

Australian Capital Territory

Utilities (NERL retailers – Application of Industry Codes) Determination 2021

Disallowable instrument DI2021–228

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 2021* (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 ACT Retail Electricity (Transparency and Comparability) Code ('the Code') applies to NERL retailers authorised to sell electricity.

Since embedded network customers do not have the choice of offers and suppliers that other small customers have and because there is a cost to retailers in undertaking a better offer check, the Commission has determined that the 'better offer notification on bills' requirement detailed in Part 3 of the Code does not apply to embedded network customers.

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.