

I hereby certify that this PUBLIC BILL has finally passed the  
Legislative Assembly of Queensland.

Legislative Assembly Chambers,  The Clerk of the Parliament.

Brisbane,

*26 April*

20 *24*

In the name and on behalf of the King, I assent to this Bill.

Government House,

Brisbane, *26th April*

*2024.*



Queensland

No. 15 of 20*24*

**A BILL for**

An Act to transform the energy sector in Queensland by facilitating the increased generation of electricity from renewable energy sources and supporting affected workers and communities, and to amend this Act, the Electricity Act 1994, the Electricity—National Scheme (Queensland) Act 1997, the National Energy Retail Law (Queensland) Act 2014 and the Petroleum and Gas (Production and Safety) Act 2004 for particular purposes





Queensland

# Energy (Renewable Transformation and Jobs) Bill 2024

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# 2024

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## A Bill

for

**An Act to transform the energy sector in Queensland by facilitating the increased generation of electricity from renewable energy sources and supporting affected workers and communities, and to amend this Act, the *Electricity Act 1994*, the *Electricity—National Scheme (Queensland) Act 1997*, the *National Energy Retail Law (Queensland) Act 2014* and the *Petroleum and Gas (Production and Safety) Act 2004* for particular purposes**

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## **The Parliament of Queensland enacts—**

# **Part 1 Preliminary**

## **1 Short title**

This Act may be cited as the *Energy (Renewable Transformation and Jobs) Act 2024*.

## **2 Commencement**

This Act commences on a day to be fixed by proclamation.

## **3 Main purposes of Act**

The main purposes of this Act are—

- (a) to increase the amount of electricity generated in Queensland from renewable energy sources; and
- (b) to facilitate and support the efficient and coordinated augmentation of the national transmission grid in Queensland to accommodate the increased generation of electricity from renewable energy sources in a safe, secure, reliable and cost-effective way; and
- (c) to provide for support and advocacy for workers in the energy industry and communities affected by the increased generation of electricity from renewable energy sources.

## **4 How main purposes are primarily achieved**

The main purposes of this Act are to be achieved primarily by—

- (a) setting renewable energy targets for Queensland; and

- (b) providing for the identification and construction of priority transmission investments; and
- (c) providing for the declaration of renewable energy zones, the development and operation of transmission networks in renewable energy zones and coordinated and streamlined connection and access to transmission networks in renewable energy zones; and
- (d) establishing the Job Security Guarantee Fund, including for the purpose of implementing the job security guarantee; and
- (e) establishing the following entities—
  - (i) the Queensland Energy System Advisory Board;
  - (ii) the Energy Industry Council;
  - (iii) the Queensland Renewable Energy Jobs Advocate.

## **5 Act binds all persons**

This Act binds all persons, including the State.

## **6 Definitions**

The dictionary in schedule 1 defines particular words used in this Act.

## **7 Meaning of *optimal infrastructure pathway***

The *optimal infrastructure pathway* is—

- (a) the significant electricity infrastructure projects, including sequencing and timing of delivery of the projects, identified in the infrastructure blueprint under section 15(2)(a); and
- (b) any project that is an eligible priority transmission investment if section 20(2)(b) applies in relation to the project; and

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- (c) any REZ transmission network for a REZ not mentioned in the infrastructure blueprint.

## **8 Meaning of *optimal infrastructure pathway objectives***

The *optimal infrastructure pathway objectives* are the following objectives—

- (a) the achievement of the renewable energy targets;
- (b) the provision of a safe, secure and reliable supply of electricity to Queensland consumers;
- (c) the long-term minimisation of the cost of electricity for Queensland consumers.

# **Part 2 Renewable energy targets**

## **9 Renewable energy targets**

The *renewable energy targets* for Queensland are—

- (a) that by 2030 50% of the electricity generated in Queensland is generated from renewable energy sources; and
- (b) that by 2032 70% of the electricity generated in Queensland is generated from renewable energy sources; and
- (c) that by 2035 80% of the electricity generated in Queensland is generated from renewable energy sources.

## **10 Methodology for calculating electricity generated from renewable energy sources**

- (1) The methodology for calculating the proportion of electricity generated in Queensland that is generated from renewable energy sources is the methodology decided by the Minister.
- (2) The Minister must—



- (a) table in the Legislative Assembly a document stating the methodology; and
- (b) publish the document on the department's website.

## **11 Annual progress statement**

- (1) The Minister must table in the Legislative Assembly, by 30 September each year, the statement prepared by the board under section 94(a) for the previous financial year.
- (2) The Minister must publish the statement on the department's website.

## **12 Review of renewable energy targets**

- (1) The Minister must review the renewable energy targets at least every 5 years after—
  - (a) the day of the commencement; or
  - (b) if the renewable energy targets have been reviewed—the day the report about the most recent review was tabled in the Legislative Assembly.
- (2) The object of the review is for the Minister to decide whether the renewable energy targets remain appropriate, having regard to—
  - (a) the purposes of this Act; and
  - (b) the progress made towards achieving the renewable energy targets; and
  - (c) advice from the board; and
  - (d) any other matter the Minister considers relevant.
- (3) Despite subsection (1), the Minister must, in 2030—
  - (a) review the renewable energy targets; and
  - (b) after finishing the review, decide whether targets for electricity generated in Queensland from renewable energy sources should be set beyond 2035.

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- (4) The Minister must table a report about the outcome of the review in the Legislative Assembly.

## Part 3                      Public ownership of energy assets

### 13      Public ownership strategy

- (1) The Minister must prepare a strategy (a *public ownership strategy*), for each reporting period, that—
- (a) sets out the following targets for public ownership for each class of energy assets to be achieved by 2035—
    - (i) for generation assets—a stated percentage that is equal to or more than 54%;
    - (ii) for transmission and distribution assets—100%;
    - (iii) for deep storage assets—100%; and
  - (b) describes how the State proposes to achieve and maintain, or promote the achievement and maintenance of, the targets by 2035 during the reporting period; and
  - (c) describes how the State proposes to maintain ownership of each publicly owned coal-fired power station and publicly owned gas-fired power station in existence on the commencement.
- (2) The Minister must—
- (a) table the public ownership strategy in the Legislative Assembly—
    - (i) for the public ownership strategy for the reporting period starting 1 July 2025—on or before 31 December 2025; and
    - (ii) for the public ownership strategy for the reporting period starting 1 July 2030—on or before 31 December 2030; and

(b) publish the public ownership strategy for each reporting period on the department's website.

(3) In this section—

***class of energy assets*** means the following classes of assets in Queensland—

- (a) generation assets;
- (b) transmission and distribution assets;
- (c) deep storage assets.

***deep storage assets*** means assets for pumped hydro energy storage that are—

- (a) capable of generating at least 1,500MW for 24 hours; and
- (b) prescribed by regulation.

***generation assets*** means assets that constitute a generating system for which a person is registered as a generator or intermediary under the National Electricity Rules, other than the following—

- (a) assets that are—
  - (i) predominantly used to generate electricity for conversion to a form of energy suitable for export; and
  - (ii) prescribed by regulation;
- (b) a generating system with a nameplate rating of less than 30MW;
- (c) a generating system comprised of generating units with a combined nameplate rating of less than 30MW;
- (d) an asset used for pumped hydro energy storage, including a deep storage asset;
- (e) another asset that directly or indirectly uses electricity to create a stored source of energy that may later be converted by the generating system to electricity.

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***publicly owned gas-fired power station*** means a natural gas-fired power station in Queensland that is owned, wholly or partly and directly or indirectly, by a GOC.

***public ownership***, in relation to a class of energy assets, means—

- (a) ownership, whether wholly or partly, of assets of the class by the Commonwealth, the State or a local government; or
- (b) if the Commonwealth, the State or a local government directly or indirectly holds a right or interest in another entity that owns assets of the class—ownership, whether wholly or partly, of the assets by the other entity; or
- (c) an interest prescribed by regulation held in relation to assets of the class under an agreement or arrangement prescribed by regulation, to which the State or a GOC is a party, relating to electricity generated using the assets.

***reporting period*** means each of the following periods—

- (a) the period—
  - (i) starting on 1 July 2025; and
  - (ii) ending on 30 June 2030;
- (b) the period—
  - (i) starting on 1 July 2030; and
  - (ii) ending on 30 June 2035.

***transmission and distribution assets*** means assets that constitute the following, other than an asset excluded from this definition by regulation—

- (a) a transmission system that is regulated by a transmission determination;
- (b) a distribution system under the National Electricity (Queensland) Law that is regulated by a distribution determination under that Law;
- (c) the REZ transmission network for a REZ.

## 14 Public ownership report

- (1) The Minister must, for each reporting period, prepare a report about the progress made towards achieving the targets and maintaining ownership of publicly owned coal-fired power stations and publicly owned gas-fired power stations as set out in the public ownership strategy.
- (2) The report must—
  - (a) state, for each class of energy assets, the percentage of public ownership of assets of the class on the last day of the reporting period; and
  - (b) describe how the percentages are worked out.
- (3) The Minister must publish the report on the department's website within 3 months after the end of the reporting period to which the report relates.
- (4) In this section—

*class of energy assets* see section 13(3).

*publicly owned gas-fired power station* see section 13(3).

*public ownership*, in relation to a class of energy assets, see section 13(3).

*reporting period* see section 13(3).

## Part 4 Queensland SuperGrid Infrastructure Blueprint

### 15 Making and approving infrastructure blueprint

- (1) The Minister must make a document called the 'Queensland SuperGrid Infrastructure Blueprint' (the *infrastructure blueprint*).
- (2) The infrastructure blueprint must—
  - (a) identify the particular significant electricity infrastructure projects, including the sequencing and

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timing of delivery of the projects, that each help to meet the optimal infrastructure pathway objectives; and

*Examples of significant electricity infrastructure projects—*

- priority transmission investments
  - REZ transmission networks for REZs
  - large scale energy storage
- (b) describe how the electricity infrastructure projects mentioned in paragraph (a) each help to meet the optimal infrastructure pathway objectives; and
- (c) describe any proposed changes, of which the Minister is aware, to operations of a publicly owned coal-fired power station that are intended to ultimately result in the permanent cessation of electricity generation from coal at the power station; and

*Examples of proposed changes for paragraph (c)—*

- 1 or more coal-fired generating units at the power station stops operating in periods of low demand on a seasonal basis
  - 1 or more coal-fired generating units at the power station is repurposed and will no longer generate electricity
  - the power station will no longer generate electricity and the power station, or the land on which it is located, will be used for a different purpose
- (d) identify parts of Queensland that are possibly suitable to be renewable energy zones; and
- (e) include an estimate of each of the following matters—
- (i) the installed renewable generation capacity that will be required to achieve the renewable energy targets;
  - (ii) the capacity for storage of energy, in a form capable of being converted to electricity, that will be required to do both of the following—
    - (A) achieve the renewable energy targets;

- (B) ensure the provision of a safe, secure and reliable supply of electricity to Queensland consumers;
  - (iii) the capacity of infrastructure connected to transmission systems in Queensland to generate electricity on demand that will be required to do both of the following—
    - (A) achieve the renewable energy targets;
    - (B) ensure the provision of a safe, secure and reliable supply of electricity to Queensland consumers;
  - (iv) the electricity to be generated in Queensland by 2035 from devices owned by Queensland consumers; and
    - Example for subparagraph (iv)—*
      - rooftop solar panels
  - (f) include any other matter prescribed by regulation.
- (3) The infrastructure blueprint may also include any other matter the Minister considers relevant to achieving—
- (a) the optimal infrastructure pathway objectives; or
  - (b) the purposes of this Act.
- (4) However, the infrastructure blueprint must not include a description of proposed changes to operations of a publicly owned coal-fired power station mentioned in subsection (2)(c) to the extent the Minister considers—
- (a) the description contains information that is commercial-in-confidence; or
  - (b) it is not in the public interest to include the description in the infrastructure blueprint.
- (5) The infrastructure blueprint takes effect only if it has been approved by regulation.
- (6) The Minister must publish the infrastructure blueprint on the department’s website.

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(7) In this section—

*installed renewable generation capacity* means the total nameplate rating of generating systems in Queensland that are capable of producing electricity from renewable energy sources.

## **16 Review of infrastructure blueprint**

(1) The Minister must review the infrastructure blueprint—

- (a) by 31 May 2025; and
- (b) at further intervals of 2 years.

(2) However, subsection (1) does not prevent the Minister from reviewing the infrastructure blueprint at any time.

(3) In reviewing the infrastructure blueprint, the Minister must have regard to the following matters—

- (a) advice from, or recommendations of, the board under section 94(b);
- (b) advice from the council under section 124(a)(i);
- (c) the Integrated System Plan;
- (d) the optimal infrastructure pathway objectives;
- (e) the purposes of this Act;
- (f) the policies of the State in relation to energy or electricity;
- (g) any other matter prescribed by regulation.

(4) After reviewing the infrastructure blueprint, the Minister may make a replacement infrastructure blueprint.

(5) A replacement infrastructure blueprint must include a summary of the difference between the content of the replacement infrastructure blueprint and the infrastructure blueprint in effect immediately before the replacement infrastructure blueprint takes effect.



- (6) Section 15(2) to (6) applies in relation to the making and approval of the replacement infrastructure blueprint.

## Part 5                      Priority transmission investments

### Division 1                  Preliminary

#### 17      Purpose of part

The purpose of this part is—

- (a) to facilitate the identification and construction of priority transmission investments; and
- (b) to make provision for financial matters associated with the investments.

#### 18      Definitions for part

In this part—

*assessment documents* means documents declared by regulation to be assessment documents.

*candidate priority transmission investment* means an eligible priority transmission investment declared to be a candidate priority transmission investment under section 21.

*eligible priority transmission investment* means a project prescribed as an eligible priority transmission investment under section 20(1).

*identified need*, for a candidate priority transmission investment, means the objective the investment is intended to achieve.

*priority transmission investment* see section 26(2).

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**19 Reference to construction of candidate priority transmission investment or priority transmission investment**

In this part, a reference to construction of a candidate priority transmission investment or a priority transmission investment is a reference to the construction, testing and commissioning of the infrastructure that is the subject of the investment.

**Division 2 Construction of priority transmission investments**

**20 Eligible priority transmission investments**

- (1) A regulation may prescribe a project as an eligible priority transmission investment.
- (2) The Minister may recommend to the Governor in Council the making of a regulation under subsection (1) prescribing a project as an eligible priority transmission investment only if the responsible Ministers are satisfied that—
  - (a) the project is identified in the infrastructure blueprint as part of the optimal infrastructure pathway; or
  - (b) if paragraph (a) does not apply—
    - (i) since the Minister made the infrastructure blueprint under section 15(1), or last reviewed the infrastructure blueprint under section 16, the responsible Ministers have become aware of information about changes in the likely production or storage of, or demand for, electricity in Queensland or a part of Queensland; and
    - (ii) the responsible Ministers have consulted the board in relation to the information; and
    - (iii) the Minister is satisfied that, had the Minister been aware of the information when making or reviewing the infrastructure blueprint, the Minister would have included the project in the

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infrastructure blueprint and identified the project as part of the optimal infrastructure pathway.

(3) In this section—

*project* means a project for—

- (a) the construction of infrastructure that transmits electricity and associated plant and equipment; and
- (b) the acquisition of land associated with that construction.

## **21 Candidate priority transmission investments**

The responsible Ministers may, by written notice given to Powerlink, declare an eligible priority transmission investment to be a candidate priority transmission investment.

## **22 Responsible Ministers must direct Powerlink to submit in relation to candidate priority transmission investment**

- (1) The responsible Ministers must direct Powerlink to give the responsible Ministers a submission about how they should direct Powerlink under section 24 to assess a candidate priority transmission investment.
- (2) The direction must be given immediately after the responsible Ministers make a declaration in relation to the candidate priority transmission investment under section 21.
- (3) The direction must require the submission to address when construction of the candidate priority transmission investment must commence in order to meet—
  - (a) the anticipated date for completion of construction of the investment stated in the infrastructure blueprint; or
  - (b) if an anticipated date for completion of construction of the investment is stated in the direction—the date stated in the direction.
- (4) Also, the direction must require the submission to address the following matters—

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- (a) the identified need Powerlink proposes for the candidate priority transmission investment;
  - (b) the assessment documents Powerlink recommends the responsible Ministers should direct Powerlink under section 24(4)(a) to use to assess the investment and reasons for that recommendation;
  - (c) the modifications to the assessment documents Powerlink recommends the responsible Ministers should include in a direction to Powerlink under section 24(4)(a) to assess the investment and reasons for that recommendation;
  - (d) any other matter the responsible Ministers consider relevant.
- (5) Before making a submission addressing a matter mentioned in subsection (4)(a), Powerlink must consult the board on the identified need proposed for the candidate priority transmission investment.
- (6) A direction under this section must state the date by which the submission must be given to the responsible Ministers.

