



Queensland

*Electricity Act 1994*

# Electricity Regulation 1994

Reprinted as in force on 10 December 2004  
(includes commenced amendments up to 2004 SL No. 279)

Reprint No. 8D revised edition

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This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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Revised edition indicates further material has affected existing material. For example—

- a correction
- a retrospective provision
- other relevant information.



Queensland

# Electricity Regulation 1994

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# Electricity Regulation 1994

[as amended by all amendments that commenced on or before 10 December 2004]

## Chapter 1 Preliminary

### 1 Short title

This regulation may be cited as the *Electricity Regulation 1994*.

### 2 Definitions

The dictionary in schedule 9 defines particular words used in this regulation.

### 3 Purposes

The main purposes of this regulation are to—

- (a) ensure a secure, efficient and economic supply of electricity to customers on fair and reasonable terms; and
- (b) ensure customers' interests are adequately protected; and
- (c) provide for the proper measurement of the energy efficiency and performance of electrical equipment; and
- (d) inform the public about the energy efficiency and performance of electrical equipment; and
- (e) prescribe certain conditions of employment for employees in the GOE industry.

#### **4 How purposes are to be achieved**

The purposes of this regulation are to be mainly achieved by—

- (a) prescribing standards and procedures for the design, building and maintenance of electric lines and works; and
- (b) specifying when the obligation to connect and supply a customer does not apply and conditions governing the provision of customer connection services by distribution entities; and
- (c) specifying when the obligation to provide customer retail services does not apply and conditions governing the provision of customer retail services; and
- (d) setting standards and procedures for measuring energy efficiency and the performance of electrical equipment; and
- (e) providing for the registration and labelling of electrical equipment; and
- (f) providing for continuity of service for leave purposes for employees transferring within the GOE industry; and
- (g) providing for long service leave and locality allowance entitlements for GOE industry employees; and
- (h) providing for award conditions and entitlements of employment for State electricity entities and their electricity industry employees.

#### **5 Words have the same meaning as in wiring rules**

- (1) Words and expressions used in the wiring rules have the same respective meanings in this regulation.
- (2) However, for this regulation, the expression ‘point of supply’ in the wiring rules has the same meaning as ‘consumers terminals’ has in this regulation.



**6 Way of describing electrical articles and appliances**

An electrical article or appliance or type of electrical article or appliance may be described by reference to its model or in any other way.

**Chapter 2 Technical requirements****Part 1 Preliminary****6A Application of ch 2**

- (1) This chapter does not apply to—
- (a) an electric line or works within the limits of a mine; or
  - (b) petroleum plant.

- (2) In this section—

***mine*** means—

- (a) a coal mine within the meaning of the *Coal Mining Safety and Health Act 1999*; or
- (b) a mine within the meaning of the *Mining and Quarrying Safety and Health Act 1999*.

***petroleum plant*** means private plant or an electrical installation subject to inspection under the *Petroleum Act 1923*.

***private plant*** means generating plant not used by an electricity entity or special approval holder in accordance with an authority or special approval.

## **Part 2                      Design, building and    maintenance of electric lines    and works**

### **Division 1                Compliance with part**

#### **7                      Compliance with this part**

A person who designs, builds, maintains or operates an electric line or works must ensure that the provisions of this part relevant to the line or works are complied with.

Maximum penalty—20 penalty units.

### **Division 2                Earthing, frequency and voltage**

#### **8                      Systems of earthing**

The system of earthing used by an electricity entity for low voltage supply to customers must be the multiple earthed neutral system, or, if that system is not effective, another suitable system.

#### **9                      Standard frequency and voltage**

- (1) Electricity for general supply must be alternating current having a nominal frequency of 50 Hz.
- (2) The standard low voltages for electricity supplied from a 3 phase system must be—
  - (a) between a phase conductor and the neutral conductor—240 V; and
  - (b) between 2 phase conductors—415 V.
- (3) The standard low voltages for electricity supplied from a single phase system must be—

- (a) between a phase conductor and the neutral conductor—240 V; or
- (b) between the phase conductors—480 V.

## **10 Supply at high voltage**

If an electricity entity agrees with a customer to supply electricity to the customer at high voltage, the agreed voltage is the standard voltage for the supply.

## **11 Changes of voltage at customer's consumers terminals**

- (1) Supply of electricity by an electricity entity to a customer must be maintained at the standard voltage.
- (2) Electricity is taken to be maintained at the standard voltage if the voltage at a customer's consumers terminals is within the allowable margin for the voltage.
- (3) The allowable margin is—
  - (a) for low voltage—6% more or less than the standard voltage; or
  - (b) for high voltage of 22 000 V or less—5% more or less than the standard voltage; or
  - (c) for voltage more than 22 000 V—the margin agreed between the electricity entity and the customer.

## **Division 3 Service lines**

### **12 Service lines on customer's premises**

- (1) An electricity entity must, in accordance with recognised practice in the electricity industry—
  - (a) decide the route, point of termination, number of phases, lengths, type and size of its service lines; and
  - (b) provide and install or arrange for the provision and installation of its service lines.

- (2) The electricity entity must meet the cost of providing and installing the service line.
- (3) However, the maximum length of a service line required to be provided and installed within a customer's premises by an electricity entity at the electricity entity's cost is—
  - (a) 20 m for an overhead service line; or
  - (b) 7 m for an underground service line.
- (4) A service line must be measured from the customer's property alignment or, if the line does not cross the property alignment, the point of origin of the service line.
- (5) However, subsection (1)(b) only applies to the provision and installation of 1 service line to a customer at particular premises, whether before or after the commencement of this regulation.
- (6) The customer must provide and maintain, free of cost to the electricity entity, the facilities the entity reasonably decides are necessary to attach an overhead service line to the customer's premises or for the entrance, support, protection and termination of an underground service line.

*Examples of facilities that may be provided by a customer—*

- 1 A service riser bracket.
  - 2 Timber backing for the electricity entity's 'J' hook.
- (7) The customer must provide access for the entity to install, test, maintain or take away its service line without hindrance or obstruction.
  - (8) The customer must pay the reasonable cost of a service line provided other than under subsection (3).

## **Division 4                      Maintenance of works**

### **13                      Maintenance of works**

An electricity entity must periodically inspect and maintain its works to ensure they remain in good working order and condition.

**14 Clearing and lopping of trees on non-freehold land**

- (1) An electricity entity may clear or lop trees growing on non-freehold land if—
  - (a) it is necessary to do so to build, maintain or operate an electric line or works on the land; and
  - (b) an easement, wayleave or other agreement in relation to the line or works is in place.
- (2) Subsection (1) applies subject to—
  - (a) the conditions of the easement, wayleave or agreement; and
  - (b) section 15.
- (3) Subsection (1) does not limit any rights an electricity entity has under an agreement with an owner of freehold land in relation to clearing or lopping trees on the land.
- (4) In this section—

*clear* see *Land Act 1994*.

*lop* see *Land Act 1994*.<sup>1</sup>

*trees* see *Land Act 1994*.<sup>2</sup>

**Division 5 Works on publicly controlled places****15 Notice to be given to public entity**

- (1) This section applies if an electricity entity intends to take action mentioned in subsection (2) in a publicly controlled place.
- (2) The action is—
  - (a) opening or breaking up the soil or pavement of the place; or

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<sup>1</sup> The *Land Act 1994*, section 253 defines *lopping*.

<sup>2</sup> *Tree* in the *Land Act 1994* currently has the same meaning as in the *Forestry Act 1959*.

- (b) cutting, lopping or removing a tree or other vegetation growing in or over the place, other than for routine maintenance; or
  - (c) opening or breaking up a sewer, drain or tunnel in or under the place; or
  - (d) temporarily stopping or diverting traffic on or from the place; or
  - (e) building a drain, excavation, subway or tunnel in or under the place.
- (3) The electricity entity must give at least 14 days notice of its intention to the public entity that has control of the publicly controlled place unless the notice is given in accordance with another period of notice agreed between the entities.
- (4) However, subsection (5) applies if, in the electricity entity's opinion, there is an emergency in which—
- (a) there is an actual or a potential danger to persons or property; or
  - (b) the supply of electricity to a customer has been interrupted.
- (5) If this subsection applies, the electricity entity may act under section 101<sup>3</sup> of the Act to remedy a defect, eliminate an actual or potential danger or restore the supply of electricity to a customer, without first giving the notice under subsection (3).
- (6) If the electricity entity acts under subsection (5), it must give the notice mentioned in subsection (3) as soon as practicable.

## **16 Electricity entity must comply with public entity's requirements**

- (1) If an electricity entity goes on a publicly controlled place to take action for which notice must be given under section 15,<sup>4</sup> the public entity that has control of the place may

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3 Section 101 (Electricity entity may take action in publicly controlled places to provide electricity etc.) of the Act

4 Section 15 (Notice to be given to public entity)

require the electricity entity to act on the days and at the times the public entity reasonably requires.

- (2) The electricity entity must comply with a reasonable requirement by the public entity under subsection (1).

## **17 Guarding of work on publicly controlled place**

- (1) An electricity entity that has opened or broken up a publicly controlled place must, at all times while the place is opened or broken up, ensure—
  - (a) it is barricaded and guarded; and
  - (b) signs and lights sufficient for the warning and guidance of traffic (including pedestrians) are set up and maintained against or near the place where it is opened or broken up.
- (2) If required by the public entity, the electricity entity must also set up and maintain additional warning or protection devices to safeguard the public whether before or during the work.

## **18 Restoration of publicly controlled place**

- (1) An electricity entity that has opened or broken up a publicly controlled place must—
  - (a) with all convenient speed, finish the work; and
  - (b) on finishing the work, take away from the place all plant, materials and equipment not built into the work; and
  - (c) restore, as far as practicable, the place where the work was carried out and leave it tidy.
- (2) The way action under subsection (1) is carried out by or for the electricity entity is as agreed between the electricity entity and the public entity controlling the place and in accordance with reasonable conditions and requirements stated by the public entity.

**19 Electricity entity to keep publicly controlled place in good repair after work**

- (1) The electricity entity must keep a publicly controlled place that has been opened or broken up and reinstated by it in good repair—
  - (a) for 3 months after restoring the place; and
  - (b) for up to a further 9 months when the ground continues to subside.
- (2) The way maintenance work is to be carried out by or for the electricity entity is as agreed between the electricity entity and the public entity that controls the place.

**20 Warning signs on roads**

If an electricity entity or its contractor is building or maintaining an electric line or other works on a road, signs and lights set up and maintained by the entity and its contractor to safeguard the public must be the appropriate official signs under the *Transport Operations (Road Use Management) Act 1995*.

**Part 3 Customers' electrical installations****21 Installation and operation of electric line beyond person's property**

- (1) A person may install and operate, on a place beyond the person's property (including on a publicly controlled place), a low voltage electric line forming part of the person's electrical installation if—
  - (a) the person has consulted with all entities who may have an interest in the proposed location of the electric line; and



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- (b) the entities have stated in writing that they have no objection to the installation or operation of the electric line; and
  - (c) the installation and operation of the electric line is not likely to cause a fire or a person to suffer an electric shock.
- (2) The entities to be consulted include—
- (a) the relevant supplier; and
  - (b) for a publicly controlled place—the local government or other entity with responsibility for the place; and
  - (c) for a place other than a publicly controlled place—the owner and each lessee or occupier of the place.
- (3) The electric line must be installed in accordance with—
- (a) the wiring rules; and
  - (b) any requirement or condition imposed by an entity consulted.
- (4) If an electric line forming part of a person's electrical installation is installed on a place contrary to this section, the regulator may direct the person to take away the electric line, at the person's expense.
- (5) If the person does not comply with the direction, the regulator may take away the electric line and recover the cost of the removal from the person as a debt payable to the State.
- (6) A person who complies with subsections (1) to (3) about an electric line does not need an authority or special approval under the Act to install or operate the line.

**22 Requirement for circuit-breaker in rural areas**

If required by the relevant supplier, a customer must ensure the customer's electrical installation in a rural area has a circuit-breaker as a main switch or a circuit-breaker instead of a fuse as part of the installation.

Maximum penalty—20 penalty units.

**23 Power factor**

A customer must comply with any requirement of its supplier directed to the customer under section 33<sup>5</sup> about the power factor of an electrical installation.

**24 Prevention of interference by motor installations and associated starting devices**

A person may only connect a motor installation or associated starting device if it is designed and operated to comply with any requirements of the regulator to prevent interference with supply of electricity to other customers.

**25 Interference with supply of electricity**

A customer must not use electricity or an electrical article so the supply of electricity to other customers of the supplier who supplies the electricity is unreasonably interfered with.

**26 Customer's generating plant for interconnection to supply network**

- (1) A customer must not install generating plant for interconnection with an electricity entity's supply network without the electricity entity's agreement.

Maximum penalty—20 penalty units.

- (2) The agreement must include the conditions for securing safe and stable parallel operation of the supply network and the generating plant.

**27 Coordination of customer's protection devices with electricity entity's protection system**

- (1) An electricity entity may cause the characteristics of a customer's protection device to be changed and tested to maintain discrimination between the customer's protection equipment and the electricity entity's protection system.

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5 Section 33 (Regulating customer's use etc. of electricity)

- (2) The electricity entity may seal the adjusted protection equipment.
- (3) A person must not unlawfully break or otherwise interfere with the seal.

Maximum penalty for subsection (3)—20 penalty units.

## **Chapter 3      Electricity supply and sale to customers<sup>6</sup>**

### **Part 1            Distribution entities**

#### **Division 1        Obligations of distribution entities and customers**

##### **28      Limits on obligation to provide customer connection services**

- (1) For sections 40(3) and 40E(1)(e) and (i)<sup>7</sup> of the Act, if an event stated in subsection (2) happens the distribution entity—
  - (a) is not obliged to provide customer connection services to the customer; and

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<sup>6</sup> Under section 20 of the *Acts Interpretation Act 1954* (Saving of operation of repealed Act etc.), the amendments to the Act by the *Electricity Amendment Act 1997* do not affect a right that accrued under the Act before the amendment.

*Examples—*

- Accrued rights between a customer and an obligated supplier of electricity before the amendments.
- Special approvals given under this regulation or by the regulator before the amendments.

<sup>7</sup> Sections 40 (Connection and supply of electricity in distribution area) and 40E (Limitation on obligation to connect and supply) of the Act

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- (b) may disconnect the customer's premises from a supply network or refuse to connect the premises to the network.
- (2) Subsection (1) applies if—
- (a) the customer does not ask for the services in a way approved by the entity; or
  - (b) the customer asks for the services and the entity requires the customer to give the entity evidence of the customer's correct name and address—the customer does not give the evidence; or
  - (c) the customer applies for the supply of electricity to the premises at a rate more than the maximum capacity of the connection to the entity's supply network; or
  - (d) the customer does not give the following if required by the entity—
    - (i) a reasonable advance payment for charges for providing the services;
    - (ii) a reasonable security or agreement for security to the entity for performing the customer's obligations to the entity; or
  - (e) after disconnecting supply under the Act or under a customer connection contract, the entity is not reasonably satisfied the matter that caused the disconnection has been remedied, rectified or fixed; or
  - (f) for supply to premises for which there is an existing agreement with the supplier for supply of electricity—
    - (i) the customer does not agree on similar terms for the rest of the existing agreement; and
    - (ii) the supplier does not otherwise agree; or
  - (g) for supply to premises from an electric line from which another customer is supplied under an agreement with the supplier—the customer does not agree on terms decided by the supplier that, having regard to the other customer's agreement, are not unfair for both customers; or

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- (h) the customer does not provide and maintain space, equipment, access, facilities or anything else the customer must provide for the services under the Act or a customer connection contract; or

*Examples of other things under paragraph (h)—*

- meters
  - substations
  - connection of service lines.
- (i) the customer is not a party to a customer sale contract with a retail entity under which the retail entity provides customer retail services to the customer's premises; or
- (j) the obligation to provide customer connection services does not apply under the Act; or
- (k) the Act allows the entity to disconnect the customer's premises from a supply network or refuse to connect the premises to the network.
- (3) Subsection (2)(c) does not apply if the customer pays an amount to the entity for works necessary to increase the maximum capacity to supply the customer at the rate the customer has applied for.
- (4) The entity must give the customer a reasonable opportunity to pay an amount mentioned in subsection (3).
- (5) Subsection (1) does not limit—
- (a) the right to interrupt supply of electricity under a customer connection contract; or
  - (b) a right or obligation to disconnect premises, or refuse to connect or reconnect premises, under a customer connection contract.

## **29 Notice if services refused**

- (1) This section applies if—
- (a) a customer or retail entity asks a distribution entity in the approved way for the provision of customer connection services; and

- (b) the distribution entity decides it does not have an obligation to provide the services.
- (2) The distribution entity must as soon as practicable after, but within 1 month of, receiving the request give written notice to the customer or retail entity—
  - (a) that the distribution entity does not have an obligation to provide the services; and
  - (b) the reasons for the decision.

### **30 Entity may provide services even if no obligation**

- (1) A distribution entity may agree to provide customer connection services to a customer even though it has no obligation to provide them.
- (2) To remove any doubt, an agreement under subsection (1) is a negotiated customer connection contract.

### **31 When distribution entity may refuse to connect or may disconnect**

- (1) A distribution entity may refuse to connect or reconnect any premises of a customer to the entity's supply network if the customer—
  - (a) contravenes the Act or this regulation in relation to the supply of electricity to any premises of the customer; or
  - (b) fails to make a reasonable advance payment for charges for providing customer connection services to any premises of the customer; or
  - (c) fails to pay an amount the customer owes the distribution entity under, or otherwise breaches, any customer connection contract between the customer and the distribution entity; or
  - (d) is a party to a customer sale contract with a retail entity for providing customer retail services to other premises of the customer and the retail entity asks the distribution entity to disconnect the other premises from the distribution entity's supply network because the customer—

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- (i) contravenes the Act or this regulation in relation to the supply or sale of electricity to the other premises; or
  - (ii) fails to make a reasonable advance payment for charges for providing the customer retail services; or
  - (iii) fails to pay an amount the customer owes the retail entity under, or otherwise breaches, the customer sale contract for the other premises.
- (2) A distribution entity may disconnect a customer's premises from the entity's supply network if the customer—
  - (a) contravenes the Act or this regulation in relation to the supply of electricity to the premises; or
  - (b) fails to pay an amount the customer owes the distribution entity under, or otherwise breaches, its customer connection contract with the distribution entity for the premises; or
  - (c) is a party to a customer sale contract with a retail entity for providing customer retail services to the premises and the retail entity asks the distribution entity to disconnect the premises because the customer—
    - (i) contravenes the Act or this regulation in relation to the supply or sale of electricity to the premises; or
    - (ii) fails to pay an amount the customer owes the retail entity under, or otherwise breaches, its customer sale contract with the retail entity for the premises.
- (3) However, the distribution entity may only disconnect if any condition under the customer connection contract or customer sale contract for disconnection has been complied with.

*Example of a condition—*

A requirement in the customer connection contract or customer sale contract for the distribution entity to give notice of its intention to disconnect under subsection (2).

- (4) This section does not limit—
  - (a) a right to interrupt supply of electricity under a customer connection contract; or

- (b) a right or obligation to disconnect premises, or refuse to connect or reconnect premises, under a customer connection contract.

### **32 Customer's liability for customer connection services**

- (1) A customer must pay the distribution entity for providing customer connection services to the customer's premises under the customer's customer connection contract with the entity until—
  - (a) supply is disconnected by the distribution entity; or
  - (b) the end of 2 business days after the customer gives the entity notice that supply is no longer needed; or
  - (c) electricity is supplied to the premises by arrangement with another customer.
- (2) The obligation under subsection (1) includes an obligation to make minimum payments under the contract.
- (3) However, subsection (1) does not apply if the customer and the entity otherwise agree.

### **33 Regulating customer's use etc. of electricity**

- (1) This section applies if, in the distribution entity's opinion—
  - (a) the use or intended use of an electrical article by a customer unreasonably interferes, or is likely to unreasonably interfere, with the entity's supply of electricity to other customers; or
  - (b) a customer uses or deals with electricity so the supply of electricity to other customers is, or is likely to be, unreasonably interfered with; or
  - (c) a customer's motor installation or associated starting device interferes, or is likely to interfere, with supply of electricity to other customers; or
  - (d) it is necessary to regulate the power factor of a customer's electrical installation.
- (2) The entity may, by written notice to the customer, require the customer to—



- (a) regulate the use of the electrical article; or
  - (b) use or deal with electricity supplied in a stated way; or
  - (c) ensure a motor installation or starting device connected to a source of electricity supply complies with the requirements of the regulator under section 24;<sup>8</sup> or
  - (d) ensure the power factor of an electrical installation measured over any 30 minutes at the customer's consumers terminals—
    - (i) is at least 0.8 lagging; and
    - (ii) is not a leading power factor unless the entity agrees.
- (3) The notice must state—
- (a) when it must be complied with; and
  - (b) that the customer may apply to the regulator to review the decision.

### **34 Action if notice not complied with**

If a customer does not comply with a notice under section 33, the distribution entity may—

- (a) refuse to provide customer connection services to the customer's electrical installation until the customer complies with the notice; or
- (b) if the customer agrees to comply with the entity's requirements—provide the service.

### **35 Providing metering information to retail entity**

If a retail entity asks, a distribution entity must promptly provide the retail entity with meter data information for mutual customers.

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<sup>8</sup> Section 24 (Prevention of interference by motor installations and associated starting devices)

## **Division 2                    Meter and control apparatus requirements if customer is non-contestable for premises**

### **36            Application of div 2**

This division applies to the supply of electricity to a premises of a customer, other than the supply to a premises for which the customer is a contestable customer.<sup>9</sup>

### **37            Entity must provide meter and control apparatus**

The distribution entity must provide, install and maintain the following equipment for supply of electricity to a customer unless the entity and the customer otherwise agree—

- (a) a meter (other than the base of a plug-in meter) used or to be used to measure or record electricity supplied by the entity to the customer;
- (b) control apparatus (other than a meter), that the entity considers necessary.

Maximum penalty—20 penalty units.

### **38            Customer to change electrical installation for meter connection**

A distribution entity may require a customer to make changes to the customer's electrical installation necessary to allow connection of the entity's meter to measure consumption of electricity.

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<sup>9</sup> For the supply to a premises for which a customer is a contestable customer, see section 107 (Customer's metering obligation).

**39 Customer to provide links connecting meters to incoming supply**

- (1) If a distribution entity requires, a customer must provide suitable links for connecting more than 1 meter to an incoming supply.
- (2) The distribution entity may seal the links.

**40 No breaking or interfering with meter seal or control apparatus**

A person must not break or interfere with a seal on a meter or control apparatus or links provided under an agreement with a distribution entity unless the entity permits the person to do so.

Maximum penalty—20 penalty units.

**41 Placing meter or control apparatus on customer's premises**

- (1) A customer must, at the customer's expense—
  - (a) provide on the customer's premises space, housing, mounting and connecting facilities for each meter and control apparatus provided under an agreement with a distribution entity; and
  - (b) maintain the facilities in a safe and sound condition.
- (2) The facilities must be in a position that meets the entity's reasonable requirements.

**42 Change of placement if building changes or works**

- (1) This section applies if the position of a meter or control apparatus no longer meets the distribution entity's requirements because of building changes or similar works.
- (2) The customer must, at the customer's expense—
  - (a) provide space, housing, mounting and connecting facilities in another position on the customer's premises that meets the entity's reasonable requirements; and
  - (b) relocate the meter and control apparatus to the position.

**43 Matters that may be considered for placement**

In deciding placement of a meter or control apparatus the distribution entity may consider—

- (a) safe access; and
- (b) protection against damage from—
  - (i) mechanisms; or
  - (ii) vibration; or
  - (iii) the effects of weather; or
  - (iv) corrosive atmosphere.

**44 Customers to provide safe access**

- (1) This section applies if a customer does not provide safe access to read a meter and install, test, maintain or take away the supplier's works without hindrance or obstruction to—
  - (a) the distribution entity; or
  - (b) an electricity officer of the entity; or
  - (c) a person authorised by the entity.
- (2) The entity may, by written notice to the customer, require the customer to provide the access within a stated period of a least 1 month.
- (3) If the customer does not comply with the notice, the entity may—
  - (a) install alternative metering or other equipment to enable the consumption of electricity to be measured by remote or other suitable ways; or
  - (b) disconnect supply of electricity to the customer's premises and refuse to reconnect supply until the customer provides safe access.
- (4) Subsection (3)(b) does not limit another remedy the entity has against the customer.
- (5) The entity's costs reasonably incurred in acting under subsection (3) are a debt payable by the customer to the entity and may be recovered in a court of competent jurisdiction.

**45 Meter accuracy test at customer's request**

- (1) A customer may ask the retail entity for the accuracy of the distribution entity's meter installed on the customer's premises to be tested.
- (2) The retail entity may require the request to be written.
- (3) The retail entity may require the customer to pay to the retail entity before testing—
  - (a) a charge for electricity or another amount owing by the customer to the retail entity for customer retail services; and
  - (b) the prescribed test fee for each meter to be tested.
- (4) On receipt of the request and any payment required under subsection (3), the retail entity must—
  - (a) ask the distribution entity to test the accuracy of the distribution entity's meter installed on the customer's premises; and
  - (b) pay to the distribution entity the amount of any prescribed test fee for the test.
- (5) The meter must be tested where it is installed.
- (6) However, for high voltage or current transformer metering, the meter may be taken away for testing at a place decided by the distribution entity.
- (7) The distribution entity must advise the retail entity when and where the test is to be performed.
- (8) The retail entity must advise the customer when and where the test is to be performed.
- (9) The customer or retail entity, or that person's nominee, may be present during the test.

**46 When meter taken to register accurately**

- (1) A meter measuring consumption of electricity supplied to a customer registers incorrectly only if it registers outside the prescribed margin of the correct amount of electricity supplied, whether greater or less.
- (2) The prescribed margin is 2.5%.

**47      Extent of inaccuracy**

If a properly conducted test shows a meter registers incorrectly, the meter is taken to be registering incorrectly to the extent to which the registration falls outside the prescribed margin.

**48      Report about test results**

- (1) If a meter is tested under section 45, the distribution entity must give written notice to the retail entity of the test results as soon as possible.
- (2) The retail entity must give a written notice to its customer of the test results as soon as possible after it receives the results.
- (3) If the test shows the meter is registering incorrectly, the notice must state the extent to which the registration falls outside the prescribed margin.

**49      Refund and adjustment if inaccuracy**

- (1) If a test under section 45 shows the meter is registering incorrectly, the distribution entity must—
  - (a) refund to the retail entity the amount paid by the retail entity under section 45(4)(b) for the test; and
  - (b) adjust the previous relevant accounts for customer connection services to reflect the actual or a reasonable estimation of the electricity supplied to the customer.
- (2) The retail entity must—
  - (a) refund to the customer any prescribed test fee paid by the customer for the test; and
  - (b) adjust the previous relevant accounts for customer retail services to reflect the actual or a reasonable estimation of the electricity supplied to the customer.

**50      Referral of tested meter to regulator**

- (1) This section applies if the customer receives the results of a test on a meter from a retail entity under section 48.

- (2) The customer may by written notice within 7 days require the retail entity to refer the issue to the regulator for an inspection and test of the meter by a competent person (***competent person***) who is not an employee of the distribution entity.
- (3) The customer must pay the prescribed fee to the retail entity before the inspection and test.
- (4) On receiving the notice and prescribed fee, the retail entity—
  - (a) must refer the issue and give the fee to the regulator; and
  - (b) must advise the distribution entity of the referral.
- (5) The distribution entity must not interfere with the meter until the inspection and test by the competent person is finished.

## **51 Inspection and test after referral**

- (1) On referral of an issue under section 50 and receipt of the prescribed fee, the regulator must—
  - (a) arrange for a competent person to inspect and test the meter; and
  - (b) give written notice of the test results to the retail entity, distribution entity and customer.
- (2) The retail entity must give a written notice to its customer of the test results as soon as possible after it receives the results.
- (3) If the test shows the meter is registering incorrectly, the notice must state the extent to which the registration falls outside the prescribed margin.

## **52 Refund and adjustment after test under s 51**

- (1) If a test under section 51 shows the meter is registering incorrectly by a margin substantially greater than the original test showed, the distribution entity must—
  - (a) refund to the retail entity the amount of any prescribed test fee paid by the customer under section 45 for the original test that is not already refunded; and
  - (b) refund to the retail entity the amount of the prescribed fee paid by the customer under section 50 for inspecting and testing the meter; and

- (c) adjust the previous relevant accounts for customer connection services to reflect the actual or a reasonable estimation of the electricity supplied to the customer.
- (2) If a test under section 51 shows the meter is registering incorrectly by a margin substantially greater than the original test showed, the retail entity must—
- (a) refund to the customer the amount of any test fee paid by the customer under section 45 for the original test that is not already refunded; and
  - (b) refund to the customer the amount of the prescribed fee paid by the customer under section 50 for inspecting and testing the meter; and
  - (c) adjust the previous relevant accounts for customer retail services to reflect the actual or a reasonable estimation of the electricity supplied to the customer.

### **53 Using testing instruments**

- (1) A distribution entity or competent person who uses a testing instrument for a test under this division must ensure the instrument is—
- (a) appropriate for the test; and
  - (b) tested each year to ensure it is accurate and in proper working order.
- (2) The entity or person must keep a record of each test under subsection (1)(b) for at least 2 years.

## **Division 3 Substations on customers' premises**

### **54 Application of div 3**

- (1) This division applies if the supply of electricity required by customers in premises is more than, or is reasonably estimated by the distribution entity to be more than, a total maximum demand of 100kV.A worked out under the wiring rules.



- (2) This division also applies to supply of electricity to customers in premises if the regulator, in special circumstances, approves its application.

### **55 Meaning of *owner* in div 3**

In this division—

*owner*, of premises, includes a person who is the proprietor, lessee or occupier of the premises or part of the premises.

