



Queensland

Community Ambulance Cover and Other Acts Amendment Bill 2007



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2007

A Bill

for

**An Act to amend the *Community Ambulance Cover Act 2003*,
and for other purposes**

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	The Parliament of Queensland enacts—	1
	 Part 1 Preliminary	 2
Clause 1	Short title	3
	This Act may be cited as the <i>Community Ambulance Cover and Other Acts Amendment Act 2007</i> .	4 5
Clause 2	Commencement	6
	(1) Part 7 commences on a day to be fixed by proclamation.	7
	(2) The remaining provisions of this Act, other than the following provisions, commence on 1 July 2007—	8 9
	• part 2 heading	10
	• sections 3 and 29	11
	• parts 3 to 6 and 8.	12
	 Part 2 Amendment of Community Ambulance Cover Act 2003	 13 14
Clause 3	Act amended in pt 2	15
	This part amends the <i>Community Ambulance Cover Act 2003</i> .	16
Clause 4	Replacement of s 10 (Meaning of <i>standard contract</i>)	17
	Section 10—	18
	<i>omit, insert</i> —	19

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- ‘10 Meaning of *customer sale arrangement*** 1
- ‘(1) A ***customer sale arrangement*** is an arrangement for the sale 2
of electricity by an electricity retailer to a person (the ***relevant*** 3
customer), but only if, for the sale— 4
- (a) the electricity is supplied for consumption in 5
Queensland; and 6
- (b) the supply of the electricity is measured by a meter. 7
- Example—* 8
- a retail contract under the Electricity Act for the sale of electricity by a 9
special approval holder to a person for consumption at a house in 10
Queensland, the supply of which is measured by a meter 11
- ‘(2) However, a ***customer sale arrangement*** does not include an 12
arrangement for the sale of electricity if the electricity is 13
accessed through a power card arrangement. 14
- ‘(3) There can be 2 or more customer sale arrangements in place 15
even though there is only 1 contract for the sale of the 16
electricity by the electricity retailer to a person who is the 17
relevant customer for each of the arrangements. 18
- Example—* 19
- If, under a contract for the sale of electricity by an electricity retailer to a 20
person, electricity is supplied for consumption at each of 5 separate 21
shops and each supply is measured by a meter, there are 5 customer sale 22
arrangements. 23
- ‘(4) If a national metering identifier has been issued under the 24
National Electricity Rules for the metering installation for a 25
particular supply of electricity for consumption in 26
Queensland, there is only 1 customer sale arrangement for the 27
supply that is measured by 1 or more meters forming part of 28
the installation. 29
- Example—* 30
- If there is a contract for the sale of electricity by an electricity retailer to 31
a person for consumption at a house, a national metering identifier has 32
been issued for the metering installation for the supply of the electricity 33
and the supply is measured by 3 meters, there is only 1 customer sale 34
arrangement for the supply. 35
- ‘(5) In this section— 36

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arrangement	includes an unwritten arrangement or contract, and any of the following, whether or not in writing—	1 2
(a)	agreement;	3
(b)	other arrangement, whether enforceable or not, including an arrangement arising under an Act.	4 5
National Electricity (Queensland) Law	has the meaning given in the <i>Electricity—National Scheme (Queensland) Act 1997</i> .	6 7 8
National Electricity Rules	has the meaning given in the National Electricity (Queensland) Law.	9 10
national metering identifier	see the Electricity Act, schedule 5.	11 12
<i>Notes—</i>		13
1	A customer sale arrangement may be a retail contract under the Electricity Act.	14 15
2	Under the Electricity Act, section 49, there are 3 types of retail contract, namely negotiated retail contracts, standard retail contracts and standard large customer retail contracts.’.	16 17 18
Clause 5	Amendment of s 14 (Meaning of <i>on-supply arrangement</i> (type 1))	19 20
	Section 14(1), examples, after ‘arrangements’—	21
	<i>insert—</i>	22
	‘(type 1)’.	23
Clause 6	Amendment of s 15 (Meaning of <i>on-supply arrangement</i> (type 2))	24 25
	Section 15(1), examples, after ‘Examples’—	26
	<i>insert—</i>	27
	‘of <i>on-supply arrangements</i> (type 2)’.	28

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Clause 7	Omission of s 16 (Meaning of <i>contestable sale arrangement</i>)	1 2
	Section 16—	3
	<i>omit.</i>	4
Clause 8	Amendment of s 17 (Person may have more than 1 role)	5
	(1) Section 17(1), from ‘non-contestable’ to ‘sale arrangement,’—	6 7
	<i>omit, insert—</i>	8
	‘relevant customer for a customer sale arrangement’.	9
	(2) Section 17(1), example 1, ‘non-contestable customer for a standard contract’—	10 11
	<i>omit, insert—</i>	12
	‘relevant customer for a customer sale arrangement’.	13
	(3) Section 17(1), example 2, ‘contestable customer for a contestable sale arrangement’—	14 15
	<i>omit, insert—</i>	16
	‘relevant customer for a customer sale arrangement’.	17
Clause 9	Replacement of pt 2 (Standard contracts)	18
	Part 2—	19
	<i>omit, insert—</i>	20
	‘Part 2 Customer sale arrangements	21
	‘Division 1 Imposition of levy	22
	‘22 Imposition of levy on customer sale arrangements	23 24
	‘(1) This part imposes the levy on customer sale arrangements.	25
	‘(2) A liability for the levy is imposed on a customer sale arrangement for each day the arrangement is in place.	26 27

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<i>Note—</i>	1
Exemptions for the levy are dealt with in divisions 4 and 5.	2
‘23 Imposition of levy if there are 2 or more customer sale arrangements in place	3 4
‘(1) This section applies if there are 2 or more customer sale arrangements in place for a day for a particular supply of electricity to particular premises.	5 6 7
‘(2) For section 22, a liability for the levy for the day is imposed only on that customer sale arrangement for which the electricity retailer for the arrangement is the financially responsible retail entity for the premises for the day.	8 9 10 11
‘(3) In this section—	12
<i>financially responsible retail entity</i> see the Electricity Act, schedule 5.	13 14
‘24 Operation of customer sale arrangement	15
‘(1) For this Act, the days a customer sale arrangement is in place do not include the day the arrangement starts, but do include the day the arrangement ends.	16 17 18
‘(2) Without limiting how and when a customer sale arrangement may end, a customer sale arrangement is taken to end if the supply of electricity for sale under the arrangement is disconnected, other than because of a temporary disconnection or other interruption.	19 20 21 22 23
‘Division 2 Liability for levy	24
‘25 When liability for levy is imposed	25
‘(1) Liability for the levy is imposed for a day even if no electricity is sold under the arrangement on the day, including, for example, because premises are temporarily unoccupied or because supply of electricity to premises is temporarily disconnected or otherwise interrupted.	26 27 28 29 30

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‘(2)	However, if the arrangement is put in place for premises not yet connected for the supply of electricity, liability is not imposed until the day the premises are connected.	1 2 3
‘26	Who is liable to pay levy	4
‘(1)	The levy imposed on a customer sale arrangement must be paid by the relevant customer for the arrangement.	5 6
‘(2)	If 2 or more persons are the relevant customer for the arrangement, all the persons are jointly and severally liable for payment of the levy.	7 8 9
‘27	Consolidation arrangement does not affect liability for levy	10 11
‘(1)	A person must pay the levy for each customer sale arrangement for which the person is the relevant customer.	12 13
‘(2)	If a person is the relevant customer for 2 or more customer sale arrangements and a single electricity account is issued for the sale of electricity under all the arrangements, the issue of the single electricity account does not affect the person’s liability to pay the levy for each of the arrangements.	14 15 16 17 18
‘Division 3	Calculation of levy	19
‘28	Amount of levy	20
	‘The amount of the levy imposed on a customer sale arrangement for each day the arrangement is in place is the daily levy for the financial year in which the day happens.	21 22 23

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‘Division 4	Exempt customer sale arrangements generally	1 2
‘29	Exemption from liability for levy	3
	‘Liability for the levy is not imposed on a customer sale arrangement for a day if, on that day or for any part of that day, the arrangement is an exempt customer sale arrangement.	4 5 6
‘30	Exemption on 2 or more grounds	7
	‘(1) This section applies to a customer sale arrangement if—	8
	(a) a number of circumstances mentioned in division 5 apply to the arrangement; and	9 10
	(b) if all the circumstances are considered separately, whether by individual circumstance or individual set of circumstances, the arrangement would be, on the basis of each separate consideration, an exempt customer sale arrangement.	11 12 13 14 15
	‘(2) The arrangement is taken to be an exempt customer sale arrangement.	16 17
	<i>Example—</i>	18
	A customer sale arrangement would be an exempt customer sale arrangement if all electricity sold under the arrangement is supplied to a farming shed and to a pump used for irrigation.	19 20 21
‘Division 5	Particular exemptions	22
‘31	Exemption for later customer sale arrangements for separate area	23 24
	‘(1) This section applies if there are 2 or more customer sale arrangements for the sale of electricity for consumption only at the 1 separate area.	25 26 27
	‘(2) Each of the arrangements that is a later customer sale arrangement is an exempt customer sale arrangement.	28 29

