

2014

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for the Environment and Sustainable Development)

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

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J2013-680

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

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## A Bill for

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

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

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J2013-680

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

1 **1 Name of Act**

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

4 **2 Commencement**

5 This Act commences on the day after its notification day.

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

8 **3 Legislation amended**

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

11 **4 Dictionary**  
12 **Section 3, note 1**

13 *substitute*

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

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

21 **5 Objects of Act**  
22 **Section 5 (a)**

23 *after*

24 region

25 *insert*

26 and other places

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

3 *substitute*

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

8 **7** **Section 7 (6)**

9 *omit*

10 **8** **FiT capacity**  
11 **Section 9**

12 *omit*

13 210MW

14 *substitute*

15 550MW

16 **9** **FiT capacity release**  
17 **Section 10 (2) (b) (iii)**

18 *substitute*

- 19 (iii) whether a large renewable energy generator must be  
20 located within—

21 (A) the ACT; or

22 (B) the Australian capital region; or

23 (C) a participating jurisdiction; and

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

1 **10 New section 10 (6)**

2 *after the note, insert*

3 (6) In this section:

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

6 **11 FiT entitlement—grant**  
7 **Section 11 (1)**

8 *substitute*

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

12 (a) in the Australian capital region; or

13 (b) outside the Australian capital region if the Minister is satisfied  
14 that the person’s proposal—

15 (i) offers exceptional economic development benefits to  
16 ACT renewable energy industries; and

17 (ii) minimises costs to electricity consumers.

18 **12 FiT entitlement—conditions**  
19 **Section 12 (2) (d) to (f)**

20 *substitute*

21 (d) entering into an agreement with a network service provider to  
22 connect the large renewable energy generator to the  
23 interconnected national electricity system within a stated time;

24 (e) connecting the large renewable energy generator to the  
25 interconnected national electricity system and supplying  
26 electricity to the system within a stated time;

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

3 **13 Meaning of *eligible electricity***  
4 **Section 17, definition of *eligible electricity*, paragraph (a)**  
5 **and note**

6 *substitute*

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

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

12 **14 Section 17, definition of *eligible electricity*, paragraph (d)**

13 *omit*

14 the electricity network

15 *substitute*

16 the interconnected national electricity system

17 **15 Sections 18 to 20**

18 *substitute*

19 **17A Meaning of *FiT support payment***

20 (1) In this Act:

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

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

1 (2) In this section:

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

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

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

9 **18 FiT support payment—ACT electricity distributor to pay**

10 (1) This section applies if—

11 (a) a large renewable energy generator in relation to which a FiT  
12 entitlement is granted is connected to the interconnected  
13 national electricity system; and

14 (b) the FiT support payment for the holder of the FiT entitlement  
15 for a period is a positive amount.

16 (2) The ACT electricity distributor must pay the holder of the FiT  
17 entitlement FiT support payments for the holder's eligible electricity  
18 for the period—

19 (a) in arrears; and

20 (b) within 30 days after the later of—

21 (i) the day the holder gives the ACT electricity distributor  
22 written notice that the large-scale generation certificates  
23 for the holder's eligible electricity, worked out under the  
24 *Renewable Energy (Electricity) Act 2000* (Cwlth),  
25 section 18 (3), have been registered under that Act,  
26 section 26; and



1 (ii) the day the holder gives the ACT electricity distributor  
2 any other information reasonably required by the  
3 distributor to work out the FiT support payment; and

4 (c) in the way (if any) prescribed by regulation.

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

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

## 13 **19 FiT support payment—negative amount**

14 (1) This section applies if—

15 (a) a large renewable energy generator in relation to which a FiT  
16 entitlement is granted is connected to the interconnected  
17 national electricity system; and

18 (b) the FiT support payment for the holder of the FiT entitlement  
19 for a period is a negative amount.

20 (2) The ACT electricity distributor may—

21 (a) offset the amount against any subsequent FiT support payment  
22 payable to the holder of the FiT entitlement; or

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

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

6 **20 Offences—non-payment of FiT support payment or other**  
7 **amount**

- 8 (1) The ACT electricity distributor commits an offence if the  
9 distributor—

10 (a) is required to pay a FiT support payment to a holder of a  
11 FiT entitlement under section 18; and

12 (b) fails to make the payment as required.

13 Maximum penalty: 50 penalty units.

- 14 (2) The holder of a FiT entitlement commits an offence if the holder—

15 (a) is required to pay an amount to the ACT electricity distributor  
16 under section 19; and

17 (b) fails to make the payment as required.

18 Maximum penalty: 50 penalty units.

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**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.

- 1 (5) In this section:  
2 *trading interval*—see the national electricity rules, chapter 10  
3 (Glossary).

4 **17 Regulation-making power**  
5 **Section 25 (2)**

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

12 **18 Dictionary, new definitions**

- 13 *insert*
- 14 *ACT electricity distribution system* means the distribution system  
15 component of the interconnected national electricity system in the  
16 ACT.
- 17 *ACT electricity distributor* means the network service provider  
18 operating the ACT electricity distribution system.
- 19 *AEMO*—see the national electricity rules, chapter 10 (Glossary).
- 20 *distribution system*—see the *National Electricity (ACT) Law*,  
21 section 2.

- 1 **19 Dictionary, definitions of *electricity distributor* and**  
2 ***electricity network***
- 3 *omit*
- 4 **20 Dictionary, definition of *FiT support payment***
- 5 *substitute*
- 6 ***FiT support payment***, for a holder of a FiT entitlement, for eligible  
7 electricity for a period—see section 17A (1).
- 8 **21 Dictionary, new definition of *interconnected national***  
9 ***electricity system***
- 10 *insert*
- 11 ***interconnected national electricity system***—see the *National*  
12 *Electricity (ACT) Law*, section 2.
- 13 **22 Dictionary, definition of *national electricity market***
- 14 *substitute*
- 15 ***national electricity market***—see the *National Electricity (ACT)*  
16 *Law*, section 2.
- 17 **23 Dictionary, new definitions**
- 18 *insert*
- 19 ***network service provider***—see the *National Electricity (ACT) Law*,  
20 section 2.
- 21 ***spot market***—see the national electricity rules, chapter 10  
22 (Glossary).
- 23 ***spot price value***, for eligible electricity, means the amount that  
24 would have been paid for the electricity by the AEMO if the  
25 electricity had been sold on the spot market.

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## Endnotes

**1 Presentation speech**

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

**2 Notification**

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

**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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