



New South Wales

Electricity Supply Amendment Bill 2000

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Electricity Supply Act 1995* (the ***Principal Act***) and other Acts so as to provide the necessary framework in the electricity industry for the introduction of full retail competition and to make other consequential amendments. Full retail competition in the retail electricity market, that is, the extension of the right to choose an electricity retail supplier, is to be phased in for customers who do not currently have this right for the period from 1 January 2001 to 1 January 2002. At the moment “non-franchise customers” under the Principal Act are able to choose a retail supplier of electricity but “franchise customers” are not. The Bill:

- (a) extends the right to enter into negotiated contracts with retail suppliers to all customers (by removing the current distinctions between franchise customers and non-franchise customers) but makes savings and transitional provisions enabling the phasing in of full retail competition, and

- (b) separates the roles of providers of electricity distribution network services (*distribution network service providers*) and retail suppliers of electricity (*retail suppliers*) by imposing separate licensing obligations, and conditions applicable to the functions of each, on licences and removing the current obligation of some electricity distributors to hold retail suppliers' licences, and
- (c) recognises small customers of retail suppliers (*small retail customers*) and confers on them rights and protections, including rights to connection services, rights to apply to be supplied with electricity, rights to protections under contracts of connection and supply, rights to have electricity supplied at a regulated retail tariff, rights relating to transfers to different retail suppliers and rights relating to resolution of disputes, and
- (d) establishes the Electricity Tariff Equalisation Fund and the Electricity Tariff Equalisation Ministerial Corporation to equalise the effect of variable electricity purchase costs on retail suppliers who obtain electricity from the wholesale market (the price of which is subject to market fluctuations) but are required to supply electricity to small retail customers at the regulated retail tariff, and
- (e) provides a mechanism for the setting of regulated retail tariffs for electricity and regulated retail charges by the Independent Pricing and Regulatory Tribunal (the *Tribunal*), and
- (f) confers powers with respect to electricity works on retail suppliers, and
- (g) provides for marketers of electricity (including licensed retail suppliers, as well as other persons) to be subject to rules adopting a Marketing Code of Conduct, and
- (h) extends the operation and application of the electricity industry ombudsman scheme, and
- (i) enables the making of market operations rules by the Minister relating to network use of systems agreements, settlement of payments for electricity purchases by retail suppliers, the transfer of customers between retail suppliers and metering procedures and equipment, and
- (j) enables regulations to be made with respect to the appointment of a metrology co-ordinator for the purposes of meeting national electricity market obligations, and
- (k) gives the Tribunal a standing reference to determine the proportion of connection costs that a distribution network service provider may pass on to new customers and related matters, and

- (l) contains transitional arrangements for the staged implementation of full retail competition and contains other provisions of a savings and transitional nature, and
- (m) makes other amendments of a consequential and ancillary nature.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *Electricity Supply Act 1995* set out in Schedule 1.

Clause 4 is a formal provision giving effect to the amendments to other Acts and Regulations set out in Schedule 2.

Full retail competition—functions and licensing of distribution network service providers and retail suppliers and rights of small retail customers

Currently, the Principal Act requires certain electricity distributors to also exercise the functions of retail suppliers as dual licence holders. The Principal Act also distinguishes between franchise and non-franchise customers with respect to rights to contract with electricity distributors and other retail suppliers. The amendments separate out functions attached to both licences, re-enact existing licence provisions and remove distinctions relating to franchise customers and non-franchise customers. At the same time, protections and rights are conferred on small retail customers. In particular, the following changes are made:

- (a) section 17, which currently requires electricity distributors to hold retail suppliers' licences, is repealed. The Minister will be able to impose a condition on a distribution network service provider's licence requiring the provider to transfer its retail supplier's licence (**Schedule 1 [4]** and **[65]** (proposed clause 23 of Schedule 6)),
- (b) proposed section 33A provides for categories of retail suppliers' licences by providing for endorsements for standard retail suppliers and other endorsements. A standard retail supplier's endorsement attaches conditions to the licence, including the requirement to use of standard form customer supply contracts for small retail customers (containing rights and protections), the

requirement to supply customers within the retail supplier's supply district in accordance with the Principal Act, the requirement to charge regulated retail tariffs and regulated retail charges under standard form customer supply contracts, the requirement to comply with certain rules and to provide information and requirements relating to the preparation of standard form customer supply contracts (**Schedule 1 [10]**),

- (c) proposed section 33B sets out requirements related to the transfer of endorsements on licences (**Schedule 1 [10]**),
- (d) proposed section 33C defines the supply district of a standard retail supplier (**Schedule 1 [10]**),
- (e) proposed section 34 gives a right to apply to be supplied with electricity, by the standard retail supplier for a supply district, to persons within the supply district who own or occupy premises connected to a distribution system or have a right to apply to be so connected. Any such person who is a small retail customer may elect to be supplied with electricity under a standard form customer supply contract. Any other such person may negotiate to be supplied with electricity under a negotiated customer supply contract. The retail supplier must ensure that electricity is supplied in accordance with the proposed section. The proposed section replaces the current obligation placed on electricity distributors to provide supply or to arrange supply services within their distribution district (**Schedule 1 [10]**),
- (f) proposed section 36 makes it a condition of a licence held by a standard retail supplier that charges for electricity under a standard form customer supply contract be in accordance with any determination by the Tribunal of the regulated retail tariff or regulated retail charges (**Schedule 1 [10]**),
- (g) proposed section 37 makes it clear (subject to any other obligations, such as those attached to a licence held by a standard retail supplier) that a retail supplier may, but is not required to, supply electricity to any customer (**Schedule 1 [10]**),
- (h) proposed section 38 makes it a condition of a retail supplier's licence that electricity must be supplied to retail customers under a customer supply contract (**Schedule 1 [10]**),
- (i) provision is made for negotiated customer supply contracts between customers and retail suppliers (**Schedule 1 [10]** (proposed section 38A)),
- (j) provision is made for standard form customer supply contracts between standard retail suppliers and small retail customers (**Schedule 1 [10]** (proposed section 39)),

- (k) additional matters are to be included in standard form customer supply contracts, including matters related to metering of electricity and regulated retail tariffs and regulated retail charges (**Schedule 1 [10]** (proposed section 40)),
- (l) consequential amendments are made to provisions relating to the levy payable by the holder of a distribution network service provider's licence as a result of the repeal of the distinction between franchise and non-franchise customers. The provisions relating to the levy are to continue in their current form for the period to which the levy currently applies (**Schedule 1 [7]–[9]** and **[65]** (proposed clause 36 of Schedule 6)),
- (m) consequential amendments are made to provisions relating to the price increase relating to the determination for electricity network services as a result of amendments made by the proposed Act. The provisions relating to the price increase are to continue in their current form for the period to which the increase currently applies (**Schedule 1 [11]–[16]** and **[65]** (proposed clause 36 of Schedule 6)),
- (n) provisions relating to guidelines for the appointment of customer consultative groups are omitted (**Schedule 1 [48]** and **[49]**),
- (o) standard retail suppliers are required to appoint at least one customer consultative group to act as a forum between retail suppliers and customers with the function of providing information and advice as to standard form customer supply contracts, operational changes, proposed improvements and other matters (**Schedule 1 [49]–[51]**),
- (p) the provision enabling the Minister to declare persons to be non-franchise customers is repealed and replaced by proposed section 92 which defines a small retail customer for the purposes of the Principal Act (**Schedule 1 [52]**),
- (q) the right of a person to appeal against certain decisions of electricity distributors is replaced by proposed sections 96–96D which enable small retail customers and other persons of a class prescribed by the regulations to apply for a review of certain decisions by retail suppliers and also enable a person to apply for a review of a decision to classify the person as being or not being a small retail customer. The provisions also set out the right of a person to apply to an electricity industry ombudsman for a review of a decision (this is currently contained in the regulations) and limit that right to decisions that are subject to the ombudsman scheme concerned. The approved scheme will also cover disputes and complaints relating to small retail customers' dealings with electricity marketers. It will be a licence condition that distribution network service providers, and retail suppliers supplying to small retail customers, be members of an approved scheme and agree to be

bound by, and to comply with, the electricity industry ombudsman's decision. The Minister's capacity to approve such a scheme is contained in proposed section 96B. The provisions do not prevent provision for dispute resolution from being made in negotiated contracts. (**Schedule 1 [56]**).

Phasing in of full retail competition

Currently, franchise customers are not able to choose their own retail supplier of electricity but have the rights and protections conferred by standard form customer supply contracts and other rights and protections. Proposed Part 4 of Schedule 6 makes the following savings and transitional provisions relating to franchise customers and other matters, in the light of the move to full retail competition:

- (a) current franchise customers are to be transitional retail customers and as such are to be treated as small retail customers until such time as an order is made by the Minister or, in the case of certain customers subject to existing orders, the customers elect to cease to be transitional retail customers, effectively continuing the current regime applicable to such customers (**Schedule 1 [65]** (proposed clauses 25–27 of Schedule 6)),
- (b) conditions of retail suppliers' licences relating to the obligation to supply electricity to small retail customers are also to apply in respect of transitional retail customers (**Schedule 1 [65]** (proposed clause 28 of Schedule 6)),
- (c) a right to review is provided where there is a dispute as to whether a person should be treated by a licence holder as a transitional retail customer (**Schedule 1 [65]** (proposed clause 32 of Schedule 6)),
- (d) existing standard form customer supply contracts are continued in force for a period of 3 months, or such longer or shorter period as may be determined by order of the Minister, while existing negotiated customer supply contracts are unaffected (**Schedule 1 [65]** (proposed clauses 29 and 30 of Schedule 6)).

The proposed Part also contains savings and transitional provisions converting references to electricity distributors, continuing the application of previous provisions to existing appeals and matters and continuing existing customer consultative groups, as well as providing for the initial operation of certain provisions (**Schedule 1 [65]** (proposed clauses 22, 31, 33, 34 and 39 of Schedule 6)).

Contributions to connection costs

Currently, an electricity distributor may require a new customer to contribute to the costs of providing customer connection services to the customer. Such costs may also be contributed to by further new customers in limited circumstances.

Schedule 1 [6] requires the costs that may be payable by a new customer and further new customers, and any subsequent repayment of contributions, to be in accordance with any determination of the Tribunal.

Schedule 1 [65] continues existing requirements to contribute to customer connection costs and waives certain requirements in relation to the initial determination of the Tribunal (proposed clause 35 of Schedule 6).

Schedule 2.3 amends the *Independent Pricing and Regulatory Tribunal Act 1992* to confer on the Tribunal a standing reference to make such a determination and provides for the kind of determination that may be made as well as its publication.

Regulated retail tariffs and regulated retail charges

Schedule 1 [17] inserts proposed Division 5 of Part 4 (proposed sections 43EA–43EJ) which contains a scheme for the determination by the Tribunal of regulated retail tariffs and regulated retail charges. These are to be payable by small retail customers under standard form customer supply contracts. The scheme for determination of the tariffs and charges is as follows:

- (a) the Minister may give a reference as to the matter of a determination to the Tribunal, or the Tribunal may request a referral, and the Tribunal is to investigate and report in accordance with the reference (proposed section 43EA),
- (b) the Tribunal may determine, in its report, the regulated retail tariffs and regulated retail charges but must have regard to any matter that it is required by the reference to consider and the effect of the determination on competition in the retail electricity market (proposed section 43EB),
- (c) determinations of the Tribunal are to be published in the Gazette and take effect on publication or on a later specified day (proposed section 43EC),
- (d) the Minister must arrange for copies of the Tribunal's reports to be available for public inspection (proposed section 43ED),
- (e) the Tribunal is given powers in relation to investigations, including powers to hold hearings and to require the provision of information, documents and evidence (proposed sections 43EE and 43EF),
- (f) limitations are placed on the divulging of confidential information given to the Tribunal but information may be divulged in a report after notice is given. The Tribunal may also give directions prohibiting or restricting the divulging of information (proposed section 43EG),

- (g) it will be an offence to refuse or fail to comply with a notice, or to refuse or fail to answer a question, of the Tribunal or to give information or evidence knowing that it is false or misleading in a material particular. It will also be an offence to hinder, obstruct or interfere with the Tribunal in the exercise of its functions under the proposed Division or to take action that detrimentally affects the employment of a person because the person assists the Tribunal (proposed section 43EH),
- (h) the confidentiality of Cabinet documents and Cabinet proceedings is protected (proposed section 43EI),
- (i) the scheme is to cease to have effect on 30 June 2004 or on such earlier or later day as may be prescribed by the regulations (proposed section 43EJ).

