



ACT
Government

Chief Minister, Treasury and
Economic Development

Freedom of Information Disclosure Log Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

Application Details	
Ref. No.	CMTEDDFOI 2024-292
Date of Application	13 September 2024
Date of Decision	16 October 2024
Processing time (in working days)	22
Fees	N/A
Decision on Access	No Documents Found
Information Requested (summary)	Process and guidelines for acquiring services of energy providers in the ACT.
Publication Details	
Original application	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Decision notice	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Documents and schedule	<input checked="" type="checkbox"/> Published <input checked="" type="checkbox"/> N/A
Decision made by Ombudsman	N/A
Additional information identified by Ombudsman	N/A
Decision made by ACAT	N/A
Additional information identified by ACAT	N/A

From: no-reply@act.gov.au
To: [CMTEDD FOI](#)
Subject: CMTEDDFOI 2024-292 Freedom of Information request
Date: Friday, 13 September 2024 9:49:22 AM

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Please find online enquiry details below. Please ensure this enquiry is responded to within fourteen working days.

Your details

All fields are optional, however an email address OR full postal address must be provided for us to process your request. An email address and telephone contact number will assist us to contact you quickly if we need to discuss your request.

Title:
First Name:
Last Name:
Business/Organisation
Address:
Suburb:
Postcode:
State/Territory:
Phone/mobile:
Email address:

A large grey rectangular area redacting the user's personal details in the form fields.

Request for information

(Please provide as much detail as possible, for example subject matter and relevant dates, and also provide details of documents that you are not interested in.)

Under the Freedom of Information Act 2016 I want to access the following document/s (*required field):

- Process and guidelines for acquiring services of energy providers - i.e. the cadence for tenders, the list of providers who tenders are made available and the maximum length of contractual agreement for an energy provider - Evo Energy's response to the latest tender or RFQ - All other responses from Energy Providers in the latest tender or RFQ - Evo Energy services agreement - i.e. length of agreement/service engagement - stipulations on costings for services to the public, outside of infrastructure maintenance

I do not want to access the following documents in relation to my request::

Thank you.
Freedom of Information Coordinator



ACT
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Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2024-292

FREEDOM OF INFORMATION REQUEST – NOTICE OF DECISION

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 13 September 2024.

Specifically, you have sought access to the following information:

“Process and guidelines for acquiring services of energy providers - i.e. the cadence for tenders, the list of providers who tenders are made available and the maximum length of contractual agreement for an energy provider - Evo Energy's response to the latest tender or RFQ - All other responses from Energy Providers in the latest tender or RFQ - Evo Energy services agreement - i.e. length of agreement/service engagement - stipulations on costings for services to the public, outside of infrastructure maintenance”

Authority

I am an Information Officer appointed by the CMTEDD Director-General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Timeframes

In accordance with section 40 of the Act, CMTEDD is required to provide a decision on your access application within 30 days. Therefore, a decision is due by **28 October 2024**.

Decision on access

A search of CMTEDD records has failed to identify any documentation in relation to your request. We sought advice from Environment, Planning and Sustainable Development Directorate and Transport Canberra and City Services and both directorates confirmed that they have no information within the scope of the request.

I am satisfied that appropriate searches were completed and that no documents relevant to your request are held by CMTEDD. In seeking advice in relation to your request, we were provided with the following information from the Independent Competition and Regulatory Commission.

The provision of utility services in the ACT is governed by the *Utilities Act 2000* (the Act) not via a tender process.

An electricity connection service is a utility service under section 6 of *the Utilities Act 2000*. As a result, someone looking to provide an electricity connection service must either have been granted a utility licence (section 21) or a Ministerial exemption from the requirement to hold a utility licence (section 22).

Under the *Utilities Act 2000* the Independent Competition and Regulatory Commission (the commission) is responsible for assessing utility licence applications and granting utility licences. The process for applying for a utility licence can be found on the commission's website [Licence Applications, Surrenders, Variations and Revocations - Independent Competition and Regulatory Commission \(act.gov.au\)](#).

A list of utility licences in operation in the ACT can be found on the commission's website [Current Licences - Independent Competition and Regulatory Commission \(act.gov.au\)](#) and on the ACT Legislation Register [Utilities Act 2000 | Acts](#).

Evoenergy holds a utility licence to provide electricity connection services in the ACT.

The Act does allow for a person accredited under a technical code to undertake an electricity connection service (section 79). However, this section is not yet in operation and requires a Ministerial direction come into operation.

Evoenergy's charges and overall revenue is regulated by the Australian Energy Regulator [Evoenergy \(ActewAGL\) - Determination 2024–29 | Australian Energy Regulator \(AER\)](#).

As part of the commission's role in regulating the services of licenced utilities, the commission requires Evoenergy to report annually on its compliance with its utility licence and industry codes created under the Act. This includes the Consumer Protection Code which identifies guaranteed service levels that Evoenergy should meet and rebates that they must make to customers if a guaranteed service level is not met. The commission publishes the results of this reporting annually in the Utility Licence Annual Report. These reports can be found at [Utility Licence Annual Reports - Independent Competition and Regulatory Commission \(act.gov.au\)](#).

Charges

Pursuant to *Freedom of Information (Fees) Determination 2017 (No 2)* processing charges are not applicable for this request as no documents are being released to you.

Online publishing – Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a [disclosure log](#).

Your original access application and my decision will be published on the CMTEDD disclosure log. Your personal contact details will not be published.

Ombudsman Review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is provided to you, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) Review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740

<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact the FOI team by telephone on 6207 7754 or email CMTEDDFOI@act.gov.au.

Yours sincerely,



Emma Hotham
Information Officer
Chief Minister, Treasury and Economic Development Directorate

16 October 2024