



Notice of Final Instrument:

AER Customer Hardship Policy Guideline Version 1

March 2019

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1 About this document

1.1 Introduction

This Notice of Final Instrument (**Notice**)¹ accompanies the Australian Energy Regulator's (AER) Customer Hardship Policy Guideline (**Hardship Guideline**).²

The purpose of a retailer's customer hardship policy (**hardship policy**) is to identify residential customers experiencing payment difficulties due to hardship and to assist those customers to better manage their energy bills on an ongoing basis.³

In November 2018, in response to an AER rule change proposal to strengthen hardship protections,⁴ the National Energy Retail Rules (**Retail Rules**) were amended to require a retailer's hardship policy to contain specific information and comply with an AER Hardship Guideline.⁵ These new rules aim to strengthen protections for customers by helping them to better understand their rights, the assistance they are entitled to, and their retailer's responsibilities, when customers are experiencing payment difficulties due to hardship.⁶

Ensuring the hardship protections in the National Energy Retail Law (**Retail Law**) and Retail Rules work in customers' best interests, and that retailers comply with their hardship responsibilities including those in the Hardship Guideline, is a key focus for the AER.⁷ We consider the new Retail Rules and this Hardship Guideline will improve the consistency of assistance given to customers across retailers, provide clarity about customer rights and entitlements, and will enhance our ability to assess retailer compliance with their hardship responsibilities under the Retail Law and Retail Rules.

1.2 Role of the Hardship Guideline

Retail Rule 75A(1) required us to develop, maintain and publish a Hardship Guideline by 1 April 2019. The purpose of the Hardship Guideline is to create binding, enforceable obligations on retailers to strengthen protections for customers experiencing hardship.

¹ Rule 173(2)(b) of the Retail Rules

² AER, *AER Customer Hardship Policy Guideline*, AER, 29 March 2019, <https://www.aer.gov.au/retail-markets/retail-guidelines-reviews/customer-hardship-policy-guideline>, viewed March 2019.

³ Section 43(1) of the Retail Law

⁴ AER, *Strengthening protections in the National Energy Retail Rules for customers in financial hardship*, rule change proposal, AER, 21 March 2018, www.aemc.gov.au/sites/default/files/2018-05/RRC0017%20Rule%20change%20proposal.pdf, viewed March 2019.

⁵ Australian Energy Market Commission (AEMC), *Rule determination, Strengthening protections for customers in hardship*, AEMC, 15 November 2018, www.aemc.gov.au/sites/default/files/2018-11/Final%20determination.pdf, viewed March 2019.

⁶ The term 'hardship customer' is defined in section 2 of the Retail Law as a 'residential customer of a retailer who is identified as a customer experiencing financial payment difficulties due to hardship in accordance with the retailer's customer hardship policy'. The Retail Law does not contain a separate definition of 'hardship'.

⁷ AER, *Strategic Statement*, AER, August 2017, www.aer.gov.au/system/files/AER%20Strategic%20Statement%20August%202017.PDF, viewed March 2019.

AER, *Statement of Intent 2017-18*, AER, September 2017, www.aer.gov.au/publications/corporate-documents/aer-statement-of-intent-2017%E2%80%9318, viewed March 2019.

Under the Retail Law, a retailer must have in place an AER-approved hardship policy.⁸ New Retail Rule 75B(1) requires retailers to submit to the AER hardship policies that are compliant with the Hardship Guideline.⁹ To assist retailers to meet their responsibilities under Retail Rule 75B(1), the Hardship Guideline specifies:

- the processes, timeframes and requirements retailers must comply with in connection with the approval or variation of their hardship policies by the AER.¹⁰ This includes requirements for the content of a hardship policy and for how retailers must communicate their hardship policies. These requirements will assist in addressing important shortfalls identified in the AER's hardship compliance monitoring undertaken in 2017.
- the standardised statements that retailers must include in their hardship policies.¹¹ The standardised statements inform customers of how their retailer will comply with the minimum requirements in section 44 of the Retail Law, and provide guidance to customers on their rights under the hardship protections, and a retailer's hardship responsibilities under the Retail Law.

1.3 Definitions and interpretation

In this Notice, key words and phrases have the meaning given to them in the glossary of the Hardship Guideline or, if not defined in the glossary, the Retail Law and Retail Rules.

Retailers operating multiple brands should ensure their customer hardship policy is consistent across their brands.

Use of the term 'hardship'

Throughout our consultation steps, a number of stakeholders¹² have noted that they would prefer not to use the term 'hardship' when engaging with customers or more broadly. We have added a reference in the Guideline to note that, provided they comply with this Guideline, the Retail Law and Retail Rules, retailers and others may also elect to use language other than the term 'hardship' when communicating with customers. Whilst in some places, a retailer is required to use the term 'hardship' in its policy document, we have clarified that retailers and others can use alternative language to better suit customer preferences in their communications.

For example, some stakeholders prefer to refer to 'customers experiencing payment difficulty' and others prefer 'vulnerable customers', 'customers experiencing vulnerability' or 'customers in vulnerable circumstances'.

While this Guideline works with the terminology of the Retail Law and Retail Rules, it is good practice to ensure that communication with customers is guided by customer needs and preferences.

⁸ Section 43(2) of the Retail Law

⁹ Rule 75B(1) of the Retail Rules

¹⁰ Rule 75A(2)(a) of the Retail Rules

¹¹ Rule 75A(2)(b) of the Retail Rules

¹² EWOV draft Hardship Guideline consultation, p 3; NCOSS draft Hardship Guideline consultation, p. 2; PIAC draft Hardship Guideline consultation, p. 1; AER draft Customer Hardship Policy Guideline stakeholder workshop notes, p. 8

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

The AER is responsible for monitoring, investigating and enforcing compliance with the obligations under the Retail Law, Retail Rules and National Energy Retail Regulations. For more information please refer to AER guidance on its compliance and enforcement approach including the AER's *Compliance and Enforcement Statement of Approach*.¹³

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.

1.5 Version history and effective date

This Notice is in relation to version 1 of the Hardship Guideline.

Retailers must comply with the Hardship Guideline from 2 April 2019.¹⁴ For retailers with existing approved hardship policies, Schedule 3 Part 11 of the Retail Rules provides transitional arrangements for the submission, approval and implementation of updated hardship policies. The Retail Rules provide a timeframe for implementing rule 75B. In practice, following these timeframes will mean that current retailers will have their updated, Guideline-compliant hardship policies on their website by 2 October 2019.

From 2 April 2019, newly authorised retailers must submit Hardship Guideline-compliant hardship policies to the AER for approval within three months of being granted a retailer authorisation.¹⁵

¹³ AER, *AER Compliance and enforcement – Statement of approach*, AER, April 2014, www.aer.gov.au/publications/corporate-documents/aer-compliance-and-enforcement-statement-of-approach, viewed March 2019.

¹⁴ Schedule 3, Part 11 of the Retail Rules

¹⁵ Section 43(2)(a) of the Retail Law

2 Purpose of this Notice

2.1 Our approach

We are required to explain our approach to developing the Hardship Guideline in a Notice.

