



Queensland

National Energy Retail Law (Consequential Amendments) Regulation 2014

Subordinate Legislation 2014 No. 338

made under the

Electrical Safety Act 2002

Electricity Act 1994

Energy and Water Ombudsman Act 2006

Gas Supply Act 2003

Queensland Competition Authority Act 1997

Contents

| | | Page |
|---------------|---|------|
| Part 1 | Preliminary | |
| 1 | Short title | 4 |
| 2 | Commencement | 4 |
| Part 2 | Amendment of Electrical Safety Regulation 2013 | |
| 3 | Regulation amended | 4 |
| 4 | Amendment of s 282 (Provision of information by retail entity) .. | 4 |
| Part 3 | Amendment of Electricity Regulation 2006 | |
| 5 | Regulation amended | 4 |
| 6 | Amendment of s 5 (How purposes are to be achieved) | 5 |
| 7 | Amendment of ch 2, pt 4, hdg (Small customers' small photovoltaic generators) | 5 |
| 8 | Amendment of s 30AA (Prescribed credit amount for credit for electricity produced by small photovoltaic generators) | 5 |
| 9 | Amendment of s 30AB (When a small customer stops being entitled to be credited with prescribed credit amount for a category 1 small customer) | 5 |

Contents

| | | |
|----|--|----|
| 10 | Omission of s 30AC (Prescribed retail entity) | 6 |
| 11 | Omission of ch 3, pt 1A (Provisions prescribing particular customer types) | 6 |
| 12 | Omission of s 34 (When distribution entity may refuse to connect or may disconnect) | 6 |
| 13 | Amendment of various sections | 6 |
| 14 | Amendment of s 40 (Customer to change electrical installation for meter connection) | 7 |
| 15 | Amendment of s 41 (Customer to provide links connecting meter to incoming supply) | 7 |
| 16 | Amendment of s 44 (Placing meter or control apparatus on customer's premises) | 7 |
| 17 | Amendment of s 45 (Change of placement if building changes or works) | 7 |
| 18 | Omission of ch 3, pt 1, div 4 (What is not unfair or unreasonable for large customers) | 7 |
| 19 | Omission of ch 3, pt 2 (Retail entities) | 8 |
| 20 | Omission of ch 3, pt 3 (Retailer of last resort scheme) | 8 |
| 21 | Amendment of s 88 (Dispute resolution) | 8 |
| 22 | Amendment of s 118 (National Electricity Rules to be followed) | 8 |
| 23 | Amendment of s 119 (Network operation not to interfere with Queensland system) | 9 |
| 24 | Amendment of s 124 (Separation of distribution and retail sectors) | 9 |
| 25 | Amendment of s 125 (Compliance with National Electricity Rules instruments) | 9 |
| 26 | Omission of ss 125A and 126 | 9 |
| 27 | Amendment of s 127 (Prescribed special approval holder—Act, s 61B) | 9 |
| 28 | Amendment of s 130 (Approval to connect particular generating plant with 30MW or less capacity) | 10 |
| 29 | Amendment of s 132 (Special approval for QETC) | 10 |
| 30 | Amendment of s 133 (Distribution authorities) | 10 |
| 31 | Amendment of ch 10, pt 1A, hdg (Industry code provisions) | 10 |
| 32 | Amendment of ch 10, pt 1A, div 2, hdg (Required consultation for QCA making or amending industry code) | 10 |
| 33 | Amendment of s 226 (Fees) | 10 |
| 34 | Amendment of sch 3 (Special approval holders treated as electricity entities) | 11 |
| 35 | Amendment of sch 5 (QCA review of decisions) | 11 |
| 36 | Amendment of sch 7 (Fees payable to regulator) | 11 |
| 37 | Amendment of sch 8 (Maximum fees payable to electricity entity) | 11 |