Schedule 1 [65] (proposed clauses 37, 38 and 39 of Schedule 6) inserts transitional provisions providing for the initial determination of the regulated retail tariff and regulated retail charges and the imposition of conditions on licences.

Electricity tariff equalisation

Schedule 1 [17] inserts proposed Division 6 of Part 4 (proposed sections 43EK–43ES) which establishes the Electricity Tariff Equalisation Fund (the *Fund*) and constitutes the Electricity Tariff Equalisation Ministerial Corporation (the *Ministerial Corporation*). The Fund is to be used as a mechanism to manage the wholesale purchase risk borne by standard retail suppliers who are subject to competition in the wholesale electricity markets but who have to retail electricity obtained in that market at regulated retail tariffs to small retail customers. This also meets the objective of supporting and implementing the policy of providing pricing protection for small retail customers. The proposed Division contains the following provisions as to the use of the Fund for these purposes:

- (a) the Ministerial Corporation, which is to be managed by the Treasurer, is constituted with functions including administering and controlling the Fund and administering the rules as to payments to and from the Fund (proposed section 43EM),
- (b) the Fund is established and provision is made for amounts to be payable to and from the Fund under the rules for payment (proposed section 43EN),
- (c) the Treasurer, after consulting with the Minister for Energy, is to approve rules as to payment, including payments to the Fund by standard retail suppliers, electricity generators and Snowy Hydro Limited and payments from the Fund to those bodies and the Consolidated Fund. The circumstances when payments are required by the rules to be made to or from the Fund are to be determined having regard to the wholesale costs of electricity, the level of the regulated retail tariff in comparison with those costs and the general level of

the Fund. The rules may also provide for information or access to information to be provided for the purposes of determining payments and administering the rules. Payments may also be made under the rules to reimburse certain audit costs paid to the Tribunal by standard retail suppliers (proposed section 43EO),

- (d) standard retail suppliers and electricity generators are required to make payments to the Fund in accordance with the rules and to provide information under the rules or if required by the Ministerial Corporation. A failure or refusal to comply will be an offence, as will the giving of false or misleading information (proposed sections 43EP and 43EQ),
- (e) it is to be a condition of a licence held by a standard retail supplier that the standard retail supplier must make payments in accordance with the rules and must provide information under the rules or if required by the Ministerial Corporation (proposed section 43ER),
- (f) the proposed Division is to cease to have effect on 30 June 2004 or on such earlier or later day as may be prescribed by the regulations (proposed section 43ES).

The compliance of standard retail suppliers with respect to licence conditions relating to the Fund and provision of information are to be monitored and reported on by the Tribunal, if requested by the Treasurer (**Schedule 1 [46]**). The Tribunal is given powers to require the provision of information, documents and evidence to do so (**Schedule 1 [47]** (proposed section 87B)). It will be an offence to refuse or fail to comply with a notice, or to refuse or fail to answer a question, of the Tribunal or to give information or evidence knowing that it is false or misleading in a material particular. It will also be an offence to hinder, obstruct or interfere with the Tribunal in the exercise of its functions under the proposed provisions or to take action that detrimentally affects the employment of a person because the person assists the Tribunal (**Schedule 1 [47]** (proposed section 87C)).

Schedule 1 [59] enables the Ministerial Corporation to delegate its powers.

Schedule 1 [65] inserts a transitional provision providing for the Ministerial Corporation to obtain financial accommodation for the initial amount in the Fund (proposed clause 38 of Schedule 6).

Retail suppliers' powers

Currently, powers in relation to entry onto premises for the repair and installation of electricity works (such as meters) are conferred only on network operators (who have the functions of electricity distributors and retail suppliers). With the separate exercise of these functions that is to result from full retail competition, amendments

are being made by the Bill to make it clear that retail suppliers can own electricity works and that their authorised officers can enter onto premises for the purposes of carrying out certain functions with respect to prescribed electricity works. The amendments also apply the existing provisions relating to the exercise of the power of entry to those officers and retail suppliers and enable retail suppliers to appoint authorised officers for those purposes (**Schedule 1 [18]–[36], [38], [39] and [53]–[55]**).

Market operations

Schedule 1 [37] inserts proposed Part 5A (proposed sections 63B–63E) which enables the Minister to approve market operations rules. The rules will relate to a number of matters arising out of the national electricity market (which involves distribution network service providers) and the measurement of electricity consumption for costing and transfer purposes, as well as regulate the transfer of customers between retail suppliers. In particular, rules may be made for or with respect to agreements between distribution network service providers and retail suppliers, procedures and equipment to measure electricity consumption, provision of connection services by retail suppliers and the transfer of customers between retail suppliers (proposed section 63C). A contravention of the rules will be an offence and it is to be a condition of a retail supplier's licence and a distribution network service provider's licence that the licence holder must comply with the rules (proposed section 63D). Provision is also made for regulations to be made for or with respect to the appointment of a metrology co-ordinator (proposed section 63E).

Electricity marketers

Schedule 1 [37] inserts proposed Part 5B (proposed sections 63F–63J) which provides for the regulation of electricity marketers through the adoption of a Marketing Code of Conduct and its enforcement. Electricity marketers include retail suppliers and persons who act as agents or intermediaries between customers and retail suppliers (proposed section 63F). The Code is to be approved by the Minister and published in the Gazette (proposed section 63G). A contravention of the Code will be an offence and it is to be a condition of a retail supplier's licence that the retail supplier must comply with the Code (proposed sections 63H and 63I). Electricity marketers who are not licensed retail suppliers must provide a written statement to retail suppliers in respect of compliance with the Code when introducing a customer or arranging or facilitating a negotiated customer supply contract and must not give a statement knowing that it is false or misleading in a material particular (proposed section 63J).

Other minor amendments

Schedule 1 [1], [3], [42]–[45], [57] and [58] change references to electricity distributor, and related references, to references to distribution network service provider, and related references.

Schedule 1 [2] provides that notes included in the Principal Act do not form part of the Act.

Schedule 1 [5] and [62] make consequential amendments.

Schedule 1 [40] enables regulations to be made exempting persons or matters or classes of persons or matters from restrictions relating to charges for the use of electricity.

Schedule 1 [41] changes a reference to electricity distributor to a reference to a standard retail supplier.

Schedule 1 [60] enables regulations to be made for or with respect to requirements for customer connection contracts. It also enables regulations to be made for or with respect to the collection, keeping, disclosure or other use of information about customers or prospective customers and the inclusion of such obligations in customer connection contracts and customer supply contracts.

Schedule 1 [61] enables regulations to be made for or with respect to the electricity industry ombudsman's obligations to provide copies of reports and to report to the Minister, as well as to facilitate social programs for electricity.

Schedule 1 [63] provides for the Principal Act to be reviewed 5 years after the date of assent to the proposed Act.

Schedule 1 [64] enables savings and transitional regulations to be made as a consequence of the enactment of the proposed Act.

Schedule 1 [66]–[71] amend and repeal definitions and insert definitions of expressions and new terms used in the proposed Act.

Amendment of other Acts and Regulations—Schedule 2

Schedule 2.1 makes a consequential amendment to a reference to electricity distributors in the *Electricity (Pacific Power) Act 1950*.

Schedule 2.2 makes consequential amendments to references to electricity distributors in the *Electricity Safety Act 1945*.

Schedule 2.4 makes a consequential amendment to a reference to electricity distributors in the *Land Tax Management Act 1956*.

Electricity Supply Amendment Bill 2000

Explanatory note

Schedule 2.5 confers investment powers under the *Public Authorities (Financial Arrangements) Act 1987* on the Ministerial Corporation by amending the *Public Authorities (Financial Arrangements) Regulation 2000*.

Schedule 2.6 makes the Ministerial Corporation subject to the requirements of the *Public Finance and Audit Act 1983*.

Schedule 2.7 makes consequential amendments to references to electricity distributors in the *Transport Administration Act 1988*.



New South Wales

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New South Wales

Electricity Supply Amendment Bill 2000

No. , 2000

A Bill for

An Act to amend the *Electricity Supply Act 1995* with respect to changes to licences, functions and obligations of distribution network service providers and retail suppliers of electricity, the rights and liabilities of customers and other matters related to the introduction of full retail competition in New South Wales; to make provision with respect to regulated retail tariffs and charges, including constituting the Electricity Tariff Equalisation Fund and the Electricity Tariff Equalisation Ministerial Corporation; to provide for regulation of aspects of market operations and electricity marketing; to amend the *Independent Pricing and Regulatory Tribunal Act 1992* to confer electricity-related functions on the Tribunal; and for other purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Electricity Supply Amendment Act 2000</i> .	3
2 Commencement	4
This Act commences on a day or days to be appointed by proclamation.	5 6
3 Amendment of Electricity Supply Act 1995 No 94	7
The <i>Electricity Supply Act 1995</i> is amended as set out in Schedule 1.	8
4 Amendment of other Acts and Regulations	9
Each Act or Regulation specified in Schedule 2 is amended as set out in that Schedule.	10 11

Schedule 1	Amendment of Electricity Supply Act 1995	1
	(Section 3)	2
[1]	The whole Act (except in Schedules 5 and 6 and provisions omitted, inserted or amended by this Act)	3
	Omit “An electricity distributor”, “an electricity distributor”, “an electricity distributor’s”, “electricity distributors”, “the electricity distributor”, “the electricity distributor’s”, “or electricity distributor”, “each electricity distributor’s”, “its electricity distributor’s”, “by electricity distributors” and “which electricity distributors” wherever occurring.	5
	Insert instead “A distribution network service provider”, “a distribution network service provider”, “a distribution network service provider’s”, “distribution network service providers”, “the distribution network service provider”, “the distribution network service provider’s”, “or distribution network service provider”, “each distribution network service provider’s”, “its distribution network service provider’s”, “by distribution network service providers” and “which distribution network service providers”, respectively.	10
[2]	Section 4 Definitions and notes	17
	Insert at the end of the section:	18
	(2) Notes included in this Act do not form part of this Act.	19
[3]	Section 14 Licences	20
	Omit “electricity distributors” wherever occurring.	21
	Insert instead “distribution network service providers”.	22
[4]	Section 17 Electricity distributors to hold retail suppliers’ licences	23
	Omit the section.	24

[5] Section 18	1
Omit the section. Insert instead:	2
18 Distribution network service providers to connect premises under customer connection contracts	3
	4
It is a condition of a distribution network service provider's licence that the distribution network service provider must not provide customer connection services otherwise than under a customer connection contract.	5
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[6] Section 25 Contributions to augmentation of distribution system	9
Omit section 25 (3). Insert instead:	10
(3) A distribution network service provider must comply with any determination of the Tribunal in force under the <i>Independent Pricing and Regulatory Tribunal Act 1992</i> relating to the proportion of contributions that may be required from customers under this section or the repayment of existing customers under this section.	11
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(3A) It is a condition of a distribution network service provider's licence that the distribution network service provider must comply with this section.	17
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[7] Section 32A Definitions	20
Omit “, but does not include the income derived by the licensee from the supply component of the price of electricity supplied by the licensee” from the definition of <i>network income</i> .	21
	22
	23
[8] Section 32A, definition of “supply component”	24
Omit the definition.	25
[9] Section 32B Distribution network service provider's levy	26
Omit “non-franchise customers” from section 32B (2) (d).	27
Insert instead “customers (other than customers who are specified or described in an order made under section 43E (6))”.	28
	29

[10] Part 4, Divisions 1–3	1
Omit the Divisions. Insert instead:	2
Division 1 Licences	3
33 Licences	4
(1) The Minister may grant retail suppliers' licences for the purposes of this Act.	5 6
(2) Schedule 2 has effect with respect to the granting, variation, transfer and cancellation of retail suppliers' licences.	7 8
33A Endorsements on retail suppliers' licences	9
(1) One or more of the following endorsements may be attached to a retail supplier's licence:	10 11
(a) a standard retail supplier's endorsement,	12
(b) such other categories of endorsements as the Minister determines.	13 14
(2) A standard retail supplier's endorsement consists of:	15
(a) a condition that designates the endorsement as a standard retail supplier's endorsement in respect of a supply district as referred to in section 33C, and	16 17 18
(b) conditions of the kind referred to in sections 34 (7), 36, 39 (1) and (2), 43EF (3), 43ER and 87D, and	19 20
(c) any other condition imposed by the Minister or the regulations.	21 22
(3) Other categories of endorsements have such designations and are subject to such conditions as the Minister thinks fit or as are imposed by the regulations.	23 24 25
(4) A retail supplier's licence may have no endorsements, or one or more endorsements, attached to it.	26 27