## **23 Responsible Ministers must seek advice about Powerlink's submission**

- (1) This section applies if the responsible Ministers receive a submission from Powerlink under section 22 about a candidate priority transmission investment.
- (2) The responsible Ministers must seek advice on the submission from a suitably qualified person about the following matters—
  - (a) whether the proposed identified need for the candidate priority transmission investment has been sufficiently described by Powerlink;
  - (b) whether the suitably qualified person recommends any changes to the description of the proposed identified need;

- (c) whether the assessment documents recommended by Powerlink are appropriate;
  - (d) in relation to the modifications recommended by Powerlink to the assessment documents, whether—
    - (i) the modifications are appropriate; and
    - (ii) the modifications are as minimal as is practical;
  - (e) any matter not mentioned in Powerlink’s submission that is relevant to the giving of a direction to Powerlink under section 24 about the assessment of the investment;
  - (f) any other relevant matter the responsible Ministers consider appropriate.
- (3) A request for advice under subsection (2) must state the date by which the advice must be given to the responsible Ministers.
- (4) In giving advice to the responsible Ministers about a matter mentioned in subsection (2)(c) or (d), the suitably qualified person must have regard to—
- (a) when construction of the candidate priority transmission investment must commence in order to meet—
    - (i) the anticipated date for completion of construction of the investment stated in the infrastructure blueprint; or
    - (ii) if an anticipated date for completion of construction of the investment is stated in the direction given under section 22—the date stated in the direction; and
  - (b) any other relevant matter the responsible Ministers identify to the person.
- (5) If the suitably qualified person gives advice under subsection (2)(c) that the assessment documents recommended by Powerlink are not appropriate, the person must also give the responsible Ministers further advice on the appropriate documents.

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- (6) If the suitably qualified person gives advice under subsection (2)(d)(i) that the modifications recommended by Powerlink are not appropriate, the person must also give the responsible Ministers further advice on the appropriate modifications.
- (7) If the suitably qualified person gives advice under subsection (2)(d)(ii) that the modifications recommended by Powerlink are not as minimal as is practical, the person must also give the responsible Ministers further advice on the modifications that are as minimal as is practical.

## **24 Responsible Ministers may direct Powerlink to assess candidate priority transmission investment**

- (1) This section applies if—
  - (a) Powerlink has given the responsible Ministers a submission in response to a direction under section 22 about a candidate priority transmission investment; and
  - (b) the responsible Ministers have requested and received advice, and any further advice required, under section 23.
- (2) The responsible Ministers may direct Powerlink to—
  - (a) assess the candidate priority transmission investment; and
  - (b) following the assessment, give a report to the responsible Ministers stating—
    - (i) each option considered by Powerlink to address the identified need for the investment; and
    - (ii) the option to address the identified need for the investment that, in Powerlink’s opinion, maximises the net economic benefit associated with the investment consistent with—
      - (A) the achievement of the identified need; and
      - (B) the anticipated date for completion of construction of the investment stated for the

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- investment in the infrastructure blueprint or in the direction given under section 22; and
- (iii) any other matter the responsible Ministers direct Powerlink to include in the report.
- (3) For subsection (2)(b)(ii), the option identified by Powerlink may have a negative net economic benefit.
- (4) A direction under this section must state—
- (a) the assessment documents, modified by the responsible Ministers as stated in the direction, to be used by Powerlink to assess the candidate priority transmission investment; and
- (b) an identified need for the investment decided by the responsible Ministers; and
- (c) the date by which the report must be given to the responsible Ministers.
- (5) For subsection (4)(a), the modifications of the assessment documents must be the modifications the responsible Ministers consider are appropriate and are as minimal as is practical.

## **25 Responsible Ministers must seek advice about Powerlink's report**

- (1) If the responsible Ministers receive a report from Powerlink under section 24(2)(b) about a candidate priority transmission investment, the responsible Ministers must seek advice on the report from a suitably qualified person.
- (2) The advice the responsible Ministers must seek is—
- (a) whether Powerlink has assessed the candidate priority transmission investment in accordance with the direction given about the investment under section 24; and
- (b) whether the expenditure on the investment proposed, or already made, by Powerlink is the expenditure that

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would be required by an efficient and prudent operator in Powerlink's circumstances.

- (3) A request for advice under subsection (2) must state the date by which the advice must be given to the responsible Ministers.
- (4) Powerlink must give the suitably qualified person any information the person reasonably requires to give their advice.
- (5) If, following receipt of the advice, the responsible Ministers consider Powerlink has not assessed the candidate priority transmission investment as directed, the responsible Ministers may direct Powerlink to provide a replacement report under section 24(2)(b) that addresses the matters stated in the direction.
- (6) Subsections (1) to (5) apply in relation to the replacement report the subject of the direction under subsection (5) as if the replacement report were a report received under section 24(2)(b).

## **26 Responsible Ministers may declare priority transmission investment**

- (1) This section applies if—
  - (a) the responsible Ministers have received advice under section 25 about a report received by the responsible Ministers from Powerlink under section 24(2)(b) about a candidate priority transmission investment; and
  - (b) the responsible Ministers are satisfied that Powerlink has assessed the investment as directed.
- (2) The responsible Ministers may declare the candidate priority transmission investment, to be constructed using the option to address the identified need for the investment identified by Powerlink in its report under section 24(2)(b)(ii), to be a *priority transmission investment*.



- (3) The Minister must notify the making of the declaration in the gazette, and publish the declaration on the department's website.

**27 Responsible Ministers must direct Powerlink to construct priority transmission investment**

- (1) As soon as practicable after making a declaration under section 26(2) about a priority transmission investment, the responsible Ministers must direct Powerlink to construct the investment.
- (2) A direction under this section must state—
  - (a) the anticipated date by which Powerlink will commence constructing the priority transmission investment; and
  - (b) the anticipated date for completion of construction of the investment, which may be a different date to the anticipated date for completion of construction stated for the investment in the infrastructure blueprint or in the direction given under section 22.
- (3) Powerlink must take all reasonable steps to—
  - (a) commence construction of the priority transmission investment by the anticipated date mentioned in subsection (2)(a); and
  - (b) complete construction of the investment by the anticipated date mentioned in subsection (2)(b).
- (4) To remove any doubt, it is declared that Powerlink is not prevented from designing the infrastructure the subject of the priority transmission investment, or acquiring land associated with construction of the investment, before the investment is declared under section 26 or a direction is given in relation to the investment under this section.

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## **Division 3                      Financial matters associated with priority transmission investments**

### **28            Regulation-making power in relation to financial matters associated with priority transmission investments**

- (1) A regulation may—
- (a) require Powerlink to include particular amounts associated with a priority transmission investment in a revenue proposal by Powerlink; or
  - (b) enable the responsible Ministers to direct Powerlink to—
    - (i) apply to the AER for the AER to amend Powerlink’s revenue determination to account for a priority transmission investment; or
    - (ii) include particular amounts associated with a priority transmission investment in a revenue proposal by Powerlink; or
    - (iii) apply to the AER for the AER to adjust the value of Powerlink’s regulatory asset base by particular amounts to account for a priority transmission investment; or
  - (c) require Powerlink to give information about a priority transmission investment, candidate priority transmission investment or eligible priority transmission investment to a particular entity, including the AER, for the purposes of an application or revenue proposal made acting under—
    - (i) a requirement under paragraph (a); or
    - (ii) a direction mentioned in paragraph (b); or
  - (d) provide for particular action to be taken by the AER in relation to Powerlink’s revenue determination, regulatory asset base or revenue proposal if Powerlink acts under—
    - (i) a requirement under paragraph (a); or

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- (ii) a direction mentioned in paragraph (b).
- (2) In subsection (1)(a) and (b)(ii), a reference to particular amounts associated with a priority transmission investment includes a reference to expenditure on the investment, whether before or after the commencement, while the investment is in the form of—
- (a) a candidate priority transmission investment; or
  - (b) an eligible priority transmission investment; or
  - (c) a project that is later prescribed under section 20 as an eligible priority transmission investment.
- (3) In subsection (1)(b)(i) and (iii), a reference to accounting for a priority transmission investment includes a reference to accounting for expenditure on the investment, whether before or after the commencement, while the investment was in a form mentioned in subsection (2)(a), (b) or (c).
- (4) In this section—

*regulatory asset base* has the same meaning as the term has in the National Electricity Rules.

*revenue determination* has the meaning given by the National Electricity Rules.

## Division 4            Other provisions

### 29    PTI guidelines

- (1) The responsible Ministers may approve guidelines (*PTI guidelines*) for directing Powerlink, or seeking advice from a suitably qualified person, under this part.
- (2) The Minister must notify the making of the PTI guidelines in the gazette.
- (3) The PTI guidelines take effect on the later of the following days—

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- (a) the day the making of the guidelines is notified in the gazette;
- (b) the day the guidelines state they are to take effect.
- (4) The Minister must publish the PTI guidelines on the department's website.
- (5) The following things must be done in accordance with the PTI guidelines—
  - (a) the giving of a direction to Powerlink under this part, including under a regulation made under section 28;
  - (b) the making of a request for advice from a suitably qualified person under this part.

### **30 Compliance with directions**

- (1) Powerlink must comply with a direction given to it by the responsible Ministers under this part.
- (2) An act or decision of Powerlink's board in purported implementation of a direction mentioned in subsection (1) is not invalid merely because of a failure to comply with the direction.

### **31 Information given to suitably qualified person**

A suitably qualified person who is given information by Powerlink under this part may disclose the information to the Minister or Treasurer.

*Note—*

See also the confidentiality requirement under section 173.

### **32 Advice to Minister or Treasurer**

- (1) Nothing in this part limits the ability of the Minister or Treasurer to seek the advice of another person about a matter under this part.

- (2) The Minister or Treasurer may disclose advice received under this part to Powerlink.

### **33 Relationship with national electricity laws**

- (1) It is the intention of Parliament that this part applies despite anything stated in the national electricity laws.
- (2) It is also the intention of Parliament that the national electricity laws continue to apply in relation to a priority transmission investment to the extent the national electricity laws are not inconsistent with this part.
- (3) Subsection (4) applies in relation to a provision of this part, or a regulation under a provision of this part, that provides for a matter relating to a priority transmission investment to which the national electricity laws apply or would otherwise apply.
- (4) A regulation—
- (a) may provide for the application of a provision of the national electricity laws (a *national provision*) in relation to the priority transmission investment; and
  - (b) for that purpose, may—
    - (i) provide that a national provision does not apply 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 laws apply in relation to a matter having regard to a national provision not applying or applying with stated modifications in relation to the matter.
- (5) In this section, a reference to a priority transmission investment includes a reference to an eligible priority transmission investment or a candidate priority transmission investment.

### **34 Expiry**

This part expires on 31 December 2035.

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## Part 6 Renewable energy zones

### Division 1 Preliminary

#### 35 Purposes of part

The purposes of this part are—

- (a) to provide for parts of Queensland that are suitable to be renewable energy zones to be declared to be renewable energy zones; and
- (b) to ensure the impact of the declaration of renewable energy zones on Queensland communities is appropriately considered; and
- (c) to provide for coordinated and streamlined connection and access to transmission networks in renewable energy zones by regulating connection and access to—
  - (i) the transmission networks; and
  - (ii) transmission assets that materially affect, or will materially affect, the capacity or functioning of the transmission networks; and
- (d) to facilitate and support the development and operation of transmission networks in renewable energy zones, including by providing for the recovery of costs associated with the provision of the transmission networks.

#### 36 Definitions for part

In this part—

***connection agreement*** has the meaning given by the National Electricity Rules.

***management plan***, for a REZ, means a management plan for the REZ approved under section 47.

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***participant***, for a REZ, means an entity that has entered into a connection agreement for connection and access to the REZ transmission network for the REZ with the transmission network service provider.

***regulate***, in relation to connection and access to the REZ transmission network or REZ controlled assets for a REZ, means authorise, prohibit, restrict or otherwise regulate.

***relevant transmission network service provider***, for REZ controlled assets for a REZ, means the transmission network service provider for the transmission system of which the REZ controlled assets are a component.

***renewable energy zone*** or ***REZ*** means a part of Queensland declared to be a renewable energy zone under section 38.

***REZ assessment***, for a part of Queensland, means a REZ assessment conducted under division 4 for the part.

***REZ controlled assets***, for a REZ, means transmission assets that—

- (a) materially affect, or will materially affect, the capacity or functioning of the REZ transmission network for the REZ; and
- (b) are outside the REZ or inside the REZ but not part of the REZ transmission network; and
- (c) are identified in the REZ declaration for the REZ as REZ controlled assets for the REZ.

***REZ declaration*** means the regulation declaring a part of Queensland to be a renewable energy zone under section 38.

***REZ delivery body***—

- (a) generally, means an entity appointed to be a REZ delivery body under section 75; and
- (b) in relation to a particular REZ, means the REZ delivery body that recommended the REZ be declared.

***REZ transmission network***, for a REZ, means the transmission network, or a part of a transmission network, that is—

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- (a) in the REZ; and
- (b) identified in the REZ declaration for the REZ as the REZ transmission network for the REZ.

*transmission asset* has the meaning given by the National Electricity Rules.

*transmission network service provider*—

- (a) generally, means a Transmission Network Service Provider under the National Electricity Rules; and
- (b) in relation to a particular REZ, means Powerlink in its capacity as the Transmission Network Service Provider for the REZ transmission network for the REZ.

### **37 References to connection and access**

In this part, the terms connection and access, in relation to a transmission network or transmission assets, have the same meaning as they have in the National Electricity Rules.

## **Division 2 Declaration of renewable energy zones**

### **38 Declaration of renewable energy zone**

- (1) A regulation may declare a part of Queensland to be a renewable energy zone.
- (2) The Minister may recommend to the Governor in Council the making of a regulation under subsection (1)—
  - (a) only with the Treasurer's approval; and
  - (b) only if a REZ delivery body has recommended the part of Queensland be declared to be a renewable energy zone and the Minister is satisfied—
    - (i) the part of Queensland is suitable to be a renewable energy zone; and



- (ii) the declaration will help achieve the purposes of this Act mentioned in section 3(a) and (b).

*Note—*

See also section 40 for matters to which the Minister and the Treasurer must have regard when performing a function under this division.

- (3) A regulation under subsection (1) must—
  - (a) identify the geographic boundary of the renewable energy zone; and
  - (b) state the objectives of the renewable energy zone; and
  - (c) identify—
    - (i) the management plan for the renewable energy zone; and

*Note—*

Under section 47(3), the Minister must keep a copy of the management plan available on the department's website.

- (ii) the existing or proposed transmission network, or the part of an existing or proposed transmission network, that is the REZ transmission network for the renewable energy zone; and
    - (iii) the transmission assets that are REZ controlled assets for the renewable energy zone; and
  - (d) state the term of the declaration, which must be a stated period of not less than 15 years after the day on which the first participant is connected to the REZ transmission network for the renewable energy zone.
- (4) The Minister must, as soon as practicable, publish a notice on the department's website stating the day on which the first participant is connected to the REZ transmission network for the renewable energy zone.

### **39 Term of declaration and restriction on amendment or repeal**

- (1) A REZ declaration continues in effect for the term stated under section 38(3)(d), unless the declaration is repealed.

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- (2) The Minister may recommend to the Governor in Council the making of a regulation amending (including amending the term of the declaration) or repealing a REZ declaration—
- (a) only with the approval of the Treasurer; and
  - (b) only if the Minister is satisfied—
    - (i) the amendment or repeal will not adversely affect, in a material way, any participant for the REZ; and
    - (ii) for an amendment—the amendment is consistent with achieving the purposes of this Act mentioned in section 3(a) and (b).

*Note—*

See also section 40 for matters to which the Minister and the Treasurer must have regard when performing a function under this division.

#### **40 Performance of functions under division**

In performing a function under this division, the Minister and the Treasurer must have regard to—

- (a) the infrastructure blueprint; and
- (b) any REZ assessment for a part of Queensland that is or includes the REZ; and
- (c) any other matter the Minister or Treasurer considers relevant.

