

Draft Better Bills Guideline

Version 2

23 September 2022

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Overview

Under the *National Energy Retail Rules* (Retail Rules), the Australian Energy Regulator (AER) is required to make a billing guideline ~~(the 'Better Bills Guideline' or 'Guideline')~~.¹ Version 1 of the Better Bills Guideline was published on 31 March 2022.

This draft version 2 of the Better Bills Guideline or 'Guideline' necessarily amends drafting issues identified subsequent to the publication of version 1 of the Better Bills Guideline and amends the commencement provision to facilitate the possibility of a rule change that changes the date that retailers must comply with the Guideline. This Guideline creates binding, enforceable obligations on energy retailers in respect of their preparation and issuance of energy bills for small customers. Energy bills help small customers to understand and pay for their energy usage. Better bills can build customer trust and confidence in their retailer and the energy market.

From 4 August 2022, subrule 25(1) of the Retail Rules ~~will require~~ require energy retailers, in preparing and issuing bills to small customers, to comply with version 1 of the Better Bills ~~this~~ Guideline.

The Guideline allows energy retailers to implement the new billing requirements as set out in Parts 3 and 4 of this Guideline over a transitional period. Retailers can choose to continue to comply with the bill content requirements in force before 4 August 2022, as extracted and set out in Part 2 of this Guideline, until the end of ~~30 March 2023~~ the day before the commencement date specified in the Retail Rules as the date by which all provisions of the billing guideline must commence.

Alternatively, retailers may elect to comply with the new billing requirements set out in Parts 3 and 4 of the Guideline at any time prior to ~~31 March 2023~~ the commencement date specified in the Retail Rules. By ~~31 March 2023~~ the commencement date specified in the Retail Rules, however, all retailers must comply with Parts 3 and 4 of this Guideline in preparing and issuing bills to a small customer.

This Guideline sets out:

- a set of design principles which must be applied holistically when preparing bills; and
- a tiered approach to billing information, where:
 - Tier 1 information must appear on the first page of a paginated bill and at the beginning of an unpaginated bill;
 - Tier 2 information must be included in a bill, not on the first page of a paginated bill or at the beginning of an unpaginated bill, but before any additional information; and
 - additional information can be included in bills, but not:
 - on the first page of a paginated bill or at the beginning of an unpaginated bill; or

¹ AEMC (Australian Energy Market Commission), National Energy Retail Amendment (Bill contents and billing requirements) Rule 2021 No. 2, AEMC, 18 March 2021

- ahead of Tier 2 information on a paginated or unpaginated bill.

AER enforcement of the National Energy Retail Rules and National Energy Retail Law

The *National Energy Retail Law* (Retail Law) gives the AER power to monitor, investigate, enforce and report on regulated entities' compliance with the Retail Law and Rules, National Electricity Law and Rules, National Gas Law and Rules, and associated Regulations and Guidelines (including this Guideline).²

The enforcement responses available to the AER in respect of breaches of the Retail Law or Retail Rules can generally be categorised as either:

- administrative resolution, such as voluntary undertakings, revisions to internal processes or improved compliance training; or
- statutory enforcement action, such as infringement notices, court enforceable undertakings, instituting Court proceedings or revoking retailer authorisations.

From 4 August 2022, amended rule 25(1) of the Retail Rules will require retailers, in preparing and issuing bills to small customers, to comply with this Guideline as made under new rule 25A. Rule 25(1) is currently classified as a Tier 3 civil penalty provision under the Retail Rules and Schedule 1 of the *National Energy Retail Regulations*.

² *National Energy Retail Law*, section 204.

