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The Parliament of the
Commonwealth of Australia

THE SENATE

**EXPOSURE DRAFT OF THE AUSTRALIAN GREENS
OCTOBER 2009**

**Safe Climate (Renewable Energy—
Electricity) Amendment Bill 2009**

No. , 2009

(Senator Milne)

**A Bill for an Act to amend the *Renewable Energy
(Electricity) Act 2000*, and for related purposes**

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1 **A Bill for an Act to amend the *Renewable Energy***
2 ***(Electricity) Act 2000, and for related purposes***

3 The Parliament of Australia enacts:

4 **1 Short title**

5 This Act may be cited as the *Safe Climate (Renewable Energy—*
6 *Electricity) Amendment Act 2009*.

7 **2 Commencement**

8 (1) Each provision of this Act specified in column 1 of the table
9 commences, or is taken to have commenced, in accordance with
10 column 2 of the table. Any other statement in column 2 has effect
11 according to its terms.
12

Commencement information

Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	
2. Schedule 1	The day on which this Act receives the Royal Assent.	
3. Schedule 2	The day on which this Act receives the Royal Assent.	

1 Note: This table relates only to the provisions of this Act as originally
2 passed by both Houses of the Parliament and assented to. It will not be
3 expanded to deal with provisions inserted in this Act after assent.

4 (2) Column 3 of the table contains additional information that is not
5 part of this Act. Information in this column may be added to or
6 edited in any published version of this Act.

7 **3 Schedule(s)**

8 (1) Each Act, and each set of regulations, that is specified in a
9 Schedule to this Act is amended or repealed as set out in the
10 applicable items in the Schedule concerned, and any other item in a
11 Schedule to this Act has effect according to its terms.

12 (2) The amendment of any regulation under subsection (1) does not
13 prevent the regulation, as so amended, from being amended or
14 repealed by the Governor-General.

1 **Schedule 1—Amendment of the Renewable**
2 **Energy (Electricity) Act 2000**

3 **Part 1—Solar water heaters, feed-in-tariff, target and**
4 **other matters**

5 **1 Subsection 5(1) (definition of *solar water heater*)**

6 Repeal the definition, substitute:

7 *solar water heater* means a device that heats water using solar
8 energy and includes heat pump water heaters.

9 **2 Section 8**

10 Omit “solar water heaters or”.

11 **3 At the end of subsection 17(2)**

12 Add:

13 ; (c) solar energy used by solar water heaters, including heat pump
14 water heaters;

15 (d) biomass from native vegetation of any kind.

16 **4 Subdivision B of Division 4 of Part 2**

17 Repeal the Subdivision.

18 **5 Subsection 23B(1) (heading)**

19 Repeal the heading.

20 **6 Subsection 23B(1)**

21 Omit “(1)”.

22 **7 Subsection 23B(1)**

23 Omit “subject to subsection (2),”.

24 **8 Subsections 23B(2), (3) and (4)**

25 Repeal the subsections.

26 **9 Application of amendments of section 23B**

1 The amendments made by items 5 to 8 apply to small generation units
2 installed on or after 9 June 2009.

3 **10 Subdivision BB of Division 4 of Part 2**

4 Repeal the Subdivision, substitute:

5 **Subdivision BB—Small generation unit return**

6 **23F Small generation unit return**

- 7 (1) If the sum of the number of certificates created by a person during
8 a year under Subdivision BA exceeds 250, the person must give a
9 return for the year to the Regulator on or before:
- 10 (a) 14 February in the following year; or
11 (b) any later day allowed by the Regulator.
- 12 (2) The return must include details of:
- 13 (a) the number of certificates the person created under that
14 Subdivision during the year; and
15 (b) the number of certificates the person is entitled to create that
16 Subdivision because of rights assigned to the person under
17 subsection 23C(2) during the year; and
18 (c) any other information specified by the regulations.

19 **11 At the end of Division 4 of Part 2**

20 Add:

21 **Subdivision D—Period of validity of certificates**

22 **24A Period of validity of certificates**

23 A certificate created in accordance with this Division is a valid
24 certificate for the period ending 4 years from the date of its
25 creation.