This Notice provides information about the context in which the Hardship Guideline has been prepared, the issues we have considered and stakeholder views on these issues, and the intent of and rationale for the requirements.¹⁶ The Hardship Guideline and Notice have been prepared in accordance with the retail consultation procedure in rule 173 of the Retail Rules.

In the following parts of the Notice, we explain the development and rationale for the requirements of the Hardship Guideline:

- retailer hardship policy responsibilities relating to identification, training and information (Part 3)
- communication requirements to be complied with by retailers in connection with the approval of their hardship policies (Part 4)
- processes and timeframes to be complied with by retailers in connection with the approval of their hardship policies (Part 5), and
- the standardised statements to be included in a retailer's hardship policy (Part 6).

2.2 Draft Guideline

We released the draft Hardship Guideline and an accompanying Notice of Draft Instrument (**draft Notice**) for public consultation on 4 February 2019. We received 22 submissions¹⁷ which provided valuable feedback and informed the finalisation of the Guideline. We obtained additional feedback from stakeholders at a Stakeholder Workshop held on 25 February 2019.¹⁸

Key themes and our responses are summarised in the following parts as relevant, and further detail is provided at Appendix A.

2.3 Previous consultation

We sought stakeholder views on two issues papers to assist in the development of the Hardship Guideline.

¹⁶ Rule 173(2)(b)(ii) of the Retail Rules

¹⁷ AER, *AER draft Customer Hardship Policy Guideline*, AER, March 2019, www.aer.gov.au/retail-markets/retail-guidelines-reviews/customer-hardship-policy-guideline/draft-decision viewed March 2019.

¹⁸ AER, *AER draft Customer Hardship Policy Guideline stakeholder workshop notes*, AER, March 2019, www.aer.gov.au/retail-markets/retail-guidelines-reviews/customer-hardship-policy-guideline/draft-decision viewed March 2019.

2.3.1 Standardised statements

Our November 2018 issues paper sought feedback on draft standardised statements to be included in retailers' hardship policies.¹⁹ The standardised statements give effect to the minimum requirements in the Retail Law for the purpose of guiding customers on their rights and retailers' responsibilities. We sought views on whether the draft standardised statements:

- clearly describe the minimum requirements in the Retail Law of a retailer's hardship policy
- contain user-friendly language that would be easily understood by a range of customers, and
- sufficiently address gaps to customers accessing assistance by clarifying customers' rights and entitlements under the hardship protections.

We received 17 submissions, which provided valuable feedback and raised a number of issues.²⁰ Key themes and our responses were summarised in section 6.1 of the draft Notice. Issues raised in addition to those in section 6.1 were summarised and responded to in Appendix A of the draft Notice.

2.3.2 Hardship Guideline issues paper

We published a second issues paper in December 2018, which sought views on key issues to assist us to further develop other important aspects of the Hardship Guideline.²¹ Specifically, we requested feedback on how the Hardship Guideline should:

- best ensure that customers are effectively informed about their rights
- support consistent application of the Retail Law minimum standards
- support customers most in need of hardship assistance to receive it, and
- facilitate more customers completing hardship programs successfully.

We received 19 submissions to this consultation.²² Key themes and our responses were summarised in parts 3-6 of the draft Notice. The key issues addressed in the draft Notice included:

- retailer hardship policy responsibilities: identification, training and information
- communication of customer rights
- processes and timeframes, and

¹⁹ AER, *Standardised statements for use in customer hardship policies issues paper*, AER, November 2018, www.aer.gov.au/system/files/Issues%20paper%20-%20Standardised%20Statements%20for%20use%20in%20customer%20hardship%20policies.pdf, viewed March 2019.

²⁰ AER, *Customer Hardship Policy Guideline*, AER, November 2018, <https://www.aer.gov.au/retail-markets/retail-guidelines-reviews/customer-policy-hardship-guideline-0/initiation>, viewed March 2019.

²¹ AER, *Hardship Guideline issues paper*, December 2018, https://www.aer.gov.au/system/files/AER%20issues%20paper%20-%20Hardship%20Guideline%20-%2010%20December%202018_1.pdf, viewed March 2019.

²² AER, *Customer Hardship Policy Guideline*, AER, December 2018, www.aer.gov.au/retail-markets/retail-guidelines-reviews/customer-policy-hardship-guideline-0/consultation, viewed March 2019.

- standardised statements.

Issues in addition to those discussed in parts 3-6 of the draft Notice were summarised and responded to in Appendix B of the draft Notice.

3 Retailer hardship policy responsibilities: identification, training and information

This part of the Notice summarises the requirements of the Guideline, consultation views provided in response to the draft Guideline, and the AER's final position.

Part 2 of the Hardship Guideline specifies content requirements for retailer hardship policies. These requirements complement the measures to improve the communication of hardship policies in Part 3 of the Hardship Guideline, and the standardised statements in Part 5. In combination, these requirements will address the shortfalls in hardship policies we have identified in hardship compliance monitoring and retailer performance data.

The AER's hardship compliance monitoring undertaken in 2017 highlighted that general and principles-based retailer hardship policies are contributing to poor customer outcomes. Of particular concern is that customers in most need of assistance through retailer hardship programs are not able to access assistance, or are not able to access assistance in a timely manner.

Many policies do not appear to sufficiently give effect to the Retail Law minimum requirements, or provide adequate guidance to customers on their hardship rights and entitlements. The requirements in this Part of the Hardship Guideline operate within rule 75A(2)(a) of the Retail Rules, which states that the Hardship Guideline must contain '...requirements to be complied with by retailers in connection with the approval (or variation) of their customer hardship policies by the AER'.

Purpose of hardship policies

The requirements in Part 2 of the Hardship Guideline support the purpose of retailers' hardship policies to identify residential customers experiencing payment difficulties due to hardship, and assist these customers to better manage their energy bills on an ongoing basis.²³

When we consider and approve policies, they must contain the minimum requirements and reflect the purpose of the Retail Law. However, our performance data and compliance monitoring has shown that, when in operation, the policies are falling short of achieving this purpose.

The current hardship customer experience

We are concerned that retailer conduct and performance with regard to the operation of their customer hardship policies is not improving over time, and the experience for many customers is worsening. For example, our 2017-18 performance figures²⁴ show that retailer hardship program indicators have not improved, and in many cases have worsened, compared to the previous year.

²³ Section 43(1) of the National Energy Retail Law

²⁴ AER, *Annual report on compliance and performance of the retail energy market 2017–18*, AER, December 2018, www.aer.gov.au/retail-markets/performance-reporting/annual-report-on-compliance-and-performance-of-the-retail-energy-market-2017-18, viewed March 2019.

