



## **Draft National Energy Retail Amendment (Minor changes 2) Rule 2021**

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 (Queensland) Act 2014 of Queensland;
- (e) the National Energy Retail Law (Tasmania) Act 2012 of Tasmania; and
- (f) the Australian Energy Market Act 2004 of the Commonwealth.

The Australian Energy Market Commission makes the following Rule under the National Energy Retail Law.

Anna Collyer  
Chairperson  
Australian Energy Market Commission

## **Draft National Energy Retail Amendment (Minor changes 2) Rule 2021**

### **1 Title of Rule**

This Rule is the *Draft National Energy Retail Amendment (Minor changes 2) Rule 2021*.

### **2 Commencement**

Schedule 1 of this rule commences operation on [27 May 2021].

Schedule 2 of this rule commences operation on 1 August 2021, immediately after the commencement of Schedule 1 of the *National Energy Retail Amendment (Maintaining life support customer registration when switching) Rule 2021 No. 1*.

### **3 Amendment to the National Energy Retail Rules**

The National Energy Retail Rules are amended as set out in Schedule 1.

### **4 Amendment to the National Energy Retail Rules**

The National Energy Retail Rules are amended as set out in Schedule 2.

**Schedule 1            Amendment to the National Energy Retail Rules**

(Clause 3)

**[1] Rule 16                    Pre-contractual duty of retailers**

At the end of subrule 16(2)(b), omit the existing "Note" in its entirety and substitute:

**Note**

This paragraph 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.)

**[2] Rule 31                    Overcharging (SRC and MRC)**

At the end of the subrule 31(2), omit the existing second "Note" in its entirety and substitute:

**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.)

**[3] Rule 46                    Tariffs and charges**

At the end of subrule 46(4A), omit the existing second "Note" in its entirety and substitute:

**Note**

This subrule is classified as a tier 3 civil penalty provision under the National Energy Retail Regulations. (See clause 6 and Schedule 1 of the National Energy Retail Regulations.)

**[4] Various rules            Tier 1 civil penalty notes**

At the end of the rules listed in the following table, omit the existing "Note" in its entirety and substitute:

**Note**

This rule 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.)

51
52
71
72
73
74
83
85

90
106
122
124
124A
125
126
140
141
142

**[5] Various subrules Tier 1 civil penalty notes**

At the end of the subrules listed in the following table, omit the existing second "Note" in its entirety and substitute:

**Note**

This subrule 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.)

59C(5)
75B(1)

**[6] Various subrules Tier 1 civil penalty notes**

At the end of the subrules listed in the following table, omit the existing "Note" in its entirety and substitute:

**Note**

This subrule 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.)

5(5)
59C(2)
59C(3)
59C(4)
75B(2)
106A(1)
106A(2)
106A(3)
106A(4)
106A(5)

106A(6)
107(2)
107(3)
121(1)
124B(1)
124B(2)
128(1)
129(1)
130(3)
130(4)
131(1)
133(1)
139(2)
144(1)
145(1)
146(1)
147(5)
147(6)

**[7] Various subrules Tier 1 civil penalty notes**

At the end of the subrules listed in the following table, omit the existing "Note" in its entirety and substitute:

**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.)

19(2)(a)
19(2)(b)
91(c)

**[8] Various rules Tier 2 civil penalty notes**

At the end of the rules listed in the following table, omit the existing "Note" in its entirety and substitute:

**Note**

This rule 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.)

50
55
56
80
82

**[9] Various subrules Tier 2 civil penalty notes**

At the end of the subrules listed in the following table, insert the following note:

**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.)

46C(1)
48A(1)
52B(1)

**[10] Various subrules Tier 2 civil penalty notes**

At the end of the subrules listed in the following table, omit the existing "Note" in its entirety and substitute:

**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.)

17(2)
21(1)
21(2)
21(3B)
21(3D)
21(3G)
21(4)
24(1)
29(1)
29(7)
30(2)
31(1)
31(3)
32(1)
32(4)

33(3)
34(2)
34(3)
40(1)
40(2)
40(3)
40(6)
40(7)
42(1)
43(1)
44(1)
44(2)
44(3)
45(1)
45(2)
46(4)
46B(1)
46B(2)
47(5)
47(6)
48(2)
59A(1)
59A(2)
59A(3)
59A(7)
70(4)
135(1)
135(3)
136(2)
136(3)
137(2)
137(3)
147(7)

### [11] Various subrules Tier 3 civil penalty notes

At the end of the rules listed in the following table, insert:

**Note**

This rule is classified as a tier 3 civil penalty provision under the National Energy Retail Regulations. (See clause 6 and Schedule 1 of the National Energy Retail Regulations.)

56A
86A
86B

### [12] Various subrules Tier 3 civil penalty notes

At the end of the subrules listed in the following table, omit the existing "Note" in its entirety and substitute:

**Note**

This subrule is classified as a tier 3 civil penalty provision under the National Energy Retail Regulations. (See clause 6 and Schedule 1 of the National Energy Retail Regulations.)

25(1)
25(2)
28(1)
28(2)
99(4)
99A(3)
100(3)
132(1)



**Schedule 2      Amendment to the National Energy Retail  
Rules**

(Clause 4)

**[1] Rule 124B      Ongoing retailer and distributor  
obligations**

In subrule 124B(2A), omit "subrule (1B)" and substitute "subrule (2B)".