



New South Wales

# Electricity Supply (General) Amendment (Customer Hardship) Regulation 2010

under the

Electricity Supply Act 1995

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

JOHN ROBERSTON, MLC  
Minister for Energy

## Explanatory note

The object of this Regulation is to amend the *Electricity Supply (General) Regulation 2001* to make further provision for the benefit of customers of electricity suppliers who are experiencing financial difficulty.

Specifically, the amendments provide that it is a condition of a licence of an electricity supplier who supplies electricity 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 any small retail customer for a failure to make payment, unless in the previous 12 months the supplier has twice offered the customer assistance under a payment plan operated by the supplier.

This Regulation is made under the *Electricity Supply Act 1995*, including section 191 (the general regulation-making power) and clause 6 of Schedule 2 to that Act.

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Clause 1

Electricity Supply (General) Amendment (Customer Hardship) Regulation  
2010

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**Electricity Supply (General) Amendment (Customer  
Hardship) Regulation 2010**

under the

Electricity Supply Act 1995

**1 Name of Regulation**

This Regulation is the *Electricity Supply (General) 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.

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## Schedule 1      Amendment of Electricity Supply (General) Regulation 2001

### [1]    Clause 3 Definitions

Insert in alphabetical order in clause 3 (1):

*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    Licence condition relating to customer hardship charters

- (1) It is a condition of a licence of a supplier who supplies electricity 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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Schedule 1 Amendment of Electricity Supply (General) Regulation 2001

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- (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 Licence condition relating to payment plans, disconnection and discontinuance of supply**

Omit clause 13A (3)–(5). Insert instead:

- (3) It is a condition of a licence of a supplier who supplies electricity to small retail customers that the supplier does not discontinue supply to residential premises owned or occupied by a small retail customer or, in a case where connection services have been arranged by the supplier, request the service provider to disconnect such premises, on the grounds that the customer has failed to make due payment of money owed to the supplier, 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 disconnect or 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 disconnect or 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 of assistance 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.
- (4) It is a condition of a licence of a service provider who provides customer connection services to a small retail customer through an arrangement with the supplier that the service provider does not disconnect residential premises owned or occupied by the small retail customer at the request of the supplier unless the supplier has notified the service provider that it is authorised to make the request under subclause (3).