



New South Wales

Energy Legislation Amendment (Retail Price Deregulation) Bill 2014

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are as follows:

- (a) to modify the operation of the *National Energy Retail Law (NSW)* (the ***National Law***) so that the mandatory scheme requiring energy retailers to offer energy at a regulated price to certain small customers no longer applies in relation to the supply of electricity to those customers and to provide for transitional contract arrangements for those customers,
- (b) to provide for the monitoring of the performance and competitiveness of the retail electricity market for small customers in New South Wales,
- (c) to amend the *Electricity Supply Act 1995* and the *Electricity Supply (General) Regulation 2001* to update references and remove provisions as a consequence of the deregulation of retail electricity prices,
- (d) to provide for gas pricing order provisions to be retained and revived in the *Gas Supply Act 1996*.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act (except Schedule 5) on 1 July 2014 or the date of assent to the proposed Act, whichever is the later, and for proposed Schedule 5 to commence on the date of assent to the proposed Act.

Schedule 1 Amendment of National Energy Retail Law (Adoption) Act 2012 No 37

Schedule 1 [1] modifies the National Law so that provisions relating to regulated offer prices and contracts will apply only to the supply of gas rather than to both gas and electricity. **Schedule 1 [2]–[6] and [8]** make consequential amendments.

Schedule 1 [7] omits a modification to the National Law that requires pricing conditions relating to regulated offer prices to be imposed on persons exempted from licensing requirements for the retail sale of electricity.

Schedule 1 [9] modifies the National Law by inserting proposed Part 9A. The proposed Part establishes a Market Monitor (to be prescribed by regulations) to monitor the performance and competitiveness of the retail electricity market in New South Wales for small customers and to report annually on it. The annual report is to include any steps necessary to improve the competitiveness of the market, whether there is a need for a detailed review of retail prices and profit margins in the market, the participation of small customers in the market, barriers in the market, competition between retailers and other matters. The annual report is to be tabled in Parliament. The Market Monitor must carry out a detailed review of retail prices and profit margins in the market, and other matters, (a *special review*) if requested to do so by the Minister. Regulations may be made with respect to reports by the Market Monitor, conferring functions on the Market Monitor that are related or ancillary to its review, reporting and monitoring functions and the conduct of special reviews. Regulations may also apply provisions of the *Independent Pricing and Regulatory Tribunal Act 1992* while the Independent Pricing and Regulatory Tribunal is prescribed as the Market Monitor.

Schedule 2 Amendment of National Energy Retail Law (Adoption) Regulation 2013

Schedule 2 [1] omits the prescription of the consumption threshold for electricity for a regulated offer customer as a consequence of the removal of the application of regulated offer provisions to electricity customers. **Schedule 2 [2]** makes a consequential amendment.

Schedule 2 [3] omits a provision that specifies retailers as regulated offer retailers for electricity customers as a consequence of the removal of the application of regulated offer provisions to electricity customers.

Schedule 2 [4] prescribes the Independent Pricing and Regulatory Tribunal as the Market Monitor for the purposes of proposed Part 9A of the National Law and provides for the conduct of special reviews by the Market Monitor. It also enables the Market Monitor to require information to be provided for the purposes of a special review and protects certain confidential information that is provided. It will be an offence to refuse or fail to comply with a notice to provide information, to knowingly provide false information or give false evidence or to obstruct or interfere with the exercise of functions for the purposes of a special review.

Schedule 2 [5]–[7] update references.

Schedule 2 [8] inserts transitional provisions relating to the modifications to the regulated offer provisions of the National Law made by the proposed Act. A regulated offer customer for the supply of electricity will become a standing offer customer of the designated retailer for the customer on the terms and conditions (including standing offer prices) available on a standing offer contract between a small customer and the designated retailer.

Schedule 3 Amendment of Electricity Supply Act 1995 No 94

Schedule 3 [1]–[4], [19], [21] and [23] change references to certain customers who participate in the solar bonus scheme so as to reflect the removal of the category of regulated offer customers from the National Law. **Schedule 1 [20]** makes a consequential amendment.

