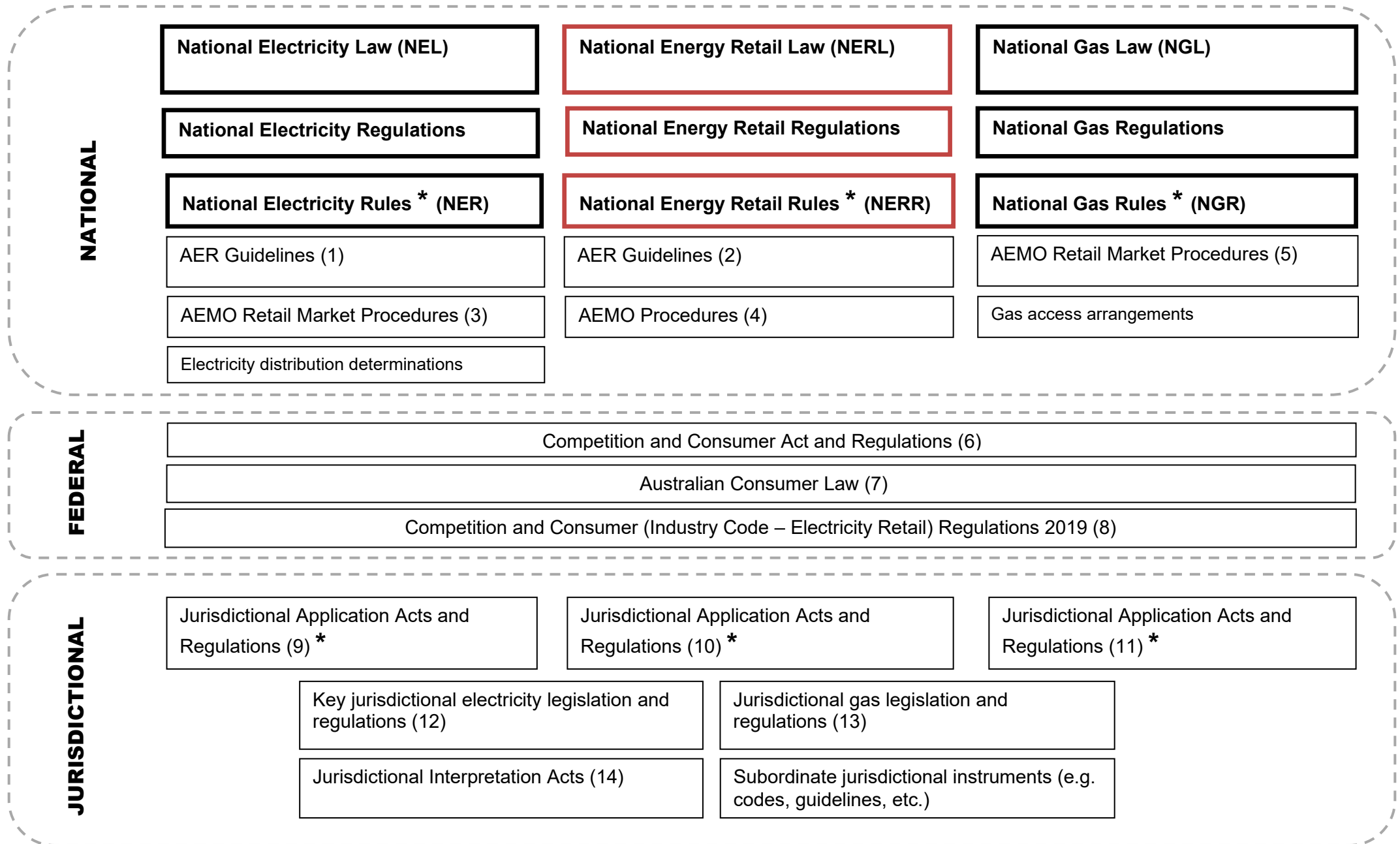


Interaction between National Energy Customer Framework and jurisdictional statutory instruments
for ACT, NSW, Qld, SA, Victoria and Tasmania (as at 16 August 2024)



* savings and transitional provisions apply

1. NECF-related AER Guidelines made under National Electricity Rules and National Electricity Law

- (a) National electricity connection charge guideline (April 2023) (rule 5A.E.3, NER)
- (b) Reliability Compliance Procedures and Guidelines (June 2023) (section 18ZI, NEL)

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) Better Bills Guideline (Version 2) (January 2023) (rule 25A, NERR)
- (c) Retail Exempt Selling Guideline (June 2022) (section 118, NERL; rule 154, NERR)
- (d) Retailer of Last Resort Guideline, Plan and Statement of Approach² (June 2012) (section 135, NERL)
- (e) Customer Hardship Policy Guideline (March 2019)³
- (f) Benefit Change Notice Guidelines (June 2018) (rule 48A, NERR)
- (g) Minimum Disconnection Amount (March 2017) (rule 116, NERR)

- (h) Electricity and gas bill benchmarks for residential customers 2020 (December 2020) (rule 169, NERR)
- (i) Retail Pricing Information Guidelines 2018 (April 2018)⁴ (section 61, NERL)⁵
- (j) Compliance Procedures and Guidelines (July 2024) (section 281, NERL)
- (k) AER (Retail Law) Performance Reporting Procedures and Guidelines (January 2019) (section 286, NERL)⁶
- (l) AER Compulsory Notice Guidelines (January 2021) (section 28ZF NEL, section 218 NERL and section 68 NGR)
- (m) Sustainable payment plans: A good practice framework for assessing customers' capacity to pay (July 2016)

3. AEMO Retail Electricity Market Procedures⁷

- (a) Market Settlements and Transfer Solution Procedures (MSATS) (clause 7.16.2, NER)
- (b) National Electricity Market Metrology Procedure (clauses 7.16.3, 7.16.4 and 7.16.5, NER)
- (c) Metering Data Provision Procedures (clause 7.14(a), NER)
- (d) Metering Service Level Procedures (clause 7.16.6, NER)

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

³ 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).

