

Our Ref: AER23006925
Contact Officer: Sarah Pinchuck
Contact Phone: 07 3835 4661

11 September 2023

Liz Frankel
Secretary
Community Corporation 22654
c/- 18 Moseley Street
GLENELG SA 5045

By email: [REDACTED]
cc: [REDACTED]

Dear Ms Frankel

Variation of conditions for Community Corporation 22654 Inc's individual exemption for 18 Moseley Street, Glenelg, SA 5045

On 5 May 2023, we wrote to advise you of the AER's intention to vary Community Corporation 22654 Inc's individual exemption, to include a new condition relating to hardship provisions for residential customers. The new condition has been designed to increase protections for consumers living in embedded networks.

Pursuant to the delegation given to me by the AER, I have decided under rules 157 and 158 of the National Energy Retail Rules (**Retail Rules**) to vary the exemption conditions of the individual retail exemption granted to Community Corporation 22654 Inc on 18 July 2022, as contained in *Schedule 1*, attached to this letter.

The AER may amend the conditions of any exemptions it has granted. Under the Retail Rules, amending a condition is taken to be changing the exemption itself and there is a process that we must follow. This process includes publishing and consulting on the proposed variation(s) for a minimum of 20 business days, considering any submissions made, and making (and publishing) a formal decision. We can confirm that no submissions were received during the public consultation period.

Variation of exemption conditions to include a hardship policy requirement

The AER has decided to vary the exemption conditions due to a new *Hardship Policy* condition introduced in an updated version of the [Retail Exempt Selling Guideline \(version 6\)](#), published in July 2022. The AER considers it appropriate to vary the conditions attached to Community Corporation 22654 Inc's individual retail exemption to accord customers the additional consumer protections included in the updated guideline.

The *Hardship Policy* condition requires exempt sellers to have a hardship policy and provide customers a hardcopy or electronic link to the policy. The condition is designed to ensure residential customers in embedded networks who experience payment difficulties due to hardship can have access to adequate support to better manage their energy bills.

What you need to do by 8 March 2024

1. Develop and implement an exempt seller hardship policy, that contains at a minimum, the standardised statements provided in the AER's *Exempt Seller hardship policy template*, which can be found under 'Key Documents' on our website [here](#).

What happens if my business does not adhere to the varied conditions?

Section 112(2) of the National Energy Retail Law (**Retail Law**) requires exempt persons to comply with the conditions attached to their individual exemptions. Failing to adhere to these conditions is considered a breach of the Retail Law and may attract civil penalties.

Next steps

We will publish the variation on our website in due course. Please advise us by **30 September 2023** if you have any concerns regarding the variation.

If you have any further queries, or would like to discuss this further, please contact Sarah Pinchuck at AERexemptions@aer.gov.au or 07 3835 4661.

Yours sincerely,



Rowena Park
General Manager, Compliance and Enforcement Branch
Australian Energy Regulator

Schedule 1: Instrument of Exemption

VARIATION OF CONDITIONS OF INDIVIDUAL RETAIL EXEMPTION

DATE OF APPROVAL: 18 July 2022

DATE OF VARIATION: 4 September 2023

FORM OF ENERGY: Electricity

This individual retail exemption applies to Community Corporation 22654 Inc / ABN 78 348 259 286 for the sale of electricity to premises at 18 Moseley Street, Glenelg SA 5045.

Condition 1 – Obligation to supply

1. The exempt seller cannot refuse to sell energy to a customer who meets the criteria for this exemption class, except:
 - a) in accordance with relevant disconnection provisions under Conditions 9(2)–(7), and
 - b) where the exempt customer's premises have been disconnected by the exempt seller for a reason other than failure to pay a bill and the matter leading to the disconnection has not been rectified. The exempt seller must reconnect the premises and offer to sell energy once the matter is rectified.