Schedule 3 [5] and [6] omit provisions which enable the Independent Pricing and Regulatory Tribunal (the *Tribunal*) to investigate and report on and determine regulated retail tariffs or regulated retail charges for electricity. The amendment is consequential on the removal of regulated offer prices from the National Law. **Schedule 3 [7]–[10] and [24]** make consequential amendments.

Schedule 3 [11] removes from the Tribunal its functions relating to monitoring regulated offer prices. **Schedule 3 [13] and [14]** make consequential amendments.

Schedule 3 [12] omits a provision that requires the Minister to provide information to the Tribunal in relation to compliance with Tribunal determinations about regulated offer prices.

Schedule 3 [15] omits a requirement for the Tribunal to report on compliance with Tribunal determinations about regulated offer prices.

Schedule 3 [16] and [17] omit references to disputes or complaints concerning regulated offer customers to whom electricity is supplied from provisions setting out matters that an energy ombudsman scheme may deal with.

Schedule 3 [18] omits a reference to a dispute or complaint concerning a regulated offer customer from a provision that imposes a condition on a licence of an electricity distributor.

Schedule 3 [22] inserts savings and transitional provisions.

Schedule 4 Amendment of Electricity Supply (General) Regulation 2001

Schedule 4 [1] amends a provision that confers a right to apply to an energy ombudsman so as to remove the application of the provision to regulated offer customers for electricity.

Schedule 4 [2] and [3] remove references to regulated offer customers.

Schedule 4 [4] is consequential on the amendment made by **Schedule 3 [9]**.

Schedule 5 Amendment of Gas Supply Act 1996 No 38

Schedule 5 [1] omits a provision which provided for gas pricing order provisions to cease to have effect on 30 June 2013.

Schedule 5 [2] changes a reference to arrangements relating to gas pricing.

Schedule 5 [3] revives the gas pricing order provisions as if they had not ceased to have effect. No gas pricing orders have been made under the provisions.



New South Wales

Energy Legislation Amendment (Retail Price Deregulation) Bill 2014

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New South Wales

Energy Legislation Amendment (Retail Price Deregulation) Bill 2014

No. , 2014

A Bill for

An Act to amend the *National Energy Retail Law (Adoption) Act 2012*, the *Electricity Supply Act 1995* and regulations under those Acts with respect to the deregulation of the retail electricity market in New South Wales; and to amend the *Gas Supply Act 1996* to revive expired provisions.

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| The Legislature of New South Wales enacts: | 1 |
| 1 Name of Act | 2 |
| This Act is the <i>Energy Legislation Amendment (Retail Price Deregulation) Act 2014</i> . | 3 |
| 2 Commencement | 4 |
| (1) Except as provided by subsection (2), this Act commences on 1 July 2014 or on the date of assent to this Act, whichever is the later. | 5 6 |
| (2) Schedule 5 commences on the date of assent to this Act. | 7 |

