

TASMANIA

**ELECTRICITY SUPPLY INDUSTRY CONCESSION
AMENDMENT ORDER 2019
STATUTORY RULES 2019, No. 45**

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ELECTRICITY SUPPLY INDUSTRY CONCESSION AMENDMENT ORDER 2019

I make the following order under section 43D of the *Electricity Supply Industry Act 1995*.

Dated 25 June 2019.

PETER GUTWEIN
Treasurer

1. Short title

This order may be cited as the *Electricity Supply Industry Concession Amendment Order 2019*.

2. Commencement

This order takes effect on the day on which its making is notified in the *Gazette*.

3. Principal Order

In this order, the *Electricity Supply Industry Concession Order 2016** is referred to as the Principal Order.

4. Clause 3 amended (Interpretation)

Clause 3(1) of the Principal Order is amended by omitting the definition of *corresponding concession* and substituting the following definition:

*S.R. 2016, No. 49

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corresponding concession means the annual electricity concession provided under the former concession order by an authorised retailer before the commencement date;

5. Clause 4 amended (Life support concession)

Clause 4 of the Principal Order is amended as follows:

- (a) by inserting in subclause (3)(a) “on that day” after “are”;
- (b) by inserting in subclause (3)(b) “on that day” after “the person”;
- (c) by omitting from subclause (3)(d) “made to the authorised retailer an application, under this order or the former concession order,” and substituting “submitted to the authorised retailer an application, referred to in subclause (4)”;
- (d) by omitting subclause (4) and substituting the following subclause:
 - (4) For the purposes of this clause, an authorised retailer has been notified by a person that the person is eligible for the life support concession in respect of premises if the person has submitted to the authorised retailer an accurately completed application, in a form approved by an authorised person, that –

- (a) claims the life support concession in respect of the premises; and
 - (b) includes a certification from a medical practitioner that the person, or another person (who is a person who resides with the person), requires an approved home-based life support machine at the premises.
- (e) by inserting the following subclauses after subclause (5):
- (5A) If, within a period –
 - (a) beginning on the day that is 2 years after a person last submitted to an authorised retailer an accurately completed application referred to in subclause (4), (the *former application*); and
 - (b) ending on the day that is 2 years and 90 days after the day on which the person submitted the former application –
- the person submits to the authorised retailer a further accurately completed application

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referred to in subclause (4) (the *further application*), the authorised retailer may, in its discretion, determine that the further application is to be taken to have been submitted to the authorised retailer on the day that is 2 years after the former application was submitted.

(5B) If an authorised retailer determines under subclause (5A) that an application, referred to in subclause (4), is to be taken to have been submitted to the authorised retailer on a day, the application is to be taken to have been submitted on that day.

6. Clause 5 amended (Medical cooling or heating concession)

Clause 5 of the Principal Order is amended as follows:

- (a) by inserting in subclause (3)(a) “on that day” after “are”;
- (b) by inserting in subclause (3)(b) “on that day” after “is”;
- (c) by inserting in subclause (3)(c) “on that day” after “need”;
- (d) by omitting from subclause (3)(e) “made to the authorised retailer an application,

under this order or the former concession order” and substituting “submitted to the authorised retailer an application, referred to in subclause (4)”;

(e) by omitting subclause (4) and substituting the following subclause:

(4) For the purposes of this clause, an authorised retailer has been notified by a person that the person is eligible for the medical cooling or heating concession in respect of premises if the person has submitted to the authorised retailer an accurately completed application, in a form approved by an authorised person, that –

(a) claims the medical cooling or heating concession in respect of the premises; and

(b) contains a relevant current medical certification within the meaning of clause 6(3) in relation to the person or a person with whom the person lives.

(f) by inserting the following subclauses after subclause (5):

(5A) If, within a period –

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(a) beginning on the day that is 2 years after a person last submitted to an authorised retailer an accurately completed application referred to in subclause (4), (the *former application*); and

(b) ending on the day that is 2 years and 90 days after the day on which the person submitted the former application –

the person submits to the authorised retailer a further accurately completed application referred to in subclause (4) (the *further application*), the authorised retailer may, in its discretion, determine that the further application is to be taken to have been submitted to the authorised retailer on the day that is 2 years after the former application was submitted.

(5B) If an authorised retailer determines under subclause (5A) that an application, referred to in subclause (4), is to be taken to have been submitted to the authorised retailer on a day, the application is to be taken to have been submitted on that day.

(5C) Subclause (5D) applies in relation to a person in respect of a pensioner concession card or current health care card if the person submits to an authorised retailer an application, referred to in subclause (4), on a day (in this clause referred to as the ***application day***) after the day on which the card is issued to the person.

