

Australian Capital Territory

Utilities Amendment Act 2021

A2021-9

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Australian Capital Territory

Utilities Amendment Act 2021

A2021-9

An Act to amend the [Utilities Act 2000](http://www.legislation.act.gov.au/a/2000-65%22%20%5Co%20%22A2000-65)

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Utilities Amendment Act 2021*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 75 (1)).

3 Legislation amended

This Act amends the [Utilities Act 2000](http://www.legislation.act.gov.au/a/2000-65).

4 Offences against Act—application of Criminal Code etc
Section 5A, note 1, 3rd dot point

substitute

 s 75H (Offence—contravention of code, s 75E or s 75GA)

5 Contents
Section 55 (2), note

substitute

Note An industry code may also deal with electricity pricing information for certain customers—see s 75GA.

6 New subdivision 5A.2.1A

insert

Subdivision 5A.2.1A Electricity pricing information for small customers

75GA Obligation to give electricity price information

 (1) If a NERL retailer tells a small customer for premises about the price of supplying electricity to the small customer, the retailer must also tell the small customer the difference between—

 (a) the reference price for the electricity; and

 (b) the retailer’s price for the electricity for the same period.

 (2) For subsection (1), a NERL retailer tells a small customer for premises about the price of supplying electricity to the small customer—

 (a) if the retailer offers to supply electricity to the small customer at the price; or

 (b) if the retailer advertises or publishes the price; or

 (c) if the price of the electricity supplied by the retailer to the small customer changes—if the retailer tells the small customer the new price.

 (3) If a NERL retailer supplies electricity to a small customer for premises and it has a better offer in relation to the supply of the electricity to the small customer, the retailer must tell the small customer that there is a better offer.

 (4) To assist a small customer to make an informed decision about electricity offered for supply or supplied to the small customer, an industry code may provide for—

 (a) how and when information mentioned in subsections (1) and (3) must be given by the NERL retailer to the small customer; and

 (b) what other information the NERL retailer must give to the small customer in relation to the matters mentioned in subsections (1) and (3).

 (5) In this section:

better offer, in relation to the supply of electricity to a small customer by a NERL retailer, means a discount or alternative offer for the supply of the electricity by the retailer that, if the small customer were to accept, may reduce the amount payable by the small customer for the electricity.

conditional discount, in relation to the retailer’s price of electricity, means a reduction (however described) in the price a small customer would have to pay for the electricity supplied by the NERL retailer if certain conditions were met other than a condition relating to the circumstances in which the small customer enters into a contract with the NERL retailer for the supply of the electricity.

price—

 (a) includes a charge of any description, including a recurring fee; but

 (b) does not include any of the following:

 (i) a one‑off fee;

 (ii) a fee for making, or failing to make, a payment in particular circumstances;

 (iii) a fee for a service provided on request or because of special circumstances.

Examples

1 par (a)—an annual membership fee

2 par (b) (i)—a connection or reconnection fee, an account establishment fee

3 par (b) (ii)—a credit card transaction fee, late payment fee, direct debit dishonour fee

4 par (b) (iii)—a fee for a meter read requested by a customer

reference price, of electricity—see section 75GB (1) (b).

representative consumption, of electricity—see section 75GB (1) (a).

retailer’s price, in relation to a NERL retailer, means the total price a small customer would have to pay if the NERL retailer supplied the representative consumption of electricity to the customer disregarding any conditional discounts.

small customer—see the National Energy Retail Law (ACT), section 5.

75GB Determination of representative consumption and reference price

 (1) The Minister and Treasurer must jointly, for each year, determine in relation to the supply of electricity to a small customer for premises—

 (a) an amount of electricity (the representative consumption) they consider broadly represents the amount of electricity supplied to the small customer each year at the time they make the determination; and

 (b) an annual price (the reference price) for the supply of the representative consumption of electricity to the small customer they consider is reasonable.

Note Power to make a determination includes power to make different provision in relation to different classes of small customers (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 48).

