

Indicative changes to the National Energy Retail Rules

Note:

This document shows indicative changes to the relevant parts of the National Energy Retail Rules (NERR) proposed to be made by the draft National Energy Retail Amendment (Real-time data for consumers) Rule 2025. The changes are shown in a modified version of the NERR that incorporates, where relevant, draft rules made by 11 September 2025 which take effect as of 1 July 2026. This modified version of parts of the NER is provided for information only and should not be used for any other purpose. The Australian Energy Market Commission does not guarantee the accuracy, reliability or completeness of this version of the NERR or the mark-up.

Part 1 Preliminary

Division 1 Introduction and definitions

1 Citation

These Rules may be cited as the *National Energy Retail Rules*.

2 Commencement

These Rules come into operation on [insert date on which the NERL is to commence in the first participating jurisdiction].

3 Definitions

Note—

Words and expressions used in these Rules have the same meanings as they have, from time to time, in *the Law* or relevant provisions of *the Law*, except so far as the contrary intention appears in these Rules. See clause 13 of Schedule 2 to the NGL (as applied by section 8 of *the Law*).

In these Rules—

...

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.

Part 2 Customer retail contracts

...

Division 7A Customer retail contracts - conditional fees

...

52A Restrictions on fees

- (1) Subject to subrule 59F(5), aA retailer must not charge the following customers any fees, other than fees that are network charges:
 - (a) hardship customers;
 - (b) residential customers who are not hardship customers but who are experiencing payment difficulties; and
 - (c) *affected customers*.
- (2) A retailer must not charge a small customer any of the following fees, other than fees that are network charges:
 - (a) fees for *meter* reads for the purposes of commencing or terminating a customer retail contract or a deemed customer retail arrangement;
 - (b) fees for de-energisation or re-energisation of the customer's premises;
 - (c) fees for establishing an account with the retailer upon entry into a customer retail contract;
 - (d) fees that exceed a reasonable estimate of the costs incurred, or likely to be incurred, by the retailer as a result of providing the customer the service to which the fee relates.
- (3) This rule applies in relation to standard retail contracts and market retail contracts.

52B Conditional fees

- (1) A retailer must not include a conditional fee in a customer retail contract with a small customer unless:
 - (a) the amount of the conditional fee does not exceed a reasonable estimate of the costs incurred, or likely to be incurred, by the retailer resulting from the customer's failure to satisfy the relevant payment condition; and
 - (b) where the customer's failure to satisfy a payment condition results in that customer being liable to pay more than one conditional fee, the aggregate amount of such conditional fees does not exceed a reasonable estimate of the costs incurred, or likely to be incurred, by the retailer resulting from the customer's failure to satisfy the payment condition.

Note

This subrule is classified as a tier 2 civil penalty provision under the National Energy Retail Regulations. (See clause 6 and Schedule 1 of the National Energy Retail Regulations.)

Division 9A

Retailer interruption to supply - electricity

...

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.

~~(4)(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.

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.