



# **Electricity Act 1994**

**Current as at 1 July 2014**

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Queensland

# Electricity Act 1994

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# Electricity Act 1994

[as amended by all amendments that commenced on or before 1 July 2014]

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

## Chapter 1 Preliminary

### Part 1 Introductory provisions

#### 1 Short title

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

### Part 2 Objects of Act

#### 3 Objects of Act

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) establish a competitive electricity market in line with the national electricity industry reform process; and
- (d) ensure that the interests of customers are protected; and

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- (e) take into account national competition policy requirements.

## Part 3 Dictionary

### 4 Definitions—the dictionary

The dictionary in schedule 5 defines particular words used in this Act.

## Part 4 Some basic concepts of electricity industry operations

### 5 Electricity

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

### 6 Transmission grid

- (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.

### 7 Regional system control

For the Queensland system, *regional system control* is—



- (a) maintaining the operation and performance of the transmission grid; and
- (b) controlling switching of transmission elements and access to them for maintenance, inspection and testing; and
- (c) controlling switching of parts of the supply network relevant to the integrity of the Queensland system; and
- (d) carrying out other functions prescribed by regulation.

## 8 Supply network

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.

## 9 Network control

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.

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## 10 Network services

*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

## 11 Ancillary services

*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

## 12 Works, substations and operating works

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

*Example of works—*

electric lines and associated equipment, apparatus, electrical equipment, buildings, control cables, engines, fittings, lamps, machinery, meters,

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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

### 13 Meaning of **electrical equipment**

- (1) **Electrical equipment** is any apparatus, appliance, cable, conductor, fitting, insulator, material, meter or wire—
  - (a) used for controlling, generating, supplying, transforming or transmitting electricity at a voltage greater than extra low voltage; or
  - (b) operated by electricity at a voltage greater than extra low voltage; or
  - (c) that is, or that forms part of, a cathodic protection system.
- (2) However, **electrical equipment** does not include any apparatus, appliance, cable, conductor, fitting, insulator, material, meter or wire forming part of a vehicle if—

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- (a) it forms part of a unit of the vehicle that provides propulsion for the vehicle; or
- (b) its source of electricity is a unit of the vehicle that provides propulsion for the vehicle.

*Examples of things that, under subsection (2), are not electrical equipment—*

- the headlights of a vehicle
- ignition spark plugs of a motor vehicle
- the interior lighting system of a vehicle, if powered from a battery charged by the engine that drives the vehicle or by the vehicle's movement

*Examples of things that are not prevented by subsection (2) from being electrical equipment—*

- interior lighting or a socket outlet in a caravan, if the lighting or outlet is operated by a low voltage generating set or connected to low voltage supply
- a refrigeration unit in a food delivery vehicle operating at low voltage from a source separate from the propulsion unit for the vehicle

## 14 Meaning of *electrical installation*

- (1) An *electrical installation* is a group of items of electrical equipment.
- (2) However, a group of items of electrical equipment is an electrical installation only if—
  - (a) all the items are permanently electrically connected together; and
  - (b) the items do not include items that are works; and
  - (c) electricity can be supplied to the group from works or from a generating source.
- (3) An item of electrical equipment can be part of more than 1 electrical installation.

- 
- (4) For subsection (2)(a)—
- (a) an item of electrical equipment connected to electricity by a plug and socket outlet is not permanently electrically connected; and
  - (b) connection achieved through using works must not be taken into consideration for deciding whether items of electrical equipment are electrically connected.

*Examples of an electrical installation under this section—*

- the switchboard, wiring, lighting, socket outlets and other electrical equipment permanently connected for a shop in a shopping centre
- the switchboard, wiring, lighting, socket outlets and other electrical equipment permanently connected for a house or residential unit
- the switchboard, wiring, lighting, socket outlets and other electrical equipment permanently connected for a shopping centre. The electrical installation for the shopping centre generally includes the electrical installations for the individual shops
- the switchboard, wiring, lighting, socket outlets and other electrical equipment permanently connected for a residential unit complex. The electrical installation for the residential unit complex generally includes the electrical installations for the individual residential units
- the switchboard, wiring, lighting, socket outlets and other electrical equipment permanently connected within a caravan

## 15 Meaning of *electric line*

- (1) An *electric line* is a wire or conductor or associated equipment used for transmitting, transforming, or supplying electricity at a voltage greater than extra low voltage.
- (2) However, an *electric line* does not include—
  - (a) a wire or conductor directly used in converting electricity into another form of energy; or
  - (b) a wire or conductor within the internal structure of a building.

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*Examples of things that are not electric lines—*

- a cord for connecting an air-conditioning unit, computer, lamp, television or toaster to a supply of electricity
- a power or lighting circuit within a building

## 16 Meaning of **associated equipment** for electric line

**Associated equipment**, for an electric line, means something ordinarily found in association with the electric line, especially for the purpose of protecting, insulating or supporting, or supporting the operation of, the electric line.

*Examples of associated equipment—*

- a bracket, casing, coating, covering, duct, frame, insulator, pillar, pipe, pole, tower or tube enclosing, surrounding or supporting a wire or conductor
- an air break, circuit breaker, switch, transformer or other apparatus connected to a wire or conductor

## 16A Meaning of **meter**

A **meter** is a device, including any associated equipment, used for measuring electricity.

## 17 Voltage

- (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.

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## Part 5 Operation of Act

### 18 Application of Act to government entities

(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 electricity restriction and rationing; or
- (d) in relation to sections 287 and 287A.

### 18A Declaration for Commonwealth Act

The following are declared not to be personal property under the *Personal Property Securities Act 2009* (Cwlth)—

- (a) a distribution authority;
- (b) a generation authority;
- (c) a retail authority;
- (d) a special approval;
- (e) a transmission authority.

### 19 Act subject to certain laws

- (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.

*Note—*

The *Wet Tropics World Heritage Protection and Management Act 1993*, section 56 prohibits certain acts (for example, destruction of forest products) without an appropriate authority.

## **Part 6 Exemptions from Act**

### **Division 1 On-suppliers**

#### **Subdivision 1 Preliminary**

##### **20 Definitions for div 1**

In this division—

***accounting period***, for an on-supply agreement, means a period of 1 year beginning on a day fixed by the on-supplier.

***common area***, of an on-supplier's premises, means a part of the premises that the on-supplier and each lessee or other person the on-supplier has given a right to use the premises have agreed is a common area of the premises.

*Examples of a part of an on-supplier's premises that may be a common area—*

- community, entertainment, information and leisure facilities in a caravan park
- elevators, escalators and stairways
- fountains and gardens
- malls and walkways
- parking areas
- rest rooms and toilets



***common area consumption***, for an on-supplier's premises, means the whole or part of the electricity consumed in a common area of the on-supplier's premises.

***first accounting period***, for an on-supply agreement, means the accounting period in which the agreement is made, or proposed to be made.

***on-supplier*** means a person who—

- (a) is the owner or occupier of premises or has the right to use premises; and
- (b) supplies, or supplies and sells, electricity for use in the premises.

*Examples of persons under paragraph (a)—*

- an owner, occupier or a person who has a right to use a caravan park, exhibition centre, hostel, hotel, industrial park, lodging house, marina, market arcade, motel or shopping centre
- a relevant body corporate

***on-supplier's premises***, for a person who is an on-supplier, means the premises for which the person is an on-supplier.

***on-supply agreement*** means an agreement made under section 20B.

***receiver*** means a person who owns, occupies or has the right to use premises and to whom electricity is supplied, or supplied and sold, by an on-supplier for the premises.

## **Subdivision 2 Exemptions**

### **20A Exemptions for on-suppliers**

If an on-supplier complies with subdivisions 3 to 7, the on-supplier is exempted from sections 88A and 89.

### **Subdivision 3      On-supply agreements**

#### **20B      On-supply agreement**

- (1) An on-supplier and a receiver may agree about how—
  - (a) the on-supplier is to supply electricity to the receiver; or
  - (b) the on-supplier may charge the receiver for common area consumption for the on-supplier's premises.
- (2) The agreement may state a charge or no charge for the supply or common area consumption.
- (3) The agreement may be—
  - (a) written or oral; or
  - (b) made in any way permitted by law; or
  - (c) incorporated in a lease or other agreement between the on-supplier and the receiver.

#### **20C      Act prevails over on-supply agreement**

If there is an inconsistency between an on-supply agreement and this Act, this Act prevails to the extent of the inconsistency.

### **Subdivision 4      Preliminary disclosure requirements about common area charges**

#### **20D      Application of sdiv 4**

This subdivision applies if—

- (a) a person (the *prospective on-supplier*) proposes to enter into an on-supply agreement as an on-supplier; and

- (b) under the agreement, the on-supplier will charge another person (the *prospective receiver*) for common area consumption for the on-supplier's premises.

## **20E Preliminary consumption estimate**

- (1) The prospective on-supplier must, within a reasonable period before making the on-supply agreement, give the prospective receiver—
  - (a) written notice of the accounting period that is to apply to the on-supply agreement; and
  - (b) an estimate of the common area consumption for the first accounting period for the agreement.
- (2) In deciding what is a reasonable period for subsection (1), regard must be had to whether the period is enough to allow the prospective receiver to estimate his or her liability for the common area consumption for the first accounting period for the agreement.

## **20F Required contents for on-supply agreement**

- (1) The prospective on-supplier must not enter into the on-supply agreement unless it provides for—
  - (a) how the common area consumption is to be worked out; and
  - (b) if the receiver is only required to pay part of the common area consumption—how that part is to be worked out.
- (2) Subject to section 20G, failure to comply with subsection (1) does not invalidate the agreement.

## **20G Consequence of not complying with sdiv 4**

- (1) This section applies if the prospective on-supplier—

[s 20H]

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- (a) does not comply with section 20E(1) before entering into the on-supply agreement; or
  - (b) enters into an on-supply agreement in contravention of section 20F.
- (2) The receiver under the agreement may, by written notice to the on-supplier, terminate any liability that the receiver would, other than for this section, have had for common area consumption to which the agreement applies.
  - (3) However, the notice may be given only within 2 months after the agreement is made.
  - (4) A termination under this section ends any liability for common area consumption accrued or incurred under the agreement or otherwise at any time before or after the termination.
  - (5) To remove any doubt, it is declared that a termination under this section does not, of itself, affect any other liability of the receiver to the on-supplier under the agreement or another agreement.
  - (6) This section does not limit section 20A.

## **Subdivision 5      Individual metering**

### **20H      Individual metering option**

- (1) This section applies if an on-supply agreement for the supply and sale of electricity between an on-supplier and a receiver is in force.
- (2) The receiver may, at any time—
  - (a) elect, by written notice to the on-supplier, to be charged on the basis of the receiver's consumption of electricity supplied from the on-supplier, as measured by a meter; and
  - (b) install the meter, at the receiver's expense.

- (3) However, the election has effect only if the installation is done in a way—
  - (a) that complies with any reasonable written directions the on-supplier gives the receiver within 5 business days after the giving of the notice; or
  - (b) if no written directions are given within the 5 business days—that is reasonable.
- (4) In deciding what is reasonable for subsection (3), regard must be had to the interests of the on-supplier and anyone who is an occupier of the on-supplier's premises.

## **20I Compensation for installation damage**

- (1) This section applies if—
  - (a) a receiver has, under section 20H, given an on-supplier a written notice of election; and
  - (b) the receiver installs a meter for electricity supplied from the on-supplier to the receiver; and
  - (c) either—
    - (i) no written direction was given by the on-supplier under section 20H; or
    - (ii) the installation was done in a way that does not comply with the on-supplier's reasonable written directions under that section; or
    - (iii) the installation was not done in a way that is reasonable; and
  - (d) a person as follows (the *claimant*) suffers damage to property because of the installation—
    - (i) the on-supplier;
    - (ii) anyone who is an occupier of the on-supplier's premises.
- (2) Compensation for the damage is payable by the receiver to the claimant.

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- (3) The compensation may be claimed and recovered in a proceeding brought in a court of competent jurisdiction.
- (4) A court may order payment of the compensation only if it is just to make the order in the circumstances of the particular case.
- (5) In making the order the court must have regard to—
  - (a) whether it was reasonable for the claimant to give the receiver an opportunity to fix the damage; and
  - (b) if paragraph (a) applies—whether the receiver was given a reasonable period to fix the damage.
- (6) This section does not limit a civil right or remedy that exists apart from this section, whether at common law or otherwise.

## **20J Maximum charge for metered supply**

- (1) This section applies if electricity supplied and sold by an on-supplier to a receiver is charged on the basis of the receiver's electricity consumption as measured by a meter.
- (2) However, this section does not apply to electricity that is common area consumption for the on-supplier's premises.
- (3) If there is a relevant retail entity for the supply, the rate of the charge must not be more than the lowest rate that the receiver would have paid for the consumption had the receiver been a non-market customer of the entity.
- (4) If there is no relevant retail entity for the supply, the rate of charge must not be more than the lowest rate that the receiver would have paid for the consumption had the receiver been a non-market customer of the retail entity that sells electricity to the on-supplier.
- (5) In working out the lowest rate for subsections (3) and (4), any cost of connecting the receiver's premises to a supply network to allow the supply of electricity from the network to the premises must be disregarded.

- (6) The on-supplier can not recover an amount for the consumption to the extent the amount has been worked out at a rate that is more than the lowest rate allowed under subsection (3) or (4).
- (7) In this section—  
*relevant retail entity*, for the supply, means a retail entity whose retail authority states an area in which the receiver's premises are located.

## **Subdivision 6      Disclosure requirements for common area consumption charges**

### **20K      Application of sdiv 6**

This subdivision applies if, under an on-supply agreement, the on-supplier may charge for common area consumption.

### **20L      Periodic consumption estimates**

- (1) The on-supplier must, for each accounting period after the first accounting period for the agreement, give the receiver an estimate of the common area consumption for the on-supplier's premises during the accounting period.
- (2) An estimate for an accounting period must be given at least 1 month before the accounting period begins.

### **20M      Audited statements**

- (1) The on-supplier must, for each accounting period, give the receiver audited statements of the common area consumption.
- (2) A statement for an accounting period must—
  - (a) comply with section 20N; and
  - (b) be given within 3 months after the accounting period ends.

## **20N Content requirements for audited statement**

Each audited statement under section 20M must—

- (a) comply with the standards in the statements of accounting and auditing standards made by CPA Australia and the Institute of Chartered Accountants in Australia; and
- (b) be prepared by a person (the *auditor*) who is—
  - (i) registered, or taken to be registered, as an auditor under the Corporations Act; or
  - (ii) a member of, and holds a practising certificate from CPA Australia, The Institute of Chartered Accountants in Australia or the Institute of Public Accountants; and
- (c) contain the auditor's opinion about whether the statement presents fairly the on-supplier's charges for the common area consumption during the period to which it relates, in accordance with the on-supplier's financial records; and
- (d) compare each relevant estimate given under this division with the amount actually spent by the on-supplier on the common area consumption during the period; and
- (e) compare the total amount actually spent by the on-supplier on common area consumption during the period with the amount actually paid for the period by anyone for the on-supplier's premises.

## **Subdivision 7 On-suppliers who operate a private network**

### **200 National Electricity Rules exemption required**

An on-supplier must be exempt from the requirement under the National Electricity Rules, clause 2.5, to be registered as a network service provider if the on-supplier—



- (a) operates a supply network located solely within the on-supplier's premises; and
- (b) supplies, or supplies and sells, electricity using the network.

## **Division 2                    Other exemptions**

### **20P    Exemption for connection of generating plant not supplying electricity to transmission grid or supply network**

Section 87 does not apply to the connection of a stand-by generating plant to a transmission grid or supply network if—

- (a) the connection is only when the operation of the plant is tested; and
- (b) electricity is not supplied by the plant into the grid or network.

### **20Q    Exemptions for rail government entities, railway managers and their related bodies corporate**

- (1) A rail government entity is exempted from sections 88A and 89 in relation to the supply and sale of electricity to Airtrain Citylink Limited ACN 066 543 315 for electricity used—
  - (a) in connection with the building or use of electrical installations and other works by Airtrain Citylink Limited, as part of a system of electric traction or for signalling purposes, on the Brisbane Airport Rail Link; or
  - (b) for powering electric rolling stock and railway signals on the Brisbane Airport Rail Link.
- (2) The railway manager that operates the nominated network and related bodies corporate of that railway manager are exempted from sections 88A and 89 in relation to the supply and sale of

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electricity to a third party access holder for electricity used by the third party access holder—

- (a) in connection with the building or use of electrical installations and other works, as part of a system of electric traction or for signalling purposes, on the nominated network or connected to the nominated network; or
  - (b) for powering electric rolling stock and railway signals on the nominated network or rail transport infrastructure owned by the third party access holder and connected to the network.
- (3) Subsection (4) applies if electricity is—
- (a) supplied or sold—
    - (i) by a rail government entity to a relevant railway manager; or
    - (ii) by a relevant railway manager to a rail government entity; and
  - (b) used—
    - (i) in connection with the building or use of electrical installations and other works, as part of a system of electric traction or for signalling purposes, on rail transport infrastructure or connected to the rail transport infrastructure; or
    - (ii) for powering electric rolling stock and railway signals on rail transport infrastructure.
- (4) Each of the following is exempted from sections 88A and 89 in relation to the supply and sale of the electricity—
- (a) the rail government entity mentioned in subsection (3)(a)(i);
  - (b) the relevant railway manager mentioned in subsection (3)(a)(ii).
- (5) In this section—

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***Airtrain Citylink Limited*** includes its successors and assigns.

***Brisbane Airport Rail Link*** means the proposed railway shown on CMPS&F Pty Limited drawing no. RQ0159-C029(F)—

- (a) starting at a point 0.313km from the north coast rail line (defined on the drawing as the ***ownership transfer point***); and
- (b) finishing at the domestic terminal of Brisbane Airport.

*Editor's note—*

A copy of the drawing is available for inspection at the offices of the Department of Transport and Main Roads, Level 12, Capital Hill Building, 85 George Street, Brisbane.

***rail government entity*** see the *Transport Infrastructure Act 1994*, schedule 6.

***railway manager*** see the *Transport Infrastructure Act 1994*, schedule 6.

***related body corporate*** has the meaning given in the Corporations Act.

***relevant railway manager***, in relation to a rail government entity, means—

- (a) a railway manager that operates rail transport infrastructure that is directly connected to rail transport infrastructure operated by the rail government entity; or
- (b) a related body corporate of a railway manager mentioned in paragraph (a).

*Note—*

A relevant railway manager may be a rail government entity.

***third party access holder*** means a person who, under an arrangement with a railway manager or a related body corporate of the railway manager, is entitled to access and use a nominated part of its rail transport infrastructure (the ***nominated network***).

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## **20QA Exemptions for light rail franchisee and light rail manager**

- (1) A light rail franchisee for a light rail franchise agreement, or a light rail manager for a light rail, is exempted from section 88A in relation to the supply of electricity used—
  - (a) in connection with the building or use of electrical installations and other works required under a light rail franchise agreement; or
  - (b) for powering rolling stock and railway signals for a light rail.
- (2) In this section—

*light rail franchisee* means a franchisee for a light rail franchise agreement under the *Transport Infrastructure Act 1994*, schedule 6.

## **20R Regulation may exempt person or thing from Act**

- (1) If the Governor in Council considers it necessary because of an emergency or other extraordinary circumstances, a regulation may—
  - (a) exempt a person or thing from this Act or a provision of this Act; and
  - (b) impose conditions on the exemption; and
  - (c) provide that the exemption ceases or continues if a condition of the exemption is contravened.
- (2) The regulation expires 6 months after it commences, unless it is earlier repealed.
- (3) A person must not contravene a condition of an exemption applying to the person.

Maximum penalty for subsection (3)—50 penalty units.

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## Chapter 2      The electricity industry

### Part 1              Electricity industry and entities

#### 21      Electricity industry

The *electricity industry* is the industry involved in generating, transmitting, supplying and selling electricity in the State.

#### 22      Electricity entities

- (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

#### 23      Customers and their types

- (1) A *customer* is a person, including a relevant body corporate, who receives, or wants to receive, a supply of electricity for premises from an electricity entity or special approval holder.
- (2) However, a receiver is only a customer if the receiver's premises has an electrical installation that, to the reasonable satisfaction of the distribution entity whose distribution area

includes the premises, is capable of receiving supply directly from a distribution entity's supply network.

- (3) A ***small customer***, for premises, is a customer prescribed under a regulation to be a small customer for the premises.
- (4) A regulation made under subsection (3) may prescribe who is a small customer for premises only by reference to a stated consumption threshold.
- (5) A ***large customer***, for premises, is a customer other than a small customer for the premises.
- (6) An ***excluded customer*** is a small customer whose premises are connected, or to be connected, to a distribution entity's supply network that is not connected to the national grid.
- (7) A ***market customer***, for premises, is a customer prescribed under a regulation to be a market customer for the premises.
- (8) A ***non-market customer***, for premises, is a customer other than a market customer for the premises.
- (9) A ***large market customer***, for premises, is a large customer for the premises who is also a market customer for the premises.
- (10) A ***large non-market customer***, for premises, is a large customer for the premises who is also a non-market customer for the premises.
- (11) A ***street lighting customer***, for premises, is a customer for the premises in the following circumstances—
  - (a) the premises are street lighting;
  - (b) the customer is the State or a local government.
- (12) In this section—

***street lighting*** includes a system of street lighting.

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

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**

**25 Generation entities**

A *generation entity* is a person who holds a generation authority.

**26 Generation authorities**

- (1) A *generation authority* authorises its holder—
- (a) to connect the generating plant stated in the authority to the transmission grid or supply network stated in the authority; and
  - (b) to sell electricity—
    - (i) if stated in the authority or otherwise authorised under this Act—through the spot market in accordance with the National Electricity Rules; or
    - (ii) as stated in the authority or otherwise authorised under this Act.
- (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.

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## **27 Conditions of generation authority**

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) if the entity is a Registered participant—the National Electricity Rules; and
  - (iii) if the entity is connected to the Queensland system—the National Electricity (Queensland) Law, the National Electricity Rules and directions given to it under this Act, the National Electricity (Queensland) Law or the National Electricity Rules; and
  - (iv) conditions imposed under the regulations; and
  - (v) the condition stated in section 28; and
  - (vi) 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.

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

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 this Act.



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## Part 4                      **Transmission entities and their authorities**

### **29            Transmission entities**

A *transmission entity* is a person who holds a transmission authority.

### **30            Transmission authorities**

- (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.

### **31            Conditions of transmission authority**

- (1) 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) if the entity is a Registered participant—the National Electricity (Queensland) Law, the National Electricity Rules and directions given to it under this Act, the National Electricity (Queensland) Law or the National Electricity Rules; and

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- (iii) the conditions stated in sections 32, 33, 34, 35 and 36; 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;
  - (d) if the transmission entity is a regulated transmission system operator—the entity must also pay an annual fee that is a proportion of the cost of the State’s funding commitments to national energy market regulation.
- (2) The fee mentioned in subsection (1)(d) for a transmission entity is calculated based on the length of the electric lines making up the transmission grid operated by the entity.
  - (3) In this section—

*AEMC* has the meaning given in the National Electricity (Queensland) Law.

*national energy market regulation* means the functions and powers of the AEMC under the National Electricity (Queensland) Law, section 29.

*regulated transmission system operator* has the meaning given in the National Electricity (Queensland) Law.

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

- (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

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from the grid, on fair and reasonable 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.

### **33 Additional condition not to buy and sell electricity**

- (1) It is also a condition of a transmission authority held by a transmission entity that operates a regulated transmission grid that the transmission entity must not buy or sell electricity directly or indirectly.
- (2) Subsection (1) does not apply to generating, buying or selling electricity—
- (a) necessary to operate the transmission entity's transmission grid or for a purpose associated with the planning, design, construction, maintenance or operation of the transmission grid; or
  - (b) for the entity's administrative purposes.

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(3) In this section—

*regulated transmission grid* means a transmission grid that is subject to the regulatory arrangements for transmission service pricing under the National Electricity Rules, chapter 6.

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

(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.

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

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

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

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 this Act.

**36A Responsibility for regional system control**

- (1) A transmission entity is responsible for regional system control of its transmission grid.
- (2) However, a transmission entity is subject to directions given to it under the National Electricity (Queensland) Law or the National Electricity Rules.

## **Part 5 Distribution entities and their authorities**

### **Division 1 Preliminary**

**37 Distribution entities**

A *distribution entity* is a person who holds a distribution authority.

**38 Distribution authorities**

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

**39 Distribution area of distribution entity**

A distribution entity's *distribution area* is the area stated in its authority as its distribution area.

## **Division 2                      Applying for and obtaining customer connection services**

### **40            Applying for customer connection services**

- (1) A customer who owns or occupies premises may make an application (a *connection services application*) to a distribution entity for the provision of customer connection services to the premises if—
  - (a) the premises are within the entity’s distribution area; and
  - (b) if the customer is not an excluded customer—the premises are NMI premises.
- (2) The application may be made by a retail entity for the customer.
- (3) A connection services application must be made in the way, and give the information, reasonably required, by the distribution entity.
- (4) For subsection (3), a requirement that the application can only be made for the customer by a retail entity is taken to be reasonable.

### **40A          When distribution entity must provide the services**

- (1) This section applies if a customer makes a connection services application for premises.
- (2) The distribution entity to whom the application is made must provide the customer connection services applied for to the premises.
- (3) The obligation is the *connection obligation*.
- (4) The connection obligation is subject to sections 40C and 40D.
- (5) However, the sections do not prevent the distribution entity from lawfully providing the services even though it is not obliged to do so.

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#### **40B Information notice for refusal of services**

- (1) This section applies if—
  - (a) a customer makes a connection services application; and
  - (b) the distribution entity to whom the application is made decides the connection obligation does not apply for the services applied for.
- (2) The entity must as soon as practicable after, but within 1 month of, receiving the application give the customer an information notice about the decision.

#### **40C Things to which connection obligation is subject**

The connection obligation is subject to—

- (a) the other provisions of this part; and
- (b) any authorisation under section 130 for the taking over of the distribution entity's operations; and
- (c) the retailer of last resort scheme; and
- (d) any relevant electricity restriction regulation or emergency rationing order; and
- (e) the conditions of the distribution entity's distribution authority.

#### **40D When connection obligation does not apply**

- (1) The connection obligation does not apply to a distribution entity in relation to a customer if—
  - (a) the customer's connection services application is for supply at a rate more than the maximum capacity of the connection to the entity's supply network; or
  - (b) the customer does not comply with a requirement of the entity to give any of the following—
    - (i) a reasonable advance payment for customer connection services;

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- (ii) a reasonable security or agreement for security for performing the customer's obligations to the entity;
    - (iii) a capital contribution towards the entity's costs incurred, or to be incurred, in extending or increasing the capacity of its supply network to provide the services; or
  - (c) after disconnecting supply under this Act or a connection contract, the entity is not reasonably satisfied the matter that caused the disconnection has been remedied, rectified or fixed; or
  - (d) for supply to premises for which there is an existing agreement with the entity for supply of electricity—
    - (i) the applicant does not agree on similar terms to those that apply for balance of the term of the existing agreement; and
    - (ii) the entity does not otherwise agree; or
  - (e) the customer does not provide and maintain space, equipment, access, facilities or anything else the customer must provide for the services, under this Act or a connection contract; or
- Examples of anything else—*
- meters, substations, connection of service lines
- (f) the customer is not a party to a retail contract with a retail entity under which the retail entity provides customer retail services to the customer's premises; or
  - (g) a regulation provides the obligation does not apply.
- (2) Subsection (1)(b)(iii) does not apply if the customer pays or agrees to pay an amount to the distribution entity for works necessary to increase the maximum capacity to supply the customer at the rate the customer has applied for.
- (3) The distribution entity must give the customer a reasonable opportunity to pay an amount mentioned in subsection (2).



- (4) This section does not limit—
  - (a) the right to interrupt supply of electricity under a connection contract; or
  - (b) a right or obligation under a connection contract to disconnect premises, or refuse to connect or reconnect premises.

## **Division 3            Connection contracts**

### **Subdivision 1        Preliminary**

#### **40DA    Distribution contract types**

- (1) A *connection contract* is any contract under which a distribution entity agrees to provide customer connection services to a customer's premises.
- (2) A *negotiated connection contract* is a contract entered into under subdivision 3 for the provision of customer connection services to premises.
- (3) A *standard connection contract* is a connection contract between a customer and a distribution entity the terms of which contract are only the terms provided for under section 40DB(3).

### **Subdivision 2        Standard connection contracts**

#### **40DB    Supply if no negotiated connection contract**

- (1) This section applies if—
  - (a) premises are connected to a distribution entity's supply network; and
  - (b) there is no negotiated connection contract in force for a customer who owns or occupies the premises.

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- (2) The customer and the entity are taken to have entered into a standard connection contract for the provision of customer connection services to the premises.
- (3) The terms of the contract are the standard connection contract terms under an industry code that apply to the customer, as the terms are in force from time to time.
- (4) The customer and the entity are taken to have agreed to comply with the terms and to have entered into the contract as a deed.
- (5) The contract is taken to end if—
  - (a) the customer and the entity enter into a negotiated connection contract for the provision of the services and that contract comes into effect; or
  - (b) another customer and the entity enter into, or are taken to have entered into, a connection contract for the premises and that contract has come into effect.
- (6) Subsection (5) does not limit how or when the contract may end.
- (7) The contract does not prevent the customer giving a dispute notice under the QCA Act, section 112.
- (8) This section is subject to the retailer of last resort scheme.

### **Subdivision 3      Negotiated connection contracts**

#### **40DC   Negotiation of connection contract**

- (1) A customer and a distribution entity may enter into a contract for the provision of customer connection services from the entity to the customer's premises on terms that are different from the standard connection contract terms under an industry code.
- (2) Subsection (1) applies subject to sections 40DD, 40DE and 40DF.

#### **40DD General limit on what may be negotiated**

A negotiated connection contract must not be inconsistent with this Act or any relevant industry code, and is unenforceable to the extent that it is.

#### **40DE Provisions for small customers**

- (1) The section applies to a negotiated connection contract for the provision of customer connection services to a small customer's premises.
- (2) The contract must comply with all relevant industry code provisions about minimum terms for the provision of customer connection services to small customers.
- (3) The contract is unenforceable to the extent it does not comply with subsection (2).
- (4) If, under subsection (3), a term of the contract is unenforceable because it conflicts with a minimum term provision mentioned in subsection (2), the minimum term is taken to be a term of the contract.

#### **40DF Provisions for large customers and street lighting customers**

- (1) The section applies to a negotiated connection contract for the provision of customer connection services to the premises of a large customer or a street lighting customer.
- (2) The contract must provide for the provision of the services on fair and reasonable terms.
- (3) The services are taken to be provided on fair and reasonable terms if the contract is consistent with relevant industry code provisions about minimum terms for the provision of customer connection services to small customers.

## **Division 4                      General provisions about customer connection services**

### **40E    Limitation on connection obligation**

- (1) The connection obligation does not apply in relation to a customer's premises and a distribution entity is not in breach of a connection contract if the obligation or contract can not be performed because—
- (a) connection, reconnection or supply to the premises 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) connection, reconnection or supply to the premises would breach technical requirements under this or another Act; or
  - (c) the connection, reconnection or supply to the premises would unreasonably interfere with the connection, reconnection or supply of electricity by the distribution entity to the premises of other customers; or
  - (d) the distribution entity has, at the request of the customer's retail entity, disconnected or not reconnected supply to the premises; or
  - (e) the distribution entity is, under its connection contract, entitled to disconnect supply to the customer; or
  - (f) after an electricity officer has acted under section 141 to disconnect supply to something that was unsafe, the thing is still unsafe; or

- (g) connection, reconnection or supply to the premises is likely to cause fire or electric shock to anyone; or
  - (h) this Act otherwise authorises refusal to connect, reconnect or supply; or
  - (i) a regulation provides that the obligation to connect, reconnect or supply does not apply.
- (2) Subsection (1)(c) does not apply if the customer pays an amount to the entity for works necessary to prevent the connection, reconnection or supply from unreasonably interfering with the connection, reconnection or supply of electricity by the entity to other customers.
- (3) The entity must give the customer an opportunity to pay the amount.

#### **40H Contracting out of s 40E, 40G(a) or (b) or 97**

- (1) The parties to a negotiated customer connection contract may in the contract agree to vary or exclude the operation of section 40E, 40G(a) or (b) 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.

#### **41 Connection and supply of electricity outside distribution area**

- (1) A distribution entity may, if a customer's premises are outside the distribution entity's distribution area—
  - (a) connect the premises to the entity's supply network; and
  - (b) supply electricity from its supply network to the premises.
- (2) Subsection (1) applies only if the premises—
  - (a) are not within another distribution entity's distribution area; or
  - (b) if they are in another distribution entity's area—

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- (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.

## **Division 5                      Conditions of distribution authorities**

### **42            Conditions of distribution authority**

A distribution authority is subject to the following conditions—

- (a) the distribution entity must comply with—
  - (i) if the entity is a Registered participant—the National Electricity (Queensland) Law, the National Electricity Rules and directions given to it under this Act, the National Electricity (Queensland) Law or the National Electricity Rules; and
  - (ii) the conditions stated in sections 43, 44 and 45; 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;
- (f) the entity must pay any amount that, under the *Energy and Water Ombudsman Act 2006*, it must pay the energy and water ombudsman.

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

- (1) It is also a condition of a distribution authority that the distribution entity must allow, as far as technically and economically practicable for the distribution entity, a person to connect supply to its supply network, or take electricity from its supply network, on fair and reasonable 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—

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

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

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

#### **44A Additional condition to allow credit for electricity produced by small photovoltaic generators**

- (1) It is also a condition of a distribution authority that the distribution entity—
  - (a) allow, as far as technically and economically practicable, a small customer for a premises to connect 1 qualifying generator at the premises to its supply network; and
  - (b) credit against the charges payable by a small customer, for customer connection services provided to the small customer in a relevant supply period, the amount for each kilowatt hour prescribed under a regulation (a *prescribed credit amount*) for electricity that is, at any instant in the relevant supply period—
    - (i) being produced by the qualifying generator when connected to the distribution authority's supply network; and
    - (ii) being supplied to the network; and
    - (iii) in excess of the amount of electricity being used by the small customer, not including electricity



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supplied through a circuit controlled by the distribution entity; and

*Example of a circuit controlled by the distribution entity—*

a remotely switched circuit used for off-peak supply of hot water

- (c) give the regulator a report, for each prescribed credit amount, within 28 days after 30 June and 31 December each year, stating the following—
- (i) the number of small customers who have connected a qualifying generator to the network under paragraph (a) in the previous 6 months;
  - (ii) the number of small customers who, at the end of the previous 6 months, had a qualifying generator connected to the network;
  - (iii) the number of small customers who stopped being credited with a prescribed credit amount under paragraph (b) in the previous 6 months;
  - (iv) the number of small customers who, at the end of the previous 6 months, had stopped being credited with a prescribed credit amount under paragraph (b);
  - (v) for each retail entity—the total amount of credit given by the distribution entity to the retail entity in relation to small customers receiving credit under paragraph (b) in the previous 6 months;
  - (vi) the amount of electricity supplied to the network in the previous 6 months for which credit was given under paragraph (b);
  - (vii) the total generation capacity of all qualifying generators connected to the network.
- (2) A regulation may prescribe—
- (a) the circumstances in which a category of small customer is entitled, or stops being entitled, to be credited with a

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prescribed credit amount under subsection (1)(b) for the category of small customer; and

- (b) the day, not later than 1 July 2028, at the end of which subsection (1)(b) stops applying, in any event, for a particular category of small customer.
- (3) If a category of small customer becomes entitled to be credited with a prescribed credit amount under subsection (2)(a), the distribution authority is subject to the condition mentioned in subsection (1)(b).
- (4) If a category of small customer stops being entitled to be credited with a prescribed credit amount under subsection (2)(a), the condition, under subsection (1)(b), of the distribution authority about crediting a prescribed credit amount also stops to the extent the prescribed credit amount is for the category.
- (5) This section expires on 1 July 2028.

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

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 this Act.

#### **45A Responsibility for network control**

- (1) A distribution entity is responsible for network control of its supply network.
- (2) However, a distribution entity is subject to directions given to it under the National Electricity (Queensland) Law or the National Electricity Rules.

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## Part 6                      Retail entities and their    authorities

### Division 1                Preliminary

#### 46        Retail entities

A *retail entity* is a person who holds a retail authority.

#### 47        Retail authorities

A *retail authority* authorises its holder to provide customer retail services under the terms of the authority.

#### 48        Retail area of retail entity

- (1) A retail authority may be issued for a particular area stated in the authority (a *retail area*) or for no particular area.
- (2) A retail area may consist of either or both of the following—
  - (a) 1 or more discrete geographical areas;
  - (b) particular premises.
- (3) A retail authority stating a retail area consisting of particular premises may describe the premises in the way the regulator considers appropriate including, for example, the street address or national metering identifier for the premises.

#### 48A      What a retail authority authorises

- (1) Unless otherwise provided for under this part, a retail authority that states a retail area authorises its holder to provide customer retail services to any customer in the State, including an excluded customer whose premises are in the retail area.

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- (2) A retail authority without a retail area authorises its holder to provide customer retail services to any customer in the State.
- (3) Despite subsection (2), a retail authority without a retail area authorises its holder to provide customer retail services to an excluded customer's premises only if the provision of the services is required under the retail obligation.

*Note—*

For when the obligation applies, see section 48E(3).

- (4) The authorisation under subsection (1) or (2) is subject to the provisions of the retail authority.

#### **48B Restriction on providing customer retail service to excluded customer's premises**

A retail entity must not provide customer retail services to an excluded customer's premises, unless—

- (a) the entity is the area retail entity for the premises; or
- (b) the entity is not the area retail entity for the premises, but the provision of the services is required under the retail obligation; or
- (c) the provision of the services is authorised or required under the retailer of last resort scheme.

Maximum penalty—500 penalty units.

## **Division 2 Applying for and obtaining customer retail services**

### **48C Application**

- (1) A customer who owns or occupies premises may make an application (a *retail services application*) to a retail entity for the provision of customer retail services to the premises.

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- (2) However, if the customer is other than an excluded customer, the customer can only make a retail services application for the premises if the premises are NMI premises.
  - (3) Also, if the customer is an excluded customer for the premises, the customer can only make a retail services application to a retail entity if—
    - (a) the entity is the area retail entity for the premises; or
    - (b) all of the following apply—
      - (i) the premises are NMI premises;
      - (ii) the customer is a small customer for the premises;
      - (iii) the customer has been, or the immediately preceding customer for the premises was, a large market customer for the premises.
  - (4) A retail services application must be made in the way, and give the information, reasonably required, by the retail entity.

**48D When area retail entity must provide the services to an applicant**

- (1) This section applies if—
  - (a) a customer makes a retail services application for premises to the area retail entity for the premises; and
  - (b) the premises is, or is proposed to be, connected to a supply network; and
  - (c) the customer is not a large market customer or street lighting market customer for the premises.
- (2) The retail entity must provide the customer retail services applied for to the premises if—
  - (a) the customer is a small customer for the premises and—
    - (i) the entity is the financially responsible retail entity for the premises; or

[s 48E]

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- (ii) the premises are not physically connected to a supply network; or
- (b) the customer is a large customer or street lighting customer for the premises and—
  - (i) both of the following apply—
    - (A) the entity is the financially responsible retail entity for the premises;
    - (B) the customer who owned or occupied the premises immediately before the applicant was a non-market customer for the premises; or
  - (ii) the premises have never been physically connected to a supply network.

*Note—*

For retail contracts for the services and their terms, see division 3.

- (3) A regulation may, for subsection (2), provide for the circumstances in which premises are, are not or have never been physically connected to a supply network.
- (4) In this section—

***physically connected*** for premises means the premises has an electrical connection between the supply network and a meter at the premises, whether or not they have been energised.

***street lighting market customer***, for premises, means a street lighting customer for the premises who is also a market customer for the premises.

***supply network*** means a distribution entity's supply network.

#### **48E When non-area retail entity must provide the services to an applicant**

- (1) Subsection (2) applies if—

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- (a) a customer makes a retail services application for premises to a retail entity who is not the area retail entity for the premises; and
  - (b) the customer is—
    - (i) a small customer for the premises; or
    - (ii) a large market customer for the premises and supply to the premises has been disconnected; and
  - (c) the entity is the financially responsible retail entity for the premises; and
  - (d) the customer is not an excluded customer for the premises.
- (2) The entity must provide the customer retail services applied for to the premises.

*Note—*

Generally, in the absence of a negotiated retail contract, a standard retail contract is taken to exist between the entity and the customer. See sections 51 and 52.

- (3) If, under section 48C(3)(b), an excluded customer for premises makes a retail services application to the financially responsible retail entity for the premises, the entity must provide the customer retail services applied for to the premises.

#### **48F Retail obligation**

- (1) A retail entity's obligation under section 48D or 48E is the *retail obligation*.
- (2) The retail obligation is subject to sections 48H and 48I.
- (3) However, the sections do not prevent the retail entity from lawfully providing customer retail services even though it is not obliged to do so.

#### **48G Information notice for refusal of services to small customer**

- (1) This section applies if—
  - (a) a customer makes a retail services application to a retail entity under section 48D or 48E; and
  - (b) the retail entity to whom the application is made decides the retail obligation does not apply for the services applied for.
- (2) The entity must as soon as practicable after, but within 1 month of, receiving the application give the customer an information notice about the decision.

#### **48H Things to which retail obligation is subject**

The retail obligation is subject to—

- (a) the other provisions of this part; and
- (b) any authorisation under section 130 for the taking over of the retail entity's operations; and
- (c) the retailer of last resort scheme; and
- (d) any relevant electricity restriction regulation emergency rationing order; and
- (e) the conditions of the entity's retail authority; and
- (f) any relevant provision of an industry code about customer transfers or cooling-off periods for the provision of customer retail services.

#### **48I When retail obligation does not apply**

- (1) The retail obligation does not apply to a retail entity in relation to a customer if—
  - (a) the customer does not comply with a requirement of the entity to give either of the following—



- (i) a reasonable advance payment for customer retail services;
  - (ii) a reasonable security or agreement for security for performing the customer's obligations to the entity;  
or
  - (b) the entity has, under a retail contract, asked the customer's distribution entity to disconnect supply and the entity is not reasonably satisfied the matter that caused it to ask for the disconnection has been remedied, rectified or fixed; or
  - (c) the connection obligation does not apply to a distribution entity in relation to the customer's premises;  
or
  - (d) a circumstance beyond the entity's control prevents it from providing customer retail services to the customer;  
or
  - (e) a regulation provides the obligation does not apply.
- (2) Subsection (1) does not limit—
- (a) a retail entity's right under the retail contract to ask the distribution entity to interrupt the supply of electricity;  
or
  - (b) the entity's right or obligation under a retail contract;  
to—
    - (i) ask the customer's distribution entity to disconnect premises, or refuse to connect or reconnect premises; or
    - (ii) refuse to provide customer retail services.

## **Division 3            Retail contracts**

### **Subdivision 1        Preliminary**

#### **49        Retail contract types**

- (1) A *retail contract* is any contract under which a retail entity agrees to provide customer retail services to a customer's premises.
- (2) A *negotiated retail contract* is a retail contract entered into under subdivision 3 for the provision of customer retail services to a customer's premises.
- (3) A *standard retail contract* is a retail contract taken, under section 51(2), to have been entered into between a small customer and a retail entity the terms of which contract are only the terms provided for under section 52.
- (4) A *standard large customer retail contract* is a retail contract taken, under section 51(3), to have been entered into between a large customer or street lighting customer and a retail entity the terms of which contract are only the terms provided for under sections 52 to 55.

### **Subdivision 2        Retail contract if no negotiated retail contract**

#### **50        Application of sdiv 2**

- (1) This subdivision applies if—
  - (a) a customer has made a retail services application for premises to a retail entity; and
  - (b) the retail obligation applies to the retail entity; and
  - (c) the premises are connected to a supply network; and

- (d) the retail entity provides the customer retail services applied for, in accordance with the application; and
  - (e) there is no negotiated retail contract in force between the entity and the customer in relation to the premises.
- (2) This subdivision also applies if—
- (a) a customer's premises are connected to a supply network without the customer having made a retail services application for the premises; and
  - (b) there is no negotiated retail contract in force between a retail entity and the customer in relation to the premises.
- (3) In this section—
- supply network* means a distribution entity's supply network.

