



Queensland

Electricity Amendment Regulation (No. 3) 2007

Subordinate Legislation 2007 No. 122

made under the

Electricity Act 1994

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1 Short title

This regulation may be cited as the *Electricity Amendment Regulation (No. 3) 2007*.

2 Commencement

This regulation, other than section 33 to the extent it inserts the following provisions, commences on the FRC day—

- chapter 10, part 4, division 2, heading
- section 235.

3 Regulation amended

This regulation amends the *Electricity Regulation 2006*.

4 Insertion of new ch 3, pt 1A

Chapter 3, before part 1—
insert—

‘Part 1A Provisions prescribing particular customer types**‘Division 1 Small customers****‘Subdivision 1 Preliminary****‘30A Operation of div 1**

‘This division prescribes, for section 23(3) of the Act, as in force from the FRC day, customers who are small customers for a premises.

‘30B Definitions for div 1

‘In this division—

relevant distribution entity, for a premises, means the distribution entity to whose supply network the premises are, or will be, connected.

relevant retail entity, for a premises, means the retail entity who, under a retail contract, supplies or has agreed to supply electricity to the premises.

‘Subdivision 2 Initial classification

‘30C Premises with existing supply point

- ‘(1) This section applies to a customer for a premises that, before the FRC day, has a supply point.
- ‘(2) The customer is a small customer for the premises if, immediately before the FRC day, the supply point was, in accordance with the metrology procedure and the market settlement and transfer solution procedures made under the National Electricity Rules, classified as small.
- ‘(3) Subsection (2) applies whether or not the procedures applied to the relevant distribution entity for the premises.

‘30D Premises with new supply point

- ‘(1) This section applies if, on or after the FRC day, the customer becomes a customer for a new supply point for a premises.
- ‘(2) The relevant distribution entity for the premises must decide whether the customer is a small customer for the premises.
- ‘(3) Subdivision 5 applies to the making of the decision.
- ‘(4) The relevant distribution entity must, as soon as practicable after making the decision, give the customer or the relevant retail entity for the premises a written notice of the decision.
- ‘(5) The notice may be given under the market settlement and transfer solution procedures under the National Electricity Rules.

‘30E Initial classification subject to reclassification

‘This subdivision is subject to subdivisions 3 and 4.

‘Subdivision 3 Distribution entity-initiated reclassification**‘30F Power to redecide classification**

- ‘(1) The relevant distribution entity for a premises may, of its own initiative, decide whether a customer is a small customer for the premises.
- ‘(2) The decision may be made at any time and whether the customer is currently a small customer or large customer for the premises.
- ‘(3) Subdivision 5 applies to the making of the decision.

‘30G Information notice for particular reclassifications

- ‘(1) This section applies to a decision under section 30F(1) by the relevant distribution entity for a premises if the decision is to change a customer’s classification for the premises.
- ‘(2) The distribution entity must give the customer and the relevant retail entity for the premises an information notice about the decision.

‘30H Deferral of particular reclassifications until appeal expiration day

- ‘(1) If, under section 30G, an information notice must be given about a decision, the decision takes effect on the appeal expiration day for the decision.
- ‘(2) In this section—
appeal expiration day, for a decision, means—
 - (a) if an application for review of the decision is not made within the 28 days mentioned in section 209(1) or (2) or within any extended period under section 209(3)—the day the 28 days or extended period ends; or

- (b) if an application for review is made—the day all proceedings under chapter 9 relating to the decision, and any appeals from the proceedings, end.

‘Subdivision 4 Reclassification by application

‘30I Who may apply

- ‘(1) Subject to section 30J, a customer or the relevant retail entity for a premises may apply to the relevant distribution entity for the premises to decide whether the customer is a small customer for the premises (a *reclassification application*).
- ‘(2) A reclassification application may be made even if the customer claims to be a large customer, or no longer to be a small customer, for the premises.

‘30J Restriction on reapplying

- ‘(1) If the relevant distribution entity for a premises has, for a customer, already decided a reclassification application for the premises, another reclassification application can not be made for the premises for the same customer within 12 months after the making of the decision.
- ‘(2) To remove any doubt, it is declared that subsection (1) does not limit or otherwise affect the distribution entity’s power under section 30F to decide the customer’s classification for the premises.

‘30K Making and deciding of application

- ‘(1) A reclassification application for a premises must be made in the way reasonably decided by the relevant distribution entity for the premises the subject of the application.
- ‘(2) Subdivision 5 applies to the deciding of the application.

‘30L Notice of decision

- ‘(1) On deciding a reclassification application for a premises the relevant distribution entity must give the customer and the

relevant retail entity for the premises written notice of the decision.

- ‘(2) If the effect of the decision on the customer’s classification was not requested or agreed to by the applicant, the notice must be an information notice.

‘30M When decision takes effect

‘A decision about a reclassification application takes effect on the giving of the notice required under section 30L.

‘Subdivision 5 Provisions for deciding classification

‘30N Application of sdiv 5

‘This subdivision applies if, under this division, the relevant distribution entity for a premises may or must decide whether a customer is a small customer for the premises.

‘30O Consumption threshold for small customer classification

‘The entity may decide the customer is a small customer for the premises only if, under sections 30P to 30T, the entity considers the customer’s annual consumption at the supply point for the premises is, or will be, less than 100MWh.

‘30P Reference to consumption data

- ‘(1) The entity must have regard to the consumption for the supply point for the premises used for billing network charges during the period (the *relevant billing period*) as shown in the last 12 months worth of bills issued by the entity for network charges for the premises.

Example of a relevant billing period—

A reclassification application is made on 1 June 2008. Electricity bills for the consumption at the supply point have been given for successive periods the last of which ended on 15 May 2008. The relevant billing period is from 16 May 2007 to 15 May 2008.

- ‘(2) If consumption data is only available to the entity for part of the relevant billing period, the consumption at the supply point during the balance of the period must be worked out on the average daily load for the premises during that part.
- ‘(3) In this section—
network charges means network charges as defined under section 90 of the Act.

‘30Q Discretion to use estimate if consumption data inaccurate

- ‘(1) This section applies if—
- (a) consumption data mentioned in section 30P is available to the entity; but
 - (b) the entity reasonably considers that the data does not accurately reflect the likely consumption at the supply point for the premises during the next 12 months.
- ‘(2) Despite section 30P, the consumption at the supply point may be decided by using an estimate of the likely annual consumption at the supply point for the next 12 months.

‘30R Use of estimate if no consumption data available

- ‘(1) This section applies if no consumption data for the supply point for the premises is available to the entity during the relevant billing period under section 30P(1).
- ‘(2) The entity must decide the consumption at the supply point by estimating the likely annual consumption at the supply point for the next 12 months.

‘30S Permitted bases for estimates

‘An estimate under this subdivision may be based on—

- (a) an engineering report; or
- (b) consumption data about the electricity loads of similar customers.

‘30T Supply points can not be totalled

‘To remove any doubt, it is declared that a number of supply points can not be totalled to decide that a customer is not a small customer for 1 or more premises.

