



Queensland

Electricity Act 1994

Electricity Regulation 2006

Reprinted as in force on 1 July 2008

Reprint No. 3

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Also see endnotes for information about—

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

Spelling

The spelling of certain words or phrases may be inconsistent with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’).

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Queensland

Electricity Regulation 2006

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Electricity Regulation 2006

[as amended by all amendments that commenced on or before 1 July 2008]

Chapter 1 Preliminary

1 Short title

This regulation may be cited as the *Electricity Regulation 2006*.

2 Commencement

This regulation commences on 1 September 2006.

3 Definitions

The dictionary in schedule 9 defines particular words used in this regulation.

4 Purposes

The main purposes of this regulation are to—

- (a) ensure a secure, efficient and economic supply of electricity to customers on fair and reasonable terms; and
- (b) ensure customers' interests are adequately protected; and
- (c) provide for the proper measurement of the energy efficiency and performance of electrical equipment; and
- (d) inform the public about the energy efficiency and performance of electrical equipment; and

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- (e) prescribe particular conditions of employment for employees in the GOE industry.

5 How purposes are to be achieved

The purposes of this regulation are to be achieved mainly by—

- (a) prescribing standards and procedures for the design, building and maintenance of electric lines and works; and
- (b) specifying when the obligation to connect and supply a customer does not apply and conditions governing the provision of customer connection services by distribution entities; and
- (c) specifying when the obligation to provide customer retail services does not apply and conditions governing the provision of customer retail services; and
- (d) prescribing standards and procedures for measuring energy efficiency and the performance of electrical equipment; and
- (e) providing for the registration and labelling of electrical equipment; and
- (f) providing for continuity of service for leave purposes for employees transferring within the GOE industry; and
- (g) providing for long service leave and locality allowance entitlements for GOE industry employees; and
- (h) providing for award conditions and entitlements of employment for State electricity entities and their electricity industry employees.

6 Words have the same meaning as in wiring rules

- (1) Words and expressions used in the wiring rules have the same respective meanings in this regulation.

-
- (2) However, for this regulation, the expression ‘point of supply’ in the wiring rules has the same meaning as ‘consumers terminals’ has in this regulation.

7 Way of describing electrical articles and appliances

An electrical article or appliance or type of electrical article or appliance may be described by reference to its model or in any other way.

Chapter 2 Technical requirements

Part 1 Preliminary

8 Application of ch 2

- (1) This chapter does not apply to—
- (a) an electric line or works within the limits of a mine; or
 - (b) petroleum plant.

- (2) In this section—

mine means—

- (a) a coal mine within the meaning of the *Coal Mining Safety and Health Act 1999*; or
- (b) a mine within the meaning of the *Mining and Quarrying Safety and Health Act 1999*.

petroleum plant means private plant or an electrical installation, subject to inspection under the *Petroleum and Gas (Production and Safety) Act 2004*.

private plant means generating plant not used by an electricity entity or special approval holder in accordance with an authority or special approval.

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Part 2 Design, building and maintenance of electric lines and works

Division 1 Compliance with part

9 Compliance with this part

A person who designs, builds, maintains or operates an electric line or works must ensure the provisions of this part relevant to the line or works are complied with.

Maximum penalty—20 penalty units.

Division 2 Earthing, frequency and voltage

10 Systems of earthing

The system of earthing used by an electricity entity for low voltage supply to customers must be the multiple earthed neutral system, or, if that system is not effective, another suitable system that complies with the wiring rules.

11 Supply at low voltage

- (1) Electricity for general supply must be alternating current having a nominal frequency of 50Hz.
- (2) The standard voltage for electricity supplied at low voltage from a 3-phase system must be—
 - (a) between a phase conductor and the neutral conductor—240V; and
 - (b) between 2 phase conductors—415V.
- (3) The standard voltage for electricity supplied at low voltage from a single-phase system must be—

- (a) between a phase conductor and the neutral conductor—240V; or
- (b) between the phase conductors—480V.

12 Supply at high voltage

If an electricity entity agrees with a customer to supply electricity to the customer at high voltage, the agreed voltage is the standard voltage for the supply.

13 Changes of voltage at customer's consumers terminals

- (1) Supply of electricity by an electricity entity to a customer must be maintained at the standard voltage mentioned in section 11 or 12.
- (2) Electricity is taken to be maintained at the standard voltage if the voltage at a customer's consumers terminals is within the allowable margin for the voltage.
- (3) The allowable margin is—
 - (a) for low voltage—6% more or less than the standard voltage; or
 - (b) for high voltage of 22000V or less—5% more or less than the standard voltage; or
 - (c) for high voltage more than 22000V—the margin agreed between the electricity entity and the customer.

Division 3 Service lines

14 Service lines on customer's premises—electricity entity's obligations

- (1) An electricity entity must, in accordance with recognised practice in the electricity industry—

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- (a) decide the route, termination point, number of phases, lengths, type and size of its service lines; and
 - (b) provide and install or arrange for the provision and installation of its service lines.
- (2) The electricity entity must meet the cost of providing and installing a service line to a customer's premises.
- (3) However, the maximum length of a service line required to be provided and installed within a customer's premises by an electricity entity at the electricity entity's cost is—
 - (a) 20m for an overhead service line; or
 - (b) 7m for an underground service line.
- (4) Also, subsections (1)(b), (2) and (3) apply only to the provision and installation of 1 initial service line to a customer at particular premises, whether before or after the commencement of this section.

Example—

Subsection (1)(b) does not apply if a customer requires an additional service line, or the upgrading of the existing service line, at the customer's premises to operate 3-phase air conditioning equipment.

- (5) For subsections (1) and (3), a service line must be measured from the customer's property alignment or, if the line does not cross the property alignment, the point of origin of the service line.

15 Service lines on customer's premises—customer's obligations

- (1) A customer must provide and maintain, free of cost to an electricity entity, the facilities the entity reasonably decides are necessary to attach an overhead service line to the customer's premises or for the entrance, support, protection and termination of an underground service line.

Examples of facilities that may be provided by a customer—

- a service riser bracket
 - timber backing for the electricity entity's 'J' hook
- (2) The customer must provide access for the entity to install, test, maintain or take away its service line without hindrance or obstruction.
- (3) The customer must pay the reasonable cost of a service line provided, other than an initial service line provided under section 14.

Division 4 Maintenance of works

16 Maintenance of works

An electricity entity must, in accordance with recognised practice in the electricity industry, periodically inspect and maintain its works to ensure the works remain in good working order and condition.

17 Clearing, lopping and pruning of trees on non-freehold land

- (1) An electricity entity may clear, lop or prune trees growing on non-freehold land if—
- (a) it is necessary to do so to build, maintain or operate an electric line or works on the land; and
 - (b) the entity holds the benefit of an easement, licence or other agreement in relation to the line or works.
- (2) Subsection (1) applies—
- (a) whether or not the easement, licence or agreement authorises the clearing, lopping or pruning; and
 - (b) subject to—

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- (i) the conditions of the easement, licence or agreement; and
 - (ii) section 18.
- (3) To the extent a local planning instrument or a local law is inconsistent with subsection (1), the local planning instrument or local law is of no effect.

- (4) In this section—

local planning instrument see the *Integrated Planning Act 1997*.

trees see the *Forestry Act 1959*.

Division 5 Works on publicly controlled places

18 Notice to be given to public entity

- (1) This section applies if an electricity entity intends to take action mentioned in subsection (2) in a publicly controlled place unless—
- (a) the action is an action authorised under section 140 to 141 of the Act; and
 - (b) the entity complies with the section in relation to the entry to the place and the taking of the action.
- (2) The action is—
- (a) opening or breaking up the soil or pavement of the place; or
 - (b) clearing, lopping or pruning a tree or other vegetation growing in or over the place, other than for routine maintenance; or
 - (c) opening or breaking up a sewer, drain or tunnel in or under the place; or
 - (d) temporarily stopping or diverting traffic on or from the place; or

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- (e) building a drain, excavation, subway or tunnel in or under the place.
 - (3) The electricity entity must give at least 14 days written or oral notice of its intention to the public entity that has control of the publicly controlled place unless the notice is given in accordance with another period of notice agreed between the entities.
 - (4) However, subsection (5) applies if, in the electricity entity's opinion, there is an emergency in which—
 - (a) there is an actual or a potential danger to persons or property; or
 - (b) the supply of electricity to a customer has been interrupted.
 - (5) If this subsection applies, the electricity entity may act under section 101 of the Act to remedy a defect, eliminate an actual or potential danger or restore the supply of electricity to a customer, without first giving the notice under subsection (3).
 - (6) If the electricity entity acts under subsection (5), it must give the notice mentioned in subsection (3) as soon as practicable.

19 Electricity entity must comply with public entity's requirements

- (1) If an electricity entity goes on a publicly controlled place to take action for which notice must be given under section 18, the public entity that has control of the place may require the electricity entity to act on the days and at the times the public entity reasonably requires.
- (2) The electricity entity must comply with a reasonable requirement by the public entity under subsection (1).

[s 20]

20 Guarding of work on publicly controlled place

- (1) An electricity entity that has opened or broken up a publicly controlled place must, at all times while the place is opened or broken up, ensure—
 - (a) it is barricaded and guarded; and
 - (b) signs and lights sufficient for the warning and guidance of traffic, including pedestrians, are set up and maintained against or near the place where it is opened or broken up.
- (2) If required by the public entity, the electricity entity must also set up and maintain additional warning or protection devices to safeguard the public whether before or during the work.

21 Restoration of publicly controlled place

- (1) An electricity entity that has opened or broken up a publicly controlled place must—
 - (a) with all convenient speed, finish the work; and
 - (b) on finishing the work, take away from the place all plant, materials and equipment not built into the work; and
 - (c) restore, as far as practicable, the place where the work was carried out and leave it tidy.
- (2) The way action under subsection (1) is to be carried out by or for the electricity entity is as agreed between the electricity entity and the public entity controlling the place and in accordance with reasonable conditions and requirements stated by the public entity.

22 Electricity entity to keep publicly controlled place in good repair after work

- (1) An electricity entity must keep a publicly controlled place that has been opened or broken up and restored by it in good repair—

- (a) for 3 months after restoring the place; and
 - (b) if the ground subsides and continues to subside—for up to a further 9 months.
- (2) The way maintenance work is to be carried out by or for the electricity entity is as agreed between the electricity entity and the public entity that controls the place.

23 Warning signs on roads

If an electricity entity or its contractor is building or maintaining an electric line or other works on a road, signs and lights set up and maintained by the entity and its contractor to safeguard the public must be the appropriate official traffic signs under the *Transport Operations (Road Use Management) Act 1995*.

Part 3 Customers' electrical installations

24 Installation and operation of electric line beyond person's property

- (1) A person may install and operate, on a place beyond the person's property (including on a publicly controlled place), a low voltage electric line forming part of the person's electrical installation if—
- (a) the person has consulted with all entities who may have an interest in the proposed location of the electric line; and
 - (b) the entities have stated in writing that they have no objection to the installation or operation of the electric line; and

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- (c) the installation and operation of the electric line is not likely to cause a fire or a person to suffer an electric shock.
- (2) The entities to be consulted include—
 - (a) the relevant supplier; and
 - (b) for a publicly controlled place—the local government or other entity with responsibility for the place; and
 - (c) for a place other than a publicly controlled place—the owner and each lessee or occupier of the place.
- (3) The electric line must be installed in accordance with—
 - (a) the wiring rules; and
 - (b) any requirement or condition imposed by an entity consulted.
- (4) If an electric line forming part of a person's electrical installation is installed on a place contrary to this section, the regulator may direct the person to take away the electric line, at the person's expense.
- (5) The regulator must give the person an information notice about the decision to give the direction.
- (6) If the person does not comply with the direction, the regulator may take away the electric line and recover the cost of the removal from the person as a debt payable to the State.
- (7) A person who complies with subsections (1) to (3) about an electric line does not need an authority or special approval under the Act to install or operate the line.

25 Power factor

A customer must comply with any requirement of its supplier made of the customer under section 36 about the power factor of an electrical installation.

Note—

See section 37 for what action the distribution entity may take if the customer does not comply with the requirement.

26 Prevention of interference by motor installations and associated starting devices

A person may connect a motor installation or associated starting device only if it is designed and operated to comply with any requirements of the regulator to prevent interference with supply of electricity to other customers.

Note—

See sections 36 and 37 for what action a distribution entity may take if the distribution entity considers the installation or device interferes, or is likely to interfere, with the supply of electricity to other customers.

27 Interference with supply of electricity

A customer must not use electricity or an electrical article so the supply of electricity to other customers of the supplier who supplies the electricity is unreasonably interfered with.

Note—

See sections 36 and 37 for what action a distribution entity may take if the distribution entity considers the installation or device interferes, or is likely to interfere, with the supply of electricity to other customers.

28 Customer's generating plant for interconnection to supply network

- (1) A customer must not install generating plant for interconnection with a supplier's supply network without the supplier's agreement.

Maximum penalty—20 penalty units.

- (2) The agreement must include the conditions for securing safe and stable parallel operation of the supply network and the generating plant.

[s 29]

29 Requirement for circuit-breaker

- (1) If required by the relevant supplier, a customer must ensure the customer's electrical installation has a circuit-breaker as a main switch or a circuit-breaker instead of a fuse as part of the installation.

Maximum penalty—20 penalty units.

- (2) However, the customer may choose whether to have a circuit-breaker as a main switch or a circuit-breaker instead of a fuse if the relevant supplier does not state which is required.

30 Coordination of customer's protection devices with electricity entity's protection system

- (1) An electricity entity may cause the characteristics of a customer's protection device to be changed and tested to maintain discrimination between the customer's protection equipment and the electricity entity's protection system.
- (2) The electricity entity may seal the adjusted protection equipment.
- (3) A person must not unlawfully break or otherwise interfere with the seal.

Maximum penalty for subsection (3)—20 penalty units.

Chapter 3 Electricity supply and sale to customers

Part 1A Provisions prescribing particular customer types

Division 1 Small customers

Subdivision 1 Preliminary

30A Operation of div 1

This division prescribes, for section 23(3) of the Act, as in force from the FRC day, customers who are small customers for a premises.

30B Definitions for div 1

In this division—

relevant distribution entity, for a premises, means the distribution entity to whose supply network the premises are, or will be, connected.

relevant retail entity, for a premises, means the retail entity who, under a retail contract, supplies or has agreed to supply electricity to the premises.

Subdivision 2 Initial classification

30C Premises with existing supply point

(1) This section applies to a customer for a premises that, before the FRC day, has a supply point.

[s 30D]

- (2) The customer is a small customer for the premises if, immediately before the FRC day, the supply point was, in accordance with the metrology procedure and the market settlement and transfer solution procedures made under the National Electricity Rules, classified as small.
- (3) Subsection (2) applies whether or not the procedures applied to the relevant distribution entity for the premises.

30D Premises with new supply point

- (1) This section applies if, on or after the FRC day, the customer becomes a customer for a new supply point for a premises.
- (2) The relevant distribution entity for the premises must decide whether the customer is a small customer for the premises.
- (3) Subdivision 5 applies to the making of the decision.
- (4) The relevant distribution entity must, as soon as practicable after making the decision, give the customer or the relevant retail entity for the premises a written notice of the decision.
- (5) The notice may be given under the market settlement and transfer solution procedures under the National Electricity Rules.

30E Initial classification subject to reclassification

This subdivision is subject to subdivisions 3 and 4.

Subdivision 3 Distribution entity-initiated reclassification

30F Power to redecide classification

- (1) The relevant distribution entity for a premises may, of its own initiative, decide whether a customer is a small customer for the premises.

- (2) The decision may be made at any time and whether the customer is currently a small customer or large customer for the premises.
- (3) Subdivision 5 applies to the making of the decision.

30G Information notice for particular reclassifications

- (1) This section applies to a decision under section 30F(1) by the relevant distribution entity for a premises if the decision is to change a customer's classification for the premises.
- (2) The distribution entity must give the customer and the relevant retail entity for the premises an information notice about the decision.

30H Deferral of particular reclassifications until appeal expiration day

- (1) If, under section 30G, an information notice must be given about a decision, the decision takes effect on the appeal expiration day for the decision.
- (2) In this section—
appeal expiration day, for a decision, means—
 - (a) if an application for review of the decision is not made within the 28 days mentioned in section 209(1) or (2) or within any extended period under section 209(3)—the day the 28 days or extended period ends; or
 - (b) if an application for review is made—the day all proceedings under chapter 9 relating to the decision, and any appeals from the proceedings, end.

Subdivision 4 Reclassification by application

30I Who may apply

- (1) Subject to section 30J, a customer or the relevant retail entity for a premises may apply to the relevant distribution entity for the premises to decide whether the customer is a small customer for the premises (a *reclassification application*).
- (2) A reclassification application may be made even if the customer claims to be a large customer, or no longer to be a small customer, for the premises.

30J Restriction on reapplying

- (1) If the relevant distribution entity for a premises has, for a customer, already decided a reclassification application for the premises, another reclassification application can not be made for the premises for the same customer within 12 months after the making of the decision.
- (2) To remove any doubt, it is declared that subsection (1) does not limit or otherwise affect the distribution entity's power under section 30F to decide the customer's classification for the premises.

30K Making and deciding of application

- (1) A reclassification application for a premises must be made in the way reasonably decided by the relevant distribution entity for the premises the subject of the application.
- (2) Subdivision 5 applies to the deciding of the application.

30L Notice of decision

- (1) On deciding a reclassification application for a premises the relevant distribution entity must give the customer and the relevant retail entity for the premises written notice of the decision.

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- (2) If the effect of the decision on the customer's classification was not requested or agreed to by the applicant, the notice must be an information notice.

30M When decision takes effect

A decision about a reclassification application takes effect on the giving of the notice required under section 30L.

