



Renewable Energy (Electricity) Amendment Regulations 2009 (No. 2)¹

Select Legislative Instrument 2009 No. 221

I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Renewable Energy (Electricity) Act 2000*.

Dated 7 September 2009

QUENTIN BRYCE
Governor-General

By Her Excellency's Command

PENELOPE YING YEN WONG
Minister for Climate Change and Water

1 Name of Regulations

These Regulations are the *Renewable Energy (Electricity) Amendment Regulations 2009 (No. 2)*.

2 Commencement

These Regulations commence on the day after they are registered.

3 Amendment of *Renewable Energy (Electricity) Regulations 2001*

Schedule 1 amends the *Renewable Energy (Electricity) Regulations 2001*.

Schedule 1 Amendments

(regulation 3)

[1] Subregulation 20 (1)

omit

For section 23B

insert

For subsection 23B (1)

[2] Paragraph 20 (2) (b)

substitute

(b) in any other case — the number calculated under subregulations (2A) and (2B).

[3] After subregulation 20 (2)

insert

(2A) If a small generation unit has a rated power output of more than 1.5kW (***output power***), the number of certificates created for the unit is to be calculated as follows:

(a) by first adding together:

(i) the number of certificates created for the first 1.5 kW of the unit's output power (as multiplied in accordance with regulation 20AA); and

(ii) the number of certificates created for the remainder of the unit's output power; and

(b) then by rounding down the number of certificates arrived at under paragraph (a) to the nearest whole number.

- (2B) If the small generation unit has a rated power output of 1.5kW or less, the number of certificates created for the unit is to be calculated as follows:
- (a) by first multiplying the number of certificates in accordance with regulation 20AA; and
 - (b) then by rounding down the number of certificates arrived at under paragraph (a) to the nearest whole number.

[4] After regulation 20

insert

20AA Multiplying number of certificates (Act s 23B)

- (1) This regulation is made for subsections 23B (2) and (3) of the Act.
- (2) Subject to subregulation (3), the number of certificates that may be created in relation to a small generation unit that is installed during a period specified in column 1 of an item in the following table is to be multiplied by the number in column 2 of the item.

Multiplier for certificates for small generation units

Item	Column 1 Period	Column 2 Number
1	9 June 2009 to 30 June 2010	5
2	1 July 2010 to 30 June 2011	5
3	1 July 2011 to 30 June 2012	5
4	1 July 2012 to 30 June 2013	4
5	1 July 2013 to 30 June 2014	3
6	1 July 2014 to 30 June 2015	2

Note The certificates are created in accordance with regulations 19D and 20.

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- (3) The number of certificates is to be multiplied in accordance with subregulation (2):
- (a) only if:
- (i) the small generation unit in respect of which the certificates are created is installed at eligible premises during a period mentioned in the table in subregulation (2); and
 - (ii) at the time the small generation unit is installed at the eligible premises, there is no pre-approval or funding agreement in force in respect of the unit under the SHCP, the RRP GP or the NSSP and no financial assistance has been provided in respect of the unit under the SHCP, the RRP GP or the NSSP; and
 - (iii) at the time the small generation unit is installed at the eligible premises, financial assistance under the SHCP, the PVRP, the RRP GP or the NSSP has not been approved or provided in respect of any other small generation unit at the eligible premises; and
 - (iv) the small generation unit is a new and complete unit; and
 - (v) at the time the small generation unit is installed at eligible premises, certificates have not been multiplied under subregulation (2) in respect of any small generation unit at the premises; and
- (b) on 1 occasion only, irrespective of whether the certificates are created for a 1-year period, a 5-year period or a 15-year period; and
- (c) only if the certificates relate to the first 1.5 kW of the rated power output of the unit.
- (4) For subparagraph (3) (a) (iv), a small generation unit is a ***complete unit*** if:
- (a) the unit is capable of generating electricity in a form that is usable at the eligible premises where it is installed without the need for an additional part or parts to be added to or incorporated into the unit; and

(b) either:

- (i) the unit is wired directly to the eligible premises where the unit is installed so that its output is capable of being metered at those premises; or
- (ii) the unit includes a meter that is dedicated to measuring the electricity output of the unit.

(5) In this regulation:

eligible premises means any of the following:

- (a) a house (including the land on which the house is located and any outbuildings on the land);
- (b) a townhouse;
- (c) a residential apartment;
- (d) a shop (including the land on which the shop is located and any outbuildings on the land);
- (e) premises, other than premises mentioned in paragraphs (a) to (d), that are located at an address.

NSSP means the program known as the National Solar Schools Program administered by the Department administered by the Minister administering the *Environment Protection and Biodiversity Conservation Act 1999*.

PVRP means the program known as the Photovoltaic Rebate Program administered by the Australian Greenhouse Office.

RRPGP means the program known as the Renewable Remote Power Generation Program administered by the Department administered by the Minister administering the *Environment Protection and Biodiversity Conservation Act 1999*.

SHCP means the program known as the Solar Homes and Communities Plan administered by the Department administered by the Minister administering the *Environment Protection and Biodiversity Conservation Act 1999*.

20AB Regulator may make determinations about particular premises

- (1) For the purposes of paragraph (e) of the definition of *eligible premises* in subregulation 20AA (5), the Regulator may, by legislative instrument, determine that:
 - (a) specified premises are premises located at an address; or
 - (b) specified premises are not premises that are located at an address.
- (2) The Regulator must publish details of any determination made by the Regulator on the Regulator's website.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.