Energy (Renewable Transformation and Jobs) Bill 2023

Explanatory Notes

Short title

The short title of the Bill is the Energy (Renewable Transformation and Jobs) Bill 2023.

Policy objectives and the reasons for them

Globally, and in Queensland, energy systems are rapidly transforming. Falling costs of renewable energy technologies, net zero and renewable energy commitments, and the need to demonstrate strong Environmental, Social and Governance credentials are combining to drive this change. Access to firm renewable energy at a competitive price is also becoming a prerequisite for investors and industry.

Queensland's electricity system must continue to evolve to be clean and remain reliable and affordable, to position the State for strong investment, a strong economy, and more jobs in the future. Taking decisive action to mitigate the impacts of climate change is critical to protecting Queensland's environment for the enjoyment of future generations and protecting the cultural rights of Aboriginal peoples and Torres Strait Islander peoples and their unique connection to Country. Transforming Queensland's energy system means building the infrastructure to unlock and connect low cost, low emissions renewable energy and storage, to ensure electricity supply matches demand, and to reliably reduce coal-fired generation.

The Queensland Government – through the Queensland Energy and Jobs Plan (the Plan) – has outlined an ambitious but credible pathway to transform the State's electricity system and to deliver clean, reliable, and affordable power for generations. This pathway will see the State achieve 50% renewable energy by 2030, 70% renewable energy by 2032, and 80% by 2035. The Plan seeks to leverage Queensland's natural advantages to:

- build a clean and competitive energy system for the economy and industries as a platform for accelerating growth;
- deliver affordable energy for households and business and support more rooftop solar and batteries; and
- drive better outcomes for workers and communities as partners in the energy transformation.

A key next step in Queensland's energy transformation is the development of foundational legislation – the Energy (Renewable Transformation and Jobs) Bill 2023 (the Bill). The Bill aims to enshrine key commitments from the Plan in law; create the infrastructure frameworks needed to build the Queensland SuperGrid; and establish the governance and advisory functions for a smooth, coordinated transformation that ensures workers and communities are supported.

Achievement of policy objectives

To achieve its objectives, the Bill proposes to establish a new standalone Act that:

- enshrines key commitments from the Plan into legislation to provide certainty and confidence in Queensland's energy transformation;
- establishes the infrastructure frameworks needed to build the Queensland SuperGrid, including the Priority Transmission Investment framework to prioritise and build high voltage backbone transmission and the Renewable Energy Zone (REZ) framework to support coordinated, efficient investment and delivery of renewable generation; and
- establishes the governance and advisory functions required for a smooth, coordinated energy transformation that continues to be based on robust advice and supports workers and communities.

The Bill in achieving these policy objectives, generally does not seek to override existing statutory processes, rights, and obligations, including those under current cultural heritage and environmental laws. For clarity, the Priority Transmission Investment and REZ frameworks create new state-based frameworks that will derogate from national legislative arrangements, but do not seek to override other statutory processes, rights, and obligations.

Achieving the objectives of the Bill will yield benefits that extend beyond enshrining the commitments in the Plan and establishing the frameworks necessary to facilitate the energy transformation. The Bill is a critical foundation which will enable the State to address and mitigate the impacts of climate change and ensure the development of a new energy system that protects the environment and preserves it for future generations, and upholds the rights of Aboriginal peoples and Torres Strait Islander peoples to maintain their cultural rights and connection to Country.

Commitments

The Plan set out a clear pathway to transform the State's electricity system to achieve clean, reliable, and affordable power for generations. It also included commitments for how the transformation would unfold, including the government's ambition to achieve three renewable energy targets, maintain public ownership in energy assets, and deliver a Job Security Guarantee for affected energy workers. These commitments will be enacted through the Bill and will achieve the policy objectives by providing transparency and certainty to industry, businesses, households, workers, and Queensland communities about how the State will manage the decarbonisation of the electricity system.

Queensland Renewable Energy Targets

The Queensland Government has a longstanding policy commitment to achieve 50% renewable energy by 2030 and has created a strong investment environment to facilitate progress toward the target. The Plan reaffirmed the government's commitment to the 50% renewable energy target by 2030, and set two new renewable energy targets of 70% renewable energy by 2032 and 80% by 2035. It also included a further commitment to legislate the renewable energy targets. The Bill establishes the three renewable energy targets in legislation and creates reporting and review mechanisms that implement the Plan's commitments.

Public ownership of energy assets

Queensland has a history of public ownership of energy assets; it has enabled the government to provide dividends and rebates to electricity consumers to place downward pressure on household bills. The Bill formalises this commitment by requiring the Minister to prepare and publish:

- a public ownership strategy that sets out targets of 100% ownership of transmission and distribution assets, 100% ownership of deep storage assets, and a target equal to or more than 54% ownership of generation assets;
- a public ownership strategy that sets out how these targets will be achieved and maintained by 2035, as well as how the State proposes to maintain ownership of existing coal-fired and gas-fired power stations; and
- a public ownership report on the progress made towards achieving the targets set out in the public ownership strategy, and progress made towards maintaining public ownership of existing coal-fired and gas-fired power stations.

The strategy will provide clarity and transparency for market participants regarding how government will seek to achieve the targets. The commitment to public ownership of energy assets in the Bill achieves the policy objective of ensuring Queenslanders continue to reap the benefits of public ownership, including a smooth, coordinated energy transformation.

Job Security Guarantee and Fund

The Plan commits to ensuring workers in Queensland's publicly owned coal-fired power stations have a secure future, choices, and clear employment pathways and opportunities. This is the Job Security Guarantee, which is backed by $150 million in funding and a tripartite Queensland Energy Workers' Charter agreed between government, publicly owned energy businesses and relevant unions.

The Bill achieves the policy objectives by enshrining the Job Security Guarantee in legislation and establishing a new Fund to support implementation. This includes providing support for training or access to employment opportunities, or by providing other benefits or opportunities to support affected energy workers.

Frameworks to Build the Queensland SuperGrid

Key to achieving the vision in the Plan is the construction of critical new transmission to support the coordinated, efficient investment and delivery of renewable generation.

The Bill enacts the Priority Transmission Investment framework to facilitate the identification, assessment, and construction of high voltage backbone transmission, and the REZ framework to efficiently coordinate the connection of new generation infrastructure to the grid. The establishment of these frameworks through the Bill is critical to the achievement of the policy objectives set out in the Plan.

Optimal infrastructure pathway and Infrastructure Blueprint

The Queensland SuperGrid Infrastructure Blueprint (Infrastructure Blueprint) is a technical document that outlines the optimal infrastructure pathway to transform and decarbonise Queensland's electricity system. The Blueprint details the timing and sequence for the delivery of significant energy infrastructure (e.g., backbone transmission, REZ developments and large-scale, long duration pumped hydro energy storage assets), as well as changes in the operations of coal-fired power stations, estimates of the amount of installed large-scale renewable generation and dispatchable capacity, and estimates of the anticipated customer energy resources.

The Bill establishes a framework for the formal making of the Infrastructure Blueprint and provides for biennial updates to the document, with the first update in 2025. It also sets out the matters the Minister must consider when updating the document.

The Infrastructure Blueprint will be a key driver of the transformation of the energy system and ensuring that Queensland has clean, reliable, and affordable electricity for generations. It will provide clarity and transparency to investors, industry, customers, and communities about the Queensland Government's path to transforming Queensland's electricity sector. It will also outline the key investment opportunities available as part of the transition, in turn leading to more jobs in the sector.

Priority Transmission Investments

New high voltage backbone transmission will be vital to Queensland's energy transformation, connecting areas of renewable energy and the new pumped hydros with areas of demand to move power to where it is needed. Existing national frameworks – national electricity laws and National Electricity Rules (NER) – are not designed to support the scale and pace of delivery identified in the Infrastructure Blueprint. As such, to achieve the policy objectives, the Bill enables a new Priority Transmission Investment framework to allow the State to identify and assess Priority Transmission Investment projects outside of the national framework, and direct Powerlink to construct these projects and recover its associated costs.

The Bill outlines that Priority Transmission Investment projects must undergo an assessment process before the Minister and Treasurer can jointly direct Powerlink to construct a Priority Transmission Investment. This assessment will be based on the NER Regulatory Investment Test for Transmission (RIT—T) assessment process, with the Bill allowing the RIT—T to be modified to the extent the responsible Ministers (the Energy Minister and Treasurer) consider appropriate and as minimally as is practical. The responsible Ministers are required to seek advice from a suitably qualified person on the modifications, as well as the assessment's outcomes. This is to occur before a direction is given to Powerlink to construct the project.

It is intended that derogations to the NER will be made to enable amounts to be included within Powerlink's revenue determination and regulatory asset base in respect of the Priority Transmission Investment project. The Bill creates a head of power to enable a Regulation to make these derogations.

Renewable Energy Zones

The Bill establishes the REZ framework to support the connection of the 22 gigawatts (GW) of new large-scale wind and solar generation needed by 2035 to achieve the vision set out in the Plan. The new framework will support the efficient development of transmission network infrastructure to connect more renewable energy in a timely way. This will reduce total system costs and support better utilisation of Queensland's renewable resources.

Governance and Advisory Bodies, and Associated Functions

The energy transformation is occurring at an unprecedented scale and pace, and it is vital that Queensland industry, businesses, and households continue to have an affordable, reliable, and secure supply of electricity through this transformation. It is also vital that affected energy workers and communities are supported through the energy transformation. To achieve this, the Bill establishes three new governance and advisory bodies and associated functions – the Queensland Energy System Advisory Board, Energy Industry Council, and the Queensland Renewable Energy Jobs Advocate.

The Bill provides that each of these bodies do not represent the State. Consistent with the role of these bodies to support delivery of the energy transformation outlined in the Plan, the Bill provides that each of the bodies will be abolished on 31 December 2035.

Queensland Energy System Advisory Board

The Bill provides for the creation of the Queensland Energy System Advisory Board (the Board) which will have a minimum of five and a maximum of seven appointed members, plus an independent Chair. The Chief Executives of the departments responsible for energy and treasury will also be ex-officio members of the Board. Members will be appointed by the Governor in Council on recommendation of the Minister.

The Bill contains a requirement that appointed board members have knowledge, qualifications, or skills in the operation of the Australian energy sector, investment in energy infrastructure, or delivery of energy infrastructure projects.

In addition, at least one appointed board member must have knowledge, qualifications, or skills in relation to advocacy or support for consumers of energy, and at least one must have knowledge, qualifications, or skills in relation to advocacy for workers in the energy sector or manufacturing industry. At least one appointed board member must be an Aboriginal person or a Torres Strait Islander person. These requirements will ensure there is a diversity of views represented on the Board.

The main functions of the Board as set out in the Bill are to prepare an annual progress statement on the progress towards achieving the renewable energy targets and the optimal infrastructure pathway, and to provide advice to support the government's biennial updates to the Infrastructure Blueprint. This will support achievement of the renewable energy targets, and the ongoing delivery of safe, secure, reliable, and affordable electricity to Queensland customers. It will also support a smooth, coordinated energy transformation that is based on robust advice and expertise.

Energy Industry Council

The Bill provides for the establishment of an Energy Industry Council (the Council) which will have tripartite representation, reflective of the Queensland Energy Workers' Charter. The Bill requires that the Council membership includes five representatives from relevant energy unions, five from Queensland's publicly owned energy businesses, a government representative, and an independent Chair. Members will be appointed by Governor in Council on recommendation of the Minister.

The main functions of the Council as set out in the Bill are to provide advice to the Minister on the following matters involving affected energy workers and their communities:

- how implementation of the Infrastructure Blueprint will affect affected energy workers and their communities;
- opportunities for employment, workforce development, education, and training in the renewable energy industry for affected energy workers and their communities;
- 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;
- implementation of the Job Security Guarantee and to ensure a sufficient number of workers have the necessary skills for the safe and reliable operation of publicly owned coal-fired power stations, to the extent required to support the optimal infrastructure pathway objectives;
- any other matter relating to the energy industry.

Queensland Renewable Energy Jobs Advocate

The Bill provides for a person to be appointed as a Queensland Renewable Energy Jobs Advocate (the Jobs Advocate).

The main functions of the Jobs Advocate, as set out in the Bill, will be to provide advice to the Minister on opportunities to increase employment opportunities in the energy industry, including on any barriers and strategies to encourage investors and/or employers to create such opportunities. The Jobs Advocate will also consult and engage with businesses and Aboriginal peoples and Torres Strait Islander peoples on how to increase their employment opportunities in the energy industry, foster relationships and facilitate information sharing between members of the community and those involved with carrying out electricity infrastructure projects in the area and promote the benefits of electricity infrastructure projects. The Jobs Advocate may also consult with any entity they consider appropriate to assist in performing their functions.

Establishing the Jobs Advocate in the Bill helps to achieve the policy objectives of the Plan and creates the framework to appoint and empower the Jobs Advocate.

The Jobs Advocate will be appointed by the Governor in Council on recommendation of the Minister.

Amendments to other Acts

To support the achievement of the objectives related to the Queensland SuperGrid and optimal infrastructure pathway, the Bill amends the *Electricity Act 1994* to clarify the terms 'operating works', 'battery storage device' and 'reactive power compensation device' to assist the integration of new grid supporting technologies with the electricity grid and generating plant.

A note is also being added to section 6 of the *Electricity—National Scheme (Queensland) Act 1997* to clarify that *Energy (Renewable Transformation and Jobs) Act 2023* provides for the application of provisions of the National Electricity Law (Queensland) in particular circumstances.

A minor amendment is also being made to the *National Energy Retail Law (Queensland) Act 2014* to correct a numbering error.

A single word amendment is being made to the *Petroleum and Gas (Production and Safety) Act 2004* to reflect a change in terminology for economically regulated gas pipelines under the *National Gas (Queensland) Law*. The word 'covered' in section 423(2) of the *Petroleum and Gas (Production and Safety) Act 2004* will be amended to 'scheme'. This amendment is designed to preserve the Queensland Government's ability to charge fees to operators of gas transmission pipelines that are fully economically regulated so the Queensland Government can recover the gas portion of its Australian Energy Market Commission funding commitment.

Alternative ways of achieving policy objectives

There are no alternative ways of achieving the policy objectives. New legislation is required to provide certainty on the State's commitments to the energy transformation, and to create the infrastructure frameworks and governance arrangements needed to achieve the ambition in the Plan. Without new infrastructure frameworks, Queensland could not deliver the energy transformation at the scale and pace required. Similarly, establishment of new governance arrangements in legislation is required to ensure the transition is smooth and coordinated, founded on robust advice and expertise, and provides the appropriate safeguards to support workers and communities. Ultimately, this approach will ensure Queenslanders are not exposed to the risks of an uncoordinated transition, including by ensuring the long-term cost minimisation of electricity for Queensland consumers.

Estimated cost for government implementation

The cost for government implementation of the Bill will be met by future Budgetary processes.

The remuneration and any allowances for paid members of the Board, the Council and the Jobs Advocate will be decided by the Governor in Council.

Through the Plan, the Queensland Government committed $150 million to implement the Job Security Guarantee and Fund, as well as to support the operation of the Council and the Jobs Advocate.

Any costs for monitoring and reporting on commitments and the implementation of the Priority Transmission Investment and REZ frameworks will be met from within existing budget allocations.

Consistency with fundamental legislative principles

The Bill has been drafted having regard to the fundamental legislative principles (FLPs) in the *Legislative Standards Act 1992* and is generally consistent with these principles. Potential breaches are addressed below.

Rights and liberties of individuals

Consistency with natural justice

Legislation should be consistent with the principles of natural justice, and any legislative consequences should be proportionate and relevant to the actions to which they are applied and be consistent with other penalties within the legislation.

The Bill provides that the office of an appointed board member, an appointed council member, the chairperson of the Board or the Council or the Jobs Advocate becomes vacant if the person completes the term and is not reappointed, resigns, is no longer eligible for appointment under clause 99, 130, 100 or 131, disqualified under clause 101, 132 or 159 or the person is:

- incapable of satisfactorily performing the functions of the office, or
- in the case of appointed board members or appointed council members or the chairperson of the Board or Council, is absent without permission or a reasonable excuse from three consecutive Board or Council meetings.

Providing for grounds for removal engages the natural justice principle. Having regard to the significance of the role of the Board, the Council and the Jobs Advocate, a breach of this FLP is considered justified. Further, the ability for a member to be absent from a Board or Council meeting where a reasonable excuse has been provided or with the permission of the Board or Council provides an appropriate natural justice safeguard.

Appropriateness of penalty provisions

Penalties imposed in legislation should be proportionate to the offence and consistent with other penalties. The Bill imposes the following maximum penalties:

- 100 penalty units for failing to comply with a notice to provide information to a REZ delivery body or the Minister or Treasurer without a reasonable excuse (clauses 77 and 79);
- 100 penalty units for failing to disclose insolvency or disqualification under the *Corporations Act 2001* (Cwlth) (clauses 104, 136, and 162);
- 100 penalty units for failing to disclose a new conviction without reasonable excuse (clauses 107, 139, and 167);
- 100 penalty units for disclosing criminal history information to anyone else without authority (clauses 108, 140, and 168);
- 100 penalty units for disclosing confidential information unless permitted by the Bill (clause 173); and
- 100 penalty units for providing false or misleading information or a document (clause 172).

These penalties are considered appropriate as they are proportionate and relevant to the actions to which the consequences relate and are generally consistent with other similar legislation.

Reversing the onus of proof

Legislation should not reverse the onus of proof in criminal proceedings without adequate justification (*Legislative Standards Act 1992*, section 4(3)(d)).

Clauses 77 and 79 both impose an obligation on a relevant person or person to, unless they have a reasonable excuse, provide information to a REZ delivery body or the Minister or Treasurer, that they require to perform a function under Part 6.

Clauses 104, 107, 136, 139, 162, and 167 impose an obligation on appointed board members or chairpersons of the Board, appointed council members and chairpersons of the Council, and the Jobs Advocate, to, unless they have a reasonable excuse, immediately give notice to the Minister if they are convicted of a relevant indictable offence, become insolvent under administration, or are disqualified from managing corporations under part 2D.6 of the *Corporations Act 2001* (Cwlth).

These clauses may breach this FLP, as they intend to impose an evidential burden on the relevant person to adduce evidence substantiating a reasonable excuse. However, it is considered that the reversal of the onus of proof is justified on the basis that the relevant fact (i.e., the holding of information required to perform a function, or the change in criminal history, or becoming insolvent under administration or disqualified from managing corporations) is something impractical to test by alternative evidential means and the facts giving rise to a reasonable excuse are within the particular knowledge of the relevant person.

Including a reasonable excuse provision in these clauses allows a person who is subject to the offence to raise a defence of a reasonable excuse for failing to comply with the obligation. The clauses are drafted on the assumption that section 76 of the *Justices Act 1886* does not apply to place both the evidential and legal onus on the person to prove the existence of a reasonable excuse for failing to comply with the obligation to disclose. Instead, the reasonable excuse exceptions are intended to impose only an evidential burden on the relevant person to adduce or identify evidence of a reasonable excuse, rather than a legal burden to prove a reasonable excuse on the balance of probabilities. Reversing the onus of proof in these circumstances is necessary to uphold the integrity of the three governance and advisory bodies, and enable a REZ delivery body, Minister or Treasurer to perform their functions. Further, it is reasonable and appropriate as the person subject to the offence is best placed to provide the relevant information that would support the reasonable excuse defence.

Consistency with rights and liberties – privacy and confidentiality

<u>Governance and advisory bodies</u>

Where legislation requires the disclosure of a person's criminal history, it may interfere with that individual's rights and liberties. The following provisions of the Bill may interfere with an individual's right to privacy and confidentiality:

- Appointed Board or Council members and chairpersons and the Jobs Advocate can be disqualified from their role if convicted of a relevant offence outlined in the Bill, or is

an insolvent under administration, or disqualified from managing a corporation under the *Corporations Act 2001* (Cwlth) (clauses 101, 132, and 159).

- Appointed Board or Council members and chairpersons and the Jobs Advocate must immediately give notice of becoming an insolvent under administration or disqualified from managing a corporation under the *Corporations Act 2001* (Cwlth) to the Minister, unless the person has a reasonable excuse; a penalty applies upon failure to provide this notice (clauses 104, 136, and 162).
- In relation to appointed Board or Council members and chairpersons and the Jobs Advocate, the Minister may request a written report about their criminal history, including a brief description of the conviction (clauses 106, 138, and 166).
- Appointed Board or Council members and chairpersons and the Jobs Advocate must, if convicted of a prescribed offence, immediately give written notice to the Minister (clauses 107, 139, and 167).

The disclosure requirements are justifiable as they ensure the Board, the Council and the Jobs Advocate perform their functions honestly and with integrity, upholding public trust and confidence in the bodies. The Bill safeguards an individual's right to privacy and confidentiality by preventing further disclosure, limiting the purpose for which the criminal history information may be used, and stating that a criminal history report must be destroyed when no longer needed. Further, a criminal history report may only be obtained with the person's written consent.

