



Economic Regulation Authority

Draft decision

Repeal and replacement of the Code of Conduct for the Supply of Electricity to Small Use Customers 2018

9 December 2021

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Draft decision

1. Following consideration of the Electricity Code Consultative Committee's (ECCC) *Final Review Report: 2019-22 Review of the Code of Conduct for the Supply of Electricity to Small Use Customers*, the Economic Regulation Authority has made a draft decision to accept all 115 recommendations made by the ECCC.¹ The ERA also proposes various additional minor changes to the Code.
2. The ERA proposes to exercise its power under the *Electricity Industry Act 2004* to repeal and replace the *Code of Conduct for the Supply of Electricity to Small Use Customers 2018*. Copies of the proposed new Code, with and without tracked changes, are included as Appendices 1 and 2.
3. The ERA proposes a staged commencement for the replacement Code. Part 13 (Family violence policy) of the Code will commence two months after the Code is gazetted by inserting the Part into the current Code. The other Parts will commence on 1 January 2023 by repealing the amended Code and replacing it with the new Code.

Consultation

4. As required by section 87 of the Electricity Act, the ERA will refer the proposed replacement Code to the ECCC for its advice.
5. Before the ECCC gives its advice to the ERA, it must give any interested person an opportunity to offer comments on the proposed replacement Code. The ECCC must take into account any comments received when formulating its advice back to the ERA.²
6. Following receipt of the ECCC's advice, the ERA will consider the advice and make its final decision.

¹ The ERA has proposed a change to recommendation 6 of the ECCC's Final Review Report, which recommends changes for consistency with the *Gas Marketing Code of Conduct 2019*. Due to a drafting error in the Gas Marketing Code, the ERA will not amend clause 2.2(2) to refer to a contract described in clause 2.2(1). This will maintain the current Code requirement that all customers on an unsolicited standard form contract be given the information set out in clause 2.2(2).

² *Electricity Industry Act 2004* (WA) section 87.

Executive summary

7. The *Code of Conduct for the Supply of Electricity to Small Use Customers* regulates and controls the conduct of retailers and distributors that supply electricity to residential and small business customers. The Code covers a broad range of areas including billing, payment, financial hardship, disconnection and complaints.
8. Every two years, the ECCC must review the Code and present its findings to the ERA.³ More information about the ECCC and review process is included in Appendix 4.
9. The ECCC provided its final report on the 2019 to 2022 review of the Code to the ERA on 19 May 2021.⁴ The review has been the most comprehensive review since the Code commenced in 2004. The ECCC not only reviewed existing provisions, but also looked for opportunities to better align the Code with the National Energy Customer Framework and considered new protections for customers affected by family violence.
10. In its report, the ECCC made 115 recommendations to the ERA to amend the Code. The ERA has decided to accept all the ECCC's recommendations.
11. The amended Code will greatly expand the protections offered to electricity customers in Western Australia. All residential customers will now be entitled to a payment extension or an instalment plan from their retailer.⁵ When a customer and retailer enter into an instalment plan, the retailer will have to offer the customer assistance to manage their ongoing consumption over the duration of the plan. The customer will also be able to seek a review of their plan up to twice a year.
12. Under the new requirement for retailers to have a family violence policy, customers affected by family and domestic violence will be entitled to protections such as safe methods of communication. Retailers will only be allowed to ask customers for evidence of family violence in limited circumstances. Additionally, a customer affected by family violence will be provided with a nine-month period during which they cannot be disconnected for not paying their bill.
13. Retailers will also benefit from the changes proposed to the Code. Some changes will likely reduce regulatory burden, such as the removal of the minimum billing cycle and increased flexibility in the way mandatory information may be provided. Other changes will allow retailers to offer customers more flexible and innovative electricity products. For example, retailers will be able to offer electricity plans where the bill is not based on meter readings, such as capped price billing. Retailers will also be able to offer customers different ways to receive their bill, such as through an app or online account.
14. In addition to the ECCC's recommendations, the ERA proposes various minor amendments to the Code. The additional amendments proposed by the ERA stem from the ECCC's recommendation that the ERA ask the Parliamentary Counsel's

³ The Electricity Code Consultative Committee, or ECCC, is a statutory committee appointed by the ERA. It consists of four consumer representatives, four industry representatives, two government representatives, a chairperson and an executive officer.

⁴ Electricity Code Consultative Committee, 2021, *Final Review Report 2019-22 Review of the Code of Conduct for the Supply of Electricity to Small Use Customers*, ([online](#))

⁵ Currently, only customers who have been assessed by their retailer as experiencing payment difficulties or financial hardship are entitled to this assistance.

Office to review the drafting of the Code to improve clarity.⁶ Although the amendments proposed by the ERA generally do not affect the interpretation of clauses, some will, or could, do so. Where relevant, Appendix 3 explains how the interpretation of a clause may be affected by the change and why the ERA has proposed the change.

15. To make its draft decision, the ERA has had regard to the requirements of section 79(2) of the Electricity Act and section 26 of the *Economic Regulation Authority Act 2003*. More information about the regulatory framework and the matters the ERA has had regard to in making its draft decision is in paragraphs 88 to 90.
16. Given the large number of proposed amendments, the ERA proposes to repeal and replace the Code rather than amend it. However, for ease of reading, the remainder of this draft decision refers to amendments rather than repeal and replacement.

⁶ ECCC recommendation 1 of the Final Review Report.

Reasons

17. Appendix 3 lists all amendments the ERA proposes to make, and the reason for each amendment.
18. The substantive amendments are discussed below.

National Energy Customer Framework

19. The ECCC conducted a comparative review of the Code requirements against the National Energy Customer Framework (NECF). The NECF governs the supply of electricity and gas from retailers and distributors to customers in Australian jurisdictions other than Victoria and Western Australia and deals with many of the same matters as the Western Australian Code.
20. Although the ECCC identified various opportunities to improve consistency between the Code and the NECF, it limited its recommendations to provisions where it considered that the amendment would clearly benefit customers, retailers or distributors, or where drafting changes would make it clearer where the Code and the NECF differ.
21. The ERA proposes to accept the ECCC's recommendations, including:
 - Removing the minimum duration for a billing cycle. The ERA agrees with the ECCC that it is unnecessary for the Code to set a minimum duration for a retailer's billing cycle. As stated by the ECCC, the amendment is unlikely to materially affect customers because the associated increase in costs will disincentivise retailers from issuing bills more frequently.⁷
 - Allowing retailers to offer customers on a non-standard contract the option to agree to base their bill on another method (that is, a method other than a meter reading or estimation). This will increase flexibility for retailers and customers as it will allow retailers to offer customers on non-standard contracts new products.⁸
 - Consolidating several information provision requirements into a single provision that will set out what information retailers and distributors must provide to customers, and how that information must be provided. The information will have to be published on retailer and distributor websites, which will make it more accessible to customers. Retailers and distributors will also be able to refer a customer to their website for certain information, which will make providing this information easier for retailers and distributors.⁹
 - Requiring retailers to provide advanced notice of tariff variations to customers on unregulated tariffs, except in limited circumstances.¹⁰ The amendment will improve the quality of information provided to these customers and ensure they have the necessary information to make an informed choice about their electricity retailer.¹¹

⁷ ECCC recommendation 14 of the Final Review Report.

⁸ ECCC recommendation 23 of the Final Review Report.

⁹ ECCC recommendation 82 of the Final Review Report.

¹⁰ Customers on regulated tariffs will continue to receive notice of a tariff variation no later than their next bill.

¹¹ ECCC recommendation 83(a) of the Final Review Report.

22. The proposed amendments will benefit retailers by reducing regulatory burden and compliance costs, for example, by removing or simplifying overly prescriptive obligations. Retailers operating in both Western Australia and a jurisdiction covered by the NECF may also be able to better align their systems and processes for different jurisdictions.
23. Customers will benefit by being provided with more information, for example, about tariff changes and shortened billing cycles. Access to information will also improve with various matters having to be published online.
24. In proposing the amendments, the ERA has had regard to the legitimate interests of service providers, and the long-term interests of consumers.

Contracting out

25. Clause 1.10 of the Code sets out specific clauses that a retailer and customer can agree to contract out of in a non-standard contract. Elsewhere in the Code, there are clauses that allow a retailer and customer to “agree otherwise”. Where a retailer and customer can agree otherwise, they can agree in writing or verbally that a clause does not apply, regardless of whether the customer is on a standard form contract or a non-standard contract.
26. The ECCC found that the contracting out framework within the Code was confusing and made several recommendations to clarify when a customer can contract out of the Code.¹²
27. Consistent with the ECCC’s recommendations, the ERA proposes that the Code include two contracting out clauses. One clause will list the provisions retailers and customers can agree to contract out of in a non-standard contract, while the other clause will list the provisions that may be contracted out of in a standard form contract.¹³ In both cases, retailers and customers may agree to the changes verbally or in writing.
28. As each clause will list the provisions that may be contracted out of, references to agree otherwise in other clauses will no longer be required and, therefore, be removed.¹⁴
29. The ERA also proposes to reduce the number of clauses that retailers and customers may agree to contract out of in a standard form contract. The ERA agrees with the ECCC that, when a customer would only agree to contract out of a Code protection in exchange for a benefit, the contracting out should only be allowed in non-standard contracts - for example, when a customer agrees to set aside the Code’s minimum payment options by agreeing to pay bills by direct debit in exchange for a reduced tariff.
30. The proposed changes will reduce the scope of retailers and customers to contract out of a standard form contract. This is consistent with the regulatory framework, which requires the ERA to approve standard form contracts and ensure those contracts comply with the Code and other relevant legislation. The standard form contract is an important mechanism to ensure that customers are provided with a

¹² ECCC recommendations 5(a), (b) and (c) of the Final Review Report.

¹³ Clauses 6 and 7 of the amended Code.

¹⁴ ECCC recommendation 5(a) of the Final Review Report.

minimum set of standards. A customer should be able to be confident that the standards under their standard form contract are in line with those approved by the ERA.

31. The proposed amendments will promote fair market conduct by ensuring that the Code clearly sets out which clauses can be contracted out of, and how they can be contracted out of (that is, in writing or verbally). The proposed amendments will also promote regulatory outcomes that are in the public interest by ensuring that the minimum set of standards within a standard form contract are maintained.

Bill delivery

32. A retailer must issue a bill to a customer at the customer's nominated address. This may be a physical address or an email address.¹⁵
33. The ERA agrees with the ECCC that customers should be able to agree to receive their bill through another channel, such as through an online account or a mobile application.¹⁶ Allowing retailers to deliver a bill through alternative channels will provide flexibility for retailers and customers. It may also lower costs for retailers and, in turn, customers. The ERA therefore proposes that the Code no longer prescribe how bills are issued to customers.
34. The ERA acknowledges that this could result in more customers moving to online billing. To protect customers who have no, or limited, access to digital technology, the ERA proposes to introduce a new safeguard for customers on a standard form contract; they will be entitled to a paper bill or email bill on request.¹⁷

Minimum bill debt for disconnection

35. The Code provides that a retailer may not disconnect a customer's supply address for failure to pay a bill if their bill debt is less than an amount set by the ERA.¹⁸ To date, the ERA has not set a minimum disconnection amount.
36. As recommended by the ECCC, the ERA proposes to amend the Code so that, for residential customers with a bill debt of less than \$300, a retailer will be prohibited from disconnecting the customer's supply address, provided the customer has agreed to repay the amount.¹⁹
37. The ERA agrees with the ECCC's assessment that \$300 is an appropriate amount. This is the amount set by the Australian Energy Regulator (AER) for customers covered by the NECF. The AER found that setting the amount at \$300 balanced the interests of customers in maintaining supply, while avoiding unmanageable debt levels. The amount is also consistent with the amount of bill debt a customer has to have to qualify for the State Government's Hardship Utility Grants Scheme (HUGS).²⁰

¹⁵ *Code of Conduct for the Supply of Electricity to Small Use Customers 2018* (WA) clause 4.4.

¹⁶ ECCC recommendation 17(a) of the Final Review Report.

¹⁷ ECCC recommendation 17(b) of the Final Review Report.

¹⁸ *Code of Conduct for the Supply of Electricity to Small Use Customers 2018* (WA) clause 7.2(1)(c).

¹⁹ ECCC recommendation 66 of the Final Review Report.

²⁰ Government of Western Australia (WA.gov.au), 'Hardship Utility Grant Scheme (HUGS)', ([online](#)) [accessed 17 November 2021].

This will ensure that customers who do not qualify for this scheme due to an insufficient bill debt will not be disconnected.

38. Electricity is an essential service, so disconnecting a customer's electricity supply should be a last resort. Setting a minimum level of debt before disconnection action can occur will ensure residential customers are not unnecessarily disconnected for relatively small amounts of debt.
39. The amendment will promote regulatory outcomes that are in the public interest by providing a safety net for residential customers. Limiting this protection to where customers have engaged with their retailer and agreed to repay the debt also recognises the legitimate business interests of retailers.

Payment assistance

40. The Code requires a retailer to assess a residential customer who informs their retailer that they are having trouble paying their bill.²¹ If the assessment indicates that the customer is experiencing payment difficulties or financial hardship, the retailer must offer the customer payment and other assistance.²²

Assistance available to all customers

41. Currently, a retailer only has to offer payment assistance, including extensions and instalment plans, to residential customers who have been assessed as experiencing payment difficulties or financial hardship.
42. The ECCC recommended that retailers be required to make payment extensions and instalment plans available to all residential customers, without a customer needing to be assessed as experiencing payment difficulties or financial hardship.²³ This would make payment assistance available to any residential customer who wanted it.
43. The ERA agrees with the ECCC's recommendation but is aware that Synergy and Horizon Power, which supply 99.9 per cent of residential customers, already provide assistance similar to what is being proposed. Synergy allows customers to extend their bill due date or set up an instalment plan online. Horizon Power allows customers to extend their bill due date online. Although both retailers already provide similar assistance, the ERA considers there is merit in regulating the availability of payment extensions and instalment plans.
44. First, it will ensure that every residential customer will be entitled to an instalment plan. This may make customers feel more empowered to seek assistance. Many customers still find it difficult to contact their retailer to discuss payment problems. Reasons for this are varied and may include a general lack of confidence, fear of not achieving a good outcome, or feeling embarrassed or vulnerable.²⁴ Establishing a clear entitlement to assistance may address some of these factors.

²¹ *Code of Conduct for the Supply of Electricity to Small Use Customers 2018* (WA) clause 6.1(1).

²² *Code of Conduct for the Supply of Electricity to Small Use Customers 2018* (WA) clause 6.3.

²³ ECCC recommendation 50(a) of the Final Review Report.

²⁴ Essential Services Commission (Victoria), October 2019, *Customer Impact Reporting for Victorian Energy Market Report, Report prepared by Wallis, (online)* [accessed 17 November 2021], p. 11.

45. Second, it will ensure that all instalment plans, including those set up online, will have to comply with the requirements of the Code, such as being interest-free and fee-free and taking into account the customer's capacity to pay.
46. A 2019 report commissioned by the Essential Services Commission of Victoria on the effects on consumers of similar reforms to the Victorian Energy Retail Code suggested that the amendment may also assist customers in other ways. The report found, based on interviews conducted, that following the reforms some retailers seemed to more actively offer assistance and use incentive programs, while being less likely to challenge information about a customer's circumstances provided by financial counsellors.²⁵
47. Data collected by the ERA shows that the average bill debt of residential customers has steadily increased over the past four years.²⁶ Although some of the recent increases are likely due to the COVID-19 pandemic, they have, at least partly, been offset by the State Government's one-off \$600 bill credit for all residential customers in October 2020. Without this credit, average bill debt for 2020/21 would likely have been even higher. It is important, for both retailers and customers, that customers do not accumulate unmanageable levels of debt.
48. The ERA proposes two caveats to the new obligation, consistent with the ECCC's recommendations.²⁷ First, retailers will only have to offer one payment extension or instalment plan per bill. Second, if a customer has had two instalment plans cancelled for non-payment in the last 12 months, the retailer does not have to make another instalment plan available to the customer. Retailers may also remove customers who default on their instalment plan from their plan.
49. In proposing the amendment, the ERA has had regard to the long-term interests of customers as well as the legitimate business interests of retailers.

Assessments

50. The Code requires a retailer to assess if customers who have told the retailer they are having trouble paying their bill, are experiencing payment difficulties or financial hardship.²⁸ If the retailer cannot perform the assessment within 5 business days, the retailer must refer the customer to a relevant consumer representative for assessment.
51. The ERA proposes to amend the Code to remove the option for a retailer to refer a customer to a relevant consumer representative for assessment.
52. The amendment is consistent with the ECCC's recommendations and will reduce the workload of financial counsellors and other consumer representatives.²⁹ The ECCC found that retailers regularly unnecessarily referred customers to financial

²⁵ Id, p. 15.

²⁶ ERA, 2020, *Annual data report 2019/20: Energy retailers*, table 12; Synergy, 'Regulatory Reports: Synergy electricity retail licence ERL1 performance report datasheet 2020/2021', ([online](#)) [accessed 17 November 2021]; Horizon Power, 'Regulatory Reports: Electricity Licence Reporting Datasheets – Retail 2020/21', ([online](#)) [accessed 17 November 2021].

²⁷ ECCC recommendations 50(a) and (b) of the Final Review Report.

²⁸ *Code of Conduct for the Supply of Electricity to Small Use Customers 2018* (WA) clause 6.1(1).

²⁹ ECCC recommendation 51 of the Final Review Report.

counsellors for assessment and did not always accept a financial counsellor's assessment.³⁰

53. A report by the Financial Counsellors' Association of Western Australia found that retailer referrals demand a significant amount of a financial counsellor's time.³¹ Reducing the level of retailer referrals to financial counsellors and other consumer representative organisations will promote regulatory outcomes that are in the public interest, by freeing up their time to deal with clients needing assistance with other issues.
54. The proposed amendment will also reduce the waiting time for a customer in hardship to access assistance as all assessments will be undertaken within five business days. At present, waiting times for assessment can be long due to the high workload of financial counsellors.
55. The additional burden on retailers of undertaking assessments is expected to be partially offset by removing the requirement to assess customers in payment difficulties.³²
56. The ERA further proposes that retailers be allowed to use a previous assessment if a customer indicates that their circumstances have not changed since the previous assessment was made.³³
57. The Code currently does not allow a retailer to use a previous assessment if a customer advises the retailer that they are still experiencing, or have again begun to experience, payment difficulties or financial hardship. The result of this limitation is that a customer who has already been assessed as experiencing payment difficulties or financial hardship must be reassessed to access assistance, even if the customer's circumstances have not changed.
58. Allowing an assessment to remain valid where the customer's circumstances have not changed will reduce regulatory burden and compliance costs for retailers and ensure customers do not have to repeatedly disclose their personal circumstances.

Instalment plans

59. The Code requires retailers to offer residential customers who are experiencing payment difficulties or financial hardship the option to pay their bill or debt via an instalment plan that meets the minimum conditions set out in the Code.³⁴
60. The ERA proposes various amendments to the minimum conditions for instalment plans. The amendments are consistent with the ECCC's recommendations and aim to help customers better manage their (re)payments.

³⁰ Electricity Code Consultative Committee, 2021, *Final Review Report; 2019-22 Review of the Code of Conduct for the Supply of Electricity to Small Use Customers*, p. 106.

³¹ Financial Counsellors' Association of Western Australia, September 2019, *Who's Got the Energy*, ([online](#)) [accessed 17 November 2021], p. 8.

³² Customers in payment difficulties will no longer be assessed because of the proposal to make payment extensions and instalment plans available to all residential customers without the need for an assessment.

³³ ECCC recommendation 52 of the Final Review Report.

³⁴ *Code of Conduct for the Supply of Electricity to Small Use Customers 2018* (WA) clause 6.4(1)(b).

Outstanding debt

61. Performance data received from retailers suggests that repayments under instalment plans are still not achievable for many customers.³⁵ When setting the amount and duration of any repayments, retailers should have regard to all relevant circumstances, including any debt owing by the customer. The ERA therefore proposes that, in addition to the existing requirement that an instalment plan must be fair and reasonable and take into account a customer's capacity to pay, a plan should also take into account any debt owed by the customer.^{36 37}
62. Setting instalment plan repayments that are achievable is important, particularly because it can affect a customer's access to HUGS. To qualify for HUGS a customer must have entered into an instalment plan and complied with that plan for at least 180 days. Setting repayments that are unachievable increases the likelihood that a customer will not be able to make repayments for the 180-day period required to qualify for HUGS.

Ongoing consumption

63. As highlighted by the ECCC, many customers who require an instalment plan not only have problems paying their debt to the retailer; they also struggle to pay for their ongoing consumption.³⁸ If ongoing consumption costs are not managed well, the customer may go further into debt. Assistance should therefore not be limited to outstanding debt only; retailers should also offer customers assistance with managing their ongoing consumption costs.
64. The Code currently addresses ongoing consumption costs by requiring an instalment plan to have regard to a customer's consumption history, as consumption history can be an indicator of future consumption.³⁹ The ERA proposes to replace this requirement with an obligation on retailers to offer a customer assistance to manage the costs of ongoing consumption over the duration of the instalment plan.⁴⁰ Rather than relying on historical consumption amounts, retailers will have to work with customers to manage the costs of their actual, future bills.
65. Retailers will have the flexibility to decide what assistance they offer. For example, retailers could decide to offer to roll ongoing consumption costs into the plan or estimate a customer's expected consumption over the duration of the plan and build it into the repayments. Retailers and customers will also have the flexibility to agree not to take into account ongoing consumption in an instalment plan. For example, some instalment plans may be for a short duration or relatively small amount, and it may not be necessary for the retailer to take the customer's ongoing consumption into account when establishing the instalment plan.

³⁵ For the year ended 30 June 2021, Synergy reported that 12,513 residential customers, other than hardship customers, had their instalment plan cancelled for non-payment and 18,894 customers successfully completed their instalment plan. The data for Horizon Power shows 1,040 customers had their plans cancelled for non-payment and 131 customers successfully completed their plan.

³⁶ ECCC recommendation 54(a) of the Final Review Report.

³⁷ Retailers will no longer have to take into account a customer's consumption history. Also see paragraph 64 of this draft decision.

³⁸ Electricity Code Consultative Committee, 2021, *Final Review Report; 2019-22 Review of the Code of Conduct for the Supply of Electricity to Small Use Customers*, p. 112.

³⁹ *Code of Conduct for the Supply of Electricity for Small Use Customers 2018* (WA) clause 6.4(2)(a).

⁴⁰ ECCC recommendation 54(b) of the Final Review Report.

Customer agreement to amendments

66. As recommended by the ECCC, the ERA proposes that retailers no longer be allowed to amend an instalment plan without the customer's agreement.⁴¹ Although most unilateral changes made to an instalment plan are intended to help the customer, they could unintentionally leave a customer worse off. For example, a customer could incur bank dishonour fees if the repayment amount increases, and the customer's account has insufficient funds.
67. The proposed amendment should encourage more engagement between retailers and customers about the conditions of existing instalment plans, and whether those conditions are still appropriate. In particular, it will give retailers and customers an opportunity to confirm that repayments under the plan reflect the customer's current capacity to pay.
68. As a result of the amendment, retailers will no longer be able to roll future bills into an instalment plan without a customer's explicit consent if this results in a change to the repayment amount or the duration of the plan. However, seeking the customer's agreement to changes does not need to be overly cumbersome. For example, retailers could phone, email or send a text message to a customer seeking their agreement to the change.

Review of instalment plan

69. The ERA shares the ECCC's concern that the Code unnecessarily limits customers' right to have their instalment plan reviewed if they can no longer meet the conditions of the plan.⁴² The ERA therefore proposes to amend the Code to require retailers, at the customer's request, to review the instalment plan. If the review indicates that the customer is unable to meet their obligations, retailers will have to amend the plan. Retailers will only be required to review an instalment plan up to twice a year.⁴³
70. The ERA proposes that all residential customers be given the right to seek a review of their instalment plan, not just hardship customers. Extending the right to all residential customers will ensure that a customer's capacity to pay is not only taken into account at the time the instalment plan is entered into but can be reassessed throughout the duration of the plan, at the request of the customer.
71. The proposed amendments balance the interests of customers and retailers. The changes will improve customer access to, and rights under, an instalment plan, while also giving retailers the flexibility to determine how they will assist customers to manage their ongoing consumption, and limiting the number of plans, and plan reviews, that a retailer must offer to a customer.

⁴¹ ECCC recommendation 55 of the Final Review Report.

⁴² Electricity Code Consultative Committee, 2021, *Final Review Report; 2019-22 Review of the Code of Conduct for the Supply of Electricity to Small Use Customers*, p. 120.

⁴³ ECCC recommendation 58 of the Final Review Report.

Access to recharge facilities for customers with pre-payment meters

72. For customers with pre-payment meters, the Code requires retailers to provide a recharge facility as close as practicable to, and no further than 40 kilometres from, the customer's meter.⁴⁴
73. Consistent with the ECCC's recommendations, the ERA proposes two amendments to this requirement:⁴⁵
- Specifying that the facility must be a physical facility, such as a shop, to ensure that customers without access to the internet or mobile phone applications are not disadvantaged. Retailers will still be able to offer online and mobile application recharge facilities to customers.
 - Removing the requirement for a recharge facility to be within 40 kilometres of a meter and replacing it with a requirement for a physical recharge facility to be as close as practicable to the meter.
74. Removing the requirement to have a recharge facility within 40 kilometres from the customer's meter will provide greater access to pre-payment meters for customers who want them. There are many customers who want pre-payment meters but live in remote areas where a suitable physical recharge facility is not available within 40 kilometres. In some areas, recharge facilities are no longer available following the closure of the local shop or petrol station. The amendment will allow retailers to give these customers the option of a pre-payment meter. Increasing the availability of pre-payment meters to customers that want them is in the long-term interests of customers, particularly of those customers who find it easier to budget for their electricity use with a pre-payment meter.
75. The obligation will not affect customers for whom it is practicable to provide a recharge facility within 40 kilometres, as retailers will still be required to provide a recharge facility "as close as practicable" to the customer's meter. Customers can take into consideration the availability of recharge facilities when deciding whether to switch to a pre-payment meter. Customers will also continue to have the right to a credit meter if they want one.

Family violence

76. In November 2019, the Hon. Bill Johnston MLA, Minister for Energy, wrote to the ERA requesting it to consider introducing obligations on retailers in the Code to assist customers who have been affected by family violence. The ERA referred the Minister's request to the ECCC for consideration as part of its review of the Code.
77. The ECCC recommended amending the Code to introduce protections for existing and former residential customers affected by family violence.⁴⁶ Many of the new

⁴⁴ *Code of Conduct for the Supply of Electricity to Small Use Customers 2018 (WA)* clause 9.7(a).

⁴⁵ ECCC recommendation 81 of the Final Review Report.

⁴⁶ ECCC recommendations 104 to 115 of the Final Review Report.

protections recommended by the ECCC are similar to protections already available to Western Australian water customers and Victorian energy customers.⁴⁷

78. The ERA accepts the ECCC's recommendations and proposes to amend the Code accordingly.

Family violence policy

79. The ERA proposes that retailers be required to develop and publish a family violence policy. The policy will have to address the following matters:

- **Staff training:** Require the retailer to provide for staff training about family violence, with the training to be developed in consultation with, or delivered by, relevant consumer representatives.
- **Account security:** Require the retailer to help protect a customer's account information from third persons. This includes, for example, taking reasonable steps to establish a safe method of communication with the customer. Any method agreed with a customer will take precedence over a prescribed method of information delivery under the Code.
- **Customer service:** Require the retailer to establish a process that avoids a customer having to repeatedly disclose or refer to their experience of family violence.
- **Debt management:** Require the retailer to consider, before commencing debt recovery, the possible effect of debt recovery on the customer, and whether another person is responsible for the debt. The policy must also require the retailer to consider reducing and/or waiving fees, charges and debt.
- **Disconnection:** Require the retailer to consider a customer's circumstances before commencing disconnection for failure to pay a bill.

80. The proposed framework will be relatively light-handed as the Code will only prescribe what matters must be addressed in a family violence policy. Retailers will have the flexibility to decide how they address each matter. This will allow retailers to tailor their policy to best meet the needs of their customers, while ensuring customers receive a minimum level of protection. The ability for retailers to tailor their assistance is important as there is no one-size-fits-all approach; the needs of each customer will be different.

Evidence of family violence

81. It is important that retailers do not deter customers from seeking assistance by requiring excessive evidence of their situation. The ERA therefore proposes to prohibit retailers from requesting written evidence of family violence, except where the retailer is considering debt or disconnection action and the evidence is reasonably necessary to assess what measures to take.
82. The Code will also prescribe the types of written evidence that a retailer may request, and that any request must be limited to one piece of evidence.

⁴⁷ *Water Services Code of Practice (Family Violence) 2020 (WA); Part 3 of the Energy Retail Code (Vic).*

Disconnection moratorium

83. The ERA further proposes to introduce a nine-month prohibition on disconnection of a customer affected by family violence. Disconnection will be prohibited from the date that the retailer becomes aware that the customer is affected by family violence.
84. As noted earlier in this decision, electricity is an essential service and disconnecting a customer's supply should be a last resort. This is particularly relevant to vulnerable customers, such as those affected by family violence. The ERA agrees with the ECCC that the introduction of a disconnection moratorium is important for two reasons.⁴⁸ First, electricity supply is required for the operation of some security systems, such as cameras and alarm systems. Second, a disconnection prohibition will provide a customer with time to access other support services and work with the retailer to address bill debt issues.
85. Although retailers will be prohibited from taking disconnection action during the disconnection moratorium period, including issuing disconnection warnings, retailers will still be able to issue reminder notices. Reminder notices act as a prompt for customers to contact their retailer if they are having trouble paying their bill.
86. The obligations around written evidence and the disconnection moratorium are proposed to be prescribed within the Code, rather than as a requirement of a retailer's family violence policy. This means compliance with these protections will be audited as part of regular performance audits of the retailers' licences. The ERA also proposes to require retailers to include data on the number of times evidence of family violence has been requested in their annual performance reports to the ERA.⁴⁹
87. In making its decision, the ERA has considered the need to promote regulatory outcomes that are in the public interest. The proposed amendments build on the work already being undertaken by the State Government to reduce family violence and will support residential customers affected by family violence.⁵⁰

⁴⁸ Electricity Code Consultative Committee, 2021, *Final Review Report; 2019-22 Review of the Code of Conduct for the Supply of Electricity to Small Use Customers*, p. 193-195

⁴⁹ ECCC recommendation 106(b) of the Final Review Report.

⁵⁰ Department of Communities, 2020, *Path to Safety: Western Australia's strategy to reduce family and domestic violence 2020-2030*, ([online](#)) [accessed 8 December 2021].

Regulatory framework

88. Whenever the ERA proposes to exercise its power under the *Electricity Industry Act 2004* to repeal and replace the Code, the ERA must ensure that any replacement Code is consistent with the purpose and objective of the Code as set out in section 79(2) of the Electricity Act:

[...] to regulate and control the conduct of –

(a) the holders of retail licences, distribution licences and integrated regional licences; and

(b) electricity marketing agents,

with the object of –

(c) defining standards of conduct in the supply and marketing of electricity to customers and providing for compensation payments to be made to customers when standards of conduct are not met; and

(d) protecting customers from undesirable marketing conduct.

89. In performing its functions under the Electricity Act, the ERA must also have regard to the requirements of section 26 of the *Economic Regulation Authority Act 2003*:

26. Authority to have regard to certain matters

(1) In performing its functions, other than the functions described in section 25(c) and (d), the Authority must have regard to –

(a) the need to promote regulatory outcomes that are in the public interest;

(b) the long-term interests of consumers in relation to the price, quality and reliability of goods and services provided in relevant markets;

(c) the need to encourage investment in relevant markets;

(d) the legitimate business interests of investors and service providers in relevant markets;

(e) the need to promote competitive and fair market conduct;

(f) the need to prevent abuse of monopoly power or market power;

(g) the need to promote transparent decision-making processes that involve public consultation.

(2) The Authority has the discretion as to the weight it gives to each of the matters referred to in subsection (1) in the performance of a particular function.

(3) Nothing in subsection (1) limits a provision of another written law that requires the Authority, in performing a particular function, to have regard to, or take into account, particular objectives, considerations or other matters.

(4) If there is any conflict or inconsistency between subsection (1) and a provision described in subsection (3), the latter provision prevails to the extent of the conflict or inconsistency.

90. In proposing to repeal and replace the Code, the ERA has had regard to the requirements of section 79(2) of the Electricity Act and section 26 of ERA Act. The ERA has had particular regard to:

- **The need to prevent abuse of monopoly power or market power:** Residential customers, and many small business customers, cannot choose their electricity retailer. If they are unhappy with the service they receive, they have no recourse other than to complain to their retailer or the Energy and

Water Ombudsman. The ERA took this into account when it considered the proposed amendments:

- For example, the ERA agreed to retain the requirement that customers on a standard form contract must be able to pay their bill in person. This is not a requirement in other Australian jurisdictions, but the ERA considers this is an important protection for customers who are not digitally enabled. Similarly, the ERA agreed that customers on a standard form contract should have the right to a paper bill or email bill on request.
- **The need to promote regulatory outcomes that are in the public interest:** Although it is often in the retailer or distributor's interest to assist customers, sometimes regulatory intervention is needed to achieve an outcome that is in the public interest:
 - An example of this is the introduction of protections for customers affected by family violence, including a nine-month disconnection prohibition. It intends to assist a vulnerable group of customers by providing them with an entitlement to safe, supportive, and flexible assistance from their retailer.
 - Other examples are the proposed changes to the frameworks for financial hardship assessments and contracting out. The requirement that all financial hardship assessments must be performed by retailers will free up valuable time and resources for financial counsellors, who currently undertake many of the assessments. The amendments to the contracting out framework recognise the role of the standard form contract in providing a minimum safety net for customers.
- **The long-term interests of consumers in relation to the price and quality of electricity services:** An important purpose of regulation is to maximise the long-term interests of customers. This can involve keeping prices low, improving standards or services, or increasing choice:
 - Several amendments will enable retailers to provide customers with more choice. For example, the proposal to delete the requirement that all bills must be sent to a physical or email address will allow retailers to issue bills in an account portal or in a mobile application. The proposal to allow retailers to base a bill on a method agreed with the customer will allow retailers to offer new products, such as capped energy plans.
 - The ERA does not have a role in setting retail prices, but it can set standards around the payment for services. Some of the proposals aim to assist customers who are struggling to pay for their service, for example by requiring retailers to make payment extensions and instalment plans available to all residential customers, and by setting standards for instalment plans.
- **The legitimate business interests of retailers, distributors and electricity marketing agents:** Regulation often results in costs for retailers and should therefore only be introduced when needed, such as to prevent abuse of monopoly or market power, to promote regulatory outcomes that are in the public interest, or to ensure the long-term interest of consumers:
 - The ERA considers that, for various Code protections, the same objective could be achieved without regulation, or the benefits of regulation do not outweigh the costs. Accordingly, the ERA proposes to remove several existing regulatory obligations, such as the minimum billing period; the

maximum timeframes for providing certain information; the standards for bill smoothing and direct debit arrangements.

- **The need to promote competitive and fair market conduct:** A small percentage of customers covered by the Code can choose their retailer. These customers may be able to negotiate a lower price or better service by switching retailers. To promote competitive market conduct, the ERA proposes that retailers be required to give customers on unregulated tariffs five business days' notice of tariff variations. This will help customers make an informed choice on whether to switch retailers or try to negotiate an alternative tariff.

Appendix 1 Draft Code (clean)

Code of Conduct for the Supply of Electricity to Small Use Customers 2022

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Code of Conduct for the Supply of Electricity to Small Use Customers 2022

Approved by the Authority under section 79 of the Act.

Part 1 — Preliminary

1. Citation

This code is the *Code of Conduct for the Supply of Electricity to Small Use Customers 2022*.

2. Commencement

This code comes into operation as follows —

- (a) clauses 1 and 2 — on the day on which this code is published in the *Gazette*;
- (b) the rest of the code — on 1 January 2023.

[Drafter's note: It is intended to include Part 13 of this instrument in the existing Code of Conduct for the Supply of Electricity to Small Use Customers 2018 before the commencement of the new Code on 1 January 2023. At this stage, the proposal is that the Part will apply to retailers under the existing code 2 months after it is published as an amendment to the current code after consultation on this draft of the code.]

3. Terms used

In this code —

accumulation meter has the meaning given in the Metering Code clause 1.3;

actual value has the meaning given in the Metering Code clause 1.3;

cl. 3

alternative tariff, for a customer, means a tariff other than the tariff under which the customer is currently supplied electricity;

appropriately qualified medical practitioner means —

- (a) within the Perth metropolitan area —
 - (i) a specialist medical practitioner; or
 - (ii) a hospice doctor; or
 - (iii) a medical practitioner working in a specialist department of a hospital;

or

- (b) otherwise —
 - (i) a specialist medical practitioner; or
 - (ii) a hospice doctor; or
 - (iii) a medical practitioner working in a specialist department of a hospital; or
 - (iv) a doctor or general practitioner who works at a local hospital or rural health service (whether or not on a full-time basis);

AS, followed by a designation, refers to an Australian Standard having that designation that is published by Standards Australia;

AS/NZS, followed by a designation, refers to an Australian/New Zealand Standard having that designation that is published jointly by Standards Australia and Standards New Zealand;

attach has the meaning given in the Obligation to Connect Regulations regulation 2;

Australian Consumer Law (WA) has the meaning given in the *Fair Trading Act 2010* section 17(1);

basic living needs includes payments for —

- (a) rent or mortgage; and
- (b) other utilities (e.g. gas, phone and water); and
- (c) food and groceries; and
- (d) transport (including petrol and car expenses); and

(e) childcare and school fees; and

(f) clothing; and

(g) medical and dental expenses;

billing cycle means the regular recurrent period in which a customer receives a bill from a retailer;

bill issue date means the date on which a bill is sent by a retailer to a customer;

business customer means a customer who is not a residential customer;

business day means a day other than a Saturday, a Sunday or a public holiday throughout the State;

Centrelink means the Commonwealth agency known as Centrelink;

Centrepay means the facility that allows Centrelink customers to have automatic deductions taken from Centrelink payments;

collective customer means a customer —

(a) who receives a single bill from the retailer for electricity supplied at 2 or more supply addresses; or

(b) who is supplied electricity from the same retailer at multiple sites at a single supply address;

complaint means an expression of dissatisfaction made to or about an organisation, related to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required;

concession means a concession, rebate, subsidy or grant, available to residential customers only, related to the supply of electricity;

connect means to attach by way of a physical link to an electricity network and to energise the link;

contact means contact that is —

(a) face to face; or

(b) by telephone; or

cl. 3

- (c) by post or facsimile; or
- (d) by email or other means of electronic communication;

contestable customer means a customer at an exit point where the amount of electricity transferred at the exit point is more than the amount prescribed under the *Electricity Corporations (Prescribed Customers) Order 2007* made under the *Electricity Corporations Act 2005* or under another enactment dealing with customer contestability;

contract means a standard form contract or a non-standard contract;

cooling-off period, in relation to a contract, means the period specified in the contract as the cooling-off period;

credit retrieval means the ability for a pre-payment meter customer to recover any payments made for the supply of electricity;

customer means a person —

- (a) to whom electricity is sold for the purpose of consumption; and
- (b) who consumes not more than 160 MWh of electricity per annum;

customer experiencing financial hardship means a residential customer who has been assessed by a retailer under clause 40 as experiencing financial hardship;

de-energise means the removal of the supply voltage from a meter at a supply address while leaving the supply address attached;

disconnect —

- (a) means to de-energise a customer's supply address; but
- (b) does not include de-energising a customer's supply address in the event of an interruption;

disconnection warning means a notice in writing issued in accordance with clause 48(1)(c) or clause 51(2)(d);

distributor means a person who holds a distribution licence or integrated regional licence under Part 2 of the Act;

dual fuel contract means a non-standard contract for the sale of electricity and for the sale of gas by a retailer to a contestable customer;

electricity industry ombudsman means the Energy and Water Ombudsman Western Australia performing the functions of electricity industry ombudsman under a scheme approved under Part 7 of the Act and an agreement under the *Parliamentary Commissioner Act 1971* section 34;

electricity marketing agent —

- (a) means a person who acts on behalf of a retailer —
 - (i) for the purpose of obtaining new customers for the retailer; or
 - (ii) in dealings with existing customers in relation to contracts for the supply of electricity by the retailer;

and

- (b) includes a representative, agent or employee of a person referred to in paragraph (a); but
- (c) does not include a customer representative or the Housing Authority;

emergency means the actual or imminent occurrence of an event that —

- (a) in any way endangers or threatens to endanger the safety or health of any person, or the maintenance of power system security, in the State; or
- (b) destroys or damages, or threatens to destroy or damage, any property in the State;

energise has the meaning given in the Obligation to Connect Regulations regulation 2;

energy data has the meaning given in the Metering Code clause 1.3;

cl. 3

family violence has the meaning given in the *Restraining Orders Act 1997* section 5A;

financial hardship, in relation to a residential customer, means a state of long-term financial disadvantage as a result of which the customer is unable to pay an outstanding amount as required by a retailer without affecting the customer's ability to meet the basic living needs of the customer or a dependant of the customer;

historical debt means an amount outstanding for the supply of electricity by a retailer to a customer's previous supply address or supply addresses;

Housing Authority means the body corporate established under the *Housing Act 1980* section 6;

interruption means the temporary unavailability of supply from the distribution network to a customer, but does not include a disconnection under Part 7;

interval meter has the meaning given in the Metering Code clause 1.3;

life support equipment means the equipment designated under the Life Support Equipment Electricity Subsidy Scheme;

life support equipment address means an address registered under Part 11;

marketing identification number means a unique number assigned by a retailer to each electricity marketing agent acting on its behalf;

meter has the meaning given in the Metering Code clause 1.3;

metering data agent has the meaning given in the Metering Code clause 1.3;

Metering Code means the *Electricity Industry (Metering) Code 2012*;

metrology procedure has the meaning given in the Metering Code clause 1.3;

metropolitan area means —

- (a) the Perth metropolitan area; and
- (b) the local government district of Mandurah; and
- (c) the local government district of Murray; and
- (d) the townsites, as constituted under the *Land Administration Act 1997* section 26, of —
 - (i) Albany; and
 - (ii) Bunbury; and
 - (iii) Geraldton; and
 - (iv) Kalgoorlie; and
 - (v) Karratha; and
 - (vi) Port Hedland; and
 - (vii) South Hedland;

National Interpreter Symbol means the national public information symbol “Interpreter Symbol” (with text) developed by the State of Victoria in partnership with the Commonwealth, State and Territory governments in accordance with AS 2342-1992;

non-contestable customer means a customer other than a contestable customer;

non-standard contract has the meaning given in section 47 of the Act;

Obligation to Connect Regulations means the *Electricity Industry (Obligation to Connect) Regulations 2005*;

overcharging —

- (a) includes —
 - (i) the overcharging of a customer that is the result of an error, defect or default for which the retailer or distributor is responsible (including when a meter is found to be defective); and

cl. 3

- (ii) an adjustment that results from the difference between the amount due under an estimated bill and the amount that would have been due if the bill had been based on an actual value determined in accordance with the Metering Code clause 5.4(1A)(b);

but

- (b) does not include an amount charged in accordance with a bill smoothing arrangement;

payment plan has the meaning given in clause 4;

payment problems includes payment problems relating to a historical debt;

Perth metropolitan area means the region described in the *Planning and Development Act 2005* Schedule 3;

pre-payment meter means a meter that requires a customer to pay for the supply of electricity before consumption;

pre-payment meter customer means a customer who has a pre-payment meter operating at the customer's supply address;

pre-payment meter service means a service for the supply of electricity where the customer agrees to purchase electricity by means of a pre-payment meter;

protected period means —

- (a) a Monday, Tuesday, Wednesday or Thursday after 3 pm; or
- (b) a Friday after 12 noon; or
- (c) a Saturday, a Sunday or a public holiday throughout the State; or
- (d) a business day immediately before a public holiday throughout the State;

recharge facility means a facility where a pre-payment meter customer can purchase credit for a pre-payment meter;

reconnect means to re-energise the customer's supply address following disconnection;

re-energise means to restore the supply voltage to the meter at the supply address;

regional area means an area in the State other than the metropolitan area;

relevant consumer representative —

- (a) means a person who may reasonably be expected to represent the interests of residential customers who are experiencing payment difficulties or financial hardship; and
- (b) includes financial counsellors;

relevant standard —

- (a) in relation to a retailer, has the meaning given in clause 81(1); and
- (b) in relation to a distributor, has the meaning given in clause 81(2);

reminder notice has the meaning given in clause 48(1)(a);

residential customer means a customer who consumes electricity solely for domestic use;

residential pre-payment meter customer means a residential customer who has a pre-payment meter operating at the customer's supply address;

resolved, in relation to a complaint, means that —

- (a) a decision or determination has been made by the retailer or distributor (as relevant) with respect to the complaint; and
- (b) in making the decision or determination, the retailer or distributor had regard to the nature and particular circumstances of the complaint, and used all reasonable steps to ensure the best possible approach to addressing the complaint;

retailer means a person who holds a retail licence or integrated regional licence under Part 2 of the Act;

cl. 3

standard form contract has the meaning given in section 47 of the Act;

supply address means the premises to which electricity was, is or may be supplied under a contract;

time band refers to a period of time within a time of use tariff to which a given tariff rate applies;

time of use tariff means a tariff structure in which some or all of the tariff varies according to the time at which electricity is supplied;

undercharging —

(a) includes —

- (i) the undercharging of a customer that is the result of an error, defect or default for which the retailer or distributor is responsible (including when a meter is found to be defective); and
- (ii) an adjustment that results from the difference between the amount due under an estimated bill and the amount that would have been due if the bill had been based on an actual value determined in accordance with the Metering Code clause 5.4(1A)(b), other than if the adjustment results from the customer denying access to the meter at the supply address for more than 12 months;

but

- (b) does not include an amount charged in accordance with a bill smoothing arrangement;

unsolicited consumer agreement has the meaning given in the Australian Consumer Law (WA) section 69;

verifiable confirmation means confirmation that is given —

- (a) expressly; and
- (b) in writing or orally; and

- (c) by a customer or a nominated person competent to give the confirmation on the customer's behalf;

verifiable consent means consent that is given —

- (a) expressly; and
- (b) in writing or orally; and
- (c) by a customer or a nominated person competent to give the consent on the customer's behalf; and
- (d) after the retailer or electricity marketing agent (whichever is relevant) has, in plain language appropriate to the customer, disclosed all matters materially relevant to the giving of the consent, including each specific purpose for which the consent will be used;

vulnerable customer means a residential customer, or a former residential customer —

- (a) who has advised the retailer that they are affected by family violence; or
- (b) who the retailer has reason to believe is affected by family violence.

Note for this clause:

Other terms used in this code have the same meanings as in the *Electricity Industry Act 2004*. See the *Electricity Industry Act 2004* sections 3 and 78 in particular, and the *Interpretation Act 1984* section 44.

4. Payment plans

- (1) For the purposes of this code, a **payment plan** is an interest-free and fee-free plan or other arrangement between a retailer and a residential customer under which the customer is allowed to pay a bill, any arrears or a charge (including a disconnection or reconnection charge) by at least 3 instalments while permitted to continue consumption of electricity.

cl. 5

- (2) In subclause (1), a fee includes any fee or charge associated with the establishment or operation of a payment plan that would not otherwise be payable if the residential customer had not entered into the payment plan.

5. Provision of information to customers

- (1) In this clause —
designated entity means —
 - (a) a retailer; or
 - (b) a distributor; or
 - (c) an electricity marketing agent.
- (2) If this code requires a designated entity to give or provide information to a customer on request, the designated entity may satisfy this requirement by —
 - (a) referring the customer to a retailer's or distributor's website (as the case requires); or
 - (b) providing the information to the customer.
- (3) The designated entity must provide a copy of the information to the customer if the customer requests a copy.
- (4) This clause does not limit any other provision of this code relating to the provision of information.

6. Variations relating to standard form contracts

- (1) A retailer and a customer may agree that the following clauses do not apply, or are to be amended in their application, to a standard form contract —
 - (a) 18(2);
 - (b) 38(1);
 - (c) 53;
 - (d) 98(1);
 - (e) 98(2).

- (2) An agreement under subclause (1) may be a written or a verbal agreement.

7. Variations relating to non-standard contracts

- (1) A retailer and a customer may agree that the following clauses do not apply, or are to be amended in their application, to a non-standard contract —

- (a) 18(2);
- (b) 19;
- (c) 20;
- (d) 21(1) to (6);
- (e) 33;
- (f) 34;
- (g) 35;
- (h) 38;
- (i) 53;
- (j) 98(1);
- (k) 98(2).

- (2) An agreement under subclause (1) may be a written or a verbal agreement.

Part 2 — Marketing

Note for this Part:

This code is not the only compliance obligation in relation to marketing. Other State and Federal laws apply to marketing activities, including the *Fair Trading Act 2010*, the *Spam Act 2003* (Commonwealth), the *Spam Regulations 2004* (Commonwealth), the *Do Not Call Register Act 2006* (Commonwealth), the *Telecommunications (Telemarketing and Research Calls) Industry Standard 2017* (Commonwealth) and the *Privacy Act 1988* (Commonwealth).

Division 1 — Obligations for retailers

8. Retailers must ensure electricity marketing agents comply with Part

A retailer must ensure that its electricity marketing agents comply with this Part.

Division 2 — Contracts and information to be provided to customers

9. Entering into standard form contract

- (1) When entering into a standard form contract that is not an unsolicited consumer agreement, the retailer or an electricity marketing agent must —
 - (a) record the date on which the standard form contract was entered into; and
 - (b) give, or make available to the customer at no charge, a copy of the standard form contract —
 - (i) if the standard form contract is entered into by telephone — as soon as possible, but not more than 5 business days, after the standard form contract is entered into; or
 - (ii) otherwise — at the time the standard form contract is entered into.
- (2) Unless subclause (3) applies, if a customer enters into a standard form contract with a retailer, the retailer or an electricity

marketing agent must give the following information to the customer before or at the time of giving the customer's 1st bill —

- (a) how the customer may obtain —
 - (i) a copy of this code; and
 - (ii) details of all relevant tariffs, fees, charges, alternative tariffs and service levels that may apply to the customer;
 - (b) the scope of this code;
 - (c) that retailers and electricity marketing agents must comply with this code;
 - (d) how the retailer may assist if the customer is experiencing problems paying a bill;
 - (e) in the case of a residential customer — a statement that the customer may be eligible to receive concessions and how the customer may find out about their eligibility to receive those concessions;
 - (f) the relevant distributor's 24-hour telephone number for faults and emergencies;
 - (g) in the case of a residential customer —
 - (i) the telephone number for interpreter services, identified by the National Interpreter Symbol; and
 - (ii) the telephone number (or numbers) for services that can assist customers with a speech or hearing impairment;
 - (h) how to make an enquiry of, or complaint to, the retailer;
 - (i) general information on the safe use of electricity.
- (3) A retailer or an electricity marketing agent is not required to give the information set out in subclause (2) to a customer if —
- (a) the retailer or electricity marketing agent has given the information to the customer within the preceding 12 months; or

- (b) the retailer or electricity marketing agent has informed the customer how the customer may obtain the information and the customer has not requested to be given the information.

10. Entering into non-standard contract

- (1) When a retailer and a customer enter into a non-standard contract that is not an unsolicited consumer agreement, the retailer or an electricity marketing agent must —
 - (a) obtain and make a record of the customer's verifiable consent to entering into the non-standard contract; and
 - (b) give, or make available to the customer at no charge, a copy of the non-standard contract —
 - (i) if the non-standard contract is entered into by telephone — as soon as possible, but not more than 5 business days, after the non-standard contract is entered into; or
 - (ii) otherwise — at the time the non-standard contract is entered into.
- (2) Before entering into a non-standard contract, the retailer or an electricity marketing agent must give the customer the following information —
 - (a) in the case of a residential customer — a statement that the customer may be eligible to receive concessions and how the customer may find out about their eligibility to receive those concessions;
 - (b) details of any right the customer may have to rescind the contract during the cooling-off period and the charges that may apply if the customer rescinds the contract.
- (3) Unless subclause (4) applies, if a customer enters into a non-standard contract with a retailer, the retailer or an electricity marketing agent must give the following information to the

customer before or at the time of giving the customer's
1st bill —

- (a) how the customer may obtain —
 - (i) a copy of this code; and
 - (ii) details of all relevant tariffs, fees, charges, alternative tariffs and service levels that may apply to the customer;
 - (b) the scope of this code;
 - (c) that retailers and electricity marketing agents must comply with this code;
 - (d) how the retailer may assist if the customer is experiencing problems paying a bill;
 - (e) the relevant distributor's 24-hour telephone number for faults and emergencies;
 - (f) in the case of a residential customer —
 - (i) the telephone number for interpreter services, identified by the National Interpreter Symbol; and
 - (ii) the telephone number (or numbers) for services that can assist customers with a speech or hearing impairment;
 - (g) how to make an enquiry of, or complaint to, the retailer;
 - (h) general information on the safe use of electricity.
- (4) A retailer or an electricity marketing agent is not required to give the information set out in subclause (3) to a customer if —
- (a) the retailer or electricity marketing agent has given the information to the customer within the preceding 12 months; or
 - (b) the retailer or electricity marketing agent has informed the customer how the customer may obtain the information and the customer has not requested to be given the information.

- (5) Before a non-standard contract is entered into, the Electricity Generation and Retail Corporation or Regional Power Corporation, or an electricity marketing agent acting on behalf of it, must give a customer the following information —
 - (a) that the customer is able to choose the standard form contract offered by the relevant retailer;
 - (b) the difference between the non-standard contract and the standard form contract.
- (6) A retailer or electricity marketing agent must obtain the customer's verifiable confirmation that the information referred to in subclauses (2) and (5) (if applicable) has been given.

Division 3 — Marketing conduct

11. Standards of conduct

- (1) A retailer or an electricity marketing agent must ensure that the inclusion of concessions is made clear to residential customers of the retailer and that any prices that exclude concessions are disclosed.
- (2) A retailer or an electricity marketing agent must ensure that a customer of the retailer is able to contact the retailer or electricity marketing agent on the retailer's or electricity marketing agent's contact details, including telephone number, during the normal business hours of the retailer or electricity marketing agent for the purposes of enquiries, verifications and complaints.

12. Contact for purposes of marketing

- (1) A retailer or electricity marketing agent who contacts a customer for the purposes of marketing must, on request by the customer, provide —
 - (a) the customer with the complaints telephone number of the retailer on whose behalf the contact is being made; and

- (b) the customer with the telephone number of the electricity industry ombudsman; and
 - (c) in the case of contact by an electricity marketing agent — the customer with the electricity marketing agent’s marketing identification number.
- (2) A retailer or electricity marketing agent who meets with a customer face to face for the purposes of marketing must —
- (a) display a clearly visible and legible identity card that shows —
 - (i) the first name of the person who is meeting with the customer; and
 - (ii) a photograph of the person who is meeting with the customer; and
 - (iii) in the case of an electricity marketing agent — the agent’s marketing identification number; and
 - (iv) the name of the retailer on whose behalf the contact is being made;and
 - (b) on request by the customer, provide the following information, in writing, to the customer —
 - (i) the first name of the person who is meeting with the customer;
 - (ii) in the case of an electricity marketing agent — the agent’s marketing identification number;
 - (iii) the name of the retailer on whose behalf the contact is being made;
 - (iv) the complaints telephone number of the retailer on whose behalf the contact is being made;
 - (v) the business address and Australian Business or Company Number of the retailer on whose behalf the contact is being made;
 - (vi) the telephone number of the electricity industry ombudsman.

- (3) A retailer or electricity marketing agent must comply with a request under subclause (2)(b) as soon as practicable after it is made by the customer.

13. Compliance with signs

A retailer or electricity marketing agent who visits a person's premises for the purposes of marketing must comply with any clearly visible signs at the person's premises indicating —

- (a) that canvassing is not permitted at the premises; or
- (b) that no advertising or similar material is to be left at the premises or in a letterbox or other receptacle at, or associated with, the premises.

Division 4 — Miscellaneous

14. Compliance with code

- (1) An electricity marketing agent who contravenes a provision of this Part commits an offence.

Penalty for this subclause:

- (a) for an individual, \$5 000;
- (b) for a body corporate, \$20 000.

- (2) If an electricity marketing agent of a retailer contravenes a provision of this Part, the retailer commits an offence.

Penalty for this subclause:

- (a) for an individual, \$5 000;
- (b) for a body corporate, \$20 000.

- (3) It is a defence to a prosecution for an offence under subclause (2) if the retailer proves that the retailer used reasonable endeavours to ensure that the electricity marketing agent complied with this code.

Part 3 — Connection

18. Obligation to forward connection application

- (1) If a retailer agrees to sell electricity to a customer or arrange for the connection of the customer's supply address, the retailer must forward the customer's request for connection to the relevant distributor for the purpose of arranging for the connection of the customer's supply address (if the customer's supply address is not already connected).
- (2) A retailer must forward the customer's request for connection to the relevant distributor —
 - (a) if the request is received before 3 pm on a business day — on that same day; or
 - (b) if the request is received after 3 pm or on a Saturday, a Sunday or a public holiday throughout the State — no later than the next business day.

Note for this clause:

The Obligation to Connect Regulations provide regulations in relation to the obligation on a distributor to energise and connect a premises.

Part 4 — Billing

Division 1 — Billing cycles

19. Standard billing cycle

- (1) Unless subclause (2) applies, a retailer must issue a bill to a customer at least once every 100 days.
- (2) A retailer may issue a bill that is outside the timeframe under subclause (1) if the retailer —
 - (a) has not received the required energy data from the relevant distributor for the purpose of preparing the bill, despite using its best endeavours to obtain the energy data from the relevant distributor; or
 - (b) is unable to comply with the timeframe due to the actions of the customer in circumstances in which —
 - (i) the customer is supplied with electricity under a deemed contract pursuant to the *Electricity Industry (Customer Contracts) Regulations 2005* regulation 37; and
 - (ii) the bill is the 1st bill issued to that customer at that supply address.
- (3) A retailer and a customer may agree to a billing cycle with a regular recurrent period that differs from the customer's standard billing cycle if —
 - (a) the retailer has obtained the customer's verifiable consent to the new billing cycle; and
 - (b) the regular recurrent period of the new billing cycle does not exceed 100 days.

20. Shortened billing cycle

- (1) A retailer must not place a customer on a shortened billing cycle unless subclause (2) or clause 19(3) applies.

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- (2) A retailer may place a customer on a shortened billing cycle if —
- (a) in the case of a residential customer — the customer is not experiencing financial hardship; and
 - (b) the retailer has given the customer a reminder notice for 3 consecutive bills; and
 - (c) before the 3rd reminder notice is given to the customer, the retailer has given the customer a notice informing the customer that —
 - (i) receipt of a 3rd reminder notice may result in the customer being placed on a shortened billing cycle; and
 - (ii) in the case of a residential customer — assistance is available for residential customers experiencing problems paying their bills; and
 - (iii) the customer may obtain further information from the retailer on a specified telephone number; and
 - (iv) once on a shortened billing cycle, the customer must pay 3 consecutive bills by the due date to return to the customer's former billing cycle.
- (3) The retailer must, within 10 business days after placing the customer on a shortened billing cycle under subclause (2), give the customer notice that —
- (a) the customer has been placed on a shortened billing cycle; and
 - (b) the customer must pay 3 consecutive bills by the due date shown on each bill to return to the customer's former billing cycle; and
 - (c) failure to make a payment may result in arrangements being made for disconnection of the supply of electricity.

- (4) A billing cycle shortened under subclause (2) must be at least 10 business days.
- (5) A retailer must, on request, return a customer who is subject to a shortened billing cycle under subclause (2) and has paid 3 consecutive bills by the due date to the customer's former billing cycle.
- (6) A retailer must inform a customer who is subject to a shortened billing cycle under subclause (2), at least once every 3 months, that if the customer pays 3 consecutive bills by the due date of each bill, the customer will be returned, on request, to the customer's former billing cycle.

Division 2 — Contents of a bill

21. Contents of bills

- (1) In addition to any information required to be included on a customer's bill under another provision of this code, a retailer must include the information set out in this clause on the customer's bill.
- (2) The bill must include the following information in relation to the particular service —
 - (a) the supply address;
 - (b) the customer's name and account number;
 - (c) a meter identification number (if relevant).
- (3) The bill must include the following information in relation to supply and consumption of electricity —
 - (a) the start and end date of the supply period;
 - (b) the number of days covered by the bill;
 - (c) the customer's consumption, or estimated consumption;
 - (d) if the customer is on a time of use tariff, the customer's consumption or estimated consumption for each time band in the time of use tariff;

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- (e) unless the customer is a collective customer, the average daily consumption.
- (4) The bill must include the following information in relation to amounts due and payments —
- (a) the amount due;
 - (b) if there is an accumulation meter installed at the supply address — the current meter reading or estimate or, if the customer is on a time of use tariff, the current meter reading or estimate for each time band in the time of use tariff;
 - (c) if there is no meter installed at the supply address — the basis on which the amount due has been calculated;
 - (d) the applicable tariffs;
 - (e) the amount of any arrears or credit standing to the customer's name;
 - (f) the amount of any other fees or charges and details of the service provided in connection with those fees or charges;
 - (g) in the case of a residential customer — a statement that the customer may be eligible to receive concessions and how the customer may find out about eligibility for those concessions;
 - (h) if applicable, the value and type of any concessions provided to the customer that are administered by the retailer;
 - (i) a statement advising the customer that assistance is available if the customer is experiencing problems paying the bill;
 - (j) a telephone number for billing and payment enquiries;
 - (k) if applicable and not included on a separate statement —
 - (i) payments made under a payment plan that has not been completed; and

- (ii) the total amount outstanding under the payment plan;
 - (l) if applicable, a statement that an additional fee may be imposed to cover the costs of late payment from the customer;
 - (m) to the extent that the data is available, a graph or bar chart showing the customer's amount due or consumption for the period covered by the bill, the previous bill and the bill for the same period last year;
 - (n) the average daily cost of consumption, including charges ancillary to the consumption of electricity, unless the customer is a collective customer;
 - (o) the date by which the bill must be paid;
 - (p) a summary of the applicable payment methods.
- (5) If the customer has an export purchase agreement with the retailer, the bill must include the following information —
- (a) if the customer has an accumulation meter installed and an export meter reading has been obtained — the export meter reading;
 - (b) either —
 - (i) if the customer is on a time of use tariff — the amount, or estimated amount, of electricity exported by the customer for each time band in the time of use tariff.; or
 - (ii) in any other case — the amount, or estimated amount, of electricity exported by the customer.
- (6) The bill must include the following ancillary information —
- (a) a telephone number for complaints;
 - (b) the contact details for the electricity industry ombudsman;
 - (c) the relevant distributor's 24-hour telephone number for faults and emergencies.

- (7) Subclause (2)(b) does not apply if the customer is supplied under a deemed contract pursuant to the *Electricity Industry (Customer Contracts) Regulations 2005* regulation 37.
- (8) Subclause (4)(m) does not apply if the bill is —
 - (a) not indicative of a customer’s actual consumption; or
 - (b) not based on a meter reading; or
 - (c) for a collective customer.
- (9) If a retailer wishes to bill a customer for a historical debt, the retailer must give the following information to the customer no later than the next bill in the customer’s billing cycle —
 - (a) the amount of the historical debt;
 - (b) the basis of the historical debt.

Division 3 — Basis of bill

22. Basis of bill

- (1) A retailer must base a customer’s bill —
 - (a) on energy data provided for the relevant meter at the customer’s supply address provided by the relevant distributor or metering data agent; or
 - (b) if there is no meter installed at the customer’s supply address — on energy data that is calculated in accordance with the metrology procedure, the Metering Code or any other applicable law; or
 - (c) if the customer has entered into a non-standard contract — on any other method agreed between the retailer and the customer.
- (2) A bill will be taken to comply with subclause (1)(a) if the bill reflects a smoothing or similar arrangement that has been entered into between the retailer and the customer.

- (3) If a retailer is required to comply with subclause (1)(a), the retailer must use its best endeavours to ensure that an actual value is obtained as frequently as required to prepare its bills.
- (4) The retailer must ensure that the customer is provided with a written record of any method agreed between the retailer and the customer under subclause (1)(c).

