



Australian Capital Territory

Electricity Feed-in Tariff Schemes Legislation Amendment Act 2015

A2015-20

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Australian Capital Territory

Electricity Feed-in Tariff Schemes Legislation Amendment Act 2015

A2015-20

An Act to amend legislation about electricity feed-in tariff schemes

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

Part 1 Preliminary

1 Name of Act

This Act is the *Electricity Feed-in Tariff Schemes Legislation Amendment Act 2015*.

2 Commencement

This Act commences on the day after its notification day.

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

3 Legislation amended

This Act amends the *Electricity Feed-in (Large-scale Renewable Energy Generation) Act 2011* and the *Electricity Feed-in (Renewable Energy Premium) Act 2008*.

Part 2 Electricity Feed-in (Large-scale Renewable Energy Generation) Act 2011

4 New section 7A

in part 2, insert

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.

5 Meaning of *eligible electricity* Section 17, definition of *eligible electricity*, paragraph (b)

substitute

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- (ii) if the *Renewable Energy (Electricity) Act 2000* (Cwlth) is repealed, expires or is amended in a way that ends registration of large-scale generation certificates—is electricity that—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

6 New section 17 (2) to (4)

insert

- (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).

7 Section 17A

substitute

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.

**8 FiT support payment—ACT electricity distributor to pay
Section 18 (2) (b)**

substitute

- (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

**9 Quarterly reports by ACT electricity distributor
New section 21 (4A)**

insert

- (4A) 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

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

**10 Regulation-making power
New section 25 (2) (c)**

insert

- (c) the verification of information provided by the holder of a FiT entitlement.

Part 3 Electricity Feed-in (Renewable Energy Premium) Act 2008

11 New section 5AA

in part 1, insert

5AA Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

Note 1 Criminal Code

The [Criminal Code](#), ch 2 applies to all offences against this Act (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

Note 2 Penalty units

The [Legislation Act](#), s 133 deals with the meaning of offence penalties that are expressed in penalty units.

12 Meaning of *renewable energy generator* and *renewable energy source* Section 5B (1), definition of *renewable energy generator*

substitute

renewable energy generator—

- (a) means an energy generator that generates electricity from a renewable energy source; and
- (b) includes—
 - (i) a micro renewable energy generator; and
 - (ii) a medium renewable energy generator; but

- (c) does not include a device that is capable of storing energy that is not generated from a compliant renewable energy generator under paragraph (b).

13 **Meaning of *compliant***
New section 5E (1) (e) to (g)

insert

- (e) if the generator is a micro renewable energy generator—the distributor received the application for the connection of the generator by 29 July 2011; and
- (f) if the generator is a medium renewable energy generator—the distributor received the application for the connection of the generator by 13 July 2011; and
- (g) the generator is installed on premises and connected to the electricity distributor’s network before 31 December 2016.

14 **Determination of premium rate**
Section 10 (1)

substitute

- (1) The Minister must determine the premium rate for amounts payable by a NERL retailer under section 6 (Feed-in from renewable energy generators to electricity network) for compliant renewable energy generators.

15 Sections 11A and 11B

substitute

11A Report by Minister

The Minister must, within 6 months after the end of each financial year, publish on an appropriate government website a report about the following:

- (a) the number of compliant renewable energy generators installed on premises in the ACT;
- (b) the total capacity of compliant renewable energy generators installed on premises in the ACT;
- (c) the costs under this Act on electricity users.

11B Electricity distributors to give information to Minister

- (1) The Minister must determine the information required to prepare a report under section 11A (the *required information*).

- (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) Each of the following entities (a *reporting entity*) must give the Minister the required information:

- (a) an electricity distributor;
- (b) a NERL retailer.

- (4) A person commits an offence if—

- (a) the person is a reporting entity; and
- (b) the person engages in conduct; and
- (c) as a result of the conduct, the person fails to give the Minister information; and

(d) the information is required information.

Maximum penalty: 30 penalty units.

11C Audit of information given to Minister

- (1) The Minister may require a reporting entity to undertake an audit of the information provided by the reporting entity under section 11B if the Minister believes on reasonable grounds the information is untrue, misleading or incomplete.
- (2) The audit must be—
 - (a) paid for by the reporting entity; 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 reporting entity; and
 - (c) undertaken in accordance with requirements determined by the Minister.
- (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) A person commits an offence if—
 - (a) the person is a reporting entity; and
 - (b) the person gives the Minister information under section 11B; and
 - (c) the Minister requires an audit of the information; and
 - (d) the person engages in conduct; and

- (e) as a result of the conduct, the person fails to undertake the required audit.

Maximum penalty: 400 penalty units.

**16 Regulation-making power
Section 12 (3)**

omit

10 penalty units

substitute

30 penalty units

17 Dictionary, new definitions

insert

reporting entity—see section 11B (3).

required information—see section 11B (1).

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 14 May 2015.

2 Notification

Notified under the [Legislation Act](#) on 15 June 2015.

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 Tariff Schemes Legislation Amendment Bill 2015, which was passed by the Legislative Assembly on 4 June 2015.

Clerk of the Legislative Assembly

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