

2020

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**Climate Change and Greenhouse Gas Reduction (Renewable Electricity
Target Measurement Method) Determination 2020**

DI2020-17

EXPLANATORY STATEMENT

Climate Change and Greenhouse Gas Reduction (Renewable Electricity Target Measurement Method) Determination 2020

Introduction

This explanatory statement relates to the *Climate Change and Greenhouse Gas Reduction (Renewable Electricity Target Measurement Method) Determination 2020* (the Instrument) as presented to the Legislative Assembly. It has been prepared to assist the reader of the Instrument and to help inform debate on it. It does not form part of the Instrument and has not been endorsed by the ACT Legislative Assembly.

This explanatory statement must be read in conjunction with the Instrument (DI2020-17). It is not, and is not intended to be, a comprehensive description of the Instrument. What is written about a provision is not to be taken as an authoritative statement of the meaning of a provision, this being a responsibility of the Courts.

The purpose of this Instrument is to determine a method for measuring compliance with the renewable electricity target specified in S 9(1) of the *Climate Change and Greenhouse Gas Reduction Act 2010* (the Act), as required under S 10 of the Act.

Overview of the Instrument

The ACT Government has established a 100 per cent renewable electricity target under the Act. The Act requires the determination of a methodology for measuring compliance with any renewable energy targets under the Act, including the 100 per cent renewable electricity target.

The 100 per cent renewable electricity target is met, but generators both within the ACT, but in a large part in other locations.

The instrument details how the ACT Government will acquit the 100 per cent renewable electricity target, including what sources of renewable electricity will be counted in the target, how each component will be measured, and how electricity consumption will be measured.

The instrument commences retrospectively. The purpose of retrospective commencement is to make sure that the method for measuring compliance with the renewable energy target aligns with the date for the target for the use of renewable energy in section 9(1) of the Act. By ensuring the methodology is in place for the entire duration of the target will remove a potential source of ambiguity about how the target will be measured.

The instrument applies from 1 January 2020. This retrospectivity does not contravene section 76 of the *Legislation Act 2001* because it is non-prejudicial. The instrument does not adversely affect any person's rights or impose liabilities on any person.

The instrument is not likely to impose appreciable costs on the community, or part of the community and for this reason a regulatory impact statement is not required consistent with section 34 of the Legislation Act. In addition, in accordance with s36(1)(b) of the Legislation Act, a regulatory impact statement is unnecessary as the determination provides a tool to measure compliance with the ACT's renewable energy target and does not adversely affect a person's rights, or impose liabilities on anyone. Similarly, as the determination only provides a tool to measure compliance with the renewable energy target it does not derogate from a right contained in the *Human Rights Act 2004*.

Summary of clauses

Clause 1 - Name of Instrument – provides that the name of the Instrument is the Climate Change and Greenhouse Gas Reduction (Renewable Electricity Target Measurement Method) Determination 2020.

Clause 2 - Commencement – provides that the instrument is taken to have commenced on 1 January 2020.

Clause 3 - Renewable Energy Target Compliance Measurement Method – determines that the method in the schedule to the Instrument is the method for measuring compliance with the 100 per cent renewable electricity target.