‘Division 2 Market customers**‘30U Operation and application of div 2**

- ‘(1) This division prescribes, for section 23(7) of the Act, when a customer is or is not a market customer for a premises.
- ‘(2) This division only applies in relation to NMI premises.
- ‘(3) The requirements under any particular provision of this division for the customer to be a market customer are not affected by the requirements under the other provisions of this division.

‘30V Parties to negotiated retail contracts and registered market participants

‘A customer is a market customer for a premises if—

- (a) the customer is a party to a negotiated retail contract for the premises; or
- (b) the customer is, for the premises, registered under the National Electricity Rules as a market participant under the category market customer for the premises.

‘30W Particular large customers

- ‘(1) A large customer for a premises is a market customer for the premises if—
 - (a) the customer is, or has at any time been, any of the following in relation to the premises—
 - (i) a party to a negotiated retail contract for the premises;

- (ii) registered under the National Electricity Rules as a market participant under the category market customer for the premises; or
 - (b) immediately before the FRC day, the customer was a contestable customer for the premises under the Act as in force before the FRC day; or
 - (c) the customer became a large customer for the premises because of a reclassification decision.
- ‘(2) However, subsection (1)(c) does not apply if the GOC Ergon Energy or any of its subsidiaries is the financially responsible retail entity for the premises.
- ‘(3) In this section—
reclassification decision means a decision under chapter 3, part 1A about the customer’s classification for the premises.

‘30X Particular customers for changes to a premises

- ‘(1) This section applies if—
- (a) a customer is a market customer for a premises (the *original premises*); and
 - (b) a new premises is created by establishing a new supply point for—
 - (i) an existing building or structure forming part of the original premises; or
 - (ii) a replacement building or structure for a building or structure that formed part of the original premises.
- ‘(2) However this section does not apply if the supply point for the original premises has been abolished, demolished or destroyed for more than 12 months.
- ‘(3) The customer is a market customer for the new premises.

‘30Y Particular new customers

‘A person who becomes a customer for a premises is a market customer for the premises if the person who immediately

preceded the customer as the customer for the premises was a market customer for the premises.

‘30Z Particular small customers are not market customers

‘If a small customer enters into a standard retail contract for a premises, or is, under section 51(2) of the Act, taken to have entered into a standard retail contract for a premises, the customer is not a market customer for the premises.’.

5 Omission of ss 31–33

Sections 31 to 33—

omit.

6 Amendment of s 34 (When distribution entity may refuse to connect or may disconnect)

- (1) Section 34(1)(c), (2)(b) and (4), ‘customer connection contract’—

omit, insert—

‘connection contract’.

- (2) Section 34, ‘customer sale contract, or a negotiated sale and connection contract,’—

omit, insert—

‘retail contract’.

- (3) Section 34(1)(d)(iii), ‘customer sale contract or the negotiated sale and connection contract’—

omit, insert—

‘retail contract’.

- (4) Section 34(2), ‘if the customer—’

omit, insert—

‘if—’.

- (5) Section 34(2)(a), ‘contravenes’—

omit, insert—

‘the customer contravenes’.

- (6) Section 34(2)(b), ‘fails to’—

omit, insert—

‘the customer fails to’.

- (7) Section 34(2)(c), ‘is a party’—

omit, insert—

‘the customer is a party’.

- (8) Section 34(2)—

insert—

‘(d) the connection obligation does not apply, or ceases to apply, to the distribution entity.’.

- (9) Section 34(2)(c)(ii), from ‘its customer’—

omit, insert—

‘the retail contract.’.

- (10) Section 34(3), ‘customer connection contract, customer sale contract or negotiated sale and connection contract,’—

omit, insert—

‘connection contract or retail contract’.

- (11) Section 34(4)—

renumber as section 34(5).

- (12) Section 34

insert—

- ‘(4) For subsection (3), the distribution entity may, without further checking, rely on advice from the relevant retail entity that the relevant conditions for disconnection under the retail contract have been complied with.’.

- (13) Section 34—

insert—

- ‘(6) Despite subsections (1) and (2), the rights under the subsections to disconnect are subject to any relevant

limitations or restrictions on, or conditions for the exercise of, disconnection rights under any relevant industry code.’.

7 Omission of s 35 (Customer’s liability for customer connection services)

Section 35—

omit.

8 Replacement of ss 38–56

Sections 38 to 56—

omit, insert—

‘Division 2 Meter and control apparatus requirements for premises

‘38 Application of div 2

‘This division applies to the supply of electricity to a particular customer’s premises.

‘39 Who is the *responsible person*

‘In this division, the *responsible person* is the person who, under the National Electricity Rules or an industry code, is the responsible person for the metering installation for the premises.

‘40 Customer to change electrical installation for meter connection

‘(1) The responsible person may require the customer to make changes to the customer’s electrical installation at the premises that are necessary to allow connection of a meter at the premises.

‘(2) Until the requirement is complied with, the connection obligation does not apply to the distribution entity for the premises.

‘41 Customer to provide links connecting meter to incoming supply

- ‘(1) If the responsible person so requires, the customer must provide suitable links for connecting meters to an incoming electricity supply to the premises.
- ‘(2) However, the requirement may be made for a single meter only if—
- (a) the meter is being, or is proposed to be, installed; or
 - (b) the customer is making, or is proposing to make, a substantial change to the meter or a substantial change to the premises that relates to the meter.

Examples—

- relocation of the meter
 - replacement of the mounting for the meter
 - rewiring of the premises.
- ‘(3) The responsible person may seal the links.
- ‘(4) Until the requirement is complied with, the connection obligation does not apply to the distribution entity for the premises.

‘42 No breaking or interfering with meter seal

- ‘(1) This section applies if the responsible person has provided a meter or links for the premises and there is a seal on the meter or links.
- ‘(2) A person (the *first person*) must not break or interfere with the seal unless the responsible person has permitted the first person to do so.

Maximum penalty—20 penalty units.

‘43 No breaking or interfering with control apparatus seal

- ‘(1) This section applies if a distribution entity for the premises has provided control apparatus for the premises and there is a seal on the apparatus.

- ‘(2) A person must not break or interfere with the seal unless the distribution entity has permitted the person to do so.

Maximum penalty—20 penalty units.

‘44 Placing meter or control apparatus on customer’s premises

- ‘(1) The customer must, at the customer’s expense—
- (a) provide at the premises space, housing, mounting and connecting facilities for each meter and control apparatus provided by the responsible person or distribution entity for the premises; and
 - (b) maintain the facilities in a safe and sound condition.
- ‘(2) The facilities must be in a position that meets the reasonable requirements of—
- (a) for a meter—the responsible person; or
 - (b) for control apparatus—the distribution entity for the premises.
- ‘(3) Until the customer complies with subsection (1) and any requirement under subsection (2), the connection obligation does not apply to the distribution entity for the premises.

‘45 Change of placement if building changes or works

- ‘(1) This section applies if, because of building changes or similar works, the position of a meter or control apparatus at the premises no longer meets requirements made under section 44(2).
- ‘(2) The customer must, at the customer’s expense—
- (a) provide space, housing, mounting and connecting facilities in another position at the premises that meets the reasonable requirements of—
 - (i) for the meter—the responsible person; or
 - (ii) for control apparatus—the distribution entity for the premises; and
 - (b) arrange for relocation to the other position by—

- (i) for the meter—the responsible person; or
 - (ii) for control apparatus—the distribution entity.
- ‘(3) Until the customer complies with subsection (2), the connection obligation does not apply to the distribution entity.

