

2012

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for the Environment and Sustainable Development)

National Energy Retail Law (Consequential Amendments) Bill 2012

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2012

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for the Environment and Sustainable Development)

National Energy Retail Law (Consequential Amendments) Bill 2012

A Bill for

An Act to amend legislation because of the enactment of the *National Energy Retail Law (ACT) Act 2012*, and for other purposes

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

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *National Energy Retail Law (Consequential*
4 *Amendments) Act 2012.*

5 **2 Commencement**

6 (1) This Act (other than sections 69, 92 and 93) commences on the
7 commencement of the *National Energy Retail Law (ACT) Act 2012*,
8 section 6 (Application of National Energy Retail Law).

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

11 (2) Section 92 commences on 1 July 2014.

12 (3) Section 69 and section 93 commence on 1 July 2015.

13 **3 Legislation amended**

14 This Act amends the following legislation:

- 15 • *Crimes (Child Sex Offenders) Regulation 2005*
- 16 • *Electricity Feed-in (Renewable Energy Premium) Act 2008*
- 17 • *Electricity (Greenhouse Gas Emissions) Act 2004*
- 18 • *Electricity (Greenhouse Gas Emissions) Regulation 2004*
- 19 • *Electricity (National Scheme) Act 1997*
- 20 • *Electricity Safety Act 1971*
- 21 • *Gas Safety Act 2000*
- 22 • *Independent Competition and Regulatory Commission Act 1997*
- 23 • *Legislation Act 2001*
- 24 • *National Gas (ACT) Act 2008*
- 25 • *Second-hand Dealers Regulation 2002*
- 26 • *Utilities Act 2000.*

1 **Part 2** **Crimes (Child Sex Offenders)**
2 **Regulation 2005**

3 **4 Dictionary, definition of *service bill***

4 *omit*

5 for the use of a utility service

6 *substitute*

7 in relation to an electricity, gas, water or sewerage service

8 **5 Dictionary, definition of *utility service***

9 *omit*

1 **Part 3** Electricity Feed-in (Renewable
2 Energy Premium) Act 2008

3 **6** Meaning of *eligible entity*
4 Section 5F (3), definition of *customer contract*

5 *omit*

6 **7** Section 5F (3), definition of *occupier*

7 *omit*

8 under a customer contract

9 *substitute*

10 by a NERL retailer

11 **8** Feed-in from renewable energy generators to electricity
12 network
13 Section 6 (1) (b)

14 *substitute*

15 (b) a NERL retailer authorised to supply electricity from the
16 electricity network.

17 **9** Section 6 (2) (b)

18 *omit*

19 utility that is the electricity supplier to the premises

20 *substitute*

21 NERL retailer that supplies electricity to the eligible entity's
22 premises

1 **10 Section 6 (3)**

2 *omit*

3 It is a condition of the electricity supplier's licence that the supplier

4 *substitute*

5 The NERL retailer

6 **11 Section 7**

7 *substitute*

8 **7 Utility service**

9 The action required by a distributor under section 6 (2) is a utility
10 service for the *Utilities Act 2000*.

11 *Note* The action required by a NERL retailer under s 6 (3) is a utility service
12 for the *Utilities Act 2000*, pt 4 (Industry codes) (see that Act, s 75B).

13 **12 Recovery of cost of renewable energy premium**
14 **Section 8A (1)**

15 *omit*

16 supplier of electricity services

17 *substitute*

18 NERL retailer

19 **13 Determination of premium rate**
20 **Section 10**

21 *omit*

22 an electricity supplier

23 *substitute*

24 a NERL retailer

1 **14 Dictionary, note 2**

2 *insert*

- 3 • National Energy Retail Law (ACT)

4 **15 Dictionary, definition of *electricity supplier***

5 *omit*

6 **16 Dictionary, new definition of *NERL retailer***

7 *insert*

8 *NERL retailer* means a person who holds a retailer authorisation
9 under the *National Energy Retail Law (ACT)*.

10 **17 Dictionary, definition of *utility***

11 *omit*

1 **Part 4** **Electricity (Greenhouse Gas**
2 **Emissions) Act 2004**

3 **18** **New section 6A**

4 *in part 1, insert*

5 **6A** **Application of Act—2012**

6 This Act (other than sections 7, 9 (3), 32 and 61) applies in relation
7 to the year 2012 as if—

- 8 (a) a reference to a year were a reference to the 6-month period
9 ending on 30 June 2012; and
- 10 (b) a reference to 1 March (other than in section 16 (4)) were a
11 reference to 30 September 2012; and
- 12 (c) a reference to 1 March in the following year in section 16 (4)
13 and the *Electricity (Greenhouse Gas Emissions)*
14 *Regulation 2004*, section 16 (3) were a reference to 30
15 September 2012; and
- 16 (d) a reference to 1 July were a reference to 31 December 2012;
17 and
- 18 (e) a reference to the previous calendar year in section 57 (1) were
19 a reference to the 6-month period ending on 30 June 2012; and
- 20 (f) any other necessary changes were made.

1 **19 Territory greenhouse gas benchmarks**
2 **Section 7 (1) (c)**

3 *substitute*

4 (c) for each of the years 2007 to 2011, and for the 6-month period
5 ending on 30 June 2012—7.27 tonnes of carbon dioxide
6 equivalent of greenhouse gas emissions per head of ACT
7 population.

8 **20 Greenhouse shortfalls may be carried forward**
9 **Section 12 (1)**

10 *omit*

11 (other than the year 2007)

12 *substitute*

13 (other than the years 2007 and 2012)

14 **21 Section 15**

15 *substitute*

16 **15 Directions to certain retail suppliers**

17 (1) This section applies if—

18 (a) a person, on 30 June 2012, held a licence to provide a utility
19 service mentioned in the *Utilities Act 2000*, section 6 (c), as in
20 force on that date; and

21 (b) the ICRC is satisfied that the person will not comply, or is
22 likely to not comply, with—

23 (i) the person's greenhouse gas benchmark; or

1 (ii) this Act.

2 *Note* A reference to an Act includes a reference to the statutory
3 instruments made or in force under the Act, including a
4 regulation (see Legislation Act, s 104).

5 (2) The ICRC may give a written direction to the person to take action
6 stated in the direction to ensure compliance.

7 (3) The ICRC may give a direction under this section only if it has
8 taken reasonable steps to consult the person about the giving of the
9 direction.

