



Draft National Energy Retail Amendment (Unlocking CER benefits through flexible trading) Rule 2024

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

Draft National Energy Retail Amendment (Unlocking CER benefits through flexible trading) Rule 2024

1 Title of Rule

This Rule is the *Draft National Energy Retail Amendment (Unlocking CER benefits through flexible trading) Rule 2024*.

2 Commencement

Schedule 1 of this Rule commences operation on [2 February 2026].

Schedule 2 of this Rule commences operation on [29 August 2024].

3 Amendment to the National Energy Retail Rules

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

4 Savings and Transitional 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 3 Definitions

In rule 3, in paragraph (a) of the definition of "*interruption*", after "electricity to a customer's premises" insert "or, where a person residing at the premises requires *life support equipment*, to any *secondary settlement point* within the premises".

[2] Rule 3 Definitions

In rule 3, omit the definition of "*meter*" and substitute:

meter, in relation to a customer, means a device that measures the quantity of energy passing through a point at which energy is supplied to or by the customer;

[3] Rule 3 Definitions

In rule 3, insert a new definition of "*primary retailer*" in alphabetical order:

primary retailer – means, in relation to a customer:

- (a) in relation to electricity:
 - (i) for a small customer, the financially responsible retailer for the customer's premises; and
 - (ii) for a large customer, the retailer that is financially responsible for the connection point between the distribution system and the customer's premises; and
- (b) in relation to gas – the financially responsible retailer for the customer's premises.

[4] Rule 3 Definitions

In rule 3, insert a new definition of "*secondary meter*" in alphabetical order:

secondary meter means a *meter* for a *secondary settlement point*.

[5] Rule 3 Definitions

In rule 3, insert a new definition of "*secondary settlement arrangement*" in alphabetical order:

secondary settlement arrangement, in the case of electricity – means *metering data* from one or more *secondary settlement points* within a customer's premises is used to calculate the customer's bill.

[6] Rule 3 Definitions

In rule 3, insert a new definition of "*secondary settlement point*" in alphabetical order:

secondary settlement point has the same meaning as "*secondary settlement point*" in the NER.

[7] Rule 5 Business premises—aggregated application of upper consumption thresholds by agreement

In subrule 5(2), omit "The retailer" and insert "A business customer's *primary retailer*".

[8] Rule 5 Business premises—aggregated application of upper consumption thresholds by agreement

In subrule 5(5), omit "The" and substitute "A".

[9] Rule 5 Business premises—aggregated application of upper consumption thresholds by agreement

Omit subrule 5(6) and substitute:

- (6) To avoid doubt:
 - (a) this rule can apply in relation to all business premises of a business customer or to some but not all business premises of a business customer; and
 - (b) where permitted by the NER, a person other than the customer's *primary retailer* may be financially responsible for a secondary settlement point at premises that have been aggregated for the purposes of this rule.

[10] Rule 7 Retailer initial classification of customers

In subrule 7(1), after "a customer retail contract" insert "as the customer's *primary retailer*".

[11] Rule 7 Retailer initial classification of customers

In subrule 7(2), omit "retailer" and insert "*primary retailer*".

[12] Rule 7 Retailer initial classification of customers

In subrule 7(3), omit "retailer" and insert "*primary retailer*".

[13] Rule 8 **Retailer reclassification of customers**

In rule 8(1), omit "financially responsible retailer" and substitute "customer's *primary retailer*".

[14] Rule 8 **Retailer reclassification of customers**

In rule 8(2), omit "retailer" and substitute "customer's *primary retailer*".

[15] Rule 8 **Retailer reclassification of customers**

In rule 8(3), omit "retailer" and substitute "customer's *primary retailer*".

[16] Rule 9 **Distributor initial classification of
business customers**

In rule 9(2), omit "a retailer" and substitute "the customer's *primary retailer*".

[17] Rule 9 **Distributor initial classification of
business customers**

In rule 9(3), omit "retailer" and substitute "customer's *primary retailer*".

[18] Rule 10 **Distributor reclassification of business
customers**

In rule 10(1)(b), omit "the financially responsible retailer for the premises" and substitute "the customer's *primary retailer*".

[19] Rule 10 **Distributor reclassification of business
customers**

In rule 10(3), omit "financially responsible retailer" and substitute "customer's *primary retailer*".