In 2017-18, we found that:

- average levels of debt for electricity customers entering hardship programs increased from \$1,092 in 2016-17 to \$1,146 in 2017-18²⁵
- the proportion of customers entering hardship programs with a significant electricity debt of over \$2,500 increased from 8 per cent in 2016-17 to 10 per cent in 2017-18²⁶
- fewer people are successfully exiting hardship programs—27 per cent of electricity customers successfully exited hardship programs in 2016-17, compared to 22 per cent in 2017-18²⁷
- more people are being excluded from participating in retailers' hardship programs—of the electricity customers who exited hardship programs, 57 per cent were excluded in 2016-17 compared to 64 per cent in 2017-18. Of the gas customers who exited hardship programs, 66 per cent were excluded in 2016-17 compared to 72 per cent in 2017-18.
- the percentage of customers on a payment plan in the previous 12 months who had been disconnected rose by 6.5 per cent for electricity and 6.8 for gas from 2016-17 to 2017-18.²⁸

We are very concerned by these findings. Strong action is required to strengthen the protections for customers experiencing hardship, from early identification of customers in need of assistance, throughout the duration of the customer being supported on hardship programs.

Feedback about aligning with Victorian Payment Difficulties Framework

We received a number of stakeholder comments which sought that the AER Guideline align with the Victorian Essential Services Commission's new Payment Difficulties Framework (**ESC framework**), which commenced on 1 January 2019.²⁹ For example, Powershop³⁰ submitted that it supports alignment with the ESC framework as it has already implemented systems and process changes to give effect to the ESC framework and believes that it provides adequate coverage regarding hardship. This was also supported by most consumer advocates who responded to the consultation on the draft Guideline.

Section 2.2 of the Hardship Guideline notes that retailers are encouraged, in their customer hardship policies, to apply measures that will identify customers experiencing payment difficulties due to hardship and assist those customers to better manage their energy bills on an ongoing basis. These measures must be consistent with the Guideline, the Retail Law

²⁵ AER, *Annual report on compliance and performance of the retail energy market 2017–18*, p. 63, AER, December 2018, www.aer.gov.au/retail-markets/performance-reporting/annual-report-on-compliance-and-performance-of-the-retail-energy-market-2017-18, viewed March 2019.

²⁶ *ibid*, p. 62.

²⁷ *ibid*, p. 63.

²⁸ *ibid*, p. 68.

²⁹ Powershop draft Hardship Guideline consultation, p. 1; TasCOSS. draft Hardship Guideline consultation, p 2; EWOSA draft Hardship Guideline consultation, p. 2; EWOQ draft Hardship Guideline consultation, p. 2, QCOSS draft Hardship Guideline consultation, p. 4, SVDP NSW draft Hardship Guideline consultation, p. 2; VCOSS draft Hardship Guideline consultation, p. 2; PIAC draft Hardship Guideline consultation, p. 4-5; EWOV draft Hardship Guideline consultation, p. 2; COTA draft Hardship Guideline consultation, p. 3

³⁰ Powershop draft Hardship Guideline consultation, p. 1.

and the Retail Rules, and retailers are free to implement measures and assistance beyond these minimum requirements.

Use of a 'debt trigger' for identifying whether a customer may require assistance was of particular interest to consumer stakeholders, who support an objective mechanism for identifying customers experiencing hardship. Under the ESC framework, this requires a retailer to take active steps to identify customers who have missed payment of a bill and owe in excess of \$55, and provide them with timely, clear and unambiguous advice on the assistance to which the customer is entitled.³¹

We note that the ESC framework applies to a wide cohort of consumers, i.e. all eligible 'customers experiencing payment difficulty'. This is a broader group of consumers than those the AER is able to cover in the Guideline, i.e. 'hardship customer' meaning 'a residential customer of a retailer who is identified as a customer experiencing payment difficulties due to hardship in accordance with the retailer's customer hardship policy'.³² We note there is some overlap between these two groups, but overall, the ESC framework is broader than the AER Guideline is currently able to be under the Retail Law and Retail Rules.

As noted in the draft Notice, in the 12 months following the publication of the Guideline, the AER will review the impact that customer hardship measures outside the Retail Law (such as this debt trigger) are having on customers experiencing hardship. We noted we would consider if and how these measures are benefiting customers, and consult on amending the Guideline to incorporate some of these measures.

The AER is committed to undertaking this proactive review, to ensure our Guideline achieves its intended purposes. We consider the Guideline will work well within the current framework, noting adoption of all elements of the ESC Framework through the Guideline is not currently possible under the current Retail Law and Rules arrangements.

In the 12 months following the publication and implementation of this Guideline, the AER will seek to understand the impact of the various measures introduced under the national and Victorian frameworks on customers experiencing payment difficulties and hardship. The AER has invited the Victorian Essential Services Commission to do this as a joint project. The aim of this work will be to identify the measures most effective at assisting customers and potential changes to the regulatory frameworks for consideration.

We summarise the specific feedback on the measures proposed in Part 2 of the Guideline, in sections 3.1.1 to 3.1.5.

3.1.1 Retailer's overarching responsibilities

Section 2.1 of the Guideline sets out retailer responsibilities about customer communications and related actions to be addressed in retailer hardship policies. These include requirements for retailers to take into account all of the circumstances when dealing with a customer who is experiencing payment difficulties due to hardship and to act fairly and reasonably; to act in

³¹ Essential Services Commission (ESC) Victoria, *Payment Difficulty Framework*, October 2017, ESC, www.esc.vic.gov.au/sites/default/files/documents/payment-difficulty-framework-final-decision-20171009.pdf, viewed March 2019.

³² Section 2 of the Retail Law

a timely manner and give clear information; and provide customers with assistance as soon as practicable.

Stakeholder views

Public Interest Advocacy Centre (**PIAC**)³³ and St Vincent de Paul (**SVDP**) NSW³⁴ considered that retailers should be required to inform all of their customers of hardship support, not just those experiencing payment difficulties due to hardship.

A number of stakeholders suggested phrases in clause 27 of the draft Hardship Guideline should be further defined in the Guideline, including 'in a timely manner'³⁵ and 'as soon as practicable'.³⁶

Origin Energy³⁷ submitted that the Guideline should be revised to reflect that the purpose of a hardship policy is to provide consistent assistance, not to provide an appropriate level of care based on a customer's circumstances.

A number of consultation respondents, including at our stakeholder workshop,³⁸ submitted that the Guideline should more explicitly refer to the Retail Law objective that disconnection of customers is a last resort, e.g.:

- Queensland Council of Social Service (**QCOSS**)³⁹ considered that the Guideline should include an 'overall objective' of retailers' hardship policies to 'protect consumers from disconnection due to hardship'.
- Victorian Council of Social Service (**VCOSS**)⁴⁰ and NSW Council of Social Service (**NCOSS**)⁴¹ suggested that the Guideline outline disconnection safeguards in line with the approach in the ESC framework.

Some stakeholders⁴² indicated that two-way engagement is key to the successful completion of hardship programs by customers, and that the Guideline should focus on customers' responsibilities in order to increase engagement.

AER position

We agree it is best practice for retailers to inform all of their customers of available hardship support, to encourage customers to reach out for assistance at times when they need it. The Guideline therefore includes footnote 19 at clause 47 of Guideline to encourage retailers in this regard. This will assist in customer self-identification and further promote customer awareness of their rights and entitlements, and awareness among retailer staff and agents.

³³ PIAC draft Hardship Guideline consultation, p. 2

³⁴ SVDP NSW draft Hardship Guideline consultation, p. 1

³⁵ PIAC draft Hardship Guideline consultation, p. 3; EWOQ draft Hardship Guideline consultation, p. 2; QCOSS draft Hardship Guideline consultation, p. 2; SVDP NSW draft Hardship Guideline consultation, p. 1

³⁶ PIAC draft Hardship Guideline consultation, p. 3.