## **51 Retail contract with financially responsible retail entity**

- (1) The customer is taken to have entered into a retail contract with the financially responsible retail entity for the premises for the provision of customer retail services to the premises.
- (2) If the customer is a small customer for the premises, the contract is a standard retail contract.
- (3) If the customer is a large customer or street lighting customer for the premises, the contract is a standard large customer retail contract.
- (4) This section is subject to the retailer of last resort scheme.

## **52 Terms of contract**

- (1) The terms of the contract are the following terms to the extent they apply to the customer as they are in force from time to time—
  - (a) for a standard retail contract—the standard retail contract terms under an industry code;

[s 53]

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- (b) for a standard large customer retail contract—the entity’s terms under sections 53 and 54.
- (2) The customer and the financially responsible retail entity are taken to have agreed to comply with the terms and to have entered into the contract as a deed.
- (3) The contract is taken to end if—
  - (a) the customer and the retail entity enter into a negotiated retail contract for the provision of the services and that contract comes into effect; or
  - (b) another retail entity becomes the financially responsible retail entity for the premises; or
  - (c) the retail entity commences the provision of customer retail services under a retail contract to another customer at the premises.
- (4) Section (3) does not limit how or when the contract may end.

### **53 Making or amending terms of standard large customer retail contract**

- (1) Subject to section 54, the terms of a retail entity’s standard large customer retail contract are the terms made by the entity and as amended by it from time to time.
- (2) On making or amending the terms, the retail entity must—
  - (a) publish the terms or amended terms on its website; and
  - (b) give QCA a copy of the terms or amended terms; and
  - (c) give each of its large customers and street lighting customers a written notice stating that it has made or amended the terms and that the terms as made or amended may be inspected on its website.
- (3) The terms or amended terms take effect only when the retail entity complies with subsection (2)(a) and (b) in relation to the terms or amended terms.

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- (4) If a customer becomes a large customer or street lighting customer of the retail entity under a standard large customer retail contract, the entity must, as soon as practicable, give the customer a written notice that the terms of the entity's standard large customer retail contract may be inspected on its website.

**54 Required and permitted terms of standard large customer retail contract**

- (1) This section applies for a retail entity's terms or amended terms of a standard large customer retail contract to which it is a party (the *standard terms*).
- (2) The standard terms must—
- (a) provide that the retail entity's charges for the provision of services that are, or relate to, customer retail services to non-market customers are only the notified prices; and
  - (b) provide for the provision of the services on a fair and reasonable basis.
- (3) To remove any doubt, it is declared that subsection (2)(a) does not prevent the standard terms from charging or passing on distribution non-network charges under section 90.
- (4) Subject to subsection (2), the standard terms may—
- (a) also include prices, or a methodology to fix the prices, for the provision by the entity of customer retail services to its market customers; and
  - (b) be different for stated types of customers; and
  - (c) be contained in a different document for any of the types.
- (5) Subject to any regulation made under subsection (6), the services are taken to be provided on a fair and reasonable basis if the standard terms are consistent with relevant industry code provisions about minimum terms for the provision of customer retail services to small customers.

[s 55]

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- (6) A regulation may declare what is or is not fair and reasonable or not unfair or unreasonable, in relation to non-market customers for subsection (2)(b), including, for example whether or not and, if so, in what circumstances requiring the following, is fair and reasonable—
- (a) different advance payments or security deposits from different non-market customers;
  - (b) different terms for different types of non-market customers.

## **55 Charging for GST under standard contract**

- (1) This section applies if—
- (a) there are notified prices for a retail entity; and
  - (b) the notification for the prices includes a GST statement; and
  - (c) the entity provides customer retail services under a standard contract; and
  - (d) the entity charges the customer the notified prices.
- (2) If the GST statement provides that the notified prices exclude GST, the entity may also charge the customer an amount for GST for providing the services.
- (3) If the GST statement provides that the notified prices exclude the net GST effect, the entity may also charge the customer the net GST effect for providing the service.
- (4) The customer must pay any amount charged under subsection (2) or (3).
- (5) To remove any doubt, it is declared that this section does not prevent the entity from charging, under a standard contract, an amount for GST for goods or for any services that are not customer retail services.
- (6) Subsections (1) to (5) are taken to be terms of a standard contract.

- (7) This section applies despite any other provision of this subdivision.
- (8) In this section—  
*standard contract* means a standard retail contract or standard large customer retail contract.

### **Subdivision 3      Negotiated retail contracts**

#### **55A      Negotiation of retail contract**

- (1) A customer and a retail entity may enter into a contract for the provision of customer retail services from the entity to the customer's premises on terms that are different to terms of the entity's standard retail contract or standard large customer retail contract.
- (2) Subsection (1) applies subject to sections 55B, 55C and 55CA.

#### **55B      General limit on what may be negotiated**

A negotiated retail contract must not be inconsistent with this Act or any relevant industry code, and is unenforceable to the extent that it is.

#### **55C      Provisions for small customers**

- (1) This section applies to a negotiated retail contract for the provision of customer retail services to a small customer's premises.
- (2) The contract must comply with all relevant industry code provisions about minimum terms for the provision of customer retail services to small customers.
- (3) The contract is unenforceable to the extent it does not comply with subsection (2).

[s 55CA]

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- (4) If, under subsection (3), a term of the contract is unenforceable because it conflicts with a minimum term provision mentioned in subsection (2), the minimum term is taken to be a term of the contract.

### **55CA Early termination of negotiated retail contracts in particular circumstances**

- (1) This section applies in relation to a negotiated retail contract between a relevant customer and a retail entity, whether entered into before or after the commencement of this section, if the retail entity notifies the relevant customer that the entity's charges for the provision of customer retail services under the contract are to increase.
- (2) If the increased charges will be more than the notified prices, the retail entity must also, when notifying the customer of the increased charges, notify the customer that—
  - (a) the increased charges will be more than the notified prices; and
  - (b) the customer may terminate the contract under subsection (3).

*Note—*

A contravention of this provision is a ground for disciplinary action—see section 132(1)(b).

- (3) The customer may, within 20 business days after receiving notification from the retail entity under subsection (2), terminate the contract by giving the retail entity written notice of the termination.
- (4) Subsection (3) does not limit any other rights of the customer to terminate the contract.
- (5) The termination takes effect 10 business days after the written notice is given to the retail entity.
- (6) If the customer terminates the contract under subsection (3), the retail entity must not directly or indirectly charge the customer a fee for the early termination of the contract.



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Maximum penalty—500 penalty units.

(7) This section applies despite anything to the contrary in the contract.

(8) In this section—

*relevant customer* means—

- (a) a residential customer; or
- (b) a small customer who is not a residential customer.

## **Division 4                    Conditions of retail authorities**

### **55D    Conditions of retail authority**

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) if the retail entity is a Registered participant—the entity must comply with—
  - (i) the National Electricity (Queensland) Law; and
  - (ii) the National Electricity Rules; and
  - (iii) directions given to it under this Act, the National Electricity (Queensland) Law or the National Electricity Rules;
- (d) the retail entity must, under section 53, make the terms of its standard large customer retail contract;
- (e) the retail entity must pay any amount that, under the *Energy and Water Ombudsman Act 2006*, it must pay the energy and water ombudsman;

[s 55DA]

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- (f) the conditions stated in sections 55DA, 55DB, 55DBA, 55DC, 55E, 55G and 55GA;
- (g) conditions imposed under a regulation;
- (h) conditions stated in the authority.

### **55DA Additional condition about community services agreement**

- (1) It is also a condition of a retail authority that—
  - (a) the retail entity must not provide customer retail services unless it has entered into an agreement with the State to provide, for at least 5 years, the community services—
    - (i) agreed between the State and the entity; or
    - (ii) failing agreement, as decided by the Minister; and

*Examples of community services—*

    - pensioner rebate and drought relief schemes for customer retail services
  - (b) the retail entity must comply with the agreement.
- (2) In making the decision, the Minister must have regard to the retail entity's reasonable administration costs and other risks in providing the community services.

### **55DB Additional condition about electricity produced by qualifying generator**

- (1) It is also a condition of a retail authority that the retail entity must—
  - (a) reduce the amount payable by a small customer (the *amount due*), for electricity supplied to the small customer in a relevant supply period, by the amount of any credit (*owed credit*) given by a distribution entity in relation to the small customer for the relevant supply period under section 44A(1)(b); and

- (b) if the owed credit is more than the amount due for the relevant supply period (the *first period*)—
    - (i) reduce the amount due for a subsequent relevant supply period by the unused amount of the owed credit; and
    - (ii) if, after the end of 12 months after the end of the first period, an amount of the owed credit has not been used under subparagraph (i)—pay the small customer an amount representing the amount of owed credit that has not been used; and
  - (c) give the small customer the following information for each relevant supply period—
    - (i) the amount of electricity supplied by the small customer to the distribution entity's network for which credit was given under section 44A(1)(b);
    - (ii) the amount to be credited to the small customer under section 44A(1)(b); and
  - (d) give the regulator a report, for each prescribed credit amount, within 28 days after 30 June and 31 December each year, stating—
    - (i) the number of small customers receiving credit under section 44A(1)(b) in the previous 6 month period; and
    - (ii) the amount credited to small customers under section 44A(1)(b) in the previous 6 month period.
- (2) This section expires on 1 July 2028.

**55DBA Additional condition about electricity produced by small photovoltaic generator**

- (1) This section applies if—
  - (a) a prescribed retail entity provides customer retail services to a relevant small customer's premises; and

[s 55DBA]

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- (b) the relevant small customer is not entitled to receive an amount for electricity mentioned in section 44A(1)(b) in relation to the premises.

*Note—*

A relevant small customer may be entitled to receive an amount for electricity mentioned in section 44A(1)(b) in relation to the premises under section 44A as it continues to apply under section 328.

- (2) It is also a condition of the retail authority that the prescribed retail entity must—

- (a) reduce the charges payable by the customer, for electricity supplied to the customer in the relevant supply period, by the feed-in tariff amount; and

- (b) if the feed-in tariff amount is more than the charges payable for the relevant supply period (the *first period*)—

- (i) reduce the charges payable for a subsequent relevant supply period by the unused amount of the feed-in tariff amount; and

- (ii) if, after the end of 12 months after the end of the first period, an amount of the feed-in tariff amount has not been used under subparagraph (i)—pay the customer the unused amount of the feed-in tariff amount; and

- (c) give the customer the following information for each relevant supply period—

- (i) the amount of electricity supplied by the customer to the supply network;

- (ii) the feed-in tariff amount.

- (3) In this section—

*feed-in tariff amount* means the amount worked out by multiplying the feed-in tariff decided under chapter 4, part 2A by the number of kilowatt hours of electricity that is, at any instant in the relevant supply period—

- 
- (a) produced by 1 small photovoltaic generator connected at the relevant small customer's premises to a supply network; and
  - (b) supplied to the network.

### **55DC Additional condition about credit support**

- (1) It is also a condition of a retail authority that the retail entity must, if asked by a relevant distribution entity, enter into and maintain credit support with, or for the benefit of, the relevant distribution entity.
- (2) However, the condition applies to a retail entity in relation to a relevant distribution entity only if the credit support requested by the distribution entity—
  - (a) is consistent with the credit support guidelines; or
  - (b) otherwise—is agreed to in writing by the distribution entity and the retail entity.
- (3) In this section—

***credit support***, in relation to a retail entity and a relevant distribution entity, means an arrangement to mitigate the risk of exposure of the distribution entity to non-payment by the retail entity of distribution non-network charges, network charges or any other charge payable by the retail entity to the distribution entity.

*Example—*

bank guarantee, third party guarantee or shareholder guarantee

***distribution non-network charges*** see section 90(10).

***network charges*** see section 90(10).

***relevant distribution entity*** means a distribution entity with which the retail entity has common customers.

[s 55E]

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**55E Additional condition to comply with protocols, standards and codes**

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 this Act.

**55GA Additional condition about inclusion of carbon and renewable energy target cost estimates in residential customer accounts**

- (1) This section applies to a retail entity that provides customer retail services to a residential customer.
- (2) It is also a condition of the retail authority that the retail entity must include a carbon and renewable energy target cost statement in an account issued by the entity for the provision of customer retail services to the customer.
- (3) To avoid any doubt, it is declared that this section does not authorise the QCA or a retail entity to engage in conduct that contravenes a Commonwealth law that applies to the QCA or retail entity.
- (4) The regulator must review the operation of this section within 3 years after its commencement.
- (5) In this section—

*carbon and renewable energy target cost statement* means a statement that—

- (a) is prescribed for this section under a regulation; and
- (b) consists of QCA's estimate of the part of an account issued by a retail entity for the provision of customer retail services to a residential customer that is attributable to—
  - (i) for the financial year starting on 1 July 2012—the clean energy and carbon pricing scheme established by the Commonwealth under the *Clean Energy Act 2011* and associated Acts and regulations; and

- 
- (ii) for a financial year starting on or after 1 July 2013—
    - (A) the clean energy and carbon pricing scheme established by the Commonwealth under the *Clean Energy Act 2011* and associated Acts and regulations; and
    - (B) the renewable energy target scheme established by the Commonwealth under the *Renewable Energy (Electricity) Act 2000* and associated Acts and regulations.

### **55G Restriction on Ergon Energy and its subsidiaries**

- (1) This section imposes conditions on a retail authority held by the GOC Ergon Energy or any of its subsidiaries (the *retailer*).
- (2) The retailer must not enter into a negotiated retail contract, unless it is entered into—
  - (a) for, or as part of, the program known as the Solar cities programme, administered by the Commonwealth's Australian Greenhouse Office; or
  - (b) for, or as part of, a similar program prescribed under a regulation; or
  - (c) in the other circumstances prescribed under a regulation.Maximum penalty—500 penalty units.
- (3) If the retailer enters into a negotiated retail contract as permitted under subsection (2)(a), (b) or (c), the retailer must comply with the conditions prescribed under a regulation for—
  - (a) the provision of customer retail services under the contract; and
  - (b) if the contract is for, or is part of, a program mentioned in subsection (2)(a) or (b)—the carrying out of activities under the program.

[s 55G]

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- (4) The retailer can only provide customer retail services to a customer for premises if the retailer is an area retail entity for the premises and any of the following apply—
- (a) on the day this section commences, the customer was a non-market customer of the retailer for the premises;
  - (b) the retail obligation applies in relation to the premises;
  - (c) the retailer is the financially responsible retail entity for the premises and the customer was a small customer for the premises and becomes a large customer for the premises;
  - (d) the retailer is the financially responsible retail entity for the premises and the premises are—
    - (i) in the retailer’s retail area; and
    - (ii) connected to a supply network without the customer having made a retail services application for the premises to the retailer.

Maximum penalty—500 penalty units.

- (5) However, subsection (4) does not apply if the retailer provides customer retail services to a customer and the customer is required to be transferred to the retailer to correct an erroneous transfer, completed under the National Electricity Rules, from the retailer to another retail entity.
- (6) Also, it is a defence to a proceeding under subsection (4) if, because of information given by the customer, the retailer reasonably believed that the retail obligation applied in relation to the premises.
- (7) This section does not prevent the retailer entering into a separate arrangement with a small customer of the retailer to buy electricity produced at the small customer’s premises and supplied to a supply network.



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## **Part 6A                      Coordination agreements    between distribution and retail    entities**

### **55H    Negotiation of coordination agreement**

- (1) A distribution entity and a retail entity may enter into a written agreement about protocols under which they agree to help each other perform their functions under—
  - (a) this Act or another Act or law relating to electricity that applies in the State; or
  - (b) a procedure or protocol made under an Act or law mentioned in paragraph (a).
- (2) The agreement may be different from the coordination agreement provided for under an industry code.

### **55I    Standard coordination agreement**

- (1) This section applies if—
  - (a) a distribution entity and a retail entity have common customers; and
  - (b) an agreement under section 55H is not in force between the entities.
- (2) The entities are taken to have entered into an agreement on the terms of the standard coordination agreement provided for under an industry code.
- (3) The entities are taken to have agreed to comply with the terms and to have entered into the agreement as a deed.

## **Part 7**

# **Special approval holders and their approvals**

### **56 Purpose of special approvals**

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.

### **57 Special approval holders**

A *special approval holder* is a person who has a special approval.

### **58 Special approvals**

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.

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

- (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.

## **60 Conditions of special approval**

- (1) A special approval is subject to the following conditions—
- (a) the holder must comply with—
    - (i) if the holder is a Registered participant—the National Electricity Rules; and
    - (ii) if connected to the Queensland system or a Registered participant—the National Electricity (Queensland) Law, the National Electricity Rules and directions given to it under this Act, the National Electricity (Queensland) Law or the National Electricity Rules; and
    - (iii) the condition stated in section 61; and
    - (iv) conditions imposed under the regulations; and
    - (v) 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;
  - (c) the holder must pay any amount that, under the *Energy and Water Ombudsman Act 2006*, the holder must pay the energy and water ombudsman.
- (2) In this section—

[s 61]

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*special approval* means a special approval given under a regulation or by the regulator.

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

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 this Act.

**61B Additional condition for electricity produced by photovoltaic generators**

- (1) Subsection (2) applies to a special approval holder prescribed under a regulation.
- (2) It is a condition of the special approval that the holder must comply with—
  - (a) if the holder is taken to be the holder of a distribution authority under section 59(3)—section 44A; and
  - (b) if the holder is taken to be the holder of a retail authority under section 59(3)—section 55DB.
- (3) If a special approval holder is a prescribed retail entity, it is a condition of the special approval that the holder must comply with section 55DBA.

## **Part 8 Regulator**

**62 Regulator**

The chief executive of the department is the regulator.

### **63 Functions**

- (1) The regulator's functions are—
  - (a) to ensure only suitable persons are electricity entities; and
  - (b) to assist in the settlement of disputes arising under chapter 4, part 6, between electricity entities and between electricity entities and public entities; and
  - (c) to monitor compliance with the conditions of approvals, authorities and licences under this Act; and
  - (d) to perform other functions given to the regulator under this Act or another Act.
- (2) In performing the regulator's functions, the regulator must consider the objects of the Act.

### **64 Delegation**

- (1) The regulator may delegate a power of the regulator to a public service employee 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.

### **64A Review of feed-in tariff provisions**

Within 5 years after the commencement of this section, the regulator must review the operation of section 55DBA and chapter 4, part 2A.

## **Part 9                      Electricity officers**

### **65      Appointment**

- (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.

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

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.

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

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.

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**68 Electricity officer's appointment conditions**

- (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.

**69 Electricity officer's identity card**

- (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) display the electricity officer's usual signature; 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.

[s 70]

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

- (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.

# **Chapter 4 Electricity industry operations**

## **Part 1 Restriction on certain activities by unauthorised persons**

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

- (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—5000 penalty units.

*Note—*

If a corporation commits an offence against this provision, each executive officer of the corporation may be taken, under section 240A, to have also committed the offence.

- (2) A person who contravenes subsection (1) may not, for the period of the contravention, take part in trading arrangements



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or settlement processes under this Act or the National Electricity Rules or recover payment for electricity or services provided by it.

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

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

Maximum penalty—5000 penalty units.

*Note—*

If a corporation commits an offence against this provision, each executive officer of the corporation may be taken, under section 240A, to have also committed the offence.

- (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 the National Electricity Rules or recover payment for electricity or services provided by it.

**88A Prohibition on operating supply network unless authorised**

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

Maximum penalty—5000 penalty units.

*Note—*

If a corporation commits an offence against this provision, each executive officer of the corporation may be taken, under section 240A, to have also committed the offence.

- (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 the National Electricity Rules or recover payment for electricity or services provided by it.

## **89 Restriction on sale of electricity**

- (1) A person must not sell electricity other than in accordance with—
- (a) a generation authority or a retail authority held by the person; or
  - (b) any other authorisation to sell electricity under the Act.
- Maximum penalty—5000 penalty units.

*Note—*

If a corporation commits an offence against this provision, each executive officer of the corporation may be taken, under section 240A, to have also committed the offence.

- (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 the National Electricity Rules or recover payment for electricity provided by it.

## **Part 2 Pricing**

### **89A Definitions for pt 2**

In this part—

*price determination* see section 90(1).

*pricing entity* means—

- (a) the Minister; or
- (b) QCA, if the Minister delegates a function of the Minister under section 90(1) to QCA.

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## 90 Deciding prices for non-market customers

(1) The Minister must, for each tariff year, decide (a *price determination*) the prices, or the methodology for fixing the prices, that a retail entity may charge its non-market customers for all or any of the following—

- (a) customer retail services;
- (b) charges or fees relating to customer retail services;

*Examples—*

- charges or fees for late or dishonoured payments
- credit card surcharges for payments for the services

(c) other goods and services prescribed under a regulation.

(2) The price determination must be in the form of a tariff schedule.

(3) To remove any doubt, the following is declared for a price determination—

- (a) it may be made from time to time and not just once a year;
- (b) a tariff from the tariff schedule for the previous tariff year may be added to, removed or changed;
- (c) it may include network charges;
- (d) it can not be made for distribution non-network charges.

(4) The prices, or prices fixed under the methodology, are, for a retail entity, called the *notified prices*.

(5) In making a price determination, the pricing entity—

- (a) must have regard to all of the following—
  - (i) the actual costs of making, producing or supplying the goods or services;
  - (ii) the effect of the price determination on competition in the Queensland retail electricity market;

[s 90]

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- (iii) if QCA is the pricing entity—any matter the pricing entity is required by delegation to consider; and
- (b) may have regard to any other matter the pricing entity considers relevant.
- (6) The pricing entity may decide that the notified prices exclude one of the following—
- (a) GST;
- (b) the amount fixed by the pricing entity, or the amount worked out in a way fixed by the pricing entity, as the net effect on prices of GST and matters related to the imposition of GST (the *net GST effect*).

(7) In this section—

***distribution non-network charges*** means charges of a distribution entity, approved by the jurisdictional regulator under the National Electricity (Queensland) Law, that—

- (a) are referable to a specific customer or retail entity request; and
- (b) do not include network charges.

*Examples of distribution non-network charges—*

- a de-energisation or disconnection fee
- a reconnection fee
- a meter test fee

***network charges*** means charges of a distribution entity for—

- (a) distribution use of system charges for the use of a shared supply network of the distribution entity; and
- (b) any transmission use of system charges payable by the distribution entity for the use of a transmission grid to which the supply network is connected.

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### **90AAA Deciding notified prices for 2013-14 financial year**

- (1) This section applies if, under section 90, the Minister is the pricing entity for a particular tariff for the relevant tariff year.
- (2) Despite section 90, in making a price determination for the relevant tariff year, the pricing entity need not have regard to the matters mentioned in section 90(5)(a) in relation to a particular tariff.
- (3) This section expires on 1 July 2014.
- (4) In this section—  
*relevant tariff year* means the financial year starting on 1 July 2013.

### **90AA Delegation to QCA and terms of reference**

- (1) The Minister may delegate to QCA all or any of the Minister's functions under section 90(1).
- (2) The delegation may state the terms of reference of the price determination.
- (3) The terms of reference may specify the following—
  - (a) the period for which the price determination is to apply;
  - (b) the time frame within which QCA is to make and publish reports on the price determination;
  - (c) the particular policies or principles QCA is to consider when making the price determination;
  - (d) the matters QCA must consider when working out the notified prices and making the price determination;  
*Example—*  
the particular methodology to be used to determine the prices
  - (e) the consultation requirements QCA must comply with before making the price determination.
- (4) The terms of reference may—

[s 90AB]

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- (a) apply generally to all tariffs or be limited in its application by reference to specified exceptions or factors; or
- (b) apply differently according to different factors of a specified kind.

### **90AB Publication of notified prices**

- (1) This section applies if QCA is the pricing entity.
- (2) The pricing entity must, at least 1 month before the start of each tariff year—
  - (a) announce its final price determination; and
  - (b) publish the notified prices by gazette notice.
- (3) However, a failure to comply with subsection (2) does not invalidate or otherwise affect the price determination.
- (4) If the pricing entity has decided that GST or the net GST effect is excluded from the notified prices, the gazette notice must include a statement (a *GST statement*) as follows—
  - (a) that the notified prices exclude GST or the net GST effect;
  - (b) if the decision was that the net GST effect is excluded—the fixed amount of the effect or the way for working it out under section 90(6)(b).
- (5) The notified prices and any GST statement take effect—
  - (a) on a later day stated in the notice; or
  - (b) if no day is stated in the notice—on the day the notice is gazetted.

### **90A Obtaining information for price determination**

- (1) A pricing entity may, in writing, ask a retail entity for relevant information the pricing entity requires to make a price determination for the retail entity.

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- (2) The retail entity must, within the reasonable period stated in the request, give the relevant information to the pricing entity.
- Maximum penalty for subsection (2)—100 penalty units.

## **91 Retail entities charging for GST**

- (1) This section applies if—
- (a) there are notified prices for a retail entity; and
  - (b) the notification for the prices includes a GST statement; and
  - (c) the entity charges non-market customers the notified prices for providing customer retail services.
- (2) If the GST statement provides that the notified prices exclude GST, the entity may also charge non-market customers an amount for GST for providing the services.
- (3) If the GST statement provides that the notified prices exclude the net GST effect, the entity may also charge non-market customers the net GST effect for providing the services.
- (4) The Minister may give the entity a written direction to charge non-market customers—
- (a) if the GST statement provides that the notified prices exclude GST—an amount for GST for providing the services; or
  - (b) if the GST statement provides that the notified prices exclude the net GST effect—the net GST effect for providing the services.
- (5) To remove any doubt, it is declared that this section does not prevent the entity from charging, under a standard retail contract or standard large customer retail contract, an amount for GST for goods or for any services that are not customer retail services.

[s 91A]

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### **91A Retail entity must comply with notification or direction**

- (1) This section applies if there are notified prices for providing customer retail services.
- (2) A retail entity must charge non-market customers the notified prices for providing the services.  
Maximum penalty—500 penalty units.
- (3) If a retail entity has been given a direction under section 91(4)(a) to charge an amount for GST for providing the services, it must also charge that amount.  
Maximum penalty—500 penalty units.
- (4) If a retail entity has been given a direction under section 91(4)(b) to charge the net GST effect for providing the services, it must also charge the net GST effect.  
Maximum penalty—500 penalty units.
- (5) To remove any doubt, it is declared that a retail entity does not contravene subsection (2) only because the retail entity reduces the charges payable by a non-market customer by the amount the retail entity pays the non-market customer for electricity produced at the non-market customer's premises and supplied to a supply network.
- (6) This section does not limit section 91(2) and (3).

### **91AA Provision for compliance with decisions about notified prices**

- (1) This section applies if—
  - (a) the pricing entity decides or purports to decide notified prices (the *decided prices*); and
  - (b) the decided prices are, for whatever reason, quashed, set aside or declared or ordered to be of no effect in a proceeding.
- (2) Despite any matter mentioned in subsection (1)(b), for section 90A and any other provision of this Act, the decided prices—



- (a) are taken to have, since the making of the decision or purported decision, always been notified prices; and
- (b) continue in force as if they were notified prices until the pricing entity decides new notified prices.

## Part 2A                      Feed-in tariff

### 92        Definitions for pt 2A

In this part—

*feed-in tariff* means the rate to be used for working out the amount that must be credited by a prescribed retail entity to a relevant small customer for a relevant supply period for each kilowatt hour of electricity that is, at any instant in the relevant supply period—

- (a) produced by 1 small photovoltaic generator connected at the customer's premises to a supply network; and
- (b) supplied to the network.

*prescribed retail entity* means a retail entity or special approval holder prescribed by regulation for this part.

*relevant small customer*, of a prescribed retail entity, means a small customer if—

- (a) the entity provides customer retail services to the customer's premises; and
- (b) 1 small photovoltaic generator is connected at the customer's premises to a supply network.

### 93        Minister to direct QCA to decide feed-in tariff

- (1) The Minister—

[s 94]

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- (a) must direct QCA to decide the feed-in tariff for each tariff year; and
  - (b) may, at any time, direct QCA to decide the feed-in tariff for another period.
- (2) The Minister's direction may state the following—
- (a) the period for which the feed-in tariff is to apply;
  - (b) the time frame within which QCA is to decide the feed-in tariff;
  - (c) the matters QCA must consider when deciding the feed-in tariff;
  - (d) the consultation requirements QCA must comply with before deciding the feed-in tariff.
- (3) In deciding the feed-in tariff, QCA must consider—
- (a) the effect of the feed-in tariff on competition in the Queensland retail electricity market; and
  - (b) any other matter stated in the Minister's direction.

#### **94 QCA to publish feed-in tariff**

- (1) At least 1 month before the start of a tariff year, QCA must announce the feed-in tariff for the tariff year and publish it by gazette notice.
- (2) However, if QCA is directed under section 93(1)(b) to decide a feed-in tariff, at least 1 month before the feed-in tariff is to apply, QCA must announce the feed-in tariff and publish it by gazette notice.
- (3) A gazette notice under this section must state the period for which the feed-in tariff is to apply.
- (4) A feed-in tariff applies from the start of the tariff year to which it relates unless otherwise stated in the gazette notice.
- (5) Failure to comply with this section does not invalidate or otherwise affect the feed-in tariff.

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**95 When feed-in tariff continues to apply**

- (1) This section applies if a feed-in tariff (an *existing feed-in tariff*) would, but for subsection (2), stop applying and a new feed-in tariff does not apply.
- (2) The existing feed-in tariff continues to apply until a new feed-in tariff applies.

**Part 3 Limitation of liability of electricity entities**

**97 Limitation of liability of electricity entities and special approval holders that are not Registered participants**

- (1) An electricity entity or special approval holder that is not a Registered participant is not liable for damages to a person for a partial or total failure to supply or sell electricity or perform an obligation under a contract in relation to the supply or sale of electricity, unless the failure is due to—
  - (a) anything done or omitted to be done by the electricity entity or special approval holder in bad faith; or
  - (b) the negligence of the electricity entity or special approval holder.
- (2) This section does not apply to the extent to which liability is otherwise agreed by the parties to a contract.
- (3) This section commences on the commencement of the *Electricity—National Scheme (Queensland) Act 1997*.
- (4) In subsection (1)—

*contract* includes an arrangement that has the effect of a contract.

[s 97A]

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**97A Limitation of liability for National Electricity (Queensland) Law**

- (1) The words ‘supply electricity’ in section 120 of the National Electricity (Queensland) Law are taken to include the sale of electricity and the performance of an obligation in a contract for the supply and sale of electricity.
- (2) In subsection (1)—  
*contract* includes an arrangement that has the effect of a contract.

## **Part 4 Works**

### **Division 1 Works generally**

**98 Electricity entity entitled to access to its works**

- (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.

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

- (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**

### **100      Application of division**

This division is subject to divisions 3 and 4.

### **101      Electricity entity may take action in publicly controlled places to provide electricity etc.**

- (1) An electricity entity may take the action in a publicly controlled place it considers necessary to provide or supply electricity, including, for example—
  - (a) opening and breaking up the soil and pavement of the place; and
  - (b) cutting, lopping, or removing trees and other vegetation growing in or over the place; and
  - (c) opening or breaking up a sewer, drain or tunnel in or under the place; and
  - (d) temporarily stopping or diverting traffic on or from the place; and
  - (e) building drains, excavations, subways and tunnels in or under the place.

[s 102]

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*Note—*

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

- (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 is subject to sections 102 and 104.

## **102 Works on roads**

- (1) An electricity entity may do any of the following things on a road—
  - (a) build or remove, or alter (other than for maintenance or repair), its electric lines or other works;
  - (b) maintain, repair or alter for maintenance or repair, its electric lines or other works;
  - (c) stop obstruction or potential obstruction to, or interference or potential interference with, its electric lines or other works.
- (2) However, the electricity entity may do things mentioned in subsection (1)(a) only if it has the written agreement of the road authority.
- (2A) Subsection (2B) applies if the electricity entity proposes to do a thing mentioned in subsection (1)(a) on a road on which light rail is located.
- (2B) Before giving the written agreement mentioned in subsection (2), the road authority must consult with the light rail operator for the light rail.

- (3) The road authority or light rail operator for a light rail 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.

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

- (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.

**104 Regulation may declare restricted road**

- (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.

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

- (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

[s 106]

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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.

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

- (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.
- (3) In this section—  
*publicly controlled place* does not include a light rail.

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

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

- (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.



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

### **108 Removal of works**

- (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.

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

- (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.
- (4) In this section—  
*railway operator* includes the following—
- (a) light rail manager for a light rail;
  - (b) light rail operator for a light rail.

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

- (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).
- (3) In this section—

*railway operator* includes the following—

  - (a) light rail manager for a light rail;
  - (b) light rail operator for a light rail.

## **Division 4 Works on protected areas**

**111 Building of works on protected areas**

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

Maximum penalty—8 penalty units.
- (2) In deciding whether to agree, the Minister must take into account—
  - (a) the extent and significance of the disturbance building the works will, or is likely to, cause to the protected area; and

- (b) the electricity entity's report on alternative routes or positions for building the works outside the protected area; and
  - (c) the extent of any disability or disadvantage in using an alternative route or position.
- (3) Agreement may be given on conditions the Minister considers necessary to minimise interference to the protected area.

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

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

- (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.

[s 112A]

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### **112A Clearing native vegetation for operating works on freehold land**

- (1) Subsection (2) has effect despite the *Sustainable Planning Act 2009*.
- (2) Carrying out work that is the clearing of native vegetation on freehold land is exempt development if the clearing is for operating works for a transmission entity or distribution entity on land designated for the operating works by a Minister under the *Sustainable Planning Act 2009*.
- (3) If a word used in subsection (2) is defined in the *Sustainable Planning Act 2009*, the word used has the same meaning as in that Act.

### **113 Works remain property of electricity entity**

- (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.

### **113A Authority to transmit over land**

- (1) A transmission entity is authorised to operate works to transmit electricity across, over or through the following land—
  - (a) land that it owns;
  - (b) land over which it holds the benefit of an easement, licence or other agreement or a consent mentioned in section 112 in relation to the works.
- (2) Subsection (1)(b) applies whether or not the easement, licence, agreement or consent authorises the transmission.

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### **113B Authority to supply over land**

- (1) A distribution entity is authorised to operate works to supply electricity using a supply network across, over or through the following land—
  - (a) land that it owns;
  - (b) land over which it holds the benefit of an easement, licence or other agreement or a consent mentioned in section 112 in relation to the works.
- (2) Subsection (1)(b) applies whether or not the easement, licence, agreement or consent authorises the supply.

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

- (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.
- (3) Subsection (2) is subject to sections 97 and 97A.

## **Part 5 Entry onto and acquisition of land**

### **Division 1 Entry onto land**

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

- (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**

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

- (1) The Minister may, by gazette notice, authorise an electricity entity to acquire land for works, including proposed works.
- (1A) The Minister must consider the objects of the Act when authorising an electricity entity under subsection (1).
- (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.

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- (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.
- (3A) On the commencement of this subsection, each of the following electricity entities is taken to be authorised, under subsection (1), to acquire any land for any works, including proposed works, for the period starting on the commencement and ending on the revocation of the authorisation under subsection (7)—
- (a) Energex Limited ACN 078 849 055;
  - (b) Ergon Energy;
  - (c) QETC.
- (4) The *Acquisition of Land Act 1967* applies to an authorised electricity entity acting under an authority given, or taken to be given, under subsection (1) 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 1994*, section 218 applies to an authorised electricity entity as if it were a constructing authority.
- (6) A regulation may make provision about the acquisition of land by or for an authorised electricity entity.

[s 116A]

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(7) To remove any doubt, it is declared that the Minister may, by gazette notice, amend or revoke an authorisation mentioned in subsection (3A).

(8) In this section—

*authorised electricity entity* means an entity authorised, or taken to be authorised, under subsection (1), to acquire land.

### **116A Authority to create easements over forest land**

(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*, schedule 3.

### **116B Easements to include carriage services**

(1) Despite anything to the contrary in any Act or instrument, an easement, licence or consent to which a transmission or distribution entity is entitled may be used by the entity or another person authorised by the entity for the provision of a carriage service or content service.

(2) This section does not authorise a transmission or distribution entity to take land under the *Acquisition of Land Act 1967* only for a carriage service or content service.

(3) In this section—

*carriage service* has the meaning given in the *Telecommunications Act 1997* (Cwlth).



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*content service* has the meaning given in the *Telecommunications Act 1997* (Cwlth).

*Editor's note—*

The attachment contains extracts of the relevant provisions of the *Telecommunications Act 1997* (Cwlth).

## Part 6 Miscellaneous

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

- (1) This section applies to—
  - (a) disputes arising under part 4 between an electricity entity and a public entity; and
  - (b) disputes arising under this Act between electricity entities.
- (1A) However, this section does not apply to disputes that are regulated by the QCA or under the National Electricity Rules or to a dispute about what is a chargeable amount under section 309.
- (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

[s 118]

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- (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 can not 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.

**118 Financially responsible retail entity may recover amount for electricity consumed by person occupying premises**

If—

- (a) a person occupies premises where electricity has been consumed during the person's occupancy; and
- (b) the financially responsible retail entity has not been paid for the electricity;

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

**118A Distribution entity may recover amount for connection and supply of electricity to a person**

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;

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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

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

- (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.

#### **120AA Regulator's powers concerning audit of compliance with Act etc.**

- (1) The regulator may, by written notice given to an electricity entity or special approval holder, require the entity or holder—
  - (a) to carry out an internal audit of all or any of the following—
    - (i) the entity or holder's compliance with this Act, industry codes, and the authority issued or approval given to it under this Act;

[s 120AB]

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- (ii) the reliability and quality of information given by the entity or holder to the regulator under this Act;  
or
  - (b) to appoint a person as an independent auditor to carry out an audit of all or any of the things mentioned in paragraph (a).
- (2) The notice may state terms of reference for carrying out the audit.
- (3) The regulator may appoint a person as an independent auditor to carry out an audit of all or any of the things mentioned in subsection (1)(a) concerning the entity or holder if—
  - (a) the regulator reasonably considers that the person appointed under subsection (1) does not have appropriate qualifications or experience for carrying out the audit; or
  - (b) the entity or holder does not comply with a notice given to it under the subsection.
- (4) A person may be appointed as an independent auditor under subsection (1)(b) or (3) only if the appointer reasonably considers the person has the appropriate qualifications or experience for carrying out the audit.

### **120AB Responsibility for cost of audit**

- (1) An electricity entity or special approval holder required under section 120AA(1) to carry out, or appoint an independent auditor to carry out, an audit is responsible for the cost of the audit.
- (2) If the regulator appoints an independent auditor to carry out an audit concerning an electricity entity or special approval holder, the entity or holder must reimburse the regulator for the cost of the audit if required to do so by the regulator.

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### **120AC Independent auditor may require reasonable help or information**

- (1) An independent auditor appointed under section 120AA to carry out an audit concerning an electricity entity or special approval holder may require the entity or holder to give the auditor—
  - (a) reasonable help to carry out the audit; or  
*Examples—*
    - access to the entity's or holder's premises and records
    - help from the entity's or holder's employees
  - (b) information, in a form reasonably required by the auditor, to help the auditor carry out the audit.
- (2) An electricity entity or special approval holder required to give reasonable help under subsection (1)(a), or information under subsection (1)(b), must comply with the requirement unless the entity or holder has a reasonable excuse.

Maximum penalty—1000 penalty units.

- (3) If the entity or holder is an individual, it is a reasonable excuse for the individual not to comply with the requirement if complying with the requirement might tend to incriminate the individual.

### **120AD Audit report and submissions on report**

- (1) An electricity entity or special approval holder required under section 120AA(1) to carry out, or appoint an independent auditor to carry out, an audit must give a copy of the audit report to the regulator.
- (2) The copy must be given promptly after the audit is completed.
- (3) If the regulator appoints an independent auditor to carry out an audit concerning an electricity entity or special approval holder, the regulator must give the entity or holder—

[s 120AE]

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- (a) a copy of the draft audit report and an opportunity to make submissions to the regulator on the draft report; and
- (b) a copy of the final audit report and an opportunity to make further submissions to the regulator on the final report.

### **120AE Disclosure of information**

- (1) This section applies if an electricity entity or special approval holder gives the regulator written information about the entity or holder under this Act.
- (2) The regulator must disclose the information to QCA if—
  - (a) QCA requests the disclosure for performing its functions; and
  - (b) the entity or holder—
    - (i) consents to the disclosure; or
    - (ii) is required, under the entity’s authority or holder’s approval, to consent to the disclosure.

## **Part 1A                      Industry codes**

### **Division 1                      Preliminary**

#### **120A Definition for pt 1A**

In this part—

*electricity entity* includes a special approval holder.

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## **Division 2                    Initial industry codes**

### **120B Making of initial industry codes by Minister**

- (1) The Minister may make initial industry codes to apply to all or any of the following and their customers—
  - (a) distribution entities;
  - (b) retail entities;
  - (c) special approval holders authorised to carry out activities for which a distribution authority or retail authority would otherwise be required under this Act.
- (2) A code must state the electricity entities to which it applies.
- (3) A code is not subordinate legislation.

*Note—*

QCA must keep a register of industry codes and publish them on its website. See section 254B and the QCA Act, sections 227A to 227C.

### **120C Specific matters for which code may provide**

- (1) Without limiting section 120B, an initial industry code may provide for all or any of the following—
  - (a) the rights and obligations of distribution entities, retail entities and customers about customer connection services and customer retail services, including, for example—
    - (i) their rights and obligations in relation to the disconnection or reconnection of the services; and
    - (ii) rights of compensation for a contravention of an obligation mentioned in subparagraph (i);
  - (b) minimum service standards for electricity supply to be met by distribution entities;
  - (c) the service levels to be provided by distribution entities and retail entities to customers;

[s 120C]

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- (d) the payment of amounts by distribution entities to affected customers for failure to provide a stated service level;
- (e) the preparation, by a distribution entity, of plans about the operation and management of the entity's supply network;
- (f) the terms of standard connection contracts and standard retail contracts;
- (g) a standard coordination agreement for distribution entities and retail entities under which they will help each other perform their functions under—
  - (i) this Act or another Act or law relating to electricity that applies in the State; or
  - (ii) a procedure or protocol made under an Act or law mentioned in subparagraph (i);
- (h) minimum requirements for distribution entities and retail entities in dealing with customer complaints;
- (i) minimum terms for negotiated connection contracts or negotiated retail contracts for small customers, including permitted departures from the terms;
- (j) protecting small customers entering into negotiated retail contracts, including imposing cooling-off periods;
- (k) requirements for obtaining consent of small customers to enter into negotiated retail contracts;
- (l) marketing conduct of retail entities to small customers;
- (m) metering;
- (n) public lighting;
- (o) customer transfers.

(2) In this section—

*distribution entity* includes a special approval holder authorised to carry out activities for which a distribution authority would otherwise be required under this Act.



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*retail entity* includes a special approval holder authorised to carry out activities for which a retail authority would otherwise be required under this Act.

### **120D Gazettal and taking of effect of code**

- (1) The Minister must, as soon as practicable after making an initial industry code, publish a gazette notice stating the Minister has made the code and where it may be inspected.
- (2) The code takes effect on the later of the following days—
  - (a) a day of effect stated in the gazette notice;
  - (b) if no day of effect is stated in the notice—the day the notice is gazetted.

### **120E Tabling of code**

- (1) Within 14 days after an initial industry code takes effect, the Minister must table a copy in the Legislative Assembly.
- (2) The copy is tabled for information only.
- (3) A failure to table the copy does not affect the code's ongoing effect.

## **Division 3 QCA industry codes**

### **120F QCA may make industry code**

- (1) Subject to sections 120G and 120H, QCA may make industry codes.
- (2) However, a code made by QCA has no effect unless it is approved by the Minister.
- (3) A code may provide for any matter that may be provided for under an initial industry code.
- (4) Sections 120B and 120C apply to the making of an industry code by QCA as if the code were an initial industry code.

[s 120G]

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### **120G QCA code objective**

- (1) The objective (the *QCA code objective*) of an industry code made by QCA is to promote efficient investment in, and efficient use of, electricity services for the long-term interests of Queensland customers about—
  - (a) price, quality, reliability and security of supply of electricity; and
  - (b) the reliability, safety and security of the Queensland electricity system.
- (2) QCA may make an industry code only if it is satisfied the code will, or is likely to, contribute to the achievement of the QCA code objective.
- (3) In this section—

*electricity services* means electricity services as defined under the National Electricity (Queensland) Law.

