



**ELECTRICITY INDUSTRY REFORM ACT (FEES) REGULATIONS
1998**

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 21st day of September 1998

Present:

THE RIGHT HON JENNY SHIPLEY PRESIDING IN COUNCIL

PURSUANT to section 87 (2) of the Electricity Industry Reform Act 1998, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following regulations.

ANALYSIS

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| 1. Title and commencement
2. Fee prescribed for exemption applications | | 3. Refunds
4. Schedule of costs
5. Goods and services tax |
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Electricity Industry Reform Act (Fees) Regulations 1998.

(2) These regulations come into force on 22 September 1998.

2. Fee prescribed for exemption applications—A fee of \$11,250 is payable to the Commerce Commission by any applicant for an exemption under section 81 (1) of the Electricity Industry Reform Act 1998.

3. Refunds—The Commerce Commission must make a refund to an applicant who has paid a fee under regulation 2 where the actual cost of processing the application and refund is materially less than the fee paid.

4. Schedule of costs—(1) The Commerce Commission must prepare, as soon as reasonably practicable, a schedule that—

- (a) Identifies, in respect of the processing of exemption applications generally, the stages of the work involved and, if practicable, the likely apportionment of costs between those stages;
- (b) Identifies, in respect of the processing of any particular exemption application, a method of calculation to determine the actual cost of processing the application and refund;
- (c) Indicates how refunds will be paid in the event that the actual cost of processing is less than the fee paid under regulation 2.

(2) The method of calculation in subclause (1) (b) may be any method of calculation that will enable an amount to be arrived at (including an hourly rate) or any other means that fixes or will fix a cost for the work involved in processing an application and refund.

(3) A copy of the schedule must be—

- (a) Available for public inspection free of charge during normal office hours at the offices of the Commission; and
 - (b) Sent by the Commission to any person who requests it.
- (4) The Commission may amend the schedule from time to time.

5. Goods and services tax—The fee prescribed by these regulations is inclusive of goods and services tax.

MARIE SHROFF,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 22 September 1998, prescribe the fee payable for an exemption application to the Commerce Commission under the Electricity Industry Reform Act 1998.

The fee is set at \$11,250.

The Commerce Commission must make a refund in any case where the cost to the Commission of processing an application is materially less than the fee paid.

The Commerce Commission is required to prepare a schedule that will identify how it will calculate its costs in respect of an application.

The fee is inclusive of goods and services tax.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 22 September 1998.
These regulations are administered in the Ministry of Commerce.