



AER Retail Pricing Information Guidelines

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Contents

1	Overview	4
2	Requirement to produce an Energy Price Fact Sheet	7
	2.1 .Format of Energy Price Fact Sheets.....	7
	2.2 .Prioritisation of information	8
3	Content of Energy Price Fact Sheets	10
	3.1 .Language requirements	10
	3.2 .Price information.....	12
	3.3 .Discounts.....	12
	3.4 .Incentives.....	13
	3.5 .Fees	14
	3.6 .Additional information to be provided	14
	3.7 .Solar, GreenPower and other options.....	15
	3.8 .Metering configurations and tariff type.....	15
	3.9 .Dual fuel offers	15
	3.10 Energy Made Easy statement.....	16
4	Publication and distribution of Energy Price Fact Sheets	17
	4.1 .Requirement to publish an Energy Price Fact Sheet	17
	4.2 .Door-to-door sales, direct marketing and telemarketing.....	18
	4.3 .Mass media and social media	19
5	Submitting information to the AER for Energy Made Easy	20
	5.1 .Providing offer information to the AER.....	20
	5.2 .Quality control of data and information submitted	20
	5.3 .Timeliness of submission of offer data.....	20
	5.4 .Management of offers.....	21
	Glossary.....	22

1 Overview

The AER may, in accordance with the retail consultation procedure, make and amend the AER Retail Pricing Information Guidelines (Guidelines).¹ The purpose of the Guidelines is to provide guidance to retailers in the presentation of standing offer prices and market offer prices, and thereby assist small customers to consider and compare standing offer prices and market offer prices offered by retailers.²

Standing offers are available to small customers for the sale and supply of energy under a standard retail contract.³ Standing offers protect small customers who are able to choose their energy retailer but have not exercised that choice. Model terms and conditions for standing offer contracts are set out in the National Energy Retail Rules (Retail Rules). In jurisdictions with full retail competition, customers can negotiate the terms and conditions of their contract with their retailer of choice. These contracts are market offers made under a market retail contract.

The Guidelines may specify any additional matters that the AER considers necessary or convenient to assist customers to consider and compare standing offer prices and market offer prices offered by retailers.⁴ Therefore, the Guidelines are not restricted to the presentation of prices alone and include requirements in relation to other aspects of retail offers.

The National Energy Retail Law (Retail Law) requires retailers to:

- present standing and market offer prices in accordance with the Guidelines, including without limitation their presentation when publishing, advertising or notifying the AER of those prices or any variation⁵
- present standing and market offer prices prominently on their websites in accordance with the Guidelines⁶ and
- submit to the AER information and data relating to the presentation of standing offers and market offers that are generally available to classes of small customers, in the manner and form (and by the date or dates) specified in the Guidelines.⁷

The Retail Law also requires the AER to develop and make available on a website a price comparator.⁸ In response to this obligation, the AER has developed and maintains Energy Made Easy (<http://www.energymadeeasy.gov.au>). The purpose of Energy Made Easy is to assist a small customer to compare the standing offer price available to that customer and market offer prices that are generally available to classes of small customers in this

¹ National Energy Retail Law s 61(1).

² National Energy Retail Law s 61(2).

³ National Energy Retail Law s 22(1).

⁴ National Energy Retail Law s 61(3)(c).

⁵ National Energy Retail Law ss 24, 37.

⁶ National Energy Retail Law ss 24, 37.

⁷ National Energy Retail Law s 63.

⁸ National Energy Retail Law s 62(2); <http://www.energymadeeasy.gov.au/>.

jurisdiction, in accordance with the AER Retail Pricing Information Guidelines.⁹ Energy Made Easy may, in addition to the information about the price of the standing offers and market offers listed in the comparator, include other such information as the AER considers will achieve the purpose of a price comparator.¹⁰

The Guidelines specify the use of a model Energy Price Fact Sheet to present prices and other product information when retailers present or otherwise market or advertise pricing information to customers. It also specifies the required information on offers be provided by retailers to the AER for Energy Made Easy and how that information is to be managed.

