

Australian Capital Territory

Utilities (Repeal of Disallowable Instrument) 2003 (No 1)

Disallowable instrument DI2003-15

made under the

Utilities Act 2000, s 62 (Notification and disallowance of codes etc)

EXPLANATORY STATEMENT

Notice of the ICRC's approval of an industry code, the Electricity Customer Transfer Code, was notified in the Legislation Register on 12 December 2002.

Industry codes are disallowable instruments under section 62 of the *Utilities Act 2000*. As such, industry codes must be notified and presented to the Legislative Assembly in accordance with the *Legislation Act 2001*.

As only the ICRC's decision to approve the Electricity Customer Transfer Code was notified, not the code itself, the instrument is invalid and the code has not taken effect.

The *Legislation Act 2001*, section 46, makes it clear that the power given under an Act to make an instrument also includes the power to amend or repeal the instrument.

The ICRC therefore repeals disallowable instrument DI2002-216, which notifies approval of the Electricity Customer Transfer Code by the ICRC. The code will be notified in due course.