Condition 2 – Information provision

1. The exempt seller must advise existing exempt customers, in writing, at the start of their tenancy/residency/agreement of the following:
 - a) the legal name, trading name (if relevant) and contact details of the exempt seller
 - b) any right of the exempt customer, under state or territory laws, to elect to purchase energy from a retailer of their choice and information on the options for metering that would allow this choice. The exempt seller must also provide an exempt customer who is also a residential customer, a hardcopy or electronic link to the AER customer factsheet, *How to access an authorised retailer of your choice if you live in an embedded network*, published on the AER's website and as in force from time to time
 - c) that the exempt seller is not subject to all the obligations of an authorised retailer, and the exempt customer will not receive the same protections as it would if it were purchasing from an authorised retailer
 - d) the exempt customer's rights in relation to dispute resolution including:
 - i) any right that the exempt customer has to access the energy ombudsman scheme (if applicable), including to lodge a complaint or for free independent information and advice, or any other relevant external dispute resolution body in the state or territory in which the exempt customer is located, and
 - ii) the exempt seller's procedures for handling complaints and disputes
 - e) the conditions applicable to the exemption that the exempt seller is operating under, and
 - f) the availability of relevant government or non-government energy rebates, concessions and relief schemes, and

- g) the forms of assistance available if the exempt customer is experiencing payment difficulties, as well as the process the exempt customer should follow to seek these forms of assistance. The exempt seller must also provide an exempt customer who is also a residential customer, a hardcopy or electronic link to its hardship policy established in accordance with Condition 26, and
 - h) the energy tariffs and all associated fees and charges that will apply to the exempt customer in relation to the sale of energy, and
 - i) the flexible payment options that are available to the exempt customer in relation to the sale of energy, such as arrangements for payment by periodic instalments (bill smoothing), and
 - j) contact numbers in the event of an electricity fault or emergency.
- 2. The exempt seller must provide the information set out in paragraph 1 of this Condition at any time on request by the exempt customer or the AER.
 - 3. The exempt seller must provide in writing the information set out in paragraph 1 of this condition to any new exempt customers (including owners and long-term tenants¹) at the start of their tenancy/residency/agreement.
 - 4. The exempt seller must provide the information set out in paragraph 1b of this condition as soon as practicable, following an enquiry from an exempt customer seeking to access retail competition.

Condition 3 – Billing and payment arrangements

- 1. The exempt seller must ensure that bills are issued to each exempt customer at least once every three months.
- 2. The exempt seller must offer at least two payment methods to an exempt customer. However, if an exempt seller offers direct debit as one payment method, they must also offer at least two other payment methods to an exempt customer (that is, at least three methods in total). In each case, at least one of the payment methods offered must be able to be effected without internet access. For example:
 - a) in person, or
 - b) by telephone, or
 - c) by mail, or
 - d) by direct deposit into a bank account.
- 3. An exempt seller must include the following particulars in a bill for an exempt customer:
 - a) The legal name, trading name (if relevant) and contact details for the exempt seller, and
 - b) the name of the exempt customer, and
 - c) the address of the exempt customer's premises to which the bill applies, and
 - d) date that the account was issued, and
 - e) the identifier of the meter for the exempt customer's premises, and

¹ A long-term tenant is defined as a customer who resides at a premises for a period greater than 3 months.

- f) the pay-by date for the bill, and
 - g) date of the current meter reading or estimate, as applicable, and
 - h) the dates to which the meter reading or estimate applies (billing period), and
 - i) current meter reading or estimate in kilowatt hours and/or cubic metres, as applicable. Where the amount is an estimate, this must be clearly stated on the bill, and
 - j) previous meter reading or estimate in kilowatt hours and/or cubic metres, as applicable. Where the amount is an estimate, this must be clearly stated on the bill, and
 - k) the amount of energy consumed, or estimated to be consumed, by the customer in the meter reading period. For electricity, consumption must be shown in kilowatt hours, and
 - l) the total amount of energy consumed, or estimated to be consumed for the entire site, in the meter reading period. Where the amount is an estimate, this must be clearly stated on the bill. For electricity, consumption must be shown in kilowatts hours, and
 - m) tariffs, fees and charges applicable to the exempt customer, and
 - n) the basis on which tariffs, fees and charges are calculated. This includes:
 - i) the usage rate specified in cents per kilowatt hour (c/kWh), and
 - ii) the daily supply charge in cents per day (c/day) (if charged), and
 - iii) the number of days in the billing cycle.
 - o) any amount deducted, credited or received under a government or non-government funded energy charge rebate, concession or relief scheme or under a payment arrangement, and
 - p) details of the available payment methods, and
 - q) a telephone number for account inquiries and complaints.
4. The exempt seller must provide the information set out in Condition 3(3) to any long-term tenant who is not a premises owner. A long-term tenant is defined as an exempt customer, other than the premise owner, who resides at the premises for a period greater than 3 months.

