



National Energy Retail Amendment (Accelerating smart meter deployment) Rule 2024 No.6

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

National Energy Retail Amendment (Accelerating smart meter deployment) Rule 2024 No.6

1 Title of Rule

This Rule is the *National Energy Retail Amendment (Accelerating smart meter deployment) Rule 2024 No.6*.

2 Commencement

Schedule 1 of this Rule commences operation on 1 June 2025.

Schedule 2 of this Rule commences operation on 1 December 2025.

Schedule 3 of this Rule commences operation on 1 December 2025.

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.

5 Savings and Transitional Amendment to the National Energy Retail Rules

The National Energy Retail Rules are amended as set out in Schedule 3.

Schedule 1 Amendment to the National Energy Retail Rules

(Clause 3)

[1] Rule 59A Notice to small customers on deployment of new electricity meters (SRC and MRC)

Omit rule 59A(1) and substitute “[Deleted]”.

[2] Rule 59A Notice to small customers on deployment of new electricity meters (SRC and MRC)

Omit rule 59A(2), excluding the note, and substitute:

- (2) If a retailer proposes to undertake a *new meter deployment*, or if a small customer’s *meter* is to be replaced with a type 4 or type 4A *meter* (even where it is not a *new meter deployment*), the retailer must either:
 - (a) give to the small customer a notice in writing or electronically no earlier than 60 business days and no later than 4 business days before the retailer proposes to replace the small customer's *meter*, in which case, subrule (3) applies; or
 - (b) obtain the small customer's explicit informed consent to the *new meter deployment* or replacement occurring:
 - (i) on any day within a date range of 5 business days; or
 - (ii) on a specified date,in which case, subrule (4) applies.

[3] Rule 59A Notice to small customers on deployment of new electricity meters (SRC and MRC)

In rule 59A(3), omit "A notice under subrule (2)(a) and (b) must state:" and substitute "Subject to subrule (4), a notice under subrule (2) must state:".

[4] Rule 59A Notice to small customers on deployment of new electricity meters (SRC and MRC)

Omit rule 59A(3)(a) and substitute:

- (a) the reason for the *new meter deployment* or, where not a *new meter deployment*, the replacement of the *meter*;

[5] Rule 59A Notice to small customers on deployment of new electricity meters (SRC and MRC)

Omit rule 59A(3)(b) and substitute:

- (b) a date range of 5 business days during which the customer's *meter* will be replaced;

[6] Rule 59A Notice to small customers on deployment of new electricity meters (SRC and MRC)

Omit rule 59A(3)(c) and substitute:

- (c) a summary of the services available to the small customer as a result of obtaining a type 4 *meter* and information regarding the benefits of a type 4 *meter*;

[7] Rule 59A Notice to small customers on deployment of new electricity meters (SRC and MRC)

In rule 59A(3)(e), omit “and”.

[8] Rule 59A Notice to small customers on deployment of new electricity meters (SRC and MRC)

In rule 59A(3)(f), omit "." and substitute ";".

[9] Rule 59A Notice to small customers on deployment of new electricity meters (SRC and MRC)

After rule 59A(3)(f), insert:

- (g) the party the customer should contact to resolve issues, and details of dispute resolution options;
- (h) how the customer can access data from the *meter*;
- (i) the customer’s rights and responsibilities regarding the new *meter*; and
- (j) any changes to the customer’s contract as a result of the *new meter deployment* or *meter* replacement, including regarding any tariff changes.

[10] Rule 59A Notice to small customers on deployment of new electricity meters (SRC and MRC)

Omit rule 59A(4) and substitute:

- (4) Where a retailer has obtained a small customer's explicit informed consent in accordance with subrule 2(b):
 - (a) the retailer must issue a notice within 5 business days after the *meter* is replaced or the *new meter deployment* is undertaken; and

- (b) that notice must include the information in subrule (3), with the exception of subrules (3)(b) and (3)(i).

[11] Rule 59A Notice to small customers on deployment of new electricity meters (SRC and MRC)

Omit rule 59A(5) and substitute “[Deleted]”.

[12] Rule 59A Notice to small customers on deployment of new electricity meters (SRC and MRC)

Omit rule 59A(6) and substitute “[Deleted]”.

[13] Rule 59A Notice to small customers on deployment of new electricity meters (SRC and MRC)

Omit rule 59A(7) and substitute:

- (7) A retailer must not proceed with the replacement of the *meter* at the premises (whether under the proposed *new meter deployment* or otherwise) if, before the date of the *new meter deployment* or other replacement, the provision of customer retail services to the premises commences under a customer retail contract with a different small customer.