### **56 Owner to provide space for substation**

- (1) This section applies if, to meet an existing or likely demand for supply of electricity by customers who are, or in the future may be, in premises, the distribution entity reasonably considers it is necessary to install a substation on the premises.
- (2) The entity may require the owner of the premises to—
- (a) provide, free of cost to the entity, the space for a substation; and
  - (b) give a right of way to the entity for its electric lines and cables to and from the substation; and
  - (c) provide to the entity, or persons authorised by it, access to the entity's equipment on the premises at all times to allow the entity to install, maintain or take away its equipment without hindrance or obstruction.
- (3) The owner must also provide permanent handling facilities, segregated access passageways or ventilating ducts if they are needed because of the location the owner proposes to provide for the substation.
- (4) An owner who provides space for a substation under this section must—
- (a) maintain the floor or foundation, walls or enclosure, ceiling and access door of the space in sound condition; and
  - (b) repair damage to or deterioration of the space, other than damage or deterioration directly attributable to the use of the space by the entity.

- (5) Repairs must be done within the time and to the extent reasonably directed by the entity.
- (6) If the owner does not comply with subsection (4), the entity may—
  - (a) do anything necessary to carry out the maintenance or repair; and
  - (b) recover the reasonable cost from the owner as a debt owing to the distribution entity in a court of competent jurisdiction.
- (7) In this section—

*space*, for a substation, means—

  - (a) necessary or suitable floor or foundation, walls or enclosure, ceiling and access doors in the part of the premises where the substation is to be located and installed, with the walls or enclosure, ceiling and access doors being suitably painted; and
  - (b) necessary or suitable places for entry and exit of electric lines and cables for the substation; and
  - (c) if required by the distribution entity—suitable lighting and general power outlets.

## **57 Supply to other customers from substation**

- (1) A distribution entity may only use an electric line or equipment installed by it on premises under this division for providing customer connection service to customers not within the premises if the owner of the premises agrees.
- (2) An agreement under subsection (1) or the repealed *Electricity Act 1976*, section 173<sup>10</sup> remains in force while electricity is supplied and consumed or required in the premises of the owner irrespective of change in maximum demand by the customers in the premises.
- (3) The agreement may be changed by agreement between its parties.

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10 Repealed *Electricity Act 1976*, section 173 (Substations on consumers' premises)

**58 Limitation of compensation**

Unless agreed between the owner and distribution entity, an owner of premises for a substation is not entitled to compensation from the distribution entity for—

- (a) the installation of the substation; or
- (b) complying with a requirement under section 56;<sup>11</sup> or
- (c) carrying out an obligation imposed on the owner under section 56.

**59 Taking away distribution entity's equipment**

If supply of electricity to an owner's premises is no longer needed, the distribution entity must take away, at its own cost, its electric lines, cables and equipment from the premises if the owner asks.

**Division 4 What is not unfair or unreasonable****60 Differing methods of charging**

The mere use by a distribution entity, of differing methods of charging for the provision of customer connection services to different customers is not unfair or unreasonable.

**61 Negotiated customer connection contracts**

The mere making of, or compliance with, a negotiated customer connection contract by a distribution entity is not unfair or unreasonable.

**62 Differing security**

- (1) The mere requiring of differing security by a distribution entity is not unfair or unreasonable.
- (2) In subsection (1)—

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11 Section 56 (Owner to provide space for substation)

*differing security* means an agreement, advance payment or amount as security for performance of the customer's obligations to the entity under a customer connection contract that is—

- (a) different to an agreement, payment or security the entity requires of another customer; and
- (b) not manifestly unfair to the customer.

### **63 Different terms that are reasonable**

- (1) This section applies if a distribution entity provides customer connection services on different terms to different customers or types of customers.
- (2) The mere imposition of the different terms is not unfair or unreasonable if—
  - (a) the circumstances required for providing the services are different; and
  - (b) the terms reasonably reflect the impact on the entity of the—
    - (i) differences between the customers or types of customers; or
    - (ii) different circumstances; or
    - (iii) provisions of the Act, this regulation or any code that applies.

*Examples of different circumstances—*

- The different nature of the plant or equipment required to provide the services
- Different geographical and electrical locations of the relevant connections
- Different periods for which the services are to be provided
- The electricity supply capacity required to provide the services
- The characteristics of the relevant load or generation
- The performance characteristics at which the services are to be provided.

## **Part 2                      Retail entities**

### **Division 1                      Obligations of retail entities and customers**

#### **64                      Limits on obligation to provide customer retail services**

- (1) For sections 49(3) and 53(c)<sup>12</sup> of the Act, a retail entity is not obliged to provide customer retail services to a customer if—
- (a) the customer does not ask for the provision of the services in a way approved by the retail entity; or
  - (b) the customer asks for the services and the entity requires the customer to give the entity evidence of the customer's correct name and address—the customer does not give the evidence; or
  - (c) the customer does not give the following if required by the entity—
    - (i) a reasonable advance payment for charges for providing the services;
    - (ii) a reasonable security or agreement for security to the entity for performing the customer's obligations to the entity; or
  - (d) for customer retail services to premises for which there is an existing negotiated contract with the entity for customer retail services—
    - (i) the customer does not agree on similar terms for the rest of the existing agreement; and
    - (ii) the supplier does not otherwise agree; or
  - (e) the customer does not provide and maintain space, equipment, access, facilities or anything else the customer must provide for the services under the Act or a customer sale contract; or

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12 Sections 49 (Obligation to provide customer retail services to non-contestable customers) and 53 (Limitations on obligation to sell) of the Act

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*Examples of other things under paragraph (e)—*

- meters
  - substations
  - connection of service lines.
- (f) the entity does not provide for the connection and supply of electricity to the customer's premises—a customer connection contract is not in force with a distribution entity under which the distribution entity provides customer connection services to the customer's premises; or
- (g) the entity provides for the connection and supply of electricity to the customer's premises and the distribution entity—
- (i) is not obliged to provide customer connection services to a customer; and
  - (ii) may disconnect the customer's premises from a supply network or refuse to connect the premises to the network; or
- (h) the Act allows the entity not to provide customer retail services.
- (2) Subsection (1) does not limit—
- (a) a right to interrupt supply of electricity as agreed in a customer sale contract; or
  - (b) a right or obligation to—
    - (i) disconnect premises, or refuse to connect or reconnect premises under a customer sale contract; or
    - (ii) refuse to provide customer retail services under a customer sale contract.

**65 Notice if services refused**

- (1) This section applies if—
- (a) a customer asks a retail entity in the approved way for the provision of customer retail services; and

- (b) the entity decides it does not have an obligation to provide the services.
- (2) The retail entity must as soon as practicable after, but within 1 month of, receiving the request give written notice to the customer—
  - (a) that the retail entity does not have an obligation to provide the services; and
  - (b) the reasons for the decision.

## **66 Entity may supply even if no obligation**

- (1) A retail entity may agree to provide customer retail services to a customer even though it has no obligation to provide them.
- (2) To remove any doubt, a contract referred to in subsection (1) is a negotiated customer sale contract.

## **67 When retail entity is not obliged to provide customer retail services**

- (1) A retail entity is not under an obligation to provide customer retail services to premises of a customer if the customer—
  - (a) contravenes the Act or this regulation in relation to the supply or sale of electricity to any premises of the customer; or
  - (b) fails to make a reasonable advance payment for charges for providing customer retail services to any premises of the customer; or
  - (c) fails to pay an amount the customer owes the retail entity under, or otherwise breaches, any customer sale contract between the customer and the retail entity.
- (2) If subsection (1) applies, the retail entity may ask its distribution entity to refuse to connect or reconnect any premises of the customer to the distribution entity's supply network.
- (3) Also, if there is a customer sale contract between a customer and a retail entity for a premises of the customer, the retail entity is not under an obligation to continue to provide customer retail services to the premises if the customer—

- (a) contravenes the Act or this regulation in relation to the supply or sale of electricity to the premises; or
  - (b) fails to pay an amount the customer owes the retail entity under, or otherwise breaches, the customer's customer sale contract with the retail entity for the premises.
- (4) If subsection (3) applies, the retail entity may ask its distribution entity to disconnect the customer's premises from the distribution entity's supply network.
- (5) However, the distribution entity may only disconnect if any condition under the customer sale contract for disconnection has been complied with.

*Example of a condition—*

A requirement in the customer sale contract for the retail entity to give notice of its intention to ask the distribution entity to disconnect under subsection (4).

- (6) This section does not limit—
- (a) a right to interrupt supply of electricity under a customer sale contract; or
  - (b) a right or obligation to—
    - (i) disconnect premises, or refuse to connect or reconnect premises, under a customer sale contract; or
    - (ii) refuse to provide customer retail services under a customer sale contract.

## **68 Customer's liability for customer retail services**

- (1) A customer must pay the retail entity for electricity sold to the customer's premises under the customer's customer sale contract with the entity until—
- (a) supply is disconnected by the distribution entity; or
  - (b) the end of 2 business days after the customer gives the entity notice that supply is no longer needed; or
  - (c) electricity is supplied to the premises by arrangement with another customer.



- (2) The obligation under subsection (1) includes an obligation to make minimum payments under the contract.
- (3) However, subsection (1) does not apply if the customer and the entity otherwise agree.

## **Division 2                      Obligations of host retail entities and customers**

### **69        Application of div 2**

This division applies if, under the Market Code, clause 3.15.21(c),<sup>13</sup> NEMMCO suspends a retail entity from trading.

### **69A      Corporations legislation displacement provision for div 2**

This division is declared to be a Corporations legislation displacement provision for the purposes of the Corporations Act, section 5G, in relation to the Corporations Act, chapter 5.<sup>14</sup>

### **70        Statutory customer sale contract**

On the suspension, each of the suspended retail entity's affected customers is taken to have entered into a customer sale contract with the host retail entity for—

- (a) the sale of electricity to the affected customer's premises in the host retail entity's retail area; and
- (b) if the affected customer has not entered into a customer connection contract with a distribution entity for the premises—
  - (i) the connection of the premises to a supply network to allow the supply of electricity from the supply network to the premises; and

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13 Market Code, clause 3.15.21 (Payment default procedure)

14 Corporations Act, chapter 5 (External administration)

- (ii) the supply of electricity from the supply network to the premises.

## **71 Terms of statutory customer sale contract**

- (1) The terms of the statutory customer sale contract are taken to be each of the following—
  - (a) the price payable by the affected customer to the host retail entity for the customer retail services mentioned in section 70(a) is the regional reference price for the region in which the premises are located, as adjusted for any loss factors applying to the region;
  - (b) the charges payable by the affected customer to the host retail entity for the customer retail services mentioned in section 70(b) are the charges—
    - (i) decided by the host retail entity; and
    - (ii) not exceeding the charges payable by the host retail entity to the local distribution or transmission entity for providing the services to the affected customer;
  - (c) the charges payable by the affected customer to the host retail entity for customer retail services also include the charges decided by the host retail entity as a reasonable apportionment, on a cost recovery basis, of the fees and charges payable by the host retail entity to a code participant or another entity under the Market Code;

*Example of fees and charges payable by the host retail entity for paragraph (c)—*

Ancillary services fees, participant fees and fees relating to metering services, metering data and spot market transactions, within the meaning of the Market Code.

- (d) the host retail entity must bill the affected customer for amounts payable by the customer to the entity for customer retail services—
  - (i) on a quarterly basis; or
  - (ii) on the basis of a shorter period decided by the entity;

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- (e) the affected customer must pay amounts for which the customer has been billed under paragraph (d) no later than the date stated in the bill as the date for payment;
- (f) the affected customer, if required by written notice given by the host retail entity to the customer, must, within the period stated in the notice, give an amount (a **security deposit**) to the entity as security for amounts payable by the customer to the entity;
- (g) for paragraph (f), the security deposit is the amount, decided by the host retail entity, that is not more than the amount worked out using the following formula—

**EMA x 2.6**

where—

**EMA** means the average amount, reasonably estimated by the host retail entity, as payable by the affected customer to the host retail entity under the contract for a month;

- (h) the affected customer must, as soon as possible after a following change happens, inform the host retail entity of the change—
  - (i) a change to the customer's contact details;
  - (ii) a change to the purpose for which the customer's premises are used;
  - (iii) a change adversely affecting access to a meter on the customer's premises;
  - (iv) a proposed change to an electrical article or electrical line at the customer's premises, including a proposed change to the operation of an electrical article, that may affect the quality or safety of the supply of electricity to the customer or another person;
  - (v) a permanent change materially affecting the electrical load at the customer's premises.

- (2) In this section—

*regional reference price* see the Market Code, chapter 10.<sup>15</sup>

## **72 Other provisions about statutory customer sale contract**

- (1) The statutory customer sale contract takes effect as a deed.
- (2) The statutory customer sale contract is taken to end if—
- (a) under section 73, the affected customer and the host retail entity, or the affected customer and another retail entity, enter into a customer sale contract for the premises covered by the statutory customer sale contract; or
  - (b) the supply of electricity to the affected customer's premises is disconnected under the Act.
- (3) The ending of the statutory customer sale contract does not affect a right or obligation that accrued to the host retail entity or affected customer under the contract before, or because, it ended.

*Example—*

The customer is obliged to pay the host retail entity for services provided under the statutory customer sale contract up to the end of the contract.

- (4) The host retail entity and affected customer are each taken to have agreed to comply with the provisions of the contract, in effect for the time being, so far as the provisions apply to the party.

## **73 Contract outside statutory customer sale contract**

- (1) Despite section 71, the affected customer and the host retail entity, or the affected customer and another retail entity, may contract on terms different from the terms of the host retail entity's standard customer sale contract for provision of the customer retail services mentioned in the section.

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15 Market Code, chapter 10 (Glossary)—

**regional reference price**

*Spot price at the regional reference node.*

- (2) The affected customer need not give notice to the host retail entity before entering into a contract with another retail entity under subsection (1).
- (3) A contract entered into under subsection (1) must not be inconsistent with the Act and is unenforceable to the extent that it is.

#### **74 Customer's liability to suspended retail entity for customer retail services provided after suspension**

- (1) This section applies to customer retail services provided to the affected customer's premises after the suspended retail entity is suspended.
- (2) The affected customer is not liable for payment to any of the following entities for the services—
  - (a) the suspended retail entity;
  - (b) an insolvency official for the suspended retail entity.
- (3) A customer sale contract entered into, or taken to have been entered into, between the affected customer and the suspended retail entity is unenforceable to the extent it is inconsistent with this section.

#### **75 Giving necessary consents, details etc.**

- (1) The objects of this section are—
  - (a) to allow NEMMCO to transfer the suspended retail entity's affected customers from the suspended retail entity to the host retail entity without delay under NEMMCO's market administration systems (*systems*); and
  - (b) to assist the prompt and effective continuation of electricity supply to the affected customers; and
  - (c) to ensure the host retail entity obtains details about each affected customer that is necessary for—
    - (i) performing its obligations to the customer under the statutory customer sale contract; and

- (ii) obtaining payment from the customer for amounts payable by the customer to the entity under the contract.
- (2) On the suspension of the suspended retail entity, each relevant person is taken to have—
  - (a) given any approval, authorisation or consent; and
  - (b) signed any document; and
  - (c) complied with any procedure;  
required by NEMMCO under its systems to achieve the objects.
- (3) On the suspension, the host retail entity, by written notice given to a relevant person mentioned in subsection (8)(b) to (e), may require the relevant person to give to the retail entity the information—
  - (a) mentioned in subsection (4) about all or any of the affected customers; and
  - (b) held by the relevant person or within the relevant person's knowledge.
- (4) A requirement under subsection (3) may be made about all or any of the following information—
  - (a) the customer's name and address to which bills for customer retail services are to be sent;
  - (b) the national metering identifier issued under the Market Code<sup>16</sup> for the metering installation relating to the customer's premises;
  - (c) the name and contact details of the metering provider and operator of an agency metering database, within the meaning of the Market Code, having responsibilities under the Market Code in relation to the customer's premises;
  - (d) the address of the customer's premises to which electricity is to be supplied;
  - (e) the purpose for which the customer's premises are used;

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16 See the Market Code, clause 7.3.1 (Metering installation components).

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- (f) the average monthly consumption of electricity, based on the immediately preceding 12 months, at the customer's premises;
  - (g) the applicable loss factors and charges payable by the host retail entity to the local distribution entity and transmission entity for providing customer retail services mentioned in section 70(b) for the affected customer's premises.
- (5) The notice must state the day, that is at least 10 business days after the notice is given, by which the relevant person must give the information.
- (6) The relevant person must comply with the notice.  
Maximum penalty—20 penalty units.
- (7) The host retail entity—
- (a) must use the information only for the purpose for which it was given; and
  - (b) must not disclose the information to any other person, other than for the purpose for which it was given, unless the affected person consents to the disclosure or the host retail entity is otherwise required or permitted by law to make the disclosure.
- Maximum penalty—20 penalty units.
- (8) In this section—
- relevant person*** means any of the following—
- (a) the host retail entity;
  - (b) the suspended retail entity;
  - (c) an affected customer of the suspended retail entity;
  - (d) a transmission entity for an affected customer;
  - (e) a distribution entity for an affected customer;
  - (f) if an insolvency official is appointed for the suspended retail entity—the insolvency official.

## **Division 3                      What is not unfair or unreasonable**

### **76            Differing methods of charging**

The mere use by a retail entity of differing methods of charging for the provision of customer retail services to different customers is not unfair or unreasonable.

### **77            Negotiated customer sale contracts**

The mere making of, or compliance with, a negotiated customer sale contract by a retail entity is not unfair or unreasonable.

### **78            Differing security**

(1) The mere requiring of differing security by a retail entity is not unfair or unreasonable.

(2) In subsection (1)—

*differing security* means an agreement, advance payment or amount as security for performance of the customer's obligations to the entity under a customer sale contract that is—

- (a) different to an agreement, payment or security the entity requires of another customer; and
- (b) not manifestly unfair to the customer.

### **79            Different terms that are reasonable**

(1) This section applies if a retail entity provides customer retail services on different terms to different customers or types of customers.

(2) The mere imposition of the different terms is not unfair or unreasonable if—

- (a) the circumstances required for providing the services are different; and
- (b) the terms reasonably reflect the impact on the entity of the—





- (a) give instructions about procedures the parties must follow to attempt to resolve the dispute before the regulator takes steps to resolve it; or
  - (b) require a party to give the regulator information the regulator considers necessary to enable the dispute to be resolved.
- (4) The regulator must give each party a reasonable opportunity to make representations before making the decision.
  - (5) After considering any representations, the regulator must decide the issue in dispute.
  - (6) The regulator must inform the parties of the decision by written notice stating the following—
    - (a) the decision;
    - (b) the reasons for the decision;
    - (c) that either party may appeal against the decision to the District Court within 28 days.

### **81 Regulator may seek advice or information**

- (1) This section applies if, under section 80(2), the regulator has been asked to resolve a dispute.
- (2) To help resolve the dispute, the regulator may seek advice or information from any other person.
- (3) The regulator may take the advice or information into account in resolving the dispute.
- (4) If the regulator seeks information or advice or takes into account advice or information the regulator has been given for any other dispute, the regulator must—
  - (a) if the advice or information is written—give a copy of it to the parties; or
  - (b) if the advice or information is oral—disclose the substance of the advice to the parties.

**82 Parties to maintain secrecy of advice or information**

- (1) This section applies if under section 81(4) the regulator gives advice or information, or discloses the substance of advice or information, to a person who is a party to the dispute.
- (2) The person must not disclose the advice or information to another person unless the person has a reasonable excuse.  
Maximum penalty—20 penalty units.
- (3) It is a reasonable excuse for a person to disclose the advice or information if the disclosure is for—
  - (a) the resolution of the dispute; or
  - (b) an appeal against the regulator’s decision on the dispute.

**Part 4 Financial arrangements about supply and sale****83 Methods of charging for electricity**

An electricity entity may use methods of charging for electricity supplied or sold by the entity to customers the entity considers appropriate, including, for example—

- (a) giving an account based on meter readings; or
- (b) giving an assessed account; or
- (c) giving an estimated account; or
- (d) payment in advance by using a credit meter.

**84 Meters must be read annually**

Each electricity entity must ensure each meter recording each of its customer’s consumption of electricity is read at least once each year.

## **Part 5                      Electricity restrictions**

### **Division 1                  Preliminary**

#### **85            Purpose of pt 5**

The purpose of this part is ensure a regular, economically efficient and constant supply of electricity within the available supply capacity of certain supply networks, or parts of them.<sup>18</sup>

### **Division 2                  Restrictions in Ergon Energy distribution area**

#### **87            Where restrictions apply**

The electricity restrictions in section 88 apply to electricity supplied by Ergon Energy in the localities mentioned in schedule 1 through its supply network.

#### **88            Restrictions**

- (1) The use of the following electrical articles by customers is prohibited—
  - (a) electric motors with a rating greater than—
    - (i) the rating stated for the relevant locality in schedule 1; and
    - (ii) if the motor is not installed and operated in accordance with the guidelines published by Ergon Energy—1.5kW;<sup>19</sup>

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18 Section 123 of the Act provides—‘An electricity restriction regulation expires 5 years after the day on which it is made unless it is earlier repealed.’

19 Ergon Energy’s ‘Guidelines for Connection of Electrical Installations at Isolated Systems’ are available from the Ergon Energy offices at 109 Lake Street, Cairns, 34 Dalrymple Road, Garbutt, Townsville and the corner of Fitzroy Street and Alma Street, Rockhampton.

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- (b) instantaneous water heaters with a rating of more than 2.4kW;
  - (c) welding power sources.
- (2) Subsection (1) does not apply—
- (a) to the following welding power sources—
    - (i) 415V, 3 phase input light industrial welding power sources;
    - (ii) 250V, single phase limited input welding power sources; or
  - (b) to electric motors that are part of a public water supply system or a community sewerage system installed and operated in the way required by the corporation; or
  - (c) to electrical articles at Mapoon installed before 1 December 1998; or
  - (d) if the customer satisfies the corporation, by the written advice of a doctor, that a stated electrical article must be used to reduce a threat to a person's life.
- (3) In this section—

*instantaneous water heater* means an instantaneous water heater described in AS/NZS 3350.2.35:1999 Safety of household and similar electrical appliances—Part 2.35—Particular requirements—Instantaneous water heaters.

*welding power source* means a welding power source described in AS1966.1—1985 Electric arc welding power sources— Part 1—Transformer type.

## Part 6                      Contestable customers

### Division 1                General declarations

#### Subdivision 1        Preliminary

#### 91        Definitions for div 1

In this division—

*lot* includes a parcel of land.

*registered owner*, of a lot, means—

- (a) the person recorded in the freehold land register under the *Land Title Act 1994* as the person entitled to the fee simple interest in the lot; or
- (b) a lessee (other than a sublessee), licensee (other than a sublicencee) or permittee of the lot under the *Land Act 1994*.

*relevant distribution entity*, for single premises, means the distribution entity in whose distribution area the premises are located.

#### 92        Meaning of *single premises*

- (1) In this division, a *single premises*, of a customer, means any of the following if owned or occupied by the customer and used by the customer for the same business or enterprise—
  - (a) the whole of any single building or structure;
  - (b) a part of any single building or structure;
  - (c) 2 or more adjoining parts of any single building or structure;
  - (d) the whole of 2 or more buildings or structures that are on—
    - (i) the same lot of land; or
    - (ii) 2 or more adjoining lots of land.

(2) In this section—

*same business or enterprise* means a business or enterprise carried out under the same name, other than a business or enterprise made up of parts carried out under different names.

## **Subdivision 2      Declarations**

### **93      Actual or estimated consumption of more than 0.1 GWh**

(1) A customer is declared to be a contestable customer for the supply of electricity to any single premises of the customer if—

(a) the customer—

(i) has certification for the premises under section 99(1); or

(ii) is, under section 103(7), taken to have the certification; and

(b) the customer—

(i) has entered into a negotiated customer sale contract with a retail entity for the supply of electricity to the premises; or

(ii) is, under the Market Code, chapter 2,<sup>20</sup> registered as a 'Market Participant' under the category 'Market Customer'.

(2) The declaration takes effect on the later of the following—

(a) if subsection (1)(b)(i) applies—the time immediately before the time for the supply of electricity to the premises to start under the contract;

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<sup>20</sup> Market Code, chapter 2 (Code participants and registration)

- (b) if subsection (1)(b)(ii) applies—the time for the customer to start taking supply as a ‘Market Customer’ under the Market Code;<sup>21</sup>

#### **94 New or replacement single premises of same registered owner**

- (1) This section applies if—
  - (a) under section 93, a customer is declared to be a contestable customer for the supply of electricity to a single premises (the *original premises*) of the customer; and
  - (b) the customer is the registered owner of the lot or all of the lots that the original premises are on.
- (2) The customer is also declared to be a contestable customer for the supply of electricity to—
  - (a) a single premises on the lot or lots that replaces, or substantially replaces, the original premises; and
  - (b) any other single premises on the lot or lots, other than a premises—
    - (i) that existed before the declaration took effect; and
    - (ii) for which the customer was not declared to be a contestable customer under the declaration.

#### **95 Subsequent registered owner**

- (1) This section applies if—
  - (a) under section 93, a customer (the *original customer*) is declared to be a contestable customer for the supply of electricity to a single premises of the customer; and
  - (b) the customer was, when the declaration took effect, the registered owner of the lot or all of the lots that the single premises are on; and

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<sup>21</sup> For the provisions of the Market Code concerning supply to a ‘Market Customer’, see the code, chapter 3 (Market rules).



- (c) another person (the *new customer*) becomes the registered owner of the lot or all of the lots.
- (2) The new customer is declared to be a contestable customer for the supply of electricity to each single premises on the lot or lots, other than a single premises—
  - (a) that existed before the new customer became the registered owner of the lot or all of the lots; and
  - (b) for which the original customer was not a contestable customer under the declaration.

## **96      Declarations continue despite consumption or use**

If a customer is declared under this subdivision to be a contestable customer for a premises, the declaration continues despite—

- (a) the actual consumption of electricity for the premises; or
- (b) the purpose for which the premises are used.

## **Subdivision 3      Contestable customer certification**

### **97      Applying for certification**

- (1) A customer may apply to the relevant distribution entity for contestable customer certification for any single premises of the customer.
- (2) The application must—
  - (a) be written; and
  - (b) state the applicant's name and the premises to which the application relates; and
  - (c) be supported by enough other information, reasonably decided by the entity, to enable the entity to consider the application.

**98 Consideration of application**

- (1) The relevant distribution entity must either grant or refuse the application within 1 month after receiving all necessary information relevant to the application.
- (2) The entity must grant the application if satisfied—
  - (a) the customer has arranged for the provision of a ‘metering installation’ under the Market Code, chapter 7<sup>22</sup> for each electrical line to the premises; and
  - (b) either—
    - (i) the consumption for the premises during a consumption period was more than 0.1 GWh; or
    - (ii) the estimated consumption for the premises in a future consumption period is more than 0.1 GWh, and—
      - (A) the premises did not consume electricity before the start of the future consumption period; or
      - (B) the premises consumed electricity before the start of the future consumption period, but the premises or the customer’s business or enterprise for which the customer uses the premises was expanded after the start of the future consumption period and the expansion has caused the estimate to be more than 0.1 GWh.
- (3) If the entity does not grant the application within the relevant period, it is taken to have—
  - (a) refused the application; and
  - (b) given the applicant a notice under section 100(1) of refusal of the application at the end of the period.
- (4) In this section—

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22 Market Code, chapter 7 (Metering)

For the meaning of ‘metering installation’ under the Market Code, see chapter 10 (Glossary), definition *metering installation*.

**consumption**, for the premises during a consumption period, means the electricity, decided by the relevant distribution entity, that was—

- (a) consumed for the premises during the period; or
- (b) charged under section 220<sup>23</sup> by an on-supplier for the premises during the period.

**consumption period** means any period of 1 year beginning on or after the day that is 3 years before the relevant distribution entity receives all necessary information relevant to the application.

**estimated consumption**, for the premises during a future consumption period, means the electricity the relevant distribution entity estimates will be—

- (a) consumed for the premises during the period; or
- (b) charged under section 220 by an on-supplier for the premises during the period.

**future consumption period** means any period of 1 year that has not ended.

**relevant period** means the first of the following periods to end—

- (a) 1 month after the entity receives all necessary information relevant to the application;
- (b) 3 months after the application was made.

## **99 Issue of certification**

- (1) If the relevant distribution entity grants the application, it must give the certification applied for to the customer as soon as practicable after the application is granted.
- (2) The certification must be written and state the following—
  - (a) the customer's name;

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23 Section 220 (On-supply agreements) was omitted by 2003 SL No. 123, section 9.

- (b) the single premises of the customer to which the certification relates;
- (c) that the entity was satisfied under section 98(2).

## **100 Refusal of application**

- (1) If the relevant distribution entity decides to refuse the application, the entity must give the applicant written notice of refusal of the application as soon as practicable after making the decision.
- (2) The notice must state the following—
  - (a) that the entity has refused the application;
  - (b) the reasons for the refusal;
  - (c) that the applicant may, under section 103,<sup>24</sup> ask the Minister to decide whether the application ought to have been granted.

## **Subdivision 4 Actual or estimated consumption of less than 0.2 GWh**

### **100A Application of sdiv 4**

This subdivision applies to the making of a negotiated customer sale contract for the provision of electricity customer retail services by a retail entity to any single premises of a customer if—

- (a) the customer has not previously entered into a negotiated customer sale contract with a retail entity; and
- (a) within the meaning of section 98(2)(b),<sup>25</sup> the consumption was, or estimated consumption is, for the premises less than 0.2 GWh.

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24 Section 103 (Dispute resolution)

25 Section 98 (Consideration of application)

**100B Definition for sdiv 4**

In this subdivision—

*cooling-off period*, for the negotiated customer sale contract, means a period of 5 business days starting on the day after the later of the following days—

- (a) 1 July 2004;
- (b) the day the contract is made.

**100C Disclosures to customer**

- (1) The retail entity must, before the customer and the entity enter into the negotiated customer sale contract—
  - (a) give the customer a disclosure statement in the approved form; and
  - (b) ensure the disclosure statement is signed by the customer.
- (2) The retail entity must keep a copy of each signed disclosure statement until the later of the following days—
  - (a) the day the negotiated customer sale contract ends;
  - (b) the day that is 5 years after the entity and the customer enter into the contract.