‘46 Customers to provide safe access

- ‘(1) This section applies if the customer does not provide safe access at any reasonable time to read a meter and install, test, maintain or take away the supplier’s works without hindrance or obstruction to—
 - (a) the distribution entity for the premises, a special approval holder or the responsible person (the *relevant entity*); or
 - (b) an electricity officer of a relevant entity; or
 - (c) a person authorised by a relevant entity.
- ‘(2) The relevant entity may, by written notice to the customer, require the customer to provide the access within a stated period of at least 1 month.
- ‘(3) If the customer does not comply with the notice, the relevant entity may install alternative metering or other equipment to enable consumption to be measured by remote or other suitable ways.
- ‘(4) Subsection (3) does not limit or otherwise affect another remedy the relevant entity has against the customer.
- ‘(5) The relevant entity may recover from the customer as a debt its costs reasonably incurred in acting under subsection (3).’.

9 Amendment of ch 3, pt 1, div 4, hdg (What is not unfair or unreasonable)

Chapter 3, part 1, division 4, heading, after ‘unreasonable’—
insert—

‘for large customers’.

10 Amendment of s 63 (Differing methods of charging)

Section 63, ‘customers’—

omit, insert—

‘large customers’.

11 Replacement of s 64 (Negotiated customer connection contracts)

Section 64—

omit, insert—

‘64 Negotiated connection contracts

‘The mere making of, or compliance with, a negotiated connection contract between a distribution entity and a large customer is not unfair or unreasonable.’.

12 Amendment of s 65 (Differing security)

(1) Section 65(1), after ‘entity’—

insert—

‘from a large customer (the *relevant customer*)’.

(2) Section 65(2), definition *differing security*—

omit, insert—

‘differing security means security that—

- (a) is for the relevant customer’s obligations to the entity under a connection contract; and
- (b) is different to security for obligations under a connection contract that the entity requires of another large customer; and
- (c) is not manifestly unfair to the relevant customer.

security includes an agreement for security, an advance payment or an amount deposited as security.’.

13 Amendment of s 66 (Different terms and capital contributions that are reasonable)

Section 66(1) and (3), ‘customers’—

omit, insert—

‘large customers’.

14 Omission of ch 3, pt 2, div 1, hdg (Obligations of retail entities and customers)

Chapter 3, part 2, division 1, heading—

omit.

15 Replacement of ss 67–70

Sections 67 to 70—

omit, insert—

‘67 Prescribed circumstances for physical connection to a supply network—Act, s 48D

‘(1) For section 48D(3) of the Act, a premises continues to be physically connected to a supply network despite a change to, or relocation or replacement of, a supply point or meter at the premises.

‘(2) Subsection (1) applies whether or not the change, relocation or replacement leads to a new national meter identifier under the National Electricity Rules being issued for the premises.’.

16 Amendment of s 71 (When retail entity is not obliged to provide customer retail services)

(1) Section 71(1)(b)—

omit.

(2) Section 71(1)(c)—

renumber as section 71(1)(b).

(3) Section 71, ‘customer sale contract’—

omit, insert—

‘retail contract’.

17 Replacement of ss 72 to 87

Sections 72 to 87—

*omit, insert—***‘Part 3 Retailer of last resort scheme****‘Division 1 Preliminary****‘Subdivision 1 Application****‘72 Application of pt 3**

‘(1) This part applies if any of the following events happen in relation to a retail entity other than the GOC Ergon Energy or any of its subsidiaries—

- (a) under the National Electricity Rules, clause 3.15.21(c), NEMMCO suspends it from trading;

Note—

Under the National Electricity Rules, clause 3.15.21(a) (Default procedure), the appointment of an insolvency official is a ground for suspension from trading.

- (b) its retail authority is cancelled or suspended.

‘(2) The event is the ***ROLR event***.

‘(3) The retail entity is the ***defaulting retailer***.

‘73 Scheme does not affect contracts under Gas Supply Act 2003

‘(1) This section applies if, immediately before the happening of the ROLR event, the defaulting retailer was, under the same contract, providing customer retail services under the Act and customer retail services under the *Gas Supply Act 2003*.

‘(2) To remove any doubt, it is declared that this part—

- (a) only applies for the provisions of the contract relating to customer retail services under the Act; and
- (b) does not affect the other provisions of the contract.

‘74 Corporations legislation displacement provision for pt 3

‘This part is declared to be a Corporations legislation displacement provision for the purposes of the Corporations Act, section 5G, in relation to the provisions of chapter 5 of that Act.

Notes—

- 1 Chapter 5 of the Corporations Act provides for the external administration of corporations.
- 2 Section 5G of that Act provides that if a State law declares a provision of a State law to be a Corporations legislation displacement provision, any provision of the Corporations legislation with which the State provision would otherwise be inconsistent does not apply to the extent necessary to avoid the inconsistency.

‘Subdivision 2 Interpretation

‘75 Who is an affected customer

‘An *affected customer* is a person who, immediately before the happening of the ROLR event, was a person to whom the defaulting retailer provided customer retail services.

‘76 Who is the *retailer of last resort* or the *ROLR*

- ‘(1) The *retailer of last resort* or the *ROLR*, for an affected customer is—
- (a) generally—
 - (i) if the defaulting retailer is a retail entity other than Country Energy and the customer is in Country Energy’s area—Country Energy; or
 - (ii) otherwise—the retail entity (the *Energex area retailer*) whose retail area includes all or most of the distribution area of Energex Limited ACN 078 849 055; or

- (b) if Country Energy or the Energex area retailer is the defaulting retailer—another entity decided by the Minister, with the entity’s agreement.

Note—

The GOC Ergon Energy and its subsidiaries can never be the defaulting retailer because the last resort scheme does not apply to them. See section 72(1).

- ‘(2) A decision under subsection (1)(b) may be made before or after the ROLR event.
- ‘(3) The Minister must, as soon as practicable after making the decision, notify the decision by gazette notice and give QCA a copy of the notice.
- ‘(4) In this section—

Country Energy’s area means Country Energy’s—

- (a) supply area described in Country Energy’s special approval no. SA21/98; or

Editor’s note—

A copy of a map of the area may be inspected at the department’s office at 61 Mary Street, Brisbane.

- (b) the distribution area under any distribution authority issued to it.

‘Subdivision 3 Administration of scheme

‘77 QCA administers scheme

- ‘(1) For section 131A(3)(g) of the Act, QCA has the function of administering the retailer of last resort scheme.
- ‘(2) QCA may supervise the ROLR and give it directions concerning the administration of the scheme.
- ‘(3) QCA has any other powers necessary or convenient to perform the function.

‘Division 2 Regulated default retail contract

‘Subdivision 1 Making of regulated default contract

‘78 Default contract on ROLR event

- ‘(1) This section applies on the happening of the ROLR event for each premises for which a person is an affected customer.
- ‘(2) The customer and the customer’s ROLR are taken to have entered into a retail contract for the premises (the ***ROLR contract***).
- ‘(3) If, under section 76(1)(b), the ROLR is decided after the ROLR event, the contract is taken to have been in force from the happening of the event.

