

South Australia

Electricity (General) (Early Termination Fees) Variation Regulations 2019

under the *Electricity Act 1996*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Electricity (General) (Early Termination Fees) Variation Regulations 2019*.

2—Commencement

These regulations come into operation on 30 December 2019.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Electricity (General) Regulations 2012*

4—Substitution of regulation 44C

Regulation 44C—delete the regulation and substitute:

44C—Sale of electricity to small customers—early termination fees prohibited

- (1) For the purposes of section 63AB(1)(e) of the Act, a NERL retailer must not offer a market retail contract to small customers if a term or condition of the contract provides for the payment of a fee or charge (however described) for early termination of the contract.

- (2) Nothing in subregulation (1) prevents a NERL retailer from offering to small customers a fixed term contract that provides for the payment of—
- (a) a fee or charge for early termination of a fixed benefit period under the contract by the small customer (whether or not the contract is terminated at the same time); or
 - (b) a fee or charge for early termination of the contract if the fee or charge only involves the NERL retailer recovering its reasonable costs for the installation or provision of designated equipment to the small customer (and accounts for, in the event of early termination of the contract, any payments towards those costs made by the small customer before the termination).
- (3) However, subregulation (2) only applies if—
- (a) the NERL retailer provides information to the small customer before the small customer enters into the contract that clearly specifies—
 - (i) the nature and amount of the relevant fee or charge referred to in that subregulation; and
 - (ii) the consequences of early termination of the contract by the small customer; and
 - (b) a fee or charge for early termination provided for under that subregulation complies with the relevant requirements applying under the National Energy Retail Rules.
- (4) In this regulation—

designated equipment means a meter or other equipment related to the provision of electricity at the premises of the small customer that is fixed to the premises and intended to remain at those premises (whether or not any contract relating to the provision of electricity at the premises is terminated early);

Examples—

- (a) a solar photovoltaic system;
- (b) a battery storage system.

fixed benefit period means a period of a fixed term contract during which pricing is fixed;

fixed term contract means a market retail contract for a fixed term.

- (5) Unless the contrary intention appears, terms used in this regulation and in the *National Energy Retail Law* or the National Energy Retail Rules have the same respective meaning in this regulation as they have in the *National Energy Retail Law* or National Energy Retail Rules.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor's Deputy

with the advice and consent of the Executive Council
on 26 September 2019

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