



# Victoria Government Gazette

No. S 86 Tuesday 4 March 2025  
By Authority of Victorian Government Printer

## Electricity Industry Act 2000 METRO TUNNEL EXEMPTION ORDER 2025 Order in Council

The Governor in Council under section 17 of the **Electricity Industry Act 2000** makes the following Order:

### PART 1 PRELIMINARY

#### 1. Objectives

The objectives of this Order are to support an efficient and patron-focused metropolitan public transport network by:

- (a) exempting persons from the requirement to obtain a licence under section 16 of the Act in respect of certain specified activities; and
- (b) conferring powers and functions on the Commission under section 17(2)(j) of the Act.

#### 2. Commencement

This Order comes into operation on the day it is published in the Government Gazette.

#### 3. Definitions

In this Order, unless the context otherwise requires:

**Act** means the **Electricity Industry Act 2000**;

**business day** means a day other than a Saturday, Sunday or a public holiday in Victoria;

**Code of Practice** means the Electricity Distribution Code of Practice (version 2, effective 1 May 2023) made by the Commission under Part 6 of the **Essential Services Commission Act 2001**, as amended by the Commission from time to time;

**Cross Yarra Partnership** means the Cross Yarra Partnership (ABN 57 956 065 885) comprising:

- (a) Cross Yarra 1 Pty Ltd (ACN 622 572 856) as trustee for Cross Yarra Trust 1 for and on behalf of Cross Yarra Partnership;
- (b) Cross Yarra 2 Pty Ltd (ACN 622 569 135) as trustee for Cross Yarra Trust 2 for and on behalf of Cross Yarra Partnership;
- (c) Cross Yarra 3 Pty Ltd (ACN 622 572 954) as trustee for Cross Yarra Trust 3 for and on behalf of Cross Yarra Partnership; and
- (d) John Holland (CY) Custodian Pty Ltd (ACN 622 569 288) as trustee for John Holland (CY) Trust for and on behalf of Cross Yarra Partnership;

**customer** means a business customer to whom electricity is distributed or supplied for commercial or industrial purposes, but not including Cross Yarra Partnership;

**Development Plan** means a Development Plan approved under clause 4.7.1 of the MMRP Incorporated Document of May 2018, as amended from time to time;

**distribution system** has the same meaning as in the National Electricity Rules;

**embedded network** means an embedded network within the meaning of the National Electricity Rules that is operated by a person exempt under Part 2 of this Order at a relevant Site;

**General Exemption Order** means the Order in Council made under section 17 of the Act and published in the Government Gazette on 29 September 2022, titled General Exemption Order 2022, as amended from time to time;

**generation** includes co-generation and is the type of generation subject to Part 3 of the General Exemption Order;

**SPECIAL**

**Head, Transport for Victoria** has the same meaning as in section 3 of the **Transport Integration Act 2010**;

**Minister** means the Minister responsible for administering the Act;

**MMRP Incorporated Document** means the incorporated document named *Melbourne Metro Rail Project Incorporated Document, December 2016*, and as amended from time to time, in the Maribyrnong, Melbourne, Port Phillip and Stonnington Planning Schemes made pursuant to section 6(2)(j) of the **Planning and Environment Act 1987**;

**National Electricity Rules** means the National Electricity Rules made under the National Electricity Law which applies as law in Victoria by virtue of section 6 of the **National Electricity (Victoria) Act 2005**;

**relevant Sites** means the sites identified in Schedule 1 of this Order;

**Secretary to the Department of Transport and Planning** has the same meaning as in section 3 of the **Transport Integration Act 2010**;

**South Yarra Substation** means the 22kV substation forming part of the distribution system, located at 13 William Street, South Yarra, Victoria, 3141;

**Train Franchisee** means any body corporate that is determined by the Governor in Council to be a train operator under section 2(2C) of the **Transport (Compliance and Miscellaneous) Act 1983** who enters into a franchise agreement with the State that includes the ability to operate and maintain all or part of the relevant Sites;

**transmission system** has the same meaning as in the National Electricity Rules;

**WISS** means the western intake 66 kv/22 kV substation, connected to the transmission system at the West Melbourne Terminal Station located at 297–307 Arden Street, Kensington, Victoria, 3031;

**Victorian Rail Track** has the same meaning as in section 3 of the **Transport Integration Act 2010**.

#### 4. Application of Order

- (1) This Order does not have any application to electricity which is transmitted, distributed, or supplied by and for the use of a passenger transport company within the meaning of the **Transport (Compliance and Miscellaneous) Act 1983**.
- (2) This Order has effect notwithstanding anything to the contrary in any agreement or contract.
- (3) A reference to a party in this Order includes that party's executors, administrators, successors and permitted assigns, including persons taking by way of novation and, in the case of a trustee, includes any substituted or additional trustee.

### PART 2 EXEMPTIONS

#### Division 1 Victorian Rail Track, Head, Transport for Victoria and the Secretary to the Department of Transport and Planning

#### 5. Exemption of Victorian Rail Track, Head, Transport for Victoria and the Secretary to the Department of Transport and Planning

- (1) Victorian Rail Track, Head, Transport for Victoria and the Secretary to the Department of Transport and Planning are exempt from the requirement to hold a licence under section 16 of the Act to distribute or supply electricity at the relevant Sites if:
  - (a) the electricity is distributed or supplied to Victorian Rail Track or Head, Transport for Victoria from the WISS or South Yarra Substation; and
  - (b) the electricity is distributed or supplied to Cross Yarra Partnership; and
  - (c) Victorian Rail Track, Head, Transport for Victoria and the Secretary to the Department of Transport are registered in the Register of Exempt Persons in respect of the activity described in subclause (1)(a) and (b).
- (2) The exemption under subclause (1) is subject to the conditions in Division 5 of Part 2 of this Order.

**Division 2 Train Franchisee****6. Exemption of Train Franchisee**

- (1) The Train Franchisee is exempt from the requirement to hold a licence under section 16 of the Act to distribute or supply electricity at the relevant Sites if:
  - (a) the electricity is distributed or supplied to the Train Franchisee from the WISS or South Yarra Substation; and
  - (b) the electricity is distributed or supplied to Cross Yarra Partnership or a customer; and
  - (c) the Train Franchisee is registered in the Register of Exempt Persons in respect of the activity described in subclause (1)(a) and (b).
- (2) The exemption under subclause (1) is subject to the conditions in clause 7 and Divisions 4 and 5 of Part 2 of this Order.

**7. Compliance with the Code of Practice**

- (1) For the purposes of clause 6(1)(b), if the electricity is distributed or supplied to Cross Yarra Partnership, it is a condition of an exemption under this Division that persons exempted under this Division must:
  - (a) comply with the clauses of the Code of Practice specified in rows 1 to 7 of Table 1 of Schedule 2; and
  - (b) to the extent reasonably possible, comply with the provisions of the Code of Practice specified in row 8 of Table 1 of Schedule 2 of this Order.
- (2) For the purposes of clause 6(1)(b), if the electricity is distributed or supplied to a customer, it is a condition of an exemption under this Division that persons exempted under this Division must:
  - (a) comply with the clauses of the Code of Practice specified in rows 1 to 7 of Table 2 of Schedule 2; and
  - (b) to the extent reasonably possible, comply with the provisions of the Code of Practice specified in row 8 of Table 2 of Schedule 2 of this Order.