*Example of another matter—*

advice of the REZ delivery body or another entity obtained by the Minister or Treasurer in relation to the REZ

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## **Division 3                      Management plans for renewable energy zones**

### **Subdivision 1                Content of management plan**

#### **41                      Content generally**

- (1) A management plan for a REZ must—
  - (a) be consistent with achieving the purposes of this Act mentioned in section 3(a) and (b); and
  - (b) state the objectives of the REZ; and
  - (c) identify—
    - (i) the geographic boundary of the REZ; and
    - (ii) the renewable energy sources in the REZ; and
    - (iii) the REZ transmission network for the REZ; and
    - (iv) the REZ controlled assets for the REZ; and
  - (d) include the following information—
    - (i) information stated in section 42 about the REZ transmission network for the REZ;
    - (ii) information stated in section 43 about the REZ controlled assets for the REZ; and
  - (e) include any other matter prescribed by regulation.
- (2) Subsection (1) does not limit what may be included in a management plan.

#### **42                      Information about REZ transmission network**

- (1) A management plan for a REZ must contain the following information about the REZ transmission network for the REZ—
  - (a) the timing of the development of, and connection and access to, the REZ transmission network;

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- (b) details about the regulation of connection and access to the REZ transmission network under this part, including each of the following—
  - (i) the capacity of the transmission network;
  - (ii) if more than 1 renewable energy source is available in the REZ, the percentage of the capacity intended to be derived from each source;
  - (iii) technical requirements for connection to the transmission network;
  - (iv) the process to be used by the transmission network service provider to identify entities that may connect to and access the transmission network and the projects in relation to which the connection and access may be granted;
  - (v) the process to be used by entities mentioned in subparagraph (iv) and the transmission network service provider to enter into a connection agreement for connection and access to the transmission network, including, for example—
    - (A) fees and charges payable for applications or enquiries for the connection and access; and
    - (B) the timeframes for processing applications or enquiries for the connection and access; and
    - (C) information that must be provided to the service provider in relation to applications or enquiries for the connection and access;
- (c) details about dispute resolution processes for disputes about connection and access to the REZ transmission network between the transmission network service provider and participants and proposed participants for the REZ;
- (d) any other arrangements that are to apply under this part to the operation of the REZ transmission network while the REZ declaration for the REZ is in effect;

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- (e) the arrangements that are to apply under this part in relation to the REZ transmission network when the REZ declaration for the REZ ends.
- (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

### **43 Information about REZ controlled assets**

A management plan for a REZ must contain the following information about REZ controlled assets for the REZ—

- (a) details of how the REZ controlled assets materially affect, or will materially affect, the capacity or functioning of the REZ transmission network for the REZ;
- (b) the process to be used by the relevant transmission network service provider to identify entities that may connect to and access the REZ controlled assets and the projects in relation to which the connection and access may be granted;

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- (c) any other matter relating to the regulation of connection and access to the REZ controlled assets under this part.

## **Subdivision 2      Preparation of management plan**

### **44      Application of subdivision**

This subdivision applies if a REZ delivery body is proposing to recommend to the Minister that a part of Queensland be declared to be a REZ.

### **45      Draft management plan**

- (1) The REZ delivery body must prepare a draft management plan complying with subdivision 1 for the proposed REZ, and submit the draft management plan to the responsible Ministers for endorsement.
- (2) The REZ delivery body may ask the Minister to endorse the following matters to help the REZ delivery body prepare the draft management plan—
  - (a) the existing or proposed transmission network, or the part of an existing or proposed transmission network, that is proposed to be the REZ transmission network for the REZ;
  - (b) the proposed process to be included in the management plan under section 42(1)(b)(iv).
- (3) The responsible Ministers may endorse the draft management plan if the responsible Ministers are satisfied the management plan complies with subdivision 1.
- (4) The responsible Ministers may ask the REZ delivery body to make stated amendments to the draft management plan before the responsible Ministers endorse the draft management plan.

### **46      Consultation on draft management plan**

- (1) The Minister must publish on the department's website—

- (a) the draft management plan for the proposed REZ endorsed under section 45; and
- (b) the following information—
  - (i) the period within which a person may make submissions to the REZ delivery body about the draft management plan;
  - (ii) how the submissions may be made.
- (2) The period mentioned in subsection (1)(b)(i) must be—
  - (a) at least 60 days after the draft management plan is published under subsection (1)(a); or
  - (b) if the draft management plan is to replace an existing management plan for a REZ—a reasonable period decided by the Minister having regard to the nature of the changes between the existing management plan and draft management plan.
- (3) The REZ delivery body must—
  - (a) consider each submission made in relation to the draft management plan; and
  - (b) make amendments to the draft management plan the REZ delivery body considers appropriate to deal with the submissions, if any; and
  - (c) give the responsible Ministers—
    - (i) a proposed management plan incorporating any amendments under paragraph (b); and
    - (ii) a report outlining the submissions made in relation to the draft management plan and how the submissions have been dealt with.
- (4) The responsible Ministers may ask the REZ delivery body to make stated amendments to the proposed management plan to ensure the submissions made in relation to the draft management plan have been appropriately dealt with.
- (5) The REZ delivery body must make the amendments to the proposed management plan requested under subsection (4).

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### **Subdivision 3      Approval and amendment of management plan**

#### **47      Approval of management plan**

- (1) A proposed management plan prepared under subdivision 2 for a part of Queensland declared to be a REZ under section 38 takes effect as the management plan for the REZ when the management plan is approved by regulation.
- (2) The Minister may recommend to the Governor in Council the making of a regulation approving a management plan for a REZ only if the responsible Ministers are satisfied—
  - (a) the management plan complies with subdivision 1; and
  - (b) subdivision 2 has been complied with in relation to the management plan.
- (3) The Minister must keep a copy of the management plan for a REZ available on the department’s website.

#### **48      Amendment of management plan**

- (1) A management plan for a REZ may be amended only as provided under this section.
- (2) The REZ delivery body may amend the management plan, with the approval of the chief executive—
  - (a) to correct a minor error in the management plan; or
  - (b) to update a matter mentioned in section 41(1)(b) or (c)(i), (iii) or (iv) to reflect an amendment of the REZ declaration for the REZ; or
  - (c) to make a minor change to the technical specifications for the REZ transmission network or REZ controlled assets for the REZ; or
  - (d) to make another change that is not a change of substance.



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- (3) The REZ delivery body may amend the management plan with the approval of the responsible Ministers to make a change that is consequential to an amendment of the REZ declaration for the REZ.
  - (4) If an amendment of the REZ declaration for the REZ changes the REZ transmission network or REZ controlled assets for the REZ, the management plan may be amended under subsection (3) to the extent necessary to apply the management plan to the REZ transmission network or REZ controlled assets for the REZ as changed.
  - (5) The responsible Ministers may approve an amendment of the management plan under subsection (3) only if satisfied the amendment does not—
    - (a) affect the operation of this part, other than as allowed under subsection (4); or
    - (b) adversely affect, in a material way, any participant for the REZ.
  - (6) An amendment of a management plan for a REZ under this section takes effect when the Minister publishes a copy of the management plan incorporating the amendment on the department's website.

## **Division 4                      REZ assessment**

### **49            Meaning of *REZ assessment***

A *REZ assessment* is an assessment of 1 or more of the following matters for a part of Queensland—

- (a) the suitability of the part to accommodate the development and operation of a transmission network in the part;
- (b) the impact that the development and operation of a transmission network in the part has, or is likely to have, on particular matters, including, for example—
  - (i) infrastructure and land use; and

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- (ii) Aboriginal peoples, Torres Strait Islander peoples and other communities;
- (c) another matter prescribed by regulation.

## **50 Minister may request REZ assessment**

- (1) The Minister may, by written notice given to a REZ delivery body, ask the REZ delivery body to conduct a REZ assessment for a part of Queensland that is, or includes any of the following—
  - (a) a REZ declared on the recommendation of the REZ delivery body;
  - (b) a part of Queensland the REZ delivery body has recommended to the Minister to be declared to be a REZ;
  - (c) a part of Queensland the Minister considers to be possibly suitable to be a REZ, whether or not the part is identified in the infrastructure blueprint under section 15(2)(d).
- (2) The notice must state—
  - (a) the part of Queensland that is to be the subject of the REZ assessment; and
  - (b) the matters that are to be assessed in the REZ assessment; and
  - (c) any advice or recommendation the Minister is seeking, having regard to the outcome of the REZ assessment; and
  - (d) the reasonable period within which a report about the REZ assessment must be given to the Minister; and
  - (e) any other matter prescribed by regulation.
- (3) In deciding what is a reasonable period for subsection (2)(d), the Minister must consider—
  - (a) whether the REZ assessment relates to an existing REZ; and

- (b) the nature of the REZ assessment, including, for example, the matters that are to be assessed and any advice or recommendation that is sought; and
  - (c) anything else the Minister considers relevant.
- (4) Before giving a REZ delivery body a notice under this section, the Minister must—
- (a) consult with the REZ delivery body; and
  - (b) obtain the Treasurer’s approval to give the notice.

## **51 Conduct of REZ assessment**

- (1) A REZ delivery body that is asked to conduct a REZ assessment under section 50 must conduct the assessment and give the Minister a report about the assessment within the period stated in the request.
- (2) The REZ delivery body must conduct the REZ assessment and prepare the report about the assessment in accordance with any requirements prescribed by regulation.
- (3) A regulation under subsection (2) may require—
- (a) the REZ delivery body to conduct the REZ assessment, or prepare the report about the assessment, in consultation with either or both of the following entities—
    - (i) the chief executive or an appropriately qualified public service employee employed in the department nominated by the chief executive;
    - (ii) the Coordinator-General under the *State Development and Public Works Organisation Act 1971*; or
  - (b) the conduct of the REZ assessment, or report about the REZ assessment, to be approved by either or both of the entities mentioned in paragraph (a).

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## **Division 5 REZ transmission networks**

### **Subdivision 1 Preliminary**

#### **52 Purpose of division**

- (1) This division provides for the regulation of connection and access to—
  - (a) the REZ transmission network for a REZ; and
  - (b) REZ controlled assets for a REZ.
- (2) This division regulates the connection and access by—
  - (a) restricting the circumstances in which an entity may connect to and access the REZ transmission network or REZ controlled assets; and
  - (b) providing for a more streamlined process for the negotiation of access standards for the REZ transmission network.
- (3) This division also provides for the continued effect of particular rights and expectations relating to—
  - (a) a transmission network or a part of a transmission network that becomes the REZ transmission network or a part of the REZ transmission network for a REZ; or
  - (b) transmission assets that become REZ controlled assets for a REZ.

#### **53 Definitions for division**

In this division—

*access policy* has the meaning given by the National Electricity Rules.

*access standard*, for the REZ transmission network for a REZ, means a standard of performance for a technical requirement of access for plant connected to the transmission network.

***application to connect*** has the meaning given by the National Electricity Rules.

***designated network asset*** has the meaning given by the National Electricity Rules.

***DNA service*** has the meaning given by the National Electricity Rules.

***eligible entity*** means an entity—

- (a) for the REZ transmission network for a REZ—identified under the process stated in the management plan for the REZ, under section 42(1)(b)(iv), as an entity that may connect to and access the REZ transmission network; or
- (b) for REZ controlled assets for a REZ—identified under the process stated in the management plan for the REZ, under section 43(b), as an entity that may connect to and access the REZ controlled assets.

***eligible project*** means a project—

- (a) for the REZ transmission network for a REZ—identified under the process stated in the management plan for the REZ, under section 42(1)(b)(iv), as a project in relation to which an entity may connect to and access the REZ transmission network; or
- (b) for REZ controlled assets for a REZ—identified under the process stated in the management plan for the REZ, under section 43(b), as a project in relation to which to an entity may connect to and access the REZ controlled assets.

***plant*** has the meaning given by the National Electricity Rules.

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## **Subdivision 2      Regulation of connection and access**

### **54      Restriction on connection and access to REZ transmission network**

- (1) An entity may connect to and access the REZ transmission network for a REZ only under a connection agreement entered into between the entity and the transmission network service provider.
- (2) The transmission network service provider may enter into a connection agreement for connection and access to the REZ transmission network for a REZ—
  - (a) only with an eligible entity for an eligible project; and
  - (b) only if any conditions on which the entity is an eligible entity or the project is an eligible project are met; and
  - (c) only in accordance with the process for entering into a connection agreement stated in the management plan for the REZ under section 42(1)(b)(v).
- (3) The terms and conditions of a connection agreement for connection and access to the REZ transmission network for a REZ entered into by the transmission network service provider and an eligible entity must be in accordance with—
  - (a) the matters mentioned in the management plan for the REZ under section 42(1)(b)(i) to (iii); and
  - (b) the conditions mentioned in subsection (2)(b).
- (4) The national electricity laws apply in relation to connection and access to the REZ transmission network for a REZ with necessary changes to give effect to the restriction on connection and access under this section, including, for example, by restricting—
  - (a) who may apply for connection and access to the transmission network; and
  - (b) the circumstances in which the transmission network service provider may enter into a connection agreement

with an entity for connection and access to the transmission network.

- (5) The dispute resolution processes for disputes about connection or access to the REZ transmission network for a REZ stated in the management plan for the REZ, under section 42(1)(c), apply—
  - (a) to any dispute about connection or access to the transmission network between the transmission network service provider and participants and proposed participants for the REZ; and
  - (b) despite anything in the national electricity laws.

## **55 Negotiated access standards**

- (1) The transmission network service provider and a proposed participant for a REZ may negotiate an access standard for the REZ transmission network for the REZ in the way, and in accordance with the requirements, prescribed by regulation.
- (2) The regulation may prescribe—
  - (a) the process that is to apply to the negotiation, which may—
    - (i) provide for the extent to which AEMO is to be involved in the negotiation; and
    - (ii) permit or require the transmission network service provider to consider the performance of all participants for the REZ as a whole when negotiating with individual proposed participants; and
  - (b) requirements about—
    - (i) deciding the access standard; and
    - (ii) how performance against the access standard is to be assessed.

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- (3) An access standard negotiated under this section is taken to be a negotiated access standard determined in accordance with the National Electricity Rules.

## **56 Connection agreement for REZ transmission network entered into under this part**

- (1) This section applies in relation to a connection agreement for connection and access to the REZ transmission network for a REZ that is entered into in accordance with the national electricity laws except that—
  - (a) the agreement is entered into as provided under section 54; or
  - (b) the agreement includes an access standard negotiated under section 55.
- (2) The connection agreement is taken to be a connection agreement entered into in accordance with the National Electricity Rules.

## **57 Restriction on connection and access to REZ controlled assets**

- (1) An entity may connect to and access REZ controlled assets for a REZ only under a connection agreement entered into between the entity and the relevant transmission network service provider.
- (2) The relevant transmission network service provider may enter into a connection agreement for connection and access to REZ controlled assets for a REZ—
  - (a) only with an eligible entity for an eligible project; and
  - (b) only if any conditions on which the entity is an eligible entity or the project is an eligible project are met.
- (3) The national electricity laws apply in relation to connection and access to REZ controlled assets for a REZ with necessary changes to give effect to the restriction on connection and



access under this section, including, for example, by restricting—

- (a) who may apply for connection and access to the REZ controlled assets; and
- (b) the circumstances in which the relevant transmission network service provider may enter into a connection agreement with an entity for connection and access to the REZ controlled assets.

### **Subdivision 3 Existing rights and expectations**

#### **58 Application of subdivision**

- (1) This subdivision—
  - (a) applies in relation to a transmission network or a part of a transmission network if the transmission network or the part of the transmission network becomes the REZ transmission network, or a part of the REZ transmission network, for a REZ; and
  - (b) applies in relation to transmission assets if the transmission assets become REZ controlled assets for a REZ.
- (2) For applying this subdivision in relation to a transmission network or a part of a transmission network mentioned in subsection (1)(a)—
  - (a) a reference to the REZ transmission network is a reference to the REZ transmission network for a REZ that the transmission network or the part of the transmission network has become or has become part of; and
  - (b) a reference to the relevant event is a reference to the commencement of the regulation under section 38(1) or 39 that includes the transmission network or the part of the transmission network as or as part of the REZ transmission network for the REZ.

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- (3) For applying this subdivision in relation to transmission assets mentioned in subsection (1)(b)—
  - (a) a reference to the REZ controlled assets is a reference to the REZ controlled assets for a REZ that the transmission assets have become; and
  - (b) a reference to the relevant event is a reference to the commencement of the regulation under section 38(1) or 39 that includes the transmission assets as REZ controlled assets for the REZ.

