

**State Concessions Act 2004**  
**Concession (Gas 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 available in relation to domestic gas 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 May 2023.

**4. Revocation of existing order**

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

**5. Definitions**

In this Order—

***contractor*** means a gas retailer within the meaning of the **Gas Industry Act 2001** 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 gas charges (excluding one-off discounts);

***eligible beneficiary*** means a person declared to be an eligible beneficiary under clause 11 of this Order;

*eligible person* has the same meaning as in the Act;

*excess gas consumption* means gas consumed in winter in excess of the quantity to which the cap in clause 8(2) relates;

*gas charge* means the fixed and variable amount (exclusive of GST) payable for gas 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;

*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;

*the Act* means the **State Concessions Act 2004**; and

*winter* means the period beginning on 1 May up to and including 31 October each year.

**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 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. Winter gas concession**

(1) Subject to subclause (2), the winter gas concession is equal to the amount calculated as follows:

$$A = 17.5\% \times (B - C) - (D \times 0.0593)$$

where—

A is the amount of the concession in dollars;

B is the gas charge for gas consumed during winter payable by an eligible person;

C is the contractor discounts in respect of the period to which the gas charge in B relates;

D is the number of days in the period to which the gas charge in B relates.

- (2) An eligible person is entitled to the following maximum winter gas concession:
- (a) for winter 2023 the amount of \$318; or
  - (b) for each subsequent winter, the amount determined by the Minister and notified from time to time to the contractor by the supervising officer.

**9. Excess gas concession**

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

$$A = 17.5\% \times (B - C) - (D \times 0.0593)$$

where—

- A is the amount of the concession an eligible person is entitled to;
- B is the gas charge for the excess gas consumption;
- C is the contractor discounts in respect of the period to which the gas charge in B relates; and
- D is the number of days in the period to which the gas charge in B relates.

- (2) The excess gas concession only applies if—

- (a) the eligible person submits an application for the excess gas 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.

**10. Group homes concession**

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

$$A = 17.5\% \times (B - C) - (D \times 0.0593)$$

where—

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

**PART 3 — DECLARATIONS UNDER SECTION 4 OF THE ACT**

**11. 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, gas charges payable by a person who is an eligible beneficiary by reason of subclause (1) is a user cost.