



DRAFT AER Retail Pricing Information Guidelines

June 2019
Version 6.0

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Inquiries about this publication should be addressed to:

Australian Energy Regulator
GPO Box 520
Melbourne Vic 3001

Tel: 1300 585 165

Email: AERInquiry@aer.gov.au

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Overview

1. The Australian Energy Regulator (**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 **set out requirements** ~~provide guidance to retailers in the presentation of~~ **need to follow when presenting** 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
2. Standing offers (also referred to throughout this document as ‘standing offer plans’) are available to small customers for the sale and supply of energy under a standard retail contract.³ ~~Standing offer plans protect small customers who are able to choose their energy retailer but have not exercised that choice.~~ Model terms and conditions for standing offer plan contracts are set out in the National Energy Retail Rules (**Retail Rules**).⁴ **Under the new Electricity Code, retailers supplying electricity to certain small customers in certain distribution regions must ensure that their standing offer prices do not exceed the reference price for the region and type of customer.**⁵ **Retailers must compare their prices against the reference price, which will function as a benchmark comparison point against which customers can compare the relative price of different market offers.**⁶ **The Electricity Code also prohibits the use of conditional headline discounting, and requires the terms of any conditional discount to be clearly stated in the advertisement.**⁷
3. Market offers (also referred to throughout this document as ‘market offer plans’) are offers retailers make to customers under a market retail contract.⁸ The Retail Rules do not prescribe terms and conditions for market offer plans, but contain minimum requirements for these contracts. As such, market offer plan contracts may be fairly different to a standard retail contract. For example, retailers may be able to change prices more frequently under a market offer plan but may also offer lower tariffs or other beneficial terms and conditions that appeal to customers under a market offer plan.
4. These Guidelines may specify any additional matters the AER considers necessary or convenient to assist customers to consider and compare standing offer prices and market offer prices offered by retailers.⁹ Therefore, the Guidelines are not restricted to the presentation of prices alone and include requirements about other aspects of retail energy plans.

National Energy Retail Law

5. The National Energy Retail Law (**Retail Law**) requires retailers to:
 - present standing and market offer plan prices in accordance with the Guidelines, including without limitation their presentation when publishing, advertising or notifying the AER of those prices or any variation¹⁰
 - present standing and market offer plan prices prominently on their websites in accordance with the Guidelines¹¹ and

¹ Section 61(1) of the National Energy Retail Law

² Ibid, section 61(2)

³ Ibid, section 22(1)

⁴ Schedule 1 of the Retail Rules

⁵ Section 10 of the Competition and Consumer (Industry Code- Electricity Retail) Regulations 2019 (**the Electricity Code**)

⁶ *AER Final Determination – Default Market Offer Prices 2019-2020*, April 2019, p. 10

⁷ Section 14 of the Electricity Code

⁸ Section 33 of the Retail Law

⁹ Ibid, section 61(3)(c)

¹⁰ Ibid, sections 24, 37

¹¹ Ibid

- submit to the AER information and data relating to the presentation of standing and market offer plans that are generally available to classes of small customers, in the manner and form (and by the date or dates) specified in the Guidelines.¹²
6. The Retail Law also requires the AER to develop and make available on a website a price comparator.¹³ To meet this obligation, the AER has developed and maintains Energy Made Easy (EME) (<http://www.energymadeeasy.gov.au>). The purpose of Energy Made Easy is to assist small customers to compare the standing offer plan price available to those customers and market offer plan prices that are generally available to classes of small customers, in accordance with the Guidelines.¹⁴ Energy Made Easy may, in addition to the information about the price of the standing offer plans and market offer plans listed in the comparator, include such other information as the AER considers will achieve the purpose of a price comparator.¹⁵ **The Guidelines support the operation of Energy Made Easy by specifying the type of information retailers must provide to the AER, and how and when this information must be provided.**

Consequential changes made in these Guidelines

[For the purposes of consulting on the draft Guidelines, proposed changes to these Guidelines are shown in red throughout the draft Guidelines, and new Parts A, B and C have been added. Further detail about the proposed changes to the Guidelines are set out in the accompanying Notice of Instrument.]

7. These Guidelines have been restructured into three parts:
- **Part A** is based on version 5 of the Guidelines. It applies to retailers that are not regulated by the Electricity Code (that is, retailers supplying electricity to small customers in distribution regions to which the Electricity Code does *not* apply). It also applies to retailers supplying gas to small customers, as the Electricity Code does not apply to the supply of gas.
 - **Part B** applies to retailers supplying electricity to small customers in distribution regions to which the Electricity Code does apply, and amends version 5 to give effect to the reference price and ensure consistency with the Electricity Code.
 - **Part C** commonly applies to all retailers who are required to comply with Part A and/or Part B of these Guidelines.
8. Part B of these Guidelines will contain the new requirements for retailers supplying electricity to certain small customers in distribution regions to which the Electricity Code applies.
9. Both the requirements of the Electricity Code and these Guidelines will result in amendments to the plan information that is submitted to Energy Made Easy, and the presentation of that information to customers on Energy Made Easy. These changes will primarily affect data entry of any plan discounts, and the information now required to show a reference price for a plan.
10. The requirements of these Guidelines apply in conjunction with requirements relating to the Electricity Code where it applies in distribution regions to certain small customer types. The Australian Competition and Consumer Commission (ACCC) has released the *ACCC Guide to the Electricity Retail Code (Electricity Code Guide)*¹⁶ to help retailers understand their responsibilities under the Electricity Code.
11. ~~This version of the Guidelines contains several substantive changes from previous versions.~~ **The key amendments to the Guidelines are summarised in Table 1 below.**

¹² Ibid, section 63

¹³ Ibid, section 62(2); <http://www.energymadeeasy.gov.au/>

¹⁴ Ibid, section 62(3)

¹⁵ Ibid, section 62(5)

¹⁶ *ACCC Guide to the Electricity Retail Code*, 17 June 2019: https://www.accc.gov.au/system/files/1578_Guide%20to%20the%20Electricity%20Retail%20Code_FA.pdf

Table 1 Key amendments in Version 6 (contained in Part B)

| Amendment | Description |
|---------------------------------|---|
| Reference price | Under the Electricity Code, retailers must tell customers how their prices for supplying electricity in a particular distribution region to a particular type of customer compares with the reference price for the region and type of small customer. The difference must be expressed as a percentage of the reference price. The key changes in these Guidelines are noted in Part B, section 4.6. |
| Discounting requirements | Under the Electricity Code, retailers must not use headline conditional discounts in advertising or marketing activity. The terms and conditions of any conditional discounts must be stated clearly and conspicuously. The 'Requirements for describing discounts in advertising and marketing' section is not included in Part B, as the discounting and advertising requirements retailers must comply with are now reflected in the Electricity Code. |
| Language requirements | Some terminology has been updated to ensure it is consistent with the Electricity Code. These changes are noted in section 4.7 of Part B and the Glossary. |
| Notice requirements | Retailers who are required to comply with Part B of these Guidelines must notify all customers of price variations to their standard retail contracts and market retail contracts in accordance with the Electricity Code information requirements. The manner and form of those requirements is prescribed by new section 6, Part B of these Guidelines. |

12. The obligations in these Guidelines will commence in the following stages: ~~with full effect from 1 January 2019.~~

Table 2 Implementation Staged timelines

| Compliance obligation | Relevant clauses | Commencement date |
|--|--|--|
| Part A, B and C of the Guidelines | All clauses | 1 October 2019 |
| Extension of price cap to solar customers | <p>Retailers (that must comply with the Electricity Code requirements) offering solar plans must comply with Part A of the Guidelines until the date section 11 of the Electricity Code is applied to solar customers.</p> <p>From the date of the commencement, retailers offering solar plans must comply with the requirements in Part B of these Guidelines.</p> | From the date section 10 of the Electricity Code applies ¹⁷ |

¹⁷ Section 11 of the Electricity Code (Extension of cap to residential solar customers) commences on a day to be determined by the Minister in a notifiable instrument, within two years of the commencement of the Electricity Code. If the provisions do not commence within the period of two years beginning on the day the Electricity Code is registered, the provisions will be repealed on the day after the end of that period.

