

Queensland



**COMMUNITY AMBULANCE
COVER AMENDMENT
BILL 2004**



COMMUNITY AMBULANCE COVER AMENDMENT BILL 2004

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2004

A BILL

FOR

An Act to amend the *Community Ambulance Cover Act 2003*

The Parliament of Queensland enacts—

1

Clause 1 Short title

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This Act may be cited as the *Community Ambulance Cover Amendment Act 2004*.

3

4

Clause 2 Commencement

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This Act, other than sections 12, 18 to 23 and 24 (to the extent it inserts a new section 157), is taken to have commenced on 11 November 2003.

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Clause 3 Act amended

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This Act amends the *Community Ambulance Cover Act 2003*.

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Clause 4 Insertion of new s 13A

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After section 13—

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insert—

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‘13A Meaning of “separate domestic area”

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‘(1) A “separate domestic area” is a building or part of a building in Queensland that is—

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(a) used, or, if not being used, available to be used, solely as a single self-contained place of residence; and

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(b) wired for the supply to it of electricity.

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‘(2) For subsection (1), a building or a part of a building is not used solely as a single self-contained place of residence if it is to any extent used for income producing or business purposes.

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Examples of separate domestic areas—

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- a detached house, a residential unit or a flat, used only as a place of residence for a family
- a detached house occupied by a family only as a place of residence, and occupied also by an elderly family member who lives in separate living facilities in the house and who does not pay a commercial rent for his or her occupation

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- a single residential unit in a residential unit complex, used solely as a residence,
that has been converted from 2 residential units’. 1
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Clause 5 Amendment of s 30 (Exemption for later standard contracts) 3

Section 30, heading, after ‘contracts’— 4

insert— 5

‘for separate non-domestic area’. 6

Clause 6 Insertion of new s 30A 7

After section 30— 8

insert— 9

**‘30A Exemption for later standard contracts for separate domestic
area 10
11**

‘(1) This section applies if there are 2 or more standard contracts for the
sale of electricity for consumption only at the one separate domestic area. 12
13

‘(2) Each of the contracts that is a later standard contract is an exempt
standard contract. 14
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‘(3) For subsection (2), a standard contract is a later standard contract if
it is not the first of the contracts to have commenced. 16
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Example— 18

The owner of a house used only as a place of residence has 2 standard contracts with an
electricity retailer for the sale of electricity for consumption at the house. Contract A,
for the supply of electricity to the house, was entered into on 31 July 2002, and is now
a contract for the supply of electricity to the house, other than to a small flat located in
a section of the house not used for income producing or business purposes. Contract B,
for the supply of electricity to the flat, was entered into on 31 August 2002. Contract B
is an exempt standard contract.’. 19
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Clause 7 Insertion of new ss 33A–33I 26

After section 33— 27

insert— 28

‘33A Hot water system exemption 29

‘A standard contract is an exempt standard contract if all electricity sold
under the contract is supplied to a hot water system. 30
31

‘33B Public park facility exemption

‘A standard contract is an exempt standard contract if all electricity sold under the contract is supplied to a public park facility.

‘33C Security lighting exemption

‘(1) A standard contract (the “**relevant contract**”) is an exempt standard contract if—

- (a) all electricity sold under the relevant contract is supplied to security lighting for premises; and
- (b) there is at least 1 other electricity sale arrangement for the premises; and
- (c) the relevant contract is not an exempt standard contract under the building common account exemption (type 1) or the building common account exemption (type 2).

‘(2) However, the relevant contract is not an exempt standard contract if—

- (a) all electricity sold under the other arrangement, or other arrangements, is supplied to security lighting for the premises; and
- (b) the relevant contract is the first of the electricity sale arrangements to have commenced.

‘33D Exemption for equipment for medical condition

‘A standard contract is an exempt standard contract if—

- (a) all electricity sold under the contract is supplied to an item of equipment; and
- (b) the equipment is for the use of a person for a medical condition the person has, whether or not the equipment is used only by the person, and whether or not, when used by the person, the equipment is used only for the medical condition; and
- (c) the person has written advice from a doctor to the effect of either of the following—
 - (i) because of the medical condition, the person needs to use the equipment;

- (ii) because of the medical condition, the person needs to have the equipment readily available for use in a medical emergency; and
- (d) the equipment is not in premises that are, or that are in the nature of, a hospital, an aged care hostel or a nursing home.

‘33E Retirement village common account exemption

‘A standard contract is an exempt standard contract if—

- (a) all electricity sold under the contract is sold for consumption at a retirement village; and
- (b) all electricity sold under the contract is supplied for 1 or more of the following—
 - (i) common facilities for the retirement village;
 - (ii) 1 or more on-supply arrangements; and
- (c) there is an electricity sale arrangement, other than the standard contract, for each occupied accommodation unit in the retirement village that is a separate domestic area.