Condition 4 – Estimation as basis for bills

1. The exempt seller must use best endeavours to ensure that the meter for each exempt customer is read and used as the basis, or apportioned, for any bill issued.
2. The exempt seller cannot rely on an estimation of the meter value at the start of an energy supply arrangement with an exempt customer, or for the purpose of issuing a final bill to an exempt customer.
3. The exempt seller may base an exempt customer's bill on an estimation of the exempt customer's consumption of energy where the exempt seller is not able to reasonably or reliably base the bill on an actual meter reading.
4. If an exempt customer's bill is based on an estimation, this must be clearly stated on the bill.

Condition 5 – Pay-by date

1. The pay-by date for a bill must not be less than 13 business days from the date on which the exempt seller issues the bill.

Condition 6 – Receipts

1. The exempt seller must provide each exempt customer with a receipt for any amount paid for energy, except where payment has been made by:
 - a) direct debit, or
 - b) credit card over the phone and the customer is provided with a receipt number.
2. The exempt seller must provide the exempt customer with a separate receipt if a payment for energy was made together with a rent payment but has not been separately identified on the rent receipt.

Condition 7 – Pricing

1. The exempt seller must not charge the exempt customer tariffs higher than the standing offer price that would be charged by the relevant local area retailer for new connections, if the local area retailer were to supply that quantity, or estimated quantity, of energy directly to the premises of the exempt customer.²
2. The exempt seller must provide notice to the exempt customer of any change in the exempt customer's tariff as soon as practicable, and no later than the exempt customer's next bill.
3. The exempt seller must not impose any charge on an exempt customer that could not be charged by the relevant local area retailer for new connections under a standard retail contract. A "charge" includes, but is not limited to, account establishment fees, late payment fees, debt collection fees, disconnection and reconnection charges and security deposits.³ The amount of any allowable charge must not be greater than that charged under the relevant local area retailer's standard retail contract.

Condition 8 – Undercharging and Overcharging

1. Where an exempt customer has been undercharged, an exempt seller can recover the amount undercharged subject to the following:
 - a) where the undercharging was not the result of the exempt customer's fault or unlawful act or omission, the exempt seller is limited to recovering the amount undercharged in the 9 months before the date on which the customer is notified of the undercharging, and
 - b) the exempt seller cannot charge interest on the undercharged amount, and
 - c) the exempt seller must offer the exempt customer time to pay the undercharged amount by instalments, over a period nominated by the customer (up to 12 months, but no longer than the period of the undercharging).

² The standing offer price includes the supply price and the consumption price. Exempt sellers must ensure that the price they charge for each of these parts does not exceed the price charged for the equivalent part of the standing offer.

³ The fees and charges allowable under a standard retail contract are governed by Division 6 of the National Energy Retail Rules (which sets out the requirements for charging a security deposit under a standard retail contract) and may also be governed by jurisdictional legislation.

