



New South Wales

Gas and Electricity (Consumer Safety) Amendment (Remote De-energisation and Re-energisation) Regulation 2020

under the

Gas and Electricity (Consumer Safety) Act 2017

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Gas and Electricity (Consumer Safety) Act 2017*.

KEVIN ANDERSON, MP
Minister for Better Regulation and Innovation

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. In particular, this Regulation makes provision for the following—

- (a) the preparation of remote de-energisation and remote re-energisation plans,
- (b) the audit of remote de-energisation and remote re-energisation plans to ensure that the plans provide for the safe remote de-energisation and remote re-energisation of premises,
- (c) arrangements for, and carrying out of, the remote de-energisation and remote re-energisation of premises in accordance with a plan.

This Regulation is made under the *Gas and Electricity (Consumer Safety) Act 2017*, including sections 34(a) and 75 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Gas and Electricity (Consumer Safety) Amendment (Remote De-energisation and Re-energisation) Regulation 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 Gas and Electricity (Consumer Safety) Regulation 2018

[1] Part 9A

Insert after Part 9—

Part 9A Remote de-energisation and remote re-energisation of premises of small customers by metering providers and retailers

38A Definitions

In this Part—

in force, in relation to a plan, means the Secretary has confirmed receipt of the plan under clause 38E and the plan has not expired or otherwise ceased to be in force under this Part.

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.

National Electricity Rules has the same meaning as it has in the *National Electricity (NSW) Law*.

National Energy Retail Rules has the same meaning as it has in the *National Energy Retail Law (NSW)*.

plan, for the remote de-energisation and remote re-energisation of premises, means—

- (a) in relation to a metering provider—a safety management and technical procedures plan, and
- (b) in relation to a retailer—a safety management and customer procedures plan.

premises means the premises of a small customer.

qualified person means a person authorised under the *Home Building Act 1989* to do electrical wiring work without supervision.

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.

retailer has the same meaning as in the *National Energy Retail Law (NSW)*.

safety management and customer procedures guidelines means the *Safety management and customer procedures guidelines for remote de-energisation and remote re-energisation of small customer premises*, published by the Department of Customer Service on a Government website, as in force from time to time.

safety management and customer procedures plan, for a retailer, means the safety management and customer procedures plan prepared by the retailer and submitted to the Secretary under this Part.

safety management and technical procedures guidelines means the *Safety management and technical procedures guidelines for remote de-energisation*

and remote re-energisation of small customer premises, published by the Department of Customer Service on a Government website, as in force from time to time.

safety management and technical procedures plan, for a metering provider, means the safety management and technical procedures plan prepared by the metering provider and submitted to the Secretary under this Part.

38B Metering provider must not remotely de-energise or remotely re-energise premises without safety management and technical procedures plan

- (1) For the purposes of section 34(a) of the Act, electrical installation work that is remote de-energisation or remote re-energisation of premises is required to be carried out in accordance with the requirements specified in this clause.
- (2) A metering provider must not carry out the remote de-energisation or remote re-energisation of premises unless the metering provider—
 - (a) has a safety management and technical procedures plan in force, and
 - (b) carries out the remote de-energisation or remote re-energisation in accordance with the plan, and
 - (c) has received a request under this Part from a retailer for the remote de-energisation or remote re-energisation of the premises.

38C Retailer must not remotely de-energise or remotely re-energise premises without safety management and customer procedures plan

A retailer must not arrange the remote de-energisation or remote re-energisation of premises under this Part with a metering provider unless the retailer—

- (a) has a safety management and customer procedures plan in force, and
- (b) arranges for the remote de-energisation or remote re-energisation in accordance with the plan.

Maximum penalty—500 penalty units for a corporation or 250 penalty units for an individual.

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

38D Customer may request retailer arrange de-energisation or re-energisation of premises

- (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 arrange the remote de-energisation or remote re-energisation of the premises.
- (2) As soon as practicable after receiving the small customer's request for re-energisation, the retailer is to require the customer to provide the following—
 - (a) if the premises have been de-energised for 6 months or more—a remote re-energisation safety statement, in the form approved by the Secretary, completed by a qualified person,
 - (b) if the premises have been de-energised for less than 6 months and wiring work has been done at the premises since the de-energisation—a copy of the notice given to the owner or the owner's agent under clause 37,

- (c) if premises have been de-energised for less than 6 months and no wiring work has been done at the premises since the de-energisation—a statement that no wiring work has been done since the de-energisation of the premises.
- (3) If a statement or notice is required under subclause (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.

38E Retailer and metering provider to have plan for remote de-energisation and remote re-energisation

- (1) A retailer or metering provider may prepare and submit to the Secretary a proposed plan for the safe remote de-energisation and remote re-energisation of premises.
- (2) In particular, a proposed plan must make provision for the following—
 - (a) in relation to the plan for a retailer—
 - (i) the safety and customer procedures to be followed by the retailer before arranging the remote de-energisation or remote re-energisation of premises, and
 - (ii) details of the safety and risk assessment conducted by the retailer in relation to customer safety prior to arranging for the remote de-energisation or remote re-energisation of premises, and
 - (iii) details of the mitigation strategy prepared by the retailer for the risks identified by the safety and risk assessment referred to in subparagraph (ii), and
 - (iv) the anticipated time that it would take for the retailer to arrange for a metering provider to carry out the remote de-energisation or remote re-energisation of premises, and
 - (v) the steps to be undertaken by the retailer to ensure that the remote de-energisation or remote re-energisation of premises can be safely carried out, and
 - (vi) the information to be provided to a small customer about the process for remote de-energisation or remote re-energisation of the customer's premises, and
 - (vii) the script to be followed when communicating with a small customer in relation to the remote de-energisation or remote re-energisation of the customer's premises, including actions to be taken by the retailer as a result of the customer's responses, and
 - (viii) the information to be provided to small customers about complaint processes and dispute resolution as required under the *National Electricity Rules* and the *National Energy Retail Rules*, and
 - (ix) the matters required by the safety management and customer procedures guidelines, if any,
 - (b) in relation to the plan for a metering provider—
 - (i) the safety and technical procedures to be followed by the metering provider for the remote de-energisation or remote re-energisation of premises, and
 - (ii) details of the safety and risk assessment conducted by the metering provider with regard to the meter technology used to