AER enforcement of the Retail Law

[This section now appears in the Notice of Instrument]

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.

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

- monitors compliance with obligations under the national energy laws
- investigates and makes inquiries regarding breaches or possible breaches of the national energy laws
- takes 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
- reports 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 proceedings. The AER also has the power, in limited circumstances, to revoke a retailer authorisation.

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 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 must operate.

Definitions and interpretation

13. 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, Retail Rules, **the Electricity Code or the Electricity Code Guide**.
14. **Some words and phrases used in Part B are defined in the Electricity Code and Electricity Code Guide. Part A retains the words and phrases of version 5 of these Guidelines.**

Application of these Guidelines

15. **Part A of these Guidelines applies to all types of marketing and publishing of energy plans by retailers supplying:**

- a) electricity to small customers in distribution regions to which the Electricity Code does not apply i.e. Tasmania, the ACT and Queensland (not including South-East Queensland) and
 - b) gas to small customers in Tasmania, the ACT, Queensland, New South Wales, and South Australia.
16. References to retailer obligations throughout ~~this document~~ **Part A and Part C include** ~~should be interpreted as including~~ any third party involved in marketing, publishing or advertising energy plans, **unless otherwise stated**.
17. **Part B of these Guidelines applies to electricity retailers supplying electricity to small customers in distribution regions to which the Electricity Code applies. It currently applies to electricity retailers in New South Wales, South Australia and South-East Queensland.**
18. **The obligations in Part B should be interpreted as applying to electricity retailers, as the Electricity Code applies to electricity retailers. Where it would assist customers, the AER expects that retailers should make arrangements so that third parties and agents acting on behalf of retailers who are involved in marketing, publishing or advertising of energy plans also comply with the obligations in Part B of these Guidelines.**
19. Small customers will be referred to as customers for the remainder of these Guidelines.
20. **These Guidelines do not apply to retailers operating in Victoria, Western Australia and the Northern Territory.**
21. **Victoria has not adopted the Retail Law and is implementing a separate default offer: the Victorian Default Offer. It has also completed a process to harmonise these Retail Law requirements with the applicable Victorian Energy Retail Code.**

~~The Guidelines have application to all types of marketing and publishing of energy plans to small customers. This includes energy retailers and any agents marketing or providing information about energy plans on their behalf, such as comparison websites and telemarketing or door-to-door sales agents.~~

Processes for revision and version history

22. The AER may amend or replace these Guidelines in accordance with the retail consultation procedure set out in the Retail Rules.¹⁸

¹⁸ Rule 173 of the National Energy Retail Rules

Part A – Electricity Retailers in Non-Code Distribution Regions; and Gas Retailers

23. Part A of these Guidelines applies to:

- a) retailers that are not regulated by the Electricity Code (that is, retailers supplying electricity to customers in distribution regions to which the Electricity Code does *not* apply)¹⁹ and
- b) retailers supplying gas to customers, as the Electricity Code does not apply to the supply of gas.²⁰

¹⁹ Currently, retailers supplying electricity to customers in Tasmania, the ACT and Queensland (not including South-East Queensland).

²⁰ Currently, retailers supplying gas to customers in Tasmania, the ACT, Queensland, NSW and South Australia

1 Submitting information to the AER for Energy Made Easy

24. This section of the Guidelines specifies retailer requirements in providing energy plan data and information to the AER for the purpose of Energy Made Easy.²¹ It also prescribes requirements for retailers for terminology and display of energy plan information and on linking to energy plan documents generated by Energy Made Easy.

1.1 Providing plan information to the AER

25. Retailers must submit data and information to Energy Made Easy in the manner and form required by these Guidelines²² and in accordance with [section 1.6 of Part A](#).
26. The retailer secure area of Energy Made Easy automatically generates the plan documents (as defined in [clause 195 of Part C](#)) for each plan created or modified by a retailer in Energy Made Easy.

1.2 Obligation to link to Energy Made Easy plan documents

27. Retailers must, on their websites, link to an HTML version of the plan documents on Energy Made Easy.

1.3 Timeliness of submission of plan data and management of plans on retailer websites

28. Retailers must:
 - a) submit information to Energy Made Easy on each generally available plan within two business days of the plan becoming available to customers and ensure the HTML link to the plan documents on retailer websites is live within the same timeframe and
 - b) remove expired or obsolete plans from publication on Energy Made Easy within two business days of the plan becoming unavailable to customers and ensure that the HTML link to the plan documents on retailer websites is removed within the same timeframe.
29. The AER may review retailer compliance with the obligations under [clause 28 of Part A](#) and may require retailers to provide evidence of compliance with this obligation.

1.4 Quality control of data and information submitted

30. Retailers are responsible for ensuring the data and information published on Energy Made Easy and retailer websites is accurate and up to date.
31. Retailers must review and approve all data and information before publishing on Energy Made Easy.
32. Plans are published automatically on Energy Made Easy once [approved by a retailer's nominated approver](#). ~~the retailer account administrator has approved them.~~
33. Publication of a plan on Energy Made Easy is not an approval by the AER of the plan's contents.

²¹ For the avoidance of doubt, a reference to providing information or data to Energy Made Easy is a reference to providing it to the AER for the purposes of section 63 of the National Energy Retail Law

²² Section 63 of the National Energy Retail Law.

1.5 Using plan ID

34. Energy Made Easy generates a unique reference code or plan ID for each plan. When marketing plans, retailers must comply with **clause 100 of Part A**.
35. Retailers must refer to the plan ID and retailer call centres or other agents must have access to the plan ID and be able to refer to it to identify each energy plan.

1.6 Key plan information

36. Retailers must provide information and data for all relevant plan fields, as detailed in the 'Offer Fields and Validation Criteria' technical document provided in the Energy Made Easy retailer secure area.
37. **Clauses 38 to 73 of Part A** provide additional information relating to price information, discounts, incentives, fees and other additional information to be provided.

1.6.1 Price information

38. Retailers must provide:
 - a) the unit price for electricity and/or gas, expressed in cents per kWh or cents per MJ as appropriate. These must be labelled using the word 'usage'
 - b) any demand charges, where relevant, labelled as cents per kW, per kVA or per kVAR. These must be labelled as 'demand charges'
 - c) any fixed or standing charge, expressed in 'cents per day' and labelled as a 'daily supply charge'.

