

2010

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Energy)

Electricity Feed-in (Renewable Energy Premium) Amendment Bill 2010

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Electricity Feed-in (Renewable Energy Premium) Amendment Bill 2010

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:

J2009-956

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 2010*.

4 **2 Commencement**

5 This Act commences on a day fixed by the Minister by written
6 notice.

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

9 *Note 2* A single day or time may be fixed, or different days or times may be
10 fixed, for the commencement of different provisions (see Legislation
11 Act, s 77 (1)).

12 *Note 3* If a provision has not commenced within 6 months beginning on the
13 notification day, it automatically commences on the first day after that
14 period (see Legislation Act, s 79).

15 **3 Legislation amended**

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

18 **4 Sections 5B to 5D**

19 *substitute*

20 **5B Meaning of *renewable energy generator* and *renewable***
21 ***energy source***

22 (1) In this Act:

23 *renewable energy generator* means an energy generator that
24 generates electricity from a renewable energy source, and
25 includes—

26 (a) a micro renewable energy generator; and

1 (b) a medium renewable energy generator.

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

3 (a) solar;

4 (b) wind;

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

6 (2) A determination is a disallowable instrument.

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

9 **5C Meaning of *capacity***

10 (1) In this Act:

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

12 (a) if the generator is a solar photovoltaic generator—the rated
13 power output of the panels of the generator; or

14 (b) if the Minister determines a method for measuring the capacity
15 of a generator under subsection (2)—the capacity measured by
16 the determined method.

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

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

22 (3) A determination is a disallowable instrument.

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

1 **5D Meaning of *medium renewable energy generator* and**
2 ***micro renewable energy generator***

3 In this Act:

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

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

9 **5E Meaning of *compliant***

10 (1) For this Act, a renewable energy generator is *compliant* if—

- 11 (a) the generator is installed on premises in the ACT; and
12 (b) when connected to the electricity distributor’s network, it
13 complies with the service and installation rules; and
14 (c) the total capacity of the generator, or the total capacity of all
15 renewable energy generators installed on the premises, is not
16 more than—
17 (i) 200kW; or
18 (ii) if the Minister determines another capacity under
19 subsection (2)—the applicable determined capacity; and
20 (d) if the generator is a micro renewable generator—the generator
21 is connected to the electricity distributor’s network before the
22 total capacity of all micro renewable energy generators
23 connected to the network reaches—
24 (i) 15MW; or
25 (ii) if the Minister determines another capacity under
26 subsection (3)—the determined capacity; and

- 1 (e) if the generator is a medium renewable generator—the
2 generator is connected to the electricity distributor’s network
3 before the total capacity of all medium renewable energy
4 generators connected to the network reaches—
- 5 (i) 15MW; or
- 6 (ii) if the Minister determines another capacity under
7 subsection (3)—the determined capacity.
- 8 (2) The Minister may determine a total capacity for the following:
- 9 (a) micro renewable energy generators installed on premises;
- 10 (b) medium renewable energy generators installed on premises;
- 11 (c) all renewable energy generators installed on premises.
- 12 (3) The Minister may determine the total capacity for all micro and
13 medium renewable energy generators connected to the electricity
14 distributor’s network.
- 15 (4) A determination is a disallowable instrument.
- 16 *Note* A disallowable instrument must be notified, and presented to the
17 Legislative Assembly, under the Legislation Act.
- 18 (5) In this section:
- 19 *service and installation rules* means the service and installation
20 rules for connection to the electricity distribution network, as in
21 force from time to time, made under a technical code, as in force
22 from time to time, made under the *Utilities Act 2000*.
- 23 *Note* Technical codes made under the *Utilities Act 2000* are accessible at
24 www.icrc.act.gov.au. The service and installation rules are accessible at
25 www.actewagl.com.au.

1 **5F** **Meaning of *eligible entity***

2 (1) In this Act:

3 ***eligible entity***—

4 (a) means—

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

8 (ii) if a cooperative owns the premises on which a compliant
9 renewable energy generator is installed—the cooperative;
10 or

11 (iii) if a person owns commercial or retail premises on which
12 a compliant renewable energy generator is installed—the
13 person; or

14 (iv) if a person (the *lessee*) leases premises, or a part of
15 premises, to install or operate a compliant renewable
16 energy generator—the lessee; or

17 (v) in any other case—the occupier of premises on which a
18 compliant renewable energy generator is installed; but

19 (b) does not include—

20 (i) a territory agency; or

21 (ii) a territory-owned corporation; or

22 (iii) the Commonwealth or a Commonwealth authority; or

23 (iv) an entity determined by the Minister.

24 (2) A determination is a disallowable instrument.

