

Australian Capital Territory

# Utilities (Electricity Feed-in Code) Determination 2020

Disallowable instrument DI2020–86

made under the

**Utilities Act 2000, s 59 (Determined codes) and s 63 (Public access)**

## EXPLANATORY STATEMENT

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The Independent Competition and Regulatory Commission (ICRC) has determined a new Electricity Feed-in Code (Code).

### *Purpose of Electricity Feed-in Code*

The Code is an industry code determined by the ICRC under the *Utilities Act 2000* (Utilities Act).

The purpose of the Code is to set out practices and standards for the operation of the scheme for feed-in from renewable energy generators to the electricity network established under the *Electricity Feed-in (Renewable Energy Premium) Act 2008* (Feed-in Act). The Code establishes dispute resolution procedures between electricity distributors and retailers, as well as setting out specific consumer protections relating to the Feed-in Act. The Code applies only to premises accessing the premium feed-in tariff, through the Feed-in Act.

The Code applies to electricity utilities licensed under the Utilities Act, and to electricity retailers authorised under the National Energy Retail Law.

The Code is enforceable under the Utilities Act. The ICRC is responsible for monitoring the compliance of utilities with industry codes.

### *Revocation and remaking of Code*

This Disallowable Instrument revokes the Code determined by the ICRC under the *Utilities (Electricity Feed-in Code) Determination 2015*, DI2015-256 and determines a new Code as set out in the attachment to the Disallowable Instrument.

The new Code aligns consumer protection provisions with the Consumer Protection Code (DI2020-6) that was determined by the Commission in January 2020.

The differences between the 2015 determination (DI2015-256) and this Disallowable Instrument are outlined in the table below. These are outlined in the ICRC's consultation report and final decision, which are available from the ICRC.

	<b>Clause</b>	<b>Outline of change</b>
1.	4.1(b) Distributor to detail arrangements to NERL retailer	Removed the word 'negotiated' before contract. The term 'negotiated' stems from Utilities Act terminology relating to negotiated customer contracts (currently only relevant to water and sewerage services). Electricity contracts are regulated under the National Energy Customer Framework.
2.	4.4 Dispute resolution - occupier disputes	Deleted subsections that quoted complaints provisions that are outlined in the Consumer Protection Code. The provision has been updated to require occupier disputes to be handled in accordance with the new Consumer Protection Code. A notation advising occupiers that they may have rights to refer a dispute to the ACAT under the Utilities Act has been added.
3.	5.1 NERL retailer to detail arrangements with occupier	Deleted references to contracts. Electricity contracts are regulated under the National Energy Customer Framework. The requirement has been updated to reflect that NERL retailers must provide occupiers with a statement of the terms upon which it will perform the supplier actions under the Feed-in Act.
4.	5.3 Dispute resolution – occupier disputes	Deleted subsections that quoted complaints provisions that are outlined in the Consumer Protection Code. The provision has been updated to require occupier disputes to be handled in accordance with the new Consumer Protection Code. A notation advising occupiers that they may have rights to refer a dispute to the ACAT under the Utilities Act has been added.
5.	6.1 Applicability of consumer protection code	Removed reference to schedule 3 and referred directly to the new Consumer Protection Code
6.	6.2 Extended definition of utility service	Removed reference to schedule and referred directly to the new Consumer Protection Code
7.	Schedule 3: Applicability of Consumer Protection Code	Removed Schedule. The schedule quotes a previous version of the Consumer Protection Code. Clause 6.1 and 6.2 have been updated to refer directly to the new Consumer Protection Code. This ensures that all NERL retailer customers receive the same protections under the new Consumer Protection Code.

### *Consultation on the new Code*

In accordance with the Utilities Act, the ICRC has consulted with relevant parties on the drafting of the new Code. A notice was published in the Canberra Times and on the ICRC's website inviting comments. The submissions received and the outcomes of the consultations are detailed in the final decision on the Electricity Feed-in Code review. The Consultation report and final decision are available on the Commission's website ([www.icrc.act.gov.au](http://www.icrc.act.gov.au)).

In accordance with the requirements of the Utilities Act, the ICRC consulted with the Minister and the Minister responsible for technical regulation and is satisfied that the Code is not inconsistent in material respects with another industry code or a technical code and it is necessary to determine the Code.

The ICRC has had due regard to the submissions received in response to the consultation process.

### *Public access to the Code*

Copies of the Electricity Feed-in Code and the ICRC's decision to determine the code are available on the Commission's website ([www.icrc.act.gov.au](http://www.icrc.act.gov.au)). 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 ICRC's offices at Level 8, 221 London Circuit, Canberra City ACT. Hard copies can be made available on request.