



Australian Capital Territory

National Energy Retail Law (ACT) Regulation 2012

Subordinate Law SL2012-29

The Australian Capital Territory Executive makes the following regulation under the *National Energy Retail Law (ACT) Act 2012*.

Dated 28 June 2012.

SIMON CORBELL
Minister

ANDREW BARR
Minister



Australian Capital Territory

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Part 1 Preliminary

1 Name of regulation

This regulation is the *National Energy Retail Law (ACT) Regulation 2012*.

2 Commencement

This regulation commences on the commencement of the *National Energy Retail Law (ACT) Act 2012*, section 6 (Application of National Energy Retail Law).

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Dictionary

The dictionary at the end of this regulation is part of this regulation.

Note 1 The dictionary at the end of this regulation defines certain terms used in this regulation.

Note 2 A definition in the dictionary applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

4 Notes

A note included in this regulation is explanatory and is not part of this regulation.

Note See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

Part 2 Provisions for Act

Division 2.1 Border area arrangements

**5 Prescribed local energy retail law—Act, s 15, def
*prescribed local energy retail law***

The local energy retail law is prescribed.

**6 Prescribed NSW energy retail law—Act, s 15, def
*prescribed NSW energy retail law***

The NSW energy retail law is prescribed.

**7 Person to whom prescribed local energy retail law does
not apply and prescribed NSW energy retail law applies—
Act, s 17 (1) (a) and (2) (a)**

(1) The prescribed local energy retail law does not apply, and the prescribed NSW energy retail law applies, to Origin Energy Electricity Ltd ACN 071 052 287 (*Origin Energy*) in relation to the sale and supply of electricity to premises in the ACT connected to the distribution system of Essential Energy if Origin Energy—

- (a) holds a retailer authorisation under the *National Energy Retail Law (NSW)*; and
- (b) carries out the functions of a local area retailer under that Law in relation to the sale and supply of electricity to those premises as if it were a local area retailer under that Law for those premises.

- (2) The prescribed local energy retail law does not apply, and the prescribed NSW energy retail law applies, to Essential Energy in relation to the supply of electricity to premises in the ACT connected to its distribution system.
- (3) Subsection (1) does not apply in relation to the sale and supply of electricity to premises in the ACT until the day the *National Energy Retail Law (NSW)* commences.
- (4) Subsection (3) and this subsection expire on the day the *National Energy Retail Law (NSW)* commences.

Division 2.2 Other

8 Planned interruptions of energy supply

- (1) This section applies if a distributor interrupts the supply of energy to a customer's premises for a planned interruption.
- (2) The distributor must restore the customer's supply not later than 12 hours after the start of the interruption.
- (3) In this section:

planned interruption—see the *National Energy Retail Rules*, rule 88 (Definitions).

9 Re-energisation required under National Energy Retail Law (ACT)

- (1) If a retailer is required to arrange for the re-energisation of a small customer's premises under the *National Energy Retail Law (ACT)*, the retailer must initiate a request to the distributor for the re-energisation as soon as practicable, but not later than 24 hours, after the obligation to initiate the request arose under that Law.

Note See the *National Energy Retail Rules*, r 121 (Obligation on retailer to arrange re-energisation of premises).

- (2) If a distributor is required to re-energise a small customer's premises under the *National Energy Retail Law (ACT)* including because a request for re-energisation is initiated by a retailer or made by a customer, the distributor must re-energise the premises—
- (a) if the request is initiated or made—
 - (i) before 2.00 pm on a business day—on the day of the request or the day agreed between the customer and distributor; or
 - (ii) after 2.00 pm on a business day—on the next business day or the day agreed between the customer and distributor; or
 - (b) if there is a timeframe (however described) for re-energisation in the distributor service standards—in accordance with the timeframe.

Note 1 See the *National Energy Retail Rules*, r 122 (Obligation on distributor to re-energise premises).

Note 2 If there is a complaint to the ACAT about the de-energisation of residential premises because of a failure to pay a customer debt, and if the ACAT is satisfied that the de-energisation causes substantial hardship for a consumer, the ACAT may give a written direction that the premises be re-energised as soon as practicable and, in any event, within 24 hours after the direction is given (see *Utilities Act 2000*, s 75B, s 75C and s 179).

