



New South Wales

## **Electricity Supply (General) Amendment Regulation 1998**

under the  
**Electricity Supply Act 1995**

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Electricity Supply Act 1995*.

BOB DEBUS  
Minister for Energy

### **Explanatory note**

The object of this Regulation is to amend the *Electricity Supply (General) Regulation 1996* so as to do the following:

- (a) to require standard form customer contracts to contain guaranteed customer service standards, being standards in a prescribed form or being a variation of those standards approved by the Minister (Schedule 1 [21], proposed clause 28 (4A)–(4E), Schedule 1 [25], proposed clause 30A, and Schedule 1 [45] proposed Part 4 of Schedule 2),
- (b) to require electricity distributors to send certain particulars (including the text of any relevant guaranteed customer service standards) to persons applying for the provision of customer connection services (Schedule 1 [24], proposed clause 29A),
- (c) to require a review of the Regulation to be conducted before 31 December 2000 in relation to standard form customer contracts and guaranteed customer service standards (Schedule 1 [2], proposed clause 4A),

- (d) to provide for the approval by the Minister of an electricity industry ombudsman scheme to deal with disputes between customers and electricity distributors and disputes between customers and retail suppliers (Schedule 1 [30], proposed Part 7A),
- (e) to enable the conditions of the licences held under the Act to oblige electricity distributors and retail suppliers to facilitate the delivery of the Government's social programs for electricity, subject to their being paid for doing so (Schedule 1 [31], proposed Part S),
- (f) to provide for the recognition of accreditation schemes in relation to the provision of certain electrical and other services (other than those prepared by electricity distributors) and for the recognition of accrediting agencies (other than electricity distributors) to administer those schemes (Schedule 1 [14], proposed clause 24B),
- (g) to enable the Minister to establish guidelines for the preparation of accreditation schemes by electricity distributors and other prospective accrediting agencies (Schedule 1 [14], proposed clause 24E),
- (h) to make provision of a savings or transitional nature consequent on the amendments made by this regulation (Schedule 1 [3], proposed clauses 15A—15E),
- (i) to make other provision of a minor, consequential or ancillary nature (the remaining items of Schedule 1).

This Regulation is made under the *Electricity Supply Act 1995*, including section 106 (the general regulation-making power), sections 15, 20, 21, 31, 40, 41 and 96 and clause 6 of Schedule 2.

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## **Electricity Supply (General) Amendment Regulation 1998**

### **1 Name of Regulation**

This Regulation is the *Electricity Supply (General) Amendment Regulation 1998*.

### **2 Commencement**

- (1) This Regulation commences on 12 June 1998, except as provided by subclauses (2) and (3).
- (2) Schedule 1 [6], [32] and [41] commence on 30 June 1998.
- (3) Schedule 1 [21], [22], [23], [24], [25], [37] and [45] commence on 12 September 1998.

### **3 Amendment of Electricity Supply (General) Regulation 1996**

The *Electricity Supply (General) Regulation 1996* is amended as set out in Schedule 1.

### **4 Notes**

The explanatory note does not form part of this Regulation.

## Schedule 1      Amendments

(Clause 3)

### [1]      Clause 3 Definitions

Insert in alphabetical order:

*accreditation scheme* means:

- (a) a scheme prepared by an electricity distributor in accordance with Division 3 of Part 4A, or
- (b) a Ministerially recognised accreditation scheme.

*accrediting agency* means:

- (a) an electricity distributor, or
- (b) a Ministerially recognised accrediting agency.

*approved electricity industry ombudsman scheme* means an electricity industry ombudsman scheme approved by the Minister as referred to in clause 39A.

*electricity industry ombudsman* means the electricity industry ombudsman appointed under an approved electricity industry ombudsman scheme.

*guaranteed customer service standard* means a minimum standard referred to in clause 28 (4A) or, if the standard is varied as referred to in clause 28 (4C), the standard as so varied.

*Ministerially recognised accreditation scheme* means a scheme recognised by the Minister under clause 24B.

*Ministerially recognised accrediting agency* means an accrediting agency recognised by the Minister under clause 24B.

*social program for electricity* means a program to ensure that electricity connection services and electricity supply are available to those who are in need, including those who suffer financial hardship and those who live in remote areas, and includes:

- (a) any program for electricity accounts payment assistance, and
- (b) any program for rebates to eligible pensioners, and
- (c) any program for rebates with respect to electricity used for life support systems.

**[2] Clause 4A**

Insert after clause 4:

**4A Review of Regulation**

- (1) The Minister must review the operation of this Regulation in relation to standard form customer contracts (including, in particular, the guaranteed customer service standards) before 31 December 2000.
- (2) In particular, the review may consider means for enhancing the guaranteed customer service standards and extending the classes of customers to whom those standards are available.
- (3) The review may, but need not, form part of any other review being conducted for the purposes of the *Subordinate Legislation Act 1989*.

**[3] Clauses 15A, 15B, 15C, 15D and 15E**

Insert after clause 15:

**15A Joint accreditation arrangements**

- (1) This clause applies to an electricity distributor in respect of which any arrangements were in force immediately before 12 June 1998, being arrangements under which the electricity distributor:
  - (a) recognised accreditation by other electricity distributors (as referred to in clause 40 (2) (i), as in force immediately before that date), or
  - (b) operated an accreditation scheme jointly with or on behalf of other electricity distributors (as referred to in clause 40 (2) (j), as in force immediately before that date).

