



Competition and Consumer Amendment Regulation 2012 (No. 2)¹

Select Legislative Instrument 2012 No. 150

I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation under the *Competition and Consumer Act 2010*.

Dated 28 June 2012

QUENTIN BRYCE
Governor-General

By Her Excellency's Command

DAVID BRADBURY
Assistant Treasurer

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1 Name of regulation

This regulation is the *Competition and Consumer Amendment Regulation 2012 (No. 2)*.

2 Commencement

This regulation commences as follows:

- (a) on 1 July 2012—sections 1 to 3 and Schedule 1;
- (b) on the commencement of section 4 of the *National Energy Retail Law (Victoria) Act 2012* of Victoria—Schedule 2.

3 Amendment of *Competition and Consumer Regulations 2010*

Schedules 1 and 2 amend the *Competition and Consumer Regulations 2010*.

Schedule 1 Amendments commencing on 1 July 2012

(section 3)

[1] Regulation 7

omit

For paragraph 44AAF (3) (e) of the Act, the bodies set out in the following table are prescribed bodies.

insert

- (1) For paragraph 44AAF (3) (e) of the Act, the persons and bodies set out in the table are prescribed persons and bodies.

[2] Regulation 7, table, column 2, heading

substitute

Prescribed person or body

[3] Regulation 7, table, item 4.2

substitute

- 4.2 Energy and Water Ombudsman established by section 10 of the *Energy and Water Ombudsman Act 2006* of Queensland

[4] Regulation 7, table, item 8.2

substitute

- 8.2 ACT Civil and Administrative Tribunal established by section 88 of the *ACT Civil and Administrative Tribunal Act 2008* of the Australian Capital Territory

[5] Regulation 7, table, after item 8.2*insert*

Each jurisdiction that has applied the National Energy Retail Law as a law of the jurisdiction

- 9.1 The Minister responsible for administration of the national energy retail legislation as it applies in the jurisdiction

[6] Regulation 7*insert*

- (2) In this regulation:

National Energy Retail Law means the National Energy Retail Law set out in the Schedule to the *National Energy Retail Law (South Australia) Act 2011* of South Australia, as amended from time to time.

national energy retail legislation has the meaning given in subsection 2 (1) of the National Energy Retail Law.

[7] Regulation 7A, table, before item 3.1*insert***New South Wales**

- 2.1 Parts 2, 3 and 4 of, and Schedule 1 to, the *National Energy Retail Law (Adoption) Act 2012* of New South Wales and regulations made under Parts 2, 3 and 4 of that Act

[8] Regulation 7A, table, after item 3.1*insert*

- 3.2 Parts 3, 4 and 5 of the *National Electricity (Victoria) Act 2005* of Victoria and regulations and orders made under that Act
- 3.3 Part 5 of the *National Gas (Victoria) Act 2008* of Victoria and regulations and orders made under that Act

Queensland

- 4.1 Parts 2 and 3 of, and the Schedule to, the *National Energy Retail Law (Queensland) Act 2012* of Queensland, and regulations made under Parts 2 and 3 of, and the Schedule to, that Act.

[9] Regulation 7A, table, after item 5.1*insert***South Australia**

- 6.1 Parts 5, 6 and 7 of the *National Energy Retail Law (South Australia) Act 2011* of South Australia and regulations made under Parts 5 and 7 of that Act

[10] Regulation 7A, table, after item 7.1*insert*

- 7.2 Parts 3, 4 and 5 of the *National Energy Retail Law (Tasmania) Act 2012* of Tasmania and regulations made under Parts 3, 4 and 5 of that Act

Australian Capital Territory

- 8.1 Parts 5 and 6 of the *National Energy Retail Law (ACT) Act 2012* of the Australian Capital Territory and regulations made under Parts 5 and 6 of that Act

[11] After regulation 7A*insert***7AA Australian Energy Regulator functions**

For paragraph 44AH (b) of the Act, the AER has the following functions:

- (a) making an application for an order under section 44AAG of the Act and conducting proceedings relating to the application;
- (b) instituting and conducting appeals relating to an application mentioned in paragraph (a).

**Schedule 2 Amendments commencing on
commencement of section 4
of *National Energy Retail Law
(Victoria) Act 2012* of Victoria**
(section 3)

[1] Regulation 7A, table, item 3.1

substitute

3.1 Part 3 of the *Gas Industry Act 2001* of Victoria

[2] Regulation 7A, table, after item 3.3

insert

3.4 Parts 4, 5, 6 and 7 of the *National Energy Retail Law (Victoria)
Act 2012* of Victoria and regulations made under that Act

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See www.comlaw.gov.au.