Part 3 Provisions for National Energy Retail Law (ACT)

10 Local area retailer—National Energy Retail Law (ACT), s 11

- (1) ActewAGL Retail is the local area retailer for electricity and gas for premises in the ACT connected to the distribution system of ActewAGL Distribution.
- (2) In this section:

ActewAGL Distribution means ActewAGL Distribution ABN 76 670 568 688 (the partnership of ACTEW Distribution Ltd ACN 073 025 224 and Jemena Networks (ACT) Pty Ltd ACN 008 552 663).

ActewAGL Retail means ActewAGL Retail ABN 46 221 314 841 (the partnership of ACTEW Retail Ltd ACN 074 371 207 and AGL ACT Retail Investments Pty Ltd ACN 093 631 586).

11 Prepayment meter systems—National Energy Retail Law (ACT), s 56 (2)

The sale of energy to small customers using a prepayment meter system is permitted.

12 Price comparator—National Energy Retail Law (ACT), s 62 (1)

The *National Energy Retail Law (ACT)*, section 62 (Price comparator) applies in relation to the ACT.

13 AER information gathering powers for pricing guidelines and comparator—National Energy Retail Law (ACT), s 63 (b)

The *National Energy Retail Law (ACT)*, section 63 (b) (AER information gathering powers for pricing guidelines and comparator) applies in relation to retailers in the ACT.

Part 4 **Modification of National Energy
Retail Rules**

14 **Modification of National Energy Retail Rules—Act,
s 23 (3)**

The *National Energy Retail Rules* apply in the ACT as modified by schedule 1.

Part 5 Transitional

15 Laws to prevail over access arrangements for gas pipelines

- (1) This regulation and any other applicable consumer law have effect despite the provisions of an access arrangement in relation to a pipeline located in the ACT that was in force under the *National Gas (ACT) Law* immediately before the commencement of the *National Gas (ACT) Act 2008*, section 21 (Access arrangements to pipelines in ACT).

- (2) In this section:

applicable consumer law—see the *National Gas (ACT) Act 2008*, section 21.

16 Local area retailer—Origin Energy

For the period beginning on the day this part commences and ending on the day the *National Energy Retail Law (NSW)* commences, Origin Energy Electricity Ltd ACN 071 052 287 is the local area retailer for electricity for premises in the ACT connected to the distribution system of Essential Energy.

17 Border area arrangements—Essential Energy

For the period beginning on the day this part commences and ending on the day the *National Energy Retail Law (NSW)* commences, for section 7 (Person to whom prescribed local energy retail law does not apply and prescribed NSW energy retail law applies—Act, s 17 (1) (a) and (2) (a)) the reference to the prescribed NSW energy retail law is taken to be a reference to the jurisdictional energy legislation of NSW.

Note The jurisdictional energy legislation of NSW is the legislation of NSW (other than national energy legislation) that regulates energy in NSW (see *National Energy Retail Law (ACT)*, s 2 (Interpretation)).

18 Expiry—pt 5

This part expires on the day the *National Energy Retail Law (ACT) Act 2012*, part 10 (Transitional) expires.

Note Transitional provisions are kept in the Act for a limited time. A transitional provision is repealed on its expiry but continues to have effect after its repeal (see Legislation Act, s 88).

Schedule 1 Modification—National Energy Retail Rules

(see s 14)

[1.1] Rule 16 (2) (b)

omit

, unless the customer is a small market offer customer

Dictionary

(see s 3)

Note 1 The Legislation Act contains definitions and other provisions relevant to this regulation.

Note 2 For example, the Legislation Act, dict, pt 1, defines the following terms:

- ACAT
- ACT
- business day
- Minister (see s 162)
- prescribed.

Note 3 Terms used in this regulation have the same meaning that they have in the *National Energy Retail Law (ACT) Act 2012* (see Legislation Act, s 148). For example, the following terms are defined in the *National Energy Retail Law (ACT) Act 2012*, dict:

- National Energy Retail Law (ACT).

Essential Energy means Essential Energy established under the *Energy Services Corporations Act 1995* (NSW), section 7 (Establishment of statutory State owned corporations).

Endnotes

1 Notification

Notified under the Legislation Act on 29 June 2012.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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