



ICRC

independent competition and regulatory commission

Energy Industry Levy

2019 ANNUAL DATA STATEMENT

In accordance with Section 54O 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 (2018–19) and estimated (2019–20) costs, the Levy Administrator relied upon:

- a) the 2018–19 Territory contribution to the Australian Energy Market Commission (AEMC) and Council of Australian Governments Energy Council (COAG EC);
- b) the 2019–20 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 for its relevant functions; 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 2019 national regulatory cost determination can be found here:

<https://www.legislation.act.gov.au/ni/2019-635/>

2. Local Regulatory costs (54F)

In determining the local regulatory actual (2018–19) and estimated (2019–20) costs, the Levy Administrator relied upon data submitted by three ACT regulators that outlined:

- a) total actual cost of regulation against each energy industry sector for 2018–19;
- b) details of how costs were attributed to each industry sector;
- c) explanations for any cost fluctuations; and
- f) budgeted estimated costs for the 2019–20 year.

The data was submitted to the Levy Administrator by:

- Independent Competition and Regulatory Commission (Commission);
- the Utilities Technical Regulator (UTR); and
- the ACT Civil and Administrative Tribunal (ACAT).

The 2019 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 actual (2018–19) and estimated (2019–20), the Levy Administrator relied upon:

- a) the actual (2018–19) and estimated (2019–20) national regulatory costs (see 1 above)
- b) the actual (2018–19) and estimated (2019–20) total local regulatory cost (see 2 above)
- c) advice from the Commission on 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 2018–19 or 2019–20. Therefore, the net regulatory cost is equal to the total of national and local regulatory costs for 2018–19 and 2019–20.

The 2019 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 of \$1,200 per utility in each energy sector. 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/>