Renewable Energy Zones

The Bill allows for the disclosure of confidential information in particular circumstances and to particular entities, and for the use of that confidential information in certain circumstances (clauses 77, 78, 79 and 80). This includes empowering a REZ delivery body, Minister and Treasurer to request a person to provide information they require to perform respective functions under Part 6, and to use the information obtained to perform respective functions under Part 6.

Allowing for the disclosure or use of confidential information raises a possible inconsistency with an individual's right to privacy and confidentiality. However, the impacts these provisions may have on rights and liberties are considered justified as the disclosure and use of confidential information under these clauses is necessary to ensure a REZ delivery body, the Treasurer and the Minister have the necessary information to effectively carry out their functions. For example, so the Minister and Treasurer can assess the matters required prior to the making of a declaration that a shortfall in costs recovered from generation participants for the provision of the REZ transmission network should be recovered from electricity customers through charges for prescribed transmission services.

Any inconsistency is also considered justified because the allowed use and disclosure of information is clearly and unambiguously limited to particular purposes, and the powers are restricted to certain entities. Any further disclosure or use of the information is also protected by the confidentiality provisions at clause 173 of the Bill.

Consistency with rights and liberties – adversely affecting rights and liberties

The *Legislative Standards Act 1992* states that if a Bill has sufficient regard to the rights and liberties of individuals depends on whether the Bill does not adversely affect rights and liberties.

Renewable Energy Zones – Transitional arrangements for applications to connect

The Bill provides for transitional arrangements that apply to existing connection agreements (clause 61) and applications to connect for a transmission network or transmission assets (clauses 59 and 60) that existed prior to a relevant event, being the commencement of a Regulation under clauses 38 or 39. Following the relevant event, existing connection agreements continue in effect as a connection agreement for the REZ transmission network or REZ controlled assets. As such, the Bill does not adversely affect the rights and liberties of persons with an existing connection agreement.

However, applications made to connect to a transmission network or transmission asset that, following a relevant event becomes a REZ transmission network or a REZ controlled asset, are taken to have lapsed if the relevant application was made by an entity that is not an eligible entity as determined by the process in the applicable management plan for that REZ. An application to connect made under the NER does not in itself create a right of connection or access to a transmission network but is a step in the process an applicant must undertake to obtain such rights. However, the transitional arrangements acknowledge that the making of an application to connect involves the commitment of resources by the applicant in preparing necessary documentation and engagement with the relevant transmission network service provider. As such, an application to connect made by an applicant that is an eligible entity for a project that is an eligible project is taken to have been done under the process in a management plan and is thus transitioned into the REZ framework. The exclusion of applications to connect made by applicants who are not also eligible entities under the management plan is justified to ensure a REZ can be developed in such a way as to effectively function and meet broader objectives by ensuring that only eligible entities with eligible projects can connect to, or apply to connect to, a REZ.

Renewable Energy Zones – Cost recovery through charges for prescribed transmission services

The Bill provides that the Minister may declare that unrecovered establishment and operational costs, and REZ assessment costs, can be partly or completely recovered by the transmission network service provider through charges for prescribed transmission services (clauses 71 and 72). The existence of a bespoke cost recovery process, which can be enlivened by the Minister where certain criteria are met, may potentially interfere with the commercial relationship between the transmission network service provider and transmission network users, and may therefore be inconsistent with the right to conduct business without interference. However, any potential inconsistency is limited by requiring that any such declaration is made by a notice of the Minister, where both the Minster and Treasurer are satisfied that certain matters have been satisfied. This ensures a decision to trigger recovery of costs via this mechanism is made by an appropriate person based on requirements set forth in the Bill.

Renewable Energy Zones – Authorisation for competition legislation

The Bill authorises specific conduct for the purpose of the *Competition and Consumer Act 2010* (Cwlth) and the Competition Code of Queensland (clause 83). Any impact on the rights and liberties of individuals are justified as the conduct that is authorised is narrowly defined and is necessary to ensure the effective operation of the REZ scheme. Further, section 51(1)(b) of the *Competition and Consumer Act 2010* (Cwlth) expressly authorises the Act of a state to specify and authorise things that may otherwise contravene the *Competition and Consumer Act 2010* (Cwlth).

Consistency with rights and liberties – delegation of administrative power only to appropriate persons and subject to appropriate review

The *Legislative Standards Act 1992* states that whether a Bill has sufficient regard to the rights and liberties of individuals depends on whether the Bill allows the delegation of administrative power only in appropriate cases and to appropriate persons, and whether the Bill makes rights or liberties dependent on administrative power only if the power is sufficiently defined and subject to appropriate review.

Renewable Energy Zones – Management plan

The Bill empowers a REZ delivery body to develop a management plan for a REZ that may prevent or otherwise regulate an individual's access to the REZ transmission network or REZ controlled assets (see Part 6, Division 3 and clauses 54 and 57). Any impacts these provisions may have on the rights and liberties of individuals are justified to meet the purposes of the Bill to facilitate and support the efficient and coordinated augmentation of the transmission grid to accommodate the increased generation of electricity from renewable energy sources. The management plan will be technical in nature and it is therefore appropriate that it is prepared by a REZ delivery body that will have the requisite skills and experience to do so. A REZ delivery body is constrained in the performance of its functions by specific provisions that guide the development of the management plan (e.g., clause 45), and a general requirement that a REZ delivery body perform its functions consistent with achieving the purposes of the Bill (clause 76). Several measures are also included in the Bill to limit any negative impact on individuals, including consultation on a draft management plan and requiring the REZ delivery body to consider whether amendments should be made to the management plan in response to submissions. The amendments that can be made to the management plan are also limited once it is approved by Regulation.

The management plan also provides for a tailored dispute resolution process which is intended to provide a pathway for participants, or proposed participants, to resolve disputes with the transmission network service provider for a REZ in respect of connection and access to the REZ transmission network (clause 54). The dispute resolution process within a management plan will prevail over the dispute resolution processes that would otherwise apply under the national electricity laws. Any impacts this provision has on the rights and liberties of individuals are considered justified as the dispute resolution process applying to connection and access for the REZ transmission network must be tailored to the relevant processes under the management plan, rather than those existing under the NER to ensure disputes can be effectively and efficiently resolved. Failing to do so would create uncertainty for the market as to how disputes arising under the REZ framework would be dealt with under National

Electricity Laws or even whether a dispute resolution pathway was available. Having a bespoke dispute resolution process under the management plan for each REZ ensures that the impacts on the rights of individuals is minimized as participants, and proposed participants, continue to have access to dispute resolution.

Protection from liability

The *Legislative Standards Act 1992* states that whether legislation has sufficient regard to the rights and liberties of individuals depends on whether the legislation does not confer immunity from proceeding or prosecution without adequate justification.

Clause 174 protects an official from civil liability for an act done, or omission made, honestly and without negligence under the Act. This is considered justified on the basis that:

- immunity is limited to persons carrying out statutory functions;
- immunity does not attach to dishonest or negligent acts or omissions; and
- liability is not extinguished but attaches to the State, ensuring legal redress remains available.

Clauses 77(7) and 79(7) provide that a relevant person or person complying with a notice from a REZ delivery body or Minister or Treasurer requesting information, incurs no liability for breach of contract, breach of confidence, or any other civil wrong as a result of the compliance. This is considered justified on the basis that:

- the immunity is limited to specific matters;
- the immunity is appropriately constrained;
- the immunity does not attach to dishonest or negligent acts or omissions (only attaches to a person complying with a notice); and
- it will enable a REZ delivery body or Minister and Treasurer to be fully informed, allowing them to effectively carry out their functions.

Institution of Parliament

The Bill contains provisions that may infringe on the FLP requiring legislation to have sufficient regard for the institution of Parliament. These provisions are discussed below.

Delegation of legislative power

The *Legislative Standards Act 1992* provides that whether a Bill has sufficient regard to the institution of Parliament depends on whether the Bill allows the delegation of legislative power only in appropriate cases and to appropriate persons.

Public ownership

Clause 13 empowers a Regulation to prescribe elements of the definitions of 'deep storage assets', 'generation assets', 'public ownership' and 'transmission and distribution assets'. This provision may infringe on the FLP regarding the delegation of legislative power. However, this potential infringement is justified on the basis it is necessary for key elements of the public ownership definitions to be prescribed by Regulation as the full extent of those concepts are highly technical and may require revision through the energy transformation. In addition, the delegation merely impacts on the content of the Minister's reporting obligations (rather than

impacting individual rights and liberties), and the definitions themselves impose limitations on the matters that may be prescribed.

Priority Transmission Investments

Clause 28 of the Bill provides Regulation-making powers for financial matters associated with Priority Transmission Investment projects, including the power to:

- require Powerlink to include amounts associated with Priority Transmission Investments in a revenue proposal;
- allow responsible Ministers to direct Powerlink to apply to the AER to amend their revenue determination or regulatory asset base or include amounts in Powerlink's revenue proposal to account for a Priority Transmission Investment;
- require Powerlink to give information about a Priority Transmission Investment to a particular entity;
- require the AER to undertake particular action in relation to Powerlink's regulatory asset base or revenue determination.

Clause 20 provides that a Regulation may prescribe projects as eligible to be assessed and constructed under the Priority Transmission Investment framework, which may infringe on this FLP. This infringement is considered appropriate, as prescribing projects by Regulation ensures Parliamentary oversight of significant infrastructure projects assessed and constructed under the Priority Transmission Investment framework (allowing for Parliamentary disallowance). The provision also provides for clarity as to what projects can be subject to the Priority Transmission Investment framework.

The impact of these provisions on this FLP is considered justified given the interactions with the national electricity laws. These laws are updated frequently, and the matters prescribed by Regulation are highly technical. As such, expressly providing this detail in the primary legislation is likely to lead to outdated legislation requiring regular amendment.

Renewable Energy Zones

The Bill provides for multiple Regulation-making powers to support the REZ framework:

- Regulation-making powers to declare a part of Queensland to be a REZ (clause 38), amend or repeal a REZ declaration (clause 39), prescribe additional matters that must be included in a management plan for a REZ (clause 41), and approve a management plan for a REZ (clause 47). It is considered justified that these types of matters are delegated to Regulation because the timing and sequencing of REZ declarations and the preparation and approval of management plans can be technical, and subject to commercial factors and consultation with the community. Therefore, expressly providing for each REZ declaration and management plan in primary legislation is considered impractical as it would require regular amendment to the legislation.
- A number of Regulation-making powers associated with REZ assessments. It provides for a Regulation to prescribe matters to be assessed as part of a REZ assessment (clause 49), outline additional matters that a notice given by the Minister to a REZ delivery body about a REZ assessment must state (clause 50), and outline any requirements for conducting REZ assessments or preparing associated reports (clause 51). The delegation of these legislative powers to Regulation is justified given the technical nature and variance of the matters that may be assessed under a REZ assessment.

- A Regulation-making power to provide for how particular rights, and associated policies and agreements (each specified under clause 62) preserved via transitional arrangements under clause 62 are to be given effect in relation to a REZ transmission network. The Regulation may also permit or restrict variations thereof. It is considered justified that these matters are delegated to Regulation because the access and connection arrangements for the REZ, against which an existing right, policy or agreement are preserved, will only be known when the management plan for a REZ comes into force. In addition, the existence of preserved existing DNA rights will not be known until a REZ is declared. As such, it would be inappropriate to prescribe how those services are to be given effect, or how they may be varied, in primary legislation. The Regulation will only fill in technical details that are within the parameters clearly provided for in clause 62 of the Bill.
- The Bill provides for the Minister to make a cost recovery declaration allowing the transmission network service provider to recover establishment and operational costs for the REZ transmission network, and REZ assessment costs (clauses 71 and 72). These declaration notices are subordinate legislation. A Regulation may also provide for additional matters that must be included in the declaration notices. The delegation of these matters is justified as the amounts subject to cost recovery (if any) will not be known until commercial negotiations between REZ participants and the transmission network service provider are concluded, or REZ assessments are completed. Expressly providing for such matters in primary legislation is considered impractical and would require the legislation to be amended regularly. Several safeguards have, however, been provided for in the Bill. The power to make a cost recovery declaration is given to appropriate persons, is subject to matters clearly outlined in the Bill, and the declarations are subordinate legislation and will therefore be tabled in Parliament according to requirements in the *Statutory Instruments Act 1992*.
- A Regulation-making power to provide for additional functions to be performed by a REZ delivery body (clause 76). Due to the critical role of a REZ delivery body in achieving the purposes of the Bill, it is considered justified that a REZ delivery body's functions be afforded some degree of flexibility so that they can be updated to respond to the rapidly changing circumstances associated with the energy transformation.
- A Regulation-making power to facilitate the transition of a transmission network, or part of a transmission network, from the REZ framework to the national electricity laws if the term of a REZ declaration ends, or the REZ declaration is repealed or amended (clause 82). Due to the necessary interaction with parts of the national electricity laws when transitioning from a REZ framework to the regularly amended national electricity laws, it is considered justified that these transitional arrangements are included in a Regulation to ensure that they are fit for purpose.
- A Regulation providing for the process to apply to the negotiation of access standards related to the REZ transmission network (clause 55). This process is expected to be technical in nature, will interact with the national electricity laws, and may be impacted by the rapidly changing energy transition (including changes in technology). It is therefore considered justified to provide some flexibility to delegate this process to Regulation to avoid frequent amendments to the primary legislation.

The Bill also allows for a Regulation, in relation to a provision within Part 6 of the Bill, to disapply or modify provisions in the National Electricity Law and NER in relation to the REZ transmission network or REZ controlled assets (clause 84). This may raise an inconsistency

with the FLP that the Bill has sufficient regard to the institution of Parliament. The Regulation-making power is restricted to supporting and giving effect to particular provisions of Part 6 of the Bill that set forth the substantive matters that are inconsistent with the national electricity laws. It is these particular provisions of the Bill that modify or disapply the National Electricity Law and NER; the Regulation is therefore limited to only those matters intended by Parliament.

Job Security Guarantee Fund

The Bill defines an affected energy worker for the purposes of the Job Security Guarantee Fund and outlines how payments are to be made.

Clause 86 provides for elements of the 'affected energy contractor' and 'prescribed facility' definitions to be prescribed by Regulation. For 'affected energy contractor' (clause 86(4)), the Regulation will provide the total amount of work an individual must have performed at one or more publicly owned coal-fired power stations to be eligible for access to the Job Security Guarantee Fund. A 'prescribed facility' (clause 86(5)) is a coal mine or electricity generating facility detailed in Regulation.

The particular matters regarding affected energy contractors and prescribed facilities for the purposes of the Job Security Guarantee Fund require some variability within the definition. This is because of the changing workforce profile and the need to have a fund that is best able to support affected energy workers. Prescribing certain matters by Regulation is necessary to ensure the criteria for the Job Security Guarantee Fund has appropriate parameters to optimise support to workers and communities throughout the energy transformation. The delegation is therefore justifiable as the matters delegated to Regulation are limited in scope and have strict criterion that must apply under the primary definitions in the Act.

Clause 90 creates a Regulation-making power to prescribe the:

- categories of costs eligible to be paid from the Job Security Guarantee Fund;
- entities or particularly affected energy workers eligible for the prescribed categories of costs; and
- requirements or obligations that a recipient, or proposed recipient, must comply with.

The Bill also allows for the development of a guideline (clause 91) about the administration of the Job Security Guarantee Fund, including procedures for making payments and dealing with complaints about payments.

These powers may raise issues with the FLP relating to the delegation of legislative power. However, any breach is considered justified. The categories of supports required to deliver secure choices, opportunities and pathways may change over time, and it is critical the State has sufficient flexibility to amend the categories of support available.

Scrutiny of the Legislative Assembly

The *Legislative Standards Act 1992* states that if a Bill has sufficient regard to the institution of Parliament depends on whether the Bill sufficiently subjects the exercise of a delegated legislative power to the scrutiny of the Legislative Assembly.

Public Ownership Report and Renewable Energy Target Methodology

The following two powers under the Bill may impact on this FLP:

- Renewable Energy Target Methodology: the Bill provides that the Minister must decide and publish a methodology for calculating the proportion of electricity generated from renewable energy sources in Queensland (clause 10).
- Public Ownership Report: the Bill provides that the Minister must publish a public ownership report that describes how the percentages are worked out (clause 14).

The impact of these provisions on this FLP is considered justified, as the documents are of a technical nature and may need to be updated through the energy transformation due to technological developments. The Minister will be required to table the methodology in the Legislative Assembly.

Priority Transmission Investments

The Bill also provides that the responsible Ministers may declare a candidate Priority Transmission Investment (clause 21) and must direct Powerlink to give the responsible Ministers a submission in relation to a candidate Priority Transmission Investment (clause 22) and may direct Powerlink to assess a candidate Priority Transmission Investment (clause 24). Clause 26 provides that the responsible Ministers may declare a Priority Transmission Investment and clause 27 requires that responsible Ministers must direct Powerlink to construct the Priority Transmission Investment as soon as practicable after making the declaration. This raises a possible inconsistency with the FLP that legislation has sufficient regard to the institution of Parliament, as the directions and declarations will not be subject to Parliamentary scrutiny. However, this approach is considered justified. The Bill enshrines significant due diligence checks prior to the making of directions in relation to the investment being built. Further, the Priority Transmission Investment framework largely implements the construction of transmission projects under the Infrastructure Blueprint, which will be approved by Regulation thereby providing opportunity for scrutiny.

Renewable Energy Zones – Management plan

The Bill provides a REZ delivery body with the ability to develop a management plan for a REZ which (among other things) prevents or otherwise regulates entities' access to the REZ transmission network or REZ controlled assets (see Part 6, Division 3 and clauses 54 and 57). Allowing the management plan to be prepared by a REZ delivery body raises a possible inconsistency with the principle that the Bill have sufficient regard to the institution of parliament. The management plan will be a technical document that articulates several processes, including the process by which eligible entities and projects are to be identified, and the procedure for connection and access to the regulated transmission network. It is therefore not considered appropriate for subordinate legislation. However, the management plan will be subject to approval by Regulation and therefore will be subject to parliamentary scrutiny. Substantial amendments can only be made to the management plan via approval by Regulation, and so will support parliamentary scrutiny.

Renewable Energy Zones – Appointment of a REZ delivery body

The Bill also provides for the Minister to appoint an entity to be a REZ delivery body by gazette notice (clause 75). Any potential inconsistency is justified because the Bill clearly provides the relevant criteria for the Minister to consider in making the decision and therefore restricts the basis upon which the Minister can exercise their discretion.

Amendment of an Act

The *Legislative Standards Act 1992* states that whether a Bill has sufficient regard to the institution of Parliament depends on whether the Bill authorises the amendment of an Act only by another Act.

The national electricity laws apply in Queensland through the *Electricity – National Scheme (Queensland) Act 1997* and *National Electricity (Queensland) Law*. Clauses 33 and 84 provide the ability to make a Regulation that either displaces or modifies a national provision, and to state how other provisions of the national electricity laws apply in relation to that matter. This, in effect, allows Regulations made for Priority Transmission Investments and REZ under these clauses to amend an Act. The delegation of legislative power is necessary and reasonable as the National Electricity Law and NER are frequently amended and updated, thereby necessitating derogations from the national framework to be contained in Regulation and not the primary legislation.

Transitional Regulation-making provision

The Bill also provides for a transitional Regulation-making power (clause 180). This power is considered necessary due to the unprecedented scale and pace of the energy transformation, as well as the regulatory complexity involved in the interaction of the new scheme with the various instruments regulating the Queensland electricity system and market, including the national electricity laws. Due to these complexities, this transitional Regulation-making power is justified to ensure the Bill can be effectively applied.

This may raise an FLP issue relating to the authorisation of the amendment of an Act only by another Act. However, any potential inconsistency is limited as this transitional Regulation-making power is subject to several restrictions. Firstly, the matters for which a transitional Regulation may provide are limited to those explicitly stated in the Bill. These matters allow or facilitate the doing of anything to help the operation of a Priority Transmission Investment or a REZ, or the transition of the energy sector generally. The Priority Transmission Investment and REZ frameworks and their inter-relationship with the national electricity laws are the most complex and technical elements of the Bill which is why this transitional Regulation-making power specifically targets that subject matter. The Regulation-making power under clause 180, as well as any Regulation made pursuant to the power, is subject to a two-year expiry date from the time the clause commences.

Consultation

An exposure draft of the Bill was released on the Department of Energy and Public Works' website on 3 June 2023 for a four-week public consultation period. Submissions closed on 30 June 2023.

More than 90 individuals and organisations provided feedback during the consultation period. This included stakeholders from industry, local government, environmental groups, First Nations stakeholder groups, national energy bodies, regional interest groups, and government-owned corporations. Online and in person briefing sessions were held with stakeholders, including Local Government Association of Queensland (LGAQ) and local governments, Clean Energy Investor Group and members, Clean Energy Council and members, Ministerial Energy Council (a stakeholder group hosted by the Queensland Energy Minister), government-owned energy corporations and the First Nations Chamber of Commerce and Industry.

