# National Energy Retail Rules Version 11

## **Historical Information**

This version of the National Energy Retail Rules was current from 1 February 2018 to 9 April 2018.

## National Energy Retail Rules Version 11

#### Status Information

This is the latest electronically available version of the National Energy Retail Rules as at 1 February 2018.

This consolidated version of the National Energy Retail Rules was last updated on 1 February 2018 as a result of the commencement of the following amendments:

Schedule 1 of National Energy Retail Amendment (Notification of end of fixed benefit period) Rule 2017 No. 2

Schedule 3 of National Energy Retail Amendment (Strengthening protections for customers requiring life support equipment) Rule 2017 No.3

### **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 2018.

## TABLE OF CONTENTS

Part 1	Preliminary1
Division 1	Introduction and definitions 1
1	Citation1
2	Commencement
3	Definitions1
3A	Savings and Transitional Rules
Division 2	Consumption threshold matters4
4	Business premises—separate application of upper and lower consumption thresholds
5	Business premises—aggregated application of upper consumption thresholds by agreement
Division 3	Classification of customers6
6	Classification6
7	Retailer initial classification of customers
8	Retailer reclassification of customers
9	Distributor initial classification of business customers
10	Distributor reclassification of business customers
11	Distributor classification and reclassification—requirements
Part 2	Customer retail contracts9
Division 1	Standard retail contracts—terms and conditions generally9
12	Model terms and conditions for standard retail contracts
13	Application of provisions of these Rules to standard retail contracts9
Division 2	Market retail contracts—terms and conditions generally9
14	Terms and conditions of market retail contracts
15	Application of provisions of these Rules to market retail contracts9
Division 3	Customer retail contracts—pre-contractual procedures 10
16	Pre-contractual duty of retailers
17	Pre-contractual duty of distributors
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)
Division 4	Customer retail contracts—billing13
20	Basis for bills (SRC and MRC)

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 customer	
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 elec	
57	Retailer obligations in relation to customer transfer	46
57A	Retailer obligations in relation to correction of transfers without conser	nt 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 (SF and MRC)	
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	52
Subdivision 1	Preliminary	
60	Application of Division	
<b>Subdivision 2</b> 61	Providing information to small customers  Overview of this Subdivision	
62	Requirement for and timing of disclosure to small customers	
63	Form of disclosure to small customers	53
64	Required information	
<b>Subdivision 3</b> 65	Energy marketing activities	
66	No canvassing or advertising signs	55
67	Duty of retailer to ensure compliance	
68 Division 11	Record keeping	
Division 11	Miscellaneous	
69	Compliance by small customer who is not owner of premises	วว

70	Termination of standard retail contract (SRC)	56
Part 3	Customer hardship	. 58
71	Obligation of retailer to communicate customer hardship policy	58
72	Payment plans	58
73	Waiver of late payment fee for hardship customer	59
74	Payment by Centrepay (SRC and MRC)	59
75	Hardship program indicators	59
76	Waiver of debt for hardship customer	60
Part 4	Relationship between distributors and customers	. 61
Division 1	Preliminary	61
77	Application of this Part	61
78	Variation or exclusion of provisions of this Part by deemed AER approve standard connection contracts	
Division 2	Customer connection services	61
79	Application for customer connection services	61
80	Provision of information to customers	62
Division 3	Deemed standard connection contracts	63
81	Model terms and conditions for deemed standard connection contracts	63
Division 4	Negotiated connection contracts	63
82	Small customer complaints and dispute resolution information	63
83	Liabilities and immunities	64
Division 5	Distributor obligations to customers	64
84	Distributor service standards and GSL schemes	64
85	Fault reporting and correction	64
86A	Provision of information - supply of electricity	64
86B	Provision of information - supply of gas	65
87	Referral to interpreter services	65
Division 6	Distributor interruption to supply	65
88	Definitions	65
89	Distributor's right to interrupt supply	66
90	Distributor planned interruptions	66
91	Unplanned interruptions	67
91A	Metering coordinator and distributor to assist and cooperate - electricity.	67
Division 7	Miscellaneous	68

