

Minister for Climate Change and Sustainability
Minister for Corrections and Justice Health
Minister for Justice, Consumer Affairs and Road Safety
Minister for Mental Health

Member for Kurrajong

20/03924

Mrs Giulia Jones MLA
Chair
Standing Committee on Justice and Community Safety (Legislative Scrutiny Role)
ACT Legislative Assembly
Scrutiny@parliament.act.gov.au

Dear Mrs Jones

I write in response to the Standing Committee on Justice and Community Safety's (the Committee's) Scrutiny Report 51 of 8 September 2020. This letter specifically addresses comments made by the Committee on:

- Disallowable Instrument DI2020-249 being the Electricity Feed-in (Large-scale Renewable Energy Generation) Renewable Energy Source Declaration 2020; and
- Disallowable Instrument DI2020-250 being the Electricity Feed-in (Large-scale Renewable Energy Generation) FiT Capacity Release Determination 2020 (No 1).

Following the government's decision to hold a renewable electricity auction for up to 250 megawatts (MW) of new renewable electricity capacity to ensure continued delivery of the 100% renewable electricity target, on 10 November 2019, I signed the above mentioned disallowable instruments under the *Electricity Feed-in (Large-scale Renewable Energy Generation) Act 2011* ('The Act').

However, due to an administrative error, the disallowable instruments were never notified on the Legislation Register.

This administrative error was discovered on 20 August 2020 by the Environment, Planning and Sustainable Development Directorate (EPSDD). The Electricity Feed-in (Large-scale Renewable Energy Generation) Amendment Bill 2020 negated the need for six sitting days to pass for this one occasion only, and thereby allow the grant of FiT entitlements immediately after tabling the Capacity Release. As you are aware, this bill was introduced and debated in the Legislative Assembly on the final day of the 9th Assembly, 27 August 2020.

The explanatory statement did not include a detailed explanation of what actions were taken that would be validated by clause 22A (4) of the Bill, or the extent to which those actions, in the absence of the validation provision, may have been unlawful. These were not detailed because there are no known actions to which this provision applies.

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The clause was included to avoid a potential risk caused by an 'unknown unknown', which could otherwise have later been discovered and caused the granting of feed-in tariff entitlements to not have been validly made.

EPSDD worked with Parliamentary Counsel to ensure that any risks of invalidly made instruments were removed ahead of introduction and debate of the Bill.

I'd like to thank the Committee for raising this matter with me. I trust this information is of assistance.

Yours sincerely

Shane Rattenbury MLA
Minister for Climate Change and Sustainability