



New South Wales

Electricity Supply Amendment Act 2005 No 17

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Electricity Supply Amendment Act 2005 No 17

Act No 17, 2005

An Act to amend the *Electricity Supply Act 1995* with respect to endorsements on licences, greenhouse gas benchmark participants, abatement certificates and distribution systems; and for other purposes. [Assented to 18 May 2005]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Electricity Supply Amendment Act 2005*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Amendment of Electricity Supply Act 1995 No 94

The *Electricity Supply Act 1995* is amended as set out in Schedule 1.

4 Amendment of Independent Pricing and Regulatory Tribunal Act 1992 No 39

The *Independent Pricing and Regulatory Tribunal Act 1992* is amended as set out in Schedule 2.

Schedule 1 Amendment of Electricity Supply Act 1995

(Section 3)

[1] Section 33A Endorsements on retail suppliers' licences

Insert "by the Minister" after "attached" in section 33A (1).

[2] Section 33A (5) and (6)

Insert after section 33A (4):

- (5) An endorsement may be attached to a retail supplier's licence when the licence is granted or at any later time and may be removed at any time by the Minister.
- (6) Conditions of an endorsement that are imposed by the Minister may be varied or revoked by the Minister at any time.

[3] Section 77 Regulatory functions of Tribunal

Insert "or an endorsement attached to a licence" after "licence" in section 77 (2) (b).

[4] Section 77 (2) (c)

Insert "or an endorsement attached to a licence" after "licence".

[5] Section 77 (2) (d)

Insert "or an endorsement attached to a licence" after "licence".

[6] Section 87 Licence auditing functions of Tribunal

Insert "and the endorsements attached to licences held by them" after "licences held by them" in section 87 (1).

[7] Section 87 (2)

Insert "and the endorsements attached to licences held by them" after "licences held by them".

[8] Section 87B Provision and maintenance of information, documents and evidence

Insert after section 87B (2):

- (3) For the purposes of monitoring and reporting under section 87, the Chairperson of the Tribunal may, by notice in writing served on the holder of a licence, require that person:

- (a) to keep specified records including any documents specified in the notice, and
- (b) to furnish specified information to the Tribunal.
- (4) Nothing in subsection (3) limits the powers of the Tribunal under subsection (1).

[9] Section 88 Annual reports

Insert “and the endorsements attached to licences held by them” after “licences held by them” in section 88 (1).

[10] Section 97AB Definitions

Omit the definition of *large customer*. Insert instead:

large customer means:

- (a) a customer (other than a retail supplier) that on its own account, or together with one or more other such customers (who are related entities), uses:
 - (i) 100 gigawatt hours or more of electricity at a single site in this State in any year, or
 - (ii) 100 gigawatt hours or more of electricity at more than one site in this State in any year, at least one of which uses 50 gigawatt hours or more of electricity in that year, or
- (b) a related entity of a customer referred to in paragraph (a), whether or not the entity is a customer.

[11] Section 97AB, definitions of “related body corporate” and “related entity”

Insert in alphabetical order:

related body corporate of a person has the same meaning as it has in the *Corporations Act 2001* of the Commonwealth.

related entity of a customer means a person (whether or not a customer) who is:

- (a) a related body corporate of the customer, or
- (b) a beneficiary of a trust of which the customer is or has at any time been a trustee, or
- (c) a trustee of a trust under which a person is a beneficiary, if the person is a related entity of the customer because of any other application or applications of this definition, or
- (d) engaged in a joint venture with the customer or a related entity of a customer.

[12] Section 97BB Benchmark participants

Insert after section 97BB (2) (d):

- (e) the circumstances when a related entity of a customer is entitled to make an election to be subject to a greenhouse gas benchmark as a large customer,
- (f) the circumstances when a person is taken to be engaged in a joint venture with a customer or a related entity of a customer,
- (g) the electricity purchases to be taken into account for the purpose of applying section 97BD (2) (a) to a benchmark participant that is a large customer and is not the purchaser of the whole or part of the electricity that qualifies it (either in its own right or as a related entity of a customer) as a large customer.

[13] Section 97BD Principles for determining compliance with greenhouse gas benchmarks

Insert “for the purposes of compliance with the participant’s greenhouse gas benchmark” after “for that year” where secondly occurring in section 97BD (3).

[14] Section 97CC Restrictions on surrender of abatement certificates for benchmark purposes

Insert “for the purposes of compliance with the participant’s greenhouse gas benchmark” after “participant” where firstly occurring in section 97CC (1).

[15] Section 97EE Duration of certificate

Insert after section 97EE (2) (b):

- (c) if the person registered as the owner of the abatement certificate, by notice in writing, surrenders the certificate to the Scheme Administrator, and the Scheme Administrator accepts the surrender of the certificate.

[16] Section 105A

Insert after section 105:

105A Provision of information to Minister

- (1) The Minister may, by notice in writing, require NEMMCO to provide to the Minister the information specified in the notice.
- (2) The Minister may only require information to be provided if satisfied that it is required for the following purposes:

- (a) notification of circumstances that may result in retailer of last resort arrangements being required to be made,
 - (b) determination of whether to implement any such arrangements,
 - (c) the exercise by the Minister of functions under this Act or the regulations.
- (3) NEMMCO must provide information if requested to do so by the Minister in accordance with this section.
- (4) The Minister must consult with NEMMCO before disclosing information obtained under this section.

[17] Section 106 Regulations

Insert after section 106 (1) (e):

- (e1) requirements for the marking or labelling of the point of supply in relation to the premises of wholesale or retail customers,

[18] Section 106 (1) (j)

Insert at the end of section 106 (1) (i):

- (j) permitting electricity prepayment meters for small retail customers and requirements relating to any such prepayment meters.

[19] Schedule 2 Licences

Insert at the end of clause 8 (3) (b):

, or

- (c) an endorsement attached to the licence.

[20] Schedule 2, clause 8A (5)

Insert “, or an endorsement attached to,” after “the conditions of”.

[21] Dictionary, definition of “distribution system”

Omit the definition. Insert instead:

distribution system means the electricity power lines and associated equipment and electricity structures that are used to convey and control the conveyance of electricity:

- (a) to the premises of wholesale and retail customers, up to the point of supply in relation to the premises (which may or may not be situated on the building or land comprising the premises), or

(b) to, from and along the rail network electricity system, but does not include a transmission system or any lines, equipment and structures prescribed by the regulations.

[22] Dictionary

Insert in alphabetical order:

NEMMCO has the same meaning as it has in Part 8A.

point of supply, in relation to the premises of a wholesale or retail customer or a class of wholesale or retail customers, means the point of supply to an electrical installation supplying electricity to the premises, as determined in accordance with the regulations.

Schedule 2 Amendment of Independent Pricing and Regulatory Tribunal Act 1992

(Section 4)

Section 24FA Recommendations and advice

Insert “, or of an endorsement attached to a licence,” after “licence or authorisation” in section 24FA (5).

[Second reading speech made in—
Legislative Assembly on 23 February 2005
Legislative Council on 3 May 2005]

BY AUTHORITY