

State Concessions Act 2004

Concession (Electricity Retailers) Order 2023

I, Lizzie Blandthorn, Minister for Disability, Ageing and Carers and Minister for Child Protection and Family Services, make the following Order:

Dated 19/04/2023



Hon Lizzie Blandthorn MP
Minister for Disability, Ageing and Carers
Minister for Child Protection and Family Services

PART 1 — INTRODUCTORY

1. Objective

The objectives of this Order are—

- (a) to determine concessions and rebates available in relation to domestic electricity charges; and
- (b) to make certain declarations under section 4 of the **State Concessions Act 2004**.

2. Authorising provision

This Order is made under sections 4 and 5 of the **State Concessions Act 2004**.

3. Commencement

This Order takes effect on 1 December 2023.

4. Revocation of existing order

The *Concessions (Electricity Retailers) Order 2013* is revoked.

5. Definitions

In this Order—

annual period means a year beginning on 1 December;

consumption charge means the amount (exclusive of GST) payable for electricity consumed at the principal place of residence of an eligible person or eligible beneficiary (as the case may be) for personal, household or domestic use, charged on the basis of electricity consumption;

contractor means a retailer within the meaning of the **Electricity Industry Act 2000** that is a party to a concession agreement with the State;

contractor discounts means the GST exclusive sum of regular discounts, rebates, feed-in tariffs and other benefits offered or applied by the contractor directly in relation to the electricity charges (excluding one-off discounts);

electricity charge means the consumption charge plus the fixed charge;

eligible beneficiary means a person declared to be an eligible beneficiary under clause 13 of this Order;

eligible person has the same meaning as in the Act;

excess electricity consumption means electricity consumed in an annual period in excess of the quantity to which the cap in clause 10(2) relates;

feed-in tariffs means the amount (exclusive of GST) credited against electricity charges in respect of electricity supplied into the grid;

fixed charge means the amount (exclusive of GST) payable for electricity consumed at the principal place of residence of an eligible person or eligible beneficiary (as the case may be) for personal, household or domestic use, not charged on the basis of electricity consumption – commonly called the 'daily supply charge' or 'service to property charge';

home-based life support machine means an intermittent peritoneal dialysis machine, haemodialysis machine, oxygen concentrator or any other home-based machine notified in writing to the contractor by the supervising officer;

summer means the period beginning on 1 November up to and including 30 April in the following year;

supervising officer means the officer of the Department of Families, Fairness and Housing nominated in writing by the Minister as the officer responsible for the day to day management of concession agreements; and

the Act means the **State Concessions Act 2004**.

6. Where amount of concession is negative

If a concession as calculated under this Order is a negative amount, the concession is zero.

7. Retrospective claims

An eligible person or eligible beneficiary (as the case may be) may receive any of the concessions set out in this Order retrospectively for a period of up to 12 months prior to the date of the application for that concession.

PART 2 — CONCESSIONS

8. Life support concession

(1) Subject to subclause (2), no consumption charge is payable by an eligible person for up to 1880 kilowatt hours of electricity consumed at that eligible person's principal place of residence in which a home-based life support machine is operating, during any 12 month period commencing—

(a) on the date that such home-based life support machine commenced to operate at that eligible person's principal place of residence; and

(b) subject to the home-based life support machine continuing to operate at that eligible person's principal place of residence, on each anniversary of that date.

(2) The life support concession only applies if—

(a) the eligible person has submitted an application for the concession, in a form approved by the supervising officer, to the contractor; or

(b) the supervising officer has notified the contractor that the eligible person is to receive the concession.

9. Medical cooling concession

(1) Subject to subclause (2), the medical cooling concession is equal to 17.5% of the electricity charge payable by an eligible person for electricity consumed at that eligible person's principal place of residence during summer if a person at that residence suffers from—

(a) multiple sclerosis, lymphoedema, Parkinson's disease, fibromyalgia, post-polio syndrome, poliomyelitis or motor neurone disease; or

(b) another condition determined by the Minister and notified from time to time to the contractor by the supervising officer.

(2) The medical cooling concession only applies if—

(a) the eligible person has submitted an application for the concession, in a form approved by the supervising officer, to the contractor; and

(b) the supervising officer has notified the contractor that the eligible person is to receive the concession.

10. Annual electricity concession

- (1) Subject to subclause (2), the annual electricity concession is equal to the amount calculated as follows:

$$A = 17.5\% \times (B - C) - (D \times 0.0823)$$

where—

- A is the amount of the concession in dollars;
 - B is the electricity charge payable by an eligible person;
 - C is the contractor discounts in respect of the period to which the electricity charge in B relates; and
 - D is the number of days in the period to which the electricity charge in B relates.
- (2) An eligible person is entitled to the following maximum annual electricity concession:
- (a) for the annual period ending 30 November 2023, the amount of \$563.75; or
 - (b) for future years, the amount determined by the Minister and notified from time to time to the contractor by the supervising officer.
- (3) Subclause (2) does not apply to an eligible person in respect of an annual period if that eligible person has received the life support concession or the medical cooling concession at any time during that annual period.

11. Excess electricity concession

- (1) Subject to subclause (2), the excess electricity concession is equal to the amount calculated as follows:

$$A = 17.5\% \times (B - C) - (D \times 0.0823)$$

where—

- A is the amount of the concession available to an eligible person;
 - B is the electricity charge for the excess electricity consumption;
 - C is the contractor discounts in respect of the period to which the electricity charge in B relates; and
 - D is the number of days in the period to which the electricity charge in B relates.
- (2) The excess electricity concession only applies if—

- (a) the eligible person submits an application for the excess energy concession, in a form approved by the supervising officer (together with the information requested in that form), to the Department of Families, Fairness and Housing; and
- (b) the Department of Families, Fairness and Housing approves the eligible person's application.

12. Group homes concession

The group homes concession is equal to the amount calculated as follows:

$$A = 17.5\% \times (B - C) - (D \times 0.0823)$$

where—

- A is the amount of the concession in dollars;
- B is the electricity charge payable by an eligible beneficiary;
- C is the contractor discounts in respect of the period to which the electricity charge in B relates; and
- D is the number of days in the period to which the electricity charge in B relates.

PART 3 — DECLARATIONS UNDER SECTION 4 OF THE ACT

13. Declaration of *eligible beneficiary* and *user costs* under section 4 of the Act

(1) For the purposes of paragraph (d) of the definition of *eligible beneficiary* in section 3 of the Act, a person who provides accommodation to one or more eligible persons is declared to be an eligible beneficiary if—

- (a) the supervising officer notifies the contractor, in writing, that the person is an eligible beneficiary; and
- (b) the notice has not been revoked.

(2) For the purposes of paragraph (f) of the definition of *user cost* in section 3 of the Act, electricity charges payable by a person who is an eligible beneficiary by reason of subclause (1) is a user cost.