



## **National Energy Retail Amendment (Unlocking CER benefits through flexible trading) Rule 2024 No. 4**

The Australian Energy Market Commission makes the following Rule under the National Energy Retail Law as applied by:

- (a) the *National Energy Retail Law (South Australia) Act 2011 of South Australia*;
- (b) the *National Energy Retail Law (ACT) Act 2012 of the Australian Capital Territory*;
- (c) the *National Energy Retail Law (Adoption) Act 2012 of New South Wales*;
- (d) the *National Energy Retail Law (Tasmania) Act 2012 of Tasmania*;
- (e) the *National Energy Retail Law (Queensland) Act 2014 of Queensland*; and
- (f) the *Australian Energy Market Act 2004 of the Commonwealth*.

Anna Collyer  
Chairperson  
Australian Energy Market Commission

## **National Energy Retail Amendment (Unlocking CER benefits through flexible trading) Rule 2024 No. 4**

### **1 Title of Rule**

This Rule is the *National Energy Retail Amendment (Unlocking CER benefits through flexible trading) Rule 2024 No. 4*.

### **2 Commencement**

Schedules 1 and 2 of this Rule commence operation on 1 November 2026.

Schedule 3 of this Rule commences operation on 29 August 2024.

### **3 Amendment to the National Energy Retail Rules**

The National Energy Retail Rules are amended as set out in Schedule 1.

### **4 Amendment to Schedules 1 and 2 of the National Energy Retail Rules**

The National Energy Retail Rules are amended as set out in Schedule 2.

### **5 Savings and Transitional Amendment to the National Energy Retail Rules**

The National Energy Retail Rules are amended as set out in Schedule 3.

## **Schedule 1            Amendment to the National Energy Retail Rules**

(Clause 3)

### **[1] Rule 3                    Definitions**

In rule 3, in paragraph (a) of the definition of "***interruption***", after "electricity to a customer's premises" insert "or to any *secondary settlement point* within the premises".

### **[2] Rule 3                    Definitions**

In rule 3, omit the definition of "***meter***" and substitute:

***meter***, in relation to a customer, means a device that measures the quantity of energy passing through a point at which energy is supplied to or by the customer;

### **[3] Rule 3                    Definitions**

In rule 3, insert a new definition of "***premises connection point***" in alphabetical order:

***premises connection point*** means, in relation to electricity, the point of connection between the distribution system and a customer's premises;

### **[4] Rule 3                    Definitions**

In rule 3, insert a new definition of "***primary retailer***" in alphabetical order:

***primary retailer*** means, in relation to a customer:

- (a) in relation to electricity:
  - (i) for a small customer, the financially responsible retailer for the customer's premises; and
  - (ii) for a large customer, the retailer that is the financially responsible Market Participant under the NER for the *premises connection point*; and
- (b) in relation to gas – the financially responsible retailer for the customer's premises;

### **[5] Rule 3                    Definitions**

In rule 3, insert a new definition of "***secondary meter***" in alphabetical order:

***secondary meter*** means a *meter* for a *secondary settlement point*;

**[6] Rule 3 Definitions**

In rule 3, insert a new definition of "*secondary settlement arrangement*" in alphabetical order:

*secondary settlement arrangement*, in the case of electricity, means *metering data* from one or more *secondary settlement points* within a customer's premises is used to calculate the customer's bill;

**[7] Rule 3 Definitions**

In rule 3, insert a new definition of "*secondary settlement point*" in alphabetical order:

*secondary settlement point* has the same meaning as in the NER;

**[8] Rule 3 Definitions**

In rule 3, in the definition of "*small generator*", after "a generating unit" insert "or battery".

**[9] Rule 5 Business premises—aggregated application of upper consumption thresholds by agreement**

In subrule 5(2), omit "The retailer and the business customer" and insert "A business customer and its *primary retailer*".

**[10] Rule 5 Business premises—aggregated application of upper consumption thresholds by agreement**

In subrule 5(5), omit "The" and substitute "A".

**[11] Rule 5 Business premises—aggregated application of upper consumption thresholds by agreement**

Omit subrule 5(6) and substitute:

- (6) To avoid doubt:
  - (a) this rule can apply in relation to all business premises of a business customer or to some but not all business premises of a business customer; and
  - (b) where permitted by the NER, a person other than the customer's *primary retailer* may be financially responsible for a *secondary settlement point* at premises that have been aggregated for the purposes of this rule.

**[12] Rule 7                      Retailer initial classification of customers**

In subrule 7(1), after "a customer retail contract" insert "as the customer's *primary retailer*".

