

Energy (Renewable Transformation and Jobs) Bill 2023

Amendments during consideration in detail to be moved by
The Honourable the Minister for Energy and Clean Economy Jobs

1 Clause 42 (Information about REZ transmission network)

Page 39, line 23, ‘A’—

omit, insert—

(1) A

2 Clause 42 (Information about REZ transmission network)

Page 40, lines 14 to 19, from ‘granted,’ to ‘network’—

omit, insert—

granted;

3 Clause 42 (Information about REZ transmission network)

Page 41, after line 8—

insert—

(2) The process mentioned in subsection (1)(b)(iv)—

(a) must have regard to the following—

(i) the social licence criteria prescribed under the *Electricity Act 1994*, section 180(2)(f);

(ii) the capability and performance of entities to develop projects for the REZ transmission network and connect the projects to the transmission network;

(iii) the feasibility of projects to be developed and connected to the REZ transmission network within an appropriate timeframe; and

(b) may include stated criteria that must be satisfied for connection and access to the REZ transmission network.

Example of criteria—

an entity may connect to and access the REZ transmission network only if the social licence criteria mentioned in paragraph (a)(i) are satisfied

4 Clause 45 (Draft management plan)

Page 42, line 14, ‘section 42(b)(iv)’—

omit, insert—

section 42(1)(b)(iv)

5 Clause 53 (Definitions for division)

Page 48, line 32, ‘section 42(b)(iv)’—

omit, insert—

section 42(1)(b)(iv)

6 Clause 53 (Definitions for division)

Page 49, line 10, ‘section 42(b)(iv)’—

omit, insert—

section 42(1)(b)(iv)

7 Clause 54 (Restriction on connection and access to REZ transmission network)

Page 50, line 3, ‘section 42(b)(v)’—

omit, insert—

section 42(1)(b)(v)

8 Clause 54 (Restriction on connection and access to REZ transmission network)

Page 50, line 9, ‘section 42(b)(i)’—

omit, insert—

section 42(1)(b)(i)

9 Clause 54 (Restriction on connection and access to REZ transmission network)

Page 50, line 25, ‘section 42(c)’—

omit, insert—

section 42(1)(c)

10 Clause 59 (Existing applications to connect—REZ transmission network)

Page 54, line 8, ‘section 42(b)(v)’—

omit, insert—

section 42(1)(b)(v)

11 Clause 59 (Existing applications to connect—REZ transmission network)

Page 54, line 12, ‘section 42(b)(v)’—

omit, insert—

section 42(1)(b)(v)

12 Clause 83 (Authorisation for competition legislation)

Page 76, line 21, after ‘REZ’—

insert—

, including conduct relating to the preparation of,
or consultation on, a draft of the management plan

13 Clause 83 (Authorisation for competition legislation)

Page 77, line 2, ‘Rules.’—

omit, insert—

Rules;

- (d) conduct, of an entity, prescribed by regulation that is necessary or incidental to facilitate—
 - (i) a part of Queensland to be declared to be a REZ, even if the part is not ultimately declared to be a REZ (a *proposed REZ*); or
 - (ii) the development of a transmission network to be the REZ transmission network for a REZ or a proposed REZ; or
 - (iii) the operation of the REZ transmission network or REZ controlled assets for a REZ or a proposed REZ; or
 - (iv) arrangements for connection and access to the REZ transmission network or REZ controlled assets for a REZ or a proposed REZ, including the transition of arrangements under the national electricity laws to arrangements under this part.

14 After part 11, heading

Page 117, after line 19—

insert—

**Division 1 Application of
transmission ring-fencing
rule to Powerlink**

170A Application of transmission ring-fencing rule

- (1) The transmission ring-fencing rule and other provisions of the national electricity laws apply to Powerlink subject to a regulation made under this section.

Note—

See also sections 33 and 84.

