

INDEPENDENT PRICING AND REGULATORY TRIBUNAL AND OTHER LEGISLATION
AMENDMENT BILL

Amendments agreed to in Committee of the Whole
on Thursday 22 June 2000.

- Jones** No. 1 Page 3, Schedule 1.1, proposed section 24FA, lines 22-23. Omit “following consultation with the Tribunal”. Insert instead “following consultation with, and with the agreement of, the Tribunal”.
- R Jones** No. 2 Page 4, Schedule 1.1, proposed section 24FB. Insert after line 30:
- (3) The Tribunal is to make each such policy communicated to it and certificate received by it publicly available.
- Oppn** No. 3 Page 6, Schedule 1.1, proposed section 24FE, lines 5 and 6. Omit “nominated by the Nature Conservation Council of New South Wales@. Insert instead “nominated jointly by the Nature Conservation Council of New South Wales, the Public Interest Advocacy Centre, the Council of Social Services of New South Wales and the Australian Consumers Association@.
- Oppn** No. 4 Page 6, Schedule 1.1, proposed section 24FE, lines 10 and 11. Omit “nominated by the Nature Conservation Council of New South Wales@. Insert instead “nominated jointly by the Nature Conservation Council of New South Wales, the Public Interest Advocacy Centre, the Council of Social Services of New South Wales and the Australian Consumers Association@.
- Oppn** No. 5 Page 6, Schedule 1.1, proposed section 24FE, lines 14 and 15. Omit “nominated by the Australian Consumers Association@. Insert instead “nominated jointly by the Nature Conservation Council of New South Wales, the Public Interest Advocacy Centre, the Council of Social Services of New South Wales and the Australian Consumers Association@.
- R Jones** No. 6 Page 14, Schedule 1.2, proposed section 77, line 11. Insert “, or requiring other action to be taken,” after “monetary penalties”.
- R Jones** No. 7 Page 16, Schedule 1.2, proposed section 95A, lines 5 and 6. Omit “under clause 8A of Schedule 2 to impose a monetary penalty on”. Insert instead “to take action under clause 8A of Schedule 2 in relation to”.
- Oppn** No. 8 Page 17, Schedule 1.2, proposed clause 8A, lines 4 and 5. Omit “not exceeding \$10,000”.
- R Jones** No. 9 Page 17, Schedule 1.2, proposed clause 8A. Insert after line 5:
- (2) The Tribunal may, instead of imposing a monetary penalty, require the holder of the licence to take such action as the Tribunal considers appropriate in the circumstances, including (for example) requiring the sending of information to customers or the publication of notices in newspapers.
- (3) The Tribunal may not require action to be taken under subclause (2) by the holder of a licence if the cost of that action would exceed the monetary penalty that the Tribunal could impose under this clause on the holder.

- (4) If the Tribunal requires information to be sent to a customer under subclause (2), the holder of the licence may satisfy that requirement by sending the information to the customer with the next account or bill to be sent to the customer by the holder or, if the holder is sending other information to that customer before the next account or bill, with that other information.

Oppn No. 10 Page 17, Schedule 1.2, proposed clause 8A. Insert after line 8:

- (3) The monetary penalty that the Tribunal may impose under this clause must not exceed \$10,000 for the first day on which the contravention concerned occurs and a further \$1,000 for each subsequent day (not exceeding 30 days) on which the contravention continues.

Oppn No. 11 Page 17, Schedule 1.2, proposed clause 8A, lines 10 and 11. Omit all words on those lines.

R Jones No. 12 Page 17, Schedule 1.2, proposed clause 8A, line 14. Insert “or action” after “penalty”.

Oppn No. 13 Page 17, Schedule 1.2, proposed clause 8A. Insert after line 21:

- (4) The Tribunal is required to consider the seriousness of the contravention concerned in determining to impose a monetary penalty under this clause.

Oppn No. 14 Page 19, Schedule 1.3, proposed section 13A, lines 10 and 11. Omit “not exceeding \$10,000@”.

R Jones No. 15 Page 19, Schedule 1.3, proposed section 13A. Insert after line 11:

- (2) The Tribunal may, instead of imposing a monetary penalty, require the holder of the authorisation to take such action as the Tribunal considers appropriate in the circumstances, including (for example) requiring the sending of information to customers or the publication of notices in newspapers.
- (3) The Tribunal may not require action to be taken under subsection (2) by the holder of a licence if the cost of that action would exceed the monetary penalty that the Tribunal could impose under this section on the holder.
- (4) If the Tribunal requires information to be sent to a customer under subsection (2), the holder of the licence may satisfy that requirement by sending the information to the customer with the next account or bill to be sent to the customer by the holder or, if the holder is sending other information to that customer before the next account or bill, with that other information.