Subdivision 5 Provisions for deciding classification

30N Application of sdiv 5

This subdivision applies if, under this division, the relevant distribution entity for a premises may or must decide whether a customer is a small customer for the premises.

30O Consumption threshold for small customer classification

The entity may decide the customer is a small customer for the premises only if, under sections 30P to 30T, the entity considers the customer's annual consumption at the supply point for the premises is, or will be, less than 100MWh.

30P Reference to consumption data

- (1) The entity must have regard to the consumption for the supply point for the premises used for billing network charges during the period (the *relevant billing period*) as shown in the last 12 months worth of bills issued by the entity for network charges for the premises.

Example of a relevant billing period—

A reclassification application is made on 1 June 2008. Electricity bills for the consumption at the supply point have been given for successive periods the last of which ended on 15 May 2008. The relevant billing period is from 16 May 2007 to 15 May 2008.

[s 30Q]

- (2) If consumption data is only available to the entity for part of the relevant billing period, the consumption at the supply point during the balance of the period must be worked out on the average daily load for the premises during that part.
- (3) In this section—
network charges means network charges as defined under section 90 of the Act.

30Q Discretion to use estimate if consumption data inaccurate

- (1) This section applies if—
 - (a) consumption data mentioned in section 30P is available to the entity; but
 - (b) the entity reasonably considers that the data does not accurately reflect the likely consumption at the supply point for the premises during the next 12 months.
- (2) Despite section 30P, the consumption at the supply point may be decided by using an estimate of the likely annual consumption at the supply point for the next 12 months.

30R Use of estimate if no consumption data available

- (1) This section applies if no consumption data for the supply point for the premises is available to the entity during the relevant billing period under section 30P(1).
- (2) The entity must decide the consumption at the supply point by estimating the likely annual consumption at the supply point for the next 12 months.

30S Permitted bases for estimates

An estimate under this subdivision may be based on—

- (a) an engineering report; or

- (b) consumption data about the electricity loads of similar customers.

30T Supply points can not be totalled

To remove any doubt, it is declared that a number of supply points can not be totalled to decide that a customer is not a small customer for 1 or more premises.

Division 2 Market customers

30U Operation and application of div 2

- (1) This division prescribes, for section 23(7) of the Act, when a customer is or is not a market customer for a premises.
- (2) This division only applies in relation to NMI premises.
- (3) The requirements under any particular provision of this division for the customer to be a market customer are not affected by the requirements under the other provisions of this division.

30V Particular customers who are market customers

A customer is a market customer for a premises if—

- (a) the customer is a party to a negotiated retail contract for the premises; or
- (b) the customer is, for the premises, registered under the National Electricity Rules as a market participant under the category market customer for the premises; or
- (c) the customer is the State or a local government and the premises are street lighting located in the distribution area of Energex Limited ACN 078 849 055.

[s 30W]

30W Particular large customers

- (1) A large customer for a premises is a market customer for the premises if—
 - (a) the customer is, or has at any time been, any of the following in relation to the premises—
 - (i) a party to a negotiated retail contract for the premises;
 - (ii) registered under the National Electricity Rules as a market participant under the category market customer for the premises; or
 - (b) immediately before the FRC day, the customer was a contestable customer for the premises under the Act as in force before the FRC day; or
 - (c) the customer became a large customer for the premises because of a reclassification decision.
- (2) However, subsection (1)(c) does not apply if the GOC Ergon Energy or any of its subsidiaries is the financially responsible retail entity for the premises.
- (3) In this section—

reclassification decision means a decision under chapter 3, part 1A about the customer’s classification for the premises.

30X Particular customers for changes to a premises

- (1) This section applies if—
 - (a) a customer is a market customer for a premises (the *original premises*); and
 - (b) a new premises is created by establishing a new supply point for—
 - (i) an existing building or structure forming part of the original premises; or

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- (ii) a replacement building or structure for a building or structure that formed part of the original premises.
 - (2) However this section does not apply if the supply point for the original premises has been abolished, demolished or destroyed for more than 12 months.
 - (3) The customer is a market customer for the new premises.

30Y Particular new customers

A person who becomes a customer for a premises is a market customer for the premises if the person who immediately preceded the customer as the customer for the premises was a market customer for the premises.

30Z Particular small customers are not market customers

If a small customer enters into a standard retail contract for a premises, or is, under section 51(2) of the Act, taken to have entered into a standard retail contract for a premises, the customer is not a market customer for the premises.

Part 1 Distribution entities

Division 1 Obligations of distribution entities and customers

34 When distribution entity may refuse to connect or may disconnect

- (1) A distribution entity may refuse to connect or reconnect any premises of a customer to the entity's supply network if the customer—
 - (a) contravenes the Act or this regulation in relation to the supply of electricity to any premises of the customer; or

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- (b) fails to pay a capital contribution or to make a reasonable advance payment for charges for providing customer connection services to any premises of the customer; or
 - (c) fails to pay an amount the customer owes the distribution entity under, or otherwise breaches, any connection contract between the customer and the distribution entity; or
 - (d) is a party to a retail contract with a retail entity for providing customer retail services to other premises of the customer and the retail entity asks the distribution entity to disconnect the other premises from the distribution entity's supply network because the customer—
 - (i) contravenes the Act or this regulation in relation to the supply or sale of electricity to the other premises; or
 - (ii) fails to make a reasonable advance payment for charges for providing the customer retail services; or
 - (iii) fails to pay an amount the customer owes the retail entity under, or otherwise breaches, the retail contract for the other premises.
- (2) A distribution entity may disconnect a customer's premises from the entity's supply network if—
- (a) the customer contravenes the Act or this regulation in relation to the supply of electricity to the premises; or
 - (b) the customer fails to pay an amount the customer owes the distribution entity under, or otherwise breaches, its connection contract with the distribution entity for the premises; or
 - (c) the customer is a party to a retail contract with a retail entity for providing customer retail services to the premises and the retail entity asks the distribution entity to disconnect the premises because the customer—

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- (i) contravenes the Act or this regulation in relation to the supply or sale of electricity to the premises; or
 - (ii) fails to pay an amount the customer owes the retail entity under, or otherwise breaches, the retail contract; or
- (d) the connection obligation does not apply, or ceases to apply, to the distribution entity.
- (3) However, the distribution entity may only disconnect if the relevant conditions under the connection contract or retail contract for disconnection have been complied with.

Example of a relevant condition—

a requirement in the customer connection contract, customer sale contract or negotiated sale and connection contract, for the distribution entity or retail entity to give notice of its intention to disconnect under subsection (2)

- (4) For subsection (3), the distribution entity may, without further checking, rely on advice from the relevant retail entity that the relevant conditions for disconnection under the retail contract have been complied with.
- (5) This section does not limit—
- (a) a right to interrupt supply of electricity under a connection contract; or
 - (b) a right or obligation to disconnect premises, or refuse to connect or reconnect premises, under a connection contract.
- (6) Despite subsections (1) and (2), the rights under the subsections to disconnect are subject to any relevant limitations or restrictions on, or conditions for the exercise of, disconnection rights under any relevant industry code.

36 Regulating customer's use etc. of electricity

- (1) This section applies if, in the distribution entity's opinion—

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- (a) the use or intended use of an electrical article by a customer unreasonably interferes, or is likely to unreasonably interfere, with the entity's supply of electricity to other customers; or
 - (b) a customer uses or deals with electricity so the supply of electricity to other customers is, or is likely to be, unreasonably interfered with; or
 - (c) a customer's motor installation or associated starting device interferes, or is likely to interfere, with supply of electricity to other customers; or
 - (d) it is necessary to regulate the power factor of a customer's electrical installation.
- (2) The entity may, by written notice to the customer, require the customer to—
- (a) regulate the use of the electrical article; or
 - (b) use or deal with electricity supplied in a stated way; or
 - (c) ensure a motor installation or starting device connected to a source of electricity supply complies with the requirements of the regulator under section 26; or
 - (d) ensure the power factor of an electrical installation measured over any 30 minutes at the customer's consumers terminals—
 - (i) for low voltage supply to the customer—
 - (A) is at least 0.8 lagging; and
 - (B) is not a leading power factor unless the entity agrees; or
 - (ii) for high voltage supply to the customer—is within the range stated in the National Electricity Rules, schedule 5.3.5.

Editor's note—

National Electricity Rules, schedule 5.3.5 (Power factor requirements)

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- (3) The notice must state when it must be complied with.
 - (4) The notice must be accompanied by or include an information notice about the decision.

37 Action if notice not complied with

If a customer does not comply with a notice under section 36, the distribution entity may—

- (a) refuse to provide customer connection services to the customer's electrical installation until the customer complies with the notice; or
- (b) if the customer agrees to comply with the entity's requirements—provide the service.

Division 2 Meter and control apparatus requirements for premises

38 Application of div 2

This division applies to the supply of electricity to a particular customer's premises.

39 Who is the *responsible person*

In this division, the *responsible person* is the person who, under the National Electricity Rules or an industry code, is the responsible person for the metering installation for the premises.

40 Customer to change electrical installation for meter connection

- (1) The responsible person may require the customer to make changes to the customer's electrical installation at the premises that are necessary to allow connection of a meter at the premises.

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- (2) Until the requirement is complied with, the connection obligation does not apply to the distribution entity for the premises.

41 Customer to provide links connecting meter to incoming supply

- (1) If the responsible person so requires, the customer must provide suitable links for connecting meters to an incoming electricity supply to the premises.
- (2) However, the requirement may be made for a single meter only if—
 - (a) the meter is being, or is proposed to be, installed; or
 - (b) the customer is making, or is proposing to make, a substantial change to the meter or a substantial change to the premises that relates to the meter.

Examples—

- relocation of the meter
 - replacement of the mounting for the meter
 - rewiring of the premises
- (3) The responsible person may seal the links.
 - (4) Until the requirement is complied with, the connection obligation does not apply to the distribution entity for the premises.

42 No breaking or interfering with meter seal

- (1) This section applies if the responsible person has provided a meter or links for the premises and there is a seal on the meter or links.
- (2) A person (the *first person*) must not break or interfere with the seal unless the responsible person has permitted the first person to do so.

Maximum penalty—20 penalty units.

43 No breaking or interfering with control apparatus seal

- (1) This section applies if a distribution entity for the premises has provided control apparatus for the premises and there is a seal on the apparatus.
- (2) A person must not break or interfere with the seal unless the distribution entity has permitted the person to do so.

Maximum penalty—20 penalty units.

44 Placing meter or control apparatus on customer's premises

- (1) The customer must, at the customer's expense—
 - (a) provide at the premises space, housing, mounting and connecting facilities for each meter and control apparatus provided by the responsible person or distribution entity for the premises; and
 - (b) maintain the facilities in a safe and sound condition.
- (2) The facilities must be in a position that meets the reasonable requirements of—
 - (a) for a meter—the responsible person; or
 - (b) for control apparatus—the distribution entity for the premises.
- (3) Until the customer complies with subsection (1) and any requirement under subsection (2), the connection obligation does not apply to the distribution entity for the premises.

45 Change of placement if building changes or works

- (1) This section applies if, because of building changes or similar works, the position of a meter or control apparatus at the premises no longer meets requirements made under section 44(2).
- (2) The customer must, at the customer's expense—

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- (a) provide space, housing, mounting and connecting facilities in another position at the premises that meets the reasonable requirements of—
 - (i) for the meter—the responsible person; or
 - (ii) for control apparatus—the distribution entity for the premises; and
- (b) arrange for relocation to the other position by—
 - (i) for the meter—the responsible person; or
 - (ii) for control apparatus—the distribution entity.
- (3) Until the customer complies with subsection (2), the connection obligation does not apply to the distribution entity.

46 Customers to provide safe access

- (1) This section applies if the customer does not provide safe access at any reasonable time to read a meter and install, test, maintain or take away the supplier's works without hindrance or obstruction to—
 - (a) the distribution entity for the premises, a special approval holder or the responsible person (the *relevant entity*); or
 - (b) an electricity officer of a relevant entity; or
 - (c) a person authorised by a relevant entity.
- (2) The relevant entity may, by written notice to the customer, require the customer to provide the access within a stated period of at least 1 month.
- (3) If the customer does not comply with the notice, the relevant entity may install alternative metering or other equipment to enable consumption to be measured by remote or other suitable ways.
- (4) Subsection (3) does not limit or otherwise affect another remedy the relevant entity has against the customer.

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- (5) The relevant entity may recover from the customer as a debt its costs reasonably incurred in acting under subsection (3).

Division 3 Substations on customers' premises

57 Application of div 3

- (1) This division applies if the supply of electricity required by customers in premises is more than, or is reasonably estimated by the distribution entity to be more than, a total maximum demand of 100kV.A worked out under the wiring rules.
- (2) This division also applies to supply of electricity to customers in premises if the regulator, in special circumstances, approves its application.

58 Meaning of *owner* in div 3

In this division—

owner, of premises, includes a person who is the proprietor, lessee or occupier of the premises or part of the premises.

59 Owner to provide space for substation

- (1) This section applies if, to meet an existing or likely demand for supply of electricity by customers who are, or in the future may be, in premises, the distribution entity reasonably considers it is necessary to install a substation on the premises.
- (2) The entity may require the owner of the premises to—
- (a) provide, free of cost to the entity, the space for a substation; and
- (b) give a right of way to the entity for its electric lines and cables to and from the substation; and

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- (c) provide to the entity, or persons authorised by it, access to the entity's equipment on the premises at all times to allow the entity to install, maintain or take away its equipment without hindrance or obstruction.
- (3) The owner must also provide permanent handling facilities, segregated access passageways or ventilating ducts if they are needed because of the location the owner proposes to provide for the substation.
- (4) An owner who provides space for a substation under this section must—
 - (a) maintain the floor or foundation, walls or enclosure, ceiling and access door of the space in sound condition; and
 - (b) repair damage to or deterioration of the space, other than damage or deterioration directly attributable to the use of the space by the entity.
- (5) Repairs must be done within the time and to the extent reasonably directed by the entity.
- (6) If the owner does not comply with subsection (4), the entity may—
 - (a) do anything necessary to carry out the maintenance or repair; and
 - (b) recover from the owner as a debt the reasonable costs of anything done by the entity under paragraph (a).
- (7) In this section—

space, for a substation, means—

 - (a) necessary or suitable floor or foundation, walls or enclosure, ceiling and access doors in the part of the premises where the substation is to be located and installed, with the walls or enclosure, ceiling and access doors being suitably painted; and
 - (b) necessary or suitable places for entry and exit of electric lines and cables for the substation; and

- (c) if required by the distribution entity—suitable lighting and general power outlets.

60 Supply to other customers from substation

- (1) A distribution entity may only use an electric line or equipment installed by it on premises under this division for providing customer connection services to customers outside the premises if the owner of the premises agrees.
- (2) If the agreement is given, it continues in force while the substation is still being used to supply electricity to the premises.
- (3) Subsection (2) applies even if the total maximum demand for the electricity is less than the amount mentioned in section 57(1).

61 Limitation of compensation

Unless agreed between the owner and the distribution entity, an owner of premises for a substation is not entitled to compensation from the distribution entity for—

- (a) the installation of the substation; or
- (b) complying with a requirement under section 59; or
- (c) carrying out an obligation imposed on the owner under section 59; or
- (d) agreeing under section 60 for the substation to be used for the purpose of supplying customers outside the premises, other than reasonable compensation for any additional space, over and above the space used to supply customers on the premises, occupied by the substation for that purpose.

62 Taking away distribution entity's equipment

- (1) If supply of electricity to an owner's premises is no longer needed, the distribution entity must, within a reasonable

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period, take away, at its own cost, its electric lines, cables and equipment from the premises if the owner asks.

- (2) Subsection (3) applies if the electric lines, cables and equipment are, under section 60, used to supply electricity to customers not on the premises.
- (3) In deciding what is a reasonable period for subsection (1), regard must be had to whether the period is enough to allow the distribution entity to provide an alternative supply of electricity to the customers mentioned in subsection (2).

Division 4 What is not unfair or unreasonable for large customers

63 Differing methods of charging

The mere use by a distribution entity, of differing methods of charging for the provision of customer connection services to different large customers is not unfair or unreasonable.

64 Negotiated connection contracts

The mere making of, or compliance with, a negotiated connection contract between a distribution entity and a large customer is not unfair or unreasonable.

65 Differing security

- (1) The mere requiring of differing security by a distribution entity from a large customer (the *relevant customer*) is not unfair or unreasonable.
- (2) In this section—
differing security means security that—
 - (a) is for the relevant customer's obligations to the entity under a connection contract; and

-
- (b) is different to security for obligations under a connection contract that the entity requires of another large customer; and
- (c) is not manifestly unfair to the relevant customer.

security includes an agreement for security, an advance payment or an amount deposited as security.

66 **Different terms and capital contributions that are reasonable**

- (1) Subsection (2) applies if a distribution entity provides customer connection services on different terms to different large customers or types of large customers.
- (2) The mere imposition of the different terms is not unfair or unreasonable if—
- (a) the circumstances required for providing the services are different; and
- (b) the terms reasonably reflect the impact on the entity of the—
- (i) differences between the customers or types of customers; or
- (ii) different circumstances; or
- (iii) provisions of the Act, this regulation or any code that applies.

Examples of different circumstances—

- the different nature of the plant or equipment required to provide the services
- different geographical and electrical locations of the relevant connections
- different periods for which the services are to be provided
- the electricity supply capacity required to provide the services
- the characteristics of the relevant load or generation

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- the performance characteristics at which the services are to be provided
- (3) If a distribution entity requires different large customers to pay different capital contributions, the mere imposition of the different capital contributions is not unfair or unreasonable if the capital contributions are worked out under a capital contribution policy approved by the jurisdictional regulator.

Part 2 Retail entities

67 Prescribed circumstances for physical connection to a supply network—Act, s 48D

- (1) For section 48D(3) of the Act, a premises continues to be physically connected to a supply network despite a change to, or relocation or replacement of, a supply point or meter at the premises.
- (2) Subsection (1) applies whether or not the change, relocation or replacement leads to a new national meter identifier under the National Electricity Rules being issued for the premises.