**Division 3 Cross Yarra Partnership****8. Exemption of Cross Yarra Partnership**

- (1) Cross Yarra Partnership is exempt from the requirement to hold a licence under section 16 of the Act to distribute or supply electricity at the relevant Sites if:
  - (a) the electricity is distributed or supplied to Cross Yarra Partnership from the WISS or South Yarra Substation; or
  - (b) the electricity is obtained from onsite generation by a renewable energy facility or another generator or group of generators also connected to the embedded network; and
  - (c) the electricity is distributed or supplied to a customer; and
  - (d) Cross Yarra Partnership is registered in the Register of Exempt Persons in respect of the activity described in subclause (1)(a) to (c).
- (2) The exemption under subclause (1) is subject to the conditions in this Division, and Divisions 4 and 5 of Part 2 of this Order.

**9. Compliance with the Code of Practice**

- (1) It is a condition of an exemption under this Division that persons exempted under this Division must:
  - (a) comply with the clauses of the Code of Practice specified in rows 1 to 10 of Table 1 of Schedule 3; and
  - (b) to the extent reasonably possible, comply with the provisions of the Code of Practice specified in row 11 of Table 1 of Schedule 3 of this Order.

**10. Customer dispute resolution scheme**

It is a condition of an exemption under this Division that persons exempted under this Division must enter into a customer dispute resolution scheme with the Energy and Water Ombudsman (Victoria) Ltd (ABN 57 070 516 175).

**11. Provision of information to customers**

- (1) It is a condition of an exemption under this Division that persons exempted under this Division must provide to the customer:
  - (a) all of the information set out in subclause (3), as soon as reasonably practicable after the customer becomes a customer of the exempt person under this Division;
  - (b) any of the information set out in subclause (3) as requested by the customer, within 10 business days of the customer's request; and
  - (c) any updates to any information listed in subclause (3), within 10 business days of the relevant information changing.
- (2) It is a condition of an exemption under this Division that the information provided under this clause is provided to the customer in a manner that is in plain English and can be easily accessed.
- (3) For the purposes of subclause (1), the following information must be provided:
  - (a) the obligations of a licensed distributor that are not applicable to persons exempted under this Division and the protections the customer will not receive due to being a customer of persons exempted under this Division;
  - (b) the customer's rights in relation to dispute resolution including:
    - (i) the contact details of the exempt person as the initial point of contact for disputes;
    - (ii) the exempt person's procedures for handling disputes and complaints;
    - (iii) the right that the customer has to access a customer dispute resolution scheme; and
    - (iv) the contact details for the customer dispute resolution scheme; and
  - (c) contact details of relevant exempt persons and relevant emergency services to be contacted in the event of an electricity fault or emergency.

**12. Notification of transference of rights**

It is a condition of an exemption under this Division that where an exempt person is required to register in the Register of Exempt Persons, and:

- (a) that exempt person undergoes an event that requires executors or administrators, or
- (b) that exempt person undergoes an event that results in successors and permitted assigns, including persons taking by way of novation and, in the case of a trustee, includes any substituted or additional trustee;

the exempt person must notify the Commission within 10 business days of such event to enable the Commission to update its Register of Exempt Persons.

**Division 4 Conditions on Train Franchisee and Cross Yarra Partnership****13. No cost recovery for distribution or supply of electricity**

It is a condition of an exemption under this Order that persons exempted under Division 2 and 3 must not charge for, or otherwise recover from, a customer the costs associated with the distribution or supply of electricity to a customer, including the provision of information to a customer, at the relevant Sites.

**14. Compliance systems**

It is a condition of an exemption under this Order that persons exempted under Division 2 and 3 must maintain a system for monitoring compliance with the Act, the Code of Practice, and the conditions of this Order, to the extent that the Act, the Code of Practice, and the conditions of this Order apply to each of them.

**Division 5 Conditions on all exempt persons**

**15. Provision of information to the Minister or Commission**

- (1) It is a condition of an exemption under this Order that persons exempted under this Order must provide:
  - (a) to the Minister, any information requested by the Minister; or
  - (b) to the Commission, any information requested by the Commission;for the administration of this Part, within 10 business days of the request or as otherwise agreed by the Commission or the Minister, as the case may be.
- (2) Without limiting subclause (1), the Commission or the Minister may request information regarding the scale and nature of the exempt person's activities to which the exemption applies.

Dated: 4 March 2025

Responsible Minister:

HON. LILY D'AMBROSIO MP

Minister for Energy and Resources

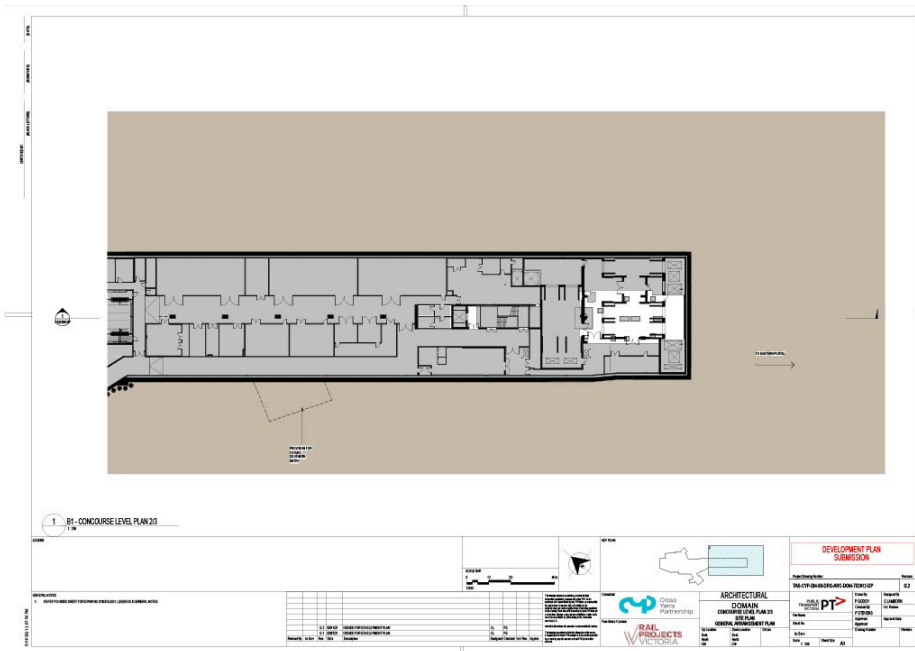
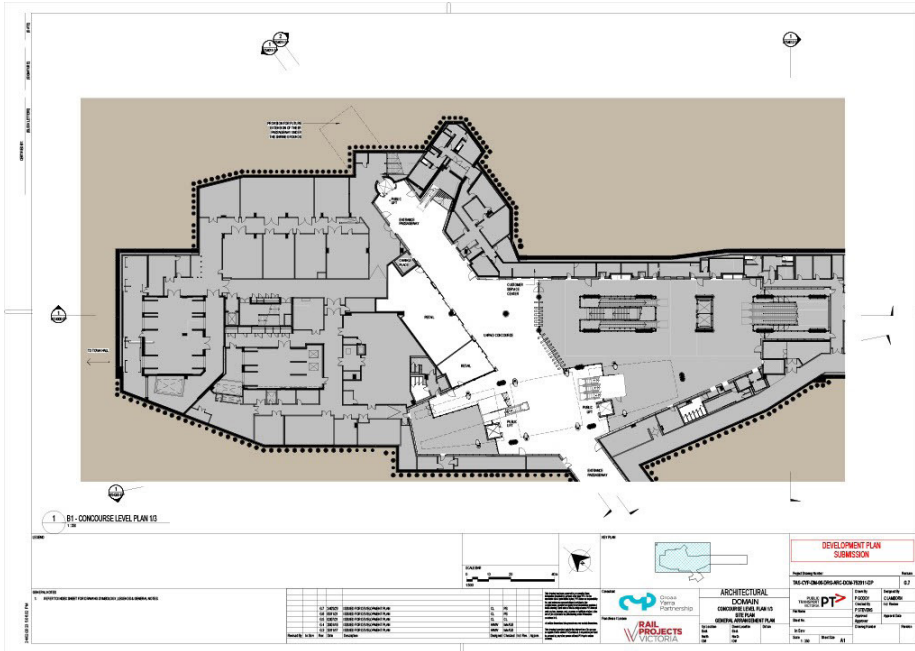
SAMUAL WALLACE  
Clerk of the Executive Council