Part 1 Application, commencement and interpretation

Application and commencement

1. This Guideline is made pursuant to subrule 25A(1) of the *National Energy Retail Rules* and applies to retailers in respect of their preparation and issuance of bills to small customers.
2. Parts 1, 3 and 4 of this Guideline commence on 4 August 2022.
3. Part 2 of this Guideline commences on 4 August 2022 and expires, as if it were repealed, at the end of ~~30 March 2023~~the day before the date specified in the Retail Rules as the date by which all provisions of the billing guideline must commence.
4. Subject to sections 5 and 6, for the period beginning 4 August 2022 and finishing at the end of ~~30 March 2023~~the day before the date specified in the Retail Rules as the date by which all provisions of the billing guideline must commence, a retailer must comply with Part 2 of this Guideline, unless it has elected to comply with Parts 3 and 4 of this Guideline instead. From ~~31 March 2023 onwards~~the date specified in the Retail Rules as the date by which all provisions of the billing guideline must commence, all retailers must comply with Parts 3 and 4 of this Guideline.
5. If a retailer elects to comply with Parts 3 and 4 of this Guideline prior to ~~31 March 2023~~the date specified in the Retail Rules as the date by which all provisions of the billing guideline must commence, the retailer must notify the AER of its intention to do so by email sent to aercompliance@aer.gov.au. A notice given by a retailer in accordance with this section must specify the day upon which the retailer will begin preparing and issuing bills to small customers in accordance with Parts 3 and 4 of this Guideline.
6. A retailer that has given notice to the AER in accordance with section 5 must, from the day specified in the notice, prepare and issue bills to small customers only in accordance with Parts 3 and 4 of this Guideline. A notice under section 5 cannot be rescinded after the day specified in the notice.
7. This Guideline does not apply to a business customer that is a carry-over customer, as defined in section 2 of the Retail Law, where the previously current customer retail contract for the premises of that business customer was an agreement under rule 5 of the Retail Rules for aggregation of the consumption at two or more business premises.

Definitions and Interpretation

8. In this Guideline words and phrases have the meaning given to them in this section or, if not defined in this section, the Retail Law or Retail Rules.

annual total cost of current plan means the minimum possible amount payable by a small customer under their current customer retail contract excluding the value of any one-off gift or sign-up credit, calculated on the basis of the small customer's annual usage history and the tariff, charges and discount rates current at the date a bill will be issued, with all discounts applied including any discount the customer receives because the customer buys another good or service, and including any

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amounts deducted, credited, or received by the retailer under a government funded *energy* charge rebate, concession or relief scheme

annual total cost of deemed better offer means the minimum possible amount payable by the small customer under the deemed better offer excluding the value of any one-off gift or sign-up credit, calculated on the basis of the small customer's annual usage history and the tariff, charges and discount rates of the deemed better offer current at the date a bill will be issued, with all discounts applied (except any discount which applies to a customer retail contract because the customer buys another good or service) and including any amounts deducted, credited, or received by the retailer under a government funded energy charge rebate, concession or relief scheme

annual usage history means the consumption or export of electricity or gas by a small customer at the customer's current premises over the 12 month period preceding the bill issue date. Where the retailer does not have 12 months of metering data for the customer at the customer's current premises, the retailer must estimate the customer's consumption of electricity or gas during a 12 month period having regard to any relevant information that is available to the retailer (and must have regard to any metering data obtained during the 12 month period preceding the bill issue date)

charging window means times when rates apply based on tariff structure

delivery point identifier means the meter installation identification as defined under the relevant Retail Market Procedures within the meaning of the *National Gas Law* and made under the *National Gas Rules*

Ergon Energy means Ergon Energy Queensland Pty Ltd ABN 11 121 177 802

generally available plan has the same meaning as in the AER's Retail Pricing Information Guideline April 2018

natural disaster means an event or occurrence due to natural causes which occurs independently of human intervention, including but not limited to a flood, earthquake, avalanche, bushfire, tsunami, landslide, cyclone, storm or tornado

negative deemed better offer message means a message which conforms with the form and content requirements set out in section 60

paginated bill means a printed bill or a bill in electronic form that is comprised of separate pages (for example, a bill in portable document format ('PDF'))

pandemic means a pandemic declared by the World Health Organisation (WHO)

plan summary means a summary of the key features of a small customer's energy plan prepared in accordance with sections 43 and 44 of this Guideline

positive deemed better offer message means a message which conforms with the form and content requirements set out in section 61

restricted plan has the same meaning as in the AER's Retail Pricing Information Guidelines April 2018

retailer identifying information means a retailer's trading name, logo and website

