

South Australia

Statutes Amendment (Electricity and Gas) Act 2004

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 23—Licences authorising operation of transmission or distribution network
- 5 Amendment of section 24—Licences authorising retailing
- 6 Amendment of section 36AA—Provision for standing contract with small customers

Part 3—Amendment of *Gas Act 1997*

- 7 Amendment of section 26A—Licences authorising retailing
 - 8 Amendment of section 33A—Recovery of prices for services provided in accordance with retail market rules
 - 9 Amendment of section 34A—Standing contracts
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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) Act 2004*.

2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

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 23—Licences authorising operation of transmission or distribution network

Section 23(3)—delete "1 January 2005" and substitute:

30 June 2010

5—Amendment of section 24—Licences authorising retailing

(1) Section 24(2)—After paragraph (d) insert:

- (da) requiring the electricity entity to include (in a print size and form prescribed by regulation) in each account for electricity charges sent to a small customer information prescribed by regulation, including information relating to—
 - (i) the customer's electricity consumption during the preceding 12 months; and
 - (ii) the entity's daily charges for electricity during the period to which the account relates; and
 - (iii) obtaining advice through the Commission about reducing electricity consumption and about electricity consumer choices; and
 - (iv) greenhouse gas emissions associated with the customer's electricity consumption; and

(2) Section 24(2)—after paragraph (e) insert:

- (f) requiring the electricity entity to provide services specified by the Commission, on a costs recovery basis approved by the Commission, to an electricity entity that becomes bound to sell and supply electricity under a retailer of last resort requirement; and

6—Amendment of section 36AA—Provision for standing contract with small customers

(1) Section 36AA—after subsection (4) insert:

- (4a) The following provisions apply in relation to the fixing by the Commission of a standing contract price for an entity for the purposes of this section:
 - (a) the Commission may fix the price by a determination of a kind referred to in section 35A(1)(a);
 - (b) a determination must provide for the expiry of the determination at the end of a period of not less than 3 years specified in the determination;
 - (c) a determination may provide for prices that vary at specified times according to a formula specified in the determination;

- (d) unless the Commission determines that special circumstances exist—
 - (i) a determination may not be made to take effect before the expiry date of the last preceding determination made by the Commission in accordance with this subsection;
 - (ii) a determination may only be made if the entity has made a submission to the Commission stating the price that the entity proposes be fixed by the Commission as the entity's standing contract price, and the entity's justification for the price, not less than 6 months and not more than 9 months before the making of the determination;
 - (iii) the Commission must, before making a determination, have conducted an inquiry under Part 7 of the *Essential Services Commission Act 2002* into the question of the appropriate price to be fixed as the standing contract price;
 - (e) a submission under paragraph (d) must comply with any requirements as to the form and content of such submissions imposed by the Commission by written notice served on the entity.
- (2) Section 36AA(6), definition of *standing contract price*—delete the definition and substitute:
- standing contract price*, in relation to an electricity entity, means—
- (a) the price fixed by the Commission as the entity's standing contract price in accordance with subsection (4a); or
 - (b) if there is no price for the time being fixed by the Commission as the entity's standing contract price in accordance with subsection (4a), the price fixed by the electricity pricing order under section 35B as at 31 December 2002 for the sale of electricity to non-contestable customers;
- (3) Section 36AA(7)—delete subsection (7) and substitute:
- (7) The Governor may, by proclamation, fix a day on which this section expires.

Part 3—Amendment of *Gas Act 1997*

7—Amendment of section 26A—Licences authorising retailing

Section 26A(2)—After paragraph (d) insert:

- (da) requiring the gas entity to include (in a print size and form prescribed by regulation) in each account for gas charges sent to a small customer information prescribed by regulation, including information relating to—

- (i) the customer's gas consumption during the preceding 12 months; and
- (ii) the entity's daily charges for gas during the period to which the account relates; and
- (iii) obtaining advice through the Commission about reducing gas consumption and about gas consumer choices; and
- (iv) greenhouse gas emissions associated with the customer's gas consumption; and

8—Amendment of section 33A—Recovery of prices for services provided in accordance with retail market rules

Section 33A—delete "subsection (1)(b)" and substitute:

section 33(1)(b)

9—Amendment of section 34A—Standing contracts

(1) Section 34A—before subsection (5) insert:

- (4a) The following provisions apply in relation to the fixing by the Commission of a standing contract price for an entity and class of customers for the purposes of this section:
 - (a) the Commission may fix the price by a determination of a kind referred to in section 33(1)(a);
 - (b) a determination must provide for the expiry of the determination at the end of a period of not less than 3 years specified in the determination;
 - (c) a determination may provide for prices that vary at specified times according to a formula specified in the determination;
 - (d) unless the Commission determines that special circumstances exist—
 - (i) a determination may not be made to take effect before the expiry date of the last preceding determination made by the Commission in accordance with this subsection;
 - (ii) a determination may only be made if the entity has made a submission to the Commission stating the price that the entity proposes be fixed by the Commission as the entity's standing contract price, and the entity's justification for the price, not less than 6 months and not more than 9 months before the making of the determination;
 - (iii) the Commission must, before making a determination, have conducted an inquiry under Part 7 of the *Essential Services Commission Act 2002* into the question of the appropriate price to be fixed as the standing contract price;

- (e) a submission under paragraph (d) must comply with any requirements as to the form and content of such submissions imposed by the Commission by written notice served on the entity.
- (2) Section 34A(6), definition of *standing contract price*—delete the definition and substitute:

standing contract price, in relation to a gas entity and a customer, means—

- (a) until 1 July 2005—the price last fixed by the Minister under Schedule 2 for the sale and supply of gas to a class of customers to which the customer belongs;
- (b) on and from 1 July 2005—
 - (i) the price fixed by the Commission in accordance with subsection (4a) as the entity's standing contract price for a class of customers to which the customer belongs; or
 - (ii) if there is no price for the time being fixed by the Commission as the entity's standing contract price in accordance with subsection (4a), the price fixed under this Act as at 31 December 2002 for the sale and supply of gas to a class of customers to which the customer belongs;