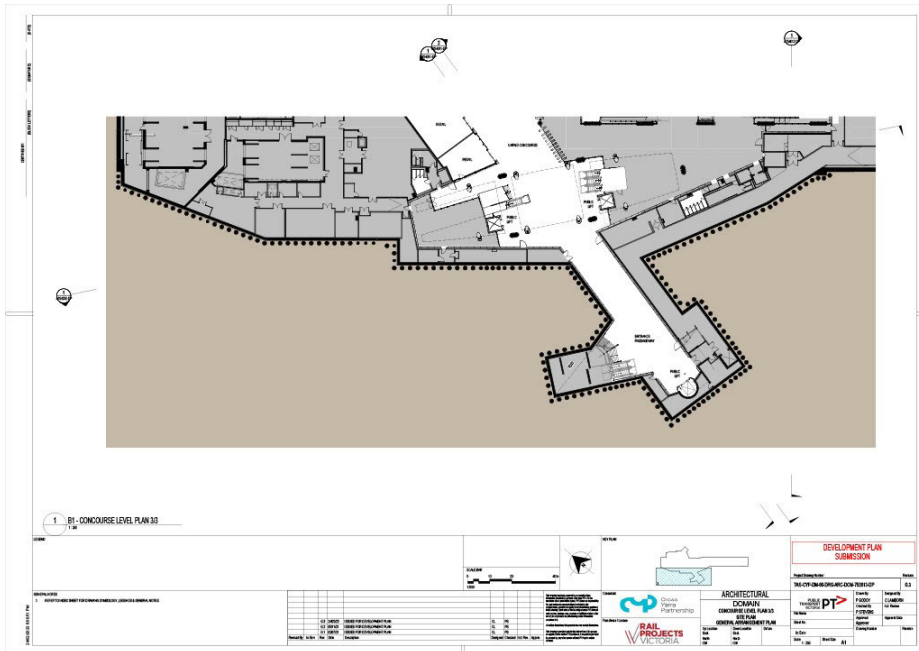
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### SCHEDULE 1

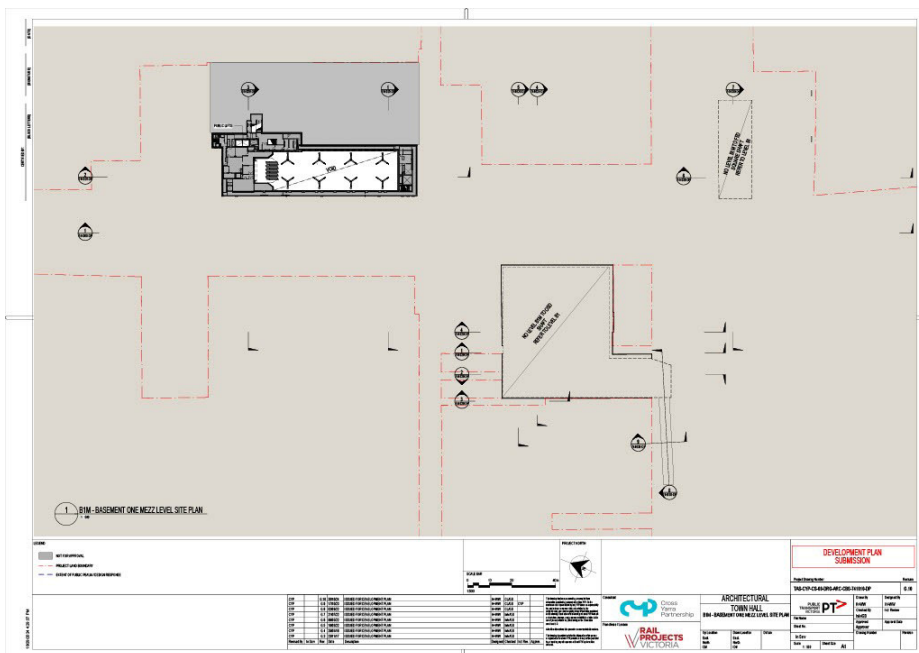
The relevant Sites for the purposes of this Order are:

