



Australian Capital Territory

# **Electricity Feed-in (Renewable Energy Premium) Act 2008**

**A2008-21**

**Republication No 15**

**Effective: 6 August 2020 – 15 December 2025**

Republication date: 6 August 2020

Last amendment made by [A2020-37](#)

## About this republication

### The republished law

This is a republication of the *Electricity Feed-in (Renewable Energy Premium) Act 2008* (including any amendment made under the [Legislation Act 2001](#), part 11.3 (Editorial changes)) as in force on 6 August 2020. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 6 August 2020.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the [Legislation Act 2001](#) applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The [Legislation Act 2001](#), part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see [Legislation Act 2001](#), s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the [Legislation Act 2001](#), section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$160 for an individual and \$810 for a corporation (see [Legislation Act 2001](#), s 133).



Australian Capital Territory

# Electricity Feed-in (Renewable Energy Premium) Act 2008

## Contents

	Page
<b>Part 1</b>	<b>Preliminary</b>
1	Name of Act 2
4	Dictionary 2
5	Notes 2
5AA	Offences against Act—application of Criminal Code etc 3
<b>Part 1A</b>	<b>Objects and important concepts</b>
5A	Objects of Act 4
5B	Meaning of <i>renewable energy generator</i> and <i>renewable energy source</i> 4
5C	Meaning of <i>capacity</i> 5
5D	Meaning of <i>medium renewable energy generator</i> and <i>micro renewable energy generator</i> 5
R15	Electricity Feed-in (Renewable Energy Premium) contents 1
06/08/20	Act 2008
	Effective: 06/08/20-15/12/25

## Contents

---

		Page
5E	Meaning of <i>compliant</i>	6
5F	Meaning of <i>eligible entity</i>	7
<b>Part 2</b>	<b>Renewable energy—supply to electricity network</b>	
6	Feed-in from renewable energy generators to electricity network	11
6A	What is the <i>normal cost of electricity</i> ?	12
7	Utility service	12
8	Payment for electricity from renewable energy generators	12
8A	Recovery of cost of renewable energy premium	14
9	Determination of percentages	14
<b>Part 3</b>	<b>Renewable energy premium—determination of rate</b>	
10	Determination of premium rate	15
11	Premium rate—20 years	16
<b>Part 3A</b>	<b>Reporting</b>	
11A	Report by Minister	19
11B	Electricity distributors to give information to Minister	19
11C	Audit of information given to Minister	21
<b>Part 3B</b>	<b>Passing on reasonable administration costs</b>	
11D	Electricity distributors may pass on reasonable administration costs	22
11E	Maximum amount of administration costs—application for determination	22
11F	Maximum amount of administration costs—determination	23
<b>Part 4</b>	<b>Miscellaneous</b>	
12	Regulation-making power	25
13	Review of operation of Act	25

---

	Contents
	Page
<b>Dictionary</b>	26
<b>Endnotes</b>	
1 About the endnotes	28
2 Abbreviation key	28
3 Legislation history	29
4 Amendment history	32
5 Earlier republications	35
6 Expired transitional or validating provisions	36





Australian Capital Territory

# Electricity Feed-in (Renewable Energy Premium) Act 2008

---

An Act about the supply of electricity from solar and other renewable energy sources to electricity distributors, and for other purposes

---

## Part 1 Preliminary

### 1 Name of Act

This Act is the *Electricity Feed-in (Renewable Energy Premium) Act 2008*.

### 4 Dictionary

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition ‘*electricity distributor*—see the *Utilities Act 2000*, dictionary.’ means that the term ‘electricity distributor’ is defined in that dictionary and the definition applies to this Act.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see *Legislation Act*, s 155 and s 156 (1)).

### 5 Notes

A note included in this Act is explanatory and is not part of this Act.

*Note* See the *Legislation Act*, s 127 (1), (4) and (5) for the legal status of notes.



**5AA Offences against Act—application of Criminal Code etc**

Other legislation applies in relation to offences against this Act.

*Note 1 Criminal Code*

The [Criminal Code](#), ch 2 applies to all offences against this Act (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

*Note 2 Penalty units*

The [Legislation Act](#), s 133 deals with the meaning of offence penalties that are expressed in penalty units.

