

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

Portfolio

Question No. 163

Senator Humphries asked the following question at the hearing on 24 May 2012:

Electricity Purchasing

- a) Provide an update of the department/agency electricity purchasing agreement. Provide details of when this was entered into and the length of the agreement.
- b) What were the department/agency electricity costs for 2009-10 and 2010-11?
- c) What are the department/agency electricity costs for this financial year to date?

The answer to the honourable senator's question is as follows:

Attorney General's Department

- a) ERM Power Retail Pty Ltd was selected as the provider for electricity following a tender undertaken by the Department of Defence on behalf of all Commonwealth Government Agencies located in the Australian Capital Territory. The contract commenced on 1 July 2011 and expires on 30 June 2015 (4 years).
- b) 2009-10: \$1,738,902.
2010-11: \$1,515,605.
- c) 2011-12 financial year to 30 April 2012: \$938,590.

Administrative Appeals Tribunal

a) The Tribunal has electricity supply agreements with ACTEW AGL, Energy Australia and Origin Energy in respect to its Canberra, Sydney and Melbourne offices. The Tribunal's Brisbane, Hobart, Adelaide and Perth offices are supplied via whole of building contracts through the relevant Lessors and remain current whilst a tenant of the building.

The ACTEW AGL supply is on a standard retail contract due to the consumption level being below the minimum level required to enter into a negotiated supply contract and continues until cancelled.

The Energy Australia supply is also on a standard retail contract as the individual metering consumption falls below the minimum level required to enter into a negotiated supply contract and continues until cancelled.

The Origin Energy supply contract was entered into on 1 January 2010 and expires on 31 December 2012.

- b) 2009-10: \$258,149.49
2010-11: \$258,395.89
- c) 2011-12 to 30 April: \$227,410.50

Australian Commission for Law Enforcement Integrity (ACLEI)

a) ACLEI purchases its electricity from ActewAGL. There is no formal purchasing agreement.

- b) 2009-10: \$29,798.
2010-11: \$26,628.
- c) 2011-12 financial year to 30 April 2012: \$23,287.

Australian Crime Commission

a) Whole of Government contract for with ERM Power Retail Ltd, commenced 1 July 2011. (4 year agreement)

Sydney and Melbourne - contract is with Momentum Energy Pty Ltd, commenced 1 November 2011 (2 year agreement).

- b) 2009-10: \$476,000
2010-11: \$420,960
- c) 2011-12 to 30 April: \$381,223

Australian Customs and Border Protection Service

- a) The Australian Customs and Border Protection Service has two major contracts in relation to large sites:
 - Retail Electricity Contract (REC) between the Department of Defence (on behalf of Commonwealth Agencies in the ACT) and ERM Power Retail Pty Ltd for all of Customs and Border Protection sites in the ACT. The contract was entered into on 1 July 2011 expiring on 30 June 2015; and

- Momentum Energy Pty Ltd for the provision of electricity to eight large sites in NSW (three), Queensland (one), South Australia (one) and Victoria (three). This contract was entered into on 1 June 2012 and expires on 31 December 2015.

The remaining small sites are on ongoing contracts at regulated rates in each state or through outgoings for leased properties.

b) The cost of electricity for 2009-10 was not recorded separately from other outgoing costs in our financial information system. The cost of electricity purchased directly from the distributor for 2010-11 was \$1,657,577. Electricity costs passed through by landlords have not been included, as these are not recorded separately from other landlord costs in our Financial Management Information System.

c) The cost of electricity purchased directly from the distributor for this financial year up to 30 April 2012, was \$1,648,048. Electricity costs passed through by landlords have not been included, as these are not recorded separately from other landlord costs in our Financial Management Information System.