10 **22 Application for accreditation**
11 **Section 24 (1)**

12 *after*

13 may apply to the scheme administrator

14 *insert*

15 before 1 July 2012

16 **23 When certificates may be created**
17 **Section 32 (1) (b)**

18 *substitute*

19 (b) not later than—

20 (i) 6 months after the end of the year when the activity
21 happens; or

22 (ii) if the activity happens in the 6-month period ending on
23 30 June 2012—31 August 2012.

1 **24 Functions of regulator etc**
2 **Section 50 (1) (e)**

3 *substitute*

4 (e) to monitor, and report to the Minister on, the extent to which
5 retail suppliers comply, or fail to comply, with their
6 greenhouse gas benchmarks and this Act;

7 **25 Conduct of audits**
8 **Section 53 (4)**

9 *omit*

10 A licence or accreditation

11 *substitute*

12 An accreditation

13 **26 Obligations under greenhouse gas benchmark rules**
14 **Section 62, note**

15 *omit*

16 **27 New part 20**

17 *insert*

18 **Part 20 Transitional—National Energy**
19 **Retail Law**

20 **100 Transitional regulations**

21 A regulation may prescribe transitional matters necessary or
22 convenient to be prescribed because of the enactment of the
23 *National Energy Retail Law (ACT) Act 2012* or the *National Energy*
24 *Retail Law (Consequential Amendments) Act 2012*.

1 **101 Expiry—pt 20**

2 This part expires 2 years after the day it commences.

3 *Note* Transitional provisions are kept in the Act for a limited time.
4 A transitional provision is repealed on its expiry but continues to have
5 effect after its repeal (see Legislation Act, s 88).

6 **28 Dictionary, new definition of AEMO**

7 *insert*

8 **AEMO** means the Australian Energy Market Operator Limited
9 ACN 072 010 327.

10 **29 Dictionary, definition of licence**

11 *omit*

12 **30 Dictionary, definition of market customer, paragraph (b)**

13 *omit*

14 NEMMCO

15 *substitute*

16 AEMO

17 **31 Dictionary, definition of NEMMCO**

18 *omit*

1 **32 Dictionary, definition of *retail supplier***

2 *substitute*

3 *retail supplier* means—

4 (a) for the operation of this Act before 1 July 2012—a person who
5 held a licence to provide a utility service mentioned in the
6 *Utilities Act 2000*, section 6 (c) (Electricity services) at the
7 relevant time; and

8 (b) for the operation of this Act on and after 1 July 2012—a person
9 who, on 30 June 2012, held a licence to provide a utility
10 service mentioned in the *Utilities Act 2000*, section 6 (c), as in
11 force on that date.

12 **33 Dictionary, definition of *Utilities Act***

13 *omit*

1 **Part 5** **Electricity (Greenhouse Gas**
2 **Emissions) Regulation 2004**

3 **34** **Default assessments**
4 **Section 17 (2) (a)**

5 *omit*

6 NEMMCO

7 *substitute*

8 AEMO

9 **35** **Dictionary, note 3**

10 *insert*

- 11
 - AEMO

12 **36** **Dictionary, note 3**

13 *omit*

- 14
 - licence

15
 - NEMMCO

1 **Part 6** **Electricity (National Scheme) Act**
2 **1997**

3 **37** **New parts 3 and 4**

4 *insert*

5 **Part 3** **Miscellaneous**

6 **8** **Regulation-making power**

7 The Executive may make regulations that the *National Electricity*
8 (*ACT*) *Law* contemplates be made under this Act.

9 *Note* A regulation must be notified, and presented to the Legislative
10 Assembly, under the Legislation Act.

11 **Part 4** **Transitional—National Energy**
12 **Retail Law**

13 **9** **Validation of instruments and decisions made by AER**

14 (1) This section applies to an instrument or decision made by the AER
15 if—

16 (a) the instrument or decision was made—

17 (i) at or after the time that the amendments of the *National*
18 *Electricity (South Australia) Act 1996* (SA) made by the
19 *Statutes Amendment (National Energy Retail Law)*
20 *Act 2011* (SA) were enacted; but

21 (ii) before the time (the *application time*) that the
22 amendments started to apply under this Act as a territory
23 law; and

1 (b) had the amendments started so to apply the making of the
 2 instrument or decision would have been authorised by 1 of the
 3 following laws (the *authorising law*):

- 4 (i) the *National Electricity (ACT) Law*;
 5 (ii) the *National Electricity (ACT) Regulation*;
 6 (iii) this Act; and

7 *Note* The Legislation Act, s 104 provides that a reference to an
 8 Act includes a reference to the statutory instruments made
 9 or in force under the Act.

10 (c) in a case in which the making of the instrument or decision
 11 would be so authorised subject to the satisfaction of any
 12 conditions or other requirements (for example, consultation or
 13 other publication requirements)—the AER has done anything
 14 that would, if the amendments had started so to apply, be
 15 required under the authorising law for the instrument or
 16 decision to be so authorised.

17 **Example—instrument**
 18 guidelines

19 **Examples—decisions**
 20 1 appointments
 21 2 determinations
 22 3 approvals

23 *Note* An example is part of the Act, is not exhaustive and may extend, but
 24 does not limit, the meaning of the provision in which it appears (see
 25 Legislation Act, s 126 and s 132).

26 (2) For the authorising law, the instrument or decision—

27 (a) is taken to be valid; and

28 (b) has effect from the application time—

29 (i) as varied, and unless revoked, by any other instrument or
 30 decision to which this section applies; and

1 (ii) subject to that law as so applying.

2 **10 AER—authorisation of preparatory steps**

3 (1) This section applies if—

4 (a) the AER is required to do something (a *preparatory step*)
5 before making a decision or instrument under 1 of the
6 following laws (the *authorising law*):

7 (i) the *National Electricity (ACT) Law*;

8 (ii) the *National Electricity (ACT) Regulation*;

9 (iii) this Act; and

10 *Note* The Legislation Act, s 104 provides that a reference to an
11 Act includes a reference to the statutory instruments made
12 or in force under the Act.

13 (b) the preparatory step would have been required under the
14 authorising law if the amendments of the *National Electricity*
15 *(South Australia) Act 1996* (SA) made by the *Statutes*
16 *Amendment (National Energy Retail Law) Act 2011* (SA) had
17 started to apply under this Act as a territory law; and

18 (c) the AER takes the preparatory step—

19 (i) at or after the time that the amendments were enacted;
20 but

21 (ii) before the time that the amendments started to apply
22 under this Act as a territory law.

23 (2) For the authorising law, the AER is taken to have complied with the
24 requirement to take the preparatory step.