The consultation feedback can be summarised through three themes:

1. There was broad support for a transition to renewable and the key elements of the Plan (and its implementation through the draft Bill).
2. Alongside respondents' general endorsement of the approach to transition to renewables was a call for fairness in its implementation.
3. Stakeholders wanted a greater focus on social licence.

Where appropriate, the Bill has been amended to address stakeholder feedback.

Consistency with legislation of other jurisdictions

The Bill is specific to the State of Queensland and is not uniform with legislation of the Commonwealth or another state. However, with growing recognition of the need to transition to clean and renewable energy, other jurisdictions, including the Commonwealth, New South Wales (NSW) and Victoria have enacted reforms. These include legislating renewable energy targets, NSW and Victoria derogating from the NER to construct transmission infrastructure to transform their electricity sectors, facilitating the creation of REZs, and the establishment of governance bodies to advise on investment and employment opportunities in the renewable energy sector.

Renewable energy targets

The Commonwealth has a non-legislated target of 82% renewable energy by 2030, South Australia has committed to 100% renewables by 2030, and the Northern Territory has a target of 50% by 2030.

Legislated targets

In its *Renewable Energy (Jobs and Investment) Act 2017* (Vic), the Victorian Government has legislated renewable energy targets. The existing renewable energy targets are 40% by 2025 and 50% by 2030, with the Victorian Government having outlined its intention to amend legislation to 65% by 2030 and 95% by 2035.

NSW and Western Australia do not have renewable energy targets but have emissions reduction targets in place.

Priority Transmission Investments

National legislative arrangements (for States and jurisdictions participating in the National Electricity Market (NEM)) allow for the development of shared transmission infrastructure by transmission network service providers. Under the NER, shared transmission infrastructure needs can be identified through planning processes undertaken by transmission network service providers and/or by the Australian Energy Market Operator in collaboration with NEM participants under the Integrated System Plan, which is published biennially.

Under the national framework, large scale development of the shared transmission network is subject to the Regulatory Investment Test for Transmission (RIT—T), which is a cost benefit analysis that transmission network service providers must apply and consult on. Following the RIT—T process, a transmission network service provider is granted a reasonable opportunity to recover, through a regulated revenue allowance, the portion of expenditure that it incurred which is considered efficient by the Australian Energy Regulator. Costs for shared infrastructure are ultimately borne by electricity consumers via transmission charges.

The NSW *Electricity Infrastructure Investment Act 2020* (NSW) provides for derogations from the national framework to allow the Minister to direct a Network Operator to carry out a 'Priority Transmission Infrastructure Project' in response to a breach of the Energy Security Target that is identified in an Energy Security Target Monitor Report. The NSW framework provides for a NSW-specific Transmission Efficiency Test which seeks to calculate the prudent, efficient and reasonable capital costs for network infrastructure projects. Under the framework the infrastructure costs are ultimately recovered from electricity consumers via distribution charges.

The Victorian Government has also announced proposed reforms to allow state identified transmission infrastructure to be identified, assessed (using a state determined cost benefit analysis), and built outside of the national framework, with the state deciding how costs will be recovered.

Renewable Energy Zones

The legislation and associated subordinate instruments adopted by several states that establishes the NEM does not provide a specific regime for the development of transmission to create REZs. Instead, access to the shared transmission network is provided on an open access basis, though some modification to existing arrangements may take place via reforms to access and pricing currently being progressed by the Energy Advisory Panel.

The Queensland reforms are similar to those moved by NSW through the *Electricity Infrastructure Investment Act 2020* (NSW). This Act allows the NSW Minister to direct a Network Operator to carry out 'REZ Network Infrastructure' as identified in the Electricity Infrastructure Investment Report, and to regulate access and connection to this transmission infrastructure. Victoria has also recently amended the *National Electricity (Victoria) Act 2005* (Vic) to allow for the expedited development of specified transmission projects by allowing the Victorian energy Minister, by Order, to modify or disapply requirements under the national electricity laws related to specified augmentations and/or services.

Energy Industry Council

The *Electricity Infrastructure Investment Act 2020* (NSW) requires the NSW Minister for Energy and Environment to establish a Board for the NSW renewable energy sector (the Renewable Energy Sector Board (RESB)). Similar to the Energy Industry Council, the RESB must consist of representatives from relevant unions, employers in the electricity sector and government (EnergyCo) but has a broader membership to cover the manufacturing and construction industries, engineers, and NSW electricity consumers. Like the Energy Industry Council, the RESB also has the function of preparing advice to the Minister on maximising employment of local qualified workers.

Queensland Renewable Energy Jobs Advocate

Only NSW has legislated a similar role to the Queensland Renewable Energy Jobs Advocate. The Electricity Infrastructure Jobs Advocate is an independent statutory office established under *Electricity Infrastructure Investment Act 2020* (NSW). The Electricity Infrastructure Jobs Advocate was established to advise the Minister on strategies and incentives to encourage investment and development opportunities in energy sector workforces, employment, education, and training in designated regions in NSW. It also has a broader responsibility to provide advice on road, rail and port infrastructure required in these regions.

At a national level, the Federal Government committed funding in the 2023 Budget to the Net Zero Authority, a body which will facilitate economic development whilst ensuring workers are supported during the transition to clean energy.

Notes on provisions

Part 1 Preliminary

Clause 1 Short title

Clause 1 provides that the Act may be cited as the *Energy (Renewable Transformation and Jobs) Act 2023*.

Clause 2 Commencement

Clause 2 provides that the commencement of the Act will be on a day fixed by proclamation.

Clause 3 Main purposes of Act

Clause 3 outlines the main purposes of the Act. The main purposes are:

- to increase the amount of electricity generated in Queensland from renewable energy sources;
- to facilitate and support the efficient and coordinated augmentation of the national transmission grid in Queensland to accommodate increased levels of renewable electricity generation. This is to be done is a way that is safe, secure, reliable and cost-effective;
- to provide for advocacy and support for workers in Queensland's energy industry, as well as Queensland communities, that are affected by the increase in renewable energy electricity generation.

Clause 4 How main purposes are primarily achieved

Clause 4 sets out how the main purposes of the Act will be largely achieved. This is through:

- setting Queensland renewable energy targets;
- enabling the identification and construction of Priority Transmission Investments;
- providing for REZ declarations, the development and operation of transmission networks in REZs and coordinated and streamlined connection and access to transmission networks in REZs;
- establishing the Job Security Guarantee Fund, including for the purpose of implementing the Job Security Guarantee;
- establishing the following governance and advisory entities, intended to guide the energy transformation:
    - the Queensland Energy System Advisory Board;
    - the Energy Industry Council; and
    - the Queensland Renewable Energy Jobs Advocate.

Clause 5 Act binds all persons

Clause 5 provides that the Act binds all persons and the State.

Clause 6 Definitions

Clause 6 provides that particular words used in the Bill are defined in the dictionary in schedule 1 of the Bill.

Clause 7 Meaning of *optimal infrastructure pathway*

Clause 7 defines the term optimal infrastructure pathway. Optimal infrastructure pathway means the significant electricity infrastructure projects identified in the Infrastructure Blueprint, as well as the projects' sequencing and timing. This includes projects eligible for assessment and construction under the Priority Transmission Investment framework and REZ transmission networks.

The optimal infrastructure pathway framework also includes any project that has been prescribed to be an eligible Priority Transmission Investment under section 20(2)(b) and any REZ transmission network for a REZ not mentioned in the Infrastructure Blueprint.

Clause 8 Meaning of *optimal infrastructure pathway objectives*

Clause 8 defines the optimal infrastructure pathway objectives. Optimal infrastructure pathway objectives means the following three objectives:

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

The optimal infrastructure pathway objectives are intended to guide the development of the optimal infrastructure pathway described in the Infrastructure Blueprint. The Infrastructure Blueprint must identify the significant electricity infrastructure projects that each help to meet the optimal infrastructure pathway objectives.

Part 2 Renewable energy targets

Clause 9 Renewable energy targets

Clause 9 sets renewable energy targets. The targets set the minimum percentage of electricity to be generated in Queensland from renewable energy by a particular year. The targets may be exceeded and are not intended to act as a cap on the percentage of electricity that may be generated from renewable energy sources. The targets are:

- by 2030, at least 50% of the electricity generated in Queensland is to be generated from renewable energy sources;
- by 2032, at least 70% of the electricity generated in Queensland is to be generated from renewable energy sources;
- by 2035, at least 80% of the electricity generated in Queensland is to be generated from renewable energy sources.

Renewable energy source is defined in the Schedule 1 dictionary to mean:

- solar;
- wind;
- biomass;
- geothermal;
- hydropower, other than pumped hydro energy storage;
- another source prescribed by Regulation.

Clause 10 Methodology for calculating electricity generated from renewable energy sources

Clause 10 provides that the Minister is to decide the methodology for calculating the proportion of electricity generated from renewable energy sources. Once the methodology has been decided, the Minister must table it in the Legislative Assembly and publish it on the department's website.

Clause 11 Annual progress statement

Clause 11 Provides that the Minister must table in the Legislative Assembly an annual progress statement prepared by the Queensland Energy System Advisory Board by 30 September each year. The statement, which will be published on the department's website, will report on the progress made towards achieving the renewable energy targets and progress on matters that are part of the optimal infrastructure pathway for the previous financial year.

Clause 12 Review of renewable energy targets

Clause 12 provides that the Minister must review the renewable energy targets at least every five years after:

- the day of the commencement; or
- the day the report about the most recent review was tabled in the Legislative Assembly.

The purpose of the review is for the Minister to decide whether the renewable energy targets remain appropriate. When undertaking the review, the Minister must have regard to the purposes of the Act, progress made towards achieving the targets, advice from the Queensland Energy System Advisory Board and any other matter the Minister considers relevant.

In addition to the timing of the reviews outlined above, the Minister is also required to review the renewable energy targets in 2030. As part of this review, the Minister must decide whether targets should be set beyond 2035.

The Minister must table a report in the Legislative Assembly about the outcome of any review of the renewable energy targets.

Part 3 Public ownership of energy assets

Clause 13 Public ownership strategy

Clause 13 provides that the Minister must prepare, for each reporting period, a public ownership strategy that sets public ownership targets, to be achieved by 2035, that are:

- equal to or more than 54% ownership of generation assets;
- 100% ownership of transmission and distribution assets; and
- 100% ownership of deep storage assets.

The strategy must also describe how the State proposes to achieve and maintain, or promote the achievement and maintenance of, these targets by 2035 during the reporting period.

The strategy must also describe how the State proposes to maintain ownership of each publicly owned coal-fired power station and each publicly owned gas-fired power station in existence on the commencement. 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. These are Stanwell, Tarong, Tarong North, Kogan Creek, Callide B and Callide C. It is intended that these power stations will be gradually converted into clean energy hubs over time.

Publicly owned gas-fired power station means a natural gas-fired power station that is owned (wholly or partly and directly or indirectly) by a GOC. This is Swanbank E.

The public ownership strategy must be tabled by the Minister in the Legislative Assembly on or before 31 December of the year the reporting period commences. The reporting periods are:

- 1 July 2025 to 30 June 2030;
- 1 July 2030 to 30 June 2035.

The Minister must publish the public ownership strategy on the department's website.

The clause also provides several key definitions for the section.

The Bill defines the term class of energy assets to mean the following classes of assets in Queensland: deep storage assets, generation assets, and transmission and distribution assets.

Public ownership, in relation to a class of energy assets, is defined to mean:

- ownership, whether wholly or partly, of assets of the class by the Commonwealth, the State or a local government;
- if the Commonwealth, the State, or a local government directly or indirectly holds a right or interest in another entity that owns the assets of the class – ownership (whether wholly or partly) of assets by the other entity; or
- where the State or GOC has entered into an agreement or arrangement with another entity, and that agreement or arrangement is prescribed by Regulation. The agreement or arrangement must be in relation to an interest prescribed by Regulation that relates to electricity generated using the assets.

Deep storage assets are defined to mean pumped hydro energy storage assets that can generate at least 1,500 megawatts (MW) of electricity for 24 hours and are prescribed by Regulation.

Generation assets is defined as assets that constitute a generating system for which a person is registered as a generator or intermediary under the NER, unless the asset is predominantly used to generate electricity for conversion to a form of energy suitable for export and is prescribed by Regulation. Also excluded from the definition of generation assets are:

- generating systems with a nameplate rating of less than 30 MW;
- generating systems comprised of generating units with a combined nameplate rating of less than 30 MW;
- a deep storage asset or an asset used for pumped hydro energy storage;
- another asset that (directly or indirectly) uses electricity to create a stored source of energy that may later be converted by the generation system to electricity.

Nameplate rating has the meaning given by the NER.

Transmission and distribution assets means the below assets, unless an asset has been excluded via Regulation:

- transmission systems that are regulated by a transmission determination;
- distribution systems under the National Electricity (Queensland) Law that are regulated by a distribution determination under that Law;
- the REZ transmission network for a REZ.

Queensland has a longstanding commitment to public ownership in the electricity system. The requirement for a public ownership strategy is intended to provide certainty, transparency and confidence in the State's ongoing role and intentions for public ownership of energy assets in the Queensland electricity system.

Clause 14 Public ownership report

Clause 14 requires the Minister to prepare a public ownership report on the progress made towards achieving the targets set out in the public ownership strategy. The report must also outline the progress made towards the commitment to maintaining ownership of publicly owned coal-fired and gas-fired power stations as set out in the strategy.

This report must be prepared for each reporting period and published on the department's website within three months of the period ending. The report must articulate the percentage of public ownership for each class of energy assets (i.e., generation, transmission and distribution, and deep storage) on the last day of the reporting period. It must also describe how the percentages were worked out.

Part 4 Queensland SuperGrid Infrastructure Blueprint

Clause 15 Making and approving infrastructure blueprint

Clause 15 requires the Minister to make a document called the 'Queensland SuperGrid Infrastructure Blueprint' (the Infrastructure Blueprint).

The Infrastructure Blueprint must identify significant electricity projects that each help to meet the optimal infrastructure pathway objectives. The Infrastructure Blueprint must also identify the projects' sequence and timing of delivery. This information is intended to describe the critical path for delivery of these projects and the relationship between projects on the optimal infrastructure pathway.

The Infrastructure Blueprint must identify how each of these significant electricity projects contribute to the optimal infrastructure pathway objectives. This information has two purposes: firstly, to describe the reason for the significant electricity project's inclusion in the optimal infrastructure pathway; and secondly, to support other parts of the Bill. For example, this information informs the identified need of candidate Priority Transmission Investment assessments.

The Infrastructure Blueprint must also describe any proposed changes the Minister is aware of to the operations of publicly owned coal-fired power stations, that are intended to ultimately result in the power station no longer producing coal-fired generation. The Queensland Government has committed to gradually converting all publicly owned coal-fired power stations to clean energy hubs, while maintaining a safe, secure, and reliable supply of electricity. However, the Infrastructure Blueprint must not include a description of the proposed changes

in operation if the Minister considers the information is commercial-in-confidence or is not in the public interest.

The intent of including information on the proposed changes to the operation of publicly owned coal-fired power stations is to provide certainty and transparency. This information will support investment decisions (including in replacement generation and/or storage) and is also intended to provide certainty to affected energy workers on the timeframes and conversion processes for Queensland's publicly owned coal-fired power stations.

The Infrastructure Blueprint must also identify parts of Queensland that are possibly suitable to be a REZ.

The Infrastructure Blueprint must also include an estimate of the:

- the installed renewable generation capacity in Queensland required to meet the renewable energy targets;
- the storage capacity required to achieve the renewable energy targets and ensure the provision of a safe, secure and reliable supply of electricity to Queensland consumers;
- the amount of dispatchable capacity (i.e., infrastructure that can generate electricity on demand) required to achieve the renewable energy targets and ensure the provision of a safe, secure, and reliable supply of electricity to Queensland consumers; and
- the amount of electricity to be generated in Queensland by 2035 from devices owned by Queensland consumers (e.g., rooftop solar).

The Minister may also include in the Infrastructure Blueprint any other matter the Minister considers relevant to achieving the optimal infrastructure pathway objectives or the purposes of the Act. The Infrastructure Blueprint must also include any other matter prescribed by Regulation.

The Infrastructure Blueprint takes effect when it has been approved by Regulation and must be published on the department's website.

The clause also contains a definition of installed renewable generation capacity to support interpretation of the provision.

Clause 16 Review of infrastructure blueprint

Clause 16 provides that the Minister must review the Infrastructure Blueprint by 31 May 2025, and every two years afterwards. However, the Minister is not prevented from reviewing the Infrastructure Blueprint more often.

In reviewing the Infrastructure Blueprint, the Minister must consider advice from:

- the Queensland Energy System Advisory Board on the review of the Infrastructure Blueprint, including changes that should be made to the optimal infrastructure pathway to ensure the optimal infrastructure pathway objectives are achieved; and
- the Energy Industry Council in relation to how implementation of the Infrastructure Blueprint will impact affected energy workers and their communities.

The Minister must also consider:

- the Australian Energy Market Operator's Integrated System Plan;

- the optimal infrastructure pathway objectives;
- the purposes of the Act;
- State policies in relation to energy or electricity; and
- any other matter prescribed by Regulation.

After review of the Infrastructure Blueprint, the Minister may make a replacement Infrastructure Blueprint. A replacement infrastructure blueprint must include a summary of the difference in the content of the replacement and the Infrastructure Blueprint in effect immediately before the replacement takes effect.

Section 15(2) to (6) applies in relation to making and approving a replacement Infrastructure Blueprint.

The purpose of this provision is to provide a transparent and robust framework for the review and replacement of the Infrastructure Blueprint.

Part 5 Priority transmission investments

Division 1 Preliminary

Clause 17 Purpose of part

Clause 17 outlines that the purpose of Part 5 of the Bill is to facilitate both the identification and construction of Priority Transmission Investments. This includes the assessment of candidate Priority Transmission Investments.

The purpose of Part 5 of the Bill also includes providing for financial matters associated with the investments.

Clause 18 Definitions for part

Clause 18 provides relevant definitions for Part 5 of the Bill.

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

Clause 19 outlines that where there is a reference to the construction of a Priority Transmission Investment or a Candidate Priority Transmission Investment in Part 5 of the Bill, it includes a reference to the construction, testing and commissioning of the infrastructure.

Division 2 Construction of priority transmission investments

Clause 20 Eligible priority transmission investments

Clause 20 provides the process by which a project may become eligible to be assessed under the Priority Transmission Investment framework established under this Part. A project, for the purposes of this clause, is a project that is for the construction of electricity transmission infrastructure and its associated plant and equipment. It also includes the acquisition of land

(including easements) associated with that construction (i.e., required to host the electricity transmission infrastructure).

The clause provides that a Regulation may prescribe a project as an eligible Priority Transmission Investment. However, the Minister can only recommend to the Governor in Council that a project be prescribed by Regulation in two circumstances. The first circumstance is where the responsible Ministers – the Minister responsible for administering the Act and the Treasurer acting jointly – are satisfied the project is identified in the Infrastructure Blueprint as part of the optimal infrastructure pathway. The second circumstance is where the responsible Ministers are satisfied that the project has not been identified in the Infrastructure Blueprint as being part of the optimal infrastructure pathway, but since the Infrastructure Blueprint was published or last reviewed:

- the responsible Ministers have become aware of information about changes in the likely production or storage of electricity or changes in the likely electricity demand in the State or part of the State; and
- the responsible Ministers have consulted the Queensland Energy System Advisory Board in relation to the information; and
- the Minister is satisfied that the project would have been included as part of the optimal infrastructure pathway in the Infrastructure Blueprint if the Minister had been aware of the information when making or reviewing the Infrastructure Blueprint.

If a project is not identified in the Infrastructure Blueprint, but is prescribed as an eligible Priority Transmission Investment under this clause, the project is deemed to be part of the optimal infrastructure pathway under clause 7.

Clause 21 Candidate priority transmission investments

Clause 21 outlines that the responsible Ministers may declare an eligible Priority Transmission Investment to be a candidate Priority Transmission Investment. The declaration is to take place by written notice to Powerlink.

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

Clause 22 outlines that immediately after an eligible Priority Transmission Investment is declared a candidate Priority Transmission Investment, the responsible Ministers must direct Powerlink to give the responsible Ministers a submission. This submission must be about how the responsible Ministers should later direct Powerlink to undertake an assessment of the candidate Priority Transmission Investment.

Assessment of the candidate Priority Transmission Investment project is to be done based on the assessment documents declared by Regulation to be assessment documents. It is intended that the documents prescribed by Regulation will include the key provisions of the NER relating to the Regulatory Investment Test for Transmission (RIT—T) assessment process, the NER RIT—T instrument, and the RIT—T guidelines that apply to actionable Integrated System Plan (ISP) and non-actionable projects under the NER. Ultimately, under the processes set out in this Bill, the assessment documents that the responsible Ministers direct Powerlink to use to undertake an assessment of a candidate Priority Transmission Investment will have only the modifications the responsible Ministers consider appropriate and as minimal as practical.