⁴ Note the AER Price Comparator website – Energy Made Easy at <http://www.energymadeeasy.gov.au/> (see section 62, NERL).

⁵ 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.

⁶ The AER is currently in the process of reviewing and updating this guideline for implementation from 1 January 2025.

⁷ See AEMO's Retail Electricity Market Procedures – Glossary And Framework, published pursuant to AEMO's obligations under clause 7.16.1(f) of the NER, for a complete list of Retail Electricity Market Procedures and supporting documents.

- (e) Default & Deregistration Procedure (clauses 7.4.4 and 7.7.3, NER)
 - (f) Exemption Procedure – Metering Installation Malfunctions (clause 7.8.10, NER)
 - (g) Exemption Procedure – Metering Installation Data Storage Requirements (clause 7.8.2(a1), NER)
 - (h) B2B Procedures (clause 7.17.2(i), NER)
- 4. AEMO Procedures made under National Energy Retail Law and National Electricity Retail Rules**
- (a) RoLR Procedures (section 144, NERL)
- 5. AEMO Gas Retail Market Procedures**
- (a) Retail Market Procedures (NSW and ACT) (version 29)
 - (b) Retail Market Procedures (Queensland) (version 21)
 - (c) Retail Market Procedures (South Australia) (version 21)
 - (d) Retail Market Procedures (Victoria) (version 18)
- 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)⁸**
- 9. Jurisdictional Application Acts for National Electricity Law**
- (a) Electricity (National Scheme) Act 1997 (ACT)⁹
 - (b) National Electricity (New South Wales) Act 1997 (NSW)¹⁰
 - (c) Electricity - National Scheme (Queensland) Act 1997 (Qld)¹¹
 - (d) Electricity - National Scheme (Tasmania) Act 1999 (Tas)¹²
 - (e) National Electricity (South Australia) Act 1996 (SA)¹³
 - (f) National Electricity (Victoria) Act 2005 (Vic)¹⁴
- 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)

⁸ 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.

⁹ A regulation-making power exists under section 8 of this Act.

¹⁰ A regulation-making power exists under sections 8A and 9 of this Act.

¹¹ A regulation-making power exists under section 12 of this Act.

¹² A regulation-making power exists under section 11 of this Act.

¹³ A regulation-making power exists under sections 11 and 15A of this Act.

¹⁴ A regulation-making power exists under section 12A of this 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 (SA) 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)
- (f) National Energy Retail Law (Victoria) Act 2024 (Vic) and National Energy Retail Law (Victoria) Regulations 2024 (Vic)

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)¹⁷
- (d) National Gas (Tasmania) Act 2008 (Tas)¹⁸
- (e) National Gas (Queensland) Act 2008 (Qld)¹⁹
- (f) National Gas (Victoria) Act 2008 (Vic)²⁰

12. Jurisdictional Electricity Legislation and Regulations²¹

- (a) Utilities Act 2000 (ACT); Utility Networks (Public Safety) Regulation 2001 (ACT); Utilities (Electricity Restrictions)

Regulation 2004 (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); Electricity (General) Regulations 2012 (SA); and Electricity (Principles of Vegetation Clearance) Regulations 2021 (SA)
- (e) Electricity Supply Industry Act 1995 (Tas); Electricity Supply Industry (Customer) Regulations 2012 (Tas); Electricity Supply Industry (Network Planning Requirements) Regulations 2018 (Tas); Electricity Supply Industry (Pricing and Related Matters) Regulations 2023 (Tas); Electricity Supply Industry Regulations 2018 (Tas); Electric Supply Industry Amendment Regulations 2021 (Tas) and Electric Supply Industry Amendment Regulations 2022 (Tas)
- (f) Electricity Industry Act 2000 (Vic); Electricity Safety Act 1998 (Vic); and Electricity Safety (General) Regulations 2019 (Vic)

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

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

¹⁷ A regulation-making power exists under sections 11 and 12 of this Act.

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

¹⁹ A regulation-making power exists under section 16 of this Act.

²⁰ A regulation-making power exists under section 16A of this Act.

²¹ Please note other jurisdictional electricity legislation may also be relevant including energy efficiency legislation and safety legislation.

13. Jurisdictional Gas Legislation and Regulations²²

- (a) Utilities Act 2000 (ACT); Utility Networks (Public Safety) Regulation 2001 (ACT); Utilities (Gas Restrictions) Regulation 2005 (ACT); and Utilities (General) Regulation 2017 (ACT)
- (b) Gas Supply Act 1996 (NSW); Gas Supply (Natural Gas Retail) Regulation 2014 (NSW); and Gas Supply (Safety and Network Management) Regulation 2022 (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); Gas Industry Regulations 2024 (Tas); Gas Industry (Planning Permit Exemption) Regulations 2024 (Tas); and Gas Safety Regulations 2021 (Tas)
- (f) Gas Industry Act 2001 (Vic); Gas Safety Act 1997 (Vic); Gas Safety (Gas Installation) Regulations 2018 (Vic); and Gas Safety (Safety Case) Regulations 2018 (Vic)

(f) Interpretation of Legislation Act 1984 (Vic)

14. Jurisdictional Interpretation Acts

- (a) Legislation Act 2001 (ACT)
- (b) Interpretation Act 1987 (NSW)
- (c) Acts Interpretation Act 1954 (Qld)
- (d) Legislation Interpretation Act 2021 (SA)
- (e) Acts Interpretation Act 1931 (Tas)

²² 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).