Oppn No. 16 Page 19, Schedule 1.3, proposed section 13A. Insert after line 14:

- (3) The monetary penalty that the Tribunal may impose under this section must not exceed \$10,000 for the first day on which the contravention concerned occurs and a further \$1,000 for each subsequent day (not exceeding 30 days) on which the contravention continues.

Oppn No. 17 Page 19, Schedule 1.3, proposed section 13A, lines 16 and 17. Omit all words on those lines.

R Jones No. 18 Page 19, Schedule 1.3, proposed section 13A, line 20. Insert “or action” after “penalty”.

- Oppn** No. 19 Page 19, Schedule 1.3, proposed section 13A. Insert after line 27:
- (4) The Tribunal is required to consider the seriousness of the contravention concerned in determining to impose a monetary penalty under this section.
- R Jones** No. 20 Page 20, Schedule 1.3, proposed section 17A, lines 16 and 17. Omit “to impose a monetary penalty on”. Insert instead “to take action under section 42A in relation to”.
- Oppn** No. 21 Page 21, Schedule 1.3, proposed section 42A, lines 6 and 7. Omit “not exceeding \$10,000@.
- R Jones** No. 22 Page 21, Schedule 1.3, proposed section 42A. Insert after line 7:
- (2) The Tribunal may, instead of imposing a monetary penalty, require the holder of the licence to take such action as the Tribunal considers appropriate in the circumstances, including (for example) requiring the sending of information to customers or the publication of notices in newspapers.
- (3) The Tribunal may not require action to be taken under subsection (2) by the holder of a licence if the cost of that action would exceed the monetary penalty that the Tribunal could impose under this section on the holder.
- (4) If the Tribunal requires information to be sent to a customer under subsection (2), the holder of the licence may satisfy that requirement by sending the information to the customer with the next account or bill to be sent to the customer by the holder or, if the holder is sending other information to that customer before the next account or bill, with that other information.
- Oppn** No. 23 Page 21, Schedule 1.3, proposed section 42A. Insert after line 10:
- (3) The monetary penalty that the Tribunal may impose under this section must not exceed \$10,000 for the first day on which the contravention concerned occurs and a further \$1,000 for each subsequent day (not exceeding 30 days) on which the contravention continues.
- Oppn** No. 24 Page 21, Schedule 1.3, proposed section 42A, lines 12 and 13. Omit all words on those lines.
- R Jones** No. 25 Page 21, Schedule 1.3, proposed section 42A, line 16. Insert “or action” after “penalty”.
- Oppn** No. 26 Page 21, Schedule 1.3, proposed section 42A. Insert after line 23:
- (4) The Tribunal is required to consider the seriousness of the contravention concerned in determining to impose a monetary penalty under this section.
- R Jones** No. 27 Page 23, Schedule 1.3, proposed section 75A, line 1. Insert “, or requiring other action to be taken,” after “monetary penalties”.
- Oppn** No. 28 Page 24, Schedule 1.4, proposed section 17A, lines 13 and 14. Omit “not exceeding \$10,000@.
- R Jones** No. 29 Page 24, Schedule 1.4, proposed section 17A. Insert after line 14:
- (2) The Tribunal may, instead of imposing a monetary penalty, require the Corporation to take such action as the Tribunal considers appropriate in the circumstances, including (for example) requiring the sending of information to customers or the publication of notices in newspapers.

- (3) The Tribunal may not require action to be taken under subsection (2) by the holder of a licence if the cost of that action would exceed the monetary penalty that the Tribunal could impose under this section on the holder.
- (4) If the Tribunal requires information to be sent to a customer under subsection (2), the holder of the licence may satisfy that requirement by sending the information to the customer with the next account or bill to be sent to the customer by the holder or, if the holder is sending other information to that customer before the next account or bill, with that other information.

Oppn No. 30 Page 24, Schedule 1.4, proposed section 17A. Insert after line 16:

- (3) The monetary penalty that the Tribunal may impose under this section must not exceed \$10,000 for the first day on which the contravention concerned occurs and a further \$1,000 for each subsequent day (not exceeding 30 days) on which the contravention continues.

Oppn No. 31 Page 24, Schedule 1.4, proposed section 17A, lines 18 and 19. Omit all words on those lines.

Oppn No. 32 Page 24, Schedule 1.4, proposed section 17A, line 22. Insert “or action” after “penalty”.

Oppn No. 33 Page 24, Schedule 1.4, proposed section 17A. Insert after line 29:

- (4) The Tribunal is required to consider the seriousness of the contravention concerned in determining to impose a monetary penalty under this section.