| | | |
|---------------|---|----|
| 38 | Amendment of sch 9 (Dictionary) | 11 |
| Part 4 | Amendment of Energy and Water Ombudsman Regulation 2007 | |
| 39 | Regulation amended | 12 |
| 40 | Amendment of s 4 (Prescribed amounts for participation fee for Maranoa and Western Downs Regional Councils—Act, s 67) . . . | 12 |
| Part 5 | Amendment of Gas Supply Regulation 2007 | |
| 41 | Regulation amended | 13 |
| 42 | Omission of pt 2 (Provisions prescribing particular customer types) | 13 |
| 43 | Amendment of pt 3, hdg (Industry code provisions). | 13 |
| 44 | Amendment of various sections | 14 |
| 45 | Amendment of pt 3, div 2, hdg (Required consultation for QCA making or amending industry code) | 14 |
| 46 | Replacement of s 40 (Operation of pt 4) | 14 |
| | 40 Application of pt 4. | 15 |
| 47 | Amendment of s 43 (Grounds for disconnection by distributor) . . | 15 |
| 48 | Omission of ss 44 and 45. | 15 |
| 49 | Amendment of s 47 (Reconnection). | 16 |
| 50 | Omission of pt 4, div 3 (Retailers) | 16 |
| 51 | Omission of s 52 (Annual retail fee—Act, s 166) | 16 |
| 52 | Omission of s 54 (Internal and external review rights) | 16 |
| 53 | Amendment s 55A (Exemption from registration for market participation under National Gas (Queensland) Law). | 16 |
| 54 | Replacement of sch 1 (Fees other than annual fees). | 16 |
| | Schedule 1 Other fees for distribution authorities | |
| 55 | Amendment of sch 2 (Dictionary). | 17 |
| Part 6 | Amendment of Queensland Competition Authority Regulation 2007 | |
| 56 | Regulation amended | 18 |
| 57 | Amendment of sch 1 (Services and functions for which fees are payable) | 18 |

[s 1]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *National Energy Retail Law (Consequential Amendments) Regulation 2014*.

2 Commencement

This regulation commences on 1 July 2015.

Part 2 Amendment of Electrical Safety Regulation 2013

3 Regulation amended

This part amends the *Electrical Safety Regulation 2013*.

4 Amendment of s 282 (Provision of information by retail entity)

Section 282, ‘retail entity’—

omit, insert—

retailer

Part 3 Amendment of Electricity Regulation 2006

5 Regulation amended

This part amends the *Electricity Regulation 2006*.

6 Amendment of s 5 (How purposes are to be achieved)

Section 5(b) and (c)—

omit.

7 Amendment of ch 2, pt 4, hdg (Small customers' small photovoltaic generators)

Chapter 2, part 4, heading, 'Small customers'—

omit, insert—

Qualifying customers'

8 Amendment of s 30AA (Prescribed credit amount for credit for electricity produced by small photovoltaic generators)

(1) Section 30AA(1), 'small customer'—

omit, insert—

qualifying customer

(2) Section 30AA(2)—

omit, insert—

(2) A qualifying customer mentioned in subsection (1) is a *category 1 qualifying customer*.

9 Amendment of s 30AB (When a small customer stops being entitled to be credited with prescribed credit amount for a category 1 small customer)

(1) Section 30AB, 'small customer'—

omit, insert—

qualifying customer

(2) Section 30AB, 'small customer's'—

omit, insert—

qualifying customer's

[s 10]

10 Omission of s 30AC (Prescribed retail entity)

Section 30AC—

omit.

11 Omission of ch 3, pt 1A (Provisions prescribing particular customer types)

Chapter 3, part 1A—

omit.

12 Omission of s 34 (When distribution entity may refuse to connect or may disconnect)

Section 34—

omit.

13 Amendment of various sections

- (1) Each of the following provisions is amended by omitting ‘an industry code’ and inserting ‘a distribution network code’—
 - section 39
 - section 222A(1)
 - section 222E(1)
 - section 222F(1)
 - schedule 9, definition *proponent*
 - schedule 9, definition *proposal*.
- (2) Each of the following provisions is amended by omitting ‘industry code’ and inserting ‘distribution network code’—
 - section 222D
 - section 222F(1)(a) and (2)
 - section 222G(a)
 - section 222H

- section 222K
- section 222L
- section 222O.

14 Amendment of s 40 (Customer to change electrical installation for meter connection)

Section 40(2)—

omit.

