

TASMANIA

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**ELECTRICITY SUPPLY INDUSTRY  
AMENDMENT BILL 2007**

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**ELECTRICITY SUPPLY INDUSTRY  
AMENDMENT BILL 2007**

*(Brought in by the Minister for Energy, the Honourable David  
Edward Llewellyn)*

**A BILL FOR**

**An Act to amend the *Electricity Supply Industry 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:

**1. Short title**

This Act may be cited as the *Electricity Supply  
Industry Amendment Act 2007*.

**2. Commencement**

This Act commences on the day on which this  
Act receives the Royal Assent.

**3. Principal Act**

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

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\*No. 58 of 1995

**4. Part 10, Division 6A inserted**

After section 119 of the Principal Act, the following Division is inserted in Part 10:

***Division 6A – Charges***

**120. Interpretation**

In this Division –

“**AEMC**” means the Australian Energy Market Commission established under the *Australian Energy Market Commission Establishment Act 2004* of South Australia;

“**Electricity Safety Minister**” means the Minister administering the *Electricity Industry Safety and Administration Act 1997*;

“**Energy Minister**” means the Minister administering this Act;

“**ESIS fund**” means the electrical safety inspection service fund established under section 121E;

“**NEMC**” means the charge for the cost of the State’s funding commitments in respect of the AEMC recoverable under section 121;

**121. Recovery of NEMC**

- (1) The Crown may recover from an electricity entity, in each financial year, a charge representing part or all of the cost of the State's funding commitments in respect of the AEMC.
- (2) The Minister, by order published in the *Gazette*, is to determine –
  - (a) the electricity entity that is liable for the charge; and
  - (b) the amount of the charge for the financial year in which the order is made.
- (3) In determining the amount of the charge for a financial year, the Minister must consider the expenditure incurred, or expected to be incurred, by the State in its funding commitments in respect of the AEMC.
- (4) The Minister must notify the electricity entity of the entity's liability for the NEMC and the amount of the charge.

**121A. NEMC not to apply to specified customers**

The Minister may determine that the NEMC, or any part of it, is not to apply to a customer, or class of customers, of the electricity entity as may be specified in the order under section 121(2).

**121B. Electrical safety inspection service charge**

- (1) An annual charge is payable to the Crown by an electricity entity for the operation and administration of the electrical safety inspection service administered by the responsible Department in relation to the *Electricity Industry Safety and Administration Act 1997*.
- (2) The Minister, by order published in the *Gazette*, is to determine the amount of the electrical safety inspection service charge each year.
- (3) In determining the amount of the electrical safety inspection service charge, the Minister is to take into account the budget prepared under section 121D.
- (4) The Minister must notify the electricity entity of the entity's liability to pay the electrical safety inspection service charge and the amount of the charge.
- (5) The electrical safety inspection service charge is to be paid into the ESIS fund.

**121C. Orders under this Division**

- (1) An order made under this Division is to specify –

- (a) to whom the charge is payable;  
and
  - (b) the place at which, and the date  
and method by which, payment of  
the charge is to be made.
- (2) Sections 47(3), (4), (5), (6) and (7) of the *Acts Interpretation Act 1931* apply to an order made under this Division as if it were regulations within the meaning of that Act.
- (3) An order made under this Division is not –
- (a) a statutory rule for the purposes of the *Rules Publication Act 1953*; or
  - (b) subordinate legislation for the purposes of the *Subordinate Legislation Act 1992*.

**121D. Preparation of annual budget**

- (1) Before 30 September in each calendar year, the person or body engaged to carry out the electrical safety inspection service is to prepare a budget in respect of the costs of delivering that service for the next calendar year.
- (2) The person or body is to provide a copy of the budget to the Energy Minister, the Regulator and the Administrator of

Occupational Licensing appointed under  
the *Occupational Licensing Act 2005*.

**121E. Electrical safety inspection service fund**

- (1) The Electricity Safety Minister is to establish the electrical safety inspection service fund.
- (2) Money in the ESIS fund is to be applied for the operation and administration of the electrical safety inspection service in any way the Electricity Safety Minister determines.

**121F. Penalty for late payment**

If the whole or any part of the electrical safety inspection service charge payable under section 121B is not paid by the due date, the electricity entity is liable to a penalty calculated at the rate of 20% per annum of the amount unpaid as from that due date.

**121G. Money payable may be recovered as debt**

The relevant Minister may recover money payable as the NEMC or the electrical safety inspection service charge as a debt due in a court of competent jurisdiction.