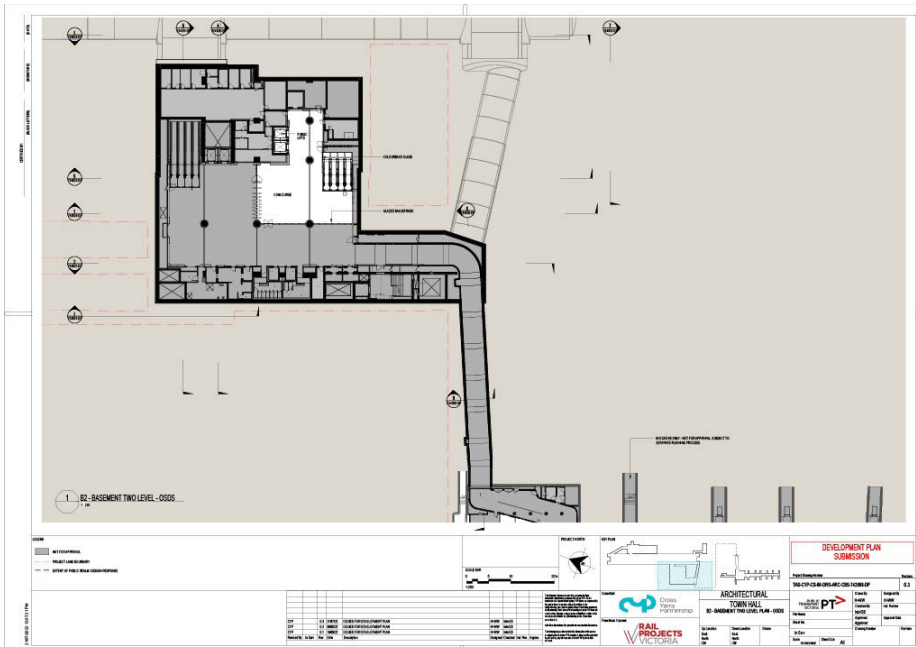
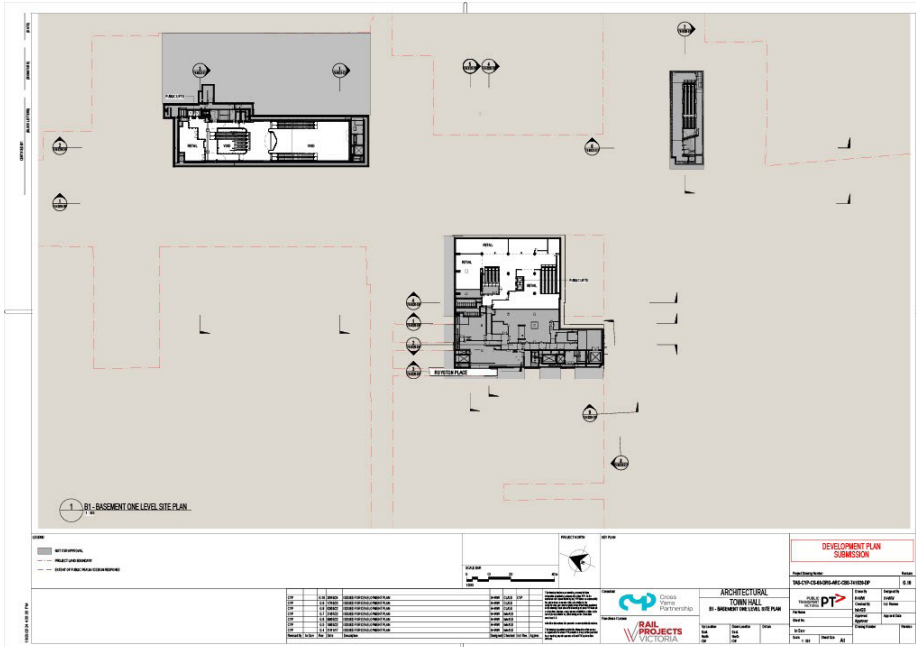
- (1) The embedded network which supplies electricity to customers in the station complex located at Domain (Anzac) Station – situated underground near Domain Road, Melbourne, Victoria, 3000 – developed in accordance with the MMRP Incorporated Document and as outlined in the Development Plan maps below, as amended from time to time:



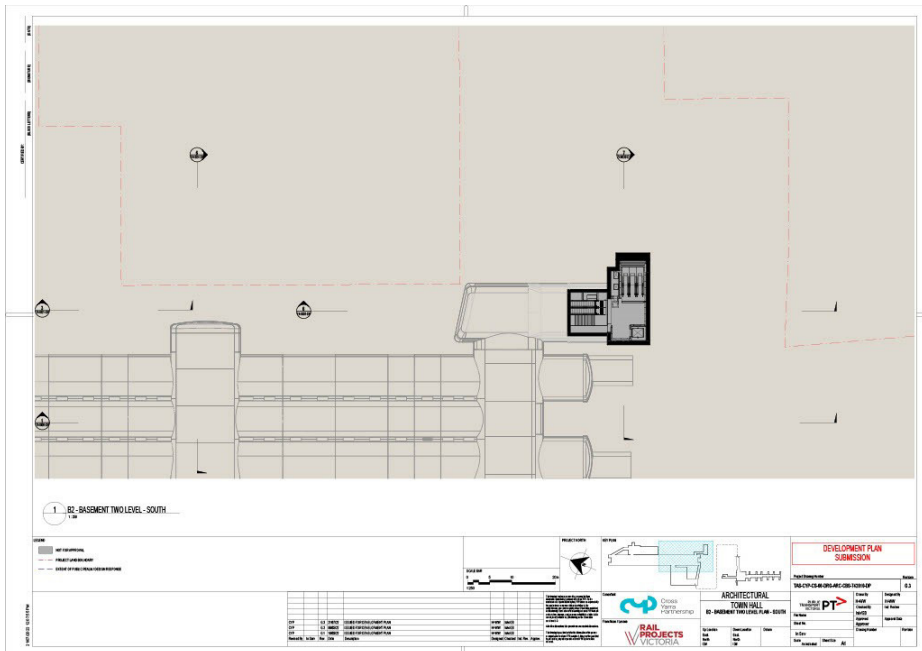
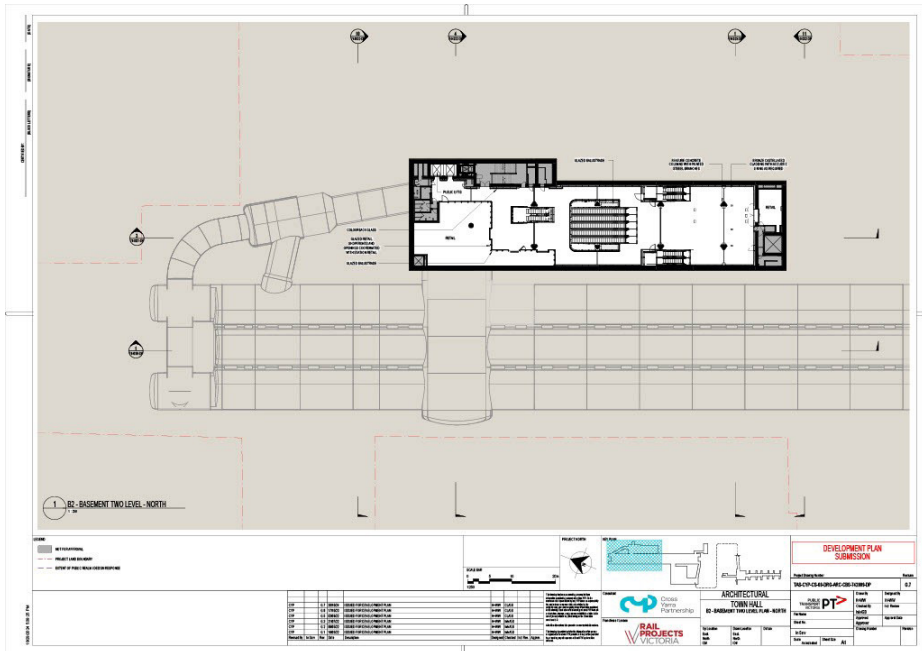