## Part 1A Objects and important concepts

### 5A Objects of Act

The objects of this Act are to—

- (a) promote the generation of electricity from renewable energy sources; and
- (b) reduce the ACT's contribution to human-induced climate change; and
- (c) diversify the ACT energy supply; and
- (d) reduce the ACT's vulnerability to long-term price volatility in relation to fossil fuels.

### 5B Meaning of *renewable energy generator* and *renewable energy source*

- (1) In this Act:

*renewable energy generator*—

- (a) means an energy generator that generates electricity from a renewable energy source; and
- (b) includes—
  - (i) a micro renewable energy generator; and
  - (ii) a medium renewable energy generator; but
- (c) does not include a device that is capable of storing energy that is not generated from a compliant renewable energy generator under paragraph (b).

*renewable energy source* means any of the following:

- (a) solar;
- (b) wind;

(c) any other source determined by the Minister.

(2) A determination is a disallowable instrument.

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

## **5C Meaning of *capacity***

(1) In this Act:

***capacity***, of a renewable energy generator, means—

- (a) if the generator is a solar photovoltaic generator—the rated power output of the panels of the generator; or
- (b) if the Minister determines a method for measuring the capacity of a generator under subsection (2)—the capacity measured by the determined method.

(2) The Minister may determine the method for measuring the capacity of renewable energy generators.

*Note* Power to make a statutory instrument (including a regulation) includes power to make different provision for different categories (see [Legislation Act](#), s 48).

(3) A determination is a disallowable instrument.

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

## **5D Meaning of *medium renewable energy generator* and *micro renewable energy generator***

In this Act:

***medium renewable energy generator*** means a renewable energy generator that has a total capacity more than 30kW but not more than 200kW.

*micro renewable energy generator* means a renewable energy generator that has a total capacity not more than 30kW.

**5E Meaning of *compliant***

- (1) For this Act, a renewable energy generator is ***compliant*** if—
- (a) the generator is installed on premises in the ACT; and
  - (b) when connected to the electricity distributor's network, it complies with the service and installation rules; and
  - (c) the total capacity of the generator, or the total capacity of all renewable energy generators installed on the premises, is not more than—
    - (i) 200kW; or
    - (ii) if the Minister determines another capacity under subsection (2)—the applicable determined capacity; and
  - (d) if the generator is a micro or medium renewable energy generator—the generator is connected to the electricity distributor's network before the total capacity of all micro and medium renewable energy generators connected to the network reaches—
    - (i) 30MW; or
    - (ii) if the Minister determines another capacity under subsection (3)—the determined capacity; and
  - (e) if the generator is a micro renewable energy generator—the distributor received the application for the connection of the generator by 29 July 2011; and
  - (f) if the generator is a medium renewable energy generator—the distributor received the application for the connection of the generator by 13 July 2011; and

- (g) the generator is installed on premises and connected to the electricity distributor's network before 31 December 2016.
- (2) The Minister may determine a total capacity for the following:
  - (a) micro renewable energy generators installed on premises;
  - (b) medium renewable energy generators installed on premises;
  - (c) all renewable energy generators installed on premises.
- (3) The Minister may determine the total capacity for all micro and medium renewable energy generators connected to the electricity distributor's network.
- (4) A determination is a disallowable instrument.

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

- (5) In this section:

***service and installation rules*** means the service and installation rules for connection to the electricity distribution network, as in force from time to time, made under a technical code, as in force from time to time, made under the [Utilities \(Technical Regulation\) Act 2014](#).

*Note* Technical codes made under the [Utilities \(Technical Regulation\) Act 2014](#) are accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au). The service and installation rules are accessible at [www.actewagl.com.au](http://www.actewagl.com.au).

## **5F Meaning of *eligible entity***

- (1) In this Act:

***eligible entity***—

- (a) means—
  - (i) if an incorporated association owns the premises on which a compliant renewable energy generator is installed—the incorporated association; or

- (ii) if a co-operative owns the premises on which a compliant renewable energy generator is installed—the co-operative; or
  - (iii) if a person owns commercial or retail premises on which a compliant renewable energy generator is installed—the person; or
  - (iv) if a person (the *lessee*) leases premises, or a part of premises, to install or operate a compliant renewable energy generator—the lessee; or
  - (v) in any other case—the occupier of premises on which a compliant renewable energy generator is installed; but
- (b) does not include—
  - (i) a territory agency; or
  - (ii) a territory-owned corporation; or
  - (iii) the Commonwealth or a Commonwealth authority; or
  - (iv) an entity determined by the Minister.
- (2) A determination is a disallowable instrument.

