



Victoria Government Gazette

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Electricity Industry Act 2000 GENERAL EXEMPTION AMENDMENT ORDER 2015

Order in Council

The Governor in Council under section 17 of the **Electricity Industry Act 2000** (the Act) makes the following Order:

1. This Order amends the General Exemption Order.
2. In Part A of the Schedule to the General Exemption Order, after Item 6 **insert** –
‘7. GENERATION, DISTRIBUTION, SUPPLY AND SALE OF ELECTRICITY UNDER
A SMALL CUSTOMER POWER PURCHASE AGREEMENT

Exempt person

Any person.

Exemption

- (a) The generation or distribution of electricity on premises not owned or occupied by the exempt person; and
- (b) The supply or sale of electricity –
 - (i) to the owner or occupier of the premises on which the generation occurs (the Customer); or
 - (ii) to a licensed retailer.

Conditions

This exemption is subject to the following conditions:

- (a) The installed or name-plate generating capacity of the generator or generators installed at the premises is less than 5 MW.
- (b) The exempt person is not the financially responsible market participant for the premises.
- (c) The financially responsible market participant for the premises is a licensed retailer.
- (d) The exempt person is not registered in the wholesale market for the purposes of purchasing electricity.
- (e) Some or all of the output of the relevant generator or generators is sold to the Customer.
- (f) Any output of the relevant generator or generators not sold to the Customer must be supplied or sold to a licensed retailer.
- (g) The exempt person must provide the Customer written notice, in plain English, at the time of entering into the agreement for the supply and sale of electricity that:
 - (i) the agreement is covered by the Australian Consumer Law;
 - (ii) includes a summary of the relevant rights of the Customer under that Law; and
 - (iii) the agreement is separate to the Customer’s contracts with their licensed retailer and distributor, which are subject to the **Electricity Industry Act 2000**.
- (h) The exempt person must observe clauses 7.2 to 7.8 (inclusive) and clause 9.3, and any other clauses that apply to embedded generators, of the Distribution Code.

SPECIAL

3. In this Order –

General Exemption Order means the Order in Council made on 30 April 2002 under section 17 of the Act and published in the Government Gazette on 1 May 2002 (S73), as amended by Order in Council made on 25 November 2008 and published in the Government Gazette on that day (S315), and Order in Council made on 26 October 2010 and published in the Government Gazette on 28 October 2010 (G43), and as amended from time to time.

4. This Order comes into effect from the date it is published in the Government Gazette.

Dated 8 December 2015

Responsible Minister:

LILY D'AMBROSIO

Minister for Energy and Resources

ANDREW ROBINSON
Clerk of the Executive Council

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