

PARLIAMENT OF VICTORIA

**Energy Legislation Amendment (Customer
Metering Protections and Other Matters) Bill 2014**

TABLE OF PROVISIONS

<i>Clause</i>		<i>Page</i>
PART 1—PRELIMINARY		1
1	Purposes	1
2	Commencement	2
PART 2—AMENDMENT OF ELECTRICITY INDUSTRY ACT 2000		3
Division 1—Advanced metering infrastructure		3
3	Deemed distribution contracts	3
4	Orders in relation to advanced metering infrastructure	3
5	General powers in relation to Orders	8
Division 2—Feed-in tariff reporting obligations		8
6	Distribution companies to report annually on connected qualifying solar energy generating facilities	8
7	Retailer reporting in relation to general feed-in tariff scheme	8
PART 3—AMENDMENT OF ELECTRICITY SAFETY ACT 1998		10
8	Definitions	10
9	Repeal of sections 50 to 53	10
10	Electricity safety management scheme for owner of complex electrical installation	10
PART 4—AMENDMENT OF GAS INDUSTRY ACT 2001		12
11	Definitions— Gas Industry Act 2001	12
12	Repeal of sections 11 and 12	12
PART 5—REPEAL OF AMENDING ACT		13
13	Repeal of amending Act	13
<hr/> <hr/>		
ENDNOTES		14

PARLIAMENT OF VICTORIA

Introduced in the Council

**Energy Legislation Amendment
(Customer Metering Protections and
Other Matters) Bill 2014**

A Bill for an Act to amend the **Electricity Industry Act 2000**, the **Electricity Safety Act 1998** and the **Gas Industry Act 2001** and for other purposes.

The Parliament of Victoria enacts:

PART 1—PRELIMINARY

1 Purposes

The main purposes of this Act are—

- (a) to amend the **Electricity Industry Act 2000** in relation to Orders about advanced metering infrastructure and reporting obligations under feed-in tariff schemes; and

5

5 (b) to amend the **Electricity Safety Act 1998** to repeal provisions about the Equipment Advisory Committee and in relation to voluntary electricity safety management schemes; and

(c) to amend the **Gas Industry Act 2001** to repeal provisions that are redundant because of the operation of the **National Gas (Victoria) Act 2008**.

10 **2 Commencement**

(1) Subject to subsection (2), this Act comes into operation on a day or days to be proclaimed.

15 (2) If a provision of this Act does not come into operation before 1 April 2015, it comes into operation on that day.

PART 2—AMENDMENT OF ELECTRICITY INDUSTRY ACT 2000

Division 1—Advanced metering infrastructure

3 Deemed distribution contracts

(1) In section 40A(3) of the **Electricity Industry Act 2000**, for "Office of the Regulator-General in January 2001" **substitute** "Commission in May 2012".

See:
Act No.
68/2000.
Reprint No. 7
as at
10 July 2013
and
amending
Act Nos
22/2013,
70/2013 and
3/2014.
LawToday:
www.
legislation.
vic.gov.au

(2) After section 40A(3) of the **Electricity Industry Act 2000 insert—**

"(3A) The Commission must approve terms and conditions that give effect to or are necessary to comply with an Order made under section 46D."

4 Orders in relation to advanced metering infrastructure

(1) In section 46D(1) of the **Electricity Industry Act 2000—**

(a) in paragraph (d), for "sent." **substitute** "sent;"

(b) after paragraph (d) **insert—**

"(e) payments in relation to—

(i) the failure to install advanced metering infrastructure and associated systems;

(ii) the failure to install advanced metering infrastructure and associated systems that meet a specified functionality or a specified standard of performance or service for that infrastructure and those systems;

(f) the manual reading of meters (including meters that are part of advanced metering infrastructure and associated systems) and fees and charges for that reading of meters."

(2) In section 46D(2) of the **Electricity Industry Act 2000**—

(a) for "subsection (1)" (where secondly occurring) **substitute** "subsection (1)(a), (b), (c) or (d)";

(b) in paragraph (zf), for "section 46C or 46CA." **substitute** "section 46C or 46CA;"

(c) after paragraph (zf) **insert**—

"(zg) requiring a relevant entity that is a distribution company to give the Minister and the Commission information about—

(i) the installation (or non-installation) of advanced metering infrastructure and associated systems;

(ii) installed advanced metering infrastructure and associated systems that do not meet a specified functionality or a specified standard of performance or service for that infrastructure and those systems;

(iii) any payments referred to in subsection (3)."

(3) After section 46D(2) of the **Electricity Industry Act 2000** insert—

"(3) Without limiting subsection (1), an Order under subsection (1)(e) may—

(a) require a relevant entity that is a distribution company to make a payment to a customer by a specified date or in specified circumstances in relation to—

(i) a failure to install advanced metering infrastructure and associated systems;

(ii) a failure to install advanced metering infrastructure and associated systems that meet a specified functionality or a specified standard of performance or service for that infrastructure and those systems;

(b) specify the amount of a payment referred to in paragraph (a) or provide for the setting and regulation of an amount of a payment referred to in that paragraph;

(c) require a relevant entity to provide specified information to another relevant entity (the *second entity*) for the purpose of enabling that second entity to comply with a requirement of an Order made under this subsection.