**100D Ending contract during cooling-off period**

- (1) The customer may end the negotiated customer sale contract during the cooling-off period for the contract.
- (2) The customer ends the contract by giving the retail entity written notice of the ending of the contract.
- (3) The customer is not liable to the retail entity in any way for ending the contract.
- (4) The customer can not waive the cooling-off period for the contract.

## **Division 2                      Contestable customers in Country Energy's area**

### **101      Contestable customers in Country Energy's area**

- (1) A customer is declared to be a contestable customer for premises of the customer if—
  - (a) the premises are within Country Energy's area; and
  - (b) the customer would, if the premises were in New South Wales, be a retail customer within the meaning of the *Electricity Supply Act 1995* (NSW).
- (2) For the purpose of deciding whether a person is a contestable customer under subsection (1), a function or power under an order may be exercised by—
  - (a) a person given a corresponding function or power under the Act; or
  - (b) if no person has a corresponding function or power under the Act—the Minister or a person appointed by the Minister.
- (3) In this section—

***Country Energy's area*** means Country Energy's—

  - (a) supply area described in Country Energy's special approval no. SA21/98;<sup>26</sup> or
  - (b) distribution area under any distribution authority issued to it.

## **Division 3                      Other contestable customers**

### **102      Customers declared to be contestable customers**

Each of the customers mentioned in schedule 2 is declared to be a contestable customer at the premises set out opposite in the schedule.

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<sup>26</sup> A copy of a map of the area may inspected at the department's office at 61 Mary Street, Brisbane.



- (7) If, under subsection (5)(a), the dispute resolver decides the application ought to have been granted, certification is taken to have been given under section 99(1)<sup>27</sup> to the customer for the premises to which the application relates when the decision was made.
- (8) If, under subsection (5)(b), the dispute resolver decides the customer is a contestable customer for the premises to which the dispute relates, the customer is taken to have been a contestable customer for the premises from when the decision was made.

#### **104 Dispute resolver may seek advice or information**

- (1) This section applies if, under section 103(2), a dispute resolver has been asked to resolve a dispute.
- (2) To help resolve the dispute, the dispute resolver may seek advice or information from any other person.

*Example—*

If there is a dispute under section 101(1)(b) about whether the customer would be a non-franchise customer under the New South Wales law mentioned in that section, the dispute resolver may seek advice or information to help resolve the dispute from—

- (a) the department; or
  - (b) a department of government of New South Wales that administers the New South Wales law.
- (3) The dispute resolver may take the advice or information into account in making a decision under section 103(5).
  - (4) If the dispute resolver seeks information or advice or takes into account advice or information the dispute resolver has been given for any other dispute, the dispute resolver must—
    - (a) if the advice or information is written—give a copy of it to the parties; or
    - (b) if the advice or information is oral—disclose the substance of the advice to the parties.

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27 Section 99 (Issue of certification)



**105 Parties to maintain secrecy of advice or information**

- (1) This section applies if under section 104(4) the dispute resolver gives advice or information, or discloses the substance of the advice or information, to a person who is a party to the dispute.
- (2) The person must not disclose the advice or information to another person unless the person has a reasonable excuse.  
Maximum penalty—20 penalty units.
- (3) It is a reasonable excuse for a person to disclose the advice or information if the disclosure is for—
  - (a) the resolution of the dispute; or
  - (b) an appeal against the dispute resolver's decision on the dispute.

**106 Decision binding**

- (1) The dispute resolver's decision under section 104 binds each party to the dispute.
- (2) A party may not apply for a review of, or appeal against, the order other than under the *Judicial Review Act 1991*.

**Division 5 Metering obligation if customer is contestable for premises****107 Customer's metering obligation**

- (1) This section applies if a customer is a contestable customer for the supply of electricity to a premises of the customer.
- (2) The customer must provide, install and maintain a 'metering installation' under the Market Code, chapter 7<sup>28</sup> for each

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28 Market Code, chapter 7 (Metering)

For the meaning of 'metering installation' under the Market Code, see the Market Code, chapter 10 (Glossary), definition *metering installation*.

electric line to the premises in the way required of a ‘Market Customer’ under that chapter.

Maximum penalty—20 penalty units.

## **Part 7                      Negotiated contracts before    commencement of Electricity    Amendment Act 1997**

### **108      Negotiated contracts**

- (1) This section applies to a negotiated contract entered into before the *Electricity Amendment Act 1997* commenced (the *commencement*) under the repealed section 243 of this regulation, as that section applied before the commencement.
- (2) From the commencement the negotiated contract is taken to be a negotiated customer sale contract.

## **Chapter 4                  Market and system    arrangements**

### **Part 1                      System and network control**

#### **Division 1                Operating electrical installations**

### **109      Market Code to be followed**

A person must comply with the Market Code in operating an electrical installation if the installation—

- (a) is connected directly to a transmission grid that is part of the Queensland system; or

- (b) is connected to a part of a supply network stated by the Queensland System Operator in a Market Code instrument to be relevant to the security and reliability of the Queensland system; or
- (c) includes facilities for the provision of ancillary services stated by the Queensland System Operator in a Market Code instrument to be relevant to the security and reliability or the economic operation of the Queensland system.

Maximum penalty—20 penalty units.

## **Division 2                      Network control**

### **110      Network operation not to interfere with Queensland system**

- (1) A distribution entity must not operate its supply network in a way that interferes with the performance of the Queensland system without the agreement of the Queensland System Operator.

Maximum penalty—20 penalty units.

- (2) In subsection (1)—

*operate* includes providing network control.

### **111      Market Code to be followed**

A person must comply with the Market Code in operating an electrical installation if the installation—

- (a) is connected directly to a supply network that is part of the Queensland system; or
- (b) includes facilities for the provision of ancillary services to the supply network.

Maximum penalty—20 penalty units.

**112 Dealings to be impartial**

An electricity entity must be impartial in its dealings in carrying out network control with all other electricity entities, special approval holders, contestable customers and other customers.

**113 Confidentiality**

- (1) An electricity entity may publish or release to a person information acquired by the entity in carrying out network control, and that gives or is likely to give the person a material commercial advantage over anyone else, only if the giving of the information is for another lawful purpose and any commercial advantage is merely incidental to the purpose.
- (2) Subsection (1) does not apply to the giving to a person information about the person or, with the person's written permission, to anyone else.

**114 Reasonable charges for services**

An electricity entity may charge electricity entities, special approval holders and contestable customers for the reasonable cost of carrying out its network control functions for the entity, holder or customer.

**Part 2 Conditions of authorities and special approvals****Division 1 Separation of industry sectors****115 Generation and retail sectors**

It is a condition of a generation authority that its holder must not hold a retail authority with a retail area.

**116 Distribution and retail sectors**

It is a condition of a distribution authority that its holder must not hold a retail authority.

**117 Retail and generation sectors**

It is a condition of a retail authority with a retail area that its holder must not hold a generation authority.

**Division 2 Compliance with Market Code****118 Compliance with Market Code instruments**

- (1) This section applies to the holder of an authority or special approval if the holder is a code participant.
- (2) It is a condition of an authority or special approval that its holder must comply with all Market Code instruments that apply to the activities authorised by the authority or special approval.
- (3) In this section—

*authority* means a generation authority, transmission authority, distribution authority or retail authority.

**Division 3 Miscellaneous****119 Compliance with regulator's decisions under s 80**

- (1) It is a condition of an electricity entity's authority that the entity must comply with a decision by the regulator under section 80<sup>29</sup> about a dispute to which the entity was a party.
- (2) However, the condition does not apply if the decision has been stayed.

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29 Section 80 (Dispute resolution)

**119A Compliance with disclosure requirements**

- (1) This section applies to a retail entity if—
  - (a) the entity proposes to enter into a negotiated customer sale contract with a customer to provide customer retail services to the customer's premises; and
  - (b) chapter 3, part 6, division 1, subdivision 4, applies to the making of the contract.<sup>30</sup>
- (2) It is a condition of the retail entity's retail authority that the entity must, before entering into the contract, comply with the requirements of section 100C.<sup>31</sup>

**Part 3 Special approvals****120 Approval to connect for generation plant of certain State electricity entities installed immediately before 1 January 1995**

- (1) Ergon Energy has a special approval authorising it to connect the generating plant installed before 1 January 1995 and vested in Capricornia Electricity Corporation, Far North Queensland Electricity Corporation or North Queensland Electricity Corporation as at 1 January 1995 to the transmission grid or supply network to which the generating plant was connected on 1 January 1995.
- (2) Section 27(a) and (c)<sup>32</sup> of the Act applies to Ergon Energy acting under the special approval as if it were a generation entity.

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30 Chapter 3 (Electricity supply and sale to customers), part 6 (Contestable customers), division 1 (General declarations), subdivision 4 (Actual or estimated consumption of less than 0.2 GWh)

31 Section 100C (Disclosures to customer)

32 Section 27 (Conditions of generation authority) of the Act

**121 Approval to connect for mobile generating plant for emergency or maintenance work by distribution entities**

- (1) A distribution entity has a special approval to connect mobile generating plant to its supply network to supply electricity during an emergency or maintenance work on the supply network.
- (2) Section 27(a) and (c) of the Act applies to a distribution entity acting under the special approval as if the supplier were a generation entity.

**122 Approval to connect certain generating plant with 30 MW or less capacity**

- (1) A person who operates generating plant with a capacity of 30 MW or less has a special approval to connect the generating plant to a transmission grid or supply network if electricity generated is not sold, other than to the retail entity in whose retail area the generation plant is located.
- (2) Section 27(a) and (c)<sup>33</sup> of the Act applies to the person acting under the special approval as if the person were a generation entity.

**123 Special approval holders treated as electricity entities—Act, s 59(2)**

- (1) A special approval holder stated in schedule 3, column 1, is to be treated as an electricity entity for the provisions of the Act stated in schedule 3, column 2, opposite the special approval holder.
- (2) To remove any doubt, it is declared that if a special approval holder is mentioned in more than 1 item in schedule 3, each of the items in which the holder is mentioned applies to the holder.

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33 Section 27 (Conditions of generation authority) of the Act

**124 Special approval for QETC**

QETC has a special approval to generate and sell electricity for a purpose or function mentioned in section 33(2)<sup>34</sup> of the Act.

## **Chapter 5 Prohibited interests**

**125 Generation authorities**

Holding a retail authority with a retail area is a prohibited interest for a generation entity.

**126 Distribution authorities**

Holding a retail authority is a prohibited interest for a distribution entity.

**127 Retail authorities**

Holding a generation authority is a prohibited interest for a retail entity that holds a retail authority with a retail area.

## **Chapter 5A 13% gas scheme**

### **Part 1 General provisions**

**127A Prescribed transmission zones—Act, s 135CO**

For section 135CO(1) of the Act, the following areas are prescribed—

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34 Section 33 (Additional condition not to buy and sell electricity) of the Act



- (a) each area identified in the zone forecasts under the latest annual planning report from time to time of Powerlink Queensland;<sup>35</sup>
- (b) the area of the national electricity market north of the Hunter Valley at Liddell and Newcastle on the coast through to the border between New South Wales and Queensland.

### **127B Prescribed programs—Act, s 135GR**

For section 135GR(1)(b) of the Act, the following are prescribed—

- (a) the *Renewable Energy (Electricity) Act 2000* (Cwlth);
- (b) the program under the document called the ‘National Green Power Accreditation Document’ made by the National Green Power Accreditation Steering Group.<sup>36</sup>

## **Part 2 Monitoring**

### **127C Appointment conditions for approved auditors—Act, s 135IG**

- (1) This section states, for section 135IG(1)(c) of the Act, conditions on which an approved auditor holds office.
- (2) The auditor must personally not create, or become the registered owner of, a GEC.
- (3) In carrying out an audit, the auditor must act honestly and in good faith.
- (4) If an auditable person or the regulator commissions the auditor to carry out an audit, the auditor must not carry out, or negotiate the carrying out, of other work for reward for the

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35 At the commencement of this section the document was available on the internet at <<http://www.powerlink.com.au>>.

36 At the commencement of this section the document was available on the internet at <[www.greenpower.com.au](http://www.greenpower.com.au)>.

auditable person until the regulator has, under section 135IP or 135IT<sup>37</sup> of the Act, been given a report about the audit.

- (5) If the auditor becomes aware of a possible conflict of interest relating to an audit, the auditor must, as soon as possible, give the regulator a written notice—
  - (a) describing the possible conflict; and
  - (b) stating all relevant circumstances.
- (6) If the regulator commissions the auditor to carry out an audit and the regulator asks, the approved auditor must demonstrate to the regulator that the auditor's costs of carrying out the audit and giving the regulator a report about the audit were properly and reasonably incurred.
- (7) In this section—

*audit* means an audit under chapter 5A, part 7 of the Act.

#### **127D Prescribed contents for audit reports—Act, ss 135IP and 135IT**

For sections 135IP(1)(b) and 135IT(1)(b) of the Act, all of the following information is prescribed—

- (a) the approved auditor's name and details of appointment;
- (b) the day the audit started;
- (c) the day the audit finished;
- (d) the address at which the audit took place;
- (e) the duration of the audit;
- (f) the name of the person who commissioned the audit;
- (g) the name of the auditable person to whom the audit related;
- (h) each matter (a *required matter*) for which the audit was required;
- (i) the period to which the audit applied;

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<sup>37</sup> Section 135IP (Regulator may require audit) or 135IT (Regulator may carry out audit) of the Act

- (j) details of sites, activities, material or matters examined for each required matter;
- (k) the names of any individuals appointed by the auditable person to give the approved auditor help and information;
- (l) whether, in the approved auditor's opinion, the auditable person complied with chapter 5A of the Act for each required matter;
- (m) if the approved auditor's opinion is that the auditable person did not comply with chapter 5A of the Act for any required matter—
  - (i) details of the noncompliance; and
  - (ii) the facts and circumstances used to form the opinion;
- (n) any recommendations of the approved auditor.

## **Chapter 6            Energy efficiency and performance of electrical equipment**

### **Part 1                Minimum energy efficiency and performance**

#### **Division 1            Registration**

##### **128    Application for registration**

- (1) An application for registration of an item of prescribed electrical equipment must—
  - (a) be made in the form for the application set out in the relevant standard; and
  - (b) be accompanied by each of the following—

- (i) the prescribed fee;
  - (ii) the test results and calculations mentioned in the relevant standard;
  - (iii) the other test results mentioned in the relevant standard, in the form for the results set out in the standard;
  - (iv) for an item mentioned in schedule 4, part 1—a sample of a label for the item;
  - (v) for an item mentioned in schedule 4, part 3 that is to be labelled—a sample of a label for the item;
  - (vi) if required by the regulator, a sample of the equipment;
  - (vii) any other relevant information the regulator requires to decide the application.
- (2) The application may specify a range of models of the 1 brand in the same application if each of the models has the same relevant physical characteristics, energy efficiency and performance characteristics.
- (3) If a person other than the applicant signs the application, the application must be accompanied by the applicant's written authority for the person to sign the application.
- (4) The regulator may waive the requirement under subsection (1)(b)(ii) and (iii).

## **129 Requirements for registration**

- (1) The regulator may register an item of prescribed electrical equipment only if the regulator considers—
  - (a) the item complies with section 130; and
  - (b) for equipment mentioned in schedule 4, part 1—the equipment's label conforms with section 142; and
  - (c) for equipment mentioned in schedule 4, part 3 that is to be labelled—the equipment's label conforms with section 142.
- (2) If the regulator refuses to register the item, the regulator must give the applicant an information notice about the refusal.

**130 Minimum energy efficiency and performance criteria**

- (1) This section states the requirements an item of prescribed electrical equipment must comply with for section 129(1)(a).
- (2) An item of prescribed electrical equipment mentioned in schedule 4, part 1 or 3 must, if tested in accordance with part 1 of the relevant standard, comply with the performance criteria for the item in the relevant standard.
- (3) An item of prescribed electrical equipment mentioned in schedule 4, part 2 must comply with the energy efficiency requirements for the item in the relevant standard.

**131 Notice of registration**

Within 28 days after registering an item of prescribed electrical equipment, the regulator must give written notice of the registration, and the date of registration, to the applicant.

**132 Term of registration**

Registration of an item of prescribed electrical equipment is for 5 years unless it is cancelled earlier.

**133 Change of name or address**

- (1) The holder of a registration of an item of prescribed electrical equipment whose name or address changes must, within 14 days after the change, give written notice of it to the regulator.

Maximum penalty—8 penalty units.

- (2) The regulator must enter details of the new name or address in the register.

**134 Changing energy efficiency label identifying electrical equipment**

- (1) The holder of a registration of an item of prescribed electrical equipment with an energy efficiency label may apply to the regulator for approval of a change to the label to reflect a

change in the way an item of electrical equipment of the type to which the label relates is identified.

- (2) The regulator may approve the change if the application—
  - (a) is made in the approved form; and
  - (b) is accompanied by—
    - (i) the prescribed fee; and
    - (ii) a sample of the changed energy efficiency label.

### **135 Refusal to change energy efficiency label**

If the regulator refuses to approve a change to an energy efficiency label for which application is made, the regulator must give the applicant an information notice about the refusal.

### **136 Notice of change to energy efficiency label**

Within 28 days after approving a change to an energy efficiency label, the regulator must give written notice of the change to the holder of the label.

## **Division 2                      Transfer and cancellation of registration**

### **137 Transfer of registration**

- (1) If the holder of a registration of an item of prescribed electrical equipment proposes to transfer the registration to someone else (the *proposed transferee*), the proposed transferee may apply to the regulator for approval of the transfer.
- (2) The regulator must approve the transfer if the application—
  - (a) is made in the approved form; and
  - (b) is accompanied by—
    - (i) the prescribed fee; and
    - (ii) the holder's written agreement to the transfer.

- (3) If the regulator refuses to approve the transfer, the regulator must give the applicant an information notice about the refusal.

### **138 Notice of transfer**

Within 28 days after approving the transfer, the regulator must give written notice of the transfer to the proposed transferee and the former holder of the registration.

### **139 Cancellation of registration**

- (1) The regulator may, subject to section 140, cancel the registration of an item of prescribed electrical equipment if—
  - (a) the regulator examines or tests the item and finds that it does not comply with the relevant standard; or
  - (b) the holder of the registration engages in conduct likely to mislead the public about the performance, rating, capacity or the characteristics of the item required by the relevant standard; or
  - (c) the holder gave the regulator false or misleading information about the application for registration, or transfer of registration, of the item; or
  - (d) the holder fails to pay the fee, if any, for the registration; or
  - (e) the holder asks for the cancellation.
- (2) If registration of an item (the *primary item*) of prescribed electrical equipment is cancelled, the regulator may also cancel the registration of any other item of prescribed electrical equipment that the regulator is satisfied—
  - (a) has the same relevant physical characteristics, energy efficiency and performance characteristics as the primary item; and
  - (b) was registered on the basis of the same test results as the test results for the primary item.
- (3) If the regulator decides to cancel the registration, the regulator must give the holder an information notice about the decision.

**140 Procedure before cancellation**

- (1) If the regulator considers a ground exists to cancel the registration of an item of prescribed electrical equipment, other than at the request of the registration holder, the regulator must, before taking the action, give the holder written notice—
  - (a) stating the regulator is considering cancelling the registration; and
  - (b) stating the grounds for the proposed cancellation; and
  - (c) outlining the facts and circumstances forming the basis for the grounds; and
  - (d) inviting the holder to show, within a stated time of at least 15 business days, why the registration should not be cancelled.
- (2) If, after considering all written representations made by the holder within the stated time, the regulator still considers a ground exists to cancel the registration, the regulator may cancel the registration.
- (3) Cancellation of registration takes effect on the sixth business day after the holder is given an information notice under section 139(3).

**141 Notice, by holder, of cancellation of registration**

- (1) Immediately on receipt of an information notice about cancellation of the registration of an item of prescribed electrical equipment, the holder of the registration must give written notice of the cancellation to each person to whom the holder has sold an item of the type that was registered.
- (2) Subsection (1) does not require the giving of a notice to a person to whom the type of item had been sold by retail or had been sold at least 1 year before the notice was received.



## **Division 3                      Energy efficiency label**

### **142      Energy efficiency label**

An energy efficiency label<sup>38</sup> for an item of prescribed electrical equipment mentioned in schedule 4, part 1 or 3 must—

- (a) comply with the labelling requirements of the relevant standard for the item; and
- (b) be attached to the item—
  - (i) in the way shown in the relevant standard; or
  - (ii) in another way approved by the regulator; and
- (c) not be attached in a way that it is obscured from view; and
- (d) not contain any figures, symbols or other words likely to mislead the public about the item's comparative energy consumption, energy efficiency rating or performance characteristics.

## **Division 4                      Register**

### **143      Register**

- (1) The regulator must keep a register of each item of prescribed electrical equipment registered by the regulator.
- (2) The regulator may enter in the register any particulars contained in an application for registration, or transfer of registration, of the item.
- (3) The register may be kept in a way the regulator considers appropriate.
- (4) The register may form part of a national register.

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38 See part 3 (Offences) for when equipment must be labelled.

**144 Inspection of register**

The regulator must—

- (a) keep the register open for inspection, on payment of the prescribed fee, by members of the public during office hours on business days; and
- (b) on payment of the prescribed fee, give the person a copy of an entry in the register.

**Part 2 Testing and test reports****Division 1 Preliminary****145 Testing of prescribed electrical equipment**

- (1) An item of prescribed electrical equipment mentioned in schedule 4, part 1 or 3 must be tested under this part in accordance with part 1 of the relevant standard to find out whether it complies with the performance criteria in the relevant standard.
- (2) An item of prescribed electrical equipment mentioned in schedule 4, part 2, item 1, must be tested under this part to find out whether it complies with the energy efficiency requirements in the relevant standard.
- (3) An item of prescribed electrical equipment mentioned in schedule 4, part 2, item 2, must be tested under this part in accordance with part 102.3 of the relevant standard to find out whether it complies with the minimum energy performance requirements in part 5 of the relevant standard.
- (4) An item of prescribed electrical equipment mentioned in schedule 4, part 2, item 3, 4 or 5, must be tested under this part to find out whether it complies with the minimum energy performance requirements in the relevant standard for the item.
- (5) The testing may be done only by an entity approved by the regulator.

**146 Test reports**

- (1) The results of the test must be recorded in a test report.
- (2) The test report must be in the approved form and contain the following information about the test—
  - (a) the provision of this regulation under which the testing was conducted;
  - (b) the name of the entity that conducted the test;
  - (c) the date of the test;
  - (d) the date of the report;
  - (e) the results of the test;
  - (f) other information required to be included in the report under this part.

**Division 2 Check testing****147 Requirement by regulator to make available prescribed electrical equipment for testing**

- (1) The regulator may, by written notice given to the holder of the registration of an item of prescribed electrical equipment, require the holder to make an item of the type registered available for the testing (*check testing*) mentioned in section 145.
- (2) The requirement must state—
  - (a) the period, of at least 1 month from the giving of the requirement, within which the item must be made available; and
  - (b) the place where the item is to be made available; and
  - (c) an amount estimated to cover the actual, reasonable cost of the check testing and when it is to be paid to the regulator.
- (3) The holder must make the item available and pay the amount as stated in the requirement.

**148 What happens if check testing shows noncompliance**

- (1) This section applies if a check test shows that an item of prescribed electrical equipment does not comply with a performance criteria or energy efficiency requirement of the relevant standard.
- (2) If the actual cost of testing the item is greater than the amount paid under section 147(3) for the check test, the difference may be recovered by the regulator from the holder as a debt owing to the State.
- (3) This section does not affect section 139.

**149 What happens if check testing shows compliance**

- (1) This section applies if a check test shows that an item of prescribed electrical equipment complies with the performance criteria or energy efficiency requirements of the relevant standard.
- (2) The regulator must refund to the holder the amount paid under section 147(3) for the check test.
- (3) The amount may be recovered by the holder from the regulator as a debt owing by the State to the holder.

**150 Return of equipment made available to the regulator**

- (1) This section applies if, at the regulator's request, a person makes available to the regulator free of charge an item of prescribed electrical equipment for testing or with an application under this chapter.
- (2) The regulator must notify the person that the equipment is available for collection by the person at a stated place as soon as practicable after—
  - (a) for an item made available for testing—
    - (i) if the regulator believes, on reasonable grounds, that the item is required as evidence in a prosecution for an offence—the prosecution and any appeal from the prosecution; or
    - (ii) if subparagraph (i) does not apply—the testing; or

- (b) for an item made available with an application—the regulator decides the application.
- (3) Despite subsection (2)(a)(i), the regulator must notify the person immediately after the earlier of the following—
  - (a) the regulator decides the equipment is not required as evidence;
  - (b) a prosecution for an offence involving the type of equipment is not started within 6 months from when the notice would have been given if subsection (2)(a)(i) had not applied.
- (4) If, at the end of 6 months after the notice is given, the equipment has not been collected, the regulator may dispose of the item as the regulator considers appropriate and the person is not entitled to claim for the appliance or any loss or damage to it.

## Part 3                      Offences

### 151      **Part does not apply to second-hand prescribed electrical equipment**

This part does not apply to a second-hand item of prescribed electrical equipment.

### 152      **Prescribed electrical equipment in sch 4, pt 1 must be registered and labelled**

- (1) A person must not sell an item (the *sale item*) of prescribed electrical equipment mentioned in schedule 4, part 1 unless—
  - (a) an item of the same type of prescribed electrical equipment as the sale item is registered under section 129; and
  - (b) an energy efficiency label is attached to the sale item and the label conforms with, and is attached in the way required by, section 142.

Maximum penalty—20 penalty units.

- (2) Subsection (1) does not apply if—
- (a) the sale item is registered under a corresponding law; and
  - (b) an energy efficiency label is attached to the sale item and the label conforms with, and is attached in the way required by, the corresponding law.

**153 Prescribed electrical equipment in sch 4, pt 2 must be registered**

A person must not sell an item of prescribed electrical equipment mentioned in schedule 4, part 2 unless an item of the same type of prescribed electrical equipment as the item is registered under section 129.

Maximum penalty—20 penalty units.

**154 Prescribed electrical equipment in sch 4, pt 3 must be registered and may be labelled**

- (1) A person must not sell an item (the *sale item*) of prescribed electrical equipment mentioned in schedule 4, part 3 unless—
- (a) an item of the same type of prescribed electrical equipment as the sale item is registered under section 129; and
  - (b) if an energy efficiency label is attached to the sale item, the label conforms with, and is attached in the way required by, section 142.

Maximum penalty—20 penalty units.

- (2) Subsection (1) does not apply if—
- (a) the sale item is registered under a corresponding law; and
  - (b) if an energy efficiency label is attached to the sale item, the label conforms with, and is attached in the way required by, the corresponding law.

**155 Representations about 3-phase cage induction motors**

A person must not represent that a 3-phase cage induction motor mentioned in schedule 4, part 2, item 2, is a high efficiency motor unless the motor complies with the high efficiency performance requirements for the item in part 5 of the relevant standard.

Maximum penalty—20 penalty units.

**155A Fluorescent lamp ballast**

- (1) This section applies to a fluorescent lamp ballast, other than a ballast to which the standard mentioned in schedule 4, part 1, item 6, applies.
- (2) A person must not attach an energy efficiency label to the ballast unless the label—
  - (a) complies with the labelling requirements of the standard mentioned in subsection (1); and
  - (b) is attached to the ballast in the way shown in the standard.

Maximum penalty—20 penalty units.

- (3) If an energy efficiency label is attached to the ballast, a person must not sell the ballast unless it conforms with the energy efficiency rating shown on the label.

Maximum penalty—20 penalty units.

## **Chapter 7      Employment in government owned electricity industry**

### **Part 1            General employment conditions and entitlements**

#### **Division 1        Preliminary**

##### **156      Definitions for pt 1**

In this part—

*EGTS award* means the Electricity Generation Transmission and Supply Award—State.

*electricity industry employee*, for a state electricity entity, means a person—

- (a) who is employed by the entity; and
- (b) whose employment is—
  - (i) in, or relates to, the electricity industry; and
  - (ii) under a classification and salary level or point mentioned in the ESIE award or EGTS award.<sup>39</sup>

*ESIE award* means the Electricity Supply Industry Employees Award—State.

*industrial instrument* means an industrial instrument under the Industrial Relations Act.

*relevant award* see section 159.

*translation principles* means part 3.2 of the document called ‘Implementation Guide for Award Restructuring in the

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<sup>39</sup> See the ESIE award, part 3 (Definition, wages, allowances) and the EGTS award, part 3 (Definitions, salaries, allowances).



Queensland Electricity Supply Industry', issued by the former Queensland Electricity Commission on 21 November 1994.<sup>40</sup>

## **Division 2                    Award conditions and entitlements for electricity industry employees**

### **157    Purpose of div 2**

This division provides for the conditions and entitlements of employment for State electricity entities and their electricity industry employees by reference to an award under the Industrial Relations Act.

### **158    Application of div 2 to Ergon Energy Pty Ltd**

This division does not apply to the State electricity entity Ergon Energy Pty Ltd (ACN 078 875 902) and its electricity industry employees until 6 months after this section commences.

### **159    Relevant award**

- (1) This section fixes the award (the *relevant award*) that contains the conditions and entitlements for an electricity industry employee of a State electricity entity.
- (2) If the employee has, under the translation principles, chosen to be bound by the ESIE award, the ESIE award is the relevant award.
- (3) Otherwise, the EGTS award is the relevant award.

### **160    Relevant award is binding**

The relevant award for an electricity industry employee of a State electricity entity binds the entity and the employee.

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40 'Implementation Guide for Award Restructuring in the Queensland Electricity Supply Industry', part 3.2 (Translation principle)

For where the principles may be inspected, see section 163 (State electricity entity must display translation principles).

**161 Relevant award subject to Industrial Relations Act**

Subject to section 162, the Industrial Relations Act applies to the relevant award for an electricity industry employee of a State electricity entity as if the relevant award were an award under that Act that binds the entity and the employee.<sup>41</sup>

**Division 3 Miscellaneous****162 Chapter 7 prevails over industrial instruments**

If there is any inconsistency between this chapter and the relevant award or another industrial instrument that applies to electricity industry employees of State electricity entities, this chapter prevails to the extent of the inconsistency.

**163 State electricity entity must display translation principles**

- (1) This section applies to a workplace where a relevant award has application.<sup>42</sup>
- (2) A State electricity entity bound by the relevant award must display the translation principles in a conspicuous place at the workplace where they may easily be read by the entity's electricity industry employees in the workplace.
- (3) However, a contravention of this section is not an offence.