## **59 Existing applications to connect—REZ transmission network**

- (1) An existing application to connect for a transmission network or a part of a transmission network in relation to which this subdivision applies made by an entity other than an eligible entity, or for a project other than an eligible project, for the REZ transmission network lapses when the relevant event happens.
- (2) An existing application to connect for a transmission network or a part of a transmission network in relation to which this subdivision applies made by an eligible entity for an eligible project for the REZ transmission network is taken to be an application to connect to the REZ transmission network for the eligible project made in accordance with the process for applying for connection and access stated in the management plan for the REZ under section 42(1)(b)(v).
- (3) Anything done in relation to an existing application to connect mentioned in subsection (2) is taken to have been done under the process for applying for connection and access stated in the management plan for the REZ under section 42(1)(b)(v), to the extent the thing is relevant to and may be done under that process.
- (4) This section does not apply to an existing application to connect for a transmission network or a part of the transmission network made for a declared project in relation to which subdivision 4 applies.

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*Note—*

See section 66 in relation to existing applications to connect for a transmission network or a part of a transmission network made for a declared project in relation to which subdivision 4 applies.

(5) In this section—

***existing application to connect***, for a transmission network or a part of a transmission network in relation to which this subdivision applies, means an application to connect for the transmission network or the part of the transmission network made before the relevant event happened if, immediately before the relevant event happened—

- (a) the application had not been withdrawn; and
- (b) the assessment of the application under the National Electricity Rules had not been completed.

## **60 Existing applications to connect—REZ controlled assets**

- (1) An existing application to connect for transmission assets in relation to which this subdivision applies made by an entity other than an eligible entity, or for a project other than an eligible project, for the REZ controlled assets lapses when the relevant event happens.
- (2) An existing application to connect for transmission assets in relation to which this subdivision applies made by an eligible entity for an eligible project for the REZ controlled assets is taken to be an application to connect for the REZ controlled assets for the eligible project.
- (3) Anything done in relation to an existing application to connect mentioned in subsection (2) continues to have effect under the National Electricity Rules in relation to the application to connect for the REZ controlled assets for the eligible project.
- (4) In this section—

***existing application to connect***, for transmission assets in relation to which this subdivision applies, means an application to connect for the transmission assets made before

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the relevant event happened if, immediately before the relevant event happened—

- (a) the application had not been withdrawn; and
- (b) the assessment of the application under the National Electricity Rules had not been completed.

## **61 Existing connection agreements**

- (1) This section applies to an existing connection agreement for—
  - (a) a transmission network or a part of a transmission network in relation to which this subdivision applies; or
  - (b) transmission assets in relation to which this subdivision applies.
- (2) The existing connection agreement continues in effect as a connection agreement for the REZ transmission network or REZ controlled assets for the REZ.
- (3) Subsection (2) applies despite any inconsistency with this part or the management plan for the REZ.
- (4) In this section—

*existing connection agreement*, for a transmission network or a part of a transmission network or transmission assets in relation to which this subdivision applies, means a connection agreement entered into for the transmission network or the part of the transmission network or the transmission assets that was in effect immediately before the relevant event happened.

## **62 Existing rights to receive DNA services**

- (1) This section applies—
  - (a) if a transmission network or a part of a transmission network in relation to which this subdivision applies is or includes a designated network asset; and

- (b) in relation to a right, whether conditional or unconditional, to receive a DNA service from the owner of the designated network asset that existed immediately before the relevant event happened (an *existing DNA right*).
- (2) The relevant event does not affect the existing DNA right other than as provided under this section.
- (3) An existing access policy for the designated network asset providing for the existing DNA right continues in effect under the National Electricity Rules to the extent necessary to preserve the existing DNA right under this section.
- (4) An existing DNA agreement for the designated network asset relating to the existing DNA right applies—
  - (a) in relation to the REZ transmission network for the REZ; and
  - (b) despite any inconsistency with this part or the management plan for the REZ.
- (5) A regulation may provide for—
  - (a) how the existing DNA right, existing access policy or existing DNA agreement is to be given effect in relation to the REZ transmission network for the REZ; and
  - (b) any permitted or restricted variations of the existing DNA right, existing access policy or existing DNA agreement to allow the existing DNA right to be preserved under this section; and
  - (c) any other matter necessary to preserve the existing DNA right under this section.
- (6) In this section—

*existing access policy*, for a designated network asset mentioned in subsection (1)(a), means an access policy for the designated network asset that was in effect under the National Electricity Rules immediately before the relevant event happened.

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*existing DNA agreement*, for a designated network asset mentioned in subsection (1)(a), means an agreement providing for connection and access to the designated network asset that was in effect immediately before the relevant event happened.

### **63 Holders of existing connection and access rights may enter into new connection agreement**

- (1) This section applies in relation to an entity that, under section 61 or 62, may connect to and access the REZ transmission network for a REZ that is a transmission network or a part of a transmission network in relation to which this subdivision applies.
- (2) The entity may, within the opt-in period, give the transmission network service provider written notice stating the entity's intention to seek connection and access to the REZ transmission network under a connection agreement entered into in accordance with section 54(2)(c) and (3).
- (3) If a notice is given under subsection (2), the entity may, within 14 days after the notice is given, apply for connection and access to the REZ transmission network, and the transmission network service provider may enter into a connection agreement with the entity for connection and access to the REZ transmission network, under this part as if—
  - (a) the entity were an eligible entity; and
  - (b) the project in relation to which the entity is seeking connection and access to the REZ transmission network were an eligible project.
- (4) The entity's right to connect to and access the REZ transmission network under section 61 or 62 continues to apply while the entity's application under subsection (3) is being assessed.
- (5) If the entity and transmission network service provider do not enter into a connection agreement under subsection (3), the entity's right to connect to and access the REZ transmission network under section 61 or 62 continues unaffected.

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- (6) If the entity and transmission network service provider enter into a connection agreement under subsection (3) (the *new connection agreement*)—
- (a) the entity may connect to and access the REZ transmission network in accordance with the new connection agreement; and
  - (b) the entity’s right to connect to and access the REZ transmission network under section 61 or 62 ends; and
  - (c) any existing connection agreement under section 61, existing DNA agreement under section 62, or any other agreement relating to the entity’s right to connect to and access the REZ transmission network under section 61 or 62, continues in effect to the extent the agreement—
    - (i) provides for a matter not provided for under this part or the new connection agreement; and
    - (ii) is consistent with this part and the new connection agreement.

- (7) In this section—

*opt-in period*, in relation to a transmission network or a part of a transmission network in relation to which this subdivision applies, means the period of 4 weeks from when the relevant event happened.

## **Subdivision 4      Rights and expectations for declared projects**

### **64      Application of subdivision**

This subdivision applies in relation to a declared project if—

- (a) the project is intended to be connected and have access to a transmission network or a part of a transmission network that, on the making of a REZ declaration, becomes the REZ transmission network, or a part of the REZ transmission network, for a REZ; and

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- (b) immediately before the REZ declaration for the REZ was made, at least 1 of the following existed for, or applied to, the project in relation to the transmission network or the part of the transmission network—
  - (i) a connection agreement;
  - (ii) a right, whether conditional or unconditional, to receive a DNA service from the owner of a designated network asset;
  - (iii) an access policy that was in effect;
  - (iv) an access policy that had been submitted to the AER for approval under the National Electricity Rules, but had not been approved or withdrawn.

## **65 Meaning of *declared project***

- (1) Each of the following is a *declared project* for this subdivision—
  - (a) the MacIntyre wind farm project;
  - (b) the Wambo wind farm project.
- (2) For subsection (1)—
  - (a) the *MacIntyre wind farm project* is the wind farm project for the approved development described in the State Assessment and Referral Agency decision notice 2010-19438 SDA dated 20 April 2021; and
  - (b) the *Wambo wind farm project* is the wind farm project for the approved development described in the State Assessment and Referral Agency decision notice 2007-17946 SDA dated 13 October 2020.

## **66 Application of ss 61 and 63 in relation to declared project**

- (1) Section 61 applies in relation to a declared project as if each of the following connection agreements for the transmission network or the part of the transmission network mentioned in



section 64(a) were an existing connection agreement under section 61—

- (a) a connection agreement providing for an entity to be connected to or have access to the transmission network or the part of the transmission network for the project that is in effect immediately before the REZ declaration for the REZ was made;
  - (b) a connection agreement providing for an entity to be connected to or have access to the transmission network or the part of the transmission network for the project that is entered into within 12 months after the REZ declaration for the REZ was made.
- (2) For subsection (1)(b), an application to connect for the transmission network or the part of the transmission network may be made in relation to the declared project, and may be assessed or continue to be assessed, under the National Electricity Rules as if the REZ declaration for the REZ had not been made.
- (3) Also, section 63 applies in relation to an entity that may connect to and access the REZ transmission network for the REZ for the declared project under section 61 as applying under this section as if the reference to the opt-in period were a reference to the period of 13 months from when the REZ declaration for the REZ was made.

## **67 Application of ss 62 and 63 in relation to declared project**

- (1) Section 62 applies in relation to a declared project as if each of the following rights relating to a designated network asset that is or is part of the transmission network or the part of the transmission network mentioned in section 64(a) were an existing DNA right under section 62, and as provided under subsection (2)—
- (a) a right, whether conditional or unconditional, to receive a DNA service from the owner of the designated network asset that existed for the declared project

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- immediately before the REZ declaration for the REZ was made;
- (b) a right, whether conditional or unconditional, to receive a DNA service from the owner of the designated network asset that is acquired for the declared project within 12 months after the REZ declaration for the REZ was made;
  - (c) a right, whether conditional or unconditional, to receive a DNA service from the owner of the designated network asset that is—
    - (i) of a kind provided for under a submitted access policy; and
    - (ii) acquired for the declared project under an approved access policy for the submitted access policy within 1 month after the access policy is approved by the AER.
- (2) For subsection (1)—
- (a) a submitted access policy may be dealt with by the AER under the National Electricity Rules as if the REZ declaration for the REZ had not been made; and
  - (b) an existing access policy or approved access policy for a submitted access policy—
    - (i) continues in effect under the National Electricity Rules to the extent necessary to confer or preserve a right mentioned in subsection (1); and
    - (ii) is taken to be an existing access policy under section 62 even if it is approved by the AER under the National Electricity Rules after the REZ declaration for the REZ was made; and
  - (c) an agreement providing for connection and access to the designated network asset entered into in relation to a right mentioned in subsection (1) is taken to be an existing DNA agreement under section 62 even if it is entered into after the REZ declaration for the REZ was made.

- (3) Also, section 63 applies in relation to an entity that may connect to and access the REZ transmission network for the REZ for the declared project under section 62 as applying under this section as if the reference to the opt-in period were a reference to the following period—
- (a) the period of 13 months from when the REZ declaration for the REZ was made;
  - (b) if the entity may connect to and access the REZ transmission network in relation to a right acquired under an approved access policy for a submitted access policy—the period of 2 months from when the access policy was approved by the AER under the National Electricity Rules.
- (4) In this section—

*approved access policy*, for a submitted access policy, means an access policy approved by the AER under the National Electricity Rules in relation to the submitted access policy.

*existing access policy* means an access policy mentioned in section 64(b)(iii).

*submitted access policy* means an access policy mentioned in section 64(b)(iv).

## **Division 6            Cost recovery**

### **Subdivision 1        Preliminary**

#### **68        Purpose of division**

- (1) This division provides a framework for the recovery of—
- (a) costs associated with the REZ transmission network for a REZ incurred by the transmission network service provider; and

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- (b) costs associated with a REZ assessment incurred by a transmission network service provider in the service provider's capacity as a REZ delivery body.
- (2) For costs mentioned in subsection (1)(a), the framework provides for the costs to be recovered by the transmission network service provider from the participants for the REZ in the first instance.

## 69 Definitions for division

In this division—

*establishment and operational costs*, for the REZ transmission network for a REZ, means the costs reasonably and prudently incurred by the transmission network service provider for providing the transmission network, including, for example, costs incurred by the service provider, whether before or after the REZ declaration for the REZ was made, for any of the following—

- (a) preparing a management plan in the service provider's capacity as a REZ delivery body;
- (b) constructing, maintaining and operating the transmission network;
- (c) performing any other function under this part in relation to the transmission network, including a function (other than a function relating to a REZ assessment) performed in the service provider's capacity as a REZ delivery body.

*prescribed transmission service* has the meaning given by the National Electricity Rules.

*REZ assessment costs*, for a REZ assessment for a part of Queensland, means costs reasonably and prudently incurred by the REZ delivery body that conducted the assessment for—

- (a) conducting the assessment; and
- (b) preparing a report about the assessment.

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## **Subdivision 2      Costs associated with REZ transmission network**

### **70      Fees and charges for connection and access to REZ transmission network**

- (1) The transmission network service provider may decide the fees and charges payable by a participant for connection and access to the REZ transmission network for a REZ.
- (2) The amount of the fees and charges may include an amount representing the participant's contribution to the establishment and operational costs for the REZ transmission network.
- (3) The fees and charges decided under this section are payable for the participant's connection and access to the REZ transmission network instead of any fees and charges payable for connection and access to the transmission network under the national electricity laws.

### **71      Responsible Ministers may allow cost recovery through charges for prescribed transmission services**

- (1) This section applies in relation to the REZ transmission network for a REZ if the responsible Ministers are satisfied—
  - (a) the transmission network service provider has acted reasonably and prudently in giving access to the transmission network, including, for example, in relation to negotiating connection agreements and deciding fees and charges under section 70; and
  - (b) the transmission network service provider has used the service provider's best endeavours to recover the establishment and operational costs for the transmission network from participants by charging fees and charges under section 70 or otherwise; and
  - (c) there is a shortfall between—

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- (i) the establishment and operational costs incurred by the transmission network service provider; and
    - (ii) the amount of fees and charges paid or payable by participants under section 70; and
  - (d) there is no reasonable way for the transmission network service provider to recover the shortfall other than through charges for prescribed transmission services provided by the service provider.
- (2) The Minister may, by notice and with the Treasurer's approval, declare that all or a part of the shortfall may be recovered by the transmission network service provider through charges for prescribed transmission services provided by the service provider.
- (3) The declaration must state—
- (a) the amount of the shortfall that may be recovered through charges for prescribed transmission services provided by the transmission network service provider; and
  - (b) the period over which the amount mentioned in paragraph (a) may be recovered as mentioned in the paragraph; and
  - (c) the reasons why the responsible Ministers are satisfied of the matter mentioned in subsection (1)(d); and
  - (d) any other matter prescribed by regulation.
- (4) A notice under subsection (2) is subordinate legislation.

### **Subdivision 3      Costs associated with REZ assessment**

#### **72      Responsible Ministers may allow cost recovery through charges for prescribed transmission services**

- (1) This section applies in relation to a transmission network service provider if—

- (a) the service provider conducted a REZ assessment for a part of Queensland on request by the Minister under section 50, in the service provider's capacity as a REZ delivery body; and
- (b) the responsible Ministers are satisfied—
  - (i) the REZ assessment was conducted appropriately and efficiently; and
  - (ii) there is no reasonable way for the service provider to recover all of the REZ assessment costs for the assessment other than through charges for prescribed transmission services provided by the service provider.
- (2) The Minister may, by notice and with the Treasurer's approval, declare that all or a part of the REZ assessment costs may be recovered by the transmission network service provider through charges for prescribed transmission services provided by the service provider.
- (3) The declaration must state—
  - (a) the amount of the REZ assessment costs that may be recovered through charges for prescribed transmission services provided by the transmission network service provider; and
  - (b) the period over which the amount mentioned in paragraph (a) may be recovered as mentioned in the paragraph; and
  - (c) the reasons why the responsible Ministers are satisfied of the matter mentioned in subsection (1)(b)(ii); and
  - (d) any other matter prescribed by regulation.
- (4) A notice under subsection (2) is subordinate legislation.

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## **Subdivision 4 Provisions facilitating cost recovery**

### **73 Transmission determination providing for charges for prescribed transmission services**

- (1) This section applies if the Minister makes a declaration under section 71 or 72 allowing a transmission network service provider to recover all or a part of relevant costs through charges for prescribed transmission services provided by the service provider over a period.
- (2) The transmission determination providing for charges for prescribed transmission services provided by the transmission network service provider for the period must be made in the way, and in accordance with the requirements, prescribed by regulation.
- (3) The regulation may provide for matters about the transmission determination that enable the transmission network service provider to recover the amount through the charges over the period, including, for example—
  - (a) declaring all or a part of the relevant costs to be operating expenditure under the National Electricity Rules; and
  - (b) providing for an increase of the maximum allowed revenue the service provider may earn under the National Electricity Rules for providing the prescribed transmission services; and
  - (c) modifying requirements applying to the service provider's pricing methodology under the National Electricity Rules; and
  - (d) declaring that matters stated in the regulation are taken to be part of either or both of the following—
    - (i) the service provider's revenue proposal;
    - (ii) the transmission determination; and
  - (e) providing for particular action to be taken by the AER in relation to the service provider's revenue proposal or the



transmission determination to ensure the transmission determination is made as required under this section.