1.6.2 Discounts

39. A retailer must, for a plan that includes a discount, enter the following information into Energy Made Easy to populate the plan documents:
 - a) the amount and/or percentage of the discount
 - b) for percentage discounts, what component of the customer's bill the discount applies to. For example, whether the discount is off usage, the supply charge or the whole bill, and if the discount is off the GST inclusive or exclusive charges
 - c) the base level tariff and what the discount is off
 - d) where information on the base level tariff can be found (including the specific page where it can be found on the retailer's website)
 - e) for dual fuel plans, which fuel(s) the discount applies to
 - f) for solar plans, how any discounts are to be applied. For example, is the discount off total usage, or the net bill amount after solar credits.

Guaranteed discounts

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

Conditional discounts

41. 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:
 - a) pay on time discounts

- b) bundling discounts (when a customer signs up to both electricity and gas with a retailer)
 - c) direct debit discounts.
42. A retailer must clearly state in the data and information provided to Energy Made Easy the condition(s) the customer must satisfy to receive the discount, for example, paying the bill by the due date.

1.6.3 Incentives

43. An incentive is a benefit to the customer other than a discount, including non-price benefits, one-off price benefits or physical gifts that are provided to a customer upon entry to a contract.
44. Retailers must provide details of non-price incentives that form part of the plan when they provide plan information to Energy Made Easy. Examples of non-price incentives include vouchers for use in energy retail stores, magazine subscriptions, cinema tickets or tickets to sporting events.
45. In the event of early exit from a contract, if a customer is required to pay the retailer the value of the incentive this must be stated in the plan documents.
46. Any other benefits that have a one-off application, including price benefits, must be clearly and simply explained in the information provided to Energy Made Easy.
47. Retailers must also clearly state if any sign-up incentives (i.e. one off price benefits) will be applied before or after GST is added to bills.

1.6.4 Fees

48. Retailers must provide the key fees applicable to a plan to Energy Made Easy. A 'key fee' is any fee applying to a plan that will be incurred by:
- a) all customers or
 - b) a significant portion of customers.
49. The amount of each fee must be specified in dollars (inclusive of GST) or as a percentage of the bill amount (inclusive of GST).
50. If a retailer applies any further fees to a plan that are not key fees, they must include, in the information provided to Energy Made Easy, 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 and is not a key fee. The reference must be to a specific URL where details of these fees can be found.
51. Retailers must name any fees relating to the disconnection or reconnection of a customer as 'disconnection fees' and 'reconnection fees' respectively. 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.
52. Key fees include but are not limited to:
- a) connection/move-in fees
 - b) account establishment fees
 - c) annual fees/membership fees
 - d) exit fees
 - e) late payment fees
 - f) disconnection fee for non-payment

- g) disconnection fee on moving out of the premises
- h) reconnection fees
- i) payment processing fees. For example, credit card fees, direct debit fees, and fees for paying in person at the post office
- j) metering fees.

1.6.5 Additional information to be provided

53. Retailers must also provide the following information to Energy Made Easy for publication on plan documents:
- a) the distribution area that the plan applies to
 - b) the billing period and if flexible billing options (i.e. monthly billing) are available
 - c) the cooling off period
 - d) the length of the contract or, where applicable, the fact the contract has no specified length
 - e) the length of the benefit period
 - f) the arrangements that will take place at the expiry of the contract or benefit period
 - g) whether a retailer may vary the prices that apply to a plan and, if the price may vary, how and when customers will be notified of price variations
 - h) how and where customers can access information on the full terms and conditions of the plan
 - i) a retailer's contact information, including contact phone number and website details
 - j) metering arrangements and any associated costs
 - k) payment methods, including payment options
 - l) if a plan is a fixed price plan based on a specific usage amount, any conditions associated with this plan including consequences of the customer using more than that amount
 - m) if a plan is a 'capped' plan, meaning there is a fixed price per billing period irrespective of usage, what the cap is and what is included in the cap
 - n) if a plan is priced as an estimate based on the customer's previous usage and any conditions associated with these plans.
54. If the electricity or gas charges of a plan are not able to be expressed as a unit price, the retailer is not required to provide the price information as detailed in **clause 38 of Part A**.
55. Where the retailer is not able to provide prices due to the design of the plan, a Comparison Pricing Table (see **clauses 204 to 208 of Part C**) will not be displayed on the BPID.

1.6.6 Eligibility criteria

56. Retailers must provide details of any specific eligibility restrictions that would prevent a customer accessing a generally available plan. Examples of specific eligibility restrictions include access to the plan being conditional on the customer:
- a) being a member of a particular club – for example: a motoring club, sporting club, or business or leisure association

- b) purchasing a particular product or service, which could be from the retailer themselves or another company partnering with the retailer – for example, purchasing a smart meter or battery, signing on to a retailer rewards program or purchasing an internet/mobile phone contract from the retailer or another company partnering with the retailer
 - c) purchasing the plan through sign up channels other than the retailer – for example a comparison website, partner company or connection service
 - d) purchasing the plan online only through the retailer
 - e) being an existing customer of the retailer
 - f) being a new customer to the retailer
 - g) being a concession card or seniors card holder
 - h) having solar panels, a smart meter, battery storage unit or swimming pool at the property
 - i) being located in a limited geographic area as specified by the retailer
 - j) having sufficient previous usage data at the premises to allow the retailer to calculate an estimate for the customer’s usage and price the plan accordingly.
57. Specific eligibility criteria apply to generally available plans and are separate from criteria for restricted plans, as described in [section 7.1.2 of Part C](#).
58. Incentives are not the same as eligibility criteria and should be treated as incentives as described in clauses [43 to 47 of Part A](#).

1.6.7 Solar, GreenPower and other options

59. Retailers must specify information on additional options that a customer may select, such as solar, GreenPower, demand management or other options.
60. Where a particular plan has a number of GreenPower options associated with it, a retailer must provide information on each of the associated GreenPower options as one plan. GreenPower plans are separate plans to plans that do not have GreenPower as an option.
61. Where relevant, retailers should also specify rebates, including demand management rebates, in the plan information they submit to Energy Made Easy.
62. Retailers must clearly specify when a plan is available to customers with solar photovoltaic systems. They 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 plan. In the event the customer is also eligible for a government feed-in tariff, this feed-in-tariff must also be displayed with details of eligibility.
63. Retailers must also provide details of how GST is applied to solar feed-in tariffs.
64. If an additional option changes any element of the rest of the plan, retailers must create a separate plan. For example, if a higher daily supply charge will apply for solar customers this would constitute a separate plan.

1.6.8 Metering configurations and tariff type

65. Retailers must specify if the plan’s availability is subject to the customer’s property having a particular metering system or configuration.
66. Each tariff type available with a plan is considered a separate plan and Energy Made Easy will generate separate plan documents for each metering configuration.

1.6.9 Dual fuel plans

67. 'Dual fuel plans' are plans where prices or conditions offered are contingent on customers accepting the supply of both electricity and gas from the retailer. A plan can be a dual fuel plan even if the customer enters two separate contracts.
68. Energy Made Easy will automatically allocate a plan ID to a dual fuel plan and create the plan documents.
69. A dual fuel plan will be displayed as a single plan on the plan documents. Retailers must clearly indicate to customers in the data provided that the plan is contingent upon the customer accepting the supply of both electricity and gas from the retailer.

