



TASMANIA

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**HYDRO-ELECTRIC CORPORATION ACT 1995**

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**No. 57 of 1995**

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## HYDRO-ELECTRIC CORPORATION ACT 1995

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No. 57 of 1995

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**AN ACT to modernise the legislation under which the Hydro-Electric Corporation (formerly the Hydro-Electric Commission) operates, to provide for it to continue as a Government Business Enterprise operating in the electricity supply industry and to provide for other purposes**

**[Royal Assent 4 October 1995]**

**B**E 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 *Hydro-Electric Corporation Act 1995*.

## Commencement

2—The provisions of this Act commence on a day or days to be proclaimed.

## Interpretation

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

“**Corporation**” means the Hydro-Electric Corporation;

“**electricity infrastructure**” means anything used for, or in connection with, the generation, transmission or distribution of electricity including—

- (a) electricity generating plant; and
- (b) structures and equipment to hold water, or to direct, monitor or control the flow of water, for the purposes of hydro-electric generation; and
- (c) powerlines; and
- (d) substations for converting, transforming or controlling electricity; and
- (e) equipment for metering, monitoring or controlling electricity;

“**land**” includes—

- (a) an estate or interest in land (including an easement); and
- (b) a right or power over or in respect of land;

“**ministerial charter**” means a ministerial charter under Part 6 of the *Government Business Enterprises Act 1995*;

“**power system**” means a system for the generation, transmission or distribution of electricity;

“**powerline**” means—

- (a) a set of cables for the transmission or distribution of electricity and their supporting or protective structures; and
- (b) associated equipment for the transmission or distribution of electricity;

“**subsidiary**” has the same meaning as in the *Government Business Enterprises Act 1995*;

“**trade**” in electricity includes transactions in the wholesale or retail market for electricity and other commercial dealings in electricity.

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## PART 2

### THE HYDRO-ELECTRIC CORPORATION

#### Continuance of the Corporation

4—(1) The Corporation, formerly known as the Hydro-Electric Commission, continues.

(2) The Corporation is a Government Business Enterprise under the *Government Business Enterprises Act 1995*.

#### Functions of the Corporation

5—(1) The Corporation has the following functions:—

- (a) to generate, transmit and distribute electricity;
- (b) to construct, maintain and operate electricity infrastructure necessary for the generation, transmission and distribution of electricity by the Corporation;
- (c) to trade in electricity;
- (d) to carry out other functions in the electricity supply industry and, with the approval of the Minister, in related industries for which the Corporation has the necessary technical and commercial expertise;
- (e) to carry out investigations relevant to the Corporation’s operations or to possible future operations in the electricity supply industry or, with the approval of the Minister, to related industries;
- (f) to carry out research and development work relevant to the development and conservation of energy resources;
- (g) to carry out other functions assigned to the Corporation by the Minister.

(2) The Minister must, within 5 sitting days after assigning functions to the Corporation, have a statement laid before both Houses of Parliament giving notice of the assignment and describing the nature of the functions assigned.

### **The Corporation's ministerial charter**

6—(1) In carrying out its functions, the Corporation must comply with its ministerial charter.

(2) The ministerial charter must contain appropriate provision for the supply of electricity to King Island and Flinders Island.

### **Limitations on Corporation's powers**

7—(1) The Corporation may only carry out functions for which a licence is required under the *Electricity Supply Industry Act 1995* in pursuance of a licence under that Act.

(2) Despite anything to the contrary in the *Government Business Enterprises Act 1995*, the Corporation may only—

(a) deal with or dispose of—

(i) an electricity generating plant; or

(ii) structures and equipment to hold water, or to direct, monitor or control the flow of water, for the purposes of hydro-electric generation; or

(iii) powerlines; or

(b) acquire, deal with or dispose of land—

if the transaction is consented to in writing by the Minister or the Minister's delegate.

(3) A consent under subsection (2) may relate to a particular transaction or to transactions of a particular class.