(4) In this section—

*relevant costs* means—

- (a) establishment and operational costs for the REZ transmission network for a REZ; or
- (b) REZ assessment costs for a REZ assessment for a part of Queensland.

## **74 Regulation about transmission services**

(1) To support the application of a provision of this division to a transmission network service provider, a regulation may declare that a transmission service provided by the service provider is taken to be a negotiated transmission service, non-regulated transmission service or prescribed transmission service under the National Electricity Rules.

(2) In this section—

*transmission service* has the meaning given by the National Electricity Rules.

## **Division 7 REZ delivery body**

### **75 Appointment**

The Minister may, by gazette notice, appoint any of the following entities to be a REZ delivery body, if the entity is appropriately qualified—

- (a) a government entity;
- (b) a regulatory body established under an Act of the Commonwealth;
- (c) a government agency of the Commonwealth.

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## **76 Functions**

- (1) The functions of a REZ delivery body are—
  - (a) to identify parts of Queensland that are suitable to be a REZ and make recommendations to the Minister for the parts to be declared to be a REZ; and
  - (b) to assess parts of Queensland identified in the infrastructure blueprint as possibly suitable to be a REZ, and decide whether or not to make recommendations to the Minister for the parts to be declared to be a REZ; and
  - (c) to develop a management plan in accordance with division 3 for each part of Queensland the REZ delivery body recommends to the Minister to be declared to be a REZ; and
  - (d) to conduct a REZ assessment for a part of Queensland on request of the Minister under division 4; and
  - (e) to perform any other function for this part prescribed by regulation.
- (2) A REZ delivery body may delegate any of its functions to an appropriately qualified officer or employee of the REZ delivery body.
- (3) A REZ delivery body must perform the functions of the REZ delivery body in a way that is consistent with achieving the purposes of this Act mentioned in section 3(a) and (b).

## **77 Obtaining information for performing functions**

- (1) This section applies if a REZ delivery body has reason to believe that a relevant person has information the REZ delivery body requires to perform a function of the REZ delivery body under this part.
- (2) The REZ delivery body may, by written notice given to the relevant person, require the person to give the information to the REZ delivery body.
- (3) A notice under subsection (2) must state—

- (a) the information the REZ delivery body requires; and
  - (b) the way the information must be given; and
  - (c) the date by which the information must be given to the REZ delivery body.
- (4) A relevant person who is given a notice under subsection (2) must comply with the notice unless the person has a reasonable excuse.

Maximum penalty—100 penalty units.

- (5) It is a reasonable excuse for an individual not to comply with a notice given under subsection (2) if complying with the notice might tend to incriminate the individual or expose the individual to a penalty.
- (6) A relevant person may disclose information to the REZ delivery body under this section despite anything in the national electricity laws.
- (7) A relevant person who complies with a notice under subsection (2) incurs no liability for breach of contract, breach of confidence or any other civil wrong for the compliance.
- (8) In this section—

*relevant person* means—

- (a) a person engaged or proposing to engage in an activity mentioned in the National Electricity (Queensland) Law, section 11(1), (2) or (4); or
- (b) a participant or proposed participant for a REZ; or
- (c) another person who may hold information relevant to the operation of the national transmission grid in Queensland.

## **78 Using information for performing function**

- (1) This section applies to the following information—
- (a) information obtained by the REZ delivery body under section 77;

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- (b) other information held by the REZ delivery body about, or received from, a network service provider that the REZ delivery body requires to perform a function of the REZ delivery body under this part.
- (2) The REZ delivery body—
    - (a) may use the information for performing a function of the REZ delivery body under this part; and
    - (b) may disclose the information to the Minister or Treasurer for the purpose of the Minister or Treasurer performing a function of the Minister or Treasurer under this part, including a function performed by the responsible Ministers.
  - (3) The REZ delivery body may use or disclose information under subsection (2) despite anything in the national electricity laws.
  - (4) Subsection (2) does not limit section 173.
  - (5) In this section—

*network service provider* means a Network Service Provider under the National Electricity Rules.

## **Division 8                      Other provisions**

### **79            Minister or Treasurer may obtain information for performing function**

- (1) This section applies if the Minister or Treasurer has reason to believe that a person has information the Minister or Treasurer requires to perform a function of the Minister or Treasurer under this part, including a function performed by the responsible Ministers.
- (2) The Minister or Treasurer may, by written notice given to the person, require the person to give the information to the Minister or Treasurer.
- (3) A notice under subsection (2) must state—

- (a) the information the Minister or Treasurer requires; and
  - (b) the way the information must be given; and
  - (c) the date by which the information must be given to the Minister or Treasurer.
- (4) A person who is given a notice under subsection (2) must comply with the notice unless the person has a reasonable excuse.

Maximum penalty—100 penalty units.

- (5) It is a reasonable excuse for an individual not to comply with a notice given under subsection (2) if complying with the notice might tend to incriminate the individual or expose the individual to a penalty.
- (6) A person may disclose information to the Minister or Treasurer under this section despite anything in the national electricity laws.
- (7) A person who complies with a notice under subsection (2) incurs no liability for breach of contract, breach of confidence or any other civil wrong for the compliance.
- (8) The Minister or Treasurer—
- (a) may use information obtained under this section for performing a function of the Minister or Treasurer under this part, including a function performed by the responsible Ministers; and
  - (b) may disclose information obtained under this section to another person for the purpose of the other person performing a function of the other person under this part.
- (9) Subsection (8) does not limit section 173.

## **80 Minister or Treasurer may obtain advice for performing function**

- (1) The Minister or Treasurer may seek advice from the AER or an appropriately qualified person about any matter relevant to the performance of a function of the Minister or Treasurer

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under this part, including a function performed by the responsible Ministers.

- (2) The advice the Minister or Treasurer may seek under this section includes advice about any of the following matters—
- (a) whether a part of Queensland is suitable to be a REZ;
  - (b) whether a proposed REZ declaration will help achieve the purposes of this Act mentioned in section 3(a) and (b);
  - (c) whether a proposed amendment or repeal of a REZ declaration for a REZ under section 39(2)—
    - (i) will adversely affect, in a material way, any participant for the REZ; or
    - (ii) for a proposed amendment—is consistent with achieving the purposes of this Act mentioned in section 3(a) and (b);
  - (d) whether a draft management plan for a proposed REZ complies with division 3, subdivision 1;
  - (e) whether a proposed amendment of a management plan for a REZ under section 48(3)—
    - (i) will adversely affect, in a material way, any participant for the REZ; or
    - (ii) is consistent with achieving the purposes of this Act mentioned in section 3(a) and (b);
  - (f) any matter relevant to making a declaration under section 71 or 72.
- (3) For the purpose of obtaining the advice, the Minister or Treasurer may give the AER or appropriately qualified person any information held by the Minister or Treasurer, including, for example, information received from a person under section 79.

*Note—*

See section 173 for the restriction on a person disclosing or using information obtained under this section.

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- (4) The AER must, if asked to give advice under subsection (1), give the advice as soon as reasonably practicable.

**81 Minister must publish notice of REZ delivery body's decision not to recommend REZ declaration**

- (1) This section applies if—
- (a) a REZ delivery body—
    - (i) was proposing to recommend to the Minister that a part of Queensland be declared to be a REZ; and
    - (ii) after starting to develop a management plan in accordance with division 3, decides not to make the recommendation; or
  - (b) a REZ delivery body—
    - (i) recommended to the Minister that a part of Queensland be declared to be a REZ; and
    - (ii) after conducting a REZ assessment under division 4, decides the recommendation should be revoked; or
  - (c) a REZ delivery body—
    - (i) assesses a part of Queensland identified in the infrastructure blueprint as possibly suitable to be a REZ; and
    - (ii) decides not to recommend to the Minister that the part be declared to be a REZ.
- (2) The REZ delivery body must give the Minister written notice of its decision.
- (3) The Minister must publish notice of the REZ delivery body's decision on the department's website.
- (4) The making, and publication, of the REZ delivery body's decision in relation to a part of Queensland does not prevent the REZ delivery body later deciding to recommend any or all of the part to be declared to be a REZ or a part of a REZ.

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## **82 Transmission network or part stops being REZ transmission network or part**

- (1) This section applies if a transmission network or a part of a transmission network stops being a REZ transmission network or a part of a REZ transmission network for a REZ, because any of the following (each a *relevant event*) happens—
  - (a) the term of the REZ declaration for the REZ ends;
  - (b) the REZ declaration for the REZ is repealed;
  - (c) the REZ declaration for the REZ is amended in a way that the transmission network or the part of the transmission network is no longer the REZ transmission network or a part of the REZ transmission network for the REZ.
- (2) From the happening of the relevant event, the national electricity laws apply in relation to the transmission network or the part of the transmission network in the same way as the laws apply to any other transmission network or a part of a transmission network.
- (3) However—
  - (a) an access standard negotiated under section 55 for the transmission network or the part of the transmission network continues to be taken to be a negotiated access standard determined in accordance with the National Electricity Rules; and
  - (b) a connection agreement to which section 56 applied for the transmission network or the part of the transmission network continues to be taken to be a connection agreement entered into in accordance with the National Electricity Rules.
- (4) A regulation may provide for a matter to facilitate the transition of the transmission network or the part of the transmission network to the operation of the national electricity laws under this section.



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### 83 Authorisation for competition legislation

- (1) The following conduct is specifically authorised by this Act for the purposes of the *Competition and Consumer Act 2010* (Cwlth), section 51(1)(b) and the Competition Code of Queensland—
- (a) conduct of an entity in the development of a management plan for a REZ, including conduct relating to the preparation of, or consultation on, a draft of the management plan;
  - (b) conduct of an entity negotiating and entering into a connection agreement for the REZ transmission network or REZ controlled assets for a REZ under this part;
  - (c) conduct of an entity related to regulating the connection and access to the REZ transmission network or REZ controlled assets for a REZ under this part, including, for example—
    - (i) giving effect to a management plan for the REZ; or
    - (ii) conduct under a connection agreement for the REZ transmission network entered into under this part that relates to dispatch, dispatch bids, dispatch offers, or market ancillary service offers, within the meaning of the National Electricity 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

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a REZ or a proposed REZ, including the transition of arrangements under the national electricity laws to arrangements under this part.

- (2) However, anything authorised to be done by subsection (1) is authorised only to the extent to which it would otherwise contravene the *Competition and Consumer Act 2010* (Cwlth) or the Competition Code of Queensland.

## 84 Relationship with national electricity laws

- (1) It is the intention of Parliament that this part applies despite anything stated in the national electricity laws.
- (2) It is also the intention of Parliament that the national electricity laws continue to apply in relation to the REZ transmission network or REZ controlled assets for a REZ to the extent the national electricity laws are not inconsistent with this part.
- (3) Subsection (4) applies in relation to a provision of this part, or a regulation under a provision of this part, that provides for a matter, relating to the REZ transmission network or REZ controlled assets for a REZ, to which the national electricity laws apply or would otherwise apply.
- (4) A regulation—
- (a) may provide for the application of a provision of the national electricity laws (a ***national provision***) in relation to the REZ transmission network or REZ controlled assets; and
  - (b) for that purpose, may—
    - (i) provide that a national provision does not apply 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 laws apply in relation to a matter having regard to a national provision not applying or applying with stated modifications in relation to the matter.

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## Part 7 Job Security Guarantee Fund

### 85 Job security guarantee

- (1) It is the intention of Parliament that the State will provide security and support to affected energy workers in relation to employment matters, including, for example, by—
  - (a) providing training for, or access to, employment opportunities within the energy sector or another sector; and
  - (b) providing other benefits or opportunities in relation to the change in operations mentioned in section 86(2)(b), (3)(c) or (4)(d).
- (2) The provision by the State of the security and support mentioned in subsection (1) is the *job security guarantee*.

### 86 Who is an *affected energy worker*

- (1) An individual is an *affected energy worker* if the individual is—
  - (a) an affected energy GOC worker; or
  - (b) a prescribed energy worker; or
  - (c) an affected energy contractor.
- (2) For subsection (1), an individual is an *affected energy GOC worker* if—
  - (a) the individual is, or was, an employee employed by a GOC or an entity wholly or partly owned by a GOC—
    - (i) to perform work at a publicly owned coal-fired power station; or
    - (ii) whose role is, or was, predominantly related to the operations of a publicly owned coal-fired power station; and
  - (b) the individual has been, or will be, directly and adversely affected because of a change in operations,

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including the reduction or ceasing of operations, of the publicly owned coal-fired power station as a coal-fired power station as a consequence of achieving the optimal infrastructure pathway objectives.

- (3) Also, for subsection (1), an individual is a ***prescribed energy worker*** if—
- (a) the individual performs work at a prescribed facility, other than as an employee mentioned in subsection (2); and
  - (b) the work is performed under a contract entered into—
    - (i) with the individual directly; or
    - (ii) with the entity that employs or engages the individual to perform the work; and
  - (c) the individual has been, or will be, directly and adversely affected because of a change in operations, including the reduction or ceasing of operations, of the prescribed facility as a consequence of achieving the optimal infrastructure pathway objectives.
- (4) In addition, for subsection (1), an individual is an ***affected energy contractor*** if—
- (a) the individual performs work at a publicly owned coal-fired power station other than as an employee or contractor mentioned in subsection (2) or (3); and
  - (b) the work is performed under a contract entered into—
    - (i) with the individual directly; or
    - (ii) with the entity that employs or engages the individual to perform the work; and
  - (c) the total amount of work performed by the individual at 1 or more publicly owned coal-fired power stations meets or exceeds the amount prescribed by regulation for this paragraph; and

*Example—*

A regulation may prescribe an amount of time an employee performs work under 1 or more contracts at 1 or more power stations over a specified period of time.

- (d) the individual has been, or will be, directly and adversely affected because of a change in operations, including the reduction or ceasing of operations, of the publicly owned coal-fired power station as a coal-fired power station as a consequence of achieving the optimal infrastructure pathway objectives.
- (5) In this section—
- prescribed facility*** means a facility that—
- (a) is either—
    - (i) a coal mine; or
    - (ii) an electricity generating facility; and
  - (b) is prescribed by regulation for this definition.

## **87 Establishment of fund**

The Job Security Guarantee Fund is established.

## **88 Fund bank account**

- (1) The department must keep a fund bank account.
- (2) The account is in addition to other accounts the department is required or permitted to keep under an Act.
- (3) The chief executive must pay all amounts received for the fund into the fund bank account, including amounts appropriated by Parliament and any other amounts received by the department for the fund.
- (4) The chief executive may pay amounts out of the fund bank account only in order to make a payment from the fund under section 90.

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- (5) The Treasurer may give the chief executive a direction about the banking arrangements for the fund bank account.
- (6) The direction must be consistent with requirements applying to the department under this Act or another Act.
- (7) The chief executive must comply with a direction given under subsection (5).

## **89 Purposes of fund**

The purposes of the fund are—

- (a) to implement the job security guarantee; and
- (b) to ensure a sufficient number of workers have the necessary skills to ensure the safe and reliable operation of publicly owned coal-fired power stations, to the extent the power stations are required to support the achievement of the optimal infrastructure pathway objectives; and
- (c) to provide funding for—
  - (i) the council; and
  - (ii) the jobs advocate.

## **90 Payments from fund**

- (1) The chief executive and under-Treasurer must decide jointly whether to make a payment from the fund.
- (2) An amount may be paid from the fund only if the amount will, or is likely to, contribute to achieving a purpose of the fund.
- (3) In making a payment from the fund, the chief executive and under-Treasurer must have regard to the following matters—
  - (a) how effectively the payment will contribute to achieving a purpose of the fund;
  - (b) whether the payment is the most practical or cost-effective way to achieve a purpose of the fund;

- (c) whether there are alternative sources of funding available for the purpose for which the proposed payment is to be made;
  - (d) advice given by the council to the chief executive and under-Treasurer in relation to the payment;
  - (e) any other matter prescribed by regulation.
- (4) A regulation must prescribe the categories of costs for which amounts may be paid from the fund under subsection (2).

*Examples of categories—*

- training costs to support affected energy workers in gaining employment within the energy sector or another sector
- relocation costs for particular affected energy workers to support continued employment within the energy sector
- categories of costs necessary to achieve the purpose of the fund mentioned in section 89(b)

- (5) A regulation may prescribe—
- (a) requirements or obligations that must be complied with by a recipient or proposed recipient of a payment from the fund; and

*Example of requirements or obligations—*

A regulation may require fund recipients to report on the use of the funds.

