

Queensland



ELECTRICITY ACT 1994

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(includes amendments up to Act No. 26 of 1997)**

Reprint No. 2B

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The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

Also see endnotes for information about—

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

Queensland



ELECTRICITY ACT 1994

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ELECTRICITY ACT 1994

[as amended by all amendments that commenced on or before 25 July 1997]

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

CHAPTER 1—PRELIMINARY

PART 1—INTRODUCTORY PROVISIONS

Short title

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

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.¹

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 and transmission plant; or

¹ 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.

- (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 distribution entities or retail entities 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 and distribution entities 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, distribution entities, 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 distribution entity—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 Rail, 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 the *Wet Tropics World Heritage Protection and Management Act 1993*, section 56.²

Exemptions from Act

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

² 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, supplying and selling 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—

- (a) generation entities;
- (b) transmission entities;
- (c) distribution entities;
- (d) retail entities.

PART 2—CUSTOMERS AND CONTESTABLE CUSTOMERS

Types of 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.

(3) A “**non-contestable customer**” is a customer other than a contestable customer.

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—DISTRIBUTION ENTITIES AND THEIR AUTHORITIES**Distribution entities**

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

Distribution authorities

38. A “**distribution authority**” authorises its holder to supply electricity using a supply network within its distribution area.

Distribution area of distribution entity

39. A distribution entity’s “**distribution area**” is the area stated in its authority as its distribution area.

Connection and supply of electricity in distribution area

40.(1) A distribution entity has an obligation—

- (a) to connect customers’ electrical installations or premises within the distribution entity’s distribution area to the distribution entity’s supply network to allow the supply of electricity from the supply network to the installations or premises; and
- (b) to supply electricity from its supply network to the customers’ electrical installations or premises.

(2) The obligation—

- (a) only requires the connection and supply of electricity sought by a person in a particular case if it is technically and economically practicable to connect and supply electricity; and
- (b) is subject to a provision in this Act or a regulation that—
 - (i) provides that the obligation does not apply; or
 - (ii) allows for disconnection or refusal to connect or reconnect; and
- (c) arises only if an application is made to the distribution entity by a customer for an electrical installation or premises of the customer within the entity's distribution area.

(3) An application may be made by a retail entity acting for a customer.**(4)** If a distribution entity complies with the obligation, then—

- (a) if a customer applied for the connection and supply—the customer and the distribution entity are taken to have entered into the distribution entity's standard customer connection contract for the connection and supply to the electrical installation or premises; and
- (b) if a retail entity applied for the connection and supply acting for a customer—the retail entity and the distribution entity are taken to have entered into the distribution entity's standard customer connection contract for the connection and supply to the electrical installation or premises.

(5) The standard customer connection contract has the effect of a contract under seal between the parties to it under which each party agrees to observe and perform the contract's provisions so far as they apply to the party.

(6) Subsections (4) and (5) do not apply if there is a negotiated customer connection contract for the connection and supply of electricity to the relevant electrical installation or premises.

Supply in absence of customer connection contract

40AA.(1) If electricity is supplied to a customer's electrical installation or premises and there is no customer connection contract in effect or taken to

be in effect for the installation or premises then the relevant retail entity is taken to have—

- (a) entered into a contract with the customer to arrange for the matters mentioned in section 49(1)(b) for the electrical installation or premises on the terms of the retail entity’s standard customer sale contract; and
- (b) entered into a contract with the relevant distribution entity on the terms of the relevant distribution entity’s standard customer connection contract under which the relevant distribution entity agrees to provide the services mentioned in section 49(1)(b) for the electrical installation or premises.

(2) In this section—

“relevant distribution entity” for an electrical installation or premises, means the distribution entity to whose supply network the electrical installation or premises is connected.

“relevant retail entity” for an electrical installation or premises, means—

- (a) if the electricity supplied to the electrical installation or premises is sold under an agreement with a retail entity—that retail entity; or
- (b) otherwise—the retail entity in whose area the electrical installation or premises is located.

Standard customer connection contract

40A.(1) A distribution entity must prepare a standard customer connection contract to establish the terms on which it is to provide the services mentioned in section 40(1).

(2) A regulation may prescribe the following for a standard customer connection contract—

- (a) the terms that must be included in the contract;
- (b) when the contract takes effect;
- (c) how the contract may be amended;
- (d) any approvals needed to amend the contract.

(3) A standard customer connection contract must not be inconsistent with this Act and is unenforceable to the extent that it is.

(4) If a standard customer connection contract is amended after it is made, the contract as amended applies to the parties to it whether the contract was entered into before or after the amendment.

(5) To remove doubt, it is declared that a standard customer connection contract may provide for different terms to apply to different types of customer.

Approval of first standard customer connection contract by regulator

40B. A distribution entity's first standard customer connection contract must be approved by the regulator and does not take effect until it is approved.

Customer connection contracts outside standard form

40C.(1) Despite sections 40 and 40A, a customer or retail entity may contract with a distribution entity on terms different from the terms of the distribution entity's standard customer connection contract.

(2) A contract under subsection (1) must not be inconsistent with this Act and is unenforceable to the extent that it is.

Connection and supply on nondiscriminatory terms

40D.(1) A distribution entity must connect and supply electricity to a customer's electrical installation or premises within its distribution area on nondiscriminatory terms.

(2) For subsection (1), a term is nondiscriminatory if it does not discriminate between the customer and other customers within its distribution area seeking similar connection and supply.

(3) A regulation may declare what is or is not discrimination, including, for example, whether or not and, if so, in what circumstances different terms of standard customer connection contracts for different types of customers are discrimination.

Limitation on obligation to connect and supply

40E. A distribution entity is not obliged to connect or supply electricity to a customer's electrical installation or premises and it will not be in breach of its customer connection contract for the installation or premises if—

- (a) the connection or 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 distribution entity'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 connection or supply would breach technical or safety requirements under this Act; or
- (c) the connection or supply would unreasonably interfere with the connection or supply of electricity by the distribution entity to other customers; or
- (d) the connection or supply is denied or limited under an electricity restriction regulation or emergency rationing order; or
- (e) a distribution entity is entitled, under its customer connection contract or under a regulation, to disconnect supply to the customer; or
- (f) after disconnecting supply to something that was unsafe, the thing is still unsafe; or
- (g) the connection or 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 connect or supply (or reconnect or resupply); or

- (j) a regulation provides that the obligation to connect or supply (or reconnect or resupply) does not apply.