23. Estimations

- (1) If a retailer has based a bill on an estimation, the retailer must clearly specify on the customer's bill that —
 - (a) the retailer has based the bill on an estimation; and
 - (b) the retailer will provide to the customer on request —
 - (i) the basis of the estimation; and
 - (ii) the reason for the estimation;
 - and
 - (c) the customer may request —
 - (i) a verification of energy data; and
 - (ii) a meter reading.
- (2) A retailer must provide to a customer on request —
 - (a) the basis for the estimation; and
 - (b) the reason for the estimation.
- (3) For the purposes of this clause, a bill is taken to be based on an estimation if —
 - (a) more than 10% of the interval meter readings are estimated interval meter readings; and
 - (b) the actual energy data cannot otherwise be ascertained.

24. Replacement of estimation with actual value

- (1) This clause applies if —
 - (a) a retailer has based a bill on an estimation because a customer failed to provide access to the meter; and

- (b) the customer —
 - (i) subsequently requests the retailer to replace the estimated bill with a bill based on an actual value; and
 - (ii) pays the retailer's reasonable charge for reading the meter (if any); and
 - (iii) provides due access to the meter.
- (2) The retailer must use its best endeavours to replace the estimated bill with a bill based on an actual value.

Division 4 — Alternative tariffs

25. Customer request for change of tariff

- (1) A retailer must comply with subclause (2) if the retailer offers alternative tariffs or tariff options and a customer —
 - (a) requests a retailer to transfer from that customer's current tariff to another tariff; and
 - (b) demonstrates to the retailer that the customer satisfies all of the conditions relating to that other tariff and any conditions imposed by the customer's distributor.
- (2) The retailer must transfer the customer to the other tariff referred to in subclause (1)(a) within 10 business days after the customer satisfying the conditions referred to in subclause (1)(b).
- (3) If a customer transfers from 1 tariff type to another under this clause, the effective date of the transfer is —
 - (a) unless paragraph (b) applies — the date on which a meter reading is obtained; or
 - (b) if the transfer requires a change to the meter at the customer's supply address — the date on which the meter change is completed.

26. Tariff change if former tariff unavailable

- (1) This clause applies if a customer is no longer eligible to receive a tariff under which the customer is currently supplied electricity at the customer's supply address.
- (2) The retailer must, before changing the customer to another tariff, notify the customer of the proposed change.

Division 5 — Review of bill and energy data checking

27. Review of bill

- (1) If a customer, after receiving a bill, disputes the amount to be paid, the retailer must review the bill if the customer —
 - (a) requests a review; and
 - (b) if the customer has not already paid the bill, pays the lesser of the following —
 - (i) that portion of the bill under review that the customer and the retailer agree is not in dispute;
 - (ii) an amount equal to the average amount of the customer's bills over the previous 12 months (excluding the bill in dispute).
- (2) If, after conducting a review, a retailer is satisfied that the bill —
 - (a) is correct, the retailer —
 - (i) may require the customer to pay the amount (if any) of the bill that is still outstanding; and
 - (ii) must advise the customer that the customer may request a meter test; and
 - (iii) must advise the customer of the existence and operation of the retailer's standard complaints and dispute resolution procedures and details about making a complaint to the electricity industry ombudsman;

or

- (b) is incorrect, the retailer —
 - (i) must comply with clause 29 or 30, as the case requires; and
 - (ii) may require the customer to pay the amount (if any) of the bill that is still outstanding.
- (3) The retailer must inform a customer of the outcome of the review as soon as practicable after it is completed.
- (4) If a retailer has not informed a customer of the outcome of the review within 20 business days from the date of receipt of the request for review, the retailer must notify the customer of the status of the review as soon as practicable after the expiration of that period.
- (5) The initiation of a review does not remove the requirement for the customer to pay future bills as they fall due.

28. Energy data checking

- (1) If a customer, after receiving a bill, requests that the energy data be checked or the meter tested, the retailer must arrange for a check of the energy data or testing of the meter (as the case requires).
- (2) The customer may be required to pay the retailer's reasonable charge for a check or testing under subclause (1).
- (3) If the energy data is checked and found to be incorrect or the meter is tested and found to be defective, the retailer must refund any payment made under subclause (2).

Division 6 — Undercharging and overcharging

29. Undercharging

- (1) If a retailer proposes to recover an amount that has been undercharged, the retailer must —
 - (a) limit the amount to be recovered to no more than the amount undercharged in the 12 months before the date

on which the retailer notified the customer that undercharging had occurred; and

- (b) notify the customer of the amount to be recovered no later than the next bill after the retailer becomes aware of the undercharging, and provide an explanation of the basis on which the amount was calculated; and
 - (c) unless subclause (2) applies, not charge the customer interest on that amount or require the customer to pay a late payment fee; and
 - (d) in the case of a residential customer — offer the customer time to pay that amount by means of a payment plan in accordance with clause 42 for a period at least equal to the period over which the recoverable undercharging occurred.
- (2) If, after notifying a customer of the amount to be recovered in accordance with subclause (1)(b), the customer has failed to pay the amount to be recovered by the due date and has not entered into a payment plan under subclause (1)(d), a retailer may do either but not both of the following —
- (a) charge the customer interest on that amount from the due date;
 - (b) require the customer to pay a late payment fee.

30. Overcharging

- (1) If a customer (including a customer who has vacated the supply address) has been overcharged, the retailer must use its best endeavours to inform the customer of the overcharge within 10 business days after the retailer becomes aware of the overcharging (being, where there has been an estimation of an amount due, from the time that the retailer becomes aware of the overcharging after a meter reading) and, subject to this clause, ask the customer for instructions as to whether the amount should be credited to —
- (a) the customer's next bill; or

- (b) a bank account nominated by the customer.
- (2) If a retailer receives instructions under subclause (1), the retailer must deal with the amount in accordance with the customer's instructions within 12 business days after receiving the instructions.
- (3) However, if a retailer does not receive instructions under subclause (1) within 5 business days after making the request, the retailer must use reasonable endeavours to credit the amount overcharged to the customer's next bill.
- (4) If a customer has been overcharged by less than \$100, the retailer may credit the amount to the customer's next bill instead of complying with subclause (1).
- (5) No interest is payable on an amount that has been overcharged.
- (6) Despite subclauses (1) to (5), if a customer has been overcharged and the customer owes a debt to the retailer, the retailer may, after giving notice to the customer, use the amount of the overcharge to set off the debt.
- (7) Subclause (6) does not apply if the customer is a residential customer experiencing financial hardship.
- (8) If there remains an amount in credit after a set-off under subclause (6), the retailer must deal with the amount in accordance with subclause (1) or (4) (depending on the amount that remains in credit).

Division 7 — Final bill

31. Request for final bill

- (1) If a customer requests the retailer to arrange for the preparation and issue of a final bill for the customer's supply address, the retailer must use its best endeavours to arrange for —
 - (a) a meter reading; and

- (b) the preparation and issue of a final bill for the supply address in accordance with the customer's request.
- (2) Unless subclause (4) applies, if the customer's account is in credit at the time of account closure, a retailer must, at the time of the final bill, ask the customer for instructions as to whether the amount of the credit should be transferred to —
 - (a) another account the customer has, or will have, with the retailer; or
 - (b) a bank account nominated by the customer.
- (3) The retailer must, in accordance with the customer's instructions under subclause (2), transfer the amount of the credit within —
 - (a) 12 business days after receiving the instructions; or
 - (b) another period agreed with the customer.
- (4) If a customer's account is in credit at the time of account closure and the customer owes a debt to the retailer, the retailer may, after giving notice to the customer, use the credit to set off the debt.
- (5) If, after a set-off under subclause (4), there remains an amount of credit, the retailer must deal with the amount in accordance with subclause (2).

Division 8 — Providing bills under standard form contracts

32. Provision of bills

- (1) A retailer must allow a customer who has entered into a standard form contract to choose to receive bills —
 - (a) by post as paper bills; or
 - (b) by email sent to an email address provided by the customer.

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- (2) Subclause (1) applies despite any other arrangement or agreement that may be in place between the retailer and the customer in relation to paying bills.

Consultation Draft

Part 5 — Payment

33. Payment date

The date by which a bill must be paid must be not earlier than 12 business days from the bill issue date.

34. Payment methods

- (1) A retailer must accept payment for a bill in the following ways —
 - (a) in person at 1 or more payment outlets located within the local government district of the customer's supply address;
 - (b) by telephone;
 - (c) by post;
 - (d) for residential customers — by Centrepay;
 - (e) by electronic funds transfer.
- (2) This clause does not limit any other method for the payment of a bill that may be agreed between the retailer and the customer, including the option of payment by direct debit.

35. Payment in advance

- (1) Subject to this clause, a retailer must accept payment in advance from a customer.
- (2) A retailer is not required to credit interest to an amount paid in advance.
- (3) The amount of \$20 is the minimum amount for which a retailer is required to accept payment in advance from a customer (although the retailer may accept a lower amount if it thinks fit).
- (4) A retailer may determine an amount (a *maximum credit amount*) that a customer's account may be in credit.
- (5) A maximum credit amount must not be less than \$100.

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- (6) If a retailer determines a maximum credit amount, the retailer must publish the maximum credit amount on its website.
- (7) A retailer is not obliged to accept payment in advance if the customer's account is in credit for more than the maximum credit amount.
- (8) If a customer's account is in credit for more than the maximum credit amount, the retailer may refund any amount in excess of the maximum credit amount to the customer at any time.

36. Redirection of bills

A retailer must redirect a customer's bill to a different address (including to an email address or a different email address) on the customer's request and at no charge.

37. Late payment fee

- (1) A retailer must not charge a residential customer a late payment fee if —
 - (a) the customer receives a concession, unless the customer has received 2 or more reminder notices within the previous 12 months; or
 - (b) the customer and the retailer have agreed to —
 - (i) a payment extension under Part 6, and the customer pays the bill by the new due date; or
 - (ii) a payment plan under Part 6, and the customer is making payments in accordance with the payment plan;
 - or
 - (c) subject to subclause (2), the customer has made a complaint directly related to the non-payment of the bill to the retailer or the electricity industry ombudsman and —
 - (i) if the complaint has been made to the retailer — the complaint has not been resolved by the

- retailer, or the complaint has been resolved by the retailer in favour of the customer; or
- (ii) if the complaint has been made to the electricity industry ombudsman — the complaint has not been determined, or has been upheld by the electricity industry ombudsman;
- or
- (d) the customer is a customer experiencing financial hardship.
- (2) If a retailer has charged a late payment fee in the circumstances set out in subclause (1)(c)(ii) because the retailer was not aware of the complaint, the retailer does not contravene subclause (1)(c)(ii) but must refund the late payment fee on the customer's next bill (unless a fee is payable under subclause (3)).
- (3) If a complaint referred to in subclause (1)(c) is not resolved in favour of the customer, any late payment fee must be calculated from the date of the retailer's or the electricity industry ombudsman's decision (as the case may be).
- (4) If a retailer has charged a residential customer a late payment fee, the retailer must not charge an additional late payment fee in relation to the same bill within 5 business days after the day on which the customer receives the previous late payment fee notice.
- (5) A retailer must not charge a residential customer more than 2 late payment fees in relation to the same bill or more than 12 late payment fees in a 12-month period.
- (6) If a residential customer has been assessed as a customer experiencing financial hardship, a retailer must retrospectively waive any late payment fee charged under the customer's last bill before the assessment was made.

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38. Vacating supply address

- (1) Except as set out in this clause, if a customer gives notice and vacates the supply address within the time specified in the notice, the retailer must not require the customer to pay for electricity consumed at the customer's supply address from —
 - (a) if the customer gave at least 5 days' notice — the date on which the customer vacated the supply address; or
 - (b) in any other case — 5 days after the customer gave notice.
- (2) If a customer reasonably demonstrates to a retailer that the customer was evicted or otherwise required to vacate the supply address, the retailer must not require the customer to pay for electricity consumed at the customer's supply address from the date on which the customer gave the retailer notice.
- (3) For the purposes of subclauses (1) and (2), notice is given if a customer —
 - (a) informs a retailer of the date on which the customer intends to vacate, or has vacated, the supply address; and
 - (b) gives the retailer a forwarding address (which may be an email address) to which a final bill may be sent.
- (4) Despite subclauses (1) and (2) —
 - (a) if the retailer and a new customer enter into a contract for the supply address, the retailer must not require the previous customer to pay for electricity consumed at the supply address from the date on which the contract with the new customer becomes effective; and
 - (b) if a new retailer becomes responsible for the supply of electricity to the supply address, the previous retailer must not require the customer to pay for electricity consumed at the supply address from the date on which the new retailer becomes responsible.

- (5) Despite subclauses (1), (2) and (4), a retailer's right to payment does not terminate in relation to any amount that was due up until the termination of the contract.

39. Debt collection

- (1) A retailer must not commence proceedings for recovery of a debt —
- (a) from a residential customer who has informed the retailer in accordance with clause 40 that the customer is experiencing payment problems, unless and until the retailer has complied with all the requirements of clause 40 and (if applicable) clause 41(3); and
 - (b) while a residential customer continues to make payments under an alternative payment arrangement under Part 6.
- (2) A retailer must not recover or attempt to recover a debt relating to a supply address from a person other than a customer with whom the retailer has or had entered into a contract for the supply of electricity to that customer's supply address.
- (3) If a customer with a debt owing to a retailer requests the retailer to transfer the debt to another customer, the retailer may transfer the debt to the other customer if the retailer obtains the other customer's verifiable consent to the transfer.

Part 6 — Payment assistance

Division 1 — Assessment of financial situation

40. Assessment

- (1) Unless subclause (2) or (5) applies, if a residential customer informs a retailer that the customer is experiencing payment problems, the retailer must, within 5 business days, assess whether the customer is experiencing financial hardship.
- (2) If a residential customer provides a retailer with an assessment from a relevant consumer representative the retailer may adopt that assessment as its own assessment for the purposes of subclause (1).
- (3) When undertaking the assessment required by subclause (1) the retailer must give reasonable consideration to —
 - (a) information —
 - (i) given by the residential customer; and
 - (ii) requested or held by the retailer; or
 - (b) advice given by a relevant consumer representative (if any).
- (4) A retailer must, on request, advise a residential customer of the outcome of an assessment, including the reasons for the outcome of the assessment, under subclause (1).
- (5) A retailer is not required to undertake an assessment under subclause (1) if the retailer has previously undertaken an assessment in relation to the customer unless the customer has indicated that there has been a change in their circumstances since that previous assessment.

Division 2 — Payment assistance

41. Payment assistance

- (1) Subject to this Division, a retailer must make the following available to residential customers —
 - (a) additional time to pay a bill;
 - (b) a payment plan for the amount owing.
- (2) However, a customer is only entitled to select one option under subclause (1) once per bill.
- (3) A retailer must offer a residential customer who has been assessed as experiencing financial hardship at least the following (without the need for the customer to make a request) —
 - (a) a payment plan;
 - (b) assistance in accordance with clauses 44 and 45.

42. Payment plans

- (1) A retailer must ensure that a payment plan for a residential customer is fair and reasonable, taking into account —
 - (a) information about the customer’s capacity to pay; and
 - (b) the amount of any arrears payable by the customer to date.
- (2) A retailer must, in relation to a residential customer for whom a payment plan is being considered, offer the customer assistance to manage their bills for ongoing consumption during the period of the payment plan.

Examples for this subclause:

A retailer may offer to assist a residential customer:

- (a) by estimating the customer’s consumption over the period of the plan and building this into any repayment schedule at the start of the plan; or
- (b) by giving consideration to rolling new bills into the plan as time progresses.

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Division 2 Payment assistance

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- (3) If a residential customer has, in the previous 12 months, had 2 payment plans cancelled due to non-payment, a retailer is not required to offer the customer another payment plan under this Division unless the retailer is satisfied that the customer will comply with the payment plan.
- (4) For the purposes of subclause (3), cancellation does not include the variation of a payment plan under clause 43.
- (5) If a residential customer accepts a payment plan, the retailer must, within 5 business days after the customer accepting the payment plan, provide the customer with information in writing that specifies —
 - (a) the terms of the payment plan, including the number of payments, the amount of each payment, the duration of payments and how the payments are calculated; and
 - (b) the consequences of not complying with the payment plan; and
 - (c) the importance of making contact with the retailer to ask for further assistance if the customer cannot comply with, or continue to comply with, the payment plan terms.
- (6) However, the retailer is not required to comply with subclause (5) if the retailer has provided to the customer the information referred to in that subclause within the preceding 12 months.

43. Variation of payment plans

- (1) A retailer must review a payment plan at the request of the customer.
- (2) A retailer is not required to undertake a review under subclause (1) on more than 2 occasions in any 12-month period (but may do so at any time if the retailer thinks fit).

- (3) The retailer must offer to vary a payment plan if a review under subclause (1) indicates that the customer is unable to meet obligations under the payment plan.
- (4) The retailer must, within 5 business days after the customer accepts an offer to vary the payment plan, provide the customer with information that clearly explains, and assists the customer to understand, the variation.
- (5) The retailer must not vary a payment plan without the customer's agreement.
- (6) An agreement under subclause (5) must relate to the particular variation rather than under a general agreement to future variations.
- (7) Nothing in this clause prevents a retailer from cancelling a payment plan if the customer has failed to meet the requirements of the payment plan.

**Division 3 — Additional assistance available to residential
customers experiencing financial hardship**

44. Reduction of fees, charges or debt

- (1) A retailer must give reasonable consideration to a request by a customer experiencing financial hardship, or a relevant consumer representative for the customer, for a reduction of the customer's fees, charges or debt.
- (2) In acting under subclause (1), a retailer should take into account its hardship policies and procedures under clause 46.

45. Provision of information

A retailer must advise a customer experiencing financial hardship of the —

- (a) customer's right to have a bill redirected to a different address (including an email address) at no charge; and
- (b) payment methods available to the customer; and

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- (c) concessions that may be available to the customer and how to access them; and
- (d) different types of tariffs that may be available to the customer; and
- (e) independent financial counselling services and relevant consumer representatives available to assist the customer; and
- (f) availability of any other financial assistance offered by the retailer, and how to access this assistance.

46. Hardship policy and hardship procedures

- (1) A retailer must develop, maintain and implement a hardship policy and hardship procedures to assist customers experiencing financial hardship to meet their financial obligations and responsibilities to the retailer.
- (2) The hardship policy must —
 - (a) include a statement encouraging customers to contact the retailer if they are having trouble paying the retailer's bill; and
 - (b) include a statement advising that the retailer will treat all customers sensitively and respectfully; and
 - (c) include a statement that the retailer may reduce or waive fees, charges or debt; and
 - (d) include an objective set of hardship indicators; and
 - (e) include —
 - (i) an overview of the payment and other assistance available to customers under this Part (other than the retailer's requirement to advise the customer of the ability to pay in advance and the matters referred to in clause 45(a), (b) and (d)); and
 - (ii) a statement that the retailer offers residential customers the right to pay their bill by Centrepay; and

- (iii) a statement that the retailer is able to provide further details on request;
 - and
 - (f) include an overview of any concessions that may be available to the retailer's customers; and
 - (g) include —
 - (i) the telephone number for interpreter services, identified by the National Interpreter Symbol; and
 - (ii) the telephone number (or numbers) for services that can assist customers with a speech or hearing impairment;
 - and
 - (h) for printed copies of the hardship policy — be available in large-print copies; and
 - (i) include a statement specifying how the retailer will treat information disclosed by the customer to the retailer and information held by the retailer in relation to the customer.
- (3) The hardship procedures must —
- (a) provide for the training of staff (including call centre staff, field officers and all subcontractors employed to engage with customers experiencing financial hardship) about issues related to financial hardship and its impacts, and how to deal sensitively and respectfully with customers experiencing financial hardship; and
 - (b) include guidance —
 - (i) that assists the retailer in identifying residential customers who are experiencing financial hardship; and
 - (ii) that assists the retailer in determining a residential customer's usage needs and capacity

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- to pay when determining the terms of a payment plan; and
- (iii) about the suspension of disconnection and debt recovery procedures; and
 - (iv) about the reduction or waiver of fees, charges or debt; and
 - (v) about the recovery of debt;
- and
- (c) require that the retailer's credit management staff have a direct telephone number and that the number be provided to relevant consumer representatives;
- (4) A retailer must ensure that its hardship policy and hardship procedures comply with the Authority's *Financial Hardship Policy Guidelines*.
- Note for this subclause:
The guidelines are those applying at the time that this code is made.
- (5) A retailer must consult with relevant consumer representatives whenever the retailer is —
- (a) developing a hardship policy or hardship procedures; or
 - (b) making a material amendment to its hardship policy.
- (6) A retailer must —
- (a) provide a copy of its hardship policy to the Authority; and
 - (b) provide a copy of the amended policy to the Authority if it makes a material amendment to the policy.
- (7) If directed by the Authority, a retailer must, within a period specified by the Authority —
- (a) review its hardship policy or hardship procedures; and
 - (b) consult with relevant consumer representatives for the purposes of the review; and
 - (c) submit the results of the review to the Authority.

**Division 4 — Business customers experiencing payment
difficulties**

47. Alternative payment arrangements

A retailer must consider any reasonable request for alternative payment arrangements from a business customer who is experiencing payment difficulties.

Consultation Draft

Part 7 — Disconnection

Division 1 — Conduct in relation to disconnection

Subdivision 1 — Disconnection for failure to pay bill

48. General requirements

- (1) Before arranging for the disconnection of a customer's supply address for failure to pay a bill, a retailer must —
 - (a) not less than 15 business days from the date of dispatch of the bill, give to the customer a written notice (a *reminder notice*) that includes —
 - (i) the retailer's telephone number for billing and payment enquiries; and
 - (ii) how the retailer may assist if the customer is experiencing problems paying the bill;and
 - (b) use its best endeavours to contact the customer to advise of the proposed disconnection; and
 - (c) give the customer a disconnection warning, not less than 20 business days from the date of dispatch of the bill, advising the customer —
 - (i) that the retailer may disconnect the customer with at least 5 business days' notice to the customer; and
 - (ii) of the existence and operation of complaint handling processes, including the existence and operation of the electricity industry ombudsman and the Freecall telephone number of the electricity industry ombudsman.
- (2) For the purposes of subclause (1), a customer has failed to pay a retailer's bill if the customer has not —
 - (a) paid the retailer's bill by the due date; or

- (b) agreed with the retailer to an offer of a payment plan or other payment arrangement to pay the retailer's bill; or
- (c) adhered to the customer's obligation to make payments in accordance with an agreed payment plan or other payment arrangement relating to the payment of the retailer's bill.

49. Limitations on disconnection for failure to pay bill

Despite clause 48, a retailer must not arrange for the disconnection of a customer's supply address for failure to pay a bill —

- (a) within 1 business day after the expiry of the period referred to in the disconnection warning; or
 - (b) if the customer is adhering to the customer's obligation to make payments in accordance with an agreed payment plan or other payment arrangement relating to the payment of the retailer's bill; or
 - (c) if —
 - (i) the customer is a residential customer; and
 - (ii) the outstanding amount is less than \$300; and
 - (iii) the customer has agreed with the retailer to pay this amount;
- or
- (d) if the customer has informed the retailer, or the retailer is otherwise aware, that the customer has applied for a concession and a decision on the application has not been made; or
 - (e) if the customer has failed to pay an amount that does not relate to the supply of electricity; or
 - (f) if the bill does not relate to the supply address, other than if the bill relates to a supply address previously occupied by the customer.

50. Dual fuel contracts

- (1) This clause applies if a retailer and a residential customer have entered into —
 - (a) a dual fuel contract; or
 - (b) separate contracts for the supply of electricity and the supply of gas, under which —
 - (i) a single bill for energy is issued to the customer; or
 - (ii) separate, simultaneous bills for electricity and gas are issued to the customer.
- (2) The retailer must not arrange for disconnection of the customer's supply address for failure to pay a bill within 15 business days from the date of disconnection of the customer's gas supply.

Subdivision 2 — Disconnection for denying access to meter

51. Disconnection for denying access to meter

- (1) Subclause (2) applies if, for at least 9 consecutive months, a customer has not provided the retailer or relevant distributor (or a representative of the retailer or relevant distributor) safe access to the customer's supply address for the purposes of reading a meter at the supply address.
- (2) If this subclause applies, the retailer may arrange for the disconnection of the customer's supply address if —
 - (a) the retailer has, on at least 1 occasion, given the customer written notice —
 - (i) giving at least 5 business days' notice of a date on which, or a timeframe during which, the customer is requested to provide safe access to the supply address in order for the retailer or relevant distributor (or a representative) to gain access to a meter; and

- (ii) if appropriate, informing the customer of the availability of alternative meters that are suitable to the customer's supply address; and
 - (iii) advising the customer of the retailer's ability to arrange for disconnection if the customer fails to provide safe access to the meter in accordance with the requirements of the notice or by providing reasonable alternative access arrangements;
- and
- (b) the customer has failed to provide safe access in accordance with the requirements of the notice, or reasonable alternative access arrangements within a reasonable time after notice is given under paragraph (a); and
 - (c) the retailer has used its best endeavours to contact the customer to advise of the proposed disconnection on account of that failure; and
 - (d) the retailer has given the customer a disconnection warning with at least 5 business days' notice of its intention to arrange for disconnection.
- (3) Subclause (4) applies if a customer has not provided the retailer or relevant distributor (or a representative of the retailer or relevant distributor) safe access to the customer's supply address for the purposes of —
- (a) testing, maintaining, inspecting, altering or replacing a meter at the supply address; or
 - (b) checking the accuracy of the customer's consumption at the supply address.

- (4) If this subclause applies, the retailer may arrange for the disconnection of the customer's supply address if —
- (a) the retailer has, on at least 1 occasion, given the customer written notice —
 - (i) stating the matter giving rise to the potential disconnection of the supply address; and
 - (ii) giving at least 5 business days' notice of a date on which, or a timeframe during which, the customer is requested to provide safe access to the supply address in order for the retailer or relevant distributor (or a representative) to gain access to a meter; and
 - (iii) advising the customer of the retailer's ability to arrange for disconnection if the customer fails to provide safe access to the meter in accordance with the requirements of the notice or by providing reasonable alternative access arrangements;
- and
- (b) the customer has failed to provide safe access in accordance with the requirements of the notice, or reasonable alternative access arrangements within a reasonable time after notice is given under paragraph (a).

Division 2 — Limits on disconnection

52. General limits on disconnection

- (1) Unless subclause (3) applies, a retailer must not arrange for the disconnection of a customer's supply address if —
- (a) the customer has made a complaint to the retailer that is directly related to the reason for the proposed disconnection and the complaint has not been resolved by the retailer; or

- (b) the retailer has been notified by the relevant distributor, electricity industry ombudsman or an external dispute resolution body that the customer has made a complaint that is directly related to the reason for the proposed disconnection and the complaint has not been resolved by the distributor or determined by the electricity industry ombudsman or external dispute resolution body (as the case may be); or
 - (c) the supply address is registered under Part 11 as a life support equipment address.
- (2) Unless subclause (3) applies, a distributor must not disconnect a customer's supply address —
- (a) if —
 - (i) the customer has made a complaint to the distributor that is directly related to the reason for the proposed disconnection and the complaint has not been resolved by the distributor; or
 - (ii) the distributor has been notified by a retailer, the electricity industry ombudsman or an external dispute resolution body that the customer has made a complaint that is directly related to the reason for the proposed disconnection and the complaint has not been resolved by the retailer or determined by the electricity industry ombudsman or external dispute resolution body (as the case may be);
 - or
 - (b) if the supply address is registered under Part 11 as a life support equipment address; or
 - (c) during a protected period unless —
 - (i) the customer is a business customer; and
 - (ii) the business customer's normal trading hours fall within a protected period and do not fall within any other period; and

- (iii) it is not practicable for the distributor to disconnect at any other time.
- (3) Subclauses (1) and (2) do not apply if —
 - (a) the disconnection is requested by the customer; or
 - (b) there is a health or safety reason warranting the disconnection; or
 - (c) there is an emergency warranting disconnection; or
 - (d) electricity has been illegally consumed at the supply address.

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Part 8 — Reconnection

53. Obligation on retailer to arrange reconnection

- (1) This clause applies if —
 - (a) a customer's supply address has been disconnected by, or at the request of, the retailer; and
 - (b) the customer has —
 - (i) if relevant, rectified the matter that led to the disconnection or made arrangements to the satisfaction of the retailer; and
 - (ii) made a request for reconnection; and
 - (iii) paid the retailer's charge for reconnection (if any), or accepted an offer of a payment plan for those charges.
- (2) The retailer must arrange for the customer's supply address to be reconnected.
- (3) For the purposes of subclause (2), a retailer must forward the customer's request for reconnection to the relevant distributor —
 - (a) on the same business day, if the request is received before 3 pm on a business day; or
 - (b) no later than 3 pm on the next business day, if the request is received —
 - (i) after 3 pm on a business day, or
 - (ii) on a Saturday, a Sunday or a public holiday throughout the State.
- (4) Alternatively, a retailer may cause the customer's supply address to be reconnected within the timeframes that apply under clause 54(4)(a) or (b).

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54. Obligation on distributor to reconnect supply address

- (1) A distributor must reconnect a supply address if —
 - (a) a retailer has arranged for the disconnection of the customer's supply address; and
 - (b) the retailer has forwarded the customer's request for reconnection to the distributor under clause 53.
- (2) Subclause (3) applies if —
 - (a) a distributor has disconnected a customer's supply address otherwise than at the request of a retailer; and
 - (b) the customer has —
 - (i) if relevant, rectified the matter that led to the disconnection; and
 - (ii) made a request for reconnection; and
 - (iii) paid the distributor's charge for reconnection (if any).
- (3) The distributor must reconnect the customer's supply address.
- (4) For the purposes of subclauses (1) and (3), a distributor must reconnect a customer's supply address —
 - (a) if the supply address is located within the metropolitan area —
 - (i) within 1 business day after receipt of the relevant request, if the request is received before 3 pm on a business day; and
 - (ii) within 2 business days after receipt of the relevant request, if the request is received after 3 pm on a business day or on a Saturday, a Sunday or a public holiday throughout the State;

and

- (b) if the supply address is located within a regional area —
 - (i) within 5 business days after receipt of the relevant request, if the request is received before 3 pm on a business day; and
 - (ii) within 6 business days after receipt of the relevant request, if the request is received after 3 pm on a business day, or on a Saturday, a Sunday or a public holiday throughout the State .
- (5) Subclause (4) does not apply in the case of an emergency.

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Part 9 — Pre-payment meters

55. Application

- (1) The following do not apply to a pre-payment meter customer —
 - (a) Parts 4, 5, 7, 8 and 11;
 - (b) Part 6 (other than clause 46);
 - (c) clause 11 (other than as specified below);
 - (d) clause 72.
- (2) A distributor may only operate a pre-payment meter, and a retailer may only offer a pre-payment meter service, in an area that has been declared by the Minister by notice published in the *Gazette*.

56. Operation of pre-payment meter

- (1) A retailer must not provide a pre-payment meter service at a residential customer's supply address without the verifiable consent of the customer or the customer's nominated representative.
- (2) A retailer must establish an account for each pre-payment meter operating at a residential customer's supply address.
- (3) Subject to any applicable law, a retailer is not obliged to offer a pre-payment meter service to a customer.

57. Provision of information

- (1) A retailer must, on request by a residential customer, provide at no charge and in clear, simple and concise language the following information in relation to the use of a pre-payment meter —
 - (a) all applicable tariffs, fees and charges payable by the customer and the basis for the calculation of those charges;

- (b) the tariffs, fees and charges applicable to the pre-payment meter service relative to relevant tariffs, fees and charges that would apply to the customer if no pre-payment meter was operating at the customer's supply address;
 - (c) the retailer's charges, or its best estimate of those charges, to replace the pre-payment meter with a standard meter or to switch the pre-payment meter to a standard meter;
 - (d) how the pre-payment meter is operated;
 - (e) how the customer may recharge the pre-payment meter (including details of cost, location and business hours of recharge facilities);
 - (f) the emergency credit facilities applicable to the pre-payment meter;
 - (g) credit retrieval.
- (2) No later than 10 business days after the time a residential customer enters into a pre-payment meter contract at the customer's supply address, a retailer must give or make available to the customer at no charge —
- (a) the information specified in subclause (1); and
 - (b) a copy of the contract; and
 - (c) information on the availability and scope of this code and the requirement that retailers, distributors and electricity marketing agents comply with this code; and
 - (d) a meter identification number for the meter; and
 - (e) a telephone number for enquiries; and
 - (f) a telephone number for complaints; and
 - (g) the relevant distributor's 24-hour telephone number for faults and emergencies; and
 - (h) confirmation of the supply address and any relevant mailing address; and

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- (i) details of any concessions the customer may be eligible to receive; and
 - (j) the amount of any concessions to be given to the customer; and
 - (k) the telephone number for interpreter services, identified by the National Interpreter Symbol; and
 - (l) the telephone number (or numbers) for services that can assist customers with a speech or hearing impairment; and
 - (m) how the retailer may assist in the event the customer is experiencing difficulties paying for their consumption; and
 - (n) how to make an enquiry of, or complaint to, the retailer; and
 - (o) the contact details for the electricity industry ombudsman; and
 - (p) general information on the safe use of electricity; and
 - (q) details of the initial recharge facilities available to the customer; and
 - (r) the date of the expiry of the customer's right to revert to a standard meter at no charge; and
 - (s) the options available to the customer if the customer replaces the pre-payment meter with a standard meter or switches the pre-payment meter to a standard meter.
- (3) A retailer must ensure that the following information is shown on or directly adjacent to a residential customer's pre-payment meter —
- (a) the positive or negative balance of the pre-payment meter within 1 dollar of the actual balance;
 - (b) whether the pre-payment meter is operating on normal credit or emergency credit;
 - (c) a telephone number for enquiries;

- (d) the relevant distributor's 24-hour telephone number for faults and emergencies.
- (4) A retailer must give a pre-payment meter customer on request, at no charge, the following information for the previous 2 years or since the commencement of the pre-payment meter contract (whichever is the shorter), divided into quarterly segments —
 - (a) total energy consumption;
 - (b) average daily consumption;
 - (c) average daily cost of consumption.
- (5) A retailer must, within 10 business days after the change, use reasonable endeavours to notify a pre-payment meter customer in writing if the recharge facilities available to the residential customer change from the initial recharge facilities referred to in subclause (2)(q).
- (6) The information to be provided under this clause, other than the information in subclause (3), may be provided in writing to a pre-payment meter customer at —
 - (a) the customer's supply address; or
 - (b) another address nominated by the customer; or
 - (c) an email address nominated by the customer.

58. Reversion

- (1) If a pre-payment meter customer requests the retailer to replace the pre-payment meter with a standard meter, within 1 business day after the request the retailer must arrange with the relevant distributor to replace the pre-payment meter with a standard meter or switch the pre-payment meter to a standard meter.
- (2) A retailer must not require payment of a charge for reversion to a standard meter if a pre-payment meter customer is a residential customer and that customer, or its nominated representative, requests reversion of a pre-payment meter under subclause (1) within 3 months after the later of —
 - (a) the installation of the pre-payment meter; or

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- (b) the date on which the customer entered into the pre-payment meter contract.
- (3) If a pre-payment meter customer requests reversion of a pre-payment meter under subclause (1) after the date calculated in accordance with subclause (2), a retailer may charge the customer a reasonable charge for the reversion.
- (4) However, the retailer's obligations under subclause (1) —
 - (a) if the pre-payment meter customer is a residential pre-payment meter customer — are not conditional on the customer paying the retailer's reasonable charge for reversion to a standard meter (if any); and
 - (b) otherwise — may be made conditional on the pre-payment meter customer paying the retailer's reasonable charge for reversion to a standard meter (if any).
- (5) If a retailer requests a distributor to revert a pre-payment meter under subclause (1), the distributor must revert the pre-payment meter at that supply address —
 - (a) if the supply address is located within the metropolitan area — within 5 business days after receipt of the request; or
 - (b) if the supply address is located within a regional area — within 10 business days after receipt of the request.

59. Life support equipment

- (1) If a pre-payment meter customer provides a retailer with confirmation from an appropriately qualified medical practitioner that a person residing at the pre-payment meter customer's supply address requires life support equipment, the retailer must not provide a pre-payment meter service at that supply address and the retailer must, or must immediately arrange to —
 - (a) remove or render non-operational the pre-payment meter at no charge; and

- (b) replace the pre-payment meter with a standard meter, or switch the pre-payment meter to a standard meter, at no charge; and
 - (c) provide information to the pre-payment meter customer about the contract options available to the pre-payment meter customer.
- (2) If a retailer requests a distributor to revert a pre-payment meter under subclause (1), the distributor must revert the pre-payment meter at that supply address as soon as possible and in any event no later than —
- (a) if the supply address is located within the metropolitan area —
 - (i) if the request is received before 3 pm on a business day — within 1 business day after receipt of the request; and
 - (ii) if the request is received after 3 pm on a business day or on a Saturday, a Sunday or a public holiday throughout the State — within 2 business days after receipt of the request;
 - (b) if the supply address is located within a regional area —
 - (i) if the request is received before 3 pm on a business day — within 9 business days after receipt of the request; and
 - (ii) if the request is received after 3 pm on a business day, or on a Saturday, a Sunday or a public holiday throughout the State — within 10 business days after receipt of the request.

60. Requirements for pre-payment meters

- (1) A retailer must ensure that a pre-payment meter customer has access to an amount of emergency credit of \$20 outside of normal business hours.

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- (2) The following provisions apply in relation to a retailer's ability to de-energise a pre-payment meter service —
 - (a) if the pre-payment meter has run out of credit (disregarding any emergency credit), the meter may be de-energised during normal business hours;
 - (b) if the pre-payment meter has run out of credit and any emergency credit, the meter may be de-energised at any time;
 - (c) if the meter has been de-energised and the customer makes a payment to their account that results in an amount of credit in excess of emergency credit, the meter must be re-energised.
- (3) A retailer is not required to re-energise a meter if the only credit that the customer has is emergency credit.
- (4) A retailer must ensure that a pre-payment meter service —
 - (a) is capable of providing the following information to the retailer at least once in every month —
 - (i) the number of instances in which a pre-payment meter customer has been disconnected;
 - (ii) the duration of each of those disconnections;and
 - (b) subject to subclauses (2) and (3), recommences supply as soon as information is communicated to the pre-payment meter that a payment to the account has been made.

61. Recharge facilities

A retailer must ensure that —

- (a) at least 1 physical recharge facility is located as close as practicable to a pre-payment meter; and
- (b) a pre-payment meter customer can access a recharge facility at least 3 hours per day, 5 days per week; and

- (c) it uses its best endeavours to ensure that the pre-payment meter customer can access a recharge facility for periods greater than required under paragraph (b); and
- (d) the minimum amount to be credited by a recharge facility does not exceed \$20 per increment.

62. Concessions

If a pre-payment meter customer demonstrates to a retailer that the customer is entitled to receive a concession, the retailer must ensure that the customer receives the concession.

63. Meter check or test

- (1) If a pre-payment meter customer requests that the whole or part of a pre-payment meter be checked or tested, a retailer must make immediate arrangements to do 1 or more of the following —
 - (a) check the customer's metering data;
 - (b) check or conduct a test of the pre-payment meter;
 - (c) arrange for a check or test by the responsible person for the meter installation at the customer's connection point.
- (2) If a retailer requests a distributor to check or test a pre-payment meter under subclause (1), the distributor must check or test the pre-payment meter.
- (3) A pre-payment meter customer who requests a check or test of a pre-payment meter under subclause (1) must pay a retailer's reasonable charge for checking or testing the pre-payment meter (if any).
- (4) If a pre-payment meter is found to be inaccurate or not operating correctly following a check or test undertaken in accordance with subclause (1), a retailer must —
 - (a) immediately arrange for the repair or replacement of the faulty pre-payment meter; and

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- (b) correct any overcharging or undercharging in accordance with clause 65; and
- (c) refund any charges paid by the pre-payment meter customer under this clause for the testing of the pre-payment meter.

64. Credit retrieval

If a pre-payment meter customer notifies a retailer of a proposed vacation date, the retailer must ensure that the customer can retrieve all remaining credit at the time the customer vacates the supply address.

65. Overcharging and undercharging

- (1) If a pre-payment meter customer (including a pre-payment meter customer who has vacated the supply address) has been overcharged as a result of an act or omission of the retailer or relevant distributor (including as a result of a defective pre-payment meter), the retailer must —
 - (a) use its best endeavours to inform the customer accordingly within 10 business days after the retailer becoming aware of the error; and
 - (b) ask the customer for instructions as to whether the amount should be —
 - (i) credited to the customer's account; or
 - (ii) repaid to the customer.
- (2) If the retailer receives instructions from the customer under subclause (1), the retailer must pay the amount in accordance with the customer's instructions within 12 business days after receiving the instructions.
- (3) If the retailer does not receive instructions from the customer under subclause (1) within 20 business days after making the request for instructions, the retailer must use reasonable endeavours to credit the amount overcharged to the customer's account.

- (4) If the amount referred to in subclause (1) is less than \$100, the retailer may credit the amount to the customer's account instead of complying with subclause (1).
- (5) No interest is payable on an amount that has been overcharged.
- (6) If a retailer proposes to recover an amount undercharged as a result of an act or omission by the retailer or relevant distributor (including as a result of a defective pre-payment meter), the retailer must —
 - (a) limit the amount to be recovered to no more than the amount undercharged in the 12 months before the date on which the retailer notifies the pre-payment meter customer that undercharging has occurred; and
 - (b) list the amount to be recovered as a separate item in a special bill, together with an explanation of that amount; and
 - (c) not charge the pre-payment meter customer interest on that amount or require the pre-payment meter customer to pay a late payment fee; and
 - (d) offer the pre-payment meter customer time to pay that amount by means of a payment plan covering a period at least equal to the period over which the recoverable undercharging occurred.

66. Information for customers experiencing payment difficulties

- (1) This clause applies if —
 - (a) a residential pre-payment meter customer informs a retailer that the customer is experiencing difficulties paying for their consumption; or
 - (b) a retailer identifies that a residential pre-payment meter customer has been disconnected 2 or more times in any 1-month period for longer than 120 minutes on each occasion.

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- (2) The retailer must, as soon as is reasonably practicable, use its best endeavours to provide the following information in writing to the customer —
 - (a) information about the different types of meters available to the customer;
 - (b) information about relevant financial assistance programmes;
 - (c) information about how to contact relevant consumer representatives;
 - (d) information about independent financial and other relevant counselling services.
- (3) The information may be provided by —
 - (a) post addressed to the customer at the customer's supply address, or at another address nominated by the customer; or
 - (b) email at an address nominated by the customer; or
 - (c) personal delivery to the customer.
- (4) However, if subclause (1)(b) applies, the retailer is not required to comply with subclause (2) if the retailer has provided the information referred to in that subclause within the preceding 12 months.
- (5) This clause applies to a retailer despite any obligation under clause 46.

67. Assistance for customers experiencing payment difficulties

- (1) This clause applies if a residential pre-payment meter customer, or a relevant consumer representative acting on behalf of a residential pre-payment meter customer —
 - (a) informs a retailer that the customer is experiencing difficulties paying for the customer's consumption; and
 - (b) requests that the pre-payment meter be replaced by a standard meter.

- (2) The retailer must give reasonable consideration to waiving any fee payable to replace the pre-payment meter with a standard meter.

Consultation Draft

Part 10 — Information and communication

Division 1 — Obligations for retailers

68. Provision of general information to customers

- (1) A retailer must publish on its website —
 - (a) the following information about concessions —
 - (i) the type of concessions available to customers;
 - (ii) the name and contact details of the organisation responsible for administering those concessions (if the retailer is not responsible for doing this);and
 - (b) the following information about energy efficiency —
 - (i) cost-effective and efficient ways to utilise electricity;
 - (ii) the typical running costs of major domestic electrical appliances;and
 - (c) the retailer's hardship policy; and
 - (d) the retailer's family violence policy; and
 - (e) a summary of a customer's rights, entitlements and obligations under the retailer's standard complaints and dispute resolution procedures; and
 - (f) the contact details for the electricity industry ombudsman; and
 - (g) a copy of this code.
- (2) If a customer requests information of the kind referred to in subclause (1), the retailer must —
 - (a) refer the customer to the retailer's website; or
 - (b) provide the information to the customer.

- (3) If a customer requests a copy of information of the kind referred to in subclause (1), the retailer must provide a copy of the information to the customer.
- (4) The information or a copy of the information requested under this clause must be provided without charge.
- (5) The retailer is not required to make a copy of this code available under subclause (1)(g) if it instead provides an electronic link to a website where a copy of this code may be accessed.

69. Information about tariffs, fees or charges

A retailer must give or make available to a customer on request, at no charge, reasonable information on the retailer's tariffs, fees or charges, including any alternative tariffs that may be available to that customer.

70. Information about variations to tariffs, fees or charges: regulated prices

- (1) This clause applies if a customer's tariffs, fees or charges are regulated or set by the State Government.
- (2) A retailer must give notice to a customer of any variation to its tariffs, fees or charges that affects the customer.
- (3) The notice must be given no later than the next bill in the customer's billing cycle.

71. Information about variations to tariffs, fees or charges: non-regulated prices

- (1) This clause applies if a customer's tariffs, fees or charges are not regulated or set by the State Government.
- (2) A retailer must give notice to a customer of any variation to its tariffs, fees or charges that affects the customer.
- (3) The notice must be given at least 5 business days before the variation is to apply to the customer.

- (4) The notice must —
- (a) specify that the customer’s tariffs, fees or charges are being varied; and
 - (b) specify the date on which the variation will come into effect; and
 - (c) identify the customer’s existing tariffs, fees or charges, inclusive of GST; and
 - (d) identify the customer’s tariffs, fees or charges as varied, inclusive of GST; and
 - (e) specify that the customer may request historical billing data.
- (5) A retailer is not required to provide information under this clause —
- (a) if the customer has entered into the relevant contract with the retailer within 10 business days before the variation is to take effect and the retailer has already informed the customer of the variation; or
 - (b) for a tariff, fee or charge that continually varies in relation to the prevailing spot price for electricity; or
 - (c) for the variation of a tariff, fee or charge that is a direct result of a change to, or the withdrawal or expiry of, a concession; or
 - (d) for the variation of a tariff, fee or charge that is a direct result of a change to a bank charge or fee, to a credit card charge or fee, or to payment processing charges or fees that apply in relation to the customer.

72. Historical billing data

- (1) A retailer must give a non-contestable customer on request the non-contestable customer’s billing data.

- (2) The retailer must give the billing data at no charge if a non-contestable customer requests billing data —
- (a) for a period less than the previous 2 years and no more than once a year; or
 - (b) in relation to a dispute with a retailer.

73. Service standard payments

A retailer must at least once a year give a customer written details of the retailer's and distributor's obligations to make payments to the customer under Part 14 or under any other written law including —

- (a) the amount of the payment; and
- (b) the eligibility criteria for the payment.

74. Distribution matters

If a customer asks a retailer for information relating to the distribution of electricity, the retailer must —

- (a) give the information to the customer; or
- (b) refer the customer to the relevant distributor for a response.

Division 2 — Obligations for distributors

75. General information

- (1) A distributor must publish on its website —
- (a) a description of the distributor's and customer's respective rights and obligations concerning the provision of services by the distributor and a description of those services; and
 - (b) details of applicable connection and reconnection timeframes; and
 - (c) details of applicable connection and reconnection charges; and

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Division 2 Obligations for distributors

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- (d) information relating to new connections or connection alterations; and
 - (e) general information on the safe use of electricity; and
 - (f) general information on quality of supply; and
 - (g) general information on reliability of supply; and
 - (h) information about how a customer may obtain information on distribution standards and metering arrangements that are relevant to the customer and —
 - (i) prescribed under the Act or the *Electricity Act 1945*; or
 - (ii) adopted by the distributor;and
 - (i) a summary of a customer's rights, entitlements and obligations under the distributor's standard complaints and dispute resolution procedures; and
 - (j) the contact details for the electricity industry ombudsman; and
 - (k) a copy of this code.
- (2) If a customer requests information of the kind referred to in subclause (1), the distributor must —
- (a) refer the customer to the distributor's website; or
 - (b) provide the information to the customer.
- (3) If a customer requests a copy of information of the kind referred to in subclause (1), the distributor must provide a copy of the information to the customer.
- (4) The information or a copy of the information requested under this clause must be provided without charge.
- (5) The distributor is not required to make a copy of this code available under subclause (1)(k) if it instead provides an electronic link to a website where a copy of this code may be accessed.

76. Information about supply changes or interruptions

A distributor must give to a customer on request, at no charge —

- (a) an explanation for any unplanned or approved change in the quality of supply of electricity to the customer's supply address outside of the limits prescribed by law; and
- (b) an explanation for any unplanned interruption of supply to the customer's supply address.

Division 3 — Obligations for retailers and distributors

77. Written information must be easy to understand

- (1) To the extent practicable, a retailer or distributor must ensure that any written information that must be given to a customer by the retailer or distributor under this code is —
 - (a) expressed in clear, simple and concise language; and
 - (b) in a format that makes it easy to understand.
- (2) The obligation placed on a retailer under subclause (1) extends to written information that may be given to a customer by an electricity marketing agent acting on behalf of the retailer.

78. Special information needs

- (1) A retailer and a distributor must make available to a residential customer on request, at no charge, services that assist the customer in understanding information provided by the retailer or distributor (including independent interpreter services and services for customers with a speech or hearing impairment, and large print copies).
- (2) A retailer and, if appropriate, a distributor must include on a relevant document in relation to residential customers —
 - (a) the telephone number for interpreter services, identified by the National Interpreter Symbol; and

- (b) the telephone number (or numbers) for services that can assist customers with a speech or hearing impairment.
- (3) In subclause (2) —
relevant document means the following —
 - (a) a bill and bill-related information (including, for example, the notice referred to in clause 20(3) and statements relating to a payment plan);
 - (b) a reminder notice;
 - (c) a disconnection warning.

79. Metering

- (1) A distributor must advise a customer on request, at no charge, of the availability of different types of meters and their —
 - (a) suitability to the customer's supply address; and
 - (b) purpose; and
 - (c) costs; and
 - (d) installation, operation and maintenance procedures.
- (2) If a customer asks a retailer for information relating to the availability of different types of meters, the retailer must —
 - (a) give the information to the customer; or
 - (b) refer the customer to the relevant distributor for a response.

Division 4 — Disconnection or interruption for emergencies

80. Disconnection or interruption for emergencies

If a distributor disconnects or interrupts a customer's supply address for emergency reasons, the distributor must —

- (a) provide, by way of a 24-hour emergency line at the cost of a local call (excluding mobile telephones), information on the nature of the emergency and an estimate of the time when supply will be restored; and

- (b) use its best endeavours to restore supply to the customer's supply address as soon as possible.

Consultation Draft

Part 11 — Life support equipment scheme

81. Relevant standards

- (1) The *relevant standard* under this Part for a retailer is that a step be taken —
 - (a) on the same day if a confirmation or notification is received before 3 pm on a business day; or
 - (b) no later than the next business day if a confirmation or notification is received after 3 pm or on a Saturday, a Sunday or a public holiday throughout the State.
- (2) The *relevant standard* under this Part for a distributor is that a step be taken —
 - (a) no later than the next business day if a notification is received before 3 pm on a business day; or
 - (b) within 2 business days if a notification is received after 3 pm or on a Saturday, a Sunday or a public holiday throughout the State.

82. Registration of life support equipment: retailers

- (1) The retailer must take the steps set out in subclause (2) in accordance with the relevant standard for a retailer if a customer provides a retailer with confirmation from an appropriately qualified medical practitioner that a person residing at the customer's supply address requires life support equipment.
- (2) The following steps must be taken —
 - (a) register the customer's supply address as a life support equipment address;
 - (b) register the customer's contact details;
 - (c) provide the following to the customer's distributor —
 - (i) a notification about the customer's supply address being a life support equipment address;
 - (ii) the contact details of the customer.

- (3) In addition, a retailer who is required to comply with subclause (2) must provide the following information in writing to a customer before, or within 5 days after, registering the customer's supply address as a life support equipment address —
- (a) advice that there may be planned or unplanned interruptions to supply at the supply address and that the relevant distributor is required to notify the customer of a planned disruption in accordance with this code;
 - (b) a recommendation that the customer prepare a plan of action in case of an unplanned interruption;
 - (c) an emergency telephone contact number for the relevant distributor and the retailer (the charge of which will be no more than the charge of a local call (excluding mobile telephones)).
- (4) The retailer must take the steps set out in subclause (5) in accordance with the relevant standard for a retailer if a customer registered with a retailer under subclause (2) notifies the retailer —
- (a) that the person residing at the customer's supply address who requires life support equipment is changing supply address; or
 - (b) that the customer is changing supply address but the person who requires life support equipment is not changing supply address; or
 - (c) that there has been a change in contact details.
- (5) The following steps must be taken —
- (a) register the change;
 - (b) provide a notification to the customer's distributor of the change.

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83. Registration of life support equipment: distributors

- (1) The relevant distributor must take the steps set out in subclause (2) in accordance with the relevant standard for a distributor if the distributor is notified by a retailer —
 - (a) that a person residing at a customer's supply address requires life support equipment; or
 - (b) that there has been a change of details or circumstances previously notified by the retailer.
- (2) The following steps must be taken (as relevant) —
 - (a) register the customer's supply address as a life support equipment address;
 - (b) update the details or circumstances previously notified by the retailer.

84. Interruption of supply

- (1) A distributor must not undertake a planned interruption of supply at a life support equipment address unless the distributor has —
 - (a) provided at least 3 business days' written notice of the interruption to the customer —
 - (i) at the supply address; or
 - (ii) at another address nominated by the customer; or
 - (iii) by electronic communication;and
 - (b) unless expressly requested by the customer not to do so, used its best endeavours to obtain acknowledgment from the customer, or from someone else residing at the supply address, that the notice has been received.
- (2) Subclause (1) does not apply if —
 - (a) the interruption is to restore supply at a life support equipment address; or

- (b) the distributor has already provided notice of a planned interruption that will affect a supply address under the *Electricity Industry (Network Quality and Reliability of Supply) Code 2005* before the distributor registers the supply address as a life support equipment address under this Part.
- (3) If subclause (2) applies, the distributor must use its best endeavours to contact the customer, or someone residing at the supply address, before the interruption occurs.

85. Periodic reviews

- (1) A retailer must require the customer, by a notice given to the customer within the period beginning 3 months before, and ending 3 months after, each anniversary of the registration of a supply address under this Part —
 - (a) unless paragraph (b) applies — to confirm that a person residing at the customer’s supply address continues to require life support equipment; or
 - (b) in the case of every third anniversary — to provide the retailer with confirmation from an appropriately qualified medical practitioner that a person residing at the customer’s supply address continues to require life support equipment.
- (2) A notice under subclause (1) must —
 - (a) allow a customer at least 3 months to provide the confirmation required by the retailer; and
 - (b) warn the customer that —
 - (i) the customer’s supply address will be de-registered as a life support equipment address if the customer fails to comply with the notice or if the customer notifies the retailer that a person residing at the supply address no longer requires life support equipment; and

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- (ii) if the supply address is de-registered, the customer will no longer receive the protections provided by this code for life support equipment addresses.

86. De-registration of address

- (1) This clause applies if —
 - (a) the retailer is notified that the customer’s supply address no longer requires registration as a life support equipment address; or
 - (b) a customer fails to comply with a notice from a retailer under clause 85 in relation to a life support equipment address.
- (2) If subclause (1)(a) applies, the retailer must de-register the life support equipment address —
 - (a) if the notification is received before 3 pm on a business day — no later than the next business day; or
 - (b) if the notification is received after 3 pm or on a Saturday, a Sunday or a public holiday throughout the State — within 2 business days.
- (3) If subclause (1)(b) applies, the retailer must —
 - (a) send written correspondence by registered post to the customer’s supply address, and to any other address nominated by the customer, warning the customer that the life support equipment address may be de-registered; and
 - (b) at least 10 business days after sending the correspondence under paragraph (a), and on at least 2 other occasions, taken reasonable steps to contact the customer about the de-registration of the life support equipment address; and
 - (c) de-register the supply address if the customer fails, in response to steps undertaken under paragraphs (a)

and (b), to provide the confirmation required under clause 85.

- (4) A retailer must, when it de-registers a life support equipment address, provide the customer's distributor with a notification about the de-registration as soon as practicable after taking that step but in any event within 3 business days.
- (5) The distributor must de-register the life support equipment address in accordance with the relevant standard for a distributor.
- (6) Despite subclauses (1) to (5), a supply address must not be de-registered if another person who resides at the supply address has their contact details registered under clause 82(2)(b) in relation to the supply address.
- (7) Once a customer's supply address ceases to be registered as a life support equipment address, the retailer's and relevant distributor's obligations under this code in connection with life support equipment cease to apply in relation to that address.

Part 12 — Complaints and dispute resolution

87. Obligation to establish complaints handling procedures

- (1) Each retailer and distributor must develop, maintain and implement a standard complaints and dispute resolution procedure.
- (2) The standard complaints and dispute resolution procedure must address —
 - (a) how complaints must be lodged by customers; and
 - (b) how complaints will be handled by a retailer or distributor, including —
 - (i) a right of a customer to have a complaint considered by a senior employee if the customer is not satisfied with the manner in which the complaint is being handled; and
 - (ii) the information that will be provided to a customer, including in accordance with the requirements under clause 89;and
 - (c) response times for complaints; and
 - (d) the method of response.
- (3) The standard complaints and dispute resolution procedure must comply with AS/NZS 10002:2014.

88. Acknowledgment of complaint and response times

A retailer or distributor must, on receipt of a written complaint by a customer —

- (a) acknowledge the complaint within 10 business days; and
- (b) respond to the complaint by addressing the matters in the complaint within 20 business days.

89. Advice about outcome of complaint

A retailer or distributor must inform the customer —

- (a) of the outcome of a complaints process; and
- (b) unless the customer has advised the retailer or distributor that the complaint has been resolved in a manner acceptable to the customer inform the customer —
 - (i) of the retailer's or distributor's reasons regarding the outcome; and
 - (ii) that if the customer is not satisfied with the outcome, the customer may make a complaint or take a dispute to the electricity industry ombudsman; and
 - (iii) of the telephone number and other contact details of the electricity industry ombudsman.

90. Obligation to refer complaint

When a retailer, distributor or electricity marketing agent receives a complaint that does not relate to its functions, it must advise the customer of the entity that the retailer, distributor or electricity marketing agent reasonably considers to be the appropriate entity to deal with the complaint (if known).

Part 13 — Family violence policy

91. Family violence policy

- (1) A retailer must develop, maintain and implement a family violence policy to assist vulnerable customers.
 - (2) The family violence policy must —
 - (a) provide for the training of staff (including call centre staff and field officers) about issues related to family violence and its impacts, including how to identify customers who may be affected by family violence and how to apply the policy effectively and appropriately to provide assistance to vulnerable customers; and
 - (b) require the retailer to advise a vulnerable customer that the retailer can protect the customer's information and, if a vulnerable customer requests information to be protected, require the retailer to do so; and
 - (c) require the retailer —
 - (i) to take reasonable steps to establish a safe method of communication with a vulnerable customer and if a method of communication proposed by a vulnerable customer is not reasonably practicable, to offer an alternative method of communication; and
 - (ii) to keep a record of any method of communication that has been agreed between the retailer and a vulnerable customer; and
 - (iii) to use any agreed method of communication for the purposes of providing information required by this code;
- and
- (d) include processes to ensure that a vulnerable customer does not have to repeatedly refer to, or disclose, their situation when they make contact with the retailer or another person acting on behalf of the retailer; and

- (e) require the retailer to consider reducing or waiving any fees, charges or debt that would otherwise be payable by a vulnerable customer; and
 - (f) without limiting paragraph (e), require the retailer to consider —
 - (i) the potential impact of debt collection on a vulnerable customer; and
 - (ii) the extent to which another person may have contributed to an amount owing for electricity supplied to a particular supply address;and
 - (g) provide that the retailer will take into account the circumstances of a vulnerable customer before disconnecting the customer's supply address for failure to pay a bill; and
 - (h) provide information about the operation of subclause (4); and
 - (i) include —
 - (i) the telephone number for interpreter services, identified by the National Interpreter Symbol; and
 - (ii) the telephone number (or numbers) for services that can assist customers with a speech or hearing impairment;and
 - (j) for printed copies of the family violence policy — be available in large-print copies.
- (3) The training required under subclause (2)(a) must at least satisfy 1 of the following requirements —
- (a) it is developed in conjunction with appropriate consumer representatives;
 - (b) it is provided by appropriate consumer representatives.

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- (4) A retailer must ensure that the supply address of a vulnerable customer is not disconnected for a period of 9 months from the date on which the retailer became aware that the customer is a vulnerable customer unless —
- (a) the retailer is informed by the customer, or otherwise becomes aware, that the customer no longer resides at that supply address; or
 - (b) the disconnection is requested by the customer; or
 - (c) there are safety reasons warranting the disconnection; or
 - (d) there is an emergency warranting disconnection; or
 - (e) electricity has been illegally consumed at the supply address.
- (5) Nothing in subclause (4) —
- (a) affects a customer's responsibility to pay for electricity supplied by a retailer to a supply address; or
 - (b) affects a retailer's ability to send bills and notices to a customer in connection with payment for the supply of electricity or to take other steps in connection with a liability to pay for electricity supplied by the retailer.
- (6) A retailer must not require written evidence of family violence from a customer unless the evidence is reasonably necessary to enable the retailer to determine the most appropriate way to —
- (a) address a failure to pay a bill and, if relevant, debt collection; or
 - (b) deal with a proposed disconnection of a supply address.
- (7) To the extent that written evidence of family violence is required, it need only be 1 document of a kind that is listed in the *Residential Tenancies Act 1987* section 71AB(2).
- (8) A retailer must ensure that its family violence policy, and related procedures, comply with any requirements specified by the Authority for the purposes of this Part.

- (9) If directed by the Authority, a retailer must review its family violence policy or related procedures, and submit the results of the review to the Authority within a period specified by the Authority.
- (10) A retailer must consult with persons or bodies that may reasonably be expected to represent the interests of persons who may be experiencing family violence whenever the retailer is —
 - (a) developing its family violence policy; or
 - (b) reviewing its family violence policy because of a direction of the Authority under subclause (9).

Consultation Draft

Part 14 — Service standard payments

Division 1 — Obligations for retailers

92. Facilitating customer reconnections

- (1) Unless clause 97 applies, a retailer must make the payment specified under subclause (2) if the retailer is required to arrange a reconnection of a customer's supply address under Part 8 —
 - (a) but the retailer has not complied with clause 53(3) or (4); or
 - (b) the retailer has complied with clause 53(3), but a distributor has not complied with the timeframes set out in clause 54(4).
- (2) The retailer must pay the customer \$60 for each day that it is late up to a maximum of \$300.
- (3) Unless clause 97 applies, if a retailer makes a payment under this clause due to an act or omission of a distributor, the distributor must reimburse the retailer for the amount of the payment.

93. Wrongful disconnections

- (1) Unless clause 97 applies, a retailer must make the payment specified under subclause (2) if the retailer —
 - (a) fails to comply with any of the procedures set out under Part 6 (if applicable and other than clauses 45 and 46), or clause 48 or 82(1), before arranging for disconnection of, or disconnecting, a customer for failure to pay a bill; or
 - (b) arranges for disconnection of, or disconnects, a customer in contravention of clause 49, 50 or 52 for failure to pay a bill.

- (2) The retailer must pay the customer \$100 for each day that the customer is wrongfully disconnected.
- (3) Unless clause 97 applies, if a retailer makes a payment under this clause due to an act or omission of a distributor, the distributor must reimburse the retailer for the amount of the payment.

94. Customer service

- (1) Unless clause 97 applies, if a retailer fails to acknowledge or respond to a complaint within the timeframes set out in clause 88, the retailer must pay to the customer \$20.
- (2) A retailer is only liable to make 1 payment under this clause for each written complaint.

Division 2 — Obligations for distributors

95. Customer service

- (1) Unless clause 97 applies, if a distributor fails to acknowledge or respond to a complaint within the timeframes set out in clause 88, the distributor must pay to the customer \$20.
- (2) A distributor is only liable to make 1 payment under this clause for each written complaint.

96. Wrongful disconnections

- (1) Subject to clause 97, a distributor must make the payment specified under subclause (2) if a distributor disconnects a customer's supply address other than as authorised by —
 - (a) this code or otherwise by written law; or
 - (b) a retailer.
- (2) The distributor must pay the customer \$100 for each day that the customer is wrongfully disconnected.

