2019

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Climate Change and Sustainability)

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2019

THE LEGISLATIVE ASSEMBLY
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(Minister for Climate Change and Sustainability)

Energy Efficiency (Cost of Living) Improvement Amendment Bill 2019

A Bill for

An Act to amend the [Energy Efficiency (Cost of Living) Improvement Act 2012](http://www.legislation.act.gov.au/a/2012-17%22%20%5Co%20%22A2012-17), and for other purposes.

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

1 Name of Act

This Act is the *Energy Efficiency (Cost of Living) Improvement Amendment Act 2019*.

2 Commencement

 (1) The following provisions commence on the day after this Act’s notification day:

 section 3

 section 5

 section 14

 section 21

 section 23

 section 25

 section 28.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 75 (1)).

 (2) Sections 4 (1), 11 and 27 commence on a day fixed by the Minister by written notice.

Note 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](http://www.legislation.act.gov.au/a/2001-14), s 77 (1)).

 (3) If the provisions mentioned in subsection (2) have not commenced within 12 months beginning on their notification day, they automatically commence on the first day after that period.

 (4) The [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), section 79 (Automatic commencement of postponed law) does not apply to the provisions mentioned in subsection (2).

 (5) The remaining provisions commence on 1 January 2021.

3 Legislation amended

This Act amends the [Energy Efficiency (Cost of Living) Improvement Act 2012](http://www.legislation.act.gov.au/a/2012-17).

4 Legislation repealed

 (1) The following legislation is repealed:

 [Energy Efficiency (Cost of Living) Improvement (Eligible Activities) Code of Practice 2017](https://www.legislation.act.gov.au/di/2017-308/) (DI2017-308)

 [Energy Efficiency (Cost of Living) Improvement (Eligible Activities) Determination 2017](https://www.legislation.act.gov.au/ni/2017-676/) (NI2017-676)

 [Energy Efficiency (Cost of Living) Improvement (Record Keeping and Reporting) Code of Practice 2017](https://www.legislation.act.gov.au/di/2017-309/) (DI2017-309).

 (2) The following legislation is repealed:

 [Energy Efficiency (Cost of Living) Improvement (Emissions Multiplier) Determination 2015 (No 1)](https://www.legislation.act.gov.au/di/2015-270/) (DI2015-270)

 [Energy Efficiency (Cost of Living) Improvement Regulation 2017](http://www.legislation.act.gov.au/sl/2017-41) (SL2017-41).

5 Objects
Section 6 (b)

omit

stationary

6 Energy savings target
Section 7 (1)

omit

reduction in greenhouse gas emissions

substitute

energy savings

7 New section 7A

insert

7A Priority households

 (1) The Minister must determine priority households for this Act.

 (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14).

8 Priority household target
Section 8 (1)

omit

reduction in greenhouse gas emissions

substitute

energy savings

9 Emissions multiplier
Section 9

omit

10 Eligible activities
Section 10 (3)

substitute

 (3) In determining an eligible activity, the Minister must take into account the objects of this Act.

11 Section 10 (6)

substitute

 (6) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14).

12 Energy savings contribution
Section 11 (1)

omit

tonne of carbon dioxide equivalent greenhouse gas emissions

substitute

megawatt hour of energy

13 Section 11 (2) (b)

omit

abatement of greenhouse gas emissions

substitute

energy savings

14 Section 12

substitute

12 Meaning of compliance period

For this Act, compliance period means each calendar year within the period beginning 1 January 2013 and ending 31 December 2030.

15 Working out energy savings obligation
Section 13 (2) (a)

omit

tonnes of carbon dioxide equivalent greenhouse gas emissions

substitute

megawatt hours of energy

16 Section 13 (2) (b)

omit

EST × (electricity sales × emissions multiplier)

substitute

EST × electricity sales

17 Section 13 (2) (b), definition of emissions multiplier

omit

18 Working out priority household obligation
Section 15 (2) (a)

omit

tonnes of carbon dioxide equivalent greenhouse gas emissions

substitute

megawatt hours of energy

19 Section 18

substitute

18 Approval of acquired energy savings factor

 (1) A NERL retailer may apply to the administrator for approval of the acquisition of an energy savings factor (an approved energy savings factor) from an approved energy savings provider or another retailer.