Obligation to connect and supply subject to authority

40F. A distribution entity's obligation to connect and supply is subject to the conditions of its authority.

Disconnection for failure to pay debts

40G. A regulation may provide for the disconnection and refusal to connect or reconnect supply of electricity to electrical installations of customers or premises of customers if—

- (a) a customer fails to pay an amount owing to the customer's distribution entity or breaches the customer connection contract; or
- (b) a customer's retail entity fails to pay an amount owing to the customer's distribution entity or breaches the customer connection contract; or
- (c) a customer fails to pay an amount owing to the customer's retail entity or breaches the customer sale contract with its retail entity and the retail entity requests the distribution entity to disconnect or refuse to connect or reconnect the customer.

Contracting out of s 40E, 40G or 97

40H.(1) The parties to a negotiated customer connection contract may in the contract agree to vary or exclude the operation of sections 40E, 40G or 97 for the contract.

(2) If the sections' operation is varied or excluded, they do not apply to the contract to the extent agreed.'

Connection and supply of electricity outside distribution area

41.(1) A distribution entity may, if a customer's electrical installation or premises is outside the distribution entity's distribution area—

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- (a) connect the installation or premises to the entity's supply network; and
 - (b) supply electricity from its supply network to the installation or premises.
- (2) Subsection (1) applies only if the installation or premises—
- (a) is not within another distribution entity's distribution area; or
 - (b) if it is in another distribution entity's area—
 - (i) but the other distribution entity claims that it is not technically and economically practicable for it to connect and supply electricity to the customer; or
 - (ii) the other distribution entity agrees to the connection and supply.

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

Conditions of distribution authority

42. A distribution entity authority is subject to the following conditions—
- (a) the distribution 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) the entity must operate, maintain (including repair and replace as necessary) and protect its supply network to ensure the adequate, economic, reliable and safe connection and 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 supply 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 distribution authority that the distribution 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 a generation entity, a transmission entity or a distribution entity;
- (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 distribution 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 distribution authority that 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 distribution authority that the distribution entity must comply with all protocols, standards and codes applying to the entity under the regulations.

PART 6—RETAIL ENTITIES AND THEIR AUTHORITIES

Retail entities

46. A “**retail entity**” is a person who holds a retail authority.

Retail authorities

47. A “**retail authority**” authorises its holder to sell electricity to customers.

Retail area of retail entity

48. A retail entity's “**retail area**” is the area stated in its authority as its retail area.

Sale of electricity in retail area

49.(1) A retail entity has an obligation—

- (a) to sell electricity to non-contestable customers for the customers' electrical installations or premises; and
- (b) if requested by the customers, to arrange for—
 - (i) non-contestable customers' electrical installations or premises to be connected to a supply network to allow the supply of electricity to the non-contestable customers' electrical installations or premises; and
 - (ii) the supply of electricity from the supply network to the electrical installations or premises.

(2) The obligation—

- (a) is subject to any provision in this Act or a regulation that provides that the obligation does not apply or allows for refusal to sell; or
- (b) arises only if an application is made to the retail entity by a non-contestable customer for an electrical installation or premises of the customer within the retail entity's retail area.

(3) If electricity is supplied to a non-contestable customer's electrical installation or premises within a retail entity's retail area, then the electricity is taken to be sold by the retail entity to the non-contestable customer on the terms of the retail entity's standard customer sale contract.

(4) The standard customer sale contract has the effect of a contract under seal between the retail entity and the customer under which each party agrees to observe and perform the provisions of the standard customer sale contract so far as those provisions apply to the party.

(5) Subsections (3) and (4) do not apply if the parties enter into a negotiated customer sale contract for the electrical installation or premises.

Standard customer sale contract

50.(1) A retail entity must prepare a standard customer sale contract to establish the terms on which it is to provide the services mentioned in section 49(1) to non-contestable customers.

(2) A regulation may prescribe the following for a standard customer sale contract—

- (a) the terms that must be included in the contract;
- (b) when the contract takes effect;
- (c) how the contract may be amended;
- (d) any approvals needed to amend the contract.

(3) A standard customer sale contract must not be inconsistent with this Act and is unenforceable to the extent that it is.

(4) If a standard customer sale contract is amended after it is made, the contract as amended applies to the parties to it whether the contract was entered into before or after the amendment.

(5) To remove doubt, it is declared that a standard customer sale contract may provide for different terms to apply to different types of customer.

Approval of first standard customer sale contract by regulator

51. A retail entity's first standard customer sale contract must be approved by the regulator and does not take effect until it is approved.

Customer sale contracts outside standard form

52.(1) Despite sections 49 and 50, a customer and a retail entity may contract on terms different from the terms of the retail entity's standard customer sale contract.

(2) A contract under subsection (1) must not be inconsistent with this Act and is unenforceable to the extent that it is.

Limitations on obligation to sell

53. A retail entity does not have an obligation under section 49(1) to non-contestable customers and the retail entity is not in breach of a customer sale contract in relation to an electrical installation or premises of a non-contestable customer if the obligation or contract can not be performed because—

- (a) a distribution entity is not required to connect or supply electricity to the relevant electrical installation or premises under sections 40(2)(a) and (b), 40E or 40G; or
- (b) of anything beyond the retail entity's control; or
- (c) a regulation provides that the obligation does not apply.

Obligation to sell subject to authority

54. A retail entity's obligations under section 49(1) are subject to the conditions of its authority.

Disconnection for failure to pay debts

55. A regulation may provide that a retail entity's obligations under section 49(1) do not apply to a non-contestable customer if the customer—

- (a) fails to pay an amount owing to the non-contestable customer's retail entity or distribution entity; or
- (b) breaches its customer sale contract with the customer's retail entity or its customer connection contract with its distribution entity.

