

Queensland



# **ELECTRICITY ACT 1994**

**Act No. 64 of 1994**

Queensland



**ELECTRICITY ACT 1994**

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Queensland



## **Electricity Act 1994**

**Act No. 64 of 1994**

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**An Act about the electricity industry and use of electricity, and for related purposes**

*[Assented to 1 December 1994]*



The Parliament of Queensland enacts—

## CHAPTER 1—PRELIMINARY

### PART 1—INTRODUCTORY PROVISIONS

#### Short title

1. This Act may be cited as the *Electricity Act 1994*.

#### Commencement

- 2.(1) This Act commences on a day to be fixed by proclamation.
- (2) However, section 287 (Gladstone power station provisions) commences on assent.

### PART 2—OBJECTS OF ACT

#### Objects of Act

3. The objects of this Act are to—
  - (a) set a framework for all electricity industry participants that promotes efficient, economical and environmentally sound electricity supply and use; and
  - (b) regulate the electricity industry and electricity use; and
  - (c) promote electricity safety.

## PART 3—DEFINITIONS

### Definitions—the dictionary

4. The dictionary in Schedule 5 defines particular words used in this Act.<sup>1</sup>

## PART 4—SOME BASIC CONCEPTS OF ELECTRICITY INDUSTRY OPERATIONS

### Electricity

5. “**Electricity**” includes electric current, electrical energy and like or related physical qualities.

### Transmission grid

6.(1) A “**transmission grid**” is a system, or part of a system, of electric lines, substations and associated equipment providing connection between generation facilities and supply networks or customers not supplied through supply networks.

(2) A transmission grid includes connections to other transmission grids.

### System control

7. For a system (“**power system**”) consisting of a transmission grid or grids and connected generators and supply networks and electrical installations, “**system control**” is—

- (a) scheduling and directing the output of the generators and other sources of supply connected to the power system; or
- (b) coordinating maintenance programs and schedules for generating

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<sup>1</sup> In some Acts, definitions are contained in a dictionary that appears as the last Schedule and forms part of the Act—*Acts Interpretation Act 1954* section 14.

and transmission plant; or

- (c) ensuring the integrity of the power system; or
- (d) controlling switching of transmission elements and access to them for maintenance, inspection and testing; or
- (e) controlling the switching of parts of supply networks relevant to the integrity of the power system; or
- (f) coordinating arrangements, and issuing directions, for the reduction of demand by supply entities or authorised suppliers in emergencies when available electricity is limited; or
- (g) scheduling and directing the provision of ancillary services.

### **Supply network**

**8.** A **“supply network”** is a system, or part of a system, of electric lines, substations and associated equipment, other than a transmission grid, for distributing electricity to customers, whether or not generating plant is connected to it.

### **Network control**

**9.** For a supply network, **“network control”** is—

- (a) coordinating the operation of the supply network and any generators connected to it; or
- (b) coordinating maintenance programs and schedules for generating plant and elements of the supply network; or
- (c) ensuring the integrity of the supply network; or
- (d) controlling switching of elements of the supply network and access to them, including disconnection of load, for maintenance, inspection and testing; or
- (e) issuing directions for, and implementing reductions in, demand of customers supplied by the supply network in emergencies when available electricity is limited; or
- (f) scheduling and controlling the switching of controllable load.

### Network services

**10. “Network services”** are services for electricity transfer provided by transmission entities, supply entities and authorised suppliers to persons connected to a transmission grid or supply network.

*Examples of network services—*

1. Providing electricity transfer capacity.
2. Controlling and regulating the characteristics of electricity being transferred.
3. Providing facilities to connect works of generation entities, transmission entities, supply entities or authorised suppliers, or electrical installations of customers, to a transmission grid or supply network.

### Ancillary services

**11. “Ancillary services”** are services provided by electricity entities or customers through the operation of their works or installations in ways that are not directly related to the generation and supply of electricity, but are to ensure the stable and secure operation of an electricity system, and its recovery from emergency situations.

*Examples of ancillary services—*

1. Providing reserve to the system, including through interruptibility of load.
2. Operating generating and other plant to ensure the stable and secure operation of the system.
3. Maintaining an ability to restore supply to the system after total failure of supply.

### Works, substations and operating works

**12.(1) “Works”** are anything used for, or in association with, the generation, transmission or supply of electricity.

*Example of works—*

Electric lines and apparatus, electrical articles, buildings, control cables, engines, fittings, lamps, machinery, meters, substations and transformers if they are used for, or in association with, the generation, transmission or supply of, electricity.

**(2) A “substation”** is works used for converting, transforming or controlling electricity.

**(3) “Operating works” are—**

- (a) for a generation entity—the generating plant, fuel stocks, electrical and other property used for generating electricity or connecting supply to a transmission grid or supply network; or
- (b) for a transmission entity—the transmission grid and other property used for operating or managing the transmission grid; or
- (c) for a supply entity or authorised supplier—the supply network and other property used for operating or managing the supply network.

*Example of other property used for generating electricity—*

Coal handling facilities for a coal-fired power station and the land where they are situated.

### **Electrical installation**

**13.(1)** An “**electrical installation**” is an electric line or electrical article installed in a place that is used for conveying, controlling or using electricity.

**(2)** An electrical installation includes an addition or other alteration to the electric line or electrical article.

**(3)** However, an electrical installation does not include works used for generating, transmitting or supplying electricity.

### **Electrical article, electric line and meter**

**14.(1)** An “**electrical article**” includes an apparatus, appliance, article, cable, fitting, insulator, material, meter or wire—

- (a) used for generating, transmitting or supplying electricity; or
- (b) operated by electricity.

**(2)** An “**electric line**” is a wire, conductor or associated equipment used for transmitting, transforming or supplying electricity.

*Examples of electric line—*

1. A bracket, casing, coating, covering, duct, frame, insulator, pillar, pipe, pole, tower or tube enclosing, surrounding or supporting an electric line.

2. Apparatus connected to an electric line and used for transmitting, transforming or supplying electricity.

(3) A “**meter**” is a device used for measuring electricity, and includes any associated equipment.

### **Cathodic protection system**

15. A “**cathodic protection system**” is a system by which a structure in contact with ground or water is protected from electrolytic corrosion by a direct electric current flowing between the structure and an anode through the ground or water.

### **Electrical work and electrical installation work**

16.(1) “**Electrical work**” is the work of installing or repairing an electric line or electrical article used for generating, transmitting, supplying or using electricity.

(2) However, the following work is not electrical work—

- (a) manufacturing, assembling or repairing electrical articles at an industrial workplace if the principal manufacturing process carried on at the workplace is the making, assembling, altering, repairing or adapting of electrical articles;
- (b) building for an electricity entity, and under its supervision, an overhead electric line on supports that do not already carry an overhead line connected to an electricity source;
- (c) building or repairing ducts, conduits or troughs (“**channels**”) where electrical wiring will be or is installed, if—
  - (i) the channels are not used as an earthing medium or are not to be earthed; or
  - (ii) the wiring installed in the channels is not connected to supply and the work is done under the direct supervision of an electrical worker licensed to perform electrical installation work;
- (d) laying, cutting and sealing underground cables that are part of an electricity entity’s works before initial connection to an electricity

source;

- (e) recovering underground cables that are part of an electricity entity's works after disconnection from an electricity source;
- (f) altering, repairing, maintaining or recovering an overhead electric line that is part of an electricity entity's works, if the work is performed under the entity's supervision and—
  - (i) if the line is not on supports supporting another electric line—the line has been isolated from electricity sources in a way that closure of a switch cannot energise the section of the line where work is being done; or
  - (ii) if the line is on supports supporting another electric line—both lines have been isolated from electricity sources in a way that closure of a switch cannot energise the section of the line where work is being done or an adjacent section of the other line;
- (g) other work prescribed under the regulations.

(3) For licensing electrical contractors, “**electrical work**” includes minor building work, and building services work, incidental to electrical work.

(4) “**Electrical installation work**” is the work of installing, altering or adding to an electrical installation, and includes supervising the work.

## Voltage

17.(1) “**Voltage**” is the difference in electrical potential measured in volts.

(2) For alternating current systems, “**voltage**” is taken to be the root mean square (RMS) value of the difference.

(3) Unless otherwise provided, “**voltage**” is the nominal voltage between phases of a symmetrical 3 phase system.

(4) For electricity supplied from a single wire earth return system originating from a symmetrical 3 phase system, “**voltage**” is the nominal voltage between phase and earth.

## PART 5—OPERATION OF ACT

### Application of Act to government entities

**18.(1)** In this section—

“government entity” includes—

- (a) the State, the Commonwealth or another State; or
- (b) an instrumentality or agent of the State, the Commonwealth or another State.

**(2)** This Act binds a government entity only—

- (a) to the extent that the entity is, or has a financial interest in, an electricity entity; or
- (b) to the extent that the entity is a customer; or
- (c) in relation to electrical safety; or
- (d) in relation to electricity restriction and rationing; or
- (e) in relation to section 287 (Gladstone power station provisions).

**(3)** This Act does not apply to the building or use of electrical installations and other works used by Queensland Railways, as part of a system of electric traction or for signalling purposes, on a railway.

### Act subject to certain laws

**19.(1)** This Act is subject to the *Gladstone Power Station Agreement Act 1993*.

**(2)** This Act is also subject to section 56 of the *Wet Tropics World Heritage Protection and Management Act 1993*.<sup>2</sup>

### Exemptions from Act

**20.(1)** A regulation may exempt a person or thing from this Act or a

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<sup>2</sup> This section prohibits certain acts (for example, destruction of forest products) without an appropriate authority.



provision of this Act.

(2) The exemption may be given on conditions.

(3) A person must not contravene a condition of an exemption applying to the person.

Maximum penalty—50 penalty units.

(4) A regulation may provide that an exemption ceases or continues if a condition of the exemption is contravened.

## **CHAPTER 2—THE ELECTRICITY INDUSTRY**

### **PART 1—ELECTRICITY INDUSTRY AND ENTITIES**

#### **Electricity industry**

**21.** The “**electricity industry**” is the industry involved in generating, transmitting and supplying electricity in the State.

#### **Electricity entities**

**22.(1)** An “**electricity entity**” is an entity that is a participant in the electricity industry.

(2) The following entities are the participants in the electricity industry—

- generation entities
- transmission entities
- supply entities
- authorised suppliers.

## **PART 2—CUSTOMERS AND CONTESTABLE CUSTOMERS**

### **Customers and contestable customers**

**23(1).** A “**customer**” is a person who receives, or wants to receive, a supply of electricity from an electricity entity or special approval holder.

**(2)** A “**contestable customer**” is a customer declared to be a contestable customer under the regulations.

### **Customers authorised to take electricity from transmission grid or supply network**

**24.** If an electricity entity may provide electricity from a transmission grid or supply network to a customer, the customer is taken to be authorised to take electricity from the grid or network.

## **PART 3—GENERATION ENTITIES AND THEIR AUTHORITIES**

### **Generation entities**

**25.** A “**generation entity**” is a person who holds a generation authority.

### **Generation authorities**

**26.(1)** A “**generation authority**” authorises its holder to connect the generating plant stated in the authority to the transmission grid or supply network stated in the authority.

**(2)** However, a generation authority does not relieve its holder or anyone else from complying with laws applying to the development, building, operation or maintenance of generating plant.

**Conditions of generation authority**

**27.** A generation authority is subject to the following conditions—

- (a) the generation entity must provide electricity of a quality suitable for the transmission grid or supply network stated in the authority;
- (b) the generation entity must comply with—
  - (i) the technical conditions of connection to a transmission grid or supply network stated in the authority or prescribed under the regulations; and
  - (ii) system control directions given to it under this Act that are not inconsistent with the authority; and
  - (iii) conditions imposed under the regulations; and
  - (iv) the condition stated in section 28 (Additional condition to comply with protocols, standards and codes); and
  - (v) conditions stated in the authority;
- (c) the generation entity must properly take into account the environmental effects of its activities under the authority;
- (d) the generation entity must pay the amounts required under the authority or the regulations for administering the authority and its conditions.

**Additional condition to comply with protocols, standards and codes**

**28.** It is also a condition of a generation authority that the generation entity must comply with all protocols, standards and codes applying to the entity under the regulations.

## **PART 4—TRANSMISSION ENTITIES AND THEIR AUTHORITIES**

### **Transmission entities**

**29.** A “**transmission entity**” is a person who holds a transmission authority.

### **Transmission authorities**

**30.(1)** A “**transmission authority**” authorises its holder—

- (a) to operate the transmission grid stated in the authority; and
- (b) if stated in the authority—to connect the transmission grid to another transmission grid stated in the authority.

**(2)** However, a transmission authority does not relieve its holder or anyone else from complying with laws applying to the development, building, operation or maintenance of a transmission grid.

### **Conditions of transmission authority**

**31.** A transmission authority is subject to the following conditions—

- (a) the transmission entity must comply with—
  - (i) the technical conditions of operating the transmission grid stated in the authority or prescribed under the regulations; and
  - (ii) system control directions given to it under this Act that are not inconsistent with the authority; and
  - (iii) the conditions stated in the following sections—
    - section 32 (Additional condition to allow connection to grid by complying persons)
    - section 33 (Additional condition not to engage in electricity trading)
    - section 34 (Additional conditions about grid operation etc.)

- section 35 (Additional condition to provide network services)
  - section 36 (Additional condition to comply with protocols, standards and codes); and
- (iv) conditions imposed under the regulations; and
  - (v) conditions stated in the authority;
- (b) the transmission entity must properly take into account the environmental effects of its activities under the authority;
  - (c) the transmission entity must pay the amounts required under the authority or the regulations for administering the authority and its conditions.

### **Additional condition to allow connection to grid by complying persons**

**32.(1)** It is also a condition of a transmission authority that the transmission entity must allow, as far as technically and economically practicable, a person to connect supply to a transmission grid stated in the authority, or take electricity from the grid, on nondiscriminatory terms if the conditions stated in subsection (2) are satisfied.

**(2)** The conditions to be satisfied are as follows—

- (a) the person must be authorised under this Act to connect supply or take electricity from the transmission grid;
- (b) the grid must be capable of being used safely to connect supply or take electricity as proposed by the person;
- (c) the person must have complied with all provisions of the regulations relevant to connecting supply to, or taking electricity from, the grid;
- (d) the person must pay the reasonable cost of connection to the grid.

**(3)** In deciding whether the condition mentioned in subsection (2)(b) is satisfied, all relevant matters must be considered, including, for example—

- (a) the transmission entity's current obligations; and
- (b) the current obligations of other persons connected directly or

- indirectly to the transmission grid; and
- (c) the grid's capacity.

### **Additional condition not to engage in electricity trading**

**33.(1)** It is also a condition of a transmission authority that the transmission entity must not trade in electricity.

(2) Subsection (1) does not apply to generating, buying or selling electricity necessary to operate the transmission entity's transmission grid.

### **Additional conditions about grid operation etc.**

**34.(1)** In addition, a transmission authority is subject to the following conditions—

- (a) the transmission entity must operate, maintain (including repair and replace if necessary) and protect its transmission grid to ensure the adequate, economic, reliable and safe transmission of electricity;
- (b) the transmission entity must operate the grid in coordination with transmission grids to which it is connected directly or indirectly.

(2) Unless otherwise provided in its authority, it is also a condition of the transmission authority that the transmission entity must ensure, as far as technically and economically practicable, that the transmission grid is operated with enough capacity (and, if necessary, augmented or extended to provide enough capacity) to provide network services to persons authorised to connect to the grid or take electricity from the grid.

### **Additional condition to provide network services**

**35.** It is also a condition of a transmission authority that the transmission entity must provide, as far as technically and economically practicable, network services, on nondiscriminatory terms, for persons authorised to connect supply of electricity to the transmission grid or take electricity from the grid.

**Additional condition to comply with protocols, standards and codes**

**36.** It is also a condition of a transmission authority that the transmission entity must comply with all protocols, standards and codes applying to the entity under the regulations.

**PART 5—SUPPLY ENTITIES AND THEIR AUTHORITIES****Supply entities**

**37.** A “**supply entity**” is a person who holds a supply entity authority.

**Supply entity authorities**

**38.** A “**supply entity authority**” authorises its holder to supply electricity in its supply area.

**Supply area of supply entity**

**39.** A supply entity’s “**supply area**” is the area stated in its authority as its supply area or, if no area is stated, the whole of the State.

**Supply of electricity in supply area**

**40.(1)** A supply entity has an obligation to supply for its supply area.

**(2)** The obligation to supply is dealt with in Chapter 3.

**Supply of electricity outside supply area**

**41.(1)** A supply entity may supply electricity to a customer in an area outside its supply area (the “**proposed area**”) if—

- (a) the customer is a contestable customer; or
- (b) the proposed area is not in another electricity entity’s supply area;  
or

- (c) the proposed area is in another electricity entity's supply area, but the other electricity entity agrees to the supply.

(2) However, the supply entity may supply electricity to the customer only if the supply is not likely to impair its capacity to fulfil its obligation to supply in its own supply area.

(3) If the proposed area is in an authorised supplier's supply area, the agreement mentioned in subsection (1)(c) must be with the authorised supplier and not its supply entity.

### **Conditions of supply entity authority**

**42.** A supply entity authority is subject to the following conditions—

- (a) the supply entity must comply with—
- (i) system control directions given to it under this Act that are not inconsistent with the authority; and
  - (ii) the additional conditions stated in the following sections—
    - section 43 (Additional condition to allow connection to supply network by complying persons)
    - section 44 (Additional condition to provide network services)
    - section 45 (Additional condition to comply with protocols, standards and codes); and
  - (iii) conditions imposed under the regulations; and
  - (iv) conditions stated in the authority;
- (b) if the entity has a supply network—the entity must operate, maintain (including repair and replace as necessary) and protect its supply network to ensure the adequate, economic, reliable and safe supply of electricity to its customers;
- (c) the entity must properly take into account the environmental effects of its activities;
- (d) the entity must consider both demand side and supply side options to provide, as far as technically and economically practicable, for the efficient delivery and use of electrical energy;



- (e) the entity must pay the amounts required under the authority or regulations for administering the authority and its conditions.

### **Additional condition to allow connection to supply network by complying persons**

**43.(1)** It is also a condition of a supply entity authority that, if the supply entity has a supply network, the supply entity must allow, as far as technically and economically practicable, a person to connect supply to its supply network, or take electricity from its supply network, on nondiscriminatory terms, if the conditions stated in subsection (2) are satisfied.

**(2)** The conditions to be satisfied are as follows—

- (a) the person must be authorised under this Act to connect supply or take electricity;
- (b) the supply network must be capable of being safely used to connect supply or take electricity as proposed by the person;
- (c) the person must have complied with all provisions of the regulations relevant to connecting supply to, or taking electricity from, the network;
- (d) the person must pay the reasonable cost of connection to the network.

**(3)** In deciding whether the condition mentioned in subsection (2)(b) is satisfied, all relevant matters must be considered, including, for example—

- (a) the supply entity's current obligations; and
- (b) the current obligations of other persons connected directly or indirectly to the network; and
- (c) the network's capacity.

### **Additional condition to provide network services**

**44.** In addition, it is a condition of a supply entity authority that, if the supply entity has a supply network, the entity must provide, as far as technically and economically practicable, network services, on

nondiscriminatory terms, for persons authorised to connect supply of electricity to the network or take electricity from the network.

### **Additional condition to comply with protocols, standards and codes**

45. It is also a condition of a supply entity authority that the supply entity must comply with all protocols, standards and codes applying to the entity under the regulations.

## **PART 6—AUTHORISED SUPPLIERS AND THEIR AUTHORITIES**

### **Authorised suppliers**

46. An “authorised supplier” is a person who holds an authorised supplier authority from a supply entity.

### **Authorised supplier authorities**

47. An “authorised supplier authority” authorises its holder to supply electricity within the whole or a part of the supply area of the supply entity that issues the authority.

### **Supply area of authorised supplier**

48. An authorised supplier’s “supply area” is the area stated in its authority as its supply area.

### **Supply of electricity in supply area**

49.(1) An authorised supplier has an obligation to supply for its supply area.

(2) The obligation to supply is dealt with in Chapter 3.