1 **11 Transitional regulations**

- 2 (1) A regulation may prescribe transitional matters necessary or
3 convenient to be prescribed because of—
- 4 (a) the amendments of this Act made by the *National Energy*
5 *Retail Law (Consequential Amendments) Act 2012*; or
- 6 (b) the amendments of the *National Electricity (South Australia)*
7 *Act 1996 (SA)* made by the *Statutes Amendment (National*
8 *Energy Retail Law) Act 2011 (SA)*; or
- 9 (c) the enactment of the *National Energy Retail Law (ACT)*
10 *Act 2012*.
- 11 (2) A regulation may modify this part (including in relation to another
12 territory law) to make provision in relation to anything that, in the
13 Executive's opinion, is not, or is not adequately or appropriately,
14 dealt with in this part.
- 15 (3) A regulation under subsection (2) has effect despite anything else in
16 this Act or another territory law.

17 **12 Expiry—pt 4**

18 This part expires 5 years after the day it commences.

19 *Note* Transitional provisions are kept in the Act for a limited time.
20 A transitional provision is repealed on its expiry but continues to have
21 effect after its repeal (see Legislation Act, s 88).

1 **Part 7 Electricity Safety Act 1971**

2 **38 Articles to which pt 4 applies**
3 **Section 25 (c)**

4 *omit*
5 retail supplier of electricity
6 *substitute*
7 NERL retailer

8 **39 New section 25 (2)**

9 *insert*

10 (2) In this section:

11 ***NERL retailer*** means a person who holds a retailer authorisation
12 under the *National Energy Retail Law (ACT)*.

1 **Part 8** **Gas Safety Act 2000**

2 **40** **Section 31**

3 *substitute*

4 **31** **Definitions—pt 5**

5 In this part:

6 *NERL retailer* means a person who holds a retailer authorisation
7 under the *National Energy Retail Law (ACT)*.

8 *relevant supplier*, in relation to a serious gas accident, means—

- 9 (a) the NERL retailer that supplies gas to the premises at which
10 the accident occurred; or
11 (b) the entity licensed to distribute gas for supply to the premises.

12 **41** **Dictionary, definition of *utility***

13 *omit*

1 **Part 9** **Independent Competition and**
2 **Regulatory Commission Act 1997**

3 **42 Dictionary**
4 **Section 2, note 1**

5 *substitute*

6 *Note 1* The dictionary at the end of this Act defines certain terms used in this
7 Act, and includes references (*signpost definitions*) to other terms
8 defined elsewhere in this Act.

9 For example, the signpost definition '*industry reference*—see
10 section 14A.' means that the term 'industry reference' is defined in that
11 section.

12 **43 Functions**
13 **Section 8 (1) (g) (vii)**

14 *substitute*

15 (vii) the *National Energy Retail Law (ACT) Act 2012*;

16 (viii) the *National Energy Retail Law (ACT)*;

17 (ix) the *National Energy Retail Regulation (ACT)*;

18 (x) the national energy retail rules;

19 (xi) another law of the Territory.

20 **44 Nature of industry references**
21 **New section 15 (3A)**

22 *substitute*

23 (3A) An industry reference that authorises the commission to make a
24 price direction about maximum prices for the sale of energy to small
25 customers (however described) may state the NERL retailer to
26 whom the direction is to apply.

1 **45 Directions about prices**
2 **Section 20 (1)**

3 *after*

4 regulated services

5 *insert*

6 to whom the direction applies

7 **46 Provision of information to commission**
8 **New section 41 (2A)**

9 *insert*

10 (2A) The commission may also require a NERL retailer required to
11 comply with the *Utilities Act 2000*—

12 (a) to conduct an audit, in a way approved by the commission, of
13 the NERL retailer's compliance with that Act; and

14 (b) to report the results of the audit to the commission.

15 *Note* A reference to an Act includes a reference to a provision of an Act (see
16 Legislation Act, s 7 (3)).

17 **47 Dictionary, note 2**

18 *insert*

- 19 • National Energy Retail Law (ACT)
20 • National Energy Retail Regulation (ACT)

21 **48 Dictionary, new definition of *energy***

22 *insert*

23 *energy*—see the *National Energy Retail Law (ACT)*, section 2 (1).

1 **49 Dictionary, definition of *law of the Territory*, new**
2 **paragraphs (f) to (i)**

3 *insert*

4 (f) the *National Energy Retail Law (ACT) Act 2012*; and

5 (g) the *National Energy Retail Law (ACT)*; and

6 (h) the *National Energy Retail Regulation (ACT)*; and

7 (i) the national energy retail rules.

8 **50 Dictionary, new definitions**

9 *insert*

10 *national energy retail rules* means the National Energy Retail Rules
11 under the *National Energy Retail Law (ACT)*.

12 *NERL retailer* means a person who holds a retailer authorisation
13 under the *National Energy Retail Law (ACT)*.

14 **51 Dictionary, definitions of *utility* and *utility service***

15 *substitute*

16 *utility* means—

17 (a) a utility within the meaning of the *Utilities Act 2000*,
18 dictionary; or

19 (b) a NERL retailer.

20 *utility service* means—

21 (a) a utility service within the meaning of the *Utilities Act 2000*,
22 dictionary; or

23 (b) the activity of selling energy to small customers within the
24 meaning of the *National Energy Retail Law (ACT)*.

1 **Part 10** **Legislation Act 2001**

2 **52** **Dictionary, part 1, new definitions**

3 *insert*

4 *National Energy Retail Law (ACT)* means the provisions applying
5 because of the *National Energy Retail Law (ACT) Act 2012*,
6 section 6 (Application of National Energy Retail Law).

7 *National Energy Retail Regulation (ACT)* means the provisions
8 applying because of the *National Energy Retail Law (ACT)*
9 *Act 2012*, section 7 (Application of regulations under National
10 Energy Retail Law).

1 **Part 11 National Gas (ACT) Act 2008**

2 **53 Section 18**

3 *substitute*

4 **18 Regulation-making power**

5 The Executive may make regulations that the *National Gas (ACT)*
6 *Law* contemplates be made under this Act.

7 *Note* A regulation must be notified, and presented to the Legislative
8 Assembly, under the Legislation Act.