**[13] Rule 7                      Retailer initial classification of customers**

In subrule 7(2), omit "retailer" and insert "*primary retailer*".

**[14] Rule 7                      Retailer initial classification of customers**

In subrule 7(3), omit "retailer" and insert "*primary retailer*".

**[15] Rule 8                      Retailer reclassification of customers**

In subrule 8(1), omit "financially responsible retailer" and substitute "customer's *primary retailer*".

**[16] Rule 8                      Retailer reclassification of customers**

In subrule 8(2), omit "retailer may" and substitute "customer's *primary retailer* may".

**[17] Rule 8                      Retailer reclassification of customers**

In subrule 8(3), omit "retailer must" and substitute "customer's *primary retailer* must".

**[18] Rule 9                      Distributor initial classification of  
business customers**

In subrule 9(2), omit "a retailer" and substitute "the customer's *primary retailer*".

**[19] Rule 9                      Distributor initial classification of  
business customers**

In subrule 9(3), omit "retailer" and substitute "customer's *primary retailer*".

**[20] Rule 10                     Distributor reclassification of business  
customers**

In subrule 10(1)(b), omit "the financially responsible retailer for the premises" and substitute "the customer's *primary retailer*".

**[21] Rule 10                     Distributor reclassification of business  
customers**

In subrule 10(3), omit "financially responsible retailer" and substitute "customer's *primary retailer*".

**[22] Rule 10                      Distributor reclassification of business customers**

In subrule 10(5), omit "financially responsible retailer" and substitute "customer's *primary retailer*".

**[23] Rule 11                      Distributor classification and reclassification—requirements**

Omit subrule 11(4)(b) and substitute:

- (b) other information about the customer's likely consumption of energy, whether provided by the customer or a retailer at the customer's premises or in accordance with accepted industry practice.

**[24] New Division 3A      Secondary settlement arrangements - electricity**

After rule 11, insert:

**Division 3A                      Secondary settlement arrangements - electricity**

**11A                      Application of consumer protections to customers with a secondary settlement arrangement**

- (1) For the purposes of these Rules:
  - (a) a *secondary settlement arrangement* with a small customer is taken to form part of the arrangement for supply to the premises by the financially responsible retailer for the premises; and
  - (b) except as provided for in these Rules, the consumer protections under these Rules with respect to the supply of electricity to a small customer's premises extend to any *secondary settlement arrangement* with the customer.
- (2) Without limiting subrule (1), if a *secondary settlement arrangement* for a small customer involves the use of separate contracts or the issuing of separate bills for:
  - (a) the *premises connection point*; and
  - (b) one or more *secondary settlement points*,these Rules apply to the formation and terms of the contract relating to the *secondary settlement point*, and bills relating to the *secondary settlement point*, in the same way they apply to the contract and bills relating to the *premises connection point*.

- (3) A standard retail offer may, but is not required to, provide for *secondary settlement arrangements*.
- (4) For the purposes of these Rules, where a large customer has different retailers for its *premises connection point* and a *secondary settlement point* within the premises, the customer will be a shared customer of the distributor and each retailer (separately).

**[25] Rule 18                      Pre-contractual request to designated retailer for sale of energy (SRC)**

In subrule 18(3)(c), omit "at the premises" and substitute "for the *premises connection point*".

**[26] Rule 29                      Billing disputes (SRC and MRC)**

In subrule 29(5)(a)(ii), omit "the *meter*" and substitute "any *meter* used to calculate the bill".

**[27] Rule 29                      Billing disputes (SRC and MRC)**

In subrule 29(5A), omit "the *meter* tested" and substitute "a *meter* tested".

**[28] Rule 35                      Request for final bill (SRC)**

In subrule 35(1), omit "for the customer's premises" and substitute "relating to the customer's premises".

**[29] Rule 35                      Request for final bill (SRC)**

In subrule 35(1)(b), omit "a final bill for the premises" and substitute "the final bill".

**[30] Rule 37                      Customer request for change of tariff (SRC)**

In subrule 37(2)(a), omit "the *meter* reading was" and substitute "all required *meter* readings were".

**[31] Rule 37                      Customer request for change of tariff (SRC)**

In subrule 37(2)(b), omit "the *meter*" and substitute "a *meter*".