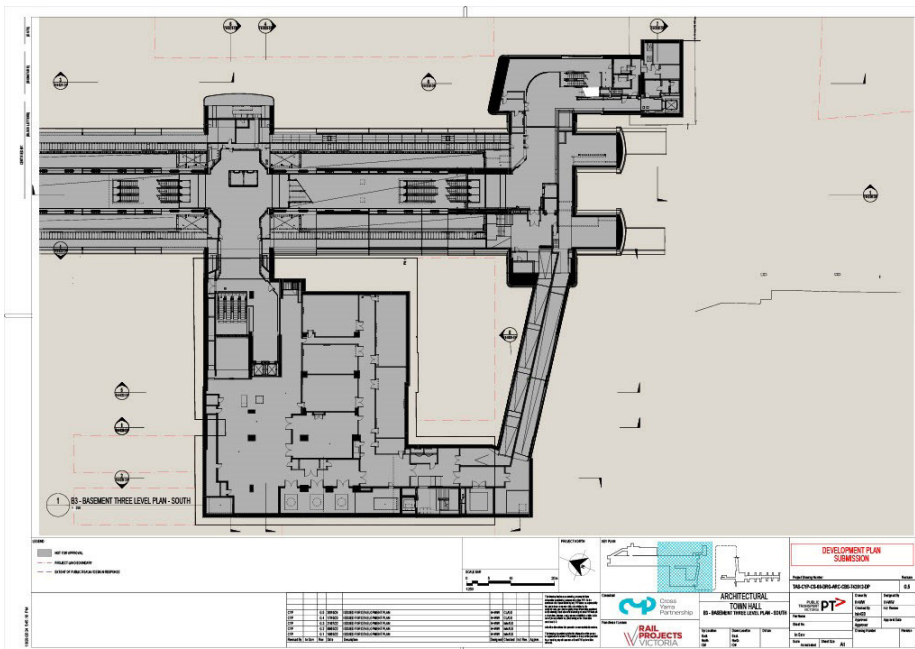
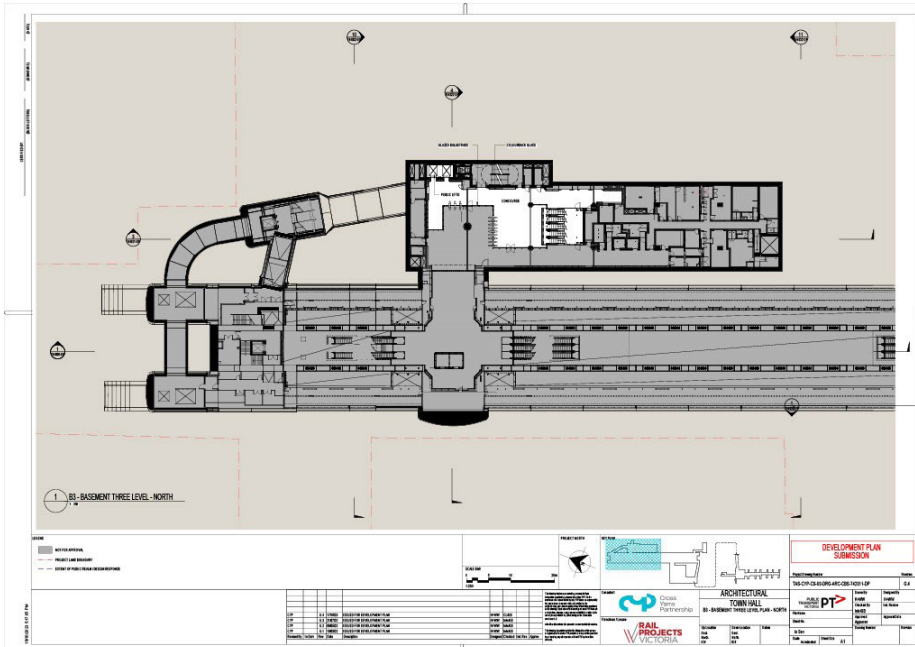
- (2) The embedded network which supplies electricity to customers in the station complex located at CBD South (Town Hall) Station – situated underground near Swanston Street, Melbourne, Victoria, 3000 – developed in accordance with the MMRP Incorporated Document and as outlined in the Development Plan maps below, as amended from time to time:



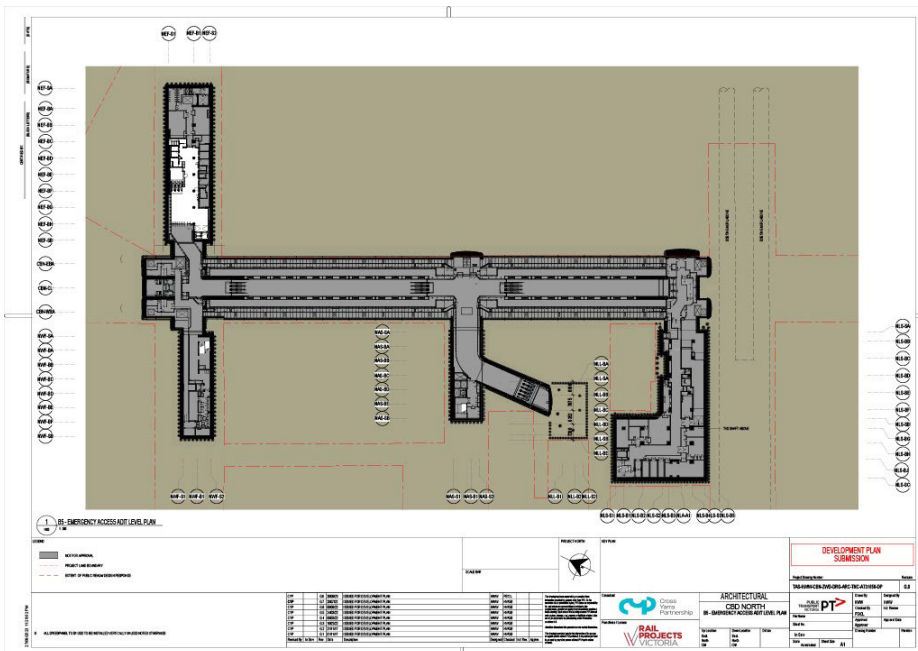
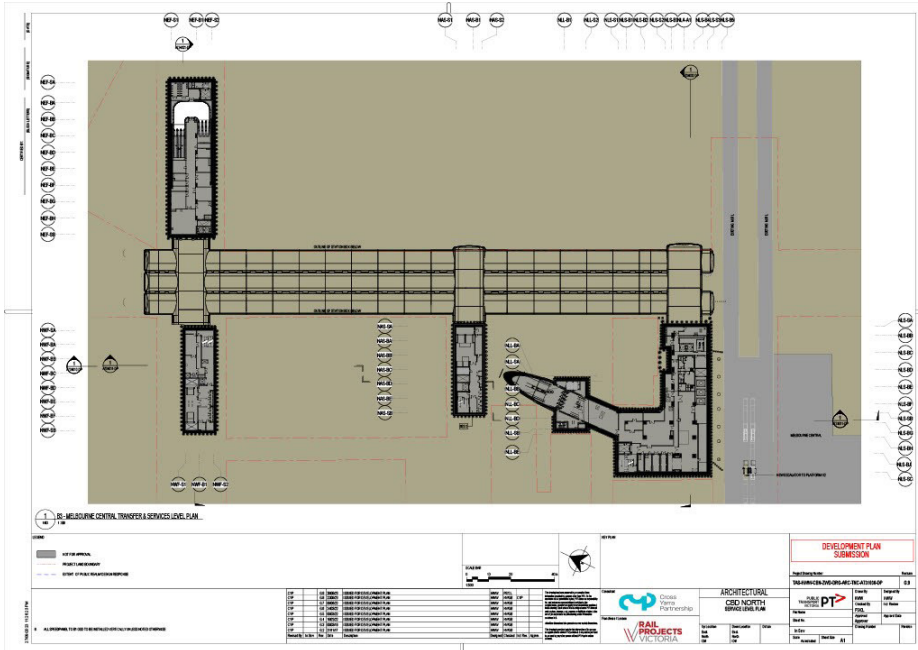