33B	Transfer of endorsements	1
(1)	Subject to the regulations, the provisions of this Act that apply to the transfer of licences extend to the transfer of endorsements referred to in section 33A.	2 3 4
(2)	The regulations may make provision for or with respect to the transfer of endorsements between holders of retail suppliers' licences.	5 6 7
(3)	When approving the transfer of an endorsement, or of a licence together with an endorsement:	8 9
(a)	the Minister may impose such additional conditions on the licence as the Minister considers appropriate, including conditions imposed for the purpose of ensuring that the transferee will comply with the conditions comprised in the endorsement, and	10 11 12 13 14
(b)	the Minister may impose a condition transferring specified customers or classes of customers, and	15 16
(c)	the Minister may amend a condition describing the supply district of a standard retail supplier by varying the supply district, whether by way of reducing or increasing its size, or may revoke such a condition.	17 18 19 20
(4)	Without limitation, the supply district of a standard retail supplier may be varied by the addition of the whole or a part of the supply district of another standard retail supplier or former standard retail supplier.	21 22 23 24
(5)	The regulations may make provision for or with respect to the conditions that may be imposed by the Minister under subsection (3).	25 26 27
33C	Supply district of standard retail supplier	28
	The supply district of a standard retail supplier is to be described in a condition of the retail supplier's licence, and may cover either or both of the following:	29 30 31
(a)	one or more distribution districts,	32
(b)	one or more parts of one or more distribution districts.	33

Division 1A	Electricity supply	1
34	Right to supply of electricity from standard retail supplier for all customers	2
		3
(1)	All persons who own or occupy premises that are within a standard retail supplier's supply district, and that are connected or have a right under section 15 to apply to be connected to a distribution system, may apply to the standard retail supplier to be supplied with electricity at those premises under a negotiated customer supply contract.	4
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(2)	Such of those persons as are small retail customers have a right to elect to be supplied with electricity at those premises by the standard retail supplier under a standard form customer supply contract instead of under a negotiated customer supply contract.	10
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(3)	An application or election may be made by any other person on behalf of the person entitled to make the application or election.	14
		15
(4)	If a person who has a right under this section to do so makes an application to a standard retail supplier, the standard retail supplier is under an obligation:	16
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(a)	to supply electricity to the applicant's premises under a negotiated customer supply contract or to ensure that electricity is so supplied, or	19
		20
		21
(b)	in the case of any customer who is a small retail customer and who elects under this section to be supplied under a standard form customer supply contract, to supply electricity to the customer's premises under such a contract or to ensure that electricity is so supplied.	22
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(5)	If a small retail customer who has a right under this section to do so makes an application to a standard retail supplier, the standard retail supplier is under an obligation to arrange, on behalf of the customer, for customer connection services to be provided to the premises concerned.	28
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(6)	The right that a person has under this section to be supplied electricity to premises is subject to:	33
		34
(a)	any provision of this Act or the regulations that authorises the refusal, suspension or discontinuance of the supply of electricity, and	35
		36
		37

(b)	the maximum capacity of the connection of the premises to the distribution system.	1 2
(7)	It is a condition of a licence held by a standard retail supplier that the retail supplier must fulfil the obligations imposed on the retail supplier by this section.	3 4 5
(8)	The regulations may make provision for or with respect to elections referred to in this section, including provisions for or with respect to circumstances in which an election is or may be taken to have occurred.	6 7 8 9
35	Discrimination prohibited	10
(1)	It is unlawful for a retail supplier:	11
(a)	to refuse to supply electricity to any person, or	12
(b)	to supply electricity to any person on terms that are less advantageous than those on which the retail supplier supplies electricity to other persons,	13 14 15
	on the basis that the person uses or supplies alternative forms of energy, uses or supplies energy from alternative sources, or uses or supplies products, processes, designs or services that reduce the demand for energy.	16 17 18 19
(2)	It is a condition of a retail supplier's licence that the retail supplier must not contravene this section.	20 21
36	Supply of electricity under standard form customer supply contracts (tariffs and charges)	22 23
	It is a condition of a licence held by a standard retail supplier that the retail supplier, in imposing tariffs and charges for or in relation to supplying electricity under a standard form customer supply contract, must impose them in accordance with any relevant determination of the Tribunal in force under Division 5.	24 25 26 27 28 29
37	Supply of electricity by retail suppliers	30
(1)	A retail supplier may, but is not required to, supply electricity to the premises of any customer.	31 32
(2)	Without limitation, a standard retail supplier may, but is not required to, supply electricity to the premises of any customer within or outside the standard retail supplier's supply district.	33 34 35

(3) However, this section does not affect any obligation that a retail supplier has as the holder of an endorsement under section 33A (including, for example, the obligations of a standard retail supplier under section 34).	1 2 3 4
38 Retail suppliers to supply electricity under customer supply contracts	5 6
It is a condition of a retail supplier's licence that the retail supplier must not supply electricity to the premises of a retail customer otherwise than under a customer supply contract.	7 8 9
Division 2 Negotiated customer supply contracts	10
38A Negotiated customer supply contracts	11
(1) This section applies to arrangements for the supply of electricity by a retail supplier to the premises of retail customers, other than the supply of electricity under standard form customer supply contracts.	12 13 14 15
(2) An arrangement to which this section applies (a <i>negotiated customer supply contract</i>) may contain such terms as the retail supplier and the customer agree, and the contract is enforceable accordingly.	16 17 18 19
(3) A negotiated customer supply contract must comply with any conditions imposed on the retail supplier by its retail supplier's licence, but is not unenforceable merely because of any failure to do so.	20 21 22 23
(4) A negotiated customer supply contract must not be inconsistent with the provisions of this Act or the regulations, and is unenforceable to the extent of any such inconsistency, except as provided by subsections (3) and (5).	24 25 26 27
(5) A negotiated customer supply contract with a small retail customer must comply with any requirements prescribed by the regulations for the purposes of this subsection, but is not unenforceable merely because of any failure to do so.	28 29 30 31
(6) It is a condition of a retail supplier's licence that any negotiated customer supply contract with a small retail customer must comply with any requirements prescribed for the purposes of subsection (5).	32 33 34 35

Division 3	Standard form customer supply contracts	1
39	Procedure for making standard form customer supply contracts	2
(1)	It is a condition of a licence held by a standard retail supplier that the standard retail supplier must prepare a standard form customer supply contract to establish the conditions on which it will supply electricity to the premises of small retail customers who elect to be supplied with electricity under standard form customer supply contracts.	3 4 5 6 7 8
(2)	It is a condition of a licence held by a standard retail supplier that the standard retail supplier must notify any relevant customer consultative group, and must have due regard to its comments, before completing its preparation of a standard form customer supply contract.	9 10 11 12 13
(3)	Different forms of standard form customer supply contracts may be prepared for different classes of small retail customers.	14 15
(4)	Notice of the terms of a standard form customer supply contract must be published in a newspaper circulating throughout the State or in a newspaper circulating throughout the relevant supply district.	16 17 18 19
(5)	The particulars to be set out in a notice under this section:	20
(a)	must specify the date on or after which the standard form customer supply contract is to take effect, not being a date that is earlier than the first date the notice is published, and	21 22 23 24
(b)	must include such other particulars as may be prescribed by the regulations.	25 26
(6)	A notice under this section may be of general application or be limited in its application by reference to specified exceptions or factors.	27 28 29
40	Matters for which standard form customer supply contracts must provide	30 31
(1)	A standard form customer supply contract must make provision for the following matters:	32 33
(a)	the basis on which charges for or in relation to the supply of electricity to customers are to be calculated or imposed,	34 35 36

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| (b) | any security to be provided by customers for payment of any such charges, | 1
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| (c) | the standard of service to be provided to customers by the retail supplier, | 3
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| (d) | the circumstances under which the supply of electricity to customers may be discontinued, | 5
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| (e) | the procedures established by the retail supplier for handling enquiries and complaints made by customers, and resolving disputes with customers, in relation to matters arising under the contract, | 7
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| (f) | the estimation of electricity supplied otherwise than through an electricity meter or in circumstances in which an electricity meter fails to operate or fails to operate correctly, | 11
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| (g) | the rate at which electricity is taken to have been supplied between consecutive meter readings, | 15
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| (h) | such other matters as may be prescribed by the regulations. | 17
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| (2) | A standard form customer supply contract: | 19 |
| (a) | must indicate that this Act and the regulations confer powers, duties, rights and obligations on the retail supplier and the customer, and | 20
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| (b) | must briefly describe the nature of those powers, duties, rights and obligations, | 23
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| | but is not unenforceable merely because of any failure to do so. | 25 |
| (3) | A standard form customer supply contract must comply with: | 26 |
| (a) | any conditions imposed on the retail supplier by its retail supplier's licence, and | 27
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| (b) | any relevant determination of the Tribunal in force under Division 5, | 29
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| | but is not unenforceable merely because of any failure to do so. | 31 |
| (4) | A standard form customer supply contract must not be inconsistent with the provisions of this Act or the regulations, and is unenforceable to the extent of any such inconsistency, except as provided by subsections (2) and (3). | 32
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41	Effect of standard form customer supply contracts	1
(1)	Except to the extent to which the regulations otherwise provide, a standard form customer supply contract takes effect:	2
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(a)	on the first day on which notice of its terms is published in a newspaper under section 39, or	4
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(b)	on such later day as may be specified for the purpose in the notice.	6
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(2)	A standard form customer supply contract does not have any effect in respect of any period before the date specified in the relevant notice as the date on or after which the contract is to take effect.	8
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(3)	On the day on which a customer applies to a standard retail supplier for the supply of electricity under a standard form customer supply contract, the customer and the retail supplier are taken to have entered into an agreement for the provision of electricity on the conditions set out in the relevant standard form customer supply contract, and the contract is enforceable accordingly.	12
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42	Amendment of standard form customer supply contracts	19
(1)	From time to time a standard retail supplier may amend a standard form customer supply contract so as to vary the conditions on which it supplies electricity to small retail customers.	20
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(2)	This Division applies to and in respect of an amendment of a standard form customer supply contract in the same way as it applies to a standard form customer supply contract.	24
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[11]	Section 43A Definitions	27
	Omit “licensed electricity distributor” from the definition of <i>electricity network pricing determination</i> .	28
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	Insert instead “licensee”.	30
[12]	Section 43A, definition of “supply component”	31
	Omit the definition.	32

[13] Section 43B Pricing of electricity for customers other than exempt customers	1
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Omit “the supply of electricity to non-franchise customers” from section 43B (1).	4
	5
Insert instead “customers (other than customers who are specified or described in an order made under section 43E (6))”.	6
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[14] Section 43C Pricing of electricity for other customers	8
Omit the section.	9
[15] Section 43D Returns	10
Omit “non-franchise customers” from section 43D (1) (a).	11
Insert instead “customers (other than customers who are specified or described in an order made under section 43E (6))”.	12
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[16] Section 43E Operation of Division	14
Omit “non-franchise” wherever occurring in section 43E (2), (3), (4) and (6).	15
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[17] Part 4, Divisions 5 and 6	17
Insert after Division 4:	18
Division 5 Regulated retail tariffs and regulated retail charges	19
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43EA Referrals for determinations	21
(1) The Minister may refer to the Tribunal, for investigation and report, the determination of regulated retail tariffs or regulated retail charges, or both.	22
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(2) The Tribunal may request the Minister to refer to it, for investigation and report, the determination of regulated retail tariffs or regulated retail charges, or both, under subsection (1).	25
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(3) The reference may specify a period within which the Tribunal is to submit a report to the Minister and may require the Tribunal to consider specified matters when making its determination.	28
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(4) The Tribunal is to conduct an investigation and make a determination in a report to the Minister in accordance with this Division.	1 2 3
(5) If the Minister has given a reference to the Tribunal, the Minister may withdraw or amend the reference at any time before the Minister has received the report from the Tribunal.	4 5 6
(6) A report is to include any minority report by a member of the Tribunal who wishes to make such a report.	7 8
43EB Tribunal to determine regulated retail tariffs and regulated retail charges	9 10
(1) The Tribunal may in a report to the Minister determine regulated retail tariffs or the regulated retail charges, or both, if a referral is made under section 43EA.	11 12 13
(2) Before determining regulated retail tariffs or the regulated retail charges, the Tribunal must have regard:	14 15
(a) to any matter it is required by the reference to consider, and	16 17
(b) to the effect of the determination on competition in the retail electricity market.	18 19
(3) A determination of regulated retail tariffs or regulated retail charges may:	20 21
(a) specify the tariff or charges, or	22
(b) specify the methodology for determining the tariffs or charges.	23 24
(4) A determination may:	25
(a) apply generally or be limited in its application by reference to specified exceptions or factors, or	26 27
(b) apply differently according to different factors of a specified kind, or	28 29
(c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body.	30 31 32
Note. Under section 36, it is a condition of a licence held by a standard retail supplier that the standard retail supplier supply electricity to small retail customers in accordance with any determination in force under this Division.	33 34 35 36