9 **54 New part 5**

10 **Part 5 Transitional—National Energy**
11 **Retail Law**

12 **19 Validation of instruments and decisions made by AER**

13 (1) This section applies to an instrument or decision made by the AER
14 if—

15 (a) the instrument or decision was made—

16 (i) at or after the time that the amendments of the *National*
17 *Gas (South Australia) Act 2008* (SA) made by the
18 *Statutes Amendment (National Energy Retail Law)*
19 *Act 2011* (SA) were enacted; but

20 (ii) before the time (the *application time*) that the
21 amendments started to apply under this Act as a territory
22 law; and

1 (b) had the amendments started so to apply the making of the
2 instrument or decision would have been authorised by 1 of the
3 following laws (the *authorising law*):

4 (i) the *National Gas (ACT) Law*;

5 (ii) the *National Gas (ACT) Regulation*;

6 (iii) this Act; and

7 *Note* The Legislation Act, s 104 provides that a reference to an
8 Act includes a reference to the statutory instruments made
9 or in force under the Act.

10 (c) in a case in which the making of the instrument or decision
11 would be so authorised subject to the satisfaction of any
12 conditions or other requirements (for example, consultation or
13 other publication requirements)—the AER has done anything
14 that would, if the amendments had started so to apply, be
15 required under the authorising law for the instrument or
16 decision to be so authorised.

17 **Example—instrument**
18 guidelines

19 **Examples—decisions**
20 1 appointments
21 2 determinations
22 3 approvals

23 *Note* An example is part of the Act, is not exhaustive and may extend, but
24 does not limit, the meaning of the provision in which it appears (see
25 Legislation Act, s 126 and s 132).

26 (2) For the authorising law, the instrument or decision—

27 (a) is taken to be valid; and

28 (b) has effect from the application time—

29 (i) as varied, and unless revoked, by any other instrument or
30 decision to which this section applies; and

1 (ii) subject to that law as so applying.

2 **20 AER—authorisation of preparatory steps**

3 (1) This section applies if—

4 (a) the AER is required to do something (a *preparatory step*)
5 before making a decision or instrument under 1 of the
6 following laws (the *authorising law*):

7 (i) the *National Gas (ACT) Law*;

8 (ii) the *National Gas (ACT) Regulation*;

9 (iii) this Act; and

10 *Note* The Legislation Act, s 104 provides that a reference to an
11 Act includes a reference to the statutory instruments made
12 or in force under the Act.

13 (b) the preparatory step would have been required under the
14 authorising law if the amendments of the *National Gas (South*
15 *Australia) Act 2008 (SA)* made by the *Statutes Amendment*
16 *(National Energy Retail Law) Act 2011 (SA)* had started to
17 apply under this Act as a territory law; and

18 (c) the AER takes the preparatory step—

19 (i) at or after the time that the amendments were enacted;
20 but

21 (ii) before the time that the amendments started to apply
22 under this Act as a territory law.

23 (2) For the authorising law, the AER is taken to have complied with the
24 requirement to take the preparatory step.

1 **21 Access arrangements to pipelines in ACT**

2 (1) If a regulation under section 22 or the *National Energy Retail Law*
3 (*ACT*) Act 2012, section 24 (1) (Local instruments for National
4 Energy Retail Law (ACT)) so provides, an applicable consumer law
5 has effect despite the provisions of an access arrangement in relation
6 to a pipeline located in the ACT that was in force under the *National*
7 *Gas (ACT) Law* immediately before the commencement of this
8 section.

9 (2) In this section:

10 ***applicable consumer law*** means—

11 (a) a regulation mentioned in subsection (1); or

12 (b) the *National Gas (ACT) Law*; or

13 *Note* A reference to the *National Gas (ACT) Law* includes a reference
14 to the statutory instruments made or in force under that Law,
15 including the *National Gas (ACT) Regulation* and the *National*
16 *Gas Rules* (see *National Gas (ACT) Act 2008*, s 8 (2) and
17 Legislation Act, s 104).

18 (c) the *National Energy Retail Law (ACT)*.

19 *Note* A reference to the *National Energy Retail Law (ACT)* includes a
20 reference to the statutory instruments made or in force under that
21 Law, including the *National Energy Retail Regulation (ACT)* and
22 the *National Energy Retail Rules* (see *National Energy Retail*
23 *Law (ACT) Act 2012*, s 9 (2) and Legislation Act, s 104).

24 **22 Transitional regulations**

25 (1) A regulation may prescribe transitional matters necessary or
26 convenient to be prescribed because of—

27 (a) the amendments of this Act made by the *National Energy*
28 *Retail Law (Consequential Amendments) Act 2012*; or

- 1 (b) the amendments of the *National Gas (South Australia)*
2 *Act 2008* (SA) made by the *Statutes Amendment (National*
3 *Energy Retail Law) Act 2011* (SA); or
- 4 (c) the enactment of the *National Energy Retail Law (ACT)*
5 *Act 2012*.
- 6 (2) A regulation may modify this part (including in relation to another
7 territory law) to make provision in relation to anything that, in the
8 Executive's opinion, is not, or is not adequately or appropriately,
9 dealt with in this part.
- 10 (3) A regulation under subsection (2) has effect despite anything else in
11 this Act or another territory law.

12 **23 Expiry—pt 5**

13 This part expires 5 years after the day it commences.

14 *Note* Transitional provisions are kept in the Act for a limited time.
15 A transitional provision is repealed on its expiry but continues to have
16 effect after its repeal (see Legislation Act, s 88).

1 **Part 12** **Second-hand Dealers**
2 **Regulation 2002**

3 **55 Dictionary, definition of *service bill***

4 *omit*

5 for the use of a utility service

6 *substitute*

7 in relation to an electricity, gas, water or sewerage service

8 **56 Dictionary, definition of *utility service***

9 *omit*

1 **Part 13 Utilities Act 2000**

2 **57 Offences against Act—application of Criminal Code etc**
3 **Section 5A, note 1**

4 *insert*

- 5 • s 75H (Offence—contravention of code or s 75E)
- 6 • s 75J (Offence—contravention of direction)
- 7 • s 75K (Offence—contravention of s 75F)

8 **58 Electricity services**
9 **Section 6 (c)**

10 *omit*

11 **59 Gas services**
12 **Section 9 (d)**

13 *omit*

14 **60 Customers**
15 **Section 17 (1), definition of *franchise customer***

16 *omit*

17 electricity, gas or

18 **61 Section 17 (1), definition of *non-franchise customer***

19 *substitute*

20 ***non-franchise customer***, for the supply of water to premises, means
21 a person who has that status because of a declaration under
22 section 18.

1 **62 Section 18**

2 *substitute*

3 **18 Declaration of non-franchise customers**

4 (1) The Minister may declare a person to be a non-franchise customer in
5 relation to the supply of water to premises.

6 *Note* Power to make a statutory instrument (including a declaration) includes
7 power to make different provision for different categories (see
8 Legislation Act, s 48).

