

South Australia

Australian Energy Market Commission Establishment (Variation) Regulations 2007

under the *Australian Energy Market Commission Establishment Act 2004*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Australian Energy Market Commission Establishment (Variation) Regulations 2007*.

2—Commencement

These regulations will come into operation on the day on which the *Australian Energy Market Commission Establishment (Consumer Advocacy Panel) Amendment Act 2007* comes into operation.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Australian Energy Market Commission Establishment Regulations 2005*

4—Insertion of regulation 3A

After regulation 3 insert:

3A—Definition of small to medium consumer

For the purposes of the definition of *small to medium consumer* under the Act—

- (a) for the purposes of paragraph (a) of that definition—a level of 4000 megawatt hours is fixed;
- (b) for the purposes of paragraph (b) of that definition—a level of 100 terajoules is fixed.

5—Variation of regulation 5—Annual reports

Regulation 5—after subregulation (4) insert:

- (5) A draft report of the Panel under section 47 of the Act must include a report on the following in respect of the financial year concerned:
 - (a) a summary of the submissions received from interested persons for grant funding and, in respect of each submission, a statement outlining the Panel's response;
 - (b) a summary of each project for which grant funding was allocated during the financial year, including, in respect of each project, the amount of grant funding provided;
 - (c) a statement by the Panel that assesses the extent to which the allocation of grant funding during the financial year has satisfied the Panel's objectives.

6—Insertion of regulations 6 and 7

After regulation 5 insert:

6—Consultation on Panel's budget

For the purposes of section 41(7) of the Act, the Panel must—

- (a) publish a draft of its proposed budget on its website for at least 4 weeks before it finalises the proposed budget for submission to the MCE; and
- (b) take reasonable steps to bring the draft to the attention of persons who, in the Panel's assessment, are likely to be interested in the grant funding proposed to be available under the budget; and

- (c) invite submissions on its proposed budget, when publishing the draft under paragraph (a) or taking steps under paragraph (b), from interested persons over a period (of at least 4 weeks) specified by the Panel.

7—Criteria for grant allocation

For the purposes of section 45(1) of the Act, the criteria for grant allocation set out in Schedule 1 have been determined by the MCE.

8—Insertion of Schedule 1

At the end of the regulations insert:

Schedule 1—Criteria for grant allocation

- 1 There should be diversity in the allocation of funding after taking into account—
 - (a) the number and range of consumers who may benefit from the relevant projects; and
 - (b) the nature of the interest represented across the projects; and
 - (c) the issues to which the projects will relate,while recognising (from a general perspective) the Panel's objective of seeking to promote the interests of all consumers of electricity or natural gas while paying particular regard to benefiting small to medium consumers of electricity or natural gas.
- 2 Grant funding for research projects initiated by the Panel must not exceed 25% of the Panel's annual budget in any financial year.
- 3 A project intended to benefit consumers of electricity should—
 - (a) relate to the development, design or operation of, or policies associated with, the national electricity market or the retailing of electricity, or relate to other issues covered by the National Electricity Law or the National Electricity Rules; or
 - (b) directly relate to an aspect of the responsibilities of the Australian Energy Regulator, the AEMC or NEMMCO under the National Electricity Law or the National Electricity Rules; or
 - (c) have some other relevance to the national electricity market or the retailing of electricity, when viewed as a whole.
- 4 A project intended to benefit consumers of gas should—
 - (a) relate to the development or operation of gas pipelines, or policies associated with obtaining access to gas pipelines, or relate to other issues covered by the National Gas Law or the National Gas Rules; or

- (b) directly relate to an aspect of the responsibilities of the Australian Energy Regulator or the AEMC under the National Gas Law or the National Gas Rules, or the responsibilities of the Economic Regulation Authority under that law or those rules in Western Australia; or
 - (c) have some other relevance to the national gas market, when viewed as a whole.
- 5 A proposal for grant funding must relate to an issue that is relevant to a significant number of consumers.
- 6 There is an expectation that a successful application for grant funding will fund a share of the costs of the project himself or herself (which may be achieved by the applicant gaining access to other sources of funds, or by the applicant making a contribution to the project by providing staff, facilities or other resources). The Panel may determine to waive the operation of this item in a particular case.
- 7 An applicant for funding must furnish a project plan that includes—
 - (a) an outline of objects of the project; and
 - (b) a proposed budget; and
 - (c) the amount of funding sought from the Panel.
- 8 A successful applicant for funding must, as a condition of a funding grant, be willing to agree—
 - (a) to maintain, and to make available to the Panel on request, appropriate records, accounts and reports concerning the expenditure of funding provided by the Panel for the purposed of the relevant project; and
 - (b) to furnish to the Panel—
 - (i) as soon as is reasonably practicable after receiving a written request from the Panel during the course of the relevant project; and
 - (ii) in any event, within 2 months after the completion of the relevant project,a report that sets out—
 - (iii) a comprehensive description of the objects of the project; and
 - (iv) the issues that have been considered for the purposes of the project; and
 - (v) the outcomes that have been achieved in connection with the project; and
 - (vi) the costs and expenses associated with the project.

Draft

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- 9 If a project is to apply for the joint benefit of consumers of electricity and consumers of natural gas—
- (a) these criteria may, insofar as is relevant, be applied jointly; and
 - (b) only 1 set of reporting requirements for the project may be imposed on a successful applicant.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council

on

No of 2007