(2) An electricity distributor to which this clause applies may continue:

- (a) to recognise accreditation by other electricity distributors, or
- (b) to operate an accreditation scheme jointly with or on behalf of other electricity distributors,

as the case requires, as if the *Electricity Supply (General) Amendment Regulation 1998* had not been made.

(3) This clause ceases to have effect on 12 December 1998.

**15B Deemed accreditations in force before 12 June 1998**

(1) Any person who was taken to be accredited by an electricity distributor by operation of clause 16 (4) (as in force immediately before 12 June 1998) is taken to be accredited by the electricity distributor under clause 18, as amended by the *Electricity Supply (General) Amendment Regulation 1998*, but only to the extent to which the person was previously taken to be accredited.

(2) Division 2 of Part 4A, as amended by the *Electricity Supply (General) Amendment Regulation 1998*, applies to an accreditation referred to in subclause (1) in the same way as it applies to an accreditation granted under that Part on or after 12 June 1998.

**15C Accreditations given by electricity distributors before 30 June 1998**

(1) Any person who was accredited by an electricity distributor under clause 18 (as in force immediately before 30 June 1998), including any person taken to be accredited under clause 18 by operation of clause 15B, is taken to be accredited by the electricity distributor (in its capacity as an accrediting agency) under clause 18, as amended by the *Electricity Supply (General) Amendment Regulation 1998*, but only to the extent to which the person was previously accredited or taken to be accredited.

(2) Division 2 of Part 4A, as amended by the *Electricity Supply (General) Amendment Regulation 1998*, applies to an accreditation referred to in subclause (1) in the same way as it applies to an accreditation granted under that Part on or after 30 June 1998.

**15D Conditions of electricity connection and supply for customers pending contract amendments arising from 12 September 1998 amendments**

(1) This clause applies to any person:

- (a) who was a customer of a licence holder under a standard form customer contract immediately before 12 September 1998, or
- (b) who becomes a customer of a licence holder under a standard form customer contract on or after 12 September 1998,

but only applies if the contract does not comply with the requirements of clause 28, as amended by the *Electricity Supply (General) Amendment Regulation 1998*.

(2) The provisions of Part 4 of Schedule 2 apply as if they formed part of the customer contracts in force between the licence holder and its customers.

(3) This clause ceases to apply when a customer contract is amended so as to comply with the requirements of clause 28, as amended by the *Electricity Supply (General) Amendment Regulation 1998*.

**15E Amendment of standard form customer contracts consequent on 12 September 1998 amendments**

In relation to any standard form customer contract in force between a licence holder and any of its customers immediately before 12 September 1998, it is a condition of the licence holder's licence that before 12 December 1998 the licence holder:

- (a) must amend the contract so as to include in it the guaranteed customer service standards, and
- (b) must cause the customer to be given a document that includes all of the matters required by clause 29A (a)–(e).

**[4] Part 4A, heading**

Insert before clause 16:

**Part 4A Accreditation of providers of contestable services**

**Division 1 Persons requiring accreditation**

**[5] Clause 16 Customer may choose supplier and contractor**

Omit clause 16 (4).

**[6] Clause 16**

Omit the clause. Insert instead:

**16 Persons to be accredited for the provision of services: section 31**

For the purposes of section 31 of the Act, all contestable services are prescribed.

**[7] Part 4A, Division 2, heading**

Insert after clause 16:

**Division 2 Accreditation procedures**

**[8] Clauses 17, 18, 19, 20, 21, 22, 23, 24**

Omit “electricity distributor” and “electricity distributor’s” wherever occurring (clauses 19 (a), (b) and (c) and 24 (1)(c) and (2) excepted).

Insert instead “accrediting agency” and “accrediting agency’s” respectively.

**[9] Clause 18 Grant of accreditation**

Omit “code”. Insert instead “accreditation scheme”.

**[10] Clause 19 Giving of undertakings**

Omit “the electricity distributor” wherever occurring in clause 19 (a), (b) and (c).  
Insert instead “electricity distributors”.

**[11] Clause 19 (b)**

Omit “the electricity distributor’s distribution system”.  
Insert instead “electricity distributors’ distribution systems”.

**[12] Clause 24 Appeal against decisions regarding accreditation**

Omit clause 24 (1) (c). Insert instead:

- (c) of a decision by an accrediting agency not to act on a suspension.

**[13] Clause 24 (2) and (3)**

Omit clause 24 (2). Insert instead:

- (2) For the purposes of subclause (1) (c), the failure by an accrediting agency:
  - (a) to cancel a person’s accreditation, or
  - (b) to lift the suspension of a person’s accreditation, within 28 days after it has suspended the person’s accreditation is taken to be a decision by the accrediting agency not to act on the suspension.
- (3) The appeal is to be dealt with in accordance with the procedures set out in Part 7, except that:
  - (a) despite clause 35 (1) (b), the appellant may not elect to have any matter referred for resolution by an electricity industry ombudsman, and
  - (b) despite section 37 (2A), the alternative dispute resolution procedures referred to in Part 7 are to be the procedures established under clause 37 (1) and not the procedures of an approved electricity industry ombudsman scheme.