43EC	Publication of regulated retail tariffs and regulated retail charges	1
(1)	A determination of the Tribunal determining regulated retail tariffs or regulated retail charges is to be published in the Gazette by the Minister and takes effect on the day it is so published or on a later day specified in the determination for that purpose.	2 3 4 5 6
(2)	A determination may specify different days for the commencement of different parts of the determination.	7 8
(3)	The determination must be published in the Gazette as soon as practicable after the Minister receives a report from the Tribunal under this Division.	9 10 11
43ED	Public inspection of Tribunal reports	12
(1)	As soon as practicable after the Minister receives a report from the Tribunal under this Division, the Minister is to arrange for copies of the report to be made available for public inspection.	13 14 15
(2)	However, the Minister is not required to release any part of the report that, in the opinion of the Minister or the Tribunal, contains confidential information.	16 17 18
43EE	Powers of Tribunal and conduct of investigations	19
(1)	In an investigation, the Tribunal:	20
(a)	is to act with as little formality as possible, and	21
(b)	may inform itself on any matter in any way it thinks fit and is not bound by the rules of evidence, and	22 23
(c)	may receive information or submissions in the form of oral or written statements, and	24 25
(d)	may consult with such persons as it thinks fit.	26
(2)	The Tribunal may, but is not required to, hold hearings or public seminars, conduct workshops and establish working groups and task forces for the purposes of an investigation.	27 28 29
(3)	The Tribunal must consult with standard retail suppliers in an investigation.	30 31
(4)	If the Tribunal holds hearings, it must give reasonable notice, by advertisement published in a newspaper circulating in the State, of the hearings.	32 33 34

- (5) The Tribunal may call for written submissions and may specify a time and date by which those submissions must be made. The Tribunal may extend the time for the making of submissions. 1
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- (6) A hearing may be held in public or in private, at the discretion of the Tribunal, and may be conducted as determined by the Tribunal. 4
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- 43EF Provision of information, documents and evidence** 7
- (1) For the purposes of an investigation and report, the Chairperson of the Tribunal may, by notice in writing served on an officer of a standard retail supplier or any other person, require the officer or person to do any one or more of the following: 8
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- (a) to send to the Tribunal, on or before a day specified in the notice, a statement setting out such information as is so specified, 13
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- (b) to send to the Tribunal, on or before a day specified in the notice, such documents as are so specified, 16
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- (c) to attend a meeting or hearing of the Tribunal to give evidence. 18
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- (2) If documents are given to the Tribunal under this section, the Tribunal: 20
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- (a) may take possession of, and make copies of or take extracts from, the documents, and 22
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- (b) may keep possession of the documents for such period as is necessary for the purposes of the investigation to which they relate, and 24
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- (c) during that period must permit them to be inspected at all reasonable times by persons who would be entitled to inspect them if they were not in the possession of the Tribunal. 27
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- (3) It is a condition of a licence held by a standard retail supplier that the standard retail supplier must comply with a requirement made by the Tribunal under this section. 31
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43EG Confidential information	1
(1) If a person provides information (<i>protected information</i>) to the Tribunal for the purposes of an investigation on the understanding that the information is confidential and will not be divulged, the Tribunal is required to ensure that the information is not divulged by it to any person, except:	2 3 4 5 6
(a) with the consent of the person who provided the information, or	7 8
(b) to the extent that the Tribunal is satisfied that the information is not confidential in nature, or	9 10
(c) to a member or officer of the Tribunal.	11
(2) If the Tribunal is satisfied that protected information provided to the Tribunal by a person needs to be divulged for the purposes of its report, and the exceptions in subsection (1) (a)–(c) are not applicable, the Tribunal may notify the person that the Tribunal proposes to divulge the information in its report after a specified period.	12 13 14 15 16 17
(3) After the specified period, and despite subsection (1), the Tribunal may divulge the information in its report.	18 19
(4) If the Tribunal is satisfied that it is desirable to do so because of the confidential nature of any information provided to it in connection with its functions under this Division, it may give directions prohibiting or restricting the divulging of the information.	20 21 22 23 24
(5) A person must not contravene a direction given under subsection (4).	25 26
Maximum penalty: 100 penalty units or imprisonment for 6 months, or both.	27 28
(6) A reference in this section to information includes information given at a meeting or hearing of the Tribunal and information contained in any documents given to the Tribunal.	29 30 31
43EH Offences	32
(1) A person must not, without reasonable excuse:	33
(a) refuse or fail to comply with a notice served under this Division, or	34 35

(b)	refuse or fail to answer a question that the person is required to answer by the Chairperson at any meeting or hearing before the Tribunal under this Division.	1 2 3
(2)	It is a reasonable excuse for the purposes of subsection (1) that to comply with the notice or to answer the question might tend to incriminate a natural person or make the person liable to any forfeiture or penalty.	4 5 6 7
(3)	A person must not:	8
(a)	give to the Tribunal, whether orally or in writing, information that the person knows to be false or misleading in a material particular (unless the person informs the Tribunal of that fact), or	9 10 11 12
(b)	at a meeting of or hearing before the Tribunal, give evidence that the person knows to be false or misleading in a material particular.	13 14 15
(4)	A person must not hinder, obstruct or interfere with the Chairperson or any other member of the Tribunal in the exercise of functions for the purposes of this Division as Chairperson or other member.	16 17 18 19
(5)	A person must not take any action that detrimentally affects the employment of another person, or threaten to do so, because that other person has assisted the Tribunal in any investigation.	20 21 22
	Maximum penalty: 100 penalty units or imprisonment for 6 months, or both.	23 24
43E1	Cabinet documents and proceedings	25
(1)	This Division does not enable the Tribunal:	26
(a)	to require any person to give any statement of information or answer any question that relates to confidential proceedings of Cabinet, or	27 28 29
(b)	to require any person to produce a Cabinet document, or	30
(c)	to inspect a Cabinet document.	31
(2)	For the purposes of this section, a certificate of the head of The Cabinet Office that any information or question relates to confidential proceedings of Cabinet or that a document is a Cabinet document is conclusive of the matter certified.	32 33 34 35

(3) In this section:	1
<i>Cabinet</i> includes a committee of Cabinet or a subcommittee of such a committee.	2 3
<i>Cabinet document</i> means a document that is a restricted document by virtue of clause 1 of Part 1 of Schedule 1 to the <i>Freedom of Information Act 1989</i> .	4 5 6
43EJ Division to cease to have effect	7
(1) This Division ceases to have effect on 30 June 2004 or on such earlier or later day as may be prescribed by the regulations.	8 9
(2) Regulations containing provisions of a savings or transitional nature may be made consequent on the operation of subsection (1).	10 11 12
 Division 6 Regulated retail tariffs equalisation	 13
43EK Objects of Division	14
The objects of this Division are to provide for the establishment, operation and management of a fund, to be known as the Electricity Tariff Equalisation Fund, so as:	15 16 17
(a) to support and implement the policy of providing protection for small retail customers of standard retail suppliers who elect to have electricity supplied at regulated retail tariffs, and	18 19 20 21
(b) to manage the wholesale purchase cost risk borne by standard retail suppliers required to supply electricity at regulated retail tariffs, and	22 23 24
(c) to minimise any competitive advantage or disadvantage to those standard retail suppliers resulting from the requirement to supply electricity at regulated retail tariffs.	25 26 27 28
 43EL Definitions	 29
In this Division:	30
<i>electricity generator</i> means a corporation whose corporate name is listed in Part 1 of Schedule 1 to the <i>Energy Services Corporations Act 1995</i> .	31 32 33

Fund means the Electricity Tariff Equalisation Fund established under section 43EN. 1
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Ministerial Corporation means the Electricity Tariff Equalisation Ministerial Corporation constituted by section 43EM. 3
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rule means a rule approved under section 43EO. 6

Snowy Hydro Limited means the Snowy Hydro Limited, as referred to in section 4 of the *Snowy Hydro Corporatisation Act 1997*. 7
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43EM Electricity Tariff Equalisation Ministerial Corporation 10

(1) There is constituted by this section a corporation with the corporate name of the Electricity Tariff Equalisation Ministerial Corporation. 11
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(2) The Ministerial Corporation has the following functions: 14

(a) the function of administering and controlling the Fund, 15

(b) without limiting paragraph (a), the function of administering the rules, 16
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(c) the function of requiring the provision of information under sections 43EP and 43EQ, 18
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(d) such other functions as are conferred on it by or under this or any other Act. 20
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(3) The affairs of the Ministerial Corporation are to be managed by the Treasurer. 22
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(4) Any act, matter or thing done in the name of, or on behalf of, the Ministerial Corporation by the Treasurer, or with the authority of the Treasurer, is taken to have been done by the Corporation. 24
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(5) The Ministerial Corporation may not enter into a contract or arrangement that enables any of the following persons to carry out any of its functions relating to the Fund: 28
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(a) the holder of a retail supplier's licence, 31

(b) an electricity generator, 32

(c) the holder of a distribution network service provider's licence, 33
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(d)	a person or class of persons prescribed by the regulations.	1 2
(6)	The Ministerial Corporation is, for the purposes of any Act, a statutory body representing the Crown.	3 4
(7)	The Ministerial Corporation may arrange for the use of the services of any staff or facilities of any government department or public or local authority.	5 6 7
43EN	Electricity Tariff Equalisation Fund	8
(1)	There is established by this section an Electricity Tariff Equalisation Fund.	9 10
(2)	There is payable into the Fund:	11
(a)	all money payable to the Fund under the rules, and	12
(b)	all interest received in respect of the investment of the Fund, and	13 14
(c)	all money required or permitted to be paid into the Fund by or under this or any other Act.	15 16
(3)	There is payable from the Fund:	17
(a)	all money payable from the Fund under the rules, and	18
(b)	all money required to meet administrative expenses related to the Fund or the Ministerial Corporation, and	19 20
(c)	all money required or permitted to be paid from the Fund by or under this or any other Act.	21 22
(4)	Despite the <i>Public Authorities (Financial Arrangements) Act 1987</i> , the Fund may not be used to effect a financial adjustment (within the meaning of that Act) related to electricity or the electricity industry.	23 24 25 26
43EO	Rules for payments to and from Fund	27
(1)	The Treasurer, after consulting with the Minister, may approve rules for or with respect to payments to and from the Fund.	28 29
(2)	The rules may make provision for or with respect to the following matters:	30 31
(a)	payments to the Fund by standard retail suppliers,	32
(b)	payments to standard retail suppliers from the Fund,	33

(c)	payments to the Fund by electricity generators,	1
(d)	payments to the Fund by Snowy Hydro Limited,	2
(e)	payments to electricity generators from the Fund,	3
(f)	payments to the Consolidated Fund from the Fund,	4
(g)	payments to standard retail suppliers for reimbursement of costs payable by them under section 87A for audits by the Tribunal under section 87 (1A),	5 6 7
(h)	the times at which, and manner in which, payments are to be made,	8 9
(i)	the determination of payment amounts,	10
(j)	the circumstances in which payments to or from the Fund are to be made by or to standard retail suppliers, electricity generators or the Consolidated Fund, having regard to the following matters:	11 12 13 14
(i)	the wholesale costs of electricity to standard retail suppliers,	15 16
(ii)	the level of regulated retail tariffs payable by small retail customers in comparison with those wholesale costs,	17 18 19
(iii)	the general level of the Fund,	20
(k)	matters ancillary to or consequential on the matters set out in paragraphs (a)–(j).	21 22
(3)	For the purposes of the determination of payment amounts and other matters related to the administration of the rules, the rules may require a standard retail supplier or an electricity generator to provide to the Ministerial Corporation information, or access to information.	23 24 25 26 27
(4)	A rule with respect to the payment to the Fund of amounts by Snowy Hydro Limited may provide for the payment of an annual amount, to be deducted from the dividend payable to the eligible Ministers who hold Snowy Hydro Limited shares for and on behalf of the State of New South Wales, before the payment of that dividend to the Consolidated Fund.	28 29 30 31 32 33
(5)	A rule may make provision for or with respect to a matter by applying, adopting or incorporating, with or without modification, the provisions of any Act or statutory rule or any other publication, whether of the same or of a different kind.	34 35 36 37