Australian Federal Police

a)	<p>The AFP has a formal agreement in place for sites in Victoria and Queensland which commenced on 1 June 2012 and expires on 30 November 2015.</p> <p>The AFP is a participant in the Whole of Australian Government Arrangement for sites in the ACT and New South Wales which commenced on 1 July 2011 and expires on 30 June 2015.</p> <p>The AFP also purchases electricity via retail arrangements for smaller sites and those in locations where the market is not contestable.</p>
b)	<p>2009-10 total electricity spend in Australia - \$5,310,596.01</p> <p>2010-11 total electricity spend in Australia - \$6,319,449.04</p>
c)	<p>2011-12 total spend to 30 April - \$5,103,147.79</p>

Australian Government Solicitor (AGS)

a) AGS purchases electricity for its main Canberra premises under whole of government arrangements.

AGS purchases electricity for its Melbourne and Sydney premises directly from providers. The current Melbourne agreement commenced 1 October 2011 for a period of 11 months. The current Sydney agreement commenced 1 September 2010 for a period of 2 years.

AGS reimburses its landlords for electricity used in all other premises in accordance with the specific provisions of each lease.

b) 2009-10: \$297,629
2010-11: \$307,384.

c) 2011-12 to 30 April: \$245,670.

Australian Human Rights Commission (AHRC)

a) AHRC purchases electricity for its Sydney office directly from an energy provider. Electrical charges for base building services, including tenancy air-conditioning are proportionally recovered as part of building outgoings, on-charged to all tenants.

b) For 2009-10 the AHRC Electricity cost was \$58,571
For 2010-11 the AHRC Electricity cost was \$65,365

c) Electricity costs for 2011-12 to 30 April is \$69,171

Australian Institute of Criminology

a) ERM Power Retail Pty Ltd was selected as the provider for electricity following a tender undertaken by the Department of Defence on behalf of all Commonwealth Government Agencies located in the Australian Capital Territory. The contract commenced on 1 July 2011 and expires on 30 June 2015 (4 years).

b) 2009-10: \$51,679.17
2010-11: \$57,910.50

c) Electricity costs from 01/07/2011 to 30/4/2012 are: \$33,955.31

Australian Law Reform Commission

- a) Our electricity purchasing agreement forms part of our sub-leasing arrangement with the Australian Government Solicitor (AGS). ALRC pay AGS on invoice, charged on a monthly basis, paying a proportion of the floor charge, based on ALRC current square meterage.
- b) 2009-10: \$15,059.29
2010-11: \$14,535.47
- c) 2011-12 to 30 April: \$7,549.42

Australian Security Intelligence Organisation

- a) For all ACT facilities, the Organisation's electricity purchasing agreement aligns with the Whole-of-Government agreement negotiated by the Department of Defence in 2011 with ERM appointed as the provider for a term of three years. ASIO has an individual account with ERM established in accord with the terms and conditions of the Whole of Government agreement.

For ASIO's other facilities in Australia, ASIO has aligned itself with each of the respective Landlord's electricity providers under their terms and conditions. We believe this method provides the best value for money as we benefit from the larger purchasing power of each respective Landlord. These offices are all undeclared sites and ASIO does not provide comment on them for security reasons.

- b) ASIO's electricity costs for 2009-10 were \$2,712,976.13. For 2010-11 they were \$2,979,713.74
- c) ASIO's electricity costs for this financial year to date are \$2,459,510.90

AUSTRAC

- a) AUSTRAC currently has the following contracts in place for the supply of electricity:

Level 36, 140 William St Melbourne:	13/12/11 to 12/12/12	12 Months
Level 30, 140 William St Melbourne:	24/3/11 to 23/3/14	36 Months
Zenith Centre Chatswood:	17/6/11 to 16/6/14	36 months

- b) 2009-10: \$213,894
2010-11: \$262,230
- c) The financial year to date electricity cost is \$226,884.

CrimTrac

- a) ERM Power Retail Pty. Ltd under Department of Defence Whole of Government (ACT) contract arrangement. Length of agreement: 1 July 2011 – 30 June 2015
- b) 2009-10: \$69,899
2010-11: \$74,463
- c) 2011-12: \$67,230

Family Court of Australia

a) The Family Court of Australia (FCoA) have a number of electricity purchasing agreements across a property portfolio of 21 sites. Some smaller privately leased sites (between 250 - 1200m²) have electricity provided via lease outgoings or do not currently have contracts in place as value for money cannot be realised via a contract (this has been tested).