**[14] Part 4A, Division 3**

Insert after clause 24:

**Division 3 Preparation and approval of accreditation schemes**

**24A Preparation of accreditation schemes by electricity distributors**

- (1) An electricity distributor must prepare an accreditation scheme for the accreditation, by the electricity distributor, of persons who may provide contestable services.
- (2) An accreditation scheme must comply with the requirements of clauses 24C, 24D and 24E.
- (3) The electricity distributor:
  - (a) must publish a notice in a newspaper circulating generally in the electricity distributor's distribution district stating where the accreditation scheme can be inspected free of charge, and
  - (b) must make the accreditation scheme available to the public for inspection in the manner described in the notice.

**24B Ministerially recognised accreditation schemes and accrediting agencies**

- (1) The Minister may, by order published in the Gazette, declare that:
  - (a) a specified scheme is recognised as an accreditation scheme, and
  - (b) a specified person or body (other than an electricity distributor) is recognised as an accrediting agency in relation to that scheme.
- (2) A scheme may not be recognised as an accreditation scheme unless it complies with the requirements of clauses 24C, 24D and 24E.
- (3) A person or body may not be recognised as an accrediting agency in relation to an accreditation scheme unless the person or body satisfies the Minister that,

having regard to the provisions of this Part, the person or body has the resources and expertise to prepare and administer that scheme.

(4) An accrediting agency that is recognised in relation to an accreditation scheme:

- (a) must publish a notice in a newspaper circulating generally throughout New South Wales stating where the scheme can be inspected free of charge, and
- (b) must make the scheme available to the public for inspection in the manner described in the notice.

#### **24C General requirements**

An accreditation scheme must include the following matters:

- (a) the qualifications, experience and training required for accreditation, including the requirements of the accrediting agency in relation to distribution systems,
- (b) the means for ensuring adequate technical performance by an accredited person in providing the relevant services,
- (c) any commercial prudential requirements (including insurance) required of or in respect of an accredited person,
- (d) the means by which a person applying for accreditation can give evidence of his or her qualifications, experience and training and any other necessary matter,
- (e) payments required for application for, or renewal of, accreditation,
- (f) any undertakings required to be made by an accredited person,
- (g) the procedure for inspection or audit of an accredited person by the accrediting agency,

- (h) the procedure for assessment by the accrediting agency of the work of an accredited person,
- (i) a statement as to the extent to which the scheme adopts a scheme of accreditation prepared by some other accrediting agency, as authorised by clause 24D (1),
- (j) a statement as to the extent to which the scheme is operated jointly with some other accrediting agency, as authorised by clause 24D (2),
- (k) the policy for consultation with relevant stakeholders (including representative electrical contracting industry bodies) in receiving submissions on the accreditation scheme and reviewing and developing the scheme,
- (l) such other matters as are required to be included in the scheme by any guidelines in force under clause 24E.

**24D Joint accreditation schemes**

- (1) An accreditation scheme prepared for the purposes of this Regulation may be prepared:
  - (a) by the accrediting agency preparing its own scheme of accreditation, or
  - (b) in the case of an electricity distributor, by the electricity distributor adopting (whether in whole or in part) a scheme of accreditation prepared by a Ministerially recognised accrediting agency, or
  - (c) in the case of a Ministerially recognised accrediting agency, by the accrediting agency adopting (whether in whole or in part) a scheme of accreditation prepared:
    - (i) by an electricity distributor, or
    - (ii) by some other Ministerially recognised accrediting agency.

- (2) An accrediting agency's scheme of accreditation may provide for the scheme to be administered jointly:
  - (a) in the case of an electricity distributor, by the distributor and by one or more Ministerially recognised accrediting agencies, or
  - (b) in the case of a Ministerially recognised accrediting agency:
    - (i) by the agency and by one or more electricity distributors, or
    - (ii) by the agency and by one or more other Ministerially recognised accrediting agencies, or
    - (iii) by the agency, by one or more electricity distributors and by one or more other Ministerially recognised accrediting agencies.
- (3) If the accreditation scheme prepared for an accrediting agency (*the adopting scheme*) adopts an accreditation scheme prepared by some other accrediting agency (*the adopted scheme*), all accreditations under the adopted scheme are taken to be accreditations under the adopting scheme.

#### **24E Ministerial guidelines**

The Minister may, by order published in the Gazette, establish guidelines with respect to the matters to be included in an accrediting agency's scheme for the accreditation of persons to provide contestable services.

#### **[15] Clause 25 Limitation on right to have premises provided with customer connection services**

Insert "with respect to the provision of customer connection services" after "distributor" in clause 25 (1) (b).

#### **[16] Clause 25 (1) (e)**

Omit "a retail supplier".

Insert instead "the electricity distributor or some other retail supplier".

**[17] Clause 25 (1) (f)**

Omit the paragraph.

