



## **National Energy Retail Amendment (Access, pricing and incentive arrangements for distributed energy resources) Rule 2021 No. 4**

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 (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.

Anna Collyer  
Chairperson  
Australian Energy Market Commission

## **National Energy Retail Amendment (Access, pricing and incentive arrangements for distributed energy resources) Rule 2021 No. 4**

### **1 Title of Rule**

This Rule is the *National Energy Retail Amendment (Access, pricing and incentive arrangements for distributed energy resources) Rule 2021 No. 4*.

### **2 Commencement**

Schedules 1 and 4 of this Rule commence operation on 19 August 2021.

Schedule 2 of this Rule commences operation on 21 October 2021.

Schedule 3 of this Rule commences operation on 31 March 2022.

### **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 Amendment to the National Energy Retail Rules**

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

### **6 Savings and Transitional Amendment to the National Energy Retail Rules**

The National Energy Retail Rules are amended as set out in Schedule 4.

## **Schedule 1      Amendment to the National Energy Retail Rules**

(Clause 3)

### **[1] Rule 3                      Definitions**

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

*small generator* means a generating unit of the kind contemplated by Australian Standard AS 4777 (Grid connection of energy systems via inverters) that is connected to a distribution system.

### **[2] New Part 8A              Electricity generation in the distribution system**

After rule 147, insert:

## **Part 8A                      Electricity generation in the distribution system**

### **147A      Information about small generator connections - electricity**

- (1) A distributor must publish the following information on its website, in the same location as the information published under rule 80:
  - (a) information about safety and technical requirements applicable under energy laws to *small generators* or the owners, operators or controllers of *small generators*;
  - (b) information about requirements under energy laws for servicing and inspection of *small generators* and the required qualifications for persons undertaking the work and requirements for the provision of information to the distributor about the results of those inspections;
  - (c) information about requirements under energy laws (if any) relating to the installation of equipment for remote control of *small generators* by the distributor or a third party;
  - (d) a description of the circumstances in which remote control equipment may be used by the distributor or a third party and who the customer may contact if it considers settings on the equipment are incorrect or malfunctioning;
  - (e) information about the use of data and information obtained from equipment for remote control of a *small generator* by the distributor or a third party;

- (f) a description of other rights and obligations concerning the provision of supply services for taking supply from *small generators* under the energy laws;
  - (g) reference to the jurisdictional or other legislation and statutory instruments under which the requirements referred to in paragraphs (a) to (f) are imposed;
  - (h) a description of the distributor's arrangements for applying maximum export limits at connection points for *small generators* and the circumstances in which a choice of maximum export limit is available; and
  - (i) information about changing the maximum export limit at a connection point for a *small generator*, where a choice of limit is available.
- (2) The information must be:
- (a) expressed in clear, simple and concise language;
  - (b) in a format that makes it easy for a small customer to understand; and
  - (c) consistent with the distributor's deemed standard connection contract.
- (3) If requested by a small customer, the distributor must use its best endeavours to provide the information in a language other than English requested by the customer.
- (4) If a customer requests information of the kind referred to in subrule (1), the distributor must either:
- (a) refer the customer to the distributor's website; or
  - (b) provide the information to the customer.
- (5) However, the distributor must provide a copy of any information of that kind to the customer if the customer requests a copy.
- (6) The information or a copy of the information requested under this rule must be provided without charge, but information requested more than once in any 12-month period may be provided subject to a reasonable charge.
- (7) This rule does not affect and is additional to any information required to be provided under chapter 5A of the NER.

## **Schedule 2      Amendment to the National Energy Retail Rules**

(Clause 4)

### **[1] New rule 147B      Immunity for failure to take supply of electricity from premises**

After rule 147A, insert:

#### **147B      Immunity for failure to take supply of electricity from premises**

- (1) A retailer or distributor, or an officer or employee of a retailer or distributor, does not incur any civil monetary liability for any partial or total failure to take supply of electricity from premises unless the failure is due to an act or omission done or made by the retailer or distributor or the officer or employee of the retailer or distributor, in bad faith or through negligence.
- (2) A retailer or distributor may enter into an agreement with a person (other than a small customer) varying or excluding the operation of subrule (1) and, to the extent of that agreement, that subrule does not apply.
- (3) A distributor may enter into an agreement with a small customer varying or excluding the operation of subrule (1) if permitted to do so by local instrument applying to the distributor and, to the extent of that agreement, that subrule does not apply.
- (4) An agreement under subrule (3):
  - (a) must comply with any requirement prescribed by the local instrument; and
  - (b) must not apply in relation to an act or omission of a kind excluded from the operation of subrule (3) by the local instrument.
- (5) This rule does not apply:
  - (a) to a distributor that is an electricity distribution network service provider or an officer or employee of such a distributor in relation to an act or omission in the performance or exercise, or purported performance or exercise, of a system operations function or power; or
  - (b) to any liability of an officer or employee of a body corporate to the body corporate.
- (6) In this rule:  
**electricity distribution network service provider** means a regulated distribution network service provider within the meaning of the NEL;