26 **12 Section 25A**

27 Repeal the section, substitute:

1 **25A Form and content of certificates—small generation units**

- 2 (1) Certificates under Subdivision BA of Division 4 are to be created
3 in an electronic form approved in writing by the Regulator.
- 4 (2) Each certificate is to contain:
- 5 (a) the registered person's registration number; and
 - 6 (b) the year; and
 - 7 (c) a number in an unbroken sequence that is used for all
8 certificates created in respect of the small generation unit
9 concerned in that year and that starts at one and has
10 increments of one; and
 - 11 (d) the electronic signature of the registered person who created
12 the certificate; and
 - 13 (e) the date on which the small generation unit concerned was
14 installed; and
 - 15 (f) details of the eligible energy source in respect of which the
16 certificate was created; and
 - 17 (g) the date on which the certificate was created.

18 **13 After Part 3**

19 Insert:

20 **Part 3A—Acquisition of electricity from owners of**
21 **qualifying generators**

22 **34A Object of Part**

23 The object of this Part is to support the commercialisation of a
24 broad range of prospective renewable energy technologies by:

- 25 (a) providing specifically tailored support for a range of
26 renewable energy technologies that are currently not
27 adequately assisted by the mandatory renewable energy
28 target;
- 29 (b) requiring electricity distributors to permit owners of both
30 small and large scale qualifying generators to supply the
31 electricity grid with electricity generated from selected
32 renewable energy sources;
- 33 (c) providing a payment or a rebate to owners of qualifying
34 generators after the commencement of this Part for the

- 1 renewable electricity which they produce after the
2 commencement of this Part from renewable energy sources;
3 (d) establishing an effective regime to monitor the extent of
4 production of renewable electricity by owners of qualifying
5 generators.

6 **34B Definitions**

7 In this Part:

8 **direct customer** means a person or company who:

- 9 (a) is directly connected to an electricity distribution network
10 other than by means of the distribution system of the
11 electricity retailer; and
12 (b) satisfies other criteria (if any) prescribed by the regulations
13 for the purposes of this definition.

14 **electricity distributor** means:

- 15 (a) a company or other entity licensed for the distribution of
16 electricity through an electricity network; and
17 (b) in relation to an electricity connection service for premises—
18 a company or other entity licensed to provide the service for
19 the premises.

20 **electricity retailer** means a company or other entity that supplies
21 electricity to customers.

22 **excluded network** means an electricity distribution network that
23 supplies electricity to less than 10,000 retail customers.

24 **feed-in-tariff rate scheme** means the scheme established by
25 section 34F.

26 **kWh** means kilowatt hour.

27 **qualifying generator** means a renewable energy electricity
28 generator:

- 29 (a) that complies with the relevant Australian Standard; and
30 (b) that is connected to an electricity distribution network in a
31 manner that allows electricity generated by the renewable
32 energy electricity generator to be fed into the electricity
33 distribution network, other than where the electricity
34 distribution network is an excluded network; and

- 1 (c) that generates electricity from a source listed in
2 subsection 17(1) as an eligible renewable energy source; and
3 (d) that forgoes participation in the mandatory renewable energy
4 target scheme; and
5 (e) for which an application for registration has been made under
6 section 34D after the commencement of Schedule 1 of the
7 *Safe Climate (Renewable Energy—Electricity) Amendment*
8 *Act 2009*.

9 **quarter** means a period of 3 months commencing on 1 January,
10 1 April, 1 July or 1 October of a year.

11 **quarterly return** means a return for a period of 3 months
12 commencing on 1 January, 1 April, 1 July or 1 October of a year.

13 **retail customer** means a customer who:

- 14 (a) ordinarily acquires electricity primarily for domestic or
15 business use; and
16 (b) is not a direct customer; and
17 (c) satisfies other criteria (if any) prescribed by the regulations
18 for the purposes of this definition.

