

I certify that this is a copy of the authorised version of this Statutory Rule as at 17 August 2022, and that it incorporates all amendments, if any, made before and in force as at that date and any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 17 August 2022.

Robyn Webb
Chief Parliamentary Counsel
Dated 19 August 2022

TASMANIA

ELECTRICITY SUPPLY INDUSTRY REGULATIONS 2018

STATUTORY RULES 2018, No. 80

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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

PART 1 – PRELIMINARY

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.

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Part 1 – Preliminary

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.

PART 2 – PRESCRIBED MATTERS

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 –

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- (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.

7A. When planning authority not required to notify relevant entity of planning application

- (1) For the purposes of section 44L(2)(b) of the Act, a planning authority is not required to provide to the relevant transmission entity the relevant

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notice in relation to an application for a permit in relation to a use or development if –

- (a) the use or development is inside a General Residential Zone, an Inner Residential Zone or a Low Density Residential Zone, all within the meaning of the Tasmanian Planning Scheme; and
- (b) the use or development is in a Permitted Use Class specified in the applicable Use Table in the Tasmanian Planning Scheme; and
- (c) the use or development is outside any local heritage precinct, local heritage place or local historic landscape precinct, all within the meaning of the Tasmanian Planning Scheme; and
- (d) the application is for a use or development of a place that is not entered on the Tasmanian Heritage Register, within the meaning of the Tasmanian Planning Scheme; and
- (e) the use or development has a setback more than 3 metres from a boundary that abuts public land or a road, both within the meaning of the Tasmanian Planning Scheme; and
- (f) the use or development is on a title that is unencumbered by a wayleave or easement benefitting any electricity infrastructure –

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unless the application is for –

- (g) a subdivision of more than 5 lots; or
 - (h) a development for more than 5 dwellings.
- (2) For the purposes of section 44L(2)(b) of the Act, a planning authority is not required to provide to the relevant transmission entity the relevant notice in relation to an application for a permit for –
- (a) signage; or
 - (b) a retaining wall; or
 - (c) a pergola, arch, trellis, frame or other similar garden structure.
- (3) In this regulation –

Tasmanian Planning Scheme means the Tasmanian Planning Scheme established under the *Land Use Planning and Approvals Act 1993*.

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;

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- (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;
- (ca) the installation or erection of powerlines on, and over, private land to individual lots and structures, 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;
- (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

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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;

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- (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);

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

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- 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 –

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- (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 –
- (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.

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- (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.

PART 3 – CONNECTION SERVICE STANDARDS

13. Interpretation of Part

(1) In this Part –

applicant, in relation to an application, means the person who made the application;

application means an application for a permit for a development or use that requires a relevant entity to make a connection to relevant electricity infrastructure;

assessment stage means the stage of works that includes –

- (a) the assessment or determination of the scope of the works; and
- (b) the issue of a letter of response;

connection letter of offer means a letter, issued by a relevant entity to an applicant, that confirms the details of the design stage of the works to which the applicant's application relates;

connection stage means the stage of works that includes –

- (a) the construction of relevant electricity infrastructure, to a point of supply that has been agreed between the relevant entity and the applicant; and

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- (b) the inspection and approval of relevant electricity infrastructure, including infrastructure for connections, that has been constructed as part of the works; and
- (c) notification that the works are completed being given to the applicant, or the retailer, by the relevant entity;

design stage means the stage of works that includes –

- (a) the design of the works; and
- (b) the checking of the design of the works; and
- (c) the approval of the design of the works; and
- (d) the issue of a connection letter of offer;

large-scale works means works that –

- (a) require the provision of high-voltage electricity infrastructure; or
- (b) are for the purposes of a development or use that has a maximum demand of more than one megawatt of electricity, and require the provision of low-

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voltage electricity infrastructure;
or

- (c) are, in the reasonable opinion of the relevant entity undertaking the works, complex in nature;

letter of response means a letter, issued by a relevant entity to an applicant, that confirms the details of the assessment stage of the works to which the applicant's application relates;

medium-scale works means works, for the purposes of a development or use that has a maximum demand of up to and including one megawatt of electricity, that –

- (a) require the provision of low-voltage electricity infrastructure;
or
- (b) are not small-scale works;

small-scale works means works, for the purposes of a development or use that has a maximum demand of 100 amps or less, that can be undertaken using existing low-voltage electricity infrastructure and network capacity.

