

National Energy Retail Rules

Version 20

Status Information

This is the latest electronically available version of the National Energy Retail Rules as at 19 March 2020.

This consolidated version of the National Energy Retail Rules was last updated on 19 March 2020 as a result of the commencement of the following amendments:

Schedules 2 and 3 of National Energy Retail Amendment (Minor changes) Rule 2019 No. 1

National Energy Retail Amendment (Minor changes) Rule 2020 No. 2

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 Rule under the National Energy Retail Law that has not yet commenced:

National Energy Retail Amendment (Regulating conditional discounting) Rule 2020 No. 1 will commence operation on 1 July 2020.

TABLE OF CONTENTS

Part 1 Preliminary1

Division 1 Introduction and definitions1

1 Citation1

2 Commencement1

3 Definitions1

3A Savings and Transitional Rules4

Division 2 Consumption threshold matters4

4 Business premises—separate application of upper and lower consumption thresholds4

5 Business premises—aggregated application of upper consumption thresholds by agreement4

Division 3 Classification of customers.....5

6 Classification5

7 Retailer initial classification of customers5

8 Retailer reclassification of customers6

9 Distributor initial classification of business customers6

10 Distributor reclassification of business customers6

11 Distributor classification and reclassification—requirements7

Part 2 Customer retail contracts9

Division 1 Standard retail contracts—terms and conditions generally9

12 Model terms and conditions for standard retail contracts9

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 contracts9

15 Application of provisions of these Rules to market retail contracts9

Division 3 Customer retail contracts—pre-contractual procedures10

16 Pre-contractual duty of retailers10

17 Pre-contractual duty of distributors10

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—billing13

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 deposits29

39 Consideration of credit history29

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 requirements34

45A Definitions34

46 Tariffs and charges35

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

46B Energy rates – discounting practices37

47 Cooling off period and right of withdrawal—market retail contracts39

48 Retailer notice of end of fixed term retail contract.....40

48A Retailer notice of benefit change - market retail contracts40

48B Benefit change notice guidelines41

49 Termination of market retail contract42

49A Early termination charges43

50 Small customer complaints and dispute resolution information.....44

51 Liabilities and immunities44

52 Indemnities44

Division 8 Deemed customer retail arrangements44

53 Obligations of retailers44

54 Formation of standard retail contract on incomplete request45

Division 9 Other retailer obligations45

55 Referral to interpreter services.....45

56 Provision of information to customers45

56A Energy consumption information - supply of electricity only46

56B Historical billing and energy consumption information - supply of electricity only46

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 transfer49

59 Notice to small customers where transfer delayed50

59A Notice to small customers on deployment of new electricity meters (SRC and MRC)50

Division 9A Retailer interruption to supply - electricity.....52

59B Definitions52

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

Division 10 Energy marketing54

Subdivision 1 Preliminary.....54

60 Application of Division54

Subdivision 2 Providing information to small customers54

61 Overview of this Subdivision54

62 Requirement for and timing of disclosure to small customers54

63 Form of disclosure to small customers54

64 Required information.....54

Subdivision 3 Energy marketing activities55

65 No contact lists55

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
Part 3	Customer hardship.....	59
70A	Definitions	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	61
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 supply67**

88 Definitions67

89 Distributor's right to interrupt supply68

90 Distributor planned interruptions68

91 Unplanned interruptions69

91A Metering coordinator and distributor to assist and cooperate - electricity ...69

Division 7 **Miscellaneous70**

92 Compliance by small customer who is not owner of premises70

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 cooperation71**

94 Assistance and cooperation.....71

Division 3 **Information requirements.....71**

95 Information about applicable tariffs, connection related information and
other information71

96 Requirements for information.....72

97 Distributor and retailer contact details.....72

98 Contact details for customers.....72

99 Information on distributor planned interruptions72

99A Information on retailer planned interruptions – electricity73

100 Information on unplanned interruptions73

Division 4 **Shared customer enquiries and complaints74**

101 Enquiries or complaints relating to the retailer.....74

102 Enquiries or complaints relating to the distributor74

Division 5 **De-energisation and re-energisation of shared customer's**
premises75

