



New South Wales

Electricity Supply (General) Further Amendment (Solar Bonus Scheme) Regulation 2010

under the

Electricity Supply Act 1995

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Electricity Supply Act 1995*.

PAUL LYNCH, MP
Minister for Energy

Explanatory note

The objects of this Regulation are as follows:

- (a) to provide that a dispute arising out of the solar bonus scheme may be dealt with under the electricity industry ombudsman scheme,
- (b) to exempt the Lord Howe Island Board from an obligation to connect complying generators to the distribution network and record a credit for electricity supplied by those generators under the solar bonus scheme,
- (c) to exempt ActewAGL from the solar bonus scheme and to require it to comply with certain legislation of the Australian Capital Territory when entering an electricity supply arrangement in this State,
- (d) to provide for the keeping of documents that demonstrate a person's eligibility for the higher rate of 0.60 per kilowatt hour for electricity supplied under the solar bonus scheme and making those documents available on request,
- (e) to provide for the making of reports to the Director-General of the Department of Industry and Investment and the Minister for Energy about the solar bonus scheme,
- (f) to provide for the higher rate to continue to apply under the scheme where there is a change in the small retail customer if the new customer is in a domestic relationship with the previous customer,
- (g) to provide for the higher rate to continue to apply under the scheme where a small retail customer increases the capacity of a complying generator on or after 28 October 2010 using components purchased before that date.

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Explanatory note

This Regulation is made under the *Electricity Supply Act 1995*, including sections 15A (5) and (7), 96B (1) (c), 189 (3) and 191 (the general regulation-making power) and clause 61 (2) (c) and (4) of Schedule 6.

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1 Name of Regulation

This Regulation is the *Electricity Supply (General) Further Amendment (Solar Bonus Scheme) Regulation 2010*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

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Schedule 1 Amendment of Electricity Supply (General) Regulation 2001

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[1] Clause 51

Omit the clause. Insert instead:

51 Additional matters that may be covered by electricity industry ombudsman schemes

For the purposes of section 96B (1) (c) of the Act, an electricity industry ombudsman scheme may deal with any of the following:

- (a) a dispute or complaint about a decision for which review may be sought under clause 46 or 50,
- (b) a dispute between a small retail customer and a distribution network service provider or a retail supplier arising out of the solar bonus scheme (being the scheme for the payment of electricity supplied to the network by small retail customers using complying generators).

[2] Clause 69 Exemptions for Lord Howe Island Board

Insert "section 13" from clause 69 (1).

Insert instead "sections 13, 15A and 34A".

[3] Clause 69A

Insert after clause 69:

69A Exemptions for ActewAGL

- (1) ActewAGL is exempt from the operation of sections 15A and 34A of the Act.
- (2) The terms of any electricity supply arrangement (including any feed-in tariff arrangement) that is entered into by ActewAGL with a customer in New South Wales must comply with the *Utilities Act 2000* and the *Electricity Feed-in (Renewable Energy Premium) Act 2008* of the Australian Capital Territory as if the customer were in the Australian Capital Territory.
- (3) In this clause:
ActewAGL means ActewAGL Distribution.

[4] Part 11B

Insert after Part 11A:

Part 11B Solar bonus scheme

104I Form of evidence as to eligibility for higher rate

- (1) For the purposes of clause 61 (2) (c) of Schedule 6 to the Act, a person who makes an application to connect a generator to the distribution network must provide the following documents (or copies) to the Director-General (or a person or body appointed by the Director-General) on request:
 - (a) a document (such as a receipt or a copy of an application form) that proves that the application was received by the relevant distribution network service provider before 19 November 2010, and
 - (b) a document, such as a signed contract, order form, tax invoice or receipt, that proves that the small retail customer to which the application relates entered a binding agreement to purchase or lease the generator before 28 October 2010.
- (2) If the person who made the application is not the small retail customer and that person fails to produce a document when requested to do so under subclause (1), the small retail customer must provide the document (or copy) if requested to do so.

