

**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

**GAS PIPELINES ACCESS BILL 1998
AMENDMENT**

EXPLANATORY MEMORANDUM

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**Brendan Smyth
Minister for
Urban Services**

DRAFT EXPLANATORY MEMORANDUM

GAS PIPELINES ACCESS BILL 1998 - AMENDMENT

Outline

This is a Government amendment to the Gas Pipelines Access Bill 1998 and is required due to two factors:

1. the need to refine the wording in Clause 8, Subclause (2) in relation to the future change in the "local Regulator" for distribution pipelines, to avoid subsequent duplication in the wording of the interpretation of the "local Regulator"; and
2. the need to define the powers and functions of the Independent Pricing and Regulatory Commission to those conferred by the gas pipelines access legislation.

Formal Clauses

Clause 8

Subclause (2)

Page 5, line 25—

Subclause (2) currently provides for a future change in "local Regulator" for distribution pipelines, from the ACT Independent Pricing and Regulatory Commission to the Australian Competition and Consumer Commission (ACCC). The ACCC currently has expertise in transmission pipeline regulation and will acquire, over the next three years, expertise in distribution pipeline regulation.

The future date on which this change will occur will be promulgated in the gazette for the commencement of the Act. A similar provision has been used in the *NSW Gas Pipelines Access Act 1998* for the future change from the NSW Independent Pricing and Regulatory Tribunal to the ACCC. This will allow for a consistent approach by the ACCC on both transmission and distribution pipeline access and pricing matters.

Proposed clause 13A

Page 7, line 19—

Queensland, Victoria, South Australia and New South Wales have adopted a convention in their access legislation to define the powers and functions of the "local Regulator" to those powers and functions conferred by the access legislation, and without Ministerial control or direction. This is to ensure that the "local Regulator" only uses powers relevant to access law and is free from Ministerial intervention. This clause conforms with that convention as a matter of uniformity between jurisdictions.