9 (2) A declaration is a notifiable instrument.

10 *Note* A notifiable instrument must be notified under the Legislation Act.

11 **63 Exemption**
12 **Section 22, note 1**

13 *omit*

14 **64 Section 27**

15 *substitute*

16 **27 Special conditions—water supply services**

17 A licence to supply water is, in addition to the conditions mentioned
18 in section 25, subject to the following conditions:

19 (a) that the utility supply only customers of the kind to which the
20 licence relates;

21 (b) if the licence is for supply to franchise customers—that the
22 water is supplied in accordance with the terms of the utility's
23 standard customer contract for the supply (except to the extent
24 that the customer and utility agree to other terms).

- 1 **65 Section 28 heading**
- 2 *substitute*
- 3 **28 Special conditions—electricity distribution**
- 4 **66 Section 28 (1)**
- 5 *substitute*
- 6 (1) A licence to distribute electricity is, in addition to the conditions
- 7 mentioned in section 25, subject to the condition that the utility
- 8 comply with each applicable determination made by ICRC as the
- 9 jurisdictional regulator under the national electricity rules.
- 10 **67 Section 28 (2), definition of *national electricity rules***
- 11 *omit*
- 12 **68 Special conditions—gas distribution**
- 13 **Section 31 (a)**
- 14 *omit*
- 15 a gas supplier
- 16 *substitute*
- 17 a NERL retailer
- 18 **69 Section 31**
- 19 *omit*
- 20 **70 Energy industry levy**
- 21 **Part 3A heading, new note**
- 22 *insert*
- 23 *Note 2* This part applies to NERL retailers (see s 75B).

1 **71 Energy industry levy—imposition**
2 **Section 54C (5), definition of E, paragraph (b)**

3 *substitute*

- 4 (b) for a NERL retailer that supplies electricity—the total number
5 of megawatt hours of electricity sold by the retailer in the ACT
6 in the previous year; and

7 **72 Section 54C (5), definition of E, paragraph (d)**

8 *substitute*

- 9 (d) for a NERL retailer that supplies gas—the total number of
10 megajoules of gas sold by the retailer in the ACT in the
11 previous year.

12 **73 Production of distribution and sales information**
13 **Section 54I (2) (c) (ii)**

14 *substitute*

- 15 (ii) for a NERL retailer that supplies electricity—the total
16 number of megawatt hours of electricity sold by the
17 retailer in the ACT in the previous year; and

18 **74 Section 54I (2) (c) (iv)**

19 *substitute*

- 20 (iv) for a NERL retailer that supplies gas—the total number
21 of megajoules of gas sold by the retailer in the ACT in
22 the previous year; and

1 **75 Returns under Taxation Administration Act**
2 **Section 54M (2) (c) (ii)**

3 *substitute*

- 4 (ii) for a NERL retailer that supplies electricity—the total
5 number of megawatt hours of electricity sold by the
6 retailer in the ACT in the previous year; and

7 **76 Section 54M (2) (c) (iv)**

8 *substitute*

- 9 (iv) for a NERL retailer that supplies gas—the total number
10 of megajoules of gas sold by the retailer in the ACT in
11 the previous year; and

12 **77 New section 54O**

13 *in part 3, insert*

14 **54O Previously-licensed NERL retailer**

- 15 (1) This section applies if—
16 (a) an entity that supplies electricity or gas was licensed under this
17 Act immediately before 1 July 2012; and
18 (b) the entity (however described) is a NERL retailer on
19 1 July 2012.
20 (2) For the levy year 1 July 2012 to 30 June 2013, the NERL retailer is
21 taken to have provided an energy utility service in the year
22 1 July 2011 to 30 June 2012.
23 (3) In this section:
24 *supply*—
25 (a) electricity means supply electricity from an electricity network
26 to premises for consumption; or

1 (b) gas means supply gas from a gas distribution network to
2 premises for consumption.

3 (4) This section expires on 1 July 2013.

4 **78 Industry codes**
5 **Part 4 heading, new note**

6 *insert*

7 *Note* This part applies to NERL retailers (see s 75B).

8 **79 Contents**
9 **Section 55 (2) (c)**

10 *substitute*

11 (c) a GSL scheme within the meaning of the *National Energy*
12 *Retail Law (ACT)*;

13 (ca) other utility service standards;

14 **80 Section 55 (2) (f)**

15 *omit*

16 and on a last resort basis

17 **81 Application**
18 **Section 56 (1)**

19 *after*

20 a utility

21 *insert*

22 (other than a NERL retailer)

1 **82 New section 56 (1A)**

2 *insert*

3 (1A) For this Act, an industry code applies to a NERL retailer if a
4 determination under section 56A provides that it applies to the
5 retailer.

6 **83 New section 56A**

7 *insert*

8 **56A NERL retailers—determination of application of code**

9 (1) The ICRC may determine that an industry code applies to a NERL
10 retailer if the ICRC is satisfied on reasonable grounds that it is
11 appropriate for the code to apply to the retailer.

12 *Note* Power to make a statutory instrument (including a disallowable
13 instrument) includes power to make different provision for different
14 categories (see Legislation Act, s 48).

15 (2) A determination is a disallowable instrument.

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

18 **84 Technical regulation**
19 **Part 5 heading, new note**

20 *insert*

21 *Note* This part applies to NERL retailers and NERL exempt sellers (see s 75B
22 and s 75C).

1 **85** **New section 64A**

2 *insert*

3 **64A** **NERL retailers and NERL exempt sellers—determination**
4 **of application of code**

5 (1) The Minister may determine that a technical code applies to a NERL
6 retailer or NERL exempt seller if the Minister is satisfied on
7 reasonable grounds that it is appropriate for the code to apply to the
8 retailer or seller.

9 *Note* Power to make a statutory instrument (including a disallowable
10 instrument) includes power to make different provision for different
11 categories (see Legislation Act, s 48).

12 (2) A determination is a disallowable instrument.

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

15 **86** **New part 5A**

16 *insert*

17 **Part 5A** **NERL retailers and NERL exempt**
18 **sellers**

19 **Division 5A.1** **Preliminary**

20 **75** **Meaning of *NERL retailer***

21 In this Act:

22 *NERL retailer* means a person who holds a retailer authorisation
23 under the *National Energy Retail Law (ACT)*.

1 **75A Meaning of *NERL exempt seller***

2 (1) In this Act:

3 *NERL exempt seller* means a person who is exempted by the AER
4 under the *National Energy Retail Law (ACT)* from the requirement
5 to hold a retailer authorisation.