Division 3 — Payment

97. Exceptions

- (1) A retailer or distributor is not required to make a payment under this Part if events or conditions outside the control of the retailer or distributor caused the retailer or distributor to be liable to make the payment.
- (2) Except in the case of a payment under clauses 93 and 96, which are required to be made without application by a customer as soon as reasonably practical, a retailer or distributor is not required to make a payment under this Part if the customer fails to apply to the retailer or distributor for the payment within 3 months of the non-compliance by the retailer or distributor.
- (3) If clause 94 or 95 applies, a retailer or distributor is not required to make more than 1 payment to each affected supply address per event of non-compliance with the performance standards.
- (4) For the purposes of subclause (3), each supply address where a customer receives a bill from a retailer is a separate supply address.

98. Method of payment

- (1) A retailer who is required to make a payment under clause 92, 93 or 94 must do so —
 - (a) by deducting the amount of the payment from the amount due under the customer's next bill; or
 - (b) by paying the amount directly to the customer.
- (2) A distributor who is required to make a payment under clause 95 or 96 must do so —
 - (a) by paying the amount to the customer's retailer who will pass the amount on to the customer in accordance with subclause (1); or
 - (b) by paying the amount directly to the customer.

- (3) A payment made under this Part does not affect any rights of a customer to claim damages or any other remedy.

99. Recovery of payment

- (1) If a retailer or distributor who is required to make a payment to a customer under this Part fails to comply with clause 98 within 30 days after the date of demand for payment by the customer, or in the case of a payment required to be made under clause 93 or 96, within 30 days after the date of the wrongful disconnection, then the customer may recover the payment in a court of competent jurisdiction as a debt due from the retailer or distributor (as the case may be) to the customer.
- (2) If a retailer is entitled under clause 92 or 93 to reimbursement from a distributor, and the distributor fails to pay the relevant amount to the retailer within 30 days after the date of a demand for payment by the retailer, then the retailer may recover the amount of the payment in a court of competent jurisdiction as a debt due from the distributor to the retailer.

Appendix 2 Draft Code (with tracked changes)

**THIS MARKED-UP CONSULTATION DRAFT HAS BEEN
PREPARED BY THE ECONOMIC REGULATION AUTHORITY**

Western Australia

**ELECTRICITY INDUSTRY ACT 2004
CODE OF CONDUCT FOR THE SUPPLY OF ELECTRICITY TO SMALL USE
CUSTOMERS 2018**

**Code of Conduct for the Supply of Electricity to
Small Use Customers 2022**

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Code of Conduct for the Supply of Electricity to Small Use Customers 2022

The Economic Regulation Authority:

- (a) ~~repeals the "Code of Conduct for the Supply of Electricity to Small Use Customers 2016" gazetted 17 June 2016 (No. 104), which repeal is to take effect on 1 July 2018;~~
- (b) ~~approves the "Code of Conduct for the Supply of Electricity to Small Use Customers 2018", gazetted xx June 2018 (No. xx); and~~
- (c) ~~prescribes 1 July 2018 as the date on which the "Code of Conduct for the Supply of Electricity to Small Use Customers 2018", gazetted 11 June 2018 (no. 85) comes into operation,~~
~~pursuant to section 79 of the *Electricity Industry Act 2004*.~~

Ms NICOLA CUSWORTH, Chair,
Economic Regulation Authority

Approved by the Authority under section 79 of the Act.

Part 1 — Preliminary

1. ~~Title Citation~~ [was 1.1]

~~The Code may be cited as~~ This code is the Code of Conduct for the Supply of Electricity to Small Use Customers ~~2018~~ 2022.

1.2 ~~Authority~~

~~The Code is made by the Authority under section 79 of the Act.~~

cl. 2

2. Commencement [was 1.3]

~~The Code~~ This code comes into operation ~~upon the day prescribed by the Authority.~~ as follows —

- (a) clauses 1 and 2 — on the day on which this code is published in the *Gazette*;
- (b) the rest of the code — on 1 January 2023.

[Drafter's note: It is intended to include Part 13 of this instrument in the existing Code of Conduct for the Supply of Electricity to Small Use Customers 2018 before the commencement of the new Code on 1 January 2023. At this stage, the proposal is that the Part will apply to retailers under the existing code 2 months after it is published as an amendment to the current code after consultation on this draft of the code.]

~~1.4~~ 1.4 — Interpretation

- (1) ~~Headings and notes are for convenience or information only and do not affect the interpretation of the Code or any term or condition set out in the Code.~~
- (2) ~~An expression importing a natural person includes any company, partnership, trust, joint venture, association, corporation or other body corporate and any governmental agency and vice versa.~~
- (3) ~~A reference to a document or a provision of a document includes an amendment or supplement to, or replacement of or novation of, that document or that provision of that document.~~
- (4) ~~A reference to a person includes that person's executors, administrators, successors, substitutes (including, without limitation, persons taking by novation) and permitted assigns.~~
- (5) ~~Other parts of speech and grammatical forms of a word or phrase defined in the Code have a corresponding meaning.~~
- (6) ~~A reference to an electricity marketing agent arranging a contract is to be read as a reference to an electricity marketing~~

~~agent entering into the contract on the retailer's or customer's behalf, or arranging the contract on behalf of another person (whichever is relevant).~~

3. **Definitions** Terms used [was 1.5]

In this code ~~the Code~~, unless the contrary intention appears —
“*accumulation meter*” has the ~~same~~ meaning as given in ~~clause 1.3 of the Metering Code~~; clause 1.3;

~~“Act” means the *Electricity Industry Act 2004*.~~

actual value has the meaning given in the Metering Code,
clause 1.3;

~~“adjustment” means the difference in the amount charged —~~

~~(a) in a bill or series of bills based on an estimate carried out in accordance with clause 4.8; or~~

~~(b) under a bill smoothing arrangement based on an estimate carried out in accordance with clauses 4.3(2)(a)–(e);~~

~~and the amount to be charged as a result of the bill being determined in accordance with clause 4.6(1)(a) provided that the difference is not as a result of a defect, error or default for which the retailer or distributor is responsible or contributed to.~~

~~“alternative tariff”~~, for a customer, means a tariff other than the tariff under which the customer is currently supplied electricity;

~~“amendment date” means 1 July 2014.~~

~~“appropriately qualified medical practitioner” means —~~

~~(a) within the Perth metropolitan area; —~~

~~(i) a specialist medical practitioner; or~~

~~(ii) a hospice doctor; or~~

~~(iii) a medical practitioner working in a specialist department of a hospital; or~~

or

~~(b) outside of the Perth Metropolitan Area; otherwise —~~

cl. 3

- (i) a specialist medical practitioner; or
- (ii) a hospice doctor; or
- (iii) a medical practitioner working in a specialist department of a hospital; or
- (iv) a doctor or general practitioner ~~if he/she also who works on an occasional basis from~~ at a local hospital or rural health service; ~~(whether or not on a full-time basis)~~ a hospice doctor;

AS, followed by a designation, refers to an Australian Standard having that designation that is published by Standards Australia;

AS/NZS, followed by a designation, refers to an Australian/New Zealand Standard having that designation that is published jointly by Standards Australia and Standards New Zealand;

~~“attach”~~ has the ~~same~~ meaning as given in the Obligation to Connect Regulations regulation 2;

~~“Australian Consumer Law (WA)”~~ means ~~schedule 2 to the Competition and Consumer Act 2010 (Cth) as modified by section 36 of~~ has the meaning given in the Fair Trading Act 2010 (WA) section 17(1);

~~“Australian Standard”~~ means ~~a standard published by Standards Australia.~~

~~“Authority”~~ means ~~the Economic Regulation Authority established under the Economic Regulation Authority Act 2003.~~

~~“basic living needs”~~ includes payments for —

- (a) rent or mortgage; and
- (b) other utilities (e.g., gas, phone and water); and
- (c) food and groceries; and
- (d) transport (including petrol and car expenses); and
- (e) childcare and school fees; and
- (f) clothing; and
- (g) medical and dental expenses;

“billing cycle” means the regular recurrent period in which a customer receives a bill from a retailer;

bill issue date means the date on which a bill is sent by a retailer to a customer;

“business customer” means a customer who is not a residential customer;

“business day” means ~~any~~ a day ~~except~~ other than a Saturday, a Sunday or a public holiday, ~~throughout the State~~;

~~“call centre” means a dedicated centre that has the purpose of receiving and transmitting telephone calls in relation to customer service operations of the retailer or distributor, as relevant, and consists of call centre staff and 1 or more information technology and communications systems designed to handle customer service calls and record call centre performance information.~~

Centrelink means the Commonwealth agency known as Centrelink;

Centrepay means the facility that allows Centrelink customers to have automatic deductions taken from Centrelink payments;

“change in personal circumstances” includes —

- ~~(a) sudden and unexpected disability, illness of or injury to the residential customer or a dependant of the residential customer;~~
- ~~(b) loss of or damage to property of the residential customer;~~
~~or~~
- ~~(c) other similar unforeseeable circumstances arising as a result of events beyond the control of the residential customer.~~

“Code” means the ~~Code of Conduct for the Supply of Electricity to Small Use Customers 2018~~ as amended by the Authority under section 79 of the Act.

cl. 3

"collective customer" means a customer —

- (a) who receives a single bill from the retailer for electricity supplied at ~~two~~² or more supply addresses; or
- (b) who is supplied electricity from the same retailer at multiple sites at a single supply address[;]

"complaint" means an expression of dissatisfaction made to or about an organisation, related to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required[;]

"concession" means a concession, rebate, subsidy or grant ~~related to the supply of electricity,~~ available to residential customers only[;] related to the supply of electricity;

"connect" means to attach by way of a physical link to ~~a~~^{an} electricity network and to energise the link[;]

"consumption" ~~means the amount of electricity supplied by the retailer to the customer's supply address as recorded by the meter.~~

"contact" means contact that is —

- (a) face to face[;] or
- (b) by telephone[;] or
- (c) by post[;] or facsimile[;] or
- (d) by email or other means of electronic ~~means.~~
communication;

"contestable customer" means a customer at an exit point where the amount of electricity transferred at the exit point is more than the amount prescribed under the *Electricity Corporations (Prescribed Customers) Order 2007* made under the *Electricity Corporations Act 2005* or under another enactment dealing with ~~the progressive introduction of~~ customer contestability[;]

"contract" means a standard form contract or a non-standard contract[;]

“cooling-off period”, in relation to a contract, means the period specified in the contract as the cooling-off period;

“credit retrieval” means the ability for a pre-payment meter customer to recover any payments made for the supply of electricity;

“customer” means a ~~customer~~ person —

(a) to whom electricity is sold for the purpose of consumption; and

(b) who consumes not more than 160 MWh of electricity per annum;

customer experiencing financial hardship means a residential customer who has been assessed by a retailer under clause 40 as experiencing financial hardship;

“de-energise” means the removal of the supply voltage from ~~the~~ meter at ~~the~~ supply address while leaving the supply address attached;

“direct debit facility” means a facility offered by a retailer to automatically deduct a payment from a customer's nominated account and entered into with a customer in accordance with clause 5.3.

“disconnect” —

(a) means to de-energise ~~the~~ customer's supply address; ~~other than; but~~

(b) does not include de-energising a customer's supply address in the event of an interruption;

“disconnection warning” means a notice in writing issued in accordance with clause ~~7.1~~ 48(1)(c) or clause ~~7.4(1)~~ 51(2)(d);

“distributor” means a person who holds a distribution licence or integrated regional licence under Part 2 of the Act;

“dual fuel contract” means a non-standard contract for the sale of electricity and for the sale of gas by a retailer to a contestable customer;

cl. 3

~~“Electricity Industry Code” means the *Electricity Industry (Network Quality and Reliability of Supply) Code 2005*.~~

~~electricity industry ombudsman means the ~~ombudsman appointed under the scheme initially approved by the Minister or by the Authority for any amendments under section 92 of the Act.~~ Energy and Water Ombudsman Western Australia performing the functions of electricity industry ombudsman under a scheme approved under Part 7 of the Act and an agreement under the *Parliamentary Commissioner Act 1971* section 34;~~

~~“electricity marketing agent” means —~~

- (a) means a person who acts on behalf of a retailer —
- (i) for the purpose of obtaining new customers for the ~~licensee~~retailer; or
 - (ii) in dealings with existing customers in relation to contracts for the supply of electricity by the ~~licensee~~retailer;

and

~~(b) a person who engages in any other activity relating to the marketing of electricity that is prescribed for the purposes of this definition; or~~

~~(e)~~(b) includes a representative, agent or employee of a person referred to in ~~subclause (a) or (b),~~paragraph (a); but

(c) does not include a ~~person who is a~~ customer representative or the Housing Authority;

~~“Electricity Generation and Retail Corporation” means the body corporate established as such by the *Electricity Corporations Act 2005*.~~

~~“electronic means” means the internet, email, facsimile, SMS or other similar means but does not include telephone.~~

~~“emergency” means an emergency due to~~ the actual or imminent occurrence of an event ~~which~~that —

- (a) in any way endangers or threatens to endanger the safety or health of any person, or the maintenance of power system security, ~~in Western Australia in the State;~~ or
- (b) ~~which~~ destroys or damages, or threatens to destroy or damage, any property ~~in Western Australia in the State;~~

“energise” has the ~~same~~ meaning ~~as given~~ in the Obligation to Connect Regulations ~~;~~ regulation 2;

“energy data” has the ~~same~~ meaning ~~as given~~ in the Metering Code ~~;~~ clause 1.3;

~~“export” means the amount of electricity exported into the distributor’s network as recorded by the meter.~~

family violence has the meaning given in the *Restraining Orders Act 1997* section 5A;

“financial hardship”, ~~in relation to a residential customer,~~ means a state of ~~more than immediate~~ long-term financial disadvantage as a result of which ~~results in a residential~~ the customer ~~being~~ is unable to pay an outstanding amount as required by a retailer without affecting the customer’s ability to meet the basic living needs of the ~~residential~~ customer or a dependant of the ~~residential~~ customer ~~;~~;

“historical debt” means an amount outstanding for the supply of electricity by a retailer to a customer’s previous supply address or supply addresses ~~;~~;

“Housing Authority” means the body corporate ~~in existence pursuant to section 6 of~~ established under the *Housing Act 1980* ~~;~~ section 6;

~~“instalment plan” means an arrangement between a retailer and a customer to assist the customer to remain connected, reduce its arrears and minimise the risk of the customer getting into further debt where the customer pays in arrears or in advance and continued usage on its account according to an agreed payment schedule (generally involving payment of at least 3 instalments) taking into account the customer’s capacity to pay. It does not include customers using an instalment plan as a matter of convenience or for flexible budgeting purposes.~~

cl. 3

“interruption” means the temporary unavailability of supply from the distribution network to a customer, but does not include a disconnection under Part 7;

“interval meter” has the ~~same~~ meaning as given in the Metering Code: clause 1.3;

“life support equipment” means the equipment designated under the Life Support Equipment Electricity Subsidy Scheme;

life support equipment address means an address registered under Part 11;

~~“marketing” includes engaging or attempting to engage in any of the following activities by any means, including door to door or by telephone or other electronic means —~~

- ~~(a) negotiations for, or dealings in respect of, a contract for the supply of electricity to a customer; or~~
- ~~(b) advertising, promotion, market research or public relations in relation to the supply of electricity to customers.~~

“marketing identification number” means a unique number assigned by a retailer to each electricity marketing agent acting on its behalf;

“meter” has the ~~same~~ meaning as given in the Metering Code: clause 1.3;

~~“metering data agent” means a person responsible for reading the meter on behalf of the distributor.~~ has the meaning given in the Metering Code clause 1.3;

“Metering Code” means the *Electricity Industry (Metering) Code 2012*;

“metrology procedure” has the ~~same~~ meaning as given in the Metering Code: clause 1.3;

“metropolitan area” means —

- (a) ~~the region described in Schedule 3 of the *Planning and Development Act 2005*;~~ the Perth metropolitan area; and
- (b) the local government district of Mandurah; and

- (c) the local government district of Murray; and
- (d) the townsites, as constituted under ~~section 26 of the~~ *Land Administration Act 1997* [section 26](#), of —
 - (i) Albany; [and](#)
 - (ii) Bunbury; [and](#)
 - (iii) Geraldton; [and](#)
 - (iv) Kalgoorlie; [and](#)
 - (v) Karratha; [and](#)
 - (vi) Port Hedland; and
 - (vii) South Hedland; [and](#)

“National Interpreter Symbol” means the national public information symbol “Interpreter Symbol” (with text) developed by [the State of](#) Victoria in partnership with the Commonwealth, State and Territory governments in accordance with ~~Australian Standard AS 2342-1992~~; [Australian Standard AS 2342-1992](#);

“non-contestable customer” means a customer other than a contestable customer; [and](#)

~~“non-standard contract” means a contract entered into between a retailer and a customer, or a class of customers, that is not a standard form contract. [has the meaning given in section 47 of the Act](#);~~

“Obligation to Connect Regulations” means the *Electricity Industry (Obligation to Connect) Regulations 2005* ~~(WA)~~; [and](#)

~~“overcharging” means the amount by which the amount charged in a bill or under a bill smoothing arrangement is greater than the amount that would have been charged if the amount of the bill was determined in accordance with clause 4.6(1)(a) as a [—](#)~~

[\(a\) includes —](#)

cl. 3

- (i) the overcharging of a customer that is the result of ~~some~~an error, defect, ~~error~~ or default for which the retailer or distributor is responsible ~~or contributed to, but does not include~~ (including when a meter is found to be defective); and
- (ii) an adjustment ~~that results from the difference between the amount due under an estimated bill and the amount that would have been due if the bill had been based on an actual value determined in accordance with the Metering Code clause 5.4(1A)(b);~~

but

- (b) does not include an amount charged in accordance with a bill smoothing arrangement;

~~“payment difficulties” means a state of immediate financial disadvantage that results in a residential customer being unable to pay an outstanding amount as required by a retailer by reason of a change in personal circumstances.~~

payment plan has the meaning given in clause 4;

~~“payment problems” includes, without limitation, payment problems relating to a historical debt.~~

~~“premises” means premises owned or occupied by a new or existing customer.~~

Perth metropolitan area means the region described in the Planning and Development Act 2005 Schedule 3;

~~“pre-payment meter” means a meter that requires a customer to pay for the supply of electricity ~~prior to~~before consumption.~~

~~“pre-payment meter customer” means a customer who has a pre-payment meter operating at the customer’s supply address.~~

~~“pre-payment meter service” means a service for the supply of electricity where the customer agrees to purchase electricity by means of a pre-payment meter.~~

protected period means —

- (a) a Monday, Tuesday, Wednesday or Thursday after 3 pm; or
- (b) a Friday after 12 noon; or
- (c) a Saturday, a Sunday or a public holiday throughout the State; or
- (d) a business day immediately before a public holiday throughout the State;

~~“public holiday” means a public holiday in Western Australia.~~

~~“re-certification” means confirmation from an appropriately qualified medical practitioner that a person residing at the customer’s supply address continues to require life support equipment.~~

~~“recharge facility” means a facility where a pre-payment meter customer can purchase credit for the a pre-payment meter.~~

~~“reconnect” means to re-energise the customer’s supply address following disconnection.~~

~~“re-energise” means to restore the supply voltage to the meter at the supply address.~~

~~“regional area” means all areas an area in Western Australia the State other than the metropolitan area.~~

~~“Regional Power Corporation” means the body corporate established as such by the Electricity Corporations Act 2005.~~

~~“relevant consumer representative” —~~

- (a) means a person who may reasonably be expected to represent the interests of residential customers who are experiencing payment difficulties or financial hardship; and
- (b) includes financial counsellors;

relevant standard —

- (a) in relation to a retailer, has the meaning given in clause 81(1); and

(b) in relation to a distributor, has the meaning given in clause 81(2);

~~“reminder notice” means a notice in writing issued in accordance with~~ has the meaning given in clause ~~7.1~~ 48(1)(a);

~~“reporting year” means a year commencing on 1 July and ending on 30 June.~~

~~“residential customer”~~ means a customer who consumes electricity solely for domestic use;

~~“residential pre-payment meter customer”~~ means a residential customer who has a pre-payment meter operating at the customer’s supply address ~~and who consumes electricity solely for domestic use.~~

~~“resolved”~~, in relation to a complaint, means ~~that —~~

(a) a decision or determination has been made by the retailer or distributor (as relevant) with respect to the complaint, ~~where; and~~

(b) in making the decision or determination, the retailer or distributor, ~~having had~~ regard to the nature and particular circumstances of the complaint, ~~has~~ and used all reasonable steps to ensure the best possible approach to addressing the complaint;

~~“retailer”~~ means a person who holds a retail licence or integrated regional licence under Part 2 of the Act;

~~“standard form contract” means a contract that is approved by the Authority under~~ has the meaning given in section ~~51~~ 47 of the Act ~~or prescribed by the Minister under section 55 of the Act prior to its repeal.~~

~~“supply address”~~ means the premises to which electricity was, is or may be supplied under a contract;

~~“telephone” means a device which is used to transmit and receive voice frequency signals.~~

~~“temporary suspension of actions” means a situation where a retailer temporarily suspends all disconnection and debt~~

~~recovery procedures without entering into an alternative payment arrangement under clause 6.4(1).~~

~~“time band”~~ refers to a period of time within a time of use tariff to which a given tariff rate applies;

~~“time of use tariff”~~ means a tariff structure in which some or all of the tariff varies according to the time at which electricity is supplied;

~~“TTY”~~ means a teletypewriter.

~~“Type 7”~~ has the same meaning as in the Metering Code.

~~“undercharging”~~ —

~~(a) includes, without limitation —~~

~~(a) the failure to issue a bill in accordance with clause 4.1 or clause 4.2 or to issue a bill under a bill smoothing arrangement; or~~

~~(b) the amount by which the amount charged in a bill or under a bill smoothing arrangement is less than the amount that would have been charged if the amount~~

~~(i) the undercharging of the bill was determined in accordance with clause 4.6(1)(a) as a customer that is the result of some an error, defect, error or default for which the retailer or distributor is responsible or contributed to, but does not include (including when a meter is found to be defective); and~~

~~(ii) an adjustment that results from the difference between the amount due under an estimated bill and the amount that would have been due if the bill had been based on an actual value determined in accordance with the Metering Code clause 5.4(1A)(b), other than if the adjustment results from the customer denying access to the meter at the supply address for more than 12 months;~~

~~but~~

cl. 3

(b) does not include an amount charged in accordance with a bill smoothing arrangement;

~~“unsolicited consumer agreement” is defined in section 69 of~~
has the meaning given in the Australian Consumer Law (WA):
section 69;

verifiable confirmation means consent that is given —

- (a) expressly; and
- (b) in writing or orally; and
- (c) by a customer or a nominated person competent to give the confirmation on the customer’s behalf;

~~“verifiable consent”~~ means consent that is given —

- (a) expressly; and
- (b) in writing or orally; and
- ~~(c) after the retailer or electricity marketing agent (whichever is relevant) has, in plain language appropriate to that customer, disclosed all matters materially relevant to the giving of the consent, including each specific purpose for which the consent will be used; and~~
- ~~(d)~~(c) by the a customer or a nominated person competent to give the consent on the customer’s behalf; and
- (d) after the retailer or electricity marketing agent (whichever is relevant) has, in plain language appropriate to the customer, disclosed all matters materially relevant to the giving of the consent, including each specific purpose for which the consent will be used;

vulnerable customer means a residential customer, or a former residential customer —

- (a) who has advised the retailer that they are affected by family violence; or
- (b) who the retailer has reason to believe is affected by family violence.

Note for this clause:

Other terms used in this code have the same meanings as in the Electricity Industry Act 2004. See the Electricity Industry Act 2004 sections 3 and 78 in particular, and the Interpretation Act 1984 section 44.

4. Payment plans

- (1) For the purposes of this code, a *payment plan* is an interest-free and fee-free plan or other arrangement between a retailer and a residential customer under which the customer is allowed to pay a bill, any arrears or a charge (including a disconnection or reconnection charge) by at least 3 instalments while permitted to continue consumption of electricity.
- (2) In subclause (1), a fee includes any fee or charge associated with the establishment or operation of a payment plan that would not otherwise be payable if the residential customer had not entered into the payment plan.

5. Provision of information to customers

- (1) In this clause —
designated entity means —
 - (a) a retailer; or
 - (b) a distributor; or
 - (c) an electricity marketing agent.
- (2) If this code requires a designated entity to give or provide information to a customer on request, the designated entity may satisfy this requirement by —
 - (a) referring the customer to a retailer's or distributor's website (as the case requires); or
 - (b) providing the information to the customer.
- (3) The designated entity must provide a copy of the information to the customer if the customer requests a copy.

cl. 6

(4) This clause does not limit any other provision of this code relating to the provision of information.

~~1.6 — Application~~

~~Subject to clause 1.10, the Code applies to—~~

- ~~(a) — retailers;~~
- ~~(b) — distributors; and~~
- ~~(c) — electricity marketing agents,~~

~~in accordance with Part 6 of the Act.~~

~~1.7 — Purpose~~

~~The Code regulates and controls the conduct of electricity marketing agents, retailers and distributors.~~

~~1.8 — Objectives~~

~~The objectives of the Code are to—~~

- ~~(a) — define standards of conduct in the supply and marketing of electricity to customers; and~~
- ~~(b) — protect customers from undesirable marketing conduct.~~

~~1.9 — Amendment & Review~~

~~The process for amendment and review of the Code is set out in Part 6 of the Act.~~

6. Variations relating to standard form contracts

(1) A retailer and a customer may agree that the following clauses do not apply, or are to be amended in their application, to a standard form contract —

- (a) 18(2);
- (b) 38(1);
- (c) 53;
- (d) 98(1);

(e) 98(2).

(2) An agreement under subclause (1) may be a written or a verbal agreement.

7. ~~Variation from the Code~~ Variations relating to non-standard contracts [was 1.10]

(1) A retailer and a customer may agree that the following clauses ~~(marked with an asterisk throughout)~~ do not apply, or are to be amended in their application, ~~in~~to a non-standard contract —

(a) 18(2);

~~(a)~~(b) 4.119;

~~(b)~~(c) 4.220;

(d) 21(1) to (6);

~~(e)~~(e) 5.133;

~~(d)~~(f) 5.234;

~~(e)~~(g) 5.435;

~~(f)~~(h) 5.738; and

~~(g)~~(i) 8.153;

(j) 98(1);

(k) 98(2).

(2) An agreement under subclause (1) may be a written or a verbal agreement.

Part 2 — Marketing

Note for this Part:

This ~~Code code~~ is not the only compliance obligation in relation to marketing. Other State and Federal laws apply to marketing activities, including ~~but not limited to~~ the ~~Fair Trading Act 2010 (WA)~~, the ~~Spam Act 2003 (Cth Commonwealth)~~, the ~~Spam Regulations 2004 (Cth Commonwealth)~~, the ~~Do Not Call Register Act 2006 (Cth Commonwealth)~~, the ~~Telecommunications (Do Not Call Register) (Telemarketing and Research Calls) Industry Standard 2007 (Cth) 2017 (Commonwealth)~~ and the ~~Privacy Act 1988 (Cth Commonwealth)~~.

~~Division 1 — Obligations particular to retailers~~

Division 1 — Obligations for retailers

8. **Retailers ~~to~~ must ensure electricity marketing agents comply with ~~this~~ Part [was 2.1]**

A retailer must ensure that its electricity marketing agents comply with this Part.

Division 2 — Contracts and information to be provided to customers

9. **Entering into ~~a~~ standard form contract [was 2.2]**

- (1) When entering into a standard form contract that is not an unsolicited consumer agreement, ~~a~~ the retailer or an electricity marketing agent must —
- (a) record the date on which the standard form contract was entered into; and
 - (b) give, or make available to the customer at no charge, a copy of the standard form contract —
 - (i) if the standard form contract is entered into by telephone — as soon as possible, but not more than 5 business days, after the standard form contract is entered into; or

- ~~(i)(ii) otherwise~~ — at the time the standard form contract is entered into, ~~if the standard form contract was not entered into over the telephone;~~
~~or~~
- ~~(ii) — as soon as possible, but not more than 5 business days after the standard form contract was entered into, if the standard form contract was entered into over the telephone.~~
- (2) ~~Subject to~~ Unless subclause (3) applies, if a customer enters into a standard form contract with a retailer, a retailer or an electricity marketing agent must give the following information to a the customer ~~no later than on or with~~ before or at the time of giving the customer's ~~first~~ 1st bill —
- (a) how the customer may obtain —
 - (i) a copy of ~~the Code~~ this code; and
 - (ii) details ~~on~~ of all relevant tariffs, fees, charges, alternative tariffs and service levels that may apply to the customer;
 - (b) the scope of ~~the Code~~ this code;
 - (c) that ~~a retailer~~ retailers and electricity marketing ~~agent~~ agents must comply with ~~the Code~~ this code;
 - (d) how the retailer may assist if the customer is experiencing ~~payment difficulties or financial hardship~~ problems paying a bill;
 - (e) ~~with respect to~~ in the case of a residential customer, ~~the concessions that may apply to the residential customer~~ — a statement that the customer may be eligible to receive concessions and how the customer may find out about their eligibility to receive those concessions;
 - (f) the relevant distributor's 24-hour telephone number for faults and emergencies;
 - (g) ~~with respect to~~ in the case of a residential customer, ~~how the residential customer may access the retailer's~~ —

- (i) ~~multi-lingual services (in languages reflective of the retailer's customer base);~~ the telephone number for interpreter services, identified by the National Interpreter Symbol; and
 - (ii) ~~TTY services~~ the telephone number (or numbers) for services that can assist customers with a speech or hearing impairment;
 - (h) how to make an enquiry of, or complaint to, the retailer; ~~and~~
 - (i) general information on the safe use of electricity.
- (3) ~~For the purposes of subclause (2), a~~ A retailer or an electricity marketing agent is ~~taken to have given the customer the not~~ required to give the information set out in subclause (2) to a customer if —
- (a) the retailer or electricity marketing agent has ~~provided~~ given the information to ~~that the~~ customer within the preceding 12 months; or
 - (b) the retailer or electricity marketing agent has informed the customer how the customer may obtain the information, ~~unless and~~ the customer ~~requests~~ has not requested to receive be given the information.

10. Entering into ~~a~~ non-standard contract [was 2.3]

- (1) When ~~entering a retailer and a customer enter~~ into a non-standard contract that is not an unsolicited consumer agreement, ~~a the~~ retailer or an electricity marketing agent must —
- (a) obtain and make a record of the customer's verifiable consent ~~that to entering into~~ the non-standard contract ~~has been entered into~~; and
 - (b) give, or make available to the customer at no charge, a copy of the non-standard contract —
 - (i) if the non-standard contract is entered into by telephone — as soon as possible, but not more

- than 5 business days, after the non-standard contract is entered into; or
- ~~(i)(ii)~~ otherwise — at the time the non-standard contract is entered into, ~~if the non-standard contract was not entered into over the telephone;~~
~~or~~
- ~~(ii)~~ — ~~as soon as possible, but not more than 5 business days after the non-standard contract was entered into, if the non-standard contract was entered into over the telephone.~~
- (2) Before entering into a non-standard contract, ~~a~~ the retailer or an electricity marketing agent must give the customer the following information —
- (a) in the case of a residential customer — a statement that the customer may be eligible to receive concessions and how the customer may find out about their eligibility to receive those concessions;
- ~~(a)(b)~~ details of any right the customer may have to rescind the ~~non-standard~~ contract during ~~a~~ the cooling-off period and the charges that may apply if the customer rescinds the ~~non-standard~~ contract;
- (3) Unless subclause (4) applies, if a customer enters into a non-standard contract with a retailer, the retailer or an electricity marketing agent must give the following information to the customer before or at the time of giving the customer's 1st bill —
- ~~(b)(a)~~ how the customer may obtain —
- (i) a copy of ~~the Code~~ this code; and
- (ii) details ~~on~~ of all relevant tariffs, fees, charges, alternative tariffs and service levels that may apply to the customer;
- ~~(e)(b)~~ the scope of ~~the Code~~ this code;
- ~~(d)(c)~~ that ~~a retailer~~ retailers and electricity marketing ~~agent~~ agents must comply with ~~the Code~~ this code;

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Part 4 Marketing

Division 2 Contracts and information to be provided to customers

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- ~~(e)~~(d) how the retailer may assist if the customer is experiencing ~~payment difficulties or financial hardship problems paying a bill~~;
- ~~(f)~~ ~~with respect to a residential customer, the concessions that may apply to the residential customer~~;
- ~~(g)~~(e) the relevant distributor's 24-hour telephone number for faults and emergencies;
- ~~(h)~~(f) ~~with respect to~~ in the case of a residential customer, ~~how the residential customer may access the retailer's~~ —
- (i) ~~multi-lingual services (in languages reflective of the retailer's customer base)~~ the telephone number for interpreter services, identified by the National Interpreter Symbol; and
 - (ii) ~~TTY services~~ the telephone number (or numbers) for services that can assist customers with a speech or hearing impairment;
- ~~(i)~~(g) how to make an enquiry of, or complaint to, the retailer; ~~and~~
- ~~(j)~~(h) general information on the safe use of electricity.
- ~~(3)~~(4) ~~For the purposes of subclauses (2)(b)–(j), a~~ A retailer or an electricity marketing agent is ~~taken to have given the customer the not~~ required to give the information set out in subclause (3) to a customer if —
- (a) the retailer or electricity marketing agent has provided given the information to ~~that the~~ customer within the preceding 12 months; or
 - (b) the retailer or electricity marketing agent has informed the customer how the customer may obtain the information, ~~unless and~~ the customer requests ~~has not requested~~ to receive ~~be given~~ the information.
- ~~(4)~~(5) Before ~~arranging~~ a non-standard contract is entered into, the Electricity Generation and Retail Corporation or Regional Power Corporation, or an electricity marketing agent acting on behalf of it, must give a customer the following information —

- (a) that the customer is able to choose the standard form contract offered by the relevant retailer; ~~and~~
- (b) the difference between the non-standard contract and the standard form contract.

~~(5)(6)~~ Subject to ~~subclause (3)~~, a A retailer or electricity marketing agent must obtain the customer's verifiable ~~consent~~confirmation that the information referred to in ~~clause 2.3(2) and clause 2.3(4)~~subclauses (2) and (5) (if applicable) has been given.

Division 3 — Marketing conduct

11. Standards of conduct [was 2.4]

- (1) A retailer or an electricity marketing agent must ensure that the inclusion of concessions is made clear to residential customers of the retailer and that any prices that exclude concessions are disclosed.
- (2) A retailer or an electricity marketing agent must ensure that a customer of the retailer is able to contact the retailer or electricity marketing agent on the retailer's or electricity marketing agent's contact details, including telephone number, during the normal business hours of the retailer or electricity marketing agent for the purposes of enquiries, verifications and complaints.

12. Contact for ~~the~~ purposes of marketing [was 2.5]

- (1) A retailer or electricity marketing agent who ~~makes contact with~~contacts a customer for the purposes of marketing must, on request by the customer, provide —
 - (a) ~~provide~~ the customer with the complaints telephone number of the retailer on whose behalf the contact is being made; and
 - (b) ~~provide~~ the customer with the telephone number of the electricity industry ombudsman; and

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Division 3 Marketing conduct

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- (c) ~~for~~ in the case of contact by an electricity marketing agent; ~~— provide~~ the customer with the electricity marketing agent's marketing identification number.
- (2) A retailer or electricity marketing agent who meets with a customer face to face for the purposes of marketing must —
- (a) ~~wear~~ display a clearly visible and legible identity card that shows —
- (i) ~~his or her~~ the first name; of the person who is meeting with the customer; and
- (ii) ~~his or her~~ a photograph; of the person who is meeting with the customer; and
- (iii) in the case of an electricity marketing agent — the agent's ~~his or her~~ marketing identification number ~~(for contact by an electricity marketing agent)~~; and
- (iv) the name of the retailer on whose behalf the contact is being made; ~~and~~
- and
- (b) on request by the customer, provide the ~~customer~~ following information, in writing, to the customer —
- (i) ~~his or her~~ the first name of the person who is meeting with the customer;
- (ii) in the case of an electricity marketing agent — the agent's ~~his or her~~ marketing identification number ~~(for contact by an electricity marketing agent)~~;
- (iii) the name of the retailer on whose behalf the contact is being made;
- (iv) the complaints telephone number of the retailer on whose behalf the contact is being made;

- (v) the business address and Australian Business or Company Number of the retailer on whose behalf the contact is being made; ~~and~~
- (vi) the telephone number of the electricity industry ombudsman⁷.

~~as soon as practicable following a request by the customer for the information.~~

(3) A retailer or electricity marketing agent must comply with a request under subclause (2)(b) as soon as practicable after it is made by the customer.

13. ~~No canvassing or advertising~~ Compliance with signs [was 2.6]

A retailer or electricity marketing agent who visits a person's premises for the purposes of marketing must comply with any clearly visible signs at the person's premises indicating —

- (a) that canvassing is not permitted at the premises; or
- (b) that no advertising or similar material is to be left at the premises or in a letterbox or other receptacle at, or associated with, the premises.

Division 4 — Miscellaneous

14. Compliance with code [was 2.7]

- (1) An electricity marketing agent who contravenes a provision of this Part commits an offence.

Penalty ~~—~~ for this subclause:

- (a) for an individual, \$5 000;
- (b) for a body corporate, \$20 000.

- (2) If an electricity marketing agent of a retailer contravenes a provision of this Part, the retailer commits an offence.

Penalty ~~—~~ for this subclause:

- (a) for an individual, \$5 000;

(b) for a body corporate, \$20 000.

- (3) It is a defence to a prosecution for ~~a contravention of~~ an offence under subclause (2) if the retailer proves that the retailer used reasonable endeavours to ensure that the electricity marketing agent complied with ~~the Code~~ this code.

15. Presumption of authority [was 2.8]

- (1) ~~A~~ This clause applies to a person who carries out ~~anya~~ marketing activity in the name of or for the benefit of —

- (a) a retailer; or
- (b) an electricity marketing agent;

- (2) The person ~~is to be~~ taken, unless the contrary is proved, to have been employed or authorised by the retailer or electricity marketing agent to carry out ~~that~~ the marketing activity.

16. Electricity marketing agent complaints [was 2.9]

An electricity marketing agent must —

- (a) keep a record of each complaint made by a customer, or person contacted for the purposes of marketing, about the marketing carried out by or on behalf of the electricity marketing agent; and
- (b) on request by the electricity industry ombudsman in relation to a particular complaint, give to the electricity industry ombudsman, within 28 days ~~of~~ after receiving the request, all information that the electricity marketing agent has relating to the complaint.

17. Records ~~to~~ must be kept [was 2.10]

A record or other information that an electricity marketing agent is required ~~by this Code~~ to keep under this code must be kept for at least 2 years from the last time that there was contact between the person to whom the record or other information relates and the electricity marketing agent.—

-
- ~~(a) after the last time the person to whom the information relates was contacted by or on behalf of the electricity marketing agent; or~~
- ~~(b) after receipt of the last contact from or on behalf of the electricity marketing agent, whichever is later.~~

Consultation Draft

Part 3 — Connection

18. Obligation to forward connection application [was 3.1]

- (1) If a retailer agrees to sell electricity to a customer or arrange for the connection of the customer's supply address, the retailer must forward the customer's request for connection to the relevant distributor for the purpose of arranging for the connection of the customer's supply address (if the customer's supply address is not already connected).
- (2) ~~Unless the customer agrees otherwise, a~~ A retailer must forward the customer's request for connection to the relevant distributor —
 - (a) ~~that same day,~~ if the request is received before ~~3pm~~ 3 pm on a business day ~~— on that same day;~~ or
 - (b) ~~the next business day,~~ if the request is received after ~~3pm~~ 3 pm or on a Saturday, a Sunday or a public holiday throughout the State — no later than the next business day.

~~(3) — In this clause —~~

~~“customer” includes a customer's nominated representative.~~

Note for this clause:

~~{~~ Note: The Obligation to Connect Regulations provide regulations in relation to the obligation ~~upon~~ on a distributor to energise and connect a premises. ~~}~~

Part 4 — Billing

Division 1 — Billing cycles

19. Standard billing cycle* [was 4.1]

~~A retailer must issue a bill—~~

- ~~(a) no more than once a month, unless the retailer has—~~
 - ~~(i) obtained a customer’s verifiable consent to issue bills more frequently;~~
 - ~~(ii) given the customer—~~
 - ~~(A) a reminder notice in respect of 3 consecutive bills; and~~
 - ~~(B) notice as contemplated under clause 4.2;~~
 - ~~(iii) received a request from the customer to change their supply address or issue a final bill, in which case the retailer may issue a bill more than once a month for the purposes of facilitating the request; or~~
 - ~~(iv) less than a month after the last bill was issued, received metering data from the distributor for the purposes of preparing the customer’s next bill;~~
- ~~(b) no less than once every 3 months, unless the retailer—~~
 - ~~(i) has obtained the customer’s verifiable consent to issue bills less frequently;~~

(1) Unless subclause (2) applies, a retailer must issue a bill to a customer at least once every 100 days.

(2) A retailer may issue a bill that is outside the timeframe under subclause (1) if the retailer —

- ~~(ii)(a)~~ has not received the required ~~metering~~energy data from the ~~relevant~~ distributor for the ~~purposes~~purpose of preparing the bill, despite using ~~its~~ best endeavours to

obtain the ~~metering~~energy data from the relevant distributor; or

~~(iii)~~(b) is unable to comply with ~~this~~the timeframe due to the actions of the customer ~~where~~in circumstances in which —

(i) the customer is supplied with electricity under a deemed contract pursuant to ~~regulation 37~~ of the *Electricity Industry (Customer Contracts) Regulations 2005* regulation 37; and

(ii) the bill is the ~~first~~1st bill issued to that customer at that supply address.

(3) A retailer and a customer may agree to a billing cycle with a regular recurrent period that differs from the customer's standard billing cycle if —

(a) the retailer has obtained the customer's verifiable consent to the new billing cycle; and

(b) the regular recurrent period of the new billing cycle does not exceed 100 days.

20. Shortened billing cycle* [was 4.2]

(1) A retailer must not place a customer on a shortened billing cycle unless subclause (2) or clause 19(3) applies.

~~(1)~~(2) ~~For the purposes of clause 4.1(a)(ii), a retailer has given a customer notice if the retailer has advised the customer, prior to placing the~~ A retailer may place a customer on a shortened billing cycle, that if —

(a) in the case of a residential customer — the customer is not experiencing financial hardship; and

(b) the retailer has given the customer a reminder notice for 3 consecutive bills; and

(c) before the 3rd reminder notice is given to the customer, the retailer has given the customer a notice informing the customer that —

- (a)(i) receipt of a ~~third~~^{3rd} reminder notice may result in the customer being placed on a shortened billing cycle; and
- (b)(ii) ~~if the customer is~~ in the case of a residential customer, ~~—~~ assistance is available for residential customers experiencing ~~payment difficulties or financial hardship;~~ problems paying their bills; and
- (e)(iii) the customer may obtain further information from the retailer on a specified telephone number; and
- (d)(iv) once on a shortened billing cycle, the customer must pay 3 consecutive bills by the due date to return to the customer's ~~previous~~^{former} billing cycle.
- ~~(2) — Notwithstanding clause 4.1(a)(ii), a retailer must not place a residential customer on a shortened billing cycle without the customer's verifiable consent if —~~
- ~~(a) — the residential customer informs the retailer that the residential customer is experiencing payment difficulties or financial hardship; and~~
- ~~(b) — the assessment carried out under clause 6.1 indicates to the retailer that the customer is experiencing payment difficulties or financial hardship.~~
- (3) ~~If, after giving notice as required under clause 4.1(a)(ii), a retailer decides to shorten the billing cycle in respect of a customer, the retailer must give the customer written notice of that decision within 10 business days of making that decision.~~
- The retailer must, within 10 business days after placing the customer on a shortened billing cycle under subclause (2), give the customer notice that —
- (a) the customer has been placed on a shortened billing cycle; and

- (b) the customer must pay 3 consecutive bills by the due date shown on each bill to return to the customer's former billing cycle; and
- (c) failure to make a payment may result in arrangements being made for disconnection of the supply of electricity.
- (4) ~~A shortened billing cycle~~ billing cycle shortened under subclause (2) must be at least 10 business days.
- (5) A retailer must, on request, return a customer, who is subject to a shortened billing cycle under subclause (2) and has paid 3 consecutive bills by the due date, ~~on request, to the billing cycle that applied to the customer before the shortened billing cycle commenced~~ to the customer's former billing cycle.
- (6) A retailer must inform a customer, who is subject to a shortened billing cycle, under subclause (2), at least once every 3 months, that, if the customer pays 3 consecutive bills by the due date of each bill, the customer will be returned, on request, to the ~~billing cycle that applied to the customer before the shortened billing cycle commenced~~ customer's former billing cycle.

4.3 — Bill smoothing

- ~~(1) — Notwithstanding clause 4.1, in respect of any 12 month period, on receipt of a request by a customer, a retailer may provide the customer with a bill which reflects a bill smoothing arrangement.~~
- ~~(2) — If a retailer provides a customer with a bill under a bill smoothing arrangement pursuant to subclause (1), the retailer must ensure that—~~

 - ~~(a) — the amount payable under each bill is initially the same and is set out on the basis of—~~

 - ~~(i) — the retailer's initial estimate of the amount of electricity the customer will consume over the 12 month period;~~

- ~~(ii) the relevant supply charge for the consumption and any other charges related to the supply of electricity agreed with the customer;~~
- ~~(iii) any adjustment from a previous bill smoothing arrangement (after being adjusted in accordance with clause 4.19); and~~
- ~~(iv) any other relevant information provided by the customer.~~
- ~~(b) the initial estimate is based on the customer's historical billing data or, if the retailer does not have that data, the likely average consumption at the relevant tariff calculated over the 12 month period as estimated by the retailer;~~
- ~~(c) in or before the seventh month —~~
 - ~~(i) the retailer re-estimates the amount under subclause (2)(a)(i), taking into account any meter readings and relevant seasonal and other factors agreed with the customer; and~~
 - ~~(ii) unless otherwise agreed, if there is a difference between the initial estimate and the re-estimate of greater than 10%, the amount payable under each of the remaining bills in the 12 month period is to be reset to reflect that difference; and~~
- ~~(d) at the end of the 12 month period, or any other time agreed between the retailer and the customer and at the end of the bill smoothing arrangement, the meter is read and any adjustment is included on the next bill in accordance with clause 4.19; and~~
- ~~(e) the retailer has obtained the customer's verifiable consent to the retailer billing on that basis; and~~
- ~~(f) if the bill smoothing arrangement between the retailer and the customer is for a defined period or has a specified end date, the retailer must no less than one month before the end date of the bill smoothing arrangement notify the customer in writing —~~

- ~~(i) that the bill smoothing arrangement is due to end; and~~
- ~~(ii) the options available to the customer after the bill smoothing arrangement has ended.~~

~~4.4 How bills are issued~~

~~A retailer must issue a bill to a customer at the address nominated by the customer, which may be an email address.~~

Division 2 — Contents of a bill

21. ~~Particulars on each bill~~ Contents of bills [was 4.5]

- ~~(1) Unless a customer agrees otherwise, a retailer must include at least the following information on the customer's bill —~~
 - ~~(a) either the range of dates of the metering supply period or the date of the current meter reading or estimate;~~
 - ~~(b) if the customer has a Type 7 connection point, the calculation of the tariff in accordance with the procedures set out in clause 4.6(1)(c);~~
 - ~~(c) if the customer has an accumulation meter installed (whether or not the customer has entered into an export purchase agreement with a retailer) —~~
 - ~~(i) the current meter reading or estimate; or~~
 - ~~(ii) if the customer is on a time of use tariff, the current meter reading or estimate for the total of each time band in the time of use tariff;~~
 - ~~(d) if the customer has not entered into an export purchase agreement with a retailer —~~
 - ~~(i) the customer's consumption, or estimated consumption; and~~
 - ~~(ii) if the customer is on a time of use tariff, the customer's consumption or estimated consumption for the total of each time band in the time of use tariff;~~

- ~~(e) if the customer has entered into an export purchase agreement with a retailer—
 - ~~(i) the customer's consumption and export;~~
 - ~~(ii) if the customer is on a time of use tariff, the customer's consumption and export for the total of each time band in the time of use tariff; and~~
 - ~~(iii) if the customer has an accumulation meter installed and the export meter reading has been obtained by the retailer, the export meter reading;~~~~
- ~~(f) the number of days covered by the bill;~~
- ~~(g) the dates on which the account period begins and ends, if different from the range of dates of the metering supply period or the range of dates of the metering supply period have not been included on the bill already;~~
- ~~(h) the applicable tariffs;~~
- ~~(i) the amount of any other fees or charges and details of the service provided;~~
- ~~(j) with respect to a residential customer, a statement that the residential customer may be eligible to receive concessions and how the residential customer may find out its eligibility for those concessions;~~
- ~~(k) if applicable, the value and type of any concessions provided to the residential customer that are administered by the retailer;~~
- ~~(l) if applicable, a statement on the bill that an additional fee may be imposed to cover the costs of late payment from the customer;~~
- ~~(m) the average daily cost of consumption, including charges ancillary to the consumption of electricity, unless the customer is a collective customer;~~
- ~~(n) the average daily consumption unless the customer is a collective customer;~~

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- ~~(o) a meter identification number (clearly placed on the part of the bill that is retained by the customer);~~
- ~~(p) the amount due;~~
- ~~(q) the due date;~~
- ~~(r) a summary of the payment methods;~~
- ~~(s) a statement advising the customer that assistance is available if the customer is experiencing problems paying the bill;~~
- ~~(t) a telephone number for billing and payment enquiries;~~
- ~~(u) a telephone number for complaints;~~
- ~~(v) the contact details for the electricity ombudsman;~~
- ~~(w) the distributor's 24 hour telephone number for faults and emergencies;~~
- ~~(x) the supply address and any relevant mailing address;~~
- ~~(y) the customer's name and account number;~~
- ~~(z) the amount of arrears or credit;~~
- ~~(aa) if applicable and not included on a separate statement—
 - ~~(i) payments made under an instalment plan; and~~
 - ~~(ii) the total amount outstanding under the instalment plan;~~~~
- ~~(bb) with respect to residential customers, the telephone number for interpreter services together with the National Interpreter Symbol and the words "Interpreter Services";~~
- ~~(cc) the telephone number for TTY services; and~~
- ~~(dd) to the extent that the data is available, a graph or bar chart illustrating the customer's amount due or consumption for the period covered by the bill, the previous bill and the bill for the same period last year.~~

(1) In addition to any information required to be included on a customer's bill under another provision of this code, a retailer

must include the information set out in this clause on the customer's bill.

- (2) The bill must include the following information in relation to the particular service —
- (a) the supply address;
 - (b) the customer's name and account number;
 - (c) a meter identification number (if relevant).
- (3) The bill must include the following information in relation to supply and consumption of electricity —
- (a) the start and end date of the supply period;
 - (b) the number of days covered by the bill;
 - (c) the customer's consumption, or estimated consumption;
 - (d) if the customer is on a time of use tariff, the customer's consumption or estimated consumption for each time band in the time of use tariff;
 - (e) unless the customer is a collective customer, the average daily consumption.
- (4) The bill must include the following information in relation to amounts due and payments —
- (a) the amount due;
 - (b) if there is an accumulation meter installed at the supply address — the current meter reading or estimate or, if the customer is on a time of use tariff, the current meter reading or estimate for each time band in the time of use tariff;
 - (c) if there is no meter installed at the supply address — the basis on which the amount due has been calculated;
 - (d) the applicable tariffs;
 - (e) the amount of any arrears or credit standing to the customer's name;

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- (f) the amount of any other fees or charges and details of the service provided in connection with those fees or charges;
 - (g) in the case of a residential customer — a statement that the customer may be eligible to receive concessions and how the customer may find out about eligibility for those concessions;
 - (h) if applicable, the value and type of any concessions provided to the customer that are administered by the retailer;
 - (i) a statement advising the customer that assistance is available if the customer is experiencing problems paying the bill;
 - (j) a telephone number for billing and payment enquiries;
 - (k) if applicable and not included on a separate statement —
 - (i) payments made under a payment plan that has not been completed; and
 - (ii) the total amount outstanding under the payment plan;
 - (l) if applicable, a statement that an additional fee may be imposed to cover the costs of late payment from the customer;
 - (m) to the extent that the data is available, a graph or bar chart showing the customer's amount due or consumption for the period covered by the bill, the previous bill and the bill for the same period last year;
 - (n) the average daily cost of consumption, including charges ancillary to the consumption of electricity, unless the customer is a collective customer;
 - (o) the date by which the bill must be paid;
 - (p) a summary of the applicable payment methods.
- (5) If the customer has an export purchase agreement with the retailer, the bill must include the following information —

- (a) if the customer has an accumulation meter installed and an export meter reading has been obtained — the export meter reading;
- (b) either —
- (i) if the customer is on a time of use tariff — the amount, or estimated amount, of electricity exported by the customer for each time band in the time of use tariff.; or
 - (ii) in any other case — the amount, or estimated amount, of electricity exported by the customer.
- (6) The bill must include the following ancillary information —
- (a) a telephone number for complaints;
 - (b) the contact details for the electricity industry ombudsman;
 - (c) the relevant distributor’s 24-hour telephone number for faults and emergencies.
- (7) Subclause (2)(b) does not apply if the customer is supplied under a deemed contract pursuant to the *Electricity Industry (Customer Contracts) Regulations 2005* regulation 37.
- (8) ~~Notwithstanding subclause (1)(dd), a retailer is not obliged to include a graph or bar chart on the bill.~~ Subclause (4)(m) does not apply if the bill is —
- (a) not indicative of a customer’s actual consumption; or
 - (b) not based ~~upon~~ a meter reading; or
 - (c) for a collective customer.
- (9) If a retailer ~~identifies a historical debt and~~ wishes to bill a customer for ~~that a~~ historical debt, the retailer must ~~advise~~ give the following information to the customer ~~of no later than the next bill in the customer’s billing cycle~~ —
- (a) the amount of the historical debt; ~~and~~
 - (b) the basis of the historical debt.

~~before, with, or on the customer's next bill.~~

Division 3 — Basis of bill

22. Basis of bill [was 4.6]

- (1) ~~Subject to clauses 4.3 and 4.8, a~~ A retailer must base a customer's bill ~~on~~ —
- (a) ~~the distributor's or metering agent's reading of the meter at the customer's supply address;~~ on energy data provided for the relevant meter at the customer's supply address provided by the relevant distributor or metering data agent; or
 - ~~(b) the customer's reading of the meter installed at the customer's supply address, provided the distributor has expressly or impliedly consented to the customer reading the meter for the purpose of determining the amount due; or~~
 - ~~(c)~~ (b) if the connection point is a Type 7 connection point, the procedure as set out in the metrology procedure or Metering Code, or otherwise as set out in any applicable law if there is no meter installed at the customer's supply address — on energy data that is calculated in accordance with the metrology procedure, the Metering Code or any other applicable law; or
 - (c) if the customer has entered into a non-standard contract — on any other method agreed between the retailer and the customer.
- (2) A bill will be taken to comply with subclause (1)(a) if the bill reflects a smoothing or similar arrangement that has been entered into between the retailer and the customer.

~~4.7 — Frequency of meter readings~~

- (3) ~~Other than in respect of a Type 7 connection point, a~~ If a retailer is required to comply with subclause (1)(a), the retailer must use

its best endeavours to ensure that ~~metering data~~ an actual value is obtained as frequently as required to prepare its bills.

(4) The retailer must ensure that the customer is provided with a written record of any method agreed between the retailer and the customer under subclause (1)(c).

23. Estimations [was 4.8]

~~(1) If a retailer is unable to reasonably base a bill on a reading of the meter at a customer's supply address, the retailer must give the customer an estimated bill.~~

~~(2)~~(1) If a retailer ~~bases~~ has based a bill ~~upon~~ on an estimation, the retailer must clearly specify on the customer's bill that —

- (a) the retailer has based the bill ~~upon~~ on an estimation; and
- (b) the retailer will ~~tell~~ provide to the customer on request —
 - (i) the basis of the estimation; and
 - (ii) the reason for the estimation; ~~and~~ and
- (c) the customer may request —
 - (i) a verification of energy data; and
 - (ii) a meter reading.

~~(3)~~(2) A retailer must ~~tell~~ provide to a customer on request ~~the~~ —

- (a) the basis for the estimation; and
- (b) the reason for the estimation.

~~(4)~~(3) For the ~~purpose~~ purposes of this clause, ~~where the distributor's or metering agent's reading of the meter at the customer's supply address is partly based on estimated data, then subject to any applicable law~~ a bill is taken to be based on an estimation if —

- (a) ~~where~~ more than ~~ten per cent~~ 10% of the interval meter readings are estimated interval meter readings; and
- (b) the actual energy data cannot otherwise be ~~derived~~ ascertained.

~~for that billing period, the bill is deemed to be an estimated bill.~~

~~4.9~~ — Adjustments to subsequent bills

~~If a retailer gives a customer an estimated bill and the meter is subsequently read, the retailer must include an adjustment on the next bill to take account of the actual meter reading in accordance with clause 4.19.~~

24. Customer may request meter reading Replacement of estimation with actual value [was 4.10]

(1) If This clause applies if —

(a) a retailer has based a bill ~~upon~~on an estimation because a customer failed to provide access to the meter; and

(b) the customer —

(a)(i) subsequently requests the retailer to replace the estimated bill with a bill based on ~~an actual reading of the customer's meter~~an actual value; and

(b)(ii) pays the retailer's reasonable charge for reading the meter (if any); and

(c)(iii) provides due access to the meter;.

(2) ~~the~~The retailer must use its best endeavours to ~~do so~~replace the estimated bill with a bill based on an actual value.

~~Division 4 — Meter testing~~

~~4.11 — Customer requests testing of meters or metering data~~

~~**(1) — If a customer —**~~

~~**(a) — requests the meter to be tested; and**~~

~~**(b) — pays the retailer's reasonable charge for testing the meter (if any);**~~

~~the retailer must request the distributor or metering agent to test the meter.~~

~~(2) — If the meter is tested and found to be defective, the retailer's reasonable charge for testing the meter (if any) is to be refunded to the customer.~~

Division 5 — Alternative Tariffs

Division 4 — Alternative Tariffs

- 25 **Customer applications request for change of tariff** [was 4.12]
- (1) ~~If a~~ A retailer must comply with subclause (2) if the retailer offers alternative tariffs or tariff options and a customer —
- (a) ~~applies to receive an alternative tariff~~ requests a retailer to transfer from that customer's current tariff to another tariff; and
- (b) demonstrates to the retailer that the customer satisfies all of the conditions relating to ~~eligibility for the alternative tariff~~, that other tariff and any conditions imposed by the customer's distributor.
- (2) ~~the~~ The retailer must ~~change~~ transfer the customer to the ~~alternative~~ other tariff referred to in subclause (1)(a) within 10 business days ~~of~~ after the customer satisfying ~~those~~ the conditions referred to in subclause (1)(b).
- (3) ~~For the purposes of subclause (1)~~ If a customer transfers from 1 tariff type to another under this clause, the effective date of ~~change will be~~ the transfer is —
- (a) unless paragraph (b) applies — the date on which ~~the last~~ a meter reading ~~at the previous tariff~~ is obtained; or
- (b) ~~the date the meter adjustment is completed~~ if the change transfer requires ~~an adjustment~~ a change to the meter at the customer's supply address — the date on which the meter change is completed.

26. ~~Written notification of a change to an alternative tariff~~
Tariff change if former tariff unavailable [was 4.13]

~~If—~~

- ~~(a) a customer's electricity use at the customer's supply address changes or has changed; and~~
- ~~(b) the customer is no longer eligible to continue to receive an existing, more beneficial tariff;~~

~~a retailer must, prior to changing the customer to the tariff applicable to the customer's use of electricity at that supply address, give the customer written notice of the proposed change.~~

- (1) This clause applies if a customer is no longer eligible to receive a tariff under which the customer is currently supplied electricity at the customer's supply address.
- (2) The retailer must, before changing the customer to another tariff, notify the customer of the proposed change.

Division 6—Final bill

4.14—Request for final bill

- ~~(1) If a customer requests a retailer to issue a final bill at the customer's supply address, the retailer must use reasonable endeavours to arrange for that bill in accordance with the customer's request.~~
- ~~(2) If a customer's account is in credit at the time of account closure, subject to subclause (3), a retailer must, at the time of the final bill, ask the customer for instructions whether the customer requires the retailer to transfer the amount of credit to—
 - ~~(a) another account the customer has, or will have, with the retailer; or~~
 - ~~(b) a bank account nominated by the customer, and~~~~

~~the retailer must credit the account, or pay the amount of credit in accordance with the customer's instructions, within 12 business days of receiving the instructions or other such time as agreed with the customer.~~

- ~~(3) If a customer's account is in credit at the time of account closure, and the customer owes a debt to a retailer, the retailer may, with written notice to the customer, use that credit to set off the debt owed to the retailer. If, after the set off, there remains an amount of credit, the retailer must ask the customer for instructions to transfer the remaining amount of credit in accordance with subclause (2).~~

Division 7 — Review of bill

Division 5 — Review of bill and energy data checking

27. Review of bill [was 4.15]

~~Subject to a customer—~~

~~(a) paying—~~

- (1) If a customer, after receiving a bill, disputes the amount to be paid, the retailer must review the bill if the customer —

(a) requests a review; and

(b) if the customer has not already paid the bill, pays the lesser of the following —

(i) that portion of the bill under review that the customer and ~~a~~the retailer agree is not in dispute;
~~or~~

(ii) an amount equal to the average amount of the customer's bills over the previous 12 months (excluding the bill in dispute);

~~whichever is less; and~~

~~(b) paying any future bills that are properly due;~~

~~a retailer must review the customer's bill on request by the customer.~~

4.16—Procedures following a review of a bill

~~(1)~~(2) If, after conducting a review ~~of a bill~~, a retailer is satisfied that the bill ~~is~~ —

(a) is correct, the retailer —

- (i) may require ~~a~~ the customer to pay the ~~unpaid~~ amount (if any) of the bill that is still outstanding; and
- (ii) must advise the customer that the customer may request ~~the retailer to arrange~~ a meter test ~~in accordance with applicable law~~; and
- (iii) must advise the customer of the existence and operation of the retailer's ~~internal standard~~ complaints handling processes and dispute resolution procedures and details ~~of any applicable external complaints handling processes, about making a complaint to the electricity industry ombudsman~~;

or

(b) is incorrect, the retailer —

- (i) must ~~adjust the bill in accordance with clauses 4.17 and 4.18~~ comply with clause 29 or 30, as the case requires; and
- (ii) may require the customer to pay the amount (if any) of the bill that is still outstanding.

~~(2)~~(3) ~~A~~The retailer must inform a customer of the outcome of the review as soon as practicable after it is completed.

~~(3)~~(4) If a retailer has not informed a customer of the outcome of the review within 20 business days from the date of receipt of the request for review ~~under clause 4.15~~, the retailer must ~~provide the customer with notification~~ notify the customer of the status

of the review as soon as practicable after the expiration of that period.

(5) The initiation of a review does not remove the requirement for the customer to pay future bills as they fall due.

28. Energy data checking

(1) If a customer, after receiving a bill, requests that the energy data be checked or the meter tested, the retailer must arrange for a check of the energy data or testing of the meter (as the case requires).

(2) The customer may be required to pay the retailer's reasonable charge for a check or testing under subclause (1).

(3) If the energy data is checked and found to be incorrect or the meter is tested and found to be defective, the retailer must refund any payment made under subclause (2).

