

2002

AUSTRALIAN CAPITAL TERRITORY

VARIATION OF INDUSTRY CODE

EXPLANATORY STATEMENT

DI2002-204

The Independent Competition and Regulatory Commission (ICRC) may approve or determine a variation to an industry code under section 61 of the *Utilities Act 2000*. The ICRC may approve a variation after it has undertaken any required consultation, and if it is satisfied that the code is consistent with other industry and technical codes and that it is appropriate.

The Consumer Protection Code (the Code) requires utilities to develop customer charters that summarise both the customers' and the utilities' rights and obligations. The Code requires utilities to send copies of the charter to new customers and to all customers once a year.

In the ICRC's view these requirements are both onerous and unnecessary. Accordingly, the requirement to develop charters has been removed from utilities that have negotiated contracts with their customers. Anyone with a negotiated contract, as opposed to a deemed standard customer contract, should be aware of their and the utility's rights and obligations and should therefore not need to be provided with a charter. Moreover, utilities are only required to send copies of charters to customers on standard customer contracts if they are new customers and to all customers if, and when, the charter is substantially amended. The utility must continue to make the document available on its internet site and must, on request, provide a customer with a copy of a charter in the version requested.

The term "customer charter" has also been renamed as a "summary of rights and obligations" as this more appropriately describes its intent.

Copies of the Consumer Protection Code are available for inspection during ordinary office hours from the ICRC, Level 7 Eclipse House, 197 London Circuit, Canberra City. They are also available on the ICRC's website at www.icrc.act.gov.au.