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| Schedule 1 | Amendment of National Energy Retail Law | 1 |
| | (Adoption) Act 2012 No 37 | 2 |
| [1] | Schedule 1 New South Wales changes and additions to National Energy Retail Law | 3 |
| | Insert before section 37A as inserted by item [17]: | 4 |
| | 37AA Application of Division | 5 |
| | This Division applies only to the supply of gas by a retailer. | 6 |
| [2] | Schedule 1 [17] | 7 |
| | Omit “and may relate to electricity or gas, or both” from section 37A (3) as inserted by the item. | 8 9 |
| [3] | Schedule 1 [17] | 10 |
| | Omit “energy” wherever occurring in sections 37B, 37C (3) and 37D (2) as inserted by the item. | 11 12 |
| | Insert instead “gas”. | 13 |
| [4] | Schedule 1 [17] | 14 |
| | Omit section 37C (2) as inserted by the item. Insert instead: | 15 |
| | (2) The <i>regulated offer prices</i> are the prices imposed by a regulated offer retailer in accordance with any gas pricing order under Division 3 of Part 2 of the <i>Gas Supply Act 1996</i> or any voluntary pricing agreement for gas agreed between the Independent Pricing and Regulatory Tribunal and the regulated offer retailer. | 16 17 18 19 20 |
| [5] | Schedule 1 [18] | 21 |
| | Omit “energy” from section 54 (6A) as inserted by the item. Insert instead “gas”. | 22 |
| [6] | Schedule 1 [19] | 23 |
| | Insert “for the supply of gas” after “arrangement” in section 55 (2A) as inserted by the item. | 24 |
| [7] | Schedule 1 [22] | 25 |
| | Omit the item. | 26 |
| [8] | Schedule 1 [23] | 27 |
| | Omit the item. Insert instead: | 28 |
| [23] | Section 145 Contractual arrangements for sale of energy to transferred small customers | 29 30 |
| | Insert after section 145 (4): | 31 |
| | (4A) Despite subsection (4), the prices applicable to a RoLR deemed small customer retail arrangement for the supply of gas are the regulated offer prices of the applicable regulated offer retailer, with any variations in accordance with or consequent on the applicable RoLR cost recovery scheme determined under Division 9. | 32 33 34 35 36 |
| | Note — This subsection is an additional New South Wales provision. | 37 |

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| [9] Schedule 1 [25A] | 1 |
| Insert after Schedule 1 [25]: | 2 |
| [25A] Part 9A | 3 |
| Insert after Part 9: | 4 |
| Part 9A— Monitoring of NSW retail electricity market | 5 |
| Note — The provisions of this Part are additional New South Wales provisions. | 6 |
| 234A—Market Monitor | 7 |
| (1) In this Part, the <i>Market Monitor</i> is the person prescribed by the NSW regulations as the Market Monitor for the purposes of this Part. | 8 |
| (2) The Market Monitor is to monitor the performance and competitiveness of the retail electricity market in New South Wales for small customers. | 9 |
| (3) The Market Monitor is to report annually to the Minister on the performance and competitiveness of the retail electricity market in New South Wales for small customers, including on the following matters— | 10 |
| (a) the participation of small customers in the market and, if the Market Monitor thinks it appropriate, particular groups of small customers; | 11 |
| (b) prices of electricity for small customers in regional areas; | 12 |
| (c) any barriers to entry to or exit from, or expansion in, the market; | 13 |
| (d) the extent to which retailers are competing to attract and retain small customers; | 14 |
| (e) whether price movements and price and product diversity in the market are consistent with a competitive market; | 15 |
| (f) if the Market Monitor is of the opinion that it is required, steps necessary to improve the competitiveness of the market; | 16 |
| (g) whether there is a need for a detailed review of retail prices and profit margins in the market; | 17 |
| (h) any other matters the Market Monitor thinks appropriate. | 18 |
| (4) An annual report is to be prepared for each year commencing on 1 July and the first annual report is to be for the year commencing 1 July 2014. | 19 |
| (5) The annual report is to be provided to the Minister not later than 30 November following the end of the year to which the report relates. | 20 |
| (6) The Minister is to lay the annual report or cause it to be laid before both Houses of Parliament of this jurisdiction not later than 30 days after receiving the report. | 21 |

