

2020

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Climate Change and Sustainability)

Electricity Feed-in (Renewable Energy Premium) Amendment Bill 2020

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:

1 **1 Name of Act**

2 This Act is the *Electricity Feed-in (Renewable Energy Premium)*
3 *Amendment Act 2020*.

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 (Renewable Energy*
10 *Premium) Act 2008*.

11 **4 Electricity distributors to give information to Minister**
12 **Section 11B (4)**

13 *substitute*

14 (4) If requested in writing, a reporting entity must, within 10 working
15 days after receiving the request, give the Minister any other
16 information the Minister reasonably requires to ensure the accuracy
17 of the required information.

18 **Examples—other information**

- 19 1 information about how the required information is recorded
20 2 information about how the reporting entity ensures the accuracy of the
21 required information
22 3 information about the experience and training of staff responsible for
23 recording and reporting on the required information

24 (5) A reporting entity commits an offence if the entity—

25 (a) is required to give the Minister information under subsection (3)
26 or (4); and

1 (b) fails to give the Minister the information in accordance with this
2 section.

3 Maximum penalty: 30 penalty units.

4 (6) A reporting entity commits an offence if—

5 (a) the entity gives the Minister information required under
6 subsection (3) or (4); and

7 (b) the information is false or misleading in a material particular;
8 and

9 (c) the entity—

10 (i) knows that the information is false or misleading; or

11 (ii) is reckless about whether the information is false or
12 misleading.

13 Maximum penalty: 30 penalty units.

14 **5 Audit of information given to Minister**
15 **Section 11C (1)**

16 *substitute*

17 (1) The Minister may require a reporting entity to undertake an audit of
18 the information provided by the reporting entity under section 11B, if
19 the Minister believes on reasonable grounds—

20 (a) the information is false, misleading or incomplete; or

21 (b) there is a risk that the information is false, misleading or
22 incomplete.

23 **6 New section 11C (2) (aa)**

24 *before paragraph (a), insert*

25 (aa) completed within 3 months after the day it is required to be
26 undertaken; and

1 **7 Section 11C (4)**

2 *substitute*

3 (4) A reporting entity commits an offence if—

4 (a) the Minister requires the entity to undertake an audit under
5 subsection (1); and

6 (b) the entity fails to undertake the audit in accordance with this
7 section.

8 Maximum penalty: 400 penalty units.

9 **8 New part 3B**

10 *insert*

11 **Part 3B Passing on reasonable**
12 **administration costs**

13 **11D Electricity distributors may pass on reasonable**
14 **administration costs**

15 (1) For a financial year, an electricity distributor may pass on its
16 administration costs to an eligible entity up to the maximum amount
17 for the financial year.

18 (2) In this section:

19 *administration costs*, of an electricity distributor, means the
20 administration costs reasonably incurred by the distributor in meeting
21 its obligations under this Act.

22 *maximum amount* means the amount determined under section 11F.

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- 1 **11E Maximum amount of administration costs—application**
2 **for determination**
- 3 (1) An electricity distributor may apply to the Minister for a
4 determination of the maximum amount of administration costs the
5 distributor may pass on under section 11D for a financial year (the
6 *relevant financial year*).
- 7 (2) The application must be made no later than 6 months before the
8 beginning of the relevant financial year.
- 9 (3) The application must include—
- 10 (a) for the financial year immediately before the relevant financial
11 year—the total amount of administration costs—
- 12 (i) incurred by the electricity distributor in that financial year;
13 and
- 14 (ii) recovered by the electricity distributor from eligible
15 entities under section 11D in that financial year; and
- 16 (b) the estimated administration costs of the electricity distributor
17 for the relevant financial year.
- 18 (4) If the application does not contain sufficient information for the
19 Minister to make a decision, the Minister may, within 1 month after
20 the day the Minister receives the application, require the electricity
21 distributor to provide further information.
- 22 (5) The electricity distributor must provide the information to the
23 Minister within 10 working days after the day the information is
24 requested.
- 25 **11F Maximum amount of administration costs—determination**
- 26 (1) This section applies if an electricity distributor makes an application
27 under section 11E for a financial year.

- 1 (2) The Minister must determine the maximum amount that the
2 electricity distributor may pass on to an eligible entity for the
3 financial year no later than 2 months after the day the Minister
4 receives the application.
- 5 (3) In making a determination, the Minister must—
- 6 (a) consider the information provided by the electricity distributor
7 under section 11E; and
- 8 (b) ensure that the electricity distributor, eligible entities and ACT
9 electricity consumers are not unreasonably financially
10 disadvantaged by the determination.
- 11 (4) The Minister may determine the maximum amount for the financial
12 year to be—
- 13 (a) the amount mentioned in section 11E (3) (b); or
- 14 (b) another amount.
- 15 (5) If the Minister does not make a determination within the required
16 period under subsection (2), the maximum amount that the electricity
17 distributor may pass on to an eligible entity for the financial year is
18 taken to be the amount mentioned in section 11E (3) (b).
- 19 (6) A determination under subsection (2) is a disallowable instrument.
- 20 *Note* A disallowable instrument must be notified, and presented to the
21 Legislative Assembly, under the [Legislation Act](#).

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 4 June 2020.

2 Notification

Notified under the [Legislation Act](#) on 2020.

3 Republications of amended laws

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

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