(6) A rule may:	1
(a) apply generally or be limited in its application by reference to specified exceptions or factors, or	2 3
(b) apply differently according to different factors of a specified kind, or	4 5
(c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body.	6 7 8
(7) The Treasurer, after consulting with the Minister, may from time to time approve amendments to the rules or the revocation of rules.	9 10 11
(8) If a rule, or a rule amending or revoking a rule, is approved by the Treasurer:	12 13
(a) written notice of the approval of the rule must be published in the Gazette, and	14 15
(b) the rule takes effect on the day on which notice is so published or, if a later day is specified in the rule for commencement, on the later day so specified, and	16 17 18
(c) the Ministerial Corporation must give a copy of the rule to each standard retail supplier and electricity generator.	19 20
43EP Obligations of standard retail suppliers	21
(1) A standard retail supplier must, in accordance with the rules, make payments to the Fund.	22 23
(2) A standard retail supplier must, in accordance with the rules, provide such information, or access to such information, as is required by the rules.	24 25 26
(3) A standard retail supplier must provide such information as is requested by the Ministerial Corporation for the purposes of the administration of the Fund and the rules.	27 28 29
(4) A standard retail supplier that refuses or fails to comply with subsection (1), (2) or (3) is guilty of an offence.	30 31
Maximum penalty: 1,000 penalty units.	32

(5) A standard retail supplier must not:	1
(a) give information for the purposes of the rules knowing that it is false or misleading in a material particular, or	2 3
(b) give to the Ministerial Corporation information knowing that it is false or misleading in a material particular.	4 5
Maximum penalty: 1,000 penalty units.	6
(6) This section has effect despite the provisions of any other Act or instrument.	7 8
43EQ Obligations of electricity generators	9
(1) An electricity generator must, in accordance with the rules, make payments to the Fund.	10 11
(2) An electricity generator must, in accordance with the rules, provide such information, or access to such information, as is required by the rules.	12 13 14
(3) An electricity generator must provide such information as is requested by the Ministerial Corporation for the purposes of the administration of the Fund and the rules.	15 16 17
(4) An electricity generator that refuses or fails to comply with subsection (1), (2) or (3) is guilty of an offence.	18 19
Maximum penalty: 1,000 penalty units.	20
(5) An electricity generator must not:	21
(a) give information for the purposes of the rules knowing that it is false or misleading in a material particular, or	22 23
(b) give to the Ministerial Corporation information knowing that it is false or misleading in a material particular.	24 25 26
Maximum penalty: 1,000 penalty units.	27
(6) This section has effect despite the provisions of any other Act or instrument.	28 29

43ER	Licence conditions relating to Fund	1
	It is a condition of a licence held by a standard retail supplier that:	2
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	(a) the standard retail supplier must make payments to the Fund in accordance with the rules, and	4
		5
	(b) the standard retail supplier must provide information, or access to information, in accordance with the rules, and	6
		7
	(c) the standard retail supplier must provide such information as is requested by the Ministerial Corporation for the purposes of the administration of the Fund and the rules applying to payments to and from that Fund.	8
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43ES	Division to cease to have effect	13
	(1) This Division ceases to have effect on 30 June 2004 or on such earlier or later day as may be prescribed by the regulations.	14
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	(2) Regulations containing provisions of a savings or transitional nature may be made consequent on the operation of subsection (1).	16
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[18]	Part 5, heading	19
	Omit the heading. Insert instead:	20
	Part 5 Powers and duties of network operators and retail suppliers	21
		22
[19]	Section 51 Ownership of electricity works	23
	Insert “or retail supplier” after “network operator” wherever occurring.	24
[20]	Section 51 (2)	25
	Insert “or retail supplier’s” after “network operator’s”.	26
[21]	Section 52 Interruption to electricity supply for maintenance	27
	Insert “or retail supplier” after “network operator” wherever occurring.	28

[22] Section 54 Powers of entry	1
Insert “of a network operator” after “authorised officer” in section 54 (1).	2
[23] Section 54 (1A) and (2)	3
Omit section 54 (2). Insert instead:	4
(1A) An authorised officer of a retail supplier may enter the premises of a customer for the following purposes in respect of electricity works prescribed by the regulations:	5
(a) carrying out preliminary investigations in connection with the proposed installation or extension of electricity works,	6
(b) installing, extending, maintaining, repairing or removing electricity works,	7
(c) reading electricity meters,	8
(d) checking if the retail supplier’s conditions relating to tariffs and the use of electricity are being complied with,	9
(e) ascertaining whether an offence against this Act or the regulations has been committed.	10
(2) Except in emergencies, a power of entry may be exercised only during daylight hours.	11
[24] Section 55 Notice of entry	12
Insert “of a network operator or retail supplier” after “authorised officer” in section 55 (1).	13
[25] Section 55 (1)	14
Insert “or retail supplier concerned” after “the network operator”.	15
[26] Section 56 Use of force	16
Insert “or retail supplier concerned” after “network operator” in section 56 (1).	17
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[27]	Section 57 Notification of use of force or urgent entry	1
	Insert “or retail supplier concerned” after “network operator” in section 57 (1).	2 3
[28]	Section 57 (2)	4
	Insert “or retail supplier” after “network operator” wherever occurring.	5
[29]	Section 58 Care to be taken	6
	Insert “or retail supplier concerned” after “network operator” in section 58 (4).	7 8
[30]	Section 59 Recovery of cost of entry and inspection	9
	Insert “or retail supplier concerned” after “network operator” where firstly occurring.	10 11
[31]	Section 59	12
	Insert “or retail supplier” after “network operator” where secondly occurring.	13 14
[32]	Section 60 Compensation	15
	Insert “or retail supplier concerned” after “network operator”.	16
[33]	Section 61 Certificates of authority to enter land	17
	Insert “or retail supplier concerned” after “network operator” in section 61 (1) (a).	18 19
[34]	Section 61 (2) (f)	20
	Insert “or retail supplier” after “network operator” wherever occurring.	21
[35]	Section 63 Warrants of entry	22
	Insert “or retail supplier” after “network operator” in section 63 (1).	23
[36]	Section 63A Other powers of entry unaffected	24
	Insert “or customer supply contract” after “customer connection contract”.	25

[37] Parts 5A and 5B	1
Insert after Part 5:	2
Part 5A Market operations	3
63B Definition	4
In this Part:	5
<i>market operations rule</i> means a rule approved under	6
section 63C.	7
63C Market operations rules	8
(1) The Minister may approve rules for or with respect to the	9
following matters:	10
(a) obligations to enter into, and the form and content of,	11
agreements between distribution network service	12
providers and retail suppliers for the use by retail	13
suppliers of the distribution network service providers’	14
distribution systems,	15
(b) procedures for measuring electricity consumption of	16
customers,	17
(c) procedures for processing customers’ electricity	18
consumption data for the purposes of the National	19
Electricity Code,	20
(d) provision of services and equipment relating to the	21
measurement and control of customers’ electricity	22
consumption and persons who may or may not provide	23
such services,	24
(e) requirements for equipment used to measure and control	25
customers’ electricity consumption,	26
(f) the circumstances in which ownership of any such	27
equipment may be transferred and the procedures for	28
the transfer,	29
(g) the making of arrangements on behalf of customers for	30
the provision of customer connection services,	31

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| (h) | the circumstances in which customers may be transferred between retail suppliers and the procedures for the transfer, including procedures relating to consent of and notice to customers and determination of time of transfer and costs as at transfer, | 1
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| (i) | any other matter prescribed by the regulations, | 6 |
| (j) | matters ancillary to or consequential on the matters set out in paragraphs (a)–(i). | 7
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| (2) | A rule may make provision for or with respect to a matter by applying, adopting or incorporating, with or without modification, the provisions of any Act or statutory rule or any other publication, whether of the same or of a different kind. | 9
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| (3) | A rule may: | 13 |
| (a) | apply generally or be limited in its application by reference to specified exceptions or factors, or | 14
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| (b) | apply differently according to different factors of a specified kind, or | 16
17 |
| (c) | authorise any matter or thing to be from time to time agreed, determined, applied or regulated by any specified person or body. | 18
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| (4) | The Minister may from time to time approve amendments to the rules or the revocation of rules. | 21
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| (5) | If a rule, or a rule amending or revoking a rule, is approved by the Minister: | 23
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| (a) | written notice of the approval of the rule must be published in the Gazette, and | 25
26 |
| (b) | the rule takes effect on the day on which notice is so published or, if a later day is specified in the rule for commencement, on the later day so specified, and | 27
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29 |
| (c) | the Minister must make available a copy of the rule to each retail supplier or distribution network service provider. | 30
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| (6) | A rule must be consistent with this Act and the regulations. A rule is unenforceable to the extent of any such inconsistency. | 33
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	(d)	a person who acts as an intermediary in any other capacity between one or more customers and a retail supplier in respect of the retail supply of electricity,	1 2 3
	(e)	a person who engages in or carries on any other activity relating to electricity or the electricity industry prescribed by the regulations for the purposes of this definition.	4 5 6 7
		Marketing Code of Conduct means the code of conduct approved by the Minister under section 63G.	8 9
63G		Marketing Code of Conduct	10
	(1)	The Minister may approve a code of conduct as the Marketing Code of Conduct for the purposes of this Part.	11 12
	(2)	An approval may be revoked.	13
	(3)	If a Marketing Code of Conduct is approved by the Minister:	14
	(a)	the Code must be published in the Gazette, and	15
	(b)	the Code takes effect on the day on which it is so published or, if a later day is specified in the Code for commencement, on the later day so specified.	16 17 18
63H		Obligations under Marketing Code of Conduct	19
		An electricity marketer that contravenes a requirement of the Marketing Code of Conduct in relation to a small retail customer is guilty of an offence.	20 21 22
		Maximum penalty: 200 penalty units (in the case of a corporation) and 50 penalty units (in any other case).	23 24
63I		Licence conditions relating to marketing activities relating to small retail customers	25 26
		It is a condition of a retail supplier's licence that:	27
	(a)	the retail supplier must comply with the Marketing Code of Conduct, and	28 29
	(b)	before entering into a negotiated customer supply contract with a small retail customer introduced to the retail supplier by an electricity marketer, or that is arranged or facilitated by an electricity marketer, the retail supplier must be satisfied that the electricity	30 31 32 33 34

	marketer has complied with the Marketing Code of Conduct (including any requirements relating to the customer's consent).	1 2 3
63J	Non-licensed electricity marketers to provide statements	4
	(1) An electricity marketer (other than the holder of a retail supplier's licence) must, if the marketer introduces a small retail customer to a retail supplier, or arranges or facilitates a customer supply contract between any such customer and a retail supplier, give to the retail supplier a written statement to the effect that the electricity marketer has complied with the Marketing Code of Conduct with respect to the customer (including any requirements relating to the customer's consent).	5 6 7 8 9 10 11 12
	(2) An electricity marketer must not give to a retail supplier a statement under this section knowing that it is false or misleading in a material particular.	13 14 15
	Maximum penalty: 100 penalty units.	16
[38]	Section 65 Interference with electricity works	17
	Insert "or retail supplier's" after "network operator's".	18
[39]	Section 65	19
	Insert "or retail supplier concerned" after "network operator".	20
[40]	Section 72 Charges for the use of electricity prohibited	21
	Insert after section 72 (4):	22
	(4A) The regulations may, either unconditionally or subject to conditions, exempt:	23 24
	(a) any specified person or class of persons, or	25
	(b) any specified matter or class of matters,	26
	from the operation of subsection (1).	27
[41]	Section 72 (6)	28
	Omit "local electricity distributor" from paragraph (b) of the definition of <i>maximum allowable amount</i> .	29 30
	Insert instead "relevant standard retail supplier".	31

