

National Energy Retail Rules Version 24

Historical Information

This version of the National Energy Retail Rules was current from 21 August 2020 to 3 March 2021.

National Energy Retail Rules

Version 24

Status Information

This is the latest electronically available version of the National Energy Retail Rules as at 21 August 2020.

This consolidated version of the National Energy Retail Rules was last updated on 21 August 2020 as a result of the commencement of the following amendments:

Schedule 2 of the National Energy Retail Amendment (Introduction of metering coordinator planned interruptions) Rule 2020 No. 3

National Energy Retail Amendment (Minor changes 2) Rule 2020 No. 4

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.

TABLE OF CONTENTS

Part 1 Preliminary1

Division 1 Introduction and definitions1

1 Citation1

2 Commencement1

3 Definitions1

3A Savings and Transitional Rules4

Division 2 Consumption threshold matters4

4 Business premises—separate application of upper and lower consumption thresholds4

5 Business premises—aggregated application of upper consumption thresholds by agreement4

Division 3 Classification of customers.....5

6 Classification5

7 Retailer initial classification of customers5

8 Retailer reclassification of customers6

9 Distributor initial classification of business customers6

10 Distributor reclassification of business customers6

11 Distributor classification and reclassification—requirements7

Part 2 Customer retail contracts9

Division 1 Standard retail contracts—terms and conditions generally9

12 Model terms and conditions for standard retail contracts9

13 Application of provisions of these Rules to standard retail contracts9

Division 2 Market retail contracts—terms and conditions generally9

14 Terms and conditions of market retail contracts9

15 Application of provisions of these Rules to market retail contracts9

Division 3 Customer retail contracts—pre-contractual procedures10

16 Pre-contractual duty of retailers10

17 Pre-contractual duty of distributors10

18 Pre-contractual request to designated retailer for sale of energy (SRC)11

19 Responsibilities of designated retailer in response to request for sale of energy (SRC)12

Division 4 Customer retail contracts—billing13

20 Basis for bills (SRC and MRC)13

21 Estimation as basis for bills (SRC and MRC)13

22 Proportionate billing (SRC and MRC)17

23 Bill smoothing (SRC)17

24 Frequency of bills (SRC)18

25 Contents of bills (SRC and MRC)18

26 Pay-by date (SRC)19

27 Apportionment (SRC).....20

28 Historical billing information (SRC and MRC)20

29 Billing disputes (SRC and MRC)20

30 Undercharging (SRC and MRC)22

31 Overcharging (SRC and MRC)23

32 Payment methods (SRC and MRC)24

33 Payment difficulties (SRC and MRC)25

34 Shortened collection cycles (SRC and MRC)25

35 Request for final bill (SRC)27

Division 5 Tariff changes.....27

36 Obligations on retailers (SRC).....27

37 Customer request for change of tariff (SRC).....27

38 Change in use (SRC)28

Division 6 Customer retail contracts—security deposits29

39 Consideration of credit history29

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 requirements34

45A Definitions34

46 Tariffs and charges36

46A Explicit Informed Consent – Variation of tariffs, charges or benefits to the customer.....37

46B Energy rates – discounting practices37

46C Conditional discounts39

47 Cooling off period and right of withdrawal—market retail contracts40

48 Retailer notice of end of fixed term retail contract.....40

48A Retailer notice of benefit change - market retail contracts41

48B Benefit change notice guidelines42

49 Termination of market retail contract43

49A Early termination charges44

50 Small customer complaints and dispute resolution information.....44

51 Liabilities and immunities45

52 Indemnities45

Division 7A Customer retail contracts - conditional fees.....45

52A Definitions45

52B Conditional fees45

Division 8 Deemed customer retail arrangements46

53 Obligations of retailers46

54 Formation of standard retail contract on incomplete request46

Division 9 Other retailer obligations47

55 Referral to interpreter services.....47

56 Provision of information to customers47

56A Energy consumption information - supply of electricity only47

56B Historical billing and energy consumption information - supply of electricity only48