- perform the remote de-energisation or remote re-energisation of premises, and
- (iii) details of the mitigation strategy prepared by the metering provider for the risks identified by the safety and risk assessment referred to in subparagraph (ii), and
 - (iv) the anticipated time that it would take for the metering provider to carry out the remote de-energisation or remote re-energisation of premises in response to a request from a retailer, and
 - (v) the steps to be undertaken by the metering provider to ensure the safe remote de-energisation or remote re-energisation of premises, and
 - (vi) the matters required by the safety management and technical procedures guidelines, if any.
- (3) The Secretary is, as soon as practicable after receiving a proposed plan submitted by a retailer or metering provider, to give the retailer or metering provider a written notice confirming receipt of the proposed plan.
 - (4) Despite subclause (3), the Secretary must refuse to receive a proposed plan if the proposed plan does not make provision for each of the matters required by subclause (2).
 - (5) If the Secretary refuses to receive a proposed plan under subclause (4), the Secretary must give written notice to the retailer or metering provider concerned—
 - (a) stating that the proposed plan has not been received, and
 - (b) identifying the matter required by subclause (2) that was not included in the plan.
 - (6) The Secretary is taken to have refused to receive a proposed plan if the Secretary has not given notice under subclause (3) within 2 months after the submission of the plan.

38F Duration of plans for remote de-energisation and remote re-energisation of premises

- (1) A plan for the remote de-energisation and remote re-energisation of premises takes effect on the day on which the retailer or metering provider is given notice under clause 38E(3) in relation to the plan.
- (2) A plan expires 2 years after the day on which it takes effect, unless terminated earlier under this Part.

38G Termination of plan for offences against Part

- (1) A retailer or metering provider's plan is terminated immediately after the retailer or metering provider concerned—
 - (a) pays an amount under a penalty notice issued for a relevant offence, or
 - (b) is convicted of a relevant offence.
- (2) In this clause—

relevant offence means an offence against—

 - (a) for a retailer—clause 38C, or
 - (b) for a metering provider—section 34(a) of the Act in relation to a requirement set out in clause 38B.

38H Secretary may require submission of revised plan

- (1) The Secretary may, by written notice to a retailer or metering provider, require the retailer or metering provider to submit a revised plan if—
 - (a) in relation to a retailer—the safety management and customer procedures guidelines are amended or replaced while the retailer’s plan is in force, or
 - (b) in relation to a metering provider—the safety management and technical procedures guidelines are amended or replaced while the metering provider’s plan is in force.
- (2) A retailer or metering provider’s plan is terminated if the retailer or metering provider does not submit a revised plan within 10 business days after notice of the requirement to provide a revised plan is given or within a longer period specified by the Secretary in the notice.
- (3) Clause 38E(3)–(6) applies to a revised plan submitted under subclause (1) as if it were a proposed plan.
- (4) However, if the Secretary confirms receipt of the revised plan, the revised plan—
 - (a) replaces the plan of the retailer or metering provider that was in force immediately before the revised plan was submitted, and
 - (b) remains in force until the plan it replaced would have expired.

38I Secretary may audit plan for remote de-energisation and remote re-energisation

- (1) The Secretary may, while a plan for the remote de-energisation or remote re-energisation of premises is in force, conduct an audit of the plan to determine whether the plan makes appropriate provision for the following—
 - (a) the safe remote de-energisation and remote re-energisation of premises,
 - (b) each matter required to be included in the plan under clause 38E(2).
- (2) If the Secretary determines that a plan does not make satisfactory provision for the safe remote de-energisation and remote re-energisation of premises or for one or more of the matters required to be included in a plan under clause 38E(2), the Secretary may, by written notice given to the retailer or metering provider concerned—
 - (a) require the retailer or metering provider to submit a revised plan, and
 - (b) specify the issues identified by the Secretary.
- (3) A retailer or metering provider’s plan is terminated if the retailer or metering provider does not submit a revised plan within 10 business days after the notice is given or within a longer period specified by the Secretary in the notice.
- (4) As soon as practicable after receiving a revised plan, the Secretary must, by written notice to the retailer or metering provider concerned—
 - (a) accept the revised plan, or
 - (b) if the Secretary determines that the revised plan has not resolved the issues previously identified by the Secretary—reject the revised plan.
- (5) If the Secretary accepts a revised plan submitted by a retailer or metering provider under this clause—
 - (a) the revised plan replaces the plan of the retailer or metering provider that was in force immediately before it was submitted, and

- (b) the revised plan remains in force until the plan it replaced would have expired.
- (6) If the Secretary rejects a revised plan, the following apply—
 - (a) the retailer or metering provider concerned may submit one or more subsequent revised plans,
 - (b) subclauses (4) and (5) apply to a subsequent revised plan in the same way as they apply to the first revised plan,
 - (c) the retailer or metering provider’s plan, as in force on the date the first revised plan was rejected under subclause (4)(b), expires 10 business days after that rejection unless a subsequent revised plan is accepted by the Secretary.

[2] Schedule 3 Penalty notice offences

Insert in appropriate order in the table—

Clause 38C	\$10,000 (in the case of a corporation) or \$5,000 (in the case of an individual)
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