Electricity must be sold on nondiscriminatory terms

55A.(1) A retail entity must provide the services mentioned in section 49(1) to a non-contestable customer for an electrical installation or premises within its retail area on nondiscriminatory terms.

(2) For subsection (1), a term is nondiscriminatory if it does not discriminate between the non-contestable customer and other non-contestable customers in relation to their electrical installation or premises within the entity's retail area, seeking a similar provision of services.

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

- (a) different advance payments or security deposits from different customers; or
- (b) different standard customer sale contract terms for different types of customers.

Contracting out of s 53, 55 or 97A

55B.(1) The parties to a negotiated customer sale contract may in the contract agree to vary or exclude the operation of section 53, 55 or 97A for the contract.

(2) If the sections' operation is varied or excluded, they do not apply to the contract to the extent agreed.

Sale of electricity outside retail area

55C.(1) A retail entity may, if a customer's electrical installation or premises is outside the retail entity's retail area—

- (a) sell electricity to the customer for the installation or premises; or
- (b) arrange for—
 - (i) the installation or premises to be connected to a supply network to allow the supply of electricity to the installation or premises; and
 - (ii) the supply of electricity from the supply network to the installation or premises.

(2) A retail entity may do the things mentioned in subsection (1) only if—

- (a) the customer is a contestable customer; or
- (b) the customer's electrical installation or premises is not within another retail entity's retail area; or
- (c) the customer's electrical installation or premises is in another retail entity's area, but the other retail entity agrees to electricity being sold to the customer.

Conditions of retail authority

55D. A retail authority is subject to the following conditions—

- (a) the retail entity must consider both demand side and supply side options to provide, as far as technically and economically practicable, for the efficient use of electrical energy;
- (b) the retail entity must pay the amounts required under the authority or the regulations to administer the authority and its conditions;
- (c) the condition under section 55E;
- (d) conditions imposed under a regulation;
- (e) conditions stated in the authority.

Additional condition to comply with protocols, standards and codes

55E. It is also a condition of a retail authority that the retail entity must comply with all protocols, standards and codes applying to the retail entity under a regulation.

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, distribution or retail 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, distribution entity or retail entity 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, distribution or retail 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 distribution area or a place where it supplies electricity; or
- (c) if the electricity entity sells electricity—within its retail area or a place where it sells 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 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.

Electrical Workers and Contractors Board is statutory body

81A.(1) Under the *Statutory Bodies Financial Arrangements Act 1982*, the Electrical Workers and Contractors Board is a statutory body.

(2) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way in which the board's powers under this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*.

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.

Prohibition on operating supply network unless authorised

88A.(1) A person must not supply electricity using a supply network unless the person is the holder of a distribution 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 sale of electricity

89.(1) A person must not sell electricity unless the person is authorised to sell electricity under this Act.

Maximum penalty—100 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 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 distribution entity is responsible for network control of its supply network within its distribution area.

(6) However, a system control entity may give the distribution entity a direction in relation to the switching of parts of the network relevant to the integrity or security of the system control entity’s power system.

Powers (including reserve powers) about electricity pricing

93.(1) An electricity entity may—

(a) fix prices for electricity it supplies to customers;³ 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 See section 258 for additional provisions about fixing prices by State electricity entities.

(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, 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 distribution entity for failure to provide network services or to connect and supply electricity

97. A distribution entity (the “**entity**”) is civilly liable for total or partial failure to perform its obligations under a customer connection contract 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.

Limitation of liability of retail entity for failure to sell electricity

97A. A retail entity (the “**entity**”) is civilly liable for total or partial failure to perform its obligations under a customer sale contract 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.

101.(1) An electricity entity may take the action in a publicly controlled place it considers necessary to provide or supply electricity, including, for example⁴—

- (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 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—

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

- (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 4A—Inapplicability of planning schemes in relation to particular transmission entity operating works

Definitions for div 4A

111A. In this division—

“**affected land**”, of, or in relation to, operating works, means land—

- (a) on which a transmission entity is building or using the operating works and identified on maps held by the department;⁵ or

⁵ The maps may be inspected at the department’s office at the Queensland Minerals & Energy Centre, 61 Mary Street, Brisbane.

(b) identified in—

- (i) a notice under section 111B(1);⁶ or
- (ii) the documents mentioned in section 111D(1).⁷

“LGPE Act” means the *Local Government (Planning and Environment) Act 1990*.

“permissible use” see the LGPE Act, section 1.4.⁸

“planning instrument”, for operating works, means—

- (a) any agreement made between the relevant local government and any person holding an interest in the operating work’s affected land; and
- (b) any condition imposed by the local government for the use of the operating work’s affected land.

“planning scheme” means a planning scheme under the LGPE Act.

“planning scheme maps” means any map used in a planning scheme.

“relevant planning scheme”, in relation to a transmission entity’s operating works, or proposed operating works, means a planning scheme that includes land that is, or is proposed to be, affected land of the operating works.

Planning scheme does not apply to transmission entity if notice given

111B.(1) This section applies if, in relation to proposed operating works of a transmission entity, the Minister—

- (a) is satisfied the transmission entity has taken into account any major environmental effects the works are likely to have and in so

⁶ Section 111B (Planning scheme does not apply to transmission entity if notice given)

⁷ Section 111D (Chalumbin to Woree transmission line)

⁸ *Local Government Planning and Environment Act 1990*, section 1.4 (Interpretation)—

“permissible use” means a use of premises which may only be undertaken pursuant to a planning scheme with the approval of the local government granted pursuant to section 4.13.

doing has had due regard to policies or administrative arrangements approved under the *State Development and Public Works Organization Act 1971*, section 29;⁹ and

- (b) has given written notice to the local government for the area that the works will be in.

(2) A notice under subsection (1) must—

- (a) be given before the transmission entity builds or uses the operating works; and

(b) state the following—

- (i) that the Minister is satisfied as mentioned in subsection (1)(a);
- (ii) a description of the land on which the transmission entity will build or use the operating works, including by reference to a map;
- (iii) the name of the transmission entity;
- (iv) that the land will be used for the transmission entity's operating works;
- (v) that this section and sections 111E to 111G apply to the operating works.