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

- 1 (3) In this section:
- 2 **commercial premises**—see the *Leases (Commercial and Retail)*
- 3 *Act 2001*, section 7 (1).
- 4 **Commonwealth authority** means any of the following (other than an
- 5 educational institution):
- 6 (a) a corporation established for a public purpose under a
- 7 Commonwealth Act;
- 8 (b) a company in which a controlling interest is held by any 1 of
- 9 the following, or by 2 or more of the following together:
- 10 (i) the Commonwealth;
- 11 (ii) a corporation mentioned in paragraph (a);
- 12 (iii) an entity mentioned in subparagraph (i) or (ii).
- 13 **cooperative**—see the *Cooperatives Act 2002*, dictionary.
- 14 **educational institution** means—
- 15 (a) a government school or school-related institution established
- 16 under the *Education Act 2004*, section 20; or
- 17 (b) a higher education provider; or
- 18 (c) a university.
- 19 **higher education provider**—see the *Training and Tertiary*
- 20 *Education Act 2003*, dictionary.
- 21 **incorporated association** means an association incorporated under
- 22 the *Associations Incorporation Act 1991* or a law of another
- 23 jurisdiction corresponding, or substantially corresponding, to that
- 24 Act.
- 25 **retail premises**—see the *Leases (Commercial and Retail) Act 2001*,
- 26 section 7 (2).

- 1 **territory agency** means any of the following (other than an
2 educational institution):
- 3 (a) the Territory;
- 4 (b) a territory instrumentality, and any other corporation
5 established for a public purpose under a territory law;
- 6 (c) a company in which a controlling interest is held by any 1 of
7 the following, or by 2 or more of the following together:
- 8 (i) the Territory;
- 9 (ii) a Minister;
- 10 (iii) a corporation mentioned in paragraph (b);
- 11 (iv) an entity mentioned in subparagraphs (i) to (iii).

12 **5 Feed-in from renewable energy generators to electricity**
13 **network**
14 **Section 6 (2) and (3)**

- 15 *substitute*
- 16 (2) It is a condition of the electricity distributor's licence that the
17 distributor must, on application by an eligible entity—
- 18 (a) connect a renewable energy generator to the distributor's
19 network to enable electricity generated by the generator to be
20 supplied to the network; and
- 21 (b) reimburse the utility that is the electricity supplier to the
22 premises the difference between—
- 23 (i) the amount payable under subsection (3) for electricity
24 generated by the generator to be supplied to the network;
25 and
- 26 (ii) the normal cost of that electricity; and

1 (c) pass on to the eligible entity the additional metering costs in
2 relation to electricity generated by the generator.

3 (3) It is a condition of the electricity supplier's licence that the supplier
4 must, on application by an eligible entity, pay the eligible entity, in
5 accordance with section 8, for the total amount of electricity
6 generated by the renewable energy generator on or after the day the
7 application is made.

8 **6 Payment for electricity from renewable energy generators**
9 **Section 8 (1) (a)**

10 *omit*

11 generators installed at the premises the total capacity of which is not
12 more than 10kW

13 *substitute*

14 a micro renewable energy generator

15 **7 Section 8 (1) (b)**

16 *substitute*

17 (b) for electricity generated by a medium renewable energy
18 generator—

19 (i) 75% of the premium rate; or

20 (ii) if another percentage is determined under section 9 for
21 this paragraph—that percentage of the premium rate.

1 **8 Section 8 (2)**

2 *omit*

3 occupier

4 *substitute*

5 eligible entity

6 **9 Recovery of cost of renewable energy premium**
7 **Section 8A (1)**

8 *omit*

9 occupier

10 *substitute*

11 eligible entity

12 **10 Determination of premium rate**
13 **Section 10 (3) (b) (v)**

14 *omit*

15 occupiers

16 *substitute*

17 eligible entities

18 **11 Section 10 (3) (c) (iii)**

19 *omit*

20 occupier

21 *substitute*

22 eligible entity

1 **12 Section 10 (4)**

2 *omit*

3 **13 Premium rate—20 years**
4 **Section 11 (2) (b) and (c)**

5 *substitute*

6 (b) if the generator is transferred with the premises to another
7 person who is an eligible entity in relation to the premises; or

8 (c) if the generator is transferred to other premises in relation to
9 which the eligible entity is also an eligible entity.

10 **14 Dictionary, new definitions**

11 *insert*

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

13 *compliant*—see section 5E.

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

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

16 **15 Dictionary, definitions of *National Electricity (ACT)***
17 ***Regulations and NEL compliant***

18 *omit*

19 **16 Dictionary, definition of *premium rate*, paragraph (b)**

20 *substitute*

21 (b) the eligible entity for the generator makes the application for
22 payment mentioned in section 6 (3).

1 **17 Dictionary, definitions of *renewable energy generator* and**
2 ***renewable energy source***

3 *substitute*

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

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

6 **18 Dictionary, definition of *transition franchise tariff retail***
7 ***price***

8 *omit*

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2010.

2 Notification

Notified under the Legislation Act on 2010.

3 Republications of amended laws

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