



## **Draft National Energy Retail Amendment (Real-time data for consumers) Rule 2025 No.X**

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

## **Draft National Energy Retail Amendment (Real-time data for consumers) Rule 2025 No.X**

### **1 Title of Rule**

This Rule is the *Draft National Energy Retail Amendment (Real-time data for consumers) Rule 2025 No.X*.

### **2 Commencement**

Schedule 1 of this rule commences operation on 1 January 2028.

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

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

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

(Clause 3)

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

In rule 3, insert the following new definitions in alphabetical order:

*real-time data* has the same meaning as in the NER.

*real-time data authorised recipient* — see rule 59D.

*real-time data facilitation charge* — see rule 59F.

### **[2] Rule 52A                Restrictions on fees and charges**

In rule 52A(1), omit "A" and substitute "Subject to subrule 59F(5), a".

### **[3] New Division 9B Real-time data**

After rule 59C insert:

#### **Division 9B                Real-time data**

##### **59D            Real-time data authorised recipients**

- (1) A person other than the small customer must not be given access to a small customer's *real-time data* unless that person is a *real-time data authorised recipient*.
- (2) A *real-time data authorised recipient* for a small customer's *meter* includes any of the following persons that have received consent from the small customer to receive *real-time data* from the small customer's *meter*:
  - (a) a *Registered Participant*;
  - (b) the AER, jurisdictional regulators and AEMO; and
  - (c) a person accredited by AEMO under clause 7.4.5 of the NER.
- (3) A request for consent under subrule (2) must:
  - (a) specify the service for which *real-time data* is intended to be used;
  - (b) specify any charges that may be payable by the small customer to facilitate access to *real time data*;
  - (c) present the customer with an active choice to give consent, which must not be the result of default settings or pre-selected options; and

- (d) provide the small customer with information on how to revoke its consent to the provision of *real-time data*.

(4) **Application of this rule to customer retail contracts**

This rule applies in relation to standard retail contracts and market retail contracts.

**59E Retailer obligation to facilitate access to real-time data**

- (1) A small customer or a *real-time data authorised recipient* may request that the small customer's retailer facilitate access to *real-time data* from their small customer's *meter*.
- (2) Following a request under subrule (1), the retailer must:
  - (a) facilitate access to *real-time data* free of charge where the small customer's current *meter*:
    - (i) was installed after 1 January 2028; or
    - (ii) already meets the minimum services specification in item (g) of table S7.5.1.1 of the NER; or
  - (b) offer the small customer the choice of either retrofitting or replacing the *meter* in order to enable access to *real-time data* where the small customer's *meter*:
    - (i) was installed prior to 1 January 2028; and
    - (ii) does not meet the minimum services specification in item (g) of table S7.5.1.1 of the NER.
- (3) Where subrule (2)(b) applies, the retailer must inform the small customer or *real-time data authorised recipient* of any applicable *real-time data facilitation charge* in accordance with rule 59F.
- (4) If the request under subrule (1) is from a *real-time data authorised recipient*, the retailer may require verification of the small customer's consent required under rule 59D.
- (5) Subject to subrules (6) and (7), the retailer must facilitate *real-time data* access for the small customer or the *real-time data authorised recipient* within 15 business days of:
  - (a) where subrule (2)(a) applies, a request being made under subrule (1);
  - (b) where subrule (2)(b) applies, a request being made under subrule (1) or agreement to pay the charges (whichever is later).
- (6) The timeframe in subrule (5) will be extended:
  - (a) where facilitating access to *real-time data* requires the replacement or retrofit of the small customer's *meter*, in which

- case the timeframe will be extended by the time required for the new *meter* replacement under clauses 7.8.10A, 7.8.10B, 7.8.10C or 7.8.10D of the NER (as applicable);
- (b) where there is a *defect at the metering installation* and rectification of the defect is necessary to facilitate *real-time data* access, the timeframe will be extended by the time it takes to rectify the defect under rule 59AAA;
  - (c) for any time required for the retailer to verify the customer's consent under subrule (4); or
  - (d) in other circumstances specified in the *real-time data procedures*.
- (7) A retailer is not required to facilitate *real-time data* access:
- (a) where there is a *defect at the metering installation*, rectification of the *defect at the metering installation* is necessary to facilitate *real-time data* access and either:
    - (i) the small customer has not rectified the *defect at the metering installation* after being requested to do so under rule 59AAA; or
    - (ii) the *defect at the metering installation* cannot be rectified; or
  - (b) in other circumstances as may be specified in the *real-time data procedures*.
- (8) A retailer must notify the small customer or *real-time data authorised recipient* within 10 business days of receiving a request under subrule (1) if:
- (a) an extension of time applies under subrule (6); or
  - (b) the retailer is not required to facilitate *real-time data* access under subrule (7).
- (9) A retailer's request to a *metering coordinator* to facilitate access to *real-time data* must include:
- (a) the NMI and address of the small customer's premises; and
  - (b) the contact details of the person who requested access.
- (10) A retailer must notify a small customer or *real-time data authorised recipient* that has made a request under subrule (1) when the request has been completed and provide information about how to access *real-time data*.
- (11) If a small customer who has been provided with access to *real-time data* under this rule changes retailer but remains at the same premises:

- (a) the outgoing retailer must inform the incoming retailer that *real-time data* access has been provided to the small customer; and
  - (b) the incoming retailer must continue to provide access to *real-time data* at the small customer's premises free of charge.
- (12) A retailer must revoke access to *real-time data* where:
  - (a) the small customer requests that access be revoked; or
  - (b) the small customer vacates the premises.
- (13) For the purposes of rule 76G:
  - (a) *real-time data* is affected customer information; and
  - (b) a *real-time data authorised recipient* is to be treated as 'any other person'.

(14) **Application of this rule to customer retail contracts**

This rule applies in relation to standard retail contracts and market retail contracts.

**59F Real-time data facilitation charge**

- (1) A retailer:
  - (a) may only charge a small customer or a *real-time data authorised recipient* for facilitating access to *real-time data* where:
    - (i) rule 59E(2)(b) applies; and
    - (ii) such charge does not exceed a reasonable estimate of the costs incurred, or likely to be incurred, by the retailer to facilitate *real-time data* access at the small customer's premises (*real-time data facilitation charge*);
  - (b) must not impose any other charges for facilitating access to *real-time data*.
- (2) A *real-time data facilitation charge* may only be imposed once for each small customer premises, to enable the *meter* at the small customer's premises to provide *real-time data* access.
- (3) A retailer must offer a small customer the option to pay a *real-time data facilitation charge* as a one-off payment or in instalments.
- (4) Where a small customer elects to pay a *real-time data facilitation charge* in instalments and the small customer terminates its customer retail contract prior to payment of all instalments, the small customer may be required to pay the outstanding amount as an exit charge.
- (5) Rule 52A(1) does not prevent a retailer charging a small customer a *real-time data facilitation charge* in accordance with this rule.

(6) **Application of this rule to customer retail contracts**

This rule applies in relation to standard retail contracts and market retail contracts.