Example—

A retirement village has 6 accommodation units. For each occupied accommodation unit that is a separate domestic area, there is a separate standard contract for the supply of electricity to it. Additionally, the retirement village operator is the non-contestable customer under a standard contract for the supply of electricity for the retirement village’s common lighting. The standard contract for the lighting is an exempt standard contract.

‘33F Building common account exemption (type 1)

‘A standard contract is an exempt standard contract if—

- (a) all electricity sold under the contract is sold for consumption at a multi-unit building; and
- (b) the electricity is supplied for 1 or more of the following—
 - (i) common facilities for the building;
 - (ii) 1 or more on-supply arrangements; and
- (c) there is an electricity sale arrangement, other than the standard contract, for each occupied separate area in the building.

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Examples—

1. A residential unit building has 6 units and common property. For each occupied unit, there is a separate standard contract for the supply of electricity to it. Additionally, the body corporate for the residential building is the non-contestable customer under a standard contract for the supply of electricity for the building's common lighting. The standard contract for the lighting is an exempt standard contract.
2. A shopping centre building has 14 shops. For each occupied shop there is an on-supply arrangement (type 1) for the supply of electricity. Electricity for the on-supply arrangements is supplied to the building owner under 1 standard contract. Additionally, the building owner is the non-contestable customer under 5 standard contracts, all for security lighting for the shopping centre. All 6 standard contracts are exempt standard contracts.
3. A residential building consists of 6 flats. For each occupied flat there is an on-supply arrangement (type 2) for the supply of electricity. Electricity for the on-supply arrangements (type 2) is supplied to the building owner under a standard contract that relates also to the supply of electricity to the building's common use laundry area. The standard contract is an exempt standard contract.

'33G Building common account exemption (type 2) (2 pensioner occupiers)

'(1) A standard contract is an exempt standard contract if all the following circumstances apply—

- (a) all electricity sold under the contract is sold for consumption at a double unit building;
- (b) the electricity is supplied for 1 or more of the following—
 - (i) common facilities for the building;
 - (ii) consumption at a separate area;
- (c) if there were a separate electricity sale arrangement for each separate area in the building, each electricity sale arrangement would be an exempt arrangement because of the pensioner exemption;
- (d) the pensioner who occupies each separate area has notified the non-contestable customer for the contract in the approved form of the circumstances supporting the application of paragraph (c).

'(2) The pensioner who occupies a separate area is taken to have notified the non-contestable customer under subsection (1)(d) if an electricity rebate applies in relation to the supply of electricity to the separate area.

‘33H Building common account exemption (type 2) (1 pensioner occupier)

‘(1) A standard contract is an exempt standard contract if all the following circumstances apply—

- (a) all electricity sold under 2 or more electricity sale arrangements (the “**relevant arrangements**”) is sold for consumption at a double unit building;
- (b) the contract is 1 of the relevant arrangements;
- (c) all electricity sold under the contract is supplied for 1 or more of the following—
 - (i) common facilities for the building;
 - (ii) consumption at a separate area;
- (d) if there were a separate electricity sale arrangement for each separate area in the building, the arrangement applying for 1 of the separate areas (the “**relevant separate area**”) would be an exempt arrangement because of the pensioner exemption;
- (e) the pensioner who occupies the relevant separate area has notified the non-contestable customer for the contract in the approved form of the circumstances supporting the application of paragraph (d);
- (f) the contract is not the first of the relevant arrangements to have commenced.

‘(2) The pensioner who occupies the relevant separate area is taken to have notified the non-contestable customer under subsection (1)(e) if an electricity rebate applies in relation to the supply of electricity to the separate area.

‘33I Building common account exemption (type 2) (no pensioner occupiers)

‘A standard contract is an exempt standard contract if all the following circumstances apply—

- (a) all electricity sold under 3 or more electricity sale arrangements (the “**relevant arrangements**”) is sold for consumption at a double unit building;
- (b) the contract is 1 of the relevant arrangements;

- (c) all electricity sold under the contract is supplied for 1 or more of the following—
 - (i) common facilities for the building;
 - (ii) consumption at a separate area;
- (d) if there were a separate electricity sale arrangement for each separate area in the building, neither of the arrangements would be an exempt arrangement because of the pensioner exemption;
- (e) the contract is not the first or second of the relevant arrangements to have commenced.’.

Clause 8 Amendment of s 44 (Exemption for later power card arrangements)

Section 44, heading, after ‘arrangements’—

insert—

‘for separate non-domestic area’.

Clause 9 Insertion of new s 44A

After section 44—

insert—

‘44A Exemption for later power card arrangements for separate domestic area

‘(1) This section applies if there are 2 or more power card arrangements that relate to the sale of electricity for consumption only at the one separate domestic area.

‘(2) Each of the arrangements that is a later power card arrangement is an exempt power card arrangement.

‘(3) For subsection (2), a power card arrangement is a later power card arrangement if it is not the first of the arrangements to have commenced.