**[32] New rule 38A              Replacement or repair of secondary meter**

After rule 38, insert:

### **38A Malfunction of secondary meter**

- (1) A retailer must not repair or replace a *secondary meter* provided for or on behalf of a small customer except with the consent of the customer.
- (2) Where provided for in subrule (3), a retailer may require a small customer on a *secondary settlement arrangement* to transfer to a tariff that is not a *secondary settlement arrangement* and that is applicable to the customer's use of its premises with effect from the date on which the retailer notifies the customer of the new tariff.
- (3) Subrule (2) applies where a *metering installation malfunction* occurs in respect of a *secondary meter* used for the *secondary settlement arrangement* and:
  - (a) where the *secondary meter* has been provided by or on behalf of the customer, the small customer has failed to remedy the malfunction within the time allowed under the NER; or
  - (b) otherwise, the retailer or its representative has been unable to access the *secondary meter* to remedy the malfunction within the time allowed under the NER.
- (4) **Application of this rule to standard retail contracts**

This rule applies in relation to standard retail contracts.
- (5) **Application of this rule to market retail contracts**

This rule applies in relation to market retail contracts.

### **[33] Rule 59B Definitions**

In rule 59B, omit the definition of "**retailer planned interruption**" and substitute:

**retailer planned interruption** means an *interruption* of the supply of electricity to a customer including to any *secondary settlement point* within the premises, that:

- (a) is for the purposes of installing, maintaining, repairing or replacing an electricity *meter*; and
- (b) does not involve either:
  - (i) the distributor effecting the *interruption* under rule 89; or
  - (ii) *interrupting* the supply of electricity to a customer who is not the customer of the retailer arranging the *retailer planned interruption*; and
- (c) is not a *distributor planned interruption*.



**[34] Rule 59C                      Retailer interruption to supply –  
electricity (SRC and MRC)**

In subrule 59C(1), omit "A retailer may" and substitute "A customer's *primary retailer* may".

**[35] Rule 64                      Required information**

After subrule 64(1)(a1), insert a new subrule 64(1)(a2) as follows:

- (a2) if a *secondary settlement arrangement* is proposed for the small customer's premises, any associated terms and conditions including prices, charges and benefits and any requirements for operational control by the retailer or the distributor of equipment within the customer's premises;

**[36] Rule 79                      Application for customer connection  
services**

In subrule 79(2), omit "a retailer on behalf" and substitute "a customer's *primary retailer* on behalf".

**[37] Rule 84                      Distributor service standards and GSL  
schemes**

In subrule 84(2), omit "the retailer must" and substitute "the customer's *primary retailer* must".

**[38] Rule 93                      Application of this Part**

After subrule 93(1), insert a note as follows:

**Note**

Rule 11A(4) explains how this Part applies where a large customer has different retailers for its *premises connection point* and a *secondary settlement point* within the premises.

**[39] Rule 99                      Information on distributor planned  
interruptions**

In subrule 99(1)(a), omit "the retailer" and substitute "the customer's *primary retailer*".

**[40] Rule 99                      Information on distributor planned  
interruptions**

In subrule 99(3), omit "the retailer" and substitute "the customer's *primary retailer*".

**[41] Rule 99A                      Information on retailer planned  
interruptions – electricity**

In subrule 99A(1), omit "The retailer" and substitute "The customer's *primary retailer*".

**[42] Rule 100                      Information on unplanned interruptions**

In subrule 100(1)(a), omit "the retailer" and substitute "the customer's *primary retailer*".

**[43] Rule 101                      Enquiries or complaints relating to the retailer**

Omit subrule 101(1)(a) and substitute:

- (a) if the enquiry or complaint is made by telephone—where practicable, refer the customer to the enquiry or complaint telephone number of the relevant retailer (or retailers, where there is a *secondary settlement arrangement* for a large customer); or

**[44] Rule 101                      Enquiries or complaints relating to the retailer**

In subrule 101(1)(b), after "provide the retailer" insert "(or retailers, where there is a *secondary settlement arrangement* for a large customer)".

**[45] Rule 101                      Enquiries or complaints relating to the retailer**

Omit subrule 101(2) and substitute:

- (2) The retailer the subject of an enquiry must respond to the enquiry expeditiously.

**[46] Rule 101                      Enquiries or complaints relating to the retailer**

Omit subrule 101(3) and substitute:

- (3) The retailer the subject of a complaint must resolve the complaint expeditiously and in accordance with its standard complaints and dispute resolution procedures.

**[47] Rule 101                      Enquiries or complaints relating to the retailer**

In subrule 101(4), omit "the retailer on request " and substitute "the relevant retailer on request ".

**[48] Rule 102                      Enquiries or complaints relating to the distributor**

In subrule 102(2), omit "If a retailer" and substitute "If a customer's *primary retailer*".

**[49] Rule 104 Notification of de-energisation**

In subrule 104(1), omit "notify the retailer" and substitute "notify the customer's *primary retailer*".

**[50] Rule 104 Notification of de-energisation**

In subrule 104(2), omit "If the retailer" and substitute "If the customer's *primary retailer*".

