



Queensland

Energy Legislation Amendment Act 2005

Act No. 51 of 2005



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Act No. 51 of 2005

an Act to amend the *Electricity Act 1994*, the *Electricity—National Scheme (Queensland) Act 1997* and the *Gas Supply Act 2003*

[Assented to 2 November 2005]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Energy Legislation Amendment Act 2005*.

2 Commencement

Section 4 commences on 1 April 2006.

Part 2 Amendment of Electricity Act 1994

3 Act amended in pt 2 and schedule

This part and the schedule amend the *Electricity Act 1994*.

4 Amendment of s 112A (Clearing native vegetation for operating works on freehold land)

Section 112A(2), after ‘entity’—

insert—

‘or distribution entity’.

5 Omission of s 123 (Expiry of electricity restriction regulation)

Section 123—

omit.

6 Amendment of sch 5 (Dictionary)

- (1) Schedule 5, definitions *approved industry superannuation scheme*, *code participant*, *Market Code*, *National Electricity Tribunal*, *NECA*, and *Queensland System Operator*—
omit.
- (2) Schedule 5—
insert—
‘Australian Energy Regulator or *AER* has the meaning given in the National Electricity (Queensland) Law.
National Electricity Rules or *Rules* has the meaning given in the National Electricity (Queensland) Law.
Registered participant has the meaning given in the National Electricity (Queensland) Law.
System Operator has the meaning given in the National Electricity Rules.’.
- (3) Schedule 5, definition *national grid*, ‘by the Market Code’—
omit, insert—
‘in the National Electricity Rules’.
- (4) Schedule 5, definition *spot market*, ‘Market Code’—
omit, insert—
‘National Electricity Rules’.
- (5) Schedule 5, definition *trading arrangements*, ‘Market Code’—
omit, insert—
‘National Electricity Rules’.

Part 3 **Amendment of Electricity—National Scheme (Queensland) Act 1997**

7 **Act amended in pt 3**

This part amends the *Electricity—National Scheme (Queensland) Act 1997*.

8 **Omission of preamble**

Preamble—
omit.

9 **Amendment of s 8 (Interpretation of expressions in National Electricity (Queensland) Law and National Electricity (Queensland) Regulations)**

- (1) Section 8(1), definition *Supreme Court*—
omit.
- (2) Section 8(1), '*the jurisdiction* or'—
omit.

10 **Amendment of s 9 (Attachment—National Electricity Law)**

Section 9(4)—
omit, insert—

- '(4) A copy of an Act passed by the Parliament of South Australia that amends the National Electricity Law must be tabled in the Legislative Assembly by the Minister within 14 sitting days after it receives the Royal Assent.'

16 Amendment of s 29 (Public notice by regulator and submissions)

Section 29(2)(a)(v)—

omit.

17 Omission of s 30 (Competitive tender process for greenfield distribution authority)

Section 30—

omit.

18 Amendment of s 31 (Deciding application)

Section 31(3)—

omit.

19 Omission of s 33 (Additional criteria for greenfield distribution authority application)

Section 33—

omit.

20 Amendment of s 34 (Term of authority)

(1) Section 34(2) and (3)—

omit, insert—

‘(2) The regulator may decide to grant the authority for a stated term.’.

(2) Section 34(4), ‘other than a greenfield distribution authority’—

omit.

(3) Section 34(4)—

renumber as section 34(3).

21 Amendment of s 37 (Issue and public notice of authority)

Section 37(3)(b)(iv)—

*omit.***22 Omission of ss 44 and 45**

Sections 44 and 45—

*omit.***23 Amendment of s 52 (Amendments for which proposed action notice is not required)**

Section 52(2)—

*omit.***24 Amendment of s 55 (Applying for amendment)**

Section 55(1)—

omit, insert—

‘(1) A distributor may, in the approved form, apply to the regulator to amend its authority in a stated way, other than to amend a condition imposed under division 2.’

25 Amendment of s 64 (Applying for renewal)

Section 64(1), ‘, other than a greenfield distribution authority,’—

*omit.***26 Amendment of s 102 (Application of pt 3)**

Section 102, ‘a greenfield distribution authority or other’—

omit, insert—

‘an’.

27 Amendment of s 149 (Requirements for application)

- (1) Section 149(b) and (c)—

omit, insert—

‘(b) if it is for an area retail authority—describe the area; and’.

- (2) Section 149(d)—

renumber as section 149(c).

28 Amendment of s 150 (Public notice by regulator and submissions)

- (1) Section 150(2)(a)(iv)—

omit.

- (2) Section 150(2)(a)(v) and (vi)—

renumber as section 150(2)(a)(iv) and (v).

29 Omission of s 153 (Additional criteria for exclusive retail authority application)

Section 153—

omit.

30 Amendment of s 154 (Term of authority)

- (1) Section 154(2) and (3)—

omit, insert—

‘(2) The regulator may decide to grant the authority for a stated term.’.

- (2) Section 154(4), ‘other than an exclusive retail authority’—

omit.

