

National Energy Retail Rules Version 18

Historical Information

This version of the National Energy Retail Rules was current from 21 November 2019 to 18 December 2019.

National Energy Retail Rules

Version 18

Status Information

This is the latest electronically available version of the National Energy Retail Rules as at 21 November 2019.

This consolidated version of the National Energy Retail Rules was last updated on 21 November 2019 as a result of the commencement of the following amendments:

Schedule 1 of the National Energy Retail Amendment (Minor changes) Rule 2019 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 2 and 3 of National Energy Retail Amendment (Minor changes) Rule 2019 No. 1 will commence operation on 19 March 2020.

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	4
Division 3	Classification of customers	5
6	Classification	5
7	Retailer initial classification of customers	5
8	Retailer reclassification of customers	6
9	Distributor initial classification of business customers	6
10	Distributor reclassification of business customers	6
11	Distributor classification and reclassification—requirements	7
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)	13

22	Proportionate billing (SRC and MRC)	17
23	Bill smoothing (SRC)	17
24	Frequency of bills (SRC)	18
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)	20
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)	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)	27
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)	29
41	Payment of security deposit (SRC)	31
42	Amount of security deposit (SRC)	32
43	Interest on security deposit (SRC and MRC)	32
44	Use of security deposit (SRC)	33
45	Obligation to return security deposit (SRC)	34
Division 7	Market retail contracts—particular requirements	34
45A	Definitions	34
46	Tariffs and charges	35
46A	Explicit Informed Consent – Variation of tariffs, charges or benefits to the customer.....	37
46B	Energy rates – discounting practices	37
47	Cooling off period and right of withdrawal—market retail contracts	39
48	Retailer notice of end of fixed term retail contract.....	40
48A	Retailer notice of benefit change - market retail contracts	40

48B	Benefit change notice guidelines	41
49	Termination of market retail contract	42
49A	Early termination charges	43
50	Small customer complaints and dispute resolution information.....	44
51	Liabilities and immunities	44
52	Indemnities	44
Division 8	Deemed customer retail arrangements	44
53	Obligations of retailers	44
54	Formation of standard retail contract on incomplete request	45
Division 9	Other retailer obligations	45
55	Referral to interpreter services.....	45
56	Provision of information to customers	45
56A	Energy consumption information - supply of electricity only	46
56B	Historical billing and energy consumption information - supply of electricity only	46
56C	Information on timeframes for installing electricity meters (SRC and MRC) ..	47
57	Retailer obligations in relation to customer transfer.....	47
57A	Retailer obligations in relation to correction of transfers without consent...	48
58	Notice to small customers on transfer	49
59	Notice to small customers where transfer delayed	50
59A	Notice to small customers on deployment of new electricity meters (SRC and MRC)	50
Division 9A	Retailer interruption to supply - electricity.....	52
59B	Definitions	52
59C	Retailer interruption to supply – electricity (SRC and MRC)	52
Division 10	Energy marketing	54
Subdivision 1	Preliminary.....	54
60	Application of Division	54
Subdivision 2	Providing information to small customers	54
61	Overview of this Subdivision	54
62	Requirement for and timing of disclosure to small customers	54
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.....	56

67	Duty of retailer to ensure compliance.....	56
68	Record keeping	56
Division 11	Miscellaneous	56
69	Compliance by small customer who is not owner of premises	56
70	Termination of standard retail contract (SRC)	56
70A	Definitions	58
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.....	59
74	Payment by Centrepay (SRC and MRC)	60
75	Hardship program indicators	60
75A	Customer hardship policy guideline	61
75B	Customer hardship policies.....	61
76	Waiver of debt for hardship customer	62
Part 4	Relationship between distributors and customers	63
Division 1	Preliminary.....	63
77	Application of this Part.....	63
78	Variation or exclusion of provisions of this Part by deemed AER approved standard connection contracts	63
Division 2	Customer connection services.....	63
79	Application for customer connection services.....	63
80	Provision of information to customers	64
Division 3	Deemed standard connection contracts	65
81	Model terms and conditions for deemed standard connection contracts	65
Division 4	Negotiated connection contracts.....	65
82	Small customer complaints and dispute resolution information.....	65
83	Liabilities and immunities	65
Division 5	Distributor obligations to customers.....	66
84	Distributor service standards and GSL schemes	66
85	Fault reporting and correction	66
86A	Provision of information - supply of electricity	66
86B	Provision of information - supply of gas	66
87	Referral to interpreter services.....	67