- (b) for a category of costs prescribed under subsection (4)—the entities to which, or the affected energy workers in relation to whom, amounts for the costs are to be paid; and
  - (c) any other matter necessary or convenient to ensure the fund is administered—
    - (i) in accordance with this Act; and
    - (ii) in an effective and efficient way.
- (6) Before the Minister recommends to the Governor in Council the making of a regulation under this section, the chief executive must consult with the under-Treasurer and the council about the proposed regulation.

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## **91 Fund guideline**

- (1) The chief executive and under-Treasurer may make a guideline about the administration of the fund under this part, including—
  - (a) procedures relating to making payments from the fund; and
  - (b) procedures for dealing with complaints about payments from the fund.
- (2) The chief executive and under-Treasurer must comply with the guideline in administering the fund.

## **92 Reporting requirement**

The department must include the following information about the fund in the department's annual report under the *Financial Accountability Act 2009*, section 63—

- (a) the total funds held in the fund bank account kept under section 88 when the annual report is prepared; and
- (b) a summary of the payments made from the fund for the financial year; and
- (c) a description of how the payments have contributed to achieving the purposes of the fund.

# **Part 8 Queensland Energy System Advisory Board**

## **Division 1 Establishment, functions and powers**

### **93 Establishment**

- (1) The Queensland Energy System Advisory Board is established.



- (2) The board does not represent the State.

## 94 Functions

The board has the following functions—

- (a) to prepare an annual progress statement for each financial year in relation to—
  - (i) the progress made during the financial year towards achieving the renewable energy targets; and
  - (ii) the progress made during the financial year in relation to the matters that are part of the optimal infrastructure pathway;
- (b) to provide advice, or make recommendations, to the Minister to assist the Minister to review the infrastructure blueprint under section 16, including recommendations about any changes the board considers should be made in relation to the optimal infrastructure pathway to ensure the optimal infrastructure pathway objectives are achieved;
- (c) to provide advice, on request, to the Minister about the following matters—
  - (i) long-term projections for demand for electricity supply by Queensland consumers;
  - (ii) the optimal infrastructure pathway, including—
    - (A) potential risks to the progress of matters that are part of the optimal infrastructure pathway; and
    - (B) strategies to mitigate those potential risks;
  - (iii) achievement of the renewable energy targets, including opportunities to accelerate achievement of the targets;
  - (iv) any other matter the Minister considers relevant to the purposes of this Act;

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- (d) to perform any other function conferred on the board under this Act or another Act.

## 95 Performance of functions

- (1) The board is not subject to direction by the Minister about the way the board performs its functions under this Act.
- (2) However, in performing its functions, the board must consider the following matters—
  - (a) the Integrated System Plan;
  - (b) the optimal infrastructure pathway objectives;
  - (c) the purposes of this Act;
  - (d) the State’s policies in relation to energy and electricity.
- (3) Subsection (2) does not limit the matters the board may consider in performing its functions.

## 96 Powers

The board may do anything necessary or convenient to be done in the performance of its functions.

## 97 Administrative support for board

The chief executive must ensure the board has the administrative support services reasonably required for the board to perform its functions effectively and efficiently.

# Division 2 Membership

## 98 Members of board

The board consists of the following members (each a *board member*)—

- (a) the chief executive;

- (b) the under-Treasurer;
- (c) the appointed board members;
- (d) the chairperson.

## 99 Appointed board members

- (1) The Governor in Council must appoint at least 5, but not more than 7, members of the board (each an ***appointed board member***) on the recommendation of the Minister.
- (2) A person is eligible for appointment as an appointed board member if the person is not a member of the board under section 98(a), (b) or (d).
- (3) However—
  - (a) each appointed board member must have knowledge, qualifications or skills in 1 or more of the following areas—
    - (i) the operation of the Australian energy sector;
    - (ii) investment in energy infrastructure;
    - (iii) delivery of energy infrastructure projects; and
  - (b) at least 1 appointed board member must have knowledge, qualifications or skills in relation to advocacy or support for consumers of energy; and
  - (c) at least 1 appointed board member must have knowledge, qualifications or skills in relation to advocacy for workers in the energy industry or manufacturing industry; and
  - (d) at least 1 appointed board member must be an Aboriginal person or Torres Strait Islander person.
- (4) The appointed board members are appointed under this Act and not the *Public Sector Act 2022*.

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## **100 Chairperson**

- (1) The Governor in Council must, on the recommendation of the Minister, appoint a person to be the chairperson of the board.
- (2) A person is eligible for appointment as the chairperson if the person has knowledge, qualifications or skills in 1 or more of the areas mentioned in section 99(3)(a).
- (3) However, a person is not eligible for appointment as the chairperson if the person—
  - (a) is a member of the board under section 98(a), (b) or (c);  
or
  - (b) is the head of, is employed in, or otherwise holds an office or other position in, a government entity.
- (4) The chairperson is appointed under this Act and not the *Public Sector Act 2022*.

## **101 Disqualification as appointed board member or chairperson**

A person is disqualified from becoming or continuing as an appointed board member or the chairperson of the board if—

- (a) the person has a conviction, other than a spent conviction, for an indictable offence involving any of the following—
  - (i) fraud or dishonesty;
  - (ii) assault;
  - (iii) damage or destruction of property; or
- (b) the person is an insolvent under administration; or
- (c) the person is disqualified from managing a corporation because of the Corporations Act, part 2D.6.

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## **102 Term of appointment**

- (1) An appointed board member or the chairperson of the board holds office for the term, no longer than 4 years, stated in the instrument of appointment for the member or the chairperson.
- (2) An appointed board member or the chairperson may be reappointed.
- (3) However, the term of appointment for an appointed board member or the chairperson must end on or before 31 December 2035.

## **103 Conditions of appointment**

- (1) Appointed board members and the chairperson of the board are to be paid the remuneration and allowances decided by the Governor in Council.
- (2) However, the following persons are not entitled to be paid remuneration for holding office as an appointed board member—
  - (a) a person who is a prescribed person under the *Public Sector Act 2022*;
  - (b) a person employed in or appointed by a GOC.
- (3) For matters not provided for by this Act, an appointed board member and the chairperson hold office on the terms and conditions decided by the Governor in Council.

## **104 Appointed board member and chairperson must disclose particular matters**

- (1) This section applies in relation to a person who is an appointed board member or the chairperson of the board if, during the term of the person's appointment, the person—
  - (a) becomes an insolvent under administration; or
  - (b) is disqualified from managing a corporation because of the Corporations Act, part 2D.6.

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- (2) The person must, unless the person has a reasonable excuse, immediately give written notice of the insolvency or disqualification to the Minister.

Maximum penalty—100 penalty units.

## **105 Vacancy in office**

- (1) The office of an appointed board member or the chairperson of the board becomes vacant if the person holding the office—
- (a) completes the person's term of office and is not reappointed; or
  - (b) resigns from office by signed notice given to the Minister; or
  - (c) if the person is an appointed board member—is no longer eligible for appointment under section 99(2); or
  - (d) if the person is the chairperson—is no longer eligible for appointment under section 100(3); or
  - (e) is absent without the board's permission or without a reasonable excuse from 3 consecutive meetings of the board; or
  - (f) becomes disqualified from continuing as an appointed board member or the chairperson under section 101; or
  - (g) is removed from office by the Governor in Council under subsection (2).
- (2) The Governor in Council may, on the recommendation of the Minister, terminate the appointment of an appointed board member or the chairperson if the Minister is satisfied the member or the chairperson is incapable of satisfactorily performing the member's or the chairperson's functions.
- (3) This section does not limit the Governor in Council's powers under the *Acts Interpretation Act 1954*, section 25.

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## **Division 3                      Criminal history information**

### **106      Minister may request criminal history reports**

- (1) To decide if a person is disqualified from becoming or continuing as an appointed board member or the chairperson of the board under section 101(a), the Minister may ask the police commissioner for—
  - (a) a written report about the criminal history of the person; and
  - (b) a brief description of the circumstances of a conviction mentioned in the criminal history.
- (2) However, the Minister may make the request only if the person has given the Minister written consent for the request.
- (3) The police commissioner must comply with the request.
- (4) However, the duty to comply with the request applies only to information in the possession of the police commissioner or to which the police commissioner has access.

### **107      New convictions must be disclosed**

- (1) This section applies if a person who is an appointed board member or the chairperson of the board is convicted of an indictable offence mentioned in section 101(a) during the term of the person's appointment.
- (2) The person must, unless the person has a reasonable excuse, immediately give written notice of the conviction to the Minister.

Maximum penalty—100 penalty units.

- (3) The notice must include the following information—
  - (a) the existence of the conviction;
  - (b) when the offence was committed;
  - (c) details adequate to identify the offence;
  - (d) the sentence imposed on the person.

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## 108 Confidentiality of criminal history information

- (1) This section applies to a person who—
  - (a) is or has been—
    - (i) the Minister; or
    - (ii) a board member; or
    - (iii) a public service employee performing functions under or relating to the administration of this Act; and
  - (b) in that capacity, has acquired or has access to criminal history information.
- (2) The person must not disclose the criminal history information to anyone else, or use the information, other than under this section.

Maximum penalty—100 penalty units.

- (3) The person may disclose or use the criminal history information—
  - (a) to the extent the disclosure or use is—
    - (i) necessary to perform the person’s functions under or relating to this part; or
    - (ii) otherwise required or permitted under this Act or another law; or
  - (b) with the consent of the person to whom the criminal history information relates.
- (4) A person who possesses a report given to the Minister under section 106 or a notice given to the Minister under section 107 must ensure the report or notice is destroyed as soon as practicable after it is no longer needed for the purpose for which it was given.

- (5) In this section—

***criminal history information*** means information contained in—

- (a) a report given to the Minister under section 106; or



- (b) a notice given to the Minister under section 107.

## **Division 4            Board meetings**

### **Subdivision 1        General provisions**

#### **109    Conduct of business**

Subject to this division, the board may conduct its business, including its board meetings, in the way it considers appropriate.

#### **110    Board meetings generally**

- (1) The chairperson of the board may convene a meeting of the board members (a *board meeting*).
- (2) The chairperson must convene a board meeting—
  - (a) at least 4 times each year; and
  - (b) if requested in writing by the Minister.
- (3) The board may hold board meetings, or allow board members to take part in board meetings, by using any technology allowing reasonably contemporaneous and continuous communication between persons taking part in the meeting.
- (4) A board member who takes part in a board meeting under subsection (3) is taken to be present at the meeting.
- (5) A question at a board meeting is to be decided by a majority of votes of the board members present at the meeting.
- (6) If the votes are equal, the board member presiding has a casting vote.

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## **111 Quorum**

A quorum for a board meeting is at least 4 board members, not including the board members mentioned in section 98(a) and (b).

## **112 Presiding at board meetings**

- (1) The chairperson of the board is to preside at all board meetings at which the chairperson is present.
- (2) If the chairperson is not present at a board meeting, the board member chosen by the members present is to preside.

## **Subdivision 2 Disclosure of interests**

### **113 Application of subdivision**

- (1) This subdivision applies if—
  - (a) a board member has a direct or indirect interest in a matter being considered, or about to be considered, at a board meeting; and
  - (b) the interest could conflict with the proper performance of the board member's duties about the consideration of the matter.
- (2) However, this subdivision does not apply in relation to an interest of a board member mentioned in section 98(a) or (b) held in the board member's capacity as the chief executive of the department mentioned in that section.

### **114 Requirement to disclose interest**

As soon as practicable after the relevant facts come to the board member's knowledge, the board member must disclose the nature of the interest at a board meeting.

### **115 Deemed disclosure in particular circumstances**

- (1) This section applies if the board member has disclosed at a board meeting that the board member—
  - (a) is a member or partner of, or is employed by, a stated company or other entity; or
  - (b) has another stated interest relating to a stated company or other entity.
- (2) The board member is taken to have complied with section 114 in relation to the board member's interest in any matter relating to the company or other entity arising after the day the disclosure was made.

### **116 Board member not to participate in decision making**

- (1) Unless the board otherwise directs, the board member must not—
  - (a) be present when the board considers the matter; or
  - (b) take part in making a decision of the board about the matter.
- (2) The board member must not be present when the board is considering whether to give a direction under subsection (1).
- (3) The board members present are a quorum for making a decision mentioned in subsection (1)(b).

### **117 Register of interests**

A disclosure mentioned in section 114 or 115(1) must be recorded in a register of interests kept by the board.

### **118 Effect of contravention of subdivision**

- (1) A contravention of this subdivision does not invalidate a decision of the board.
- (2) However, if the board becomes aware a board member contravened this subdivision, the board must reconsider a

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decision made by the board in which the board member took part in contravention of this subdivision.

### **Subdivision 3      No duty to disclose particular information**

#### **119      No duty to disclose particular information acquired in particular capacities**

- (1) This section applies to a board member mentioned in section 98(a) or (b) who has acquired or has access to information that—
  - (a) is of a confidential nature; and
  - (b) has been given to the board member in confidence in the board member's capacity as the chief executive of a department; and
  - (c) is relevant to a matter being considered, or about to be considered, by the board.

*Example of information in relation to which this section might apply—*

documents related to Cabinet considerations or operations, or State budgetary processes

- (2) The board member does not owe a duty to the board to disclose the information.

### **Division 5              Reporting requirement**

#### **120      Annual report**

- (1) The board must prepare and give to the Minister, within 3 months after the end of each financial year, an annual report on the functions performed by the board during the financial year.
- (2) The Minister must publish a copy of the report on the department's website as soon as practicable after receiving it.

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## Division 6                      Abolition of board

### 121      Dealing with records and documents on abolition

- (1) On 31 December 2035—
  - (a) the board is abolished; and
  - (b) the State becomes the successor in law of the board.
- (2) Without limiting subsection (1)(b), the records and other documents held by the board immediately before 31 December 2035 become records and other documents of the State.

## Part 9                              Energy Industry Council

### Division 1                      Preliminary

#### 122      Definitions for part

In this part—

*electricity industry* see the *Electricity Act 1994*, section 21.

*national electricity market* see the National Electricity (Queensland) Law, section 2(1).

*publicly owned energy business* means a GOC or a government company carrying out activities relating to the electricity industry or the national electricity market.

### Division 2                      Establishment, functions and powers

#### 123      Establishment

- (1) The Energy Industry Council is established.

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- (2) The council does not represent the State.

## **124 Functions**

The council has the following functions—

- (a) to provide advice to the Minister about the following matters—
  - (i) how the implementation of the infrastructure blueprint will affect affected energy workers and their communities;
  - (ii) opportunities for employment, workforce development, education and training in the renewable energy industry for affected energy workers and their communities;
  - (iii) the skills and training the council anticipates will be needed to build and deliver workforce capacity and capability for the future of the energy industry;
  - (iv) the purposes of the fund mentioned in section 89(a) and (b);
  - (v) any other matter relating to the energy industry;
- (b) to consult with any entity the council considers appropriate to assist the council in performing its functions;
- (c) to perform any other function conferred on the council under this Act or another Act.

## **125 Performance of functions**

The council is not subject to direction by the Minister about the way the council performs its functions under this Act.

## **126 Powers**

The council may do anything necessary or convenient to be done in the performance of its functions.

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## 127 Subcommittees

- (1) The council may establish subcommittees it considers appropriate for purposes related to the council's functions.
- (2) A person is eligible to be a member of a subcommittee if the person is—
  - (a) a council member mentioned in section 129(a) or (c); or
  - (b) a public service employee employed in the department; or
  - (c) a representative of either of the following—
    - (i) a publicly owned energy business prescribed by regulation for section 130(1)(a);
    - (ii) an industrial organisation under the *Industrial Relations Act 2016* prescribed by regulation for section 130(1)(b).
- (3) However, an appointed council member is not eligible to be a member of a subcommittee.

## 128 Administrative support for council and subcommittees

The chief executive must ensure the council, and any subcommittee established by the council, has the administrative support services reasonably required for the council or subcommittee to perform its functions effectively and efficiently.

## Division 3 Membership

### 129 Members of council

The council consists of the following members (each a *council member*)—

- (a) the chief executive or a public service employee employed in the department who is nominated by the chief executive;

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- (b) the appointed council members;
- (c) the chairperson.

### **130 Appointed council members**

- (1) The Governor in Council must appoint the following persons as members of the council (each an *appointed council member*) on the recommendation of the Minister—
  - (a) 5 persons, each of whom the Minister is satisfied is a representative of a publicly owned energy business prescribed by regulation;
  - (b) 5 persons, each of whom the Minister is satisfied is a representative of an industrial organisation under the *Industrial Relations Act 2016* prescribed by regulation.
- (2) Subject to subsection (1), a regulation may require an appointed council member to be a person who—
  - (a) holds a particular type of position; or
  - (b) has particular qualifications or experience.
- (3) An appointed council member is appointed under this Act and not the *Public Sector Act 2022*.