**164 Secondment does not affect employment in the GOE industry**

A person employed by a State electricity entity is taken, while performing duties on secondment to another entity, to continue to be employed by the State electricity entity.

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41 The Industrial Relations Act provides for the making, amendment and repeal of awards and for their relationship with other types of industrial instruments. Generally, see chapters 5 (Awards) and 6 (Agreements), and also section 165 (Certified agreement's effect on awards, agreements or orders) of that Act.

42 See also the Industrial Relations Act, section 697 (Copy of award and certified agreement to be displayed).

**165 Continuous service**

If an employee works, takes authorised leave, or is paid for an absence under the *Workers' Compensation and Rehabilitation Act 2003* for an injury sustained by the employee, a period when the employee is or would be rostered for work is a period of continuous service by the employee.

*Examples of continuous service—*

- 1 A full-time employee has a fortnight of continuous service, even though a rostered day off is taken in the fortnight.
- 2 A part-time employee has a fortnight of continuous service if the employee works the days rostered for the employee in the fortnight.

**166 Calculation at a proportionate rate for particular employee**

- (1) If this chapter provides, for a part-time employee, a quantity or amount (the *proportionate amount*) to be a proportion of another quantity or amount relating to a full-time employee (the *regular amount*), the proportionate amount must be worked out as follows—

**regular amount x work hours**

**36.25**

- (2) In subsection (1)—

*work hours* means the period (in hours and, if necessary, a fraction of an hour) for which the part-time employee is scheduled to work.

**Part 2 Transfer of employment within GOE industry****167 Application of this part**

This part applies to a person who transfers employment within the GOE industry (the *transferred employee*).

**168 When there is transfer of employment within GOE industry**

- (1) In this part, a person employed in the GOE industry transfers employment within the GOE industry if the person resigns from employment with a State electricity entity (the *former employer*) to be employed by another State electricity entity (the *new employer*).
- (2) The transfer is effective when the employee starts employment with the new employer (the *transfer day*).

**169 When employment with former employer and new employer is taken to be continuous service**

- (1) This section applies if the transfer day is not more than 1 month after the transferred employee ends employment with the former employer.
- (2) To decide leave entitlements of the transferred employee as an employee of the new employer—
  - (a) the employee's continuous service in the GOE industry immediately before ending employment with the former employer is taken to be service continuous with service with the new employer from the transfer day; and
  - (b) the entitlement is reduced by leave accrued (or a pro rata amount for leave not yet accrued) during the service and taken or paid for by an employer of the employee.

**170 Transferred employee may elect for leave entitlement to become leave entitlement with new employer**

- (1) This section applies if a transferred employee is entitled to payment by the former employer of an amount as cash equivalent for accrued leave (or a pro rata amount for leave not yet accrued).
- (2) Before the transfer day, the employee may, by written notice to the former employer, elect for payment not to be made to the employee and, instead, an equivalent amount of leave to be treated as leave accrued by the employee as an employee of the new employer or, for the pro rata amount, as service with the new employer.

- (3) The election may be for all or part of the payment.
- (4) On the making of the election, the former employer must pay the amount stated in the notice not to the employee but to the new employer and give to the new employer a certificate of the amount of the leave, or service for which a pro rata amount would have been paid, to which the payment relates.
- (5) The new employer must treat the employee as having accrued the leave or, for the pro rata amount, having the service with the new employer.

**171 Payment by former employer to new employer towards long service leave entitlements not accrued on transfer**

- (1) This section applies if—
  - (a) at the transfer day, the transferred employee did not have accrued long service leave entitlements; and
  - (b) the employee later accrues a long service leave entitlement by counting service with the former employer as service with the new employer.
- (2) If asked by the new employer, the former employer must pay to the new employer an amount for the long service leave entitlements that would have accrued to the former employee because of the employee's service with the former employer had there been no limit on the employee's period of service before the leave entitlement accrued.
- (3) The amount is the amount the employee would have been paid by the former employer if the employee had, immediately before the transfer day, taken the proportion of the leave accrued relating to the service up to the transfer day.

**172 Transferred employees not made redundant**

A transferred employee is not made redundant merely because of the transfer.

**173 Employment conditions not generally transferred**

A transfer of employment within the GOE industry does not transfer any employment conditions or entitlements to the



- (3) Subsection (2) is subject to any Act, law or award binding on the employer providing for recognition of the previous service of the employee on conditions more favourable to the employee than the conditions in the subsection.
- (4) An employee in the GOE industry is entitled to any leave or other entitlement accruing because of the recognition of service under this part, but leave or other entitlement availed of, or for which the employee was paid a cash equivalent, must be deducted from the accrued entitlement.
- (5) An appeal does not lie against a decision of the employer about the existence or otherwise of special circumstances under subsection (2)(b).

## **Part 4 Long service leave**

### **Division 1 Entitlement**

#### **Subdivision 1 General entitlement provision**

##### **176 Entitlement to long service leave**

- (1) A GOE industry employee is entitled to long service leave under this part if—
  - (a) the employee has at least 10 years continuous service; or
  - (b) the person dies or resigns and has at least 5 years continuous service ending when the person died or resigned.
- (2) Subsection (1)(b) only applies to an employee who resigns before reaching 55 if the employee gives to the employer a certificate, from an appropriate doctor, stating the person can not continue in the person's present employment because of the employee's ill health.
- (3) This part does not limit another entitlement to long service leave that the employee may have.

(4) In this section—

*appropriate doctor* means a doctor who the employer is satisfied has the appropriate expertise to decide whether or not the person is able to continue in the person's present employment.

## **Subdivision 2 Service and continuity of service**

### **177 Service recognised for long service leave purposes**

For this part, continuous service for a GOE industry employee means—

- (a) service that is actually continuous; and
- (b) a period of former service that, under section 175,<sup>43</sup> is recognised for working out the period of service of the employee in the GOE industry; and
- (c) for an employee who became a GOE industry employee on 1 January 1995 because of the *Government Owned Corporations (QGC Corporatisation) Regulation 1994* or the *Government Owned Corporations (QTSC Corporatisation) Regulation 1994* under the GOC Act—previous service, including broken service, recognised as service for long service leave purposes under the repealed *Electricity Act 1976*.

### **178 Casual employees**

- (1) The service of a GOE industry employee with a State electricity entity (the *employer*) who has been employed more than once by 1 or more State electricity entities over a period is continuous service with the employer even though—
  - (a) the employment is broken; or
  - (b) any of the employment is not full-time employment; or
  - (c) the employee is employed by the entity or entities under 2 or more employment contracts; or

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43 Section 175 (Recognition of previous service)



- (d) the employee would, apart from this section, be taken to be engaged in casual employment; or
  - (e) the employee has engaged in other employment during the period.
- (2) However, the continuous service ends if the employment is broken by more than 3 months between the end of 1 employment contract and the start of the next employment contract.
- (3) In working out the length of a the employee's continuous service—
- (a) service by the employee before 23 June 1990 must not be taken into account; and
  - (b) subject to subsection (2), a period when the employee was not employed by the entity or entities must be taken into account.

### **179 Periods of absence without pay that count as 'service'**

In this part, an employee's absence without pay from employment is only counted as the employee's service if—

- (a) the absence is as sick leave for not more than 3 months; or
- (b) the employee is paid for the absence under the *Workers' Compensation and Rehabilitation Act 2003* for an injury sustained by the employee; or
- (c) the absence is for leave (other than sick leave) of not more than 2 weeks granted by the employer; or
- (d) the employer has approved the inclusion of the period of the absence in the employee's period of service for this part; or
- (e) the employee is a casual employee and section 178 applies.

## Subdivision 3 Calculation of entitlement

### 180 Calculation of long service leave

- (1) Long service leave is calculated at the rate of 1.3 weeks on the appropriate pay for each year of the employee's continuous service.
- (2) The appropriate pay is—
  - (a) for a full-time employee—at the full pay rate; and
  - (b) for a part-time employee—at a proportionate amount of full pay rate; and
  - (c) for a casual employee—the hourly rate for ordinary time payable to the employee—
    - (i) if the employee takes the long service leave—on the day the employee starts the leave; or
    - (ii) if the employee's employment is terminated—on the day the termination takes effect.
- (3) The minimum amount payable to a casual employee for long service leave is worked out using the formula—

$$\frac{\text{actual service}}{52} \times \frac{13}{10} \times \text{hourly rate}$$

where—

*actual service* means the total ordinary working hours actually worked by the employee during the employee's period of continuous service.

*hourly rate* means the hourly rate under subsection (2)(c).

### 181 Casual employees—conversion to full time equivalent

- (1) A State electricity entity may agree with a casual employee that the employees's entitlement to long service leave may be taken in the form of its full-time equivalent.

*Example for subsection (1)—*

If a casual employee—

- (a) is entitled to be paid for 290 hours long service leave; and

- (b) works under an award that provides for a full-time working week of 36.25 ordinary working hours;  
the employee and the employer may agree that the employee takes 8 weeks leave ( $290 \div 36.25 = 8$ ).
- (2) This section applies subject to an industrial instrument about the employee's long service leave.

## **Division 2                    Obtaining long service leave**

### **182    Applications for long service leave**

An employee who has an entitlement to long service leave and wishes to take long service leave must make written application to the employer for the leave giving timely notice of the wish to start the leave.

### **183    Employer's right to refuse or defer long service leave**

- (1) An employer may refuse an employee's application for long service leave if—
  - (a) timely notice was not given; or
  - (b) the granting of the leave applied for would be unreasonably detrimental to the work of the branch or section in which the applicant is employed.
- (2) If an application is refused, the employer must arrange with the employee for the leave applied for to be taken as soon as is mutually convenient.

## **Division 3                    Miscellaneous provisions**

### **184    Minimum period**

The minimum period of long service leave that may be granted at a time is 2 weeks.

**185 Employer's right to recall an employee from leave**

- (1) If special circumstances exist, an employer may cancel long service leave already granted or recall an employee to duty from long service leave.
- (2) If an employer acts under subsection (1), the employee has a discretion—
  - (a) to agree with the employer to take the long service leave, or the balance of long service leave, at a mutually convenient time; or
  - (b) to require the employer to credit the leave or balance of leave to undrawn long service leave entitlement.

**186 Public holidays happening during long service leave**

If an employee is entitled under the employee's terms of employment to a particular public holiday and the public holiday happens during a period when the employee is absent on long service leave, a day is added to the employee's period of leave.

**187 Illness during long service leave**

- (1) This section applies if, for a period of at least 1 week while an employee is on long service leave the employee, if the employee had not been on leave, could not have performed the employee's normal duties because of illness or injury.
- (2) The employer must approve the granting of sick leave instead of long service leave for the period of the inability to perform normal duties if—
  - (a) the employee makes written application for the leave; and
  - (b) the employee produces a medical certificate from a doctor stating the employee, if the employee had not been on leave, could not have performed the employee's normal duties because of illness or injury; and
  - (c) the entire period mentioned in subsection (1) is covered by the medical certificate produced.

- (3) Subsection (2) may apply to more than 1 period of sick leave if subsection (2) is complied with for each period.
- (4) The period of sick leave granted instead of long service leave under subsection (2) (the *adjusted period*) is the period for which the employee would have been absent on sick leave had the employee not been on long service leave.
- (5) If an employee is granted a period of sick leave under subsection (2)—
  - (a) the day the employee is to resume duties after the long service leave is not affected; and
  - (b) the adjusted period is added to the employee's entitlement to long service leave.
- (6) As soon as practicable after being granted a period of sick leave under subsection (2), the employee may ask the employer for an extension of the period for which the employee is currently absent on long service leave.
- (7) If the employer agrees to the request—
  - (a) the period for which the employee is currently absent on long service leave is extended by the adjusted period; and
  - (b) the employee's entitlement to long service leave is not affected.
- (8) This section applies despite section 179 but subject to sections 183 and 185.

### **188 Payment of cash equivalent of long service leave**

- (1) This section applies if, on the day an employee's employment ends (the *last day*), the employee is entitled to a period of long service leave.
- (2) The employer must make a payment instead of granting the employee the period of long service leave.
- (3) The amount of the payment is an amount equal to the amount that would have been paid to the employee if the employee had, on the last day, taken all long service leave to which the employee was entitled on the last day.

- (4) If the employee has not died, the employer must pay the amount to the employee on the last day.
- (5) If the employee has died, the employer must pay the amount as soon as is practicable—
  - (a) to the persons (if any) who, the employer is satisfied, are completely or substantially dependent on the earnings of the employee; or
  - (b) in other cases—to the employee's personal representative.

### **189 Preservation of certain existing rights**

- (1) This section applies to an employee (the *affected employee*) who became a GOE industry employee on 1 January 1995 because of the *Government Owned Corporations (QGC Corporatisation) Regulation 1994* or the *Government Owned Corporations (QTSC Corporatisation) Regulation 1994* under the GOC Act and who, under the long service leave arrangements of the *Electricity Act 1976*, would have been entitled—
  - (a) to a greater period of long service leave than the entitlement under this regulation; or
  - (b) to an amount of cash equivalent of long service leave greater than the amount of cash equivalent of long service leave to which the employee is entitled under this part; or
  - (c) either, to long service leave or to a cash equivalent of long service leave under the arrangements and is not entitled to long service leave or a cash equivalent of long service leave under this part.
- (2) If the affected employee complies with the appropriate sections of this part, the employee is entitled to be granted the greater period of long service leave or the long service leave or to be paid the amount of cash equivalent of long service leave that is greater in amount or the cash equivalent of long service leave to which the employee would have been entitled if the long service leave arrangements had remained in force.

- (3) The granting of long service leave or the payment of a cash equivalent of long service leave under this section is otherwise subject to this part.

## **Part 5                      Locality allowances**

### **190      Application of pt 5**

This part does not apply for a casual employee.

### **191      Allowance payable to a GOE industry employee with a dependent spouse or dependent child**

- (1) A State electricity entity must pay a locality allowance to its employee who—
- (a) is stationed at a centre in relation to which a locality allowance is payable under a directive issued under the *Public Service Act 1996*; and
  - (b) proves to the satisfaction of the employer that the employee has a dependent spouse or dependent child.
- (2) The locality allowance is payable—
- (a) for a full-time employee—at the appropriate rate set out in the directive; and
  - (b) for a part-time employee—at a proportionate amount of the rate payable under paragraph (a).
- (3) Subsection (2) is subject to section 193.<sup>44</sup>
- (4) An employee who is paid the locality allowance must notify the employer immediately an event affecting the entitlement to receive the allowance happens.

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44 Section 193 (Allowance payable if both spouses are entitled)

**192 Allowance payable to other employees**

- (1) A State electricity entity must pay a locality allowance to its employee (other than an employee who has a dependent spouse or dependent child) who is stationed at a centre in relation to which a locality allowance is payable under a directive issued under the *Public Service Act 1996*.
- (2) The locality allowance is payable—
  - (a) for a full-time employee—at one-half the appropriate rate set out in the directive; and
  - (b) for a part-time employee—at a proportionate amount of the rate payable under paragraph (a).
- (3) If the State electricity entity is satisfied special circumstances exist, the entity may pay to the employee a greater locality allowance, not more than the locality allowance payable to an employee who has a dependent spouse or dependent child stationed at the same centre.

**193 Allowance payable if both spouses are entitled**

- (1) This section applies to a GOE industry employee who—
  - (a) is entitled to be paid a locality allowance under this part; and
  - (b) has a spouse who—
    - (i) is also entitled to be paid a locality allowance under this part; or
    - (ii) is employed by the State or a State instrumentality and is also entitled to be paid a locality allowance under an Act.
- (2) The locality allowance payable to the GOE employee is as stated in section 192 and not as stated in section 191.<sup>45</sup>
- (3) This section applies whether or not the employee has a dependent child.

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45 Section 191 (Allowance payable to a GOE industry employee with a dependent spouse or dependent child)



**194 Allowance payable to an employee absent from headquarters on duty**

The locality allowance for a GOE industry employee must not be reduced because the employee is necessarily absent from headquarters overnight on duty and is given free board and accommodation or paid an away from home allowance in place of board and accommodation.

**195 Allowance payable to an employee on leave**

- (1) The locality allowance for a GOE industry employee must not be reduced because the employee is absent on recreation leave, sick leave or long service leave.
- (2) If the employee is absent on special leave, the employer may pay the allowance to the employee.
- (3) No locality allowance is payable to an employee who is absent on leave without pay.

**196 Building projects where site allowance is paid**

If a GOE industry employee is stationed at a building project site and is paid a site allowance for employment at the site, the employer must, instead of paying the locality allowance prescribed by this part, pay to the employee—

- (a) the divisional allowance or district parity allowance, or both, generally applying at the building project site under awards of the Industrial Relations Commission; and
- (b) the site allowance payable; and
- (c) so much of the locality allowance prescribed by this part (if any) that is more than the total of the amounts under paragraphs (a) and (b).

## **Part 6 Overtime payments**

### **197 Overtime payments**

- (1) This section applies to a GOE industry employee or AUSTA Energy Corporation Limited ACN 078 848 781 employee who is employed—
  - (a) by an employer declared by the Governor in Council; and
  - (b) for a salary of more than the amount declared by the Governor in Council.
- (2) The working of overtime by the employee, and the rate at which payment for the overtime is paid, is in the employer's discretion.

## **Part 7 Provisions concerning electricity industry restructure**

### **198 Continuation of employment if employer becomes a GOC**

- (1) This section applies to a person if—
  - (a) the person was a GOE industry employee immediately before the commencement; and
  - (b) the person's employer becomes a GOC under the—
    - (i) *Government Owned Corporations (QTSC Restructure—Stage 2) Regulation 1997*; or
    - (ii) *Government Owned Corporations (QGC Restructure—Stage 2) Regulation 1997*; and
  - (c) the person continues to be employed by the GOC after the employer becomes a GOC.
- (2) To remove any doubt, the person's employment is taken to have continued with the same employer despite—
  - (a) the employer becoming a GOC; or

- (b) any change to the employer's share capital, shareholding, legal personality or functions.

### **199 Meaning of *redundant* and *redundant employee***

- (1) An employee becomes *redundant* if the person's employer no longer needs or has a substantially diminished need for services of a particular kind performed by the person.
- (2) A person is a *redundant employee* if—
  - (a) immediately before the commencement the person was employed by a State electricity entity; and
  - (b) the person's employment with the entity ends within 1 year of the commencement; and
  - (c) the employment ended because the person was redundant; and
  - (d) the person receives a redundancy payment from the entity.

### **200 Restriction on engaging redundant employees**

- (1) A State electricity entity or AUSTA Energy Corporation Limited ACN 078 848 781 must not engage a redundant employee within the employee's redundancy payment period unless—
  - (a) the engagement is approved by the Minister; or
  - (b) the employee has paid the Treasurer the reimbursement amount worked out under subsection (3).

Maximum penalty—20 units.

- (2) The redundancy payment period—
  - (a) begins when the employee became redundant; and
  - (b) is the number of weeks used to calculate the employee's redundancy payment.
- (3) The formula for working out the reimbursement amount is—

$$\mathbf{a = b - (c \times d)}$$

where—

- a* is the reimbursement amount.
  - b* is the redundancy payment.
  - c* is the number of weeks from the employee's redundancy to when the employee is next engaged by a State electricity entity.
  - d* is the weekly rate of pay used in calculating the employee's redundancy payment.
- (4) An approval under subsection (1)(a) may be given on conditions.
- (5) In this section—
- engage*, a redundant employee, means employing or engaging—
- (a) the employee to perform services; or
  - (b) another as a contractor, other than by public tender, to perform services if the other person directly or indirectly employs or engages the employee to perform the whole or part of the services.

*redundancy payment* means a payment made to a person because the person became redundant, other than a payment for external training, leave entitlements or time-in-lieu of overtime.

## **Chapter 8      Review of and appeals against decisions**

### **Part 1            Review of decisions**

#### **201      Who may apply for review etc.**

- (1) A person whose interests are affected by a decision mentioned in schedule 5 may apply to the regulator for a review of the decision.

- (2) A person who may seek a review of a decision is entitled to receive a statement of reasons for the decision.

## **202 Applying for review**

- (1) An application by a person for review of a decision must be made within 28 days after notice of the decision is given to the person.
- (2) However, if—
  - (a) the notice did not state reasons for the decision; and
  - (b) the person asked for a statement of reasons for the decision within the period mentioned in subsection (1);the person may make the application within 28 days after the person is given the statement of reasons.
- (3) In addition, the regulator may extend the period for making an application for review.
- (4) An application for review must be written and state in detail the grounds on which the applicant seeks review of the decision.

## **203 Stay of operation of decision etc.**

- (1) If an application is made under this part for review of a decision, the applicant may immediately apply for a stay of the decision to the Magistrates Court.
- (2) The court may stay the decision to secure the effectiveness of the review and any later appeal to the court.
- (3) A stay—
  - (a) may be given on conditions the court considers appropriate; and
  - (b) operates for the period fixed by the court; and
  - (c) may be revoked or amended by the court.
- (4) The period of a stay under this section must not extend past the time when the regulator reviews the decision and any later period the court allows the applicant to enable the applicant to appeal against the regulator's decision.

- (5) The making of an application under this part for review of a decision affects the decision, or the carrying out of the decision, only if the decision is stayed.

## **204 Decision on review**

- (1) This section applies to an application under this part for review of a decision (the *disputed decision*).
- (2) The regulator may confirm the disputed decision, amend the disputed decision or substitute a new decision after considering the applicant's representations.
- (3) The regulator must immediately give the applicant written notice of the regulator's decision on the application.
- (4) If the decision is not the decision sought by the applicant, the notice must be an information notice.
- (5) If the regulator was not the decision maker and the regulator amends the decision or substitutes a new decision, the amended or substituted decision is, for this regulation (other than this part) taken to be a decision of the decision maker.

## **Part 2 Appeals**

### **Division 1 Appeals against decisions on what is fair and reasonable**

#### **205 Who may appeal**

If the regulator makes a decision under section 80,<sup>46</sup> any party to the dispute may appeal against the decision.

#### **206 Making appeal**

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46 Section 80 (Dispute resolution)

An appeal under section 205 must be made to the District Court as if the appeal was to the District Court under chapter 10, part 2<sup>47</sup> of the Act.

## **Division 2                      Appeals against certain decisions by regulator**

### **207      Who may make an appeal**

- (1) A person whose interests are affected by a decision of the regulator mentioned in schedule 6 may appeal against the decision to a Magistrates Court.
- (2) A person whose interests are affected by a decision of the person's employer mentioned in schedule 7 may appeal against the decision to an Industrial Magistrates Court.
- (3) In this part—

*decision maker* means the entity whose decision is appealed against.

### **208      Making appeals**

- (1) An appeal under this part must be made within—
  - (a) for an appeal against a decision of the regulator—28 days after the notice of the decision is given to the person; or
  - (b) for an appeal against a decision of the person's employer under chapter 7, part 3—3 months after the notice of the decision is given to the person.
- (2) However, if—
  - (a) the notice did not state reasons for the decision; and
  - (b) the person asked for a statement of reasons for the decision within the appropriate period mentioned in subsection (1);

the person may make the application within 28 days after the person is given the statement of reasons.

- (3) In addition, the court may extend the period for making an appeal, even though the time for making the appeal has ended.

## **209 Starting appeals**

- (1) An appeal is started by filing a written notice of appeal with the court.
- (2) A copy of the notice must be served on the decision maker.
- (3) An appeal may be made to the Magistrates Court or Industrial Magistrates Court nearest the place where the applicant resides or carries on business.

## **210 Stay of operation of decisions**

- (1) A court may grant a stay of the decision to secure the effectiveness of the appeal.
- (2) A stay—
  - (a) may be given on the conditions the court considers appropriate; and
  - (b) operates for the period fixed by the court; and
  - (c) may be revoked or amended by the court.
- (3) The period of a stay under this section must not extend past the time when the court decides the appeal.
- (4) An appeal against a decision affects the decision, or carrying out of the decision, only if the decision is stayed.

## **211 Powers of court on appeal**

- (1) In deciding an appeal, a court—
  - (a) has the same powers as the decision maker; and
  - (b) is not bound by the rules of evidence; and
  - (c) must comply with natural justice; and
  - (d) may hear the appeal in court or in chambers.



- (2) An appeal is by way of rehearing.
- (3) The court may—
  - (a) confirm the decision; or
  - (b) set aside the decision and substitute another decision; or
  - (c) set aside the decision and return the issue to the decision maker with the directions the court considers appropriate.

## **212 Effect of court's decision on appeal**

If the court substitutes another decision, the substituted decision is, for this regulation (other than this chapter), taken to be the decision maker's decision.

## **213 Procedure of court**

- (1) In this section—

*authorising Act* means—

  - (a) for a Magistrates Court—the *Magistrates Courts Act 1921*; or
  - (b) for an Industrial Magistrates Court—the *Industrial Relations Act 1999*.
- (2) The power to make rules of court for a court under its authorising Act includes power to make rules of court for appeals to the court under this part.
- (3) The procedure for appeal to a court under this part is—
  - (a) in accordance with its rules of court; or
  - (b) in the absence of relevant rules, as directed by a magistrate or industrial magistrate.
- (4) The court may make any order about costs it considers just.

## **214 Appeals**

- (1) An appeal to the District Court from a decision of a Magistrates Court may be made only on a question of law.

- (2) An appeal to the Industrial Court from a decision of an Industrial Magistrates Court may be made only on a question of law.

## **Chapter 9      General provisions**

### **Part 2              Market code appointments**

#### **234      Application of pt 2**

This part applies to the appointment of a person to exercise powers and perform functions under the Market Code.

#### **235      Electrical regions**

The Minister must decide the number and configuration of electrical regions.

#### **236      Extended transmission regulation commencement**

The Minister may fix any extended transmission regulation commencement date for the State under the Market Code.

#### **237      Jurisdictional Regulator**

The Jurisdictional Regulator for the State is to be the Queensland Competition Authority.





- (2) On and from 1 October 2002, the electric line is taken to have been installed and to be operated under section 21(1) to (3).<sup>50</sup>

**247 Existing registrations of items of prescribed electrical equipment**

- (1) This section applies to an existing registration in force immediately before the commencement of this section.
- (2) On the commencement, the registration is taken to have been given—
- (a) under chapter 6; and
  - (b) despite section 132,<sup>51</sup> for the remainder of its term unless it is cancelled earlier.
- (3) In this section—

*existing registration* means a registration, under the repealed electrical articles regulation, of an item of prescribed electrical equipment.

**248 Existing approvals, notices, decisions and requirements given or made by regulator**

- (1) This section applies to an approval, notice, decision or requirement given or made by the regulator under chapter 3 of the repealed electrical articles regulation and in force immediately before the commencement of this section.
- (2) On the commencement, the approval, notice, decision or requirement is taken to have been given or made by the regulator under chapter 6 of this regulation.

**249 Existing applications**

An application made by a person under chapter 3 of the repealed electrical articles regulation before the commencement of this section, and not decided before the

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50 Section 21 (Installation and operation of electric line beyond person's property)

51 Section 132 (Term of registration)

commencement, is taken to have been made under chapter 6 of this regulation.

## **250 Unfinished appeals**

An appeal that has been started under chapter 4 of the repealed electrical articles regulation and not finished before the commencement of this section continues as if it were an appeal made under chapter 8, part 2 of this regulation.

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## **Schedule 1            Maximum permitted rating of electric motors**

sections 87 and 88(1)

<b>Locality</b>	<b>Maximum rating</b>
Aurukun	16kW
Badu Island	11kW
Bamaga	38kW
Boigu Island	10kW
Bouli	16kW
Burketown	8kW
Camooweal	8kW
Coconut Island	10kW
Coen	13kW
Darnley Island	5kW
Dauan Island	5kW
Doomadgee	33kW
Gununa	16kW
Hammond Island	4kW
Kowanyama	16kW
Lockhart River	16kW
Mabuiag Island	4kW
Mapoon	9kW
Moa Island (Kubin and St Pauls communities)	10kW

## Schedule 1 (continued)

<b>Locality</b>	<b>Maximum rating</b>
Murray Island	10kW
Palm Island	38kW
Pormpuraaw	16kW
Saibai Island	5kW
Stephens Island	4kW
Warraber Island	4kW
Wasaga	16kW
Yam Island	10kW
Yorke Island	10kW



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## **Schedule 2      Other contestable customers**

section 102

<b>Customer</b>	<b>Premises</b>
Australian Magnesium Corporation Pty Ltd (ACN 058 918 175)	Magnesium metal demonstration plant at Reid Road, Gladstone
CS Energy Limited (ACN 078 848 745)	Callide A and B power stations Middle Ridge power station Swanbank power station
Queensland Transitional Power Trading Corporation	Gladstone power station
Stanwell Corporation Limited (ACN 078 848 674)	Barron Gorge power station Kareeya power station Mackay gas turbine facility Rockhampton gas turbine facility Stanwell power station
Sun Metals Corporation Pty Ltd (ACN 074 241 982)	Townsville zinc smelter
Tarong Energy Limited (ACN 078 848 736)	Tarong power station Wivenhoe power station.