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| (7) | In preparing an annual report, the Market Monitor is to have regard only to the following— | 1 2 |
| | (a) information provided by the AEMC and the AER; | 3 |
| | (b) any publicly available information; | 4 |
| | (c) information provided by a retailer under subsection (8). | 5 |
| (8) | The Market Monitor may, by notice in writing served on a retailer, require the retailer to provide particulars to the Market Monitor of the number of market offer customers of the retailer, the market offer prices of those customers, the number of customers on each standing offer price offered by the retailer that has been publicly advertised and those standing offer prices. | 6 7 8 9 10 11 |
| 234B—Special reviews by Market Monitor | | 12 |
| (1) | The Market Monitor must, if requested in writing by the Minister to do so, carry out a detailed review of retail prices and profit margins in the retail electricity market in New South Wales for small customers, or any other matter related to that market, (a <i>special review</i>) and report on the review to the Minister. | 13 14 15 16 17 |
| (2) | The request for a special review may specify a period within which the Market Monitor is to submit the report on the review to the Minister and may require the Market Monitor to consider specified matters when carrying out the review. | 18 19 20 21 |
| (3) | In preparing a report on a special review, the Market Monitor is not limited to consideration of information of a kind referred to in section 234A (7). | 22 23 24 |
| 234C—Reports to Parliament | | 25 |
| (1) | If a House of Parliament is not sitting when the Minister seeks to table a report required by this Part to be laid before the House, the Minister may present copies of the report to the Clerk of the House. | 26 27 28 29 |
| (2) | The report— | 30 |
| | (a) on presentation and for all purposes is taken to have been laid before the House; and | 31 32 |
| | (b) may be printed by authority of the Clerk of the House; and | 33 |
| | (c) if printed by authority of the Clerk, is for all purposes taken to be a report published by or under the authority of the House; and | 34 35 36 |
| | (d) is to be recorded— | 37 |
| | (i) in the case of the Legislative Council, in the Minutes of the Proceedings of the Legislative Council; and | 38 39 |
| | (ii) in the case of the Legislative Assembly, in the Votes and Proceedings of the Legislative Assembly; | 40 41 |
| | on the first sitting day of the House after receipt of the report by the Clerk. | 42 43 |

234D—Regulations

The NSW regulations may make provision for or with respect to the following matters—

- (a) reports by the Market Monitor for the purposes of this Part;
- (b) conferring functions on the Market Monitor that are related or ancillary to its review, reporting and monitoring functions under this Part;
- (c) without limiting paragraph (b), providing for the conduct of a special review and conferring related functions on the Market Monitor, including powers to require retailers or other persons to provide information or other evidence for the purposes of a special review;
- (d) prohibiting or regulating the disclosure of information or the provision of evidence to the Market Monitor;
- (e) if the Independent Pricing and Regulatory Tribunal is prescribed as the Market Monitor, applying provisions (with or without modification) of the *Independent Pricing and Regulatory Tribunal Act 1992* or the *Electricity Supply Act 1995* to the exercise of functions by the Market Monitor under this Part.

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| Schedule 2 | Amendment of National Energy Retail Law | 1 |
| | (Adoption) Regulation 2013 | 2 |
| [1] Clause 4 Small customers and regulated offer customers | | 3 |
| Omit clause 4 (2). Insert instead: | | 4 |
| (2) For the purposes of the definition of <i>regulated offer customer</i> in section 37B of the National Law, the consumption threshold for a customer to be a regulated offer customer is a rate of 1,000 gigajoules per year. | | 5 6 7 |
| [2] Clause 4 (3) | | 8 |
| Omit “energy” wherever occurring. Insert instead “gas”. | | 9 |
| [3] Clause 6 Regulated offer retailers | | 10 |
| Omit clause 6 (2). | | 11 |
| [4] Clauses 8A–8E | | 12 |
| Insert after clause 8: | | 13 |
| 8A Market Monitor | | 14 |
| The Independent Pricing and Regulatory Tribunal is prescribed as the Market Monitor for the purposes of Part 9A of the National Law. | | 15 16 |
| 8B Powers of Market Monitor and conduct of special reviews | | 17 |
| (1) In a special review under Part 9A of the National Law, the Market Monitor: | | 18 |
| (a) is to act with as little formality as possible, and | | 19 |
| (b) may inform itself on any matter in any way it thinks fit and is not bound by the rules of evidence, and | | 20 21 |
| (c) may receive information or submissions in the form of oral or written statements, and | | 22 23 |
| (d) may consult with such persons as it thinks fit. | | 24 |
| (2) The Market Monitor may, but is not required to, hold hearings or public seminars, conduct workshops and establish working groups and task forces for the purposes of a special review. | | 25 26 27 |
| (3) The Market Monitor must consult with retailers in a special review. | | 28 |
| (4) If the Market Monitor holds hearings, it must give reasonable notice, by advertisement published in a newspaper circulating in the State, of the hearings. | | 29 30 31 |
| (5) The Market Monitor may call for written submissions and may specify a time and date by which those submissions must be made. The Market Monitor may extend the time for the making of submissions. | | 32 33 34 |
| (6) A hearing may be held in public or in private, at the discretion of the Market Monitor, and may be conducted as determined by the Market Monitor. | | 35 36 |

