

## Appendix 2 Minor amendments

**Table 2: Minor amendments**

Item	Clause	Proposed amendment	Reason
A	1.5	Amend the definition of 'appropriately qualified medical practitioner', in clause 1.5 of the Code, to be consistent with the requirements of the Life Support Equipment Energy Subsidy scheme.	To ensure consistency with the requirements of the Life Support Equipment Electricity Subsidy Scheme. <sup>258</sup>
B	1.5	<ul style="list-style-type: none"> <li>Replace 'metering agent' with 'metering data agent'</li> <li>Replace the definition with a reference to the definition in the Metering Code.</li> </ul>	To improve consistency with the Metering Code.
C	2.2(2)(g)(i) 2.3(2)(h)(i) 9.3(2)(l) 10.11(1)	Replace 'multi-lingual services' with 'interpreter services'.	To improve consistency. Various other clauses use the term 'interpreter services'.
D	2.3(4)	Replace 'Before arranging' with 'Before entering into'.	To improve consistency with clause 2.3(2) of the Code, which uses the words 'Before entering into'.
E	2.5(2)(b)	<p>Amend as follows:</p> <p>A retailer or electricity marketing agent who meets with a customer face to face for the purposes of marketing must—</p> <p>(a) wear a clearly visible and legible identity card that shows—</p> <p>(i)-(iv) [...]</p> <p>(b) provide the customer, in writing—</p> <p>(i)-(vi) [...]</p> <p><del>as soon as practicable following a request by the customer for the information.</del></p> <p><u>as soon as practicable following a request by the</u></p>	<p>To correct a formatting error.</p> <p>The proposed amendment is consistent with the equivalent clause in the <i>Gas Marketing Code of Conduct 2017</i>.</p>

<sup>258</sup> The [Life Support Equipment Energy Subsidy Scheme](#) is administered by the Office of State Revenue and offers subsidies to eligible people for the electricity costs of operating life support equipment at home.

		<a href="#">customer for the information.</a>	
F	2.10	<ul style="list-style-type: none"> <li>Delete clause 2.10(a) of the Code.</li> <li>Amend clause 2.10(b) of the Code to provide that electricity marketing agents must keep records for at least 2 years after the last time the person (to whom the information relates) received any contact from or on behalf of the electricity marketing agent.</li> </ul>	To simplify the drafting of clause 2.10.
G	4.5(1)(b)	Delete: the calculation of the tariff in accordance with the procedures set out in clause 4.6(1)(c) and provide that, if the customer has a Type 7 connection point, the bill should include the basis on which the amount due was calculated.	<ul style="list-style-type: none"> <li>To remove duplication: Clause 4.6(1)(c) already provides that tariffs for type 7 meters must be calculated in accordance with the procedures set out in that clause.</li> <li>To improve clarity: The proposed amendment clarifies what information must be included on bills for type 7 meters.</li> </ul>
H	4.5(1)(c)	Delete '(whether or not the customer has entered into an export purchase agreement with a retailer)'.	Unnecessary. The clause applies 'if the customer has an accumulation meter installed'.
I	4.5(1)(e)(i)	Amend to provide that the bill should include the customer's consumption or estimated consumption, and the customer's export or estimated export.	Subclause (d)(i) allows for estimations if the customer has not entered into an export purchase agreement. If consumption can be estimated without an export agreement, it should also be allowed to be estimated if the customer has entered into an export agreement.
J	4.5(1)(e)(ii)	Amend to provide that the bill should include the customer's consumption or estimated consumption, and the customer's export or estimated export, for the total of each time band in the time of use tariff.	To improve consistency with subclause (d)(i) and proposed changes to subclauses (e)(i).
K	4.5(1)(o)	Delete '(clearly placed on the part of the bill that is retained by the customer)'.	To reduce unnecessary regulation.
L	4.8(4)	Replace 'metering agent' with 'metering data agent'.	See item A.

