

— PART 1 —

ENERGY

EN301*

Energy Coordination Act 1994

Energy Coordination (Customer Contracts) Amendment Regulations 2005

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Energy Coordination (Customer Contracts) Amendment Regulations 2005*.

2. Commencement

These regulations come into operation on the day on which Part 3 Division 8 of the *Energy Legislation Amendment Act 2003* comes into operation.

3. The regulations amended

The amendments in these regulations are to the *Energy Coordination (Customer Contracts) Regulations 2004**.

[* *Published in Gazette 28 May 2004, p. 1791-823.*
For amendments to 28 April 2005 see Gazette 2 November 2004.]

4. Regulation 16 amended

Regulation 16(3) is amended by inserting after “subregulation” —

“ (2) ”.

5. Regulation 25A inserted

After regulation 25 the following regulation is inserted in Part 2 —

“

25A. Effect of last resort supply arrangements

(1) In this regulation —

“**relevant last resort supply plan**” means the last resort supply plan approved or determined under section 11ZAG of the Act for the supply area in which the customer is located.

(2) A customer contract must explain in general terms the arrangements under which gas will be supplied to the customer if the relevant last resort supply plan comes into operation under section 11ZAD of the Act.

(3) A customer contract must provide that, if the relevant last resort supply plan comes into operation under section 11ZAD of the Act, the contract ceases to have effect immediately before the day on which the customer —

- (a) is transferred to the supplier of last resort under the plan; or
- (b) if the plan so allows, transfers to another retail supplier.

(4) A provision for the purposes of subregulation (3) is to be expressed to apply despite any other provision of the contract.

(5) This regulation does not apply to —

- (a) a standard form contract; or
- (b) a non-standard contract that is in force immediately before the day on which the *Energy Coordination (Customer Contracts) Amendment Regulations 2005* come into operation,

until the day fixed under section 60(4)(b) of the *Energy Legislation Amendment Act 2003*.

”.

6. Regulation 38A inserted

After regulation 38 the following regulation is inserted in Part 3 —

“

38A. Provisions relating to last resort supply

(1) In this regulation —

“**last resort supply fee**” has the meaning given to that term in regulation 3 of the *Energy Coordination (Last Resort Supply) Regulations 2005*;

“**last resort supply plan**” means a last resort supply plan approved or determined under section 11ZAG of the Act;

“**transferred customer**” means a customer who is transferred to the retail supplier as the supplier of last resort under a last resort supply plan.

(2) This regulation applies to the standard form contract of a retail supplier if the retail supplier is the supplier of last resort for a supply area under Part 2A Division 6A of the Act.

(3) Without limiting regulation 14(1), if the last resort supply plan for the supply area makes provision for a last resort supply fee, the standard form contract of the retail supplier must —

- (a) require a transferred customer to pay the last resort supply fee to the retail supplier;
- (b) specify when the last resort supply fee is payable; and
- (c) prohibit a transferred customer from terminating the contract if the last resort supply fee has not been paid.

(4) The standard form contract of the retail supplier must require the retail supplier to supply gas to a transferred customer for a period of not less than 3 months after the day on which the transfer occurs unless the transferred customer terminates the contract.

(5) The standard form contract of the retail supplier must not authorise the retail supplier to terminate the contract because of anything done or omitted to be done by a transferred customer before transfer to the retail supplier.

- (6) A provision for the purposes of subregulation (3)(c) or (4) is to be expressed to apply despite any other provision of the contract.

”.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.