~~Division 8 — Undercharging, overcharging and adjustment~~

Division 6 — Undercharging and overcharging

29. Undercharging [was 4.17]

~~(1) This clause 4.17 applies whether the undercharging became apparent through a review under clause 4.15 or otherwise.~~

~~(1)~~(2) If a retailer proposes to recover an amount that has been undercharged ~~as a result of an error, defect or default for which the retailer or distributor is responsible (including where a meter has been found to be defective)~~, the retailer must —

(a) ~~subject to subclause (b)~~, limit the amount to be recovered to no more than the amount undercharged in the 12 months ~~prior to~~before the date on which the retailer notified the customer that undercharging had occurred; and

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~~(b) — other than in the event that the information provided by a customer is incorrect, if a retailer has changed the customer to an alternative tariff in the circumstances set out in clause 4.13 and, as a result of the customer being ineligible to receive the tariff charged prior to the change, the retailer has undercharged the customer, limit the amount to be recovered to no more than the amount undercharged in the 12 months prior to the date on which the retailer notified the customer under clause 4.13.~~

~~(e)~~(b) notify the customer of the amount to be recovered no later than the next bill, ~~together with~~ after the retailer becomes aware of the undercharging, and provide an explanation of ~~that~~the basis on which the amount was calculated; and

~~(d)~~(c) ~~subject to~~unless subclause ~~(3)~~(2) applies, not charge the customer interest on that amount or require the customer to pay a late payment fee; and

~~(e)~~(d) in ~~relation to~~the case of a residential customer, ~~—~~ offer the customer time to pay that amount by means of ~~an instalment plan~~a payment plan in accordance with clause ~~6.4(2) and covering 42 for~~ a period at least equal to the period over which the recoverable undercharging occurred.

~~(3)~~(2) If, after notifying a customer of the amount to be recovered in accordance with subclause ~~(2)~~(e)(1)(b), the customer has failed to pay the amount to be recovered by the due date and has not entered into ~~an instalment~~a payment plan under subclause ~~(2)~~(e)(1)(d), a retailer may ~~charge the customer interest on that amount from the due date or require the customer to pay a late payment fee.~~ do either but not both of following —

(a) charge the customer interest on that amount from the due date;

(b) require the customer to pay a late payment fee.

~~(4) For the purpose of subclause (2), an undercharge that has occurred as a result of a customer denying access to the meter is not an undercharge as a result of an error, defect or default for which a retailer or distributor is responsible.~~

30. Overcharging [was 4.18]

~~(1) This clause 4.18 applies whether the overcharging became apparent through a review under clause 4.15 or otherwise.~~

~~(2)~~(1) If a customer (including a customer who has vacated the supply address) has been overcharged ~~as a result of an error, defect or default for which a retailer or distributor is responsible (including where a meter has been found to be defective)~~, the retailer must use its best endeavours to inform the customer ~~accordingly~~of the overcharge within 10 business days ~~of~~after the retailer ~~becoming~~becomes aware of the ~~error, defect or default~~overcharging (being, where there has been an estimation of an amount due, from the time that the retailer becomes aware of the overcharging after a meter reading) and, subject to ~~subclauses (6) and (7)~~this clause, ask the customer for instructions as to whether the amount should be credited to —

- (a) ~~credited to~~ the customer's ~~account~~next bill; or
- (b) ~~repaid to a bank account nominated by~~ the customer.

~~(3)~~(2) If a retailer receives instructions under subclause ~~(2)~~(1), the retailer must ~~pay~~deal with the amount in accordance with the customer's instructions within 12 business days ~~of~~after receiving the instructions.

~~(4)~~(3) ~~If~~However, if a retailer does not receive instructions under subclause ~~(2)~~(1) within 5 business days ~~of~~after making the request, the retailer must use reasonable endeavours to credit the amount overcharged to the customer's ~~account~~next bill.

(4) If a customer has been overcharged by less than \$100, the retailer may credit the amount to the customer's next bill instead of complying with subclause (1).

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(5) No interest ~~shall accrue to a credit or refund referred to in subclause (2)~~ is payable on an amount that has been overcharged.

~~(6) If the amount referred to in subclause (2) is less than \$100, a retailer may notify a customer of the overcharge by no later than the next bill after the retailer became aware of the error, and —~~

~~(a) ask the customer for instructions under subclause (2) (in which case subclauses (3) and (4) apply as if the retailer sought instructions under subclause (2)); or~~

~~(b) credit the amount to the customer's next bill.~~

~~(7)~~ (6) If ~~Despite subclauses (1) to (5), if~~ a customer has been overcharged ~~by a retailer~~, and the customer owes a debt to the retailer, ~~then provided that the customer is not a residential customer experiencing payment difficulties or financial hardship~~, the retailer may, ~~with written~~ after giving notice to the customer, use the amount of the overcharge to set off the debt ~~owed to the retailer.~~

(7) Subclause (6) does not apply if the customer is a residential customer experiencing financial hardship.

~~(7)~~ (8) If, after the set off, there remains an amount ~~of~~ in credit, ~~after a set-off under subclause (6),~~ the retailer must deal with ~~that~~ the amount ~~of credit~~ in accordance with subclause ~~(2)~~ (1) or (4) ~~or, if (depending on the amount is less than \$100, subclause (6) that remains in credit).~~

~~(a) Not Used~~

~~(b) Not Used~~

~~4.19~~ Adjustments

~~(1) If a retailer proposes to recover an amount of an adjustment which does not arise due to any act or omission of a customer, the retailer must —~~

~~(a) limit the amount to be recovered to no more than the amount of the adjustment for the 12 months prior to the~~

- ~~date on which the meter was read on the basis of the retailer's estimate of the amount of the adjustment for the 12-month period taking into account any meter readings and relevant seasonal and other factors agreed with the customer;~~
- ~~(b) — notify the customer of the amount of the adjustment no later than the next bill, together with an explanation of that amount;~~
 - ~~(c) — not require the customer to pay a late payment fee; and~~
 - ~~(d) — in relation to a residential customer, offer the customer time to pay that amount by means of an instalment plan in accordance with clause 6.4(2) and covering a period at least equal to the period to which the adjustment related.~~
- ~~(2) — If the meter is read under either clause 4.6 or clause 4.3(2)(d) and the amount of the adjustment is an amount owing to the customer, the retailer must use its best endeavours to inform the customer accordingly within 10 business days of the retailer becoming aware of the adjustment and, subject to subclauses (5) and (7), ask the customer for instructions as to whether the amount should be —~~
- ~~(a) — credited to the customer's account;~~
 - ~~(b) — repaid to the customer; or~~
 - ~~(c) — included as a part of the new bill smoothing arrangement if the adjustment arises under clause 4.3(2)(a)–(b);~~
- ~~(3) — If a retailer received instructions under subclause (2), the retailer must pay the amount in accordance with the customer's instructions within 12 business days of receiving the instructions.~~
- ~~(4) — If a retailer does not receive instructions under subclause (2) within 5 business days of making the request, the retailer must use reasonable endeavours to credit the amount of the adjustment to the customer's account.~~

- ~~(5) — If the amount referred to in subclause (2) is less than \$100, the retailer may notify the customer of the adjustment by no later than the next bill after the meter is read; and~~
- ~~(a) — ask the customer for instructions under subclause (2), (in which case subclauses (3) and (4) apply as if the retailer sought instructions under subclause (2)); or~~
- ~~(b) — credit the amount to the customer’s next bill.~~
- ~~(6) — No interest shall accrue to an adjustment amount under subclause (1) or (2).~~
- ~~(7) — If the amount of the adjustment is an amount owing to the customer, and the customer owes a debt to the retailer, then provided that the customer is not a residential customer experiencing payment difficulties or financial hardship, the retailer may, with written notice to the customer, use the amount of the adjustment to set off the debt owed to the retailer. If, after the set off, there remains an amount of credit, the retailer must deal with that amount of credit in accordance with subclause (2) or, if the amount is less than \$100, subclause (5).~~
- ~~(a) — Not Used~~
- ~~(b) — Not Used~~

Division 7 — Final bill

31. Request for final bill [was 4.14]

- (1) If a customer requests the retailer to arrange for the preparation and issue of a final bill for the customer’s supply address, the retailer must use its best endeavours to arrange for —
- (a) a meter reading; and
- (b) the preparation and issue of a final bill for the supply address in accordance with the customer’s request.
- (2) Unless subclause (4) applies, if the customer’s account is in credit at the time of account closure, a retailer must, at the time

of the final bill, ask the customer for instructions as to whether the amount of the credit should be transferred to —

- (a) another account the customer has, or will have, with the retailer; or
 - (b) a bank account nominated by the customer.
- (3) The retailer must, in accordance with the customer's instructions under subclause (2), transfer the amount of the credit within —
- (a) 12 business days after receiving the instructions; or
 - (b) another period agreed with the customer.
- (4) If a customer's account is in credit at the time of account closure and the customer owes a debt to the retailer, the retailer may, after giving notice to the customer, use the credit to set off the debt.
- (5) If, after a set-off under subclause (4), there remains an amount of credit, the retailer must deal with the amount in accordance with subclause (2).

Division 8 — Providing bills under standard form contracts

32. Provision of bills

- (1) A retailer must allow a customer who has entered into a standard form contract to choose to receive bills —
- (a) by post as paper bills; or
 - (b) by email sent to an email address provided by the customer.
- (2) Subclause (1) applies despite any other arrangement or agreement that may be in place between the retailer and the customer in relation to paying bills.

Part 5 — Payment

33. ~~Due dates for payment~~*Payment date [was 5.1]

- (1) ~~The due date on~~by which a bill must be ~~at least paid must be not earlier than~~ 12 business days from the ~~date of that bill issue date unless otherwise agreed with a customer.~~
- (2) ~~Unless a retailer specifies a later date, the date of dispatch is the date of the bill.~~

34. ~~Minimum payment~~Payment methods* [was 5.2]

- (1) ~~Unless otherwise agreed with a customer, a~~ A retailer must ~~offer the customer at least the following payment methods accept payment for a bill in the following ways~~ —
- (a) in person at 1 or more payment outlets located within the ~~Local Government District~~ local government district of the customer's supply address;
 - (b) ~~(b)~~ by telephone;
 - ~~(b)~~(c) by mailpost;
 - ~~(e)~~(d) for residential customers; ~~—~~ by Centrepay;
 - ~~(d)~~(e) electronically by means of BPay or credit card; and by electronic funds transfer.
 - ~~(e)~~ ~~by telephone by means of credit card or debit card.~~
- (2) This clause does not limit any other method for the payment of a bill that may be agreed between the retailer and the customer, including the option of payment by direct debit.

~~5.3~~ ~~Direct debit~~

~~If a retailer offers the option of payment by a direct debit facility to a customer, the retailer must, prior to the direct debit facility commencing, obtain the customer's verifiable consent, and agree with the customer the date of commencement of the direct debit facility and the frequency of the direct debits.~~

35. Payment in advance* [was 5.4]

- (1) Subject to this clause, a ~~A~~ retailer must accept payment in advance from a customer ~~on request~~.
- (2) ~~Acceptance of an advance payment by a retailer will not require the~~ A retailer is not required to credit ~~any~~ interest to ~~the~~ amounts an amount paid in advance.
- (3) ~~Subject to clause 6.9, for the purposes of subclause (1),~~ The amount of \$20 is the minimum amount for which a retailer ~~will~~ is required to accept payment in advance ~~payments from a~~ customer (although the retailer may accept a lower amount if it thinks fit) ~~unless otherwise agreed with a customer~~.
- (4) A retailer may determine an amount (a maximum credit amount) that a customer's account may be in credit.
- (5) A maximum credit amount must not be less than \$100.
- (6) If a retailer determines a maximum credit amount, the retailer must publish the maximum credit amount on its website.
- (7) A retailer is not obliged to accept payment in advance if the customer's account is in credit for more than the maximum credit amount.
- (8) If a customer's account is in credit for more than the maximum credit amount, the retailer may refund any amount in excess of the maximum credit amount to the customer at any time

36. ~~Absence or illness~~ Redirection of bills [was 5.5]

~~If a residential customer is unable to pay by way of the methods described in clause 5.2, due to illness or absence, a retailer must offer the residential customer on request redirection of the residential customer's bill to a third person at no charge.~~ A retailer must redirect a customer's bill to a different address (including to an email address or a different email address) on the customer's request and at no charge.

cl. 37

37. Late ~~payments~~ payment fee [was 5.6]

(1) A retailer must not charge a residential customer a late payment fee if —

- (a) the ~~residential~~ customer receives a concession, provided unless the ~~residential~~ customer ~~did not receive~~ has received 2 or more reminder notices within the previous 12 months; or
- (b) the ~~residential~~ customer and the retailer have agreed to —
 - (i) a payment extension under Part 6, and the ~~residential~~ customer pays the bill by the ~~agreed~~ (new) due date; or
 - (ii) ~~an instalment plan~~ a payment plan under Part 6, and the ~~residential~~ customer is making payments in accordance with the ~~instalment plan~~ payment plan; ~~or~~

or

(c) subject to subclause (2), the ~~residential~~ customer has made a complaint directly related to the non-payment of the bill to the retailer or ~~to~~ the electricity industry ombudsman; and —

- (i) if the complaint has been made to the retailer — the complaint has not been resolved by the retailer; ~~or~~ (ii) the complaint is ~~has been~~ resolved by the retailer in favour of the ~~residential~~ customer; ~~If the complaint is not resolved in favour of the residential customer, any late payment fee shall only be calculated from the date of the retailer's decision;~~ or
- ~~(iii)~~ (ii) if the complaint has been made to the electricity industry ombudsman — the complaint has not been determined, or has been upheld by the electricity industry ombudsman ~~(if a complaint has been made to the electricity ombudsman).~~ ~~If~~

~~the complaint is determined by the electricity ombudsman in favour of the retailer, any late payment fee shall only be calculated from the date of the electricity ombudsman's decision; or~~

or

- (d) the ~~residential~~ customer is ~~assessed by the retailer under clause 6.1(1) as being in~~ a customer experiencing financial hardship.
- (2) If a retailer has charged a late payment fee in the circumstances set out in subclause (1)(c)(~~ii~~) because the retailer was not aware of the complaint, the retailer ~~will~~does not contravene subclause (1)(c)(~~ii~~) but must refund the late payment fee on the customer's next bill (unless a fee is payable under subclause (3)).
- (3) If a complaint referred to in subclause (1)(c) is not resolved in favour of the customer, any late payment fee must be calculated from the date of the retailer's or the electricity industry ombudsman's decision (as the case may be).
- ~~(3)~~(4) If a retailer has charged a residential customer a late payment fee, the retailer must not charge an additional late payment fee in relation to the same bill within 5 business days ~~from the date of receipt of~~after the day on which the customer receives the previous late payment fee notice.
- ~~(4)~~(5) A retailer must not charge a residential customer more than 2 late payment fees in relation to the same bill or more than 12 late payment fees in a ~~year~~12-month period.
- ~~(5)~~(6) If a residential customer has been assessed as ~~being in a~~ customer experiencing financial hardship ~~under clause 6.1(1)~~, a retailer must retrospectively waive any late payment fee charged under the ~~residential~~ customer's last bill ~~prior to~~before the assessment ~~being~~was made.

cl. 38

38. Vacating ~~a~~ supply address* [was 5.7]

~~(1) Subject to—~~

~~(a) subclauses (2) and (4);~~

~~(b) the customer giving a retailer notice; and~~

~~(c) the customer vacating the supply address at the time specified in the notice;~~

Except as set out in this clause, if a customer gives notice and vacates the supply address within the time specified in the notice, the retailer must not require the customer to pay for electricity consumed at the customer's supply address from —

~~(d)(a) if the customer gave at least 5 days' notice — the date on which the customer vacated the supply address, if the customer gave at least 5 days' notice; or~~

~~(e)(b) in any other case — 5 days after the customer gave notice, in any other case,~~

~~unless the retailer and the customer have agreed to an alternative date.~~

(2) If a customer reasonably demonstrates to a retailer that the customer was evicted or otherwise required to vacate the supply address, the retailer must not require the customer to pay for electricity consumed at the customer's supply address from the date on which the customer gave the retailer notice.

(3) For the purposes of subclauses (1) and (2), notice is given if a customer —

(a) informs a retailer of the date on which the customer intends to vacate, or has vacated, the supply address; and

(b) gives the retailer a forwarding address (which may be an email address) to which a final bill may be sent.

(4) ~~Notwithstanding~~ Despite subclauses (1) and (2), ~~if~~ —

(a) ~~if the~~ retailer and a new customer enter into a ~~new~~ contract for the supply address, the retailer must not

require the previous customer to pay for electricity consumed at the ~~customer's~~ supply address from the date ~~that the new contract~~ on which the contract with the new customer becomes effective; and

(b) ~~another~~ if a new retailer becomes responsible for the supply of electricity to the supply address, the previous retailer must not require the customer to pay for electricity consumed at the ~~customer's~~ supply address from the date ~~that~~ on which the ~~other~~ new retailer becomes responsible; and.

~~(c) — the supply address is disconnected, the retailer must not require the customer to pay for electricity consumed at the customer's supply address from the date that disconnection occurred.~~

(5) ~~Notwithstanding~~ Despite subclauses (1), (2) and (4), a retailer's right to payment does not terminate ~~with regard~~ in relation to any amount that was due up until the termination of the contract.

39. Debt collection [was 5.8]

(1) A retailer must not commence proceedings for recovery of a debt —

(a) from a residential customer who has informed the retailer in accordance with clause ~~6.1(1)~~ 40 that the ~~residential~~ customer is experiencing ~~payment difficulties or financial hardship~~ payment problems, unless and until the retailer has complied with all the requirements of clause ~~6.1~~ 40 and (if applicable) clause ~~6.3~~ 41(3); and

(b) while a residential customer continues to make payments under an alternative payment arrangement under Part 6.

(2) A retailer must not recover or attempt to recover a debt relating to a supply address from a person other than a customer with whom the retailer has or had entered into a contract for the supply of electricity to that customer's supply address.

cl. 39

- (3) If a customer with a debt owing to a retailer requests the retailer to transfer the debt to another customer, the retailer may transfer the debt to the other customer ~~provided that~~if the retailer obtains the other customer's verifiable consent to the transfer.

Consultation Draft

Part 6 — Payment assistance

Division 1 — Assessment of financial situation

40. Assessment [was 6.1]

- (1) ~~If~~ Unless subclause (2) or (5) applies, if a residential customer informs a retailer that the ~~residential~~ customer is experiencing payment problems, the retailer must, ~~(subject to clause 6.2) —~~
 - ~~(a) —~~ within 5 business days, assess whether the ~~residential~~ customer is experiencing ~~payment difficulties or financial hardship; and~~
 - ~~(b) — if the retailer cannot make the assessment within 5 business days, refer the residential customer to a relevant consumer representative to make the assessment.~~
- (2) If a residential customer provides a retailer with an assessment from a relevant consumer representative the retailer may adopt that assessment as its own assessment for the purposes of subclause (1) ~~(a)~~.
- (3) When undertaking the assessment required by subclause (1) ~~(a)~~, ~~unless a retailer adopts an assessment from a relevant consumer representative,~~ the retailer must give reasonable consideration to —
 - (a) information —
 - (i) given by the residential customer; and
 - (ii) requested or held by the retailer; or
 - (b) advice given by a relevant consumer representative (if any).
- (4) A retailer must on request, advise a residential customer ~~on request~~ of the ~~details and~~ outcome of an assessment ~~carried out~~, including the reasons for the outcome of the assessment, under subclause (1).

(5) A retailer is not required to undertake an assessment under subclause (1) if the retailer has previously undertaken an assessment in relation to the customer unless the customer has indicated that there has been a change in their circumstances since that previous assessment.

6.2 — Temporary suspension of actions

~~(1) If a retailer refers a residential customer to a relevant consumer representative under clause 6.1(1)(b) then the retailer must grant the residential customer a temporary suspension of actions.~~

~~(2) If a residential customer informs a retailer that the residential customer is experiencing payment problems under clause 6.1, and the residential customer —~~

~~(a) — requests a temporary suspension of actions; and~~

~~(b) — demonstrates to the retailer that the residential customer has made an appointment with a relevant consumer representative to assess the residential customer's capacity to pay;~~

~~the retailer must not unreasonably deny the residential customer's request.~~

~~(3) A temporary suspension of actions must be for at least 15 business days.~~

~~(4) If a relevant consumer representative is unable to assess a residential customer's capacity to pay within the period referred to in subclause (3) and the residential customer or relevant consumer representative requests additional time, a retailer must give reasonable consideration to the residential customer's or relevant consumer representative's request.~~

6.3 — Assistance to be offered

~~(1) If the assessment carried out under clause 6.1 indicates to a retailer that a residential customer is experiencing —~~

~~(a) — payment difficulties, the retailer must —~~

- ~~(i) offer the residential customer the alternative payment arrangements referred to in clause 6.4(1); and~~
- ~~(ii) advise the residential customer that additional assistance may be available if, due to financial hardship, the residential customer would be unable to meet its obligations under an agreed alternative payment arrangement, or~~
- ~~(b) financial hardship, the retailer must offer the residential customer—~~
 - ~~(i) the alternative payment arrangements referred to in clause 6.4(1); and~~
 - ~~(ii) assistance in accordance with clauses 6.6 to 6.9.~~
- ~~(2) Subclause (1) does not apply if a retailer is unable to make an assessment under clause 6.1 as a result of an act or omission by a residential customer.~~

~~Division 2—Residential customers experiencing payment difficulties or financial hardship~~

Division 2 — Payment assistance

41. ~~Alternative payment arrangements~~ Payment assistance [was 6.4]
- (1) ~~A Subject to this Division, a retailer must offer a residential customers who is experiencing payment difficulties or financial hardship at least the following payment arrangements—~~ make the following available to residential customers —
- ~~(a) additional time to pay a bill; and~~
 - ~~(b) a payment plan for the amount owing.~~
- ~~an interest-free and fee-free instalment plan or other arrangement under which the residential customer is given additional time to pay a bill or to pay arrears~~

~~(including any disconnection and reconnection charges) and is permitted to continue consumption.~~

~~In this clause “fee” means any fee or charge in connection with the establishment or operation of the instalment plan or other arrangement which would not otherwise be payable if the residential customer had not entered into the instalment plan or other arrangement.~~

(2) However, a customer is only entitled to select one option under subclause (1) once per bill.

(3) A retailer must offer a residential customer who has been assessed as experiencing financial hardship at least the following (without the need for the customer to make a request) —

(a) a payment plan;

(b) assistance in accordance with clauses 44 and 45.

42. Payment plans [was 6.4]

~~(2)(1) When offering or amending an instalment plan, a~~ A retailer must —

~~(a) — ensure that the instalment plan~~ a payment plan for a residential customer is fair and reasonable, taking into account —

~~(a) information about a residential~~ the customer’s capacity to pay ~~and consumption history~~; and

~~(b) the amount of any arrears payable by the customer to date.~~

~~(b) — comply with subclause (3).~~

(2) A retailer must, in relation to a residential customer for whom a payment plan is being considered, offer the customer assistance to manage their bills for ongoing consumption during the period of the payment plan.

Examples for this subclause:

A retailer may offer to assist a residential customer:

- (a) by estimating the customer's consumption history over the period of the plan and building this into any repayment schedule at the start of the plan; or
- (b) by giving consideration to rolling new bills into the plan as time progresses.

~~(3) — If a residential customer accepts an instalment plan offered by a retailer, the retailer must —~~

- ~~(a) — within 5 business days of the residential customer accepting the instalment plan provide the residential customer with information in writing or by electronic means that specifies —~~
 - ~~(i) — the terms of the instalment plan (including the number and amount of payments, the duration of payments and how the payments are calculated);~~
 - ~~(ii) — the consequences of not adhering to the instalment plan; and~~
 - ~~(iii) — the importance of contacting the retailer for further assistance if the residential customer cannot meet or continue to meet the instalment plan terms, and~~
- ~~(b) — notify the residential customer in writing or by electronic means of any amendments to the instalment plan at least 5 business days before they come into effect (unless otherwise agreed with the residential customer) and provide the residential customer with information in writing or by electronic means that clearly explains and assists the residential customer to understand those changes.~~

~~(4)~~(3) If a residential customer has, in the previous 12 months, had 2 ~~instalment plans~~ payment plans cancelled due to non-payment, a retailer ~~does~~is not ~~have~~required to offer ~~that residential customer~~the customer another ~~instalment plan~~payment plan under ~~subclause (1)~~this Division unless the retailer is satisfied that the ~~residential~~ customer will comply with the ~~instalment plan~~payment plan.

- ~~(5)~~(4) For the purposes of subclause ~~(4)~~(3), cancellation does not include the ~~revision of an instalment plan~~ variation of a payment plan under clause ~~6.7~~ 43.
- (5) If a residential customer accepts a payment plan, the retailer must, within 5 business days after the customer accepting the payment plan, provide the customer with information in writing that specifies —
- (a) the terms of the payment plan, including the number of payments, the amount of each payment, the duration of payments and how the payments are calculated; and
 - (b) the consequences of not complying with the payment plan; and
 - (c) the importance of making contact with the retailer to ask for further assistance if the customer cannot comply with, or continue to comply with, the payment plan terms.
- (6) However, the retailer is not required to comply with subclause (5) if the retailer has provided to the customer the information referred to in that subclause within the preceding 12 months.

43. Variation of payment plans

- (1) A retailer must review a payment plan at the request of the customer.
- (2) A retailer is not required to undertake a review under subclause (1) on more than 2 occasions in any 12-month period (but may do so at any time if the retailer thinks fit).
- (3) The retailer must offer to vary a payment plan if a review under subclause (1) indicates that the customer is unable to meet obligations under the payment plan.
- (4) The retailer must, within 5 business days after the customer accepts an offer to vary the payment plan, provide the customer

with information that clearly explains, and assists the customer to understand, the variation.

- (5) The retailer must not vary a payment plan without the customer's agreement.
- (6) An agreement under subclause (5) must relate to the particular variation rather than under a general agreement to future variations.
- (7) Nothing in this clause prevents a retailer from cancelling a payment plan if the customer has failed to meet the requirements of the payment plan.

~~Division 3—Assistance available to residential customers experiencing financial hardship~~

Division 3 — Additional assistance available to residential customers experiencing financial hardship

~~6.5—Definitions~~

~~In this division—~~

~~*“customer experiencing financial hardship”* means a residential customer who has been assessed by a retailer under clause 6.1(1) as experiencing financial hardship.~~

~~Subdivision 1— Specific assistance available~~

44. Reduction of fees, charges ~~and~~or debt [was 6.6]

- (1) A retailer must give reasonable consideration to a request by a customer experiencing financial hardship, or a relevant consumer representative for the customer, for a reduction of the customer's fees, charges or debt.

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Division 3 Additional assistance available to residential customers experiencing financial hardship

cl. 45

- (2) In ~~giving reasonable consideration~~ acting under subclause (1), a retailer should ~~refer to the~~ take into account its hardship policies and procedures ~~referred to in clause 6.10(3)~~ under clause 46.

~~6.7~~ — Revision of alternative payment arrangements

~~If a customer experiencing financial hardship, or a relevant consumer representative, reasonably demonstrates to a retailer that the customer is unable to meet the customer's obligations under a payment arrangement under clause 6.4(1), the retailer must give reasonable consideration to—~~

- ~~(a) — offering the customer an instalment plan, if the customer had previously elected a payment extension; or~~
- ~~(b) — offering to revise the instalment plan, if the customer had previously elected an instalment plan.~~

45. Provision of information [was 6.8]

A retailer must advise a customer experiencing financial hardship of the —

- (a) customer's right to have ~~the~~ a bill redirected to a different address (including an email address) at no charge ~~to a third person; and~~
- (b) payment methods available to the customer; and
- (c) concessions that may be available to the customer and how to access them; and
- (d) different types of ~~meters~~ tariffs that may be available to the customer ~~and / or tariffs (as applicable); and~~
- (e) independent financial counselling services and relevant consumer representatives available to assist the customer; and
- (f) availability of any other financial assistance ~~and grants schemes that~~ offered by the retailer ~~should reasonably be aware of,~~ and how to access ~~them~~ this assistance.

6.9—Payment in advance

- ~~(1) A retailer must determine the minimum payment in advance amount, as referred to in clause 5.4(3), for residential customers experiencing payment difficulties or financial hardship in consultation with relevant consumer representatives.~~
- ~~(2) A retailer may apply different minimum payment in advance amounts for residential customers experiencing payment difficulties or financial hardship and other customers.~~

Subdivision 2—Hardship policy and hardship procedures

46. ~~Obligation to develop hardship~~ Hardship policy and hardship procedures [was 6.10]

- (1) A retailer must develop, maintain and implement a hardship policy and hardship procedures to assist customers experiencing financial hardship ~~in meeting~~ to meet their financial obligations and responsibilities to the retailer.
- (2) The hardship policy must——
- ~~(a)~~ (a) be developed in consultation with relevant consumer representatives;
 - ~~(b)~~ (a) include a statement encouraging customers to contact ~~their~~ the retailer if ~~a customer is~~ they are having trouble paying the retailer's bill; and
 - ~~(c)~~ (b) include a statement advising that the retailer will treat all customers sensitively and respectfully; and
 - ~~(d)~~ (c) include a statement that the retailer may reduce ~~and/or~~ waive fees, charges ~~and/or~~ debt; and
 - ~~(e)~~ (d) include an objective set of hardship indicators; and
 - ~~(f)~~ (e) include —
 - (i) an overview of the payment and other assistance available to customers ~~in financial hardship or payment difficulties in accordance with Part 6 of~~

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~~the Code~~ under this Part (other than the retailer's requirement to advise the customer of the ability to pay in advance and the matters referred to in ~~clauses 6.8~~ clause 45(a), (b) and (d)); and

- (ii) a statement that the retailer offers residential customers the right to pay their bill by Centrepay; and
- (iii) a statement that the retailer is able to provide further ~~detail~~ details on request;

and

~~(g)~~(f) include an overview of any concessions that may be available to the retailer's customers; and

~~(h)~~(g) include —

- (i) the telephone number for interpreter services, identified by the National Interpreter Symbol with the words "Interpreter Services"; and
- ~~(ii) information on the availability independent multi-lingual services; and~~
- ~~(iii)~~(ii) information on the availability of TTY services the telephone number (or numbers) for services that can assist customers with a speech or hearing impairment;

and

- ~~(i) be available on the retailer's website;~~
- ~~(j)~~(h) for printed copies of the hardship policy — be available in large print copies; and
- ~~(k)~~(i) include a statement specifying how the retailer will treat information disclosed by the customer to the retailer and information held by the retailer in relation to the customer.

(3) The hardship procedures must —

- ~~(a) be developed in consultation with relevant consumer representatives;~~

~~(b)~~(a) provide for the training of staff –

~~(i)~~ ~~(including call centre staff, field officers and all subcontractors employed to engage with customers experiencing financial hardship ~~and field officers;~~)~~

~~(ii)~~ ~~on about issues related to financial hardship and its impacts, and how to deal sensitively and respectfully with customers experiencing financial hardship; and~~

~~(c)~~ ~~Not Used~~

~~(d)~~(b) include guidance —

(i) that ~~assist~~assists the retailer in identifying residential customers who are experiencing financial hardship; and

(ii) that ~~assist~~assists the retailer in determining a residential customer's usage needs and capacity to pay when determining the ~~conditions~~terms of ~~an instalment plan~~ a payment plan; and

(iii) ~~for~~about the suspension of disconnection and debt recovery procedures; and

(iv) ~~on~~about the reduction ~~and/or~~ waiver of fees, charges ~~and/or~~ debt; and

(v) ~~on~~about the recovery of debt;

and

~~(e)~~(c) require that the retailer's credit management staff have a direct telephone number and that the number be provided to relevant consumer representatives;

~~(4)~~ ~~If requested, a retailer must give residential customers and relevant consumer representatives a copy of the hardship policy, including by post at no charge.~~

~~(5)~~ ~~Not Used~~

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~~(6) If directed by the Authority, a retailer must review its hardship policy and hardship procedures in consultation with relevant consumer representatives and submit to the Authority the results of that review within 5 business days after it is completed.~~

(7)(4) A retailer must ensure that its hardship policy and hardship procedures comply with the Authority's *Financial Hardship Policy Guidelines*.

Note for this subclause:

The guidelines are those applying at the time that this code is made.

~~(8) If a retailer makes a material amendment to the retailer's hardship policy, the retailer must consult with relevant consumer representatives, and submit to the Authority a copy of the retailer's amended hardship policy within 5 business days of the amendment.~~

(5) A retailer must consult with relevant consumer representatives whenever the retailer is —

- (a) developing a hardship policy or hardship procedures; or
- (b) making a material amendment to its hardship policy.

(6) A retailer must —

- (a) provide a copy of its hardship policy to the Authority; and
- (b) provide a copy of the amended policy to the Authority if it makes a material amendment to the policy.

(7) If directed by the Authority, a retailer must, within a period specified by the Authority —

- (a) review its hardship policy or hardship procedures; and
- (b) consult with relevant consumer representatives for the purposes of the review; and
- (c) submit the results of the review to the Authority.

**Division 4 — Business customers experiencing payment
difficulties**

47. Alternative payment arrangements [was 6.11]

A retailer must consider any reasonable request for alternative payment arrangements from a business customer who is experiencing payment difficulties.

Consultation Draft

Part 7 — Disconnection ~~& Interruption~~

Division 1 — Conduct in relation to disconnection ~~or~~ ~~interruption~~

Subdivision 1 — Disconnection for failure to pay bill

48. General requirements [was 7.1]

- (1) ~~Prior to~~Before arranging for the disconnection of a customer's supply address for failure to pay a bill, a retailer must —
- (a) ~~give the customer a reminder notice,~~ not less than 15 business days from the date of dispatch of the bill, ~~including give to the customer a written notice (a reminder notice) that includes~~ —
 - (i) the retailer's telephone number for billing and payment enquiries; and
 - (ii) ~~advice on~~ how the retailer may assist ~~in the event if~~ the customer is experiencing ~~payment difficulties or financial hardship~~ problems paying the bill;
- and
- (b) use its best endeavours to contact the customer to advise of the proposed disconnection; and
 - (c) give the customer a disconnection warning, not less than 20 business days from the date of dispatch of the bill, advising the customer —
 - (i) that the retailer may disconnect the customer with at least 5 business days' notice to the customer; and
 - (ii) of the existence and operation of complaint handling processes, including the existence and operation of the electricity industry ombudsman

and the Freecall telephone number of the
electricity [industry](#) ombudsman.

- (2) For the purposes of subclause (1), a customer has failed to pay a retailer's bill if the customer has not —
- (a) paid the retailer's bill by the due date; [or](#)
 - (b) agreed with the retailer to an offer of ~~an instalment plan~~ [payment plan](#) or other payment arrangement to pay the retailer's bill; or
 - (c) adhered to the customer's ~~obligations~~ [obligation](#) to make payments in accordance with an agreed ~~instalment plan~~ [payment plan](#) or other payment arrangement relating to the payment of the retailer's bill.

49. Limitations on disconnection for failure to pay bill [was 7.2]

- (1) ~~Notwithstanding~~ [Despite](#) clause ~~7.1~~ [48](#), a retailer must not arrange for the disconnection of a customer's supply address for failure to pay a bill —
- (a) within 1 business day after the expiry of the period referred to in the disconnection warning; [or](#)
 - (b) ~~if the retailer has made the residential customer an offer in accordance with clause 6.4(1) and the residential customer —~~
 - (i) ~~has accepted the offer before the expiry of the period specified by the retailer in the disconnection warning; and~~
 - (ii) ~~has used reasonable endeavours to settle the debt before the expiry of the time frame specified by the retailer in the disconnection warning;~~[if the customer is adhering to the customer's obligation to make payments in accordance with an agreed payment plan or other payment arrangement relating to the payment of the retailer's bill; or](#)
 - (c) ~~if the amount outstanding is less than an amount approved and published by the Authority in accordance~~

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Division 1 Conduct in relation to disconnection or interruption

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~~with subclause (2) and the customer has agreed with the retailer to repay the amount outstanding;~~

~~if —~~

~~(i) the customer is a residential customer; and~~

~~(ii) the outstanding amount is less than \$300; and~~

~~(iii) the customer has agreed with the retailer to pay this amount;~~

~~or~~

- ~~(d) if the customer has made an application for a concession informed the retailer, or the retailer is otherwise aware, that the customer has applied for a concession and a decision on the application has not yet been made; or~~
- ~~(e) if the customer has failed to pay an amount which that does not relate to the supply of electricity; or~~
- ~~(f) if the supply address bill does not relate to the bill, unless supply address, other than if the amount outstanding bill relates to a supply address previously occupied by the customer.~~

~~(2) For the purposes of subclause (1)(c), the Authority may approve and publish, in relation to failure to pay a bill, an amount outstanding below which a retailer must not arrange for the disconnection of a customer's supply address.~~

50. Dual fuel contracts [was 7.3]

~~(1) If~~ This clause applies if a retailer and a residential customer have entered into —

- (a) a dual fuel contract; or
- (b) separate contracts for the supply of electricity and the supply of gas, under which —
 - (i) a single bill for energy is issued to the customer; or
 - (ii) separate, simultaneous bills for electricity and gas are issued to the customer.

~~issued to the residential customer,~~

- (2) ~~the~~The retailer must not arrange for disconnection of the ~~residential~~ customer's supply address for failure to pay a bill within 15 business days from the date of disconnection of the ~~residential~~ customer's gas supply.

Subdivision 2 — Disconnection for denying access to meter

51. ~~General requirements~~Disconnection for denying access to meter [was 7.4]

- (1) ~~A retailer must not arrange for the disconnection of a customer's supply address for denying access to the meter, unless—~~
- (a) ~~the customer has denied access for at least 9 consecutive months;~~

Subclause (2) applies if, for at least 9 consecutive months, a customer has not provided the retailer or relevant distributor (or a representative of the retailer or relevant distributor) safe access to the customer's supply address for the purposes of reading a meter at the supply address.

- (2) If this subclause applies, the retailer may arrange for the disconnection of the customer's supply address if —
- (b)(a) the retailer has, ~~prior to giving the customer a disconnection warning under subclause (f),~~ on at least ~~once~~ 1 occasion, given the customer ~~in writing~~ 5 business days ~~written~~ notice —
- (i) ~~advising the customer of the next date or timeframe of a scheduled meter reading at the supply address;~~
- (ii) ~~requesting access to the meter at the supply address for the purpose of the scheduled meter reading; and~~
- (i) giving at least 5 business days' notice of a date on which, or a timeframe during which, the

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customer is requested to provide safe access to the supply address in order for the retailer or relevant distributor (or a representative) to gain access to a meter; and

(ii) if appropriate, informing the customer of the availability of alternative meters that are suitable to the customer's supply address; and

(iii) advising the customer of the retailer's ability to arrange for disconnection if the customer fails to provide safe access to the meter in accordance with the requirements of the notice or by providing reasonable alternative access arrangements;

and

~~(e)(b) the retailer has given the customer an opportunity has failed to provide safe access in accordance with the requirements of the notice, or~~ reasonable alternative access arrangements within a reasonable time after notice is given under paragraph (a); and

~~(d) where appropriate, the retailer has informed the customer of the availability of alternative meters which are suitable to the customer's supply address;~~

~~(e)(c)~~ the retailer has used its best endeavours to contact the customer to advise of the proposed disconnection on account of that failure; and

~~(f)(d)~~ the retailer has given the customer a disconnection warning with at least 5 business days' notice of its intention to arrange for disconnection.

~~(2) A retailer may arrange for a distributor to carry out 1 or more of the requirements referred in subclause (1) on behalf of the retailer.~~

(3) Subclause (4) applies if a customer has not provided the retailer or relevant distributor (or a representative of the retailer or

relevant distributor) safe access to the customer's supply
address for the purposes of —

- (a) testing, maintaining, inspecting, altering or replacing a
meter at the supply address; or
- (b) checking the accuracy of the customer's consumption at
the supply address.

(4) If this subclause applies, the retailer may arrange for the
disconnection of the customer's supply address if —

- (a) the retailer has, on at least 1 occasion, given the
customer written notice —
 - (i) stating the matter giving rise to the potential
disconnection of the supply address; and
 - (ii) giving at least 5 business days' notice of a date
on which, or a timeframe during which, the
customer is requested to provide safe access to
the supply address in order for the retailer or
relevant distributor (or a representative) to gain
access to a meter; and
 - (iii) advising the customer of the retailer's ability to
arrange for disconnection if the customer fails to
provide safe access to the meter in accordance
with the requirements of the notice or by
providing reasonable alternative access
arrangements;

and

- (b) the customer has failed to provide safe access in
accordance with the requirements of the notice, or
reasonable alternative access arrangements within a
reasonable time after notice is given under
paragraph (a).

~~Subdivision 3 — Disconnection or interruption for emergencies~~

~~7.5 — General requirements~~

~~If a distributor disconnects or interrupts a customer's supply
address for emergency reasons, the distributor must —~~

- ~~(a) — provide, by way of a 24-hour emergency line at the cost
of a local call (excluding mobile telephones),
information on the nature of the emergency and an
estimate of the time when supply will be restored; and~~
- ~~(b) — use its best endeavours to restore supply to the
customer's supply address as soon as possible.~~

Division 2 — ~~Limitations~~Limits on disconnection

52. General ~~limitations~~limits on disconnection [was 7.6]

- (1) ~~Subject to~~Unless subclause (3) applies, a retailer must not
arrange for the disconnection of a customer's supply address
if —
 - (a) the customer has made a complaint ~~has been made~~ to the
retailer that is directly related to the reason for the
proposed disconnection and the complaint has not been
resolved by the retailer; or
 - (b) the retailer ~~is~~has been notified by the relevant
distributor, electricity industry ombudsman or an
external dispute resolution body that ~~there is the~~
customer has made a complaint, that is directly related
to the reason for the proposed disconnection and the
complaint has not been resolved by the distributor or
determined by the electricity industry ombudsman or
external dispute resolution body (as the case may be);
~~that has been made to the distributor, electricity
ombudsman or external dispute resolution body;~~ or

~~and the complaint is not resolved by the retailer or distributor or determined by the electricity ombudsman or external dispute resolution body.~~

(c) the supply address is registered under Part 11 as a life support equipment address.

(2) ~~Subject to~~Unless subclause (3) applies, a distributor must not disconnect a customer's supply address —

(a) if —

(i) ~~the customer has made~~ a complaint ~~has been made~~ to the distributor ~~that is~~ directly related to the reason for the proposed disconnection ~~and the complaint has not been resolved by the distributor~~; or

(ii) the distributor ~~is~~ has been notified by a retailer, the electricity industry ombudsman or an external dispute resolution body that ~~there is the customer has made~~ a complaint; ~~that is~~ directly related to the reason for the proposed disconnection; ~~and the complaint has not been resolved by the retailer or determined by the electricity industry ombudsman or external dispute resolution body (as the case may be); that has been made to the retailer, electricity ombudsman or external dispute resolution body;~~ ~~and the complaint is not resolved by the retailer or distributor or determined by the electricity ombudsman or external dispute resolution body;~~ or

or

(b) if the supply address is registered under Part 11 as a life support equipment address; or

(c) during any time:

~~(i) — after 3.00 pm Monday to Thursday;~~

~~(ii) — after 12.00 noon on a Friday; or~~

~~(iii) — on a Saturday, Sunday, public holiday or on the business day before a public holiday;~~

a protected period unless —

~~(iv)~~(i) the customer is a business customer; and

~~(v)~~(ii) the business customer's normal trading hours fall within a protected period and do not fall within any other period; and —

~~(A) — fall within the time frames set out in subclause (b)(i) (ii) or (iii); and~~

~~(B) — do not fall within any other time period; and~~

~~(vi)~~(iii) it is not practicable for the distributor to disconnect at any other time.

(3) ~~A retailer or a distributor may arrange for disconnection or interruption of a customer's supply address.~~ Subclauses (1) and (2) do not apply if —

(a) the disconnection ~~was~~is requested by the customer; or

(b) ~~the disconnection or interruption was carried out for emergency reasons.~~ there is a health or safety reason warranting the disconnection; or

(c) there is an emergency warranting disconnection; or

(d) electricity has been illegally consumed at the supply address.

~~7.7~~ **Life Support**

~~(1) — If a customer provides a retailer with confirmation from an appropriately qualified medical practitioner that a person residing at the customer's supply address requires life support equipment, the retailer must —~~

~~(a) — register the customer's supply address as a life support equipment address;~~

~~(b) — register the customer's contact details;~~

- ~~(c) — notify the customer’s distributor that the customer’s supply address is a life support equipment address, and of the contact details of the customer —~~
- ~~(i) — that same day, if the confirmation is received before 3pm on a business day; or~~
 - ~~(ii) — no later than the next business day, if the confirmation is received after 3pm or on a Saturday, Sunday or public holiday; and~~
- ~~(d) — not arrange for disconnection of that customer’s supply address for failure to pay a bill while the person continues to reside at that address and requires the use of life support equipment.~~
- ~~(2) — If a customer registered with a retailer under subclause (1) notifies the retailer —~~
- ~~(a) — that the person residing at the customer’s supply address who requires life support equipment is changing supply address;~~
 - ~~(b) — that the customer is changing supply address but the person who requires life support equipment is not changing supply address;~~
 - ~~(c) — of a change in contact details; or~~
 - ~~(d) — that the customer’s supply address no longer requires registration as a life support equipment address;~~
- ~~the retailer must —~~
- ~~(e) — register the change;~~
 - ~~(f) — notify the customer’s distributor of the change —~~
 - ~~(i) — that same day, if the notification is received before 3pm on a business day; or~~
 - ~~(ii) — no later than the next business day, if the notification is received after 3pm or on a Saturday, Sunday or public holiday; and~~
 - ~~(g) — continue to comply with subclause (1)(d) with respect to that customer’s supply address.~~

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Part 4 Disconnection & Interruption

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~~(3) — If a distributor has been informed by a retailer under subclause (1)(c) or by a relevant government agency that a person residing at a customer's supply address requires life support equipment, or of a change of details notified to the retailer under subclause (2), the distributor must —~~

~~(a) — register the customer's supply address as a life support equipment address or update the details notified by the retailer under subclause (2) —~~

~~(i) — the next business day, if the notification is received before 3pm on a business day; or~~

~~(ii) — within 2 business days, if the notification is received after 3pm or on a Saturday, Sunday or public holiday; and~~

~~(b) — if informed by a relevant government agency, notify the retailer in accordance with the timeframes specified in subclause (3)(a).~~

~~(4) — If life support equipment is registered at a customer's supply address under subclause (3)(a), a distributor must —~~

~~(a) — not disconnect that customer's supply address for failure to pay a bill while the person continues to reside at that address and requires the use of life support equipment; and~~

~~(b) — prior to any planned interruption, provide at least 3 business days written notice to the customer's supply address and any other address nominated by the customer, or notice by electronic means to the customer, and unless expressly requested in writing by the customer not to, use best endeavours to obtain verbal acknowledgement, written acknowledgement or acknowledgement by electronic means from the customer or someone residing at the supply address that the notice has been received.~~

~~(4A) — Notwithstanding clause 7.7(4)(b) —~~

- ~~(a) — an interruption, planned or otherwise, to restore supply to a supply address that is registered as a life support equipment address is not subject to the notice requirements in clause 7.7(4)(b); however~~
- ~~(b) — a distributor must use best endeavours to contact the customer, or someone residing at the supply address, prior to an interruption to restore supply to a supply address that is registered as a life support equipment address.~~
- ~~(5) — If a distributor has already provided notice of a planned interruption under the Electricity Industry Code that will affect a supply address, prior to the distributor registering a customer's supply address as a life support equipment address under clause 7.7(3)(a), the distributor must use best endeavours to contact that customer or someone residing at the supply address prior to the planned interruption.~~
- ~~(6) — (a) — No earlier than 3 months prior to the 12 month anniversary of the confirmation from the appropriately qualified medical practitioner referred to in subclause (1), and in any event no later than 3 months after the 12 month anniversary of the confirmation, a retailer must contact a customer to —~~
- ~~(i) — ascertain whether a person residing at the customer's supply address continues to require life support equipment; and~~
- ~~(ii) — if the customer has not provided the initial certification or re-certification from an appropriately qualified medical practitioner within the last 3 years, request that the customer provide that re-certification.~~
- ~~(b) — A retailer must provide a minimum period of 3 months for a customer to provide the information requested by the retailer in subclause (6)(a).~~
- ~~(7) — (a) — When —~~

- ~~(i) — a person who requires life support equipment, vacates the supply address; or~~
- ~~(ii) — a person who required life support equipment, no longer requires the life support equipment; or~~
- ~~(iii) — subject to subclause (7)(b), a customer fails to provide the information requested by a retailer for the purposes of subclause (6)(a)(i) or the re-certification referred to in subclause (6)(a)(ii), within the time period referred to in subclause (6)(b), or greater period if allowed by the retailer,~~
~~the retailer's and distributor's obligations under subclauses (1) to (6) terminate and the retailer or distributor (as applicable) must remove the customer's details from the life support equipment address register upon being made aware of any of the matters in subclauses (7)(a)(i), (ii) or (iii) —~~
- ~~(iv) — the next business day, if the retailer or distributor (as applicable) becomes aware of the relevant matter in subclause (7)(a)(i), (ii) or (iii) before 3pm on a business day; or~~
- ~~(v) — within 2 business days, if the retailer or distributor (as applicable) becomes aware of the relevant matter in subclause (7)(a)(i), (ii) or (iii) after 3pm or on a Saturday, Sunday or public holiday.~~

~~(b) — A customer will have failed to provide the information requested by a retailer for the purposes of subclause (6)(a)(i) or the re-certification referred to in subclause (6)(a)(ii) if the contact by the retailer consisted of at least the following, each a minimum of 10 business days from the date of the last contact —~~

- ~~(i) — written correspondence sent by registered post to the customer's supply address and any other address nominated by the customer; and~~

- ~~(ii) — a minimum of 2 other attempts to contact the customer by any of the following means —~~
- ~~(A) — electronic means;~~
 - ~~(B) — telephone;~~
 - ~~(C) — in person; or~~
 - ~~(D) — Not Used~~
 - ~~(E) — by post sent to the customer’s supply address and any other address nominated by the customer.~~
- ~~(c) — If a distributor’s obligations under subclauses (3), (4), (4A) and (5) terminate as a result of the operation of subclause (7)(a)(iii), a retailer must notify the distributor of this fact as soon as reasonably practicable, but in any event, within 3 business days.~~
- ~~(d) — For the avoidance of doubt, the retailer’s and distributor’s obligations under subclauses (1) to (6) do not terminate by operation of this subclause (7) if the retailer or distributor has been informed in accordance with subclause (1) that another person who resides at the supply address continues to require life support equipment.~~

Part 8 — Reconnection

53. ~~Reconnection by retailer~~* Obligation on retailer to arrange reconnection [was 8.1]

- (1) ~~If a retailer has arranged for disconnection of a customer's supply address due to—~~
- ~~(a) failure to pay a bill, and the customer has paid or agreed to accept an offer of an instalment plan, or other payment arrangement;~~
 - ~~(b) the customer denying access to the meter, and the customer has subsequently provided access to the meter;~~
~~or~~
 - ~~(c) illegal use of electricity, and the customer has remedied that breach, and has paid, or made an arrangement to pay, for the electricity so obtained,~~
- ~~the retailer must arrange for reconnection of the customer's supply address, subject to—~~
- ~~(d) the customer making a request for reconnection; and~~
 - ~~(e) the customer —~~
 - ~~(i) paying the retailer's reasonable charge for reconnection, if any; or~~
 - ~~(ii) accepting an offer of an instalment plan for the retailer's reasonable charges for reconnection, if any.~~

This clause applies if —

- (a) a customer's supply address has been disconnected by, or at the request of, the retailer; and
- (b) the customer has —
 - (i) if relevant, rectified the matter that led to the disconnection or made arrangements to the satisfaction of the retailer; and
 - (ii) made a request for reconnection; and

(iii) paid the retailer's charge for reconnection (if any), or accepted an offer of a payment plan for those charges.

(2) The retailer must arrange for the customer's supply address to be reconnected.

~~(2)~~(3) For the purposes of subclause ~~(1)~~(2), a retailer must forward the customer's request for reconnection to the relevant distributor —

(a) ~~that~~on the same business day, if the request is received before ~~3pm~~3 pm on a business day; or

(b) no later than ~~3pm~~3 pm on the next business day, if the request is received —

(i) after ~~3pm~~3 pm on a business day, or

(ii) on a Saturday, a Sunday or a public holiday throughout the State.

~~(3)~~(4) ~~If a retailer does not forward the request for reconnection to the relevant distributor within the timeframes in subclause (2), the retailer will not be in breach of this clause 8.1 if the retailer causes~~ Alternatively, a retailer may cause the customer's supply address to be reconnected ~~by the distributor~~ within the timeframes that apply under clause 54(4)(a) or (b) in clause 8.2(2) as if the distributor had received the request for reconnection from the retailer in accordance with subclause (2).

54. ~~Reconnection by distributor~~ Obligation on distributor to reconnect supply address [was 8.2]

(1) ~~If a distributor has disconnected a customer's supply address on request by the customer's retailer, and a retailer has subsequently requested the distributor to reconnect the customer's supply address, the~~ A distributor must reconnect ~~the~~ a customer's supply address ~~if —~~

(a) a retailer has arranged for the disconnection of the customer's supply address; and

(b) the retailer has forwarded the customer's request for reconnection to the distributor under clause 53.

(2) Subclause (3) applies if —

(a) a distributor has disconnected a customer's supply address otherwise than at the request of a retailer; and

(b) the customer has —

(i) if relevant, rectified the matter that led to the disconnection; and

(ii) made a request for reconnection; and

(iii) paid the distributor's charge for reconnection (if any).

(3) The distributor must reconnect the customer's supply address.

~~(2)~~(4) For the purposes of ~~subclause-subclauses~~ (1) and (3), a distributor must reconnect a customer's supply address —

(a) ~~for supply addresses if the supply address is~~ located within the metropolitan area —

(i) within 1 business day ~~of~~after receipt of the relevant request, if the request is received ~~prior to 3 pm~~before 3 pm on a business day; and

(ii) within 2 business days ~~of~~after receipt of the relevant request, if the request is received after ~~3 pm~~3 pm on a business day or on a Saturday, a Sunday or a public holiday throughout the State;

and

(b) ~~for supply addresses if the supply address is~~ located within ~~the~~a regional area —

(i) within 5 business days ~~of~~after receipt of the relevant request, if the request is received ~~prior to 3 pm~~before 3 pm on a business day; and

(ii) within 6 business days ~~of~~after receipt of the relevant request, if the request is received after

~~3pm~~ 3 pm on a business day, or on a Saturday, a
Sunday or a public holiday throughout the State.

~~(3)~~(5) Subclause ~~(2)~~(4) does not apply in the ~~event~~case of an
emergency.

Consultation Draft

Part 9 — Pre-payment meters

55. Application [was 9.1]

- (1) ~~Parts 4, 5, 6 (with the exception of clause 6.10), 7 and 8 and clauses 2.4 (other than as specified below), 10.2 and 10.7 of the Code~~The following do not apply to a pre-payment meter customer: —
- (a) Parts 4, 5, 7, 8 and 11;
 - (b) Part 6 (other than clause 46);
 - (c) clause 11 (other than as specified below);
 - (d) clause 72.
- (2) A distributor may only operate a pre-payment meter, and a retailer may only offer a pre-payment meter service, in an area that has been declared by the Minister by notice published in the *Government Gazette*.

56. Operation of pre-payment meter [was 9.2]

- (1) A retailer must not provide a pre-payment meter service at a residential customer's supply address without the verifiable consent of the ~~residential~~ customer or the ~~residential~~ customer's nominated representative.
- (2) A retailer must establish an account for each pre-payment meter operating at a residential customer's supply address.
- ~~(3) — Not Used~~
- ~~(4)~~(3) Subject to any applicable law, a retailer is not obliged to offer a pre-payment meter service to a customer.

57. Provision of ~~mandatory~~ information [was 9.3]

- (1) A retailer must ~~advise, on request by~~ a residential customer ~~who requests information on the use of a pre-payment meter,~~ provide at no charge and in clear, simple and concise language

the following information in relation to the use of a pre-payment meter —

- (a) ~~of~~ all applicable tariffs, fees and charges payable by the ~~residential~~ customer and the basis for the calculation of those charges;
 - (b) ~~of~~ the tariffs, fees and charges applicable to ~~a~~the pre-payment meter service relative to relevant tariffs, fees and charges ~~which~~that would apply to ~~that~~ ~~residential~~the customer if no pre-payment meter was operating at the ~~residential~~customer's supply address;
 - (c) ~~of~~ the retailer's charges, or its best estimate of those charges, to replace the pre-payment meter with a standard meter or to switch ~~a~~the pre-payment meter to a standard meter;
 - (d) how ~~a~~the pre-payment meter is operated;
 - (e) how the ~~residential~~customer may recharge the pre-payment meter (including details of cost, location and business hours of recharge facilities);
 - (f) ~~of~~ the emergency credit facilities applicable to ~~a~~the pre-payment meter; ~~and~~
 - (g) ~~of~~ credit retrieval.
- (2) No later than 10 business days after the time a residential customer enters into a pre-payment meter contract at the ~~residential~~customer's supply address, a retailer must give; or make available to the ~~residential~~customer at no charge —
- (a) the information specified ~~within~~in subclause (1); ~~and~~
 - (b) a copy of the contract; ~~and~~
 - (c) information on the availability and scope of ~~the Code~~ this code and the requirement that retailers, distributors; ~~retailers~~ and electricity marketing agents comply with ~~the Code~~this code; ~~and~~
 - ~~(d) — Not Used~~
 - ~~(e)~~(d) a meter identification number for the meter; ~~and~~

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- ~~(f)~~(e) a telephone number for enquiries; and
- ~~(g)~~(f) a telephone number for complaints; and
- ~~(h)~~(g) the relevant distributor's 24-hour telephone number for faults and emergencies; and
- ~~(i)~~(h) confirmation of the supply address and any relevant mailing address; and
- ~~(j)~~(i) details of any concessions the ~~residential~~ customer may be eligible to receive; and
- ~~(k)~~(j) the amount of any concessions to be given to the ~~residential~~ customer; and
- ~~(l)~~(k) ~~information on the availability of multi-lingual services (in languages reflective of the retailer's customer base);~~ the telephone number for interpreter services, identified by the National Interpreter Symbol; and
- ~~(m)~~(l) ~~information on the availability of TTY services;~~ the telephone number (or numbers) for services that can assist customers with a speech or hearing impairment; and
- ~~(n)~~(m) ~~advice on~~ how the retailer may assist in the event the ~~residential~~ customer is experiencing ~~payment difficulties or financial hardship;~~ difficulties paying for their consumption; and
- ~~(o)~~(n) ~~advice on~~ how to make ~~a~~ an enquiry of, or complaint to, ~~or enquiry of,~~ the retailer; and
- ~~(p)~~(o) ~~details on external complaints handling processes including~~ the contact details for the electricity industry ombudsman; and
- ~~(q)~~(p) general information on the safe use of electricity; and
- ~~(r)~~(q) details of the initial recharge facilities available to the ~~residential~~ customer; and
- ~~(s)~~(r) the date of the expiry of the ~~residential pre-payment meter~~ customer's right to revert to a standard meter at no charge; and

- (s) the options available to the ~~residential pre-payment meter~~ customer if the ~~residential pre-payment meter~~ customer replaces the pre-payment meter with a standard meter or switches the pre-payment meter to a standard meter.
- (3) A retailer must ensure that the following information is shown on or directly adjacent to a residential customer's pre-payment meter —
- (a) the positive or negative ~~financial~~ balance of the pre-payment meter within 1 dollar of the actual balance;
 - (b) whether the pre-payment meter is operating on normal credit or emergency credit;
 - (c) a telephone number for enquiries; ~~and~~
 - (d) the relevant distributor's 24-hour telephone number for faults and emergencies.
- (4) A retailer must give a pre-payment meter customer on request, at no charge, the following information —
- ~~(a) total energy consumption;~~
 - ~~(b) average daily consumption; and~~
 - ~~(c) average daily cost of consumption,~~
- for the previous 2 years or since the commencement of the pre-payment meter contract (whichever is the shorter), divided ~~in~~into quarterly segments. —
- (a) total energy consumption;
 - (b) average daily consumption;
 - (c) average daily cost of consumption.
- (5) A retailer must, within 10 business days ~~of~~after the change, use reasonable endeavours to notify a pre-payment meter customer in writing ~~or by electronic means~~ if the recharge facilities available to the residential customer change from the initial recharge facilities referred to in subclause (2)~~(r)~~(q).

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- (6) The information to be provided ~~in~~under this clause, ~~with the exception of other than~~ the information in subclause (3), may be provided in writing to a pre-payment meter customer at ~~—~~
- (a) the ~~pre-payment meter~~ customer's supply address; ~~or~~
 - (b) another address nominated by the ~~pre-payment meter~~ customer; or
 - (c) an email address nominated by the ~~pre-payment meter~~ customer.

58. Reversion [was 9.4]

- (1) If a pre-payment meter customer ~~notifies~~requests the retailer ~~that it wants to replace or switch~~ the pre-payment meter ~~to~~with a standard meter, ~~the retailer must~~ within 1 business day ~~of~~after the request –
- ~~(a) — send the information referred to in clauses 2.3 and 2.4 to the pre-payment meter customer in writing or by electronic means; and~~
 - ~~(b) —~~ the retailer must arrange with the relevant distributor to –
 - ~~(i) — remove or render non-operational the pre-payment meter; and~~
 - ~~(ii) —~~ replace the pre-payment meter with a standard meter or switch the pre-payment meter to a standard meter.
- (2) A retailer must not require payment of a charge for reversion to a standard meter if a pre-payment meter customer is a residential customer and that customer, or its nominated representative, requests reversion of a pre-payment meter under subclause (1) within 3 months ~~of~~after the later of ~~—~~
- (a) the installation of the pre-payment meter; or
 - (b) the date on which the customer ~~agrees to enter~~ entered into ~~a~~ the pre-payment meter contract.

- (3) If a pre-payment meter customer requests reversion of a pre-payment meter under subclause (1) after the date calculated in accordance with subclause (2), a retailer may charge the ~~pre-payment meter~~ customer a reasonable charge for the reversion ~~to a standard meter~~.
- (4) However, the retailer's obligations under subclause (1) —
- (a) if the pre-payment meter customer is a residential pre-payment meter customer, ~~—~~ are not conditional on the ~~pre-payment meter~~ customer paying the retailer's reasonable charge for reversion to a standard meter (if any); and
 - (b) ~~if the pre-payment meter customer is not a residential pre-payment meter customer,~~ otherwise ~~—~~ may be made conditional on the pre-payment meter customer paying the retailer's reasonable charge for reversion to a standard meter (if any).
- (4)(5) If a retailer requests a distributor to revert a pre-payment meter under subclause (1), the distributor must revert the pre-payment meter at that supply address —
- (a) ~~for supply addresses~~ if the supply address is located within the metropolitan area, ~~—~~ within 5 business days ~~of~~ after receipt of the request; or
 - (b) ~~for supply addresses~~ if the supply address is located within ~~the~~ regional area, ~~—~~ within 10 business days ~~of~~ after receipt of the request.

59. Life support equipment [was 9.5]

- (1) If a pre-payment meter customer provides a retailer with confirmation from an appropriately qualified medical practitioner that a person residing at the pre-payment meter customer's supply address requires life support equipment, the retailer must not provide a pre-payment meter service at that supply address and the retailer must, or must immediately arrange to —

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- (a) remove or render non-operational the pre-payment meter at no charge; and
 - (b) replace the pre-payment meter with a standard meter, or switch the pre-payment meter to a standard meter, at no charge; and
 - (c) provide information to the pre-payment meter customer about the contract options available to the pre-payment meter customer.
- (2) If a retailer requests a distributor to revert a pre-payment meter under subclause (1), the distributor must revert the pre-payment meter at that supply address as soon as possible and in any event no later than —
- (a) ~~for supply addresses~~ if the supply address is located within the metropolitan area — —
 - (i) ~~within 1 business day of receipt of the request~~, if the request is received ~~prior to 3pm~~ before 3 pm on a business day ~~— within 1 business day after receipt of the request~~; and
 - (ii) ~~within 2 business days of receipt of the request~~, if the request is received after ~~3pm~~ 3 pm on a business day or on a Saturday, a Sunday or a public holiday throughout the State — within 2 business days after receipt of the request;
 - (b) ~~for supply addresses~~ if the supply address is located within ~~the~~ a regional area —
 - (i) ~~within 9 business days of receipt of the request~~, if the request is received ~~prior to 3pm~~ before 3 pm on a business day ~~— within 9 business days after receipt of the request~~; and
 - (ii) ~~within 10 business days of receipt of the request~~, if the request is received after ~~3pm~~ 3 pm on a business day, or on a Saturday, a Sunday or a public holiday throughout the State — within 10 business days after receipt of the request.

