National Energy Retail Amendment (Real-time data for consumers) Rule 2025 No. 6

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 (Real-time data for consumers) Rule 2025 No. 6

1   Title of Rule

This Rule is the *National Energy Retail Amendment (Real-time data for consumers) Rule 2025 No. 6.*

2   Commencement

Schedule 1 of this Rule commences operation on 30 November 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

<div align="right">(Clause 3)</div>

[1] Rule 3   Definitions

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

> *embedded network* has the same meaning as in the NER.
>
> *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.
>
> *real-time data procedures* has the same meaning as in the NER.

[2] Rule 52A   Restrictions on fees

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

[3] Division 9B   Real-time Data

After rule 59C, insert:

Division 9B   Real-time Data

59D   Real-time data authorised recipients

(1)   A person, including a retailer or *metering coordinator*, must not facilitate or provide access to a small customer's *real-time data* for any person other than the small customer or 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)   Not withstanding subrules (1) and (2):

   (a)   AEMO is not required to obtain a small customer's consent to access that customer's *real-time data* where AEMO is accessing the *real-time data* solely for the purpose of fulfilling its accreditation functions under clause 7.4.5 of the NER; and

(b)   a distributor is not required to obtain a small customer's consent to access that customer's *real-time data* where the *real-time data* does not impact the customer's communications infrastructure.

(4)   A request for consent under subrule (2) must:

(a)   specify the service for which *real-time data* is to be used;

(b)   specify any charges that may be payable by the small customer to the *real-time data authorised recipient* for the service referred to in paragraph (a);

(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*.

(5)   A *real-time data authorised recipient* must only use *real-time data* in accordance with the terms of the small customer's consent and for the purposes of providing the service specified under subrule (4)(a).

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

(1)   A small customer (other than a small customer connected to an *embedded network*) or a *real-time data authorised recipient* may request that the small customer's retailer facilitate access to *real-time data* from the 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 30 November 2028; or

(ii)   already meets the minimum services specification in item (g) of table S7.5.1.1 of the NER; or

(b)   where the small customer's *meter*:

(i)   was installed prior to 30 November 2028; and

(ii)   does not meet the minimum services specification in item (g) of table S7.5.1.1 of the NER.

offer the small customer the choice of the following options to enable access to *real-time data*:

(iii)   replacing the *meter*:

(iv)   retrofitting the *meter*: where this is available; or

(v)   another lower cost option, where this is available.

(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 must verify the small customer's consent required under rule 59D.

(5)   A retailer must retain the record of the small customer's consent for a period of at least 2 years in a format and including such information to enable the retailer to answer enquiries from the small customer or the AER relating to the consent.

(6)   Subject to subrules (7) and (8), 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 any applicable *real-time data facilitation charge* under subrule (3) (whichever is later).

(7)   The timeframe in subrule (6) 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 small customer's consent under subrule (4); or

(d)   in other circumstances specified in the *real-time data procedures*.

(8)   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 *defect at the metering installation* has not been rectified following a request under rule 59AAA; or

(ii)   the *defect at the metering installation* cannot be rectified; or

      (b)   where the small customer or *real-time data authorised recipient* does not agree to pay any applicable *real-time data facilitation charge*; or

      (c)   in other circumstances as may be specified in the *real-time data procedures*.

(9)   A retailer must notify the small customer or *real-time data authorised recipient* within 15 business days of receiving a request under subrule (1) if:

      (a)   an extension of time applies under subrule (7); or

      (b)   the retailer is not required to facilitate *real-time data* access under subrule (8).

(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, 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* for a small customer within 3 business days of:

      (a)   receiving a request from the small customer requests for access to be revoked; or

      (b)   becoming aware that the *real-time data* is being accessed without the small customer's consent.

(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 standard retail contracts**

This rule applies in relation to standard retail contracts.

(15)   **Application of this rule to market retail contracts**

This rule applies in relation to 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 installments.

(4)   Where a small customer elects to pay a *real-time data facilitation charge* in installments and the small customer terminates its customer retail contract prior to payment of all installments, 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 standard retail contracts**

This rule applies in relation to standard retail contracts.

(7)   **Application of this rule to market retail contracts**

This rule applies in relation to market retail contracts.

<center>[END OF RULE AS MADE]</center>