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Chief Parliamentary Counsel
Dated 29 January 2026



TASMANIA

HYDRO-ELECTRIC CORPORATION ACT 1995

No. 57 of 1995

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SCHEDULE 1 – PRESCRIBED GENERATING PLANTS



HYDRO-ELECTRIC CORPORATION ACT 1995

No. 57 of 1995

An Act to modernise the legislation under which the Hydro-Electric Corporation (formerly the Hydro-Electric Commission) operates, to provide for it to continue as a Government Business Enterprise operating in the electricity supply industry and to provide for other purposes

[Royal Assent 4 October 1995]

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Hydro-Electric Corporation Act 1995*.

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2. Commencement

The provisions of this Act commence on a day or days to be proclaimed.

3. Interpretation

In this Act, unless the contrary intention appears –

Corporation means the Hydro-Electric Corporation;

Basslink means the interconnection between the electricity grids of the States of Tasmania and Victoria by means of –

- (a) a high voltage, direct current, submarine cable across Bass Strait; and
- (b) converter stations in those States; and
- (c) direct current connecting lines to those converter stations; and
- (d) alternating current transmission connections to the transmission systems of those States; and
- (e) related infrastructure;

derivative means –

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- (a) an arrangement in relation to which the following conditions are satisfied:
 - (i) under the arrangement a party to the arrangement must, or may be required to, provide at some future time consideration to a person;
 - (ii) the amount or value of that consideration is ultimately determined, derived from or varies by reference to (wholly or in part) the value or amount of something else (of any nature whatsoever and whether or not deliverable), including but not limited to an asset, an interest rate, exchange rate or other rate, an index and a commodity; and
- (b) anything prescribed in the regulations to be a derivative –

but does not include an arrangement or other thing prescribed in the regulations as not being a derivative;

electricity infrastructure means anything used for, or in connection with, the generation of electricity including –

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- (a) electricity generating plant; and
- (b) structures and equipment to hold water, or to direct, monitor or control the flow of water, for the purposes of hydro-electric generation; and
- (c - d)
- (e) equipment for metering, monitoring or controlling electricity;

land includes –

- (a) an estate or interest in land (including an easement); and
- (b) a right or power over or in respect of land;

National Electricity Law is the National Electricity Law established by the *National Electricity (South Australia) Act 1996* and adopted by participating jurisdictions, within the meaning of that Law, as a consequence of the National Electricity Market Legislation Agreement dated 9 May 1996 between the States of New South Wales, Victoria, Queensland and South Australia and the Australian Capital Territory;

National Electricity Market means the market for wholesale electricity operating under the National Electricity Rules;

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National Electricity Rules has the same meaning as in the *Electricity Supply Industry Act 1995*;

subsidiary has the same meaning as in the *Government Business Enterprises Act 1995*;

transmission system has the same meaning as in the *Electricity Supply Industry Act 1995*.

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Part 2 – The Hydro-Electric Corporation

PART 2 – THE HYDRO-ELECTRIC CORPORATION

4. Continuance of the Corporation

- (1) The Corporation, formerly known as the Hydro-Electric Commission, continues.
- (2) The Corporation is a Government Business Enterprise under the *Government Business Enterprises Act 1995*.

5. Functions and powers of Corporation

- (1) The functions of the Corporation are as follows:
 - (a) to generate electricity;
 - (b) to do all things necessary for, or related to, the generation of electricity;
 - (c) to retail electricity if the Minister approves;
 - (d) to perform other functions as agreed between the Corporation and the Minister.
- (2) The Corporation has the following powers:
 - (a) to construct, maintain and operate electricity infrastructure necessary for the generation of electricity;
 - (b) to do all things necessary or convenient for, or related to, the generation of

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electricity, including the sale or trade of electricity;