2. Where an exempt customer has been overcharged, the exempt seller must inform the exempt customer within 10 business days after becoming aware of the overcharging and repay the amount overcharged subject to the following:
 - a) where the amount overcharged is \$50 or more, the exempt seller must refund the amount to the exempt customer if requested, or if no such request is made, credit the amount to the exempt customer's next bill. Where the exempt customer no longer purchases energy from the exempt seller, the exempt seller must use best endeavours to refund the amount within 10 business days, and
 - b) where the amount overcharged is less than \$50, the exempt seller must credit that amount to the exempt customer's next bill. Where the exempt customer no longer purchases energy from the exempt seller, the exempt seller must use best endeavours to refund the amount within 10 business days, and
 - c) no interest is payable on the overcharged amount, and
 - d) where the overcharging was the result of the exempt customer's fault or unlawful act or omission, the exempt seller is limited to repaying the amount overcharged in the 12 months before the date on which the error was discovered.

Condition 9 – Payment difficulties and de-energisation or disconnection of premises

1. Where an exempt customer informs the exempt seller that they are unable to pay energy bills due to financial difficulty, the exempt seller must:
 - a) offer the exempt customer a payment plan (in accordance with the requirements with the requirements of Condition 12), and
 - b) direct the exempt customer to the Australian government energy efficiency website or another information resource with energy efficiency advice, and
 - c) give the exempt customer information about relevant government or non-government energy rebates, concessions and relief schemes, and
 - d) give the exempt customer information about financial counselling services, and
 - e) provide the exempt customer a hardcopy or electronic link to its hardship policy established in accordance with Condition 25, and
 - f) not charge the exempt customer a late payment fee, and
 - g) not charge the exempt customer a security deposit.
2. Subject to Condition 10 and 25, the exempt seller must not proceed with disconnection or cessation of energy supply to an exempt customer unless the following requirements have been met:
 - a) the exempt customer has requested disconnection, or
 - b) continuity of supply to the premises would be unsafe, or
 - c) the exempt customer's tenancy/residency/agreement has ended and the exempt customer is vacating the premises, or
 - d) the exempt customer has not paid a bill by the pay-by date, and has agreed to a payment plan, or having agreed to a payment plan has failed to adhere to the plan, and:

- i) following non-payment by the pay-by date, the exempt seller has given the exempt customer a reminder notice requesting payment by a date at least 6 business days from the date of issue of the reminder notice, and, in the case of residential exempt customers, has offered the exempt customer more flexible payment terms to pay any amount outstanding and has restated the forms of assistance available if the non-payment is due to financial difficulty, and
- ii) following non-payment by the date specified in the reminder notice, or, in the case of residential customers, the establishment of more flexible payment terms, the exempt seller has given the exempt customer a disconnection warning notice informing the exempt customer that disconnection may occur if payment of the outstanding bill is not made by a date at least 6 business days from the date of issue of the warning notice, and
- iii) the exempt seller has, after issuing the disconnection warning notice, used its best endeavours to contact the customer in person or by telephone in connection with the failure to pay, and
- iv) the exempt customer has, by the date specified in the disconnection warning notice, refused or failed to take any reasonable action towards settling the debt.

3. A reminder warning issued pursuant to condition 9(2)(d)(i) must:

- a) state the date of its issue, and
- b) state the date on which the reminder notice period ends, and
- c) include details of the exempt seller's telephone number for complaints and disputes.

4. A disconnection warning notice issued pursuant to condition 9(2)(d)(ii) must:

- a) state the date of its issue, and
- b) state the date on which the disconnection warning period ends, and
- c) inform the exempt customer of applicable re-connection procedures and (if applicable) that a charge will be imposed for reconnection, and
- d) include details (where applicable) of the existence and operation of the energy ombudsman, including contact details, and
- e) include contact details for the exempt seller.

5. Where an exempt customer is disconnected in accordance with paragraph 2(b) of this Condition, the exempt seller must use its best endeavours to notify the exempt customer in person or by telephone prior to the disconnection and must arrange for reconnection of the premises as soon as practicable.

6. This Condition does not apply where state or territory legislation sets out the process and requirements for the disconnection or cessation of energy supply by the exempt seller on the basis that they are a landlord, body corporate or similar.

