



Electricity Supply (General) Amendment (Reduction of Greenhouse Gas Emissions) Regulation 2003

under the

Electricity Supply Act 1995

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Electricity Supply Act 1995*.

FRANK ERNEST SARTOR, M.P.,
Minister for Energy and Utilities

Explanatory note

The objects of this Regulation are as follows:

- (a) to prescribe Delta Electricity as an electricity generator that is a benchmark participant, in respect of certain electricity supply arrangements, for the purposes of the scheme relating to greenhouse gas benchmarks in Division 2 of Part 8A of the *Electricity Supply Act 1995* (the *Act*),
- (b) to enable a company that purchases electricity for its own activities and on behalf of its related body corporates to elect to become a benchmark participant, as a **large customer** (as defined in section 97AB of the *Act*), if:
 - (i) the company and the related body corporates use a total of 100 gigawatt hours or more of that electricity in New South Wales (with at least one of those sites using 50 gigawatt hours or more) in the year prior to the company electing to become a benchmark participant, or
 - (ii) the Independent Pricing and Regulatory Tribunal is satisfied that the company and related body corporates will use those amounts of electricity,
- (c) to enable an accredited abatement certificate provider to create abatement certificates in relation to activities taking place before it is accredited, to the extent that those activities take place during 2003 or the first 6 months of 2004. Currently, the Regulation enables an accredited abatement certificate provider to create abatement certificates in relation to activities taking place before accreditation, only to the extent that those activities take place during 2003.

2003 No 943

Electricity Supply (General) Amendment (Reduction of Greenhouse Gas Emissions)
Regulation 2003

Explanatory note

This Regulation is made under the *Electricity Supply Act 1995*, including sections 97BB (1) (b) and (2) (d), 97E (1), 97EB (1) and 106 (1) (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Electricity Supply (General) Amendment (Reduction of Greenhouse Gas Emissions) Regulation 2003*.

2 Amendment of Electricity Supply (General) Regulation 2001

The *Electricity Supply (General) Regulation 2001* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 2)

[1] Clause 73B Electricity generators prescribed as benchmark participants

Insert at the end of clause 73B:

- (2) Delta Electricity is prescribed as an electricity generator for the purposes of section 97BB (1) (b) of the Act in respect of its supply of electricity, under electricity supply arrangements of a class referred to in clause 18 of Schedule 6 to the Act, to:
 - (a) BlueScope Steel (AIS) Pty Ltd (ACN 000 019 625), and
 - (b) BHP Billiton Limited (ACN 004 028 077).

[2] Clause 73BA Circumstances in which person is taken to be a large customer

Insert after clause 73BA (2):

- (3) For the purposes of section 97BB (2) (d) of the Act, a company (other than a retail supplier) is taken to be a large customer who uses electricity at more than one site in this State if:
 - (a) the company is one of a number of related body corporates, and
 - (b) the company is the purchaser of electricity, on behalf of one or more of those related body corporates, used at sites in this State that are owned or occupied by one or more of those related body corporates, and
 - (c) one of the following applies:
 - (i) the total electricity used by the company (if any), at sites in this State that are owned or occupied by the company, and the related body corporates for which the company purchased electricity, in the year preceding an election by the company to be an elective participant, equalled or exceeded the amounts required to be used by a customer for the purposes of paragraph (b) of the definition of **large customer** in section 97AB of the Act,
 - (ii) the Tribunal is satisfied that the company and any such related body corporates are likely to use those amounts of electricity, at sites in this State

that are owned or occupied by the company or the related body corporates, in the year in which any such election is to have effect.

(4) In this clause:

company and *related body corporate* have the same meanings as they have in the *Corporations Act 2001* of the Commonwealth.

[3] Clause 73BC Elections by large customers

Omit clause 73BC (1). Insert instead:

- (1) A person who makes an election to become an elective participant as a large customer must, before or when making the election, provide evidence to the Tribunal:
- (a) that the person is a customer who used or is likely to use 100 gigawatt hours or more of electricity at a single site, or at more than one site (at least one of which used or is likely to use 50 gigawatt hours or more), in this State, as referred to in clause 73BA (1) or (2), or
 - (b) that the person is a company that is the purchaser of electricity on behalf of one or more related body corporates and those related body corporates, including the company, used or are likely to use a total amount of 100 gigawatt hours or more of electricity at more than one site in this State (at least one of which used or is likely to use 50 gigawatt hours or more), as referred to in clause 73BA (3).

[4] Clause 73BC (2)

Omit “the customer”. Insert instead “the person”.

[5] Clause 73BC (3) and (4)

Omit “A customer” wherever occurring. Insert instead “A person”.

[6] Clause 73BC (3)

Omit “the customer’s”. Insert instead “a customer’s”.

[7] Clause 73BD Duration of election to be elective participant

Omit “the customer” wherever occurring in clause 73BD (4).

Insert instead “the large customer”.

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Schedule 1 Amendments

[8] Clause 73KB Activities that take place before accreditation

Insert “or during the period commencing on 1 January 2004 and ending on 30 June 2004” after “2003” in clause 73KB (2).

BY AUTHORITY