- (2) A regulation—
- (a) may provide for the application of the transmission ring-fencing rule to Powerlink; and
 - (b) for that purpose, may—
 - (i) provide that the transmission ring-fencing rule does not apply to Powerlink in relation to a matter or applies in relation to a matter with stated modifications; and
 - (ii) state how other provisions of the National Electricity Rules apply in relation to a matter having regard to the transmission ring-fencing rule not applying or applying with stated modifications to Powerlink in relation to the matter.
- (3) Without limiting subsection (2)(b)(i), a regulation may provide that—
- (a) a stated requirement of the transmission ring-fencing rule does not apply to Powerlink; and
 - (b) another requirement applies in place of the requirement mentioned in paragraph (a).

Example—

The regulation may provide that 1 or more requirements, or all of the requirements, of a former version of the ‘Transmission ring-fencing guidelines’ made under the National Electricity Rules apply to Powerlink in place of 1 or more requirements, or all of the requirements, of the current version of the guidelines.

- (4) The Minister may recommend to the Governor in Council the making of a regulation under this section only if the Minister is satisfied the

regulation is necessary to achieve the main purposes of this Act stated in section 3(a) or (b) by enabling Powerlink to comply with this Act.

(5) In this section—

transmission ring-fencing rule means—

- (a) the National Electricity Rules, rule 6A.21; and
- (b) the ‘Transmission ring-fencing guidelines’ made under that rule.

170B Validation of particular acts and omissions of Powerlink

(1) This section applies if—

- (a) during the period starting on 1 March 2024 and ending on the day a regulation is made under section 170A, an act done, or omission made, by Powerlink contravenes the transmission ring-fencing rule within the meaning of that section; and
- (b) the act or omission would, if it had occurred after the day a regulation is made under section 170A, have been valid and lawful under the national electricity laws.

(2) For the national electricity laws, the act or omission is declared to be, and to have always been, valid and lawful.

170C Review of operation of regulation made under section 170A

- (1) The Minister must, within 3 years after a regulation is first made under section 170A, review the operation of the regulation.
- (2) In conducting the review, the Minister must—
 - (a) consult with Powerlink and the AER; and

- (b) consider whether the regulation continues to be necessary to achieve the main purposes of this Act stated in section 3(a) or (b) by enabling Powerlink to comply with this Act.
- (3) To remove any doubt, it is declared that this section does not prevent the Minister from reviewing the operation of the regulation at any time.

170D Expiry

This division expires on 31 December 2035.

Division 2 Other provisions

15 Clause 171 (Definition for part)

Page 117, line 20, ‘part’—

omit, insert—

division

16 Clause 171 (Definition for part)

Page 117, line 21, ‘part’—

omit, insert—

division

17 After clause 179

Page 122, after line 21—

insert—

179A Limited protection from liability for Powerlink

- (1) Powerlink is not civilly liable for an act done, or omission made, honestly and without negligence, that is necessary or incidental to facilitate—

- (a) a part of Queensland to be declared to be a REZ, even if the part is not ultimately declared to be a REZ (a *proposed REZ*); or
 - (b) the development of a transmission network to be the REZ transmission network for a proposed REZ (the *proposed REZ transmission network*); or
 - (c) the operation of—
 - (i) the proposed REZ transmission network for a proposed REZ; or
 - (ii) transmission assets that are to be REZ controlled assets for a proposed REZ (the *proposed REZ controlled assets*); or
 - (d) arrangements for connection and access to the proposed REZ transmission network or proposed REZ controlled assets for a proposed REZ, including the transition of arrangements under the national electricity laws to arrangements under part 6.
- (2) If subsection (1) prevents a civil liability attaching to Powerlink, the liability attaches instead to the State.
- (3) Subsection (1) applies to acts done, or omissions made, by Powerlink in relation to a proposed REZ—
- (a) only in its capacity as a Transmission Network Service Provider under the National Electricity Rules; and
 - (b) only during the period—
 - (i) starting when this Act was assented to; and
 - (ii) ending when the first of the following happens—

- (A) the proposed REZ is declared to be a REZ;
 - (B) the end of 2 years after the day this Act was assented to.
- (4) Subsection (1) applies to acts done, or omissions made, by Powerlink during the period mentioned in subsection (3)(b) as if the relevant provisions had commenced on the day this Act was assented to.
- (5) In this section—
relevant provisions means—
- (a) this section; and
 - (b) the other provisions of this Act relevant to the operation of this section.