### **120H Required consultation**

- (1) This section applies if QCA proposes to make an industry code, unless QCA considers the code—
  - (a) is needed urgently; or
  - (b) can not be materially detrimental to anyone's interests.
- (2) Before QCA makes the industry code it must prepare a draft of the code and engage in the consultation prescribed under a regulation.

### **120I Ministerial approval**

- (1) QCA must, as soon as practicable after making an industry code, give the Minister a copy.
- (2) The Minister may, within 20 business days after receiving the code, decide whether to approve it.
- (3) The Minister must, in making the decision, have regard to the QCA code objective.

- (4) If the decision is not to approve the code, the Minister must, as soon as practicable after the making of the decision, give QCA a notice stating the decision, and the reasons for it.
- (5) If the Minister does not make the decision within the 20 business days, the Minister is taken to have approved the code.

### **120J When approved QCA industry code takes effect**

- (1) This section applies for an industry code made by QCA only if the Minister approves the code.
- (2) QCA must, as soon as practicable after the approval, publish a gazette notice stating the Minister has approved the code and where it may be inspected.
- (3) The code takes effect on the later of the following days—
  - (a) a day of effect stated in the gazette notice;
  - (b) if no day of effect is stated in the notice—the day the notice is gazetted.

### **120K Tabling of QCA industry code**

- (1) If an industry code made by QCA takes effect, the Minister must, within 14 sitting days, table a copy of the code in the Legislative Assembly.
- (2) The copy is tabled for information only.
- (3) A failure to table the copy does not affect the code's ongoing effect.

## **Division 4                      Review of industry codes and related matters**

### **120L    Direction by Minister to review**

- (1) The Minister may, by gazette notice, give QCA a written direction to conduct a review into—
  - (a) any matter relating to the Queensland electricity market; or
  - (b) the operation and effectiveness of an industry code; or
  - (c) any matter relating to an industry code.
- (2) QCA must comply with the direction.
- (3) QCA must publish the direction on its website.

### **120M    Terms of reference**

The direction may do all or any of the following—

- (a) state the terms of reference of the review;
- (b) require QCA to give the Minister a report on the review within a stated period;
- (c) require QCA to make the report publicly available or available to a stated entity;
- (d) require QCA to, during the review, make a draft report publicly available or available to a stated entity;
- (e) require QCA to, in conducting the review—
  - (i) consider stated matters; and
  - (ii) have stated objectives;
- (f) give QCA other directions the Minister considers appropriate.

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**120N Notice of review or amended term of reference or direction**

QCA must publish a notice of the following on its website and in a Statewide newspaper—

- (a) the review;
- (b) if a term of reference or direction relating to the review is amended—the amended term of reference or direction.

**120O Conduct of review**

- (1) The QCA Act, part 6, other than section 171, (the *applied part*) applies for the review—
  - (a) as if a reference in the applied part to an investigation were a reference to the review; and
  - (b) as if the QCA Act, section 176(3), required the notice mentioned in that subsection to be given to any entity that QCA knows would be potentially affected by the review; and
  - (c) with other necessary changes.
- (2) However, the applied part applies subject to any requirement or direction of the Minister.
- (3) Any definitions under the QCA Act relevant to the applied part also applies.

**Division 5 Amending Industry codes**

**120P Application of div 5**

This division applies if QCA proposes to amend an industry code.

[s 120PA]

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### **120PA Required consultation for amendment**

- (1) Before QCA may make the amendment it must prepare a draft of the amendment and engage in the consultation prescribed under a regulation.
- (2) However, subsection (1) does not apply if QCA considers the amendment—
  - (a) is needed urgently; or
  - (b) does not materially detriment anyone's interests; or
  - (c) is of an uncontroversial nature; or
  - (d) corrects an error.
- (3) To remove any doubt, it is declared that subsection (2)(d) applies even if the correction is materially detrimental to someone's interests.

### **120PB Application of div 3 other than its consultation provision**

The provisions of division 3, other than section 120H, apply to the amendment—

- (a) as if a reference in the provisions to making the code were a reference to the making of the amendment; and
- (b) as if a reference in the provisions to the code were a reference to the amendment; and
- (c) with other necessary changes.

## **Division 6            Enforcing industry codes**

### **Subdivision 1        Code contravention notices**

#### **120Q Application of sdiv 1**

This subdivision applies if QCA suspects—

- (a) an electricity entity—
  - (i) has contravened, or is contravening, an industry code; or
  - (ii) is involved in an activity that is likely to result in a contravention of an industry code; and
- (b) the contravention or likely contravention is, or is likely to be, a material contravention of the code.

### **120R Criteria for deciding material contravention**

- (1) This section applies to the making of any decision under this part about whether a contravention of an industry code is a material contravention of the code.
- (2) Regard must be had to the QCA code objective.
- (3) Subsection (2) does not limit or otherwise affect what may be considered in making the decision.

### **120S Warning notice may be given**

- (1) QCA may give the electricity entity a notice (the *warning notice*) warning the entity that QCA proposes to give the entity a further notice about the contravention or likely contravention (a *code contravention notice*).
- (2) QCA must make the decision about whether to give the warning notice as soon as practicable after forming the suspicion.
- (3) However, a failure to comply with subsection (2) does not affect the validity of the warning notice or any subsequent code contravention notice.
- (4) Despite subsections (2) and (3), if the warning notice is proposed to be given for a contravention, it can only be given within 2 years after the day on which the contravention happened.

## 120T Requirements for warning notice

- (1) The warning notice must state each of the following—
  - (a) particulars of the contravention or likely contravention;
  - (b) that QCA proposes to give the electricity entity a code contravention notice unless the entity—
    - (i) takes steps reasonably necessary to remedy the contravention or avoid the likely contravention; and
    - (ii) gives QCA a written assurance (a ***conduct assurance***), in the terms stated in the warning notice, that the entity will—
      - (A) avoid any similar future contravention; and
      - (B) take steps reasonably necessary to avoid a future recurrence of the contravention;
  - (c) a period (the ***warning period***) after which the code contravention notice may be given unless the warning notice is complied with;
  - (d) that the entity may make, within the period, written submissions to show why the proposed code contravention notice should not be given.
- (2) The warning period must be—
  - (a) if the warning notice is given because QCA considers the contravention or likely contravention is of a type that requires urgent action—a period that QCA considers is reasonable in the circumstances; or
  - (b) otherwise—at least 20 business days.
- (3) The warning notice may also state the steps QCA reasonably believes are necessary to remedy the contravention or avoid its future recurrence, or avoid the likely contravention.

*Examples of steps that may remedy a contravention—*

- refunding an amount wrongly paid because of the contravention



- 
- paying compensation to someone who has damage, injury or loss because of the contravention
  - disclosing particular information
  - publishing advertisements about the contravention or action to remedy it

### **120U Considering submissions on warning notice**

- (1) QCA must consider any written submission made under section 120T(1)(d) by the electricity entity within the period stated in the warning notice.
- (2) If QCA at any time decides not to give the proposed code contravention notice, it must, as soon as practicable, give the electricity entity notice of the decision.

### **120V Giving of code contravention notice**

- (1) QCA may give the proposed code contravention notice if—
  - (a) the electricity entity has not complied with the warning notice; and
  - (b) after complying with section 120U, QCA still believes the code contravention notice ought to be given.
- (2) The code contravention notice must state—
  - (a) that the electricity entity—
    - (i) has contravened, or is contravening, an industry code; or
    - (ii) is likely to contravene an industry code; and
  - (b) the contravention or likely contravention is, or is likely to be, a material contravention of the code; and
  - (c) particulars of the contravention or likely contravention.
- (3) Subsection (4) applies if the warning notice was given on the basis of a contravention of the industry code and the electricity entity—

[s 120W]

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- (a) has taken steps reasonably necessary to remedy the contravention; but
  - (b) has not given the conduct assurance required under the warning notice.
- (4) QCA may give the code contravention notice on the basis that the electricity entity is still involved in an activity that is, or is likely to result in, a material contravention of the industry code.

*Note—*

Under section 251A, a certified copy of a code contravention notice is, for a proceeding under or relating to this Act, amongst other things, evidence of the contravention or other things stated in it.

## **120W Duration of code contravention notice**

The code contravention notice—

- (a) comes into effect—
  - (i) when it is made; or
  - (ii) if it states a later time—at the later time; and
- (b) ends—
  - (i) on the day stated in the notice; or
  - (ii) if it is cancelled before that day—when it is cancelled.

## **Subdivision 2 Proceedings**

### **120X Proceeding for civil penalty order**

- (1) This section applies if, on the application of QCA, the Supreme Court is satisfied an electricity entity has—
- (a) committed a material contravention of an industry code;  
or

- 
- (b) attempted to a commit a material contravention of an industry code; or
  - (c) been involved in a material contravention of an industry code.
- (2) The court may order the entity to pay the State as a civil penalty an amount of no more than—
- (a) for an individual—\$100000; or
  - (b) for a corporation—\$500000.
- (3) In fixing the penalty, the court must consider—
- (a) the nature and extent of—
    - (i) the contravention; and
    - (ii) loss or damage suffered because of the contravention; and
  - (b) the circumstances in which the contravention took place; and
  - (c) whether the entity has previously been found by the court in proceedings under this Act to have engaged in any similar conduct.
- (4) For subsection (1)(c), an electricity entity is involved in a contravention if the entity —
- (a) has aided, abetted, counselled or procured the contravention; or
  - (b) has induced the contravention, whether through threats, promises or in another way; or
  - (c) has been in any way, directly or indirectly, knowingly concerned in, or party to, the contravention; or
  - (d) has conspired with others to effect the contravention.

*Note—*

See also chapter 11, part 1A (Provisions for civil penalty proceedings).

## **120Y How order enforced**

If the Supreme Court orders payment of an amount under section 120X(2), the State may enforce the order as a judgment of the court for a debt of that amount.

## **120Z Injunctions**

- (1) The Supreme Court may, on the application of QCA, grant an injunction if satisfied an electricity entity has engaged or is proposing to engage, in conduct that constitutes, or would constitute any of the following—
  - (a) a contravention of an industry code;
  - (b) attempting to contravene an industry code;
  - (c) aiding, abetting, counselling or procuring an electricity entity to contravene an industry code;
  - (d) inducing, or attempting to induce, whether by threats, promises or otherwise, an electricity entity to contravene an industry code;
  - (e) being in any way, directly or indirectly, knowingly concerned in, or party to, the contravention by an electricity entity of an industry code;
  - (f) conspiring with others to contravene an industry code.
- (2) An injunction may be granted on conditions.
- (3) The court may also grant an injunction by consent of all parties to the application, whether or not the court is satisfied an electricity entity has engaged, or is proposing to engage, in conduct of a type mentioned in subsection (1).
- (4) The court may grant an interim injunction pending its decision on the application.
- (5) The court must not require anyone, as a condition of granting an interim injunction, to give an undertaking as to damages.
- (6) The court may amend an injunction or interim injunction.

- (7) An injunction or interim injunction restraining an electricity entity from engaging in conduct may be granted whether or not—
- (a) it appears to the court that the entity intends to engage again, or to continue to engage, in conduct of that kind; and
  - (b) the entity has previously engaged in conduct of that kind; and
  - (c) there is an imminent danger of substantial damage to another person if the person engages in conduct of that kind.
- (8) An injunction or interim injunction requiring an electricity entity to do an act or thing may be granted whether or not—
- (a) it appears to the court that the entity intends to fail again, or to continue to fail, to do that act or thing; and
  - (b) the entity has previously failed to do the act or thing; and
  - (c) there is an imminent danger of substantial damage to another person if the entity does not do the act or thing.

### **120ZA Conduct by directors, servants or agents**

- (1) This section applies to a proceeding under this subdivision.
- (2) If—
- (a) the proceeding concerns alleged conduct engaged in by an electricity entity to which an industry code applies; and
  - (b) it is necessary to prove the entity's state of mind;
- it is enough to prove that a director, servant or agent (a *representative*) of the entity, acting within the scope of the representative's actual or apparent authority, had the state of mind.

[s 120ZA]

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- (3) Conduct engaged in for an electricity entity by the following persons is taken to have been engaged in by the entity—
- (a) a representative of the entity, acting within the scope of the representative's actual or apparent authority;
  - (b) another person at the direction, or with the consent or agreement, of a representative of the entity, if the giving of the direction, consent or agreement was within the scope of the representative's actual or apparent authority.
- (4) Conduct engaged in for an electricity entity by the following persons is taken to have been engaged in by the entity—
- (a) a servant or agent of the entity, acting within the scope of the servant's or agent's actual or apparent authority;
  - (b) another person at the direction or with the consent or agreement, of a servant or agent of the entity, if the giving of the direction, consent or agreement was within the scope of the servant's or agent's actual or apparent authority.
- (5) In this section—
- consent or agreement*** includes an implied consent or agreement.
- state of mind***, of a person, may include—
- (a) knowledge, intention, opinion, belief or purpose of the person; and
  - (b) the person's reasons for the person's intention, opinion, belief or purpose.

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## **Subdivision 3 Referrals to regulator**

### **120ZB When QCA must refer material contravention**

If the Supreme Court decides a contravention of an industry code by an electricity entity is a material contravention of the code, QCA must refer the matter to the regulator.

*Note—*

For the action the regulator may take, see section 133.

### **120ZC When QCA may refer material contravention**

- (1) If QCA has given an electricity entity a warning notice for a material contravention or likely material contravention of an industry code, QCA may refer the matter to the regulator.
- (2) The referral may be made whether or not a code contravention notice has been given for, or a proceeding started under this division about, the contravention or likely contravention.

*Note—*

If QCA has applied for a civil penalty order under section 120X, section 133 prevents the regulator from imposing a similar penalty.

- (3) However, the matter can not be referred before the giving of the warning notice.

### **120ZD Guidelines for exercise of QCA powers for civil penalties**

- (1) QCA must publish on its website guidelines about when it will do each of the following—
  - (a) under section 120X, apply for a civil penalty order;
  - (b) under section 120ZB, refer matters to the regulator.
- (2) Before publishing the guidelines, QCA must take steps it considers appropriate to consult with electricity entities.
- (3) The guidelines are not legally binding on QCA and are non-justiciable.

[s 120ZE]

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- (4) The guidelines must include information to the effect of subsection (3).

## **Subdivision 4      Production of documents or information**

### **120ZE Notice to produce documents or information**

- (1) This section applies if QCA is conducting an investigation to find out whether an electricity entity is complying with an industry code.
- (2) QCA may, by written notice to the entity, require it to give QCA the following things QCA believes, on reasonable grounds, are relevant to the investigation—
  - (a) information within the entity's knowledge or possession;
  - (b) documents in the entity's custody, possession or power.
- (3) The notice must state—
  - (a) the information or documents required; and
  - (b) a period in which the documents or information are to be given of no less than 7 days; and
  - (c) a reasonable place at which the documents or information are to be given.
- (4) The entity must comply with the notice, unless it has a reasonable excuse.  
Maximum penalty—500 penalty units.
- (5) An electricity entity is not required to comply with the notice if it claims, on the ground of self-incrimination, a privilege the entity would be entitled to claim against giving the information were the entity a witness in a prosecution for an offence in the Supreme Court.



- (6) If the entity claims that complying with the notice may tend to incriminate it, QCA or the entity may make an application to the Supreme Court to decide the validity of the claim.

### **120ZF Disclosure of information to regulator**

- (1) This section applies if an electricity entity gives QCA written information about the entity under this Act, the *Electricity–National Scheme (Queensland) Act 1997* or the National Electricity Rules.
- (2) QCA must disclose the information to the regulator if—
- (a) the regulator requests the disclosure for performing the regulator’s functions; and
  - (b) the entity—
    - (i) consents to the disclosure; or
    - (ii) is required, under the entity’s approval or authority, to consent to the disclosure.

### **120ZG Protection of confidential information given for investigation**

- (1) This section applies if—
- (a) QCA is conducting an investigation to find out whether an electricity entity is complying with an industry code; and
  - (b) the electricity entity gives QCA information for the purpose of the investigation, whether or not the giving of the information was required under section 120ZE.
- (2) Subject to section 120ZF, the QCA Act, section 187 applies as if the information had been made available for an investigation under that Act.
- (3) In this section—  
*information* includes a document.

## **Subdivision 5      Audits**

### **120ZH QCA's powers concerning audit of compliance with industry code**

- (1) QCA may, by written notice to an electricity entity, require the entity to—
  - (a) carry out an internal audit of all or any of the following—
    - (i) the entity's compliance with an industry code, either generally or about a stated particular matter or matters;
    - (ii) the reliability and quality of information given by the entity to QCA, under this Act; or
  - (b) appoint a person as an independent auditor to carry out an audit of all or any of the things mentioned in paragraph (a).
- (2) The notice may state terms of reference for carrying out the audit.
- (3) QCA may appoint a person as an independent auditor to carry out an audit of all or any of the things mentioned in subsection (1)(a) concerning the entity if—
  - (a) the entity does not comply with a notice given to it under the subsection; or
  - (b) QCA reasonably considers that a person appointed under subsection (1) does not have appropriate qualifications or experience for carrying out the audit.
- (4) A person may be appointed as an independent auditor under subsection (1)(b) or (3) only if the appointer reasonably considers the person has the appropriate qualifications or experience for carrying out the audit.

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### **120ZI Responsibility for cost of audit**

- (1) An electricity entity required under section 120ZH(1) to carry out, or appoint an independent auditor to carry out, an audit is responsible for the cost of the audit.
- (2) If QCA appoints an independent auditor to carry out an audit concerning an electricity entity, the entity must reimburse QCA for the cost of the audit if required to do so by QCA.

### **120ZJ Independent auditor may require reasonable help or information**

- (1) An independent auditor appointed under section 120ZH to carry out an audit concerning an electricity entity may require the entity to give the auditor—
  - (a) reasonable help to carry out the audit; or  
*Examples—*
    - access to the entity's premises and records
    - help from the entity's employees
  - (b) information, in a form reasonably required by the auditor, to help the auditor carry out the audit.
- (2) An electricity entity required to give reasonable help under subsection (1)(a), or information under subsection (1)(b), must comply with the requirement unless the entity has a reasonable excuse.

Maximum penalty—1000 penalty units.

- (3) If the entity is an individual, it is a reasonable excuse for the individual not to comply with the requirement if complying with the requirement might tend to incriminate the individual.

### **120ZK Audit report and submissions on report**

- (1) An electricity entity required under section 120ZH(1) to carry out, or appoint an independent auditor to carry out, an audit must give a copy of the audit report to QCA.

[s 120ZL]

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- (2) The copy must be given as soon as practicable after the audit is completed.
- (3) If QCA appoints an independent auditor to carry out an audit concerning an electricity entity, QCA must give the entity—
  - (a) a copy of the draft audit report and an opportunity to make submissions to QCA on the draft report; and
  - (b) a copy of the final audit report and an opportunity to make further submissions to QCA on the final report.

## **Division 7                      Miscellaneous provisions**

### **120ZL Relationship with Fair Trading Act 1989**

To remove any doubt, it is declared that, subject to section 120ZM, an industry code does not limit or otherwise affect the operation of the *Fair Trading Act 1989*, including the Australian Consumer Law (Queensland) forming part of that Act.

### **120ZM Compliance with particular requirements under Australian Consumer Law (Queensland) for unsolicited consumer agreements**

- (1) This section applies if—
  - (a) a retail entity enters into, or proposes to enter into, a negotiated retail contract with a small customer; and
  - (b) the contract is, or would if entered into be, an unsolicited consumer agreement under the Australian Consumer Law (Queensland); and
  - (c) an industry code applies to the contract.
- (2) The contract is taken to comply with any requirement applying under section 79(b) (*paragraph (b)*) of the Australian Consumer Law (Queensland) (*ACL(Q)*) for informing the customer of the termination period applying to

the contract under ACL(Q) if a statement included in the contract, as otherwise required under paragraph (b), states the cooling-off period that the industry code requires for the contract instead of the termination period applying under ACL(Q).

- (3) The requirements under section 79 of ACL(Q) for the notices mentioned in section 79(b) and (c) of ACL(Q) are taken to have been complied with if—
  - (a) the customer is given a notice (a *substitute notice*) by or for the retail entity in relation to the entering into of the contract, as required under the industry code; and
  - (b) the substitute notice complies with—
    - (i) all requirements under the industry code about explaining the customer's right to rescind the contract; and
    - (ii) the requirements for a notice or notices stated in section 79(b)(ii) and (iii) and (c)(ii); and
  - (c) the substitute notice gives all information that is relevant to the goods or services to be provided under the contract.
- (4) However, the substitute notice need not comply with any requirement otherwise applying under ACL(Q) for the substitute notice to be separate from, and not attached to, any other document.

## Part 1B Credit support guidelines

### 120ZN QCA must make credit support guidelines

- (1) QCA must make guidelines (the *credit support guidelines*) about the following matters—

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- (a) the circumstances in which a retail entity may be required to enter into and maintain credit support with, or for the benefit of, a distribution entity;
  - (b) the types of credit support QCA considers appropriate;
  - (c) the amount for which credit support should be provided;
  - (d) when and how credit support should be reviewed or revised, including the amount of credit support;
  - (e) any other matter relating to providing credit support that QCA considers relevant.
- (2) Before making the credit support guidelines, QCA must consult with distribution entities and retail entities.
  - (3) QCA must publish the credit support guidelines on its website.
  - (4) The credit support guidelines take effect on the day stated in the guidelines for that purpose.
  - (5) In this section—  
*credit support* see section 55DC(3).

## **Part 2                      Restrictions and rationing**

### **Division 1                Electricity restriction regulations**

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

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

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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 air conditioners) 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.

## 122 Electricity restriction regulations

- (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 equipment 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.

## **Division 2                      Emergency rationing orders**

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

- (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 can not 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.

### **125      Making of emergency rationing orders other than by gazette notice**

- (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.

### **126      What order may provide**

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.



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**127 Advertisement of order**

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.

**128 Period of operation of order**

- (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.

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

- (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.

**Division 3                      Limitation on restrictions and rationing**

**129A Limitation for Stanwell Magnesium Plant**

- (1) This section applies if, apart from this section, an electricity restriction regulation or emergency rationing order applies to

[s 129B]

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the supply of electricity to, or the use of electricity at, the Stanwell Magnesium Plant.

- (2) The regulation or rationing order applies only to the supply of electricity to, or the use of electricity at, the plant that is more than the demand prescribed under a regulation.
- (3) The prescribed demand—
  - (a) must be at least 50MW; but
  - (b) must not be more than 100MW.
- (4) Subsection (2) applies despite any other provision of this part.
- (5) In this section—

*Stanwell Magnesium Plant* means the magnesium production plant that Australian Magnesium Operations Pty Ltd (ABN 38 058 918 175) has built, or proposes to build, adjacent to the electricity generating facility at Stanwell called the ‘Stanwell Power Station.

### 129B Expiry of div 3

This division expires on 31 December 2033.

## Part 3 Action by regulator to ensure supply of electricity by electricity entities

### 130 Governor in Council may authorise regulator to take over operation of relevant operations

- (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*)—
    - (i) has contravened this Act; or

- 
- (ii) has contravened a condition of its authority; or
  - (iii) if the defaulting entity is a Registered participant—
    - (A) has had its registration as a code participant cancelled or suspended; or
    - (B) is the subject of a direction given by AEMO or an order made by the Australian Energy Regulator or a court; or
  - (iv) has had its authority cancelled, amended or suspended; or
  - (v) is insolvent or is likely to become insolvent; or
  - (vi) is not, or is no longer, a suitable person to hold an authority of the type it holds; and
- (b) to ensure customers receive an adequate, reliable and secure supply of electricity, it is necessary for the regulator to take over the operation of the whole or part of the defaulting entity's operating works and business (the *relevant operations*).
- (2) If this section applies, the Governor in Council may by gazette notice, authorise the regulator to take over the operation of the relevant operations for the time the regulator considers necessary to ensure customers receive an adequate, reliable and secure supply of electricity.
  - (3) The authority may provide for any matter for which it is necessary or convenient to help the regulator take over the operation of the relevant operations.
  - (4) The Governor in Council must notify the making of an authorisation under subsection (2) by gazette notice within 14 days.
  - (5) Failure to notify under subsection (4) does not invalidate the authorisation.

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### **131 Effect of regulator taking over operation of relevant operations**

- (1) On the regulator taking over the operation of a defaulting entity's relevant operations, the relevant operations 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 and directions given by the regulator; and
  - (c) must comply with provisions of this Act about the operation of the relevant operations; and
  - (d) may enter—
    - (i) the site of relevant operations; and
    - (ii) other property necessary for the efficient operation of the relevant operations (including necessary access to the relevant operations and other property).
- (4) The operator may do all things necessary or convenient to ensure the relevant operations continue to operate as required by the regulator.

*Examples of things that the operator may do—*

- employ, or continuing to employ, employees at the relevant operations
  - enter into contracts for the supply of fuel and the provision of customer connection services and customer retail services
- (5) The defaulting entity and other persons in possession or occupancy of property concerning the operation of the relevant operations must give the operator access to the

property necessary to enter to enable the efficient operation of the relevant operations.

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 relevant operations under this section.

Maximum penalty—1000 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 1999* or the *Fair Work Act 2009* (Cwlth)).
- (8) The owner of the relevant operations and the defaulting entity are liable for the cost of the operation of the relevant operations by the operator.
- (9) The person who would, apart from this section, have the right to the proceeds from the operation of the relevant operations has the right to receive the income received by the operator from operating the relevant operations less all costs (including operating fees approved by the regulator) properly included in operating the relevant operations.
- (10) The disposal of, or other dealing in, the relevant operations does not affect the operation of this section.
- (11) For this section—
- (a) an electricity entity is solvent if the entity is able to pay all of the entity's debts, as and when they become due and payable; and
  - (b) an electricity entity that is not solvent is insolvent.

## **Part 3A                      Retailer of last resort**

### **131A   Retailer of last resort scheme**

- (1) A regulation may provide for—
  - (a) the establishment of a scheme to be known as the retailer of last resort scheme; and
  - (b) the compulsory participation by electricity entities in the scheme.
- (2) The primary objects of the scheme are to provide for—
  - (a) the management of the effects of a retail entity not being able to provide customer retail services to its customers (*defaulting retailer*); and
  - (b) the protection of customers of a defaulting retailer from interruption in the supply and sale of electricity to them.
- (3) Without limiting subsections (1) and (2), a regulation may make provision about any of the following matters—
  - (a) other objects of the scheme;
  - (b) the circumstances in which the scheme will operate;
  - (c) the electricity entities required to participate in the scheme;
  - (d) the customers or class of customers to benefit from the scheme;
  - (e) establishing a regulated default retail contract (which may include different terms for different classes of customer);
  - (f) providing for the effects of a declaration that the scheme applies to a defaulting retailer and its affected customers, including, for example, the following—
    - (i) the charter of the scheme (including the duration of the scheme and other matters concerning its administration);

- (ii) ending the defaulting retailer's retail contracts with its affected customers;
  - (iii) a regulated default retail contract taken to be entered into between each of the affected customers and the retailer of last resort;
- (g) the functions and the powers of QCA concerning the scheme, including—
  - (i) establishing the charter of the scheme for a particular defaulting retailer and its affected customers; and
  - (ii) declaring the scheme applies to a particular defaulting retail entity and to particular customers or class of customers; and
  - (iii) appointing the electricity entity or entities who is or are to be the retailer of last resort (including procedures to be followed in making the appointment); and
  - (iv) supervising and giving directions to the retailer of last resort concerning the administration of a scheme;
- (h) imposing conditions in relevant authorities to give effect to the matters in this section;
- (i) the recovery of a distribution entity's costs incurred relating to the happening of the circumstances in which the scheme operates;
- (j) anything necessary or convenient to help or give effect to the provisions of this part.

## **Part 4**

# **Disciplinary action against electricity entities**

### **132 Grounds for disciplinary action**

- (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 or the Electrical Safety 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;
  - (f) for a retail entity—the entity has been suspended from trading under the National Electricity Rules.
- (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.

### **133 Types of disciplinary action**

- (1) The regulator may take the following disciplinary action against an electricity entity—
  - (a) for a generation entity or transmission entity—cancel, suspend or amend its authority;
  - (b) for a distribution entity—cancel, suspend or amend its authority for its distribution area or part of its distribution area;



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- (c) for a retail entity—cancel, suspend or amend its authority.
- (2) The regulator may only take disciplinary action against an electricity entity for a material contravention of an industry code if the contravention has been referred to the regulator by QCA, whether or not a proceeding has been started in relation to the contravention.

*Note—*

For when QCA must or may make the referral, see sections 120ZB and 120ZC.

- (3) If the ground for taking disciplinary action is that the electricity entity has contravened this Act, the Electrical Safety Act, the *Energy and Water Ombudsman Act 2006*, an industry code or a condition of its authority, the regulator may impose a civil penalty of not more than the amount of 1333 penalty units for each contravention.

*Note—*

See also chapter 11, part 1A (Provisions for civil penalty proceedings).

- (4) However, if the contravention is a contravention of an industry code, subsection (3) only applies if QCA has not applied for a civil penalty order under section 120X.
- (5) If the ground for taking disciplinary action is that the electricity entity has contravened a condition of its authority by holding a prohibited interest, in addition to the penalty under subsection (3), the regulator may decide that 1 or more of the interests that gave rise to the contravention must be disposed of.
- (6) The regulator may make a decision under subsection (5) based on the information that the regulator considers sufficient in the circumstances.
- (7) If the regulator makes a decision under subsection (5), the regulator must give written notice of the decision to—
- (a) the electricity entity that has contravened a condition of its authority by holding a prohibited interest (the *offending electricity entity*); or

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- (b) if the offending electricity entity does not hold the prohibited interest—to the person who holds the interest the subject of the decision.
- (8) The notice must require the offending electricity entity or the other person to dispose of the interest the subject of the decision within a stated time of not less than 90 days.
- (9) For subsection (8), the interest must not be disposed of to a person, if the disposal would result in a contravention of a condition of the offending electricity entity’s authority.
- (10) A decision of the regulator under subsection (5) takes effect when written notice is given to the offending electricity entity or the other person.
- (11) If the offending electricity entity or person is given a notice requiring disposal of an interest and the person or entity does not comply with the notice within the time stated in the notice, the interest the subject of the decision is forfeited to the State, free from any mortgage, charge, lien, pledge, restriction or other encumbrance.
- (12) The regulator must sell any forfeited interest under subsection (11).
- (13) An amount from the sale of a forfeited interest, after deduction of reasonable costs of forfeiture and sale, must be paid to the person from whom the interest was forfeited.
- (14) The regulator may, by written notice to the offending electricity entity or other person, amend or cancel a decision made by the regulator under subsection (5) with effect from the day of the decision or some other day fixed by the regulator.
- (15) The regulator may take action under this section even though the regulator issued, contrary to this Act, an authority that gave rise to the contravention of a condition of the offending electricity entity’s authority by its holding a prohibited interest.
- (16) The regulator may take the action stated in subsection (17) if the regulator—

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- (a) makes a decision under subsection (5) and the ground for making the decision is that a person (the *offender*) has a prohibited interest, because the person is in a position to exercise control over a person, entity or authority or thing; or
- (b) forms the opinion that the offender has a prohibited interest of the kind contemplated by schedule 2, section 3B(b)(iii).
- (17) For subsection (16), the regulator may, by written notice served on the offender, decide that the offender must do 1 or more of the following to the extent necessary to prevent there being a prohibited interest within a stated reasonable time of less than 90 days—
- (a) stop exercising control over the person, entity or authority;
- (b) end any relevant agreement, arrangement, understanding or undertaking;
- (c) take, or refrain from taking, any other action stated in the notice.
- (18) Subsections (6), (10), (14) and (15) apply to a decision made by the regulator under subsection (16).
- (19) If an electricity entity fails to pay a penalty under this section within the time allowed by the regulator, the regulator may take further action for the contravention for which the penalty was imposed.
- (20) A reference in this section to amending an authority includes a reference to amending its conditions.
- (21) In this section—
- authority* (other than in subsections (1) and (20)) includes a special approval.
- electricity entity* (other than in subsections (1) and (20)) includes a special approval holder.

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*interest* includes the following—

- (a) a legal or equitable interest in shares, stock, units or voting rights;
- (b) a legal or equitable right to acquire shares, stock, units or voting rights;
- (c) a right to decide the way in which a vote or other interest attaching to shares, stock, units or voting rights will be exercised;
- (d) a right under an agreement, an arrangement, a contract, a deed, an understanding or an undertaking;
- (e) other rights or interests capable of conveyance, transfer, sale, disposal or assignment;
- (f) another interest prescribed by regulation.

*sell* means—

- (a) sell by wholesale, retail or auction; or
- (b) agree, attempt or offer to sell; or
- (c) possess, expose or advertise for sale; or
- (d) cause or permit to be sold.

### **134 Procedure for disciplinary action**

- (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 7 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.

### **135 Penalty recoverable as debt**

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**

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

- (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.

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

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) check any electrical equipment located at the electricity entity's meter, including, for example, wiring and connections to the meter; or

- 
- (f) replace meters, control apparatus and other electrical equipment of the electricity entity.

### **138 Disconnection of supply if entry refused**

- (1) If—
  - (a) an electricity officer for an electricity entity is allowed to enter a place under section 137; 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.

### **139 Entry to disconnect supply**

- (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.

### **140 Entry to place to protect electricity entity's works**

- (1) An electricity officer for an electricity entity may, at any reasonable time, enter a place to prevent an obstruction or

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potential obstruction to, or interference or potential interference with, the building, maintenance or operation of an electric line or other works of the entity.

- (1A) Without limiting subsection (1), the electricity officer may enter the place to remove vegetation that is interfering, or has the potential to interfere, with the 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.

#### **140A Entry to place to carry out remedial work**

- (1) Subject to subsections (2) to (4), an electricity officer for an electricity entity may enter a place to fix damage or harm to the place caused by, or in connection with, works or an electrical installation of the entity.
- (2) The entry may be made only if it is made at a reasonable time and—
- (a) any occupier of the place to be entered has consented to the entry; or
  - (b) the entity has given any occupier of the place to be entered at least 7 days written notice of the proposed entry.
- (3) The notice must state—
- (a) the time or times or period of the proposed entry; and
  - (b) the purpose of the proposed entry; and



- (c) that the proposed entry is, at the time or times or during the period, permitted under this Act without the occupier's consent.
- (4) This section does not authorise entry to a residence.

### **140B Entry to place to carry out urgent remedial work**

- (1) Subject to subsections (3), (4) and (6), an electricity officer for an electricity entity may enter a place to fix damage or harm to the place caused by, or in connection with, works or an electrical installation of the entity if the entity is satisfied, on reasonable grounds—
  - (a) the damage or harm is, or is likely to be, serious; and
  - (b) the need to fix the damage or harm is urgent.
- (2) The power under subsection (1) may be exercised—
  - (a) at any time; and
  - (b) without the consent of, or notice to, the occupier of the place to be entered.
- (3) However, if the occupier is present at the place, before entering the place, the officer must do, or make a reasonable attempt to do, the following things—
  - (a) identify himself or herself to the occupier, in the way stated in section 70;
  - (b) tell the occupier the purpose of the entry;
  - (c) seek the consent of the occupier to the entry;
  - (d) tell the occupier the officer is permitted under this Act to enter the place without the occupier's consent.
- (4) Also, if the occupier is not present at the place, the officer must take reasonable steps to advise the occupier of the officer's intention to enter the place.

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- (5) Subsections (3) and (4) do not require the officer to take a step that the officer reasonably believes may frustrate or otherwise hinder the fixing of the damage or harm.
- (6) This section does not authorise entry to a residence.

## **Part 2                      Powers to prevent fire or    electrical shock**

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

- (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.
- (2A) Without limiting subsection (1) or (2), the electricity officer may enter the place to remove vegetation that is affecting, or may affect, the safety of works or an electrical installation mentioned in the subsection.
- (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.
- (5) In this section—  
*safe*, in relation to works or an electrical installation, means that the works or electrical installation can not cause fire or electrical shock.

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## **Part 3**                      **Other provisions about exercise of electricity officer's powers**

### **141A Duty to avoid damage**

In exercising a power under this chapter, an electricity officer must take all reasonable steps to ensure the officer causes as little inconvenience, and does as little damage, as is practicable.

*Example of a reasonable step—*

for an entry to a place, under section 140A, complying with any reasonable requirement of the owner or occupier of the place about fixing the damage or harm

### **141B Associated powers on entry**

An electricity officer may take into or onto a place any person, equipment and materials the officer reasonably requires for exercising a power under this chapter.

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

- (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.

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- (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.

### **143 Compensation**

- (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 Enforcement of restrictions and rationing**

### **Part 1 Preliminary**

#### **145 Definition for ch 7**

In this chapter—

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*authorised person* means—

- (a) an electricity officer; or
- (b) an inspection officer.

## Part 2                      Inspection officers

### 146      Appointment and qualifications

- (1) The regulator may appoint any of the following persons as an inspection officer—
  - (a) an inspector under the Electrical Safety Act;
  - (b) a public service officer;
  - (c) an employee of—
    - (i) an electricity entity; or
    - (ii) an electricity entity's subsidiary company;
  - (d) a person prescribed under a regulation.
- (2) However, the regulator may appoint a person mentioned in subsection (1)(b), (c) or (d) as an inspection officer only if—
  - (a) the regulator is satisfied the person is qualified for appointment because the person has the necessary expertise or experience; or
  - (b) the person has satisfactorily finished training approved by the regulator.

### 147      Appointment conditions and limit on powers

- (1) An inspection officer holds office on any conditions stated in—
  - (a) the inspection officer's instrument of appointment; or
  - (b) a signed notice given to the inspection officer; or

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- (c) a regulation.
- (2) The instrument of appointment, a signed notice given to the inspection officer or a regulation may limit the inspection officer's powers under this Act.
- (3) In this section—  
*signed notice* means a notice signed by the regulator.

#### **148 Issue of identity card**

- (1) The regulator must issue an identity card to each inspection officer.
- (2) The identity card must—
  - (a) contain a recent photo of the inspection officer; and
  - (b) contain a copy of the inspection officer's signature; and
  - (c) identify the person as an inspection officer under this Act; and
  - (d) state an expiry date for the card.
- (3) This section does not prevent the issue of a single identity card to a person for this Act and for other purposes.

*Example for subsection (3)—*

If the inspection officer is also an inspector under the Electrical Safety Act, the chief executive under that Act, and the regulator under this Act, could together issue a combined identity card covering the purposes of both Acts.

#### **149 Production or display of identity card**

- (1) In exercising a power under this Act in relation to a person, an inspection officer must—
  - (a) produce the inspection officer's identity card for the person's inspection before exercising the power; or
  - (b) have the identity card displayed so it is clearly visible to the person when exercising the power.

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

### **150 When inspection officer ceases to hold office**

- (1) An inspection officer ceases to hold office if any of the following happens—
- (a) the term of office stated in a condition of office ends;
  - (b) under another condition of office, the inspection officer ceases to hold office;
  - (c) the inspection officer's resignation takes effect.
- (2) Subsection (1) does not limit the ways an inspection officer may cease to hold office.
- (3) In this section—
- condition of office* means a condition on which the inspection officer holds office.

### **151 Resignation**

- (1) An inspection officer may resign by signed notice given to the regulator.
- (2) However, if holding office as an inspection officer is a condition of the inspection officer holding another office, the inspection officer may not resign as an inspection officer without resigning from the other office.

### **152 Return of identity card**

A person who ceases to be an inspection officer must return the person's identity card to the regulator within 21 days after ceasing to be an inspection officer unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

## **Part 2A                      Powers of inspection officers**

### **Division 1                      Entry of places**

#### **152A    Power to enter place**

- (1) An inspection officer may enter a place if—
  - (a) its occupier consents to the entry; or
  - (b) it is a public place and the entry is made when it is open to the public; or
  - (c) the entry is authorised by a warrant; or
  - (d) the purpose of the entry is to help an approved auditor carry out an audit commissioned under section 135IT and the occupier of the place is a person to whom the audit relates.
- (2) For the purpose of asking the occupier of a place for consent to enter, an inspection officer may, without the occupier's consent or a warrant—
  - (a) enter land around premises at the place to an extent that is reasonable to contact the occupier; or
  - (b) enter part of the place the inspection officer reasonably considers members of the public ordinarily are allowed to enter when they wish to contact the occupier.

### **Division 2                      Procedure for entry**

#### **152B    Entry with consent**

- (1) This section applies if an inspection officer intends to ask an occupier of a place to consent to the inspection officer or another inspection officer entering the place.



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- (2) Before asking for the consent, the inspection officer must tell the occupier—
    - (a) the purpose of the entry; and
    - (b) that the occupier is not required to consent.
  - (3) If the consent is given, the inspection officer may ask the occupier to sign an acknowledgement of the consent.
  - (4) The acknowledgement must state—
    - (a) the occupier has been told—
      - (i) the purpose of the entry; and
      - (ii) that the occupier is not required to consent; and
    - (b) the purpose of the entry; and
    - (c) the occupier gives the inspection officer consent to enter the place and exercise powers under this part; and
    - (d) the time and date the consent was given.
  - (5) If the occupier signs the acknowledgement, the inspection officer must immediately give a copy to the occupier.
  - (6) If—
    - (a) an issue arises in a proceeding about whether the occupier consented to the entry; and
    - (b) an acknowledgement complying with subsection (4) for the entry is not produced in evidence;the onus of proof is on the person relying on the lawfulness of the entry to prove the occupier consented.

### **152C Application for warrant**

- (1) An inspection officer 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.

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- (3) The magistrate may refuse to consider the application until the inspection officer 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.

### **152D Issue of warrant**

- (1) The magistrate may issue a warrant only if the magistrate is 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 at the place, or, within the next 7 days, may be at the place.
- (2) The warrant must state—
- (a) that a stated inspection officer may, with necessary and reasonable help and force—
    - (i) enter the place and any other place necessary for entry; and
    - (ii) exercise the inspection officer's powers under this part; and
  - (b) the offence for which the warrant is sought; and
  - (c) the evidence that may be seized under the warrant; and
  - (d) the hours of the day or night when the place may be entered; and
  - (e) the date, within 14 days after the warrant's issue, the warrant ends.

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## 152E Special warrant

- (1) An inspection officer may apply for a warrant (a *special warrant*) by phone, fax, radio or another form of communication if the inspection officer considers it necessary because of—
  - (a) urgent circumstances; or
  - (b) other special circumstances, including, for example, the inspection officer's remote location.
- (2) Before applying for the special warrant, the inspection officer must prepare an application stating the grounds on which the warrant is sought.
- (3) The inspection officer may apply for the special warrant before the application is sworn.
- (4) After issuing the special warrant, the magistrate must immediately fax a copy (*facsimile warrant*) to the inspection officer if it is reasonably practicable to fax the copy.
- (5) If it is not reasonably practicable to fax a copy to the inspection officer—
  - (a) the magistrate must tell the inspection officer—
    - (i) what the terms of the special warrant are; and
    - (ii) the date and time the special warrant is issued; and
  - (b) the inspection officer must complete a form of warrant (a *warrant form*) and write on it—
    - (i) the magistrate's name; and
    - (ii) the date and time the magistrate issued the special warrant; and
    - (iii) the terms of the special warrant.
- (6) The facsimile warrant, or the warrant form properly completed by the inspection officer, authorises the entry and the exercise of the other powers stated in the special warrant issued.

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- (7) The inspection officer must, at the first reasonable opportunity, send to the magistrate—
  - (a) the sworn application; and
  - (b) if the inspection officer completed a warrant form—the completed warrant form.
- (8) On receiving the documents, the magistrate must attach them to the special warrant.
- (9) If—
  - (a) an issue arises in a proceeding about whether an exercise of a power was authorised by a special warrant; and
  - (b) the warrant is not produced in evidence;the onus of proof is on the person relying on the lawfulness of the exercise of the power to prove a special warrant authorised the exercise of the power.

