



Queensland

# Rural and Regional Adjustment (Solar PV and Battery Energy Storage Systems) Amendment Regulation 2018

## Subordinate Legislation 2018 No. 54

made under the

*Rural and Regional Adjustment Act 1994*

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**1 Short title**

This regulation may be cited as the *Rural and Regional Adjustment (Solar PV and Battery Energy Storage Systems) Amendment Regulation 2018*.

**2 Commencement**

This regulation commences on 1 June 2018.

**3 Regulation amended**

This regulation amends the *Rural and Regional Adjustment Regulation 2011*.

**4 Amendment of s 3 (Approval of schemes—Act, s 11)**

Section 3(1), ‘1 to 8’—

*omit, insert—*

1 to 9

**5 Insertion of new sch 9**

After schedule 8—

*insert—*

**Schedule 9 Solar PV and Battery  
Energy Storage  
Assistance Scheme**

section 3(1)

**1 Definitions**

In this schedule—

*applicant* means a person applying for financial assistance for a program under the scheme.

***approved application form***, for a program under the scheme, means the application form approved by the authority for the program.

***battery program*** means a program for the supply and installation costs of an eligible battery storage system in residential or business premises.

***Building Code of Australia*** see the *Building Act 1975*, section 12.

***business premises***, for a small business, means premises in Queensland used by the business to conduct business activities.

***combined solar and battery program*** means a program for the supply and installation costs of an eligible combined battery storage system in residential or business premises.

***eligible battery energy storage system*** means a battery energy storage system listed on the website of the department administering the *Electricity Act 1994* as an eligible battery energy storage system for the scheme.

***eligible battery energy storage system supplier*** means a battery energy storage system supplier listed on the website of the department administering the *Electricity Act 1994* as an eligible battery energy storage system supplier for the scheme.

***eligible combined solar and battery energy storage system*** means an eligible solar PV system that is coupled with an eligible battery energy storage system.

***eligible solar PV system*** means a solar PV system that is not—

- (a) a replacement of an existing solar PV system; or
- (b) an augmentation of an existing solar PV system; or

- 
- (c) coupled with a battery energy storage system.

***eligible system*** means—

- (a) an eligible solar PV system; or
- (b) an eligible battery energy storage system; or
- (c) an eligible combined solar and battery energy storage system.

***program*** means—

- (a) the solar program; or
- (b) the battery program; or
- (c) the combined solar and battery program.

***residential premises*** means a class 1a building under the Building Code of Australia.

***scheme*** means the scheme set out in this schedule.

***small business*** see section 2.

***solar program*** means a program for the supply and installation costs of an eligible solar PV system in residential premises.

***solar PV system*** means a solar photovoltaic system.

## **2 Meaning of *small business***

- (1) A ***small business*** is a business—
  - (a) that is carried on by a sole trader, partnership, proprietary company or trust; and
  - (b) for which an entity holds an Australian Business Number; and
  - (c) that employs fewer than—
    - (i) 20 full-time employees; or

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- (ii) if the business has employees other than full-time employees—20 equivalent full-time employees; and
  - (d) that is not operated by a public company within the meaning of the Corporations Act; and
  - (e) that uses less than 100 megawatt hours of grid electricity each year at the premises from which the business operates and at which an eligible system is to be installed.
- (2) For subsection (1)(c), the number of equivalent full-time employees of a business is worked out using the formula—

$$E = F + \frac{P}{35}$$

where—

*E* means the number of equivalent full-time employees of the business.

*F* means the number of full-time employees of the business.

*P* means the total number of hours worked each week by employees other than full-time employees.

- (3) In this section—

*full-time employee*, of a business, means an individual who ordinarily works at least 35 hours each week for the business.

### 3 Objectives of scheme

The objectives of the scheme are—

- (a) to provide for assistance to households and small businesses to make electricity more affordable, including by providing assistance to persons not having access to the upfront capital to invest in eligible solar

PV and eligible battery energy storage systems; and

- (b) to help establish and grow a battery energy storage industry in Queensland.

#### **4 Application of scheme**

The scheme consists of the following programs—

- (a) the solar program;
- (b) the battery program;
- (c) the combined solar and battery program.

#### **5 Types of assistance**

The types of assistance available under the scheme are as follows—

- (a) a loan under the solar program for residential premises;
- (b) a loan and a grant under the battery program for residential premises;
- (c) a grant only under the battery program for residential or business premises;
- (d) a loan and a grant under the combined solar and battery program for residential premises;
- (e) a grant only under the combined solar and battery program for residential or business premises.

