



New South Wales

National Energy Retail Law (Adoption) Amendment (Deregulation) Regulation 2017

under the

National Energy Retail Law (Adoption) Act 2012

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *National Energy Retail Law (Adoption) Act 2012*.

DON HARWIN, MLC
Minister for Energy and Utilities

Explanatory note

The object of this Regulation is to amend the *National Energy Retail Law (Adoption) Act 2012* and the *National Energy Retail Law (Adoption) Regulation 2013* as follows:

- (a) to omit provisions that require gas suppliers to offer to provide gas to certain small customers at regulated prices and provide for the inclusion of those prices in pricing guidelines and a price comparator,
- (b) to require a Market Monitor (currently the Independent Pricing and Regulatory Tribunal) to monitor and report on the performance and competitiveness of the retail gas market in New South Wales for small customers,
- (c) to enable special reviews to be carried out by the Market Monitor into retail prices and profit margins in the retail gas market in New South Wales for small customers, including a special review of the period from 1 July 2016 to 30 June 2017,
- (d) to make consequential amendments, including omitting provisions specifying requirements for regulated customers and the retailers who are regulated offer retailers.

This Regulation is made under the *National Energy Retail Law (Adoption) Act 2012*, including section 12 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *National Energy Retail Law (Adoption) Amendment (Deregulation) Regulation 2017*.

2 Commencement

This Regulation commences on 1 July 2017 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of National Energy Retail Law (Adoption) Act 2012 No 37

- [1] **Schedule 1 New South Wales changes and additions to National Energy Retail Law**
Omit Schedule 1 [1], [2], [5], [6], [8]–[10], [12], [15] and [17]–[23].
- [2] **Schedule 1 [25A], section 234A (2)**
Insert “and the retail gas market” after “retail electricity market”.
- [3] **Schedule 1 [25A], section 234A (3)**
Omit “the retail electricity market”.
Insert instead “each of the retail electricity market and the retail gas market”.
- [4] **Schedule 1 [25A], section 234A (3)**
Omit “the market” wherever occurring. Insert instead “each market”.
- [5] **Schedule 1 [25A], section 234A (3) (b)**
Insert “or gas” after “electricity”.
- [6] **Schedule 1 [25A], section 234A (4)**
Omit “and the first annual report is to be for the year commencing 1 July 2014”.
- [7] **Schedule 1 [25A], section 234A (4A)**
Insert after section 234A (4):
(4A) The first annual report for the retail gas market is to be for the year commencing 1 July 2017.
- [8] **Schedule 1 [25A], section 234B (1)**
Omit “retail electricity market in New South Wales for small customers, or any other matter related to that market”.
Insert instead “retail electricity market or retail gas market in New South Wales for small customers, or any other matter related to those markets”.
- [9] **Schedule 1 [25A], section 234B (4)**
Insert after section 234B (3):
(4) The Minister may request the Market Monitor to carry out a special review under subsection (1) that relates to the retail gas market for small customers (including former regulated customers) during the period from 1 July 2016 to 30 June 2017.

Schedule 2 Amendment of National Energy Retail Law (Adoption) Regulation 2013

[1] Clause 4 Small customers

Omit clause 4 (2) and (3).

[2] Clause 6 Regulated offer retailers

Omit the clause.