71 When retail entity is not obliged to provide customer retail services

- (1) A retail entity is not under an obligation to provide customer retail services to premises of a customer if the customer—
- (a) contravenes the Act or this regulation in relation to the supply or sale of electricity to any premises of the customer; or
 - (b) fails to pay an amount the customer owes the retail entity under, or otherwise breaches, any retail contract between the customer and the retail entity.
- (2) If subsection (1) applies, the retail entity may ask its distribution entity to refuse to connect or reconnect any

premises of the customer to the distribution entity's supply network.

- (3) Also, if there is a retail contract between a customer and a retail entity for a premises of the customer, the retail entity is not under an obligation to continue to provide customer retail services to the premises if the customer—
 - (a) contravenes the Act or this regulation in relation to the supply or sale of electricity to the premises; or
 - (b) fails to pay an amount the customer owes the retail entity under, or otherwise breaches, the customer's retail contract with the retail entity for the premises; or
 - (c) fails to pay an amount the customer owes the retail entity under, or otherwise breaches, the customer's retail contract with the retail entity for other premises owned or occupied by the customer.
- (4) If subsection (3) applies, the retail entity may ask the customer's distribution entity to disconnect the customer's premises from the distribution entity's supply network.
- (5) However, the retail entity may only ask the distribution entity to disconnect if the relevant conditions under the retail contract for disconnection have been complied with.

Example of a condition—

a requirement in the retail contract for the retail entity to give notice of its intention to ask the distribution entity to disconnect under subsection (4)

- (6) This section does not limit—
 - (a) a retail entity's right to ask the customer's distribution entity to interrupt the supply of electricity under a retail contract; or
 - (b) a retail entity's right or obligation to—
 - (i) ask the customer's distribution entity to disconnect premises, or refuse to connect or reconnect premises under a retail contract; or

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- (ii) refuse to provide customer retail services under a retail contract.

Part 3 Retailer of last resort scheme

Division 1 Preliminary

Subdivision 1 Application

72 Application of pt 3

(1) This part applies if any of the following events happen in relation to a retail entity other than the GOC Ergon Energy or any of its subsidiaries—

- (a) under the National Electricity Rules, clause 3.15.21(c), NEMMCO suspends it from trading;

Note—

Under the National Electricity Rules, clause 3.15.21(a) (Default procedure), the appointment of an insolvency official is a ground for suspension from trading.

- (b) its retail authority is cancelled or suspended.
- (2) The event is the ***ROLR event***.
- (3) The retail entity is the ***defaulting retailer***.

73 Scheme does not affect contracts under Gas Supply Act 2003

(1) This section applies if, immediately before the happening of the ROLR event, the defaulting retailer was, under the same contract, providing customer retail services under the Act and customer retail services under the *Gas Supply Act 2003*.

-
- (2) To remove any doubt, it is declared that this part—
- (a) only applies for the provisions of the contract relating to customer retail services under the Act; and
 - (b) does not affect the other provisions of the contract.

74 Corporations legislation displacement provision for pt 3

This part is declared to be a Corporations legislation displacement provision for the purposes of the Corporations Act, section 5G, in relation to the provisions of chapter 5 of that Act.

Notes—

- 1 Chapter 5 of the Corporations Act provides for the external administration of corporations.
- 2 Section 5G of that Act provides that if a State law declares a provision of a State law to be a Corporations legislation displacement provision, any provision of the Corporations legislation with which the State provision would otherwise be inconsistent does not apply to the extent necessary to avoid the inconsistency.

Subdivision 2 Interpretation

75 Who is an *affected customer*

An *affected customer* is a person who, immediately before the happening of the ROLR event, was a person to whom the defaulting retailer provided customer retail services.

76 Who is the *retailer of last resort* or the *ROLR*

- (1) The *retailer of last resort* or the *ROLR*, for an affected customer is—
 - (a) generally—

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- (i) if the defaulting retailer is a retail entity other than Country Energy and the customer is in Country Energy's area—Country Energy; or
 - (ii) otherwise—the retail entity (the *Energex area retailer*) whose retail area includes all or most of the distribution area of Energex; or
- (b) if Country Energy or the Energex area retailer is the defaulting retailer—another entity decided by the Minister, with the entity's agreement.

Note—

The GOC Ergon Energy and its subsidiaries can never be the defaulting retailer because the last resort scheme does not apply to them. See section 72(1).

- (2) A decision under subsection (1)(b) may be made before or after the ROLR event.
- (3) The Minister must, as soon as practicable after making the decision, notify the decision by gazette notice and give QCA a copy of the notice.
- (4) In this section—

Country Energy's area means Country Energy's—

- (a) supply area described in Country Energy's special approval no. SA21/98; or

Editor's note—

A copy of a map of the area may be inspected at the department's office at 61 Mary Street, Brisbane.

- (b) the distribution area under any distribution authority issued to it.

Subdivision 3 Administration of scheme

77 QCA administers scheme

- (1) For section 131A(3)(g) of the Act, QCA has the function of administering the retailer of last resort scheme.
- (2) QCA may supervise the ROLR and give it directions concerning the administration of the scheme.
- (3) QCA has any other powers necessary or convenient to perform the function.

Division 2 Regulated default retail contract

Subdivision 1 Making of regulated default contract

78 Default contract on ROLR event

- (1) This section applies on the happening of the ROLR event for each premises for which a person is an affected customer.
- (2) The customer and the customer's ROLR are taken to have entered into a retail contract for the premises (the ***ROLR contract***).
- (3) If, under section 76(1)(b), the ROLR is decided after the ROLR event, the contract is taken to have been in force from the happening of the event.

79 ROLR contract binds ROLR and affected customer

- (1) The relevant affected customer and the customer's ROLR are taken to have agreed to the terms of the ROLR contract, as provided for under subdivision 2 or 3, and to have entered into the contract as a deed.
- (2) Subsection (1) is subject to subdivision 4.

[s 80]

80 Ending of customer's liability to defaulting retailer

- (1) This section applies for customer retail services provided to an affected customer's premises after the happening of the ROLR event.
- (2) The affected customer is not liable to pay the defaulting retailer, or an insolvency official for the defaulting retailer, for the services.
- (3) A retail contract entered into between the affected customer and the defaulting retailer—
 - (a) is taken to have ended on the happening of the ROLR event; and
 - (b) is unenforceable to the extent it is inconsistent with subsection (2).

Subdivision 2 ROLR contract terms for small customers

81 Terms

- (1) If an affected customer is a small customer, the terms of the ROLR contract are the terms of the standard retail contract.
- (2) However, the ROLR may also charge the customer a one-off fee, approved by QCA, to compensate the ROLR for its costs in being the retailer of last resort for the defaulting retailer.
- (3) If the ROLR asks QCA to approve the fee, QCA must promptly decide whether or not to give the approval.
- (4) In making the decision, QCA must consider the ROLR's incremental administration costs and other energy costs to the extent they are not included in notified prices.

Examples of other energy costs—

- incremental retail operating costs for staff associated with billing
- additional hedging costs relating to the load for which the ROLR becomes the financially responsible retail entity

- (5) The charge may be imposed once the approval is given.
- (6) The fee need not be included with any other bill to the affected customer for customer retail services.

Subdivision 3 ROLR contract terms for large customers

82 Application of sdiv 3

This subdivision provides for the terms of the ROLR contract if an affected customer is a large customer.

83 ROLR's standard terms generally apply

- (1) Subject to the other provisions of this subdivision, the terms of the ROLR contract are the ROLR's terms, under section 53 of the Act, for its standard large customer retail contracts.
- (2) If the ROLR's terms are inconsistent with another provision of this division, the ROLR's terms are unenforceable to the extent of the inconsistency.

84 Price and charges for customer retail services

- (1) The price payable for customer retail services is the regional reference price for the region in which the customer's premises are located, as adjusted for any loss factor applying to the customer's premises.
- (2) The charges payable by the customer for customer retail services also include—
 - (a) the charges decided by the ROLR as a reasonable apportionment, on a cost recovery basis, of the fees and charges payable by the ROLR to a market participant or another entity under the National Electricity Rules; and

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Example of fees and charges payable by the ROLR—

ancillary services fees, participant fees and fees relating to metering services, metering data and spot market transactions, within the meaning of the National Electricity Rules

- (b) a reasonable apportionment of the cost of any of the following incurred by the ROLR for the services—
 - (i) the annual GEC liability;
 - (ii) buying renewable energy certificates under the Commonwealth Act;
 - (iii) the renewable energy shortfall charge under the Commonwealth Act.
- (3) In this section—

Commonwealth Act means the *Renewable Energy (Electricity) Act 2000* (Cwth).

regional reference price has the meaning given by the National Electricity Rules.

85 Additional one-off ROLR fee

- (1) The ROLR may also charge the customer a one-off fee, approved by QCA, to compensate the ROLR for its costs in being the retailer of last resort for the defaulting retailer.
- (2) If the ROLR asks QCA to approve the fee, QCA must promptly decide whether or not to give the approval.
- (3) In making the decision, QCA must consider the ROLR's incremental administration costs.
- (4) The charge may be imposed once the approval is given.
- (5) The fee need not be included with any other bill to the affected customer for customer retail services.

Subdivision 4 Other provisions about ROLR contract

86 ROLR contract does not prevent a negotiated retail contract

- (1) This section applies at any time while the ROLR contract is in force.
- (2) The affected customer and the ROLR, or the affected customer and another retail entity, may enter into a negotiated retail contract for the premises the subject of the ROLR contract.
- (3) The affected customer need not give notice to the ROLR before entering into the negotiated retail contract with the other retail entity.

Note—

For particular requirements for negotiated retail contracts, see section 55A, 55B and 55C of the Act.

87 Ending of ROLR contract

- (1) The ROLR contract is taken to end for an affected customer if—
 - (a) the customer and the ROLR 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 ROLR commences the provision of customer retail services under a retail contract to another customer at the premises.
- (2) Subsection (1) does not limit how or when the contract may end.
- (3) The ending of the contract does not affect a right or obligation that accrued under the contract before, or because, it ended.

[s 87A]

Example—

The customer is still obliged to pay the ROLR for services provided under the ROLR contract up to when it ended.

Division 3 Facilitation of transfer from defaulting retailer to ROLR

87A Purposes of div 3

The purposes of this division are—

- (a) to allow NEMMCO to transfer the defaulting retailer's affected customers from the defaulting retailer to the ROLR without delay, under NEMMCO's market administration systems; and
- (b) to assist the prompt and effective continuation of electricity supply to affected customers; and
- (c) to ensure the ROLR obtains details about each affected customer that it needs—
 - (i) to perform its obligations under the ROLR contract; and
 - (ii) to obtain payment under the contract.

87B Who is a *relevant person*

A *relevant person* is any of the following—

- (a) the ROLR;
- (b) the defaulting retailer;
- (c) an affected customer;
- (d) a transmission entity for an affected customer;
- (e) a distribution entity for an affected customer;
- (f) if an insolvency official is appointed for the defaulting retailer—the insolvency official.

87C Things taken to be done

On the happening of the ROLR event, each relevant person is taken to have given or done any of the following required by NEMMCO under its administration systems to achieve the purposes of this division—

- (a) an approval, authorisation or consent;
- (b) executed any document;
- (c) complied with any procedure.

87D ROLR may require information

- (1) On the happening of the ROLR event, the ROLR may require another relevant person, other than an insolvency official, to give the ROLR the information—
 - (a) mentioned in subsection (2) about all or any of the affected customers; and
 - (b) held by the person or within the person's knowledge.
- (2) A requirement under subsection (1) may be made about all or any of the following information—
 - (a) the customer's name, contact details and address to which bills are to be sent;
 - (b) the national metering identifier issued under the National Electricity Rules for the metering installation relating to the customer's premises;

Note—

See the National Electricity Rules, clause 7.3.1 (Metering installation components).

- (c) the name and contact details of the metering provider and operator of an agency metering database, within the meaning of the National Electricity Rules, having responsibilities under the Rules, relating to the customer's premises;

[s 87E]

- (d) the address of the customer's premises to which electricity is to be supplied;
 - (e) the purpose for which the customer's premises are used;
 - (f) the average monthly consumption, based on the immediately preceding 12 months, at the customer's premises;
 - (g) relevant loss factors for the region in which the customer's premises are located;
 - (h) charges payable by the ROLR for providing customer connection services for the customer's premises;
 - (i) exemptions or rebates applying to the customer.
- (3) The requirement may be made only by written notice to the person.
- (4) The notice must state the day by which the person must give the information.
- (5) The stated day must be at least 2 business days after the notice is given.

87E Compliance with requirement

A person of whom a requirement under section 87D has been made must comply with the requirement.

Maximum penalty—20 penalty units.

87F Use of information

If, under section 87D, the ROLR is given information about an affected customer, the ROLR—

- (a) may use the information only for—
 - (i) a purpose of this division; or
 - (ii) the provision of customer connection services or customer retail services; and

-
- (b) must not disclose the information to someone else other than for a purpose of this division, unless—
- (i) the customer consents to the disclosure; or
 - (ii) the ROLR is otherwise required or permitted by law to make the disclosure.

Maximum penalty—20 penalty units.

Division 4 Miscellaneous provision

87G Power of QCA to require plans and procedures about scheme

- (1) QCA may, by written notice to the ROLR, require it to make, and update as appropriate from time to time, written plans and procedures for its management of the retailer of last resort scheme.
- (2) The ROLR must, if QCA requires it to do so by written notice, give QCA a copy of the plans and procedures updated as mentioned in subsection (1).
- (3) The ROLR must comply with a notice given under this section.

Maximum penalty for subsection (3)—20 penalty units.

Part 4 Disputes about what is fair and reasonable

88 Dispute resolution

- (1) This section applies—
 - (a) if—

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- (i) the Act or this regulation requires an electricity entity to do something on fair and reasonable terms or on a fair and reasonable basis; and
 - (ii) there is a dispute about fairness or reasonableness; and
 - (iii) the dispute is not an access dispute under the *Queensland Competition Authority Act 1997*, section 112(2); and
 - (iv) the dispute is not a dispute that may be the subject of a dispute referral to the energy ombudsman, under the *Energy Ombudsman Act 2006*; or
- (b) if there is a dispute about any of the following—
- (i) the fairness or reasonableness of a capital contribution worked out under a capital contribution policy of a distribution entity;
 - (ii) the correct application of a capital contribution policy approved by the jurisdictional regulator.
- (2) A party to the dispute may ask QCA to resolve the dispute.
- (3) QCA may—
- (a) give instructions about procedures the parties must follow to attempt to resolve the dispute before QCA takes steps to resolve it; or
 - (b) require a party to give QCA information QCA considers necessary to enable the dispute to be resolved.
- (4) QCA must give each party a reasonable opportunity to make representations before making the decision.
- (5) After considering any representations, QCA must decide the issue in dispute.
- (6) QCA must give the parties an information notice about the decision.

89 QCA may seek advice or information

- (1) This section applies if, under section 88(2), QCA has been asked to resolve a dispute.
- (2) To help resolve the dispute, QCA may seek advice or information from any other person.
- (3) QCA may take the advice or information into account in resolving the dispute.
- (4) If QCA seeks information or advice or takes into account advice or information QCA has been given for any other dispute, QCA must—
 - (a) if the advice or information is written—give a copy of it to the parties; or
 - (b) if the advice or information is oral—disclose the substance of the advice to the parties.

90 Parties to maintain secrecy of advice or information

- (1) This section applies if under section 89(4) QCA gives advice or information, or discloses the substance of advice or information, to a person who is a party to the dispute.
- (2) The person must not disclose the advice or information to another person unless the person has a reasonable excuse.
Maximum penalty—20 penalty units.
- (3) It is a reasonable excuse for a person to disclose the advice or information if the disclosure is for—
 - (a) the resolution of the dispute; or
 - (b) an appeal against QCA's decision on the dispute.

Part 6 Electricity restrictions

Division 1 Preliminary

92 Purpose of pt 6

The purpose of this part is ensure a regular, economically efficient and constant supply of electricity within the available supply capacity of particular supply networks, or parts of them.

Division 2 Restrictions in Ergon Energy distribution area

93 Where restrictions apply

The electricity restrictions under section 94 apply to electricity supplied by Ergon Energy in the localities mentioned in schedule 1 through its supply network.

94 Restrictions

- (1) The use of the following electrical articles by customers is prohibited—
 - (a) electric motors with a rating greater than—
 - (i) the rating stated for the relevant locality in schedule 1; and
 - (ii) if the motor is not installed and operated in accordance with the guidelines published by Ergon Energy—1.5kW;

Editor's note—

The guidelines are available from the Ergon Energy offices at 109 Lake Street, Cairns, 34 Dalrymple Road, Garbutt,

Townsville and the corner of Fitzroy Street and Alma Street, Rockhampton.

- (b) instantaneous water heaters with a rating of more than 2.4kW;
 - (c) welding power sources.
- (2) Subsection (1) does not apply—
- (a) to the following welding power sources—
 - (i) 415V, 3-phase input light industrial welding power sources;
 - (ii) 250V, single-phase limited input welding power sources; or
 - (b) to electric motors that are part of a public water supply system or a community sewerage system installed and operated in the way required by Ergon Energy; or
 - (c) to electrical articles at Mapoon installed before 1 December 1998; or
 - (d) if the customer satisfies Ergon Energy, by the written advice of a doctor, that a stated electrical article must be used to reduce a threat to a person's life.
- (3) In this section—

instantaneous water heater means an instantaneous water heater described in—

- (a) AS/NZS 3350.2.35:1999—Safety of household and similar electrical appliances, part 2.35—Particular requirements—Instantaneous water heaters; or
- (b) AS/NZS 60335.2.35:2004—Household and similar electrical appliances—Safety, part 2.35—Particular requirements for instantaneous water heaters.

welding power source means a welding power source described in AS1966.1—1985 Electric arc welding power sources— Part 1—Transformer type.