AER enforcement of the Retail Law

The AER is responsible for monitoring, investigating and enforcing compliance with the obligations under the Retail Law and Retail Rules (National Energy Retail Laws). For detailed discussion on the AER's performance of this role, see the AER's Compliance and Enforcement Statement of Approach.¹¹

The National Energy Retail Laws give the AER powers to monitor, investigate, enforce and report¹². In particular, the AER will:

- monitor compliance with obligations under the national energy laws
- investigate and make inquiries regarding breaches or possible breaches of the national energy laws
- take appropriate enforcement action, including:
 - issuing infringement notices
 - accepting voluntary or court enforceable undertakings
 - instituting proceedings in relation to breaches of obligations under national energy laws
 - revoking retailer authorisations
- report on compliance with obligations under the National Energy Retail Laws.

Possible enforcement responses to breaches of the Retail Law or Rules can generally be categorised as administrative resolution (such as voluntary undertakings, revisions to internal processes or improved compliance training) or statutory enforcement action.

Statutory enforcement action can include issuing infringement notices of \$4,000 for a natural person or \$20,000 for a body corporate, enforceable undertakings and court proceedings¹³. The AER also has the power, in very limited circumstances, to revoke a retailer authorisation.

⁹ National Energy Retail Law s 62(3).

¹⁰ National Energy Retail Law s 62(5).

¹¹ Available on the AER website at: <https://www.aer.gov.au/node/5876>.

¹² National Energy Retail Law s. 204.

¹³ National Gas Law, s. 279

The AER aims to exercise its functions and powers in a fair, consistent and transparent manner. The AER and the Australian Competition and Consumer Commission (ACCC) work together by applying a coordinated approach to ensure that misconduct in the energy market is addressed. Businesses that operate under the Retail Law also have obligations under the Australian Consumer Law that apply to their relationships with energy customers. The Australian Consumer Law and the national energy laws operate together, and provide the framework in which businesses are required to operate.

Definitions and interpretation

In these Guidelines words and phrases have the meaning given to them in the glossary, or if not defined in the glossary, the Retail Law.

Processes for revision and version history

The AER may amend or replace these Guidelines in accordance with the retail consultation procedure set out in the Retail Rules¹⁴.

¹⁴ Retail Rules r173

2 Requirement to produce an Energy Price Fact Sheet

A retailer must produce an Energy Price Fact Sheet for every offer made to a small customer. This includes standing offers, market offers, generally available offers and non-generally available offers.

Energy Made Easy will generate an Energy Price Fact Sheet for each offer entered by retailers into the retailer secure area of Energy Made Easy. See section 5 for further information.

The Energy Price Fact Sheets produced by Energy Made Easy serve as the model Energy Price Fact Sheets.

While the AER's preference is for retailers to use these Energy Price Fact Sheets in all circumstances, retailers may produce their own Energy Price Fact Sheet for marketing purposes and for publishing on its website. Those Energy Price Fact Sheets must comply with these Guidelines.

2.1 Format of Energy Price Fact Sheets

If a retailer chooses to develop its own Energy Price Fact Sheet, it must:

1. Title and refer to the document setting out the information required by these Guidelines as an 'Energy Price Fact Sheet'
2. Include on each Energy Price Fact Sheet for a **generally available offer** a unique reference code as generated by Energy Made Easy¹⁵
3. Include on each Energy Price Fact Sheet for a **non-generally available offer** a
 - (a) unique reference code as generated by Energy Made Easy; or
 - (b) where the retailer is not using Energy Made Easy to generate the Energy Price Fact Sheet, a unique reference code as generated by the retailer.
4. Ensure any shading used complies with the accessibility standards for colour contrast under Web Content Accessibility Guidelines (WCAG) 2.0 AA.
5. Not use footnotes.
6. Use a legible font size.
7. Use left alignment in table, except where the cell only contains numbers in which case right alignment should be used.
8. Present tables with visible column and row borders.
9. Ensure that the Energy Price Fact Sheet is no longer than two A4 pages (except in the case of dual fuel offers, where no longer than three A4 pages is acceptable).

