
The Charter

of the

Power Line Environment Committee



THE CHARTER OF THE COMMITTEE

The Charter of the Committee is to advise the Minister responsible for the *Electricity Act 1996* (the *Minister*) in relation to the preparation of programs for undergrounding work pursuant to section 58A of the *Electricity Act* and (on the Minister's behalf) to undertake such consultations, and seek such proposals and submissions, as are required to be undertaken and sought by the Minister for the purposes of that section. In addition, the Committee is responsible for monitoring the progress and costs of undergrounding work which is undertaken pursuant to such programs. The purpose of undergrounding work that is the subject of these programs is to improve the aesthetics of an area for the benefit of the general community having regard to road safety and the provisions for electrical safety pursuant to the *Electricity Act 1996*.

ESTABLISHMENT OF COMMITTEE, MEMBERSHIP AND PROCEEDINGS

1. The Committee shall comprise eight members with one member representing the interests of each of the following:
 - Department of Environment and Heritage (or its equivalent)
 - Department of Planning, Transport & Infrastructure (or its equivalent)
 - tourism
 - the Local Government Association of South Australia
 - conservation
 - the holders of licences issued under the Electricity Act which authorise the operation of transmission or distribution networks (Network Licensees), and
 - two community representatives.
2. Each member of the Committee shall be appointed by the Minister for a period of up to three years.
3. Upon the expiry of a member's term of office, the Minister may appoint the member for a further term.
4. The Minister shall appoint one of the members as Chairperson (who shall preside at each meeting of the Committee at which that person is present), and may appoint another member as Deputy Chairperson.
5. Members who are not employees of a Government department or statutory authority shall be paid fees which shall be determined by the Minister and paid by the Essential Services Commission of South Australia.
6. The Essential Services Commission of South Australia shall provide secretarial services to, and fund the operation of, the Committee (including funding the remuneration package for an executive officer of the Committee and the costs of producing the annual report referred to in clause 26).
7. A quorum at a meeting of the Committee shall consist of five members.
8. Each member present at a meeting of the Committee shall have one vote on any question arising for decision and, if the votes are equal, the member presiding at the meeting may exercise a casting vote.
9. A decision carried by a majority of the votes cast by members at a meeting of the Committee shall be a decision of the Committee.
10. The Committee shall cause accurate minutes to be kept of its proceedings.
11. Except as set out in this Charter, the Committee may determine its own procedures (including the procedures for holding meetings by teleconference).

PREPARATION OF UNDERGROUNDING PROGRAMS

12. (a) In July of each year the Committee shall, by written notice, invite proposals and submissions, on behalf of the Minister, from Councils, bodies responsible for the care, control or management of roads, Network Licensees, and such other persons as the Minister considers appropriate for undergrounding work to be included in an undergrounding program to be prepared under section 58A of the Electricity Act for the six months commencing on 1 July after the date of publication of the notice. The notice must state that such proposals and submissions must be provided to the Committee no later than 31 August in the year in which that notice is published.

(b) In January of each year the Committee shall, by written notice, invite proposals and submissions, on behalf of the Minister, from Councils, bodies responsible for the care, control or management of roads, Network Licensees, and such other persons as the Minister considers appropriate for undergrounding work to be included in an undergrounding program to be prepared under section 58A of the Electricity Act for the six months commencing on 1 January after the date of publication of the notice. The notice must state that such proposals and submissions must be provided to the Committee no later than 28 February in the year in which that notice is published.
13. The Committee shall prepare and publish guidelines to assist Councils and others in the preparation of proposals and submissions for undergrounding work to be included in an undergrounding program as described in clause 12 and for the coordination of undergrounding work as described in clause 21. Such guidelines must be consistent with any guidelines which are issued by the Minister under clause 22.
14. Annexure 1 sets out an indicative timetable for the development of undergrounding programs for a financial year.
15. The Committee must consider all of the proposals and submissions received by it within the time period specified in the relevant notice referred to in clause 12 in relation to undergrounding work to be carried out in the relevant six month period.
16. In preparing any undergrounding program the Committee must, on behalf of the Minister, consult with Councils, bodies responsible for the care, control or management of roads, Network Licensees and such other persons as the Minister considers appropriate.
17. No later than seven months before the commencement of the six month period to which an undergrounding program is to relate, the Chairperson must provide to the Minister:
 - (a) a comprehensive summary of all proposals and submissions received by it in relation to undergrounding work to be carried out in that six month period;
 - (b) a draft program (including a schedule) for undergrounding work to be carried out in that six month period;
 - (c) details of all consultations undertaken by the Committee in relation to the preparation of that draft undergrounding program (including the matters raised by the parties consulted and the response of the Committee to those matters);

- (d) the cost of undertaking each item of undergrounding work included in that draft undergrounding program, as estimated by the Committee; and
- (e) such other information as the Minister may request.