1.7 Language requirements

70. Language requirements apply to information provided to Energy Made Easy for use on plan documents and in other advertising and/or marketing by retailers or their agents.
71. In addition to the requirements specified in *Language requirements for Part A set out in the Table 3, below*, retailers must use language that is clear, simple and widely understood.
72. Terminology should be consistent across information provided to Energy Made Easy and in marketing and advertising where the meaning of the term is unchanged.
73. *Language requirements for Part A* prescribes required terms for certain components of a plan and prohibits the use of other terms for plan documents and in advertising and/or marketing. Retailers cannot use a synonym to a prohibited term to avoid the prohibition.
74. The language requirements do not extend to contracts or to bills. However, retailers should seek to maintain consistency across these documents wherever possible.

Table 3 Language requirements for Part A

| Prohibited terms | Required terms |
|--|--|
| Unconditional discount Non-conditional discount Base discount | Guaranteed discount |
| Termination fee Early termination fee | Exit fee |
| Consumption | Usage |
| Standing charge Fixed charge | 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' |
| Evergreen | Ongoing contract with benefit period, or Ongoing contract with [number] month(s) benefit period |

| Prohibited terms | Required terms |
|--|--|
| Fixed benefit period | [number month(s)] benefit period, or Benefit period |
| Off-peak to refer to controlled load usage | Controlled load |
| Capacity charge or other term to describe demand | Demand charge |
| Any term other than 'general usage' to describe the general consumption element of a single rate tariff plan | General usage |

2 When plan documents are required

75. Retailers must have a BPID for every plan, including restricted plans.
76. The requirement to provide the plan documents to customers depends on how the retailer or its agent engages with the customer in accordance with **clauses 77 to 99 of Part A**.

2.1 Requirements for generally available plans on retailer websites

77. For each generally available plan retailers must:
 - a) publish in a prominent position a clear link to the BPID, labelled 'Basic Plan Information', where the retailer provides information about a plan on the retailer's or another website
 - b) if a plan for a particular distribution zone has tariff variations requiring multiple BPIDs, the link must be to:
 - i. a list of BPIDs for each variation or
 - ii. further questions to establish the specific variation relevant to the customer (for example, about their metering configuration), before linking to the BPID for the specific variation.
78. Retailers are not required to publish a DPID for a generally available plan separately on the retailer's website. A link to the DPID is provided in the BPID.

2.2 Requirements for restricted plans

79. While retailers must provide plan information to Energy Made Easy for restricted plans to generate plan documents, they are not required to publish these documents on Energy Made Easy.
80. Retailers are not required to publish a link on their website to a BPID or DPID for restricted plans.
81. Retailers are required to advise a customer of the availability of the BPID and provide it on request in accordance with **clauses 83 and 93 of Part A**.
82. The plan documents for each restricted plan must indicate the plan is a restricted plan and state the plan is not available to all customers.
83. During any online sign up process for a restricted plan, as an initial step the retailer or its agent must inform customers a BPID is available upon request and advise the customer the BPID is an information sheet that contains all the key details of a plan.
84. Retailers must not require a customer to provide technical or personal information for the customer to obtain a BPID other than information required to determine if a customer is eligible for a plan. For example:
 - a) the minimum level of information necessary to allow the retailer to determine the customer's distribution zone and/or
 - b) metering configuration information.
85. Retailers must provide a customer with an explanation about how to obtain information required under **clause 82 of Part A**, including where that information can be found on:
 - a) their current bill(s) and
 - b) their meter, if relevant.

2.3 Requirements for online sign up for generally available plans

86. Customers must be able to access a link to the BPID as an initial step in any online search or sign up process.
87. Retailers must refer to the relevant BPID and provide a clear and prominent link to the BPID in close proximity to the reference where customers are signing up to a plan through an online sign up process. This includes through third party sales channels such as comparison websites and utilities connection services.
88. **Clauses 84 and 85 of Part A** also apply to online sign up of generally available plans.

2.4 Requirements for in-person marketing activity

89. During any door-to-door sales or other in-person marketing activity to a customer for any plan a retailer or its agent must provide the customer with:
 - a) a BPID (which will contain a link to the DPID) at the time of contact and
 - b) a hard copy of the DPID on request.
90. A retailer does not need to provide the customer with a BPID and DPID if the door-to-door sales or other marketing activity ends promptly without any conversation in relation to prices or plans. For example, if the customer refuses to engage with the retailer or third party representing the retailer.

2.5 Requirements for other marketing activities

91. The obligations in this clause and **clauses 92 and 93 of Part A** relate to the marketing of generally available and restricted plans by any means, including but not limited to telemarketing activity, telephone queries, or other internet sales channels that relate directly or indirectly to:
 - a) a retailer explaining plans in circumstances where the discussion relates to prices or discounts
 - b) a retailer attempting to retain customers
 - c) a retailer attempting to gain customers
 - d) a retailer attempting to offer an additional energy type to customers – for instance marketing or discussions relating to bundled plans with customers that the retailer currently supplies with one fuel.
92. In relation to the marketing of generally available plans, retailers must:
 - a) advise the customer that the BPID is available on the retailer's website (noting the relevant URL) or upon request and note that the BPID is an information sheet that contains all the key details about a plan and
 - b) at the customer's request, send (via post or electronic communication) the BPID to the customer within five business days of the contact.
93. In relation to the marketing of restricted plans retailers must:
 - a) advise the customer of the availability of the BPID for the plan and note the BPID is an information sheet that contains all the key details about a plan and
 - b) at the customer's request, send (via post or electronic communication) the BPID to the customer within five business days.
94. **Clauses 84 and 85 of Part A** also apply to other marketing activities.

2.6 Use of a marketing agent

95. **Clauses 89 to 93 of Part A** apply to in-person and other marketing by agents including third party comparator websites and utilities connection services.

2.7 Publication requirements on mass media and social media

96. If a retailer or its agent markets generally available plans that reference prices, discounts, or the value of existing or potential plans for customers on mass media channels including magazines, the internet, newspaper or billboards, a retailer must include the following statement in any advertisements in clear and easily readable text:
- a) 'A Basic Plan Information Document for this plan is available at [insert link to the retailer/agent website where the BPID is located]' or
 - b) 'Basic Plan Information Documents are available at [insert link to the retailer/agent website where the BPID is located].'
97. The requirement in **clause 96 of Part A** extends to the promotion of plans through social media and advertisements on social media.
98. If a retailer advertises a plan online using a medium with character limitations that prevents the text required in **clause 99 of Part A** to be included, a retailer must include the text in a prominent location on the first webpage linked to in the advertisement.

2.8 Price comparison websites and third party sales agents

99. A link to the BPID must be provided for any marketing of generally available plans on third party price comparison websites or sales websites.

2.9 Requirement to refer to plan ID in communication with customers

100. Retailers must be able to identify and refer to the EME generated plan ID in communications with customers. This means if a customer contacts or is contacted by a retailer or its agent about a plan and the customer refers to an Energy Made Easy-generated plan ID the retailer or agent must be able to cross reference and identify the plan the customer is referring to based only on the plan ID.
101. The retailer or agent should not have to ask for any additional information from the customer to identify the relevant plan.