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

**commercial premises**—see the [Leases \(Commercial and Retail\) Act 2001](#), section 7 (1).

**Commonwealth authority** means any of the following (other than an educational institution):

- (a) a corporation established for a public purpose under a Commonwealth Act;

(b) a company in which a controlling interest is held by any 1 of the following, or by 2 or more of the following together:

- (i) the Commonwealth;
- (ii) a corporation mentioned in paragraph (a);
- (iii) an entity mentioned in subparagraph (i) or (ii).

**co-operative**—see the *Co-operatives National Law (ACT)*, section 4.

**educational institution** means—

- (a) a government school or school-related institution established under the *Education Act 2004*, section 20; or
- (b) a registered higher education provider under the *National Vocational Education and Training Regulator Act 2011* (Cwlth).

**incorporated association** means an association incorporated under the *Associations Incorporation Act 1991* or a law of another jurisdiction corresponding, or substantially corresponding, to that Act.

**occupier**, of premises, means the person to whom electricity for the premises is supplied by a NERL retailer.

**retail premises**—see the *Leases (Commercial and Retail) Act 2001*, section 7 (2).

**territory agency** means any of the following (other than an educational institution):

- (a) the Territory;
- (b) a territory instrumentality, and any other corporation established for a public purpose under a territory law;

- (c) a company in which a controlling interest is held by any 1 of the following, or by 2 or more of the following together:
  - (i) the Territory;
  - (ii) a Minister;
  - (iii) a corporation mentioned in paragraph (b);
  - (iv) an entity mentioned in subparagraphs (i) to (iii).



## **Part 2                      Renewable energy—supply to    electricity network**

### **6                      Feed-in from renewable energy generators to electricity    network**

- (1) This section applies to—
  - (a) an electricity distributor licensed to distribute electricity through an electricity network; and
  - (b) a NERL retailer authorised to supply electricity from the electricity network.
- (2) It is a condition of the electricity distributor's licence that the distributor must, on application by an eligible entity—
  - (a) connect a renewable energy generator to the distributor's network to enable electricity generated by the generator to be supplied to the network; and
  - (b) reimburse the NERL retailer that supplies electricity to the eligible entity's premises the difference between—
    - (i) the amount payable under subsection (3) for electricity generated by the generator to be supplied to the network; and
    - (ii) the normal cost of that electricity; and
  - (c) pass on to the eligible entity the additional metering costs in relation to electricity generated by the generator.
- (3) The NERL retailer must, on application by an eligible entity, pay the eligible entity, in accordance with section 8, for the total amount of electricity generated by the renewable energy generator on or after the day the application is made.

**6A      What is the *normal cost of electricity*?**

- (1) The Minister may determine an amount to be the *normal cost of electricity* in relation to a period.

- (2) A determination is a notifiable instrument.

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

- (3) The Minister may make guidelines for a determination under this section.

- (4) A guideline is a disallowable instrument.

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

**7            Utility service**

The action required by a distributor under section 6 (2) is a utility service for the [Utilities Act 2000](#).

*Note*      The action required by a NERL retailer under s 6 (3) is a utility service for the [Utilities Act 2000](#), pt 4 (Industry codes) (see that Act, s 75B).

**8            Payment for electricity from renewable energy generators**

- (1) For section 6 (3), payment must be at the following rate:

- (a) for electricity generated by a micro renewable energy generator—

- (i) if an eligible entity entered into a contract for the installation of the generator before 1 June 2011—

(A) 100% of the premium rate; or

(B) if a lower percentage is determined under section 9 for this paragraph—that percentage of the premium rate; or

- (ii) if an eligible entity entered into a contract for the installation of the generator on or after 1 June 2011—
    - (A) 66% of the premium rate; or
    - (B) if a lower percentage is determined under section 9 for this paragraph—that percentage of the premium rate;
- (b) for electricity generated by a medium renewable energy generator—
  - (i) if an eligible entity entered into a contract for the installation of the generator before the relevant date—
    - (A) 75% of the premium rate; or
    - (B) if a lower percentage is determined under section 9 for this paragraph—that percentage of the premium rate; or
  - (ii) if an eligible entity entered into a contract for the installation of the generator on or after the relevant date—
    - (A) 66% of the premium rate; or
    - (B) if a lower percentage is determined under section 9 for this paragraph—that percentage of the premium rate.
- (2) Payment must be made to the eligible entity quarterly in arrears for the total amount of electricity generated by the generator.
- (3) In this section:

*relevant date* means the day the *Electricity Feed-in (Renewable Energy Premium) Amendment Act 2011 (No 2)* commenced.