**Issue of authorised supplier authority does not relieve supply entity of its obligation to supply**

**50.(1)** The issue of an authorised supplier authority by a supply entity does not, of itself, relieve the supply entity of its obligation to supply.

(2) However, the supply entity is relieved of its obligation to supply to the extent that the obligation is actually performed by the authorised supplier.

**Supply of electricity outside supply area**

**51.(1)** An authorised supplier may supply electricity to a customer in an area outside its supply area (the “**proposed area**”) if—

- (a) the customer is a contestable customer; or
- (b) the proposed area is not in another electricity entity’s supply area; or
- (c) the proposed area is in another electricity entity’s supply area, but the other electricity entity agrees to the supply.

(2) However, the supply entity may supply electricity to the customer only if the supply is not likely to impair its capacity to fulfil its obligation to supply in its own supply area.

(3) If the proposed area is in an authorised supplier’s supply area, the agreement mentioned in subsection (1)(c) must be with the authorised supplier and not its supply entity.

**Conditions of authorised supplier authority**

**52.** An authorised supplier authority is subject to the following conditions—

- (a) the authorised supplier must comply with—
  - (i) system control directions given to it under this Act that are not inconsistent with the authority; and
  - (ii) the additional conditions stated in the following sections—
    - section 53 (Additional condition to allow connection to supply network by complying persons)

- section 54 (Additional condition to provide network services)
  - section 55 (Additional condition to comply with protocols, standards and codes); and
- (iii) conditions imposed under the regulations; and
- (iv) conditions stated in the authority;
- (b) if the supplier has a supply network—the supplier must operate, maintain (including repair and replace as necessary) and protect its supply network to ensure the adequate, economic, reliable and safe supply of electricity to its customers;
- (c) the supplier must properly take into account the environmental effects of its activities under the authority;
- (d) the supplier must consider both demand side and supply side options to provide, as far as technically and economically practicable, for the efficient delivery and use of electrical energy;
- (e) the supplier must pay the amounts required under the authority or the regulations for administering the authority and its conditions.

### **Additional condition to allow connection to supply network by complying persons**

**53.(1)** It is also a condition of an authorised supplier authority that, if the supplier has a supply network, the supplier must allow, as far as technically and economically practicable, a person to connect supply to its supply network, or take electricity from its supply network, on nondiscriminatory terms, if the conditions stated in subsection (2) are satisfied.

**(2)** The conditions to be satisfied are as follows—

- (a) the person must be authorised under this Act to connect supply or take electricity;
- (b) the supply network must be capable of being safely used to connect supply or take electricity as proposed by the person;
- (c) the person must have complied with all provisions of the regulations relevant to connecting supply to, or taking electricity from, the network;

(d) the person must pay the reasonable cost of connection to the network.

(3) In deciding whether the condition mentioned in subsection (2)(b) is satisfied, all relevant matters must be considered, including, for example—

- (a) the authorised supplier's current obligations; and
- (b) the current obligations of other persons connected directly or indirectly to the network; and
- (c) the network's capacity.

### **Additional condition to provide network services**

54. In addition, it is a condition of an authorised supplier authority that, if the authorised supplier has a supply network, the supplier must provide, as far as technically and economically practicable, network services, on nondiscriminatory terms, for persons authorised to connect supply of electricity to the network or take electricity from the network.

### **Additional condition to comply with protocols, standards and codes**

55. It is also a condition of an authorised supplier authority that the supplier must comply with all protocols, standards and codes applying to the supplier under the regulations.

## **PART 7—SPECIAL APPROVAL HOLDERS AND THEIR APPROVALS**

### **Purpose of special approvals**

56. The purpose of special approvals is to enable, in special circumstances, electricity entities and other persons to perform activities, normally authorised by a generation, transmission, supply entity or authorised supplier authority, without the authority.

### **Special approval holders**

**57.** A “**special approval holder**” is a person who has a special approval.

### **Special approvals**

**58.** A “**special approval**” authorises its holder to do anything stated in the approval that a generation entity, transmission entity, supply entity or authorised supplier may do under this Act.

### **Authorisation given by special approval**

**59.(1)** A special approval authorises its holder to do the things stated in the approval, even though the things would otherwise require the holder to be the holder of a generation, transmission, supply entity or authorised supplier authority to do the things.

**(2)** Despite subsection (1), a special approval does not make the holder an electricity entity, unless a regulation provides that the holder is to be treated as an electricity entity.

**(3)** However, for things authorised by the special approval, the special approval holder is taken to be a person who has the relevant authority and the special approval is taken to be the relevant authority.

*Examples—*

1. If a special approval authorises the holder to connect generating plant to a transmission grid or supply network, the holder is taken, for that activity, to be the holder of a generation authority.

2. If a special approval authorises the holder to operate a transmission grid, the holder is taken, for that activity, to be the holder of a transmission authority.

**(4)** The approval does not relieve the holder or anyone else from complying with laws relevant to the doing of the things authorised by the approval.

### **Conditions of special approval**

**60.** A special approval (whether given under the regulations or by the Regulator) is subject to the following conditions—

- (a) the holder must comply with—
  - (i) the condition stated in section 61 (Additional condition to comply with protocols, standards and codes); and
  - (ii) conditions imposed under the regulations; and
  - (iii) if the approval is given by the Regulator—conditions stated in the approval;
- (b) the holder must pay amounts required under the approval or the regulations for administering the approval and its conditions.

### **Additional condition to comply with protocols, standards and codes**

**61.** It is also a condition of a special approval that the holder must comply with all protocols, standards and codes applying to the holder under the regulations.

## **PART 8—REGULATOR**

### **Regulator**

**62.** The chief executive of the department is the Regulator.

### **Functions**

- 63.** The Regulator's functions are—
- (a) to ensure only suitable persons become electricity entities; and
  - (b) to ensure the safety requirements under this Act are complied with; and
  - (c) to review and make recommendations about standards and practices under this Act; and
  - (d) to assist the settlement of disputes between electricity entities and between electricity entities and others; and
  - (e) to monitor compliance with this Act, including compliance with

conditions of authorities, approvals and licences; and

- (f) to perform other functions given to the Regulator under this Act or another Act.

### **Delegation**

**64.(1)** The Regulator may delegate a power of the Regulator to an officer of the department, an authorised person or an employee of an electricity entity if satisfied the person has the expertise and experience necessary to exercise properly the power.

**(2)** A regulation may provide that a particular power of the Regulator—

- (a) may not be delegated; or
- (b) may be delegated only to a particular person.

## **PART 9—ELECTRICITY OFFICERS**

### **Appointment**

**65.(1)** The chief executive officer of an electricity entity may appoint a person as an electricity officer for the entity.

**(2)** The chief executive officer may appoint a person as an electricity officer only if—

- (a) the chief executive officer considers the person has the expertise or experience approved by the Regulator to be an electricity officer; or
- (b) the person has satisfactorily finished training approved by the Regulator.

### **Limitation of electricity officer's powers**

**66.** An electricity officer may exercise powers only—

- (a) in relation to the electricity entity's works; or



- (b) if the electricity entity supplies electricity—within its supply area or a place where it supplies electricity.

### **Other limitation of electricity officer's powers**

**67.** An electricity officer's powers may be limited—

- (a) under the regulations; or
- (b) under a condition of appointment; or
- (c) by written notice given by the electricity entity's chief executive officer to the electricity officer.

### **Electricity officer's appointment conditions**

**68.(1)** An electricity officer holds office on the conditions stated in the instrument of appointment.

**(2)** An electricity officer—

- (a) if the appointment provides for a term of appointment—ceases holding office at the end of the term; and
- (b) may resign by signed notice of resignation given to the chief executive officer concerned; and
- (c) if the conditions of appointment provide—ceases holding office as an electricity officer on ceasing to hold another office stated in the appointment conditions.

### **Electricity officer's identity card**

**69.(1)** The chief executive officer of an electricity entity must give each electricity officer for the entity an identity card.

**(2)** The identity card must—

- (a) contain a recent photograph of the electricity officer; and
- (b) be in a form approved by the Regulator; and
- (c) be signed by the electricity officer; and
- (d) identify the person as an electricity officer for the electricity entity.

(3) A person who ceases to be an electricity officer for an electricity entity must return the person's identity card to the entity's chief executive officer within 21 days after the person ceases to be an electricity officer, unless the person has a reasonable excuse.

Maximum penalty—10 penalty units.

(4) This section does not prevent the giving of a single identity card to a person under this section and for other provisions, Acts or purposes.

### **Production or display of electricity officer's identity card**

**70.(1)** An electricity officer may exercise a power in relation to someone else only if the electricity officer—

- (a) first produces his or her identity card for the person's inspection; or
- (b) has the identity card displayed so it is clearly visible to the person.

(2) However, if for any reason it is not practicable to comply with subsection (1), the electricity officer must produce the identity card for the person's inspection at the first reasonable opportunity.

## **PART 10—AUTHORISED PERSONS**

### **Appointment**

**71.(1)** The Regulator may appoint any of the following persons as authorised persons—

- (a) officers and employees of the public service;
- (b) employees of electricity entities;
- (c) other persons prescribed under the regulations.

(2) The Regulator may appoint a person as an authorised person only if—

- (a) the Regulator considers the person has the necessary expertise or experience to be an authorised person; or

- (b) the person has satisfactorily finished training approved by the Regulator.

### **Limitation of authorised person's powers**

**72.** The powers of an authorised person may be limited—

- (a) under the regulations; or
- (b) under a condition of appointment; or
- (c) by written notice given by the Regulator to the authorised person.

### **Authorised person's appointment conditions**

**73.(1)** An authorised person holds office on the conditions stated in the instrument of appointment.

**(2)** An authorised person—

- (a) if the appointment provides for a term of appointment—ceases holding office at the end of the term; and
- (b) may resign by signed notice of resignation given to the Regulator; and
- (c) if the conditions of appointment provide—ceases holding office as an authorised person on ceasing to hold another office stated in the appointment conditions.

### **Authorised person's identity card**

**74.(1)** The Regulator must give each authorised person an identity card.

**(2)** The identity card must—

- (a) contain a recent photograph of the authorised person; and
- (b) be signed by the authorised person; and
- (c) identify the person as an authorised person for this Act.

**(3)** A person who ceases to be an authorised person must return the person's identity card to the Regulator within 21 days after the person ceases to be an authorised person, unless the person has a reasonable

excuse.

Maximum penalty—10 penalty units.

(4) This section does not prevent the giving of a single identity card to a person under this section and for other provisions, Acts or purposes.

### **Production or display of authorised person’s identity card**

**75.(1)** An authorised person may exercise a power in relation to someone else only if the authorised person—

- (a) first produces his or her identity card for the person’s inspection;  
or
- (b) has the identity card displayed so it is clearly visible to the person.

(2) However, if for any reason it is not practicable to comply with subsection (1), the authorised person must produce the identity card for inspection by the person at the first reasonable opportunity.

## **PART 11—STATE ELECTRICITY ENTITIES**

### *Division 1—Queensland Generation Corporation*

#### **QGC’s functions**

**76.(1)** The primary function of Queensland Generation Corporation (“QGC”) is to generate electricity for sale.

(2) QGC also has the function of carrying on any activity relating or helpful to its primary function or any other function.

(3) In addition, QGC has any other functions given to it under this or another Act.

***Division 2—Queensland Transmission and Supply Corporation*****QTSC's functions**

**77.(1)** The primary function of Queensland Transmission and Supply Corporation (“**QTSC**”) is to be a supply entity.

**(2)** QTSC also has the following functions—

- (a) planning and coordinating electricity supply for its supply area;
- (b) forecasting, and trying its best to anticipate, future electricity needs for its supply area;
- (c) carrying on any activity relating or helpful to its primary function or any other function.

**(3)** In addition, QTSC has any other functions given to it under this or another Act.

***Division 3—Queensland Electricity Transmission Corporation*****QETC's functions**

**78.(1)** The primary function of Queensland Electricity Transmission Corporation (“**QETC**”) is to be a transmission entity.

**(2)** A regulation may appoint QETC as a system control entity.

**(3)** QETC also has the function of carrying on any activity relating or helpful to its primary function or any other function.

**(4)** In addition, QETC has any other functions given to it under this or another Act.

**(5)** QETC has the powers of a statutory GOC set out in section 149 (General powers of statutory GOCs) of the GOC Act, even if it is a subsidiary of a statutory GOC and is not itself a statutory GOC.

***Division 4—State authorised suppliers*****State authorised suppliers**

**79.(1)** Each of the following is a “**State authorised supplier**”—

- Far North Queensland Electricity Corporation
- North Queensland Electricity Corporation
- Mackay Electricity Corporation
- Capricornia Electricity Corporation
- Wide Bay–Burnett Electricity Corporation
- South East Queensland Electricity Corporation
- South West Queensland Electricity Corporation.

**(2)** However, if an entity mentioned in subsection (1) ceases to be the holder of an authorised supplier authority, it also ceases to be a State authorised supplier.

**Functions and powers of State authorised suppliers**

**80.(1)** A State authorised supplier’s primary function is to be an authorised supplier.

**(2)** A State authorised supplier also has the following functions—

- (a) planning and coordinating electricity supply for its supply area;
- (b) forecasting, and trying its best to anticipate, future electricity needs for its supply area;
- (c) carrying on any activity relating or helpful to its primary function or any other function.

**(3)** In addition, a State authorised supplier has any other functions given to it under this or another Act.

**(4)** A State authorised supplier has the powers of a statutory GOC set out in section 149 (General powers of statutory GOCs) of the GOC Act, even if it is a subsidiary of a statutory GOC and is not itself a statutory GOC.

## **PART 12—ELECTRICAL WORKERS AND CONTRACTORS BOARD**

### **Electrical Workers and Contractors Board**

**81.** The Electrical Workers and Contractors Board under the *Electricity Act 1976* continues in existence as the Electrical Workers and Contractors Board.

## **CHAPTER 3—OBLIGATION TO SUPPLY**

### **Obligation to supply**

**82.(1)** The “**obligation to supply**” is the obligation a supply entity or authorised supplier (the “**obligated supplier**”) has to supply electricity of appropriate quality within its supply area to persons who ask the obligated supplier to supply it.

**(2)** However, the obligation to supply requires the supply of electricity sought by a person in a particular case only if it is technically and economically practicable to supply the electricity.

### **Electricity must be supplied on nondiscriminatory terms**

**83.(1)** The obligated supplier must supply electricity to a customer (other than a contestable customer) on terms that do not discriminate between the customer and other customers (other than contestable customers) seeking similar supply.

**(2)** A regulation may declare what is or is not discrimination, including, for example, whether or not and, if so, in what circumstances, the following matters are discrimination—

- (a)** the supply of electricity at different prices for customers trading in the electricity market;
- (b)** requiring different advance payments or security deposits from different customers.

**Limitations on obligation to supply**

**84.** The obligated supplier is not obliged to supply electricity to a customer if—

- (a) the supply is, or needs to be, interrupted—
  - (i) in an emergency; or
  - (ii) for work that needs to be performed without delay to prevent an emergency happening; or
  - (iii) by circumstances beyond the supplier's control; or
  - (iv) for work, if it is reasonable to do the work when it is done, reasonable notice is given to the customer and supply is restored as soon as practicable; or
- (b) the supply would breach technical and safety requirements under this Act; or
- (c) the supply would unreasonably interfere with the supply of electricity by the supplier to other customers; or
- (d) the supply is denied or limited under an electricity restriction regulation or emergency rationing order; or
- (e) the supplier has disconnected supply to the customer for failure to pay a debt to the supplier; or
- (f) after disconnecting supply to something that was unsafe, the thing is still unsafe; or
- (g) connecting supply is likely to cause fire or electric shock to anyone; or
- (h) the electricity is to be supplied to premises with a separate source of electricity or energy and the electricity is needed as a stand-by supply only; or
- (i) this Act otherwise authorises refusal to supply (or to connect or reconnect supply); or
- (j) a regulation provides that the obligation to supply does not apply.



**Obligation to supply subject to authority**

**85.** The obligated supplier's obligation to supply is subject to the conditions of its authority.

**Disconnection of supply for failure to pay debts**

**86.(1)** If a customer of the obligated supplier fails to pay an amount owing to the obligated supplier for or in relation to the supply of electricity to the customer, the obligated supplier may disconnect, or refuse to connect or reconnect, supply of electricity to—

- (a) an electrical installation of the customer; or
- (b) premises occupied by the customer.

**(2)** The obligated supplier may continue to act under subsection (1) until the customer pays to the obligated supplier—

- (a) all amounts owing by the customer to the obligated supplier, including any fees for disconnection; and
- (b) any fees and additional security the obligated supplier requires for reconnection.

## **CHAPTER 4—ELECTRICITY INDUSTRY OPERATIONS**

### **PART 1—RESTRICTION ON CERTAIN ACTIVITIES BY UNAUTHORISED PERSONS**

**Connection of generating plant to transmission grid or supply network only if authorised**

**87.(1)** A person must not connect generating plant to a transmission grid or supply network unless the person is the holder of a generation authority.

Maximum penalty—5 000 penalty units.

(2) A person who contravenes subsection (1) may not, for the period of the contravention, take part in trading arrangements or settlement processes under this Act or recover payment for electricity or services provided by it.

### **Prohibition on operating transmission grid unless authorised**

**88.(1)** A person must not operate a transmission grid unless the person is the holder of a transmission authority.

Maximum penalty—5 000 penalty units.

(2) A person who contravenes subsection (1) may not, for the period of the contravention, take part in trading arrangements or settlement processes under this Act or recover payment for electricity or services provided by it.

### **Restriction on supply of electricity within supply area**

**89.(1)** A person must not, in trade or commerce, supply electricity within a supply area, unless the supply is authorised under this Act.

Maximum penalty—100 penalty units.

(2) Subsection (1) does not apply to the provision of electricity to a supply entity or authorised supplier.

(3) A person who contravenes subsection (1) may not, for the period of the contravention, take part in trading arrangements or settlement processes under this Act or recover payment for electricity provided by it.

## **PART 2—MARKET, SETTLEMENTS, SYSTEM CONTROL AND PRICING**

### **Trading arrangements**

**90.** A regulation may provide for arrangements about trading in electricity (“**trading arrangements**”) by electricity entities, customers, electricity brokers and other persons.

### Settlement process

**91.(1)** A regulation may appoint, or provide for the appointment of, an entity to decide payments to be made under trading arrangements.

**(2)** The regulation may—

- (a) state the entity’s functions and powers and the procedures for making and auditing decisions; and
- (b) allow a person to disconnect someone else’s works or electrical installation from a supply network or transmission grid for failure to comply with the entity’s decision.

### System control

**92.(1)** A regulation may—

- (a) appoint, or provide for the appointment of, an entity (a “**system control entity**”) to carry out the function of system control for a system (“**power system**”) consisting of a transmission grid or grids and connected generators, supply networks and electrical installations; and
- (b) specify the system control entity’s functions and powers.

**(2)** A system control entity must ensure the power system for which it is appointed is operated—

- (a) safely, reliably, efficiently and economically; and
- (b) according to regulations that may be made about the entity’s functions and powers.

**(3)** An electricity entity must not contravene a direction about system control given to it by a system control entity under a regulation, unless the electricity entity has a reasonable excuse.

**(4)** The system control entity and electricity entity must comply with a protocol, standard or code about system control prescribed under the regulations.

**(5)** A supply entity or authorised supplier with a supply network is responsible for network control in the network, but its responsibility is subject to the responsibility (and right) of a system control entity to control

the switching of parts of the network relevant to the integrity of the system control entity's power system.

### **Powers (including reserve powers) about electricity pricing<sup>3</sup>**

**93.(1)** An electricity entity may—

- (a) fix prices for electricity it supplies to customers; and
- (b) if permitted under the regulations—negotiate prices with particular customers.

**(2)** However, if the Minister considers it necessary in the public interest, the Minister may, by written notice to an electricity entity, fix prices the entity must charge for electricity.

**(3)** Without limiting subsection (2), the Minister may act to maintain equalisation of prices throughout the State for customers to whom a particular tariff applies.