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- ‘(3) For subsection (2), a customer sale arrangement is a later customer sale arrangement if it is not the first of the arrangements to have commenced. 1
2
3
- Example—* 4
- The owner of a shop has 3 customer sale arrangements with an electricity retailer for the sale of electricity for consumption at the shop. 5
6
Arrangement A was entered into on 31 July 2006. Arrangement B was entered into on 31 August 2006. Arrangement C was entered into on 30 7
8
September 2006. Arrangements B and C are exempt customer sale arrangements. However, if arrangement A ends and arrangements B and 9
10
C continue, only arrangement C will be an exempt customer sale arrangement. 11
12
- ‘32 Pensioner exemption 13**
- ‘A customer sale arrangement is an exempt customer sale arrangement if— 14
15
- (a) either of the following apply— 16
- (i) only 1 person is the relevant customer for the arrangement and the person is a pensioner (the *pensioner*); 17
18
19
- (ii) 2 or more persons are the relevant customer for the arrangement and at least 1 of the persons is a pensioner (also the *pensioner*); and 20
21
22
- (b) all electricity sold under the arrangement is supplied to premises that are the pensioner’s principal place of residence; and 23
24
25
- (c) any other person sharing the premises, other than a visitor, is at least 1 of the following— 26
27
- (i) the pensioner’s spouse; 28
- (ii) a person who is wholly dependent on the pensioner; 29
30
- (iii) another pensioner; 31
- (iv) a social security beneficiary who does not pay rent for his or her occupation of the premises; 32
33

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(v) a person who is a carer of the pensioner and who does not pay rent for his or her occupation of the premises.	1 2 3
‘33 Farming shed exemption	4
‘A customer sale arrangement is an exempt customer sale arrangement if all electricity sold under the arrangement is supplied to a farming shed.	5 6 7
‘34 Pump exemption	8
‘A customer sale arrangement is an exempt customer sale arrangement if all electricity sold under the arrangement is supplied to a pump that is—	9 10 11
(a) a water pump used for irrigation, stock or other purposes of primary production; or	12 13
(b) a water or sewerage pump used for domestic purposes.	14
‘35 Hot water system exemption	15
‘A customer sale arrangement is an exempt customer sale arrangement if all electricity sold under the arrangement is supplied to a hot water system.	16 17 18
‘36 Public park facility exemption	19
‘A customer sale arrangement is an exempt customer sale arrangement if all electricity sold under the arrangement is supplied to a public park facility.	20 21 22
‘37 Security lighting exemption	23
‘(1) A customer sale arrangement (the <i>relevant arrangement</i>) is an exempt customer sale arrangement if—	24 25
(a) all electricity sold under the relevant arrangement is supplied to security lighting for premises; and	26 27

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(b) there is at least 1 other electricity sale arrangement for the premises; and	1 2
(c) the relevant arrangement is not an exempt customer sale arrangement under the building common account exemption (type 1) or the building common account exemption (type 2).	3 4 5 6
‘(2) However, the relevant arrangement is not an exempt customer sale arrangement if—	7 8
(a) all electricity sold under the other arrangement, or other arrangements, is supplied to security lighting for the premises; and	9 10 11
(b) the relevant arrangement is the first of the electricity sale arrangements to have commenced.	12 13
‘37A Exemption for equipment for medical condition	14
‘A customer sale arrangement is an exempt customer sale arrangement if—	15 16
(a) all electricity sold under the arrangement is supplied to an item of equipment; and	17 18
(b) the equipment is for the use of a person for a medical condition the person has—	19 20
(i) whether or not the equipment is used only by the person; and	21 22
(ii) whether or not, when used by the person, the equipment is used only for the medical condition; and	23 24 25
(c) the person has written advice from a doctor to the effect of either of the following—	26 27
(i) because of the medical condition, the person needs to use the equipment;	28 29
(ii) because of the medical condition, the person needs to have the equipment readily available for use in a medical emergency; and	30 31 32

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- (d) the equipment is not in premises that are, or that are in the nature of, a hospital, an aged care hostel or a nursing home. 1
2
3

‘37B Retirement village common account exemption 4

‘A customer sale arrangement is an exempt customer sale arrangement if— 5
6

- (a) all electricity sold under the arrangement is sold for consumption at a retirement village; and 7
8
- (b) all electricity sold under the arrangement is supplied for 1 or more of the following— 9
10
- (i) common facilities for the retirement village; 11
- (ii) 1 or more on-supply arrangements; and 12
- (c) there is an electricity sale arrangement, other than the customer sale arrangement, for each occupied accommodation unit in the retirement village that is a separate domestic area. 13
14
15
16

Example— 17

A retirement village has 6 accommodation units. For each occupied accommodation unit that is a separate domestic area, there is a separate customer sale arrangement for the supply of electricity to it. Additionally, the retirement village scheme operator is the relevant customer for a customer sale arrangement for the supply of electricity for the retirement village’s common lighting. The customer sale arrangement for the lighting is an exempt customer sale arrangement. 18
19
20
21
22
23
24

‘37C Building common account exemption (type 1) 25

‘A customer sale arrangement is an exempt customer sale arrangement if— 26
27

- (a) all electricity sold under the arrangement is sold for consumption at a multi-unit building; and 28
29
- (b) the electricity is supplied for 1 or more of the following— 30
31
- (i) common facilities for the building; 32
- (ii) 1 or more on-supply arrangements; and 33

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- (c) there is an electricity sale arrangement, other than the customer sale arrangement, for each occupied separate area in the building.

Examples—

- 1 A residential unit building has 6 units and common property. For each occupied unit, there is a separate customer sale arrangement for the supply of electricity to it. Additionally, the body corporate for the residential building is the relevant customer for a customer sale arrangement for the supply of electricity for the building's common lighting. The customer sale arrangement for the lighting is an exempt customer sale arrangement.
- 2 A shopping centre building has 14 shops. For each occupied shop there is an on-supply arrangement (type 1) for the supply of electricity. Electricity for the on-supply arrangements is supplied to the building owner under 1 customer sale arrangement. Additionally, the building owner is the relevant customer for 5 customer sale arrangements, all for security lighting for the shopping centre. All 6 customer sale arrangements are exempt customer sale arrangements.
- 3 A residential building consists of 6 flats. For each occupied flat there is an on-supply arrangement (type 2) for the supply of electricity. Electricity for the on-supply arrangements (type 2) is supplied to the building owner under a customer sale arrangement that relates also to the supply of electricity to the building's common use laundry area. The customer sale arrangement is an exempt customer sale arrangement.

**'37D Building common account exemption (type 2)
(2 pensioner occupiers)**

- (1) A customer sale arrangement is an exempt customer sale arrangement if all the following circumstances apply—
- (a) all electricity sold under the arrangement is sold for consumption at a double unit building;
 - (b) the electricity is supplied for 1 or more of the following—
 - (i) common facilities for the building;
 - (ii) consumption at a separate area;
 - (c) if there were a separate electricity sale arrangement for each separate area in the building, each electricity sale

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arrangement would be an exempt arrangement because	1
of the pensioner exemption;	2
(d) the pensioner who occupies each separate area has	3
notified the relevant customer for the arrangement in the	4
approved form of the circumstances supporting the	5
application of paragraph (c).	6
‘(2) The pensioner who occupies a separate area is taken to have	7
notified the relevant customer under subsection (1)(d) if an	8
electricity rebate applies for the supply of electricity to the	9
separate area.	10
‘37E Building common account exemption (type 2)	11
(1 pensioner occupier)	12
‘(1) A customer sale arrangement is an exempt customer sale	13
arrangement if all the following circumstances apply—	14
(a) all electricity sold under 2 or more electricity sale	15
arrangements (the <i>relevant arrangements</i>) is sold for	16
consumption at a double unit building;	17
(b) the customer sale arrangement is one of the relevant	18
arrangements;	19
(c) all electricity sold under the customer sale arrangement	20
is supplied for 1 or more of the following—	21
(i) common facilities for the building;	22
(ii) consumption at a separate area;	23
(d) if there were a separate electricity sale arrangement for	24
each separate area in the building, the customer sale	25
arrangement applying for one of the separate areas (the	26
<i>relevant separate area</i>) would be an exempt	27
arrangement because of the pensioner exemption;	28
(e) the pensioner who occupies the relevant separate area	29
has notified the relevant customer for the customer sale	30
arrangement in the approved form of the circumstances	31
supporting the application of paragraph (d);	32
(f) the customer sale arrangement is not the first of the	33
relevant arrangements to have commenced.	34

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- ‘(2) The pensioner who occupies the relevant separate area is taken to have notified the relevant customer under subsection (1)(e) if an electricity rebate applies for the supply of electricity to the separate area. 1
2
3
4
- ‘37F Building common account exemption (type 2)
(no pensioner occupiers) 5
6**
- ‘A customer sale arrangement is an exempt customer sale arrangement if all the following circumstances apply— 7
8
- (a) all electricity sold under 3 or more electricity sale arrangements (the *relevant arrangements*) is sold for consumption at a double unit building; 9
10
11
- (b) the customer sale arrangement is one of the relevant arrangements; 12
13
- (c) all electricity sold under the customer sale arrangement is supplied for 1 or more of the following— 14
15
- (i) common facilities for the building; 16
- (ii) consumption at a separate area; 17
- (d) if there were a separate electricity sale arrangement for each separate area in the building, neither of the customer sale arrangements would be an exempt arrangement because of the pensioner exemption; 18
19
20
21
- Note— 22*
- The reference to ‘neither’ in this paragraph arises because under the definition *double unit building* in the schedule, a double unit building has only 2 separate areas. 23
24
25
- (e) the customer sale arrangement is not the first or second of the relevant arrangements to have commenced. 26
27
- ‘37G Commonwealth exemption 28**
- ‘A customer sale arrangement is an exempt customer sale arrangement if the relevant customer for the arrangement is the Commonwealth. 29
30
31