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understand your bill section means the Tier 2 information referred to in section 41(c) of this Guideline

unpaginated bill means a bill in electronic form that is not comprised of separate pages

9. In this Guideline:
 - (a) words in the singular include the plural; and
 - (b) words in the plural include the singular.

Part 2 Contents of bills – transitional requirements

10. A retailer must prepare a bill so that a small customer can easily verify that the bill conforms to their customer retail contract and must include the following particulars in a bill for a small customer:

- (a) the customer's name and account number;
- (b) the address of the customer's premises for the sale of energy and the customer's mailing address (if different);
- (c) the meter identifier;
- (d) the billing period;
- (e) the pay-by date for the bill and the bill issue date;
- (f) the total amount payable by the customer, including amounts of any arrears or credits;
- (g) tariffs and charges applicable to the customer;
- (h) the basis on which tariffs and charges are calculated;
- (i) whether the bill was issued as a result of a meter reading or an estimation and, if issued as a result of a meter reading, the date of the meter reading;
- (j) the values of meter readings (or, if applicable, estimations) at the start and end of the billing period;

Note: For details on the application of this subsection to different types of meters, see Schedule 3, Part 4, rule 8 of the Retail Rules.

- (k) particulars of the average daily consumption during the billing period;
- (l) if a bill was issued by the same retailer for the corresponding billing period during the previous year, particulars of the average daily consumption during that previous billing period;
- (m) the estimated date of the next scheduled meter reading (if applicable);
- (n) details of consumption or estimated consumption of energy;
- (o) for residential customers – energy consumption benchmarks in accordance with Part 11 of the *National Energy Retail Rules*;
- (p) any amount deducted, credited or received under a government-funded energy charge rebate, concession or relief scheme or under a payment plan;
- (q) if the customer has provided a security deposit, the amount of that deposit;
- (r) details of the available payment methods;
- (s) reference to the availability of government-funded energy charge rebate, concession or relief schemes;
- (t) a telephone number for account enquiries, the charge for which is no more than the cost of a local call;
- (u) a telephone number for complaints (which may be the same as that for account enquiries), the charge for which is no more than the cost of a local call;

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- (v) a separate 24-hour telephone number for fault enquiries and emergencies, the charge for which is no more than the cost of a local call, being the telephone number for the distributor and giving the name of the distributor;
- (w) contact details of interpreter services in community languages;
- (x) any proportionate billing information in accordance with rule 22 of the Retail Rules.

Part 3 Contents of bills

11. Sections 12 to 20 set out the design principles that retailers must apply to the preparation of Tier 1 information, Tier 2 information and any other information included in a small customer's bill.

Note: The design principles listed below are not mutually exclusive. For example, the presentation of accessible language necessarily interacts with salience, and other requirements. Retailers must take a holistic approach to bill design, guided by the bill objective and other sections in this Guideline. For example, the principles on making the most important information most prominent must be applied having regard to the principles on ordering the bill to make it easy to understand.

Use simple language

12. Bills must use:
- (a) conversational tone and plain language; and
 - (b) basic grammar.
13. Bills must avoid:
- (a) jargon, technical terms and uncommon terminology; and
 - (b) abbreviations and acronyms.

Make the bill easy to understand

14. The information in a bill for a small customer must be presented in a way that is easy to understand.
15. A bill must prioritise customer comprehension through use of:
- (a) appropriate colour, headings and shading to logically group related bill information and differentiate other bill elements;
 - (b) accessible font sizes and font styles;
 - (c) white space to reduce clutter; and
 - (d) information in infographic, graph, table and/or picture forms (e.g. symbols for payment method information).

