Draft National Energy Retail Amendment (Retailer Price Variations in Market Retail Contracts) Rule 2014 No.

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 (Tasmania) Act 2012 of Tasmania;

(e) 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

Draft National Energy Retail Amendment (Retailer Price Variations in Market Retail Contracts) Rule 2014

1   Title of Rule

This Rule is the Draft National Energy Retail Amendment (*Retailer Price Variations in Market Retail Contracts*) Rule 2014.

2   Commencement

This Rule commences operation on [COMMENCEMENT_DATE].

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

<div align="right">(Clause 3)</div>

[1] New Rule 46A   Explicit Informed Consent – Variation of tariffs and charges

After rule 46, insert:

46A   Explicit Informed Consent – Variation of tariffs, charges and benefits to the customer

(1)   This rule has effect for the purposes of section 39(1)(a) of *the Law*.

(2)   For the purposes of the transaction described in section 38(b) of *the Law*, matters relevant to the consent of the customer will include, without limitation, any term or condition in the market retail contract that provides for the variation of tariffs, charges and benefits to the customer under that contract.

[2] Rule 64   Required Information

In rule 64(1)(a), insert "and benefits to the customer (to the extent both are not otherwise part of prices)" after "charges".

[3] Rule 64   Required Information

In rule 64(1)(a), insert " (including, where relevant, when changes to prices will be notified by the retailer to the customer)" after "changed".