92	Compliance by small customer who is not owner of premises	68
Part 5	Relationship between distributors and retailers—retail support obligations	69
Division 1	Preliminary	69
93	Application of this Part	69
Division 2	Assistance and cooperation	69
94	Assistance and cooperation	69
Division 3	Information requirements	69
95	Information about applicable tariffs, connection related information an other information	
96	Requirements for information	70
97	Distributor and retailer contact details	70
98	Contact details for customers	70
99	Information on distributor planned interruptions	70
99A	Information on retailer planned interruptions – electricity	71
100	Information on unplanned interruptions	71
Division 4	Shared customer enquiries and complaints	72
101	Enquiries or complaints relating to the retailer	72
102	Enquiries or complaints relating to the distributor	73
Division 5	De-energisation and re-energisation of shared customer's premises	73
103	De-energisation of premises by the distributor	73
104	Notification of de-energisation	73
105	Liability for ongoing charges	74
106	Re-energisation - gas	74
106A	Re-energisation - electricity	74
Part 6	De-energisation (or disconnection) of premises—small customers	76
Division 1	Preliminary	76
107	Application of this Part	76
108	Definitions	76
109	Reminder notices—retailers	77
110	Disconnection warning notices—retailers and distributors	77
<b>Division 2</b>	Retailer-initiated de-energisation of premises	78
111	De-energisation for not paying bill	78

112	De-energisation for not paying security deposit	80
113	De-energisation for denying access to meter	80
114	De-energisation for illegally using energy	81
115	De-energisation for non-notification by move-in or carry-over custom	ers . 82
116	When retailer must not arrange de-energisation	82
117	Timing of de-energisation where dual fuel contract	84
118	Request for de-energisation	84
Division 3	Distributor de-energisation of premises	85
119	Grounds for de-energisation	85
120	When distributor must not de-energise premises	86
Division 4	Re-energisation of premises	87
121	Obligation on retailer to arrange re-energisation of premises	87
122	Obligation on distributor to re-energise premises	88
Part 7	Life support equipment	89
123	Application of this Part	89
124	Retailer obligations	89
124A	Registration details kept by retailer	90
125	Distributor obligations	90
126	Registration details kept by distributor	91
Part 8	Prepayment meter systems	93
127	Definitions	
128	Disclosure requirements at energy marketing stage	93
129	System requirements	94
130	Trial period	95
131	Operating instructions to be provided	96
132	Consumption information to be provided	97
133	Limitation on recovery of debt	97
134	Credit retrieval	98
135	System testing	98
136	Overcharging	99
137	Undercharging	100
138	Illegal energy use	101
139	Life support equipment	101
140	Customer enquiries and complaints	101

141	Payment difficulties and hardship	102
142	Payment towards prepayment meter system account	103
143	Tariffs and charges	103
144	Billing for other goods and services	104
145	Customer termination of contract or request for removal	105
146	Different retailer	105
147	Deemed customer retail arrangements	106
Part 9	Exempt selling regime	109
Division 1	Preliminary	109
148	Definitions	109
<b>Division 2</b>	AER power to exempt	109
149	Individual exemptions	109
150	Deemed exemptions	109
151	Registrable exemptions and registered exemptions	109
152	Conditions generally	110
153	Conditions for deemed exemptions and registered exemptions	110
Division 3	AER Exempt Selling Guidelines	111
154	AER Exempt Selling Guidelines	111
Division 4	Provisions relating to individual exemptions	112
155	Application for individual exemption or variation of individual exer	nption112
156	Public notice and submissions	112
157	Deciding application	113
158	Conditions for individual exemptions	113
159	Form of energy to be specified	113
160	Notice of decision to grant application	114
161	Deemed refusal	114
162	Issue and public notice of individual exemption	114
163	Notice of refusal	115
Division 5	Public Register of Authorised Retailers and Exempt Sellers	115
164	Public Register of Authorised Retailers and Exempt Sellers	115
Part 10	Retail market performance reports	116
165	Purpose of this Part	116
166	Contents of retail market performance report—retail market overvie	w 116
167	Contents of retail market performance report—retail market activities	es report116