7. The Condition does not apply to interruptions under Conditions 18 and 19.

Condition 10 – When de-energisation or disconnection is prohibited

1. The exempt seller must not disconnect or cease energy supply to an exempt customer's premises where:

- a) a person residing at the exempt customer's premises requires life support equipment that depends on energy for its operation, or
 - b) an application has been made by or on behalf of the exempt customer for assistance to an organisation responsible for a rebate, concession or relief available under any government or non-government funded energy charge rebate, concession or relief scheme and a decision on the application has not been made, or
 - c) the exempt customer has made a complaint directly related to the proposed reason for disconnection or de-energisation to the exempt seller, the energy ombudsman or another relevant external dispute resolution body and the complaint remains unresolved, or
 - d) the disconnection or de-energisation would occur on:
 - i) a business day before 8am or after 3pm, or
 - ii) a Friday or the day before a public holiday, or
 - iii) a weekend or a public holiday, or
 - iv) the days between 20 December and 31 December (inclusive) in any year.
2. The exempt seller must contact its distributor to ask whether disconnection of a retail customer in the relevant jurisdiction would be prohibited on that day due to extreme weather conditions. Where the distributor confirms that disconnection of a retail customer would be prohibited on that day, the exempt seller must not disconnect the exempt customer's premises.
 3. This Condition does not apply where the exempt customer has requested disconnection.
 4. This Condition does not apply where continuity of supply to the premises would be unsafe.
 5. This Condition does not apply where the energy supply agreement between the exempt seller and the exempt customer has been terminated.

Condition 11 – Reconnection or re-energisation

1. Where an exempt customer is disconnected in accordance with Conditions 9 and 10 and the customer makes a request for reconnection, the exempt seller must reconnect the premises as soon as a request for reconnection is made. A request for reconnection may be made ten business days after disconnection, or as soon as the matter that led to the disconnection is rectified, and
 - a) any charges for re-energisation or reconnection are paid, and
 - b) if the exempt customer still has outstanding amounts owed under the exempt customer's energy account, the customer agrees to enter into a payment plan with the exempt seller.^{4 5}
2. Subject to Condition 11(1), the exempt seller must reconnect the premises (or, where required, arrange with the distributor to reconnect the premises) as soon as practicable, and no later than two business days from when the request was made.

⁴ The requirement for exempt customers to wait 10 days before requesting reconnection does not preclude an exempt seller from reconnecting prior to this date where it is directed to do so under jurisdictional legislation.

⁵ The AER recommends that exempt sellers consider the AER Sustainable Payment Plans Framework when agreeing a payment plan with an exempt customer. The framework can be found at <https://www.aer.gov.au/retail-markets/retail-guidelines-reviews/aer-sustainable-payment-plans-framework>.

3. Subject to Condition 11(1), the exempt seller cannot refuse to supply an exempt customer on the grounds that they owe outstanding amounts on their energy account.

Condition 12 – Payment plans

1. The exempt seller must offer flexible energy payment options, including a payment plan, to an exempt customer who has identified themselves as being in financial difficulty.
2. In establishing a payment plan the exempt seller must have regard to:
 - a) the exempt customer's capacity to pay, and
 - b) any outstanding amounts owed by the exempt customer, and
 - c) the exempt customer's expected energy consumption needs over the following 12-month period or the duration of their tenancy/residency/agreement if the tenancy/residency/agreement is less than 12 months.
3. The exempt seller who offers a payment plan to an exempt customer under this condition must inform the exempt customer of:
 - a) the duration of the plan, and
 - b) the amount of each instalment payable under the plan, the frequency of instalments and the date by which each instalment must be paid.
4. This condition does not apply where the exempt customer has:
 - a) had two payment plans cancelled by the exempt seller in previous 12 months due to non-payment, or
 - b) been convicted of an offence involving illegal use of energy in the previous two years.
5. An exempt seller must not make changes to an exempt customer's payment plan without their agreement.