Example—

There are 2 power card arrangements for the sale of electricity for consumption at a house used only as a place of residence. Power card arrangement A, for the supply of electricity to the house, commenced on 31 July 2002, and is now a power card arrangement for the supply of electricity to the house, other than a small flat located in a section of the house not used for income producing or business purposes. Power card

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arrangement B, for the supply of electricity to the flat, commenced on 31 August 2002.
Power card arrangement B is an exempt power card arrangement.’

Clause 10 Insertion of new ss 47A–47F

After section 47—

insert—

‘47A Hot water system exemption

‘A power card arrangement is an exempt power card arrangement if the power card premises for the arrangement are a hot water system.

‘47B Public park facility exemption

‘A power card arrangement is an exempt power card arrangement if the power card premises for the arrangement are a public park facility.

‘47C Security lighting exemption

‘(1) A power card arrangement (the “**relevant arrangement**”) is an exempt power card arrangement if—

- (a) the power card premises for the relevant arrangement are security lighting for particular premises; and
- (b) there is at least 1 other electricity sale arrangement for the supply of electricity for the particular premises; and
- (c) the relevant arrangement is not an exempt power card arrangement under the building common account exemption (type 1) or the building common account exemption (type 2).

‘(2) However, the relevant arrangement is not an exempt power card arrangement if—

- (a) all electricity sold under the other arrangement, or other arrangements, is supplied to security lighting also for the particular premises; and
- (b) the relevant arrangement is the first of the electricity sale arrangements to have commenced.

‘47D Exemption for equipment for medical condition

‘A power card arrangement is an exempt power card arrangement if—

- (a) the power card premises for the arrangement are an item of equipment; and
- (b) the equipment is for the use of a person for a medical condition the person has, whether or not the equipment is used only by the person, and whether or not, when used by the person, the equipment is used only for the medical condition; and
- (c) the person has written advice from a doctor to the effect of either of the following—
 - (i) because of the medical condition, the person needs to use the equipment;
 - (ii) because of the medical condition, the person needs to have the equipment readily available for use in a medical emergency; and
- (d) the equipment is not located in premises that are, or that are in the nature of, a hospital, an aged care hostel or a nursing home.

‘47E Retirement village common account exemption

‘A power card arrangement is an exempt power card arrangement if—

- (a) the power card premises for the arrangement are a retirement village; and
- (b) all electricity sold under the arrangement is supplied for 1 or more of the following—
 - (i) common facilities for the retirement village;
 - (ii) 1 or more on-supply arrangements; and
- (c) there is an electricity sale arrangement, other than the power card arrangement, for each occupied accommodation unit in the retirement village that is a separate domestic area.

Example—

A retirement village has 6 accommodation units. For each occupied accommodation unit that is a separate domestic area, there is a separate standard contract for the supply of electricity to it. Additionally, there is a power card arrangement for the supply of electricity for the retirement village’s common lighting. The power card arrangement for the lighting is an exempt power card arrangement.

‘47F Building common account exemption (type 1)	1
‘A power card arrangement is an exempt power card arrangement if—	2
(a) the power card premises for the arrangement are a multi-unit building; and	3 4
(b) all electricity sold under the arrangement is supplied for 1 or more of the following—	5 6
(i) common facilities for the building;	7
(ii) 1 or more on-supply arrangements; and	8
(c) there is an electricity sale arrangement, other than the power card arrangement, for each occupied separate area in the building.	9 10
<i>Example—</i>	11
In a shopping centre with a number of shops, each occupied shop has a power card arrangement for the supply of electricity to it. There is also a power card arrangement for the supply of electricity for air conditioning for the shopping centre. The power card arrangement for the air conditioning is an exempt power card arrangement.’.	12 13 14 15
Clause 11 Insertion of new ss 74A–74I	16
After section 74—	17
<i>insert—</i>	18
‘74A Hot water system exemption	19
‘A contestable sale arrangement is an exempt contestable sale arrangement if all electricity sold under the arrangement is supplied to a hot water system.	20 21 22
‘74B Public park facility exemption	23
‘A contestable sale arrangement is an exempt contestable sale arrangement if all electricity sold under the arrangement is supplied to a public park facility.	24 25 26
‘74C Security lighting exemption	27
‘(1) A contestable sale arrangement (the “ relevant arrangement ”) is an exempt contestable sale arrangement if—	28 29

- (a) all electricity sold under the relevant arrangement is supplied to security lighting for premises; and 1
2
 - (b) there is at least 1 other electricity sale arrangement for the premises; and 3
4
 - (c) the relevant arrangement is not an exempt contestable sale arrangement under the building common account exemption (type 1) or the building common account exemption (type 2). 5
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- ‘(2) However, the relevant arrangement is not an exempt contestable sale arrangement if— 8
9
- (a) all electricity sold under the other arrangement, or other arrangements, is supplied to security lighting for the premises; and 10
11
12
 - (b) the relevant arrangement is the first of the electricity sale arrangements to have commenced. 13
14
- ‘74D Exemption for equipment for medical condition 15**
- ‘A contestable sale arrangement is an exempt contestable sale arrangement if— 16
17
- (a) all electricity sold under the arrangement is supplied to an item of equipment; and 18
19
 - (b) the equipment is for the use of a person for a medical condition the person has, whether or not the equipment is used only by the person, and whether or not, when used by the person, the equipment is used only for the medical condition; and 20
21
22
23
 - (c) the person has written advice from a doctor to the effect of either of the following— 24
25
 - (i) because of the medical condition, the person needs to use the equipment; 26
27
 - (ii) because of the medical condition, the person needs to have the equipment readily available for use in a medical emergency; and 28
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30
 - (d) the equipment is not in premises that are, or that are in the nature of, a hospital, an aged care hostel or a nursing home. 31
32