### **152F Warrant—procedure before entry**

- (1) This section applies if an inspection officer named in a warrant issued under this part for a place is intending to enter the place under the warrant.
- (2) Before entering the place, the inspection officer must do or make a reasonable attempt to do the following things—
  - (a) identify himself or herself to a person present at the place who is an occupier of the place by producing a copy of the inspection officer's identity card or other document evidencing the inspection officer's appointment;
  - (b) give the person a copy of the warrant or if the entry is authorised by a facsimile warrant or warrant form, a copy of the facsimile warrant or warrant form;
  - (c) tell the person the inspection officer is permitted by the warrant to enter the place;

- (d) give the person an opportunity to allow the inspection officer immediate entry to the place without using force.
- (3) However, the inspection officer need not comply with subsection (2) if the inspection officer believes on reasonable grounds that immediate entry to the place is required to ensure the effective execution of the warrant is not frustrated.

## **Division 3                      General powers of inspection officers**

### **152G    General powers after entering place**

- (1) This section applies to an inspection officer who enters a place.
- (2) However, if an inspection officer enters a place to get the occupier's consent to enter a place, this section applies to the inspection officer only if the consent is given or the entry is otherwise authorised.
- (3) The inspection officer may, for a prescribed purpose—
  - (a) search any part of the place; or
  - (b) inspect, measure, test, photograph or film any part of the place or anything at the place; or
  - (c) take a thing, or a sample of or from a thing, at the place for analysis or testing; or
  - (d) copy a document at the place; or
  - (e) take into or onto the place any persons, equipment and materials the inspection officer reasonably requires for exercising a power under this part; or
  - (f) require a person at the place to give the inspection officer reasonable help to exercise the inspection officer's powers under paragraphs (a) to (e); or

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- (g) require a person at the place to answer questions by the inspection officer to help the inspection officer ascertain whether this Act is being or has been complied with.
- (4) When making a requirement mentioned in subsection (3)(f) or (g), the inspection officer must warn the person it is an offence to fail to comply with the requirement, unless the person has a reasonable excuse.
- (5) A person given a requirement under subsection (3)(f) or (g) must comply with the requirement, unless the person has a reasonable excuse.

Maximum penalty for subsection (5)—100 penalty units.

- (6) It is a reasonable excuse for the person to fail to comply with the requirement that complying with the requirement might tend to incriminate the person.
- (7) A reasonable excuse does not include a matter of mere convenience.
- (8) In this section—

*prescribed purpose* means—

- (a) for monitoring and enforcing compliance with this Act;  
or
- (b) if the purpose of the entry was to help an approved auditor carry out an audit commissioned under section 135IT and the occupier of the place is a person to whom the audit relates—for the carrying out of the audit.

## **152H Power to seize evidence**

- (1) An inspection officer who enters a place under this part, other than with a warrant, may seize a thing at the place if—
  - (a) the inspection officer reasonably believes the thing is evidence of an offence against this Act; and
  - (b) for an entry made with the occupier's consent—seizure of the thing is consistent with the purpose of entry as

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told to the occupier when asking for the occupier's consent.

- (2) An inspection officer who enters a place with a warrant may seize the evidence for which the warrant was issued.
- (3) An inspection officer may also seize anything else at a place the officer enters under this part if the officer reasonably believes—
  - (a) the thing is evidence of an offence against this Act; and
  - (b) the seizure is necessary to prevent the thing being hidden, lost or destroyed or used to continue or repeat the offence.
- (4) Also, an inspection officer may seize a thing at a place the inspection officer enters under this part if the inspection officer reasonably believes it has just been used in committing an offence against this Act.

## 152I Powers supporting seizure

- (1) Having seized a thing, an inspection officer may—
  - (a) move the thing from the place where it was seized (the *place of seizure*); or
  - (b) leave the thing at the place of seizure but take reasonable action to restrict access to it and, if the thing is electrical equipment, to disconnect it from its supply of electricity to the extent considered appropriate; or

*Example—*

sealing the entrance to a room where the seized thing is situated and marking it to show access to it is restricted

- (c) if the thing is electrical equipment—dismantle it or cause it to be dismantled.
- (2) An inspection officer may direct an electricity entity to give the inspection officer the help the inspection officer reasonably requires to disconnect electrical equipment under subsection (1)(b).

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(3) An electricity entity must comply with a direction under subsection (2).

(4) If an inspection officer restricts access to a seized thing, a person must not tamper, or attempt to tamper, with the thing or something restricting access to the thing without an inspection officer's approval.

Maximum penalty for subsection (4)—100 penalty units.

(5) If an inspection officer disconnects seized electrical equipment from its supply of electricity, a person must not reconnect, or attempt to reconnect, the electrical equipment to a source of supply without an inspection officer's approval.

Maximum penalty for subsection (5)—100 penalty units.

### **152J Receipt for seized thing**

(1) As soon as practicable after an inspection officer seizes a thing, the inspection officer must give a receipt for it to the person from whom it was seized.

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

(3) The receipt must describe generally the thing seized and its condition.

(4) This section does not apply to a thing if it is impracticable or would be unreasonable to give the receipt required by the section, given the thing's nature, condition and value.

### **152K Forfeiture of seized thing**

(1) A seized thing is forfeited to the State if the inspection officer who seized the thing—

(a) can not find its owner after making reasonable inquiries;  
or



- (b) can not return it to its owner, after making reasonable efforts; or
  - (c) reasonably believes it is necessary to keep the thing to prevent it being used to commit an offence against this Act.
- (2) Subsection (1)(a) does not require the inspection officer to make inquiries if it would be unreasonable to make inquiries to find the owner, and subsection (1)(b) does not require the inspection officer to make efforts if it would be unreasonable to make efforts to return the thing to its owner.
- (3) If the inspection officer decides to forfeit a thing under subsection (1)(c), the inspection officer must tell the owner of the decision by written notice.
- (4) Subsection (3) does not apply if—
- (a) the inspection officer can not find its owner, after making reasonable inquiries; or
  - (b) it is impracticable or would be unreasonable to give the notice.
- (5) The written notice must include a notice stating the following—
- (a) the reasons for the decision;
  - (b) the rights of review under this Act;
  - (c) the period in which the review must be started;
  - (d) how the rights of review are to be exercised;
  - (e) that a stay of the decision may be applied for under this Act.
- (6) In deciding whether, and if so what, inquiries or efforts are reasonable, or whether it would be unreasonable to give notice about a thing, regard must be had to the thing's nature, condition and value.

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### **152L Return of seized thing**

- (1) If a seized thing has not been forfeited, the inspection officer must return it to its owner—
  - (a) at the end of 6 months; or
  - (b) if a proceeding for an offence involving it is started within 6 months, at the end of the proceeding and any appeal from the proceeding.
- (2) However, unless the thing has been forfeited, the inspection officer must immediately return a thing seized as evidence to its owner if the inspection officer stops being satisfied its continued retention as evidence is necessary.

### **152M Access to seized thing**

- (1) Until a seized thing is forfeited or returned, an inspection officer must allow its owner to inspect it and, if it is a document, to copy it.
- (2) Subsection (1) does not apply if it is impracticable or would be unreasonable to allow the inspection or copying.

## **Part 3    Restriction regulations and rationing orders**

### **153 Entry to places to investigate compliance with emergency rationing orders**

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.

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

- (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.

## **Part 4 Other matters**

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

- (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

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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.

## **165 Compensation**

- (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 Technical issues**

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

- (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 or special approval holder may disconnect anything that is connected to its transmission grid or supply network in contravention of the technical conditions.

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

- (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.

## **Chapter 9 Authorities and approvals**

### **Part 1 Generation authorities**

#### **Division 1 Issue of generation authority**

#### **178 Issue of generation authorities**

- (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) whether the person is authorised to sell electricity and, if so, the basis of the authorisation; and

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- (d) 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.

### **179 Application for generation authority**

- (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
    - (iii) whether the applicant intends to sell electricity and, if so, the basis on which the applicant intends to sell; 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.

### **179A Publication about application for generation authority**

- (1) Before issuing a generation authority the regulator must publish a notice in a Statewide newspaper—
  - (a) stating that an application for an authority has been made to the regulator by the person stated in the notice; and
  - (b) inviting interested persons to make submissions to the regulator about the application within the period and in the manner stated in the notice.

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- (2) The regulator must consider the submissions made before issuing an authority.

**180 Consideration of application for generation authority**

- (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,

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- 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) the objects of this Act; and
  - (b) relevant government policies about environmental and energy issues and the likely environmental effects of building and operating the generating plant; and
  - (c) 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 matters prescribed by regulation.

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

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 to seek an internal review of the refusal.



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## **Division 2                      Amendment of generation authority**

### **182      Amendment of generation authorities**

The regulator may, with a generation entity's agreement and after considering the objects of this Act, amend its generation authority.

### **183      Amendment of conditions stated in generation authorities**

The regulator may, with a generation entity's agreement and after considering the objects of this Act, amend the conditions stated in its authority.

### **183A    Amendment of generation authorities and conditions by notice to generation entity**

- (1) The regulator may amend a generation authority or the conditions of a generation authority by notice under subsection (2) given to the holder of the authority.
- (2) The regulator may amend a generation authority or the conditions of a generation authority by a notice only if—
  - (a) the regulator is satisfied the amendment is—
    - (i) necessary having regard to the objects of this Act; or
    - (ii) necessary or convenient to help or give effect to the objects of the Act, the restructuring of the Queensland electricity supply industry, or reforms concerning the Queensland electricity supply industry; and
  - (b) the regulator has given the holder of the authority an opportunity to make representations on the matter.
- (3) This section does not affect the power to amend under sections 182 and 183.

## **Division 3                      Transfer of authority**

### **184      Transfer of generation authorities**

The regulator may transfer a generation authority.

#### **184A    Application for transfer**

- (1) An application for the transfer of a generation authority must—
  - (a) be made to the regulator in the form approved by the regulator; and
  - (b) be accompanied by the fee prescribed under a regulation.
- (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.

#### **184B    Consideration of application for transfer**

- (1) The regulator must consider the application having regard to the objects of this Act and may transfer, or refuse to transfer, the generation authority.
- (2) However, the regulator may transfer the authority only if satisfied—
  - (a) the proposed transferee will operate the generating plant to which the authority relates; and
  - (b) the proposed transferee is a suitable person to be a generation entity; and
  - (c) the proposed transferee meets the additional criteria prescribed under a regulation.
- (3) In deciding whether the proposed transferee is a suitable person to be a generation entity, the regulator may consider

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the matters mentioned in section 180(3) as if the proposed transferee were applying for the issue of the authority.

### **184C Notice of refusal to transfer generation authority**

As soon as practicable after deciding to refuse to transfer the generation authority, the regulator must give the applicant a written notice informing the applicant of the refusal, the reasons for the refusal and the applicant's right to seek an internal review of the refusal.

## **Division 4 Surrender of generation authority**

### **185 Surrender of generation authorities**

- (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**

### **Division 1 Issue of transmission authority**

#### **186 Issue of transmission authorities**

- (1) The regulator may issue a transmission authority to a person.

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- (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.

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

The regulator may issue 2 or more transmission authorities for the same area.

### **188 Application for transmission authority**

- (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.

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- (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.

### **188A Publication about application for transmission authority**

- (1) Before issuing a transmission authority the regulator must publish a notice in a Statewide newspaper—
- (a) stating that an application for an authority has been made to the regulator by the person stated in the notice; and
  - (b) inviting interested persons to make submissions to the regulator about the application within the period and in the manner stated in the notice.
- (2) The regulator must consider the submissions made before issuing an authority.

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

- (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

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- (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) the objects of this Act; and
  - (b) relevant government policies about environmental and energy issues and the likely environmental effects of building and operating the transmission grid; and
  - (c) additional matters prescribed under the regulations.
- (6) In deciding whether to issue the authority, the regulator must not consider the matters prescribed by regulation.

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

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 to seek an internal review of the refusal.

**Division 2                      Amendment of transmission authority**

**191 Amendment of transmission authorities**

The regulator may, with a transmission entity's agreement and after considering the objects of this Act, 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.

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

The regulator may, with a transmission entity's agreement and after considering the objects of this Act, amend the conditions stated in its authority.

**192A Amendment of transmission authorities and conditions by notice to transmission entity**

- (1) The regulator may amend a transmission authority or the conditions of a transmission authority by notice under subsection (2) given to the holder of the authority.
- (2) The regulator may amend a transmission authority or the conditions of a transmission authority by a notice only if—

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- (a) the regulator is satisfied the amendment is—
  - (i) necessary having regard to the objects of this Act; or
  - (ii) necessary or convenient to help or give effect to the objects of the Act, the restructuring of the Queensland electricity supply industry or reforms in relation to the Queensland electricity supply industry; and
- (b) the regulator has given the holder of the authority an opportunity to make representations on the matter.
- (3) This section does not affect the power to amend under sections 191 and 192.

## **Division 3                      Transfer of authority**

### **193      Transfer of transmission authorities**

The regulator may transfer a transmission authority.

#### **193A    Application for transfer**

- (1) An application for the transfer of a transmission authority must—
  - (a) be made to the regulator in the form approved by the regulator; and
  - (b) be accompanied by the fee prescribed under a regulation.
- (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.



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### **193B Consideration of application for transfer**

- (1) The regulator must consider the application having regard to the objects of this Act and may transfer, or refuse to transfer, the transmission authority.
- (2) However, the regulator may transfer the authority only if satisfied—
  - (a) the proposed transferee will operate the transmission grid to which the authority relates; and
  - (b) the proposed transferee is a suitable person to be a transmission entity; and
  - (c) the proposed transferee meets the additional criteria prescribed under a regulation.
- (3) In deciding whether the proposed transferee is a suitable person to be a transmission entity, the regulator may consider the matters mentioned in section 189(3) as if the proposed transferee were applying for the issue of the authority.

### **193C Notice of refusal to transfer transmission authority**

As soon as practicable after deciding to refuse to transfer the transmission authority, the regulator must give the applicant a written notice informing the applicant of the refusal, the reasons for the refusal and the applicant's right to seek an internal review of the refusal.

## **Division 4 Surrender of transmission authority**

### **194 Surrender of transmission authorities**

- (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

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- (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**

### **Division 1                      Issue of distribution authority**

#### **195      Issue of distribution authorities**

- (1) The regulator may issue a distribution authority to a person.
- (2) The authority may state the term of the authority.

#### **195A    Distribution authorities for same distribution area**

The regulator may issue 2 or more distribution authorities for the same distribution area.

#### **196      Application for authority**

- (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.

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## **196A Publication about application for distribution authority**

- (1) Before issuing a distribution authority the regulator must publish a notice in a Statewide newspaper—
  - (a) stating that an application for an authority has been made to the regulator by the person stated in the notice; and
  - (b) inviting interested persons to make submissions to the regulator about the application within the period and in the manner stated in the notice.
- (2) The regulator must consider the submissions made before issuing an authority.

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

- (1) The regulator must consider an application for the issue of a distribution 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

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- (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) the objects of this Act; and
  - (b) relevant government policies about environmental and energy issues and the likely environmental effects of the activities proposed to be done under the authority; and
  - (c) 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 matters prescribed by regulation.

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

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 to seek an internal review of the refusal.

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## **Division 2                      Amendment of distribution authority**

### **199      Amendment of distribution authorities**

The regulator may, with a distribution entity's agreement and after considering the objects of this Act, amend its distribution authority.

### **200      Amendment of conditions stated in distribution authorities**

The regulator may, with a distribution entity's agreement and after considering the objects of this Act, amend the conditions stated in its authority.

### **200A    Amendment of distribution authorities and conditions by notice to distribution entity**

- (1) The regulator may amend a distribution authority or the conditions of a distribution authority by notice under subsection (2) given to the holder of the authority.
- (2) The regulator may amend a distribution authority or the conditions of a distribution authority by a notice only if—
  - (a) the regulator is satisfied the amendment is—
    - (i) necessary having regard to the objects of this Act; or
    - (ii) necessary or convenient to help or give effect to the objects of the Act, the restructuring of the Queensland electricity supply industry or reforms concerning the Queensland electricity supply industry; and
  - (b) the regulator has given the holder of the authority an opportunity to make representations on the matter.

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- (3) This section does not affect the power to amend under sections 199 and 200.

## **Division 3                      Transfer of authority**

### **201      Transfer of distribution authorities**

The regulator may transfer a distribution authority.

#### **201A    Application for transfer**

- (1) An application for the transfer of a distribution authority must—
- (a) be made to the regulator in the form approved by the regulator; and
  - (b) be accompanied by the fee prescribed under a regulation.
- (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.

#### **201B    Consideration of application for transfer**

- (1) The regulator must consider the application having regard to the objects of this Act and may transfer, or refuse to transfer, the distribution authority.
- (2) However, the regulator may transfer the authority only if satisfied—
- (a) the proposed transferee will operate the supply network to which the authority relates; and
  - (b) the proposed transferee is a suitable person to be a distribution entity; and
  - (c) the proposed transferee meets the additional criteria prescribed under a regulation.

- (3) In deciding whether the proposed transferee is a suitable person to be a distribution entity, the regulator may consider the matters mentioned in section 197(3) as if the proposed transferee were applying for the issue of the authority.

### **201C Notice of refusal to transfer distribution authority**

As soon as practicable after deciding to refuse to transfer the distribution authority, the regulator must give the applicant a written notice informing the applicant of the refusal, the reasons for the refusal and the applicant's right to seek an internal review of the refusal.

## **Division 4 Surrender of distribution authority**

### **202 Surrender of distribution authorities**

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

## **Part 4 Retail authorities**

### **Division 1 Issue of retail authority**

#### **203 Issue of retail authorities**

- (1) The regulator may issue a retail authority to a person.
- (2) The authority may state the term of the authority.
- (3) If the authority states a retail area, the authority may state when the right to the retail area ends.
- (4) The regulator must not issue more than 1 retail authority with a retail area for the same retail area.

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- (5) The regulator must not issue a retail authority without a retail area to the GOC Ergon Energy or any subsidiary of Ergon Energy.

## **204 Application for authority**

- (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) if the application is for a retail authority with a retail area—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.

## **204A Publication about application for retail authority**

- (1) Before issuing a retail authority the regulator must publish a notice in a Statewide newspaper—
  - (a) stating that an application for an authority has been made to the regulator by the person stated in the notice; and
  - (b) inviting interested persons to make submissions to the regulator about the application within the period and in the manner stated in the notice.
- (2) The regulator must consider the submissions made before issuing an authority.

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

- (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) subject to subsection (4), the financial capacity of the applicant; and
  - (b) the person's previous commercial and other dealings and the standard of honesty and integrity shown in the dealings; and
  - (c) any failure by the person to perform commercial or statutory obligations and the reasons for the failure; and
  - (d) the person's criminal history; and
  - (e) if the person is a corporation—the matters mentioned in paragraphs (b) to (d) for persons who are shareholders, directors or holders of other interests in the corporation; and
  - (f) for the applicant—the applicant's competence to be a retail entity; and
  - (g) additional matters prescribed under a regulation.
- (4) The regulator does not have to consider the matter in subsection (3)(a) if—
  - (a) the applicant's authority will be subject to a condition requiring compliance with the National Electricity Rules; and
  - (b) the National Electricity Rules contain prudential requirements applying to the activities to be authorised.

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- (5) A regulation may prescribe matters the regulator must or may consider in deciding the applicant's competence to be a retail entity.
- (6) In deciding whether to issue the authority, the regulator must consider—
  - (a) the objects of this Act; and
  - (b) relevant government policies about energy issues; and
  - (c) additional matters prescribed under a regulation.
- (7) In deciding whether to issue the authority, the regulator may consider additional matters prescribed under a regulation.
- (8) In deciding whether to issue the authority, the regulator must not consider matters prescribed by regulation.

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

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 to seek an internal review of the refusal.

## **Division 2 Amendment of retail authority**

### **207 Amendment of retail authorities**

The regulator may, with a retail entity's agreement and after considering the objects of this Act, amend its retail authority.

### **207A Amendment of conditions stated in retail authorities**

The regulator may, with a retail entity's agreement and after considering the objects of this Act, amend the conditions stated in its authority.

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**207AB Amendment of retail authorities and conditions by notice to retail entity**

- (1) The regulator may amend a retail authority or the conditions of a retail authority by notice under subsection (2) given to the holder of the authority.
- (2) The regulator may amend a retail authority or the conditions of a retail authority by a notice only if—
  - (a) the regulator is satisfied the amendment is—
    - (i) necessary having regard to the objects of this Act; or
    - (ii) necessary or convenient to help or give effect to the objects of the Act, the restructuring of the Queensland electricity supply industry or reforms about the Queensland electricity supply industry; and
  - (b) the regulator has given the holder of the authority an opportunity to make representations on the matter.
- (3) This section does not affect the power to amend under sections 207 and 207A.

**Division 3                      Other matters about retail authorities**

**207B Retail authorities not transferable**

A retail authority can not be transferred.

**207C Surrender of retail authorities**

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

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## **207D Recognition of interstate retail authority equivalents**

- (1) A person may apply for the issue of a retail authority if the person holds an equivalent authority or licence issued under the law of another State.
- (2) The application must—
  - (a) be made to the regulator in the form approved by the regulator; and
  - (b) be accompanied by the fees prescribed under a regulation including any fee for investigating whether an authority or licence should be issued.
- (3) If asked in writing by the regulator, the applicant must give the further relevant information or evidence the regulator requires to decide the application.
- (4) The regulator may dispense with any of the requirements of this part in relation to the application for or issue of a retail authority applied for under this section.
- (5) The applicant may not apply for a review of, or appeal against, the decision of the regulator.
- (6) To remove doubt, subsection (5) also precludes an application for review under the *Judicial Review Act 1991*.

## **Part 5 Special approvals**

### **Division 1 Giving of special approval**

#### **208 Giving of special approvals**

A special approval may be given under the regulations or by the regulator.

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## 209 Application for special approval

- (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.

## 210 Consideration of application for special approval

- (1) The regulator must consider an application for the giving of a special approval and may give, or refuse to give, the approval.
- (2) Sections 180(2) to (7), 189(2) to (6), 197(2) to (7) and 205(2) to (8), to the extent the provisions are relevant to the proposed activities, apply to the giving of the approval as if the application were for the issue of a relevant authority.
- (3) In this section—

*proposed activities* means the activities proposed to be performed under the special approval.

*relevant authority* means a generation, transmission, distribution or retail authority the applicant would otherwise be required to hold to perform the proposed activities.

## 211 Notice of refusal to give special approval

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 to seek an internal review of the refusal.

## **Division 2                      Amendment of special approval**

### **211A Amendment of special approval**

The regulator may, with a special approval holder's agreement and after considering the objects of this Act, amend its special approval.

### **211B Amendment of conditions stated in special approval**

The regulator may, with a special approval holder's agreement and after considering the objects of this Act, amend the conditions stated in its special approval.

### **211C Amendment of special approval and conditions by notice to holder of special approval**

- (1) The regulator may amend a special approval or the conditions of a special approval by notice under subsection (2) given to the holder of the special approval.
- (2) The regulator may amend a special approval or the conditions of a special approval by a notice only if—
  - (a) the regulator is satisfied the amendment is—
    - (i) necessary having regard to the objects of this Act; or
    - (ii) necessary or convenient to help or give effect to the objects of the Act, the restructuring of the Queensland electricity supply industry or reforms concerning the Queensland electricity supply industry; and
  - (b) the regulator has given the holder of the special approval an opportunity to make representations on the matter.
- (3) This section does not affect the power to amend under sections 211A and 211B.

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## **Division 3                      Transfer of special approval**

### **212      Transfer of special approval**

The regulator may transfer a special approval.

#### **212A    Application for transfer**

- (1) An application for the transfer of a special approval must—
  - (a) be made to the regulator in the form approved by the regulator; and
  - (b) be accompanied by the fee prescribed under a regulation.
- (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.

#### **212B    Consideration of application for transfer**

- (1) The regulator must consider the application having regard to the objects of this Act and may transfer, or refuse to transfer, the special approval.
- (2) However, the regulator may transfer the special approval only if satisfied the proposed transferee is a suitable person to hold the special approval.
- (3) In deciding whether the proposed transferee is a suitable person to hold the special approval, the regulator may consider the matters the regulator considers appropriate.

#### **212C    Notice of refusal to transfer special approval**

As soon as practicable after deciding to refuse to transfer the special approval, the regulator must give the applicant a written notice informing the applicant of the refusal, the reasons for the refusal and the applicant's right to seek an internal review of the refusal.

## **Division 4                      Surrender of special approval**

### **213      Surrender of special approvals**

- (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      Internal and external reviews**

### **Part 1                      Internal review of decisions**

#### **214      Who may apply for internal review etc.**

- (1) A person whose interests are affected by a decision mentioned in schedule 1 may apply to the following entity (the *reviewer*) for internal review of the decision—
  - (a) for a decision mentioned in section 40B or 48G about a connection services application or retail services application by a large customer or street lighting customer—QCA;
  - (b) for another decision mentioned in schedule 1—the regulator.



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

## **215 Applying for internal review**

- (1) An application by a person for internal 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 reviewer may extend the period for making an application for internal review.
- (4) An application for internal review must be written and state in detail the grounds on which the applicant seeks internal review of the decision.

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

- (1) If an application is made under this part for internal review of a decision, the applicant may immediately apply, as provided under the QCAT Act, to QCAT for a stay of the decision.
- (2) QCAT may stay the decision to secure the effectiveness of the internal review or a later application to QCAT for external review.
- (3) A stay—
- (a) may be given on conditions QCAT considers appropriate; and
  - (b) operates for the period fixed by QCAT; and
  - (c) may be revoked or amended by QCAT.

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- (4) The period of a stay under this section must not extend past the time when the reviewer reviews the decision and any later period QCAT allows the applicant to enable the applicant to apply for an external review of the reviewer's decision.
- (5) The making of an application under this part for internal review of a decision affects the decision, or the carrying out of the decision, only if the decision is stayed.

## **217 Review panels, arbitration and mediation**

- (1) A regulation may make provision about referring applications under this part for internal 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.

## **218 Decision on reconsideration**

- (1) This section applies to an application under this part for internal 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 reviewer 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 reviewer 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 reviewer 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 reviewer must immediately give the applicant written notice of the reviewer's decision on the application.
- (6) If the decision is not the decision sought by the applicant, the notice must be a QCAT information notice.
- (7) If the reviewer was not the decision maker and the reviewer 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 External reviews**

### **219 Who may apply for external review**

- (1) A person whose interests are affected by a decision of the reviewer under section 218 may apply, as provided under the QCAT Act, to QCAT for an external review of the decision.
- (2) However, a regulation may provide that a person can not apply under subsection (1) for an external review of a decision

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giving effect to a resolution by mediation or a decision by arbitration.

## **220 Application of QCAT Act notice requirement**

The reviewer must give a QCAT information notice for a decision only if this Act so requires.

# **Chapter 11 General**

## **Part 1A Provisions for civil penalty proceedings**

### **226A Relationship with criminal proceedings**

- (1) This section applies if—
  - (a) action (the *civil penalty proceeding*) is taken against or in relation to a person, consisting of—
    - (i) an application under section 120X for a civil penalty order; or
    - (ii) a referral under section 120ZC to the regulator and any decision in relation to the referral that involves the imposition of a civil penalty; and
  - (b) a criminal proceeding has been started, or has already been started, against the person for an offence; and
  - (c) the conduct that constitutes the offence is the same, or substantially the same, as the conduct the subject of the civil penalty proceeding.
- (2) The civil penalty proceeding must be stayed or not continued.

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- (3) However, the civil penalty proceeding may be resumed if, at the end of the criminal proceeding, there is no conviction for the offence.
- (4) Evidence in the civil penalty proceeding of information given, or documents produced, by a person is not admissible in evidence in the criminal proceeding.
- (5) In this section—
- conduct* includes an omission.
- conviction* includes a finding of guilt, or the acceptance of a plea of guilt, by a court whether or not a conviction is recorded.

## **226B Avoidance of multiple penalties**

If—

- (a) a civil penalty proceeding under section 244A is taken; and
- (b) conduct, or substantially the same conduct, the subject of the civil penalty proceeding constitutes a contravention of 2 or more industry code provisions;

a civil penalty must not be imposed or ordered in the civil penalty proceeding more than once for that conduct.

# **Part 1 Offences**

## **227 Unlawful to convey electricity etc. beyond own property**

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.

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**228 Unlawfully in or on premises where works situated**

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.

**229 Potential damage to electric lines by projectiles**

A person must not unlawfully discharge a weapon near an electric line or associated equipment, or throw or otherwise project an object towards an electric line or associated equipment so that—

- (a) the electric line or associated equipment 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.

**230 Unlawful interference with electricity entity's works**

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.

**231 Unlawful connection to transmission grid or supply network**

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.

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**232 Unlawful interference with supply of electricity to customer**

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.

**233 Offence to contravene emergency rationing order**

A person must not contravene an emergency rationing order, unless the person has a reasonable excuse for the contravention.

Maximum penalty—8 penalty units.

**235 Unlawful taking of electricity**

- (1) A person must not unlawfully take electricity.

Maximum penalty—1000 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) can not 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.

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**236 Obstruction of electricity officers and inspection officers**

A person must not obstruct an electricity officer or inspection officer in the exercise of a power, unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

**237 Impersonation of electricity officers and inspection officers**

A person must not pretend to be an electricity officer or inspection officer.

Maximum penalty—80 penalty units.

**238 False or misleading information**

(1) A person must not—

- (a) state anything to the regulator, an electricity officer or an inspection officer 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 inspection officer 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.

**239 False, misleading or incomplete documents**

(1) A person must not give the regulator, an electricity officer or an inspection officer a document containing information the person knows is false, misleading or incomplete in a material particular.

Maximum penalty—60 penalty units.



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- (2) Subsection (1) does not apply to a person who, when giving the document—
- (a) informs the regulator, inspection officer 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, inspection officer 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.

## **240 Impersonation of person named in document**

- (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.

## **240A Executive officer may be taken to have committed offence**

- (1) If a corporation commits an offence against a deemed executive liability provision, each executive officer of the corporation is taken to have also committed the offence if—
- (a) the officer authorised or permitted the corporation's conduct constituting the offence; or
  - (b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.
- (2) The executive officer may be proceeded against for, and convicted of, the offence against the deemed executive

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liability provision whether or not the corporation has been proceeded against for, or convicted of, the offence.

- (3) This section does not affect either of the following—
- (a) the liability of the corporation for the offence against the deemed executive liability provision;
  - (b) the liability, under the Criminal Code, chapter 2, of any person, whether or not the person is an executive officer of the corporation, for the offence against the deemed executive liability provision.
- (4) In this section—

*deemed executive liability provision* means any of the following provisions—

- section 87(1)
- section 88(1)
- section 88A(1)
- section 89(1).

*executive officer*, of a corporation, means a person who is concerned with, or takes part in, the corporation's management, whether or not the person is a director or the person's position is given the name of executive officer.

## **241 Attempts to commit offences**

- (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 applies to subsection (1).

## **242 Proof of unlawfulness**

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.

### **243 Offences are summary offences**

An offence against this Act is a summary offence.

### **244 Start of offence proceedings**

- (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**

### **245 Application of part**

This part applies to a proceeding under or in relation to this Act.

## **246 Proof of appointments**

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) inspection officers.

## **247 Proof of signatures**

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 inspection officer.

## **248 Evidentiary certificates by regulator**

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;
- (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.

**249 Evidentiary certificate by electricity entity's chief executive officer etc.**

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.

**251 Proof of taking of electricity etc.**

The existence on, or in association with, a customer's electrical installation of ways to—

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- (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.

### **251A Evidentiary effect of code contravention notice**

- (1) A document purporting to be a certified copy of a code contravention notice is evidence—
  - (a) that the notice was a code contravention notice given under chapter 5, part 1A, division 6, subdivision 1; and
  - (b) of the contravention or other matters stated in it; and
  - (c) that the notice has been given to the entity stated in it the notice.
- (2) In this section—

*certified copy* means a copy with a certificate purporting to be signed by a member of QCA stating the copy is a true copy of the document it purports to be.

## **Part 3                      Miscellaneous**

### **252 Condition may require compliance with standards, codes etc.**

- (1) A condition that may be imposed under this Act may require compliance with a protocol, standard, code,

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intergovernmental agreement or another agreement stated in the condition.

- (2) This section does not limit the *Statutory Instruments Act 1992*, section 23.

### **253AA Direction by Minister to give information or advice**

- (1) The Minister may give QCA a written direction to give the Minister information or advice on any matter related to the Queensland electricity market.
- (2) QCA must comply with the direction.
- (3) QCA must publish the direction on its website.

### **253 Advisory committees**

- (1) For this Act, advisory committees 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) Without limiting subsection (2) or (3), an advisory committee's function may be to give information and advice on matters impacting on communities in a particular region to the following—
- (a) the Minister;
  - (b) the department;
  - (c) distribution entities or retail entities.

*Examples of matters impacting on communities in a particular region for subsection (4)—*

- 1 service levels provided by electricity entities
- 2 reliability of electricity supply
- 3 environmental concerns

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- 4 major electricity infrastructure projects
- 5 proposed changes to the local electricity network
- (5) A member of an advisory committee established under subsection (1) is entitled to be paid the fees and allowances that may be approved by the Governor in Council.
- (6) QCA must establish a consumer advisory committee to advise it on—
  - (a) the performance of its functions under this Act and its corresponding functions under the *Gas Supply Act 2003*, including, for example, the making or amendment of an industry code under the Acts; and
  - (b) any other matter about the electricity supply industry or reticulated processed natural gas markets.
- (7) The members of the consumer advisory committee must be appointed after consultation with groups who represent the interests of consumers.
- (8) QCA must give the consumer advisory committee necessary support to allow the committee to perform its functions.
- (9) QCA may also establish other advisory committees to advise it on stated matters about the administration of industry codes under either Act.

### **253A Reporting to Minister by QCA**

- (1) QCA must, on or before each 31 December and 30 June, give the Minister a written report about the performance of—
  - (a) its functions under this Act; or
  - (b) any of the Minister's functions under this Act that have been delegated to QCA.
- (2) QCA may, from time to time, give the Minister reports about any significant events in the State's electricity market of which it considers the Minister ought to be aware, including, for example, systemic issues materially affecting consumers.



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- (3) In this section a reference to the performance of a function includes the exercise of a power.

## **254 Protection from liability**

- (1) In this section—

*civil liability* includes liability for the payment of costs ordered to be paid in a proceeding for an offence against this Act.

*official* means—

- (a) the Minister; and
  - (b) the regulator; and
  - (c) officers of the department assisting the regulator to perform functions under section 63; and
  - (d) an operator under section 131 and employees of an operator; and
  - (e) inspection officers; and
  - (f) members of advisory committees appointed by the Minister or under a regulation; and
  - (g) members of any board established under this Act.
- (2) An official or QCA 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 or QCA, the liability attaches instead to the State.

## **254AA Protection from liability of member or employee of QCA**

- (1) A member or employee of QCA is not civilly liable for an act done, or omission made, in good faith under this Act.
- (2) If subsection (1) prevents a civil liability attaching to a member or employee, the liability attaches instead to QCA.

[s 254AB]

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### **254AB Meaning of particular terms for a relevant body corporate**

For a relevant body corporate, a reference in this Act—

- (a) to a customer's premises or to premises owned or occupied by a customer, is a reference to the premises for which the relevant body corporate is established; and
- (b) to a customer or person who owns or occupies premises or has the right to use premises, is a reference to the relevant body corporate established for the premises.

### **254A Attachment—words defined in other legislation referred to in this Act**

- (1) Attached to this Act is an attachment containing relevant provisions from other legislation referred to in this Act.

*Editor's note—*

The attachment appears immediately after schedule 5 (Dictionary).

- (2) The attachment is not part of this Act.
- (3) The attachment must be revised so that it is an accurate copy of the provisions as amended from time to time.
- (4) The revision under subsection (3) must happen in the first reprint of this Act after an amendment of a provision.

### **254B Registers QCA must keep**

QCA must keep a register of each of the following—

- (a) the terms of each retail entity's standard large customer retail contract given to QCA by the entity;
- (b) industry codes;
- (c) warning notices, including expired warning notices;
- (d) conduct assurances;
- (e) code contravention notices, including expired code contravention notices.

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*Note—*

For access to the registers, see the QCA Act, sections 227A to 227C.

## Chapter 12 State electricity entities

### Part 1 General

#### 255 State electricity entities do not represent the State

State electricity entities do not represent the State.

#### 256 Application of Judicial Review Act

(1) In this section—

*commercial activities* means activities conducted on a commercial basis.

*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.
- (4) The *Judicial Review Act 1991* does not apply to a decision of a State electricity entity made in carrying out its excluded activities.

[s 259A]

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### **259A Regulation may declare a State electricity entity**

- (1) 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.
- (2) A regulation may also declare an entity that is a subsidiary of a GOC but is not a State electricity entity to be a State electricity entity for—
  - (a) awards, or a stated award, under the *Industrial Relations Act 1999*; or
  - (b) employment conditions, or stated employment conditions, of its employees.

## **Part 2 Superannuation**

### **260 State electricity entities to take part in regulated superannuation scheme**

Each State electricity entity must take part in a regulated superannuation scheme under the *Superannuation Industry (Supervision) Act 1993* (Cwlth).

### **262 Membership of certain superannuation schemes continued**

- (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 Electricity Supply Industry Superannuation Fund (Qld), but a person may not be a contributor to a scheme under this section and also be a contributor to the Electricity Supply Industry Superannuation Fund (Qld).

## Chapter 13 Regulations

### 263 General regulation-making power

The Governor in Council may make regulations under this Act.

### 264 Regulation about matters in sch 2

- (1) Without limiting section 263, a regulation may make provision about the matters mentioned in schedule 2, including for example—

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- (a) regulating persons and things in relation to the matters;  
and
  - (b) imposing conditions in an authority or special approval prohibiting electricity entities or special approval holders from having a prohibited interest in 1 or more of the following—
    - (i) a prescribed authority;
    - (ii) a prescribed entity;
    - (iii) a prescribed person;
    - (iv) a prescribed thing; and
  - (c) the functions, entitlements, obligations and powers of persons in relation to the matters.
- (2) A regulation under subsection (1)(b) may make different provision for different electricity entities or special approval holders.

## **266 Energy labelling and performance standards**

Without limiting section 263, a regulation may make provision about appliances that use electricity (*electrical 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.

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## **Chapter 14 Transitional and validation provisions**

### **Part 1 Provisions for original Act (1994 No. 64)**

#### **269 Definition**

In this chapter—

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

#### **276 Transfer of officers to the department**

- (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.

#### **280 First declaration of approved superannuation scheme**

- (1) The first regulation declaring an industry superannuation scheme to be an approved industry superannuation scheme

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must fix a commencement day for the approval (the *approval day*).

*Notes—*

- 1 For the definition of *approved industry superannuation scheme*, see this Act as passed, section 261.
  - 2 For the approval day, see the *Electricity Regulation 1994*, section 241.
- (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.

## **285A Electricity Act 1976 references**

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.

## **286 References to electricity boards, electricity authorities and electricity supply industry**

- (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,



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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).

## **287 Gladstone power station provisions**

- (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

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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).

## **287A Gladstone power station arrangements**

- (1) A regulation may limit the power of the System Operator in Queensland to do anything, or to give a Registered participant a direction requiring it to do anything, that is inconsistent with the obligations of the System Operator in Queensland or the Registered participant under a transaction document.
- (2) The application of this Act may be changed under the State agreement or a further agreement under the *Gladstone Power Station Agreement Act 1993*.

(3) In this section—

*State agreement* has the meaning given in *Gladstone Power Station Agreement Act 1993*.

*transaction document* has the meaning given in *Gladstone Power Station Agreement Act 1993*.

*Editor's note—*

The attachment contains extracts of the relevant provisions of the *Gladstone Power Station Agreement Act 1993*.

## **288 Supply under special agreements under s 172 of repealed Act**

- (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, Electricity Amendment Act (No. 2) 1997 and Electricity Amendment Act (No. 3) 1997**

### **299 Directions to State electricity entities**

- (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 give a direction only if they are satisfied it is necessary or convenient to help or give effect to the objects

of the Act, the restructuring of the Queensland electricity supply industry, reforms concerning the Queensland electricity supply industry or to ensure a financially viable 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*.

### **302C National Electricity Rules replace Queensland Grid Code**

- (1) This section applies for any reference in any Act or document to the Queensland Grid Code as applied under this Act.
- (2) If the National Electricity Rules deal with matters that the Queensland Grid Code also deals with, the National Electricity Rules replace the Queensland Grid Code to the extent that the National Electricity Rules deal with those matters.

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## **Part 3**

# **Transitional provision for Electricity Amendment Act 2000**

### **303 Continuation of existing regional electricity councils**

- (1) This section applies to a regional electricity council—
  - (a) established by the Minister to provide information about regional electricity issues and requirements to the State and electricity retailers; and
  - (b) in existence immediately before the commencement of the *Electricity Amendment Act 2000*.
- (2) The council continues in existence as if it had been established as an advisory committee under section 253 with the function of giving information and advice on matters impacting on the region for which it was established.

## **Part 4**

# **Transitional provision for Integrated Planning and Other Legislation Amendment Act 2001**

### **304 Application of Acts Interpretation Act, s 20**

The *Acts Interpretation Act 1954*, section 20 applies to the repeal of chapter 4, part 4, division 4A.

## **Part 5**

# **Transitional provisions for Electricity And Other Legislation Amendment Act 2003**

### **305 Existing on-supply agreements**

- (1) This section applies to an on-supply agreement under the *Electricity Regulation 1994* that is in force immediately before the commencement of this section.
- (2) From the commencement, the agreement is taken to be an on-supply agreement under this Act.

### **306 Particular existing agreements about common area consumption**

Chapter 1, part 6, division 1, subdivisions 4 and 6 do not apply to an on-supply agreement made before 13 October 2000.

### **307 Existing exemptions from Act**

- (1) This section applies to an exemption from this Act given by the *Electricity Regulation 1994* and in force immediately before the commencement of this section.
- (2) From the commencement, the exemption continues in force as if it were given under the following section of this Act—
  - (a) for an exemption for connection of generating plant not supplying electricity to a transmission grid or supply network—section 20P;
  - (b) for an exemption for Brisbane Airport Rail Link—section 20Q(1);
  - (c) for an exemption for an on-supplier—section 20A.

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## Part 6 Validation provision

### 308 Validation of particular acts by relevant bodies corporate

- (1) This section applies to a relevant body corporate that, before the commencement of this section, entered into an agreement to supply and sell electricity for use in the premises for which the body corporate was established.
- (2) The agreement and all acts, matters and things done by the body corporate under the agreement are taken to be, and always to have been, as validly made or done, as if the agreement were entered into after the commencement.

## Part 7 Transitional provision for Electricity Amendment Act 2004

### 309 Existing electricity supply contracts

- (1) This section applies if—
  - (a) immediately before 1 January 2003, a contract was in force for the sale of electricity from a liable person to a customer who, under this Act as it was in force on that day, was a contestable customer; and
  - (b) under chapter 5A, the 13% liability is imposed on the liable person for electricity sold under the contract.
- (2) However, this section does not apply, or ceases to apply, if a review opportunity arose or arises for the contract on or after 1 January 2003.
- (3) The liable person may, by notice to the customer, charge the customer all or any of the following (*chargeable amounts*)—

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- (a) the amount of the liable person's reasonable costs incurred in meeting or managing the 13% liability for electricity sold under the contract;

*Examples of reasonable costs that may be incurred in meeting the liability—*

- the cost of working out the relevant liable load
- the cost of acquiring GECs to surrender to meet the liability
- any fee paid to surrender the GECs
- an appropriate proportion of the costs of giving the relevant self-assessment report
- if the liable person is an accredited generator—an appropriate proportion of the relevant annual fee
- if the liable person is not an accredited generator—an appropriate proportion of the fee to apply to become a scheme participant and the relevant annual fee

*Example of a reasonable cost that may be incurred in managing the liability—*

- the cost of setting up an internal information technology system to manage the liability

- (b) an amount equivalent to the amount of any civil penalty paid to meet the 13% liability and any reasonable costs of paying the civil penalty.
- (4) The notice must state the amount of each chargeable amount charged to the customer separately from any other amount charged for the sale of the electricity.
- (5) If the customer does not pay a chargeable amount charged to the customer within a reasonable period after receiving the notice, the liable person may recover the chargeable amount from the customer as a debt.
- (6) In deciding what is a reasonable period for subsection (5), regard must be had to the provisions of the contract.
- (7) Subsections (3) to (6)—
- (a) apply despite any other provision of this Act; but



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- (b) do not apply for a particular chargeable amount if the contract, by express words, provides for who is liable to pay that amount.
- (8) In this section—
- review opportunity***, for a contract, means an opportunity for the liable person, acting either alone or with the agreement of 1 or more of the other parties to the contract—
- (a) to change how much the customer must pay for electricity sold under the contract; or
- (b) to carry out a general review, renegotiation or alteration of how much the customer must pay for electricity sold under the contract.

