



New South Wales

Electricity Supply (General) Amendment (Remote De-energisation and Re-energisation) Regulation (No 3) 2020

under the

Electricity Supply Act 1995

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Electricity Supply Act 1995*.

MATTHEW KEAN, MP
Minister for Energy and Environment

Explanatory note

The object of this Regulation is to enable retailers to arrange, and metering providers to carry out, connection and disconnection of the premises of small customers (*premises*) by the remote use of an electricity meter. This Regulation makes provision for the following—

- (a) requests for, and carrying out of, the remote de-energisation and remote re-energisation of premises,
- (b) the payment of compensation for failure to re-energise premises within a specified time,
- (c) offences relating to remote re-energisation and de-energisation of premises.

This Regulation is made under the *Electricity Supply Act 1995*, including section 191 (the general regulation-making power).

Electricity Supply (General) Amendment (Remote De-energisation and Re-energisation) Regulation (No 3) 2020

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1 Name of Regulation

This Regulation is the *Electricity Supply (General) Amendment (Remote De-energisation and Re-energisation) Regulation (No 3) 2020*.

2 Commencement

This Regulation commences on 1 October 2020 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Electricity Supply (General) Regulation 2014

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3(1)—

business day means a day that is not a Saturday or a Sunday or a day that is wholly or partly a public holiday.

[2] Clause 7 Time limit for energisation or re-energisation

Omit clause 7(5).

[3] Clause 8A

Omit the clause.

[4] Part 2, Division 3

Insert after Division 2—

Division 3 Remote de-energisation and remote re-energisation of premises of small customers by metering providers and retailers

10A Definitions

In this Division—

metering provider means—

- (a) a metering provider within the meaning of the *National Electricity Rules*, and
- (b) for an embedded network within the meaning of those Rules—the metering co-ordinator for the embedded network within the meaning of those rules.

premises means the premises of a small customer.

remote de-energisation means the de-energisation of premises from a place other than the premises concerned using an electricity meter.

remote re-energisation means the re-energisation of premises from a place other than the premises concerned using an electricity meter.

10B Retailer to arrange remote de-energisation or remote re-energisation of premises after small customer request

- (1) This clause applies if—
 - (a) a small customer has requested that a retailer arrange the de-energisation or re-energisation of the small customer's premises, and
 - (b) the retailer intends to request or has requested a metering provider to carry out the remote de-energisation or remote re-energisation of the premises.
- (2) The retailer must take steps to ensure that a metering provider carries out the remote re-energisation—
 - (a) if the customer's request is made before 3 pm on a business day—by not later than the end of the next business day following the day the customer's request is made, or

- (b) if the customer's request is made after 3 pm on a business day—by not later than the end of the second business day following the day the customer's request is made.

Maximum penalty—1,000 penalty units for a corporation or 500 penalty units for an individual.

- (3) A request to a retailer by a small customer may specify a date or a time and date, not less than 2 business days after the date of the request, on which the small customer and retailer agree that the remote de-energisation or remote re-energisation of the premises is to take place.

- (4) If a retailer and small customer agree on a specified date or a time and date under subclause (3), the retailer must take steps to ensure that a metering provider carries out the remote de-energisation or remote re-energisation by not later than the end of the specified date or at the time and date.

Maximum penalty—1,000 penalty units for a corporation or 500 penalty units for an individual.

- (5) A retailer must, after requesting that a metering provider remotely re-energise premises, but before the following date or time and date, give the metering provider a copy of the statement or notice the retailer is required to obtain under clause 38D(2) of the *Gas and Electricity (Consumer Safety) Regulation 2018*—

- (a) if the small customer and retailer have agreed a specified date on which the remote re-energisation is to take place—the end of the specified date,

- (b) if the small customer and retailer have agreed a specified time and date on which the remote re-energisation is to take place—the specified time and date.

Maximum penalty—10 penalty units.

- (6) Nothing in this clause requires a retailer to request the remote re-energisation of premises if the retailer would be permitted, were the premises energised, to de-energise the premises under the *National Energy Retail Rules*.

10C Metering provider to re-energise small customer's premises

- (1) This clause applies if a retailer requests a metering provider to remotely re-energise premises under clause 10B in response to a request by a small customer.

- (2) If the retailer requests a metering provider to remotely re-energise premises at the request of a small customer, the metering provider must re-energise the premises not later than the end of the day required by clause 10B(2).