60. Requirements for pre-payment meters [was 9.6]

- ~~(a)~~(1) A retailer must ensure that a pre-payment meter customer has access to an amount of emergency credit of \$20 outside of normal business hours. ~~Once the emergency credit is used, and no additional credit has been applied, the pre-payment meter service will be de-energised.~~
- (2) The following provisions apply in relation to a retailer's ability to de-energise a pre-payment meter service —
- (a) if the pre-payment meter has run out of credit (disregarding any emergency credit), the meter may be de-energised during normal business hours;
 - (b) if the pre-payment meter has run out of credit and any emergency credit, the meter may be de-energised at any time;
 - (c) if the meter has been de-energised and the customer makes a payment to their account that results in an amount of credit in excess of emergency credit, the meter must be re-energised.
- (3) A retailer is not required to re-energise a meter if the only credit that the customer has is emergency credit.
- ~~(b)~~(4) A retailer must ensure that a pre-payment meter service —
- ~~(i)~~(a) is capable of ~~informing~~providing the following information to the retailer ~~of~~at least once in every month —
 - ~~(A)~~(i) the number of instances ~~wherein which~~ a pre-payment meter customer has been disconnected; ~~and~~
 - ~~(B)~~(ii) the duration of each of those disconnections ~~referred to in subclause (b)(i)(A);~~
~~at least every month,~~ and
 - ~~(ii)~~(b) ~~is capable of recommencing supply and supply is recommenced~~subject to subclauses (2) and (3), recommences supply as soon as information is

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communicated to the pre-payment meter that a payment to the account has been made.

61. Recharge facilities [was 9.7]

~~Unless otherwise agreed with the customer, a~~ retailer must ensure that —

- (a) at least 1 physical recharge facility is located as close as practicable to a pre-payment meter, ~~and in any case no further than 40 kilometres away;~~ and
- (b) a pre-payment meter customer can access a recharge facility at least 3 hours per day, 5 days per week; and
- (c) it uses its best endeavours to ensure that the pre-payment meter customer can access a recharge facility for periods greater than required under ~~subclause paragraph~~ (b); and
- (d) the minimum amount to be credited by a recharge facility does not exceed \$20 per increment.

62. Concessions [was 9.8]

If a pre-payment meter customer demonstrates to a retailer that the ~~pre-payment meter~~ customer is entitled to receive a concession, the retailer must ensure that the ~~pre-payment meter~~ customer receives the ~~benefit of the~~ concession.

63. Meter check or test [was 9.9]

- (1) If a pre-payment meter customer requests that the whole or part of a pre-payment meter be checked or tested, a retailer must, ~~at the request of the pre-payment meter customer,~~ make immediate arrangements to do 1 or more of the following —
 - (a) check the ~~pre-payment meter~~ customer's metering data;
 - (b) check or conduct a test of the pre-payment meter; ~~and/or~~
 - (c) arrange for a check or test by the responsible person for the meter installation at the ~~pre-payment meter~~ customer's connection point.

- (2) If a retailer requests a distributor to check or test a pre-payment meter under subclause (1), the distributor must check or test the pre-payment meter.
- (3) A pre-payment meter customer who requests a check or test of a pre-payment meter under subclause (1) must pay a retailer's reasonable charge for checking or testing the pre-payment meter (if any).
- (4) If a pre-payment meter is found to be inaccurate or not operating correctly following a check or test undertaken in accordance with subclause (1), a retailer must —
 - (a) immediately arrange for the repair or replacement of the faulty pre-payment meter; and
 - (b) correct any overcharging or undercharging in accordance with clause ~~9.11~~ 65; and
 - (c) refund any charges paid by the pre-payment meter customer under this clause for the testing of the pre-payment meter.

64. Credit retrieval, ~~overcharging and undercharging~~ [was 9.10]

- ~~(1)~~ (1) ~~Subject to~~ If a pre-payment meter customer ~~notifying~~ notifies a retailer of ~~the~~ a proposed vacation date, the retailer must ensure that the ~~pre-payment meter~~ customer can retrieve all remaining credit at the time the ~~pre-payment meter~~ customer vacates the supply address.

65. Overcharging and undercharging [was 9.10]

- ~~(2)~~ (1) If a pre-payment meter customer (including a pre-payment meter customer who has vacated the supply address) has been overcharged as a result of an act or omission of ~~the~~ a retailer or relevant distributor (including ~~if a pre-payment meter has been found to be defective~~ as a result of a defective pre-payment meter), the retailer must —

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- (a) use its best endeavours to inform the ~~pre-payment meter~~ customer accordingly within 10 business days ~~of~~after the retailer becoming aware of the error; and
- (b) ask the ~~pre-payment meter~~ customer for instructions as to whether the amount should be —

 - (a)(i) credited to the ~~pre-payment meter~~ customer's account; or
 - (b)(ii) repaid to the ~~pre-payment meter~~ customer.
- ~~(3)~~(2) If ~~a~~the retailer receives instructions from the customer under subclause ~~(2)~~(1), the retailer must pay the amount in accordance with the ~~pre-payment meter~~ customer's instructions within 12 business days ~~of~~after receiving the instructions.
- ~~(4)~~(3) If ~~a~~the retailer does not receive instructions from the customer under subclause ~~(2)~~(1) within 20 business days ~~of~~after making the request for instructions, the retailer must use reasonable endeavours to credit the amount overcharged to the ~~pre-payment meter~~ customer's account.
- (4) If the amount referred to in subclause (1) is less than \$100, the retailer may credit the amount to the customer's account instead of complying with subclause (1).
- (5) No interest ~~shall accrue to a credit or refund referred to in subclause (2)~~is payable on an amount that has been overcharged.
- (6) If a retailer proposes to recover an amount undercharged as a result of an act or omission by the retailer or relevant distributor (including ~~if a pre-payment meter has been found to be defective~~as a result of a defective pre-payment meter), the retailer must —

 - (a) limit the amount to be recovered to no more than the amount undercharged in the 12 months ~~prior to~~before the date on which the retailer ~~notified~~notifies the pre-payment meter customer that undercharging ~~had~~has occurred; and

- (b) list the amount to be recovered as a separate item in a special bill ~~or in the next bill (if applicable)~~, together with an explanation of that amount; [and](#)
- (c) not charge the pre-payment meter customer interest on that amount or require the pre-payment meter customer to pay a late payment fee; and
- (d) offer the pre-payment meter customer time to pay that amount by means of ~~an instalment plan in accordance with clause 6.4(2) (as if clause 6.4(2) applied to the retailer) and~~ [a payment plan](#) covering a period at least equal to the period over which the recoverable undercharging occurred.

~~(7) — If the amount referred to in subclause (2) is less than \$100, the retailer may —~~

- ~~(a) — ask the pre-payment meter customer for instructions under subclause (2) (in which case subclauses (3) and (4) apply as if the retailer sought instructions under subclause (2)); or~~
- ~~(b) — credit the amount to the pre-payment meter customer's account (in which case subclause (3) applies as if the pre-payment meter customer instructed the retailer to credit the pre-payment meter customer's account).~~

66. [Payment difficulties or financial hardship](#) [Information for customers experiencing payment difficulties](#) [was 9.11]

- ~~(1) — A retailer must give reasonable consideration to a request by —~~
 - ~~(a) — a residential pre-payment meter customer who informs the retailer that the pre-payment meter customer is experiencing payment difficulties or financial hardship; or~~
 - ~~(b) — a relevant consumer representative;~~

~~for a waiver of any fee payable by the pre-payment meter customer to replace or switch a pre-payment meter to a standard meter.~~

~~(2)(1) Notwithstanding its obligations under clause 6.10, a retailer must ensure that~~This clause applies if —

- (a) ~~if~~ a residential pre-payment meter customer informs ~~the~~ a retailer that the ~~pre-payment meter~~ customer is experiencing ~~payment difficulties or financial hardship~~difficulties paying for their consumption; or
- (b) ~~the~~ a retailer identifies that a residential pre-payment meter customer has been disconnected 2 or more times in any 1-month period for longer than 120 minutes on each occasion~~.~~.

~~(2)~~ subject to subclause (3), the retailer must ~~use best endeavours to contact the pre-payment meter customer,~~ as soon as is reasonably practicable, use its best endeavours to provide the following information in writing to the customer —

~~(e)~~ — Not Used

- ~~(d)~~(a) information about the different types of meters available to the ~~pre-payment meter~~ customer;
- ~~(e)~~(b) information about ~~and referral to~~ relevant financial assistance programmes~~;~~; ~~and/or~~
- ~~(f)~~(c) ~~referral to~~ information about how to contact relevant consumer representatives; ~~and/or~~
- ~~(g)~~(d) information ~~on~~ about independent financial and other relevant counselling services.

~~(3) — Where the retailer has identified the residential pre-payment meter customer pursuant to subclause (2)(b), the retailer is not required to contact the residential customer and provide the information set out in subclauses (2)(e)–(g) if the retailer has provided the residential pre-payment meter customer with that information in the preceding 12 months.~~

- ~~(4)~~(3) The information ~~to be provided in subclause (2)~~ may be provided ~~in writing~~ by —
- (a) post addressed to a pre-payment meter the customer at the ~~pre-payment meter~~ customer's supply address, or at another address nominated by the pre-payment meter customer; ~~or an~~
 - (b) email at an address nominated by the ~~pre-payment meter~~ customer; or
 - (c) personal delivery to the customer.
- (4) However, if subclause (1)(b) applies, the retailer is not required to comply with subclause (2) if the retailer has provided the information referred to in that subclause within the preceding 12 months.
- (5) This clause applies to a retailer despite any obligation under clause 46.

67. Assistance for customers experiencing payment difficulties

- (1) This clause applies if a residential pre-payment meter customer, or a relevant consumer representative acting on behalf of a residential pre-payment meter customer —
- (a) informs a retailer that the customer is experiencing difficulties paying for the customer's consumption; and
 - (b) requests that the pre-payment meter be replaced by a standard meter.
- (2) The retailer must give reasonable consideration to waiving any fee payable to replace the pre-payment meter with a standard meter.

~~9.12 Existing pre-payment meters~~

~~A pre-payment meter installed prior to the amendment date will be deemed to comply with the requirements of this Part 9.~~

Part 10 — Information and communication

Division 1 — Obligations for retailers

~~Division 1—Obligations particular for retailers~~

68. Provision of general information to customers

- (1) A retailer must publish on its website —
- (a) the following information about concessions —
 - (i) the type of concessions available to customers;
 - (ii) the name and contact details of the organisation responsible for administering those concessions (if the retailer is not responsible for doing this);
 - and
 - (b) the following information about energy efficiency —
 - (i) cost-effective and efficient ways to utilise electricity;
 - (ii) the typical running costs of major domestic electrical appliances;
 - and
 - (c) the retailer’s hardship policy; and
 - (d) the retailer’s family violence policy; and
 - (e) a summary of a customer’s rights, entitlements and obligations under the retailer’s standard complaints and dispute resolution procedures; and
 - (f) the contact details for the electricity industry ombudsman; and
 - (g) a copy of this code.
- (2) If a customer requests information of the kind referred to in subclause (1), the retailer must —
- (a) refer the customer to the retailer’s website; or
 - (b) provide the information to the customer.

- (3) If a customer requests a copy of information of the kind referred to in subclause (1), the retailer must provide a copy of the information to the customer.
- (4) The information or a copy of the information requested under this clause must be provided without charge.
- (5) The retailer is not required to make a copy of this code available under subclause (1)(g) if it instead provides an electronic link to a website where a copy of this code may be accessed.

69. **Tariff information** Information about tariffs, fees or charges
[was 10.1(2)-(3)]

- (2) A retailer must give or make available to a customer on request, at no charge, reasonable information on the retailer's tariffs, fees ~~and~~ or charges, including any alternative tariffs that may be available to that customer.
- ~~(3) A retailer must give or make available to a customer the information referred to under subclause (2) within 8 business days of the date of receipt. If requested by the customer, the retailer must give the information in writing.~~

70. **Tariff information** Information about variations to tariffs, fees or charges: regulated prices [was 10.1(1)]

- (1) This clause applies if a customer's tariffs, fees or charges are regulated or set by the State Government.
- (2) A retailer must give notice to ~~each of its customers affected by a customer of any~~ variation ~~in to~~ its tariffs, fees ~~and~~ or charges that affects the customer.;
- (3) The notice must be given no later than the next bill in ~~a~~ the customer's billing cycle.

71. Information about variations to tariffs, fees or charges: non-regulated prices

- (1) This clause applies if a customer's tariffs, fees or charges are not regulated or set by the State Government.
- (2) A retailer must give notice to a customer of any variation to its tariffs, fees or charges that affects the customer.
- (3) The notice must be given at least 5 business days before the variation is to apply to the customer.
- (4) The notice must —

 - (a) specify that the customer's tariffs, fees or charges are being varied; and
 - (b) specify the date on which the variation will come into effect; and
 - (c) identify the customer's existing tariffs, fees or charges, inclusive of GST; and
 - (d) identify the customer's tariffs, fees or charges as varied, inclusive of GST; and
 - (e) specify that the customer may request historical billing data.
- (5) A retailer is not required to provide information under this clause —

 - (a) if the customer has entered into the relevant contract with the retailer within 10 business days before the variation is to take effect and the retailer has already informed the customer of the variation; or
 - (b) for a tariff, fee or charge that continually varies in relation to the prevailing spot price for electricity; or
 - (c) for the variation of a tariff, fee or charge that is a direct result of a change to, or the withdrawal or expiry of, a concession; or
 - (d) for the variation of a tariff, fee or charge that is a direct result of a change to a bank charge or fee, to a credit

[card charge or fee, or to payment processing charges or fees that apply in relation to the customer.](#)

72. Historical billing data [was 10.2]

- (1) A retailer must give a non-contestable customer on request the non-contestable customer's billing data.
- (2) ~~If~~ [The retailer must give the billing data at no charge if](#) a non-contestable customer requests billing data ~~under subclause (1)~~ —
 - (a) for a period less than the previous 2 years and no more than once a year; or
 - (b) in relation to a dispute with a retailer;
[the retailer must give the billing data at no charge.](#)
- ~~(3) A retailer must give a non-contestable customer the billing data requested under subclause (1) within 10 business days of the date of receipt of—~~
 - ~~(a) the request; or~~
 - ~~(b) payment for the retailer's reasonable charge for providing the billing data (if requested by the retailer).~~
- ~~(4) A retailer must keep a non-contestable customer's billing data for 7 years.~~

~~10.3 Concessions~~

~~A retailer must give a residential customer on request at no charge—~~

- ~~(a) information on the types of concessions available to the residential customer; and~~
- ~~(b) the name and contact details of the organisation responsible for administering those concessions (if the retailer is not responsible).~~

73. Service standard payments [was 10.3A]

A retailer must ~~give a customer~~ at least once a year give a customer written details of the retailer's and distributor's obligations to make payments to the customer under Part 14 ~~of this Code and~~ or under any other ~~legislation (including subsidiary legislation) in Western Australia~~ written law including —

- (a) the amount of the payment; and
- (b) the eligibility criteria for the payment.

~~**10.4 — Energy Efficiency Advice**~~

~~A retailer must give, or make available to a customer on request, at no charge, general information on—~~

- ~~(a) cost effective and efficient ways to utilise electricity (including referring the customer to a relevant information source); and~~
- ~~(b) the typical running costs of major domestic appliances.~~

74. Distribution matters [was 10.5]

If a customer asks a retailer for information relating to the distribution of electricity, the retailer must —

- (a) give the information to the customer; or
- (b) refer the customer to the relevant distributor for a response.

~~**Division 2 — Obligations particular to distributors**~~

Division 2 — Obligations for distributors

75. General information [was 10.6]

- (1) A distributor must ~~give a customer on request, at no charge, the following information~~ publish on its website —

- (a) ~~information on the distributor's requirements in relation to the customer's proposed new electrical installation, or changes to the customer's existing electrical installation, including advice about supply extensions;~~ a description of the distributor's and customer's respective rights and obligations concerning the provision of services by the distributor and a description of those services; and
- ~~(b) an explanation for any unplanned or approved change in the quality of supply of electricity outside of the limits prescribed by law;~~
- ~~(c) an explanation for any unplanned interruption of supply to the customer's supply address;~~
- ~~(d) advice on facilities required to protect the distributor's equipment;~~
- ~~(e) advice on how to obtain information on protecting the customer's equipment;~~
- ~~(f) advice on the customer's electricity usage so that it does not interfere with the operation of a distribution system or with supply to any other electrical;~~
- (b) details of applicable connection and reconnection timeframes; and
- (c) details of applicable connection and reconnection charges; and
- (d) information relating to new connections or connection alterations; and
- ~~(g)~~(e) general information on the safe use of electricity; and
- ~~(h)~~(f) general information on quality of supply; and
- ~~(i)~~(g) general information on reliability of supply; and
- (h) information about how a customer may obtain information on distribution standards and metering arrangements that are relevant to the customer and —
- (i) prescribed under the Act or the *Electricity Act 1945*; or

- (ii) adopted by the distributor;
 - and
 - (i) a summary of a customer’s rights, entitlements and obligations under the distributor’s standard complaints and dispute resolution procedures; and
 - (j) the contact details for the electricity industry ombudsman; and
 - (k) a copy of this code.
- (2) If a customer requests information of the kind referred to in subclause (1), the distributor must —
 - (a) refer the customer to the distributor’s website; or
 - (b) provide the information to the customer.
- (3) If a customer requests a copy of information of the kind referred to in subclause (1), the distributor must provide a copy of the information to the customer.
- (4) The information or a copy of the information requested under this clause must be provided without charge.
- (5) The distributor is not required to make a copy of this code available under subclause (1)(k) if it instead provides an electronic link to a website where a copy of this code may be accessed.

76. Information about supply changes or interruptions

A distributor must give to a customer on request, at no charge —

- (a) an explanation for any unplanned or approved change in the quality of supply of electricity to the customer’s supply address outside of the limits prescribed by law; and
- (b) an explanation for any unplanned interruption of supply to the customer’s supply address.

10.7 — Historical consumption data

- ~~(1) — A distributor must give a customer on request the customer's consumption data.~~
- ~~(2) — If a customer requests consumption data under subclause (1) —~~
- ~~(a) — for a period less than the previous 2 years, provided the customer has not been given consumption data pursuant to a request under subclause (1) more than twice within the 12 months immediately preceding the request; or~~
 - ~~(b) — in relation to a dispute with a distributor, the distributor must give the consumption data at no charge.~~
- ~~(3) — A distributor must give a customer the consumption data requested under subclause (1) within 10 business days of the date of receipt of —~~
- ~~(a) — the request; or~~
 - ~~(b) — if payment is required (and is requested by the distributor within 2 business days of the request) payment for the distributor's reasonable charge for providing the data.~~
- ~~(4) — A distributor must keep a customer's consumption data for 7 years.~~

10.8 — Distribution standards

- ~~(1) — A distributor must tell a customer on request how the customer can obtain information on distribution standards and metering arrangements —~~
- ~~(a) — prescribed under the Act or the *Electricity Act 1945*; or~~
 - ~~(b) — adopted by the distributor,~~
- ~~that are relevant to the customer.~~
- ~~(2) — A distributor must publish on its website the information specified in subclause (1).~~

~~**Division 3—Obligations particular to retailers and distributors**~~

Division 3 — Obligations for retailers and distributors

77. Written information must be easy to understand [was 10.9]

- (1) To the extent practicable, a retailer ~~and~~or distributor must ensure that any written information that must be given to a customer by the retailer or distributor ~~or its electricity marketing agent under the Code~~this code is —
- (a) expressed in clear, simple and concise language; and
 - (b) ~~is~~ in a format that makes it easy to understand.
- (2) The obligation placed on a retailer under subclause (1) extends to written information that may be given to a customer by an electricity marketing agent acting on behalf of the retailer.

~~**10.10—Code of Conduct**~~

- (1) ~~A retailer and a distributor must tell a customer on request how the customer can obtain a copy of the Code.~~
- (2) ~~A retailer and a distributor must make electronic copies of the Code available, at no charge, on the retailer's or distributor's website.~~
- (3) ~~Not Used~~

78. Special information needs [was 10.11]

- (1) A retailer and a distributor must make available to a residential customer on request, at no charge, services that assist the ~~residential~~ customer in ~~interpreting~~understanding information provided by the retailer or distributor ~~to the residential customer~~ (including independent ~~multi-lingual~~interpreter services and ~~TTY~~ services for customers with a speech or hearing impairment, and large print copies).

- (2) A retailer and, if appropriate, a distributor must include on a relevant document in relation to residential customers —
- ~~(a) the telephone number for its TTY services;~~
 - ~~(b) the telephone number for independent multi-lingual services; and~~
 - ~~(c) the telephone number for interpreter services together with the National Interpreter Symbol and the words “Interpreter Services”;~~
 - (a) the telephone number for interpreter services, identified by the National Interpreter Symbol; and
 - (b) the telephone number (or numbers) for services that can assist customers with a speech or hearing impairment.
- ~~on the—~~
- (3) In subclause (2) —
relevant document means the following —
- ~~(e)(a)~~ (a) a bill and bill-related information (including, for example, the notice referred to in clause 4.2 20(3) and statements relating to an instalment plan a payment plan);
 - ~~(e)(b)~~ (b) a reminder notice; and
 - ~~(e)(c)~~ (c) a disconnection warning.

79. Metering [was 10.12]

- (1) A distributor must advise a customer on request, at no charge, of the availability of different types of meters and their —
- (a) suitability to the customer’s supply address; and
 - (b) purpose; and
 - (c) costs; and
 - (d) installation, operation and maintenance procedures.
- (2) If a customer asks a retailer for information relating to the availability of different types of meters, the retailer must —

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- (a) give the information to the customer; or
- (b) refer the customer to the relevant distributor for a response.

Division 4 — Disconnection or interruption for emergencies

80. Disconnection or interruption for emergencies [was 7.5]

If a distributor disconnects or interrupts a customer's supply address for emergency reasons, the distributor must —

- (a) provide, by way of a 24-hour emergency line at the cost of a local call (excluding mobile telephones), information on the nature of the emergency and an estimate of the time when supply will be restored; and
- (b) use its best endeavours to restore supply to the customer's supply address as soon as possible.

Part 11 — Life support equipment scheme

81. Relevant standards

- (1) The *relevant standard* under this Part for a retailer is that a step be taken —
 - (a) on the same day if a confirmation or notification is received before 3 pm on a business day; or
 - (b) no later than the next business day if a confirmation or notification is received after 3 pm or on a Saturday, a Sunday or a public holiday throughout the State.
- (2) The *relevant standard* under this Part for a distributor is that a step be taken —
 - (a) no later than the next business day if a notification is received before 3 pm on a business day; or
 - (b) within 2 business days if a notification is received after 3 pm or on a Saturday, a Sunday or a public holiday throughout the State.

82. Registration of life support equipment: retailers

- (1) The retailer must take the steps set out in subclause (2) in accordance with the relevant standard for a retailer if a customer provides a retailer with confirmation from an appropriately qualified medical practitioner that a person residing at the customer's supply address requires life support equipment.
- (2) The following steps must be taken —
 - (a) register the customer's supply address as a life support equipment address;
 - (b) register the customer's contact details;
 - (c) provide the following to the customer's distributor —
 - (i) a notification about the customer's supply address being a life support equipment address;
 - (ii) the contact details of the customer.

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(3) In addition, a retailer who is required to comply with subclause (2) must provide the following information in writing to a customer before, or within 5 days after, registering the customer's supply address as a life support equipment address —

- (a) advice that there may be planned or unplanned interruptions to supply at the supply address and that the relevant distributor is required to notify the customer of a planned disruption in accordance with this code;
- (b) a recommendation that the customer prepare a plan of action in case of an unplanned interruption;
- (c) an emergency telephone contact number for the relevant distributor and the retailer (the charge of which will be no more than the charge of a local call (excluding mobile telephones)).

(4) The retailer must take the steps set out in subclause (5) in accordance with the relevant standard for a retailer if a customer registered with a retailer under subclause (2) notifies the retailer —

- (a) that the person residing at the customer's supply address who requires life support equipment is changing supply address; or
- (b) that the customer is changing supply address but the person who requires life support equipment is not changing supply address; or
- (c) that there has been a change in contact details.

(5) The following steps must be taken —

- (a) register the change;
- (b) provide a notification to the customer's distributor of the change.

83. Registration of life support equipment: distributors

- (1) The relevant distributor must take the steps set out in subclause (2) in accordance with the relevant standard for a distributor if the distributor is notified by a retailer —
- (a) that a person residing at a customer’s supply address requires life support equipment; or
 - (b) that there has been a change of details or circumstances previously notified by the retailer.
- (2) The following steps must be taken (as relevant) —
- (a) register the customer’s supply address as a life support equipment address;
 - (b) update the details or circumstances previously notified by the retailer.

84. Interruption of supply

- (1) A distributor must not undertake a planned interruption of supply at a life support equipment address unless the distributor has —
- (a) provided at least 3 business days’ written notice of the interruption to the customer —
 - (i) at the supply address; or
 - (ii) at another address nominated by the customer; or
 - (iii) by electronic communication;
 - and
 - (b) unless expressly requested by the customer not to do so, used its best endeavours to obtain acknowledgment from the customer, or from someone else residing at the supply address, that the notice has been received.
- (2) Subclause (1) does not apply if —
- (a) the interruption is to restore supply at a life support equipment address; or

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(b) the distributor has already provided notice of a planned interruption that will affect a supply address under the Electricity Industry (Network Quality and Reliability of Supply) Code 2005 before the distributor registers the supply address as a life support equipment address under this Part.

(3) If subclause (2) applies, the distributor must use its best endeavours to contact the customer, or someone residing at the supply address, before the interruption occurs.

85. Periodic reviews

(1) A retailer must require the customer, by a notice given to the customer within the period beginning 3 months before, and ending 3 months after, each anniversary of the registration of a supply address under this Part —

(a) unless paragraph (b) applies — to confirm that a person residing at the customer’s supply address continues to require life support equipment; or

(b) in the case of every third anniversary — to provide the retailer with confirmation from an appropriately qualified medical practitioner that a person residing at the customer’s supply address continues to require life support equipment.

(2) A notice under subclause (1) must —

(a) allow a customer at least 3 months to provide the confirmation required by the retailer; and

(b) warn the customer that —

(i) the customer’s supply address will be de-registered as a life support equipment address if the customer fails to comply with the notice or if the customer notifies the retailer that a person residing at the supply address no longer requires life support equipment; and

- (ii) if the supply address is de-registered, the customer will no longer receive the protections provided by this code for life support equipment addresses.

86. De-registration of address

(1) This clause applies if —

- (a) the retailer is notified that the customer’s supply address no longer requires registration as a life support equipment address; or
- (b) a customer fails to comply with a notice from a retailer under clause 85 in relation to a life support equipment address.

(2) If subclause (1)(a) applies, the retailer must de-register the life support equipment address —

- (a) if the notification is received before 3 pm on a business day — no later than the next business day; or
- (b) if the notification is received after 3 pm or on a Saturday, a Sunday or a public holiday throughout the State — within 2 business days.

(3) If subclause (1)(b) applies, the retailer must —

- (a) send written correspondence by registered post to the customer’s supply address, and to any other address nominated by the customer, warning the customer that the life support equipment address may be de-registered; and
- (b) at least 10 business days after sending the correspondence under paragraph (a), and on at least 2 other occasions, taken reasonable steps to contact the customer about the de-registration of the life support equipment address; and
- (c) de-register the supply address if the customer fails, in response to steps undertaken under paragraphs (a)

and (b), to provide the confirmation required under clause 85.

- (4) A retailer must, when it de-registers a life support equipment address, provide the customer's distributor with a notification about the de-registration as soon as practicable after taking that step but in any event within 3 business days.
- (5) The distributor must de-register the life support equipment address in accordance with the relevant standard for a distributor.
- (6) Despite subclauses (1) to (5), a supply address must not be de-registered if another person who resides at the supply address has their contact details registered under clause 82(2)(b) in relation to the supply address.
- (7) Once a customer's supply address ceases to be registered as a life support equipment address, the retailer's and relevant distributor's obligations under this code in connection with life support equipment cease to apply in relation to that address.

Part 12 — Complaints and dispute resolution

87. Obligation to establish complaints handling

~~process~~ procedures [was 12.1]

- (1) ~~A~~Each retailer and distributor must develop, maintain and implement ~~an internal process for handling complaints and resolving disputes~~ a standard complaints and dispute resolution procedure.
- (2) The ~~complaints handling process under subclause (1)~~ standard complaints and dispute resolution procedure must address —
 - ~~(a) — comply with Australian Standard AS/NZS 10002:2014;~~
 - ~~(b) — address at least —~~
 - ~~(i)~~(a) how complaints must be lodged by customers; and
 - ~~(ii)~~(b) how complaints will be handled by a retailer or distributor, including —
 - ~~(A)~~(i) a right of a customer to have ~~its~~ a complaint considered by a senior employee ~~within each organisation of the retailer or distributor~~ if the customer is not satisfied with the manner in which the complaint is being handled; and
 - ~~(B)~~(ii) the information that will be provided to a customer, including in accordance with the requirements under clause 89;
 - and
 - ~~(iii)~~(c) response times for complaints; and
 - ~~(iv)~~(d) the method of response;
 - ~~(e) — detail how a retailer will handle complaints about the retailer, electricity marketing agents or marketing; and~~
 - ~~(d) — be available at no cost to customers.~~
- ~~(3) —~~ The standard complaints and dispute resolution procedure must comply with AS/NZS 10002:2014.

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- ~~(3) — For the purposes of subclause (2)(b)(ii)(B), a retailer or distributor must at least —~~
- ~~(a) — when responding to a complaint, advise the customer that the customer has the right to have the complaint considered by a senior employee within the retailer or distributor (in accordance with its complaints handling process); and~~
 - ~~(b) — when a complaint has not been resolved internally in a manner acceptable to a customer, advise the customer —~~
 - ~~(i) — of the reasons for the outcome (on request, the retailer or distributor must supply such reasons in writing); and~~
 - ~~(ii) — that the customer has the right to raise the complaint with the electricity ombudsman or another relevant external dispute resolution body and provide the Freecall telephone number of the electricity ombudsman.~~

88. Acknowledgment of complaint and response times [12.1(4)]

- ~~(4) — For the purpose of subclause (2)(b)(iii), a A retailer or distributor must, on receipt of a written complaint by a customer —~~
- ~~(a) acknowledge the complaint within 10 business days; and~~
 - ~~(b) respond to the complaint by addressing the matters in the complaint within 20 business days.~~

89. Advice about outcome of complaint

~~A retailer or distributor must inform the customer —~~

- ~~(a) of the outcome of a complaints process; and~~
- ~~(b) unless the customer has advised the retailer or distributor that the complaint has been resolved in a manner acceptable to the customer inform the customer~~

~~—~~

- (i) of the retailer's or distributor's reasons regarding the outcome; and
- (ii) that if the customer is not satisfied with the outcome, the customer may make a complaint or take a dispute to the electricity industry ombudsman; and
- (iii) of the telephone number and other contact details of the electricity industry ombudsman.

~~**12.2 — Obligation to comply with a guideline that distinguishes customer queries from complaints**~~

~~A retailer must comply with any guideline developed by the Authority relating to distinguishing customer queries from complaints.~~

~~**12.3 — Information provision**~~

~~A retailer, distributor and electricity marketing agent must give a customer on request, at no charge, information that will assist the customer in utilising the respective complaints handling processes.~~

90. Obligation to refer complaint [was 12.4]

When a retailer, distributor or electricity marketing agent receives a complaint that does not relate to its functions, it must advise the customer of the entity that the retailer, distributor or electricity marketing agent reasonably considers to be the appropriate entity to deal with the complaint (if known).

~~Part 13 – Reporting~~

~~13.1 – Preparation of an annual report~~

~~A retailer and a distributor must prepare a report in respect of each reporting year setting out the information specified by the Authority.~~

~~13.2 – Provision of annual report to the Authority~~

~~A report referred to in clause 13.1 must be provided to the Authority by the date, and in the matter and form, specified by the Authority.~~

~~13.3 – Publication of reports~~

~~(1) A report referred to in clause 13.1 must be published by the date specified by the Authority.~~

~~(2) A report is published for the purposes of subclause (1) if –~~

~~(a) copies of it are available to the public, without cost, at places where the retailer or distributor transacts business with the public; and~~

~~(b) a copy of it is posted on an internet website maintained by the retailer or distributor.~~

Part 13 — Family violence policy

91. Family violence policy

- (1) A retailer must develop, maintain and implement a family violence policy to assist vulnerable customers.
- (2) The family violence policy must —
 - (a) provide for the training of staff (including call centre staff and field officers) about issues related to family violence and its impacts, including how to identify customers who may be affected by family violence and how to apply the policy effectively and appropriately to provide assistance to vulnerable customers; and
 - (b) require the retailer to advise a vulnerable customer that the retailer can protect the customer's information and, if a vulnerable customer requests information to be protected, require the retailer to do so; and
 - (c) require the retailer —
 - (i) to take reasonable steps to establish a safe method of communication with a vulnerable customer and if a method of communication proposed by a vulnerable customer is not reasonably practicable, to offer an alternative method of communication; and
 - (ii) to keep a record of any method of communication that has been agreed between the retailer and a vulnerable customer; and
 - (iii) to use any agreed method of communication for the purposes of providing information required by this code;
 - and
 - (d) include processes to ensure that a vulnerable customer does not have to repeatedly refer to, or disclose, their situation when they make contact with the retailer or another person acting on behalf of the retailer; and

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(e) require the retailer to consider reducing or waiving any fees, charges or debt that would otherwise be payable by a vulnerable customer; and

(f) without limiting paragraph (e), require the retailer to consider —

(i) the potential impact of debt collection on a vulnerable customer; and

(ii) the extent to which another person may have contributed to an amount owing for electricity supplied to a particular supply address;

and

(g) provide that the retailer will take into account the circumstances of a vulnerable customer before disconnecting the customer's supply address for failure to pay a bill; and

(h) provide information about the operation of subclause (4); and

(i) include —

(i) the telephone number for interpreter services, identified by the National Interpreter Symbol; and

(ii) the telephone number (or numbers) for services that can assist customers with a speech or hearing impairment;

and

(j) for printed copies of the family violence policy — be available in large-print copies.

(3) The training required under subclause (2)(a) must at least satisfy 1 of the following requirements —

(a) it is developed in conjunction with appropriate consumer representatives;

(b) it is provided by appropriate consumer representatives.

- (4) A retailer must ensure that the supply address of a vulnerable customer is not disconnected for a period of 9 months from the date on which the retailer became aware that the customer is a vulnerable customer unless —
- (a) the retailer is informed by the customer, or otherwise becomes aware, that the customer no longer resides at that supply address; or
 - (b) the disconnection is requested by the customer; or
 - (c) there are safety reasons warranting the disconnection; or
 - (d) there is an emergency warranting disconnection; or
 - (e) electricity has been illegally consumed at the supply address.
- (5) Nothing in subclause (4) —
- (a) affects a customer's responsibility to pay for electricity supplied by a retailer to a supply address; or
 - (b) affects a retailer's ability to send bills and notices to a customer in connection with payment for the supply of electricity or to take other steps in connection with a liability to pay for electricity supplied by the retailer.
- (6) A retailer must not require written evidence of family violence from a customer unless the evidence is reasonably necessary to enable the retailer to determine the most appropriate way to —
- (a) address a failure to pay a bill and, if relevant, debt collection; or
 - (b) deal with a proposed disconnection of a supply address.
- (7) To the extent that written evidence of family violence is required, it need only be 1 document of a kind that is listed in the *Residential Tenancies Act 1987* section 71AB(2).
- (8) A retailer must ensure that its family violence policy, and related procedures, comply with any requirements specified by the Authority for the purposes of this Part.

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- (9) If directed by the Authority, a retailer must review its family violence policy or related procedures, and submit the results of the review to the Authority within a period specified by the Authority.
- (10) A retailer must consult with persons or bodies that may reasonably be expected to represent the interests of persons who may be experiencing family violence whenever the retailer is —

 - (a) developing its family violence policy; or
 - (b) reviewing its family violence policy because of a direction of the Authority under subclause (9).

Part 14 — Service standard payments

Division 1 — Obligations ~~particular to~~ for retailers

92. Facilitating customer reconnections [was 14.1]

- (1) ~~Subject to clause 14.6, if a~~ Unless clause 97 applies, a retailer must make the payment specified under subclause (2) if the retailer is required to arrange a reconnection of a customer's supply address under Part 8 —
- (a) but the retailer has not complied with ~~the time frames prescribed in clause 8.1(2) and has not otherwise caused the customer's supply address to be reconnected as contemplated by clause 8.1(3)~~ clause 53(3) or (4); or
 - (b) the retailer has complied with ~~the time frames prescribed in clause 8.1(2)~~ clause 53(3), but a distributor has not complied with the ~~time frames prescribed in clause 8.2(2)~~ timeframes set out in clause 54(4).
- (2) ~~the~~ The retailer must pay ~~to~~ the customer \$60 for each day that it is late, up to a maximum of \$300.
- ~~(2)(3)~~ ~~Subject to clause 14.6~~ Unless clause 97 applies, if a retailer is liable to and makes a payment under subclause (1) this clause due to an act or omission of a distributor, the distributor must ~~compensate~~ reimburse the retailer for the amount of the payment.

93. Wrongful disconnections [was 14.2]

- (1) ~~Subject to clause 14.6, if~~ Unless clause 97 applies, a retailer must make the payment specified under subclause (2) if the retailer —
- (a) fails to comply with any of the procedures ~~prescribed~~ set out under Part 6 (if applicable and other than clauses ~~6.8, 6.9 or 6.10~~ 45 and 46), or ~~Part 7 (other than clauses 7.4, 7.5, 7.6, 7.7(1)(a), 7.7(1)(b), or 7.7(2)(e) of the Code prior to~~ clause 48 or 82(1), before arranging for

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disconnection ~~of,~~ or disconnecting, a customer for failure to pay a bill; or

- (b) arranges for disconnection ~~of,~~ or disconnects, a customer in contravention of ~~clauses 7.2, 7.3, 7.6~~ clause 49, 50 or ~~7.7~~ 52 for failure to pay a bill;

~~(2)~~ ~~the~~The retailer must pay ~~to~~ the customer \$100 for each day that the customer ~~was~~is wrongfully disconnected.

~~(2)(3)~~ ~~Subject to clause 14.6~~Unless clause 97 applies, if a retailer ~~is liable to and~~ makes a payment under ~~subclause (1)~~this clause due to an act or omission of a distributor, the distributor must ~~compensate~~reimburse the retailer for ~~the amount of~~ the payment.

94. Customer service [was 14.3]

- (1) ~~Subject to clause 14.6~~Unless clause 97 applies, if a retailer fails to acknowledge or respond to a complaint within the ~~time frames prescribed in clause 12.1(4)~~timeframes set out in clause 88, the retailer must pay to the customer \$20.
- (2) A retailer ~~will~~is only ~~be~~liable to make 1 payment ~~of \$20,~~ under ~~subclause (1),~~this clause for each written complaint.

Division 2 — Obligations ~~particular to~~for distributors

95. Customer service [was 14.4]

- (1) ~~Subject to clause 14.6~~Unless clause 97 applies, if a distributor fails to acknowledge or respond to a complaint within the ~~time frames prescribed in clause 12.1(4)~~ timeframes set out in clause 88, the distributor must pay to the customer \$20.
- (2) A distributor ~~will~~is only ~~be~~liable to make 1 payment ~~of \$20,~~ under ~~subclause (1),~~this clause for each written complaint.

96. Wrongful disconnections [was 14.5]

- (1) Subject to clause ~~14.6~~ 97, a distributor must make the payment specified under subclause (2) if a distributor disconnects a customer's supply address other than as authorised by —
- (a) this ~~Code~~ code or otherwise by written law; or
 - (b) a retailer.
- (2) ~~then the~~The distributor must pay ~~to~~ the customer \$100 for each day that the customer ~~was~~is wrongfully disconnected.

Division 3 — Payment

97. Exceptions [was 14.6]

- (1) A retailer or distributor is not required to make a payment under ~~clauses 14.1 to 14.5~~this Part if events or conditions outside the control of the retailer or distributor caused the retailer or distributor to be liable to make the payment.
- (2) Except in the case of a payment under clauses ~~14.2~~ 93 and ~~14.5~~ 96, which are required to be made without application by a customer as soon as reasonably practical, a retailer or distributor is not required to make a payment under ~~clauses 14.1 to 14.5~~this Part if the customer fails to apply to the retailer or distributor for the payment within 3 months of the non-compliance by the retailer or distributor.
- (3) ~~Under clauses 14.3 and 14.4~~If clause 94 or 95 applies, a retailer or distributor is not required to make more than 1 payment to each affected supply address per event of non-compliance with the performance standards.
- (4) For the purposes of subclause (3), each supply address where a customer receives a bill from a retailer is a separate supply address.

98. Method of payment [was 14.7]

- (1) A retailer who is required to make a payment under ~~clauses 14.1, 14.2 or 14.3~~ clause 92, 93 or 94 must do so —
 - (a) by deducting the amount of the payment from the amount due under the customer's next bill; or
 - (b) by paying the amount directly to the customer; ~~or~~
 - ~~(c) as otherwise agreed between the retailer and the customer.~~
- (2) A distributor who is required to make a payment under ~~clauses 14.4 or 14.5~~ clause 95 or 96 must do so —
 - (a) by paying the amount to the customer's retailer who will pass the amount on to the customer in accordance with subclause (1); or
 - (b) by paying the amount directly to the customer; ~~or~~
 - ~~(c) as otherwise agreed between the distributor and the customer.~~
- (3) ~~For the avoidance of doubt, a~~ A payment made under this Part does not affect any rights of a customer to claim damages or any other remedy.

99. Recovery of payment [was 14.8]

- (1) If a retailer or distributor who is required to make a payment to a customer under this Part fails to comply with ~~clause 14.7~~ 98 within 30 days ~~of~~ after the date of demand for payment by the customer, or in the case of a payment required to be made under ~~clause 14.2(1) or 14.5~~ 93 or 96, within 30 days ~~of~~ after the date of the wrongful disconnection, then the customer may recover the payment in a court of competent jurisdiction as a debt due from the retailer or distributor (as the case may be) to the customer.
- (2) If a retailer is entitled under ~~clause 14.1(2) or 14.2(2)~~ 92 or 93 to ~~compensation~~ reimbursement from a distributor, and the distributor fails to pay the ~~compensation~~ relevant amount to the retailer within 30 days ~~of~~ after the date of a demand for

~~compensation~~ payment by the retailer, then the retailer may recover the ~~compensation~~ amount of the payment in a court of competent jurisdiction as a debt due from the distributor to the retailer.

Consultation Draft

Appendix 3 Table of proposed amendments

Clause		Reason for proposed amendment
Title	Code of Conduct for the Supply of Electricity to Small Use Customers 2018 <u>2022</u>	
	Approved by the Authority under section 79 of the Act.	
Part 1 – Preliminary		
4.1 <u>1</u>	Title Citation The Code may be cited as This Code is the Code of Conduct for the Supply of Electricity to Small Use Customers 2018 <u>2022</u> .	Consistent with the Parliamentary Counsel Office's current drafting style (drafting changes).
4.2	Authority The Code is made by the Authority under section 79 of the Act.	This matter is addressed by section 79 of the Act.
4.3 <u>2</u>	Commencement The Code This Code comes into operation upon the day prescribed by the Authority, as follows — (a) clauses 1 and 2 – on the day on which this code is published in the Gazette; (b) the rest of the code – on 1 January 2023.	Drafting changes.
4.4	Interpretation (1) Headings and notes are for convenience or information only and do not affect the interpretation of the Code or any term or condition set out in the Code. (2) An expression importing a natural person includes any company, partnership, trust, joint venture, association, corporation or other body corporate and any governmental agency and vice versa. (3) A reference to a document or a provision of a document includes an amendment or supplement to, or replacement of or novation of, that document or that provision of that document. (4) A reference to a person includes that person's executors, administrators, successors, substitutes (including, without limitation, persons taking by novation) and permitted assigns.	Drafting changes. Section 32 of the <i>Interpretation Act 1984</i> addresses a similar matter. ¹ Section 5 (definition of person) of the <i>Interpretation Act 1984</i> addresses a similar matter. ² The Act does not include an express head of power to provide that a reference to a particular document is a reference to that document as amended from time to time. Drafting changes.

¹ Section 80 of the Act provides that the Code is subsidiary legislation for the purposes of the *Interpretation Act 1984*.

² Id.

Clause		Reason for proposed amendment
	(5) Other parts of speech and grammatical forms of a word or phrase defined in the Code have a corresponding meaning.	Section 9 of the <i>Interpretation Act 1984</i> addresses a similar matter. ³
	(6) A reference to an electricity marketing agent arranging a contract is to be read as a reference to an electricity marketing agent entering into the contract on the retailer's or customer's behalf, or arranging the contract on behalf of another person (whichever is relevant).	The Code no longer refers to electricity marketing agents arranging a contract.
1.5 <u>3</u>	<p>Definitions <u>Terms used</u></p> <p>In <u>this code</u> the Code, unless the contrary intention appears —</p> <p>“accumulation meter” has the same meaning as given in clause 1.3 of the Metering Code <u>clause 1.3</u>;</p> <p>“Act” means the Electricity Industry Act 2004.</p> <p><u>actual value</u> has the meaning given in the <u>Metering Code clause 1.3</u>.</p> <p>“adjustment” means the difference in the amount charged—</p> <p>(a) in a bill or series of bills based on an estimate carried out in accordance with clause 4.8; or</p> <p>(b) under a bill smoothing arrangement based on an estimate carried out in accordance with clauses 4.3(2)(a)-(c),</p> <p>and the amount to be charged as a result of the bill being determined in accordance with clause 4.6(1)(a) provided that the difference is not as a result of a defect, error or default for which the retailer or distributor is responsible or contributed to.</p> <p>“alternative tariff”, <u>for a customer</u>, means a tariff other than the tariff under which the customer is currently supplied electricity;</p>	<p>Drafting changes.</p> <p>Drafting changes.</p> <p>Drafting changes.</p> <p>Section 44(2) of the <i>Interpretation Act 1984</i> provides that a reference in subsidiary legislation to the Act shall be construed as a reference to the Act under which the subsidiary legislation is made.⁴</p> <p>ECCC recommendation 26</p> <p>ECCC recommendation 42(d)</p> <p>Drafting changes.</p>

³ Section 80 of the Act provides that the Code is subsidiary legislation for the purposes of the *Interpretation Act 1984*.

⁴ Id.

Clause		Reason for proposed amendment
	<p>“amendment date” means 1 July 2014.</p> <p>“appropriately qualified medical practitioner” means —</p> <p>(a) within the Perth Metropolitan Area, metropolitan area —</p> <p>(i) a specialist medical practitioner; or</p> <p>(ii) a hospice doctor; or</p> <p>(iii) a medical practitioner working in a specialist department of a hospital;</p> <p>or</p> <p>(b) outside of the Perth Metropolitan Area, otherwise —</p> <p>(i) a specialist medical practitioner; or</p> <p>(ii) a hospice doctor; or</p> <p>(iii) a medical practitioner working in a specialist department of a hospital; or</p> <p>(iv) a doctor or general practitioner if he/she also who works on an occasional basis from at a local hospital or rural health service (whether or not on a full-time basis); or a hospice doctor.</p>	<p>The term is no longer used in the Code.</p> <p>ECCC minor amendment, item A</p>
	<p><u>AS, followed by a designation, refers to an Australian Standard having that designation that is published by Standards Australia;</u></p>	<p>Consequential amendment of removing references to “Australian Standard” (and replacing them with “AS” or “AS/NZS”, as applicable).</p>
	<p><u>AS/NZS, followed by a designation, refers to an Australian/New Zealand Standard having that designation that is published jointly by Standards Australia and Standards New Zealand;</u></p>	<p>Consequential amendment of removing references to “Australian Standard” (and replacing them with “AS” or “AS/NZS”, as applicable).</p>
	<p>“attach” has the same meaning as given in the Obligation to Connect Regulations regulation 2;</p>	<p>Drafting changes.</p>
	<p>“Australian Consumer Law (WA)” means schedule 2 to the Competition and Consumer Act 2010 (Cth) as modified by section 36 of has the meaning given in the Fair Trading Act 2010 (WA) section 17(1);</p>	<p>Drafting changes.</p>
	<p>“Australian Standard” means a standard published by Standards Australia.</p>	<p>Consequential amendment of removing references to “Australian Standard” (and replacing them with “AS” or “AS/NZS”, as applicable).</p>
	<p>“Authority” means the Economic Regulation Authority established under the Economic Regulation Authority Act 2003.</p>	<p>The term is already defined in the Act.</p>
	<p>“basic living needs” includes payments for —</p>	<p>Drafting changes.</p>

Clause		Reason for proposed amendment
	(a) rent or mortgage; <u>and</u> (b) other utilities (e.g., gas, phone and water); <u>and</u> (c) food and groceries; <u>and</u> (d) transport (including petrol and car expenses); <u>and</u> (e) childcare and school fees; <u>and</u> (f) clothing; and (g) medical and dental expenses;	
	<u>bill issue date means the date on which a bill is sent by a retailer to a customer;</u>	ECCC recommendation 43(b) – with drafting changes.
	“business day” means any a day except other than a Saturday, a Sunday or a public holiday throughout the State;	Drafting changes.
	“call centre” means a dedicated centre that has the purpose of receiving and transmitting telephone calls in relation to customer service operations of the retailer or distributor, as relevant, and consists of call centre staff and 1 or more information technology and communications systems designed to handle customer service calls and record call centre performance information.	This term is only used in clause 6.10(3)(b)(i). ⁵ It is unnecessary to define the term in this context.
	<u>Centrelink means the Commonwealth agency known as Centrelink;</u>	Clarification.
	<u>Centrepay means the facility that allows Centrelink customers to have automatic deductions taken from Centrelink payments;</u>	Clarification.
	“change in personal circumstances” includes – (a) sudden and unexpected disability, illness of or injury to the residential customer or a dependant of the residential customer; (b) loss of or damage to property of the residential customer; or (c) other similar unforeseeable circumstances arising as a result of events beyond the control of the residential customer.	Consequential amendment of ECCC recommendation 50(c) (the term “change in personal circumstances” is only used in the definition of “payment difficulties”, which is proposed to be deleted).
	“Code” means the Code of Conduct for the Supply of Electricity to Small Use Customers 2018 as amended by the Authority under section 79 of the Act.	The amended Code no longer uses the defined term “Code”. Instead, it uses the words “this code” – consistent with the PCO’s current drafting style.

⁵ Clause 46(3)(a) of the amended Code.

Clause		Reason for proposed amendment
	<p>“collective customer” means a customer —</p> <p>(a) who receives a single bill from the retailer for electricity supplied at two <u>2</u> or more supply addresses; or</p> <p>(b) who is supplied electricity from the same retailer at multiple sites at a single supply addresss <u>i</u>;</p>	Drafting changes.
	<p>“concession” means a concession, rebate, subsidy or grant related to the supply of electricity <u>available to residential customers only</u>; related to the supply of electricity <u>i</u>;</p>	Drafting changes.
	<p>“connect” means to attach by way of a physical link to a <u>an electricity</u> network and to energise the links <u>i</u>;</p>	Drafting changes.
	<p>“consumption” means the amount of electricity supplied by the retailer to the customer’s supply address as recorded by the meter.</p>	<p>The Act, which also uses the term “consumption”, does not define this term. Also, the definition is arguably inconsistent with the use of the term in the Code. The definition provides that consumption is the amount of electricity supplied by the retailer “as recorded by the meter”. However, the Code also uses the term “estimated consumption”. Estimated consumption is not determined as recorded by the meter but based on prescribed assumptions.</p>
	<p>“contact” means contact that is —</p> <p>(a) face to faces <u>i</u>; or</p> <p>(b) by telephones <u>i</u>; or</p> <p>(c) by posts <u>i</u>; or facsimiles <u>i</u>; or</p> <p>(d) by email or other means of <u>electronic</u> means <u>communication</u> <u>i</u>;</p>	Drafting changes.
	<p>“contestable customer” means a customer at an exit point where the amount of electricity transferred at the exit point is more than the amount prescribed under the <i>Electricity Corporations (Prescribed Customers) Order 2007</i> made under the <i>Electricity Corporations Act 2005</i> or under another enactment dealing with the progressive introduction of customer contestability.</p>	Drafting changes.
	<p>“cooling off period”, in relation to a contract, means the period specified in the contract as the cooling off periods <u>i</u>;</p>	Drafting changes.

Clause		Reason for proposed amendment
	<p>“customer” means a customer <u>person</u> —</p> <p>(a) <u>to whom electricity is sold for the purpose of consumption; and</u></p> <p>(b) who consumes not more than 160 MWh of electricity per annum;⁶</p>	Drafting changes.
	<p><u>customer experiencing financial hardship</u> means a residential customer who has been assessed by a retailer under clause 40 as experiencing financial hardship;</p>	This definition was previously included in clause 6.5.
	<p>“de-energise” means the removal of the supply voltage from the a meter at the a supply address while leaving the supply address attached;⁶</p>	Drafting changes.
	<p>“direct debit facility” means a facility offered by a retailer to automatically deduct a payment from a customer’s nominated account and entered into with a customers in accordance with clause 5.3.</p>	Consequential amendment of ECCC recommendation 45.
	<p>“disconnect” —</p> <p>(a) means to de-energise the a customer’s supply address, other than; <u>but</u></p> <p>(b) <u>does not include de-energising a customer’s supply address</u> in the event of an interruption;⁶</p>	Drafting changes.
	<p>“Electricity Industry Code” means the Electricity Industry (Network Quality and Reliability of Supply) Code 2005.</p>	This term was only used in clause 7.7(5) ⁶ and has been replaced with the full title of the Code. Therefore, the definition is no longer required.
	<p>“electricity industry ombudsman” means the ombudsman appointed under the scheme initially approved by the Minister or by the Authority for any amendments under section 92 of the Act. <u>Energy and Water Ombudsman Western Australia performing the functions of electricity industry ombudsman under a scheme approved under Part 7 of the Act and an agreement under the Parliamentary Commissioner Act 1971 section 34;</u></p>	Drafting changes.
	<p>“electricity marketing agent” means —</p> <p>(a) <u>means</u> a person who acts on behalf of a retailer —</p> <p>(i) for the purpose of obtaining new customers for the licensee <u>retailer</u>; or</p>	No other activity relating to the marketing of electricity has been prescribed for the purposes of paragraph (b) of the definition. Also, the definition of “electricity marketing agent” in the <i>Gas Marketing Code of Conduct</i>

⁶ Clause 84(2)(b) of the amended Code.

Clause		Reason for proposed amendment
	<p>(ii) in dealings with existing customers in relation to contracts for the supply of electricity by the licensee <u>retailer</u>;</p> <p><u>and</u></p> <p>(b) a person who engages in any other activity relating to the marketing of electricity that is prescribed for the purposes of this definition; or</p> <p>(c) (b) includes a representative, agent or employee of a person referred to in subclause (a) or (b) <u>paragraph (a)</u>; but</p> <p><u>(c)</u> does not include a person who is a customer representative or the Housing Authority;</p>	2017 does not include an equivalent paragraph (b).
	<p>“Electricity Generation and Retail Corporation” means the body corporate established as such by the Electricity Corporations Act 2005.</p>	The term is already defined in the Act. ⁷
	<p>“electronic means” means the internet, email, facsimile, SMS or other similar means but does not include telephone.</p>	As a result of the proposed amendments to the Code, this term is no longer used in the Code.
	<p>“emergency” means an emergency due to the actual or imminent occurrence of an event which that —</p> <p><u>(a)</u> in any way endangers or threatens to endanger the safety or health of any person, or the maintenance of power system security, in Western Australia <u>in the State</u>; or</p> <p><u>(b)</u> which destroys or damages, or threatens to destroy or damage, any property in Western Australia. <u>in the State</u>;</p>	
	<p>“energise” has the same meaning as given in the Obligation to Connect Regulations. <u>regulation 2;</u></p>	Drafting changes.
	<p>“energy data” has the same meaning as given in the Metering Code. <u>clause 1.3;</u></p>	Drafting changes.
	<p>“export” means the amount of electricity exported into the distributor’s network as recorded by the meter.</p>	The definition is arguably inconsistent with the use of the term in the Code. The definition provides that consumption is the amount of electricity exported “as recorded by the meter”. However, the amended

⁷ Section 44(1) of the *Interpretation Act 1984* provides that words and expressions used in subsidiary legislation shall have the same respective meanings as in the written law under which the subsidiary legislation is made

Clause		Reason for proposed amendment
		Code also uses the term “estimated export”. Also see reasons for the proposal to delete the definition of “consumption”.
	<u>family violence has the meaning given in the Restraining Orders Act 1997 section 5A.</u>	ECCC recommendation 104
	“financial hardship” , in relation to a residential customer, means a state of more than immediate long-term financial disadvantage <u>as a result of</u> which results in a residential the customer being <u>is</u> unable to pay an outstanding amount as required by a retailer without affecting the <u>customer’s</u> ability to meet the basic living needs of the residential customer or a dependant of the residential customer.	ECCC recommendation 49(a) – with drafting changes.
	“Housing Authority” means the body corporate in existence pursuant to section 6 of established under the Housing Act 1980 . <u>section 6</u> ;	Drafting changes.
	“instalment plan” means an arrangement between a retailer and a customer to assist the customer to remain connected, reduce its arrears and minimise the risk of the customer getting into further debt where the customer pays in arrears or in advance and continued usage on its account according to an agreed payment schedule (generally involving payment of at least 3 instalments) taking into account the customer’s capacity to pay. It does not include customers using an instalment plan as a matter of convenience or for flexible budgeting purposes.	The term “instalment plan” has been replaced with “payment plan” and is defined in clause 4 of the amended Code. The new definition amalgamates the definition in clause 1.5 and the description of instalment plan in clause 6.4(1)(b).
	“interruption” means the temporary unavailability of supply from the distribution network to a customer, but does not include <u>a</u> disconnection under Part 7.;	Drafting changes.
	“interval meter” has the same meaning <u>as given</u> in the Metering Code. clause 1.3 ;	Drafting changes.
	<u>life support equipment address means an address registered under Part 11.</u>	Drafting changes.
	“marketing” includes engaging or attempting to engage in any of the following activities by any means, including door to door or by telephone or other electronic means—	The term is already defined in the Act. ⁸

⁸ Section 44(1) of the *Interpretation Act 1984* provides that words and expressions used in subsidiary legislation shall have the same respective meanings as in the written law under which the subsidiary legislation is made.

Clause		Reason for proposed amendment
	<p>(a) negotiations for, or dealings in respect of, a contract for the supply of electricity to a customer; or</p> <p>(b) advertising, promotion, market research or public relations in relation to the supply of electricity to customers.</p>	
	<p>“meter” has the same meaning as given in the Metering Code: clause 1.3;</p>	Drafting changes.
	<p>“metering data agent” means a person responsible for reading the meter on behalf of the distributor. has the meaning given in the Metering Code clause 1.3;</p>	ECCC minor amendment, item B
	<p>“metrology procedure” has the same meaning as given in the Metering Code: clause 1.3;</p>	Drafting changes.
	<p>“metropolitan area” means —</p> <p>(a) the region described in Schedule 3 of the Planning and Development Act 2005; the Perth Metropolitan area; and</p> <p>(b) the local government district of Mandurah; and</p> <p>(c) the local government district of Murray; and</p> <p>(d) the townships, as constituted under section 26 of the Land Administration Act 1997 section 26, of —</p> <p>(i) Albany; and</p> <p>(ii) Bunbury; and</p> <p>(iii) Geraldton; and</p> <p>(iv) Kalgoorlie; and</p> <p>(v) Karratha; and</p> <p>(vi) Port Hedland; and</p> <p>(vii) South Hedland.;</p>	Drafting changes.
	<p>“National Interpreter Symbol” means the national public information symbol “Interpreter Symbol” (with text) developed by the State of Victoria in partnership with the Commonwealth, State and Territory governments in accordance with Australian Standard AS 2342-1992;</p>	Consequential amendment of removing references to “Australian Standard” (and replacing them with “AS” or “AS/NZS”, as applicable).
	<p>“non-standard contract” means a contract entered into between a retailer and a customer, or a class of customers, that is not a standard form contract. has the meaning given in section 47 of the Act;</p>	Drafting changes.
	<p>“Obligation to Connect Regulations” means the <i>Electricity Industry (Obligation to Connect) Regulations 2005 (WA)</i>.;</p>	Drafting changes.
	<p>“overcharging” means the amount by which the amount charged in a bill or under a bill smoothing arrangement is greater than the amount that would have been charged if the amount of the bill</p>	ECCC recommendation 40(c) and 42(b) – with drafting changes.

Clause		Reason for proposed amendment
	<p>was determined in accordance with clause 4.6(1)(a) as a — <u>(a) includes —</u> (i) <u>the overcharging of a customer that is the result of some an error, defect, error or default for which the retailer or distributor is responsible or contributed to, but does not include (including when a meter is found to be defective); and</u> (ii) <u>an adjustment, that results from the difference between the amount due under an estimated bill and the amount that would have been due if the bill had been based on an actual value determined in accordance with the Metering Code clause 5.4(1A)(b);</u> but <u>(b) does not include an amount charged in accordance with a bill smoothing arrangement;</u></p>	
	<p>“payment difficulties” means a state of immediate financial disadvantage that results in a residential customer being unable to pay an outstanding amount as required by a retailer by reason of a change in personal circumstances.</p>	ECCC recommendation 50(c)
	<p><u>payment plan</u> has the meaning given in clause 4;</p>	The term “payment plan” replaces the term “instalment plan”.
	<p>“payment problems” includes, without limitation, payment problems relating to a historical debt;</p>	Drafting changes.
	<p>“premises” means premises owned or occupied by a new or existing customer.</p>	The term is used in the Act but not defined. It is unnecessary to define the term in the Code.
	<p><u>Perth metropolitan area</u> means the region described in the <i>Planning and Development Act 2005</i> Schedule 3;</p>	Consequential amendment of the drafting changes made to the definition of “metropolitan area”.
	<p>“pre-payment meter” means a meter that requires a customer to pay for the supply of electricity prior to <u>before</u> consumption;</p>	Drafting changes.
	<p><u>protected period</u> means — (a) <u>a Monday, Tuesday, Wednesday or Thursday after 3 pm; or</u> (b) <u>a Friday after 12 noon; or</u> (c) <u>a Saturday, a Sunday or a public holiday throughout the State; or</u> (d) <u>a business day immediately before a public holiday throughout the State;</u></p>	Drafting changes. The <i>National Energy Retail Rules</i> also use the term protected period.

Clause		Reason for proposed amendment
	“public holiday” means a public holiday in Western Australia.	The term is already defined in the <i>Interpretation Act 1984</i> . ⁹
	“re-certification” means confirmation from an appropriately qualified medical practitioner that a person residing at the customer’s supply address continues to require life support equipment.	The term is no longer used in the Code.
	“recharge facility” means a facility where a pre-payment meter customer can purchase credit for the a pre-payment meter;	Drafting changes.
	“regional area” means all areas an area in Western Australia the State other than the metropolitan area;	Drafting changes.
	“Regional Power Corporation” means the body corporate established as such by the Electricity Corporations Act 2005.	The term is already defined in the Act. ¹⁰
	“relevant consumer representative” — (a) means a person who may reasonably be expected to represent the interests of residential customers who are experiencing payment difficulties or financial hardship; and (b) includes financial counsellors;	Drafting changes.
	relevant standard — (a) in relation to a retailer, has the meaning given in clause 81(1); and (b) in relation to a distributor, has the meaning given in clause 81(2);	Drafting changes.
	“reminder notice” means a notice in writing issued in accordance with has the meaning given in clause 7.4 48(1)(a);	Drafting changes.
	“reporting year” means a year commencing on 1 July and ending on 30 June.	The term is no longer used in the Code.
	“residential pre-payment meter customer” means a residential customer who has a pre-payment meter operating at the customer’s supply address and who consumes electricity solely for domestic use;	Drafting changes.

⁹ Section 80 of the Act provides that the Code is subsidiary legislation for the purposes of the *Interpretation Act 1984*.

