

National Energy Retail Rules

Version 8

Status Information

This is the latest electronically available version of the National Energy Retail Rules as at 3 August 2017.

This consolidated version of the National Energy Retail Rules was last updated on 3 August 2017 as a result of the commencement of the following amendments:

Schedule 1 of the National Energy Retail Amendment (Improving the accuracy of customer transfers) Rule 2017 No. 1

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

All provisions displayed in this consolidated version of the Rules have commenced. As at the date of this consolidation the Australian Energy Market Commission has made the following Rules under the National Energy Retail Law that have not yet 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)..... 32

43 Interest on security deposit (SRC and MRC) 32

44 Use of security deposit (SRC)..... 33

45 Obligation to return security deposit (SRC) 34

Division 7 Market retail contracts—particular requirements..... 34

45A Definitions..... 34

46 Tariffs and charges..... 35

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 38

50 Small customer complaints and dispute resolution information..... 39

51 Liabilities and immunities..... 39

52 Indemnities..... 39

Division 8 Deemed customer retail arrangements 40

53 Obligations of retailers..... 40

54 Formation of standard retail contract on incomplete request..... 40

55 Referral to interpreter services..... 41

56 Provision of information to customers..... 41

56A Energy consumption information - supply of electricity only 41

56B Historical billing and energy consumption information - supply of electricity only 42

57 Retailer obligations in relation to customer transfer..... 42

57A Retailer obligations in relation to correction of transfers without consent .. 43

