



Australian Capital Territory

# Utilities Amendment Act 2021

A2021-9

## Contents

---

	Page
1 Name of Act	2
2 Commencement	2
3 Legislation amended	2
4 Offences against Act—application of Criminal Code etc Section 5A, note 1, 3rd dot point	2
5 Contents Section 55 (2), note	2
6 New subdivision 5A.2.1A	3
7 Section 75H heading	6
8 New section 75H (1) (c)	6

---

J2020-1856

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

## Contents

---

		Page
9	Section 75I heading	6
10	New section 75I (1) (c)	6
11	Section 75I (2)	6
12	Dictionary, note 2	6
13	Dictionary, new definitions	7



Australian Capital Territory

# Utilities Amendment Act 2021

A2021-9

---

An Act to amend the *Utilities Act 2000*

---

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](#), s 75 (1)).

**3 Legislation amended**

This Act amends the *Utilities Act 2000*.

**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](#), 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*, section 5 (Application in ACT of National Electricity Law).

*Note* The *Electricity (National Scheme) Act 1997*, s 5 applies the National Electricity Law set out in the *National Electricity (South Australia) Act 1996* (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*, section 6 (Application of National Energy Retail Law).

*Note* The *National Energy Retail Law (ACT) Act 2012*, s 6 and s 7 apply the National Energy Retail Law set out in the *National Energy Retail Law (South Australia) Act 2011* (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*, section 8 (Application in the ACT of National Gas Law).

*Note* The *National Gas (ACT) Act 2008*, s 8 applies the National Gas Law set out in the *National Gas (South Australia) Act 2008* (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*, section 9 (Application in the ACT of regulations under National Gas Law).

*Note* The *National Gas (ACT) Act 2008*, s 9 applies the regulations under the *National Gas (South Australia) Act 2008* (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](#) 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

© Australian Capital Territory 2021