

TASMANIA

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**ELECTRICITY SUPPLY INDUSTRY  
(MISCELLANEOUS AMENDMENTS) BILL 2005**

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**ELECTRICITY SUPPLY INDUSTRY  
(MISCELLANEOUS AMENDMENTS) BILL 2005**

*(Brought in by the Treasurer, the Honourable Paul Anthony  
Lennon)*

**A BILL FOR**

**An Act to amend the *Electricity Supply Industry Act 1995*,  
the *Electricity - National Scheme (Tasmania) Act 1999*, the  
*Electricity Companies Act 1997*, the *Electricity Supply  
Industry (Contestable Customer) Regulations 2005*, the  
*Electricity Supply Industry (Price Control) Regulations 2003*,  
the *Electricity Supply Industry Regulations 1996*, the  
*Electricity Wayleaves and Easements Act 2000* and the  
*Hydro-Electric Corporation Act 1995***

Be it enacted by His Excellency the Governor of Tasmania, by  
and with the advice and consent of the Legislative Council and  
House of Assembly, in Parliament assembled, as follows:

**PART 1 – PRELIMINARY**

**1. Short title**

This Act may be cited as the *Electricity Supply  
Industry (Miscellaneous Amendments) Act 2005*.

**2. Commencement**

- (1) Sections 1 and 3, Parts 2, 4, 7, 9 and 11 and this section commence on the day on which this Act receives the Royal Assent.

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- (2) The remaining provisions of this Act commence on a day to be proclaimed.

### **3. Effect of miscellaneous amendments**

The amendment by this Act of a provision of any regulations does not prevent that provision or any other provision of those regulations from being amended or rescinded by a subsequent regulation.

**PART 2 – ELECTRICITY SUPPLY INDUSTRY ACT  
1995 AMENDED**

**4. Principal Act**

In this Part, the *Electricity Supply Industry Act 1995\** is referred to as the Principal Act.

**5. Section 3 amended (Interpretation)**

Section 3 of the Principal Act is amended as follows:

- (a) by omitting the definition of “Australian Competition and Consumer Commission” and substituting the following definition:

“**AER**” means the Australian Energy Regulator established by section 44AE of the *Trade Practices Act 1974* of the Commonwealth;

- (b) by omitting “National Electricity Code” from the definition of “Jurisdictional Regulator” and substituting “National Electricity Rules”;
- (c) by omitting the definition of “National Electricity Code”;
- (d) by omitting “National Electricity Code” from the definition of “National Electricity Market” and substituting “National Electricity Rules”;

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- (e) by inserting the following definition after the definition of “National Electricity Market”:

**“National Electricity Rules”** means –

- (a) the Rules made under section 90(1) of the National Electricity Law; and
- (b) the National Electricity Rules made under section 34 of the National Electricity Law by the Australian Energy Market Commission established by section 5 of the *Australian Energy Market Commission Establishment Act 2004* of South Australia;

**6. Section 6 amended (Regulator’s functions and powers)**

Section 6 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(c) “National Electricity Code” and substituting “National Electricity Rules”;
- (b) by omitting from subsection (4) “National Electricity Code” twice occurring and substituting “National Electricity Rules”;



- (c) by omitting from subsection (5)(b) “National Electricity Code” and substituting “National Electricity Rules”;
- (d) by omitting from subsection (6) “National Electricity Code” and substituting “National Electricity Rules”;
- (e) by omitting from subsection (6)(a) “that Code” and substituting “those Rules”;
- (f) by omitting from subsection (6)(b) “that Code” and substituting “those Rules”.

**7. Section 15 amended (Regulator’s power to require information)**

Section 15(1) of the Principal Act is amended by omitting “National Electricity Code” and substituting “National Electricity Rules”.

**8. Part 2, Division 7: Heading amended**

Division 7 of Part 2 of the Principal Act is amended by omitting “*Australian Competition and Consumer Commission*” from the heading to that Division and substituting “*AER*”.

