

National Energy Retail Rules

Indicative mark up of changes made by the National Energy Retail Amendment (Improving the application of concessions to bills) Rule 2025.

Note:

This is an indicative version of the changes to the National Energy Retail Rules made by the National Energy Retail Amendment (Improving the application of concessions to bills) Rule 2025. It comprises extracts from the National Energy Retail Rules updated to take into account changes in rules made but not yet in force. It does not include the Savings and Transitional Amendment set out in Schedule 2 of the final rule.

This document is provided for information purposes only. The actual amendments are set out in the National Electricity Amendment (Improving the application of concessions to bills) Rule 2025.

The Australian Energy Market Commission does not guarantee the accuracy, reliability or completeness of this indicative mark-up of the National Energy Retail Rules.

Part 2 Customer retail contracts

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Division 3 Customer retail contracts—pre-contractual procedures

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19 Responsibilities of designated retailer in response to request for sale of energy (SRC)

- (1) A designated retailer must, as soon as practicable, provide a small customer requesting the sale of energy under the retailer's standing offer with the following information:
 - (a) a description of the retailer's standard retail contract that is formed as a result of the customer accepting the standing offer and how copies of the contract may be obtained;
 - (b) a description of the retailer's and customer's respective rights and obligations concerning the sale of energy under *the Law* and these Rules, including the retailer's standard complaints and dispute resolution procedures;
 - (b1) if the small customer operates, or proposes to operate, a *small generator*, any conditions applicable to supply from the *small generator* into the distribution system under the standard retail contract;
 - (c) ~~information about the availability of government funded energy charge rebate, concession or relief schemes;~~information about all relevant government funded energy charge rebate, concession or relief schemes available in the jurisdiction of the small customer;
 - (d) information in community languages about the availability of interpreter services for the languages concerned and telephone numbers for the services.

(1A) A designated retailer must ask the small customer requesting the sale of energy under the retailer's standing offer whether that small customer may be eligible for any rebate, concession or relief schemes identified in subrule (1)(c).

(1B) Subrule (1A) does not apply where:

- (a) the small customer is an existing customer of that designated retailer and that designated retailer is aware that the small customer is receiving and will continue to receive a rebate, concession or relief available under any rebate, concession or relief schemes identified in subrule (1)(c); or
- (b) the designated retailer has asked the small customer whether that small customer may be eligible for any rebate, concession or relief schemes identified in subrule (1)(c) within the last 30 days.

- (2) The retailer must, as soon as practicable (but not later than the end of the next business day) after the request for the sale of energy is properly made (as referred to in subrule (3)):

- (a) if the premises are energised, forward relevant details of the customer to the distributor for the premises concerned, for the purpose of updating the distributor's records; or

Note

This paragraph is classified as a tier 1 civil penalty provision under the National Energy Retail Regulations. (See clause 6 and Schedule 1 of the National Energy Retail Regulations.)

- (b) if the premises are not energised, arrange for the energisation of the premises by the distributor or the *metering coordinator* (if permitted in accordance with energy laws).

Note

This paragraph is classified as a tier 1 civil penalty provision under the National Energy Retail Regulations. (See clause 6 and Schedule 1 of the National Energy Retail Regulations.)

- (3) A request for the sale of energy is properly made when:

- (a) the request has been received by the retailer; and
(b) the small customer has complied with the requirements under rule 18(3); and
(c) the small customer is otherwise entitled to receive the sale of energy in accordance with the standard retail contract.

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Division 10 Energy marketing

Note:

The *Telecommunications Act 1997*, the *Do Not Call Register Act 2006* and the Australian Consumer Law set out in Schedule 2 to the *Competition and Consumer Act 2010* of the Commonwealth may also apply to retail marketers carrying out energy marketing activities.

Subdivision 1 Preliminary

60 Application of Division

This Division applies to retail marketers carrying out energy marketing activities.

Subdivision 2 Providing information to small customers

61 Overview of this Subdivision

- (1) This Subdivision requires a retail marketer to provide specific information to small customers in connection with market retail contracts.
(2) The information is referred to in this Subdivision as required information.

62 Requirement for and timing of disclosure to small customers

A retail marketer must provide the required information to a small customer in relation to the market retail contract concerned:

- (a) before the formation of the contract; or
- (b) as soon as practicable after the formation of the contract.

63 Form of disclosure to small customers

- (1) Required information provided to a small customer before the formation of the market retail contract may be provided electronically, verbally or in writing.
- (2) Required information provided to a small customer after the formation of the market retail contract must be provided in a single written disclosure statement.
- (3) If required information was provided to a small customer electronically or verbally before the formation of the market retail contract, required information in a single written disclosure statement must also be provided to the customer after the formation of the contract.

64 Required information

- (1) The required information that a retail marketer is to provide to a small customer is information in relation to the following:
 - (a) all applicable prices, charges and benefits to the customer (to the extent both are not otherwise part of prices), early termination payments and penalties, *security deposits*, service levels, ~~concessions or rebates~~, billing and payment arrangements and how any of these matters may be changed (including, where relevant, when changes to prices will be notified by the retailer to the customer);
 - (a1) if the small customer operates, or proposes to operate, a *small generator*, any conditions applicable to supply from the *small generator* into the distribution system and how these may be changed (including where relevant, when this will result in a change to prices, charges or benefits to the customer);
 - (b) the commencement date and duration of the contract, the availability of extensions, and the termination of the contract if the customer moves out during the term of the contract;
 - (c) if any requirement is to be or may be complied with by an electronic transaction—how the transaction is to operate and, as appropriate, an indication that the customer will be bound by the electronic transaction or will be recognised as having received the information contained in the electronic transaction;
 - (d) the rights that a customer has to withdraw from the contract during the *cooling off period*, including how to exercise those rights;
 - (e) the customer's right to complain to the retailer in respect of any energy marketing activity of the retail marketer conducted on behalf of the retailer

and, if the complaint is not satisfactorily resolved by the retailer, of the customer's right to complain to the energy ~~ombudsman~~-ombudsman;

- (f) all relevant government funded energy charge rebate, concession or relief schemes available in the jurisdiction of the small customer.
- (2) The required information, when given in a written disclosure statement, must include or be accompanied by a copy of the market retail contract.
- (3) The retail marketer must ask the small customer whether that small customer may be eligible for any rebate, concession or relief schemes identified in subrule (1)(f).
- (4) Subrule (3) does not apply where:
 - (a) the small customer is an existing customer of the retailer and the retailer is aware that the small customer is receiving and will continue to receive a rebate, concession or relief available under any rebate, concession or relief schemes identified in subrule (1)(f); or
 - (b) the retail marketer has asked the small customer whether that small customer may be eligible for any rebate, concession or relief schemes identified in subrule (1)(f) within the last 30 days.