(3) A relevant planning scheme does not apply to—

- (a) the building or use of the works by the transmission entity; or
- (b) the use of the affected land by the transmission entity in connection with the works.

(4) Immediately after giving a notice to a local government under subsection (1), the Minister must give a copy of the notice to the chief executive of the department through which the LGPE Act is administered.

(5) However, the notice under subsection (1) is unaffected by a failure to comply with subsection (4).

⁹ Section 29 (Supervision of environment)

Existing projects

111C.(1) This section applies if a transmission entity started building or using operating works before the *Electricity Amendment Act 1996* commenced.

(2) A relevant planning scheme does not apply, and it is declared never to have applied, to—

- (a) the building or use of the works by the transmission entity; or
- (b) the use of affected land by the transmission entity in connection with the works.

Chalumbin to Woree transmission line

111D.(1) This section applies to the transmission line from Chalumbin to Woree, to be built by QETC¹⁰ as part of its operating works on the land identified on the following documents held by the department—

- (a) for Chalumbin to Springmount—Queensland Electricity Generating Board transmission system 1:100 000 maps A1–N–411909–02–04–39;
- (b) for Springmount to Woree—Powerlink Queensland 275 Kv transmission line route plan A1–H–1155 55–sheets 01 to 09.¹¹

(2) A relevant planning scheme does not apply to—

- (a) the building or use of the works by the transmission entity; or
- (b) the use of affected land by the transmission entity in connection with the works.

Transmission entity's building or use of operating works and affected land prevails over other uses of affected land under planning scheme

111E.(1) This section applies if—

¹⁰ The works are to be built by QETC under its trading name, Powerlink Queensland.

¹¹ The documents may be inspected at the department's office at the Queensland Minerals & Energy Centre, 61 Mary Street, Brisbane.

- (a) affected land of a transmission entity's operating works are or become included in a planning scheme; and
- (b) a planning scheme does not apply to the building or use of the works by the transmission entity because of this division.

(2) The planning scheme or a planning instrument does not operate in relation to the affected land to the extent the planning scheme or instrument is inconsistent with the transmission entity's building or use of the works.

Noting planning scheme and planning scheme maps

111F.(1) If a transmission entity has operating works in a local government's area—

- (a) the local government may note the maps of any relevant planning scheme to show that the affected land is being used for the operating works; and
- (b) if the local government is preparing a relevant planning scheme, the planning scheme must show, for the affected land, that the affected land is being used for the operating works.

(2) If a local government receives a notice under section 111B(1)¹² about proposed operating works, it must note the existence of the notice in any relevant planning scheme.

(3) To remove doubt, it is declared that a note to a planning scheme under subsection (1) or (2) is not an amendment of a planning scheme.

Applications about affected land

111G.(1) This section applies if—

- (a) a local government receives an application under the LGPE Act for—
 - (i) rezoning of land; or
 - (ii) permissible use of premises; or

¹² Section 111B (Planning scheme does not apply to transmission entity if notice given)

- (iii) subdivision of land; and
 - (b) the land for which the application is made includes affected land of operating works or proposed operating works for which a notice under section 111B(1) has been given to the local government.
- (2) The local government must give the Minister written notice of the application before considering the application.
- (3) If a notice is given, the Minister may comment in writing on the application to the local authority.
- (4) The local government must not consider the application until after the Minister comments on the application or the end of 28 days after the Minister is given the notice.
- (5) If the Minister comments on the application, the local government must take the Minister's comments into account when considering the application.

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 1994* related to works.

(5) The *Land Act 1962*, section 307 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.

Authority to create easements over forest land

116A.(1) Despite the *Forestry Act 1959*, sections 26(1A) and 28(3) but subject to the *Land Act 1994*, section 362, the Governor in Council may, at the request of an electricity entity, authorise the creation of an easement for the entity over forest land for the entity's works, including proposed works.

(2) Section 116(2) and (3) applies to the authority with all necessary changes.

(3) In this section—

“forest land” means land that is a State forest or a timber reserve within the meaning of the *Forestry Act 1959*, section 5.

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.

Retail entity may recover amount for electricity sold to a person occupying premises

118. If—

(a) a person occupies premises where electricity sold by a retail entity has been consumed during the person's occupancy; and

(b) the retail entity has not been paid for the electricity;

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

Distribution entity may recover amount for connection and supply of electricity to a person

118A. If—

- (a) a person occupies premises that are connected and supplied with electricity by a distribution entity during the person's occupancy; and
- (b) the distribution entity has not been paid for the connection and supply;

the amount the distribution entity is entitled to charge for the connection and supply is a debt owing by the person to the distribution entity.

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 distribution entity whose distribution 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 distribution 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 distribution entity—cancel or amend its authority for its distribution area or part of its distribution area;
- (c) for a retail entity—cancel or amend its authority for its retail area or part of its retail 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 or sold 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;¹³ 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
- (b) that anything found and seized may be used in evidence in court; and

¹³ The application of this section could, in a particular case, be affected by the *Native Title Act 1993* (Cwlth).

(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 1995*) 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 either of the following about the accident unless the occupier has a reasonable excuse—

- (a) the retail entity who has a contract to sell electricity for an

electrical installation at the place;

- (b) the distribution entity in whose distribution area the accident happened.

Maximum penalty—8 penalty units.

(2A) If the occupier tells the retail entity the retail entity must immediately tell the distribution entity in whose distribution area the accident happened.

Maximum penalty—8 penalty units.

(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 distribution entity in whose distribution 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 distribution 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 distribution entity in whose distribution 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 distribution entity—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—DISTRIBUTION AUTHORITIES**Issue of distribution authorities**

195.(1) The regulator may issue a distribution 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 distribution authority must—

- (a)** be made to the regulator in the form approved by the regulator; and
- (b)** state the proposed distribution 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 distribution 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 distribution 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 distribution 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 distribution 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 distribution 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 distribution 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 distribution 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 distribution authorities

199. The regulator may, with a distribution entity's agreement, amend its distribution authority.

Amendment of conditions stated in distribution authorities

200. The regulator may, with a distribution entity's agreement, amend the conditions stated in its authority.

Distribution authorities not transferable

201. A distribution authority can not be transferred.

Surrender of distribution authorities

202. A distribution entity may surrender its authority only with the regulator's agreement.

PART 4—RETAIL AUTHORITIES**Issue of retail authorities**

203.(1) The regulator may issue a retail authority to a person.