**9. Section 16A amended (Conferral agreement)**

Section 16A of the Principal Act is amended by omitting “Australian Competition and Consumer Commission” and substituting “AER”.

**10. Section 16B amended (Conferral notice)**

Section 16B of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Australian Competition and Consumer Commission” and substituting “AER”;
- (b) by omitting from subsection (2)(b) “Australian Competition and Consumer Commission” and substituting “AER”.

**11. Section 16C amended (Conferral of transmission pricing functions and powers)**

Section 16C of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Australian Competition and Consumer Commission” first occurring and substituting “AER”;
- (b) by omitting from subsection (1)(a) “Australian Competition and Consumer Commission” and substituting “AER”;
- (c) by omitting paragraph (b) from subsection (1) and substituting the following paragraph:
  - (b) at the discretion of the AER, may be performed or exercised by the AER.

- (d) by omitting from subsection (2) “Australian Competition and Consumer Commission” and substituting “AER”;
- (e) by omitting from subsection (3) “Australian Competition and Consumer Commission” and substituting “AER”;
- (f) by omitting from subsection (4) “Australian Competition and Consumer Commission” and substituting “AER”;
- (g) by omitting from subsection (4)(a) “that Commission” and substituting “the AER”;
- (h) by omitting from subsection (4)(b) “that Commission” and substituting “the AER”;
- (i) by omitting from subsection (4)(c) “that Commission” and substituting “the AER”;
- (j) by omitting from subsection (5) “Australian Competition and Consumer Commission” and substituting “AER”;
- (k) by omitting from subsection (6) “Australian Competition and Consumer Commission” and substituting “AER”.

**12. Section 16D amended (Termination of conferral agreement)**

Section 16D of the Principal Act is amended as follows:

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- (a) by omitting from paragraph (a) “Australian Competition and Consumer Commission” and substituting “AER”;
- (b) by omitting from paragraph (b) “Australian Competition and Consumer Commission” and substituting “AER”;
- (c) by omitting from paragraph (c) “that Commission” and substituting “the AER”.

**13. Section 36 amended (Ministerial notice relating to Basslink)**

Section 36(1) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) “National Electricity Code” and substituting “National Electricity Rules”;
- (b) by omitting from paragraph (b)(ii) “National Electricity Code” and substituting “National Electricity Rules”.

**14. Section 49AA amended (Retailer of last resort)**

Section 49AA(2)(a)(ii) of the Principal Act is amended by omitting “National Electricity Code” and substituting “National Electricity Rules”.

**15. Section 49A amended (Tasmanian Electricity Code)**

Section 49A(8) of the Principal Act is amended by omitting “National Electricity Code” and substituting “National Electricity Rules”.

**16. Section 49B amended (Review, amendment and replacement of Code)**

Section 49B(4) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (b) “National Electricity Code” and substituting “National Electricity Rules”;
- (b) by omitting from paragraph (c) “Australian Competition and Consumer Commission” and substituting “AER”;
- (c) by omitting from paragraph (d) “National Electricity Code” and substituting “National Electricity Rules”.

**17. Section 122 amended (Regulations)**

Section 122 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2BA) “National Electricity Code” first occurring and substituting “National Electricity Rules”;
- (b) by omitting from subsection (2BA)(c) “National Electricity Code contemplates”

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and substituting “National Electricity  
Rules contemplate”;

- (c) by omitting from subsection (2BB)(a)(ii)  
“National Electricity Code” and  
substituting “National Electricity Rules”.

**PART 3 – ELECTRICITY SUPPLY INDUSTRY ACT  
1995 FURTHER AMENDED****18. Principal Act**

In this Part, the *Electricity Supply Industry Act 1995\** is referred to as the Principal Act.