### **131 Chairperson**

- (1) The Governor in Council must, on the recommendation of the Minister, appoint a person to be the chairperson of the council.
- (2) A person is eligible for appointment as the chairperson if the person is appropriately qualified.
- (3) However, a person is not eligible for appointment as the chairperson if the person—
  - (a) is a member of the council under section 129(a) or (b);  
or
  - (b) is the head of, is employed in, or otherwise holds an office or other position in, a government entity; or



- (c) is a representative of an industrial organisation under the *Industrial Relations Act 2016*.
- (4) The chairperson is appointed under this Act and not the *Public Sector Act 2022*.

### **132 Disqualification as appointed council member or chairperson**

A person is disqualified from becoming or continuing as an appointed council member or the chairperson of the council if—

- (a) the person has a conviction, other than a spent conviction, for an indictable offence involving any of the following—
  - (i) fraud or dishonesty;
  - (ii) assault;
  - (iii) damage or destruction of property; or
- (b) the person is an insolvent under administration; or
- (c) the person is disqualified from managing a corporation because of the Corporations Act, part 2D.6.

### **133 Term of appointment**

- (1) An appointed council member or the chairperson of the council holds office for the term, no longer than 3 years, stated in the instrument of appointment for the member or the chairperson.
- (2) An appointed council member or the chairperson may be reappointed.
- (3) However, the term of appointment for an appointed council member or the chairperson must end on or before 31 December 2035.

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### **134 Remuneration of chairperson**

The chairperson of the council is to be paid the remuneration and allowances decided by the Governor in Council.

### **135 Conditions of appointment generally**

For matters not provided for by this Act, an appointed council member and the chairperson of the council hold office on the terms and conditions decided by the Governor in Council.

### **136 Appointed council member and chairperson must disclose particular matters**

- (1) This section applies in relation to a person who is an appointed council member or the chairperson of the council if, during the term of the person's appointment, the person—
  - (a) becomes an insolvent under administration; or
  - (b) is disqualified from managing a corporation because of the Corporations Act, part 2D.6.
- (2) The person must, unless the person has a reasonable excuse, immediately give written notice of the insolvency or disqualification to the Minister.

Maximum penalty—100 penalty units.

### **137 Vacancy in office**

- (1) The office of an appointed council member or the chairperson of the council becomes vacant if the person holding the office—
  - (a) completes the person's term of office and is not reappointed; or
  - (b) resigns from office by signed notice given to the Minister; or
  - (c) if the person is an appointed council member—is no longer a person mentioned in section 130(1); or

- (d) if the person is the chairperson—is no longer eligible for appointment under section 131(3); or
  - (e) is absent without the council’s permission or without a reasonable excuse from 3 consecutive meetings of the council; or
  - (f) becomes disqualified from continuing as an appointed council member or the chairperson under section 132; or
  - (g) is removed from office by the Governor in Council under subsection (2).
- (2) The Governor in Council may, on the recommendation of the Minister, terminate the appointment of an appointed council member or the chairperson if the Minister is satisfied the member or the chairperson is incapable of satisfactorily performing the member’s or the chairperson’s functions.
- (3) This section does not limit the Governor in Council’s powers under the *Acts Interpretation Act 1954*, section 25.

## **Division 4                      Criminal history information**

### **138      Minister may request criminal history reports**

- (1) To decide if a person is disqualified from becoming or continuing as an appointed council member or the chairperson of the council under section 132(a), the Minister may ask the police commissioner for—
- (a) a written report about the criminal history of the person; and
  - (b) a brief description of the circumstances of a conviction mentioned in the criminal history.
- (2) However, the Minister may make the request only if the person has given the Minister written consent for the request.
- (3) The police commissioner must comply with the request.

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- (4) However, the duty to comply with the request applies only to information in the possession of the police commissioner or to which the police commissioner has access.

### **139 New convictions must be disclosed**

- (1) This section applies if a person who is an appointed council member or the chairperson of the council is convicted of an indictable offence mentioned in section 132(a) during the term of the person's appointment.
- (2) The person must, unless the person has a reasonable excuse, immediately give written notice of the conviction to the Minister.

Maximum penalty—100 penalty units.

- (3) The notice must include the following information—
  - (a) the existence of the conviction;
  - (b) when the offence was committed;
  - (c) details adequate to identify the offence;
  - (d) the sentence imposed on the person.

### **140 Confidentiality of criminal history information**

- (1) This section applies to a person who—
  - (a) is or has been—
    - (i) the Minister; or
    - (ii) a council member; or
    - (iii) a public service employee performing functions under or relating to the administration of this Act; and
  - (b) in that capacity, has acquired or has access to criminal history information.

- (2) The person must not disclose the criminal history information to anyone else, or use the information, other than under this section.

Maximum penalty—100 penalty units.

- (3) The person may disclose or use the criminal history information—

(a) to the extent the disclosure or use is—

(i) necessary to perform the person’s functions under or relating to this part; or

(ii) otherwise required or permitted under this Act or another law; or

(b) with the consent of the person to whom the criminal history information relates.

- (4) A person who possesses a report given to the Minister under section 138 or a notice given to the Minister under section 139 must ensure the report or notice is destroyed as soon as practicable after it is no longer needed for the purpose for which it was given.

- (5) In this section—

***criminal history information*** means information contained in—

(a) a report given to the Minister under section 138; or

(b) a notice given to the Minister under section 139.

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## **Division 5                      Council meetings**

### **Subdivision 1                General provisions**

#### **141      Conduct of business**

Subject to this division, the council may conduct its business, including its council meetings, in the way it considers appropriate.

#### **142      Council meetings generally**

- (1) The chairperson of the council may convene a meeting of the council members (a *council meeting*).
- (2) The chairperson must convene a council meeting—
  - (a) at least every 6 months; and
  - (b) if requested in writing by the Minister.
- (3) The council may hold council meetings, or allow council members to take part in council meetings, by using any technology allowing reasonably contemporaneous and continuous communication between persons taking part in the meeting.
- (4) A council member who takes part in a council meeting under subsection (3) is taken to be present at the meeting.

#### **143      Quorum**

The quorum for a council meeting is at least 10 council members.

#### **144      Presiding at council meetings**

- (1) The chairperson of the council is to preside at all council meetings at which the chairperson is present.

- (2) If the chairperson is not present at a council meeting, the council member chosen by the members present is to preside.

## **Subdivision 2 Disclosure of interests**

### **145 Application of subdivision**

- (1) This subdivision applies if—
- (a) a council member has a direct or indirect interest in a matter being considered, or about to be considered, at a council meeting; and
  - (b) the interest could conflict with the proper performance of the council member’s duties about the consideration of the matter.
- (2) However, this subdivision does not apply in relation to an interest of a council member mentioned in section 129(a) held in the council member’s capacity as the chief executive or a public service employee of the department.
- (3) Also, this subdivision does not apply in relation to an interest of an appointed council member held in the council member’s capacity as a representative of a publicly owned energy business or an industrial organisation under the *Industrial Relations Act 2016* to the extent—
- (a) the interest is not of a commercial nature; and
  - (b) the interest is held merely because—
    - (i) the business employs affected energy workers; or
    - (ii) members of the organisation are affected energy workers.

### **146 Requirement to disclose interest**

As soon as practicable after the relevant facts come to the council member’s knowledge, the council member must disclose the nature of the interest at a council meeting.

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### **147 Deemed disclosure in particular circumstances**

- (1) This section applies if the council member has disclosed at a council meeting that the council member—
  - (a) is a member or partner of, or is employed by, a stated company or other entity; or
  - (b) has another stated interest relating to a stated company or other entity.
- (2) The council member is taken to have complied with section 146 in relation to the council member's interest in any matter relating to the company or other entity arising after the day the disclosure was made.

### **148 Council member not to participate in decision making**

- (1) Unless the council otherwise directs, the council member must not—
  - (a) be present when the council considers the matter; or
  - (b) take part in making a decision of the council about the matter.
- (2) The council member must not be present when the council is considering whether to give a direction under subsection (1).
- (3) The council members present are a quorum for making a decision mentioned in subsection (1)(b).

### **149 Register of interests**

A disclosure mentioned in section 146 or 147(1) must be recorded in a register of interests kept by the council.

### **150 Effect of contravention of subdivision**

- (1) A contravention of this subdivision does not invalidate a decision of the council.
- (2) However, if the council becomes aware a council member contravened this subdivision, the council must reconsider a



decision made by the council in which the council member took part in contravention of this subdivision.

### **Subdivision 3      No duty to disclose particular information**

#### **151      No duty to disclose particular information acquired in particular capacities**

- (1) This section applies to a council member who has acquired or has access to information that—
  - (a) is of a confidential nature; and
  - (b) has been given to the council member in confidence in the council member's capacity as—
    - (i) the chief executive; or
    - (ii) a public service employee of the department; or
    - (iii) a representative of a publicly owned energy business; or
    - (iv) a representative of an industrial organisation under the *Industrial Relations Act 2016*; and
  - (c) is relevant to a matter being considered, or about to be considered, by the council.

*Example of information in relation to which this section might apply—*

documents related to Cabinet considerations or operations, State budgetary processes or commercial matters

- (2) The council member does not owe a duty to the council to disclose the information.

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## **Division 6                      Reporting requirement**

### **152      Annual report**

- (1) The council must prepare and give to the Minister, within 3 months after the end of each financial year, an annual report on the functions performed by the council during the financial year.
- (2) The Minister must publish a copy of the report on the department's website as soon as practicable after receiving it.

## **Division 7                      Abolition of council**

### **153      Dealing with records and documents on abolition**

- (1) On 31 December 2035—
  - (a) the council is abolished; and
  - (b) the State becomes the successor in law of the council.
- (2) Without limiting subsection (1)(b), the records and other documents held by the council immediately before 31 December 2035 become records and other documents of the State.

## **Part 10                              Queensland Renewable Energy Jobs Advocate**

### **Division 1                      Establishment, functions and powers**

#### **154      Establishment**

- (1) There is to be a Queensland Renewable Energy Jobs Advocate.

- (2) The jobs advocate does not represent the State.

## 155 Functions

The functions of the jobs advocate are—

- (a) to provide advice to the Minister in relation to—
  - (i) how to increase opportunities for employment in the energy industry, including strategies or incentives to encourage investors or employers to create these opportunities; and
  - (ii) the presence and extent of any barriers to creating the opportunities mentioned in subparagraph (i) and strategies to overcome the barriers; and
- (b) to carry out research relating to the matters mentioned in paragraph (a); and
- (c) to consult and engage with Aboriginal peoples and Torres Strait Islander peoples in relation to how employment opportunities in, or related to, the energy industry for Aboriginal peoples and Torres Strait Islander peoples could be increased; and
- (d) to consult with businesses involved with the energy industry about how employment opportunities mentioned in paragraph (c) could be increased; and
- (e) to consult with any other entity the jobs advocate considers appropriate to assist the jobs advocate with performing the jobs advocate's functions; and
- (f) to attend, on request, meetings of the council to report on activities carried out, or being carried out, by the jobs advocate; and
- (g) to help foster relationships between members of the community in a particular area and persons involved in carrying out an electricity infrastructure project in the area; and

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- (h) to facilitate sharing of information between the members of the community and other persons mentioned in paragraph (g); and
- (i) to promote to the community in which a particular electricity infrastructure project, that forms part of the optimal infrastructure pathway, is being carried out—
  - (i) the benefits of the project for the community; and
  - (ii) emerging opportunities for employment in the energy industry created by the project; and
- (j) to promote public awareness of the jobs advocate's functions; and
- (k) to perform any other function conferred on the jobs advocate under this Act or another Act.

## **156 Powers**

The jobs advocate may do anything necessary or convenient to be done in the performance of the jobs advocate's functions.

## **157 Administrative support for jobs advocate**

The chief executive must ensure the jobs advocate has the administrative support services reasonably required for the jobs advocate to perform the jobs advocate's functions effectively and efficiently.

# **Division 2 Appointment**

## **158 Appointment**

- (1) The jobs advocate is appointed by the Governor in Council on the recommendation of the Minister.

- (2) The Minister may recommend a person to be appointed as the jobs advocate only if the person is appropriately qualified to perform the jobs advocate's functions.
- (3) The jobs advocate is appointed under this Act and not the *Public Sector Act 2022*.

### **159 Disqualification as jobs advocate**

A person is disqualified from becoming or continuing as the jobs advocate if—

- (a) the person has a conviction, other than a spent conviction, for an indictable offence involving any of the following—
  - (i) fraud or dishonesty;
  - (ii) assault;
  - (iii) damage or destruction of property; or
- (b) the person is an insolvent under administration; or
- (c) the person is disqualified from managing a corporation because of the Corporations Act, part 2D.6.

### **160 Term of appointment**

- (1) A person holds office as the jobs advocate for the term, of not more than 3 years, stated in the person's instrument of appointment.
- (2) A person may be reappointed as the jobs advocate only once for a further term of not more than 3 years.
- (3) However, a person's term of appointment must end on or before 31 December 2035.
- (4) If, by the end of the person's term, the person has not been reappointed and a successor has not been appointed, the person continues to hold office until the earliest of the following days—
  - (a) the day a successor is appointed;

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- (b) the day that is 3 months after the day the person's term of office would have ended under the person's instrument of appointment;
- (c) 31 December 2035.

### **161 Conditions of appointment**

- (1) The jobs advocate is to be paid the remuneration and allowances decided by the Governor in Council.
- (2) However, if the jobs advocate is a person who is a prescribed person under the *Public Sector Act 2022*, the person is not entitled to be paid remuneration for holding office as the jobs advocate.
- (3) For matters not provided for by this Act, the jobs advocate holds office on the terms and conditions decided by the Governor in Council.

### **162 Jobs advocate must disclose particular matters**

- (1) This section applies in relation to a person who is the jobs advocate if, during the term of the person's appointment, the person—
  - (a) becomes an insolvent under administration; or
  - (b) is disqualified from managing a corporation because of the Corporations Act, part 2D.6.
- (2) The person must, unless the person has a reasonable excuse, immediately give written notice of the insolvency or disqualification to the Minister.

Maximum penalty—100 penalty units.

### **163 Vacancy in office of jobs advocate**

- (1) The office of the jobs advocate becomes vacant if—
  - (a) the jobs advocate becomes disqualified from continuing as the jobs advocate under section 159; or

- (b) the jobs advocate's term of appointment ends under section 160(4)(b) and a successor has not been appointed; or
  - (c) the jobs advocate resigns under section 164; or
  - (d) the jobs advocate is removed from office by the Governor in Council under subsection (2).
- (2) The Governor in Council may, on the recommendation of the Minister, terminate the jobs advocate's appointment if the Minister is satisfied the jobs advocate is incapable of satisfactorily performing the jobs advocate's functions.
- (3) This section does not limit the Governor in Council's powers under the *Acts Interpretation Act 1954*, section 25.

## **164 Resignation**

- (1) The jobs advocate may resign the jobs advocate's office by giving the Minister a signed letter of resignation.
- (2) The resignation takes effect on the day that is 3 months after the day the Minister receives the resignation or, if a later day is stated in the letter, the later day.
- (3) However, the Minister may allow the resignation to take effect on a day that is less than 3 months after the day the Minister receives the resignation.

## **165 Acting jobs advocate**

The Governor in Council, on the recommendation of the Minister, may appoint a person to act in the office of jobs advocate during—

- (a) a vacancy in the office of jobs advocate; or
- (b) a period when the jobs advocate is absent from duty or can not, for another reason, perform the functions of the office.

## **Division 3                      Criminal history information**

### **166      Minister may request criminal history reports**

- (1) To decide if a person is disqualified from becoming or continuing as the jobs advocate under section 159(a), the Minister may ask the police commissioner for—
  - (a) a written report about the criminal history of the person; and
  - (b) a brief description of the circumstances of a conviction mentioned in the criminal history.
- (2) However, the Minister may make the request only if the person has given the Minister written consent for the request.
- (3) The police commissioner must comply with the request.
- (4) However, the duty to comply with the request applies only to information in the possession of the police commissioner or to which the police commissioner has access.

### **167      New convictions must be disclosed**

- (1) This section applies if a person who is the jobs advocate is convicted of an indictable offence mentioned in section 159(a) during the term of the person's appointment.
- (2) The person must, unless the person has a reasonable excuse, immediately give written notice of the conviction to the Minister.

Maximum penalty—100 penalty units.
- (3) The notice must include the following information—
  - (a) the existence of the conviction;
  - (b) when the offence was committed;
  - (c) details adequate to identify the offence;
  - (d) the sentence imposed on the person.



