

LEGISLATIVE COUNCIL
CONSTITUTION AMENDMENT (SEC) BILL 2023

(Amendments to be proposed in Committee by DAVID DAVIS)

1. Clause 4, after line 14 insert—

"Division 1—Entrenched provisions".
2. Clause 4, page 4, line 4, before "The" insert "(1)".
3. Clause 4, page 4, after line 20 insert—

"(2) The purpose of this Part is not to restrict the ability of Victorians and Victorian government entities to choose who will supply electricity to them."
4. Clause 4, page 6, line 7, before "The" insert "(1)".
5. Clause 4, page 6, line 14, after "and" insert "subject to subsection (2)".
6. Clause 4, page 6, after line 30 insert—

"(2) The SEC must sell electricity at the least cost consistent with—

 - (a) the long term viability of the SEC; and
 - (b) its objects."
7. Clause 4, page 7, line 2, before "Despite" insert "(1)".
8. Clause 4, page 7, after line 8 insert—

"(2) Despite subsection (1), the SEC may own or operate or participate in the operation of a gas storage facility or gas distribution facility, or distribution pipeline, if to do so would be consistent with, and would support, Victoria's transition to having an electricity system operating in Victoria in respect of which net zero greenhouse gas emissions are attributable to the electricity system's operation.

(3) In this section—

distribution pipeline has the same meaning as in the National Gas (Victoria) Law."
9. Clause 4, page 7, line 17, omit "void.'" and insert "void."

10. Clause 4, page 7, after line 17 insert—

"Division 2—Other requirements

108 SEC to comply with State and Commonwealth competitive neutrality requirements

- (1) In carrying out its activities the SEC must comply with any applicable competitive neutrality requirements.
- (2) In this section—

applicable competitive neutrality requirements means—

- (a) the Competitive Neutrality Policy published by the Secretary to the Department of Treasury and Finance and dated September 2012, as amended from time to time; or
- (b) any document made or prepared by the Commonwealth or Commonwealth entity or agency, whether under a law of the Commonwealth or otherwise, that substantially corresponds to the document specified under paragraph (a).

109 SEC must always comply with all requirements of a Registered participant in the national electricity market

- (1) If the SEC is a Registered participant, the SEC must comply with the requirements imposed under the National Electricity (Victoria) Law and the National Electricity Rules for the category of Registered participant in which it has been registered.
- (2) Subsection (1) applies despite any other Act or law.
- (3) In this section—

National Electricity Rules has the same meaning as in the National Electricity (Victoria) Law;

Registered participant has the same meaning as in the National Electricity (Victoria) Law.

110 SEC must comply with the directions of the Minister

- (1) The Minister responsible for the SEC may give a written direction to the SEC—
 - (a) relating to the good governance of the SEC; or
 - (b) for the SEC—
 - (i) to do a thing that the Minister considers will enhance competition within the national electricity market; or
 - (ii) to stop doing a thing that the Minister considers is lessening competition within the national electricity market.
- (2) The SEC must comply with the direction given to it under subsection (1).

(3) In this section—

national electricity market has the same meaning as in the National Electricity (Victoria) Law.

111 Freedom of Information Act 1982 applies to the SEC

The **Freedom of Information Act 1982** applies to the SEC and for that purpose—

- (a) the SEC is taken to be an agency within the meaning of that Act; and
- (b) the person holding the office or performing the duties of the chief executive officer of the SEC is taken to be the principal officer within the meaning of that Act.

112 SEC must not prevent Victorian electricity consumer choice

The SEC must not prevent any consumer of electricity in Victoria (including any Victorian government entity) from choosing who will supply electricity to them.

113 Annual report of SEC to be tabled

- (1) This section applies if the SEC is not a public body to which the **Financial Management Act 1994** applies.
- (2) The Minister responsible for the SEC must cause the annual report for the SEC for a financial year to be laid before each House of the Parliament after the end of that financial year and before the end of the next following fourth month of the year or on the first sitting day of the House after the end of that month.

114 SEC must publish information about Victorian domestic customer electricity consumption costs and greenhouse gas emissions produced by Victorian domestic customers

- (1) The SEC must publish in accordance with this section the following information—
 - (a) the average cost of electricity consumption for a Victorian domestic customer in the period 1 January to 30 June and the period 1 July to 31 December each year;
 - (b) the aggregate cost of electricity consumption for a Victorian domestic customer in the period 1 January to 30 June and the period 1 July to 31 December each year;
 - (c) the average greenhouse gas emissions of a Victorian domestic customer in the period 1 January to 30 June and the period 1 July to 31 December each year.
- (2) The information must be published on the SEC's website within 3 months after each period specified under subsection (1)(a), (b) or (c).
- (3) In this section—

Victorian domestic customer means a person who purchases electricity principally for personal, household or domestic use at premises where they reside.

115 SEC must annually publish information about permanent full-time equivalent employees in the Victorian energy sector

- (1) The SEC must—
- (a) determine, from datasets published by the Australian Statistician, the net number of permanent full-time equivalent employees in the energy sector in Victoria at the end of each financial year; and
 - (b) publish, within 3 months after the end of the relevant financial year, on its website—
 - (i) the number determined under paragraph (a); and
 - (ii) the names of the relevant datasets used to determine the number under paragraph (a).
- (2) In subsection (1)(b)(ii), *relevant datasets* means datasets published by the Australian Statistician.

116 SEC must annually publish information about the amount of electricity supplied to Victorian consumers of electricity

The SEC must publish within 3 months after the end of each financial year, on its website, the total amount of electricity it has supplied to Victorian consumers of electricity in that financial year.'".

11. Clause 5, line 22, omit "**108**" and insert "**117**".
12. Clause 5, line 23, after "107" insert "and Division 2 of Part IX".