(4) Without limiting subsection (1), an Order under subsection (1)(f) may—

5 (a) provide for the setting and regulation of the fees and charges that a relevant entity that is a distribution company may charge for or in connection with the costs of, or in relation to, the manual reading of meters (including
10 meters that are part of advanced metering infrastructure and associated systems);

(b) empower the recovery of the fees and charges referred to in paragraph (a) from—

15 (i) a relevant entity that is a retailer or a class or classes of relevant entities that are retailers supplied with electricity by the distribution company, or all customers of a
20 relevant entity that is a retailer or a class or classes of customers of a relevant entity that is a retailer and is so supplied;

25 (ii) an exempt seller or a class or classes of exempt sellers supplied with electricity by the distribution company, or all customers of an exempt seller or class or classes of customers of an exempt seller who
30 is so supplied;

35 (c) require a relevant entity that is a retailer or exempt seller or a distribution company to give a specified customer, or a customer of a specified class, or a person or entity authorised by a customer, information about—

- 5
- (i) the manual reading of meters (including meters that are part of advanced metering infrastructure and associated systems);
- 10
- (ii) when the fees and charges associated with the costs of, or in relation to, the manual reading of meters may take effect;
- (d) require a relevant entity to provide specified information to another relevant entity (the *second entity*) for the purpose of enabling that second entity to comply with a requirement of an Order made under this subsection.
- 15
- (5) Without limiting subsection (1), an Order under subsection (1)(e) or (f) may prohibit a relevant entity that is a distribution company from recovering from—
- 20
- (a) specified customers who have advanced metering infrastructure and associated systems installed, costs specified under the Order for, or associated with, or related to, the manual reading of meters (including meters that are part of advanced metering infrastructure and associated systems);
- 25
- (b) any customer (by way of a fee, charge or otherwise) the amount of a payment of the kind referred to in subsection (3)(a)."
- 30

5 General powers in relation to Orders

After section 46E(2B) of the **Electricity Industry Act 2000**—

5 "(2C) For the purposes of section 46D(3), an Order of the Governor in Council under section 46D may specify either one or both of the following—

(a) a date that is a date before the date on which the Order takes effect;

10 (b) a circumstance that occurs before the Order takes effect."

Division 2—Feed-in tariff reporting obligations

6 Distribution companies to report annually on connected qualifying solar energy generating facilities

15 (1) In section 40FJ(1)(c) of the **Electricity Industry Act 2000**, for "6 months" substitute "12 months".

(2) In section 40FJ(2) of the **Electricity Industry Act 2000** omit "30 June and".

20 (3) In section 40FJ(2A) of the **Electricity Industry Act 2000**—

(a) for "calendar month after the TFiT scheme start day" substitute "year";

25 (b) in paragraphs (a), (b) and (c), for "calendar month" substitute "applicable year".

7 Retailer reporting in relation to general feed-in tariff scheme

(1) For section 40NC(1) of the **Electricity Industry Act 2000** substitute—

30 "(1) Without limiting the generality of section 20(2) or (3) or section 21, but subject to this Division, the conditions to which a

licence to sell electricity held by a relevant licensee is subject include a condition requiring the licensee, within one month after each reporting day, to give to the Minister a report that specifies—

- (a) the number of small renewable energy generation facilities from which electricity was generated and sold to the licensee in the 3 months prior to the reporting day; and
- (b) the total amount of electricity generated by means of small renewable energy generation facilities and purchased by the licensee in the 3 months prior to the reporting day."

(2) After section 40NC(2) of the **Electricity Industry Act 2000** insert—

"(3) In this section—

reporting day means—

- (a) 31 March of every year; and
- (b) 30 June of every year; and
- (c) 30 September of every year; and
- (d) 31 December of every year."

PART 3—AMENDMENT OF ELECTRICITY SAFETY ACT 1998

8 Definitions

5 See:
Act No.
25/1998.
Reprint No. 6
as at
3 November
2011
and
amending
Act Nos
59/2011,
43/2012,
22/2013,
35/2013,
70/2013 and
2/2014.
LawToday:
www.
legislation.
vic.gov.au

In section 3 of the **Electricity Safety Act 1998**, in the definition of *Committee*, paragraph (a) is **repealed**.

9 Repeal of sections 50 to 53

Sections 50, 51, 52 and 53 of the **Electricity Safety Act 1998** are **repealed**.

10 **10 Electricity safety management scheme for owner of complex electrical installation**

(1) In section 116(2)(b) of the **Electricity Safety Act 1998**, for "supply network" **substitute** "complex electrical installation".

15 (2) For section 116(3) of the **Electricity Safety Act 1998 substitute—**

"(3) Sections 100 to 104 apply to an electricity safety management scheme under this section—

Energy Legislation Amendment (Customer Metering Protections and Other Matters) Bill 2014

Part 3—Amendment of Electricity Safety Act 1998

s. 10

5

10

-
- (a) as if—
- (i) any reference to a major electricity company were a reference to the owner of a complex electrical installation; and
 - (ii) any reference to a supply network were a reference to a complex electrical installation; and
- (b) with any other alterations or modifications that are necessary."
-

PART 4—AMENDMENT OF GAS INDUSTRY ACT 2001

11 Definitions—Gas Industry Act 2001

In section 3 of the **Gas Industry Act 2001**, the definitions of *gas distribution system*, *gas transmission system*, *primary distribution system* and *primary transmission system* are **repealed**.

5 See:
Act No.
31/2001.
Reprint No. 5
as at
16 August
2012
and
amending
Act Nos
51/2012,
11/2013,
22/2013 and
3/2014.
LawToday:
www.
legislation.
vic.gov.au

12 Repeal of sections 11 and 12

Sections 11 and 12 of the **Gas Industry Act 2001** are **repealed**.

PART 5—REPEAL OF AMENDING ACT

13 Repeal of amending Act

This Act is **repealed** on 1 April 2016.

Note

The repeal of this Act does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

5

Energy Legislation Amendment (Customer Metering Protections and Other
Matters) Bill 2014

Endnotes

ENDNOTES

By Authority. Government Printer for the State of Victoria.
