



Queensland

# **Electricity and Other Legislation (Batteries and Premium Feed-in Tariff) Amendment Act 2018**

**Act No. 22 of 2018**

---

**An Act to amend the Electricity Act 1994, the Energy and Water Ombudsman Act 2006, the National Energy Retail Law (Queensland) Act 2014 and the Queen's Wharf Brisbane Act 2016 for particular purposes**

**[Assented to 28 September 2018]**





Queensland

# Electricity and Other Legislation (Batteries and Premium Feed-in Tariff) Amendment Act 2018

## Contents

---

		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title .....	3
2	Commencement .....	3
<b>Part 2</b>	<b>Amendment of Electricity Act 1994</b>	
3	Act amended .....	3
4	Amendment of s 23 (Customers and their types) .....	3
5	Amendment of s 44A (Additional condition to allow credit for electricity produced by small photovoltaic generators) .....	3
6	Insertion of new ch 14, pt 18 .....	5
	Part 18 Transitional provision for Electricity and Other Legislation (Batteries and Premium Feed-in Tariff) Amendment Act 2018	
	360 Application of s 44A .....	6
7	Amendment of sch 5 (Dictionary) .....	7
<b>Part 3</b>	<b>Amendment of Energy and Water Ombudsman Act 2006</b>	
8	Act amended .....	7
9	Amendment of s 6 (Who is a small customer (energy)) .....	7
10	Amendment of s 6D (Who is a relevant energy customer) .....	7
11	Amendment of s 12 (Restrictions on functions—energy entities) .....	8
<b>Part 4</b>	<b>Amendment of National Energy Retail Law (Queensland) Act 2014</b>	
12	Act amended .....	8
13	Amendment of schedule (Modification of application of National Energy Retail Law) .....	9
<b>Part 5</b>	<b>Amendment of Queen’s Wharf Brisbane Act 2016</b>	
14	Act amended .....	9
15	Amendment of s 41 (Purpose of part) .....	9

Electricity and Other Legislation (Batteries and Premium Feed-in Tariff) Amendment Act  
2018

Contents

---

16	Amendment of s 42 (Interpretation for part) . . . . .	10
17	Amendment of s 43 (Declaration) . . . . .	10
18	Amendment of sch 2 (Dictionary) . . . . .	10

## The Parliament of Queensland enacts—

# Part 1 Preliminary

## 1 Short title

This Act may be cited as the *Electricity and Other Legislation (Batteries and Premium Feed-in Tariff) Amendment Act 2018*.

## 2 Commencement

Part 2, other than sections 4 and 7, is taken to have commenced on the day the Bill for this Act was introduced into the Legislative Assembly.

# Part 2 Amendment of Electricity Act 1994

## 3 Act amended

This part amends the *Electricity Act 1994*.

## 4 Amendment of s 23 (Customers and their types)

(1) Section 23(2)—

*omit.*

(2) Section 23(3) to (5)—

*renumber* as section 23(2) to (4).

## 5 Amendment of s 44A (Additional condition to allow credit for electricity produced by small photovoltaic generators)

(1) Section 44A(1)(a), ‘a premises’—

*omit, insert—*

premises

- (2) Section 44A(1)(b)(i), ‘authority’s’—

*omit, insert—*

entity’s

- (3) Section 44A—

*insert—*

(1A) However, the condition mentioned in subsection (1)(b) stops applying in relation to a qualifying customer if—

- (a) the maximum output of the component of the customer’s qualifying generator that generates electricity exceeds, in aggregate, the approved total rated inverter capacity of the generator; or
- (b) the customer installs an electricity storage device, as part of the electrical installation supplied by the customer’s qualifying generator, in a way that enables the device to supply electricity to—
  - (i) the electrical installation at the same time as the qualifying generator, other than during a supply interruption; or
  - (ii) the distribution entity’s supply network; or
- (c) the customer installs 1 or more generators (each an **additional generator**) as part of the electrical installation supplied by the customer’s qualifying generator in a way that enables the additional generator to supply electricity to—
  - (i) the electrical installation at the same time as the qualifying generator, other than during a supply interruption; or

(ii) the distribution entity's supply network.

(1B) If, because of the operation of subsection (1A), a qualifying customer stops being entitled to be credited with a prescribed credit amount under subsection (1)(b), that subsection no longer applies to the distribution entity in relation to that customer.

(4) Section 44A—

*insert—*

(6) In this section—

***approved total rated inverter capacity***, of a customer's qualifying generator, means the total rated inverter capacity of the generator approved by the distribution entity for the purposes of complying with the condition mentioned in subsection (1)(b).