Examples of modifications the responsible Ministers may consider appropriate and minimal as practical includes changes:

- made to adapt the RIT—T assessment contained in the assessment documents to the Queensland context, including an identified need that is aligned to the needs in the Infrastructure Blueprint;
- to consider inputs, assumptions and scenarios consistent with those that underpin the Infrastructure Blueprint;
- to ensure the project can be delivered in line with timeframes for delivery outlined in the Infrastructure Blueprint. This may include condensing timeframes or removing particular elements of the RIT—T process.

What is appropriate and as minimal as practical in relation to modifications will be dependent upon the specifics of each candidate Priority Transmission Investment.

The responsible Ministers' direction must require the submission to outline when the construction of the Priority Transmission Investment must commence to meet either the anticipated date for completion of construction of the investment provided for in the Infrastructure Blueprint, or the anticipated date for completion of construction that the responsible Ministers have stated in the direction (if applicable).

The submission must outline the identified need Powerlink proposes for the candidate Priority Transmission Investment. The identified need is the objective the investment is intended to achieve, and it will be used to undertake the assessment under the modified assessment documents. Powerlink must consult with the Queensland Energy System Advisory Board about the identified need before making the submission.

The submission must also outline the assessment documents that Powerlink recommends that the responsible Ministers direct Powerlink to use to assess the investment, any modifications Powerlink proposes should be made to the assessment documents, and the reasons for selecting these documents and the proposed modifications.

Through its submission to the responsible Ministers regarding how it proposes to assess the candidate Priority Transmission Investment, Powerlink may, for example, elect to recommend use of the RIT—T process designed for non-actionable projects under the NER and recommend certain steps within the process be removed or modified for the purposes of the assessment, providing reasons for the modifications.

Powerlink's submission must also address any other matter the responsible Ministers consider relevant. Powerlink must also give the responsible Ministers its submission by the date nominated in the responsible Ministers' direction to Powerlink.

Clause 23 Responsible Ministers must seek advice about Powerlink's submission

Clause 23 applies if the responsible Ministers have received a submission from Powerlink under the previous section.

The responsible Ministers are required to seek advice on the submission from a suitably qualified person about particular matters. A suitably qualified person is a person prescribed by Regulation, the Australian Energy Regulator, or a person the responsible Ministers consider suitably qualified.

The responsible Ministers must seek advice on whether Powerlink have sufficiently described the proposed identified need for the purposes of the assessment, and whether the suitably qualified person recommends any changes to the description of the proposed identified need.

The responsible Ministers must also seek advice from the suitably qualified person as to whether Powerlink's recommended assessment documents are appropriate. This may include, for example, consideration of whether the assessment should be based on the non-actionable RIT—T assessment process, or the RIT—T assessment process for actionable ISP projects. In relation to any modifications Powerlink has recommended to the assessment documents, the responsible Ministers must seek advice as to whether the modifications are appropriate and as minimal as practical.

The responsible Ministers must also seek advice on any matter not mentioned in Powerlink's submission that is relevant to the responsible Ministers directing Powerlink to assess the candidate Priority Transmission Investment, and any other relevant matter the responsible Ministers consider appropriate.

The request for advice to the suitably qualified person must specify the date by which the advice must be given to the responsible Ministers.

When the suitably qualified person is giving advice to the responsible Ministers regarding whether Powerlink's proposed assessment documents are appropriate, and whether any associated modifications are appropriate and as minimal as practical, the suitably qualified person must consider:

- when construction of the candidate priority transmission investment must commence to meet the anticipated date for completion of the project in the Infrastructure Blueprint, or
- the date nominated by the responsible Ministers of the anticipated date for completion of the project in the responsible Ministers' direction requiring Powerlink to make a submission (if applicable).

The suitably qualified person must also consider any other relevant matter the responsible Ministers identify to the suitably qualified person.

Where the suitably qualified person considers Powerlink's proposed modifications are not appropriate or as minimal as practical, the suitably qualified person must advise the responsible Ministers on what modifications are appropriate and as minimal as practical. The suitably qualified person must also advise on which assessment documents are appropriate, where the suitably qualified person had identified those proposed by Powerlink were not appropriate.

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

Clause 24 provides that, where the responsible Ministers have received a submission from Powerlink about how Powerlink propose to assess a candidate Priority Transmission Investment and the responsible Ministers have received advice from a suitably qualified person about that submission, the responsible Ministers may direct Powerlink to:

- assess the candidate Priority Transmission Investment; and
- provide the responsible Ministers with a report following the assessment.

The responsible Ministers' direction must outline the assessment documents to be used by Powerlink to assess the candidate Priority Transmission Investment, as modified by the responsible Ministers in the direction. The modifications that the responsible Ministers direct must be modifications that the responsible Ministers consider are appropriate and are as minimal as practical.

The responsible Ministers' direction must also state the identified need for the investment as decided by the responsible Ministers and the date by which Powerlink must give its report to the responsible Ministers.

The report that Powerlink must deliver must outline each option considered by Powerlink to address the identified need. It must also state the option to address the identified need of the investment that, in Powerlink's opinion, maximises the net economic benefit associated with the investment, consistent with:

- achievement of the identified need; and
- the anticipated date of completion of construction of the investment outlined in the Infrastructure Blueprint for the investment or identified in the responsible Ministers' direction to Powerlink to make a submission on the investment.

The option for delivery of the investment that Powerlink considers to maximise the net economic benefit may have a negative net economic benefit. This may occur as the net economic benefit identified through the assessment is derived by considering only those costs and benefits that are relevant to the National Electricity Market (NEM) – as required under a RIT-T process – and has not factored in wider state economic or social benefits associated with the candidate Priority Transmission Investment. It is intended that the responsible Ministers may consider these broader benefits when deciding to direct Powerlink to construct a Priority Transmission Investment. This is similar to the existing arrangements in the NEM where an investment to meet certain minimum service standards, referred to as reliability corrective action, is explicitly noted as potentially having a negative net economic benefit, but is justified due to the broader benefits that flow from maintenance of those minimum service standards.

The report must also address any other matter the responsible Ministers direct Powerlink to include in the report.

Clause 25 Responsible Ministers must seek advice about Powerlink's report

Clause 25 outlines that where the responsible Ministers have received a report from Powerlink under the previous section, the responsible Ministers must seek advice from a suitably qualified person.

The responsible Ministers must seek advice regarding whether Powerlink has undertaken the assessment of the candidate Priority Transmission Investment in line with the responsible Ministers' direction. The responsible Ministers must also seek advice from the suitably qualified person regarding whether the expenditure on the investment proposed by Powerlink is the expenditure that would be required by an efficient and prudent operator in Powerlink's circumstances. This includes expenditure that has already been made.

The suitably qualified person must provide the advice by the date given by the responsible Ministers in the responsible Ministers' request for advice. Powerlink must give the suitably qualified person any information reasonably required to give the advice.

If, once the responsible Ministers receive 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 new report. This report will replace the previous report and must address the matters the responsible Ministers direct to be included in the report.

The processes outlined above in relation to the initial report apply to any replacement report, including the requirement for the responsible Ministers to seek advice from a suitably qualified person regarding the replacement report.

Clause 26 Responsible Ministers may declare priority transmission investment

Clause 26 applies if the responsible Ministers have received advice regarding Powerlink's candidate Priority Transmission Investment report and the responsible Ministers are satisfied that Powerlink has assessed the investment as directed.

The responsible Ministers may declare the candidate Priority Transmission Investment to be a Priority Transmission Investment. The declared Priority Transmission Investment must be the option to address the identified need for the investment outlined in Powerlink's report that, in Powerlink's opinion, maximises the net economic benefit associated with the investment, consistent with the achievement of the identified need and the anticipated date of completion of the investment.

The Minister must notify the making of the declaration in the gazette and publish the declaration on the department's website.

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

Clause 27 outlines that as soon as practicable after declaring a Priority Transmission Investment, the responsible Ministers must direct Powerlink to construct the investment.

The direction must state the anticipated date by which Powerlink will commence constructing the Priority Transmission Investment and the anticipated date for completion of construction of the investment. The provision clarifies that the anticipated date for completion of the investment may be a different date to the anticipated date for completion of construction stated in the Infrastructure Blueprint or in the responsible Ministers' direction to Powerlink to make a submission regarding how the candidate Priority Transmission Investment should be assessed.

Powerlink is required to take all reasonable steps to commence construction of the Priority Transmission Investment by the anticipated date mentioned in the direction, and must also take all reasonable steps to complete construction of the investment by the anticipated completion date for construction contained in the direction.

The clause also clarifies that Powerlink is not prevented from designing the infrastructure the subject of the Priority Transmission Investment, or acquiring land associated with the

construction of the investment, before the investment is declared as a Priority Transmission Investment or the responsible Ministers issue the direction under this section.

Division 3 Financial matters associated with priority transmission investments

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

Clause 28 creates a Regulation-making power. Its intention is to allow the Minister (and not the regulator under the NER, the AER) to decide the amount that will be passed on to electricity to customers in respect of priority transmission investments. This gives the Minister the ability to reduce or delay the amount on which charges are calculated, while leaving the established AER processes largely in place. This will result in amendments to an existing AER revenue determination, an amount to be included in a future revenue determination, and the inclusion of amounts in the regulatory asset base from which charges are derived.

It provides that a Regulation may require Powerlink to include particular amounts associated with a Priority Transmission Investment in a revenue proposal.

It also provides that a Regulation may enable the responsible Ministers to direct Powerlink to:

- apply to the AER for the AER to amend Powerlink's revenue determination to account for a Priority Transmission Investment; or
- include particular amounts associated with a Priority Transmission Investment in a revenue proposal; or
- 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.

If a Regulation is made that either directs Powerlink, or allows the Minister to direct Powerlink to take one of the actions set out above, a further Regulation may also require the AER to undertake particular action in relation to Powerlink's revenue determination, regulatory asset base or revenue proposal.

A Regulation may also 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 a Regulation that:

- requires Powerlink to include particular amounts associated with a Priority Transmission Investment in a revenue proposal; or
- enables a direction to enable the responsible Ministers to direct Powerlink to do the matters listed under section 28(1)(b).

If a Regulation:

- requires Powerlink to include particular amounts associated with a Priority Transmission Investment in a revenue proposal,
- enables the responsible Ministers to direct Powerlink to include particular amounts associated with a Priority Transmission Investment in a revenue proposal, or

- enables the responsible Ministers to direct Powerlink to apply to amend a revenue determination or adjust the value of Powerlink's regulatory asset base to account for the Priority Transmission Investment,

then some expenditure which has already been incurred may be included or accounted for under the Regulation or direction.

That expenditure is expenditure on the investment, whether before or after the commencement, while the investment is in the form of:

- a candidate priority transmission investment,
- an eligible priority transmission investment, or
- a project that is later prescribed under section 20 as an eligible priority transmission investment.

To clarify, the policy intent is that the Regulations may allow Powerlink to recover costs in respect of a Priority Transmission Investment for expenditure incurred at any point before it is declared as a Priority Transmission Investment under clause 26.

The terms revenue determination and regulatory asset base have the meaning given under the NER.

Division 4 Other provisions

Clause 29 PTI guidelines

Clause 29 establishes that the responsible Ministers may approve guidelines for directing Powerlink or seeking advice from a suitably qualified person under the Part (the PTI Guidelines). The PTI Guidelines must be followed:

- when giving a direction to Powerlink under this Part, including under a Regulation made under this Part; and
- when making a request for advice from a suitably qualified person under this Part.

The Minister must notify the making of the PTI Guidelines in the gazette and publish the PTI guidelines on the department's website. The PTI Guidelines come into force on whichever day is later – the date the making of the guidelines is notified in the gazette, or the date the guidelines state they are to take effect.

Clause 30 Compliance with directions

Clause 30 outlines that Powerlink must comply with a direction given to it by the responsible Ministers under this Part. The clause also clarifies that an act or decision of Powerlink's board in purported implementation of a direction given by the Minister or responsible Ministers is not invalid merely because of a failure to comply with the direction.

Clause 31 Information given to suitably qualified person

Clause 31 outlines that a suitably qualified person who is given information by Powerlink under this Part may disclose the information to the Minister or Treasurer.

Clause 32 Advice to Minister or Treasurer

Clause 32 clarifies that 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. The clause also clarifies that any advice obtained under this Part may be disclosed to Powerlink.

Clause 33 Relationship with national electricity laws

Clause 33 provides that it is the intention of the Parliament that this Part applies despite anything stated in the national electricity laws. This clarifies that the Priority Transmission Investments framework may derogate from the national electricity laws despite the *Electricity – National Scheme (Queensland) Act 1997*, which applies the national electricity laws in Queensland. However, the clause also states that it is the intention of Parliament that the national electricity laws continue to apply in relation Priority Transmission Investments to the extent the national electricity laws are not inconsistent with this Part.

This clause outlines that a Regulation may provide for the application of a provision of the national electricity laws in relation to the Priority Transmission Investment and, for that purpose, may:

- provide that a national provision does not apply in relation to a matter, or provide that a national provision applies in relation to a matter with stated modifications; and
- 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.

However, the abovementioned Regulation-making power applies only 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.

In this clause, a reference to a Priority Transmission Investment includes a reference to an eligible Priority Transmission Investment or a candidate Priority Transmission Investment.

Clause 34 Expiry

Clause 34 outlines that this Part will cease to be in force on 31 December 2035.

Part 6 Renewable energy zones

Division 1 Preliminary

Clause 35 Purposes of part

Clause 35 sets out that the purposes of Part 6 of the Act are to:

- provide for parts of Queensland that are suitable to be REZs to be declared to be REZs; and
- ensure the impact of the declaration of REZs on Queensland communities is appropriately considered; and

- provide for coordinated and streamlined connection and access to transmission networks in REZs by regulating connection and access to both the transmission networks in a REZ, and to transmission assets that materially affect, or will materially affect, the capacity or functioning of those transmission networks; and
- facilitate and support the development and operation of transmission networks in REZs, including by providing for the recovery of costs associated with the provision of the transmission networks.

Clause 36 Definitions for part

Clause 36 provides relevant definitions for Part 6 of the Act. Several definitions are assigned the meaning given in the NER as adopted by Queensland under the National Electricity (Queensland) Law.

Clause 37 References to connection and access

Clause 37 provides that, in Part 6 of the Act, the terms connection and access in relation to a transmission network or transmission assets have the same meaning as they have in the NER.

Division 2 Declaration of renewable energy zones

Clause 38 Declaration of renewable energy zone

Clause 38 provides that a Regulation may declare a part of Queensland to be a REZ. The Minister is empowered to recommend to the Governor in Council the making of such a Regulation only if the following criteria are met: the Treasurer has approved the recommendation; and a REZ delivery body has recommended the area be declared to be a REZ and the Minister is satisfied that the part of Queensland is suitable to be a REZ and that the declaration will help achieve the purposes provided in section 3(a) and (b).

Certain matters must be included in the Regulation to declare a REZ. The Regulation must identify the geographic boundary of the REZ; state the objectives of the REZ; identify the management plan for the REZ, the existing or proposed transmission network or part of an existing or proposed transmission network that is the REZ transmission network, the transmission assets that are the REZ controlled assets; and state the term of the declaration. The term of the declaration must be no less than 15 years after the day on which the first participant is connected to the REZ transmission network.

As soon as is practicable, the Minister must publish a notice on the department's website that states the day on which the first participant is connected to the REZ transmission network for the REZ.

Clause 39 Term of declaration and restriction on amendment or repeal

Clause 39 states that a REZ declaration continues in effect for the term stated in the declaration Regulation, unless the declaration is repealed. As such, even if the Regulation expires, the rights of connection and access for participants are preserved for the entirety of the term stated in the declaration. This is intended to provide certainty to industry.

This clause also provides for the circumstances in which a declaration may be amended or repealed. The Minister may recommend to the Governor in Council a Regulation repealing or

amending a declaration, including amending the term of the declaration. However, the Minister is only able make such a recommendation with the approval of the Treasurer. In addition, the Minister must be satisfied the amendment or repeal will not adversely affect, in a material way, any participant for the REZ. The intention is that it will be unlikely that a REZ declaration could be repealed if a participant has a connection agreement in respect of the REZ transmission network to which the declaration relates. In the case of an amendment to the declaration, the Minister must also be satisfied that the amendment is consistent with achieving the purposes mentioned in section 3(a) and (b).

Clause 40 Performance of functions under division

Clause 40 states the matters that the Minister and the Treasurer must have regard to when performing a function under this Division. These matters are:

- the Infrastructure Blueprint; and
- any REZ assessment for the part of Queensland that is, or includes, the REZ; and
- any other matter the Minister or Treasurer considers relevant. For example, this could include any advice of the REZ delivery body or another entity obtained by the Minister or Treasurer in relation to the REZ.

Division 3 Management plans for renewable energy zones

Subdivision 1 Content of management plan

Clause 41 Content generally

Clause 41 states the content that a management plan for a REZ must contain and requires that the content be consistent with achieving the purposes mentioned in section 3(a) and (b).

The management plan must state the objectives of the REZ; identify the geographic boundary of the REZ, the renewable energy sources in the REZ, the REZ transmission network for the REZ, and the REZ controlled assets for the REZ. It must also include the information required about the REZ transmission network and REZ controlled assets as stated in sections 42 and 43 respectively. It must also include any other matters as prescribed by Regulation.

While this clause states the matters that must be included in a management plan, the management plan is not limited to these matters.

Clause 42 Information about REZ transmission network

Clause 42 identifies the information about a REZ transmission network that must be included in a management plan.

The management plan must include information about the timing for the development of, and connection and access, to the REZ transmission network. The management plan must also provide technical and process information related to the regulation of connection and access to the REZ transmission network. The technical details of a REZ transmission network that the management plan must include, but are not limited to, are the capacity of the transmission

network, the percentage of capacity intended to be derived from each of the available renewable energy sources, and the technical requirements for connection to the transmission network.

In addition, the management plan must provide for the process the transmission network service provider will use to identify the entities that may connect to and access the transmission network and the projects in relation to which the connection and access may be granted. This process can include criteria that an entity must satisfy to be considered eligible. For example, that an entity has undertaken stakeholder engagement for the project for which they are seeking access to the REZ transmission network.

It must also provide for the process to be used by eligible entities and the transmission network service provider to enter into a connection agreement for connection and access to the REZ transmission network. Examples of process details related to connection and access that could be included are: the fees and charges payable by participants or proposed participants for both applications and enquiries for connection and access; the timeframes for processing applications or enquiries; and the information that a participant or proposed participant must provide to the transmission network service provider in relation to applications or enquiries.

The management plan is required to provide the details about dispute resolution processes for disputes between the transmission network service provider and participants, or proposed participants, for the REZ about connection and access to the REZ transmission network.

The management plan must also include information about any other arrangements that will apply under Part 6 to the operation of the REZ transmission network while the REZ declaration is in effect, and the arrangements that are to apply under this Part in relation to the REZ transmission network when the REZ declaration ends.

Clause 43 Information about REZ controlled assets

Clause 43 identifies the information about REZ controlled assets for the REZ that must be included in a management plan.

REZ controlled assets are defined in section 36 as the transmission assets that: materially affect, or will materially affect, the capacity or functioning of the REZ transmission network; are either outside the REZ or are inside the REZ but not part of the REZ transmission network; and are identified in the REZ declaration as REZ controlled assets.

The management plan must include 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. An example of this affect may include how connection to the REZ controlled assets would constrain the dispatch of generation connected to the REZ transmission network.

The management plan must also include the process the relevant transmission network service provider will use to identify entities that may connect to and access the REZ controlled assets and projects in relation to which the connection and access may be granted, as well as any other matter relating to the regulation of connection and access to REZ controlled assets under this Part.

Subdivision 2 Preparation of management plan

Clause 44 Application of subdivision

Clause 44 states that this subdivision applies if a REZ delivery body is proposing to recommend to the Minister that a part of Queensland be declared a REZ.

Clause 45 Draft management plan

Clause 45 sets out arrangements related to the preparation of a draft management plan. The REZ delivery body must prepare a draft management plan for the proposed REZ that complies with subdivision 1 and then submit the draft management plan to the responsible Ministers for endorsement.

To help with the preparation of the draft management plan, the REZ delivery body may ask the Minister to endorse particular matters. These particular matters are 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 and the proposed process to be used to identify the entities and projects that may be granted access to the proposed REZ transmission network for the proposed REZ under section 42(b)(iv).

The responsible Ministers may endorse the draft management plan or request that the REZ delivery body make stated amendments to it before they endorse it. The responsible Ministers may endorse the draft management plan only if they are satisfied it complies with subdivision 1.

Clause 46 Consultation on draft management plan

Clause 46 outlines the process that applies to consultation on the draft management plan for a proposed REZ and the preparation of the proposed management plan for the REZ.

To support consultation on the draft management plan, the Minister must publish the draft management plan on the department's website along with information on the period in which a person may make submissions to the REZ delivery body about the draft management plan, and how those submissions may be made. The period for the making of submissions must be at least 60 days from the time the draft management plan is published or, if the draft management plan is replacing an existing management plan, a reasonable period as decided by the Minister having regard to the changes.

