

Utilities Exemption 2012 (No 2)

Disallowable instrument DI2012–145

made under the

Utilities Act 2000, section 22 (Exemption)

1 Name of instrument

This instrument is the *Utilities Exemption 2012 (No 2)*.

2 Commencement

This instrument commences on the day after it is notified.

3 Revocation

DI2007-287 Utilities Exemption 2007 (No 3) is revoked.

4. Exemption

I exempt Active Utilities Pty Limited (ACN 116 498 803) (**Active Utilities**) from the requirement for a licence in relation to the supply (retail) of electricity from an electricity network to premises for consumption, upon the conditions prescribed in this instrument.

4 Conditions

This exemption is subject to compliance with the following conditions:

- (i) the supply (retail) of electricity by Active Utilities is only on behalf of Direct Factory Outlet Canberra Pty Ltd (ACN 115065935), in relation to the premises located at Block 22, section 13 Fyshwick, Canberra (this being the property located at the corner of Canberra Avenue and Newcastle Street, Fyshwick, ACT) (the **premises**);
- (ii) Active Utilities may take action to disconnect the supply of electricity to a customer located at the premises for failure to pay an outstanding account only if:
 - a. two written notices have been served on the customer, at least seven (7) days apart;
 - b. the customer has been given at least five (5) days from the service of the second notice to make payment and a reasonable attempt has been made to contact the customer; and

- c. after the procedures in (a) and (b) have been followed, the customer has failed to make and comply with an arrangement to pay the outstanding account that is reasonable in the financial circumstances of the customer and agreed to by Active Utilities.
- (iii) If Active Utilities has taken action to disconnect a customer's supply, Active Utilities must arrange to restore supply as soon as practical, and in any event, within twenty-four (24) hours of the customer paying the outstanding account or of Active Utilities Pty Ltd accepting a payment arrangement by the customer.
- (iv) Active Utilities must maintain and implement a handling procedures that include the right to have a complaint from a customer:
 - a. reviewed;
 - b. referred to a more senior employee of Active Utilities; and
 - c. referred to an appropriate dispute resolution forum.
- (v) On commencing the sale of electricity to customers, Active Utilities advises all customers in writing that they have the right to purchase electricity from a licensed retailer of their choice.

Simon Corbell MLA
Minister for Energy
28 June 2012