**[18] Clause 25 (2) and (2A)**

Omit clause 25 (2). Insert instead:

- (2) An electricity distributor must not disconnect premises from its distribution system on the grounds referred to in subclause (1) unless:
  - (a) for premises the subject of a standard form customer connection contract, the electricity distributor has complied with the requirements of the contract with respect to the disconnection of the premises, or
  - (b) for premises the subject of a negotiated customer connection contract, the electricity distributor has given the customer sufficient notice of its intention to disconnect the premises to allow the customer a reasonable opportunity to remove those grounds.
- (2A) For the purposes of section 15 (3) of the Act, an electricity distributor is also authorised to disconnect premises from, or refuse to connect premises to, a distribution system if:
  - (a) the person who owns or occupies the premises is a party to one or more contracts for the supply of electricity, and
  - (b) in the case of a contract for the supply of electricity by the electricity distributor, the electricity distributor has complied with the requirements of clause 26 (2) with respect to the discontinuance of the supply of electricity to the premises, and
  - (c) in the case of a contract for the supply of electricity by a retail supplier other than the electricity distributor (being a contract whose existence has been notified to the electricity distributor in accordance with procedures established by the electricity distributor), each of

the retail suppliers responsible for supplying the customer with electricity (other than the electricity distributor):

- (i) has requested that the premises be disconnected, and
- (ii) has notified the electricity distributor that it has given the customer sufficient notice of its intention to discontinue the supply of electricity to allow the customer a reasonable opportunity to remove the grounds on which it intends to discontinue supply.

**[19] Clause 26 Limitation on right to have premises supplied with electricity**

Omit clause 26 (1) (b). Insert instead:

- (b) has failed to pay an amount due to the electricity distributor with respect to the supply of electricity, or

**[20] Clause 28 Matters for which standard form customer contracts must provide**

Omit “20 (1) (a)–(c) and 40 (I) (a)–(c)” wherever occurring in clause 28 (2) and (5).

Insert instead “20 (1) (a)–(f) and 40 (I) (a)–(g)”.

**[21] Clause 28 (4A)–(4E)**

Insert after clause 28 (4):

- (4A) For the purposes of section 106 (1) (c) of the Act, a standard form customer contract must contain provisions establishing:
  - (a) minimum standards of service, as set out in Division 1 of Part 4 of Schedule 2, and
  - (b) minimum standards for the procedures to be observed before premises are disconnected, as set out in Division 2 of Part 4 of Schedule 2.

(4B) The guaranteed customer service standards:

- (a) are to be set out in a section of the relevant standard form customer contract under the heading "Guaranteed Customer Service Standards", and
- (b) are to include a statement to the effect that they comply with the requirements imposed under the Act with respect to customer service.

(4C) At the request of a licence holder, the Minister may, subject to clause 30A, vary the guaranteed customer service standards:

- (a) in relation to all standard form customer contracts issued by the licence holder, or
- (b) in relation to a specified class of standard form customer contracts issued by the licence holder, or
- (c) in relation to all standard form customer contracts issued by the licence holder other than a specified class of standard form customer contracts.

(4D) If a guaranteed customer service standard is varied, the standard form customer contracts concerned must be amended so as to accord with the variation.

**Note.** The procedure for amending a standard form customer contract is set out in Division 2 of Part 3 of the Act, as applied by section 22 of the Act (in relation to standard form customer connection contracts) and in Division 2 of Part 4 of the Act, as applied by section 42 of the Act (in relation to standard form customer supply contracts).

(4E) Within 3 months after it amends the standard form customer contracts concerned so as to accord with a variation under subclause (4C), a licence holder must cause notice of the text of those standards, as varied, to be given to each customer.

**[22] Clause 29 Giving of notice of standard form customer contracts and amendments**

Insert after clause 29 (1) (c):

- (d) a summary of any relevant guaranteed customer service standards.

**[23] Clause 29 (2) (d)**

Insert after clause 29 (2) (c):

- (d) if the amendment gives effect to a variation of the guaranteed customer service standards, a summary of those standards, as varied.

**[24] Clause 29A**

Insert after clause 29:

**29A Notice to new customers of guaranteed customer service standards**

As soon as practicable after receiving an application from any person for the provision of customer connection services under a standard form customer connection contract, or from a franchise customer for the supply of electricity under a standard form customer supply contract, a licence holder must furnish the customer with a document:

- (a) that sets out the text of any relevant guaranteed customer service standards, and
- (b) that indicates that those standards form part of the relevant standard form customer contract, and
- (c) that describes the complaint handling procedures established by the licence holder, and
- (d) that informs the customer:
  - (i) if the Minister has approved an electricity industry ombudsman scheme, as to the existence of the scheme and of the manner in which complaints and disputes may be referred for resolution in accordance with that scheme, or
  - (ii) in any other case, as to the existence of the alternative dispute resolution procedures established by the licence holder and of the manner in which complaints and disputes may be referred for resolution in accordance with those procedures, and

- (e) that indicates where copies of the licence holder's customer contracts may be obtained.