[20] Rule 10 **Distributor reclassification of business
customers**

In rule 10(5), omit "financially responsible retailer" and substitute "customer's *primary retailer*".

[21] Rule 11 **Distributor classification and
reclassification—requirements**

Omit rule 11(4)(b) and substitute:

- (b) other information about the customer's likely consumption of energy, whether provided by the customer or a retailer for the customer's premises or in accordance with accepted industry practice.

[22] Rule 18 **Pre-contractual request to designated retailer for sale of energy (SRC)**

In rule 18(3)(c), omit "at" and substitute "for".

[23] Rule 29 **Billing disputes (SRC and MRC)**

In subrule 29(5)(a)(ii), omit "the *meter*" and substitute "any *meter* used to calculate the bill".

[24] Rule 29 **Billing disputes (SRC and MRC)**

In subrule 29(5A), omit "the *meter* tested" and substitute "a *meter* tested".

[25] Rule 35 **Request for final bill (SRC)**

In subrule 35(1), omit "for the customer's premises" and substitute "relating to the customer's premises".

[26] Rule 35 **Request for final bill (SRC)**

In subrule 35(1)(b), omit "a final bill for the premises" and substitute "the final bill".

[27] Rule 37 **Customer request for change of tariff (SRC)**

In subrule 37(2)(a), omit "the *meter* reading was" and substitute "all required *meter* readings were".

[28] Rule 37 **Customer request for change of tariff (SRC)**

In subrule 37(2)(b), omit "the *meter*" and substitute "a *meter*".

[29] Rule 59B **Definitions**

In rule 59B, omit the definition of "**retailer planned interruption**" and substitute:

retailer planned interruption means an *interruption* of the supply of electricity to the premises of a customer including, where a person residing at the premises requires *life support equipment*, to any *secondary settlement point* within the premises, that:

- (a) is for the purposes of installing, maintaining, repairing or replacing an electricity *meter*; and
- (b) does not involve either:
 - (i) the distributor effecting the *interruption* under rule 89; or

- (ii) *interrupting* the supply of electricity to a customer who is not the customer of the retailer arranging the *retailer planned interruption*; and
- (c) is not a *distributor planned interruption*.

**[30] Rule 59C Retailer interruption to supply –
electricity (SRC and MRC)**

In subrule 59C(1), omit "A retailer may" and substitute "A customer's *primary retailer* may".

[31] Rule 64 Required information

After subrule 64(1)(a1), insert a new subrule 64(1)(a2) as follows:

- (a2) if a *secondary settlement arrangement* is proposed for the small customer's premises, any associated terms and conditions including prices, charges and benefits and any requirements for operational control by the retailer or the distributor of equipment within the customer's premises;

**[32] Rule 79 Application for customer connection
services**

In subrule 79(2), omit "a retailer on behalf" and substitute "a customer's *primary retailer* on behalf".

**[33] Rule 84 Distributor service standards and GSL
schemes**

In subrule 84(2), omit "the retailer must" and substitute "the customer's *primary retailer* must".

[34] Rule 93 Application of this Part

In subrule 93(1), insert a note as follows:

Note:

Where a large customer has different retailers for supply to its premises and a *secondary settlement point* within the premises, the customer will be a shared customer of the distributor and each retailer (separately).

**[35] Rule 99 Information on distributor planned
interruptions**

In subrule 99(1)(a), omit "the retailer" and substitute "the customer's *primary retailer*".

[36] Rule 99 **Information on distributor planned interruptions**

In subrule 99(3), omit "the retailer" and substitute "the customer's *primary retailer*".

[37] Rule 99A **Information on retailer planned interruptions – electricity**

In subrule 99A(1), omit "The retailer" and substitute "The customer's *primary retailer*".

[38] Rule 100 **Information on unplanned interruptions**

In subrule 100(1)(a), omit "the retailer" and substitute "the customer's *primary retailer*".

[39] Rule 101 **Enquiries or complaints relating to the retailer**

Omit subrule 101(1)(a) and substitute:

- (a) if the enquiry or complaint is made by telephone—where practicable, refer the customer to the enquiry or complaint telephone number of the relevant retailer (or retailers, where there is a *secondary settlement arrangement*); or

[40] Rule 101 **Enquiries or complaints relating to the retailer**

In subrule 101(1)(b), after "provide the retailer" insert "(or retailers, where there is a *secondary settlement arrangement*)".

