

1996—No. 167

ELECTRICITY SUPPLY ACT 1995—REGULATION

(Electricity Supply (General) Regulation 1996)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Electricity Supply Act 1995, has been pleased to make the Regulation set forth hereunder.

M. R. Egan
Minister for Energy

PART 1—PRELIMINARY

Citation

1. This Regulation may be cited as the Electricity Supply (General) Regulation 1996.

Commencement

2. (1) This Regulation commences on 10 May 1996, except as provided by subclause (2).

(2) Clause 14 commences on 1 January 1997.

Definitions

3. In this Regulation:

“**energy services corporation**” has the same meaning as it has in the Energy Services Corporations Act 1995;

“**the Act**” means the Electricity Supply Act 1995.

Notes

4. Notes in this Regulation do not form part of the Regulation.

PART 2—RESUPPLY OF ELECTRICITY

Permissible electricity meters

5. (1) For the purposes of section 72 (3) (a) of the Act, an electricity meter that is used to measure electricity supplied by a landlord must comply with the provisions of AS 1284 relevant to electricity meters of the same kind.

(2) In this clause, “AS 1284” means the series of documents published by the Standards Association of Australia, and numbered AS 1284, as in force on 7 May 1996.

Maximum allowable amount

6. (1) For the purposes of paragraph (b) of the definition of “maximum allowable amount” in section 73 (6) of the Act, the prescribed manner of calculating the amount payable for a quantity of electricity supplied by a landlord to a tenant is the manner in which the local electricity distributor is required to calculate the amount payable by the tenant for the same quantity of electricity under the transitional conditions of supply applicable to the tenant.

(2) In this clause, a reference to the transitional conditions of supply applicable to a tenant is a reference to the conditions of supply that would apply to the tenant (by virtue of clause 15) if the tenant were a person to whom that clause applies.

PART 3—EXEMPTIONS

Exemptions from sec. 6

7. (1) The object of this clause is to exempt certain persons from a provision of the Act that prohibits the operation of distribution systems for wholesale trading in electricity otherwise than by authorised network operators.

(2) Any person who owns or controls a distribution system (other than TransGrid or an electricity distributor listed in Schedule 3 to the Act) is exempt from the operation of section 6 of the Act.

Note: Clause 12 exempts the Lord Howe Island Board from the operation of section 6 of the Act.

Exemptions from sec. 8

8. (1) The object of this clause is to exempt certain matters from a provision of the Act that prohibits the operation of transmission and distribution systems for wholesale trading in electricity otherwise than for authorised wholesale traders.

(2) The operation of a transmission or distribution system by an authorised network operator, for the purpose only of conveying electricity in accordance with an electricity supply arrangement for which an exemption under clause 11 is in force, is exempt from the operation of section 8 of the Act.

Exemptions from sec. 13

9. (1) The object of this clause is to exempt certain persons from a provision of the Act that prohibits the operation of distribution systems for retail trading in electricity otherwise than by licensed electricity distributors.

(2) Any person who owns or controls a distribution system (other than TransGrid or an electricity distributor listed in Schedule 3 to the Act) is exempt from the operation of section 13 of the Act.

Note: Clause 12 exempts the Lord Howe Island Board from the operation of section 13 of the Act.

Exemptions from sec. 16

10. (1) The object of this clause is to exempt certain matters from a provision of the Act that prohibits the operation of distribution systems for retail trading in electricity otherwise than for licensed retail suppliers.

(2) The operation of a distribution system by a licensed electricity distributor, for the purpose only of conveying electricity in accordance with an electricity supply arrangement for which an exemption under clause 11 is in force, is exempt from the operation of section 16 of the Act.

Exemptions from sec. 98

11. (1) The object of this clause is to exempt certain electricity supply arrangements from a provision of the Act that renders an electricity supply arrangement unenforceable unless an appropriate authorisation or licence was in force when it was entered into.

(2) The following electricity supply arrangements are exempt from the operation of section 98 of the Act:

- (a) any arrangement for the supply of electricity generated by means of one or more generating systems which together supply electricity to a transmission or distribution system (through a single connection point or through an electrically common point) at a rate of 30 megawatts or less, but only if any distribution system along which the electricity is conveyed is owned or controlled by a person who holds (or is exempt from holding) an electricity distributor's licence;

- (b) any arrangement under which electricity that has initially been supplied by a licensed retail supplier is resupplied to some other person (otherwise than in contravention of section 72 (1) of the Act);
 - (c) any arrangement under which a person buys, sells or otherwise deals with rights to the supply of electricity arising under an arrangement referred to in paragraph (b);
 - (d) any arrangement under which a landlord supplies electricity to a tenant as referred to in section 72 (3) of the Act;
 - (e) the contract dated 22 December 1994 between Prospect Electricity and BHP Steel (AIS) Pty Ltd for the supply of electricity from the Appin and Tower Collieries.
- (3) Subclause (2) (e) ceases to have effect on 30 September 1996.

