



TRUenergy Australia Pty Ltd  
ABN 96 071 611 017  
Level 33, 385 Bourke Street  
Melbourne Victoria 3000  
Tel +61 3 8628 1000  
Fax +61 3 8628 1050  
enq@truenergy.com.au  
www.truenergy.com.au

9 October 2009

Ministerial Council on Energy  
[MCEMarketReform@ret.gov.au](mailto:MCEMarketReform@ret.gov.au)

Dear Members of the MCE

**TRUenergy stakeholder submission on the Draft Energy Technical and Safety Harmonisation Enhancement Plan**

TRUenergy Pty Ltd operates power stations in Victoria (Yallourn), NSW (Tallawarra) and South Australia (Hallett), and the underground Gas Storage Plant at Iona in Victoria. TRUenergy is familiar with the differences in Regulations (both OHS and Energy) that pertain to the Generation sector, and with the difficulties and inefficiencies that these differences bring to an organization dedicated to the safety of our workforce while competing in the National Energy Market.

TRUenergy believes that the initiative to achieve harmonization of Regulations that impact the generation sector is a valuable opportunity that must not be missed – but we also recognize that – as is stated in Clause 9 of the Draft Plan – our businesses:

- Do not present the same level of risk in the public domain as the Transmission and Distribution businesses; and
- The majority of risks in the generation sector can be adequately addressed by existing industry specific and/or proposed model OHS legislation.

TRUenergy supports the views of the NGF that have been made in previous submissions – that the preferred model for future regulation in the generation sector is that currently in operation in NSW, where OHS Regulations cover electrical matters, and where:

- Safety of the workforce is achieved by compliance with OHS regulation only.
- Technical performance and security of supply is assured through compliance with the National Electricity Rules.

We recognise that in order to achieve this outcome it is necessary for the proposed model National OHS Regulations to incorporate relevant electrical

aspects, and to this end TRUenergy is working with the NGF and Safe Work Australia to develop an appropriate legislative instrument.

TRUenergy agree that there is no place for generators or gas plants within the Draft Plan (Clause 69), and that this mechanism is not an appropriate means of achieving harmonisation of Regulation in the these sectors. However, once the National OHS Regulations are in force, TRUenergy looks to the State Energy Regulators to change their current stated position of not intending to otherwise align the different legislative requirements that currently apply to electricity generation and gas plants (refer Clause 71 of the Plan) to one where the Terms of Reference of the Leaders Group may be met for the generation sector through application of OHS Regulation and the National Electricity Rules only, and through the absence of different State-based regulation.

In short – and to respond directly to the question posed at Clause 72 – TRUenergy is of the view the most appropriate measures that must be taken to harmonise energy regulation of generators and gas plants is for the existing energy regulations to be removed. There can be no doubt that this approach is feasible, as it represents the regulatory environment currently in force in NSW.

TRUenergy believes the Ministerial Council on Energy desire harmonisation of regulation in the sectors we represent, and urge you to not overlook this outstanding issue as the Draft Plan moves forward. In particular, we ask that this matter should remain on the agenda of the Leaders Group (or subsequent body) as an outstanding item, to be reconsidered when the Model National OHS Regulations come into force.

In closing, we assure the Ministerial Council on Energy of our continued interest and strong support for your work, for the work of Safe Work Australia and of the Leaders Group in streamlining legislation – all with a view to improving the safety of the Australian workforce.

We look forward to working with you in the future.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Steve Brown', written over a light blue horizontal line.

Steve Brown DipEE, CPEng, MIEAust  
Asset Manager  
Operations & Construction  
TRUenergy