

House of Representatives
Supplementary Order Paper

Tuesday, 21 September 2010

Electricity Industry Bill

Proposed amendments

Hon Gerry Brownlee, in Committee, to move the following amendments:

Clause 2(2)

To omit “**1 October 2010**” (line 10 on page 9) and substitute “**1 November 2010**”.

Clause 74(2)(d)

To omit “transfer of the retail” (lines 18 and 19 on page 56) and substitute “transfer of retail”.

Heading to clause 78

To omit “**Corporation**” (line 2 on page 59) and substitute “**Corporate**”.

Clause 90(1)

To omit “**section 79(1A)**” (line 5 on page 67) and substitute “**section 79(1)**”.

Clause 97(3)(b)

To omit “appointed under” (line 16 on page 70) and substitute “provided for in regulations made under”.

Clause 124(2)

To omit “**1 October 2011**” (lines 29 and 30 on page 90) and substitute “**1 November 2011**”.

Clause 126(3)(d)

To omit “1 April 2014” (line 29 on page 98) and substitute “1 May 2014”.

Clause 126(3)(d)(ii)

To omit “**1 October 2010**” (line 35 on page 98) and substitute “**1 November 2010**”.

Clause 133(4)(b)(i)

To omit “1 December 2010” (line 21 on page 106) and substitute “1 January 2011”.

Clause 148: new section 54R(7)

To omit “**1 October 2010**” (line 4 on page 117) and substitute “**1 November 2010**”.

Clause 148: new section 54S(3)

To omit “1 October 2011” (lines 28 and 29 on page 117) and substitute “1 November 2011”.

Schedule 4

Clause 2: to omit the definitions of **regulated scheme** and **responsible person** (lines 15 to 18 on page 144) and substitute the following definitions:

provider, in relation to a scheme, means the person responsible for the scheme

regulated scheme means the scheme provided for in regulations made under **clause 17**.

Clause 4(1): to omit “responsible person for” (line 32 on page 144) and substitute “provider of”.

Clause 7A(2): to omit “responsible person for” (line 32 on page 146) and substitute “provider of”.

Clause 8(1): to omit “responsible person” (line 8 on page 147) and substitute “provider”.

Clause 8(2)(d): to omit “responsible person” (line 17 on page 147) and substitute “provider”.

Clause 8(3)(e): to omit “responsible person” (line 29 on page 147) and substitute “provider”.

Clause 8(3)(f): to omit “responsible person” (line 31 on page 147) and substitute “provider”.

Clause 8(3)(g): to omit “responsible person” (line 1 on page 148) and substitute “provider”.

Clause 8(4): to omit “responsible person” (line 6 on page 148) and substitute “provider”.

Clause 9(1): to omit “responsible person” (line 15 on page 148) and substitute “provider”.

Clause 10(3): to omit “responsible person” (line 28 on page 148) and substitute “provider”.

Clause 12(1)(m): to omit “responsible person” (line 19 on page 150) and substitute “provider”.

Clause 13: to omit “responsible person for” (line 26 on page 150) and substitute “provider of”.

Clause 14: to omit “responsible person for” (line 30 on page 150) and substitute “provider of”.

Clause 15(1): to omit “responsible person” (line 2 on page 151) and substitute “provider”.

Clause 15(3): to omit “responsible person” (line 8 on page 151) and substitute “provider”.

Clause 16(1): to omit “responsible person” (line 11 on page 151) and substitute “provider”.

Heading above clause 17: to omit “appointment and revocation of appointment” (lines 19 and 20 on page 151) and substitute “rules of scheme and appointment of provider”.

Clauses 17 to 20

To omit these clauses (line 21 on page 151 to line 23 on page 153) and substitute the following clauses:

17 Regulations setting out rules of related schemes

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations providing for the regulated scheme.
- (2) The regulations must—
 - (a) set out the rules of the scheme, which must comply with **clause 12**; and
 - (b) be consistent with the purpose in **clause 1**.
- (3) Before making a recommendation for the regulations, the Minister must consult with—
 - (a) the Minister of Energy; and
 - (b) the Authority; and
 - (c) any persons or their representatives that the Minister considers are likely to be substantially affected by the recommendation.
- (4) However, a failure to consult with the persons referred to in **subclause (3)(c)** does not affect the validity of the regulations.

18 Order in Council appointing provider of regulated scheme

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, appoint a person to provide the regulated scheme.
- (2) The Minister may make a recommendation under this clause only if the Minister is satisfied that the person appointed as the provider—
 - (a) is a formally constituted dispute resolution body; and
 - (b) is capable of providing the scheme in accordance with the purpose in **clause 1** and the rules of the scheme.
- (3) Before making a recommendation for an Order in Council, the Minister must consult with the Minister of Energy.

19 Notice of intention to revoke appointment

- (1) An appointment made by Order in Council may not be revoked on the ground that the Minister has approved, or intends to approve, an approved scheme under **clause 6** unless the Minister has given the scheme provider at least 3 months' notice in writing of the intention to revoke the appointment.
- (2) Nothing in this clause limits the grounds on which the Minister may otherwise recommend the revocation of any appointment.

Schedule 5: item relating to Gas Act 1992: new section 43E(3)(b)

To omit "appointed under" (line 4 on page 158) and substitute "provided for in regulations made under".

Explanatory note

This Supplementary Order Paper sets out the following amendments to the Electricity Industry Bill:

- the commencement date is changed from 1 October 2010 to 1 November 2010. A number of consequential amendments are made to other dates to reflect this change:
 - provisions relating to setting up a regulated dispute resolution scheme (mostly in *Schedule 4* of the Bill) are amended in light of experience with setting up equivalent schemes under other legislation:
 - 3 miscellaneous minor amendments are made to *Part 3*.
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