New South Wales

National Energy Retail Law (Adoption) Amendment (De-energisation and Re-energisation Charges) Regulation 2020

under the

National Energy Retail Law (Adoption) Act 2012

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *National Energy Retail Law (Adoption) Act 2012*.

MATTHEW KEAN, MP
Minister for Energy and Environment

Explanatory note

The object of this Regulation is to replace a provision of the *National Energy Retail Rules* that applies only in New South Wales which provides for the circumstances in which fees and charges are not to be charged to certain vulnerable customers for de-energising or re-energising their premises with electricity. This Regulation also makes a consequential amendment to the *National Energy Retail Law (Adoption) Act 2012* to make it clear that a distributor may still impose on, or recover from, a retailer the network charges incurred by the distributor for the de-energisation or re-energisation of a customer's premises even in circumstances where the retailer is unable to recover the charges from the customer.

This Regulation is made under the *National Energy Retail Law (Adoption) Act 2012*, including section 12 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *National Energy Retail Law (Adoption) Amendment (De-energisation and Re-energisation Charges) Regulation 2020*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of National Energy Retail Law (Adoption) Act 2012 No 37

Schedule 1 New South Wales changes and additions to National Energy Retail Law

Insert after item [26]—

[27] Section 318A

Insert after section 318—

318A Recovery of network charges for de-energisation or re-energisation of electricity at premises of vulnerable customer

Clause 6B.A3.1 of the NER does not prevent a distributor from imposing on, or recovering from, a retailer the network charges incurred by the distributor for the de-energisation or re-energisation of a customer's premises in circumstances where the retailer is unable to recover the network charges because of rule 76A of the *National Energy Retail Rules*.

Note— This section is an additional New South Wales provision.

Schedule 2 Amendment of National Energy Retail Law (Adoption) Regulation 2013

Clause 10B

Omit the clause. Insert instead—

10B Vulnerable customers—charges for de-energisation and re-energisation prohibited

The *National Energy Retail Rules* are modified by inserting after rule 76 the following rule—

76A Vulnerable customers—charges for de-energisation and re-energisation prohibited

(1) A retailer must not impose a charge or fee on a customer to de-energise or re-energise the customer's premises with electricity (or to arrange to do so) if the customer—

(a) is a small customer of the retailer, and

(b) has an electricity meter that has the ability to—

(i) be read remotely by or on behalf of the retailer, and

(ii) de-energise or re-energise the premises remotely, and

(c) during the 12 month period before the de-energisation or re-energisation occurs, has—

(i) been a hardship customer of the retailer, or

(ii) been on a payment plan with the retailer, or

(iii) paid any part of a bill issued by the retailer by way of a voucher issued under the Energy Accounts Payment Assistance Scheme, or

(iv) received the Low Income Household Rebate, the Medical Energy Rebate, the Life Support Rebate or the Family Energy Rebate.

(2) A term or condition of a customer retail contract with a customer has no effect to the extent that the term or condition requires the payment of a charge or fee in contravention of subrule (1).

(3) This rule does not apply to the de-energisation of a customer's premises in accordance with rule 113 or 114.

(4) This rule ceases to have effect at the end of 31 August 2020.