The REZ delivery body must consider each submission made in relation to the draft management plan and make any amendments to the draft management plan it considers appropriate to deal with the submissions. The REZ delivery body must provide the responsible Ministers with a proposed management plan that incorporates any amendments made to the draft management plan to deal with the submissions received. The REZ delivery body must also give the responsible Ministers a report outlining the submissions made on the draft management and how the submissions were dealt with. The responsible Ministers may ask the REZ delivery body to make amendments to the proposed management plan to ensure the submissions on the draft management plan have been appropriately dealt with and the REZ delivery body must make any such amendments as requested by the responsible Ministers.

Subdivision 3 Approval and amendment of management plan

Clause 47 Approval of management plan

Clause 47 provides that the proposed management plan takes effect as the management plan for the REZ when the management plan is approved by Regulation.

The Minister may recommend to the Governor in Council the making of a Regulation approving a management plan for a REZ, but the Minister may only do so if the responsible Ministers are satisfied that the management plan complies with subdivision 1, and that subdivision 2 has been complied with in relation to the preparation of the management plan.

Once approved, the Minister must keep a copy of the management plan for a REZ available on the department's website.

Clause 48 Amendment of management plan

Clause 48 provides for the circumstances in which a management plan may be amended by the REZ delivery body. It provides that in some certain circumstances the REZ delivery body can amend a management plan with the approval of the chief executive, and in other circumstances an amendment requires the approval of the responsible Ministers.

The circumstances under which the REZ delivery body can amend the management plan with the chief executive's approval are to correct a minor error in the management plan; and to reflect an amendment of the REZ declaration to update the objectives of the REZ, the geographic boundary, the REZ transmission network or the REZ controlled assets. The chief executive may also approve the REZ delivery body to make a minor change to the technical specifications for the REZ transmission network or REZ controlled assets for the REZ, or to make another change that is not a change of substance.

The REZ delivery body can amend a 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. If any such amendment to the REZ declaration changes the REZ transmission network or REZ controlled assets for the REZ (e.g., the amendment identifies new REZ controlled assets or removes REZ controlled assets from the declaration), then the management plan may be amended to the extent necessary to apply the management plan to the REZ transmission network or REZ controlled assets. However, amendments to the REZ management plan consequential to an amendment of the REZ declaration may only be approved by the responsible Ministers if the Ministers are satisfied that the amendment does not otherwise affect the operation of this Part, and that the amendment does not adversely affect, in a material way, any participant for the REZ.

An amendment of a management plan takes effect when a copy of the management plan that incorporates the amendment is published by the Minister on the department's website.

Amendments to the management plan not contemplated under this clause would require the Minister recommending the making of a new Regulation approving a new management plan.

Division 4 REZ assessment

Clause 49 Meaning of *REZ assessment*

Clause 49 provides the meaning of a REZ assessment. A REZ assessment is an assessment for a part of Queensland of one or more of the matters outlined below.

A REZ assessment can assess the suitability of a part of Queensland to accommodate the development and operation of a transmission network. This could include, for example, an assessment to ascertain the suitability of the area to accommodate the development and operation of transmission and renewable energy generation.

A REZ assessment may also assess the impact that the development and operation of a transmission network has, or is likely to have, on particular matters which could include, for example, infrastructure and land use; and Aboriginal peoples, Torres Strait Islander peoples and other communities. A REZ assessment can also assess any other matter prescribed by Regulation.

A REZ assessment will not displace existing development and planning assessment and approvals processes, for example, environmental assessment and approvals required under Queensland and Commonwealth legislation. Instead, it will complement existing processes by allowing additional assessment of specified matters to take place where, for example, such assessment is necessary to more fully understand the capacity of a particular area to accommodate REZ development and operation.

Clause 50 Minister may request REZ assessment

Clause 50 provides that the Minister may request a REZ delivery body to conduct a REZ assessment for a part of Queensland that is, or includes any of the following: a REZ, a part of Queensland the REZ delivery body has recommended to the Minister to be declared a REZ, or a part of Queensland the Minister considers to be possibly suitable to be a REZ, regardless of whether or not the part is identified in the Infrastructure Blueprint under section 15(2)(d).

However, before asking the REZ delivery body to conduct a REZ assessment the Minister is required to obtain the Treasurer's approval to give the notice, and to consult with the REZ delivery body. This consultation with the REZ delivery body may assist in helping determine the appropriate area to which any REZ assessment should apply, by allowing the REZ delivery body to provide information to the Minister on the parts of Queensland that it may be considering making a recommendation to the Minister to be declared to be a REZ.

The request from the Minister asking the REZ delivery body to conduct a REZ assessment must be by written notice, and must state: the part of Queensland that is the subject of the REZ assessment, the matters that are to be assessed in the REZ assessment, any advice or recommendations the Minister is seeking regarding the REZ assessment, the reasonable period in which the REZ assessment report must be given to the Minister, and any other matter prescribed by Regulation.

In deciding what is a reasonable period in which a report about the REZ assessment must be provided, the Minister must consider whether the REZ assessment relates to an existing REZ, the nature of the REZ assessment, and anything else the Minister considers relevant.

Clause 51 Conduct of REZ assessment

Clause 51 provides that a REZ delivery body that is asked to conduct a REZ assessment must conduct the assessment and give the Minister a report on the assessment within the period stated in the request, and in accordance with any requirements prescribed in Regulation.

A Regulation may require that the REZ delivery body conduct the REZ assessment, or prepare the report about a REZ assessment, in consultation with either or both of the: chief executive or an appropriately qualified public service employee employed in the department nominated by the chief executive; or the Coordinator-General under the *State Development and Public Works Organisation Act 1971*. The Regulation may also require the conduct of the REZ assessment, or the report about the REZ assessment, be approved by either or both of these entities.

The Coordinator-General has an important role in planning, delivering and coordinating large-scale infrastructure projects in Queensland, while also ensuring the associated environmental impacts are properly managed and the projects promote economic and social development. The Coordinator-General's expertise would complement that of the REZ delivery body and the department.

Division 5 REZ transmission networks

Subdivision 1 Preliminary

Clause 52 Purpose of division

Clause 52 states that the purpose of this Division is to provide for the regulation of connection and access to a REZ transmission network for a REZ and to the REZ controlled assets for a REZ.

This Division regulates connection and access by restricting the circumstances in which an entity may connect to and access a REZ transmission network or REZ controlled asset, and by providing for a more streamlined negotiation process for the access standards for a REZ transmission network.

The Division also provides for the continued effect of certain rights and expectations relating to:

- a transmission network or a part of a transmission network that becomes all or part of the REZ transmission network for a REZ, or
- transmission assets that become REZ controlled assets for a REZ.

Clause 53 Definitions for division

Clause 53 provides the definitions for this Division.

Subdivision 2 Regulation of connection and access

Clause 54 Restriction on connection and access to REZ transmission network

Clause 54 provides that an entity may only connect to and access a REZ transmission network under a connection agreement between the entity and the transmission network service provider.

The transmission network service provider may only enter into a connection agreement for the REZ transmission network with an eligible entity for an eligible project, and only if any conditions on which an entity is an eligible entity, or a project is an eligible project, are met. Finally, a transmission network service provider may only enter into a connection agreement in accordance with the process stated in the management plan for the REZ.

The terms and conditions of a connection agreement between an eligible entity and the transmission network service provider for connection and access to the REZ transmission network must be in accordance with the matters in the management plan outlined in section 42(b)(i) to (iii), and with any conditions an entity or project must meet to be considered eligible.

The national electricity laws continue to apply in relation to connection and access to the REZ transmission network, but with changes that are necessary to give effect to the restriction on connection and access under this clause. For example, by restricting:

- who may apply for connection and access to the transmission network; and
- 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.

The dispute resolution processes stated in the management plan for disputes about connection or access to the REZ transmission network apply 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 despite anything in the national electricity laws.

Clause 55 Negotiated access standards

Clause 55 enables the transmission network service provider and a proposed participant for a REZ to negotiate an access standard for the REZ transmission network. Access standard is defined as a standard of performance for a technical requirement of access for plant connected to the transmission network. A project must meet this access standard to ensure the appropriate power system conditions are maintained. Any access standard negotiated between the transmission network service provider and the proposed participant must be made in the way, and in accordance with the requirements, outlined by a Regulation.

The Regulation may prescribe the process that is to apply to the negotiation including the extent to which the Australian Energy Market Operator (AEMO) is to be involved in negotiations, and may permit or require the transmission network service provider to consider the performance of all REZ participants as a whole when negotiating with individual proposed participants. The Regulation may also impose requirements about deciding the access standard, and how performance against the access standard is to be assessed.

An access standard negotiated under this clause is taken to be a negotiated access standard determined in accordance with the NER.

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

Clause 56 provides that a connection agreement for connection and access to a REZ transmission network is taken to be a connection agreement entered into in accordance with the NER. However, this only applies in relation to a connection agreement that is entered into in accordance with the national electricity laws except that it is entered into as provided under section 54, or an agreement that includes an access standard negotiated under section 55.

Clause 57 Restriction on connection and access to REZ controlled assets

Clause 57 provides that an entity may only connect to and access REZ controlled assets under a connection agreement between the entity and the relevant transmission network service provider.

The relevant transmission network service provider may only enter into a connection agreement for the REZ controlled assets with an eligible entity for an eligible project, and only if any conditions on which an entity is an eligible entity or the project is an eligible project are met.

The national electricity laws continue to apply in relation to connection and access to the REZ controlled assets, but with changes that are necessary to give effect to the restriction on connection and access under this clause. For example, by restricting:

- who may apply for connection and access to the REZ controlled assets; and
- 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

Clause 58 Application of subdivision

Clause 58 provides for how this subdivision applies in relation to all or part of a transmission network if the transmission network, or part of the transmission network, becomes all or part of the REZ transmission network for a REZ. It also provides for how the subdivision applies in relation to transmission assets if the assets become REZ controlled assets for a REZ.

For applying this subdivision in relation to a transmission network or part of a transmission network that becomes all or part of a REZ transmission network, 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. A reference to the relevant event is a reference to the commencement of the Regulation under sections 38(1) or 39 that includes all or part of the transmission network as all or part of the REZ transmission network for the REZ.

For applying this subdivision in relation to transmission assets that become REZ controlled assets for a REZ, a reference to the REZ controlled assets is a reference to the REZ controlled assets for a REZ that the transmission assets have become. A reference to the relevant event is a reference to the commencement of the Regulation under sections 38(1) or 39 that include the transmission assets as REZ controlled assets for the REZ.

Clause 59 Existing applications to connect–REZ transmission network

Clause 59 provides for the transitional arrangements that apply to an existing application to connect for a transmission network or a part of a transmission network that, on commencement of a Regulation under sections 38(1) or 39, becomes the REZ transmission network or part of the REZ transmission network for the REZ (the relevant event).

An existing application to connect for a transmission network or 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.

An existing application to connect, made by an eligible entity for an eligible project for a transmission network or part of a transmission network in relation to which this subdivision applies, is taken to be an application to connect to the REZ transmission network under the process for entering into a connection agreement for connection and access stated in the management plan for the REZ. Anything done by an eligible entity for the purpose of making the relevant application to connect is taken, to the extent it can be and is relevant, to have been done under the process for applying for connection and access stated in the management plan for the REZ.

This clause does not apply to an existing application to connect for a transmission network or a part of the transmission network made in relation to a declared project to which subdivision 4 applies. Subdivision 4 applies to rights and expectations for declared projects.

For the purposes of this clause, the term ‘existing application to connect’ is defined as an application to connect for the transmission network or part the transmission network in relation to which this subdivision applies that was made before the relevant event happened if, immediately before the relevant event happened, the application had not been withdrawn, and the assessment of the application under the NER had not been completed.

Clause 60 Existing applications to connect–REZ controlled assets

Clause 60 provides for the transitional arrangements that apply to an existing application to connect for transmission assets that, on commencement of a Regulation under sections 38(1) or 39, becomes the REZ controlled assets for the REZ (the relevant event).

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.

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. Anything done by an eligible entity for the purpose of making such an application to connect continues to have effect under the NER in relation to the application to connect for the REZ controlled assets for the eligible project.

For the purposes of this clause, the term ‘existing application to connect’ has a specific meaning and is defined as an application to connect for the transmission assets in relation to which this

subdivision applies that was made before the relevant event if, immediately before the relevant event happened, the application had not been withdrawn, and the assessment of the application under the NER had not been completed.

Clause 61 Existing connection agreements

Clause 61 provides for the transitional arrangements that apply to an existing connection agreement for a transmission network or part of a transmission network, or transmission assets, to which the subdivision applies.

In these circumstances, an existing connection agreement continues in effect as a connection agreement for the REZ transmission network or REZ controlled assets for the REZ.

For the purposes of this clause, an ‘existing connection agreement’ has a specific meaning and is defined as a connection agreement entered into for a transmission network or the part of the transmission network or the transmission assets in relation to which this subdivision applies, that was in effect immediately before the relevant event happened. The relevant event being the commencement of a Regulation under sections 38(1) or 39 that includes the relevant transmission network or the part of that transmission network as part of the REZ transmission network for the REZ, or relevant transmission assets as REZ controlled transmission assets for the REZ.

Clause 62 Existing rights to receive DNA services

Clause 62 provides for transitional arrangements that apply to existing DNA rights in relation to a transmission network or part of the transmission network to which the subdivision applies where that transmission network or part of a transmission is or includes a designated network asset.

The clause provides that the relevant event, being the commencement of the Regulation under sections 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, does not affect an existing DNA right other than provided in this clause. An ‘existing DNA right’ being 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 occurred. In addition, an existing access policy for the designated network asset providing for the DNA right continues in effect under the NER to the extent necessary to preserve the existing DNA right.

An 'existing access policy' is defined as an access policy (as defined by the NER) for the designated network asset that was in effect under the NER immediately before the relevant event happened.

An existing DNA agreement for the designated network asset relating to the existing DNA right applies in relation to the REZ transmission network, and despite any inconsistency with this Part or the management plan for the REZ. An ‘existing DNA agreement’ is defined as an agreement providing for connection and access to the designated network asset that was in effect immediately before the relevant event happened.

This clause also provides for a Regulation-making power which may provide for how an existing DNA right, existing DNA agreement or existing access policy is given effect in

relation to the REZ transmission network for the REZ; 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; and any other matter necessary to preserve the existing DNA right.

In relation to this clause, the terms 'access policy' and 'DNA service' both have their same meaning under the NER.

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

Clause 63 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 to which this subdivision applies.

Such an entity may seek connection and access to the REZ transmission network under a connection agreement entered into in accordance with section 54(2)(c) and (3) where, within the opt-in period, they provide the transmission network service provider written notice stating their intention to do so. If the entity gives this written notice, they may apply for connection and access to the REZ transmission network within 14 days, and the transmission network service provider may enter into a connection agreement for connection and access to the REZ transmission network, as if the entity was an eligible entity, and as if the project in relation to which the entity is seeking connection and access to the REZ transmission network were an eligible project.

In this clause, the ‘opt-in period’ means a period that is 4 weeks from when the relevant event happens.

The entity’s right to connect to and access the REZ transmission network under sections 61 or 62 continues to apply while the entity’s application made under the opt-in arrangement is being assessed.

If the entity does not enter into a connection agreement with the transmission network service provider, the entity’s right to connect to and access the REZ transmission network under sections 61 and 62 continues unaffected.

If the entity and transmission network service provider enter into a connection agreement then the entity may connect to and access the REZ transmission network in accordance with the new connection agreement, and the entity’s right to connect to and access the REZ transmission network under sections 61 and 62 ends. However, 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 sections 61 or 62 continues in effect to the extent the agreement provides for a matter not provided for under this Part or the new connection agreement, and is consistent with this Part and the new connection agreement.

Subdivision 4 Rights and expectations for declared projects

Clause 64 Application of subdivision

Clause 64 states the circumstances in which this subdivision applies in relation to a declared project. Declared projects are identified under section 65.

This subdivision applies in relation to a declared project where: 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 immediately before the REZ declaration, at least one of the following existed for, or applied to, the project in relation to the transmission network or the part of the transmission network:

- a connection agreement;
- a right, whether conditional or unconditional, to receive a DNA service from the owner of a designated network asset;
- an access policy that was in effect;
- an access policy that had been submitted to the AER for approval under the NER but had not been approved or withdrawn.

Clause 65 Meaning of *declared project*

Clause 65 provides for the meaning of a declared project for the purposes of this subdivision which is each of the following:

- the Macintyre wind farm project which is the wind farm project for the approved development described in the Queensland State Assessment and Referral Agency decision notice 2010-19438 SDA dated 20 April 2021; and
- the Wambo wind farm project which is the wind farm project for the approved development described in the Queensland State Assessment Referral Agency decision notice 2007-17946 SDA dated 13 October 2020.

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

Clause 66 provides that the arrangements under section 61 apply 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 connection agreement that provides 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 was in effect immediately before the REZ declaration was made.
- a connection agreement that provides 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 was entered into within twelve months after the REZ declaration was made.

For the purposes of forming a connection agreement that provides for an entity to be connected to, or have access to, the transmission network or the part of the transmission network for the declared project to be made within twelve months, an application to connect for the transmission network, or part of the transmission network, may be made in relation to the

declared project, and may either be assessed or continue to be assessed under the NER as if the REZ declaration had not been made.

Section 63 applies in relation to an entity that may connect to and access the REZ transmission network for the declared project under section 61 as applying under this clause as if the reference to the opt-in period were a reference to the period of thirteen months from when the REZ declaration for the REZ was made.

Clause 67 Application of s 62 and 63 in relation to declared project

Clause 67 provides for the application of sections 62 and 63 to declared projects identified under section 65. This clause provides that arrangements under section 62 apply in relation to a declared project as if certain 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). These rights are:

- 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 immediately before the REZ declaration was made;
- 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 twelve months after the REZ was made;
- a right, whether conditional or unconditional, to receive a DNA service from the owner of the designated network asset that is of a kind provided for under a submitted access policy and acquired for the declared project under an approved access policy for the submitted access policy within one month after the access policy is approved by the AER.

For the purpose of applying section 62 to the above rights, a submitted access policy may be dealt with by the AER under the NER as if the REZ declaration had not been made. In addition, an existing access policy or approved access policy for a submitted access policy continues in effect to the extent necessary to confer or preserve the rights described above, and is taken to be an existing access policy under section 62 even if it is approved by the AER after the REZ declaration was made. Further, an agreement providing for connection and access to the designated network asset entered into in relation to a right mentioned above is taken to be an existing DNA agreement under section 62 even if it in entered into after the REZ declaration was made.

Arrangements under section 63 that permit holders of existing connection and access rights to enter into a new connection agreement in particular circumstances, apply in relation to an entity that may connect to and access the REZ transmission network for the declared project under section 62 as applying under this clause as if the reference to the opt-in period under section 62 were a reference to the period of thirteen months after the REZ was declared; and as 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 within two months from when the access policy was approved by the AER under the NER.

In this clause an ‘approved access policy’, for a submitted access policy, means an access policy approved by the AER under the NER in relation to the submitted access policy. An

'existing access policy' means an existing access policy under section 64(b)(iii) and a 'submitted access policy' means a submitted access policy under section 64(b)(iv).

Division 6 Cost recovery

Subdivision 1 Preliminary

Clause 68 Purpose of division

Clause 68 outlines the purpose of this Division, which is to provide a framework for the recovery of either costs associated with the REZ transmission network for a REZ that are incurred by the transmission network service provider, or costs associated with a REZ assessment that are incurred by a transmission network service provider in the service provider's capacity as a REZ delivery body.

The framework provides for costs associated with the REZ transmission network to be recovered from participants for the REZ in the first instance.

Clause 69 Definitions for division

Clause 69 defines certain terms for the purpose of this Division including 'establishment and operational costs' and 'REZ assessment costs'.

In this Division, the 'establishment and operational costs' are the costs reasonably and prudently incurred by the transmission network service provider for providing the REZ transmission network. These could include, for example, the costs incurred by the service provider, either before or after the REZ is declared, for preparing a management plan in the service provider's capacity as a REZ delivery body; constructing, maintaining or operating the REZ transmission network; or performing any other function under this Part that relates to the transmission network, including a function (other than conducting a REZ assessment) performed in the capacity of a REZ delivery body.

In this Division, 'REZ assessment costs' are the costs reasonably and prudently incurred by the REZ delivery body that conducted the REZ assessment for conducting the REZ assessment, and for preparing a REZ assessment report.

The term 'prescribed transmission service' has the same meaning given by the NER. Under the NER, transmission network users must pay charges for prescribed transmission services.

Subdivision 2 Costs associated with REZ transmission network

Clause 70 Fees and charges for connection and access to REZ transmission network

Clause 70 enables the transmission network service provider to decide the fees and charges a participant must pay for connection and access to the REZ transmission network. The amount of fees and charges may include an amount that represents the participant's contribution to the establishment and operational costs for the REZ transmission network.

The fees and charges payable for connection and access under this clause are instead of any fees and charges payable for connection and access to the transmission network under the national electricity laws.

