

2015

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Minister for the Environment)

# Electricity Feed-in Tariff Schemes Legislation Amendment Bill 2015

## Contents

---

	Page
<b>Part 1</b>	<b>Preliminary</b>
1	Name of Act 2
2	Commencement 2
3	Legislation amended 2
<b>Part 2</b>	<b>Electricity Feed-in (Large-scale Renewable Energy Generation) Act 2011</b>
4	New section 7A 3
5	Meaning of <i>eligible electricity</i> Section 17, definition of <i>eligible electricity</i> , paragraph (b) 3

---

J2014-649

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

## Contents

---

	Page
6	New section 17 (2) to (4) 4
7	Section 17A 5
8	FiT support payment—ACT electricity distributor to pay Section 18 (2) (b) 6
9	Regulation-making power New section 25 (2) (c) 6
<b>Part 3</b>	<b>Electricity Feed-in (Renewable Energy Premium) Act 2008</b>
10	New section 5AA 7
11	Meaning of <i>renewable energy generator</i> and <i>renewable energy source</i> Section 5B (1), definition of <i>renewable energy generator</i> 7
12	Meaning of <i>compliant</i> New section 5E (1) (e) to (g) 8
13	Determination of premium rate Section 10 (1) 8
14	Sections 11A and 11B 9
15	Regulation-making power Section 12 (3) 11
16	Dictionary, new definitions 11

2015

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Minister for the Environment)

# **Electricity Feed-in Tariff Schemes Legislation Amendment Bill 2015**

---

## **A Bill for**

An Act to amend legislation about electricity feed-in tariff schemes

---

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

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Electricity Feed-in Tariff Schemes Legislation*  
4 *Amendment Act 2015*.

5 **2 Commencement**

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

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 (Large-scale Renewable*  
11 *Energy Generation) Act 2011* and the *Electricity Feed-in*  
12 *(Renewable Energy Premium) Act 2008*.

1 **Part 2** **Electricity Feed-in (Large-scale**  
2 **Renewable Energy Generation)**  
3 **Act 2011**

4 **4** **New section 7A**

5 *in part 2, insert*

6 **7A** **Reference to Renewable Energy (Electricity) Act 2000**  
7 **(Cwlth)**

8 For this Act, a reference to the *Renewable Energy (Electricity)*  
9 *Act 2000* (Cwlth) includes a reference to a regulation made under  
10 that Act.

11 **5** **Meaning of *eligible electricity***  
12 **Section 17, definition of *eligible electricity*, paragraph (b)**

13 *substitute*

14 (b) that—

15 (i) is electricity for which large-scale generation certificates  
16 are registered under the *Renewable Energy (Electricity)*  
17 *Act 2000* (Cwlth) (*registered electricity*); or

18 (ii) if the *Renewable Energy (Electricity) Act 2000* (Cwlth) is  
19 repealed, expires or is amended in a way that ends  
20 registration of large-scale generation certificates—is  
21 electricity that—

22 (A) was registered electricity immediately before the  
23 repeal, expiry or amendment of that Act (*formerly*  
24 *registered electricity*); or

1 (B) is not formerly registered electricity but either  
2 satisfies the electricity accreditation requirements  
3 that apply to the electricity or is exempt electricity;  
4 and

5 **6 New section 17 (2) to (4)**

6 *insert*

7 (2) A regulation may prescribe electricity accreditation requirements for  
8 subsection (1), definition of *eligible electricity*,  
9 paragraph (b) (ii) (B).

10 (3) However, a regulation must not prescribe a requirement if it is  
11 reasonably likely that the application of the requirement (including  
12 its application with any other requirement prescribed by regulation),  
13 when compared with the application of requirements about the  
14 creation of large-scale generation certificates under the *Renewable*  
15 *Energy (Electricity) Act 2000* (Cwlth) as in force on the  
16 commencement day, would disadvantage a large renewable energy  
17 generator of the electricity.

18 (4) In this section:

19 *commencement day* means the day the *Electricity Feed-in Tariff*  
20 *Schemes Legislation Amendment Act 2015*, section 3 commences.

21 *exempt electricity* means electricity for which no electricity  
22 accreditation requirements are prescribed by regulation under  
23 subsection (2).

---

**7 Section 17A**

*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:

- (a) the payment formula;
- (b) if the Minister has approved an assessment method—an assessment method approved by the Minister.

(2) The Minister may only approve an assessment method if the Minister is satisfied on reasonable grounds that applying the method—

- (a) will minimise the cost for electricity consumers; and
- (b) will not disadvantage an existing holder of a FiT entitlement.

(3) An assessment method approved by the Minister is a disallowable instrument.

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

(4) 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.