6 (2) In this section:

7 *AER* means the Australian Energy Regulator established under the
8 *Competition and Consumer Act 2010 (Cwlth)*, section 44AE
9 (Establishment of the AER).

10 **75B Application of Act to NERL retailers**

11 (1) The relevant parts of this Act apply in relation to a NERL retailer as
12 if—

13 (a) a reference to a utility were a reference to a NERL retailer; and

14 (b) for the relevant parts of this Act other than part 4 (Industry
15 codes)—a reference to a utility service were a reference to the
16 activity of selling electricity or gas to a person for premises;
17 and

18 (c) for part 4—a reference to a utility service were a reference to
19 the activity of selling electricity or gas to a person for
20 premises, and included the action required by a NERL retailer
21 under the *Electricity Feed-in (Renewable Energy Premium)*
22 *Act 2008*, section 6 (3) (Feed-in from renewable energy
23 generators to electricity network); and

24 (d) a reference to a customer were a reference to a customer under
25 the *National Energy Retail Law (ACT)*; and

26 (e) any other necessary changes were made.

- 1 (2) In this section:
2 ***relevant parts***, of this Act, mean the following:
3 (a) part 3A (Energy industry levy);
4 (b) part 4 (Industry codes);
5 (c) part 5 (Technical regulation);
6 (d) part 10 (Enforcement);
7 (e) part 11 (Certain causes of action against customer);
8 (f) part 12 (Complaints to ACAT about utilities);
9 (g) part 13 (Community service obligations).

10 **75C Application of Act to NERL exempt sellers**

- 11 (1) The relevant parts of this Act apply in relation to a NERL exempt
12 seller as if—
13 (a) a reference to a utility were a reference to a NERL exempt
14 seller; and
15 (b) a reference to a utility service were a reference to the activity
16 of selling electricity or gas to a person for premises; and
17 (c) a reference to a customer were a reference to a customer under
18 the *National Energy Retail Law (ACT)*; and
19 (d) any other necessary changes were made.
20 (2) In this section:
21 ***relevant parts***, of this Act, mean the following:
22 (a) part 5 (Technical regulation);
23 (b) part 10 (Enforcement);
24 (c) part 11 (Certain causes of action against customer);

1 (d) part 12 (Complaints to ACAT about utilities).

2 **75D Inconsistency between Act and NERL**

3 (1) The *National Energy Retail Law (ACT)* prevails if there is an
4 inconsistency between this Act in its application to a NERL retailer
5 or NERL exempt seller and that Law.

6 *Note 1* A reference to the *National Energy Retail Law (ACT)* includes a
7 reference to the statutory instruments made or in force under that Law,
8 including the *National Energy Retail Regulation (ACT)* and the national
9 energy retail rules (see *National Energy Retail Law (ACT) Act 2012*, s 9
10 (2) and Legislation Act, s 104).

11 *Note 2* A reference to an Act includes a reference to the statutory instruments
12 made or in force under the Act, including any regulation (see
13 Legislation Act, s 104).

14 (2) This Act is taken to be consistent with that Law to the extent that it
15 is capable of operating concurrently with that Law.

16 **Division 5A.2 NERL retailer obligations**

17 **Subdivision 5A.2.1 Greenpower**

18 **75E Greenpower obligations—general**

19 (1) A NERL retailer must—

20 (a) first offer a greenpower product to a person who proposes to
21 purchase electricity for premises from the retailer; and

22 (b) have a greenpower product available for purchase by its
23 customers to whom it sells or supplies electricity.

24 (2) Subsection (1) (a) does not apply to a NERL retailer in relation to—

25 (a) a person for whom the retailer is acting as designated RoLR in
26 relation to a RoLR event under the *National Energy Retail Law*
27 (*ACT*); or

- 1 (b) a person who is a move-in customer or carry-over customer; or
- 2 (c) a transaction with a person if the retailer must obtain the
- 3 person's explicit informed consent for the transaction under the
- 4 *National Energy Retail Law (ACT)*, section 38 (Requirement
- 5 for explicit informed consent for certain transactions).
- 6 (3) If a small customer stops, or proposes to stop, purchasing a
- 7 greenpower product from a NERL retailer, the retailer must not
- 8 impose a charge (however described) on the small customer in
- 9 relation to the cessation.
- 10 (4) In this section:
- 11 **carry-over customer**—see the *National Energy Retail Law (ACT)*,
- 12 section 2 (1).
- 13 **customer**—see the *National Energy Retail Law (ACT)*, section 5.
- 14 **designated RoLR**—see the *National Energy Retail Law (ACT)*,
- 15 section 122.
- 16 **greenpower product**—see the *National GreenPower Accreditation*
- 17 *Program: Program Rules*, Appendix C (Definition of Terms), made
- 18 by the National GreenPower Steering Group, as in force from time
- 19 to time.
- 20 *Note* The *National GreenPower Accreditation Program: Program Rules* are
- 21 accessible at www.greenpower.gov.au.
- 22 **move-in customer**—see the *National Energy Retail Law (ACT)*,
- 23 section 2 (1).
- 24 **RoLR event**, in relation to a retailer—see the *National Energy Retail*
- 25 *Law (ACT)*, section 122.
- 26 **small customer**—see the *National Energy Retail Law (ACT)*,
- 27 section 5.

1 **75F Greenpower obligations—information on bills**

2 (1) If a customer purchases a greenpower product from a NERL retailer,
3 the retailer must include greenpower information on each bill issued
4 by the retailer to the customer.

5 (2) However, subsection (1) does not apply if the information is not
6 reasonably available to the retailer.

7 (3) In this section:

8 *customer*—see the *National Energy Retail Law (ACT)*, section 5
9 (Meaning of customer and associated terms).

10 *greenpower information*, in relation to a customer, means
11 information about the amount of electricity (stated as a percentage
12 or otherwise) used or purchased by the customer that relates to the
13 customer’s greenpower product.

14 *greenpower product*—see section 75E (4).

15 *Note* See the national energy retail rules, r 25 (Contents of bills (SRC and
16 MRC)).

17 **75G Exemption from greenpower obligations**

18 (1) The Minister may exempt a NERL retailer from having to comply
19 with section 75E (Greenpower obligations—general) or section 75F
20 (Greenpower obligations—information on bills) if the Minister is
21 satisfied on reasonable grounds that the exemption is in the public
22 interest.

23 *Note* Power to make a statutory instrument (including a disallowable
24 instrument) includes power to make different provision for different
25 categories (see Legislation Act, s 48).

