



Australian Capital Territory

# Energy Efficiency (Cost of Living) Improvement Amendment Act 2019

A2019-30

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Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

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Australian Capital Territory

# Energy Efficiency (Cost of Living) Improvement Amendment Act 2019

A2019-30

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An Act to amend the *Energy Efficiency (Cost of Living) Improvement Act 2012*,  
and for other purposes.

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

## **1 Name of Act**

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

## **2 Commencement**

- (1) The following provisions commence on the day after this Act's notification day:
- section 3
  - section 5
  - section 14
  - section 21
  - section 23
  - section 25
  - section 28.

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

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

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

- (3) If the provisions mentioned in subsection (2) have not commenced within 12 months beginning on their notification day, they automatically commence on the first day after that period.
- (4) The [Legislation Act](#), section 79 (Automatic commencement of postponed law) does not apply to the provisions mentioned in subsection (2).
- (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### **4 Legislation repealed**

(1) The following legislation is repealed: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 2019* (DI2019-194)
- *Energy Efficiency (Cost of Living) Improvement (Eligible Activities) Determination 2019* (NI2019-501)
- *Energy Efficiency (Cost of Living) Improvement (Record Keeping and Reporting) Code of Practice 2019* (DI2019-195).

(2) The following legislation is repealed: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

**7 New section 7A**

*insert*

**7A Priority households**

- (1) The Minister must determine priority households for this Act.
- (2) A determination is a disallowable instrument.

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

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

*omit*

reduction in greenhouse gas emissions

*substitute*

energy savings

**9 Emissions multiplier  
Section 9**

*omit*

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

*substitute*

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



**11 Section 10 (6)**

*substitute*

- (6) A determination is a disallowable instrument.

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

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

*omit*

tonne of carbon dioxide equivalent greenhouse gas emissions

*substitute*

megawatt hour of energy

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

*omit*

abatement of greenhouse gas emissions

*substitute*

energy savings

**14 Section 12**

*substitute*

**12 Meaning of *compliance period***

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

**15 Working out energy savings obligation  
Section 13 (2) (a)**

*omit*

tonnes of carbon dioxide equivalent greenhouse gas emissions

*substitute*

megawatt hours of energy

**16 Section 13 (2) (b)**

*omit*

EST × (electricity sales × emissions multiplier)

*substitute*

EST × electricity sales

**17 Section 13 (2) (b), definition of *emissions multiplier***

*omit*

**18 Working out priority household obligation  
Section 15 (2) (a)**

*omit*

tonnes of carbon dioxide equivalent greenhouse gas emissions

*substitute*

megawatt hours of energy

**19 Section 18**

*substitute*

**18 Approval of acquired energy savings factor**

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

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

*omit*

tonnes of carbon dioxide equivalent greenhouse gas emissions

*substitute*

megawatt hours of energy

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

*substitute*

- (b) the maximum percentage of the retailer's retailer energy savings result that the retailer may carry forward to the next compliance period being the following:
  - (i) for a shortfall in the compliance period 1 January 2013 to 31 December 2029—10%;
  - (ii) for a shortfall in the compliance period 1 January 2030 to 31 December 2030—nil.

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

*omit*

tonnes of carbon dioxide equivalent greenhouse gas emissions

*substitute*

megawatt hours of energy

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

*substitute*

- (b) the maximum percentage of the retailer's retailer energy savings result that the retailer may carry forward to the next compliance period being the following:
  - (i) for a shortfall in the compliance period 1 January 2013 to 31 December 2029—10%;
  - (ii) for a shortfall in the compliance period 1 January 2030 to 31 December 2030—nil.

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

*omit*

tonnes of carbon dioxide equivalent greenhouse gas emissions

*substitute*

megawatt hours of energy

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

*substitute*

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

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

*omit*

tonne of carbon dioxide equivalent greenhouse gas emissions

*substitute*

megawatt hour of energy

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

*substitute*

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

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

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

*substitute*

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

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

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

*omit*

**30 Dictionary, new definitions**

*insert*

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

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

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

*omit*

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

*insert*

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

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

*substitute*

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

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

*omit*

abatement

*substitute*

energy savings

*in*

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

- section 47 (2) and (7)
- section 49A (1)
- section 49B (3), (4) and (5)
- section 49D (1)
- section 49E
- section 49G (3), (4) and (7)
- schedule 1, items 1, 2 and 3.

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 15 August 2019.

**2 Notification**

Notified under the [Legislation Act](#) on 3 October 2019.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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I certify that the above is a true copy of the Energy Efficiency (Cost of Living) Improvement Amendment Bill 2019, which was passed by the Legislative Assembly on 19 September 2019.

Acting Clerk of the Legislative Assembly

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