‘79 ROLR contract binds ROLR and affected customer

- ‘(1) The relevant affected customer and the customer’s ROLR are taken to have agreed to the terms of the ROLR contract, as provided for under subdivision 2 or 3, and to have entered into the contract as a deed.
- ‘(2) Subsection (1) is subject to subdivision 4.

‘80 Ending of customer’s liability to defaulting retailer

- ‘(1) This section applies for customer retail services provided to an affected customer’s premises after the happening of the ROLR event.
- ‘(2) The affected customer is not liable to pay the defaulting retailer, or an insolvency official for the defaulting retailer, for the services.
- ‘(3) A retail contract entered into between the affected customer and the defaulting retailer—
 - (a) is taken to have ended on the happening of the ROLR event; and
 - (b) is unenforceable to the extent it is inconsistent with subsection (2).

‘Subdivision 2 ROLR contract terms for small customers

‘81 Terms

- ‘(1) If an affected customer is a small customer, the terms of the ROLR contract are the terms of the standard retail contract.
- ‘(2) However, the ROLR may also charge the customer a one-off fee, approved by QCA, to compensate the ROLR for its costs in being the retailer of last resort for the defaulting retailer.
- ‘(3) If the ROLR asks QCA to approve the fee, QCA must promptly decide whether or not to give the approval.
- ‘(4) In making the decision, QCA must consider the ROLR’s incremental administration costs and other energy costs to the extent they are not included in notified prices.

Examples of other energy costs—

- incremental retail operating costs for staff associated with billing
 - additional hedging costs relating to the load for which the ROLR becomes the financially responsible retail entity
- ‘(5) The charge may be imposed once the approval is given.
 - ‘(6) The fee need not be included with any other bill to the affected customer for customer retail services.

‘Subdivision 3 ROLR contract terms for large customers

‘82 Application of sdiv 3

‘This subdivision provides for the terms of the ROLR contract if an affected customer is a large customer.

‘83 ROLR’s standard terms generally apply

- ‘(1) Subject to the other provisions of this subdivision, the terms of the ROLR contract are the ROLR’s terms, under section 53 of the Act, for its standard large customer retail contracts.

- ‘(2) If the ROLR’s terms are inconsistent with another provision of this division, the ROLR’s terms are unenforceable to the extent of the inconsistency.

‘84 **Price and charges for customer retail services**

- ‘(1) The price payable for customer retail services is the regional reference price for the region in which the customer’s premises are located, as adjusted for any loss factor applying to the customer’s premises.
- ‘(2) The charges payable by the customer for customer retail services also include—

- (a) the charges decided by the ROLR as a reasonable apportionment, on a cost recovery basis, of the fees and charges payable by the ROLR to a market participant or another entity under the National Electricity Rules; and

Example of fees and charges payable by the ROLR—

ancillary services fees, participant fees and fees relating to metering services, metering data and spot market transactions, within the meaning of the National Electricity Rules

- (b) a reasonable apportionment of the cost of any of the following incurred by the ROLR for the services—
- (i) the 13% liability;
- (ii) buying renewable energy certificates under the Commonwealth Act;
- (iii) the renewable energy shortfall charge under the Commonwealth Act.

- ‘(3) In this section—

Commonwealth Act means the *Renewable Energy (Electricity) Act 2000* (Cwth).

regional reference price has the meaning given by the National Electricity Rules.

‘85 Additional one-off ROLR fee

- ‘(1) The ROLR may also charge the customer a one-off fee, approved by QCA, to compensate the ROLR for its costs in being the retailer of last resort for the defaulting retailer.
- ‘(2) If the ROLR asks QCA to approve the fee, QCA must promptly decide whether or not to give the approval.
- ‘(3) In making the decision, QCA must consider the ROLR’s incremental administration costs.
- ‘(4) The charge may be imposed once the approval is given.
- ‘(5) The fee need not be included with any other bill to the affected customer for customer retail services.

‘Subdivision 4 Other provisions about ROLR contract**‘86 ROLR contract does not prevent a negotiated retail contract**

- ‘(1) This section applies at any time while the ROLR contract is in force.
- ‘(2) The affected customer and the ROLR, or the affected customer and another retail entity, may enter into a negotiated retail contract for the premises the subject of the ROLR contract.
- ‘(3) The affected customer need not give notice to the ROLR before entering into the negotiated retail contract with the other retail entity.

Note—

For particular requirements for negotiated retail contracts, see section 55A, 55B and 55C of the Act.

‘87 Ending of ROLR contract

- ‘(1) The ROLR contract is taken to end for an affected customer if—

- (a) the customer and the ROLR enter into a negotiated retail contract for the provision of the services and that contract comes into effect; or
 - (b) another retail entity becomes the financially responsible retail entity for the premises; or
 - (c) the ROLR commences the provision of customer retail services under a retail contract to another customer at the premises.
- ‘(2) Subsection (1) does not limit how or when the contract may end.
- ‘(3) The ending of the contract does not affect a right or obligation that accrued under the contract before, or because, it ended.

Example—

The customer is still obliged to pay the ROLR for services provided under the ROLR contract up to when it ended.

‘Division 3 Facilitation of transfer from defaulting retailer to ROLR

‘87A Purposes of div 3

‘The purposes of this division are—

- (a) to allow NEMMCO to transfer the defaulting retailer’s affected customers from the defaulting retailer to the ROLR without delay, under NEMMCO’s market administration systems; and
- (b) to assist the prompt and effective continuation of electricity supply to affected customers; and
- (c) to ensure the ROLR obtains details about each affected customer that it needs—
 - (i) to perform its obligations under the ROLR contract; and
 - (ii) to obtain payment under the contract.

‘87B Who is a *relevant person*

‘A *relevant person* is any of the following—

- (a) the ROLR;
- (b) the defaulting retailer;
- (c) an affected customer;
- (d) a transmission entity for an affected customer;
- (e) a distribution entity for an affected customer;
- (f) if an insolvency official is appointed for the defaulting retailer—the insolvency official.

‘87C Things taken to be done

‘On the happening of the ROLR event, each relevant person is taken to have given or done any of the following required by NEMMCO under its administration systems to achieve the purposes of this division—

- (a) an approval, authorisation or consent;
- (b) executed any document;
- (c) complied with any procedure.

‘87D ROLR may require information

‘(1) On the happening of the ROLR event, the ROLR may require another relevant person, other than an insolvency official, to give the ROLR the information—

- (a) mentioned in subsection (2) about all or any of the affected customers; and
- (b) held by the person or within the person’s knowledge.