¹⁵ Each offer submitted to Energy Made Easy will have its own unique identification number which will be automatically generated by the price comparator website system. This unique identification number will also be displayed on the Energy Price Fact Sheet generated by Energy Made Easy.

10. Identify in the product name of the offer that the offer is a standing or regulated offer if required by the National Energy Retail Laws.

11. Where applicable to an offer, provide the following information in table format:

- Pricing information (usage charges, supply charge, capacity charge, etc)
- Discounts
- Fees
- Solar
- GreenPower

2.2 Prioritisation of information

Information on an Energy Price Fact Sheet should be prioritised in accordance with Table 2.1.

The numbered information listed must be shown in the order listed (for example, information on guaranteed discounts must appear directly below pricing information). Within these categories, the dot pointed information does not need to appear in the exact order shown below.

Pricing information must begin within the top half of the first page of an Energy Price Fact Sheet.

Table 2.1 Prioritisation of information

Priority ranking	Information type
First priority	<ol style="list-style-type: none">1. Key offer information, including:<ul style="list-style-type: none">• Offer name and ID• Customer type (residential or small business)• Fuel type• Distributor• Tariff type• Offer type (market, standing or regulated)• Contract term• Offer expiry details• Offer release date2. Pricing information (including daily supply charge and kWh/MJ definitions)3. Guaranteed discounts4. Conditional discounts5. Communication of price variations
Second priority	<ol style="list-style-type: none">6. Key contract features including:<ul style="list-style-type: none">• Key fees• Cooling off period• Eligibility
Third priority	<ol style="list-style-type: none">7. Add-on options<ul style="list-style-type: none">• Solar• GreenPower8. Incentives9. Information on where to find full terms and conditions10. Energy Made Easy information

3 Content of Energy Price Fact Sheets

This section is structured according to the prioritisation of information in section 2.2. However, some requirements set out in this section apply to both Energy Price Fact Sheets and advertising and/or marketing materials.

Table 3.1 indicates which obligations in this Section apply to Energy Price Fact Sheets and which also apply to advertising and/or marketing.

Table 3.1. Prioritisation of information

Obligation	Application to Energy Price Fact Sheets	Application to advertising and/or marketing
Language requirements	✓	✓
Price information	✓	
Discounts	✓	✓
Incentives	✓	
Fees	✓	
Provision of additional information	✓	
Solar, GreenPower and other options	✓	
Metering configurations and tariff type	✓	
Dual fuel offers	✓	
Energy Made Easy statement	✓	

3.1 Language requirements

On an Energy Price Fact Sheet and in advertising and/or marketing retailers must choose language that is clear, simple and widely understood. Terminology should be consistent, that is, the same word should be used throughout the Energy Price Fact Sheet and in marketing and in advertising where the meaning of the term is unchanged.

Table 3.2 lists the terms that must not be used by retailers on an Energy Price Fact Sheet and in advertising and/or marketing. It is intended that words or phrases with the same meaning as the term listed as a prohibited term will also not be used (that is, the required term should be used where specified). Table 3.2 sets out words that are required to be used to as a replacement for the prohibited term on an Energy Price Fact Sheet. In some instances, the required word must also be used in advertising and/or marketing.

The language requirements do not extend to contracts or to bills. We do, however, encourage retailers to maintain consistency across these documents wherever possible.