³⁷ Origin Energy draft Hardship Guideline consultation, p. 3

³⁸ AER draft Customer Hardship Policy Guideline stakeholder workshop notes, p. 8

³⁹ QCOSS draft Hardship Guideline consultation, p. 2-3

⁴⁰ VCOSS draft Hardship Guideline consultation, p. 2

⁴¹ NCOSS draft Hardship Guideline consultation, p. 4

⁴² AGL draft Hardship Guideline consultation, p. 3; AER draft Customer Hardship Policy Guideline stakeholder workshop notes, p. 8

Clauses 46 and 47 of the Guideline also requires retailers to ensure all customers can easily access their hardship policy. Due to the scope of the rule, the requirement cannot extend beyond customers experiencing hardship. We consider these approaches align with the Retail Law and Retail Rules.

In response to requests to define phrases used in section 2.1, we consider the Guideline and the ordinary and legal meanings of these phrases provide sufficient guidance while assisting the Guideline to remain relevant over time. Further detail is provided at Appendix A.

In relation to protection against disconnection, for added clarity, we have included a reference to sections 45(3) and 47 of the Retail Law in Part 1 of the Guideline.

Regarding two-way engagement, we consider this is addressed in the standardised statements under the statements ‘what we will do’ and ‘what we need you to do’ in Part 5 of the Guideline. We note that the Guideline should focus retailers on their important role and responsibilities in better engaging customers to join and complete hardship programs. We consider this approach strikes the right balance to address the current market issues.

3.1.2 Steps a retailer uses

Section 2.2 of the Guideline sets out measures to support the consistent application of the Retail Law and Retail Rules. The purpose of these measures is to ensure retailers include a description of the types of systems in place to assist in the early identification and assistance of hardship customers. These measures aim to address the current problem that customers and their representatives do not have sufficient transparency and certainty about how a retailer’s hardship program works and how they will experience it, noting transparency is likely to increase customers’ understanding of, and successful participation and engagement in, hardship programs. Further comments on this theme are at Appendix A.

Stakeholder views

Ombudsman services – Energy and Water Ombudsman SA (**EWOSA**)⁴³, QCOSS and Council on the Ageing (**COTA**) recommended including a reference to the customer’s right to contact the energy ombudsman in their state or territory if they are not satisfied with the handling of their complaint by the retailer, at clause 28 of the draft Guideline.

Early identification – PIAC⁴⁴ submitted that the Guideline should specify steps taken by retailers to undertake early identification of customers experiencing payment difficulties, and set out a list of suggested steps.

AER position

Ombudsman services – we agree that providing customers with information about existing complaints and disputes handling services will further assist customers to connect with available advice and support. We have added a reference at clause 31 of the Guideline to the availability of these services.

Early identification – Standardised Statements 1 and 2 work in combination with clause 31 of the Guideline to allow for early identification of customers experiencing hardship, and

⁴³ EWOSA draft Hardship Guideline consultation, p. 3; QCOSS draft Hardship Guideline consultation, p. 4; COTA draft Hardship Guideline consultation, p. 3

⁴⁴ PIAC draft Hardship Guideline consultation, p. 4

references a number of the trigger points proposed by PIAC. A number of the other early identification triggers proposed by PIAC may be outside the scope of the current Retail Law and Retail Rules (for example, the \$55 debt trigger). We note that retailers are free to use these triggers and others to identify customers who may need assistance without these being prescribed in the Guideline. As noted above in Part 3, in the 12 months following June 2019, the AER will assess the impact that customer hardship measures outside the Retail Law (such as this debt trigger) is having on customers experiencing hardship. If we consider these measures are benefiting customers, we will consult about amending the Guideline to incorporate some of these measures.

3.1.3 Training

The Guideline contains requirements for a retailer's hardship policy to identify that its personnel who have contact with customers experiencing hardship have undergone training to assist hardship customers, and that the retailer regularly reviews its training. These measures aim to address the problem of customers not being identified early as experiencing payment difficulties due to hardship, or being given varying and inconsistent degrees of assistance by retailer front-line staff.

Stakeholder views

Retailer's employees and agents – PIAC⁴⁵, Energy and Water Ombudsman Qld (**EWOQ**)⁴⁶ and SVDP⁴⁷ submitted that the Guideline should ensure retailers make it clear that all staff have accessed training, including contractors. PIAC and EWOQ suggested training monitoring, evaluation and reporting requirements should be included in the Guideline.

Performance reporting – EWOQ recommended that performance data be provided to the AER on training and identification of customers in hardship in order to monitor and assess compliance.

Awareness of concessions – some stakeholder workshop participants noted that retailer and call centre staff need to be able to inform customers about different concessions, including where retailers operate in different jurisdictions.

AER position

Retailer's employees and agents – the intention of the Guideline is that hardship policies reference training to all staff who have the authority to act on behalf of the retailer. We have added a clarification point to section 2.3 to make this clear.

Performance reporting – section 2.3 requires that the retailer must confirm that training is regularly reviewed and updated. We expect retailers to be using monitoring tools to evaluate their performance and improve their training to ensure it serves this purpose effectively and remains current. This includes monitoring complaints, including those received via ombudsman schemes, and responding to the AER's mandatory performance monitoring indicators.

⁴⁵ PIAC draft Hardship Guideline consultation, p. 5

⁴⁶ EWOQ draft Hardship Guideline consultation, p. 2

⁴⁷ SVDP draft Hardship Guideline consultation, p. 2

Last year, we amended the AER Retail Performance Reporting Procedures and Guidelines⁴⁸ to include additional performance indicators relating to hardship programs and payment difficulty more broadly. We consider these additional and amended indicators will provide a clearer picture of the performance of retailers in providing meaningful assistance to customers experiencing hardship. Retailers are required to submit their first quarter of data for the period 1 January 2019 to 31 March 2019 to the AER by 30 April 2019.

Some retailers who are required to comply with this Guideline have also signed up to The Energy Charter⁴⁹ launched in January 2019. The Charter requires signatories to annually demonstrate and report on how they meet five principles, including how they ‘...support customers facing vulnerable circumstances’. While this is a voluntary scheme, we consider this will complement this Guideline, and our mandatory reporting on hardship, to provide further information on the effectiveness of retailer hardship training.

Awareness of concessions – this is addressed in Standardised Statements 1, 2 and 4.

3.1.4 Information about a retailer’s hardship program

3.1.4.1 Eligibility processes

Section 2.4 of the Guideline requires that retailers include in their hardship policies a short description of their process for assessing the eligibility of customers for their hardship programs.

Stakeholder views

Reasons – EWON⁵⁰ submitted that retailers should be required to provide a reason to customers if a customer is deemed ineligible for the hardship program.

Customer information about retailer processes – in relation to clause 31 of the draft Guideline, PIAC submitted that a retailer’s policy should include a description of the retailer’s processes for identifying and supporting customers experiencing payment difficulty, at the earliest possible opportunity. PIAC suggested this include a graphic ‘journey map’ demonstrating the specific steps, triggers and actions involved. QCOSS⁵¹ and VCOSS also provided views on this.

