

National Energy Retail Rules Version 5

Historical Information

This version of the National Energy Retail Rules was current from 1 March 2016 to 22 June 2016.

National Energy Retail Rules

Version 5

Status Information

This is the latest electronically available version of the National Energy Retail Rules as at 1 March 2016.

This consolidated version of the National Energy Retail Rules was last updated on 1 March 2016 as a result of the commencement of the following amendments:

Schedule 1 of the National Energy Retail Amendment (Customer access to information about their energy consumption) Rule 201 No. 2.

Application of the National Energy Customer Framework related Rule

On 27 June 2012, the South Australian Minister introduced the National Energy Retail Rules under section 238 of the National Energy Retail Law (NERL) set out in the Schedule to the National Energy Retail Law (South Australia) Act 2011. These Rules commenced operation as a law of Tasmania, the Australian Capital Territory and the Commonwealth on 1 July 2012; South Australia on 1 February 2013, New South Wales on 1 July 2013 and Queensland on 1 July 2015.

These Rules do not apply in Victoria, Western Australia or the Northern Territory until the NERL is implemented as a law in that jurisdiction.

These Rules can also be found on the Australian Energy Market Commission's website under the 'National Energy Retail Rules', 'Rules made by the SA Ministers' tabs.

Provisions in force

Subject to the above, all provisions displayed in this consolidated version of the Rules have commenced.

Schedules 1 and 2 of the National Energy Retail Amendment (Expanding competition in metering and related services) Rule 2015 No. 1 commences operation on 1 December 2017.

TABLE OF CONTENTS

Part 1	Preliminary.....	1
Division 1	Introduction and definitions	1
1	Citation.....	1
2	Commencement	1
3	Definitions.....	1
3A	Savings and Transitional Rules.....	3
Division 2	Consumption threshold matters	3
4	Business premises—separate application of upper and lower consumption thresholds	3
5	Business premises—aggregated application of upper consumption thresholds by agreement.....	4
Division 3	Classification of customers	5
6	Classification.....	5
7	Retailer initial classification of customers	5
8	Retailer reclassification of customers	5
9	Distributor initial classification of business customers	6
10	Distributor reclassification of business customers.....	6
11	Distributor classification and reclassification—requirements	7
Part 2	Customer retail contracts	8
Division 1	Standard retail contracts—terms and conditions generally	8
12	Model terms and conditions for standard retail contracts	8
13	Application of provisions of these Rules to standard retail contracts.....	8
Division 2	Market retail contracts—terms and conditions generally	8
14	Terms and conditions of market retail contracts	8
15	Application of provisions of these Rules to market retail contracts	8
Division 3	Customer retail contracts—pre-contractual procedures	9
16	Pre-contractual duty of retailers	9
17	Pre-contractual duty of distributors	9
18	Pre-contractual request to designated retailer for sale of energy (SRC).....	10
19	Responsibilities of designated retailer in response to request for sale of energy (SRC).....	11
Division 4	Customer retail contracts—billing	12
20	Basis for bills (SRC and MRC)	12

21	Estimation as basis for bills (SRC and MRC)	13
22	Proportionate billing (SRC and MRC)	14
23	Bill smoothing (SRC)	14
24	Frequency of bills (SRC)	15
25	Contents of bills (SRC and MRC)	15
26	Pay-by date (SRC)	17
27	Apportionment (SRC)	17
28	Historical billing information (SRC and MRC)	18
29	Billing disputes (SRC and MRC)	18
30	Undercharging (SRC and MRC)	20
31	Overcharging (SRC and MRC)	21
32	Payment methods (SRC and MRC)	22
33	Payment difficulties (SRC and MRC)	23
34	Shortened collection cycles (SRC and MRC)	24
35	Request for final bill (SRC)	26
Division 5	Tariff changes	26
36	Obligations on retailers (SRC)	26
37	Customer request for change of tariff (SRC)	27
38	Change in use (SRC)	27
Division 6	Customer retail contracts—security deposits	28
39	Consideration of credit history	28
40	Requirement for security deposit (SRC and MRC)	29
41	Payment of security deposit (SRC)	31
42	Amount of security deposit (SRC)	31
43	Interest on security deposit (SRC and MRC)	32
44	Use of security deposit (SRC)	32
45	Obligation to return security deposit (SRC)	33
Division 7	Market retail contracts—particular requirements	34
45A	Definitions	34
46	Tariffs and charges	34
46A	Explicit Informed Consent – Variation of tariffs, charges or benefits to the customer	35
47	Cooling off period and right of withdrawal—market retail contracts	35
48	Retailer notice of end of fixed term retail contract	36
49	Termination of market retail contract	37