Table 3.2 Language requirements

Prohibited terms	Required terms	Required terms
On an Energy Price Fact Sheet and in advertising and/or marketing	On an Energy Price Fact Sheet	In advertising and/or marketing
Unconditional discount Non-conditional discount Base discount	Guaranteed discount	Guaranteed discount
Termination fee Early termination fee	Exit fee	Exit fee
Consumption	Usage	Usage
Standing charge Fixed charge	Daily supply charge	Daily supply charge
Fixed Fixed term (except where the price is fixed, in which case 'fixed' may be used in relation to price)	Contract term, Contract length, or [number] month contract If there is no contract term: 'no contract term'	Contract term, Contract length, or [number] month contract If there is no contract term: 'no contract term'
Evergreen	Ongoing contract with benefit period, or Ongoing contract with [number] month(s)] benefit period	-
Fixed benefit period	[number month(s)] benefit period, or Benefit period	-

3.2 Price information

The following offer pricing information must be included on an Energy Price Fact Sheet in table format:

1. the unit price for electricity and/or gas in ‘cents per kWh’ and/or ‘cents per MJ’ as appropriate and labelled using the word ‘usage’;
2. any fixed or standing charge in ‘cents per day’ and labelled as a ‘daily supply charge’.

The pricing information for usage and daily supply charge must be:

1. described to a minimum of two decimal places, and where the values beyond two decimal places are zero, a zero must not be displayed and
2. shown on an Energy Price Fact Sheet as GST inclusive and GST exclusive.

The following terms must be defined on an Energy Price Fact Sheet using the following definitions. Retailers must ensure the definition is clear and prominent.

1. Daily supply charge: a charge that applies for supplying electricity/gas¹⁶ to your property for each day of the billing period, regardless of how much electricity/gas you use.
2. kWh: ‘kWh’ stands for kilowatt hour and is the unit of measurement for your electricity usage.
3. MJ: ‘MJ’ stands for megajoule and is the unit of measurement for your gas usage.

3.3 Discounts

A retailer that offers a discount is required to include the following information on the relevant Energy Price Fact Sheet:

1. the amount and/or percentage of the discount
2. for percentage discounts, what portion of the customer’s bill the discount applies to (for example, whether the discount is off usage, the supply charge or the whole bill)
3. the base level
4. where information on the base level can be found (for example, on the retailer’s website or Energy Made Easy)
5. for dual fuel offers, which fuel(s) the discount applies to.

If a retailer makes a representation in its marketing or advertising about a specific discount rate (that is, the amount and/or percentage of the discount), the retailer must also clearly indicate the additional details above (requirements 2-5). The exception that exists for character-limited advertising or marketing in Section 4.3 also applies where relevant.

For example, an electricity advertisement with the headline claim

“15% guaranteed discount off usage” and, in finer print “Discount is off our standing offer charges. This information is available on our website,” would satisfy these requirements.

¹⁶ Use electricity or gas as applicable.

Each discount must be named and described using language that is clear, simple and widely understood.

The Australian Consumer Law prohibits retailers from representing discounts in a manner which misleads or deceives consumers.¹⁷ Nothing in these Guidelines affects the operation of the Australian Consumer Law.

Guaranteed discounts

A guaranteed discount is any discount that does not require a particular action or behaviour on the part of the customer.

Where a retailer offers a guaranteed discount, on an Energy Price Fact Sheet a retailer must display the tariff rates that will apply to the customer pre-discount.

Conditional discounts

Conditional discounts are discounts that only apply if a customer satisfies certain requirements or conditions. Examples of conditional discounts include (but are not limited to):

- loyalty discounts
- pay on time discounts
- bundling discounts (when a customer signs up to both electricity and gas with a retailer)
- direct debit discounts.

On each Energy Price Fact Sheet where a conditional discount applies (and in any advertising and/or marketing where a conditional discount is referred to), a retailer must satisfy the information requirements set out above.

In addition, the Energy Price Fact Sheet must clearly state:

- the condition(s) the customer must satisfy to receive the discount (for example, paying the bill by the due date).

3.4 Incentives

An incentive is:

- a non-price benefit or
- any other benefit to the customer, including price benefits, that has a one-off application to the customer's contract (for example, "first month free" offers).

A retailer may list non-price incentives that form part of the offer on the Energy Price Fact Sheet. This may include such things as vouchers for use in energy retail stores, magazine subscriptions, cinema tickets or tickets to sporting events. If a customer is required to pay the retailer the market value of the incentive when they leave the contract, this must be stated on the Energy Price Fact Sheet.