[41] Rule 101 **Enquiries or complaints relating to the retailer**

Omit subrule 101(2) and substitute:

- (2) The retailer the subject of an enquiry must respond to the enquiry expeditiously.

[42] Rule 101 **Enquiries or complaints relating to the retailer**

Omit subrule 101(3) and substitute:

- (3) The retailer the subject of a complaint must resolve the complaint expeditiously and in accordance with its standard complaints and dispute resolution procedures.

[43] Rule 101 Enquiries or complaints relating to the retailer

In subrule 101(4), omit "the retailer on request " and substitute "the relevant retailer on request ".

[44] Rule 102 Enquiries or complaints relating to the distributor

In subrule 102(2), omit "If a retailer" and substitute "If a customer's *primary retailer*".

[45] Rule 104 Notification of de-energisation

In subrule 104(1), omit "notify the retailer" and substitute "notify the customer's *primary retailer*".

[46] Rule 104 Notification of de-energisation

In subrule 104(2), omit "If the retailer" and substitute "If the customer's *primary retailer*".

[47] Rule 106A Re-energisation - electricity

Omit subrule 106A(1), excluding the note, the substitute:

- (1) If, in accordance with the energy laws, a customer's *primary retailer* is required to arrange for the re-energisation of the customer's electricity supply, the retailer must deal with the requirement in accordance with those energy laws.

[48] Rule 106A Re-energisation - electricity

Omit subrule 106A(2), excluding the note, the substitute:

- (2) If a customer's *primary retailer* arranges for a person other than the distributor to re-energise the customer's electricity supply, the retailer must as soon as practicable after the re-energisation notify the distributor that the premises have been re-energised.

[49] Rule 106A Re-energisation - electricity

In subrule 106A(5), omit "the retailer" and substitute "the customer's *primary retailer*".

[50] Rule 106A Re-energisation - electricity

Omit subrule 106A(6), excluding the note, and substitute:

- (6) A distributor must not re-energise a customer's electricity supply if a de-energisation of the premises was arranged by the customer's *primary retailer*, unless the customer's *primary retailer* requests the distributor to re-energise the premises.

[51] Rule 113 De-energisation for denying access to meter

In rule 113(1), after "premises to read a *meter*" insert "(other than a *secondary meter*)".

[52] Rule 113 De-energisation for denying access to meter

In rule 113(2)(a), after "altering any *metering* installation" insert "(other than the *metering* installation for a *secondary meter*)".

[53] Rule 113 De-energisation for denying access to meter

In rule 113(2)(c), after "replacing *meters*" insert "(other than a *secondary meter*)".

[54] Rule 116 When retailer must not arrange de-energisation

In subrule 116(1), omit the heading and substitute "**Restrictions on de-energisation of premises**".

[55] Rule 116 When retailer must not arrange de-energisation

After subrule 116(1), insert a new subrule 116(1A) as follows:

(1A) Restrictions on de-energisation of secondary settlement points

Despite any other provisions of this Division but subject to subrule (3), a retailer must not arrange for the de-energisation of a *secondary settlement point* within a customer's premises where the premises are registered under Part 7 as having *life support equipment*.

[56] Rule 119 Grounds for de-energisation

In subrule 119(1)(a), omit "retailer" and substitute "*primary retailer*".

[57] Rule 129 System requirements

In subrule 129(2), after "The prepayment *meter* system must display" insert ", or otherwise make readily available to the customer with no time delay".

[58] Rule 132 Consumption information to be provided

In subrule 132(1), after "small customer with the following information" insert "in relation to the supply to which the customer's prepayment *meter* system applies".

[59] Rule 147 Deemed customer retail arrangements

Omit subrule 147(1), excluding the heading, and substitute:

This rule applies to a move-in customer or carry-over customer where a prepayment *meter* system is in use at the premises concerned.

[60] Rule 151 Registrable exemptions and registered exemptions

After subrule 151(1), insert a new subrule 151(1A) as follows:

(1A) The classes of persons in respect of whom an exemption is registrable may include persons (not being retailers) that are financially responsible for *secondary settlement points* within the premises of large customers.

[61] Rule 167 Contents of retail market performance report—retail market activities report

In subrule 167(3)(c), omit "and customer transfers." and substitute "and customer transfers;".

[62] Rule 167 Contents of retail market performance report—retail market activities report

After subrule 167(3)(c), insert a new subrule 167(3)(d) as follows:

(d) supply to premises with and without *secondary settlement arrangements*.