(2) The authority may state the term of the authority.

Application for authority

204.(1) An application for the issue of a retail authority must—

- (a) be made to the regulator in the form approved by the regulator; and
- (b) state the proposed retail 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

205.(1) The regulator must consider an application for the issue of a retail authority and may give, or refuse to give, the authority.

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

- (a) the applicant will sell the electricity and perform the services stated in the application; and
- (b) the applicant is a suitable person to be a retail entity; and
- (c) the applicant meets the additional criteria prescribed under a regulation.

(3) In deciding whether the applicant is a suitable person to be a retail entity, 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 retail entity; and
- (f) additional matters prescribed under a regulation.

(4) A regulation may prescribe matters the regulator must or may consider in deciding the applicant's competence to be a retail entity.

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

- (a) relevant government policies about energy issues; and
- (b) additional matters prescribed under a regulation.

(6) In deciding whether to issue the authority, the regulator may consider additional matters prescribed under a regulation.

(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 retail authorities in force; or
- (c) additional matters prescribed under a regulation.

Notice of refusal to issue authority

206. If the regulator refuses to issue a retail 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 retail authorities

207. The regulator may, with a retail entity's agreement, amend its retail authority.

Amendment of conditions stated in retail authorities

207A. The regulator may, with a retail entity's agreement, amend the conditions stated in its authority.

Retail authorities not transferable

207B. A retail authority cannot be transferred.

Surrender of retail authorities

207C. A retail entity may surrender its authority only with the regulator'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 1995*, part 19;¹⁴ 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.

¹⁴ Part 19 (Provisions from *Supreme Court Act 1921*)

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—one-half maximum penalty for committing the offence.

(2) The Criminal Code, section 4 (Attempts to commit offences) 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, the *Justices Act 1886*, section 76 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 the *Statutory Instruments Act 1992*, section 23 (Statutory instrument may make provision by applying another document).

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.

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.¹⁵

“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 entity 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.

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

¹⁵ 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).

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.

Regulation may declare a State electricity entity

259A. A regulation may declare the following entities that are not State electricity entities, to be a State electricity entity for section 256 or 262—

- (a) a GOC;
- (b) a subsidiary of a GOC;
- (c) a government company;

as long as the business, or part of the business, of the relevant entity was, at some time carried on, in whole or in part, by a business unit, division or branch of a State electricity entity or State electricity entities.

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.

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

PART 1—PROVISIONS FOR ORIGINAL ACT (1994 No. 64)

Definition

269. In this chapter—

“**repealed Act**” means the *Electricity Act 1976*.

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.

Continuation of provisions of Electricity Act 1976 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 approval 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 “**approval day**”).

(2) The regulation may be made only if the Minister is satisfied the scheme’s conditions are acceptable to replace the conditions of 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* (“QESIESS”).

(3) The approved industry superannuation scheme is a continuation of QESIESS.

Effect of approval of industry superannuation scheme on QESIESS

281.(1) The continuation of QESIESS under section 280 does not affect a person's entitlements accrued under QESIESS.

(2) The assets and liabilities of QESIESS immediately before the approval day continue to be the assets and liabilities of the approved industry superannuation scheme.

(3) To remove doubt, stamp duty is not payable because of the operation of subsection (2) or section 280.

(4) On the approval day, all rights, entitlements and obligations of the Queensland electricity supply industry superannuation board (the “board”) under contracts and arrangements between it and other persons become the rights, entitlements and obligations of the trustee of the approved industry superannuation scheme.

(5) On the approval day, the 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.

(6) Subsection (5) does not prevent a member or trustee from being appointed as a trustee of the approved industry superannuation scheme.

(7) This section is a law to which the *Acts Interpretation Act 1954*, section 20A applies.

(8) This section expires on the approval day.

Effect of approval of industry superannuation scheme on entitlement under Restoration Act

281A.(1) This section applies if, immediately before the approval day, a person has an amount of an entitlement in a fund created within QESIESS

under the *Electricity Superannuation Restoration Act 1990* (the “**Restoration Act**”), section 6(1)(b).

(2) On the approval day—

- (a) the amount in the fund for the person’s entitlement, with interest earned on the amount under the Restoration Act, section 6(1)(b)(ii) becomes part of the funds of the approved industry superannuation scheme and is to be held in an account for the person; and
- (b) the person ceases to have the entitlement, the entitlement to the interest earned on the amount under the Restoration Act, section 6(1)(b)(ii) or any other entitlement under that Act; and
- (c) 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 approval day, been preserved under the articles of the Queensland electricity supply industry employees’ superannuation scheme, section 39(1)(b).

(3) This section is a law to which the *Acts Interpretation Act 1954*, section 20A applies.

(4) This section expires on the approval day.

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.

Electricity Act 1976 references

285A. In an Act or document, a reference to the *Electricity Act 1976* may, if the context permits, be taken to be a reference to this Act.

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.

(4) A reference in any document, including an Act, to the electricity generating board or the State electricity commission is taken, after the commencement, to be a reference to the Queensland electricity commission mentioned in subsection (2).

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.

PART 2—TRANSITIONAL PROVISIONS FOR ELECTRICITY AMENDMENT ACT 1997

Continuation of tariffs

289.(1) The prices for electricity in force at the commencement continue in force until prices are approved by the Minister after the commencement.

(2) This section expires 1 year after the commencement.