**(4)** A regulation may require electricity entities to take part in price equalisation.

**(5)** In fixing a price, an electricity entity and the Minister must try to ensure the price is fair and reasonable, given the competition in the relevant market and any relevant network service pricing principles agreed between the Queensland Government and other Australian governments.

**(6)** If the Minister fixes a price an electricity entity must charge for electricity, the entity must not charge a different price.

**(7)** An electricity entity does not discriminate merely because it charges a price fixed for it by the Minister.

**(8)** This section does not limit the GOC Act.

### **Network services pricing**

**94.(1)** An electricity entity may fix prices for its network services.

**(2)** However, if the Minister considers it necessary in the public interest,

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<sup>3</sup> See section 258 for additional provisions about fixing prices by State electricity entities.

the Minister may, by written notice to an electricity entity, fix prices for an electricity entity's network services.

(3) In fixing a price, the Minister must consider any relevant network service pricing principles agreed between the Queensland Government and other Australian governments.

(4) If the Minister fixes a price for an electricity entity's network services, the entity must not charge a different price.

(5) An electricity entity does not discriminate merely because it charges a price fixed for it by the Minister.

### **Discrimination between customers lessening competition prohibited**

95. An electricity entity must not discriminate between persons who are, or wish to be, its customers if the purpose of the discrimination is to, or is likely to have the effect of, substantially lessening competition within the electricity industry under this Act.

## **PART 3—LIMITATION OF LIABILITY OF ELECTRICITY ENTITIES**

### **Limitation of liability of transmission entity for failure to provide network services or electricity**

96. A transmission entity is civilly liable for a total or partial failure to provide network services or electricity only if the failure was caused by—

- (a) the negligence or breach of duty of the entity or a person acting for it; or
- (b) contravention by the entity, or a person acting for it, of this Act or a condition of the entity's transmission authority.

**Limitation of liability of supply entity or authorised supplier for failure to provide network services or supply electricity**

**97.** A supply entity or authorised supplier (the “entity”) is civilly liable for total or partial failure to provide network services or supply electricity only if the failure was caused by—

- (a) the negligence or breach of duty of the entity or a person acting for it; or
- (b) contravention by the entity, or a person acting for it, of this Act or a condition of the entity’s authority.

**PART 4—WORKS*****Division 1—Works generally*****Electricity entity entitled to access to its works**

**98.(1)** This section applies to an electricity entity’s works on someone else’s land, including land that is a publicly controlled place, railway land or a protected area.

**(2)** The electricity entity (and its employees and agents) are entitled to have unrestricted access to the works at any reasonable time and, for that purpose, may enter and pass through the land.

**Person to give notice of work affecting electricity entity’s works**

**99.(1)** A person proposing to do work near an electricity entity’s works must give the entity at least 14 days written notice of the proposed work if, in performing the work—

- (a) plant, if not properly controlled, is likely to come into contact with an overhead electric line; or
- (b) soil or other material supporting or covering the entity’s works may be disturbed.

(2) If, because of an emergency, it is not practicable to give the notice under subsection (1), written notice must be given to the electricity entity as soon as practicable.

(3) The person must, at the person's cost, take measures to protect or reinstate the electricity entity's works if required by the entity.

***Division 2—Works on public places, other than railway land and protected areas***

**Application of Division**

**100.** This Division is subject to the following Divisions—

- Division 3 (Works on railway land)
- Division 4 (Works on protected areas).

**Electricity entity may take action in publicly controlled places to provide electricity etc.<sup>4</sup>**

**101.(1)** An electricity entity may take the action in a publicly controlled place it considers necessary to provide or supply electricity, including, for example—

- (a) opening and breaking up the soil and pavement of the place; and
- (b) cutting, lopping, or removing trees and other vegetation growing in or over the place; and
- (c) opening or breaking up a sewer, drain or tunnel in or under the place; and
- (d) temporarily stopping or diverting traffic on or from the place; and
- (e) building drains, excavations, subways and tunnels in or under the place.

(2) A regulation may make provision about the obligations and rights of electricity entities taking action in publicly controlled places, including, for

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<sup>4</sup> The application of this section could, in a particular case, be affected by the *Native Title Act 1993* (Cwlth).

example—

- (a) notice to be given before taking action; and
- (b) timing of work; and
- (c) procedures to be followed on the breaking up of anything in, on or under the place.

(3) This section has effect subject to sections 102 (Works on roads) and 104 (Regulation may declare restricted road).

### **Works on roads**

**102.(1)** An electricity entity may do any of the following things on a road—

- (a) build or remove, or alter (other than for maintenance or repair), its electric lines or other works;
- (b) maintain, repair or alter for maintenance or repair, its electric lines or other works;
- (c) stop obstruction or potential obstruction to, or interference or potential interference with, its electric lines or other works.

(2) However, the electricity entity may do things mentioned in subsection (1)(a) only if it has the written agreement of the road authority.

(3) The road authority must not unreasonably withhold agreement.

(4) If asked in writing by the electricity entity, the road authority must give the entity information about lines and levels for any planned roadworks necessary to enable the entity to minimise possible adverse effects of the entity's works on roadworks.

### **Electricity entity to consult with road authority before replacing works**

**103.(1)** Before an electricity entity replaces the whole or a substantial proportion of its electric lines or other works on a road, the entity must consult with the road authority responsible for the road.

(2) The object of the consultation is to identify any mutually beneficial



arrangements for the replacement of the works having regard to existing development plans for the road.

### **Regulation may declare restricted road**

**104.(1)** A regulation may—

- (a) declare a road, or part of a road, to be a restricted road; and
- (b) for a restricted road—impose restrictions about building new works or altering or removing existing works on the road.

(2) An electricity entity must comply with the regulation.

### **Electricity entity to comply with road authority's agreement etc.**

**105.(1)** If an electricity entity builds or removes, or alters (other than for maintenance or repair), its electric lines or other works in a road (the “**contravening conduct**”), without the agreement of the road authority for the road or in contravention of a regulation or an agreement with the road authority, the Regulator may, by written notice given to the entity, require the entity, at its cost and within the period stated in the notice, to take action to remedy the contravening conduct.

(2) If the electricity entity does not comply with the notice, the Regulator may arrange for the action the Regulator considers necessary to remedy the contravening conduct to be carried out.

(3) The costs reasonably incurred by the Regulator in arranging for the action to be carried out are a debt payable by the electricity entity to the State.

(4) This section does not limit the powers of a road authority under another Act.

### **Public entity may require electricity entity to alter position of works**

**106.(1)** A public entity may require an electricity entity to alter the position of the electricity entity's works in a publicly controlled place if the works could interfere with the exercise of the public entity's powers for the place.

(2) The public entity is responsible only for the cost of altering the position of the works.

### *Division 3—Works on railway land*

#### **Agreement for works of electricity entities affecting railways**

**107.(1)** An electricity entity may build, alter or remove works on a railway or break up a railway only if it has the railway operator's written agreement.

(2) The railway operator must not unreasonably withhold its agreement.

#### **Removal of works**

**108.(1)** A railway operator may require an electricity entity to remove or relocate the entity's works built with its agreement if the removal or relocation is in accordance with—

- (a) the agreement or another agreement between the entity and operator; or
- (b) a resolution of a dispute between the entity and operator.

(2) The electricity entity must pay the cost of the removal or relocation, unless an agreement or resolution mentioned in subsection (1) otherwise provides.

#### **Works impairing railway signalling or communication lines**

**109.(1)** An electricity entity must not build works, or carry out any other work for the supply of electricity, in a way that impairs, through induction or otherwise, the efficient use of a railway operator's existing signalling or communication line.

(2) An electricity entity and a railway operator may agree to relocate or protect a signalling or communication line to ensure its efficient use is not impaired.

(3) The electricity entity must pay the cost of relocating or protecting the

signalling or communication line, unless an agreement between the entity and railway operator otherwise provides.

**Building by railway operator of signalling or communication line likely to be affected by electricity entity's works etc.**

**110.(1)** If a railway operator proposes to build or relocate a signalling or communication line that could be adversely affected by interference from an electricity entity's existing works, the operator must—

- (a) ensure the signalling or communication line is built or relocated so as not to be adversely affected; or
- (b) ask the entity to relocate or alter the works to protect adequately the signalling or communication line.

**(2)** The railway operator must pay the cost of relocating or altering works under subsection (1)(b).

*Division 4—Works on protected areas*

**Building of works on protected areas**

**111.(1)** An electricity entity must not build, replace or alter electric lines or other works in a protected area unless the entity acts under a written agreement of the Minister administering the *Nature Conservation Act 1992*.

Maximum penalty—8 penalty units.

**(2)** In deciding whether to agree, the Minister must take into account—

- (a) the extent and significance of the disturbance building the works will, or is likely to, cause to the protected area; and
- (b) the electricity entity's report on alternative routes or positions for building the works outside the protected area; and
- (c) the extent of any disability or disadvantage in using an alternative route or position.

**(3)** Agreement may be given on conditions the Minister considers necessary to minimise interference to the protected area.

*Division 5—Other matters about an electricity entity's works*

**Future owner or occupier of place taken to have consented to building of works**

**112.(1)** If electric lines or other works are built by an electricity entity in a place with the owner's consent, the occupier and a person who later becomes the owner or occupier of the place is taken to have also consented.

**(2)** If electric lines or other works are built by an electricity entity in a place with the occupier's consent, a person who later becomes the occupier of the place is taken to have also consented.

**(3)** However, the owner or occupier may require the electricity entity to remove and relocate the works if the owner or occupier pays the cost, or a contribution acceptable to the entity towards the cost, of the removal and relocation.

**(4)** If, before the commencement, an electricity entity's works have been placed on land in which the entity does not have an interest (other than an interest in the works or their use), the entity is taken to have built and maintained the works on the land with the consent of the land's owner unless the contrary is proved.

**Works remain property of electricity entity**

**113.(1)** Works built in a place by an electricity entity remain the entity's property even if the place is not under its control.

**(2)** Despite subsection (1), the electricity entity may agree with the owner of the place that the works do not remain the entity's property.

**(3)** In this section—

“**place**” includes a building, railway, reserve, road, tramway and waterway.

**Compensation payable by electricity entity for damage etc.**

**114.(1)** In exercising a power under this Part, an electricity entity must do as little damage as is practicable.

(2) An electricity entity must fully compensate a person for damage to the person's property caused by the exercise of a power under this Part.

## **PART 5—ENTRY ONTO AND ACQUISITION OF LAND**

### *Division 1—Entry onto land*

#### **Authority to enter onto land for proposed works etc.**

**115.(1)** The Minister may, by Gazette notice, authorise an electricity entity (and its employees and agents) to enter onto land, and remain on it for as long as necessary, to decide the suitability of the land for the entity's proposed works.

(2) The authority must state—

- (a) the electricity entity to which it is given; and
- (b) whether it applies to any land or only to particular land; and
- (c) whether it applies to any proposed works or only to particular works; and
- (d) the things the entity may do on land entered under it; and
- (e) the period of the authority.

(3) The authority may—

- (a) state the conditions or restrictions to which it is subject; and
- (b) make provision about the effect of breaches of the conditions or restrictions or the continuation or suspension of the authority.

### *Division 2—Acquisition of land*

#### **Authority to acquire land**

**116.(1)** The Minister may, by Gazette notice, authorise an electricity entity (an “**authorised electricity entity**”) to acquire land for works, including proposed works.

**(2)** The authority must state—

- (a) the electricity entity to which it is given; and
- (b) whether it applies to any land or only to particular land; and
- (c) whether it applies to any works or only to particular works; and
- (d) the period of the authority.

**(3)** The authority may—

- (a) state the conditions or restrictions to which it is subject; and
- (b) make provision about the effect of breaches of the conditions or restrictions or the continuation or suspension of the authority.

**(4)** The *Acquisition of Land Act 1967* applies to the authorised electricity entity acting under the authority as if—

- (a) it were a constructing authority; and
- (b) land mentioned in the Act included land held from the State for a lesser interest than freehold; and
- (c) the purposes for which land may be taken for the entity included—
  - (i) building works, including for example, relocating property for the works and lessening adverse environmental effects; and
  - (ii) any other public purpose within the meaning of the *Land Act 1962* related to works.

**(5)** Section 307 of the *Land Act 1962* applies to the authorised electricity entity as if it were a constructing authority.

**(6)** A regulation may make provision about the acquisition of land by or for the authorised electricity entity.

## **PART 6—MISCELLANEOUS**

### **Resolution of certain disputes between electricity entities or between electricity entities and public entities**

**117.(1)** This section applies to—

- (a) disputes arising under Part 4 (Works) between an electricity entity and a public entity; and
- (b) disputes arising under this Act between electricity entities.

**(2)** Any party to the dispute may refer the issue to the Regulator.

**(3)** The Regulator may give instructions about procedures to be followed by the parties to attempt to resolve the dispute before the Regulator will attempt to resolve it.

**(4)** The Regulator may require a party to supply information the Regulator considers necessary to enable the dispute to be resolved.

**(5)** The Regulator may—

- (a) decline to act in a dispute; or
- (b) seek to resolve the dispute with the parties or someone else, other than a court, responsible for dealing with disputes involving 1 or more of the parties.

**(6)** If the Regulator cannot resolve the dispute, the matter may be decided by the Governor in Council.

**(7)** The Governor in Council may decide the matter without giving the parties an opportunity to make representations to, or to be heard by, the Governor in Council.

**(8)** The decision of the Governor in Council is binding on the parties.

**(9)** This section does not prevent an entity from exercising another right before a court or tribunal.

### **Supplier may recover amount for electricity supplied to person occupying premises**

**118.** If—

- (a) a person occupies premises where electricity supplied by a supply entity or authorised supplier has been consumed during the person's occupancy; and
- (b) the entity or supplier has not been paid for the electricity;

the amount the entity or supplier is entitled to charge for the electricity is a debt owing by the person to the entity or supplier.

## **CHAPTER 5—INDUSTRY REGULATION**

### **PART 1—REGULATOR**

#### **Regulator's role in disputes between electricity entity and customers or occupiers**

**119.(1)** This section applies to disputes between—

- (a) an electricity entity and a customer about the performance of a function or exercise of a power under this Act; or
- (b) an electricity entity and an occupier of land onto which the entity enters or proposes to enter, or permits someone else to enter, under this Act.

**(2)** A party to a dispute may ask the Regulator to settle the dispute by mediation.

**(3)** The Regulator may decide the action that a party must take before the Regulator will try to settle the dispute by mediation.

**(4)** If, at mediation, the parties agree on a resolution of their dispute or part of it, the agreement must be written down and signed by or for each party and by the Regulator.

**(5)** The agreement has the same effect as any other compromise.



(6) This section does not prevent a party exercising other rights before a court or tribunal.

### **Regulator's power to require information from electricity entities**

**120.(1)** An electricity entity must give the Regulator the information the Regulator reasonably requires to enable the Regulator to perform the Regulator's functions.

(2) The information must be given within a reasonable time after the Regulator asks for it.

(3) However, this section does not require the electricity entity to give information if giving the information might tend to incriminate the entity.

## **PART 2—RESTRICTIONS AND RATIONING**

### *Division 1—Electricity restriction regulations*

#### **Purpose of electricity restriction regulations**

**121.** The purpose of an electricity restriction regulation is to restrict the use of electricity provided through a transmission grid or supply network or part of a transmission grid or supply network to ensure there is a regular, economically efficient and constant supply of electricity within the available supply capacity of the transmission grid or supply network or part of the transmission grid or supply network.

#### *Example—*

There are limitations in the capacity of generating plant or other works of an electricity entity. The use of large appliances (for example, industrial welders and large self-contained refrigerative airconditioners) may affect the quality of electricity supply to customers by causing unacceptable variations in voltage. It may not be economically practicable to increase the electricity entity's generating plant capacity to cater for the large appliances. In the interests of maintaining supply for all customers, it may be necessary or desirable to make an electricity restriction regulation to restrict the use of the large appliances.

### **Electricity restriction regulations**

**122.(1)** A regulation (an “**electricity restriction regulation**”) may restrict the use of electricity provided through a transmission grid or supply network in a way the Governor in Council considers necessary or desirable to achieve the regulation’s purpose.

**(2)** An electricity restriction regulation may restrict the use of electricity by regulating the use of electricity provided through a transmission grid or supply network, including, for example, by regulating—

- (a) the customers that may receive electricity; and
- (b) the maximum demand that may be imposed on the transmission grid or supply network by an electrical installation; and
- (c) the purposes for which electricity supplied through the transmission grid or supply network may be used; and
- (d) the electrical articles that may be used by customers entitled to be provided with electricity through the transmission grid or supply network.

**(3)** An electricity restriction regulation must state the purpose to be achieved by the regulation.

### **Expiry of electricity restriction regulation**

**123.** An electricity restriction regulation expires 5 years after the day on which it is made unless it is earlier repealed.

## ***Division 2—Emergency rationing orders***

### **Making of emergency rationing orders**

**124.(1)** The Minister may, by Gazette notice, make an order rationing the use of electricity (an “**emergency rationing order**”).

**(2)** The Minister may make the order only if satisfied that—

- (a) because of an emergency, an electricity entity cannot supply the electricity needed by its customers; and
- (b) the making of the order is necessary to enable continued supply

of electricity by restricting electricity use to the level of available supply.

- (3) The order must outline the nature of the emergency.

### **Making of emergency rationing orders other than by Gazette notice**

**125.(1)** If the Minister is satisfied that it is necessary, because of extraordinary circumstances, to make an emergency rationing order other than by Gazette notice, the Minister may make the order and immediately advertise the making of the order in the way the Minister considers most appropriate to notify persons likely to be affected by the order.

(2) The order expires if it is not notified in the Gazette within 3 days after it is made.

(3) The order also expires if it is not tabled in the Legislative Assembly on the next sitting day after it is made.

### **What order may provide**

**126.** An emergency rationing order may regulate the use or supply of electricity in the way the Minister considers necessary to enable the continued supply of electricity in the emergency.

### **Advertisement of order**

**127.** A supply entity whose supply area is affected by an emergency rationing order must advertise the order, the repeal or expiry of the order, and any amendment of the order, as prescribed under the regulations.

### **Period of operation of order**

**128.(1)** The Minister must repeal the emergency rationing order as soon as possible after the Minister is satisfied the order is no longer necessary to enable the continued supply of electricity or the emergency no longer exists.

(2) The order expires 1 month after it is gazetted, unless it is earlier repealed or the order states it operates for a shorter period.

(3) Subsection (1) does not stop the making of a fresh emergency rationing order.

### **Emergency rationing order prevails over existing agreements with customers**

**129.(1)** If there is an inconsistency between an emergency rationing order and an agreement between an electricity entity or special approval holder and a customer, the order prevails to the extent of the inconsistency.

(2) However, subsection (1) alone does not limit the liability of the electricity entity or special approval holder for failure to supply electricity to a customer.

## **PART 3—ACTION BY REGULATOR TO ENSURE SUPPLY OF ELECTRICITY BY ELECTRICITY ENTITIES**

### **Governor in Council may direct Regulator to take over operation of operating works**

**130.(1)** This section applies if the Regulator advises the Minister that the Regulator is satisfied, on reasonable grounds, that—

- (a) an electricity entity (the “**defaulting entity**”) has contravened this Act or a condition of its authority; and
- (b) to ensure customers receive an adequate supply of electricity it is necessary for the Regulator to take over the operation of all or some of the defaulting entity’s operating works (the “**relevant works**”).

(2) If this section applies, the Governor in Council may, by Gazette notice, authorise the Regulator to take over the operation of the relevant works for the time the Regulator considers necessary to ensure customers receive an adequate supply of electricity.

(3) The notice may make provision about any matter for which it is

necessary or convenient to make provision to facilitate the Regulator taking over the operation of the relevant works.

### **Effect of Regulator taking over operation of operating works**

**131.(1)** On the Regulator taking over the operation of a defaulting entity's operating works, the operating works may be operated by the person (the **“operator”**) appointed by the Regulator.

(2) The operator need not be an electricity entity.

(3) The operator—

- (a) must comply with the conditions that applied to the defaulting entity that the Regulator states in the appointment; and
- (b) must comply with any conditions imposed by the Regulator; and
- (c) must comply with the provisions of this Act about the operation of the operating works; and
- (d) may enter—
  - (i) the site of operating works; and
  - (ii) other property necessary for the efficient operation of the operating works (including necessary access to the operating works and other property).

