

National Energy Retail Rules Version 12

Historical Information

This version of the National Energy Retail Rules was current from 10 April 2018 to 30 June 2018.

National Energy Retail Rules

Version 12

Status Information

This is the latest electronically available version of the National Energy Retail Rules as at 10 April 2018.

This consolidated version of the National Energy Retail Rules was last updated on 10 April 2018 as a result of the commencement of the following amendments:

Schedule 1 of the National Energy Retail Amendment (Minor Changes) Rule 2018 No. 1

Application of the National Energy Customer Framework related Rule

On 27 June 2012, the South Australian Minister introduced the National Energy Retail Rules under section 238 of the National Energy Retail Law (NERL) set out in the Schedule to the National Energy Retail Law (South Australia) Act 2011. These Rules commenced operation as a law of Tasmania, the Australian Capital Territory and the Commonwealth on 1 July 2012; South Australia on 1 February 2013, New South Wales on 1 July 2013 and Queensland on 1 July 2015.

These Rules do not apply in Victoria, Western Australia or the Northern Territory until the NERL is implemented as a law in that jurisdiction.

These Rules can also be found on the Australian Energy Market Commission's website under the 'National Energy Retail Rules', 'Rules made by the SA Ministers' tabs.

Provisions in force

All provisions displayed in this consolidated version of the Rules have commenced. As at the date of this consolidation the Australian Energy Market Commission has made the following Rules under the National Energy Retail Law that have not yet commenced:

Schedules 1 and 2 of the National Energy Retail Amendment (Strengthening protections for customers requiring life support equipment) Rule 2017 No. 3 commences operation on 1 February 2019.

Schedule 2 of the National Energy Retail Amendment (Minor Changes) Rule 2018 No. 1 commences operation on 1 February 2019, immediately after the commencement of Schedule 2 of the National Energy Retail Amendment (Strengthening protections for customers requiring life support equipment) Rule 2017.