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‘37H State exemption	1
‘(1) A customer sale arrangement is an exempt customer sale arrangement if—	2 3
(a) the relevant customer for the arrangement is the State; and	4 5
(b) all electricity sold under the arrangement is supplied to premises—	6 7
(i) that are used only for providing core government services; or	8 9
(ii) that are public infrastructure.	10
‘(2) In this section—	11
<i>State</i> includes any State instrumentality, authority, corporation or other State entity, including any GOC, and whether or not representing the State, but does not include a local government.	12 13 14 15
 ‘37I Local government exemption	 16
‘A customer sale arrangement is an exempt customer sale arrangement if—	17 18
(a) the relevant customer for the arrangement is a local government; and	19 20
(b) all electricity sold under the arrangement is supplied to premises—	21 22
(i) that are used only for providing core local government services; or	23 24
(ii) that are public infrastructure.	25
 ‘37J Exemption for religious bodies and other institutions	 26
‘(1) A customer sale arrangement is an exempt customer sale arrangement if—	27 28
(a) the relevant customer for the arrangement is a body, or the trustees of a body, that is either a religious body or a body—	29 30 31

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|------|--|-----------------------|
| (i) | that is controlled by, or associated with, a religious body; and | 1
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| (ii) | whose principal object and pursuit is the conduct of activities of a religious nature; and | 3
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| (b) | all electricity sold under the arrangement is supplied to premises used solely or almost solely as a church or other public place of worship, or as a church or other public place of worship and an associated hall, other than a hall used or hired out for commercial purposes. | 5
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| ‘(2) | A customer sale arrangement is an exempt customer sale arrangement if— | 10
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| (a) | the relevant customer for the arrangement is an institution or the trustees of an institution; and | 12
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| (b) | the principal object or pursuit of the institution is the care of sick, aged, infirm, afflicted or incorrigible persons; and | 14
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| (c) | all electricity sold under the arrangement is supplied to premises used solely or almost solely for the purposes of the institution’s principal object or pursuit; and | 17
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| (d) | the premises are not premises that are, or that are in the nature of, a hospital, an aged care hostel or a nursing home. | 20
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| ‘(3) | A customer sale arrangement is an exempt customer sale arrangement if— | 23
24 |
| (a) | the relevant customer for the arrangement is an institution or the trustees of an institution; and | 25
26 |
| (b) | the principal object or pursuit of the institution is the relief of poverty, suffering, distress or misfortune of people; and | 27
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| (c) | all electricity sold under the arrangement is supplied to premises used solely or almost solely for the purposes of the institution’s principal object or pursuit. | 30
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| ‘(4) | A customer sale arrangement is an exempt customer sale arrangement if— | 33
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- (a) the relevant customer for the arrangement is an institution or the trustees of an institution; and
- (b) the principal object or pursuit of the institution is the care of children by—
- (i) being responsible for them on a full-time basis; and
- (ii) providing them with all the necessary food, clothing and shelter; and
- (iii) providing for their general wellbeing and protection; and
- (c) all electricity sold under the arrangement is supplied to premises used solely or almost solely for the purposes of the institution’s principal object or pursuit.
- ‘(5) However, a customer sale arrangement is an exempt customer sale arrangement under subsection (2), (3) or (4) only if, under the institution’s constitution—
- (a) its income and property are used solely for promoting its objects; and
- (b) no part of its income or property is to be distributed, paid or transferred by way of bonus, dividend or other similar payment to its members; and
- (c) on its dissolution, the assets remaining after satisfying all debts and liabilities must be transferred to an institution whose principal object or pursuit is that of an institution mentioned in subsection (2), (3) or (4).’.

Clause 10 Replacement of ss 44 and 44A

Sections 44 and 44A—

omit, insert—

‘44 Exemption for later power card arrangements for separate area

- ‘(1) This section applies if there are 2 or more power card arrangements that relate to the sale of electricity for consumption only at the 1 separate area.

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	‘(2) Each of the arrangements that is a later power card arrangement is an exempt power card arrangement.	1 2
	‘(3) For subsection (2), a power card arrangement is a later power card arrangement if it is not the first of the arrangements to have commenced.	3 4 5
	<i>Example—</i>	6
	There are 3 power card arrangements for the sale of electricity for consumption at a shop. Power card arrangement A commenced on 31 July 2006. Power card arrangement B commenced on 31 August 2006. Power card arrangement C commenced on 30 September 2006. Power card arrangements B and C are exempt power card arrangements. However, if power card arrangement A ends and power card arrangements B and C continue, only power card arrangement C will be an exempt power card arrangement.’	7 8 9 10 11 12 13 14
Clause 11	Amendment of s 47E (Retirement village common account exemption)	15 16
	Section 47E, example, ‘standard contract’—	17
	<i>omit, insert—</i>	18
	‘customer sale arrangement’.	19
Clause 12	Omission of pt 5 (Contestable sale arrangements)	20
	Part 5—	21
	<i>omit.</i>	22
Clause 13	Amendment of s 87 (Statement of levy liability)	23
	(1) Section 87(1), example 1, ‘non-contestable customer for a standard contract’—	24 25
	<i>omit, insert—</i>	26
	‘relevant customer for a customer sale arrangement’.	27
	(2) Section 87(6)(a), ‘2, 4 or 5’—	28
	<i>omit, insert—</i>	29
	‘2 or 4’.	30

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Clause 14	Amendment of pt 7, div 2, hdg (Notification requirements for standard contracts)	1 2
	Part 7, division 2, heading, ‘standard contracts’—	3
	<i>omit, insert—</i>	4
	‘customer sale arrangements’.	5
 Clause 15	 Amendment of s 90 (Notification requirement for exemption for standard contract)	 6 7
	(1) Section 90, ‘standard contract’—	8
	<i>omit, insert—</i>	9
	‘customer sale arrangement’.	10
	(2) Section 90, ‘non-contestable’—	11
	<i>omit, insert—</i>	12
	‘relevant’.	13
 Clause 16	 Replacement of s 90A (Special provision for notification of hot water system exemption for standard contract instead of s 90)	 14 15 16
	Section 90A—	17
	<i>omit, insert—</i>	18
 ‘90A	 Notification requirement for exemption for previous customer sale arrangement	 19 20
	‘(1) This section applies if—	21
	(a) there was in existence a customer sale arrangement (the <i>previous arrangement</i>) between a relevant customer and electricity retailer; and	22 23 24
	(b) the customer entered into a new customer sale arrangement (the <i>new arrangement</i>) with the electricity retailer or another electricity retailer in place of the previous arrangement; and	25 26 27 28
	(c) there are no other parties to the new arrangement; and	29

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(d)	the previous arrangement and new arrangement relate to the supply of electricity that is measured by the same meter; and	1 2 3
(e)	the customer had not given, or was not taken to have given under section 90B or 99 or part 13, the electricity retailer for the previous arrangement a notice under section 90(2) in relation to the arrangement.	4 5 6 7
‘(2)	If the customer claims that the previous arrangement was, or had been for a particular period, an exempt customer sale arrangement, the customer may only notify the electricity retailer for the new arrangement (and not the electricity retailer for the previous arrangement, if that electricity retailer is different to the electricity retailer for the new arrangement) in the approved form of the circumstances supporting the claim.	8 9 10 11 12 13 14 15
‘(3)	For subsection (1)(d), the supply of electricity is measured by the same meter even though the meter measuring the supply replaced another meter.	16 17 18
‘90B	When notification for exemption for customer sale arrangement taken to have been given	19 20
‘(1)	This section applies if—	21
(a)	there was in existence a customer sale arrangement (the <i>previous arrangement</i>) between a relevant customer and electricity retailer; and	22 23 24
(b)	the customer entered into a new customer sale arrangement (the <i>new arrangement</i>) with the electricity retailer in place of the previous arrangement; and	25 26 27
(c)	there are no other parties to the new arrangement; and	28
(d)	the previous arrangement and new arrangement relate to the supply of electricity that is measured by the same meter; and	29 30 31
(e)	the customer had given, or was taken to have given under section 99 or part 13, the electricity retailer a notice under section 90(2) of the circumstances causing	32 33 34

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	the previous arrangement to be an exempt customer sale arrangement; and	1 2
	(f) the circumstances mentioned in paragraph (e) continue to apply for the new arrangement.	3 4
	‘(2) The customer is taken to have given the electricity retailer a notice under section 90(2) of the circumstances causing the new arrangement to be an exempt customer sale arrangement.	5 6 7
	‘(3) For subsection (1)(d), the supply of electricity is measured by the same meter even though the meter measuring the supply replaced another meter.’.	8 9 10
Clause 17	Amendment of s 91 (Notification requirement for loss of exemption for standard contract)	11 12
	(1) Section 91, ‘standard contract’—	13
	<i>omit, insert—</i>	14
	‘customer sale arrangement’.	15
	(2) Section 91(2), ‘non-contestable’—	16
	<i>omit, insert—</i>	17
	‘relevant’.	18
	(3) Section 91(2), ‘the contract’—	19
	<i>omit, insert—</i>	20
	‘the arrangement’.	21
	(4) Section 91—	22
	<i>insert—</i>	23
	‘(3) This section applies subject to section 91A.’.	24
Clause 18	Insertion of new s 91A	25
	Before part 7, division 3—	26
	<i>insert—</i>	27