(5D) If –

- (a) this subclause applies in relation to a person in respect of a pensioner concession card or current health care card; and
- (b) there is evidence, satisfactory to the authorised retailer, that the person or entity that issued the card treats the card as applying to the person from a day (in this clause referred to as the ***retrospective issue day***) that is before the day on which the card is issued and before the application day –

the authorised retailer may, in its discretion, determine that the

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person is to be taken to have been the holder of the card on and from the retrospective issue day.

(5E) If an authorised retailer determines under subclause (5D) that a person is to be taken to have been the holder of a card on and from the retrospective issue day –

(a) the person is to be taken to have been the holder of the card on and from the retrospective issue day; and

(b) the application, referred to in subclause (5C), made by the person is to be taken to have been submitted –

(i) if subparagraph (ii) does not apply – on the retrospective issue day; or

(ii) if the retrospective issue day is more than 12 months before the application day – on the day that is

12 months before
the application
day.

- (g) by omitting from subclause (8) “41.328 cents.” and substituting “42.155 cents.”.

7. Clause 6 amended (Recognised medical need for heating or cooling of residential premises)

Clause 6 of the Principal Order is amended as follows:

- (a) by omitting subclause (2);
- (b) by omitting from subclause (3) “who has submitted an application to which clause 5(4)(b) applies, a relevant current medical certification if the person’s treating medical practitioner has certified on the application form referred to in clause 5(4)(b)” and substituting “, a relevant current medical certification if the medical practitioner treating the person has specified in an application form, referred to in clause 5(4), that relates to the medical condition of the person,”;
- (c) by omitting from subclause (4) “who has made an application referred to in clause 5(4)(b)” and substituting “to whom a medical condition referred to in an application referred to in clause 5(4) relates”.

8. Clause 7 amended (Annual electricity concession)

Clause 7 of the Principal Order is amended as follows:

- (a) by inserting in subclause (3)(a) “on that day” after “are”;
- (b) by inserting in subclause (3)(b) “on that day” after “is”;
- (c) by inserting the following subclauses after subclause (5):

(5A) Subclause (5B) applies in relation to a person in respect of a pensioner concession card, current health care card, specified bridging visa or residence determination if the person submits to an authorised retailer an application, referred to in subclause (4)(b), on a day (in this clause referred to as the *application day*) after the day on which the card or visa is issued to the person or the residence determination is made in relation to the person.

(5B) If –

- (a) this subclause applies in relation to a person in respect of a pensioner concession card, current health care card, specified

bridging visa or residence determination; and

- (b) there is evidence, satisfactory to the authorised retailer, that the person or entity that issued the card or visa or made the determination treats the card, visa or determination as applying to the person from a day (in this clause referred to as the *retrospective issue day*) that is –
- (i) before the day on which the card or visa is issued or the determination is made; and
 - (ii) before the application day –

the authorised retailer may, in its discretion, determine that the person is to be taken to have been the holder of the card or visa on and from the retrospective issue day or a person to whom the residence determination relates on and from the retrospective issue day, respectively.

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(5C) If an authorised retailer determines under subclause (5B) that a person is to be taken to have been the holder of a card or visa on and from the retrospective issue day or a person to whom a residence determination relates on and from the retrospective issue day –

(a) the person is to be taken to have been the holder of the card or visa on and from the retrospective issue day or a person to whom the residence determination relates on and from the retrospective issue day, respectively; and

(b) the application, referred to in subclause (5A), made by the person is to be taken to have been submitted –

(i) if subparagraph (ii) does not apply – on the retrospective issue day; or

(ii) if the retrospective issue day is more

than 12 months
before the
application day –
on the day that is
12 months before
the application
day.

- (d) by omitting from subclause (9) “137.980 cents.” and substituting “140.740 cents.”.

9. Schedule 1 substituted

Schedule 1 to the Principal Order is revoked and
the following Schedule is substituted:

**SCHEDULE 1 – CONCESSIONS IN RESPECT OF
LIFE SUPPORT SYSTEMS**

Clause 4(8)

	Life support machine	Daily discount amount
1.	Oxygen concentrator	104.314 cents
2.	Peritoneal dialysis machine	77.395 cents
3.	Haemo-dialysis machine	77.395 cents
4.	Chronic positive pressure and airways regulator	37.015 cents
5.	Continuous positive airways pressure machine	37.015 cents
6.	Respirator (iron lung)	137.964 cents

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	Life support machine	Daily discount amount
7.	Combination oxygen concentrator and chronic positive pressure and airways regulator	141.329 cents
8.	Phototherapy machine	196.577 cents
9.	Left ventricular assist device	37.015 cents

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 28 June 2019.

This order is administered in the Department of Treasury and Finance.

EXPLANATORY NOTE

(This note is not part of the order)

This order amends the *Electricity Supply Industry Concession Order 2016* –

- (a) by altering the concession rates specified in the order; and
- (b) so that a concession may, in certain circumstances, apply in relation to a period that begins before the retailer is notified of eligibility for the concession.