‘(2) A requirement under subsection (1) may be made about all or any of the following information—

- (a) the customer’s name, contact details and address to which bills are to be sent;
- (b) the national metering identifier issued under the National Electricity Rules for the metering installation relating to the customer’s premises;

Note—

See the National Electricity Rules, clause 7.3.1 (Metering installation components)

- (c) the name and contact details of the metering provider and operator of an agency metering database, within the meaning of the National Electricity Rules, having responsibilities under the Rules, relating to the customer's premises;
 - (d) the address of the customer's premises to which electricity is to be supplied;
 - (e) the purpose for which the customer's premises are used;
 - (f) the average monthly consumption, based on the immediately preceding 12 months, at the customer's premises;
 - (g) relevant loss factors for the region in which the customer's premises are located;
 - (h) charges payable by the ROLR for providing customer connection services for the customer's premises;
 - (i) exemptions or rebates applying to the customer.
- '(3) The requirement may be made only by written notice to the person.
- '(4) The notice must state the day by which the person must give the information.
- '(5) The stated day must be at least 2 business days after the notice is given.

'87E Compliance with requirement

'A person of whom a requirement under section 87D has been made must comply with the requirement.

Maximum penalty—20 penalty units.

'87F Use of information

'If, under section 87D, the ROLR is given information about an affected customer, the ROLR—

- (a) may use the information only for—
 - (i) a purpose of this division; or
 - (ii) the provision of customer connection services or customer retail services; and
- (b) must not disclose the information to someone else other than for a purpose of this division, unless—
 - (i) the customer consents to the disclosure; or
 - (ii) the ROLR is otherwise required or permitted by law to make the disclosure.

Maximum penalty—20 penalty units.

‘Division 4 Miscellaneous provision

‘87G Power of QCA to require plans and procedures about scheme

- ‘(1) QCA may, by written notice to the ROLR, require it to make, and update as appropriate from time to time, written plans and procedures for its management of the retailer of last resort scheme.
- ‘(2) The ROLR must, if QCA requires it to do so by written notice, give QCA a copy of the plans and procedures updated as mentioned in subsection (1).
- ‘(3) The ROLR must comply with a notice given under this section.

Maximum penalty for subsection (3)—20 penalty units.’.

18 Amendment of s 88 (Dispute resolution)

- (1) Section 88(1)(a)(iv)—
 - omit, insert—*
 - (iv) the dispute is not a dispute that may be the subject of a dispute referral to the energy ombudsman, under the *Energy Ombudsman Act 2006*; or’.

- (2) Section 88(1)(b), ‘and section 119 of the Act does not apply’—

omit.

- (3) Section 88, ‘the regulator’—

omit, insert—

‘QCA’.

- (4) Section 88, ‘The regulator’—

omit, insert—

‘QCA’.

19 Amendment of s 89 (Regulator may seek advice or information)

- (1) Section 89, heading ‘Regulator’—

omit, insert—

‘QCA’.

- (2) Section 89, ‘the regulator’—

omit, insert—

‘QCA’.

- (3) Section 89(3), ‘The regulator’—

omit, insert—

‘QCA’.

20 Amendment of s 90 (Parties to maintain secrecy of advice or information)

- (1) Section 90(1), ‘the regulator’—

omit, insert—

‘QCA’.

- (2) Section 90(3)(b), ‘the regulator’s’—

omit, insert—

‘QCA’s’.

21 Omission of ch 3, pt 5 (Meters)

Chapter 3, part 5—

*omit.***22 Replacement of ch 3, pt 7 (Contestable customers)**

Chapter 3, part 7—

*omit, insert—***‘Part 7 Prescribed matters about notified prices****‘Division 1 Required consultation for fixing benchmark retail cost element****‘Subdivision 1 Preliminary****‘95 Prescribed consultation—Act, s 91G(3)**

‘(1) For section 91G(3) of the Act, the required consultation for fixing, for the relevant tariff year, benchmark retail cost elements other than network costs is the steps required under subdivisions 2 and 3.

‘(2) For subsection (1), the consultation is taken to have been engaged in if the required steps have been substantially carried out or complied with.

‘Subdivision 2 Interim steps**‘96 Interim consultation notice**

‘(1) The pricing entity must—

- (a) prepare a written notice (the *interim consultation notice*) inviting submissions about any issues relevant to fixing the benchmark retail cost elements; and

- (b) publish the interim consultation notice on the pricing entity's website; and
 - (c) give the interim consultation notice to anyone the pricing entity reasonably believes will be interested in the issues.
- '(2) The interim consultation notice must state a period (the *interim consultation period*) during which anyone may make written submissions to the pricing entity about the issues.
- '(3) However, the interim consultation period can not end less than 14 days after the interim consultation notice is published under subsection (1)(b).

'97 Making and publication of submissions

- '(1) Any person (the *submitter*) may, within the interim consultation period, make a written submission to the pricing entity about the issues relevant to fixing the benchmark retail cost elements.
- '(2) The submitter may, in making the submission, make a claim to the pricing entity that particular information in the submission is confidential and that disclosing it is likely to damage the submitter's commercial activities.
- '(3) The pricing entity must publish the submission on the pricing entity's website.
- '(4) However, if a claim is made under subsection (2), the pricing entity must not publish the information the subject of the claim if the pricing entity is satisfied that—
- (a) the claim is justified; or
 - (b) disclosing the information would not be in the public interest.
- '(5) Subsection (3) does not prevent the pricing entity from consulting with any party about the issues, including, for example, by public seminars, workshops or establishing a working group of interested persons.

‘98 Considering submissions

‘The pricing entity must, as soon as practicable after the interim consultation period ends, consider all written submissions made under section 97(1) within that period.

‘99 Release of draft decision material

‘The pricing entity must, after complying with section 98, publish all of the following material (the *draft decision material*) on the pricing entity’s website—

- (a) a draft decision on each of the benchmark retail cost elements;
- (b) the methodology used to make, and the reasons for, the draft decisions;
- (c) the benchmark retail cost index for the relevant tariff year based on the draft decisions;
- (d) if, under section 107(1)(a), the pricing entity considers there is a reason to change the theoretical framework under division 2 in relation to the relevant tariff year—
 - (i) the changes to the framework, and the reasons for them; and
 - (ii) what the benchmark retail cost index for the previous tariff year would have been based on the changed framework;
- (e) if, under section 111(1), the pricing entity proposes to change the framework it uses to form the retail cost view in relation to the relevant tariff year—what the benchmark retail cost index for the previous tariff year would have been based on the changed framework.

‘Subdivision 3 Final steps**‘100 Final consultation notice**

‘(1) After complying with subdivision 2, the pricing entity must—

- (a) prepare a further written notice (the *final consultation notice*) inviting submissions about the draft decision material; and
 - (b) publish the final consultation notice on the pricing entity's website; and
 - (c) give the final consultation notice to anyone the pricing entity reasonably believes will be interested in the draft decision material.
- '(2) The final consultation notice must state the following—
- (a) that the pricing entity has prepared the draft decision material for fixing the benchmark retail cost elements;
 - (b) where the draft decision material may be inspected;
 - (c) a period (the *final consultation period*) during which anyone may make written submissions to the pricing entity about the draft decision material.
- '(3) The final consultation period must be reasonable, having regard to the complexity of the issues concerning the draft decision material.
- '(4) However, the final consultation period can not end less than 14 days after the final consultation notice is published under subsection (1)(b).

