

Annex B: Post consultation changes – summary table

Summary of final changes made to electricity transmission licences

This table should be read alongside Annex B – Proposed Variations to Electricity Licences, released as part of the Revoking the Electricity System Code draft decision.¹ Where amendments are not identified there is no change from the draft decision.

Clause	Amendment
1. Definitions	<ul style="list-style-type: none">• Third Party: Amended to insert ‘directly or indirectly’ in the definition of Third Party to acknowledge that Third Parties may be permitted to engage subcontractors. <p>The clauses referencing third parties in the licence make it clear that ‘Licensed Activities’ can be undertaken by a third party, and the definition of third party states that the licensee can engage a third party either directly (e.g. a contractor) or indirectly (e.g., a subcontractor). These clauses mean that regardless of whether the licensee engages a third party directly or indirectly, if a ‘Licensed Activity’ is being undertaken, the licensee is responsible for that activity. The licensee is responsible for meeting the licence conditions and <i>Electricity Industry Act 2000</i> (Electricity Industry Act) requirements.</p> <p>The words ‘indirectly or directly’ in the definition of ‘third party’ are in reference to how a third party may be engaged by a licensee and do not relate to the activities ‘undertaken ‘in connection’ with the transmission of electricity’.</p> <ul style="list-style-type: none">• transmit: Deleted and replaced.• Transmit: New definition to replace ‘transmit’. Consideration was given to include a definition of ‘supply’ to support transmission of electricity to internal systems (self-supply), and direct transmission of electricity to some customers. In updating the licences, we consider that ‘supply’ is

¹ Read with [Revoking the Electricity System Code | Essential Services Commission](#)

	<p>not an activity that can be licenced under section 18(1) of the Electricity Industry Act. A new definition 'Transmit' is included to enable 'self supply' and direct transmission to customers.</p>
6. Revocation	<ul style="list-style-type: none"> • Inserted new clause 6.1 specifying that the commission may revoke this Licence in accordance with section 29 of the Electricity Industry Act. • Other minor edits.
9. Change of control	<ul style="list-style-type: none"> • Revised the requirement to notify the commission of any event, decision, or circumstances that will result in a change of control or external administration. • In order to meet the 3-business day notification timeframe for when a change of control 'will' occur, licensees may be required to notify the commission prior to the finalisation of a change of control. We expect that the licensee will keep the commission informed of any matters which affect the ongoing management of the licence.
10. Compliance with regulatory instruments	<ul style="list-style-type: none"> • Removed the requirement to comply with any guidelines issued by the commission. This is a legacy clause. Currently no guidelines apply to transmission licensees. Obligations on the licensee are enforced through codes of practice. • Removed the requirement to report any breach, or potential non-compliance with an applicable code of practice. With the commencement of our enforcement powers, we may use codes of practices to enforce any non-compliance. The relevant applicable codes of practice will have their own reporting framework. This amendment removes unnecessary duplicity in the reporting framework. • Clause 10.3(b) requires the licensee to provide the commission notice where the Licensee has reasonable grounds to believe there is actual or potential non-compliance with the Licence or the Act– as soon as practicable or within three days. This three day requirement ensures that the commission is promptly notified of compliance matters. Relevantly, this reporting requirement relates to information known by the licensee at <i>that point in time</i> and further updates can be made to the commission once further information is known by the Licensee. If any particulars are not known to the licensee after three days, further particulars can be provided after the initial notification to the commission.
12. Provision of Information	<ul style="list-style-type: none"> • Added in clause 12.2 that information required by the commission under clause 12 will be 'for the purposes of performing [our] functions or exercising [our] powers.'

13. Separate accounts	<ul style="list-style-type: none"> Deleted. This licence condition duplicates other requirements related to separate accounts in the AER's Ring-fencing Guideline Electricity Transmission (version 4) (see clause 3.2.1).
14. Insurance	<ul style="list-style-type: none"> Redrafted to provide flexibility to licensees when purchasing an appropriate insurance product. An obligation to maintain general public liability insurance is retained.
15. Dispute resolution	<ul style="list-style-type: none"> Inserted new clause 15 for dispute resolution. This condition is specifically for Transmission Assets already existing under the licences. It is applicable where land access occurs under section 93 of the Electricity Industry Act and is not covered by the Land Access Code of Practice (LACoP). The definitions are aligned with the LACoP.