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## **Schedule 3      Special approval holders treated as electricity entities**

section 123

<b>Column 1</b> <b>Special approval holder</b>	<b>Column 2</b> <b>Provisions of Act</b>
1    The holder of a special approval authorising the holder to provide electricity to a customer	chapter 2, part 2 <sup>a</sup>
2    The holder of a special approval under chapter 4, part 3 of this regulation	chapter 5, part 4 <sup>b</sup>
3    Country Energy, under special approval no. SA 21/98	chapter 5, parts 1, 1B, 1C and 3A <sup>c</sup>

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a    Chapter 2, part 2 (Customers and contestable customers) of the Act

b    Chapter 5, part 4 (Disciplinary action against electricity entities) of the Act

c    Chapter 5, parts 1 (Regulator) and 1C (Disputes referred to energy arbitrator) of the Act

## **Schedule 4      Prescribed electrical equipment and relevant standards**

schedule 9, definitions *prescribed electrical equipment* and *relevant standard*

### **Part 1                      Equipment requiring registration and labelling**

<b>Prescribed electrical equipment</b>	<b>Relevant standard</b>
1    Clothes washing machines	AS/NZS 2040—Performance of household electrical appliances—clothes washing machines, part 1 Energy consumption and performance and part 2 Energy labelling requirements
2    Dishwashers	AS/NZS 2007—Dishwashers, part 1 Energy consumption and performance and part 2 Energy labelling requirements
3    Refrigerating appliances	AS/NZS 4474—Performance of household electrical appliances—refrigerating appliances, part 1 Energy consumption and performance and part 2 Energy labelling and minimum performance standard requirements

## Schedule 4 (continued)

Prescribed electrical equipment	Relevant standard
4 Single phase refrigerative airconditioners and heat pumps	AS/NZS 3823—Performance of electrical appliances—Airconditioners and heat pumps, part 1.1 Non-ducted airconditioners and heat pumps—testing and rating for performance and part 2 Energy labelling and minimum energy performance standard (MEPS) requirements
5 Rotary clothes dryers	AS/NZS 2442—Performance of household electrical appliances—Rotary clothes dryers, part 1 Energy consumption and performance and part 2 Energy labelling requirements
6 Fluorescent lamp ballasts	AS/NZS 4783—Performance of electrical lighting equipment—Ballasts for fluorescent lamps, part 1 Method of measurement to determine energy consumption and performance of ballasts lamp circuits, and part 2 Energy labelling and minimum energy performance standards requirements

## Schedule 4 (continued)

## Part 2                      Equipment requiring registration only

Prescribed electrical equipment	Relevant standard
1     Storage water heaters that are unvented and have no attached feed tank	AS 1056—Storage water heaters, part 1 General requirements, clause 2.4 Thermal insulation
2     Three-phase cage induction motors	AS/NZS 1359—Rotating electrical machines—General requirements, part 5 High efficiency and minimum energy performance standards requirements.
3     Double-capped fluorescent lamps	AS/NZS 4782—Double-capped fluorescent lamps—Performance specifications, part 1 General and part 2 Minimum energy performance standard (MEPS)
4     Refrigerated display cabinets	AS/NZS 1731—Refrigerated display cabinets, part 1 Terms and definitions and part 14 Minimum energy performance standard (MEPS) requirements
5     Power transformers	AS/NZS 2374—Power transformers, part 1 General and part 1.2 Minimum energy performance standard (MEPS) requirements for distribution transformers

## Schedule 4 (continued)

**Part 3****Equipment requiring  
registration that may be  
labelled**

<b>Prescribed electrical equipment</b>	<b>Relevant standard</b>
1 Room airconditioners with 3-phase motors	AS/NZS 3823—Performance of electrical appliances— Airconditioners and heat pumps, part 1.2 Ducted airconditioners and air-to-air heat pumps—testing and rating for performance and part 2 Energy labelling and minimum energy performance standard (MEPS) requirements.

## **Schedule 5      Review of decisions by the regulator**

section 201

<b>Section</b>	<b>Description of decision</b>
12(6)	Facilities electricity entity decides are necessary to attach an overhead service line to the customer's premises or for the entrance, support, protection and termination of an underground service line
33(2)(a)	Requirement by distribution entity for customer to regulate the use of an electrical article
33(2)(b)	Requirement by distribution entity for customer to use or deal with electricity supplied in the stated way
33(2)(c)	Requirement by distribution entity for customer to ensure a motor installation or starting device connected to a source of electricity supply complies with the requirements of the regulator
33(2)(d)	Requirement by distribution entity for customer about the power factor of an electrical installation
34	Refusal by distribution entity to provide customer connection services to customer's electrical installation
38	Requirement by distribution entity for changes to a customer's electrical installation
39	Requirement by distribution entity for provision of links for connecting meters to an incoming supply
42(2)	Requirement by distribution entity about space, housing, mounting and connecting facilities for a meter or control apparatus
44(2)	Requirement by distribution entity for provision of safe access

## Schedule 5 (continued)

<b>Section</b>	<b>Description of decision</b>
44(3)	Action by distribution entity to install remote measuring or other equipment or to disconnect supply of electricity to a customer's premises
49(1)	Adjustment by distribution entity of accounts for customer connection services
49(2)	Adjustment by retail entity of accounts for customer retail services
52(1)	Adjustment by distribution entity of accounts for customer connection services
52(2)	Adjustment by retail entity of accounts for customer retail services
56(2)	Requirement by distribution entity for provision of space for a substation, a right of way or access to the supplier's equipment



## **Schedule 6      Appeals against administrative decisions to Magistrates Court**

section 207(1)

<b>Section</b>	<b>Description of decision</b>
21(4)	Direction by the regulator to a person to take away an electric line
129(1)	Refusal to register an item of prescribed electrical equipment
134(2)	Refusal to change an energy efficiency label
137(2)	Refusal to approve transfer of registration of item of prescribed electrical equipment
139(1)	Decision to cancel a registration of item of prescribed electrical equipment
204	Decision by the regulator on review

**Schedule 7      Appeals against administrative  
decisions to Industrial  
Magistrates Court**

section 207(2)

<b>Section</b>	<b>Description of decision</b>
175	Decision of new employer on recognition of previous service by GOE industry employee

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## Schedule 8      Fees

section 242

### Part 1                      Regulator

\$

- |   |   |  |
|---|---|--|
| 1 | Application for generation authority (section 179 of the Act) . . . . .   | 250.00 plus reasonable costs incurred by the regulator in investigating whether the authority should be issued |
| 2 | Application for transmission authority (section 188 of the Act) . .   | 250.00 plus reasonable costs incurred by the regulator in investigating whether the authority should be issued |
| 3 | Application for distribution authority (section 196 of the Act) . .   | 250.00 plus reasonable costs incurred by the regulator in investigating whether the authority should be issued |
| 4 | Application for retail authority (sections 204 and 207D of the Act).  | 250.00 plus reasonable costs incurred by the regulator in investigating whether the authority should be issued |
| 5 | Application for special approval (section 209 of the Act) . . . . .   | 250.00 plus reasonable costs incurred by the regulator in investigating whether the approval should be issued  |
| 6 | Application for transfer of a generation, transmission or distribution authority or special approval (sections 184A, 193A, 201A and 212A of the Act). . . . . | 100.00   |

## Schedule 8 (continued)

	\$
7 Application for registration of an item of prescribed electrical equipment (section 128) . . . . .	150.00
8 Application for approval of a change to an energy efficiency label (section 134) . . . . .	150.00
9 Application for transfer of registration of an item of prescribed electrical equipment (section 137) . . . . .	50.00
10 Inspection of the register (section 144) . . . . .	10.00
11 Copy of 1 entry in the register (section 144) . . . . .	20.00

## Part 2 Electricity entities

	\$
1 Disconnection and reconnection of supply of electricity to a customer after disconnection under section 31—	
(a) if the reconnection is made during ordinary business hours . . . . .	27.45
(b) if the reconnection is made outside ordinary business hours at the customer's request . . . . .	65.85
2 Testing of a meter by the distribution entity (section 45) . . . . .	10.95
3 Inspection and testing of a meter by a competent person (section 50) . . . . .	109.80

## Schedule 8 (continued)

**Part 3 Fees for chapter 5A of the Act****Division 1 Accreditation**

Nameplate capacity of accredited power station or proposed accredited power station	Application fee (Act, s 135AM(1)(j)(ii))	Annual fee (Act, s 135BE(1)(b))
	\$	\$
1 MW or less . . . . .	250.00	250.00
more than 1 MW but less than 10 MW . . . .	1 000.00	500.00
10 MW or more but less than 30 MW . . . .	2 000.00	1 000.00
30 MW or more but less than 100 MW . . . .	3 000.00	1 500.00
100 MW or more . . . . .	4 000.00	2 000.00

**Division 2 GEC creation fee**

	\$
Fee (under Act, s 135DH(1)(a)(i)) for regulator to decide whether GEC was validly created—for each GEC . . . . .	0.1500

**Division 3 Exempted loads**

Type of exemption	Application fee	Annual fee (Act, s 135HF(1)(b))
	\$	\$
State development exemption (under Act, ch 5A, pt 5, div 6, sdiv 2). . . . .	3 000.00	500.00

## Schedule 8 (continued)

<b>Type of exemption</b>	<b>Application fee</b>	<b>Annual fee (Act, s 135HF(1)(b))</b>
Renewable energy exemption (under Act, ch 5A, pt 5, div 6, sdiv 3) . . . . .	250.00	100.00
Auxiliary load exemption (under Act, ch 5A, pt 5, div 6, sdiv 4) . . . . .	250.00	100.00

**Division 4                      Scheme participants**

	<b>\$</b>
Application fee (Act, s 135I(3)). . . . .	250.00
Annual fee (Act, s 135IC(2)). . . . .	100.00

## Schedule 9 Dictionary

### section 2

***affected customer***, for a suspended retail entity, means a person who, immediately before the retail entity became a suspended retail entity, was a customer of the retail entity.

***approved form*** means a form approved by the regulator under section 243.

***AS/NZS*** means a joint Standards Australia and Standards New Zealand standard.

***casual employee*** means a GOE industry employee mentioned in section 178.

***check testing***, for an item of prescribed electrical equipment, see section 147.

***cooling-off period***, for chapter 3, part 6, division 1, subdivision 4, see section 100B.

***competent person*** see section 50.

***consumers terminals*** means the point where a customer's electrical installation is connected to the relevant supplier's works.

***corresponding law***, for chapter 6, means 1 of the following laws—

- *Electrical Products Act 2000* (SA)
- *Electricity Safety Act 1945* (NSW)
- *Electricity Safety Act 1998* (Vic).

***customer's generating plant for emergency supply*** means a private plant installed on a customer's premises as part of the customer's electrical installation to provide a supply of electricity to the electrical installation if the supply of electricity from a supplier is interrupted.

***distribution entity***, for an electrical installation or premises, means the distribution entity who provides customer connection services to the electrical installation or premises.

## Schedule 9 (continued)

**EGTS award** see section 156.

**electrical appliance** means an appliance that uses electricity.

**electrical installation** includes part of an electrical installation.

**electricity industry employee**, for a State electricity entity, see section 156.

**ESIE award** see section 156.

**former employer**, for chapter 7, part 2, see section 168.

**former employment**, for chapter 7, part 3, see section 174.

**GOE industry** means all State electricity entities collectively.

**GOE industry employee** means a person employed by a State electricity entity in a full-time, part-time or casual capacity, including the chief executive officer of a State electricity entity.

**high voltage** means a voltage of more than 1 000 V.

**host retail entity**, for chapter 3, part 2, division 2, means—

- (a) generally—the retail entity in whose retail area the premises covered by the contract are located; or
- (b) for the supply area described in Country Energy's special approval no. SA21/98—Country Energy.

**industrial instrument**, for chapter 7, part 1, see section 156.

**Industrial Relations Act** means the *Industrial Relations Act 1999*.

**information notice**, for an action or decision of the regulator, means a notice stating each of the following—

- (a) the action or decision;
- (b) the reasons for the action or decision;
- (c) that the applicant may appeal against the action or decision to a Magistrate's Court within 28 days after receiving the information notice.



## Schedule 9 (continued)

***insolvency official*** means an administrator, liquidator, provisional liquidator, receiver or receiver and manager.

***locality allowance*** means an allowance payable to an employee stationed in a centre distant from Brisbane to assist in offsetting the disadvantages associated with residence in the centre.

***loss factor*** see the Market Code, chapter 10.

***lot***, for chapter 3, part 6, division 1, see section 91.

***low voltage*** means a voltage of not more than 1000 V.

***Market Code instrument*** means a guideline, power system operating procedure or other procedure, protocol or standard made under the Market Code.

***new employer***, for chapter 7, part 2, see section 168.

***new employment***, for chapter 7, part 3, see section 174.

***owner***, for chapter 3, part 1, division 3, see section 55.

***prescribed electrical equipment*** means an item of electrical equipment stated in schedule 4, column 1, as defined in the relevant standard.

***proportionate amount***, for chapter 7, see section 166.

***proposed transferee***, for prescribed electrical equipment, see section 137.

***redundant***, for chapter 7, see section 199.

***redundant employee***, for chapter 7, see section 199.

***register*** means the register kept by the regulator under section 143.

***registered owner***, for chapter 3, part 6, division 1, see section 91.

***relevant award***, for chapter 7, part 1, see section 159.

***relevant distribution entity***, for chapter 3, part 6, division 1, see section 91.

## Schedule 9 (continued)

**relevant standard**, for an item of prescribed electrical equipment, means the standard stated in schedule 4 for the equipment item.

**relevant supplier** means the distribution entity or the special approval holder who provides customer connection services to the electrical installation or premises.

**repealed electrical articles regulation** means the repealed *Electricity (Electrical Articles) Regulation 1994*.

**retail entity**, for an electrical installation or premises, means the retail entity who provides customer retail services to the electrical installation or premises.

**service line** means an electric line that—

- (a) forms part of the works of a relevant supplier; and
- (b) connects consumers terminals to—
  - (i) other parts of the relevant supplier's works; or
  - (ii) the works of another electricity entity.

**single premises** see section 92.

**statutory customer sale contract**, for chapter 3, part 2, division 2, means a contract taken, under section 70, to have been entered into between the host retail entity for that division and an affected customer.

**supplier** means a distribution entity or special approval holder who provides customer connection services to an electrical installation or premises.

**suspended retail entity** means a retail entity suspended, under the Market Code, clause 3.15.21(c), from trading.

**transfer day**, for chapter 7, part 2, see section 168.

**transferred employee**, for chapter 7, part 2, see section 167.

**translation principles**, for chapter 7, part 1, see section 156.

**wiring rules** means the Australian/New Zealand Standard AS/NZS 3000—Electrical installations (known as the Australian/New Zealand Wiring Rules).

## Endnotes

### 1 Index to endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 10 December 2004. Future amendments of the Electricity Regulation 1994 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

## 5 Tables in earlier reprints

Name of table	Reprint No.
Changed citations and remade laws	2
Corrected minor errors	7

## 6 List of legislation

### **Electricity Regulation 1994 SL No. 468**

made by the Governor in Council on 15 December 1994

notfd gaz 16 December 1994 pp 1792–7

commenced on commencement of Act (1 January 1995 (see AIA s 17))

exp 1 September 2005 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

### **Electricity Amendment Regulation (No. 1) 1995 SL No. 208**

notfd gaz 22 June 1995 pp 1281A–D

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 1995 (see s 2)

### **Electricity Amendment Regulation (No. 2) 1995 SL No. 221**

notfd gaz 30 June 1995 pp 1475–6

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 1995 (see s 2)

### **Electricity Amendment Regulation (No. 3) 1995 SL No. 235**

notfd gaz 18 August 1995 pp 2084–6

commenced on date of notification

### **Electricity Amendment Regulation (No. 4) 1995 SL No. 289**

notfd gaz 20 October 1995 pp 753–4

commenced on date of notification

### **Electricity Amendment Regulation (No. 5) 1995 SL No. 375**

notfd gaz 15 December 1995 pp 1560–5

ss 1, 3 commenced on date of notification

remaining provisions commenced 1 January 1996 (see s 3)

### **Electricity Amendment Regulation (No. 1) 1996 SL No. 86**

notfd gaz 3 May 1996 pp 462–3

commenced on date of notification

**Electricity Amendment Regulation (No. 2) 1996 SL No. 130**

notfd gaz 14 June 1996 pp 987–9  
commenced on date of notification

**Electricity Amendment Regulation (No. 3) 1996 SL No. 253**

notfd gaz 27 September 1996 pp 347–9  
commenced on date of notification

**Electricity Amendment Regulation (No. 1) 1997 SL No. 7**

notfd gaz 24 January 1997 pp 284–5  
commenced on date of notification

**WorkCover Queensland Regulation 1997 SL No. 17 ss 1–2, 47 sch 6**

notfd gaz 31 January 1997 pp 376–8  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 February 1997 (see s 2)

**Electricity Amendment Regulation (No. 2) 1997 SL No. 157**

notfd gaz 20 June 1997 pp 879–82  
commenced on date of notification

**Electricity Amendment Regulation (No. 3) 1997 SL No. 179**

notfd gaz 27 June 1997 pp 1004–1010  
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**Electricity Amendment Regulation (No. 4) 1997 SL No. 220**

notfd gaz 18 July 1997 pp 1351–2  
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**Electricity Amendment Regulation (No. 5) 1997 SL No. 224**

notfd gaz 25 July 1997 pp 1462–3  
commenced on date of notification

**Electricity Amendment Regulation (No. 6) 1997 SL No. 300**

notfd gaz 12 September 1997 pp 160–1  
commenced on date of notification

**Electricity Amendment Regulation (No. 7) 1997 SL No. 313**

notfd gaz 26 September 1997 pp 354–6  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 October 1997 (see s 2)

**Electricity Amendment Regulation (No. 8) 1997 SL No. 473**

notfd gaz 19 December 1997 pp 1770–77  
s 16 never proclaimed into force and rep 1998 SL No. 17 s 4  
remaining provisions commenced on date of notification

**Electricity Legislation Amendment Regulation (No. 1) 1998 SL No. 17**

notfd gaz 27 February 1998 pp 884–6  
commenced on date of notification

**Electricity Amendment Regulation (No. 1) 1998 SL No. 53**

notfd gaz 27 March 1998 pp 1310–12  
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**Electricity Amendment Regulation (No. 2) 1998 SL No. 251**

notfd gaz 11 September 1998 pp 145–7  
commenced on date of notification

**Electricity Amendment Regulation (No. 3) 1998 SL No. 260**

notfd gaz 25 September 1998 pp 327–9  
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**Electricity Amendment Regulation (No. 4) 1998 SL No. 327**

notfd gaz 11 December 1998 pp 1376–7  
ss 1–2 commenced on date of notification  
remaining provisions commenced 13 December 1998 (see s 2)

**Electricity Amendment Regulation (No. 5) 1998 SL No. 349**

notfd gaz 18 December 1998 pp 1551–7  
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**Electricity Amendment Regulation (No. 1) 1999 SL No. 21**

notfd gaz 12 March 1999 pp 1030–1  
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notfd gaz 26 March 1999 pp 1450–3  
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**Electricity Amendment Regulation (No. 3) 1999 SL No. 75**

notfd gaz 7 May 1999 pp 90–1  
commenced on date of notification

**Electricity Amendment Regulation (No. 4) 1999 SL No. 141**

notfd gaz 25 June 1999 pp 932–8  
ss 4–7 commenced 30 June 1999 (see s 2)  
remaining provisions commenced on date of notification

**Electricity Amendment Regulation (No. 5) 1999 SL No. 169**

notfd gaz 23 July 1999 pp 1792–3  
commenced on date of notification

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notfd gaz 19 November 1999 pp 1149–52  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 December 1999 (see s 2(2))

**Electricity Amendment Regulation (No. 1) 2000 SL No. 35**

notfd gaz 10 March 2000 pp 971–2  
commenced on date of notification

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notfd gaz 30 June 2000 pp 736–48  
ss 1–2 commenced on date of notification  
remaining provisions commenced on 1 July 2000 (see s 2)

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notfd gaz 22 September 2000 pp 313–4  
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notfd gaz 13 October 2000 pp 565–6  
commenced on date of notification

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notfd gaz 8 December 2000 pp 1374–7  
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notfd gaz 15 June 2001 pp 633–4  
commenced on date of notification

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notfd gaz 17 August 2001 pp 1455–6  
commenced on date of notification

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notfd gaz 12 April 2002 pp 1394–5  
commenced on date of notification

**Electricity Amendment Regulation (No. 2) 2002 SL No. 147**

notfd gaz 21 June 2002 pp 783–4  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 August 2002 (see s 2)

**Electricity Amendment Regulation (No. 3) 2002 SL No. 180**

notfd gaz 12 July 2002 pp 1064–5  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 September 2002 (see s 2)  
Note—A regulatory impact statement and explanatory note were prepared

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notfd gaz 27 September 2002 pp 340–4  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 October 2002 (see s 2)

**Revenue and Other Legislation Amendment Regulation (No. 2) 2002 SL No. 304 ss 1–2(1), 10 sch**

notfd gaz 22 November 2002 pp 1018–21  
ss 1–2 commenced on date of notification  
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notfd gaz 28 March 2003 pp 1125–9

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remaining provisions commenced 1 April 2003 (see s 2)

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notfd gaz 30 May 2003 pp 371–6

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Note—A national regulatory impact statement was prepared

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notfd gaz 20 June 2003 pp 633–6

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notfd gaz 20 June 2003 pp 633–6

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 renum 2002 SL No. 245 s 30 sch 2

**When retail entity is not obliged to provide customer retail services**

- s 67** prev s 67 amd 1997 SL No. 220 s 8; 2002 SL No. 180 s 4  
 om 2002 SL No. 245 s 3 sch 1  
 pres s 67 (prev s 248C) ins 1997 SL No. 179 s 8  
 sub 1997 SL No. 473 s 12  
 renum 2002 SL No. 245 s 30 sch 2



**Customer's liability for customer retail services**

- s 68** prev s 68 amd 2002 SL No. 180 s 5  
om 2002 SL No. 245 s 3 sch 1  
pres s 68 (prev s 248D) ins 1997 SL No. 179 s 8  
renum 2002 SL No. 245 s 30 sch 2

**Division 2—Obligations of host retail entities and customers**

- div hdg** prev div 2 hdg om 2002 SL No. 245 s 3 sch 1  
pres div 2 hdg (prev ch 4, pt 2, div 1A hdg) ins 2002 SL No. 61 s 3  
renum 2002 SL No. 245 s 30 sch 2

**Application of div 2**

- prov hdg** amd 2002 SL No. 245 s 3 sch 1  
**s 69** prev s 69 om 2002 SL No. 245 s 3 sch 1  
pres s 69 (prev s 248DA) ins 2002 SL No. 61 s 3  
amd 2002 SL No. 245 s 3 sch 1  
renum 2002 SL No. 245 s 30 sch 2

**Corporations legislation displacement provision for div 2**

- s 69A** ins 2004 SL No. 75 s 4

**Statutory customer sale contract**

- s 70** prev s 70 om 2002 SL No. 245 s 3 sch 1  
pres s 70 (prev s 248DB) ins 2002 SL No. 61 s 3  
renum 2002 SL No. 245 s 30 sch 2

**Terms of statutory customer sale contract**

- s 71** prev s 71 om 2002 SL No. 245 s 3 sch 1  
pres s 71 (prev s 248DC) ins 2002 SL No. 61 s 3  
amd 2002 SL No. 245 s 3 sch 1  
renum 2002 SL No. 245 s 30 sch 2

**Other provisions about statutory customer sale contract**

- s 72** prev s 72 om 2002 SL No. 245 s 3 sch 1  
pres s 72 (prev s 248DD) ins 2002 SL No. 61 s 3  
amd 2002 SL No. 245 s 3 sch 1  
renum 2002 SL No. 245 s 30 sch 2

**Contract outside statutory customer sale contract**

- s 73** prev s 73 om 2002 SL No. 245 s 3 sch 1  
pres s 73 (prev s 248DE) ins 2002 SL No. 61 s 3  
amd 2002 SL No. 245 s 3 sch 1  
renum 2002 SL No. 245 s 30 sch 2

**Customer's liability to suspended retail entity for customer retail services provided after suspension**

- s 74** prev s 74 om 2002 SL No. 245 s 3 sch 1  
pres s 74 (prev s 248DF) ins 2002 SL No. 61 s 3  
renum 2002 SL No. 245 s 30 sch 2

**Giving necessary consents, details etc.**

- s 75** prev s 75 om 2002 SL No. 245 s 3 sch 1  
pres s 75 (prev s 248DG) ins 2002 SL No. 61 s 3  
renum 2002 SL No. 245 s 30 sch 2

**Division 3—What is not unfair or unreasonable**

**div hdg** prev div 3 hdg om 2002 SL No. 245 s 3 sch 1  
 pres div 3 hdg (prev ch 4, pt 2, div 2 hdg) ins 1997 SL No. 473 s 14  
 renum 2002 SL No. 245 s 30 sch 2

**Differing methods of charging**

**s 76** prev s 76 om 2002 SL No. 245 s 3 sch 1  
 pres s 76 (prev s 248F) ins 1997 SL No. 179 s 8  
 amd 1997 SL No. 473 s 9  
 renum 2002 SL No. 245 s 30 sch 2

**Negotiated customer sale contracts**

**s 77** prev s 77 om 2002 SL No. 245 s 3 sch 1  
 pres s 77 (prev s 248G) ins 1997 SL No. 179 s 8  
 amd 1997 SL No. 473 s 9  
 renum 2002 SL No. 245 s 30 sch 2

**Differing security**

**s 78** prev s 78 om 2002 SL No. 245 s 3 sch 1  
 pres s 78 (prev s 248H) ins 1997 SL No. 179 s 8  
 amd 1997 SL No. 473 s 9  
 renum 2002 SL No. 245 s 30 sch 2

**Different terms that are reasonable**

**s 79** prev s 79 om 2002 SL No. 245 s 3 sch 1  
 pres s 79 (prev s 248I) ins 1997 SL No. 179 s 8  
 amd 1997 SL No. 473 s 10; 2002 SL No. 245 s 3 sch 1  
 renum 2002 SL No. 245 s 30 sch 2

**Subdivision 1—Work on or near live electric conductors or electrical articles**

**sdiv hdg** (prev ch 3, pt 2, div 2 sdiv 1 hdg) om 2002 SL No. 245 s 3 sch 1

**Subdivision 2—Work on or near exposed high voltage conductors or electrical articles**

**sdiv hdg** (prev ch 3, pt 2, div 2 sdiv 2 hdg) om 2002 SL No. 245 s 3 sch 1

**Subdivision 3—Other safety requirements**

**sdiv hdg** om 2002 SL No. 245 s 3 sch 1

**Division 4—Other requirements**

**div hdg** (prev ch 3, pt 2, div 4 hdg) om 2002 SL No. 245 s 3 sch 1

**Division 5—Electricity Health and Safety Council**

**div hdg** (prev ch 3, pt 2, div 5 hdg) sub 1998 SL No. 349 s 17  
 om 2002 SL No. 245 s 3 sch 1

**PART 3—DISPUTES ABOUT WHAT IS FAIR AND REASONABLE**

**pt hdg** (prev ch 4, pt 2A hdg) ins 1997 SL No. 473 s 15  
 renum 2002 SL No. 245 s 30 sch 2

**Dispute resolution**

**s 80** prev s 80 amd 1997 SL No. 220 s 9  
om 2002 SL No. 245 s 3 sch 1  
pres s 80 (prev s 248IA) ins 1997 SL No. 473 s 15  
amd 2000 SL No. 250 s 13  
renum 2002 SL No. 245 s 30 sch 2

**Regulator may seek advice or information**

**s 81** prev s 81 om 2002 SL No. 245 s 3 sch 1  
pres s 81 (prev s 248IB) ins 1997 SL No. 473 s 15  
amd 2002 SL No. 245 s 3 sch 1  
renum 2002 SL No. 245 s 30 sch 2

**Parties to maintain secrecy of advice or information**

**s 82** prev s 82 om 1998 SL No. 349 s 13  
pres s 82 (prev s 248IC) ins 1997 SL No. 473 s 15  
amd 2002 SL No. 245 s 3 sch 1  
renum 2002 SL No. 245 s 30 sch 2

**Division 4—Requirements on customers about supply**

**div hdg** (prev ch 3, pt 3, div 4 hdg) om 2002 SL No. 245 s 3 sch 1

**Division 5—Requirements about electrical articles**

**div hdg** (prev ch 3, pt 3, div 5 hdg) om 2002 SL No. 245 s 3 sch 1

**Division 6—Testing of work**

**div hdg** (prev ch 3, pt 3, div 6 hdg) om 2002 SL No. 245 s 3 sch 1

**Division 7—Examinations and tests by electricity officers**

**div hdg** (prev ch 3, pt 3, div 7 hdg) om 2002 SL No. 245 s 3 sch 1

**Division 8—Inspections by authorised persons**

**div hdg** (prev ch 3, pt 2, div 8 hdg) om 2002 SL No. 245 s 3 sch 1

**Division 9—Reports and records**

**div hdg** (prev ch 3, pt 3, div 9 hdg) om 2002 SL No. 245 s 3 sch 1

**Division 10—Requests and notices**

**div hdg** (prev ch 3, pt 3, div 10 hdg) om 2002 SL No. 245 s 3 sch 1

**Division 11—Queensland Electrical Education Council**

**div hdg** (prev ch 3, pt 3, div 11 hdg) om 2002 SL No. 245 s 3 sch 1

**PART 4—FINANCIAL ARRANGEMENTS ABOUT SUPPLY AND SALE**

**pt hdg** prev pt 4 hdg om 2002 SL No. 245 s 3 sch 1  
pres pt 4 hdg (prev ch 4, pt 3 hdg) sub 1997 SL No. 179 s 8  
renum 2002 SL No. 245 s 30 sch 2

**Methods of charging for electricity**

**s 83** prev s 83 amd 1998 SL No. 349 s 14  
exp 1 July 2000 (see s 86)  
pres s 83 (prev s 248J) ins 1997 SL No. 179 s 8  
renum 2002 SL No. 245 s 30 sch 2

**Meters must be read annually**

- s 84** prev s 84 om 1998 SL No. 349 s 13  
 pres s 84 (prev s 248K) ins 1997 SL No. 179 s 8  
 renum 2002 SL No. 245 s 30 sch 2

**Division 1—Preliminary**

- div hdg** (prev ch 3, pt 4, div 1 hdg) om 2002 SL No. 245 s 3 sch 1

**Division 2—Limitation on installation of cathodic protection systems**

- div hdg** (prev ch 3, pt 4, div 2 hdg) om 2002 SL No. 245 s 3 sch 1

**Division 3—Operating requirements**

- div hdg** (prev ch 3, pt 4, div 3 hdg) om 2002 SL No. 245 s 3 sch 1

**Division 4—Testing requirements**

- div hdg** (prev ch 3, pt 4, div 4 hdg) om 2002 SL No. 245 s 3 sch 1

**Division 5—System requirements**

- div hdg** (prev ch 3, pt 4, div 5 hdg) om 2002 SL No. 245 s 3 sch 1

**Division 6—Registration of registrable systems**

- div hdg** (prev ch 3, pt 4, div 6 hdg) om 2002 SL No. 245 s 3 sch 1

**PART 5—ELECTRICITY RESTRICTIONS**

- pt hdg** (prev ch 4, pt 4 hdg) ins 1995 SL No. 375 s 4  
 sub 2000 SL No. 315 s 5  
 renum 2002 SL No. 245 s 30 sch 2