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'91A	Notification requirement for loss of exemption for previous customer sale arrangement	1
		2
'(1)	This section applies if—	3
	(a) there was in existence a customer sale arrangement (the <i>previous arrangement</i>) between a relevant customer and electricity retailer; and	4 5 6
	(b) the customer enters into a new customer sale arrangement (the <i>new arrangement</i>) with the electricity retailer or another electricity retailer in place of the previous arrangement; and	7 8 9 10
	(c) there are no other parties to the new arrangement; and	11
	(d) the previous arrangement and new arrangement relate to the supply of electricity that is measured by the same meter; and	12 13 14
	(e) the previous arrangement was, immediately before being replaced by the new arrangement, being dealt with by the electricity retailer for the previous arrangement, for the purposes of electricity accounts, as an exempt customer sale arrangement; and	15 16 17 18 19
	(f) the previous arrangement stopped being an exempt customer sale arrangement before being replaced by the new arrangement.	20 21 22
'(2)	The customer must, within 28 days after the previous arrangement stopped being an exempt customer sale arrangement, notify the electricity retailer for the new arrangement in the approved form—	23 24 25 26
	(a) that the previous arrangement had stopped being an exempt customer sale arrangement; and	27 28
	(b) when the previous arrangement stopped being an exempt customer sale arrangement.	29 30
'(3)	For subsection (1)(d), the supply of electricity is measured by the same meter even though the meter measuring the supply replaced another meter.'	31 32 33

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Clause 19	Omission of s 92A (Special provision for notification of hot water system exemption for power card arrangement instead of s 92(2))	1 2 3
	Section 92A—	4
	<i>omit.</i>	5
Clause 20	Omission of pt 7, div 5 (Notification requirements for contestable sale arrangements)	6 7
	Part 7, division 5—	8
	<i>omit.</i>	9
Clause 21	Amendment of s 99 (Particular exemptions taken to be notified under divs 2–5)	10 11
	(1) Section 99, heading, ‘divs 2–5’—	12
	<i>omit, insert—</i>	13
	‘div 2, 3 or 4’.	14
	(2) Section 99(1), ‘2, 3, 4 or 5’—	15
	‘2, 3 or 4’.	16
	(3) Section 99, ‘2, 3 or 5’—	17
	‘2 or 3’.	18
Clause 22	Amendment of s 100 (Notification for government exemptions)	19 20
	Section 100, ‘2, 3, 4 or 5’—	21
	‘2, 3 or 4’.	22
Clause 23	Amendment of s 104 (Voluntary contributions)	23
	(1) Section 104(1)(a)—	24
	<i>omit.</i>	25
	(2) Section 104(1)(b), ‘the electricity sale arrangement’—	26
	<i>omit, insert—</i>	27

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‘a customer sale arrangement’.

(3) Section 104(1)(d), ‘electricity customer’—

omit, insert—

‘relevant customer’.

(4) Section 104(1)(c) and (d), ‘electricity sale’—

omit.

(5) Section 104(1)(b), (c) and (d)—

renumber as section 104(1)(a), (b) and (c).

Clause 24 Insertion of new s 105A

Before part 7, division 8—

insert—

‘105A Requirement to pay shortfall amount for previous customer sale arrangement

‘(1) This section applies if—

(a) there was in existence a customer sale arrangement (the ***previous arrangement***) between a relevant customer and electricity retailer; and

(b) the customer enters into a new customer sale arrangement (the ***new arrangement***) with the electricity retailer or another electricity retailer in place of the previous arrangement; and

(c) there are no other parties to the new arrangement; and

(d) the previous arrangement and new arrangement relate to the supply of electricity that is measured by the same meter; and

(e) the previous arrangement was, immediately before being replaced by the new arrangement, being dealt with by the electricity retailer for the previous arrangement, for the purposes of electricity accounts, as an exempt customer sale arrangement.

‘(2) If the electricity retailer for the new arrangement becomes aware of a shortfall amount payable by the customer in

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relation to the previous arrangement, the electricity retailer
must give written notice to the customer of the shortfall
amount. 1
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‘(3) If a notice is given under subsection (2), section 105(3) to (7)
apply as if the notice was given under section 105(1). 4
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‘(4) For subsection (1)(d), the supply of electricity is measured by
the same meter even though the meter measuring the supply
replaced another meter.’. 6
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**Clause 25 Amendment of s 107 (Refund of overpaid levy for
electricity sale arrangement) 9
10**
Section 107(4), ‘but’— 11
omit, insert— 12
‘that’. 13

Clause 26 Insertion of new s 107A 14
After section 107— 15

**‘107A Refund of overpaid levy for previous customer sale
arrangement 16
17**

‘(1) This section applies if— 18

(a) there was in existence a customer sale arrangement (the
previous arrangement) between a relevant customer
and electricity retailer; and 19
20
21

(b) the customer entered into a new customer sale
arrangement (the *new arrangement*) with the electricity
retailer or another electricity retailer in place of the
previous arrangement; and 22
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(c) there are no other parties to the new arrangement; and 26

(d) the previous arrangement and new arrangement relate to
the supply of electricity that is measured by the same
meter; and 27
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(e) as required by a statement of levy liability, the customer
paid the electricity retailer for the previous arrangement 30
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- a levy amount (the *paid amount*) for the previous arrangement; and
- (f) some or all of the paid amount (the *refund amount*) relates to a period of 1 or more days when the previous arrangement was an exempt customer sale arrangement.
- ‘(2) The customer may claim the refund amount by giving the electricity retailer for the new arrangement a claim in the approved form or by complying with the notification requirements under section 90A.¹
- ‘(3) If the electricity retailer for the new arrangement is satisfied the customer is entitled to the refund amount, the electricity retailer must—
- (a) pay the refund amount to the customer; or
- (b) provide the customer with a credit for the refund amount in the next statement of levy liability issued to the customer.
- ‘(4) However, the electricity retailer for the new arrangement must apply all or part of the refund amount as payment for any levy amount the customer is liable to pay for the arrangement that has not been paid.
- ‘(5) A person is not entitled to a refund under this section if—
- (a) more than 1 year has elapsed since the paid amount was paid; and
- (b) in the year, the person has not claimed the refund in the way provided for in this section.
- ‘(6) For subsection (1)(d), the supply of electricity is measured by the same meter even though the meter measuring the supply replaced another meter.’.

¹ Section 90A (Notification requirement for exemption for previous customer sale arrangement)

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Clause 27	Amendment of s 124B (Recovery of levy amount from pensioner prohibited for standard contract)	1 2
	(1) Section 124B, ‘standard contract’—	3
	<i>omit, insert—</i>	4
	‘customer sale arrangement’.	5
	(2) Section 124B(1), ‘section 33H,’—	6
	<i>omit, insert—</i>	7
	‘section 37E,’.	8
	(3) Section 124B(1), ‘section 33H(1)(f)’—	9
	<i>omit, insert—</i>	10
	‘section 37E(1)(f)’.	11
	(4) Section 124B(1)(a), ‘section 33H(1)(e)’—	12
	<i>omit, insert—</i>	13
	‘section 37E(1)(e)’.	14
	(5) Section 124B(1)(b), ‘section 33H(2)’—	15
	<i>omit, insert—</i>	16
	‘section 37E(2)’.	17
	(6) Section 124B, ‘non-contestable’—	18
	<i>omit, insert—</i>	19
	‘relevant’.	20
 Clause 28	 Omission of s 124C (Recovery of levy amount from pensioner prohibited for contestable sale arrangement)	 21 22
	Section 124C—	23
	<i>omit.</i>	24
 Clause 29	 Replacement of pt 12 (Transitional provisions)	 25
	Part 12—	26
	<i>omit, insert—</i>	27

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‘Part 12	Transitional provision for Electricity and Other Legislation Amendment Act 2006	1 2 3 4
‘155	Negotiated retail contract entered into under the Electricity Act, s 312(2)	5 6
	‘(1) This section applies if, before or after the commencement of this section, a non-contestable customer for premises entered or enters into a negotiated retail contract for the premises under the Electricity Act, s 312(2). ²	7 8 9 10
	‘(2) The contract is not, and never was, a standard contract.’.	11
Clause 30	Insertion of new pt 13	12
	After section 155—	13
	<i>insert—</i>	14
‘Part 13	Transitional provisions for Community Ambulance Cover and Other Acts Amendment Act 2007	15 16 17 18
‘156	Definitions for pt 13	19
	‘In this part—	20
	<i>commencement</i> means the day this section commences.	21
	<i>former</i> , for a provision mentioned in this part, means the provision to which the reference relates is a provision of the pre-amended Act.	22 23 24
	<i>pre-amended Act</i> means this Act as in force before the commencement.	25 26

² Electricity Act, section 312 (Small customer may enter into negotiated retail contract before FRC day)