Division 6	Distributor interruption to supply	67
88	Definitions	67
89	Distributor's right to interrupt supply	68
90	Distributor planned interruptions	68
91	Unplanned interruptions	69
91A	Metering coordinator and distributor to assist and cooperate - electricity ...	69
Division 7	Miscellaneous	70
92	Compliance by small customer who is not owner of premises	70
Part 5	Relationship between distributors and retailers— retail support obligations.....	71
Division 1	Preliminary.....	71
93	Application of this Part.....	71
Division 2	Assistance and cooperation	71
94	Assistance and cooperation.....	71
Division 3	Information requirements.....	71
95	Information about applicable tariffs, connection related information and other information	71
96	Requirements for information.....	72
97	Distributor and retailer contact details.....	72
98	Contact details for customers.....	72
99	Information on distributor planned interruptions	72
99A	Information on retailer planned interruptions – electricity	73
100	Information on unplanned interruptions	73
Division 4	Shared customer enquiries and complaints	74
101	Enquiries or complaints relating to the retailer.....	74
102	Enquiries or complaints relating to the distributor	74
Division 5	De-energisation and re-energisation of shared customer's premises	75
103	De-energisation of premises by the distributor.....	75
104	Notification of de-energisation	75
105	Liability for ongoing charges.....	75
106	Re-energisation - gas	76
106A	Re-energisation - electricity.....	76
Part 6	De-energisation (or disconnection) of premises—small customers	79

Division 1	Preliminary.....	79
107	Application of this Part.....	79
108	Definitions	79
109	Reminder notices—retailers	80
110	Disconnection warning notices—retailers and distributors	80
Division 2	Retailer-initiated de-energisation of premises	81
111	De-energisation for not paying bill.....	81
112	De-energisation for not paying security deposit.....	82
113	De-energisation for denying access to meter	83
114	De-energisation for illegally using energy	84
115	De-energisation for non-notification by move-in or carry-over customers ..	84
116	When retailer must not arrange de-energisation	84
117	Timing of de-energisation where dual fuel market contract.....	86
118	Request for de-energisation	86
Division 3	Distributor de-energisation of premises	86
119	Grounds for de-energisation	86
120	When distributor must not de-energise premises.....	88
Division 4	Re-energisation of premises	89
121	Obligation on retailer to arrange re-energisation of premises	89
122	Obligation on distributor to re-energise premises	89
Part 7	Life support equipment	91
123	Application of this Part.....	91
123A	Definitions	91
124	Registration of life support equipment	91
124A	Confirmation of premises as requiring life support equipment	94
124B	Ongoing retailer and distributor obligations.....	95
125	Deregistration of premises	97
126	Registration and deregistration details must be kept by retailers and distributors	100
Part 8	Prepayment meter systems.....	103
127	Definitions	103
128	Disclosure requirements at energy marketing stage	103
129	System requirements.....	104
130	Trial period	105

131	Operating instructions to be provided.....	106
132	Consumption information to be provided.....	106
133	Limitation on recovery of debt	107
134	Credit retrieval.....	107
135	System testing.....	107
136	Overcharging	108
137	Undercharging	109
138	Illegal energy use.....	110
139	Life support equipment.....	110
140	Customer enquiries and complaints.....	110
141	Payment difficulties and hardship	110
142	Payment towards prepayment meter system account	111
143	Tariffs and charges	112
144	Billing for other goods and services	113
145	Customer termination of contract or request for removal.....	113
146	Different retailer	114
147	Deemed customer retail arrangements.....	114
Part 9	Exempt selling regime.....	117
Division 1	Preliminary.....	117
148	Definitions	117
Division 2	AER power to exempt	117
149	Individual exemptions	117
150	Deemed exemptions.....	117
151	Registrable exemptions and registered exemptions.....	117
152	Conditions generally	118
153	Conditions for deemed exemptions and registered exemptions	118
Division 3	AER Exempt Selling Guidelines.....	119
154	AER Exempt Selling Guidelines	119
Division 4	Provisions relating to individual exemptions	119
155	Application for individual exemption or variation of individual exemption.....	119
156	Public notice and submissions	120
157	Deciding application.....	120
158	Conditions for individual exemptions	120
159	Form of energy to be specified	121

