

OFFICIAL

Making of National Energy Retail Rules

National Energy Retail Law (South Australia) Law – Section 238AD

I, Tom Koutsantonis, Minister for Energy and Mining for the Crown in right of the State of South Australia, as the Minister administering the *National Energy Retail Law (South Australia) Act 2011* of South Australia, hereby make the National Energy Retail Amendment (Other Gases) Rule 2024 under section 238AD(1) of the *National Energy Retail Law (South Australia) Act 2011* on the unanimous recommendation of the Ministers of the participating jurisdictions sitting as the Ministerial Council on Energy for the purposes of that section.

This Rule has been signed by me for the purposes of identification as the National Energy Retail Amendment (Other Gases) Rule 2024 and commences operation on 12 March 2024 (the commencement date)



Hon Tom Koutsantonis MP
Minister for Energy and Mining

12th March 2024

National Energy Retail Amendment (Other Gases) Rule 2024

1 Title of Rule

This rule is the *National Energy Retail Amendment (Other Gases) Rule 2024*.

2 Commencement

This rule commences operation on the day the rule is made.

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.

Schedule 1 Amendment to the National Energy Retail Rules

[1] Rule 28 Historical billing information (SRC and MRC)

After rule 28(1), insert:

(1A) In the case of gas, a retailer must notify a customer who requests historical billing data under subrule (1) that the customer can find the following information on their distributor's website:

- (a) the type of gas that may be supplied to the customer's premises, and
- (b) the date of any change to the type of gas that may be supplied to the customer's premises.

Note:

Distributors must publish information under rule 147F on the type of gas that may be supplied in their distribution system or part of their distribution system and the date of any changes to the type of gas that may be supplied.

[2] Rule 45A Definitions

In rule 45A, insert in alphabetical order the following definitions:

gas blend has the same meaning as in the *NGL*.

primary gas has the same meaning as in the *NGL*.

type of gas means a primary gas or a gas blend.

Note:

For example, the type of gas supplied may be a primary gas such as natural gas or biomethane or a gas blend made up of natural gas and hydrogen.

[3] New rule 49B Notification of gas type (gas only)

After rule 49A, insert:

49B Notification of gas type (gas only)

A retailer must include, as a minimum requirement in relation to the terms and conditions of a market retail contract, that the customer can find information on their distributor's website in relation to the type of gas that may be supplied to the customer's premises under the market retail contract.

Note:

Distributors must publish information under rule 147F on the type of gas that may be supplied in their distribution system or part of their distribution system and the date of any changes to the type of gas that may be supplied.

[4] New Part 8B Notification of change of gas type

After rule 49B, insert:

Part 8B Notification of change of gas type

147C Definitions

In this Part:

biomethane has the same meaning as in the *NGL*.

change of gas type occurs when there is a change in the type of gas that may be supplied through a distribution system.

Note:

A change of gas type would occur, for example, if only natural gas is supplied through a distribution system and then a new facility capable of injecting hydrogen is connected to that system. This is because after the connection of that facility, customers may be supplied with a gas blend made up of natural gas and hydrogen. A change in the volume of primary gases that may be blended together to make a gas blend is not a change of gas type.

distribution system means, in relation to a service provider, its distribution system or part of its distribution system.

gas blend has the same meaning as in the *NGL*.

primary gas has the same meaning as in the *NGL*.

transition date means the first date on which there may be a change of gas type in a distribution system.

Note:

For example, the transition date may be the first date on which a facility connected or to be connected to a distribution system may inject gas (other than natural gas) into that distribution system.

type of gas means a primary gas or a gas blend.

Note:

For example, the type of gas supplied may be a primary gas such as natural gas or biomethane or a gas blend made up of natural gas and hydrogen.

147D Distributor notice to small customers of change of gas type

- (1) Subject to subrule (4), a distributor must, in accordance with this rule, notify a small customer by any appropriate means prior to a change of gas type in a distribution system to which that customer's premises are connected.

Note

This subrule is classified as a tier 3 civil penalty provision under the National Energy Retail Regulations. (See clause 6 and Schedule 1 of the National Energy Retail Regulations.)