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- ‘157 When notification for exemption for corresponding arrangements taken to have been given** 1
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- ‘(1) This section applies if— 3
- (a) a standard contract or contestable sale arrangement (the 4
previous arrangement) in force under the pre-amended 5
Act immediately before the commencement becomes, 6
on the commencement, 1 or more customer sale 7
arrangements (the *corresponding arrangements*); and 8
- (b) the customer for the previous arrangement had given, or 9
was taken to have given under former section 99, the 10
electricity retailer for the arrangement a notice under 11
former section 90(2) or former section 97(2) of the 12
circumstances causing the arrangement to be an exempt 13
standard contract or exempt contestable sale 14
arrangement under the pre-amended Act. 15
- ‘(2) The customer is taken to have given the electricity retailer for 16
the corresponding arrangements a notice under section 90(2) 17
of the circumstances causing the arrangements to be exempt 18
customer sale arrangements. 19
- ‘(3) The circumstances mentioned in subsection (2) are taken to be 20
identical to the circumstances mentioned in subsection (1)(b). 21
- ‘158 Notification requirement for exemption for standard 22
contract or contestable sale arrangement under 23
pre-amended Act—corresponding arrangements** 24
- ‘(1) This section applies if a standard contract or contestable sale 25
arrangement (the *previous arrangement*) in force under the 26
pre-amended Act immediately before the commencement 27
becomes, on the commencement, 1 or more customer sale 28
arrangements (the *corresponding arrangements*). 29
- ‘(2) If the relevant customer for the corresponding arrangements 30
claims that the previous arrangement was, or had been for a 31
particular period, an exempt standard contract or exempt 32
contestable sale arrangement under the pre-amended Act, the 33
customer may notify the electricity retailer for the 34
corresponding arrangements in the approved form of the 35
circumstances supporting the claim. 36

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- ‘159 Refund of overpaid levy for standard contract or contestable sale arrangement under pre-amended Act—corresponding arrangements** 1
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- ‘(1) This section applies if— 4
- (a) a standard contract or contestable sale arrangement (the *previous arrangement*) in force under the pre-amended Act immediately before the commencement becomes, on the commencement, 1 or more customer sale arrangements (the *corresponding arrangements*); and 5
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- (b) as required by a statement of levy liability, the customer for the previous arrangement paid under the pre-amended Act the electricity retailer for the arrangement a levy amount (the *paid amount*) for the arrangement; and 10
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- (c) some or all of the paid amount (the *refund amount*) relates to a period of 1 or more days when the arrangement was an exempt standard contract or exempt contestable sale arrangement under the pre-amended Act. 15
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- ‘(2) The customer may claim the refund amount by giving the electricity retailer for the corresponding arrangements a claim in the approved form or by complying with the notification requirements under section 158. 20
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- ‘(3) If the electricity retailer for the corresponding arrangements is satisfied the customer is entitled to the refund amount, the electricity retailer must— 24
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- (a) pay the refund amount to the customer; or 27
- (b) provide the customer with a credit for the refund amount in the next statement of levy liability issued to the customer. 28
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- ‘(4) However, the electricity retailer must apply all or part of the refund amount as payment for any levy amount the customer is liable to pay for 1 or more of the arrangements that has not been paid. 31
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- ‘(5) A person is not entitled to a refund under this section if— 35

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|-------------|---|--|
| | (a) more than 1 year has elapsed since the paid amount was paid; and | 1
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| | (b) in the year, the person has not claimed the refund in the way provided for in this section. | 3
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| ‘160 | Notification requirement for exemption for standard contract or contestable sale arrangement under pre-amended Act—new arrangements | 5
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| | ‘(1) This section applies if— | 8 |
| | (a) a standard contract or contestable sale arrangement (the <i>previous arrangement</i>) in force under the pre-amended Act immediately before the commencement becomes, on the commencement, 1 or more customer sale arrangements (the <i>corresponding arrangements</i>); and | 9
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| | (b) the relevant customer for the corresponding arrangements enters into new customer sale arrangements (the <i>new arrangements</i>) with the electricity retailer for the corresponding arrangements or another electricity retailer in place of the corresponding arrangements; and | 14
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| | (c) there are no other parties to the new arrangements; and | 20 |
| | (d) the previous arrangement and new arrangements relate to the supply of electricity that is measured by the same meter; and | 21
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| | (e) the customer had not given, or was not taken to have given under former section 99, the electricity retailer for the previous arrangement a notice under former section 90(2) or former section 97(2) of the circumstances causing the arrangement to be an exempt standard contract or exempt contestable sale arrangement under the pre-amended Act. | 24
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| | ‘(2) If the customer claims that the previous arrangement was, or had been for a particular period, an exempt standard contract or exempt contestable sale arrangement under the pre-amended Act, the customer may only notify the electricity retailer for the new arrangements (and not the electricity retailer for the previous arrangement, if that electricity retailer | 31
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is different to the electricity retailer for the new arrangements)	1
in the approved form of the circumstances supporting the	2
claim.	3
‘(3) For subsection (1)(d), the supply of electricity is measured by	4
the same meter even though the meter measuring the supply	5
replaced another meter.	6
‘161 Refund of overpaid levy for standard contract or	7
contestable sale arrangement under pre-amended	8
Act—new arrangements	9
‘(1) This section applies if—	10
(a) a standard contract or contestable sale arrangement (the	11
<i>previous arrangement</i>) in force under the pre-amended	12
Act immediately before the commencement becomes,	13
on the commencement, 1 or more customer sale	14
arrangements (the <i>corresponding arrangements</i>); and	15
(b) the relevant customer for the corresponding	16
arrangements enters into new customer sale	17
arrangements (the <i>new arrangements</i>) with the	18
electricity retailer for the corresponding arrangements or	19
another electricity retailer in place of the corresponding	20
arrangements; and	21
(c) there are no other parties to the new arrangements; and	22
(d) the previous arrangement and new arrangements relate	23
to the supply of electricity that is measured by the same	24
meter; and	25
(e) as required by a statement of levy liability, the customer	26
paid under the pre-amended Act the electricity retailer	27
for the previous arrangement a levy amount (the <i>paid</i>	28
<i>amount</i>) for the arrangement; and	29
(f) some or all of the paid amount (the <i>refund amount</i>)	30
relates to a period of 1 or more days when the	31
arrangement was an exempt standard contract or exempt	32
contestable sale arrangement under the pre-amended	33
Act.	34

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- ‘(2) The customer may claim the refund amount by giving the electricity retailer for the new arrangements a claim in the approved form or by complying with the notification requirements under section 160. 1
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- ‘(3) If the electricity retailer for the new arrangements is satisfied the customer is entitled to the refund amount, the electricity retailer must— 5
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- (a) pay the refund amount to the customer; or 8
- (b) provide the customer with a credit for the refund amount in the next statement of levy liability issued to the customer. 9
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- ‘(4) However, the electricity retailer must apply all or part of the refund amount as payment for any levy amount the customer is liable to pay for 1 or more of the arrangements that has not been paid. 12
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- ‘(5) A person is not entitled to a refund under this section if— 16
- (a) more than 1 year has elapsed since the paid amount was paid; and 17
18
- (b) in the year, the person has not claimed the refund in the way provided for in this section. 19
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- ‘(6) For subsection (1)(d), the supply of electricity is measured by the same meter even though the meter measuring the supply replaced another meter. 21
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- ‘162 Notification requirement for loss of exemption for standard contract or contestable sale arrangement under pre-amended Act 24
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26**
- ‘(1) This section applies if— 27
- (a) a standard contract or contestable sale arrangement (the *previous arrangement*) in force under the pre-amended Act immediately before the commencement becomes, on the commencement, 1 or more customer sale arrangements (the *corresponding arrangements*); and 28
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- (b) the relevant customer for the corresponding arrangements enters into new customer sale arrangements (the *new arrangements*) with the 33
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electricity retailer for the corresponding arrangements or another electricity retailer in place of the corresponding arrangements; and	1 2 3
(c) there are no other parties to the new arrangements; and	4
(d) the previous arrangement and new arrangements relate to the supply of electricity that is measured by the same meter; and	5 6 7
(e) the previous arrangement was, immediately before the commencement, being dealt with under the pre-amended Act by the electricity retailer for the arrangement, for the purposes of electricity accounts, as an exempt standard contract or exempt contestable sale arrangement; and	8 9 10 11 12 13
(f) the arrangement stopped being an exempt standard contract or exempt contestable sale arrangement under the pre-amended Act.	14 15 16
‘(2) The customer must, within 28 days after the arrangement stopped being an exempt standard contract or exempt contestable sale arrangement under the pre-amended Act, notify the electricity retailer for the new arrangements in the approved form—	17 18 19 20 21
(a) that the arrangement had stopped being an exempt standard contract or exempt contestable sale arrangement under the pre-amended Act; and	22 23 24
(b) when the arrangement stopped being an exempt standard contract or exempt contestable sale arrangement under the pre-amended Act.	25 26 27
‘(3) For subsection (1)(d), the supply of electricity is measured by the same meter even though the meter measuring the supply replaced another meter.	28 29 30
‘163 Requirement to pay shortfall amount for standard contract or contestable sale arrangement under pre-amended Act	31 32 33
‘(1) This section applies if—	34

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- (a) a standard contract or contestable sale arrangement (the *previous arrangement*) in force under the pre-amended Act immediately before the commencement becomes, on the commencement, 1 or more customer sale arrangements (the *corresponding arrangements*); and
- (b) the relevant customer for the corresponding arrangements enters into new customer sale arrangements (the *new arrangements*) with the electricity retailer for the corresponding arrangements or another electricity retailer in place of the corresponding arrangements; and
- (c) there are no other parties to the new arrangements; and
- (d) the previous arrangement and new arrangements relate to the supply of electricity that is measured by the same meter; and
- (e) the previous arrangement was, immediately before the commencement, being dealt with under the pre-amended Act by the electricity retailer for the arrangement, for the purposes of electricity accounts, as an exempt standard contract or exempt contestable sale arrangement; and
- (f) the arrangement stopped being an exempt standard contract or exempt contestable sale arrangement under the pre-amended Act.
- ‘(2) If the electricity retailer for the new arrangements becomes aware of a shortfall amount payable by the customer for a period that includes a period after the arrangement stopped being an exempt standard contract or exempt contestable sale arrangement under the pre-amended Act, the electricity retailer must give written notice to the customer of the shortfall amount.
- ‘(3) If a notice is given under subsection (2), section 105(3) to (7) apply as if the notice was given under section 105(1).
- ‘(4) For subsection (1)(d), the supply of electricity is measured by the same meter even though the meter measuring the supply replaced another meter.’.