‘74E Retirement village common account exemption

‘A contestable sale arrangement is an exempt contestable sale arrangement if—

- (a) all electricity sold under the arrangement is sold for consumption at a retirement village; and
- (b) all electricity sold under the arrangement is supplied for 1 or more of the following—
 - (i) common facilities for the retirement village;
 - (ii) 1 or more on-supply arrangements; and
- (c) there is an electricity sale arrangement, other than the contestable sale arrangement, for each occupied accommodation unit in the retirement village that is a separate domestic area.

Example—

A retirement village has 6 accommodation units. For each occupied accommodation unit that is a separate domestic area, there is a separate standard contract for the supply of electricity to it. Additionally, the retirement village scheme operator is the relevant contestable customer under a contestable sale arrangement for the supply of electricity for the retirement village’s common lighting. The contestable sale arrangement for the lighting is an exempt contestable sale arrangement.

‘74F Building common account exemption (type 1)

‘A contestable sale arrangement is an exempt contestable sale arrangement if—

- (a) all electricity sold under the arrangement is sold for consumption at a multi-unit building; and
- (b) the electricity is supplied for 1 or more of the following—
 - (i) common facilities for the building;
 - (ii) 1 or more on-supply arrangements; and
- (c) there is an electricity sale arrangement, other than the contestable sale arrangement, for each occupied separate area in the building.

Examples—

1. A residential building has 6 units and common property. For each occupied unit, there is a separate standard contract for the supply of electricity to it. Additionally, the body corporate for the residential building is the relevant contestable customer under a contestable sale arrangement for the supply of electricity for the building’s

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common lighting. The contestable sale arrangement for the lighting is an exempt contestable sale arrangement.	1 2
2. A shopping centre building has 14 shops. For each shop there is an on-supply arrangement (type 1) for the supply of electricity. Electricity for the on-supply arrangements is supplied to the building owner under 1 contestable sale arrangement. Additionally, the building owner is the relevant contestable customer under 5 contestable sale arrangements, all for security lighting for the shopping centre. All 6 contestable sale arrangements are exempt contestable sale arrangements.	3 4 5 6 7 8 9
3. A building consists of 6 flats. For each flat there is an on-supply arrangement (type 2) for the supply of electricity. Electricity for the on-supply arrangement (type 2) is supplied to the building owner under a contestable sale arrangement that relates also to the supply of electricity to the building's common use laundry area. The contestable sale arrangement is an exempt contestable sale arrangement.	10 11 12 13 14
'74G Building common account exemption (type 2) (2 pensioner occupiers)	15 16
'(1) A contestable sale arrangement is an exempt contestable sale arrangement if all the following circumstances apply—	17 18
(a) all electricity sold under the arrangement is sold for consumption at a double unit building;	19 20
(b) the electricity is supplied for 1 or more of the following—	21
(i) common facilities for the building;	22
(ii) consumption at a separate area;	23
(c) if there were a separate electricity sale arrangement for each separate area in the building, each electricity sale arrangement would be an exempt arrangement because of the pensioner exemption;	24 25 26 27
(d) the pensioner who occupies each separate area has notified the relevant contestable customer for the arrangement in the approved form of the circumstances supporting the application of paragraph (c).	28 29 30 31
'(2) The pensioner who occupies a separate area is taken to have notified the relevant contestable customer under subsection (1)(d) if an electricity rebate applies in relation to the supply of electricity to the separate area.	32 33 34

‘74H Building common account exemption (type 2) (1 pensioner occupier)

‘(1) A contestable sale arrangement is an exempt contestable sale arrangement if all the following circumstances apply—

- (a) all electricity sold under 2 or more electricity sale arrangements (the “**relevant arrangements**”) is sold for consumption at a double unit building;
- (b) the arrangement is 1 of the relevant arrangements;
- (c) all electricity sold under the arrangement is supplied for 1 or more of the following—
 - (i) common facilities for the building;
 - (ii) consumption at a separate area;
- (d) if there were a separate electricity sale arrangement for each separate area in the building, the arrangement applying for 1 of the separate areas (the “**relevant separate area**”) would be an exempt arrangement because of the pensioner exemption;
- (e) the pensioner who occupies the relevant separate area has notified the relevant contestable customer for the arrangement in the approved form of the circumstances supporting the application of paragraph (d);
- (f) the arrangement is not the first of the relevant arrangements to have commenced.