Make the most important information most prominent

16. A bill for a small customer must give prominence to information in a way that prioritises customer comprehension.
17. To make information prominent, a bill must use:
- (a) prominent placement or positioning;
 - (b) bold font or a larger font size (compared to the majority of bill information); and
 - (c) appropriate colour and shading.

Order the bill to make it easy to understand

18. A bill must be structured in a way that makes the bill readily understandable.

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19. Bills must:

- (a) present key information upfront;
- (b) group and present related information together as provided for by this Guideline; and
- (c) use borders and shading to separate unrelated information.

Design

20. When preparing bills, retailers must apply practices proven to enhance customer comprehension and make information included in bills readily understandable.

Example: Activities that comply with this principle include:

- *applying existing, or conducting further, consumer research and testing on bill design, language and accessibility; and*
- *updating bill design in response to findings from existing consumer testing and conducting consumer testing.*

Requirement to present billing information using a tiered approach

21. Sections 22 to 44 sets out requirements relating to the presentation of billing information using a tiered approach. It classifies certain bill content into three categories – Tier 1 information, Tier 2 information and additional information – and sets out retailers' obligations when preparing each category of information in a bill to be issued to a small customer.

Overarching approach

22. Retailers must apply the design principles set out in sections 12 to 20 of this Guideline when preparing Tier 1 information, Tier 2 information and any other information included in a small customer's bill.
23. There are three categories of billing information: Tier 1 information, Tier 2 information and additional information.
24. Tier 1 information must appear on the first page of a paginated bill or at the beginning of an unpaginated bill.
25. Retailers must not include information other than Tier 1 information on the first page of a paginated bill or ahead of Tier 1 information on an unpaginated bill.
26. Tier 2 information must be included in a bill, but not on the first page of a paginated bill, or ahead of Tier 1 information on an unpaginated bill.
27. Retailers may include information in addition to that included in Tier 1 and Tier 2, provided this information is not included on the first page or ahead of Tier 2 information on a paginated bill or ahead of Tier 1 and Tier 2 information on an unpaginated bill.
28. Tier 2 information must be the next most prominent location after Tier 1 information and have more prominence than additional information. Tier 2 information must be readily accessible by consumers.
29. Where information is required to be included in a bill issued to a small customer:
 - (a) by operation of a law of a State, Territory or the Commonwealth, other than this Guideline; and
 - (b) that law specifies a location for that information;a retailer must include that information in the location specified by the relevant law.
30. Where information is required to be included in a bill issued to a small customer:
 - (a) by operation of a law of a State, Territory or the Commonwealth, other than this Guideline; and
 - (b) that law does not specify a location on the bill for that information;the information must be presented on the bill in accordance with section 22.

Note: Subrule 25(2) of the Retail Rules provides that retailers may include amounts billed for goods and services (other than the sale and supply of energy) as a separate item in an energy bill.
31. Notwithstanding anything else in this Guideline, a retailer may include, among Tier 1 information, information relating to the occurrence of and available assistance for, natural disaster, pandemics and emergencies.

