

## **Gazette notice for the amendment of the NSW Social Programs for Energy Code**

### **ELECTRICITY SUPPLY ACT 1995 and GAS SUPPLY ACT 1996**

#### The NSW Social Programs for Energy Code

I, Don Harwin MLC, Minister for Resources, Minister for Energy and Utilities, Minister for the Arts and Vice-President of the Executive Council:

1. in accordance with clause 21(5) of the *Electricity Supply (General) Regulation 2014* and clause 5(5) of the *Gas Supply (Natural Gas Retail) Regulation 2014*, revoke 'Version 4.0' of the NSW Social Programs for Energy Code ('Code'), which took effect on 1 July 2017 (*NSW Government Gazette* No 61 of 9 June 2017 of pg 2437), with the revocation to take effect on 11 December 2017; and
2. in accordance with clause 21(3) of the *Electricity Supply (General) Regulation 2014* and clause 5(3) of the *Gas Supply (Natural Gas Retail) Regulation 2014*, adopt 'Version 5.0' of the Code as set out in Schedule 1 to this notice, with Version 5.0 of the Code to take effect on 11 December 2017 immediately after the revocation of Version 4.0 of the Code in accordance with paragraph 1.

Dated at Sydney, this 5th day of December 2017

**Don Harwin MLC**

Minister for Resources,  
Minister for Energy and Utilities,  
Minister for the Arts,  
Vice-President of the Executive Council

# NSW Social Programs for Energy Code

Low Income Household Rebate  
NSW Gas Rebate  
Life Support Rebate  
Medical Energy Rebate  
Family Energy Rebate  
Energy Accounts Payment Assistance (EAPA) Scheme

Effective Date: 11 December 2017  
Version: 5.0

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# NSW Social Programs for Energy Code

## *Electricity Supply Act 1995*

## *Gas Supply Act 1996*

This Social Programs for Energy Code has been prepared and adopted pursuant to clause 21 of the *Electricity Supply (General) Regulation 2014* (Regulation) for the purpose of facilitating the NSW Government's social programs for electricity and gas. Any person to which the Code applies must comply with the requirements of the Code pursuant to clause 22(3) of the Regulation. The Minister may conduct audits to determine compliance with the Code. The Minister may also accept undertakings to ensure compliance with the Code and take Court action to enforce those undertakings.

### **PART A**

#### **A1. Dictionary**

- A1.1 **administration fee** means:
- (a) for **rebates** (other than the Family Energy Rebate), \$0.80/365 multiplied by the total number of **eligible customers** as at the end of the month and multiplied by the number of days in the month; or
  - (b) for the Family Energy Rebate, \$0.80 multiplied by the total number of **eligible customers** paid by the **retailer** as at the end of the month.
- A1.2 **account holder** is a **residential customer**.
- A1.3 **acquittal statement** means the relevant statement for each **rebate** and **EAPA** prepared and submitted by the **retailer** using a template provided by the **Department**.
- A1.4 **approved life support equipment** are the items listed at Appendix B3.1.
- A1.5 **Code** means this NSW Social Programs for Energy Code.
- A1.6 **Department** means the Secretary of the Department of Planning and Environment or the Secretary's nominee.
- A1.7 **EAPA** means the Energy Accounts Payment Assistance Scheme.
- A1.8 **EAPA Provider** means a person identified as an EAPA Provider on the **Department's** website.
- A1.9 **eligible customer(s)** is as defined for each **rebate** at clauses B1.1, B2.1, B3.1, B4.1 and C1.1.
- A1.10 **Minister** means the New South Wales Minister for Energy and Utilities.
- A1.11 **residential customer** means a customer who purchases energy principally for personal, household or domestic use at premises from an authorised energy **retailer**.
- A1.12 **rebate(s)** refers to any or all of the Low Income Household Rebate, NSW Gas Rebate, Life Support Rebate, Medical Energy Rebate and Family Energy Rebate, as relevant.
- A1.13 **reporting period** means the period from 1 January to 30 June or 1 July to 31 December (as applicable).

- A1.14 **retailer(s)** means the holder of a retailer authorisation and includes Ergon Energy Queensland Pty Ltd (ACN121 177 802) for the purposes of the **Code**.
- A1.15 **retailer payment** means the sum of the **administration fee** and the total value of **rebates** paid each month.
- A1.16 **social program for energy** means a NSW Government program to ensure that energy services (including connection services and electricity and gas supply) are available to those who are in need, including those who suffer financial hardship and those who live in remote areas, and includes:
- 1.16.1 any program for electricity and gas bills payment assistance, and
  - 1.16.2 any program for **rebates** to eligible pensioners,
  - 1.16.3 any program for **rebates** with respect to electricity used for life support systems; and
  - 1.16.4 any program designed to improve information about the energy offers available for energy services provided to those in need.
- A1.17 **supporting documentation template** means a template provided by the **Department** to **retailers** or otherwise published on the **Department's** website in order for the **retailer** to comply with a reporting obligation under this **Code**.

Words and expressions used in this **Code** that are not defined in clause A1 but are defined in the *Electricity Supply Act 1995 (NSW)*, *Gas Supply Act 1996 (NSW)* or the *National Energy Retail Law (NSW)*, have the same meaning as they have in the relevant Act.

In the event of an inconsistency between the meaning of a term as defined in clause A1 and in another legislative instrument, the meaning in the **Code** is to prevail to the extent of the inconsistency.

## A2. Purpose

- A2.1 This Code has been adopted in accordance with clause 21 of the *Electricity Supply (General) Regulation 2014* and clause 5 of the *Gas Supply (Natural Gas Retail) Regulation 2014* for the purpose of facilitating the delivery of the following **social programs for energy**:
- A2.1.1 Low Income Household Rebate;
  - A2.1.2 NSW Gas Rebate;
  - A2.1.3 Life Support Rebate;
  - A2.1.4 Medical Energy Rebate;
  - A2.1.5 Family Energy Rebate;
  - A2.1.6 **EAPA**; and
  - A2.1.7 Energy Offer Information program.
- A2.2 This version of the **Code** takes effect from 11 December 2017 and replaces the previous version 4.0.
- A2.3 The **Code** consists of five parts:
- A2.3.1 Part A outlines the general requirements applicable to the Low Income Household Rebate, NSW Gas Rebate, Life Support Rebate and Medical Energy Rebate;
  - A2.3.2 Part B outlines additional requirements that are specific to each of the Low Income Household Rebate, NSW Gas Rebate, Life Support Rebate and Medical Energy Rebate;

- A2.3.3 Part C outlines the requirements applicable to the Family Energy Rebate;
- A2.3.4 Part D outlines the requirements applicable to the **EAPA** Scheme; and
- A2.3.5 Part E outlines the requirements applicable to the Energy Offer Information program.
- A2.4 Parts A, B, C, D and E apply to all electricity **retailers**.
- A2.5 Parts A and B apply to all gas retailers in respect of the NSW Gas Rebate. Parts D and E apply to all gas **retailers**.
- A2.6 Parts A, B, C, D and E apply to Ergon Energy Queensland Pty Ltd (ACN 121 177 802), as an exempt person under clause 21(2) of the *Electricity Supply (General) Regulation 2014*, in relation to **eligible customers** connected to the distribution system of Ergon Energy Corporation Limited (ACN 087 646 062).

