



## NOTICE OF VARIATION OF EXEMPTION

PURSUANT TO SECTION 80(3) OF THE ELECTRICITY ACT 1996

1. On 24 November 2021, the Essential Services Commission (**Commission**), with the approval of the Minister for Energy and Mining, granted persons who carry on the generation of electricity in South Australia with a rated nameplate output of five megawatts or less (**Sub 5MW Operators**), an exemption from the requirement to hold an electricity generation licence, as required by Part 3 of the Electricity Act 1996, for the purposes of undertaking electricity generation operations using a generator with a rated nameplate output of five megawatts or less.
2. Pursuant to section 80(3) of the Electricity Act 1996, the Commission has determined to vary the exemption by extending the term of the exemption such that it now expires on 30 November 2024.
3. All other existing conditions imposed by the original exemption remain in effect (unless revoked or varied in accordance with the requirements of the Electricity Act 1996).

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**Adam Wilson**  
**Chief Executive Officer and Commission authorised signatory**

18 October 2023

**Date**



## EXEMPTION

### PURSUANT TO SECTION 80(1) OF THE ELECTRICITY ACT 1996

1. Pursuant to section 80(1) of the Electricity Act 1996, the Essential Services Commission (**Commission**), with the approval of the Minister for Energy and Mining, grants persons who carry on the generation of electricity in South Australia with a rated nameplate output of five megawatts or less (**Sub 5MW Operators**), an exemption from the requirement to hold an electricity generation licence, as required by Part 3 of the Electricity Act 1996 for the purposes of undertaking electricity generation operations using a generator with a rated nameplate output of five megawatts or less.
2. The exemption will remain in effect until 30 November 2023, unless the Commission revokes or varies the exemption, or the Minister revokes the approval given under section 80(1) of the Electricity Act, on an earlier date.
3. The grant of this exemption from the requirement to hold a licence, under the Electricity Act 1996, is subject to the following conditions:
  - a. Sub 5MW Operators must comply with all applicable laws of the State of South Australia regarding the generation of electricity.
  - b. Sub 5MW Operators must provide to the Commission, in a specified time and format any information regarding its generation of electricity as requested by the Commission in writing.
  - c. Sub 5MW Operators must obtain and maintain adequate and appropriate insurance having regard to the nature of the operations carried out under this exemption and the risks associated with those operations, and must provide the Commission with a certificate of the insurer or insurance broker by whom the insurance was arranged, certifying that insurance is adequate and appropriate, if requested by the Commission; in writing
  - d. Sub 5MW Operators must comply with any safety, reliability, maintenance and technical management requirements imposed by the Office of the Technical Regulator under the Electricity Act 1996, from time to time.

4. Notwithstanding the above, if any conditions of the exemption are breached by a sub 5MW Operator, the Commission may revoke the application of the exemption to that sub 5MW Operator by advising the operator in writing.

This exemption was granted by the Commission on the date specified below.

  
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Adam Wilson Chief Executive Officer and Commission authorised signatory

12 November 2021

Date

The COMMON SEAL of the )  
MINISTER FOR ENERGY )  
AND MINING was hereunto )  
affixed by authority of the )  
MINISTER FOR ENERGY )  
AND MINING in the )  
presence of: )  
)



  
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Witness Enza Pullino

24/11/21  
.....  
Date