



AUSTRALIAN CAPITAL TERRITORY

# Independent Pricing and Regulatory Commission (Consequential Provisions) Act 1997

No. 78 of 1997

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## **An Act consequential on the making of the *Independent Pricing and Regulatory Commission Act 1997***

*[Notified in ACT Gazette S360: 25 November 1997]*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

### **PART I—PRELIMINARY**

#### **Short title**

1. This Act may be cited as the *Independent Pricing and Regulatory Commission (Consequential Provisions) Act 1997*.

#### **Commencement**

2. (1) This Part commences on the day on which this Act is notified in the *Gazette*.

(2) The remaining provisions commence on the day the new Act commences.

### **Interpretation**

**3.** In this Act—

“commencement day” means the day on which the new Act commences;

“new Act” means the *Independent Pricing and Regulatory Commission Act 1997*;

“new Commission” means the Independent Pricing and Regulatory Commission of the Australian Capital Territory established under the new Act;

“repealed regulations” means the Energy and Water (Regulation of Charges) Regulations.

## **PART II—ENERGY AND WATER ACT 1988**

### **Charges for supply of electricity, water and sewerage services**

**4.** Section 48 of the *Energy and Water Act 1988* is amended—

**(a)** by omitting subsection (1AA) and substituting the following subsections:

“(1AA) A charge under subsection (1) shall be determined in accordance with—

- (a) any relevant price direction that will be in effect at the time that the determination takes effect; or
- (b) until such a direction is in effect in respect of the charge—any relevant direction given by the Energy and Water Charges Commission under regulation 18 of the Energy and Water (Regulation of Charges) Regulations before the repeal of those regulations.

“(1AB) If a determination under subsection (1) is inconsistent with a price direction made after the determination, the determination is to be taken to be varied to the extent necessary to remove the inconsistency.”; and

**(b)** by adding at the end the following subsection:

“(4) In this section—

‘price direction’ means a direction under section 19 of the *Independent Pricing and Regulatory Commission Act 1997*.”.

**Repeal**

5. Section 49A of the *Energy and Water Act 1988* is repealed.

**PART III—ENERGY AND WATER (REGULATION OF  
CHARGES) REGULATIONS**

**Repeal**

6. The Energy and Water (Regulation of Charges) Regulations are repealed.

**PART IV—TRANSITIONAL**

**Pricing and Regulatory Commissioner**

7. (1) The person who, immediately before the commencement day, was appointed as Energy and Water Charges Commissioner under the repealed regulations is, on and after that day, to be taken to be appointed as the Commissioner under the new Act.

(2) The appointment of the Commissioner referred to in subsection (1) terminates on the day that his or her appointment as Energy and Water Charges Commissioner would have terminated if this Act had not been made, but he or she is eligible for reappointment as Commissioner under the new Act.

**Transitional references to Energy and Water Charges Commission**

8. (1) If, before the commencement date, the Minister had given the Energy and Water Charges Commission a reference under regulation 10 of the repealed regulations, but that Commission had not started to conduct an investigation pursuant to that reference, the new Commission may conduct an investigation under the new Act under the authority of that reference as if the reference had been made under section 15 of the new Act.

(2) The new Act applies in relation to a reference referred to in subsection (1) as if it were a reference under section 15 of the new Act.

**Transitional investigations by Energy and Water Charges Commission**

**9. (1)** If, immediately before the commencement date, the Energy and Water Charges Commission had commenced an investigation under the repealed regulations, but had not given a direction to ACTEW Corporation Limited under regulation 18 of the repealed regulations, the new Commission may continue that investigation under the new Act as if—

- (a) the investigation had been authorised by a reference from the Minister under section 15 of the new Act in relation to the provision of electricity, water or sewerage services by ACTEW Corporation Limited, being a reference in the same terms as the corresponding reference under regulation 10 of the repealed regulations, and subject to any requirements specified under regulation 12 of the repealed regulations; and
- (b) anything done by the Energy and Water Charges Commission under a provision of the repealed regulations in relation to the investigation had been done by the new Commission under the provision or provisions of the new Act that most closely corresponds to that provision.

**(2)** Regulations 19 and 20 of the repealed regulations continue to apply after the commencement date in relation to a direction given under regulation 18 of the repealed regulations before the commencement date.

*[Presentation speech made in Assembly on 25 September 1997]*