## Part 8                      **Transitional provisions for Electricity and Other Legislation Amendment Act 2006**

### 310      **Definitions for pt 8**

In this part—

***amendment Act*** means the *Electricity and Other Legislation Amendment Act 2006*.

***commencement*** means the date of assent of the amendment Act.

***former***, for a provision mentioned in this part, means the provision to which the reference relates is a provision of the pre-amended Act.

***FRC day*** means the day the amendment Act, section 13 commences.

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*new*, for a provision mentioned in this part, means the provision to which the reference relates is a provision of the post-amended Act, as affected by any relevant definitions under the post-amended Act.

*post-amended Act* means this Act as in force from the FRC day.

*pre-amended Act* means this Act as in force before the FRC day.

### **311 Extension of area retail obligation**

- (1) This section applies to a retail entity in relation to premises if—
  - (a) it is not the area retail entity for the premises; and
  - (b) it is the financially responsible retail entity for the premises; and
  - (c) immediately before the FRC day, the premises were owned or occupied by a customer who, under the post-amended Act, is a large non-market customer for the premises.
- (2) New section 48D applies to the retail entity as if it were an area retail entity for the premises and as if the circumstances mentioned in section 48D(2)(b) existed.

### **312 Small customer may enter into negotiated retail contract before FRC day**

- (1) This section applies if—
  - (a) under the pre-amended Act, a customer is a non-contestable customer for premises; and
  - (b) the customer would, under the post-amended Act, be a small customer for the premises.
- (2) Despite former sections 52 and 52A, the customer may enter into a negotiated retail contract under the post-amended Act

with a retail entity for the provision of customer retail services to the premises even though this Act is not in force in the form of the post-amended Act.

- (3) However, until the FRC day—
  - (a) customer retail services can not be provided under the negotiated retail contract; and
  - (b) any standard customer sale contract or standard contract between the customer and the retail entity under any of the following continues to apply for the provision of the services to the premises—
    - (i) former section 49 or 49A;
    - (ii) former section 310;
    - (iii) the *Energy Assets (Restructuring and Disposal) Act 2006*, section 41.
- (4) Also, it is taken to be a term of the negotiated contract that the customer may, by written notice to the retail entity given within 10 business days after the FRC day, terminate the contract without penalty.
- (5) The notice need not state a ground for the termination.

### **313 Existing contestable customers who are receivers**

- (1) This section applies to a person who, immediately before the FRC day, was, under the pre-amended Act, both a contestable customer and a receiver for premises.
- (2) Despite new section 23(2), the person is, under the post-amended Act, a customer for the premises.
- (3) To remove any doubt, it is declared that subsection (2) continues to apply despite the ending of any contract entered into before the FRC day in relation to the provision of customer connection services or customer retail services to the premises.

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### **314 Existing standard customer connection contracts**

- (1) This section applies on the FRC day if immediately before that day a contract (the *existing contract*) was, under former section 40 or 40AA, taken to have been in force between a customer and a distribution entity for the provision of customer connection services to premises.
- (2) The existing contract ends.
- (3) The ending of the existing contract does not affect rights or obligations accrued under it before the FRC day.
- (4) The customer and the entity are, under new section 40DB, taken to have entered into a standard connection contract for the provision of the services to the premises.
- (5) New section 40DB(3) to (6) apply as if the standard connection contract as if were a contract taken to have been entered into under that section.
- (6) This section is subject to the retailer of last resort scheme.

### **315 Existing standard customer sale contracts**

- (1) This section applies on the FRC day if immediately before that day a contract (the *existing contract*) was, under any of the following provisions, taken to have been in force between a customer and a retail entity for the provision of customer retail services to premises—
  - (a) former section 49 or 49A;
  - (b) former section 310;
  - (c) the *Energy Assets (Restructuring and Disposal) Act 2006*, section 41.
- (2) However, subsections (3) to (6) do not apply if the *Energy Assets (Restructuring and Disposal) Act 2006*, section 44 applies to the existing contract.
- (3) The existing contract ends.

- (4) The ending of the existing contract does not affect rights or obligations accrued under it before the FRC day.
- (5) The customer and the financially responsible retail entity for the premises are, under new section 51, taken to have entered into a retail contract of the following type for the provision of the services to the premises—
  - (a) if the customer is a small customer for the premises—a standard retail contract;
  - (b) if the customer is a large customer for the premises—a standard large customer retail contract.
- (6) New section 52(3) and (4) applies to the retail contract as if it were a contract taken to have been entered into under that section.
- (7) The FRC entity is taken to be the financially responsible retail entity for the premises under the post-amended Act.
- (8) To remove any doubt, it is declared that subsection (7) applies even though the FRC entity would not, other than for subsection (7), be the financially responsible retail entity for the premises.
- (9) Subsection (7) ceases to apply if, under the post-amended Act—
  - (a) another retail entity becomes the financially responsible retail entity for the premises because of a completed transfer under the National Electricity Rules taking effect after the FRC day; or
  - (b) the FRC entity becomes the financially responsible retail entity.
- (10) In this section—

***FRC entity*** means—

  - (a) Ergon Energy; or
  - (b) an acquiring entity or a sale entity under the *Energy Assets (Restructuring and Disposal) Act 2006*.

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**316 References to other particular contracts under pre-amended Act**

- (1) In an Act or document, a reference to a contract of a following type (the *old type*) under the pre-amended Act is taken to be a reference to a type of contract under the post-amended Act stated opposite the old type—
  - (a) a customer connection contract—a connection contract;
  - (b) a negotiated customer connection contract—a negotiated connection contract;
  - (c) a customer sale contract—a retail contract;
  - (d) a negotiated customer sale contract—a negotiated retail contract.
- (2) Subsection (1) applies subject to new sections 312 to 315.

**317 Exclusion of new s 40DB for existing negotiated sale and connection contracts**

- (1) This section applies if, immediately before the FRC day, a negotiated sale and connection contract under the pre-amended Act was in force for a customer's premises connected to a distribution entity's supply network.
- (2) While the contract continues in force new section 40DB does not apply to the customer and the entity in relation to the premises.

**318 Particular unmetered street lighting**

- (1) This section applies to a customer for street lighting that—
  - (a) has an unmetered connection point or supply point for the delivery of electricity; and
  - (b) is in a public place.
- (2) From the FRC day to relevant day the post-amended Act applies to the customer in relation to the street lighting as if

the customer were an excluded customer for the street lighting.

- (3) In this section—

*relevant day* means—

- (a) if, before 1 July 2008, a day after 1 July 2008 is prescribed under a regulation—the prescribed day; or
- (b) otherwise—1 July 2008.

*street lighting* includes a system of street lighting.

### **319 Other unmetered connection points**

- (1) This section applies to a customer for premises, other than street lighting mentioned in new section 318, to the extent that the premises has an unmetered connection point or supply point for the delivery of electricity.

*Example—*

a telephone booth

- (2) From the FRC day to the day prescribed under a regulation the the post-amended Act applies to the customer in relation to the premises as if the customer were an excluded customer for the premises.

### **319A Particular watchman lights**

- (1) This section applies to NMI premises that, when the FRC day starts, consist only of a watchman light.
- (2) However, this section applies only if the financially responsible retail entity for the premises is not an area retail entity.
- (3) From the FRC day to the day prescribed under a regulation the post-amended Act applies to a customer in relation to the premises as if the customer were an excluded customer for the premises.

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- (4) Despite new sections 48A and 48B, the financially responsible retail entity for the premises may provide customer retail services to the customer for the premises.

### **320 Obligation to decide notified prices for 2007–2008 financial year on basis of post-amended Act**

- (1) The pricing entity must, as soon as practicable after the commencement, decide notified prices for customer retail services.
- (2) New section 90, new chapter 4, part 2, division 3 and any other relevant provisions of the post-amended Act apply for the deciding of the notified prices, instead of former section 90.

### **321 Making of transitional conduct rules about marketing conduct**

- (1) The Minister may, at any time after the commencement, make conduct rules about marketing conduct by distribution entities or retail entities.
- (2) Former section 120C and 120GB apply for the making of the rules as if a reference in the sections to QCA were a reference to the Minister.
- (3) Former sections 120D to 120GA do not apply for the making of the rules.
- (4) The Minister must publish a gazette notice stating that the Minister has made the rules.
- (5) The rules take effect when the notice is published, or on a later day of effect stated in the notice.
- (6) The rules are taken to be conduct rules under the pre-amended Act.



### **322 Existing mediated agreements**

Former chapter 5, part 1B continues to apply for a mediated agreement under the pre-amended Act as if the part were still in force.

### **323 Existing orders on arbitrated disputes**

Former chapter 5, part 1C continues to apply for an order made under former section 120ZY, as if the part were still in force.

### **324 Preservation of appeal rights about former contribution and user-pays fees**

If, before the commencement, a member entity under the pre-amended Act had been given an information notice under former section 64E for a contribution fee or user-pays fee under the pre-amended Act, former section 64E and former schedule 1 continue to apply for the fee.

### **325 Transitional provision for non-liaible loads**

- (1) This section applies if—
  - (a) immediately before the FRC day, a customer was, under former section 49A, taken to have entered into a contract (the *old contract*) for the provision of customer retail services for premises; and
  - (b) under either of the following, the old contract is taken to have ended and the customer is taken to have entered into a standard large customer retail contract (the *new contract*) for the provision of the services to the premises on the FRC day—
    - (i) the *Energy Assets (Restructuring and Disposal) Act 2006*, section 44 (the *EARD section*);
    - (ii) new section 315.

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- (2) An electricity load sold under the new contract is taken to be a non-liaible load for—
  - (a) if the new contract is with the same retail entity under the old contract—3 months from the day the old contract was, under former section 49A, taken to have been entered into; or
  - (b) if the new contract is with a different retail entity to the retail entity under the old contract—3 months from the FRC day.

## Part 9 **Transitional provision for Mines and Energy Legislation Amendment Act 2009**

### **326 Existing distribution service pricing for Mount Isa–Cloncurry supply network**

- (1) This section applies if, immediately before 1 July 2010—
  - (a) the owner of the Mount Isa–Cloncurry supply network provides customer connection services relating to the supply network; and
  - (b) the pricing regulation made by QCA, under the direction made by the Minister under section 89B(2) to regulate the pricing for the services, is still in force; and
  - (c) the Australian Energy Regulator has not made a distribution determination, within the meaning of the National Electricity Rules, for the supply network for the relevant regulatory control period.

*Note—*

See the *Electricity—National Scheme (Queensland) Act 1997*, section 10 (Economic regulation of Mount Isa–Cloncurry supply network from 1 July 2010).

- (2) The pricing regulation is taken to be a jurisdictional pricing determination under the National Electricity Rules, clause 11.14.2 for the services.
- (3) For applying the National Electricity Rules—
  - (a) the services are taken to be distribution services for the National Electricity Rules; and
  - (b) the Mount Isa–Cloncurry supply network is taken to be a distribution system.
- (4) The National Electricity Rules apply with any necessary changes to give effect to this section.
- (5) In this section—

*amending Act* means the *Mines and Energy Legislation Amendment Act 2009*.

*Mount Isa–Cloncurry supply network*—

- (a) means the supply network, other than the 220kV supply network—
  - (i) located in the Mount Isa–Cloncurry region; and
  - (ii) owned by Ergon Energy immediately before the date of assent for the amending Act; and
  - (iii) not connected to the national grid; and
- (b) includes any increase in the supply network after the date of assent for the amending Act.

*relevant regulatory control period* means the regulatory control period, within the meaning of the National Electricity Rules, starting on 1 July 2010.

## **Part 10A**

# **Transitional provisions for Electricity Price Reform Amendment Act 2011**

### **328 Qualifying generators connected, or about to be connected, to supply network**

- (1) This section applies if—
  - (a) before 8 June 2011, a small customer’s qualifying generator was connected to a distribution entity’s supply network; or
  - (b) a small customer had applied to a distribution entity before 8 June 2011 to have the customer’s qualifying generator connected to the distribution entity’s supply network, but the generator was connected to the network after 8 June 2011.
- (2) Section 44A and schedule 5, definition *small photovoltaic generator*, as in force immediately before the commencement, continue to apply to the qualifying generator after 8 June 2011.
- (3) To remove any doubt, it is declared that subsection (2) applies for any small customer from time to time for the premises at which the qualifying generator is installed.
- (4) This section is subject to section 335.

### **329 Investigation and report by QCA in relation to price determination for relevant tariff year**

- (1) This section applies if, before the commencement of this section, QCA has been directed under the QCA Act, section 10(e) to investigate and report on a possible alternative retail pricing methodology and schedule of retail tariffs for the relevant tariff year.
- (2) Any investigation or report submitted by QCA under the QCA Act, section 10(e) is taken to be a valid part of the price

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determination process under chapter 4, part 2 for the relevant tariff year.

(3) In this section—

*relevant tariff year* means the period 1 July 2012 to 30 June 2013.

## **Part 11**

# **Transitional provision for repeal of Community Ambulance Cover Act 2003**

### **331 Continuation of relevant former provisions for retail authority and special approval**

(1) Subject to subsection (2)—

- (a) section 55DA(3) and (4), as it was in force immediately before 1 July 2011 (the *relevant former provision*), continues to apply; and
- (b) section 55F, as it was in force immediately before 1 July 2011 (also the *relevant former provision*), continues to apply to a retail authority; and
- (c) section 61A, as it was in force immediately before 1 July 2011 (also the *relevant former provision*), continues to apply to a special approval.

(2) A reference in the relevant former provision to the Ambulance Cover Act is taken to be a reference to the repealed *Community Ambulance Cover Act 2003* as continued under the *Community Ambulance Cover Levy Repeal Act 2011*, part 2.

## **Part 12**                      **Transitional provision for Treasury (Cost of Living) and Other Legislation Amendment Act 2012**

### **333**      **Inclusion of carbon and renewable energy target cost estimates in particular accounts**

Section 55GA applies only to an account issued by a retail entity on or after 1 July 2012.

## **Part 13**                      **Transitional provision for Electricity (Early Termination) Amendment Act 2012**

### **334**      **Early termination of particular negotiated retail contracts**

- (1) This section applies in relation to a negotiated retail contract between a relevant customer and a retail entity, entered into before or during the relevant period, if—
  - (a) during the relevant period, the retail entity notified the customer that the entity's charges for the provision of customer retail services to the customer under the contract were to increase; and
  - (b) the increased charges under the contract will be more than the notified prices.
- (2) The customer may, within 20 business days after the end of the relevant period, terminate the contract by giving the retail entity written notice of the termination.
- (3) Subsection (2) does not limit any other rights of the customer to terminate the contract.

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- (4) The termination takes effect 10 business days after the written notice is given to the retail entity.
- (5) If the customer terminates the contract under subsection (2), the retail entity must not directly or indirectly charge the customer a fee for the early termination of the contract.

Maximum penalty—500 penalty units.

- (6) This section applies despite anything to the contrary in the contract.
- (7) In this section—

*relevant customer* means—

- (a) a residential customer; or
- (b) a small customer who is not a residential customer.

*relevant period* means the period starting on 1 June 2012 and ending on the commencement of this section.

## **Part 14                      Transitional provision for Water Legislation (Dam Safety and Water Supply Enhancement) and Other Legislation Amendment Act 2012**

### **335      When s 328 stops applying or does not apply to qualifying generators as previously defined**

- (1) Section 328 stops applying to a small customer's qualifying generator mentioned in section 328(1)(a) or (b) that is connected at the small customer's premises to a distribution entity's supply network if the name on an electricity account for the premises is changed to another person.

*Example of when the name on an electricity account may be changed—*

The premises are sold or rented out.

- (2) Subsection (1) does not apply if the name on the electricity account is changed to a person whose spouse was a small customer for the premises immediately before the person became a small customer for the premises.
- (3) Section 328 does not apply to a small customer's qualifying generator mentioned in section 328(1)(b) that is connected at the small customer's premises to a distribution entity's supply network if—
  - (a) the qualifying generator has not been connected at the premises to the network by the end of 30 June 2013; or
  - (b) the qualifying generator has not been ready to be connected at the premises to the supply network by the end of 30 June 2013.
- (4) Subsection (5) applies if, under this section, section 328 stops applying, or does not apply, to a small customer's qualifying generator that is a small photovoltaic generator.
- (5) It is a condition of the distribution entity's distribution authority that, until a day (not later than 1 July 2028) prescribed under a regulation, the distribution entity credit against the charges payable by a small customer for the premises, for customer connection services provided to the small customer in a relevant supply period, the prescribed credit amount for electricity mentioned in section 44A(1)(b).

*Note—*

The condition stated in subsection (5) no longer applies. The *Electricity Regulation 2006*, section 30AA, as it was in force immediately before 1 July 2014, prescribed 30 June 2014 as the day until which a distribution entity was required to comply with subsection (5).

- (6) In this section—

***qualifying generator*** has the same meaning as that term has under section 328(2).



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## **Part 15**                      **Transitional provisions for Electricity Act 1994**

### **Division 1**                      **Repeal of Clean Energy Act 2008**

#### **336**      **Repeal**

The Clean Energy Act 2008, No. 33 is repealed.

### **Division 2**                      **Transitional provisions for repeal of Clean Energy Act 2008**

#### **337**      **Definitions for div 2**

In this division—

*commencement* means the commencement of this section.

*repealed Act* means the repealed *Clean Energy Act 2008*, as in force immediately before its repeal.

#### **338**      **Existing applications**

- (1) This section applies if—
  - (a) an application was made before the commencement under a provision of the repealed Act; and
  - (b) the application has not, at the commencement, been finally dealt with.
- (2) The application is of no effect and is taken never to have been made.

### **339 Offence proceedings**

- (1) This section applies to a proceeding for an offence against the repealed Act that was started before the commencement but has not been finally decided at the commencement.
- (2) The proceeding ends and no further step may be taken in relation to it.

### **340 No offence proceeding to be started after commencement**

A proceeding for an offence against the repealed Act can not be started from the commencement.

### **341 Existing entitlement to apply for internal review**

- (1) This section applies if, immediately before the commencement, a person—
  - (a) was entitled to apply under section 28 of the repealed Act for an internal review of a decision (the *decision*) of the regulator; and
  - (b) has not applied.
- (2) The person can not apply for an internal review of the regulator's decision.

### **342 Existing proceedings for external review**

- (1) This section applies if—
  - (a) before the commencement, a proceeding was started in QCAT for review of a review decision; and
  - (b) at the commencement, QCAT has not finally decided the proceeding.
- (2) The proceeding ends and no further step may be taken in relation to it.

- (3) However, QCAT may make an order under the QCAT Act about the costs incurred for the proceeding before the commencement.

### **343 Existing entitlement to apply for external review**

- (1) This section applies if, immediately before the commencement, a person—
- (a) was entitled under section 31 of the repealed Act to apply to QCAT for a review of a review decision; and
  - (b) has not applied.
- (2) The person can not apply to QCAT for a review of the review decision.

## **Division 3 Transitional provisions for expiry of chapter 5A**

### **344 Definitions for div 3**

In this division—

*expiry* means the expiry of chapter 5A under former section 135JW.

*former*, in relation to a provision of this Act, means the provision as in force immediately before the expiry.

*pre-expiry matter* means any of the following matters occurring or arising under former chapter 5A before the expiry—

- (a) the giving of, or the obligation to give, an annual fee or an annual return to the regulator;
- (b) the assessment or meeting of a liable persons's annual GEC liability for a liable year;
- (c) the giving of, or the obligation to give, a self-assessment report to the regulator;

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- (d) the identification of the liable person for a liable load;
- (e) an application for a liable load exemption;
- (f) an application to amend a liable load exemption;
- (g) the payment of fees for, or costs arising from, an application made under former chapter 5A;
- (h) anything done or not done under former chapter 5A relating to a matter mentioned in paragraphs (a) to (g).

### **345 Words have meaning given by former chapter 5A**

Words defined in former chapter 5A and used in this division have the same meanings as they had under the former chapter.

### **346 No compensation etc.**

No amount, whether by way of compensation, reimbursement or otherwise, is payable by the State to any person for or in connection with the enactment, amendment, operation, expiry or repeal of former chapter 5A.

### **347 Saving provision for pre-expiry matters**

- (1) A former provision mentioned in subsection (2) continues to apply as if the provision had not expired for rights, privileges, liabilities and obligations that would have been acquired, accrued, imposed or incurred on or after the expiry relating to a pre-expiry matter.
- (2) For subsection (1), the former provisions are as follows—
  - (a) former chapter 5A, other than former section 135FO;
  - (b) former schedule 1, part 2;
  - (c) former chapter 6 of the *Electricity Regulation 2006*;
  - (d) former schedule 7, part 2 of the *Electricity Regulation 2006*.
- (3) Subsection (1) is subject to sections 348 and 349.

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- (4) Without limiting subsection (1), a provision of former chapter 5A providing for an offence continues to apply for anything done or not done on or after the expiry relating to a pre-expiry matter.

### **348 GECs have no value after expiry**

To remove any doubt, it is declared that—

- (a) a GEC in force immediately before the expiry—
  - (i) expires on the expiry; and
  - (ii) has no value and is of no effect; and
- (b) a GEC created but not registered immediately before the expiry—
  - (i) can not be registered; and
  - (ii) has no value and is of no effect; and
- (c) a transfer of a GEC that has been started but has not, immediately before the commencement, taken effect, can not be completed.

### **349 Liability of particular persons for civil penalty**

- (1) This section applies if—
- (a) before the expiry, a person (the *applicant*) made an application (the *review application*) under chapter 10 for—
    - (i) an internal review of a relevant decision of the regulator; or
    - (ii) an external review by QCAT of a decision made under section 218 relating to a relevant decision of the regulator; and
  - (b) at the expiry, the review application has not been finally dealt with.

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- (2) The review application must be decided or otherwise dealt with under chapter 10.
- (3) For the purposes of subsection (2)—
  - (a) this Act as in force immediately before the expiry continues to apply; and
  - (b) if the applicant is unsuccessful in the review application, the applicant is liable for the civil penalty under former section 135EY.
- (4) However, the regulator may, if the regulator considers it reasonable to do so, impose a civil penalty of an amount less than the amount of the civil penalty calculated under former section 135F.
- (5) In this section—

*relevant decision*, of the regulator, means a decision of the regulator mentioned in former schedule 1, part 2, division 2.

### **350 Monitoring**

For monitoring whether an auditable person complied, before the expiry, with a matter relevant to former chapter 5A—

- (a) a person may apply under former section 135IH to the regulator for appointment as an approved auditor; and
- (b) the regulator may, under former section 135IF, appoint a person as an approved auditor; and
- (c) an appointment of a person as an approved auditor under former section 135IF in force immediately before the expiry continues in force until it is ended under former chapter 5A; and
- (d) the regulator may, under former section 135IP, require an auditable person to commission an approved auditor to carry out an audit; and
- (e) the regulator may, under former section 135IT, commission an approved auditor to carry out an audit; and

- (f) former section 135BC, former chapter 5A, part 7 and part 8, divisions 4 and 5, and former chapter 6, part 2 of the *Electricity Regulation 2006*, continue to apply in relation to—
  - (i) approved auditors; and
  - (ii) auditable persons; and
  - (iii) the regulator.

## **Part 16**                      **Transitional provision for Electricity and Other Legislation Amendment Act 2014**

### **351**    **First feed-in tariff decision**

Despite section 94, the first feed-in tariff must be announced and published under that section at least 2 weeks before it is to apply.

## **Schedule 1      Review of administrative decisions**

sections 214(1), 216(1) and 219

### **Part 1                      Decisions about authorities and special approvals**

<b>Section</b>	<b>Description of decision</b>
180(1)	refusal to issue generation authority
27(b)(vi)	stating conditions in generation authority
184B(1)	refusal to transfer a generation authority
189(1)	refusal to issue transmission authority
31(a)(v)	stating conditions in transmission authority
193B(1)	refusal to transfer a transmission authority
197(1)	refusal to issue distribution authority
201B(1)	refusal to transfer a distribution authority
202	refusal to agree to surrender of distribution authority
42(a)(iv)	stating conditions in distribution authority
205(1)	refusal to issue retail authority
207C	refusal to agree to surrender of retail authority
55D(i)	stating conditions in retail authority
210(1)	refusal to give special approval
60(1)(a)(v)	stating conditions in special approval
212B(1)	refusal to transfer a special approval



## Part 2 Other decisions

Section	Description of decision
40A to 40D	<ol style="list-style-type: none"> <li>1 If a customer makes a connection services application for premises, the distribution entity to whom the application is made decides the connection obligation does not apply for the services applied for.</li> <li>2 However, item 1 applies only if, had the services been provided, the customer would have been a large customer or a street lighting customer for the premises.</li> </ol> <p><i>Note—</i></p> <p>For small customers' referral rights, see the <i>Energy and Water Ombudsman Act 2006</i>, sections 18, 19 and 19A.</p>
48E to 48I	<ol style="list-style-type: none"> <li>1 If a customer makes a retail services application for premises, the retail entity to whom the application is made decides the retail obligation does not apply for the services applied for.</li> <li>2 However, item 1 applies only if, had the services been provided, the customer would have been a large customer or a street lighting customer for the premises.</li> </ol> <p><i>Note—</i></p> <p>For small customers' referral rights, see the <i>Energy and Water Ombudsman Act 2006</i>, sections 18, 19 and 19A.</p>
130(2)	authorisation to take over operation of electricity entity's operating works
133(5)	decision that an electricity entity has a prohibited interest that must be disposed of
134	disciplinary action taken against electricity entity
138(3)	disconnection of supply if entry refused

<b>Section</b>	<b>Description of decision</b>
141	disconnection of supply to works or installation on safety grounds
152K(1)(c)	forfeiture of something
154(1)	disconnection of supply for contravening electricity restriction regulation or emergency rationing order
154(2) or (3)	refusal to reconnect supply
176(1)	requirement to remove works built in contravention of Act

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## Schedule 2      Subject matter for regulations

section 264

### 1      Conditions of supply and sale

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.

### 2      Requirements and standards

Technical and operational requirements and standards about the following matters and their monitoring (by inspection, testing or otherwise)—

- (a) network services;

- (b) electricity qualities, including, for example, frequency, voltage and power factor;
- (c) design, building, operation or maintenance of works;
- (d) works and installations;
- (e) substations and customers' premises;
- (f) stand-by supply;
- (g) conditions for connection to a transmission grid or supply network;
- (h) conditions for supply of electricity to customers;
- (i) meters and control apparatus, including meter testing apparatus;
- (j) connection, disconnection and reconnection of supply.

### **3 Generation, transmission and supply**

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 landowners 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.

### **3A Conditions of authorities and approvals**

Imposing conditions in an authority or a special approval prohibiting the holder of the authority or special approval from having a prohibited interest in 1 or more of the following—

- (a) a prescribed authority;

- (b) a prescribed entity;
- (c) a prescribed person;
- (d) a prescribed thing.

### **3B Prescribed things and prohibited interests**

Making provision about any of the following matters—

- (a) the specifying of—
  - (i) a prescribed authority; or
  - (ii) a prescribed entity; or
  - (iii) a prescribed person;
- (b) the specifying of a *prohibited interest* by reference to 1 or more of the following—
  - (i) the holding of an authority;
  - (ii) the holding of an interest, either directly or indirectly, in an authority;
  - (iii) the exercise of control, either directly or indirectly, over an authority, entity or person;
  - (iv) the entitlement to a stated number or percentage of shares, stock, votes or other interests, either directly or indirectly, in an entity or person;
  - (v) the entitlement to a stated value or percentage of value of shares, stock, votes or other interests, either directly or indirectly, in an entity or person;
  - (vi) the entitlement to a stated amount or percentage of generation capacity;
  - (vii) another thing prescribed by regulation;
- (c) what constitutes an entitlement to shares, stock, votes or other interests, either directly or indirectly, in an entity or person;
- (d) what constitutes an entitlement to generation capacity;
- (e) that certain shares, stock, votes or interests, or particular classes of shares, votes or other interests are, or in some

- circumstances are, to be disregarded for the prescribed purposes;
- (f) that particular generation capacity or particular amounts, percentages or types of generation capacity are, or in some circumstances are, to be disregarded for prescribed purposes;
  - (g) that certain transactions, agreements, arrangements, understandings, undertakings or practices or particular types of them are, or in some circumstances are, to be disregarded for the prescribed purposes;
  - (h) when a person is, or is taken to be, in a position to exercise control in relation to—
    - (i) a person; or
    - (ii) an entity; or
    - (iii) an authority; or
    - (iv) a thing;
  - (i) when a person is not, or is taken not to be, in a position to exercise control in relation to—
    - (i) a person; or
    - (ii) an entity; or
    - (iii) an authority; or
    - (iv) a thing;
  - (j) the method of calculating the number, percentage or value of shares, stock, votes or other interests, directly and indirectly, in an entity or person;
  - (k) the method of calculating the amount or percentage of generation capacity;
  - (l) the tracing of interests through a series of entities or persons;
  - (m) the extraterritorial application of a regulation and the application of a regulation to partnerships, unincorporated joint ventures, companies limited by

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guarantee, trusts, superannuation funds and other vehicles;

- (n) anything necessary or convenient to help or give effect to a regulation.

#### **4 General**

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;
- (f) penalties (of not more than 20 penalty units) for contraventions of a regulation;
- (g) applications, including, for example, applications by electricity entities for authorities to enter and remain on land;
- (h) registers to be kept under this Act;
- (i) liability for and recovery of costs and compensation for actions taken under this Act;
- (j) lighting on roads and other places whether for private or public purposes;
- (k) entitlements and conditions of employment of employees of 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

*accounting period*, for an on-supply agreement, see section 20.

*AEMO* has the meaning given in the National Electricity (Queensland) Law.

*ancillary services* see section 11.

*approval day* see section 280(1).

*area retail entity*, for premises, means the retail entity in whose retail area the premises are located.

*associated equipment*, for an electric line, see section 16.

*Australian Energy Regulator* or *AER* has the meaning given in the National Electricity (Queensland) Law.

*authorised person*, for chapter 7, see section 145.

*build* includes erect, lay down and place.

*code contravention notice* see section 120S(1).

*common area*, of an on-supplier's premises, see section 20.

*common area consumption*, see section 20.

*conduct assurance* see section 120T(1)(b)(ii).

*connection contract* see section 40DA(1).

*connection obligation* see section 40A(3).

*connection point* means a connection point as defined under the National Electricity Rules.

*connection services application* see section 40(1).

*Country Energy* means Country Energy established under the *Energy Services Corporations Act 1995* (NSW).

*credit support guidelines* see section 120ZN(1).



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***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 services***, for premises, means—

- (a) the connection of the premises to a supply network to allow the supply of electricity from the supply network to the premises; and
- (b) the supply of electricity from the supply network to the premises.

***customer retail services***, for premises, means the sale of electricity to the premises.

***damage or harm*** includes likely damage or harm.

***defaulting entity*** see section 130(1)(a).

***distribution area*** see section 39.

***distribution authority*** see section 38.

***distribution entity*** see section 37.

***electrical equipment*** see section 13.

***electrical installation*** see section 14.

***Electrical Safety Act*** means the *Electrical Safety Act 2002*.

***electricity*** see section 5.

***electricity entity*** means—

- (a) in general—see section 22(1); and
- (b) for chapter 5, part 1A—see also section 120A.

***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 15.

***emergency rationing order*** see section 124(1).

***energy and water ombudsman*** means the energy and water ombudsman under the *Energy and Water Ombudsman Act 2006*.

***Ergon Energy*** means Ergon Energy Corporation Limited ACN 087 646 062.

***excluded customer*** see section 23(6).

***external review***, for a decision, means a review of the decision by QCAT under the QCAT Act.

***feed-in tariff*** see section 92.

***financially responsible retail entity***, for premises, means—

- (a) if the premises are an excluded customer's premises—the area retail entity with a retail authority for the area; or
- (b) if the premises are NMI premises and are, or are proposed to be, connected to a distribution entity's supply network that is part of the national grid—
  - (i) if, under the National Electricity Rules the person (the ***responsible entity***) responsible for paying AEMO for electricity consumed at the premises is an area retail entity or other retail entity—that entity; or
  - (ii) if the responsible entity does not hold a retail authority, the area retail entity or other retail entity—
    - (A) who, under the Corporations Act, is a related body corporate of the responsible entity; and
    - (B) who acquires, directly or indirectly, the electricity consumed at the premises from the responsible entity; or
- (c) if the premises are NMI premises and are, or are proposed to be, connected to a distribution entity's supply network that is not part of the national grid—
  - (i) generally—the retail entity who, from time to time, provides customer retail services to a customer at the premises; or

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- (ii) if a customer is a new customer at the premises and has not entered into a retail contract with another retail entity—the retail entity who provided customer retail services to the customer at the premises who immediately preceded the new customer.

**first accounting period**, for an on-supply agreement, see section 20.

**fix**, damage or harm, includes—

- (a) minimising the damage or harm; and
- (b) if the damage or harm has not yet happened—preventing it from being caused.

**generation authority** see section 26.

**generation entity** see section 25.

**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.

**GST statement** see section 90AB(3).

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

**industry code** means—

- (a) an initial industry code; or
- (b) an industry code made by QCA under chapter 5, part 1A and as amended from time to time under that part.

**information notice**, for a decision, means a notice stating each of the following—

- (a) the decision;
- (b) reasons for the decision;
- (c) the rights of—
  - (i) internal review under this Act for the decision; or

- (ii) referral, under the *Energy and Water Ombudsman Act 2006*, for the decision;
- (d) the period within which any internal review or referral must be started or made;
- (e) how the rights of internal review or referral must be exercised;
- (f) for a right of internal review—that a stay of a decision the subject of internal review under this Act may be applied for under this Act.

***initial industry code*** means an initial industry code made by the Minister under section 120B and as amended under chapter 5, part 1A, division 5 from time to time.

***inspection officer*** means a person appointed as an inspection officer under chapter 7, part 2.

***large customer*** see section 23(5).

***large market customer*** see section 23(9).

***large non-market customer*** see section 23(10).

***light rail*** see the *Transport Infrastructure Act 1994*, schedule 6.

***light rail manager***, for a light rail, see the *Transport Infrastructure Act 1994*, schedule 6.

***light rail operator***, for a light rail, see the *Transport Infrastructure Act 1994*, schedule 6.

***market customer*** see section 23(7).

***meter*** see section 16A.

***National Electricity (Queensland) Law*** has the meaning given in the *Electricity—National Scheme (Queensland) Act 1997*.

***National Electricity Rules*** or ***Rules*** has the meaning given in the National Electricity (Queensland) Law.

***national grid*** has the meaning given in the National Electricity Rules.

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***national metering identifier*** means a NMI under the National Electricity Rules.

***negotiated connection contract*** see section 40DA(2).

***negotiated retail contract*** see section 49(2).

***net GST effect***, for providing customer retail services, see section 90(4)(b).

***network control*** see section 9.

***network services*** see section 10.

***NMI premises***—

1 A premises, part of a premises or a group of premises is an ***NMI premises*** if—

- (a) it is, or is proposed to be, connected to a distribution entity's supply network that is part of the national grid and the premises has, or is proposed to have, a connection point; or
- (b) it is, or is proposed to be, connected to a distribution entity's supply network that is not part of the national grid and the premises has, or is proposed to have, a supply point for the delivery of electricity.

2 However, the term does not include premises of an excluded customer.

***non-market customer*** see section 23(8).

***notified prices***, for a retail entity, see section 90(4).

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

***on-supplier*** see section 20.

***on-supplier's premises*** see section 20.

***on-supply agreement*** see section 20.

***operating works*** see section 12(3).

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

***premises***—

1 ***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.

2 ***premises***, of a customer, means premises owned or occupied by the customer.

***prescribed credit amount*** see section 44A(1)(b).

***prescribed retail entity*** see section 92.

***price determination*** see section 89A.

***pricing entity***, for chapter 4, part 2, see section 89A.

***prohibited interest*** means—

- (a) a prescribed interest that an electricity entity must not hold in a prescribed authority, a prescribed entity, a prescribed person or a prescribed thing under section 264; or
- (b) a prohibited interest under schedule 2, section 3B.

***prospective on-supplier*** see section 20D(a).

***prospective receiver*** see section 20D(b).

***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.

**QCA** means the Queensland Competition Authority established under the QCA Act.

**QCA Act** means the *Queensland Competition Authority Act 1997*.

**QCA code objective** see section 120G(1).

**QCAT information notice** means a notice complying with the QCAT Act, section 157(2).

**QESI** see section 280(2).

**QETC** means Queensland Electricity Transmission Corporation Limited ACN 078 849 233.

**QGC** means Queensland Generation Corporation.

**QTSC** means Queensland Transmission and Supply Corporation.

**qualifying generator** means a small photovoltaic generator that—

- (a) is installed at the premises of a small customer in a way that allows electricity generated by the generator to be first used by the small customer and, if not used by the small customer, supplied to a supply network; and
- (b) complies with any safety or technical requirements prescribed under a regulation.

**Queensland grid code** means the Code of Conduct for the Interconnected Queensland Network first published by the department on 28 November 1994.

**Queensland system** means the interconnected power system that is connected to and includes the 275kV transmission grid in Queensland.

**railway land** means land in which a railway operator has an interest.

**railway operator** see the *Transport Infrastructure Act 1994*, schedule 6.

**reasonably believes** means believes on grounds that are reasonable in the circumstances.

**receiver**, see section 20.

**regional system control** see section 7.

**Registered participant** has the meaning given in the National Electricity (Queensland) Law.

**regulator** see section 62.

**relevant body corporate** means—

- (a) a body corporate established under a following Act for premises—
- *Body Corporate and Community Management Act 1997*
  - *Integrated Resort Development Act 1987*
  - *Mixed Use Development Act 1993*
  - *Registration of Plans (H.S.P. (Nominees) Pty. Limited) Enabling Act 1980*
  - *Registration of Plans (Stage 2) (H.S.P. (Nominees) Pty. Limited) Enabling Act 1984*
  - *Sanctuary Cove Resort Act 1985*; or
- (b) a body corporate for a leasehold building units plan established under the *South Bank Corporation Act 1989* for the premises the subject of the plan.

**relevant small customer** see section 92.

**relevant supply period** means a period for which an account has been issued by a retail entity for the supply of electricity to a small customer.

**repealed Act**, for chapter 14, see section 269.

**residence** means a structure or a part of a structure where a person resides.



**residential customer** means a customer who purchases electricity principally for personal, household or domestic use at premises.

**retail area** see section 48(1).

**retail authority** see section 47.

**retail contract** see section 49(1).

**retail entity** see section 46.

**retailer of last resort scheme** means any retailer of last resort scheme made under section 131A.

**retail obligation** see section 48F(1).

**retail services application** see section 48C(1).

**reviewer** see section 214(1).

**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; and
- (e) give away or swap.

**small customer** see section 23(3).

**small photovoltaic generator** means a photovoltaic system with a total rated inverter capacity up to—

- (a) the amount prescribed under a regulation; or
- (b) if no amount is prescribed—5 kilowatts.

**special approval** see section 58.

***special approval holder*** see section 57.

***spot market*** has the meaning given in the National Electricity Rules.

***standard connection contract*** see section 40DA(3).

***standard large customer retail contract*** see section 49(4).

***standard retail contract*** see section 49(3).

***state*** includes describe.

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

***Statewide newspaper*** means a newspaper circulating generally throughout the State.

***street lighting customer*** see section 23(11).

***subsidiary*** of a GOC has the same meaning as in the GOC Act.

***substation*** see section 12(2).

***supply network*** see section 8.

***System Operator*** has the meaning given in the National Electricity Rules.

***take*** electricity includes waste, divert and use.

***tariff*** includes fee or charge.

***tariff year*** means—

- (a) if, under a regulation, a period is prescribed—the prescribed period; or
- (b) otherwise—a financial year.

***trading arrangements*** means arrangements about trading in electricity under this Act or the National Electricity Rules by electricity entities, customers, electricity brokers and other persons.

***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.

***warning notice*** see section 120S(1).

***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).

## **Attachment      Extracts from other legislation referred to in the Act**

### **Gladstone Power Station Agreement Act 1993**

#### **2      Definitions**

In this Act—

*State agreement* means the agreement made under section 3, and the agreement as amended by a further agreement under section 5 or 6.

*transaction document* has the meaning given in the State agreement.

*Editor's note*—

These definitions are referred to in section 287A of this Act.

## **Schedule 1      State agreement**

#### **1      Definitions**

In this Agreement, unless the context otherwise requires or indicates—

*Transaction Document* means each of—

- (a) any Capacity Purchase Agreement; and
- (b) the Interconnection and Power Pooling Agreement; and
- (c) the Power Station Sale Agreement; and
- (d) the Ash Management Agreement; and
- (e) the Rail Haulage Agreement; and
- (f) the Curragh On-Sale Contract; and

- (g) the Seawater Usage Agreement; and
- (h) the Refurbishment and Testing Deed; and
- (i) the Inter Creditor Deed; and
- (j) the Participants Charge; and
- (k) the Callide Assignment Deed or the Callide On-Sale Contract, whichever is entered into; and
- (l) any permitted variations of any of the documents mentioned in paragraphs (a) to (k).

## **Telecommunications Act 1997 (Cwlth)**

### **7 Definitions**

In this Act, unless the contrary intention appears:

***carriage service*** means a service for carrying communications by means of guided and/or unguided electromagnetic energy.

***content service*** has the meaning given by section 15.

*Editor's note—*

These definitions are referred to in section 116B of this Act.

### **15 Content service**

- (1) For the purposes of this Act, a ***content service*** is:
  - (a) a broadcasting service; or
  - (b) an on-line information service (for example, a dial-up information service); or
  - (c) an on-line entertainment service (for example, a video-on-demand service or an interactive computer game service); or

- (d) any other on-line service (for example, an education service provided by a State or Territory government); or
  - (e) a service of a kind specified in a determination made by the Minister for the purposes of this paragraph.
- (2) The Minister may make a written determination for the purposes of paragraph (1)(e).
- (3) A determination made for the purposes of paragraph (1)(e) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

# Endnotes

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## 2 Key

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

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised version
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2012
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

## 3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

## Endnotes

The notes column for this reprint gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email [legislation.queries@oqpc.qld.gov.au](mailto:legislation.queries@oqpc.qld.gov.au).