‘(2) The pensioner who occupies the relevant separate area is taken to have notified the relevant contestable customer under subsection (1)(e) if an electricity rebate applies in relation to the supply of electricity to the separate area.

‘74I Building common account exemption (type 2) (no pensioner occupiers)

‘A contestable sale arrangement is an exempt contestable sale arrangement if all the following circumstances apply—

- (a) all electricity sold under 3 or more electricity sale arrangements (the “**relevant arrangements**”) is sold for consumption at a double unit building;
- (b) the arrangement is 1 of the relevant arrangements;

	(c) all electricity sold under the arrangement is supplied for 1 or more of the following—	1 2
	(i) common facilities for the building;	3
	(ii) consumption at a separate area;	4
	(d) if there were a separate electricity sale arrangement for each separate area in the building, neither of the arrangements would be an exempt arrangement because of the pensioner exemption;	5 6 7
	(e) the arrangement is not the first or second of the relevant arrangements to have commenced.’.	8 9
Clause	12 Amendment of s 85 (Commissioner may perform electricity retailer’s obligations)	10 11
	Section 85(1), from ‘an electricity retailer’ to ‘comply with’—	12
	<i>omit, insert—</i>	13
	‘an electricity retailer does not comply with’.	14
Clause	13 Amendment of s 87 (Statement of levy liability)	15
	Section 87(1), example 2, from ‘the on-supply arrangements’—	16
	<i>omit, insert—</i>	17
	‘the on-supply arrangements.’.	18
Clause	14 Insertion of new s 90A	19
	After section 90—	20
	<i>insert—</i>	21
	‘90A Special provision for notification of hot water system exemption for standard contract instead of s 90	22 23
	‘(1) Subsections (2) to (4) apply, and section 90 does not apply, to a non-contestable customer for a standard contract with an electricity retailer if—	24 25 26
	(a) the non-contestable customer claims that the standard contract is, or has been for a particular period, an exempt standard contract because of the hot water system exemption; and	27 28 29

(b) section 99(3) does not provide for the notification of the exemption. 1
2

‘(2) The non-contestable customer may notify the commissioner by written notice of the circumstances of the exemption. 3
4

‘(3) After considering the non-contestable customer’s written notice under subsection (2), the commissioner must— 5
6

(a) decide the extent of exemption; and 7

(b) give written notice of the decision to— 8

(i) the non-contestable customer; and 9

(ii) the electricity retailer. 10

‘(4) The electricity retailer must treat the standard contract as an exempt standard contract to the extent provided for— 11
12

(a) in the written notice given to the electricity retailer; or 13

(b) in any subsequent notice the commissioner gives the electricity retailer following any objection or appeal dealt with under this Act in relation to the commissioner’s decision.’. 14
15
16

Clause 15 Insertion of new ss 92A and 92B 17

After section 92— 18

insert— 19

‘92A Special provision for notification of hot water system exemption for power card arrangement instead of s 92(2) 20 21

‘(1) Subsections (2) to (4) apply, and section 92(2) does not apply, to a power card arrangement if— 22
23

(a) the power card arrangement is, or has been for a particular period, an exempt power card arrangement because of the hot water system exemption; and 24
25
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(b) section 99(3) does not provide for the notification of the exemption; and 27
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(c) a person who has direct knowledge of the circumstances causing the power card arrangement to be, or to have been, an exempt power card arrangement is the owner for the arrangement. 29
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‘(2) The owner may notify the commissioner by written notice of the circumstances of the exemption.

‘(3) After considering the owner’s written notice under subsection (2), the commissioner must —

- (a) decide the extent of exemption; and
- (b) give written notice of the decision to—
 - (i) the owner; and
 - (ii) the relevant electricity retailer for the power card arrangement.

‘(4) The relevant electricity retailer must treat the power card arrangement as an exempt power card arrangement to the extent provided for—

- (a) in the written notice given to the relevant electricity retailer; or
- (b) in any subsequent notice the commissioner gives the relevant electricity retailer following any objection or appeal dealt with under this Act in relation to the commissioner’s decision.

‘92B Special provision for notification of hot water system exemption for power card arrangement instead of s 92(3) and (4)

‘(1) Subsections (2) to (4) apply, and section 92(3) and (4) does not apply, to a power card arrangement, if—

- (a) the power card arrangement is, or has been for a particular period, an exempt power card arrangement because of the hot water system exemption; and
- (b) section 99(3) does not provide for the notification of the exemption; and
- (c) a person (the “**affected person**”) who has direct knowledge of the circumstances causing the power card arrangement to be, or to have been, an exempt power card arrangement is not the owner for the arrangement; and
- (d) the affected person has notified the owner for the arrangement by written notice of the circumstances causing the power card arrangement to be, or to have been, an exempt power card arrangement.

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‘(2) The owner must, within 28 days after receiving the affected person’s written notice under subsection (1)(d), notify the commissioner by written notice of the circumstances of the exemption.

