



Queensland

Energy and Water Ombudsman (Prescribed Energy Entities) Amendment Regulation 2021

Subordinate Legislation 2021 No. 182

made under the

Energy and Water Ombudsman Act 2006

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[s 1]

1 Short title

This regulation may be cited as the *Energy and Water Ombudsman (Prescribed Energy Entities) Amendment Regulation 2021*.

2 Commencement

This regulation commences on 28 February 2022.

3 Regulation amended

This regulation amends the *Energy and Water Ombudsman Regulation 2007*.

4 Insertion of new s 2A

After section 2—

insert—

2A Prescribed energy entities—Act, s 7

- (1) For section 7(2) of the Act, the following entities are prescribed to be energy entities—
 - (a) a retailer whose retailer authorisation authorises the retailer to sell electricity by on-supplying it to residential customers;
 - (b) an exempt seller, if any of the following exemptions under part 5, division 6 of the NERL (Qld) are in force in relation to the exempt seller—
 - (i) an individual exemption under which the exempt seller sells electricity by on-supplying it to residential customers;
 - (ii) an exemption included in class D2, D6, R2, R3 or R4 described in the AER Exempt Selling Guidelines applying to retail exemptions;

- (c) a person who holds an exemption under the National Electricity (Queensland) Law, section 12 or 13, if the exemption is included in class ND2, ND6, NR2, NR3 or NR4 described in the network exemption guideline.
- (2) In this section—
- AER Exempt Selling Guidelines* see the NERL (Qld), section 118(1).
- NER* see the NERL (Qld), section 2(1).
- network exemption guideline* means the ‘Electricity network service provider - registration exemption guideline’ made under the NER, clause 2.5.1(e).
- residential customer* see the NERL (Qld), section 2(1).
- retailer authorisation* see the NERL (Qld), section 2(1).

5 Insertion of new s 3A

After section 3—

insert—

3A Prescribed amount for participation fee for, and when participation fee is payable by, prescribed energy entities—Act, ss 66 and 67

- (1) For section 67(1)(g) of the Act, the following amount is prescribed—
- (a) for a prescribed energy entity mentioned in section 2A(1)(a)—
- (i) if the prescribed energy entity holds 1 retailer authorisation—\$5,000; or
- (ii) if the prescribed energy entity holds more than 1 retailer authorisation—\$10,000;

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- (b) for a prescribed energy entity mentioned in section 2A(1)(b) or (c)—
 - (i) if the prescribed energy entity sells electricity to not more than 2,000 relevant energy customers—nil; or
 - (ii) if the prescribed energy entity sells electricity to more than 2,000 relevant energy customers— \$5,000.
- (2) For section 66(5)(a) of the Act, the energy and water ombudsman must give a prescribed energy entity an invoice for the amount of the participation fee.
- (3) For section 66(5)(b) of the Act, the period is 14 days after the prescribed energy entity receives the invoice.

6 Amendment of s 4 (Prescribed amounts for participation fee for Maranoa and Western Downs Regional Councils—Act, s 67)

Section 4(4)—

omit.

ENDNOTES

- 1 Made by the Governor in Council on 9 December 2021.
- 2 Notified on the Queensland legislation website on 10 December 2021.
- 3 The administering agency is the Department of Energy and Public Works.

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