

## Part 3 Customer hardship

### 70A Definitions

In this Part:

**customer hardship policy guideline** means the guideline made by the AER under rule 75A.

**customer hardship policy** means a policy as submitted by the retailer to the AER under section 43 of *the Law*.

**AER Performance Reporting Procedures and Guidelines** means the procedures and guidelines made by the AER under section 286 of *the Law*.

### 71 Obligation of retailer to communicate customer hardship policy

- (1) A retailer must inform a hardship customer of the retailer of the existence of the retailer's customer hardship policy as soon as practicable after the customer is identified as a hardship customer.
- (2) The retailer must provide the hardship customer with a copy of the customer hardship policy on request and at no expense.

#### Note

This rule is classified as a tier 1 civil penalty provision under the National Energy Retail Regulations. (See clause 6 and Schedule 1 of the National Energy Retail Regulations.)

### 72 Payment plans

- (1) A payment plan for a hardship customer must:
  - (a) be established having regard to:
    - (i) the customer's capacity to pay; and
    - (ii) any arrears owing by the customer; and
    - (iii) the customer's expected energy consumption needs over the following 12 month period; and
  - (b) include an offer for the customer to pay for their energy consumption in advance or in arrears by instalment payments.
- (2) A retailer who offers a payment plan under this rule for a customer must inform the customer of:
  - (a) the duration of the plan; and
  - (b) the amount of each instalment payable under the plan, the frequency of instalments and the date by which each instalment must be paid; and
  - (c) if the customer is in arrears—the number of instalments to pay the arrears; and
  - (d) if the customer is to pay in advance—the basis on which instalments are calculated.

**Note**

This rule is classified as a tier 1 civil penalty provision under the National Energy Retail Regulations. (See clause 6 and Schedule 1 of the National Energy Retail Regulations.)

**73 Waiver of late payment fee for hardship customer**

A retailer must waive any fee payable under a customer retail contract with a small customer who is a hardship customer for late payment of a bill for customer retail services.

**Note**

This rule is classified as a tier 1 civil penalty provision under the National Energy Retail Regulations. (See clause 6 and Schedule 1 of the National Energy Retail Regulations.)

**74 Payment by Centrepay (SRC and MRC)**

- (1) This rule applies where a hardship customer requests a retailer to permit payment by using Centrepay as a payment option (see rule 32).
- (2) If the hardship customer is applying for or on a standard retail contract, the retailer must allow the customer to use Centrepay as a payment option.
- (3) If the hardship customer is on a market retail contract and Centrepay is available as a payment option under that contract, the retailer must allow the customer to use Centrepay as a payment option.
- (4) If the hardship customer is on a market retail contract and Centrepay is not available as a payment option under that contract, the retailer must undertake a review of the market retail contract.
- (5) If, as a result of a review, an alternative customer retail contract is considered to be more appropriate, the retailer must transfer the customer to that alternative contract, where the retailer has obtained the customer's explicit informed consent.
- (6) Any alternative customer retail contract offered to a hardship customer must make Centrepay available as a payment option.
- (7) If, as a result of the review, there is no alternative customer retail contract considered to be more appropriate, the retailer must make Centrepay available as a payment option under the hardship customer's existing market retail contract.
- (8) The retailer must not charge the customer for the review, for any transfer to an alternative retail contract or any early termination charge or other penalty for the early termination of the customer's previous customer retail contract.

**Note**

This rule is classified as a tier 1 civil penalty provision under the National Energy Retail Regulations. (See clause 6 and Schedule 1 of the National Energy Retail Regulations.)

## 75 Hardship program indicators

- (1) The AER must, in accordance with the retail consultation procedure, determine hardship program indicators to be included in the AER Performance Reporting Procedures and Guidelines.
- (2) The hardship program indicators must cover the following:
  - (a) entry into hardship programs;
  - (b) participation in hardship programs;
  - (c) assistance available to and assistance provided to customers under customer hardship policies.
- (3) The AER may from time to time amend the hardship program indicators in accordance with the retail consultation procedure.

- (4) In this rule:

**hardship program** means a program outlined in a customer hardship policy (as referred to in section 44 (e) of *the Law*).

## 75A Customer hardship policy guideline

- (1) The AER must, in accordance with the retail consultation procedure, develop, maintain and publish a customer hardship policy guideline.
- (2) The customer hardship policy guideline must specify:
  - (a) processes, timeframes and requirements to be complied with by retailers in connection with the approval (or variation) of their customer hardship policies by the AER;
  - (b) standardised statements that retailers must include in their customer hardship policies that:
    - (i) inform their customers of how the retailer will comply with the minimum requirements as set out in section 44 of *the Law*; and
    - (ii) provide guidance to customers on their rights, and retailer obligations, with respect to Part 2, Division 6 of *the Law*.
- (3) The AER may, from time to time, amend the customer hardship policy guideline in accordance with the retail consultation procedure.

## 75B Customer hardship policies

- (1) A retailer's customer hardship policy (or variation) submitted to the AER must:
  - (a) comply with the customer hardship policy guideline;
  - (b) include the standardised statements referred to in rule 75A(2)(b); and
  - (c) contain clear and specific statements of the actions the retailer will take to meet the minimum requirements for a customer hardship policy in section 44 of *the Law*.

**Note 1:**

Section 44 of *the Law* sets out the minimum requirements for a customer hardship policy. Section 44(i) of *the Law* permits the Rules to expand the minimum requirements for customer hardship policies.

**Note**

This subrule is classified as a tier 1 civil penalty provision under the National Energy Retail Regulations. (See clause 6 and Schedule 1 of the National Energy Retail Regulations.)

- (2) A retailer must:
- (a) submit a customer hardship policy (or variation) in compliance with subrule (1):
    - (i) in accordance with section 43(2) of *the Law*; and
    - (ii) within 3 months of any amendment to the customer hardship policy guideline made by the AER under rule 75A(3); and
  - (b) implement and publish the customer hardship policy (or variation), as approved by the AER, on the retailer's website as soon as practicable after it has been approved.

**Note**

This subrule is classified as a tier 1 civil penalty provision under the National Energy Retail Regulations. (See clause 6 and Schedule 1 of the National Energy Retail Regulations.)

- (3) The AER must approve, subject to section 45 of *the Law*, a customer hardship policy (or variation) that complies with subrule (1) within 3 months:
- (a) of the AER receiving a customer hardship policy for approval under section 43 of *the Law*; and
  - (b) of the AER receiving a customer hardship policy for approval under subrule (2)(a)(ii).

## **76 Waiver of debt for hardship customer**

Nothing in this Part prevents a retailer from waiving any fee, charge or amount of arrears for the provision of customer retail services to a hardship customer in accordance with the retailer's customer hardship policy.