- (2) A notice under subrule (1) must:
 - (a) be in clear, simple and concise language; and
 - (b) include:
 - (i) the transition date; and
 - (ii) the type of gas that may be supplied through the distribution system on and from the transition date; and

- (iii) whether the change of gas type is for a fixed time period or on an on-going basis and, if the change of gas type is for a fixed time period, the last day of that period; and
 - (iv) if the type of gas that may be supplied through the distribution system is a gas blend, the primary gases that are blended together to make the gas blend; and
 - (v) the potential impact of the change of gas type on the volume of gas and the heating value of gas consumed by customers whose premises are connected to the distribution system, compared to the type of gas supplied to the customer immediately prior to the transition date; and
 - (vi) the contact details of the distributor; and
- (c) be provided to the small customer prior to the transition date; and
 - (d) be provided in the form and manner required by the guidelines made by the AER (if any) under rule 147E.
- (3) For the purposes of subrule (2)(b)(v), if the type of gas that may be supplied on and from the transition date is a gas blend, the potential impact on the volume of gas consumed and the heating value of that gas may be expressed as a range.
- (4) A distributor is not required to provide a notice under subrule (1) if the change of gas type for the relevant distribution system is a change from:
- (a) natural gas to biomethane or from natural gas to a gas blend comprised only of natural gas and biomethane; or
 - (b) biomethane or a gas blend comprised only of natural gas and biomethane to natural gas.

147E Guidelines

The AER may, in accordance with the retail consultation procedures, make guidelines in relation to the form and content of notices required under rule 147D.

147F Publication of information on gas type

- (1) A distributor must publish on its website:
- (a) information on the type of gas that may be supplied through a distribution system; and
 - (b) if there is a change to the type of gas that may be supplied through a distribution system, the transition date.
- (2) The information published under subrule (1) must:
- (a) be expressed in clear, simple and concise language;
 - (b) be in a format that:

- (i) makes it easy for a small customer to understand; and
- (ii) enables a small customer to obtain the information relevant to their premises using the postcode or the address of their premises; and

(c) be kept up to date.

This rule is classified as a tier 3 civil penalty provision under the National Energy Retail Regulations. (See clause 6 and Schedule 1 of the National Energy Retail Regulations.)

[5] Rule 177 Consultation regarding a proposed trial waiver

In rule 177(2)(d), omit “natural”.

[6] Rule 181 Request for a trial Rule

In rule 181(1)(k)(iv), omit “natural”.

[7] Schedule 1, clause 3.3 Electricity or gas

Omit clause 3.3 and substitute:

3.3 Electricity or gas

- (a) Standard retail contracts apply to electricity and gas, but some terms may be expressed to apply only to one or the other. If we are your retailer for both electricity and gas, you have a separate contract with us for each of them.
- (b) Where this contract relates to gas, you can find information on the type of gas that may be supplied to you under this contract on your distributor’s website.

[8] Schedule 1 Simplified explanation of terms

In Schedule 1, in the “Simplified explanation of terms”, after the definition of “standing offer prices”, insert:

type of gas means a primary gas specified under the National Gas Law (for example, natural gas) or a blend of primary gases (for example, a blend of natural gas and hydrogen).

Schedule 2 Amendment to the National Energy Retail Rules

[1] New Division 2 Rules consequential on the making of the National Energy Retail Amendment (Other Gases) Rule 2024

In Schedule 3 Part 19, after Division 1, insert:

Division 2 Rules consequential on the making of the National Energy Retail Amendment (Other Gases) Rule 2024

3 Definitions

In this Part:

Amending Rule means the *National Energy Retail Amendment (Other Gases) Rule 2024*.

change of gas type has the meaning given in rule 147C as in force on and from the effective date.

effective date means the date of commencement of Schedule 1 of the Amending Rule.

new rule 49B means rule 49B as in force on and from the effective date.

new subrule 147D(1) means subrule 147D(1) as in force on and from the effective date.

new rule 147F means rule 147F as in force on and from the effective date.

required alterations means the amendments required by Schedule 1 of to the Amending Rule to standard retail contracts.

4 Variation date – standard retail contracts

- (1) Retailers must make the required alterations to their standard retail contracts by the effective date.
- (2) Alterations made under subrule (1) must take effect on and from the effective date.

5 Variation date – market retail contracts

- (1) Subject to subrule (2), new rule 49B does not apply with respect to a market retail contract entered into prior to the effective date.
- (2) New rule 49B applies to a market retail contract entered into prior to the effective date if, after the effective date, that contract is varied.

6 Notice of change of gas type (rule 147D)

A distributor is not required to provide a notice under new subrule 147D(1) in relation to a change of gas type that occurred before the effective date.

7 Publication of information on gas type (rule 147F)

A distributor must comply with new rule 147F no later than the effective date.