15 Amendment of s 41 (Customer to provide links connecting meter to incoming supply)

Section 41(4)—

omit.

16 Amendment of s 44 (Placing meter or control apparatus on customer's premises)

Section 44(3)—

omit.

17 Amendment of s 45 (Change of placement if building changes or works)

Section 45(3)—

omit.

18 Omission of ch 3, pt 1, div 4 (What is not unfair or unreasonable for large customers)

Chapter 3, part 1, division 4—

omit.

[s 19]

19 Omission of ch 3, pt 2 (Retail entities)

Chapter 3, part 2—

omit.

20 Omission of ch 3, pt 3 (Retailer of last resort scheme)

Chapter 3, part 3—

omit.

21 Amendment of s 88 (Dispute resolution)

Section 88(1)—

omit, insert—

- (1) This section applies if—
 - (a) the Act or this regulation requires an electricity entity to do something on—
 - (i) fair and reasonable terms; or
 - (ii) a fair and reasonable basis; and
 - (b) there is a dispute about fairness or reasonableness; and
 - (c) the dispute is not—
 - (i) an access dispute under the *Queensland Competition Authority Act 1997*, section 112(2); or
 - (ii) a dispute that may be the subject of a dispute referral to the energy and water ombudsman under the *Energy and Water Ombudsman Act 2006*.

22 Amendment of s 118 (National Electricity Rules to be followed)

Section 118, 'NEMMCO'—

omit, insert—

AEMO

23 Amendment of s 119 (Network operation not to interfere with Queensland system)

Section 119, 'NEMMCO'—

omit, insert—

AEMO

24 Amendment of s 124 (Separation of distribution and retail sectors)

Section 124, 'retail authority'—

omit, insert—

retailer authorisation

25 Amendment of s 125 (Compliance with National Electricity Rules instruments)

Section 125(3), definition *authority*, ' , distribution authority or retail authority'—

omit, insert—

or distribution authority

26 Omission of ss 125A and 126

Sections 125A and 126—

omit.

27 Amendment of s 127 (Prescribed special approval holder—Act, s 61B)

Section 127(2) and the editor's note—

omit.

[s 28]

- 28 Amendment of s 130 (Approval to connect particular generating plant with 30MW or less capacity)**
Section 130(1), ‘and sell electricity generated by that plant’—
omit.
- 29 Amendment of s 132 (Special approval for QETC)**
Section 132, ‘and sell’—
omit.
- 30 Amendment of s 133 (Distribution authorities)**
Section 133, ‘retail authority’—
omit, insert—
retailer authorisation
- 31 Amendment of ch 10, pt 1A, hdg (Industry code provisions)**
Chapter 10, part 1A, heading, ‘Industry code’—
omit, insert—
Distribution network code
- 32 Amendment of ch 10, pt 1A, div 2, hdg (Required consultation for QCA making or amending industry code)**
Chapter 10, part 1A, division 2, heading, ‘industry code’—
omit, insert—
distribution network code
- 33 Amendment of s 226 (Fees)**
(1) Section 226(3)(a), ‘an industry code’—
omit, insert—

a distribution network code

(2) Section 226(3)(b), ‘retail entity’—

omit, insert—

retailer

34 Amendment of sch 3 (Special approval holders treated as electricity entities)

Schedule 3, item 5—

omit.

35 Amendment of sch 5 (QCA review of decisions)

Schedule 5, entries for sections 30F and 30K—

omit.

36 Amendment of sch 7 (Fees payable to regulator)

Schedule 7, items 4 and 5—

omit.

37 Amendment of sch 8 (Maximum fees payable to electricity entity)

Schedule 8, part 2, items 2 and 3, ‘section 34’—

omit, insert—

the National Energy Retail Rules, rule 122

38 Amendment of sch 9 (Dictionary)

(1) Schedule 9, definitions *affected customer, apportioned amount, billing cycle, capital contribution, category 1 small customer, classification, closing day, defaulting retailer, distribution entity, Electricity Industry Code, expression of interest, insolvency official, reclassification application, recovery amount, relevant distribution entity* (both mentions),

providing—

- (a) customer connection services under the *Gas Supply Act 2003*; or
- (b) customer retail services as an exempt seller under the NERL (Qld).