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Clause 31	Amendment of schedule (Dictionary)	1
	(1) Schedule, definitions <i>contestable customer, contestable sale arrangement, disconnection provisions, exempt contestable sale arrangement, exempt standard contract, non-contestable customer, pensioner, relevant contestable customer</i> and <i>standard contract</i> —	2 3 4 5 6
	<i>omit.</i>	7
	(2) Schedule—	8
	<i>insert</i> —	9
	<i>‘commencement</i> , for part 13, see section 156.	10
	<i>customer sale arrangement</i> see section 10.	11
	<i>disconnection provisions</i> means a regulation made under the Electricity Act, or a provision of any industry code under that Act, that permits, requires, or otherwise provides for, the disconnection of supply of electricity under that Act.	12 13 14 15
	<i>exempt customer sale arrangement</i> means a customer sale arrangement that is an exempt customer sale arrangement under part 2, division 5.	16 17 18
	<i>former</i> , for part 13, see section 156.	19
	<i>pensioner</i> means a person who is the holder of a current card of one of the following types—	20 21
	(a) a pensioner concession card issued by the department of the Commonwealth responsible for administering either of the following—	22 23 24
	(i) the <i>Social Security Act 1991</i> (Cwlth);	25
	(ii) the <i>Veterans’ Entitlements Act 1986</i> (Cwlth);	26
	(b) a repatriation health card for all conditions (Gold Card) issued by the department of the Commonwealth responsible for administering the <i>Veterans’ Entitlements Act 1986</i> (Cwlth);	27 28 29 30
	(c) a Queensland Government seniors card.	31
	<i>pre-amended Act</i> , for part 13, see section 156.	32
	<i>relevant customer</i> see section 10(1).’.	33

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- | | | |
|------|--|----------------|
| (3) | Schedule, definition <i>building common account exemption (type 1)</i> , ‘33F, 47F or 74F’— | 1
2 |
| | <i>omit, insert—</i> | 3 |
| | ‘37C or 47F’. | 4 |
| (4) | Schedule, definition <i>building common account exemption (type 2)</i> , ‘33G, 33H, 33I, 74G, 74H or 74I’— | 5
6 |
| | <i>omit, insert—</i> | 7 |
| | ‘37D, 37E or 37F’. | 8 |
| (5) | Schedule, definition <i>electricity customer</i> , paragraph (a)— | 9 |
| | <i>omit, insert—</i> | 10 |
| | ‘(a) the relevant customer for a customer sale arrangement, if the electricity retailer is the electricity retailer that sells electricity to the customer; or’. | 11
12
13 |
| (6) | Schedule, definition <i>electricity customer</i> , paragraph (d)— | 14 |
| | <i>omit.</i> | 15 |
| (7) | Schedule, definition <i>electricity sale arrangement</i> , paragraph (a)— | 16
17 |
| | <i>omit, insert—</i> | 18 |
| | ‘(a) a customer sale arrangement; or’. | 19 |
| (8) | Schedule, definition <i>electricity sale arrangement</i> , paragraph (d)— | 20
21 |
| | <i>omit.</i> | 22 |
| (9) | Schedule, definition <i>exempt arrangement</i> , paragraph (a)— | 23 |
| | <i>omit, insert—</i> | 24 |
| | ‘(a) an exempt customer sale arrangement; or’. | 25 |
| (10) | Schedule, definition <i>exempt arrangement</i> , paragraph (d)— | 26 |
| | <i>omit.</i> | 27 |
| (11) | Schedule, definition <i>government exemption</i> , ‘34, 35, 36, 48, 49, 50, 60, 61, 62, 75, 76 or 77’— | 28
29 |
| | <i>omit, insert—</i> | 30 |
| | ‘37G, 37H, 37I, 48, 49, 50, 60, 61 or 62’. | 31 |

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- | | | |
|------|--|----------------|
| (12) | Schedule, definition <i>hot water system exemption</i> , ‘33A, 47A or 74A’— | 1
2 |
| | <i>omit, insert—</i> | 3 |
| | ‘35 or 47A’. | 4 |
| (13) | Schedule, definition <i>pensioner exemption</i> , ‘31, 45, 58 or 72’— | 5
6 |
| | <i>omit, insert—</i> | 7 |
| | ‘32, 45 or 58’. | 8 |
| (14) | Schedule, definition <i>pump exemption</i> , ‘33, 47 or 74’— | 9 |
| | <i>omit, insert—</i> | 10 |
| | ‘34 or 47’. | 11 |
| (15) | Schedule, definition <i>relevant electricity retailer</i> , paragraph (a)— | 12
13 |
| | <i>omit, insert—</i> | 14 |
| | ‘(a) for a customer sale arrangement—the electricity retailer who sells electricity to the relevant customer for the arrangement; or’. | 15
16
17 |
| (16) | Schedule, definition <i>relevant electricity retailer</i> , paragraph (d)— | 18
19 |
| | <i>omit.</i> | 20 |
| (17) | Schedule, definition <i>retirement village common account exemption</i> , ‘33E, 47E or 74E’— | 21
22 |
| | <i>omit, insert—</i> | 23 |
| | ‘37B or 47E’. | 24 |
| (18) | Schedule, definition <i>social security beneficiary</i> , paragraph (b)— | 25
26 |
| | <i>omit, insert—</i> | 27 |
| | ‘(b) the <i>Veterans’ Entitlements Act 1986</i> (Cwlth).’. | 28 |
| (19) | Schedule, definition <i>statement of levy liability</i> , ‘5’— | 29 |
| | <i>omit, insert—</i> | 30 |
| | ‘4’. | 31 |

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	Part 3	Amendment of Electricity Act 1994	1
			2
Clause 32	Act amended in pt 3		3
	This part amends the <i>Electricity Act 1994</i> .		4
Clause 33	Amendment of s 318 (Street lighting with non-metered connection point)		5
	(1) Section 318, heading—		6
	<i>omit, insert—</i>		7
	‘318 Particular unmetered street lighting’.		8
	(2) Section 318(1)(a)—		9
	<i>omit, insert—</i>		10
	‘(a) has an unmetered connection point or supply point for the delivery of electricity; and’.		11
			12
			13
Clause 34	Amendment of s 319 (Other unmetered connection points)		14
	Section 319(1), from ‘under the National Electricity Rules’—		15
	<i>omit, insert—</i>		16
	‘the premises has an unmetered connection point or supply point for the delivery of electricity.		17
	<i>Example—</i>		18
	a telephone booth’.		19
			20
			21
Clause 35	Insertion of new s 319A		22
	After section 319—		23
	<i>insert—</i>		24
	‘319A Particular watchman lights		25
	‘(1) This section applies to NMI premises that, when the FRC day starts, consist only of a watchman light.		26
			27

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- ‘(2) However, this section applies only if the financially responsible retail entity for the premises is not an area retail entity. 1
2
3
- ‘(3) From the FRC day to the day prescribed under a regulation the post-amended Act applies to a customer in relation to the premises as if the customer were an excluded customer for the premises. 4
5
6
7
- ‘(4) Despite new sections 48A and 48B, the financially responsible retail entity for the premises may provide customer retail services to the customer for the premises.’. 8
9
10

- Clause 36 Amendment of s 320 (Obligation to decide notified prices for 2006–2007 financial year on basis of post amended Act)** 11
12
13
- (1) Section 320, heading— 14
omit, insert— 15
- ‘320 Obligation to decide notified prices for 2007–2008 financial year on basis of post-amended Act** 16
17
- (2) Section 320(1), from ‘for—’— 18
omit, insert— 19
‘for customer retail services.’. 20

Part 4 Amendment of Electricity and Other Legislation Amendment Act 2006 21
22
23

- Clause 37 Act amended in pt 4** 24
- This part amends the *Electricity and Other Legislation Amendment Act 2006*. 25
26

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Clause 38	Amendment of s 5 (Replacement of ss 23 and 23A of Act No. 64 of 1994)	1 2
	(1) Section 5, inserted section 23(2), ‘supply network’—	3
	<i>omit, insert—</i>	4
	‘distribution entity’s supply network’.	5
	(2) Section 5, inserted section 23(3)—	6
	<i>omit.</i>	7
	(3) Section 5, inserted section 23(4), (5) and (6)—	8
	<i>renumber</i> as inserted section 23(3), (4) and (5).	9
	(4) Section 5, inserted section 23(6)—	10
	<i>omit, insert—</i>	11
	‘(6) An <i>excluded customer</i> is a customer whose premises are	12
	connected, or to be connected, to a distribution entity’s supply	13
	network that is not connected to the national grid.’.	14
	(5) Section 5, inserted section 23(4), as renumbered, ‘subsection	15
	(4)’—	16
	<i>omit, insert—</i>	17
	‘subsection (3)’.	18
 Clause 39	 Amendment of s 13 (Replacement of ss 48–55C of Act No. 64 of 1994)	 19 20
	(1) Section 13, inserted section 48A(2), ‘, other than an excluded	21
	customer’—	22
	<i>omit.</i>	23
	(2) Section 13, inserted section 48A(3)—	24
	<i>renumber</i> as inserted section 48A(4).	25
	(3) Section 13, inserted section 48A—	26
	<i>insert—</i>	27
	‘(3) Despite subsection (2), a retail authority without a retail area	28
	authorises its holder to provide customer retail services to an	29
	excluded customer’s premises only if the provision of the	30
	services is required under the retail obligation.	31