### **A3. Overview of social programs for energy**

- A3.1 The Low Income Household Rebate is designed to provide assistance in relation to a **residential customer's** electricity expenses.
- A3.2 The NSW Gas Rebate is designed to provide assistance in relation to a **residential customer's** gas expenses.
- A3.3 The Life Support Rebate is designed to provide assistance where **approved life support equipment** that is essential to support life is used by the **residential customer** or another person who lives at the same address as the **residential customer**. This **rebate** is not means tested and depends on the type of machine in use, and in some cases, the frequency of such use.
- A3.4 The Medical Energy Rebate is designed to provide assistance where a **residential customer** or a person who lives at the same address as the **residential customer** has an inability to self-regulate body temperature and the **residential customer** holds one of the required concession cards. An inability to self-regulate body temperature may be associated with certain medical conditions.
- A3.5 The Family Energy Rebate is designed to assist families to manage their energy costs. It is only available to **residential customers** who receive the Commonwealth Government's Family Tax Benefit A or B.
- A3.6 Each of the **rebates** set out in A3.1, A3.3 & A3.4 are applied to a **residential customer's** electricity bill.
- A3.7 The NSW Gas Rebate set out in A3.2 is applied to a **residential customer's** gas bill.
- A3.8 The **EAPA** Scheme is designed to assist **residential customers** who are experiencing difficulty in paying their gas and/or electricity bill owing to a crisis or emergency situation.
- A3.9 The Energy Offer Information program set out in Part E of this **Code** is designed to facilitate communication channels between a **retailer** and a **residential customer** who is:
  - A.3.9.1 being supplied electricity and/or gas under a standard retail contract; and

A.3.9.2 receiving a **rebate**.

A3.10 The **Department** must review the **Code** by 31 January 2020.

#### A4. Retailer obligations

A4.1 A **retailer** must:

- A4.1.1 as soon as practicable after an election is made by any person who is or may be a **residential customer**, for the provision of energy (i.e. electricity and gas) supply, inform that person of the availability of the **social programs for energy** and provide an application form, if requested;
- A4.1.2 include information on the availability of **social programs for energy** in all bills issued to **residential customers**;
- A4.1.3 include information relating to the availability of **social programs for energy** on its website;
- A4.1.4 acknowledge that the relevant **social program for energy** is funded by the NSW Government in any promotional material that refers to the **social program for energy**;
- A4.1.5 inform on-supplied residential community residents, on-supplied retirement village residents and on-supplied strata scheme residents of the availability of the **rebate(s)** if contacted by these customers and direct them to the **Department's** website for information on how to apply; and
- A4.1.6 publish links on its website in community languages to the relevant part of the **Department's** website which provides the following information in the relevant community language:
  - (a) the types and monetary values of **rebates** that are available for customers in NSW who are supplied electricity and/or gas;
  - (b) the eligibility criteria that applies to each type of **rebate**; and
  - (c) how an **eligible customer** can apply for each **rebate**.

Note: Not all residential community, retirement village or strata scheme residents are on-supplied electricity and/or gas. Some residential community, retirement village and strata scheme residents are supplied electricity and gas directly by a **retailer** and are considered eligible for all **rebates** subject to meeting all eligibility criteria outlined in Parts B, C and D. **Retailers** must meet the obligations outlined in the **Code** for these customers.

A4.2 **Retailers** may promote the **social programs for energy** together with their own products as part of their overall marketing strategy but must, at all times, comply with clause A4.1.

## **A5. General Information – Low Income Household Rebate, NSW Gas Rebate, Life Support Rebate and Medical Energy Rebate only**

### **A5.1 Application of this section**

- A5.1.1 This section applies to the Low Income Household Rebate, NSW Gas Rebate, Life Support Rebate and Medical Energy Rebate (**rebate** or **rebates**, depending on the context).
- A5.1.2 **Retailers** must have systems in place to enable them to deliver all **rebates** in line with the requirements contained in the **Code**.

### **A5.2 Information to customers**

- A5.2.1 A **residential customer** may receive one or more **rebates** concurrently, or more than one payment under the Life Support Rebate, subject to meeting the eligibility requirements for each **rebate**.
- A5.2.2 Where one or more **rebates** are payable, **retailers** must identify each **rebate** as a separate credit amount on the **eligible customer's** bill.
- A5.2.3 A **retailer** must use the following descriptions (as relevant) for each separate credit amount on the bill:
  - A5.2.3.1 “NSW Gvt Household rebate” or “NSW Low Income Household Rebate”; and
  - A5.2.3.2 “NSW Government Gas Rebate”; and
  - A5.2.3.3 “NSW Government Life Support Rebate” or “NSW Government Rebate for the [insert specific machine type]”; and
  - A5.2.3.4 “NSW Medical Energy Rebate”; and
  - A5.2.3.5 “NSW Family Energy Rebate”.

### **A5.3 Verification of new customers with the Commonwealth Department of Human Services (DHS)/Department of Veterans' Affairs (DVA)**

- A5.3.1 Where required under the eligibility criteria for each **rebate**, a **retailer** must verify the Pensioner Concession Card, DHS Health Care Card or DVA Gold Card status of each new customer with DHS before a **rebate** is applied to that customer's bill.
- A5.3.2 Despite clause A5.3.1, if a **retailer** verifies the eligibility of new customers with DHS in weekly or monthly batches, rather than using a single enquiry to verify a customer individually, reasonable attempts must be made by that **retailer** to ensure eligibility is verified before the **rebate** is applied to a customer's bill.

Note: To avoid errors in entering the Pensioner Concession Card, DHS Health Care Card or DVA Gold Card number in the system, **retailers** are encouraged to use the DHS algorithm which verifies whether the DHS customer reference number/DVA file number is genuine and prevents the system accepting incorrect numbers. To gain access to the DHS algorithm, **retailers** must apply directly to DHS.

#### **A5.4 Notifying ineligible customers**

- A5.4.1 A **retailer** must notify a customer who applies for a **rebate**, but is found to be ineligible to receive the **rebate** applied for, of their ineligibility as soon as practicable.
- A5.4.2 The notification given by the **retailer** must include the reason(s) for declining the application.

#### **A5.5 Date of commencement**

- A5.5.1 Once a customer is assessed as eligible to receive a **rebate**, the **retailer** must pay the **rebate** from the date on which the application was made by the customer.
- A5.5.2 Subject to clauses A5.6 and A5.15, **rebates** must not be back-dated prior to the date on which a customer's application is made.
- A5.5.3 Where a customer is determined to be eligible to receive the relevant **rebate** but is subsequently supplied by a new **retailer**, the date the customer's supply commences with the new **retailer** will be the date from which the new **retailer** is responsible for applying the **rebate**. This will ensure that the **rebate** is continuously paid to the customer during the transfer from one **retailer** to another.

#### **A5.6 Ensuring eligible customers continue to receive the Rebate**

**Retailers** must ensure that **eligible customers** continue to receive the **rebate** without interruption (provided there is no change to their circumstances that would render the customer ineligible) in the following circumstances:

- A5.6.1 after changing contracts;
- A5.6.2 after changing **retailer**;
- A5.6.3 after moving residence; or
- A5.6.4 during the annual verification process.

#### **A5.7 Retailer error and rebates to eligible customers**

- A5.7.1 If an action or inaction by a **retailer** results in **rebate** payments not being commenced correctly, or such payments being interrupted incorrectly, including for any of the reasons listed in A5.6, the **retailer** must reimburse the customer for any amounts they would have otherwise been entitled to receive calculated from the date of the action or inaction by the **retailer**.
- A5.7.2 For clarity, a **retailer** is permitted to calculate any reimbursement in these circumstances for any period determined in accordance with clause A5.7.1 without prior agreement of the **Department**.