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

Clause 71 empowers the Minister to declare, with the approval of the Treasurer, that all or part of a shortfall between the establishment and operational costs incurred by the transmission network service provider and the amount of fees and charges paid or payable by participants under section 70, may be recovered by the transmission network service provider through charges for prescribed transmission services.

The Minister can only make a declaration if the responsible Ministers (that is, the Minister and the Treasurer acting jointly) are satisfied that:

- the transmission network service provider acted reasonably and prudently in giving access to the transmission network; and
- the transmission network service provider used its best endeavours to recover the establishment and operational costs from participants by charging fees and charges; and
- there is a shortfall between establishment and operational costs incurred by the transmission network service provider and the amount of the fees and charges paid or payable by participants for connection and access to the REZ transmission network; and
- there is no reasonable way for the transmission network service provider to recover the shortfall other than through charges for prescribed transmission services.

An example of a potential situation where a shortfall might arise is where the transmission network service provider, despite acting reasonably and prudently in giving access to the REZ transmission network, is unable to fully subscribe the capacity of the REZ, and so will be unable to recover all establishment and operational costs associated with the provision of the relevant REZ transmission network.

This clause does not require the Minister to make a declaration that all or a part of any shortfall may be recovered by the transmission network service provider through charges for prescribed transmission services, and funding of the REZ transmission network costs not recovered from participants may be recovered using other mechanisms available to government.

The declaration to allow for the cost recovery is made by notice and is subordinate legislation. The declaration must state certain matters, which are:

- the amount of the shortfall that may be recovered through charges for prescribed transmission services; and
- the period over which the amount may be recovered; and
- the reasons why the responsible Ministers are satisfied that there is no reasonable way for the transmission network service provider to recover the shortfall other than through charges for prescribed transmission serviced; and
- any other matter prescribed by Regulation.

Subdivision 3 Costs associated with REZ assessment

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

Clause 72 empowers the Minister to declare, with the approval of the Treasurer, that all or part of the REZ assessment costs incurred by the transmission network service provider in its capacity as a REZ delivery body, may be recovered by the transmission network service provider through charges for prescribed transmission services.

The Minister can only make a declaration if the responsible Ministers (that is, the Minister and the Treasurer acting jointly) are satisfied that:

- the REZ assessment was conducted appropriately and efficiently; and
- there is no reasonable way for the service provider to recover all of the REZ assessment costs incurred other than through charges for prescribed transmission services.

This clause does not require the Minister to make a declaration that all or part of any REZ assessment costs may be recovered by the transmission network service provider through charges for prescribed transmission services, and funding of the REZ assessment costs may be recovered using other mechanisms available to government.

The declaration to allow for the cost recovery is made by notice and is subordinate legislation. The declaration must state certain matters, which are:

- the amount of the REZ assessment costs that may be recovered through charges for prescribed transmission services; and
- the period over which the amount may be recovered; and
- the reasons why the responsible Ministers are satisfied that there is no reasonable way for the service provider to recover REZ assessment costs other than through charges for prescribed transmission services; and
- any other matter prescribed by Regulation.

Subdivision 4 Provisions facilitating cost recovery

Clause 73 Transmission determination providing for charges for prescribed transmission services

Clause 73 provides that, if the Minister makes a declaration under sections 71 or 72 allowing a transmission network service provider to recover all or a part of relevant costs through charges for prescribed transmission services over a period, the relevant transmission determination for the transmission network service provider providing for charges for prescribed transmission services must be made in the way, and in accordance with the requirements, prescribed by Regulation.

A transmission determination has the meaning given by the NER, and includes a determination by the Australian Energy Regulator that regulates the revenue that the transmission network service provider may earn from providing electricity network services that are the subject of economic Regulation under the NER.

The Regulation may provide for matters about the transmission determination to enable the transmission network service provider to recover the amount declared by notice under sections 71 or 72 through the charges over the relevant period. The matters that the Regulation may provide for include:

- declaring all or a part of the relevant costs incurred by the service provider to be operating expenditure under the NER; and
- providing for an increase of the maximum allowed revenue the service provider can earn under the NER for providing the prescribed transmission services; and
- modifying requirements applying to the service provider's pricing methodology under the NER; and
- declaring that matters stated in the Regulation are taken to be part of either or both of the service provider's revenue proposal or transmission determination; and
- providing for particular action to be taken by the AER in relation to the service provider's revenue proposal or transmission determination to ensure the transmission determination is made as required under this clause.

For the purposes of this clause, the term 'relevant costs' has a specific definition which means establishment and operational costs for the REZ transmission network for a REZ, or REZ assessment costs for a REZ assessment.

Clause 74 Regulation about transmission services

Clause 74 provides for the making of a Regulation where it supports the application of a provision of this Division by enabling relevant costs to be recovered by the transmission network service provider. The Regulation may declare that a transmission service provided by the transmission network service provider is taken to be a negotiated transmission service, non-regulated transmission service or a prescribed transmission service under the NER.

For the purposes of this clause, the term 'transmission service' has the meaning given by the NER.

Division 7 REZ delivery body

Clause 75 Appointment

Clause 75 empowers the Minister to appoint one or more appropriately qualified entities to be a REZ delivery body. The following entities can be appointed to be a REZ delivery body: a government entity, a regulatory body established under an Act of the Commonwealth, or a government agency of the Commonwealth.

The Minister appoints a REZ delivery body by gazette notice.

Clause 76 Functions

Clause 76 provides the functions of a REZ delivery body. The functions are:

- to identify parts of Queensland that are suitable to be a REZ and to make recommendations to the Minister for the parts to be declared to be a REZ; and
- to assess the parts of Queensland identified in the Infrastructure Blueprint as possibly suitable to be a REZ, and to decide whether or not to make recommendations to the Minister for the parts to be declared to be a REZ; and

- 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
- to conduct a REZ assessment for a part of Queensland on the request of the Minister under Division 4; and
- to perform any other function as prescribed by Regulation.

A REZ delivery body may delegate any of its functions to an appropriately qualified officer or employee of the REZ delivery body.

A REZ delivery body must perform the functions of the REZ delivery body in a way that is consistent with achieving the purposes mentioned in section 3(a) and (b).

Clause 77 Obtaining information for performing functions

Clause 77 provides that a REZ delivery body, where it has reason to believe that a relevant person has information it requires to perform a function under this Part, may require the person to give the information to the REZ delivery body.

The REZ delivery body may give written notice to a relevant person requiring the person to provide the information. The written notice must state the information the REZ delivery body requires, the way the information must be given, and the date by which the information must be given to the REZ delivery body.

A relevant person who is given a notice by a REZ delivery body must comply with the notice unless the person has a reasonable excuse. The maximum penalty for failing to comply with the notice is 100 penalty units. A reasonable excuse for an individual not to comply with the notice includes if complying might tend to incriminate the individual or expose the individual to a penalty. For this clause, the burden of proof on a person is an evidential, and not legal burden.

A relevant person is able to disclose information to the REZ delivery body under this clause despite anything in the national electricity laws that may otherwise prohibit its disclosure – such as the Transmission Ring-Fencing Guidelines made under the NER.

Also, a relevant person who complies with a notice incurs no liability for breach of contract, breach of confidence or any other civil wrong for the compliance.

For the purposes of this clause, a ‘relevant person’ means any of the following:

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

Clause 78 Using information for performing function

Clause 78 provides that, for performing its functions under this Part, the REZ delivery body may use both the information obtained under section 77, and any 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 under this Part. The REZ delivery body may also disclose this information to the Minister or Treasurer for the purpose of the Minister or Treasurer performing a function under this Part, including a function performed by the responsible Ministers.

The REZ delivery body may use or disclose this information despite anything in the national electricity laws.

Under this clause, 'network service provider' means a Network Service Provider under the NER.

Division 8 Other provisions

Clause 79 Minister or Treasurer may obtain information for performing function

Clause 79 provides that the Minister or Treasurer may require a person to provide information to the Minster or Treasurer, where the Minister or Treasurer reasonably believes that a person has information that the Minister or Treasurer requires to perform a function under this Part (including a function performed as responsible Ministers).

The Minister or Treasurer may give written notice to a person requiring the person to provide the Minister or Treasurer with the information. The notice must state the information the Minister or Treasurer requires, the way the information must be given, and the date by which the information must be given to the Minister or Treasurer. An example of the type of person that may be given notice to provide information is a REZ delivery body or a transmission network service provider.

A person given a notice must comply with the notice unless the person has a reasonable excuse. Failure to comply with the notice carries with it a maximum penalty of 100 penalty units. A reasonable excuse for an individual to not comply with a notice includes if complying might tend to incriminate the individual or expose the individual to a penalty. For this clause, the burden of proof on a person is an evidential, and not legal burden.

A person may disclose information to the Minister or Treasurer under this clause despite anything in the national electricity laws.

A person who complies with a notice given by the Minster or Treasurer incurs no liability for breach of contract, breach of confidence or any other civil wrong for the compliance.

The Minister or Treasurer may use the information to perform a function under this Part (including a function performed as responsible Ministers) and may disclose the information to another person for the purpose of the other person performing a function under this Part.

Clause 80 Minister or Treasurer may obtain advice for performing function

Clause 80 empowers the Minister or the Treasurer to seek advice from the AER or an appropriately qualified person about any matter relevant to the Minister or Treasurer performing a function under this Part (including a function performed as responsible Ministers). The type of advice that the Minister or Treasurer may seek includes, but is not limited to, whether a part of Queensland is suitable to be a REZ, whether a proposed REZ declaration will

help achieve particular purposes of the Act, as well as advice related to a proposed amendment of a management plan.

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. This could include information received from a person under section 79.

Section 173 imposes restrictions on the AER or appropriately qualified person disclosing or using information obtained under this clause.

The AER must, if asked to give advice, give the advice as soon as reasonably practicable. The requirement for the AER to provide relevant advice is intended to facilitate the conferral of this function on the AER.

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

Clause 81 provides that, if a REZ delivery body took certain actions but, after taking those actions, decided to either withdraw a recommendation to the Minister to make a REZ declaration, or to not recommend a REZ declaration, then it must give the Minister written notice of its decision.

This clause applies if a REZ delivery body was proposing to recommend to the Minister that a part of Queensland be declared a REZ but, after beginning to develop a management plan, decided not to make the recommendation.

This clause also applies if a REZ delivery body recommended to the Minister that a part of Queensland be declared a REZ, but after conducting a REZ assessment, decides the recommendation should be revoked.

This clause also applies if a REZ delivery body assessed a part of Queensland identified in the Infrastructure Blueprint as possibly suitable to be a REZ and decides not to recommend to the Minister that the part be declared a REZ.

The REZ delivery body must provide written notice of any such decision to the Minister, and the Minister must publish notice of the REZ delivery body's decision on the department's website. This will help ensure stakeholders are informed about the progress of potential REZs.

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.

Clause 82 Transmission network or part stops being REZ transmission network or part

Clause 82 applies if a transmission network or part of a transmission network stops being a REZ transmission network or part of a REZ transmission network for a REZ because of a relevant event. For the purpose of this clause, a 'relevant event' is any of the following:

- the term of the REZ declaration ends;
- the REZ declaration for the REZ is repealed;

- the REZ declaration for the REZ is amended in a way that the transmission network is no longer the REZ transmission network or a part of the REZ transmission network for that REZ.

From the happening of the relevant event, the national electricity laws apply in relation to the transmission network or part of the transmission network in the same way as the laws apply to any other transmission network or part of a transmission network, with two exceptions. These are:

- an access standard negotiated under section 55 for the transmission network or part of the transmission network continues to be taken to be a negotiated access standard determined in accordance with the NER; and
- a connection agreement to which section 56 applied for the transmission network or part of the transmission network continues to be taken to be a connection agreement entered into in accordance with the NER.

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 clause.

Clause 83 Authorisation for competition legislation

Clause 83 authorises specific conduct for the purposes of the *Competition and Consumer Act 2010* (Cwlth), section 51(1)(b), and the Competition Code of Queensland.

The conduct that is authorised for these purposes is the conduct of an entity: in the development of a REZ management plan; negotiating and entering into a connection agreement for a REZ transmission network or REZ controlled assets; and conduct related to regulating the connection and access to the REZ transmission network or REZ controlled assets. Possible examples include giving effect to an approved REZ management plan, or 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 NER.

Section 51(1)(b) of the *Competition and Consumer Act 2010* (Cwlth) provides that where certain specified things done in a state are authorised by an Act passed by the parliament of that state, or contained in a Regulation made under that Act, those things are to be disregarded in a decision as to whether a person has contravened Part IIIA of the *Competition and Consumer Act 2010* (Cwlth).

However, while this specific conduct is authorised, it is only authorised to the extent to which it would otherwise contravene the *Competition and Consumer Act 2010* (Cwlth) or the Competition Code of Queensland.

Clause 84 Relationship with national electricity laws

Clause 84 states that the intention of Parliament is that this Part applies despite anything stated in the national electricity laws. Further, 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 to the extent those laws are not inconsistent with this Part.

This clause also states that a Regulation may be made 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. This Regulation 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. In addition, this Regulation may provide that a national provision does not apply in relation to a matter or applies but with stated modifications. The Regulation may also 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.

Part 7 Job Security Guarantee Fund

Clause 85 Job security guarantee

Clause 85 outlines that it is the intention of Parliament for the State to provide security and support to affected energy workers in relation to employment matters. The State providing this security and support is the Job Security Guarantee.

The clause sets out a non-exhaustive list of examples of the security and support the Job Security Guarantee may include, such as providing:

- training for, or access to, employment opportunities within the energy sector or another sector; and
- other benefits or opportunities in relation to the change in operations of a publicly owned coal-fired power station as a consequence of achieving the optimal infrastructure pathway objectives.

Clause 86 Who is an *affected energy worker*

Clause 86 defines an affected energy worker, the group of individuals that will be eligible to receive support from the Job Security Guarantee. There are three types of affected energy workers: affected energy GOC workers, prescribed energy workers, and affected energy contractors.

Affected energy GOC workers fall into two subcategories:

- an individual that performs, or performed, work at a publicly owned coal-fired power station; or
- an individual whose role is or was predominately related to the operations of a publicly owned coal-fired power station. This worker need not work on site at the publicly owned coal-fired power station.

However, to be eligible for either subcategory, an affected energy GOC worker must also be:

- an individual person who is, or was, an employee of a government owned corporation (GOC) or an entity wholly or partly owned by a GOC; and
- the individual must have been, or will be, directly and adversely affected because of a change in the operations of a publicly owned coal-fired power station as a coal-fired power station as a consequence of achieving the optimal infrastructure pathway objectives. Change in operations includes a reduction or ceasing of operations at the coal-fired power station.

A prescribed energy worker is an individual that performs work at a prescribed facility under a contract, other than an affected energy GOC worker. This contract can be entered into either with the individual directly, or with another entity that employs or engages the individual. This is intended to capture individuals performing work at prescribed facilities in the capacity of either an employee or contractor. A prescribed facility is defined by this clause as being either a coal mine or electricity generating facility that is prescribed by Regulation.

To be a prescribed energy worker, an individual must also have been, or will be, directly and adversely affected because of a change in operations of the prescribed facility as a consequence of achieving the optimal infrastructure pathway objectives. Change in operations includes a reduction or ceasing of operations at the prescribed facility.

Affected energy contractors are individuals working onsite at publicly owned coal-fired power stations under a contract, other than affected energy GOC workers or prescribed energy workers. This contract can be entered into either with the individual directly, or with another entity that employs or engages the individual to undertake the work. This category is intended to cover long-term workers at publicly owned coal-fired power stations, other than GOC employees.

Affected energy contractors must also have performed a total amount of work at any publicly owned coal-fired power station that is equal to or exceeds the amount of work prescribed by Regulation. This clause provides the example that a Regulation may prescribe an amount of time an employee performs work under one or more contracts at one or more power stations over a specified period. As with other types of affected energy workers, affected energy contractors must be individuals that have been, or will be, directly and adversely affected because of a change in 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. Change in operations includes a reduction or ceasing of operations.

The test applied to all three types of affected energy workers requiring a direct and adverse impact is intended to ensure the individuals captured by these definitions are those that have had their employment adversely impacted as the publicly owned coal-fired power station(s) or prescribed facility at which they work, or which their role predominately relies on, transforms. The reference to the achievement of the optimal infrastructure pathway objectives is intended to ensure the definition cannot be met in circumstances where operations at the publicly owned coal-fired power station or prescribed facility change unrelated to achieving these objectives, for example in relation to a temporary closure for scheduled or unscheduled maintenance.

It is intended that individuals may be classed as affected energy workers if they work at one or more publicly owned coal-fired power stations or prescribed facilities, or their role relates predominately to one or more publicly owned coal-fired power stations.

Clause 87 Establishment of fund

Clause 87 establishes the Job Security Guarantee Fund.

Clause 88 Fund bank account

Clause 88 provides that the department must keep a department bank account for the Fund and outlines how this bank account is to be managed. The bank account must be kept separately from other bank accounts the department holds under an Act.

The chief executive must pay all amounts received for the Fund into the Fund bank account, including amounts appropriated by Parliament and any contributions received by third parties. This clause ensures amounts that are received for the Fund are paid only into the Fund bank account and not into the consolidated fund.

The clause provides the chief executive may only pay amounts out of the Fund bank account to make a payment from the Fund in line with other requirements for making payments under this Part.

The clause enables the Treasurer to give the department a direction about the banking arrangements for the Fund bank account, which the chief executive must comply with. The Treasurer's direction must be consistent with the requirements applying to the department under this or another Act.

Clause 89 Purposes of fund

Clause 89 provides the purposes of the Fund. One purpose of the Fund is to implement the Job Security Guarantee. The second purpose is to ensure there are a sufficient number of workers with the necessary skills to ensure the reliable and safe operation of publicly owned coal-fired power stations, where the station's operation is required to support achievement of the optimal infrastructure pathway objectives. The third purpose of the Fund is to fund the Energy Industry Council and the Queensland Renewable Energy Jobs Advocate, which are to be established through this Bill.

Clause 90 Payments from fund

Clause 90 provides the way in which payments must be made from the Fund. The chief executive and under-Treasurer must jointly decide whether to make a payment from the Fund, and may only do so if the payment will or is likely to contribute to achieving a purpose of the Fund. The clause also sets out a list of matters the chief executive and under-Treasurer must consider when deciding whether to make a payment from the Fund. These matters are:

- how effectively the payment will contribute to achieving a purpose of the Fund;
- whether the payment is the most practical or cost-effective way to achieve a purpose of the Fund;
- whether there are any alternative sources of funding available to address the purpose of the payment;
- any advice received from the Energy Industry Council in relation to the payment;
- any other matter prescribed by Regulation.

The clause also provides a power to make a Regulation that prescribes the categories of costs for which payments may be made to achieve the purposes of the Fund, as well as the entities to which, or the affected energy workers in relation to whom, amounts for the costs are to be paid. The clause provides examples of the categories that may be prescribed by Regulation.

A Regulation-making power is also included in this clause to enable a Regulation to prescribe any obligations or requirements that may be imposed on a person who is proposed to receive, or has received, money from the Fund.

A Regulation may also provide for any other matter the Minister considers necessary or convenient to ensure the effective and efficient administration of the Fund in accordance with the Act.

Before the Minister recommends to the Governor in Council that a Regulation is made under this clause, the chief executive must consult with the under-Treasurer and the Energy Industry Council about the proposed Regulation.

Clause 91 Fund guideline

Clause 91 provides that the chief executive and under-Treasurer may jointly make a guideline about the administration of the Fund under this Part. This may include procedures relating to making payments from the Fund and procedures for dealing with complaints about payments from the Fund.

The chief executive and under-Treasurer must comply with the guideline in administering the Fund.

Clause 92 Reporting requirement

Clause 92 provides the information the department must include about the Fund in the annual report of the department. The information required to be included is:

- the total funds held in the Fund bank account when the annual report is prepared; and
- a summary of the payments made from the Fund for the financial year; and
- 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

Clause 93 Establishment

Clause 93 establishes the Queensland Energy System Advisory Board and provides the Board does not represent the State.

Clause 94 Functions

Clause 94 provides the functions of the Board. The Board is to prepare an annual progress statement for each financial year that details the progress made towards achieving the renewable energy targets, as well as the progress made in relation to the matters that are part of the optimal infrastructure pathway. For example, this would include progress on Priority Transmission Investments under the optimal infrastructure pathway over the past financial year.

The Board is also conferred the function of providing advice and recommendations to the Minister to assist the Minister to review the Infrastructure Blueprint. This includes

recommendations about any changes that the Board considers should be made in relation to the optimal infrastructure pathway to ensure the optimal infrastructure pathway objectives are achieved.

On request of the Minister, the Board is also to advise the Minister about:

- the long-term projections for demand for electricity supply by Queensland consumers;
- the optimal infrastructure pathway, including any potential risks to the progress of matters that are part of the optimal infrastructure pathway, as well as strategies to mitigate these potential risks;
- achievement of the renewable energy targets, including opportunities to accelerate achieving the targets;
- any other matter the Minister considers relevant to the purposes of the Act.

The Board must also perform any other function conferred on the Board by the Act or another Act.