¹⁷ *Competition and Consumer Act 2010* (Cth) Sch 2 Australian Consumer Law ss 18, 29(1)(g), 29(1)(i).

Any other benefits that have a one-off application, including price benefits, must be clearly and simply explained on the Energy Price Fact Sheet.

3.5 Fees

On an Energy Price Fact Sheet, a retailer must specify the key fees applicable to an offer in table format. Key fees include (but are not limited to):

- account establishment fees
- annual fees/membership fees
- exit fees
- late payment fees
- disconnection fees
- reconnection fees
- payment processing fees (for example, credit card fees and direct debit fees).

A 'key fee' is any fee applying to an offer that will be incurred by:

- all customers or
- a significant portion of customers.

The amount of each fee must be specified in dollars (inclusive of GST) or as a percentage of the bill amount.

If a retailer applies any further fees to an offer that are not key fees, the Energy Price Fact Sheet must include a reference to where a customer can access additional information on these fees (for example, a fee or charge that relates to a special meter read or meter inspection fee is not a key fee).

A retailer must name any fees relating to the disconnection or reconnection of a small customer as 'disconnection fees' and 'reconnection fees' respectively on an Energy Price Fact Sheet. In the description of these fees, it must be clearly stated when the fee will be charged. For example, if a disconnection fee will be charged when the customer moves property, this must be clearly stated on the Energy Price Fact Sheet.

3.6 Additional information to be provided

An Energy Price Fact Sheet must include the following information:

1. the distribution area that the offer applies to
2. the cooling off period
3. the length of the contract (or, where applicable, the fact that the contract has no specified length) or benefit period
4. the arrangements that will take place at the expiry of the contract or benefit period
5. whether a retailer may vary the prices that apply to an offer, and if the price may vary, how and when small customers will be notified of price variations

6. how and where small customers can access information on the full terms and conditions of the offer and
7. a retailer's contact information, including contact phone number and website details.

3.7 Solar, GreenPower and other options

A single Energy Price Fact Sheet may include information on additional options that the small customer may select, such as GreenPower options. The information on additional options must be presented in table format.

Where a particular offer has a number of GreenPower options associated with it, a retailer must provide information on each of the associated GreenPower options as one offer.

Retailers are required to provide a separate Energy Price Fact Sheet if an offer is specifically a GreenPower offer (rather than offering GreenPower as an option).

An Energy Price Fact Sheet must clearly indicate when an offer is available to customers with solar photovoltaic systems. It must also indicate the solar feed-in tariff (or solar feed-in tariffs if there are more than one) available to customers entering into the offer.

Retailers must produce a separate Energy Price Fact Sheet if an additional option changes any element of the rest of the offer. For example, if a higher daily supply charge will apply for solar customers.

3.8 Metering configurations and tariff type

An Energy Price Fact Sheet must state if the offer is subject to the property having a particular metering system/configuration.

A single Energy Price Fact Sheet may contain information on prices that apply for different metering configurations. Unit prices for each tariff type must be displayed in separate tables.

For the purposes of Energy Made Easy, where a particular offer has a number of associated metering configurations, a retailer must provide information on the offer and each of the associated metering configurations as separate offers. On Energy Made Easy, each tariff type available with an offer is considered a separate offer.

3.9 Dual fuel offers

'Dual fuel offers' are offers where prices or conditions offered are contingent on customers accepting the supply of both electricity and gas from the retailer. An offer can be a dual fuel offer even if the customer will enter two separate contracts and receive two separate bills.

A retailer must display dual fuel offers on the same Energy Price Fact Sheet and must clearly indicate to customers that the offer is contingent upon the customer accepting the supply of both electricity and gas from the retailer.

3.10 Energy Made Easy statement

An Energy Price Fact Sheet must reference Energy Made Easy, using the following words:

'Energy Made Easy is an Australian Government website where you can compare energy offers. Visit Energy Made Easy at www.energymadeeasy.gov.au'.

The reference must be clear and prominent.