**[25] Clause 30A**

Insert after clause 30:

**30A Additional procedures for certain consumer protection provisions**

- (1) Before making a request to the Minister under clause 28 (4C) for the variation of any guaranteed customer service standard, the licence holder:
  - (a) must seek directions from the Minister as to which persons or organisations it should consult with in connection with the proposed request, and
  - (b) must consult with:
    - (i) the persons and organisations identified in the directions referred to in paragraph (a), and
    - (ii) any relevant customer consultative group, and
    - (iii) if the matter is one covered by an approved electricity ombudsman scheme, the electricity industry ombudsman, and
  - (c) must cause notice of its proposed request to be published in at least one daily newspaper circulating generally in the area in which its customers' premises are situated, and
  - (d) must conduct a public meeting, no earlier than 2 weeks after the date of publication of the notice referred to in paragraph (c), for the purpose of:
    - (i) informing members of the public of the proposed request, and
    - (ii) allowing members of the public to express their views in connection with the proposed request, and

- (e) must allow at least 2 weeks from the date of the public meeting for members of the public to make written submissions to the licence holder in connection with the proposed request.
- (2) The notice referred to in subclause (1) (c):
  - (a) must state that the licence holder proposes to request that the guaranteed customer service standard concerned be varied, and
  - (b) must contain particulars of the proposed variation, and
  - (c) must state that a public meeting will be held, at a date, time and place to be specified in the notice, for the purpose of
    - (i) informing members of the public of the proposed request, and
    - (ii) allowing members of the public to express their views in connection with the proposed request, and
  - (d) must state that members of the public are invited to submit written submissions to the licence holder in connection with the proposed request, and
  - (e) must indicate the address to which, and the date by which, any such submissions should be delivered to the licence holder.
- (3) When making the request, the licence holder must furnish the Minister with:
  - (a) evidence that the requirements of this clause have been complied with, and
  - (b) an assessment of the effect on its customers of the proposed variation of the guaranteed customer service standard (including, in particular, the financial effect of the proposed variation) assuming that the request is approved, and
  - (c) any submissions received by the licence holder as a result of the action taken by it under this clause, and
  - (d) an assessment of all such submissions, and

- (e) evidence that the guaranteed customer service standards that will be applicable to the licence holder if the request is granted will be comparable with the minimum standards applicable to:
  - (i) similar organisations in other fully competitive electricity supply organisations, or
  - (ii) in the absence of other fully competitive electricity supply organisations, other public utility industries generally.

**[26] Clause 32 Definitions**

Insert “, and also includes an approved electricity industry ombudsman scheme, but does not include arbitration” after “mediation” in the definition of ***alternative dispute resolution procedures***.

**[27] Clause 35 Review of decision by electricity distributor or retail supplier**

Omit clause 35 (1). Insert instead:

- (1) On receiving an appeal, the licence holder:
  - (a) must review its decision and make a determination under this clause, or
  - (b) if an electricity industry ombudsman scheme has been approved by the Minister and the customer so requests, must refer the matter for resolution by the electricity industry ombudsman.

**[28] Clause 37 Alternative dispute resolution**

Insert after clause 37 (2):

- (2A) Despite subclause (2), if:
  - (a) an electricity industry ombudsman scheme has been approved by the Minister, and

(b) the determination concerns a matter that the approved electricity industry ombudsman scheme authorises the electricity industry ombudsman to deal with,

the appellant may elect to use the approved electricity industry ombudsman scheme but may not elect to use the alternative dispute resolution procedure made available by the respondent under subclause (1).

**[29] Clause 37 (3)**

Omit “that procedure”.

Insert instead “the alternative dispute resolution procedure made available by the respondent under subclause (1) or the approved electricity industry ombudsman scheme”.

**[30] Part 7A**

Insert after Part 7:

**Part 7A The electricity industry ombudsman scheme**  
**39A Approval of electricity industry ombudsman scheme**

- (1) The Minister may approve an electricity industry ombudsman scheme for the purposes of this Regulation, being a scheme that provides for the appointment of an electricity industry ombudsman to deal with disputes and complaints arising under standard form customer contracts.
- (2) Before approving such a scheme, the Minister must be satisfied that the scheme meets the following objectives:
  - (a) that all licence holders who are parties to standard form customer contracts are parties to the scheme and have agreed to be bound by decisions of the electricity industry ombudsman under the scheme,
  - (b) that the electricity industry ombudsman will be able to operate independently of all licence holders in exercising functions under the scheme,

- (c) that the scheme will be accessible to all customers who are parties to standard form customer contracts,
- (d) that the scheme will apply to all disputes and complaints arising under standard form customer contracts,
- (e) that the scheme will operate expeditiously and without cost to customers,
- (f) that the scheme will allow customers to choose whether or not they wish to be bound by determinations under the scheme,
- (g) that the scheme will satisfy best practice benchmarks for schemes of a similar kind, both in terms of its constitution and procedure and in terms of its day to day operations.

(3) The electricity industry ombudsman:

- (a) must cause copies of all public reports issued by the electricity industry ombudsman to be given to the Minister, and
- (b) must cause notice to be given to the Minister of changes in the policies and procedures to be adopted in connection with the relevant electricity industry ombudsman scheme.

(4) Without limiting subclause (3), the Minister may from time to time require the electricity industry ombudsman appointed under the scheme to provide the Minister with reports on the operation of the scheme, including:

- (a) particulars as to the extent to which the scheme is meeting the objectives referred to in subclause (2) (a)–(f), and
- (b) particulars as to the extent to which the scheme has met relevant best practice benchmarks, and
- (c) particulars as to the extent to which licence holders have complied with their obligations under the scheme.

- (5) The Minister may at any time revoke an approval under this clause.
- (6) Notice of any approval given by the Minister under this clause, and of the revocation of any such approval, is to be published in the Gazette.

