

Electricity Industry Legislation (Miscellaneous Amendments) Bill

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EXPLANATORY MEMORANDUM

General

The Bill provides for the miscellaneous amendments to the electricity industry legislation and other legislation. It is a cognate Bill with the Bill for the **Electricity Industry Act 2000**.

PART 1—PRELIMINARY

- Clause 1 sets out the purpose of the Bill.
- Clause 2 provides for the commencement of the provisions of the Bill. Section 16 which relates to preservation of certain National Electricity easements is retrospective to 14 December 1995. Section 17 which similarly relates to preservation of certain National Electricity easements is retrospective to 22 March 1994. Otherwise, with the exceptions of sections 1, 2 and 13 which come into force on Royal Assent, all provisions of the Bill come into force on 1 January 2001.

PART 2—AMENDMENT OF ELECTRICITY INDUSTRY ACT 1993

This Part contains a number of sections repealing various provisions of the **Electricity Industry Act 1993**. Reference should be made to Schedule 4 of the **Electricity Industry Act 1993** (as introduced by clause 20 of this Bill) and the Explanatory Memorandum of the Bill for the **Electricity Industry Act 2000** to ascertain whether the repealed provision is re-enacted as part of the **Electricity Industry Act 2000**.

- Clause 3 amends the title of the **Electricity Industry Act 1993** to **Electricity Industry (Residual Provisions) Act 1993**.

- Clause 4 amends certain definitions in section 3 of the **Electricity Industry Act 1993**.
- Clause 5 amends section 4A(1) of the **Electricity Industry Act 1993**.
- Clause 6 repeals section 27 of the **Electricity Industry Act 1993**.
- Clause 7 repeals Part 2A of the **Electricity Industry Act 1993**.
- Clause 8 amends the definition of "electricity corporation" contained in section 42AA of the **Electricity Industry Act 1993**.
- Clause 9 repeals certain provisions of Part 3 of the **Electricity Industry Act 1993**.
- Clause 10 provides that section 43(2) of the **Electricity Industry Act 1993**, relating to easements, is repealed. This provision is no longer required.
- Clause 11 repeals Parts 3A and 3AA of the **Electricity Industry Act 1993**.
- Clause 12 repeals section 91C of the **Electricity Industry Act 1993**.
- Clause 13 amends section 158C of the **Electricity Industry Act 1993**. The amendment is in the same terms as section 14(3)(a) and 14(3)(d) of the **Electricity Industry Act 2000** but has been made to allow for possible amendment to the Tariff Order prior to 1 January 2001 when section 14 of that Act comes into force.
- Clause 14 repeals certain provisions of Part 12 of the **Electricity Industry Act 1993**.
- Clause 15 repeals Part 13 of the **Electricity Industry Act 1993**.
- Clause 16 provides that new section 209A be inserted in the **Electricity Industry Act 1993**. That section relates to the preservation of certain National Electricity easements. It has been introduced for the avoidance of doubt and is retrospective to 14 December 1995 when a large number of titles were extinguished in the Latrobe Valley without express savings of the easements as was then required.
- Clause 17 provides that new section 223 be inserted in the **Electricity Industry Act 1993**. That section too relates to the preservation of certain National Electricity easements. It too has been

introduced for the avoidance of doubt and in this case is retrospective to 22 March 1994 when a transfer of land occurred without express saving of the easements as was then required.

Clause 18 provides that Schedule 4 has effect.

Clause 19 repeals Schedule 2 of the **Electricity Industry Act 1993**.

Clause 20 substitutes Schedule 4 in the **Electricity Industry Act 1993**. This Schedule contains various savings and transitional provisions. In clause 3 it sets out a table of re-enacted provisions enabling a comparison between the **Electricity Industry Act 1993** and the **Electricity Industry Act 2000**. Clause 4 provides for superseded references to the **Electricity Industry Act 1993**. Clause 5 is a transitional provision for licences issued prior to commencement of that clause. Clauses 6, 7 and 8 are transitional provisions in respect of the Tariff Order, Orders under section 158AA of the **Electricity Industry Act 1993**, and exemptions under section 160 of the **Electricity Industry Act 1993**.

PART 3—AMENDMENT OF ELECTRICITY SAFETY ACT 1998

In this Part and the following Parts there are a number of provisions that substitute Act or section references, eg substituted for "**Electricity Industry Act 1993**" is "**Electricity Industry Act 2000**".

Clause 21 amends two definitions in section 3 of the **Electricity Safety Act 1998** to substitute Act references.

Clause 22 amends sections 4 and 47 of the **Electricity Safety Act 1998** to provide that certain Orders in Council cannot be made on the recommendation of the Office of the Chief Electrical Inspector. This brings the making of the Orders into line with usual practice which is that they are made on recommendation of the relevant Minister.

Clause 23 amends section 41B of the **Electricity Safety Act 1998** relating to supervisors deemed to carry out work.

Clause 24 amends section 46(1) of the **Electricity Safety Act 1998** to substitute Act and section references. It also provides that section 46(2) of the **Electricity Safety Act 1998** is repealed.

Section 46(2) prevented competition in installation of electric lines for the purpose of public lighting for so long as there was a charge for that installation regulated under the Tariff Order. This is inconsistent with full retail competition which extends to public lighting.

- Clause 25 substitutes Act references in section 47(3)(b) of the **Electricity Safety Act 1998**.
- Clause 26 substitutes Act and Part references in section 70(3)(b) of the **Electricity Safety Act 1998**.
- Clause 27 inserts new bush fire mitigation penalties in sections 83A and 83B of the **Electricity Safety Act 1998**.
- Clause 28 substitutes Act references in sections 121, 138 and 139 of the **Electricity Safety Act 1998**.
- Clause 29 substitutes Act references in section 141 of the **Electricity Safety Act 1998**.
- Clause 30 amends the regulation-making powers in section 156 of the **Electricity Safety Act 1998** that deal with electrical contractors and electrical workers.
- Clause 31 is a statute law revision provision.