[s 95]

Part 7 Prescribed matters about notified prices

Division 1 Required consultation for fixing benchmark retail cost element

Subdivision 1 Preliminary

95 Prescribed consultation—Act, s 91G(3)

- (1) For section 91G(3) of the Act, the required consultation for fixing, for the relevant tariff year, benchmark retail cost elements other than network costs is the steps required under subdivisions 2 and 3.
- (2) For subsection (1), the consultation is taken to have been engaged in if the required steps have been substantially carried out or complied with.

Subdivision 2 Interim steps

96 Interim consultation notice

- (1) The pricing entity must—
 - (a) prepare a written notice (the *interim consultation notice*) inviting submissions about any issues relevant to fixing the benchmark retail cost elements; and
 - (b) publish the interim consultation notice on the pricing entity's website; and
 - (c) give the interim consultation notice to anyone the pricing entity reasonably believes will be interested in the issues.

- (2) The interim consultation notice must state a period (the *interim consultation period*) during which anyone may make written submissions to the pricing entity about the issues.
- (3) However, the interim consultation period can not end less than 14 days after the interim consultation notice is published under subsection (1)(b).

97 Making and publication of submissions

- (1) Any person (the *submitter*) may, within the interim consultation period, make a written submission to the pricing entity about the issues relevant to fixing the benchmark retail cost elements.
- (2) The submitter may, in making the submission, make a claim to the pricing entity that particular information in the submission is confidential and that disclosing it is likely to damage the submitter's commercial activities.
- (3) The pricing entity must publish the submission on the pricing entity's website.
- (4) However, if a claim is made under subsection (2), the pricing entity must not publish the information the subject of the claim if the pricing entity is satisfied that—
 - (a) the claim is justified; or
 - (b) disclosing the information would not be in the public interest.
- (5) Subsection (3) does not prevent the pricing entity from consulting with any party about the issues, including, for example, by public seminars, workshops or establishing a working group of interested persons.

98 Considering submissions

The pricing entity must, as soon as practicable after the interim consultation period ends, consider all written submissions made under section 97(1) within that period.

[s 99]

99 Release of draft decision material

The pricing entity must, after complying with section 98, publish all of the following material (the *draft decision material*) on the pricing entity's website—

- (a) a draft decision on each of the benchmark retail cost elements;
- (b) the methodology used to make, and the reasons for, the draft decisions;
- (c) the benchmark retail cost index for the relevant tariff year based on the draft decisions;
- (d) if, under section 107(1)(a), the pricing entity considers there is a reason to change the theoretical framework under division 2 in relation to the relevant tariff year—
 - (i) the changes to the framework, and the reasons for them; and
 - (ii) what the benchmark retail cost index for the previous tariff year would have been based on the changed framework;
- (e) if, under section 111(1), the pricing entity proposes to change the framework it uses to form the retail cost view in relation to the relevant tariff year—what the benchmark retail cost index for the previous tariff year would have been based on the changed framework.

Subdivision 3 Final steps

100 Final consultation notice

- (1) After complying with subdivision 2, the pricing entity must—
 - (a) prepare a further written notice (the *final consultation notice*) inviting submissions about the draft decision material; and

-
- (b) publish the final consultation notice on the pricing entity's website; and
 - (c) give the final consultation notice to anyone the pricing entity reasonably believes will be interested in the draft decision material.
- (2) The final consultation notice must state the following—
- (a) that the pricing entity has prepared the draft decision material for fixing the benchmark retail cost elements;
 - (b) where the draft decision material may be inspected;
 - (c) a period (the *final consultation period*) during which anyone may make written submissions to the pricing entity about the draft decision material.
- (3) The final consultation period must be reasonable, having regard to the complexity of the issues concerning the draft decision material.
- (4) However, the final consultation period can not end less than 14 days after the final consultation notice is published under subsection (1)(b).

101 Making and publication of submissions

- (1) Any person (the *submitter*) may, within the final consultation period, make a written submission to the pricing entity about the draft decision material.
- (2) The submitter may, in making the submission, make a claim to the pricing entity that particular information in the submission is confidential and that disclosing it is likely to damage the submitter's commercial activities.
- (3) The pricing entity must publish the submission on the pricing entity's website.
- (4) However, if a claim is made under subsection (2), the pricing entity must not publish the information the subject of the claim if the pricing entity is satisfied that—
 - (a) the claim is justified; or

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- (b) disclosing the information would not be in the public interest.
- (5) Subsection (3) does not prevent the pricing entity from consulting with any party about the draft decision material, including, for example, by public seminars, workshops or establishing a working group of interested persons.

102 Considering submissions

The pricing entity must, as soon as practicable after the final consultation period ends, consider all written submissions made under section 101(1) within that period.

103 Release of final decision material

The pricing entity must, after complying with section 102, publish all of the following material on the pricing entity's website—

- (a) a final decision on each of the benchmark retail cost elements;
- (b) the methodology used to make, and the reasons for, the decisions;
- (c) the benchmark retail cost index for the relevant tariff year based on the decisions;
- (d) if, under section 107(1)(a), the pricing entity considers there is a reason to change the theoretical framework under division 2 in relation to the relevant tariff year—
 - (i) the changes to the framework, and the reasons for them; and
 - (ii) what the benchmark retail cost index for the previous tariff year would have been based on the changed framework;
- (e) if, under section 111(1), the pricing entity proposes to change the framework it uses to form the retail cost view in relation to the relevant tariff year—what the

benchmark retail cost index for the previous tariff year would have been based on the changed framework.

Division 2 Cost of energy

104 Prescribed methodology for estimating long run marginal cost of energy—Act, s 92(6)

For section 92(6) of the Act, the prescribed methodology for estimating the long run marginal cost of energy for the relevant tariff year is a theoretical framework that complies with this division.

105 Required principles for framework

The theoretical framework must comply with the following principles—

- (a) it is generally recognised and understood in economic theory;

Example—

working out the new entrant price of various electricity generation technologies with the actual electricity generating plant mix optimised to efficiently supply the NEM load of the State for the relevant tariff year

- (b) the application of the theoretical framework should result in a cost per unit of electricity, expressed in \$/MWh, that constitutes the cost of energy;
- (c) the long run marginal cost of energy should be calculated to meet the demand profile (called the NEM load shape) formed over each half hour electricity trading period of the State for the previous calendar year;
- (d) there must not be double-counting of the cost of the schemes mentioned in section 92(2) of the Act.

[s 106]

Example for paragraph (d)—

In working out the optimal generation plant mix to supply the NEM load of the State for the relevant tariff year, the framework could be unconstrained with the mix being decided without regard to the schemes, but the resulting energy price uplifted to take account of them. If the mix contains 10% gas generation, but 13% is required under the Queensland gas scheme, the price should only be uplifted to account for the 3% shortfall to comply with that scheme.

106 Matter the framework must take into account

The theoretical framework must take into account ancillary services needed to meet the NEM load of the State for the relevant tariff year.

107 Consistency of framework with previous tariff years

- (1) The theoretical framework must be the same, or substantially the same, from tariff year to tariff year unless—
 - (a) the pricing entity considers that there is a clear reason to change it; and
 - (b) the pricing entity has, under section 99, published draft decision material about the reason for the change.
- (2) If the pricing entity changes the theoretical framework, the pricing entity must work out what the benchmark retail cost index for the previous tariff year would have been based on the changed framework.

Note—

For publication of the index, see sections 99 and 103.

Division 3 Retail costs

108 Prescribed methodology for forming view of likely cost of providing customer retail services—Act, s 94(2)

For section 94(2) of the Act, the prescribed methodology for forming the pricing entity's view (the *retail cost view*) of the likely cost of providing customer retail services is the matters stated in this division.

109 Assumption for provision of customer retail services

- (1) The pricing entity must make the assumption under subsection (2) about the retail entity under section 94 of the Act.
- (2) The assumption is that the entity has a proportion of customers, separated into customer types defined by their consumption level within particular consumption bands, that is substantially the same as the proportion for the bands for the whole Queensland customer base.

Examples of consumption bands—

- 88% domestic customers consuming less than 100MWh a year
- 11% business customers consuming less than 100MWh a year
- 0.5% business customers consuming 100 to 200MWh a year
- 0.5% business customers consuming more than 200MWh a year

110 Costs to provide customer retail services

The pricing entity must consider the following cost categories for the provision of customer retail services—

- (a) billing;
- (b) customer call centres;
- (c) credit management;
- (d) energy trading activities;

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- (e) corporate overheads, including, for example, treasury functions, human relations and facilities management;
- (f) information technology systems;
- (g) any other cost category the pricing entity considers reasonable.

111 Provision about changes to retail cost framework

- (1) This section applies if the pricing entity proposes to change the framework it uses to form the retail cost view in relation to the relevant tariff year.
- (2) The pricing entity must work out what the benchmark retail cost index for the previous tariff year would have been based on the changed framework.

Note—

For publication of the index, see sections 99 and 103.

Chapter 4 Market and system arrangements

Part 1 System and network control

Division 1 Operating electrical installations

118 National Electricity Rules to be followed

A person must comply with the National Electricity Rules in operating an electrical installation if the installation—

- (a) is connected directly to a transmission grid that is part of the Queensland system; or

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- (b) is connected to a part of a supply network stated by NEMMCO or the System Operator for Queensland to be relevant to the security and reliability of the Queensland system; or
 - (c) includes facilities for the provision of ancillary services stated by NEMMCO or the System Operator for Queensland to be relevant to the security and reliability or the economic operation of the Queensland system.

Maximum penalty—20 penalty units.

Division 2 Network control

119 Network operation not to interfere with Queensland system

- (1) A distribution entity must not operate its supply network in a way that interferes with the performance of the Queensland system without the agreement of NEMMCO or the System Operator for Queensland.

Maximum penalty—20 penalty units.

- (2) In this section—

operate includes providing network control.

120 National Electricity Rules to be followed

A person must comply with the National Electricity Rules in operating an electrical installation if the installation—

- (a) is connected directly to a supply network that is part of the Queensland system; or
- (b) includes facilities for the provision of ancillary services to the supply network.

Maximum penalty—20 penalty units.

121 Dealings to be impartial

An electricity entity, in carrying out network control, must be impartial in its dealings with all other electricity entities, special approval holders and customers.

122 Confidentiality

- (1) An electricity entity may publish or release to a person information acquired by the entity in carrying out network control, and that gives or is likely to give the person a material commercial advantage over anyone else, only if—
 - (a) the giving of the information is for another lawful purpose; and
 - (b) any commercial advantage is only incidental to the purpose.
- (2) Subsection (1) does not apply to the giving to a person information about—
 - (a) the person; or
 - (b) with another person's written permission, the other person.

123 Reasonable charges for services

An electricity entity may charge customers for the reasonable cost of carrying out its network control functions.

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ROLR termination term, for a retail contract, means a term to the effect that the contract ends, without penalty to the relevant customer, if the retailer becomes the defaulting retailer under the retailer of last resort scheme.

127 Prescribed special approval holder—Act, s 61B

Country Energy is prescribed for the Act, section 61B.

Part 3 Special approvals

128 Approval to connect for generation plant of particular State electricity entities installed immediately before 1 January 1995

- (1) Ergon Energy has a special approval authorising it to connect the generating plant installed before 1 January 1995 and vested in Capricornia Electricity Corporation, Far North Queensland Electricity Corporation or North Queensland Electricity Corporation as at 1 January 1995 to the transmission grid or supply network to which the generating plant was connected on 1 January 1995.
- (2) Section 27(a) and (c) of the Act applies to Ergon Energy acting under the special approval as if it were a generation entity.

129 Approval to connect for mobile generating plant for emergency or maintenance work by distribution entities

- (1) A distribution entity has a special approval to connect mobile generating plant to its supply network to supply electricity during an emergency or maintenance work on the supply network.

- (2) Section 27(a) and (c) of the Act applies to a distribution entity acting under the special approval as if the supplier were a generation entity.

130 Approval to connect particular generating plant with 30MW or less capacity

- (1) A person who operates generating plant with a capacity of 30MW or less has a special approval to connect the generating plant to a transmission grid or supply network and sell electricity generated by that plant.
- (2) Section 27(a) and (c) of the Act applies to the person acting under the special approval as if the person were a generation entity.

131 Special approval holders treated as electricity entities—Act, s 59(2)

- (1) A special approval holder stated in schedule 3, column 1, is to be treated as an electricity entity for the provisions of the Act stated in schedule 3, column 2, opposite the special approval holder.
- (2) To remove any doubt, it is declared that if a special approval holder is mentioned in more than 1 item in schedule 3, each of the items in which the holder is mentioned applies to the holder.

132 Special approval for QETC

QETC has a special approval to generate and sell electricity for a purpose or function mentioned in section 33(2) of the Act.

Chapter 5 Prohibited interests

133 Distribution authorities

Holding a retail authority is a prohibited interest for a distribution entity.

Chapter 6 Queensland gas scheme

Part 1 General provisions

134 Prescribed transmission zones

For section 135CO(1) of the Act, the following areas are prescribed—

- (a) each area identified in the zone forecasts under the latest annual planning report from time to time of Powerlink Queensland;

Editor's note—

At the commencement of this section the document was available on the internet at <www.powerlink.com.au>.

- (b) the area of the national electricity market north of the Hunter Valley at Liddell and Newcastle on the coast through to the border between New South Wales and Queensland.

135 Prescribed programs

For section 135GR(1)(b) of the Act, the following are prescribed—

- (a) the *Renewable Energy (Electricity) Act 2000* (Cwlth);

-
- (b) the program under the document called the ‘National Green Power Accreditation Document’ made by the National Green Power Accreditation Steering Group.

Editor’s note—

At the commencement of this section the document was available on the internet at <www.greenpower.gov.au>.

Part 2 Monitoring

136 Appointment conditions for approved auditors

- (1) This section states, for section 135IG(1)(c) of the Act, conditions on which an approved auditor holds office.
- (2) The auditor must personally not create, or become the registered owner of, a GEC.
- (3) In carrying out an audit, the auditor must act honestly and in good faith.
- (4) If an auditable person or the regulator commissions the auditor to carry out an audit, the auditor must not carry out, or negotiate the carrying out, of other work for reward for the auditable person until the regulator has, under section 135IP or 135IT of the Act, been given a report about the audit.
- (5) If the auditor becomes aware of a possible conflict of interest relating to an audit, the auditor must, as soon as possible, give the regulator a written notice—
 - (a) describing the possible conflict; and
 - (b) stating all relevant circumstances.
- (6) If the regulator commissions the auditor to carry out an audit and the regulator asks, the auditor must demonstrate to the regulator that the auditor’s costs of carrying out the audit and giving the regulator a report about the audit were properly and reasonably incurred.

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(7) In this section—

audit means an audit under chapter 5A, part 7 of the Act.

137 Prescribed contents for audit reports

For sections 135IP(1)(b) and 135IT(1)(b) of the Act, all of the following information is prescribed—

- (a) the approved auditor's name and details of appointment;
- (b) the day the audit started;
- (c) the day the audit finished;
- (d) the address at which the audit took place;
- (e) the duration of the audit;
- (f) the name of the person who commissioned the audit;
- (g) the name of the auditable person to whom the audit related;
- (h) each matter (a *required matter*) for which the audit was required;
- (i) the period to which the audit applied;
- (j) details of sites, activities, material or matters examined for each required matter;
- (k) the names of any individuals appointed by the auditable person to give the approved auditor help and information;
- (l) whether, in the approved auditor's opinion, the auditable person complied with chapter 5A of the Act for each required matter;
- (m) if the approved auditor's opinion is that the auditable person did not comply with chapter 5A of the Act for any required matter—
 - (i) details of the noncompliance; and

- (ii) the facts and circumstances used to form the opinion;
- (n) any recommendations of the approved auditor.

Chapter 7 Energy efficiency and performance of electrical equipment

Part 1 Minimum energy efficiency and performance

Division 1 Registration

138 Application for registration

- (1) An application for registration of an item of prescribed electrical equipment must be made to the regulator in the approved form, or if there is no approved form, a form acceptable to the regulator.
- (2) The application must be accompanied by each of the following—
 - (a) subject to subsection (7), the prescribed fee;
 - (b) the test results and calculations mentioned in the relevant standard;
 - (c) the other test results mentioned in the relevant standard, in the form for the results set out in the standard;
 - (d) for an item mentioned in schedule 4, part 1—a sample of a label for the item;

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- (e) for an item mentioned in schedule 4, part 3, that is to be labelled—a sample of a label for the item;
 - (f) if required by the regulator, a sample of the equipment;
 - (g) any other relevant information the regulator requires to decide the application.
- (3) The application may specify a range of models of the 1 brand in the same application if each of the models has the same relevant physical characteristics, energy efficiency and performance characteristics.
- (4) If a person other than the applicant signs the application, the application must be accompanied by the applicant's written authority for the person to sign the application.
- (5) If the application is made by electronic communication, subsection (4) is taken to be complied with if—
 - (a) a method is used to identify the applicant and to indicate the applicant's authority; and
 - (b) having regard to all the relevant circumstances when the method was used, the method was as reliable as was appropriate for the purposes for which the authority was communicated; and
 - (c) the regulator consents to the requirement being met by using the method mentioned in paragraph (a).
- (6) The regulator may waive the requirement under subsection (2)(b) and (c).
- (7) If the application is made by electronic communication, the applicant must give the regulator the prescribed fee for the application before the regulator can register the item of prescribed electrical equipment.
- (8) If the application is made by electronic communication, the regulator—
 - (a) may decide the application; but
 - (b) cannot register the item the subject of the application until the prescribed fee is paid.

