

Australian Capital Territory

Utilities (Prepayment Meter System Code) Revocation 2012

Disallowable instrument DI2012–167

made under the

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

EXPLANATORY STATEMENT

Purpose of Prepayment Meter System Code

The Prepayment Meter System Code, as made by the *Utilities (Industry Code) Approval 2006 (No 1)*, sets out the basic rights of customers, consumers and utilities with respect of prepayment meter systems. Prepayment meter systems regulation is covered in Part 2, Division 10 of the National Energy Retail Law. The Code is now redundant and is therefore revoked.

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 determined 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 2006 (No 1)*, DI2006-182.

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.