

Australian Capital Territory

Utilities (Variation of Industry Code) Determination 2005 (No 1)

Disallowable instrument DI2005–65

made under the

Utilities Act 2000, s 61(Variation)

EXPLANATORY STATEMENT

The Independent Competition and Regulatory Commission (ICRC), under the procedures set out in section 61 of the *Utilities Act 2000*, has determined the variations to the Consumer Protection Code specified in this instrument.

Introduction and Clause 3.1(2)

The application of Part 2 of the Code has been amended to allow greater flexibility in the contracting arrangements of gas and electricity suppliers of large customers. Part 2 of the Code contains generic provisions that relate to, for example, the conduct of utilities, complaints and dispute resolution procedures, the provision of consumer information and notice, compliance with performance standards, customer accounts. Currently these provisions apply to all utilities for the provision of services to all customers, including large customers. The Commission notes that, where a customer is large, non-domestic and individually managed by an account manager, the relationship between customer and supplier will necessarily be different to the relationship between a supplier and a small, domestic customer. In such cases it may be reasonable for services to be provided on terms and conditions other than those prescribed by the Consumer Protection Code, if that occurs with the customer's consent.

New clause 13.1

The power to issue accounts is currently not expressly provided in the Code. Provisions dealing with meter readings and estimating consumption are contained in the relevant technical codes (Electricity Metering Code and Gas General Meeting Code). The new clause 13.1 requires accounts to be based on meter readings or where that is not possible, on estimates of consumption made in accordance with the relevant technical code.

New clause 13.2

The new clause 13.2 makes it clear that a consumer is responsible for the costs of any gas or electricity supplied and consumed at the consumer's premises in the absence of a contract with the supplier. This liability is generally taken to

commence at the date of commencement of a lease, in the case of a tenant, or the date of transfer of ownership, in the case of an owner.

New clause 25

The new clause 25 requires suppliers to provide certain information to consumers once they become aware that they are using gas or electricity. Information that must be provided includes the need for the consumer to arrange a customer contract with that supplier or another, information about charges and about the circumstances in which a supplier may arrange to discontinue supply.

Amendments to clause 29.3 (formerly 28.3)

Clause 29.3 has been redrafted to remove the requirement for marketers to provide consumers with full written details of contract terms at or immediately before the consumer enters into a supply contract. However, the supplier must still provide, in writing, any information not already provided in writing to the consumer within 2 business days of entering into a contract.