160	Notice of decision to grant application	121
161	Deemed refusal	121
162	Issue and public notice of individual exemption	122
163	Notice of refusal	122
Division 5	Public Register of Authorised Retailers and Exempt Sellers	122
164	Public Register of Authorised Retailers and Exempt Sellers	122
Part 10	Retail market performance reports.....	125
165	Purpose of this Part.....	125
166	Contents of retail market performance report—retail market overview.....	125
167	Contents of retail market performance report—retail market activities report	125
Part 11	Customer retail contracts—electricity consumption benchmarks.....	127
168	Purpose of this Part.....	127
169	AER administration of electricity consumption benchmarks	127
170	Retailer obligations—electricity consumption benchmarks	127
171	Distributor obligations—electricity consumption information	128
Part 12	National energy retail consultation.....	129
172	Customer Consultative Group	129
173	Retail consultation procedure	129
Schedule 1	Model terms and conditions for standard retail contracts	131
Schedule 2	Model terms and conditions for deemed standard connection contracts.....	149
Schedule 3	Savings and Transitional Rules.....	165
Part 1	Transitional Rules—NSW gas distributors.....	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	Inconsistency with access arrangements and reference services agreements.	166

5	Retailer interface.....	166
Division 3	Deemed and existing contractual arrangements with customers and NSW gas distributors	167
6	Formation of interim deemed standard connection connect contracts on start date.....	167
7	Existing contracts with large customers	167
Division 4	Transitional arrangements after the expiry date.....	167
8	Deemed standard connection contract to replace interim contract	167
Part 2	Transitional Rules —ACT gas distributor	168
Division 1	Application and definitions.....	168
1	Application	168
2	Definitions	168
Division 2	Interim deemed standard connection contract	168
3	Required Alterations	168
4	Retailer interface.....	169
Division 3	Deemed and existing contractual arrangements with customers and ACT gas distributors.....	169
5	Formation of interim deemed standard connection connect contracts on start date.....	169
6	Existing contracts with large customers	169
Division 4	Transitional arrangements after the expiry date.....	170
7	Deemed standard connection contract to replace interim contract	170
Part 3	Billing-related transitional rules	170
1	Definitions	170
2	Bill smoothing arrangement (Rule 23 NERR).....	170
3	Bill frequency (Rule 24)	171
4	Undercharging (Rule 30)	171
5	Overcharging (Rule 31 NERR)	171
6	Payment methods (Rule 32 NERR).....	172
7	Shortened collection cycles (Rule 34 NERR)	172
8	Enforcement of payment.....	172
Part 4	Miscellaneous transitional rules—initial NERR.....	172
1	Definitions	172
2	Life support arrangements	173
3	Classification of customers.....	173
4	Existing aggregation arrangements (Rule 5 NERR).....	173

5	Energy consumption benchmarks	173
6	Electricity consumption benchmarks not to apply in NSW	173
7	Interim bill benchmarks where legacy billing arrangements	173
8	Application of start and end meter reads on small customer bills	174
Part 5	Rules consequential on the making of National Energy Retail Amendment (Customer access to information about their consumption) Rule 2014	174
1	Definitions	174
2	Variation date	174
3	Effective date	175
Part 6	Rules consequential on the making of the National Energy Retail Amendment (Expanding competition in metering and related services) Rule 2015	175
1	Definitions	175
2	Variation Date	175
Part 7	Rules consequential on the making of the National Energy Retail Amendment (Improving the accuracy of customer transfers) Rule 2017	175
1	Definitions	175
2	Retail Market Procedures	175
Part 8	Rules consequential on the making of the National Energy Retail Amendment (Notification of end of fixed benefit period) Rule 2017	176
1	Definitions	176
2	Benefit change notice guidelines	176
3	Benefit change notice requirements	176
Part 9	Rules consequential on the making of the National Energy Retail Amendment (Strengthening protections for customers requiring life support equipment) Rule 2017	176
1	Definitions	176
2	Application of Part 7 of Rules during the transition period	178
3	Application of new Part 7 of Rules to existing life support customers	178
4	Variation date	180
Part 10	Rules consequential on the making of the National Energy Retail Amendment (Advance notice of price changes) Rule 2018	180
1	Definitions	180
2	Variation date	180

Part 11	Rules consequential on the making of the National Energy Retail Amendment (Strengthening protections for customers in hardship) Rule 2018.....	180
1	Definitions	180
2	The first customer hardship policy guideline	181
3	Application of new rules 75A and 75B to customer hardship policies	181
4	AER approval of updated customer hardship policy	181
Part 12	Rules consequential on the making of Schedule 2 of the National Energy Retail Amendment (Metering installation timeframes) Rule 2018.....	181
1	Definitions	181
2	Variation date.....	182