 (2) A determination is a notifiable instrument.

 (3) In this section:

small customer—see the National Energy Retail Law (ACT), section 5.

7 Section 75H heading

substitute

75H Offence—contravention of code, s 75E or s 75GA

8 New section 75H (1) (c)

insert

 (c) section 75GA (Obligation to give electricity price information).

9 Section 75I heading

substitute

75I Directions about code, s 75E or s 75GA

10 New section 75I (1) (c)

insert

 (c) section 75GA (Obligation to give electricity price information).

11 Section 75I (2)

omit

code or section 75E

substitute

code, section 75E or section 75GA

12 Dictionary, note 2

omit

 National Electricity (ACT) Law

 National Energy Retail Law (ACT)

 National Gas (ACT) Law

 National Gas (ACT) Regulation

13 Dictionary, new definitions

insert

National Electricity (ACT) Law means the provisions applying in the ACT because of the [Electricity (National Scheme) Act 1997](http://www.legislation.act.gov.au/a/1997-79), section 5 (Application in ACT of National Electricity Law).

Note The [Electricity (National Scheme) Act 1997](http://www.legislation.act.gov.au/a/1997-79), s 5 applies the National Electricity Law set out in the [National Electricity (South Australia) Act 1996](https://www.legislation.sa.gov.au/LZ/C/A/NATIONAL%20ELECTRICITY%20%28SOUTH%20AUSTRALIA%29%20ACT%201996.aspx) (SA), schedule as if it were an ACT law called the National Electricity (ACT) Law.

National Energy Retail Law (ACT) means the provisions applying in the ACT because of the [National Energy Retail Law (ACT) Act 2012](http://www.legislation.act.gov.au/a/2012-31), section 6 (Application of National Energy Retail Law).

Note The [National Energy Retail Law (ACT) Act 2012](http://www.legislation.act.gov.au/a/2012-31), s 6 and s 7 apply the National Energy Retail Law set out in the [National Energy Retail Law (South Australia) Act 2011](https://www.legislation.sa.gov.au/LZ/C/A/NATIONAL%20ENERGY%20RETAIL%20LAW%20%28SOUTH%20AUSTRALIA%29%20ACT%202011.aspx) (SA), schedule as if it were an ACT law called the National Energy Retail Law (ACT).

National Gas (ACT) Law means the provisions applying because of the [National Gas (ACT) Act 2008](http://www.legislation.act.gov.au/a/2008-15), section 8 (Application in the ACT of National Gas Law).

Note The [National Gas (ACT) Act 2008](http://www.legislation.act.gov.au/a/2008-15), s 8 applies the National Gas Law set out in the [National Gas (South Australia) Act 2008](https://www.legislation.sa.gov.au/LZ/C/A/NATIONAL%20GAS%20%28SOUTH%20AUSTRALIA%29%20ACT%202008.aspx) (SA), schedule as if it were an ACT law called the National Gas (ACT) Law.

National Gas (ACT) Regulation means the provisions applying because of the [National Gas (ACT) Act 2008](http://www.legislation.act.gov.au/a/2008-15), section 9 (Application in the ACT of regulations under National Gas Law).

Note The [National Gas (ACT) Act 2008](http://www.legislation.act.gov.au/a/2008-15), s 9 applies the regulations under the [National Gas (South Australia) Act 2008](https://www.legislation.sa.gov.au/LZ/C/A/NATIONAL%20GAS%20%28SOUTH%20AUSTRALIA%29%20ACT%202008.aspx) (SA), part 3 as an ACT law called the National Gas (ACT) Regulation.

Endnotes

1 Presentation speech

 Presentation speech made in the Legislative Assembly on 20 April 2021.

2 Notification

 Notified under the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) on 19 May 2021.

3 Republications of amended laws

 For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au/).

I certify that the above is a true copy of the Utilities Amendment Bill 2021, which was passed by the Legislative Assembly on 11 May 2021.

Clerk of the Legislative Assembly

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