3 Requirements for describing discounts in advertising and marketing

102. 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 provide the information prescribed [section 1.6.2 of Part A](#). The exception for character-limited advertising or marketing in [clause 98 of Part A](#) also applies where relevant.
103. For example, these requirements would be satisfied with an electricity advertisement with the claim:

‘15% guaranteed discount off usage charges’ and, in fine print ‘Discount is off our standing offer plan charges. This information is available at www.sunenergy.com.au/standingplancharges.’
104. Each discount must be named and described using language that is clear, simple and widely understood and complies with [section 1.7 of Part A](#).
105. In any advertising and/or marketing where a conditional discount is referred to a retailer must clearly state the conditions the customer must satisfy to receive the discount.
106. The Australian Consumer Law prohibits retailers from representing discounts in a manner which misleads or deceives consumers. Nothing in these Guidelines affects the operation of the Australian Consumer Law.

Part B – Electricity retailers operating in Code Distribution Regions

107. Part B of these Guidelines applies to retailers supplying electricity to customers in distribution regions to which the Electricity Code applies.
108. The requirements in Part B of these Guidelines apply in conjunction with and should be read alongside the requirements of the Electricity Code.

4 Submitting information to the AER for Energy Made Easy

109. This section of the Guidelines specifies retailer requirements in providing energy plan data and information to the AER for the purpose of Energy Made Easy.²³ It also prescribes requirements for retailers for terminology and display of energy plan information and on linking to energy plan documents generated by Energy Made Easy.

110. For the purposes of this Part, references to 'retailer' and 'retailers' are references to electricity retailers who operate in distribution regions to which the Electricity Code applies.

4.1 Providing plan information to the AER

111. Retailers must submit data and information to Energy Made Easy in the manner and form required by **Parts B and C** of these Guidelines and in accordance with **clause 122 of Part B**.

112. The retailer secure area of Energy Made Easy automatically generates the plan documents (as defined in **clause 195 of Part C**) for each plan created or modified by a retailer in Energy Made Easy.

4.2 Obligation to link to Energy Made Easy plan documents

113. Retailers must, on their websites, link to an HTML version of the plan documents on Energy Made Easy.

4.3 Timeliness of submission of plan data and management of plans on retailer websites

114. Retailers must:

- a) submit information to Energy Made Easy on each generally available plan within two business days of the plan becoming available to customers and ensure the HTML link to the plan documents on retailer websites is live within the same timeframe and
- b) remove expired or obsolete plans from publication on Energy Made Easy within two business days of the plan becoming unavailable to customers and ensure that the HTML link to the plan documents on retailer websites is removed within the same timeframe.

115. The AER may review retailer compliance with the obligations under **clause 114 of Part B** and may require retailers to provide evidence of compliance with this obligation.

4.4 Quality control of data and information submitted

116. Retailers are responsible for ensuring the data and information published on Energy Made Easy and retailer websites is accurate and up to date.

117. Retailers must review and approve all data and information before publishing on Energy Made Easy.

118. Plans are published automatically on Energy Made Easy once **approved by a retailer's nominated approver**. ~~the retailer account administrator has approved them.~~

119. Publication of a plan on Energy Made Easy is not an approval by the AER of the plan's contents.

²³ For the removal of doubt a reference to providing information or data to Energy Made Easy is a reference to providing it to the AER for the purposes of section 63 of the Retail Law

4.5 Using plan ID

120. Energy Made Easy generates a unique reference code or plan ID for each plan. When marketing plans, retailers must comply with **clause 190 of Part B**.
121. Retailers must refer to the plan ID and retailer call centres or other agents must have access to the plan ID and be able to refer to it to identify each energy plan.

4.6 Key plan information

122. Retailers must provide information and data for all relevant plan fields, as detailed in the 'Offer Fields and Validation Criteria' technical document provided in the Energy Made Easy retailer secure area.
123. **Clauses 124 to 164 of Part B** provide additional information relating to price information, discounts, incentives, fees and other additional information to be provided.

4.6.1 Price information

124. Retailers must provide:²⁴
 - a) the difference between the unconditional price of the plan and the reference price, expressed as a percentage of the reference price [s 12(3)(a) of the Electricity Code]
 - b) the lowest possible price [s 12(3)(c) of the Electricity Code]
 - c) the distribution region, and type of customer [s 12(6) of the Electricity Code]
 - d) the unit price for electricity ~~and/or gas~~, expressed in cents per kWh or cents per MJ as appropriate. These must be labelled using the word 'usage'
 - e) any demand charges, where relevant, labelled as cents per kW, per kVA or per kVAR. These must be labelled as 'demand charges'
 - f) any ~~fixed or standing~~ **supply** charge, expressed in 'cents per day' and labelled as a 'daily supply charge'.

125. **Subclauses 123(a)–(f) apply to offers that are covered by section 12 of the Electricity Code.**

4.6.2 Discounts

126. A retailer must, for a plan that includes a discount, enter the following information into Energy Made Easy to populate the plan documents:
 - a) the amount and/or percentage of the discount, **expressed as a percentage of the reference price**
 - b) **if the plan includes a proportional conditional discount, the difference between the unconditional price and the conditional price for the discount, expressed as a percentage of the reference price [s 12(3)(b) of the Electricity Code].**

~~for percentage discounts, what component of the customer's bill the discount applies to. For example, whether the discount is off usage, the supply charge or the whole bill, and if the discount is off the GST inclusive or exclusive charges~~
~~the base level tariff and what the discount is off~~

²⁴ Retailers can access the current model annual usage and annual prices determined by the AER for the purposes of providing the information required by clause 122 of these Guidelines in the relevant AER Default Market Offer Determination, as published on the AER website from time to time.

~~where information on the base level tariff can be found (including the specific page where it can be found on the retailer's website)~~

~~for dual fuel plans, which fuel(s) the discount applies to~~

~~for solar plans, how any discounts are to be applied. For example, is the discount off total usage, or the net bill amount after solar credits.~~

Guaranteed discounts / Unconditional percentage

~~127. A guaranteed discount is any discount that does not require a particular action or behaviour on the part of the customer.~~

128. The unconditional annual price of a plan must include:

- a) any fees or charges
- b) unconditional discounts
- c) any unconditional rebates or credits
- d) any annual recurring fees such as membership fees and
- e) any recurring metering charges.

129. The unconditional annual price of a plan must not include any green charges or solar feed-in tariffs.²⁵

Conditional discounts

130. Conditional discounts are discounts that only apply if a customer satisfies certain requirements or conditions. **This includes any of the following:** ~~Examples of conditional discounts include but are not limited to:~~

- a) pay on time discounts
- b) bundling discounts (**that is, when a customer receives a discount for contracting and/or maintaining an account with a retailer for multiple products or services** ~~when a customer signs up to both electricity and gas with a retailer~~)
- c) direct debit discounts
- d) conditional rebates
- e) conditional credits.

131. **For the avoidance of doubt, incentives defined by clause 133 of Part B are not a conditional discount for the purposes of the Electricity Code.**

132. A retailer must clearly **and conspicuously** state in the data and information provided to Energy Made Easy the condition(s) the customer must satisfy to receive the discount, for example, paying the bill by the due date.

4.6.3 Incentives

133. An incentive is a benefit to the customer other than a discount, including non-price benefits, one-off price benefits or physical gifts that are provided to a customer upon entry to a contract.

134. Retailers must provide details of non-price incentives that form part of the plan when they provide plan information to Energy Made Easy. Examples of non-price incentives include

²⁵ Retailers must provide the information and data as required by section 4.6.7 in relation to GreenPower and other options.

vouchers for use in energy retail stores, magazine subscriptions, cinema tickets or tickets to sporting events.