**8A Recovery of cost of renewable energy premium**

- (1) This section applies if a NERL retailer imposes a recovery of costs on electricity consumers to recover the cost of a renewable energy premium payable to an eligible entity under this Act.
- (2) The recovery of costs must be imposed on an electricity consumer in a way that is in proportion to the amount of electricity used by the consumer.

**9 Determination of percentages**

- (1) The Minister may determine percentages for section 8 (Payment for electricity from renewable energy generators).
- (2) A determination is a disallowable instrument.

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

## Part 3                      Renewable energy premium— determination of rate

### 10                      Determination of premium rate

- (1) The Minister must determine the premium rate for amounts payable by a NERL retailer under section 6 (Feed-in from renewable energy generators to electricity network) for compliant renewable energy generators.

- (2) A determination is a disallowable instrument.

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

- (3) In making a determination, the Minister—

- (a) must seek the advice of the Independent Competition and Regulatory Commission to assist the Minister to determine the premium rate; and
- (b) must give priority to the following:
  - (i) the desirability of costs under this Act impacting equitably on all electricity users;
  - (ii) the need to encourage the generation of electricity from renewable sources;
  - (iii) the need to reduce emissions from greenhouse gases;
  - (iv) the need to reduce the likely effects of climate change;
  - (v) the desirability of eligible entities being able to recoup investment on renewable energy generators within a reasonable time; and

- (c) must have regard to the following:
  - (i) the amounts payable under this Act by an electricity distributor;
  - (ii) the amounts payable under this Act by a NERL retailer;
  - (iii) any additional metering costs passed on to an eligible entity because of section 6 (2) (c);
  - (iv) any advice received from the Independent Competition and Regulatory Commission in response to a request under paragraph (a);
  - (v) anything else the Minister considers relevant.
- (4) If the Minister receives any advice requested under subsection (3) (a), the Minister must—
  - (a) present a copy of the advice to the Legislative Assembly within 3 sitting days after receiving the advice; and
  - (b) give a copy of the advice to each member of the Legislative Assembly—
    - (i) at least 14 days before the Minister makes the determination; but
    - (ii) within 30 days after receiving the advice.

## **11 Premium rate—20 years**

- (1) The premium rate for the financial year in which a renewable energy generator is connected to a distributor's network applies, if the generator remains connected to the network, in relation to electricity generated by the generator during the 20 years after the date of the connection.

- (2) For subsection (1), a generator is taken to remain connected to the network—
- (a) during any temporary interruption to the connection for repair or maintenance work or relocation of the connection or generator at the same premises; or
  - (b) if the generator is transferred with the premises to another person who is an eligible entity in relation to the premises; or
  - (c) if the generator is transferred to other premises in relation to which the eligible entity is also an eligible entity.
- (3) For subsection (1), a micro renewable energy generator (the *old generator*) is taken to remain connected to the network if—
- (a) the old generator was or is installed on premises that are, or are on the same parcel of land as, affected residential premises or eligible impacted property; and
  - (b) the affected residential premises or eligible impacted property have been or are to be demolished; and
  - (c) the eligible entity for the affected residential premises or eligible impacted property becomes an eligible entity in relation to other premises (the *new premises*); and
  - (d) a micro renewable energy generator (the *new generator*) is installed on the new premises; and
  - (e) the total capacity of the new generator is not greater than the total capacity of the old generator when the old generator was first connected to the network; and
  - (f) the new generator is connected to the network.

(4) In this section:

***affected residential premises*** means premises, or a part of premises—

(a) that—

(i) are a class 1 or class 2 building; and

(ii) contain or have contained loose-fill asbestos insulation; or

(b) that are included in the affected residential premises register.