18. (a) Undergrounding work must not be included in a draft undergrounding program provided to the Minister under clause 17 unless:

- (i) the Council of each area concerned has agreed to contribute to the cost of such work as is proposed to be carried out in its area on the basis determined by the Minister; or
- (ii) the Minister determines, in relation to that work, that the relevant Council need not contribute to the cost of the work.

Unless the Minister otherwise determines, the basis on which a Council must agree to contribute to the cost of the work proposed to be carried out in its area for that work to be eligible for inclusion in an undergrounding program is \$1 for every \$2 of the cost of the work proposed to be carried out in its area, at the expense of Network Licensees, pursuant to the program.

- (b) Without detracting from clause 18(a), undergrounding work may also be included in a draft undergrounding program provided to the Minister under clause 17 where the Minister approves of a body other than a Council (eg. the National Parks and Wildlife Service) contributing to the cost of the works.

19. After considering the draft undergrounding program provided to the Minister under clause 17 (together with the summary of all proposals and submissions, the details of all consultations undertaken in relation to it and the estimated cost of undertaking each item of undergrounding work included in it, as provided to the Minister under clause 17) and such other matters as the Minister considers appropriate or as may be submitted to the Minister (whether by the Committee, Councils, bodies responsible for the care, control or management of roads, Network Licensees or otherwise), the Minister shall approve the relevant draft undergrounding program provided to the Minister, together with such amendments as the Minister thinks fit.

20. Once an undergrounding program has been approved by the Minister, any variation to that program may only be made in accordance with the Electricity Act and with the approval of the Committee.

21. Unless the Committee otherwise determines, the proponent of any undergrounding project which is included in an undergrounding program will be responsible for coordinating the work relating to that project (including liaising between the relevant Network Licensee and any bodies the cooperation or services of which are required to facilitate that work).

22. The Minister may from time to time, and after consulting with the Committee, issue written guidelines to the Committee which specify the nature of the projects to be included in draft undergrounding programs prepared by the Committee, the priority to be given to such

projects and such other matters relating to undergrounding programs as the Minister considers appropriate.

23. Where any undergrounding work included in an undergrounding program includes work that is initiated by the Department of Planning, Transport & Infrastructure (DPTI) as part of DPTI's road reconstruction program, DPTI, the relevant Network Licensee and the relevant Council must contribute to the cost of the work proposed to be carried out in the manner specified in Annexure 2.
24. The Committee may make recommendations for the development of proposals or submissions for undergrounding work where the resultant work (for instance, tourist routes) would traverse more than one Council area and may co-ordinate that work with the Councils concerned.
25. Network Licensees which are required to carry out undergrounding work in accordance with an undergrounding program approved by the Minister must report each month to the Committee on the progress of that undergrounding work. Such reports must, if requested by the Committee, include details of the cost of that work and copies of all relevant invoices. The Committee must make a written report to the Minister if it considers any such costs to be unreasonable and must include in that report its reasons for reaching that conclusion.
26. The Committee must provide to the Minister, by 30 September each year, an annual report covering the activities of the Committee to 30 June of that year. The report must include, in respect of that year, a list of the proposals and submissions for undergrounding work considered, the undergrounding work which has been commenced and the undergrounding work which has been completed, together with details of the costs incurred in undertaking undergrounding work pursuant to undergrounding programs approved by the Minister and details of the contribution to that cost by each Council, each Network Licensee and each other body that contributed to that cost.
27. The Committee must provide to the Minister such advice in relation to matters related to the undergrounding of powerlines as the Minister may request from time to time.
28. This Charter may be amended by the Minister after consulting the Committee and the Essential Services Commission of South Australia.

ANNEXURE 1

INDICATIVE TIMETABLE FOR THE DEVELOPMENT OF UNDERGROUNDING PROGRAMS

[The following timetable relates to the development of undergrounding programs for the financial year ending 30 June 2002, this year being chosen for the purposes of an example only.]