(4) If a consent under subsection (2) relates to a dealing with or disposal of—

(a) any plant, structure, equipment or powerline referred to in subsection (2) (a); or

(b) land on which is situated any such plant, structure, equipment or powerline—

that consent is of no effect until it is approved by both Houses of Parliament.

- (5) A consent is approved by a House of Parliament—
- (a) when the House passes a motion approving the consent; or
  - (b) at the end of 5 sitting days after the consent was laid before the House if no notice of a motion to disapprove the consent is before the House; or
  - (c) if such a notice is before the House at the end of that period, when the first of the following occurs:—
    - (i) the notice is withdrawn;
    - (ii) the motion is negatived;
    - (iii) a further period of 5 sitting days ends.

(6) Even though any plant, structure, equipment, powerline or land which is the subject of a consent referred to in subsection (4) is a main undertaking within the meaning of the *Government Business Enterprises Act 1995*, section 10 (7) of that Act does not apply to that plant, structure, equipment, powerline or land.

(7) Subsection (4) does not apply in relation to any plant, structure, equipment, powerline or land which is exempted by the regulations.

### **Establishment of major power facility**

8—(1) The Corporation may only establish, or participate in establishing, a major power facility if—

- (a) the establishment of the major power facility is specifically authorised by an Act; or
- (b) the proposal to establish the major power facility has been laid before both Houses of Parliament and both Houses have approved the proposal.

(2) A proposal under subsection (1) (b) must be accompanied by details of—

- (a) the nature of the major power facility; and
- (b) its capacity to generate or supply electricity; and
- (c) where the major power facility is to be situated; and
- (d) the estimated cost of establishing the major power facility, the extent to which the cost is to be met by the Corporation and the amount of loan finance the Corporation will need to obtain to meet the cost, or its share of the cost, of the major power facility.

(3) A House of Parliament approves a proposal for the purposes of this section as follows:—

- (a) the House may pass a resolution approving the proposal;
- (b) if at the end of 5 sitting days from when the proposal was laid before the House, the House has not resolved to disapprove the proposal and no notice of motion to disapprove the proposal is before the House, the House is taken to have approved the proposal at the end of that period;
- (c) if a notice of motion to disapprove the proposal is before the House at the end of that period, the House is taken to have approved the proposal if (and when)—
  - (i) the notice is withdrawn; or
  - (ii) the motion is negatived; or
  - (iii) a further period of 9 sitting days ends (and a motion to disapprove the proposal has not been passed within that period).

(4) In this section—

“**major power facility**” means—

- (a) new generating plant with an installed capacity exceeding 40 megawatts or a limit fixed by regulation together with—
  - (i) in the case of hydro-electric generating plant, associated equipment to hold water, or to direct, monitor or control the flow of water, for the purposes of hydro-electric generation; and
  - (ii) in any case, associated substations for converting, transforming or controlling electricity; or
- (b) powerlines and other equipment to link a power system in the State with a power system outside the State;

“**new generating plant**” does not include plant installed by way of modification to existing generating plant or plant installed to replace existing generating plant on the same site.



### **Minister's right to convene and attend meetings of the board of directors of the Corporation**

9—(1) The chairperson of the board of directors of the Corporation must, at the Minister's request, convene a meeting of the board.

(2) The Minister may—

- (a) attend meetings of the board of directors of the Corporation (whether convened under this section or not); and
- (b) propose business for consideration at meetings of the board.

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## **PART 3**

### **MISCELLANEOUS**

#### **Regulations**

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

(2) Regulations may be made so as to apply differently according to matters, limitations or restrictions, whether as to time, circumstance or otherwise, specified in the regulations.

(3) The regulations may—

- (a) provide that a contravention of, or a failure to comply with, any of the regulations is an offence; and
- (b) 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.

(4) The regulations may authorise any matter to be from time to time determined, applied or regulated by the Minister or an officer or person nominated in the regulations.

**Administration of Act**

**11**—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 responsible to the Minister for Energy in relation to the administration of this Act is the Corporation.
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*[Second reading presentation speech made in:—  
House of Assembly on 29 June 1995  
Legislative Council on 25 August 1995]*