



**ELECTRICITY GENERATION AND SALE LICENCE**

**Lal Lal Wind Farms Nom Co Pty Ltd**  
**(ACN 625 768 774)**

**Issued on**  
**13 March 2019**

C/19/4221  
EG05-2019

## ELECTRICITY GENERATION LICENCE

This Licence is issued pursuant to section 19 of the *Electricity Industry Act 2000* (Vic) and is subject to the terms set out in this Licence.

### Date

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This Licence is issued on **13 March 2019**

### Licensee

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This Licence is issued to:

**Lal Lal Wind Farms Nom Co Pty Ltd (ACN 625 768 774)**

**THE COMMON SEAL of the  
ESSENTIAL SERVICES COMMISSION**

was affixed pursuant to the authority  
of the Commission



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Dr Ron Ben-David

Chairperson



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<b>Electricity System Code</b>	the code of that name certified by the Commission
<b>enforcement order</b>	a provisional enforcement order or a final enforcement order made and served by the Commission under section 53 of the ESC Act
<b>ESC Act</b>	the <i>Essential Services Commission Act 2001</i> (Vic)
<b>final enforcement order</b>	a final order made under section 53 of the ESC Act
<b>guideline</b>	a guideline published by the Commission
<b>Holding Company</b>	means, in relation to an entity, an entity of which the first entity is a subsidiary
<b>licensed generation facility</b>	Elaine Wind Farm and Yendon Wind Farm (the Lal Lal Wind Farms), 24 Duggan Lane, Lal Lal 3352
<b>Licensee</b>	Lal Lal Wind Farms Nom Co Pty Ltd (ACN 625 768 774)
<b>Minister</b>	the person who is, from time to time, the Minister for the purposes of the relevant section of the Act
<b>National Electricity Law</b>	the National Electricity (Victoria) Law which applies in Victoria as a result of the operation of section 6 of the <i>National Electricity (Victoria) Act 2005</i> (Vic)
<b>National Electricity Rules</b>	the rules of that name made under the National Electricity Law
<b>objectives</b>	the objectives of the Commission under the Act and the ESC Act
<b>order</b>	an Order in Council made or in force under the Act
<b>provisional enforcement order</b>	a provisional order made and served by the Commission under section 53 of the ESC Act
<b>subsidiary</b>	has the meaning given in the Corporations Act
<b>Ultimate Holding Company</b>	means, in relation to an entity, an entity that: <ul style="list-style-type: none"> <li>(a) is a holding company of the first-mentioned entity; and</li> <li>(b) is itself a subsidiary of no entity</li> </ul>
<b>undertaking</b>	an undertaking given by the Licensee under section 53(5)(a) of the ESC Act
<b>wholesale electricity market</b>	has the same meaning as in the Act
<b>writing</b>	any mode of representing or reproducing words, figures, drawings or symbols in a visible form

- (a) if given by the Licensee to the Commission – addressed to the Chief Executive Officer of the Commission at the address specified below or as otherwise notified by the Commission:

Essential Services Commission, Level 37, 2 Lonsdale Street,  
Melbourne VIC 3000; or

- (b) if given by the Commission to the Licensee – given by the Chief Executive Officer of the Commission and addressed to (and marked for attention of) the Chief Executive Officer of the Licensee at the addresses specified below or as otherwise notified by the Licensee:

Lal Lal Wind Farms Nom Co Pty Ltd, Level 6, 50 Martin Place,  
Sydney NSW 2000

2.2. A notice is to be:

- (a) signed by or on behalf of the person giving the notice and delivered by hand; or  
(b) signed by or on behalf of the person giving the notice and sent by pre-paid post; or  
(c) transmitted electronically by or on behalf of the person giving the notice by electronic mail or facsimile transmission.

2.3. A notice is deemed to be effected:

- (a) if delivered by hand – upon delivery to the relevant address;  
(b) if sent by post – upon delivery to the relevant address;  
(c) if transmitted electronically – in accordance with the method set out in the *Electronic Transactions (Victoria) Act 2000* (Vic) for determining the time of receipt.

2.4. A notice received after 5.00 pm, or on a day that is not a business day, is deemed to be effected on the next business day.

**Part B - Licence**

**3. Grant of the Licence**

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- 3.1. In exercise of its powers under section 19 of the Act, the Commission grants the Licensee a licence to generate electricity for supply or sale, and to sell electricity, on the terms and conditions set out in this Licence with effect from the Commencement Date.
- 3.2. The authorisation granted by this Licence is limited to the generation of electricity at the licensed generation facility, and the sale of the electricity generated at the licensed generation facility through the wholesale electricity market.

