

LEGISLATIVE ASSEMBLY

NATIONAL ELECTRICITY (VICTORIA) AMENDMENT BILL 2007

(Amendments to be moved by Mr Batchelor)

1. Clause 3, line 17 omit "means".
2. Clause 3, line 18, before "the determination" insert "means".
3. Clause 4, page 7, lines 5 to 7, omit all words and expressions on these lines and insert—

"16 Role of National Electricity Law and Rules in relation to distribution determinations and Victorian distribution pricing determinations

(1) To avoid doubt, nothing in this Part is to be taken as preventing the making of a distribution determination under—

(a) the NEL as it applies as a law of Victoria under this Act; and

(b) the National Electricity Rules as they have the force of law in Victoria under this Act—

that takes effect after the Victorian distribution pricing determination end date.

(2) To avoid doubt, nothing in this Part is to be taken as preventing the AER (before, on or after the Victorian distribution pricing determination end date) performing a function or duty, or exercising a power, for the purposes of making a distribution determination under—

(a) the NEL as it applies as a law of Victoria under this Act; and

(b) the National Electricity Rules as they have the force of law in Victoria under this Act—

that takes effect after the Victorian distribution pricing determination end date."
4. Clause 4, page 7, line 8, omit "(1)" and insert "(3)".
5. Clause 4, page 7, line 15, omit "(2)" and insert "(4)".
6. Clause 4, page 7, line 29, omit "(3)" and insert "(5)".

7. Clause 5, page 18, lines 27 to 33 and page 19, lines 1 to 21, omit all words and expressions on these lines and insert—

'29 Appeals against certain decisions or actions of the AER

- (1) This section applies if the AER, in exercise or performance, or purported exercise or performance, of a relevant regulatory function or power conferred on it under section 23, makes—
- (a) a requirement under section 37 of the **Essential Services Commission Act 2001**; or
 - (b) a decision to disclose information or the contents of a document given to the AER by a person under a notice given by the AER under section 38(2)(c) or 38(2)(d) of the **Essential Services Commission Act 2001**; or
 - (c) a determination that—
 - (i) revokes and substitutes the 2006–2010 distribution pricing determination or a subsequent determination applying to charges for connection to, and the use of, distribution systems in Victoria; or
 - (ii) amends—
 - (A) the 2006–2010 distribution pricing determination; or
 - (B) a subsequent determination applying to charges for connection to, and the use of, distribution systems in Victoria.
- (2) A person who is aggrieved by the requirement, decision or determination may appeal to the Tribunal against the making of the requirement, decision or determination.
- (3) Sections 55 and 56 of the **Essential Services Commission Act 2001** apply to an appeal under this section as if—
- (a) a reference in those sections to section 55(1) were a reference to subsection (1) of this section; and
 - (b) in section 55(3) for "the Registrar" there were substituted "the Tribunal"; and
 - (c) section 56(1) to (3) and (5) were omitted; and
 - (d) a reference in those sections to the Commission were a reference to the AER; and
 - (e) a reference in those sections to an appeal panel were a reference to the Tribunal.
- (4) Part 3 of the Essential Services Commission Regulations 2001 applies to an appeal under this section as if—
- (a) regulations 10 and 11 of that Part were omitted; and

- (b) a reference in that Part to the Commission were a reference to the AER; and
 - (c) a reference in that Part to an appeal panel were a reference to the Tribunal; and
 - (d) a reference in that Part to the Registrar were a reference to the Tribunal.
- (5) In this section—

Tribunal means the Australian Competition Tribunal referred to in the Trade Practices Act 1974 of the Commonwealth and includes a member of the Tribunal or a Division of the Tribunal performing functions of the Tribunal.".'.