103 De-energisation of premises by the distributor.....75

104 Notification of de-energisation75

105 Liability for ongoing charges.....75

106 Re-energisation - gas76

106A Re-energisation - electricity.....76

Part 6 **De-energisation (or disconnection) of premises—small**
customers79

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 debt107

134 Credit retrieval107

135 System testing.....107

136 Overcharging108

137 Undercharging109

138 Illegal energy use110

139 Life support equipment.....110

140 Customer enquiries and complaints110

141 Payment difficulties and hardship110

142 Payment towards prepayment meter system account111

143 Tariffs and charges112

144 Billing for other goods and services113

145 Customer termination of contract or request for removal.....113

146 Different retailer114

147 Deemed customer retail arrangements.....114

Part 9 Exempt selling regime.....117

Division 1 Preliminary.....117

148 Definitions117

Division 2 AER power to exempt117

149 Individual exemptions117

150 Deemed exemptions.....117

151 Registrable exemptions and registered exemptions.....117

152 Conditions generally118

153 Conditions for deemed exemptions and registered exemptions118

Division 3 AER Exempt Selling Guidelines.....119

154 AER Exempt Selling Guidelines119

Division 4 Provisions relating to individual exemptions119

155 Application for individual exemption or variation of individual exemption119

156 Public notice and submissions120

157 Deciding application120

158 Conditions for individual exemptions120

159 Form of energy to be specified121

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 distributors167

6 Formation of interim deemed standard connection connect contracts on start date.....167

7 Existing contracts with large customers167

Division 4 Transitional arrangements after the expiry date.....167

8 Deemed standard connection contract to replace interim contract167

Part 2 Transitional Rules —ACT gas distributor168

Division 1 Application and definitions168

1 Application168

2 Definitions168

Division 2 Interim deemed standard connection contract168

3 Required Alterations168

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 customers169

Division 4 Transitional arrangements after the expiry date.....170

7 Deemed standard connection contract to replace interim contract170

Part 3 Billing-related transitional rules170

1 Definitions170

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 Definitions172

2 Life support arrangements173

3 Classification of customers.....173

4 Existing aggregation arrangements (Rule 5 NERR).....173

5 Energy consumption benchmarks173

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 bills174

Part 5 Rules consequential on the making of National Energy Retail Amendment (Customer access to information about their consumption) Rule 2014174

1 Definitions174

2 Variation date.....174

3 Effective date175

Part 6 Rules consequential on the making of the National Energy Retail Amendment (Expanding competition in metering and related services) Rule 2015.....175

1 Definitions175

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 Definitions175

2 Retail Market Procedures175

Part 8 Rules consequential on the making of the National Energy Retail Amendment (Notification of end of fixed benefit period) Rule 2017176

1 Definitions176

2 Benefit change notice guidelines176

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 2017176

1 Definitions176

2 Application of Part 7 of Rules during the transition period.....178

3 Application of new Part 7 of Rules to existing life support customers178

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 Definitions180

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 Definitions180

2 The first customer hardship policy guideline181

3 Application of new rules 75A and 75B to customer hardship policies181

4 AER approval of updated customer hardship policy181

Part 12 Rules consequential on the making of Schedule 2 of the National Energy Retail Amendment (Metering installation timeframes) Rule 2018.....181

1 Definitions181

2 Variation date.....182

Part 12A Rules consequential on the making of the National Energy Retail Amendment (Reducing customers' switching times) Rule 2019182

1 Definitions182

2 Variation date.....182

Part 13 Rules consequential on the making of Schedule 2 of the National Energy Retail Amendment (Minor changes) Rule 2019.....182

1 Definitions182

2 Variation date.....183