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32. A retailer may include, among Tier 1 information, information that is not required by this Guideline or provided by section 31, where a retailer:
- (a) has sought the AER's approval to include the information under sections 33 and 34;
 - (b) includes the information in accordance with the terms of the AER's approval under section 35; and
 - (c) complies with section 22.
33. A retailer must apply to the AER for approval in writing and send the application to: aercompliance@aer.gov.au
34. An application must contain the following information:
- (a) the exact words the retailer proposes to include on the bill (the additional message);
 - (b) the proposed location of the additional message on the bill within the Tier 1 Information;
 - (c) the proposed date range, including a start and end date, for which the retailer proposes the additional message will appear on the bill;
 - (d) the customer segment, where relevant, on whose bill the additional message is proposed to be included;
 - (e) the reasons why the retailer proposes to include the additional message on the bill; and
 - (f) how the additional message meets either the billing objective in subrule 25A(3) of the Retail Rules or policy of a participating jurisdiction.
35. The AER must decide to:
- (a) approve the additional message for inclusion on the bill; or
 - (b) approve the additional message subject to any conditions the AER considers appropriate; or
 - (c) refuse to approve the additional message.
36. In making a decision under section 35, the AER may have regard to:
- (a) the billing objective in subrule 25A(3) of the Retail Rules or policy of a participating jurisdiction;
 - (b) the information provided under section 34;
 - (c) any other information the AER considers relevant.
37. The AER may, from time to time, decide to approve, without application from a retailer, information that is not required by this Guideline or provided by section 31 for inclusion among Tier 1 information by all retailers or a class of retailers.
38. An approval made under section 37 may be for either information as prescribed by the AER, or for a type of information.
39. Where the AER grants approval under section 37, the AER will publish an announcement on its website informing retailers of the approval.

Tier 1 information

40. Tier 1 information is:

- (a) customer name and address of the premises to which the energy is being supplied as well as the customer's mailing address, if different;
- (b) amount due and due date;
- (c) bill issue date;
- (d) payment methods;
- (e) customer account number;
- (f) National Metering Identifier (NMI) presented using the exact words 'National Metering Identifier (NMI)' followed by the small customer's NMI;
- (g) a link to the Energy Made Easy website: www.energymadeeasy.gov.au;
- (h) a deemed better offer message (see Part 4);
- (i) retailer identifying information;
- (j) a telephone number for the customer to:
 - (i) make account enquiries and complaints;
 - (ii) contact the relevant energy ombudsman;
- (k) the name and telephone number of the relevant distributor for the customer to make fault inquiries and report emergencies; and
- (l) headings intended to assist a customer's understanding of prescribed Tier 1 information.

Example: A 'Need help?' heading may be included to assist a customer's understanding of the above telephone numbers.

Tier 2 information

41. Tier 2 information is:

- (a) a plan summary (see sections 43 and 44);
- (b) a summary of tariffs, charges and charging windows as applicable, which must be included in either the plan summary (section 41(a)) or understand your bill section (section 41(c));
- (c) a breakdown of how the amount due was calculated (the understand your bill section), including by reference to the following (where applicable):
 - (i) billing period (date-to-date) and number of days;
 - (ii) previous reading;
 - (iii) current reading;
 - (iv) usage, including but not limited to shoulder, peak or off-peak (for electricity, in kilowatt-hours (kWh) and for gas, in megajoules (MJ));
 - (v) rates/tariffs, in dollar figures;
 - (vi) charges, in dollar figures;
 - (vii) credits, in dollar figures;
 - (viii) discounts;

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- (ix) any amount deducted, credited or received under a government funded energy charge rebate, concession or relief scheme or under a payment plan;
- (x) any GST; and
- (xi) exports.

Note: An example of an 'Understand your bill' section is given below at 'Example 1'. This is an example only and should not be used by retailers to comply with this subsection.

- (d) average daily usage and exports, in kWh or MJ (daily average);
- (e) if a bill was issued by the same retailer for the corresponding billing period in the previous year, the particulars of the customers' consumption in that previous billing period;

Note: An example of such a comparison is given below at 'Example 2'.

- (f) contact details to enable a small customer to access:
 - (i) financial assistance;
 - (ii) interpreter services (in community languages); and
 - (iii) services for customers with hearing or speech impairments;