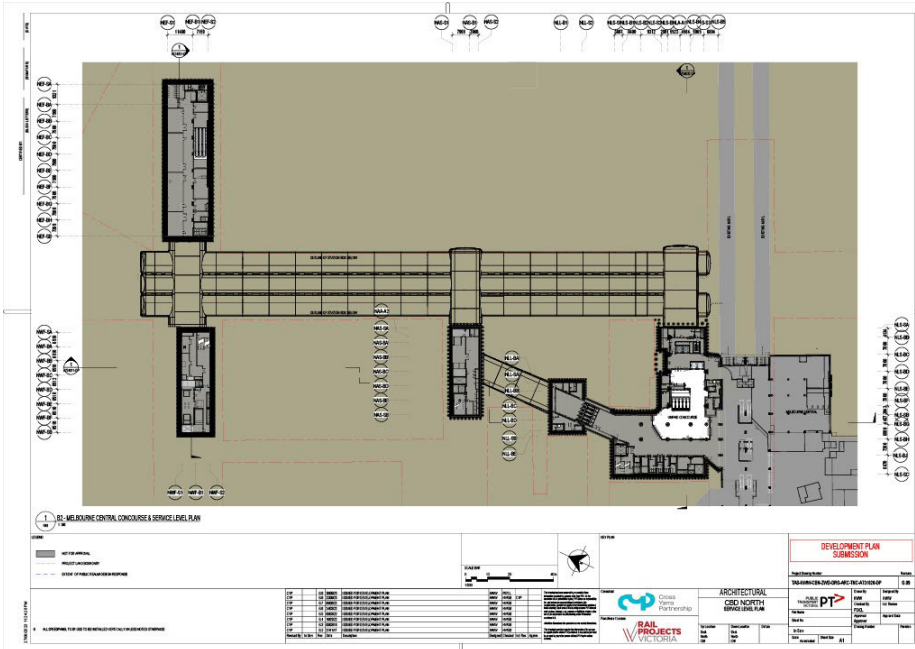




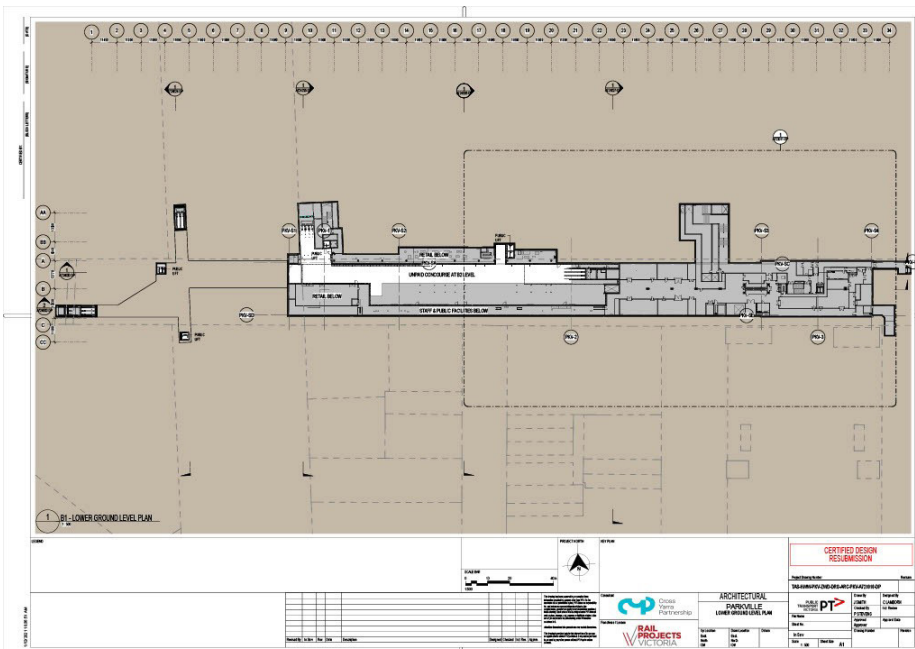


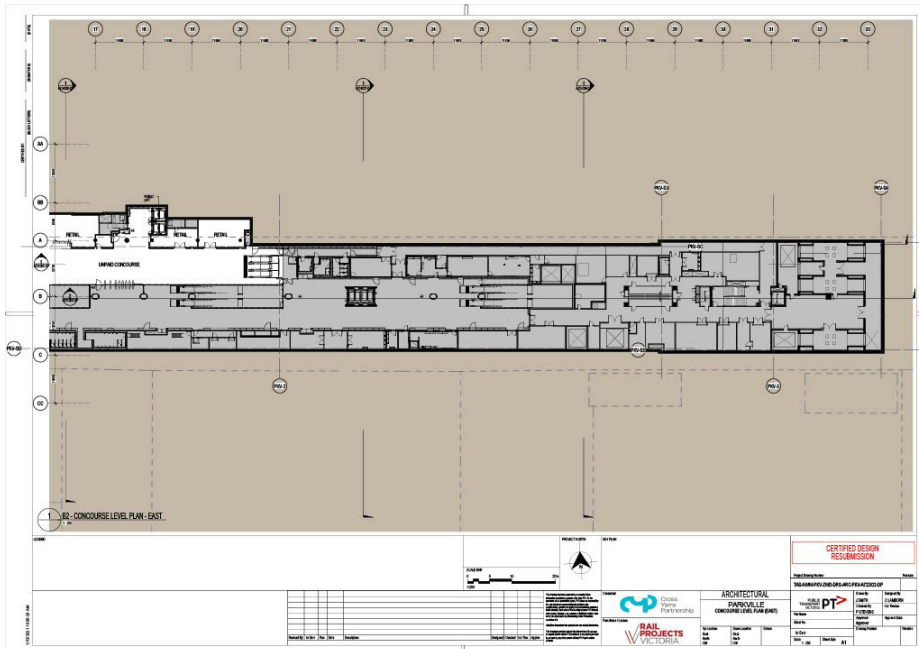
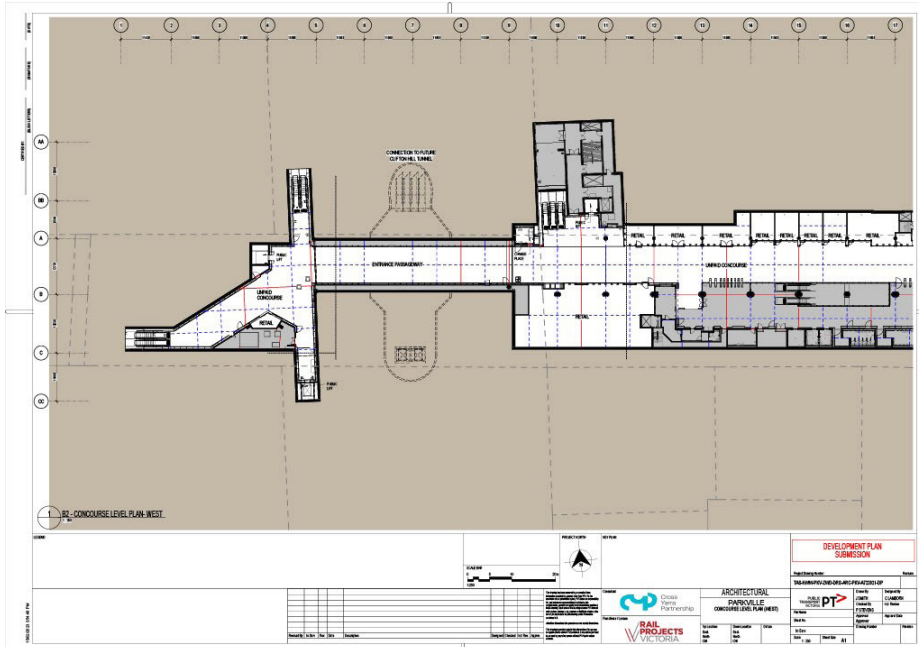
- (3) The embedded network which supplies electricity to customers in the station complex located at CBD North (State Library) Station – situated