19 **34C Feeding-in of electricity to grid by owners of qualifying**
20 **generators**

- 21 (1) Electricity distributors must, subject to compliance by the owner of
22 a qualifying generator with any relevant technical, safety or other
23 requirements imposed by or under this or any other Act or relevant
24 instrument, connect the qualifying generator to the grid and permit
25 the owner to feed into the grid electricity generated by the
26 qualifying generator.
- 27 (2) Electricity retailers must:
- 28 (a) purchase, on application in the prescribed form by an owner
29 of a qualifying generator connected to the grid under
30 subsection (1), any electricity fed into the grid by that
31 qualifying generator; and
32 (b) comply with any reporting requirements in this Act or that
33 are prescribed in the regulations.

- 1 (3) Payment for electricity purchased by an electricity retailer under
2 paragraph (2)(a) is to be made under section 34J or 34K, as the
3 case may be.
- 4 (4) An owner of a qualifying generator who feeds into the grid under
5 subsection (1) must install a meter, of a type prescribed by the
6 regulations for the purposes of this subsection, to measure the total
7 amount of renewable electricity energy generated by the qualifying
8 generator.

9 **34D Registration of qualifying generators**

10 The owner of a qualifying generator must apply in the prescribed
11 form for registration of the qualifying generator in the
12 Feed-in-Tariff Register established under section 34I.

13 **34E Eligibility for payment or rebate of feed-in-tariff rate**

- 14 (1) The owner of a qualifying generator who feeds into the grid
15 electricity generated by the qualifying generator is eligible to
16 receive payments or rebates of the feed-in-tariff rate under
17 section 34J or 34K, as the case may be, subject to:
18 (a) registration of the qualifying register under section 34D; and
19 (b) compliance with any relevant technical, safety or other
20 requirements imposed by or under this or any other Act or
21 relevant instrument.
- 22 (2) If a qualifying generator has been registered under section 34D and
23 included in the Feed-in-Tariff Register established under
24 section 34I and there is a change to the installed capacity of that
25 qualifying generator, the owner of the qualifying generator must
26 advise the Regulator, in the prescribed form, of the new installed
27 capacity of the qualifying generator.

28 **34F Feed-in-tariff rate scheme**

- 29 (1) The feed-in-tariff rate scheme is established by this section.
- 30 (2) The feed-in-tariff rate scheme is the payment under section 34J or
31 the rebate under section 34K of an amount to the owner of a
32 qualifying generator that is registered with the Regulator,
33 calculated by reference to:

- 1 (a) the relevant feed-in-tariff rate set by the Minister under
2 section 34G; and
3 (b) all the electricity produced by that qualifying generator, not
4 just the electricity which is fed into the electricity grid.

5 **34G Feed-in-tariff rates**

- 6 (1) The Minister must, within 28 days of the commencement of
7 Schedule 1 of the *Safe Climate (Renewable Energy—Electricity)*
8 *Amendment Act 2009*, set the feed-in-tariff rates for qualifying
9 generators that are to be paid or rebated under the feed-in-tariff rate
10 scheme in respect of a qualifying generator that is registered for the
11 first time during the financial year in which that Act commences.
- 12 (2) The Minister must, by the end of each financial year:
13 (a) review the current feed-in-tariff rates for qualifying
14 generators, taking into account the following factors:
15 (i) the prospect of the technology reliably producing
16 competitively priced electricity by the end of the
17 calendar year 2020; and
18 (ii) the environmental cost or impact of the technology; and
19 (b) set the feed-in-tariff rates for qualifying generators that are to
20 be paid or rebated under the feed-in-tariff rate scheme in
21 respect of a qualifying generator that is registered for the first
22 time during the following financial year.
- 23 (3) In setting the feed-in-tariff rates under subsection (1) or (2), the
24 Minister may take into account:
25 (a) any Commonwealth, State or Territory government payments
26 or rebates already made or received in respect of a qualifying
27 generator; and
28 (b) the type of renewable energy technology used by the
29 qualifying generator; and
30 (c) the location of a qualifying generator; and
31 (d) the installed capacity of a qualifying generator.
- 32 (4) If the Minister has set the feed-in-tariff rates that are to apply for a
33 financial year, the Minister must not vary those rates during that
34 financial year.
- 35 (5) In setting the feed-in-tariff rates under subsection (2) that are to
36 apply for the following financial year, the Minister may increase,