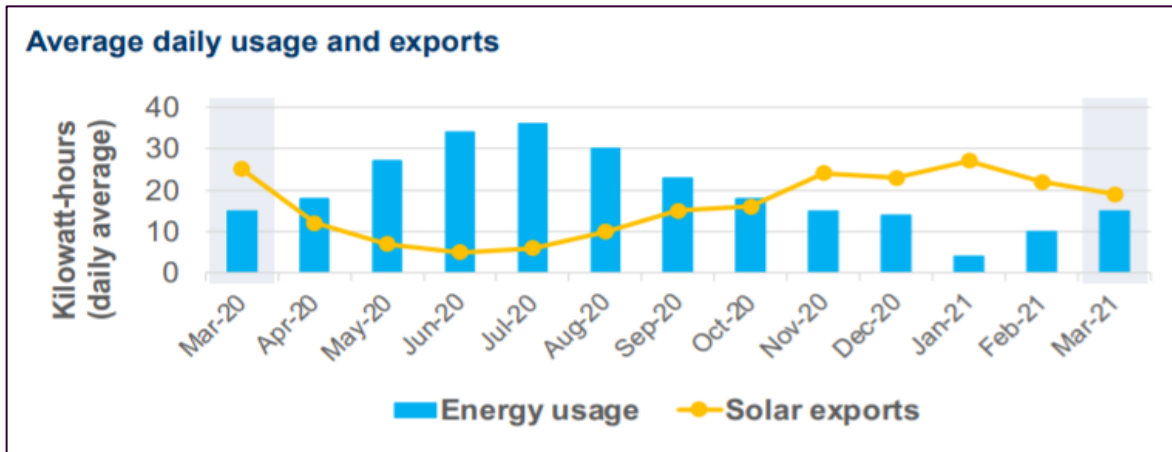
Note: for example, the National Relay Service.

- (g) whether the bill amount is based on metering data or on an estimation of the customer's consumption of energy. Where a bill amount is based on an estimation of the customer's consumption of energy, the bill must:
 - (i) state that the relevant amount is 'based on an estimation';
 - (ii) not use an abbreviation of this, for example the letter 'E'; and
 - (iii) include [a statement on how to access](#) the guidance and requirements for a customer read estimate required under rule 21(3C) of the Retail Rules'.

Example 1: 'Understand your bill' table

Understand your bill		1 March 2022 – 31 March 2022			
Electricity charges based on an actual meter reading					
	Previous reading	Current reading	Quantity	Rate	Amount
Supply charge			31 days	\$1.02 / day	\$31.62
Peak usage 6 am – 10 pm	20189	20704	515 kWh	\$0.29 / kWh	\$149.35
Off-peak usage 10 pm – 6 am	10093	10145	52 kWh	\$0.13 / kWh	\$6.76
GST (10%)					\$18.77
Usage discount (15%)					– \$25.76
Solar exports Feed-in tariff	8763	9226	463 kWh	– \$0.09 / kWh	– \$41.67
Low Income Household Rebate			31 days	– \$0.7808 / day	– \$24.20
TOTAL BILL					\$114.87
Balance carried forward					– \$36.19
TOTAL DUE					\$78.68

Example 2: comparison with customers' consumption in the corresponding billing period in the previous year



Requirement to prepare and include a plan summary

42. The purpose of a plan summary is to help small customers easily understand and compare the key features of their plan.

43. The plan summary must include the following information:

- (a) plan name (if applicable);
- (b) renewable sources and carbon offsets, if applicable to a small customer's plan; and

Note: A retailer is required to include, in a plan summary, the renewable sources and carbon offsets where this is a specific feature of the small customer's plan. A retailer is not required to include this information where it is not a feature of a small customer's contract.

- (c) benefit and benefit change date, if applicable to a small customer's plan.

44. The plan summary must be presented in accordance with section 22.

Note: The table presented below is an illustrative example of a plan summary only.