56C Information on timeframes for installing electricity meters (SRC and MRC) .48

57 Retailer obligations in relation to customer transfer.....49

57A Retailer obligations in relation to correction of transfers without consent...49

58 Notice to small customers on transfer51

59 Notice to small customers where transfer delayed51

59A Notice to small customers on deployment of new electricity meters (SRC and MRC)51

Division 9A Retailer interruption to supply - electricity.....53

59B Definitions53

59C Retailer interruption to supply – electricity (SRC and MRC)54

Division 10 Energy marketing55

Subdivision 1 Preliminary.....55

60 Application of Division55

Subdivision 2 Providing information to small customers55

61 Overview of this Subdivision55

62 Requirement for and timing of disclosure to small customers56

63 Form of disclosure to small customers56

64 Required information.....56

Subdivision 3 Energy marketing activities57

65 No contact lists57

66 No canvassing or advertising signs.....57

67 Duty of retailer to ensure compliance.....57

68 Record keeping57

Division 11 Miscellaneous58

69 Compliance by small customer who is not owner of premises58

70 Termination of standard retail contract (SRC)58

Part 3 Customer hardship.....61

70A Definitions61

71 Obligation of retailer to communicate customer hardship policy.....61

72 Payment plans61

73 Waiver of late payment fee for hardship customer.....62

74 Payment by Centrepay (SRC and MRC)62

75 Hardship program indicators63

75A Customer hardship policy guideline63

75B Customer hardship policies.....63

76 Waiver of debt for hardship customer64

Part 4 Relationship between distributors and customers65

Division 1 Preliminary.....65

77 Application of this Part.....65

78 Variation or exclusion of provisions of this Part by deemed AER approved standard connection contracts.....65

Division 2 Customer connection services.....65

79 Application for customer connection services.....65

80 Provision of information to customers66

Division 3 Deemed standard connection contracts67

81 Model terms and conditions for deemed standard connection contracts.....67

Division 4 Negotiated connection contracts.....67

82 Small customer complaints and dispute resolution information.....67

83 Liabilities and immunities67

Division 5 Distributor obligations to customers.....68

84 Distributor service standards and GSL schemes68

85	Fault reporting and correction	68
86A	Provision of information - supply of electricity	68
86B	Provision of information - supply of gas	68
87	Referral to interpreter services.....	69
Division 6	Distributor interruption to supply	69
88	Definitions	69
89	Distributor's right to interrupt supply	70
90	Distributor planned interruptions.....	70
91	Unplanned interruptions	71
91A	Metering coordinator and distributor to assist and cooperate - electricity ...	71
Division 7	Miscellaneous	72
92	Compliance by small customer who is not owner of premises	72
Part 5	Relationship between distributors and retailers— retail support obligations.....	73
Division 1	Preliminary.....	73
93	Application of this Part.....	73
Division 2	Assistance and cooperation.....	73
94	Assistance and cooperation.....	73
Division 3	Information requirements.....	73
95	Information about applicable tariffs, connection related information and other information	73
96	Requirements for information.....	74
97	Distributor and retailer contact details.....	74
98	Contact details for customers.....	74
99	Information on distributor planned interruptions	74
99A	Information on retailer planned interruptions – electricity	75
100	Information on unplanned interruptions	75
Division 4	Shared customer enquiries and complaints	76
101	Enquiries or complaints relating to the retailer.....	76
102	Enquiries or complaints relating to the distributor	76
Division 5	De-energisation and re-energisation of shared customer's premises	77
103	De-energisation of premises by the distributor.....	77
104	Notification of de-energisation	77
105	Liability for ongoing charges.....	77