M	4.16(1)(a)(ii)	Delete 'in accordance with applicable law'.	Unnecessary. Also, it is unclear whether the words relate to the customer's request or the meter test.
N	6.3(1)(a)	Replace: if, due to financial hardship, the residential customer would be unable to meet its obligations under an agreed alternative payment arrangement with a requirement to advise the customer that additional assistance is available if the customer's circumstances change and the retailer assesses that the customer is experiencing financial hardship.	This clause requires retailers to advise customers experiencing payment difficulties that additional assistance may be available if, due to hardship, the customer would be unable to comply with a payment plan or extension. As currently drafted, the clause implies that additional assistance may only be available if the customer is 'unable to meet its obligations under' a payment plan or extension (due to hardship). However, the additional assistance available under clauses 6.6 to 6.9 must be offered from the time a customer is assessed as experiencing financial hardship (regardless of whether the customer is able to meet their obligations under the payment plan or extension). The intent of clause 6.3(1) could be clarified by requiring retailers to advise customers that additional assistance is available if the customer's circumstances change and the retailer assesses that the customer is experiencing financial hardship.
O	6.3(1)(b)(ii)	Delete reference to clause 6.9.	Under this clause, retailers must offer customers who are experiencing financial hardship assistance in accordance with clauses 6.6 to 6.9. Clause 6.9 provides that retailers must determine any payment in advance amount for customers experiencing payments difficulties or financial hardship in consultation with relevant consumer organisations. As clause 6.9 does not require retailers to provide specific assistance to customers it should not be listed in clause 6.3(1)(b)(ii).
P	6.4(1)(b)	Move: 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 or reconnection	Clause 6.4(1)(b) contains much detail about instalment plans. More information about instalment plans is included in the definition of instalment plan. To improve clarity, clause 6.4(1)(b) could be streamlined by replacing the current text with the term 'instalment plan' and

		<p>charges) and is permitted to continue consumption.</p> <p>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>to the definition of instalment plan.</p> <p>Replace the text in clause 6.4(1)(b) with 'instalment plan'.</p>	<p>moving the requirements into the definition of instalment plan.</p>
Q	6.4(2)(b)	Delete paragraph (b): comply with subclause (3).	Unnecessary. Subclause (3) already requires the retailer to comply.
R	6.6	Amend the heading of clause 6.6 as follows: Reduction of fees, charges <del>and</del> or debt	To improve consistency with the wording of clause 6.6.
S	6.8(c)	Amend to clarify that retailers have to advise customers of concessions that 'may be' available.	<p>Currently, retailers have to advise customers experiencing financial hardship of 'concessions available to the customer'.</p> <p>As not all concessions are administered by retailers, retailers may not always know what concessions are available to a customer.</p> <p>The proposed amendment clarifies that retailers have to inform customers of concessions that may be available.</p>
T	6.8(f)	Delete 'and grants schemes'.	<p>To remove duplication.</p> <p>Clause 6.8(c) already requires retailers to advise customers experiencing financial hardship of the concessions available to the customer and how to access them.</p> <p>The term concession is defined as 'means a concession, rebate, subsidy or <i>grant</i> related to the supply of electricity available to residential customers only'.</p>
U	6.8(f)	Clarify that the clause applies to financial assistance, other than concessions, that may be offered by the retailer.	<p>To improve clarity.</p> <p>Clause 6.8(f) was inserted following the 2008 Code review. At the time, WACOSS made the following submission:</p> <p><i>In addition to rebates and concessions being available to the customer to help</i></p>

			<p><i>cover the cost of their electricity, there are a number of grant schemes available such as the Hardship Utilities Scheme (HUGS), Power Assist and Power on Payment. These schemes should be encouraged by the utilities as they help ensure that the customer's debt is paid off.</i></p> <p>As grant schemes like HUGS are already covered by clause 6.8(c), clause 6.8(f) mainly applies to financial assistance (other than concessions) that may be offered by retailers, such as incentive payments or payment matching. These are schemes where, for every regular instalment the customer makes towards paying the bill, the retailer will also contribute toward the bill.</p>
V	6.10(1)	Amend so retailers must not only develop, but also maintain and implement, their hardship policy and hardship procedures.	<p>To improve consistency with the <i>National Energy Retail Law</i>, section 43(2).</p> <p>For hardship policies and procedures to be effective, retailers should not only be required to develop them but also to maintain and implement them.</p>
W	6.10(2)(a), 3(a), (6) and (8)	All four subclauses require retailers to consult with relevant consumer representatives when developing, reviewing and amending their hardship policies. Delete this requirement from the four individual clauses and amalgamate these requirements in a single, new subclause.	To improve clarity.
X	6.10(2)(f)(ii)	Include the words 'a statement' at the start of the subclause.	To improve clarity.
Y	6.10(2)(h)(i)	Amend to provide that retailers must include in their hardship policy the telephone number for interpreter services together with the National Interpreter Symbol.	<ul style="list-style-type: none"> <li>To correct an error: Retailers currently only have to include the National Interpreter Symbol together with the words 'Interpreter Services' in the hardship policy. Without the relevant telephone number to access this service, this information is of little use to customers.</li> <li>The ERA amended the equivalent of clause 6.10(2)(h)(i) in the <i>Compendium of Gas Customer Licence Obligations</i> in November 2019: The hardship policy must— [...] (h) include—</li> </ul>