¹⁰ Section 44(1) of the *Interpretation Act 1984* provides that words and expressions used in subsidiary legislation shall have the same respective meanings as in the written law under which the subsidiary legislation is made

Clause		Reason for proposed amendment
	<p>“resolved”, <u>in relation to a complaint</u>, means the that —</p> <p>(a) <u>a decision or determination has been</u> made by the retailer or distributor (as relevant) with respect to the complaint, where; and</p> <p>(b) <u>in making the decision or determination</u>, the retailer or distributor, having had regard to the nature and particular circumstances of the complaint, has and used all reasonable steps to ensure the best possible approach to addressing the complaint.;</p>	Drafting changes.
	<p>“standard form contract” means a contract that is approved by the Authority under has the meaning given in section 47 54 of the Act or prescribed by the Minister under section 55 of the Act prior to its repeal.;</p>	There are no customers on a contract that is prescribed by the Minister under section 55 of the Act.
	<p>“telephone” means a device which is used to transmit and receive voice frequency signals.</p>	It is unnecessary to define this term in the Code.
	<p>“temporary suspension of actions” means a situation where a retailer temporarily suspends all disconnection and debt recovery procedures without entering into an alternative payment arrangement under clause 6.4(1).</p>	Consequential amendment of ECCC recommendation 51(b).
	<p>“TTY” means a teletypewriter.</p>	Consequential amendment of ECCC recommendation 4.
	<p>“Type 7” has the same meaning as in the Metering Code.</p>	The term is no longer used in the Code.
	<p>“undercharging” —</p> <p>(a) includes, without limitation —</p> <p>(a) the failure to issue a bill in accordance with clause 4.1 or clause 4.2 or to issue a bill under a bill smoothing arrangement; or</p> <p>(b) the amount by which the amount charged in a bill or under a bill smoothing arrangement is less than the amount that would have been charged if the amount of the bill was determined in accordance with clause 4.6(1)(a) as a</p> <p>(i) <u>the undercharging of a customer that is the result of some an error, defect, error or default for which the retailer or distributor is responsible or contributed to, but does not include (including when a meter is found to be defective); and</u></p> <p>(ii) <u>an adjustment that results from the difference between the amount due under an estimated bill and the amount that would have been due if the bill had been based on an actual value</u></p>	ECCC recommendations 39(d) and 42(c) – with drafting changes

Clause		Reason for proposed amendment
	<p>determined in accordance with the Metering Code clause 5.4(1A)(b), other than if the adjustment results from the customer denying access to the meter at the supply address for more than 12 months;</p> <p>but</p> <p>(b) does not include an amount charged in accordance with a bill smoothing arrangement;</p>	
	<p>“unsolicited consumer agreement” is defined in section 69 of has the meaning given in the Australian Consumer Law (WA), section 69;</p>	Drafting changes.
	<p>verifiable confirmation means confirmation that is given —</p> <p>(a) expressly; and</p> <p>(b) in writing or orally; and</p> <p>(c) by the customer or a nominated person competent to give the confirmation on the customer’s behalf;</p>	ECCC recommendation 11(b)
	<p>“verifiable consent” means consent that is given —</p> <p>(a) expressly; and</p> <p>(b) in writing or orally; and</p> <p>(c) after the retailer or electricity marketing agent (whichever is relevant) has in plain language appropriate to that customer disclosed all matters materially relevant to the giving of the consent, including each specific purpose for which the consent will be used; and</p> <p>(d) (c) by the a customer or a nominated person competent to give the consent on the customer’s behalf; and</p> <p>(d) after the retailer or electricity marketing agent (whichever is relevant) has, in plain language appropriate to the customer, disclosed all matters materially relevant to the giving of the consent, including each specific purpose for which the consent will be used;</p>	Drafting changes.
	<p>vulnerable customer means a residential customer, or a former residential customer —</p> <p>(a) who has advised the retailer that they are affected by family violence; or</p> <p>(b) who the retailer has reason to believe is affected by family violence.</p>	ECCC recommendation 105 – with drafting changes.
	<p>Note for this clause:</p> <p>Other terms used in this code have the same meanings as in the Electricity Industry Act 2004. See the Electricity Industry Act 2004</p>	Clarification.

Clause		Reason for proposed amendment
	<p>sections 3 and 78 in particular, and the Interpretation Act 1984 section 44.</p>	
<p>4</p>	<p>Payment plans</p> <p>(1) For the purposes of this code, a payment plan is an interest-free and fee-free plan or other arrangement between a retailer and a residential customer under which the customer is allowed to pay a bill, any arrears or a charge (including a disconnection or reconnection charge) by at least 3 instalments while permitted to continue consumption of electricity.</p> <p>(2) In subclause (1), a fee includes any fee or charge associated with the establishment or operation of a payment plan that would not otherwise be payable if the residential customer had not entered into the payment plan.</p>	<p>The term “instalment plan” has been replaced with “payment plan” and is now defined in clause 4 of the amended Code. The new definition amalgamates the current definition of “instalment plan” in clause 1.5 and the description in clause 6.4(1)(b).</p>
<p>5</p>	<p>Provision of information to customers</p> <p>(1) In this clause —</p> <p>designated entity means —</p> <p>(a) a retailer; or</p> <p>(b) a distributor; or</p> <p>(c) an electricity marketing agent.</p> <p>(2) If this code requires a designated entity to give or provide information to a customer on request, the designated entity may satisfy this requirement by —</p> <p>(a) referring the customer to a retailer’s or distributor’s website (as the case requires); or</p> <p>(b) providing the information to the customer.</p> <p>(3) The designated entity must provide a copy of the information to the customer if the customer requests a copy.</p> <p>(4) This clause does not limit any other provision of this code relating to the provision of information.</p>	<p>ECCC recommendation 2</p>
<p>4.6</p>	<p>Application</p> <p>Subject to clause 1.10, the Code applies to—</p> <p>(a)—retailers;</p> <p>(b)—distributors; and</p> <p>(c)—electricity marketing agents,</p> <p>in accordance with Part 6 of the Act.</p>	<p>Not required.</p>
<p>4.7</p>	<p>Purpose</p> <p>The Code regulates and controls the conduct of electricity marketing agents, retailers and distributors.</p>	<p>This matter is addressed in section 79(2) of the Act.</p>

Clause		Reason for proposed amendment
4.8	<p>Objectives The objectives of the Code are to— (a) define standards of conduct in the supply and marketing of electricity to customers; and (b) protect customers from undesirable marketing conduct.</p>	This matter is addressed in section 79(2) of the Act.
4.9	<p>Amendment & Review The process for amendment and review of the Code is set out in Part 6 of the Act.</p>	This matter is addressed in Part 6 of the Act.
6	<p><u>Variations relating to standard form contracts</u> (1) <u>A retailer and a customer may agree that the following clauses do not apply, or are to be amended in their application, to a standard form contract —</u> <u>(a) 18(2);</u> <u>(b) 38(1);</u> <u>(c) 53;</u> <u>(d) 98(1);</u> <u>(e) 98(2).</u> (2) <u>An agreement under subclause (1) may be a written or a verbal agreement.</u></p>	<p>ECCC recommendation 5(c) Clause 6(1) of the amended Code does not include a reference to:</p> <ul style="list-style-type: none"> • Clause 5.4 (now 35): The amended wording of clause 5.4 clarifies that the retailer may accept a payment in advance of less than \$20 at any time. • Clause 6.4(3)(b): The words “at least 5 business days before” have been replaced with “within 5 business days after” in clause 6.4(3)(b). Therefore, there is no longer any need for customers to contract out of clause 6.4(3)(b) to ensure their amended payment plan takes effect immediately.
4.10 7	<p>Variation from the Code <u>Variations relating to non-standard contracts</u> (1) A retailer and a customer may agree that the following clauses (marked with an asterisk throughout) do not apply, or are to be amended in their application, in <u>to</u> a non-standard contract — <u>(a) 18(2);</u> (a)(b) 4.119; (b)(c) 4.220; <u>(d) 21(1) to (6);</u> (e)(e) 5.133; (e)(f) 5.234; (e)(g) 5.435; (f)(h) 5.738; and (g)(i) 8.153;</p>	<p>ECCC recommendation 5(b) Clause 7(1) of the amended Code does not include reference to clause 6.4(3)(b) because the words “at least 5 business days before” have been replaced with “within 5 business days after”. Therefore, there is no longer any need for customers to contract out of clause 6.4(3)(b) to ensure their amended payment plan takes effect immediately.</p>

Clause		Reason for proposed amendment
	<p>(j) <u>98(1);</u> (k) <u>98(2).</u> (2) <u>An agreement under subclause (1) may be a written or a verbal agreement.</u></p>	
Part 2	<p>NOTE:- <u>Note for this Part:</u> This Code code is not the only compliance obligation in relation to marketing. Other State and Federal laws apply to marketing activities, including but not limited to the <i>Fair Trading Act 2010 (WA)</i>, the <i>Spam Act 2003 (Cth Commonwealth)</i>, the <i>Spam Regulations 2004 (Cth Commonwealth)</i>, the <i>Do Not Call Register Act 2006 (Cth Commonwealth)</i>, the <i>Telecommunications (Do Not Call Register) (Telemarketing and Research Calls) Industry Standard 2007 (Cth) 2017 (Commonwealth)</i> and the <i>Privacy Act 1988 (Cth Commonwealth)</i>.</p>	Drafting changes.
Division 1	Obligations particular to for retailers	Drafting changes.
2.1 8	Retailers to must ensure electricity marketing agents comply with this Part	Drafting changes.
2.2-9	Entering into a standard form contract	Drafting change.
2.2(1) 9(1)	<p>When entering into a standard form contract that is not an unsolicited consumer agreement, a the retailer or an electricity marketing agent must —</p> <p>(a) record the date <u>on which</u> the standard form contract was entered into; <u>and</u></p> <p>(b) give, or make available to the customer at no charge, a copy of the standard form contract —</p> <p><u>(i) if the standard form contract is entered into by telephone — as soon as possible, but not more than 5 business days, after the standard form contract is entered into; or</u></p> <p>(i) otherwise — at the time the standard form contract is entered into, if the standard form contract was not entered into over the telephone; or</p> <p>(ii) as soon as possible, but not more than 5 business days after the standard form contract was entered into, if the standard form contract was entered into over the telephone.</p>	Drafting changes.
2.2(2) 9(2)(f)	Subject to <u>Unless</u> subclause (3) <u>applies, if a customer enters into a standard form contract with a retailer, ...</u>	Clarification. The proposed amendment is different from ECCC recommendation 6 which

Clause		Reason for proposed amendment
		<p>was to include the words “if a customer enters into a contract described in subclause (1)” – consistent with clause 2.2(2) of the <i>Gas Marketing Code of Conduct 2017</i>. The words included in the Gas Marketing Code are incorrect. They were inserted during the last review of the Gas Marketing Code as part of other changes made to the clause. However, they are inconsistent with previous versions of the Gas Marketing Code which required the information to be provided with all standard form contracts; not only those that are not unsolicited consumer agreements. It is also inconsistent with clause 2.3(2) of the Code which requires equivalent information to be provided with all non-standard contracts (not only those that are not unsolicited agreements).</p>
	<p>... a the retailer or an electricity marketing agent must give the following information to a the customer ...</p>	<p>Drafting changes.</p>
	<p>... no later than on or with <u>before or at the time of giving</u> ...</p>	<p>ECCC recommendation 6</p>
	<p>... the customer's first <u>1st</u> bill —</p> <p>(a) how the customer may obtain —</p> <p>(i) a copy of the Code <u>this code</u>; and</p> <p>(ii) details on of all relevant tariffs, fees, charges, alternative tariffs and service levels that may apply to the customer;</p> <p>(b) the scope of the Code <u>this code</u>;</p> <p>(c) that a retailer <u>retailers</u> and electricity marketing agent <u>agents</u> must comply with the Code <u>this code</u>;</p>	<p>Drafting changes.</p>
	<p>(d) how the retailer may assist if the customer is experiencing payment difficulties or financial hardship <u>problems paying a bill</u>;</p>	<p>ECCC recommendation 50(d)</p>
	<p>(e) with respect to <u>in the case of</u> a residential customer, the concessions that may apply to</p>	<p>ECCC recommendation 7</p>

Clause		Reason for proposed amendment
	<p>the residential customer — a statement that <u>the customer may be eligible to receive concessions and how the customer may find out about their eligibility to receive those concessions</u>;</p> <p>(f) the <u>relevant</u> distributor's 24-hour telephone number for faults and emergencies;</p> <p>(g) with respect to in the case of a residential customer ...</p> <p>... , how the residential customer may access the retailer's —</p> <p>(i) multi-lingual services (in languages reflective of the retailer's customer base) <u>the telephone number for interpreter services, identified by the National Interpreter Symbol</u>; and</p> <p>(ii) TTY services <u>the telephone number (or numbers) for services that can assist customers with a speech or hearing impairment</u>;</p> <p>(h) how to make an enquiry of, or complaint to, the retailer; and</p> <p>(i) general information on the safe use of electricity.</p>	<p></p> <p>Drafting change.</p> <p>Drafting changes.</p> <p>ECCC recommendation 8</p> <ul style="list-style-type: none"> • ECCC recommendation 8 • ECCC minor amendment, item C <p>ECCC recommendation 4</p> <p>Drafting change.</p>
<p>2.2(3) <u>9(3)</u></p>	<p>For the purposes of subclause (2), a <u>A</u> retailer or <u>an</u> electricity marketing agent is taken to have given the customer the <u>not</u> required <u>to give the information set out in subclause (2) to a customer</u> if —</p> <p>(a) the retailer or electricity marketing agent has provided given the information to that the customer within the preceding 12 months; or</p> <p>(b) the retailer or electricity marketing agent has informed the customer how the customer may obtain the information, unless and the customer requests <u>has not requested</u> to receive <u>be given</u> the information.</p>	<p>Drafting changes.</p>
<p><u>2-310</u></p>	<p>Entering into a non-standard contract</p>	<p>Drafting change.</p>
<p>2.3(4) <u>10(1)</u></p>	<p>When entering a retailer and a customer enter into a non-standard contract that is not an unsolicited consumer agreement, a the <u>the</u> retailer or <u>an</u> electricity marketing agent must —</p> <p>(a) obtain and make a record of the customer's verifiable consent that to entering into the non-standard contract has been entered into; and</p>	<p>Drafting changes.</p> <p>ECCC recommendation 9</p>

Clause		Reason for proposed amendment
	<p>(b) give, or make available to the customer at no charge, a copy of the non-standard contract —</p> <p><u>(i) if the non-standard contract is entered into by telephone — as soon as possible, but not more than 5 business days, after the non-standard contract is entered into; or</u></p> <p>(ii) otherwise — at the time the non-standard contract is entered into, if the non-standard contract was not entered into over the telephone; or</p> <p>(ii) as soon as possible, but not more than 5 business days after the non-standard contract was entered into, if the non-standard contract was entered into over the telephone.</p>	Drafting changes.
<p>2.3(2) <u>10(2) and (3)</u></p>	<p>(2) Before entering into a non-standard contract, a the retailer or an electricity marketing agent must give the customer the following information —</p> <p><u>(a) in the case of a residential customer — a statement that the customer may be eligible to receive concessions and how the customer may find out about their eligibility to receive those concessions;</u></p> <p>(a)(b) details of any right the customer may have to rescind the non-standard contract during a the cooling-off period and the charges that may apply if the customer rescinds the non-standard contract; ;</p> <p><u>(3) Unless subclause (4) applies, if a customer enters into a non-standard contract with a retailer, the retailer or an electricity marketing agent must give the following information to the customer before or at the time of giving the customer's 1st bill —</u></p> <p>(b)(a) how the customer may obtain —</p> <p>(i) a copy of the Code <u>this code</u>; and</p> <p>(ii) details on of all relevant tariffs, fees, charges, alternative tariffs and service levels that may apply to the customer;</p> <p>(e)(b) the scope of the Code <u>this code</u>;</p> <p>(d)(c) that a retailer <u>retailers</u> and electricity marketing agent <u>agents</u> must comply with the Code <u>this code</u>;</p> <p>(e)(d) how the retailer may assist if the customer is experiencing payment</p>	<p>Drafting changes.</p> <p>ECCC recommendation 7 – with drafting changes.</p> <p>Drafting changes.</p> <p>ECCC recommendation 10 – with drafting changes</p> <p>Drafting changes.</p> <p>ECCC recommendation 50(d)</p>

Clause		Reason for proposed amendment
	<p>difficulties and financial hardship problems paying a bill;</p> <p>(f) with respect to a residential customer, the concessions that may apply to the residential customer;</p> <p>(g)(e) the <u>relevant</u> distributor's 24-hour telephone number for faults and emergencies;</p> <p>(h)(f) with respect to in the case of a residential customer, how the residential customer may access —</p> <p>(i) the retailer's multi-lingual services (in languages reflective of the retailer's customer base) the <u>telephone number for interpreter services, identified by the National Interpreter Symbol</u>; and</p> <p>(ii) TTY services <u>the telephone number (or numbers) for services that can assist customers with a speech or hearing impairment</u>;</p> <p>(j)(g) how to make an enquiry of, or complaint to, the retailer; and</p> <p>(j)(h) general information on the safe use of electricity.</p>	<p>A similar matter is now addressed in clause 10(2)(a) of the amended Code.</p> <p>Drafting changes.</p> <p>ECCC recommendation 8</p> <ul style="list-style-type: none"> • ECCC recommendation 8 • ECCC minor amendment, item C <p>ECCC recommendation 4</p> <p>Drafting change.</p>
<p>2.3(3) <u>10(4)</u></p>	<p>For the purposes of subclauses (2)(b)-(j), a A retailer or <u>an</u> electricity marketing agent is taken to have given the customer the not required <u>to give the</u> information <u>set out in subclause (3) to a customer</u> if —</p> <p>(a) the retailer or electricity marketing agent has provided given the information to that the customer within the preceding 12 months; or</p> <p>(b) the retailer or electricity marketing agent has informed the customer how the customer may obtain the information, unless and the customer requests has not requested to <u>receive be given</u> the information.</p>	<p>Drafting changes.</p>
<p>2.3(4) <u>10(5)</u></p>	<p>Before arranging a non-standard contract <u>is entered into</u>, the Electricity Generation and Retail Corporation or Regional Power Corporation, or an electricity marketing agent acting on behalf of it, must give a customer the following information —</p> <p>(a) that the customer is able to choose the standard form contract offered by the relevant retailer; and</p> <p>(b) the difference between the non-standard contract and the standard form contract.</p>	<p>ECCC minor amendment, item D – with drafting changes.</p>

Clause		Reason for proposed amendment
<p>2.3(5) <u>10(6)</u></p>	<p>Subject to subclause (3), a A retailer or electricity marketing agent must obtain the customer's verifiable consent <u>confirmation</u> that the information referred to in clause 2.3(2) and 2.3(4) <u>subclauses (2) and (5)</u> (if applicable) has been given.</p>	<p>ECCC recommendation 11(a)</p>
<p>2.4(1) <u>11(1)</u></p>	<p>A retailer or <u>an</u> electricity marketing agent must ensure that the inclusion of concessions is made clear to residential customers <u>of the retailer</u> and <u>that</u> any prices that exclude concessions are disclosed.</p>	<p>Drafting changes.</p>
<p>2.4(2) <u>11(2)</u></p>	<p>A retailer or <u>an</u> electricity marketing agent must ensure that a customer <u>of the retailer</u> is able to contact the retailer or electricity marketing agent on the retailer's or electricity marketing agent's contact details, including telephone number, during the normal business hours of the retailer or electricity marketing agent for the purposes of enquiries, verifications and complaints.</p>	<p>Drafting changes.</p>
<p>2.5 <u>12</u></p>	<p>Contact for the purposes of marketing</p>	<p>Drafting change.</p>
<p>2.5(1) <u>12(1)</u></p>	<p>A retailer or electricity marketing agent who makes contact with <u>contacts</u> a customer for the purposes of marketing must, on request by the customer, <u>provide</u> —</p> <ul style="list-style-type: none"> (a) provide the customer with the complaints telephone number of the retailer on whose behalf the contact is being made; <u>and</u> (b) provide the customer with the telephone number of the electricity <u>industry</u> ombudsman; and (c) for in the case of contact by an electricity marketing agent; — provide the customer with the electricity marketing agent's marketing identification number. 	<p>Drafting changes.</p>
<p>2.5(2) <u>12(2)</u></p>	<p>A retailer or electricity marketing agent who meets with a customer face to face for the purposes of marketing must —</p> <ul style="list-style-type: none"> (a) wear <u>display</u> a clearly visible and legible identity card that shows — <ul style="list-style-type: none"> (i) his or her <u>the</u> first name; <u>of the person who is meeting with the customer; and</u> (ii) his or her <u>a</u> photograph; <u>of the person who is meeting with the customer; and</u> (iii) <u>in the case of an electricity marketing agent — the agent's</u> his or her marketing identification number (for contact by an electricity marketing agent); and (iv) the name of the retailer on whose behalf the contact is being made; <u>and</u> 	<p>ECCC recommendation 12</p> <p>Drafting changes.</p>

Clause		Reason for proposed amendment
	<p><u>and</u></p> <p>(b) <u>on request by the customer</u>, provide the customer, following information, in writing, <u>to the customer</u> —</p> <p>(i) his or her <u>the</u> first name <u>of the person who is meeting with the customer</u>;</p> <p>(ii) <u>in the case of an electricity marketing agent — the agent's</u> his or her marketing identification number (for contact by an electricity marketing agent);</p> <p>(iii) the name of the retailer on whose behalf the contact is being made;</p> <p>(iv) the complaints telephone number of the retailer on whose behalf the contact is being made;</p> <p>(v) the business address and Australian Business or Company Number of the retailer on whose behalf the contact is being made; and</p> <p>(vi) the telephone number of the electricity <u>industry</u> ombudsman.;</p> <p>as soon as practicable following a request by the customer for the information.</p>	<ul style="list-style-type: none"> • Drafting changes in response to ECCC minor amendment, item E. • The obligation to provide the information “as soon as practicable” is now addressed in clause 12(3) of the amended Code.
<u>12(3)</u>	<u>A retailer or electricity marketing agent must comply with a request under subclause (2)(b) as soon as practicable after it is made by the customer.</u>	This matter was previously addressed in clause 2.5(2)(b).
2.6 <u>13</u>	<p>No canvassing or advertising <u>Compliance with signs</u></p> <p>A retailer or electricity marketing agent who visits a person’s premises for the purposes of marketing must comply with any clearly visible signs at the person’s premises indicating —</p> <p>(a) <u>that</u> canvassing is not permitted at the premises; or</p> <p>(b) <u>that</u> no advertising or similar material is to be left at the premises or in a letterbox or other receptacle at, or associated with, the premises.</p>	Drafting changes.
2.7 <u>14</u>	<u>Compliance with code</u>	Drafting changes.
2.7(1) <u>14(1)</u>	Penalty — <u>for this subclause:</u>	Drafting changes.
2.7(2) <u>14(2)</u>	Penalty — <u>for this subclause:</u>	Drafting changes.
2.7(3) <u>14(3)</u>	It is a defence to a prosecution for a contravention of an offence under subclause (2) if the retailer proves that the retailer used reasonable endeavours to ensure that the	Drafting changes.

Clause		Reason for proposed amendment
	electricity marketing agent complied with the Code this code .	
2-8 15(1)	<p>(1) A This clause applies to a person who carries out any a marketing activity in the name of or for the benefit of —</p> <p>(a) a retailer; or</p> <p>(b) an electricity marketing agent;</p> <p>(2) The person is to be taken, unless the contrary is proved, to have been employed or authorised by the retailer or electricity marketing agent to carry out that the marketing activity.</p>	Drafting changes.
2-9 16	<p>An electricity marketing agent must —</p> <p>(a) keep a record of each complaint made by a customer, or person contacted for the purposes of marketing, about the marketing carried out by or on behalf of the electricity marketing agent; and</p> <p>(b) on request by the electricity industry ombudsman in relation to a particular complaint, give to the electricity industry ombudsman, within 28 days of after receiving the request, all information that the electricity marketing agent has relating to the complaint.</p>	Drafting changes.
17	Records to must be kept	Drafting changes.
2-10 17	<p>A record or other information that an electricity marketing agent is required by this Code to keep under this code must be kept ...</p> <hr/> <p>... for at least 2 years from the last time that there was contact between the person to whom the record or other information relates and the electricity marketing agent. —</p> <p>(a) after the last time the person to whom the information relates was contacted by or on behalf of the electricity marketing agent; or</p> <p>(b) after receipt of the last contact from or on behalf of the electricity marketing agent, whichever is later.</p>	<p>Drafting changes.</p> <hr/> <p>ECCC minor amendment, item F – with drafting changes.</p> <p>The drafting changes ensure that records must be kept for 2 years from the last time contact was made, regardless of whom made the contact.</p>
3.1(2) 18(2)	<p>Unless the customer agrees otherwise, a A retailer must forward the customer's request for connection to the relevant distributor —</p> <p>(a) that same day, if the request is received before 3_{pm} on a business day — on that same day; or</p> <p>(b) the next business day, if the request is received after 3_{pm} or on a Saturday, a Sunday or a public holiday throughout the State — no later than the next business day.</p>	<p>ECCC recommendation 5(a)</p> <hr/> <p>Drafting changes.</p> <p>The drafting changes to paragraph (b) ensure that a retailer may also forward a connection request earlier than the next business day.</p>

Clause		Reason for proposed amendment
3.1(3)	In this clause— “customer” includes a customer’s nominated representative.	ECCC recommendation 13
3.1(2) 18(2)	Note for this clause: [Note: The Obligation to Connect Regulations provide regulations in relation to the obligation upon on a distributor to energise and connect a premises.]	Drafting changes.
4.4 19	Billing Standard billing cycle	Drafting changes.
4.1(a) and (b)(i) 19(1)	A retailer must issue a bill— (a) no more than once a month, unless the retailer has— (i) obtained a customer’s verifiable consent to issue bills more frequently; (ii) given the customer— (A) a reminder notice in respect of 3 consecutive bills; and (B) notice as contemplated under clause 4.2; (iii) received a request from the customer to change their supply address or issue a final bill, in which case the retailer may issue a bill more than once a month for the purposes of facilitating the request; or (iv) less than a month after the last bill was issued, received metering data from the distributor for the purposes of preparing the customer’s next bill; (b) no less than once every 3 months, unless the retailer— (i) has obtained the customer’s verifiable consent to issue bills less frequently; Unless subclause (2) applies, a retailer must issue a bill to a customer at least once every 100 days.	ECCC recommendation 14(a) – with drafting changes.
4.1(b)(ii) and (iii) 19(2)	A retailer may issue a bill that is outside the timeframe under subclause (1) if the retailer — (ii)(a) has not received the required metering data energy data from the relevant distributor for the purposes purpose of preparing the bill, despite using its best endeavours to obtain the metering data energy data from the relevant distributor; or	Drafting changes. ECCC recommendation 14(b) Drafting changes. ECCC recommendation 14(b) Drafting change.

Clause		Reason for proposed amendment
	<p>(iii)(b) is unable to comply with this <u>the</u> timeframe due to the actions of the customer where in circumstances in which —</p> <p>(i) the customer is supplied <u>with electricity</u> under a deemed contract pursuant to regulation 37 of the <i>Electricity Industry (Customer Contracts) Regulations 2005</i> <u>regulation 37</u>; and</p> <p>(ii) the bill is the first <u>1st</u> bill issued to that customer at that supply address.</p>	ECCC recommendation 14(c) – with drafting changes.
<u>19(3)</u>	<p><u>A retailer and a customer may agree to a billing cycle with a regular recurrent period that differs from the customer's standard billing cycle if —</u></p> <p><u>(a) the retailer has obtained the customer's verifiable consent to the new billing cycle; and</u></p> <p><u>(b) the regular recurrent period of the new billing cycle does not exceed 100 days.</u></p>	ECCC recommendation 14(a)
4.2(1) and (2) <u>20(1) and (2)</u>	<p>(1) For the purposes of clause 4.1(a)(ii), a retailer has given a customer notice if the retailer has advised the customer, prior to placing the customer on a shortened billing cycle, that —</p> <p>(a) receipt of a third reminder notice may result in the customer being placed on a shortened billing cycle;</p> <p>(b) if the customer is a residential customer, assistance is available for residential customers experiencing payment difficulties or financial hardship;</p> <p>(c) the customer may obtain further information from the retailer on a specified telephone number; and</p> <p>(d) once on a shortened billing cycle, the customer must pay 3 consecutive bills by the due date to return to the customer's previous billing cycle.</p> <p>(2) Notwithstanding clause 4.1(a)(ii), a retailer must not place a residential customer on a shortened billing cycle without the customer's verifiable consent if —</p> <p>(a) the residential customer informs the retailer that the residential customer is experiencing payment difficulties or financial hardship; and</p> <p>(b) the assessment carried out under clause 6.1 indicates to the retailer that the customer is experiencing payment difficulties or financial hardship.</p> <p><u>(1) A retailer must not place a customer on a shortened billing cycle unless subclause (2) or clause 19(3) applies.</u></p>	ECCC recommendation 15(a) – with drafting changes.

Clause		Reason for proposed amendment
	<p><u>(2) A retailer may place a customer on a shortened billing cycle if —</u></p> <p><u>(a) in the case of a residential customer — the customer is not experiencing financial hardship; and</u></p> <p><u>(b) the retailer has given the customer a reminder notice for 3 consecutive bills; and</u></p> <p><u>(c) before the 3rd reminder notice is given to the customer, the retailer has given the customer a notice informing the customer that —</u></p> <p><u>(i) receipt of a 3rd reminder notice may result in the customer being placed on a shortened billing cycle; and</u></p> <p><u>(ii) in the case of a residential customer — assistance is available for residential customers experiencing problems paying their bills; and</u></p> <p><u>(iii) the customer may obtain further information from the retailer on a specified telephone number; and</u></p> <p><u>(iv) once on a shortened billing cycle, the customer must pay 3 consecutive bills by the due date to return to the customer’s former billing cycle.</u></p>	<p>ECCC recommendation 15(a) and 50(f) – with drafting changes.</p> <p>ECCC recommendation 15(a) – with drafting changes.</p> <p>The words “or disconnection warning” have not been inserted after “reminder notice” in clause 4.2(1)(a)¹¹ as they would be superfluous. A reminder notice must always be given before a disconnection warning may be given for failure to pay a bill.</p> <p>ECCC recommendation 15(a) and 50(d) – with drafting changes.</p> <p>ECCC recommendation 15(a) – with drafting changes.</p>
<p>4.2(3) <u>20(3)</u></p>	<p>If, after giving notice as required under clause 4.1(a)(ii), a retailer decides to shorten the billing cycle in respect of a customer, the retailer must give the customer written notice of that decision within 10 business days of making that decision.</p> <p><u>The retailer must, within 10 business days after placing the customer on a shortened billing cycle under subclause (2), give the customer notice that —</u></p> <p><u>(a) the customer has been placed on a shortened billing cycle; and</u></p> <p><u>(b) the customer must pay 3 consecutive bills by the due date shown on each bill to return to the customer’s former billing cycle; and</u></p>	<p>ECCC recommendation 15(b) – with drafting changes.</p>

¹¹ Clause 20(2)(c)(i) of the amended Code.

Clause		Reason for proposed amendment
	<u>(b) failure to make a payment may result in arrangements being made for disconnection of the supply of electricity.</u>	
4.2(4) <u>20(4)</u>	A shortened billing cycle <u>billing cycle shortened under subclause (2)</u> must be at least 10 business days.	Drafting changes.
4.2(5) <u>20(5)</u>	A retailer must, <u>on request</u> , return a customer, who is subject to a shortened billing cycle <u>under subclause (2)</u> and has paid 3 consecutive bills by the due date, on request , to the billing cycle that applied to the customer before the shortened billing cycle commenced <u>customer's former billing cycle</u> .	Drafting changes. For consistency with clauses 20(2)(c)(iv), 20(3)(b) and 20(6) of the amended Code.
4.2(6) <u>20(6)</u>	A retailer must inform a customer, who is subject to a shortened billing cycle, <u>under subclause (2)</u> , at least once every 3 months, that, if the customer pays 3 consecutive bills by the due date of each bill, the customer will be returned, on request, to the billing cycle that applied to the customer before the shortened billing cycle commenced <u>customer's former billing cycle</u> .	Drafting changes. For consistency with clauses 20(2)(c)(iv), 20(3)(b) and 20(5) of amended Code.
4.3	Bill smoothing (1) Notwithstanding clause 4.1, in respect of any 12 month period, on receipt of a request by a customer, a retailer may provide the customer with a bill which reflects a bill smoothing arrangement. (2) If a retailer provides a customer with a bill under a bill smoothing arrangement pursuant to subclause (1), the retailer must ensure that— (a) the amount payable under each bill is initially the same and is set out on the basis of— (i) the retailer's initial estimate of the amount of electricity the customer will consume over the 12 month period; (ii) the relevant supply charge for the consumption and any other charges related to the supply of electricity agreed with the customer; (iii) any adjustment from a previous bill smoothing arrangement (after being adjusted in accordance with clause 4.19); and (iv) any other relevant information provided by the customer.	ECCC recommendation 16

Clause		Reason for proposed amendment
	<p>(b) the initial estimate is based on the customer's historical billing data or, if the retailer does not have that data, the likely average consumption at the relevant tariff calculated over the 12 month period as estimated by the retailer;</p> <p>(c) in or before the seventh month –</p> <p>(i) the retailer re-estimates the amount under subclause (2)(a)(i), taking into account any meter readings and relevant seasonal and other factors agreed with the customer; and</p> <p>(ii) unless otherwise agreed, if there is a difference between the initial estimate and the re-estimate of greater than 10%, the amount payable under each of the remaining bills in the 12 month period is to be reset to reflect that difference; and</p> <p>(d) at the end of the 12 month period, or any other time agreed between the retailer and the customer and at the end of the bill smoothing arrangement, the meter is read and any adjustment is included on the next bill in accordance with clause 4.19; and</p> <p>(e) the retailer has obtained the customer's verifiable consent to the retailer billing on that basis; and</p> <p>(f) if the bill smoothing arrangement between the retailer and the customer is for a defined period or has a specified end date, the retailer must no less than one month before the end date of the bill smoothing arrangement notify the customer in writing:</p> <p>(i) that the bill smoothing arrangement is due to end; and</p> <p>(ii) the options available to the customer after the bill smoothing arrangement has ended.</p>	
4.4	<p>How bills are issued</p> <p>A retailer must issue a bill to a customer at the address nominated by the customer, which may be an email address.</p>	ECCC recommendation 17(a)
4.5 21	<p>Particulars on each bill Contents of bills</p>	Drafting changes.
21(1)	<p>In addition to any information required to be included on a customer's bill under another provision of this code, a retailer must include the</p>	Drafting changes.

Clause		Reason for proposed amendment
	information set out in this clause on the customer's bill.	
4.5(1) 21(2)	<p>Unless a customer agrees otherwise, ...</p> <p>a retailer must include at least the following information on the customer's bill. The bill must include the following information in relation to the particular service —</p> <p>(x)(a) the supply address and any relevant mailing address;</p> <p>(y)(b) the customer's name and account number;</p> <p>(e)(c) a meter identification number (if relevant) (clearly placed on the part of the bill that is retained by the customer).</p>	<p>ECCC recommendation 5(a)</p> <p>Drafting changes.</p> <p>This matter was previously addressed in clause 4.5(1)(x). Includes ECCC recommendation 22(c).</p> <p>This matter was previously addressed in clause 4.5(1)(y).</p> <p>This matter was previously addressed in clause 4.5(1)(o). Includes ECCC minor amendment, item K</p>
4.5(1) 21(3)	<p>The bill must include the following information in relation to supply and consumption of electricity —</p> <p>(a) either the range of dates of the metering supply period or the date of the current meter reading or estimate the start and end of dates of the supply period;</p> <p>(f)(b) the number of days covered by the bill;</p> <p>(c) the customer's consumption, or estimated consumption; and</p> <p>(d) if the customer is on a time of use tariff, the customer's consumption or estimated consumption for each time band in the time of use tariff;</p> <p>(n)(e) unless the customer is a collective customer, the average daily consumption unless the customer is a collective customer;</p>	<p>Drafting changes.</p> <p>ECCC recommendation 22(a)</p> <p>This matter was previously addressed in clause 4.5(1)(f).</p> <p>This matter was previously addressed in clause 4.5(1)(d)(i) and 4.5(1)(e)(i). Includes ECCC minor amendment, item I</p> <p>This matter was previously addressed in clause 4.5(1)(d)(ii) and 4.5(1)(e)(ii). Includes ECCC minor amendment, item I</p> <p>This matter was previously addressed in clause 4.5(1)(n). Includes drafting changes.</p>

Clause		Reason for proposed amendment
4.5(1) 21(4)	<u>The bill must include the following information in relation to amounts due and payments —</u>	Drafting changes.
	(p) (a) the amount due;	This matter was previously addressed in clause 4.5(1)(p).
	(e) (b) if the customer has <u>there is</u> an accumulation meter installed <u>at the supply address</u> ...	This matter was previously addressed in clause 4.5(1)(c). Includes drafting changes.
	... (whether or not the customer has entered into an export purchase agreement with a retailer) —	ECCC minor amendment, item H
	the current meter reading or estimate; or (ii) if the customer is on a time of use tariff, the current meter reading or estimate for the total of each time band in the time of use tariff;	Drafting changes.
	(b) (c) if the customer has a Type 7 connection point, the calculation of the tariff in accordance with the procedures set out in clause 4.6(1)(e); if there is no meter installed at the supply address, the basis on which the amount due has been calculated;	This matter was previously addressed in clause 4.5(1)(b). Includes ECCC minor amendment, item G
	(g) — the dates on which the account period begins and ends, if different from the range of dates of the metering supply period or the range of dates of the metering supply period have not been included on the bill already;	ECCC recommendation 22(b)
	(h) (d) the applicable tariffs;	This matter was previously addressed in clause 4.5(1)(h).
	(z) (e) the amount of <u>any</u> arrears or credit <u>standing to the customer's name</u> ;	This matter was previously addressed in clause 4.5(1)(z). Includes drafting changes.
	(i) (f) the amount of any other fees or charges and details of the service provided <u>in connection with those fees or charges</u> ;	This matter was previously addressed in clause 4.5(1)(i). Includes drafting changes.
(j) (g) with respect to <u>in the case of</u> a residential customer, — a statement that the residential customer may be eligible to receive concessions and how the residential customer may find out its <u>about</u> eligibility for those concessions;	This matter was previously addressed in clause 4.5(1)(j). Includes drafting changes.	

Clause		Reason for proposed amendment
	(k) (h) if applicable, the value and type of any concessions provided to the residential customer that are administered by the retailer;	This matter was previously addressed in clause 4.5(1)(k). Includes drafting change: The word “residential” has been deleted as the definition of concession already limits the application to residential customers only.
	(s) (i) a statement advising the customer that assistance is available if the customer is experiencing problems paying the bill;	This matter was previously addressed in clause 4.5(1)(s).
	(t) (i) a telephone number for billing and payment enquiries;	This matter was previously addressed in clause 4.5(1)(t).
	(aa) (k) if applicable and not included on a separate statement — (i) payments made under an instalment plan a payment plan that has not been completed; and (ii) the total amount outstanding under the instalment plan payment plan;	This matter was previously addressed in clause 4.5(1)(aa). Includes drafting changes.
	(l) if applicable, a statement on the bill that an additional fee may be imposed to cover the costs of late payment from the customer;	The words “on the bill” are unnecessary. The introductory sentence for clause 21(4) of the amended Code already provides that the information listed in subclause (4) must be included on a bill.
	(dd) (m) to the extent that the data is available, a graph or bar chart illustrating showing the customer’s amount due or consumption for the period covered by the bill, the previous bill and the bill for the same period last year; and	This matter was previously addressed in clause 4.5(1)(dd). Includes drafting changes.
	(m) (n) the average daily cost of consumption, including charges ancillary to the consumption of electricity, unless the customer is a collective customer; and	This matter was previously addressed in clause 4.5(1)(m).
	(q) (o) the due date by which the bill must be paid; and	This matter was previously addressed in clause 4.5(1)(q). Includes drafting changes.
	(r) (p) a summary of the applicable payment methods.	<ul style="list-style-type: none"> ECCC recommendation 18

Clause		Reason for proposed amendment
		<ul style="list-style-type: none"> This matter was previously addressed in clause 4.5(1)(r).
<p>4.5(1) 21(5)</p>	<p><u>If the customer has an export purchase agreement with the retailer, the bill must include the following information —</u></p> <p>(e)(iii)(a) if the customer has an accumulation meter installed and the an export meter reading has been obtained by the retailer, <u>—</u> the export meter reading;</p> <p><u>(b) either —</u></p> <p>(e)(ii)(i) if the customer is on a time of use tariff, the customer's consumption and <u>—</u> ...</p> <p><u>... export, the amount, or estimated amount, of electricity exported by the customer</u> for the total of each time band in the time of use tariff; <u>or</u></p> <p>(e)(i)(ii) the customer's consumption ...</p> <p><u>... and export in any other case — the amount, or estimated amount, of electricity exported by the customer; or</u></p>	<p>Drafting changes.</p> <p>This matter was previously addressed in clause 4.5(1)(e)(iii).</p> <p>This matter is now addressed in clause 21(3)(c) of the amended Code.</p> <p>This matter was previously addressed in clause 4.5(1)(e)(ii). Includes ECCC minor amendment, item J – with drafting changes.</p> <p>This matter is now addressed in clause 21(3)(c) of the amended Code.</p> <p>This matter was previously addressed in clause 4.5(1)(e)(i). ECCC minor amendment, item I – with drafting changes.</p>
<p>4.5(1) 21(6)</p>	<p><u>The bill must include the following ancillary information —</u></p> <p>(u)<u>(a)</u> a telephone number for complaints;</p> <p>(v)<u>(b)</u> the contact details for the electricity <u>industry</u> ombudsman;</p> <p>(w)<u>(c)</u> the <u>relevant</u> distributor's 24-hour telephone number for faults and emergencies.</p>	<p>Drafting changes.</p> <p>This matter was previously addressed in clause 4.5(1)(u).</p> <p>This matter was previously addressed in clause 4.5(1)(v). Includes drafting change.</p> <p>This matter was previously addressed in clause 4.5(1)(w). Includes drafting change.</p>

Clause		Reason for proposed amendment
4.5(1)	(bb) with respect to residential customers, the telephone number for interpreter services together with the National Interpreter Symbol and the words “Interpreter Services”;	A similar matter is addressed in clause 78(2)(a) of the amended Code.
4.5(1)	(cc) the telephone number for TTY services; and	A similar matter is addressed in clause 78(2)(b) of the amended Code.
21(7)	<u>Subclause (2)(b) does not apply if the customer is supplied under a deemed contract pursuant to the Electricity Industry (Customer Contracts) Regulations 2005 regulation 37.</u>	ECCC recommendation 20
21(8)	Notwithstanding subclause (1)(dd), a retailer is not obliged to include a graph or bar chart on the bill <u>Subclause (4)(m) does not apply</u> if the bill is — (a) not indicative of a customer’s actual consumption; <u>or</u> (b) not based upon <u>on</u> a meter reading; or (c) for a collective customer.	Drafting changes.
21(9)	If a retailer identifies a historical debt and wishes to bill a customer for that a historical debt, the retailer must advise <u>give the following information to</u> the customer of <u>no later than the next bill in the customer’s billing cycle</u> — (a) the amount of the historical debt; and (b) the basis of the historical debt; before, with, or on the customer’s next bill.	Drafting changes.
4.6 22(1)	Subject to clauses 4.3 and 4.8, a A retailer must base a customer’s bill on — (a) the distributor’s or metering agent’s reading of the meter at the customer’s supply address <u>on energy data provided for the relevant meter at the customer’s supply address provided by the relevant distributor or metering data agent; or</u> (b) the customer’s reading of the meter at the customer’s supply address, provided the distributor has expressly or impliedly consented to the customer reading the meter for the purpose of determining the amount due; or (c)(b) if the connection point is a Type 7 connection point, the procedure as set out in the metrology procedure or Metering Code, or otherwise as set out in any applicable law. if there is no meter installed at the customer’s supply address — on <u>energy data that is calculated in</u>	Drafting changes. ECCC recommendation 23(a) – with drafting change. ECCC recommendation 23(b) ECCC recommendation 23(c) – with drafting changes.

Clause		Reason for proposed amendment
	<p><u>accordance with the metrology procedure, the Metering Code or any other applicable law; or</u></p> <p><u>(c) if the customer has entered into a non-standard contract — on any other method agreed between the retailer and the customer.</u></p>	ECCC recommendation 23(d) – with drafting changes.
<u>22(2)</u>	<u>A bill will be taken to comply with subclause (1)(a) if the bill reflects a smoothing or similar arrangement that has been entered into between the retailer and the customer.</u>	ECCC recommendation 23(a)
<u>4.7</u> <u>22(3)</u>	<p>Frequency of meter readings Other than in respect of a Type 7 connection point, a <u>If a retailer is required to comply with subclause (1)(a),</u> the retailer must use its best endeavours to ensure ...</p> <p>... that metering data <u>an actual value</u> is obtained as frequently as required to prepare its bills.</p>	ECCC recommendations 25 and 27 – with drafting changes. ECCC recommendation 26
<u>22(4)</u>	<u>The retailer must ensure that the customer is provided with a written record of any method agreed between the retailer and the customer under subclause (1)(c).</u>	ECCC recommendation 24
<u>4.8(1)</u>	If a retailer is unable to reasonably base a bill on a reading of the meter at a customer's supply address, the retailer must give the customer an estimated bill.	ECCC recommendation 28
<u>4.8(2)</u> <u>23(1)</u>	<p>If a retailer bases <u>has based</u> a bill upon <u>on</u> an estimation, the retailer must clearly specify on the customer's bill that —</p> <p>(a) the retailer has based the bill upon <u>on</u> an estimation; <u>and</u></p> <p>(b) the retailer will tell <u>provide to</u> the customer on request —</p> <p>[...]</p>	Drafting changes.
<u>4.8(3)</u> <u>23(2)</u>	<p>A retailer must tell <u>provide to</u> a customer on request the —</p> <p>(a) <u>the</u> basis for the estimation; and</p> <p>(b) <u>the</u> reason for the estimation</p>	Drafting changes.
<u>4.8(4)</u> <u>23(3)</u>	<p>For the purpose <u>purposes</u> of this clause, where the distributor's or metering agent's reading of the meter at the customer's supply address is partly based on estimated data, then subject to any applicable law <u>a bill is taken to be based on an estimation if</u> —</p>	Drafting changes. ¹²

¹² As a result of the proposed drafting changes, ECCC minor amendment (item L) has become redundant.

Clause		Reason for proposed amendment
	<p>(a) where more than ten per cent <u>10%</u> of the interval meter readings are estimated interval meter readings; and</p> <p>(b) the actual energy data cannot otherwise be derived, <u>ascertained</u>.</p> <p>for that billing period, the bill is deemed to be an estimated bill.</p>	
4.9	<p>Adjustments to subsequent bills</p> <p>If a retailer gives a customer an estimated bill and the meter is subsequently read, the retailer must include an adjustment on the next bill to take account of the actual meter reading in accordance with clause 4.19.</p>	ECCC recommendation 29
4.10 24	<p>Customer may request meter reading Replacement of estimation with actual value</p> <p>(1) If <u>This clause applies if —</u></p> <p>(a) a retailer has based a bill upon <u>on</u> an estimation because a customer failed to provide access to the meter; and</p> <p>(b) the customer —</p> <p>(a)(i) subsequently requests the retailer to replace the estimated bill with a bill based on an actual reading of the customer's meter <u>an actual value; and</u></p> <p>(b)(ii) pays the retailer's reasonable charge for reading the meter (if any); and</p> <p>(c)(iii) provides due access to the meter;</p> <p>(2) the <u>The</u> retailer must use its best endeavours to do so <u>replace the estimated bill with a bill based on an actual value.</u></p>	Drafting changes. Drafting changes. ECCC recommendation 30 Drafting changes.
Division 4	Meter testing	Drafting changes.
4.11	<p>Customer requests testing of meters or metering data</p> <p>(1) If a customer —</p> <p>(a) requests the meter to be tested; and</p> <p>(b) pays the retailer's reasonable charge for testing the meter (if any),</p> <p>the retailer must request the distributor or metering agent to test the meter.</p> <p>(2) If the meter is tested and found to be defective, the retailer's reasonable charge for testing the meter (if any) is to be refunded to the customer.</p>	ECCC recommendation 31(c) This matter is now addressed in clause 28 of the amended Code.
4.12	Customer applications <u>request for change of tariff</u>	Drafting changes.

Clause		Reason for proposed amendment
25	<p>(1) If a <u>A retailer must comply with subclause (2) if the</u> retailer offers alternative tariffs <u>or tariff options</u> and a customer —</p> <p>(a) applies to receive an alternative tariff <u>requests a retailer to transfer from that customer's current tariff to another tariff;</u> and</p> <p>(b) demonstrates to the retailer that the customer satisfies all of the conditions relating to eligibility for the alternative tariff, <u>that other tariff and any conditions imposed by the customer's distributor.</u></p> <p>(2) the <u>The</u> retailer must change <u>transfer</u> the customer to the alternative <u>other</u> tariff <u>referred to in subclause (1)(a)</u> within 10 business days of <u>after</u> the customer satisfying these <u>the</u> conditions <u>referred to in subclause (1)(b).</u></p> <p>(3) For the purposes of subclause (1) If a <u>customer transfers from 1 tariff type to another under this clause,</u> the effective date of change will be <u>the transfer is</u> —</p> <p>(a) unless paragraph (b) applies — the date on which the last a meter reading at the previous tariff is obtained; or</p> <p>(b) the date the meter adjustment is completed, if the change <u>transfer</u> requires an adjustment a <u>change</u> to the meter at the customer's supply address — the date on which the change is completed.</p>	ECCC recommendation 32 – with drafting changes.
4.13 26	<p>Written notification of a change to an alternative tariff <u>Tariff change if former tariff unavailable</u></p> <p>If—</p> <p>(a) a customer's electricity use at the customer's supply address changes or has changed; and</p> <p>(b) the customer is no longer eligible to continue to receive an existing, more beneficial tariff, a retailer must, prior to changing the customer to the tariff applicable to the customer's use of electricity at that supply address, give the customer written notice of the proposed change.</p> <p><u>(1) This clause applies if a customer is no longer eligible to receive a tariff under which the customer is currently supplied electricity at the customer's supply address.</u></p> <p><u>(2) The retailer must, before changing the customer to another tariff, notify the customer of the proposed change.</u></p>	<p>Drafting changes.</p> <ul style="list-style-type: none"> ECCC recommendation 33 ECCC recommendation 34 – with drafting changes.
4.14(1)	If a customer requests a <u>the</u> retailer to <u>arrange for the preparation and</u> issue <u>of</u> a final bill at <u>for</u> the	ECCC recommendation 35

Clause		Reason for proposed amendment
31(1)	customer's supply address, the retailer must use reasonable <u>its best</u> endeavours to arrange for — <u>(a) a meter reading; and</u> <u>(b) the preparation and issue of a final</u> that bill for the supply address in accordance with the customer's request.	
4.14(2) 31(2) and (3)	(2) If a <u>Unless subclause (4) applies, if the</u> customer's account is in credit at the time of account closure, subject to subclause (3), a retailer must, at the time of the final bill, ask the customer for instructions <u>as to</u> whether the customer requires the retailer to transfer the amount of <u>the</u> credit <u>should be transferred</u> to — (a) another account the customer has, or will have, with the retailer; or (b) a bank account nominated by the customer, and <u>(3) The</u> retailer must, credit the account, or pay the amount of credit in accordance with the customer's instructions <u>under subclause (2), transfer the amount of the credit</u> within — <u>(a)</u> 12 business days of receiving the instructions; or <u>(b) other such time as another period</u> agreed with the customer.	Drafting changes.
4.14(3) 31(4) and (5)	(3) <u>(4)</u> If a customer's account is in credit at the time of account closure, and the customer owes a debt to a <u>the</u> retailer, the retailer may, with written <u>after giving</u> notice to the customer, use that the credit to set off the debt owed to the retailer. <u>(5)</u> If, after the a set off <u>under subclause (4),</u> there remains an amount of credit, the retailer must ask the customer for instructions to transfer the remaining amount of credit <u>deal with the amount</u> in accordance with subclause (2).	Drafting changes. ECCC recommendation 36 Drafting changes.
Division 7 Division 5	Review of bill <u>and energy data checking</u>	Drafting changes.
4.15 27(1)	Subject to a customer— (a) paying— <u>If a customer, after receiving a bill, disputes the amount to be paid, the retailer must review the bill if the customer —</u> <u>(a) requests a review; and</u> <u>(b) if the customer has not already paid the bill, pays the lesser of the following —</u>	<ul style="list-style-type: none"> • ECCC recommendation 37(b) • Drafting changes.

Clause		Reason for proposed amendment
	<p>(i) that portion of the bill under review that the customer and a <u>the</u> retailer agree is not in dispute; or</p> <p>(ii) an amount equal to the average amount of the customer's bills over the previous 12 months (excluding the bill in dispute);⁵ whichever is less; and</p> <p>(b) — paying any future bills that are properly due;</p> <p>a retailer must review the customer's bill on request by the customer.</p>	<p>This matter is now addressed in clause 27(5) of the amended Code.</p> <p>Drafting changes.</p>
4.16	Procedures following a review of a bill	Drafting changes.
4.16(1) <u>27(2)</u>	<p>If, after conducting a review of a bill, a retailer is satisfied that the bill is —</p> <p>(a) <u>is</u> correct, the retailer —</p> <p>(i) may require a <u>the</u> customer to pay the unpaid amount <u>(if any) of the bill that is still outstanding; and</u></p> <p>(ii) must advise the customer that the customer may request the retailer to arrange ...</p> <p>... a meter test in accordance with applicable law; and</p> <p>(iii) must advise the customer of the existence and operation of the retailer's internal standard complaints handling processes and dispute resolution procedures and details of about making a complaint to ...</p> <p>... any applicable external complaints handling processes <u>the electricity industry ombudsman</u>;</p> <p>or</p> <p>(b) <u>is</u> incorrect, the retailer —</p> <p><u>(i)</u> must adjust the bill in accordance with clauses 4.17 and 4.18. comply with clause 29 or 30, as the case requires; <u>and</u></p> <p><u>(ii)</u> may require the customer to pay the amount (if any) of the bill that is still outstanding.</p>	<ul style="list-style-type: none"> • ECCC recommendation 37(b) • Drafting changes. <p>ECCC minor amendment, item M</p> <p>Drafting changes.</p> <p>ECCC recommendation 38</p> <p>Drafting changes.</p> <p>ECCC recommendation 37(a)</p>
4.16(2) <u>27(3)</u>	A <u>The</u> retailer must inform a customer of the outcome of the review as soon as practicable <u>after it is completed.</u>	<ul style="list-style-type: none"> • ECCC recommendation 37(b) • Drafting changes.

Clause		Reason for proposed amendment
4.16(3) 27(4)	If a retailer has not informed a customer of the outcome of the review within 20 business days from the date of receipt of the request for review under clause 4.15 , the retailer must provide the customer with notification notify the customer of the status of the review as soon as practicable after the expiration of that period .	<ul style="list-style-type: none"> • ECCC recommendation 37(b) • Drafting changes.
27(5)	The initiation of a review does not remove the requirement for the customer to pay future bills as they fall due.	This matter was previously addressed in clause 4.15(b).
28	Energy data checking	Drafting changes.
28(1)	If a customer, after receiving a bill, requests that the energy data be checked or the meter tested, the retailer must arrange for a check of the energy data or testing of the meter (as the case requires).	ECCC recommendation 31(a) – with drafting changes. A similar matter was previously addressed in clause 4.11(1)(a).
28(2)	The customer may be required to pay the retailer's reasonable charge for a check or testing under subclause (1).	ECCC recommendation 31(a) – with drafting changes. A similar matter was previously addressed in clause 4.11(1)(b).
28(3)	If the energy data is checked and found to be incorrect or the meter is tested and found to be defective, the retailer must refund any payment made under subclause (2).	ECCC recommendation 31(b) – with drafting changes. A similar matter was previously addressed in clause 4.11(2).
Division 8 Division 6	Undercharging, and overcharging and adjustment	Consequential amendment of ECCC recommendation 42(a).
4.17(1)	This clause 4.17 applies whether the undercharging became apparent through a review under clause 4.15 or otherwise.	ECCC recommendation 39(a)
4.17(2) 29(1)	<p>If a retailer proposes to recover an amount that has been undercharged ...</p> <p>... as a result of an error, defect or default for which the retailer or distributor is responsible ...</p> <p>... (including where a meter has been found to be defective), the retailer must —</p> <p>(a) subject to subclause (b), limit the amount to be recovered to no more than the amount undercharged in the 12 months ...</p>	<p>Drafting changes.</p> <p>ECCC recommendation 42(e)</p> <p>ECCC recommendation 39(b)</p> <p>ECCC recommendation 39(b)</p>

Clause		Reason for proposed amendment
	<p>... prior to <u>before</u> the date on which the retailer notified the customer that undercharging had occurred; <u>and</u></p> <p>(b) — other than in the event that the information provided by a customer is incorrect, if a retailer has changed the customer to an alternative tariff in the circumstances set out in clause 4.13 and, as a result of the customer being ineligible to receive the tariff charged prior to the change, the retailer has undercharged the customer, limit the amount to be recovered to no more than the amount undercharged in the 12 months prior to the date on which the retailer notified the customer under clause 4.13.</p> <p>(e)<u>(b)</u> notify the customer of the amount to be recovered no later than the next bill; together with <u>after the retailer becomes aware of the undercharging, and provide</u> an explanation of that <u>the basis on which the amount was calculated;</u> <u>and</u></p> <p>(e)<u>(c)</u> subject to unless subclause (3)<u>(2)</u> <u>applies</u>, not charge the customer interest on that amount or require the customer to pay a late payment fee; and</p> <p>(e)<u>(d)</u> in relation to the case of a residential customer, — offer the customer time to pay that amount by means of an instalment plan <u>a payment plan</u> in accordance with clause 6.4(2) and covering 42 for a period at least equal to the period over which the recoverable undercharging occurred.</p>	<p>Drafting changes.</p> <p>ECCC recommendation 39(b)</p> <p>Drafting changes.</p>
<p>4.17(3) <u>29(2)</u></p>	<p>If, after notifying a customer of the amount to be recovered in accordance with subclause (2)(e)<u>(1)(b)</u>, the customer has failed to pay the amount to be recovered by the due date and has not entered into an instalment plan <u>a payment plan</u> under subclause (2)(e)<u>(1)(d)</u>, a retailer may charge the customer interest on that amount from the due date or require the customer to pay a late payment fee. <u>do either but not both of the following —</u></p> <p><u>(a) charge the customer interest on that amount from the due date;</u></p> <p><u>(b) require the customer to pay a late payment fee.</u></p>	<p>Drafting changes.</p>
<p>4.17(4)</p>	<p>For the purpose of subclause (2), an undercharge that has occurred as a result of a customer denying access to the meter is not an undercharge as a result of an error, defect or default for which a retailer or distributor is responsible.</p>	<p>ECCC recommendation 39(c)</p>

Clause		Reason for proposed amendment
4.18(1)	This clause 4.18 applies whether the overcharging became apparent through a review under clause 4.15 or otherwise.	ECCC recommendation 40(a)
4.18(2) 30(1)	If a customer (including a customer who has vacated the supply address) has been overcharged as a result of an error, defect or default for which a retailer or distributor is responsible ...	ECCC recommendation 42(f)
	... (including where a meter has been found to be defective) ...	ECCC recommendation 40(b)
	... , the retailer must use its best endeavours to inform the customer accordingly of the overcharge within 10 business days of <u>after</u> the retailer becoming <u>becomes</u> aware of ...	Drafting changes. ¹³
	... the error, defect or default <u>overcharging</u> ...	ECCC recommendation 42(f)
	... <u>(being, where there has been an estimation of an amount due, from the time that the retailer becomes aware of the overcharging after a meter reading)</u> ...	To clarify that if the overcharge occurred due to the bill being based on an estimation, the retailer's obligations under clause 30(1) of the amended Code apply from the time the retailer receives an actual value for the supply address (and can determine the amount of the overcharge).
	... and, subject to subclauses (6) and (7) <u>this clause</u> , ask the customer for instructions as to whether the amount should be <u>credited to</u> –	Drafting changes.
	(a) credited to the customer's account <u>next bill</u> ; or	ECCC minor amendment, item O – with drafting changes.
	(b) repaid to <u>a bank account nominated by</u> the customer.	Drafting changes.
4.18(3) 30(2)	If a retailer receives instructions under subclause (2) <u>(1)</u> , the retailer must pay <u>deal with</u> the amount in accordance with the customer's instructions within 12 business days of <u>after</u> receiving the instructions.	Drafting changes.

¹³ The proposed amendments differ from ECCC minor amendment, items N and R because item R would have resulted in retailers having to advise customers who have vacated their supply address of an overcharge by no later than the next bill. As these customers may no longer be receiving bills, it would have been unclear how the clause applied to these customers.

Clause		Reason for proposed amendment
4.18(4) 30(3)	<p>If However, if a retailer does not receive instructions under subclause (2)(1) within 5 business days of after making the request, the retailer must use reasonable endeavours to credit ...</p> <p>... the amount overcharged to the customer's account next bill.</p>	<p>Drafting changes.</p> <p>ECCC minor amendment, item P</p>
30(4)	<p>If a customer has been overcharged by less than \$100, the retailer may credit the amount to the customer's next bill instead of complying with subclause (1).</p>	<p>A similar matter was previously addressed in clause 4.18(6).</p>
4.18(5) 30(5)	<p>No interest shall accrue to a credit or refund referred to in subclause (2) is payable on an amount that has been overcharged.</p>	<p>ECCC minor amendment, item Q – with drafting changes.</p>
4.18(6)	<p>If the amount referred to in subclause (2) is less than \$100, a retailer may notify a customer of the overcharge by no later than the next bill after the retailer became aware of the error, and—</p> <p>(a) ask the customer for instructions under subclause (2) (in which case subclauses (3) and (4) apply as if the retailer sought instructions under subclause (2)); or</p> <p>(b) credit the amount to the customer's next bill.</p>	<p>A similar matter is now addressed in clause 30(4) of the amended Code.</p>
4.18(7) 30(6)	<p>If Despite subclauses (1) to (5), if a customer has been overcharged by a retailer, and the customer owes a debt to the retailer, ...</p> <p>... then provided that the customer is not a residential customer experiencing payment difficulties or financial hardship, ...</p> <p>... the retailer may, with written notice after giving notice to the customer, ...</p> <p>... use the amount of the overcharge to set off the debt owed to the retailer.</p>	<p>Drafting changes.</p> <p>This matter is now addressed in clause 30(7) of the amended Code.</p> <p>ECCC recommendation 41</p> <p>Drafting changes.</p>
30(7)	<p>Subclause (6) does not apply if the customer is a residential customer experiencing financial hardship.</p>	<p>ECCC recommendation 50(f)</p> <p>This matter was previously addressed in clause 4.18(7).</p>
4.18(7) 30(8)	<p>If, after the set off, there remains an amount of in credit after a set-off under subclause (6), the retailer must deal with that the amount of credit in accordance with subclause (2)(1) or (4) or, if (depending on the amount is less than \$100, subclause (6) that remains in credit).</p> <p>(a) Not Used</p> <p>(b) Not Used</p>	<p>Drafting changes.</p>

Clause		Reason for proposed amendment
31	<u>Request for final bill</u>	This clause is included in this table under clause 4.14.
4.19	<p>Adjustments</p> <p>(1) If a retailer proposes to recover an amount of an adjustment which does not arise due to any act or omission of a customer, the retailer must –</p> <p>(a) limit the amount to be recovered to no more than the amount of the adjustment for the 12 months prior to the date on which the meter was read on the basis of the retailer's estimate of the amount of the adjustment for the 12 month period taking into account any meter readings and relevant seasonal and other factors agreed with the customer;</p> <p>(b) notify the customer of the amount of the adjustment no later than the next bill, together with an explanation of that amount;</p> <p>(c) not require the customer to pay a late payment fee; and</p> <p>(d) in relation to a residential customer, offer the customer time to pay that amount by means of an instalment plan a payment plan in accordance with clause 6.4(2) and covering a period at least equal to the period to which the adjustment related.</p> <p>(2) If the meter is read under either clause 4.6 or clause 4.3(2)(d) and the amount of the adjustment is an amount owing to the customer, the retailer must use its best endeavours to inform the customer accordingly within 10 business days of the retailer becoming aware of the adjustment and, subject to subclauses (5) and (7), ask the customer for instructions as to whether the amount should be –</p> <p>(a) credited to the customer's account;</p> <p>(b) repaid to the customer; or</p> <p>(c) included as a part of the new bill smoothing arrangement if the adjustment arises under clause 4.3(2)(a)-(b),</p> <p>(3) If a retailer received instructions under subclause (2), the retailer must pay the amount in accordance with the customer's instructions within 12 business days of receiving the instructions.</p> <p>(4) If a retailer does not receive instructions under subclause (2) within 5 business days of making the request, the retailer must use</p>	ECCC recommendation 42(a)

Clause		Reason for proposed amendment
	<p>reasonable endeavours to credit the amount of the adjustment to the customer's account.</p> <p>(5) If the amount referred to in subclause (2) is less than \$100, the retailer may notify the customer of the adjustment by no later than the next bill after the meter is read; and</p> <p>(a) ask the customer for instructions under subclause (2), (in which case subclauses (3) and (4) apply as if the retailer sought instructions under subclause (2)); or</p> <p>(b) credit the amount to the customer's next bill.</p> <p>(6) No interest shall accrue to an adjustment amount under subclause (1) or (2).</p> <p>(7) If the amount of the adjustment is an amount owing to the customer, and the customer owes a debt to the retailer, then provided that the customer is not a residential customer experiencing payment difficulties or financial hardship, the retailer may, with written notice to the customer, use the amount of the adjustment to set off the debt owed to the retailer. If, after the set off, there remains an amount of credit, the retailer must deal with that amount of credit in accordance with subclause (2) or, if the amount is less than \$100, subclause (5).</p> <p>(a) Not Used</p> <p>(b) Not Used</p>	
Division 8	Providing bills under standard form contracts	Drafting changes.
32(1)	<p>Provision of bills</p> <p>A retailer must allow a customer who has entered into a standard form contract to choose to receive bills —</p> <p>(a) by post as paper bills; or</p> <p>(b) by email sent to an email address provided by the customer.</p>	ECCC recommendation 17(b)
32(2)	Subclause (1) applies despite any other arrangement or agreement that may be in place between the retailer and the customer in relation to paying bills.	ECCC recommendation 17(b) Subclause (2) clarifies that customers on a standard form contract can agree to other bill formats, but always have the option of (or are able to revert back to) a paper or email bill.
5.1 33	Due dates for payment* Payment date	Drafting changes.