***affected residential premises register***—see the [Dangerous Substances Act 2004](#), section 47P (1).

***class, of building***—see the [Building Act 2004](#), dictionary.

***eligible impacted property***—see the [Civil Law \(Sale of Residential Property\) Act 2003](#), section 9A (1).

***loose-fill asbestos insulation***—see the [Dangerous Substances Act 2004](#), section 47I.



## Part 3A Reporting

### 11A Report by Minister

The Minister must, within 6 months after the end of each financial year, publish on an appropriate government website a report about the following:

- (a) the number of compliant renewable energy generators installed on premises in the ACT;
- (b) the total capacity of compliant renewable energy generators installed on premises in the ACT;
- (c) the costs under this Act on electricity users.

### 11B Electricity distributors to give information to Minister

- (1) The Minister must determine the information required to prepare a report under section 11A (the *required information*).
- (2) A determination is a disallowable instrument.

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

- (3) Each of the following entities (a *reporting entity*) must give the Minister the required information:
  - (a) an electricity distributor;
  - (b) a NERL retailer.

- (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.

**11C      Audit of information given to Minister**

- (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.
- (2) The audit must be—
  - (a) completed within 3 months after the day it is required to be undertaken; and
  - (b) paid for by the reporting entity; and
  - (c) undertaken by—
    - (i) an auditor appointed by the Minister; or
    - (ii) if the Minister decides not to appoint an auditor—an auditor that is independent of the reporting entity; and
  - (d) undertaken in accordance with requirements determined by the Minister.
- (3) A determination is a disallowable instrument.

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

## 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](#).

## Part 4 Miscellaneous

### 12 Regulation-making power

- (1) The Executive may make regulations for this Act.

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

- (2) A regulation may make provision in relation to notices to be placed at premises where a renewable energy generator is located.
- (3) A regulation may create offences and fix maximum penalties of not more than 30 penalty units for the offences.

### 13 Review of operation of Act

- (1) The Minister must review the operation of this Act at least once every 5 years (a *review period*) after the day this Act commences.
- (2) The review must include a consideration of the impact of costs under this Act on electricity users and, in particular, whether the impacts are equitable.
- (3) The Minister must present a copy of the report of the review for a review period to the Legislative Assembly not later than 6 months after the end of the review period.

## Dictionary

(see s 4)

*Note 1* The [Legislation Act](#) contains definitions and other provisions relevant to this Act.

*Note 2* For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- disallowable instrument (see s 9)
- Executive
- Minister (see s 162)
- National Electricity (ACT) Law
- National Energy Retail Law (ACT)
- quarter
- regulation
- under.

***additional metering costs***, in relation to electricity generated by a renewable energy generator connected to an electricity network, means metering costs associated with the electricity that are in addition to metering costs for which the distributor is responsible under the rules under the [National Electricity \(ACT\) Law](#).

***capacity***, of a renewable energy generator—see section 5C.

***compliant***—see section 5E.

***electricity distributor***—see the [Utilities Act 2000](#), dictionary.

***electricity network***—see the [Utilities Act 2000](#), section 7.

***eligible entity***—see section 5F (1).

***medium renewable energy generator***—see section 5D.

***micro renewable energy generator***—see section 5D.

***NERL retailer*** means a person who holds a retailer authorisation under the [National Energy Retail Law \(ACT\)](#).

***normal cost of electricity***—see section 6A.



***premium rate***, for electricity supplied from a renewable energy generator to an electricity distributor's network, means the premium rate determined under section 10 for the first financial year in which both—

- (a) the generator is connected to the network to enable electricity generated by the generator to be supplied to the network; and
- (b) the eligible entity for the generator makes the application for payment mentioned in section 6 (3).