58 Notice to small customers on transfer..... 45

59 Notice to small customers where transfer delayed 45

Division 10 Energy marketing 45

Subdivision 1 Preliminary 45

60 Application of Division..... 45

Subdivision 2 Providing information to small customers 45

61 Overview of this Subdivision..... 45

62 Requirement for and timing of disclosure to small customers 46

63 Form of disclosure to small customers 46

64 Required information 46

Subdivision 3 Energy marketing activities 47

65 No contact lists..... 47

66 No canvassing or advertising signs..... 47

67 Duty of retailer to ensure compliance 47

68 Record keeping 48

Division 11 Miscellaneous..... 48

69 Compliance by small customer who is not owner of premises..... 48

70 Termination of standard retail contract (SRC)..... 48

Part 3 Customer hardship 51

71 Obligation of retailer to communicate customer hardship policy..... 51

72 Payment plans 51

73 Waiver of late payment fee for hardship customer 52

74 Payment by Centrepay (SRC and MRC) 52

75 Hardship program indicators..... 52

76 Waiver of debt for hardship customer 53

Part 4 Relationship between distributors and customers..... 54

Division 1 Preliminary 54

77 Application of this Part 54

78 Variation or exclusion of provisions of this Part by deemed AER approved standard connection contracts 54

Division 2 Customer connection services..... 54

79 Application for customer connection services 54

80 Provision of information to customers..... 55

Division 3 Deemed standard connection contracts 56

81 Model terms and conditions for deemed standard connection contracts 56

Division 4 Negotiated connection contracts 56

82 Small customer complaints and dispute resolution information..... 56

83 Liabilities and immunities..... 57

Division 5 Distributor obligations to customers..... 57

84 Distributor service standards and GSL schemes..... 57

85 Fault reporting and correction..... 57

86A Provision of information - supply of electricity..... 57

86B Provision of information - supply of gas 58

87 Referral to interpreter services 58

Division 6 Distributor interruption to supply 58

88 Definitions..... 58

89 Distributor’s right to interrupt supply 59

90 Planned interruptions 59

91 Unplanned interruptions..... 60

Division 7 Miscellaneous..... 60

92 Compliance by small customer who is not owner of premises..... 60

**Part 5 Relationship between distributors and
retailers—retail support obligations 62**

Division 1 Preliminary 62

93 Application of this Part 62

Division 2 Assistance and cooperation 62

94 Assistance and cooperation..... 62

Division 3 Information requirements..... 62

95 Information about applicable tariffs, connection related information and other information 62

96 Requirements for information..... 63

97 Distributor and retailer contact details..... 63

98 Contact details for customers..... 63

99 Information on planned interruptions 63

100 Information on unplanned interruptions 64

Division 4 Shared customer enquiries and complaints..... 64

101 Enquiries or complaints relating to the retailer..... 64

102 Enquiries or complaints relating to the distributor 65

Division 5 De-energisation and re-energisation of shared customer’s premises 66

103 De-energisation of premises by the distributor 66

104 Notification of de-energisation 66

105 Liability for ongoing charges..... 66

106 Re-energisation 66

Part 6 De-energisation (or disconnection) of premises—small customers 67

Division 1 Preliminary 67

107 Application of this Part 67

108 Definitions..... 67

109 Reminder notices—retailers..... 68

110 Disconnection warning notices—retailers and distributors 68

Division 2 Retailer-initiated de-energisation of premises..... 69

111 De-energisation for not paying bill 69

112 De-energisation for not paying security deposit 71

113 De-energisation for denying access to meter 71

114 De-energisation for illegally using energy..... 72

115 De-energisation for non-notification by move-in or carry-over customers . 72

116 When retailer must not arrange de-energisation 73

117 Timing of de-energisation where dual fuel contract 74

118 Request for de-energisation 75

Division 3 Distributor de-energisation of premises..... 75

119 Grounds for de-energisation 75

120	When distributor must not de-energise premises.....	77
Division 4	Re-energisation of premises	78
121	Obligation on retailer to arrange re-energisation of premises	78
122	Obligation on distributor to re-energise premises.....	78
Part 7	Life support equipment	80
123	Application of this Part	80
124	Retailer obligations	80
125	Distributor obligations	81
126	Registration details kept by distributor	82
Part 8	Prepayment meter systems	83
127	Definitions.....	83
128	Disclosure requirements at energy marketing stage	83
129	System requirements	84
130	Trial period.....	85
131	Operating instructions to be provided.....	86
132	Consumption information to be provided	87
133	Limitation on recovery of debt	87
134	Credit retrieval	88
135	System testing	88
136	Overcharging.....	89
137	Undercharging.....	90
138	Illegal energy use	91
139	Life support equipment	91
140	Customer enquiries and complaints	91
141	Payment difficulties and hardship.....	92
142	Payment towards prepayment meter system account	93
143	Tariffs and charges.....	93
144	Billing for other goods and services	94
145	Customer termination of contract or request for removal.....	95
146	Different retailer.....	95
147	Deemed customer retail arrangements.....	96
Part 9	Exempt selling regime	99
Division 1	Preliminary	99

148 Definitions..... 99

Division 2 AER power to exempt..... 99

149 Individual exemptions..... 99

150 Deemed exemptions..... 99

151 Registrable exemptions and registered exemptions..... 99

152 Conditions generally 100

153 Conditions for deemed exemptions and registered exemptions 100

Division 3 AER Exempt Selling Guidelines 101

154 AER Exempt Selling Guidelines 101

Division 4 Provisions relating to individual exemptions 102

155 Application for individual exemption or variation of individual exemption102

156 Public notice and submissions 102

157 Deciding application 103

158 Conditions for individual exemptions..... 103

159 Form of energy to be specified 103

160 Notice of decision to grant application 104

161 Deemed refusal 104

162 Issue and public notice of individual exemption 104

163 Notice of refusal..... 105

Division 5 Public Register of Authorised Retailers and Exempt Sellers..... 105

164 Public Register of Authorised Retailers and Exempt Sellers..... 105

Part 10 Retail market performance reports 106

165 Purpose of this Part 106

166 Contents of retail market performance report—retail market overview... 106

167 Contents of retail market performance report—retail market activities report106

Part 11 Customer retail contracts—electricity consumption benchmarks 108

168 Purpose of this Part 108

169 AER administration of electricity consumption benchmarks 108

170 Retailer obligations—electricity consumption benchmarks 109

171 Distributor obligations—electricity consumption information..... 109

Part 12 National energy retail consultation 110

172 Customer Consultative Group..... 110

173 Retail consultation procedure 110

Schedule 1 Model terms and conditions for standard retail contracts..... 112

Schedule 2 Model terms and conditions for deemed standard connection contracts 128

Schedule 3 Savings and Transitional Rules 144

Part 1 Transitional Rules—NSW gas distributors 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 Inconsistency with access arrangements and reference services agreements 145

5 Retailer interface 146

Division 3 Deemed and existing contractual arrangements with customers and NSW gas distributors 146

6 Formation of interim deemed standard connection connect contracts on start date..... 146

7 Existing contracts with large customers 146

Division 4 Transitional arrangements after the expiry date 147

8 Deemed standard connection contract to replace interim contract 147

Part 2 Transitional Rules —ACT gas distributor 147

Division 1 Application and definitions 147

1 Application..... 147

2 Definitions..... 147

Division 2 Interim deemed standard connection contract 148

3 Required Alterations 148

4 Retailer interface 148

Division 3 Deemed and existing contractual arrangements with customers and ACT gas distributors..... 149

5 Formation of interim deemed standard connection connect contracts on start date..... 149

6 Existing contracts with large customers 149

Division 4 Transitional arrangements after the expiry date 149

7 Deemed standard connection contract to replace interim contract 149

Part 3 Billing-related transitional rules..... 149

1 Definitions..... 149

2 Bill smoothing arrangement (Rule 23 NERR)..... 150

3 Bill frequency (Rule 24) 150

4 Undercharging (Rule 30) 150

5 Overcharging (Rule 31 NERR)..... 151

6 Payment methods (Rule 32 NERR) 151

7 Shortened collection cycles (Rule 34 NERR)..... 151

8 Enforcement of payment..... 152

Part 4 Miscellaneous transitional rules—initial NERR..... 152

1 Definitions..... 152

2 Life support arrangements 152

3 Classification of customers 153

4 Existing aggregation arrangements (Rule 5 NERR)..... 153

5 Energy consumption benchmarks 153

6 Electricity consumption benchmarks not to apply in NSW..... 153

7 Interim bill benchmarks where legacy billing arrangements..... 153

8 Application of start and end meter reads on small customer bills 154

Part 5 Rules consequential on the making of National Energy Retail Amendment (Customer access to information about their consumption) Rule 2014 154

1 Definitions..... 154

2 Variation date..... 154

3 Effective date 154

Part 6 Rules consequential on the making of the National Energy Retail Amendment (Expanding competition in metering and related services) Rule 2015..... 155

1 Definitions..... 155

2 Variation Date..... 155

Part 7 Rules consequential on the making of the National Energy Retail Amendment (Improving the accuracy of customer transfers) Rule 2017 155

1 Definitions..... 155

2 Retail Market Procedures..... 155