Exemptions for Lord Howe Island Board

12. (1) The Lord Howe Island Board is exempt from the operation of sections 6 and 13 of the Act.

(2) The conditions imposed on a licence by the following sections of the Act apply as conditions of this exemption in the same way as they apply as conditions of a licence:

- (a) section 15 (Right to connection to local distribution system for all customers);
- (b) section 18 (Electricity distributors to connect premises under customer connection contracts);
- (c) section 34 (Right to supply from local electricity distributor for all franchise and non-franchise customers);
- (d) section 35 (Discrimination prohibited);
- (e) section 38 (Retail suppliers 'to supply electricity under customer supply contracts).

(3) Any electricity supply arrangement under which the Lord Howe Island Board supplies electricity to any other person is exempt from the operation of section 98 of the Act.

PART 4—SAVINGS AND TRANSITIONAL PROVISIONS

Energy distributors taken to hold authorisations and licences

13. (1) Each energy distributor (within the meaning of the Energy Services Corporations Act 1995) that was in existence at the commencement of this Regulation is taken to hold:

- (a) a network operator's authorisation authorising it to operate its distribution system so as to convey electricity for or on behalf of wholesale traders; and
- (b) a wholesale trader's authorisation authorising it to enter into any kind of wholesale supply arrangement; and
- (c) an electricity distributor's licence authorising it to operate its distribution system so as to convey electricity for or on behalf of retail suppliers; and
- (d) a retail supplier's licence authorising it to supply electricity to retail customers.

(2) Schedules 1 and 2 to the Act apply to authorisations and licences that are taken to be held as referred to in subclause (1) in the same way as they apply to authorisations and licences granted in accordance with those Schedules.

(3) This clause ceases to have effect on the commencement of clause 16 (3) of Schedule 6 to the Act.

State Rail Authority taken to hold authorisations and licences

14. (1) The State Rail Authority is taken to hold:

- (a) a network operator's authorisation authorising it to operate its distribution system so as to convey electricity for or on behalf of wholesale traders; and
- (b) a wholesale trader's authorisation authorising it to enter into any kind of wholesale supply arrangement; and
- (c) an electricity distributor's licence authorising it to operate its distribution system so as to convey electricity for or on behalf of retail suppliers; and
- (d) a retail supplier's licence authorising it to supply electricity to retail customers.

(2) Schedules 1 and 2 to the Act apply to authorisations and licences that are taken to be held as referred to in subclause (1) in the same way as they apply to authorisations and licences granted in accordance with those Schedules.

(3) This clause ceases to have effect on the commencement of clause 16 (3) of Schedule 6 to the Act.

Conditions of electricity connection and supply for new customers

15. (1) This clause applies to any person who becomes a customer of an electricity distributor on or after the commencement of this Regulation.

(2) Until a customer connection contract or customer supply contract comes into force with respect to a person to whom this clause applies, the conditions on which customer connection services and electricity supply are provided to the person are to be the same as those that would have applied to the person under section 26D of the Electricity Act 1945, as in force immediately before the commencement of this Regulation, had that section not been repealed.

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EXPLANATORY NOTE

The objects of this Regulation are:

- (a) to make provisions necessary to support section 72 of the Electricity Supply Act 1995; and
- (b) to exempt any person (other than TransGrid or an electricity distributor listed in Schedule 3 to the Act) from the need to hold a network operator's authorisation or an electricity distributor's licence;
- (c) to exempt the Lord Howe Island Board from the need to hold a network operator's authorisation or an electricity distributor's licence, subject to certain conditions protecting customers' rights; and
- (d) to exempt certain other matters from the operation of specified provisions of the Electricity Supply Act 1995.

This Regulation comprises matters of a machinery nature, matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public and matters of a savings or transitional nature.

This Regulation is made under the Electricity Supply Act 1995, including section 106 (the general regulation making power), sections 72 and 105 and clause 1 of Schedule 6.