			<p>(i) the National Interpreter Symbol <del>with the words "Interpreter Services";</del></p> <p>The amendment was made to provide retailers and distributors with more flexibility for the wording they use when informing customers about the availability of interpreter services.</p>
Z	6.10(2)(h)(ii)	Delete clause 6.10(2)(h)(ii) of the Code.	<p>To remove duplication.</p> <p>Under the proposed amendments to clause 6.10(2)(h)(i), retailers would have to include the telephone number for interpreter services together with the National Interpreter Symbol in their hardship policy. Clause 6.10(2)(h)(ii) further requires retailers to include 'information on the availability of independent multi-lingual services' in their hardship policy.</p>
AA	6.10(2)(i) 6.10(4)	Delete clauses 6.10(2)(i) and 6.10(4) and include reference to financial hardship policies in the new, general information provision for retailers.	<p>For simplicity. The amendment would ensure all information that must be published on a retailer's website is listed in a single clause.</p> <p>The amendment would also clarify that, if a customer requests information about the hardship policy, the retailer may refer a customer to its website but must, if the customer requests a copy of the policy, provide a copy free of charge to the customer.</p>
BB	6.10(3)(d)(i) and (ii)	Replace 'assist' with 'assists'.	To correct a grammatical error.
CC	6.10(7)	Amend to provide that a retailer must ensure that its hardship policy and hardship procedures comply with the ERA's <i>Financial Hardship Policy Guidelines</i> .	To improve clarity.
DD	6.11	Replace 'payment difficulties' with a description of the circumstances under which a retailer must consider a request from a business customer for an alternative payment arrangement.	<p>This clause uses the term 'payment difficulties'. However, the term payment difficulties applies to residential customers only:</p> <p>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>

			As the term payment difficulties does not apply to business customers, the term should be removed from clause 6.11. It could be replaced with a description of the circumstances under which a retailer must consider a request from a business customer for an alternative payment arrangement. Those circumstances could be the same as those used in the definition of payment difficulties but without the reference to residential customer.
EE	7.2(1)(f)	Amend as follows:  (1) Notwithstanding clause 7.1, a retailer must not arrange for the disconnection of a customer's supply address for failure to pay a bill—  (f) if the <del>supply address bill</del> does not relate to the <del>bill</del> <u>supply address</u> , unless the <del>amount outstanding bill</del> <u>bill</u> relates to a supply address previously occupied by the customer; or	To improve clarity.
FF	7.7	Move clause 7.7 of the Code into a new Part that deals with life support only.	The life support clause (7.7) is currently included in Part 7 which deals with disconnection. As the scope of clause 7.7 is much wider than disconnection, it would be clearer to insert a new Part in the Code that deals exclusively with life support. In this new Part, clause 7.7 could be separated into multiple clauses, each dealing with a different aspect of life support.
GG	7.7(6)(a)(ii)	Delete 'from an appropriately qualified medical practitioner'	It is already clear from clause 7.7(6)(a) and the definition of 're-certification' that any confirmation or re-certification must be provided by an appropriately qualified medical practitioner.
HH	7.7(7)(b)(ii)	Delete subclauses (A) to (E):  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	The term contact is defined in clause 1.5 as:  means contact that is face to face, by telephone or by post, facsimile or electronic means.  As the term 'contact' is already defined to include the forms of contact listed in subclauses (A) to (E), there is no need to list these forms of contact again.

		<p>from the date of the last contact—</p> <p>(i) [...]; and</p> <p>(ii) a minimum of 2 other attempts to <b>contact</b> the customer <del>by any of the following means—</del></p> <p><del>(A) electronic means;</del></p> <p><del>(B) telephone;</del></p> <p><del>(C) in person; or</del></p> <p><del>(D) Not Used</del></p> <p><del>(E) by post sent to the customer's supply address and any other address nominated by the customer.</del></p>	
II	10.1	Replace references to 'tariffs, fees and charges' with 'tariffs, fees or charges'.	The words 'tariffs, fees and charges' imply a retailer only has to notify a customer if all three change. For clarity, it is proposed to amend the clause to read 'tariffs, fees or charges'.
JJ	12.1(1)	Replace 'an internal process for handling complaints and resolving disputes' with 'a standard complaints and dispute resolution procedure'.	To improve consistency with the NECF.
KK	12.1(2)	Replace 'complaints handling process' with 'procedures'.	Consequential amendment of item JJ.
LL	14.2(1)(a)	<p>Amend as follows:</p> <p>Subject to clause 14.6, if a retailer—</p> <p>(a) fails to comply with any of the procedures prescribed under Part 6 (if applicable and other than clauses 6.8, 6.9 or 6.10) 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 arranging for disconnection or disconnecting a customer for failure to pay a bill; or</p>	To correct an error.