#### **A5.8 Arrangements for retailer payment**

- A5.8.1 A **retailer payment** will be provided to **retailers** each month where retailers have provided an invoice and **acquittal statement** as required by this Code except as provided for in A5.8.7.
- A5.8.2 The **retailer payment** for **rebates** must include:
- (a) the total value of the **rebates** paid to **eligible customers** during the month; and
  - (b) the **administration fee**.

- A5.8.3 The **retailer** must record the total value of the **rebates** paid by the **retailer**, the **administration fee** claimed by the **retailer** and the number of **eligible customers** based on the figures contained in the **retailer's** system records.
- A5.8.4 Each **retailer** must submit the following documents to the **Department** by the 10<sup>th</sup> business day of each subsequent month:
- (a) a completed and certified monthly **acquittal statement**, and
  - (b) a tax invoice for the **retailer payment**, and
  - (c) a completed **supporting documentation template** to substantiate the **retailer's** claims in the tax invoice and **acquittal statement**. The data used to complete the **supporting documentation template** must be sourced from the system records referred to in clause A5.8.3.
- A5.8.5 The **acquittal statement** must be certified and signed by an appropriately responsible person nominated by the **retailer**. Each **retailer** must communicate the name of the nominated person/s to the **Department** for verification purposes.
- A5.8.6 Any changes to the **acquittal statement** and/or **supporting documentation template** will be made by the **Department** only after appropriate consultation with **retailers**.
- A5.8.7 A **retailer payment** will not be paid where any of the **rebate** payments the subject of the invoice for that **retailer payment** were made more than 18 months prior to the invoice being received by the **Department**.

#### **A5.9 Credit balance**

- A5.9.1 If the total of a customer's bill is less than the **rebate** amount, the difference is to be applied as a credit to the customer's account and is to be carried forward to the next billing cycle.
- A5.9.2 Where a customer with a **rebate** credit elects to change his or her **retailer** or close their electricity and/or gas account with a **retailer**, that **retailer** must refund to the customer the credit amount at the date of transfer to the new **retailer** or the date that the customer closed the account with that **retailer**.

#### **A5.10 Customers required to notify their retailer**

- A5.10.1 A **retailer** must advise **residential customers** that they are required to notify their **retailer**, as soon as possible, of any changes in their circumstances that would affect their pending application or continued eligibility for a **rebate**.

#### **A5.11 Compliance**

- A5.11.1 **Retailers** must establish and maintain accounting procedures and records to enable periodic reports to be prepared to substantiate compliance with the **Code**.
- A5.11.2 **Retailers** must, upon request, provide such reports to the Minister, the **Department** or any auditor appointed by the **Department**.

A5.11.3 **Retailers** must maintain records to substantiate compliance with the **Code** for a period of seven years.

#### **A5.12 Calculation of the rebate**

A5.12.1 The Low Income Household Rebate and the Medical Energy Rebate must be calculated on the applicable daily rate basis (e.g. \$285/365 days) which is multiplied by the number of days in each billing cycle (e.g. for quarterly bills, 92 days) and offset against the gross amount of the bill before GST is applied.

A5.12.2 The Life Support Rebate must be calculated on the applicable daily rate (24 hours or less than 24 hours) which is multiplied by the number of days in each billing cycle and offset against the gross amount of the bill before GST is applied.

A5.12.3 The NSW Gas Rebate must be calculated on the applicable daily rate basis (e.g. \$110/365 days) which is multiplied by the number of days in each billing cycle (e.g. for quarterly bills, 92 days) and offset against the gross amount of the bill before GST is applied.

#### **A5.13 Confidentiality**

**Retailers** are required to protect the confidentiality of **eligible customers** to ensure that their records are not used for any purpose other than the delivery of the **rebate** or as stipulated in this **Code** for audit purposes.

#### **A5.14 Reporting**

A5.14.1 By 30 January and 31 July each year, the **retailer** must provide for the immediately preceding **reporting period**, the following information to the **Department** in accordance with the **supporting documentation template**:

- (a) in relation to the **retailer's** obligations under Part E of the **Code**:
  - (i) the number of customers who are being supplied electricity and/or gas from that **retailer** under a standard retail contract;
  - (ii) the steps taken by the **retailer** to inform the **residential customer** of the market offers available to that customer;
  - (iii) the number of customers who changed from being supplied electricity and/or gas under the retailer's standard retail contract to the **retailer's** market retail contract; and
  - (iv) in relation to the customers identified under subparagraph (iii), the estimated yearly monetary savings to the customer from changing contracts.

A5.14.2 By 30 January and 31 July each year, the **retailer** must provide for the immediately preceding **reporting period**, the following information to the **Department** in accordance with the **supporting documentation template**:

- (a) the postcode for each **residential customer** who received a **rebate** from the **retailer**,

- (b) in relation to a bill of a **residential customer** who received a **rebate**:
  - (i) the total electricity or gas (as the case may be) that was consumed;
  - (ii) the total amount payable by the customer before the **rebate** was applied; and
  - (iv) the amount of the **rebate** paid to the customer and the total **rebate** paid to the customer for the relevant financial year.
- (c) in relation to a bill of a **residential customer** who received **EAPA**:
  - (i) the total electricity or gas (as the case may be) that was consumed;
  - (ii) the total amount being payable by the customer before the **rebate** was applied; and
  - (iii) the amount of any assistance provided to the customer and the total assistance provided to the customer for the relevant financial year.

A5.14.3 The information provided under this clause A5.14 must be presented in a manner that does not disclose any personal information relating to **customers**.

A5.14.4 The **Department** may request further information or details in relation to any matter the subject of a report provided by a retailer under this clause A5.14.

A5.14.5 The **retailer** must promptly provide the information requested by the **Department** under clause A5.14.4.

#### **A5.15 Savings and transitional arrangements in relation to December 2017 Code amendments**

A5.15.1 This clause A5.15 applies to a **residential customer**.

- (a) who received a **rebate** between 1 July 2017 and 10 December 2017; or
- (b) who applied to a **retailer** for a **rebate** on or after 1 July 2017 but was assessed as eligible to receive the **rebate** after 10 December 2017.

A5.15.2 A **residential customer** to which this clause A5.15 applies is entitled to a credit for that portion of the annual **rebate** not received due to the increase in the annual **rebate** for the 2017-2018 financial year on 11 December 2017 (in this clause A.5.15, a "**rebate credit**").

A5.15.3 A **retailer** who is a **retailer** for a **residential customer** to which this clause applies must ensure, that by 22 December 2017, the customer has been credited with the **rebate** credit to which the customer is entitled as at 22 December 2017 in accordance with this clause A5.15. A **retailer** is only required to provide a **rebate**

credit in relation to that period before 11 December 2017 for which the **residential customer** was a customer of that **retailer**.

A.5.15.4 Clause A5.15.3 includes a **retailer** who was the **retailer** for the **residential customer** between 1 July 2017 and 10 December 2017 but is not the **retailer** for the **residential customer** on or after 11 December 2017.

A5.15.5 Where this clause A5.15 imposes an obligation on a **retailer** in relation to a **residential customer** who is not a customer of the **retailer** on 11 December 2017, the **retailer** must use reasonable endeavours to make the necessary arrangements to refund the relevant **rebate** amount.

