

#### Explanatory note

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

#### Overview of Bill

The objects of this Bill are as follows:

- (a) to prevent a person from applying for accreditation as an abatement certificate provider under Part 8A of the Electricity Supply Act 1995 (the Principal Act) on or after 1 July 2009 (or any later date that may be prescribed),
- (b) to provide that an abatement certificate cannot be created under Part 8A of the Principal Act in relation to category A generation occurring on or after 1 July 2009 (or any later date that may be prescribed),
- (c) to provide that compensation is not payable by the State in relation to the enactment, making or operation of Part 8A of the Principal Act, any Act that amends that Part (including the proposed Act) or the termination of the scheme set out in that Part or related conduct or actions.

#### Outline of provisions

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

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Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

#### Schedule 1 Amendment of Electricity Supply Act 1995 No 94

Schedule 1 [1] updates two references to the head of The Cabinet Office. This amendment is consistent with clause 2 of the Public Sector Employment and Management (Cabinet Office) Order 2009, which provides that those particular references are to be construed as being to either the Director-General of the Department of Premier and Cabinet or the Deputy Director General, (General Counsel), Department of Premier and Cabinet.

Schedule 1 [5] provides that a person may not apply for accreditation as an abatement certificate provider under Part 8A of the Principal Act on or after 1 July 2009 (or any later date that may be prescribed).

Schedule 1 [6] provides that an abatement certificate cannot be created under Part 8A of the Principal Act in relation to category A generation that occurs on or after 1 July 2009 (or any later day that may be prescribed). Any such abatement certificate cannot be created after 1 October 2009, or if a later day is prescribed, 3 months after that later day. Schedule 1 [2]–[4] make consequential amendments.

Schedule 1 [7] provides that compensation is not payable by or on behalf of the State in relation to the enactment, making or operation of Part 8A of the Principal Act, any Act that amends that Part (including the proposed Act) or any instrument under that Part, or in relation to any statement or conduct relating to any such enactment, making or operation or any statement or conduct in relation to accreditation as an abatement certificate provider or to abatement certificates.

Schedule 1 [8] permits the regulations to contain provisions of a savings or transitional nature consequent on the enactment of the proposed Act.