Condition 13 – Concessions and rebates

1. Where an exempt customer is eligible to receive a government or non-government energy rebate, concession or assistance under a relief scheme, the exempt seller must not hinder an exempt customer's attempts to establish eligibility.
2. If the government or non-government energy rebate, concession or assistance under a relief scheme can only be claimed by the exempt seller on behalf of the eligible exempt customer, then, assuming there is no legal impediment, the exempt seller must make that claim and, if successful, must apply the rebate, concession or assistance to the exempt customer's bill.

Condition 14 – Choice of retailer

3. Where an exempt customer is eligible under state or territory legislation to purchase energy from a retailer of their choice, the exempt seller must not do anything to discourage or prevent them from exercising this choice, whether by:
 - a) requiring the exempt customer to waive their ability to choose a retailer, or
 - b) unreasonably hindering their efforts to find another retailer, or
 - c) unreasonably hindering any metering or network changes required to enable choice of retailer.

Condition 15 – Contact details

4. The exempt seller must provide a means of contact for account inquiries and complaints that can be readily accessed by exempt customers. Where a telephone number is provided, the charge for this call must be no more than the cost of a local call.

Condition 16 – Dispute resolution

1. The exempt seller must develop and make a set of procedures detailing the exempt seller's procedures for handling complaints and disputes, and those procedures must be provided to exempt customers in accordance with Condition 2(1)(d)(i).
2. The procedures must be consistent with the *Australian Standard AS/NZS 10002:2014 Guidelines for complaint management* (or subsequent versions).
3. In the event of a complaint or dispute concerning the sale of energy to an exempt customer, and in the absence of a determination of the relevant tenancy tribunal if the customer is a tenant, the exempt seller must:
 - a) deal with the complaint or dispute in accordance with the exempt seller's procedures for handling complaints and disputes, and
 - b) make reasonable endeavours to resolve the dispute, and
 - c) advise the exempt customer:
 - i) of any right that the exempt customer has to access an energy ombudsman (if applicable), including to lodge a complaint or for free independent information and advice, or any other external dispute resolution body in the state where the exempt customer is located, and
 - ii) of the telephone number and other contact details of the energy ombudsman (if applicable).

Condition 17 – Member of energy ombudsman scheme

4. The exempt seller must, if permitted by an energy ombudsman scheme:
 - a) be a member of, or subject to, an energy ombudsman scheme for each jurisdiction where it sells energy to exempt customers and
 - b) comply with the requirements of that scheme and
 - c) notify exempt customers (including any long-term tenants residing at the site) of the dispute resolution procedures).

Condition 18 – Planned interruptions to supply

1. For planned interruptions, the exempt seller must notify each affected exempt customer at least two business days before the date of the interruption.
2. The notification must:
 - a) specify the expected date, time and duration of the interruption, and
 - b) include a telephone number for enquiries (the charge for which is no more than the cost of a local call), and
 - c) include a statement that any enquiries regarding planned interruptions are to be directed to the exempt seller.
3. The exempt seller must use its best endeavours to restore the exempt customer's supply as soon as possible.

Condition 19 – Unplanned interruptions to supply

4. In the case of an unplanned interruption, the exempt seller must:
 - a) within 30 minutes of being advised of the interruption, or otherwise as soon as practicable, make available information on the nature of the interruption and an estimate of the time when supply will be restored or when reliable information on restoration of supply will be available, and
 - b) if providing a telephone response that is automated, provide options for exempt customers who call the service to be directly connected to a telephone operator if required, and
 - c) use its best endeavours to restore supply to affected exempt customers as soon as possible.

Condition 20 – Life support customers

1. Where an exempt customer provides an exempt seller with confirmation from a registered medical practitioner that a person residing at the exempt customer's premises requires life support equipment, the exempt seller must:
 - a) advise the person whose embedded distribution network the sale of energy is occurring within (if different from the exempt seller) that a person residing at the premises requires life support equipment, and
 - b) advise the exempt seller's authorised retailer and distributor that a person residing at the premises requires life support equipment, and
 - c) provide the exempt seller's authorised retailer and distributor with any relevant information about the premises for the purposes of updating their records and registers.
2. The exempt seller must maintain records of any exempt customers who have life support equipment that depends on energy for its operation on their premises.

