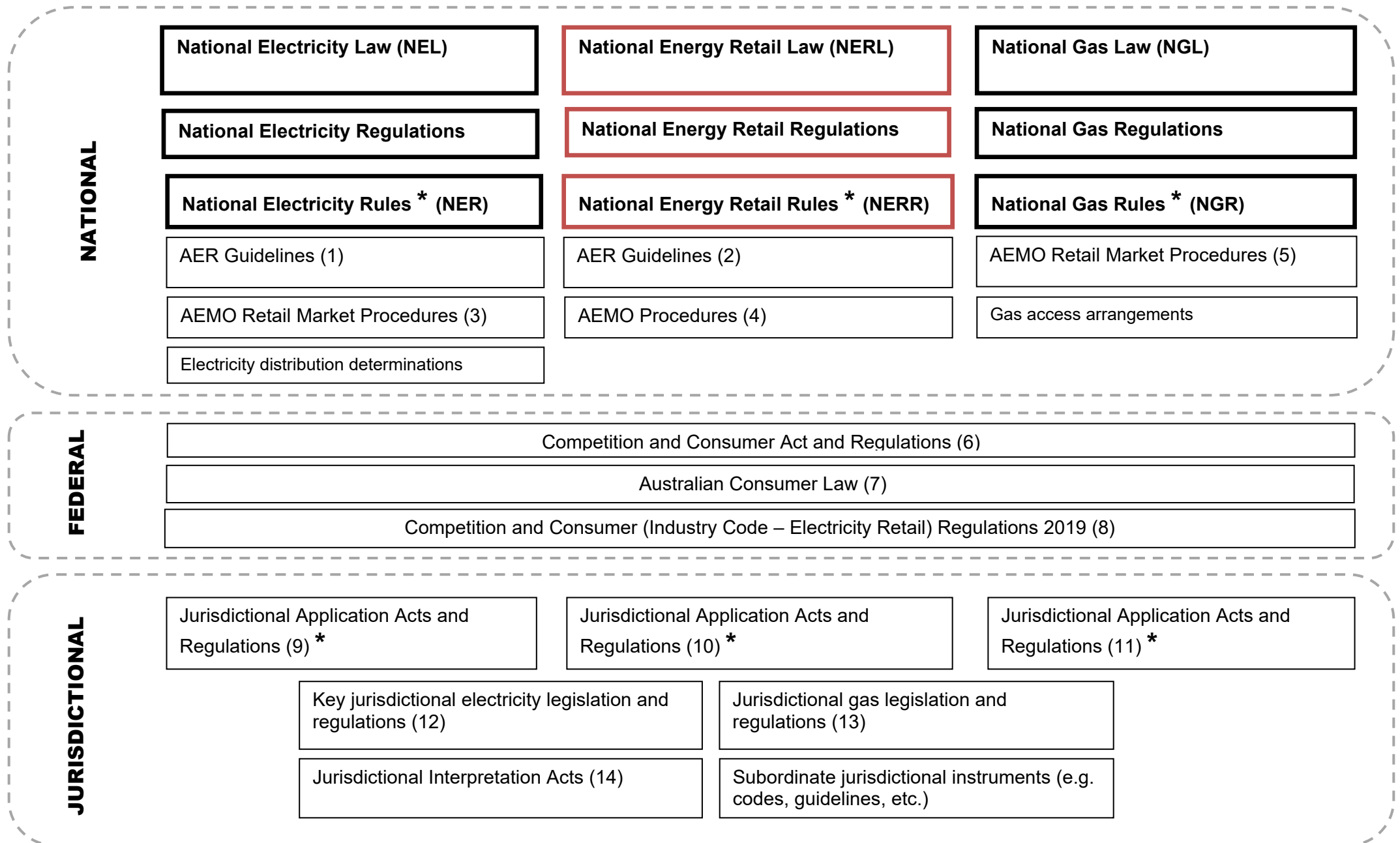


**Interaction between National Energy Customer Framework and jurisdictional statutory instruments
for ACT, NSW, Qld, SA, Victoria and Tasmania (as at 6 September 2021)**



1. NECTF-related AER Guidelines made under National Electricity Rules

- (a) National electricity connection charge guideline (June 2012) (rule 5A.E.3, NER)

