



Australian Capital Territory

# Electricity Feed-in (Renewable Energy Premium) Amendment Act 2020

A2020-37

---

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 2020*.

## **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 (Renewable Energy Premium) Act 2008*.

## **4 Electricity distributors to give information to Minister Section 11B (4)**

*substitute*

- (4) If requested in writing, a reporting entity must, within 10 working days after receiving the request, give the Minister any other information the Minister reasonably requires to ensure the accuracy of the required information.

### **Examples—other information**

- 1 information about how the required information is recorded
- 2 information about how the reporting entity ensures the accuracy of the required information
- 3 information about the experience and training of staff responsible for recording and reporting on the required information

- (5) A reporting entity commits an offence if the entity—
- (a) is required to give the Minister information under subsection (3) or (4); and

- (b) fails to give the Minister the information in accordance with this section.

Maximum penalty: 30 penalty units.

- (6) A reporting entity commits an offence if—
  - (a) the entity gives the Minister information required under subsection (3) or (4); and
  - (b) the information is false or misleading in a material particular; and
  - (c) the entity—
    - (i) knows that the information is false or misleading; or
    - (ii) is reckless about whether the information is false or misleading.

Maximum penalty: 30 penalty units.

## **5 Audit of information given to Minister Section 11C (1)**

*substitute*

- (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—
  - (a) the information is false, misleading or incomplete; or
  - (b) there is a risk that the information is false, misleading or incomplete.

## **6 New section 11C (2) (aa)**

*before paragraph (a), insert*

- (aa) completed within 3 months after the day it is required to be undertaken; and

**7 Section 11C (4)**

*substitute*

- (4) A reporting entity commits an offence if—
  - (a) the Minister requires the entity to undertake an audit under subsection (1); and
  - (b) the entity fails to undertake the audit in accordance with this section.

Maximum penalty: 400 penalty units.

**8 New part 3B**

*insert*

**Part 3B                      Passing on reasonable  
administration costs**

**11D                      Electricity distributors may pass on reasonable  
administration costs**

- (1) For a financial year, an electricity distributor may pass on its administration costs to an eligible entity up to the maximum amount for the financial year.
- (2) In this section:

*administration costs*, of an electricity distributor, means the administration costs reasonably incurred by the distributor in meeting its obligations under this Act.

*maximum amount* means the amount determined under section 11F.

**11E Maximum amount of administration costs—application for determination**

- (1) An electricity distributor may apply to the Minister for a determination of the maximum amount of administration costs the distributor may pass on under section 11D for a financial year (the *relevant financial year*).
- (2) The application must be made no later than 6 months before the beginning of the relevant financial year.
- (3) The application must include—
  - (a) for the financial year immediately before the relevant financial year—the total amount of administration costs—
    - (i) incurred by the electricity distributor in that financial year; and
    - (ii) recovered by the electricity distributor from eligible entities under section 11D in that financial year; and
  - (b) the estimated administration costs of the electricity distributor for the relevant financial year.
- (4) If the application does not contain sufficient information for the Minister to make a decision, the Minister may, within 1 month after the day the Minister receives the application, require the electricity distributor to provide further information.
- (5) The electricity distributor must provide the information to the Minister within 10 working days after the day the information is requested.

**11F Maximum amount of administration costs—determination**

- (1) This section applies if an electricity distributor makes an application under section 11E for a financial year.

- (2) The Minister must determine the maximum amount that the electricity distributor may pass on to an eligible entity for the financial year no later than 2 months after the day the Minister receives the application.
- (3) In making a determination, the Minister must—
  - (a) consider the information provided by the electricity distributor under section 11E; and
  - (b) ensure that the electricity distributor, eligible entities and ACT electricity consumers are not unreasonably financially disadvantaged by the determination.
- (4) The Minister may determine the maximum amount for the financial year to be—
  - (a) the amount mentioned in section 11E (3) (b); or
  - (b) another amount.
- (5) If the Minister does not make a determination within the required period under subsection (2), the maximum amount that the electricity distributor may pass on to an eligible entity for the financial year is taken to be the amount mentioned in section 11E (3) (b).
- (6) A determination under subsection (2) is a disallowable instrument.

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

---

## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 4 June 2020.

**2 Notification**

Notified under the [Legislation Act](#) on 5 August 2020.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

---

I certify that the above is a true copy of the Electricity Feed-in (Renewable Energy Premium) Amendment Bill 2020, which was passed by the Legislative Assembly on 30 July 2020.

Clerk of the Legislative Assembly

© Australian Capital Territory 2020