‘(3) After considering the owner’s written notice under subsection (2), the commissioner must —

(a) decide the extent of exemption; and

(b) give written notice of the decision to—

(i) the owner; and

(ii) the relevant electricity retailer for the power card arrangement.

‘(4) The relevant electricity retailer must treat the power card arrangement as an exempt power card arrangement to the extent provided for—

(a) in the written notice given to the relevant electricity retailer; or

(b) in any subsequent notice the commissioner gives the relevant electricity retailer following any objection or appeal dealt with under this Act in relation to the commissioner’s decision.’.

Clause 16 Insertion of new s 97A

After section 97—

insert—

‘97A Special provision for notification of hot water system exemption for contestable sale arrangement instead of s 97

‘(1) Subsections (2) to (4) apply, and section 97 does not apply, to the relevant contestable customer for a contestable sale arrangement if—

(a) the relevant contestable customer claims that the contestable sale arrangement is, or has been for a particular period, an exempt contestable sale arrangement because of the hot water system exemption; and

(b) section 99(3) does not provide for the notification of the exemption.

‘(2) The relevant contestable customer may notify the commissioner by written notice of the circumstances of the exemption.

‘(3) After considering the relevant contestable customer’s written notice under subsection (2), the commissioner must—	1 2
(a) decide the extent of the exemption; and	3
(b) give written notice of the decision to—	4
(i) the relevant contestable customer; and	5
(ii) the relevant electricity retailer for the contestable sale arrangement.	6 7
‘(4) The electricity retailer must treat the contestable sale arrangement as an exempt contestable sale arrangement to the extent provided for—	8 9
(a) in the written notice given to the electricity retailer; or	10
(b) in any subsequent notice the commissioner gives the electricity retailer following any objection or appeal dealt with under this Act in relation to the commissioner’s decision.’.	11 12 13
Clause 17 Amendment of s 99 (Particular exemptions taken to be notified under divs 2–5)	14 15
Section 99—	16
<i>insert—</i>	17
‘(3) For an exemption for an electricity sale arrangement on the basis of the hot water system exemption, an electricity retailer is taken to be notified, for division 2, 3 or 5, of the circumstances causing the electricity sale arrangement to be, or to have been, an exempt arrangement if all electricity retail services provided for the arrangement are charged or chargeable at a tariff of a type prescribed under a regulation.	18 19 20 21 22 23
‘(4) For an exemption for an electricity sale arrangement on the basis of the retirement village common account exemption or the building common account exemption (type 1), an electricity retailer is taken to be notified, for division 2, 3 or 5, of the circumstances causing the electricity sale arrangement to be, or to have been, an exempt arrangement if—	24 25 26 27 28
(a) electricity sold under the arrangement is supplied to an on-supplier for 1 or more on-supply arrangements; and	29 30
(b) the on-supplier has given to the electricity retailer, in relation to the on-supply arrangements, a return under section 96.’.	31 32

Clause	18 Amendment of s 120 (Ability of on-supplier to recover levy amount)	1 2
	Section 120(2) and (3)— <i>omit.</i>	3 4
Clause	19 Insertion of new ss 121A and 121B	5
	After section 121— <i>insert—</i>	6 7
	‘121A Recovery of levy by on-supplier before statement of levy liability	8
	‘(1) This section applies if—	9
	(a) a person (the “relevant person”) is—	10
	(i) the receiver for an on-supply arrangement; or	11
	(ii) the owner of the separate area for an on-supply arrangement; or	12 13
	(iii) the occupier of the separate area for an on-supply arrangement; and	14 15
	(b) the relevant person stops or is about to stop being the receiver for the on-supply arrangement or the owner or occupier of the separate area for the on-supply arrangement; and	16 17 18
	(c) the statement of levy liability the on-supplier needs to entitle the on-supplier to recover from the relevant person the relevant levy amount has not yet been issued to the on-supplier for the arrangement by the relevant electricity retailer for the arrangement.	19 20 21 22 23
	‘(2) Despite section 121, the on-supplier may recover the relevant levy amount from the relevant person without waiting for the statement of levy liability to be issued.	24 25 26
	‘(3) In this section—	27
	“relevant levy amount” means the levy amount relating to a period ending on the day the relevant person stops being the receiver for the arrangement, or the owner or occupier of the separate area, and for which the on-supplier has not recovered a levy amount under section 120.	28 29 30 31 32

‘121B Subsequent recovery entitlements

‘(1) If the on-supplier for an on-supply arrangement recovers a levy amount from the receiver for the arrangement, the receiver may recover the amount from, if the receiver is not the owner of the separate area for the arrangement—

(a) the owner of the separate area; or

(b) the occupier of the separate area, but only to the extent the amount relates to the period of the occupier’s lease, tenancy or occupation.

‘(2) If the on-supplier or the receiver for an on-supply arrangement recovers a levy amount from the owner of the separate area for the arrangement, the owner may recover the amount from the occupier of the separate area, but only to the extent the amount relates to the period of the occupier’s lease, tenancy or occupation.

