

National Energy Retail Rules Version 16

Historical Information

This version of the National Energy Retail Rules was current from 15 November 2018 to 31 January 2019.

National Energy Retail Rules

Version 16

Status Information

This is the latest electronically available version of the National Energy Retail Rules as at 15 November 2018.

This consolidated version of the National Energy Retail Rules was last updated on 15 November 2018 as a result of the commencement of the following amendments:

National Energy Retail Amendment (Strengthening protections for customers in hardship) Rule 2018 No. 6

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 commence 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.

Schedule 1 of the National Energy Retail Amendment (Advance notice of price changes) Rule 2018 No. 3 commences operation on 1 February 2019.

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 5

4 Business premises—separate application of upper and lower consumption thresholds 5

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 7

9 Distributor initial classification of business customers 7

10 Distributor reclassification of business customers..... 8

11 Distributor classification and reclassification—requirements 8

Part 2 Customer retail contracts..... 10

Division 1 Standard retail contracts—terms and conditions generally 10

12 Model terms and conditions for standard retail contracts 10

13 Application of provisions of these Rules to standard retail contracts..... 10

Division 2 Market retail contracts—terms and conditions generally 10

14 Terms and conditions of market retail contracts..... 10

15 Application of provisions of these Rules to market retail contracts 10

Division 3 Customer retail contracts—pre-contractual procedures 11

16 Pre-contractual duty of retailers..... 11

17 Pre-contractual duty of distributors 11

18 Pre-contractual request to designated retailer for sale of energy (SRC)..... 12

19 Responsibilities of designated retailer in response to request for sale of energy (SRC) 13

Division 4 Customer retail contracts—billing..... 14

20 Basis for bills (SRC and MRC) 14

21 Estimation as basis for bills (SRC and MRC) 15

22 Proportionate billing (SRC and MRC) 16

23 Bill smoothing (SRC) 16

24 Frequency of bills (SRC) 17

25 Contents of bills (SRC and MRC) 18

26 Pay-by date (SRC) 19

27 Apportionment (SRC) 20

28 Historical billing information (SRC and MRC)..... 20

29 Billing disputes (SRC and MRC) 21

30 Undercharging (SRC and MRC)..... 22

31 Overcharging (SRC and MRC)..... 23

32 Payment methods (SRC and MRC) 24

33 Payment difficulties (SRC and MRC) 25

34 Shortened collection cycles (SRC and MRC)..... 26

35 Request for final bill (SRC) 28

Division 5 Tariff changes..... 28

36 Obligations on retailers (SRC)..... 28

37 Customer request for change of tariff (SRC)..... 29

38 Change in use (SRC)..... 29

Division 6 Customer retail contracts—security deposits 30

39 Consideration of credit history..... 30

40 Requirement for security deposit (SRC and MRC) 31

41 Payment of security deposit (SRC)..... 33

42 Amount of security deposit (SRC)..... 34

43 Interest on security deposit (SRC and MRC) 34

44 Use of security deposit (SRC)..... 35

45 Obligation to return security deposit (SRC) 36

Division 7 Market retail contracts—particular requirements..... 37

45A Definitions..... 37

46 Tariffs and charges..... 38

46A Explicit Informed Consent – Variation of tariffs, charges or benefits to the customer..... 38

46B Energy rates – discounting practices..... 39

47 Cooling off period and right of withdrawal—market retail contracts 40

48 Retailer notice of end of fixed term retail contract 41

48A Retailer notice of benefit change - market retail contracts 42

48B Benefit change notice guidelines 43

49 Termination of market retail contract 44

49A Early termination charges 45

50 Small customer complaints and dispute resolution information..... 45

51 Liabilities and immunities..... 46

52 Indemnities..... 46

Division 8 Deemed customer retail arrangements 47

53 Obligations of retailers..... 47

54 Formation of standard retail contract on incomplete request..... 47

Division 9 Other retailer obligations 47

55 Referral to interpreter services..... 47

56 Provision of information to customers..... 48

56A Energy consumption information - supply of electricity only 48

56B Historical billing and energy consumption information - supply of electricity only 49

