

Australian Capital Territory

Utilities (ACT Retail Electricity – Transparency and Comparability Code) Variation 2023

Disallowable instrument DI2023–14

made under the

Utilities Act 2000, section 61 (Variation) and section 63 (Public access)

EXPLANATORY STATEMENT

Variation of the *ACT Retail Electricity (Transparency and Comparability) Code 2021*

On 31 March 2022, the Australian Energy Regulator (AER) published its Better Bills Guideline (AER Guideline). The AER Guideline imposes obligations on retailers that standardise the messaging consumers will see on their energy bills to help customers understand the plan they are on and whether it is the best plan for their circumstances. The AER Guideline is like the better offer obligation contained in the *ACT Retail Electricity (Transparency and Comparability) Code 2021* (Code).

The Independent Competition and Regulatory Commission determined that the implementation of the AER Guideline met the requirements of section 61(2)(iii) of the *Utilities Act 2000* (the Act), and therefore it was appropriate to vary the Code under the section 61(3) of the Act. This amendment minimised the administrative costs to National Energy Retail Law (NERL) retailers which would likely be passed onto ACT consumers.

The variation to the Code removed clauses 3.3 to 3.4 of part 3 of the Code.

The AER Guideline came into effect from 4 August 2022 with transitional arrangements originally in place until 31 March 2023. To ensure that consumers in the ACT continued to receive the benefits of part 3 of the Code until the AER Guideline comes fully into effect, the transitional arrangements at clause 3.5 of the Code were continued until the earlier of a NERL retailer becoming compliant with the AER Guideline or 31 March 2023.

The Australian Energy Market Commission has ruled that the implementation date of the AER Guideline should be extended to 30 September 2023. To ensure that consumers in the ACT continue to receive the benefits of part 3 of the Code until the AER Guideline comes fully into effect, the transitional arrangements at clause 3.5 of the Code will continue until the earlier of a NERL retailer becoming compliant with the AER Guideline or 30 September 2023.

This instrument revokes the *Utilities (ACT Retail Electricity-Transparency and Comparability Code) Variation 2022* DI2022-103 and remakes that Variation to include the new date of 30 September 2023.

Regulatory impact statement

A regulatory impact statement is not required as this instrument does not impose appreciable costs on the community or a part of the community — section 34 (1) of the *Legislation Act 2001* (ACT). Further, the variation of the Code does not operate to the disadvantage of anyone by adversely affecting their rights or imposing liabilities on the person — section 36 (1) of the *Legislation Act 2001* (ACT).

Human rights

There are no human rights implications arising from this instrument. The instrument does not engage any rights under the *Human Rights Act 2004* (ACT).