Expiry of QGC's generation authorities

290.(1) The following generation authorities (“**old generation authority**”) issued by the regulator to Queensland Generation Corporation expire on a date decided by the Minister—

- (a) the authority dated 18 December 1995 for the Swanbank generation plant;
- (b) the authority 18 December 1995 for the Stanwell generation plant;
- (c) the authority dated 18 December 1995 for the Wivenhoe generation plant;
- (d) the authority dated 18 December 1995 for the Tarong generation plant;

- (e) the authority dated 18 December 1995 and amended on 27 May 1996 for the Callide A and Callide B generation plants;
- (f) the authority dated 18 December 1995 for the Rockhampton generation plant;
- (g) the authority dated 18 December 1995 for the Middle Ridge generation plant;
- (h) the authority dated 18 December 1995 for the Mackay generation plant;
- (i) the authority dated 18 December 1995 for the Kareeya generation plant;
- (j) the authority dated 18 December 1995 for the Barron Gorge generation plant.

(2) Subsection (1) applies despite anything to the contrary in an old generation authority.

(3) A decision under subsection (1)—

- (a) must be notified by the Minister to the regulator and Queensland Generation Corporation; and
- (b) does not give rise to any claim for compensation by Queensland Generation Corporation or anyone else.

(4) This section expires 1 year after the commencement.

Generation authorities for new generation entities

291.(1) As soon as practicable after the commencement of this section, the regulator must issue to each of Queensland Generation Corporation 1, Queensland Generation Corporation 2 and Queensland Generation Corporation 3 (“**generation corporations**”)—

- (a) a generation authority; or
- (b) if separate authorities are to be issued for separate generation plants—a generation authority for each generation plant.

(2) The regulator must issue an authority on the terms approved by the Minister.

(3) Subject to the conditions in subsection (4), until each generation

corporation is issued with an authority, each corporation is authorised to—

- (a) connect the generation plant approved by the Minister to the transmission grid of Queensland Electricity Transmission Corporation; and
- (b) perform other functions approved by the Minister.

(4) An authorisation under subsection (3) is subject to—

- (a) the conditions in sections 27 and 28; and
- (b) the condition that the generation corporation complies with all laws that apply to it; and
- (c) other conditions relating to the connection or operation of the generation corporation's generation plant that may be notified in writing by the Minister to the generation corporation.

(5) This section expires 1 year after the commencement.

Expiry of QETC's transmission authority

292.(1) The transmission authority issued by the regulator to Queensland Electricity Transmission Corporation dated 18 December 1995 (“**old QETC authority**”) expires on a date decided by the Minister.

(2) Subsection (1) applies despite anything to the contrary in the old QETC authority.

(3) A decision under subsection (1)—

- (a) must be notified by the Minister to the regulator and Queensland Electricity Transmission Corporation; and
- (b) does not give rise to any claim for compensation by Queensland Electricity Transmission Corporation or anyone else.

(4) This section expires 1 year after the commencement.

New transmission authority for QETC

293.(1) As soon as practicable after the commencement of this section, the regulator must issue a new transmission authority to Queensland Electricity Transmission Corporation.

(2) The regulator must issue the new transmission authority on the terms approved by the Minister.

(3) Subject to the conditions in subsection (4), until Queensland Electricity Transmission Corporation is issued with a new authority under subsection (1), the corporation is authorised to—

- (a) operate the transmission grid in the area stated in the old QETC authority; and
- (b) perform other functions approved by the Minister.

(4) An authorisation under subsection (3) is subject to—

- (a) the conditions in sections 31, 32, 33, 34, 35 and 36; and
- (b) the condition that Queensland Electricity Transmission Corporation complies with all laws that apply to it; and
- (c) other conditions relating to the operation of the transmission grid that may be notified in writing by the Minister to Queensland Electricity Transmission Corporation.

(5) This section expires 1 year after the commencement.

Expiry of QTSC's supply entity authority

294.(1) The supply entity authority issued by the regulator to Queensland Transmission and Supply Corporation dated 18 December 1995 and amended on 22 April 1996 expires on a date decided by the Minister.

(2) Subsection (1) applies despite anything to the contrary in the supply entity authority.

(3) A decision under subsection (1)—

- (a) must be notified by the Minister to the regulator and Queensland Transmission and Supply Corporation; and
- (b) does not give rise to any claim for compensation by Queensland Transmission and Supply Corporation or anyone else.

(4) This section expires 1 year after the commencement.

Expiry of State authorised supplier authorities

295.(1) The following authorised supplier authorities issued by the Queensland Transmission and Supply Corporation (“**old State authorities**”) expire on a date decided by the Minister—

- (a) the authority issued to South East Queensland Electricity Corporation dated 16 May 1996 and numbered 15/96;
- (b) the authority issued to South West Queensland Electricity Corporation dated 16 May 1996 and numbered 16/96;
- (c) the authority issued to Wide Bay-Burnett Electricity Corporation dated 16 May 1996 and numbered 14/96;
- (d) the authority issued to the Capricornia Electricity Corporation dated 16 May 1996 and numbered 13/96;
- (e) the authority issued to Mackay Electricity Corporation dated 16 May 1996 and numbered 12/96;
- (f) the authority issued to North Queensland Electricity Corporation dated 16 May 1966 and numbered 11/96;
- (g) the authority issued to Far North Queensland Electricity Corporation dated 16 May 1966 and numbered 10/96.

(2) Subsection (1) applies despite anything to the contrary in an old State authority.

(3) A decision under subsection (1)—

- (a) must be notified by the Minister to the regulator, Queensland Transmission and Supply Corporation and the relevant State authorised supplier; and
- (b) does not give rise to any claim for compensation by Queensland Transmission and Supply Corporation, a State authorised supplier or anyone else.

(4) This section expires 1 year after the commencement.

New distribution authorities

296.(1) As soon as practicable after the commencement, the regulator must issue a distribution authority to each of the following corporations

(“distribution corporations”)—

- (a) South East Queensland Electricity Corporation;
- (b) South West Queensland Electricity Corporation;
- (c) Wide Bay-Burnett Electricity Corporation;
- (d) Capricornia Electricity Corporation;
- (e) Mackay Electricity Corporation;
- (f) North Queensland Electricity Corporation;
- (g) Far North Queensland Electricity Corporation.

(2) The regulator must issue a distribution authority on the terms approved by the Minister.

