



ICRC

independent competition and regulatory commission

Energy Industry Levy

2018 ANNUAL DATA STATEMENT

In accordance with Section 540 of the *Utilities Act 2000*, the Levy Administrator is required to publish an annual statement about the data relied on by the Administrator to make energy industry levy determinations.

This statement should be read in conjunction with the relevant determinations and the [Energy Industry Levy Guidance note](#).

1. National Regulatory costs (54E)

In determining the national regulatory actual (2017–18) and estimated (2018–19) costs, the Levy Administrator relied upon:

- a) The 2017–18 Territory contribution to the Australian Energy Market Commission (AEMC) and Council of Australian Governments Energy Council (COAG EC);
- b) The 2018–19 Territory estimated contribution to the AEMC and COAG EC;
- c) Information provided by Environment Planning and Sustainable Development Directorate in relation to costs attributable to each energy industry sector;
- d) Available estimates about the budgets of AEMC and COAG EC for their relevant functions for the relevant year; and
- e) The annual payments made by the Territory in previous years for activities undertaken by COAG EC and the AEMC.

The data relied upon was provided by the ACT Environment Planning and Sustainable Development Directorate.

The 2018 national regulatory cost determination can be found here:

<https://www.legislation.act.gov.au/ni/2018-541/>

2. Local Regulatory costs (54F)

In determining the local regulatory actual (2017–18) and estimated (2018–19) costs, the Levy Administrator relied upon data submitted by three local regulators that outlined:

- a) Total cost of regulation against each energy industry sector for 2017–18;
- b) Details of how costs were attributed to each industry sector;
- c) Explanations for any cost fluctuations; and
- f) Budgeted costs for the 2018–19 year.

The data was submitted to the Levy Administrator by:

- Independent Competition and Regulatory Commission (Commission);
- the technical regulator; and
- the ACT Civil and Administrative Tribunal (ACAT).

The Levy Administrator notes the increase in total local regulatory costs estimated for 2018-19 compared to actual costs for 2017-18. This increase in costs is attributable to an

expected increase in work for the technical regulator in the electricity distribution sector, and to an increase in costs for the ACAT associated with an expected increase in the number and complexity of matters before the ACAT. The Commission is also expecting an increase in workload for 2018–19, particularly in the electricity supply sector.

The 2018 local regulatory cost determination can be found here:

<https://www.legislation.act.gov.au/ni/2018-542/>

3. Net regulatory costs (54GA)

The net regulatory cost for an energy industry sector for a year is the total regulatory cost less the total amount of licence fees determined for the energy industry sector under section 45 of the *Utilities Act 2000*.

In determining the net regulatory cost and estimated net regulatory cost, the Levy Administrator relied upon:

- a) The actual (2017–18) and estimated (2018–19) national regulatory costs (see 1 above)
- b) The actual (2017–18) and estimated (2018–19) total local regulatory cost (see 2 above)
- c) Advice from the Commission of the licence fees determined for any energy industry sector utilities subject to the energy industry levy.

The Commission advised that no licence fees were, or are expected to be, determined for licenced utilities that are subject to the energy industry levy in 2017–18 or 2018–19. Therefore the net regulatory cost is equal to the total of national and local regulatory costs for 2017–18 and 2018–19.

The 2018 net regulatory cost determination can be found here:

<https://www.legislation.act.gov.au/ni/2018-543/>

4. Base amounts (54GA)

Under Section 54GA(2), the Levy Administrator must determine a base amount, or minimum additional cost, of regulating one additional energy utility for a period of one year. This determination is to be made every 5 years.

A base amount determination was made in October 2017. Unless exceptional circumstances arise, the determination is not due to be remade until 2022.

The Levy Administrator has relied upon the 2017 determination for the base amount.

The 2017 base amount determination can be found here:

<https://www.legislation.act.gov.au/ni/2017-509/>



Annette Weier
Levy Administrator
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