

Electricity Feed-in (Large-scale Renewable Energy Generation) FiT Capacity Release Determination 2016 (No 1)

Disallowable instrument DI2016–31

made under the

Electricity Feed-in (Large-scale Renewable Energy Generation) Act 2011 - Section 10 (FiT capacity release)

EXPLANATORY STATEMENT

Overview

Section 10 of the *Electricity Feed-in (Large-scale Renewable Energy Generation) Act 2011* (the Act) permits the Minister to determine, by disallowable instrument, that a stated part of the FiT capacity (a FiT capacity release) is to be made available for the grant of FiT entitlements.

The purpose of this disallowable instrument is to determine 109 megawatts of capacity to be released in the form of a competitive process, an energy auction, to be conducted by the Environment and Planning Directorate in 2016 for a large-scale renewable energy wind, solar or an energy source declared by the Minister to be a renewable energy source (Next Generation Renewables Auction).

The disallowable instrument does not engage with or limit any human rights.

A Regulatory Impact Statement (RIS) is not required, in accordance with s34(1) of the *Legislation Act 2001*, as the disallowable instrument is not likely to impose appreciable costs on the community. Further s36(1)(b) of the *Legislation Act* provides that in this instance a RIS is not necessary as the disallowable instrument does not operate to the disadvantage of anyone by adversely affecting the person's rights or imposing liabilities on the person.

Outline of provisions

Section 1 – Name of instrument

This section names the disallowable instrument.

Section 2 – Commencement

This section states when the disallowable instrument commences.

Section 3 – Determination of FiT capacity release

This section, in accordance with s10 of the Act, states the part of the FiT capacity (a FiT capacity release) that is to be made available for the grant of FiT entitlements. This section also, in accordance with s10 of the Act, instrument determines:

- the capacity of the release;
- a competitive process;
- the term of the entitlement;
- the kind of renewable energy source that must be used;
- the location of a renewable energy generator; and
- the minimum capacity of a renewable energy generator that may be granted a FiT entitlement under the release

Subsection 3(2) provides that the kind of renewable energy source that must be used is wind, solar or an energy source declared by the Minister to be a renewable energy source. If the Minister declared an energy source to be a renewable energy source for the purposes of the Act (other than wind or solar), it would be made as a separate disallowable instrument in accordance with s6(2) of the Act.