



Queensland

Energy and Water Ombudsman Regulation 2022

Subordinate Legislation 2022 No. 114

made under the

Energy and Water Ombudsman Act 2006

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1 Short title

This regulation may be cited as the *Energy and Water Ombudsman Regulation 2022*.

2 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 under the NERL (Qld) authorises the retailer to sell electricity by on-supplying it to residential customers;
 - (b) an exempt seller, if either of the following exemptions under the NERL (Qld), part 5, division 6 is 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).

3 Requirement for retailer to notify event starting scheme participation

- (1) This section applies to a retailer who becomes a scheme participant under section 64(2) of the Act.
- (2) The retailer must, within 10 business days after the relevant participation event, give the energy and water ombudsman notice of the event in the form approved under section 82 of the Act.

Maximum penalty—20 penalty units.

- (3) For subsection (2), the *relevant participation event* is the earlier of the following events to happen—
 - (a) the retailer enters into a contract for the provision of a customer retail service to a small customer (energy);
 - (b) the retailer starts to provide a customer retail service to a small customer (energy).

4 When participation fee is payable by prescribed energy entity—Act, s 66

- (1) 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.
- (2) For section 66(5)(b) of the Act, the period prescribed is 14 days after the prescribed energy entity receives the invoice for the participation fee.

5 Amount of participation fee for prescribed energy entity—Act, s 67

For section 67(1)(g) of the Act, the amount prescribed is—

- (a) for a prescribed energy entity mentioned in section 2(1)(a)—
 - (i) if the prescribed energy entity is the holder of 1 retailer authorisation under the NERL (Qld)—\$5,000; or

[s 6]

- (ii) if the prescribed energy entity is the holder of more than 1 retailer authorisation under the NERL (Qld)—\$10,000; or
- (b) for a prescribed energy entity mentioned in section 2(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.

6 Amount of participation fee for Maranoa Regional Council and Western Downs Regional Council—Act, s 67

- (1) For section 67(1)(a)(i) of the Act, the amount prescribed is—
 - (a) for the Maranoa Regional Council—\$50; or
 - (b) for the Western Downs Regional Council—\$250.
- (2) For section 67(1)(f) of the Act, the amount prescribed is—
 - (a) for the Maranoa Regional Council—\$50; or
 - (b) for the Western Downs Regional Council—\$250.

7 Repeal

The Energy and Water Ombudsman Regulation 2007, SL No. 124 is repealed.

8 References to repealed regulation

A reference in a document to the repealed *Energy and Water Ombudsman Regulation 2007* may, if the context permits, be taken to be a reference to this regulation.

ENDNOTES

- 1 Made by the Governor in Council on 25 August 2022.
- 2 Notified on the Queensland legislation website on 26 August 2022.
- 3 The administering agency is the Department of Energy and Public Works.

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