‘(3) In this section—

“levy amount” includes a relevant levy amount under section 121A.’.

Clause 20 Insertion of new pt 7, div 13

Part 7—

insert—

‘Division 13—Limitations on levy recovery**‘124A Recovery of levy amount prohibited for common account exemptions**

‘(1) An electricity customer must not recover, or take action to try to recover, from any person, all or part of a levy amount paid or payable for a day for an electricity sale arrangement that is an exempt arrangement for that day under—

(a) the retirement village common account exemption; or

(b) the building common account exemption (type 1); or

(c) the building common account exemption (type 2).

‘(2) Subsection (1) does not stop the electricity customer from claiming a refund of the levy amount from the relevant electricity retailer for the electricity sale arrangement.

‘124B Recovery of levy amount from pensioner prohibited for standard contract

‘(1) If a standard contract for a double unit building is an exempt standard contract under section 33H, an electricity customer must not recover, or take action to try to recover, from a pensioner, all or part of a levy amount paid for an electricity sale arrangement for the building that is, under section 33H(1)(f), the first of the relevant arrangements to have commenced, if the pensioner is the occupier who—

- (a) gave the notification under section 33H(1)(e); or
- (b) is taken to have given the notification under section 33H(2).

‘(2) Subsection (3) applies if—

- (a) all electricity sold for consumption at a double unit building is sold under a single standard contract; and
- (b) if there were a separate electricity sale arrangement for each separate area in the building, the arrangement applying for 1 of the separate areas (the “**relevant separate area**”) would be an exempt arrangement because of the pensioner exemption; and
- (c) the pensioner who occupies the relevant separate area has notified the non-contestable customer for the standard contract in the approved form of the circumstances supporting the application of paragraph (b).

‘(3) An electricity customer must not recover, or take action to try to recover, from the pensioner, all or part of a levy amount paid for the standard contract.

‘(4) The pensioner who occupies the relevant separate area is taken to have notified the non-contestable customer under subsection (2)(c) if an electricity rebate applies in relation to the supply of electricity to the separate area.

‘124C Recovery of levy amount from pensioner prohibited for contestable sale arrangement

‘(1) If a contestable sale arrangement for a double unit building is an exempt contestable sale arrangement under section 74H, an electricity customer must not recover, or take action to try to recover, from a pensioner, all or part of a levy amount paid for an electricity sale arrangement for the building that is, under section 74H(1)(f), the first of the

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relevant arrangements to have commenced, if the pensioner is the occupier who—

- (a) gave the notification under section 74H(1)(e); or
- (b) is taken to have given the notification under section 74H(2).

‘(2) Subsection (3) applies if—

- (a) all electricity sold for consumption at a double unit building is sold under a single contestable sale arrangement; and
- (b) if there were a separate electricity sale arrangement for each separate area in the building, the arrangement applying for 1 of the separate areas (the “**relevant separate area**”) would be an exempt arrangement because of the pensioner exemption; and
- (c) the pensioner who occupies the relevant separate area has notified the relevant contestable customer for the contestable sale arrangement in the approved form of the circumstances supporting the application of paragraph (b).

‘(3) An electricity customer must not recover, or take action to try to recover, from the pensioner, all or part of a levy amount paid for the contestable sale arrangement.

‘(4) The pensioner who occupies the relevant separate area is taken to have notified the relevant contestable customer under subsection (2)(c) if an electricity rebate applies in relation to the supply of electricity to the separate area.’.

Clause 21 Amendment of s 127 (Who may lodge objection)

(1) Section 127(1)(a), (b) and (d), ‘customer’—

omit, insert—

‘electricity customer’.

(2) Section 127(1)(a), ‘retailer’—

omit, insert—

‘electricity retailer’.

(3) Section 127(1)(c), ‘customer’s’—

omit, insert—

‘electricity customer’s’.

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	(4) Section 127(4), ‘customer’—	1
	<i>omit, insert</i> —	2
	‘electricity customer’.	3
Clause	22 Amendment of s 148 (Evidentiary provision for statements of levy liability)	4
	Section 148(2), from ‘or notice’ to ‘shortfall’—	5
	<i>omit, insert</i> —	6
	‘or a notice of a shortfall’.	7
Clause	23 Replacement of s 151 (Giving document if more than 1 electricity customer liable to pay levy for electricity sale arrangement)	8
	Section 151—	9
	<i>omit, insert</i> —	10
	‘151 Giving document if more than 1 electricity customer liable to pay levy amount for electricity sale arrangement	11
	‘(1) A document is taken to be given to all persons who are liable to pay a levy amount for an electricity sale arrangement if it is given to 1 of the persons who is liable to pay the amount.	12
	‘(2) In this section—	13
	“levy amount” includes a relevant levy amount under section 121A.’.	14
Clause	24 Insertion of new pt 12	15
	After section 155—	16
	<i>insert</i> —	17
	‘PART 12—TRANSITIONAL PROVISIONS	18
	‘156 Transitional provision for statements of levy liability issued on or after 11 November 2003	19
	‘(1) This section applies to a statement of levy liability issued on or after 11 November 2003 if—	20