135. In the event of early exit from a contract, if a customer is required to pay the retailer the value of the incentive this must be stated in the plan documents.
136. Any other benefits that have a one-off application, including price benefits, must be clearly and simply explained in the information provided to Energy Made Easy.
137. Retailers must also clearly state if any sign-up incentives (i.e. one off price benefits) will be applied before or after GST is added to bills.

4.6.4 Fees

138. Retailers must provide the key fees applicable to a plan to Energy Made Easy. A 'key fee' is any fee applying to a plan that will be incurred by:
 - a) all customers or
 - b) a significant portion of customers.
139. The amount of each fee must be specified in dollars (inclusive of GST) or as a percentage of the bill amount (inclusive of GST).
140. If a retailer applies any further fees to a plan that are not key fees, they must include, in the information provided to Energy Made Easy, 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 and is not a key fee. The reference must be to a specific URL where details of these fees can be found.
141. Retailers must name any fees relating to the disconnection or reconnection of a customer as 'disconnection fees' and 'reconnection fees' respectively. 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.
142. Key fees include but are not limited to:
 - a) connection/move-in fees
 - b) account establishment fees
annual fees/membership fees
 - c) exit fees
 - d) late payment fees
 - e) disconnection fee for non-payment
 - f) disconnection fee on moving out of the premises
 - g) reconnection fees
 - h) payment processing fees. For example, credit card fees, direct debit fees, and fees for paying in person at the post office
 - i) metering fees.

4.6.5 Additional information to be provided

143. Retailers must also provide the following information to Energy Made Easy for publication on plan documents:
 - a) the distribution area that the plan applies to

- b) the billing period and if flexible billing options (i.e. monthly billing) are available
 - c) the cooling off period
 - d) the length of the contract or, where applicable, the fact the contract has no specified length
 - e) the length of the benefit period
 - f) the arrangements that will take place at the expiry of the contract or benefit period
 - g) whether a retailer may vary the prices that apply to a plan and, if the price may vary, how and when customers will be notified of price variations
 - h) how and where customers can access information on the full terms and conditions of the plan
 - i) a retailer's contact information, including contact phone number and website details
 - j) metering arrangements and any associated costs
 - k) payment methods, including payment options
 - l) if a plan is a fixed price plan based on a specific usage amount, any conditions associated with this plan including consequences of the customer using more than that amount
 - m) if a plan is a 'capped' plan, meaning there is a fixed price per billing period irrespective of usage, what the cap is and what is included in the cap
 - n) if a plan is priced as an estimate based on the customer's previous usage and any conditions associated with these plans.
144. If the electricity or gas charges of a plan are not able to be expressed as a unit price, the retailer is not required to provide the price information as detailed in **clause 124 of Part B**.
145. Where the retailer is not able to provide prices due to the design of the plan, a Comparison Pricing Table (see **clauses 204 to 208 of Part C**) will not be displayed on the BPID.

4.6.6 Eligibility criteria

146. Retailers must provide details of any specific eligibility restrictions that would prevent a customer accessing a generally available plan. Examples of specific eligibility restrictions include access to the plan being conditional on the customer:
- a) being a member of a particular club – for example: a motoring club, sporting club, or business or leisure association
 - b) purchasing a particular product or service, which could be from the retailer themselves or another company partnering with the retailer – for example, purchasing a smart meter or battery, signing on to a retailer rewards program or purchasing an internet/mobile phone contract from the retailer or another company partnering with the retailer
 - c) purchasing the plan through sign up channels other than the retailer – for example a comparison website, partner company or connection service
 - d) purchasing the plan online only through the retailer
 - e) being an existing customer of the retailer
 - f) being a new customer to the retailer
 - g) being a concession card or seniors card holder
 - h) having solar panels, a smart meter, battery storage unit or swimming pool at the property

- i) being located in a limited geographic area as specified by the retailer
 - j) having sufficient previous usage data at the premises to allow the retailer to calculate an estimate for the customers usage and price the plan accordingly
147. Specific eligibility criteria apply to generally available plans and are separate from criteria for restricted plans, as described in **section 7.1.2 of Part C**.
148. Incentives are not the same as eligibility criteria and should be treated as incentives as described in **clauses 133 to 137 of Part B**.

4.6.7 Solar, GreenPower and other options

149. Retailers must specify information on additional options that a customer may select, such as solar, GreenPower, demand management or other options.
150. Where a particular plan has a number of GreenPower options associated with it, a retailer must provide information on each of the associated GreenPower options as one plan. GreenPower plans are separate plans to plans that do not have GreenPower as an option.
151. Where relevant, retailers should also specify rebates, including demand management rebates, in the plan information they submit to Energy Made Easy.
152. Retailers must clearly specify when a plan is available to customers with solar photovoltaic systems. They 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 plan. In the event the customer is also eligible for a government feed-in tariff, this feed-in-tariff must also be displayed with details of eligibility.
153. Retailers must also provide details of how GST is applied to solar feed-in tariffs.
154. If an additional option changes any element of the rest of the plan, retailers must create a separate plan. For example, if a higher daily supply charge will apply for solar customers this would constitute a separate plan.

4.6.8 Metering configurations and tariff type

155. Retailers must specify if the plan's availability is subject to the customer's property having a particular metering system or configuration.
156. Each tariff type available with a plan is considered a separate plan and Energy Made Easy will generate separate plan documents for each metering configuration.

4.6.9 Dual fuel plans

157. 'Dual fuel plans' are plans where prices or conditions offered are contingent on customers accepting the supply of both electricity and gas from the retailer. A plan can be a dual fuel plan even if the customer enters two separate contracts.
158. Energy Made Easy will automatically allocate a plan ID to a dual fuel plan and create the plan documents.
159. A dual fuel plan will be displayed as a single plan on the plan documents. Retailers must clearly indicate to customers in the data provided that the plan is contingent upon the customer accepting the supply of both electricity and gas from the retailer.
160. **For the avoidance of doubt, where a dual fuel plan includes an offer to supply electricity in the relevant distribution region to a type of customer to which the Electricity Code applies, retailers must provide the information and data relating to the electricity component of the offer, as specified in this Part.**

4.7 Language requirements

161. Language requirements apply to information provided to Energy Made Easy for use on plan documents and in other advertising and/or marketing by retailers or their agents.
162. In addition to the requirements specified in *Language requirements for Part B set out in the table below*, retailers must use language that is clear, simple and widely understood.
163. Terminology should be consistent across information provided to Energy Made Easy and in marketing and advertising where the meaning of the term is unchanged.
164. *Language requirements for Part B* prescribes required terms for certain components of a plan and prohibits the use of other terms for plan documents and in advertising and/or marketing. Retailers cannot use a synonym to a prohibited term to avoid the prohibition.
165. The language requirements do not extend to contracts or to bills. However, retailers should seek to maintain consistency across these documents wherever possible.