**system operations function or power** has the same meaning as in section 119 of the NEL.

## **Schedule 3            Amendment to the National Energy Retail Rules**

(Clause 5)

### **[1] Rule 19                    Responsibilities of designated retailer in response to request for sale of energy (SRC)**

After subrule 19(1)(b), insert:

- (b1) if the small customer operates, or proposes to operate, a *small generator*, any conditions applicable to supply from the *small generator* into the distribution system under the standard retail contract;

### **[2] Rule 56A                    Energy consumption information - supply of electricity only**

Omit the title of rule 56A and substitute "Consumption and export information - electricity only".

### **[3] Rule 56A                    Consumption and export information - electricity only**

In subrule 56A(1), after "customer's energy consumption", insert "or export".

### **[4] Rule 56B                    Historical billing and energy consumption information - supply of electricity only**

Omit the title of rule 56B and substitute "Historical billing and energy information - electricity only".

### **[5] Rule 56B                    Historical billing and energy information - electricity only**

In subrule 56B(2), after "energy consumption", insert "or export".

### **[6] Rule 64                      Required information**

After subrule 64(1)(a), insert:

- (a1) if the small customer operates, or proposes to operate, a *small generator*, any conditions applicable to supply from the *small generator* into the distribution system and how these may be changed (including where relevant, when this will result in a change to prices, charges or benefits to the customer);

**[7] Rule 86A Provision of information - supply of electricity**

Omit the title of rule 86A and substitute "Provision of information - electricity".

**[8] Rule 86A Provision of information - electricity**

In subrule 86A(1), omit "supply of".

**[9] Rule 86A Provision of information - electricity**

In subrule 86A(1), omit ";" and substitute ":".

**[10] Rule 86A Provision of information - electricity**

In subrule 86A(1)(a), after "energy consumption", insert "or export".

**[11] Rule 86B Provision of information - supply of gas**

Omit the title of rule 86B and substitute "Provision of information - gas".

**[12] Rule 86B Provision of information - gas**

In subrule 86B(1), omit "supply of".

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

After the title of clause 7 in Schedule 1, before paragraph (a), insert:

**7.1 All customers**

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

After clause 7.1 in Schedule 1, insert:

**7.2 Customers who export electricity to the grid**

Unless we have acted in bad faith or negligently, the Rules exclude our liability for any loss or damage you suffer as a result of our total or partial failure to take supply of electricity from your premises.

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

In the title of clause 9.4A, after "consumption", insert "and export".



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

In clause 9.4A of Schedule 1, after "your electricity consumption", insert "or export".

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

Under the heading "Preamble", in the first paragraph of Schedule 2, omit "the energy supplied to the premises" and substitute "supply services for the premises".

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

Omit the paragraph in clause 4.1 in Schedule 2 and substitute "If your premises are connected to our distribution system, this contract starts on the date when you start to use supply services at those premises, for example by taking a supply of energy."

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

In clause 4.2(a)(i) of Schedule 2, omit "supply of energy to the premises is" and substitute "premises are".

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

In clause 4.2(a)(ii) of Schedule 2, omit "of energy" and substitute "services".

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

In clause 4.2(a)(iii) of Schedule 2, omit "of energy" and substitute "services".

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

In clause 5.2 of Schedule 2, after "the sale of energy", omit "supplied to your premises".

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

In clause 6.2(c) of Schedule 2, omit "the supply of energy to" and substitute "supply for".

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

In clause 6.3(a) of Schedule 2, omit "we provide to" and substitute "we provide for".

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

In clause 6.3(b) of Schedule 2, omit "to the premises" and substitute "for the premises".

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

In clause 6.6(a) of Schedule 2, omit "when you start to take supply of energy" and substitute "when you use supply services".

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

In clause 6.6(a), after "under this contract.", insert "We publish information about these standards and other matters relating to small generator connections as required by the Rules. The information is available on our website or you may contact us to request a copy."

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

In clause 6.6(c) of Schedule 2, omit "at the time".

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

In clause 8(a) of Schedule 2, after "your electricity supply", insert "service".

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

In clause 8(a) of Schedule 2, omit "*relevant authority*" and substitute "relevant authority".

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

In clause 8(b) of Schedule 2, omit "suitability of energy, its quality" and substitute "suitability of our services, their quality".