139 Requirements for registration

- (1) The regulator may register an item of prescribed electrical equipment only if the regulator considers—
 - (a) the item complies with section 140; and
 - (b) for equipment mentioned in schedule 4, part 1—the equipment’s label complies with section 152; and
 - (c) for equipment mentioned in schedule 4, part 3, that is to be labelled—the equipment’s label complies with section 152.
- (2) If the regulator refuses to register the item, the regulator must give the applicant an information notice about the refusal.

140 Minimum energy efficiency and performance criteria

- (1) This section states the requirements an item of prescribed electrical equipment must comply with for section 139(1)(a).
- (2) An item of prescribed electrical equipment mentioned in schedule 4, part 1 or 3, must, if tested in accordance with part 1 of the relevant standard, comply with the performance criteria for the item in the relevant standard.
- (3) An item of prescribed electrical equipment mentioned in schedule 4, part 2, must comply with the energy efficiency requirements for the item in the relevant standard.

141 Steps after registration

- (1) Within 28 days after registering an item of prescribed electrical equipment, the regulator must—
 - (a) fix the item’s maximum registration term; and
 - (b) give the applicant a written notice stating the item’s date of registration and maximum registration term.
- (2) The maximum registration term can not be more than 5 years from the date of registration.

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- (3) If the regulator decides to fix the maximum registration term at less than 5 years and the applicant has not agreed to the term, the written notice must include, or be accompanied by, an information notice about the decision.

142 Term of registration

- (1) Registration of an item of prescribed electrical equipment continues in force until the earliest of the following to happen—
 - (a) the end of the item’s maximum registration term;
 - (b) the expiry of the relevant standard for the item;
 - (c) the relevant standard for the item is amended and, under the amended standard, the item does not comply with the performance requirements or energy efficiency requirements for the item.
- (2) Subsection (1) is subject to section 149.

143 Change of name or address

- (1) The holder of a registration of an item of prescribed electrical equipment whose name or address changes must, within 14 days after the change, give written notice of it to the regulator.
Maximum penalty—8 penalty units.
- (2) The regulator must enter details of the new name or address in the register.

144 Changing energy efficiency label identifying electrical equipment

- (1) The holder of a registration of an item of prescribed electrical equipment with an energy efficiency label may apply to the regulator for approval of a change to the label to reflect a change in the way an item of electrical equipment of the type to which the label relates is identified.

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- (2) The regulator may approve the change if the application—
 - (a) is made in the approved form; and
 - (b) is accompanied by—
 - (i) subject to subsection (3), the prescribed fee; and
 - (ii) a sample of the changed energy efficiency label.
 - (3) If the application is made by electronic communication, the applicant must give the regulator the prescribed fee for the application before the regulator can approve the change.

145 Refusal to change energy efficiency label

If the regulator refuses to approve a change to an energy efficiency label for which application is made, the regulator must give the applicant an information notice about the refusal.

146 Notice of change to energy efficiency label

Within 28 days after approving a change to an energy efficiency label, the regulator must give written notice of the change to the holder of the label.

146A Request for documents or information confirming compliance with relevant standard

- (1) This section applies to the holder of a registration of an item of prescribed electrical equipment.
- (2) The regulator may, by written notice given to the holder, require the holder to give the regulator the documents or information that the holder has about whether the item continues to comply with the requirements under section 139 for the registration of the item.
- (3) The notice must state a period of at least 15 business days within which the holder must comply with the requirement.

149 Cancellation of registration

- (1) The regulator may, subject to section 150, cancel the registration of an item of prescribed electrical equipment if—
 - (a) the regulator considers that, because of an examination or test carried out on the item by the regulator or an approved testing entity, it does not comply with the relevant standard; or
 - (b) the holder of the registration engages in conduct likely to mislead the public about the performance, rating, capacity or the characteristics of the item required by the relevant standard; or
 - (c) the holder gave the regulator false or misleading information about the application for registration, or transfer of registration, of the item; or
 - (d) the holder asks for the cancellation.
- (2) If registration of an item (the *primary item*) of prescribed electrical equipment is cancelled, the regulator may also cancel the registration of any other item of prescribed electrical equipment that the regulator is satisfied—
 - (a) has the same relevant physical characteristics, energy efficiency and performance characteristics as the primary item; and
 - (b) was registered on the basis of the same test results as the test results for the primary item.
- (3) If the regulator decides to cancel the registration, the regulator must give the holder an information notice about the decision.

150 Procedure before cancellation

- (1) If the regulator considers a ground exists to cancel the registration of an item of prescribed electrical equipment, other than at the request of the registration holder, the regulator must, before taking the action, give the holder written notice—

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- (a) stating the regulator is considering cancelling the registration; and
 - (b) stating the grounds for the proposed cancellation; and
 - (c) outlining the facts and circumstances forming the basis for the grounds; and
 - (d) inviting the holder to show, within a stated time of at least 15 business days, why the registration should not be cancelled.
- (2) If, after considering all written representations made by the holder within the stated time, the regulator still considers a ground exists to cancel the registration, the regulator may cancel the registration.
- (3) Cancellation of the registration takes effect on the sixth business day after the holder is given an information notice under section 149(3).

151 Notice, by holder, of cancellation of registration

- (1) Immediately on receipt of an information notice about cancellation of the registration of an item of prescribed electrical equipment, the holder of the registration must give written notice of the cancellation to each person to whom the holder has sold an item of the type that was registered.
- (2) Subsection (1) does not require the giving of a notice to a person to whom the type of item had been sold by retail or had been sold at least 1 year before the notice was received.

Division 3 Energy efficiency label

152 Energy efficiency label

- (1) An energy efficiency label for an item of prescribed electrical equipment mentioned in schedule 4, part 1 or 3, must—

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- (a) comply with the labelling requirements of the relevant standard for the item; and
 - (b) not contain any figures, symbols or other words likely to mislead the public about the item's comparative energy consumption, energy efficiency rating or performance characteristics; and
 - (c) if the item is sold—accompany the item.
- (2) If the item is displayed for sale, the energy efficiency label for the item must—
- (a) be attached to the item—
 - (i) in the way shown in the relevant standard; or
 - (ii) in another way approved by the regulator; and
 - (b) not be attached in a way that it is obscured from view.

Note—

See part 3 (Offences) for when equipment must be labelled.

Division 4 Register

153 Register

- (1) The regulator must keep a register of each item of prescribed electrical equipment registered by the regulator.
- (2) The regulator may enter in the register any particulars contained in an application for registration, or transfer of registration, of the item.
- (3) The register may be kept in a way the regulator considers appropriate.
- (4) The register may form part of a national register.

154 Inspection of register

The regulator must—

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- (a) keep the register open for inspection, on payment of the prescribed fee, by members of the public during office hours on business days; and
- (b) on payment of the prescribed fee, give the person a copy of an entry in the register.

Part 2 Testing and test reports

Division 1 Preliminary

155 Testing of prescribed electrical equipment

- (1) An item of prescribed electrical equipment mentioned in schedule 4, part 1 or 3, must be tested under this part in accordance with part 1 of the relevant standard to find out whether it complies with the performance criteria in the relevant standard.
- (2) An item of prescribed electrical equipment mentioned in schedule 4, part 2, item 1, must be tested under this part to find out whether it complies with the energy efficiency requirements in the relevant standard.
- (3) An item of prescribed electrical equipment mentioned in schedule 4, part 2, item 2, must be tested under this part in accordance with part 102.3 of the relevant standard to find out whether it complies with the minimum energy performance requirements in part 5 of the relevant standard.
- (4) An item of prescribed electrical equipment mentioned in schedule 4, part 2, item 3, 4 or 5, must be tested under this part to find out whether it complies with the minimum energy performance requirements in the relevant standard for the item.
- (5) The testing may be done only by an approved testing entity.

156 Test reports

- (1) The results of the test must be recorded in a test report.
- (2) The test report must be in the approved form, or if there is no approved form, a form acceptable to the regulator, and contain the following information about the test—
 - (a) the provision of this regulation under which the testing was conducted;
 - (b) the name of the entity that conducted the test;
 - (c) the date of the test;
 - (d) the date of the report;
 - (e) the results of the test, in the form set out in the relevant standard;
 - (f) other information required to be included in the report under this part.

Division 2 Check testing

157 Requirement by regulator to make available prescribed electrical equipment for testing

- (1) The regulator may, by written notice given to the holder of the registration of an item of prescribed electrical equipment, require the holder to make an item of the type registered available for the testing (*check testing*) mentioned in section 155.
- (2) The requirement must state—
 - (a) the period, of at least 1 month from the giving of the requirement, within which the item must be made available; and
 - (b) the place where the item is to be made available; and

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- (c) an amount estimated to cover the actual, reasonable cost of the check testing and when it is to be paid to the regulator.
- (3) The holder must make the item available and pay the amount as stated in the requirement.

158 What happens if check testing shows noncompliance

- (1) This section applies if a check test shows that an item of prescribed electrical equipment does not comply with a performance criteria or energy efficiency requirement of the relevant standard.
- (2) If the actual cost of testing the item is greater than the amount paid under section 157(3) for the check test, the difference may be recovered by the regulator from the holder as a debt owing to the State.
- (3) This section does not affect section 149.

159 What happens if check testing shows compliance

- (1) This section applies if a check test shows that an item of prescribed electrical equipment complies with the performance criteria or energy efficiency requirements of the relevant standard.
- (2) The regulator must refund to the holder the amount paid under section 157(3) for the check test.
- (3) The amount may be recovered by the holder from the regulator as a debt owing by the State to the holder.

160 Return of equipment made available to the regulator

- (1) This section applies if, at the regulator's request, a person makes available to the regulator free of charge an item of prescribed electrical equipment for testing or with an application under this chapter.

- (2) The regulator must give the person written or oral notice that the equipment is available for collection by the person at a stated place as soon as practicable after—
 - (a) for an item made available for testing—
 - (i) if the regulator believes, on reasonable grounds, that the item is required as evidence in a prosecution for an offence—the prosecution and any appeal from the prosecution; or
 - (ii) if subparagraph (i) does not apply—the testing; or
 - (b) for an item made available with an application—the regulator decides the application.
- (3) Despite subsection (2)(a)(i), the regulator must give the person written or oral notice immediately after the earlier of the following—
 - (a) the regulator decides the equipment is not required as evidence;
 - (b) a prosecution for an offence involving the type of equipment is not started within 6 months from when the notice would have been given if subsection (2)(a)(i) had not applied.
- (4) If, at the end of 6 months after the notice is given, the equipment has not been collected, the regulator may dispose of the item as the regulator considers appropriate and the person is not entitled to claim for the appliance or any loss or damage to it.

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- (a) an alike item was registered under section 139 at the relevant time and—
 - (i) an energy efficiency label is attached to or accompanies the sale item; and
 - (ii) the label complies with section 152 in the way required by the relevant standard as it was in force at that time; or
 - (b) an alike item was registered under a corresponding law at the relevant time and—
 - (i) an energy efficiency label is attached to or accompanies the sale item; and
 - (ii) the label complies with the corresponding law as it was in force at that time; or
 - (c) an alike item was not mentioned in schedule 4, part 1 as it was in force at the relevant time.

**163 Prescribed electrical equipment in sch 4,
pt 2—registration**

A person must not sell an item (the *sale item*) of prescribed electrical equipment mentioned in schedule 4, part 2, unless an item of the same type of prescribed electrical equipment as the sale item—

- (a) is registered under section 139; or
- (b) was registered under that section at the time when the sale item was manufactured in or imported into the State (the *relevant time*); or
- (c) was registered under a corresponding law at the relevant time; or
- (d) was not mentioned in schedule 4, part 2 as it was in force at the relevant time.

Maximum penalty—20 penalty units.

[s 164]

**164 Prescribed electrical equipment in sch 4,
pt 3—registration**

- (1) A person must not sell an item (the *sale item*) of prescribed electrical equipment mentioned in schedule 4, part 3, unless—
- (a) an item of the same type of prescribed electrical equipment as the sale item (an *alike item*)—
 - (i) is registered under section 139; or
 - (ii) was registered under that section at the time when the sale item was manufactured in or imported into the State (the *relevant time*); or
 - (iii) was registered under a corresponding law at the relevant time; and
 - (b) if an energy efficiency label is attached to or accompanies the sale item—the label complies with, and is attached to or accompanies the item in the way required by, section 152.

Maximum penalty—20 penalty units.

- (2) Subsection (1) does not apply if—
- (a) the sale item is registered under a corresponding law; and
 - (b) if an energy efficiency label is attached to or accompanies the sale item—the label complies with, and is attached to or accompanies the item in the way required by, the corresponding law.
- (3) Also, subsection (1) does not apply if—
- (a) an alike item was registered under section 139 at the relevant time and any energy efficiency label attached to or accompanying the sale item complies with section 152 in the way required by the relevant standard as it was in force at that time; or
 - (b) an alike item was registered under a corresponding law at the relevant time and any energy efficiency label

attached to or accompanying the sale item complies with that law as it was in force at the relevant time; or

- (c) an alike item was not mentioned in schedule 4, part 3 as it was in force at the relevant time.

165 Representations about 3-phase cage induction motors

A person must not represent that a 3-phase cage induction motor mentioned in schedule 4, part 2, item 2, is a high efficiency motor unless the motor complies with the high efficiency performance requirements for the item in part 5 of the relevant standard.

Maximum penalty—20 penalty units.

166 Fluorescent lamp ballast

- (1) This section applies to a fluorescent lamp ballast, other than a ballast to which the standard mentioned in schedule 4, part 1, item 6, applies.
- (2) A person must not mark the ballast with an energy efficiency label unless the label—
 - (a) complies with the labelling requirements of the standard mentioned in subsection (1); and
 - (b) is marked on the ballast in the way shown in the standard.

Maximum penalty—20 penalty units.

- (3) If an energy efficiency label is marked on the ballast, a person must not sell the ballast unless it conforms with the energy efficiency rating shown on the label.

Maximum penalty—20 penalty units.

Chapter 8 Employment in government owned electricity industry

Part 1 Preliminary

167 Definitions for ch 8

In this chapter—

employment entitlement, of an employee, means each of the following—

- (a) the employee's leave entitlement;
- (b) the period of service that would be relevant for working out the redundancy payment to which the employee would be entitled if the employee was made redundant.

future employer see section 168(2)(d).

previous employer see section 168(2)(a).

redundancy payment means a payment made to a person because the person became redundant.

redundant see section 168(1).

redundant employee see section 168(2).

State electricity entity includes an entity declared to be a State electricity entity under section 224.

suitable alternative employment see section 169.

168 Meaning of *redundant* and *redundant employee*

- (1) An employee becomes *redundant* if the person's employer no longer needs or has a substantially diminished need for services of a particular kind performed by the person.
- (2) A person is a *redundant employee* if—

- (a) the person was employed by a State electricity entity (the *previous employer*); and
- (b) the person's employment ended because the person was redundant; and
- (c) the person has received, or is eligible to receive, a redundancy payment from the previous employer; and
- (d) the person has not been offered suitable alternative employment by the previous employer or another State electricity entity (each a *future employer*).

169 Meaning of *suitable alternative employment*

- (1) Alternative employment offered to a person by a future employer is *suitable alternative employment* only if the following conditions are satisfied—
 - (a) the person's employment entitlements are continued under the alternative employment;
 - (b) either—
 - (i) the person and the previous employer have agreed the alternative employment is the same or substantially the same as the person's previous employment with the employer; or
 - (ii) the Industrial Relations Commission has decided the alternative employment is the same or substantially the same as the person's previous employment;
 - (c) if, on the offer day, the person is a member of a superannuation scheme and the future employer is a subsidiary of a GOC—
 - (i) the person's membership in the scheme is not affected; and
 - (ii) the employer makes, or agrees to make, the superannuation contributions the employer is

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required to make for the person to the scheme for the benefit of the person.

- (2) Subsection (1)(c) does not apply if the person and future employer enter into an agreement about the superannuation arrangements for the person.
- (3) In this section—
offer day, for a person to whom alternative employment is offered, means the day the alternative employment is offered to the person.

170 Industrial Relations Commission may decide particular matters

If a person and the person's previous employer cannot agree, after genuinely attempting to come to an agreement, whether alternative employment offered to the person is the same or substantially the same as the person's previous employment with the employer—

- (a) the person and employer must—
 - (i) treat the disagreement as an industrial dispute; and
 - (ii) immediately give the registrar under the Industrial Relations Act a notice complying with section 229(3) of that Act for the dispute; and
- (b) chapter 7, part 2, of the Industrial Relations Act applies to the disagreement as if—
 - (i) the disagreement were an industrial dispute; and
 - (ii) the notice given under paragraph (a)(ii) were given under section 229(2) of that Act; and
- (c) without limiting section 230(3) and (4) of the Industrial Relations Act, the Industrial Relations Commission may decide whether or not the alternative employment is the same or substantially the same as the person's previous employment.

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175 Calculation at a proportionate rate for particular employee

- (1) If this chapter provides, for a part-time employee, a quantity or amount (the *proportionate amount*) to be a proportion of another quantity or amount relating to a full-time employee (the *regular amount*), the proportionate amount must be worked out as follows—

regular amount x work hours

36.25

- (2) In subsection (1)—

work hours means the period (in hours and, if necessary, a fraction of an hour) for which the part-time employee is scheduled to work.

176 Chapter 8 prevails over industrial instruments

If there is any inconsistency between this chapter and the EGTS award or another industrial instrument that applies to electricity industry employees of State electricity entities, this chapter prevails to the extent of the inconsistency.

Part 3 Transfer of employment within GOE industry

177 Application of pt 3

This part applies to a person who transfers employment within the GOE industry (the *transferred employee*).

178 When there is transfer of employment within GOE industry

- (1) In this part, a person employed in the GOE industry transfers employment within the GOE industry if the person resigns from employment with a State electricity entity (the *former employer*) to be employed by another State electricity entity (the *new employer*).
- (2) For subsection (1), a person does not resign from employment with a State electricity entity if the person becomes a redundant employee for the entity.
- (3) The transfer is effective when the employee starts employment with the new employer (the *transfer day*).