Condition 21 – Continuity of supply

1. If the exempt seller is (or expects to be) disconnected, or there is any likelihood that they will be unable to continue selling energy, they must notify the exempt customers and the AER immediately. As part of this notification, the exempt seller must advise the steps they are taking to arrange an alternative supply.

Condition 22 – Termination of energy supply agreement

1. An energy supply agreement between the exempt seller and an exempt customer will terminate:
 - a) on a date agreed by the exempt seller and exempt customer, or
 - b) five business days (or a different time agreed by the exempt seller and exempt customer) from the date when the exempt customer gives the exempt seller a termination notice, or
 - c) at the conclusion of the exempt customer's lease for, or occupancy of, the premises to which the energy is supplied, or
 - d) when the exempt customer starts receiving energy retail services from a different retailer or exempt seller, or

- e) when a different exempt customer starts receiving customer retail services for the premises, or
 - f) at the end of a period of 10 business days commencing on the day the exempt customer's premises are disconnected, where the conditions for reconnection have not been met.
2. Termination of an arrangement to supply energy does not affect any rights or obligations that have already accrued under the agreement.

Condition 23 – Maintaining records

3. The exempt seller must maintain records of the following for each of its exempt customers:
- a) the name of the exempt customer
 - b) the address of the exempt customer's premises
 - c) the identifier of the meter for the exempt customer's premises (if applicable)
 - d) the date that the customer account was created
 - e) copies of any bills issued for the previous 12 months
 - f) the date of the most recent meter read for the customer (if applicable)
 - g) the basis for determining any estimates of consumption for the purpose of billing where a meter read could not be obtained.

Condition 24 – Meter reading charges

1. The exempt seller may not charge an exempt customer for meter reading where:
- a) the exempt seller has calculated consumption based on a meter reading performed and submitted by the customer, their agent or a tenant; or
 - b) the customer's meter can be remotely read and the customer has not requested that the meter be read manually.

Condition 25 – Hardship policy

- 1. An exempt seller must develop, implement, maintain, and comply with, a plain English hardship policy for their residential exempt customers that contains at a minimum, the standardised statements provided in the AER's *Exempt seller hardship policy template* published on the AER's website and as in force from time to time.
- 2. An exempt seller's hardship policy must be implemented no later than 3 months from the exemption registration/approval date to which this condition applies.
- 3. An exempt seller's residential exempt customer hardship policy must include:
 - a) processes for the early response by the exempt seller in the case of residential exempt customers identifying themselves as experiencing payment difficulties due to hardship,
 - b) flexible payment options (including payment plans) for the payment of energy bills by residential exempt customers experiencing hardship,
 - c) processes for notifying residential exempt customers experiencing hardship of appropriate government concession programs and appropriate financial counselling services, and

- d) processes to assist residential exempt customers with strategies to improve their energy efficiency.
4. An exempt seller's hardship policy must not include unreasonable conditions that a residential exempt customer has to meet before being eligible for hardship support, including that the exempt customer must:
- a) attend financial counselling
 - b) be represented by a third party such as a financial counsellor
 - c) submit to an energy audit
 - d) make a one-off payment or make a certain number of instalments towards their debt
 - e) pay their bills on time.
5. An exempt seller's customer hardship policy must specify that the exempt seller:
- a) will take into account all of the circumstances of the residential exempt customer, and having regard to those circumstances, act fairly and reasonably, and
 - b) will provide a customer who is entitled to receive assistance under the exempt seller's customer hardship policy with that assistance, in a timely manner.
6. If an exempt seller deems a residential exempt customer to be ineligible for hardship assistance, the exempt seller must:
- a) provide the residential exempt customer the reasons why, and
 - b) advise the residential exempt customer of their right to contact the energy ombudsman scheme within their state.
7. An exempt seller must provide an exempt customer who is also a residential customer, a hardcopy or electronic link to its hardship policy at the start of their tenancy / residency / agreement or when an exempt customer informs the exempt seller that they are experiencing payment difficulties.