[14] Rule 59A Notice to small customers on deployment of new electricity meters (SRC and MRC)

Omit rule 59A(8) and substitute “[Deleted]”.

[15] Rule 59A Notice to small customers on deployment of new electricity meters (SRC and MRC)

Omit rule 59A(9) and substitute “[Deleted]”.

[16] New rule 59AA Customer request for type 4 meter

After rule 59A, insert:

59AA Customer request for a type 4 meter

- (1) If a small customer has a *meter* other than a type 4 *meter*, they may request that their retailer replace the *meter* with a type 4 *meter*.
- (2) If a small customer requests that their *meter* be replaced in accordance with subrule (1), the retailer must arrange for a type 4 *meter* to be installed in accordance with clauses 7.8.10A, 7.8.10B and 7.8.10C of the NER.

[17] Rule 59C

**Retailer interruption to supply - electricity
(SRC and MRC)**

In rule 59C(3), omit “under rule 59A(2)(b)” and substitute “under rule 59A(2)”.

Schedule 2 Amendment to the National Energy Retail Rules

(Clause 4)

[1] Rule 3 Definitions

In rule 3, insert the following new definition in alphabetical order:

defect at the metering installation has the same meaning as in the NER.

[2] New Rule 59AAA Notice procedure for defect at the metering installation

After rule 59AA, insert:

59AAA Notice procedure for defect at the metering installation

(1) **Notice procedure for defect at the metering installation**

- (a) Where a *metering coordinator* is unable to install a *meter* at a small customer's premises due to a *defect at the metering installation*, the *metering coordinator* must notify the relevant retailer of the *defect at the metering installation*.
- (b) Within 5 business days of being notified by the *metering coordinator*, the retailer must notify the relevant small customer of the *defect at the metering installation* and request that the defect be rectified (**first notice**).
- (c) If the retailer has not received confirmation from the small customer that the *defect at the metering installation* has been rectified within 40 business days of issuing the first notice, the retailer must send a second notice to the small customer no less than 40 business days and no more than 45 business days after issuing the first notice to the customer (**second notice**).
- (d) If the retailer has not received confirmation from the small customer that the *defect at the metering installation* has been rectified within 40 *business days* of issuing the second notice, the retailer must use best endeavours to contact the customer to confirm whether the *defect at the metering installation* has been rectified.
- (e) If the small customer confirms that the *defect at the metering installation* has been rectified, the retailer is required to progress the installation in accordance with the timelines set out in clauses 7.8.10A, 7.8.10B, 7.8.10C of the NER. Notwithstanding subclauses 7.8.10B(d) and 7.8.10C(d), the timelines set out in clauses 7.8.10A, 7.8.10B and 7.8.10C of the NER apply even if:
 - (i) under clause 7.8.10A, the small customer has not requested the *new installation*; or

- (ii) under clauses 7.8.10B or 7.8.10C, the small customer has not required the retailer to install a *meter*.
- (f) If, after 40 business days of issuing the second notice, the small customer confirms that the *defect at the metering installation* has not been rectified, or if the retailer is not able to contact the small customer to confirm, then the retailer is not required to complete the installation of the *meter* unless and until the customer notifies the retailer that the *defect at the metering installation* has been rectified.

(2) **Retailer switching**

If a small customer changes retailer, then the incoming retailer must restart the process under subrule (1) when it becomes aware of the *defect at the metering installation*.

(3) **Customer switching**

If a small customer at a site changes, then the incoming customer's retailer must restart the process under subrule (1) when it becomes aware of the *defect at the metering installation*.

[3] Rule 91A Metering coordinator and distributor to assist and cooperate - electricity

In rule 91A, omit paragraph (d) and substitute:

- (d) the distributor must effect the *interruption*:
 - (i) if the *interruption* is the result of the repair, replacement or installation of a *meter* under clause 7.8.10D of the NER, on the Shared Fusing Meter Replacement Date specified in the Shared Fusing Meter Replacement Notice (as those terms are defined in clause 7.8.10D of the NER);
 - (ii) on a date agreed with the retailer and the small customer for installing or repairing a *meter* under clause 7.8.10A, 7.8.10B or 7.8.10C of the NER;
 - (iii) if paragraph (i) does not apply and a date cannot be agreed under paragraph (ii), on a date no later than 25 business days from the date of the request from the retailer,

and provide such assistance as the *metering coordinator* may reasonably require to enable the *metering coordinator* to carry out the installation, maintenance, repair or replacement of the *metering* equipment; and

Schedule 3 Savings and Transitional Amendment to the National Energy Retail Rules

(Clause 5)

[1] Schedule 3 Savings and Transitional Rules

In Part 19, after Division 3, insert:

Division 4 Rules consequential on making of the National Energy Retail Amendment (Accelerating smart meter deployment) Rule 2024 No.6

1 Definitions

In this rule:

Legacy Meter has the same meaning as in the NER.

