

TASMANIA

**ELECTRICITY SUPPLY INDUSTRY
REGULATIONS 2018**

STATUTORY RULES 2018, No. 80

CONTENTS

1. Short title
 2. Commencement
 3. Interpretation
 4. Historic electricity generating plants
 5. Circumstances in which licence not required
 6. Prescribed information to be published as condition of licence
 7. How prescribed information to be published
 8. Work of minor environmental impact
 9. Requirements for section 56 of Act
 10. Licence application fee
 11. Time in which energisation, or re-energisation, of premises is to occur
 12. Regulator may impose certain requirements in relation to information
- Schedule 1 – Prescribed Energy Production Capability Information
- Schedule 2 – Historic Electricity Generating Plants

ELECTRICITY SUPPLY INDUSTRY REGULATIONS 2018

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Electricity Supply Industry Act 1995*.

Dated 18 December 2018.

C. WARNER
Governor

By Her Excellency's Command,

GUY BARNETT
Minister for Energy

1. Short title

These regulations may be cited as the *Electricity Supply Industry Regulations 2018*.

2. Commencement

These regulations take effect on
18 December 2018.

3. Interpretation

In these regulations –

Act means the *Electricity Supply Industry Act 1995*;

AEMO-registered electricity entity means an electricity entity that is required to be registered with AEMO under the National Electricity Rules;

licence means a licence issued and in force under Division 1 of Part 3 of the Act.

4. Historic electricity generating plants

For the purposes of section 39 of the Act, the electricity generating plants specified in Schedule 2 are prescribed to be historic electricity generating plants.

5. Circumstances in which licence not required

- (1) A licence authorising the generation of electricity is not required if –
 - (a) the electricity is generated by a generator with a capacity of 5 megawatts or less; or
 - (b) the electricity is –
 - (i) generated by a generator that is not normally connected to a power system or has a primary function other than the generation of electricity for sale; and
 - (ii) not sold.
- (2) A licence authorising the transmission or distribution of electricity is not required by a person transmitting or distributing electricity

which was purchased from a person who is not required to be licensed to generate electricity.

- (3) A licence authorising the retailing of electricity in the Bass Strait Islands is not required by –
- (a) a person retailing electricity who does not use any facilities that are used by another person holding a licence authorising the transmission or distribution of electricity, beyond the point of purchase of the electricity; or
 - (b) a person who sells electricity only to another person who holds a licence authorising the retailing of electricity; or
 - (c) the owner of a caravan park who sells the electricity to a person occupying a site within the park; or
 - (d) the owner of a building who sells the electricity to a person occupying part of the building; or
 - (e) the owner or manager of a shopping centre who sells the electricity to tenants of the centre.

6. Prescribed information to be published as condition of licence

For section 22(1)(j) of the Act, the information specified in Schedule 1 is prescribed as the kind of information to be published by the electricity entity in relation to its energy production

capability if it is an AEMO-registered electricity entity.

7. How prescribed information to be published

- (1) The information specified in Schedule 1 is to be published –
 - (a) once a week, no later than 24 hours after the measurement time referred to in that Schedule; and
 - (b) on a website maintained by or on behalf of an AEMO-registered electricity entity in a form approved by the Regulator.
- (2) For the purpose of subregulation (1)(a), the measurement time is to be the same for each weekly publication, unless the AEMO-registered electricity entity and the Regulator agree on another time.
- (3) An AEMO-registered electricity entity must keep the data from the weekly publications, in chronological order and in a form approved by the Regulator, on the website referred to in subregulation (1)(b).
- (4) This regulation is not to be taken as preventing an AEMO-registered electricity entity from also publishing the information specified in Schedule 1 in other ways.

8. Work of minor environmental impact

For sections 52(5) and 57(b) of the Act, the following work is classified as being of minor environmental impact:

- (a) the removal, repair, maintenance or modification of existing powerlines for the transmission, distribution or supply of electricity;
- (b) the removal, repair, maintenance or modification of an existing substation or a transformer associated with the transmission, distribution or supply of electricity;
- (c) the installation or erection of powerlines along any public street, road or highway and on public land for the distribution or supply of electricity;
- (d) the laying, removal, repair, maintenance or modification of any underground cable for the distribution or transmission of electricity;
- (e) the clearing or lopping of trees, branches or other vegetation to the extent necessary for the protection of electricity infrastructure or public safety;
- (f) the installation and erection of any substation or transformer associated with the distribution or supply of electricity;

Electricity Supply Industry Regulations 2018
Statutory Rules 2018, No. 80

r. 9

- (g) the installation, erection, removal, repair, maintenance, modification, or use, on land, of any electricity generating plant that –
 - (i) is not used, or intended by the Hydro-Electric Corporation to be used, to generate electricity for more than 12 months after the plant is installed or erected on the land; and
 - (ii) is installed or erected on land that is, or on land that is adjacent to, land on which there is already situated an electricity generating plant, substation or switchyard or on which not less than 200 gigawatt hours of electricity was consumed during the previous calendar year.

9. Requirements for section 56 of Act

- (1) For section 56(1)(b) of the Act, the area of the land is to be not greater than 1 500 square metres.
- (2) For section 56(1)(c) of the Act, the use or proposed use of the land acquired under the Act for the purposes of electricity infrastructure is to comply with at least one of the following requirements:
 - (a) a substation or transformer associated with the distribution or supply of

electricity is to be installed or erected on the land;

- (b) an underground cable for the distribution or transmission of electricity is to be laid, removed, repaired, maintained or modified on the land;
- (c) a communication tower or associated facility is to be installed or erected on the land.