underground near the corner of La Trobe Street and Swanston Street, Melbourne, Victoria, 3000 – developed in accordance with the MMRP Incorporated Document and as outlined in the Development Plan maps below, as amended from time to time:



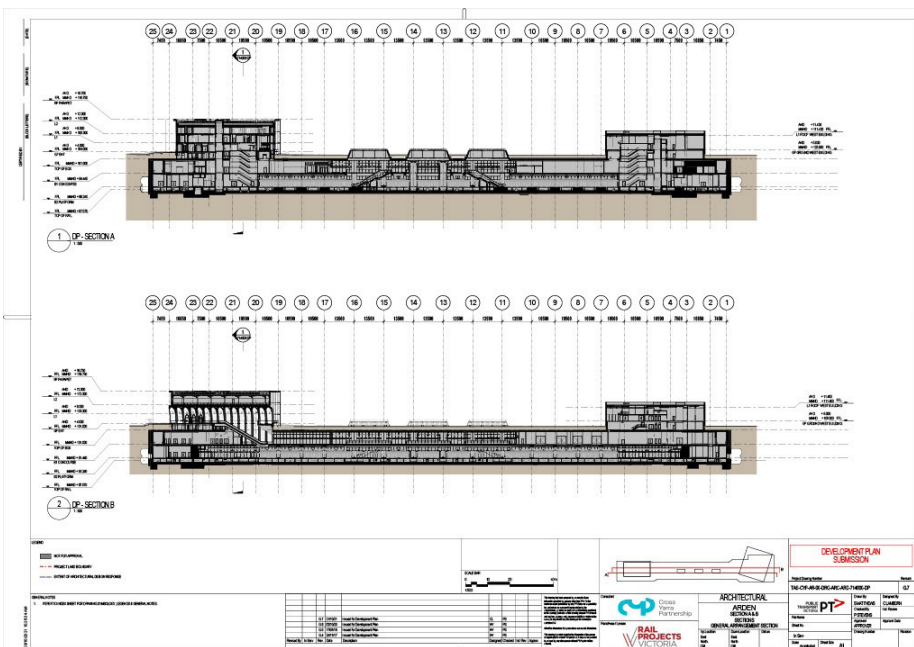
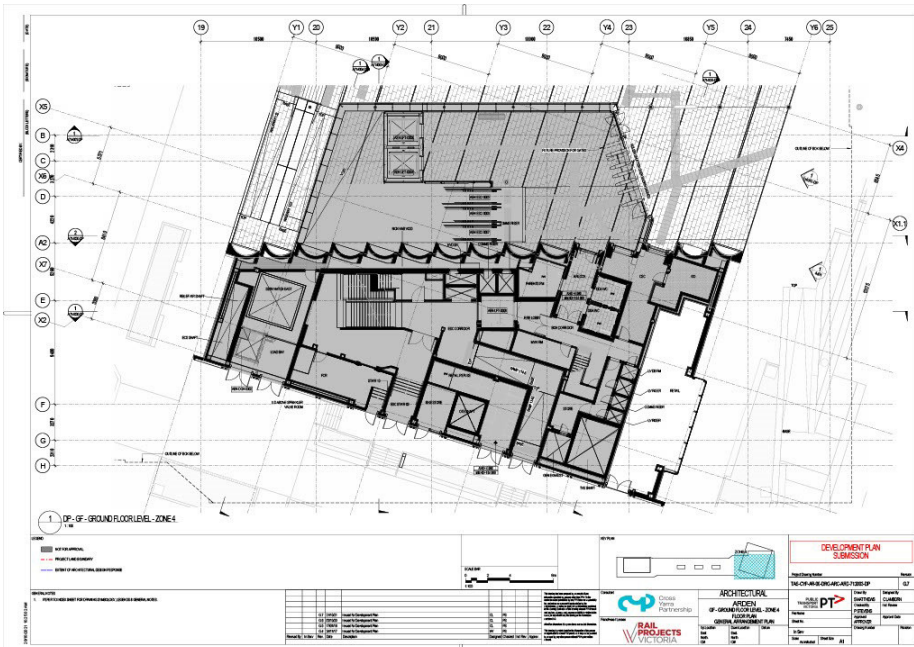


