



Australian Capital Territory

# **National Energy Retail Law (ACT) Regulation 2012**

**SL2012-29**

made under the

**National Energy Retail Law (ACT) Act 2012**

**Republication No 2**

**Effective: 2 July 2013 – 9 June 2015**

Republication date: 27 August 2013

Regulation not amended  
(republiation for expiry of provisions (s 7 (3), (4)))

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *National Energy Retail Law (ACT) Regulation 2012*, made under the *National Energy Retail Law (ACT) Act 2012* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 27 August 2013. It also includes any commencement, repeal or expiry affecting this republished law.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial amendments

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$140 for an individual and \$700 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

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made under the

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Australian Capital Territory

# National Energy Retail Law (ACT) Regulation 2012

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made under the

**National Energy Retail Law (ACT) Act 2012**

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## Part 1 Preliminary

### 1 Name of regulation

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

### 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.

## 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 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

## Endnotes

3 Legislation history

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### 3 Legislation history

#### **National Energy Retail Law (ACT) Regulation 2012 SL2012-29**

notified LR 29 June 2012

s 1, s 2 commenced 29 June 2012 (LA s 75 (1))

remainder commenced 1 July 2012 (s 2 and see [National Energy Retail Law \(ACT\) Act 2012 A2012-31](#), s 2 and [CN2012-12](#))

### 4 Amendment history

#### **Commencement**

s 2 om LA s 89 (4)

#### **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)**

s 7 (3), (4) exp 1 July 2013 (s 7 (4))

#### **Transitional**

pt 5 hdg exp 1 July 2017 (s 18)

#### **Laws to prevail over access arrangements for gas pipelines**

s 15 exp 1 July 2017 (s 18)

#### **Local area retailer—Origin Energy**

s 16 exp 1 July 2017 (s 18)

#### **Border area arrangements—Essential Energy**

s 17 exp 1 July 2017 (s 18)

#### **Expiry—pt 5**

s 18 exp 1 July 2017 (s 18)

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R1 1 July 2012	1 July 2012– 1 July 2013	not amended	new regulation

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