104J Reporting and provision of information

- (1) For the purposes of section 15A (7) of the Act, a distribution network service provider must provide to the Minister and the Director-General:
 - (a) a report containing the information set out in section 15A (7) (a) and (c) of the Act as soon as practicable after the end of each reporting period, being each period of 14 days following the commencement of this clause, and
 - (b) a report containing the information set out in section 15A (7) (b) and (d) of the Act as soon as practicable after the end of each reporting period, being each period of 6 months following the commencement of this clause.
- (2) The report under subclause (1) (a) must also specify the total number of small retail customers in the distribution network service provider's distribution district who have applied to install and connect a complying generator but who have not yet

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connected the generator and the total generating capacity of those generators.

- (3) The information under section 15A (7) (b) of the Act is to specify the number of customers within each postcode who have installed and connected complying generators.
- (4) The information under section 15A (7) (d) of the Act is to specify the amount of electricity supplied each calendar month by complying generators.
- (5) The information in a report is to reflect the position as at the end of the relevant reporting period or calendar month as the case may be.
- (6) A distribution network service provider must also provide to the Director-General, at such times and in such form as the Director-General may request, the following information in relation to a customer who has connected, or applied to connect, a complying generator:
 - (a) the date that the application to connect the generator was received by the distribution network service provider,
 - (b) the name and address of the customer and the address where the generator is, or is to be, installed,
 - (c) the name and address of the person (if any) who made the application on behalf of the customer,
 - (d) whether the customer is a small retail customer and if so, the reason why,
 - (e) the rate per kilowatt hour recorded, or to be recorded, in respect of electricity supplied by the customer,
 - (f) the name, licence number and contact details of the person who installed, or is to install, the generator.
- (7) In this clause:
complying generator includes a generator that is taken to be a complying generator because of clause 60 of Schedule 6 to the Act.

104K Changed domestic circumstances

For the purposes of clause 61 (4) of Schedule 6 to the Act, clause 61 of that Schedule does not cease to apply in respect of a complying generator if the new person in respect of whom the credit is to be recorded for electricity produced by the generator has a domestic relationship (within the meaning of the *Crimes*

(*Domestic and Personal Violence Act 2007*) with the person in respect of whom the credit was previously recorded.

104L Higher rate available where generator capacity increased

- (1) For the purposes of section 15A (5) of the Act, the amount of \$0.60 per kilowatt hour is prescribed if:
 - (a) the electricity is generated by a complying generator (including a generator that is taken to be a complying generator because of clause 60 of Schedule 6 to the Act) that was first connected to the distribution network before 28 October 2010, and
 - (b) the generator had its capacity increased on or after that date using eligible components, and
 - (c) the small retail customer retains a proof of purchase document, and provides that document (or a copy), within a reasonable time, to the Director-General (or a person or body appointed by the Director-General) on request.
- (2) This clause ceases to apply in respect of a generator if the capacity of the generator is increased to more than 10 kilowatts or is increased using components other than eligible components.
- (3) This clause ceases to apply in respect of a generator (including a generator that replaces that generator) if there is a change in the person in respect of whom the credit is recorded for electricity produced by the generator unless the new person in respect of whom the credit is to be recorded has a domestic relationship (within the meaning of the *Crimes (Domestic and Personal Violence) Act 2007*) with the person in respect of whom the credit was previously recorded.
- (4) An agreement entered into by a small retail customer to purchase or lease a generator is a binding agreement for the purposes of this clause even if the agreement permits the small retail customer to terminate the agreement without penalty.
- (5) In this clause:

eligible components mean components that a small retail customer had entered a binding agreement to purchase or lease before 28 October 2010.

proof of purchase document means a document, such as a signed contract, order form, tax invoice or receipt, that proves that the small retail customer entered a binding agreement to purchase or lease the component before 28 October 2010.

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[5] Clauses 114A and 114B

Renumber as clauses 104G and 104H respectively and transfer to Part 11B
before clause 104I as inserted by item [4].