(4) The operator may do all things necessary or convenient to ensure the operating works continue to operate as required by the Regulator, including, for example, employing (or continuing to employ) employees at the operating works and entering into contracts for the supply of fuel.

(5) The defaulting entity and other persons in possession or occupancy of property relevant to the operation of the operating works must give the operator access to the property necessary to enter to enable the efficient operation of the operating works.

Maximum penalty—500 penalty units or 6 months imprisonment.

(6) The defaulting entity and anyone else in possession or occupancy of property must not take action, or refuse to take action, if the taking of the action, or the refusing to take the action, has the effect of preventing or hindering the operation of the operating works under this section.

Maximum penalty—1 000 penalty units or 6 months imprisonment.

(7) Subsections (5) and (6) do not apply to an act done, or omission made, during or in connection with industrial action (within the meaning of the *Industrial Relations Act 1990*).

(8) The owner of the operating works and the defaulting entity are liable for the cost of the operation of the operating works by the operator.

(9) The person who would, apart from this section, be entitled to the proceeds from the operation of the operating works is entitled to receive the income received by the operator from operating the operating works less all costs (including operating fees approved by the Regulator) properly incurred in operating the operating works.

(10) The disposal of, or other dealing in, the operating works does not affect the operation of this section.

## **PART 4—DISCIPLINARY ACTION AGAINST ELECTRICITY ENTITIES**

### **Grounds for disciplinary action**

**132.(1)** Each of the following is a ground for taking disciplinary action against an electricity entity—

- (a) the entity's authority was obtained by incorrect or misleading information;
- (b) the entity has contravened this Act;
- (c) the entity has contravened a condition of its authority;
- (d) the entity is not, or is no longer, a suitable person to be the holder of an authority of the relevant type;
- (e) for a generation entity, transmission entity or supply entity—the owner of the generating plant, transmission grid or supply network is not, or is no longer, a suitable person to be the owner.

(2) The question whether a person is, or continues to be, a suitable

person is decided in the same way as the question whether the person would be a suitable person for the issue of an authority of the relevant type.

### **Types of disciplinary action**

**133.(1)** The Regulator may take the following disciplinary action against an electricity entity—

- (a) for a generation entity or transmission entity—cancel or amend its authority;
- (b) for a supply entity—cancel or amend its authority for its supply area or part of its supply area;
- (c) for an authorised supplier—direct its supply entity to cancel or amend its authority for its supply area or part of its supply area.

**(2)** If the ground for taking disciplinary action is that the electricity entity has contravened this Act or a condition of its authority, the Regulator may impose a penalty of not more than 400 penalty units for each contravention.

**(3)** In addition, if the electricity entity is a supply entity or authorised supplier and the ground is that mentioned in subsection (2), the Regulator may direct that, to the extent stated in the direction, the entity may not, in relation to the period of the contravention, take part in trading arrangements or settlement processes under this Act or recover payment for electricity supplied by it.

**(4)** A penalty may be imposed or a direction given under subsection (3) in addition to, or instead of, other disciplinary action.

**(5)** However, if an electricity entity fails to pay a penalty within the time allowed by the Regulator, the Regulator may take further action for the contravention for which the penalty was imposed.

**(6)** A reference in this section to amending an authority includes a reference to amending its conditions.

### **Procedure for disciplinary action**

**134.(1)** If the Regulator considers a ground exists to take disciplinary action against an electricity entity, the Regulator must, before taking the disciplinary action, give the entity a written notice—

- (a) stating the Regulator is considering taking disciplinary action against the entity; and
- (b) stating the proposed disciplinary action; and
- (c) stating the grounds for the proposed disciplinary action; and
- (d) outlining the facts and circumstances forming the basis for the grounds; and
- (e) inviting the entity to show, within a stated time of at least 28 days, why the proposed disciplinary action should not be taken.

(2) If, after considering all written representations made by the electricity entity within the stated time, the Regulator still considers a ground exists to take the disciplinary action, the Regulator may take the disciplinary action.

(3) However, before cancelling or directing the cancellation of an electricity entity's authority, the Regulator must consider the effect of the cancellation on persons who are provided or supplied with electricity or other services by the entity and the availability of alternative sources of electricity or services.

(4) The Regulator must inform the electricity entity of the decision by written notice.

(5) If the Regulator decides to take disciplinary action against the electricity entity, the notice must state the reasons for the decision.

(6) The decision takes effect on the later of—

- (a) the day when the notice is given to the electricity entity; or
- (b) the day of effect stated in the notice.

### **Penalty recoverable as debt**

**135.** A penalty imposed by the Regulator on an electricity entity may be recovered as a debt owing to the State.



## CHAPTER 6—ELECTRICITY OFFICERS’ POWERS

### PART 1—OPERATIONAL POWERS

#### **Entry to repair etc. works or electrical installations**

**136.(1)** An electricity officer for an electricity entity may, at any reasonable time, enter a place where the electricity entity has works or an electrical installation to inspect, operate, change, maintain, remove, repair or replace the works or installation.

**(2)** An electricity officer for an electricity entity may, at any reasonable time, enter a place where someone else has an electrical installation to which electricity is, or is to be supplied by the electricity entity to examine or inspect the installation to ensure that the installation is safe to connect or reconnect supply.

#### **Entry to read meters etc.**

**137.** An electricity officer for an electricity entity may, at any reasonable time, enter a place where there is an electrical installation to which electricity is being, or has been, supplied by the electricity entity to—

- (a) read a meter; or
- (b) calculate or measure electricity supplied or taken; or
- (c) check the accuracy of metered consumption; or
- (d) take action for deciding—
  - (i) the appropriate tariffs for the electrical installation; or
  - (ii) the electrical installation’s load classification; or
- (e) replace meters, control apparatus and other electrical articles of the electricity entity.

**Disconnection of supply if entry refused****138.(1)** If—

- (a) an electricity officer for an electricity entity is allowed to enter a place under section 137 (Entry to read meters etc.); and
- (b) the electricity officer is refused entry to the place or the electricity officer's entry to the place is obstructed;

the entity's chief executive officer may, by written notice to the occupier of the place, ask for consent to the entry.

(2) The notice must state why the entry is needed and state a day and time for the proposed entry.

(3) If the occupier again refuses to consent to the entry, the chief executive officer may authorise an electricity officer to—

- (a) disconnect electricity supply to the place; and
- (b) leave the electrical installation disconnected until the occupier consents to the entry and pays the disconnection and reconnection fees prescribed under the regulations.

**Entry to disconnect supply**

**139.(1)** An electricity officer for an electricity entity may, at any reasonable time, enter a place to disconnect supply to an electrical installation to which electricity is being supplied by the entity.

(2) The electricity officer may act under subsection (1) only if the electricity entity is allowed to disconnect supply.

**Entry to place to prevent electrical hazard or protect electricity entity's works**

**140.(1)** An electricity officer for an electricity entity may, at any reasonable time, enter a place to prevent—

- (a) a situation becoming an electrical hazard; or
- (b) an obstruction or potential obstruction to, or interference or potential interference with, the building, maintenance or operation of an electric line or other works of the entity.

(2) However, the electricity officer may enter the place only if—

- (a) the occupier of the place consents to the entry; or
- (b) the electricity officer or the electricity entity gives the occupier at least 7 days notice of the intended entry.

(3) The notice must state a period of not more than 1 month when entry will be made.

(4) The notice is sufficient notice for each entry made during the stated period.

## **PART 2—SAFETY POWERS**

### **Entry to make works or electrical installations safe**

**141.(1)** An electricity officer for an electricity entity may, at any reasonable time, enter a place where the electricity entity has works or an electrical installation to make the works or installation safe.

(2) An electricity officer may, at any reasonable time, enter a place where someone else has an electrical installation to which electricity is supplied by the electricity entity to make the installation safe.

(3) The electricity officer may disconnect supply to a works or installation until it is made safe.

(4) The powers conferred by this section are in addition to the powers conferred by Part 1 (Operational powers).

## **PART 3—EXERCISE OF POWERS BY ELECTRICITY OFFICERS**

### **Electricity officer to give notice of damage**

**142.(1)** This section applies if an electricity officer damages anything

when exercising or purporting to exercise a power under this Chapter.

(2) The electricity officer must immediately give written notice of the particulars of the damage to the person who appears to be the thing's owner.

(3) If the electricity officer believes the damage was caused by a latent defect in the thing or other circumstances beyond the officer's control, the officer may state this in the notice.

(4) If, for any reason, it is not practicable to comply with subsection (2), the electricity officer must leave the notice, in a reasonably secure way and in a conspicuous position, at the place where the damage happened.

(5) This section does not apply to damage that the electricity officer believes, on reasonable grounds, is trivial.

(6) In this section—

“**owner**” of a thing includes the person in possession or control of the thing.

### **Compensation**

**143.(1)** A person who incurs loss or expense because of the exercise or purported exercise of a power under this Chapter by an electricity officer for an electricity entity may claim compensation from the entity.

(2) Compensation may be claimed and ordered in a proceeding for—

- (a) compensation brought in a court of competent jurisdiction; or
- (b) an offence against this Act brought against the person claiming compensation.

(3) A court may order compensation to be paid only if it is satisfied it is just to make the order in the circumstances of the particular case.

## CHAPTER 7—AUTHORISED PERSONS' POWERS

### PART 1—GENERAL POWERS TO INVESTIGATE OFFENCES

#### Entry to places

**144.(1)** An authorised person may enter a place under this Part if—

- (a) its occupier consents to the entry; or
- (b) the entry is permitted by a warrant.

**(2)** An authorised person, without the occupier's consent or a warrant, may—

- (a) enter a public place when the place is open to the public;<sup>5</sup> or
- (b) enter the land (including the curtilage) around premises to ask the occupier of the premises for consent to enter the premises.

**(3)** The power of entry given to an authorised person under this Part is in addition to the powers of entry given to an authorised person under other Parts of this Chapter.

#### Consent to entry

**145.(1)** This section applies if an authorised person intends to seek the consent of an occupier of a place to the authorised person entering the place under this Part.

**(2)** Before seeking the consent, the authorised person must inform the occupier—

- (a) of the purpose of the entry; and

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<sup>5</sup> The application of this section could, in a particular case, be affected by the *Native Title Act 1993* (Cwlth).

(b) that anything found and seized may be used in evidence in court; and

(c) that the occupier is not required to consent.

(3) If the consent is given, the authorised person may ask the occupier to sign an acknowledgment of the consent.

(4) The acknowledgment must—

(a) state the occupier was informed—

(i) of the purpose of the entry; and

(ii) that anything found and seized may be used in evidence in court; and

(iii) that the occupier was not required to consent; and

(b) state the occupier gave the authorised person consent under this Part to enter the place and to exercise powers under this Part; and

(c) state the time and date the consent was given.

(5) If the occupier signs an acknowledgment of consent, the authorised person must immediately give a copy to the occupier.

### **Warrants for entry**

**146.(1)** An authorised person may apply to a Magistrate for a warrant for a place.

(2) The application must be sworn and state the grounds on which the warrant is sought.

(3) The Magistrate may refuse to consider the application until the authorised person gives the Magistrate all the information the Magistrate requires about the application in the way the Magistrate requires.

*Example—*

The Magistrate may require additional information supporting the application to be given by statutory declaration.

(4) The Magistrate may issue a warrant only if satisfied there are reasonable grounds for suspecting—

(a) there is a particular thing or activity (the “**evidence**”) that may

provide evidence of an offence against this Act; and

(b) the evidence is, or may be within the next 7 days, at the place.

(5) The warrant must state—

(a) that the authorised person may, with necessary and reasonable help and force, enter the place and exercise the authorised person's powers under this Act; and

(b) the evidence for which the warrant is issued; and

(c) the hours of the day when entry may be made; and

(d) the day, within 14 days after the warrant's issue, the warrant ends.

(6) The Magistrate must record the reasons for issuing the warrant.

### **Warrants—applications made other than in person**

**147.(1)** An authorised person may apply for a warrant by phone, fax, radio or another form of communication if the authorised person considers it necessary because of urgent circumstances or other special circumstances, including, for example, the authorised person's remote location.

(2) Before applying for the warrant, the authorised person must prepare an application stating the grounds on which the warrant is sought.

(3) The authorised person may apply for the warrant before the application is sworn.

(4) After issuing the warrant, the Magistrate must immediately fax a copy to the authorised person if it is reasonably practicable to fax the copy.

(5) If it is not reasonably practicable to fax a copy of the warrant to the authorised person—

(a) the Magistrate must—

(i) record on the warrant the reasons for issuing the warrant; and

(ii) tell the authorised person the date and time the warrant was signed; and

(iii) tell the authorised person the warrant's terms; and

(b) the authorised person must write on a form of warrant (the “**warrant form**”)—

- (i) the Magistrate’s name; and
- (ii) the date and time the Magistrate signed the warrant; and
- (iii) the warrant’s terms.

(6) The facsimile warrant, or the warrant form properly completed by the authorised person, authorises the entry and the exercise of the other powers mentioned in the warrant issued by the Magistrate.

(7) The authorised person must, at the first reasonable opportunity, send to the Magistrate—

- (a) the sworn application; and
- (b) if a warrant form was required to be completed by the authorised person—the completed warrant form.

(8) On receiving the documents, the Magistrate must attach them to the warrant.

(9) Unless the contrary is proven, a court must presume that a power exercised by an authorised person was not authorised by a warrant issued under this section if—

- (a) a question arises, in a proceeding before the court, whether the exercise of power was authorised by a warrant; and
- (b) the warrant is not produced in evidence.

### **General powers after entering places**

**148.(1)** An authorised person who enters a place under this Part may—

- (a) search any part of the place; or
- (b) inspect, test, photograph or film anything in or on the place; or
- (c) copy a document in or on the place; or
- (d) take samples of or from anything in or on the place; or
- (e) take into or onto the place any persons, equipment and materials the authorised person reasonably requires for exercising a power under this Part; or



- (f) require the occupier of the place, or a person in or on the place, to give the authorised person reasonable help to exercise the authorised person's powers under paragraphs (a) to (e).

(2) A person required to give reasonable help under subsection (1)(f) must comply with the requirement, unless the person has a reasonable excuse.

Maximum penalty—8 penalty units.

(3) If the requirement is to be complied with by the person—

- (a) giving information; or  
(b) producing a document (other than a document required to be kept by the person under this Act);

it is a reasonable excuse for the person to fail to comply with the requirement, if complying with the requirement might incriminate the person.

(4) If an authorised person may exercise a power under this section or another provision of this Part and under another provision of this Act, the authorised person may exercise the power under either or both provisions.

(5) This section does not apply to an authorised person who enters a place to get the occupier's consent unless the consent is given or the entry is otherwise authorised.

### **Power to seize evidence**

**149.(1)** An authorised person who enters a place under this Part with a warrant may seize the evidence for which the warrant was issued.

(2) An authorised person who enters a place under this Part with the occupier's consent may seize the thing if—

- (a) the authorised person believes on reasonable grounds the thing is evidence of an offence against this Act; and  
(b) seizure of the thing is consistent with the purpose of entry as told to the occupier in seeking the occupier's consent.

(3) An authorised person may also seize another thing if the authorised person believes on reasonable grounds—

- (a) the thing is evidence of an offence against this Act; and
  - (b) the seizure is necessary to prevent the thing being—
    - (i) concealed, lost or destroyed; or
    - (ii) used to commit, continue or repeat the offence.
- (4) Having seized a thing, an authorised person may—
- (a) remove the thing from the place where the thing was seized (the **“place of seizure”**) to another place; or
  - (b) leave the thing at the place of seizure but restrict access to the thing.

*Example of subsection (4)(b)—*

An authorised person may—

- (a) seal a thing and mark it to show it has been seized; or
- (b) seal the entrance to a room where the seized thing is situated and mark it to show it contains a thing that has been seized.

(5) If an authorised person restricts access to a seized thing, a person must not tamper with the thing without the approval of the Regulator.

Maximum penalty—30 penalty units.

### **Receipt for seized things**

**150.(1)** As soon as practicable after a thing is seized by an authorised person under this Part, the authorised person must give a receipt for it to the person from whom it was seized.

(2) However, if for any reason it is not practicable to comply with subsection (1), the authorised person must leave the receipt, at the place of seizure in a reasonably secure way and in a conspicuous position.

(3) Subsection (1) does not apply if—

- (a) the thing is unattended when seized; and
- (b) the thing’s owner is unknown; and
- (c) the owner cannot be found after reasonable inquiries (given the thing’s value) have been made.

**Access to seized things**

**151.** Until a seized thing is forfeited, returned or otherwise finally dealt with, an authorised person must allow its owner—

- (a) to inspect it; or
- (b) if it is a document—to make copies of it.

**Return of seized things**

**152.(1)** This section does not apply to a thing forfeited to the State.

**(2)** The authorised person must return a seized thing to its owner at the end of—

- (a) 6 months; or
- (b) if a prosecution for an offence involving it is started within 6 months—the prosecution and any appeal from the prosecution.

**(3)** Despite subsection (2), the authorised person must return the seized thing to its owner immediately the authorised person stops being satisfied its retention as evidence is necessary.

**(4)** However, the authorised person need not return the seized thing if the authorised person believes, on reasonable grounds, it is necessary to continue to retain it to prevent its use in committing an offence.

**PART 2—OTHER INVESTIGATIVE POWERS*****Division 1—Electricity restriction regulations and emergency rationing orders*****Entry to places to investigate compliance with emergency rationing orders**

**153.** An authorised person may, at any reasonable time, enter a place to investigate compliance with an emergency rationing order if the authorised

person suspects, on reasonable grounds, the order is not being complied with in the place.

### **Disconnection for contravening regulation or order**

**154.(1)** If a person contravenes an electricity restriction regulation or an emergency rationing order, an authorised person may, without notice to the person, disconnect supply to the person, including, for example, to any electrical installation or premises of the person.

**(2)** An electricity entity may refuse to reconnect supply to the person until—

(a) whichever of the following happens first—

(i) the person agrees not to contravene the regulation or order;

(ii) the regulation or order ceases to be in force; and

(b) the person pays any reasonable disconnection or reconnection fees required by the entity.

**(3)** However, despite the person's agreement not to contravene the regulation or order, the electricity entity may refuse to reconnect supply if it is of the opinion that, because of the person's previous conduct, the person will not comply with the agreement.

### *Division 2—Safety issues*

#### **Entry to places to investigate accidents involving electricity etc.**

**155.(1)** This section applies if an authorised person suspects, on reasonable grounds, that an accident has happened at a place—

(a) involving the use of electricity; or

(b) involving an electrical installation or works in which a person—

(i) received, or may have received, an electric shock; or

(ii) suffered, or may have suffered, serious personal injury; or

(iii) died or may have died.

**(2)** The authorised person may enter the place at any reasonable time to

investigate the accident, ensure the place is safe and prevent the concealment, loss or destruction of anything reasonably relevant to the investigation.

(3) The authorised person may do anything necessary and reasonable for a purpose mentioned in subsection (2).

### **Entry to place to make electrical installation or works safe etc.**

**156.(1)** This section applies if an authorised person suspects, on reasonable grounds, that—

- (a) an electrical installation or works may be defective; and
- (b) the defect is likely to cause a fire, or a person to suffer an electric shock or other personal injury.

(2) The authorised person may, at any time, enter the place and take any necessary and reasonable action to make the installation or works safe.

(3) Without limiting subsection (2), the authorised person may disconnect the installation or works, or the defective part of the installation or works.

(4) Alternatively, the authorised person may, by written notice given to the owner or person apparently in charge of the installation or works, require the person to disconnect immediately the installation or works, or the defective part of the installation or works.

(5) If the authorised person disconnects something under subsection (3), the authorised person must—

- (a) immediately give the owner or person apparently in charge of the electrical installation or works written notice of the disconnection and of the terms of subsection (3); and
- (b) as soon as practicable give the person written reasons for the disconnection.

(6) A person must not reconnect the electrical installation, works or part until the defect has been rectified or the defective part disconnected or isolated from all electricity sources.

Maximum penalty—8 penalty units.