[42] Section 83 Distribution districts of distribution network service providers	1
	2
Omit “Each electricity distributor” from section 83 (1).	3
Insert instead “Each distribution network service provider”.	4
[43] Section 84 Variation of distribution districts	5
Omit “electricity distributor’s” from section 84 (1) (a).	6
Insert instead “distribution network service provider’s”.	7
[44] Section 84 (1) (b)	8
Omit “electricity distributor”.	9
Insert instead “distribution network service provider”.	10
[45] Section 85 Transfer of staff, assets, rights and liabilities	11
Omit “other electricity distributor” from section 85 (1).	12
Insert instead “other distribution network service provider”.	13
[46] Section 87 Licence auditing functions of Tribunal	14
Insert after section 87 (1):	15
(1A) Without limiting subsection (1), the Tribunal must, if requested	16
by the Treasurer, monitor and report to the Minister and the	17
Treasurer on the extent to which standard retail suppliers or a	18
specified standard retail supplier comply, or fail to comply,	19
with the conditions set out in section 43ER.	20
(1B) The Tribunal must prepare and forward to the Treasurer and	21
the Minister a report requested under subsection (1A) within	22
the period specified in the request.	23
[47] Sections 87B–87D	24
Insert after section 87A:	25
87B Provision of information, documents and evidence	26
(1) For the purposes of monitoring and reporting under section 87	27
(1A) and (1B), the Chairperson of the Tribunal may, by notice	28
in writing served on an officer of a standard retail supplier or	29

any other person, require the officer or person to do any one or more of the following:	1 2
(a) to send to the Tribunal, on or before a day specified in the notice, a statement setting out such information as is so specified,	3 4 5
(b) to send to the Tribunal, on or before a day specified in the notice, such documents as are so specified,	6 7
(c) to attend a meeting of the Tribunal to give evidence.	8
(2) If documents are given to the Tribunal under this section, the Tribunal:	9 10
(a) may take possession of, and make copies of or take extracts from, the documents, and	11 12
(b) may keep possession of the documents for such period as is necessary for those purposes, and	13 14
(c) during that period must permit them to be inspected at all reasonable times by persons who would be entitled to inspect them if they were not in the possession of the Tribunal.	15 16 17 18
87C Offences	19
(1) A person must not, without reasonable excuse:	20
(a) refuse or fail to comply with a notice served under section 87B, or	21 22
(b) refuse or fail to answer a question that the person is required to answer by the Chairperson at any meeting of the Tribunal under section 87B.	23 24 25
(2) It is a reasonable excuse for the purposes of subsection (1) that to comply with the notice or to answer the question might tend to incriminate a natural person or make the person liable to any forfeiture or penalty.	26 27 28 29
(3) A person must not:	30
(a) give to the Tribunal, whether orally or in writing, information that the person knows to be false or misleading in a material particular (unless the person informs the Tribunal of that fact), or	31 32 33 34

(b)	at a meeting of the Tribunal, give evidence that the person knows to be false or misleading in a material particular.	1 2 3
(4)	A person must not hinder, obstruct or interfere with the Chairperson or any other member of the Tribunal in the exercise of functions for the purposes of section 87 (1A) or (1B) or 87B as Chairperson or other member.	4 5 6 7
(5)	A person must not take any action that detrimentally affects the employment of another person, or threaten to do so, because that other person has assisted the Tribunal in any investigation.	8 9 10
	Maximum penalty: 100 penalty units or imprisonment for 6 months, or both.	11 12
87D	Licence condition	13
	It is a condition of a licence held by a standard retail supplier that the standard retail supplier must comply with section 87C.	14 15
[48]	Section 89 Appointment of customer consultative groups	16
	Omit “, in accordance with any guidelines in force under this section,” from section 89 (1).	17 18
[49]	Section 89 (2) and (3)	19
	Omit the subsections. Insert instead:	20
	(2) A standard retail supplier must appoint at least one customer consultative group to act as a forum for consultation between the retail supplier and its customers.	21 22 23
[50]	Section 90 Constitution of customer consultative groups	24
	Omit section 90 (3). Insert instead:	25
	(3) In all other respects, the constitution and procedure of a customer consultative group are to be as determined by the distribution network service provider or standard retail supplier, as the case requires.	26 27 28 29

[51] Section 91 Functions of customer consultative groups	1
Omit section 91 (2). Insert instead:	2
(2) Except to the extent to which the regulations otherwise provide, the function of a customer consultative group appointed by a distribution network service provider is to provide information and advice on the following matters to the service provider:	3 4 5 6 7
(a) the form and content of the service provider's standard form customer connection contracts, and any amendments to those contracts,	8 9 10
(b) the effect on retail customers within its distribution district of any proposed changes in the way in which the service provider operates,	11 12 13
(c) any improvements in the way in which the service provider operates that the customer consultative group believes would benefit retail customers within its distribution district,	14 15 16 17
(d) such other matters as the service provider and the customer consultative group agree should be the subject of such advice.	18 19 20
(3) Except to the extent to which the regulations otherwise provide, the function of a customer consultative group appointed by a standard retail supplier is to provide information and advice on the following matters to the retail supplier:	21 22 23 24
(a) the form and content of the retail supplier's standard form customer supply contracts, and any amendments to those contracts,	25 26 27
(b) the effect on retail customers within its supply district of any proposed changes in the way in which the retail supplier operates,	28 29 30
(c) any improvements in the way in which the retail supplier operates that the customer consultative group believes would benefit retail customers within its supply district,	31 32 33 34
(d) such other matters as the retail supplier and the customer consultative group agree should be the subject of such advice.	35 36 37

[52] Section 92	1
Omit the section. Insert instead:	2
92 Small retail customers	3
(1) For the purposes of this Act, a small retail customer is:	4
(a) a person who consumes or is expected to consume electricity at premises at a rate that is less than the prescribed rate, determined in accordance with any relevant provisions of the regulations, or	5 6 7 8
(b) a person who consumes or is expected to consume electricity at premises used for a purpose prescribed by the regulations, or	9 10 11
(c) a person who is treated in accordance with any relevant provisions of the regulations as a small retail customer, even though the person is not a person described in paragraph (a) or (b).	12 13 14 15
(2) The regulations may make provision for or with respect to determining whether or not a person consumes or is expected to consume electricity at a rate that is less than the prescribed rate for the purposes of subsection (1) (a).	16 17 18 19
(3) The regulations may make provision for or with respect to:	20
(a) treating a person who consumes or may consume electricity at a rate that is the prescribed rate per year or more, or	21 22 23
(b) treating a person who consumes or may consume electricity at prescribed premises for the purposes of subsection (1) (b),	24 25 26
as a small retail customer.	27
(4) Subject to the regulations, this section applies separately in relation to each premises at which a person consumes or is expected to consume electricity.	28 29 30
(5) Without limiting any other provision of this section, a regulation made for the purposes of this section may apply to a person only in respect of the consumption of electricity at certain premises (in which case the regulation does not apply	31 32 33 34

	to that person in respect of the person’s consumption of electricity at other premises).	1 2
(6)	In this Act, a reference to a small retail customer extends only to the supply of electricity to premises in relation to which the person is such a customer and does not extend to the supply of electricity to any other premises for which the person is not a small retail customer.	3 4 5 6 7
(7)	In this section: <i>prescribed rate</i> means the rate, expressed as a number of megawatt hours (MWh) per year or in any other manner, specified in the regulations.	8 9 10 11
[53]	Section 94 Authorised officers	12
	Insert “or retail supplier” after “network operator” in section 94 (1).	13
[54]	Section 94 (2)	14
	Insert “appointed by a network operator” after “officer”.	15
[55]	Section 94 (3B)	16
	Insert after section 94 (3A):	17
	(3B) An authorised officer appointed by a retail supplier:	18
	(a) has the functions of an authorised officer under this Act specified in the authorised officer’s instrument of appointment, and	19 20 21
	(b) may exercise those functions only with respect to the premises of customers of the retail supplier.	22 23
[56]	Sections 96–96D	24
	Omit section 96. Insert instead:	25
	96 Internal review of certain decisions disputed by customers	26
	(1) A small retail customer may apply to a retail supplier for a review of a decision of the supplier in relation to any matter arising under the customer supply contract or any other matter prescribed by the regulations for the purposes of this subsection.	27 28 29 30 31

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| (2) A small retail customer may apply to a distribution network service provider for a review of a decision of the service provider in relation to any matter arising under the customer connection contract or any other matter prescribed by the regulations. | 1
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| (3) Without limiting subsection (1), a person may apply to a licence holder for a review of a decision of the licence holder to classify the person as being or as not being a small retail customer. | 6
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| (4) The regulations may make provision for or with respect to the following matters: | 10
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| (a) the procedures for making an application and for dealing with an application that are to be contained in standard form customer supply contracts, | 12
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| (b) imposing conditions on retail suppliers' licences and distribution network service providers' licences relating to the provision and implementation of procedures for dealing with an application. | 15
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| (5) The regulations may treat a failure to make a decision within a specified period as a decision of a particular kind. | 19
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| (6) An application made and dealt with under this section is to be free of charge to the applicant. | 21
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| 96A Review of certain decisions under electricity industry ombudsman scheme | 23
24 |
| (1) A small retail customer, and any other person of a class prescribed by the regulations, may apply to an electricity industry ombudsman under an approved electricity industry ombudsman scheme for review of a decision in a dispute or complaint to which the scheme relates. | 25
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| (2) Except as provided by the scheme or by the regulations, a person does not have a right of review under this section in respect of a decision for which a review may be sought under section 96 unless the decision has been the subject of review under that section. | 30
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| (3) A review under this section is to be free of charge to small retail customers and to other persons of such classes as are prescribed by the regulations. | 35
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(4) This section does not affect any jurisdiction that the Fair Trading Tribunal has under the <i>Consumer Claims Act 1998</i> or the Residential Tribunal has under the <i>Residential Tribunal Act 1998</i> .	1 2 3 4
(5) The electricity industry ombudsman may decline to deal with a matter if it has been, is being or should be dealt with by another person or tribunal or there are, in the ombudsman's opinion, not sufficient grounds for further investigation.	5 6 7 8
(6) Without limiting subsection (5), the electricity industry ombudsman may deal with a matter by making arrangements for it to be referred to another person or tribunal.	9 10 11
96B Electricity industry ombudsman scheme	12
(1) The Minister may approve an electricity industry ombudsman scheme for the purposes of this Act, being a scheme that provides for the appointment of an electricity industry ombudsman to deal with:	13 14 15 16
(a) disputes and complaints under customer connection contracts and customer supply contracts entered into with small retail customers, and	17 18 19
(b) disputes between small retail customers and electricity marketers (within the meaning of Part 5B) and complaints by small retail customers about electricity marketers, and	20 21 22 23
(c) any other disputes and complaints of such classes (whether or not under contracts referred to in paragraph (a)) as are prescribed by the regulations.	24 25 26
(2) Before approving such a scheme, the Minister must be satisfied that the scheme meets the following objectives:	27 28
(a) that all licence holders are members of the scheme, have agreed to be bound by decisions of the electricity industry ombudsman under the scheme and, as members, are so bound,	29 30 31 32
(b) that the scheme has satisfactory arrangements in place to deal with all disputes and complaints referred to in subsection (1),	33 34 35

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| (c) | that the electricity industry ombudsman will be able to operate independently of all licence holders in exercising functions under the scheme, | 1
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| (d) | that the scheme will be accessible to small retail customers and other customers prescribed by the regulations, | 4
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| (e) | that membership of the scheme will be accessible to all potential members and will provide appropriate representation for all members in relation to the scheme's governing body, | 7
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| (f) | that, without limiting any other application of the scheme, the scheme will apply to all disputes and complaints arising under customer connection contracts and customer supply contracts relating to small retail customers, | 11
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| (g) | that the scheme will operate expeditiously and without cost to customers, | 16
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| (h) | that the scheme will allow customers to choose whether or not they wish to be bound by determinations under the scheme, | 18
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| (i) | that the scheme will satisfy best practice benchmarks for schemes of a similar kind, both in terms of its constitution and procedure and in terms of its day to day operations, | 21
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| (j) | that the scheme will provide for a monetary limit on claims covered by the scheme of an amount or amounts approved by the Minister, | 25
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| (k) | that the scheme will maintain the capacity of the electricity industry ombudsman, where appropriate, to refer disputes or complaints to other forums, | 28
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| (l) | that the scheme will require the electricity industry ombudsman to inform the Minister of substantial breaches of licence conditions, the Marketing Code of Conduct (within the meaning of Part 5B) or of the Act of which the ombudsman becomes aware, | 31
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| (m) | such other objectives as are prescribed by the regulations. | 36
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(3)	A scheme may treat a failure to make a decision within a specified period as a decision of a particular kind.	1 2
(4)	The Minister may at any time revoke an approval under this section.	3 4
(5)	If a dispute or complaint involving an electricity marketer (within the meaning of Part 5B) or person other than the holder of the licence is prescribed as a dispute or complaint to which an approved scheme may apply, the regulations may make it an offence for the electricity marketer or person to fail to comply with a decision of the electricity industry ombudsman under the scheme.	5 6 7 8 9 10 11
(6)	Notice of any approval given by the Minister under this section, and of the revocation of any such approval, is to be published in the Gazette.	12 13 14
96C	Licence conditions relating to approved electricity industry ombudsman schemes	15 16
	It is a condition of a distribution network service provider's licence and a retail supplier's licence under which a retail supplier supplies electricity to small retail customers that:	17 18 19
(a)	the licence holder must be a member of an approved electricity industry ombudsman scheme, and	20 21
(b)	the licence holder is bound by, and must comply with, any decision of the electricity industry ombudsman under the scheme relating to a dispute or complaint involving the licence holder and a small retail customer.	22 23 24 25
96D	Other kinds of review	26
	Nothing in this Act prevents provision being made in negotiated customer connection contracts and negotiated customer supply contracts for the resolution of disputes with persons not covered by either or both of sections 96 and 96A.	27 28 29 30
[57]	Section 99B Agreement with licensed distribution network service providers	31 32
	Omit "electricity distributors".	33
	Insert instead "distribution network service providers".	34