'101 Making and publication of submissions

- '(1) Any person (the *submitter*) may, within the final consultation period, make a written submission to the pricing entity about the draft decision material.
- '(2) The submitter may, in making the submission, make a claim to the pricing entity that particular information in the submission is confidential and that disclosing it is likely to damage the submitter's commercial activities.
- '(3) The pricing entity must publish the submission on the pricing entity's website.
- '(4) However, if a claim is made under subsection (2), the pricing entity must not publish the information the subject of the claim if the pricing entity is satisfied that—

- (a) the claim is justified; or
 - (b) disclosing the information would not be in the public interest.
- ‘(5) Subsection (3) does not prevent the pricing entity from consulting with any party about the draft decision material, including, for example, by public seminars, workshops or establishing a working group of interested persons.

‘102 Considering submissions

‘The pricing entity must, as soon as practicable after the final consultation period ends, consider all written submissions made under section 101(1) within that period.

‘103 Release of final decision material

‘The pricing entity must, after complying with section 102, publish all of the following material on the pricing entity’s website—

- (a) a final decision on each of the benchmark retail cost elements;
- (b) the methodology used to make, and the reasons for, the decisions;
- (c) the benchmark retail cost index for the relevant tariff year based on the decisions;
- (d) if, under section 107(1)(a), the pricing entity considers there is a reason to change the theoretical framework under division 2 in relation to the relevant tariff year—
 - (i) the changes to the framework, and the reasons for them; and
 - (ii) what the benchmark retail cost index for the previous tariff year would have been based on the changed framework;
- (e) if, under section 111(1), the pricing entity proposes to change the framework it uses to form the retail cost view in relation to the relevant tariff year—what the

benchmark retail cost index for the previous tariff year would have been based on the changed framework.

‘Division 2 Cost of energy

‘104 Prescribed methodology for estimating long run marginal cost of energy—Act, s 92(6)

‘For section 92(6) of the Act, the prescribed methodology for estimating the long run marginal cost of energy for the relevant tariff year is a theoretical framework that complies with this division.

‘105 Required principles for framework

‘The theoretical framework must comply with the following principles—

- (a) it is generally recognised and understood in economic theory;

Example—

working out the new entrant price of various electricity generation technologies with the actual electricity generating plant mix optimised to efficiently supply the NEM load of the State for the relevant tariff year

- (b) the application of the theoretical framework should result in a cost per unit of electricity, expressed in \$/MWh, that constitutes the cost of energy;
- (c) the long run marginal cost of energy should be calculated to meet the demand profile (called the ‘NEM load shape’) formed over each half hour electricity trading period of the State for the previous calendar year;
- (d) there must not be double-counting of the cost of the schemes mentioned in section 92(2) of the Act.

Example for paragraph (d)—

In working out the optimal generation plant mix to supply the NEM load of the State for the relevant tariff year, the framework could be unconstrained with the mix being decided without regard to the schemes, but the resulting energy price uplifted to

take account of them. If the mix contains 10% gas generation, but 13% is required under the 13% gas scheme, the price should only be uplifted to account for the 3% shortfall to comply with that scheme.

‘106 Matter the framework must take into account

‘The theoretical framework must take into account ancillary services needed to meet the NEM load of the State for the relevant tariff year.

‘107 Consistency of framework with previous tariff years

- ‘(1) The theoretical framework must be the same, or substantially the same, from tariff year to tariff year unless—
- (a) the pricing entity considers that there is a clear reason to change it; and
 - (b) the pricing entity has, under section 99, published draft decision material about the reason for the change.
- ‘(2) If the pricing entity changes the theoretical framework, the pricing entity must work out what the benchmark retail cost index for the previous tariff year would have been based on the changed framework.

Note—

For publication of the index, see sections 99 and 103.

‘Division 3 Retail costs

‘108 Prescribed methodology for forming view of likely cost of providing customer retail services—Act, s 94(2)

‘For section 94(2) of the Act, the prescribed methodology for forming the pricing entity’s view (the *retail cost view*) of the likely cost of providing customer retail services is the matters stated in this division.

‘109 Assumption for provision of customer retail services

- ‘(1) The pricing entity must make the assumption under subsection (2) about the retail entity under section 94 of the Act.
- ‘(2) The assumption is that the entity has a proportion of customers, separated into customer types defined by their consumption level within particular consumption bands, that is substantially the same as the proportion for the bands for the whole Queensland customer base.

Examples of consumption bands—

- 88% domestic customers consuming less than 100MWh a year
- 11% business customers consuming less than 100MWh a year
- 0.5% business customers consuming 100 to 200MWh a year
- 0.5% business customers consuming more than 200MWh a year

‘110 Costs to provide customer retail services

‘The pricing entity must consider the following cost categories for the provision of customer retail services—

- (a) billing;
- (b) customer call centres;
- (c) credit management;
- (d) energy trading activities;
- (e) corporate overheads, including, for example, treasury functions, human relations and facilities management;
- (f) information technology systems;
- (g) any other cost category the pricing entity considers reasonable.

‘111 Provision about changes to retail cost framework

- ‘(1) This section applies if the pricing entity proposes to change the framework it uses to form the retail cost view in relation to the relevant tariff year.

- ‘(2) The pricing entity must work out what the benchmark retail cost index for the previous tariff year would have been based on the changed framework.

Note—

For publication of the index, see sections 99 and 103.’.

23 Amendment of s 121 (Dealings to be impartial)

Section 121, from ‘holders,’—

omit, insert—

‘holders and customers.’.

24 Amendment of s 123 (Reasonable charges for services)

- (1) Section 123, from ‘electricity entities’ to ‘contestable’—

omit.

- (2) Section 123, ‘for the entity, holder or customer’—

omit.

25 Replacement of ss 126 and 127

Sections 126 and 127—

omit, insert—

‘126 Retail authority condition for retailer of last resort scheme

- ‘(1) This section imposes conditions on each retail authority other than a retail authority held by the GOC Ergon Energy or any of its subsidiaries.

- ‘(2) The terms of the retail entity’s standard large customer retail contract must include a ROLR termination term.

- ‘(3) The retail entity must not enter into a negotiated retail contract unless the contract includes a ROLR termination term.

- ‘(4) In this section—

ROLR termination term, for a retail contract, means a term to the effect that the contract ends, without penalty to the

relevant customer, if the retailer becomes the defaulting retailer under the retailer of last resort scheme.’.

26 Amendment of ss 208, 209, 212, 214 and 215

Sections 208(1), 209(3), 212, 214(1) and 215(1)(a), ‘the regulator’—

omit, insert—

‘QCA’.

27 Amendment of s 210 (Stay of operation of decision etc.)

(1) Section 210(4), ‘the regulator’—

omit, insert—

‘QCA’.

(2) Section 210(4), ‘the regulator’s’—

omit, insert—

‘QCA’s’.

28 Amendment of s 211 (Decision on review)

(1) Section 211, ‘The regulator’—

omit, insert—

‘QCA’.

(2) Section 211(3), ‘the regulator’s’—

omit, insert—

‘QCA’s’.

(3) Section 211(5), ‘the regulator’—

omit, insert—

‘QCA’.