57 Retailer obligations in relation to customer transfer..... 49

57A Retailer obligations in relation to correction of transfers without consent.. 50

58 Notice to small customers on transfer..... 52

59 Notice to small customers where transfer delayed 52

59A Notice to small customers on deployment of new electricity meters (SRC and MRC)..... 52

Division 9A Retailer interruption to supply - electricity..... 54

59B Definitions..... 54

59C Retailer interruption to supply – electricity (SRC and MRC) 55

Division 10 Energy marketing 56

Subdivision 1 Preliminary 56

60 Application of Division..... 56

Subdivision 2 Providing information to small customers 56

61 Overview of this Subdivision..... 56

62 Requirement for and timing of disclosure to small customers 56

63 Form of disclosure to small customers 57

64 Required information 57

Subdivision 3 Energy marketing activities 58

65 No contact lists..... 58

66 No canvassing or advertising signs..... 58

67 Duty of retailer to ensure compliance..... 58

68 Record keeping 58

Division 11 Miscellaneous..... 59

69 Compliance by small customer who is not owner of premises..... 59

70 Termination of standard retail contract (SRC)..... 59

70A Definitions..... 61

Part 3 Customer hardship 62

71 Obligation of retailer to communicate customer hardship policy..... 62

72 Payment plans 62

73 Waiver of late payment fee for hardship customer 63

74 Payment by Centrepay (SRC and MRC) 63

75 Hardship program indicators..... 64

75A Customer hardship policy guideline 64

75B Customer hardship policies..... 64

76 Waiver of debt for hardship customer 65

Part 4 Relationship between distributors and customers..... 66

Division 1 Preliminary 66

77 Application of this Part 66

78 Variation or exclusion of provisions of this Part by deemed AER approved standard connection contracts 66

Division 2 Customer connection services 66

79 Application for customer connection services 66

80 Provision of information to customers..... 67

Division 3 Deemed standard connection contracts 68

81 Model terms and conditions for deemed standard connection contracts 68

Division 4 Negotiated connection contracts 68

82 Small customer complaints and dispute resolution information..... 68

83 Liabilities and immunities..... 69

Division 5 Distributor obligations to customers 69

84 Distributor service standards and GSL schemes..... 69

85 Fault reporting and correction..... 69

86A Provision of information - supply of electricity..... 69

86B Provision of information - supply of gas 70

87 Referral to interpreter services..... 70

Division 6 Distributor interruption to supply 70

88 Definitions..... 70

89 Distributor’s right to interrupt supply 71

90 Distributor planned interruptions 71

91 Unplanned interruptions..... 72

91A Metering coordinator and distributor to assist and cooperate - electricity... 72