18 After clause 184

Page 125, after line 21—

insert—

184A Amendment of s 180 (Consideration of application for generation authority)

- (1) Section 180(2)—

insert—

- (f) the social licence criteria prescribed by regulation are satisfied for the generating plant to be connected to a transmission grid or supply network under the authority.
- (2) Section 180—
- insert—*
- (4A) A regulation may prescribe the matters the regulator must consider in deciding whether the social licence criteria prescribed by regulation are satisfied for generating plant,

including, for example, whether the code of conduct under section 180A has been complied with.

(3) Section 180—

insert—

(8) In this section—

social licence criteria, for generating plant, means criteria about the conduct or proposed conduct of persons involved in the development, building or operation of the generating plant relating to—

- (a) community and stakeholder engagement for the development, building or operation of the generating plant; or
- (b) mitigating or addressing the impact of the development, building or operation of the generating plant on a community affected by the development, building or operation of the generating plant; or
- (c) the delivery of benefits of the development, building or operation of the generating plant to a community affected by the development, building or operation of the generating plant.

(4) Section 180(4A) to (8)—

renumber as section 180(5) to (9).

184B Insertion of new s 180A

After section 180—

insert—

180A Code of conduct for social licence criteria

- (1) The Minister may make a code of conduct

for persons involved in the development, building or operation of a generating plant for the purposes of the social licence criteria prescribed under section 180(2)(f).

- (2) A code of conduct, or an amendment of a code of conduct, does not have effect unless it is approved by regulation.
- (3) The Minister must table a copy of a code of conduct, or an amendment of a code of conduct, with the regulation approving the code of conduct or amendment.
- (4) A code of conduct, or an amendment of a code of conduct, takes effect—
 - (a) on the day the regulation approving the code of conduct or amendment commences; or
 - (b) if the code or amendment states a later day—the later day.
- (5) The Minister must—
 - (a) publish a code of conduct in effect under this section on the department's website; and
 - (b) make the code of conduct available to the public in any other ways the Minister considers appropriate.
- (6) If a code of conduct is inconsistent with a regulation, the regulation prevails to the extent of the inconsistency.
- (7) The Minister must review a code of conduct at least once every 5 years.

184C Amendment of s 184B (Consideration of application for transfer)

- (1) Section 184B(2)—
insert—

- (d) the social licence criteria prescribed by regulation under section 180(2)(f) are satisfied for the generating plant to which the authority relates.
- (2) Section 184B—
- insert—*
- (4) In deciding whether the social licence criteria prescribed by regulation under section 180(2)(f) are satisfied for the generating plant to which the authority relates, the regulator must consider the matters prescribed under section 180(5).

184D Amendment of s 210 (Consideration of application for special approval)

Section 210(2), ‘Sections 180(2) to (7)’—

omit, insert—

Sections 180(2) to (9)

184E Amendment of s 212B (Consideration of application for transfer)

- (1) Section 212B(2), from ‘satisfied’—

omit, insert—

satisfied—

- (a) the proposed transferee is a suitable person to hold the special approval; and
 - (b) if relevant to the activities carried out under the special approval, the social licence criteria prescribed by regulation under section 180(2)(f) are satisfied for the generating plant to which the approval relates.
- (2) Section 212B—

insert—

- (4) In deciding whether the social licence criteria prescribed by regulation under section 180(2)(f) are satisfied for the generating plant to which the special approval relates, the regulator must consider the matters prescribed under section 180(5).