 (2) The administrator must approve an acquisition if satisfied that—

 (a) the acquisition occurred; and

 (b) the acquired energy savings factor relates to an eligible activity in the ACT; and

 (c) the acquired energy savings factor has not been used to achieve another retailer’s energy savings obligations.

 (3) If the administrator approves an acquisition, the retailer may apply the acquired energy savings factor to the retailer’s energy savings obligation.

20 Compliance with energy savings obligations—retailer energy savings result
Section 20 (2)

omit

tonnes of carbon dioxide equivalent greenhouse gas emissions

substitute

megawatt hours of energy

21 Section 20 (9) (b)

substitute

 (b) the maximum percentage of the retailer’s retailer energy savings result that the retailer may carry forward to the next compliance period being the following:

 (i) for a shortfall in the compliance period 1 January 2013 to 31 December 2029—10%;

 (ii) for a shortfall in the compliance period 1 January 2030 to 31 December 2030—nil.

22 Compliance with energy savings obligations—tier 2 retailer energy savings result and contribution
Section 20A (2)

omit

tonnes of carbon dioxide equivalent greenhouse gas emissions

substitute

megawatt hours of energy

23 Compliance with energy savings obligations—tier 2 retailer contribution for shortfall
Section 20B (2) (b)

substitute

 (b) the maximum percentage of the retailer’s retailer energy savings result that the retailer may carry forward to the next compliance period being the following:

 (i) for a shortfall in the compliance period 1 January 2013 to 31 December 2029—10%;

 (ii) for a shortfall in the compliance period 1 January 2030 to 31 December 2030—nil.

24 Compliance with priority household obligations—retailer priority household result
Section 21 (1)

omit

tonnes of carbon dioxide equivalent greenhouse gas emissions

substitute

megawatt hours of energy

25 Section 21 (8) (b)

substitute

 (b) the maximum percentage of the retailer’s retailer priority household result that the retailer may carry forward to the next compliance period being the following:

 (i) for a shortfall in the compliance period 1 January 2013 to 31 December 2029—10%;

 (ii) for a shortfall in the compliance period 1 January 2030 to 31 December 2030—nil.

26 Penalties for noncompliance
Section 22 (3)

omit

tonne of carbon dioxide equivalent greenhouse gas emissions

substitute

megawatt hour of energy

27 Codes of practice
Section 25 (2)

substitute

 (2) An approved code of practice is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14).

28 Definitions—pt 4A
Section 28A, definition of non-territory agency

substitute

non-territory agency means an agency of the Commonwealth or a State that promotes energy efficiency or greenhouse gas abatement or that exercises functions corresponding to those exercised by a regulatory agency.

Note State includes the Northern Territory (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), dict, pt 1).

29 Dictionary, definitions of abatement factor, approved abatement factor and approved abatement provider

omit

30 Dictionary, new definitions

insert

approved energy savings factor—see section 18.

approved energy savings provider—see section 17A.

31 Dictionary, definitions of carbon dioxide equivalent and emissions multiplier

omit

32 Dictionary, new definition of energy savings factor

insert

energy savings factor means the number of megawatt hours that an eligible activity is taken to save.

33 Dictionary, definition of priority household

substitute

priority household means a priority household determined under section 7A.

34 Further amendments, mentions of abatement

omit

abatement

substitute

energy savings

in

 section 3

 section 10 (4)

 section 14 (2) and (3)

 section 16 (2)

 sections 17A and 17B

 section 19 (1) and (2)

 section 20 (3), (4) and (5)

 section 20A (3) and (4)

 section 21 (2) and (3)

 section 24

 section 25 (1)

 section 26 (2)

 section 47 (2) and (7)

 section 49A (1)

 section 49B (3), (4) and (5)

 section 49D (1)

 section 49E

 section 49G (3), (4) and (7)

 schedule 1, items 1, 2 and 3.

Endnotes

1 Presentation speech

 Presentation speech made in the Legislative Assembly on 15 August 2019.

2 Notification

 Notified under the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) on 2019.

3 Republications of amended laws

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

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