- 1 vis-à-vis the current financial year feed-in-tariff rates, a
2 feed-in-tariff rate that is to apply during that following financial
3 year.
- 4 (6) Subject to section 34E, the relevant feed-in-tariff rate is payable or
5 rebateable to an owner of a qualifying generator for each kWh of
6 electricity generated by the qualifying generator during a billing
7 period.
- 8 (7) In setting the feed-in-tariff rates under subsection (1) or (2), the
9 primary objective of the Minister is to support the economic
10 viability of a range of prospective renewable energy technologies.
- 11 (8) If the Minister reduces a feed-in-tariff rate, the reduction must not
12 be more than 5% of the rate that applied before the reduction.
- 13 (9) A feed-in-tariff rate set under subsection (1) or (2) and payable or
14 rebateable to the owner of a qualifying generator at the date of the
15 registration of the qualifying generator is fixed and guaranteed for
16 a period of 20 years from the date of that registration. That period
17 of 20 years does not restart if the installed capacity of that
18 qualifying generator is increased at any time.
- 19 (10) The Minister must provide a statement explaining how the
20 feed-in-tariff rates are calculated and must table that statement in
21 both Houses of Parliament within 15 sitting days after the end of
22 each financial year.
- 23 (11) The feed-in-tariff rates set under subsections (1) and (2) are
24 legislative instruments for the purposes of the *Legislative*
25 *Instruments Act 2003*.

34H Feed-in-tariff levy rate

- 27 (1) The Minister must, within 28 days of the commencement of
28 Schedule 1 of the *Safe Climate (Renewable Energy—Electricity)*
29 *Amendment Act 2009*, set the feed-in-tariff levy rate per MWh of
30 electricity acquired from the electricity grid, to fund payments
31 under the feed-in-tariff rate scheme in section 34H for that
32 financial year. The feed-in-tariff levy is to be imposed by the
33 *Renewable Energy (Electricity) Feed-in-Tariff Levy Act 2009*.
- 34 (2) The Minister must, by the end of each financial year, set a
35 feed-in-tariff levy rate per MWh of electricity acquired from the

1 electricity grid, to fund payments under the feed-in-tariff rate
2 scheme in section 34H for the following financial year. The
3 feed-in-tariff levy is to be imposed by the *Renewable Energy*
4 *(Electricity) Feed-in-Tariff Levy Act 2009*.

- 5 (3) The Minister must ensure that the feed-in-tariff levy rate set under
6 subsection (1) or (2) is sufficient to cover the estimated cost of
7 payments under the feed-in-tariff rate scheme under section 34J.
- 8 (4) The feed-in-tariff levy is payable by all electricity retailers and
9 direct customers, calculated by reference to the amount of
10 electricity acquired by an electricity retailer or a direct customer, as
11 the case may be, as set out in its annual energy acquisition
12 statement lodged under section 44.
- 13 Note: The annual energy acquisition statement is used to calculate the
14 renewable energy shortfall charge of an electricity retailer or a direct
15 customer (a *liable entity*). The same statement is to be used to
16 calculate the amount of the feed-in-tariff levy.
- 17 (5) The Minister must provide a statement explaining how the
18 feed-in-tariff levy rate is calculated and must table that statement in
19 both Houses of Parliament within 5 sitting days after:
20 (a) in the case of the levy rate set under subsection (1)—setting
21 the rate; or
22 (b) in the case of a levy rate set under subsection (2)—the end of
23 each preceding financial year.
- 24 (6) The feed-in-tariff levy rates set under subsections (1) and (2) are
25 legislative instruments for the purposes of the *Legislative*
26 *Instruments Act 2003*.