26 (2) An exemption is subject to compliance with any condition stated in
27 the exemption.

1 (3) An exemption is a disallowable instrument.

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

4 **Subdivision 5A.2.2 Enforcement**

5 **75H Offence—contravention of code or s 75E**

- 6 (1) A NERL retailer commits an offence if the retailer contravenes—
7 (a) an industry code or technical code that applies to the retailer;
8 or
9 (b) section 75E (Greenpower obligations—general).

10 Maximum penalty: 3000 penalty units.

- 11 (2) A NERL retailer who contravenes subsection (1) commits a separate
12 offence for each day (after the first day of the contravention) during
13 any part of which the contravention continues.

14 Maximum penalty (for each day): 600 penalty units.

- 15 (3) This section does not apply to a NERL retailer if the retailer has a
16 reasonable excuse for the contravention.

17 *Note* The defendant has an evidential burden in relation to the matters
18 mentioned in s (3) (see Criminal Code, s 58).

19 **75I Directions about code or s 75E**

- 20 (1) This section applies if the ICRC is satisfied that a NERL retailer has
21 contravened, or is likely to contravene—
22 (a) an industry code that applies to the retailer; or
23 (b) section 75E (Greenpower obligations—general).

- 1 (2) The ICRC may give a written direction to the retailer to take action
2 stated in the direction to ensure compliance with the code or
3 section 75E, including action—
4 (a) to rectify the contravention; or
5 (b) to avoid the likely contravention.
6 (3) The ICRC may give a direction under this section only if it has
7 taken reasonable steps to consult the retailer about the giving of the
8 direction.

9 **75J Offence—contravention of direction**

- 10 (1) A NERL retailer commits an offence if the retailer contravenes a
11 direction under section 75I.

12 Maximum penalty: 2 000 penalty units.

- 13 (2) A NERL retailer who contravenes subsection (1) commits a separate
14 offence for each day (after the first day of the contravention) during
15 any part of which the contravention continues.

16 Maximum penalty (for each day): 200 penalty units.

- 17 (3) This section does not apply to a NERL retailer if the retailer has a
18 reasonable excuse for the contravention.

19 *Note* The defendant has an evidential burden in relation to the matters
20 mentioned in s (3) (see Criminal Code, s 58).

21 **75K Offence—contravention of s 75F**

- 22 (1) A NERL retailer commits an offence if the retailer contravenes
23 section 75F (Greenpower obligations—information on bills).

24 Maximum penalty: 50 penalty units.

- 25 (2) An offence against this section is a strict liability offence.

1 **87 Section 79**

2 *substitute*

3 **79 Electricity connection service**

4 (1) This section applies if a person has applied to an electricity
5 distributor for a connection service for electricity for the person's
6 premises.

7 (2) The person may elect to have an accredited person other than the
8 distributor do work in relation to the connection service.

9 (3) However, this section does not apply until a date determined by the
10 Minister.

11 (4) A determination is a notifiable instrument.

12 *Note* A notifiable instrument must be notified under the Legislation Act.

13 (5) In this section:

14 *accredited person*, in relation to work, means a person accredited
15 under a technical code to do the work.

16 **88 Sections 80 to 82**

17 *omit*

18 **89 New section 86A**

19 *in division 6.2, insert*

20 **86A Meaning of *utility service*—div 6.2**

21 In this division:

22 *utility service* does not include a utility service in relation to
23 electricity or gas.

90 **New section 94A**

2 *in division 6.3, insert*

94A **Application—div 6.3**

4 (1) This division does not apply to a utility service in relation to
5 electricity or gas.

6 (2) However, section 95 (2) and (3) applies to a feed-in contract
7 (whether entered into before or after the commencement day) on
8 and after the commencement day as if—

9 (a) a reference to a utility were a reference to a NERL retailer; and

10 (b) subsection (2) (a) were omitted.

11 (3) In this section:

12 *commencement day* means the commencement of the *National*
13 *Energy Retail Law (ACT) Act 2012*, section 6 (Application of
14 National Energy Retail Law).

15 *feed-in contract* means a contract relating to action required under
16 the *Electricity Feed-in (Renewable Energy Premium) Act 2008*,
17 section 6 (2) or (3).

91 **Sections 98 and 99**

19 *omit*

92 **Capital contribution charges—network development**
New section 101 (3)

22 *insert*

23 (3) This section does not apply to—

24 (a) a utility service in relation to electricity; or

25 (b) an electricity network.

1 **93 New section 101 (3) (c) and (d)**

2 *insert*

3 (c) a utility service in relation to gas; or

4 (d) a gas network.

5 **94 Alternative energy—supply utilities not to discriminate**
6 **Section 102**

7 *omit*

8 **95 Unauthorised network connections**
9 **New section 129 (2)**

10 *insert*

11 (2) In this section:

12 *responsible utility* includes a NERL retailer.

13 **96 Unauthorised abstraction etc of electricity**
14 **New section 130 (2)**

15 *insert*

16 (2) In this section:

17 *customer contract* includes a customer retail contract or customer
18 connection contract under the *National Energy Retail Law (ACT)*.

19 *responsible utility* includes a NERL retailer.

1 **97** **Unauthorised abstraction etc of gas**
2 **New section 131 (2)**

3 *insert*

4 (2) In this section:

5 *customer contract* includes a customer retail contract or customer
6 connection contract under the *National Energy Retail Law (ACT)*.

7 *responsible utility* includes a NERL retailer.

8 **98** **Section 134**

9 *substitute*

10 **134** **Meaning of *utility*—pt 9**

11 (1) In this part:

12 *utility* includes a former utility.

13 (2) In this section:

14 *former utility* does not include a NERL retailer.

15 **99** **Enforcement**
16 **Part 10 heading, new note**

17 *insert*

18 *Note* This part applies to NERL retailers and NERL exempt sellers (see s 75B
19 and s 75C).

20 **100** **Certain causes of action against customer**
21 **Part 11 heading, new note**

22 *insert*

23 *Note* This part applies to NERL retailers (see s 75B).

1 **101 Application—pt 12**
2 **Section 170, new note**

3 *insert*

4 *Note* This part applies to NERL retailers and NERL exempt sellers (see s 75B
5 and s 75C).

6 **102 ACAT applications**
7 **Table 172 heading, new note**

8 *insert*

9 *Note* Items 3 to 5 do not apply to NERL retailers (see s 75B).