Table 4 Language requirements for Part B

| Prohibited terms | Required terms |
|--|---|
| Unconditional discount Non-conditional discount Base discount | Unconditional percentage (when specifying a discount as a percentage of the reference price) Guaranteed discount (when not referring to the reference price) |
| Termination fee Early termination fee | Exit fee |
| Consumption | Usage |
| Standing charge Fixed charge | 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' |
| 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 |
| Off-peak to refer to controlled load usage | Controlled load |
| Capacity charge or other term to describe demand | Demand charge |
| Any term other than 'general usage' to describe the general consumption element of a single rate tariff plan | General usage |

| Prohibited terms | Required terms |
|---|---|
| Reference bill, default market offer, DMO price or similar term | Reference price |
| Terms such as 'annual price' or 'annual bill', used to describe the lowest possible price | 'Lowest possible price', as described in the Electricity Code |

5 When plan documents are required

166. Retailers must have a BPID for every plan, including restricted plans.
167. The requirement to provide the plan documents to customers depends on how the retailer or its agent engages with the customer in accordance with **clauses 168 to 189 of Part B**.

5.1 Requirements for generally available plans on retailer websites

168. For each generally available plan retailers must:
 - a) publish in a prominent position a clear link to the BPID, labelled 'Basic Plan Information', where the retailer provides information about a plan on the retailer's ~~or another~~ website
 - b) if a plan for a particular distribution zone has tariff variations requiring multiple BPIDs, the link must be to:
 - i. a list of BPIDs for each variation or
 - ii. further questions to establish the specific variation relevant to the customer (for example, about their metering configuration), before linking to the BPID for the specific variation.
169. Retailers are not required to publish a DPID for a generally available plan separately on the retailer's website. A link to the DPID is provided in the BPID.

5.2 Requirements for restricted plans

170. While retailers must provide plan information to Energy Made Easy for restricted plans to generate plan documents, they are not required to publish these documents on Energy Made Easy.
171. Retailers are not required to publish a link on their website to a BPID or DPID for restricted plans.
172. Retailers are required to advise a customer of the availability of the BPID and provide it on request in accordance with **clauses 174 and 184 of Part B**.
173. The plan documents for each restricted plan must indicate the plan is a restricted plan and state the plan is not available to all customers.
174. During any online sign up process for a restricted plan, as an initial step the retailer or its agent must inform customers a BPID is available upon request and advise the customer the BPID is an information sheet that contains all the key details of a plan.
175. Retailers must not require a customer to provide technical or personal information for the customer to obtain a BPID other than information required to determine if a customer is eligible for a plan. For example:
 - a) the minimum level of information necessary to allow the retailer to determine the customer's distribution zone and/or
 - b) metering configuration information.
176. Retailers must provide a customer with an explanation about how to obtain information required under **clause 175 of Part B**, including where that information can be found on:
 - a) their current bill(s) and
 - b) their meter, if relevant.

5.3 Requirements for online sign up for generally available plans

177. Customers must be able to access a link to the BPID as an initial step in any online search or sign up process.
178. Retailers must refer to the relevant BPID and provide a clear and prominent link to the BPID in close proximity to the reference where customers are signing up to a plan through an online sign up process. ~~This includes through third party sales channels such as comparison websites and utilities connection services.~~
179. **Clauses 175 and 176 of Part B** also apply to online sign up of generally available plans.

5.4 Requirements for in-person marketing activity

180. During any door-to-door sales or other in-person marketing activity to a customer for any plan a retailer ~~or its agent~~ must provide the customer with:
 - a) a BPID (which will contain a link to the DPID) at the time of contact and
 - b) a hard copy of the DPID on request.
181. A retailer does not need to provide the customer with a BPID and DPID if the door-to-door sales or other marketing activity ends promptly without any conversation in relation to prices or plans. For example, if the customer refuses to engage with the retailer. ~~or third party representing the retailer.~~

5.5 Requirements for other marketing activities

182. The obligations in this clause and **clauses 183 and 184 of Part B** relate to the marketing of generally available and restricted plans by any means, including but not limited to telemarketing activity, telephone queries, or other internet sales channels that relate directly or indirectly to:
 - a) a retailer explaining plans in circumstances where the discussion relates to prices or discounts
 - b) a retailer attempting to retain customers
 - c) a retailer attempting to gain customers
 - d) a retailer attempting to offer an additional energy type to customers – for instance marketing or discussions relating to bundled plans with customers that the retailer currently supplies with one fuel.
183. In relation to the marketing of generally available plans, retailers must:
 - a) advise the customer that the BPID is available on the retailer's website (noting the relevant URL) or upon request and note that the BPID is an information sheet that contains all the key details about a plan and
 - b) at the customer's request, send (via post or electronic communication) the BPID to the customer within five business days of the contact.
184. In relation to the marketing of restricted plans retailers must:
 - a) advise the customer of the availability of the BPID for the plan and note the BPID is an information sheet that contains all the key details about a plan and
 - b) at the customer's request, send (via post or electronic communication) the BPID to the customer within five business days.
185. **Clauses 175 and 176 of Part B** also apply to other marketing activities.

Use of a marketing agent

~~Clauses 93 to 97 apply to in-person and other marketing by agents including third party comparator websites and utilities connection services.~~

5.6 Publication requirements on mass media and social media

186. If a retailer ~~or its agent~~ markets generally available plans that reference prices, discounts, or the value of existing or potential plans for customers on mass media channels including magazines, the internet, newspaper or billboards, a retailer must include the following statement in any advertisements in clear and easily readable text:
- 'A Basic Plan Information Document for this plan is available at [insert link to the retailer/agent website where the BPID is located]' or
 - 'Basic Plan Information Documents are available at [insert link to the retailer/agent website where the BPID is located].'
187. The requirement in **clause 186 of Part B** extends to the promotion of plans through social media and advertisements on social media.
188. If a retailer advertises a plan online using a medium with character limitations that prevents the text required in **clause 186 of Part B** to be included, a retailer must include the text in a prominent location on the first webpage linked to in the advertisement.

5.7 Price comparison websites and third party sales agents

189. **It is preferred that** a link to the BPID ~~must~~ be provided for any marketing of generally available plans on third party price comparison websites or sales websites.

5.8 Requirement to refer to plan ID in communication with customers

190. Retailers must be able to identify and refer to the EME generated plan ID in communications with customers. This means if a customer contacts or is contacted by a retailer ~~or its agent~~ about a plan and the customer refers to an Energy Made Easy-generated plan ID the retailer ~~or agent~~ must be able to cross reference and identify the plan the customer is referring to based only on the plan ID.
191. The retailer ~~or agent~~ should not have to ask for any additional information from the customer to identify the relevant plan.

6 Notice requirements

6.1 Requirement to include price information when informing existing customers of price variations

192. When informing an existing customer of variations to tariffs or charges, or other price-related variation to the customer's standard retail contract or market retail contract, retailers must provide:
- a) the difference between the varied unconditional price and reference price, expressed as a percentage of the reference price
 - b) the lowest possible price
 - c) the distribution region, and type of small customer, and
 - d) for any proportional conditional discount, the difference between the varied unconditional price and reference price, expressed as a percentage of the reference price.