**[31] Part 8**

Omit the Part. Insert instead:

**Part 8 Social programs for electricity**

**40 Object of Part**

The objects of this Part are:

- (a) to provide for the imposition of conditions on licences held under the Act by which electricity distributors and retail suppliers can be obliged to facilitate the delivery of any aspect of the Government's social programs for electricity, and
- (b) to provide a mechanism by which the nature and extent of those obligations, and the ascertainment of how much electricity distributors and retail suppliers are to be paid for meeting those obligations, are to be established.

**41 Electricity distributors**

- (1) Any Minister (the *sponsoring Minister*) may, with the concurrence of the Treasurer, direct an electricity distributor to take such action as the sponsoring Minister considers appropriate to facilitate the delivery of any aspect of the Government's social programs for electricity within the sponsoring Minister's administrative responsibility.
- (2) Such a direction:
  - (a) may specify that particular services are to be provided to particular classes of persons free of charge, at specified charges or subject to specified discounts or rebates, and

- (b) must specify the amount assessed by the sponsoring Minister as the cost to the electricity distributor of complying with the direction.
- (3) A direction does not have effect unless arrangements exist for the payment to the electricity distributor of an amount equivalent to the costs assessed by the sponsoring Minister, as referred to in subclause (2) (b), or, if the electricity distributor disputes that assessment, the costs assessed under clause 43.
- (4) A direction is not to be given under this clause unless the sponsoring Minister has made all reasonable efforts to enter into an agreement with the electricity distributor to achieve the same purposes.
- (5) If a direction is given to an electricity distributor under this clause, or if an agreement referred to in subclause (4) is entered into, it is a condition of the electricity distributor's licence that the electricity distributor:
  - (a) must immediately publish the terms of the direction or agreement in a daily newspaper circulating generally throughout the electricity distributor's distribution district, and
  - (b) must take the action required by the direction or agreement on and from the date the direction or agreement takes effect or, if the direction or agreement specifies a later date, on and from that later date.

## **42 Retail suppliers**

- (1) Any Minister (the *sponsoring Minister*) may, with the concurrence of the Treasurer, direct a retail supplier to take such action as the sponsoring Minister considers appropriate to facilitate the implementation of any aspect of the Government's social programs for electricity within the sponsoring Minister's administrative responsibility.

(2) Such a direction:

- (a) may require specified classes of customers to be supplied with electricity at discounted charges or to be given rebates on the charges paid by them for the supply of electricity, and
- (b) may require the retail supplier to establish and maintain facilities to ensure that Government payments that are provided to finance the supply of electricity at discounted charges are applied in accordance with the direction, and
- (c) may require the retail supplier to establish and maintain trust accounts in which Government payments that are provided to finance the supply of electricity at discounted charges are to be held pending their application in accordance with the direction, and
- (d) may require the retail supplier to furnish the sponsoring Minister with periodic reports as to the retail supplier's compliance with the direction, and
- (e) may require the retail supplier to establish and maintain accounting procedures to enable such reports to be prepared, and
- (f) must specify the amount assessed by the sponsoring Minister as the cost to the retail supplier of complying with the direction.

(3) A direction does not have effect unless arrangements exist for the payment to the retail supplier of an amount equivalent to the costs assessed by the sponsoring Minister, as referred to in subclause (2) (f), or, if the retail supplier disputes that assessment, the costs assessed under clause 43.

(4) A direction is not to be given under this clause unless the sponsoring Minister has made all reasonable efforts to enter into an agreement with the retail supplier to achieve the same purposes.

(5) If a direction is given to a retail supplier under this clause, or if an agreement referred to in subclause (4) is entered into, it is a condition of the retail supplier's licence that the retail supplier:

- (a) must immediately publish the terms of the direction or agreement in a daily newspaper circulating generally throughout New South Wales, and
- (b) must take the action required by the direction or agreement on and from the date the direction or agreement takes effect or, if the direction or agreement specifies a later date, on and from that later date.

**43 Re-assessment of costs of compliance with direction**

- (1) Any dispute between a licence holder and a sponsoring Minister by whom a direction has been given under clause 41 or 42 (being a dispute as to the cost to the licence holder of complying with the direction) is to be referred to a committee constituted by one or more assessors.
- (2) The assessor or assessors to constitute such a committee are to be suitably qualified persons appointed by agreement between the licence holder and the sponsoring Minister or, if no such agreement can be reached:
  - (a) by the Minister administering the Act, or
  - (b) if the Minister administering the Act is the sponsoring Minister, by the Premier.
- (3) In determining a dispute that has been referred to it under this clause, a committee:
  - (a) must consider any representations made by the parties to the dispute, and
  - (b) must determine, on the basis of those representations and any other information available to it, the cost to the licence holder of complying with the direction to which the dispute relates.

- (4) A committee may conduct proceedings under this clause in such manner as it considers appropriate.
- (5) The committee's decision on a dispute binds the parties to the dispute, but does not prevent the direction to which it relates from being withdrawn.
- (6) A committee may determine 2 or more disputes in the same proceedings if it considers that it is appropriate to do so.

#### **44 Costs of proceedings**

- (1) The costs of any proceedings under clause 43, including the costs of the committee, are to be borne by the parties in equal proportions unless the committee determines otherwise.
- (2) The committee may determine the proportion of the costs to be borne by each of the parties, having regard to the merits of the case, and, in that event, the costs are to be borne by the parties according to the committee's determination.