#### **6 Amounts and terms of assistance under the scheme**

- (1) The amounts and terms of assistance under the scheme are as follows—

- (a) for the solar program—a maximum loan of \$4,500 with a loan period of not more than 7 years;
  - (b) for the battery program—a maximum loan of \$6,000 with a loan period of not more than 10 years and a maximum grant of \$3,000;
  - (c) for the combined solar and battery program—a maximum loan of \$10,000 with a loan period of not more than 10 years and a maximum grant of \$3,000.
- (2) A loan, a loan and a grant, or a grant provided under the scheme can not be more than the supply and installation cost of the system for which the loan, loan and grant, or grant is provided.
  - (3) If a loan and a grant are to be provided for the supply and installation cost of the system, the authority may decide how much of the cost is to be provided by the loan and how much is to be provided by the grant.
  - (4) Interest is not payable on a loan provided under the scheme and no fees or charges are payable on a loan or a grant provided under the scheme.

## **7 Eligibility criteria common to all programs**

For an applicant to receive assistance under the scheme for an eligible system for residential or business premises—

- (a) the premises to which the application relates must be located in Queensland; and
- (b) credit under the *Electricity Act 1994*, section 44A must not apply to the premises; and
- (c) assistance under the scheme must not have previously been provided for the premises; and



- (d) the applicant must not have previously received assistance under the scheme; and
- (e) the eligible system must not have been installed before an application for assistance under the scheme is received.

**8 Additional eligibility criteria for the solar program and for loans and grants under the battery program or the combined solar and battery program**

- (1) This section applies to an application for the following assistance under the scheme—
  - (a) for a loan under the solar program;
  - (b) for a loan and a grant under the battery program;
  - (c) for a loan and a grant under the combined solar and battery program.
- (2) For the applicant to be eligible to receive assistance—
  - (a) the application must be submitted in the names of no more than 2 persons for whom the residential premises at which the eligible system is to be installed are their principal place of residence; and
  - (b) each person named in the application must be an individual; and
  - (c) at least 1 person named in the application must be the owner or joint owner of the premises; and
  - (d) each person named in the application must be an Australian citizen or a permanent resident of Australia; and
  - (e) the authority must be satisfied the applicant can repay the loan given for the assistance.
- (3) In this section—

*joint owner*, of premises, means a person who is an owner of the premises under a joint tenancy or tenancy in common.

**9 Additional eligibility criteria for grants only under the battery program or the combined solar and battery program**

- (1) This section applies to an application for the following assistance under the scheme—
  - (a) for a grant only under the battery program for residential or business premises;
  - (b) for a grant only under the combined solar and battery program for residential or business premises.
- (2) For the applicant to be eligible to receive assistance for residential premises—
  - (a) the application must be submitted in the names of no more than 2 persons for whom the residential premises at which the eligible system is to be installed are their principal place of residence; and
  - (b) each person named in the application must be an individual; and
  - (c) at least 1 person named in the application must be the owner or joint owner of the premises; and
  - (d) each person named in the application must be an Australian citizen or a permanent resident of Australia.
- (3) For common property under a community titles scheme, the applicant must be the body corporate for the community titles scheme.
- (4) For the applicant to be eligible to receive assistance for business premises—

- (a) the applicant must own the premises or, if an entity other than the applicant owns the premises, the authority must be satisfied that the applicant has a sufficient connection with that entity; and

*Examples of a sufficient connection with an entity—*

- the applicant is a director of a company that owns the premises
- the premises are owned by the applicant's self-managed superannuation fund

- (b) the applicant must carry on a small business from the premises.

- (5) In this section—

***body corporate*** see the *Body Corporate and Community Management Act 1997*, schedule 6.

***community titles scheme*** see the *Body Corporate and Community Management Act 1997*, section 10.

***joint owner***, of premises, means a person who is an owner of the premises under a joint tenancy or tenancy in common.