TABLE OF CONTENTS

Part 1 Preliminary 1

Division 1 Introduction and definitions 1

1 Citation..... 1

2 Commencement 1

3 Definitions..... 1

3A Savings and Transitional Rules..... 4

Division 2 Consumption threshold matters 4

4 Business premises—separate application of upper and lower consumption thresholds 4

5 Business premises—aggregated application of upper consumption thresholds by agreement 5

Division 3 Classification of customers..... 6

6 Classification..... 6

7 Retailer initial classification of customers..... 6

8 Retailer reclassification of customers 6

9 Distributor initial classification of business customers 7

10 Distributor reclassification of business customers..... 7

11 Distributor classification and reclassification—requirements 8

Part 2 Customer retail contracts..... 9

Division 1 Standard retail contracts—terms and conditions generally 9

12 Model terms and conditions for standard retail contracts 9

13 Application of provisions of these Rules to standard retail contracts..... 9

Division 2 Market retail contracts—terms and conditions generally 9

14 Terms and conditions of market retail contracts..... 9

15 Application of provisions of these Rules to market retail contracts 9

Division 3 Customer retail contracts—pre-contractual procedures 10

16 Pre-contractual duty of retailers..... 10

17 Pre-contractual duty of distributors 10

18 Pre-contractual request to designated retailer for sale of energy (SRC)..... 11

19 Responsibilities of designated retailer in response to request for sale of energy (SRC) 12

Division 4 Customer retail contracts—billing..... 13

20 Basis for bills (SRC and MRC) 13

21 Estimation as basis for bills (SRC and MRC) 14

22 Proportionate billing (SRC and MRC) 15

23 Bill smoothing (SRC) 15

24 Frequency of bills (SRC) 16

25 Contents of bills (SRC and MRC) 17

26 Pay-by date (SRC) 18

27 Apportionment (SRC) 19

28 Historical billing information (SRC and MRC)..... 19

29 Billing disputes (SRC and MRC) 20

30 Undercharging (SRC and MRC)..... 21

31 Overcharging (SRC and MRC)..... 22

32 Payment methods (SRC and MRC) 23

33 Payment difficulties (SRC and MRC) 24

34 Shortened collection cycles (SRC and MRC)..... 25

35 Request for final bill (SRC) 27

Division 5 Tariff changes..... 27

36 Obligations on retailers (SRC)..... 27

37 Customer request for change of tariff (SRC)..... 28

38 Change in use (SRC)..... 28

Division 6 Customer retail contracts—security deposits 29

39 Consideration of credit history..... 29

40 Requirement for security deposit (SRC and MRC) 30

41 Payment of security deposit (SRC)..... 32

42 Amount of security deposit (SRC)..... 33

43 Interest on security deposit (SRC and MRC) 33

44 Use of security deposit (SRC)..... 34

45 Obligation to return security deposit (SRC) 35

Division 7 Market retail contracts—particular requirements..... 36

45A Definitions..... 36

46 Tariffs and charges..... 37

46A Explicit Informed Consent – Variation of tariffs, charges or benefits to the customer..... 37

47 Cooling off period and right of withdrawal—market retail contracts 37

48 Retailer notice of end of fixed term retail contract 38

48A Retailer notice of benefit change - market retail contracts 39

48B Benefit change notice guidelines 40

49 Termination of market retail contract 41

49A Early termination charges 42

50 Small customer complaints and dispute resolution information..... 43

51 Liabilities and immunities..... 43

52 Indemnities..... 43

Division 8 Deemed customer retail arrangements 44

53 Obligations of retailers..... 44

54 Formation of standard retail contract on incomplete request..... 44

Division 9 Other retailer obligations 44

55 Referral to interpreter services 44

56 Provision of information to customers..... 45

56A Energy consumption information - supply of electricity only 45

56B Historical billing and energy consumption information - supply of electricity only 46

57 Retailer obligations in relation to customer transfer 46

57A Retailer obligations in relation to correction of transfers without consent.. 47

58 Notice to small customers on transfer..... 49

59 Notice to small customers where transfer delayed 49

59A Notice to small customers on deployment of new electricity meters (SRC and MRC)..... 49

Division 9A Retailer interruption to supply - electricity 51

59B Definitions..... 51

59C Retailer interruption to supply – electricity (SRC and MRC) 52

Division 10 Energy marketing 53

Subdivision 1 Preliminary 53

60 Application of Division..... 53

Subdivision 2 Providing information to small customers 53

61 Overview of this Subdivision..... 53

62 Requirement for and timing of disclosure to small customers 53

63 Form of disclosure to small customers 54

64 Required information 54

Subdivision 3 Energy marketing activities 55

65 No contact lists..... 55

66 No canvassing or advertising signs..... 55

67 Duty of retailer to ensure compliance 55

68 Record keeping 55

Division 11 Miscellaneous..... 56

69 Compliance by small customer who is not owner of premises..... 56

70	Termination of standard retail contract (SRC).....	56
Part 3	Customer hardship	59
71	Obligation of retailer to communicate customer hardship policy.....	59
72	Payment plans	59
73	Waiver of late payment fee for hardship customer	60
74	Payment by Centrepay (SRC and MRC)	60
75	Hardship program indicators.....	60
76	Waiver of debt for hardship customer	61
Part 4	Relationship between distributors and customers.....	62
Division 1	Preliminary	62
77	Application of this Part	62
78	Variation or exclusion of provisions of this Part by deemed AER approved standard connection contracts	62
Division 2	Customer connection services.....	62
79	Application for customer connection services	62
80	Provision of information to customers.....	63
Division 3	Deemed standard connection contracts	64
81	Model terms and conditions for deemed standard connection contracts	64
Division 4	Negotiated connection contracts.....	64
82	Small customer complaints and dispute resolution information.....	64
83	Liabilities and immunities.....	65
Division 5	Distributor obligations to customers.....	65
84	Distributor service standards and GSL schemes.....	65
85	Fault reporting and correction.....	65
86A	Provision of information - supply of electricity.....	65
86B	Provision of information - supply of gas	66
87	Referral to interpreter services.....	66
Division 6	Distributor interruption to supply	66
88	Definitions.....	66
89	Distributor's right to interrupt supply	67
90	Distributor planned interruptions	67
91	Unplanned interruptions.....	68
91A	Metering coordinator and distributor to assist and cooperate - electricity...	68
Division 7	Miscellaneous.....	69