179 When employment with former employer and new employer is taken to be continuous service

- (1) This section applies if the transfer day is no more than 1 month after the transferred employee ends employment with the former employer.
- (2) To decide employment entitlements of the transferred employee as an employee of the new employer—
 - (a) the employee's continuous service in the GOE industry immediately before ending employment with the former employer is taken to be service continuous with service with the new employer from the transfer day; and
 - (b) the employee's leave entitlement is reduced by leave accrued (or a pro rata amount for leave not yet accrued) during the service and taken or paid for by an employer of the employee.

180 Transferred employee may elect for leave entitlement to become leave entitlement with new employer

- (1) This section applies if the transferred employee is entitled to payment by the former employer of an amount as cash

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equivalent for accrued leave (or a pro rata amount for leave not yet accrued).

- (2) Before the transfer day, the employee may, by written notice to the former employer, elect for payment not to be made to the employee and, instead, an equivalent amount of leave to be treated as leave accrued by the employee as an employee of the new employer or, for the pro rata amount, as service with the new employer.
- (3) The election may be for all or part of the payment.
- (4) On the making of the election, the former employer must pay the amount stated in the notice not to the employee but to the new employer and give the new employer a certificate of the amount of the leave, or service for which a pro rata amount would have been paid, to which the payment relates.
- (5) The new employer must treat the employee as having accrued the leave or, for the pro rata amount, having the service with the new employer.

181 Payment by former employer to new employer towards long service leave entitlements not accrued on transfer

- (1) This section applies if—
 - (a) at the transfer day, the transferred employee did not have accrued long service leave entitlements; and
 - (b) the employee later accrues a long service leave entitlement by counting service with the former employer as service with the new employer.
- (2) If asked by the new employer, the former employer must pay the new employer an amount for the long service leave entitlements that would have accrued to the former employee because of the employee's service with the former employer had there been no limit on the employee's period of service before the leave entitlement accrued.
- (3) The amount is the amount the employee would have been paid by the former employer if the employee had, immediately

before the transfer day, taken the proportion of the leave accrued relating to the service up to the transfer day.

182 Transferred employees not made redundant

A transferred employee is not made redundant merely because of the transfer.

183 Particular new employers must pay superannuation into transferred employee's existing scheme

- (1) This section applies if—
 - (a) the new employer is a subsidiary of a GOC; and
 - (b) immediately before the transfer day, the transferred employee was a member of a superannuation scheme (the *employee's existing scheme*).
- (2) However, this section does not apply if the transferred employee and new employer have entered into an agreement about the superannuation arrangements for the employee.
- (3) The new employer must ensure—
 - (a) the transferred employee's membership in the employee's existing scheme is not affected; and
 - (b) the superannuation contributions the employer is required to make for the employee are paid, for the benefit of the employee, into the employee's existing scheme.

of the employee on conditions more favourable to the employee than the conditions in the subsection.

- (4) An employee in the GOE industry is entitled to any leave or other entitlement accruing because of the recognition of service under this part, but leave or other entitlement availed of, or for which the employee was paid a cash equivalent, must be deducted from the accrued entitlement.
- (5) An appeal does not lie against a decision of the employer about the existence or otherwise of special circumstances under subsection (2)(b).
- (6) The new employer must give the employee a written notice about a decision made under this section.

Part 5 Long service leave

Division 1 Entitlement

Subdivision 1 General entitlement provision

186 Entitlement to long service leave

- (1) A GOE industry employee is entitled to long service leave under this part if—
 - (a) the employee has at least 10 years continuous service; or
 - (b) the employee resigns because of a domestic or other pressing necessity and has at least 7 years continuous service ending when the person resigns; or
 - (c) the person dies or resigns and has at least 5 years continuous service ending when the person dies or resigns.

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- (2) However, subsection (1)(c) applies to an employee who resigns before reaching 55 only if the employee gives to the employer a certificate, from an appropriate doctor, stating the person can not continue in the person's present employment because of the employee's ill health.
- (3) This part does not limit another entitlement to long service leave that the employee may have.
- (4) In this section—
appropriate doctor means a doctor who the employer is satisfied has the appropriate expertise to decide whether or not the person is able to continue in the person's present employment.

Subdivision 2 Service and continuity of service

187 Service recognised for long service leave purposes

For this part, continuous service for a GOE industry employee means—

- (a) service that is actually continuous or taken to be continuous under section 179; and
- (b) a period of former service that is, under section 185, recognised for working out the period of service of the employee in the GOE industry; and
- (c) for an employee who became a GOE industry employee on 1 January 1995 because of the repealed *Government Owned Corporations (QGC Corporatisation) Regulation 1994* or the repealed *Government Owned Corporations (QTSC Corporatisation) Regulation 1994*—previous service, including broken service, recognised as service for long service leave purposes under the repealed *Electricity Act 1976*.

188 Casual employees

- (1) The service of a GOE industry employee with a State electricity entity (the *employer*) who has been employed more than once by 1 or more State electricity entities over a period is continuous service with the employer even though—
 - (a) the employment is broken; or
 - (b) any of the employment is not full-time employment; or
 - (c) the employee is employed by the entity or entities under 2 or more employment contracts; or
 - (d) the employee would, apart from this section, be taken to be engaged in casual employment; or
 - (e) the employee has engaged in other employment during the period.
- (2) However, the continuous service ends if the employment is broken by more than 3 months between the end of 1 employment contract and the start of the next employment contract.
- (3) In working out the length of a the employee's continuous service—
 - (a) service by the employee before 23 June 1990 must not be taken into account; and
 - (b) subject to subsection (2), a period when the employee was not employed by the entity or entities must be taken into account.

189 Periods of absence without pay that count as service

In this part, an employee's absence without pay from employment is counted as the employee's service only if—

- (a) the absence is as sick leave for no more than 3 months;
or

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- (b) the employee is paid for the absence under the *Workers' Compensation and Rehabilitation Act 2003* for an injury sustained by the employee; or
- (c) the absence is for leave, other than sick leave, of no more than 2 weeks granted by the employer; or
- (d) the employer has approved the inclusion of the period of the absence in the employee's period of service for this part; or
- (e) the employee is a casual employee and section 188 applies.

Subdivision 3 Calculation of entitlement

190 Calculation of long service leave

- (1) Long service leave is calculated at the rate of 1.3 weeks on the appropriate pay for each year of the employee's continuous service.
- (2) The appropriate pay is—
 - (a) for a full-time employee—at the full pay rate; and
 - (b) for a part-time employee—at a proportionate amount of full pay rate; and
 - (c) for a casual employee—the hourly rate for ordinary time payable to the employee—
 - (i) if the employee takes the long service leave—on the day the employee starts the leave; or
 - (ii) if the employee's employment is terminated—on the day the termination takes effect.
- (3) The minimum amount payable to a casual employee for long service leave is worked out using the formula—

$$\frac{\text{actual service}}{52} \times \frac{13}{10} \times \text{hourly rate}$$

where—

actual service means the total ordinary working hours actually worked by the employee during the employee's period of continuous service.

hourly rate means the hourly rate under subsection (2)(c).

191 Casual employees—conversion to full time equivalent

- (1) A State electricity entity may agree with a casual employee that the employee's entitlement to long service leave may be taken in the form of its full-time equivalent.

Example for subsection (1)—

If a casual employee—

- (a) is entitled to be paid for 290 hours long service leave; and
(b) works under an award that provides for a full-time working week of 36.25 ordinary working hours;

the employee and the employer may agree that the employee takes 8 weeks leave ($290 \div 36.25 = 8$).

- (2) This section applies subject to an industrial instrument about the employee's long service leave.

Division 2 Obtaining long service leave

192 Application for long service leave

An employee who has an entitlement to long service leave and wishes to take long service leave must make written application for the leave to the employer giving timely notice of the wish to start the leave.

193 Employer's right to refuse or defer long service leave

- (1) An employer may refuse an employee's application for long service leave if—

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- (a) timely notice was not given; or
 - (b) the granting of the leave applied for would be unreasonably detrimental to the work of the work unit in which the applicant is employed.
- (2) If the application is refused, the employer must arrange with the employee for the leave applied for to be taken as soon as is mutually convenient.

Division 3 Miscellaneous provisions

194 Minimum period

The minimum period of long service leave that may be granted at a time is 2 weeks.

195 Employer's right to recall an employee from leave

- (1) If special circumstances exist, an employer may cancel long service leave already granted or recall an employee to duty from long service leave.
- (2) If an employer acts under subsection (1), the employee has a discretion—
 - (a) to agree with the employer to take the long service leave, or the balance of long service leave, at a mutually convenient time; or
 - (b) to require the employer to credit the leave or balance of leave to the employee's undrawn long service leave entitlement.

196 Public holidays happening during long service leave

If an employee is entitled under the employee's terms of employment to a particular public holiday and the public holiday happens during a period when the employee is absent

on long service leave, a day is added to the employee's period of leave.

197 Illness during long service leave

- (1) This section applies if, for a period of at least 1 week while an employee is on long service leave, the employee could not, if the employee had not been on leave, have performed the employee's normal duties because of illness or injury.
- (2) The employer must approve the granting of sick leave instead of long service leave for the period of the inability to perform normal duties if—
 - (a) the employee makes written application for the leave; and
 - (b) the employee produces a medical certificate from a doctor stating the employee, if the employee had not been on leave, could not have performed the employee's normal duties because of illness or injury; and
 - (c) the entire period mentioned in subsection (1) is covered by the medical certificate produced; and
 - (d) sick leave is available to the employee.
- (3) Subsection (2) may apply to more than 1 period of sick leave if subsection (2) is complied with for each period.
- (4) The period of sick leave granted instead of long service leave under subsection (2) (the *adjusted period*) is the period for which the employee would have been absent on sick leave had the employee not been on long service leave.
- (5) If an employee is granted a period of sick leave under subsection (2)—
 - (a) the day the employee is to resume duties after the long service leave is not affected; and
 - (b) the adjusted period is added to the employee's entitlement to long service leave.

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- (6) As soon as practicable after being granted a period of sick leave under subsection (2), the employee may ask the employer for an extension of the period for which the employee is currently absent on long service leave.
- (7) If the employer agrees to the request—
 - (a) the period for which the employee is currently absent on long service leave is extended by the adjusted period; and
 - (b) the employee's entitlement to long service leave is not affected.
- (8) This section applies despite section 189 but subject to section 195.

198 Payment of cash equivalent of long service leave

- (1) This section applies if, on the day an employee's employment ends (the *last day*), the employee is entitled to a period of long service leave.
- (2) The employer must make a payment instead of granting the employee the period of long service leave.
- (3) The amount of the payment is an amount equal to the amount that would have been paid to the employee if the employee had, on the last day, taken all long service leave to which the employee was entitled on the last day.
- (4) If the employee has not died, the employer must pay the amount to the employee on the last day.
- (5) If the employee has died, the employer must pay the amount as soon as is practicable—
 - (a) to the persons (if any) who, the employer is satisfied, are completely or substantially dependent on the earnings of the employee; or
 - (b) in other cases—to the employee's personal representative.

199 Preservation of particular existing rights

- (1) This section applies to an employee (the *affected employee*) who—
- (a) became a GOE industry employee on 1 January 1995 because of the repealed—
 - (i) *Government Owned Corporations (QGC Corporatisation) Regulation 1994*; or
 - (ii) *Government Owned Corporations (QTSC Corporatisation) Regulation 1994*; and
 - (b) under the long service leave arrangements under the repealed *Electricity Act 1976*, would have been entitled—
 - (i) to a greater period of long service leave than the entitlement under this regulation; or
 - (ii) to an amount of cash equivalent of long service leave greater than the amount of cash equivalent of long service leave to which the employee is entitled under this part; or
 - (iii) either to long service leave or to a cash equivalent of long service leave under the arrangements and who is not entitled to long service leave or a cash equivalent of long service leave under this part.
- (2) The affected employee is entitled to be—
- (a) granted the greater period of long service leave; or
 - (b) paid the amount of cash equivalent of long service leave that is greater in amount; or
 - (c) granted the long service leave or paid the cash equivalent of long service leave to which the employee would have been entitled if the long service leave arrangements had remained in force.

202 Allowance payable to other employees

- (1) A State electricity entity must pay a locality allowance to its employee (other than an employee who has a dependent spouse or dependent child) who is stationed at a centre for which a locality allowance is payable under a directive issued under the *Public Service Act 2008*.
- (2) The locality allowance is payable—
 - (a) for a full-time employee—at one-half the appropriate rate set out in the directive; and
 - (b) for a part-time employee—at a proportionate amount of the rate payable under paragraph (a).
- (3) If the State electricity entity is satisfied special circumstances exist, the entity may pay the employee a greater locality allowance, not more than the locality allowance payable to an employee who has a dependent spouse or dependent child stationed at the same centre.

203 Allowance payable if both spouses are entitled

- (1) This section applies to a GOE industry employee who—
 - (a) is entitled to be paid a locality allowance under this part; and
 - (b) has a spouse who—
 - (i) is also entitled to be paid a locality allowance under this part; or
 - (ii) is employed by the State or a State instrumentality and is also entitled to be paid a locality allowance under an Act.
- (2) The locality allowance payable to the GOE employee is as stated in section 202 and not as stated in section 201.
- (3) This section applies whether or not the employee has a dependent child.

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204 Allowance payable to an employee absent from headquarters on duty

The locality allowance for a GOE industry employee must not be reduced because the employee is necessarily absent from headquarters overnight on duty and is given free board and accommodation or paid an away from home allowance in place of board and accommodation.

205 Allowance payable to an employee on leave

- (1) The locality allowance for a GOE industry employee must not be reduced because the employee is absent on recreation leave, sick leave or long service leave.
- (2) If the employee is absent on special leave, the employer may pay the allowance to the employee.
- (3) No locality allowance is payable to an employee who is absent on leave without pay.

206 Building projects where site allowance is paid

If a GOE industry employee is stationed at a building project site and is paid a site allowance for employment at the site, the employer must, instead of paying the locality allowance prescribed by this part, pay the employee—

- (a) the divisional allowance or district parity allowance, or both, generally applying at the building project site under awards of the Industrial Relations Commission; and
- (b) the site allowance payable; and
- (c) so much of the locality allowance prescribed by this part (if any) that is more than the total of the amounts under paragraphs (a) and (b).

Part 7 **Overtime payments**

207 **Overtime payments**

- (1) This section applies to a GOE industry employee who is employed—
 - (a) by an employer declared by the Governor in Council; and
 - (b) for a salary of more than the amount declared by the Governor in Council.
- (2) The working of overtime by the employee, and the rate at which payment for the overtime is paid, is in the employer's discretion.

Chapter 9 **Review of and appeals against decisions**

Part 1 **Review of decisions**

208 **Who may apply for review etc.**

- (1) A person whose interests are affected by a decision mentioned in schedule 5 may apply to QCA for a review of the decision.
- (2) A person who seeks a review of a decision is entitled to receive a statement of reasons for the decision.

209 **Applying for review**

- (1) An application by a person for review of a decision must be made within 28 days after an information notice about, or other written notice of, the decision is given to the person.

[s 210]

- (2) However, if the notice did not state reasons for the decision and 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, QCA may extend the period for making an application for review.
- (4) An application for review must be written and state in detail the grounds on which the applicant seeks review of the decision.

210 Stay of operation of decision etc.

- (1) If an application is made under this part for review of a decision, the applicant may immediately apply for a stay of the decision to the Magistrates Court.
- (2) The court may stay the decision to secure the effectiveness of the review and any later appeal to the court.
- (3) A stay—
 - (a) may be given on conditions the court considers appropriate; and
 - (b) operates for the period fixed by the court; and
 - (c) may be revoked or amended by the court.
- (4) The period of a stay under this section must not extend past the time when QCA reviews the decision and any later period the court allows the applicant to enable the applicant to appeal against QCA's decision.
- (5) The making of an application under this part for review of a decision affects the decision, or the carrying out of the decision, only if the decision is stayed.

211 Decision on review

- (1) This section applies to an application under this part for review of a decision (the *disputed decision*).
- (2) QCA may confirm the disputed decision, amend the disputed decision or substitute a new decision after considering the applicant's representations.
- (3) QCA must immediately give the applicant written notice of QCA's decision on the application.
- (4) If the decision is not the decision sought by the applicant, the notice must be an information notice.
- (5) If QCA was not the decision maker and the regulator amends the decision or substitutes a new decision, the amended or substituted decision is, for this regulation (other than this part) taken to be a decision of the decision maker.

Part 2 Appeals

Division 1 Appeals against decisions on what is fair and reasonable

212 Who may appeal

If QCA makes a decision under section 88, any party to the dispute may appeal against the decision.

213 Making appeals

An appeal under section 212 must be made to the District Court as if the appeal were to the District Court under chapter 10, part 2 of the Act.

Division 2 Other appeals

214 Who may appeal

- (1) A person whose interests are affected by a decision of the regulator or QCA mentioned in schedule 6 may appeal against the decision to a Magistrates Court.
- (2) A person whose interests are affected by a decision under section 185 of the person's employer may appeal against the decision to an Industrial Magistrates Court.

215 Making appeals

- (1) An appeal under this part must be made within—
 - (a) for an appeal against a decision of the regulator or QCA—28 days after an information notice about the decision is given to the person; or
 - (b) for an appeal against a decision of the person's employer under section 185—3 months after written notice about the decision is given to the person.
- (2) However, subsection (3) applies if—
 - (a) the notice under subsection (1)(b) did not state reasons for the decision; and
 - (b) the person asked for a statement of reasons for the decision within the appropriate period mentioned in subsection (1).
- (3) The person may make the appeal within 3 months after the person is given the statement of reasons.
- (4) The court may extend the period for making an appeal, even though the time for making the appeal has ended.