27 **34I Establishment of a Feed-in-Tariff Register**

- 28 (1) The Regulator must establish a register to be known as the
29 Feed-in-Tariff Register (the *Register*).
- 30 (2) The Regulator must record in the Register:
31 (a) details of all qualifying generators for which an application
32 for registration has been made under section 34D, including
33 the name and address of the owner of the qualifying
34 generator, the date of registration of the qualifying generator,
35 the type of renewable energy technology used by the

- 1 qualifying generator and the installed capacity of the
2 qualifying generator; and
- 3 (b) in the case of a qualifying generator with an installed
4 capacity equal to or greater than 1MW, the total amount of
5 electricity produced each quarter by that qualifying
6 generator, as notified in the quarterly return lodged under
7 subsection 34J(1); and
- 8 (c) the feed-in-tariff rate to be paid to the owner of a qualifying
9 generator and the period for which the feed-in-tariff rate will
10 be paid; and
- 11 (d) if there is any change to the installed capacity of a qualifying
12 generator, the new installed capacity of the qualifying
13 generator.
- 14 (3) The Regulator must provide details of the amount of total
15 payments made under the feed-in-tariff scheme under
16 subsection 34J(2) for inclusion in a report prepared under
17 subsection 34L(1).

18 **34J Feed-in-tariff rate payments—installed capacity equal to or**
19 **greater than 1MW**

- 20 (1) The owner of a qualifying generator with an installed capacity
21 equal to or greater than 1MW must lodge with the Regulator within
22 15 days after the end of each quarter that ends after the date of
23 registration of the qualifying generator a quarterly return in the
24 prescribed form indicating the metered electricity produced by the
25 qualifying generator in respect of that quarter.
- 26 (2) The Regulator must make a payment, calculated in accordance
27 with the feed-in-tariff rate, to the owner of a qualifying generator
28 within 30 days of receiving from the owner a quarterly return
29 under subsection (1).
- 30 (3) Payments under subsection (2) are to be made from money
31 appropriated by the Parliament for that purpose.

32 **34K Feed-in-tariff rate rebates—installed capacity of less than 1MW**

- 33 (1) The owner of a qualifying generator with an installed capacity of
34 less than 1MW is entitled to payment for electricity purchased by
35 an electricity retailer under paragraph 34C(2)(a), in the form of a

- 1 rebate against charges payable by the owner for the supply of
2 electricity by the electricity retailer to the owner.
- 3 (2) An electricity retailer must read a meter installed under
4 subsection 34C(4) by the owner of a qualifying generator at the
5 same time as the electricity retailer reads the meter for the supply
6 of electricity to the owner.
- 7 (3) The rebate under subsection (1) must be calculated in accordance
8 with the feed-in-tariff rate, and credited to the account of the owner
9 of the qualifying generator for a billing period on the same day as
10 any charge for the supply of electricity is debited against the
11 account for the billing period and before the account for the billing
12 period is sent to the owner of the qualifying generator.
- 13 (4) If the whole of an amount to be credited to the owner of a
14 qualifying generator under subsection (3) in a particular billing
15 period has not been set-off against the charges payable by the
16 owner for the supply of electricity by the expiration of 12 months
17 after the end of that billing period, the owner is entitled to the
18 payment of the outstanding balance.

19 **34L Review of operation of Part**

- 20 (1) The Minister must cause to be prepared an independent report on
21 the operation of this Part for the period beginning on the date of the
22 commencement of Schedule 1 of the *Safe Climate (Renewable*
23 *Energy—Electricity) Amendment Act 2009* and ending on the next
24 30 June after that date, and for each subsequent 12 month period
25 ending on 30 June in a later year.
- 26 (2) If the day on which Schedule 1 of the *Safe Climate (Renewable*
27 *Energy—Electricity) Amendment Act 2009* commences is on or
28 after 1 January in a year, the report prepared under subsection (1)
29 in relation to the period from that day to 30 June in that year must
30 be included in and presented with the report prepared under
31 subsection (1) for the year beginning on 1 July next following the
32 commencement of that Act.
- 33 (3) The Minister must cause a copy of a report prepared under
34 subsection (1) to be laid before each House of the Parliament
35 within 5 sitting days of that House after the day on which he or she
36 receives the report.

- 1 (4) A report prepared under subsection (1) must include:
2 (a) details of total renewable energy produced from each source
3 listed in section 17; and
4 (b) total payments made under the feed-in-tariff rate scheme
5 under section 34J; and
6 (c) total amounts of feed-in-tariff levies received under the
7 *Renewable Energy (Electricity) Feed-in-Tariff Levy Act*
8 *2009*.