106	Re-energisation - gas	78
106A	Re-energisation - electricity	78
Part 6	De-energisation (or disconnection) of premises—small customers	81
Division 1	Preliminary	81
107	Application of this Part	81
108	Definitions	81
109	Reminder notices—retailers	82
110	Disconnection warning notices—retailers and distributors	82
Division 2	Retailer-initiated de-energisation of premises	83
111	De-energisation for not paying bill	83
112	De-energisation for not paying security deposit	84
113	De-energisation for denying access to meter	85
114	De-energisation for illegally using energy	86
115	De-energisation for non-notification by move-in or carry-over customers	86
116	When retailer must not arrange de-energisation	86
117	Timing of de-energisation where dual fuel market contract	88
118	Request for de-energisation	88
Division 3	Distributor de-energisation of premises	88
119	Grounds for de-energisation	88
120	When distributor must not de-energise premises	90
Division 4	Re-energisation of premises	91
121	Obligation on retailer to arrange re-energisation of premises	91
122	Obligation on distributor to re-energise premises	91
Part 7	Life support equipment	93
123	Application of this Part	93
123A	Definitions	93
124	Registration of life support equipment	93
124A	Confirmation of premises as requiring life support equipment	96
124B	Ongoing retailer and distributor obligations	97
125	Deregistration of premises	99
126	Registration and deregistration details must be kept by retailers and distributors	102

Part 8 Prepayment meter systems.....105

127 Definitions 105

128 Disclosure requirements at energy marketing stage 105

129 System requirements..... 106

130 Trial period 107

131 Operating instructions to be provided..... 108

132 Consumption information to be provided..... 108

133 Limitation on recovery of debt 109

134 Credit retrieval 109

135 System testing..... 109

136 Overcharging 110

137 Undercharging 111

138 Illegal energy use 112

139 Life support equipment..... 112

140 Customer enquiries and complaints 112

141 Payment difficulties and hardship 112

142 Payment towards prepayment meter system account 113

143 Tariffs and charges 114

144 Billing for other goods and services 115

145 Customer termination of contract or request for removal..... 115

146 Different retailer 116

147 Deemed customer retail arrangements..... 116

Part 9 Exempt selling regime.....119

Division 1 Preliminary.....119

148 Definitions 119

Division 2 AER power to exempt119

149 Individual exemptions 119

150 Deemed exemptions..... 119

151 Registrable exemptions and registered exemptions..... 119

152 Conditions generally 120

153 Conditions for deemed exemptions and registered exemptions 120

Division 3 AER Exempt Selling Guidelines.....121

154 AER Exempt Selling Guidelines 121

Division 4 Provisions relating to individual exemptions121

155	Application for individual exemption or variation of individual exemption	121
156	Public notice and submissions	122
157	Deciding application	122
158	Conditions for individual exemptions	122
159	Form of energy to be specified	123
160	Notice of decision to grant application	123
161	Deemed refusal	123
162	Issue and public notice of individual exemption	124
163	Notice of refusal	124
Division 5	Public Register of Authorised Retailers and Exempt Sellers	124
164	Public Register of Authorised Retailers and Exempt Sellers	124
Part 10	Retail market performance reports.....	127
165	Purpose of this Part.....	127
166	Contents of retail market performance report—retail market overview.....	127
167	Contents of retail market performance report—retail market activities report	127
Part 11	Customer retail contracts—electricity consumption benchmarks.....	129
168	Purpose of this Part.....	129
169	AER administration of electricity consumption benchmarks	129
170	Retailer obligations—electricity consumption benchmarks	129
171	Distributor obligations—electricity consumption information	130
Part 12	National energy retail consultation.....	131
172	Customer Consultative Group	131
173	Retail consultation procedure	131
Schedule 1	Model terms and conditions for standard retail contracts	133
Schedule 2	Model terms and conditions for deemed standard connection contracts.....	151
Schedule 3	Savings and Transitional Rules.....	167
Part 1	Transitional Rules—NSW gas distributors.....	167
Division 1	Application and definitions.....	167

1 Application167

2 Definitions167

Division 2 Interim deemed standard connection contract168

3 Required Alterations168

4 Inconsistency with access arrangements and reference services agreements.168

5 Retailer interface.....168

Division 3 Deemed and existing contractual arrangements with customers and NSW gas distributors169

