

Utilities (Improving Transparency and Comparability of Retail Electricity Offers) Ministerial Direction 2021

Disallowable instrument DI2021-39

made under the

Utilities Act 2000, s 19 (Ministerial Directions)

EXPLANATORY STATEMENT

The *Utilities Act 2000* (the Act) regulates the provisions of utility services in the Australian Capital Territory.

Part 1 of the Act provides for the Independent Competition and Regulatory Commission (ICRC) to ensure that consumer interests in the provision of utility services are properly addressed. In particular, section 19 of the Act provides that the Minister may give a written direction to the ICRC about the results it must achieve by licence conditions or industry code.

The Government has committed to improving the transparency and comparability of retail electricity offers in the Territory. This instrument directs the ICRC to determine an industry code which establishes a requirement for retailers to provide “Clear Advice” about their offers to their customers. This instrument directs the ICRC to establish a new regulatory obligation on NERL retailers (who hold a retailer authorisation under the *National Energy Retail Law (ACT)*) to compare the annual price of their offers to the reference bill to enable customers to more easily compare electricity offers, and to regularly notify customers when there may be better offers available.

A regulatory impact statement is not required as this instrument does not impose appreciable costs on the community or a part of the community (see s 34 (1) of the *Legislation Act 2001*). Further, the ministerial direction does not operate to the disadvantage of anyone by adversely affecting their rights or imposing liabilities on the person (see s 36 (1) of the *Legislation Act 2001*), rather the direction aims to reduce costs on energy consumers.

There are no human rights implications arising from the ministerial direction. The instrument does not engage any rights under the *Human Rights Act 2004*.