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| 8C | Provision of information, documents and evidence | 1 |
| (1) | For the purposes of a special review, the Chairperson of the Market Monitor may, by notice in writing served on an officer of a retailer or any other person, require the officer or person to do any one or more of the following: | 2 3 4 |
| (a) | to give to the Market Monitor, on or before a day specified in the notice, a statement setting out such information as is so specified, | 5 6 |
| (b) | to give to the Market Monitor, on or before a day specified in the notice, such documents as are so specified, | 7 8 |
| (c) | to attend a meeting or hearing of the Market Monitor to give evidence. | 9 |
| (2) | If documents are given to the Market Monitor under this clause, the Market Monitor: | 10 11 |
| (a) | may take possession of, and make copies of or take extracts from, the documents, and | 12 13 |
| (b) | may keep possession of the documents for such period as is necessary for the purposes of the special review to which they relate, and | 14 15 |
| (c) | during that period must permit them to be inspected at all reasonable times by persons who would be entitled to inspect them if they were not in the possession of the Market Monitor. | 16 17 18 |
| 8D | Confidential information | 19 |
| (1) | If a person provides information (<i>protected information</i>) to the Market Monitor for the purposes of a special review on the understanding that the information is confidential and will not be divulged, the Market Monitor is required to ensure that the information is not divulged by it to any person, except: | 20 21 22 23 24 |
| (a) | with the consent of the person who provided the information, or | 25 |
| (b) | to the extent that the Market Monitor is satisfied that the information is not confidential in nature, or | 26 27 |
| (c) | to a member or officer of the Market Monitor. | 28 |
| (2) | If the Market Monitor is satisfied that protected information provided to the Market Monitor by a person needs to be divulged for the purposes of its report on the special review, and the exceptions in subclause (1) (a)–(c) are not applicable, the Market Monitor may notify the person that the Market Monitor proposes to divulge the information in its report after a specified period. | 29 30 31 32 33 |
| (3) | After the specified period, and despite subclause (1), the Market Monitor may divulge the information in its report. | 34 35 |
| (4) | If the Market Monitor is satisfied that it is desirable to do so because of the confidential nature of any information provided to it in connection with its functions relating to a special review, it may give directions prohibiting or restricting the divulging of the information. | 36 37 38 39 |
| (5) | A person must not contravene a direction given under subclause (4). Maximum penalty: 100 penalty units. | 40 41 |
| (6) | A reference in this clause to information includes information given at a meeting or hearing of the Market Monitor and information contained in any documents given to the Market Monitor. | 42 43 44 |