(3) Until each distribution corporation is issued with an authority under subsection (1), each corporation is authorised to—

- (a) operate the supply network within the area stated in the corporation’s old State authority, however, the Minister may by notice to the corporation change the area; and
- (b) perform other functions approved by the Minister.

(4) An authorisation under subsection (3) is subject to—

- (a) the condition that the corporation complies with all laws that apply to it; and
- (b) other conditions relating to the matters mentioned in subsections (3)(a) or (b) that may be notified by the Minister to the corporation.

(5) The Minister may approve a distribution entity’s first standard customer connection contract and if the Minister does so—

- (a) section 40B does not apply to the contract; and
- (b) the contract takes effect on and from the later of—
 - (i) the date specified in the Minister’s approval; or
 - (ii) the date the contract is approved by the Minister.

(6) To remove doubt, it is declared that the contract approved by the

Minister is the contract mentioned in sections 40(4) and 40AA(1)(b).

(7) This section expires 1 year after the commencement.

New retail authorities

297.(1) As soon as practicable after the commencement of this section, the regulator must issue a retail authority to each of the following corporations (“**retail corporations**”)—

- (a) Southern Electricity Retail Corporation;
- (b) Central Electricity Retail Corporation;
- (c) Northern Electricity Retail Corporation.

(2) The regulator must issue a retail authority on the terms approved by the Minister.

(3) Until each retail corporation is issued with an authority under subsection (1), each corporation is authorised—

- (a) in relation to customers with electrical installations or premises within the area approved by the Minister—
 - (i) to sell electricity to customers for their electrical installations or premises; and
 - (ii) to arrange for—
 - (A) customers’ electrical installations or premises to be connected to a supply network to allow the supply of electricity from the supply network to customers’ electrical installations or premises; and
 - (B) the supply of electricity from the supply network to customers’ electrical installations or premises; and
- (b) in relation to customers outside the area approved by the Minister—to act in accordance with section 55C; and
- (c) to perform other functions approved by the Minister.

(4) An authorisation under subsection (3) is subject to—

- (a) the condition that the corporation complies with all laws that apply to it; and

- (b) other conditions relating to the matters mentioned in subsection (3)(a), (b) or (c) that may be notified in writing by the Minister to the corporation.

(5) The Minister may approve a retail entity's first standard customer sale contract and if the Minister does so—

- (a) section 51 does not apply to the contract; and
- (b) the contract takes effect on and from the later of—
 - (i) the date specified in the Minister's approval; or
 - (ii) the date the contract is approved by the Minister.

(6) To remove doubt, it is declared that the contract approved by the Minister is the contract mentioned in sections 40AA(1)(a) and 49(3).

(7) This section expires 1 year after the commencement.

Dispensing with formal requirements for the issue of interim authorities

298.(1) The Minister may dispense with the requirements of chapter 9 that the Minister considers appropriate for the issue of the interim authorities under sections 291, 293, 296 and 297.

(2) This section expires 1 year after the commencement.

Directions to State electricity entities

299.(1) A State electricity entity must comply with a direction given to it by the Ministers.

(2) A direction must be in writing and signed by the Ministers.

(3) The Ministers may only give a direction if they are satisfied that it is necessary or convenient to assist or give effect to the restructuring of the Queensland electricity supply industry or reforms proposed for the Queensland electricity supply industry.

(4) The board of a State electricity entity must implement a direction given under subsection (1) but an act or decision of the board is not invalid merely because of a failure to comply with the direction.

(5) A regulation may declare the following entities that are not State electricity entities, to be a State electricity entity for this section—

- (a) a GOC;
- (b) a subsidiary of a GOC;
- (c) a government company;

as long as the business, or part of the business, of the relevant entity was, at some time carried on, in whole or in part, by a business unit, division or branch of a State electricity entity or State electricity entities.

(6) In this section—

“**Ministers**” means the Minister who administers this Act and the Minister who administers the *Government Owned Corporations Act 1993*.

Minister may give exemptions from holding a retail authority

300.(1) The Minister may exempt a person or class of person from the requirement to hold a retail authority.

(2) The exemption may be given on conditions.

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

(4) This section expires 1 year after the commencement.

Minister’s powers about pricing

301.(1) In this section, examples of “**fixing**” include—

- (a) setting a mechanism for deciding prices; or
- (b) setting maximum prices; or
- (c) setting a mechanism for deciding maximum prices; or
- (d) providing for another person to decide prices or maximum prices;
or
- (e) any combination of the above.

(2) Despite section 93 and without limiting section 299, the Minister may, by written notice to a State electricity entity, fix the prices the entity

must charge for—

- (a) electricity that it sells; or
- (b) any services that it provides.

(3) If the Minister fixes a price a State electricity entity must charge for electricity or services, the entity must not charge a different price.

(4) A State electricity entity does not discriminate merely because it charges a price fixed by the Minister.

(5) A regulation may declare the following entities that are not State electricity entities, to be a State electricity entity for this section—

- (a) a GOC;
- (b) a subsidiary of a GOC;
- (c) a government company;

as long as the business, or part of the business, of the relevant entity was, at some time carried on, in whole or in part, by a business unit, division or branch of a State electricity entity or State electricity entities.

(6) This section expires 1 year after the commencement.

QTSC State electricity entity for limited purposes

302.(1) Queensland Transmission and Supply Corporation is taken to be a State electricity entity for the purposes only of—

- (a) the arrangements under the *Gladstone Power Station Agreement 1993* and the State agreement under that Act; and
- (b) sections 255, 256, 262, 299 and 301.

(2) This section expires 1 year after the commencement.

Transitional regulations

303.(1) A regulation may make provision for any matter for which this Act does not make provision or sufficient provision and for which—

- (a) it is necessary or convenient to assist or give effect to the restructuring of the Queensland electricity supply industry or reforms proposed for the Queensland electricity supply industry;

or

- (b) it is necessary to provide for the preservation, continuation, termination of any authority or special approval issued under this Act including without limitation any licence or approval that has been preserved or continued by this Act; or
- (c) it is necessary or convenient to assist in giving effect to sections 289 to 302; or
- (d) it is necessary to provide for the preservation of any accrued rights existing before the commencement in relation to the supply of electricity.