Note: The effect of clause A5.15.4 is that retailers will be required to identify any eligible rebate customer that was previously a customer of the retailer during the current financial year and use reasonable endeavours to provide that customer with the shortfall in the rebate amount.

## **PART B**

### **B1. Low Income Household Rebate**

In this clause B1, references to **rebate** are to the Low Income Household Rebate.

#### **B1.1 Eligibility criteria**

B1.1.1 To be eligible for the Low Income Household Rebate a person must:

- (a) be a resident in New South Wales; and
- (b) be a customer of the **retailer**, or a long term resident of an on-supplied residential community, or a resident of an on-supplied retirement village, or a resident of an on-supplied strata scheme; and whose name appears on the electricity account for supply to his or her principal place of residence; and
- (c) hold a:
  - (i) Pensioner Concession Card issued by the DHS/DVA; or
  - (ii) DHS Health Care Card; or
  - (iii) DVA Gold Card marked with:
    - a. War Widow or War Widower Pension;
    - b. Totally and Permanently Incapacitated (TPI); or
    - c. Disability Pension (EDA).

B1.1.2 Notwithstanding clause B1.1.1, if the person is assessed as eligible to receive the NSW Gas Rebate in accordance with clause B2, the person will be taken to be assessed to be eligible to receive the Low Income Household Rebate from the same date.

## **B1.2 Application process**

- B1.2.1 A person may apply for the Low Income Household Rebate in person, in writing or by telephone.
- B1.2.2 A **retailer** must establish a standard pro-forma application that requires an applicant to provide the following information:
- (a) the full name of the applicant;
  - (b) the applicant's address;
  - (c) the name and number of the concession card that makes the customer eligible for the Low Income Household Rebate;
  - (d) the date of grant or expiry of the concession card;
  - (e) the date of application for the Low Income Household Rebate;
  - (f) whether the applicant is also sold gas by the **retailer**.
- B1.2.3 The pro-forma application must include a statement to the following effect:
- (a) the eligibility details provided by the customer in their application will be used to check their Pensioner Concession Card/Health Care Card/Gold Card status with the DHS/DVA;
  - (b) the customer has the right to revoke their consent to the eligibility check at any time in writing;
  - (c) if the customer refuses to give consent, they will no longer receive the Low Income Household Rebate unless they can provide written verification of their continuing eligibility from the DHS/DVA;
  - (d) if the customer is eligible for the Low Income Household Rebate and is also sold gas by the **retailer**, they will automatically be eligible for the NSW Gas Rebate.
- B1.2.4 When an application is made in writing or in person, the customer must sign the application form.
- B1.2.5 When an application is made by telephone, the officer receiving the application must:
- (a) inform the applicant of the statements set out in clause B1.2.3;
  - (b) request the applicant's consent to check their Pensioner Concession Card/Health Care Card/Gold Card status with the DHS/DVA; and
  - (c) record the applicant's consent/refusal.

Note: On-supplied residential community residents, on-supplied retirement village residents and on-supplied strata scheme residents must submit their application for the Low Income Household Rebate to the **Department**.

### **B1.3 Ongoing verification to ascertain continued eligibility of customers**

- B1.3.1 A **retailer** must verify the details of all **rebate** recipients who hold a DHS Health Care Card for continued eligibility with the DHS at least once every three months.
- B1.3.2 A **retailer** must verify the details of all other **rebate** recipients for continued eligibility with the DHS or DVA at least once a year.
- B1.3.3 At the same time that it conducts the verifications under clauses B1.3.1 and B1.3.2, the **retailer** must ascertain whether the **rebate** recipient is also a gas customer of the **retailer** and whether the customer is receiving the NSW Gas Rebate.
- B1.3.4 If under clause B1.3.3, the **retailer** determines that the customer is eligible for the NSW Gas Rebate but not receiving it, the **retailer** must notify the customer and commence paying the NSW Gas Rebate from the date the **retailer** determines the customer's eligibility.
- B1.3.5 If a customer fails a verification check, the **retailer** must inform the customer as soon as practicable.
- B1.3.6 The results of the above verification checks must, upon request, be provided to the **Minister**, the **Department** or any auditor appointed by the **Department**. The results must include the following information:
- (a) the number of eligible Pensioner Concession Card, Health Care Card and Gold Card holders in each category;
  - (b) the total number of initial mismatches; and
  - (c) the total number of customers determined as ineligible from the verification process.
- B1.3.7 All **retailers** must have a contractual arrangement with the DHS before verifying customers' details with the DHS.

### **B1.4 Rebate indexation**

For **eligible customers**, the rebate will be \$285 per annum unless advised otherwise in writing by the **Department**.

## **B2. NSW Gas Rebate**

In this clause B2, references to **rebate** are to the NSW Gas Rebate.

### **B2.1 Eligibility criteria**

- B2.1.1 To be eligible for the NSW Gas Rebate a person must:
- (a) be resident in New South Wales; and
  - (b) be a customer of the retailer, or a long term resident of an on-supplied residential community, or a resident of an on-supplied retirement village, or a resident of an on-supplied strata scheme; and whose name appears on the gas account for supply of natural gas to his or her principal place of residence; and

- (c) hold a:
  - (i) Pensioner Concession Card issued by the DHS/DVA;
  - (ii) DHS Health Care Card; or
  - (iii) DVA Gold Card marked with:
    - a. War Widow or War Widower Pension;
    - b. Totally and Permanently Incapacitated (TPI); or
    - c. Disability Pension (EDA).

B2.1.2 Notwithstanding clause B2.1.1, if the person is assessed as eligible to receive the Low Income Household Rebate in accordance with clause B1, the person will be taken to be assessed to be eligible to receive the NSW Gas Rebate from the same date.

## **B2.2 Application process**

B2.2.1 A person may apply for the NSW Gas Rebate in person, in writing or by telephone.

B2.2.2 A **retailer** must establish a standard pro-forma application that requires an applicant to provide the following information:

- (a) the full name of the applicant;
- (b) the applicant's address;
- (c) the name and number of the concession card that makes the customer eligible for the NSW Gas Rebate;
- (d) the date of grant or expiry of the concession card;
- (e) the date of application for the NSW Gas Rebate;
- (f) whether the applicant is also sold electricity by the **retailer**.

B2.2.3 The pro-forma application must include a statement to the following effect:

- (a) the eligibility details provided by the customer in their application will be used to check their Pensioner Concession Card/Health Care Card/Gold Card status with the DHS/DVA;
- (b) the customer has the right to revoke their consent to the eligibility check at any time in writing;
- (c) if the customer refuses to give consent, they will no longer receive the NSW Gas Rebate unless they can provide written verification of their continuing eligibility from the DHS/DVA; and
- (d) if the customer is eligible for the NSW Gas Rebate and is also sold electricity by the **retailer**, they will automatically be eligible for the Low Income Household Rebate.

B2.2.4 When an application is made in writing or in person, the customer must sign the application form.

B2.2.5 When an application is made by telephone, the officer receiving the application must:

- (a) inform the applicant of the statements set out in clause B2.2.3;
- (b) request the applicant's consent to check their Pensioner Concession Card/Health Care Card/Gold Card status with the DHS /DVA; and
- (c) record the applicant's consent/refusal.

Note: On-supplied residential community residents, on-supplied retirement village residents and on-supplied strata scheme residents must submit their application for the Low Income Household Rebate to the **Department**.

