

Schedule [X] Savings and Transitional Amendment to the National Energy Retail Rules

[1] Schedule [X] Savings and Transitional Rules

In Part 19, after Division [X], insert the following:

Division [X] Rules consequential on making of the National Energy Retail Amendment (Accelerating smart meter deployment) Rule 2024

1 Definitions

In this Part:

Legacy Meter means any type 5 and 6 metering installations.

Explicit Informed Consent Period means, in respect of a small customer, the three year period immediately following the replacement of a Legacy Meter at the small customer's premises.

2 Proposed change to tariff structure resulting from meter replacement during the Explicit Informed Consent Period

- (1) If a small customer's Legacy Meter is replaced with a Type 4 or Type 4A *meter* and, because of that replacement, the small customer's retailer intends to vary the tariff structure that applies to the customer during the Explicit Informed Consent Period, then the retailer must issue a notice to the customer.
- (2) The notice must:
 - (a) specify that the retailer proposes to vary the customer's tariffs and request the customer's explicit informed consent to such tariff change;
 - (b) specify the date on which the variation is proposed to come into effect;
 - (c) identify the customer's existing tariff and charges inclusive of GST;
 - (d) identify the customer's proposed new tariff and charges as varied inclusive of GST;
 - (e) specify that the tariffs and charges identified in subrules (2)(c) and (d) are inclusive of GST; and
 - (f) include an estimate of what the small customer's historical bill would have been under the proposed new tariff and charges, compared to the bill that the customer received under the existing tariff and charges (to the extent that the small customer's smart meter data is available);
 - (g) include information regarding how to understand, monitor and manage their electricity usage (for example, through available apps or in-home displays); and
 - (h) be delivered by the customer's preferred form of communication where this has been communicated to the retailer, or otherwise by the same method as that used for delivery of the customer's bill.

Note

The AEMC is proposing to recommend that this subrule is classified as a tier 3 civil penalty provision under the National Energy Retail Regulations. (See clause 6 and Schedule 1 of the National Energy Retail Regulations.)

- (3) A retailer may only vary the customer's tariff structure during the Explicit Informed Consent Period if it obtains the customer's explicit informed consent following notification under subrule (2).

Note

The AEMC is proposing to recommend that this subrule is classified as a tier 1 civil penalty provision under the National Energy Retail Regulations. (See clause 6 and Schedule 1 of the National Energy Retail Regulations.)

3 Notification following the Explicit Informed Consent Period

- (1) After the expiry of the Explicit Informed Consent Period, a retailer may vary the tariff structure that applies to the customer, provided the retailer issues a notice under rule 46 at least 30 business days before any variation to the tariff structure is applied to the customer.
- (2) The notice must, in addition to the requirements of rule 46(4A), include the following information:
 - (a) an estimate of what the small customer's historical bill would have been under the varied tariff structure, compared to the bill that the customer received under the previous tariff structure; and
 - (b) details regarding how to understand, monitor and manage their electricity usage (for example, through available apps or in-home displays).

4 Flat tariff standing offer

- (1) This rule applies if a local instrument of this jurisdiction declares that subsection 22(1a) of the *Law* and rules made for the purposes of that subsection apply in relation to this jurisdiction.
- (2) If a small customer's Legacy Meter is replaced with a Type 4 or Type 4A *meter*, then the designated retailer for the customer's premises must offer that customer the option of a flat tariff structure.
- (3) For the purposes of this rule, a flat tariff structure means a structure that provides for the same tariff to apply to energy usage at all times of the day.

5 Scope and application

- (1) A retailer is not required to comply with this Division (excluding rule 4):
 - (a) where it becomes the new retailer of the small customer within the Explicit Informed Consent Period but was not responsible for changing the relevant small customer's Legacy Meter with a Type 4 or Type 4A meter;
 - (b) where the variation to the tariff structure is a direct result of a benefit change and the retailer has provided the customer with a notice under rule 48A;
 - (c) where the variation to the tariff structure is a direct result of a change to, or withdrawal or expiry of, a government funded energy charge rebate, concession or relief scheme; or

- (d) where the variation to the tariff structure is a direct result of a change to any bank charges or fees, credit card charges or fees, or payment processing charges or fees applicable to the customer.
- (2) Rule 2 of this Division applies instead of rule 46 in relation to tariff structure variations following the replacement of a Legacy Meter with a Type 4 or Type 4A *meter*.
- (3) This Division [X] (excluding rule 4) only applies where a retailer intends to vary a tariff structure following the replacement of a Legacy Meter with a Type 4 or Type 4A *meter* during the period from 1 January 2025 and 31 May 2031.