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Reprint No.	Amendments to	Effective	Reprint date
1	none	1 January 1995	13 January 1995
2	1995 Act No. 57	28 November 1995	1 February 1996
2A	1996 Act No. 28	15 August 1996	28 August 1996
2B	1997 Act No. 26	1 July 1997	25 July 1997
2C	1997 Act No. 50	1 October 1997	3 October 1997
Reprint No.	Amendments to	Effective	Reprint date
2D	1997 Act No. 77	1 January 1998	19 June 1998
2E	1997 Act No. 77	13 December 1998	18 December 1998
3	1997 Act No. 77	22 February 1999	5 March 1999
3A	1999 Act No. 33	1 July 1999	7 March 2000
3B	2000 Act No. 20	1 July 2000	13 July 2000
3C	2000 Act No. 39	13 October 2000	18 October 2000
3D	2001 Act No. 47	28 June 2001	11 July 2001
3E	2001 Act No. 69	1 January 2002	18 January 2002
4	2001 Act No. 82	1 February 2002	1 February 2002
Reprint No.	Amendments included	Effective	Notes
4A	2001 Act No. 82	1 July 2002	
4B	2001 Act No. 100 2002 Act No. 42	1 October 2002	
4C	2002 Act No. 56	1 November 2002	
4D	—	20 December 2002	provs exp 19 December 2002
4E	2003 Act No. 34	29 May 2003	
4F	2003 Act No. 28 2003 Act No. 29	1 July 2003	R4F withdrawn, see R5
5	—	1 July 2003	
5A rv	2004 Act No. 51 2004 Act No. 53	29 November 2004	
5B rv	2004 Act No. 50	10 December 2004	R5B rv withdrawn, see R6
6	—	10 December 2004	
6A	2005 Act No. 51	2 November 2005	
6B	2006 Act No. 9	15 March 2006	
6C	2005 Act No. 51	1 April 2006	



Reprint No.	Amendments included	Effective	Notes
6D rv	2004 Act No. 51	1 September 2006	
6E	2006 Act No. 42	13 October 2006	
6F	2006 Act No. 60	7 December 2006	
6G	2007 Act No. 17	23 April 2007	
6H	2007 Act No. 29	15 June 2007	
6I	—	17 June 2007	prov exp end of 16 June 2007
7	2006 Act No. 60 (amd 2007 Act No. 17; 2007 Act No. 29)	1 July 2007	
7A	2008 Act No. 33	1 July 2008	
7B	2007 Act No. 10	1 October 2008	
7C	2008 Act No. 56	5 November 2008	
7D	2008 Act No. 67	1 December 2008	
7E	2008 Act No. 75	11 December 2008	
8	2009 Act No. 3	23 February 2009	
8A	2009 Act No. 13	1 July 2009	
	2009 Act No. 16		
8B	2009 Act No. 24	1 December 2009	
8C	2009 Act No. 49	10 December 2009	
8D	2009 Act No. 36	18 December 2009	
8E	2010 Act No. 17	21 April 2010	
8F	2010 Act No. 19	23 May 2010	
8G	2009 Act No. 16	1 July 2010	
8H	2010 Act No. 31	1 September 2010	
8I	2010 Act No. 53	1 December 2010	
8J	2010 Act No. 54	1 January 2011	
8K	2010 Act No. 17	1 February 2011	
8L	2011 Act No. 12	14 April 2011	
8LA	2011 Act No. 29	8 June 2011	
8M rv	2011 Act No. 20	1 July 2011	
8N	2011 Act No. 29	13 September 2011	R8N withdrawn, see R9
9	—	13 September 2011	
9A	2011 Act No. 18	1 January 2012	
9B	2010 Act No. 44	30 January 2012	
9C	2012 Act No. 8	27 June 2012	
9D	2012 Act No. 15	19 July 2012	
9E	2012 Act No. 29	23 November 2012	

Current as at	Amendments included	Notes
1 February 2013	2012 Act No. 43	
3 May 2013	2013 Act No. 19	
12 June 2013	2013 Act No. 28	
2 July 2013	—	prov exp 1 July 2013
23 September 2013	2013 Act No. 39	
	2013 Act No. 42	
1 November 2013	2013 Act No. 51	

Current as at	Amendments included	Notes
1 July 2014	2013 Act No. 42 2014 Act No. 31	provs exp 30 June 2014 RA ss 21A, 27, 43, 44, 44A

## 4 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 1 July 1995 (see s 280(1) and 1994 SL No. 468 s 351A).

amending legislation—

### **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 pt 1**

date of assent 22 May 1997

ss 1–2 commenced on date of assent

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

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

### **Electricity Amendment Act (No. 2) 1997 No. 50**

date of assent 8 September 1997

ss 1–2 commenced on date of assent

remaining provisions commenced 1 October 1997 (1997 SL No. 312)

### **Electricity Amendment Act (No. 3) 1997 No. 77 pts 1–2 (this Act is amended, see amending legislation below)**

date of assent 5 December 1997

ss 1–2 commenced on date of assent

ss 3–4, 6, 8 (except to the extent it commences s 27(b)(iii)), 9 (except to the extent it commences s 31(a)(ii)), 10–12, 14–19, 20 (except to the extent it commences s 42(a)(i)), 21–22, 24–29, 30 (except to the extent it commences s 55D(c)), 31 (except to the extent it commences s 60(a)(ii)), 32(2), 35–38, 40–43, 45–65, 66 (except to the extent it commences s 254(1)(c)), 66A–72, 74–82, 83(1) (except to the extent it commences the om of the defs *code participant*, *Market Code*, *pool* and *power system*), 83(2) (except to the extent it commences the ins of the defs *code participant*, *dispute*, *Market Code*, *National Electricity (Queensland) Law*, *National Electricity Tribunal*, *NECA*, *NEMMCO* and *Office* and the ins of para (c) in the def *electricity entity*) commenced 19 December 1997 (1997 SL No. 472)

s 79 commenced 1 January 1998 (1997 SL No. 472)

ss 5, 7, 8(2), 9(2), 13, 20(2), 23, 30(2), 31(2), 34, 44, 73, 83(1) (to the extent the subsections of ss 8(2), 9(2), 20(2), 30(2), 83(1) have not already commenced) and 83(2) (except to the extent it commences the ins of the defs *dispute*, *electricity entity*, para (c) and *Office*) commenced 13 December 1998 (1998 SL No. 328)

s 39 (to the extent it ins pt 1A) commenced 22 February 1999 (1999 SL No. 9) remaining provisions (ss 32(1), 33, 39 (to the extent it ins ch 5, pt 1B), 66(2) (to the extent it ins s 254(1)(c), s 83(2) (to the extent it ins defs *dispute*, *electricity entity* para (c) and *Office*)) never proclaimed into force and rep 2001 No. 82 s 21

amending legislation—

**Electricity and Gas Legislation Amendment Act 1999 No. 82 pts 1–2 (amends 1997 No. 77 above)**

date of assent 14 December 1999

commenced on date of assent

**Statute Law (Miscellaneous Provisions) Act 2000 No. 46 ss 1, 3 sch (amends 1997 No. 77 above)**

date of assent 25 October 2000

commenced on date of assent

**Industrial Relations Act 1999 No. 33 ss 1, 2(2), 747 sch 3**

date of assent 18 June 1999

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 1999 (1999 SL No. 159)

**GST and Related Matters Act 2000 No. 20 ss 1, 2(4), 29 sch 3**

date of assent 23 June 2000

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2000 (see s 2(4))

**Electricity Amendment Act 2000 No. 39**

date of assent 13 October 2000

commenced on date of assent

**State Development and Other Legislation Amendment Act 2001 No. 46 ss 1, 2(2)–(4), pt 3**

date of assent 28 June 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 28 June 2001 (2001 SL No. 101)

**Electricity Amendment Act 2001 No. 47**

date of assent 28 June 2001

commenced on date of assent

**Crime and Misconduct Act 2001 No. 69 ss 1–2, 378 sch 1**

date of assent 8 November 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 1 January 2002 (2001 SL No. 221)

**Electricity Legislation Amendment and Repeal Act 2001 No. 82 pts 1–2, sch**

date of assent 3 December 2001

ss 1–2 commenced on date of assent

pt 2 (other than ss 4 and 5), sch (other than item 1) commenced 1 February 2002 (2002 SL No. 2)

remaining provisions commenced 1 July 2002 (2002 SL No. 2)

**Integrated Planning and Other Legislation Amendment Act 2001 No. 100 ss 1, 2(2)–(3), pt 4**

date of assent 19 December 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 1 October 2002 (2002 SL No. 258)

**Electrical Safety Act 2002 No. 42 ss 1–2, 242 sch 1**

date of assent 12 September 2002

ss 1–2 commenced on date of assent

remaining provisions commenced 1 October 2002 (2002 SL No. 259)

**Treasury Legislation Amendment Act 2002 No. 56 ss 1–2(1), pt 3**

date of assent 1 November 2002

ss 1–2 commenced on date of assent

remaining provisions commenced on date of assent (see s 2(1))

**Electricity and Other Legislation Amendment Act 2003 No. 28 pts 1–2, ss 3, 33, schs 1–2**

date of assent 23 May 2003

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2003 (2003 SL No. 120)

**Gas Supply Act 2003 No. 29 ss 1–2, ch 8 pt 2**

date of assent 23 May 2003

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2003 (2003 SL No. 121)

**Community Ambulance Cover Act 2003 No. 34 ss 1–2, pt 13**

date of assent 29 May 2003

commenced on date of assent

**Electricity Amendment Act 2004 No. 50**

date of assent 29 November 2004

ss 1–2 commenced on date of assent

remaining provisions commenced 10 December 2004 (2004 SL No. 278)

**Electricity Amendment Act (No. 2) 2004 No. 51**

date of assent 29 November 2004

ss 1–2 commenced on date of assent

ss 4–13, 26(3)–(7), 27, sch amdts 7–8, 13–15 commenced 1 September 2006 (2006 SL No. 199)

remaining provisions commenced on date of assent (see s 2(1))

**Statute Law (Miscellaneous Provisions) Act 2004 No. 53**

date of assent 29 November 2004

commenced on date of assent

**Energy Legislation Amendment Act 2005 No. 51 pts 1–2, s 3 sch**

date of assent 2 November 2005

ss 1–2 commenced on date of assent

s 4 commenced 1 April 2006 (see s 2)

remaining provisions commenced on date of assent

**Audit Legislation Amendment Act 2006 No. 9 pts 1, 8**

date of assent 15 March 2006

commenced on date of assent

**Energy Assets (Restructuring and Disposal) Act 2006 No. 42 s 1, pt 8 div 2**

date of assent 13 October 2006

commenced on date of assent

**Electricity and Other Legislation Amendment Act 2006 No. 60 pts 1–2, s 3 sch (this Act is amended, see amending legislation below)**

date of assent 7 December 2006

ss 1–2, pt 2 hdg, s 3 (to the extent it relates to the amdts under s 51), 51 commenced on date of assent (see s 2)

remaining provisions commenced 1 July 2007 (2007 SL No. 15)

amending legislation—

**Community Ambulance Cover and Other Acts Amendment Act 2007 No. 17**

**ss 1, 2(2), 37–44 (amends 2006 No. 60 above)**

date of assent 23 April 2007

commenced on date of assent (see s 2(2))

**Revenue and Other Legislation Amendment Act 2007 No. 29 ss 1, 10–12 (amends 2006 No. 60 above) (amends 2006 No. 60 above)**

date of assent 15 June 2007

commenced on date of assent

**Government Owned Corporations Amendment Act 2007 No. 10 ss 1–2, 62 sch**

date of assent 20 March 2007

ss 1–2 commenced on date of assent

remaining provisions commenced 1 October 2008 (2008 SL No. 316)

**Community Ambulance Cover and Other Acts Amendment Act 2007 No. 17 ss 1, 2(2), pt 3**

date of assent 23 April 2007  
commenced on date of assent (see s 2(2))

**Revenue and Other Legislation Amendment Act 2007 No. 29 s 1, pt 3**

date of assent 15 June 2007  
commenced on date of assent

**Clean Energy Act 2008 No. 33 ss 1–2, pt 12, s 125 sch 1**

date of assent 21 May 2008  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 July 2008 (2008 SL No. 191)

**Mines and Energy Legislation Amendment Act 2008 No. 56 s 1, pt 3**

date of assent 5 November 2008  
s 12(1) commenced on date of assent (amdt could not be given effect)  
remaining provisions commenced on date of assent

**Transport and Other Legislation Amendment Act 2008 No. 67 s 1, pt 3 div 5**

date of assent 1 December 2008  
commenced on date of assent

**Revenue and Other Legislation Amendment Act (No. 2) 2008 No. 75 s 1, pt 3**

date of assent 11 December 2008  
commenced on date of assent

**Greenhouse Gas Storage Act 2009 No. 3 s 1, ch 9 pt 6**

date of assent 23 February 2009  
commenced on date of assent

**Right to Information Act 2009 No. 13 ss 1–2, 213 sch 5**

date of assent 12 June 2009  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 July 2009 (2009 SL No. 132)

**Mines and Energy Legislation Amendment Act 2009 No. 16 pts 1, 3**

date of assent 12 June 2009  
ss 1–2 commenced on date of assent  
ss 15, 25, 26(1) commenced 1 July 2010 (see s 2(1))  
remaining provisions commenced 1 July 2009 (2009 SL No. 109)

**Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Act 2009 No. 24 ss 1–2, ch 5 pt 20**

date of assent 26 June 2009  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 December 2009 (2009 SL No. 252)

**Sustainable Planning Act 2009 No. 36 ss 1–2, 872 sch 2**

date of assent 22 September 2009  
ss 1–2 commenced on date of assent  
remaining provisions commenced 18 December 2009 (2009 SL No. 281)

**Fair Work (Commonwealth Powers) and Other Provisions Act 2009 No. 49 ss 1–2, pt 3 div 5**

date of assent 19 November 2009

ss 1–2 commenced on date of assent

remaining provisions commenced 10 December 2009 (2009 SL No. 289)

**Mines and Energy Legislation Amendment Act 2010 No. 17 ss 1–2(1), pt 4**

date of assent 21 April 2010

ss 1–2 commenced on date of assent

ss 37–39 commenced 1 February 2011 (2010 SL No. 352)

remaining provisions commenced on date of assent

**Transport and Other Legislation Amendment Act (No. 2) 2010 No. 19 s 1, ch 2 pt 7**

date of assent 23 May 2010

commenced on date of assent

**Geothermal Energy Act 2010 No. 31 ss 1, 2(2)(b), ch 10 pt 1 div 1**

date of assent 1 September 2010

ss 1–2 commenced on date of assent

remaining provisions commenced on date of assent (see s 2(2)(b))

**Personal Property Securities (Ancillary Provisions) Act 2010 No. 44 ss 1–2, ch 4 pt 18**

date of assent 14 October 2010

ss 1–2 commenced on date of assent

remaining provisions commenced 30 January 2012 (2011 SL No. 262)

**Water and Other Legislation Amendment Act 2010 No. 53 ss 1, 258 sch 2**

date of assent 1 December 2010

commenced on date of assent

**Fair Trading (Australian Consumer Law) Amendment Act 2010 No. 54 ss 1–2, 67 sch**

date of assent 1 December 2010

ss 1–2 commenced on date of assent

remaining provisions commenced 1 January 2011 (2010 SL No. 359)

**Transport and Other Legislation Amendment Act 2011 No. 12 s 1, pt 6**

date of assent 14 April 2011

commenced on date of assent

**Work Health and Safety Act 2011 No. 18 ss 1–2, 404 sch 4 pt 2 div 1**

date of assent 6 June 2011

ss 1–2 commenced on date of assent

remaining provisions commenced 1 January 2012 (2011 SL No. 238)

**Community Ambulance Cover Levy Repeal and Revenue and Other Legislation Amendment Act 2011 No. 20 ss 1, 2(2)(c), 2(3)(b), pt 6 div 1**

date of assent 27 June 2011

ss 1–2 commenced on date of assent

pt 6 div 1 sdiv 3 commenced 2 July 2011 (see s 2(3)(b))

remaining provisions commenced 1 July 2011 (see s 2(2)(c))

**Electricity Price Reform Amendment Act 2011 No. 29 pts 1–2**

date of assent 13 September 2011

ss 1–2 commenced on date of assent

ss 3–4, 12 (other than to the extent it ins new ss 329–330), 13(1) commenced 8 June 2011 (see s 2)

remaining provisions commenced on date of assent

**Treasury (Cost of Living) and Other Legislation Amendment Act 2012 No. 8 s 1, pt 5**

date of assent 27 June 2012

commenced on date of assent

**Electricity (Early Termination) Amendment Act 2012 No. 15**

date of assent 19 July 2012

commenced on date of assent

**Water Legislation (Dam Safety and Water Supply Enhancement) Amendment Act 2012 No. 29 pts 1–2**

date of assent 8 November 2012

ss 1–2 commenced on date of assent

remaining provisions commenced 23 November 2012 (2012 SL No. 210)

**Economic Development Act 2012 No. 43 ss 1, 2(c), 325 sch 2**

date of assent 11 December 2012

ss 1–2 commenced on date of assent

s 325 commenced on date of assent (see s 2(c))

remaining provisions commenced 1 February 2013 (2013 SL No. 1)

**Queensland Rail Transit Authority Act 2013 No. 19 ss 1, 120 sch 1**

date of assent 3 May 2013

commenced on date of assent

**Revenue Amendment and Trade and Investment Queensland Act 2013 No. 28 s 1, ch 2 pt 2**

date of assent 12 June 2013

commenced on date of assent

**Treasury and Trade and Other Legislation Amendment Act 2013 No. 39 ss 1, 43 sch 1, s 109 sch 2**

date of assent 23 September 2013

commenced on date of assent

**Energy and Water Legislation Amendment Act 2013 No. 42 ss 1, 2(2)(a)–(c), pt 2**

date of assent 23 September 2013

ss 1–2 commenced on date of assent

ss 4, 34 (to the extent it ins pt 15 div 3), 36–37 commenced 1 July 2014 (see s 2(2)(a)–(c))

remaining provisions commenced on date of assent

**Directors' Liability Reform Amendment Act 2013 No. 51 ss 1–2(1), pt 15, s 229 sch 1**

date of assent 29 October 2013

ss 1–2 commenced on date of assent

remaining provisions commenced 1 November 2013 (see s 2(1))



**Electricity and Other Legislation Amendment Act 2014 No. 31 pts 1–2**

date of assent 28 May 2014

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2014 (2014 SL No. 93)

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**Works, substations and operating works**

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**Exemptions for light rail franchisee and light rail manager**

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amd 2003 No. 28 s 5; 2005 No. 51 s 3 sch

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**s 40H** ins 1997 No. 26 s 14

amd 1997 No. 77 s 19(2); 2004 No. 51 s 3 sch; 2009 No. 3 s 449

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**s 41** sub 1997 No. 26 s 15

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**s 42** amd 1997 No. 26 s 16(2)–(4); 1997 No. 50 s 9; 1997 No. 77 s 20; 2004 No. 53 s 2 sch; 2005 No. 51 s 3 sch; 2006 No. 60 s 12; 2010 No. 53 s 258 sch 2

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**s 43** amd 1997 No. 26 s 17; 1997 No. 77 s 21

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**s 44** amd 1997 No. 26 s 18; 1997 No. 77 s 22; 2011 No. 29 s 4 (retro)

**Additional condition to allow credit for electricity produced by small photovoltaic generators**

**prov hdg** amd 2011 No. 29 s 4(1) (retro)

**s 44A** ins 2008 No. 33 s 52

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exp 1 July 2028 (see s 44A(5))

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**s 45A** ins 1997 No. 77 s 23; 2005 No. 51 s 3 sch

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- sdiv hdg** ins 2006 No. 60 s 13

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- s 49A** ins 1997 No. 77 s 24  
amd 2004 No. 51 s 9  
om 2006 No. 60 s 13

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- s 50** sub 1997 No. 26 s 20  
amd 1997 No. 77 s 25  
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**Retail contract with financially responsible retail entity**

- s 51** prev s 51 sub 1997 No. 26 s 20; 1997 No. 77 s 26  
om 2004 No. 51 s 10  
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- s 51A** ins 1997 No. 77 s 26  
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**Charging GST for standard customer sale contracts**

- s 51AA** ins 2000 No. 20 s 29 sch 3  
amd 2004 No. 51 s 3 sch  
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- s 52** sub 1997 No. 26 s 20; 1997 No. 77 s 27; 2006 No. 60 s 13

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- s 52A** ins 1997 No. 77 s 27  
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**s 53** sub 1997 No. 26 s 20; 2002 No. 42 s 242 sch 1  
amd 2004 No. 51 s 3 sch  
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- prov hdg** amd 2008 No. 56 s 12(1) (amdt could not be given effect)  
**s 54** sub 1997 No. 26 s 20  
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**s 55DB** ins 2008 No. 33 s 53  
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exp 1 July 2028 (see s 55DB(2))

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**Additional condition to comply with Ambulance Cover Act**

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om 2011 No. 20 s 39

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amd 2012 No. 15 s 5

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amd 2008 No. 33 s 54; 2014 No. 31 s 9

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om 2006 No. 60 s 19

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om 2006 No. 60 s 19

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 om 2006 No. 60 s 19

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 om 2006 No. 60 s 19

**Limitation of electricity officer's powers**

**s 66** amd 1997 No. 26 s 24

**Electricity officer's identity card**

**s 69** amd 2000 No. 39 s 7

**PART 10—AUTHORISED PERSONS**

**pt hdg** om 2002 No. 42 s 242 sch 1

**Appointment**

**s 71** om 2002 No. 42 s 242 sch 1

**Limitation of authorised person's powers**

**s 72** om 2002 No. 42 s 242 sch 1

**Authorised person's appointment conditions**

**s 73** om 2002 No. 42 s 242 sch 1

**Authorised person's identity card**

**s 74** amd 2000 No. 39 s 8  
om 2002 No. 42 s 242 sch 1

**Production or display of authorised person's identity card**

**s 75** om 2002 No. 42 s 242 sch 1

**PART 11—STATE ELECTRICITY ENTITIES**

**pt 11 (ss 76–80)** om 1997 No. 26 s 25

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

**pt hdg** om 2002 No. 42 s 242 sch 1

**Electrical workers and contractors board**

**s 81** om 2002 No. 42 s 242 sch 1

**Electrical Workers and Contractors Board is statutory body**

**s 81A** ins 1996 No. 54 s 9 sch  
om 2002 No. 42 s 242 sch 1

**CHAPTER 3—OBLIGATION TO SUPPLY**

**ch 3 (ss 82–86)** om 1997 No. 26 s 26

**CHAPTER 4—ELECTRICITY INDUSTRY OPERATIONS**

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

**s 87** amd 1997 No. 50 s 12; 2005 No. 51 s 3 sch; 2013 No. 51 s 229 sch 1

**Prohibition on operating transmission grid unless authorised**

**s 88** amd 1997 No. 50 s 13; 2005 No. 51 s 3 sch; 2013 No. 51 s 229 sch 1

**Prohibition on operating supply network unless authorised**

**s 88A** ins 1997 No. 26 s 27  
amd 1997 No. 50 s 14; 2005 No. 51 s 3 sch; 2013 No. 51 s 229 sch 1

**Restriction on sale of electricity**

**s 89** sub 1997 No. 26 s 28  
amd 1997 No. 50 s 15; 2005 No. 51 s 3 sch; 2013 No. 51 s 229 sch 1

**PART 2—PRICING**

**pt hdg** sub 1997 No. 50 s 16; 1997 No. 77 s 34  
amd 2004 No. 51 s 16

**Division 1—Provisions for Mount Isa–Cloncurry supply network**

**div hdg** orig div 1 hdg ins 1997 No. 50 s 17  
om 1997 No. 77 s 34  
prev div 1 hdg ins 2006 No. 60 s 20  
om 2009 No. 16 s 15

**Definitions for pt 2**

**s 89A** prev s 89A ins 2001 No. 47 s 3  
amd 2004 No. 51 s 3 sch; 2006 No. 60 s 3 sch  
om 2009 No. 16 s 15  
pres s 89A ins 2011 No. 29 s 6

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**Minister may direct QCA to decide distribution service pricing for Mount Isa—Cloncurry supply network**

**prov hdg** amd 2006 No. 60 s 3 sch  
**s 89B** ins 2001 No. 47 s 3  
 amd 2005 No. 51 s 3 sch; 2006 No. 60 s 3 sch  
 om 2009 No. 16 s 15

**Division 2—General provisions for notified prices**

**div hdg** orig div 2 hdg ins 1997 No. 50 s 17  
 om 1997 No. 77 s 34  
 prev div 2 hdg ins 2006 No. 60 s 21  
 om 2011 No. 29 s 5

**Deciding prices for non-market customers**

**prov hdg** sub 2003 No. 28 s 6(1); 2006 No. 60 s 22(2)  
**s 90** sub 1997 No. 50 s 17; 1997 No. 77 s 34  
 amd 2000 No. 20 s 29 sch 3; 2003 No. 28 s 6(2)–(4); 2004 No. 51 s 17; 2006  
 No. 60 s 22 (amd 2007 No. 17 s 41); 2011 No. 29 s 7; 2012 No. 8 s 35;  
 2013 No. 28 s 22

**Deciding notified prices for 2013-14 financial year**

**s 90AAA** ins 2013 No. 28 s 23  
exp 1 July 2014 (see s 90AAA(3))

**Delegation to QCA and terms of reference**

**s 90AA** ins 2011 No. 29 s 8

**Publication of notified prices**

**s 90AB** ins 2011 No. 29 s 8  
 amd 2012 No. 8 s 36

**Obtaining information for price determination**

**prov hdg** sub 2011 No. 29 s 9(1)  
**s 90A** ins 2003 No. 28 s 7  
 amd 2011 No. 29 s 9(2)

**Retail entities charging for GST**

**s 91** sub 1997 No. 50 s 17; 1997 No. 77 s 34; 2000 No. 20 s 29 sch 3  
 amd 2006 No. 60 s 23

**Retail entity must comply with notification or direction**

**s 91A** ins 2000 No. 20 s 29 sch 3  
 amd 2006 No. 60 s 24; 2014 No. 31 s 12

**Provision for compliance with decisions about notified prices**

**s 91AA** ins 2008 No. 75 s 44

**Division 3—Annual indexation**

**div hdg** orig div 3 hdg ins 1997 No. 50 s 17  
 om 1997 No. 77 s 34  
 prev div 3 hdg ins 2006 No. 60 s 25  
 om 2011 No. 29 s 10

**Subdivision 1—Preliminary**

**sdiv hdg** ins 2006 No. 60 s 25  
om 2011 No. 29 s 10

**Operation and application of div 3**

**s 91B** ins 2006 No. 60 s 25 (amd 2007 No. 17 s 42)  
om 2011 No. 29 s 10

**Definitions for div 3**

**s 91C** ins 2006 No. 60 s 25  
def *fixed principle* ins 2008 No. 33 s 56  
om 2011 No. 29 s 10

**Subdivision 2—Indexation formula for relevant tariff year**

**sdiv hdg** ins 2006 No. 60 s 25  
om 2011 No. 29 s 10

**Indexation formula**

**s 91D** ins 2006 No. 60 s 25  
om 2011 No. 29 s 10

**Subdivision 3—Benchmark retail cost index for relevant tariff year**

**sdiv hdg** ins 2006 No. 60 s 25  
om 2011 No. 29 s 10

**Benchmark retail cost index**

**s 91E** ins 2006 No. 60 s 25  
om 2011 No. 29 s 10

**Working out NEM load**

**s 91F** ins 2006 No. 60 s 25  
amd 2008 No. 33 s 125 sch 1  
om 2011 No. 29 s 10

**Total benchmark retail cost**

**s 91G** ins 2006 No. 60 s 25  
amd 2008 No. 33 s 57  
om 2011 No. 29 s 10

**Subdivision 4—Miscellaneous provisions**

**sdiv hdg** ins 2006 No. 60 s 25  
om 2011 No. 29 s 10

**PART 2A—FEED-IN TARIFF**

**pt hdg** ins 2014 No. 31 s 13

**Definitions for pt 2A**

**s 92** orig s 92 amd 1997 No. 26 s 29  
sub 1997 No. 50 s 17; 1997 No. 77 s 34  
amd 2000 No. 20 s 29 sch 3  
om 2004 No. 51 s 18  
prev s 92 ins 2006 No. 60 s 25  
amd 2008 No. 33 s 58



om 2011 No. 29 s 10  
pres s 92 ins 2014 No. 31 s 13

**Responsibility for network control**

s 92A ins 1997 No. 50 s 17  
om 1997 No. 77 s 34

**Queensland System Operator may give directions**

s 92B ins 1997 No. 50 s 17  
om 1997 No. 77 s 34

**Code participant or other persons must comply with direction**

s 92C ins 1997 No. 50 s 17  
om 1997 No. 77 s 34

**Action that may be taken for failure to comply with direction or for a breach of the Market Code**

s 92D ins 1997 No. 50 s 17  
om 1997 No. 77 s 34

**Limitation of liability of Queensland System Operator**

s 92E ins 1997 No. 50 s 17  
om 1997 No. 77 s 34

**Approval of Queensland Interim Market Code**

s 92F ins 1997 No. 50 s 17  
om 1997 No. 77 s 34

**Amendment of Market Code**

s 92G ins 1997 No. 50 s 17  
om 1997 No. 77 s 34

**Market Code to be open for inspection**

s 92H ins 1997 No. 50 s 17  
om 1997 No. 77 s 34

**Registration with Queensland System Operator**

s 92I ins 1997 No. 50 s 17  
om 1997 No. 77 s 34

**Queensland System Operator to operate market**

s 92J ins 1997 No. 50 s 17  
om 1997 No. 77 s 34

**Proceedings in relation to the Market Code**

s 92K ins 1997 No. 50 s 17  
om 1997 No. 77 s 34

**Recovery of amounts payable under the Market Code**

s 92L ins 1997 No. 50 s 17  
om 1997 No. 77 s 34

**Limitation of liability of other persons**

**s 92M** ins 1997 No. 50 s 17  
om 1997 No. 77 s 34

**Regulation making power about market and system arrangements**

**s 92N** ins 1997 No. 50 s 17  
om 1997 No. 77 s 34

**Minister to direct QCA to decide feed-in tariff**

**s 93** orig s 93 amd 1997 No. 50 s 18  
om 1997 No. 77 s 34  
prev s 93 ins 2006 No. 60 s 25  
om 2011 No. 29 s 10  
pres s 93 ins 2014 No. 31 s 13

**QCA to publish feed-in tariff**

**s 94** orig s 94 om 1997 No. 77 s 34  
prev s 94 ins 2006 No. 60 s 25  
om 2011 No. 29 s 10  
pres s 94 ins 2014 No. 31 s 13

**When feed-in tariff continues to apply**

**prov hdg** amd 2008 No. 33 s 59(1)  
**s 95** orig s 95 om 1997 No. 77 s 34  
prev s 95 ins 2006 No. 60 s 25  
amd 2008 No. 33 s 59(2)–(3)  
om 2011 No. 29 s 10  
pres s 95 ins 2014 No. 31 s 13

**Gazettal of indexed prices**

**s 96** orig s 96 sub 1997 No. 77 s 35  
exp 23 May 1998 (see s 96(3))  
prev s 96 ins 2006 No. 60 s 25  
om 2011 No. 29 s 10

**Limitation of liability of electricity entities and special approval holders that are not  
Registered participants**

**prov hdg** amd 2005 No. 51 s 3 sch  
**s 97** sub 1997 No. 26 s 30; 1997 No. 77 s 35; 2005 No. 51 s 3 sch

**Limitation of liability for National Electricity (Queensland) Law**

**s 97A** ins 1997 No. 26 s 30  
sub 1997 No. 77 s 35  
amd 2005 No. 51 s 3 sch

**Application of division**

**s 100** amd 2004 No. 53 s 2 sch

**Electricity entity may take action in publicly controlled places to provide electricity  
etc.**

**s 101** amd 2004 No. 53 s 2 sch

**Works on roads**

s 102      amd 2011 No. 12 s 16

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

s 106      amd 2011 No. 12 s 17

**Works impairing railway signalling or communication lines**

s 109      amd 2011 No. 12 s 18

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

s 110      amd 2011 No. 12 s 19

**Division 4A—Inapplicability of planning schemes in relation to particular transmission entity operating works**

div hdg    ins 1996 No. 28 s 3  
            om 2001 No. 100 s 90

**Definitions for div 4A**

s 111A     ins 1996 No. 28 s 3  
            om 2001 No. 100 s 90

**Planning scheme does not apply to transmission entity if notice given**

s 111B     ins 1996 No. 28 s 3  
            om 2001 No. 100 s 90

**Existing projects**

s 111C     ins 1996 No. 28 s 3  
            om 2001 No. 100 s 90

**Chalumbin to Woree transmission line**

s 111D     ins 1996 No. 28 s 3  
            om 2001 No. 100 s 90

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

s 111E     ins 1996 No. 28 s 3  
            om 2001 No. 100 s 90

**Planning scheme maps**

s 111F     ins 1996 No. 28 s 3  
            om 2001 No. 100 s 90

**Applications about affected land**

s 111G     ins 1996 No. 28 s 30  
            om 2001 No. 100 s 90

**Clearing native vegetation for operating works on freehold land**

s 112A     ins 2001 No. 100 s 91  
            amd 2005 No. 51 s 4; 2009 No. 36 s 872 sch 2

**Authority to transmit over land**

s 113A     ins 2004 No. 50 s 5

**Authority to supply over land**

s 113B ins 2004 No. 50 s 5

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

s 114 amd 2004 No. 50 s 6

**Authority to acquire land**

s 116 amd 1997 No. 77 s 36; 2003 No. 28 s 8

**Authority to create easements over forest land**

s 116A ins 1997 No. 26 s 31

**Easements to include carriage services**

s 116B ins 1997 No. 50 s 19

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

s 117 amd 1997 No. 77 s 37; 2004 No. 53 s 2 sch; 2004 No. 50 s 7; 2005 No. 51 s 3 sch; 2013 No. 42 s 4

**Financially responsible retail entity may recover amount for electricity consumed by person occupying premises**

prov hdg sub 2006 No. 60 s 26(1)

s 118 sub 1997 No. 26 s 32  
amd 2006 No. 60 s 26(2)–(3)

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

s 118A ins 1997 No. 26 s 32

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

s 119 amd 1997 No. 77 s 38; 2000 No. 39 s 9; 2001 No. 82 s 11; 2004 No. 51 s 19;  
2004 No. 50 s 8  
om 2006 No. 60 s 27

**Exclusion of disputes relating to community ambulance cover levy**

s 119A ins 2003 No. 34 s 170  
om 2006 No. 60 s 27

**Regulator's powers concerning audit of compliance with Act etc.**

s 120AA ins 2004 No. 51 s 20  
amd 2006 No. 60 s 28

**Responsibility for cost of audit**

s 120AB ins 2004 No. 51 s 20

**Independent auditor may require reasonable help or information**

s 120AC ins 2004 No. 51 s 20  
amd 2006 No. 60 s 29

**Audit report and submissions on report**

s 120AD ins 2004 No. 51 s 20

**Disclosure of information**

s 120AE ins 2004 No. 51 s 20

**PART 1A—INDUSTRY CODES**

**pt hdg** ins 1997 No. 77 s 39  
sub 2006 No. 60 s 30

**Division 1—Preliminary**

**div hdg** ins 1997 No. 77 s 39  
sub 2006 No. 60 s 30

**Definition for pt 1A**

**s 120A** ins 1997 No. 77 s 39  
sub 2006 No. 60 s 30

**Division 2—Initial industry codes**

**div hdg** ins 1997 No. 77 s 39  
sub 2006 No. 60 s 30

**Making of initial industry codes by Minister**

**s 120B** ins 1997 No. 77 s 39  
sub 2006 No. 60 s 30

**Specific matters for which code may provide**

**s 120C** ins 1997 No. 77 s 39  
sub 2006 No. 60 s 30

**Gazettal and taking of effect of code**

**s 120D** ins 1997 No. 77 s 39  
sub 2006 No. 60 s 30

**Tabling of code**

**s 120E** ins 1997 No. 77 s 39  
sub 2006 No. 60 s 30

**Division 3—QCA industry codes**

**div hdg** ins 1997 No. 77 s 39  
sub 2006 No. 60 s 30

**QCA may make industry code**

**s 120F** ins 1997 No. 77 s 39  
sub 2006 No. 60 s 30

**QCA code objective**

**s 120G** ins 1997 No. 77 s 39  
sub 2006 No. 60 s 30

**QCA must advise Minister**

**s 120GA** ins 1997 No. 77 s 39  
om 2006 No. 60 s 30

**Tabling of conduct rules in Legislative Assembly**

**s 120GB** ins 1997 No. 77 s 39  
om 2006 No. 60 s 30

**Required consultation**

s 120H ins 1997 No. 77 s 39  
sub 2006 No. 60 s 30 (amd 2007 No. 17 s 43(1))

**Ministerial approval**

s 120I ins 1997 No. 77 s 39  
sub 2006 No. 60 s 30

**When approved QCA industry code takes effect**

s 120J ins 1997 No. 77 s 39  
sub 2006 No. 60 s 30

**Tabling of QCA industry code**

s 120K ins 1997 No. 77 s 39  
sub 2006 No. 60 s 30

**Division 4—Review of industry codes and related matters**

div hdg ins 1997 No. 77 s 39  
sub 2006 No. 60 s 30

**Direction by Minister to review**

s 120L ins 1997 No. 77 s 39  
sub 2006 No. 60 s 30

**Terms of reference**

s 120M ins 1997 No. 77 s 39  
sub 2006 No. 60 s 30

**Notice of review or amended term of reference or direction**

s 120N ins 1997 No. 77 s 39  
sub 2006 No. 60 s 30

**QCA must advise Minister**

s 120NA ins 1997 No. 77 s 39  
om 2006 No. 60 s 30

**Tabling of amendment of conduct rules in Legislative Assembly**

s 120NB ins 1997 No. 77 s 39  
om 2006 No. 60 s 30

**Conduct of review**

s 120O ins 1997 No. 77 s 39  
sub 2006 No. 60 s 30

**Division 5—Amending Industry codes**

div hdg ins 2006 No. 60 s 30

**Application of div 5**

s 120P ins 1997 No. 77 s 39  
sub 2006 No. 60 s 30 (amd 2007 No. 17 s 43(2))

**Required consultation for amendment**

s 120PA ins 2006 No. 60 s 30 (amd 2007 No. 17 s 43(2))

**Application of div 3 other than its consultation provision**

s 120PB ins 2006 No. 60 s 30 (amd 2007 No. 17 s 43(2))

**Division 6—Enforcing industry codes**

div hdg ins 2006 No. 60 s 30

**Subdivision 1—Code contravention notices**

sdiv hdg ins 2006 No. 60 s 30

**Application of sdiv 1**

s 120Q ins 1997 No. 77 s 39  
sub 2006 No. 60 s 30

**Criteria for deciding material contravention**

s 120R ins 1997 No. 77 s 39  
sub 2006 No. 60 s 30

**Warning notice may be given**

s 120S ins 1997 No. 77 s 39  
sub 2006 No. 60 s 30

**Requirements for warning notice**

s 120T ins 1997 No. 77 s 39  
sub 2006 No. 60 s 30

**Considering submissions on warning notice**

s 120U ins 1997 No. 77 s 39  
sub 2006 No. 60 s 30

**Giving of code contravention notice**

s 120V ins 1997 No. 77 s 39  
sub 2006 No. 60 s 30

**Duration of code contravention notice**

s 120W ins 1997 No. 77 s 39  
sub 2006 No. 60 s 30

**Subdivision 2—Proceedings**

sdiv hdg ins 2006 No. 60 s 30

**Proceeding for civil penalty order**

s 120X ins 1997 No. 77 s 39  
sub 2006 No. 60 s 30

**How order enforced**

s 120Y ins 1997 No. 77 s 39  
sub 2006 No. 60 s 30

**Injunctions**

s 120Z ins 1997 No. 77 s 39  
sub 2006 No. 60 s 30

**Conduct by directors, servants or agents**

s 120ZA ins 1997 No. 77 s 39  
sub 2006 No. 60 s 30

**Subdivision 3—Referrals to regulator**

**sdiv hdg** ins 2006 No. 60 s 30

**When QCA must refer material contravention**

**s 120ZB** ins 1997 No. 77 s 39  
sub 2006 No. 60 s 30

**When QCA may refer material contravention**

**s 120ZC** ins 1997 No. 77 s 39  
amd 2000 No. 20 s 29 sch 3; 2004 No. 51 s 21  
sub 2006 No. 60 s 30

**Disclosure of information**

**s 120ZCA** ins 2004 No. 51 s 22  
amd 2005 No. 51 s 3 sch  
om 2006 No. 60 s 30

**Guidelines for exercise of QCA powers for civil penalties**

**s 120ZD** ins 2001 No. 82 s 12  
sub 2006 No. 60 s 30

**Subdivision 4—Production of documents or information**

**sdiv hdg** ins 2006 No. 60 s 30

**Notice to produce documents or information**

**s 120ZE** ins 2001 No. 82 s 12  
amd 2004 No. 50 s 9  
sub 2006 No. 60 s 30

**Disclosure of information to regulator**

**s 120ZF** ins 2001 No. 82 s 12  
sub 2006 No. 60 s 30

**Protection of confidential information given for investigation**

**s 120ZG** ins 2001 No. 82 s 12  
sub 2006 No. 60 s 30

**Subdivision 5—Audits**

**sdiv hdg** ins 2006 No. 60 s 30

**QCA's powers concerning audit of compliance with industry code**

**s 120ZH** ins 2001 No. 82 s 12  
sub 2006 No. 60 s 30

**Responsibility for cost of audit**

**s 120ZI** ins 2001 No. 82 s 12  
sub 2006 No. 60 s 30

**Independent auditor may require reasonable help or information**

**s 120ZJ** ins 2001 No. 82 s 12  
sub 2006 No. 60 s 30



**Audit report and submissions on report**

**s 120ZK** ins 2001 No. 82 s 12  
sub 2006 No. 60 s 30

**Division 7—Miscellaneous provisions**

**div hdg** ins 2006 No. 60 s 30 (amd 2007 No. 29 s 11)

**Relationship with Fair Trading Act 1989**

**s 120ZL** ins 2001 No. 82 s 12  
sub 2006 No. 60 s 30 (amd 2007 No. 29 s 11)  
amd 2010 No. 54 s 67 sch

**Compliance with particular requirements under Australian Consumer Law (Queensland) for unsolicited consumer agreements**

**prov hdg** amd 2010 No. 54 s 67 sch  
**s 120ZM** ins 2001 No. 82 s 12  
sub 2006 No. 60 s 30 (amd 2007 No. 29 s 11)  
amd 2008 No. 33 s 60; 2010 No. 54 s 67 sch

**PART 1B—CREDIT SUPPORT GUIDELINES**

**pt hdg** prev pt 1B hdg ins 2001 No. 82 s 12  
om 2006 No. 60 s 30  
pres pt 1B hdg ins 2010 No. 17 s 38

**QCA must make credit support guidelines**

**s 120ZN** prev s 120ZN ins 2001 No. 82 s 12  
om 2006 No. 60 s 30  
pres s 120ZN ins 2010 No. 17 s 38

**Energy mediator's report to regulator**

**s 120ZO** ins 2001 No. 82 s 12  
om 2006 No. 60 s 30

**PART 1C—DISPUTES REFERRED TO ENERGY ARBITRATOR**

**pt hdg** ins 2000 No. 39 s 10  
om 2006 No. 60 s 30

**Division 1—Preliminary**

**div hdg** ins 2000 No. 39 s 10  
om 2006 No. 60 s 30

**Application of pt 1C**

**s 120ZP** (prev s 120ZY) ins 2000 No. 39 s 10  
sub as s 120ZP 2001 No. 82 s 13  
om 2006 No. 60 s 30

**Excluded Commercial Arbitration Act 1990**

**s 120ZQ** (prev s 120ZZ) ins 2000 No. 39 s 10  
renum 2001 No. 82 s 3 sch  
om 2006 No. 60 s 30

**Exclusion of other jurisdictions**

**s 120ZR** (prev s 120ZZA) ins 2000 No. 39 s 10  
renum 2001 No. 82 s 3 sch  
om 2006 No. 60 s 30

**Division 2—Referring and arbitrating disputes**

**div hdg** ins 2000 No. 39 s 10  
om 2006 No. 60 s 30

**Giving notice of referral to parties to dispute**

**s 120ZS** (prev s 120ZZC) ins 2000 No. 39 s 10  
renum 2001 No. 82 s 3 sch  
amd 2004 No. 50 s 10  
om 2006 No. 60 s 30

**Disclosure of interests**

**s 120ZT** (prev s 120ZZD) ins 2000 No. 39 s 10  
amd 2001 No. 82 s 15  
renum 2001 No. 82 s 3 sch  
om 2006 No. 60 s 30

**Presentation of cases**

**s 120ZU** (prev s 120ZZE) ins 2000 No. 39 s 10  
renum 2001 No. 82 s 3 sch  
om 2006 No. 60 s 30

**Conduct of arbitration**

**s 120ZV** (prev s 120ZZF) ins 2000 No. 39 s 10  
renum 2001 No. 82 s 3 sch  
om 2006 No. 60 s 30

**Ordinary protection and immunity allowed**

**s 120ZW** (prev s 120ZZFA) ins 2001 No. 82 s 16  
renum 2001 No. 82 s 3 sch  
om 2006 No. 60 s 30

**Power to require information from party to dispute**

**prov hdg** amd 2005 No. 51 s 3 sch  
**s 120ZX** (prev s 120ZZG) ins 2000 No. 39 s 10  
renum 2001 No. 82 s 3 sch  
om 2006 No. 60 s 30

