

22 May 2024

23 Marcus Clarke St
Canberra ACT 2601
GPO Box 3131
Canberra ACT 2601
tel: (03) 9290 1800
www.aer.gov.au

Dear Retailer

AER expectations regarding HelpPay

This purpose of this letter is to:

- warn retailers that promoting HelpPay as a payment method to customers experiencing payment difficulties rather than offering a payment plan may contravene section 50 of the *National Energy Retail Law (Retail Law)*,
- set out the AER's expectations on how information relating to HelpPay should be presented on a retailer's website and in other customer communications, and
- ask that retailers who identify that they may have engaged in any contravening conduct self-report it to the AER immediately.

HelpPay

HelpPay is a bill payment platform that companies can partner with to facilitate their customers' bill payments. A customer provides details of their bill to HelpPay which creates a payment link that the customer can share with others to pay some or all of the bill, with funds transferred directly to the company.

HelpPay is marketed as a service that can be used where a bill is to be shared (for example, splitting a bill between housemates) or where a customer wishes to seek help from friends, family or strangers to pay it.

Payment plan and hardship obligations

The AER is committed to ensuring retailers comply with the payment plan and hardship obligations in the Retail Law and *National Energy Retail Rules (Retail Rules)*. With ongoing cost of living pressures affecting a wide range of Australians, we expect the number of customers experiencing payment difficulties to continue to increase.

It has come to our attention that several retailers have partnered with HelpPay to facilitate the payment of energy bills. While there is no prohibition on the use of HelpPay at a customer's own instigation, a retailer should not promote the use of HelpPay at the expense of complying with its hardship and payment plan obligations under the Retail Law and Retail Rules. A retailer is required to offer a customer a payment plan where a customer is experiencing payment difficulties.

Section 50(1) of the Retail Law requires retailers to offer a payment plan to hardship customers and other customers experiencing payment difficulties where the customer informs the retailer that this is the case or the retailer believes the customer is experiencing repeated difficulties in paying their bill or requires payment assistance.

We consider that a retailer may contravene section 50 of the Retail Law in circumstances where:

- they initiate internal practices or policies requiring their representatives to promote the use of HelpPay to customers who are experiencing payment difficulties rather than offering a payment plan, or
- their representatives take independent steps to promote the use of HelpPay to customers experiencing payment difficulties rather than offering a payment plan.

Further, in accordance with section 46 of the Retail Law, where a customer's payment difficulties appear to be due to hardship, we expect the retailer to inform the customer of the retailer's hardship policy.

Promoting HelpPay on retailer website and in other customer communications

We have observed retailers publishing information about HelpPay on their websites and understand this information has also been provided to customers in marketing communications.

If doing so, we expect retailers to refer to HelpPay as a payment method and not a support for customers experiencing payment difficulties. Accordingly, we expect that information about HelpPay should not be featured on a webpage relating to payment difficulties or hardship supports available to customers, or in communications relating to the same.

Next steps

We ask retailers to:

- review their compliance systems, processes, and internal policies to ensure their payment plan and hardship obligations under the Retail Law and Retail Rules are being met,
- review their website and other customer communications to ensure the AER's expectations are met, and
- self-report any potential contraventions to the AER.

The AER is also encouraging ombudsman schemes and financial counsellors to refer any concerning conduct in relation to the use of HelpPay to the AER for further assessment.

Any information we receive will be assessed in line with our [Compliance and Enforcement policy](#).

Please contact [REDACTED] if you wish to discuss any of the matters raised in this letter.

Yours sincerely

[REDACTED]

Rowena Park
General Manager
Compliance and Enforcement