92 Compliance by small customer who is not owner of premises..... 69

Part 5 Relationship between distributors and retailers—retail support obligations 70

Division 1 Preliminary 70

93 Application of this Part 70

Division 2 Assistance and cooperation 70

94 Assistance and cooperation 70

Division 3 Information requirements 70

95 Information about applicable tariffs, connection related information and other information 70

96 Requirements for information 71

97 Distributor and retailer contact details 71

98 Contact details for customers 71

99 Information on distributor planned interruptions 71

99A Information on retailer planned interruptions – electricity 72

100 Information on unplanned interruptions 73

Division 4 Shared customer enquiries and complaints 73

101 Enquiries or complaints relating to the retailer 73

102 Enquiries or complaints relating to the distributor 74

Division 5 De-energisation and re-energisation of shared customer’s premises 74

103 De-energisation of premises by the distributor 74

104 Notification of de-energisation 75

105 Liability for ongoing charges 75

106 Re-energisation - gas 75

106A Re-energisation - electricity 75

Part 6 De-energisation (or disconnection) of premises—small customers 77

Division 1 Preliminary 77

107 Application of this Part 77

108 Definitions 77

109 Reminder notices—retailers 78

110 Disconnection warning notices—retailers and distributors 78

Division 2 Retailer-initiated de-energisation of premises 79

111 De-energisation for not paying bill 79

112 De-energisation for not paying security deposit 81

113 De-energisation for denying access to meter 81

114 De-energisation for illegally using energy 82

115 De-energisation for non-notification by move-in or carry-over customers . 83

116 When retailer must not arrange de-energisation 83

117 Timing of de-energisation where dual fuel contract 85

118 Request for de-energisation 85

Division 3 Distributor de-energisation of premises..... 86

119 Grounds for de-energisation 86

120 When distributor must not de-energise premises 87

Division 4 Re-energisation of premises 88

121 Obligation on retailer to arrange re-energisation of premises 88

122 Obligation on distributor to re-energise premises 89

Part 7 Life support equipment 90

123 Application of this Part 90

124 Retailer obligations 90

124A Registration details kept by retailer 91

125 Distributor obligations 91

126 Registration details kept by distributor 92

Part 8 Prepayment meter systems 94

127 Definitions..... 94

128 Disclosure requirements at energy marketing stage 94

129 System requirements 95

130 Trial period..... 96

131 Operating instructions to be provided 97

132 Consumption information to be provided 98

133 Limitation on recovery of debt 98

134 Credit retrieval 99

135 System testing 99

136 Overcharging..... 100

137 Undercharging..... 101

138 Illegal energy use 102

139 Life support equipment 102

140 Customer enquiries and complaints 102

141 Payment difficulties and hardship..... 103

142 Payment towards prepayment meter system account 104

143 Tariffs and charges..... 104

144 Billing for other goods and services 105

145 Customer termination of contract or request for removal..... 106

146 Different retailer..... 106

147 Deemed customer retail arrangements..... 107

Part 9 Exempt selling regime 110

Division 1 Preliminary 110

148 Definitions..... 110

Division 2 AER power to exempt..... 110

149 Individual exemptions..... 110

150 Deemed exemptions..... 110

151 Registrable exemptions and registered exemptions..... 110

152 Conditions generally 111

153 Conditions for deemed exemptions and registered exemptions 111

Division 3 AER Exempt Selling Guidelines..... 112

154 AER Exempt Selling Guidelines 112

Division 4 Provisions relating to individual exemptions 113

155 Application for individual exemption or variation of individual exemption113

156 Public notice and submissions 113

157 Deciding application 114

158 Conditions for individual exemptions..... 114

159 Form of energy to be specified 114

160 Notice of decision to grant application 115

161 Deemed refusal 115

162 Issue and public notice of individual exemption 115

163 Notice of refusal..... 116

Division 5 Public Register of Authorised Retailers and Exempt Sellers..... 116