**19. Section 3 amended (Interpretation)**

Section 3 of the Principal Act is amended as follows:

- (a) by omitting “networks” from paragraph (d) of the definition of “Basslink” and substituting “systems”;
- (b) by omitting “network” first occurring from the definition of “customer” and substituting “system”;
- (c) by omitting “network” first occurring from paragraph (a) of the definition of “customer” and substituting “system”;
- (d) by omitting “network” third occurring from paragraph (a) of the definition of “customer” and substituting “transmission system or distribution network”;
- (e) by omitting “network” from the definition of “transmission” and substituting “system”;

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\*No. 58 of 1995

- (f) by omitting the definition of “transmission network” and substituting the following definition:

“**transmission system**” has the same meaning as in the National Electricity Rules;

**20. Section 3A amended (Meaning of distribution network and electricity generating plant)**

Section 3A of the Principal Act is amended as follows:

- (a) by omitting subsection (2);
- (b) by omitting from subsection (4) “network” second occurring and substituting “system”;
- (c) by omitting from subsection (5)(a) “network” second occurring and substituting “system”;
- (d) by omitting from subsection (5)(b) “network” second occurring and substituting “system”.

**21. Section 18 amended (Application for licence)**

Section 18(1)(c) of the Principal Act is amended as follows:

- (a) by inserting in subparagraph (i) “system” after “transmission”;



- (b) by omitting from subparagraph (ii) “network” five times occurring and substituting “system”.

**22. Section 19 amended (Consideration of application)**

Section 19(2) of the Principal Act is amended as follows:

- (a) by inserting in paragraph (c) “system” after “transmission”;
- (b) by omitting from paragraph (d) “network” three times occurring and substituting “system”.

**23. Section 24A amended (Licence condition relating to system security capability)**

Section 24A(2) of the Principal Act is amended by omitting “network” and substituting “system”.

**24. Section 25 amended (Licences conferring exclusive retail franchise)**

Section 25(2)(b) of the Principal Act is amended by omitting “network” second occurring and substituting “system”.

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*Amendments)*

**25. Section 109 amended (Unlawful interference with electricity infrastructure or electrical installation)**

Section 109(1) of the Principal Act is amended as follows:

- (a) by inserting in paragraph (a) “system” after “transmission”;
- (b) by inserting in paragraph (b) “system” after “transmission”.



**PART 5 – ELECTRICITY COMPANIES ACT 1997  
AMENDED****30. Principal Act**

In this Part, the *Electricity Companies Act 1997*\* is referred to as the Principal Act.

**31. Section 3 amended (Interpretation)**

Section 3 of the Principal Act is amended as follows:

- (a) by omitting “network” first occurring from the definition of “dispose of” and substituting “system”;
- (b) by omitting “network” third occurring from the definition of “dispose of” and substituting “system”;
- (c) by omitting “network” twice occurring from paragraph (a) of the definition of “dispose of” and substituting “transmission system or distribution network”;
- (d) by omitting “network” twice occurring from paragraph (b) of the definition of “dispose of” and substituting “transmission system or distribution network”;

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\*No. 69 of 1997

- (e) by omitting the definition of “transmission network” and substituting the following definition:

**“transmission system”** has the same meaning as in the *Electricity Supply Industry Act 1995*.

**32. Section 20 amended (Limitations on members of company)**

Section 20(3) of the Principal Act is amended as follows:

- (a) by omitting “network” first occurring and substituting “system”;
- (b) by omitting “network” third occurring and substituting “system”.

**33. Schedule 1 amended (Provisions to be included in memorandum and articles)**

Clause 4(d) of Part 2 of Schedule 1 to the Principal Act is amended as follows:

- (a) by omitting “network” first occurring and substituting “system”;
- (b) by omitting “network” third occurring and substituting “system”;
- (c) by omitting “network” fifth occurring and substituting “transmission system or distribution network”.

