

## ***Electricity Reform Act 2000***

### **Section 87**

#### **Exemption document**

##### ***Recital***

1. Swiss Aluminium Australia Limited (formerly Swiss Aluminium Australia Pty Limited) and Gove Aluminium Limited (formerly Gove Alumina Limited) (the Lessees) are the holders of Special Purposes Lease No 214, granted pursuant to the *Mining (Gove Peninsula Nabalco Agreement) Ordinance 1968* and the *Special Purposes Leases Ordinance 1953-1968*.
2. Special Purposes Lease 214 was granted to the Lessees for the purpose of establishing, maintaining and operating a township (Nhulunbuy) with ancillary facilities, amenities and services, including, among other things, electricity supply for residents of the town whether or not those residents are engaged in the operations of the Lessees.
3. Pursuant to a management agreement between the Lessees and Nabalco Pty Ltd (now Alcan Gove Pty Limited), the Lessees appointed Nabalco Pty Limited to manage, supervise, control and conduct on their behalf all operations including inter alia the construction of a port, town, roads, communications and other facilities.

##### ***Exemption***

1. Pursuant to section 14(2) of the Electricity Reform Act 2000 ("the Act"), Alcan Gove Pty Limited is exempt from the need to hold a licence under section 14(1) of the Act by virtue of section 87 of the Act and this exemption document, with respect to those operations in the electricity supply industry set out in schedule 1.
2. In accordance with section 87(1) of the Act, this exemption is subject to the following conditions:
  - i. that the exempt party must from time to time provide the Commission, in a manner and form to be determined by the Commission, such information necessary to the performance of its functions under any applicable laws that the Commission may request
  - ii. that the exempt party comply with Clause 10 (Life support equipment) of the Electricity Retail Supply Code as if it were licensed by the Utilities Commission under Part 3 of the Act to operate as a network provider and retailer and comply with the life support procedures for Nhulunbuy and surrounding areas approved by the Utilities Commission under clause 10.7 and as if version 3 of the Electricity Retail Supply Code commenced on the date of commencement of this amended exemption
  - iii. that within 1 month of the commencement of this amended exemption the exempt party submit to the Utilities Commission for approval proposed guaranteed service levels for the

performance indicators listed in Schedule 1 Table 1 of the Electricity Industry Performance Code

- iv. that the exempt party comply with Clause 4 (Guaranteed Service Level Scheme) and, as they relate to the Guaranteed Service Level Scheme, Clauses 5 (Reporting), 6 (Data Quality) and 7 (Data Segmentation) of the Electricity Industry Performance Code excluding the guaranteed service levels in Schedule 1 Table 1 and replaced by those guaranteed service levels approved by the Commission in accordance with clause 2(iii) of this exemption, as if the party were licensed by the Utilities Commission under Part 3 of the Act to operate as a network provider and retailer, and as if the party provides network services and retail services to its electricity customers in the regulated network.
3. Pursuant to section 87(2) of the Act, the exempt party is to be treated as an electricity entity for the purposes of sections 48 to 51 of the Act.
4. Under section 87(3) of the Act, this exemption document, with the approval of the Minister, may be varied or revoked by the Commission by notice in writing.
5. This exemption document will be reviewed at 3 year intervals from the date of issuance and continues until the date on which Special Purpose Lease No 214 expires.

Date varied: 4 August 2020

THE COMMON SEAL OF )  
UTILITIES COMMISSION is duly )  
Affixed in the presence of: )

La McKay  
Signature of authorised person

Director Utilities Commission  
Office held

Kimberlee McKay  
Name of authorised person (block letters)



Approved, in accordance with  
section 87 of the ~~Electricity Reform~~  
Act 2000:

[Signature]  
Dale Wakefield  
Minister for Renewables,  
Energy and Essential Services

**29 JUL 2020**

## Schedule 1

The operations in the electricity supply industry covered by this exemption are:

- Generation of electricity at Nhulunbuy.
- Operation of electricity network infrastructure owned and operated by the exempt party within the geographic area associated with the township of Nhulunbuy (including those surrounding areas with the limits of the network as existing on the date of issuance of this exemption).
- Sale of electricity to customers located within the geographic area associated with the township of Nhulunbuy (including those surrounding areas with the limits of the network as existing on the date of issuance of this exemption).