**Division 1—Preliminary**

- div hdg** (prev ch 4, pt 4, div 1 hdg) ins 1995 SL No. 375 s 4  
 sub 2000 SL No. 315 s 5

**Purpose of pt 5**

- prov hdg** amd 2002 SL No. 245 s 3 sch 1  
**s 85** prev s 85 amd 1998 SL No. 349 s 14  
 exp 1 July 2000 (see s 86)  
 pres s 85 (orig s 248A) ins 1995 SL No. 375 s 4  
 renum (as s 248L) 1997 SL No. 179 s 9  
 sub 2000 SL No. 315 s 5  
 renum 2002 SL No. 245 s 30 sch 2

**Definition for pt 5**

- prov hdg** amd 2002 SL No. 245 s 3 sch 1  
**s 86** prev s 86 amd 1998 SL No. 349 s 15  
 exp 1 July 2000 (see s 86)  
 new s 86 (orig s 248B) ins 1995 SL No. 375 s 4  
 renum (as 248M) 1997 SL No. 179 s 9  
 sub 2000 SL No. 315 s 5  
 renum 2002 SL No. 245 s 30 sch 2  
 om 2003 SL No. 314 s 3

**Division 2—Restrictions in Ergon Energy distribution area**

- div hdg** (prev ch 4, pt 4, div 2 hdg) ins 1995 SL No. 375 s 4  
 sub 2000 SL No. 315 s 5  
 amd 2003 SL No. 314 s 4

**Where restrictions apply**

- s 87** (orig s 248C) ins 1995 SL No. 375 s 4  
 renum (as s 248N) 1997 SL No. 179 s 9  
 amd 1999 SL No. 141 s 4  
 sub 2000 SL No. 315 s 5  
 amd 2002 SL No. 245 s 3 sch 1  
 renum 2002 SL No. 245 s 30 sch 2  
 sub 2003 SL No. 314 s 5

**Restrictions**

- s 88** (orig s 248D) ins 1995 SL No. 375 s 4  
 renum (as s 248O) 1997 SL No. 179 s 9  
 sub 2000 SL No. 315 s 5  
 amd 2002 SL No. 245 s 3 sch 1  
 renum 2002 SL No. 245 s 30 sch 2  
 amd 2003 SL No. 314 s 6

**Division 3—Restrictions in the Ergon Energy distribution area (Mapoon and Torres Strait Islands)**

- div hdg** (prev ch 4, pt 4, div 3 hdg) ins 1995 SL No. 375 s 4  
 sub 2000 SL No. 315 s 5  
 om 2003 SL No. 314 s 7

**Where restrictions apply**

- s 89** prev s 89 om 2002 SL No. 245 s 3 sch 1  
 new s 89 (orig s 248E) ins 1995 SL No. 375 s 4  
 renum (as s 248P) 1997 SL No. 179 s 9  
 amd 1999 SL No. 141 s 5  
 sub 2000 SL No. 315 s 5  
 amd 2002 SL No. 245 s 3 sch 1  
 renum 2002 SL No. 245 s 30 sch 2  
 om 2003 SL No. 314 s 7

**Restrictions**

- s 90** prev s 90 om 2002 SL No. 245 s 3 sch 1  
 new s 90 (orig s 248F) ins 1995 SL No. 375 s 4  
 renum (as s 248Q) 1997 SL No. 179 s 9  
 sub 2000 SL No. 315 s 5  
 amd 2002 SL No. 245 s 3 sch 1  
 renum 2002 SL No. 245 s 30 sch 2  
 om 2003 SL No. 314 s 7

**PART 6—CONTESTABLE CUSTOMERS**

- pt hdg** (prev ch 4, pt 5 hdg) ins 1997 SL No. 7 s 3  
 sub 1997 SL No. 313 s 7; 1997 SL No. 473 s 16; 1998 SL No. 17 s 3; 1998  
 SL No. 251 s 3  
 renum 2002 SL No. 245 s 30 sch 2

**Division 1—General declarations**

- div hdg** (prev ch 4, pt 5, div 1 hdg) ins 1997 SL No. 313 s 7  
 sub 1997 SL No. 473 s 16; 1998 SL No. 17 s 3; 1998 SL No. 251 s 3  
 amd 1999 SL No. 75 s 4

**Subdivision 1—Preliminary**

**sdiv hdg** (prev ch 4, pt 5, div 1, sdiv 1 hdg) ins 1998 No. 251 s 3

**Definitions for div 1**

**prov hdg** sub 1999 SL No. 75 s 5(1)

**s 91** prev s 91 om 2002 SL No. 245 s 3 sch 1

pres s 91 (orig s 248I) ins 1997 SL No. 7 s 3

renum (as s 248T) 1997 SL No. 179 s 9

sub 1997 SL No. 313 s 7; 1997 SL No. 473 s 16; 1998 SL No. 17 s 3; 1998 SL No. 251 s 3

renum 2002 SL No. 245 s 30 sch 2

def “**lot**” ins 1999 SL No. 75 s 5(2)

def “**registered owner**” ins 1999 SL No. 75 s 5(2)

**Meaning of “single premises”**

**s 92** prev s 92 om 2002 SL No. 245 s 3 sch 1

pres s 92 (prev s 248TA) ins 1997 SL No. 313 s 7

sub 1997 SL No. 473 s 16; 1998 SL No. 17 s 3; 1998 SL No. 251 s 3

renum 2002 SL No. 245 s 30 sch 2

**Subdivision 2—Declarations**

**sdiv hdg** (prev ch 4, pt 5, div 1, sdiv 2 hdg) amd 1999 SL No. 75 s 6

**Actual or estimated consumption of more than 0.2 GWh**

**prov hdg** amd 1999 SL No. 75 s 7(1); 2004 SL No. 75 s 5

**s 93** prev s 93 om 2002 SL No. 245 s 3 sch 1

pres s 93 (prev s 248TB) ins 1997 SL No. 313 s 7

sub 1997 SL No. 473 s 16; 1998 SL No. 17 s 3

amd 1998 SL No. 53 s 4

sub 1998 SL No. 251 s 3

amd 1999 SL No. 75 s 7(2)–(3); 2002 SL No. 245 s 3 sch 1

renum 2002 SL No. 245 s 30 sch 2

(2)(c), (3)–(4) exp 30 June 1999 (see s 248TB(4))

**New or replacement single premises of same registered owner**

**s 94** (prev s 248TBA) ins 1999 SL No. 75 s 8

amd 2002 SL No. 245 s 3 sch 1

renum 2002 SL No. 245 s 30 sch 2

**Subsequent registered owner**

**s 95** (prev s 248TBB) ins 1999 SL No. 75 s 8

amd 2002 SL No. 245 s 3 sch 1

renum 2002 SL No. 245 s 30 sch 2

**Declarations continue despite consumption or use**

**s 96** (prev s 248TBC) ins 1999 SL No. 75 s 8

renum 2002 SL No. 245 s 30 sch 2

**Subdivision 3—Contestable customer certification**

**sdiv hdg** (prev ch 4, pt 5, div 1, sdiv 3 hdg) ins 1998 No. 251 s 3

**Applying for certification**

- s 97** prev s 97 om 2002 SL No. 245 s 3 sch 1  
 pres s 97 (prev s 248TC) ins 1997 SL No. 313 s 7  
 sub 1997 SL No. 473 s 16; 1998 SL No. 17 s 3; 1998 SL No. 251 s 3  
 renum 2002 SL No. 245 s 30 sch 2

**Consideration of application**

- s 98** prev s 98 om 2002 SL No. 245 s 3 sch 1  
 pres s 98 (prev s 248TD) ins 1997 SL No. 473 s 16  
 sub 1998 SL No. 17 s 3  
 amd 1998 SL No. 53 s 5  
 sub 1998 SL No. 251 s 3  
 amd 1999 SL No. 75 s 9; 2002 SL No. 245 s 3 sch 1  
 renum 2002 SL No. 245 s 30 sch 2  
 amd 2004 SL No. 75 s 6

**Issue of certification**

- s 99** prev s 99 om 2002 SL No. 245 s 3 sch 1  
 pres s 99 (prev s 248TDA) ins 1998 No. 251 s 3  
 amd 2002 SL No. 245 s 3 sch 1  
 renum 2002 SL No. 245 s 30 sch 2

**Refusal of application**

- s 100** prev s 100 om 2002 SL No. 245 s 3 sch  
 pres s 100 (prev s 248TDB) ins 1998 SL No. 251 s 3  
 amd 2002 SL No. 245 s 3 sch 1  
 renum 2002 SL No. 245 s 30 sch 2

**Subdivision 4—Actual or estimated consumption of less than 0.2 GWh**

**sdiv 4 (ss 100A–100D)** ins 2004 SL No. 75 s 7

**Division 2—Contestable customers in Country Energy's area**

**div hdg** (prev ch 4, pt 5, div 2 hdg) sub 1997 SL No. 473 s 16; 1998 SL No. 17 s 3  
 amd 2002 SL No. 245 s 3 sch 1

**Contestable customers in Country Energy's area**

**prov hdg** amd 2002 SL No. 245 s 17(1); 2002 SL No. 245 s 17(1)

- s 101** prev s 101 om 2002 SL No. 245 s 3 sch  
 pres s 101 (prev s 248TE) ins 1997 SL No. 473 s 16  
 sub 1998 SL No. 17 s 3  
 amd 2002 SL No. 245 s 17(2)–(3)  
 renum 2002 SL No. 245 s 30 sch 2  
 amd 2004 SL No. 75 s 9

**Division 3—Other contestable customers**

**div hdg** (prev ch 4, pt 5, div 3 hdg) ins 1997 SL No. 473 s 16  
 sub 1998 SL No. 17 s 3; 1998 SL No. 53 s 6

**Customers declared to be contestable customers**

- s 102** prev s 102 om 2002 SL No. 245 s 3 sch  
 pres s 102 (prev s 248TF) ins 1997 SL No. 473 s 16  
 sub 1998 SL No. 17 s 3; 1998 SL No. 53 s 6  
 amd 2002 SL No. 245 s 3 sch 1  
 renum 2002 SL No. 245 s 30 sch 2

**Division 4—Resolving disputes about contestability**

- div hdg** (prev ch 4, pt 5, div 4 hdg) ins 1997 SL No. 473 s 16  
 sub 1998 SL No. 17 s 3

**Dispute resolution**

- s 103** prev s 103 om 2002 SL No. 245 s 3 sch  
 pres s 103 (prev s 248TG) ins 1997 SL No. 473 s 16  
 sub 1998 SL No. 17 s 3  
 amd 1998 SL No. 251 s 4; 2002 SL No. 245 s 3 sch 1  
 renum 2002 SL No. 245 s 30 sch 2

**Dispute resolver may seek advice or information**

- s 104** prev s 104 om 2002 SL No. 245 s 3 sch  
 pres s 104 (prev s 248TH) ins 1997 SL No. 473 s 16  
 sub 1998 SL No. 17 s 3  
 amd 1999 SL No. 75 s 10; 2002 SL No. 245 s 3 sch 1  
 renum 2002 SL No. 245 s 30 sch 2

**Parties to maintain secrecy of advice or information**

- s 105** prev s 105 om 2002 SL No. 245 s 3 sch  
 pres s 105 (prev s 248TI) ins 1997 SL No. 473 s 16  
 sub 1998 SL No. 17 s 3  
 amd 2002 SL No. 245 s 3 sch 1  
 renum 2002 SL No. 245 s 30 sch 2

**Decision binding**

- s 106** prev s 165 om 2002 SL No. 245 s 3 sch  
 pres s 106 (prev s 248TJ) ins 1997 SL No. 473 s 16  
 sub 1998 SL No. 17 s 3  
 amd 2002 SL No. 245 s 3 sch 1  
 renum 2002 SL No. 245 s 30 sch 2

**Division 5—Metering obligation if customer is contestable for premises**

- div hdg** (prev ch 4, pt 5, div 5 hdg) ins 1999 SL No. 75 s 11

**Customer's metering obligation**

- s 107** prev s 107 om 2002 SL No. 245 s 3 sch  
 pres s 107 (prev s 248TK) ins 1999 SL No. 75 s 11  
 renum 2002 SL No. 245 s 30 sch 2

**PART 7—NEGOTIATED CONTRACTS BEFORE COMMENCEMENT OF  
ELECTRICITY AMENDMENT ACT 1997**

- pt hdg** (prev ch 4, pt 6 hdg) ins 1997 SL No. 179 s 10  
 renum 2002 SL No. 245 s 30 sch 2



**Negotiated contracts**

- s 108** prev s 108 om 2002 SL No. 245 s 3 sch  
 pres s 108 (prev s 248U) ins 1997 SL No. 179 s 10  
 amd 2002 SL No. 245 s 3 sch 1  
 renum 2002 SL No. 245 s 30 sch 2

**CHAPTER 4—MARKET AND SYSTEM ARRANGEMENTS**

- ch hdg** (prev ch 5 hdg) sub 1997 SL No. 313 s 8  
 renum 2002 SL No. 245 s 30 sch 2

**PART 1—SYSTEM AND NETWORK CONTROL**

- pt hdg** (prev ch 5, pt 1 hdg)

**Division 1—Operating electrical installations**

- div hdg** (prev ch 5, pt 1 hdg, div 1) sub 1997 SL No. 313 s 9

**Market Code to be followed**

- s 109** prev s 109 om 2002 SL No. 245 s 3 sch  
 pres s 109 (prev s 249) sub 1997 SL No. 313 s 9  
 renum 2002 SL No. 245 s 30 sch 2

**Network operation not to interfere with Queensland system**

- s 110** (prev s 257) sub 1997 SL No. 313 s 10  
 renum 2002 SL No. 245 s 30 sch 2

**Market Code to be followed**

- s 111** prev s 111 om 2002 SL No. 245 s 3 sch 1  
 pres s 111 (prev s 258) sub 1997 SL No. 313 s 10  
 renum 2002 SL No. 245 s 30 sch 2

**Dealings to be impartial**

- s 112** prev s 112 om 2002 SL No. 245 s 3 sch 1  
 pres s 112 (prev s 259) renum 2002 SL No. 245 s 30 sch 2

**Confidentiality**

- s 113** prev s 113 om 2002 SL No. 245 s 3 sch 1  
 pres s 113 (prev s 260) renum 2002 SL No. 245 s 30 sch 2

**Reasonable charges for services**

- s 114** prev s 114 om 2002 SL No. 245 s 3 sch 1  
 pres s 114 (prev s 261) renum 2002 SL No. 245 s 30 sch 2

**Division 4—Amending standard customer connection contracts**

- div hdg** ins 1997 SL No. 179 s 8  
 om 1997 SL No. 473 s 7

**Division 5—What is not discrimination**

- div hdg** ins 1997 SL No. 179 s 8  
 om 1997 SL No. 473 s 8

**PART 2—CONDITIONS OF AUTHORITIES AND SPECIAL APPROVALS**

- pt hdg** (prev ch 5, pt 2 hdg) sub 1997 SL No. 313 s 11

**Division 1—Separation of industry sectors**

- div hdg** prev div hdg om 1997 SL No. 313 s 11  
 (prev ch 5, pt 2, div 1 hdg) pres div hdg ins 1997 SL No. 473 s 17

**Generation and retail sectors**

- s 115** (prev s 261A) ins 1997 SL No. 473 s 17  
amd 2002 SL No. 245 s 8  
renum 2002 SL No. 245 s 30 sch 2

**Distribution and retail sectors**

- s 116** prev s 116 om 2002 SL No. 245 s 3 sch 1  
pres s 116 (prev s 261B) ins 1997 SL No. 473 s 17  
renum 2002 SL No. 245 s 30 sch 2

**Retail and generation sectors**

- s 117** prev s 117 om 2002 SL No. 245 s 3 sch 1  
pres s 117 (prev s 261C) ins 1997 SL No. 473 s 17  
renum 2002 SL No. 245 s 30 sch 2

**Division 2—Compliance with Market Code**

- div hdg** (prev ch 5, pt 2, div 2 hdg) ins 1997 SL No. 473 s 17

**Compliance with Market Code instruments**

- s 118** (prev s 262) sub 1997 SL No. 313 s 11  
renum 2002 SL No. 245 s 30 sch 2

**Division 3—Miscellaneous**

- div hdg** prev div 3 hdg ins 1997 SL No. 179 s 8  
om 1997 SL No. 473 s 14  
pres div 3 hdg (prev ch 5, pt 2, div 3 hdg) ins 1997 SL No. 473 s 18

**Compliance with regulator's decisions under s 80**

- prov hdg** amd 2002 SL No. 245 s 3 sch 1  
**s 119** (prev s 262A) ins 1997 SL No. 473 s 18  
amd 2002 SL No. 245 s 3 sch 1  
renum 2002 SL No. 245 s 30 sch 2

**Compliance with disclosure requirements**

- s 119A** ins 2004 SL No. 75 s 8

**PART 3—SPECIAL APPROVALS**

- pt hdg** (prev ch 5, pt 4 hdg) renum 2002 SL No. 245 s 30 sch 2

**Approval to connect for generation plant of certain State electricity entities installed immediately before 1 January 1995**

- s 120** (prev s 294) amd 1997 SL No. 179 s 20  
sub 1999 SL No. 141 s 7  
renum 2002 SL No. 245 s 30 sch 2

**Approval to connect for mobile generating plant for emergency or maintenance work by distribution entities**

- prov hdg** amd 1997 SL No. 179 s 21(1)  
**s 121** (prev s 295) amd 1997 SL No. 179 s 21(2)–(3)  
renum 2002 SL No. 245 s 30 sch 2

**Approval to connect certain generating plant with 30 MW or less capacity**

- prov hdg** amd 1997 SL No. 179 s 22(1)  
**s 122** (prev s 296) amd 1997 SL No. 179 s 22(2)–(3)  
renum 2002 SL No. 245 s 30 sch 2

**Special approval holders treated as electricity entities—Act, s 59(2)**

- s 123** (prev s 297) ins 1997 SL No. 220 s 17  
 sub 2000 SL No. 309 s 3  
 amd 2002 SL No. 245 s 3 sch 1  
 renum 2002 SL No. 245 s 30 sch 2

**Special approval for QETC**

- s 124** orig s 124 amd 2000 SL No. 315 s 4  
 om 2002 SL No. 245 s 3 sch 1  
 prev s 124 ins 1997 SL No. 179 s 23  
 om 1997 SL No. 313 s 12  
 pres 124 (prev s 298B) ins 1997 SL No. 473 s 21  
 renum 2002 SL No. 245 s 30 sch 2

**Division 4—Electricity restriction in the North Queensland Electricity Corporation supply area**

- div hdg** (prev ch 4, pt 4, div 4 hdg) ins 1995 SL No. 375 s 4  
 om 2000 SL No. 315 s 5

**CHAPTER 5—PROHIBITED INTERESTS**

- ch hdg** (prev ch 5A hdg) ins 1997 SL No. 473 s 22  
 renum 2002 SL No. 245 s 30 sch 2

**Generation authorities**

- s 125** prev s 125 om 2002 SL No. 245 s 3 sch 1  
 pres s 125 (prev s 298D) ins 1997 SL No. 473 s 22  
 renum 2002 SL No. 245 s 30 sch 2

**Distribution authorities**

- s 126** prev s 126 om 2002 SL No. 245 s 3 sch 1  
 pres s 126 (prev s 298E) ins 1997 SL No. 473 s 22  
 renum 2002 SL No. 245 s 30 sch 2

**Retail authorities**

- s 127** prev s 127 om 2002 SL No. 245 s 3 sch 1  
 pres 127 (prev s 298F) ins 1997 SL No. 473 s 22  
 renum 2002 SL No. 245 s 30 sch 2

**Division 4—Conditions of retail authorities**

- div hdg** (prev ch 5, pt 2, div 4 hdg) sub 1997 SL No. 179 s 11  
 om 1997 SL No. 313 s 11

**Division 5—Conditions of special approvals**

- div hdg** (prev ch 5, pt 2, div 5 hdg) om 1997 SL No. 313 s 11

**Division 6—Exemption from complying with Queensland grid code**

- div hdg** (prev ch 5, pt 2, div 6 hdg) ins 1997 SL No. 220 s 15  
 om 1997 SL No. 313 s 11

**PART 3—ANCILLARY SERVICES**

- pt hdg** (prev ch 5, pt 3 hdg) sub 1997 SL No. 313 s 11  
 exp 23 May 1998 (see s 263A)

**Division 1—Application of part**

- div hdg** (prev ch 5, pt 3, div 1 hdg) om 1997 SL No. 313 s 11

**Division 2—Trade for generation less than 30 MW****div hdg** (prev ch 5, pt 3, div 2 hdg) om 1997 SL No. 313 s 11**Division 3—Basis of trade in electricity****div hdg** (prev ch 5, pt 3, div 3 hdg) om 1997 SL No. 313 s 11**Division 4—Network services and metering****div hdg** (prev ch 5, pt 3, div 4 hdg) om 1997 SL No. 313 s 11**Division 5—Scheduling of generating plant operation****div hdg** (prev ch 5, pt 3, div 5 hdg) om 1997 SL No. 313 s 11**Division 6—Ancillary services****div hdg** (prev ch 5, pt 3, div 6 hdg) om 1997 SL No. 313 s 11**Division 7—Grid and network losses****div hdg** (prev ch 5, pt 3, div 7 hdg) om 1997 SL No. 313 s 11**Division 8—Settlements****div hdg** (prev ch 5, pt 3, div 8 hdg) om 1997 SL No. 313 s 11**CHAPTER 5A—13% GAS SCHEME****ch 5A (ss 127A–127D)** ins 2004 SL No. 279 s 4**CHAPTER 6—ENERGY EFFICIENCY AND PERFORMANCE OF ELECTRICAL EQUIPMENT****ch hdg** (prev ch 5B hdg) ins 2002 SL No. 245 s 18  
renum 2002 SL No. 245 s 30 sch 2**PART 1—MINIMUM ENERGY EFFICIENCY AND PERFORMANCE****pt hdg** (prev ch 5B, pt 1 hdg) ins 2002 SL No. 245 s 18**Division 1—Registration****div hdg** (prev ch 5B, pt 1, div 1 hdg) ins 2002 SL No. 245 s 18**Application for registration****s 128** prev s 128 om 2002 SL No. 245 s 3 sch 1  
pres s 128 (prev s 298FA) ins 2002 SL No. 245 s 18  
renum 2002 SL No. 245 s 30 sch 2**Requirements for registration****s 129** prev s 129 om 2002 SL No. 245 s 3 sch 1  
pres s 129 (prev s 298FB) ins 2002 SL No. 245 s 18  
renum 2002 SL No. 245 s 30 sch 2**Minimum energy efficiency and performance criteria****s 130** prev s 130 om 2002 SL No. 245 s 3 sch 1  
pres s 130 (prev s 298FC) ins 2002 SL No. 245 s 18  
renum 2002 SL No. 245 s 30 sch 2**Notice of registration****s 131** prev s 131 amd 1997 SL No. 220 s 11  
om 2002 SL No. 245 s 3 sch 1  
pres s 131 (prev s 298FD) ins 2002 SL No. 245 s 18  
renum 2002 SL No. 245 s 30 sch 2

**Term of registration**

- s 132** prev s 132 om 2002 SL No. 245 s 3 sch 1  
pres s 132 (prev s 298FE) ins 2002 SL No. 245 s 18  
renum 2002 SL No. 245 s 30 sch 2

**Change of name or address**

- s 133** prev s 133 om 2002 SL No. 245 s 3 sch 1  
pres s 133 (prev s 298FF) ins 2002 SL No. 245 s 18  
renum 2002 SL No. 245 s 30 sch 2

**Changing energy efficiency label identifying electrical equipment**

- s 134** prev s 134 amd 1998 SL No. 349 s 16  
om 2002 SL No. 245 s 3 sch 1  
pres s 134 (prev s 298FG) ins 2002 SL No. 245 s 18  
renum 2002 SL No. 245 s 30 sch 2

**Refusal to change energy efficiency label**

- s 135** prev s 135 om 2002 SL No. 245 s 3 sch 1  
pres s 135 (prev s 298FH) ins 2002 SL No. 245 s 18  
renum 2002 SL No. 245 s 30 sch 2

**Notice of change to energy efficiency label**

- s 136** prev s 136 om 2002 SL No. 245 s 3 sch 1  
pres s 136 (prev s 298FI) ins 2002 SL No. 245 s 18  
renum 2002 SL No. 245 s 30 sch 2

**Division 2—Transfer and cancellation of registration**

- div hdg** (prev ch 5B, pt 1, div 2 hdg) ins 2002 SL No. 245 s 18

**Transfer of registration**

- s 137** prev s 137 om 2002 SL No. 245 s 3 sch 1  
pres s 137 (prev s 298FJ) ins 2002 SL No. 245 s 18  
renum 2002 SL No. 245 s 30 sch 2

**Notice of transfer**

- s 138** prev s 138 om 2002 SL No. 245 s 3 sch 1  
pres s 138 (prev s 298FK) ins 2002 SL No. 245 s 18  
renum 2002 SL No. 245 s 30 sch 2

**Cancellation of registration**

- s 139** prev s 139 amd 1997 SL No. 220 s 12  
om 2002 SL No. 245 s 3 sch 2  
pres s 139 (prev s 298FL) ins 2002 SL No. 245 s 18  
renum 2002 SL No. 245 s 30 sch 2

**Procedure before cancellation**

- s 140** prev s 140 om 2002 SL No. 245 s 3 sch 1  
pres s 140 (prev s 298FM) ins 2002 SL No. 245 s 18  
renum 2002 SL No. 245 s 30 sch 2

**Notice, by holder, of cancellation of registration**

- s 141** prev s 141 om 2002 SL No. 245 s 3 sch 1  
pres s 141 (prev s 298FN) ins 2002 SL No. 245 s 18  
renum 2002 SL No. 245 s 30 sch 2

**Division 3—Energy efficiency label****div hdg** (prev ch 5B, pt 1, div 3 hdg) ins 2002 SL No. 245 s 18**Energy efficiency label****prov hdg** sub 1998 SL No. 349 s 18(1)**s 142** prev s 142 amd 1998 SL No. 349 s 18(2)–(4)

om 2002 SL No. 245 s 3 sch 1

pres s 142 (prev s 298FO) ins 2002 SL No. 245 s 18

renum 2002 SL No. 245 s 30 sch 2

**Division 4—Register****div hdg** (prev ch 5B, pt 1, div 4 hdg) ins 2002 SL No. 245 s 18**Register****s 143** prev s 143 om 2002 SL No. 245 s 3 sch 1

pres s 143 (prev s 298FP) ins 2002 SL No. 245 s 18

renum 2002 SL No. 245 s 30 sch 2

**Inspection of register****s 144** prev s 144 amd 1997 SL No. 220 s 13

om 2002 SL No. 245 s 3 sch 1

pres s 144 (prev s 298FQ) ins 2002 SL No. 245 s 18

renum 2002 SL No. 245 s 30 sch 2

**PART 2—TESTING AND TEST REPORTS****pt hdg** (prev ch 5B, pt 2 hdg) ins 2002 SL No. 245 s 18**Division 1—Preliminary****div hdg** (prev ch 5B, pt 2, div 1 hdg) ins 2002 SL No. 245 s 18**Testing of prescribed electrical equipment****s 145** prev s 145 om 2002 SL No. 245 s 3 sch 1

pres s 145 (prev s 298FR) ins 2002 SL No. 245 s 18

renum 2002 SL No. 245 s 30 sch 2

amd 2004 SL No. 223 s 3

**Test reports****s 146** prev s 146 om 2002 SL No. 245 s 3 sch 1

pres s 146 (prev s 298FS) ins 2002 SL No. 245 s 18

renum 2002 SL No. 245 s 30 sch 2

**Division 2—Check testing****div hdg** (prev ch 5B, pt 2, div 2 hdg) ins 2002 SL No. 245 s 18**Requirement by regulator to make available prescribed electrical equipment for testing****s 147** prev s 147 om 2002 SL No. 245 s 3 sch 1

pres s 147 (prev s 298FT) ins 2002 SL No. 245 s 18

renum 2002 SL No. 245 s 30 sch 2

**What happens if check testing shows noncompliance****s 148** prev s 148 om 2002 SL No. 245 s 3 sch 1

pres s 148 (prev s 298FU) ins 2002 SL No. 245 s 18

renum 2002 SL No. 245 s 30 sch 2

**What happens if check testing shows compliance**

- s 149** prev s 149 om 2002 SL No. 245 s 3 sch 1  
 pres s 149 (prev s 298FV) ins 2002 SL No. 245 s 18  
 renum 2002 SL No. 245 s 30 sch 2

**Return of equipment made available to the regulator**

- s 150** prev s 150 om 2002 SL No. 245 s 3 sch 1  
 pres s 150 (prev s 298FW) ins 2002 SL No. 245 s 18  
 renum 2002 SL No. 245 s 30 sch 2

**PART 3—OFFENCES**

- pt hdg** (prev ch 5B, pt 3 hdg) ins 2002 SL No. 245 s 18

**Part does not apply to second-hand prescribed electrical equipment**

- s 151** prev s 151 om 2002 SL No. 245 s 3 sch 1  
 pres s 151 (prev s 298FX) ins 2002 SL No. 245 s 18  
 renum 2002 SL No. 245 s 30 sch 2

**Prescribed electrical equipment in sch 4, pt 1 must be registered and labelled**

- s 152** prev s 152 om 2002 SL No. 245 s 3 sch 1  
 pres s 152 (prev s 298FY) ins 2002 SL No. 245 s 18  
 renum 2002 SL No. 245 s 30 sch 2

**Prescribed electrical equipment in sch 4, pt 2 must be registered**

- s 153** prev s 153 om 2002 SL No. 245 s 3 sch 1  
 pres s 153 (prev s 298FZ) ins 2002 SL No. 245 s 18  
 renum 2002 SL No. 245 s 30 sch 2