4 Publication and distribution of Energy Price Fact Sheets

A retailer's obligations with respect to the publication and distribution of Energy Price Fact Sheets depends on whether the offer is generally available or 'non-generally available'.

A generally available offer is an offer that is not exclusive to particular customer segments. Therefore, an offer that is available for any residential and/or small business customers in the appropriate distribution zone with the appropriate metering configuration is considered generally available. 'Special' or 'short-term' offers may meet the definition of generally available offer.

A non-generally available offer is an offer that is only available to a particular person or a particular group of persons—that is, it is not available to residential or small business customers unless they are part of that group. Examples of non-generally available offers could include:

- family and friends offers
- targeted mail outs
- obsolete offers.

The AER recognises that in some cases it may not be clear whether an offer is a generally available offer or non-generally available offer, and encourages retailers to contact the AER whenever this situation arises.

4.1 Requirement to publish an Energy Price Fact Sheet

Generally available offers

A retailer must publish on its website an Energy Price Fact Sheet for each of its generally available offers.

To satisfy this requirement, a retailer can publish the Energy Price Fact Sheet generated by Energy Made Easy. Should the retailer choose to, it may instead publish its own Energy Price Fact Sheet (provided it is in accordance with the Guidelines).

Energy Price Fact Sheets must be published in a prominent position and be clearly identified as 'Energy Price Fact Sheets', both in the document itself and in any page or section titles that a customer uses to navigate the retailer's website.

Where a retailer includes information or marketing materials on its website about an offer, the retailer must also include, on that same webpage, a clear and prominent link to the relevant Energy Price Fact Sheet.

When customers are signing up to an offer through an online sign up process, a retailer must refer to and provide a clear and prominent link to the relevant Energy Price Fact Sheet(s). Customers must be able to access the Energy Price Fact Sheet before beginning an online sign up process.

A retailer must not require a small customer to provide technical or personal information in order to obtain an Energy Price Fact Sheet.

However, a retailer may require a small customer to provide the following information in order to determine if the customer is eligible for the offer or if an offer is applicable:

- the minimum level of information necessary to allow the retailer to determine the customer's distribution zone and/ or
- metering configuration information. A retailer must also provide customers with clear and simple explanations as to how to obtain and enter this information.

Non-generally available offers

A retailer is not required to publish Energy Price Fact Sheets for non-generally available offers on its website. A retailer is not required to provide Energy Price Fact Sheets to the AER for non-generally available offers, except on request.

A retailer may choose, but is not required, to upload non-generally available offers to Energy Made Easy for the purpose of generating an Energy Price Fact Sheet. These offers will not be published on Energy Made Easy and will not appear in customers' search results.

When customers are signing up to a non-generally available offer through an online sign up process, a retailer must inform the customer that an Energy Price Fact Sheet is available upon request.

4.2 Door-to-door sales, direct marketing and telemarketing

The Australian Consumer Law contains a number of provisions governing unsolicited contact with consumers—for example, door-to-door and telemarketing sales. Those provisions include limited hours for contact with consumers, disclosure requirements when making an agreement, cooling off periods and criteria for the form of sales agreements.

The requirements of these Guidelines—for example, the provision of an Energy Price Fact Sheet upon request—exist in addition to the requirements of the Australian Consumer Law, the Retail Rules and the Retail Law.

During any door-to-door sales or in person marketing activity to a small customer a retailer, or its agent, must provide an Energy Price Fact Sheet at the time of contact for each generally available offer and non-generally available offer that is being marketed.

An Energy Price Fact Sheet does not need to be provided if the door-to-door sales or other marketing activity ends promptly without any conversation in relation to prices or offers. For example, if the small customer refuses to engage with the retailer, or its agent.