### **B2.3 Ongoing verification to ascertain continued eligibility of customers**

- B2.3.1 A **retailer** must verify the details of all **rebate** recipients who hold a DHS Health Care Card for continued eligibility with the DHS at least once every three months.
- B2.3.2 A **retailer** must verify the details of all other **rebate** recipients for continued eligibility with the DHS or DVA at least once a year.
- B2.3.3 At the same time that it conducts the verifications under clauses B2.3.1 and B2.3.2, the **retailer** must ascertain whether the **rebate** recipient is also an electricity customer of the **retailer** and whether the customer is receiving the Low Income Household Rebate.
- B2.3.4 If under clause B2.3.3, the **retailer** determines that the customer is eligible for the Low Income Household Rebate but not receiving it, the **retailer** must notify the customer and commence paying the Low Income Household Rebate from the date the **retailer** determines the customer's eligibility.
- B2.3.5 If a customer fails a verification check, the **retailer** must inform the customer as soon as practicable.
- B2.3.6 The results of the above verification checks must, upon request, be provided to the **Minister**, the **Department** or any auditor appointed by the **Department**. The results must include the following information:
  - (a) the number of eligible Pensioner Concession Card, Health Care Card and Gold Card holders in each category;
  - (b) the total number of initial mismatches; and
  - (c) the total number of customers determined as ineligible from the verification process.
- B2.3.7 All **retailers** must have a contractual arrangement with the DHS before verifying customers' details with the DHS.

### **B2.4 Rebate indexation**

- B2.4.1 For **eligible customers**, the **rebate** will be \$110 per annum unless advised otherwise in writing by the **Department**.

### **B3. Life Support Rebate**

In this clause B3, references to **rebate** are to the Life Support Rebate.

#### **B3.1 Eligibility criteria**

To be eligible for the Life Support Rebate a person must:

- B3.1.1 be resident in New South Wales; and
- B3.1.2 be a customer of the **retailer**, or a long term resident of an on-supplied residential community, or a resident of an on-supplied retirement village, or a resident of an on-supplied strata scheme; and whose name appears on the electricity account for supply to his or her principal place of residence where approved equipment (see approved list in Appendix B3.1) is used by the customer or another person who lives at the same address; and
- B3.1.3 submit a valid application form as provided by the **Department** (which will be made available to customers on the **Department's** website), duly signed by a registered medical practitioner (who is not the applicant) to verify that the use of the approved life support equipment is required at his or her principal place of residence.

#### **B3.2 Application process**

- B3.2.1 Applications must be made in writing using the application form provided by the **Department**. The application form will also be made available for download on the **Department's** website. Relevant parts of the application form must be completed and signed by both the applicant and a medical practitioner.
- B3.2.2 Applicants must send their signed application form to their **retailer**.
- B3.2.3 Before applying the **rebate** to a customer's account, **retailers** must verify that the application form is properly completed and signed by both the applicant and a registered medical practitioner (who is not the applicant). Certificates from equipment manufacturers or from sleep clinics (without the signature of a registered medical practitioner) are not acceptable.
- B3.2.4 In the event that an applicant lives in remote or regional NSW and is being treated by the Royal Flying Doctor Service (RFDS), the application form may be signed by any medical practitioner under the RFDS.
- B3.2.5 The customer must re-apply for the **rebate** every two years.
- B3.2.6 At the time of application, in order to confirm the applicant's continued eligibility for the **rebate**, the retailer must bring to the attention of the applicant that an updated application form will be required every two years from the date of the initial approval for the **rebate**.
- B3.2.7 Customers who are currently receiving the **rebate** are not required to submit a fresh application form until they are due for their two year verification.
- B3.2.8 In order to ensure continuity of the **rebate** where a customer changes his or her **retailer**, the date the customer's supply commences with the new **retailer** will be deemed to be the date the

customer applied for the **rebate**. However, the customer must complete and submit an application to the new **retailer** before the **rebate** can be applied by the new **retailer**. Note that this may cause some inconvenience to the customer but the **retailer** requires the relevant information in order to ensure ongoing priority of supply for the customer.

B3.2.9 **Retailers** must conduct a verification audit of the **rebate** every two years in accordance with the **supporting documentation template** to confirm it is only being provided to **eligible customers** and provide the results of the audit to the **Department**, or its auditor, on request.

B3.2.10 The amount of the **rebate** for each item of **approved life support equipment** is set out at Appendix B3.1.

Note: On-supplied residential community residents, on-supplied retirement village residents and on-supplied strata scheme residents must submit their application for the Low Income Household Rebate to the **Department**.

### **B3.3 Rebate indexation**

For **eligible customers**, the **rebate** will be the daily rate applicable to each piece of approved equipment as listed in Appendix B3.1 unless advised otherwise by the **Department**.

## Appendix B3.1 – Approved Equipment List

<b>List of Approved Life Support Equipment</b>		
<b>Equipment</b>	<b>Examples of brand names*</b>	<b>Daily rate</b>
<b>Positive Airways Pressure (PAP) Device</b>	Continuous Positive Airways Pressure (CPAP), Bilevel or Variable Positive Airways Pressure (BiPAP or V-PAP) etc	<b>\$0.36 for less than 24 hour usage</b> <b>\$0.71 for 24 hour usage</b>
<b>Enteral feeding pump</b>	Kangaroo pump Companion-Abbott Flexiflow patrol pump	<b>\$0.44</b>
<b>Phototherapy equipment</b>	Blue light therapy	<b>\$3.68</b>
<b>Home dialysis</b>	Haemodialysis or Peritoneal automated cyclers machines – Brand names include: Fresenius, Gambro, Baxter	<b>\$1.54</b>
<b>Ventilators</b>	LTV series, Breas, PLV-100 etc, Iron Lung	<b>\$3.68</b>
<b>Oxygen concentrators</b>	Devilbiss etc	<b>\$1.85 for less than 24 hour usage</b> <b>\$3.11 for 24 hour usage</b>
<b>Total Parenteral Nutrition (TPN) pump</b>	Volumatic pump Flowguard pump	<b>\$0.84</b>
<b>External heart pump</b>	Left Ventricular Assist Device	<b>\$0.11</b>
<b>Power wheelchairs for quadriplegics</b>	Electric wheelchairs – Brand names include: Quickie, Zippie, etc,	<b>\$0.30</b>

NOTE: List of brand names against each piece of equipment has been included for information only, and is not exhaustive.

## B4. Medical Energy Rebate

In this clause B4, references to **rebate** are to the Medical Energy Rebate.