#### **[32] Schedule 1 Services**

Omit the Schedule.

#### **[33] Schedule 2 Standard form customer contracts**

Omit "code" wherever occurring in clause 7 and its heading. Insert instead "scheme".

#### **[34] Schedule 2, Part 2 heading**

Omit "section 20 (1) (a)–(c) and 40 (1) (a)–(c)". Insert instead "sections 20 (1) and 40 (1)".

#### **[35] Schedule 2, Part 2**

Omit "paragraphs (a)–(c)" where firstly occurring in the note appearing under the heading to Part 2. Insert instead "paragraphs (a)–(f)".

**[36] Schedule 2, Part 2**

Omit “paragraphs (a)–(c)” where secondly occurring in the note appearing under the heading to Part 2.

Insert instead “paragraphs (a)–(g)”.

**[37] Schedule 2, clause 26 (g), (h), (i) and (j)**

Insert after clause 26 (f):

- (g) particulars of any deferred payment schemes operated by the licence holder to facilitate the payment of charges due to the licence holder,
- (h) particulars of the arrangements made by the licence holder for the payment of compensation arising under the guaranteed customer service standards,
- (i) particulars of what street lighting the licence holder owns or is under a legally enforceable obligation to maintain,
- (j) whether an approved electricity industry ombudsman scheme has been approved by the Minister and, if so:
  - (i) the matters to which that scheme extends, and
  - (ii) the procedures for referring complaints and disputes to the electricity industry ombudsman under that scheme.

**[38] Schedule 2, clause 26 (2)**

Insert at the end of clause 26:

- (2) The licence holder agrees to comply with any direction given by, and to abide by the decision of, the electricity industry ombudsman in relation to any complaint by the customer that is covered by an approved electricity industry ombudsman scheme.

**[39] Schedule 2, clause 26A**

Insert after clause 26:

**26A Restrictions on power to disconnect**

The licence holder is not authorised to disconnect the customer's premises from its distribution system on grounds arising under this contract:

- (a) while any application made by the customer for assistance under:
  - (i) any Government funded rebate scheme or relief scheme that is available to customers, or
  - (ii) any deferred payment scheme operated by the licence holder,  
is pending, or
- (b) while any life support system that relies on electricity for its operation is in use at the customer's premises.

**[40] Schedule 2, clause 27**

Omit "Part 4" from clause 27 (2) (b).

Insert instead "Division 2 of Part 4A".

**[41] Schedule 2, clause 27 (3)**

Omit the subclause.

**[42] Schedule 2, clause 30**

Omit clause 30 (1). Insert instead:

- (1) On receiving a complaint about a decision, the licence holder:
  - (a) must review the decision and make a determination under this clause, or
  - (b) if an electricity industry ombudsman scheme has been approved by the Minister and the customer so requests, must refer the matter for resolution by the electricity industry ombudsman.

**[43] Schedule 2, clause 32 (2A)**

Insert after clause 32 (2):

(2A) Despite subclause (2), if:

- (a) an electricity industry ombudsman scheme has been approved by the Minister, and
- (b) the dispute concerns a matter that the approved electricity industry ombudsman scheme authorises the electricity industry ombudsman to deal with,

the customer may elect to use the approved electricity industry ombudsman scheme but may not elect to use the alternative dispute resolution procedure made available by the licence holder under subclause (1).

**[44] Schedule 2, clause 32 (3)**

Omit “that procedure”.

Insert instead “the alternative dispute resolution procedure made available by the licence holder under subclause (1) or the approved electricity industry ombudsman scheme”.

**[45] Schedule 2, Part 4**

Insert after Part 3:

## Part 4      **Guaranteed customer service standards**

## Division 1    Minimum standards of service

### 34 Timely provision of services

- (1) If the licence holder fails to provide a connection service under a standard form customer connection contract on or before the date agreed between the licence holder and the customer as the date by which the service is to be provided, the licence holder is to pay to the customer, by way of compensation for the delay, not less than \$60 for each day that elapses between the agreed date and the date by which the service is actually provided.
- (2) The maximum amount payable under this clause in relation to any one service is \$300.

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**35 Timely notice of planned interruptions to supply**

(1) If the licence holder:

- (a) fails to provide to a customer at least 2 business days' notice of any interruption by the licence holder to the customer's supply of electricity, or
- (b) interrupts the customer's supply of electricity for longer than the time indicated in any such notice, the licence holder is to pay to the customer, by way of compensation for the interruption of supply, not less than \$20.

(2) This clause does not apply to any interruption of supply that arises:

- (a) for the purpose of enabling the licence holder to carry out emergency work, or
- (b) in circumstances beyond the control of the licence holder.

(3) In this clause, business day means a day that is not a Saturday, Sunday or public holiday.

**36 Provision of telephone hotlines**

(1) The licence holder must provide a telephone service that operates 7 days a week and 24 hours a day, being a telephone service:

- (a) that operates on a number to which a person can be connected for the price of a local telephone call, and
- (b) that can receive notice of, and give information concerning, faults and difficulties in the licence holder's electricity works.