164 Public Register of Authorised Retailers and Exempt Sellers..... 116

Part 10 Retail market performance reports 117

165 Purpose of this Part 117

166 Contents of retail market performance report—retail market overview.... 117

167 Contents of retail market performance report—retail market activities report117

Part 11	Customer retail contracts—electricity consumption benchmarks	119
168	Purpose of this Part	119
169	AER administration of electricity consumption benchmarks	119
170	Retailer obligations—electricity consumption benchmarks	120
171	Distributor obligations—electricity consumption information.....	120
Part 12	National energy retail consultation	121
172	Customer Consultative Group.....	121
173	Retail consultation procedure	121
Schedule 1	Model terms and conditions for standard retail contracts.....	123
Schedule 2	Model terms and conditions for deemed standard connection contracts	141
Schedule 3	Savings and Transitional Rules	158
Part 1	Transitional Rules—NSW gas distributors.....	158
Division 1	Application and definitions	158
1	Application.....	158
2	Definitions.....	158
Division 2	Interim deemed standard connection contract	159
3	Required Alterations	159
4	Inconsistency with access arrangements and reference services agreements	159
5	Retailer interface	160
Division 3	Deemed and existing contractual arrangements with customers and NSW gas distributors	160
6	Formation of interim deemed standard connection connect contracts on start date	160
7	Existing contracts with large customers	160
Division 4	Transitional arrangements after the expiry date	161
8	Deemed standard connection contract to replace interim contract	161
Part 2	Transitional Rules —ACT gas distributor	161
Division 1	Application and definitions	161
1	Application.....	161
2	Definitions.....	161

Division 2 **Interim deemed standard connection contract 162**

3 Required Alterations 162

4 Retailer interface 162

Division 3 **Deemed and existing contractual arrangements with customers
and ACT gas distributors 163**

5 Formation of interim deemed standard connection connect contracts on start
date 163

6 Existing contracts with large customers 163

Division 4 **Transitional arrangements after the expiry date 163**

7 Deemed standard connection contract to replace interim contract 163

Part 3 **Billing-related transitional rules 163**

1 Definitions 163

2 Bill smoothing arrangement (Rule 23 NERR) 164

3 Bill frequency (Rule 24) 164

4 Undercharging (Rule 30) 164

5 Overcharging (Rule 31 NERR) 165

6 Payment methods (Rule 32 NERR) 165

7 Shortened collection cycles (Rule 34 NERR) 165

8 Enforcement of payment 166

Part 4 **Miscellaneous transitional rules—initial NERR 166**

1 Definitions 166

2 Life support arrangements 166

3 Classification of customers 167

4 Existing aggregation arrangements (Rule 5 NERR) 167

5 Energy consumption benchmarks 167

6 Electricity consumption benchmarks not to apply in NSW 167

7 Interim bill benchmarks where legacy billing arrangements 167

8 Application of start and end meter reads on small customer bills 168

Part 5 **Rules consequential on the making of National Energy Retail
Amendment (Customer access to information about their
consumption) Rule 2014 168**

1 Definitions 168

2 Variation date 168

3 Effective date 168

Part 6 **Rules consequential on the making of the National Energy
Retail Amendment (Expanding competition in metering and
related services) Rule 2015 169**

1 Definitions..... 169

2 Variation Date..... 169

Part 7 Rules consequential on the making of the National Energy Retail Amendment (Improving the accuracy of customer transfers) Rule 2017..... 169

1 Definitions..... 169

2 Retail Market Procedures..... 169

Part 8 Rules consequential on the making of the National Energy Retail Amendment (Notification of end of fixed benefit period) Rule 2017..... 170

1 Definitions..... 170

2 Benefit change notice guidelines 170

3 Benefit change notice requirements..... 170

Part 9 Rules consequential on the making of the National Energy Retail Amendment (Strengthening protections for customers requiring life support equipment) Rule 2017 170

1 Definitions..... 170

2 Application of Part 7 of Rules during the transition period..... 172

3 Application of new Part 7 of Rules to existing life support customers 172

4 Variation date..... 174