10. Licence application fee

The fee payable on application under section 18 of the Act for a licence to carry on operations in the electricity supply industry is 330 fee units.

11. Time in which energisation, or re-energisation, of premises is to occur

- (1) In this regulation –

distributor has the same meaning as it has in the National Energy Retail Law (Tasmania);

energisation has the same meaning as it has in the National Energy Retail Law (Tasmania);

re-energisation has the same meaning as it has in the National Energy Retail Law (Tasmania);

Electricity Supply Industry Regulations 2018
Statutory Rules 2018, No. 80

r. 11

relevant period, in relation to premises,
means –

- (a) if the premises have previously been connected to the distribution network –
 - (i) one business day, if changes to the distribution network are not required to enable the energisation of the premises to occur; or
 - (ii) 10 business days, if changes to the distribution network are required to enable the energisation of the premises to occur; or
- (b) if the premises have not previously been connected to the distribution network –
 - (i) 10 business days, if no extension of the distribution network is required to enable the energisation of the premises to occur; or
 - (ii) 40 business days, if extension of the distribution network is required to enable the energisation of the premises to occur.

- (2) If a small customer becomes entitled to re-energisation of the customer's premises under Rule 121 of the National Energy Retail Rules and the retailer's request to the distributor for re-energisation of the premises is made before 4 p.m. on a business day, the distributor must re-energise the premises –
 - (a) if practicable, on the same day; or
 - (b) if it is not practicable to re-energise the premises on the same day, on the next business day.
- (3) A distributor who has made an agreement with a retailer to provide, on a particular day, energisation of a small customer's premises is to provide energisation to the premises on that day.
- (4) If a distributor has made an agreement with a retailer to provide energisation of a small customer's premises but the agreement does not specify a day on which the distributor is to provide energisation to the premises, the distributor is to provide energisation to the premises within the relevant period in relation to the premises after entering into the agreement.

12. Regulator may impose certain requirements in relation to information

- (1) The Regulator may, by notice in writing to an authorised retailer or an electricity entity, require the retailer or entity –

Electricity Supply Industry Regulations 2018
Statutory Rules 2018, No. 80

r. 12

- (a) to keep, in the manner and form specified in the notice, the information specified in the notice; and
 - (b) to provide to the Regulator copies of such information in the manner and form, and within the time, specified in the notice.
- (2) An authorised retailer, or an electricity entity, to which a notice under subregulation (1) is given must comply with the requirements of the notice.

**SCHEDULE 1 – PRESCRIBED ENERGY PRODUCTION
CAPABILITY INFORMATION**

Regulation 6

1. For the hydro-electric power stations that the AEMO-registered electricity entity operates under a licence authorising the generation of electricity using hydro-electric generators –
 - (a) the amount of energy in storage in each headwater storage (expressed both in gigawatt hours and as a percentage of maximum storage capacity) as at a fixed time of the week determined by the AEMO-registered electricity entity (in this Schedule referred to as “the measurement time”); and
 - (b) whether, in the 24-hour period immediately before the measurement time, the amount of energy in storage in each headwater storage rose, fell or remained static; and
 - (c) the power stations that utilise the water from each headwater storage.

2. In item 1 –

energy in storage means the amount of energy that can potentially be generated from the volume of water stored in a headwater storage;

headwater storage means the following:

Electricity Supply Industry Regulations 2018
Statutory Rules 2018, No. 80

sch. 1

- (a) Lake Augusta;
- (b) Great Lake;
- (c) Arthurs Lake;
- (d) Lake St Clair;
- (e) Lake King William;
- (f) Lake Echo;
- (g) Bronte Lagoon;
- (h) Tungatinah Ponds (consisting of Bradys Lake, Lake Binney and Tungatinah Lagoon);
- (i) Laughing Jack Lagoon;
- (j) Lake Mackenzie;
- (k) Lake Rowallan;
- (l) Lake Pedder;
- (m) Lake Gordon;
- (n) Lake Murchison;
- (o) Lake Mackintosh;
- (p) Lake Burbury.

Electricity Supply Industry Regulations 2018
Statutory Rules 2018, No. 80

sch. 2

**SCHEDULE 2 – HISTORIC ELECTRICITY
GENERATING PLANTS**

Regulation 4

1.	The electricity generating plant known as the Lake Margaret Power Station situated on the Yolande River
2.	The electricity generating plant known as the Lower Lake Margaret Power Station situated on the Yolande River

Electricity Supply Industry Regulations 2018
Statutory Rules 2018, No. 80

Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 18 December 2018.

These regulations are administered in the Department of State Growth.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations –

- (a) prescribe –
 - (i) the circumstances in which licences authorising the generation of electricity are not required; and
 - (ii) the information that holders of certain licences are required to publish and how that information is to be published; and
 - (iii) certain requirements for the purposes of section 56 of the *Electricity Supply Industry Act 1995*; and
- (b) classify certain work as being of minor environmental impact; and
- (c) are made consequentially on the repeal of the *Electricity Supply Industry*

Electricity Supply Industry Regulations 2018
Statutory Rules 2018, No. 80

Regulations 2008 under section 11 of the
Subordinate Legislation Act 1992.