Clause 95 Performance of functions

Clause 95 provides that the Minister cannot direct the Board about the way it performs its functions under the Act. The policy intent is to ensure that the performance of the Board's functions remains independent. However, when performing functions under the Act, the Board is required to consider the AEMO Integrated System Plan, the purposes of the Act, the optimal infrastructure pathway objectives, and Queensland policies in relation to energy and electricity. The Board may also consider other matters when performing its functions.

Clause 96 Powers

Clause 96 outlines that the Board may do anything necessary or convenient in the performance of its functions.

Clause 97 Administrative support for board

Clause 97 requires the chief executive to ensure that the Board has the administrative support services reasonably required for the Board to perform its functions effectively and efficiently.

Division 2 Membership

Clause 98 Members of board

Clause 98 outlines that the Board consists of the following members:

- the chief executive;
- the under-Treasurer;
- the appointed board members; and
- the chairperson.

Each of the abovementioned persons is defined as a board member.

Clause 99 Appointed board members

Clause 99 outlines who is an appointed board member. It provides that the Governor in Council, on the recommendation of the Minister, must appoint at least five, but not more than seven, members of the Board to be appointed board members.

Neither the chief executive of the department responsible for administering the Act, the under-Treasurer or the chairperson of the Board can be appointed board members.

Each appointed board member must have knowledge, qualifications, or skills in at least one of the following areas:

- the operation of the Australian energy sector;
- investment in energy infrastructure; or
- delivery of energy infrastructure projects.

At least one appointed board member must also have knowledge, qualifications, or skills in relation to advocacy or support for consumers of energy. Further, at least one appointed board member must have knowledge, qualifications, or skills in relation to advocacy for workers in the energy industry or manufacturing industry. Further, at least one appointed board member must be an Aboriginal person or a Torres Strait Islander person. The policy rationale supporting these membership requirements is to ensure a diversity of perspectives on the Board.

The appointed board members are appointed under the Act rather than the *Public Sector Act 2022*.

Clause 100 Chairperson

Clause 100 provides that the Governor in Council must appoint a person to be the chairperson of the Board on recommendation of the Minister.

A person is not eligible to be appointed as the Board's chairperson if the person is:

- the chief executive of the department in which the Act is administered;
- the under-Treasurer; or
- an appointed board member; or
- the head of, is employed in, or otherwise holds an office or other position in, a government entity.

However, to be eligible to be appointed as the chairperson, the person must have knowledge, qualifications or skills in relation to one or more of the following:

- the operation of the Australian energy sector;
- investment in energy infrastructure; or
- delivery of energy infrastructure projects.

The chairperson is appointed under the Act and not the *Public Sector Act 2022*.

Clause 101 Disqualification as appointed board member or chairperson

Clause 101 provides criteria that disqualify a person from becoming or continuing as an appointed board member or chairperson of the Board. A person is disqualified under this clause if they have a conviction for an indictable offence involving fraud or dishonesty, assault, or

damage or destruction of property. This does not apply in relation to spent convictions. A person is also disqualified if they are an insolvent under administration, or disqualified from managing a corporation because of Part 2D.6 of the *Corporations Act 2001* (Cwlth).

The disqualification criteria are intended to ensure prospective and current appointees to these roles enable the Board to perform its functions with honesty and integrity and to uphold public trust and confidence in the Board.

Clause 102 Term of appointment

Clause 102 provides the relevant term of appointment for the chairperson of the Board and appointed board members is determined by the instrument of appointment. However, this period cannot exceed four years.

Appointed board members and the chairperson can be reappointed. Appointment periods for the appointed board members and the chairperson must end on or before 31 December 2035.

Clause 103 Conditions of appointment

Clause 103 provides for conditions of appointment to the Board. Appointed board members and the chairperson of the Board are to be paid the remuneration and allowances determined by the Governor in Council. Where a matter is not provided for under the Act, an appointed board member and the chairperson hold office on the terms and conditions decided by the Governor in Council.

However, the following appointed board members are not entitled to be remunerated as an appointed board member:

- a prescribed person under the *Public Sector Act 2022*;
- a person employed in or appointed by a government owned corporation.

Clause 104 Appointed board member and chairperson must disclose particular matters

Clause 104 provides that unless an appointed board member or chairperson of the Board has a reasonable excuse, they must immediately give written notice to the Minister if, during the term of their appointment, the person:

- becomes an insolvent under administration, or
- is disqualified from managing a corporation because of Part 2D.6 of the *Corporations Act 2001* (Cwlth).

A maximum penalty of 100 penalty units applies where the appointed board member or chairperson fails to disclose these matters without a reasonable excuse.

This clause is intended to ensure that appointed board members and the chairperson have an ongoing requirement to disclose matters to the Minister that meet the disqualification criteria relating to the *Corporations Act 2001* (Cwlth) that apply to those persons under the Act.

Clause 105 Vacancy in office

Clause 105 provides the circumstances in which the office of an appointed board member or chairperson of the Board becomes vacant. This occurs if the person holding the office:

- completes their term of office and is not reappointed;
- resigns from their office by way of a signed notice given to the Minister;
- is an appointed board member and becomes the chief executive of the department in which the Act is administered, the under-Treasurer or the chairperson;
- is the chairperson and no longer meets the eligibility criteria for appointment as the chairperson under the Act under section 100(3);
- is absent without the Board's permission or a reasonable excuse for three consecutive Board meetings;
- becomes disqualified from continuing as an appointed board member or chairperson under any of the disqualification criteria applying to those positions under the Act;
- is removed from office by the Governor in Council under subsection (2)

This clause includes a power enabling the Governor in Council on the advice of the Minister to terminate the appointment of an appointed board member or the chairperson. This applies where the Minister is satisfied an appointed board member or chairperson is incapable of performing their functions satisfactorily.

The powers outlined in this clause do not limit the Governor in Council's powers under the *Acts Interpretation Act 1954*, section 25.

Division 3 Criminal history information

Clause 106 Minister may request criminal history reports

Clause 106 provides the power for the Minister to request from the police commissioner a written report about the criminal history and a brief description of any convictions of an individual. This request may only be made for the purpose of determining whether an individual is disqualified from being appointed, or continuing as, an appointed board member or the chairperson of the Board. The Minister may make this request only if the individual has provided written consent.

The police commissioner must comply with a request made by the Minister under this clause. However, the commissioner's duty to comply with the request applies only to information that the commissioner has in their possession or to which they have access.

The intention of this clause is to enable the Minister to obtain information to determine whether an individual has been convicted of any offences that meet the disqualification criteria relating to relevant criminal convictions that apply in relation to appointed board members and the chairperson under the Act.

Clause 107 New convictions must be disclosed

Clause 107 applies where an appointed board member or chairperson of the Board is convicted of an indictable offence involving fraud or dishonesty, assault, or damage or destruction of property during their term of appointment.

The appointed board member or chairperson must immediately give written notice of the conviction to the Minister, unless the person has a reasonable excuse not to do so. The notice given to the Minister must include the existence of the conviction, when the offence was

committed, adequate details to identify the offence and the sentence imposed on the person. The maximum penalty for failing to provide this notice is 100 penalty units.

This clause is intended to ensure that appointed board members and the chairperson have an ongoing requirement to disclose matters to the Minister that constitute one of the disqualification criteria that apply to appointed board members and the chairperson under the Act.

Clause 108 Confidentiality of criminal history information

Clause 108 provides the way in which criminal history information held in relation to an appointed board member or chairperson is to be dealt with.

The clause applies to a person who is or has been a Minister, a board member, or a public service employee performing functions relevant to the administration of the Act, and that person has acquired or has access to criminal history information in that capacity. The clause provides that these persons cannot disclose or use that information other than as permitted under the clause. Failure to do so attracts a maximum penalty of 100 penalty units.

A person to which this clause applies may only use or disclose the criminal history information to the extent this is necessary to perform their functions under this Part of the Act, or in a way that is otherwise required or permitted by law. Use or disclosure of this information can also occur with the consent of the individual to which the criminal history relates.

The criminal history information referenced in this clause includes both the information and reports requested by the Minister from the police commissioner and to notices given to the Minister by an appointed board member or the chairperson. A person to whom this clause applies who possesses this criminal history information must ensure it is destroyed as soon as practicable after it is no longer needed for the purpose for which it was given.

Division 4 Board meetings

Subdivision 1 General provisions

Clause 109 Conduct of business

Clause 109 provides that subject to this Division, the Board may conduct its business in the way it considers appropriate. This includes the conduct of its board meetings.

Clause 110 Board meetings generally

Clause 110 provides that the chairperson of the Board may convene a meeting of the board members. The chairperson must convene a board meeting at least four times per year and if requested in writing by the Minister.

Board members may attend board meetings using any technology that allows reasonably contemporaneous and continuous communication between persons attending the meeting. A board member attending in this way is taken to be present at the meeting.

A majority of votes from the board members present at the meeting are required to decide a question at a board meeting. Where the votes are equal, the board member presiding has the casting vote.

Clause 111 Quorum

Clause 111 provides that the quorum for a board meeting is at least four board members, not including board members that are the chief executive of the department administering the Act or the under-Treasurer.

Clause 112 Presiding at board meetings

Clause 112 provides the chairperson of the Board presides at all board meetings they attend. Should the chairperson be absent, the Board is to select another board member to preside.

Subdivision 2 Disclosure of interests

Clause 113 Application of subdivision

Clause 113 outlines board member interests to which this subdivision applies. The way in which these interests are dealt with is provided for elsewhere in this subdivision.

This subdivision applies where a board member has a direct or indirect interest in a matter the Board is considering or is about to consider at a board meeting and this interest could conflict with the board member's duties about the consideration of the matters.

However, this subdivision does not apply for interests held by the chief executive of the department in which the Act is administered or the under-Treasurer in their capacity as the holder of that role.

Clause 114 Requirement to disclose interest

Clause 114 requires board members to disclose the nature of an interest at a board meeting as soon as practicable after the relevant facts come to the board member's knowledge.

The intention of this clause is to promote the transparency and accountability of the Board by requiring board members to disclose to the Board any relevant interests captured by this subdivision as soon as practicable after the relevant facts come to the board member's knowledge.

Clause 115 Deemed disclosure in particular circumstances

Clause 115 provides that if a board member discloses at a board meeting that they are a member, partner, or employee of a company or other entity, or have another stated interest in a company or other entity, then they are taken to have disclosed the nature of the interest in compliance with disclosure requirements contained in this subdivision.

Clause 116 Board member not to participate in decision making

Clause 116 provides that unless the Board directs otherwise, a board member who discloses an interest must not be present when the Board considers a matter relevant to the board member's interest or take part in decision making about the matter.

The board member must also not be present when the Board considers whether to give a direction under this section. In deciding whether the board member can take part in a decision of the Board about the matter, the board members present at the meeting constitute a quorum.

Clause 117 Register of interests

Clause 117 requires the maintaining of a register of interests for any disclosures made by board members made under this subdivision.

Clause 118 Effect of contravention of subdivision

Clause 118 provides that any contravention of the conflict of interest requirements in this subdivision does not invalidate a decision of the Board. However, the Board must reconsider any decision made where there was a contravention of this subdivision by a board member.

Subdivision 3 No duty to disclose particular information

Clause 119 No duty to disclose particular information acquired in particular capacities

Clause 119 provides that the following board members do not owe a duty to the Board to disclose confidential information, relevant to the matter being considered or about to be considered, that has been given to the board member in confidence in their capacity as the holder of these positions:

- the chief executive; or
- the under-Treasurer.

This applies even where the information is relevant to a matter being considered by the Board.

This clause provides examples of information to which this clause may apply, including documents related to Cabinet considerations or operations, or State budgetary processes.

Division 5 Reporting requirement

Clause 120 Annual report

Clause 120 provides for the preparation of the annual report by the Board on the functions performed by the Board during each financial year. This report must be given to the Minister within three months after the end of each financial year and published by the Minister on the department's website as soon as practicable after receiving the report.

Division 6 Abolition of board

Clause 121 Dealing with records and documents on abolition

Clause 121 provides that on 31 December 2035, the Board is abolished and the State becomes the successor in law of the Board and, without limiting the State becoming successor in law of the Board, any records and documents held by the Board prior to abolition become records and other documents of the State after abolition.

Part 9 Energy Industry Council

Division 1 Preliminary

Clause 122 Definitions for part

Clause 122 provides definitions to be used in this Part.

Division 2 Establishment, functions and powers

Clause 123 Establishment

Clause 123 establishes the Energy Industry Council and provides the Council does not represent the State.

Clause 124 Functions

Clause 124 provides the functions of the Council. The Council is to provide advice to the Minister about:

- how affected energy workers and their communities will be affected by implementation of the Infrastructure Blueprint;
- opportunities for employment, workforce development, education and training in the renewable energy industry for affected energy workers and their communities;
- 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;
- the purposes of the Fund mentioned in clause 89(a) and (b); and
- any other matter relating to the energy industry.

The Council also has the function of consulting with any entity that the Council considers appropriate to assist it when performing its functions.

The Council also must also perform any other function conferred on the Council by the Act or another Act.

Clause 125 Performance of functions

Clause 125 provides that the Council is not subject to a direction by the Minister about how the Council performs its functions. The intent of this clause is to ensure the performance of the Council's functions remain independent.

Clause 126 Powers

Clause 126 outlines that the Council may do anything necessary or convenient in the performance of its functions.

Clause 127 Subcommittees

Clause 127 provides the Council may establish the subcommittees it considers appropriate for purposes related to the Council's functions.

The following persons are eligible to be a member of the subcommittee:

- the chief executive or a public service employee of the department nominated by the chief executive;
- the Council chairperson;
- representatives of either a publicly owned energy business or industrial organisation prescribed by Regulation under section 130(1)(a) or (b).

Appointed council members are not eligible to be a member of a subcommittee.

The intention is for the chairperson and the government representative of the Council to be part of the subcommittee to provide continuity between the two groups and ensure the subcommittee has appropriate direction and understanding of discussions at the Council level. It is also intended any subcommittee has tripartite representation like the Council.

Clause 128 Administrative support for council and subcommittees

Clause 128 requires that the chief executive of the department ensure the Council and any subcommittee established by the Council is provided the administrative support reasonably required to perform its functions effectively and efficiently.

Division 3 Membership

Clause 129 Members of council

Clause 129 provides the composition of the Council membership. The Council will be made up of three member types: the appointed council members, the chairperson and the chief executive or public service employee in the department who is nominated by the chief executive.

Clause 130 Appointed council members

Clause 130 provides the types of individuals that may be appointed as an appointed council member by the Governor in Council on the recommendation of the Minister.

The appointed council members will include five representatives from publicly owned energy businesses and five representatives from industrial organisations under the *Industrial Relations Act 2016*. The clause includes a Regulation-making power to prescribe the publicly owned energy businesses and industrial organisations from which these representatives will be drawn. It is intended that the industrial organisations prescribed by Regulation under this clause will have members who are affected energy workers.

The clause includes the power for a Regulation to require appointed council members to hold a certain position type or have certain qualifications or experience.

Appointed council members are appointed under the Act and not the *Public Sector Act 2022.*

Clause 131 Chairperson

Clause 131 provides for the appointment of a chairperson of the Council by the Governor in Council on the recommendation of the Minister.

It is intended that the chairperson be independent. As such the chairperson cannot be: the chief executive of the department; a public service employee employed in the department who is nominated by the chief executive to be a council member; an appointed council member; the head of, employed in or the holder of any position or office in a government entity; or a representative of an industrial organisation under the *Industrial Relations Act 2016*.

The chairperson must also be appropriately qualified for the position. The chairperson is appointed under the Act and not the *Public Sector Act 2022*

Clause 132 Disqualification as appointed council member or chairperson

Clause 132 provides criteria that disqualify an individual from becoming or continuing as an appointed council member or chairperson of the Council.

A person is disqualified under this clause if they have a conviction for an indictable offence involving fraud or dishonesty, assault, or damage or destruction of property. This does not apply in relation to spent convictions. A person is also disqualified if they are an insolvent under administration or disqualified from managing a corporation because of Part 2D.6 of the *Corporations Act 2001* (Cwlth).

The disqualification criteria are intended to ensure appointed council members and the chairperson perform their functions with honesty and integrity and uphold public trust and confidence in the Council.

Clause 133 Term of appointment

Clause 133 provides the relevant term of appointment for the chairperson of the Council and appointed council members is determined by the instrument of appointment. However, this period cannot exceed three years.

Appointed council members and the chairperson can be reappointed. Appointment periods for the appointed council members and the chairperson must end on or before 31 December 2035.

Clause 134 Remuneration of chairperson

Clause 134 provides the chairperson of the Council is to be paid remuneration and allowances as decided by the Governor in Council.

Clause 135 Conditions of appointment generally

Clause 135 provides appointed council members and the chairperson of the Council hold office on the terms and conditions decided by the Governor in Council, except for any terms and conditions that are provided for in the Act.

Clause 136 Appointed council member and chairperson must disclose particular matters

Clause 136 provides that unless an appointed council member or chairperson of the Council has a reasonable excuse, they must immediately give written notice to the Minister if during the term of their appointment the person:

- becomes an insolvent under administration, or

- is disqualified from managing a corporation because of Part 2D.6 of the *Corporations Act 2001* (Cwlth).

A maximum penalty of 100 penalty units applies where the appointed council member or chairperson fails to disclose these matters without a reasonable excuse.

This clause is intended to ensure that appointed council members and the chairperson have an ongoing requirement to disclose matters to the Minister that meet the disqualification criteria relating to the *Corporations Act 2001* (Cwlth) that apply to those persons under the Act.

Clause 137 Vacancy in office

Clause 137 provides the circumstances in which the office of an appointed council member or the chairperson of the council becomes vacant. This occurs if the person holding the office:

- completes their term of office and is not reappointed;
- resigns from their office by way of a signed notice given to the Minister;
- is an appointed council member who is no longer a representative of a publicly owned energy business or industrial organisation under the *Industrial Relations Act 2016* that is represented on the Council;
- in the case of the chairperson, if the person becomes an appointed council member, becomes the chief executive or a public service employee who is nominated to be a council member by the chief executive, becomes employed in or begins to hold an office or other position in a government entity, or becomes a representative of an industrial organisation under the *Industrial Relations Act 2016*;
- is absent without the Council's approval or a reasonable excuse for three consecutive council meetings;
- becomes disqualified from continuing as an appointed council member or chairperson under any of the disqualification criteria applying to those positions under the Act.

This clause includes a power enabling the Governor in Council on the recommendation of the Minister to terminate the appointment of an appointed council member or the chairperson. This applies where the Minister is satisfied an appointed council member or chairperson is incapable of performing their functions satisfactorily.

The powers outlined in this clause do not limit the Governor in Council's powers under the *Acts Interpretation Act 1954*, section 25.

Division 4 Criminal history information

Clause 138 Minister may request criminal history reports

Clause 138 provides the power for the Minister to request from the police commissioner a written report about the criminal history and a brief description of the circumstances of the convictions of an individual. This request may only be made for the purpose of determining whether an individual is disqualified from being appointed, or continuing as, an appointed council member or the chairperson of the Council. The Minister may make this request only if the individual has provided written consent.

The police commissioner must comply with a request made by the Minister under this clause. However, the commissioner's duty to comply with the request applies only to information that the commissioner has in their possession or to which they have access.

The intention of this clause is to enable the Minister to obtain information to determine whether an individual has been convicted of any offences that meet the disqualification criteria relating to relevant criminal convictions that apply in relation to appointed council members and the chairperson under the Act.

Clause 139 New convictions must be disclosed

Clause 139 applies where an appointed council member or chairperson of the council is convicted of an indictable offence involving fraud or dishonesty, assault, or damage or destruction of property during their term of appointment.

The appointed council member or chairperson must immediately give written notice of the conviction to the Minister, unless the person has a reasonable excuse not to do so. The notice given to the Minister must include the existence of the conviction, when the offence was committed, adequate details to identify the offence and the sentence imposed on the person. The maximum penalty for failing to provide this notice without a reasonable excuse is 100 penalty units.

This clause is intended to ensure that appointed council members and the chairperson have an ongoing requirement to disclose matters to the Minister that constitute one of the disqualification criteria that apply to appointed council members and the chairperson under the Act.

Clause 140 Confidentiality of criminal history information

Clause 140 provides the way in which criminal history information held in relation to an appointed council member or chairperson is to be dealt with.

The clause applies to a person who is, or has been a Minister, a council member, or a public service employee performing functions relevant to the administration of the Act, and that person has acquired or has access to criminal history information in that capacity. The clause provides that these persons cannot disclose or use that information other than as permitted under the clause. Failure to do so attracts a maximum penalty of 100 penalty units.

A person to which this clause applies may only use or disclose the criminal history information to the extent this is necessary to perform their functions under this Part of the Act, or in a way that is otherwise required or permitted by law. Use or disclosure of this information can also occur with the consent of the individual to which the criminal history relates.

The criminal history information referenced in this clause includes both the information and reports requested by the Minister from the police commissioner and to notices given to the Minister by an appointed council member or the chairperson. A person to whom this clause applies who possesses this criminal history information must ensure it is destroyed as soon as practicable after it is no longer needed for the purpose for which it was given.

