

## AUSTRALIAN CAPITAL TERRITORY

Kelly Casey

### ***Establishment of the ACT Civil and Administrative Tribunal (ACAT)***

The ACAT commenced on 2 February 2009 with the object of providing one forum for the resolution of a wide range of matters arising under various pieces of Territory legislation. Implementation of the Tribunal flowed from the ACT government's commitment to 'review tribunal structures, with a view to increasing efficiency and cost-effectiveness'. (Explanatory Statement - *ACT Civil and Administrative Tribunal Bill* 2008). The ACAT consolidated 16 jurisdictions and tribunals, including:

- the administrative appeals tribunal;
- the discrimination tribunal;
- the guardianship and management of property tribunal;
- mental health tribunal;
- residential tenancies tribunal;
- the liquor licensing board;
- civil dispute (small claims) matters under \$10,000,

and also assumes responsibility for various occupations (construction occupations, surveyors and architects).

Importantly for readers of this journal, the ACAT is now the forum for review of decisions made under the:

- *Environment Protection Act 1997*;
- *Fisheries Act 2000*;
- *Nature Conservation Act 1980*;
- *Tree Protection Act 2005*;
- *Water Resources Act 2007*.

### ***Electricity Feed-In (Renewable Energy Premium) Amendment Act (The Amending Act)***

The Amending Act amends the *Electricity Feed-in (Renewable Energy Premium) Act 2008*, clarifying issues that had arisen with respect to:

- placing a cap on the installations that can qualify for coverage;

- eligibility of Government agencies under the Scheme;
- clarification of the relationship between renewable energy sources and renewable energy generators; and
- the definition of the 'normal cost of electricity'.

**Cap limits** - The Amending Act implements a cap, limiting eligibility to:

- renewable generation installations with no more than 30kW capacity; and
- non-Government agencies.

It was argued that the absence of a cap presented an untenable financial risk to the Territory, particularly where the object of the Act was to promote renewable generation at a house and commercial building level (thereby preventing larger generators from accessing the escalated benefits conferred by the Territory's 'premium').

It was similarly considered inappropriate that Government agencies benefit from the scheme given they are already funded by public monies.

**Renewable energy sources** - The Amending Act stipulates that a renewable energy generator is an energy generator that generates electricity from solar or wind sources (noting that the Minister retains a discretion to determine another source).

**Normal cost of electricity** - The Act provides that an electricity retailer is:

- obliged to purchase renewable electricity from a generator at the premium price; and
- entitled to recover the difference in cost between that price and the 'normal cost of electricity' from the distributor.

The Amending Act provides that the Minister may determine the 'normal cost of electricity' and establish guidelines stipulating how the cost is to be determined.