216 Starting appeals

- (1) An appeal is started by filing a written notice of appeal with the court.
- (2) A copy of the notice must be served on the decision maker.
- (3) An appeal may be made to the Magistrates Court or Industrial Magistrates Court nearest the place where the applicant resides or carries on business.

217 Stay of operation of decisions

- (1) A court may grant a stay of the decision to secure the effectiveness of the appeal.
- (2) A stay—
 - (a) may be given on the conditions the court considers appropriate; and
 - (b) operates for the period fixed by the court; and
 - (c) may be revoked or amended by the court.
- (3) The period of a stay under this section must not extend past the time when the court decides the appeal.
- (4) An appeal against a decision affects the decision, or carrying out of the decision, only if the decision is stayed.

218 Powers of court on appeal

- (1) In deciding an appeal, a court—
 - (a) has the same powers as the decision maker; and
 - (b) is not bound by the rules of evidence; and
 - (c) must comply with natural justice; and
 - (d) may hear the appeal in court or in chambers.
- (2) An appeal is by way of rehearing.
- (3) The court may—

[s 219]

- (a) confirm the decision; or
- (b) set aside the decision and substitute another decision; or
- (c) set aside the decision and return the issue to the decision maker with the directions the court considers appropriate.

219 Effect of court's decision on appeal

If the court substitutes another decision, the substituted decision is, for this regulation (other than this chapter), taken to be the decision maker's decision.

220 Procedure of court

- (1) The power to make rules of court for a court under its authorising Act includes power to make rules of court for appeals to the court under this part.
- (2) The procedure for appeal to a court under this part is—
 - (a) in accordance with its rules of court; or
 - (b) in the absence of relevant rules, as directed by a magistrate or industrial magistrate.
- (3) The court may make any order about costs it considers just.
- (4) In this section—

authorising Act means—

- (a) for a Magistrates Court—the *Magistrates Courts Act 1921*; or
- (b) for an Industrial Magistrates Court—the *Industrial Relations Act 1999*.

221 Appeals

- (1) An appeal to the District Court from a decision of a Magistrates Court may be made only on a question of law.

- (2) An appeal to the Industrial Court from a decision of an Industrial Magistrates Court may be made only on a question of law.

Chapter 10 General provisions

Part 1 Application of Freedom of Information Act and Judicial Review Act to State electricity entities

222 Commercial and excluded activities for Act, s 256

- (1) For section 256(1), definition *excluded activities*, of the Act, a community service obligation for the charging of customers by a State electricity entity in accordance with price equalisation, or at a price fixed by the Minister, is a prescribed community service obligation.
- (2) For section 256(2) of the Act, negotiations between the Ministers and a State electricity entity about costs and charges for providing electricity as a community service obligation are declared to be commercial activities of the State electricity entity.
- (3) For section 256(2) of the Act, the activities of the System Operator for Queensland are declared to be commercial activities.
- (4) In this section—

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

[s 222A]

price equalisation means a system for charging customers the same price for the supply of electricity, whether or not the cost of the supply is the same.

Part 1A Industry code provisions

Division 1 Proposals to amend

222A Proposal to amend

- (1) Any person (the *proponent*) may ask QCA to amend an industry code in a stated way (the *proposal*).
- (2) However, the proposal may be made only in the way QCA reasonably requires.
- (3) Also, QCA may require the proponent to, in making the proposal, justify how it meets the QCA code objective.

222B QCA response to proposal

- (1) This section applies only when any requirements under section 222A relating to the proposal have been complied with.
- (2) QCA must, within 2 months, decide whether or not it will submit the proposal for consultation under division 2.
- (3) If QCA decides to submit the proposal, QCA may submit it in any form it considers appropriate, with or without change.

222C Notice of decision not to submit for consultation

If QCA decides not to submit the proposal for consultation under division 2, it must, as soon as practicable after making

the decision, give the proponent a written notice stating the decision and its reasons for the decision.

222D QCA-initiated amendments not affected

To remove any doubt, it is declared that this division does not prevent QCA from amending the industry code on its own initiative.

Division 2 Required consultation for QCA making or amending industry code

Subdivision 1 Preliminary

222E Prescribed consultation—Act, ss 120H(2) and 120PA(1)

- (1) For sections 120H(2) and 120PA(1) of the Act, the consultation required to be engaged in before QCA may make or amend an industry code is any steps as required under subdivisions 2 and 3.
- (2) For subsection (1), the consultation is taken to have been engaged in if the required steps have been substantially carried out or complied with.

222F Application of div 2 for amendments

- (1) If QCA proposes to amend an industry code, this division applies—
 - (a) as if a reference to a proposed industry code were a reference to the proposed amendment; and
 - (b) as if a reference to a draft or final version of a proposed code were a reference to the proposed amendment.

[s 222G]

- (2) However, QCA may comply with a requirement to publish the proposed amendment by publishing the full industry code as amended by the proposed amendment.

Subdivision 2 Interim steps

222G Application of sdiv 2

This subdivision does not apply if—

- (a) QCA decides the issues for the proposed industry code are minor; or
- (b) QCA reasonably considers that it is unnecessary or inappropriate to carry out the steps provided for under this subdivision.

222H Interim consultation notice

- (1) QCA must—
 - (a) prepare a written notice (the *interim consultation notice*) about the proposed industry code; and
 - (b) publish the interim consultation notice on its website; and
 - (c) give the interim consultation notice to anyone it reasonably believes will be interested in the proposed industry code.
- (2) The interim consultation notice must state—
 - (a) where a document (the *issues document*) discussing interim issues for the proposed industry code may be inspected; and
 - (b) a period (the *interim consultation period*) during which anyone may make written submissions to QCA about the issues.

- (3) The issues document may, but need not be, a draft of the proposed industry code.
- (4) The interim consultation period must be a period that is reasonable, having regard to the complexity of the interim issues.

222I Submissions

Anyone may, within the interim consultation period, make a written submission to QCA about the issues mentioned in the issues document.

222J Considering submissions

QCA must, as soon as practicable after the interim consultation period ends, consider all written submissions made under section 222I within that period.

222K Release of draft report and draft proposed code

- (1) QCA must, after complying with section 222J, publish on its website—
 - (a) a draft report about the material issues for the proposed industry code; and
 - (b) a draft of the proposed industry code.
- (2) The draft of the proposed industry code may be a first draft or a revision of any draft of the proposed industry code that formed the issues document.

[s 222L]

Subdivision 3 Final steps

222L Final consultation notice

- (1) This section applies if subdivision 2 did not apply or if any steps required under the subdivision have been carried out or complied with.
- (2) If subdivision 2 did not apply, QCA must first publish on its website—
 - (a) a draft report about the material issues for the proposed industry code; and
 - (b) a draft of the proposed industry code.
- (3) QCA must—
 - (a) prepare a written notice (the *final consultation notice*) about the proposed industry code; and
 - (b) publish the final consultation notice on its website; and
 - (c) give the final consultation notice to anyone it reasonably believes will be interested in the proposed industry code.
- (4) The final consultation notice must state—
 - (a) that QCA has made a draft report about the material issues for the proposed industry code and a draft of the proposed industry code; and
 - (b) where the drafts may be inspected; and
 - (c) a period (the *final consultation period*) during which anyone may make written submissions to QCA about the drafts.
- (5) The final consultation period must be a period that is reasonable, having regard to the complexity of the drafts.

222M Submissions

Anyone may, within the final consultation period, make a written submission to QCA about the drafts published under section 222L(2).

222N Considering submissions

QCA must, as soon as practicable after the final consultation period ends, consider all written submissions made under section 222M within that period.

222O Release of final report and final proposed code

QCA must, after complying with section 222N, publish on its website—

- (a) a final report about the material issues for the proposed industry code; and
- (b) a final version of the proposed industry code.

Part 2 Declared State electricity entities

224 Declarations—Act, s 259A(2)

- (1) Each of the following entities is declared to be a State electricity entity for the employment conditions, under chapter 8, of its employees—
 - (a) Service Essentials Pty Ltd ACN 101 691 409;
 - (b) SPARQ Solutions Pty Ltd ACN 110 073 400.
- (2) Kogan Creek Power Pty Ltd ACN 088 229 789 is declared to be a State electricity entity for the employment conditions,

[s 225]

under sections 167 to 169 and chapter 8, parts 3, 4 and 5, of its employees.

Part 3 Miscellaneous

225 Approved industry superannuation scheme

On and from 1 July 1995 the Electricity Supply Industry Superannuation Fund (Qld) is an approved industry superannuation scheme.

226 Fees

- (1) The fees payable to the regulator under the Act are in schedule 7.
- (2) Schedule 8 states the maximum fees payable to an electricity entity for the matters stated in the schedule.
- (3) To remove any doubt, the following is declared for each maximum fee under schedule 8 for a matter—
 - (a) the fee is the maximum amount payable for the matter regardless of whether the fee is charged under the Act, an industry code or a contract;
 - (b) the maximum applies to amounts payable by a customer to a retail entity or distribution entity or by a retail entity to a distribution entity.

227 Forms

The regulator may approve forms for use under the Act.

Part 4 Transitional provisions

Division 1 Transitional provisions for original regulation

228 Definition for div 1

In this division—

1994 regulation means the expired *Electricity Regulation 1994*.

229 Continuation of agreements for substations

An agreement under the repealed *Electricity Act 1976*, section 173 or the 1994 regulation, section 57(1) is taken to be an agreement under section 60.

230 Electric lines installed or operated before 1 October 2002

- (1) This section applies to an electric line installed or operated immediately before 1 October 2002 under section 157 or 157A as in force immediately before that day.
- (2) On and from 1 October 2002, the electric line is taken to have been installed and to be operated under section 21(1) to (3) of the 1994 regulation and section 24(1) to (3) of this regulation.

231 Existing registrations of items of prescribed electrical equipment

- (1) This section applies to an existing registration in force immediately before 1 September 2006.
- (2) On 1 September 2006, the registration is taken to have been given—
 - (a) under chapter 7; and

[s 232]

(b) despite section 142, for the remainder of its term unless it is cancelled earlier.

(3) In this section—

existing registration means a registration, under the 1994 regulation, of an item of prescribed electrical equipment.

232 Existing approvals, notices, decisions, directions and requirements under 1994 regulation

(1) This section applies to an approval, notice, decision, direction or requirement—

(a) given or made by the regulator or an electricity entity (the *relevant entity*) under a provision (the *expired provision*) of chapter 2, 3 or 6 of the 1994 regulation; and

(b) in force immediately before 1 September 2006.

(2) On 1 September 2006, the approval, notice, decision, direction or requirement is taken to have been given or made by the relevant entity, under the provision of this regulation that corresponds, or substantially corresponds, to the expired provision.

233 Existing applications

An application made by a person under chapter 6 of the 1994 regulation and not decided before 1 September 2006, is taken to have been made under chapter 7 of this regulation.

234 Unfinished appeals

An appeal that has been started under the 1994 regulation and not finished before 1 September 2006 continues as if it were an appeal made under chapter 9, part 2, of this regulation.

Division 2 Transitional provisions for Electricity Amendment Regulation (No. 3) 2007

235 **Small customers for negotiated retail contracts under Act, s 312**

- (1) For section 312 of the Act, chapter 3, part 1A (other than section 30A) applies for deciding who is a small customer as if—
- (a) that part had commenced on the notification day; and
 - (b) a reference in that part to the FRC day were a reference to the notification day.

- (2) In this section—

chapter 3, part 1A means chapter 3, part 1A of this regulation as in force on the FRC day.

notification day means the day this section commenced.

236 **Existing decisions under s 88 or 211**

If, before the FRC day, the regulator had made a decision under section 88 or 211, on the FRC day the decision is taken to have been made by QCA.

237 **Unfinished referrals and reviews**

- (1) This section applies if—
- (a) immediately before the FRC day—
 - (i) the regulator had, under section 88, been asked (the *referral*) to decide an issue in dispute; or
 - (ii) an application under section 208 had been made to the regulator for a review of a decision; and
 - (b) the regulator had not made a decision on the issue or review.

[s 238]

- (2) The referral or application is taken to have been made to QCA.
- (3) The regulator must give QCA the referral or application and any documents or information given to the regulator for the referral or review.

238 Contestable customers for National Electricity Rules

For clause 9.32.1(2) and 9.34.4(b) of the National Electricity Rules, a contestable customer is prescribed to be any customer other than an excluded customer.

Division 3 Transitional provision for Electricity Amendment Regulation (No. 4) 2007

239 Provision for new s 142

- (1) New section 142 applies to an item of prescribed electrical equipment whether the item was registered before or after new section 142 commenced.
- (2) If the item was registered before new section 142 commenced, its maximum registration term is taken to be the term of registration stated in the notice of registration under section 141 as it was in force before the commencement.
- (3) In this section—

new section 142 means section 142 as replaced under the Electricity Amendment Regulation (No. 4) 2007.

**Schedule 1 Maximum permitted rating of
electric motors**

sections 93 and 94(1)

| Locality | Maximum rating |
|-----------------|-----------------------|
| Aurukun | 16kW |
| Badu Island | 13kW |
| Bamaga | 46kW |
| Boigu Island | 10kW |
| Boulia | 16kW |
| Burketown | 16kW |
| Camooweal | 16kW |
| Coconut Island | 10kW |
| Coen | 13kW |
| Darnley Island | 8kW |
| Dauan Island | 7kW |
| Doomadgee | 37kW |
| Gununa | 37kW |
| Hammond Island | 5kW |
| Kowanyama | 37kW |
| Lockhart River | 16kW |
| Mabuiag Island | 7kW |
| Mapoon | 12kW |

Schedule 1

| Locality | Maximum rating |
|---|-----------------------|
| Moa Island (Kubin and St Pauls communities) | 10kW |
| Murray Island | 13kW |
| Palm Island | 38kW |
| Pormpuraaw | 16kW |
| Saibai Island | 8kW |
| Stephens Island | 4kW |
| Warraber Island | 7kW |
| Wasaga | 37kW |
| Yam Island | 10kW |
| Yorke Island | 10kW |

Schedule 3 Special approval holders treated as electricity entities

section 131

| Column 1 | Column 2 |
|---|----------------------------------|
| Special approval holder | Provisions of Act |
| 1 the holder of a special approval authorising the holder to provide electricity to a customer | chapter 2, part 2 |
| 2 each holder for the time being of special approval no. SA01/07 authorising the operation of an electric line | 116A |
| 3 the holder of any special approval | section 120 chapter 5, part 4 |
| 4 Country Energy, under special approval no. SA 21/98 | section 131A |

Schedule 4 Prescribed electrical equipment and relevant standards

schedule 9, definitions *prescribed electrical equipment* and *relevant standard*

Part 1 Equipment requiring registration and labelling

| Prescribed electrical equipment | Relevant standard |
|--|--|
| 1 clothes washing machines | AS/NZS 2040—Performance of household electrical appliances—clothes washing machines, part 1 Energy consumption and performance and part 2 Energy labelling requirements |
| 2 dishwashers | AS/NZS 2007—Dishwashers, part 1 Energy consumption and performance and part 2 Energy labelling requirements |
| 3 refrigerating appliances | AS/NZS 4474—Performance of household electrical appliances—refrigerating appliances, part 1 Energy consumption and performance and part 2 Energy labelling and minimum performance standard requirements |

| Prescribed electrical equipment | Relevant standard |
|--|--|
| 4 single-phase refrigerative air conditioners and heat pumps | AS/NZS 3823—Performance of electrical appliances—Airconditioners and heat pumps, part 1.1 Non-ducted airconditioners and heat pumps—testing and rating for performance and part 2 Energy labelling and minimum energy performance standard (MEPS) requirements |
| 5 rotary clothes dryers | AS/NZS 2442—Performance of household electrical appliances—Rotary clothes dryers, part 1 Energy consumption and performance and part 2 Energy labelling requirements |
| 6 fluorescent lamp ballasts | AS/NZS 4783—Performance of electrical lighting equipment—Ballasts for fluorescent lamps, part 1 Method of measurement to determine energy consumption and performance of ballasts lamp circuits, and part 2 Energy labelling and minimum energy performance standards requirements |

Part 2 **Equipment requiring registration only**

| Prescribed electrical equipment | Relevant standard |
|---|---|
| 1 storage water heaters and heat exchange water heaters | AS/NZS 4692—Electric water heaters, part 1 Energy consumption, performance and general requirements and part 2 Minimum energy performance standard (MEPS) requirements and energy labelling |
| 2 3-phase cage induction motors | AS/NZS 1359—Rotating electrical machines—General requirements, part 5 High efficiency and minimum energy performance standards requirements. |
| 3 double-capped fluorescent lamps | AS/NZS 4782—Double-capped fluorescent lamps—Performance specifications, part 1 General and part 2 Minimum energy performance standard (MEPS) |
| 4 refrigerated display cabinets | AS/NZS 1731—Refrigerated display cabinets, part 1 Terms and definitions and part 14 Minimum energy performance standard (MEPS) requirements |
| 5 power transformers | AS/NZS 2374—Power transformers, part 1 General and part 1.2 Minimum energy performance standard (MEPS) requirements for distribution transformers |

Part 3 Equipment requiring registration that may be labelled

| Prescribed electrical equipment | Relevant standard |
|---|---|
| 1 room air conditioners with 3-phase motors | AS/NZS 3823—Performance of electrical appliances— Airconditioners and heat pumps, part 1.2 Ducted airconditioners and air-to-air heat pumps—testing and rating for performance and part 2 Energy labelling and minimum energy performance standard (MEPS) requirements. |

