

EXPLANATORY STATEMENT

Issued by the authority of the Administrator of Cocos (Keeling) Islands

Cocos (Keeling) Islands Act 1955
Cocos (Keeling) Island Utilities and Services Ordinance 2016

Cocos (Keeling) Islands Utilities and Services (Electricity Supply and Services Fees) Amendment (2017 Measures No. 1) Determination 2017

Authority

Section 6 of the *Cocos (Keeling) Island Utilities and Services Ordinance 2016* (the Ordinance) authorises the Administrator of Cocos (Keeling) Islands to make provision for the supply of utilities and services in relation to, amongst other things, the supply of electricity on Cocos (Keeling) Islands.

Section 7 of the Ordinance provides that the Administrator may impose a fee for the provision of such utilities and services, determined through a legislative instrument.

Purpose and Operation

The *Cocos (Keeling) Islands Utilities and Services (Electricity Supply and Services Fees) Amendment (2017 Measures No. 1) Determination 2017* (Amendment Determination) amends the *Cocos (Keeling) Islands Utilities and Services (Electricity Supply and Services Fees) Determination 2016* (the Principal Determination).

The Amendment Determination updates the fees payable in relation to the supply of electricity and the supply of services related to electricity supply. The fees are amended to reflect the change in fees to consumers as a result of the changing operating costs for providing electricity. The aim is to align fees on Cocos (Keeling) Islands with comparable remote Western Australian locations.

Impact and Effect

This Amendment Determination will not create any additional regulatory impact on consumers of electricity and services.

The increases in fees outlined in this Amendment Determination will have a financial impact on consumers in the form of increased costs for electricity and associated services.

Basis for Determining Fees

It is Australian Government policy that, wherever possible, there should be parity in the cost of provision of state-type services on Cocos (Keeling) Islands to those applied in a similar remote Australian mainland location.

The Department of Infrastructure and Regional Development through the Indian Ocean Territories Power Service generates and distributes electricity to properties on Cocos (Keeling) Islands. It is also responsible for retail sales of electricity which includes providing advice in relation to establishing the cost of providing electricity on Cocos (Keeling) Islands.

To achieve this, the electricity supply and service fees on Cocos (Keeling) Islands are fully aligned with that of Western Australia in that they are linked to *The Energy Operators*

(Regional Power Corporation) (Charges) By-laws 2006, less the GST component which is not applicable on Cocos (Keeling) Islands.

While the Australian Government aims for full cost recovery across their range of operations, it is acknowledged that for some locations this may not be achievable. Cocos (Keeling) Islands is an area where recouped fees are currently less than the cost of supply.

Regulatory Impact Statement

The Department of Infrastructure and Regional Development has been granted a Regulatory Impact Statement exemption (OBPR ID: 21021) by the Office of Best Practice Regulation in the Department of the Prime Minister and Cabinet in relation to this Amendment Determination.

Conditions to be Satisfied

The Ordinance does not specify conditions that need to be satisfied before power to make the Amendment Determination may be exercised.

Consultation

No consultation was undertaken with residents of Cocos (Keeling) Islands as the Amendment Determination is administrative in nature and reflects the ongoing changes to the cost of operating this service.

As the fees are determined based on a similar remote Western Australian location it is accepted that the expertise applied and the independent scrutiny of the Western Australian Government is the most credible and thorough process to adopt.

Detailed Description of this Amendment Determination

Part 1 – Preliminary

Section 1 – Name

This section provides that the name of this Amendment Determination is the *Cocos (Keeling) Islands Utilities and Services (Electricity Supply and Services Fees) Amendment (2017 Measures No. 1) Determination 2017*.

Section 2 – Commencement

This section provides that this Amendment Determination is to commence on the day after it is registered on the Federal Register of Legislation.

Section 3 – Authority

This section provides that this Amendment Determination is made under paragraph 7(2)(a) of the *Cocos (Keeling) Islands Utilities and Services Ordinance 2016*.

Section 4 – Schedules

This section provides that each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1 - Amendments

Clause 1

Clause 1 repeals the definition of the daily dependent child rebate amount within Section 4 of the Principle Determination and substitutes it with the revised rebate amounts.

The table below shows the rebate available to an eligible person who is entitled to a dependent children as listed on a valid concession card. It shows a decrease of 10% across the applicable rebates.

Daily dependant child rebate

Rebate	UNITS	Previous	Current	Variance
Person had one dependent child	cents per day	77.94	70.85	-10.0%
Person had 2 dependent children	cents per day	98.36	89.42	-10.0%
Person had 3 dependent children	cents per day	118.78	107.98	-10.0%
Person had 4 or more dependent children	cents per day	139.20	126.55	-10.0%

Clause 2

Clause 2 amends subsection 6(2) of the Principle Determination to enable future fee changes to be made through amending the Principle Determination. This clause provides that the fees mentioned in the Amendment Determination apply from the day the Amendment Determination commences.

Clause 3

Clause 3 repeals the table shown at Schedule 1 of the Principle Determination and replaces it with a table reflecting the revised fees.

The table below shows the fixed fees payable for the supply of electricity. It shows the increase in supply fees for each of the different categories of premises ranging from 0% to 95.3%.

Fixed fees for the supply of electricity

Fee	UNITS	Previous	Current	Variance
Residential A2	cents per day	44.1808	86.2780	95.3%
Community Service C2	cents per day	32.5239	33.2893	2.4%
Charitable Residential Fee D2	cents per day	37.1528	41.1950	10.9%
Business / Residential Fee K2	cents per day	44.1808	48.9876	10.9%
Business Fee L2	cents per day	41.9259	46.1367	10.0%
High Voltage Fee M2	cents per day	49.3261	49.3261	0.0%
Government Fee N2	cents per day	569.1300	569.1300	0.0%

It is noted that the Residential A2 supply fee has increased significantly. The residential A2 supply fee is the same amount paid by all electricity consumers in Western Australia (in remote and metropolitan areas).