184F Insertion of new ch 14, pt 19

Chapter 14—

insert—

Part 19 Transitional provision for Energy (Renewable Transformation and Jobs) Act 2023

361 Social licence criteria do not apply for existing applications

- (1) This section applies to an application for any of the following made but not decided under this Act before the commencement—
 - (a) the issue of a generation authority;
 - (b) the transfer of a generation authority;
 - (c) a special approval;
 - (d) the transfer of a special approval.
- (2) The application must be decided under this Act as in force immediately before the commencement as if the *Energy (Renewable Transformation and Jobs) Act 2023* had not been enacted.

19 After clause 186

Page 126, after line 6—

insert—

186A Insertion of new s 12A

After section 12—

insert—

12A Modification regulation-making power

- (1) A regulation (a *modification regulation*) may modify the operation of any of the following—
 - (a) the National Electricity (Queensland) Law;
 - (b) the National Electricity (Queensland) Regulations;
 - (c) the National Electricity Rules to the extent they apply for the purposes of the National Electricity (Queensland) Law.
- (2) However, a modification regulation may be made only—
 - (a) to prevent or minimise an adverse financial effect the operation of the National Electricity (Queensland) Law would, without amendment, have on a particular class of retail customers in Queensland; or
Examples of classes of retail customers—
 - retail customers who are Aboriginal peoples or Torres Strait Islander peoples, retail customers who are financially disadvantaged, retail customers who live in rural or remote areas
 - (b) to prevent or minimise an adverse financial effect the operation of the National Electricity (Queensland)

Regulations, or the National Electricity Rules mentioned in subsection (1)(c), would, without amendment, have on—

- (i) retail customers in Queensland; or
 - (ii) a particular class of retail customers in Queensland; or
- (c) to give effect to the operation of the National Electricity (Queensland) Regulations, or the National Electricity Rules mentioned in subsection (1)(c), in a way that increases customer protection for retail customers in Queensland.

Example of increased customer protection—

a requirement for a network service provider to consider additional matters under the National Electricity (Queensland) Regulations or the National Electricity Rules in relation to quality, safety, reliability and security of supply of electricity for retail customers

20 After clause 187

Page 126, after line 11—

insert—

187A Amendment of s 12 (Modification regulation-making power)

- (1) Section 12(2)(a), from ‘, arising’ to ‘this section’—

omit.

- (2) Section 12—

insert—

- (2A) Without limiting subsection (2)(a) or (b), it is declared that a change is necessary or convenient for giving effect to the operation

of the Law mentioned in subsection (1)(a), or the Regulations or the Rules mentioned in subsection (1)(b) or (c), in Queensland if—

- (a) for a change to the Law—the change is likely to prevent or minimise an adverse financial effect the operation of the Law in Queensland would, without modification, have had on a particular class of customers in Queensland; or

Examples of classes of customers—

customers who are Aboriginal peoples or Torres Strait Islander peoples, customers who are financially disadvantaged, customers who live in rural or remote areas

- (b) for a change to the Regulations or the Rules—

- (i) the change is likely to prevent or minimise an adverse financial effect the operation of the Regulations or the Rules in Queensland would, without modification, have had on—

(A) customers in Queensland; or

(B) a particular class of customers in Queensland; or

- (ii) the change is likely to give effect to the operation of the Regulations or Rules in a way that increases customer protection for customers in Queensland.

Example of increased customer protection—

a requirement for a retailer to obtain explicit informed consent of a customer for the entry by the customer into a customer retail contract

(3) Section 12(3), ‘Without’—

omit, insert—

Also, without

(4) Section 12(6)—

omit.

21 Schedule 1 (Dictionary)

Page 130, line 22, after ‘part 11,’—

insert—

division 2,

22 Schedule 1 (Dictionary)

Page 132, line 11, ‘, for part 6,’—

omit.

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