Example 3: illustrative example of plan summary

Summary of your plan

EnergyCo Simple Saver

Your plan includes 15% usage discount
(expires 31 March 2023)

Your plan includes 20% GreenPower

Part 4 Better Offer

Identification of deemed better offer

45. ~~Before issuing a bill to a small customer, a retailer must carry out a deemed better offer check for that customer and identify the relevant deemed better offer for that customer in accordance with this Part. Retailers are required to:~~
- ~~(a) carry out better offer checks;~~
 - ~~(b) identify deemed better offers; and~~
 - ~~(c) provide deemed better offers to small customers in accordance with this Part.~~
46. The deemed better offer must be either:
- (a) the plan that the retailer offers which:
 - (i) is the lowest cost generally available plan applicable to the customer having regard to the customer's annual usage history; and
 - (ii) does not have as a precondition or condition that the customer have or maintain an affiliation or membership with an entity that is unrelated to the retailer; or
 - (b) a plan that has a lower cost than the lowest cost generally available plan applicable to the customer.
47. Where the customer is party to a customer retail contract that provides a discount on condition that the customer buys another good or service, the deemed better offer identified in accordance with section 46 must be determined without any such discount.

Deemed better offer check

48. A retailer must carry out a deemed better offer check in accordance with the following formula:

$$\text{deemed better offer check result} = A - B$$

Where:

A = annual total cost of current plan

B = annual total cost of deemed better offer

49. If the deemed better offer check result is greater than \$22 (inclusive of GST), the deemed better offer check result is negative.
50. If the deemed better offer check result is less than or equal to \$22 (inclusive of GST), the deemed better offer check result is positive.

Retailers to give customers deemed better offer message

51. A retailer must provide a deemed better offer message on a bill to a small customer:

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- (a) at least once every 100 days; or
 - (b) where the retailer and customer have agreed to a different billing cycle under rule 24(2) of the Retail Rules and the billing cycle is greater than 100 days, a deemed better offer message issued in alignment with that billing cycle.
52. ~~A retailer must, before providing a~~When a retailer is required to provide a deemed better offer message on a small customer's bill, the retailer must:
- (a) determine the deemed better offer for the relevant customer in accordance with section 46 as at the date the bill containing the deemed better offer message will be issued; and
 - (b) using this deemed better offer, perform the deemed better offer check for the customer; and
 - (c) provide a deemed better offer message based on the result of this deemed better offer check in accordance with sections 53 and 54.
53. If the deemed better offer check result is negative, the retailer must include the negative deemed better offer message on the small customer's bill.
54. If the deemed better offer check result is positive, the retailer must include the positive deemed better offer message on the small customer's bill.
55. A retailer is not required to provide a deemed better offer message on a customer's bill where the customer's estimated annual consumption level determined for the purpose of carrying out a deemed better offer check, would result in the customer no longer being a small customer.
56. A retailer is not required to provide a deemed better offer message on a small customer's bill where the customer receives a single bill in respect of the sale and supply of energy at two or more premises.
57. Ergon Energy is not required to provide a deemed better offer message on a small customer's bill where the customer receives the sale and supply of energy under Ergon's standing offer pursuant to section 22A of the National Energy Retail Law (Queensland).

Form and content requirements of deemed better offer message

58. A negative deemed better offer message must be located adjacent to and no less prominently than the amount due.
59. A positive deemed better offer message must be located adjacent to and no less prominently than the amount due.
60. A negative deemed better offer message:
- (a) must contain a title using the exact words 'Could you save money on another plan?';
 - (b) must contain the exact words 'Based on your past usage, our' followed by the name of the deemed better offer plan, followed by the exact words 'may cost you up to', followed by the dollar amount of the deemed better offer check result, followed by the exact words 'less per year than your current plan.';
 - (c) must contain the exact words 'The Australian Energy Regulator requires us to include this information.';

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- (d) where the deemed better offer is subject to conditions, may provide that conditions apply and set out the nature of those conditions; and
- (e) must contain clear and simple instructions on how to switch to the deemed better offer.

61. A positive deemed better offer message:

- (a) must contain a title using the exact words 'Could you save money on another plan?';
- (b) must contain the exact words 'Based on your past usage, you are on the best plan we can offer you.';
- (c) must contain the exact words 'The Australian Energy Regulator requires us to include this information.'; and
- (d) must contain clear and simple instructions on how to compare other plans on Energy Made Easy.