Division 7 Miscellaneous..... 73

92 Compliance by small customer who is not owner of premises..... 73

**Part 5 Relationship between distributors and
 retailers—retail support obligations 74**

Division 1 Preliminary 74

93 Application of this Part 74

Division 2 Assistance and cooperation 74

94 Assistance and cooperation..... 74

Division 3 Information requirements..... 74

95 Information about applicable tariffs, connection related information and
 other information 74

96 Requirements for information..... 75

97 Distributor and retailer contact details..... 75

98 Contact details for customers..... 75

99 Information on distributor planned interruptions..... 75

99A Information on retailer planned interruptions – electricity 76

100 Information on unplanned interruptions 77

Division 4 Shared customer enquiries and complaints..... 77

101 Enquiries or complaints relating to the retailer..... 77

102 Enquiries or complaints relating to the distributor 78

**Division 5 De-energisation and re-energisation of shared customer’s
 premises 78**

103 De-energisation of premises by the distributor 78

104 Notification of de-energisation 79

105 Liability for ongoing charges..... 79

106 Re-energisation - gas..... 79

106A Re-energisation - electricity..... 79

**Part 6 De-energisation (or disconnection) of premises—small
 customers 81**

Division 1 Preliminary 81

107 Application of this Part 81

108 Definitions..... 81

109 Reminder notices—retailers..... 82

110 Disconnection warning notices—retailers and distributors 82

Division 2 Retailer-initiated de-energisation of premises..... 83

111 De-energisation for not paying bill 83

112 De-energisation for not paying security deposit 85

113 De-energisation for denying access to meter 85

114 De-energisation for illegally using energy..... 86

115 De-energisation for non-notification by move-in or carry-over customers . 87

116 When retailer must not arrange de-energisation 87

117 Timing of de-energisation where dual fuel market contract 89

118 Request for de-energisation 89

Division 3 Distributor de-energisation of premises..... 90

119 Grounds for de-energisation 90

120 When distributor must not de-energise premises..... 91

Division 4 Re-energisation of premises 92

121 Obligation on retailer to arrange re-energisation of premises 92

122 Obligation on distributor to re-energise premises..... 93

Part 7 Life support equipment 94

123 Application of this Part 94

124 Retailer obligations 94

124A Registration details kept by retailer 95

125 Distributor obligations 95

126 Registration details kept by distributor 96

Part 8 Prepayment meter systems 98

127 Definitions..... 98

128 Disclosure requirements at energy marketing stage 98

129 System requirements 99

130 Trial period..... 100

131 Operating instructions to be provided..... 101

132 Consumption information to be provided 102

133 Limitation on recovery of debt 102

134 Credit retrieval 103

135 System testing 103

136 Overcharging..... 104

137 Undercharging..... 105

138 Illegal energy use 106

139 Life support equipment 106

140 Customer enquiries and complaints 106

141 Payment difficulties and hardship..... 107

142 Payment towards prepayment meter system account 108

143 Tariffs and charges..... 108

144 Billing for other goods and services 109

145 Customer termination of contract or request for removal..... 110

146 Different retailer..... 110

147 Deemed customer retail arrangements..... 111

Part 9 Exempt selling regime 114

Division 1 Preliminary 114

148 Definitions..... 114

Division 2 AER power to exempt..... 114

149 Individual exemptions..... 114

150 Deemed exemptions..... 114

151 Registrable exemptions and registered exemptions..... 114

152 Conditions generally 115

153 Conditions for deemed exemptions and registered exemptions 115

Division 3 AER Exempt Selling Guidelines 116

154 AER Exempt Selling Guidelines 116

Division 4 Provisions relating to individual exemptions 117

155 Application for individual exemption or variation of individual exemption..... 117

156 Public notice and submissions 117

157 Deciding application 118

158 Conditions for individual exemptions..... 118

159 Form of energy to be specified 118

160 Notice of decision to grant application 119

161 Deemed refusal 119

162 Issue and public notice of individual exemption 119

163 Notice of refusal..... 120

Division 5 Public Register of Authorised Retailers and Exempt Sellers..... 120

164 Public Register of Authorised Retailers and Exempt Sellers..... 120

Part 10	Retail market performance reports	121
165	Purpose of this Part	121
166	Contents of retail market performance report—retail market overview....	121
167	Contents of retail market performance report—retail market activities report	121
Part 11	Customer retail contracts—electricity consumption benchmarks	123
168	Purpose of this Part	123
169	AER administration of electricity consumption benchmarks	123
170	Retailer obligations—electricity consumption benchmarks	124
171	Distributor obligations—electricity consumption information.....	124
Part 12	National energy retail consultation	125
172	Customer Consultative Group.....	125
173	Retail consultation procedure	125
Schedule 1	Model terms and conditions for standard retail contracts.....	127
Schedule 2	Model terms and conditions for deemed standard connection contracts	145
Schedule 3	Savings and Transitional Rules	162
Part 1	Transitional Rules—NSW gas distributors	162
Division 1	Application and definitions	162
1	Application.....	162
2	Definitions.....	162
Division 2	Interim deemed standard connection contract	163
3	Required Alterations	163
4	Inconsistency with access arrangements and reference services agreements	163
5	Retailer interface	164
Division 3	Deemed and existing contractual arrangements with customers and NSW gas distributors	164
6	Formation of interim deemed standard connection connect contracts on start date.....	164
7	Existing contracts with large customers	164
Division 4	Transitional arrangements after the expiry date.....	165
8	Deemed standard connection contract to replace interim contract	165