**Division 3—Orders and enforcement**

**div hdg** ins 2000 No. 39 s 10  
om 2006 No. 60 s 30

**Orders that can be made**

**s 120ZY** (prev s 120ZZH) ins 2000 No. 39 s 10  
amd 2001 No. 82 s 17  
renum 2001 No. 82 s 3 sch  
om 2006 No. 60 s 30

**No costs**

**s 120ZZ** (prev s 120ZZI) ins 2000 No. 39 s 10  
renum 2001 No. 82 s 3 sch  
om 2006 No. 60 s 30

**Copy of order to be given to parties**

**s 120ZZA** (prev s 120ZZJ) ins 2000 No. 39 s 10  
renum 2001 No. 82 s 3 sch  
om 2006 No. 60 s 30

**Order final**

**s 120ZZB** orig s 120ZZB ins 2000 No. 39 s 10  
om 2001 No. 82 s 14  
renum 2001 No. 82 s 3 sch (amdt could not be given effect)  
prev s 120ZZB (prev s 120ZZK) ins 2000 No. 39 s 10  
amd 2001 No. 82 s 3 sch  
renum 2001 No. 82 s 3 sch  
om 2006 No. 60 s 30

**Party, other than electricity entity, to advise whether order accepted**

**s 120ZZC** (prev s 120ZZL) ins 2000 No. 39 s 10  
renum 2001 No. 82 s 3 sch  
amd 2004 No. 50 s 11  
om 2006 No. 60 s 30

**When order takes effect**

**s 120ZZD** (prev s 120ZZM) ins 2000 No. 39 s 10  
renum 2001 No. 82 s 3 sch  
om 2006 No. 60 s 30

**Failure to comply with order**

**s 120ZZE** (prev s 120ZZN) ins 2000 No. 39 s 10  
renum 2001 No. 82 s 3 sch  
om 2006 No. 60 s 30

**How order enforced**

**s 120ZZF** (prev s 120ZZO) ins 2000 No. 39 s 10  
renum 2001 No. 82 s 3 sch  
om 2006 No. 60 s 30

**Energy arbitrator's report to regulator**

**s 120ZZG** (prev s 120ZZP) ins 2000 No. 39 s 10  
renum 2001 No. 82 s 3 sch  
om 2006 No. 60 s 30

**Electricity restriction regulations**

**s 122** amd 2002 No. 42 s 242 sch 1

**Expiry of electricity restriction regulation**

**s 123** om 2005 No. 51 s 5

**Advertisement of order**

**s 127** amd 1997 No. 26 s 33

**Division 3—Limitation on restrictions and rationing**

**div 3 (ss 129A–129B)** ins 2001 No. 46 s 6  
exp 31 December 2033 (see s 129B)

**Governor in Council may authorise regulator to take over operation of relevant operations**

**s 130** sub 1997 No. 77 s 40  
amd 2005 No. 51 s 3 sch; 2009 No. 16 s 16

**Effect of regulator taking over operation of relevant operations**

**prov hdg** amd 1997 No. 77 s 41(1)  
**s 131** amd 1997 No. 77 s 41(2)–(8); 1999 No. 33 s 747 sch; 2009 No. 49 s 27

**PART 3A—RETAILER OF LAST RESORT**

**pt hdg** ins 1997 No. 77 s 42

**Retailer of last resort scheme**

**s 131A** ins 1997 No. 77 s 42  
amd 2006 No. 60 s 31; 2010 No. 31 s 405

**Grounds for disciplinary action**

**s 132** amd 1997 No. 26 s 34; 2002 No. 42 s 242 sch 1; 2008 No. 33 s 61

**Types of disciplinary action**

**s 133** amd 1997 No. 26 s 35; 1997 No. 50 s 20  
sub 1997 No. 77 s 43;  
amd 2002 No. 42 s 242 sch 1; 2006 No. 60 s 32; 2008 No. 33 s 125 sch 1;  
2010 No. 53 s 258 sch 2

**Disciplinary action under the Market Code**

**s 133A** ins 1997 No. 50 s 21  
om 1997 No. 77 s 44

**Procedure for disciplinary action**

**s 134** amd 1997 No. 77 s 45

**CHAPTER 5A—QUEENSLAND GAS SCHEME**

**ch hdg** ins 2004 No. 50 s 12  
amd 2008 No. 33 s 62  
exp 30 June 2014 (see s 135JW)

**PART 1—INTRODUCTION**

**pt hdg** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Division 1—Purposes of chapter**

**div hdg** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Main purposes of ch 5A**

**s 135A** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**How main purposes are achieved**

s 135AA ins 2004 No. 50 s 12  
amd 2008 No. 33 s 125 sch 1; 2008 No. 56 s 13; 2013 No. 42 s 5  
exp 30 June 2014 (see s 135JW)

**Division 2—Definitions for chapter 5A**

div hdg ins 2004 No. 50 s 12  
amd 2009 No. 3 s 451  
exp 30 June 2014 (see s 135JW)

**Power stations and their nameplate capacity**

s 135AB ins 2004 No. 50 s 12  
amd 2011 No. 18 s 404 sch 4 pt 2 div 1  
exp 30 June 2014 (see s 135JW)

**Who is the economic operator of a power station**

s 135AC ins 2004 No. 50 s 12  
amd 2005 No. 51 s 3 sch  
exp 30 June 2014 (see s 135JW)

**What is eligible fuel**

s 135AD ins 2004 No. 50 s 12  
amd 2005 No. 51 s 3 sch  
exp 30 June 2014 (see s 135JW)

**What is auxiliary load for a power station**

s 135AE ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**What is a major grid and a small grid**

s 135AF ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**What is a substantive traceable link to a major grid**

s 135AG ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**What is a direct supply arrangement**

s 135AH ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**What is an electricity load and the electricity load of the State**

prov hdg amd 2006 No. 60 s 3 sch  
s 135AI ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Who are the baseline customers of a power station**

s 135AJ ins 2004 No. 50 s 12  
amd 2009 No. 16 s 17  
exp 30 June 2014 (see s 135JW)

**Other definitions for ch 5A**

- s 135AK ins 2004 No. 50 s 12  
def *13% liability* om 2008 No. 33 s 63(1)  
def *annual GEC liability* ins 2008 No. 33 s 63(2)  
def *information notice* om 2006 No. 60 s 3 sch  
def *liable year* amd 2008 No. 33 s 63(3)  
def *penalty imposition day* amd 2008 No. 33 s 63(3)  
exp 30 June 2014 (see s 135JW)

**PART 2—ACCREDITATION**

- pt hdg ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Division 1—Applying for and obtaining accreditation**

- div hdg ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Who may apply for accreditation**

- s 135AL ins 2004 No. 50 s 12  
amd 2013 No. 42 s 6  
exp 30 June 2014 (see s 135JW)

**Requirements for application**

- s 135AM ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Deciding application**

- s 135AN ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Provisions for deciding ancillary matters for power station**

- s 135AO ins 2004 No. 50 s 12  
amd 2005 No. 51 s 3 sch  
exp 30 June 2014 (see s 135JW)

**Provisional decision to grant**

- s 135AP ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Steps after deciding application**

- s 135AQ ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Term of accreditation**

- s 135AR ins 2004 No. 50 s 12  
amd 2013 No. 42 s 7  
exp 30 June 2014 (see s 135JW)

**Withdrawal of nomination to be accredited generator**

- s 135AS ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Division 2—Accredited generator’s rights**

**div hdg** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Right to create, mortgage and transfer GEC**

**s 135AT** ins 2004 No. 50 s 12  
amd 2013 No. 42 s 8  
exp 30 June 2014 (see s 135JW)

**Division 3—Standard accreditation conditions**

**div hdg** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Operation of div 3**

**s 135AU** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Obligation to give information when GEC created**

**s 135AV** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Obligation to keep documents used for GEC creation**

**s 135AW** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Compliance with directions by regulator**

**s 135AX** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Condition not to improperly create GECs**

**s 135AY** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Notice to regulator of particular matters**

**s 135AZ** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Periodic GEC reviews**

**s 135B** ins 2004 No. 50 s 12  
amd 2013 No. 42 s 9  
exp 30 June 2014 (see s 135JW)

**Obligation to take action because of improper creation of GECs or GEC review**

**s 135BA** ins 2004 No. 50 s 12  
amd 2008 No. 33 s 125 sch 1  
exp 30 June 2014 (see s 135JW)

**Obligation to keep GEC review documents**

**s 135BB** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Access to power station**

**s 135BC** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Obligation to provide information for annual loss factor**

s 135BD ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Annual fee and return**

s 135BE ins 2004 No. 50 s 12  
amd 2013 No. 42 s 10  
exp 30 June 2014 (see s 135JW)

**Obligation to keep documents used to make annual return**

s 135BF ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Conditions imposed under a regulation**

s 135BG ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Amounts payable under chapter or accreditation**

s 135BH ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Accreditation conditions must not be contravened**

s 135BI ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Division 4—Dealings with accreditation**

div hdg ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Subdivision 1—Transfers**

sdiv hdg ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Transfer only by application**

s 135BJ ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Applying for transfer**

s 135BK ins 2004 No. 50 s 12  
amd 2013 No. 42 s 11  
exp 30 June 2014 (see s 135JW)

**Deciding transfer application**

s 135BL ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Subdivision 2—Surrenders**

sdiv 2 (ss 135BM–135BO) ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Division 5—Amendment, cancellation and suspension of accreditation**

div hdg ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)



**Subdivision 1—Amendment by application**

**sdiv hdg** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Applying for amendment**

**s 135BP** ins 2004 No. 50 s 12  
amd 2013 No. 42 s 12  
exp 30 June 2014 (see s 135JW)

**Deciding application**

**s 135BQ** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Subdivision 2—Amendment by regulator without proposed action notice**

**sdiv 2 (s 135BR)** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Subdivision 3—Other amendments, cancellation and suspension**

**sdiv hdg** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Partial suspension for non-payment of annual fee**

**s 135BS** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Regulator's power to amend, cancel or suspend**

**s 135BT** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Conditions for other amendments and for cancellation or suspension by regulator**

**s 135BU** ins 2004 No. 50 s 12  
amd 2010 No. 54 s 67 sch  
exp 30 June 2014 (see s 135JW)

**Notice of proposed action**

**s 135BV** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Considering submissions**

**s 135BW** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Decision on proposed action**

**s 135BX** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Notice and taking of effect of proposed action decision**

**s 135BY** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Effect of cancellation**

**s 135BZ** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Final return on cancellation**

s 135C ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**PART 3—ELIGIBLE GAS-FIRED ELECTRICITY**

pt hdg ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Division 1—Working out eligible gas-fired electricity**

div hdg ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Subdivision 1—Preliminary**

sdiv hdg ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Operation of div 1**

s 135CA ins 2004 No. 50 s 12  
amd 2013 No. 42 s 13  
exp 30 June 2014 (see s 135JW)

**Subdivision 2—Power stations with nameplate capacity of more than 500kW**

sdiv hdg ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Application of sdiv 2**

s 135CB ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**General method**

s 135CC ins 2004 No. 50 s 12  
amd 2008 No. 33 s 125 sch 1  
exp 30 June 2014 (see s 135JW)

**Alternate methods for direct supply arrangement**

s 135CD ins 2004 No. 50 s 12  
amd 2008 No. 33 s 125 sch 1  
exp 30 June 2014 (see s 135JW)

**Adjustment for general method if a direct method used**

s 135CE ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Directions for working out eligible gas-fired electricity**

s 135CF ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Subdivision 3—Power stations with nameplate capacity of 500kW or less**

sdiv 3 (ss 135CG–135CJ) ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Division 2—Eligible electricity guidelines**

div 2 (ss 135CK–135CL) ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Division 3—Queensland usage factors**

**div hdg** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Annual QUFs**

**s 135CM** ins 2004 No. 50 s 12  
amd 2008 No. 33 s 64  
exp 30 June 2014 (see s 135JW)

**Baseline QUFs**

**s 135CN** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Transmission zones**

**s 135CO** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Power stations connected to national grid within same transmission zone**

**s 135CP** ins 2004 No. 50 s 12  
amd 2008 No. 33 s 65  
exp 30 June 2014 (see s 135JW)

**QUFs may be differential as to time**

**s 135CQ** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Division 4—Loss factors**

**div hdg** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Annual loss factor**

**s 135CR** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Baseline loss factor**

**s 135CS** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Provisions for working out loss factors**

**s 135CT** ins 2004 No. 50 s 12  
amd 2005 No. 51 s 3 sch  
exp 30 June 2014 (see s 135JW)

**Publication of loss factors**

**s 135CU** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Division 5—Baselines for baseline customers**

**div hdg** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Subdivision 1—Introduction**

**sdiv hdg** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**What is a power station's baseline for a baseline customer**

s 135CV ins 2004 No. 50 s 12  
amd 2008 No. 33 s 125 sch 1  
exp 30 June 2014 (see s 135JW)

**Purpose of baseline**

s 135CW ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Subdivision 2—Baseline for existing baseline customers**

sdiv hdg ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Application of sdiv 2**

s 135CX ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**General method for working out baseline**

s 135CY ins 2004 No. 50 s 12  
amd 2008 No. 33 s 125 sch 1  
exp 30 June 2014 (see s 135JW)

**Alternate method for direct supply arrangement**

s 135CZ ins 2004 No. 50 s 12  
amd 2008 No. 33 s 125 sch 1  
exp 30 June 2014 (see s 135JW)

**Information notice about decision**

s 135D ins 2004 No. 50 s 12  
amd 2008 No. 33 s 66; 2009 No. 16 s 18  
exp 30 June 2014 (see s 135JW)

**Subdivision 3—Baseline for other baseline customers**

sdiv 3 (s 135DA) ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Subdivision 4—Changes to baseline**

sdiv hdg ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Cessation of supply**

s 135DB ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Adjustment for customer transfer to another accredited power station**

s 135DC ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Adjustment for other customer transfers**

s 135DD ins 2004 No. 50 s 12  
amd 2009 No. 16 s 19  
exp 30 June 2014 (see s 135JW)

**PART 4—GECs**

**pt hdg** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Division 1—Creation and registration of GECs**

**div hdg** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Electricity required to create GEC**

**s 135DE** ins 2004 No. 50 s 12  
amd 2008 No. 33 s 125 sch 1  
exp 30 June 2014 (see s 135JW)

**Prohibition on creation if certificate created under corresponding law**

**s 135DF** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Time limitation on creation right**

**s 135DG** ins 2004 No. 50 s 12  
amd 2013 No. 42 s 14  
exp 30 June 2014 (see s 135JW)

**How a GEC is created**

**s 135DH** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**When GEC takes effect**

**s 135DI** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Deciding on validity and registration**

**s 135DJ** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Automatic registration**

**s 135DK** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Power to register GEC without prescribed fee**

**s 135DL** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Effect of registration**

**s 135DM** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Ownership of GEC on registration**

**s 135DN** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Division 1A—Creation of GECs in particular circumstances**

**div 1A (s 135DNA)** ins 2013 No. 42 s 15  
exp 30 June 2014 (see s 135JW)

**Division 2—Improper creation or receipt of GECs**

**div 2 (ss 135DO–135DR)** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Division 3—Term of GECs**

**div hdg** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Expiry**

**s 135DS** ins 2004 No. 50 s 12  
sub 2013 No. 42 s 16  
exp 30 June 2014 (see s 135JW)

**Surrender and cancellation**

**s 135DT** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Division 4—Dealings with GECs**

**div hdg** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Subdivision 1—Transfers**

**sdiv hdg** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Conditions for transfer**

**s 135DU** ins 2004 No. 50 s 12  
amd 2013 No. 42 s 17  
exp 30 June 2014 (see s 135JW)

**Notice and taking effect of transfer**

**s 135DV** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Ownership of GEC on transfer**

**s 135DW** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Market operating rules and arrangements**

**s 135DX** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Subdivision 2—Mortgages**

**sdiv 2 (ss 135DY–135E)** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Subdivision 3—Surrenders**

**sdiv hdg** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Surrender only by approval**

**s 135EA** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Who may apply for surrender**

s 135EB ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Making surrender application**

s 135EC ins 2004 No. 50 s 12  
amd 2008 No. 33 s 125 sch 1  
exp 30 June 2014 (see s 135JW)

**Power to accept application without prescribed fee**

s 135ED ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Deciding surrender application**

s 135EE ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Division 5—Amendment, cancellation and suspension of GECs**

div hdg ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Subdivision 1—Preliminary**

sdiv 1 (s 135EF) ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Subdivision 2—Immediate suspension**

sdiv 2 (s 135EG) ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Subdivision 3—Amendment, cancellation or suspension (other than immediate suspension)**

sdiv 3 (ss 135EH–135EL) ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**PART 5—ANNUAL GEC LIABILITY**

pt hdg ins 2004 No. 50 s 12  
amd 2008 No. 33 s 125 sch 1  
exp 30 June 2014 (see s 135JW)

**Division 1—Preliminary**

div hdg ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Definition for pt 5**

s 135ELA ins 2008 No. 33 s 67  
exp 30 June 2014 (see s 135JW)

**Simplified explanation of pt 5**

s 135EM ins 2004 No. 50 s 12  
amd 2008 No. 33 s 125 sch 1  
exp 30 June 2014 (see s 135JW)

**Division 2—The annual GEC liability**

**div hdg** ins 2004 No. 50 s 12  
amd 2008 No. 33 s 125 sch 1  
exp 30 June 2014 (see s 135JW)

**Subdivision 1—Imposition of annual GEC liability in relation to major grids**

**sdiv hdg** ins 2004 No. 50 s 12  
amd 2008 No. 33 s 125 sch 1  
exp 30 June 2014 (see s 135JW)

**Application of sdiv 1**

**s 135EN** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Liable person**

**s 135EO** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Liability**

**s 135EP** ins 2004 No. 50 s 12  
amd 2008 No. 33 s 68; 2013 No. 42 s 18  
exp 30 June 2014 (see s 135JW)

**How and when liability must be met**

**s 135EQ** ins 2004 No. 50 s 12  
amd 2008 No. 33 s 69  
exp 30 June 2014 (see s 135JW)

**Subdivision 2—Imposition of annual GEC liability in relation to small grids**

**sdiv hdg** ins 2004 No. 50 s 12  
amd 2008 No. 33 s 125 sch 1  
exp 30 June 2014 (see s 135JW)

**Application of sdiv 2**

**s 135ER** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Liable person**

**s 135ES** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**How and when liability must be met**

**s 135ET** ins 2004 No. 50 s 12  
amd 2008 No. 33 s 70; 2013 No. 42 s 19  
exp 30 June 2014 (see s 135JW)

**Subdivision 3—General provisions for annual GEC liability**

**sdiv hdg** ins 2004 No. 50 s 12  
amd 2008 No. 33 s 125 sch 1  
exp 30 June 2014 (see s 135JW)



**GECs that can not be used to meet annual GEC liability**

**prov hdg** amd 2008 No. 33 s 125 sch 1  
**s 135EU** ins 2004 No. 50 s 12  
amd 2008 No. 33 s 125 sch 1  
exp 30 June 2014 (see s 135JW)

**Liability not subject to condition of GEC ownership**

**s 135EV** ins 2004 No. 50 s 12  
amd 2008 No. 33 s 125 sch 1  
exp 30 June 2014 (see s 135JW)

**Obligation to keep documents relating to annual GEC liability**

**prov hdg** amd 2008 No. 33 s 125 sch 1  
**s 135EW** ins 2004 No. 50 s 12  
amd 2008 No. 33 s 125 sch 1  
exp 30 June 2014 (see s 135JW)

**Division 3—Civil penalty for not meeting annual GEC liability**

**div hdg** ins 2004 No. 50 s 12  
amd 2008 No. 33 s 125 sch 1  
exp 30 June 2014 (see s 135JW)

**Application of div 3**

**s 135EX** ins 2004 No. 50 s 12  
amd 2008 No. 33 s 125 sch 1  
exp 30 June 2014 (see s 135JW)

**Imposition of civil penalty for not meeting annual GEC liability**

**prov hdg** amd 2008 No. 33 s 125 sch 1  
**s 135EY** ins 2004 No. 50 s 12  
amd 2008 No. 33 s 125 sch 1  
exp 30 June 2014 (see s 135JW)

**Exemption to allow for meter data revisions or adjustments**

**s 135EZ** ins 2004 No. 50 s 12  
amd 2008 No. 33 s 125 sch 1  
exp 30 June 2014 (see s 135JW)

**Amount of civil penalty**

**s 135F** ins 2004 No. 50 s 12  
amd 2008 No. 33 s 71  
exp 30 June 2014 (see s 135JW)

**Shortfall charge**

**s 135FA** ins 2004 No. 50 s 12  
amd 2013 No. 42 s 20  
exp 30 June 2014 (see s 135JW)

**Interest on unpaid civil penalty**

**s 135FB** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Recovery of unpaid civil penalty and interest**

s 135FC ins 2004 No. 50 s 12  
amd 2008 No. 33 s 125 sch 1  
exp 30 June 2014 (see s 135JW)

**Division 4—Assessments**

div hdg ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Subdivision 1—Self-assessment**

sdiv hdg ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Self-assessment report**

s 135FD ins 2004 No. 50 s 12  
amd 2008 No. 33 s 125 sch 1; 2013 No. 42 s 21  
exp 30 June 2014 (see s 135JW)

**Derivative use immunity for self-assessment report**

s 135FE ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Obligation to keep documents used to make self-assessment report**

s 135FF ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Subdivision 2—Assessments by regulator**

sdiv hdg ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Purpose of sdiv 2**

s 135FG ins 2004 No. 50 s 12  
amd 2008 No. 33 s 125 sch 1  
exp 30 June 2014 (see s 135JW)

**Default assessment**

s 135FH ins 2004 No. 50 s 12  
amd 2008 No. 33 s 125 sch 1  
exp 30 June 2014 (see s 135JW)

**Reassessment**

s 135FI ins 2004 No. 50 s 12  
amd 2008 No. 33 s 125 sch 1  
exp 30 June 2014 (see s 135JW)

**Compromise assessment**

s 135FJ ins 2004 No. 50 s 12  
amd 2008 No. 33 s 125 sch 1  
exp 30 June 2014 (see s 135JW)

**Amended assessment**

s 135FK ins 2004 No. 50 s 12  
amd 2008 No. 33 s 125 sch 1  
exp 30 June 2014 (see s 135JW)

**Assessments made on available relevant information**

s 135FL ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Notice of assessment and when it takes effect**

s 135FM ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Time for assessment by regulator**

s 135FN ins 2004 No. 50 s 12  
amd 2008 No. 33 s 125 sch 1  
exp 30 June 2014 (see s 135JW)

**Subdivision 3—Credits and refunds**

sdiv hdg ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Credit to future annual GEC liability for oversurrender**

prov hdg amd 2008 No. 33 s 72(1)  
s 135FO ins 2004 No. 50 s 12  
amd 2008 No. 33 s 72  
exp 30 June 2014 (see s 135JW)

**Regulator to refund overpaid civil penalty and interest**

s 135FP ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Subdivision 4—Evidentiary provisions for assessments**

sdiv hdg ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Evidentiary provisions**

s 135FQ ins 2004 No. 50 s 12  
amd 2008 No. 33 s 125 sch 1; 2009 No. 24 s 428  
exp 30 June 2014 (see s 135JW)

**Division 5—Liable persons in relation to major grids**

div hdg ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Subdivision 1—Liability hierarchy**

sdiv hdg ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Operation of sdiv 1**

s 135FR ins 2004 No. 50 s 12  
amd 2008 No. 33 s 125 sch 1; 2009 No. 16 s 20  
exp 30 June 2014 (see s 135JW)

**Retailer**

s 135FS ins 2004 No. 50 s 12  
amd 2009 No. 16 s 21  
exp 30 June 2014 (see s 135JW)

**Special approval holder**

s 135FT ins 2004 No. 50 s 12  
amd 2009 No. 16 s 22  
exp 30 June 2014 (see s 135JW)

**Specific circumstance generator**

s 135FU ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Substantial on-site generator**

s 135FV ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Wholesale purchaser from spot market**

s 135FW ins 2004 No. 50 s 12  
amd 2005 No. 51 s 3 sch; 2009 No. 16 s 23  
exp 30 June 2014 (see s 135JW)

**Subdivision 2—Resolving disputes about who is the liable person**

sdiv hdg ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Application of sdiv 2**

s 135FX ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Referral to regulator**

s 135FY ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Submissions by other affected parties**

s 135FZ ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Regulator's power to require documents or information**

s 135G ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Regulator may require confidentiality to be observed**

s 135GA ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Regulator may require mediation**

s 135GB ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Criteria for decision**

s 135GC ins 2004 No. 50 s 12  
amd 2008 No. 33 s 125 sch 1  
exp 30 June 2014 (see s 135JW)

**Exclusion of other jurisdictions**

s 135GD ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Notice of decision**

s 135GE ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Decision binds parties to the dispute**

s 135GF ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Division 6—Exempted loads**

div hdg ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Subdivision 1—Preliminary**

sdiv 1 (ss 135GG–135GH) ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Subdivision 2—State development exemption**

sdiv hdg ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Application and operation of sdiv 2**

s 135GI ins 2004 No. 50 s 12  
amd 2012 No. 43 s 325 sch 2  
exp 30 June 2014 (see s 135JW)

**Making application**

s 135GJ ins 2004 No. 50 s 12  
amd 2013 No. 42 s 22  
exp 30 June 2014 (see s 135JW)

**Notice to other interested persons**

s 135GK ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Deciding application**

s 135GL ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Steps after deciding application**

s 135GM ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Condition for proposed supply**

s 135GN ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Amendment of applicant's supply schedule**

s 135GO ins 2004 No. 50 s 12  
amd 2013 No. 42 s 23  
exp 30 June 2014 (see s 135JW)

**Condition for continuity of supply**

s 135GP ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Reporting condition**

s 135GQ ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Subdivision 3—Renewable energy exemption**

sdiv hdg ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Operation of sdiv 3**

s 135GR ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Making application**

s 135GS ins 2004 No. 50 s 12  
amd 2013 No. 42 s 24  
exp 30 June 2014 (see s 135JW)

**Notice to other interested persons**

s 135GT ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Deciding application**

s 135GU ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Steps after deciding application**

s 135GV ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Ineligible fuel allowance**

s 135GW ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**General conditions of exemption**

s 135GX ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Reporting condition**

s 135GY ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Subdivision 4—Power station auxiliary load exemption**

sdiv hdg ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Operation of sdiv 4**

s 135GZ ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Making application**

s 135H ins 2004 No. 50 s 12  
amd 2013 No. 42 s 25  
exp 30 June 2014 (see s 135JW)

**Notice to other interested persons**

s 135HA ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Deciding application**

s 135HB ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Steps after deciding application**

s 135HC ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**General condition of exemption**

s 135HD ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Reporting condition**

s 135HE ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Subdivision 5—General conditions of liable load exemptions**

sdiv hdg ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Annual fee and exemption compliance report**

s 135HF ins 2004 No. 50 s 12  
amd 2013 No. 42 s 26  
exp 30 June 2014 (see s 135JW)

**Obligation to keep documents relating to exemption**

s 135HG ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Subdivision 6—Amending liable load exemption by application**

sdiv hdg ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Applying for amendment**

s 135HH ins 2004 No. 50 s 12  
amd 2013 No. 42 s 27  
exp 30 June 2014 (see s 135JW)

**Notice to other interested persons**

s 135HI ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Deciding application**

s 135HJ ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Subdivision 7—Amendment of liable load exemption by regulator without proposed action notice**

sdiv 7 (s 135HK) ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Subdivision 8—Other amendments, cancellation and suspension of liable load exemption**

sdiv 8 (ss 135HL–135HP) ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Subdivision 9—Consequences of particular cancellations**

sdiv 9 (ss 135HQ–135HT) ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Division 7—Non-liable loads**

div hdg ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Emergency stand-by plant**

s 135HU ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Immaterial loads**

s 135HV ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Electricity sold under special remote area arrangement**

s 135HW ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Electricity sold under retailer of last resort scheme or similar scheme**

s 135HX ins 2004 No. 50 s 12  
amd 2005 No. 51 s 3 sch; 2006 No. 60 s 33  
exp 30 June 2014 (see s 135JW)

**Electricity sold under particular standard large customer retail contracts**

s 135HY ins 2004 No. 50 s 12  
amd 2004 No. 51 s 3 sch  
sub 2006 No. 60 s 34  
exp 30 June 2014 (see s 135JW)

**Electricity sold or supplied to Boyne Island Smelter**

s 135HZ ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**PART 6—SCHEME PARTICIPANTS**

pt hdg ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)



**Applying for registration**

**s 135I** ins 2004 No. 50 s 12  
 amd 2013 No. 42 s 28  
 exp 30 June 2014 (see s 135JW)

**Right to registration**

**s 135IA** ins 2004 No. 50 s 12  
 exp 30 June 2014 (see s 135JW)

**Term of registration**

**s 135IB** ins 2004 No. 50 s 12  
 amd 2013 No. 42 s 29  
 exp 30 June 2014 (see s 135JW)

**Annual fee for particular scheme participants**

**s 135IC** ins 2004 No. 50 s 12  
 amd 2013 No. 42 s 30  
 exp 30 June 2014 (see s 135JW)

**Partial suspension for non-payment of annual fee**

**s 135ID** ins 2004 No. 50 s 12  
 exp 30 June 2014 (see s 135JW)

**Surrender of registration**

**s 135IE** ins 2004 No. 50 s 12  
 exp 30 June 2014 (see s 135JW)

**PART 7—MONITORING**

**pt hdg** ins 2004 No. 50 s 12  
 exp 30 June 2014 (see s 135JW)

**Division 1—Approved auditors**

**div 1 (ss 135IF–135IN)** ins 2004 No. 50 s 12  
 exp 30 June 2014 (see s 135JW)

**Division 2—Required audits**

**div 2 (ss 135IO–135IS)** ins 2004 No. 50 s 12  
 exp 30 June 2014 (see s 135JW)

**Division 3—Audits by regulator**

**div 3 (ss 135IT–135IU)** ins 2004 No. 50 s 12  
 exp 30 June 2014 (see s 135JW)

**Division 4—General provisions for audits**

**div 4 (ss 135IV–135IW)** ins 2004 No. 50 s 12  
 exp 30 June 2014 (see s 135JW)

**PART 8—MISCELLANEOUS PROVISIONS**

**pt hdg** ins 2004 No. 50 s 12  
 exp 30 June 2014 (see s 135JW)

**Division 1—Additional provisions for applications**

**div 1 (ss 135IX–135J)** ins 2004 No. 50 s 12  
 exp 30 June 2014 (see s 135JW)

**Division 2—Measurement of electricity**

**div hdg** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Regulator's power to decide measurement method**

**s 135JA** ins 2004 No. 50 s 12  
amd 2005 No. 51 s 3 sch  
exp 30 June 2014 (see s 135JW)

**Procedure for deciding measurement method**

**s 135JB** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Decided method must be applied**

**s 135JC** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Obligation to notify regulator of change in circumstances for decided measurement method**

**s 135JD** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Division 3—Registers**

**div hdg** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Registers**

**s 135JE** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Required information for accredited generator register**

**s 135JF** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Required information for GEC register**

**s 135JG** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Required information for scheme participant register**

**s 135JH** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Required information for liable load exemption register**

**s 135JI** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**General provisions for register keeping**

**s 135JJ** ins 2004 No. 50 s 12  
amd 2009 No. 13 s 213 sch 5  
exp 30 June 2014 (see s 135JW)

**Access to registers**

**s 135JK** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Division 4—General offences for chapter 5A**

**div hdg** ins 2004 No. 50 s 12  
amd 2009 No. 3 s 452  
exp 30 June 2014 (see s 135JW)

**Who is an official**

**s 135JL** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Confidentiality of particular information**

**s 135JM** ins 2004 No. 50 s 12  
amd 2009 No. 13 s 213 sch 5  
exp 30 June 2014 (see s 135JW)

**False or misleading statement**

**s 135JN** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**False or misleading document**

**s 135JO** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Obstructing approved auditor**

**s 135JP** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Impersonating approved auditor**

**s 135JQ** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Notice of change from small grid to major grid**

**s 135JR** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Division 5—Other miscellaneous provisions**

**div hdg** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Additional information about reports and other matters**

**s 135JS** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**General evidentiary aids for ch 5A**

**s 135JT** ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Obligation of State to indemnify particular information-givers**

**s 135JU** ins 2004 No. 50 s 12  
amd 2009 No. 16 s 24  
exp 30 June 2014 (see s 135JW)

**No compensation etc.**

**s 135JUA** ins 2013 No. 42 s 31  
exp 30 June 2014 (see s 135JW)

**Approved forms**

s 135JV ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**PART 9—EXPIRY OF CHAPTER**

pt hdg ins 2004 No. 50 s 12  
exp 30 June 2014 (see s 135JW)

**Expiry**

s 135JW ins 2004 No. 50 s 12  
amd 2013 No. 42 s 32  
exp 30 June 2014 (see s 135JW)

**Saving of operation of chapter**

s 135JX ins 2004 No. 50 s 12  
om 2013 No. 42 s 33

**Entry to read meters etc.**

s 137 amd 1997 No. 26 s 36; 2002 No. 42 s 242 sch 1; 2003 No. 28 s 9

**Disconnection of supply if entry refused**

s 138 amd 2004 No. 53 s 2 sch; 2005 No. 51 s 3 sch

**Entry to place to protect electricity entity's works**

prov hdg amd 2002 No. 42 s 242 sch 1  
s 140 amd 2002 No. 42 s 242 sch 1; 2004 No. 51 s 23

**Entry to place to carry out remedial work**

s 140A ins 2004 No. 50 s 13

**Entry to place to carry out urgent remedial work**

s 140B ins 2004 No. 50 s 13

**PART 2—POWERS TO PREVENT FIRE OR ELECTRICAL SHOCK**

pt hdg sub 2002 No. 42 s 242 sch 1

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

s 141 amd 2002 No. 42 s 242 sch 1; 2004 No. 51 s 24; 2004 No. 53 s 2 sch

**PART 3—OTHER PROVISIONS ABOUT EXERCISE OF ELECTRICITY OFFICER'S POWERS**

pt hdg sub 2004 No. 51 s 3 sch

**Duty to avoid damage**

s 141A ins 2004 No. 50 s 14

**Associated powers on entry**

s 141B ins 2004 No. 51 s 25

**CHAPTER 7—ENFORCEMENT OF RESTRICTIONS AND RATIONING**

ch hdg prev ch 7 hdg om 2002 No. 42 s 242 sch 1  
pres ch 7 hdg ins 2002 No. 42 s 242 sch 1

**PART 1—PRELIMINARY**

**pt hdg** prev pt 1 hdg om 2002 No. 42 s 242 sch 1  
pres pt 1 hdg ins 2002 No. 42 s 242 sch 1

**Entry to places**

**s 144** om 2002 No. 42 s 242 sch 1

**Definition for ch 7**

**s 145** prev s 145 om 2002 No. 42 s 242 sch 1  
pres s 145 ins 2002 No. 42 s 242 sch 1

**PART 2—INSPECTION OFFICERS**

**pt hdg** prev pt 2 hdg om 2002 No. 42 s 242 sch 1  
pres pt 2 hdg ins 2002 No. 42 s 242 sch 1

**Appointment and qualifications**

**s 146** prev s 146 om 2002 No. 42 s 242 sch 1  
pres s 146 ins 2002 No. 42 s 242 sch 1  
amd 2003 No. 28 s 10

**Appointment conditions and limit on powers**

**s 147** prev s 147 om 2002 No. 42 s 242 sch 1  
pres s 147 ins 2002 No. 42 s 242 sch 1

**Issue of identity card**

**s 148** prev s 148 om 2002 No. 42 s 242 sch 1  
pres s 148 ins 2002 No. 42 s 242 sch 1

**Production or display of identity card**

**s 149** prev s 149 om 2002 No. 42 s 242 sch 1  
pres s 149 ins 2002 No. 42 s 242 sch 1

**When inspection officer ceases to hold office**

**s 150** prev s 150 om 2002 No. 42 s 242 sch 1  
pres s 150 ins 2002 No. 42 s 242 sch 1

**Resignation**

**s 151** prev s 151 om 2002 No. 42 s 242 sch 1  
pres s 151 ins 2002 No. 42 s 242 sch 1

**Return of identity card**

**s 152** prev s 152 om 2002 No. 42 s 242 sch 1  
pres s 152 ins 2002 No. 42 s 242 sch 1

**Division 1—Electricity restriction regulations and emergency rationing orders**

**div hdg** om 2002 No. 42 s 242 sch 1

**Division 2—Safety issues**

**div hdg** om 2002 No. 42 s 242 sch 1

**Division 3—Cathodic protection systems**

**div hdg** om 2002 No. 42 s 242 sch 1

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

**div hdg** om 2002 No. 42 s 242 sch 1

**Division 5—Other enforcement matters**

**div hdg** om 2002 No. 42 s 242 sch 1

**PART 2A—POWERS OF INSPECTION OFFICERS**

**pt hdg** ins 2003 No. 28 s 11

**Power to enter place**

**s 152A** ins 2003 No. 28 s 11  
amd 2004 No. 50 s 15

**Entry with consent**

**s 152B** ins 2003 No. 28 s 11

**Application for warrant**

**s 152C** ins 2003 No. 28 s 11

**Issue of warrant**

**s 152D** ins 2003 No. 28 s 11

**Special warrant**

**s 152E** ins 2003 No. 28 s 11

**Warrant—procedure before entry**

**s 152F** ins 2003 No. 28 s 11

**General powers after entering place**

**s 152G** ins 2003 No. 28 s 11  
amd 2004 No. 50 s 16

**Power to seize evidence**

**s 152H** ins 2003 No. 28 s 11

**Powers supporting seizure**

**s 152I** ins 2003 No. 28 s 11

**Receipt for seized thing**

**s 152J** ins 2003 No. 28 s 11

**Forfeiture of seized thing**

**s 152K** ins 2003 No. 28 s 11  
amd 2009 No. 24 s 429

**Return of seized thing**

**s 152L** ins 2003 No. 28 s 11

**Access to seized thing**

**s 152M** ins 2003 No. 28 s 11

**PART 3—RESTRICTION REGULATIONS AND RATIONING ORDERS**

**pt hdg** ins 2002 No. 42 s 242 sch 1

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

**s 155** om 2002 No. 42 s 242 sch 1

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

**s 156** om 2002 No. 42 s 242 sch 1

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

s 157 om 2002 No. 42 s 242 sch 1

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

s 158 om 2002 No. 42 s 242 sch 1

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

s 159 om 2002 No. 42 s 242 sch 1

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

s 160 om 2002 No. 42 s 242 sch 1

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

s 161 om 2002 No. 42 s 242 sch 1

**Power to require name and address**

s 162 om 2002 No. 42 s 242 sch 1

**Power to require production of certain documents**

s 163 om 2002 No. 42 s 242 sch 1

**PART 4—OTHER MATTERS**

pt hdg ins 2002 No. 42 s 242 sch 1

**CHAPTER 8—TECHNICAL ISSUES**

ch hdg sub 2002 No. 42 s 242 sch 1

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

s 166 amd 1997 No. 77 s 46

**Occupier to give notice of electrical accident**

s 167 amd 1997 No. 26 s 37  
om 2002 No. 42 s 242 sch 1

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

s 168 amd 1997 No. 26 s 38  
om 2002 No. 42 s 242 sch 1

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

s 169 amd 1997 No. 26 s 39  
om 2002 No. 42 s 242 sch 1

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

s 170 amd 1997 No. 26 s 40  
om 2002 No. 42 s 242 sch 1

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

s 171 om 2002 No. 42 s 242 sch 1

**Misrepresentations about electrical articles or work**

s 172 om 2002 No. 42 s 242 sch 1

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

s 173 om 2002 No. 42 s 242 sch 1

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

s 174 om 2002 No. 42 s 242 sch 1

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

s 175 om 2002 No. 42 s 242 sch 1

**Making unsafe things safe**

s 177 om 2002 No. 42 s 242 sch 1

**Division 1—Issue of generation authority**

div hdg ins 2003 No. 28 s 33 sch 2

**Issue of generation authorities**

s 178 amd 1997 No. 50 s 22

**Application for generation authority**

s 179 amd 1997 No. 50 s 23

**Publication about application for generation authority**

s 179A ins 1997 No. 77 s 47  
amd 2006 No. 60 s 3 sch

**Consideration of application for generation authority**

s 180 amd 1997 No. 77 s 48; 2003 No. 28 s 12

**Notice of refusal to issue generation authority**

s 181 amd 2009 No. 24 s 430

**Division 2—Amendment of generation authority**

div hdg ins 2003 No. 28 s 33 sch 2

**Amendment of generation authorities**

s 182 amd 2003 No. 28 s 13

**Amendment of conditions stated in generation authorities**

s 183 amd 2003 No. 28 s 14

**Amendment of generation authorities and conditions by notice to generation entity**

s 183A ins 1997 No. 77 s 49  
amd 2005 No. 51 s 3 sch

**Division 3—Transfer of authority**

div hdg ins 2003 No. 28 s 15

**Transfer of generation authorities**

s 184 sub 2003 No. 28 s 15

**Application for transfer**

s 184A ins 2003 No. 28 s 15

**Consideration of application for transfer**

s 184B ins 2003 No. 28 s 15

**Notice of refusal to transfer generation authority**

s 184C ins 2003 No. 28 s 15  
amd 2009 No. 24 s 431



**Division 4—Surrender of generation authority****div hdg** ins 2003 No. 28 s 33 sch 2**PART 2—TRANSMISSION AUTHORITIES****Division 1—Issue of transmission authority****div hdg** ins 2003 No. 28 s 33 sch 2**Publication about application for transmission authority****s 188A** ins 1997 No. 77 s 50  
amd 2006 No. 60 s 3 sch**Consideration of application for authority****s 189** amd 1997 No. 77 s 51; 2003 No. 28 s 16**Notice of refusal to issue transmission authority****s 190** amd 2009 No. 24 s 432**Division 2—Amendment of transmission authority****div hdg** ins 2003 No. 28 s 33 sch 2**Amendment of transmission authorities****s 191** amd 2003 No. 28 s 17**Amendment of conditions stated in transmission authorities****s 192** amd 2003 No. 28 s 18**Amendment of transmission authorities and conditions by notice to transmission entity****s 192A** ins 1997 No. 77 s 52  
amd 2005 No. 51 s 3 sch**Division 3—Transfer of authority****div hdg** ins 2003 No. 28 s 19**Transfer of transmission authorities****s 193** sub 2003 No. 28 s 19**Application for transfer****s 193A** ins 2003 No. 28 s 19**Consideration of application for transfer****s 193B** ins 2003 No. 28 s 19**Notice of refusal to transfer transmission authority****s 193C** ins 2003 No. 28 s 19  
amd 2009 No. 24 s 433**Division 4—Surrender of transmission authority****div hdg** ins 2003 No. 28 s 33 sch 2**PART 3—DISTRIBUTION AUTHORITIES****pt hdg** sub 1997 No. 26 s 41**Division 1—Issue of distribution authority****div hdg** ins 2003 No. 28 s 33 sch 2

