

**ECONOMIC REGULATOR (CONSEQUENTIAL AMENDMENTS)
BILL 2009**

NOTES ON CLAUSES

PART 1 – PRELIMINARY

- Clause 1** Short title.
- Clause 2** This clause provides that the Act commences on the same day as the *Economic Regulator Bill 2009*.
- Clause 3** This clause provides for the automatic repeal of this Act 90 days after its commencement.

PART 2 – ELECTRICITY INDUSTRY SAFETY AND ADMINISTRATION ACT 1997 AMENDED

This part amends the above Act to transfer certain safety-related functions to the Secretary administering that Act.

- Clause 4** This clause defines the *Electricity Industry Safety and Administration Act 1997* as the principal Act for the purposes of Part 2.
- Clauses 5-42** These clauses amend all references to the Regulator to refer to the “Secretary”, namely the Secretary administering the *Electricity Industry Safety and Administration Act 1997*. These amendments transfer responsibility of safety-related functions from the electricity supply industry Regulator to Workplace Standards Tasmania, which currently has these responsibilities under delegation from the Regulator.
- Clause 43** This clause inserts a range of transitional provisions regarding the continuation of various decisions, reports, certificates and other matters made under the current arrangements.

PART 3 – ELECTRICITY SUPPLY INDUSTRY ACT 1995 AMENDED

This part amends the above Act to transfer certain safety-related functions and powers from the electricity supply industry Regulator to Workplace Standards Tasmania.

- Clause 44** This clause defines the *Electricity Supply Industry Act 1995* as the principal Act for the purposes of Part 3.

- Clause 45** This clause inserts a definition of the “workplace health and safety Secretary” as several amendments in this Act transfer responsibilities from the Regulator to the Secretary responsible for the administration of the *Workplace Health and Safety Act 1995*.
- This clause also replaces the definition of NEMMCO with that of AEMO, as the Australian Energy Market Operator is now the market manager of the National Electricity market.
- Clause 46** This clause establishes the Tasmanian Economic Regulator as the economic regulator for the electricity supply industry in Tasmania.
- Clause 47** This clause is needed as the Tasmanian Economic Regulator is a board and not an individual.
- Clause 48** This clause permits the Regulator to combine its annual reports under the *Electricity Supply Industry Act 2009* with its other annual reports under other Acts.
- Clauses 49-55** These clauses transfer safety-related responsibilities to Workplace Standards Tasmania, by amending the *Electricity Supply Industry Act 1995* to transfer these responsibilities to the Secretary of the agency responsible for the *Workplace Health and Safety Act 1995*. Workplace Standards Tasmania currently has these responsibilities under delegation from the Regulator.
- Clause 56** Inserts a new section 96, recognising that applications for administrative review must be made to the authority that made the decision.
- Clause 57-71** These provisions amend Parts 9 and 10 of the Act to reflect the transfer of some functions and powers to the workplace health and safety Secretary. Accordingly, the Secretary is granted some powers in relation to administrative review and related proceedings.
- Clause 72** This clause inserts certain transitional provisions regarding the continuation of the appointment of authorised officers under the *Electricity Supply Industry Act 1995*.

PART 4 – GAS ACT 2000 AMENDED

This Part amends the above Act to establish the Tasmanian Economic Regulator as the economic regulator for the gas industry in Tasmania. Currently the economic regulator is titled the Director of Gas, who is the Government Prices Oversight Commissioner and will become the chairperson of the Tasmanian Economic Regulator.

- Clause 73** This clause defines the *Gas Act 2000* as the principal Act for the purposes of Part 4.

- Clause 74** This clause defines the Tasmania Economic Regulator as the economic regulator for the purposes of the *Gas Act 2000*.
- Clause 75** This clause amends the heading of Division 1 of Part 2, replacing “Director of Gas” with “Regulator”.
- Clause 76** This clause establishes Tasmanian Economic Regulator as the Regulator under this Act.
- Clauses 77-83** These clauses replace references to the Director of Gas with references to the Regulator.
- Clause 84** This clause permits the Regulator to combine its annual report with its annual reports made under certain other Acts.
- Clauses 85-124** These clauses replace references to the Director of Gas with the Regulator.
- Clause 125** This clause permits regulations made under the *Gas Act 2000* to provide for savings and transition matters.
- Clause 126** This clause inserts transitional provisions to continue various delegations, licences, codes, appointments and other matters following the commencement of this Act.
- PART 5 – GAS PIPELINES ACT 2000 AMENDED**
- This part amends the above Act to transfer responsibility for economic regulation in this Act from the Director of Gas to the Regulator.
- Clause 127** This clause defines the *Gas Pipelines Act 2000* as the principal Act for the purposes of Part 5.
- Clause 128** This clause amends definitions to reflect the transfer of responsibility for economic regulation in this Act from the Director of Gas to the Regulator.
- Clause 129** This clause repeals Division 1 of Part 2 of the Act, which defines the Director of Gas.
- Clauses 130-157** These clauses replace references to the Director of Gas with the Regulator or the Director of Gas Safety as appropriate.
- Clause 158** This clause repeals section 78 of the *Gas Pipelines Act 2000*, which has a definition that refers to the Director of Gas.
- Clauses 159-161** These clauses replace references to the Director of Gas with the Regulator or the Director of Gas Safety as appropriate.

- Clause 162** This clause repeals section 88 of the *Gas Pipelines Act 2000*, which has a definition that refers to the Director of Gas.
- Clause 163** This clause sets out the delegation of functions and powers by the Regulator and the Director of Gas Safety. .
- Clause 164-169** These clauses replace references to the Director of Gas with the Regulator or the Director of Gas Safety as appropriate.
- Clause 170** This clause inserts transitional provisions to continue various delegations, licences, fees, fines imposed and other matters following the commencement of this Act.

**PART 6 – WATER AND SEWERAGE INDUSTRY ACT 2008
AMENDED**

The amendments in this Part are needed as the Tasmanian Economic Regulator is a board and not an individual.

- Clause 171** This clause defines the *Water and Sewerage Industry Act 2008* as the principal Act for the purposes of Part 6.
- Clause 172** This clause omits the words “Water and Sewerage Economic” from the Regulator’s title, to achieve consistency with the Regulator’s title under other Acts.
- Clause 173** This clause amends section 11 of the *Water and Sewerage Industry Act 2008* to establish the Tasmanian Economic Regulator as the water and sewerage economic regulator.
- Clauses 174-181** These clauses remove references to “his or her” to recognise that the Regulator is no longer an individual.
- Clause 182** This clause permits the Regulator to combine its annual report under the *Water and Sewerage Industry Act 2008* with its annual reports made under certain other Acts.
- Clauses 183-186** These clauses remove references to “his or her” to recognise that the Regulator is no longer an individual.