~~Requirements for describing discounts in advertising and marketing~~

~~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 provide the information prescribed in clause 34. The exception for character-limited advertising or marketing in clause 102 also applies where relevant.~~

~~For example, these requirements would be satisfied with an electricity advertisement with the claim:~~

~~'15% guaranteed discount off usage charges' and, in fine print 'Discount is off our standing offer plan charges. This information is available at www.sunenergy.com.au/standingplancharges.'~~

~~Each discount must be named and described using language that is clear, simple and widely understood and complies with Table 3.~~

~~In any advertising and/or marketing where a conditional discount is referred to a retailer must clearly state the conditions the customer must satisfy to receive the discount.~~

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

Part C – Common requirements

193. This Part applies to all retailers who are required to comply with Part A and/or Part B of these Guidelines.

7 Energy Plan Documents

194. This section of the Guidelines specifies the plan documents retailers must have available for customers in relation to generally available and restricted plans.
195. Subject to **clause 52 of Part A and clause 142 of Part B**, retailers must have available two documents (the plan documents) for each plan:
 - a) Basic Plan Information Document (BPID)
 - b) Detailed Plan Information Document (DPID).
196. Energy Made Easy will generate the plan documents for each plan submitted by retailers to the retailer secure area of Energy Made Easy.

7.1 Generating the plan documents

197. The BPID and the DPID are generated through the Energy Made Easy retailer secure area.
198. Retailers are not permitted to create these documents and must use the documents generated by Energy Made Easy as prescribed in these Guidelines.
199. Retailers' obligations with respect to the publication and distribution of the plan documents vary according to whether the plan is generally available or not.

7.1.1 Generally available plans

200. All plans that are available to any customers in the appropriate distribution zone with the appropriate metering configuration are generally available unless they are a restricted plan.

7.1.2 Restricted plans

201. Restricted plans are specifically targeted at an individual or exclusive group and tailored to the specific circumstances of that customer and their need(s).
202. Restricted plans are typically not actively marketed, but negotiated by the retailer or its agent with the customer. Examples of restricted plans include, but are not limited to:
 - a) family and friends plans, including retailer staff plans and staff plans for employees of companies with whom the retailer has a commercial relationship
 - b) plans targeted to a specific customer, with traits and characteristics that cannot be easily acquired - for example - where the customer negotiates a specific plan with the retailer based on having multiple sites serviced by the same retailer
 - c) obsolete plans
 - d) standing offer plans that are not readily available to small customers in a particular location but which retailers publish on Energy Made Easy only to satisfy their Financially Responsible Market Participant (FRMP) requirements under the Retail Rules
 - e) plans for customers in residential embedded networks where the retailer acts as the embedded network operator, or provides retail-only plans to an embedded network customer
 - f) plans restricted to customers in a pilot program
 - g) plans restricted to concession customers
 - h) plans restricted to hardship customers

- i) 'save' plans, which are offered by retailers in response to a customer signalling they intend to switch to another retailer
- j) 'win-back' plans, which are offered by retailers after the customer has switched to a new retailer to persuade the customer to return.

8 Content of energy plan documents

203. The plan documents are populated by the data and information provided by the retailer to Energy Made Easy.

8.1.1 Comparison pricing table

204. Energy Made Easy will automatically generate a Comparison Pricing Table for display on the BPID.

205. The Comparison Pricing Table will include an estimate for three household usage profiles:

- a) 1 person
- b) 2-3 people
- c) 4-5+ people.

206. Two estimates will be displayed for each profile:

- a) a price estimate, excluding conditional discounts and
- b) an estimate that includes all available discounts.

207. For both electricity and gas plans, the estimate will be for an annual period.

208. The comparison pricing table will not be displayed on the BPID for:

- a) small business customer plans
- b) residential customer plans with demand charges
- c) plans where customer usage data is required to price the plan.

9 Glossary

Unless otherwise stated, below or in these Guidelines, terms used in this glossary apply to all Parts of these Guidelines.

Base level in relation to Part A, refers to the tariff level from which a discount is offered. For example, where a retailer has a market offer plan that provides a 10% discount off the standing plan rates, the standing plan rates are the base level. **In relation to Part B, the reference price functions as the base level tariff and all discounts must be calculated from the reference price.**

Basic Plan Information Document (BPID) is a document generated by Energy Made Easy that contains key information on all standing offer plan contracts and market offer plan contracts in the form specified by these Guidelines.

Benefit period has the meaning given to the term 'fixed benefit period' in the Retail Rules and means a period of a market retail contract during which a benefit to the customer (such as a price discount) is available and where the end date of that period is specified or ascertainable at the beginning of that period, and earlier than the date on which the contract will end.

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).

Capped plan is a plan where the customer is charged a fixed amount over the billing period, capped at an amount agreed by the retailer and customer.

Comparison Pricing Table is a table generated by Energy Made Easy for each offer entered into Energy Made Easy. It includes a price estimate for three household usage profiles: 1- person, 2-3 people and 4-5+ people as calculated by Energy Made Easy.

Conditional discount in relation to Part A means any discount that only applies if a customer satisfies certain requirements or conditions (for example, by paying on time). **In relation to Part B, it has the same meaning as defined in the Electricity Code.**

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 '[number] 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.

Detailed Plan Information Document (DPID) is a document generated by Energy Made Easy that contains detailed information on all standing offer plan contracts and market offer plan contracts in the form specified by these Guidelines.

Distribution region has the same meaning as defined in the Electricity Code.

Dual fuel refers to plans where prices and/or conditions offered are contingent on customers accepting the supply of both electricity and gas from the retailer. A plan can be a dual fuel plan even if the customer enters two separate contracts.

Electricity Code means the *Competition and Consumer (Industry Code- Electricity Retail) Regulations 2019*, as amended from time to time.

Electricity Code Guide means the ACCC's *Guide to the Electricity Retail Code*, 18 June 2019, as amended from time to time and available on the ACCC website at www.accc.gov.au

Exit fee means a sum of money charged (or any other penalty imposed) on the early termination of a contract before the end of the contract term or benefit period.

Fixed benefit period – see Benefit period.

Generally available plan means any plan that is available to any customer in the relevant distribution zone unless it is classified as a restricted plan.

Green power means any price a customer pays for a retailer to source energy from an accredited green power source.

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 benefit to the customer, other than a discount, that includes non-price benefits, one-off price benefits or physical gifts that are provided to a customer upon entry to a contract.

Key fee is any fee applying to a plan that will be incurred by:

- all customers or
- a significant portion of customers.

Lowest possible price has the same meaning as defined in the Electricity Code.

Market offer plan is a plan that is provided to a customer, for or in connection with the sale and supply of energy, under a market retail contract.²⁶

Model annual usage has the same meaning as defined in the Electricity Code.

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

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

Plan means a standing offer plan or market offer plan that a retailer offers to a customer.

Proportional conditional discount has the same meaning as defined in the Electricity Code.

Ongoing contract means a contract without a specified contract length or end date.

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

Reference price has the same meaning as defined in the Electricity Code.

Restricted plans are plans specifically targeted to an exclusive individual or group and tailored to the specific circumstances of that customer and their need(s). They are also typically not actively marketed, but negotiated on the spot by the customer with the retailer or its agent.

Retailer means a person who is the holder of a retailer authorisation issued under Part 5 of the Retail Law.

Small customer in relation to Part A, 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. **In relation to Part B**, it has the same meaning as defined in the Electricity Code.

²⁶ A market retail contract is a customer retail contract as referred to in the National Energy Retail Law.

Standing offer plan is a plan that is provided to a customer, for or in connection with the sale and supply of energy, under a standard retail contract.²⁷ A related term (standing offer prices) is defined in the Electricity Code.

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

Unconditional percentage has the same meaning as defined in the Electricity Code Guide .

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

²⁷ A standard retail contract is a customer retail contract that is as defined in the National Energy Retail Law.