

Australian Capital Territory

Utilities Exemption 2012 (No 2)

Disallowable Instrument DI2012–145

made under the

Utilities Act 2000, Section 22 (Exemption)

EXPLANATORY STATEMENT

The *Utilities Act 2000* (the Act), at section 22, provides that the Minister may, by the making of a disallowable instrument, exempt a person from the requirement for a licence in relation to provision of a utility service. The instrument of exemption may include compliance conditions to which the exemption is subject.

Active Utilities Pty Limited (**Active Utilities**) sells electricity on behalf of Direct Factory Outlet Canberra Pty Ltd located at Fyshwick. Active Utilities was granted an exemption from a licence for this utility service in *Utilities Exemption 2007 (No 3) DI2007- 287*. For the purposes of clarity the previous exemption has been updated to reflect that the exemption relates to the provision of the utility service at a specific site in Canberra (Block 22, section 13 Fyshwick, Canberra, the property located at the corner of Canberra Avenue and Newcastle Street, Fyshwick, ACT).

As part of the ACT's implementation of the National Energy Retail Law on 1 July 2012, Active Utilities will be taken as an exempt seller (of electricity only), holding an individual exemption under Division 6 of Part 5 of the *National Energy Retail Law (ACT)* (see Schedule 3 *National Energy Retail Regulations (ACT)*). Under section 62 of the *National Energy Retail Law (ACT) Act 2012*, the Minister may determine that the conditions to this exemption are conditions for the purposes of the *National Energy Retail Law (ACT)*, and so will have the effect of a condition being imposed on Active Utilities as an exempt seller.

The Australian Energy Retailer (AER) will be responsible for enforcement of the conditions within this exemption as part of the *National Energy Retail Law (ACT)* and will also be able to impose additional conditions if considered necessary (on consultation with the Minister).

The determination takes effect the day after notification.