### B4.1 Eligibility criteria

To be eligible for the Medical Energy Rebate a person must:

- B4.1.1 be resident in New South Wales; and
- B4.1.2 be a customer of the **retailer**, or a long term resident of an on-supplied residential community, or a resident of an on-supplied retirement village, or a resident of an on-supplied strata scheme; and whose name appears on the electricity account for supply to his or her principal place of residence; and
- B4.1.3 submit a valid application form as provided by the **Department** (which will be made available to customers on the **Department's** website), duly signed by a registered medical practitioner (who is not the applicant) to verify that either the customer named on the bill or anyone residing at the residence has an inability to self-regulate body temperature as defined at B4.1.5 below; and
- B4.1.4 hold a:
  - (a) Pensioner Concession Card issued by the DHS/DVA;
  - (b) DHS Health Care Card; or
  - (c) DVA Gold Card.
- B4.1.5 For the purpose of this **rebate**, an **eligible customer** has an inability to self-regulate body temperature where the **eligible customer** (or someone living at the supply address of the **eligible customer**) has been assessed by a registered treating medical practitioner (who is not the applicant) who has been treating them for at least three months as meeting one of the following four primary qualifying conditions and one of the three secondary qualifying conditions:
  - (a) Primary qualifying conditions:
    - (i) autonomic system dysfunction (Medical conditions in which the autonomic system has been damaged e.g. severe spinal cord injury, stroke, brain injury and neurodegenerative disorders);
    - (ii) loss of skin integrity or loss of sweating capacity (for example, significant burns greater than 20%, severe inflammatory skin conditions and some rare forms of disordered sweating);
    - (iii) objective reduction of physiological functioning at extremes of environmental temperatures (for example, advanced multiple sclerosis); and
    - (iv) hypersensitivity to extremes of environmental temperature leading to increased pain or other discomfort or an increased risk of complications (for example, complex regional pain syndrome and advanced peripheral vascular disease).
  - (b) Secondary qualifying conditions:

- (i) severe immobility (for example, such as occurs with Quadriplegia or high level Paraplegia, particularly above mid thoracic level (T7) resulting in problems with self-regulation of body temperature due to loss of sympathetic nervous system control);
- (ii) demonstrated significant loss of autonomic regulation of sweating, heart rate or blood pressure; and
- (iii) demonstrated loss of physiological function or significant aggravation of clinical condition at extremes of environmental temperature.

## **B4.2 Application process**

- B4.2.1 An applicant must apply in writing using the application form provided by the **Department**. The application form will also be made available for download on the **Department's** website. Relevant parts of the application form must be completed and signed by both the applicant and a medical practitioner (who is not the applicant) who has been treating the patient for at least three months.
- B4.2.2 An applicant must send the signed application form to their **retailer**.
- B4.2.3 Before applying the **rebate** to the customer's account, a **retailer** must verify that the application form is properly completed and signed by both the customer and a registered medical practitioner (who is not the applicant).
- B4.2.4 In the event that a customer lives in remote or regional NSW and is being treated by the Royal Flying Doctor Service (RFDS), the application form may be signed by any medical practitioner under the RFDS if the customer has been treated by the RFDS for at least three months.
- B4.2.5 The **retailer** must verify each new customer's Pensioner Concession Card, DHS Health Care Card or DVA Gold Card status with the DHS before the **rebate** may be applied to a customer's bill.
- B4.2.6 If the customer named on the bill is claiming the **rebate** for another person who is living at the same address as the customer named on the bill, the **retailer** must check that the application form states that the address of the patient is the same as that of the customer.
- B4.2.7 In order to ensure continuity of the **rebate** where a customer changes his or her **retailer**, the date the customer's supply commences with the new **retailer** will be deemed to be the date the customer applied for the **rebate**. However, the customer must complete and submit an application to the new **retailer** before the **rebate** can be applied by the new **retailer**.

Note: This may cause some inconvenience to the customer but the **retailer** requires the relevant information in order to ensure ongoing eligibility for the **rebate**.

Note: On-supplied residential community residents, on-supplied retirement village residents and on-supplied strata scheme residents must submit their application for the Low Income Household Rebate to the **Department**.

**B4.3 Ongoing verification to ascertain continued eligibility of customers**

- B4.3.1 A **retailer** must verify the details of all **rebate** recipients who hold a DHS Health Care Card for continued eligibility with the DHS at least once every three months.
- B4.3.2 A **retailer** must verify the details of all other **rebate** recipients for continued eligibility with the DHS or DVA at least once a year.
- B4.3.3 The results of the above verification checks must, upon request, be provided to the **Minister**, the **Department** or any auditor appointed by the **Department**. The results must include the following information:
- (a) the number of eligible Pensioner Concession Card holders, the DHS Health Care Card and Gold Card holders in each category;
  - (b) the total number of initial mismatches; and
  - (c) the total number of customers determined as ineligible from the verification process.
- B4.3.4 All **retailers** must have a contractual arrangement with the DHS before verifying customers' details with the DHS.

**B4.4 Rebate indexation**

For **eligible customers**, the **rebate** will be \$285 per annum thereafter unless advised otherwise in writing by the **Department**.

## **PART C**

### **C1. Family Energy Rebate (FER)**

In this Part C, references to **rebate** are to the Family Energy Rebate.

#### **C1.1 Eligibility criteria**

To be eligible for the Family Energy Rebate in a given financial year a person must:

- (a) be a resident in New South Wales;
- (b) be an **account holder** of a **retailer**, or a long-term resident of an on-supplied residential community, or a resident of an on-supplied retirement village, or a resident of an on-supplied strata scheme; and whose name appears on the electricity account for supply to his or her principal place of residence; and
- (c) have been assessed by the Federal DHS as being eligible for the Family Tax Benefit (FTB) A or B during the financial year immediately preceding the financial year in which an application for the FER is made and have received a payment of FTB in respect of that eligibility.

#### **C1.2 Application process**

- C1.2.1 An applicant must apply in writing to the **Department** for the **rebate** using either the digital application form available from the **Department's** website or a paper application form also available from the **Department's** website. These same application forms should also be provided by electricity **retailers**.
- C1.2.2 **Retailers** must, on request by a customer, provide access to the **Department's** application forms for the customer to complete and submit to the **Department**.

#### **C1.3 Ongoing eligibility**

- C1.3.1 An **eligible customer**, who completes a valid application form and receives confirmation of eligibility from the **Department**, will be paid the **rebate** once per financial year.
- C1.3.2 Customers must reapply for the **rebate** each year.

#### **C1.4 Application of the rebate**

- C1.4.1 **Retailers** must credit the **rebate** to customers' electricity accounts in accordance with a confidential data set provided by the **Department** frequently throughout each calendar month through a dedicated, secure website. The data set will contain the following information:
  - (a) FER Application ID (labelled "FER Reference Number");
  - (b) First Name (labelled "Family Tax Benefit Recipient First Name");
  - (c) Last Name (labelled "Family Tax Benefit Recipient Last Name");
  - (d) Electricity Account Number (labelled "Electricity Account Number");

- (e) **Rebate** Amount (labelled “**Rebate** Amount (\$)”); and
- (f) **Rebate** Applied Flag (labelled “**Rebate** Credit Applied to Electricity Account”). No data is supplied in this column by the **Department**.

- C1.4.2 **Retailers** must download secure Departmental data sets at least weekly, and import updated data sets in the same week, thereby advising the **Department** which customers have had a **rebate** credited against their accounts, and which have not.
- C1.4.3 **Retailers** must verify the relevant data set against the information for each customer in the **retailer’s** billing system and pay the relevant amount to each customer if the Family Tax Benefit, Recipient Last Name and Electricity Account Number in the data set match a valid customer account.
- C1.4.4 **Retailers** must display the **rebate** on **eligible customers’** next available electricity bill after the date the **retailer** credits the **rebate** against accounts, after receiving the confidential data set from the **Department**, and to offset it against the gross amount of the bill before GST is applied.
- C1.4.5 **Retailers** must supply a confidential data set to the **Department** using the dedicated, secure website containing the following information:
- (a) FER Application ID (labelled “FER Reference Number”);
  - (b) First Name (labelled “Family Tax Benefit Recipient First Name”);
  - (c) Last Name (labelled “Family Tax Benefit Recipient Last Name”);
  - (d) Electricity Account Number (labelled “Electricity Account Number”);
  - (e) Rebate Amount (labelled “Rebate Amount (\$)”); and
  - (g) Rebate Applied Flag (labelled “Rebate Credit Applied to Electricity Account”). **Retailer to supply only ONE of the following data options: Y or N or leave the cell blank.**

### **C1.5 Retailer obligations**

- C1.5.1 The obligations outlined in A4 of Part A above, also apply to the FER.