6 Formation of interim deemed standard connection connect contracts on start date.....169

7 Existing contracts with large customers169

Division 4 Transitional arrangements after the expiry date.....169

8 Deemed standard connection contract to replace interim contract169

Part 2 Transitional Rules —ACT gas distributor170

Division 1 Application and definitions170

1 Application170

2 Definitions170

Division 2 Interim deemed standard connection contract170

3 Required Alterations170

4 Retailer interface.....171

Division 3 Deemed and existing contractual arrangements with customers and ACT gas distributors.....171

5 Formation of interim deemed standard connection connect contracts on start date.....171

6 Existing contracts with large customers171

Division 4 Transitional arrangements after the expiry date.....172

7 Deemed standard connection contract to replace interim contract172

Part 3 Billing-related transitional rules172

1 Definitions172

2 Bill smoothing arrangement (Rule 23 NERR).....172

3 Bill frequency (Rule 24)173

4 Undercharging (Rule 30)173

5 Overcharging (Rule 31 NERR)173

6 Payment methods (Rule 32 NERR)174

7 Shortened collection cycles (Rule 34 NERR)174

8 Enforcement of payment.....174

Part 4 **Miscellaneous transitional rules—initial NERR.....174**

1 Definitions174

2 Life support arrangements175

3 Classification of customers175

4 Existing aggregation arrangements (Rule 5 NERR).....175

5 Energy consumption benchmarks175

6 Electricity consumption benchmarks not to apply in NSW.....175

7 Interim bill benchmarks where legacy billing arrangements.....175

8 Application of start and end meter reads on small customer bills176

Part 5 **Rules consequential on the making of National Energy Retail
Amendment (Customer access to information about their
consumption) Rule 2014.....176**

1 Definitions176

2 Variation date.....176

3 Effective date177

Part 6 **Rules consequential on the making of the National Energy
Retail Amendment (Expanding competition in metering and
related services) Rule 2015.....177**

1 Definitions177

2 Variation Date.....177

Part 7 **Rules consequential on the making of the National Energy
Retail Amendment (Improving the accuracy of customer
transfers) Rule 2017.....177**

1 Definitions177

2 Retail Market Procedures177

Part 8 **Rules consequential on the making of the National Energy
Retail Amendment (Notification of end of fixed benefit period)
Rule 2017178**

1 Definitions178

2 Benefit change notice guidelines178

3 Benefit change notice requirements.....178

Part 9 **Rules consequential on the making of the National Energy
Retail Amendment (Strengthening protections for customers
requiring life support equipment) Rule 2017.....178**

1 Definitions178

2 Application of Part 7 of Rules during the transition period.....180

3 Application of new Part 7 of Rules to existing life support customers180

4 Variation date.....182

Part 10 Rules consequential on the making of the National Energy Retail Amendment (Advance notice of price changes) Rule 2018.....182

1 Definitions182

2 Variation date.....182

Part 11 Rules consequential on the making of the National Energy Retail Amendment (Strengthening protections for customers in hardship) Rule 2018.....182

1 Definitions182

2 The first customer hardship policy guideline183

3 Application of new rules 75A and 75B to customer hardship policies183

4 AER approval of updated customer hardship policy183

Part 12 Rules consequential on the making of Schedule 2 of the National Energy Retail Amendment (Metering installation timeframes) Rule 2018.....183

1 Definitions183

2 Variation date.....184

Part 12A Rules consequential on the making of the National Energy Retail Amendment (Reducing customers' switching times) Rule 2019184

1 Definitions184

2 Variation date.....184

Part 12B Rules consequential on the making of the National Energy Retail Amendment (Regulating conditional discounting) Rule 2020 No. 1184

1 Definitions184

2 Existing contracts with small customers.....184

Part 13 Rules consequential on the making of Schedule 2 of the National Energy Retail Amendment (Minor changes) Rule 2019.....185

1 Definitions185

2 Variation date.....185

Part 14 Rules consequential on the making of the National Energy Retail Amendment (Introduction of metering coordinator planned interruptions) Rule 2020.....185

1 Definitions185

2 Variation date.....185