Clause		Reason for proposed amendment
5.1(1) 33	<p>Due dates for payment* Payment date</p> <p>The due date on by which a bill must be at least paid must not be earlier than 12 business days from the date of that bill issue date ...</p> <p>... unless otherwise agreed with a customer.</p>	ECCC recommendation 43(a) – with drafting changes.
5.1(2)	(2) Unless a retailer specifies a later date, the date of dispatch is the date of the bill.	ECCC recommendation 43(a)
5.2 34	Minimum payment Payment methods*	Drafting changes.
5.2 34(1)	<p>Unless otherwise agreed with a customer, ...</p> <p>... a A retailer must offer the customer at least the following payment methods accept payment for a bill in the following ways –</p> <p>(a) in person at 1 or more payment outlets located within the Local Government District local government district of the customer’s supply address;</p> <p>(b) by telephone;</p> <p>(b)(c) by mail post;</p> <p>(e)(d) for residential customers, — by Centrepay;</p> <p>(d)(e) electronically by means of BPay or credit card; and by electronic funds transfer.</p> <p>(e) — by telephone by means of credit card or debit card.</p>	ECCC recommendation 5(a) ECCC recommendation 44 – with drafting changes.
34(2)	This clause does not limit any other method for the payment of a bill that may be agreed between the retailer and the customer, including the option of payment by direct debit.	Drafting changes.
5.3	<p>Direct debit</p> <p>If a retailer offers the option of payment by a direct debit facility to a customer, the retailer must, prior to the direct debit facility commencing, obtain the customer’s verifiable consent, and agree with the customer the date of commencement of the direct debit facility and the frequency of the direct debits.</p>	ECCC recommendation 45
5.4(1) 35(1)	<p>A Subject to this clause, a retailer must accept ...</p> <p>... payment in advance from a customer on request.</p>	ECCC recommendation 46(a) The words “on request” are unnecessary. The clause already implies that the payment is initiated by the customer.
5.4(2) 35(2)	Acceptance of an advance payment by a retailer will not require the A retailer is not required to	Drafting changes.

Clause		Reason for proposed amendment
	credit any interest to the amounts <u>an amount</u> paid in advance.	
5.4(3) <u>35(3)</u>	Subject to clause 6.9, for the purposes of subclause (1), The amount of \$20 is the minimum amount for which a retailer will is required to accept payment in advance payments from a customer (although the retailer may accept a lower amount if it thinks fit). unless otherwise agreed with a customer.	To clarify that a retailer does not require a customer's agreement to accept a payment in advance amount of less than \$20. ECCC recommendation 5(a)
<u>35(4)</u>	<u>A retailer may determine an amount (a maximum credit amount) that a customer's account may be in credit.</u>	ECCC recommendation 46(a) – with drafting changes.
<u>35(5)</u>	<u>A maximum credit amount must not be less than \$100.</u>	ECCC recommendation 46(a) – with drafting changes.
<u>35(6)</u>	<u>If a retailer determines a maximum credit amount, the retailer must publish the maximum credit amount on its website.</u>	ECCC recommendation 46(a)
<u>35(7)</u>	<u>A retailer is not obliged to accept payment in advance if the customer's account is in credit for more than the maximum credit amount.</u>	ECCC recommendation 46(a) – with drafting changes.
<u>35(8)</u>	<u>If a customer's account is in credit for more than the maximum credit amount, the retailer may refund any amount in excess of the maximum credit amount to the customer at any time.</u>	ECCC recommendation 46(a) – with drafting changes.
5.5 <u>36</u>	Absence or illness <u>Redirection of bills</u>	Drafting changes.
5.5 <u>36</u>	If a residential customer is unable to pay by way of the methods described in clause 5.2, due to illness or absence, a retailer must offer the residential customer on request redirection of the residential customer's bill to a third person at no charge. <u>A retailer must redirect a customer's bill to a different address (including to an email address or a different email address) on the customer's request and at no charge.</u>	ECCC recommendation 47 – with drafting changes.
5.6 <u>37</u>	Late payments <u>payment fee</u>	Drafting changes.
5.6(1) <u>37(1)</u>	A retailer must not charge a residential customer a late payment fee if — (a) the residential customer receives a concession, provided unless the residential customer did not receive <u>has received</u> 2 or more reminder notices within the previous 12 months; or (b) the residential customer and the retailer have agreed to —	Drafting changes.

Clause		Reason for proposed amendment
	<p>(i) a payment extension under Part 6, and the residential customer pays the bill by the agreed (new) due date; or</p> <p>(ii) an instalment plan <u>a payment plan</u> under Part 6, and the residential customer is making payments in accordance with the instalment plan <u>payment plan</u>;</p> <p>or</p> <p>(c) subject to subclause (2), the residential customer has made a complaint directly related to the non-payment of the bill to the retailer or to the electricity <u>industry</u> ombudsman; and —</p> <p>(i) <u>if the complaint has been made to the retailer —</u> the complaint has not been resolved by the retailer; or (ii) the complaint is <u>has been</u> resolved by the retailer in favour of the residential customer ...</p>	
	<p>... If the complaint is not resolved in favour of the residential customer, any late payment fee shall only be calculated from the date of the retailer's decision; or</p>	This matter is now addressed in new subclause (3).
	<p>(iii) <u>(ii) if the complaint has been made to the electricity industry ombudsman —</u> the complaint has not been determined, or has been upheld by the electricity <u>industry</u> ombudsman (if a complaint has been made to the electricity ombudsman).</p>	Drafting changes.
	<p>... If the complaint is determined by the electricity ombudsman in favour of the retailer, any late payment fee shall only be calculated from the date of the electricity ombudsman's decision;</p> <p>or</p>	This matter is now addressed in new subclause (3).
	<p>(d) the residential customer is assessed by the retailer under clause 6.1(1) as being in a <u>customer experiencing</u> financial hardship.</p>	Drafting changes.
<p>5.6(2) <u>37(2)</u></p>	<p>If a retailer has charged a late payment fee in the circumstances set out in subclause (1)(c)(<u>ii</u>) because the retailer was not aware of the complaint, the retailer will <u>does</u> not contravene subclause (1)(c)(<u>ii</u>) but must refund the late payment fee on the customer's next bill (<u>unless a fee is payable under subclause (3)</u>).</p>	Drafting changes.
<p><u>37(3)</u></p>	<p><u>If a complaint referred to in subclause (1)(c) is not resolved in favour of the customer, any late payment fee must be calculated from the date of</u></p>	Drafting changes. This matter was previously

Clause		Reason for proposed amendment
	the retailer's or the electricity industry ombudsman's decision (as the case may be).	addressed in clause 5.6(1)(c)(ii) and (iii).
5.6(3) 37(4)	If a retailer has charged a residential customer a late payment fee, the retailer must not charge an additional late payment fee in relation to the same bill within 5 business days from the date of receipt of after the day on which the customer receives the previous late payment fee notice.	Drafting changes.
5.6(4) 37(5)	A retailer must not charge a residential customer more than 2 late payment fees in relation to the same bill or more than 12 late payment fees in a year 12-month period .	Drafting changes.
5.6(5) 37(6)	If a residential customer has been assessed as being in a customer experiencing financial hardship under clause 6.1(1) , a retailer must retrospectively waive any late payment fee charged under the residential customer's last bill prior to before the assessment being was made.	Drafting changes.
5.7 38	Vacating a supply address*	Drafting changes.
5.7(1) 38(1)	<p>Subject to—</p> <p>(a) subclauses (2) and (4);</p> <p>(b) a customer giving a retailer notice; and</p> <p>(c) the customer vacating the supply address at the time specified in the notice,</p> <p>Except as set out in this clause, if a customer gives notice and vacates the supply address within the time specified in the notice, the retailer must not require the customer to pay for electricity consumed at the customer's supply address from —</p> <p>(d) (a) if the customer gave at least 5 days' notice — the date on which the customer vacated the supply address, if the customer gave at least 5 days' notice; or</p> <p>(e) (b) in any other case — 5 days after the customer gave notice, in any other case, ...</p> <p>... unless the retailer and the customer have agreed to an alternative date.</p>	Drafting changes.
5.7(2) 38(2)	If a customer reasonably demonstrates to a retailer that the customer was evicted or otherwise required to vacate the supply address, the retailer must not require the customer to pay for electricity consumed at the customer's supply address from the date on which the customer gave the retailer notice.	Drafting changes.
5.7(3) 38(3)	For the purposes of subclauses (1) and (2), notice is given if a customer —	Drafting changes.

Clause		Reason for proposed amendment
	<p>(a) informs a retailer of the date on which the customer intends to vacate, or has vacated, the supply address; and</p> <p>(b) gives the retailer a forwarding address <u>(which may be an email address)</u> to which a final bill may be sent.</p>	
<p>5.7(4) <u>38(4)</u></p>	<p>Notwithstanding <u>Despite</u> subclauses (1) and (2), if —</p> <p>(a) a if the retailer and a <u>new</u> customer enter into a new contract for the supply address, the retailer must not require the previous customer to pay for electricity consumed at the customer's supply address from the date that the new contract <u>on which the contract with the new customer</u> becomes effective; <u>and</u></p> <p>(b) another if a new retailer becomes responsible for the supply of electricity to the supply address, the previous retailer must not require the customer to pay for electricity consumed at the customer's supply address from the date that on which the other new retailer becomes responsible; <u>and</u></p> <p>(c) the supply address is disconnected, the retailer must not require the customer to pay for electricity consumed at the customer's supply address from the date that disconnection occurred.</p>	<p>Drafting changes.</p> <p>ECCC recommendation 48</p>
<p>5.7(5) <u>38(5)</u></p>	<p>Notwithstanding <u>Despite</u> subclauses (1), (2) and (4), a retailer's right to payment does not terminate with regard in relation to any amount that was due up until the termination of the contract.</p>	<p>Drafting changes.</p>
<p>5.8(1) <u>39(1)</u></p>	<p>A retailer must not commence proceedings for recovery of a debt —</p> <p>(a) from a residential customer who has informed the retailer in accordance with clause 6.1(1) <u>40</u> that the residential customer is ...</p> <p>... experiencing payment difficulties or financial hardship <u>payment problems</u>, unless and until the retailer has complied ...</p>	<p>Drafting changes.</p> <p>ECCC recommendation 50(f) – with drafting changes.</p> <p>The ECCC recommended deleting “payment difficulties or” so the clause would only apply to customers experiencing financial hardship. However, clause 40 of the amended Code applies to customers who have informed the retailer that</p>

Clause		Reason for proposed amendment
	<p>... with all the requirements of clause 6.1 40 and (if applicable) clause 6.3 41(3); and</p> <p>(b) while a residential customer continues to make payments under an alternative payment arrangement under Part 6.</p>	<p>they are experiencing payment problems. For consistency with clause 40, clause 39(1) of the amended Code refers to customers experiencing payment problems.</p> <p>Drafting changes.</p>
<p>5.8(3) 39(3)</p>	<p>If a customer with a debt owing to a retailer requests the retailer to transfer the debt to another customer, the retailer may transfer the debt to the other customer provided that <u>if</u> the retailer obtains the other customer's verifiable consent to the transfer.</p>	<p>Drafting changes.</p>
<p>Part 6</p>	<p>Payment Difficulties & Financial Hardship assistance</p>	<p>Drafting changes.</p>
<p>6.1(1) 40(1)</p>	<p>If Unless subclause (2) or (5) applies, if a residential customer informs a retailer that the residential customer is experiencing payment problems, the retailer must, (subject to clause 6.2) — ...</p> <p>(a)—within 5 business days, assess whether the residential customer is experiencing payment difficulties or financial hardship; and</p> <p>(b)—if the retailer cannot make the assessment within 5 business days, refer the residential customer to a relevant consumer representative to make the assessment.</p>	<p>Drafting changes</p> <p>ECCC recommendation 50(f)</p> <p>ECCC recommendation 51(a)</p>
<p>6.1(2) 40(2)</p>	<p>If a residential customer provides a retailer with an assessment from a relevant consumer representative the retailer may adopt that assessment as its own assessment for the purposes of subclause (1)(a).</p>	<p>Drafting changes.</p>
<p>6.1(3) 40(3)</p>	<p>When undertaking the assessment required by subclause (1)(a), unless a retailer adopts an assessment from a relevant consumer representative, the retailer must give reasonable consideration to — [...]</p>	<p>Drafting changes.</p>
<p>6.1(4) 40(4)</p>	<p>A retailer must, <u>on request</u>, advise a residential customer on request of ...</p> <p>... the details and outcome of an assessment carried out, <u>including the reasons for the outcome of the assessment,</u> under subclause (1).</p>	<p>Drafting changes.</p> <p>To clarify that retailers must advise customers not only of the outcome, but also of the general reasons for the</p>

Clause		Reason for proposed amendment
		assessment (but not the full internal assessment).
40(5)	A retailer is not required to undertake an assessment under subclause (1) if the retailer has previously undertaken an assessment in relation to the customer unless the customer has indicated that there has been a change in their circumstances since that previous assessment.	ECCC recommendation 52
6.2	<p>Temporary suspension of actions</p> <p>(1) If a retailer refers a residential customer to a relevant consumer representative under clause 6.1(1)(b) then the retailer must grant the residential customer a temporary suspension of actions.</p> <p>(2) If a residential customer informs a retailer that the residential customer is experiencing payment problems under clause 6.1, and the residential customer—</p> <p style="padding-left: 20px;">(a) requests a temporary suspension of actions; and</p> <p style="padding-left: 20px;">(b) demonstrates to the retailer that the residential customer has made an appointment with a relevant consumer representative to assess the residential customer's capacity to pay,</p> <p>the retailer must not unreasonably deny the residential customer's request.</p> <p>(3) A temporary suspension of actions must be for at least 15 business days.</p> <p>(4) If a relevant consumer representative is unable to assess a residential customer's capacity to pay within the period referred to in subclause (3) and the residential customer or relevant consumer representative requests additional time, a retailer must give reasonable consideration to the residential customer's or relevant consumer representative's request.</p>	ECCC recommendation 51(b)
6.3	<p>Assistance to be offered</p> <p>(1) If the assessment carried out under clause 6.1 indicates to a retailer that a residential customer is experiencing—</p> <p style="padding-left: 20px;">(a) payment difficulties, the retailer must—</p> <p style="padding-left: 40px;">(i) offer the residential customer the alternative payment arrangements referred to in clause 6.4(1); and</p> <p style="padding-left: 40px;">(ii) advise the residential customer that additional assistance may be available if, due to financial hardship, the residential customer would be unable to meet its obligations under an agreed</p>	ECCC recommendation 50(a) A similar matter is addressed in clause 41(1) of the amended Code.

Clause		Reason for proposed amendment
	<p>alternative payment arrangement, or</p> <p>(b) financial hardship, the retailer must offer the residential customer —</p> <p>(i) the alternative payment arrangements referred to in clause 6.4(1); and</p> <p>(ii) assistance in accordance with clauses 6.6 to 6.9.</p> <p>(2) Subclause (1) does not apply if a retailer is unable to make an assessment under clause 6.1 as a result of an act or omission by a residential customer.</p>	<p>ECCC recommendation 53(a)</p> <p>A similar matter is addressed in clause 41(3) of the amended Code.</p> <p>Consequential amendment</p>
Division 2	Residential customers experiencing payment difficulties or financial hardship <u>Payment assistance</u>	Drafting changes.
6.4 <u>41</u>	Alternative payment arrangements <u>Payment assistance</u>	Drafting changes.
6.4(1) <u>41(1)</u>	<p>A Subject to this Division, a retailer must offer a residential customer who is experiencing payment difficulties or financial hardship at least the following payment arrangements make the following available to residential customers —</p> <p>(a) additional time to pay a bill; and</p> <p>(b) a payment plan for the amount owing.</p> <p>an interest-free and fee-free instalment plan or other arrangement under which the residential customer is given additional time to pay a bill or to pay arrears (including any disconnection and reconnection charges) and is permitted to continue consumption. In this clause “fee” means any fee or charge in connection with the establishment or operation of the instalment plan or other arrangement which would not otherwise be payable if the residential customer had not entered into the instalment plan or other arrangement.</p>	<p>ECCC recommendation 50(a)</p> <p>ECCC minor amendment, item U</p>
<u>41(2)</u>	<u>However, a customer is only entitled to select one option under subclause (1) once per bill.</u>	ECCC recommendation 50(a)
<u>41(3)</u>	<p><u>A retailer must offer a residential customer who has been assessed as experiencing financial hardship at least the following (without the need for the customer to make a request) —</u></p> <p><u>(a) a payment plan;</u></p> <p><u>(b) assistance in accordance with clauses 44 and 45.</u></p>	<ul style="list-style-type: none"> ECCC recommendation 53(a) ECCC minor amendment, item T
<u>42</u>	<u>Payment plans</u>	Drafting changes.

Clause		Reason for proposed amendment
6.4(2) 42(1)	<p>When offering or amending an instalment plan, a A retailer must —(a) ensure that the instalment plan a payment plan for a residential customer is fair and reasonable, taking into account —</p> <p>(a) information about a residential the customer's capacity to pay and consumption history; and</p> <p>(b) <u>the amount of any arrears payable by the customer to date.</u></p>	ECCC recommendation 54(a)
	(b) — comply with subclause (3).	ECCC minor amendment, item V
42(2)	<p>A retailer must, in relation to a residential customer for whom a payment plan is being considered, offer the customer assistance to manage their bills for ongoing consumption during the period of the payment plan.</p> <p>Examples for this subclause:</p> <p>A retailer may offer to assist a residential customer:</p> <p>(a) <u>by estimating the customer's consumption over the period of the plan and building this into any repayment schedule at the start of the plan; or</u></p> <p>(b) <u>by giving consideration to rolling new bills into the plan as time progresses.</u></p>	ECCC recommendation 54(b)
6.4(3) 42(5)	<p>If a residential customer accepts an instalment plan offered by a retailer a payment plan, the retailer must, —</p> <p>(a) — within 5 business days of after the residential customer accepting the instalment plan payment plan, provide the residential customer with information ...</p>	Drafting changes.
	... in writing or by electronic means that specifies —	ECCC recommendation 3
	<p>(i)(a) the terms of the instalment plan payment plan, (including the number and amount of payments, <u>the amount of each payment</u>, the duration of payments and how the payments are calculated); <u>and</u></p> <p>(ii)(b) the consequences of not adhering to complying with the instalment plan payment plan; and</p> <p>(iii)(c) the importance of contacting making contact with the retailer <u>to ask</u> for further assistance if the residential customer cannot meet <u>comply with</u>, or continue to meet <u>comply with</u>, the instalment plan payment plan terms, and</p>	Drafting changes.
	(b) — notify the residential customer in writing or by electronic means of any amendments to the instalment plan at least 5 business days before they come into effect (unless	A similar matter is now addressed in clause 43(4) of the amended Code.

Clause		Reason for proposed amendment
	otherwise agreed with the residential customer) and provide the residential customer with information in writing or by electronic means that clearly explains and assists the residential customer to understand those changes.	
6.4(4) 42(3)	If a residential customer has, in the previous 12 months, had 2 instalment plans payment plans cancelled due to non-payment, a retailer does is not have required to offer that residential customer the customer another instalment plan payment plan under subclause (1) , this Division unless the retailer is satisfied that the residential customer will comply with the instalment plan payment plan .	ECCC recommendation 50(b)
6.4(5) 42(4)	For the purposes of subclause (4) (3) , cancellation does not include the revision of an instalment plan variation of a payment plan under clause 6.7 43 .	Drafting changes.
42(6)	However, the retailer is not required to comply with subclause (5) if the retailer has provided to the customer the information referred to in that subclause within the preceding 12 months.	ECCC recommendation 56
6.5	Definitions In this division— “customer experiencing financial hardship” means a residential customer who has been assessed by a retailer under clause 6.1(1) as experiencing financial hardship.	This matter is now addressed in clause 3 of the amended Code.
6.6	Reduction of fees, charges and debt	Amendments to this clause are included in this table under new clause 44.
6.7 43	Revision of alternative payment arrangements Variation of payment plans	Drafting changes.
6.7 43	If a customer experiencing financial hardship, or a relevant consumer representative, reasonably demonstrates to a retailer that the customer is unable to meet the customer's obligations under a payment arrangement under clause 6.4(1), the retailer must give reasonable consideration to— (a) offering the customer an instalment plan, if the customer had previously elected a payment extension; or (b) offering to revise the instalment plan, if the customer had previously elected an instalment plan. (1) A retailer must review a payment plan at the request of the customer.	ECCC recommendations 53(b), 57 and 58 The amended clause applies to all residential customers, not only customers experiencing financial hardship.

Clause		Reason for proposed amendment
	<p><u>(2) A retailer is not required to undertake a review under subclause (1) on more than 2 occasions in any 12-month period (but may do so at any time if the retailer thinks fit).</u></p> <p><u>(3) The retailer must offer to vary a payment plan if a review under subclause (1) indicates that the customer is unable to meet obligations under the payment plan.</u></p> <p><u>(4) The retailer must, within 5 business days after the customer accepts an offer to make the variation to the payment plan, provide the customer with information that clearly explains, and assists the customer to understand, the variation.</u></p>	<p>A similar matter was previously addressed in clause 6.4(3)(b).</p> <p>Clause 6.4(3)(b) required the information to be given at least 5 business days before the variation took effect. This ensured that, if a retailer varied a payment plan without the customer's agreement, the customer had 5 business days to contact the retailer about the variation.</p> <p>Because all variations to a payment plan now require the customer's agreement, it is no longer necessary for information about variations to be given 5 business days before the variation takes effect. Therefore, the words "at least 5 business days before", in clause 6.4(3)(b), have been replaced with "within 5 business days after".</p> <p>This will allow any variation to a payment plan to take effect immediately.</p>
	<p><u>(5) The retailer must not vary a payment plan without the customer's agreement.</u></p> <p><u>(6) An agreement under subclause (5) must relate to the particular variation rather than under a general agreement to future variations.</u></p> <p><u>(7) Nothing in this clause prevents a retailer cancelling a payment plan if the customer has failed to meet the requirements of the payment plan.</u></p>	<p>ECCC recommendations 53(b), 57 and 58</p>
Division 3	Assistance Additional assistance available to residential customers experiencing financial hardship	Drafting changes.
Subdivision 4	Specific assistance available	Drafting changes.

Clause		Reason for proposed amendment
6.6 44	Reduction of fees, charges and or debt	ECCC minor amendment, item W
6.6(1) 44(1)	A retailer must give reasonable consideration to a request by a customer experiencing financial hardship, or a relevant consumer representative for the customer , for a reduction of the customer's fees, charges or debt.	Drafting changes.
6.6(2) 44(2)	In giving reasonable consideration acting under subclause (1), a retailer should refer to the take into account its hardship policies and procedures referred to in clause 6.10(3) under clause 46 .	Drafting changes.
6.8 45	A retailer must advise a customer experiencing financial hardship of the —	-
	(a) customer's right to have the a bill redirected to a different address (including an email address) at no charge to a third person; and	Consequential amendment of ECCC recommendation 47 (replace the words "third person" with "different address")
	(b) payment methods available to the customer; and	Drafting change.
	(c) concessions that may be available to the customer and how to access them; and	ECCC minor amendment, item X
	(d) different types of tariffs that may be meters available to the customer and / or tariffs (as applicable); and and	ECCC recommendation 59
	(e) independent financial counselling services and relevant consumer representatives available to assist the customer; and	-
	(f) availability of any other financial assistance and grants schemes that ...	ECCC minor amendment, item Y
	... offered by the retailer should reasonably be aware of, and ...	ECCC minor amendment, item Z
	... how to access them this assistance .	Drafting changes.
6.9	Payment in advance (1) A retailer must determine the minimum payment in advance amount, as referred to in clause 5.4(3), for residential customers experiencing payment difficulties or financial hardship in consultation with relevant consumer representatives. (2) A retailer may apply different minimum payment in advance amounts for residential customers experiencing payment difficulties or financial hardship and other customers.	ECCC recommendation 60

Clause		Reason for proposed amendment
Subdivision 2	Hardship policy and hardship procedures	Drafting changes.
6.10 <u>46</u>	Obligation to develop hardship <u>Hardship policy and hardship procedures</u>	Drafting changes.
6.10(1) <u>46(1)</u>	A retailer must develop, <u>maintain and implement</u> a hardship policy and hardship procedures to assist customers experiencing financial hardship ...	ECCC minor amendment, item AA
	... in meeting to meet <u>their</u> financial obligations and responsibilities to the retailer.	Drafting changes.
6.10(2) <u>46(2)</u>	The hardship policy must — (a) — be developed in consultation with relevant consumer representatives;	ECCC minor amendment, item BB. This matter is now addressed in clause 46(5)(a) of the amended Code.
	(b) <u>(a)</u> include a statement encouraging customers to contact their <u>the</u> retailer if a customer is <u>they are</u> having trouble paying the retailer's bill; <u>and</u> (e) <u>(b)</u> include a statement advising that the retailer will treat all customers sensitively and respectfully; <u>and</u> (e) <u>(c)</u> include a statement that the retailer may reduce and/or waive fees, charges and or debt; <u>and</u> (e) <u>(d)</u> include an objective set of hardship indicators; <u>and</u>	Drafting changes.
	(f) <u>(e)</u> include — (i) an overview of the <u>payment and other</u> assistance available to customers in financial hardship or payment difficulties ...	ECCC recommendation 50(g)
	... in accordance with Part 6 of the Code under this Part (other than the retailer's requirement to advise the customer of the ability to pay in advance and the matters referred to in clauses 6.8 <u>clause 45</u> (a), (b) and (d)); <u>and</u>	Drafting changes.
	(ii) <u>a statement</u> that the retailer offers residential customers the right to pay their bill by Centrepay; <u>and</u>	ECCC minor amendment, item CC
	(iii) a statement that the retailer is able to provide further detail <u>details</u> on request; <u>and</u>	Drafting changes.

Clause		Reason for proposed amendment
	(g) (f) include an overview of any concessions that may be available to the retailer's customers; <u>and</u>	Drafting change.
	(h) (g) include — (i) the <u>telephone number for interpreter services, identified by the National Interpreter Symbol</u> with the words "Interpreter Services"; <u>and</u>	ECCC minor amendment, item DD
	(ii) information on the availability of independent multi-lingual services; <u>and</u>	ECCC minor amendment, item EE
	(iii) (ii) information on the availability of TTY services <u>the telephone number (or numbers) for services that can assist customers with a speech or hearing impairment;</u> <u>and</u>	ECCC recommendation 4
	(i) be available on the retailer's website;	ECCC minor amendment, item FF. This matter is now addressed in clause 68(1)(c) of the amended Code.
	(j) (h) <u>for printed copies of the hardship policy —</u> <u>be available in large-print copies; and</u>	ECCC recommendation 61
6.10(3) <u>46(3)</u>	The hardship procedures must — (a) be developed in consultation with relevant consumer representatives;	ECCC minor amendment, item BB. This matter is now addressed in clause 46(5)(a) of the amended Code.
	(b) (a) provide for the training of staff <u>(including call centre staff, field officers and all subcontractors employed to engage with customers experiencing financial hardship) about issues related to financial hardship and its impacts, and how to deal sensitively and respectfully with customers experiencing financial hardship; —</u> (i) including call centre staff, all subcontractors employed to engage with customers experiencing financial hardship and field officers; (ii) on issues related to financial hardship and its impacts, and how to deal sensitively and respectfully with customers experiencing financial hardship; and (c) Not Used	Drafting changes.

Clause		Reason for proposed amendment
	<p>(e)(b) include guidance —</p> <ul style="list-style-type: none"> (i) that assist <u>assists</u> the retailer in identifying residential customers who are experiencing financial hardship; <u>and</u> (ii) that assist <u>assists</u> the retailer... <p>... in determining a residential customer's usage needs and capacity to pay when determining the conditions terms of an instalment plan <u>a payment plan</u>; <u>and</u></p> <ul style="list-style-type: none"> (iii) for <u>about the</u> suspension of disconnection and debt recovery procedures; <u>and</u> (iv) on <u>about</u> the reduction and/or waiver of fees, charges and <u>or</u> debt; and (v) on <u>about</u> the recovery of debt; <u>and</u> <p>(e)(c) require that the retailer's credit management staff have a direct telephone number and that <u>the</u> number be provided to relevant consumer representatives;</p>	<p>ECCC minor amendment, item GG</p> <p>Drafting changes.</p>
6.10(4)	<p>If requested, a retailer must give residential customers and relevant consumer representatives a copy of the hardship policy, including by post at no charge.</p>	<p>ECCC minor amendment, item FF.</p> <p>A similar matter is now addressed in clause 68(1)(c) of the amended Code.</p>
6.10(5)	<p>Not Used</p>	<p>Drafting changes.</p>
6.10(6) 46(7)	<p>If directed by the Authority, a retailer must, <u>within a period specified by the Authority</u> —</p> <ul style="list-style-type: none"> (a) review its hardship policy and <u>or</u> hardship procedures; <u>and</u> (b) in consultation <u>consult</u> with relevant consumer representatives <u>for the purposes of the review</u>; and (c) submit to the Authority the results of that the <u>the</u> review <u>to the Authority</u>. 	<p>Drafting changes.</p>
	<p>within 5 business days after it is completed.</p>	<p>ECCC recommendation 62</p>
6.10(7) 46(4)	<p>A retailer must <u>ensure that its hardship policy and hardship procedures</u> comply with the Authority's <i>Financial Hardship Policy Guidelines</i>.</p>	<p>ECCC minor amendment, item HH</p>
46(5)	<p><u>A retailer must consult with relevant consumer representatives whenever the retailer is —</u></p> <ul style="list-style-type: none"> (a) <u>developing a hardship policy or hardship procedures; or</u> (b) <u>making a material amendment to its hardship policy.</u> 	<p>ECCC minor amendment, item BB.</p> <p>These matters were previously addressed in clauses 6.10(2)(a), (3)(a) and (8).</p>

Clause		Reason for proposed amendment
<p>6.10(8) <u>46(6)</u></p>	<p>A retailer must — (a) <u>provide a copy of its hardship policy to the Authority; and</u></p> <hr/> <p>If a retailer makes a material amendment to the retailer's hardship policy; ...</p> <hr/> <p>... the retailer must consult with relevant consumer representatives, and ...</p> <hr/> <p>(b) <u>submit to the Authority provide</u> a copy of the retailer's amended hardship policy <u>to the Authority if it makes a material amendment to the policy</u> ...</p> <hr/> <p>... within 5 business days of the amendment.</p>	<p>To ensure retailers do not only provide a copy of their amended hardship policy to the ERA, but also a copy of their initial hardship policy.</p> <hr/> <p>Drafting changes.</p> <hr/> <p>ECCC minor amendment, item BB. This matter is now addressed in clause 46(5) of the amended Code.</p> <hr/> <p>Drafting changes.</p> <hr/> <p>ECCC recommendation 63</p>
Part 7	Disconnection & Interruption	Amended Part 7 only deals with disconnections.
Division 1	Conduct in relation to disconnection or interruption	Amended Part 7 only deals with disconnections.
<p>7.1(1) <u>48(1)</u></p>	<p>Prior to <u>Before</u> arranging for <u>the</u> disconnection of a customer's supply address for failure to pay a bill, a retailer must —</p> <p>(a) give the customer a reminder notice, not less than 15 business days from the date of dispatch of the bill, including give to the customer a written notice (a reminder notice) that includes —</p> <p>(i) the retailer's telephone number for billing and payment enquiries; and</p> <p>(ii) advice on how the retailer may assist in the event <u>if</u> the customer ...</p> <hr/> <p>... is experiencing payment difficulties or financial hardship <u>problems paying the bill;</u> <u>and</u></p> <hr/> <p>(b) use its best endeavours to contact the customer to advise of the proposed disconnection; and</p> <p>(c) give the customer a disconnection warning, not less than 20 business days from the date of dispatch of the bill, advising the customer —</p> <p>(i) that the retailer may disconnect the customer with at least 5 business days' notice to the customer; and</p>	<p>Drafting changes.</p> <hr/> <p>ECCC recommendation 50(d)</p> <hr/> <p>Drafting changes.</p>

Clause		Reason for proposed amendment
	(ii) of the existence and operation of complaint handling processes, including the existence and operation of the electricity industry ombudsman and the Freecall telephone number of the electricity industry ombudsman.	
<p>7.1(2) 48(2)</p>	<p>For the purposes of subclause (1), a customer has failed to pay for a retailer's bill if the customer has not —</p> <p>(a) paid the retailer's bill by the due date; <u>or</u></p> <p>(b) agreed with the retailer to an offer of an instalment plan <u>a payment plan</u> or other payment arrangement to pay the retailer's bill; or</p> <p>(c) adhered to the customer's obligations <u>obligation</u> to make payments in accordance with an agreed instalment plan <u>payment plan</u> or other payment arrangement relating to the payment of the retailer's bill.</p>	Drafting changes.
<p>7.2(1) 49</p>	<p>Notwithstanding <u>Despite</u> clause 7.1 48, a retailer must not arrange for the disconnection of a customer's supply address for failure to pay a bill —</p> <p>(a) within 1 business day after the expiry of the period referred to in the disconnection warning; <u>or</u></p>	Drafting changes.
	<p>(b) if the retailer has made the residential customer an offer in accordance with clause 6.4(1) and the residential customer—</p> <p>(i) has accepted the offer before the expiry of the period specified by the retailer in the disconnection warning; and</p> <p>(ii) has used reasonable endeavours to settle the debt before the expiry of the time frame specified by the retailer in the disconnection warning;</p> <p><u>if the customer is adhering to the customer's obligation to make payments in accordance with an agreed payment plan or other payment arrangement relating to the payment of the retailer's bill; or</u></p>	ECCC recommendation 64 – with drafting changes.
	<p>(c) if the amount outstanding is less than an amount approved and published by the Authority in accordance with subclause (2) and the customer has agreed with the retailer to repay the amount outstanding;</p> <p><u>if —</u></p> <p><u>(i) the customer is a residential customer;</u></p> <p><u>and</u></p> <p><u>(ii) the outstanding amount is less than \$300; and</u></p>	ECCC recommendation 66(a) – with drafting changes. Amended paragraph (c) does not apply to residential customers who have refused to enter into an instalment plan, or who have entered into an instalment plan but have defaulted on their plan (as

Clause		Reason for proposed amendment
	<p>(iii) <u>the customer has agreed with the retailer to pay this amount;</u> <u>or</u></p> <p>(d) if the customer has made an application for a concession <u>informed the retailer, or the retailer is otherwise aware, that the customer has applied for a concession</u> and a decision on the application has not yet been made; <u>or</u></p> <p>(e) if the customer has failed to pay an amount which that <u>does not relate to the supply of electricity;</u> or</p> <p>(f) if the supply address does not relate to the bill <u>does not relate to the supply address,</u> unless other than if the amount outstanding bill <u>relates to a supply address previously occupied by the customer.</u></p>	<p>the customer must have “agreed with the retailer to pay the amount outstanding”).</p> <p>ECCC recommendation 65 – with drafting changes.</p> <p>Drafting changes.</p> <p>ECCC minor amendment, item JJ – with drafting changes.</p>
7.2(2)	For the purposes of subclause (1)(c), the Authority may approve and publish, in relation to failure to pay a bill, an amount outstanding below which a retailer must not arrange for the disconnection of a customer’s supply address.	ECCC recommendation 66(b)
7.3 <u>50</u>	<p>(1) If This clause applies if a retailer and a residential customer have entered into —</p> <p>(a) a dual fuel contract; or</p> <p>(b) separate contracts for the supply of electricity and the supply of gas, under which —</p> <p>(i) a single bill for energy is <u>issued to the customer;</u> or</p> <p>(ii) separate, simultaneous bills for electricity and gas are, <u>issued to the customer.</u></p> <p>issued to the residential customer,</p> <p>(2) the <u>The</u> retailer must not arrange for disconnection of the residential customer’s supply address for failure to pay a bill within 15 business days from the date of disconnection of the residential customer’s gas supply.</p>	Drafting changes
7.4 <u>51</u>	<u>General requirements Disconnection for denying access to meter</u>	Drafting changes.
7.4(1) <u>51(1)-(2)</u>	<p>(1) A retailer must not arrange for the disconnection of a customer’s supply address for denying access to the meter, unless—</p> <p>(a) the customer has denied access for at least 9 consecutive months;</p> <p><u>Subclause (2) applies if, for at least 9 consecutive months, a customer has not</u></p>	Drafting changes.

Clause		Reason for proposed amendment
	<p><u>provided the retailer or relevant distributor (or a representative of the retailer or relevant distributor) safe access to the customer's supply address for the purpose of reading a meter at the supply address.</u></p> <p><u>(2) If this subclause applies, the retailer may arrange for the disconnection of the customer's supply address if —</u></p>	
	<p>(b)(a) the retailer has, prior to giving the customer a disconnection warning under subclause (f), ...</p>	<p>ECCC recommendation 68</p> <p>Instead of inserting the words "prior to giving the customer a disconnection warning under subclause (f)," in paragraphs (c) and (e) (<i>now (b) and (c)</i>) the words have been deleted from paragraph (b) (<i>now (a)</i>). The order of subclause (2) makes it clear that paragraphs (b), (c) and (e) (<i>now (a) to (c)</i>) must be addressed before the retailer may give the customer a disconnection warning under paragraph (f) (<i>now (d)</i>).</p>
	<p>... on at least once 1 occasion, given the customer in-writing 5 business days written notice —</p> <p>(i) advising the customer of the next date or timeframe of a scheduled meter reading at the supply address;</p> <p>(ii) requesting access to the meter at the supply address for the purpose of the scheduled meter reading; and</p> <p><u>(i) giving at least 5 business days' notice of a date on which, or a timeframe during which, the customer is requested to provide safe access to the supply address in order for the retailer or relevant distributor (or a representative) to gain access to a meter; and</u></p>	
	<p><u>(ii) if appropriate, informing the customer of the availability of alternative meters that are suitable to the customer's supply address; and</u></p>	<p>Drafting changes.</p> <p>A similar matter was previously addressed in clause 7.4(1)(d).</p>
	<p><u>(iii) advising the customer of the retailer's ability to arrange for</u></p>	<p>Drafting changes.</p>

Clause		Reason for proposed amendment
	<p>disconnection if the customer fails to provide <u>safe</u> access to the meter <u>in accordance with the requirements of the notice or by providing reasonable alternative access arrangements</u>;</p> <p>and</p> <p>(e)(b) the retailer has given the customer an opportunity <u>has failed</u> to provide <u>safe access in accordance with the requirements of the notice, or reasonable alternative access arrangements; within a reasonable time after notice is given under paragraph (a); and</u></p>	
	<p>(d) — where appropriate, the retailer has informed the customer of the availability of alternative meters which are suitable to the customer's supply address;</p>	<p>Drafting changes. A similar matter is now addressed in clause 51(2)(a)(ii) of the amended Code.</p>
	<p>(e)(c) the retailer has used its best endeavours to contact the customer to advise of the proposed disconnection <u>on account of that failure</u>; and</p> <p>(f)(d) the retailer has given the customer a disconnection warning with at least 5 business days' notice of its intention to arrange for disconnection.</p>	<p>Drafting changes.</p>
7.4(2)	<p>A retailer may arrange for a distributor to carry out 1 or more of the requirements referred in subclause (1) on behalf of the retailer.</p>	<p>Unnecessary. A person may always engage another person to carry out one of more of the Code requirements.</p>
51(3)	<p><u>Subclause (4) applies if a customer has not provided the retailer or relevant distributor (or a representative of the retailer or relevant distributor) safe access to the customer's supply address for the purposes of —</u></p> <p><u>(a) testing, maintaining, inspecting, altering or replacing a meter at the supply address; or</u></p> <p><u>(b) checking the accuracy of the customer's consumption at the supply address.</u></p>	<p>ECCC recommendation 67 – with drafting changes.</p>
51(4)	<p><u>If this subclause applies, the retailer may arrange for the disconnection of the customer's supply address if —</u></p> <p><u>(a) the retailer has, on at least 1 occasion, given the customer written notice —</u></p> <p><u>(i) stating the matter giving rise to the potential disconnection of the supply address; and</u></p>	<p>ECCC recommendation 67 – with drafting changes. The proposed requirements for a disconnection warning issued under clause 51(4)(a) are similar to the proposed requirements for a disconnection warning issued under clause</p>

Clause		Reason for proposed amendment
	<p>(ii) <u>giving at least 5 business days' notice of a date on which, or a timeframe during which, the customer is requested to provide safe access to the supply address in order for the retailer or relevant distributor (or a representative) to gain access to a meter; and</u></p> <p>(iii) <u>advising the customer of the retailer's ability to arrange for disconnection if the customer fails to provide safe access to the meter in accordance with the requirements of the notice or by providing reasonable alternative access arrangements;</u></p> <p><u>and</u></p> <p>(b) <u>the customer has failed to provide safe access in accordance with the requirements of the notice, or reasonable alternative access arrangements within a reasonable time after notice is given under paragraph (a).</u></p>	51(2)(a) of the amended Code.
Subdivision 3	Disconnection or interruption for emergencies	Drafting changes.
7.5	<p>General requirements</p> <p>If a distributor disconnects or interrupts a customer's supply address for emergency reasons, the distributor must—</p> <p>(a) provide, by way of a 24 hour emergency line at the cost of a local call (excluding mobile telephones), information on the nature of the emergency and an estimate of the time when supply will be restored; and</p> <p>(b) use its best endeavours to restore supply to the customer's supply address as soon as possible.</p>	This matter is now addressed in clause 80 of the amended Code.
Division 2	Limitations <u>Limits</u> on disconnection	Drafting changes.
7.6 <u>52</u>	General limitations <u>limits</u> on disconnection	Drafting changes.
7.6(1) <u>52(1)</u>	<p>Subject to <u>Unless</u> subclause (3) <u>applies</u>, a retailer must not arrange for <u>the</u> disconnection of a customer's supply address if —</p> <p>(a) <u>the customer has made</u> a complaint has been made to the retailer <u>that is</u> directly related to the reason for the proposed disconnection <u>and the complaint has not been resolved by the retailer;</u> or</p> <p>(b) the retailer is <u>has been</u> notified by the <u>relevant</u> distributor, electricity <u>industry</u> ombudsman or an external dispute resolution body that there is <u>the customer has made</u> a complaint, <u>that is</u> directly related to the reason for the proposed disconnection</p>	Drafting changes.

Clause		Reason for proposed amendment
	<p><u>and the complaint has not been resolved by the distributor or determined by the electricity industry ombudsman or external dispute resolution body (as the case may be);</u> that has been made to the distributor, electricity ombudsman or external dispute resolution body; <u>or</u> and the complaint is not resolved by the retailer or distributor or determined by the electricity ombudsman or external dispute resolution body.</p> <p><u>(c) the supply address is registered under Part 11 as a life support equipment address.</u></p>	ECCC recommendation 70(a) – with drafting changes.
7.6(2) <u>52(2)</u>	<p>Subject to <u>Unless</u> subclause (3) <u>applies</u>, a distributor must not disconnect a customer’s supply address —</p> <p>(a) if —</p> <p>(i) <u>the customer has made</u> a complaint has been made to the distributor <u>that is</u> directly related to the reason for the proposed disconnection <u>and the complaint has not been resolved by the distributor;</u> or</p> <p>(ii) the distributor is <u>has been</u> notified by a retailer, the electricity <u>industry</u> ombudsman or an external dispute resolution body that there is the customer has made a complaint, <u>that is</u> directly related to the reason for the proposed disconnection <u>and the complaint has not been resolved by the retailer or determined by the electricity industry ombudsman or external dispute resolution body (as the case may be);</u> that has been made to the retailer, electricity ombudsman or external dispute resolution body; and the complaint is not resolved by the retailer or distributor or determined by the electricity ombudsman or external dispute resolution body;</p> <p>or</p> <p><u>(b) if the supply address is registered under Part 11 as a life support equipment address; or</u></p> <p>(b)<u>(c) during any time —</u></p> <p>(i) — after 3.00 pm Monday to Thursday; (ii) — after 12.00 noon on a Friday; or (iii) — on a Saturday, Sunday, public holiday or on the business day before a public holiday; <u>a protected period unless —</u></p>	<p>Drafting changes.</p> <p>ECCC recommendation 70(b) – with drafting changes.</p> <p>Drafting changes.</p>

Clause		Reason for proposed amendment
	<p>(iv)(i) the customer is a business customer; and</p> <p>(v)(ii) the business customer's normal trading hours <u>fall within a protected period and do not fall within any other period; and —</u></p> <p>(A) fall within the time frames set out in subclause (b)(i) (ii) or (iii); and</p> <p>(B) do not fall within any other time period; and</p> <p>(vi)(iii) it is not practicable for the distributor to disconnect at any other time.</p>	
<p>7.6(3) <u>52(3)</u></p>	<p>A retailer or a distributor may arrange for disconnection or interruption of a customer's supply address if —</p> <p><u>Subclauses (1) and (2) do not apply if —</u></p> <p>(a) the disconnection was <u>is</u> requested by the customer; or</p> <p>(b) the disconnection or interruption was carried out for emergency reasons. there is a health or safety reason warranting the disconnection; or</p> <p><u>(c) there is an emergency warranting disconnection; or</u></p>	<p>ECCC recommendation 69(a) – with drafting changes.</p>
	<p><u>(d) electricity has been illegally consumed at the supply address.</u></p>	<p>ECCC recommendation 69(b)</p>
<p>7.7</p>	<p>Life support</p>	<p>ECCC minor amendment, item KK</p> <p>This matter is now addressed in Part 11 of the amended Code.</p>
<p>8.1 <u>53</u></p>	<p>Reconnection by retailer* <u>Obligation on retailer to arrange reconnection</u></p>	<p>Drafting changes.</p>
<p>8.1(1) <u>53(1)</u> <u>and (2)</u></p>	<p>If a retailer has arranged for disconnection of a customer's supply address due to —</p> <p>(a) failure to pay a bill, and the customer has paid or agreed to accept an offer of an instalment plan a payment plan, or other payment arrangement;</p> <p>(b) the customer denying access to the meter, and the customer has subsequently provided access to the meter; or</p> <p>(c) illegal use of electricity, and the customer has remedied that breach, and has paid, or made an arrangement to pay, for the electricity so obtained,</p> <p>the retailer must arrange for reconnection of the customer's supply address, subject to —</p>	<p>ECCC recommendation 77(a) – with drafting changes.</p>

Clause		Reason for proposed amendment
	<p>(d) the customer making a request for reconnection; and</p> <p>(e) the customer—</p> <p style="padding-left: 20px;">(i) paying the retailer's reasonable charge for reconnection, if any; or</p> <p style="padding-left: 20px;">(ii) accepting an offer of an instalment plan a payment plan for the retailer's reasonable charges for reconnection, if any.</p> <p><u>(1) This clause applies if —</u></p> <p style="padding-left: 20px;"><u>(a) a customer's supply address has been disconnected by, or at the request of, the retailer; and</u></p> <p style="padding-left: 20px;"><u>(b) the customer has —</u></p> <p style="padding-left: 40px;"><u>(i) if relevant, rectified the matter that led to the disconnection or made arrangements to the satisfaction of the retailer; and</u></p> <p style="padding-left: 40px;"><u>(ii) made a request for reconnection; and</u></p> <p style="padding-left: 40px;"><u>(iii) paid the retailer's charge for reconnection (if any), or accepted an offer of a payment plan for those charges.</u></p> <p><u>(2) The retailer must arrange for the customer's supply address to be reconnected.</u></p>	
<p>8.1(2) <u>53(3)</u></p>	<p>For the purposes of subclause (1)(2), a retailer must forward the <u>customer's</u> request for reconnection to the relevant distributor —</p> <p>(a) that on the same business day, if the request is received before 3_pm on a business day; or</p> <p>(b) no later than 3_pm on the next business day, if the request is received —</p> <p style="padding-left: 20px;">(i) after 3_pm on a business day, or</p> <p style="padding-left: 20px;">(ii) on a Saturday, <u>a</u> Sunday or <u>a</u> public holiday <u>throughout the State</u>.</p>	<p>ECCC recommendation 77(b) – with drafting changes.</p>
<p>8.1(3) <u>53(4)</u></p>	<p>If a retailer does not forward the request for reconnection to the relevant distributor within the timeframes in subclause (2), the retailer will not be in breach of this clause 8.1 if the retailer causes <u>Alternatively, a retailer may cause</u> the customer's supply address to be reconnected by the distributor within the timeframes <u>that apply under clause 54(4)(a) or (b) in clause 8.2(2) as if the distributor had received the request for reconnection from the retailer in accordance with subclause (2).</u></p>	<p>ECCC recommendation 77(b) – with drafting changes.</p>
<p>8.2 <u>54</u></p>	<p><u>Reconnection by distributor</u> <u>Obligation on distributor to reconnect supply address</u></p>	<p>Drafting changes.</p>

Clause		Reason for proposed amendment
<p>8.2(1) <u>54(1)</u></p>	<p>If a distributor has disconnected a customer's supply address on request by the customer's retailer, and a retailer has subsequently requested the distributor to reconnect the customer's supply address, the A distributor must reconnect the a customer's supply address. if —</p> <p><u>(a) a retailer has arranged for the disconnection of the customer's supply address; and</u></p> <p><u>(b) the retailer has forwarded the customer's request for reconnection to the distributor under clause 53.</u></p>	<p>ECCC recommendation 78(a) – with drafting changes.</p>
<p><u>54(2)</u></p>	<p><u>Subclause (3) applies if —</u></p> <p><u>(a) a distributor has disconnected a customer's supply address otherwise than at the request of a retailer; and</u></p> <p><u>(b) the customer has —</u></p> <p><u>(i) if relevant, rectified the matter that led to the disconnection; and</u></p> <p><u>(ii) made a request for reconnection; and</u></p> <p><u>(iii) paid the distributor's charge for reconnection (if any).</u></p>	<p>ECCC recommendation 78(b) – with drafting changes.</p>
<p><u>54(3)</u></p>	<p><u>The distributor must reconnect the customer's supply address.</u></p>	<p>ECCC recommendation 78(a) and (b) – with drafting changes.</p>
<p>8.2(2) <u>54(4)</u></p>	<p>For the purposes of subclauses <u>(1) and (3)</u>, a distributor must reconnect a customer's supply address —</p> <p><u>(a) for supply addresses if the supply address is</u> located within the metropolitan area —</p> <p><u>(i) within 1 business day of after receipt of the relevant request, if the request is received prior to before 3 pm on a business day; and</u></p> <p><u>(ii) within 2 business days of after receipt of the relevant request, if the request is received after 3 pm on a business day or on a Saturday, a Sunday or a public holiday throughout the State;</u></p> <p><u>and</u></p> <p><u>(b) for supply addresses if the supply address is</u> located within the a regional area —</p> <p><u>(i) within 5 business days of after receipt of the relevant request, if the request is received prior to before 3 pm on a business day; and</u></p> <p><u>(ii) within 6 business days of after receipt of the relevant request, if the request is received after 3 pm on a business day, or on a Saturday, a Sunday or a public holiday throughout the State.</u></p>	<p>ECCC recommendation 78(c) – with drafting changes.</p>

Clause		Reason for proposed amendment
<p>8.2(3) <u>8.2(5)</u></p>	<p>Subclause (2)(4) does not apply in the event <u>case</u> of an emergency.</p>	<p>ECCC recommendation 78(c) – with drafting changes.</p>
<p>9.1(1) <u>55(1)</u></p>	<p>Parts 4, 5, 6 (with the exception of clause 6.10), 7 and 8 and clauses 2.4 (other than as specified below), 10.2 and 10.7 of the Code <u>The following</u> do not apply to a pre-payment meter customer: — <u>(a) Parts 4, 5, 7, 8 and 11;</u> <u>(b) Part 6 (other than clause 46);</u> <u>(c) clause 11 (other than as specified below);</u> <u>(d) clause 72.</u></p>	<p>Drafting changes.</p>
<p>9.1(2) <u>55(2)</u></p>	<p>A distributor may only operate a pre-payment meter, and a retailer may only offer a pre-payment meter service, in an area that has been declared by the Minister by notice published in the Government <u>Gazette</u>.</p>	<p>Drafting change.</p>
<p>9.2(1) <u>56(1)</u></p>	<p>A retailer must not provide a pre-payment meter service at a residential customer's supply address without the verifiable consent of the residential customer or the residential customer's nominated representative</p>	<p>Drafting changes.</p>
<p>9.2(3)</p>	<p>Not used.</p>	<p>Drafting changes.</p>
<p>9.3 <u>57</u></p>	<p>Provision of mandatory <u>information</u></p>	<p>Drafting change.</p>
<p>9.3(1) <u>57(1)</u></p>	<p>A retailer must, <u>advise on request by</u> a residential customer who requests information on the use of a pre-payment meter, <u>provide</u> at no charge and in clear, simple and concise language <u>the following information in relation to the use of a pre-payment meter</u> —</p> <ul style="list-style-type: none"> (a) of all applicable tariffs, fees and charges payable by the residential customer and the basis for the calculation of those charges; (b) of the tariffs, fees and charges applicable to <u>a the</u> pre-payment meter service relative to relevant tariffs, fees and charges which that would apply to that residential the customer if no pre-payment meter was operating at the residential customer's supply address; (c) of the retailer's charges, or its best estimate of those charges, to replace <u>the pre-payment meter with a standard meter</u> or <u>to</u> switch <u>a the</u> pre-payment meter to a standard meter; (d) how <u>a the</u> pre-payment meter is operated; (e) how the residential customer may recharge the pre-payment meter (including details of cost, location and business hours of recharge facilities); (f) of the emergency credit facilities applicable to <u>a the</u> pre-payment meter; and 	<p>Drafting changes.</p>

Clause		Reason for proposed amendment
	(g) of credit retrieval.	
<p>9.3(2) 57(2)</p>	<p>No later than 10 business days after the time a residential customer enters into a pre-payment meter contract at the residential customer's supply address, a retailer must give, or make available to the residential customer at no charge —</p> <p>(a) the information specified within in subclause (1); and</p> <p>(b) a copy of the contract; and</p> <p>(c) information on the availability and scope of the Code this code and the requirement that retailers, distributors, retailers and electricity marketing agents comply with the Code this code; and</p> <p>(d) — Not used</p> <p>(e)(d) a meter identification number; for the meter; and</p> <p>(f)(e) a telephone number for enquiries; and</p> <p>(g)(f) a telephone number for complaints; and</p> <p>(h)(g) the relevant distributor's 24-hour telephone number for faults and emergencies; and</p> <p>(i)(h) confirmation of the supply address and any relevant mailing address; and</p> <p>(j)(i) details of any concessions the residential customer may be eligible to receive; and</p> <p>(k)(j) the amount of any concessions to be given to the residential customer; and</p> <p>(l)(k) information on the availability of multi-lingual services (in languages reflective of the retailer's customer base); the telephone number for interpreter services, identified by the National Interpreter Symbol; and</p> <p>(m)(l) information on the availability of TTY services; the telephone number (or numbers) for services that can assist customers with a speech or hearing impairment; and</p> <p>(n)(m) advice on how the retailer may assist in the event the residential customer is ...</p> <p>... experiencing payment difficulties or financial hardship difficulties paying for their consumption; and</p> <p>(o)(n) advice on how to make a an enquiry of, or complaint to, or enquiry of, the retailer; and</p>	<p>Drafting changes</p> <p>ECCC minor amendment, item C – with drafting changes.</p> <p>ECCC recommendation 4</p> <p>Drafting changes.</p> <p>ECCC recommendation 50(e)</p> <p>Drafting changes.</p>
	<p>(p)(o) details on external complaints handling processes including the contact details for the electricity industry ombudsman; and</p>	<p>The words “external complaints handling processes” have also been removed from clause</p>

Clause		Reason for proposed amendment
		4.16(1)(a)(iii) ¹⁴ (procedures following a bill review) and 12.1(3)(b)(ii) ¹⁵ (obligation to establish complaints handling process).
	<p>(q)<u>(p)</u> general information on the safe use of electricity; <u>and</u></p> <p>(r)<u>(q)</u> details of the initial recharge facilities available to the residential customer; and</p> <p>(s)<u>(r)</u> the date of the expiry of the residential pre-payment meter customer's right to revert to a standard meter at no charge; <u>and</u></p> <p><u>(s)</u> the options available to the residential pre-payment meter customer if the residential pre-payment meter customer replaces <u>the pre-payment meter with a standard meter</u> or switches the pre-payment meter to a standard meter.</p>	Drafting changes.
<p>9.3(3) <u>57(3)</u></p>	<p>A retailer must ensure that the following information is shown on or directly adjacent to a residential customer's pre-payment meter —</p> <p>(a) the positive or negative financial balance of the pre-payment meter within 1 dollar of the actual balance;</p> <p>(b) whether the pre-payment meter is operating on normal credit or emergency credit;</p> <p>(c) a telephone number for enquiries; <u>and</u></p> <p>(d) the <u>relevant</u> distributor's 24-hour telephone number for faults and emergencies.</p>	Drafting changes.
<p>9.3(4) <u>57(4)</u></p>	<p>A retailer must give a pre-payment meter customer on request, at no charge, the following information—</p> <p>(a) total energy consumption;</p> <p>(b) average daily consumption; and</p> <p>(c) average daily cost of consumption;</p> <p>for the previous 2 years or since the commencement of the pre-payment meter contract (whichever is the shorter), divided into <u>quarterly segments</u>—</p> <p><u>(a) total energy consumption;</u></p> <p><u>(b) average daily consumption;</u></p> <p><u>(c) average daily cost of consumption.</u></p>	Drafting changes.
<p>9.3(5) <u>57(5)</u></p>	<p>A retailer must, within 10 business days of <u>after</u> the change, use reasonable endeavours to notify a pre-payment meter customer ...</p>	Drafting changes.

¹⁴ Clause 27(2)(a)(iii) of the amended Code.

¹⁵ Clause 89(1)(b) of the amended Code.

Clause		Reason for proposed amendment
	... in writing or by electronic means if the recharge facilities available to the residential customer change from the initial recharge facilities referred to in subclause (2) (r)(q) .	ECCC recommendation 3
9.3(6) 57(6)	The information to be provided in <u>under</u> this clause, with the exception of other than the information in subclause (3), may be provided in writing to a pre-payment meter customer at — <u>(a)</u> the pre-payment meter customer's supply address; or <u>(b)</u> another address nominated by the pre-payment meter customer; or <u>(c)</u> an email address nominated by the pre-payment meter customer.	Drafting changes.
9.4(1) 58(1)	If a pre-payment meter customer notifies a <u>requests the</u> retailer that it wants to replace or switch the prepayment meter to <u>with</u> a standard meter, the retailer must within 1 business day of <u>after</u> the request —	Drafting changes.
	(a) send the information referred to in clauses 2.3 and 2.4 to the pre-payment meter customer in writing or by electronic means; and	ECCC recommendation 79
	(b) <u>the retailer must</u> arrange with the relevant distributor to — (i) remove or render non-operational the pre-payment meter; and (ii) replace <u>the pre-payment meter with a standard meter</u> or switch the pre-payment meter to a standard meter.	Drafting changes. Paragraph (i) was unnecessary. The word “replace” in paragraph (ii) already implies that the pre-payment meter will be removed. Further, if a pre-payment meter is switched to a standard meter, the pre-payment meter function will become non-operational.
9.4(2) 58(2)	A retailer must not require payment of a charge for reversion to a standard meter if a pre-payment meter customer is a residential customer and that customer, or its nominated representative, requests reversion of a pre-payment meter under subclause (1) within 3 months of <u>after</u> the later of — <u>(a)</u> the installation of the pre-payment meter; or <u>(b)</u> the date on which the customer agrees to enter <u>entered</u> into a <u>the</u> pre-payment meter contract.	Drafting changes.
9.4(3) 58(3) and (4)	(3) If a pre-payment meter customer requests reversion of a pre-payment meter under subclause (1) after the date calculated in accordance with subclause (2), a retailer may charge the pre-payment meter customer	Drafting changes.