9 **14 Section 40**

10 Repeal the section, substitute:

11 **40 Required GWh of renewable source electricity**

- 12 (1) The *required GWh of renewable source electricity* for the years
13 2001 to 2009 is set out in the following table:
14

Required GWh of renewable source electricity	
Year	GWh
2001	300
2002	1100
2003	1800
2004	2600
2005	3400
2006	4500
2007	5600
2008	6800
2009	8100

- 15 (2) The *required GWh of renewable source electricity* for the years
16 2010 to 2030 is set out in the following table:
17

Required GWh of renewable source electricity as a percentage of total electricity produced	
Year	GWh
2010	11.4%
2011	13.2%

**Required GWh of renewable source electricity
as a percentage of total electricity produced**

Year	GWh
2012	15.1%
2013	16.9%
2014	18.8%
2015	20.7%
2016	22.5%
2017	24.4%
2018	26.3%
2019	28.1%
2020	30%
2021	30%
2022	30%
2023	30%
2024	30%
2025	30%
2026	30%
2027	30%
2028	30%
2029	30%
2030	30%

- 1 (3) The Minister by 30 September each year must cause to be prepared
2 and tabled a report estimating for subsequent years the GWh of
3 renewable source electricity to which the percentage targets in
4 subsection (2) are likely to equate.
- 5 (4) The Minister must review and increase the target specified in
6 subsection (2) for a year if the value of a renewable energy
7 certificate is below \$40 for more than 6 months.

8 **15 Section 45**

9 Before “A certificate”, insert “(1)”.

10 **16 At the end of section 45**

11 Add:

- 1 (2) For the purpose of paragraph (1)(a), a certificate is a valid
2 certificate for the period ending 4 years from the date of its
3 creation.

4 **17 Section 162**

5 Repeal the section, substitute:

6 **162 Biennial review of operation of renewable energy legislation**

- 7 (1) The Minister must cause an independent review of the following to
8 be undertaken as soon as practicable after 30 June 2012 and every
9 2 years after that date:
10 (a) the operation this Act and the scheme constituted by this Act;
11 (b) the adequacy of the renewable energy target set by this Act;
12 (c) the operation of the regulations;
13 (d) the operation of the *Renewable Energy (Electricity) (Charge)*
14 *Act 2000*;
15 (e) the diversity of renewable energy access to the scheme
16 constituted by this Act;
17 (f) a cost benefit analysis of the environmental impact of that
18 access.
- 19 (2) A review must be undertaken by a person who, in the Minister's
20 opinion, possesses appropriate qualifications to undertake the
21 review.
- 22 (3) The person undertaking a review must give the Minister a written
23 report of the review before 31 December in that year.
- 24 (4) The Minister must cause a copy of the report to be tabled in each
25 House of the Parliament within 15 sitting days of that House after
26 the day on which the report is given to the Minister.
- 27 (5) The report is not a legislative instrument.

