

Australian Capital Territory

Utilities (Electricity Customer Transfer Code) Revocation 2012

Disallowable instrument DI2012–151

made under the

Utilities Act 2000, s 58 (Approved codes) and s 63 (Public access)

EXPLANATORY STATEMENT

Purpose of Electricity Customer Transfer Code

The Electricity Customer Transfer Code, as made by the *Utilities (Industry Code) Approval 2003 (No 1)*, sets out practices and procedures for transferring customers between electricity retailers. Many of the obligations operate in conjunction with the National Energy Rules (NER) and the Australian Energy Market Operator (AEMO) Customer Administration Transfer System (CATS) which operate under the NER.

Legislative provisions — industry codes

The Utilities Act provides a regulatory framework for utilities in the ACT. Section 21 of the Act provides that a person must not provide a utility service except in accordance with a licence. Licences are subject to a number of conditions with which utilities are required to comply. For example, section 25 of the Act requires all licensees to comply with any relevant industry or technical codes.

Provisions relating to industry codes are set out in Part 4 of the Utilities Act. An industry code ‘may set out practices, standards and other matters about the provision of a utility service’.

Section 58 of the Utilities Act provides for industry codes to be approved by the Commission.

Section 60 of the Utilities Act sets out the public consultation requirements for industry codes to be followed unless the Commission satisfied that “the variation is unlikely to adversely affect anyone and would not materially alter the code”.

Under section 62 of the Utilities Act, an industry code approved under section 58 of the Act is a disallowable instrument.

Section 46 of the *Legislation Act 2001* provides that the power to make a statutory instrument includes power to amend or repeal the instrument and is exercisable in the same way, and subject to the same conditions, as the power to make the instrument.

Revocation of Code

This Disallowable Instrument revokes the *Utilities (Industry Code) Approval 2003 (No 1)*, DI2003-111. The processes covered by this code are covered by the National Electricity Rules and the AEMO Customer Administration Transfer System and the code has been revoked.

Consultation on revocation of the Code

In accordance with the Utilities Act, the Commission has consulted with relevant parties on the revocation of this Code. A notice was also published in the Canberra Times and on the Commission's website inviting comments. The submissions received and the outcome of consultation is detailed on the Commission's website.

In accordance with the requirements of the Utilities Act, the Commission consulted with the Minister and the Minister responsible for technical regulation.