- July 2000 – invite proposals and submissions for undergrounding work to be included in the undergrounding program for 1/7/01 to 31/12/01 (Charter, cl.12(a)).
- 31 August 2000 – receive proposals and submissions for undergrounding work to be included in the undergrounding program for 1/7/01 to 31/12/01(Charter, cl.12(a)).
- mid November 2000 – Minister advises total cost of work to be undertaken at the expense of Network Licensees and to be included in the undergrounding program for 1/7/01 to 31/12/01. This will be an estimate because the values of the consumer price index for the March 2001 quarter (CPIx), the total cost of undergrounding work for 2000/01 (TCx) and the goods and services tax payable in relation to the undergrounding work for 2000/01 (GSTx) will not be known as at that date (see Electricity (General) Regulations 2012, reg. 44(c)).
- from September 2000 to November 2000 – the Committee considers all the proposals and submissions, prepares a draft undergrounding program for 1/7/01 to 31/12/01 and consults in relation to it (Charter, cl.15-16).
- 1 December 2000 – the Committee provides to the Minister a draft undergrounding program for 1/7/01 to 31/12/01, together with copies of all the submissions and proposals, details of all consultations undertaken and the estimated cost of each item of undergrounding work (Charter, cl.17).
- 24 December 2000 – having considered the material provided to the Minister and such other matters as the Minister considers appropriate or as may otherwise be submitted to the Minister, the Minister approves the draft undergrounding program for 1/7/01 to 31/12/01 with such amendments as the Minister thinks fit (Charter, cl.19).
- 31 December 2000 – the undergrounding program for 1/7/01 to 31/12/01 is provided to the Network Licensees that are required to undertake work pursuant to it (Electricity Act 1996, s.58A(6)).
- January 2001 – invite proposals and submissions for undergrounding work to be included in the undergrounding program for 1/1/02 to 30/6/02 (Charter, cl.12(b)).
- 28 February 2001 – receive proposals and submissions for undergrounding work to be included in the undergrounding program for 1/1/02 to 30/6/02 (Charter, cl.12(b)).
- mid May 2001 – Minister advises total cost of work to be undertaken at the expense of Network Licensees and to be included in the undergrounding program for 1/1/02 to 30/6/02. The values of “CPI” and “A” for 2000/01 will be known by this time, while the values of “TC” and “GST” for 2000/01 should be able to be estimated fairly accurately because the 2000/01 undergrounding program will have only six weeks to run until completion. In determining this cost, the Minister will need to take into account that

section 58A(3) of the Electricity Act (together with reg. 8A of the Electricity (General) Regulations) requires the Minister to ensure that the total cost of the work to be carried out at the expense of the Network Licensees in each financial year (as estimated by the Minister) is not less than the amount prescribed by regulation. Accordingly, any difference between the Minister's estimate and the minimum amount referred to above (which should only result from a difference between the estimated and actual "TC" and "GST" factors) will need to be carried forward and treated as an adjustment to the analogous cost determined by the Minister (in mid November 2001) for the undergrounding program for 1/7/02 to 31/12/02.

- from March 2001 to May 2001 – the Committee considers all the proposals and submissions, prepares a draft undergrounding program for 1/1/02 to 30/6/02 and consults in relation to it (Charter, cl.15-16).
- 1 June 2001 – the Committee provides to the Minister a draft undergrounding program for 1/1/02 to 30/6/02, together with copies of all the submissions and proposals, details of all consultations undertaken and the estimated cost of each item of undergrounding work (Charter, cl.17).
- 23 June 2001 – having considered the material provided to the Minister and such other matters as the Minister considers appropriate or as may otherwise be submitted to the Minister, the Minister approves the draft undergrounding program for 1/1/02 to 30/6/02 with such amendments as the Minister thinks fit (Charter, cl.19).
- 30 June 2001 – the undergrounding program for 1/1/02 to 30/6/02 is provided to the Network Licensees that are required to undertake work pursuant to it (Electricity Act, s.58A(6)).

ANNEXURE 2

UNDERGROUNDING WORK INITIATED BY THE DEPARTMENT OF PLANNING, TRANSPORT AND INFRASTRUCTURE (DPTI)

When undergrounding work is initiated by DPTI as part of DPTI's road reconstruction program, costs will be shared on the basis of:

CONTRIBUTIONS OF DPTI

- Cost of relocation of mains
- Full cost of trenching and reinstatement, including costs of coordination, less 2/3 of trenching costs

CONTRIBUTIONS OF NETWORK LICENSEE

- 2/3 of (undergrounding costs of the Network Licensee less DPTI's contribution for the relocation of mains)
- 2/3 of cost of registration of easements
- 2/3 of cost of customer service alterations
- 2/3 of trenching costs

CONTRIBUTIONS OF COUNCIL

- 1/3 of (undergrounding costs of the Network Licensee less DPTI contribution for the relocation of mains)
- 1/3 of cost of registration of easements
- 1/3 of cost of customer service alterations

The Network Licensee and the Council will share the remaining costs on a 2:1 basis.