AER position

Reasons – we agree that it will strengthen protections for customers if they are informed of the reasons a retailer has determined they are not eligible for a hardship program. We have reflected this in the Guideline.

Customer information about retailer processes – these issues are dealt with in clause 31 of the Guideline, which requires retailers’ policies to set out the steps they will use to identify and assist customers experiencing payment difficulties due to hardship. Clause 31 allows a

⁴⁸ AER, *AER (Retail Law) Performance Reporting Procedures and Guidelines*; AER, January 2019, www.aer.gov.au/retail-markets/retail-guidelines-reviews/aer-retail-law-performance-reporting-procedures-and-guidelines-january-2019, viewed March 2019.

⁴⁹ The Energy Charter, *The Energy Charter*, January 2019, <https://www.theenergycharter.com.au/publications> viewed March 2019.

⁵⁰ EWON draft Hardship Guideline consultation, p. 5

⁵¹ QCOSS draft Hardship Guideline consultation, p. 3; VCOSS draft Hardship Guideline consultation, p. 3

retailer sufficient scope to implement ‘visual tools’ to allow for more effective communication – a retailer has flexibility to include a ‘journey map’ if it considers it would assist in greater customer comprehension. Standardised statements 1 and 2 complement this, providing clarity about when a customer should be referred to the hardship program.

3.1.4.2 Conditions on entry or re-entry to a hardship program

The Guideline includes measures to protect against unreasonable conditions on entry or re-entry to a retailer’s hardship program being included in hardship policies. This is to prevent hardship policies containing conditions on customers that could inhibit them from receiving the assistance to which they are entitled. Under the Guideline, retailers will be not be able to include in their policies unreasonable conditions or pre-conditions, including:

- blanket exclusions from entry or re-entry to a hardship program, and
- conditions to entry or re-entry that are reliant on customer meeting a certain obligation.

Stakeholder views

Conditions – some retailers at the stakeholder workshop⁵² and in submissions shared the view that information about conditions of (re)entry to programs should be included in hardship policies as they aid engagement. For example, Origin Energy⁵³ submitted that it was not unreasonable to ask a customer to see a financial counsellor where they have had multiple broken payment plans, resulting in ineligibility, to see what they can realistically afford. Origin Energy suggested this would result in a more realistic payment plan for the customer. AGL⁵⁴ recommended that the Guideline take into account limited circumstances in which a ‘willingness to pay’ program is allowed for customers who have recently been removed from a hardship program for non-payment or non-engagement.

Fees and charges – Uniting Communities⁵⁵ submitted that the clause relating to ‘unreasonable conditions to (re)entry’ is of ‘paramount importance’ and a most important aspect of the Guideline. They suggested that the clause could be further strengthened by highlighting ‘that additional fees cannot be applied to any customer who has made contact with the retailer about payment difficulties’ (for example disconnection fees and account review fees).

Customer engagement with programs – several retailers⁵⁶ have noted they experience challenges in keeping many customers engaged with hardship programs.

AER position

Conditions – we consider the Guideline strikes the right balance in strengthening protections for customers and addressing the serious issues that customers experiencing hardship have been facing. We note that average electricity debt for non-hardship customers has increased steadily over the past three financial years across almost all jurisdictions indicating

⁵² AER draft Customer Hardship Policy Guideline stakeholder workshop notes, p. 8

⁵³ Origin Energy draft Hardship Guideline consultation, p. 2

⁵⁴ AGL draft Hardship Guideline consultation, p. 4

⁵⁵ Uniting Communities draft Hardship Guideline consultation, p. 3

⁵⁶ Ergon draft Hardship Guideline consultation, p. 2; AGL draft Hardship Guideline consultation, p. 3; AER draft Customer Hardship Policy Guideline stakeholder workshop notes, p. 8

customers are either not being identified for hardship programs early enough or at all, and that barriers to entry are at play.⁵⁷

Proactive steps by retailers, like suggesting a customer consult a financial counsellor, should happen in advance of multiple broken payments and other identification triggers. Customers are not required to see a financial counsellor under the Retail Law or Retail Rules, and should not be required to do so in order to access entitlements under this Guideline and the Retail Law. On a practical level, retailers should also consider the burden this would place on financial counselling services in addition to the often long wait times for customers to see a financial counsellor (which can further exacerbate hardship circumstances).

Fees and charges – the Guideline sets out limitations on fees that can be passed on to hardship customers when described in hardship policies. For example, Standardised Statement 9 prevents hardship customers from being charged late payment fees. We have included a reference to the specific standardised statements in the relevant clause on (re)entry conditions to ensure this is clear.

Customer engagement with programs – we consider this is an issue for further exploration by retailers, and potentially for the AER. For example, we would be interested to know in more detail the extent to which retailers are experiencing customer disengagement from hardship programs (in quantified terms), and how retailers are currently monitoring engagement with their hardship programs and measuring success. We would also like to understand if and how retailers are using different innovative techniques to continuously improve customer engagement with programs, and potentially to identify cost savings. We would like to understand whether retailers are seeking to improve their customer engagement levels through original research they conduct or commission, using behavioural insights and other tools, or applying learnings from other markets or similar situations. The AER will consider examining this in further detail in the coming financial year.

3.1.5 Accessibility of information

The Guideline requires that retailers include in their hardship policies various improvements to accessibility of customer information including:

- contact details so customers can more easily reach appropriately trained hardship personnel
- effective, best practice methods for communicating with Culturally and Linguistically Diverse (CALD) communities, including the use of translation services, and
- that where the customer has elected for a representative to act on their behalf, the retailer communicates with the representative as they would the customer.

These measures are aimed at improving the effectiveness of how consumers are informed about their hardship rights and entitlements.

⁵⁷ AER, *Annual report on compliance and performance of the retail energy market 2017–18*, p. 51, AER, December 2018, www.aer.gov.au/retail-markets/performance-reporting/annual-report-on-compliance-and-performance-of-the-retail-energy-market-2017-18, viewed March 2019.

3.1.5.1 Communicating effectively with CALD consumers

The Guideline requires retailers to outline in their hardship policy how they will effectively communicate with customers who have diverse communication and other needs about their hardship policy.

Stakeholder views

Workshop participants⁵⁸ suggested some parts of the Guideline could be supported by additional footnotes, e.g. in relation to areas of best practice, including communicating with CALD communities. Ethnic Communities Council NSW (**ECC**) noted the availability of guidance about engaging with CALD communities and that this is an important resource retailers can use.

AER position

It is good practice for retailers to consider current advice and guidance about communicating effectively with different audiences, including CALD customers, and to review this regularly. For example, ECC noted referring to the *Cultural Connections* report⁵⁹ may assist. Retailers should also consider steps to meaningfully comply with relevant Guideline provisions in this respect.