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(a) the statement is for days, or includes a day, before 1
11 November 2003; and 2

(b) the statement is not a replacement statement of levy liability for a 3
statement of levy liability issued before 11 November 2003. 4

‘(2) If the statement relates to an electricity sale arrangement that, on 5
11 November 2003, becomes an exempt arrangement because of the 6
amendment of this Act by the *Community Ambulance Cover Amendment* 7
Act 2004, the arrangement is an exempt arrangement for each day to which 8
the statement relates. 9

‘157 Transitional provision for particular approved forms 10

‘(1) This section applies to the first publication in the gazette, on or after 11
the commencement of this section, of a notice under the *Statutory* 12
Instruments Act 1992, section 58(6)(a)¹ relating to the approval or 13
availability of a relevant form. 14

‘(2) The publication is taken to have been effective on and from 15
11 November 2003. 16

‘(3) In this section— 17

“**relevant form**” means a form for making an application, or notifying 18
information, in relation to an exemption established because of the 19
amendment of this Act by the *Community Ambulance Cover* 20
Amendment Act 2004.’. 21

Clause 25 Amendment of schedule (Dictionary) 22

Schedule— 23

insert— 24

“**accommodation unit**” means— 25

(a) for a retirement village that is a retirement village under the 26
Retirement Villages Act 1999—an accommodation unit under 27
that Act; or 28

(b) for a retirement village that is not a retirement village under the 29
Retirement Villages Act 1999—a unit of occupation in the 30

1 *Statutory Instruments Act 1992*, section 58 (Forms—notification and availability)

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retirement village that is equivalent to an accommodation unit
under that Act.

“building common account exemption (type 1)” means the exemption
applying to an electricity sale arrangement because of the operation of
section 33F, 47F or 74F.

“building common account exemption (type 2)” means the exemption
applying to an electricity sale arrangement because of the operation of
section 33G, 33H, 33I, 74G, 74H or 74I.

“common facility”—

1. A “common facility”, for a multi-unit building, means an
electrical or mechanical installation or item of equipment that—
 - (a) is located in or otherwise relates to a part of the building;
and
 - (b) is for the use and enjoyment of occupants of the building;
and
 - (c) is not for any particular separate area in the building.

Examples—

an air conditioning plant, a lift, common lighting, a swimming pool filter or
a power point for the common use of the occupiers of units in a residential
unit building

2. A “common facility”, for a retirement village, means an
electrical or mechanical installation or item of equipment that—
 - (a) is located in or otherwise relates to a part of the retirement
village; and
 - (b) is for the use and enjoyment of the residents of the
retirement village; and
 - (c) is not for any particular accommodation unit in the
retirement village.

Examples—

an air conditioning plant, a lift, common lighting, a swimming pool filter or
a power point for the common use of the residents of a retirement village

“double unit building” means a multi-unit building for which all the
following apply—

- (a) the building has only 2 separate areas;

(b) under an electricity sale arrangement, electricity is supplied for consumption at both separate areas, and there is no separate electricity sale arrangement for either of the separate areas;

(c) if the building had a third separate area, an on-supply arrangement (type 2) would exist for each separate area.

“equipment” includes an apparatus or device.

“hot water system exemption” means the exemption applying to an electricity sale arrangement because of the operation of section 33A, 47A or 74A.

“multi-unit building” —

1. A “multi-unit building” is a building that includes 2 or more separate areas.

Examples—

- a home unit building
- a building made up of town houses
- a building that is a shopping centre
- an office building
- a building divided into flats

2. However, a “multi-unit building” does not include a detached house.

“public facility” means a facility for the use and enjoyment of the public, including the following—

- (a) a barbecue;
- (b) a picnic shelter;
- (c) a walkway;
- (d) a rest room;
- (e) a war memorial or similar memorial.

“public park”—

1. A “public park” is a place that is designed for use as a park and that is usually open to the public without payment of a fee for entry or use.

2. A “public park” includes the following—

- (a) a public rest area;

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- (b) a public garden; 1
- (c) a site at which a war memorial or similar memorial is 2
located. 3
- “public park facility”** means a public facility in a public park. 4
- “retirement village”** means— 5
 - (a) a retirement village under the *Retirement Villages Act 1999*; or 6
 - (b) premises made up of 2 or more independent living units or 7
serviced units, managed and used for the permanent residence of 8
persons who are either or both of the following— 9
 - (i) older members of the community; 10
 - (ii) retired persons. 11
- “retirement village common account exemption”** means the exemption 12
applying to an electricity sale arrangement because of the operation of 13
section 33E, 47E or 74E. 14
- “security lighting”** means lighting used primarily for either or both of the 15
following— 16
 - (a) protection of property; 17
 - (b) safety of individuals. 18
- “separate domestic area”** see section 13A.’. 19