R Jones No. 34 Page 25, Schedule 1.4, proposed section 17B, lines 18 and 19. Omit “to impose a monetary penalty on”. Insert instead “to take action under section 17A in relation to”.

R Jones No. 35 Page 26, Schedule 1.4, proposed section 18A, line 3. Insert “, or requiring other action to be taken,” after “monetary penalties”.

Oppn No. 36 Page 28, Schedule 1.5, proposed section 19A, lines 13 and 14. Omit “not exceeding \$10,000@”.

R Jones No. 37 Page 28, Schedule 1.5, proposed section 19A. Insert after line 14:

- (2) The Tribunal may, instead of imposing a monetary penalty, require the Corporation to take such action as the Tribunal considers appropriate in the circumstances, including (for example) requiring the sending of information to customers or the publication of notices in newspapers.
- (3) The Tribunal may not require action to be taken under subsection (2) by the holder of a licence if the cost of that action would exceed the monetary penalty that the Tribunal could impose under this section on the holder.
- (4) If the Tribunal requires information to be sent to a customer under subsection (2), the holder of the licence may satisfy that requirement by sending the information to the customer with the next account or bill to be sent to the customer by the holder or, if the holder is sending other information to that customer before the next account or bill, with that other information.

- Oppn** No. 38 Page 28, Schedule 1.5, proposed section 19A. Insert after line 16:
- (3) The monetary penalty that the Tribunal may impose under this section must not exceed \$10,000 for the first day on which the contravention occurs and a further \$1,000 for each subsequent day (not exceeding 30 days) on which the contravention continues.
- Oppn** No. 39 Page 28, Schedule 1.5, proposed section 19A, lines 18 and 19. Omit all words on those lines.
- R Jones** No. 40 Page 28, Schedule 1.5, proposed section 19A, line 22. Insert “or action” after “penalty”.
- Oppn** No. 41 Page 28, Schedule 1.5, proposed section 19A. Insert after line 29:
- (4) The Tribunal is required to consider the seriousness of the contravention concerned in determining to impose a monetary penalty under this section.
- R Jones** No. 42 Page 29, Schedule 1.5, proposed section 19B, lines 18 and 19. Omit “to impose a monetary penalty on”. Insert instead “to take action under section 19A in relation to”.
- R Jones** No. 43 Page 30, Schedule 1.5, proposed section 28, line 5. Insert “, or requiring other action to be taken,” after “monetary penalties”.
- Oppn** No. 44 Page 32, Schedule 1.6, proposed section 29A, lines 16 and 17. Omit “not exceeding \$10,000@”.
- R Jones** No. 45 Page 32, Schedule 1.6, proposed section 29A. Insert after line 17:
- (2) The Tribunal may, instead of imposing a monetary penalty, require the Authority to take such action as the Tribunal considers appropriate in the circumstances, including (for example) requiring the sending of information to customers or the publication of notices in newspapers.
- (3) The Tribunal may not require action to be taken under subsection (2) by the holder of a licence if the cost of that action would exceed the monetary penalty that the Tribunal could impose under this section on the holder.
- (4) If the Tribunal requires information to be sent to a customer under subsection (2), the holder of the licence may satisfy that requirement by sending the information to the customer with the next account or bill to be sent to the customer by the holder or, if the holder is sending other information to that customer before the next account or bill, with that other information.
- Oppn** No. 46 Page 32, Schedule 1.6, proposed section 29A. Insert after line 19:
- (3) The monetary penalty that the Tribunal may impose under this section must not exceed \$10,000 for the first day on which the contravention concerned occurs and a further \$1,000 for each subsequent day (not exceeding 30 days) on which the contravention continues.
- Oppn** No. 47 Page 32, Schedule 1.6, proposed section 29A, lines 21 and 22. Omit all words on those lines.
- R Jones** No. 48 Page 32, Schedule 1.6, proposed section 29A, line 25. Insert “or action” after “penalty”.

- Oppn** No. 49 Page 33, Schedule 1.6, proposed section 29A. Insert after line 5:
- (4) The Tribunal is required to consider the seriousness of the contravention concerned in determining to impose a monetary penalty under this section.
- R Jones** No. 50 Page 33, Schedule 1.6, proposed section 29B, lines 26 and 27. Omit “to impose a monetary penalty on”. Insert instead “to take action under section 29A in relation to”.
- R Jones** No. 51 Page 34, Schedule 1.6, proposed section 30A, line 12. Insert “, or requiring other action to be taken,” after “monetary penalties”.