***payment formula*** means the following formula:

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

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

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

5 **8 FiT support payment—ACT electricity distributor to pay**  
6 **Section 18 (2) (b)**

7 *substitute*

8 (b) within 30 days after the day the holder gives the ACT  
9 electricity distributor any information reasonably required by  
10 the distributor to work out the FiT support payment; and

11 **9 Regulation-making power**  
12 **New section 25 (2) (c)**

13 *insert*

14 (c) the verification of information provided by the holder of a FiT  
15 entitlement.



---

1 **Part 3** **Electricity Feed-in (Renewable**  
2 **Energy Premium) Act 2008**

3 **10** **New section 5AA**

4 *in part 1, insert*

5 **5AA** **Offences against Act—application of Criminal Code etc**

6 Other legislation applies in relation to offences against this Act.

7 *Note 1* *Criminal Code*

8 The [Criminal Code](#), ch 2 applies to all offences against this Act (see  
9 Code, pt 2.1).

10 The chapter sets out the general principles of criminal responsibility  
11 (including burdens of proof and general defences), and defines terms  
12 used for offences to which the Code applies (eg *conduct*, *intention*,  
13 *recklessness* and *strict liability*).

14 *Note 2* *Penalty units*

15 The [Legislation Act](#), s 133 deals with the meaning of offence penalties  
16 that are expressed in penalty units.

17 **11** **Meaning of *renewable energy generator* and *renewable***  
18 ***energy source***  
19 **Section 5B (1), definition of *renewable energy generator***

20 *substitute*

21 ***renewable energy generator*—**

- 22 (a) means an energy generator that generates electricity from a  
23 renewable energy source; and  
24 (b) includes—  
25 (i) a micro renewable energy generator; and  
26 (ii) a medium renewable energy generator; but

- 1 (c) does not include a device that is capable of storing energy that  
2 is not generated from a compliant renewable energy generator  
3 under paragraph (b).

4 **12 Meaning of *compliant***  
5 **New section 5E (1) (e) to (g)**

6 *insert*

- 7 (e) if the generator is a micro renewable energy generator—the  
8 distributor received the application for the connection of the  
9 generator before 29 May 2011; and  
10 (f) if the generator is a medium renewable energy generator—the  
11 distributor received the application for the connection of the  
12 generator before 13 July 2011; and  
13 (g) the generator is installed on premises and connected to the  
14 electricity distributor's network before 31 December 2016.

15 **13 Determination of premium rate**  
16 **Section 10 (1)**

17 *substitute*

- 18 (1) The Minister must determine the premium rate for amounts payable  
19 by a NERL retailer under section 6 (Feed-in from renewable energy  
20 generators to electricity network) for compliant renewable energy  
21 generators.

---

**14 Sections 11A and 11B**

*substitute*

**11A Report by Minister**

The Minister must, within 6 months after the end of each financial year, publish on an appropriate government website a report about the following:

- (a) the number of compliant renewable energy generators installed on premises in the ACT;
- (b) the total capacity of compliant renewable energy generators installed on premises in the ACT;
- (c) the costs under this Act on electricity users.

**11B Electricity distributors to give information to Minister**

(1) The Minister must determine the information required to prepare a report under section 11A (the *required information*).

(2) A determination is a disallowable instrument.

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

(3) Each of the following entities (a *reporting entity*) must give the Minister the required information:

- (a) an electricity distributor;
- (b) a NERL retailer.

(4) A person commits an offence if—

- (a) the person is a reporting entity; and
- (b) the person engages in conduct; and
- (c) as a result of the conduct, the person fails to give the Minister information; and

1 (d) the information is required information.

2 Maximum penalty: 30 penalty units.

3 **11C Audit of information given to Minister**

4 (1) The Minister may require a reporting entity to undertake an audit of  
5 the information provided by the reporting entity under section 11B  
6 if the Minister believes on reasonable grounds the information is  
7 untrue, misleading or incomplete.

8 (2) The audit must be—

9 (a) paid for by the reporting entity; and

10 (b) undertaken by—

11 (i) an auditor appointed by the Minister; or

12 (ii) if the Minister decides not to appoint an auditor—an  
13 auditor that is independent of the reporting entity; and

14 (c) undertaken in accordance with requirements determined by the  
15 Minister.

16 (3) A determination is a disallowable instrument.

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

19 (4) A person commits an offence if—

20 (a) the person is a reporting entity; and

21 (b) the person gives the Minister information under section 11B;  
22 and

23 (c) the Minister requires an audit of the information; and

24 (d) the person engages in conduct; and

1 (e) as a result of the conduct, the person fails to undertake the  
2 required audit.

3 Maximum penalty: 400 penalty units.

4 **15 Regulation-making power**  
5 **Section 12 (3)**

6 *omit*

7 10 penalty units

8 *substitute*

9 30 penalty units

10 **16 Dictionary, new definitions**

11 *insert*

12 *reporting entity*—see section 11B (3).

13 *required information*—see section 11B (1).

---

## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 14 May 2015.

**2 Notification**

Notified under the [Legislation Act](#) on 2015.

**3 Republications of amended laws**

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

---

© Australian Capital Territory 2015