***renewable energy generator***—see section 5B.

***renewable energy source***—see section 5B.

***reporting entity***—see section 11B (3).

***required information***—see section 11B (1).

## Endnotes

1 About the endnotes

---

## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the [Legislation Act 2001](#), part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

### 3 Legislation history

#### **Electricity Feed-in (Renewable Energy Premium) Act 2008 A2008-21**

notified LR 9 July 2008

s 1, s 2 commenced 9 July 2008 (LA s 75 (1))

remainder commenced 1 March 2009 (s 2 and [CN2009-5](#))

as amended by

#### **[Electricity Feed-in \(Renewable Energy Premium\) Amendment Act 2009 A2009-8](#)**

notified LR 2 March 2009

s 1, s 2 taken to have commenced 1 March 2009 (LA s 75 (2))

remainder taken to have commenced 1 March 2009 (s 2 and see A2008-21)

#### **[Electricity Feed-in \(Renewable Energy Premium\) Amendment Act 2011 A2011-6](#)**

notified LR 24 February 2011

s 1, s 2 commenced 24 February 2011 (LA s 75 (1))

remainder commenced 7 March 2011 (s 2 and [CN2011-3](#))

#### **[Electricity Feed-in \(Renewable Energy Premium\) Amendment Act 2011 \(No 2\) A2011-25](#)**

notified LR 11 July 2011

s 1, s 2 commenced 11 July 2011 (LA s 75 (1))

remainder commenced 12 July 2011 (s 2)

#### **[Statute Law Amendment Act 2011 \(No 3\) A2011-52 sch 3 pt 3.21](#)**

notified LR 28 November 2011

s 1, s 2 commenced 28 November 2011 (LA s 75 (1))

sch 3 pt 3.21 commenced 12 December 2011 (s 2)

#### **[National Energy Retail Law \(Consequential Amendments\) Act 2012 A2012-32 pt 3](#)**

notified LR 14 June 2012

s 1, s 2 commenced 14 June 2012 (LA s 75 (1))

pt 3 commenced 1 July 2012 (s 2 (1) and see [National Energy Retail Law \(ACT\) Act 2012 A2012-31](#), s 2 (1) and [CN2012-12](#))

## Endnotes

**Training and Tertiary Education Amendment Act 2014 A2014-48 sch 1 pt 1.9**

notified LR 6 November 2014  
s 1, s 2 commenced 6 November 2014 (LA s 75 (1))  
sch 1 pt 1.9 commenced 20 November 2014 (s 2)

**Dangerous Substances (Loose-fill Asbestos Eradication) Legislation Amendment Act 2015 A2015-6 sch 1 pt 1.4**

notified LR 31 March 2015  
s 1, s 2 commenced 31 March 2015 (LA s 75 (1))  
sch 1 pt 1.4 commenced 17 April 2015 (s 2 and [CN2015-6](#))

**Electricity Feed-in Tariff Schemes Legislation Amendment Act 2015 A2015-20 pt 3**

notified LR 15 June 2015  
s 1, s 2 commenced 15 June 2015 (LA s 75 (1))  
pt 3 commenced 16 June 2015 (s 2)

**Building (Loose-fill Asbestos Eradication) Legislation Amendment Act 2015 A2015-42 pt 7**

notified LR 5 November 2015  
s 1, s 2 commenced 5 November 2015 (LA s 75 (1))  
pt 7 commenced 13 November 2015 (s 2 (1) and [CN2015-21](#))

**Planning, Building and Environment Legislation Amendment Act 2016 A2016-2 pt 3**

notified LR 23 February 2016  
s 1, s 2 commenced 23 February 2016 (LA s 75 (1))  
pt 3 commenced 24 February 2016 (s 2)

**Co-operatives National Law (ACT) Act 2017 A2017-8 sch 2 pt 2.2**

notified LR 4 April 2017  
s 1, s 2 commenced 4 April 2017 (LA s 75 (1))  
sch 2 pt 2.2 commenced 1 May 2017 (s 2)

**Planning, Building and Environment Legislation Amendment Act 2017 (No 2) A2017-20 pt 4**

notified LR 15 June 2017  
s 1, s 2 commenced 15 June 2017 (LA s 75 (1))  
pt 4 commenced 16 June 2017 (s 2)

---

**Loose-fill Asbestos Legislation Amendment Act 2020 A2020-20 sch 1  
pt 1.5**

notified LR 27 May 2020  
s 1, s 2 commenced 27 May 2020 (LA s 75 (1))  
sch 1 pt 1.5 commenced 1 July 2020 (s 2)

**Electricity Feed-in (Renewable Energy Premium) Amendment  
Act 2020 A2020-37**

notified LR 5 August 2020  
s 1, s 2 commenced 5 August 2020 (LA s 75 (1))  
remainder commenced 6 August 2020 (s 2)

## Endnotes

4 Amendment history

---

### 4 Amendment history

#### Commencement

s 2 om LA s 89 (4)