Explicit Informed Consent Period means, in respect of a small customer, the two-year period immediately following the replacement of a Legacy Meter at the small customer's premises.

2 Proposed change to tariff structure resulting from meter replacement during the explicit informed consent period

- (1) If a small customer's Legacy Meter is replaced with a type 4 or type 4A *meter* and, because of that replacement, the customer's retailer intends to vary the tariff structure that applies to the customer during the Explicit Informed Consent Period, then the retailer must issue a notice to the customer.
- (2) The notice must:
 - (a) specify that the retailer proposes to vary the customer's tariffs and request the customer's explicit informed consent to such tariff change;
 - (b) specify the date on which the variation is proposed to come into effect;
 - (c) identify the customer's existing tariff and charges inclusive of GST;
 - (d) identify the customer's proposed new tariff and charges as varied inclusive of GST;
 - (e) specify that the tariffs and charges identified in subrules (2)(c) and (2)(d) are inclusive of GST;
 - (f) if there is 12 months of data from the new *meter* available relating to the customer, include an estimate of what the customer's historical bill for the preceding 12 months would have been under the proposed new tariff and charges, compared to the bill that the customer received under the existing tariff and charges;

- (g) if there is between 3 and 12 months of data from the new *meter* available relating to the customer:
 - (i) include an estimate of what the customer's historical bill for that period would have been under the proposed new tariff and charges, compared to the bill that the customer received under the existing tariff and charges; and
 - (ii) specify the timeframe that the estimate under paragraph (i) relates to;
 - (h) include information regarding how to understand, monitor and manage their electricity usage (for example, through available apps or in-home displays); and
 - (i) be delivered by the customer's preferred form of communication where this has been communicated to the retailer, or otherwise by the same method as that used for delivery for the customer's bill.
- (3) A retailer may only vary the customer's tariff structure during the Explicit Informed Consent Period if it obtains the customer's explicit informed consent following notification under subrule (2).

3 Notification following the explicit informed consent period

- (1) After expiry of the Explicit Informed Consent Period, a retailer may vary the tariff structure that applies to a small customer, provided the retailer issues a notice under rule 46 at least 30 business days before any variation to the tariff structure is applied to the customer.
- (2) The notice must, in addition to the requirements of rule 46(4A), include the following information:
 - (a) an estimate of what the small customer's historical bill for the preceding 12 months would have been under the varied tariff structure, compared to the bill that the customer received under the previous tariff structure;
 - (b) information regarding how to understand, monitor and manage their electricity usage (for example, through available apps or in-home displays).

4 Flat tariff standing offer

- (1) This rule applies in a participating jurisdiction if a local instrument of that participating jurisdiction declares that subsection 22(1a) of the *Law* and rules made for the purposes of that subsection apply in relation to that participating jurisdiction.

- (2) If a small customer's Legacy Meter is replaced with a type 4 or type 4A *meter*, then the designated retailer for the customer's premises must offer that customer the option of a flat tariff structure.
- (3) For the purposes of this rule, a flat tariff structure means a structure that provides for the same tariff to apply to energy usage at all times of the day.

5 Scope and application

- (1) A retailer is not required to comply with this Division 4 (excluding rule 4):
 - (a) where it becomes the new retailer of the small customer within the Explicit Informed Consent Period but was not responsible for changing the relevant small customer's Legacy Meter with a type 4 or type 4A *meter*;
 - (b) where the variation to the tariff structure is a direct result of a benefit change and the retailer has provided the small customer with a notice under rule 48A;
 - (c) where the variation to the tariff structure is a direct result of a change to or withdrawal or expiry of, a government funded energy charge rebate, or concession or relief scheme;
 - (d) in relation to premises of a business customer, where the retailer and the business customer have agreed that the relevant premises are to be treated as aggregated under rule 5; or
 - (e) where the variation to the tariff structure is a direct result of a change to any bank charges or fees, credit card charges or fees, or payment processing charges or fees applicable to the customer.
- (2) Rule 2 of this Division 4 applies instead of rule 46 in relation to tariff structure variations following the replacement of a Legacy Meter with a type 4 or type 4A *meter*.
- (3) This Division 4 (excluding rule 4) only applies where a retailer intends to vary a tariff structure following the replacement of a Legacy Meter with a type 4 or type 4A *meter* during the period from 1 December 2025 and 31 May 2031.

[END OF RULE AS MADE]