[58] Section 99B	1
Omit “electricity distributors”.	2
Insert instead “distribution network service providers”.	3
[59] Section 100 Delegation of Minister’s and Electricity Tariff Equalisation Ministerial Corporation’s functions	4
Insert after section 100 (1):	5
(1A) The Electricity Tariff Equalisation Ministerial Corporation may delegate to any person the exercise of any of its functions, other than this power of delegation.	6
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[60] Section 106 Regulations	10
Insert after section 106 (1) (c1):	11
(c2) requirements for customer connection contracts,	12
(c3) the obligations of persons who obtain or receive information about customers or prospective customers with respect to the collection, keeping, disclosure or other use of that information and the inclusion of such obligations in customer connection contracts and customer supply contracts,	13
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[61] Section 106 (1) (f) and (f1)	19
Omit section 106 (1) (f). Insert instead:	20
(f) the obligations of an electricity industry ombudsman under an approved electricity industry ombudsman scheme to provide copies of reports to the Minister and to report to the Minister on the operation of the scheme,	21
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	24
(f1) facilitating the Government’s social programs for electricity, including:	25
(i) the giving, and enforcement, of directions by the Minister, or agreements, with respect to implementation of any such program in relation to a specified class or specified classes of customers,	26
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	(ii) the payment and assessment of the costs of giving effect to any such directions,	1 2
	(iii) the publication of directions and agreements,	3
[62]	Section 106 (2)	4
	Omit “, 17”.	5
[63]	Section 110 Review of Act	6
	Omit “this Act” from section 110 (2).	7
	Insert instead “the <i>Electricity Supply Amendment Act 2000</i> ”.	8
[64]	Schedule 6 Savings, transitional and other provisions	9
	Insert “ <i>Electricity Supply Amendment Act 2000</i> ” at the end of clause 1 (1).	10
[65]	Schedule 6, Part 4	11
	Insert at the end of Schedule 6:	12
	Part 4 Provisions consequent on enactment of Electricity Supply Amendment Act 2000	13 14
	21 Definitions	15
	In this Part:	16
	<i>amending Act</i> means the <i>Electricity Supply Amendment Act 2000</i> .	17 18
	<i>instrument</i> means any other Act or statutory instrument.	19
	22 Change of nomenclature: electricity distributor	20
	(1) A reference in any instrument (other than this Act) to an electricity distributor (in its capacity as the operator of a distribution system) is to be construed as a reference to a distribution network service provider.	21 22 23 24
	(2) A reference in any instrument (other than this Act) to an electricity distributor’s licence is to be construed as a reference to a distribution network service provider’s licence.	25 26 27

(3) An electricity distributor's licence is taken to be a distribution network service provider's licence and the provisions of this Act as amended by the amending Act apply accordingly.	1 2 3
23 Distribution network service provider holding retail supplier's licence	4 5
(1) This clause applies to a distribution network service provider that held a retail supplier's licence immediately before the commencement of Schedule 1 [4] to the amending Act.	6 7 8
(2) The Minister may impose a condition on the licence of a distribution network service provider requiring the distribution network service provider to take all such steps as are necessary to effect the transfer of a retail supplier's licence held by the distribution network service provider.	9 10 11 12 13
(3) The Minister may impose such conditions on the licence of the person to whom the licence is transferred as the Minister thinks fit.	14 15 16
(4) It is a condition of the distribution network service provider's licence or the licence of a person to whom a licence is transferred under this clause that the holder of the licence must comply with a condition imposed under this clause.	17 18 19 20
(5) Nothing in this clause affects the generality of any provision of Schedule 2.	21 22
24 Retail suppliers' licences	23
(1) A retail supplier's licence held by a distribution network service provider immediately before the commencement of Schedule 1 [10] to the amending Act is taken to be a licence held by a standard retail supplier and the provisions of this Act as amended by the amending Act apply accordingly.	24 25 26 27 28
(2) The supply district of such a standard retail supplier is, until altered in accordance with this Act, taken to be the distribution district of the distribution network service provider immediately before the commencement of Schedule 1 [10] to the amending Act.	29 30 31 32 33
(3) A retail supplier's licence (other than a licence referred to in subclause (1)) in force immediately before the commencement of Schedule 1 [10] to the amending Act is taken to have been	34 35 36

	granted under this Act as amended and the provisions of this Act, as so amended, apply accordingly.	1 2
25	Franchise customers	3
(1)	For the purposes of this Part, a customer who would be a franchise customer but for the amending Act is taken to be a transitional retail customer.	4 5 6
(2)	However, a person who, immediately before the repeal of section 43 by the amending Act, was supplied electricity under an arrangement made under section 43 (1) (b) is not taken to be a transitional retail customer.	7 8 9 10
(3)	Subject to this Part, this Act applies to a transitional retail customer in the same way as it applies to a small retail customer who has elected to be supplied with electricity under a standard form customer supply contract.	11 12 13 14
(4)	A retail supplier must not supply electricity to a transitional retail customer under a negotiated customer supply contract.	15 16
(5)	A customer ceases to be a transitional retail customer if the customer becomes the subject of an order under clause 26 or makes an election under subclause (6).	17 18 19
(6)	A transitional retail customer who was the subject of an order in force under section 92 (as in force immediately before its substitution by the amending Act) enabling the customer to elect to become a non-franchise customer may elect to cease to be a transitional retail customer.	20 21 22 23 24
(7)	The election is to be made in the same manner as an election under the order to become a non-franchise customer.	25 26
(8)	This clause ceases to have effect when there are no transitional retail customers.	27 28
26	Orders relating to transitional retail customers	29
(1)	The Minister may, by order published in the Gazette, declare that any specified person, or any specified class of persons, ceases to be a transitional retail customer.	30 31 32
(2)	An order under this clause may:	33
(a)	apply generally or be limited in its application by reference to specified exceptions or factors, or	34 35

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| (b) | apply differently according to different factors of a specified kind. | 1
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| (3) | In particular, an order under this clause may apply to a person only in respect of the consumption of electricity at certain premises (in which case the order does not apply to that person in respect of the person's consumption of electricity at other premises). | 3
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| (4) | An order under this clause takes effect on the day on which it is published in the Gazette or on such later day as is specified in the order. | 8
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| (5) | Subject to the regulations, the Minister may not make an order under this clause unless: | 11
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| (a) | notice of the proposal to make the order has been published in a daily newspaper circulating throughout New South Wales, and | 13
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| (b) | a report on any submissions received with respect to the proposed order has been prepared. | 16
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| (6) | The notice referred to in subclause (5) (a) must indicate: | 18 |
| (a) | the nature of the proposed order, and | 19 |
| (b) | where submissions on the proposed order should be lodged, and | 20
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| (c) | the time (being not less than 21 days from the date on which the notice is published) within which any such submission should be lodged, and | 22
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| (d) | such other matters as may be prescribed by the regulations. | 25
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| (7) | The report referred to in subclause (5) (b): | 27 |
| (a) | must summarise the substance of the submissions received by the Minister in connection with the proposed order, and | 28
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| (b) | must contain such other information as may be prescribed by the regulations, and | 31
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| (c) | must be kept available at the head office of the Ministry of Energy for inspection by members of the public, free of charge, during normal office hours. | 33
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27	Election to take supply under standard form customer supply contract	1
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(1)	This clause applies to a person who ceases to be a transitional retail customer and who, on so ceasing, becomes a small retail customer.	3
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(2)	The person is, unless the person applies to a retail supplier to be supplied under a negotiated customer supply contract, taken to have elected to be supplied with electricity under a standard form customer supply contract.	6
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(3)	Nothing in this clause prevents the person from subsequently applying to a retail supplier to be supplied under a negotiated customer supply contract.	10
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28	Supply of electricity to franchise customers	13
(1)	It is a condition of a retail supplier's licence that the retail supplier must not supply electricity to the premises of a transitional retail customer otherwise than:	14
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(a)	in the case of a standard retail supplier, for the purpose of supplying electricity to the customer under the obligation imposed on the retail supplier by section 34, or	17
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(b)	in the case of any other retail supplier, for the purpose of providing electricity to the customer on behalf of a standard retail supplier under the obligation imposed on the retail supplier by section 34.	21
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(2)	This clause does not affect any arrangements approved by the Minister under which standard retail suppliers with adjoining supply districts supply electricity to transitional retail customers in each others' supply districts.	25
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29	Standard form customer supply contracts	29
(1)	Any standard form customer supply contract prepared under section 39 before the substitution of that section by the amending Act is taken to have been prepared under and in accordance with that section as substituted, for a period of 3 months after that substitution or for a longer or shorter period determined by the Minister by order published in the Gazette.	30
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| (2) Except where expressly provided, nothing in the amending Act affects any agreement (in force immediately before the commencement of Schedule 1 [10] to the amending Act) taken to have been entered into under section 41 (5) for the provision of electricity on the conditions set out in a standard form customer supply contract, for a period of 3 months after that commencement or for a longer or shorter period determined by the Minister by order published in the Gazette. Any such agreement is taken to continue in force for that period. | 1
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| (3) Despite subclause (2), the regulations may provide for the application of provisions of this Act, as amended by the amending Act, to any such standard form customer supply contract. | 10
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| (4) Subclause (2) does not prevent a customer from entering into a new customer supply contract at any time after that commencement. | 14
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| (5) Anything done under or for the purposes of Division 2 of Part 4 before its repeal by the amending Act is taken to have been done under or for the purposes of Division 3 of that Part as inserted by the amending Act. | 17
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| 30 Negotiated customer supply contracts | 21 |
| (1) Except where expressly provided, nothing in the amending Act affects a negotiated customer supply contract in force immediately before the commencement of Schedule 1 [10] to the amending Act. | 22
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| (2) Despite subclause (1), the regulations may provide for the application of provisions of this Act, as amended by the amending Act, to any such negotiated customer supply contract. | 26
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| 31 Appeals | 30 |
| (1) Any person may appeal against the decision of a retail supplier (made before the commencement of Schedule 1 [56] to the amending Act) as to: | 31
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| (a) the supplier's classification of the person as a franchise or non-franchise customer, or | 34
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	(b) a charge payable by the person under a standard form customer supply contract.	1 2
(2)	Subject to any regulations expressed to be made for the purposes of this subclause, the regulations in force under section 96 (2) and (3) immediately before the commencement of Schedule 1 [56] to the amending Act apply to such an appeal, despite the repeal of section 96 by the amending Act.	3 4 5 6 7
(3)	Anything done under or for the purposes of section 96 before its repeal by the amending Act and in connection with such an appeal or an appeal made but not determined before that repeal is taken to have been done under or for the purposes of this clause and in connection with an appeal under this clause. However, this subclause does not confer any additional right to appeal in circumstances where an appeal was finally determined before that repeal.	8 9 10 11 12 13 14 15
32	Reviews relating to transitional retail customers	16
(1)	A person may apply to a licence holder for a review of the decision of the licence holder as to the licence holder's classification of the person as a transitional retail customer or as not being such a customer.	17 18 19 20
(2)	Section 96, as inserted by the amending Act, and the regulations, apply to any such review in the same way as they apply to a review under section 96 (3) as so substituted.	21 22 23
33	Reviews (see former clause 39A of Electricity Supply (General) Regulation 1996)	24 25
(1)	Subject to any regulations expressed to be made for the purposes of this subclause, clause 39A of the <i>Electricity Supply (General) Regulation 1996</i> as in force immediately before the commencement of Schedule 1 [56] to the amending Act continues to apply to any matter pending under the electricity industry ombudsman scheme referred to in that clause immediately before that commencement.	26 27 28 29 30 31 32
(2)	Subclause (1) ceases to have effect at the end of the period of 3 months after the commencement of Schedule 1 [56] to the amending Act.	33 34 35