3.1.6 Payment plans and options

To help facilitate more customers to complete hardship programs, the Guideline includes:

- a requirement that retailers specify in their hardship policies the steps they actively take to support customers to complete hardship programs
- a recommendation that retailers include in their hardship policies the adoption of the AER's Sustainable Payment Plans Framework (**SPPF**) as a framework for assessing customers' capacity to pay, and
- a recommendation that retailers include in their hardship policies a note that in offering flexible payment options to customers, the retailer will consider whether debt waivers or payment matching are appropriate.

Stakeholder views

Sustainable Payment Plans Framework, debt waivers etc – some consumer groups⁶⁰ submitted the Guideline should include a requirement for retailers to adopt the SPPF into their customer hardship policy. PIAC also suggested that retailers should be required to use debt waivers or payment matching.

Other tools – EWOV⁶¹ submitted that the Guideline should emphasise other energy management tools, such as energy audits, more appropriate tariffs and energy efficiency advice are also very important and can assist in addressing the underlying factors leading to increasing energy debt.

⁵⁸ AER draft Customer Hardship Policy Guideline stakeholder workshop notes, p. 4 and 6

⁵⁹ ECC NSW, *Cultural Connections: engaging CALD energy consumers*, www.eccnsw.org.au/What-we-do/Advocacy/Guidelines.aspx, viewed March 2019

⁶⁰ PIAC draft Hardship Guideline consultation, p. 7; SVDP draft Hardship Guideline consultation, p. 1

⁶¹ EWOV draft Hardship Guideline consultation, p. 4

AER position

Sustainable Payment Plans Framework, debt waivers etc – we note this is addressed in clause 44 of the Guideline. Some payment options (such as debt waivers and payment matching) are not mandatory requirements and as such are beyond the scope of the rule. Standardised Statement 3 notes a retailer may ‘waive any debt or charges in accordance with this hardship policy’.

Other tools – measures such as energy efficiency advice and the review of a hardship customer’s contract can assist overall usage and cost management. The Standardised Statements also note:

- 1 & 2: *‘If you are accepted into our hardship program, we will:*
 - *tell you if you are on the right payment plan or if there is a better plan for you*
 - *tell you about government concessions, relief schemes or energy rebates you may be able to receive*
 - *give you ideas about how to reduce your energy use*
 - *talk to you about a payment amount that suits your circumstances.*
- *‘Standardised statement 3: ‘In addition, we will review your energy plan to determine whether there is another energy plan that you may be better suited for. If there is, with your consent we will transfer you to that plan at no cost’.*

4 Communication of customer rights

Part 3 of the Hardship Guideline sets out requirements about how a retailer must provide information to customers who are, or who may be, experiencing payment difficulties due to hardship in their hardship policy.

As discussed in part 3 of the Notice, the Hardship Guideline operates under the 75A(2)(a), which provides that the Hardship Guideline must contain "...requirements to be complied with by retailers in connection with the approval (or variation) of their customer hardship policies by the AER."

Our overarching considerations in forming requirements in the Hardship Guideline are whether the requirements assist in ensuring that customers are effectively informed of their hardship rights and entitlements and therefore strengthen protections for customers experiencing hardship. We are particularly concerned with ensuring that hardship policies are accessible as far as possible to all consumers who may need this information and assistance.

4.1 Consultation on draft Guideline

4.1.1 Accessibility of information

Stakeholder views

This issue was a focus at our stakeholder workshop, where Dr Yvette Maker of the Melbourne Social Equity Institute presented on accessibility and support for consumers with cognitive disabilities.

Consumer representatives⁶² noted the importance of communicating through multiple channels and that written communication was not the only way to engage effectively with customers. Energy and Water Ombudsman Victoria (**EWOV**)⁶³ submitted that 'plain English' communications should also cater for very low literacy levels in the community. They considered it is important for materials to be translated into multiple languages and should use animation, infographics and video content.

ECC⁶⁴ supported thinking not only about Plain English, and also to consider 'plain other languages'. PIAC⁶⁵ submitted that retailers' hardship policies should be presented in formats that are easily translated into common community languages.

Some stakeholders⁶⁶ preferred the Guideline to be 'agnostic' as to how information should be provided to customers, recognising that not all customers have access to or use certain methods of communication. Consumer advocates were of the view that retailers need to do more to ensure customers experiencing hardship can access retailer information when they need it, and that communication requirements in the Guideline will help break down the barriers to self-identification.

⁶² AER draft Customer Hardship Policy Guideline stakeholder workshop notes, p. 4

⁶³ EWOV draft Hardship Guideline consultation, p. 3

⁶⁴ AER draft Customer Hardship Policy Guideline stakeholder workshop notes, p. 4

⁶⁵ PIAC draft Hardship Guideline consultation, p. 7

⁶⁶ AER draft Customer Hardship Policy Guideline stakeholder workshop notes, p. 7

AER position

The Guideline supports effective communication with customers about their rights. Clause 42 requires a retailer to include in its hardship policy how it will effectively communicate with customers with diverse communication and other needs (this includes customers from CALD backgrounds). As noted in section 3.1.5 of this Notice, it is also good practice for retailers to consider current advice, guidance and expertise about communicating effectively with different audiences, including guidance from people who have particular communications needs.

Clause 48 of the Guideline requires that a retailer's hardship policy must use language that is clear, simple and widely understood and be designed for ease of readability (for example through the use of white space, high contrast colours or other visual tools).

As flagged in the draft Notice, the Guideline incorporates 'plain language' Standardised Statements. This will help make the Standardised Statements more accessible. We will also publish an 'Easy English' version of the Standardised Statements on the AER website, which will further support this.

The retailer responsibility to send hardship policies to customers if at any time a customer requests a copy is an important one. This complements the accessibility requirements to help consumers stay informed about their hardship rights and entitlements.

5 Processes and timeframes

Part 4 of the Hardship Guideline specifies the processes and timeframes retailers must comply with when developing their hardship policy and submitting it to the AER for approval. These requirements are made under rule 75A(2)(a) of the Retail Rules.

We have been considering and approving retailers' hardship policies since the Retail Law commenced in 2012. During this time, we have developed processes as to the information we seek from retailers both within and supplementary to their hardship policies, in order to be satisfied that the hardship policy meets the requirements under section 45(1) of the Retail Law. We capture our processes in the document *Guidance on AER approval of customer hardship policies (Guidance)*.⁶⁷

Our approach in specifying the processes and timeframes in connection with the approval of a hardship policy has been to bring the relevant parts of the Guidance within the Hardship Guideline. The requirements in the Hardship Guideline will supersede the Guidance in this respect.

5.1 Consultation on draft Guideline

5.1.1 Approval of a customer hardship policy and reviewing and varying customer hardship policies

Section 4.1 of the Guideline sets out requirements for approving a customer hardship policy, and section 4.2 sets out requirements for reviewing or varying customer hardship policies.

Stakeholder views

Transitional or 'grandparenting' arrangements – a number of retailers⁶⁸ noted at the stakeholder workshop they considered it was unclear how transitional arrangements should apply, e.g. whether retailers would be able to 'grandparent' customers currently on hardship programs and not pass on the benefits of new policies made under the new Guideline.