- (c) to acquire and trade in, and facilitate the acquisition of and trading in, electricity;
- (d) to participate in the National Electricity Market;
- (e) to develop, construct, operate and own Basslink and to participate in the development, construction, operation and ownership of Basslink and to use Basslink;
- (f) to enter into agreements in respect of the development, construction, operation and ownership of Basslink;
- (g) to do all things necessary or convenient for, or related to –
 - (i) its development, construction, operation and ownership of Basslink and its participation in the development, construction, operation and ownership of Basslink; and
 - (ii) its participation in the National Electricity Market;
- (h) to provide consultancy services in respect of electricity, environmental science, engineering or any other area of expertise in which the Corporation considers it has competence;

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- (i) to carry out investigations, research and development.
- (3) Without limiting its powers under subsection (2)(b), (c) and (g), the Corporation under that subsection may, in accordance with any relevant Treasurer's Instructions issued under the *Government Business Enterprises Act 1995* or directions given by the Minister and the Treasurer, jointly, under that Act, enter into trading and financial arrangements that concern, or are in the nature of, derivatives or electricity generated from renewable or other energy sources.

6.

7. Limitations on Corporation's powers

- (1) The Corporation may only carry out functions for which a licence is required under the *Electricity Supply Industry Act 1995* in pursuance of a licence under that Act.
- (2) Despite anything to the contrary in the *Government Business Enterprises Act 1995*, the Corporation may only –
 - (a) deal with or dispose of a prescribed generating plant; or
 - (b) acquire, deal with or dispose of land – if the transaction is consented to in writing by the Minister or the Minister's delegate.

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- (2A) For the avoidance of doubt, consent under subsection (2) is in addition to a requirement or obligation under the *Government Business Enterprises Act 1995* including, but not limited to, a requirement or obligation imposed by –
 - (a) Treasurer's Instructions issued under that Act; or
 - (b) directions given by the Minister and the Treasurer, jointly, under that Act.
- (3) A consent under subsection (2) may relate to a particular transaction or to transactions of a particular class.
- (4) If a consent under subsection (2) relates to a dealing with or disposal of the prescribed generating plant known as the Bell Bay Power Station or land on which that prescribed generating plant is situated, that consent is of no effect until it is approved by both Houses of Parliament.
- (5) For the purposes of subsection (4), a consent is approved by a House of Parliament –
 - (a) when the House passes a motion approving the consent; or
 - (b) at the end of 5 sitting days after the consent was laid before the House if no notice of a motion to disapprove the consent is before the House; or

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- (c) if such a notice is before the House at the end of that period, when the first of the following occurs:
 - (i) the notice is withdrawn;
 - (ii) the motion is negatived;
 - (iii) a further period of 5 sitting days ends.
- (6) If a consent under subsection (2) relates to a dealing with or disposal of any prescribed generating plant (other than that known as the Bell Bay Power Station) or land on which any prescribed generating plant (other than that known as the Bell Bay Power Station) is situated, that consent is of no effect unless a proposal for that consent has been approved by a majority of the electors voting in a referendum held under the *Referendum Procedures Act 1994*.
- (7) Subsections (4) and (6) do not apply in respect of the following dealings or disposals:
 - (a) a dealing with or disposal of any prescribed generating plant, or land on which the plant is situated, that relates to or arises from the maintenance, repair, replacement or upgrading of the plant;
 - (b) a dealing with or disposal of any prescribed generating plant, or land on which any prescribed generating plant is situated, that does not result in any

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significant change to the capacity of the Corporation to generate electricity.

- (7A) Even though any prescribed generating plant, or land on which any prescribed generating plant is situated, is a main undertaking within the meaning of the *Government Business Enterprises Act 1995*, section 10(7) of that Act does not apply to that plant or land.
- (8) If an agreement entered into under section 5(2)(f) in respect of Basslink provides to the effect that the Corporation may acquire the whole or a part of Basslink –
 - (a) subsection (2) does not apply in respect of –
 - (i) the acquisition of land necessary for the acquisition of the whole or part of Basslink under that agreement; and
 - (ii) any subsequent dealing in or disposal of that land; and
 - (b) section 10(7) of the *Government Business Enterprises Act 1995* does not apply in respect of the disposal of that land or the whole or part of Basslink acquired under that agreement; and
 - (c) the Corporation may only acquire or dispose of the whole or a part of Basslink if –

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- (i) both the Minister and the Minister to whom the administration of the *Government Business Enterprises Act 1995* is assigned have agreed, in writing, to that acquisition or disposal; and
- (ii) the Minister has tabled in both Houses of Parliament a notice that specifies that the Corporation intends to acquire or dispose of the whole or a part of Basslink, that the Ministers referred to in subparagraph (i) have agreed to the acquisition or disposal and the reasons for their agreement.