#### Objects of Act

s 3 om [A2009-8](#) s 4

#### Offences against Act—application of Criminal Code etc

s 5AA ins [A2015-20](#) s 11

#### Objects and important concepts

pt 1A hdg ins [A2009-8](#) s 5

#### Objects of Act

s 5A ins [A2009-8](#) s 5

#### Meaning of *renewable energy generator* and *renewable energy source*

s 5B ins [A2009-8](#) s 5  
sub [A2011-6](#) s 4  
am [A2015-20](#) s 12

#### Meaning of *capacity*

s 5C ins [A2009-8](#) s 5  
sub [A2011-6](#) s 4

#### Meaning of *medium renewable energy generator* and *micro renewable energy generator*

s 5D ins [A2009-8](#) s 5  
sub [A2011-6](#) s 4

#### Meaning of *compliant*

s 5E ins [A2011-6](#) s 4  
am [A2011-25](#) s 4; [A2015-20](#) s 13; [A2017-20](#) s 10, s 11

#### Meaning of *eligible entity*

s 5F ins [A2011-6](#) s 4  
am [A2011-52](#) amdt 3.74; [A2012-32](#) s 6, s 7; [A2014-48](#)  
amdt 1.18, amdt 1.19; [A2017-8](#) amdt 2.2; amdt 2.3

#### Feed-in from renewable energy generators to electricity network

s 6 am [A2009-8](#) ss 6-8; ss renum R1 (RI) LA; [A2011-6](#) s 5;  
[A2012-32](#) ss 8-10

#### What is the *normal cost of electricity*?

s 6A ins [A2009-8](#) s 9

#### Utility service

s 7 sub [A2012-32](#) s 11

**Payment for electricity from renewable energy generators**

s 8 sub [A2009-8](#) s 10  
am [A2011-6](#) ss 6-8; [A2011-25](#) s 5, s 6

**Recovery of cost of renewable energy premium**

s 8A ins [A2009-8](#) s 11  
am [A2011-6](#) s 9; [A2012-32](#) s 12

**Determination of premium rate**

s 10 am [A2009-8](#) ss 12-15; pars renum R1 (RI) LA; [A2011-6](#)  
ss 10-12; ss renum R2 LA; [A2012-32](#) s 13; [A2015-20](#) s 14

**Premium rate—20 years**

s 11 am [A2009-8](#) s 16; [A2011-6](#) s 13; [A2015-6](#) amdt 1.11;  
[A2015-42](#) s 27, s 28; [A2020-20](#) amdt 1.14, amdt 1.15

**Reporting**

pt 3A hdg ins [A2011-25](#) s 7

**Report by Minister**

s 11A ins [A2011-25](#) s 7  
sub [A2015-20](#) s 15

**Electricity distributors to give information to Minister**

s 11B ins [A2011-25](#) s 7  
sub [A2015-20](#) s 15  
am [A2020-37](#) s 4

**Audit of information given to Minister**

s 11C ins [A2015-20](#) s 15  
am [A2020-37](#) ss 5-7, pars renum R15 LA

**Passing on reasonable administration costs**

pt 3B hdg ins [A2020-37](#) s 8

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

s 11D ins [A2020-37](#) s 8

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

s 11E ins [A2020-37](#) s 8

**Maximum amount of administration costs—determination**

s 11F ins [A2020-37](#) s 8

**Regulation-making power**

s 12 am [A2015-20](#) s 16

**Transitional—Planning, Building and Environment Legislation Amendment Act 2016**

pt 10 hdg ins [A2016-2](#) s 5  
exp 24 February 2016 (s 31)

## Endnotes

4 Amendment history

---

### Effect of Electricity Feed-in (Renewable Energy Premium) Rate Determination 2011 (No 1)

s 30 ins [A2016-2](#) s 5  
exp 24 February 2016 (s 31)

### Expiry—pt 10

s 31 ins [A2016-2](#) s 5  
exp 24 February 2016 (s 31)