Part 11	Customer retail contracts—electricity consumption benchmarks
168	Purpose of this Part
169	AER administration of electricity consumption benchmarks
170	Retailer obligations—electricity consumption benchmarks
171	Distributor obligations—electricity consumption information 119
Part 12	National energy retail consultation120
172	Customer Consultative Group
173	Retail consultation procedure
Schedule 1	Model terms and conditions for standard retail contracts
Schedule 2	Model terms and conditions for deemed standard connection contracts
Schedule 3	Savings and Transitional Rules 157
Part 1	Transitional Rules—NSW gas distributors
Division 1	Application and definitions
1	Application
2	Definitions
Division 2	Interim deemed standard connection contract158
3	Required Alterations
4	Inconsistency with access arrangements and reference services agreements 158
5	Retailer interface
Division 3	Deemed and existing contractual arrangements with customers and NSW gas distributors
6	Formation of interim deemed standard connection connect contracts on start date
7	Existing contracts with large customers
Division 4	Transitional arrangements after the expiry date 160
8	Deemed standard connection contract to replace interim contract
Part 2	Transitional Rules —ACT gas distributor 160
Division 1	Application and definitions 160
1	Application
2	Definitions

<b>Division 2</b>	Interim deemed standard connection contract	161
3	Required Alterations	161
4	Retailer interface	161
Division 3	Deemed and existing contractual arrangements with customers and ACT gas distributors	162
5	Formation of interim deemed standard connection connect contracts or date	
6	Existing contracts with large customers	162
Division 4	Transitional arrangements after the expiry date	162
7	Deemed standard connection contract to replace interim contract	162
Part 3	Billing-related transitional rules	162
1	Definitions	162
2	Bill smoothing arrangement (Rule 23 NERR)	163
3	Bill frequency (Rule 24)	163
4	Undercharging (Rule 30)	163
5	Overcharging (Rule 31 NERR)	164
6	Payment methods (Rule 32 NERR)	164
7	Shortened collection cycles (Rule 34 NERR)	164
8	Enforcement of payment	165
Part 4	Miscellaneous transitional rules—initial NERR	165
1	Definitions	165
2	Life support arrangements	165
3	Classification of customers	166
4	Existing aggregation arrangements (Rule 5 NERR)	166
5	Energy consumption benchmarks	166
6	Electricity consumption benchmarks not to apply in NSW	166
7	Interim bill benchmarks where legacy billing arrangements	166
8	Application of start and end meter reads on small customer bills	167
Part 5	Rules consequential on the making of National Energy Retail Amendment (Customer access to information about their consumption) Rule 2014	167
1	Definitions	167
2	Variation date	167
3	Effective date	167
Part 6	Rules consequential on the making of the National Energy Retail Amendment (Expanding competition in metering and related services) Rule 2015	168

1	Definitions	168
2	Variation Date	168
Part 7	Rules consequential on the making of the National Energy Retail Amendment (Improving the accuracy of customer transfers) Rule 2017	168
1	Definitions	168
2	Retail Market Procedures	168
Part 8	Rules consequential on the making of the National Energy Retail Amendment (Notification of end of fixed benefit period)	170
	Rule 2017	
1	Definitions	169
2	Benefit change notice guidelines	169
3	Benefit change notice requirements	169
Part 9	Rules consequential on the making of the National Energy Retail Amendment (Strengthening protections for customers requiring life support equipment) Rule 2017	169
1	Definitions	169
2	Application of Part 7 of Rules during the transition period	171
3	Application of new Part 7 of Rules to existing life support customers	171
4	Variation date	173