49A	Early termination charges	37
50	Small customer complaints and dispute resolution information	38
51	Liabilities and immunities	39
52	Indemnities	39
Division 8	Deemed customer retail arrangements	39
53	Obligations of retailers	39
54	Formation of standard retail contract on incomplete request	40
Division 9	Other retailer obligations	40
55	Referral to interpreter services	40
56	Provision of information to customers	40
56A	Energy consumption information - supply of electricity only	41
56B	Historical billing and energy consumption information - supply of electricity only	41
57	Retailer obligations in relation to customer transfer	42
58	Notice to small customers on transfer	42
59	Notice to small customers where transfer delayed	42
Division 10	Energy marketing	43
Subdivision 1	Preliminary	43
60	Application of Division	43
Subdivision 2	Providing information to small customers	43
61	Overview of this Subdivision	43
62	Requirement for and timing of disclosure to small customers	43
63	Form of disclosure to small customers	43
64	Required information	44
Subdivision 3	Energy marketing activities	44
65	No contact lists	44
66	No canvassing or advertising signs	45
67	Duty of retailer to ensure compliance	45
68	Record keeping	45
Division 11	Miscellaneous	46
69	Compliance by small customer who is not owner of premises	46
70	Termination of standard retail contract (SRC)	46
Part 3	Customer hardship	48
71	Obligation of retailer to communicate customer hardship policy	48
72	Payment plans	48
73	Waiver of late payment fee for hardship customer	49
74	Payment by Centrepay (SRC and MRC)	49

75	Hardship program indicators.....	49
76	Waiver of debt for hardship customer.....	50
Part 4	Relationship between distributors and customers.....	51
Division 1	Preliminary	51
77	Application of this Part	51
78	Variation or exclusion of provisions of this Part by deemed AER approved standard connection contracts	51
Division 2	Customer connection services	51
79	Application for customer connection services	51
80	Provision of information to customers.....	52
Division 3	Deemed standard connection contracts	53
81	Model terms and conditions for deemed standard connection contracts	53
Division 4	Negotiated connection contracts	53
82	Small customer complaints and dispute resolution information.....	53
83	Liabilities and immunities.....	54
Division 5	Distributor obligations to customers	54
84	Distributor service standards and GSL schemes.....	54
85	Fault reporting and correction.....	54
86A	Provision of information - supply of electricity.....	54
86B	Provision of information - supply of gas	55
87	Referral to interpreter services	55
Division 6	Distributor interruption to supply	55
88	Definitions.....	55
89	Distributor's right to interrupt supply	56
90	Planned interruptions	56
91	Unplanned interruptions.....	57
Division 7	Miscellaneous.....	57
92	Compliance by small customer who is not owner of premises.....	57
Part 5	Relationship between distributors and retailers—retail support obligations.....	59
Division 1	Preliminary	59
93	Application of this Part	59
Division 2	Assistance and cooperation	59
94	Assistance and cooperation.....	59

Division 3	Information requirements	59
95	Information about applicable tariffs, connection related information and other information.....	59
96	Requirements for information.....	60
97	Distributor and retailer contact details	60
98	Contact details for customers	60
99	Information on planned interruptions	60
100	Information on unplanned interruptions	61
Division 4	Shared customer enquiries and complaints	61
101	Enquiries or complaints relating to the retailer	61
102	Enquiries or complaints relating to the distributor	62
Division 5	De-energisation and re-energisation of shared customer's premises.....	63
103	De-energisation of premises by the distributor	63
104	Notification of de-energisation	63
105	Liability for ongoing charges	63
106	Re-energisation	63
Part 6	De-energisation (or disconnection) of premises—small customers.....	64
Division 1	Preliminary	64
107	Application of this Part	64
108	Definitions.....	64
109	Reminder notices—retailers.....	65
110	Disconnection warning notices—retailers and distributors	65
Division 2	Retailer-initiated de-energisation of premises.....	66
111	De-energisation for not paying bill	66
112	De-energisation for not paying security deposit	68
113	De-energisation for denying access to meter	68
114	De-energisation for illegally using energy.....	69
115	De-energisation for non-notification by move-in or carry-over customers ..	69
116	When retailer must not arrange de-energisation	70
117	Timing of de-energisation where dual fuel contract	71
118	Request for de-energisation	72
Division 3	Distributor de-energisation of premises.....	72
119	Grounds for de-energisation.....	72