(2) The licence holder must also provide a telephone service that operates during business hours, being a telephone service:

- (a) that operates on a number (different from the number of any telephone service provided under subclause (1)) to which a person can be connected for the price of a local telephone call, and

- (b) that can receive notice of, and give information concerning, customers, accounts and customer connection services.
- (3) An automated answering service satisfies the requirements of this clause only if it makes provision for the transfer of calls to a human operator.

### **37 Repair of faulty street lights**

- (1) If the licence holder fails to repair faulty street lighting on or before the date agreed between the licence holder and any eligible customer as the date by which the repair is to be completed, the licence holder must pay to the customer, by way of compensation for the loss of illumination, not less than \$15.
- (2) This clause applies to street lighting that is owned by the licence holder or that the licence holder is under a legally enforceable obligation to maintain, but does not apply to street lighting to which the licence holder merely supplies electricity.
- (3) In this clause, *eligible customer*, in relation to faulty street lighting, means any customer whose premises abut the part of the street that (but for the fault) would ordinarily be illuminated by the street lighting.

### **38 Punctuality in keeping appointments**

If the licence holder (or the licence holder's representative) is more than 15 minutes late for an appointment with a customer (or the customer's representative), the licence holder must pay to the customer, by way of compensation for the delay, not less than \$25.

## **Division 2      Minimum standards for disconnection procedures**

### **39 No disconnection on weekends or public holidays**

In the event that the licence holder becomes authorised to disconnect premises from a distribution system on grounds arising under this contract, the licence holder must not do so:

- (a) on a Friday, Saturday or Sunday, or
- (b) on a public holiday or day immediately preceding a public holiday, or
- (c) after 3.00pm on any other day.

**40 No disconnection except after due notice**

- (1) This clause applies if the licence holder (being an electricity distributor) becomes authorised to disconnect a customer's premises from its distribution system on grounds arising under this contract.
- (2) A licence holder must not take action of the kind referred to in subclause (1) unless:
  - (a) the licence holder has sent to the customer at least 2 written notices of the licence holder's intention to do so, the second notice to be sent no earlier than one week after the first notice, and
  - (b) the licence holder has made reasonable attempts to deal with the customer in person or by telephone, whether before or after sending any such notice, for the purpose of assisting the customer to do whatever is necessary to remove the grounds referred to in that notice.
- (3) In any notice referred to in subclause (2) (a), and in any dealings with the customer referred to in subclause (2) (b), the licence holder:
  - (a) must specify the grounds authorising the licence holder to take the action proposed, and
  - (b) must indicate the date on or after which the customer's premises may be disconnected if those grounds are not removed, being a date occurring no earlier than 14 days after the first such notice is sent, and
  - (c) must advise the customer:
    - (i) of the customer's rights under clauses 29, 30, 31 and 32, and

- (ii) in particular, of any rights that the customer may have to have the complaint or dispute referred to the electricity industry ombudsman for resolution, and
- (d) if the grounds authorising the licence holder to take the action proposed include the customer's failure to make due payment of money owed to the licence holder with respect to the provision of customer connection services or the supply of electricity, must advise the customer:
  - (i) of any Government funded rebate schemes or relief schemes that are available to customers, and
  - (ii) of any deferred payment schemes operated by the licence holder.
- (4) Subclause (3) (d) (ii) does not require a licence holder to operate a deferred payment scheme.
- (5) If all other attempts under subclause (2) (b) to deal with the customer have been unsuccessful, at least one further attempt must be made outside business hours.
- (6) A licence holder must document all action that it takes under subclause (2) (b).
- (7) A licence holder must not take action of the kind referred to in subclause (1):
  - (a) until after the date specified in accordance with subclause (3) (b) in the notices referred to in subclause (2) (a), or
  - (b) subject to paragraph (a), if before that date the customer makes a request under clause 30 that the complaint (being a complaint that is covered by an approved electricity industry ombudsman scheme) be referred for resolution by the electricity industry ombudsman, until the date occurring 3 business days after the date on which the complaint is so referred,

and, in any case, must not take any such action if, before the date last referred to in paragraph (b), the electricity industry ombudsman directs that such action not be taken.

- (8) The electricity industry ombudsman may give a direction referred to in subclause (7) while proceedings on a complaint are pending or as part of the ombudsman's decision on a complaint.
- (9) Nothing in this clause affects any right or obligation to disconnect premises arising from the operation of the *Electricity Safety Act 1945*.
- (10) In this clause, ***business day*** means a day that is not a Saturday, Sunday or public holiday.

#### 41 Notice to be given to customer after disconnection

- (1) On disconnecting a customer's premises from a distribution system, an electricity distributor must give the customer a notice to the effect that the premises have been disconnected.
- (2) The notice must contain the following information:
  - (a) the grounds on which the customer's premises were disconnected from the distribution system,
  - (b) a telephone number to contact for the purpose of enabling the customer to discuss the matter with a person acting on behalf of the electricity distributor,
  - (c) the arrangements that the customer will need to make with the electricity distributor for the reconnection of the premises to the distribution system, including any costs payable by the customer in relation to reconnection,
  - (d) the dispute resolution procedures that are available to the customer in relation to disputes between the customer and the licence holder.

**42 Disconnection at customer's request**

This Division does not prevent a licence holder from disconnecting a customer's premises from its distribution system in accordance with a request from the customer.