(7) A person to whom a notice is given under subsection (4) must

comply with it, unless the person has a reasonable excuse.

Maximum penalty—8 penalty units.

### **Entry to places to check safety of works**

**157.(1)** An authorised person may, at any reasonable time, enter a place if the person suspects, on reasonable grounds, that—

- (a) there are works in the place; and
- (b) it is necessary or desirable to check the electrical safety of any of the works.

**(2)** After entering the place, the authorised person may check the electrical safety of any works in the place.

### **Entry to workplaces to check electrical work etc.**

**158.(1)** An authorised person may, at any reasonable time, enter a workplace (within the meaning of the *Workplace Health and Safety Act 1989*) to check—

- (a) whether action being taken, or suspected of being taken, in the workplace is electrical work; or
- (b) whether electrical work has been, or is being, performed in the workplace in accordance with this Act; or
- (c) the identity and qualifications of a person who has performed, or is performing, electrical work.

**(2)** After entering the workplace, the authorised person may inspect, test, photograph or film anything in the workplace.

### **Entry to business places to check safety of electrical articles**

**159.(1)** An authorised person may enter a place of business when it is open for the conduct of business or otherwise open to entry if the person suspects, on reasonable grounds, that—

- (a) there are electrical articles (“**commercial electrical articles**”) in the place that are intended for sale or hire by a person in trade or commerce; and

(b) it is necessary or desirable to check the electrical safety of any of the commercial electrical articles.

(2) After entering the place, the authorised person may check the electrical safety of any of the commercial electrical articles.

### *Division 3—Cathodic protection systems*

#### **Entry to examine or inspect cathodic protection system etc.**

**160.(1)** An authorised person may, at any reasonable time, enter a place to examine or inspect a cathodic protection system in the place.

(2) However, the authorised person may enter the place only if—

- (a) the occupier of the place consents to the entry; or
- (b) the authorised person gives the occupier at least 7 days notice of the intended entry.

(3) The notice must state a period of not more than 1 month when entry will be made.

(4) The notice is sufficient notice for each entry made during the stated period.

(5) If the authorised person believes, on reasonable grounds, that the cathodic protection system is being operated in contravention of this Act, the authorised person may take any necessary and reasonable action to make the system inoperable.

(6) Alternatively, the authorised person may, by written notice given to the person apparently in charge of the cathodic protection system, require the person to immediately make the system inoperable.

(7) The person given notice under subsection (6) must comply with the notice.

Maximum penalty—8 penalty units.

(8) An authorised person who makes a cathodic protection system inoperable under this section must, when practicable, give written reasons for making the system inoperable to the person apparently in charge of the system.

(9) A person must not again make the cathodic protection system operable until this Act is complied with.

Maximum penalty—8 penalty units.

#### *Division 4—Other powers of authorised persons*

##### **Direction not to sell or hire unsafe electrical articles**

**161.(1)** If an authorised person believes, on reasonable grounds, that a particular electrical article, or an electrical article of a particular type, is likely to cause a fire or an electrical accident in which a person suffers an electric shock or other personal injury, the authorised person may, by written notice given to a person, direct the person not to sell or hire the electrical article or an electrical article of that type.

(2) The person must not contravene the direction.

Maximum penalty—8 penalty units.

(3) If the direction is about a particular electrical article and an authorised person believes, on reasonable grounds, that the person has contravened the direction, the authorised person may seize the electrical article.

(4) If the direction is about a type of electrical article and an authorised person believes, on reasonable grounds, that the person has contravened the direction, the authorised person may seize all electrical articles of that type in the person's possession.

(5) Unless the person from whom the electrical article or articles were seized agrees with an authorised person, within 6 months after the seizure, to take the action the authorised person requires to make it or them safe, the electrical article or articles are forfeited to the State.

##### **Power to require name and address**

**162.(1)** An authorised person may require a person to state the person's name and address if the authorised person—

- (a) finds the person committing an offence against this Act; or
- (b) finds the person in circumstances that lead, or has information



that leads, the authorised person to suspect, on reasonable grounds, the person has just committed an offence against this Act; or

- (c) believes, on reasonable grounds, that the person is performing or has just performed electrical work.

(2) When making the requirement, the authorised person must warn the person it is an offence to fail to state the person's name and address, unless the person has a reasonable excuse.

(3) The authorised person may require the person to give evidence of the correctness of the person's stated name or address if the authorised person suspects, on reasonable grounds, that the stated name or address is false.

(4) A person must comply with a requirement under subsection (1) or (3), unless the person has a reasonable excuse for not complying with it.

Maximum penalty—8 penalty units.

(5) The person does not commit an offence against this section if—

- (a) the authorised person required the person to state the person's name and address on suspicion of the person having committed an offence against this Act; and
- (b) the person is not proved to have committed the offence.

(6) The person does not commit an offence against this section if—

- (a) the authorised person required the person to state the person's name and address on suspicion of the person having performed electrical work; and
- (b) the person is not proved to have performed electrical work.

### **Power to require production of certain documents**

**163.(1)** An authorised person may require a person to produce to the authorised person for inspection a document required to be kept by the person under this Act.

(2) The person must produce the document for inspection, unless the person has a reasonable excuse for not producing it.

Maximum penalty—40 penalty units.

(3) The authorised person may keep the document to take an extract from or make a copy of it.

(4) If the authorised person makes a copy of the document, or an entry in the document, the authorised person may require the person responsible for keeping the document to certify the copy as a true copy of the document or entry.

(5) The person responsible for keeping the document must comply with a requirement made under subsection (4), unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

(6) The authorised person must return the document to the person as soon as practicable after taking the extract or making the copy.

### *Division 5—Other enforcement matters*

#### **Notice of damage by authorised persons**

**164.(1)** This section applies if an authorised person damages anything when exercising or purporting to exercise a power under this Chapter.

(2) The authorised person must immediately give written notice of the particulars of the damage to the person who appears to be the thing's owner.

(3) However, if for any reason it is not practicable to comply with subsection (2), the authorised person must leave the notice, in a reasonably secure way and in a conspicuous position, at the place where the damage happened.

(4) In this section—

“owner” of a thing includes the person in possession or control of the thing.

#### **Compensation**

**165.(1)** A person who incurs loss or expense because of the exercise or purported exercise of a power under this Chapter by an authorised person

may claim compensation against the State.

(2) Compensation may be claimed and ordered in a proceeding—

- (a) brought in a court with jurisdiction for the recovery of compensation; or
- (b) for an offence against this Act brought against the person making the claim for compensation.

(3) A court may order compensation to be paid only if it is satisfied it is just to make the order in the circumstances of the particular case.

(4) A regulation may prescribe matters that may, or must, be taken into account by the court when considering whether it is just to make the order.

## **CHAPTER 8—SAFETY AND TECHNICAL ISSUES**

### **Connection to transmission grid or supply network to comply with conditions for connection**

**166.(1)** In connecting something to a transmission grid or supply network, a person must comply with the technical conditions for the connection.

Maximum penalty—8 penalty units.

(2) An electricity entity may disconnect anything that is connected to its transmission grid or supply network in contravention of the technical conditions.

### **Occupier to give notice of electrical accident**

**167.(1)** This section applies if a person suffers an electric shock or other personal injury because of an electrical accident at a place.

(2) The occupier of the place must immediately tell the authorised supplier (or, if there is no authorised supplier, the supply entity) in whose supply area the accident happened about the accident, unless the occupier has a reasonable excuse.

(3) The occupier must also take the reasonable steps necessary to prevent interference with equipment associated with the accident until the accident has been investigated.

Maximum penalty—8 penalty units.

(4) Subsection (3) does not apply to action reasonably taken to prevent a further shock or injury.

### **Licensed electrical contractor to give notice of electrical accident**

**168.(1)** This section applies if a person suffers electric shock or other personal injury because of an electrical accident that happens while electrical work is being carried out on an electrical installation by a licensed electrical contractor or an employee of the contractor.

(2) The licensed electrical contractor must immediately tell the authorised supplier (or, if there is no authorised supplier, the supply entity) in whose supply area the accident happened about the accident.

Maximum penalty—8 penalty units.

(3) However, if the licensed electrical contractor cannot report the accident immediately because of injury suffered by the electrical contractor in the accident, the electrical contractor must tell the supplier or entity as soon as practicable after the accident.

Maximum penalty—8 penalty units.

### **Special approval holders to give notice of electrical accident**

**169.(1)** This section applies if a person suffers electric shock or other personal injury because of an electrical accident on a special approval holder's works.

(2) The special approval holder must immediately tell the authorised supplier (or, if there is no authorised supplier, the Regulator) in whose supply area the accident happened about the accident.

Maximum penalty—8 penalty units.

**Electricity entity to advise Regulator immediately of accident**

**170.(1)** An electricity entity must immediately tell the Regulator if it becomes aware of—

- (a) an accident involving death or serious personal injury on its works or 1 of its electrical installations; or
- (b) for a supply entity or authorised supplier—an electrical accident involving death or serious personal injury on an electrical installation in its supply area.

**(2)** However, subsection (1) does not apply to an electricity entity if the entity reasonably believes the Regulator has already been told about the accident.

**(3)** The Regulator may direct an electricity entity to ensure that equipment, lines, poles, electrical articles, appliances or anything else at the place where the accident happened are not removed or interfered with until an authorised person inspects the place.

**(4)** The direction may be given orally or in writing to an employee of the electricity entity or anyone else acting for the entity.

**(5)** An electricity entity must ensure that a direction under subsection (3) is complied with.

**Electricity entity to ensure accident investigated and reported to Regulator**

**171.(1)** On receiving a report of an accident, an electricity entity must ensure an authorised person immediately investigates the accident and reports to the entity in the way prescribed under the regulations.

**(2)** The electricity entity must give the report to the Regulator within 7 days of receiving it, and must not give the report or a copy of it to anyone else.

**Misrepresentations about electrical articles or work**

**172.(1)** A person must not, in trade or commerce, represent that someone who is not a licensed electrical worker may lawfully—

- (a) connect to electricity supply an electrical article that may only be

connected to electricity supply by a licensed electrical worker; or

- (b) do electrical work that may only be done by a licensed electrical worker.

(2) A person must take all reasonable steps to ensure the person's employees do not make a representation mentioned in subsection (1).

Maximum penalty—8 penalty units.

### **Works and electrical installations not to be unsafe**

**173.** A person who owns or operates works or an electrical installation must take all reasonable steps to ensure they are not unsafe.

Maximum penalty—20 penalty units.

### **Examination, inspection and testing of certain electrical installation work**

**174.** An electricity entity must ensure electrical installation work prescribed under the regulations is examined, inspected and tested as required under the regulations.

Maximum penalty—20 penalty units.

### **Safety standards for works and electrical installations to be complied with**

**175.** A person who owns or operates works or an electrical installation must ensure the works or installation complies, and is operated in accordance with, all safety standards prescribed under the regulations.

Maximum penalty—20 penalty units.

### **Removing anything built contrary to Act**

**176.(1)** The Regulator may, by written notice to a person, require the person to remove anything built by the person in contravention of this Act.

(2) The person must comply with the notice within the reasonable period stated in the notice, unless the person has a reasonable excuse for not

complying with the notice.

Maximum penalty—8 penalty units.

### **Making unsafe things safe**

**177.(1)** This section applies if the Regulator believes, on reasonable grounds, that the whole or part of a person's electrical installation, works or electrical article (the “**thing**”) is unsafe.

**(2)** The Regulator may require—

- (a) the person to disconnect, remove or repair the thing; or
- (b) the person to make the thing safe to the Regulator's satisfaction; or
- (c) the relevant electricity entity to disconnect electricity supply to the thing.

**(3)** The requirement must be made by—

- (a) written notice; or
- (b) if the Regulator believes the thing so unsafe that immediate action should be taken by the person or electricity entity—oral notice.

**(4)** However, if an oral notice is given, the Regulator must promptly give the person or electricity entity a document confirming the oral notice.

**(5)** The person or electricity entity must comply with the notice within the reasonable period stated in the notice, unless the person has a reasonable excuse for not complying with the notice.

Maximum penalty—8 penalty units.

**(6)** If the person or electricity entity does not comply with the notice, the Regulator may take the action that is reasonable and necessary to have the requirement carried out.

**(7)** A person, authorised in writing by the Regulator, may do what is reasonable and necessary to carry out the requirement.

*Example—*

The person may enter the place where the works or an electrical installation is situated without notice.

(8) The costs incurred in carrying out the requirement may be recovered from the person or electricity entity as a debt owed to the State.

## CHAPTER 9—AUTHORITIES AND APPROVALS

### PART 1—GENERATION AUTHORITIES

#### Issue of generation authorities

**178.(1)** The Regulator may issue a generation authority to a person.

(2) The authority must state—

- (a) the generating plant that may be connected; and
- (b) the transmission grid or supply network to which it may be connected; and
- (c) the term of the authority.

(3) Generating plant may be stated in the authority even though it has not been built when the authority is issued.

#### Application for generation authority

**179.(1)** An application for the issue of a generation authority must—

- (a) be made to the Regulator in the form approved by the Regulator; and
- (b) state—
  - (i) the generating plant proposed to be connected; and
  - (ii) the transmission grid or supply network to which it is proposed to be connected; and
- (c) be accompanied by the fees prescribed under the regulations, including any fee for investigating whether the authority should



be issued.

(2) If asked in writing by the Regulator, the applicant must give the further relevant information or evidence the Regulator requires to decide the application.

### **Consideration of application for generation authority**

**180.(1)** The Regulator must consider an application for the issue of a generation authority and may issue, or refuse to issue, the authority.

(2) The Regulator may issue the authority only if satisfied—

- (a) the applicant will operate the generating plant stated in the application; and
- (b) the generating plant will be able to provide electricity of a quality suitable for the transmission grid or supply network stated in the application; and
- (c) the applicant is a suitable person to be a generation entity; and
- (d) the owner or proposed owner of the generating plant (whether or not the applicant) is a suitable person to be the owner; and
- (e) the applicant meets the additional criteria prescribed under the regulations.

(3) In deciding whether the applicant is a suitable person to be a generation entity, or the owner or proposed owner of the generating plant (whether or not the applicant) is a suitable person to be the owner, the Regulator may consider—

- (a) the person's previous commercial and other dealings and the standard of honesty and integrity shown in the dealings; and
- (b) any failure by the person to perform commercial or statutory obligations and the reasons for the failure; and
- (c) the person's criminal history; and
- (d) if the person is a corporation—the matters mentioned in paragraphs (a) to (c) for persons who are shareholders, directors or holders of other interests in the corporation; and
- (e) for the applicant—the applicant's competence to be the operator;

and

(f) additional matters prescribed under the regulations.

(4) A regulation may prescribe matters the Regulator must or may consider in deciding the applicant's competence to be the operator.

(5) In deciding whether to issue the authority, the Regulator must consider—

(a) relevant Government policies about environmental and energy issues and the likely environmental effects of building and operating the generating plant; and

(b) additional matters prescribed under the regulations.

(6) In deciding whether to issue the authority, the Regulator may consider matters prescribed under the regulations.

(7) In deciding whether to issue the authority, the Regulator must not consider—

(a) the applicant's existing or likely future share of the electricity market or, if the applicant is not the owner or proposed owner of the generating plant, the owner's existing or likely future share of the electricity market; or

(b) the number of generation authorities in force; or

(c) additional matters prescribed under the regulations.

### **Notice of refusal to issue generation authority**

**181.** If the Regulator refuses to issue the generation authority sought by an applicant, the Regulator must promptly give the applicant a written notice informing the applicant of the refusal, the reasons for the refusal and the applicant's right of appeal.

### **Amendment of generation authorities**

**182.** The Regulator may, with a generation entity's agreement, amend its generation authority.

**Amendment of conditions stated in generation authorities**

**183.** The Regulator may, with a generation entity's agreement, amend the conditions stated in its authority.

**Generation authorities not transferable**

**184.** A generation authority cannot be transferred.

**Surrender of generation authorities**

**185.(1)** A generation entity may surrender its authority by giving the Regulator written notice of surrender.

**(2)** The notice must be given to the Regulator at least—

- (a)** 6 months before it is to take effect; or
- (b)** if the authority requires a longer period of notice—the required period of notice before it is to take effect.

**(3)** However, the Regulator may agree to a shorter period of notice in a particular case.

**PART 2—TRANSMISSION AUTHORITIES****Issue of transmission authorities**

**186.(1)** The Regulator may issue a transmission authority to a person.

**(2)** The authority must state—

- (a)** the transmission grid that may be operated; and
- (b)** if it may be connected to another transmission grid—the other transmission grid to which it may be connected; and
- (c)** the term of the authority.

**(3)** A transmission grid may be stated in the authority even though it has not been built when the authority is issued.

(4) The authority may, but need not, state—

- (a) the precise limits of the transmission grid; or
- (b) that the transmission grid is to operate in a stated area.

(5) The transmission grid mentioned in subsection (2)(b) may be a transmission grid outside the State.

### **Transmission authorities for same area**

**187.** The Regulator may issue 2 or more transmission authorities for the same area.

### **Application for transmission authority**

**188.(1)** An application for the issue of a transmission authority must—

- (a) be made to the Regulator in the form approved by the Regulator; and
- (b) state—
  - (i) the transmission grid proposed to be operated; and
  - (ii) if it is proposed the transmission grid be connected to another transmission grid—the transmission grid to which it is proposed to be connected; and
- (c) be accompanied by the fees prescribed under the regulations, including any fee for investigating whether the authority should be issued.

(2) If asked in writing by the Regulator, the applicant must give the further relevant information or evidence the Regulator requires to decide the application.

### **Consideration of application for authority**

**189.(1)** The Regulator must consider an application for the issue of a transmission authority and may issue, or refuse to issue, the authority.

(2) The Regulator may issue the authority only if satisfied—

- (a) the applicant is operating, or will operate, the transmission grid

stated in the application; and

- (b) the transmission grid has, or will have, the technical capabilities to provide for transmission of electricity of a quality likely to be needed to be transmitted through the transmission grid and the proposed transmission of electricity is, or will be, adequate, safe and reliable; and
- (c) the applicant is a suitable person to be a transmission entity; and
- (d) the owner or proposed owner of the transmission grid (whether or not the applicant) is a suitable person to be the owner; and
- (e) the applicant meets the additional criteria prescribed under the regulations.

**(3)** In deciding whether the applicant is a suitable person to be a transmission entity, or the owner or proposed owner of the transmission grid (whether or not the applicant) is a suitable person to be the owner, the Regulator may consider—

- (a) the person's previous commercial and other dealings and the standard of honesty and integrity shown in the dealings; and
- (b) any failure by the person to perform commercial or statutory obligations and the reasons for the failure; and
- (c) the person's criminal history; and
- (d) if the person is a corporation—the matters mentioned in paragraphs (a) to (c) for persons who are shareholders, directors or holders of other interests in the corporation; and
- (e) for the applicant—the applicant's competence to be the operator; and
- (f) additional matters prescribed under the regulations.

**(4)** A regulation may prescribe matters the Regulator must or may consider in deciding the applicant's competence to be the operator.

**(5)** In deciding whether to issue the authority, the Regulator must consider—

- (a) relevant Government policies about environmental and energy issues and the likely environmental effects of building and operating the transmission grid; and

(b) additional matters prescribed under the regulations.

(6) In deciding whether to issue the authority, the Regulator may consider—

(a) the capacity of transmission grids for which authorities have been issued; and

(b) additional matters prescribed under the regulations.

### **Notice of refusal to issue transmission authority**

**190.** If the Regulator refuses to issue the transmission authority sought by an applicant, the Regulator must promptly give the applicant a written notice informing the applicant of the refusal, the reasons for the refusal and the applicant's right of appeal.

### **Amendment of transmission authorities**

**191.** The Regulator may, with a transmission entity's agreement, amend its authority—

(a) to change the transmission grid that may be operated under the authority; or

(b) to authorise connection to a transmission grid; or

(c) to change a transmission grid to which connection may be made.

