

2019

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Climate Change and Sustainability)

Energy Efficiency (Cost of Living) Improvement Amendment Bill 2019

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Legislation amended	3
4 Legislation repealed	3
5 Objects	
Section 6 (b)	3
6 Energy savings target	
Section 7 (1)	3
7 New section 7A	4
8 Priority household target	
Section 8 (1)	4

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Contents

	Page
9 Emissions multiplier Section 9	4
10 Eligible activities Section 10 (3)	4
11 Section 10 (6)	5
12 Energy savings contribution Section 11 (1)	5
13 Section 11 (2) (b)	5
14 Section 12	5
15 Working out energy savings obligation Section 13 (2) (a)	6
16 Section 13 (2) (b)	6
17 Section 13 (2) (b), definition of <i>emissions multiplier</i>	6
18 Working out priority household obligation Section 15 (2) (a)	6
19 Section 18	7
20 Compliance with energy savings obligations—retailer energy savings result Section 20 (2)	7
21 Section 20 (9) (b)	8
22 Compliance with energy savings obligations—tier 2 retailer energy savings result and contribution Section 20A (2)	8
23 Compliance with energy savings obligations—tier 2 retailer contribution for shortfall Section 20B (2) (b)	8
24 Compliance with priority household obligations—retailer priority household result Section 21 (1)	9
25 Section 21 (8) (b)	9
26 Penalties for noncompliance Section 22 (3)	9
27 Codes of practice Section 25 (2)	10
28 Definitions—pt 4A Section 28A, definition of <i>non-territory agency</i>	10

Contents

		Page
29	Dictionary, definitions of <i>abatement factor</i> , <i>approved abatement factor</i> and <i>approved abatement provider</i>	10
30	Dictionary, new definitions	10
31	Dictionary, definitions of <i>carbon dioxide equivalent</i> and <i>emissions multiplier</i>	10
32	Dictionary, new definition of <i>energy savings factor</i>	11
33	Dictionary, definition of <i>priority household</i>	11
34	Further amendments, mentions of <i>abatement</i>	11

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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*,
and for other purposes.

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

1 **1 Name of Act**

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

4 **2 Commencement**

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

- 7 • section 3
8 • section 5
9 • section 14
10 • section 21
11 • section 23
12 • section 25
13 • section 28.

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

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

18 *Note* A single day or time may be fixed, or different days or times may be
19 fixed, for the commencement of different provisions (see [Legislation Act](#),
20 s 77 (1)).

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

24 (4) The [Legislation Act](#), section 79 (Automatic commencement of
25 postponed law) does not apply to the provisions mentioned in
26 subsection (2).

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

3 Legislation amended

This Act amends the *Energy Efficiency (Cost of Living) Improvement Act 2012*.

4 Legislation repealed

(1) The following legislation is repealed:

- *Energy Efficiency (Cost of Living) Improvement (Eligible Activities) Code of Practice 2017* (DI2017-308)
- *Energy Efficiency (Cost of Living) Improvement (Eligible Activities) Determination 2017* (NI2017-676)
- *Energy Efficiency (Cost of Living) Improvement (Record Keeping and Reporting) Code of Practice 2017* (DI2017-309).

(2) The following legislation is repealed:

- *Energy Efficiency (Cost of Living) Improvement (Emissions Multiplier) Determination 2015 (No 1)* (DI2015-270)
- *Energy Efficiency (Cost of Living) Improvement Regulation 2017* (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

1 **7 New section 7A**

2 *insert*

3 **7A Priority households**

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

5 (2) A determination is a disallowable instrument.

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

8 **8 Priority household target**
9 **Section 8 (1)**

10 *omit*

11 reduction in greenhouse gas emissions

12 *substitute*

13 energy savings

14 **9 Emissions multiplier**
15 **Section 9**

16 *omit*

17 **10 Eligible activities**
18 **Section 10 (3)**

19 *substitute*

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

1 **11 Section 10 (6)**

2 *substitute*

3 (6) A determination is a disallowable instrument.

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

6 **12 Energy savings contribution**
7 **Section 11 (1)**

8 *omit*

9 tonne of carbon dioxide equivalent greenhouse gas emissions

10 *substitute*

11 megawatt hour of energy

12 **13 Section 11 (2) (b)**

13 *omit*

14 abatement of greenhouse gas emissions

15 *substitute*

16 energy savings

17 **14 Section 12**

18 *substitute*

19 **12 Meaning of *compliance period***

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

- 1 **15 Working out energy savings obligation**
2 **Section 13 (2) (a)**
- 3 *omit*
4 tonnes of carbon dioxide equivalent greenhouse gas emissions
5 *substitute*
6 megawatt hours of energy
- 7 **16 Section 13 (2) (b)**
- 8 *omit*
9 EST × (electricity sales × emissions multiplier)
10 *substitute*
11 EST × electricity sales
- 12 **17 Section 13 (2) (b), definition of *emissions multiplier***
- 13 *omit*
- 14 **18 Working out priority household obligation**
15 **Section 15 (2) (a)**
- 16 *omit*
17 tonnes of carbon dioxide equivalent greenhouse gas emissions
18 *substitute*
19 megawatt hours of energy

