



# Victoria Government Gazette

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## NOTICE UNDER NATIONAL ELECTRICITY CODE

### Victoria Full Retail Competition metering derogation

NOTICE is hereby given under clause 9.1.1(h) of the National Electricity Code, approved under section 6 of the National Electricity Law which forms the Schedule to the **National Electricity (South Australia) Act 1996**, that Chapter 9, Part A (“Transitional Arrangements for Victoria”) of the National Electricity Code is amended. Amendments have been made to clauses 9.8.7 and 9.9A.2. These Code changes relate principally to the Full Retail Competition metering arrangements.

These amendments to the National Electricity Code commence at the beginning of 1 July 2004.

As required by clause 9.1.1(h) of the National Electricity Code, copies of –

1. the letter from the Hon Theo Theophanous MP dated 22 June 2004 notifying the National Electricity Code Administrator (“NECA”) (ACN 073 942 775) of the amendments to Chapter 9; and
2. the Australian Competition and Consumer Commission’s letter dated 18 June 2004 to NECA granting interim authorisation for these amendments –

are set out below.

Both the amendments and copies of the above letters can be viewed in full in the document entitled “Victoria Full Retail Competition metering derogation” on the Internet website of NECA at [www.neca.com.au](http://www.neca.com.au) under “The Code” – “Gazette notices” section of that website.

The National Electricity Code can be viewed on the NECA Internet website at [www.neca.com.au](http://www.neca.com.au) and at the offices of NECA and the National Electricity Market Management Company Limited (ACN 072 010 327). A list of addresses where the Code can be viewed is available on the NECA website.

Dated 30 June 2004

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**SPECIAL**

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**Minister for Energy Industries and Resources**

Ref: MBN004001

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Mr Stephen Kelly  
Managing Director  
National Electricity Code Administrator Ltd  
Level 5, 41 Currie Street  
**ADELAIDE SA 5000**

Dear Mr Kelly

**ACCC INTERIM AUTHORISATION - VICTORIAN METERING DEROGATIONS**

I am writing to advise you that, on 16 June 2004, the Australian Competition and Consumer Commission (the ACCC) approved applications for authorisation numbered A90915, A90916 and A90917 to extend Victoria's existing derogations to chapter 7 of the National Electricity Code.

I enclose a copy of the ACCC's approval of these authorisation applications, in accordance with the requirements of clause 9.1.1(h) of the Code. The Code changes approved by the ACCC are also enclosed with this letter.

I would appreciate it if you could arrange for immediate gazettal of this letter, the enclosed copy of the ACCC's approval and the Code changes. The changes should take effect from the date of publication in the Government Gazette which should occur on or before 30 June 2004.

I would like to thank NECA for its assistance in preparing and submitting the application for authorisation.

Yours sincerely

**Theo Theophanous MP**  
**Minister for Energy Industries and Resources**

221 61 04





**Australian  
Competition &  
Consumer  
Commission**

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18 June 2004

Mr Stephen Kelly  
Managing Director  
NECA  
Level 5, 41 Currie St  
Adelaide SA 5000

Dear Stephen

#### **Interim Authorisation of Victorian Full Retail Competition Derogations**

On 5 April 2004, the Australian Competition and Consumer Commission (ACCC) received applications for authorisation (Nos A90915, A90916, A90917) of derogations to Chapter 7 of the National Electricity Code (Code). The applications were made by the National Electricity Code Administrator (NECA) on behalf of the Victorian Minister for Energy Industries and Resources, under Part VII of the *Trade Practices Act 1974* (TPA). The stated purpose of the derogations is to extend Victoria's existing derogations to chapter 7 of the Code regarding Victoria's metering arrangements.

On 26 April 2004, the Victorian Minister requested that these applications be authorised on an interim basis. On 16 June 2004, the ACCC considered this request and decided, pursuant to section 91(2) of the TPA to grant interim authorisation of these applications.


As the current derogations expire on 30 June 2004, the ACCC has granted this interim authorisation to provide clarity with respect to metering arrangements, pending further consideration of the applications. The ACCC has not yet formed a view on the competitive impacts of the applications. This aspect will be more fully considered in the ACCC's determination.



This interim authorisation becomes effective from 16 June 2004 and will lapse when the ACCC's final determination in regard to each application comes into force, unless this interim authorisation is revoked before this date. Please note that under subsection 91(2) of the TPA, the ACCC may revoke an interim authorisation at any time.

If you have any queries about any issue raised in this letter, please contact me on (03) 9290 1867.

