

2009

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for the Environment, Climate Change, Energy and Water)

Electricity Feed-in (Renewable Energy Premium) Amendment Bill 2009

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J2008-675

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

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(Minister for the Environment, Climate Change, Energy and Water)

Electricity Feed-in (Renewable Energy Premium) Amendment Bill 2009

A Bill for

An Act to amend the *Electricity Feed-in (Renewable Energy Premium) Act 2008*

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

J2008-675

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

1 **1 Name of Act**

2 This Act is the *Electricity Feed-in (Renewable Energy Premium)*
3 *Amendment Act 2009*.

4 **2 Commencement**

5 This Act commences on the commencement of the *Electricity*
6 *Feed-in (Renewable Energy Premium) Act 2008*, section 6.

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

9 **3 Legislation amended**

10 This Act amends the *Electricity Feed-in (Renewable Energy*
11 *Premium) Act 2008*.

12 **4 Objects of Act**
13 **Section 3**

14 *omit*

15 **5 New part 1A**

16 *insert*

17 **Part 1A Objects and important concepts**

18 **5A Objects of Act**

19 The objects of this Act are to—

20 (a) promote the generation of electricity from renewable energy
21 sources; and

22 (b) reduce the ACT's contribution to human-induced climate
23 change; and

- 1 (c) diversify the ACT energy supply; and
2 (d) reduce the ACT's vulnerability to long-term price volatility in
3 relation to fossil fuels.

4 **5B Application of Act**

- 5 (1) This Act applies to an NEL compliant renewable energy generator
6 installed in the ACT.
- 7 (2) However, this Act does not apply to an NEL compliant renewable
8 energy generator installed at premises if the capacity of the
9 generator, or the total capacity of all the NEL compliant renewable
10 energy generators installed at the premises, is more than 30kW.
- 11 (3) Also, this Act does not apply to an NEL compliant renewable
12 energy generator if the occupier of the premises at which the
13 generator is installed is—
- 14 (a) a territory agency; or
15 (b) a territory-owned corporation; or
16 (c) the Commonwealth or a Commonwealth authority; or
17 (d) an entity determined by the Minister.

- 18 (4) A determination under this section is a disallowable instrument.

19 *Note* A disallowable instrument must be notified, and presented to the
20 Legislative Assembly, under the Legislation Act.

- 21 (5) In this section:

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

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

- 1 (b) a company in which a controlling interest is held by any 1 of
2 the following, or by 2 or more of the following together:
- 3 (i) the Commonwealth;
- 4 (ii) a corporation mentioned in paragraph (a);
- 5 (iii) an entity mentioned in subparagraph (i) or (ii).
- 6 ***educational institution*** means—
- 7 (a) a government school or school-related institution established
8 under the *Education Act 2004*, section 20; or
- 9 (b) a higher education provider; or
- 10 (c) a university.
- 11 ***higher education provider***—see the *Training and Tertiary*
12 *Education Act 2003*, dictionary.
- 13 ***territory agency*** means any of the following (other than an
14 educational institution):
- 15 (a) the Territory;
- 16 (b) a territory instrumentality, and any other corporation
17 established for a public purpose under a territory law;
- 18 (c) a company in which a controlling interest is held by any 1 of
19 the following, or by 2 or more of the following together:
- 20 (i) the Territory;
- 21 (ii) a Minister;
- 22 (iii) a corporation mentioned in paragraph (b);
- 23 (iv) an entity mentioned in subparagraphs (i) to (iii).

1 **5C** **Meaning of *renewable energy generator* and *renewable***
2 ***energy source***

3 (1) In this Act:

4 *renewable energy generator* means an energy generator that
5 generates electricity from a renewable energy source.

6 *renewable energy source* means any of the following:

7 (a) solar;

8 (b) wind;

9 (c) any other source determined by the Minister.

10 (2) A determination under this section is a disallowable instrument.

11 *Note* A disallowable instrument must be notified, and presented to the
12 Legislative Assembly, under the Legislation Act.

13 **5D** **Meaning of *NEL compliant***

14 For this Act, a renewable energy generator is *NEL compliant* if,
15 when connected to the distributor's network, it would comply with
16 the rules under the National Electricity (ACT) Law and the National
17 Electricity (ACT) Regulations that apply to an embedded generation
18 unit.

19 **6** **Feed-in from renewable energy generators to electricity**
20 **network**
21 **Section 6 (3) and (4)**

22 *omit*

1 **7 Section 6 (5)**

2 *omit*
3 at the applicable rate under
4 *substitute*
5 in accordance with

6 **8 Section 6 (5)**

7 *after*
8 generated by the generator
9 *insert*
10 on or after the day the application is made

11 **9 New section 6A**

12 *insert*

13 **6A What is the *normal cost of electricity*?**

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

16 (2) A determination is a notifiable instrument.

17 *Note* A notifiable instrument must be notified under the Legislation Act.

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

20 (4) A guideline is a disallowable instrument.

21 *Note* A disallowable instrument must be notified, and presented to the
22 Legislative Assembly, under the Legislation Act.

10 Section 8

substitute

8 Payment for electricity from renewable energy generators

- (1) For section 6 (5), payment must be at the following rate:
- (a) for electricity generated by generators installed at the premises the total capacity of which is not more than 10kW—
 - (i) 100% of the premium rate; or
 - (ii) if another percentage is determined under section 9 for this paragraph—that percentage of the premium rate;
 - (b) for electricity generated by generators installed at the premises the total capacity of which is more than 10kW but not more than 30kW—
 - (i) 80% of the premium rate; or
 - (ii) if another percentage is determined under section 9 for this paragraph—that percentage of the premium rate.
- (2) Payment must be made to the occupier quarterly in arrears for the total amount of electricity generated by the generator.

11 Dictionary, note 2

insert

- quarter

12 Dictionary, new definitions

insert

National Electricity (ACT) Law means the provisions applying in the ACT because of the *Electricity (National Scheme) Act 1997*, section 5.

1 *National Electricity (ACT) Regulations* means the provisions
2 applying in the ACT because of the *Electricity (National Scheme)*
3 *Act 1997*, section 6.

4 *NEL compliant*—see section 5D.

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

6 **13 Dictionary, definitions of *premium rate* and *renewable***
7 ***energy source***

8 *substitute*

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

13 (a) the generator is connected to the network to enable electricity
14 generated by the generator to be supplied to the network; and

15 (b) the occupier of the premises where the generator is located
16 makes the application for payment mentioned in section 6 (5).

17 *renewable energy generator*—see section 5C.

18 *renewable energy source*—see section 5C.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2009.

2 Notification

Notified under the Legislation Act on 2009.

3 Republications of amended laws

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

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