Clause 4

Clause 4 repeals the table shown at Schedule 2 of the Principle Determination and replaces it with a table reflecting the revised fees.

The table below shows the consumption fees payable for the supply of electricity. It shows the increase in supply fees for each of the different categories of premises ranging from 0% to 10.9%.

Consumption fees for the supply of electricity				
Fee	UNITS	Previous	Current	Variance
Residential Fee A2	cents per unit	24.0673	24.0673	0.0%
Community Service Fee C2				
for the first 20 units per day	cents per unit	17.7283	18.1455	2.4%
from 21 to 1650 units per day	cents per unit	22.2119	22.7346	2.4%
Per unit above 1650 units per day	cents per unit	20.0427	20.5144	2.4%
Charitable Residential Fee D2	cents per unit	20.2513	22.4546	10.9%
Business / Residential Fee K2				
for the first 20 units per day	cents per unit	24.0673	26.6858	10.9%
from 21 to 1650 units per day	cents per unit	27.5549	30.5528	10.9%
above 1650 units per day	cents per unit	24.8639	27.5691	10.9%
Business Fee L2				
for the first 1650 units per day	cents per unit	27.5549	30.3224	10.0%
above 1650 units per day	cents per unit	24.8639	27.3611	10.0%
High Voltage Fee M2				
for the first 1650 units per day	cents per unit	31.3141	31.3141	0.0%
above 1650 units per day	cents per unit	28.1238	28.1238	0.0%
Government Fee N2	cents per unit	52.6800	52.6800	0.0%

Clause 5

Clause 5 repeals the table shown at Schedule 3 of the Principle Determination and replaces it with a table reflecting the revised fees.

The table below shows the fixed fees payable for services related to the supply of electricity. The fixed fees payable for services related to the supply of electricity have increased across the different services ranging from 0% to 87.7%.

Fixed fees for services related to the supply of electricity				
Fee	UNITS	Previous	Current	Variance
Account establishment fee	Dollars per instance	\$31.03	\$31.59	1.8%
Installation of a 3 phase residential meter:				
(a) for installation of a new 3 phase meter or replacement of a single phase meter with 3 phase meter;	Dollars per instance	\$531.84	\$540.91	1.7%
(b) for installation of a subsidiary 3 phase meter	Dollars per instance	\$136.35	\$136.35	0.0%
Reconnection following disconnection of supply for non-payment of fees or for any other lawful	Dollars per instance	\$28.55	\$28.55	0.0%

Fixed fees for services related to the supply of electricity

reason

Connection of temporary supply:

(a) single phase (overhead)	Dollars per instance	\$968.52	\$984.45	1.7%
(b) 3 phase (overhead)	Dollars per instance	\$968.52	\$984.45	1.7%
Meter testing:				
(a) if paragraph (b) does not apply (standard);	Dollars per instance	\$139.56	\$218.18	56.3%
(b) for a consumer entitled to a rebate under subsection 7(1)	Dollars per instance	\$128.36	\$130.00	1.3%
Disconnection of overhead service leads following unauthorised reconnection	Dollars per instance	\$378.29	\$710.00	87.7%
Special meter reading requested by consumer	Dollars per instance	\$20.90	\$20.91	0.0%
Disconnection warning	Dollars per instance	\$5.00	\$5.00	0.0%

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Cocos (Keeling) Islands Utilities and Services (Electricity Supply and Services Fees) Amendment (2017 Measures No. 1) Determination 2017

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

The Legislative Instrument sets the fees for electricity supply and services on Cocos (Keeling) Islands.

Human Rights Implications

Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) recognises the right of everyone to an adequate standard of living for himself and his family, and to the continuous improvement of living conditions. Access to supply of utilities such as electricity is a basic need in providing an adequate standard of living and contributes to improved living conditions.

The Department of Infrastructure and Regional Development through the Indian Ocean Territories Power Service generates and distributes electricity to properties on Cocos (Keeling) Islands. It is also responsible for retail sales of electricity on Cocos (Keeling) Islands.

The quality of electricity and standard of service provided on Cocos (Keeling) Islands are similar to those provided in remote Australian communities with similar characteristics, particularly demographic characteristics or service provision needs, recognising any special needs for Cocos (Keeling) Islands.

The Electricity Industry Act 2004 (WA) (CKI) is applied on Cocos (Keeling) Islands, and has a Code (*The Code of Conduct for the Supply of Electricity to Small Use Customers*) which regulates and controls the conduct of retailers and distributors who supply electricity to residential and small business customers. The Code was developed to protect the interests of residential and small business customers on Cocos (Keeling) Islands who would generally have little or no market power.

The Economic Regulation Authority (ERA) is responsible for the Code and undertakes a review of the Code every two years. The ERA has appointed a statutory committee, the Electricity Code Consultative Committee (ECCC) to undertake these reviews and advise the ERA about proposed amendments accordingly.

The Energy Operators Act 1979 (WA) (CKI) is also applied on Cocos (Keeling) Islands and regulates electricity fees through *The Energy Operators (Regional Power Corporation) (Charges) By-laws 2006*. Changes to electricity fees are considered by the Western Australian Government annually.

The *Cocos (Keeling) Island Utilities and Services (Electricity Supply and Services Fees) Determination 2016* sets the fees for the supply of electricity and services on Cocos (Keeling) Island, in alignment with the changes to *The Energy Operators (Regional Power Corporation) (Charges) By-laws 2006*.

This Amendment Determination does not engage any applicable rights or freedoms and so is compatible with human rights as it does not raise any human rights issues.