Table 1: Family Court of Australia and Federal Magistrates Court Electricity Purchasing Agreements

Site	Contract Start Date	Contract End Date	Electricity Provider
Adelaide Commonwealth Law Court (CLC)	1/7/11	31/12/15	Momentum
Brisbane CLC	1/7/11	31/12/15	Momentum
Canberra CLC	1/7/11	31/12/15	Momentum
Hobart CLC	1/7/11	31/6/14	Aurora Energy
Melbourne CLC	1/7/11	31/12/15	Momentum
Parramatta CLC	1/7/11	31/12/15	Momentum
Sydney CLC	1/7/11	31/12/15	Momentum
Dandenong - 53 – 55 Robinson St	1-Jul-10	30-Jun-14	Tru Energy
Newcastle - 61 Bolton St	19-Jul-11	30-Jun-15	Momentum
Canberra , 15 London Cct Level	In process to sign contract July 12	30-Jun-15	ERM via WoG Defence Contract
Albury - 463 – 467 Kiewa St-	n/a no contract		Country Energy
Alice Springs - 12 Gregory Tce	n/a no contract		Power Water
Lismore - 29 Molesworth St	n/a no contract		Country Energy
Wollongong - 43 Burelli St	n/a no contract		Integral
Coffs Harbour - 26 Gordon St	n/a no contract		Country Energy
Darwin - 80 Mitchell St	n/a no contract		Power Water
Launceston- 69 Brisbane St	n/a no contract		Aurora Energy
Cairns - Cnr Grafton & Shield St	n/a via lease outgoings		
Townsville - 143 Walker St	n/a via lease outgoings		
Dubbo - 188 Macquarie St	n/a via lease outgoings		
Rockhampton - Virgil Power Building, East St	n/a via lease outgoings		

- b) Energy costs for the Family Court of Australia (FCoA) 2009-10 and 2010-11.

Table 2: Energy costs for the Family Court of Australia (FCoA) 2009-10 and 2010-11

	2009/10	2010/11
CLC	\$1,466,536	\$1,546,626
Leased Property	\$361,202	\$403,782
TOTAL	\$1,827,738	\$1,950,408

- c) Energy costs for the Family Court of Australia (FCoA) 2011-12 as at 30/4/12.

Table 3: Energy costs for the Family Court of Australia (FCoA) 2011-12 as at 30/4/12

	2011/12 as at 30/04/2012
CLC	\$1,288,020
Leased Property	\$317,606
TOTAL	\$1,605,626

Federal Court of Australia

- a) The Federal Court of Australia, on behalf of the National Law Courts Building Management Committee, entered into a four-year agreement with Momentum Energy Pty Ltd for the supply of electricity to the Commonwealth Law Courts Buildings that are located in Adelaide, Brisbane, Canberra, Melbourne and Sydney (Lionel Bowen Building and Parramatta).

The contract's cost to the Federal Court of Australia over the four-year term is \$2,272,006.

The Federal Court of Australia entered into a three-year agreement with Aurora Energy for the supply of electricity to the Commonwealth Law Courts Building located in Hobart.

The contract's cost to the Federal Court of Australia over the three-year term is \$225,474.

- b) 2009-10: \$840,586.
2010-11: \$867,458.
- c) 2011-12 financial year to 30 April: \$779,060.

Federal Magistrates Court

a) The Federal Magistrates Court (FMC) has three leased sites (the remainder of sites that are used by the FMC are leased by the Family Court of Australia). Two of these sites pay electricity via lease outgoings and the remaining site is on a rolling yearly contract.

Table 1: Family Court of Australia and Federal Magistrates Court Electricity Purchasing Agreements

Site	Contract Start Date	Contract End Date	Electricity Provider
FMC-Newcastle - 47 Bolton St	1/7/09	Rolling yearly	Energy Australia
FMC – Sydney 80 Williams St	n/a via lease outgoings		
FMC- Sydney-88 Goulburn St	n/a via lease outgoings		

b) Energy costs for the Federal Magistrates Court (FMC) 2009-10 and 2010-11.