29 Insertion of new ch 10, pt 1A

Chapter 10—

insert—

‘Part 1A Industry code provisions

‘Division 1 Proposals to amend

‘222A Proposal to amend

- ‘(1) Any person (the *proponent*) may ask QCA to amend an industry code in a stated way (the *proposal*).
- ‘(2) However, the proposal may be made only in the way QCA reasonably requires.
- ‘(3) Also, QCA may require the proponent to, in making the proposal, justify how it meets the QCA code objective.

‘222B QCA response to proposal

- ‘(1) This section applies only when any requirements under section 222A relating to the proposal have been complied with.
- ‘(2) QCA must, within 2 months, decide whether or not it will submit the proposal for consultation under division 2.
- ‘(3) If QCA decides to submit the proposal, QCA may submit it in any form it considers appropriate, with or without change.

‘222C Notice of decision not to submit for consultation

‘If QCA decides not to submit the proposal for consultation under division 2, it must, as soon as practicable after making the decision, give the proponent a written notice stating the decision and its reasons for the decision.

‘222D QCA-initiated amendments not affected

‘To remove any doubt, it is declared that this division does not prevent QCA from amending the industry code on its own initiative.

‘Division 2 Required consultation for QCA making or amending industry code

‘Subdivision 1 Preliminary

‘222E Prescribed consultation—Act, ss 120H(2) and 120PA(1)

- (1) For sections 120H(2) and 120PA(1) of the Act, the consultation required to be engaged in before QCA may make or amend an industry code is any steps as required under subdivisions 2 and 3.
- (2) For subsection (1), the consultation is taken to have been engaged in if the required steps have been substantially carried out or complied with.

‘222F Application of div 2 for amendments

- ‘(1) If QCA proposes to amend an industry code, this division applies—
 - (a) as if a reference to a proposed industry code were a reference to the proposed amendment; and
 - (b) as if a reference to a draft or final version of a proposed code were a reference to the proposed amendment.
- ‘(2) However, QCA may comply with a requirement to publish the proposed amendment by publishing the full industry code as amended by the proposed amendment.

‘Subdivision 2 Interim steps

‘222G Application of sdiv 2

‘This subdivision does not apply if—

- (a) QCA decides the issues for the proposed industry code are minor; or

- (b) QCA reasonably considers that it is unnecessary or inappropriate to carry out the steps provided for under this subdivision.

‘222H Interim consultation notice

- ‘(1) QCA must—
 - (a) prepare a written notice (the *interim consultation notice*) about the proposed industry code; and
 - (b) publish the interim consultation notice on its website; and
 - (c) give the interim consultation notice to anyone it reasonably believes will be interested in the proposed industry code.
- ‘(2) The interim consultation notice must state—
 - (a) where a document (the *issues document*) discussing interim issues for the proposed industry code may be inspected; and
 - (b) a period (the *interim consultation period*) during which anyone may make written submissions to QCA about the issues.
- ‘(3) The issues document may, but need not be, a draft of the proposed industry code.
- ‘(4) The interim consultation period must be a period that is reasonable, having regard to the complexity of the interim issues.

‘222I Submissions

‘Anyone may, within the interim consultation period, make a written submission to QCA about the issues mentioned in the issues document.

‘222J Considering submissions

‘QCA must, as soon as practicable after the interim consultation period ends, consider all written submissions made under section 222I within that period.

‘222K Release of draft report and draft proposed code

- ‘(1) QCA must, after complying with section 222J, publish on its website—
 - (a) a draft report about the material issues for the proposed industry code; and
 - (b) a draft of the proposed industry code.
- ‘(2) The draft of the proposed industry code may be a first draft or a revision of any draft of the proposed industry code that formed the issues document.

‘Subdivision 3 Final steps**‘222L Final consultation notice**

- ‘(1) This section applies if subdivision 2 did not apply or if any steps required under the subdivision have been carried out or complied with.
- ‘(2) If subdivision 2 did not apply, QCA must first publish on its website—
 - (a) a draft report about the material issues for the proposed industry code; and
 - (b) a draft of the proposed industry code.
- ‘(3) QCA must—
 - (a) prepare a written notice (the *final consultation notice*) about the proposed industry code; and
 - (b) publish the final consultation notice on its website; and
 - (c) give the final consultation notice to anyone it reasonably believes will be interested in the proposed industry code.
- ‘(4) The final consultation notice must state—
 - (a) that QCA has made a draft report about the material issues for the proposed industry code and a draft of the proposed industry code; and
 - (b) where the drafts may be inspected; and

- (c) a period (the *final consultation period*) during which anyone may make written submissions to QCA about the drafts.
- ‘(5) The final consultation period must be a period that is reasonable, having regard to the complexity of the drafts.

‘222M Submissions

‘Anyone may, within the final consultation period, make a written submission to QCA about the drafts published under section 222L(2).

‘222N Considering submissions

‘QCA must, as soon as practicable after the final consultation period ends, consider all written submissions made under section 222M within that period.

‘222O Release of final report and final proposed code

‘QCA must, after complying with section 222N, publish on its website—

- (a) a final report about the material issues for the proposed industry code; and
- (b) a final version of the proposed industry code.’.

30 Amendment of s 226 (Fees)

Section 226—

insert—

- ‘(3) To remove any doubt, the following is declared for each maximum fee under schedule 8 for a matter—
- (a) the fee is the maximum amount payable for the matter regardless of whether the fee is charged under the Act, an industry code or a contract;
 - (b) the maximum applies to amounts payable by a customer to a retail entity or distribution entity or by a retail entity to a distribution entity.’.

31 Insertion of new ch 10, pt 4, div 1, hdg

Before section 228—

insert—

‘Division 1 Transitional provisions for original regulation’.

32 Amendment of s 228 (Definition for pt 4)

(1) Section 228, heading, ‘pt 4’—

omit, insert—

‘div 1’.

(2) Section 228, ‘part’—

omit, insert—

‘division’.

33 Insertion of new ch 10, pt 4, div 2

After section 234—

insert—

‘Division 2 Transitional provisions for Electricity Amendment Regulation (No. 3) 2007

‘235 Small customers for negotiated retail contracts under Act, s 312

‘(1) For section 312 of the Act, chapter 3, part 1A (other than section 30A) applies for deciding who is a small customer as if—

(a) that part had commenced on the notification day; and

(b) a reference in that part to the FRC day were a reference to the notification day.

‘(2) In this section—

chapter 3, part 1A means chapter 3, part 1A of this regulation as in force on the FRC day.

notification day means the day this section commenced.

‘236 Existing decisions under s 88 or 211

‘If, before the FRC day, the regulator had made a decision under section 88 or 211, on the FRC day the decision is taken to have been made by QCA.

‘237 Unfinished referrals and reviews

‘(1) This section applies if—

(a) immediately before the FRC day—

(i) the regulator had, under section 88, been asked (the *referral*) to decide an issue in dispute; or

(ii) an application under section 208 had been made to the regulator for a review of a decision; and

(b) the regulator had not made a decision on the issue or review.

‘(2) The referral or application is taken to have been made to QCA.

‘(3) The regulator must give QCA the referral or application and any documents or information given to the regulator for the referral or review.

‘238 Contestable customers for National Electricity Rules

‘For clause 9.32.1(2) and 9.34.4(b) of the National Electricity Rules, a contestable customer is prescribed to be any customer other than an excluded customer.’.