1 **Part 2—Waste coal mine gas**

2 **18 Subsection 5(1) (definition of 2008 WCMG limit)**

3 Repeal the definition.

4 **19 Subsection 5(1) (definition of eligible energy sources)**

5 Repeal the definition.

6 **20 Subsection 5(1) (definition of eligible WCMG)**

7 Repeal the definition.

8 **21 Section 8**

9 Omit “eligible energy sources”, substitute “eligible renewable energy
10 sources”.

11 **22 Paragraph 12A(2)(c)**

12 Omit “eligible energy sources”, substitute “eligible renewable energy
13 sources”.

14 **23 Subparagraph 13(2)(ba)(i)**

15 Omit “eligible energy sources”, substitute “eligible renewable energy
16 sources”.

17 **24 Subsection 13(2A)**

18 Repeal the subsection.

19 **25 Paragraph 14(2)(a)**

20 Omit “eligible energy source”, substitute “eligible renewable energy
21 source”.

22 **26 Paragraph 14(3)(b)**

23 Omit “eligible energy sources”, substitute “eligible renewable energy
24 sources”.

25 **27 At the end of paragraph 14(3)(b)**

26 Omit “; and”, substitute “.”.

27 **28 Paragraph 14(3)(c)**

28 Repeal the paragraph.

1 **29 Subsection 14(3) (note)**

2 Omit “or the 2008 WCMG limit”.

3 **30 Subsection 14(4)**

4 Omit “, (3)(a) and (3)(c)”, substitute “and (3)(a)”.

5 **31 Subsection 15A(1) (heading)**

6 Repeal the heading.

7 **32 Subsection 15A(1)**

8 Omit “Subject to subsection (3), the”, substitute “The”.

9 **33 Subsections 15A(3) and (4)**

10 Repeal the subsections.

11 **34 Section 17A**

12 Repeal the section.

13 **35 Paragraph 18(4)(a)**

14 Omit “eligible energy sources”, substitute “eligible renewable energy
15 sources”.

16 **36 At the end of paragraph 18(4)(b)**

17 Omit “; or”, substitute “.”.

18 **37 Paragraph 18(4)(c)**

19 Repeal the paragraph.

20 **38 Paragraph 20(2)(b)**

21 Omit “eligible energy sources”, substitute “eligible renewable energy
22 sources”.

23 **39 Paragraph 25(2)(ca)**

24 Omit “eligible energy source”, substitute “eligible renewable energy
25 source”.

26 **40 Paragraph 25A(2)(f)**

1 Omit “eligible energy source”, substitute “eligible renewable energy
2 source”.

3 **41 Paragraph 30D(3)(a)**

4 Omit “eligible energy source”, substitute “eligible renewable energy
5 source”.

6 **42 Division 12 of Part 2 (heading)**

7 Repeal the heading, substitute:

8 **Division 12—Varying 1997 eligible renewable power**
9 **baselines**

10 **43 Section 30G**

11 Repeal the section.

12 **44 Subsection 66(1) (table item 5DA)**

13 Repeal the table item.

14 **45 Paragraph 138(cb)**

15 Repeal the paragraph.

16 **46 Paragraph 140(da)**

17 Omit “eligible energy source”, substitute “eligible renewable energy
18 source”.

19 **47 Paragraph 141A(c)**

20 Omit “eligible energy source”, substitute “eligible renewable energy
21 source”.

22 **48 Paragraph 160(2)(b)**

23 Omit “eligible energy sources”, substitute “eligible renewable energy
24 sources”.

1 **Part 3—Partial exemptions from liability to charge**

2 **49 Section 3**

3 Omit:

4 A partial exemption relating to one or more emissions-intensive
5 trade-exposed activities may be taken into account in working out a
6 liable entity's renewable energy certificate shortfall for a year. If it
7 is, it will reduce the renewable energy shortfall charge otherwise
8 payable.

9 **50 Subsection 5(1) (definition of *emissions-intensive***
10 ***trade-exposed activity*)**

11 Repeal the definition.

12 **51 Subsection 5(1) (definition of *emissions-intensive***
13 ***trade-exposed assistance program*)**

14 Repeal the definition.

15 **52 Subsection 5(1) (definition of *partial exemption*)**

16 Repeal the definition.

17 **53 Subsection 5(1) (definition of *partial exemption certificate*)**

18 Repeal the definition.

19 **54 Section 38 (method statement, step 1A)**

20 Repeal the step.

21 **55 Section 38 (method statement, step 2)**

22 Omit “the result of step 1A”, substitute “the total electricity acquired”.

23 **56 Division 1A of Part 4**

24 Repeal the Division.

25 **57 At the end of paragraph 39(3)(c)**

26 Omit “; and”, substitute “.”.

27 **58 Paragraph 39(3)(d)**

1 Repeal the paragraph.

2 **59 Subsection 39(4) (formula)**

3 Repeal the formula, substitute:

4
$$\text{Total electricity acquired under relevant acquisitions during the year} \times \text{Renewable power percentage for the year}$$

5 **60 Part 5 (heading)**

6 Repeal the heading, substitute:

7 **Part 5—Statements and assessments**

8 **61 Paragraph 44(2)(ba)**

9 Repeal the paragraph.

10 **62 Paragraph 44(3)(aa)**

11 Repeal the paragraph.

12 **63 Division 1A of Part 5**

13 Repeal the Division.

14 **64 Subsection 66(1) (table item 5F)**

15 Repeal the table item.

16 **65 Subsection 160(1)**

17 Repeal the subsection, substitute:

18 (1) A person that is a registered person or a liable entity must keep
19 records that record and explain all transactions and other acts
20 engaged in, or required to be engaged in by the registered person or
21 liable entity, under this Act.

