

2021

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Treasurer
and
Minister for Water, Energy and Emissions Reduction)

Utilities Amendment Bill 2021

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Utilities Amendment Bill 2021

A Bill for

An Act to amend the *Utilities Act 2000*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1	1	Name of Act
2		This Act is the <i>Utilities Amendment Act 2021</i> .
3	2	Commencement
4		This Act commences on the day after its notification day.
5		<i>Note</i> The naming and commencement provisions automatically commence on
6		the notification day (see Legislation Act , s 75 (1)).
7	3	Legislation amended
8		This Act amends the <i>Utilities Act 2000</i> .
9	4	Offences against Act—application of Criminal Code etc
10		Section 5A, note 1, 3rd dot point
11		<i>substitute</i>
12		• s 75H (Offence—contravention of code, s 75E or s 75GA)
13	5	Contents
14		Section 55 (2), note
15		<i>substitute</i>
16		<i>Note</i> An industry code may also deal with electricity pricing information for
17		certain customers—see s 75GA.

6 New subdivision 5A.2.1A*insert***Subdivision 5A.2.1A Electricity pricing information for small customers****75GA Obligation to give electricity price information**

- (1) If a NERL retailer tells a small customer for premises about the price of supplying electricity to the small customer, the retailer must also tell the small customer the difference between—
 - (a) the reference price for the electricity; and
 - (b) the retailer's price for the electricity for the same period.
- (2) For subsection (1), a NERL retailer *tells* a small customer for premises about the price of supplying electricity to the small customer—
 - (a) if the retailer offers to supply electricity to the small customer at the price; or
 - (b) if the retailer advertises or publishes the price; or
 - (c) if the price of the electricity supplied by the retailer to the small customer changes—if the retailer tells the small customer the new price.
- (3) If a NERL retailer supplies electricity to a small customer for premises and it has a better offer in relation to the supply of the electricity to the small customer, the retailer must tell the small customer that there is a better offer.
- (4) To assist a small customer to make an informed decision about electricity offered for supply or supplied to the small customer, an industry code may provide for—
 - (a) how and when information mentioned in subsections (1) and (3) must be given by the NERL retailer to the small customer; and

- 1 (b) what other information the NERL retailer must give to the small
2 customer in relation to the matters mentioned in subsections (1)
3 and (3).
- 4 (5) In this section:
- 5 ***better offer***, in relation to the supply of electricity to a small customer
6 by a NERL retailer, means a discount or alternative offer for the
7 supply of the electricity by the retailer that, if the small customer were
8 to accept, may reduce the amount payable by the small customer for
9 the electricity.
- 10 ***conditional discount***, in relation to the retailer's price of electricity,
11 means a reduction (however described) in the price a small customer
12 would have to pay for the electricity supplied by the NERL retailer if
13 certain conditions were met other than a condition relating to the
14 circumstances in which the small customer enters into a contract with
15 the NERL retailer for the supply of the electricity.
- 16 ***price***—
- 17 (a) includes a charge of any description, including a recurring fee;
18 but
- 19 (b) does not include any of the following:
- 20 (i) a one-off fee;
- 21 (ii) a fee for making, or failing to make, a payment in
22 particular circumstances;
- 23 (iii) a fee for a service provided on request or because of
24 special circumstances.
- 25 **Examples**
- 26 1 par (a)—an annual membership fee
- 27 2 par (b) (i)—a connection or reconnection fee, an account establishment fee
- 28 3 par (b) (ii)—a credit card transaction fee, late payment fee, direct debit
29 dishonour fee
- 30 4 par (b) (iii)—a fee for a meter read requested by a customer

reference price, of electricity—see section 75GB (1) (b).

representative consumption, of electricity—see section 75GB (1) (a).

retailer's price, in relation to a NERL retailer, means the total price a small customer would have to pay if the NERL retailer supplied the representative consumption of electricity to the customer disregarding any conditional discounts.

small customer—see the *National Energy Retail Law (ACT)*, section 5.

75GB Determination of representative consumption and reference price

(1) The Minister and Treasurer must jointly, for each year, determine in relation to the supply of electricity to a small customer for premises—

(a) an amount of electricity (the *representative consumption*) they consider broadly represents the amount of electricity supplied to the small customer each year at the time they make the determination; and

(b) an annual price (the *reference price*) for the supply of the representative consumption of electricity to the small customer they consider is reasonable.

Note Power to make a determination includes power to make different provision in relation to different classes of small customers (see [Legislation Act](#), s 48).

(2) A determination is a notifiable instrument.

(3) In this section:

small customer—see the *National Energy Retail Law (ACT)*, section 5.

1	7	Section 75H heading
2		<i>substitute</i>
3	75H	Offence—contravention of code, s 75E or s 75GA
4	8	New section 75H (1) (c)
5		<i>insert</i>
6		(c) section 75GA (Obligation to give electricity price information).
7	9	Section 75I heading
8		<i>substitute</i>
9	75I	Directions about code, s 75E or s 75GA
10	10	New section 75I (1) (c)
11		<i>insert</i>
12		(c) section 75GA (Obligation to give electricity price information).
13	11	Section 75I (2)
14		<i>omit</i>
15		code or section 75E
16		<i>substitute</i>
17		code, section 75E or section 75GA
18	12	Dictionary, note 2
19		<i>omit</i>
20		<ul style="list-style-type: none">• National Electricity (ACT) Law
21		<ul style="list-style-type: none">• National Energy Retail Law (ACT)
22		<ul style="list-style-type: none">• National Gas (ACT) Law
23		<ul style="list-style-type: none">• National Gas (ACT) Regulation

13 Dictionary, new definitions

insert

National Electricity (ACT) Law means the provisions applying in the ACT because of the *Electricity (National Scheme) Act 1997*, section 5 (Application in ACT of National Electricity Law).

Note The *Electricity (National Scheme) Act 1997*, s 5 applies the National Electricity Law set out in the *National Electricity (South Australia) Act 1996* (SA), schedule as if it were an ACT law called the National Electricity (ACT) Law.

National Energy Retail Law (ACT) means the provisions applying in the ACT because of the *National Energy Retail Law (ACT) Act 2012*, section 6 (Application of National Energy Retail Law).

Note The *National Energy Retail Law (ACT) Act 2012*, s 6 and s 7 apply the National Energy Retail Law set out in the *National Energy Retail Law (South Australia) Act 2011* (SA), schedule as if it were an ACT law called the National Energy Retail Law (ACT).

National Gas (ACT) Law means the provisions applying because of the *National Gas (ACT) Act 2008*, section 8 (Application in the ACT of National Gas Law).

Note The *National Gas (ACT) Act 2008*, s 8 applies the National Gas Law set out in the *National Gas (South Australia) Act 2008* (SA), schedule as if it were an ACT law called the National Gas (ACT) Law.

National Gas (ACT) Regulation means the provisions applying because of the *National Gas (ACT) Act 2008*, section 9 (Application in the ACT of regulations under National Gas Law).

Note The *National Gas (ACT) Act 2008*, s 9 applies the regulations under the *National Gas (South Australia) Act 2008* (SA), part 3 as an ACT law called the National Gas (ACT) Regulation.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 20 April 2021.

2 Notification

Notified under the [Legislation Act](#) on 2021.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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