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

After clause 8(c) of Schedule 2, insert:

- (d) Unless we have acted in bad faith or negligently, the Rules exclude our liability for any loss or damage you suffer as a result of our total or partial failure to take supply of electricity from your premises.

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

In the title of rule 10 in Schedule 2, after "INTERRUPTION TO SUPPLY", insert "SERVICES".

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

Omit the title of clause 10.1 in Schedule 2, and substitute "We may interrupt supply to premises".

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

After clause 10.4 in Schedule 2, insert:

**10.5 We may interrupt supply from premises**

We may temporarily interrupt or curtail the supply services provided to take supply from small generators into our distribution system, including:

- (a) for a *distributor planned interruption* or where there is an *unplanned interruption*; or
- (b) in accordance with the conditions of any applicable tariff; or
- (c) under a contract with your retailer; or
- (d) at the direction of a relevant authority; or
- (e) in accordance with the energy laws.

**10.6 We may use remote control equipment**

If your small generator has equipment installed that allows us to control the small generator remotely, we may use the equipment in accordance with the energy laws to temporarily interrupt or curtail the supply services provided to take supply from your small generator into our distribution system. We publish information about how we use remote control equipment as required by the Rules. The information is available on our website or you may contact us to request a copy.

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

In clause 11.3(a) of Schedule 2, omit "for the supply of energy to your premises" and substitute "for the supply services for your premises".

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

In clause 12.1(c) of Schedule 2, omit "if".

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

In clause 12.1(d) of Schedule 2, omit the first instance of "if".

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

In clause 12.1(e) of Schedule 2, omit "if".

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

In clause 12.1(f) of Schedule 2, omit "if".

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

In clause 12.1(g) of Schedule 2, omit "in" and substitute "there is".

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

In clause 12.1(h) of Schedule 2, omit "if".

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

In clause 12.1(i) of Schedule 2, omit "if".

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

In clause 12.1, omit the body of the "Note" under paragraph (i) and substitute:

The energy laws may allow distributors and other authorised people to disconnect or arrange the disconnection of premises, small generators and other generators connected to our distribution system in circumstances additional to those set out above.

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

In clause 15.2A of Schedule 2, after "your energy consumption", insert "or export".

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

In clause 16.1 of Schedule 2, omit "the supply of energy to the premises" and substitute "customer connection services under this contract, including supply services".

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

After clause 19 of Schedule 2, under the heading "**Simplified explanation of terms**", omit the "**customer connection services**" definition and substitute:

**customer connection services** include supply services;

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

After clause 19 of Schedule 2, under the heading "**Simplified explanation of terms**", in the definition of "**small generator**", omit "an embedded" and substitute "a".

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

After clause 19 of Schedule 2, under the heading "**Simplified explanation of terms**", at the end of the "**standard connection contract**" definition, omit "." and substitute ";".

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

After clause 19 under the heading "**Simplified explanation of terms**", after "**standard connection contract**", insert:

**supply services** means services relating to the flow of energy to or from your premises.

## **Schedule 4 Savings and Transitional Amendment to the National Energy Retail Rules**

(Clause 6)

### **[1] Schedule 3 Savings and Transitional Rules**

In Schedule 3, after Part 16, insert a new Part:

#### **Part 17 Rules consequential on the making of the National Energy Retail Amendment (Access, pricing and incentive arrangements for distributed energy resources) Rule 2021**

##### **1 Definitions**

In this Part:

**Amending Rule** means the *National Energy Retail Amendment (Access, pricing and incentive arrangements for distributed energy resources) Rule 2021*.

**commencement date** means 31 March 2022.

**effective date** means the date of commencement of Schedule 2 of the Amending Rule.

**new rule 147B** means rule 147B of the Rules as in force on and from the effective date.

**required alterations** means the amendments required by Schedule 3 of the Amending Rule to standard retail contracts and deemed standard connection contracts.

##### **2 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.

##### **3 Existing contracts – application of immunity**

- (1) New rule 147B does not apply with respect to a contract entered into prior to the effective date unless the contract is a:
  - (a) deemed standard connection contract;

- (b) standard retail contract; or
  - (c) deemed customer retail arrangement.
- (2) New rule 147B does not affect any rights or obligations that as at the effective date have already accrued under a:
- (a) deemed standard connection contract;
  - (b) standard retail contract; or
  - (c) deemed customer retail arrangement.

#### **4 Small generator information**

- (1) By the commencement date, a distributor must develop and publish in accordance with rule 147A the information required by that rule.
- (2) A distributor is not required to publish information in accordance with rule 147A before the commencement date.

[END OF RULE AS MADE]

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