**Prescribed electrical equipment in sch 4, pt 3 must be registered and may be labelled**

- s 154** prev s 154 om 2002 SL No. 245 s 3 sch 1  
 pres s 154 (prev s 298FZA) ins 2002 SL No. 245 s 18  
 renum 2002 SL No. 245 s 30 sch 2

**Representations about 3-phase cage induction motors**

- s 155** prev s 155 om 2002 SL No. 245 s 3 sch 1  
 pres s 155 (prev s 298FZB) ins 2002 SL No. 245 s 18  
 renum 2002 SL No. 245 s 30 sch 2  
 amd 2004 SL No. 223 s 4

**Fluorescent lamp ballast**

- s 155A** ins 2003 SL No. 103 s 3  
 amd 2004 SL No. 223 s 5

**CHAPTER 7—EMPLOYMENT IN GOVERNMENT OWNED ELECTRICITY INDUSTRY**

- ch hdg** (prev ch 6 hdg) renum 2002 SL No. 245 s 30 sch 2

**PART 1—GENERAL EMPLOYMENT CONDITIONS AND ENTITLEMENTS**

- pt hdg** (prev ch 6, pt 1 hdg) sub 2000 SL No. 35 s 4

**Division 1—Preliminary**

- div hdg** (prev ch 6, pt 1, div 1 hdg) ins 2000 SL No. 35 s 4

**Definitions for pt 1**

- s 156** prev s 156 om 2002 SL No. 245 s 3 sch 1  
 pres s 156 (prev s 298G) ins 2000 SL No. 35 s 4  
 amd 2002 SL No. 245 s 3 sch 1  
 renum 2002 SL No. 245 s 30 sch 2

**Division 2—Award conditions and entitlements for electricity industry employees**  
**div hdg** (prev ch 6, pt 1, div 2 hdg) ins 2000 SL No. 35 s 4**Purpose of div 2**

- s 157** (prev s 298H) ins 2000 SL No. 35 s 4  
 renum 2002 SL No. 245 s 30 sch 2

**Operation of electric line beyond person's property—Act, s 227**

- prov hdg** amd 1999 No. 169 s 3(1)  
**s 157A** ins 1998 SL No. 349 s 19  
 amd 1999 No. 169 s 3(2)  
 om 2002 SL No. 245 s 3 sch 1

**Definitions for div 3A**

- s 157B** ins 2002 SL No. 180 s 6  
 om 2002 SL No. 245 s 3 sch 1

**Notice to transferee about approved safety switch**

- s 157C** ins 2002 SL No. 180 s 6  
 om 2002 SL No. 245 s 3 sch 1

**Notice to regulator about approved safety switch and other matters**

- s 157D** ins 2002 SL No. 180 s 6  
 om 2002 SL No. 245 s 3 sch 1

**Installation of approved safety switch in particular residences**

- s 157E** ins 2002 SL No. 180 s 6  
 om 2002 SL No. 245 s 3 sch 1

**Performing electrical installation work for domestic residences**

- s 157F** ins 2002 SL No. 180 s 6  
 om 2002 SL No. 245 s 3 sch 1

**Application of div 2 to Ergon Energy Pty Ltd**

- s 158** (prev s 298I) ins 2000 SL No. 35 s 4  
 renum 2002 SL No. 245 s 30 sch 2

**Relevant award**

- s 159** (prev s 298J) ins 2000 SL No. 35 s 4  
 renum 2002 SL No. 245 s 30 sch 2

**Relevant award is binding**

- s 160** (prev s 298K) ins 2000 SL No. 35 s 4  
 renum 2002 SL No. 245 s 30 sch 2

**Relevant award subject to Industrial Relations Act**

- s 161** (prev s 298L) ins 2000 SL No. 35 s 4  
 amd 2002 SL No. 245 s 3 sch 1  
 renum 2002 SL No. 245 s 30 sch 2



**Division 3—Miscellaneous****div hdg** (prev ch 6, pt 1, div 3 hdg) ins 2000 SL No. 35 s 4**Chapter 7 prevails over industrial instruments****prov hdg** amd 2002 SL No. 245 s 3 sch 1**s 162** prev s 162 om 2002 SL No. 245 s 3 sch 1

pres s 162 (prev s 298M) ins 2000 SL No. 35 s 4

renum 2002 SL No. 245 s 30 sch 2

**State electricity entity must display translation principles****s 163** (prev s 298N) ins 2000 SL No. 35 s 4

renum 2002 SL No. 245 s 30 sch 2

**Secondment does not affect employment in the GOE industry****s 164** (prev s 299) renum 2002 SL No. 245 s 30 sch 2**Continuous service****s 165** prev s 165 om 2002 SL No. 245 s 3 sch 1

pres s 165 (prev s 300) amd 1997 SL No. 17 s 47 sch 6

renum 2002 SL No. 245 s 30 sch 2

amd 2003 SL No. 119 s 121 sch 7

**Calculation at a proportionate rate for particular employees****s 166** prev s 166 sub 1997 SL No. 179 s 6

om 2002 SL No. 245 s 3 sch 1

pres s 166 (prev s 301) renum 2002 SL No. 245 s 30 sch 2

**Application of this part****s 167** prev s 167 om 2002 SL No. 245 s 3 sch 1

pres s 167 (prev s 302) renum 2002 SL No. 245 s 30 sch 2

**When there is transfer of employment within GOE industry****s 168** prev s 168 om 2002 SL No. 245 s 3 sch 1

pres s 168 (prev s 303) renum 2002 SL No. 245 s 30 sch 2

**When employment with former employer and new employer is taken to be continuous service****prov hdg** prev prov hdg amd 1997 SL No. 220 s 14(1)**s 169** prev s 169 amd 1997 SL No. 220 s 14(2); 1998 SL No. 349 s 20

om 2002 SL No. 245 s 3 sch 1

pres s 169 (prev 304) renum 2002 SL No. 245 s 30 sch 2

**Transferred employee may elect for leave entitlement to become leave entitlement with new employer****s 170** prev s 170 om 2002 SL No. 245 s 3 sch 1

pres s 170 (pres 305) renum 2002 SL No. 245 s 30 sch 2

**Payment by former employer to new employer towards long service leave entitlements not accrued on transfer****s 171** prev s 171 om 2002 SL No. 245 s 3 sch 1

pres s 171 (pres 306) renum 2002 SL No. 245 s 30 sch 2

**Transferred employees not made redundant**

- s 172** prev s 172 (prev s 306A) ins 1997 SL No. 179 s 24  
om 2002 SL No. 245 s 3 sch 1  
pres s 172 renum 2002 SL No. 245 s 30 sch 2

**Employment conditions not generally transferred**

- s 173** prev s 173 om 2002 SL No. 245 s 3 sch 1  
pres s 173 (prev s 306B) ins 1997 SL No. 179 s 24  
renum 2002 SL No. 245 s 30 sch 2

**PART 3—RECOGNITION OF PREVIOUS SERVICE OTHER THAN ON TRANSFER**

**ch hdg** (prev ch 6, pt 3 hdg)

**Application of pt 3**

- prov hdg** amd 1997 SL No. 179 s 25(1)  
**s 174** prev s 174 om 2002 SL No. 245 s 3 sch 1  
pres s 174 (prev 307) amd 1997 SL No. 179 s 25(2)  
renum 2002 SL No. 245 s 30 sch 2  
amd 2003 SL No. 123 s 6

**Recognition of previous service**

- s 175** prev s 175 om 2002 SL No. 245 s 3 sch 1  
pres s 175 (prev s 308) amd 2002 SL No. 245 s 3 sch 1  
renum 2002 SL No. 245 s 30 sch 2

**PART 4—LONG SERVICE LEAVE**

**pt hdg** (prev ch 6, pt 4 hdg) sub 2001 SL No. 138 s 3

**Division 1—Entitlement**

**div hdg** (prev ch 6, pt 4, div 1 hdg) ins 2001 SL No. 138 s 3

**Subdivision 1—General entitlement provision**

**sdiv hdg** (prev ch 6, pt 4, div 1, sdiv 1 hdg) ins 2001 SL No. 138 s 3

**Entitlement to long service leave**

- s 176** prev s 176 om 2002 SL No. 245 s 3 sch 1  
pres s 176 (prev s 309) amd 2001 SL No. 138 s 4  
renum 2002 SL No. 245 s 30 sch 2

**Subdivision 2—Service and continuity of service**

**sdiv hdg** (prev ch 6, pt 4, div 1, sdiv 2 hdg) ins 2001 SL No. 138 s 5

**Service recognised for long service leave purposes**

- s 177** prev s 177 om 2002 SL No. 245 s 3 sch 1  
pres 177 (prev 310) amd 2002 SL No. 245 s 3 sch 1  
renum 2002 SL No. 245 s 30 sch 2  
amd 2003 SL No. 123 s 7

**Casual employees**

- s 178** prev s 178 om 2002 SL No. 245 s 3 sch 1  
pres s 178 (prev s 310A) ins 2001 SL No. 138 s 6  
renum 2002 SL No. 245 s 30 sch 2

**Periods of absence without pay that count as ‘service’**

- s 179** prev s 179 om 2002 SL No. 245 s 3 sch 1  
 pres s 179 (orig s 313) amd 1997 SL No. 17 s 47 sch 6; 2001 SL No. 138 s 8  
 renum (as s 312) 2001 SL No. 138 s 11(3)  
 amd 2002 SL No. 245 s 3 sch 1  
 renum 2002 SL No. 245 s 30 sch 2  
 amd 2003 SL No. 119 s 121 sch 7

**Subdivision 3—Calculation of entitlement**

- sdiv hdg** (prev ch 6, pt 4, div 1, sdiv 3 hdg) ins 2001 SL No. 138 s 9

**Calculation of long service leave**

- s 180** prev s 180 om 2002 SL No. 245 s 3 sch 1  
 pres s 180 (orig s 311) amd 2001 SL No. 138 s 7  
 reloc and renum (as s 313) 2001 SL No. 138 s 11(1)  
 renum 2002 SL No. 245 s 30 sch 2

**Casual employees—conversion to full time equivalent**

- s 181** prev s 181 om 2002 SL No. 245 s 3 sch 1  
 pres s 181 (prev s 113A) ins 2001 SL No. 138 s 10  
 renum 2002 SL No. 245 s 30 sch 2

**Division 2—Obtaining long service leave**

- div hdg** (prev ch 6, pt 4, div 2 hdg) ins 2001 SL No. 138 s 10

**Applications for long service leave**

- s 182** prev s 182 amd 1998 SL No. 349 s 21  
 om 2002 SL No. 245 s 3 sch 1  
 pres s 182 (prev s 314) renum 2002 SL No. 245 s 30 sch 2

**Employer’s right to refuse or defer long service leave**

- s 183** prev s 183 amd 1998 SL No. 349 s 21  
 om 2002 SL No. 245 s 3 sch 1  
 pres s 183 (prev s 315) renum 2002 SL No. 245 s 30 sch 2

**Division 3—Miscellaneous provisions**

- div hdg** (prev ch 6, pt 4, div 3 hdg) ins 2001 SL No. 138 s 12

**Minimum period**

- s 184** prev s 184 om 2002 SL No. 245 s 3 sch 1  
 pres s 184 (orig s 312) reloc and renum (as s 315A) 2001 SL No. 138 s 11(2)  
 renum 2002 SL No. 245 s 30 sch 2

**Employer’s right to recall an employee from leave**

- s 185** prev s 185 om 2002 SL No. 245 s 3 sch 1  
 pres s 185 (prev s 316) renum 2002 SL No. 245 s 30 sch 2

**Public holidays happening during long service leave**

- s 186** prev s 186 om 2002 SL No. 245 s 3 sch 1  
 pres s 186 (prev s 317) renum 2002 SL No. 245 s 30 sch 2

**Illness during long service leave**

- s 187** prev s 187 om 2002 SL No. 245 s 3 sch 1  
 pres s 187 (prev s 318) amd 2002 SL No. 245 s 3 sch 1  
 renum 2002 SL No. 245 s 30 sch 2

**Payment of cash equivalent of long service leave**

- s 188** prev s 188 om 2002 SL No. 245 s 3 sch 1  
pres s 188 (prev s 319) renum 2002 SL No. 245 s 30 sch 2

**Preservation of certain existing rights**

- s 189** prev s 189 om 2002 SL No. 245 s 3 sch 1  
pres s 189 (prev s 320) renum 2002 SL No. 245 s 30 sch 2

**Application of pt 5**

- s 190** prev s 190 om 2002 SL No. 245 s 3 sch 1  
pres s 190 (prev s 320A) ins 2001 SL No. 138 s 13  
renum 2002 SL No. 245 s 30 sch 2

**Allowance payable to a GOE industry employee with a dependent spouse or dependent child**

- s 191** prev s 191 om 2002 SL No. 245 s 3 sch 1  
pres s 191 (prev s 321) amd 1998 SL No. 349 s 24; 2002 SL No. 245 s 3 sch 1  
renum 2002 SL No. 245 s 30 sch 2

**Allowance payable to other employees**

- s 192** prev s 192 amd 1998 SL No. 349 s 22  
om 2002 SL No. 245 s 3 sch 1  
pres s 192 (prev s 322) amd 1998 SL No. 349 s 25  
renum 2002 SL No. 245 s 30 sch 2

**Allowance payable if both spouses are entitled**

- s 193** prev s 193 om 2002 SL No. 245 s 3 sch 1  
pres 193 (prev 323) amd 2002 SL No. 245 s 3 sch 1  
renum 2002 SL No. 245 s 30 sch 2

**Allowance payable to an employee absent from headquarters on duty**

- s 194** prev s 194 om 2002 SL No. 245 s 3 sch 1  
pres s 194 (prev s 324) renum 2002 SL No. 245 s 30 sch 2

**Allowance payable to an employee on leave**

- s 195** prev s 195 om 2002 SL No. 245 s 3 sch 1  
pres s 195 (prev s 325) renum 2002 SL No. 245 s 30 sch 2

**Building projects where site allowance is paid**

- s 196** prev s 196 om 2002 SL No. 245 s 3 sch 1  
pres s 196 (prev s 326) renum 2002 SL No. 245 s 30 sch 2

**PART 6—OVERTIME PAYMENTS**

- pt hdg** (prev ch 6, pt 5A hdg) ins 1997 SL No. 300 s 3  
renum 2002 SL No. 245 s 30 sch 2

**Overtime payments**

- s 197** prev s 197 om 2002 SL No. 245 s 3 sch 1  
pres s 197 (prev s 326A) ins 1997 SL No. 300 s 3  
amd 1999 SL No. 42 s 4  
renum 2002 SL No. 245 s 30 sch 2

**PART 7—PROVISIONS CONCERNING ELECTRICITY INDUSTRY  
RESTRUCTURE**

**pt hdg** (prev ch 6, pt 6 hdg) sub 1997 SL No. 179 s 26  
renum 2002 SL No. 245 s 30 sch 2

**Continuation of employment if employer becomes a GOC**

**s 198** prev s 198 amd 1998 SL No. 349 s 23  
om 2002 SL No. 245 s 3 sch 1  
pres s 198 (prev s 327) sub 1997 SL No. 179 s 26  
renum 2002 SL No. 245 s 30 sch 2

**Meaning of “redundant” and “redundant employee”**

**s 199** prev s 199 om 2002 SL No. 245 s 3 sch 1  
pres s 199 (prev s 327A) ins 1997 SL No. 179 s 26  
renum 2002 SL No. 245 s 30 sch 2

**Restriction on engaging redundant employees**

**s 200** prev s 200 om 2002 SL No. 245 s 3 sch 1  
pres s 200 (prev s 327B) ins 1997 SL No. 179 s 26  
amd 1997 SL No. 224 s 5; 1999 SL No. 42 s 5  
renum 2002 SL No. 245 s 30 sch 2

**CHAPTER 8—REVIEW OF AND APPEALS AGAINST DECISIONS**

**ch hdg** (prev ch 7 hdg) renum 2002 SL No. 245 s 30 sch 2

**Who may apply for review etc.**

**s 201** prev s 201 om 2002 SL No. 245 s 3 sch 1  
pres s 201 (prev s 328) amd 2002 SL No. 245 s 3 sch 1  
renum 2002 SL No. 245 s 30 sch 2

**Applying for review**

**s 202** prev s 202 om 2002 SL No. 245 s 3 sch 1  
pres 202 (prev s 329) renum 2002 SL No. 245 s 30 sch 2

**Stay of operation of decision etc.**

**s 203** prev s 203 om 2002 SL No. 245 s 3 sch 1  
pres 203 (prev s 330) renum 2002 SL No. 245 s 30 sch 2

**Decision on review**

**s 204** prev s 204 om 2002 SL No. 245 s 3 sch 1  
pres s 204 (prev s 331) amd 2002 SL No. 245 s 3 sch 1  
renum 2002 SL No. 245 s 30 sch 2

**Division 1—Appeals against decisions on what is fair and reasonable**

**div hdg** (prev ch 7, pt 2, div 1 hdg) ins 1997 SL No. 313 s 13  
sub 1997 SL No. 473 s 23

**Who may appeal**

**s 205** prev s 205 om 2002 SL No. 245 s 3 sch 1  
pres s 205 (prev s 331A) ins 1997 SL No. 313 s 13  
sub 1997 SL No. 473 s 23  
amd 2002 SL No. 245 s 3 sch 1  
renum 2002 SL No. 245 s 30 sch 2

**Making appeal**

- s 206** prev s 206 om 2002 SL No. 245 s 3 sch 1  
 pres s 206 (prev s 331B) ins 1997 SL No. 313 s 13  
 sub 1997 SL No. 473 s 23  
 amd 2000 SL No. 250 s 13; 2002 SL No. 245 s 3 sch 1  
 renum 2002 SL No. 245 s 30 sch 2

**Division 2—Appeals against certain decisions by regulator**

- div hdg** (prev ch 7, pt 2, div 2 hdg) ins 1997 SL No. 313 s 13  
 amd 2002 SL No. 245 s 3 sch 1

**Who may make an appeal**

- s 207** prev s 207 om 2002 SL No. 245 s 3 sch 1  
 pres s 207 (prev s 332) amd 2002 SL No. 245 s 3 sch 1  
 renum 2002 SL No. 245 s 30 sch 2

**Making appeals**

- s 208** prev s 208 om 2002 SL No. 245 s 3 sch 1  
 pres s 208 (prev s 333) amd 2002 SL No. 245 s 3 sch 1  
 renum 2002 SL No. 245 s 30 sch 2

**Starting appeals**

- s 209** prev s 209 om 2002 SL No. 245 s 3 sch 1  
 pres s 209 (pres s 334) renum 2002 SL No. 245 s 30 sch 2

**Stay of operation of decisions**

- s 210** prev s 210 exp 1 January 2002 (see s 210(2))  
 pres s 210 (pres s 335) renum 2002 SL No. 245 s 30 sch 2

**Powers of court on appeal**

- s 211** (prev s 336) renum 2002 SL No. 245 s 30 sch 2

**Effect of court's decision on appeal**

- s 212** (prev s 337) renum 2002 SL No. 245 s 30 sch 2

**Procedure of court**

- s 213** (prev s 338) amd 1997 SL No. 300 s 4  
 renum 2002 SL No. 245 s 30 sch 2  
 amd 2003 SL No. 123 s 8

**Appeals**

- s 214** (prev s 339) amd 2000 SL No. 250 s 13  
 renum 2002 SL No. 245 s 30 sch 2

**PART 3—CERTIFICATE OF EMPLOYMENT AND ENTITLEMENTS**

- pt hdg** exp 1 July 1995 (see s 350)

**PART 5—FINALISING THE POOL**

- pt hdg** ins 1998 SL No. 327 s 4  
 exp 31 December 1999 (see s 354)

**CHAPTER 9—GENERAL PROVISIONS**

- ch hdg** (prev ch 8 hdg) renum 2002 SL No. 245 s 30 sch 2

**PART 1—EXEMPTIONS FROM ACT**

- pt hdg** om 2003 SL No. 123 s 9

**Division 1—General**

**div hdg** (prev ch 8, pt 1, div 1 hdg) ins 1997 SL No. 313 s 14  
om 2003 SL No. 123 s 9

**Exemption about certain mines and petroleum plant**

**s 215** (prev s 340) amd 2002 SL No. 245 s 19  
renum 2002 SL No. 245 s 30 sch 2  
om 2003 SL No. 123 s 9

**Exemption for connection of generating plant not supplying electricity to transmission grid or supply network**

**s 216** (prev s 341) renum 2002 SL No. 245 s 30 sch 2  
om 2003 SL No. 123 s 9

**Exemption for Brisbane Airport Rail Link**

**s 217** (prev s 341B) ins 1998 SL No. 260 s 3  
amd 2002 SL No. 245 s 3 sch 1  
renum 2002 SL No. 245 s 30 sch 2  
om 2003 SL No. 123 s 9

**Division 2—On-suppliers**

**div hdg** (prev ch 8, pt 1, div 2 hdg) ins 1997 SL No. 313 s 15  
om 2003 SL No. 123 s 9

**Subdivision 1—Preliminary**

**sdiv hdg** (prev ch 8, pt 1, div 2, sdiv 1 hdg) ins 2000 SL No. 262 s 3  
om 2003 SL No. 123 s 9

**Definitions for div 2**

**s 218** pres s 218 (prev s 342) ins 1997 SL No. 179 s 27  
sub 1997 SL No. 313 s 15  
renum 2002 SL No. 245 s 30 sch 2  
om 2003 SL No. 123 s 9  
def “**accounting period**” ins 2002 SL No. 245 s 20(2)  
om 2003 SL No. 123 s 9  
def “**anniversary**” ins 2000 SL No. 262 s 4  
om 2002 SL No. 245 s 20(1)  
def “**common area**” ins 2000 SL No. 262 s 4  
om 2003 SL No. 123 s 9  
def “**common area consumption**” ins 2000 SL No. 262 s 4  
om 2003 SL No. 123 s 9  
def “**first accounting period**” ins 2002 SL No. 245 s 20(2)  
om 2003 SL No. 123 s 9  
def “**on-supplier**” amd 2002 SL No. 245 s 20(3)–(4)  
om 2003 SL No. 123 s 9  
def “**on-supplier’s premises**” ins 2000 SL No. 262 s 4  
om 2003 SL No. 123 s 9  
def “**on-supply agreement**” ins 2000 SL No. 262 s 4  
amd 2002 SL No. 245 s 3 sch 1  
om 2003 SL No. 123 s 9  
def “**receiver**” amd 2002 SL No. 245 s 20(5)  
om 2003 SL No. 123 s 9

def “**year**” ins 2000 SL No. 262 s 4  
om 2002 SL No. 245 s 20(1)

**Subdivision 2—Exemptions**

**sdiv hdg** (prev ch 8, pt 1, div 2, sdiv 2 hdg) ins 2000 SL No. 262 s 5  
om 2003 SL No. 123 s 9

**Exemptions for on-suppliers**

**s 219** (prev s 342A) ins 1997 SL No. 313 s 15  
amd 2000 SL No. 262 s 6  
renum 2002 SL No. 245 s 30 sch 2  
om 2003 SL No. 123 s 9

**Subdivision 3—On-supply agreements**

**sdiv hdg** (prev ch 8, pt 1, div 2, sdiv 3 hdg) ins 2000 No. 262 s 7  
om 2003 SL No. 123 s 9

**On-supply agreements**

**s 220** (prev s 342B) ins 1997 SL No. 313 s 15  
sub 2000 SL No. 262 s 7  
renum 2002 SL No. 245 s 30 sch 2  
om 2003 SL No. 123 s 9

**Regulation prevails over on-supply agreement**

**s 221** (prev s 342C) ins 2000 SL No. 262 s 7  
renum 2002 SL No. 245 s 30 sch 2  
om 2003 SL No. 123 s 9

**Subdivision 4—Preliminary disclosure requirements about common area charges**

**sdiv hdg** (prev ch 8, pt 1, div 2, sdiv 4 hdg) ins 2000 SL No. 262 s 7  
om 2003 SL No. 123 s 9

**Application of sdiv 4**

**s 222** (prev s 342D) ins 2000 SL No. 262 s 7  
renum 2002 SL No. 245 s 30 sch 2  
om 2003 SL No. 123 s 9

**Preliminary consumption estimate**

**s 223** (prev s 342E) ins 2000 SL No. 262 s 7  
amd 2002 SL No. 245 s 21  
renum 2002 SL No. 245 s 30 sch 2  
om 2003 SL No. 123 s 9

**Required contents for on-supply agreement**

**s 224** (prev s 342F) ins 2000 SL No. 262 s 7  
amd 2002 SL No. 245 s 3 sch 1  
renum 2002 SL No. 245 s 30 sch 2  
om 2003 SL No. 123 s 9

**Consequence of not complying with sdiv 4**

**s 225** (prev s 342G) ins 2000 SL No. 262 s 7  
amd 2002 SL No. 245 s 3 sch 1  
renum 2002 SL No. 245 s 30 sch 2  
om 2003 SL No. 123 s 9



**Subdivision 5—Individual metering**

**sdiv hdg** (prev ch 8, pt 1, div 2, sdiv 5 hdg) ins 2000 SL No. 262 s 7  
om 2003 SL No. 123 s 9

**Individual metering option**

**s 226** (prev s 342H) ins 2000 SL No. 262 s 7  
amd 2002 SL No. 245 s 3 sch 1  
renum 2002 SL No. 245 s 30 sch 2  
om 2003 SL No. 123 s 9

**Compensation for installation damage**

**s 227** (prev s 342I) ins 2000 SL No. 262 s 7  
amd 2002 SL No. 245 s 3 sch 1  
renum 2002 SL No. 245 s 30 sch 2  
om 2003 SL No. 123 s 9

**Maximum charge for metered supply**

**s 228** (prev s 342J) ins 2000 SL No. 262 s 7  
amd 2002 SL No. 245 s 22  
renum 2002 SL No. 245 s 30 sch 2  
om 2003 SL No. 123 s 9

**Subdivision 6—Disclosure requirements for common area consumption charges**

**sdiv hdg** (prev ch 8, pt 1, div 2, sdiv 6 hdg) ins 2000 SL No. 262 s 7  
om 2003 SL No. 123 s 9

**Application of sdiv 6**

**s 229** (prev s 342K) ins 2000 SL No. 262 s 7  
renum 2002 SL No. 245 s 30 sch 2  
om 2003 SL No. 123 s 9

**Periodic consumption estimates**

**s 230** (prev s 342L) ins 2000 SL No. 262 s 7  
sub 2002 SL No. 245 s 23  
renum 2002 SL No. 245 s 30 sch 2  
om 2003 SL No. 123 s 9

**Annual audited statements**

**s 231** (prev s 342M) ins 2000 SL No. 262 s 7  
amd 2002 SL No. 245 s 24  
renum 2002 SL No. 245 s 30 sch 2  
om 2003 SL No. 123 s 9

**Content requirements for audited statement**

**s 232** (prev s 342N) ins 2000 SL No. 262 s 7  
amd 2002 SL No. 245 s 3 sch 1  
renum 2002 SL No. 245 s 30 sch 2  
om 2003 SL No. 123 s 9

**Subdivision 7—On-suppliers who operate a private network**

**sdiv hdg** (prev ch 8, pt 1, div 2, sdiv 7 hdg) ins 2000 SL No. 262 s 7  
amd 2002 SL No. 245 s 3 sch 1  
om 2003 SL No. 123 s 9

**Market Code exemption required**

- s 233** (prev s 342O) ins 2000 SL No. 262 s 7  
 amd 2002 SL No. 245 s 3 sch 1  
 renum 2002 SL No. 245 s 30 sch 2  
 om 2003 SL No. 123 s 9

**PART 2—MARKET CODE APPOINTMENTS**

- pt hdg** (prev ch 8, pt 1A hdg) ins 1997 SL No. 313 s 16  
 renum 2002 SL No. 245 s 30 sch 2

**Application of pt 2**

- prov hdg** amd 2002 SL No. 245 s 3 sch 1  
**s 234** pres s 234 (prev s 343) ins 1997 SL No. 179 s 27  
 sub 1997 SL No. 313 s 16  
 renum 2002 SL No. 245 s 30 sch 2

**Electrical regions**

- s 235** (prev s 343C) ins 1997 SL No. 313 s 16  
 renum 2002 SL No. 245 s 30 sch 2

**Extended transmission regulation commencement**

- s 236** (prev s 343H) ins 1997 SL No. 313 s 16  
 renum 2002 SL No. 245 s 30 sch 2

**Jurisdictional Regulator**

- s 237** prev s 237 sub 1997 SL No. 179 s 8  
 om 2002 SL No. 245 s 3 sch 1  
 pres s 237 (prev s 343I) ins 1997 SL No. 313 s 16  
 renum 2002 SL No. 245 s 30 sch 2

**PART 3—APPLICATION OF FREEDOM OF INFORMATION ACT AND JUDICIAL REVIEW ACT TO STATE ELECTRICITY ENTITIES**

- pt hdg** (prev ch 8, pt 2 hdg) renum 2002 SL No. 245 s 30 sch 2

**Commercial and excluded activities for Act, s 256**

- prov hdg** sub 1997 SL No. 313 s 17  
**s 238** pres s 238 (prev s 342) amd 1997 SL No. 179 s 28(1)–(3)  
 renum 1997 SL No. 179 s 28(4)  
 amd 1997 SL No. 313 s 17; 1997 SL No. 473 s 27; 2002 SL No. 245 s 3 sch 1  
 (prev s 344) renum 2002 SL No. 245 s 30 sch 2  
 (3) exp 23 May 1998 (see s 344(5))

**PART 4—DECLARED STATE ELECTRICITY ENTITIES**

- pt hdg** (prev ch 8, pt 3 hdg) ins 1997 SL No. 179 s 29  
 renum 2002 SL No. 245 s 30 sch 2

**Declarations**

- s 239** pres s 239 (prev s 345) sub 1998 SL No. 251 s 5; 1999 SL No. 42 s 6  
 renum 2002 SL No. 245 s 30 sch 2

**PART 5—DECLARED CONSTRUCTING AUTHORITIES**

- pt hdg** (prev ch 8, pt 3A hdg) ins 2002 SL No. 245 s 25  
 renum 2002 SL No. 245 s 30 sch 2  
 om 2003 SL No. 123 s 9