**Issue of distribution authorities**

s 195 sub 1997 No. 26 s 42

**Distribution authorities for same distribution area**

s 195A ins 1997 No. 77 s 53

**Application for authority**

s 196 amd 1997 No. 26 s 43

**Publication about application for distribution authority**

s 196A ins 1997 No. 77 s 54  
amd 2006 No. 60 s 3 sch

**Consideration of application for authority**

s 197 amd 1997 No. 26 s 44; 1997 No. 77 s 55; 2003 No. 28 s 20

**Notice of refusal to issue authority**

s 198 amd 1997 No. 26 s 45; 2009 No. 24 s 434

**Division 2—Amendment of distribution authority**

div hdg ins 2003 No. 28 s 33 sch 2

**Amendment of distribution authorities**

s 199 sub 1997 No. 26 s 46  
amd 2003 No. 28 s 21

**Amendment of conditions stated in distribution authorities**

s 200 sub 1997 No. 26 s 47  
amd 2003 No. 28 s 22

**Amendment of distribution authorities and conditions by notice to distribution entity**

s 200A ins 1997 No. 77 s 56  
amd 2005 No. 51 s 3 sch

**Division 3—Transfer of authority**

div hdg ins 2003 No. 28 s 23

**Transfer of distribution authorities**

s 201 sub 1997 No. 26 s 48; 2003 No. 28 s 23

**Application for transfer**

s 201A ins 2003 No. 28 s 23

**Consideration of application for transfer**

s 201B ins 2003 No. 28 s 23

**Notice of refusal to transfer distribution authority**

s 201C ins 2003 No. 28 s 23  
amd 2009 No. 24 s 435

**Division 4—Surrender of distribution authority**

div hdg ins 2003 No. 28 s 33 sch 228 s 33 sch 2

**Surrender of distribution authorities**

s 202 sub 1997 No. 26 s 49

**PART 4—RETAIL AUTHORITIES****pt hdg** sub 1997 No. 26 s 50**Division 1—Issue of retail authority****div hdg** ins 2003 No. 28 s 33 sch 2**Issue of retail authorities****s 203** sub 1997 No. 26 s 50  
amd 1997 No. 77 s 57; 2006 No. 60 s 35**Application for authority****s 204** sub 1997 No. 26 s 50  
amd 1997 No. 77 s 58; 2006 No. 60 s 36**Publication about application for retail authority****s 204A** ins 1997 No. 77 s 59  
amd 2006 No. 60 s 3 sch**Consideration of application for authority****s 205** sub 1997 No. 26 s 50  
amd 1997 No. 77 s 60; 2003 No. 28 s 24; 2005 No. 51 s 3 sch**Notice of refusal to issue authority****s 206** sub 1997 No. 26 s 50  
amd 2009 No. 24 s 436**Division 2—Amendment of retail authority****div hdg** ins 2003 No. 28 s 33 sch 2**Amendment of retail authorities****s 207** sub 1997 No. 26 s 50  
amd 2003 No. 28 s 25**Amendment of conditions stated in retail authorities****s 207A** ins 1997 No. 26 s 50  
amd 2003 No. 28 s 26**Amendment of retail authorities and conditions by notice to retail entity****s 207AB** ins 1997 No. 77 s 61  
amd 2005 No. 51 s 3 sch**Division 3—Other matters about retail authorities****div hdg** ins 2003 No. 28 s 33 sch 2**Retail authorities not transferable****s 207B** ins 1997 No. 26 s 50**Surrender of retail authorities****s 207C** ins 1997 No. 26 s 50**Recognition of interstate retail authority equivalents****s 207D** ins 1997 No. 77 s 62

**PART 5—SPECIAL APPROVALS**

**Division 1—Giving of special approval**

**div hdg** ins 2003 No. 28 s 33 sch 2

**Consideration of application for special approval**

**s 210** amd 2003 No. 28 s 27

**Notice of refusal to give special approval**

**s 211** amd 2009 No. 24 s 437

**Division 2—Amendment of special approval**

**div hdg** ins 2003 No. 28 s 33 sch 2

**Amendment of special approval**

**s 211A** ins 1997 No. 77 s 63  
amd 2003 No. 28 s 28

**Amendment of conditions stated in special approval**

**s 211B** ins 1997 No. 77 s 63  
amd 2003 No. 28 s 29

**Amendment of special approval and conditions by notice to holder of special approval**

**s 211C** ins 1997 No. 77 s 63  
amd 2003 No. 28 s 30; 2005 No. 51 s 3 sch

**Division 3—Transfer of special approval**

**div hdg** ins 2003 No. 28 s 31

**Transfer of special approval**

**s 212** sub 2003 No. 28 s 31

**Application for transfer**

**s 212A** ins 2003 No. 28 s 31

**Consideration of application for transfer**

**s 212B** ins 2003 No. 28 s 31

**Notice of refusal to transfer special approval**

**s 212C** ins 2003 No. 28 s 31  
amd 2009 No. 24 s 438

**Division 4—Surrender of special approval**

**div hdg** ins 2003 No. 28 s 33 sch 2

**CHAPTER 10—INTERNAL AND EXTERNAL REVIEWS**

**ch hdg** sub 2009 No. 24 s 439

**PART 1—INTERNAL REVIEW OF DECISIONS**

**pt hdg** amd 2009 No. 24 s 440

**Who may apply for internal review etc.**

**prov hdg** amd 2009 No. 24 s 441(1)  
**s 214** amd 2006 No. 60 s 37; 2008 No. 56 s 14; 2009 No. 24 s 441(2)

**Applying for internal review****prov hdg** amd 2009 No. 24 s 442**s 215** amd 2006 No. 60 s 38; 2009 No. 24 s 442**Stay of operation of decision etc.****s 216** amd 2006 No. 60 s 39; 2009 No. 24 s 443**Review panels, arbitration and mediation****s 217** amd 2009 No. 24 s 444**Decision on reconsideration****s 218** amd 2006 No. 60 s 40; 2009 No. 24 s 445**PART 2—EXTERNAL REVIEWS****pt hdg** sub 2009 No. 24 s 446**Who may apply for external review****s 219** amd 2004 No. 53 s 2 sch; 2006 No. 60 s 41

sub 2009 No. 24 s 446

**Application of QCAT Act notice requirement****s 220** amd 2006 No. 60 s 42

sub 2009 No. 24 s 446

**Starting appeals****s 221** amd 2006 No. 60 s 43

om 2009 No. 24 s 446

**Stay of operation of decisions****s 222** om 2009 No. 24 s 446**Powers of court on appeal****s 223** om 2009 No. 24 s 446**Effect of court's decision on appeal****s 224** om 2009 No. 24 s 446**Procedure of court****s 225** amd 2005 No. 51 s 3 sch

om 2009 No. 24 s 446

**Appeals****s 226** om 2009 No. 24 s 446**CHAPTER 11—GENERAL****PART 1A—PROVISIONS FOR CIVIL PENALTY PROCEEDINGS****pt hdg** ins 2006 No. 60 s 44**Relationship with criminal proceedings****s 226A** ins 2006 No. 60 s 44 (amd 2007 No. 29 s 12)**Avoidance of multiple penalties****s 226B** ins 2006 No. 60 s 44 (amd 2007 No. 29 s 12)

**Potential damage to electric lines by projectiles**

s 229      amd 2002 No. 42 s 242 sch 1

**Climbing poles etc. of electricity entity prohibited**

s 234      om 2002 No. 42 s 242 sch 1

**Obstruction of electricity officers and inspection officers**

prov hdg    amd 2002 No. 42 s 242 sch 1

s 236      amd 2002 No. 42 s 242 sch 1

**Impersonation of electricity officers and inspection officers**

prov hdg    amd 2002 No. 42 s 242 sch 1

s 237      amd 2002 No. 42 s 242 sch 1

**False or misleading information**

s 238      amd 2002 No. 42 s 242 sch 1

**False, misleading or incomplete documents**

s 239      amd 2002 No. 42 s 242 sch 1

**Executive officer may be taken to have committed offence**

s 240A      ins 1997 No. 77 s 64

sub 2013 No. 51 s 40

**Attempts to commit offences**

s 241      amd 2004 No. 53 s 2 sch

**Proof of appointments**

s 246      amd 2002 No. 42 s 242 sch 1

**Proof of signatures**

s 247      amd 2002 No. 42 s 242 sch 1

**Evidentiary certificates by regulator**

s 248      amd 2002 No. 42 s 242 sch 1

**Evidentiary certificate by member etc. of electrical workers and contractors board**

s 250      om 2002 No. 42 s 242 sch 1

**Evidentiary effect of code contravention notice**

s 251A      ins 1997 No. 77 s 65

sub 2006 No. 60 s 45

**Condition may require compliance with standards, codes etc.**

s 252      amd 2004 No. 53 s 2 sch

**Direction by Minister to give information or advice**

s 253AA      ins 2011 No. 29 s 11

**Advisory committees**

s 253      amd 2000 No. 39 s 11; 2006 No. 60 s 46

**Reporting to Minister by QCA**

s 253A      ins 2006 No. 60 s 47

**Protection from liability**

s 254 amd 2001 No. 82 s 18; 2002 No. 42 s 242 sch 1; 2006 No. 60 s 48

**Protection from liability of member or employee of QCA**

s 254AA ins 1997 No. 77 s 66A  
amd 2006 No. 60 s 3 sch

**Meaning of particular terms for a relevant body corporate**

s 254AB ins 2002 No. 56 s 8

**Attachment—words defined in other legislation referred to in this Act**

s 254A ins 1997 No. 50 s 33

**Registers QCA must keep**

s 254B ins 2006 No. 60 s 49

**Application of Judicial Review Act**

prov hdg amd 2009 No. 13 s 213 sch 5

s 256 amd 1995 No. 57 s 4 sch 1; 2009 No. 13 s 213 sch 5

**Transmission and distribution entities are constructing authorities**

s 257 sub 1997 No. 77 s 67  
exp 19 December 2002 (see s 257(2))

**Regulation may declare a constructing authority**

s 257A ins 1997 No. 77 s 67  
om 2003 No. 28 s 3 sch 1

**Fixing of prices by State electricity entities**

s 258 om 1997 No. 77 s 68

**Regulations about generating capacity**

s 259 om 1997 No. 77 s 68

**Regulation may declare a State electricity entity**

s 259A ins 1997 No. 26 s 51  
amd 2004 No. 50 s 16A

**State electricity entities to take part in regulated superannuation scheme**

s 260 sub 1997 No. 77 s 69

**Declaration of approved industry superannuation scheme**

s 261 om 1997 No. 77 s 70

**Membership of certain superannuation schemes continued**

s 262 amd 2005 No. 51 s 3 sch

**Regulation about matters in sch 2**

s 264 sub 1997 No. 77 s 71  
amd 2004 No. 51 s 3 sch; 2012 No. 8 s 37  
(3)–(4) exp 1 July 2013 (see s 264(4))

**Cathodic protection**

s 265 om 2002 No. 42 s 242 sch 1

**Energy labelling and performance standards**

s 266 amd 2004 No. 51 s 3 sch; 2005 No. 51 s 3 sch

**Electrical articles**

s 267 om 2002 No. 42 s 242 sch 1

**Regulations about electrical workers and contractors**

s 268 om 2002 No. 42 s 242 sch 1

**CHAPTER 14—TRANSITIONAL AND VALIDATION PROVISIONS**

ch hdg amd 2002 No. 56 s 9(1)

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

pt hdg ins 1997 No. 26 s 52

**QGC to be issued generation authority etc.**

s 270 exp 1 January 1996 (see s 270(3))

**QETC to be issued transmission authority etc.**

s 271 exp 1 January 1996 (see s 271(3))

**QTSC to be issued supply entity authority etc.**

s 272 exp 1 January 1996 (see s 272(3))

**State authorised suppliers to be issued authorised supplier authority etc.**

s 273 exp 1 January 1996 (see s 273(3))

**Continuation of tariff schedules**

s 274 exp 1 July 1995 (see s 274(2))

**Installation inspectors are electricity officers**

s 275 exp 1 July 1995 (see s 275(4))

**Transfer of assets and liabilities to the department**

s 277 exp 1 July 1995 (see s 277(3))

**Regulations about certificates of employees' entitlements**

s 278 exp 1 July 1995 (see s 278(2))

**Continuation of provisions of Electricity Act 1976 until approval of industry superannuation scheme**

prov hdg amd 1995 No. 36 s 4(1) (retro)

s 279 amd 1995 No. 36 s 4(2) (retro)  
exp on the approval day (see s 279(3))

**First declaration of approved superannuation scheme**

s 280 amd 1995 No. 36 s 5 (retro); 2005 No. 51 s 3 sch

**Effect of approval of industry superannuation scheme on QESI ESS**

s 281 prev s 281 exp on the day after the transfer day (see prev s 281(6))  
AIA s 20A applies (see s 281(7))  
new s 281 sub 1995 No. 36 s 6 (retro)  
exp on the approval day (see s 281(8))  
AIA s 20A applies (see s 281(7))



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

**s 281A** ins 1995 No. 36 s 6 (retro)  
exp on the approval day (see s 281A(4))  
AIA s 20A applies (see s 281A(3))

**Continuation of rationing orders**

**s 282** exp 1 April 1995 (see s 282(2))

**Continuation of restriction orders**

**s 283** exp 1 January 1996 (see s 283(2))

**Certain New South Wales Councils are authorised suppliers**

**s 284** exp 1 January 1996 (see s 284(5))

**Licences under s 138 of repealed Act**

**s 285** amd 1997 No. 50 s 24  
exp 1 January 1998 (see s 285(3))

**Electricity Act 1976 references**

**s 285A** ins 1995 No. 57 s 4 sch 1

**References to electricity boards, electricity authorities and electricity supply industry**

**s 286** amd 1995 No. 57 s 4 sch 1

**Gladstone power station arrangements**

**s 287A** ins 1997 No. 50 s 25  
amd 2005 No. 51 s 3 sch

**PART 2—TRANSITIONAL PROVISIONS FOR ELECTRICITY AMENDMENT ACT 1997, ELECTRICITY AMENDMENT ACT (No. 2) 1997 AND ELECTRICITY AMENDMENT ACT (No. 3) 1997**

**pt hdg** ins 1997 No. 26 s 53  
amd 1997 No. 50 s 26  
sub 1997 No. 77 s 72

**Continuation of tariffs**

**s 289** orig s 289 exp 1 January 1996 (see prev s 289(3))  
prev s 289 ins 1997 No. 26 s 53  
exp 1 July 1998 (see s 289(2))

**Expiry of QGC's generation authorities**

**s 290** orig s 290 exp 1 January 1997 (see prev s 290(2))  
prev s 290 ins 1997 No. 26 s 53  
exp 1 July 1998 (see s 290(4))

**Generation authorities for new generation entities**

**s 291** orig s 291 exp 1 January 1996 (see prev s 291(3))  
prev s 291 ins 1997 No. 26 s 53  
amd 1997 No. 50 s 27; 1997 No. 77 s 73  
exp 1 July 1998 (see s 291(5))

**Expiry of QETC's transmission authority**

**s 292** orig s 292 om R1 (see RA s 40)  
prev s 292 ins 1997 No. 26 s 53  
exp 1 July 1998 (see s 292(4))

**New transmission authority for QETC**

**s 293** orig s 293 om R1 (see RA s 40)  
prev s 293 ins 1997 No. 26 s 53  
exp 1 July 1998 (see s 293(5))

**Expiry of QTSC's supply entity authority**

**s 294** ins 1997 No. 26 s 53  
exp 1 July 1998 (see s 294(4))

**Expiry of State authorised supplier authorities**

**s 295** ins 1997 No. 26 s 53  
amd 1997 No. 50 s 28  
exp 1 July 1998 (see s 295(4))

**New distribution authorities**

**s 296** ins 1997 No. 26 s 53  
exp 1 July 1998 (see s 296(7))

**New retail authorities**

**s 297** ins 1997 No. 26 s 53  
exp 1 July 1998 (see s 297(7))

**Dispensing with formal requirements for the issue of authorities**

**prov hdg** amd 1997 No. 50 s 29(1)  
**s 298** ins 1997 No. 26 s 53  
amd 1997 No. 50 s 29(2)  
exp 1 July 1998 (see s 298(2))

**Directions to State electricity entities**

**s 299** ins 1997 No. 26 s 53  
amd 1997 No. 77 s 74

**Minister may give exemptions from holding an authority or being authorised to sell**

**prov hdg** amd 1997 No. 50 s 30(1)  
**s 300** ins 1997 No. 26 s 53  
amd 1997 No. 50 s 30(2); 1997 No. 77 s 75  
exp 1 July 1999 (see s 300(4))

**Notifying exemption under s 300**

**s 300A** ins 1997 No. 50 s 31  
amd 1997 No. 77 s 76  
exp 1 July 1999 (see ss 300(4), 300A(3))

**Amending or cancelling exemption under s 300**

**s 300B** ins 1997 No. 50 s 31  
sub 1997 No. 77 s 77  
exp 1 July 1999 (see ss 300(4), 300B(5))

**Minister's powers about transmission and distribution pricing**

**s 301** ins 1997 No. 26 s 53  
sub 1997 No. 77 s 77  
amd 2000 No. 20 s 29 sch 3  
exp 19 December 2000 (see s 301(8))

**QTSC State electricity entity for limited purposes**

**s 302** ins 1997 No. 26 s 53  
amd 1997 No. 77 s 78  
exp 1 July 1998 (see s 302(2))

**Interim registration under s 92I**

**s 302A** ins 1997 No. 50 s 32  
om 1997 No. 77 s 79

**Amending or cancelling grant under s 302A**

**s 302B** ins 1997 No. 50 s 32  
om 1997 No. 77 s 79

**National Electricity Rules replace Queensland Grid Code**

**prov hdg** amd 2005 No. 51 s 3 sch  
**s 302C** ins 1997 No. 50 s 32  
amd 2005 No. 51 s 3 sch

**PART 3—TRANSITIONAL PROVISION FOR ELECTRICITY AMENDMENT ACT 2000**

**pt hdg** ins 2000 No. 39 s 12  
amd 2008 No. 33 s 125 sch 1

**Continuation of existing regional electricity councils**

**s 303** prev s 303 ins 1997 No. 26 s 53  
amd 1997 No. 77 s 80  
exp 1 July 1999 (see s 303(3))  
pres s 303 ins 2000 No. 39 s 12

**PART 4—TRANSITIONAL PROVISION FOR INTEGRATED PLANNING AND OTHER LEGISLATION AMENDMENT ACT 2001**

**pt 4 (s 304)** ins 2001 No. 100 s 92

**PART 5—TRANSITIONAL PROVISIONS FOR ELECTRICITY AND OTHER LEGISLATION AMENDMENT ACT 2003**

**pt 5 (ss 305–307)** ins 2003 No. 28 s 32

**PART 6—VALIDATION PROVISION**

**pt hdg** (prev pt 4 hdg) renum 2003 No. 28 s 3 sch 1

**Valuation of particular acts by relevant bodies corporate**

**s 308** (prev s 304) ins 2002 No. 56 s 9(2)  
renum 2003 No. 28 s 3 sch 1

**PART 7—TRANSITIONAL PROVISION FOR ELECTRICITY AMENDMENT ACT 2004**

**pt hdg** ins 2004 No. 50 s 17  
amd 2008 No. 33 s 125 sch 1

**Existing electricity supply contracts**

**s 309** ins 2004 No. 50 s 17  
amd 2006 No. 60 s 50

**PART 8—TRANSITIONAL PROVISIONS FOR ELECTRICITY AND OTHER LEGISLATION AMENDMENT ACT 2006**

**pt hdg** ins 2004 No. 51 s 27  
sub 2006 No. 60 s 51

**Definitions for pt 8**

**s 310** ins 2004 No. 51 s 27  
sub 2006 No. 60 s 51

**Extension of area retail obligation**

**s 311** ins 2004 No. 51 s 27  
sub 2006 No. 60 s 51

**Small customer may enter into negotiated retail contract before FRC day**

**s 312** ins 2004 No. 51 s 27  
sub 2006 No. 60 s 51

**Existing contestable customers who are receivers**

**s 313** ins 2006 No. 60 s 51

**Existing standard customer connection contracts**

**s 314** ins 2006 No. 60 s 51

**Existing standard customer sale contracts**

**s 315** ins 2006 No. 60 s 51

**References to other particular contracts under pre-amended Act**

**s 316** ins 2006 No. 60 s 51

**Exclusion of new s 40DB for existing negotiated sale and connection contracts**

**s 317** ins 2006 No. 60 s 51

**Particular unmetered street lighting**

**prov hdg** amd 2007 No. 17 s 33(1)  
**s 318** ins 2006 No. 60 s 51  
amd 2007 No. 17 s 33(2)

**Other unmetered connection points**

**s 319** ins 2006 No. 60 s 51  
amd 2007 No. 17 s 34

**Particular watchman lights**

**s 319A** ins 2007 No. 17 s 35

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**Obligation to decide notified prices for 2007–2008 financial year on basis of post-amended Act**

**prov hdg** amd 2007 No. 17 s 36(1)  
**s 320** ins 2006 No. 60 s 51  
 amd 2007 No. 17 s 36(2)

**Making of transitional conduct rules about marketing conduct**

**s 321** ins 2006 No. 60 s 51

**Existing mediated agreements**

**s 322** ins 2006 No. 60 s 51

**Existing orders on arbitrated disputes**

**s 323** ins 2006 No. 60 s 51

**Preservation of appeal rights about former contribution and user-pays fees**

**s 324** ins 2006 No. 60 s 51

**Transitional provision for non-liable loads**

**s 325** ins 2006 No. 60 s 51

**PART 8A—TRANSITIONAL PROVISION FOR RIGHT TO INFORMATION ACT 2009**

**pt 8A (s 325A)** ins 2009 No. 13 s 213 sch 5  
 om 2013 No. 39 s 109 sch 2

**PART 9—TRANSITIONAL PROVISION FOR MINES AND ENERGY LEGISLATION AMENDMENT ACT 2009**

**pt hdg** ins 2009 No.16 s 25

**Existing distribution service pricing for Mount Isa–Cloncurry supply network**

**s 326** prev s 326 ins 2007 No. 29 s 9  
 exp at the end of 16 June 2007 (see s 326(2))  
 AIA s 20A applies (see s 326(3))  
 pres s 326 ins 2009 No.16 s 25

**PART 10—TRANSITIONAL PROVISION FOR WATER AND OTHER LEGISLATION AMENDMENT ACT 2010**

**pt 10 (s 327)** ins 2010 No. 53 s 258 sch 2  
 om 2013 No. 39 s 109 sch 2

**PART 10A—TRANSITIONAL PROVISIONS FOR ELECTRICITY PRICE REFORM AMENDMENT ACT 2011**

**pt hdg** ins 2011 No. 29 s 12 (retro)

**Qualifying generators connected, or about to be connected, to supply network**

**s 328** ins 2011 No. 29 s 12 (retro)  
 amd 2012 No. 29 s 6

**Investigation and report by QCA in relation to price determination for relevant tariff year**

**s 329** ins 2011 No. 29 s 12

**Effect of regulation amendment**

s 330 ins 2011 No. 29 s 12  
om 2013 No. 39 s 109 sch 2

**PART 11—TRANSITIONAL PROVISION FOR REPEAL OF COMMUNITY  
AMBULANCE COVER ACT 2003**

pt 11 (s 331) ins 2011 No. 20 s 40

**PART 12—TRANSITIONAL PROVISION FOR TREASURY (COST OF LIVING)  
AND OTHER LEGISLATION AMENDMENT ACT 2012**

pt hdg ins 2012 No. 8 s 38  
amd 2013 No. 28 s 24

**Deciding notified prices for 2012-2013 financial year**

s 332 om 2013 No. 28 s 25

**Inclusion of carbon and renewable energy target cost estimates in particular  
accounts**

s 333 ins 2012 No. 8 s 38

**PART 13—TRANSITIONAL PROVISION FOR ELECTRICITY (EARLY  
TERMINATION) AMENDMENT ACT 2012**

pt 13 (s 334) ins 2012 No. 15 s 6

**PART 14—TRANSITIONAL PROVISION FOR WATER LEGISLATION (DAM  
SAFETY AND WATER SUPPLY ENHANCEMENT) AND OTHER  
LEGISLATION AMENDMENT ACT 2012**

pt hdg ins 2012 No. 29 s 7

**When s 328 stops applying or does not apply to qualifying generators as previously  
defined**

s 335 ins 2012 No. 29 s 7  
amd 2014 No. 31 s 14

**PART 15—TRANSITIONAL PROVISIONS FOR ENERGY AND WATER  
LEGISLATION AMENDMENT ACT 2013**

pt hdg ins 2013 No. 42 s 34

**Division 1—Repeal of Clean Energy Act 2008**

div 1 (s 336) ins 2013 No. 42 s 34

**Division 2—Transitional provisions for repeal of Clean Energy Act 2008**

div 2 (ss 337–343) ins 2013 No. 42 s 34

**Division 3—Transitional provisions for expiry of chapter 5A**

div 3 (ss 344–350) ins 2013 No. 42 s 34

**PART 16—TRANSITIONAL PROVISION FOR ELECTRICITY AND OTHER  
LEGISLATION AMENDMENT ACT 2014**

pt 16 (s 351) ins 2014 No. 31 s 15

**CHAPTER 15—REPEALS AND AMENDMENTS**

ch hdg om R1 (see RA s 37)

**SCHEDULE 1—REVIEW OF ADMINISTRATIVE DECISIONS****sch hdg** amd 2009 No. 24 s 447(1)**sch 1** amd 1997 No. 26 s 54; 1997 No. 50 s 34; 1997 No. 77 s 81; 2001 No. 82 s 19;  
2002 No. 42 s 242 sch 1  
sub 2003 No. 28 s 34  
amd 2004 No. 50 s 18; 2006 No. 60 ss 52, 3 sch; 2008 No. 33 s 73; 2008 No.  
56 s 15; 2009 No. 24 s 447(2); 2010 No. 53 s 258 sch 2; 2013 No. 42 ss 35,  
36**SCHEDULE 2—SUBJECT MATTER FOR REGULATIONS****Conditions of supply and sale****prov hdg** amd 1997 No. 26 s 55(1)**s 1** amd 1997 No. 26 s 55(2)–(3)**Requirements and standards****s 2** amd 2002 No. 42 s 242 sch 1**Conditions of authorities and approvals****s 3A** ins 1997 No. 77 s 82**Prescribed things and prohibited interests****s 3B** ins 1997 No. 77 s 82

amd 2008 No. 33 s 125 sch 1

**General****s 4** amd 2002 No. 42 s 242 sch 1**SCHEDULE 3—ACTS REPEALED**

om R1 (see RA s 40)

**SCHEDULE 4—ACTS AMENDED**

om R1 (see RA s 40)

**SCHEDULE 5—DICTIONARY**def **13% liability** ins 2004 No. 50 s 19

om 2008 No. 33 s 74(1)

def **accounting period** ins 2003 No. 28 s 35(2)def **accreditation** ins 2004 No. 50 s 19

om 2013 No. 42 s 37

def **accredited generator** ins 2004 No. 50 s 19

om 2013 No. 42 s 37

def **accredited generator register** ins 2004 No. 50 s 19

om 2013 No. 42 s 37

def **accredited power station** ins 2004 No. 50 s 19

om 2013 No. 42 s 37

def **AEMO** ins 2009 No. 16 s 26(3)def **affected land** ins 1996 No. 28 s 4

om 2004 No. 53 s 2 sch

def **Ambulance Cover Act** ins 2003 No. 34 s 171

om 2011 No. 20 s 41

def **amended assessment** ins 2004 No. 50 s 19

om 2013 No. 42 s 37

- def *ancillary matters* ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def *annual GEC liability* ins 2008 No. 33 s 74(2)  
om 2013 No. 42 s 37
- def *annual loss factor* ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def *annual QUF* ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def *applicant* ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def *application* ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def *approval day* ins 1995 No. 36 s 7(2) (retro)
- def *approved auditor* ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def *approved form* ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def *approved industry code* ins 2004 No. 51 s 26(2)  
om 2008 No. 33 s 74(1)
- def *approved industry superannuation scheme* om 2005 No. 51 s 6(1)
- def *area retail entity* ins 2006 No. 60 s 53(2)
- def *assessment* ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def *associated equipment* ins 2002 No. 42 s 242 sch 1
- def *auditable person* ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def *audit notice* ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def *Australian Energy Regulator or AER* ins 2005 No. 51 s 6(2)
- def *authorised person* sub 2002 No. 42 s 242 sch 1
- def *authorised supplier* om 1997 No. 26 s 56(1)
- def *authorised supplier authority* om 1997 No. 26 s 56(1)
- def *auxiliary load* ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def *baseline* ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def *baseline customer* ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def *baseline loss factor* ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def *baseline QUF* ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def *baseline year* ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def *benchmark retail cost element* ins 2006 No. 60 s 53(2)  
om 2011 No. 29 s 13(2)
- def *cathodic protection system* om 2002 No. 42 s 242 sch 1
- def *channels* om 2002 No. 42 s 242 sch 1



- def **civil penalty** ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def **c/kWh** ins 2006 No. 60 s 53(2)  
om 2011 No. 29 s 13(2)
- def **code contravention notice** ins 2006 No. 60 s 53(2)
- def **code participant** ins 1997 No. 50 s 35  
sub 1997 No. 77 s 83(1)–(2)  
om 2005 No. 51 s 6(1)
- def **common area** ins 2003 No. 28 s 35(2)
- def **common area consumption** ins 2003 No. 28 s 35(2)
- def **complete suspension** ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def **compromise assessment** ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def **conduct assurance** ins 2006 No. 60 s 53(2)
- def **conduct notice** ins 1997 No. 77 s 83(2)  
om 2006 No. 60 s 53(1)
- def **conduct rules** ins 1997 No. 77 s 83(2)  
om 2006 No. 60 s 53(1)
- def **connection contract** ins 2006 No. 60 s 53(2)
- def **connection obligation** ins 2006 No. 60 s 53(2)
- def **connection point** ins 2006 No. 60 s 53(2)
- def **connection services application** ins 2006 No. 60 s 53(2)
- def **contestable customer** om 2006 No. 60 s 53(1)
- def **contribution fee** ins 2001 No. 82 s 20  
om 2006 No. 60 s 53(1)
- def **Country Energy** ins 2001 No. 82 s 20  
sub 2003 No. 28 s 35(1)–(2)
- def **credit support guidelines** ins 2010 No. 17 s 39
- def **customer** amd 2002 No. 56 s 10(2); 2006 No. 60 s 53(3)
- def **customer connection contract** ins 1997 No. 26 s 56(2)  
sub 1997 No. 77 s 83(1)–(2)  
om 2006 No. 60 s 53(1)
- def **customer connection services** ins 1997 No. 77 s 83(2)
- def **customer retail services** ins 1997 No. 77 s 83(2)  
amd 2004 No. 51 s 26(5)
- def **customer sale contract** ins 1997 No. 26 s 56(2)  
sub 1997 No. 77 s 83(1)–(2)  
amd 2004 No. 51 s 26(6)  
om 2006 No. 60 s 53(1)
- def **damage or harm** ins 2004 No. 50 s 19
- def **dedicated line** ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def **default assessment** ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def **direct method** ins 2004 No. 50 s 19  
om 2013 No. 42 s 37

- def **direct supply arrangement** ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def **distribution area** ins 1997 No. 26 s 56(2)
- def **distribution authority** ins 1997 No. 26 s 56(2)
- def **distribution entity** ins 1997 No. 26 s 56(2)
- def **economic operator** ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def **electrical article** om 2002 No. 42 s 242 sch 1
- def **electrical contracting** om 2002 No. 42 s 242 sch 1
- def **electrical equipment** ins 2002 No. 42 s 242 sch 1
- def **electrical installation** sub 2002 No. 42 s 242 sch 1
- def **electrical installation work** om 2002 No. 42 s 242 sch 1
- def **Electrical Safety Act** ins 2002 No. 42 s 242 sch 1
- def **electrical work** om 2002 No. 42 s 242 sch 1
- def **electricity entity** sub 1997 No. 77 s 83(1)–(2)
- def **electricity load** ins 2004 No. 50 s 19  
sub 2006 No. 60 s 53(1)–(2)  
om 2013 No. 42 s 37
- def **electric line** sub 2002 No. 42 s 242 sch 1
- def **eligible electricity guidelines** ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def **eligible fuel** ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def **eligible gas-fired electricity** ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def **eligible renewable electricity** ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def **end user** ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def **energy and water ombudsman** ins 2010 No. 53 s 258 sch 2
- def **energy arbitrator** ins 2000 No. 39 s 13  
amd 2001 No. 82 s 3 sch  
om 2006 No. 60 s 53(1)
- def **energy mediator** ins 2001 No. 82 s 20  
om 2006 No. 60 s 53(1)
- def **energy ombudsman** ins 2006 No. 60 s 53(2)  
om 2010 No. 53 s 258 sch 2
- def **Ergon Energy** ins 2001 No. 47 s 4
- def **excluded customer** ins 2006 No. 60 s 53(2) (amd 2007 No. 17 s 44(1))
- def **exempted load** ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def **external review** ins 2009 No. 24 s 448(1)
- def **feed-in tariff** ins 2014 No. 31 s 16
- def **financially responsible retail entity** ins 2006 No. 60 s 53(2) (amd 2007 No. 17 s 44(2)–(4))  
amd 2009 No. 16 s 26(4)
- def **first accounting period** ins 2003 No. 28 s 35(2)
- def **fix** ins 2004 No. 50 s 19

- def ***fixed principle*** ins 2006 No. 60 s 53(2)  
om 2011 No. 29 s 13(2)
- def ***GEC*** ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def ***GEC register*** ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def ***GEC review*** ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def ***GEC surrender direction*** ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def ***general method*** ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def ***GOC*** om 2007 No. 10 s 62 sch
- def ***government company*** ins 1997 No. 26 s 56(2)
- def ***GST statement*** ins 2000 No. 20 s 29 sch 3  
amd 2006 No. 60 s 53(4)  
sub 2011 No. 29 s 13(2)–(3)
- def ***hire*** om 2002 No. 42 s 242 sch 1
- def ***industry code*** ins 2006 No. 60 s 53(2)
- def ***information notice*** ins 2004 No. 50 s 19  
sub 2006 No. 60 s 53(1)–(2)  
amd 2009 No. 24 s 448(2); 2010 No. 53 s 258 sch 2
- def ***initial industry code*** ins 2006 No. 60 s 53(2)
- def ***inspection officer*** ins 2002 No. 42 s 242 sch 1
- def ***interested person*** ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def ***large customer*** ins 2006 No. 60 s 53(2) (amd 2007 No. 17 s 44(5))
- def ***large market customer*** ins 2006 No. 60 s 53(2)
- def ***large non-market customer*** ins 2006 No. 60 s 53(2)
- def ***LGPE Act*** ins 1996 No. 28 s 4  
om 2004 No. 53 s 2 sch
- def ***liable load*** ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def ***liable load exemption*** ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def ***liable load exemption register*** ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def ***liable person*** ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def ***liable year*** ins 2004 No. 50 s 19  
amd 2008 No. 33 s 74(3)  
om 2013 No. 42 s 37
- def ***licensed electrical contractor*** om 2002 No. 42 s 242 sch 1
- def ***licensed electrical worker*** om 2002 No. 42 s 242 sch 1
- def ***light rail*** ins 2011 No. 12 s 20
- def ***light rail manager*** ins 2011 No. 12 s 20
- def ***light rail operator*** ins 2011 No. 12 s 20

- def *limited suspension* ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def *major grid* ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def *Market Code* ins 1997 No. 50 s 35  
sub 1997 No. 77 s 83(1)–(2)  
om 2005 No. 51 s 6(1)
- def *market customer* ins 2006 No. 60 s 53(2)
- def *measurement method* ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def *mediated agreement* ins 2001 No. 82 s 20  
om 2006 No. 60 s 53(1)
- def *member entity* ins 2001 No. 82 s 20  
om 2006 No. 60 s 53(1)
- def *membership fee* ins 2001 No. 82 s 20  
om 2006 No. 60 s 53(1)
- def *meter* sub 2002 No. 42 s 242 sch 1
- def *Mount Isa-Cloncurry supply network* ins 2001 No. 47 s 4  
om 2009 No. 16 s 26(1)
- def *nameplate capacity* ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def *National Electricity (Queensland) Law* ins 1997 No. 77 s 83(2)
- def *National Electricity Rules or Rules* ins 2005 No. 51 s 6(2)
- def *National Electricity Tribunal* ins 1997 No. 77 s 83(2)  
om 2005 No. 51 s 6(1)
- def *national grid* ins 2001 No. 47 s 4  
amd 2005 No. 51 s 6(3)
- def *national metering identifier* ins 2006 No. 42 s 69
- def *NECA* ins 1997 No. 77 s 83(2)  
om 2005 No. 51 s 6(1)
- def *negotiated connection contract* ins 2006 No. 60 s 53(2)
- def *negotiated customer connection contract* ins 1997 No. 26 s 56(2)  
om 2006 No. 60 s 53(1)
- def *negotiated customer sale contract* ins 1997 No. 26 s 56(2)  
amd 2004 No. 51 s 26(7)  
om 2006 No. 60 s 53(1)
- def *negotiated retail contract* ins 2006 No. 60 s 53(2)
- def *negotiated sale and connection contract* ins 2004 No. 51 s 26(4)  
om 2006 No. 60 s 53(1)
- def *NEM load* ins 2006 No. 60 s 53(2)  
om 2011 No. 29 s 13(2)
- def *NEMMCO* ins 1997 No. 77 s 83(2)  
om 2009 No. 16 s 26(2)
- def *net GST effect* ins 2000 No. 20 s 29 sch 3
- def *NMI premises* ins 2006 No. 60 s 53(2) (amd 2007 No. 17 s 44(6))
- def *non-contestable customer* ins 1997 No. 26 s 56(2)  
om 2006 No. 60 s 53(1)

- def **non-liable load** ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def **non-market customer** ins 2006 No. 60 s 53(2)
- def **notice** ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def **notified prices** ins 2000 No. 20 s 29 sch 3  
amd 2006 No. 60 s 53(5)
- def **obligated supplier** om 1997 No. 26 s 56(1)
- def **obligation to supply** om 1997 No. 26 s 56(1)
- def **occupier** om 2002 No. 42 s 242 sch 1
- def **official** ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def **on-supplier** ins 2003 No. 28 s 35(2)
- def **on-supplier's premises** ins 2003 No. 28 s 35(2)
- def **on-supply agreement** ins 2003 No. 28 s 35(2)
- def **penalty imposition day** ins 2004 No. 50 s 19  
amd 2008 No. 33 s 74(3)  
om 2013 No. 42 s 37
- def **permissible use** ins 1996 No. 28 s 4  
om 2004 No. 53 s 2 sch
- def **planning instrument** ins 1996 No. 28 s 4  
om 2004 No. 53 s 2 sch
- def **planning scheme** ins 1996 No. 28 s 4  
om 2004 No. 53 s 2 sch
- def **planning scheme maps** ins 1996 No. 28 s 4  
om 2004 No. 53 s 2 sch
- def **pool** ins 1997 No. 50 s 35  
om 1997 No. 77 s 83(1)
- def **power station** ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def **power system** om 1997 No. 77 s 83(1)
- def **premises** sub 2006 No. 60 s 53(1)–(2)
- def **prescribed credit amount** ins 2012 No. 29 s 8
- def **prescribed percentage** ins 2008 No. 33 s 74(2)  
om 2013 No. 42 s 37
- def **prescribed renewable energy source** ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def **prescribed retail entity** ins 2014 No. 31 s 16
- def **price determination** ins 2011 No. 29 s 13(3)
- def **pricing entity** ins 2003 No. 28 s 35(2)  
amd 2006 No. 60 s 53(6)  
sub 2011 No. 29 s 13(2)–(3)
- def **prohibited interest** ins 1997 No. 77 s 83(2)
- def **proponent** ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def **prospective on-supplier** ins 2003 No. 28 s 35(2)
- def **prospective receiver** ins 2003 No. 28 s 35(2)

- def **QCA** ins 1997 No. 77 s 83(2)  
amd 2006 No. 60 s 3 sch
- def **QCA Act** ins 2006 No. 60 s 53(2)
- def **QCA code objective** ins 2006 No. 60 s 53(2)
- def **QCAT information notice** ins 2009 No. 24 s 448(1)
- def **QETC** amd 2003 No. 28 s 35(3)
- def **qualifying generator** ins 2008 No. 33 s 74(2)
- def **Queensland grid code** ins 1997 No. 50 s 35
- def **Queensland system** ins 1997 No. 50 s 35
- def **Queensland System Operator** ins 1997 No. 50 s 35  
om 2005 No. 51 s 6(1)
- def **railway operator** ins 2013 No. 19 s 120 sch 1
- def **reasonably believes** ins 2000 No. 39 s 13
- def **reassessment** ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def **receiver** ins 2003 No. 28 s 35(2)
- def **recognised program** ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def **referrer** ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def **regional system control** ins 2014 No. 31 s 16
- def **registered owner** ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def **Registered participant** ins 2005 No. 51 s 6(2)
- def **registration** ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def **relevant body corporate** ins 2002 No. 56 s 10(1)
- def **relevant planning scheme** ins 1996 No. 28 s 4  
om 2004 No. 53 s 2 sch
- def **relevant small customer** ins 2014 No. 31 s 16
- def **relevant supply period** ins 2008 No. 33 s 74(2)
- def **relevant tariff year** ins 2006 No. 60 s 53(2)  
om 2011 No. 29 s 13(2)
- def **residence** ins 2004 No. 50 s 19
- def **residential customer** reloc from s 55GA 2012 No. 15 s 5
- def **retail area** ins 1997 No. 26 s 56(2)  
amd 2006 No. 60 s 53(7)
- def **retail authority** ins 1997 No. 26 s 56(2)
- def **retail contract** ins 2006 No. 60 s 53(2)
- def **retail entity** ins 1997 No. 26 s 56(2)
- def **retailer** ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def **retailer of last resort scheme** ins 2006 No. 60 s 53(2)
- def **retail obligation** ins 2006 No. 60 s 53(2)
- def **retail services application** ins 2006 No. 60 s 53(2)
- def **reviewer** ins 2006 No. 60 s 53(2)
- def **scheme participant** ins 2004 No. 50 s 19  
om 2013 No. 42 s 37

- def *scheme participant register* ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def *self-assessment report* ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def *sell* sub 1997 No. 77 s 83(1)–(2)
- def *service quality standard* ins 2000 No. 20 s 29 sch 3  
om 2004 No. 51 s 26(1)
- def *significant project* ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def *small customer* ins 2006 No. 60 s 53(2) (amd 2007 No. 17 s 44(7))
- def *small grid* ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def *small photovoltaic generator* ins 2008 No. 33 s 74(2)  
sub 2011 No. 29 s 13(1) (retro)
- def *special conditions* ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def *spot market* ins 1997 No. 77 s 83(2)  
amd 2005 No. 51 s 6(4)
- def *standard accreditation conditions* ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def *standard connection contract* ins 2006 No. 60 s 53(2)
- def *standard customer connection contract* ins 1997 No. 26 s 56(2)  
sub 2004 No. 51 s 26(3)–(4)  
om 2006 No. 60 s 53(1)
- def *standard customer sale contract* ins 1997 No. 26 s 56(2)  
sub 2004 No. 51 s 26(3)–(4)  
om 2006 No. 60 s 53(1)
- def *standard large customer retail contract* ins 2006 No. 60 s 53(2)
- def *standard retail contract* ins 2006 No. 60 s 53(2)
- def *State authorised supplier* om 1997 No. 26 s 56(1)
- def *State development exemption* ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def *State electricity entity* sub 1997 No. 26 s 56
- def *Statewide newspaper* ins 2006 No. 60 s 53(2)
- def *statutory GOC* om 2007 No. 10 s 62 sch
- def *street lighting customer* ins 2008 No. 56 s 16
- def *substantive traceable link* ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def *supply area* om 1997 No. 26 s 56(1)
- def *supply entity* om 1997 No. 26 s 56(1)
- def *supply entity authority* om 1997 No. 26 s 56(1)
- def *surrender application* ins 2004 No. 50 s 19  
om 2013 No. 42 s 37
- def *system control* om 1997 No. 77 s 83(1)
- def *system control entity* om 1997 No. 77 s 83(1)
- def *System Operator* ins 2005 No. 51 s 6(2)
- def *tariff* ins 2006 No. 60 s 53(2)
- def *tariff year* ins 2006 No. 60 s 53(2)

def *trade or commerce* om 2002 No. 42 s 242 sch 1

def *trading arrangements* om 2004 No. 53 s 2 sch

def *trading arrangements* ins 1997 No. 50 s 35

amd 2005 No. 51 s 6(5)

def *transfer day* om 1995 No. 36 s 7(1) (retro)

def *transmission zone* ins 2004 No. 50 s 19

om 2013 No. 42 s 37

def *user-pays fee* ins 2001 No. 82 s 20

om 2006 No. 60 s 53(1)

def *valid* ins 2004 No. 50 s 19

om 2013 No. 42 s 37

def *vintage year* ins 2004 No. 50 s 19

om 2013 No. 42 s 37

def *warning notice* ins 2006 No. 60 s 53(2)

**ATTACHMENT—EXTRACTS FROM OTHER LEGISLATION REFERRED TO  
IN THE ACT**

ins 1997 No. 50 s 36

## **6 Information about retrospectivity**

Retrospective amendments that have been consolidated are noted in the list of legislation and list of annotations. Any retrospective amendment that has not been consolidated is noted in an editor's note to the text.

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