

EN303\*

Electricity Transmission and Distribution Systems  
(Access) Act 1994

**Electricity Transmission and Distribution  
Systems (Repeal and Related Provisions)  
Regulations 2007**

Made by the Lieutenant-Governor and deputy of the Governor in  
Executive Council.

**Part 1 — Preliminary**

**1. Citation**

These regulations are the *Electricity Transmission and  
Distribution Systems (Repeal and Related Provisions)  
Regulations 2007*.

**2. Commencement**

These regulations come into operation as follows:

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on 1 July 2007.

**3. Purpose**

These regulations are made for purposes related to the *Electricity Transmission and Distribution Systems (Access) Declaration 2007*.

**4. The Act amended**

The amendments in these regulations are to the *Electricity Transmission and Distribution Systems (Access) Act 1994\**.

[\* Reprint 3 as at 4 August 2006.]

**Part 2 — Repeals****5. Sections 90 and 91 repealed**

Sections 90 and 91 are repealed.

**6. Schedules 5 and 6 repealed**

Schedules 5 and 6 are repealed.

**Part 3 — Other amendments****7. Section 89 amended**

- (1) Section 89(1) is amended as follows:
  - (a) by deleting the definition of “prescribed pricing policy”;
  - (b) by deleting the definition of “referee”.

- (2) Section 89(3) is repealed and the following subsection is inserted instead —

“

- (3) In this Part a reference to Schedule 5 or 6 is a reference to that Schedule as in force before its repeal by the *Electricity Transmission and Distribution Systems (Repeal and Related Provisions) Regulations 2007*.

”.

**8. Section 94 amended**

Section 94(1) is amended by deleting all of the subsection after “enforceable” and inserting instead —

“

by civil proceedings in a court, but no breach of those obligations gives rise to an action for damages.

”.

**9. Section 95 replaced**

Section 95 is repealed and the following section is inserted instead —

“

**95. Regulations for access and pricing — existing access agreements**

(1) Regulations may be made under section 96 providing for matters relating to —

- (a) access to, and pricing for, electricity transmission capacity; and
- (b) access to, and pricing for, electricity distribution capacity,

to the extent that provision in respect of those matters is necessary or expedient for the operation and enforcement of existing access agreements.

(2) For the purposes of subsection (1) an “**existing access agreement**” is —

- (a) an access agreement as defined in the *Electricity Transmission Regulations 1996* regulation 3(1); or
- (b) a distribution access agreement as defined in the *Electricity Distribution Regulations 1997* regulation 3(1),

that is in operation on 1 July 2007.

(3) Without limiting subsection (1) the regulations may, to the extent mentioned in that subsection, make provision for any matter in respect of which regulations could have been made under Schedule 5 clause 2(2), (3) or (4) or Schedule 6 clause 2(2), (3) or (4).

”.

**Part 4 — Transitional provisions**

**10. Continued operation of *Electricity Transmission and Distribution Systems (Access) Act 1994* Schedule 5 clause 2(4)**

- (1) Despite the *Electricity Transmission and Distribution Systems (Access) Declaration 2007* clause 2 and the repeal effected by regulation 6, the *Electricity Transmission and Distribution Systems (Access) Act 1994* Schedule 5 clause 2(4) continues to have effect, subject to subregulation (2), in relation to the operation and enforcement of any access agreement (as defined in the *Electricity Transmission Regulations 1996* regulation 3(1)) that is in operation on 1 July 2007.

- (2) The *Electricity Transmission and Distribution Systems (Access) Act 1994* Schedule 5 clause 2(4) continues to have effect under subregulation (1) as if it were amended by deleting “effect.” and inserting instead —

“

effect, unless the contract expressly provides that the provision applies despite any inconsistency with the essential terms and conditions.

”.

**11. Continued operation of *Electricity Transmission and Distribution Systems (Access) Act 1994* Schedule 6 clause 2(4)**

- (1) Despite the *Electricity Transmission and Distribution Systems (Access) Declaration 2007* clause 2 and the repeal effected by regulation 6, the *Electricity Transmission and Distribution Systems (Access) Act 1994* Schedule 6 clause 2(4) continues to have effect, subject to subregulation (2), in relation to the operation and enforcement of any distribution access agreement (as defined in the *Electricity Distribution Regulations 1997* regulation 3(1)) that is in operation on 1 July 2007.

- (2) The *Electricity Transmission and Distribution Systems (Access) Act 1994* Schedule 6 clause 2(4) continues to have effect under subregulation (1) as if it were amended by deleting “effect.” and inserting instead —

“

effect, unless the contract expressly provides that the provision applies despite any inconsistency with the essential terms and conditions.

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By Command of the Lieutenant-Governor and  
deputy of the Governor,

G. M. PIKE, Clerk of the Executive Council.

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