- (2) For the purposes of this regulation, a term used in this regulation and also in Division 5B of Part 3 of the Act has the same meaning in this regulation as it has in that Division.

14. Stages of works

For the purposes of section 44O(1)(a) of the Act, the stages of the process required to be undertaken by a relevant entity in relation to works specified in that paragraph are as follows:

- (a) the assessment stage;
- (b) the design stage;
- (c) the connection stage.

15. Timing of stages of works

- (1) In this regulation –

application date, in relation to an application, means the day on which the application, or relevant notice of the application, for the works of the type specified in section 44O(1)(a)(i), (ii) or (iii), is provided to, and accepted by, the relevant entity.

- (2) For the purposes of section 44O(1)(b) of the Act, the time, calculated from the application date in relation to an application, by which a relevant entity is to complete each stage of a process in relation to small-scale works to which the application relates is –

- (a) for –
 - (i) the assessment stage – 10 business days; and

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- (ii) the design stage – 25 business days; and
 - (iii) the connection stage – 45 business days; or
 - (b) such time as is agreed in relation to each stage between a relevant entity and the applicant.
- (3) For the purposes of section 44O(1)(b) of the Act, the time, calculated from the application date in relation to an application, by which a relevant entity is to complete each stage of a process in relation to medium-scale works to which the application relates is –
 - (a) for –
 - (i) the assessment stage – 15 business days; and
 - (ii) the design stage – 35 business days; and
 - (iii) the connection stage – 60 business days; or
 - (b) such time as is agreed in relation to each stage between a relevant entity and the applicant.
- (4) For the purposes of section 44O(1)(b) of the Act, the time, calculated from the application date in relation to an application, by which a relevant entity is to complete each stage of a

process in relation to large-scale works to which the application relates is –

- (a) for –
 - (i) the assessment stage – 30 business days; and
 - (ii) the design stage – 80 business days; and
 - (iii) the connection stage – 160 business days; or
- (b) such time as is agreed in relation to each stage between a relevant entity and the applicant.

16. Exceptions and extensions to timing of stages of works

- (1) A time by which a stage of a process in relation to works specified in regulation 15 is to be completed does not apply –
 - (a) if –
 - (i) there is a flood, fire, natural disaster or other emergency event; and
 - (ii) the relevant entity is reasonably satisfied that a delay to the completion of the stage of a process in relation to works specified in that regulation is necessary, because of the

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diversion of resources of the entity in relation to the event; or

- (b) if the relevant entity is reasonably satisfied that the entity is unable to access a location at which the works specified in that regulation are to be undertaken; or
 - (c) if the relevant entity is reasonably satisfied that the entity is unable to complete the stage of the process in relation to works specified in that regulation due to other works, to be carried out by a person who is not the relevant entity, not yet being carried out.
- (2) If, in order to complete a stage of a process in relation to works specified under regulation 15, a relevant entity requires information from an applicant or retailer –
- (a) the relevant entity is to request the information from the applicant or retailer as soon as practicable; and
 - (b) the time by which that stage of a process in relation to works specified in regulation 15 is to be completed ceases to run on and from the day on which the request is made under paragraph (a) until 5 days after the relevant entity is supplied, to the satisfaction of the relevant entity, with the information.

**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:

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- (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.

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**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

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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.

NOTES

The foregoing text of the *Electricity Supply Industry Regulations 2018* comprises those instruments as indicated in the following table. Any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 17 August 2022 are not specifically referred to in the following table of amendments.

Citation	Serial Number	Date of commencement
¹ <i>Electricity Supply Industry Regulations 2018</i>	S.R. 2018, No. 80	18.12.2018
<i>Electricity Supply Industry Amendment Regulations 2021</i>	S.R. 2021, No. 132	1.1.2022
<i>Electricity Supply Industry Amendment Regulations 2022</i>	S.R. 2022, No. 61	17.8.2022

¹Expires 18 December 2028 - Subordinate Legislation Act 1992

TABLE OF AMENDMENTS

Provision affected	How affected
Part 1	Heading inserted by S.R. 2021, No. 132
Part 2	Heading inserted by S.R. 2021, No. 132
Regulation 7A	Inserted by S.R. 2022, No. 61
Regulation 8	Amended by S.R. 2021, No. 132
Regulation 13	Inserted by S.R. 2021, No. 132
Regulation 14	Inserted by S.R. 2021, No. 132
Regulation 15	Inserted by S.R. 2021, No. 132
Regulation 16	Inserted by S.R. 2021, No. 132