



Australian Capital Territory

Electricity Feed-in (Large-scale Renewable Energy Generation) Amendment Act 2014

A2014-7

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Australian Capital Territory

Electricity Feed-in (Large-scale Renewable Energy Generation) Amendment Act 2014

A2014-7

An Act to amend the *Electricity Feed-in (Large-scale Renewable Energy Generation) Act 2011*

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

J2013-680

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

1 Name of Act

This Act is the *Electricity Feed-in (Large-scale Renewable Energy Generation) Amendment Act 2014*.

2 Commencement

This Act commences on the day after its notification day.

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

3 Legislation amended

This Act amends the *Electricity Feed-in (Large-scale Renewable Energy Generation) Act 2011*.

**4 Dictionary
Section 3, note 1**

substitute

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 ‘*distribution system*—see the *National Electricity (ACT) Law*, section 2.’ means that the term ‘distribution system’ is defined in that section and the definition applies to this Act.

**5 Objects of Act
Section 5 (a)**

after

region

insert

and other places

6 **Meaning of *capacity***
Section 7 (1)

substitute

- (1) For this Act, the ***capacity***, of a generating system, is the maximum power, expressed in megawatts, that can be delivered by the system at the point where it connects to the interconnected national electricity system.

7 **Section 7 (6)**

omit

8 **FiT capacity**
Section 9

omit

210MW

substitute

550MW

9 **FiT capacity release**
Section 10 (2) (b) (iii)

substitute

- (iii) whether a large renewable energy generator must be located within—
- (A) the ACT; or
 - (B) the Australian capital region; or
 - (C) a participating jurisdiction; and

Note ***Participating jurisdiction***—see s (6).

10 New section 10 (6)

after the note, insert

(6) In this section:

participating jurisdiction—see the *National Electricity (ACT) Law*, section 2.

**11 FiT entitlement—grant
Section 11 (1)**

substitute

(1) The Minister may grant a person a FiT entitlement under a FiT capacity release in relation to a large renewable energy generator located—

- (a) in the Australian capital region; or
- (b) outside the Australian capital region if the Minister is satisfied that the person’s proposal—
 - (i) offers exceptional economic development benefits to ACT renewable energy industries; and
 - (ii) minimises costs to electricity consumers.

**12 FiT entitlement—conditions
Section 12 (2) (d) to (f)**

substitute

- (d) entering into an agreement with a network service provider to connect the large renewable energy generator to the interconnected national electricity system within a stated time;
- (e) connecting the large renewable energy generator to the interconnected national electricity system and supplying electricity to the system within a stated time;

- (f) where a large renewable energy generator must be located and connected to the interconnected national electricity system;

13 **Meaning of *eligible electricity***
Section 17, definition of *eligible electricity*, paragraph (a) and note

substitute

- (a) generated by a large renewable energy generator connected to the interconnected national electricity system; and

Note The *National Electricity (ACT) Law* and the [national electricity rules](#) govern the process by which a person may apply for connection to the interconnected national electricity system.

14 **Section 17, definition of *eligible electricity*, paragraph (d)**

omit

the electricity network

substitute

the interconnected national electricity system

15 **Sections 18 to 20**

substitute

17A **Meaning of *FiT support payment***

- (1) In this Act:

FiT support payment, for a holder of a FiT entitlement, for eligible electricity for a period, means the amount worked out as follows:

$(\text{FiT} - \text{SP}) \times \text{quantity of electricity}$

- (2) In this section:

FiT means the feed-in tariff, stated in the FiT entitlement holder's grant of FiT entitlement, for the holder's eligible electricity for the period.

quantity of electricity means the quantity of the FiT entitlement holder's eligible electricity for the period.

SP means the spot price value for the FiT entitlement holder's eligible electricity for the period.

18 FiT support payment—ACT electricity distributor to pay

- (1) This section applies if—
- (a) a large renewable energy generator in relation to which a FiT entitlement is granted is connected to the interconnected national electricity system; and
 - (b) the FiT support payment for the holder of the FiT entitlement for a period is a positive amount.
- (2) The ACT electricity distributor must pay the holder of the FiT entitlement FiT support payments for the holder's eligible electricity for the period—
- (a) in arrears; and
 - (b) within 30 days after the later of—
 - (i) the day the holder gives the ACT electricity distributor written notice that the large-scale generation certificates for the holder's eligible electricity, worked out under the *Renewable Energy (Electricity) Act 2000* (Cwlth), section 18 (3), have been registered under that Act, section 26; and

- (ii) the day the holder gives the ACT electricity distributor any other information reasonably required by the distributor to work out the FiT support payment; and
- (c) in the way (if any) prescribed by regulation.