Origin Energy noted that this was not addressed in the rule and should be in the Guideline or the Notice. Origin Energy⁶⁹ also highlighted that some customers on previous hardship programs may not be able to retain access to some forms of assistance due to the new Guideline (although did not provide a specific example). Origin Energy requested the AER provide an action plan describing how retailers should manage migration of customers onto new hardship programs.

Retailer engagement with customers when developing policies – COTA⁷⁰ submitted that the AER should require retailers to demonstrate effective engagement with customers in

⁶⁷ AER, *Final Guidance on AER approval of customer hardship policies*, AER, May 2011, www.aer.gov.au/system/files/Final%20Guidance%20on%20AER%20approval%20of%20customer%20hardship%20policies%20-%20May%202011.pdf, viewed March 2019.

⁶⁸ AER draft Customer Hardship Policy Guideline stakeholder workshop notes, p.1

⁶⁹ Origin Energy draft Hardship Guideline consultation, p. 2

⁷⁰ COTA draft Hardship Guideline consultation, p. 3

developing hardship programs prior to submitting their hardship policies for approval, noting this would improve outcomes overall.

AER position

Transitional or 'grandparenting' arrangements – the Guideline will assist customers experiencing hardship who have joined a retailer's hardship program before the retailer's new policy under this Guideline has come in to effect, to experience the benefits of improved retailer policies. The AER considers that retailers must make provision in their revised programs for the migration of customers on current hardship programs (grandparenting arrangements) to new programs under revised policies that are created to implement this Guideline during 2019.

We would be concerned if customers on current hardship programs were disadvantaged by not being able to access new hardship programs. We also do not consider it practical for retailers to be operating two different hardship programs simultaneously which offer differing levels of support to customers. We have therefore added clause 61 to the Guideline. This clause provides that when retailers are seeking approval of a new or revised policy, they are required to explain how customers participating in current hardship programs will be affected by the new policy. The clause also requires the retailer to disclose how it has or will explain any changes to the affected customers.

Retailer engagement with customers when developing policies – in future, retailers may look to develop subsequent new or revised hardship policies under the Guideline, after the transitional provisions in the rule have elapsed. We agree it is good practice for retailers to demonstrate effective engagement with customers prior to submitting a new hardship policy for approval. As noted above, we have added clause 61, which provides that retailers must, when seeking approval of a policy, set out whether any current customers who are participating in hardship programs are affected by the new policy. The retailer must disclose to the AER how the retailer has or will explain any changes to affected customers. We also note that retailers are free to consult with their customers and advocates when developing or revising their hardship programs to help them to achieve their purpose and good customer outcomes.

6 Standardised statements

Section 5 of the Hardship Guideline specifies the standardised statements retailers must include in their hardship policies to fulfil their responsibilities under Retail Rule 75B(b).

Section 44 of the Retail Law specifies the minimum requirements a retailer's customer hardship policy must contain. The standardised statements will inform customers of how the retailer will comply with these minimum requirements, and provide guidance to customers on their rights, and retailer responsibilities under the hardship protections. Requiring retailers to include the standardised statements will bring about much-needed improvements to hardship protections for customers by:

- creating consistency across retailers on the application of the minimum requirements of a hardship policy
- providing clear guidance to customers as to their rights, and retailer responsibilities, under the hardship protections, and
- improving our ability to monitor and enforce the Retail Law and Retail Rules by being better able to determine whether retailers' conduct aligns with the actionable statements within their hardship policies.

Stakeholder views

We received a number of specific drafting comments. We have addressed these in Appendix A.

AER position

Appendix B provides a comparison of the original draft Standardised Statements compared to the final, plain language version.

In addition to the plain language updates, we have added a clarifying point to Standardised Statements 1 and 2, to confirm that the listed examples of hardship circumstances is not exhaustive. This will assist customers to understand their rights.

6.1 Consultation on draft Guideline

Standardised Statements 1 & 2: Early identification

Early identification – Origin Energy and Red and Lumo Energy⁷¹ considered that retailers should not need to contact a customer where the retailer observes late payments. Origin Energy noted that late payment of energy bills by customers was common and the need to contact all of these customers would result in over capture. Red and Lumo Energy considered that the customer may view this contact negatively and would prefer that customers had control over when to contact their retailer to help promote customer engagement.

⁷¹ Origin Energy draft Hardship Guideline consultation, p. 1; Red and Lumo Energy draft Hardship Guideline consultation, p. 3

AGL⁷² supported the inclusion of ‘early identifiers’ in the Guideline, however noted that ‘the addition of the subjective measurement ‘or any other circumstances that suggest hardship support might help’ is highly problematic and should be removed. They considered that this posed a risk to a retailer’s ability to meet compliance responsibilities and highlighted the importance of clear guidance to call centre staff during training, through scripting and other support. AGL requested that the AER clarify through the action statements that the list is not exhaustive, and customers are encouraged to talk to their retailer about their circumstances.

Preferred contact method – AGL⁷³ submitted that the Standardised Statements should be updated to be ‘technology agnostic’ to reflect that a customer may not be on the phone with their retailer at the time the customer is identified as experiencing payment difficulties due to hardship.

PIAC considers that clause 34 of the draft Guideline be expanded to include specific mention of the mechanisms or steps that a retailer or customer may take to adapt their hardship programs in the event of changed circumstances.

AER position

Early identification – the Guideline acknowledges that late payment patterns and disconnection warning notices are important triggers for retailers in identifying customers experiencing hardship.

Preferred contact method – Standardised Statements 1 and 2 are ‘technology agnostic’ – any communication with a customer experiencing payment difficulties due to hardship should recommend the customer contact the retailer to discuss their circumstances, and whether a referral to the hardship program is appropriate.

We note that the draft Standardised Statements have been subject to a range of consultation including our stakeholder workshop, two issues papers and a draft Guideline. We consider the Standardised Statements are well developed, workable and will achieve their intended purpose. We will monitor their effectiveness over time.

⁷² AGL draft Hardship Guideline consultation, p. 3 and 4

⁷³ AGL draft Hardship Guideline consultation, p. 4

Appendix A: Summary of submissions to AER draft Guideline consultation and AER responses

This table details additional stakeholder feedback on the draft Guideline, and AER responses.

Submissions to draft Hardship Guideline – February 2019		
Consultation respondents	Stakeholder feedback	AER response
General comments		
Powershop	Preferred that we did not use the term ‘best practice’ in clause 11 of the draft Guideline due to its ability to be interpreted subjectively and recommended inserting ‘adopting approaches consistent with the AER’s Sustainable Payment Plans Framework’ (SPPF) as an alternative.	We consider that ‘best practice’ used by retailers to inform their hardship policies should reflect practices and approaches the retailer considers appropriate for servicing their particular market and customers. This will enable retailers to adopt innovative, flexible and fit-for-purpose approaches while remaining compliant with this Guideline, the Retail Rules and the Retail Law. We note the role of the SPPF is referenced in section 2.6 of the Guideline.
St Vincent de Paul NSW (SVDP NSW)	Considered that all retailers should be required to incorporate the AER’s SPPF into their hardship policies.	
The Australian Energy Council (AEC)	Considered the Guideline should focus on what hardship policies are meant to achieve, and the intended audience for retailers’ policies.	We consider the Guideline covers what hardship policies are meant to achieve, and the intent of the Guideline. Clause 5 of the Guideline clearly states the purpose of a retailer’s customer hardship policy, which is to ‘identify residential customers experiencing payment difficulties due to hardship and to assist those customers to better manage their energy bills on an ongoing basis.’ Clause 8 of the Guideline also outlines the concerning market trends being reported to the AER under its retail performance monitoring regime and how the Hardship Guideline aims to address these. We have amended clause 2 of the Guideline to expand on the purpose and objective of the Guideline, and included a reference to customers better understanding their rights and entitlements as
Public Interest Advocacy Centre (PIAC) and Council on the Ageing (COTA)	Recommended that the Guideline commence with a clear and concise declaration of the purpose and objective.	
NSW Council of Social Service (NCOSS)	Considered that the Guideline should clearly identify that the Guideline represents a minimum standard.	