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<i>Note—</i>	1
For when the obligation applies, see section 48E(3).’.	2
(4) Section 13, inserted section 48B(b)—	3
<i>renumber</i> as section 48B(c).	4
(5) Section 13, inserted section 48B—	5
<i>insert—</i>	6
‘(b) the entity is not the area retail entity for the premises, but the provision of the services is required under the retail obligation; or’.	7 8 9
(6) Section 13, inserted section 48C(3), from ‘to the area’—	10
<i>omit, insert—</i>	11
‘to a retail entity if—	12
(a) the entity is the area retail entity for the premises; or	13
(b) all of the following apply—	14
(i) the premises are NMI premises;	15
(ii) the customer is a small customer for the premises;	16
(iii) the customer has been, or the immediately preceding customer for the premises was, a large market customer for the premises.’.	17 18 19
(7) Section 13, inserted section 48D(1)(b)—	20
<i>omit, insert—</i>	21
‘(b) the premises is, or is proposed to be, connected to a supply network; and	22 23
(c) the customer is not a large market customer for the premises.’.	24 25
(8) Section 13, inserted section 48D(3), ‘subsection (2)(b)’—	26
<i>omit, insert—</i>	27
‘subsection (2)’.	28
(9) Section 13, inserted section 48D(3), ‘are not, or have never been,’—	29 30
<i>omit, insert—</i>	31

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‘are, are not or have never been’.

(10) Section 13, inserted section 48D(4)—

insert—

‘**supply network** means a distribution entity’s supply network.’.

(11) Section 13, inserted section 48E(1), ‘This section’—

omit, insert—

‘Subsection (2)’.

(12) Section 13, inserted section 48E—

insert—

‘(3) If, under section 48C(3)(b), an excluded customer for premises makes a retail services application to the financially responsible retail entity for the premises, the entity must provide the customer retail services applied for to the premises.’.

(13) Section 13, inserted section 50—

insert—

‘(3) In this section—

supply network means a distribution entity’s supply network.’.

(14) Section 13, inserted section 54(3), ‘non-DUOS charges’—

omit, insert—

‘distribution non-network charges’.

Clause 40 Amendment of s 16 (Insertion of new s 55G and new ch 2, pt 6A of Act No. 64 of 1994)

(1) Section 16, inserted section 55G(3), (4) and (5)—

renumber as inserted section 55G(4), (5) and (6).

(2) Section 16, inserted section 55G(2)—

omit, insert—

‘(2) The retailer must not enter into a negotiated retail contract, unless it is entered into—

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- (a) for, or as part of, the program known as the ‘Solar cities programme’, administered by the Commonwealth’s Australian Greenhouse Office; or 1
2
3
- (b) for, or as part of, a similar program prescribed under a regulation; or 4
5
- (c) in the other circumstances prescribed under a regulation. 6
- ‘(3) If the retailer enters into a negotiated retail contract as permitted under subsection (2)(a), (b) or (c), the retailer must comply with the conditions prescribed under a regulation for— 7
8
9
10
- (a) the provision of customer retail services under the contract; and 11
12
- (b) if the contract is for, or is part of, a program mentioned in subsection (2)(a) or (b)—the carrying out of activities under the program. 13
14
15
- Maximum penalty—500 penalty units.’. 16
- (3) Section 16, inserted section 55G(5) and (6), as renumbered, ‘subsection (3)’— 17
18
- omit, insert—* 19
- ‘subsection (4)’.
- 20

- Clause 41** **Amendment of s 22 (Amendment of s 90 (Deciding prices for non-contestable customers) of Act No. 64 of 1994)** 21
22
- (1) Section 22(2), inserted section 90(1)(b)— 23
omit. 24
- (2) Section 22(2), inserted section 90(1)(c) and (d)— 25
renumber as inserted section 90(1)(b) and (c). 26
- (3) Section 22(2), inserted section 90(2A)(c)— 27
omit, insert— 28
- ‘(c) they may include network charges; 29
- (d) they can not be made for distribution non-network charges.’. 30
31

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- (4) Section 22(4), inserted section 90(10), definitions— 1
omit, insert— 2
‘distribution non-network charges means charges of a 3
distribution entity, approved by the jurisdictional regulator 4
under the National Electricity (Queensland) Law, that— 5
(a) are referable to a specific customer or retail entity 6
request; and 7
(b) do not include network charges. 8
Examples of distribution non-network charges— 9
 - a deenergisation or disconnection fee 10
 - a reconnection fee 11
 - a meter test fee 12*network charges* means charges of a distribution entity for— 13
(a) distribution use of system charges for the use of a shared 14
supply network of the distribution entity; and 15
(b) any transmission use of system charges payable by the 16
distribution entity for the use of a transmission grid to 17
which the supply network is connected.’. 18

- Clause 42** **Amendment of s 25 (Insertion of new ch 4, pt 2, div 3 of Act No. 64 of 1994)** 19
20
Section 25, inserted section 91B(2)— 21
omit, insert— 22
‘(2) However, indexation under this division only applies to prices 23
for customer retail services decided or fixed under section 24
90(1).’ 25

- Clause 43** **Amendment of s 30 (Replacement of ch 5, pts 1A–1C of Act No. 64 of 1994)** 26
27
(1) Section 30, inserted section 120H(1)(b)— 28
omit, insert— 29
‘(b) can not be materially detrimental to anyone’s interests.’. 30

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(2) Section 30, inserted section 120P—	1
<i>omit, insert—</i>	2
‘120P Application of div 5	3
‘This division applies if QCA proposes to amend an industry code.	4 5
‘120PA Required consultation for amendment	6
‘(1) Before QCA may make the amendment it must prepare a draft of the amendment and engage in the consultation prescribed under a regulation.	7 8 9
‘(2) However, subsection (1) does not apply if QCA considers the amendment—	10 11
(a) is needed urgently; or	12
(b) does not materially detriment anyone’s interests; or	13
(c) is of an uncontroversial nature; or	14
(d) corrects an error.	15
‘(3) To remove any doubt, it is declared that subsection (2)(d) applies even if the correction is materially detrimental to someone’s interests.	16 17 18
‘120PB Application of div 3 other than its consultation provision	19
‘The provisions of division 3, other than section 120H, apply to the amendment—	20 21
(a) as if a reference in the provisions to making the code were a reference to the making of the amendment; and	22 23
(b) as if a reference in the provisions to the code were a reference to the amendment; and	24 25
(c) with other necessary changes.’.	26

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Clause 44	Amendment of s 53 (Amendment of sch 5 (Dictionary) of Act No. 64 of 1994)	1 2
	(1) Section 53(2), inserted definition <i>excluded customer</i> , ‘section 23(3)’—	3 4
	<i>omit, insert</i> —	5
	‘section 23(6)’.	6
	(2) Section 53(2), inserted definition <i>financially responsible retail entity</i> , paragraph (b), after ‘NMI premises’—	7 8
	<i>insert</i> —	9
	‘and are, or are proposed to be, connected to a distribution entity’s supply network that is part of the national grid’.	10 11
	(3) Section 53(2), inserted definition <i>financially responsible retail entity</i> , paragraph (b)(ii), ‘other entity’—	12 13
	<i>omit, insert</i> —	14
	‘other retail entity’.	15
	(4) Section 53(2), inserted definition <i>financially responsible retail entity</i> paragraph (b)(ii)(B), ‘the responsible entity.’—	16 17
	<i>omit, insert</i> —	18
	‘the responsible entity; or	19
	‘(c) if the premises are NMI premises and are, or are proposed to be, connected to a distribution entity’s supply network that is not part of the national grid—	20 21 22
	(i) generally—the retail entity who, from time to time, provides customer retail services to a customer at the premises; or	23 24 25
	(ii) if a customer is a new customer at the premises and has not entered into a retail contract with another retail entity—the retail entity who provided customer retail services to the customer at the premises who immediately preceded the new customer.’.	26 27 28 29 30 31
	(5) Section 53(2), inserted definition <i>large customer</i> , ‘section 23(6)’—	32 33
	<i>omit, insert</i> —	34

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‘section 23(5)’. 1

(6) Section 53(2), inserted definition *NMI premises*, paragraph 2
1— 3

omit, insert— 4

‘1 A premises, part of a premises or a group of premises is 5
an *NMI premises* if— 6

(a) it is, or is proposed to be, connected to a 7
distribution entity’s supply network that is part of 8
the national grid and the premises has, or is 9
proposed to have, a connection point; or 10

(b) it is, or is proposed to be, connected to a 11
distribution entity’s supply network that is not part 12
of the national grid and the premises has, or is 13
proposed to have, a supply point for the delivery of 14
electricity.’. 15