(2) Section 4—

insert—

(4) In this section—

NERL (Qld) see the *National Energy Retail Law (Queensland) Act 2014*, section 3.

Part 5 **Amendment of Gas Supply Regulation 2007**

41 **Regulation amended**

This part amends the *Gas Supply Regulation 2007*.

42 **Omission of pt 2 (Provisions prescribing particular customer types)**

Part 2—

omit.

43 **Amendment of pt 3, hdg (Industry code provisions)**

Part 3, heading, ‘Industry code’—

omit, insert—

Distribution network code

[s 44]

44 Amendment of various sections

- (1) Each of the following provisions is amended by omitting ‘an industry code’ and inserting ‘a distribution network code’—
- section 25(1)
 - section 29(1)
 - section 30(1)
 - schedule 2, definition *proponent*
 - schedule 2, definition *proposal*.
- (2) Each of the following provisions is amended by omitting ‘industry code’ and inserting ‘distribution network code’—
- section 28
 - section 30(1)(a) and (2)
 - section 31(a)
 - section 32
 - section 35
 - section 36
 - section 39
 - section 41
 - section 55(2).

45 Amendment of pt 3, div 2, hdg (Required consultation for QCA making or amending industry code)

Part 3, division 2, heading, ‘industry code’—
omit, insert—

distribution network code

46 Replacement of s 40 (Operation of pt 4)

Section 40—
omit, insert—

40 Application of pt 4

- (1) This part applies to a distributor in relation to the distributor's gas infrastructure that is not a distribution system under the NERL (Qld).
- (2) This part imposes conditions on a distributor, under section 51(1) of the Act.

47 Amendment of s 43 (Grounds for disconnection by distributor)

- (1) Section 43(e), 'or retail'—

omit.

- (2) Section 43—

insert—

- (i) a retailer has given the distributor a notice (a ***disconnection request***) requesting the premises be disconnected;
- (j) the distributor is Maranoa Regional Council, and the terms of the Council's exemption from holding a retailer authorisation under the NERL (Qld) allow the Council to disconnect the premises;
- (k) the distributor is Western Downs Regional Council, and the terms of the Council's exemption from holding a retailer authorisation under the NERL (Qld) allow the Council to disconnect the premises.

48 Omission of ss 44 and 45

Sections 44 and 45—

omit.

[s 49]

49 Amendment of s 47 (Reconnection)

Section 47(4), ‘the customer is a large customer and’—
omit.

50 Omission of pt 4, div 3 (Retailers)

Part 4, division 3—
omit.

51 Omission of s 52 (Annual retail fee—Act, s 166)

Section 52—
omit.

52 Omission of s 54 (Internal and external review rights)

Section 54—
omit.

53 Amendment s 55A (Exemption from registration for market participation under National Gas (Queensland) Law)

(1) Section 55A(3), definitions *excluded retail authority* and *exempted authority*—

omit.

(2) Section 55A(3)—

insert—

exempted authority means an excluded distribution authority.

54 Replacement of sch 1 (Fees other than annual fees)

Schedule 1—
omit, insert—

**Schedule 1 Other fees for
 distribution
 authorities**

section 53

| | \$ |
|--|--------|
| 1 Application for distribution authority (Act, s 28) | 335.55 |
| 2 Application to amend distribution authority, other than to amend a condition imposed under chapter 2, part 1, division 2 of the Act or to correct a clerical or formal error (Act, s 55) | 100.45 |
| 3 Application to renew distribution authority (Act, s 64) . . . | nil |
| 4 Application to transfer distribution authority (Act, s 68) . | 335.55 |
| 5 Application for approval of surrender of distribution authority (Act, s 73) | nil |

55 Amendment of sch 2 (Dictionary)

(1) Schedule 2, definitions *classification, consumption, disconnection request, reclassification application, relevant retailer and supply point*—

omit.

(2) Schedule 2—

insert—

NERL (Qld) see the *National Energy Retail Law (Queensland) Act 2014*, section 3.