10 **103 Table 172, item 1, column 3**

11 *substitute*

contravention of customer contract, or customer retail contract or customer connection contract made under the <i>National Energy Retail Law (ACT)</i> , by a utility

12 **104 Table 172, new item 1A**

13 *insert*

1A	consumer affected by contravention	contravention of an industry code dealing with utility service standards by a utility
----	------------------------------------	---

14 **105 Continuity of utility services—nonpayment of customer debt**
15 **Section 179 (3), note**
16

17 *substitute*

18 *Note 1* See the national energy retail rules, pt 6 (De-energisation (or
19 disconnection) of premises—small customers).

20 *Note 2* An example is part of the Act, is not exhaustive and may extend, but
21 does not limit, the meaning of the provision in which it appears (see
22 Legislation Act, s 126 and s 132).

1 **106 Purposes of pt 13**
2 **Section 219, new note**

3 *insert*

4 *Note 1* This part applies to NERL retailers (see s 75).

5 **107 New section 260A**

6 *insert*

7 **260A Reminder notices and disconnection warning notices—**
8 **ACAT direction**

9 (1) The ACAT may give a written direction to a NERL retailer or
10 NERL distributor to include stated particulars in the retailer's
11 reminder notice or disconnection warning notice or the distributor's
12 disconnection warning notice.

13 (2) In this section:

14 ***disconnection warning notice***—see the national energy retail rules,
15 rule 110 (1) (Nature of disconnection warning notices).

16 *Note* The national energy retail rules, r 110 (Disconnection warning
17 notices—retailers and distributors) sets out the particulars to be included
18 in disconnection warning notices.

19 ***NERL distributor*** means a distributor under the *National Energy*
20 *Retail Law (ACT)*.

21 ***reminder notice***—see the national energy retail rules, rule 109 (1)
22 (Nature of reminder notices).

23 *Note* The national energy retail rules, r 109 (Reminder notices—retailers) sets
24 out the particulars to be included in reminder notices.

108 New part 18*insert***Part 18 Transitional—National Energy Retail Law****402 Meaning of *commencement day*—pt 18**

In this part:

commencement day means the day the *National Energy Retail Law (ACT) Act 2012*, section 6 (Application of National Energy Retail Law) commences.

403 Licences

(1) To remove any doubt, on the commencement day, a licence held by a person for the provision of a previous utility service is revoked.

(2) In this section:

previous utility service means—

- (a) the supply of electricity from an electricity network to premises for consumption; or
- (b) the supply of gas from a gas distribution network to premises for consumption.

404 Existing retailer of last resort

(1) This section applies if, immediately before the commencement day—

- (a) a condition of a NERL retailer's licence under this Act was that the retailer must provide retailer of last resort services if required; and

- 1 (b) the retailer sells or supplies electricity to a person in
2 accordance with that obligation because of a trigger event; and
3 (c) the retailer's obligation has not ended.
- 4 (2) On and after the commencement day—
5 (a) the trigger event is taken to be a RoLR event; and
6 (b) the retailer is taken to be the designated RoLR in relation to
7 that event.
- 8 (3) In this section:
9 *designated RoLR*—see the *National Energy Retail Law (ACT)*,
10 section 122.
11 *RoLR event*, in relation to a retailer—see the *National Energy Retail*
12 *Law (ACT)*, section 122.
13 *trigger event*, in relation to a person, means an event that resulted in
14 an electricity supplier ceasing (permanently or temporarily) to be
15 lawfully able to sell or supply electricity to the person's premises.
- 16 **405 Certain electricity services and gas services**
- 17 (1) Despite the omission of section 6 (c) and section 9 (d) by the
18 *National Energy Retail Law (Consequential Amendments) Act 2012*,
19 this Act continues to apply until 31 December 2013 to a utility
20 service mentioned in those provisions.
- 21 (2) However, subsection (1) does not apply to a utility service that is the
22 sale of energy to a person for premises within the meaning of the
23 *National Energy Retail Law (ACT)*.

1 **406 Transitional regulations**

- 2 (1) A regulation may prescribe transitional matters necessary or
3 convenient to be prescribed because of the enactment of the
4 *National Energy Retail Law (ACT) Act 2012* or the *National Energy*
5 *Retail Law (Consequential Amendments) Act 2012*.
- 6 (2) A regulation may modify this part (including in relation to another
7 territory law) to make provision in relation to anything that, in the
8 Executive's opinion, is not, or is not adequately or appropriately,
9 dealt with in this part.
- 10 (3) A regulation under subsection (2) has effect despite anything else in
11 this Act or another territory law.

12 **407 Expiry—pt 18**

- 13 (1) This part (other than section 405) expires 5 years after the day it
14 commences.
- 15 (2) Section 405 expires on 31 December 2013.

16 *Note* Transitional provisions are kept in the Act for a limited time.
17 A transitional provision is repealed on its expiry but continues to have
18 effect after its repeal (see Legislation Act, s 88).

19 **109 Dictionary, note 2**

20 *insert*

- 21 • National Energy Retail Law (ACT)

22 **110 Dictionary, definition of *electricity connection service***

23 *substitute*

24 *electricity connection service* means a connection service within the
25 meaning of the national electricity rules, chapter 5A (Electricity
26 connection for retail customers).

1 **111 Dictionary, definition of *electricity supplier***

2 *omit*

3 **112 Dictionary, definition of *gas connection service***

4 *substitute*

5 *gas connection service* means a connection service within the
6 meaning of the national gas rules, part 12A (Gas connection for
7 retail customers).

8 **113 Dictionary, definition of *gas supplier***

9 *omit*

10 **114 Dictionary, new definitions**

11 *insert*

12 *national electricity rules* means the National Electricity Rules under
13 the *National Electricity (ACT) Law*.

14 *national energy retail rules* means the National Energy Retail Rules
15 under the *National Energy Retail Law (ACT)*.

16 *national gas rules* means the National Gas Rules under the *National*
17 *Gas (ACT) Law*.

18 *NERL exempt seller*—see section 75A.

19 *NERL retailer*—see section 75.

115 Dictionary, definition of *utility service*

substitute

utility service—

(a) for this Act generally—

(i) in relation to electricity—see section 6 (Electricity services); and

(ii) in relation to gas—see section 9 (Gas services); and

(iii) in relation to water—see section 11 (Water services); and

(iv) in relation to sewerage—see section 13 (Sewerage services); and

(v) includes a service prescribed to be a utility service under section 15 (Prescribed utility services); and

(b) for division 6.2 (Standard customer contracts)—see section 86A.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 10 May 2012.

2 Notification

Notified under the Legislation Act on 2012.

3 Republications of amended laws

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

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