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## 168 Confidentiality of criminal history information

- (1) This section applies to a person who—
  - (a) is or has been—
    - (i) the Minister; or
    - (ii) a public service employee performing functions under or relating to the administration of this Act; and
  - (b) in that capacity, has acquired or has access to criminal history information.
- (2) The person must not disclose the criminal history information to anyone else, or use the information, other than under this section.

Maximum penalty—100 penalty units.

- (3) The person may disclose or use the criminal history information—
  - (a) to the extent the disclosure or use is—
    - (i) necessary to perform the person’s functions under or relating to this part; or
    - (ii) otherwise required or permitted under this Act or another law; or
  - (b) with the consent of the person to whom the criminal history information relates.
- (4) A person who possesses a report given to the Minister under section 166 or a notice given to the Minister under section 167 must ensure the report or notice is destroyed as soon as practicable after it is no longer needed for the purpose for which it was given.
- (5) In this section—

***criminal history information*** means information contained in—

- (a) a report given to the Minister under section 166; or
- (b) a notice given to the Minister under section 167.

[s 169]

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## **Division 4                      Reporting requirement**

### **169      Annual report**

- (1) The jobs advocate must prepare and give to the Minister, within 3 months after the end of each financial year, an annual report on the functions performed, and activities carried out, by the jobs advocate during the financial year.
- (2) The Minister must publish a copy of the report on the department's website as soon as practicable after receiving it.

## **Division 5                      Abolition of jobs advocate**

### **170      Dealing with records and documents on abolition**

- (1) On 31 December 2035—
  - (a) the office of the jobs advocate is abolished; and
  - (b) the State becomes the successor in law of the jobs advocate.
- (2) Without limiting subsection (1)(b), the records and other documents held by the jobs advocate immediately before 31 December 2035 become records and other documents of the State.

## **Part 11                              Miscellaneous**

### **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.

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*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—

[s 170B]

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- (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**

### **171 Definition for division**

In this division—

*official* means—

- (a) the Minister; or
- (b) the Treasurer; or
- (c) the chief executive; or
- (d) the board or a board member; or
- (e) the council or a council member; or
- (f) the jobs advocate; or
- (g) a REZ delivery body; or
- (h) a public service employee performing functions under or relating to the administration of this Act.

### **172 False or misleading information**

- (1) A person must not, in relation to the administration of this Act, give an official information the person knows is false or misleading in a material particular.

Maximum penalty—100 penalty units.

- (2) Subsection (1) does not apply to a person if the person, when giving information in a document—
- (a) tells the official, to the best of the person's ability, how the document is false or misleading; and
  - (b) if the person has, or can reasonably obtain, the correct information—gives the correct information.

[s 173]

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## **173 Confidentiality**

- (1) This section applies to the following persons (each a *relevant person*)—
  - (a) a person who—
    - (i) is, or has been, an official; and
    - (ii) in that capacity, has acquired or has access to confidential information about another person;
  - (b) Powerlink, if Powerlink has acquired, or has access to, confidential information about another person under this Act;
  - (c) a person who is, or has been, a suitably qualified person if the person has acquired, or has access to, confidential information about another person;
  - (d) a person who has acquired, or has access to, confidential information about another person under section 80.
- (2) The relevant person must not disclose the information to anyone else, or use the information, other than under this section.

Maximum penalty—100 penalty units.

- (3) The relevant person may disclose or use the information—
  - (a) to the extent the disclosure or use is—
    - (i) necessary to perform the person’s functions under or relating to this Act; or
    - (ii) otherwise required or permitted under this Act or another law; or
  - (b) with the consent of the person to whom the information relates; or
  - (c) in compliance with a lawful process requiring production of documents to, or giving evidence before, a court or tribunal.
- (4) In this section—  
*confidential information*—

- (a) means information that—
  - (i) could identify an individual; or
  - (ii) is about a person’s current financial position or financial background; or
  - (iii) would be likely to damage the commercial activities of a person to whom the information relates; but
- (b) does not include—
  - (i) information that is publicly available; or
  - (ii) statistical or other information that could not reasonably be expected to result in the identification of the person to whom the information relates.

## **174 Protecting officials from liability**

- (1) An official is not civilly liable for an act done, or omission made, honestly and without negligence under this Act.
- (2) If subsection (1) prevents a civil liability attaching to an official, the liability attaches instead to the State.
- (3) This section—
  - (a) does not apply to an official who is a prescribed person under the *Public Sector Act 2022*; and

*Note—*

For protection from civil liability for prescribed persons under the *Public Sector Act 2022*, section 267, see section 269 of that Act.

- (b) applies to a REZ delivery body only in relation to the performance of a function of the REZ delivery body under this Act that is prescribed by regulation.

[s 175]

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## 175 Delegation

- (1) The Minister may delegate the Minister's functions under this Act, other than the functions mentioned in subsection (2), to an appropriately qualified public service employee employed by the department.
- (2) The Minister must not delegate—
  - (a) the Minister's functions under section 20, 26(2), 27(1) or 29(1); or
  - (b) the Minister's function of giving a direction under a regulation made under section 28(1)(b); or
  - (c) any of the following functions of the Minister under part 6—
    - (i) a function under part 6, division 2, other than publishing a notice under section 38(4);
    - (ii) a function under part 6, division 3, other than publishing a management plan, or a copy of a management plan, for a REZ under section 46(1), 47(3) or 48(6);
    - (iii) a function under part 6, division 6;
    - (iv) a function under section 75.
- (3) The Treasurer may delegate the Treasurer's functions under sections 21 to 25, 50, 79 and 80 to an appropriately qualified public service employee employed by Queensland Treasury.
- (4) The chief executive may delegate the chief executive's functions under this Act to an appropriately qualified public service employee employed by the department.
- (5) The under-Treasurer may delegate the under-Treasurer's functions under sections 90 and 91 to an appropriately qualified public service employee employed by Queensland Treasury.
- (6) In this section—

*functions* includes powers.



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**176 Review of particular parts of Act**

- (1) The Minister must review the operation and effectiveness of parts 7, 8, 9 and 10 of this Act as soon as practicable after the day that is 5 years after the commencement.
- (2) The Minister must also review the operation and effectiveness of part 7 every 5 years after the review mentioned in subsection (1).
- (3) The Minister must table a report about the outcome of each review in the Legislative Assembly.

**177 Regulation-making power**

- (1) The Governor in Council may make regulations under this Act.
- (2) A regulation may—
  - (a) prescribe fees payable under this Act; and
  - (b) provide for a maximum penalty of 20 penalty units for a contravention of a regulation.

## **Part 12 Transitional provisions**

### **Division 1 Infrastructure blueprint**

**178 First infrastructure blueprint**

On the commencement, the document called the ‘Queensland SuperGrid Infrastructure Blueprint’ dated September 2022 and published on the department’s website is taken to be the infrastructure blueprint made and approved under section 15.

[s 179]

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## Division 2                      Other transitional provisions

### 179      Application of s 90 for initial regulation for payments from fund

Despite section 90(6), the Minister need not consult with the council before making a recommendation to the Governor in Council about the first regulation made under section 90 after the commencement.

### 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.

## **180 Transitional regulation-making power**

- (1) A regulation (a *transitional regulation*) may make provision about a matter for which—
  - (a) it is necessary to make provision—
    - (i) to allow or facilitate the doing of anything to achieve the transition associated with the commencement of this Act; or
    - (ii) to allow or facilitate the doing of anything to help the operation of this Act or the national electricity laws in relation to a PTI matter or REZ matter; and
  - (b) this Act does not provide or sufficiently provide.
- (2) A transitional regulation—

[s 181]

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- (a) may provide for the application of a provision of the national electricity laws (a ***national provision***) in relation to a matter mentioned in subsection (1); and
  - (b) for that purpose, may—
    - (i) provide that a national provision does not apply 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 laws apply in relation to a matter having regard to a national provision not applying or applying with stated modifications in relation to the matter.
- (3) A transitional regulation may have retrospective operation to a day not earlier than the day this section commences.
- (4) A transitional regulation must declare it is a transitional regulation.
- (5) This section and any transitional regulation expire on the day that is 2 years after the day this section commences.
- (6) In this section—
- PTI matter*** means a priority transmission investment, a candidate priority transmission investment or an eligible priority transmission investment.
- REZ matter*** means the REZ transmission network or REZ controlled assets for a REZ.

## Part 13                      Legislation amended

### Division 1                      Amendment of this Act

#### 181      Act amended

This division amends this Act.

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**182 Amendment of long title**

Long title, from ‘, and to amend’—  
*omit.*

**Division 2 Amendment of Electricity Act 1994**

**183 Act amended**

This division amends the *Electricity Act 1994*.

**184 Amendment of s 12 (Works, substations and operating works)**

(1) Section 12(3)(a), ‘, fuel stocks, electrical and other property’—

*omit, insert—*

(including battery storage devices), fuel stocks, electrical and other property (including reactive power compensation devices)

(2) Section 12(3)(b) and (c), after ‘other property’—

*insert—*

(including battery storage devices and reactive power compensation devices)

(3) Section 12—

*insert—*

(4) In this section—

***battery storage device—***

(a) means plant that—

(i) converts electricity into stored chemical energy; and

(ii) releases stored chemical energy as electricity; and

[s 184A]

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*Examples—*

- an electrochemical battery, including a lithium-ion battery and a vanadium redox flow battery
- a solid-state battery, including a lithium-metal battery

(b) includes any equipment necessary for the operation of the plant.

***reactive power compensation device*** means a device primarily designed to regulate reactive power in an electrical system.

*Example—*

a synchronous condenser

#### **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

[s 184C]

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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).

[s 184F]

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## **184F Insertion of new ch 14, pt 19**

Chapter 14—

*insert—*

### **Part 19 Transitional provision for Energy (Renewable Transformation and Jobs) Act 2024**

#### **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 2024* had not been enacted.

### **Division 3 Amendment of Electricity—National Scheme (Queensland) Act 1997**

#### **185 Act amended**

This division amends the *Electricity—National Scheme (Queensland) Act 1997*.

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**186 Amendment of s 6 (Application in Queensland of National Electricity Law)**

Section 6—

*insert—*

*Note—*

See, however, the *Energy (Renewable Transformation and Jobs) Act 2024* for the application of particular provisions of the National Electricity (Queensland) Law in particular circumstances.

**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

[s 187]

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- (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

## **Division 4                      Amendment of National Energy Retail Law (Queensland) Act 2014**

### **187      Act amended**

This division amends the *National Energy Retail Law (Queensland) Act 2014*.

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

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

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(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.

[s 188]

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*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.*

## **188 Amendment of sch (Modification of application of National Energy Retail Law)**

- (1) Schedule, section 23, ‘121A’—  
*omit, insert—*

### **121AA**

- (2) Schedule, section 23, editor’s note—  
*omit, insert—*

*Editor’s notes—*

- 1 This section is an additional Queensland provision.
- 2 This section was originally inserted as section 121A and then renumbered as section 121AA.

## **Division 5 Amendment of Petroleum and Gas (Production and Safety) Act 2004**

### **189 Act amended**

This division amends the *Petroleum and Gas (Production and Safety) Act 2004*.

**190 Amendment of s 423 (Annual fees)**

Section 423(2), ‘covered’—  
*omit, insert—*  
scheme

## Schedule 1 Dictionary

### section 6

*access policy*, for part 6, division 5, see section 53.

*access standard*, for the REZ transmission network for a REZ, for part 6, division 5, see section 53.

*AEMO* means Australian Energy Market Operator Limited ACN 072 010 327.

*AER* means the Australian Energy Regulator established under the *Competition and Consumer Act 2010* (Cwlth), section 44AE.

*affected energy worker* see section 86(1).

*application to connect*, for part 6, division 5, see section 53.

*appointed board member*, for part 8, see section 99(1).

*appointed council member*, for part 9, see section 130(1).

*assessment documents*, for part 5, see section 18.

*board* means the Queensland Energy System Advisory Board established under section 93.

*board meeting*, for part 8, see section 110(1).

*board member* see section 98.

*candidate priority transmission investment* see section 18.

*connection agreement*, for part 6, see section 36.

*council* means the Energy Industry Council established under section 123.

*council meeting*, for part 9, see section 142(1).

*council member* see section 129.

*criminal history*, for a person, means the person's criminal history as defined under the *Criminal Law (Rehabilitation of Offenders) Act 1986*, other than spent convictions.



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***declared project***, for part 6, division 5, subdivision 4, see section 65.

***designated network asset***, for part 6, division 5, see section 53.

***disclose*** includes give access to.

***DNA service***, for part 6, division 5, see section 53.

***electricity industry***, for part 9, see section 122.

***eligible entity***, for part 6, division 5, see section 53.

***eligible priority transmission investment*** see section 18.

***eligible project***, for part 6, division 5, see section 53.

***establishment and operational costs***, for the REZ transmission network for a REZ, for part 6, division 6, see section 69.

***fund*** means the Job Security Guarantee Fund established under section 87.

***government company*** see the *Government Owned Corporations Act 1993*, section 2.

***government entity*** means—

- (a) an entity that represents the State; or
- (b) a registry or other administrative office of a court of the State; or
- (c) a GOC; or
- (d) a government company; or
- (e) a local government; or
- (f) an instrumentality or agency of a local government; or
- (g) a corporation, or a subsidiary of a corporation, owned by a local government; or
- (h) an entity established under an Act, or under an authorisation given by the State, for a public purpose, other than an entity mentioned in paragraphs (a) to (g); or

(i) a part of an entity mentioned in any of paragraphs (a) to (h).

**identified need**, for a candidate priority transmission investment, for part 5, see section 18.

**information** includes a document.

**infrastructure blueprint** see section 15(1).

**Integrated System Plan** means the Integrated System Plan, published by AEMO, as in force from time to time.

**jobs advocate** means the Queensland Renewable Energy Jobs Advocate established under section 154.

**job security guarantee** see section 85(2).

**management plan**, for a REZ, for part 6, see section 36.

**nameplate rating** has the meaning given by the National Electricity Rules.

**national electricity laws** means the National Electricity (Queensland) Law and the National Electricity Rules.

**national electricity market**, for part 9, see section 122.

**National Electricity Rules** see the National Electricity (Queensland) Law, section 2(1).

**national transmission grid** has the meaning given by the National Electricity (Queensland) Law.

**official**, for part 11, division 2, see section 171.

**optimal infrastructure pathway** see section 7.

**optimal infrastructure pathway objectives** see section 8.

**participant**, for a REZ, for part 6, see section 36.

**plant**, for part 6, division 5, see section 53.

**Powerlink** means Queensland Electricity Transmission Corporation Limited ACN 078 849 233.

**prescribed transmission service**, for part 6, division 6, see section 69.

**priority transmission investment** see section 26(2).

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***public ownership strategy***, for part 3, see section 13(1).

***publicly owned coal-fired power station*** means a coal-fired power station in Queensland that is owned, wholly or partly and directly or indirectly, by a GOC.

***publicly owned energy business***, for part 9, see section 122.

***pumped hydro energy storage*** means the storage of energy using water reservoirs at different elevations, in which energy may be stored by pumping water to a higher reservoir and from which energy may be generated by allowing the water to move to a lower reservoir through a turbine.

***regulate***, in relation to connection and access to the REZ transmission network or REZ controlled assets for a REZ, for part 6, see section 36.

***relevant transmission network service provider***, for REZ controlled assets for a REZ, for part 6, see section 36.

***renewable energy source*** means any of the following sources of renewable energy—

- (a) solar;
- (b) wind;
- (c) biomass;
- (d) geothermal;
- (e) hydropower, other than pumped hydro energy storage;
- (f) another source prescribed by regulation.

***renewable energy targets*** see section 9.

***renewable energy zone*** or ***REZ*** see section 36.

***responsible Ministers*** means the Minister and the Treasurer acting jointly.

***revenue proposal*** means a Revenue Proposal under the National Electricity Rules.

***REZ assessment***, for a part of Queensland, for part 6, see section 36.

***REZ assessment costs***, for a REZ assessment for a part of Queensland, for part 6, division 6, see section 69.

***REZ controlled assets***, for a REZ, see section 36.

***REZ declaration***, for part 6, see section 36.

***REZ delivery body*** see section 36.

***REZ transmission network***, for a REZ, see section 36.

***suitably qualified person*** means—

- (a) a person prescribed by regulation; or
- (b) a person the Minister considers is suitably qualified; or
- (c) the AER.

***transmission asset*** see section 36.

***transmission determination*** has the meaning given by the National Electricity Rules.

***transmission network*** has the meaning given by the National Electricity Rules.

***transmission network service provider***, for part 6, see section 36.

***transmission system*** has the meaning given by the National Electricity Rules.

***under-Treasurer*** means the chief executive of Queensland Treasury.