### **C1.6 Information to customers**

- C1.6.1 A **residential customer** may receive one or more **rebates** concurrently, subject to meeting the eligibility requirements for each particular **rebate**.
- C1.6.2 A **retailer** must identify each **rebate** as a separate credit amount on the **eligible customer’s** bill.
- C1.6.3 A **retailer** must use the following description – “NSW Family Energy Rebate” – when crediting the **rebate** to the bill.

## **C1.7 Arrangements for retailer payment**

- C1.7.1 A **retailer payment** will be provided to each applicable **retailer** each month.
- C1.7.2 The **retailer payment** for **rebates** must include:
- (a) the total value of **rebates** paid to **eligible customers** calculated on the basis of the data set provided by the **Department** to the **retailer**; and
  - (b) the **administration fee**.
- C1.7.3 Each **retailer** must submit the following documents to the **Department** by the 10<sup>th</sup> business day of each subsequent month:
- (a) a completed and certified **monthly acquittal statement** in the form published by the **Department** on the **Department's** website; and
  - (b) a tax invoice for the **retailer payment**, which must be submitted to the **Department** for each calendar month and is for **rebates** that have been credited to customers' accounts during that month (regardless of whether an actual bill has been issued in that month) in line with the dataset provided by the **Department** to the **retailer**.
- C1.7.4 The **retailer** must record the total value of the **rebates** paid by the **retailer**, the **administration fee** claimed by the **retailer** and the number of **eligible customers** based on the figures contained in the **retailer's** system records.
- C1.7.5 The **acquittal statement** must be certified and signed by an appropriately responsible person nominated by the **retailer**. Each **retailer** must communicate the name of the nominated person/s to the **Department** for verification purposes.
- C1.7.6 Any changes to the **acquittal statement** will be made by the **Department** only after appropriate consultation with **retailers**.

## **C1.8 Credit balance**

- C1.8.1 If the total of a customer's bill is less than the **rebate** amount, the difference is to be applied as a credit to the customer's account and is to be carried forward to the next billing cycle.
- C1.8.2 Where a customer with a **rebate** credit elects to change his or her **retailer** or close their electricity account with a **retailer**, that **retailer** must refund to the customer the credit amount at the date of transfer to the new **retailer** or the date that the customer closed the account with that **retailer**.

## **C1.9 Compliance**

- C1.9.1 **Retailers** must establish and maintain accounting procedures and records to enable periodic reports to be prepared to substantiate compliance with the **Code**.
- C1.9.2 **Retailers** must, upon request, provide such reports to the Minister, the **Department** or any auditor appointed by the **Department**.

C1.9.3 **Retailers** must maintain records to substantiate compliance with the **Code** for a period of seven years.

#### **C1.10 On-supplied residents of retirement villages, residential communities and strata schemes**

C1.10.1 Long term residents of on-supplied residential communities, or residents of an on-supplied retirement village, or residents of an on-supplied strata scheme; must apply directly to the **Department** by submitting a completed application form available on the **Department's** website. **Eligible customers** will be paid the relevant **rebate** amount by the **Department**.

C1.10.2 For eligible residents of on-supplied residential communities, retirement villages and strata schemes, the Family Energy Rebate will be deposited via EFT into the customer's nominated bank account by the **Department**.

#### **C1.11 Confidentiality**

**Retailers** are required to protect the confidentiality of **eligible customers** to ensure that their records are not used for any purpose other than the delivery of the **rebate** or as stipulated in this **Code** for audit purposes.

#### **C1.12 Rebate indexation**

For **eligible customers**, the **rebate** will be \$180 per annum or \$20 per annum where the customer is also deemed to be eligible for the Low Income Household Rebate.

## **PART D**

### **D1. Energy Accounts Payment Assistance (EAPA)**

#### **D1.1 Overview**

D1.1.1 **EAPA** is a NSW Government scheme designed to help residential energy customers who are financially disadvantaged and experience difficulty paying their residential gas and/or electricity bill owing to a crisis or emergency situation. The **EAPA** Scheme is administered by the **Department** and is aimed at helping these people stay connected to essential energy services.

D1.1.2 The **EAPA** Scheme is a crisis program and is not intended to offer ongoing income support, nor is **EAPA** intended to relieve **retailers** of their obligations to manage their customers' debts in a fair and equitable manner.

D1.1.3 **Retailers** must consider whether it is appropriate to offer additional assistance to a customer who has been assessed by an EAPA Provider as eligible for **EAPA**. Any additional assistance should include one or more components of each **retailer's** hardship program.

D1.1.4 A **residential customer** may receive **EAPA**, concurrently with any **rebates**, subject to meeting the eligibility requirements for each particular **social program for energy**.

## **D1.2 Delivery of EAPA by EAPA Providers**

- D1.2.1 **EAPA** vouchers are generally issued by EAPA Providers using the **Department's** on-line application tool in the form of \$50 vouchers. These vouchers will be sent electronically to the customer's **retailer** by the **Department's** electronic system as a contribution towards the customer's energy bills.
- D1.2.2 Rules and procedures for the administration of **EAPA** by EAPA Providers are outlined in the **EAPA** Delivery Guidelines issued by the **Department** and published on the **Department's** website.
- D1.2.3 **Retailers** must not inform customers that they will receive a certain amount of **EAPA**. The amount of **EAPA** provided to a customer is determined by the EAPA Provider.
- D1.2.4 **Retailers** must also make all attempts to assist EAPA Providers in complying with the Guidelines (for example, by providing direct, dedicated, free call numbers to **retailer** hardship units and working cooperatively to resolve issues concerning customers).

## **D1.3 Acceptance of EAPA by retailers**

- D1.3.1 **Retailers** must have systems in place to enable them to deliver **EAPA** in accordance with the **Code**.
- D1.3.2 **Retailers** must process within two business days all **EAPA** assistance for individual customers of each **retailer** transmitted by the **Department** and:
- (a) credit the amount reported by the **Department** to the account of each customer as directed by the **Department**; or
  - (b) advise the **Department** of any invalid EAPA.
- D1.3.3 **Retailers** will report to the **Department** within two business days the outcome of processing of EAPA transmitted by the **Department** using the electronic systems provided by the **Department**. This includes vouchers that are approved or rejected under D1.3.4.
- D1.3.4 Where a **retailer** identifies that the total amount of vouchers transmitted for a customer's account will place that account into credit, the **retailer** must reject as many vouchers as required to ensure the account is not placed into credit and inform the **Department** within two business days using the electronic reporting system.
- D1.3.5 **Retailers** must accept all valid **EAPA** vouchers offered in payment of an account (except in any of the circumstances specified in clause D1.4).

## **D1.4 Circumstances where EAPA is not to be used**

- D1.4.1 **EAPA** vouchers must not be applied to a customer's electricity or natural gas account:
- (a) where vouchers would place a customer's account into credit as per D1.3.4; or
  - (b) for payment of non-consumption related charges (for example, late fees, disconnection and reconnection fees).