Yours sincerely

  
Sebastian Roberts  
General Manager  
ACCC Electricity

Cc. The Hon. Theo Theophanous  
Minister for Energy Industries and Resources  
80 Collins Street  
Melbourne VIC 3000

NOTICE UNDER NATIONAL ELECTRICITY CODE  
Victoria transmission regulatory arrangements derogation

NOTICE is hereby given under clause 9.1.1(h) of the National Electricity Code, approved under section 6 of the National Electricity Law which forms the Schedule to the **National Electricity (South Australia) Act 1996**, that Chapter 9, Part A ("Transitional Arrangements for Victoria") of the National Electricity Code is amended. Amendments have been made to clauses 9.3.1, 9.8.4A, 9.8.4B, 9.8.4C, 9.8.4D, 9.8.4F and 9.8.4G and clause 9.8.4E has been deleted. These Code changes relate principally to the transmission pricing arrangements relating to VENCORP and were previously subject to interim authorisation gazetted in South Australia and Victoria on 16 April 2004.

These amendments to the National Electricity Code commence at the beginning of 1 July 2004.

As required by clause 9.1.1(h) of the National Electricity Code, copies of –

1. the letter from the Hon Theo Theophanous MP dated 22 June 2004 notifying the National Electricity Code Administrator ("NECA") (ACN 073 942 775) of the amendments to Chapter 9; and
2. the Australian Competition and Consumer Commission's letter dated 21 May 2004 to NECA granting authorisation for these amendments –

are set out below.

Both the amendments and copies of the above letters can be viewed in full in the document entitled "Victoria transmission regulatory arrangements derogation" on the Internet website of NECA at [www.neca.com.au](http://www.neca.com.au) under "The Code" – "Gazette notices" section of that website.

The National Electricity Code can be viewed on the NECA Internet website at [www.neca.com.au](http://www.neca.com.au) and at the offices of NECA and the National Electricity Market Management Company Limited (ACN 072 010 327). A list of addresses where the Code can be viewed is available on the NECA website.

Dated 30 June 2004



**Minister for Energy Industries and Resources**

Ref: MBN003980  
File: MGD/2003/00006

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**Mr Stephen Kelly**  
Managing Director  
National Electricity Code Administrator Ltd  
Level 5, 41 Currie Street  
**ADELAIDE SA 5000**

Dear Mr Kelly

**ACCC FINAL AUTHORISATION - AMENDMENTS TO VICTORIAN  
NETWORK PRICING DEROGATIONS**

I am writing to advise you that, on 19 May 2004, the Australian Competition and Consumer Commission (the ACCC) gave its final approval to authorisations numbered A90909, A90910 and A90911 concerning amendments to Victoria's derogations under Chapter 9 of the National Electricity Code.

A copy of the ACCC's final determination is enclosed. As required by clause 9.1.1 of the Code and section 6 (2) of the National Electricity Law, could you please arrange publication in the Government Gazettes of South Australia and Victoria. You should contact Ms Carmel Collins, Manager, Legal Policy, Energy & Security Division, Department of Infrastructure, on tel (03) 9655 6918, for further advice in this regard.

Lastly, I would like to thank NECA for its assistance with this matter.

Yours sincerely

**Theo Theophanous MP**  
Minister for Energy Industries

221 612004





Mr Stephen Kelly  
Managing Director  
NECA  
Level 5, 41 Currie Street  
Adelaide SA 5000

21 May 2004

Dear Stephen

**Final Determination – Amendments to Chapter 9 Derogations  
Relating to Victorian Transmission Regulatory Arrangements**

On 18 March 2004, the Australian Competition and Consumer Commission (ACCC) received applications for authorisation (Nos A90909, A90910 and A90911) of amendments to the National Electricity Code (Code). The applications were submitted by the National Electricity Code Administrator (NECA) on behalf of the Victorian Minister for Energy Industries and Resources, under Part VII of the Trade Practices Act 1974 (TPA). The applications seek authorisation of amendments to the Victorian derogations in chapter 9 part A of the Code. The purpose of the amendments is to make technical changes and clarify the application of the existing Victorian derogations.

On 19 May 2004, the ACCC made its final determination on this matter. The final determination outlines the Commission's proposal to grant authorisation. A copy of the final determination is attached.

No pre-determination conference was called and no submissions were received on the draft determination. Therefore only minor changes have been made to the draft determination to reflect that this is the ACCC's final determination. The determination grants authorisation without conditions.

A person dissatisfied with the final determination may apply to the Australian Competition Tribunal for its review.

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If you have any queries or require further information please contact me on (03) 9290 1867 or Scott Haig on (02) 6243 1207.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Roberts', with a long horizontal flourish extending to the right.

Sebastian Roberts  
General Manager  
Regulatory Affairs – Electricity

Cc: The Hon. Theo Theophanous MP  
Minister for Energy Industries and Resources  
80 Collins St  
MELBOURNE VIC 3000

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