



New South Wales

Gas Supply (Natural Gas Retail Competition) Amendment (Customer Hardship) Regulation 2010

under the

Gas Supply Act 1996

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Gas Supply Act 1996*.

JOHN ROBERTSON, MLC
Minister for Energy

Explanatory note

The object of this Regulation is to amend the *Gas Supply (Natural Gas Retail Competition) Regulation 2001* to make further provision for the benefit of customers of gas suppliers who are experiencing financial difficulty.

Specifically, the amendments provide that it is a condition of an authorisation of a gas supplier who supplies gas to small retail customers that the supplier:

- (a) must develop and implement a customer hardship charter to assist small retail residential customers experiencing financial difficulty to better manage their energy bills on an ongoing basis, and
- (b) must not discontinue supply to a small retail customer for a failure to make payment, unless in the previous 12 months the supplier has twice offered the small retail customer assistance under a payment plan operated by the supplier.

This Regulation is made under the *Gas Supply Act 1996*, including sections 11 and 83 (the general regulation-making power).

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Clause 1

Gas Supply (Natural Gas Retail Competition) Amendment (Customer Hardship) Regulation 2010

**Gas Supply (Natural Gas Retail Competition)
Amendment (Customer Hardship) Regulation 2010**

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Gas Supply Act 1996

1 Name of Regulation

This Regulation is the *Gas Supply (Natural Gas Retail Competition) Amendment (Customer Hardship) Regulation 2010*.

2 Commencement

This Regulation commences on 1 March 2010 and is required to be published on the NSW legislation website.

Schedule 1 **Amendment of Gas Supply (Natural Gas Retail Competition) Regulation 2001**

[1] **Clause 3 Definitions**

Insert in alphabetical order:

customer hardship charter means a customer hardship charter developed and implemented by a supplier under clause 13AA.

hardship customer means a small retail customer of a supplier who is identified as a customer experiencing financial difficulty in accordance with the supplier's customer hardship charter.

[2] **Clause 13AA**

Insert after clause 13:

13AA Condition of authorisation relating to customer hardship charters

- (1) It is a condition of an authorisation of a supplier who supplies gas to small retail customers that the supplier must:
 - (a) develop and implement a customer hardship charter in respect of small retail customers who own or occupy residential premises, and
 - (b) publish the customer hardship charter on the supplier's website, and
 - (c) as soon as practicable after a customer is identified by the supplier as a hardship customer:
 - (i) inform the hardship customer of the existence of the customer hardship charter, and
 - (ii) provide the hardship customer with a copy of the customer hardship charter on request and at no expense.
- (2) The purpose of a customer hardship charter is to assist hardship customers to better manage their energy bills on an ongoing basis.
- (3) A customer hardship charter must contain the following:
 - (a) processes to identify hardship customers, including identification by the supplier and self-identification by the customer,
 - (b) processes for the early response by the supplier for hardship customers so identified,

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Amendment of Gas Supply (Natural Gas Retail Competition) Regulation 2001

- (c) flexible payment options (including the payment plan operated in accordance with clause 13A (1)) for the payment of amounts to the supplier by hardship customers,
- (d) processes to identify appropriate government concession programs and appropriate financial counselling services and to notify hardship customers of those programs and services,
- (e) an outline of a range of programs that the supplier may use to assist hardship customers,
- (f) information, in community languages (including Arabic, Cantonese, Vietnamese, Italian, Greek and Spanish, and any other language approved by the supplier after consultation with any relevant customer consultative group), about the availability of interpreter services for the languages concerned and telephone numbers for the services.

[3] **Clause 13A Condition of authorisation relating to payment plans and discontinuance of supply**

Omit clause 13A (3) and (4). Insert instead:

- (3) It is a condition of an authorisation of a supplier who supplies gas to small retail customers that the supplier does not discontinue supply of gas to those premises on the grounds that the customer has failed to provide a required security or pay an amount due with respect of the supply of gas unless in the previous 12 months:
 - (a) the supplier has twice provided to the customer a written notice that:
 - (i) advises the customer that the supplier intends to discontinue supply to the customer, and
 - (ii) offers customers who are experiencing financial difficulty assistance under the payment plan operated by the supplier, and
 - Note.** The supplier's notice of intention to discontinue supply and the notice of the offer of assistance under the supplier's payment plan must be included in the same document.
 - (b) the customer has:
 - (i) agreed to neither offer of assistance, or

- (ii) agreed to one offer of assistance but not the other offer, but the assistance to which the customer agreed has been cancelled due to the failure by the customer to make due payment in accordance with the payment plan, or
- (iii) agreed to both of the offers but in both cases the assistance has been cancelled due to the failure by the customer to make due payment in accordance with the payment plan.