**[51] Rule 106A Re-energisation - electricity**

Omit subrule 106A(1), excluding the note, and substitute:

- (1) If, in accordance with the energy laws, a customer's *primary retailer* is required to arrange for the re-energisation of the customer's electricity supply, the retailer must deal with the requirement in accordance with those energy laws.

**[52] Rule 106A Re-energisation - electricity**

Omit subrule 106A(2), excluding the note, and substitute:

- (2) If a customer's *primary retailer* arranges for a person other than the distributor to re-energise the customer's electricity supply, the retailer must as soon as practicable after the re-energisation notify the distributor that the premises have been re-energised.

**[53] Rule 106A Re-energisation - electricity**

In subrule 106A(5), omit "the retailer" and substitute "the customer's *primary retailer*".

**[54] Rule 106A Re-energisation - electricity**

In subrule 106A(6), omit each instance of "a retailer" and substitute "the customer's *primary retailer*"

**[55] Rule 107 Application of this Part**

In subrule 107(5), after "a customer's premises" insert "or *secondary settlement point*".

**[56] New Rule 107A De-energisation and re-energisation where there is a secondary settlement arrangement**

After rule 107, insert:

**107A De-energisation and re-energisation where there is a secondary settlement arrangement**

- (1) A retailer must not arrange de-energisation of a customer's *secondary settlement point* separately from the premises.
- (2) Where a retailer has de-energised a customer's *secondary settlement point* and is required to arrange re-energisation of a customer's premises it must also arrange for re-energisation of the *secondary settlement point* at the same time.
- (3) A retailer may arrange the de-energisation of the premises of a customer without also arranging the de-energisation of the customer's *secondary settlement point*.
- (4) A retailer may arrange the re-energisation of a customer's *secondary settlement point* without also arranging the re-energisation of the customer's premises.
- (5) To avoid doubt, subrule (4) does not affect any obligation under these Rules or any other law to arrange the re-energisation of the customer's premises, including a *secondary settlement point* within the premises.

**[57] Rule 113 De-energisation for denying access to meter**

In subrule 113(1), after "premises to read a *meter*" insert "(other than a *secondary meter*)".

**[58] Rule 113 De-energisation for denying access to meter**

In subrule 113(2)(a), after "altering any *metering* installation" insert "(other than the *metering* installation for a *secondary meter*)".

**[59] Rule 113 De-energisation for denying access to meter**

In subrule 113(2)(c), after "replacing *meters*" insert "(other than a *secondary meter*)".

**[60] Rule 113 De-energisation for denying access to meter**

After subrule 113(2)(e), insert:

**Note**

A retailer may require a tariff change where access to a *secondary meter* to remedy a *metering installation malfunction* is not provided. Refer to rule 38A.

**[61] Rule 119                      Grounds for de-energisation**

In subrule 119(1)(a), omit "retailer" and substitute "*primary retailer*".

**[62] Rule 129                      System requirements**

In subrule 129(2), after "The prepayment *meter* system must display" insert ", or otherwise make readily available to the customer with no time delay".

**[63] Rule 147                      Deemed customer retail arrangements**

Omit subrule 147(1), excluding the heading, and substitute:

This rule applies to a move-in customer or carry-over customer where a prepayment *meter* system is in use at the premises concerned.

**[64] Rule 151                      Registrable exemptions and registered exemptions**

After subrule 151(1), insert a new subrule 151(1A) as follows:

(1A) The classes of persons in respect of whom an exemption is registrable may include persons (not being retailers) that are financially responsible for *secondary settlement points* within the premises of large customers.

**[65] Rule 167                      Contents of retail market performance report—retail market activities report**

In subrule 167(3)(c), omit "and customer transfers." and substitute "and customer transfers;".

**[66] Rule 167                      Contents of retail market performance report—retail market activities report**

After subrule 167(3)(c), insert a new subrule 167(3)(d) as follows:

(d) supply to premises with and without *secondary settlement arrangements*.

## **Schedule 2            Amendment to Schedules 1 and 2 of the National Energy Retail Rules**

(Clause 4)

### **[1]    Schedule 1            Model terms and conditions for standard retail contracts**

Omit clause 4.3(b) and substitute:

- (b) When we receive the notice and we need to have a person read your *meter* to prepare your final bill, we must use our best endeavours to arrange for the reading on the date specified in your notice (or as soon as possible after that date if you do not provide access to your *meter* on that date, where required to read the *meter*) and send a final bill to you at the forwarding address in your notice.