- Part 2** **Transitional Rules —ACT gas distributor 165**
- Division 1** **Application and definitions 165**
 - 1 Application..... 165
 - 2 Definitions..... 165
- Division 2** **Interim deemed standard connection contract 166**
 - 3 Required Alterations 166
 - 4 Retailer interface 166
- Division 3** **Deemed and existing contractual arrangements with customers
and ACT gas distributors..... 167**
 - 5 Formation of interim deemed standard connection connect contracts on start
date..... 167
 - 6 Existing contracts with large customers 167
- Division 4** **Transitional arrangements after the expiry date..... 167**
 - 7 Deemed standard connection contract to replace interim contract 167
- Part 3** **Billing-related transitional rules..... 167**
 - 1 Definitions..... 167
 - 2 Bill smoothing arrangement (Rule 23 NERR)..... 168
 - 3 Bill frequency (Rule 24) 168
 - 4 Undercharging (Rule 30) 168
 - 5 Overcharging (Rule 31 NERR)..... 169
 - 6 Payment methods (Rule 32 NERR) 169
 - 7 Shortened collection cycles (Rule 34 NERR)..... 169
 - 8 Enforcement of payment..... 170
- Part 4** **Miscellaneous transitional rules—initial NERR..... 170**
 - 1 Definitions..... 170
 - 2 Life support arrangements 170
 - 3 Classification of customers 171
 - 4 Existing aggregation arrangements (Rule 5 NERR) 171
 - 5 Energy consumption benchmarks 171
 - 6 Electricity consumption benchmarks not to apply in NSW..... 171
 - 7 Interim bill benchmarks where legacy billing arrangements 171
 - 8 Application of start and end meter reads on small customer bills 172
- Part 5** **Rules consequential on the making of National Energy Retail
Amendment (Customer access to information about their
consumption) Rule 2014 172**
 - 1 Definitions..... 172

2 Variation date 172

3 Effective date 172

Part 6 Rules consequential on the making of the National Energy Retail Amendment (Expanding competition in metering and related services) Rule 2015 173

1 Definitions..... 173

2 Variation Date 173

Part 7 Rules consequential on the making of the National Energy Retail Amendment (Improving the accuracy of customer transfers) Rule 2017 173

1 Definitions..... 173

2 Retail Market Procedures..... 173

Part 8 Rules consequential on the making of the National Energy Retail Amendment (Notification of end of fixed benefit period) Rule 2017..... 174

1 Definitions..... 174

2 Benefit change notice guidelines 174

3 Benefit change notice requirements..... 174

Part 9 Rules consequential on the making of the National Energy Retail Amendment (Strengthening protections for customers requiring life support equipment) Rule 2017 174

1 Definitions..... 174

2 Application of Part 7 of Rules during the transition period..... 176

3 Application of new Part 7 of Rules to existing life support customers 176

4 Variation date 178

Part 10 Rules consequential on the making of the National Energy Retail Amendment (Advance notice of price changes) Rule 2018..... 178

1 Definitions..... 178

2 Variation date 178

Part 11 Rules consequential on the making of the National Energy Retail Amendment (Strengthening protections for customers in hardship) Rule 2018..... 179

1 Definitions..... 179

2 The first customer hardship policy guideline..... 179

3 Application of new rules 75A and 75B to customer hardship policies..... 179

4 AER approval of updated customer hardship policy 180