Maximum penalty—1,000 penalty units for a corporation or 500 penalty units for an individual.

- (3) If the retailer requests a metering provider to remotely re-energise premises at the request of a small customer on a day more than 2 business days after the date of the request as referred to in clause 10B(3), the metering provider must re-energise the premises by not later than the end of the requested day.

Maximum penalty—1,000 penalty units for a corporation or 500 penalty units for an individual.

- (4) Despite subclauses (2) and (3), a metering provider must not remotely re-energise premises if a statement or notice is required under clause 38D(2) of the *Gas and Electricity (Consumer Safety) Regulation 2018* unless—

- (a) in relation to a statement or notice referred to in clause 38D(2)(a) or (b)—the retailer has given the metering provider a copy of the statement or notice, or
- (b) in relation to the statement referred to in clause 38D(2)(c)—the retailer informs the metering provider that the statement has been given to the retailer.

Note. Clause 38D(3) of the *Gas and Electricity (Consumer Safety) Regulation 2018* provides that if a statement or notice is required under clause 38D(2), the request for the remote re-energisation is taken not to have been made until the statement or notice has been provided by the customer.

10D Compensation for failure to re-energise premises

If the premises of a small customer are not re-energised before the end of the day required by clause 10B(2), the retailer must pay to the customer, as compensation for the delay, not less than \$60 for each day between—

- (a) the day on which the premises were required to be re-energised under clause 10B, and
- (b) the date on which the service is actually provided up to a maximum total of \$300.

Note. Clause 38D(3) of the *Gas and Electricity (Consumer Safety) Regulation 2018* provides that if a statement or notice is required under clause 38D(2), the request for the remote re-energisation is taken not to have been made until the statement or notice has been provided by the customer.

10E De-energisation by metering provider at request of retailer

- (1) If a retailer requests a metering provider to remotely de-energise premises, the retailer must, as soon as practicable after making the request, notify the distributor of the proposed de-energisation of the premises by a communications method specified by the distributor to the retailer, if any.
- (2) If a retailer requests a metering provider to remotely de-energise premises at the request of a small customer, the metering provider must de-energise the premises—
 - (a) by the end of the second business day after the customer's request, or
 - (b) if the retailer informs the metering provider that the retailer and small customer have agreed to the de-energisation occurring on a later day—by the end of the later day.
- (3) If a retailer requests that a metering provider carry out the remote de-energisation of premises on a ground permitted under the *National Energy Retail Rules*, the metering provider must de-energise the premises within 2 business days after the retailer's request, not including any day that is a protected period within the meaning of Part 6 of those Rules.
- (4) If a metering provider carries out the remote de-energisation of premises, the metering provider must inform the retailer, within 2 business days after carrying out the de-energisation, that the de-energisation has been carried out.
Maximum penalty—1,000 penalty units for a corporation or 500 penalty units for an individual.

10F Retailer to give notice of remote de-energisation of small customer's premises

A retailer must, within 1 business day after being informed by a metering provider that the remote de-energisation of the premises of a small customer has taken place, give the customer a written notice containing the following information—

- (a) the grounds on which the premises were de-energised,
- (b) the retailer's telephone number,
- (c) the arrangements that are required to be made by the small customer for re-energisation of the premises, including any related costs payable by the customer,
- (d) the dispute resolution procedures available to the small customer, including contact details for the energy ombudsman.

Maximum penalty—10 penalty units.

Note. The *National Energy Retail Rules* set out grounds on which a retailer may request the de-energisation of premises.

10G Exempt sellers prohibited from remote de-energisation and remote re-energisation of premises

An exempt seller must not request, arrange for or carry out the remote de-energisation or remote re-energisation of premises.

Maximum penalty—1,000 penalty units for a corporation or 500 penalty units for an individual.

[5] Schedule 4 Penalty notice offences

Insert at the end of the table—

Offences under this Regulation

clause 10B(2)	(a) for a corporation—\$11,000 (b) for an individual—\$5,500
clause 10B(4)	(a) for a corporation—\$11,000 (b) for an individual—\$5,500
clause 10B(5)	\$100
clause 10C(2) and (3)	(a) for a corporation—\$11,000 (b) for an individual—\$5,500
clause 10E	(a) for a corporation—\$11,000 (b) for an individual—\$5,500
clause 10F	\$100
clause 10G	(a) for a corporation—\$11,000 (b) for an individual—\$5,500