

2003

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Treasurer)

Independent Competition and Regulatory Commission Amendment Bill 2003

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Independent Competition and Regulatory Commission Amendment Bill 2003

A Bill for

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

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

1 **1 Name of Act**

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

4 **2 Commencement**

5 This Act commences on the day after its notification day.

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

8 **3 Legislation amended**

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

11 **4 Interpretation for Act**
12 **Section 3, new definition of *declared fee***

13 *insert*

14 *declared fee* means a fee declared under section 4C.

15 **5 New section 4C**

16 *in part 1, insert*

17 **4C Declared fees to be passed on to consumers**

18 (1) The Minister may declare, in writing, that—

19 (a) a statutory fee affects the cost of providing a utility service and
20 may be passed on in full to consumers of the service; or

21 (b) a fee for a regulated service is to be passed on in full to
22 consumers of the service.

1 (2) A declaration is a disallowable instrument.

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

4 (3) In this section:

5 *statutory fee* means a fee or charge determined under a disallowable
6 instrument.

7 **6 Procedure for industry reference investigations**
8 **New section 17 (4A)**

9 *insert*

10 (4A) On an industry reference, the commission is not to question the
11 amount of a declared fee under section 4C (Declared fee to be
12 passed on to consumers) or the basis on which the fee is worked out.

13 **7 Section 17**

14 *renumber subsections when Act next republished under Legislation*
15 *Act*

16 **8 Principles for regulatory reference investigations**
17 **Section 19J**

18 *omit*

19 The commission

20 *substitute*

21 (1) The commission

1 **9 New section 19J (2)**

2 *insert*

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

6 **10 Directions about prices**
7 **New section 20 (2A)**

8 *insert*

9 (2A) Also, in making a decision under subsection (1), the commission
10 must allow a declared fee under section 4C (Declared fee to be
11 passed on to consumers) to be passed on in full to consumers of the
12 service.

13 **11 Section 20**

14 *renumber subsections when Act next republished under Legislation*
15 *Act*

16 **12 Consent variations**
17 **New section 24C (3A)**

18 *insert*

19 (3A) However, in deciding whether to consent to a variation, the
20 commission must allow a declared fee under section 4C (Declared
21 fee to be passed on to consumers) to be passed on in full to
22 consumers of the service.

23 **13 Section 24C**

24 *renumber subsections when Act next republished under Legislation*
25 *Act*

1 **14 Procedure for nonconsent price variation investigation**
2 **Section 24H**

3 *omit*

4 The commission

5 *substitute*

6 (1) The commission

7 **15 New section 24H (2)**

8 *insert*

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

Endnote

Republications of amended laws

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

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