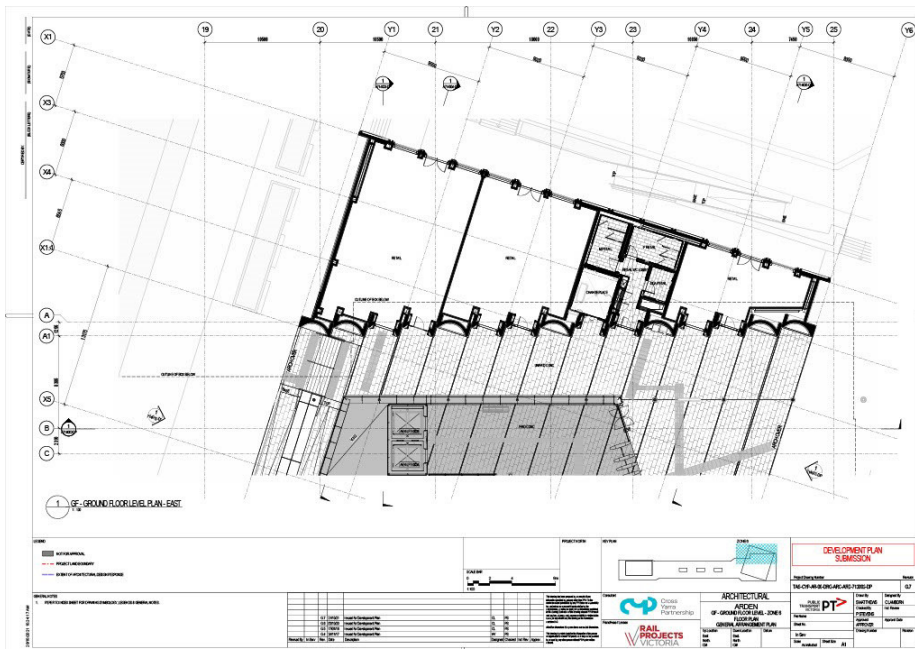
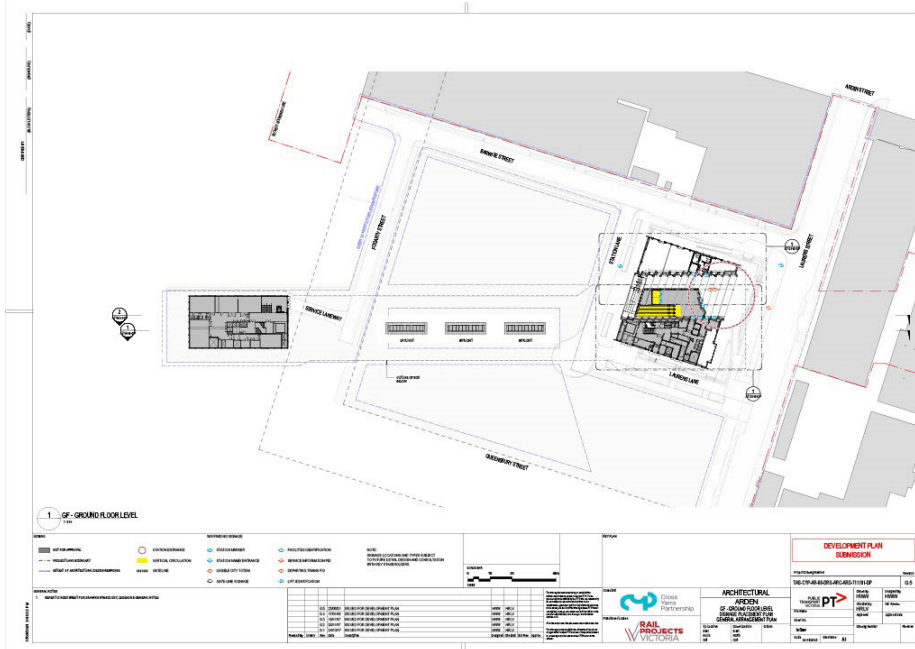
- (4) The embedded network which supplies electricity to customers in the station complex located at Parkville Station – situated underground near Berkeley Street, Melbourne, Victoria, 3000 – developed in accordance with the MMRP Incorporated Document and as outlined in the Development Plan maps below, as amended from time to time:





- (5) The embedded network which supplies electricity to customers in the station complex located at Arden Station – situated underground on or near Laurens Street, North Melbourne, Victoria, 3051 – developed in accordance with the MMRP Incorporated Document and as outlined in the Development Plan maps below, as amended from time to time:





**SCHEDULE 2****Table 1: Clauses or parts of the Code of Practice that apply to Train Franchisee where supply or distribution is to Cross Yarra Partnership**

For the purposes of clause 7(1) of this Order, the following clauses are specified:

	<b>Obligation type</b>	<b>Clause or Part of the Code of Practice</b>
1	Connection of supply	3.3.1(c), 3.5
2	Interruption of supply	11.2, 11.3, 11.5, 11.6, 11.7, 11.8
3	Non-compliance by distributors and customers	15.2.1, 15.2.2, 15.3, 15.4.2
4	Disconnection of supply	16.2, 16.3, 16.6, 16.7
5	Reconnection of supply	17.2
6	Asset management and planning	19.2.1(a), 19.2.1(b)
7	Voltage variation compensation	20.4.8
8	Quality of supply	20.4.1, 20.4.2, 20.4.4, 20.4.5, 20.4.6, 20.5.20.6.1 20.7, 20.8, 20.9 20.10

**Table 2: Clauses or parts of the Code of Practice that apply to Train Franchisee where supply or distribution is to a customer**

For the purposes of clause 7(2) of this Order, the following clauses are specified:

	<b>Obligation type</b>	<b>Clause or Part of the Code of Practice</b>
1	Connection of supply	3.3.1(c), 3.5
2	Interruption of supply	11.2, 11.3.1(c), 11.6, 11.8
3	Non-compliance by distributors and customers	15.2.1, 15.2.2
4	Disconnection of supply	16.3, 16.6, 16.7
5	Reconnection of supply	17.2
6	Asset management and planning	19.2.1(a), 19.2.1(b)
7	Voltage variation compensation	20.4.8
8	Quality of supply	20.4.1, 20.4.2, 20.4.4, 20.4.5, 20.4.6, 20.5.20.6.1 20.7, 20.8, 20.9 20.10



**SCHEDULE 3****Table 1: Clauses or parts of the Code of Practice that apply to Cross Yarra Partnership**

For the purposes of clause 9(1) of this Order, the following clauses are specified:

	<b>Obligation type</b>	<b>Clause or Part of the Code of Practice</b>
1	Connection of supply	3.3.1(c), 3.5
2	Metering	6.2
3	Interruption of supply	11.2, 11.3, 11.4, 11.5, 11.6, 11.7
4	Non-compliance by distributors and customers	15.2.1, 15.2.2, 15.3, 15.4.2
5	Disconnection of supply	16.2, 16.3, 16.6, 16.5, 16.7
6	Reconnection of supply	17.2
7	Complaints and dispute resolution	18.2
8	Asset management and planning	19.2.1(a), 19.2.1(b)
9	Voltage variation compensation	20.4.8
10	Provision of information	25.6.2, 25.6.3, 25.8
11	Quality of supply	20.4.1, 20.4.2, 20.4.4, 20.4.5, 20.4.6, 20.5.20.6.1 20.7, 20.8, 20.9 20.10

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