22 Note: The heading to section 160 is altered by omitting “, liable entities and holders of
23 partial exemption certificates” and substituting “and liable entities”.

24 **66 Subsection 160(3A)**

25 Repeal the subsection.

26 **67 Paragraphs 160(4)(b) and (c)**

1 Repeal the paragraphs, substitute:
2 (b) so that the liable entity’s liability under this Act can be
3 readily ascertained.

4 **68 Subsection 160(5)**

5 Omit “record-keeper”, substitute “registered person, or a liable entity”.

6 **69 Subsection 160(6)**

7 Omit “record-keeper” (wherever occurring), substitute “registered
8 person or liable entity”.

9 **70 Subsection 160(7)**

10 Repeal the subsection, substitute:

11 (7) A registered person or liable entity who contravenes this section is
12 guilty of an offence punishable on conviction by a fine not
13 exceeding 30 penalty units.

1 **Schedule 2—Amendment of the Renewable**
2 **Energy (Electricity) Regulations 2001**

3 **Part 1—Solar water heaters**

4 **1 Subregulation 3(1) (definition of *accredited body*)**

5 Repeal the definition.

6 **2 Subregulation 3(1) (definition of *component certification*)**

7 Repeal the definition.

8 **3 Subregulation 3(1) (definition of *product certification*)**

9 Repeal the definition.

10 **4 Subregulation 3(1) (definition of *Register of solar water***
11 ***heaters*)**

12 Repeal the definition.

13 **5 Regulation 3A**

14 Repeal the regulation.

15 **6 Subdivision 2.3.2**

16 Repeal the Subdivision.

17 **7 Application of item 6**

18 To avoid doubt, the repeal of Subdivision 2.3.2 of the Renewable
19 Energy (Electricity) Regulations 2001 made by item 6 means that
20 certificates can no longer be created for the installation of heat pump
21 water heaters.

22 **8 Division 2.4**

23 Repeal the Division, substitute:

1 **Division 2.4 Small generation unit returns**

2 **20C Information to be included in return (Act s 23F)**

3 For paragraph 23F (2) (d) of the Act, a small generation unit
4 return must include the following information:

- 5 (a) the year to which the return relates;
6 (b) the person's registration number;
7 (c) the telephone number, fax number and e-mail address (if
8 any) of the person;
9 (d) the number and type of unit for which a certificate was
10 created in the year and the period of time for which the
11 certificate was created;
12 (e) details of any certificates assigned under
13 subsection 23C (2) of the Act;
14 (f) the number of certificates found ineligible for registration
15 in the year;
16 (g) the reasons for certificates being found ineligible for
17 registration in the year;
18 (h) the process used by the person to ensure that certificates
19 created or assigned under Subdivision BA of Division 4 of
20 Part 2 of the Act are eligible for registration.

21 *Note* For other information that must also be included in the return, see
22 Act, subsection 23F (2).

23 **9 Paragraph 28(1)(b)**

24 Omit "23 (2) or".

25 **10 Subregulation 28(2) (table)**

26 Omit "or solar water heater" (twice occurring).

27 **11 Subregulation 28(2) (table item 1)**

28 Omit "23 (2) or".

29 **12 Schedule 4**

30 Repeal the Schedule.

1 **Part 2—Wood waste**

2 **13 Paragraph 8(1)(d)**

3 Omit “; and”, substitute “.”.

4 **14 Paragraph 8(1)(e)**

5 Repeal the paragraph.

6 **15 Subregulations 8(2), (3) and (4)**

7 Repeal the subregulations.

8 **16 Subregulation 9(2)**

9 Repeal the subregulation, substitute:

10 (2) For section 17 of the Act, biomass from native vegetation is not an
11 energy crop.