### Dictionary

dict am [A2009-8](#) s 17; [A2011-52](#) amdt 3.75; [A2012-32](#) s 14  
def **capacity** ins [A2011-6](#) s 14  
def **compliant** ins [A2011-6](#) s 14  
def **customer** om [A2011-52](#) amdt 3.76  
def **electricity supplier** om [A2012-32](#) s 15  
def **eligible entity** ins [A2011-52](#) amdt 3.77  
def **medium renewable energy generator** ins [A2011-6](#) s 14  
def **micro renewable energy generator** ins [A2011-6](#) s 14  
def **National Electricity (ACT) Law** ins [A2009-8](#) s 18  
om [A2011-52](#) amdt 3.78  
def **National Electricity (ACT) Regulations** ins [A2009-8](#) s 18  
om [A2011-6](#) s 15  
def **NEL compliant** ins [A2009-8](#) s 18  
om [A2011-6](#) s 15  
def **NERL retailer** ins [A2012-32](#) s 16  
def **normal cost of electricity** ins [A2009-8](#) s 18  
def **occupier** om [A2011-52](#) amdt 3.78  
def **premium rate** sub [A2009-8](#) s 19  
am [A2011-6](#) s 16  
def **renewable energy generator** ins [A2009-8](#) s 19  
sub [A2011-6](#) s 17  
def **renewable energy source** sub [A2009-8](#) s 19  
sub [A2011-6](#) s 17  
def **reporting entity** ins [A2015-20](#) s 17  
def **required information** ins [A2015-20](#) s 17  
def **transition franchise tariff retail price** om [A2011-6](#) s 18  
def **utility** om [A2012-32](#) s 17



## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 1 Mar 2009	1 Mar 2009 6 Mar 2011	not amended	new Act
R1 (RI) 2 Mar 2009	1 Mar 2009– 6 Mar 2011	<a href="#">A2009-8</a>	reissue for retrospective amendments by <a href="#">A2009-8</a>
R2 7 Mar 2011	7 Mar 2011– 11 July 2011	<a href="#">A2011-6</a>	amendments by <a href="#">A2011-6</a>
R3 12 July 2011	12 July 2011– 11 Dec 2011	<a href="#">A2011-25</a>	amendments by <a href="#">A2011-25</a>
R4 12 Dec 2011	12 Dec 2011– 30 June 2012	<a href="#">A2011-52</a>	amendments by <a href="#">A2011-52</a>
R5 1 July 2012	1 July 2012– 19 Nov 2014	<a href="#">A2012-32</a>	amendments by <a href="#">A2012-32</a>
R6 20 Nov 2014	20 Nov 2014– 16 Apr 2015	<a href="#">A2014-48</a>	amendments by <a href="#">A2014-48</a>
R7 17 Apr 2015	17 Apr 2015– 15 June 2015	<a href="#">A2015-6</a>	amendments by <a href="#">A2015-6</a>
R8 16 June 2015	16 June 2015– 12 Nov 2015	<a href="#">A2015-20</a>	amendments by <a href="#">A2015-20</a>
R9 13 Nov 2015	13 Nov 2015– 23 Feb 2016	<a href="#">A2015-42</a>	amendments by <a href="#">A2015-42</a>
R10 24 Feb 2016	24 Feb 2016– 24 Feb 2016	<a href="#">A2016-2</a>	amendments by <a href="#">A2016-2</a>

## Endnotes

### 6 Expired transitional or validating provisions

Republication No and date	Effective	Last amendment made by	Republication for
R11 25 Feb 2016	25 Feb 2016– 30 Apr 2017	<a href="#">A2016-2</a>	expiry of transitional provision (pt 10)
R12 1 May 2017	1 May 2017– 15 June 2017	<a href="#">A2017-8</a>	amendments by <a href="#">A2017-8</a>
R13 16 June 2017	16 June 2017– 30 June 2020	<a href="#">A2017-20</a>	amendments by <a href="#">A2017-20</a>
R14 1 July 2020	1 July 2020– 5 Aug 2020	<a href="#">A2020-20</a>	amendments by <a href="#">A2020-20</a>

## 6 Expired transitional or validating provisions

This Act may be affected by transitional or validating provisions that have expired. The expiry does not affect any continuing operation of the provisions (see [Legislation Act 2001](#), s 88 (1)).

Expired provisions are removed from the republished law when the expiry takes effect and are listed in the amendment history using the abbreviation ‘exp’ followed by the date of the expiry.

To find the expired provisions see the version of this Act before the expiry took effect. The ACT legislation register has point-in-time versions of this Act.