
CHAPTER 1
INTRODUCTION AND CODE SUPERVISION
SCHEDULE - PROCEDURAL & INTERPRETATION

CHAPTER 1 INTRODUCTION AND CODE SUPERVISION**SCHEDULE - PROCEDURAL & INTERPRETATION****TABLE OF CONTENTS**

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CHAPTER 1 INTRODUCTION AND CODE SUPERVISION

1.1 PRELIMINARY

1.1.1 References to the Code

This code ("the *Code*") is called the Tasmanian Electricity Code.

1.1.2 Italicised expressions

Italicised expressions in the *Code* are defined in the glossary in Chapter 14 of the *Code*.

1.1.3 Scope of the Code

- (a) The *Code* addresses those jurisdictional interests which are not dealt with by the *National Electricity Rules*. These include, but are not necessarily limited to, the *supply* and sale of electricity to *Tariff Customers*, retail *metering* for *Tariff Customers* and vegetation management around *distribution networks* and may include all those matters provided for by section 49A of the Electricity Supply Industry Act 1995.
- (b) The *Code* is issued by the *Regulator* pursuant to the *ESI Act*.
- (c) The *Code* is binding upon *Licensees* pursuant to *Licences* issued by the *Regulator* in accordance with the *ESI Act*.
- (d) Chapter 9 of the *Code* is the only applicable chapter when dealing with *supply* operations on the *Bass Strait Islands*.

1.2 CODE ADMINISTRATOR

1.2.1 The Regulator

The person responsible for administering and maintaining the *Code* is the *Regulator*.

1.2.2 Functions of the Regulator

The functions of the *Regulator* in relation to the administration of the *Code* are to:

- (a) institute and ensure through the administration and enforcement of the *Code*, the effective and efficient implementation of the rules and standards in the *Code*;
- (b) collect information and statistics, publish reports and disseminate information relating to the performance of the *industry*;
- (c) liaise effectively with other bodies having regulatory functions with respect to the *industry* in order to ensure consistent and effective development and application of the *Code*;
- (d) administer procedures for dispute resolution;
- (e) manage and implement *changes* to the *Code*;

- (f) *publish* annually performance indicators to monitor the *Regulator's* performance in respect of its objectives; and
- (g) the *Regulator* must discharge these functions in accordance with the provisions of the *Code* and the *ESI Act*.

1.2.3 Bound to comply with the Code

The *Regulator* is bound to comply with and perform any duties and obligations imposed by the *Code*.

1.2.4 Reviewable decision

In the *Code*, a decision of the *Regulator* is not a *reviewable decision* unless it is identified as such in the *Code*.

SCHEDULE FOR INTERPRETATION, NOTICES, RECORDS

1.3 INTERPRETATION

1.3.1 General

In the *Code*, unless the context otherwise requires:

- (a) headings are for convenience only and do not affect the interpretation of the *Code*;
- (b) words importing the singular include the plural and vice versa;
- (c) words importing a gender include any gender;
- (d) when italicised, other parts of speech and grammatical forms of a word or phrase defined in the *Code* have a corresponding meaning;
- (e) an expression importing a natural person includes any company, partnership, trust, joint venture, association, corporation or other body corporate and any government agency;
- (f) a reference to any thing includes a part of that thing;
- (g) a reference to a chapter, condition, clause, schedule or part is to a chapter, condition, clause, schedule or part of the *Code*;
- (h) a reference to any statute, regulation, proclamation, order in council, ordinances or by-laws includes all statutes, regulations, proclamations, orders in council, ordinances varying, consolidating, re-enacting, extending or replacing them and a reference to a statute includes all regulations, proclamations, orders in council, ordinances, by-laws and determinations issued under that statute;
- (i) a reference to a document or a provision of a document includes an amendment or supplement to, or replacement or novation of, that document or that provision of that document;
- (j) a reference to a person includes that person's executors, administrators, successors, substitutes (including, without limitation, persons taking by novation) and permitted assigns;
- (k) a period of time:
 - (1) which dates from a given *day* or the *day* of an act or event, is to be calculated exclusive of that *day*; or
 - (2) which commences on a given *day* or the *day* of an act or event, is to be calculated inclusive of that *day*; and
- (l) an event which is required under the *Code* to occur on or by a stipulated *day* which is not a *business day* may occur on or by the next *business day*.

1.4 NOTICES

1.4.1 Service of notices under the *Code*

A notice is properly given under the *Code* to a person if:

- (a) it is personally served;
- (b) a letter containing the notice is prepaid and posted to the person at an address (if any) supplied by the person to the sender for service of notices or, where the person is a *Licensee*, an address shown for that person in the register of *Licensees* to whom *licences* have been issued under the *ESI Act* and maintained by the *Regulator* or, where the addressee is the *Regulator*, the published address of the office of the *Regulator*;
- (c) it is sent to the person by facsimile to a number or reference which corresponds with the address referred to in clause 1.4.1(b) or which is supplied by the person to the *Regulator* for service of notices; or
- (d) the person receives the notice.

1.4.2 Time of service

A notice is treated as being given to a person by the sender:

- (a) where sent by post in accordance with clause 1.4.1(b) to an address in the central business district of Hobart, on the second *business day* after the *day* on which it is posted;
- (b) where sent by post in accordance with clause 1.4.1(b) to any other address, on the third *business day* after the *day* on which it is posted;
- (c) where sent by facsimile in accordance with clause 1.4.1(c) and a complete and correct transmission report is received:
 - (1) where the notice is of the type in relation to which the addressee is obliged under the *Code* to monitor receipt by facsimile outside of, as well as during, business hours, on the *day* of transmission; and
 - (2) in all other cases, on the *day* of transmission if a *business day* or, if the transmission is on a *day* which is not a *business day* or is after 4.00 pm (addressee's time), at 9.00 am on the following *business day*; or
- (d) in any other case, when the person actually receives the notice.

1.4.3 Counting of days

Where a specified period (including, without limitation, a particular number of *days*) must elapse or expire from or after the giving of a notice before an action may be taken, neither the *day* on which the notice is given nor the *day* on which the action is to be taken may be counted in reckoning the period.

1.4.4 Reference to addressee

In this clause 1.4, a reference to an addressee includes a reference to an addressee's officers, agents, or employees or any person reasonably believed by the sender to be an officer, agent or employee of the addressee.

1.5 RETENTION OF RECORDS AND DOCUMENTS

Unless otherwise specified in the *Code*, all records and documents prepared for, or in connection with, the *Code* must be retained for a period of at least 7 years.