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| 8E Offences | 1 |
| (1) A person must not, without reasonable excuse: | 2 |
| (a) refuse or fail to comply with a notice served under clause 8C, or | 3 |
| (b) refuse or fail to answer a question that the person is required to answer by the Chairperson at any meeting or hearing before the Market Monitor for the purposes of a special review. | 4 5 6 |
| (2) It is a reasonable excuse for the purposes of subclause (1) that to comply with the notice or to answer the question might tend to incriminate a natural person or make the person liable to any forfeiture or penalty. | 7 8 9 |
| (3) A person must not: | 10 |
| (a) give to the Market Monitor, whether orally or in writing, information that the person knows to be false or misleading in a material particular (unless the person informs the Market Monitor of that fact), or | 11 12 13 |
| (b) at a meeting of or hearing before the Market Monitor, give evidence that the person knows to be false or misleading in a material particular. | 14 15 |
| (4) A person must not hinder, obstruct or interfere with the Chairperson or any other member of the Market Monitor in the exercise of functions for the purposes of a special review as Chairperson or other member. Maximum penalty: 100 penalty units. | 16 17 18 19 |
| [5] Clause 27 Credits under solar bonus scheme | 20 |
| Insert “former” before “regulated”. | 21 |
| [6] Clause 44 Voluntary pricing agreements for gas | 22 |
| Omit “voluntary transitional pricing arrangement” from clause 44 (1). | 23 |
| Insert instead “voluntary pricing agreement”. | 24 |
| [7] Clause 44 (2) and (3) | 25 |
| Omit “arrangement” wherever occurring. Insert instead “agreement”. | 26 |
| [8] Part 6, Division 7 | 27 |
| Insert after Division 6: | 28 |
| Division 7 Provisions consequent on enactment of Energy Legislation Amendment (Retail Price Deregulation) Act 2014 | 29 30 31 |
| 50 Former regulated offer customers | 32 |
| (1) This clause applies to a customer who was, immediately before 1 July 2014, being the date of commencement of this clause, a regulated offer customer for the supply of electricity to the customer. | 33 34 35 |
| (2) On that commencement, the customer is taken to be a standing offer customer and the regulated offer contract is taken to be replaced by a contract between the customer and the designated retailer for that customer on the terms and conditions (including standing offer prices) applicable to a standard retail contract between a small customer and the designated retailer under the National Law. | 36 37 38 39 40 41 |

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| (3) | A payment plan, or an arrangement as to a payment method, in force in relation to the customer immediately before that commencement continues to have effect in relation to the customer, subject to any subsequent agreement between the customer and the designated retailer or another retailer. | 1 2 3 4 |
| (4) | A notice that was given, and was in operation, under the contract for the supply of electricity to the customer immediately before that commencement is taken to be a notice given under the standard retail contract. | 5 6 7 |
| (5) | A hardship policy applicable to the customer immediately before that commencement continues to apply to the customer. | 8 9 |
| (6) | Rule 36 of the <i>National Energy Retail Rules</i> applies to a change of tariff that occurs when a contract is replaced by another contract under this clause with the following modifications: | 10 11 12 |
| (a) | a meter reading or metering data is not required to be obtained at the time the type of tariff changes, | 13 14 |
| (b) | the customer's bill is to be based on an estimation of the customer's consumption of energy in accordance with rule 21 of those Rules and, for that purpose, the customer is taken to consent to the use of estimation by the retailer, | 15 16 17 18 |
| (c) | the date from which the new type of tariff applies for the purposes of calculating the bill is 1 July 2014, being the date of commencement of this clause. | 19 20 21 |
| 51 | Revival of provision | 22 |
| | Section 145 (4) of the National Law has effect on and from 1 July 2014, being the date of commencement of this clause, as if Schedule 1 [23] to the Act, as in force before that commencement, had not been made. | 23 24 25 |