***electricity storage device*** means a device capable of storing energy and releasing the energy as electricity.

***supply interruption*** means an interruption in the supply, by a distribution entity through the entity's supply network, of electricity to a qualifying customer's electrical installation.

## 6 Insertion of new ch 14, pt 18

Chapter 14—

*insert—*

## **Part 18**

# **Transitional provision for Electricity and Other Legislation (Batteries and Premium Feed-in Tariff) Amendment Act 2018**

### **360 Application of s 44A**

- (1) Despite section 328, section 44A(1A), (1B) and (6) applies in relation to a qualifying customer who is a small customer mentioned in section 328.
- (2) Section 44A(1A)(a) does not apply in relation to a qualifying customer for an oversizing modification of a qualifying generator made before the commencement.
- (3) Section 44A(1A)(b) does not apply in relation to a qualifying customer if the customer—
  - (a) installed the electricity storage device before the commencement; or
  - (b) entered into a contract for the installation of the electricity storage device before the commencement, and the device is installed after the commencement.
- (4) Section 44A(1A)(c) does not apply in relation to a qualifying customer if the customer—
  - (a) installed the additional generator before the commencement; or
  - (b) entered into a contract for the installation of the additional generator before the commencement, and the generator is installed after the commencement.
- (5) In this section—

***oversizing modification***, of a qualifying



generator, means a modification of the generator so it becomes, or continues to be, a generator described in section 44A(1A)(a).

## **7 Amendment of sch 5 (Dictionary)**

- (1) Schedule 5, definition *excluded customer*, ‘section 23(5)’—  
*omit, insert—*  
section 23(4)
- (2) Schedule 5, definition *large customer*, ‘section 23(3)’—  
*omit, insert—*  
section 23(2)
- (3) Schedule 5, definition *small customer*, ‘section 23(4)’—  
*omit, insert—*  
section 23(3)

# **Part 3 Amendment of Energy and Water Ombudsman Act 2006**

## **8 Act amended**

This part amends the *Energy and Water Ombudsman Act 2006*.

## **9 Amendment of s 6 (Who is a *small customer (energy)*)**

Section 6(4)—  
*omit.*

## **10 Amendment of s 6D (Who is a *relevant energy customer*)**

Section 6D—  
*insert—*

- (2) However, a person who, under an energy Act, is a receiver of an on-supplier for premises is not a relevant energy customer in relation to the premises unless the person is—
- (a) a small customer under an energy Act in relation to the premises; or
  - (b) an eligible non-residential energy customer in relation to the premises.

## 11 Amendment of s 12 (Restrictions on functions—energy entities)

- (1) Section 12(1)—

*insert—*

- (ca) disputes between a small customer under an energy Act, or an eligible non-residential energy customer, and an on-supplier under an energy Act;

- (2) Section 12(1)(ca) to (g)—

*renumber* as section 12(1)(d) to (h).

# Part 4 Amendment of National Energy Retail Law (Queensland) Act 2014

## 12 Act amended

This part amends the *National Energy Retail Law (Queensland) Act 2014*.

*Editor's note—*

For a consolidated reprint of the law as it applies in Queensland, see the *National Energy Retail Law (Queensland)*.

---

**13 Amendment of schedule (Modification of application of National Energy Retail Law)**

- (1) Schedule, section 14, inserted section 19A(2), definition *excluded small customer*, paragraph (a), 'section 23(5)'—  
*omit, insert—*  
section 23(4)
- (2) Schedule, section 14, inserted section 19C(1)(b)(ii)—  
*omit, insert—*
  - (ii) if the customer is a large customer—the financially responsible retailer for the premises.
- (3) Schedule, section 15, inserted section 22A(3)(b), '89B'—  
*omit, insert—*  
89E
- (4) Schedule, section 15, inserted section 22A(4), '2'—  
*omit, insert—*  
4

**Part 5 Amendment of Queen's Wharf Brisbane Act 2016**

**14 Act amended**

This part amends the *Queen's Wharf Brisbane Act 2016*.

**15 Amendment of s 41 (Purpose of part)**

Section 41, 'priority development'—  
*omit.*

**16 Amendment of s 42 (Interpretation for part)**

Section 42(1)—

*insert—*

*Queen's Wharf area* means—

- (a) the Queen's Wharf priority development area; or
- (b) PDA-associated land under the *Economic Development Act 2012*, schedule 1 for the Queen's Wharf priority development area.

**17 Amendment of s 43 (Declaration)**

Section 43(1), 'priority development'—

*omit.*

**18 Amendment of sch 2 (Dictionary)**

Schedule 2—

*insert—*

*Queen's Wharf area*, for chapter 5, part 1, see section 42(1).