## **D1.5 Retailers assisting EAPA Providers**

- D1.5.1 Each **retailer** must have in place a direct dedicated, telephone enquiry number for EAPA Providers to contact that **retailer** to confirm the details of a customer seeking **EAPA** assistance. Calls to this line must be answered or call backs made as soon as reasonably practicable, as an inability to contact a **retailer** may cause difficulties for the EAPA Provider in assessing the customer for **EAPA**.
- D1.5.2 These contact details must be provided to the **Department** by each **retailer** and any changes must be notified to the **Department** immediately.
- D1.5.3 Current contact listings for EAPA Providers that are able to assess customers for **EAPA** assistance are on the **Department's** website.
- D1.5.4 **Retailers** are required to provide to their customers information on Government funded **rebates** and programs, including **EAPA**. This means a **retailer** can refer a customer to one or more EAPA Providers only if the assistance provided to a customer by the **retailer** is not sufficient to help a customer resolve their difficulty paying an energy bill or where additional assistance may be appropriate. EAPA Providers will assess customers under the Guidelines and it is at the discretion of the EAPA Providers whether or not **EAPA** will be granted to a customer.
- D1.5.5 **Retailers** can also assist their customers to be assessed for **EAPA** by implementing an appropriate payment plan or making other appropriate referrals, for instance, to a financial counsellor.
- D1.5.6 Where a **retailer** refers a customer to an EAPA Provider, the **retailer** must also inform the customer of the requirement to take their original bill when they attend an **EAPA** assessment interview.
- D1.5.7 The "original bill" refers to the first issued bill for the current payment period, for which the customer is seeking **EAPA** assistance. A copy of an original bill supplied by a **retailer** may be considered an original bill.
- D1.5.8 **Retailers** may be required to assist an EAPA Provider to establish the details of a customer seeking **EAPA** assistance (for example, where a customer does not have an original bill). If a customer does not have their original bill or receives their bill via email, the EAPA Provider will be required to contact the **retailer** to confirm the customer's account details.
- D1.5.9 It is generally not appropriate to refer customers with large debts that have been allowed to accumulate over a long period of time to an EAPA Provider without adequate consideration of other options and attempts to assist the customer in accordance with laws and internal policy and without discussing the matter with the EAPA Provider. In many cases, an EAPA Provider will not be equipped to handle such cases and other types of referrals may be more appropriate (for example, to a financial counsellor).

#### **D1.6 Prohibition on disconnection during EAPA assessment**

D1.6.1 If a customer is awaiting assessment for **EAPA** assistance, the **retailer** is required to defer electricity or natural gas disconnection until an EAPA Provider has assessed the customer.

#### **D1.7 Residential electricity and gas consumption only**

D1.7.1 EAPA vouchers may only be used as payment towards electricity and natural gas consumption (cost of energy and standing charges or service to property charges) supplied under a residential tariff (or rural tariff for home electricity and/or natural gas), and only on behalf of the person/s named on the account.

D1.7.2 If vouchers are presented for payment of non-consumption charges (e.g. late fees or disconnection charges), the retailer must advise the customer that the vouchers have not been applied to their account. The retailer must reject any such vouchers and report this to the **Department** within two business days using the electronic reporting system.

D1.7.3 EAPA can only be used for customers residing in NSW, regardless of their retailer.

#### **D1.8 EAPA vouchers issued by two or more EAPA Providers**

D1.8.1 A customer may be eligible to be issued vouchers by more than one EAPA Provider for each bill and the circumstances of such grants of vouchers will be managed by the **Department** using the EAPA Delivery Guidelines.

D1.8.2 Without breaching the other provisions of the **Code**, a **retailer** will process all EAPA transmitted by the **Department** for an individual customer into the electricity or gas account of that customer.

#### **D1.9 Fraud or misrepresentation**

If a **retailer** suspects or has evidence that either an EAPA Provider or customer fraud or misrepresentation has occurred, the **retailer** must contact the **Department** immediately and then confirm the suspicion in writing, either by letter or email.

#### **D1.10 Voucher storage**

**Retailers** must retain **EAPA** vouchers presented by customers and which were valid prior to 1 July 2017 for a minimum of seven years from the date of redemption and make these available for audits by the **Department**, or an agent of the **Department**, upon request.

#### **D1.11 Recording EAPA usage**

D1.11.1 For an account where **EAPA** has been received, the **retailer** must reference a customer's use of **EAPA** on their previous bill, and the amount they were presented for payment. This assists EAPA Providers in assessing if **EAPA** is being used for on-going income support.

D1.11.2 A best practice example of how **EAPA** voucher usage would be recorded on a customer's bill is at D1.11.3, where it would indicate that \$200 worth of **EAPA** vouchers were applied to the customer's

account on 12 July 2013. A **retailer** may provide this information using an alternate method.

D1.11.3 Payment History: "EAPA VOUCHER 12/07/2013 \$200".

#### **D1.12 Acquittal statement**

D1.12.1 Reimbursement is made by the **Department** for valid **EAPA** vouchers applied by the **retailer** to customer accounts, during the previous month.

D1.12.2 **Retailers** must provide the **Department** with a tax invoice and an **acquittal statement** corresponding to each monthly report. The **acquittal statement** is to state the amount for which the **retailer** is seeking reimbursement. Monthly reimbursement for administration costs must also be claimed at this time.

D1.12.3 Administration costs are to be calculated based on \$0.80 per bill (per customer account) regardless of how many vouchers are presented in a transaction.

D1.12.4 The **acquittal statement** must be certified and signed by an appropriately responsible person nominated by the **retailer**. Each **retailer** must communicate the name of the nominated person/s to the **Department** for verification purposes.

#### **D1.13 Compliance**

D1.13.1 **Retailers** must establish and maintain accounting procedures and records to enable periodic reports to be prepared to substantiate compliance with the **Code**.

D1.13.2 **Retailers** must, upon request, provide such reports to the Minister, the **Department** or any auditor appointed by the **Department**.

D1.13.3 Retailers must maintain records to substantiate compliance with the Code for a period of seven years.

## PART E: Energy Offer Information Program

### **E1. Application and interpretation**

E1.1 This Part E applies to a retailer of a **residential customer** who:

E1.1.1 is receiving a **rebate** from the **retailer** as required by this **Code**; and

E1.1.2 is being supplied energy under a **standard retail contract**.

E1.2 In this Part:

**energy** means electricity or gas or both;

**market offer** means has the same meaning as in the *National Energy Retail Law (NSW)*;

**market retail contract** has the same meaning as in the *National Energy Retail Law (NSW)*; and

**standard retail contract** has the same meaning as in the *National Energy Retail Law (NSW)*.

### **E2. Assistance with Market Offers**

E.2.1 By 30 January 2018 and at six monthly intervals thereafter, the **retailer** must use all reasonable endeavours to inform and assist the customer to identify the most appropriate market offer for that customer, having regard to:

E.2.1.1 the customer's consumption profile;

E.2.1.2 the objective of reducing the customer's costs of buying electricity and/or gas;

E.2.1.3 the estimated yearly monetary savings for the customer from accepting a **market offer**; and

E.2.1.4 the price and non-price terms and conditions of the **retailer's market offers**.

E2.2 Clause E.2.1 does not apply if:

E2.2.1 the **retailer** forms the view that there is no **market offer** that would provide the **residential customer** with a better alternative than the **standard retail contract**; or

E2.2.2 the **residential customer** has expressly requested not to receive marketing information or material from the **retailer**.