(7) Section 53(2), inserted definition *small customer*, ‘section 16
23(4)’— 17

omit, insert— 18

‘section 23(3)’. 19

**Clause 45 Amendment of s 108 (Amendment of s 169 (Restriction 20
on general retailers) of Act No. 29 of 2003) 21**

Section 108, after ‘scheme’— 22

insert— 23

‘, an insufficiency of supply declaration or an insufficiency of 24
supply direction’. 25

**Clause 46 Amendment of s 109 (Insertion of new s 170 of Act No. 29 26
of 2003) 27**

Section 109, inserted section 170(b), after ‘scheme’— 28

insert— 29

‘, an insufficiency of supply declaration or an insufficiency of 30
supply direction’. 31

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Clause 47	Amendment of s 114 (Replacement of ch 3, pt 2 (Customer retail services) of Act No. 29 of 2003)	1 2
	Section 114, inserted section 199, after ‘is made’—	3
	<i>insert—</i>	4
	‘or a longer period agreed between the retailer and the applicant’.	5 6
 Clause 48	 Amendment of s 145 (Insertion of new ch 5A of Act No. 29 of 2003)	 7 8
	(1) Section 145, inserted section 270G(1)(b)—	9
	<i>omit, insert—</i>	10
	‘(b) can not be materially detrimental to anyone’s interests.’.	11
	(2) Section 145, inserted section 270O—	12
	<i>omit, insert—</i>	13
	‘270O Application of pt 4	14
	‘This part applies if QCA proposes to amend an industry code.	15 16
	‘270OA Required consultation for amendment	17
	‘(1) Before QCA may make the amendment it must prepare a draft of the amendment and engage in the consultation prescribed under a regulation.	18 19 20
	‘(2) However, subsection (1) does not apply if QCA considers the amendment—	21 22
	(a) is needed urgently; or	23
	(b) does not materially detriment anyone’s interests; or	24
	(c) is of an uncontroversial nature; or	25
	(d) corrects an error.	26
	‘(3) To remove any doubt, it is declared that subsection (2)(d) applies even if the correction is materially detrimental to someone’s interests.	27 28 29

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	'2700B Application of pt 2 other than its consultation provision	1
	'The provisions of part 2, other than section 270G, apply to the amendment—	2 3
	(a) as if a reference in the provisions to making the code were a reference to the making of the amendment; and	4 5
	(b) as if a reference in the provisions to the code were a reference to the amendment.'	6 7
	(3) Section 145, inserted section 270W(1)(a) to (c)—	8
	<i>omit, insert—</i>	9
	'(a) committed a material contravention of an industry code; or	10 11
	(b) attempted to a commit a material contravention of an industry code; or	12 13
	(c) been involved in a material contravention of an industry code.'	14 15
Clause 49	Amendment of schedule (Minor and consequential amendments)	16 17
	Schedule, under heading Gas Supply Act 2003—	18
	<i>insert—</i>	19
'6A	Section 257A—	20
	<i>renumber as section 257AA.'</i>	21
Part 5	Amendment of Breakwater Island Casino Agreement Act 1984	22 23 24
Clause 50	Act amended in pt 5	25
	This part amends the <i>Breakwater Island Casino Agreement Act 1984</i> .	26 27

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Clause 51	Insertion of new s 3A	1
	After section 3—	2
	<i>insert—</i>	3
‘3A	Particular provisions of trustee leases	4
	‘(1) This section applies to the following (each a <i>relevant lease</i>)—	5
	(a) trustee lease 601414725;	6
	(b) trustee lease 703470717;	7
	(c) a trustee lease granted over—	8
	(i) if trustee lease 601414725 or 703470717 is surrendered—the trust land to which it relates; or	9 10
	(ii) if land is granted under a deed of grant in trust over all or part of lot 676 on CP909884, however described (the <i>lot 676 trust land</i>)—all or part of the lot 676 trust land; or	11 12 13 14
	(iii) a combination of the trust lands mentioned in subparagraphs (i) and (ii);	15 16
	(d) a trustee lease granted to replace 1 or more of the relevant leases mentioned in paragraphs (a) to (c).	17 18
	‘(2) Each relevant lease may—	19
	(a) despite the <i>Land Act 1994</i> , section 61(1) ³ , be granted for a period ending on 23 November 2063; and	20 21
	(b) despite the <i>Land Act 1994</i> , section 58(1) ⁴ , allow the trustee lessee of the relevant lease to rent berthing or mooring facilities on the leased land—	22 23 24
	(i) under a licence or other similar arrangement; and	25
	(ii) only with the written approval of, and on the conditions decided by, the trustee of the trust land to which the relevant lease relates.	26 27 28

3 *Land Act 1994*, section 61 (Conditions on trustee leases and trustee permits)

4 *Land Act 1994*, section 58 (Other transactions relating to trustee leases)

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- ‘(3) Subsection (2) applies, and is taken always to have applied, to a relevant lease granted before the commencement of this section. 1
2
3
- ‘(4) In this section— 4
deed of grant in trust see the *Land Act 1994*, schedule 6. 5
trustee lease see the *Land Act 1994*, schedule 6. 6
trust land see the *Land Act 1994*, schedule 6.’. 7

- Clause 52 Renumbering of ss 3A and 4** 8
Sections 3A and 4— 9
renumber as sections 4 and 5. 10

Part 6 Amendment of Lotteries Act 1997 11
12

- Clause 53 Act amended in pt 6** 13
This part amends the *Lotteries Act 1997*. 14

- Clause 54 Amendment of s 130 (Amendment of prizes)** 15
- (1) Section 130— 16
insert— 17
- ‘(4A) A lottery licensee may also pay a prize to a person if, after 18
appropriately investigating the person’s claim, having regard 19
to the value of the prize being claimed, the licensee is satisfied 20
the person is entitled to the prize even though— 21
- (a) the person is not registered with the licensee; and 22
- (b) the person does not give the licensee the winning lottery 23
ticket for the prize. 24

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- ‘(4B) Without limiting subsection (5), appropriately investigating the person’s claim may include investigating all or any of the following—
- (a) when, where and from whom the person claims to have obtained the winning lottery ticket;
 - (b) whether the person can establish a pattern of buying lottery tickets at a particular time and place or on a particular day of the week;
 - (c) whether the lottery licensee or lottery agent who sold the winning lottery ticket has any video or other record of the person’s purchase of the ticket;
 - (d) whether the person has previously claimed a prize without holding the winning lottery ticket.’.
- (2) Section 130(4A) to (5)—
renumber as section (5) to (7).

Clause 55 **Insertion of new pt 12, div 5** 16
 After section 251— 17
 insert— 18

‘Division 5 **Transitional provision for** 19
 Community Ambulance Cover and 20
 Other Acts Amendment Act 2007 21

‘252 **Payment of prizes—s 130** 22
 ‘Section 130(5) and (6) is taken to apply, and to have always 23
 applied, to an approved lottery conducted during the 24
 following period immediately before the commencement of 25
 this section— 26

- (a) if the approved lottery is prescribed under a regulation 27
 as a designated lottery for section 129—3 years; or 28
- (b) if paragraph (a) does not apply—7 years.’. 29

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	Part 7	Amendment of State Financial Institutions and Metway Merger Facilitation Act 1996	1 2 3
Clause 56	Act amended in pt 7		4
		<i>This part amends the State Financial Institutions and Metway Merger Facilitation Act 1996.</i>	5 6
Clause 57	Amendment of s 64 (Metway group companies' articles to include certain provisions)		7 8
	(1)	Section 64(1)(b)— <i>omit, insert—</i>	9 10
		‘(b) at least the prescribed number of the directors of the company, 1 of whom must be the managing director, to be ordinarily resident in Queensland.’.	11 12 13
	(2)	Section 64— <i>insert—</i>	14 15
	‘(3)	In this section— <i>prescribed number</i> of the directors of the company means the number that is the greatest of the following—	16 17 18
		(a) 5;	19
		(b) 40% of the total number of directors;	20
		(c) if 40% of the total number of directors is not a whole number, the next highest whole number.’.	21 22
	Part 8	Amendment of Integrated Planning Act 1997	23 24
Clause 58	Act amended in pt 8		25
		<i>This part amends the Integrated Planning Act 1997.</i>	26

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Clause 59	Amendment of s 3.7.8 (When pt 7 does not apply)	1
	Section 3.7.8(1)—	2
	<i>insert—</i>	3
	‘(e) the acquisition of land for a water infrastructure facility.’.	4
		5
Clause 60	Amendment of sch 8 (Assessable development and self-assessable development)	6
		7
	Schedule 8, part 1, table 3, item 1, column 2—	8
	<i>insert—</i>	9
	‘(j) is in relation to the acquisition of land for a water infrastructure facility.’.	10
		11
Clause 61	Amendment of sch 9 (Development that is exempt from assessment against a planning scheme)	12
		13
	Schedule 9, table 3, item 2, column 2—	14
	<i>insert—</i>	15
	‘(i) is in relation to the acquisition of land for a water infrastructure facility.’.	16
		17
Clause 62	Amendment of sch 10 (Dictionary)	18
	Schedule 10—	19
	<i>insert—</i>	20
	‘ <i>water infrastructure facility</i> means a measure, outcome, works or anything else that Queensland Water Infrastructure Pty Ltd (ACN 119 634 427) is directed to carry out or achieve under—	21
		22
	(a) the <i>State Development and Public Works Organisation Act 1971</i> ; or	23
		24
	(b) the <i>Water Act 2000</i> .’.	25
		26
		27

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