

Electricity Feed-in (Large-scale Renewable Energy Generation) Renewable Energy Source Declaration 2020

Disallowable instrument DI2020–249

made under the

Electricity Feed-in (Large-scale Renewable Energy Generation) Act 2011, s6 (Meaning of large renewable generator and renewable energy source)

EXPLANATORY STATEMENT

This explanatory statement relates to the *Electricity Feed-in (Large-scale Renewable Energy Generation) Renewable Energy Source Declaration 2020* (the instrument) as presented to the ACT Legislative Assembly. It has been prepared in order to assist the reader of the instrument and to help inform debate on the instrument. It does not form part of the instrument and has not been endorsed by the Legislative Assembly.

The explanatory statement must be read in conjunction with the instrument. It is not, and is not meant to be, a comprehensive description of the instrument. What is said about a provision is not to be taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

Background

The *Electricity Feed-in (Large-scale Renewable Energy Generation) Act 2011* (the Act) allows for the Minister to grant feed-in tariffs (FiTs) to renewable energy generators. FiTs represent a guaranteed price for the energy created by the generators.

Section 6 of the Act provides a definition of renewable energy source, which includes solar and wind, and provides for the Minister to declare an energy source to be a renewable energy source.

Overview of the instrument

This instrument declares a number of new renewable energy sources, in accordance with section 6 of the Act.

The instrument also declares specific types of wind and solar energy to be renewable energy sources. While solar and wind are provided for as renewable energy sources in s6(1) of the

Act, this additional level of specificity is intended to remove doubt that these technology types are renewable energy sources.

This declaration does not eliminate the possibility of future declarations of new renewable energy sources.

Declaration of a renewable energy source does not necessarily mean that all examples of that specific technology will be eligible to participate in a procurement process held to grant capacity under the Act. To date, the ACT has held 4 auctions (a fifth recently announced). In all of these auctions, the ACT Government has required that the successful bidders receive Greenpower accreditation as a commitment of their deed, and has considered the wider environmental and social benefit of proposals in making an assessment of bids.

Human Rights

This instrument does not engage with or limit any human rights.

Regulatory impact statement

A Regulatory Impact Statement (RIS) is not required, in accordance with s34(1) of the *Legislation Act 2001*, as the declaration of renewable energy sources does not impose any appreciable costs on the community. Further s36(1)(b) of the *Legislation Act* provides that in this instance a RIS is not necessary as the disallowable instrument does not operate to the disadvantage of anyone by adversely affecting the person's rights or imposing liabilities on the person.

Scrutiny of Bills Committee Principles

This instrument is consistent with the Scrutiny of Bills Committee Principles in that it:

- (a) Does not unduly trespass on personal rights and liberties;
- (b) Does not make rights, liberties, and/or obligations unduly dependent upon insufficiently defined administrative powers;
- (c) Does not make rights, liberties and/or obligations unduly dependent upon nonreviewable decisions;
- (d) Does not inappropriately delegate legislative powers; and
- (e) Does not insufficiently subject the exercise of legislative power to parliamentary scrutiny

Provisions in detail

Clause 1 Name of Act

This clause names the disallowable instrument.

Clause 2 Commencement

This clause provides that the instrument will commence on the day after its notification day.

Clause 3 Declared renewable energy sources

This clause declares a number of renewable energy sources, including specifying types of wind and solar energy generation that are renewable.