### **[2]    Schedule 1            Model terms and conditions for standard retail contracts**

In clause 5.1(a), omit "maintenance of your *meter*" and substitute "maintenance of the *meter* for your premises".

### **[3]    Schedule 1            Model terms and conditions for standard retail contracts**

In clause 6.3(d)(iii), after "supply of electricity to" insert "or within".

### **[4]    Schedule 1            Model terms and conditions for standard retail contracts**

In clause 8.3, in the opening paragraph, after "change in your use of energy" insert "or other change to the supply arrangements at your premises".

### **[5]    Schedule 1            Model terms and conditions for standard retail contracts**

In clause 8.3(a), omit "there has been a change of use" and substitute "of the change".

### **[6]    Schedule 1            Model terms and conditions for standard retail contracts**

In clause 8.3(b), omit "of use".

### **[7]    Schedule 1            Model terms and conditions for standard retail contracts**

After clause 8.3, insert a new clause 8.3A as follows:

### **8.3A Variation of tariff due to faulty second meter**

- (a) The tariff you are on may separately calculate the use of energy at particular locations within your premises, using data provided by a second *meter*. In accordance with the energy laws, someone other than us may be responsible for the second *meter*.
- (b) If a second *meter* that we are not responsible for no longer complies with the requirements of the energy laws, we may transfer you to a new tariff under our standing offer prices that does not require the use of data provided by the second *meter*.

#### **[8] Schedule 1 Model terms and conditions for standard retail contracts**

In clause 9.3(b)(ii), after "your *meter* is later read" insert "or your *metering data* is later obtained".

#### **[9] Schedule 1 Model terms and conditions for standard retail contracts**

In clause 9.3(c), after "the later *meter* read" insert "or *metering data*".

#### **[10] Schedule 1 Model terms and conditions for standard retail contracts**

In clause 9.3(c), after "the *meter* was not read" insert "or *metering data* was not obtained".

#### **[11] Schedule 1 Model terms and conditions for standard retail contracts**

In clause 11(a)(i), after "installation at the premises" insert "where required to meet our obligations under energy laws".

#### **[12] Schedule 1 Model terms and conditions for standard retail contracts**

Omit clause 11(a)(iv) and substitute:

- (iv) replacing any *meters* that we or our authorised representatives have provided.

#### **[13] Schedule 1 Model terms and conditions for standard retail contracts**

In clause 11(d), omit "your electricity meter" and substitute "an electricity *meter* that we or our authorised representatives are responsible for providing under energy laws".

**[14] Schedule 2                      Model terms and conditions for deemed  
standard connection contracts**

In clause 9.1, after "to allow us to" insert ", to the extent permitted under the energy laws".

**[15] Schedule 2                      Model terms and conditions for deemed  
standard connection contracts**

In the simplified explanation of terms after clause 19, in the definition of **small generator**, after "a generating unit", insert "or battery".



## **Schedule 3            Savings and Transitional Amendment to the National Energy Retail Rules**

(Clause 5)

### **[1] Schedule 3            Savings and Transitional Rules**

In Schedule 3, after Division 2 of Part 19, insert a new Division 3 as follows:

#### **Division 3            Rules consequential on the making of the National Energy Retail Amendment (Unlocking CER benefits through flexible trading) Rule 2024**

##### **8            Definitions**

In this Division:

**Amending Rule** means the *National Energy Retail Amendment (Unlocking CER benefits through flexible trading) Rule 2024*.

**commencement date** means 1 November 2026.

**required alterations** means the amendments required by Schedule 2 of the Amending Rule to standard retail contracts and deemed standard connection contracts.

##### **9            Alterations to standard retail contracts**

- (1) Retailers must make the required alterations to their standard retail contracts by the commencement date.
- (2) Distributors must make the required alterations to their deemed standard connection contracts by the commencement date.
- (3) Alterations made under subrules (1) and (2) must take effect on and from the commencement date.

##### **10          Review and update of information for small customers**

Retailers must, by the commencement date, review and if necessary update, the material made available by the retailer to its small customers in accordance with rule 21(3C), to take into account the Amending Rule.

##### **11          AER guidelines**

- (1) The AER must, by the commencement date, review and if necessary update, the guidelines made by the AER under these Rules or *the Law*, to take into account the Amending Rule, including:
  - (a) the AER Exempt Selling Guidelines;

- (b) the AER Retail Pricing Information Guidelines and any price comparator;
  - (c) the billing guideline made under rule 25A;
  - (d) the benefit change notice guidelines made under rule 48B(1); and
  - (e) the customer hardship policy guideline made under rule 78A.
- (2) For subrule (1), the AER must proceed in accordance with the retail consultation procedure.

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[END OF RULE AS MADE]

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