### **Amendment of conditions stated in transmission authorities**

**192.** The Regulator may, with a transmission entity's agreement, amend the conditions stated in its authority.

### **Transmission authorities not transferable**

**193.** A transmission authority cannot be transferred.

### **Surrender of transmission authorities**

**194.(1)** A transmission entity may surrender its authority by giving the Regulator written notice of surrender.

(2) The notice must be given to the Regulator at least—

- (a) 6 months before it is to take effect; or
- (b) if the authority requires a longer period of notice—the required period of notice before it is to take effect.

(3) However, the Regulator may agree to a shorter period of notice in a particular case.

## **PART 3—SUPPLY ENTITY AUTHORITIES**

### **Issue of supply entity authorities**

**195.(1)** The Regulator may issue a supply entity authority to a person.

(2) The authority may state the term of the authority.

### **Application for authority**

**196.(1)** An application for the issue of a supply entity authority must—

- (a) be made to the Regulator in the form approved by the Regulator; and
- (b) state the proposed supply area; and
- (c) be accompanied by the fees prescribed under the regulations, including any fee for investigating whether the authority should be issued.

(2) If asked in writing by the Regulator, the applicant must give the further relevant information or evidence the Regulator requires to decide the application.

### **Consideration of application for authority**

**197.(1)** The Regulator must consider an application for the issue of a supply entity authority and may give, or refuse to give, the authority.

(2) The Regulator may issue the authority only if satisfied—

- (a) the applicant is operating, or will operate, the supply network stated in the application; and
- (b) the applicant is a suitable person to be a supply entity; and
- (c) the owner or proposed owner of the supply network (whether or not the applicant) is a suitable person to be the owner; and
- (d) the applicant meets the additional criteria prescribed under the regulations.

**(3)** In deciding whether the applicant is a suitable person to be a supply entity, or the owner or proposed owner of the supply network (whether or not the applicant) is a suitable person to be the owner, the Regulator may consider—

- (a) the person's previous commercial and other dealings and the standard of honesty and integrity shown in the dealings; and
- (b) any failure by the person to perform commercial or statutory obligations and the reasons for the failure; and
- (c) the person's criminal history; and
- (d) if the person is a corporation—the matters mentioned in paragraphs (a) to (c) for persons who are shareholders, directors or holders of other interests in the corporation; and
- (e) for the applicant—the applicant's competence to be a supply entity; and
- (f) additional matters prescribed under the regulations.

**(4)** A regulation may prescribe matters the Regulator must or may consider in deciding the applicant's competence to be a supply entity.

**(5)** In deciding whether to issue the authority, the Regulator must consider—

- (a) relevant Government policies about environmental and energy issues and the likely environmental effects of the activities proposed to be done under the authority; and
- (b) additional matters prescribed under the regulations.

**(6)** In deciding whether to issue the authority, the Regulator may consider additional matters prescribed under the regulations.



(7) In deciding whether to issue the authority, the Regulator must not consider—

- (a) the applicant's existing or likely future share of the electricity market; or
- (b) the number of supply entity authorities in force; or
- (c) additional matters prescribed under the regulations.

### **Notice of refusal to issue authority**

**198.** If the Regulator refuses to issue a supply entity authority sought by an applicant, the Regulator must promptly give the applicant a written notice informing the applicant of the refusal, the reasons for the refusal and the applicant's right of appeal.

### **Amendment of supply entity authorities**

**199.** The Regulator may, with a supply entity's agreement, amend its supply entity authority.

### **Amendment of conditions stated in supply entity authorities**

**200.** The Regulator may, with a supply entity's agreement, amend the conditions stated in its authority.

### **Supply entity authorities not transferable**

**201.** A supply entity authority cannot be transferred.

### **Surrender of supply entity authorities**

**202.** A supply entity may surrender its authority only with the Regulator's agreement.

## **PART 4—AUTHORISED SUPPLIER AUTHORITIES**

### **Issue of authorised supplier authorities**

**203.(1)** A supply entity may issue an authorised supplier authority to its subsidiary or someone else for the whole or a part of, the entity's supply area.

(2) The authority must state the person's supply area.

### **Matters to be considered before issuing authorised supplier authority**

**204.** In deciding whether to issue an authorised supplier authority, the supply entity must consider relevant Government policies about environmental and energy issues and the likely environmental effects of the activities proposed to be done under the authority.

### **Conditions of authorised supplier authority**

**205.(1)** The supply entity that issues an authorised supplier authority may decide the conditions to which it is subject.

(2) This section is subject to section 52 (Conditions of authorised supplier authority).

### **Cancellation or amendment of authorised supplier authority**

**206.(1)** A supply entity may cancel or amend an authorised supplier authority issued by it if the authorised supplier contravenes the authority's conditions or the Regulator directs it to cancel or amend the authority.

(2) If the supply entity considers that a ground exists to cancel or amend the authorised supplier authority, the supply entity must, before taking the action, give the authorised supplier written notice—

- (a) stating that it is considering cancelling or amending the authority;  
and
- (b) stating the grounds for the proposed cancellation or amendment;  
and

- (c) outlining the facts and circumstances forming the basis for the grounds; and
- (d) inviting the supplier to show, within a stated time of at least 28 days, why the authority should not be cancelled or amended.

(3) If, after considering all written representations made by the authorised supplier within the stated time, the supply entity still considers a ground exists to cancel or amend the authority, the supply entity may cancel or amend the authority.

(4) The supply entity must inform the authorised supplier of the decision by written notice.

(5) If the supply entity decides to cancel or amend the authority, the notice must state the reasons for the decision.

(6) The decision takes effect on the later of—

- (a) the day when the notice is given to the authorised supplier; or
- (b) the day of effect stated in the notice.

(7) A supply entity may cancel or amend an authorised supplier authority it has issued to its subsidiary.

(8) Subsections (2) to (6) do not apply to—

- (a) the cancellation of an authorised supplier authority under subsection (7); or
- (b) the cancellation or amendment of an authorised supplier authority at the Regulator's direction; or
- (c) the cancellation of an authorised supplier authority under the terms of the authority; or
- (d) the amendment of an authorised supplier authority with the authorised supplier's agreement.

(9) A reference in this section to amending an authority includes a reference to amending its conditions.

### **Surrender of authorised supplier authorities**

**207.** An authorised supplier may surrender its authority only with its supply entity's agreement.

## **PART 5—SPECIAL APPROVALS**

### **Giving of special approvals**

**208.** A special approval may be given under the regulations or by the Regulator.

### **Application for special approval**

**209.(1)** An application for a special approval must—

- (a) be made to the Regulator in the form approved by the Regulator; and
- (b) state the things proposed to be done under the approval; and
- (c) be accompanied by the fees prescribed under the regulations, including any fee for investigating whether the approval should be given.

**(2)** If asked in writing by the Regulator, the applicant must give the further relevant information or evidence the Regulator requires to decide the application.

### **Consideration of application for special approval**

**210.(1)** The Regulator must consider an application for the giving of a special approval and may give, or refuse to give, the approval.

**(2)** In deciding whether to give the approval, the Regulator may consider the matters that the Regulator considers appropriate.

### **Notice of refusal to give special approval**

**211.** If the Regulator refuses to give a special approval, the Regulator must promptly give the applicant a written notice informing the applicant of the refusal, the reasons for the refusal and the applicant's right of appeal.

**Special approvals not transferable**

**212.** A special approval cannot be transferred.

**Surrender of special approvals**

**213.(1)** The holder of a special approval may surrender the approval by giving the Regulator written notice of surrender.

**(2)** The notice must be given to the Regulator at least—

- (a)** 6 months before it is to take effect; or
- (b)** if the approval requires a longer period of notice—the required period of notice before it is to take effect.

**(3)** However, the Regulator may agree to a shorter period of notice in a particular case.

## **CHAPTER 10—REVIEW OF AND APPEALS AGAINST DECISIONS**

### **PART 1—REVIEW OF DECISIONS**

**Who may apply for review etc.**

**214.(1)** A person whose interests are affected by a decision mentioned in Schedule 1 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.

**Applying for review**

**215.(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.

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

**216.(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 court mentioned opposite the decision in Schedule 1.

(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.

### **Review panels, arbitration and mediation**

**217.(1)** A regulation may make provision about referring applications

under this Part for review of decisions to—

- (a) review panels for advice; or
- (b) mediation for resolution; or
- (c) arbitration for decision.

(2) Without limiting subsection (1), a regulation may make provision about—

- (a) the type of applications that must or may be referred to review panels, mediation or arbitration; and
- (b) establishing review panels; and
- (c) the composition of review panels; and
- (d) the appointment of mediators and arbitrators; and
- (e) the conduct of proceedings before review panels, mediators and arbitrators; and
- (f) the making of recommendations by review panels, the resolving of applications by mediation and the making of decisions by arbitration.

### **Decision on reconsideration**

**218.(1)** This section applies to an application under this Part for review of a decision (the “**disputed decision**”).

(2) If the application is not referred to a review panel, resolved by mediation or decided by arbitration, the Regulator may confirm the disputed decision, amend the disputed decision or substitute a new decision after considering the applicant’s representations.

(3) If the application is referred to a review panel, the Regulator may confirm the disputed decision, amend the disputed decision or substitute a new decision after considering the review panel’s advice.

(4) If the application is resolved by mediation or decided by arbitration, the Regulator must give effect to the resolution or decision and may, for the purpose, confirm the disputed decision, amend the disputed decision or substitute a new decision.

(5) The Regulator must immediately give the applicant written notice of

the Regulator's decision on the application.

(6) If the decision is not the decision sought by the applicant, the notice must state—

- (a) the reasons for the decision; and
- (b) that the applicant may appeal against the decision to a stated court within 28 days.

(7) 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 Act (other than this Chapter), taken to be a decision of the decision maker.

## **PART 2—APPEALS**

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

**219.(1)** A person whose interests are affected by a decision of the Regulator under section 218 (Decision on reconsideration) may appeal against the decision to the court mentioned in Schedule 1 opposite the reference to the decision that was reviewed.

(2) However, a regulation may provide that a person may not appeal against a decision of the Regulator giving effect to a resolution by mediation or decision by arbitration.

### **Making appeals**

**220.(1)** An appeal under this Part against a decision of the Regulator must be made within 28 days 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 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 expired.

### **Starting appeals**

**221.(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 Regulator.

(3) An appeal to a Magistrates Court or District Court may be made to the Magistrates Court or District Court nearest the place where the applicant resides or carries on business.

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

**222.(1)** A court to which an appeal against a decision lies under this Part 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.

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

**223.(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.

### **Effect of court’s decision on appeal**

**224.** If the court substitutes another decision, the substituted decision is, for this Act (other than this Chapter), taken to be the decision maker’s decision.

### **Procedure of court**

**225.(1)** In this section—

“**authorising Act**” means—

- (a) for the Supreme Court—the *Supreme Court Act 1921*; or
- (b) for a District Court—the *District Courts Act 1967*; or
- (c) for a Magistrates Court—the *Magistrates Courts Act 1921*.

(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 Judge or Magistrate.

**Appeals**

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

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

**CHAPTER 11—GENERAL****PART 1—OFFENCES****Unlawful to convey electricity etc. beyond own property**

**227.** A person, other than an electricity entity or special approval holder, must not operate an electric line beyond the person's property other than under a regulation.

Maximum penalty—40 penalty units.

**Unlawfully in or on premises where works situated**

**228.** A person must not unlawfully be in or on premises or an enclosure where an electricity entity's works are situated.

Maximum penalty—40 penalty units.

**Potential damage to electric lines by projectiles**

**229.** A person must not unlawfully discharge a weapon near an electric line, or throw or otherwise project an object towards an electric line so that—

- (a) the electric line is likely to be damaged; or

(b) the supply of electricity is likely to be interrupted.

Maximum penalty—40 penalty units or 6 months imprisonment.

### **Unlawful interference with electricity entity's works**

**230.** A person must not wilfully and unlawfully interfere with an electricity entity's works.

*Example of interference—*

Attaching something to an electricity entity's works.

Maximum penalty—40 penalty units or 6 months imprisonment.

### **Unlawful connection to transmission grid or supply network**

**231.** A person must not unlawfully connect anything to an electricity entity's transmission grid or supply network.

Maximum penalty—40 penalty units or 6 months imprisonment.

### **Unlawful interference with supply of electricity to customer**

**232.** A person must not unlawfully connect or disconnect supply of electricity to a customer or interfere with supply of electricity to a customer.

Maximum penalty—40 penalty units or 6 months imprisonment.

### **Offence to contravene emergency rationing order**

**233.** A person must not contravene an emergency rationing order, unless the person has a reasonable excuse for the contravention.

Maximum penalty—8 penalty units.

### **Climbing poles etc. of electricity entity prohibited**

**234.** A person must not unlawfully climb—

- (a) a pole, standard or other structure that is part of an electricity entity's works; or
- (b) a ladder attached to or in contact with the pole, standard or other

structure.

Maximum penalty—40 penalty units.

### **Unlawful taking of electricity**

**235.(1)** A person must not unlawfully take electricity.

Maximum penalty—1 000 penalty units or 6 months imprisonment.

**(2)** If the day or days on which a person is alleged to have been committing an offence against subsection (1) cannot be established, the person may—

- (a) be charged with 1 offence of unlawfully taking electricity over, or at some unknown time during, a stated period; and
- (b) be convicted and punished accordingly.

**(3)** In a prosecution for an offence against this or another Act in which it is claimed electricity has been unlawfully taken, the electricity is taken to belong to any person through whose transmission grid, supply network or works the electricity was supplied.

### **Obstruction of electricity officers and authorised persons**

**236.** A person must not obstruct an electricity officer or authorised person in the exercise of a power, unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

### **Impersonation of electricity officers and authorised persons**

**237.** A person must not pretend to be an electricity officer or authorised person.

Maximum penalty—80 penalty units.

### **False or misleading information**

**238.(1)** A person must not—

- (a) state anything to the Regulator, an electricity officer or an authorised person the person knows is false or misleading in a material particular; or
- (b) omit from a statement made to the Regulator, an electricity officer or an authorised person anything without which the statement is, to the person's knowledge, misleading in a material particular.

Maximum penalty—60 penalty units.

(2) A complaint against a person for an offence against subsection (1)(a) or (b) is sufficient if it states the statement made was false or misleading to the person's knowledge.

### **False, misleading or incomplete documents**

**239.(1)** A person must not give the Regulator, an electricity officer or an authorised person a document containing information the person knows is false, misleading or incomplete in a material particular.

Maximum penalty—60 penalty units.

(2) Subsection (1) does not apply to a person who, when giving the document—

- (a) informs the Regulator, authorised person or electricity officer, to the best of the person's ability, how it is false, misleading or incomplete; and
- (b) gives the correct information to the Regulator, authorised person or electricity officer if the person has, or can reasonably obtain, the correct information.

(3) A complaint against a person for an offence against subsection (1) is sufficient if it states the document was false, misleading or incomplete to the person's knowledge.

### **Impersonation of person named in document**

**240.(1)** A person must not pretend to be a person named in a document issued or given under this Act.

Maximum penalty—8 penalty units.

(2) In subsection (1)—

“**document**” includes a certificate, identity card, notice, record book and register.

### **Attempts to commit offences**

**241.(1)** A person who attempts to commit an offence against this Act commits an offence.

Maximum penalty— $\frac{1}{2}$  maximum penalty for committing the offence.

(2) Section 4 (Attempts to commit offences) of the Criminal Code applies to subsection (1).

### **Proof of unlawfulness**

**242.** If a provision of this Act that creates an offence mentions a person unlawfully doing an act or making an omission, section 76 of the *Justices Act 1886* applies as if the doing of the act or the making of the omission with an authority were an exemption contained in the provision.

### **Offences are summary offences**

**243.** An offence against this Act is a summary offence.

### **Start of offence proceedings**

**244.(1)** A proceeding for an offence against this Act must be started within—

- (a) 1 year after the offence is committed; or
- (b) 1 year after the offence comes to the complainant’s knowledge, but within 2 years after the offence is committed.

(2) However, if section 235(2) (which deals with unlawful taking of electricity over or during a period) applies to the offence, a proceeding for the offence may be started within—

- (a) 1 year after the end of the relevant period; or

- (b) 1 year after the offence comes to the complainant's knowledge, but within 2 years after the end of the relevant period.

## **PART 2—EVIDENTIARY PROVISIONS**

### **Application of part**

**245.** This Part applies to a proceeding under or in relation to this Act.

### **Proof of appointments**

**246.** It is not necessary to prove the appointment of the following persons—

- (a) the chief executive of the department (the Regulator);
- (b) electricity officers;
- (c) authorised persons.

### **Proof of signatures**

**247.** A signature purporting to be the signature of 1 of the following persons is evidence of the signature it purports to be—

- (a) the Minister;
- (b) the Regulator;
- (c) an electricity officer;
- (d) an authorised person.

### **Evidentiary certificates by Regulator**

**248.** A certificate purporting to be signed by the Regulator and stating any of the following matters is evidence of the matter—

- (a) a stated document is a notice, order, authority or approval given by the Regulator under this Act or a copy of it;



- (b) on a stated day, or during a stated period, a stated person was or was not the holder of an authority or an approval given by the Regulator under this Act;
- (c) on a stated day, or during a stated period, a stated person did or did not have an obligation to supply electricity;
- (d) an authority or approval was or was not issued or granted by the Regulator for a stated term, or was or was not subject to stated conditions;
- (e) on a stated day, a stated person was given a notice under this Act by the Regulator or an authorised person;
- (f) a stated amount is payable under this Act by a stated person and has not been paid;
- (g) a stated amount is the amount of costs or expenses incurred by the Regulator in taking stated action under this Act.

**Evidentiary certificate by electricity entity's chief executive officer etc.**

**249.** A certificate purporting to be signed by the chief executive officer of an electricity entity, or an employee of the entity authorised by its chief executive officer, and stating any of the following matters is evidence of the matter—

- (a) a stated document is a notice, order, authority or approval given under this Act by the entity or a copy of it;
- (b) on a stated day, or during a stated period, a stated person was or was not the holder of an authority or approval given by the entity under this Act;
- (c) an authority given by the entity was or was not given for a stated term, or was or was not subject to stated conditions;
- (d) on a stated day, a stated person was given a notice by or for the entity under this Act;
- (e) a stated amount is payable under this Act to the entity by a stated person and has not been paid;
- (f) a stated amount is the amount of costs or expenses incurred by the entity in taking action under this Act.

**Evidentiary certificate by member etc. of Electrical Workers and Contractors Board**

**250.** A certificate purporting to be signed by a member or officer of the Electrical Workers and Contractors Board and stating any of the following matters is evidence of the matter—

- (a) on a stated day, or during a stated period, a stated person was or was not—
  - (i) the holder of a stated licence, certificate or permit; or
  - (ii) a licensed electrical contractor; or
  - (iii) authorised to perform work as a licensed electrical worker of a stated type;
- (b) a stated licence, certificate or permit was or was not subject to conditions or restrictions stated in the certificate.

**Proof of taking of electricity etc.**

**251.** The existence on, or in association with, a customer's electrical installation of ways to—

- (a) take electricity provided from an electricity entity's transmission grid or supply network; or
- (b) change or interfere with a meter or the works of an electricity entity and connected (directly or indirectly) to an electricity entity's transmission grid or supply network if the meter is or works are in the custody or control of the customer;

is evidence that electricity has been taken by the customer and the change or interference has been caused by the customer.

**PART 3—MISCELLANEOUS****Condition may require compliance with standards, codes etc.**

**252.(1)** A condition that may be imposed under this Act may require

compliance with a protocol, standard, code, intergovernmental agreement or another agreement stated in the condition.

(2) This section does not limit section 23 (Statutory instrument may make provision by applying another document) of the *Statutory Instruments Act 1992*.

### **Advisory committees**

**253.(1)** Advisory committees for the administration of this Act may be established under the regulations or by the Minister.

(2) An advisory committee established under the regulations has the functions stated in the regulation.

(3) An advisory committee established by the Minister has the functions stated by the Minister.

(4) A member of an advisory committee is entitled to be paid the fees and allowances that may be approved by the Governor in Council.

### **Protection from liability**

**254.(1)** In this section—

“official” means—

- (a) the Minister; and
- (b) the Regulator; and
- (c) authorised persons; and
- (d) members of advisory committees appointed by the Minister or under a regulation; and
- (e) members of any board established under this Act.