Clause		Reason for proposed amendment
	<p>a reasonable charge for <u>the</u> reversion to a standard meter.</p> <p><u>(4)</u> However, the retailer's obligations under subclause (1) —</p> <p>(a) if the pre-payment meter customer is a residential pre-payment meter customer, — are not conditional on the pre-payment meter customer paying the retailer's reasonable charge for reversion to a standard meter (if any); and</p> <p>(b) if the pre-payment meter customer is not a residential pre-payment meter customer, <u>otherwise —</u> may be made conditional on the pre-payment meter customer paying the retailer's reasonable charge for reversion to a standard meter (if any).</p>	
<p>9.4(4) <u>58(5)</u></p>	<p>If a retailer requests a distributor to revert a pre-payment meter under subclause (1), the distributor must revert the pre-payment meter at that supply address —</p> <p>(a) for supply addresses if the supply address is located within the metropolitan area, — within 5 business days of <u>after</u> receipt of the request; or</p> <p>(b) for supply addresses if the supply address is located within the a regional area, — within 10 business days of <u>after</u> receipt of the request.</p>	<p>Drafting changes.</p>
<p>9.5(1) <u>59(1)</u></p>	<p>If a pre-payment meter customer provides a retailer with confirmation from an appropriately qualified medical practitioner that a person residing at the pre-payment meter customer's supply address requires life support equipment, the retailer must not provide a pre-payment meter service at that supply address and the retailer must, or must immediately arrange to —</p> <p>(a) remove or render non-operational the pre-payment meter at no charge; <u>and</u></p> <p>(b) replace <u>the pre-payment meter with a standard meter</u> or switch the pre-payment meter to a standard meter, <u>at no charge;</u> and</p> <p>(c) provide information to the pre-payment meter customer about the contract options available to the pre-payment meter customer.</p>	<p>Drafting changes.</p>
<p>9.5(2) <u>59(2)</u></p>	<p>If a retailer requests a distributor to revert a pre-payment meter under subclause (1), the distributor must revert the pre-payment meter at the supply address as soon as possible and in any event no later than —</p>	<p>Drafting changes.</p>

Clause		Reason for proposed amendment
	<p>(a) for supply addresses <u>if the supply address is</u> located within the metropolitan area —</p> <p>(i) within 1 business day of receipt of the request, if the request is received prior to 3pm <u>before 3 pm</u> on a business day — <u>within 1 business day after receipt of the request;</u> and</p> <p>(ii) within 2 business days of receipt of the request, if the request is received after 3 pm on a business day or on a Saturday, <u>a Sunday or a public holiday throughout the State — within 2 business days after receipt of the request;</u></p> <p>(b) for supply addresses <u>if the supply address is</u> located within the <u>a</u> regional area —</p> <p>(i) within 9 business days of receipt of the request, if the request is received prior to 3pm <u>before 3 pm</u> on a business day — <u>within 9 business days after receipt of the request;</u> and</p> <p>(ii) within 10 business days of receipt of the request, if the request is received after 3pm <u>3 pm</u> on a business day, or on a Saturday, <u>a Sunday or a public holiday throughout the State — within 10 business days after receipt of the request.</u></p>	
<p>9.6(a) <u>60(1), (2) and (3)</u></p>	<p>(a)(1) <u>(1)</u> A retailer must ensure that a pre-payment meter customer has access to <u>an amount of</u> emergency credit of \$20 outside <u>of</u> normal business hours. ...</p> <p>... Once the emergency credit is used, and no additional credit has been applied, the pre-payment meter service will be de-energised.</p> <p><u>(2)</u> <u>The following provisions apply in relation to a retailer's ability to de-energise a pre-payment meter service —</u></p> <p><u>(a) if the pre-payment meter has run out of credit (disregarding any emergency credit), the meter may be de-energised during normal business hours;</u></p> <p><u>(b) if the pre-payment meter has run out of credit and any emergency credit, the meter may be de-energised at any time;</u></p> <p><u>(c) if the meter has been de-energised and the customer makes a payment to their account, that results in an amount of credit in excess of emergency credit, the meter must be re-energised.</u></p>	<p>Drafting changes.</p> <p>ECCC recommendation 80</p>

Clause		Reason for proposed amendment
	<u>(3)</u> A retailer is not required to re-energise a meter if the only credit that the customer has is emergency credit.	
9.6(b) <u>60(4)</u>	<p>A retailer must ensure that a pre-payment meter service —</p> <p>(i)(a) is capable of informing <u>providing the following information to</u> the retailer of at least once in every month —</p> <p>(A)(i) the number of instances where in which a pre-payment meter customer has been disconnected; and</p> <p>(B)(ii) the duration of each of those disconnections referred to in subclause (b)(i)(A); at least every month, and</p> <p>(ii)(b) is capable of recommending supply and supply is recommended <u>subject to subclauses (2) and (3), recommences supply</u> as soon as information is communicated to the pre-payment meter that a payment to the account has been made.</p>	Drafting changes.
9.7 <u>61</u>	Unless otherwise agreed with the customer, a <u>A</u> retailer must ensure that —	ECCC recommendation 5(a)
	(a) at least 1 <u>physical</u> recharge facility is located as close as practicable to a pre-payment meter, and in any case no further than 40 kilometres away; and	ECCC recommendation 81
	<p>(b) a pre-payment meter customer can access a recharge facility at least 3 hours per day, 5 days per week; <u>and</u></p> <p>(c) it uses <u>its</u> best endeavours to ensure that the pre-payment meter customer can access a recharge facility for periods greater than required under subclause <u>paragraph</u> (b); and</p> <p>(d) the minimum amount to be credited by a recharge facility does not exceed \$20 per increment.</p>	Drafting changes.
9.8 <u>62</u>	If a pre-payment meter customer demonstrates to a retailer that the pre-payment meter customer is entitled to receive a concession, the retailer must ensure that the pre-payment meter customer receives the benefit of the concession.	Drafting changes.

Clause		Reason for proposed amendment
<p>9.9(1) 63(1)</p>	<p>If a pre-payment meter customer requests that the whole or part of a pre-payment meter be checked or tested, a retailer must, at the request of the pre-payment meter customer, make immediate arrangements to do 1 or more of the following —</p> <ul style="list-style-type: none"> (a) check the pre-payment meter customer's metering data; (b) check or conduct a test of the pre-payment meter; and/or (c) arrange for a check or test by the responsible person for the meter installation at the pre-payment meter customer's connection point. 	<p>Drafting changes.</p>
<p>9.9(4) 63(4)</p>	<p>If a pre-payment meter is found to be inaccurate or not operating correctly following a check or test undertaken in accordance with subclause (1), a retailer must —</p> <ul style="list-style-type: none"> (a) immediately arrange for the repair or replacement of the faulty pre-payment meter; and (b) correct any overcharging or undercharging in accordance with clause 9.14 65; and (c) refund any charges paid by the pre-payment customer under this clause for the testing of the pre-payment meter. 	<p>Drafting changes.</p>
<p>9.10 64</p>	<p>Credit retrieval, overcharging and undercharging</p>	<p>Drafting changes.</p>
<p>9.10(1) 64</p>	<p>Subject to If a pre-payment meter customer notifying notifies a retailer of the a proposed vacation date, the retailer must ensure that the pre-payment meter customer can retrieve all remaining credit at the time the pre-payment meter customer vacates the supply address.</p>	<p>Drafting changes.</p>
<p>65</p>	<p>Overcharging and undercharging</p>	
<p>9.10(2) 65(1)</p>	<p>If a pre-payment meter customer (including a pre-payment meter customer who has vacated the supply address) has been overcharged as a result of an act or omission of a the retailer or relevant distributor (including if a pre-payment meter has been found to be defective as a result of a defective pre-payment meter), the retailer must —</p> <ul style="list-style-type: none"> (a) use its best endeavours to inform the pre-payment meter customer accordingly within 10 business days of after the retailer becoming aware of the error; i and (b) ask the pre-payment meter customer for instructions as to whether the amount should be — 	<p>Drafting changes.</p>

Clause		Reason for proposed amendment
	<p>(a)(i) credited to the pre-payment meter customer's account; or</p> <p>(b)(ii) repaid to the pre-payment meter customer.</p>	
<p>9.10(3) 65(2)</p>	<p>If a <u>the</u> retailer receives instructions <u>from the customer</u> under subclause (2)(1), the retailer must pay the amount in accordance with the pre-payment meter customer's instructions within 12 business days of <u>after</u> receiving the instructions.</p>	Drafting changes.
<p>9.10(4) 65(3)</p>	<p>If a <u>the</u> retailer does not receive instructions <u>from the customer</u> under subclause (2)(1) within 20 business days of <u>after</u> making the request <u>for instructions</u>, the retailer must use reasonable endeavours to credit the amount overcharged to the pre-payment meter customer's account.</p>	Drafting changes.
<p>9.10(5) 65(5)</p>	<p>No interest shall accrue to a credit or refund referred to in subclause (2) is payable on an amount that has been overcharged.</p>	Drafting changes.
<p>9.10(6) 65(6)</p>	<p>If a retailer proposes to recover an amount undercharged as a result of an act or omission by the retailer or <u>relevant</u> distributor (including if a pre-payment meter has been found to be defective as a result of a defective pre-payment meter), the retailer must —</p> <p>(a) limit the amount to be recovered to no more than the amount undercharged in the 12 months prior to <u>before</u> the date on which the retailer notified <u>notifies</u> the pre-payment meter customer that undercharging had <u>has</u> occurred; <u>and</u></p> <p>(b) list the amount to be recovered as a separate item in a special bill or in the next bill (if applicable), together with an explanation of that amount; <u>and</u></p> <p>(c) not charge the pre-payment meter customer interest on that amount or require the pre-payment meter customer to pay a late payment fee; and</p> <p>(d) offer the pre-payment meter customer time to pay that amount by means of an instalment plan in accordance with clause 6.4(2) (as if clause 6.4(2) applied to the retailer) and <u>a payment plan</u> covering a period at least equal to the period over which the recoverable undercharging occurred.</p>	<p>Drafting changes.</p> <p>The words “next bill” implied that the customer regularly receives bills, however pre-payment meter customers do not receive bills.</p> <p>Drafting changes.</p>
<p>9.10(7) 65(4)</p>	<p>If the amount referred to in subclause (2)(1) is less than \$100, the retailer may —</p> <p>(a) ask the pre-payment meter customer for instructions under subclause (2) (in which case subclauses (3) and (4) apply as if the</p>	Drafting changes.

Clause		Reason for proposed amendment
	<p>retailer sought instructions under subclause (2)); or</p> <p>(b) credit the amount to the pre-payment meter customer's account (in which case subclause (3) applies as if the pre-payment meter customer instructed the retailer to credit the pre-payment meter customer's account) <u>instead of complying with subclause (1).</u></p>	
9.11 <u>66</u>	<u>Payment difficulties or financial hardship Information for customers experiencing payment difficulties</u>	Drafting changes.
9.11(1)	<p>A retailer must give reasonable consideration to a request by—</p> <p>(a) a residential pre-payment meter customer who informs the retailer that the prepayment meter customer is experiencing payment difficulties or financial hardship; or</p> <p>(b) a relevant consumer representative, for a waiver of any fee payable by the pre-payment meter customer to replace or switch a pre-payment meter to a standard meter.</p>	This matter is now addressed in clause 67 of the amended Code.
9.11(2) <u>66(1) and (2)</u>	<p>(1) Notwithstanding its obligations under clause 6.10, a retailer must ensure that <u>This clause applies if</u> —</p> <p>(a) if a residential pre-payment meter customer informs <u>the a</u> retailer that the pre-payment meter customer ...</p> <p>... is experiencing payment difficulties or financial hardship <u>difficulties paying for their consumption</u>; or</p> <p>(b) <u>the a</u> retailer identifies that a residential pre-payment meter customer has been disconnected 2 or more times in any 1-month period for longer than 120 minutes on each occasion;</p> <p>(2) subject to subclause (3), the <u>The</u> retailer must use best endeavours to contact the pre-payment meter customer, as soon as is reasonably practicable, <u>use its best endeavours</u> to provide <u>the following information in writing to the customer</u> —</p> <p>(c) — Not Used</p> <p>(d)(a) information about the different types of meters available to the pre-payment meter customer;</p> <p>(e)(b) information about and referral to relevant financial assistance programmes; and/or</p>	<p>Drafting changes.</p> <p>ECCC recommendation 50(e)</p> <p>Drafting changes.</p>

Clause		Reason for proposed amendment
	<p>(f)(c) referral to information about how to contact relevant consumer representatives; and/or</p> <p>(g)(d) information on about independent financial and other relevant counselling services.</p>	
<p>9.11(3) 66(4)</p>	<p>Where the retailer has identified the residential pre-payment meter customer pursuant to However, if subclause (2)(b)(1)(b) applies, the retailer is not required to contact the residential customer and provide the information set out in subclauses (2)(e)–(g) comply with subclause (2) if the retailer has provided the residential pre-payment meter customer with that information referred to in that subclause in within the preceding 12 months.</p>	<p>Drafting changes.</p>
<p>9.11(4) 66(3)</p>	<p>The information to be provided in subclause (2) may be provided in writing by —</p> <p>(a) post addressed to a pre-payment meter the customer at the pre-payment meter customer's supply address, or at another address nominated by the pre-payment meter customer; or an</p> <p>(b) email at an address nominated by the pre-payment meter customer; or</p> <p>(c) personal delivery to the customer.</p>	<p>Drafting changes.</p>
<p>66(5)</p>	<p>This clause applies to a retailer despite any obligation under clause 46.</p>	<p>Clarification.</p> <p>Clause 46 of the amended Code¹⁶ (<i>hardship policy and hardship procedures</i>) also applies to pre-payment meter customers – see clause 55(1)(b).¹⁷</p>
<p>67</p>	<p>Assistance for customers experiencing payment difficulties</p> <p>(1) This clause applies if a residential pre-payment meter customer, or a relevant consumer representative acting on behalf of a residential pre-payment meter customer —</p> <p>(a) informs a retailer that the customer is experiencing difficulties paying for the customer's consumption; and</p> <p>(b) requests that the pre-payment meter be replaced by a standard meter.</p> <p>(2) The retailer must give reasonable consideration to waiving any fee payable to</p>	<ul style="list-style-type: none"> • Drafting changes. • A similar matter was previously addressed in clause 9.11(1). • ECCC recommendation 50(e)

¹⁶ Clause 6.10 of the 2018 Code.

¹⁷ Clause 9.1(1) of the 2018 Code.

Clause		Reason for proposed amendment
	replace the pre-payment meter with a standard meter.	
9.12	Existing pre-payment meters A pre-payment meter installed prior to the amendment date will be deemed to comply with the requirements of this Part 9.	Redundant. There are no longer any pre-payment meters in operation that were installed before the amendment date.
Part 10	Information & Communication and communication	Drafting changes.
Division 1	Obligations particular to for retailers	Drafting changes.
68	Provision of general information to customers	Drafting changes.
68(1)	<p>A retailer must publish on its website —</p> <p>(a) the following information about concessions —</p> <p style="padding-left: 20px;">(i) the type of concessions available to customers;</p> <p style="padding-left: 20px;">(ii) the name and contact details of the organisation responsible for administering those concessions (if the retailer is not responsible for doing this);</p> <p style="padding-left: 20px;">and</p> <p>(b) the following information about energy efficiency —</p> <p style="padding-left: 20px;">(i) cost-effective and efficient ways to utilise electricity;</p> <p style="padding-left: 20px;">(ii) the typical running costs of major domestic electrical appliances;</p> <p style="padding-left: 20px;">and</p> <p>(c) the retailer's hardship policy; and</p> <p>(d) the retailer's family violence policy; and</p> <p>(e) a summary of a customer's rights, entitlements and obligations under the retailer's standard complaints and dispute resolution procedures; and</p> <p>(f) the contact details for the electricity industry ombudsman; and</p> <p>(g) a copy of this code.</p>	<p>ECCC recommendation 82</p> <p>ECCC recommendation 87 This matter was previously addressed in clause 10.3.</p> <p>ECCC recommendation 88 – with drafting changes. A similar matter was previously addressed in clause 10.4.</p> <p>ECCC minor amendment, item FF</p> <p>ECCC recommendation 112</p> <p>ECCC recommendation 100</p> <p>ECCC recommendation 94 A similar matter was previously addressed in clause 10.10.</p>
68(2)	If a customer requests information of the kind referred to in subclause (1), the retailer must —	ECCC recommendation 82

Clause		Reason for proposed amendment
	(a) refer the customer to the retailer's website; or (b) provide the information to the customer.	
68(3)	If a customer requests a copy of information of the kind referred to in subclause (1), the retailer must provide a copy of the information to the customer.	ECCC recommendation 82 – with drafting changes.
68(4)	The information or a copy of the information requested under this clause must be provided without charge.	ECCC recommendation 82
68(5)	The retailer is not required to make a copy of this code available under subclause (1)(g) if it instead provides an electronic link to a website where a copy of this code may be accessed	To allow retailers to include a hyperlink to, for example, the Code published on the Parliamentary Counsel's Office website. This may reduce the risk of retailers having an out-of-date copy of the Code on their website.
70	Tariff information Information about variations to tariffs, fees or charges: regulated prices	Drafting changes.
70(1)	This clause applies if a customer's tariffs, fees or charges are regulated or set by the State Government.	ECCC recommendation 83(b)
40.1(1) 70(2) and (3)	(1)(2) A retailer must give notice to each of its customers affected by a customer of any variation in to its tariffs, fees and or charges that affects the customer. (3) The notice must be given no later than the next bill in a the customer's billing cycle.	ECCC recommendation 83(b) ECCC minor amendment, item NN Drafting changes.
40.1(2) 69	Information about tariffs, fees or charges A retailer must give or make available to a customer on request, at no charge, reasonable information on the retailer's tariffs, fees and or charges, including any alternative tariffs that may be available to that customer.	ECCC minor amendment, item NN – with drafting changes.
40.1(3)	A retailer must give or make available to a customer the information referred to under subclause (2) within 8 business days of the date of receipt. If requested by the customer, the retailer must give the information in writing.	ECCC recommendation 84
71	Information about variations to tariffs, fees or charges: non-regulated prices	Drafting changes.

Clause		Reason for proposed amendment
71(1)	This clause applies if a customer's tariffs, fees or charges are not regulated or set by the State Government.	ECCC recommendation 83(a) – with drafting changes.
71(2)	A retailer must give notice to a customer of any variation to its tariffs, fees or charges that affects the customer.	ECCC recommendation 83(a) – with drafting changes.
71(3)	The notice must be given at least 5 business days before the variation is to apply to the customer.	ECCC recommendation 83(a) – with drafting changes.
71(4)	<p>The notice must —</p> <ul style="list-style-type: none"> (a) specify that the customer's tariffs, fees or charges are being varied; and (b) specify the date on which the variation will come into effect; and (c) identify the customer's existing tariffs, fees or charges, inclusive of GST; and (d) identify the customer's tariffs, fees or charges as varied, inclusive of GST; and (e) specify that the customer may request historical billing data. 	ECCC recommendation 83(a) – with drafting changes.
71(5)	<p>A retailer is not required to provide information under this clause —</p> <ul style="list-style-type: none"> (a) if the customer has entered into the relevant contract with the retailer within 10 business days before the variation is to take effect and the retailer has already informed the customer of the variation; or (b) for a tariff, fee or charge that continually varies in relation to the prevailing spot price for electricity; or (c) for the variation of a tariff, fee or charge that is a direct result of a change to, or the withdrawal or expiry of, a concession; or (d) for the variation of a tariff, fee or charge that is a direct result of a change to a bank charge or fee, to a credit card charge or fee, or to payment processing charges or fees that apply in relation to the customer. 	ECCC recommendation 83(a) – with drafting changes.
40.2(2) 72(2)	<p>(2) The retailer must give the billing data at no charge if a non-contestable customer requests billing data under subclause (1) —</p> <ul style="list-style-type: none"> (a) for a period less than the previous 2 years and no more than once a year; or (b) in relation to a dispute with a retailer; the retailer must give the billing data at no charge. 	Drafting changes.
40.2(3)	A retailer must give a non-contestable customer the billing data requested under subclause (1) within 10 business days of the date of receipt of—	ECCC recommendation 85

Clause		Reason for proposed amendment
	(a) the request; or (b) payment for the retailer's reasonable charge for providing the billing data (if requested by the retailer).	
10.2(4)	A retailer must keep a non-contestable customer's billing data for 7 years.	ECCC recommendation 86
10.3	<p>Concessions</p> <p>A retailer must give a residential customer on request at no charge—</p> <p>(a) information on the types of concessions available to the residential customer; and</p> <p>(b) the name and contact details of the organisation responsible for administering those concessions (if the retailer is not responsible).</p>	A similar matter is now addressed in clause 68(1)(a) of the amended Code.
10.3A 73	<p>A retailer must give a customer at least once a year give a customer written details of the retailer's and distributor's obligations to make payments to the customer under Part 14 of this Code and or under any other legislation (including subsidiary legislation) in Western Australia written law including —</p> <p>(a) the amount of the payment; and</p> <p>(b) the eligibility criteria for the payment.</p>	Drafting changes.
10.4	<p>Energy Efficiency Advice</p> <p>A retailer must give, or make available to a customer on request, at no charge, general information on—</p> <p>(a) cost effective and efficient ways to utilise electricity (including referring the customer to a relevant information source); and</p> <p>(b) the typical running costs of major domestic appliances.</p>	A similar matter is now addressed in clause 68(1)(b) of the amended Code.
Division 2	Obligations particular to for distributors	Drafting changes.
10.6 75(1)	A distributor must give a customer on request, at no charge, the following information publish on its website —	ECCC recommendation 80
	(a) information on the distributor's requirements in relation to the customer's proposed new electrical installation, or changes to the customer's existing electrical installation, including advice about supply extensions; a description of the distributor's and customer's respective rights and obligations concerning the provision of services by the distributor and a description of those services; and	ECCC recommendation 89(a)

Clause		Reason for proposed amendment
	(b) an explanation for any unplanned or approved change in the quality of supply of electricity outside of the limits prescribed by law;	This matter is now addressed in clause 76 of the amended Code.
	(c) an explanation for any unplanned interruption of supply to the customer's supply address;	This matter is now addressed in clause 76 of the amended Code.
	(d) advice on facilities required to protect the distributor's equipment;	ECCC recommendation 89(a)
	(e) advice on how to obtain information on protecting the customer's equipment;	ECCC recommendation 89(a)
	(f) advice on the customer's electricity usage so that it does not interfere with the operation of a distribution system or with supply to any other electrical;	ECCC recommendation 89(a)
	<u>(b) details of applicable connection and reconnection timeframes; and</u>	ECCC recommendation 89(b)
	<u>(c) details of applicable connection and reconnection charges; and</u>	ECCC recommendation 89(b) – with drafting changes.
	<u>(d) information relating to new connections or connection alterations; and</u>	ECCC recommendation 89(b)
	(g) <u>(e)</u> general information on <u>the</u> safe use of electricity; <u>and</u> (h) <u>(f)</u> general information on quality of supply; and (i) <u>(g)</u> general information on reliability of supply; <u>and</u>	ECCC recommendation 89(c) – with drafting change.
	<u>(h) information about how a customer may obtain information on distribution standards and metering arrangements that are relevant to the customer and —</u> <u>(i) prescribed under the Act or the Electricity Act 1945; or</u> <u>(ii) adopted by the distributor; and</u>	ECCC recommendation 93 A similar matter was previously addressed in clause 10.8.
	<u>(i) a summary of a customer's rights, entitlements and obligations under the distributor's standard complaints and dispute resolution procedures; and</u> <u>(j) the contact details for the electricity industry ombudsman; and</u>	ECCC recommendation 100
	<u>(k) a copy of this code.</u>	ECCC recommendation 94 A similar matter was previously addressed in clause 10.10.

Clause		Reason for proposed amendment
75(2)	<p><u>If a customer requests information of the kind referred to in subclause (1), the distributor must —</u></p> <p><u>(a) refer the customer to the distributor’s website; or</u></p> <p><u>(b) provide the information to the customer.</u></p>	ECCC recommendation 80
75(3)	<p><u>If a customer requests a copy of information of the kind referred to in subclause (1), the distributor must provide a copy of the information to the customer.</u></p>	ECCC recommendation 80
75(4)	<p><u>The information or a copy of the information requested under this clause must be provided without charge.</u></p>	ECCC recommendation 80
75(5)	<p><u>The distributor is not required to make a copy of this code available under subclause (1)(k) if it instead provides an electronic link to a website where a copy of this code may be accessed.</u></p>	To allow retailers to include a hyperlink to, for example, the Code published on the Parliamentary Counsel’s Office website. This may reduce the risk of retailers having an out-of-date copy of the Code on their website.
76	<p><u>Information about supply changes or interruptions</u></p>	Drafting changes
76	<p><u>A distributor must give to a customer on request, at no charge —</u></p> <p><u>(a) an explanation for any unplanned or approved change in the quality of supply of electricity to the customer’s supply address outside of the limits prescribed by law; and</u></p> <p><u>(b) an explanation for any unplanned interruption of supply to the customer’s supply address.</u></p>	<p>Drafting changes</p> <p>A similar matter was previously addressed in clause 10.6(b).</p> <p>This matter was previously addressed in clause 10.6(c).</p>
10.7	<p><u>Historical consumption data</u></p>	ECCC recommendation 90
10.7(1)	<p>A distributor must give a customer on request the customer’s consumption data.</p>	ECCC recommendation 90
10.7(2)	<p>If a customer requests consumption data under subclause (1) —</p> <p>(a) for a period less than the previous 2 years, provided the customer has not been given consumption data pursuant to a request under subclause (1) more than twice within the 12 months immediately preceding the request; or</p> <p>(b) in relation to a dispute with a distributor, the distributor must give the consumption data at no charge.</p>	ECCC recommendation 90

Clause		Reason for proposed amendment
10.7(3)	A distributor must give a customer the consumption data requested under subclause (1) within 10 business days of the date of receipt of— (a) the request; or (b) if payment is required (and is requested by the distributor within 2 business days of the request) payment for the distributor's reasonable charge for providing the data.	ECCC recommendation 91
10.7(4)	A distributor must keep a customer's consumption data for 7 years.	ECCC recommendation 92
10.8	Distribution standards	ECCC recommendation 93
10.8(1)	A distributor must tell a customer on request how the customer can obtain information on distribution standards and metering arrangements — (a) prescribed under the Act or the <i>Electricity Act 1945</i>; or (b) adopted by the distributor, that are relevant to the customer.	ECCC recommendation 93 A similar matter is now addressed in clause 75(1)(h) of the amended Code.
10.8(2)	A distributor must publish on its website the information specified in subclause (1).	ECCC recommendation 93 A similar matter is now addressed in clause 75(1)(h) of the amended Code.
Division 3	Obligations particular to for retailers and distributors	Drafting changes.
10.9 77	<u>(1)</u> To the extent practicable, a retailer and or distributor must ensure that any written information that must be given to a customer by the retailer or distributor or its electricity marketing agent under the Code this code is — <u>(a)</u> expressed in clear, simple and concise language; and <u>(b)</u> is in a format that makes it easy to understand. <u>(2)</u> The obligation placed on a retailer under subclause (1) extends to written information that may be given to a customer by an electricity marketing agent acting on behalf of the retailer.	Drafting changes.
10.10	Code of Conduct (1) A retailer and a distributor must tell a customer on request how the customer can obtain a copy of the Code. (2) A retailer and a distributor must make electronic copies of the Code available, at no charge, on the retailer's or distributor's website.	ECCC recommendation 94 A similar matter is now addressed in clauses 68 and 75 of the amended Code.

Clause		Reason for proposed amendment
	(3) —Not Used	
40.11(1) 78(1)	<p>A retailer and a distributor must make available to a residential customer on request, at no charge, services that assist the residential customer in interpreting understanding information provided by the retailer or distributor to the residential customer ...</p> <p>... (including independent multi-lingual interpreter services ...</p> <p>... and TTY services for customers with a speech or hearing impairment, and large print copies).</p>	<p>Drafting changes.</p> <p>ECCC minor amendment, item C</p> <p>ECCC recommendation 4</p>
40.11(2) 78(2)	<p>A retailer and, if appropriate, a distributor must include on a relevant document in relation to residential customers —</p> <p>(a) the telephone number for its TTY services;</p> <p>(b) the telephone number for independent multi-lingual services;</p> <p>(c) the telephone number for interpreter services together with the National Interpreter Symbol and the words “Interpreter Services”, on the —</p> <p>(a) the telephone number for interpreter services, identified by the National Interpreter Symbol; and</p> <p>(b) the telephone number (or numbers) for services that can assist customers with a speech or hearing impairment.</p>	<p>Drafting changes.</p> <p>A similar matter is now addressed in new paragraph (b).</p> <p>ECCC recommendation 95</p> <p>A similar matter is now addressed in new paragraph (a).</p> <p>ECCC recommendation 96 – with drafting changes</p> <p>ECCC recommendation 4</p>
40.11(2) 78(3)	<p>In subclause (2) — relevant document means the following —</p> <p>(a) (a) a bill and bill-related information (including, for example, the notice referred to in clause 4.2(3) 20(3) and statements relating to an instalment plan a payment plan); and</p> <p>(b) (b) a reminder notice; and</p> <p>(c) (c) a disconnection warning.</p>	<p>Drafting changes.</p>
40.12(1) 79(1)	<p>A distributor must advise a customer on request, at no charge, of the availability of different types of meters and their —</p> <p>(a) suitability to the customer’s supply address; and</p> <p>(b) purpose; and</p> <p>(c) costs; and</p> <p>(d) installation, operation and maintenance procedures.</p>	<p>Drafting changes.</p>

Clause		Reason for proposed amendment
Division 4	Disconnection or interruption for emergencies	Drafting changes.
80	Disconnection or interruption for emergencies If a distributor disconnects or interrupts a customer's supply address for emergency reasons, the distributor must — (a) provide, by way of a 24 hour emergency line at the cost of a local call (excluding mobile telephones), information on the nature of the emergency and an estimate of the time when supply will be restored; and (b) use its best endeavours to restore supply to the customer's supply address as soon as possible.	This matter was previously addressed in clause 7.5.
Part 11	Not Used Life support equipment scheme	Drafting changes. ECCC minor amendment, item KK This matter was previously addressed in clause 7.7(7).
81	Relevant standards	Drafting changes.
81(1)	The relevant standard under this Part for a retailer is that a step be taken — (a) on the same day if a confirmation or notification is received before 3 pm on a business day; or (b) no later than the next business day if a confirmation or notification is received after 3 pm or on a Saturday, a Sunday or a public holiday throughout the State.	Drafting changes. This matter was previously addressed in clauses 7.7(1)(c) and 7.7(2)(f).
81(2)	The relevant standard under this Part for a distributor is that a step be taken — (a) no later than the next business day if a notification is received before 3 pm on a business day; or (b) within 2 business days if a notification is received after 3 pm or on a Saturday, a Sunday or a public holiday throughout the State.	Drafting changes. This matter was previously addressed in clause 7.7(3)(a).
7.7(4) 82	Registration of life support equipment: retailers	Drafting changes
7.7(4) 82(1)-(3)	(1) The retailer must take the steps set out in subclause (2) in accordance with the relevant standard for a retailer if a customer provides a retailer with confirmation from an appropriately qualified medical practitioner that a person residing at the customer's supply address requires life support equipment.	ECCC recommendation 72

Clause		Reason for proposed amendment
	<p>(2) , the retailer must <u>The following steps must be taken</u> —</p> <p>(a) register the customer's supply address as a life support equipment address;</p> <p>(b) register the customer's contact details;</p> <p>(c) notify <u>provide the following to</u> the customer's distributor —</p> <p>(i) that a notification about the customer's supply address is being a life support equipment address;i and</p> <p>(ii) of the contact details of the customer. —</p>	Drafting changes
	<p>(i) that same day, if the confirmation is received before 3pm on a business day ...</p>	This matter is now addressed in clause 82(1) and 81(1)(a) of the amended Code.
	<p>(ii) no later than the next business day, if the confirmation is received after 3pm or on a Saturday, Sunday or public holiday ...</p>	This matter is now addressed in clause 82(1) and 81(1)(b) of the amended Code.
	<p>(d) not arrange for disconnection of that customer's supply address for failure to pay a bill while the person continues to reside at that address and requires the use of life support equipment.</p>	ECCC recommendation 70(c) A similar matter is now addressed in clause 52(1)(c) of the amended Code.
	<p><u>(3) In addition, a retailer who is required to comply with subclause (2) must provide the following information in writing to a customer before, or within 5 days after, registering the customer's supply address as a life support equipment address —</u></p> <p><u>(a) advice that there may be planned or unplanned interruptions to supply at the supply address and that the relevant distributor is required to notify the customer of a planned disruption in accordance with this code;</u></p> <p><u>(b) a recommendation that the customer prepare a plan of action in case of an unplanned interruption;</u></p> <p><u>(c) an emergency telephone contact number for the relevant distributor and the retailer (the charge of which will be no more than the charge of a local call (excluding mobile telephones)).</u></p>	ECCC recommendation 71 – with drafting changes.
7.7(2) 82(4)	<p>(2)<u>(4) The retailer must take the steps set out in subclause (5) in accordance with the relevant standard for a retailer</u> if <u>if</u> a</p>	ECCC recommendation 72

Clause		Reason for proposed amendment
<u>and (5)</u>	<p>customer registered with a retailer under subclause (4)<u>(2)</u> notifies the retailer: —</p> <p>(a) that the person residing at the customer's supply address who requires life support equipment is changing supply address; <u>or</u></p> <p>(b) that the customer is changing supply address but the person who requires life support equipment is not changing supply address; <u>or</u></p> <p>(c) of that there has been a change in contact details; or.</p> <p>(d) that the customer's supply address no longer requires registration as a life support equipment address,</p> <p><u>(5) the retailer must — The following steps must be taken —</u></p> <p>(e)<u>(a)</u> register the change;</p> <p>(f)<u>(b)</u> <u>notify provide a notification to</u> the customer's distributor of the change. —</p> <p>(i) that same day, if the notification is received before 3pm on a business day; or</p> <p>(ii) no later than the next business day, if the notification is received after 3pm or on a Saturday, Sunday or public holiday; and</p> <p>(g) continue to comply with subclause (1)(d) with respect to that customer's supply address.</p>	<p>Drafting changes.</p> <p>Clause 86 of the amended Code sets out a retailer's obligations if a retailer is notified that a customer's supply address no longer requires registration as a life support equipment address.</p> <p>Drafting changes.</p> <p>This matter is now addressed in clause 82(4) and 81(1)(a) of the amended Code.</p> <p>This matter is now addressed in clause 82(4) and 81(1)(b) of the amended Code.</p> <p>ECCC recommendation 70(c)</p>
<u>83</u>	<u>Registration of life support equipment: distributors</u>	Drafting changes.
7.7(3) <u>83(1)</u> <u>and (2)</u>	<p>(3)<u>(1)</u> If a distributor has been informed by a retailer under subclause (1)(c) ...</p> <p>... or by a relevant government agency ...</p> <p>... The relevant distributor must take the steps set out in subclause (2) in accordance with the relevant standard for a distributor if the distributor is notified by a retailer —</p>	<p>Drafting changes.</p> <p>ECCC recommendation 73(a)</p> <p>Drafting changes.</p>

Clause		Reason for proposed amendment
	<p>(a) that a person residing at a customer's supply address requires life support equipment;ⁱ or</p> <p>(b) of that there has been a change of details <u>or circumstances previously notified to by</u> the retailer under subclause (2), the distributor must —</p> <p><u>(2) The following steps must be taken (as relevant) —</u></p> <p>(a) register the customer's supply address as a life support equipment address;ⁱ ...</p> <p>... or update the details notified by the retailer under subclause (2) —</p> <p>(i) — the next business day, if the notification is received before 3pm on a business day; or</p> <p>(ii) — within 2 business days, if the notification is received after 3pm or on a Saturday, Sunday or public holiday; and;</p> <p><u>(b) update the details or circumstances previously notified by the retailer.</u></p> <p>(b) — if informed by a relevant government agency, notify the retailer in accordance with the timeframes specified in subclause (3)(a).</p>	<p>A similar matter is now addressed in new paragraph (b).</p> <p>This matter is now addressed in clause 83(1) and 81(2)(a) of the amended Code. Clause 81(2)(a) uses the words "no later than the next business days" to clarify that the steps may be taken the next business day, or earlier.</p> <p>This matter is now addressed in clause 83(1) and 81(2)(b) of the amended Code.</p> <p>Drafting changes. A similar matter was previously addressed in clause 7.7(3)(a).</p> <p>ECCC recommendation 73(b)</p>
84	<u>Interruption of supply</u>	Drafting changes.
7.7(4) 84(1)	<p>If life support equipment is registered at a customer's supply address under subclause (3)(a), a distributor must —</p> <p>(a) — not disconnect that customer's supply address for failure to pay a bill while the person continues to reside at that address and requires the use of life support equipment; and</p> <p>(b) — prior to any planned interruption,</p>	<p>Drafting changes.</p> <p>ECCC recommendation 70(c)</p> <p>Drafting changes</p>

Clause		Reason for proposed amendment
	<p><u>A distributor must not undertake a planned interruption of supply at a life support equipment address unless the distributor has —</u></p> <p>(a) provide <u>provided</u> at least 3 business days' written notice <u>of the interruption</u> to the customer's <u>customer</u> —</p> <p>(i) <u>at the</u> supply address; and <u>or</u></p> <p>(ii) any other at another address nominated by the customer; i or</p> <p>(iii) notice by electronic means to the customer, by electronic communication;</p> <p>and</p>	
	<p>(b) unless expressly requested in writing by the customer ...</p>	ECCC recommendation 74
	<p>... not to do so, used <u>its</u> best endeavours to obtain verbal acknowledgement, written acknowledgement or acknowledgement by electronic means <u>acknowledgement</u> from the customer, or from someone <u>else</u> residing at the supply address, that the notice has been received.</p>	Drafting changes.
<p>7.7(4A) and (5) <u>84(2) and (3)</u></p>	<p>(4A)(2) <u>Notwithstanding clause 7.7(4)(b) Subclause (1) does not apply if —</u></p> <p>(a) an interruption, planned or otherwise, is to restore supply to a supply address that is registered as <u>at</u> a life support equipment address is not subject to the notice requirements in clause 7.7(4)(b); however</p> <p>(b) — a distributor must use best endeavours to contact the customer, or someone residing at the supply address, before an interruption to restore supply to a supply address that is registered as a life support equipment address.</p> <p>(5) (b) If a <u>the</u> distributor has already provided notice of a planned interruption <u>that will affect a supply address</u> under the <i>Electricity Industry (Network Quality and Reliability of Supply) Code 2005</i> that will affect a supply address, before the distributor registering <u>registers the</u> a customer's supply address as a life support equipment address under clause 7.7(3)(a), this Part.</p> <p>(3) <u>If subclause (2) applies</u> the distributor must use <u>its</u> best endeavours to contact that <u>the</u> customer, or someone residing at the supply address, before the planned interruption <u>occurs</u>.</p>	Drafting changes.

Clause		Reason for proposed amendment
85	<u>Periodic reviews</u>	Drafting changes.
7.7(6)(a) 85(1)	<p><u>A retailer must require the customer, by a notice given to the customer within the period beginning 3 months before, and ending 3 months after, each anniversary of the registration of a supply address under this Part —</u></p> <p>(a) No earlier than 3 months before the 12 month anniversary of the confirmation from the appropriately qualified medical practitioner referred to in subclause (1), and in any event no later than 3 months after the 12 month anniversary of the confirmation, a retailer must contact a customer to —</p> <p>(i) — ascertain whether <u>unless paragraph (b) applies — to confirm that</u> a person residing at the customer’s supply address continues to require life support equipment; and or</p> <p>(ii) — if the customer has not provided the initial certification or re-certification from an appropriately qualified medical practitioner within the last 3 years, request that the customer provide that re-certification.</p> <p><u>(b) in the case of every third anniversary – to provide the retailer with confirmation from an appropriately qualified medical practitioner that a person residing at the customer’s supply address continues to require life support equipment.</u></p>	<p>Drafting changes.</p> <p>The word “contact” has been replaced with “by a notice given” because ECCC recommendation 75 was for the retailer to give prescribed information to the customer. The information that must be included in the notice is set out in clause 85(2) of the amended Code.</p>
7.7(6)(b) 85(2)	<p>A retailer must provide a minimum period of A notice under subclause (1) must —</p> <p><u>(a) allow a customer at least 3 months for a customer to provide the information confirmation requested by the retailer in subclause (6)(a); and</u></p> <p><u>(b) warn the customer that —</u></p> <p><u>(i) the customer’s supply address will be de-registered as a life support equipment address if the customer fails to comply with the notice or if the customer notifies the retailer that a person residing at the supply address no longer requires life support equipment; and</u></p> <p><u>(ii) if the supply address is de-registered, the customer will no longer receive the protections provided by this code for life support equipment addresses.</u></p>	ECCC recommendation 75
86	<u>Deregistration of address</u>	Drafting changes.
7.7(7)(a)	<u>(1) When This clause applies if —</u>	ECCC recommendation 76

Clause		Reason for proposed amendment
86(1) and (2)	<p>(i) a person who requires life support equipment, vacates the supply address; or</p> <p>(ii) a person who required life support equipment, no longer requires the life support equipment; or</p> <p><u>(a) the retailer is notified that the customer's supply address no longer requires registration as a life support equipment address; or</u></p> <p>(iii)(b) subject to subclause (7)(b), a customer fails to provide the information requested by a retailer for the purposes of subclause (6)(a)(i) or the re-certification referred to in subclause (6)(a)(ii), <u>comply with a notice from a retailer under clause 85 in relation to a life support equipment address.</u></p>	The revised wording of clause 86(1)(a) of the amended Code covers the circumstances described in previous paragraphs (i) and (ii).
	within the time period referred to in subclause (6)(b), or greater period if allowed by the retailer,	This is no longer required as clause 85(2)(a) of the amended Code provides that a retailer may allow a customer more than 3 months to provide the information.
	the retailer's and distributor's obligations under subclauses (1) to (6) terminate and	This matter is now addressed in clause 86(7) of the amended Code.
	<p>(2) the retailer or distributor (as applicable) must remove the customer's details from the life support equipment address register upon being made aware of any of the matters in subclauses (7)(a)(i), (ii) or (iii) If subclause (1)(a) applies, the retailer must de-register the life support equipment address —</p> <p>(iv)(a) the next business day, if the retailer or distributor (as applicable) becomes aware of the relevant matter in subclause (7)(a)(i), (ii) or (iii) if the notification is received before 3pm on a business day — no later than the next business day; or</p> <p>(v)(b) within 2 business days, if the retailer or distributor (as applicable) becomes aware of the relevant matter in subclause (7)(a)(i), (ii) or (iii) if the notification is received after 3pm or on a Saturday, a Sunday or a public holiday throughout the State — within 2 business days.</p>	<p>ECCC recommendation 76 – with drafting changes.</p> <ul style="list-style-type: none"> The distributor's obligation to de-register a life support equipment address is now addressed in clause 86(5) of the amended Code. The timeframes no longer apply to clause 86(1)(b) of the amended Code because there is no clear point in time from which the timeframes should be calculated.

Clause		Reason for proposed amendment
<p>7.7(7)(b) <u>86(3)</u></p>	<p>A customer will have failed to provide the information requested by a retailer for the purposes of subclause (6)(a)(i) or the re-certification referred to in subclause (6)(a)(ii) if the contact by the retailer consisted of at least the following, each a minimum of 10 business days from the date of the last contact—</p> <p><u>If subclause (1)(b) applies, the retailer must —</u></p> <p>(i)(a) <u>send</u> written correspondence sent by registered post to the customer's supply address, and <u>to</u> any other address nominated by the customer, <u>warning the customer that the life support equipment address may be de-registered</u>; and</p> <p>(ii)(b) <u>a minimum of 2 other attempts at least 10 business days after sending the correspondence under paragraph (a), and on at least 2 other occasions, take reasonable steps</u> to contact the customer</p> <p>...</p> <p>... by any of the following means—</p> <p>(A) electronic means;</p> <p>(B) telephone;</p> <p>(C) in person; or</p> <p>(D) Not Used</p> <p>(E) by post sent to the customer's supply address and any other address nominated by the customer. ...</p> <p>... <u>about the de-registration of the life support equipment address; and</u></p> <p><u>(c) de-register the supply address if the customer fails, in response to the steps undertaken under paragraphs (a) and (b), to provide the confirmation required under clause 85.</u></p>	<p>ECCC recommendation 76 – with drafting changes.</p> <p>ECCC minor amendment, item MM</p> <p>Drafting changes.</p> <p>Drafting changes.</p>
<p>7.7(7)(c) <u>86(4)</u></p>	<p>If a distributor's obligations under subclauses (3), (4), (4A) and (5) terminate as a result of the operation of subclause (7)(a)(iii), a retailer must notify the distributor of this fact <u>A retailer must, when it de-registers a life support equipment address, provide the customer's distributor with a notification about the de-registration</u> as soon as reasonably practicable <u>after taking that step</u>, but in any event, within 3 business days.</p>	<p>ECCC recommendation 76 – with drafting changes.</p>
<p><u>86(5)</u></p>	<p><u>The distributor must de-register the life support equipment address in accordance with the relevant standard for a distributor.</u></p>	<p>ECCC recommendation 76</p> <p>A similar matter was previously addressed in clause 7.7(7)(a).</p>

Clause		Reason for proposed amendment
7.7(7)(d) 86(6)	<p>For the avoidance of doubt, the retailer's and distributor's obligations under subclauses (1) to (6) do not terminate by operation of this subclause (7) if the retailer or distributor has been informed in accordance with subclause (1) that another person who resides at the supply address continues to require life support equipment.</p> <p><u>Despite subclauses (1) to (5), a supply address must not be de-registered if another person who resides at the supply address has their contact details registered under clause 82(2)(b) in relation to the supply address.</u></p>	Drafting changes.
86(7)	<p><u>Once a customer's supply address ceases to be registered as a life support equipment address, the retailer's and relevant distributor's obligations under this code in connection with life support equipment cease to apply in relation to that address.</u></p>	ECCC recommendation 76 – with drafting changes. A similar matter was previously addressed in clause 7.7(7)(a).
Part 12	<u>Complaints & Dispute Resolution and dispute resolution</u>	Drafting changes.
42.1 87	<u>Obligation to establish complaints handling process procedures</u>	Drafting changes.
42.1(1) 87(1)	<p>A <u>Each</u> retailer and distributor must develop, maintain and implement ...</p> <p>... an internal process for handling complaints and resolving disputes a standard complaints and dispute resolution procedure.</p>	Drafting changes. ECCC minor amendment, item OO
42.1(2) 87(2)	<p>The complaints handling process under subclause (1) <u>standard and dispute resolution procedure</u> ...</p>	ECCC minor amendment, item PP – with drafting changes.
	... must <u>address</u> —	Drafting changes.
	(a) — comply with Australian Standard AS/NZS 40002:2014;	This matter is now addressed in clause 87(3) of the amended Code.
	<p>(b) — address at least —</p> <p>(i)(a) <u>(i)(a)</u> how complaints must be lodged by customers; <u>and</u></p> <p>(ii)(b) <u>(ii)(b)</u> how complaints will be handled by a retailer or distributor, including —</p> <p>(A)(i) <u>(A)(i)</u> a right of a customer to have its <u>a</u> complaint considered by a senior employee within each organisation of the retailer or distributor if the customer is not satisfied with the manner in which the complaint is being handled; <u>and</u></p>	Drafting changes.

Clause		Reason for proposed amendment
	<p>(B)(ii) the information that will be provided to a customer, <u>including in accordance with the requirements under clause 89;</u></p> <p><u>and</u></p> <p>(iii)(c) response times for complaints; and</p> <p>(iv)(d) the method of response; <u>;</u></p> <p>(c) — detail how a retailer will handle complaints about the retailer, electricity marketing agents or marketing; and</p> <p>(d) — be available at no cost to customers.</p>	<p>ECCC recommendation 97(a) – with drafting changes.</p> <p>Drafting changes.</p> <p>ECCC recommendation 98</p> <p>A similar matter is now addressed in clauses 68(1)(e) and 75(1)(i) of the amended Code.</p>
87(3)	<u>The standard complaints and dispute resolution procedure must comply with AS/NZS 10002:2014.</u>	<p>Drafting changes.</p> <p>This matter was previously addressed in clause 12.1(2)(a).</p>
12.1(3)	<p>For the purposes of subclause (2)(b)(ii)(B), a retailer or distributor must at least —</p> <p>(a) — when responding to a complaint, advise the customer that the customer has the right to have the complaint considered by a senior employee within the retailer or distributor (in accordance with its complaints handling process); and</p> <p>(b) — when a complaint has not been resolved internally in a manner acceptable to a customer, advise the customer —</p> <p>(i) — of the reasons for the outcome (on request, the retailer or distributor must supply such reasons in writing); and</p> <p>(ii) — that the customer has the right to raise the complaint with the electricity ombudsman or another relevant external dispute resolution body and provide the Freecall telephone number of the electricity ombudsman.</p>	<p>ECCC recommendation 97(b)</p> <p>A similar matter is now addressed in clause 88 of the amended Code.</p>
88	<u>Acknowledgement of complaint and response times</u>	Drafting changes.
12.1(4) 88	<p>For the purpose of subclause (2)(b)(iii), a A retailer or distributor must, on receipt of a written complaint by a customer—</p> <p>(a) acknowledge the complaint within 10 business days; and</p> <p>(b) respond to the complaint by addressing the matters in the complaint within 20 business days.</p>	ECCC recommendation 99

Clause		Reason for proposed amendment
89	Advice about outcome of complaint	Drafting changes.
89	<p>A retailer or distributor must inform the customer —</p> <p>(a) of the outcome of a complaints process; and</p> <p>(b) unless the customer has advised the retailer or distributor that the complaint has been resolved in a manner acceptable to the customer inform the customer —</p> <p>(i) of the retailer’s or distributor’s reasons regarding the outcome;</p> <p>(ii) that if the customer is not satisfied with the outcome, the customer may make a complaint or take a dispute to the electricity industry ombudsman; and</p> <p>(iii) of the telephone number and other contact details of the electricity industry ombudsman.</p>	ECCC recommendation 97(b)
42.2	<p>Obligation to comply with a guideline that distinguishes customer queries from complaints</p> <p>A retailer must comply with any guideline developed by the Authority relating to distinguishing customer queries from complaints.</p>	ECCC recommendation 101
42.3	<p>Information provision</p> <p>A retailer, distributor and electricity marketing agent must give a customer on request, at no charge, information that will assist the customer in utilising the respective complaints handling processes.</p>	ECCC recommendation 102
Part 13	Part 13	ECCC recommendation 103
43.1	<p>Preparation of an annual report</p> <p>A retailer and a distributor must prepare a report in respect of each reporting year setting out the information specified by the Authority.</p>	ECCC recommendation 103
43.2	<p>Provision of annual report to the Authority</p> <p>A report referred to in clause 13.1 must be provided to the Authority by the date, and in the matter and form, specified by the Authority.</p>	ECCC recommendation 103
43.3	<p>Publication of reports</p> <p>(1) A report referred to in clause 13.1 must be published by the date specified by the Authority.</p> <p>(2) A report is published for the purposes of subclause (1) if —</p> <p>(a) copies of it are available to the public, without cost, at places where the retailer or distributor transacts business with the public; and</p>	ECCC recommendation 103

Clause		Reason for proposed amendment
	(b) a copy of it is posted on an internet website maintained by the retailer or distributor.	
Part 13	Family violence policy	Drafting changes.
91	Family violence policy	Drafting changes.
91(1)	A retailer must develop, maintain and implement a family violence policy to assist vulnerable customers.	ECCC recommendation 107(a) – with drafting changes.
91(2)	<p>The family violence policy must —</p> <p>(a) provide for the training of staff (including call centre staff and field officers) about issues related to family violence and its impacts, including how to identify customers who may be affected by family violence and how to apply the policy effectively and appropriately to provide assistance to vulnerable customers; and</p> <p>(b) require the retailer to advise a vulnerable customer that the retailer can protect the customer's information and, if a vulnerable customer requests information to be protected, require the retailer to do so; and</p> <p>(c) require the retailer —</p> <p>(i) to take reasonable steps to establish a safe method of communication with a vulnerable customer, and if a method of communication proposed by a vulnerable customer is not reasonably practicable, to offer an alternative method of communication; and</p> <p>(ii) to keep a record of any method of communication that has been agreed between the retailer and a vulnerable customer; and</p> <p>(iii) to use any agreed method of communication for the purposes of providing information required by this code;</p> <p>and</p> <p>(d) include processes to ensure that a vulnerable customer does not have to repeatedly refer to, or disclose, their situation when they make contact with the retailer or another person acting on behalf of the retailer; and</p> <p>(e) require the retailer to consider reducing or waiving any fees, charges or debt that would</p>	<p>-</p> <p>ECCC recommendation 108 – with drafting changes.</p> <p>ECCC recommendation 109(a) – with drafting changes.</p> <p>ECCC recommendation 109(b), (c) and (d) – with drafting changes.</p> <p>ECCC recommendation 110</p> <p>ECCC recommendation 111(b)</p>

Clause		Reason for proposed amendment
	<p><u>otherwise be payable by a vulnerable customer; and</u></p> <p><u>(f) without limiting paragraph (e), require the retailer to consider —</u></p> <p><u>(i) the potential impact of debt collection on a vulnerable customer; and</u></p> <p><u>(ii) the extent to which another person may have contributed to an amount owing for electricity supplied to a particular supply address;</u></p> <p><u>and</u></p> <p><u>(g) provide that the retailer will take into account the circumstances of a vulnerable customer before disconnecting the customer’s supply address for failure to pay a bill; and</u></p> <p><u>(h) provide information about the operation of subclause (4); and</u></p> <p><u>(i) include —</u></p> <p><u>(i) the telephone number for interpreter services, identified by the National Interpreter Symbol; and</u></p> <p><u>(ii) the telephone number (or numbers) for services that can assist customers with a speech or hearing impairment;</u></p> <p><u>and</u></p> <p><u>(j) for printed copies of the family violence policy — be available in large-print copies.</u></p>	<p></p> <p>ECCC recommendation 111(a)</p> <p>ECCC recommendation 115</p> <p>Subclause (4)(b) provides for a 9-month disconnection moratorium for vulnerable customers.</p> <p>Consistent with the requirements for financial hardship policies set out in clause 46(2)(g) of the amended Code.</p> <p>Consistent with the requirements for financial hardship policies set out in clause 46(2)(h) of the amended Code.</p>
91(3)	<p><u>The training required under subclause (2)(a) must at least satisfy 1 of the following requirements —</u></p> <p><u>(a) it is developed in conjunction with appropriate consumer representatives;</u></p> <p><u>(b) it is provided by appropriate consumer representatives.</u></p>	ECCC recommendation 108
91(4)	<p><u>A retailer must ensure that the supply address of a vulnerable customer is not disconnected for a period of 9 months from the date on which the retailer became aware that the customer is a vulnerable customer unless —</u></p> <p><u>(a) the retailer is informed by the customer, or otherwise becomes aware, that the customer no longer resides at that supply address; or</u></p> <p><u>(b) the disconnection is requested by the customer; or</u></p>	ECCC recommendation 114 – with drafting changes.

Clause		Reason for proposed amendment
	<p>(c) there are safety reasons warranting the disconnection; or</p> <p>(d) there is an emergency warranting disconnection; or</p> <p>(e) electricity has been illegally consumed at the supply address.</p>	
91(5)	<p>Nothing in subclause (4) —</p> <p>(a) affects a customer’s responsibility to pay for electricity supplied by a retailer to a supply address; or</p> <p>(b) affects a retailer’s ability to send bills and notices to a customer in connection with payment for the supply of electricity or to take other steps in connection with a liability to pay for electricity supplied by the retailer.</p>	Clarification.
91(6)	<p>A retailer must not require written evidence of family violence from a customer unless the evidence is reasonably necessary to enable the retailer to determine the most appropriate way to —</p> <p>(a) address a failure to pay a bill and, if relevant, debt collection; or</p> <p>(b) deal with a proposed disconnection of a supply address.</p>	ECCC recommendation 106(a)
91(7)	<p>To the extent that written evidence of family violence is required, it need only be 1 document of a kind that is listed in the <i>Residential Tenancies Act 1987</i> section 71AB(2).</p>	ECCC recommendation 106(a)
91(8)	<p>A retailer must ensure that its family violence policy, and related procedures, comply with any requirements specified by the Authority for the purposes of this Part.</p>	-
91(9)	<p>If directed by the Authority, a retailer must review its family violence policy or related procedures, and submit the results of the review to the Authority within a period specified by the Authority.</p>	ECCC recommendation 113(a) and (c)
91(10)	<p>A retailer must consult with persons or bodies that may reasonably be expected to represent the interests of persons who may be experiencing family violence whenever the retailer is —</p> <p>(a) developing its family violence policy; or</p> <p>(b) reviewing its family violence policy because of a direction of the Authority under subclause (9).</p>	ECCC recommendation 107(b) and 113(b)
Division 1	Obligations particular to for retailers	Drafting changes
14.1(1) 92(1) and (2)	(1) Subject to clause 14.6, if a Unless clause 97 applies, a retailer must make the payment specified under subclause (2) if the retailer is	Drafting changes

Clause		Reason for proposed amendment
	<p>required to arrange a reconnection of a customer's supply address under Part 8 —</p> <p>(a) but the retailer has not complied with the time frames prescribed in clause 8.1(2) and has not otherwise caused the customer's supply address to be reconnected as contemplated by clause 8.1(3) clause 53(3) or 53(4); or</p> <p>(b) the retailer has complied with the time frames prescribed in clause 8.1(2) clause 53(3), but a distributor has not complied with the timeframes prescribed set out in clause 8.2(2), 54(4).</p> <p>(2) the <u>The</u> retailer must pay to the customer \$60 for each day that it is late, up to a maximum of \$300.</p>	
<p>14.1(2) 92(3)</p>	<p>Subject to clause 14.6 Unless clause 97 applies, if a retailer is liable to and makes a payment under subclause (1) this clause due to an act or omission of a distributor, the distributor must compensate <u>reimburse</u> the retailer for <u>the amount of</u> the payment.</p>	<p>Drafting changes.</p>
<p>14.2(1) 93(1) and (2)</p>	<p>(1) Subject to clause 14.6, if Unless clause 97 applies, a retailer <u>must make the payment specified under subclause (2) if the retailer</u> —</p> <p>(a) fails to comply with any of the procedures prescribed set out under Part 6 (if applicable and other than clauses 6.8, 6.9 or 6.10 45 and 46), or Part 7 (other than clauses 7.4, 7.5, 7.6, 7.7(1)(a), 7.7(1)(b), or 7.7(2)(e) of the Code clause 48 or 82(1), prior to before arranging for disconnection <u>of,</u> or disconnecting, a customer for failure to pay a bill; or</p> <p>(b) arranges for disconnection <u>of,</u> or disconnects, a customer in contravention of clauses 7.2, 7.3, 7.6 or 7.7 49, 50 or 52 for failure to pay a bill,;</p> <p>(2) the <u>The</u> retailer must pay to the customer \$100 for each day that the customer was <u>is</u> wrongfully disconnected.</p>	<p>Drafting changes.</p>
<p>14.2(2) 93(3)</p>	<p>Subject to clause 14.6 Unless clause 97 applies, if a retailer is liable to and makes a payment under subclause (1) this clause due to an act or omission of a distributor, the distributor must compensate <u>reimburse</u> the retailer for <u>the amount of</u> the payment.</p>	<p>Drafting changes.</p>
<p>14.3(1) 94(1)</p>	<p>Subject to clause 14.6 Unless clause 97 applies, if a retailer fails to acknowledge or respond to a complaint within the timeframes prescribed set</p>	<p>Drafting changes.</p>

Clause		Reason for proposed amendment
	out in clause 12.1(4) 88 , the retailer must pay to the customer \$20.	
14.3(2) 94(2)	A retailer will is only be liable to make 1 payment of \$20 , under subclause (1) , this clause for each written complaint.	Drafting changes.
Division 2	Obligations particular to for distributors	Drafting changes.
14.4(1) 95(1)	Subject to clause 14.6 Unless clause 97 applies , if a distributor fails to acknowledge or respond to a complaint within the timeframes prescribed set out in clause 12.1(4) 88 , the distributor must pay to the customer \$20.	Drafting changes.
14.4(2) 95(2)	A distributor will is only be liable to make 1 payment of \$20 , under subclause (1) , this clause for each written complaint.	Drafting changes.
14.5 96(1) and (2)	<p>(1) Subject to clause 14.6 97, a distributor must make the payment specified under subclause (2) if a distributor disconnects a customer's supply address other than as authorised by —</p> <ul style="list-style-type: none"> (a) this Code code or otherwise by written law; or (b) a retailer. <p>(2) then the The distributor must pay to the customer \$100 for each day that the customer was is wrongfully disconnected.</p>	Drafting changes.
14.6(1) 97(1)	A retailer or distributor is not required to make a payment under clauses 14.1 to 14.5 this Part if events or conditions outside the control of the retailer or distributor caused the retailer or distributor to be liable to make the payment.	Drafting changes.
14.6(2) 97(2)	Except in the case of a payment under clauses 14.2 93 and 14.5 96 , which are required to be made without application by a customer as soon as reasonably practical, a retailer or distributor is not required to make a payment under clauses 14.1 to 14.5 this Part if the customer fails to apply to the retailer or distributor for the payment within 3 months of the non-compliance by the retailer or distributor.	Drafting changes.
14.6(3) 97(3)	Under clauses 14.3 and 14.4 If clause 94 or 95 applies , a retailer or distributor is not required to make more than 1 payment to each affected supply address per event of non-compliance with the performance standards.	Drafting changes.
14.7(1) 98(1)	A retailer who is required to make a payment under clauses 14.1, 14.2 or 14.3 clause 92, 93 or 94 must do so —	Drafting changes

Clause		Reason for proposed amendment
	(a) by deducting the amount of the payment from the amount due under the customer's next bill; or (b) by paying the amount directly to the customer; or (c) as otherwise agreed between the retailer and the customer.	ECCC recommendation 5(a)
14.7(2) 98(2)	A distributor who is required to make a payment under clauses 14.4 or 14.5 clause 95 or 96 must do so — (a) by paying the amount to the customer's retailer who will pass the amount on to the customer in accordance with subclause (1); or (b) by paying the amount directly to the customer; or (c) as otherwise agreed between the distributor and the customer.	Drafting changes. ECCC recommendation 5(a)
14.7(3) 98(3)	For the avoidance of doubt, a A payment made under this Part does not affect any rights of a customer to claim damages or any other remedy.	Drafting changes.
14.8(1) 99(1)	If a retailer or distributor who is required to make a payment to a customer under this Part fails to comply with clause 14.7 98 within 30 days of after the date of demand for payment by the customer, or in the case of a payment required to be made under clause 14.2(1) or 14.5 93 or 96 , within 30 days of after the date of the wrongful disconnection, then the customer may recover the payment in a court of competent jurisdiction as a debt due from the retailer or distributor (as the case may be) to the customer.	Drafting changes.
14.8(2) 99(2)	If a retailer is entitled under clause 14.1(2) or 14.2(2) 92 or 93 to compensation reimbursement from a distributor, and the distributor fails to pay the compensation relevant amount to the retailer within 30 days of after the date of a demand for compensation payment by the retailer, then the retailer may recover the compensation amount of the payment in a court of competent jurisdiction as a debt due from the distributor to the retailer.	Drafting changes.

Appendix 4 ECCC review process

The Code regulates and controls the conduct of electricity retail, distribution and integrated regional licensees and electricity marketing agents, with the object of:⁵¹

- defining standards of conduct in the supply and marketing of electricity to customers and providing for compensation payments to be made to customers when standards of conduct are not met; and
- protecting customers from undesirable marketing conduct.

The Code covers a broad range of areas, including marketing, billing, payment, payment difficulties and financial hardship, disconnection, reconnection, pre-payment meters, information provision, complaints handling and service standard payments.

Section 81 of the Act requires the ERA to establish a committee to advise it on matters relating to the Code.

Electricity Code Consultative Committee

The ERA established the ECCC in 2006. On 31 January 2020, the ERA appointed the following members to the ECCC for the 2019 to 2021 membership term:

Members from consumer organisations

Celia Dufall – Financial Counselling Network

Diane Hayes – Financial Counsellors' Association of WA

Graham Hansen – Western Australian Council of Social Service

Kathryn Lawrence – Citizens Advice Bureau of WA

Members from industry organisations

Catherine Rousch – Alinta Energy

Geoff White – Horizon Power

Gino Giudice – Western Power

Simon Thackray – Synergy

Members from government agencies

Anne Braithwaite – Energy Policy WA

Karen Keyser – Department of Mines, Industry Regulation and Safety, Consumer Protection

Chair

Executive Director, Regulation and Inquiries, ERA

Executive Officer

Principal Regulatory Officer, Utilities Services Regulation, ERA

The Chair and Executive Officer do not have voting rights.

⁵¹ *Electricity Industry Act 2004 (WA)* section 79(2).

Review of the Code

Under section 88 of the Act, the ECCC must carry out a review of the Code as soon as practicable after the first anniversary of its commencement and after the expiry of each two yearly interval after that anniversary. The object of a review is to re-assess the suitability of the provisions of the Code for the purposes of section 79(2) of the Act.

The ECCC commenced the 2019 to 2022 review of the Code in July 2020.

Draft Review Report

As part of its review, the ECCC prepared a draft review report that made 104 draft recommendations. The report also included 11 questions for matters on which the ECCC had not yet formed a preliminary view.

The ECCC published its Draft Review Report for public consultation on the ERA website on 30 November 2020. The ECCC sent emails to the members of the ERA Consumer Consultative Committee, as well as persons registered with the ERA to receive communication about the work of the ECCC, announcing the publication of the report and the commencement of the public consultation period. The ECCC also placed an advertisement in The West Australian seeking comment on the report.

The public consultation period closed on 29 January 2021.

The ECCC received submissions from:

- A stakeholder who did not provide their name or contact details
- Alinta Energy
- Australian Energy Council
- Horizon Power
- Perth Energy
- Mr Noel Schubert
- Simply Energy
- Synergy
- UnionsWA
- Western Australian Council of Social Service (WACOSS)
- Western Power

The submissions are in Appendix 5 of the ECCC's Final Review Report.

Final Review Report

Following receipt of the submissions, the ECCC met to consider the issues raised. The outcomes of the ECCC's discussions are reflected in the ECCC's Final Review Report.

The ECCC provided its Final Review Report to the ERA on 19 May 2021.