

Clerk of the Legislative Assembly

© Australian Capital Territory 2011