34 Omission of sch 2 (Other contestable customers)

Schedule 2—

omit.

35 Amendment of sch 3 (Special approval holders treated as electricity entities)

(1) Schedule 3, items 2 and 3—

omit.

(2) Schedule 3, item 4—

renumber as schedule 3, item 2.

(3) Schedule 3—

insert—

‘3	the holder of any special approval	section 120 chapter 5, part 4
4	Country Energy, under special approval no. SA 21/98	section 131A’.

36 Amendment of sch 5 (Review of decisions by the regulator)

(1) Schedule 5, heading, ‘Review of decisions by the regulator’—

omit, insert—

‘QCA review of decisions’.

(2) Schedule 5—

insert—

‘30F decision about whether a customer is a small customer for a premises

30K decision on a reclassification application’.

(3) Schedule 5, from entry for section 41 to entry for section 55(3)(c)—

omit, insert—

40 decision to require changes to a customer’s electrical installation

41 decision to make requirement about provision of links for connecting meters to an incoming electricity supply to a customer’s premises

- 45(2) decision to make requirement about space, housing, mounting and connecting facilities for a meter or control apparatus for a customer's premises
- 46(2) decision to make requirement about provision of safe access to a customer's premises
- 46(3) decision to install alternative metering or other equipment on a customer's premises'.

37 Amendment of sch 6 (Appeals against administrative decisions to Magistrates Court)

Schedule 6, entry for section 211, 'the regulator'—

omit, insert—

'QCA'.

38 Replacement of schs 7 and 8

Schedules 7 and 8—

omit, insert—

'Schedule 7 Fees payable to regulator

section 226

Part 1 General

\$

- | | | |
|---|---|----------|
| 1 | Application for generation authority (Act, s 179) | 1 162.75 |
| 2 | Application for transmission authority (Act, s 188) | 1 162.75 |
| 3 | Application for distribution authority (Act, s 196) | 1 162.75 |
| 4 | Application for retail authority (Act, s 204) | 1 162.75 |
| 5 | Application for retail authority (Act, s 207D) | 339.55 |
| 6 | Application for special approval (Act, s 209) | 339.55 |

	\$
7 Application for transfer of a generation, transmission or distribution authority or special approval (Act, s 184A, 193A, 201A or 212A)	108.00
8 Application for registration of an item of prescribed electrical equipment (s 138)	150.00
9 Application for approval of a change to an energy efficiency label (s 144).	150.00
10 Application for transfer of registration of an item of prescribed electrical equipment (s 147).	50.00
11 Inspection of the register (s 154).	10.00
12 Copy of 1 entry in the register (s 154).	20.00

Part 2 Fees for chapter 5A of the Act

Division 1 Accreditation

	\$
1 Application fee (Act, s 135AM(1)(j)(ii)), if nameplate capacity of accredited power station or proposed accredited power station is—	
(a) 1MW or less	264.70
(b) more than 1MW but less than 10MW	1 058.80
(c) 10MW or more but less than 30MW	2 117.65
(d) 30MW or more but less than 100MW	3 176.50
(e) 100MW or more	4 235.35
2 Annual fee (Act, s 135BE(1)(b)), if nameplate capacity of accredited power station or proposed accredited power station is—	
(a) 1MW or less	264.70
(b) more than 1MW but less than 10MW	529.40
(c) 10MW or more but less than 30MW	1 058.80
(d) 30MW or more but less than 100MW	1 588.25
(e) 100MW or more	2 117.65

Division 2 GEC creation fee

	\$
1 For regulator to decide whether GEC was validly created—for each GEC (Act, s 135DH(1)(a)(i))	0.1587

Division 3 Exempted loads

	\$
1 State development exemption (Act, ch 5A, pt 5, div 6, sdiv 2)—	
(a) application fee	3 176.50
(b) annual fee	529.40
2 Renewable energy exemption (Act, ch 5A, pt 5, div 6, sdiv 3)—	
(a) application fee	264.70
(b) annual fee	105.85
3 Auxiliary load exemption (Act, ch 5A, pt 5, div 6, sdiv 4)—	
(a) application fee	264.70
(b) annual fee	105.85

Division 4 Scheme participants

	\$
1 Application fee (Act, s 135I(3))	264.70
2 Annual fee (Act, s 135IC(2))	105.85

‘Schedule 8 Maximum fees payable to electricity entity

section 226

	\$
1 Disconnection and reconnection of supply of electricity to a customer after disconnection under section 34—	
(a) if the reconnection is made during ordinary business hours	34.05
(b) if the reconnection is made outside ordinary business hours at the customer’s request	81.75
2 Testing of a meter by the distribution entity	13.60
3 Inspection and testing of a meter by an independent person appointed by QCA	136.35’.

39 Amendment of sch 9 (Dictionary)

- (1) Schedule 9, definitions *affected customer*, *competent person*, *cooling-off period*, *Electricity Industry Code*, *ESIE award*, *host retail entity*, *lot*, *registered owner*, *relevant distribution entity*, *single premises*, *statutory customer contract* and *suspended retail entity*—

omit.

- (2) Schedule 9—

insert—

‘affected customer see section 75.

benchmark retail cost index means the benchmark retail cost index under section 91E of the Act.

classification, in relation to a customer for a premises, means the customer’s classification under section 23 of the Act as a small or large customer for the premises.

consumption means consumption of electricity.

defaulting retailer see section 72(3).

draft decision material see section 99.

final consultation period—

- (a) for chapter 3, part 7, division 1, subdivision 3—see section 100(2)(c); or
- (b) for chapter 10, part 1A—see section 222L(4)(c).

FRC day means the FRC day under section 310 of the Act.

interim consultation period—

- (a) for chapter 3, part 7, division 1, subdivision 2—see section 96(2); or
- (b) for chapter 10, part 1A—see section 222H(2)(b).

issues document see section 222H(2)(a).

proponent, for a proposed amendment of an industry code, see section 222A(1).

proposal, for an industry code amendment, see section 222A(1).

reclassification application see section 30I(1).

relevant distribution entity, for chapter 3, part 1A, division 1, see section 30B.

relevant person see section 87B

relevant retail entity for chapter 3, part 1A, division 1, see section 30B.

responsible person, for chapter 3, part 1, division 2, see section 39.

retail cost view see section 108.

retailer of last resort see section 76(1).

ROLR see section 76(1).

ROLR contract see section 78(2).

ROLR event see section 72(2).

supply point, for a premises, means—

- (a) if the premises is connected to the national grid—the connection point for the premises; or

- (b) if the premises is connected to a supply network that is not part of the national grid—the supply point for the delivery of electricity to the premises.

website, for the pricing entity, means, if the entity is the Minister, the department's website.'

- (3) Schedule 9, definition *distribution entity*, after 'provides'—
insert—
' , or who has been asked to provide,'.
- (4) Schedule 9, definition *electricity industry employee*, paragraph (b)(ii), 'ESIE award or'—
omit.
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ENDNOTES

- 1 Made by the Governor in Council on 14 June 2007.
- 2 Notified in the gazette on 15 June 2007.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Mines and Energy.