

**FORM B**

**COMMONWEALTH OF AUSTRALIA**

*Trade Practices Act 1974 - Sub-section 88(1)*

**AGREEMENTS AFFECTING COMPETITION:**

**APPLICATIONS FOR AUTHORISATION**

To the Australian Competition and Consumer Commission:

Application is hereby made under sub-section 88(1) of the *Trade Practices Act 1974* for an authorisation under that sub-section:

- to make a contract or arrangement, or arrive at an understanding, a provision of which would have the purpose, or would have or might have the effect, of substantially lessening competition within the meaning of section 45 of that Act; and
- to give effect to a provision of a contract, arrangement or understanding which provision has the purpose, or has or may have the effect, of substantially lessening competition within the meaning of section 45 of that Act.

- 
1. (a) **Name of applicant** (*See National Electricity Code Administrator Direction 2*) Limited (ACN 073 942 775) (NECA)
- (b) **Short description of business carried on by applicant** Administration of the National Electricity Code.
- (c) **Address in Australia for service of documents on the applicant** Mr Stephen Kelly  
Managing Director  
National Electricity Code Administrator  
Limited  
Level 5  
41 Currie Street  
ADELAIDE SA 5000  
Phone: (08) 8213 6307  
Fax: (08) 8213 6300
2. (a) **Description of contract, arrangement or understanding and, where already made, its date** The contract arrangement or understanding in respect of which the application is made is set out in the letter from the Queensland Minister submitted with this Form B, being amendments to the Code in respect of the

Queensland Derogations. ("the Queensland letter").

For the avoidance of doubt, this application relates only to the changes to the Queensland derogations and not to the Code as a whole.

- (b) Names and addresses of other parties or proposed parties to contract, arrangement or understanding**
- National Electricity Market Management Company Limited (ACN 072 010 327) (NEMMCO) , every person registered with NEMMCO as a Code Participant as at the date of this application (being the persons whose names and addresses are listed in Appendix A to this Form B (and the accompanying Forms A & E) and any other subsequent parties to the Code, being all parties who register with NEMMCO under the Code as a Code Participant.
- 3. Names and addresses (where known) of parties and other persons on whose behalf application is made**
- This application is made on behalf of NEMMCO, whose address for service is:
- Mr Stephen van der Mye  
Managing Director  
National Electricity Market Management Company Limited  
Level 16  
461 Bourke Street  
MELBOURNE VIC 3000  
Phone: (03) 9638 8777  
Fax: (03) 9638 8778
- and every person registered with NEMMCO as a Code Participant as at the date of this application, being the persons whose names and addresses are listed in Appendix A to this Form B (and the accompanying Forms A and E). In addition:
- (a) this authorisation application is made on behalf of and in relation to all persons who become parties to the proposed contract or arrangement after it is made, or become a party to the proposed understanding at a time after it is arrived at, within the meaning of section 88(10)(a) of the Act; and
- (b) this authorisation application is made on behalf of and in relation to all persons who give effect to a provision of a

contract, arrangement or understanding at a time after the authorisation is granted, within the meaning of section 88(10) (b) of the Act.

4. (a) **Grounds for grant of authorisation** Authorisation is sought on the grounds set out in the Queensland letter, submitted with this form B and the accompanying Forms A and E.
- (b) **Facts and contentions relied upon in support of those grounds (See Notice 1)** The facts and contentions relied upon are set out in the Queensland letter.
5. **This application for authorisation may be expressed to be made also in relation to other contracts, arrangements or understandings or proposed contracts, arrangements or understanding, that are or will be in similar terms to the abovementioned contract, arrangement or understanding.**
- (a) **Is this application to be so expressed?** Yes, this application is made with respect to all similar other contracts, arrangements or understandings, or proposed other contracts arrangements or understandings, for the purposes of sections 88(13), (14) and (15) of the Act. The terms of such other contracts are comprised in the Code as amended by the Code changes,
- (b) **If so, the following information is to be furnished:**
- (i) **the names of the parties to each other contract, arrangement or understanding** The applicant, NEMMCO and each other person who is registered with NEMMCO as a Code Participant at the date of this application (being each person identified in Appendix A to this Form B and the accompanying Forms A and E).
- (ii) **the names of the parties to each other proposed contract, arrangement or** The applicant, NEMMCO and each person who is registered with NEMMCO as a Code Participant at the date of this application (being each person identified in Appendix A

**understanding which names are known at the date of this application (See Direction 5 and Notice 2)**

to this Form B and the accompanying Forms A and E) and any other person who subsequently registers with NEMMCO under the Code as a Code Participant. The names of those persons who will register with NEMMCO as a Code Participant are not known at this time.

6. (a) **Does this application deal with a matter relating to a joint venture (See section 4J of the Trade Practices Act 1974)?**

No.

(b) **If so, are any other applications being made simultaneously with this application in relation to that joint venture?**

Not applicable.

(c) **If so, by whom or on whose behalf are those other application being made?**

Not applicable.

7. **Name and address of person authorised by the applicant to provide additional information in relation to this application.**

The person nominated in item 1(c) of this form.

Date: 20 October 2000

Signed on behalf of NECA

.....Stephen Kelly.....  
(Signature)

Mr Stephen Kelly  
Managing Director  
National Electricity Code Administrator Limited

**\* Note:** References in this application to the Act are references to the *Trade Practices Act 1974* and also include the Competition Codes of New South Wales, Victoria and the Australian Capital Territory as defined in the Competition Reform legislation in force in each jurisdiction.