Note An amount owing under a law may be recovered as a debt in a court of competent jurisdiction or the ACAT (see [Legislation Act](#), s 177).

- (3) However, if it is a condition of a holder's FiT entitlement that there is a maximum quantity of a holder's eligible electricity, in a financial year, in relation to which the holder is entitled to be paid a FiT support payment, the ACT electricity distributor need not pay the holder an amount in relation to electricity generated in excess of the maximum quantity in a financial year.

19 FiT support payment—negative amount

- (1) This section applies if—
 - (a) a large renewable energy generator in relation to which a FiT entitlement is granted is connected to the interconnected national electricity system; and
 - (b) the FiT support payment for the holder of the FiT entitlement for a period is a negative amount.
- (2) The ACT electricity distributor may—
 - (a) offset the amount against any subsequent FiT support payment payable to the holder of the FiT entitlement; or

- (b) require the holder of the FiT entitlement, by written notice, to pay the ACT electricity distributor the amount within 30 days after the distributor gives the notice.

Note An amount owing under a law may be recovered as a debt in a court of competent jurisdiction or the ACAT (see [Legislation Act](#), s 177).

20 Offences—non-payment of FiT support payment or other amount

- (1) The ACT electricity distributor commits an offence if the distributor—
 - (a) is required to pay a FiT support payment to a holder of a FiT entitlement under section 18; and
 - (b) fails to make the payment as required.

Maximum penalty: 50 penalty units.

- (2) The holder of a FiT entitlement commits an offence if the holder—
 - (a) is required to pay an amount to the ACT electricity distributor under section 19; and
 - (b) fails to make the payment as required.

Maximum penalty: 50 penalty units.

16 Section 21*substitute***21 Quarterly reports by ACT electricity distributor**

- (1) This section applies if, during a quarter, a large renewable energy generator in relation to which a FIT entitlement is granted is connected to the interconnected national electricity system.
- (2) The ACT electricity distributor must give the Minister a report for the quarter in relation to the generator.
- (3) The report must include the following:
 - (a) if the generator was first connected to the ACT electricity distribution system during the quarter—the cost of connecting the generator to the ACT electricity distribution system, including any network augmentation that was required to facilitate the connection;
 - (b) if the generator is connected to the ACT electricity distribution system—the cost of maintaining the connection of the generator to the ACT electricity distribution system and maintaining any network augmentation required to facilitate the connection;
 - (c) the quantity of eligible electricity supplied by the generator to the interconnected national electricity system in a trading interval, and the spot price value for the electricity in each interval;
 - (d) the FiT support payment paid by the ACT electricity distributor during the quarter to the holder of the FiT entitlement in relation to the generator.
- (4) The ACT electricity distributor must give the Minister the report for a quarter before the end of the next quarter.

- (5) In this section:

trading interval—see the [national electricity rules](#), chapter 10 (Glossary).

17 Regulation-making power Section 25 (2)

substitute

- (2) A regulation may make provision in relation to the following:
- (a) working out a FiT support payment;
 - (b) paying a FiT support payment.
- (3) A regulation may create offences and fix maximum penalties of not more than 30 penalty units for the offences.

18 Dictionary, new definitions

insert

ACT electricity distribution system means the distribution system component of the interconnected national electricity system in the ACT.

ACT electricity distributor means the network service provider operating the ACT electricity distribution system.

AEMO—see the national electricity rules, chapter 10 (Glossary).

distribution system—see the [National Electricity \(ACT\) Law](#), section 2.

19 Dictionary, definitions of *electricity distributor* and *electricity network*

omit

20 Dictionary, definition of *FiT support payment*

substitute

FiT support payment, for a holder of a FiT entitlement, for eligible electricity for a period—see section 17A (1).

21 Dictionary, new definition of *interconnected national electricity system*

insert

interconnected national electricity system—see the [National Electricity \(ACT\) Law](#), section 2.

22 Dictionary, definition of *national electricity market*

substitute

national electricity market—see the [National Electricity \(ACT\) Law](#), section 2.

23 Dictionary, new definitions

insert

network service provider—see the [National Electricity \(ACT\) Law](#), section 2.

spot market—see the [national electricity rules](#), chapter 10 (Glossary).

spot price value, for eligible electricity, means the amount that would have been paid for the electricity by the AEMO if the electricity had been sold on the spot market.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 27 February 2014.

2 Notification

Notified under the [Legislation Act](#) on 27 March 2014.

3 Republications of amended laws

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

I certify that the above is a true copy of the Electricity Feed-in (Large-scale Renewable Energy Generation) Amendment Bill 2014, which was passed by the Legislative Assembly on 20 March 2014.

Clerk of the Legislative Assembly

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