



Draft National Energy Retail Amendment (Advance notice of price changes) Rule 2018 No. [3]

under the National Energy Retail Law to the extent 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.

John Pierce
Chairman
Australian Energy Market Commission

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1 Title of Rule

This Rule is the Draft National Energy Retail Amendment (Advance notice of price changes) Rule 2018 No. [3].

2 Commencement

This Rule commences operation on 1 February 2019.

3 Amendment of the National Energy Retail Rules

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

Schedule 1 Amendments of the National Energy Retail Rules

(Clause 3)

[1] Rule 46 Tariffs and charges

Omit subrule 46(4) and substitute:

- (4) The notice must:
 - (a) be given at least five business days before the variation in the tariffs and charges are to apply to the customer; and
 - (b) 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 of the customer's bill.

[Drafting note: the Commission will recommend that subrule 46(4) be classified as a civil penalty provision.]

[2] Rule 46 Tariffs and charges

After subrule 46(4), insert:

- (4A) The notice must specify:
 - (a) that the customer's tariffs and charges are being varied;
 - (b) the date on which the variation will come into effect;
 - (c) the customer's existing tariffs and charges;
 - (d) the customer's tariffs and charges as varied; and
 - (e) that the customer can request historical billing data and, if they are being sold electricity, energy consumption data, from the retailer.

[Drafting note: the Commission will recommend that subrule 46(4A) be classified as a civil penalty provision.]

Note:

Rules 28 and 56A make provision for customers to request historical billing information and energy consumption data.

- (4B) Notwithstanding this rule 46, a retailer is not required to provide a notice under subrule (3):
 - (a) where the customer has entered into a market retail contract with the retailer within 10 business days before the date on which the variation referred to in subrule (3) is to take effect, and the retailer

has informed the customer of such variation pursuant to rule 46A and section 39(1)(a) of *the Law*;

- (b) where the variations to the tariffs and charges are a direct result of a benefit change and the retailer has provided the customer with a notice under rule 48A;
- (c) with respect to a tariff or charge that continually varies in relation to the prevailing spot price of energy. For the avoidance of doubt, this exemption does not apply (and the retailer must provide notice under subrule (3)) with respect to variations to any remaining tariffs and charges that form part of the same market retail contract; and
- (d) where the variations to the tariffs and charges are a direct result of a change to, or withdrawal or expiry of, a government funded energy charge rebate, concession or relief scheme.

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

Omit clause 8.2 and substitute:

8.2 Changes to tariffs and charges

- (a) If we vary our standing offer prices, we will publish the variation in a newspaper and on our website at least 10 business days before it starts.
 - (a1) We will also:
 - (i) notify you at least five business days before the variation in the tariffs and charges are to apply to you; and
 - (ii) deliver the notice by your preferred form of communication where you have communicated this to us, or otherwise by the same method as that used for delivery of your bill.
 - (a2) The notice must specify:
 - (i) that your tariffs and charges are being varied;
 - (ii) the date on which the variation will come into effect;
 - (iii) your existing tariffs and charges;
 - (iv) your tariffs and charges as varied; and
 - (v) that you can request historical billing data and, if you are being sold electricity, energy consumption data, from us.

- (a3) Notwithstanding clause 8.2 of this contract, we are not required to provide a notice under paragraph (a1):
 - (i) where you have entered into a standard retail contract with us within 10 business days before the date on which the variation referred to in clause 8.2(a) is to take effect, and we have informed you of such variation;
 - (ii) where your standing offer prices are regulated, or are otherwise set by legislation, a government agency or regulatory authority, in the applicable jurisdiction; and
 - (iii) where the variations to the tariffs and charges are a direct result of a change to, or withdrawal or expiry of, a government funded energy charge rebate, concession or relief scheme.
 - (b) Our standing offer prices will not be varied more often than once every 6 months.
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