



# CONSULTATION

## Invitation for Public Submissions

### PROHIBITION AND RESTRICTION ON SYNERGY AND VERVE ENERGY UNDER THE *ELECTRICITY CORPORATIONS ACT 2005*

The Western Australian Minister for Energy has requested that the Economic Regulation Authority provide its views on the effect that the operation of sections 38(1) and 47(1) of the *Electricity Corporations Act 2005 (Act)* have had, and are likely to have, on the encouragement of competition in the generation, retail and wholesale electricity markets. Section 38(1) of the Act restricts Verve Energy from retailing electricity for a designated period<sup>1</sup> and section 47(1) prohibits Synergy from generating electricity for a designated period.<sup>2</sup>

Sections 39(1) and 48(1) of the Act require the Minister to review the operation of sections 38(1) and 47(1) before the expiry of five years from the commencement of these sections of the Act. As these sections of the Act commenced on 1 April 2006, there is a statutory requirement for the Minister to review the operation of these sections by 1 April 2011.

Sections 39(3) and 48(3) of the Act require that the Minister obtain, and take into account, the views of the Authority before carrying out these reviews.

The Authority has prepared an [issues paper](#) to assist interested parties wishing to make submissions. This issues paper provides background information to assist interested parties to understand the nature of the matters on which the Authority seeks public submissions. The issues paper is available on the Authority's [website](#).

The Authority aims to provide its views to the Minister on the operation of sections 38(1) and 47(1) of the Act by February 2011. In providing its views, the Authority will consider and address the points raised in public submissions in response to this issues paper.

### Public submissions

The Authority invites submissions from interested parties in print and electronic form (where possible) on the issues paper regarding the prohibition and restriction on Synergy and Verve Energy by close of business on **Friday, 18 February 2011**.

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<sup>1</sup> Section 38(2) of the Act states that, for the purposes of section 38(1), the designated period is a period of seven years (i.e. until 1 April 2013); or if an order is made under section 40 of the Act, the period of 10 years (i.e. until 1 April 2016), after the commencement of this section of the Act (which commenced on 1 April 2006).

<sup>2</sup> Section 47(2) of the Act states that, for the purposes of section 47(1), the designated period is a period of seven years (i.e. until 1 April 2013); or if an order is made under section 49 of the Act, the period of 10 years (i.e. until 1 April 2016), after the commencement of this section of the Act (which commenced on 1 April 2006).

Submissions should be addressed to:

Prohibition and restriction on Synergy and Verve Energy under the *Electricity Corporations Act 2005* - Issues Paper

Postal address: PO Box 8469, PERTH BC WA 6849  
Office address: Level 6, 197 St Georges Terrace, PERTH WA 6000  
Email address: [publicsubmissions@erawa.com.au](mailto:publicsubmissions@erawa.com.au)

### **Confidentiality**

Submissions made to the Authority will be treated as in the public domain and placed on the Authority's website unless confidentiality is claimed. The submission or parts of the submission in relation to which confidentiality is claimed should be clearly marked. Any claim of confidentiality will be dealt with in the same way as is provided for in section 55 of the *Economic Regulation Authority Act 2003*.

The receipt and publication of a submission shall not be taken as indicating that the Authority has knowledge either actual or constructive of the contents of a particular submission and, in particular, where the submission in whole or part contains information of a confidential nature and no duty of confidence will arise for the Authority in these circumstances.

For further information contact:

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**CHAIRMAN**

25 January 2011