## **10 Additional program specific eligibility criteria**

- (1) For an applicant to be eligible to receive a loan under the solar program—
- (a) the application for assistance must be for the supply and installation of an eligible solar PV system; and
- (b) the applicant must have incurred total electricity costs at the premises at which the system is to be installed, or at the applicant's previous principal place of residence, of at least \$1,000 over the 6 months, or at least \$2,000 over the 12 months, preceding the application; and

- (c) at least 1 person named in the application must be receiving Family Tax Benefit B; and
  - (d) the eligible solar PV system must have been approved by the authority; and
  - (e) the eligible solar PV system must be installed by an eligible solar supplier.
- (2) For an applicant to be eligible to receive a loan and a grant, or a grant only, under the battery program—
- (a) the application for assistance must be for the supply and installation of an eligible battery energy storage system; and
  - (b) the eligible battery energy storage system must have been approved by the authority; and
  - (c) the eligible battery energy storage system must be installed by an eligible battery energy storage system supplier.
- (3) For an applicant to be eligible to receive a loan and a grant, or a grant only, under the combined solar and battery program—
- (a) the application for assistance must be for the supply and installation of an eligible combined solar and battery energy storage system; and
  - (b) the eligible combined solar and battery energy storage system must have been approved by the authority; and
  - (c) the eligible combined solar and battery energy storage system must be installed by an eligible battery energy storage system supplier.

- (4) In this section—

*eligible solar supplier* means a supplier of solar

PV systems that—

- (a) is a signatory to—
  - (i) the Solar Retailer Code of Conduct approved by the Clean Energy Council; or
  - (ii) another code of conduct, relating to the supply and installation by solar suppliers of solar PV systems, approved by a relevant entity; and
- (b) conducts some or all of its operations from premises in Queensland.

*relevant entity* means an entity approved by the chief executive of the department administering the *Electricity Act 1994* as being suitable to assess a code of conduct relating to the supply and installation by solar suppliers of solar PV systems.

## 11 Conditions of assistance

- (1) The payment of financial assistance under the scheme is subject to the following conditions—
  - (a) before receiving the assistance, a person must—
    - (i) enter into a written agreement with the authority that sets out the terms on which the assistance is provided; and
    - (ii) give the authority a tax invoice for the supply and installation of the eligible system for which the assistance is provided;
  - (b) the payment of the assistance for the supply and installation of an eligible system is to be made directly by the authority to the supplier of the system;

*Note—*

The payment of the assistance can not be made to reimburse an applicant for payments made by the applicant to the supplier of the eligible system.

- (c) the payment of the assistance can not be made for an eligible system that is to be financed under a lease or solar power purchase agreement;
  - (d) the authority may cancel an approval for assistance to install and purchase an eligible system if the scheme recipient does not provide evidence the system has been installed within 6 months after the approval;
  - (e) a scheme recipient must, after the installation of an eligible battery energy storage system under the battery program or the combined solar and battery program, allow for a safety inspection of the system by a person nominated by the chief executive of the department administering the *Electricity Act 1994*, at no charge to the scheme recipient;
  - (f) a scheme recipient must disclose matters required by the authority, or to persons nominated by the authority, to enable—
    - (i) a safety inspection of the eligible system; or
    - (ii) an evaluation of the eligible system or of a program under the scheme;
  - (g) a scheme recipient must comply with the terms of the agreement mentioned in paragraph (a)(i).
- (2) In this section—
- scheme recipient*** means a person who has received assistance under the scheme.

## **12 Applications**

- (1) An application for assistance for a program under the scheme must—
  - (a) be made to the authority by accessing the website of the department administering the *Electricity Act 1994* or on the approved application form for the program; and
  - (b) be made on or after the day stated on the website as the day after which applications for assistance may be made; and
  - (c) be accompanied by the documents stated on the website or on the approved application form; and
  - (d) be considered by the authority in the order it is received by the authority.
- (2) If the authority asks the applicant to provide further information to decide the application, the applicant must provide the information.

## **13 Deciding applications**

- (1) The authority must consider, and decide to approve or refuse to approve, each application for assistance under the scheme.
- (2) The authority must refuse an application for assistance for a program under the scheme if—
  - (a) the application is received after 30 June 2019; or
  - (b) the authority's assistance funds for the program are not sufficient to pay for the assistance.

## **14 Time limits applying to applications and to financial assistance under the scheme**

- (1) An application for assistance under the scheme

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must be received by the authority by 30 June 2019.

- (2) The authority must not provide financial assistance under the scheme after 30 June 2020.



ENDNOTES

- 1 Made by the Governor in Council on 10 May 2018.
- 2 Notified on the Queensland legislation website on 1 June 2018.
- 3 The administering agency is the Department of Agriculture and Fisheries.

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