PART 4—AMENDMENTS OF THE GAS INDUSTRY ACT 1994

- Clause 32 substitutes Act references in section 16CA of the **Gas Industry Act 1994**.
- Clause 33 amends section 16F of the **Gas Industry Act 1994** to clarify that the three independent directors of VENCorp must be independent of both the gas and electricity industries.

PART 5—AMENDMENT OF OFFICE OF THE REGULATOR-GENERAL ACT 1994

- Clause 34 inserts a definition of "Tariff Order" in section 3(1) of the **Office of the Regulator-General Act 1994** and substitutes Act references in section 3(3) of that Act.

- Clause 35 substitutes sub-section (1) in section 25 of the **Office of the Regulator-General Act 1994** consistent with the new definition of "Tariff Order" and the enactment of the **Electricity Industry Act 2000**.
- Clause 36 amends section 26(1) the **Office of the Regulator-General Act 1994** to refer to the "Tariff Order" and to any order under Part 2 of the **Electricity Industry Act 2000**. The clause also substitutes subsection (3) in section 26 of the **Office of the Regulator-General Act 1994** consistent with the new definition of "Tariff Order" and the enactment of the **Electricity Industry Act 2000**.
- Clause 37 substitutes a provision relating to determinations in section 27 of the **Office of the Regulator-General Act 1994** to bring that provision into line with sections 25 and 26 of that Act.

PART 6—AMENDMENT OF STATE ELECTRICITY COMMISSION ACT 1958

- Clause 38 substitutes Act references in various definitions in section 3(1) of the **State Electricity Commission Act 1958**. It also substitutes a new definition of "electricity corporation" in that section consistent with the enactment of the **Electricity Industry Act 2000**.
- Clause 39 substitutes Act references in section 12A(1) of the **State Electricity Commission Act 1958**.
- Clause 40 substitutes an Act and section reference in section 82A(1) of the **State Electricity Commission Act 1958**.
- Clause 41 substitutes an Act reference in section 85D(1) of the **State Electricity Commission Act 1958**.
- Clause 42 substitutes a date in section 101(2) of the **State Electricity Commission Act 1958**.
- Clause 43 provides that section 103A(3) of the **State Electricity Commission Act 1958** relating to easements is repealed. This parallels the amendment made in clause 10 of the Bill.
- Clause 44 substitutes an Act reference in section 107 of the **State Electricity Commission Act 1958**.

PART 7—AMENDMENT OF OTHER ACTS

- Clause 45 substitutes Act references in various sections of the **Alpine Resorts (Management) Act 1997**.
- Clause 46 substitutes an Act reference in section 32(2) of the **Country Fire Authority Act 1958**.
- Clause 47 substitutes Act references in various sections of the **Crown Land (Reserves) Act 1978**.
- Clause 48 repeals section 11 of the **Electricity Industry Acts (Amendment) Act 2000**. This section provided for section 169F of the **Electricity Industry Act 1993**. However the matters that section 169F provided for now appear in Part 2, Division 6 of the **Electricity Industry Act 2000**.
- Clause 49 substitutes Act references in section 22B of the **Emergency Services Superannuation Act 1986**.
- Clause 50 substitutes some words in the definition of "essential service" in the **Essential Services Act 1958**. The substitution reflects the restructuring of the Victorian electricity industry.
- Clause 51 repeals section 3 of the **Essential Services Legislation (Dispute Resolution) Act 2000**. Section 3 will not be required when section 28 of the **Electricity Industry Act 2000** is enacted.
- Clause 52 substitutes Act references in various sections of the **Forests Act 1958**.
- Clause 53 substitutes an Act reference in section 3 of the **Gas and Fuel Corporation (Repeal) Act 1995**.
- Clause 54 substitutes Act references in various sections of the **Land Act 1958**.
- Clause 55 amends the definition of "mine" in section 9(3) of the **Land Tax Act 1958** consistently with the restructuring of the electricity industry legislation.
- Clause 56 amends clause 54C of Schedule 4 to the **Magistrates' Courts Act 1989** consistently with the restructuring of the electricity industry legislation

- Clause 57 amends the definition of "public corporation" in section 259(1) of the **Melbourne and Metropolitan Board of Works Act 1958**. The amendment reflects the restructuring of the Victorian electricity industry.
- Clause 58 amends section 3 of the **Melbourne City Link Act 1995** consistently with the restructuring of the electricity industry legislation
- Clause 59 substitutes an Act reference in section 105(3) of the **Mineral Resources Development Act 1990**.
- Clause 60 substitutes Act references in various sections of the **National Parks Act 1975**. It also substitutes wording in two sections of that Act consistently with the restructuring of the Victorian electricity industry.
- Clause 61 repeals section 26(3) of the **Snowy Hydro Corporatisation Act 1997**. That Act is not yet fully in force. The section amends certain provisions of the **Electricity Industry Act 1993**. Section 26(3) now appears as section 19(5) of the **Electricity Industry Act 2000**.
- Clause 62 amends Schedule 5 of the **Transport Act 1983** consistently with the restructuring of the electricity industry legislation and with the introduction of competition in provision of street lighting.
- Clause 63 amends a section and two Schedules of the **Treasury Corporation of Victoria Act 1992** to substitute Act references and to reflect the restructuring of the Victorian electricity industry.
- Clause 64 amends various sections of the **Water Act 1989** to substitute Act references and to reflect the restructuring of the Victorian electricity industry.

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