(d) any other code, procedure or guideline issued by the Commission from time to time that is expressed as being one with which the Licensee must comply,

to the extent they are applicable to activities undertaken by the Licensee pursuant to this Licence.

- 7.2. The Commission may, from time to time, by written notice grant an exemption in relation to or otherwise modify the application of some of the requirements of the instruments referred to in clause 7.1.
- 7.3. The Licensee must have in place an adequate system for monitoring compliance with this Licence and the instruments referred to in clause 7.1.
- 7.4. The Licensee must comply with the relevant requirements of the *Electricity Safety Act 1998* and any regulations made under that Act.
- 7.5. The Licensee must comply with the National Electricity Rules and the National Electricity Law.
- 7.6. The Licensee must be registered as a generator with AEMO or exempt from the requirement to be registered as a generator in accordance with the National Electricity Rules.

## **8. Compliance with Laws**

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- 8.1. The Licensee must comply with all applicable laws.

## **9. Separate accounts**

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- 9.1. If the Licensee holds more than one category of licence under Part 2 of the Act, the Licensee must prepare separate accounts for each part of its business in respect of which it has been granted a separate licence.

## **10. Provision of information**

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- 10.1. The Licensee must maintain comprehensive records regarding any activities undertaken pursuant to this Licence for a period of at least 7 years.
- 10.2. The Licensee must notify the Commission of any breach by it of the conditions of this Licence including any of the instruments referred to in clause 7.1 as soon as reasonably practicable after becoming aware of the breach.
- 10.3. The Licensee must as soon as reasonably practicable provide AEMO with such information, relating to activities undertaken pursuant to this Licence, as AEMO may properly request in connection with the performance of its functions or the exercise of its powers under the Act in the manner and form specified by AEMO.
- 10.4. The Licensee must, as soon as reasonably practicable, provide the Commission with such information, relating to activities undertaken pursuant to this Licence, as the Commission may properly request in connection with the performance of its functions or the exercise of its

- (c) any information provided by the Licensee pursuant to this Licence or in its application for the Licence is found to be materially false or misleading;
- (d) the Licensee's technical capacity or financial viability is such that the Commission considers that the Licensee would be unable to satisfactorily meet its obligations under this Licence;
- (e) the Licensee fails to comply with a decision, direction, determination or arrangement (including any arrangement concerning load shedding) (as the case may be) made by or agreed with the Commission, AEMO, or the Minister;
- (f) following any one of the following events:
  - (1) a petition or other application being presented or resolution being passed for the winding up, liquidation or dissolution of the Licensee or notice of intention to propose such a resolution being given or the entry of the Licensee into a scheme of arrangement or compromise or deed of company arrangement with any of its creditors;
  - (2) the appointment of an administrator, a receiver or receiver and manager or official manager or agent of a secured creditor to any of the Licensee's property;
  - (3) the Licensee ceasing to carry on business or stopping or wrongfully suspending payment to any of its creditors or stating its intention to do so;

the Commission determines that the event, or actions arising from an event, would, or would be likely to, result in the inability of the licensee to meet its obligations under this licence.

11.3. Where the Commission decides to revoke this Licence, the Commission will issue a notice to the Licensee, specifying:

- (a) the basis upon which the Commission is revoking this Licence; and
- (b) the date upon which the revocation will take effect, such date to be:
  - (a) where clause 11.2(a) applies or where in the Commission's opinion it is appropriate that the Licence be revoked in a shorter time frame having regard to its objectives and the events or circumstances that gave rise to the notice being issued, no less than 5 business days after the date upon which the notice is issued; and
  - (b) in all other cases, no less than 20 business days after the date upon which the notice is issued,

and, subject to clause 11.4, this Licence will be revoked on the date specified in the notice.

11.4. The Commission may, at its discretion and by written notice to the Licensee, withdraw a notice issued under clause 11.3 at any time prior to the revocation date specified in the notice if the Commission is satisfied

The Licensee must comply, and must require the auditor to comply, with any guidelines issued by the Commission dealing with audits under this clause. The Licensee must also provide draft reports if requested by the Commission.

#### **15. Administrator**

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- 15.1. Subject to clause 11, if an administrator is appointed to the Licensee's business under section 34 of the Act, the administrator must exercise its functions and powers in such a manner as may be specified by the Commission in the instrument of appointment.

#### **16. Dispute resolution**

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- 16.1. The Licensee must enter into a customer dispute resolution scheme approved by the Commission under section 28 of the Act.

#### **Schedule 1 – Variations to the Licence**

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Date	Variation
13 March 2019	This licence has not been varied