120	When distributor must not de-energise premises	74
Division 4	Re-energisation of premises	75
121	Obligation on retailer to arrange re-energisation of premises.....	75
122	Obligation on distributor to re-energise premises.....	75
Part 7	Life support equipment	77
123	Application of this Part	77
124	Retailer obligations	77
125	Distributor obligations	78
126	Registration details kept by distributor	79
Part 8	Prepayment meter systems	80
127	Definitions.....	80
128	Disclosure requirements at energy marketing stage	80
129	System requirements	81
130	Trial period.....	82
131	Operating instructions to be provided	83
132	Consumption information to be provided	84
133	Limitation on recovery of debt.....	84
134	Credit retrieval	85
135	System testing	85
136	Overcharging.....	86
137	Undercharging.....	87
138	Illegal energy use	88
139	Life support equipment	88
140	Customer enquiries and complaints	88
141	Payment difficulties and hardship	89
142	Payment towards prepayment meter system account	90
143	Tariffs and charges.....	90
144	Billing for other goods and services	91
145	Customer termination of contract or request for removal.....	92
146	Different retailer	92
147	Deemed customer retail arrangements	93
Part 9	Exempt selling regime.....	96
Division 1	Preliminary	96

148	Definitions.....	96
Division 2	AER power to exempt.....	96
149	Individual exemptions.....	96
150	Deemed exemptions	96
151	Registrable exemptions and registered exemptions	96
152	Conditions generally	97
153	Conditions for deemed exemptions and registered exemptions	97
Division 3	AER Exempt Selling Guidelines	98
154	AER Exempt Selling Guidelines	98
Division 4	Provisions relating to individual exemptions	99
155	Application for individual exemption or variation of individual exemption.....	99
156	Public notice and submissions	99
157	Deciding application	100
158	Conditions for individual exemptions.....	100
159	Form of energy to be specified	100
160	Notice of decision to grant application	101
161	Deemed refusal	101
162	Issue and public notice of individual exemption	101
163	Notice of refusal.....	102
Division 5	Public Register of Authorised Retailers and Exempt Sellers.....	102
164	Public Register of Authorised Retailers and Exempt Sellers.....	102
Part 10	Retail market performance reports.....	103
165	Purpose of this Part	103
166	Contents of retail market performance report—retail market overview.....	103
167	Contents of retail market performance report—retail market activities report.....	103
Part 11	Customer retail contracts—electricity consumption benchmarks	105
168	Purpose of this Part	105
169	AER administration of electricity consumption benchmarks	105
170	Retailer obligations—electricity consumption benchmarks	106
171	Distributor obligations—electricity consumption information.....	106
Part 12	National energy retail consultation.....	107
172	Customer Consultative Group	107

173	Retail consultation procedure	107
Schedule 1	Model terms and conditions for standard retail contracts	109
Schedule 2	Model terms and conditions for deemed standard connection contracts	125
Schedule 3	Savings and Transitional Rules	141
Part 1	Transitional Rules—NSW gas distributors	141
Division 1	Application and definitions	141
1	Application.....	141
2	Definitions.....	141
Division 2	Interim deemed standard connection contract	142
3	Required Alterations	142
4	Inconsistency with access arrangements and reference services agreements	142
5	Retailer interface	143
Division 3	Deemed and existing contractual arrangements with customers and NSW gas distributors	143
6	Formation of interim deemed standard connection connect contracts on start date	143
7	Existing contracts with large customers	143
Division 4	Transitional arrangements after the expiry date	144
8	Deemed standard connection contract to replace interim contract	144
Part 2	Transitional Rules —ACT gas distributor	144
Division 1	Application and definitions	144
1	Application.....	144
2	Definitions.....	144
Division 2	Interim deemed standard connection contract	145
3	Required Alterations	145
4	Retailer interface	145
Division 3	Deemed and existing contractual arrangements with customers and ACT gas distributors	146
5	Formation of interim deemed standard connection connect contracts on start date	146
6	Existing contracts with large customers	146
Division 4	Transitional arrangements after the expiry date	146
7	Deemed standard connection contract to replace interim contract	146

Part 3	Billing-related transitional rules.....	146
1	Definitions.....	146
2	Bill smoothing arrangement (Rule 23 NERR).....	147
3	Bill frequency (Rule 24)	147
4	Undercharging (Rule 30)	147
5	Overcharging (Rule 31 NERR).....	148
6	Payment methods (Rule 32 NERR)	148
7	Shortened collection cycles (Rule 34 NERR).....	148
8	Enforcement of payment.....	149
Part 4	Miscellaneous transitional rules—initial NERR	149
1	Definitions.....	149
2	Life support arrangements	149
3	Classification of customers	150
4	Existing aggregation arrangements (Rule 5 NERR)	150
5	Energy consumption benchmarks	150
6	Electricity consumption benchmarks not to apply in NSW.....	150
7	Interim bill benchmarks where legacy billing arrangements	150
8	Application of start and end meter reads on small customer bills	151
Part 5	Rules consequential on the making of National Energy Retail Amendment (Customer access to information about their consumption) Rule 2014	151
1	Definitions.....	151
2	Variation date	151
3	Effective date	151
Part 6	Rules consequential on the making of the National Energy Retail Amendment (Expanding competition in metering and related services) Rule 2015.....	152
1	Definitions.....	152
2	Variation Date	152