Table 2: Energy costs for the Federal Magistrates Court (FMC) 2009-10 and 2010-11

	2009/10	2010/11
CLC	\$37,986	\$31,933
Leased Property	\$7,686	\$485
TOTAL	\$45,672	\$32,418

c) Energy costs for the Federal Magistrates Court (FMC) 2011-12 as at 30/4/12.

Table 3: Energy costs for the Family Court of Australia (FCoA) and Federal Magistrates Court (FMC) 2011-12 as at 30/4/12

	2011/12 as at 30/04/2012
CLC	\$32,433
Leased Property	\$3,273
TOTAL	\$35,706

The High Court of Australia

a) The High Court entered into an electricity purchasing agreement on 12 March 2010 with ActewAGL. The agreement covers the period 01 July 2010 until 30 June 2013.

b) The High Court of Australia's electricity costs for 2009-10 and 2010-11 was \$270,670 and \$296,100 respectively.

c) The High Court of Australia's electricity costs for the period 1 July 2011 to 30 April 2012 was \$290,893.

Insolvency and Trustee Service of Australia

a)

ITSA Site	Agreement	Start date	Duration
Canberra Level 2, 42 Macquarie Street Barton	Yes, Department of Defence - DSG Supply electricity to Commonwealth Government agencies in ACT	01/07/2011	4 years
Canberra Level 1, 42 Macquarie Street Barton	No, month to month	N/A	N/A
Sydney	No, month to month	N/A	N/A
Brisbane	No, arrangement through lease	N/A	N/A
Perth	No, arrangement through lease	N/A	N/A
Hobart	No, month to month	N/A	N/A
Adelaide	Yes, ITSA has a direct source contract with Powerdirect.	20/09/2010	2 years
Melbourne	No, month to month	N/A	N/A

b) 2009-10: \$175,650.22

2010/2011: \$189,689.05.

c) 2011-12 to 30 April: \$169,776.16

National Native Title Tribunal

a) There was one ongoing purchase agreement for electricity purchase for our Sydney Registry which has subsequently been requested to be terminated as these premises have now been vacated in the month of June 2012. In all other cases there are no separate purchase agreement for electricity as costs for these are charged as an occupancy cost by lessor for the buildings leased to National Native Title Tribunal.

b) 2009-10: \$119,820

2010-11: \$85,059

c) Electricity costs for this financial year to date is \$79,478.

Office of the Australian Information Commissioner

- (a) The OAIC has office premises in both Sydney and Canberra.

In Sydney, OAIC purchases electricity directly from Energy Australia. Electrical charges for base building services, including tenancy air-conditioning are proportionally recovered as part of building outgoings, on-charged to all tenants.

In Canberra, electricity charges are on passed as part of the rent and recovery arrangements set down under the lease with building owners.

- (b) 2010–11: \$35,813.57.

The OAIC was established on 1 November 2010. Therefore, information relating to the 2009–10 financial year is not provided.

- (c) Electricity costs for this financial year to date for OAIC is \$20,829.17

Office of Parliamentary Counsel

a) The contract is with ERM Power Retail Pty Ltd under a whole-of-government arrangement (Department of Defence is the lead agency). The agreement covers the period 1 July 2011 to 30 June 2015, with a further 12 month option to extend at the discretion of the Commonwealth.

b) 2009-10: \$20,221; 2010-11: \$22,858

c) 2011-12 FYTD: \$16,550

The Office of the Director of Public Prosecutions (CDPP)

a) The CDPP has the following electricity purchasing agreements:

State	Utility company	Start date	Length of the agreement
ACT	ERM Power Ltd	01/07/2011	1 year
ACT	ActewAGL	27/02/2008	4 years + month to month
NSW	ERM Power Ltd	01/08/2011	4 years
VIC	AGL Electricity	01/07/2008	5 years

b) 2009-10: \$383,980.01;
2010-11: \$385,308.30

c) 2011-12 to 30 April: \$253,987.81