- (3) Section 154(4)—

renumber as section 154(3).

31 Amendment of s 157 (Issue and public notice of authority)

(1) Section 157(3)(b)(iii)—

omit.

(2) Section 157(3)(b)(iv)—

renumber as section 157(3)(b)(iii).

32 Amendment of s 159 (Operation of div 2)

Section 159(3)—

omit, insert—

‘(3) As well as imposing a condition, sections 162, 163, 169 and 171 also impose a penalty.’.

33 Amendment of s 167 (General right of retailer)

Section 167(2)—

omit.

34 Omission of s 170 (Exclusive rights must not be contravened)

Section 170—

omit.

35 Amendment of s 188 (Applying for renewal)

(1) Section 188(1) and (2)—

omit.

(2) Section 188(3), ‘, other than an exclusive retailer’—

omit.

(3) Section 188(3) and (4)—

renumber as section 188(1) and (2).

36 Amendment of s 309 (Keeping of register)

(1) Section 309(1)(a), ‘(e)’—

omit, insert—

‘(d)’.

(2) Section 309(1)(b), ‘to (c)’—

omit, insert—

‘and (b)’.

37 Amendment of s 327 (New area distribution authorities—sch 3, pt 1)

Section 327(4)—

omit.

38 Amendment of s 328 (New area retail authorities—sch 3, pt 2)

Section 328(4)—

omit.

39 Amendment of sch 4 (Dictionary)

(1) Schedule 4, definitions *exclusive retail authority*, *exclusive retailer* and *greenfield distribution authority*—

omit.

(2) Schedule 4, definition *general retail authority*, ‘26(6)’—

omit, insert—

‘26(4)’.

(3) Schedule 4, definition *general retailer*, ‘26(7)’—

omit, insert—

‘26(5)’.

Schedule Minor amendments of Electricity Act 1994

section 4

- 1 Sections 20O, 26(1)(b)(i), 27, 31(a)(ii), 33(3), 36A(2), 42(a)(i), 45A(2), 55D(c), 60(1)(a), 87(2), 88(2), 88A(2), 89(2), 89B, 117(1A), 120ZCA(1), 135AC(a), 135AO(4), 135CT(2), 135FW(a), 135HX(2)(a), 135JA(3)(c) and 205(4)(a), ‘Market Code’—**
omit, insert—
‘National Electricity Rules’.
- 2 Sections 27(b)(ii), 31(a)(ii), 42(a)(i), 55D(c), 60(1)(a), 97(1), 130(1)(a)(iii), 287A(1), ‘code participant’—**
omit, insert—
‘Registered participant’.
- 3 Section 97, heading, ‘code participants’—**
omit, insert—
‘Registered participants’.
- 4 Section 97A(1), ‘78’—**
omit, insert—
‘120’.
- 5 Section 120ZX, heading, ‘electricity entity’—**
omit, insert—
‘party to dispute’.

Schedule (continued)

6 Section 130(1)(a)(iii)(B), ‘NECA or the National Electricity Tribunal’—

omit, insert—

‘the Australian Energy Regulator or a court’.

7 Section 135AC(b), ‘code’—

omit, insert—

‘Rules’.

8 Section 135AD(1)(c)(i)—

omit, insert—

‘(i) is of the prescribed quality for fuel gas under the *Petroleum and Gas (Production and Safety) Act 2004* (whether or not the gas is fuel gas as defined under that Act); or’.

9 Section 138(3), ‘and electricity officer’—

omit, insert—

‘an electricity officer’.

10 Sections 183A(2)(a)(ii), 192A(2)(a)(ii), 200A(2)(a)(ii), 207AB(2)(a)(ii) and 211C(2)(a)(ii), ‘; or’—

omit, insert—

‘; and’.

11 Section 205(3)(e), ‘paragraphs (a) to (c)’—

omit, insert—

‘paragraphs (b) to (d)’.

Schedule (continued)

- 12 Section 205(4)(b), ‘Market Code contains’—**
omit, insert—
‘National Electricity Rules contain’.
- 13 Section 225(1)(b), ‘District Courts Act 1967’—**
omit, insert—
‘District Court of Queensland Act 1967’.
- 14 Section 262(4), ‘approved industry superannuation scheme’—**
omit, insert—
‘Electricity Supply Industry Superannuation Fund (Qld)’.
- 15 Section 266, ‘(electricity appliances)’—**
omit, insert—
‘(electrical appliances)’.
- 16 Section 280(1)—**
insert—
Notes—
- 1 For the definition of *approved industry superannuation scheme*, see this Act as passed, section 261.
 - 2 For the approval day, see the *Electricity Regulation 1994*, section 241.?
- 17 Section 287A(1), ‘Queensland System Operator’—**
omit, insert—
‘System Operator in Queensland’.

Schedule (continued)

- 18 Section 302C, 'Market Code replaces'—**
omit, insert—
'National Electricity Rules replace'.
- 19 Section 302C, 'Market Code deals'—**
omit, insert—
'National Electricity Rules deal'.