

2020

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**Electricity Feed-in (Large-scale Renewable Energy Generation) Amendment
Bill 2020**

**EXPLANATORY STATEMENT
and HUMAN RIGHTS COMPATIBILITY STATEMENT
(Human Rights Act 2004, s 37)**

**Presented by
Shane Rattenbury MLA
Minister for Climate Change and Sustainability**

Electricity Feed-in (Large-scale Renewable Energy Generation) Amendment Bill 2020

The Bill is not a Significant Bill. Significant Bills are bills that have been assessed as likely to have significant engagement of human rights and require more detailed reasoning in relation to compatibility with the *Human Rights Act 2004*.

OVERVIEW OF THE BILL

The Bill disapplies certain provisions in the *Electricity Feed-in (Large-scale Renewable Energy Generation) Act 2011* that would otherwise delay the granting of feed-in tariff (FiT) entitlements to give effect to the outcomes of the renewables Auction 5.

By disapplying these sections, the Minister for Climate Change & Sustainability will be able to grant FiT entitlements to the auction winners immediately, rather than waiting for the day after the sixth sitting day after the relevant capacity release is Tabled in the Assembly.

This Bill continues to provide for scrutiny by the Assembly of the capacity release, through the scrutiny that is applied to this Bill.

CONSULTATION ON THE PROPOSED APPROACH

Due to the time constraints involved, no external consultation has occurred for this Bill. However, this Bill is to enable the ACT Government to meet stakeholders' existing expectations.

CONSISTENCY WITH HUMAN RIGHTS

This Bill does not engage with any human rights.

Rights engaged

Nil

Rights Promoted

Nil

Rights Limited

Nil

1. *Nature of the right and the limitation (s28(a) and (c))*

N/A

2. *Legitimate purpose (s28(b))*

N/A

3. *Rational connection between the limitation and the purpose (s28(d))*

N/A

4. *Proportionality (s28 (e))*

N/A

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Human Rights Act 2004 - Compatibility Statement

In accordance with section 37 of the *Human Rights Act 2004* I have examined the **Electricity Feed-in (Large-scale Renewable Energy Generation) Amendment Bill 2020**. In my opinion, having regard to the Bill and the outline of the policy considerations and justification of any limitations on rights outlined in this explanatory statement, the Bill as presented to the Legislative Assembly **is** consistent with the *Human Rights Act 2004*.

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Gordon Ramsay MLA
Attorney-General

CLAUSE NOTES

Clause 1 Name of Act

This clause names the Act.

Clause 2 Commencement

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

Clause 3 Legislation amended

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

Clause 4 New Section 22A

This clause provides that:

- Disallowance by resolution of Assembly does not apply to a relevant determination;
- Section 11 (3) and (4) of the *Electricity Feed-in (Large-scale Renewable Energy Generation) Act 2011* do not apply to a FiT entitlement granted under a FIT capacity release made under a relevant determination.
- A relevant determination means a determination under section 10 presented to the Legislative Assembly under the Legislation Act, chapter 7 on 27 August 2020. This will be the date in which a Capacity Release is presented to the Legislative Assembly for the ‘Renewables Auction 5’, held by the ACT Government over 2019 and 2020.
- Section 22A will expire after it is no longer required.