(2) A regulation under subsection (1) may be given retrospective operation to a date not earlier than the commencement of this section.

(3) This section and any regulation made under it expires 1 year after this section commences.

SCHEDULE 1**APPEALS AGAINST ADMINISTRATIVE DECISIONS**

sections 214(1) and 219

Section	Description of decision	Court
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 distribution authority sought by applicant	Supreme
202	Refusal to agree to surrender of distribution authority	Supreme
42(a)(iv)	Stating of conditions in distribution authority	Supreme
205(1)	Refusal to issue retail authority sought by applicant	Supreme
207C	Refusal to agree to surrender of retail authority	Supreme
55D(e)	Stating of conditions in retail entity authority	Supreme

 SCHEDULE 1 (continued)

210(1)	Refusal to give special approval sought by applicant	District
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

SCHEDULE 1 (continued)

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
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 and sale

1. Conditions of supply and sale, 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 or in relation to 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)—

SCHEDULE 2 (continued)

- (a) network services;
- (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.

SCHEDULE 2 (continued)

Generation, transmission and supply

3. Generation, transmission or supply of electricity, including, for 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;

SCHEDULE 2 (continued)

- (k) entitlements and conditions of employment of employees of 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 5

DICTIONARY

section 4

“affected land”, for chapter 4, part 4, division 4A, see section 111A.

“ancillary services” see section 11.

“approval day” see section 280(1).

“approved industry superannuation scheme” see section 261.

“authorised person” means a person who is appointed under this Act as an authorised person.

“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).

“customer connection contract” means the contract under which a distribution entity agrees to provide the services mentioned in section 40(1) for a customer’s electrical installation or premises.

“customer sale contract” means the contract under which a retail entity agrees to provide the services mentioned in section 49(1) for a customer’s electrical installation or premises.

“defaulting entity” see section 130(1)(a).

“distribution area” see section 39.

“distribution authority” see section 38.

SCHEDULE 5 (continued)

“**distribution entity**” see section 37.

“**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).

“**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 company**” has the meaning given to it in 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.

SCHEDULE 5 (continued)

“LGPE Act”, for chapter 4, part 4, division 4A, see section 111A.

“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).

“negotiated customer connection contract” means a contract entered into under section 40C in relation to a customer’s electrical installation or premises, including any amendments of the contract.

“negotiated customer sale contract” means a contract entered into under section 52 in relation to a customer’s electrical installation or premises, including any amendments of the contract.

“network control” see section 9.

“network services” see section 10.

“non-contestable customer” see section 23(3).

“occupier” of a place includes, in chapter 7 (Authorised persons’ powers), a person who reasonably appears to be the occupier, or in charge, of the place.

“on” a road, railway land or other place includes in, under or over.

“operating works” see section 12(3).

“permissible use”, for chapter 4, part 4, division 4A, see section 111A.

“place” includes premises and a place on or in waters or on land, but does not include a boat or other vehicle.

“planning instrument”, for chapter 4, part 4, division 4A, see section 111A.

“planning scheme”, for chapter 4, part 4, division 4A, see section 111A.

“planning scheme maps”, for chapter 4, part 4, division 4A, see section 111A.

“power system” see section 7.

SCHEDULE 5 (continued)

“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.

“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.

“relevant planning scheme”, for chapter 4, part 4, division 4A, see section 111A.

SCHEDULE 5 (continued)

“repealed Act” in chapter 14, see section 269.

“retail area” see section 48.

“retail authority” see section 47.

“retail entity” see section 46.

“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.

“standard customer connection contract” means, for a distribution entity, the standard customer connection contract prepared by the distribution entity under section 40A, including any amendments of the contract.

“standard customer sale contract” means, for a retail entity, the standard customer sale contract prepared by the retail entity under section 50, including any amendments of the contract.

“state” includes describe.

“State electricity entity” means an electricity entity that is a GOC, a GOC subsidiary or a government company.

“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).

SCHEDULE 5 (continued)

“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.

“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
- (c) with gross negligence.

“works” see section 12(1).

ENDNOTES

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 25 July 1997. Future amendments of the Electricity Act 1994 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

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

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes an arabic letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	none	13 January 1995
2	to Act No. 57 of 1995	1 February 1996
2A	to Act No. 28 of 1996	28 August 1996

5 Tables in earlier reprints

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Name of table	Reprint No.
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6 List of legislation

Electricity Act 1994 No. 64

date of assent 1 December 1994

ss 1–2, 287 commenced on date of assent (see s 2(2))

remaining provisions commenced 1 January 1995 (1994 SL No. 467)

Note— The approval day is defined in s 280(1)

as amended by—

Statutory Authorities Superannuation Legislation Amendment Act 1995 No. 36 pts 1–2

date of assent 16 June 1995

ss 1–2 commenced on date of assent

remaining provisions commenced 1 December 1994 (see s 2)

Statute Law Revision Act 1995 No. 57 ss 1–2, 4 sch 1

date of assent 28 November 1995

commenced on date of assent

Electricity Amendment Act 1996 No. 28

date of assent 15 August 1996

commenced on date of assent

Statutory Bodies Financial Arrangements Amendment Act 1996 No. 54 ss 1–2, 9 sch

date of assent 20 November 1996

ss 1–2 commenced on date of assent

remaining provisions commenced 1 June 1997 (1997 SL No. 128)

Electricity Amendment Act 1997 No. 26

date of assent 22 May 1997

ss 1–2 commenced on date of assent

s 53 (other than for inserted ss 289–298, 300–303) commenced 26 June 1997 (1997 SL No. 177)

remaining provisions commenced 1 July 1997 (1997 SL No. 177)

7 List of annotations**Commencement**

s 2 om R2 (see RA s 37)

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s 7 amd 1997 No. 26 s 4

Network services

s 10 amd 1997 No. 26 s 5

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s 22 amd 1997 No. 26 s 8

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s 23 amd 1997 No. 26 s 9(2)

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s 41 sub 1997 No. 26 s 15

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