

Utilities (NERL retailers – Application of Industry Codes) Determination 2020

Disallowable instrument DI2020–87

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 2020* (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 2000* provides a regulatory framework for utilities in the ACT. Section 56A 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 section 56A, the Commission may determine that a particular industry code applies to a NERL retailer. The Commission has determined that the:

- a. Consumer Protection Code applies to NERL retailers; and
- b. Electricity Feed-in Code applies to NERL retailers authorised to sell electricity.

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 when determining new codes in 2019 and 2020. The new codes include provisions stating that the code applies to NERL retailers.

Public access to the Determination

Copies of this determination and the applicable codes are available on the Independent Competition and Regulatory Commission's website. These documents are also available for inspection by members of the public between 9:00 am and 5:00 pm, Monday to Friday, at the Commission's offices. Hard copies can be made available on request.