(9) Before agreeing to an acquisition of the whole or part of Basslink under subsection (8)(c)(i), the Minister and the Minister to whom the administration of the *Government Business Enterprises Act 1995* is assigned must be satisfied that the acquisition is consistent with the protection of the operational and financial interests of the Corporation.

(10) For the purposes of subsection (8), a notice is tabled in a House of Parliament if –

- (a) it is laid before that House; or
- (b) if that House is not sitting at the relevant time –
 - (i) it is provided to the Clerk of that House; and

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(ii) it is published in the *Gazette*.

(11) An Act that purports to repeal or amend subsection (2), (4), (6), (7), (12) or (13), this subsection or the definition of *prescribed generating plant* in subsection (13) is of no effect unless the proposal for the repeal or amendment has been approved by a majority of the electors voting in a referendum held under the *Referendum Procedures Act 1994*.

(12) Subsection (11) does not apply to an Act that –

- (a) repeals subsection (2), (4), (6), (7), (11) or (13) or this subsection if the Act enacts a provision substantially similar to the subsection repealed; or
- (b) amends subsection (2), (4), (6), (7), (11) or (13) or this subsection if the amendments enacted do not lessen a majority required by subsection (11) or otherwise substantially alter the effect of the subsection amended.

(13) In this section,

prescribed generating plant means –

- (a) an electricity generating plant (including the structures and equipment to hold water, or to direct, monitor or control the flow of water, for the purposes of hydro-electric generation), as it existed on 30 June 2001, that is specified in Schedule 1; and

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- (b) a part of an electricity generating plant, as it existed on 30 June 2001, referred to in paragraph (a).

8. Construction of major power facility

- (1) The Corporation may only construct, or participate in constructing, a major power facility if—
 - (a) the construction of the major power facility is specifically authorised by an Act; or
 - (b) the proposal to establish the major power facility has been laid before both Houses of Parliament and both Houses have approved the proposal.
- (2) A proposal under subsection (1)(b) must be accompanied by details of—
 - (a) the nature of the major power facility; and
 - (b) its capacity to generate electricity; and
 - (c) where the major power facility is to be situated; and
 - (d) the estimated cost of constructing the major power facility, the extent to which the cost is to be met by the Corporation and the amount of loan finance the Corporation will need to obtain to meet

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the cost, or its share of the cost, of the major power facility.

(3) A House of Parliament approves a proposal for the purposes of this section as follows:

- (a) the House may pass a resolution approving the proposal;
- (b) if at the end of 5 sitting days from when the proposal was laid before the House, the House has not resolved to disapprove the proposal and no notice of motion to disapprove the proposal is before the House, the House is taken to have approved the proposal at the end of that period;
- (c) if a notice of motion to disapprove the proposal is before the House at the end of that period, the House is taken to have approved the proposal if (and when) –
 - (i) the notice is withdrawn; or
 - (ii) the motion is negatived; or
 - (iii) a further period of 9 sitting days ends (and a motion to disapprove the proposal has not been passed within that period).

(4) In this section –

major power facility means new generating plant with an installed capacity exceeding 40 megawatts or a limit fixed

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by regulation together with, in the case of hydro-electric generating plant, associated equipment to hold water, or to direct, monitor or control the flow of water, for the purposes of hydro-electric generation;

new generating plant does not include plant installed by way of modification to existing generating plant or plant installed to replace existing generating plant on the same site or plant for the generation of electricity from the wind.