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| Schedule 3 | Amendment of Electricity Supply Act 1995 No 94 | 1 |
| [1] | Section 15A Distribution network service providers to allow small renewable energy generators to feed-in to network | 2 3 |
| | Omit “regulated offer customer” wherever occurring in section 15A (3). | 4 |
| | Insert instead “former regulated offer customer or small customer”. | 5 |
| [2] | Section 15A (5), (6) (a) and (8G) | 6 |
| | Omit “regulated offer customer” wherever occurring. | 7 |
| | Insert instead “former regulated offer customer”. | 8 |
| [3] | Section 15A (7) | 9 |
| | Omit “regulated offer customers” wherever occurring. | 10 |
| | Insert instead “former regulated offer customers or small customers”. | 11 |
| [4] | Section 15A (8H) | 12 |
| | Insert after section 15A (8G): | 13 |
| | (8H) In this section: | 14 |
| | <i>former regulated offer customer</i> means a person who was, immediately before 1 July 2014, being the date of commencement of this subsection, a regulated offer customer within the meaning of this Act. | 15 16 17 |
| [5] | Section 43EA Referrals for determinations | 18 |
| | Omit the section. | 19 |
| [6] | Section 43EB Tribunal to determine regulated retail tariffs and regulated retail charges | 20 21 |
| | Omit the section. | 22 |
| [7] | Section 43EE Powers of Tribunal and conduct of special reviews | 23 |
| | Omit “regulated offer” from section 43EE (3). | 24 |
| [8] | Section 43EF Provision of information, documents and evidence | 25 |
| | Omit “regulated offer” from section 43EF (1). | 26 |
| [9] | Section 43EJ Provisions to cease to have effect | 27 |
| | Omit section 43EJ (1). | 28 |
| [10] | Section 43EJ (2) | 29 |
| | Omit “(other than sections 43EA–43EC)”. | 30 |
| [11] | Section 87 Licence auditing functions of Tribunal | 31 |
| | Omit section 87 (1). Insert instead: | 32 |
| | (1) The functions of the Tribunal under this Division are to monitor, and report to the Minister on, the extent to which distribution network service providers comply, or fail to comply, with the conditions imposed on licences held by them. | 33 34 35 36 |

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| [12] Section 87 (2A) | 1 |
| Omit the subsection. | 2 |
| [13] Section 87B Maintenance and provision of records and information | 3 |
| Omit section 87B (1) and (4). | 4 |
| [14] Section 87C Offences | 5 |
| Omit section 87C (1)–(4). Insert instead: | 6 |
| (1) A person must not, without reasonable excuse, refuse or fail to comply with a notice served under section 87B. | 7 8 |
| (2) It is a reasonable excuse for the purposes of subsection (1) that to comply with the notice might tend to incriminate a natural person or make the person liable to any forfeiture or penalty. | 9 10 11 |
| (3) A person must not give to the Tribunal, whether orally or in writing, information that the person knows to be false or misleading in a material particular (unless the person informs the Tribunal of that fact). | 12 13 14 |
| (4) A person must not hinder, obstruct or interfere with the Chairperson or any other member of the Tribunal in the exercise of functions for the purposes of section 87B as Chairperson or other member. | 15 16 17 |
| [15] Section 88 Annual reports | 18 |
| Omit section 88 (1). Insert instead: | 19 |
| (1) As soon as practicable after 30 June (but on or before 31 October) in each year, the Tribunal must prepare and forward to the Minister a report on the extent to which distribution network service providers have complied, or failed to comply, with the conditions imposed on the licences held by them during the 12 months ending on 30 June in that year. | 20 21 22 23 24 |
| [16] Section 96B Energy ombudsman scheme | 25 |
| Omit “or regulated offer customers” from section 96B (1A) (c). | 26 |
| [17] Section 96B (1A) (e) | 27 |
| Omit the paragraph. Insert instead: | 28 |
| (e) without limiting paragraph (d), disputes and complaints between regulated offer customers and regulated offer retailers or reticulators relating to regulated offer prices or pricing agreements under the <i>Gas Supply Act 1996</i> or the <i>National Energy Retail Law (NSW)</i> , | 29 30 31 32 |
| [18] Section 96C Licence conditions relating to approved energy ombudsman scheme | 33 |
| Omit “or regulated offer customer” from section 96C (b). | 34 |
| [19] Section 179A Compensation not payable | 35 |
| Insert “former” before “regulated offer” in section 179A (1A) (d). | 36 |
| [20] Section 179A (1A) (d) | 37 |
| Insert “within the meaning of section 15A” after “complying generators”. | 38 |
| [21] Section 195 Review of solar bonus scheme by Minister | 39 |
| Insert “former” before “regulated offer” in section 195 (1). | 40 |