(2) An official does not incur civil liability for an act done, or an omission made, honestly and without negligence under this Act.

(3) If subsection (2) prevents a civil liability attaching to an official, the liability attaches instead to the State.

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## CHAPTER 12—STATE ELECTRICITY ENTITIES

### PART 1—GENERAL

#### State electricity entities do not represent the State

255. State electricity entities do not represent the State.

#### Application of Freedom of Information Act and Judicial Review Act

256.(1) In this section—

“**commercial activities**” means activities conducted on a commercial basis.<sup>6</sup>

“**community service obligations**” has the same meaning as in the GOC Act.

“**excluded activities**” means—

- (a) commercial activities; or
- (b) community service obligations prescribed under the regulations.

(2) A regulation may declare the activities of a State electricity entity that are taken to be, or are taken not to be, activities conducted on a commercial basis.

(3) The *Freedom of Information Act 1992* does not apply to a document received or brought into existence by a State electricity authority in carrying out its excluded activities.

(4) The *Judicial Review Act 1991* does not apply to a decision of a State electricity entity made in carrying out its excluded activities.

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<sup>6</sup> Section 16 of the GOC Act (Meaning of “corporatisation”) defines corporatisation as a structural reform process for nominating government entities that, among other things, changes the conditions and (where required) the structure under which the entities operate so that they operate, as far as practicable, on a commercial basis and in a competitive environment (emphasis added).

**State electricity entities are constructing authorities**

**257.** Despite Chapter 4 (Electricity industry operations), Part 5 (Entry onto and acquisition of land), each State electricity entity is a constructing authority under the *Acquisition of Land Act 1967*.

**Fixing of prices by State electricity entities**

**258.(1)** In fixing prices of electricity, a State electricity entity must follow the principles, policies and targets in the statement of corporate intent that applies to it under the GOC Act.

**(2)** This section does not limit the GOC Act, but is subject to section 93(2) to (8).

**Regulations about generating capacity**

**259.(1)** A regulation may authorise the giving by the Minister of directions to QGC about the generating capacity it is to provide.

**(2)** This section does not limit the GOC Act.

**PART 2—SUPERANNUATION****State electricity entities to take part in industry superannuation scheme**

**260.(1)** Each State electricity entity must take part in an approved industry superannuation scheme that provides benefits for its employees.

**(2)** The scheme may also provide benefits for other persons.

**(3)** This section applies despite the GOC Act.

**Declaration of approved industry superannuation scheme**

**261.(1)** A regulation may declare an industry superannuation scheme to be an approved industry superannuation scheme.

(2) The scheme must be established under a trust deed.

(3) The scheme must comply with the *Occupational Superannuation Standards Act 1987* (Cwlth), the *Superannuation Industry (Supervision) Act 1993* (Cwlth) and any other relevant Commonwealth Act.

(4) This section does not prevent an entity, that is not a State electricity entity, from taking part in the scheme if the conditions for taking part are complied with.

### **Membership of certain superannuation schemes continued**

**262.(1)** A person who, immediately before the commencement is—

- (a) an employee of the electricity supply industry under the repealed Act; and
- (b) a contributor to the Brisbane City Council Superannuation Fund, GO Super (Government Officers Superannuation Scheme), State Service Superannuation Scheme, Q-Super (State Public Sector Superannuation Scheme) or Local Government Superannuation Scheme;

continues to be a contributor while the person continues to be an employee of a State electricity entity.

(2) The person's employer must deduct from the person's salary the contributions the person is required to make under the scheme and remit them to the relevant fund.

(3) The person's employer is also liable to make any contributions that under the scheme an employer of the person is required to make.

(4) This section does not prevent a person being a contributor to the approved industry superannuation scheme, but a person may not be a contributor to a scheme under this section and also be a contributor to the approved industry superannuation scheme.

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## CHAPTER 13—REGULATIONS

### General regulation making power

**263.** The Governor in Council may make regulations under this Act.

### Regulations about matters in Sch 2

**264.** A regulation may make provision about the matters mentioned in Schedule 2, including, for example—

- (a) regulating persons and things in relation to the matters; and
- (b) the functions, entitlements, obligations and powers of persons in relation to the matters.

### Cathodic protection

**265.** A regulation may make provision about cathodic protection systems, including, for example, provision about—

- (a) installing cathodic protection systems; and
- (b) registration of, approvals for, and restrictions on, cathodic protection systems; and
- (c) regulating the operation of cathodic protection systems; and
- (d) directions by the Regulator to operators of cathodic protection systems; and
- (e) using, and mitigating interference by, cathodic protection systems.

### Energy labelling and performance standards

**266.** A regulation may make provision about appliances that use electricity (“**electricity appliances**”), including, for example, provision about—

- (a) minimum energy performance standards for electrical appliances; and

- (b) efficiency labelling for electrical appliances; and
- (c) registering of efficiency labels for electrical appliances; and
- (d) testing and labelling electrical appliances, including, for example, payment of the cost of testing (whether or not required) and limitation of liability for damage to electrical appliances during testing; and
- (e) selling and hiring electrical appliances; and
- (f) offering, exposing or advertising electrical appliances for sale or hire.

### **Electrical articles**

**267.** A regulation may make provision about the safety of electrical articles, including, for example, provision about—

- (a) using, selling, hiring, or offering, exposing or advertising, electrical articles for sale; and
- (b) registration or approval, including dealing in, stamping, marking and labelling electrical articles; and
- (c) standards for electrical articles; and
- (d) testing, including, for example, requiring the testing of electrical articles, payment of the cost of testing (whether or not required) and limitation of liability for damage to electrical articles during testing.

### **Regulations about electrical workers and contractors**

**268.** A regulation may make provision about—

- (a) the Electrical Workers and Contractors Board (the “**Board**”), including, for example, the following matters—
  - (i) its composition, functions and powers (including its power of delegation);
  - (ii) fees and allowances payable to, and insurance of, Board members;



- (iii) its meetings and business, employees and funds; and
- (b) licences, certificates and permits for electrical workers and electrical contractors, including, for example, the following matters—
  - (i) classes of licences, certificates and permits;
  - (ii) qualifications for licences, certificates and permits;
  - (iii) applications for and granting of licences, certificates and permits;
  - (iv) the conditions and restrictions to which licences, certificates and permits are subject;
  - (v) suspension and cancellation of, and other disciplinary action that may be taken about, licences, certificates and permits;
  - (vi) appeals against decisions of the Board about—
    - (A) licences, certificates and permits; or
    - (B) applications for or granting of licences, certificates and permits; or
    - (C) suspension and cancellation of, and other disciplinary action about, licences, certificates and permits;
  - (vii) the jurisdiction and powers of an appeal entity on appeal;
  - (viii) courses of instruction to qualify persons for licences, certificates or permits;
  - (ix) examinations and testing leading to qualification for licences, certificates or permits;
  - (x) standards of competency for qualification for licences, certificates and permits; and
- (c) the performing of electrical work, including, for example, the following matters—
  - (i) regulating persons performing, or supervising the performing of, electrical work or electrical contracting;
  - (ii) establishing the powers of persons to take action to ensure that licensees and certificate and permit holders perform electrical work to appropriate standards;

- (iii) prescribing certain electrical work that must only be performed by specified persons;
- (iv) enabling complaints about electrical work to be made, investigated and resolved;
- (v) rectifying defective electrical work, including the power of the Board to order, and enforce an order, for rectification of defective electrical work.

## CHAPTER 14—TRANSITIONAL

### Definition

**269.** In this Chapter—

“**repealed Act**” means the *Electricity Act 1976*.

### QGC to be issued generation authority etc.

**270.(1)** Until QGC is issued with a generation authority under subsection (2), QGC is taken, by force of this subsection, to be the holder of a generation authority.

(2) As soon as practicable after the commencement, the Regulator must issue a generation authority to QGC.

(3) This section expires 1 year after the commencement.

### QETC to be issued transmission authority etc.

**271.(1)** Until QETC is issued with a transmission authority under subsection (2), QETC is taken, by force of this subsection, to be the holder of a transmission authority for the entire State.

(2) As soon as practicable after the commencement, the Regulator must issue a transmission authority to QETC.

(3) This section expires 1 year after the commencement.

**QTSC to be issued supply entity authority etc.**

**272.(1)** Until QTSC is issued with a supply entity authority under subsection (2), QTSC is taken, by force of this subsection, to be the holder of a supply entity authority whose supply area is the entire State.

(2) As soon as practicable after the commencement, the Regulator must issue a supply entity authority to QTSC.

(3) This section expires 1 year after the commencement.

**State authorised suppliers to be issued authorised supplier authority etc.**

**273.(1)** Until a State authorised supplier is issued an authorised supplier authority under subsection (2), the supplier is taken, by force of this subsection, to be the holder of an authorised supplier authority issued to it by QTSC for the area of electricity supply under the *Electricity Act 1976* of the entity of which it is the successor.

(2) As soon as practicable after the commencement, QTSC must issue an authorised supplier authority to each State authorised supplier.

(3) This section expires 1 year after the commencement.

**Continuation of tariff schedules**

**274.(1)** A tariff schedule under Part 2, Division 1 of the repealed Act that, immediately before the commencement, applied to an electricity authority under the repealed Act, applies to the State electricity entity that is the successor of the electricity authority until—

- (a) the State electricity entity sets its prices for retail electricity; or
- (b) 6 months after the commencement;

whichever happens first.

(2) This section expires 6 months after the commencement.

**Installation inspectors are electricity officers**

**275.(1)** A person who, immediately before the commencement, is an installation inspector under the repealed Act is taken to be an electricity

officer appointed by the chief executive officer of the electricity entity that is the successor of the electricity authority that appointed the installation inspector.

(2) The person only has the powers under this Act that correspond to the powers the person had as an installation inspector under the repealed Act immediately before the commencement.

(3) The person remains an electricity officer until whichever is the earlier of the following—

- (a) the person is appointed an electricity officer;
- (b) the appointment is revoked by the chief executive officer of the electricity entity;
- (c) 6 months after the commencement.

(4) This section expires 6 months after the commencement.

### **Transfer of officers to the department**

**276.(1)** On and from the commencement, the persons appointed, in writing, by the chief executive of the department who immediately before the commencement were employees of the Queensland Electricity Commission become officers of the department.

(2) A person mentioned in subsection (1) must be taken as having (for the calculation of leave entitlements as an officer of the department)—

- (a) continuous service with the department that includes continuous service as an employee up to the commencement; and
- (b) taken leave that the person as an employee of the Queensland Electricity Commission had taken or for which the person has received payment and that is attributable to that service.

### **Transfer of assets and liabilities to the department**

**277.(1)** On or from the commencement, the assets and liabilities stated in writing by the chief executive of the department, that immediately before the commencement were assets or liabilities of the Queensland Electricity Commission, become assets and liabilities of the State.

(2) This section does not apply to assets to which section 287 (Gladstone Power Station provisions) apply.

(3) This section expires 6 months after the commencement.

### **Regulations about certificates of employees' entitlements**

**278.(1)** A regulation may make provision about the giving to a person who, immediately before the commencement, was an employee of the Queensland Electricity Commission or of an Electricity Board under the repealed Act of a certificate setting out particulars, as at the commencement, of leave entitlements, service, salary classification and anything else about employment stated in the regulation.

(2) This section expires 6 months after the commencement.

### **Continuation of QESI ESS until approval of industry superannuation scheme**

**279.(1)** Despite the repeal of the *Electricity Act 1976*, Part 13 and Schedule 5 of that Act, as in force immediately before the commencement, continue to have effect.

(2) For the purpose of their continued operation under subsection (1), the provisions have effect as if—

- (a) a reference to a person employed in the electricity supply industry were a reference to an employee of a State electricity entity or another person prescribed under the regulations; and
- (b) a reference to an employer were a reference to a State electricity entity or a person prescribed under the regulations; and
- (c) the Superannuation Board consists of the members in office immediately before the commencement and anyone else appointed under the regulations to fill a casual vacancy of a member; and
- (d) a reference to the Commission were a reference to QGC, QTSC, QETC, the department or, if prescribed under the regulations, another entity, as the case requires; and
- (e) a reference to the Commissioner or General Manager were a

reference to the chief executive officer of QGC, QTSC, QETC, the department, a State authorised supplier or, if prescribed under the regulations, another entity, as the case requires; and

- (f) a reference to an Electricity Board were a reference to a State authorised supplier.

(3) This section expires on the transfer day.

### **First declaration of approved superannuation scheme**

**280.(1)** The first regulation declaring an industry superannuation scheme to be an approved industry superannuation scheme must fix a commencement day for the approval (the “**transfer day**”).

(2) The regulation may be made only if the Minister is satisfied the scheme’s conditions are acceptable to replace the Queensland Electricity Supply Industry Employees’ Superannuation Scheme, and the Queensland Electricity Supply Industry Employer-funded Accumulations Superannuation Fund, established under the *Electricity Act 1976* (“**QESI ESS**”).

### **Effect of approval of industry superannuation scheme**

**281.(1)** On the transfer day—

- (a) the assets and liabilities of QESI ESS become assets and liabilities of the approved industry superannuation scheme; and
- (b) all rights, entitlements and obligations of QESI ESS under contracts and arrangements between QESI ESS and other persons become the rights, entitlements and obligations of the trustees of the approved industry superannuation scheme.

(2) Stamp duty is not payable because of the operation of subsection (1).

(3) On the transfer day, the Queensland Electricity Supply Industry Superannuation Board ceases to exist and its members and the trustees of the Queensland Electricity Supply Industry Employer-funded Accumulations Superannuation Fund go out of office.

(4) On the transfer day—

- (a) persons who, immediately before the transfer day, were members

of the QESI ESS—

- (i) cease to be members; and
  - (ii) cease to have any entitlement under QESI ESS; and
  - (iii) become members of the approved industry superannuation scheme with all the entitlements accrued under QESI ESS immediately before the transfer day continuing to be their entitlements under the approved industry superannuation scheme; and
- (b) if a person, immediately before the transfer day, has an amount of an entitlement in a fund created within QESI ESS under section 6(1)(b) of the *Electricity Superannuation Restoration Act 1990* (the “**Restoration Act**”)—
- (i) the amount in the fund for the person’s entitlement, with interest earned on the amount under section 6(1)(b)(ii) of the Restoration Act, becomes part of the funds of the approved industry superannuation scheme and is to be held in an account for the person; and
  - (ii) the person ceases to have the entitlement, the entitlement to the interest earned on the amount under section 6(1)(b)(ii) of the Restoration Act or any other entitlement under that Act; and
  - (iii) the person has an entitlement in the approved industry superannuation scheme to accrual of interest and payment of the amount as if the amount had immediately before the transfer day been preserved under section 39(b) of the Articles; and
- (c) anyone else who, immediately before the transfer day, has entitlements, under QESI ESS—
- (i) ceases to have any entitlement under QESI ESS; and
  - (ii) continues to have similar entitlements under the approved industry superannuation scheme the person had under QESI ESS immediately before the transfer day.

(5) Subsection (4) does not apply to persons who transfer their benefits from QESI ESS to another superannuation scheme.

(6) This section expires on the day after the transfer day.

(7) This section is a law to which section 20A of the *Acts Interpretation Act 1954* applies.

### **Continuation of rationing orders**

**282.(1)** An order made under section 61 of the repealed Act that is in force immediately before the commencement, is taken to be an emergency rationing order.

(2) This section expires 3 months after the commencement.

### **Continuation of restriction orders**

**283.(1)** An order in force under section 62 of the repealed Act immediately before the commencement continues to have effect, and may be amended or repealed, as if it were an electricity restriction regulation.

(2) This section expires 1 year after the commencement.

### **Certain New South Wales Councils are authorised suppliers**

**284.(1)** The Councils mentioned in section 148 of the repealed Act are taken on the commencement to be authorised suppliers.

(2) QTSC is the relevant supply entity and, within 6 months of the commencement, must issue an authority to each of the Councils under section 203 (Issue of authorised supplier authorities).

(3) The conditions of the authority must not be inconsistent with any agreements in force at the commencement.

(4) The supply area for each authorised supplier under this section is to be the same as the area set out in section 150 of the repealed Act in relation to the Council.

(5) This section expires 1 year after the commencement.

### **Licences under s 138 of repealed Act**

**285.(1)** A person who immediately before the commencement was the



holder of a licence in force under section 138 of the repealed Act is taken to be the holder of a special approval to carry out any activity that—

- (a) the person could, immediately before the commencement, have carried out under the licence; and
- (b) would otherwise require the person to be a generation entity, transmission entity, supply entity or authorised supplier.

(2) The approval continues in force until whichever of the following happens first—

- (a) the term of the licence ends;
- (b) the end of 3 years from the commencement.

(3) This section expires 3 years after the commencement.

### **References to electricity boards, electricity authorities and electricity supply industry**

**286.(1)** A reference in any document, including an Act, to, or that is read as a reference to, an Electricity Board within the meaning of the *Electricity Act 1976* is taken, after the commencement, to be a reference to a State authorised supplier or the State authorised supplier that is its successor, as the case requires unless the context or a regulation otherwise requires.

(2) A reference in any document, including an Act, to, or that is read as a reference to, the Queensland Electricity Commission within the meaning of the *Electricity Act 1976* is taken, after the commencement, to be a reference to 1 or more of QGC, QTSC, QETC or the Regulator according to the aspect, function, power, obligation or entitlement of the Queensland Electricity Commission in relation to which the reference is made unless the context or a regulation otherwise requires.

(3) A reference in any document, including an Act, to the electricity supply industry is taken, after the commencement, to be a reference to the electricity industry.

### **Gladstone power station provisions**

**287.(1)** The purpose of this section is to ensure that this Act does not adversely affect arrangements in place at the commencement of this Act

under the *Gladstone Power Station Agreement Act 1993* and the State agreement under that Act.

(2) On the commencement of this subsection, the State will negotiate with the participants under the State agreement under the *Gladstone Power Station Agreement Act 1993* to amend the State agreement, to take effect immediately after the commencement of this Act, so as to as nearly as possible maintain the rights and obligations had, immediately before the commencement of this Act, by the State, the parties to the State agreement and the parties to the Transaction Documents mentioned in the State agreement.

(3) In addition to the matters mentioned in subsection (2), the State must identify to the parties to the State agreement before the commencement which 1 or more of QGC, QTSC and QETC (a “**relevant entity**”) are to be substituted for the Queensland Electricity Commission in the arrangements contemplated by the *Gladstone Power Station Agreement Act 1993* and the State agreement.

(4) A relevant entity that is substituted for the Queensland Electricity Commission in the arrangements is, by this subsection, authorised to enter into the arrangements and do everything necessary or convenient to enable it to perform the commission’s obligations, and exercise its entitlements, under the arrangement.

(5) If the parties to the State agreement are unable to agree on the amendments of the State agreement required by subsection (2), the inability to agree is a dispute between the parties.

(6) A party to a dispute may give to the other parties to the dispute a written notice (a “**notice of dispute**”) specifying the dispute and requiring that it be dealt with under subsection (7).

(7) If a party gives a notice of dispute, the Minister (within the meaning of the State agreement) or the Minister’s nominee and the chief executive officer or the chief executive officer’s nominee of each of the other parties to the dispute must meet in Brisbane within 10 days of the giving of the notice of dispute to attempt in good faith, and using their best endeavours to resolve the dispute within a further 10 days.

(8) To avoid doubt, a dispute under this section is not a dispute for the purposes of clause 24 of the State agreement, but this does not limit the remedies the parties might otherwise have.

(9) The application of this Act may be changed under the regulations made under this Act or the *Gladstone Power Station Agreement Act 1993*, or by the State agreement, to give effect to subsections (1) to (4).

### **Supply under special agreements under s 172 of repealed Act**

**288.(1)** An electricity entity does not discriminate merely because it acts in accordance with an agreement made under section 172 of the repealed Act.

(2) Subsection (1) does not apply to an agreement as far as it is renewed or extended after the commencement.

### **Existing regulations and orders in council**

**289.(1)** The regulations and orders in council in force under the repealed Act immediately before the commencement—

- (a) remain in force for the purposes of this Act as if they were regulations made under this Act, subject to amendment or repeal by a regulation under this Act; and
- (b) are to be read with the changes necessary to make them consistent with this Act and adapt their operation to the provisions of this Act.