**Declared constructing authorities**

- s 240** new s 240 (prev s 345A) ins 2002 SL No. 245 s 25  
renum 2002 SL No. 245 s 30 sch 2  
om 2003 SL No. 123 s 9

**PART 6—MISCELLANEOUS**

- pt hdg** (prev ch 8, pt 4 hdg) renum 2002 SL No. 245 s 30 sch 2

**Approved industry superannuation scheme**

- s 241** (orig s 351A) ins 1995 SL No. 221 s 5  
renum (as s 346) 1997 SL No. 179 s 30  
renum 2002 SL No. 245 s 30 sch 2

**Fees**

- s 242** pres s 242 (orig s 352) renum 1997 SL No. 179 s 30  
sub 2000 SL No. 149 s 4  
amd 2002 SL No. 245 s 3 sch 1  
renum (as s 347) 2002 SL No. 245 s 30 sch 2

**Forms**

- s 243** (orig s 353) renum (as s 348) 1997 SL No. 179 s 30  
renum 2002 SL No. 245 s 30 sch 2

**PART 7—TRANSITIONAL PROVISIONS FOR ELECTRICITY AMENDMENT  
REGULATION (No. 2) 2000**

- pt hdg** (prev ch 8, pt 5 hdg) ins 2000 SL No. 262 s 8  
renum 2002 SL No. 245 s 30 sch 2  
om 2003 SL No. 123 s 9

**Existing decisions or agreements about on-supply charging**

- s 244** new s 244 (prev s 349) ins 2000 SL No. 262 s 8  
amd 2002 SL No. 245 s 3 sch 1  
renum 2002 SL No. 245 s 30 sch 2  
om 2003 SL No. 123 s 9

**Existing agreements about common area consumption**

- s 245** (prev s 350) ins 2000 SL No. 262 s 8  
amd 2002 SL No. 245 s 3 sch 1  
renum 2002 SL No. 245 s 30 sch 2  
om 2003 SL No. 123 s 9

**PART 8—TRANSITIONAL PROVISIONS FOR ELECTRICITY LEGISLATION  
AMENDMENT REGULATION (No. 1) 2002**

- pt hdg** (prev ch 8, pt 6 hdg) ins 2002 SL No. 245 s 26  
renum 2002 SL No. 245 s 30 sch 2

**Electric lines installed or operated before 1 October 2002**

- s 246** (prev s 350A) ins 2002 SL No. 245 s 26  
renum 2002 SL No. 245 s 30 sch 2

**Existing registrations of items of prescribed electrical equipment**

- s 247** (prev s 351) ins 2002 SL No. 245 s 26  
renum 2002 SL No. 245 s 30 sch 2

**Existing approvals, notices, decisions and requirements given or made by regulator**

**s 248** (prev s 352) ins 2002 SL No. 245 s 26  
renum 2002 SL No. 245 s 30 sch 2

**Amendments must be approved by Minister**

**s 248E** ins 1997 SL No. 179 s 8  
om 1997 SL No. 473 s 13

**Where electricity restriction applies**

**s 248R** (prev s 248G) ins 1995 SL No. 375 s 4  
renum 1997 SL No. 179 s 9  
amd 1999 SL No. 141 s 6  
om 2000 SL No. 315 s 5

**Electricity restrictions**

**s 248S** (prev s 248H) ins 1995 SL No. 375 s 4  
renum 1997 SL No. 179 s 9  
om 2000 SL No. 315 s 5

**Existing applications**

**s 249** (prev s 353) ins 2002 SL No. 245 s 26  
renum 2002 SL No. 245 s 30 sch 2

**Unfinished appeals**

**s 250** (prev s 354) ins 2002 SL No. 245 s 26  
renum 2002 SL No. 245 s 30 sch 2

**Queensland grid code to be followed**

**s 251** om 1997 SL No. 313 s 9

**Arrangements with other electricity entities about system control**

**s 252** om 1997 SL No. 313 s 9

**Additional operating instructions**

**s 253** om 1997 SL No. 313 s 9

**Dealings to be impartial**

**s 254** om 1997 SL No. 313 s 9

**Confidentiality**

**s 255** om 1997 SL No. 313 s 9

**Reasonable charges for services**

**s 256** om 1997 SL No. 313 s 9

**Retail entity must comply with prices or methodology**

**s 262B** ins 1997 SL No. 473 s 18  
exp 13 December 1998 (see s 262B(3))

**Ancillary services at direction of Queensland System Operator**

**s 263** sub 1997 SL No. 313 s 11  
exp 23 May 1998 (see s 263A)

**Expiry of pt 3**

**s 263A** ins 1997 SL No. 473 s 19  
exp 23 May 1998 (see s 263A)

**Condition to comply with Queensland grid code**

s 264 sub 1997 SL No. 179 s 11  
om 1997 SL No. 313 s 11

**Condition to comply with Queensland grid code**

s 265 sub 1997 SL No. 179 s 11  
om 1997 SL No. 313 s 11

**Condition to comply with Queensland grid code**

s 266 om 1997 SL No. 313 s 11

**Regulator may exempt from Queensland grid code**

s 266A ins 1997 SL No. 220 s 15  
om 1997 SL No. 313 s 11

**Application of this part**

s 267 amd 1995 SL No. 235 s 3; 1997 SL No. 220 s 16; 1997 SL No. 224 s 4  
om 1997 SL No. 313 s 11

**Trade if generation less than 30 MW net capacity only with retail entity etc.**

prov hdg amd 1997 SL No. 268 s 12(1)  
s 268 amd 1997 SL No. 268 s 12(2)  
om 1997 SL No. 313 s 11

**Written agreements required**

s 269 om 1997 SL No. 313 s 11

**Payments for retail trade decided by parties**

s 270 om 1997 SL No. 313 s 11

**Amount payable for electricity bought by wholesale trade**

s 271 sub 1995 SL No. 208 s 4  
amd 1996 SL No. 86 s 3  
om 1997 SL No. 313 s 11

**Network services to comply with Queensland grid code**

s 272 amd 1997 SL No. 179 s 13  
om 1997 SL No. 313 s 11

**Seller in retail trade to meet cost of network services etc.**

s 273 amd 1997 SL No. 179 s 14  
om 1997 SL No. 313 s 11

**Sellers and buyers in wholesale trade to meet cost of network services etc.**

s 274 amd 1997 SL No. 179 s 15  
om 1997 SL No. 313 s 11

**Transmission entity and distribution entity responsible for metering system**

prov hdg amd 1997 SL No. 179 s 16(1)  
s 275 amd 1997 SL No. 179 s 16(2)  
om 1997 SL No. 313 s 11

**System control entity to schedule in accordance with principles of economic dispatch**

s 276 om 1997 SL No. 313 s 11

**Generation participants to advise system control entity of operating costs**

s 277 om 1997 SL No. 313 s 11

**Retention of cost records**

s 278 om 1997 SL No. 313 s 11

**Commitment and dispatch to be decided on costs as advised**

s 279 om 1997 SL No. 313 s 11

**Electricity generated by hydro-electric generating plant**

s 280 sub 1996 SL No. 86 s 4  
om 1997 SL No. 313 s 11

**Treatment of electricity generated by pumped storage generating plant**

s 281 amd 1996 SL No. 86 s 5  
om 1997 SL No. 313 s 11

**Ancillary services at direction of system control entity**

s 282 om 1997 SL No. 313 s 11

**Grid and network losses to be considered in commitment and dispatch**

s 283 om 1997 SL No. 313 s 11

**Allocation of electrical losses in transmission grid and supply networks**

s 284 amd 1997 SL No. 179 s 17  
om 1997 SL No. 313 s 11

**Adjustments for interconnected transmission grids and supply networks**

s 285 om 1997 SL No. 313 s 11

**Working out of electricity taken by distribution entity**

prov hdg amd 1997 SL No. 179 s 18(1)  
s 286 amd 1997 SL No. 179 s 18(2)  
om 1997 SL No. 313 s 11

**Appointment of QETC as settlements entity**

s 287 amd 1997 SL No. 179 s 19  
om 1997 SL No. 313 s 11

**General powers of settlements entity**

s 288 om 1997 SL No. 313 s 11

**System control entity responsible for collection and verification of data**

s 289 om 1997 SL No. 313 s 11

**Obligations of trading participants to settlements entity in working out fixed charges**

s 290 om 1997 SL No. 313 s 11

**Access to data by trading participants**

s 291 om 1997 SL No. 313 s 11

**Retention of data**

s 292 om 1997 SL No. 313 s 11

**Audit of data**

s 293 om 1997 SL No. 313 s 11

**Approval to act under agreements under Electricity Act 1976**

s 297 exp 1 January 1996 (sees 297(4))

**Disciplinary action against special approval holder**

s 298 om 2000 SL No. 309 s 3

**NorthPower's authorised supplier authorities**

s 298A ins 1997 SL No. 179 s 23  
amd 1997 SL No. 473 s 20  
exp 30 June 1998 (see s 298A(6))

**Special approval for certain activities under s 138 of the repealed Act**

s 298C ins 1997 SL No. 473 s 21  
exp 2 July 1998 (see s 298C(6))

**Exemption from Act, s 92I(2)(a)**

s 341A ins 1997 SL No. 473 s 24  
exp 13 December 1998 (see s 341A(2))

**Exemption for Ergon Energy**

s 341C ins 1999 SL No. 141 s 8  
om 2002 SL No. 245 s 3 sch 1

**Application of Part**

s 343 exp 1 July 1995 (see s 350)

**NECA's functions**

s 343A ins 1997 SL No. 313 s 16  
amd 1997 SL No. 473 s 25  
exp 23 May 1998 (see s 343A(3))

**Management company's functions**

s 343B ins 1997 SL No. 313 s 16  
amd 1997 SL No. 473 s 26  
exp 23 May 1998 (see s 343B(2))

**Compensation**

s 343D ins 1997 SL No. 313 s 16  
amd 1997 SL No. 473 s 26  
exp 23 May 1998 (see s 343D(2))

**Secure operating and satisfactory operating states**

s 343E ins 1997 SL No. 313 s 16  
amd 1997 SL No. 473 s 26  
exp 23 May 1998 (see s 343E(2))

**Capacity reserve**

s 343F ins 1997 SL No. 313 s 16  
amd 1997 SL No. 473 s 26  
exp 23 May 1998 (see s 343F(2))

**Operating procedures**

s 343G ins 1997 SL No. 313 s 16  
amd 1997 SL No. 473 s 26  
exp 23 May 1998 (see s 343G(2))

**Assigned employer to give assigned employees certificate of employment and entitlement**

s 344 exp 1 July 1995 (see s 350)

**Assigned employee may ask for, or for change to, assignment certificate**

s 346 exp 1 July 1995 (see s 350)

**Assigned employer to act on request**

s 347 exp 1 July 1995 (see s 350)

**Employee to acknowledge receipt of certificate on request**

s 348 exp 1 July 1995 (see s 350)

**Levy on electricity entities—Act, s 64AA**s 348A ins 2000 SL No. 309 s 4  
sub 2001 SL No. 69 s 3  
om 2002 SL No. 245 s 3 sch 1**Definitions**s 349 prev s 349 exp 1 July 1995 (see s 350)  
new s 349 ins 1998 SL No. 327 s 4  
exp 31 December 1999 (see s 354)**Approval of transitional Market Code**s 350 prev s 350 exp 1 July 1995 (see s 350)  
new s 350 ins 1998 SL No. 327 s 4  
exp 31 December 1999 (see s 354)**Administrator's function—regional system control**s 351 prev s 351 amd 1995 SL No. 221 s 4  
exp 1 January 1996 (see s 351(3))  
new s 351 ins 1998 SL No. 327 s 4  
exp 31 December 1999 (see s 354)**Transitional Market Code to be open for inspection**s 352 ins 1998 SL No. 327 s 4  
exp 31 December 1999 (see s 354)**Complying with transitional Market Code**s 353 ins 1998 SL No. 327 s 4  
exp 31 December 1999 (see s 354)**When part expires**s 354 ins 1998 SL No. 327 s 4  
sub 1999 SL No. 21 s 3; 1999 SL No. 141 s 9  
exp 31 December 1999 (see s 354)**SCHEDULE 1—MAXIMUM PERMITTED RATING OF ELECTRIC MOTORS**

sch hdg amd 2002 SL No. 245 s 3 sch 1

sch 1 prev sch 1 om 2002 SL No. 245 s 3 sch 1  
pres sch 1 (prev s 3AA) ins 2000 SL No. 315 s 6  
renum 2002 SL No. 245 s 30 sch 2  
sub 2003 SL No. 314 s 8



**SCHEDULE 2—OTHER CONTESTABLE CUSTOMERS**

- prov hdg** amd 2002 SL No. 245 s 3 sch 1  
**sch 2** prev sch 2 amd 1997 SL No. 220 s 18  
om 2002 SL No. 245 s 3 sch 1  
pres sch 2 (prev sch 3A) ins 1998 SL No. 53 s 7  
renum 2002 SL No. 245 s 30 sch 2

**SCHEDULE 3—SPECIAL APPROVAL HOLDERS TREATED AS ELECTRICITY ENTITIES**

- sch hdg** amd 2002 SL No. 245 s 3 sch 1  
**sch 3** prev sch 3 amd 1997 SL No. 220 s 19  
om 2002 SL No. 245 s 3 sch 1  
pres sch 3 (prev sch 3B) ins 2000 SL No. 309 s 5  
amd 2002 SL No. 245 s 27  
renum 2002 SL No. 245 s 30 sch 2  
amd 2003 SL No. 123 s 10; 2004 SL No. 74 s 10

**SCHEDULE 4—PRESCRIBED ELECTRICAL EQUIPMENT AND RELEVANT STANDARDS**

- (prev sch 3C) ins 2002 SL No. 245 s 28  
renum 2002 SL No. 245 s 30 sch 2  
amd 2003 SL No. 103 s 4; 2004 SL No. 223 s 6

**SCHEDULE 5—REVIEW OF DECISIONS BY THE REGULATOR**

- (prev sch 4) sub 1997 SL No. 179 s 31; 2002 SL No. 245 s 29  
renum 2002 SL No. 245 s 30 sch 2  
amd 2003 SL No. 123 s 11

**SCHEDULE 6—APPEALS AGAINST ADMINISTRATIVE DECISIONS TO MAGISTRATES COURT**

- (prev sch 5) amd 1999 No. 169 s 4  
sub 2002 SL No. 245 s 29  
renum 2002 SL No. 245 s 30 sch 2

**SCHEDULE 7—APPEALS AGAINST ADMINISTRATIVE DECISIONS TO INDUSTRIAL MAGISTRATES COURT**

- sch hdg** amd 2003 SL No. 123 s 12  
**sch 7** (prev sch 6) amd 2000 SL No. 250 s 14  
sub 2002 SL No. 245 s 29  
renum 2002 SL No. 245 s 30 sch 2

**SCHEDULE 7A—PERIODIC INSTALMENTS FOR LEVY**

- sch hdg** amd 2001 SL No. 69 s 4  
**sch 7A** ins 2000 SL No. 309 s 6  
om 2002 SL No. 245 s 29

**SCHEDULE 7B—PERIODIC INSTALMENTS FOR LEVY**

- ins 2001 SL No. 69 s 5  
om 2002 SL No. 245 s 29

**SCHEDULE 8—FEES**

**sch hdg** amd 1997 SL No. 473 s 28(1)  
 (prev sch 7) amd 1997 SL No. 473 s 28(2)–(3); 1998 SL No. 349 s 26; 2000  
 SL No. 149 s 5; 2002 SL No. 147 s 4; 2002 SL No. 245 s 29  
 sub 2002 SL No. 245 s 29  
 renum 2002 SL No. 245 s 30 sch 2  
 amd 2002 SL No. 304 s 10 sch (retro); 2003 SL No. 123 s 13; 2004 SL  
 No. 279 s 5

**SCHEDULE 9—DICTIONARY**

**sch hdg** sub 2002 SL No. 245 s 29  
 (prev sch 8) renum 2002 SL No. 245 s 30 sch 2  
 def “**accounting period**” ins 2002 SL No. 245 s 29  
 om 2003 SL No. 123 s 14  
 def “**active**” or “**active conductor**” om from prev sch 8 2002 SL No. 245 s 29  
 def “**adjusted period**” om from prev sch 8 2002 SL No. 245 s 29  
 def “**affected customer**” ins 2002 SL No. 61 s 4  
 sub 2002 SL No. 245 s 29  
 def “**affected employee**” om from prev sch 8 2002 SL No. 245 s 29  
 def “**anniversary**” ins 2000 SL No. 262 s 9  
 om from prev sch 8 2002 SL No. 245 s 29  
 def “**anode**” om from prev sch 8 2002 SL No. 245 s 29  
 def “**appropriate doctor**” om from prev sch 8 2002 SL No. 245 s 29  
 def “**approved connections**” ins 1997 SL No. 473 s 29(2)  
 om from prev sch 8 1998 SL No. 251 s 6(1)  
 def “**approved form**” ins 2002 SL No. 245 s 29  
 def “**approved safety switch**” ins 2002 SL No. 180 s 7  
 om from prev sch 8 2002 SL No. 245 s 29  
 def “**approved supply**” ins 1997 SL No. 473 s 29(2)  
 om from prev sch 8 1998 SL No. 251 s 6(1)  
 def “**AS**” sub 1998 SL No. 349 s 27  
 om from prev sch 8 2001 SL No. 69 s 6  
 def “**AS/NZS**” ins 1998 SL No. 349 s 27(2)  
 sub 2002 SL No. 245 s 29  
 def “**assigned employee**” om from prev sch 8 2000 SL No. 250 s 15(1)  
 def “**assigned employer**” om from prev sch 8 000 SL No. 250 s 15(1)  
 def “**assignment certificate**” om from prev sch 8 2000 SL No. 250 s 15(1)  
 def “**by direct contact with**” om from prev sch 8 2002 SL No. 245 s 29  
 def “**by indirect contact with**” om from prev sch 8 2002 SL No. 245 s 29  
 def “**casual employee**” ins 2001 SL No. 138 s 14(1)  
 sub 2002 SL No. 245 s 29  
 def “**cathodically protected structure**” om from prev sch 8 2002 SL No. 245  
 s 29  
 def “**check inspection**” om from prev sch 8 2002 SL No. 245 s 29  
 def “**check testing**” ins 2002 SL No. 245 s 29  
 def “**chief executive (land)**” ins 2002 SL No. 180 s 7  
 om from prev sch 8 2002 SL No. 245 s 29  
 def “**combined form**” ins 2002 SL No. 180 s 7  
 om from prev sch 8 2002 SL No. 245 s 29

- def “**common area**” ins 2000 SL No. 262 s 9  
 sub 2002 SL No. 245 s 29  
 om 2003 SL No. 123 s 14
- def “**common area consumption**” ins 2000 SL No. 262 s 9  
 sub 2002 SL No. 245 s 29  
 om 2003 SL No. 123 s 14
- def “**competent person**” ins 2002 SL No. 245 s 29
- def “**connection**” ins 1997 SL No. 473 s 29(2)  
 om from prev sch 8 1998 SL No. 251 s 6(1)
- def “**consumers terminals**” ins 2000 SL No. 250 s 15(2)  
 sub 2002 SL No. 245 s 29
- def “**contestable customer**” om from prev sch 8 2002 SL No. 245 s 29
- def “**cooling-off period**” ins 2004 SL No. 75 s 11(2)
- def “**corresponding law**” ins 2002 SL No. 245 s 29
- def “**customer connection services**” ins 1997 SL No. 179 s 32(2)  
 om from prev sch 8 1997 SL No. 473 s 29(1)
- def “**customer retail services**” ins 1997 SL No. 179 s 32(2)  
 om from prev sch 8 1997 SL No. 473 s 29(1)
- def “**customer’s generating plant for emergency supply**” sub 2002 SL No. 245 s 29
- def “**date of possession**” ins 2002 SL No. 180 s 7  
 om from prev sch 8 2002 SL No. 245 s 29
- def “**distribution entity**” ins 1997 SL No. 179 s 32(2)  
 sub 2002 SL No. 245 s 29
- def “**domestic residence**” ins 2002 SL No. 180 s 7  
 om from prev sch 8 2002 SL No. 245 s 29
- def “**earthed**” om from prev sch 8 2002 SL No. 245 s 29
- def “**EGTS award**” ins 2000 SL No. 35 s 5  
 sub 2002 SL No. 245 s 29
- def “**electrical appliance**” ins 2002 SL No. 245 s 29
- def “**electrical fitter**” om from prev sch 8 2002 SL No. 245 s 29
- def “**electrical installation**” sub 2002 SL No. 245 s 29
- def “**electrical jointer**” om from prev sch 8 2002 SL No. 245 s 29
- def “**electrical linesperson**” om from prev sch 8 2002 SL No. 245 s 29
- def “**electrical mechanic**” om from prev sch 8 2002 SL No. 245 s 29
- def “**electrical worker**” om from prev sch 8 2002 SL No. 245 s 29
- def “**electricity industry employee**” sub 2000 SL No. 35 s 5
- def “**employer**” om from prev sch 8 2002 SL No. 245 s 29
- def “**engineering tradesperson (electrical)**” om from prev sch 8 2002 SL No. 245 s 29
- def “**Ergon Energy**” ins 1999 SL No. 141 s 10  
 om from prev sch 8 2002 SL No. 245 s 29
- def “**ESIE award**” sub 2000 SL No. 35 s 5
- def “**EWC Board**” om from prev sch 8 2002 SL No. 245 s 29
- def “**exposed**” om from prev sch 8 2002 SL No. 245 s 29
- def “**external authority**” om from prev sch 8 2002 SL No. 245 s 29
- def “**first accounting period**” ins 2002 SL No. 245 s 29  
 om 2003 SL No. 123 s 14
- def “**foreign structure**” om from prev sch 8 2002 SL No. 245 s 29
- def “**foreign structure owner**” om from prev sch 8 2002 SL No. 245 s 29

- def “**former employer**” sub 2002 SL No. 245 s 29
- def “**former employment**” sub 2002 SL No. 245 s 29
- def “**general purpose socket-outlet**” ins 2002 SL No. 180 s 7  
om from prev sch 8 2002 SL No. 245 s 29
- def “**GOE industry**” sub 2002 SL No. 245 s 29
- def “**GOE industry employee**” amd 2001 SL No. 138 s 14(2)  
sub 2002 SL No. 245 s 29
- def “**high voltage**” om from prev sch 8 2002 SL No. 245 s 29
- def “**host retail entity**” ins 2002 SL No. 61 s 4  
sub 2002 SL No. 245 s 29; 2004 SL No. 75 s 11(1)–(2)
- def “**impressed current cathodic protection system**” om from prev sch 8  
2002 SL No. 245 s 29
- def “**industrial instrument**” ins 2000 SL No. 35 s 5  
sub 2002 SL No. 245 s 29
- def “**Industrial Relations Act**” ins 2000 SL No. 35 s 5  
sub 2002 SL No. 245 s 29
- def “**industrial workplace**” om from prev sch 8 2002 SL No. 245 s 29
- def “**information notice**” ins 2002 SL No. 245 s 29
- def “**in proximity to**” om from prev sch 8 2002 SL No. 245 s 29
- def “**insolvency official**” ins 2002 SL No. 61 s 4  
sub 2002 SL No. 245 s 29
- def “**last day**” om 2002 from prev sch 8 SL No. 245 s 29
- def “**licence**” om 2002 from prev sch 8 SL No. 245 s 29
- def “**licensed electrical fitter**” om from prev sch 8 2002 SL No. 245 s 29
- def “**licensed electrical jointer**” om from prev sch 8 2002 SL No. 245 s 29
- def “**licensed electrical linesperson**” om from prev sch 8 2002 SL No. 245  
s 29
- def “**licensed electrical mechanic**” om from prev sch 8 2002 SL No. 245 s 29
- def “**live line work**” om from prev sch 8 2002 SL No. 245 s 29
- def “**locality allowance**” sub 2002 SL No. 245 s 29
- def “**loss factor**” ins 2002 SL No. 61 s 4  
sub 2002 SL No. 245 s 29
- def “**lot**” ins 2002 SL No. 245 s 29
- def “**low voltage**” sub 2002 SL No. 245 s 29
- def “**Market Code instrument**” ins 1997 SL No. 313 s 18(2)  
sub 2002 SL No. 245 s 29
- def “**maximum operating current**” om from prev sch 8 2002 SL No. 245  
s 29
- def “**mine**” om from prev sch 8 2002 SL No. 245 s 29
- def “**new employer**” sub 2002 SL No. 245 s 29
- def “**new employment**” sub 2002 SL No. 245 s 29
- def “**NorthPower’s area**” ins 1997 SL No. 473 s 29(2)  
om from prev sch 8 2002 SL No. 245 s 29
- def “**on-supplier**” ins 2002 SL No. 245 s 29  
om 2003 SL No. 123 s 14
- def “**on-supplier’s premises**” ins 2000 SL No. 262 s 9  
sub 2002 SL No. 245 s 29  
om 2003 SL No. 123 s 14

- def **“on-supply agreement”** ins 2000 SL No. 262 s 9  
sub 2002 SL No. 245 s 29  
om 2003 SL No. 123 s 14
- def **“owner”** amd 1999 SL No. 42 s 7  
sub 2002 SL No. 245 s 29
- def **“permit”** om from prev sch 8 2002 SL No. 245 s 29
- def **“prescribed electrical equipment”** ins 2002 SL No. 245 s 29
- def **“private plant”** om from prev sch 8 2002 SL No. 245 s 29
- def **“proportionate amount”** sub 2002 SL No. 245 s 29
- def **“proposed transferee”** ins 2002 SL No. 245 s 29
- def **“prospective on-supplier”** ins 2000 SL No. 262 s 9  
sub 2002 SL No. 245 s 29  
om 2003 SL No. 123 s 14
- def **“prospective receiver”** ins 2000 SL No. 262 s 9  
sub 2002 SL No. 245 s 29  
om 2003 SL No. 123 s 14
- def **“PSME schedule”** om from prev sch 8 1998 SL No. 349 s 27(1)
- def **“Queensland grid code”** om from prev sch 8 1997 SL No. 313 s 18(1)
- def **“redundant”** ins 1997 SL No. 179 s 32(2)  
sub 2002 SL No. 245 s 29
- def **“redundant employee”** ins 1997 SL No. 179 s 32(2)  
sub 2002 SL No. 245 s 29
- def **“register”** ins 2002 SL No 245 s 29
- def **“registered owner”** ins 2002 SL No. 245 s 29
- def **“registered system”** om from prev sch 8 2002 SL No. 245 s 29
- def **“registrable system”** om from prev sch 8 2002 SL No. 245 s 29
- def **“registrar”** ins 2002 SL No. 180 s 7  
om from prev sch 8 2002 SL No. 245 s 29
- def **“regular amount”** om from prev sch 8 2002 SL No. 245 s 29
- def **“relevant award”** ins 2000 SL No. 35 s 5  
sub 2002 SL No. 245 s 29
- def **“relevant distribution entity”** ins 1998 SL No. 251 s 6(2)  
sub 2002 SL No. 245 s 29
- def **“relevant standard”** ins 2002 SL No. 180 s 7  
sub 2002 SL No. 245 s 29
- def **“relevant supplier”** ins 1997 SL No. 179 s 32(2)  
sub 2002 SL No. 245 s 29
- def **“repealed electrical articles regulation”** ins 2002 SL No. 245 s 29
- def **“residential land”** ins 2002 SL No. 180 s 7  
om from prev sch 8 2002 SL No. 245 s 29
- def **“restricted licence”** om from prev sch 8 2002 SL No. 245 s 29
- def **“retail entity”** ins 1997 SL No. 179 s 32(2)  
sub 2002 SL No. 245 s 29
- def **“retail trade”** amd 1997 SL No. 179 s 32(3)  
om from prev sch 8 1997 SL No. 313 s 18(1)
- def **“serious defect”** om from prev sch 8 2002 SL No. 245 s 29
- def **“service line”** ins 2000 SL No. 250 s 15(2)  
sub 2002 SL No. 245 s 29
- def **“single premises”** ins 1998 SL No. 251 s 6(2)  
sub 2002 SL No. 245 s 29

- def “**space for a substation**” sub 2000 SL No. 250 s 15(1)–(2)  
om from prev sch 8 2002 SL No. 245 s 29
- def “**spouse**” sub 2002 SL No. 245 s 29  
om 2003 SL No. 54 s 3 sch
- def “**statutory customer sale contract**” ins 2002 SL No. 61 s 4  
sub 2002 SL No. 245 s 29  
amd 2004 SL No. 75 s 11(3)
- def “**supplier**” sub 1997 SL No. 179 s 32(1)–(2); 2002 SL No. 245 s 29
- def “**suspended retail entity**” ins 2002 SL No. 61 s 4  
sub 2002 SL No. 245 s 29
- def “**trade in electricity**” om from prev sch 8 1997 SL No. 313 s 18(1)
- def “**trading participant**” amd 1997 SL No. 179 s 32(4)  
om from prev sch 8 1997 SL No. 313 s 18(1)
- def “**training department**” om from prev sch 8 2002 SL No. 245 s 29
- def “**transfer date**” ins 2002 SL No. 180 s 7  
om from prev sch 8 2002 SL No. 245 s 29
- def “**transfer day**” ins 2002 SL No. 245 s 29
- def “**transferee**” ins 2002 SL No. 180 s 7  
om from prev sch 8 2002 SL No. 245 s 29
- def “**transferor**” ins 2002 SL No. 180 s 7  
om from prev sch 8 2002 SL No. 245 s 29
- def “**transferred employee**” sub 2002 SL No. 245 s 29
- def “**translation principles**” ins 2000 SL No. 35 s 5  
sub 2002 SL No. 245 s 29
- def “**welding power source**” ins 2000 SL No. 315 s 7  
sub 2002 SL No. 245 s 29  
om 2003 SL No. 314 s 9
- def “**wholesale trade**” amd 1997 SL No. 179 s 32(5)  
om from prev sch 8 1997 SL No. 313 s 18(1)
- def “**wiring rules**” ins 2000 SL No. 250 s 15(2)  
sub 2002 SL No. 245 s 29
- def “**year**” ins 2000 SL No. 262 s 9  
om from prev sch 8 2002 SL No. 245 s 29