34	Customer consultative groups	1
	A customer consultative group appointed by an electricity distributor and in existence immediately before the commencement of the amendment of section 89 by the amending Act is taken to be:	2
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	(a) a customer consultative group appointed to act as a forum for consultation between the distribution network service provider (in its capacity as such a provider) and its customers, and	6
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	(b) a customer consultative group appointed to act as a forum for consultation between the distribution network service provider (in its capacity as a retail supplier) and its customers.	10
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35	Requirements to pay contributions	14
	(1) Section 25, as in force immediately before its amendment by the amending Act, continues to apply in respect of customer connection services provided, or agreed to be provided:	15
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	(a) before the commencement of the amendment, or	18
	(b) on or after that commencement and before a determination by the Tribunal, as referred to in section 25 as so amended, is in force for the purposes of that section.	19
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	(2) For the purposes of making its initial determination under section 11 (3) of the <i>Independent Pricing and Regulatory Tribunal Act 1992</i> , the Tribunal is not required to comply with section 21 of that Act.	23
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36	Distribution network service provider's levy and price determinations	27
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	(1) Division 5 of Part 3, as in force immediately before the amendment of section 32B by the amending Act, continues to apply to or in respect of the remainder of the financial year to which the levy in force under section 32B immediately before that amendment is applicable.	29
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	(2) Division 4 of Part 4, as in force immediately before the amendment of section 43B by the amending Act, continues to apply in to or in respect of the pricing of electricity network	34
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	services and electricity in relation to the financial year referred to in subclause (1).	1 2
37	Initial determination of regulated retail tariffs and regulated retail charges	3 4
	For the purposes of the initial determination of regulated retail tariffs and regulated retail charges under section 43EB, a recommendation contained in a final report of the Tribunal under section 9 of the <i>Independent Pricing and Regulatory Tribunal Act 1992</i> under an arrangement entered into between the Premier and the Tribunal on 14 July 2000 is taken to be a determination under section 43EB.	5 6 7 8 9 10 11
38	Initial payments to Electricity Tariff Equalisation Fund	12
	(1) The Electricity Tariff Equalisation Ministerial Corporation may obtain financial accommodation for the purposes of an initial amount or amounts to be paid to the Electricity Tariff Equalisation Fund.	13 14 15 16
	(2) The initial amount or amounts are to be paid to the Electricity Tariff Equalisation Fund and may be used for the purposes of that Fund.	17 18 19
	(3) Amounts may be paid from that Fund for the purposes of repayments and payments of interest payable in respect of the financial accommodation.	20 21 22
	(4) The financial accommodation is to be obtained under, and in accordance with, any other Act applying to the obtaining of financial accommodation by the Electricity Tariff Equalisation Ministerial Corporation.	23 24 25 26
	(5) In this clause: <i>financial accommodation</i> has the same meaning as it has in the <i>Public Authorities (Financial Arrangements) Act 1987</i> .	27 28 29
39	Initial operation of Divisions 5 and 6 of Part 4 and Parts 5A and 5B	30 31
	(1) The regulations may, for the purposes of the commencement or initial operation of Division 5 or 6 of Part 4, or Part 5A or 5B, impose conditions on licences and provide for the transitional application of provisions of those Divisions or Parts.	32 33 34 35

(2) Nothing in this clause limits the operation of any other provision of this Act.	1 2
[66] Dictionary	3
Insert in alphabetical order:	4
<i>approved electricity industry ombudsman scheme</i> means a scheme approved under section 96B.	5 6
<i>distribution network service provider</i> means a person who owns or controls a distribution system.	7 8
<i>distribution network service provider's licence</i> means a licence referred to in section 14.	9 10
<i>Electricity Tariff Equalisation Fund</i> means the Fund constituted under section 43EN.	11 12
<i>Electricity Tariff Equalisation Ministerial Corporation</i> means the Corporation of that name constituted under section 43EM.	13 14
<i>regulated retail charge</i> means a security deposit, late payment fee or fee for a dishonoured bank cheque of an amount specified in a determination in force under Division 5 of Part 4.	15 16 17
<i>regulated retail tariff</i> means a tariff for or in relation to the supply of electricity required to be charged to a small retail customer under a standard form customer supply contract, being a tariff specified in a determination in force under Division 5 of Part 4.	18 19 20 21 22
<i>small retail customer</i> —see section 92.	23
<i>standard retail supplier</i> means a retail supplier to whose retail supplier's licence is attached a standard retail supplier's endorsement as referred to in section 33A.	24 25 26
<i>supply district</i> of a standard retail supplier means the supply district described in a condition of the standard retail supplier's licence.	27 28 29

[67] Dictionary	1
Omit the definition of <i>customer connection service</i> . Insert instead:	2
<i>customer connection services</i> means any of the following services:	3
(a) the connection of any premises to a distribution network service provider's distribution system,	4
(b) an increase in the maximum capacity of any premises' existing connection to a distribution network service provider's distribution system,	5
(c) the maintenance of the capability for electricity to be supplied to any premises from a distribution network service provider's distribution system,	6
and includes services of a kind prescribed by the regulations as being within this definition, but does not include services of a kind prescribed by the regulations as not being within this definition.	7
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[68] Dictionary	17
Omit "the distributor" from the definition of <i>distribution district</i> .	18
Insert instead "the service provider".	19
[69] Dictionary	20
Omit the definitions of <i>electricity distributor</i> , <i>electricity distributor's licence</i> , <i>franchise customer</i> and <i>non-franchise customer</i> .	21
	22
[70] Dictionary	23
Omit "Division 3" from the definition of <i>negotiated customer supply contract</i> .	24
Insert instead "Division 2".	25
	26
[71] Dictionary	27
Omit "Division 2" from the definition of <i>standard form customer supply contract</i> .	28
Insert instead "Division 3".	29
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Schedule 2	Amendment of other Acts and Regulations	1
	(Section 4)	2
2.1	Electricity (Pacific Power) Act 1950 No 22	3
	Section 3 Definitions	4
	Omit paragraph (b) of the definition of <i>Electricity supply authority</i> from section 3 (1).	5
	Insert instead:	6
		7
	(b) a distribution network service provider within the meaning of the <i>Electricity Supply Act 1995</i> , or	8
		9
2.2	Electricity Safety Act 1945 (1946 No 13)	10
[1]	Section 4 Definitions	11
	Omit “an electricity distributor” from the definition of <i>Distribution district</i> .	12
	Insert instead “a distribution network service provider”.	13
[2]	Section 4 (1)	14
	Omit the definition of <i>Electricity distributor</i> from section 4 (1).	15
	Insert instead in alphabetical order:	16
	<i>Distribution network service provider</i> means a distribution network service provider within the meaning of the <i>Electricity Supply Act 1995</i> .	17
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		19
[3]	Section 4 (1)	20
	Omit “an electricity distributor” from paragraph (b) of the definition of <i>Electricity supply authority</i> .	21
	Insert instead “a distribution network service provider”.	22
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[4] Section 4 (1)	1
Omit “an electricity distributor’s” from the definition of <i>Reticulation</i> .	2
Insert instead “a distribution network service provider’s”.	3
[5] Section 4 (1)	4
Omit “the distributor’s” from the definition of <i>Reticulation</i> .	5
Insert instead “the provider’s”.	6
[6] Section 4 (2)	7
Omit “an electricity distributor”.	8
Insert instead “a distribution network service provider”.	9
[7] Section 4 (2)	10
Omit “the distributor”. Insert instead “the service provider”.	11
[8] Section 15 Electricity Development Fund	12
Omit “electricity distributor” from section 15 (2) (a).	13
Insert instead “distribution network service provider”.	14
[9] Section 15 (2A)	15
Omit “An electricity distributor”.	16
Insert instead “A distribution network service provider”.	17
[10] Section 19F Definitions	18
Omit “an electricity distributor” from the definition of <i>electricity structure</i> .	19
Insert instead “a distribution network service provider”.	20
[11] Section 19G Director may direct distribution network service provider to remove structure	21
	22
Omit “an electricity distributor” from section 19G (1).	23
Insert instead “a distribution network service provider”.	24
[12] Section 19G (1)	25
Omit “the distributor”. Insert instead “the service provider”.	26

[13] Section 19G (2)	1
Omit “An electricity distributor”.	2
Insert instead “A distribution network service provider”.	3
[14] Section 26 Safety	4
Insert “or retail supplier (within the meaning of the <i>Electricity Supply Act 1995</i>)” after “electricity supply authority” in section 26 (1).	5 6
[15] Section 26 (3)	7
Insert “or retail supplier (within the meaning of the <i>Electricity Supply Act 1995</i>)” after “electricity supply authority” where firstly occurring.	8 9
[16] Section 26 (3)	10
Insert “or retail supplier” after “electricity supply authority” where secondly occurring.	11 12
[17] Section 37 Regulations	13
Insert “or retail suppliers (within the meaning of the <i>Electricity Supply Act 1995</i>)” after “electricity supply authorities” in section 37 (2) (m).	14 15
[18] Section 37 (2) (qq)	16
Omit “an electricity distributor”.	17
Insert instead “a distribution network service provider”.	18
2.3 Independent Pricing and Regulatory Tribunal Act 1992 No 39	19
[1] Part 3, Division 1, heading	20
Insert “and electricity costs determinations” after “Pricing”.	21

[2] Section 11 Investigations and reports by Tribunal—standing reference	1
Insert after section 11 (2):	2
(3) The Tribunal is to conduct investigations and make reports to the Minister on:	3
(a) the proportion of the costs of a distribution network service provider, as referred to in section 25 (1) of the <i>Electricity Supply Act 1995</i> , that the distribution network service provider may require new customers to contribute, and	4
(b) the proportion of the costs of a distribution network service provider, as referred to in section 25 (2) of that Act, that the distribution network service provider may require further new customers to contribute, and	5
(c) the repayment, from any such contributions, to existing customers who have previously contributed to such costs, as referred to in section 25 (3) of that Act.	6
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[3] Part 3, Division 5, heading	17
Insert “and electricity costs determinations” after “determinations”.	18
[4] Section 14B	19
Insert after section 14A:	20
14B Determinations of electricity costs contributions and related matters	21
	22
(1) In making a determination of the proportion of costs that a distribution network service provider may require new customers or further new customers to contribute, the Tribunal may fix the maximum proportion of the costs or set the methodology for fixing the maximum proportion of the costs.	23
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(2) A determination of the Tribunal of the maximum proportion of costs may fix that proportion in any manner the Tribunal considers appropriate.	28
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(3) In making a determination as to the repayments from such contributions to existing customers, the Tribunal may set the methodology for determining the repayments.	1 2 3
(4) A determination of the Tribunal of the methodology for fixing the maximum proportion of costs or for determining repayments may be made in any manner the Tribunal considers appropriate.	4 5 6 7
[5] Section 15 Matters to be considered by Tribunal under this Act	8
Insert after section 15 (3):	9
(4) This section does not apply to the Tribunal in the exercise of any of its functions under section 11 (3).	10 11
[6] Section 17 Gazettal of determinations	12
Insert “or for the purposes of section 11 (3)” after “service” in section 17 (1).	13 14
2.4 Land Tax Management Act 1956 No 26	15
Section 10 Land exempted from tax	16
Omit “an electricity distributor” from section 10 (1) (n).	17
Insert instead “a distribution network service provider”.	18
2.5 Public Authorities (Financial Arrangements) Regulation 2000	19
Schedule 2 Authorities having Part 3 investment powers	20
Insert in appropriate order:	21
Electricity Tariff Equalisation Ministerial Corporation	22

2.6 Public Finance and Audit Act 1983 No 152	1
Schedule 2 Statutory bodies	2
Insert in appropriate order:	3
Electricity Tariff Equalisation Ministerial Corporation	4
2.7 Transport Administration Act 1988 No 109	5
[1] Section 45E Interpretation	6
Omit “electricity distributor” from the definition of <i>distribution district</i> in section 45E (1).	7
Insert instead “electricity distribution network service provider”.	8
[2] Section 45E (1), definition of “distribution district”	9
Omit “the electricity distributor’s”. Insert instead “the provider’s”.	10
[3] Section 45E (1)	11
Omit the definition of <i>electricity distributor</i> . Insert instead:	12
<i>electricity distribution network service provider</i> means a distribution network service provider within the meaning of the <i>Electricity Supply Act 1995</i> .	13
[4] Section 45E (1), definition of “electricity structure”	14
Omit “electricity distributor”.	15
Insert instead “electricity distribution network service provider”.	16
[5] Section 80C Payments of subsidies to electricity distribution network service providers for removal or relocation of electricity structures	17
Omit “electricity distributor” wherever occurring.	18
Insert instead “electricity distribution network service provider”.	19
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[6] Section 80C (1)	1
Omit “the distributor”. Insert instead “the provider”.	2
[7] Schedule 7 Savings, transitional and other provisions	3
Omit “electricity distributor” where secondly occurring in clause 81 (2).	4
Insert instead “electricity distribution network service provider”.	5