

## CLAUSE NOTES

### *Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Bill 2018*

- Clause 1**                      **Short Title**
- Clause 2**                      **Commencement**  
This Act will commence on the day on which it receives Royal Assent.
- Clause 3**                      **Principal Act**  
The Principal Act referred to in this Act is the *Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995*.
- Clause 4**                      **Section 16A amended (Interpretation of Division)**  
The definition of 'entitlement holder' is amended by substituting paragraph (a) with a new paragraph (a) to more effectively define the land to which it applies and to link it to the new section 16AB.
- The definition of 'former section 16C' is inserted to clarify it refers to the section 16C that was in force immediately before the commencement of the *Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 2018*.
- The definition of 'water entitlement agreement' is defined to refer to an agreement made between the HEC and entitlement holders under the former section 16C or an agreement made under the new section 16C(2).
- Clause 5**                      **Section 16AB inserted (Entitlement holders for certain land)**  
A new section 16AB is inserted. Subsection (1) clarifies who is defined as an entitlement holder for land when no order under section 16D(2) has been made and land may have been transferred to another person on or after the 2011 transition date.
- Subsection (2) states that if an order has been made under section 16D(2), then a person is an entitlement holder if they hold a valid authorisation to take water under the *Irrigation Clauses Act 1973* or the *Water Management Act 1999*.
- Clause 6**                      **Section 16C substituted (Meaning of "owner")**  
This Clause repeals the existing section 16C and replaces it with a new section 16C (Quantification of HEC obligation to supply certain water entitlements).
- Subsection (1) defined the 'commencement day' as the day on which this Act commences.
- Subsection (2) validates agreements made between the HEC and entitlement holders.

Subsection (3) clarifies that a water entitlement agreement in force before the commencement day remains in force on the same terms and conditions.

Subsection (4) provides that the water made available under section 16B(1) to an entitlement holder is the amount fixed by an order under section 16D(2) which is the amount specified in the water entitlement agreement.

Subsection (5) clarifies that a water entitlement agreement is not capable of providing for the suspension, relinquishment, phased in reduction or extinction of the HEC's obligation to supply water.

**Clause 7**

**Section 16D amended (Orders providing for supply of certain water entitlements)**

Subsection (1) is amended to clarify it applies to a water entitlement agreement being validly made.

The term 'arbitrated award' is omitted from subsections (2) and (3)(a).

**Clause 8**

**Repeal of Act**

This clause allows for the repeal of this Act one year from the day on which it commences.