



Australian Capital Territory

Independent Competition and Regulatory Commission Amendment Act 2003

A2003-50

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2003 107B

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

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Australian Capital Territory

Independent Competition and Regulatory Commission Amendment Act 2003

A2003-50

An Act to amend the *Independent Competition and Regulatory Commission Act 1997*

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

2003 107B

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

1 Name of Act

This Act is the *Independent Competition and Regulatory Commission Amendment Act 2003*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Legislation amended

This Act amends the *Independent Competition and Regulatory Commission Act 1997*.

4 Interpretation for Act Section 3, new definition of *declared fee*

insert

declared fee means a fee declared under section 4C.

5 New section 4C

in part 1, insert

4C Declared fees to be passed on to consumers

- (1) The Minister may declare, in writing, that—
 - (a) a statutory fee affects the cost of providing a utility service and may be passed on in full to consumers of the service; or
 - (b) a fee for a regulated service is to be passed on in full to consumers of the service.

- (2) A declaration is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

- (3) In this section:

statutory fee means a fee or charge determined under a disallowable instrument.

6 Procedure for industry reference investigations New section 17 (4A)

insert

- (4A) On an industry reference, the commission is not to question the amount of a declared fee under section 4C (Declared fees to be passed on to consumers) or the basis on which the fee is worked out.

7 Section 17

renumber subsections when Act next republished under Legislation Act

8 Principles for regulatory reference investigations Section 19J

omit

The commission

substitute

- (1) The commission

9 New section 19J (2)

insert

- (2) On a regulatory reference, the commission is not to question the amount of a declared fee under section 4C (Declared fees to be passed on to consumers) or the basis on which the fee is worked out.

**10 Directions about prices
New section 20 (2A)**

insert

- (2A) Also, in making a decision under subsection (1), the commission must allow a declared fee under section 4C (Declared fees to be passed on to consumers) to be passed on in full to consumers of the service.

11 Section 20

renumber subsections when Act next republished under Legislation Act

**12 Consent variations
New section 24C (3A)**

insert

- (3A) However, in deciding whether to consent to a variation, the commission must allow a declared fee under section 4C (Declared fees to be passed on to consumers) to be passed on in full to consumers of the service.

13 Section 24C

renumber subsections when Act next republished under Legislation Act

**14 Procedure for nonconsent price variation investigation
Section 24H**

omit

The commission

substitute

- (1) The commission

15 New section 24H (2)

insert

- (2) However, in deciding whether to vary a price direction under this division, the commission must allow a declared fee under section 4C (Declared fees to be passed on to consumers) to be passed on in full to consumers of the service.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 23 October 2003.

2 Notification

Notified under the Legislation Act on 25 November 2003.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Independent Competition and Regulatory Commission Amendment Bill 2003 which was passed by the Legislative Assembly on 18 November 2003.

Clerk of the Legislative Assembly

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