(2) The regulations and orders in council expire 1 year after the commencement unless earlier repealed.

(3) This section expires 1 year after the commencement.

### **Local government approval of subdivision to effect corporatisation**

**290.(1)** Despite any other Act, it is lawful for a local government to approve a subdivision of land to give effect to the vesting of land in a State electricity entity under a regulation under the GOC Act.

(2) This section expires 2 years after the commencement.

**Transitional regulations**

**291.(1)** A regulation may make provision with respect to any matter for which—

- (a) it is necessary or convenient to assist the transition from the operation of the repealed Act to the operation of this Act; and
- (b) this Act does not make provision or sufficient provision.

**(2)** A regulation under subsection (1) may be given retrospective operation to a date not earlier than the commencement.

**(3)** This section expires 1 year after the commencement.

**CHAPTER 15—REPEALS AND AMENDMENTS****Repeals—Sch 3**

**292.** Schedule 3 repeals the Acts mentioned in it.

**Amendments—Sch 4**

**293.** Schedule 4 amends the Acts mentioned in it.

## **SCHEDULE 1**

### **APPEALS AGAINST ADMINISTRATIVE DECISIONS**

sections 214(1) and 219

<b>Section</b>	<b>Description of decision</b>	<b>Court</b>
180(1)	Refusal to issue generation authority sought by applicant	Supreme
27(b)(v)	Stating of conditions in generation authority	Supreme
189(1)	Refusal to issue transmission authority sought by applicant	Supreme
31(a)(v)	Stating of conditions in transmission authority	Supreme
197(1)	Refusal to issue supply entity authority sought by applicant	Supreme
202	Refusal to agree to surrender of supply entity authority	Supreme
42(a)(iv)	Stating of conditions in supply entity authority	Supreme
206(1)	Direction by Regulator to cancel or amend authorised supplier authority	District
210(1)	Refusal to give special approval sought by applicant	District

## SCHEDULE 1 (continued)

60(a)(iii)	Stating of conditions in special approval	District
130(2)	Authorisation to take over operation of electricity entity's operating works	Supreme
134	Disciplinary action taken against electricity entity	District
141	Disconnection of supply to works or installation on safety grounds	Magistrates
154(1)	Disconnection of supply for contravening electricity restriction regulation or emergency rationing order	Magistrates
154(2) or (3)	Refusal to reconnect supply	Magistrates
156(3)	Disconnection of unsafe electrical installation or works	Magistrates
156(4)	Requirement to disconnect unsafe electrical installation or works	Magistrates
160(5)	Making cathodic protection system inoperable	Magistrates
160(6)	Requirement to make cathodic protection system inoperable	Magistrates
161(1)	Direction not to sell or hire unsafe electrical articles	Magistrates
161(3) or (4)	Seizure of electrical articles	Magistrates

SCHEDULE 1 (continued)

161(5)	Action required to make electrical articles safe	Magistrates
176(1)	Requirement to remove works built in contravention of Act	Magistrates
177(2)	Requirement about unsafe things	Magistrates
138(3)	Disconnection of supply if entry refused	Magistrates

## **SCHEDULE 2**

### **SUBJECT MATTER FOR REGULATIONS**

section 264

#### **Conditions of supply**

1. Conditions of supply, including, for example, the following matters—
  - (a) conditions, guarantees and minimum payments;
  - (b) amounts payable or chargeable for electricity and services (including interest), including for on-sale of electricity to occupiers of premises by a customer at the premises;
  - (c) payment and charging for electricity and services, including payments in advance, security deposits and other methods of security;
  - (d) capital contributions;
  - (e) connection, disconnection and reconnection of supply;
  - (f) fees, including, for example, fees for connection, disconnection and reconnection;
  - (g) liability for and payment for services;
  - (h) temporary supply;
  - (i) meter reading;
  - (j) accounts;
  - (k) publication of retail price tariffs.

#### **Requirements and standards**

2. Technical, operational and safety requirements and standards about the following matters and their monitoring (by inspection, testing or otherwise)—
  - (a) network services;



## SCHEDULE 2 (continued)

- (b) electricity qualities, including, for example, frequency, voltage and power factor;
- (c) design, building, operation or maintenance of works;
- (d) clearances from electric lines or structures;
- (e) safety in relation to electricity and its use including safety of private plant;
- (f) safety of electrical articles and installations, including the safety of private plant;
- (g) promotion, training and education;
- (h) work practices and procedures;
- (i) equipment and apparatus, including testing apparatus and safety equipment;
- (j) rescue, resuscitation and first aid procedures;
- (k) accident investigation procedures and reports;
- (l) cathodic protection systems;
- (m) licensing, qualifications and approvals to perform electrical work;
- (n) works and installations;
- (o) substations and customers' premises;
- (p) stand-by supply;
- (q) conditions for connection to a transmission grid or supply network;
- (r) conditions for supply of electricity to customers;
- (s) meters and control apparatus;
- (t) connection, disconnection and reconnection of supply.

**Generation, transmission and supply**

3. Generation, transmission or supply of electricity, including, for

## SCHEDULE 2 (continued)

example, the following matters—

- (a) interference with electricity supply;
- (b) rights of way for electric lines or cables;
- (c) obligations of electricity entities and land owners about electric lines, works or structures;
- (d) obligations and rights of electricity entities and other persons about electric lines, works or structures in, on, over, under, through or across roads, railways, tramways and waterways;
- (e) lopping and clearing of trees and vegetation.

**General**

4. The following matters—

- (a) establishment, functions and powers of entities to achieve objects of this Act;
- (b) obligations of entities;
- (c) inspection and testing;
- (d) reporting and remedying of defects;
- (e) qualifications and functions of authorised persons;
- (f) penalties (of not more than 20 penalty units) for contraventions of a regulation;
- (g) applications, including, for example, applications by electricity entities for authorities to enter and remain on land;
- (h) registers to be kept under this Act;
- (i) liability for and recovery of costs and compensation for actions taken under this Act;
- (j) lighting on roads and other places whether for private or public purposes;
- (k) entitlements and conditions of employment of employees of

SCHEDULE 2 (continued)

electricity industry participants;

- (l) superannuation for persons within the electricity industry;
- (m) obligations of industry participants to employees;
- (n) transfer of funds between industry participants on transfer of employees;
- (o) assisting proof for matters under the regulations.

## **SCHEDULE 3**

### **ACTS REPEALED**

section 292

Electricity Act 1976 No. 66

Electricity Amendment Act 1991 No. 84

Electricity Amendment Act 1993 No. 29

## **SCHEDULE 4**

### **ACTS AMENDED**

section 293

#### **BUILDING ACT 1975**

**1. Section 4(5)(a)(i)—**

*omit, insert—*

- ‘(i) Queensland Generation Corporation while carrying out building work for an electricity power station and its ancillary works on land if a regulation declares the land is land for which the Corporation is taken to represent the State for the erection of the power station or carrying out the works;’.

#### **ELECTRICITY SUPERANNUATION RESTORATION ACT 1990**

**1. After section 2, in Part 1—**

*insert—*

**‘Expiry of Act**

‘**2A.** This Act expires on the day that is the transfer day under the *Electricity Act 1994*.’.

**2. Section 3, definition “Commissioner”—**

*omit.*

## SCHEDULE 4 (continued)

**3. Section 3—***insert—*

‘“QTSC” means the Queensland Transmission and Supply Corporation.

“SEQEC” means the South East Queensland Electricity Corporation.’.

**4. Section 3, definition “electricity supply industry”, ‘1976–1989’—***omit, insert—*

‘1976, and includes the electricity industry within the meaning of the *Electricity Act 1994*’.

**5. Section 7(1)(a)—***omit, insert—*

‘(a) must apply in a form approved by the chief executive of the department; and’.

**6. Section 7(1)(b) and (2), ‘the SEQEB’—***omit, insert—*

‘SEQEC.’

**7. Section 7(2)(a), ‘the Commission’—***omit, insert—*

‘QTSC’.

**8. Section 7(3), ‘the SEQEB’—***omit, insert—*

‘SEQEC’.

SCHEDULE 4 (continued)

**9. Section 9(2), ‘the Commission’—**

*omit, insert—*

‘QTSC’.

**10. Section 9(3), ‘the Commission’—**

*omit, insert—*

‘QTSC’.

**11. Section 9(4)—**

*omit.*

**12. After section 11, in Part 2—**

*insert—*

**‘Cessation of entitlements**

‘**11A.** An entitlement under this Act lapses if immediately before the day that is the transfer day under the *Electricity Act 1994* the entitlement has not been recognised.’.

**13. Schedule 2—**

*omit.*

**ELECTRICITY SUPPLY INDUSTRY EMPLOYEES’  
SUPERANNUATION RESTORATION ACT 1985**

**1. After section 14—**

*insert—*

SCHEDULE 4 (continued)

**‘Expiry of Act**

‘15. This Act expires on the day that is the transfer day under the *Electricity Act 1994*.’.

**FREEDOM OF INFORMATION ACT 1992**

**1. Schedule 2—**

*insert—*

‘4. State electricity entity, within the meaning of the *Electricity Act 1994*’.

**GLADSTONE POWER STATION AGREEMENT ACT  
1993**

**1. Section 2, definition “Electricity Act”—**

*omit, insert—*

‘“**Electricity Act**” means the *Electricity Act 1994*.’.

**2. Section 13(2)—**

*omit, insert—*

‘(2) The licence is taken to be a special approval under the *Electricity Act 1994* authorising the following activities if done in accordance with the licence—

- (a) connection of the generating plant at the Gladstone Power Station to a transmission grid or supply network;
- (b) supplying electricity.’.



SCHEDULE 4 (continued)

**3. Section 13(3)—**

*omit, insert—*

‘(3) Sections 60, 61 and 212 of the Electricity Act do not apply to the licence or the issuing of the licence but the holder of the special approval holds the approval subject to the conditions stated in the licence.’

**4. Section 19, heading, ‘Commission’—**

*omit, insert—*

‘Minister for Energy’

**5. Section 19(1), ‘Commission’—**

*omit, insert—*

‘Minister for Energy’

**6. Section 29—**

*omit.*

**GOVERNMENT OWNED CORPORATIONS ACT 1993**

**1. After section 160 in Part 14, Division 3—**

*insert—*

**‘Definitions**

**‘160A.** In sections 160B to 160D—

**“dividend”** includes an amount in the nature of a dividend.

**“predecessor”** of a GOC means a candidate GOC whose associate became the GOC.

## SCHEDULE 4 (continued)

**‘Dividend payment for financial year of becoming a GOC**

**‘160B.** For applying section 159 (Payment of dividends) to a GOC for the financial year when it became a GOC—

- (a) a dividend payable by the GOC is payable for, at the discretion of the shareholding Ministers—
  - (i) the entire financial year; or
  - (ii) the part of the financial year for which it was a GOC; and
- (b) if the GOC has a predecessor—the predecessor and the GOC are taken to be the same entity; and
- (c) an interim dividend paid for the financial year by the GOC’s predecessor, or by the GOC before it became a GOC, is taken to have been paid on account of the dividend to be paid by the GOC under this Act.

*Example for paragraph (a)—*

A candidate GOC becomes a GOC on 1 January 1994. Depending on what the shareholding Ministers decide under paragraph (a), the dividend the GOC has to pay for the 1993–94 financial year will relate either to the entire financial year (even though it is a GOC for only half the year), or only to the period 1 January 1994 to 30 June 1994.

*Example for paragraph (b)—*

A, an entity, is nominated to be a candidate GOC on 8 October 1993. On 31 December 1993, B, a new entity, is established, and nominated to be the associate of A. On 1 January 1994, A’s assets and liabilities become B’s assets and liabilities, and B is declared to be a GOC. On 2 January 1994, B is dissolved. For applying section 159 to B, A and B are taken to be the same entity rather than 2 separate entities.

*Example for paragraph (c)—*

In February 1994, a candidate GOC, acting other than under this Act, pays to the State an interim dividend on account of the dividend that may become payable by it for the 1993–94 financial year. On 1 April 1994 the candidate GOC becomes a GOC. The interim dividend is taken to have been paid on account of any dividend for the 1993–94 financial year that becomes payable under this Act.

## SCHEDULE 4 (continued)

**‘Interim dividend for financial year of becoming a GOC**

**‘160C.(1)** For applying section 160 (Interim dividends) to a GOC for the financial year when it becomes a GOC—

- (a) the period (the **“applicable period”**) in relation to which an interim dividend is payable is, at the discretion of the shareholding Ministers—
  - (i) the first 6 months of the financial year; or
  - (ii) the part of the 6 months for which it was a GOC; and
- (b) the shareholding Ministers must, when acting under section 160(1) to require the GOC’s board to make a recommendation, also notify the board of the applicable period.

**‘(2)** However, when a GOC’s shareholding Ministers exercise their discretion under section 160B(a) (Dividend payment for financial year of becoming a GOC), they are not bound by an applicable period previously decided and notified under subsection (1).

*Example for subsection (1)—*

A candidate GOC becomes a GOC on 1 October 1994. Depending on what period the shareholding Ministers decide under subsection (1)(a), and notify to the GOC’s board under subsection (1)(b), the payment subsequently directed under section 160(4) will relate to the GOC’s profit for either the first 6 months of the 1994–95 financial year or only the period from 1 October 1994 to 31 December 1994.

**‘Dividend payment for previous financial year**

**‘160D.(1)** In this section—

**“previous financial year”** for a GOC means the financial year immediately before the financial year when the GOC became a GOC.

**‘(2)** This section applies to a GOC if—

- (a) it has not paid a dividend (other than an interim dividend) to the State for the previous financial year; or
- (b) if the GOC has a predecessor—the predecessor has not paid a dividend (other than an interim dividend) to the State for the

## SCHEDULE 4 (continued)

previous financial year.

‘(3) The shareholding Ministers may give a direction that—

- (a) section 159 (Payment of dividends) applies to the GOC for the previous financial year; and
- (b) if it is necessary for the operation of this section—the periods mentioned in section 159 are to be extended as stated in the direction.

‘(4) For applying this section and section 159—

- (a) to a GOC that has a predecessor—the predecessor and the GOC are taken to be the same entity; and
- (b) to a GOC that has paid to the State, or whose predecessor has paid to the State, an interim dividend for the previous financial year—the interim dividend is taken to have been paid on account of the dividend to be paid by the GOC under this Act for the previous financial year.’.

## JUDICIAL REVIEW ACT 1991

### 1. Schedule 6—

*insert—*

‘4. State electricity entity, within the meaning of the *Electricity Act 1994*’.

## PENALTIES AND SENTENCES ACT 1992

### 1. Section 4—

*insert—*

‘“**property**” includes electricity.’.

## SCHEDULE 5

### DICTIONARY

section 4

“**ancillary services**” see section 11.

“**approved industry superannuation scheme**” see section 261.

“**authorised person**” means a person who is appointed under this Act as an authorised person.

“**authorised supplier**” see section 46.

“**authorised supplier authority**” see section 47.

“**build**” includes erect, lay down and place.

“**cathodic protection system**” see section 15.

“**channels**” see section 16(2)(c).

“**contestable customer**” see section 23(2).

“**criminal history**” of a person means the person’s criminal history within the meaning of the *Criminal Law (Rehabilitation of Offenders) Act 1986*.

“**customer**” see section 23(1).

“**defaulting entity**” see section 130(1)(a).

“**electrical article**” see section 14(1).

“**electrical contracting**” means contracting to perform electrical installation work.

“**electrical installation**” see section 13.

“**electrical installation work**” see section 16(4).

“**electrical work**” see section 16(1) to (3).

“**electricity**” see section 5.

“**electricity entity**” see section 22(1).

SCHEDULE 5 (continued)

“**electricity industry**” see section 21.

“**electricity officer**” means a person who is appointed under this Act as an electricity officer.

“**electricity restriction regulation**” see section 122(1).

“**electric line**” see section 14(2).

“**emergency rationing order**” see section 124(1).

“**generation authority**” see section 26.

“**generation entity**” see section 25.

“**GOC**” has the same meaning as in the GOC Act.

“**GOC Act**” means the *Government Owned Corporations Act 1993*.

“**government entity**” see section 18.

“**hire**” includes—

- (a) agree, attempt or offer to hire; and
- (b) possess, expose or advertise for hire; and
- (c) cause or permit to be hired.

“**in**” a road, railway land or other place includes on, under or over.

“**licensed electrical contractor**” means a person who is licensed as an electrical contractor.

“**licensed electrical worker**” means a person who is licensed as an electrical worker.

“**meter**” see section 14(3).

“**network control**” see section 9.

“**network services**” see section 10.

“**obligated supplier**” see section 82(1).

“**obligation to supply**” see section 82(1).

“**occupier**” of a place includes, in Chapter 7 (Authorised persons’ powers), a person who reasonably appears to be the occupier, or in charge, of

SCHEDULE 5 (continued)

the place.

**“on”** a road, railway land or other place includes in, under or over.

**“operating works”** see section 12(3).

**“place”** includes premises and a place on or in waters or on land, but does not include a boat or other vehicle.

**“power system”** see section 7.

**“premises”** includes—

- (a) a building or other structure; and
- (b) a part of a building or other structure; and
- (c) land where a building or other structure is situated.

**“protected area”** means a protected area under the *Nature Conservation Act 1992*, and includes an area that is, or includes, a critical habitat identified in a conservation plan under the Act.

**“public entity”** means—

- (a) a government entity within the meaning of the *Government Owned Corporations Act 1993*; or
- (b) a local government.

**“publicly controlled place”** means any place under the control of a public entity that the public is entitled to use, is open to the public, or used by the public, whether or not on payment of money, but does not include an area declared under the regulations not to be a publicly controlled place.

*Example—*

A road or reserve under the control of a public entity.

**“public place”** means any place that the public is entitled to use, is open to the public, or used by the public, whether or not on payment of money.

**“QESIESS”** see section 280(2).

**“QETC”** means Queensland Electricity Transmission Corporation.

## SCHEDULE 5 (continued)

**“QGC”** means Queensland Generation Corporation.

**“QTSC”** means Queensland Transmission and Supply Corporation.

**“railway land”** means land in which a railway operator has an interest.

**“Regulator”** see section 62.

**“repealed Act”** in Chapter 14, see section 269.

**“road authority”** means—

- (a) for a State-controlled road under the *Transport Infrastructure Act 1994*—the chief executive under the Act; or
- (b) for another road—the local government or other person having control or management of the road.

**“sell”** includes—

- (a) sell by wholesale, retail or auction; and
- (b) agree, attempt or offer to sell; and
- (c) possess, expose or advertise for sale; and
- (d) cause or permit to be sold.

**“special approval”** see section 58.

**“special approval holder”** see section 57.

**“state”** includes describe.

**“State authorised supplier”** see section 79(1).

**“State electricity entity”** means an electricity entity that is a GOC or GOC subsidiary.

**“statutory GOC”** has the same meaning as in the GOC Act.

**“subsidiary”** of a GOC has the same meaning as in the GOC Act.

**“substation”** see section 12(2).

**“supply area”** see—

- (a) for a supply entity—section 39; and



SCHEDULE 5 (continued)

(b) for an authorised supplier—section 48.

“**supply entity**” see section 37.

“**supply entity authority**” see section 38.

“**supply network**” see section 8.

“**system control**” see section 7.

“**system control entity**” see section 92(1).

“**take**” electricity includes waste, divert and use.

“**trade or commerce**” includes—

(a) a business activity; and

(b) anything else done for gain or reward.

“**trading arrangements**” see section 90.

“**transfer day**” see section 280(1).

“**transmission authority**” see section 30.

“**transmission entity**” see section 29.

“**transmission grid**” see section 6.

“**unlawfully**” means without authority under this Act or other legal authority, justification or excuse.

*Example of legal authority—*

A person does something in relation to property with the owner’s consent.

“**used for**” includes used in, intended for use for or in, or capable of being used for or in.

“**voltage**” see section 17.

“**weapon**” has the same meaning as in the *Weapons Act 1990*.

“**wilfully**” means—

(a) intentionally; or

(b) recklessly; or

SCHEDULE 5 (continued)

(c) with gross negligence.

**“works”** see section 12(1).