**PART 6 – ELECTRICITY SUPPLY INDUSTRY  
(CONTESTABLE CUSTOMER) REGULATIONS 2005  
AMENDED**

**34. Principal Regulations**

In this Part, the *Electricity Supply Industry (Contestable Customer) Regulations 2005\** are referred to as the Principal Regulations.

**35. Regulation 4 amended (Application of regulations)**

Regulation 4 of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (a) “network” and substituting “system”;
- (b) by omitting from paragraph (b) “network” first occurring and substituting “transmission system”.

**36. Regulation 5 amended (Customer retail services)**

Regulation 5 of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (a) “network” second occurring and substituting “system”;
- (b) by omitting from paragraph (b) “network” second occurring and substituting “system”.

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\*S.R. 2005, No. 88



**39. Regulation 16 amended (Revocation or amendment of transmission revenue cap determination)**

Regulation 16(1)(d) of the Principal Regulations is amended by omitting “Australian Competition and Consumer Commission” and substituting “AER”.

**40. Regulation 17 amended (Costs of investigations and determinations)**

Regulation 17(3) of the Principal Regulations is amended by omitting “Australian Competition and Consumer Commission” and substituting “AER”.

**41. Regulation 21 amended (Revocation of declaration of declared electrical service)**

Regulation 21(1) of the Principal Regulations is amended by omitting “National Electricity Code” and substituting “National Electricity Rules”.

**42. Regulation 22 amended (Revocation of certain declarations of declared electrical service at NEM entry time)**

Regulation 22(c) of the Principal Regulations is amended by omitting “National Electricity Code” and substituting “National Electricity Rules”.





**PART 8 – ELECTRICITY SUPPLY INDUSTRY (PRICE  
CONTROL) REGULATIONS 2003 FURTHER  
AMENDED**

**45. Principal Regulations**

In this Part, the *Electricity Supply Industry (Price Control) Regulations 2003\** are referred to as the Principal Regulations.

**46. Regulation 16 amended (Revocation or amendment of transmission revenue cap determination)**

Regulation 16(1)(c) of the Principal Regulations is amended as follows:

- (a) by omitting “networks” and substituting “systems”;
- (b) by omitting “network” and substituting “system”.

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\*S.R. 2003, No. 54

**PART 9 – ELECTRICITY SUPPLY INDUSTRY  
REGULATIONS 1996 AMENDED**

**47. Principal Regulations**

In this Part, the *Electricity Supply Industry Regulations 1996\** are referred to as the Principal Regulations.

**48. Regulation 3 amended (Interpretation)**

Regulation 3 of the Principal Regulations is amended by omitting “National Electricity Code” from the definition of “NEMMCO-registered electricity entity” and substituting “National Electricity Rules”.

**PART 10 – ELECTRICITY WAYLEAVES AND  
EASEMENTS ACT 2000 AMENDED**

**49. Principal Act**

In this Part, the *Electricity Wayleaves and Easements Act 2000*\* is referred to as the Principal Act.

**50. Section 3 amended (Interpretation)**

Section 3 of the Principal Act is amended by omitting the definition of “transmission network” and substituting the following definition:

**“transmission system”** has the same meaning as in the *Electricity Supply Industry Act 1995*;

**51. Section 6 amended (Map of transmission system)**

Section 6(5) of the Principal Act is amended by omitting “network” three times occurring and substituting “system”.

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\*No. 64 of 2000



**PART 12 – HYDRO-ELECTRIC CORPORATION ACT  
1995 FURTHER AMENDED****54. Principal Act**

In this Part, the *Hydro-Electric Corporation Act 1995\** is referred to as the Principal Act.

**55. Section 3 amended (Interpretation)**

Section 3 of the Principal Act is amended as follows:

- (a) by omitting “networks” from paragraph (d) of the definition of “Basslink” and substituting “systems”;
- (b) by omitting the definition of “transmission network” and substituting the following definition:

**“transmission system”** has the same meaning as in the *Electricity Supply Industry Act 1995*.

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\*No. 57 of 1995