[63] Schedule 1 Model terms and conditions for standard retail contracts

In clause 4.3(b), omit "*meter* on the date" and insert "*meters* for your premises on the date".

[64] Schedule 1 Model terms and conditions for standard retail contracts

In clause 4.3(b), after "your *meter* on that date" insert ", where required to read the *meter*".

[65] Schedule 1 Model terms and conditions for standard retail contracts

In clause 5.1(a), omit "maintenance of your *meter*" and substitute "maintenance of the *meter* for your premises".

[66] Schedule 1 Model terms and conditions for standard retail contracts

In clause 6.3(d)(iii), after "supply of electricity to" insert "or within".

[67] Schedule 1 Model terms and conditions for standard retail contracts

In clause 8.3, in the opening paragraph, after "change in your use of energy" insert "or other change to the supply arrangements at your premises".

[68] Schedule 1 Model terms and conditions for standard retail contracts

In clause 8.3(a), omit "there has been a change of use" and substitute "of the change".

[69] Schedule 1 Model terms and conditions for standard retail contracts

In clause 8.3(b), omit "of use".

[70] Schedule 1 Model terms and conditions for standard retail contracts

After clause 8.3, insert a new clause 8.3A as follows:

8.3A Variation of tariff due to faulty second meter

- (a) The tariff you are on may separately calculate the use of energy at particular locations within your premises, using data provided by a second *meter*. In accordance with the energy laws, someone other than us may be responsible for the second *meter*.
- (b) If a second *meter* that we are not responsible for no longer complies with the requirements of the energy laws, we may transfer you to a new tariff under our standing offer prices that does not require the use of data provided by the second *meter*.

[71] Schedule 1 Model terms and conditions for standard retail contracts

In clause 9.3(b)(ii), after "your *meter* is later read" insert "or your *metering data* is later obtained".

[72] Schedule 1 Model terms and conditions for standard retail contracts

In clause 9.3(c), after "the later *meter* read" insert "or *metering data*".

[73] Schedule 1 Model terms and conditions for standard retail contracts

In clause 9.3(c), after "the *meter* was not read" insert "or *metering data* was not obtained".

[74] Schedule 1 Model terms and conditions for standard retail contracts

In clause 11(a)(i), after "installation at the premises" insert "where required to meet our obligations under energy laws".

[75] Schedule 1 Model terms and conditions for standard retail contracts

Omit clause 11(a)(iv) and substitute:

- (iv) replacing any *meters* that we or our authorised representatives have provided.

[76] Schedule 1 Model terms and conditions for standard retail contracts

In clause 11(d), omit "your electricity meter" and substitute "any electricity *meter* that we or our authorised representatives are responsible for providing under energy laws".

[77] Schedule 2 Model terms and conditions for deemed standard connection contracts

In clause 9.1, after "to allow us to" insert ", to the extent permitted under the energy laws".

Schedule 2 Savings and Transitional Amendment to the National Energy Retail Rules

(Clause 4)

[1] Schedule 3 Savings and Transitional Rules

In Schedule 3, after Division 1 of Part 19, insert a new Division 2 as follows:

Division 2 Rules consequential on the making of the Draft National Energy Retail Amendment (Unlocking CER benefits through flexible trading) Rule 2024

[3] Definitions

In this Division:

Amending Rule means the draft *National Energy Retail Amendment (Unlocking CER benefits through flexible trading) Rule 2024*.

commencement date means 2 February 2026.

required alterations means the amendments required by Schedule 1 of the Amending Rule to standard retail contracts and deemed standard connection contracts.

[4] Variation date

- (1) Retailers must make the required alterations to their standard retail contracts by the commencement date.
- (2) Distributors must make the required alterations to their deemed standard connection contracts by the commencement date.
- (3) Alterations made under subrules (1) and (2) must take effect on and from the commencement date.

[5] Review and update of information made available under these rules

- (1) Retailers must, by the commencement date, review and if necessary update, the material made available by the retailer to its small customers in accordance with rule 21(3C), to take into account the Amending Rule.
- (2) The AER must, by the commencement date, review and if necessary update, the guidelines made by the AER under these Rules or *the Law*, to take into account the Amending Rule, including:
 - (a) the benefit change notice guidelines made under rule 48B(1);
 - and

(b) the AER Exempt Selling Guidelines.