During any telemarketing activity or telephone queries that relate directly or indirectly to:

- a retailer marketing generally available offers or non-generally available offers
- a retailer explaining generally available offers or non-generally available offers, where the discussion relates to prices or discounts

- attempting to retain small customers
- attempting to gain small customers
- attempting to offer an additional energy type to small customers (i.e. marketing or discussions relating to bundled offers with small customers that the retailer currently supplies with one fuel)

The retailer must:

- for generally available offers:
 1. advise the customer that Energy Price Fact Sheets are available on the retailer's website or upon request
 2. at the customer's request, send (via post or email) the Energy Price Fact Sheet to the small customer within five business days
- for non-generally available offers:
 1. advise the customer of the availability of the Energy Price Fact Sheet for the offer being made
 2. at the customer's request, send (via post or email) the Energy Price Fact Sheet to the small customer within five business days

4.3 Mass media and social media

For any mass media marketing of generally available offers, including (without limitation), magazines, the internet, newspaper or billboards, which references prices, discounts, or the value of existing or potential offers for small customers, a retailer must include the following statement in those advertisements in clear and easily readable text:

- 'An Energy Price Fact Sheet for this offer is available at [insert retailer website]' or
- 'Energy Price Fact Sheets are available at [insert retailer website].'

This requirement extends to the promotion of offers through social media and advertisements on social media.

If a retailer is advertising online using a medium that imposes character constraints such that it is impossible for the above text to be included, a retailer must include the text in a prominent location on the first webpage linked to in the advertisement.

5 Submitting information to the AER for Energy Made Easy

The AER must develop and make available a price comparator website to assist small customers to compare the standing offer prices and market offer prices available to them. This website is the Energy Made Easy website. Retailers must submit to the AER information and data relating to the purposes of a price comparator in the manner and form (including by the date or dates) required by these Guidelines.

5.1 Providing offer information to the AER

Energy Made Easy contains a secure portal for retailers to provide information to the AER on each generally available offer.

A retailer must submit data and information to the AER in the manner and form required by the retailer secure area of Energy Made Easy.

The retailer secure area of Energy Made Easy automatically generates an Energy Price Fact Sheet for each offer created or modified by a retailer in Energy Made Easy. Each offer can be downloaded as a PDF file.

5.2 Quality control of data and information submitted

Retailers are responsible for ensuring that the data and information provided to Energy Made Easy is accurate.

Retailers must ensure that any data and information submitted to the AER for the purposes of Energy Made Easy is reviewed and approved at an appropriate level within the retailers' organisation prior to submission to the AER for publishing (for example, by a regulatory manager or senior manager). This includes approval of the accuracy of Energy Price Fact Sheets generated by Energy Made Easy for publishing on Energy Made Easy. The AER's publication of an offer on Energy Made Easy is not an approval of the offer's contents.

5.3 Timeliness of submission of offer data

A retailer must submit information to the AER on each generally available offer for Energy Made Easy within two business days of the offer becoming available to customers. A retailer must also remove obsolete offers from publication on Energy Made Easy within two business days of the offer becoming unavailable to customers.

If Energy Made Easy is unavailable for a period of more than one hour during business hours, the AER will offer a proportionate extension of no less than one business day to the two business day timeframe.

The AER will undertake website maintenance outside of business hours whenever possible. However, where planned maintenance during business hours is unavoidable, the AER will notify retailers in advance.

5.4 Management of offers

Retailers must ensure that any new or modified offers are submitted in a timely manner, as required in section 5.3. Retailers must also ensure that all their offer information on Energy Made Easy is current and accurately maintained (in addition to maintaining offer information on their own website), including the removal of expired or obsolete offers.

Accordingly, retailers must:

1. ensure that any small customer offers that are not current are not available to be displayed on Energy Made Easy to the customer
2. ensure that any changes to an offer's details by the retailer are accurately reflected in the information on that offer submitted to the AER
3. ensure that all links to external sources, such as (but not limited to) the retailer's website and offer terms and conditions are working and current at all times
4. ensure the retailer's contact details are correct and current at all times and
5. conduct regular and timely reviews of existing offer information for accuracy and relevancy, ensuring that any obsolete offers are deactivated or removed from Energy Made Easy. The review of offer information must be frequent enough to ensure all offers are current and up to date.

