

TASMANIA

**NATIONAL ENERGY RETAIL LAW (TASMANIA)
REGULATIONS 2022**

STATUTORY RULES 2022, No. 38

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**NATIONAL ENERGY RETAIL LAW (TASMANIA)
REGULATIONS 2022**

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *National Energy Retail Law (Tasmania) Act 2012*.

Dated 20 June 2022.

B. BAKER
Governor

By Her Excellency's Command,

GUY BARNETT
Minister for Energy and Renewables

1. Short title

These regulations may be cited as the *National Energy Retail Law (Tasmania) Regulations 2022*.

2. Commencement

These regulations take effect on the day on which their making is notified in the *Gazette*.

3. Interpretation

In these regulations –

the Law means the National Energy Retail Law (Tasmania).

4. Consumption thresholds

For the purposes of section 5 of the Law, the upper consumption threshold for electricity is prescribed, under section 22 of the *National Energy Retail Law (Tasmania) Act 2012*, to be 0.15 gigawatt hours per year.

5. Price comparator

- (1) Section 62 of the Law applies in relation to this jurisdiction.
- (2) In addition to the requirement of section 63 of the Law, a retailer must submit to the AER, in the manner and form (including by the date or dates) required by the AER Retail Pricing Information Guidelines, information and data relating to the purposes of a price comparator for this jurisdiction.

6. Modification of National Energy Retail Rules in relation to small market offer customers

- (1) Under section 12(3) of the *National Energy Retail Law (Tasmania) Act 2012*, the National Energy Retail Rules, to the extent that they apply

as part of the law of this jurisdiction, are modified as set out in this regulation.

- (2) Rule 6 of the National Energy Retail Rules is modified by omitting paragraph (c).
- (3) Rule 9 of the National Energy Retail Rules is modified by omitting paragraph (b) from subrule (2).
- (4) Rule 10 of the National Energy Retail Rules is modified by omitting from subrule (1) “or as not a small market offer customer”.

7. Modification of National Energy Retail Rules in relation to distributor planned interruptions

- (1) Under section 12(3) of the *National Energy Retail Law (Tasmania) Act 2012*, the National Energy Retail Rules, to the extent they apply as part of the law of this jurisdiction, are modified as set out in this regulation.
- (2) Rule 90 of the National Energy Retail Rules is modified by inserting after subrule (3) the following subrule:

(4) Compliance with Rule

A distributor of electricity is not required to comply with this rule if the duration of the distributor planned interruption is for fewer than 15 minutes.

- (3) The National Energy Retail Rules are modified by inserting after rule 90 the following rule:

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90A. Explicit consent in relation to distributor planned interruptions

(1) In this rule –

co-habitant, in relation to premises, means a person, other than the customer in relation to the premises, who has attained the age of 18 years and resides at the premises.

(2) A distributor may obtain from a co-habitant explicit consent to a distributor planned interruption in relation to premises if, were the co-habitant the customer in relation to the premises, the explicit consent would have been permitted under paragraph 90(1)(b) or (c) to be obtained.

(3) An explicit consent, to a distributor planned interruption in relation to premises, that is obtained under subregulation (2) from a co-habitant is to be taken to be the explicit consent of the customer to the distributor planned interruption in relation to the premises.

(4) Clause 6.4 of Schedule 2 to the National Energy Retail Rules is modified –

(a) by omitting from paragraph (d)(iii) “your explicit consent” and substituting “explicit consent, from you or a person you live with,”; and

- (b) by inserting after paragraph (d) the following paragraph:
 - (e) We are not required to give you notice if the distributor planned interruption is for fewer than 15 minutes.
- (5) Clause 10.2 of Schedule 2 to the National Energy Retail Rules is modified –
 - (a) by omitting from paragraph (b)(i) “your explicit consent” and substituting “explicit consent, from you or a person you live with,”; and
 - (b) by omitting from paragraph (b)(ii) “your explicit consent” and substituting “explicit consent, from you or a person you live with,”; and
 - (c) by inserting after paragraph (b) the following paragraph:
 - (c) We are not required to give you notice if the distributor planned interruption is for fewer than 15 minutes.

National Energy Retail Law (Tasmania) Regulations 2022
Statutory Rules 2022, No. 38

Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 29 June 2022.

These regulations are administered in the Department of Treasury and Finance.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations –

- (a) prescribe certain matters for the purposes of the *National Energy Retail Law (Tasmania) Act 2012*; and
- (b) are made consequent on the repeal of the *National Energy Retail Law (Tasmania) Regulations 2012* under section 11 of the *Subordinate Legislation Act 1992*.