

Utilities (NERL retailers – Application of Industry Codes) Determination 2012

Disallowable instrument DI2012–171

made under the

Utilities Act 2000, s 56A (NERL retailers – determination of application of code) and s 63 (Public access)

EXPLANATORY STATEMENT

Purpose of the Determination

The *Utilities (NERL retailers – Application of Industry Codes) Determination 2012* (the Determination) sets out which Industry Codes energy retailers authorised under the National Energy Retail Law must comply with in the ACT.

Legislative provisions — industry codes

The Utilities Act provides a regulatory framework for utilities in the ACT.

The *National Energy Retail Law (Consequential Amendments) Act 2012* amendment of the Utilities Act includes new section 56A, which allows the Commission to determine which Industry Codes apply to retailers authorised under the National Energy Retail Law.

Outline of the Determination

The *National Energy Retail Law (ACT) Act 2012* applies the National Energy Retail Law in the ACT from 1 July 2012. The National Energy Retail Law (NERL) is contained in a Schedule to the *National Energy Retail Law (South Australia) Act 2011*. The National Energy Retail Law, and instruments made under that Act, establish a national energy customer framework for the regulation of the retail supply of energy to customers and provides for the relationship between the distributors and consumers of energy.

Energy Retailers authorised under the NERL are not subject to the regulatory arrangements set out under the Utilities Act except for those parts of the Utilities Act mentioned in section 75B. Additionally, under new section 56A, the Commission may determine that a particular industry code applies to a NERL retailer. The Commission has thus determined that the:

- a. Minimum Service Standards set out in section 11 and schedule 1 Consumer Protection Code apply to NERL retailers; and
- b. Electricity Feed-in Code applies to NERL retailers authorised to sell electricity.

These arrangements will be reviewed in the near future allowing for full consultation on this specific issue.

Consultation on the Determination

Although section 56A of the Utilities Act does not require the Commission to consult on the Determination, the Commission has consulted with relevant parties on the variation to the 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.

The Commission also consulted with the Minister and the Minister responsible for technical regulation.

Public access to the Determination

Copies of the Determination are available for inspection by members of the public between 9:00 am and 5:00 pm, Monday to Friday, at the Commission's offices at Level 8, 221 London Circuit, Canberra City ACT and on the Commission's website (www.icrc.act.gov.au). Copies of these documents can be made at the Commission's offices. Electronic copies are available on request. No charge will apply.