



TASMANIA

ENERGY CO-ORDINATION AND PLANNING ACT 1995

No. 47 of 1995

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ENERGY CO-ORDINATION AND PLANNING ACT 1995

No. 47 of 1995

AN ACT to provide for a public officer to co-ordinate and advise on energy policy and to assist in planning the energy needs of the State and for related matters

[Royal Assent 22 September 1995]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

PART 1

PRELIMINARY

Short title

1—This Act may be cited as the *Energy Co-ordination and Planning Act 1995*.

Commencement

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

Interpretation

3—In this Act, unless the contrary intention appears—

“**Director**” means the Director of Energy Planning referred to in section 4;

“**electricity**” includes electrical energy of any kind however produced, stored, transported or consumed;

“**energy**” includes electricity, gas and thermal energy however derived as well as any other recognised energy resource;

“**gas**” means any gas or mixture of gases, whether naturally occurring or manufactured, intended for use—

(a) as a fuel; or

(b) in any chemical process.

PART 2**DIRECTOR OF ENERGY PLANNING****Director of Energy Planning**

4—The Minister may appoint a person employed under the *Tasmanian State Service Act 1984* to be Director of Energy Planning and that person holds that office in conjunction with a position or an office under that Act.

Director’s functions and powers

5—(1) The functions of the Director are as follows:—

(a) to assist the Minister in planning and co-ordinating the provision of energy in the State;

- (b) to advise the Minister on all aspects of energy policy, including—
- (i) the energy needs of the State and any factors which might put the supply of electrical energy at risk; and
 - (ii) ways of using energy and sources of energy, including renewable energy; and
 - (iii) the introduction and encouragement of competition in the energy industry; and
 - (iv) ways of achieving greater efficiency in the use of energy; and
 - (v) the use of energy policy to assist in achieving other policy objectives of the State;
- (c) for the purposes of paragraphs (a) and (b)—
- (i) to monitor the operation of the State's energy industry and its participants; and
 - (ii) to consult with interested groups and persons;
- (d) to examine and monitor factors affecting the supply and demand for energy for the State;
- (e) to co-ordinate activities to ensure that adequate arrangements are in place for the planning of the State's electrical system;
- (f) to undertake, sponsor and co-ordinate research, development and demonstration relating to energy;
- (g) to promote the development of commercial applications of renewable energy;
- (h) to produce and publish information and reports on energy-related matters;
- (i) to provide support in the resolution of disputes about energy-related matters.

(2) In addition to any other powers conferred on the Director, the Director has power to do all things necessary or convenient to be done for or in connection with, or incidental to, the performance of the Director's functions.

Staff

6—(1) Subject to and in accordance with the *Tasmanian State Service Act 1984*, persons may be appointed or employed to assist the Director in carrying out the Director's functions under this Act.

(2) The Secretary of the Department may make arrangements for persons employed in the Department and, with the approval of the Head of another Agency within the meaning of the *Tasmanian State Service Act 1984*, for persons employed in that Agency, to be made available to the Director to enable the Director to perform the Director's functions.

(3) The persons made available to the Director may, in conjunction with their positions or offices under the *Tasmanian State Service Act 1984*, serve the Director in any capacity.

Delegation

7—The Director may delegate any of the Director's functions or powers under this Act other than this power of delegation.

Directions from Minister

8—(1) The Minister may give directions in writing to the Director with respect to the performance of the Director's functions.

(2) The directions may be given generally or in relation to a particular matter.

(3) The Director must perform his or her functions in accordance with the directions.

PART 3**OBTAINING OF INFORMATION BY DIRECTOR****Director may require information to be given**

9—(1) The Director may request a person to give prescribed information to the Director, including information by way of periodical returns at specified times, if—

- (a) the information is required to enable the Director to perform his or her functions; and
- (b) the Director has reasonable grounds for believing that the person is able to give the information.

(2) The request must—

- (a) be made by written notice given to the person; and
- (b) specify the time before which the information is to be given.

(3) The information must be given—

- (a) in writing; and
- (b) before the time specified in the request.

(4) In this section, “**prescribed information**”, in relation to a person, means information as to all or any of the following:—

- (a) the quantity, quality, service or supply of any energy held or required by the person in the State, or imported into the State by the person;
- (b) facilities available to, or held by, the person for storing or distributing energy;
- (c) any works, plant, equipment, apparatus or process that consumes energy and that is used by or available to the person.

Trade secrets

10—(1) Where a request is made under section 9 a person may object to complying with it on the ground that it will result in the disclosure of a trade secret.

(2) An objection must be made in writing served on the Minister within 7 days after the request is received.

(3) The Minister may by notice in writing exempt the objector from the obligation to comply with the request either in whole or in part.

(4) For the purposes of this section, “**trade secret**” means any knowledge or information relating to technology, marketing, energy or energy resources or reserves, or as to the business of the person objecting, that might reasonably be expected to adversely affect the business or interests of that person if disclosed to any other person.

Obligation to comply with request

11—(1) Subject to section 10, a person must not, without reasonable excuse, fail to comply with a request under section 9.

Penalty: In the case of—

- (a) a body corporate, a fine not exceeding 200 penalty units; and
- (b) a natural person, a fine not exceeding 50 penalty units.

(2) A person must not give false or misleading information in response to a request under section 9.

Penalty: In the case of—

- (a) a body corporate, a fine not exceeding 200 penalty units; and
- (b) a natural person, a fine not exceeding 50 penalty units.

PART 4

GENERAL

Committees

12—(1) The Minister may establish committees for the purpose of considering and advising on energy matters specified by the Minister.

(2) Subject to subsection (3), the Minister may—

- (a) prescribe the membership, constitution and procedures of a committee; and
- (b) discharge, alter or reconstitute a committee.

(3) The Minister is to appoint a chairperson of every committee established under this section.

(4) The Minister may determine that a member of a committee is to receive remuneration or an allowance, and if the Minister so determines, the Minister is to fix the remuneration or allowance.

(5) Subject to this section, a committee may determine its own procedure.

(6) The Minister may direct the Director to provide a committee with support services and any such direction is to define the support to be provided.

Annual report

13—(1) The Director, not later than 30 November after the end of each financial year, is to prepare and give to the Minister a report on the performance of the Director's functions and the exercise of the Director's powers under this Act in relation to that financial year.

(2) The Minister is to cause a copy of the report to be laid on the table of each House of Parliament within 14 sitting days of the House after its receipt by the Minister.

Regulations

14—(1) The Governor may make regulations for the purposes of this Act.

(2) Regulations under this section may—

- (a) authorise any act, matter or thing in relation to which the regulations may be made to be from time to time determined, applied or regulated by the Director; and

- (b) be made subject to such conditions or be made so as to apply differently according to such factors as may be specified in the regulations or according to such limitations or restrictions, whether as to time or circumstance or otherwise, as may be so specified; and
- (c) provide that a contravention of, or a failure to comply with, any of the regulations is an offence; and
- (d) in respect of such an offence, provide for the imposition of a fine not exceeding 100 penalty units and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues.

Administration of Act

15—Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990*—

- (a) the administration of this Act is assigned to the Minister for Energy; and
- (b) the department, within the meaning of that Act, responsible to the Minister for Energy in relation to the administration of this Act is the Office of Energy Planning and Conservation.

*[Second reading presentation speech made in:—
House of Assembly on 29 June 1995
Legislative Council on 24 August 1995]*