



Queensland

Electricity Amendment Regulation (No. 1) 2009

Subordinate Legislation 2009 No. 83

made under the

Electricity Act 1994

Contents

		Page
1	Short title	3
2	Regulation amended	3
3	Amendment of s 86 (ROLR contract does not prevent a negotiated retail contract)	3
4	Amendment of s 105 (Required principles for framework)	3
5	Insertion of new ch 4, pt 2, div 1, hdg.	3
6	Insertion of new ch 4, pt 2, div 2.	3
	Division 2 Demand management plans	
	127A Definitions for div 2	4
	127B Condition of distribution authority	4
	127C Preparing demand management plan	4
	127D Approving demand management plan	5
	127E Recommendations by regulator	5
	127F Amending approved demand management plan	6
	127G Complying with approved demand management plan	6
	127H Reporting requirements	7
7	Amendment of s 230 (Electric lines installed or operated before 1 October 2002)	7
8	Amendment of s 238 (Contestable customers for National Electricity Rules)	7

Electricity Amendment Regulation (No. 1) 2009

Contents

9	Insertion of new ch 10, pt 4, div 4.	7
	Division 4 Transitional provision for Electricity Amendment Regulation (No. 1) 2009	
	240 Demand management plans for 2009 financial year .	7
10	Amendment of sch 9 (Dictionary)	8

1 Short title

This regulation may be cited as the *Electricity Amendment Regulation (No. 1) 2009*.

2 Regulation amended

This regulation amends the *Electricity Regulation 2006*.

3 Amendment of s 86 (ROLR contract does not prevent a negotiated retail contract)

Section 86(3), note, ‘section’—
omit, insert—
‘sections’.

4 Amendment of s 105 (Required principles for framework)

Section 105(b), ‘\$/MWh’—
omit, insert—
‘dollars per megawatt hour’.

5 Insertion of new ch 4, pt 2, div 1, hdg

Chapter 4, part 2, before section 124—
insert—

‘Division 1 General provisions’.

6 Insertion of new ch 4, pt 2, div 2

Chapter 4, part 2, after section 127—
insert—

‘Division 2 Demand management plans

‘127A Definitions for div 2

‘In this division—

approved demand management plan means a demand management plan approved by the regulator under this division.

demand management, by a distribution entity, means any activity in which the entity is involved that reduces demand on the entity’s supply network or part of the supply network.

demand management plan, for a financial year, means a plan for the year that complies with section 127C(2).

strategy see section 127C(2)(a).

‘127B Condition of distribution authority

‘It is a condition of a distribution authority that its holder must comply with this division.

‘127C Preparing demand management plan

- ‘(1) A distribution entity must, for each financial year, prepare a demand management plan.
- ‘(2) The distribution entity must include in the plan—
 - (a) the entity’s long-term strategy for demand management (the *strategy*), including the following—
 - (i) the principles intended to guide the achievement of the strategy;
 - (ii) a description of existing and planned programs for demand management for the next 5 financial years;
 - (iii) any identified opportunities to achieve the strategy; and

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- (b) the entity's proposed initiatives to be carried out under the strategy in the financial year, including the following—
 - (i) a description of the initiative;
 - (ii) a forecast of the capital and operating costs for the initiative that the entity reasonably considers will be the likely costs for the year;
 - (iii) the entity's performance targets for the initiative.
 - '(3) Subsection (2) does not limit the matters that may be included in the plan.
 - '(4) The distribution entity must, on or before each 30 April in the preceding financial year, give the regulator a copy of the entity's plan for the financial year.

'127D Approving demand management plan

'The regulator must, on or before 31 May in the preceding financial year—

- (a) approve the distribution entity's demand management plan for the financial year; or
- (b) make recommendations under section 127E(1) to amend the plan.

'127E Recommendations by regulator

- '(1) Before approving the distribution entity's demand management plan for a financial year, the regulator may—
 - (a) return the plan to the entity; and
 - (b) make recommendations to amend the plan by asking the entity to—
 - (i) consider or further consider any matter; and
 - (ii) amend the plan in the light of its consideration or further consideration.
- '(2) The distribution entity must comply with a request under subsection (1)(b).

[s 6]

- ‘(3) If the distribution entity does not implement any or all of the regulator’s recommendations, the entity must give the regulator written reasons for not implementing the recommendations.
- ‘(4) The distribution entity must give a copy of the plan to the regulator for approval.
- ‘(5) The plan takes effect as the distribution entity’s approved demand management plan for the financial year only when it is approved by the regulator.

‘127F Amending approved demand management plan

- ‘(1) The distribution entity may, at any time in a financial year, amend its approved demand management plan for the year.
- ‘(2) However, the plan may be amended only if a change in circumstances happens that indicates the carrying out of a proposed initiative, or the carrying out of a proposed initiative in the way described in the plan, is no longer feasible or practical to achieve the entity’s strategy.
- ‘(3) If, in amending the plan, a proposed initiative, or the way a proposed initiative is to be carried out under the plan, is not changed, the entity’s performance targets for the proposed initiative must not be changed in the amended plan.
- ‘(4) The distribution entity must give the regulator a copy of the amended plan.
- ‘(5) The plan, as amended, takes effect as the distribution entity’s approved demand management plan for the financial year only when it is approved by the regulator.

‘127G Complying with approved demand management plan

‘The distribution entity must use its best endeavours to comply with its approved demand management plan.

‘127H Reporting requirements

- ‘(1) The distribution entity must, for each financial year, prepare a report comparing details of the following—
- (a) the proposed initiatives stated in the entity’s approved demand management plan for the year;
 - (b) the actual initiatives the entity carried out in the year.
- ‘(2) The distribution entity must give the regulator a copy of the report on or before 31 August in the following financial year.’.

7 Amendment of s 230 (Electric lines installed or operated before 1 October 2002)

Section 230(1), ‘section 157 or 157A’—

omit, insert—

‘section 157 or 157A of the 1994 regulation’.

8 Amendment of s 238 (Contestable customers for National Electricity Rules)

Section 238, ‘clause 9.32.1(2)’—

omit, insert—

‘clauses 9.32.1(a)(2)’.

9 Insertion of new ch 10, pt 4, div 4

Chapter 10, part 4—

insert—

‘Division 4 Transitional provision for Electricity Amendment Regulation (No. 1) 2009**‘240 Demand management plans for 2009 financial year**

- ‘(1) Section 127C(4) applies to a relevant plan as if the reference to each 30 April in the preceding financial year were a reference to 6 July 2009.

[s 10]

- ‘(2) Section 127D applies to a relevant plan as if the reference to 31 May in the preceding financial year were a reference to 6 August 2009.
- ‘(3) In this section—
relevant plan means a distribution entity’s demand management plan for the financial year starting on 1 July 2009.’.

10 Amendment of sch 9 (Dictionary)

- (1) Schedule 9—

insert—

‘approved demand management plan, for chapter 4, part 2, division 2, see section 127A.

demand management, for chapter 4, part 2, division 2, see section 127A.

demand management plan, for chapter 4, part 2, division 2, see section 127A.

strategy, for chapter 4, part 2, division 2, see section 127C(2)(a).’.

- (2) Schedule 9, definition *proposed transferee*, ‘section 157’—

omit, insert—

‘section 147’.

ENDNOTES

- 1 Made by the Governor in Council on 11 June 2009.
- 2 Notified in the gazette on 12 June 2009.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Employment, Economic Development and Innovation.

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