Schedule 5 QCA review of decisions

section 208

| Section | Description of decision |
|----------------|---|
| 15(1) | facilities electricity entity decides are necessary to attach an overhead service line to the customer's premises or for the entrance, support, protection and termination of an underground service line |
| 30F | decision about whether a customer is a small customer for a premises |
| 30K | decision on a reclassification application |
| 36(2)(a) | requirement by distribution entity for customer to regulate the use of an electrical article |
| 36(2)(b) | requirement by distribution entity for customer to use or deal with electricity supplied in the stated way |
| 36(2)(c) | requirement by distribution entity for customer to ensure a motor installation or starting device connected to a source of electricity supply complies with the requirements of the regulator |
| 36(2)(d) | requirement by distribution entity for customer about the power factor of an electrical installation |
| 37 | refusal by distribution entity to provide customer connection services to customer's electrical installation |
| 40 | decision to require changes to a customer's electrical installation |
| 41 | decision to make requirement about provision of links for connecting meters to an incoming electricity supply to a customer's premises |

| Section | Description of decision |
|----------------|--|
| 45(2) | decision to make requirement about space, housing, mounting and connecting facilities for a meter or control apparatus for a customer's premises |
| 46(2) | decision to make requirement about provision of safe access to a customer's premises |
| 46(3) | decision to install alternative metering or other equipment on a customer's premises |
| 59(2) | requirement by distribution entity for provision of space for a substation, a right of way or access to the supplier's equipment |

Schedule 6 Appeals against administrative decisions to Magistrates Court

section 214(1)

| Section | Description of decision |
|----------------|--|
| 24(4) | direction by the regulator to a person to take away an electric line |
| 139(1) | refusal to register an item of prescribed electrical equipment |
| 141(1)(a) | decision to fix a maximum registration term for an item of prescribed electrical equipment of less than 5 years |
| 144 | refusal to change an energy efficiency label |
| 147(2) | refusal to approve transfer of registration of item of prescribed electrical equipment |
| 149(1) or (2) | decision to cancel a registration of item of prescribed electrical equipment other than at the request of the holder of the registration |
| 211 | decision by QCA on review |

Schedule 7 Fees payable to regulator

section 226

Part 1 General

| | \$ |
|---|----------|
| 1 Application for generation authority (Act, s 179) | 1 208.00 |
| 2 Application for transmission authority (Act, s 188) | 1 208.00 |
| 3 Application for distribution authority (Act, s 196) | 1 208.00 |
| 4 Application for retail authority (Act, s 204) | 1 208.00 |
| 5 Application for retail authority (Act, s 207D) | 352.70 |
| 6 Application for special approval (Act, s 209) | 352.70 |
| 7 Application for transfer of a generation, transmission or distribution authority or special approval (Act, s 184A, 193A, 201A or 212A) | 112.20 |
| 8 Application for approval of registration of an item of prescribed electrical equipment (s 138) | 155.80 |
| 9 Application for approval of a change to an energy efficiency label (s 144) | 155.80 |
| 10 Application for transfer of registration of an item of prescribed electrical equipment (s 147) | 51.95 |
| 11 Inspection of the register (s 154) | 10.35 |
| 12 Copy of 1 entry in the register (s 154) | 20.75 |

Part 2 Fees for chapter 5A of the Act

Division 1 Accreditation

| | | \$ |
|---|--|----------|
| 1 | Application fee (Act, s 135AM(1)(j)(ii)), if nameplate capacity of accredited power station or proposed accredited power station is— | |
| | (a) 1MW or less | 275.00 |
| | (b) more than 1MW but less than 10MW | 1 100.00 |
| | (c) 10MW or more but less than 30MW | 2 200.00 |
| | (d) 30MW or more but less than 100MW | 3 300.00 |
| | (e) 100MW or more | 4 400.00 |
| 2 | Annual fee (Act, s 135BE(1)(b)), if nameplate capacity of accredited power station or proposed accredited power station is— | |
| | (a) 1MW or less | 275.00 |
| | (b) more than 1MW but less than 10MW | 550.00 |
| | (c) 10MW or more but less than 30MW | 1 100.00 |
| | (d) 30MW or more but less than 100MW | 1 650.00 |
| | (e) 100MW or more | 2 200.00 |

Division 2 GEC creation fee

| | | \$ |
|---|--|--------|
| 1 | For regulator to decide whether GEC was validly created—for each GEC (Act, s 135DH(1)(a)(i)) | 0.1649 |

Division 3 Exempted loads

| | \$ |
|---|----------|
| 1 State development exemption (Act, s 135GJ(2)(d)(iv))— | |
| (a) application fee | 3 300.00 |
| (b) annual fee | 550.00 |
| 2 Renewable energy exemption (Act, s 135GS(2)(e))— | |
| (a) application fee | 275.00 |
| (b) annual fee | 109.90 |
| 3 Power station auxiliary load exemption (Act, s 135H(2)(e)(ii))— | |
| (a) application fee | 275.00 |
| (b) annual fee | 109.90 |

Division 4 Scheme participants

| | \$ |
|--|--------|
| 1 Application fee (Act, s 135I(3)). | 275.00 |
| 2 Annual fee (Act, s 135IC(2)). | 109.90 |

Schedule 8 Maximum fees payable to electricity entity

section 226

Part 1 Meter reading and testing

| | \$ |
|---|--------|
| 1 Special meter reading by Energex | 28.77 |
| 2 Special meter reading by Ergon Energy | 33.34 |
| 3 Testing of a meter by a distribution entity | 15.53 |
| 4 Inspection and testing of a meter by an independent person appointed by QCA | 155.71 |

Part 2 Disconnection and reconnection

| | \$ |
|--|-------|
| 5 Disconnection of supply of electricity to premises | nil |
| 6 Reconnection of supply of electricity to a customer's premises after disconnection under section 34— | |
| (a) if the reconnection is made during ordinary business hours | 38.89 |
| (b) if the reconnection is made outside ordinary business hours at the customer's request | 93.36 |
| 7 Reconnection of supply of electricity to premises after disconnection other than under section 34— | |

| | \$ |
|---|-------|
| (a) if the reconnection is made during ordinary business hours | nil |
| (b) if the reconnection is made outside ordinary business hours at the customer's request | 93.36 |

Part 3 Temporary connections

| | \$ |
|---|--------|
| 8 Temporary connection of a supply of electricity to a building site by Ergon Energy during ordinary office hours (single-phase or multi-phase) | 350.00 |
| 9 Temporary connection of a supply of electricity by Energex during ordinary office hours (current transformer or no current transformer) | 350.00 |

Part 4 Other services

| | \$ |
|---|--|
| 10 Service to a customer conducted by Ergon Energy that is an excluded service, other than a service mentioned in part 1, 2 or 3, if— | The maximum charge approved by QCA for the service for customers connected to urban feeders. |
| (a) the service is for premises connected to a long rural feeder or an isolated feeder; and | |
| (b) QCA has not approved for the service a maximum charge that is stated by QCA to be “price on application”. | |

Schedule 9 Dictionary

section 3

actual meter reading means an actual meter reading as defined under the metrology procedure made under the National Electricity Rules.

affected customer see section 75.

approved form means a form approved by the regulator under section 227.

approved testing entity, for a test or examination, means—

- (a) a body accredited by the National Association of Testing Authorities, Australia ABN 59 004 379 74 (*NATA*) to perform the test or examination; or
- (b) a body accredited by another body, operating under a reciprocal agreement with NATA, to perform the test or examination; or
- (c) a body approved by the regulator to perform the test or examination.

AS/NZS means a joint Standards Australia and Standards New Zealand standard.

benchmark retail cost index means the benchmark retail cost index under section 91E of the Act.

billing cycle, for a customer, means the regular recurrent period for which the customer receives a bill from a retail entity.

capital contribution means—

- (a) for a customer connecting to the Mount Isa-Cloncurry supply network or a supply network that is part of the national grid—the amount worked out under a capital contribution policy approved by the jurisdictional regulator; or

(b) for a customer connecting to another supply network—the amount worked out under the distribution entity’s applicable policy.

casual employee means a GOE industry employee mentioned in section 188.

check testing, for an item of prescribed electrical equipment, see section 157.

classification, in relation to a customer for a premises, means the customer’s classification under section 23 of the Act as a small or large customer for the premises.

consumers terminals means the point where a customer’s electrical installation is connected to the relevant supplier’s works.

consumption means consumption of electricity.

corresponding law, for chapter 7, means 1 of the following laws—

- *Electrical Products Act 2000* (SA)
- *Energy and Utilities Administration Act 1987* (NSW)
- *Electricity Safety Act 1998* (Vic).

decision maker, for chapter 9, part 2, division 2, means the entity whose decision is appealed against.

defaulting retailer see section 72(3).

distribution entity, for an electrical installation or premises or a customer, means the distribution entity who provides, or who has been asked to provide, customer connection services to the electrical installation or premises or to the customer’s electrical installation or premises.

draft decision material see section 99.

EGTS award see section 171.

electrical appliance means an appliance that uses electricity.

electrical installation includes part of an electrical installation.

Electricity Industry Code means the industry code of that name made on 28 June 2007 by the Minister under the Act, section 120B.

electricity industry employee, for a State electricity entity, means a person—

- (a) who is employed by the entity; and
- (b) whose employment is—
 - (i) in, or relates to, the electricity industry; and
 - (ii) under a classification and salary level or point mentioned in the EGTS award.

employment entitlement, for chapter 8, see section 167.

Energex means Energex Limited ACN 078 849 055.

excluded service means a service to a customer by a distribution entity that, under the National Electricity Rules, QCA decides is an excluded service for customers.

final consultation period—

- (a) for chapter 3, part 7, division 1, subdivision 3—see section 100(2)(c); or
- (b) for chapter 10, part 1A—see section 222L(4)(c).

former employer, for chapter 8, part 3, see section 178(1).

former employment, for chapter 8, part 4, see section 184(1).

FRC day means the FRC day under section 310 of the Act.

future employer, for chapter 8, see section 168(2)(d).

GOE industry means all State electricity entities collectively, including entities declared to be State electricity entities under section 224.

GOE industry employee—

- (a) means a person employed by a State electricity entity, including an entity declared to be a State electricity entity under section 224, in a full-time, part-time or casual capacity; and
- (b) includes the chief executive officer of the entity.

high voltage means a voltage of more than 1000V.

industrial instrument, for chapter 8, part 2, see section 171.

Industrial Relations Act means the *Industrial Relations Act 1999*.

Industrial Relations Commission means the Queensland Industrial Relations Commission continued in existence under section 255 of the Industrial Relations Act.

information notice, for an action or decision of the regulator or another entity, means a notice stating each of the following—

- (a) the action or decision;
- (b) for an action or decision of the regulator—the reasons for the decision;
- (c) for an action or decision of another entity—that a person who may seek a review or appeal can ask the entity for a written statement of reasons for the action or decision;
- (d) all rights of review or appeal under this regulation;
- (e) the period in which any review or appeal under this regulation must be started;
- (f) how rights of review or appeal under this regulation are to be exercised.

insolvency official means an administrator, liquidator, provisional liquidator, receiver or receiver and manager.

interim consultation period—

- (a) for chapter 3, part 7, division 1, subdivision 2—see section 96(2); or
- (b) for chapter 10, part 1A—see section 222H(2)(b).

isolated feeder see the Electricity Industry Code, section 10.1.1.

issues document see section 222H(2)(a).

jurisdictional regulator has the meaning given in the National Electricity Rules.

locality allowance means an allowance payable to an employee stationed in a centre distant from Brisbane to assist in offsetting the disadvantages associated with residence in the centre.

long rural feeder see the Electricity Industry Code, section 10.1.1.

loss factor has the meaning given in the National Electricity Rules.

low voltage means a voltage of no more than 1000V.

maximum registration term, for an item of prescribed electrical equipment, means its maximum registration term fixed under section 141(1)(a).

new employer, for chapter 8, part 3, see section 178(1).

new employment, for chapter 8, part 4, see section 184(1).

owner, for chapter 3, part 1, division 3, see section 58.

power factor has the meaning given in the National Electricity Rules.

prescribed electrical equipment means an item of electrical equipment stated in schedule 4, column 1, as defined in the relevant standard.

previous employer, for chapter 8, see section 168(2)(a).

proponent, for a proposed amendment of an industry code, see section 222A(1).

proportionate amount, for chapter 8, see section 175.

proposal, for an industry code amendment, see section 222A(1).

proposed transferee, for prescribed electrical equipment, see section 157.

reclassification application see section 30I(1).

redundancy payment, for chapter 8, see section 167.

redundant, for chapter 8, see section 168(1).

redundant employee, for chapter 8, see section 168(2).

register means the register the regulator keeps under section 153.

relevant distribution entity, for chapter 3, part 1A, division 1, see section 30B.

relevant person see section 87B.

relevant retail entity for chapter 3, part 1A, division 1, see section 30B.

relevant standard, for an item of prescribed electrical equipment, means the standard stated in schedule 4 for the equipment item.

relevant supplier, for an electrical installation or premises or an electric line, means the distribution entity or the special approval holder who provides customer connection services to the electrical installation or premises or the line.

responsible person, for chapter 3, part 1, division 2, see section 39.

retail cost view see section 108.

retail entity, for an electrical installation or premises or a customer, means the retail entity who provides customer retail services to the electrical installation or premises or to the customer's electrical installation or premises.

retailer of last resort see section 76(1).

ROLR see section 76(1).

ROLR contract see section 78(2).

ROLR event see section 72(2).

scheduled meter reading means the meter reading on a cycle, usually monthly or quarterly, that equates to the customer's billing cycle.

service line means an electric line that—

- (a) forms part of the works of a relevant supplier; and
- (b) connects consumers terminals to—

- (i) other parts of the relevant supplier's works; or
- (ii) the works of another electricity entity.

special meter reading means an actual meter reading that happens at a time other than the time of a scheduled meter reading.

State electricity entity, for chapter 8, see section 167.

suitable alternative employment, for chapter 8, see section 169.

supplier means a distribution entity or special approval holder who provides customer connection services to an electrical installation or premises.

supply point, for a premises, means—

- (a) if the premises is connected to the national grid—the connection point for the premises; or
- (b) if the premises is connected to a supply network that is not part of the national grid—the supply point for the delivery of electricity to the premises.

transfer day, for chapter 8, part 3, see section 178(3).

transferred employee, for chapter 8, part 3, see section 177.

urban feeder see the Electricity Industry Code, section 10.1.1.

website, for the pricing entity, means, if the entity is the Minister, the department's website.

wiring rules means AS/NZS 3000—Electrical installations (known as the Australian/New Zealand Wiring Rules).

Endnotes

1 Index to endnotes

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|---|------|
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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 July 2008. Future amendments of the Electricity Regulation 2006 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

| 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 edition |
| 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 2002 |
| para | = paragraph | SL | = subordinate legislation |
| prec | = preceding | sub | = substituted |
| pres | = present | unnum | = unnumbered |
| prev | = previous | | |

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

| Reprint No. | Amendments included | Effective | Notes |
|-------------|---------------------|------------------|-----------------------|
| 1 | none | 1 September 2006 | |
| 1A | 2006 SL No. 279 | 17 November 2006 | |
| 1B | 2007 SL No. 13 | 16 February 2007 | |
| 1C | 2007 SL No. 50 | 5 April 2007 | |
| 1D | 2007 SL No. 122 | 15 June 2007 | |
| 2 | 2007 SL No. 122 | 1 July 2007 | |
| 2A | 2007 SL No. 314 | 7 December 2007 | |
| 2B | 2008 SL No. 92 | 18 April 2008 | |
| 2C | 2008 SL No. 194 | 27 June 2008 | |
| 2D | 2008 SL No. 192 | 1 July 2008 | R2D withdrawn, see R3 |
| | 2008 SL No. 193 | | |
| | 2008 SL No. 209 | | |
| 3 | — | 1 July 2008 | |

5 List of legislation

Electricity Regulation 2006 SL No. 200

made by the Governor in Council on 10 August 2006

notfd gaz 11 August 2006 pp 1725–8

ss 1–2 commenced on date of notification

remaining provisions commenced 1 September 2006 (see s 2)

exp 1 September 2016 (see SIA s 54)

Notes—(1) The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

(2) A regulatory impact statement and explanatory note were prepared.

amending legislation—

Electricity Amendment Regulation (No. 1) 2006 SL No. 279

notfd gaz 17 November 2006 pp 1321–2

commenced on date of notification

Electricity Amendment Regulation (No. 1) 2007 SL No. 13

notfd gaz 16 February 2007 pp 760–1

commenced on date of notification

Electricity Amendment Regulation (No. 2) 2007 SL No. 50

notfd gaz 5 April 2007 pp 1592–3

commenced on date of notification

Note—Two national regulatory impact statements were prepared

Electricity Amendment Regulation (No. 3) 2007 SL No. 122

notfd gaz 15 June 2007 pp 892–5

ss 1–2, 33 (to the extent it ins ch 10 pt 4 div 2 hdg, s 235) commenced on date of notification (see s 2)

remaining provisions commenced 1 July 2007 (see s 2, 1994 No. 64 s 310, 2006 No. 60 s 13, 2007 SL No. 15)

Electricity Amendment Regulation (No. 4) 2007 SL No. 314

notfd gaz 7 December 2007 pp 1978–82

commenced on date of notification

Government Owned Corporations (QPTC Wind-Up) Regulation 2008 SL No. 92 pts 1, 3

notfd gaz 18 April 2008 pp 2085–8

ss 1–2 commenced on date of notification

remaining provisions commenced 18 April 2008 (see s 2)

Mines and Energy Legislation Amendment Regulation (No. 3) 2008 SL No. 192 pts 1, 3

notfd gaz 27 June 2008 pp 1268–78

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2008 (see s 2)

Electricity Amendment Regulation (No. 1) 2008 SL No. 193

notfd gaz 27 June 2008 pp 1268–78

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2008 (see s 2)

Electricity Amendment Regulation (No. 2) 2008 SL No. 194

notfd gaz 27 June 2008 pp 1268–78

commenced on date of notification

Public Service Regulation 2008 SL No. 209 ss 1–2, 20 sch 2

notfd gaz 27 June 2008 pp 1268–78

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2008 (see s 2)

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