Glossary

Base level refers to the level from which a discount is offered. For example, where a retailer has a market offer that provides a 10% discount off their standing offer rates, the standing offer rates are considered the base level.

Benefit period has the meaning given to the term 'Fixed benefit period' in the National Energy Retail Rules. When a retailer uses the term 'benefit period' on an Energy Price Fact Sheet the retailer must state the time period during which the customer will be eligible for the benefit and what happens on the expiry of the benefit period.

Business days mean a day that is not a Saturday or Sunday; or observed as a public holiday on the same day in each of the participating jurisdictions (except the Commonwealth).

Conditional discount means any discount that only applies if a customer satisfies certain requirements or conditions (for example, by paying on time).

Contract length refers to the period of time from commencement until expiry. Specifically, it is the period during which any exit fees are payable. See also 'Contract term' and '[X] month contract'.

Contract term refers to the period of time from commencement until expiry. Specifically, it is the period during which any exit fees are payable. See also 'Contract length' and '[number] month contract'.

Customer means a person to whom energy is sold for premises by a retailer; or who proposes to purchase energy for premises from a retailer.

Dual fuel refers to offers where prices and/or conditions offered are contingent on customers accepting the supply of both electricity and gas from the retailer. An offer can be a dual fuel offer even if the customer will enter two separate contracts and receive two separate bills.

Energy Price Fact Sheet means a statement prepared by a retailer that contains information on its standing offer contracts and market offer contracts in the form specified by these Guidelines.

Exit fee means any sum of money charged (or any other penalty imposed) on the early termination of a contract before the end of the previously agreed date, including the end of a benefit period. When referring to this type of fee on an Energy Price Fact Sheet, retailers must use the term 'exit fee'.

Fixed benefit period – see Benefit period

Generally available offer means an offer that is not exclusive to particular customer segments. Therefore, an offer that is available for any residential and/or small business customers in the appropriate distribution zone with the appropriate metering configuration is considered generally available.

Guaranteed discount is any discount that does not require a particular action or behaviour on the part of the customer. The discount is automatic and no conditions are attached.

Incentive means:

- a non-price benefit or
- any other benefit to the customer, including price benefits, that has a one-off application to the customer's contract.

Key fee is any fee applying to an offer that will be incurred by:

- all customers or
- a significant portion of customers.

Market offer is an offer that is provided to a small customer, for or in connection with the sale and supply of energy, under a market retail contract.¹⁸

No contract term refers to a feature of a contract under which the contract does not have a specific length or end date, and for which the benefits are not fixed.

Non-generally available offer means an offer that is only available to a particular person or a particular group of persons—that is, it is not available to residential or small business customers unless they are part of that group. Examples of non-generally available offers could include:

- family and friends offers
- targeted mail outs
- obsolete offers.

[number] month contract refers to the period of time from commencement until expiry. Specifically, it is the period during which any exit fees are payable. When referring to a particular offer, [number] is replaced by the applicable period of time, usually 12, 24 or 36 months. See also 'Contract length' and 'Contract term'.

Offer means a standing offer or market offer that a retailer offers to a small customer.

Ongoing contract with benefit period means a contract without a specific contract length or end date (see 'Ongoing contract') that includes a provision for the customer to receive a benefit for a certain period (see 'benefit period').

Regulated offer has the meaning given in New South Wales energy legislation. Regulated offer prices are regulated by the Independent Pricing and Regulatory Tribunal.

Retailer means a person who is the holder of a retailer authorisation.

Small customer means a customer who is a residential customer; or who is a business customer who consumes energy at business premises below the upper consumption threshold.

¹⁸ A market retail contract is a customer retail contract as referred to in the National Energy Retail Law.

Standing offer is an offer that is provided to a small customer, for or in connection with the sale and supply of energy, under a standard retail contract.¹⁹

Social media means websites and applications that enable users to create and share content or participate in social networking.

Usage refers to the energy that is consumed at a property.

¹⁹ A standard retail contract is a customer retail contract that is as defined in the National Energy Retail Law.