

**Legislative Council—No 204**

As received from the House of Assembly and read a first time, 29 October 2013

South Australia

**Statutes Amendment (Smart Meters) Bill 2013**

A BILL FOR

An Act to amend the *National Electricity (South Australia) Act 1996* and the *National Energy Retail Law (South Australia) Act 2011*.

---

## Contents

### Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Amendment provisions

### Part 2—Amendment of *National Electricity Law*

- 4 Amendment of section 2—Definitions
- 5 Amendment of section 118A—Definitions
- 6 Repeal of Part 8A Division 3

### Part 3—Amendment of *National Energy Retail Law*

- 7 Amendment of section 22—Obligation to make offer to small customers
  - 8 Amendment of section 237—Subject matter of Rules
  - 9 Insertion of section 238A  
238A South Australian Minister may make initial Rules related to consumer protections and smart meters
- 

## The Parliament of South Australia enacts as follows:

### Part 1—Preliminary

#### 1—Short title

This Act may be cited as the *Statutes Amendment (Smart Meters) Act 2013*.

#### 2—Commencement

- 5 This Act will come into operation on a day to be fixed by proclamation.

#### 3—Amendment provisions

In this Act—

- (a) a provision in Part 2 amends the *National Electricity Law* set out in the Schedule to the *National Electricity (South Australia) Act 1996*; and
- 10 (b) a provision in Part 3 amends the *National Energy Retail Law* set out in the Schedule to the *National Energy Retail Law (South Australia) Act 2011*.

### Part 2—Amendment of *National Electricity Law*

#### 4—Amendment of section 2—Definitions

- 15 (1) Section 2(1), definition of *Ministerial smart metering determination*, (a)—delete paragraph (a)
- (2) Section 2(1), definition of *Ministerial smart meter rollout determination*—delete the definition

#### 5—Amendment of section 118A—Definitions

- (1) Section 118A, definition of *relevant customer*—delete the definition

- (2) Section 118A, definition of *required smart metering infrastructure*—delete the definition
- (3) Section 118A, definition of *smart metering services*—delete the definition

### **6—Repeal of Part 8A Division 3**

5 Part 8A Division 3—delete Division 3

## **Part 3—Amendment of *National Energy Retail Law***

### **7—Amendment of section 22—Obligation to make offer to small customers**

- (1) Section 22—after subsection (1) insert:

(1a) If—

- 10 (a) a small customer has an interval meter; and
- (b) a local instrument of this jurisdiction declares that this subsection applies in relation to this jurisdiction,  
then a retailer's standing offer must include—
- 15 (c) such tariff structures as may be prescribed by local instrument; or
- (d) if and to the extent that a local instrument declares such Rules to apply—such tariff structures as may be prescribed by the National Energy Retail Rules in connection with the operation of this subsection.
- 20 (1b) In connection with the operation of subsection (1a), a local instrument applying under subsection (1a)(c) or the Rules applying under subsection (1a)(d) may include provisions that will allow a small customer to elect that a certain specified tariff will, or will not, apply in relation to the customer.

- 25 (2) Section 22—after subsection (5) insert:

(6) In this section—

*interval energy data* means interval energy data as defined in the NER;

30 *interval meter* means a meter that measures and records interval energy data.

### **8—Amendment of section 237—Subject matter of Rules**

Section 237(2)—after paragraph (i) insert:

- 35 (ia) the use of interval meters and smart meters and other related technologies, including devices designed to enable direct load control, including (without limitation) matters relating to the following:
  - (i) the ability of a distributor to undertake supply capacity control (SCC), including—

- (A) the inclusion of SCC as part of a connection contract; and
- (B) marketing rules associated with SCC; and
- (C) the management and restoration of power as a result of an emergency;

5

- (ii) the ability of a retailer to undertake SCC;
- (iii) charging and billing rules, and bill content, including—

- (A) the way in which tariff structures should be expressed; and
- (B) the regulation of estimates for the purposes of billing, including information to be provided to customers; and
- (C) the regulation of critical peak pricing and critical peak rebates; and
- (D) the provision of information to customers about metering and consumption data on the bill;

10

- (iv) the provision of marketing information to customers through the in-house display facility of a smart meter and other related technologies (including by providing that a customer's consent is required before such information may be sent and by imposing restrictions or prohibitions with respect to certain practices);

20

- (v) the provision of information about matters associated with the use of smart meters and other related technologies, including the remote de-energisation of premises and control of appliances;

25

- (vi) information to be included in a retail market performance report;

## 9—Insertion of section 238A

30

After section 238 insert:

### **238A—South Australian Minister may make initial Rules related to consumer protections and smart meters**

- (1) The Minister in right of the Crown of South Australia administering Part 2 of the *National Energy Retail Law (South Australia) Act 2011* of South Australia (the **South Australian Minister**) may make Rules for or with respect to any matter or thing that is referred to in section 237(2)(ia) and that relates to, or is relevant to the interests of, small customers.
- (2) As soon as practicable after making Rules under this section, the South Australian Minister must—
  - (a) publish notice of the making of the Rules in the South Australian Government Gazette; and

35

40

- (b) make the Rules publicly available.
- (3) The notice referred to in subsection (2)(a) must state—
- (a) the date on which the Rules commence operation; or
- (b) if different Rules will commence operation on different  
5 dates, those dates.
- (4) The Rules made under this section may only be made on the  
recommendation of the MCE.
- (5) Section 237(3) applies to Rules made under subsection (1) in the  
same way as it applies to Rules made by the AEMC.
- 10 (6) Once the first Rules have been made under subsection (1), no further  
Rules can be made under that subsection.