1 **19 Section 18**

2 *substitute*

3 **18 Approval of acquired energy savings factor**

- 4 (1) A NERL retailer may apply to the administrator for approval of the
5 acquisition of an energy savings factor (an *approved energy savings*
6 *factor*) from an approved energy savings provider or another retailer.
- 7 (2) The administrator must approve an acquisition if satisfied that—
- 8 (a) the acquisition occurred; and
- 9 (b) the acquired energy savings factor relates to an eligible activity
10 in the ACT; and
- 11 (c) the acquired energy savings factor has not been used to achieve
12 another retailer's energy savings obligations.
- 13 (3) If the administrator approves an acquisition, the retailer may apply
14 the acquired energy savings factor to the retailer's energy savings
15 obligation.

16 **20 Compliance with energy savings obligations—retailer**
17 **energy savings result**
18 **Section 20 (2)**

19 *omit*

20 tonnes of carbon dioxide equivalent greenhouse gas emissions

21 *substitute*

22 megawatt hours of energy

1 **21 Section 20 (9) (b)**

2 *substitute*

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

6 (i) for a shortfall in the compliance period 1 January 2013 to
7 31 December 2029—10%;

8 (ii) for a shortfall in the compliance period 1 January 2030 to
9 31 December 2030—nil.

10 **22 Compliance with energy savings obligations—tier 2**
11 **retailer energy savings result and contribution**
12 **Section 20A (2)**

13 *omit*

14 tonnes of carbon dioxide equivalent greenhouse gas emissions

15 *substitute*

16 megawatt hours of energy

17 **23 Compliance with energy savings obligations—tier 2**
18 **retailer contribution for shortfall**
19 **Section 20B (2) (b)**

20 *substitute*

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

24 (i) for a shortfall in the compliance period 1 January 2013 to
25 31 December 2029—10%;

26 (ii) for a shortfall in the compliance period 1 January 2030 to
27 31 December 2030—nil.

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

4 *omit*
5 tonnes of carbon dioxide equivalent greenhouse gas emissions
6 *substitute*
7 megawatt hours of energy

8 **25 Section 21 (8) (b)**

9 *substitute*
10 (b) the maximum percentage of the retailer's retailer priority
11 household result that the retailer may carry forward to the next
12 compliance period being the following:
13 (i) for a shortfall in the compliance period 1 January 2013 to
14 31 December 2029—10%;
15 (ii) for a shortfall in the compliance period 1 January 2030 to
16 31 December 2030—nil.

17 **26 Penalties for noncompliance**
18 **Section 22 (3)**

19 *omit*
20 tonne of carbon dioxide equivalent greenhouse gas emissions
21 *substitute*
22 megawatt hour of energy

1 **27** **Codes of practice**
2 **Section 25 (2)**

3 *substitute*

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

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

6 **28** **Definitions—pt 4A**
7 **Section 28A, definition of *non-territory agency***

8 *substitute*

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

13 *Note* *State* includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

14 **29** **Dictionary, definitions of *abatement factor*, *approved***
15 ***abatement factor* and *approved abatement provider***

16 *omit*

17 **30** **Dictionary, new definitions**

18 *insert*

19 *approved energy savings factor*—see section 18.

20 *approved energy savings provider*—see section 17A.

21 **31** **Dictionary, definitions of *carbon dioxide equivalent* and**
22 ***emissions multiplier***

23 *omit*

1 **32 Dictionary, new definition of *energy savings factor***

2 *insert*

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

5 **33 Dictionary, definition of *priority household***

6 *substitute*

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

9 **34 Further amendments, mentions of *abatement***

10 *omit*

11 abatement

12 *substitute*

13 energy savings

14 *in*

- 15 • section 3
- 16 • section 10 (4)
- 17 • section 14 (2) and (3)
- 18 • section 16 (2)
- 19 • sections 17A and 17B
- 20 • section 19 (1) and (2)
- 21 • section 20 (3), (4) and (5)
- 22 • section 20A (3) and (4)
- 23 • section 21 (2) and (3)
- 24 • section 24
- 25 • section 25 (1)
- 26 • section 26 (2)

- 1 • section 47 (2) and (7)
 - 2 • section 49A (1)
 - 3 • section 49B (3), (4) and (5)
 - 4 • section 49D (1)
 - 5 • section 49E
 - 6 • section 49G (3), (4) and (7)
 - 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](#) on 2019.

3 Republications of amended laws

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