

**GUIDELINES FOR TRANSFER OF A GENERATION / TRANSMISSION / DISTRIBUTION
AUTHORITY OR SPECIAL APPROVAL**
**[refer to sections 184 to 184C, 193 to 193C, 201 to 201C and 212 to 212C of the
Electricity Act 1994 (Qld)]**

A Generation Authority, Transmission Authority, Distribution Authority or Special Approval issued under the *Electricity Act 1994* ('the Act') may be transferred to a new operator by the Regulator. Under the Act, 'the Regulator' is the Director-General, Department of Natural Resources, Mines and Energy. Energy Regulation within the Department administers the electricity licensing functions on behalf of the Regulator.

The Act specifies a number of things the Regulator is required to do or consider before deciding whether to transfer a Generation/Transmission/Distribution Authority or Special Approval. In considering the application for transfer, the Regulator must have regard to the objects of the Act and may transfer, or refuse to transfer, the Generation/Transmission/Distribution Authority or Special Approval.

The Regulator may only transfer the Authority/Special Approval if satisfied:

1. the proposed transferee will operate the electricity infrastructure (i.e. generating plant, and/or transmission or distribution lines) to which the Authority/Special Approval relates; and
2. the proposed transferee is a suitable person to be an Authority/Special Approval holder.

In deciding whether the proposed transferee is a suitable person to be an Authority/Special Approval holder, the Regulator may consider the matters mentioned in the following sections of the Act:

- section 180(3) for Generation Authorities;
- section 189(3) for Transmission Authorities;
- section 197(3) for Distribution Authorities; and
- sections 180(3), 189(3) and 197(3) (to the extent it is relevant to Special Approvals).

The matters mentioned in these sections of the Act include:

- the proposed transferee's previous commercial and other dealings and the standard of honesty and integrity shown in the dealings; and
- any failure by the proposed transferee to perform commercial or statutory obligations and the reasons for the failure; and
- the proposed transferee's criminal history; and
- if the proposed transferee is a corporation—the matters mentioned above for persons who are shareholders, directors or holders of other interests in the corporation; and

- the proposed transferee's competence to be the operator of the electricity infrastructure to which the Authority/Special Approval relates.

An application for transfer of an Authority or Special Approval must be in writing (no prescribed form) to:

The Regulator
c/- Energy Regulation
Department of Natural Resources, Mines and Energy
PO Box 15456
City East QLD 4002

and be accompanied by the prescribed transfer fee (GST does not apply). For a consolidated list of the fees and charges read the [Electricity licence fees guide](#), available on the Queensland Government's [Business and industry portal](#):
www.business.qld.gov.au

Cheques should be made payable to the Department of Natural Resources, Mines and Energy, ABN 59 020 847 551 and be accompanied by a remittance advice clearly showing the company name and details and stating that the payment is a fee for transfer of an electricity licence). Alternatively, payment may be made by electronic transfer after the Department issues an invoice.

The application must state:

1. the Authority or Special Approval to be transferred;
2. the proposed transferee;
3. details of why and when the transfer is needed;
4. written agreement of the existing Authority or Special Approval holder for the transfer to proceed; and
5. the electricity infrastructure and associated activities to which the transfer relates.

The proposed transferee should also provide sufficient information to enable the Regulator to properly consider the matters mentioned above. As a guide, this should include:

- A description of the proposed transferee, the nature of its business and its experience in the electricity industry.
- Information about the proposed transferee's competence to operate the electricity infrastructure, including details of any existing or proposed contractual arrangements for operating and maintenance services to be provided by another party.
- If the proposed transferee is a registered company:
 - a certified copy of the Certificate of Incorporation of the transferee; and
 - a copy of the current Company Extract as issued by the Australian Securities and Investments Commission.
- Particulars of the managers and staff who are to be involved in the proposed transferee's electricity business.
- Details of any change of ownership of the electricity infrastructure and, if the new owner of the electricity infrastructure is not the proposed transferee:

- a description of the new owner, the nature of its business and its experience in the electricity industry; and
- if the new owner is a registered company:
 - a certified copy of the Certificate of Incorporation; and
 - a copy of the current Company Extract as issued by the Australian Securities and Investments Commission.
- Details of any agreements for connection of the electricity infrastructure to a transmission grid or supply network, including agreements under negotiation.
- Details of any registration or exemptions granted by or being sought from the Australian Energy Market Operator (AEMO) or Australian Energy Regulator (AER) in relation to the electricity infrastructure.

Additional information may be requested by Energy Regulation during the course of considering the application for transfer.

Please note that private personal and commercial-in-confidence information may be provided to a third party for the purpose of processing applications. The State of Queensland through the Department of Natural Resources, Mines and Energy has taken steps to ensure the appropriate treatment of such information by departmental staff and contractors.

The Department of Natural Resources, Mines and Energy is collecting your personal and commercial information in relation to your application. By submitting your application you agree that your personal information may be used by the Department for the purpose of processing your application. Your personal and commercial-in-confidence information may also be provided to the following entities as part of the application process:

- a) other Federal and State agencies for verification and due diligence purposes and obtaining additional information in relation to your application; and
- b) contractors engaged by the Department to undertake the application assessment process on the Department's behalf.

All personal information will be stored at the office of the Department, and in accordance with the relevant privacy legislation. The Department's privacy statement can be found at: <https://www.dnrme.qld.gov.au/home/legal/privacy>. If you have any questions or queries you can email the Department's privacy unit at privacy@dnrme.qld.gov.au.

Applicants are encouraged to consult with the Department of Natural Resources, Mines and Energy on 13 43 87 before submitting an application for transfer in its final form.

As a guide, applicants should allow a period of at least four (4) months for consideration of an application for transfer. In some instances, the period may be considerably longer, depending upon any considerations raised during the course of the application process.