Division 5 Council meetings

Subdivision 1 General provisions

Clause 141 Conduct of business

Clause 141 provides that, subject to this division, the Council may conduct its business, including council meetings, in the way it considers appropriate.

Clause 142 Council meetings generally

Clause 142 provides the chairperson of the Council may convene a council meeting. The chairperson must convene a council meeting at least every six months and if requested in writing by the Minister.

Council members may attend council meetings using any technology that allows reasonably contemporaneous and continuous communication between persons attending the meeting. A council member attending in this way is taken to be present at the meeting.

Clause 143 Quorum

Clause 143 provides the relevant quorum for a council meeting is at least ten council members.

Clause 144 Presiding at council meetings

Clause 144 provides the chairperson of the Council presides at all council meetings they attend. Should the chairperson be absent, the Council is to select another council member to preside.

Subdivision 2 Disclosure of interests

Clause 145 Application of subdivision

Clause 145 provides the council member interests to which this subdivision applies. The way in which these interests are dealt with is provided for elsewhere in this subdivision.

This subdivision applies where a council member has a direct or indirect interest in a matter the Council is considering or is about to consider at a council meeting, and this interest could conflict with the proper performance of the council member's duties about the consideration of the matter.

This clause contains an exemption for interests held by council members who are the chief executive or a public service employee nominated by the chief executive to be a council member in relation to an interest they hold in their capacity as the chief executive or as a public service employee.

This clause also contains an exemption for interests held by appointed council members, if the interest in question is held in the capacity as a representative of a publicly owned energy business or industrial organisation, provided this interest is not of a commercial nature and arises merely because the relevant business or industrial organisation employs or has members that are affected energy workers.

The intention of this exclusion is to ensure appointed council members are not subject to the provisions in this subdivision simply because they represent organisations that employ or have members who are affected energy workers, as this would hinder the proper operation of the Council.

Clause 146 Requirement to disclose interest

Clause 146 requires a council member to disclosure the nature of an interest that this subdivision applies to at a council meeting as soon as practicable after the relevant facts come into the knowledge of a council member.

The intention of this clause is to ensure the transparency and accountability of the Council by requiring council members to disclose to the Council any relevant interest captured by this subdivision as soon as the relevant facts come to the council member's knowledge.

Clause 147 Deemed disclosure in particular circumstances

Clause 147 provides that if a council member discloses at a council meeting that they are a member, partner, or employee of a company or other entity, or have another stated interest in a company or other entity, then they are taken to have disclosed the nature of the interest in compliance with disclosure requirements contained in this subdivision.

Clause 148 Council member not to participate in decision making

Clause 148 provides that unless the Council directs otherwise, a council member who discloses an interest must not be present when the Council considers a matter relevant to the council member's interest or take part in decision making about the matter.

The council member must also not be present when the Council considers whether to give a direction under this clause. In deciding whether the council member can take part in a decision of the Council about the matter, the council members present at the meeting constitute a quorum.

Clause 149 Register of interests

Clause 149 requires for the maintaining of a register of interests for any disclosures made by council members made under this subdivision. The Council is responsible for keeping this register of interests.

Clause 150 Effect of contravention of subdivision

Clause 150 provides that any contravention of the conflict of interest requirements in this subdivision does not invalidate a decision of the Council. However, the Council must reconsider any decision made where there was a contravention of this subdivision by a council member.

Subdivision 3 No duty to disclose particular information

Clause 151 No duty to disclose particular information acquired in particular capacities

Clause 151 provides that the following council members do not owe a duty to the Council to disclose confidential information that has been given to the council member in confidence in their capacity as the holder of these positions:

- the chief executive,
- a public service employee of the department, or
- a representative of a publicly owned energy business or an industrial organisation under the *Industrial Relations Act 2016*.

This applies even where the information is relevant to a matter being considered by the Council. This clause provides examples of information to which this clause may apply, including documents related to Cabinet considerations or operations, or State budgetary processes.

Division 6 Reporting requirement

Clause 152 Annual report

Clause 152 provides for the preparation of the annual report by the Council on the functions performed by the Council during each financial year. This report must be given to the Minister within three months after the end of each financial year and published by the Minister on the department's website as soon as practicable after receiving the report.

Division 7 Abolition of council

Clause 153 Dealing with records and documents on abolition

Clause 153 provides that on 31 December 2035, the Council is abolished and the State becomes the successor in law of the Council and, without limiting the State becoming successor in law of the Council, any records and documents held by the Council prior to abolition become records and other documents of the State after abolition.

Part 10 Queensland Renewable Energy Jobs Advocate

Division 1 Establishment, functions and powers

Clause 154 Establishment

Clause 154 provides there is to be a Queensland Renewable Energy Jobs Advocate (the Jobs Advocate) and that the Jobs Advocate does not represent the State.

Clause 155 Functions

Clause 155 provides the functions of the Jobs Advocate. The Jobs Advocate functions are to:

- provide advice to the Minister on how to increase employment opportunities in the energy industry. This may include advising on any barriers to these opportunities and

strategies to overcome them. The Jobs Advocate will also carry out research to support this advice;
- consult and engage with Aboriginal peoples and Torres Strait Islander peoples on how to improve employment opportunities in, or related to, the energy industry for Aboriginal peoples and Torres Strait Islander peoples;
- consult with businesses involved with the energy industry about how employment opportunities in, or related to, the energy industry could be increased for Aboriginal peoples and Torres Strait Islander peoples;
- help to foster relationships and facilitate information sharing between community members and those involved with carrying out electrical infrastructure projects in that area;
- promote to the community the benefits of an electricity infrastructure project that is part of optimal infrastructure pathway and the emerging opportunities for employment created by this project;
- promote public awareness of the functions of the Jobs Advocate and perform any other function conferred on the Jobs Advocate under the Act or another Act.

The Jobs Advocate can consult with any entity considered appropriate to fulfill the above functions and will attend Energy Industry Council meetings, when requested, to provide an update on work being undertaken by the Jobs Advocate.

Clause 156 Powers

Clause 156 outlines that the Jobs Advocate may do anything necessary or convenient in the performance of their functions.

Clause 157 Administrative support for jobs advocate

Clause 157 requires that the chief executive of the department must ensure the Jobs Advocate is provided the adequate administrative support reasonably required to perform their functions effectively and efficiently.

Division 2 Appointment

Clause 158 Appointment

Clause 158 provides for the appointment of the Jobs Advocate by the Governor in Council on the recommendation of the Minister. The Minister may only recommend a person be appointed if the person is appropriately qualified for the position.

The Jobs Advocate is appointed under the Act and not the *Public Sector Act 2022.*

Clause 159 Disqualification as jobs advocate

Clause 159 provides criteria that disqualify an individual from becoming or continuing as the Jobs Advocate.

A person is disqualified under this clause if they have a conviction for an indictable offence involving fraud or dishonesty, assault, or damage or destruction of property. This does not apply in relation to spent convictions. A person is also disqualified if they are an insolvent

under administration, or disqualified from managing a corporation because of Part 2D.6 of the *Corporations Act 2001* (Cwlth).

The disqualification criteria are intended to ensure the Jobs Advocate performs their functions with honesty and integrity and upholds public trust and confidence in the role.

Clause 160 Term of appointment

Clause 160 provides the relevant term of appointment for the Jobs Advocate is determined by the instrument of appointment. However, this period cannot exceed three years.

The Jobs Advocate can be reappointed only once for an additional period not exceeding three years.

The appointment period for the Jobs Advocate must end on or before 31 December 2035.

If, by the end of the person's term, the person has not been reappointed and a successor has not been appointed, that person continues to hold office as the Jobs Advocate until the earliest of:

- the day a successor is appointed;
- the day three months after the day the person's appointment would have ended under the instrument of appointment; or
- 31 December 2035.

Clause 161 Conditions of appointment

Clause 161 provides the Jobs Advocate is to be paid the remuneration and allowances as decided by the Governor in Council.

However, individuals defined as a prescribed person under the *Public Sector Act 2022* are not entitled to be remunerated for holding the position of Jobs Advocate.

The Jobs Advocate holds office on the terms and conditions decided by the Governor in Council, except for any terms and conditions that are provided for in the Act.

Clause 162 Jobs advocate must disclose particular matters

Clause 162 provides that unless the Jobs Advocate has a reasonable excuse, they must immediately give written notice to the Minister if during the term of their appointment the person:

- becomes an insolvent under administration, or
- is disqualified from managing a corporation because of Part 2D.6 of the *Corporations Act 2001* (Cwlth).

A maximum penalty of 100 penalty units applies where the Jobs Advocate fails to disclose these matters without a reasonable excuse.

This clause is intended to ensure the Jobs Advocate has an ongoing requirement to disclose matters to the Minister that constitute a disqualification criterion relating to the *Corporations Act 2001* (Cwlth) as established in the Act.

Clause 163 Vacancy in office of jobs advocate

Clause 163 provides the circumstances in which the office of the Jobs Advocate becomes vacant. This occurs if the Jobs Advocate:

- becomes disqualified from continuing under any of the disqualification criteria established by the Part;
- completes their term of office under section 160(4)(b) and a successor has not been appointed;
- resigns from their office in the way provided for in the Act.

This clause includes a power enabling the Governor in Council on the recommendation of the Minister to terminate the appointment of the Jobs Advocate. This applies where the Minister is satisfied the Jobs Advocate is incapable of performing their functions satisfactorily.

The powers outlined in this clause do not limit the Governor in Council's powers under the *Acts Interpretation Act 1954*, section 25.

Clause 164 Resignation

Clause 164 provides for the resignation of the Jobs Advocate from the office by providing the Minister with a signed letter of resignation. A resignation letter given to the Minister takes effect three months after the day the Minister receives the resignation, or a later date specified in the letter.

The Minister may allow for the resignation to take effect earlier than a day three months after the Minister receives the resignation.

Clause 165 Acting jobs advocate

Clause 165 provides for the appointment of an acting Jobs Advocate by the Governor in Council on the recommendation of the Minister.

An acting Jobs Advocate may be appointed during a vacancy in the office of the Jobs Advocate or a period in which the Jobs Advocate is absent from duty or cannot perform the functions of the office for another reason.

Division 3 Criminal history information

Clause 166 Minister may request criminal history reports

Clause 166 provides the power for the Minister to request from the police commissioner a written report about the criminal history and a brief description of the circumstances of any convictions of the individual. This request may only be made for the purpose of determining whether an individual is disqualified from being appointed, or continuing as, the Jobs Advocate. The Minister may make this request only if the individual has provided written consent.

The police commissioner must comply with a request made by the Minister under this clause. However, the commissioner's duty to comply with the request applies only to information that the commissioner has in their possession or to which they have access.

The intention of this clause is to enable the Minister to obtain information to determine whether an individual has been convicted of any offences that meet the disqualification criteria that apply in relation to the Jobs Advocate under the Act.

Clause 167 New convictions must be disclosed

Clause 167 applies where the Jobs Advocate is convicted of an indictable offence involving fraud or dishonesty, assault, or damage or destruction of property during their term of appointment.

The Jobs Advocate must immediately give written notice of the conviction to the Minister unless the person has a reasonable excuse not to do so. The notice given to the Minister must include the existence of the conviction, when the offence was committed, adequate details to identify the offence, and the sentence imposed on the person.

This clause is intended to ensure that the Jobs Advocate has an ongoing requirement to disclose matters to the Minister that constitute one of the disqualification criteria relating to criminal convictions that apply to the Jobs Advocate under the Act.

Clause 168 Confidentiality of criminal history information

Clause 168 provides the way in which criminal history information held in relation to the Jobs Advocate is to be dealt with.

The clause applies to a person who is, or has been, the Minister or a public service employee performing functions relevant to the administration of the Act, and that person has acquired or has access to criminal history information in that capacity. The clause provides that these persons cannot disclose or use that information other than as permitted under the clause. Failure to do so attracts a maximum penalty of 100 penalty units.

A person to which this clause applies may only use or disclose the criminal history information to the extent this is necessary to perform their functions under this Part of the Act, or in a way that is otherwise required or permitted by law. Use or disclosure of this information can also occur with the consent of the individual to which the criminal history relates.

The criminal history information referenced in this clause includes both the information and reports requested by the Minister from the police commissioner and to notices given to the Minister by the Jobs Advocate under clause 167. A person to whom this clause applies who possesses this criminal history information must ensure it is destroyed as soon as practicable after it is no longer needed for the purpose for which it was given.

Division 4 Reporting requirement

Clause 169 Annual report

Clause 169 provides for the preparation of the annual report by the Jobs Advocate on the functions performed and actions carried out by the Jobs Advocate during each financial year. This report must be given to the Minister within three months after the end of each financial year and published by the Minister on the department's website as soon as practicable after receiving the report.

Division 5 Abolition of jobs advocate

Clause 170 Dealing with records and documents on abolition

Clause 170 provides that on 31 December 2035, the office of the Jobs Advocate is abolished, and the State becomes the successor in law of the Jobs Advocate and, without limiting the State becoming successor in law of the Jobs Advocate, any records and documents held by the Jobs Advocate prior to abolition become records and other documents of the State after abolition.

Part 11 Miscellaneous

Clause 171 Definition for part

Clause 171 defines the term 'official' for the purposes of the Part.

Clause 172 False or misleading information

Clause 172 provides that a person must not, in relation to the administration of the Act, give an official information that they know is false or misleading in a material particular.

The maximum penalty attached to this is 100 penalty units.

However, this does not apply to a person when giving information in a document if they tell the official, to the best of their ability, how the document is false or misleading, and, if the person has (or can reasonably obtain) the correct information, gives the correct information to the official.

The clause is intended to prevent persons from intentionally providing information to officials that is false or misleading.

Clause 173 Confidentiality

Clause 173 applies to the following:

- a person who is or has been an official, and in that capacity has or has access to confidential information about another person;
- Powerlink, where Powerlink have or has gained access to confidential information about another person under this Act;
- a person who is or was a suitably qualified person providing advice to the Minister, where the person has or has access to confidential information about another person;
- a person who has acquired, or has or had access to, confidential information about another person under section 80.

The persons listed above are collectively defined as a relevant person for the purposes of the clause. A relevant person must not disclose confidential information to anyone else, or use the information, unless:

- the use or disclosure is necessary to perform the person's functions under or relating to the Act, or the use or disclosure is otherwise required or permitted under the Act or another law; or

- the relevant person has the consent of the person about whom the information relates; or
- the disclosure or use is in compliance with a lawful process that requires documents to be produced to a court or tribunal, or for giving evidence before a court or tribunal.

Confidential information means information that may identify an individual, is about the current financial position or background of a person, or is information that would likely damage the commercial activities of a person to whom the information relates. However, confidential information is not information that is publicly available or is statistical or other information that could not reasonably be expected to identify the person it relates to.

The maximum penalty for failing to comply with this requirement is 100 penalty units.

Clause 174 Protecting officials from liability

Clause 174 provides that an official cannot be civilly liable for acts or omissions done honestly and without negligence under the Act. Liability instead attaches to the State. The section does not apply to an official who is a prescribed person under the *Public Sector Act 2022*. However, it does apply to a REZ delivery body in relation to the performance of a function under the Act that is prescribed by Regulation.

Clause 175 Delegation

Clause 175 provides that the functions (including powers) of the Minister and chief executive under the Act may be delegated to an appropriately qualified public service employee of the department, except for particular functions outlined in the clause.

The Minister must not delegate the Minister's functions of the making of a Regulation to prescribe eligible Priority Transmission Investments, the making of a declaration that a candidate Priority Transmission Investment is a Priority Transmission Investment, the giving of a direction to construct a Priority Transmission Investment, or the approval of the PTI Guidelines. The Minster must not delegate the function of giving a direction under a Regulation made under section 28(1)(b) (i.e., a direction made in relation to financial matters associated with Priority Transmission Investments). Nor can the Minister delegate a function under Part 6, Division 2 or 3 (other than a function involving the publication of a matter on the department's website), a function related to cost recovery under Part 6, Division 6, or the appointment of a REZ delivery body under section 75.

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.

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.

Clause 176 Review of particular parts of Act

Clause 176 provides that the Minister must review the operation and effectiveness of Part 7 (Job Security Guarantee Fund), Part 8 (Queensland Energy System Advisory Board), Part 9 (Energy Industry Council) and Part 10 (Queensland Renewable Energy Jobs Advocate) of the Act as soon as practicable after the day that is five years following commencement. The Minister must also review the operation and effectiveness of Part 7 every five years after the

initial review. The Minister must table a report on the outcome of each review in the Legislative Assembly.

Clause 177 Regulation-making power

Clause 177 provides that the Governor in Council may make Regulations under the Act. Regulations may prescribe fees payable under the Act and may provide for a penalty for contravention of a Regulation.

The maximum penalty for contravention of a Regulation is 20 penalty units. This provision ensures that where appropriate, obligations permitted to be prescribed by Regulation can carry the weight of a penalty for non-compliance.

Part 12 Transitional Provisions

Division 1 Infrastructure blueprint

Clause 178 First infrastructure blueprint

Clause 178 makes the 'Queensland SuperGrid Infrastructure Blueprint' published in September 2022 the Infrastructure Blueprint for the purposes of section 15 of the Act.

Division 2 Other transitional provisions

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

Clause 179 exempts the Minister from the requirement to consult with the Energy Industry Council in relation to the first Regulation made under the Payments from Fund section, to enable the first Regulations to be made shortly after commencement of the Act, in the event the Energy Industry Council has not been appointed.

Clause 180 Transitional regulation-making power

Clause 180 creates a transitional Regulation-making power.

A transitional Regulation may make provision about a matter for which it is necessary to make provision, and for which the Act does not sufficiently provide, to:

- allow or facilitate the doing of anything to achieve the transition associated with the commencement of the Act; and
- allow or facilitate the doing of anything to help the operation of the Act or the national electricity laws in relation to either a PTI matter or a REZ matter.

A transitional Regulation may also provide for the application of a provision of the national electricity laws (a national provision) in relation to the above matters. For that purpose, the Regulation may provide that a national provision does not apply in relation to a matter or applies with stated modification, and how other provisions of the national electricity laws apply in relation to a matter (having regard to a national provision not apply or applying with stated modifications in relation to the matter).

A transitional Regulation made under this clause may have retrospective operation to a day not earlier than the day this clause commences. The transitional Regulation must declare it is a

transitional Regulation. Both this clause, and any transitional Regulation made under this clause, expire two years after the day this clause commences.

For the purposes of this clause, a PTI matter means a priority transmission investment, a candidate priority transmission investment, or an eligible priority transmission investment. A REZ matter means the REZ transmission network or REZ controlled assets for a REZ.

Part 13 Legislation amended

Division 1 Amendment of this Act

Clause 181 Act amended

Clause 181 specifies that this Division of the Act amends the Act.

Clause 182 Amendment of long title

Clause 182 amends the long title of the Bill to remove reference to the amendments that will be made by the Act on its commencement.

Division 2 Amendment of Electricity Act 1994

Clause 183 Act amended

Clause 183 provides that this Division amends the *Electricity Act 1994*.

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

Clause 184 amends sections 12(3)(a), (b) and (c) of the *Electricity Act 1994* to update the definition of 'operating works' under that Act.

The amendments clarify that generating plant includes battery storage devices for generation entities whilst battery storage devices are considered as other property used for operating or managing the transmission grid or the supply network for transmission or distribution entities.

The amendments also include the new term of reactive power compensation device as other property for a generation, transmission, and distribution entities. This clause also provides a definition for battery storage device and reactive power compensation device.

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

Clause 185 Act amended

Clause 185 provides that this Division contains amendments to the *Electricity—National Scheme (Queensland) Act 1997*.

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

Clause 186 includes a note in section 6 of the *Electricity—National Scheme (Queensland) Act 1997*. This note clarifies that the *Energy (Renewable Transformation and Jobs) Act 2023*

modifies the application of elements of the *National Electricity Law (Queensland)* in particular circumstances.

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

Clause 187 Act amended

Clause 187 provides for amendments to the *National Energy Retail Law (Queensland) Act 2014*.

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

Clause 188 amends the Schedule of the *National Energy Retail Law (Queensland) Act 2014* by correcting a numbering error, renumbering section 121A as section 121AA. It also inserts an editor's note to acknowledge the correction.

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

Clause 189 Act amended

Clause 189 provides that this Division amends the *Petroleum and Gas (Production and Safety) Act 2004*.

Clause 190 Amendment of s 423 (Annual fees)

Clause 190 amends section 423(2) of the *Petroleum and Gas (Production and Safety) Act 2004* to reflect a terminology change from 'covered pipeline' to 'scheme pipeline' in *the National Gas (Queensland) Law* as triggered by the *Statutes Amendment (National Energy Laws) (Gas Pipelines) Act 2022* (SA). This is required to preserve the ability of the Queensland Government to charge fees to operators of gas transmission pipelines that are fully economically regulated.

Schedule 1 Dictionary

The Schedule comprises the dictionary, and defines particular words used in the Act.