

Electricity Amendment Regulation (No. 1) 2016

Explanatory notes for SL 2016 No. 51

made under the

Electricity Act 1994

General Outline

Short title

This regulation may be cited as the *Electricity Amendment Regulation (No. 1) 2016*.

Authorising law

Sections 22, 59(2), 65 to 70, 136 to 143, 98, 99, 101 to 106, 111, 112, 113, 113B, 114 and 263 of the *Electricity Act 1994*.

Policy objectives and the reasons for them

The policy objective of the *Electricity Amendment Regulation (No. 1) 2016* (the Amendment Regulation) is to amend the provision of the *Electricity Regulation 2006* to have RTA Weipa Pty Ltd (RTA Weipa), as the holder of Special Approval No. SA18/98, declared an electricity entity for the purposes of accessing its electricity network outside of the Mining Lease No. 7024.

RTA Weipa Pty Ltd (RTA Weipa) is the holder of Special Approval No. SA18/98 which allows it to connect its generating plant located within Mining Lease No. 7024 to Ergon Energy's supply network and to the special approval holder's supply network within the mining lease. The Special Approval also allows RTA Weipa to supply electricity to the township of Weipa, the Weipa Bauxite Mine, the mining area at Andoom, and freehold and leasehold land that has been surrendered from the mining lease.

In 2014, much of the land within the Weipa township was excised from Mining Lease No. 7024 (approximately 80 per cent) to become freehold land. However, RTA Weipa's electricity infrastructure remained on the land after the transfer.

Under section 98 of the Act, only an electricity entity can access works on someone else's land.

RTA Weipa is aware of tampering with its electricity supply network infrastructure meters and instances of alleged electricity theft in the township of Weipa, located on the

freehold land. However, as RTA Weipa is not considered an electricity entity, it currently does not have the legal right to access freehold land on which its electricity supply network is located.

Making RTA Weipa an electricity entity would allow it to be able to appoint an electricity officer or officers. RTA Weipa's appointed officers would have the right to enter freehold properties to read meters and carry out any necessary works as well as deal with issues such as alleged stealing of electricity, tampering with meters, and any damage to RTA Weipa's equipment and electricity supply network.

Achievement of policy objectives

The Amendment Regulation will achieve its policy objective by amending the *Energy Regulation 2006* to declare RTA Weipa an electricity entity:

- for the purposes of appointing an electricity officer or officers under sections 65 to 70 of the Act with the electricity officer's powers as defined in sections 136 to 143 of the Act; and
- for the purpose of allowing RTA Weipa the right to access its works outside its mining lease, consistent with sections 98, 99, 101-106, 111, 112, 113, 113B and 114 of the Act.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the main objectives of the *Electricity Act 1994*.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is not inconsistent with any policy objectives of any other legislation.

Alternative ways of achieving policy objectives

Section 98 of the Act imposes a requirement that only an electricity entity can access works on someone else's land.

There is no alternative means to make a special approval holder an electricity entity under the regulation or alternative ways of making these amendments.

Benefits and costs of implementation

No additional cost to the Government is anticipated with the proposed Amendment Regulation.

Consistency with fundamental legislative principles

The Amendment Regulation has been drafted having regard to the Fundamental Legislative Principles (FLPs) outlined in the *Legislative Standards Act 1992* and there are no matters that are inconsistent with the FLPs.

Consultation

The Department of the Premier and Cabinet, Queensland Treasury and the Office of Best Practice Regulation were consulted on the Amendment Regulation.

RTA Weipa Pty Ltd and Ashurst law firm, acting on behalf of RTA Weipa Pty Ltd were also consulted on the Amendment Regulation.