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| [22] Schedule 6 Savings, transitional and other provisions | 1 |
| Insert at the end of the Schedule with appropriate Part and clause numbering: | 2 |
| Part Provisions consequent on enactment of Energy Legislation Amendment (Retail Price Deregulation) Act 2014 | 3 |
| | 4 |
| | 5 |
| Definition | 6 |
| In this Part: | 7 |
| <i>amending Act</i> means the <i>Energy Legislation Amendment (Retail Price Deregulation) Act 2014</i> . | 8 |
| | 9 |
| Licence auditing | 10 |
| The Tribunal is to continue to carry out its functions under sections 87 (1) (b) and 88 (1) (b), as in force before the repeal of those paragraphs by the amending Act, in respect of any period before those repeals and this Act applies to those functions as if the amending Act had not commenced. | 11 |
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| Review of decisions | 15 |
| (1) A person who was a regulated offer customer for the supply of electricity immediately before 1 July 2014, being the date of commencement of this clause, may make an application under section 96A in respect of any decision made before that commencement for which an application could have been made under an energy ombudsman scheme before that commencement. Section 96A continues to apply to any such application. | 16 |
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| | 21 |
| (2) The provisions of an energy ombudsman scheme approved under section 96B and applicable to regulated offer customers for the supply of electricity immediately before that commencement continue to apply to a dispute or complaint between the regulated offer customer and a retailer about a matter that occurred before that commencement. | 22 |
| | 23 |
| | 24 |
| | 25 |
| | 26 |
| [23] Dictionary | 27 |
| Omit “regulated offer” from paragraph (a1) of the definition of <i>distribution system</i> . | 28 |
| Insert instead “former regulated offer customers or small”. | 29 |
| [24] Dictionary, definitions of “regulated retail charge” and “regulated retail tariff” | 30 |
| Omit the definitions. | 31 |

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|-------------------|---|----|
| Schedule 4 | Amendment of Electricity Supply (General) | 1 |
| | Regulation 2001 | 2 |
| [1] | Clause 12 Persons who may apply to energy ombudsman | 3 |
| | Omit “the Act,” from clause 12 (1) (d). | 4 |
| [2] | Clause 148 Reporting and provision of information | 5 |
| | Omit “regulated offer customer or other” from clause 148 (6) (d). | 6 |
| [3] | Clause 151 Saving of rights of solar bonus scheme applicants who applied for connection to distribution network before 29/4/2011 and were connected on or before 30/6/2012 | 7 |
| | | 8 |
| | | 9 |
| | Omit “regulated offer customers or other” from clause 151 (2). | 10 |
| [4] | Clause 162 Date on which Division 5 of Part 4 ceases to have effect | 11 |
| | Omit “section 43EJ (1)”. Insert instead “section 43EJ (2)”. | 12 |

| | | |
|-------------------|---|----------------------|
| Schedule 5 | Amendment of Gas Supply Act 1996 No 38 | 1 |
| [1] | Section 28A Division to cease to have effect | 2 |
| | Omit section 28A (1). Insert instead: | 3 |
| | (1) This Division ceases to have effect on the day prescribed by the regulations for the purposes of this section. | 4 5 |
| [2] | Section 75A Regulatory functions of Tribunal | 6 |
| | Omit “voluntary transitional pricing arrangement” wherever occurring in section 75A (3A), (3B) and (3C) (b). | 7 8 |
| | Insert instead “voluntary pricing agreement”. | 9 |
| [3] | Schedule 2 Savings, transitional and other provisions | 10 |
| | Insert at the end of the Schedule with appropriate Part and clause numbering: | 11 |
| Part | Provisions consequent on enactment of Energy Legislation Amendment (Retail Price Deregulation) Act 2014 | 12 13 14 |
| | Revival of gas pricing orders provisions | 15 |
| | Division 3 of Part 2 of this Act (other than section 28A), as in force immediately before 30 June 2013, has effect on and from the date of assent to the <i>Energy Legislation Amendment (Retail Price Deregulation) Act 2014</i> as if section 28A (1) as then in force had not been made. | 16 17 18 19 |