2. AER Guidelines made under the National Energy Retail Law and National Energy Retail Rules¹

- (a) Retailer authorisation Guideline (December 2014) (section 117, NERL)
- (b) Retail Exempt Selling Guideline² (March 2018) (section 118, NERL; rule 154, NERR)³
- (c) Retailer of Last Resort Guideline, Plan and Statement of Approach⁴ (June 2012) (section 135, NERL)
- (d) Customer Hardship Policy Guideline (March 2019)⁵
- (e) Benefit Change Notice Guidelines (June 2018) (rule 48A, NERR)
- (f) Minimum Disconnection Amount (March 2017) (rule 116, NERR)
- (g) Electricity and gas bill benchmarks for residential customers 2020 (December 2020) (rule 169, NERR)
- (h) Retail Pricing Information Guidelines 2018 (April 2018)⁶ (section 61, NERL)⁷

¹ Under section 218, NERL, the AER may prepare guidelines about the matters that it will have regard to before using its enforcement powers under the NERL. To date, the AER has not published such guidelines.

² The AER Network service provider registration exemption guideline (March 2018) made under the National Electricity Law is also relevant.

³ The AER is in the process of reviewing and updating this guideline in consultation with the industry.

⁴ See also version 4 of the Retailer of Last Resort Plan, July 2015.

⁵ Although the AER is not specifically authorised to prepare and publish this document, it is in line with the AER's obligation to approve customer hardship policies or variations (section 45, NERL).

- (i) Compliance Procedures and Guidelines (September 2018) (section 281, NERL)
- (j) AER (Retail Law) Performance Reporting Procedures and Guidelines (January 2019) (section 286, NERL)
- (k) AER Compulsory Notice Guidelines (January 2021) (section 28ZF NEL, section 218 NERL and section 68 NGR)
- (l) Sustainable payment plans: A good practice framework for assessing customers' capacity to pay (July 2016)

3. AEMO Electricity Retail Market Procedures⁸

- (a) Market Settlement and Transfer Solution Procedures (MSATS) (clause 7.16.2, NER)
- (b) National Electricity Market Metrology Procedure (clause 7.16, NER)
- (c) Metering Data Provision Procedures (clause 17.6, NER)

4. AEMO Procedures made under National Energy Retail Law and Rules

- (a) RoLR Procedures (section 144, NERL)

⁶ Note the AER Price Comparator website – Energy Made Easy at <http://www.energymadeeasy.gov.au/> (see section 62, NERL).

⁷ The AER was in the process of reviewing and updating this guideline but suspended the review in March 2020 due to the COVID-19 pandemic.

⁸ See AEMO's Guide to Retail Electricity Market Procedures (v 4.0 March 2019) for a complete list of Retail Electricity Market Procedures and supporting documents. See also AEMO's Retail Electricity Market Procedures – Glossary And Framework, published pursuant to AEMO's obligations under clause 7.16.1(f) of the NER.

5. **AEMO Gas Retail Market Procedures**

- (a) Retail Market Procedures (NSW and ACT) (version 26)
- (b) Retail Market Procedures (Queensland) (version 20)
- (c) Retail Market Procedures (South Australia) (version 18)
- (d) Retail Market Procedures (Victoria) (version 16)

6. **Competition and Consumer Act and Regulations**

- (a) Prohibiting Energy Market Misconduct (Part XICA, Competition and Consumer Act)
- (b) See in particular clause 89 of the Competition and Consumer Regulations 2010 (Cth)
- (c) Consumer Data Right (Energy Sector) Designation 2020 (made under s 56AC(2) of the Competition and Consumer Act)

7. **The Australian Consumer Law is found in Schedule 2 to the Competition and Consumer Act 2010 (Cth)**

8. **Competition and Consumer (Industry Code – Electricity Retail) Regulations 2019 (Cth)⁹**

9. **Jurisdictional Application Acts for National Electricity Law**

- (a) Electricity (National Scheme) Act 1997 (ACT)¹⁰
- (b) National Electricity (New South Wales) Act 1997 (NSW)¹¹
- (c) Electricity - National Scheme (Queensland) Act 1997¹²

⁹ The Industry Code is a mandatory industry code for the purposes of Part IVB of the *Competition and Consumer Act 2010* (Cth). It applies only in electricity distribution regions where prices are not already subject to price regulation and only to certain categories of small customers. The Industry Code is the instrument responsible for determination of the Default Market Offer.

¹⁰ A regulation making power exists under section 8 of this Act.