9. Minister’s right to convene and attend meetings of the board of directors of the Corporation

- (1) The chairperson of the board of directors of the Corporation must, at the Minister’s request, convene a meeting of the board.
- (2) The Minister may –
 - (a) attend meetings of the board of directors of the Corporation (whether convened under this section or not); and
 - (b) propose business for consideration at meetings of the board.

PART 3 – MISCELLANEOUS

10. Regulations

- (1) The Governor may make regulations for the purposes of this Act.
- (2) Regulations may be made so as to apply differently according to matters, limitations or restrictions, whether as to time, circumstance or otherwise, specified in the regulations.
- (3) The regulations may –
 - (a) provide that a contravention of, or a failure to comply with, any of the regulations is an offence; and
 - (b) in respect of such an offence, provide for the imposition of a fine not exceeding 100 penalty units and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues.
- (4) The regulations may authorise any matter to be from time to time determined, applied or regulated by the Minister or an officer or person nominated in the regulations.
- (5) The regulations may contain provisions of a savings or transitional nature consequent on the commencement of the *Hydro-Electric Corporation Amendment Act 1997*.
- (6) A provision referred to in subsection (5) may take effect on and from the day on which the

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Part 3 – Miscellaneous

Hydro-Electric Corporation Amendment Act 1997 commences or on a later day.

11. Administration of Act

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

- (a) the administration of this Act is assigned to the Minister for Energy; and
- (b) the department responsible to the Minister for Energy in relation to the administration of this Act is the Corporation.

SCHEDULE 1 – PRESCRIBED GENERATING PLANTS
Section 7(13)

For the purposes of the definition of *prescribed generating plant* in section 7(13), the following power stations are specified (by their commonly known names) as prescribed generating plants:

1. Bastyan
2. Bell Bay
3. Butlers Gorge
4. Catagunya
5. Cethana
6. Cluny
7. Currie
8. Devil's Gate
9. Fisher
10. Gordon
11. John Butters
12. Lake Echo
13. Lake Margaret
14. Lemonthyme
15. Liapootah

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16. Mackintosh
17. Meadowbank
18. Palooma
19. Poatina
20. Reece
21. Repulse
22. Rowallan
23. Tarraleeah
24. Tods Corner
25. Trevallyn
26. Tribute
27. Tungatinah
28. Wayatinah
29. Whitemark
30. Wilmot

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NOTES

The foregoing text of the *Hydro-Electric Corporation Act 1995* 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 1 January 2026 are not specifically referred to in the following table of amendments.

Act	Number and year	Date of commencement
<i>Hydro-Electric Corporation Act 1995</i>	No. 57 of 1995	6.11.1996
<i>Hydro-Electric Corporation Amendment Act 1997</i>	No. 71 of 1997	1.7.1998
<i>Hydro-Electric Corporation Amendment Act 2000</i>	No. 36 of 2000	29.6.2000
<i>Hydro-Electric Corporation and Electricity Companies Acts (Public Ownership) Amendment Act 2001</i>	No. 115 of 2001	17.12.2001
<i>Electricity Supply Industry (Miscellaneous Amendments) Act 2005</i>	No. 78 of 2005	15.12.2005 (Part 11)
		1.1.2008 (Part 12)
<i>Government Business Governance Reforms Act 2025</i>	No. 18 of 2025	1.1.2026

TABLE OF AMENDMENTS

Provision affected	How affected
Section 3	Amended by No. 71 of 1997, s. 4, No. 36 of 2000, s. 4 and No. 78 of 2005, s. 55
Section 5	Substituted by No. 71 of 1997, s. 5 Amended by No. 36 of 2000, s. 5 and No. 18 of 2025, s. 25
Section 6	Repealed by No. 71 of 1997, s. 6
Section 7	Amended by No. 71 of 1997, s. 7, No. 36 of 2000, s. 6, No. 115 of 2001, s. 4 and No. 18 of 2025, s. 26
Section 8	Amended by No. 71 of 1997, s. 8 and No. 115 of 2001, s. 5
Section 10	Amended by No. 71 of 1997, s. 9
Schedule 1	Inserted by No. 115 of 2001, s. 6