

Legislative Council—No 122

As received from the House of Assembly and read a first time, 22 September 2009

South Australia

**Statutes Amendment (Electricity and Gas—
Information Management and Retailer of Last
Resort) Bill 2009**

A BILL FOR

An Act to amend the *Electricity Act 1996* and the *Gas Act 1997*.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Amendment provisions

Part 2—Amendment of *Electricity Act 1996*

- 4 Amendment of section 11—Obligation to preserve confidentiality
- 5 Amendment of section 23—Licences authorising operation of transmission or distribution network

Part 3—Amendment of *Gas Act 1997*

- 6 Amendment of section 11—Obligation to preserve confidentiality
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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Statutes Amendment (Electricity and Gas—Information Management and Retailer of Last Resort) Act 2009*.

5 2—Commencement

- (1) Subject to subsection (2), this Act comes into operation on assent.
- (2) Section 5 will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

10 In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Electricity Act 1996*

4—Amendment of section 11—Obligation to preserve confidentiality

Section 11—delete subsection (1a) and substitute:

- 15 (1a) Despite subsection (1), the Technical Regulator may disclose confidential information in the following circumstances:
 - 20 (a) as reasonably required in connection with the administration or enforcement of this Act (including to the Minister, the Commission and persons assisting the Commission) or as otherwise related to the performance of the Technical Regulator's functions (whether under this Act or any other Act);

- 5 (b) to a person concerned in the administration or enforcement of another law of the State, or a law of the Commonwealth or another State or a Territory of the Commonwealth, for purposes related to the administration or operation of that other law;
- 10 (c) to a government agency or instrumentality of this State, the Commonwealth or another State or Territory of the Commonwealth for purposes related to the performance of its functions (or to a person acting on behalf of such a government agency or instrumentality);
- (d) with the consent of the person who gave the information or to whom the information relates;
- (e) as required by a court or tribunal constituted by law;
- (f) as authorised by the Minister.

15 **5—Amendment of section 23—Licences authorising operation of transmission or distribution network**

Section 23(3)—delete "2010" and substitute:
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Part 3—Amendment of *Gas Act 1997*

20 **6—Amendment of section 11—Obligation to preserve confidentiality**

Section 11—delete subsection (2) and substitute:

- (2) Despite subsection (1), the Technical Regulator may disclose confidential information in the following circumstances:
- 25 (a) as reasonably required in connection with the administration or enforcement of this Act (including to the Minister, the Commission and persons assisting the Commission), or the *National Gas (South Australia) Law* or as otherwise related to the performance of the Technical Regulator's functions (whether under this Act or any other Act);
- 30 (b) to a person concerned in the administration or enforcement of another law of the State, or a law of the Commonwealth or another State or a Territory of the Commonwealth, for purposes related to the administration or operation of that other law;
- 35 (c) to a government agency or instrumentality of this State, the Commonwealth or another State or Territory of the Commonwealth for purposes related to the performance of its functions (or to a person acting on behalf of such a government agency or instrumentality);
- 40 (d) with the consent of the person who gave the information or to whom the information relates;

**Statutes Amendment (Electricity and Gas—Information Management and Retailer of Last Resort)
Bill 2009**

Part 3—Amendment of *Gas Act 1997*

- (e) as required by a court or tribunal constituted by law;
- (f) as authorised by the Minister.