(d) Electricity - National Scheme (Tasmania) Act 1999 (Tas)¹³

(e) National Electricity (South Australia) Act 1996 (SA)¹⁴

(f) National Electricity (Victoria) Act 2005 (Vic)

10. **Jurisdictional Application Acts and Regulations for National Energy Retail Law**

- (a) National Energy Retail Law (ACT) Act 2012 (ACT) and National Energy Retail Law (ACT) Regulation 2012 (ACT)
- (b) National Energy Retail Law (Adoption) Act 2012 (NSW) and National Energy Retail Law (Adoption) Regulation 2020 (NSW)
- (c) National Energy Retail Law (Queensland) Act 2014 (Qld) and National Energy Retail Law (Queensland) Regulation 2014 (Qld)
- (d) National Energy Retail Law (South Australia) Act 2011 and National Energy Retail Law (Local Provisions) Regulations 2013 (SA)
- (e) National Energy Retail Law (Tasmania) Act 2012 (Tas) and National Energy Retail Law (Tasmania) Regulations 2012 (Tas)

11. **Jurisdictional Application Acts for National Gas Law**

- (a) National Gas (ACT) Act 2008 (ACT)¹⁵
- (b) National Gas (New South Wales) Act 2008 (NSW)¹⁶
- (c) National Gas (South Australia) Act 2008 (SA)

¹¹ A regulation making power exists under sections 8A and 9 of this Act.

¹² A regulation making power exists under section 12 of this Act.

¹³ A regulation making power exists under section 11 of this Act.

¹⁴ A regulation making power exists under sections 11 and 15A of this Act.

¹⁵ A regulation making power exists under section 18 of this Act.

¹⁶ A regulation making power exists under sections 12 and 15 of this Act.

(d) National Gas (Tasmania) Act 2008 (Tas)¹⁷

(e) National Gas (Queensland) Act 2008 (Qld)¹⁸

(f) National Gas (Victoria) Act 2008 (Vic)

12. Jurisdictional Electricity Legislation and Regulations¹⁹

(a) Utilities Act 2000 (ACT); Utility Networks (Public Safety) Regulation 2001 (ACT) and Utilities (General) Regulation 2017 (ACT)

(b) Electricity Supply Act 1995 (NSW); Electricity Supply (General) Regulation 2014 (NSW); Electricity Supply (Safety and Network Management) Regulation 2014 (NSW) and Electricity Supply (Corrosion Protection) Regulation 2020 (NSW)

(c) Electricity Act 1994 (Qld); Electrical Safety Act 2002 (Qld), Electrical Safety Regulation 2013 (Qld) and Electricity Regulation 2006 (Qld)

(d) Electricity Act 1996 (SA) and Electricity (General) Regulations 2012 (SA)

(e) Electricity Supply Industry Act 1995 (Tas); Electricity Supply Industry (Customer) Regulations 2012 (Tas); Electricity Supply Industry (Network Planning Requirements) Regulations 2018; Electricity Supply Industry (Pricing and Related Matters) Regulations 2013 (Tas); Electricity Supply Industry Regulations 2018 (Tas) and Electricity Supply Industry Concession Order 2016

(f) Electricity Industry Act 2000 (Vic); Electricity Safety Act 1998 (Vic) and Electricity Safety (General) Regulations 2019

13. Jurisdictional Gas Legislation and Regulations²⁰

(a) Utilities Act 2000 (ACT); Utility Networks (Public Safety) Regulation 2001 (ACT) and Utilities (General) Regulation 2017 (ACT)

(b) Gas Supply Act 1996 (NSW) and Gas Supply (Natural Gas Retail) Regulation 2014 (NSW)

(c) Gas Supply Act 2003 (Qld) and Gas Supply Regulation 2007 (Qld)

(d) Gas Act 1997 (SA) and Gas Regulations 2012 (SA)

(e) Gas Industry Act 2019 (Tas); Gas Safety Act 2019 (Tas) and Gas Safety Regulations 2021 (Tas)

(f) Gas Industry Act 2001 (Vic) and Gas Safety Act 1997 (Vic)

14. Jurisdictional Interpretation Acts

(a) Legislation Act 2001 (ACT)

(b) Interpretation Act 1987 (NSW)

(c) Acts Interpretation Act 1954 (Qld)

(d) Acts Interpretation Act 1915 (SA)

(e) Acts Interpretation Act 1931 (Tas)

(f) Interpretation of Legislation Act 1984 (Vic)

¹⁷ A regulation making power exists under section 16 of this Act.

¹⁸ A regulation making power exists under section 16 of this Act.

¹⁹ Please note other jurisdictional electricity legislation may also be relevant including energy efficiency legislation and safety legislation.

²⁰ Please note other jurisdictional gas legislation may also be relevant including safety legislation. The NERL does not apply to gas in Tasmania, see section 16 of the *National Energy Retail Law (Tasmania) Act 2012* (Tas).