		<p>a result of the retailer responsibilities in the Guideline.</p> <p>In response to NCOSS' feedback, the Guideline is consistent with the Retail Law and the Retail Rules.</p>
Victorian Essential Service Commission Payment Difficulty Framework (ESC framework)		
Tasmanian Council of Social Service (TasCOSS)	<p>Drew attention to the emerging disparity between the National Energy Market (NEM) jurisdictions and Victoria, suggesting there was a lost opportunity for closer alignment between the AER Hardship Guidelines with the ESC framework.</p> <p>Noted the ESC framework has already 'shown to be reducing disconnections'.</p>	<p>As outlined in the draft Notice and this Notice, the AER has created this Guideline working with the current Retail Law and Retail Rules. Retailers may opt to implement other frameworks beyond these requirements where this would complement and be consistent with the Retail Law, Retail Rules and this Guideline.</p> <p>In the 12 months following the publication and implementation of this Guideline, the AER will seek to understand the impact of the various measures introduced under the national and Victorian frameworks on customers experiencing payment difficulties and hardship. The AER has invited the Victorian Essential Services Commission to do this as a joint project. The aim of this work will be to identify the measures most effective at assisting customers and potential changes to the regulatory frameworks for consideration.</p>
Energy and Water Ombudsman SA (EWOSA)	Would like to participate in any discussions later on metrics to support identification and assisting of customers in hardship (i.e. debt trigger levels) if consultation on this takes place.	
Ethnic Communities Council NSW (ECC)	Believes that the Guideline should include automatic triggers for a retailer response, but acknowledged the AER is constrained by the requirements of the law.	
Energy and Water Ombudsman Qld (EWOQ)	'Sees value in retailers applying a quantified debt trigger amount in customer hardship policies' (as used in the ESC framework). A debt trigger of \$55 would provide retailers with a 'critical opportunity to engage and provide assistance to those most in need'.	
Queensland Council of Social Service (QCOSS)	Encourages the AER to consider harmonising the Guideline with the ESC framework \$55 debt trigger, after a 12-month trial period.	
St Vincent De Paul NSW (SVDP NSW)	Supports the inclusion of a \$55 debt trigger in line with the ESC framework and does not think a waiting period is necessary given early indications the Victorian approach is working. Asks that the AER 'make a firm commitment' to a review of the Guideline in 12 months' time, if the final Guideline does not include a debt	

	trigger.	
Victorian Council of Social Service (VCOSS)	<p>Recommends the AER incorporates the 'best practice' features of the ESC framework, including a retailer obligation to inform customers of the assistance available, triggered when a customer's debt is \$55 or more.</p> <p>To align with best practice features from the ESC framework, the Guideline should include 'objectives to guide the implementation and enforcement of the Guideline, to ensure disconnection is a measure of last resort.'</p>	
Energy and Water Ombudsman Victoria (EWOV)	<p>Strongly recommends 'serious consideration of a debt trigger in future as an effective mechanism to ensure customers in hardship are identified at an early stage'.</p> <p>'Strongly endorses consideration of this measure in due course as an essential element of an effective hardship policy'.</p>	
Public Interest Advocacy Centre (PIAC)	<p>Strongly recommends the AER include in the Guideline a requirement that customers with an outstanding debt of \$55 or more must be identified by retailers and provided information regarding hardship support.</p>	
Retailer's overarching responsibilities		
PIAC	<p>Considers that the Guideline should state that retailers should be required to act in the best interest of consumers.</p>	<p>We consider this would add additional responsibilities on retailers that are not supported by the Retail Law and Retail Rules. The standardised statements require retailers to consider the customer's situation and circumstances, which provide added protections.</p>
PIAC	<p>Considers that the qualification 'as soon as practicable' does not provide an effective basis for monitoring and enforcement. The following amendments should be made:</p> <p><i>'as soon as practicable upon identifying a customer'</i></p>	<p>A retailer must assess a customer's eligibility for the hardship program against the eligibility criteria outlined in its hardship policy, which is required to comply with this Guideline. This recognises that not all customers experiencing payment difficulties may be eligible for a retailer's hardship program.</p>

	<i>experiencing payment difficulty, and in any case in no longer than 5 working days, provide those customers with assistance according to the retailer's customer hardship policy'.</i>	Standardised statements (particularly 1 & 2) address aspects of PIAC's concerns. These require a retailer to include timeframes for assessing a customer's ability to access hardship assistance, and for advising a customer about acceptance into a hardship program.
Additional drafting changes to the standardised statements		
AEC	Recommended that the document start with a clear and concise declaration of purpose and scope.	We consider that these comments have been addressed through the 'plain language' translation of the standardised statements. We do not consider that the legal meaning of the standardised statements have changed and so are not proposing further consultation.
Red and Lumo Energy	Suggested including a statement within Standardised Statements 1 and 2 acknowledging that a retailer 'requires a customer's engagement and explicit informed consent to move the customer onto a more suitable plan for their circumstances when they enter a hardship program'.	
Energy and Water Ombudsman NSW (EWON)	Suggested the inclusion of 'and your ability to pay' at the end of paragraph 2 in Standardised Statement 3.	
Origin Energy	Considers that any changes made to the standardised statements that could potentially have an impact on how the statements are interpreted should be subject to a consultation process.	
AEC	Considers that we should confine the standardised statements to the National Energy Retail Law.	We note that this feedback was addressed in the draft Notice, p. 12 and is clearly specified in the Part 5 of the Guideline.
Origin Energy	Considers there needs to be a timeframe specified for how far back retailers should consider a disconnection as a referral to hardship assistance. Origin Energy noted that some retailers may consider disconnections in the last 6 months, others might look over longer periods, which could lead to inconsistent outcomes.	Retailers are expected to ensure their hardship policies and programs comply with the Guideline, implementing its spirit and intent, and take proactive steps to identify an appropriate amount of time to consider disconnection as a referral to hardship assistance.
EWOSA	Recommended including a clause or standardised statement in the Hardship Guideline requiring retailers to include in their customer hardship policies a	We considered it was not appropriate to add this given some customers may still be paying amounts from a previous payment plan. Enshrining this in the Guideline is unlikely to strengthen

	reference to the fact that once a hardship customer leaves a retailer, the retailer they have switched from has no obligations or responsibilities to assist them.	protections for customers experiencing hardship.
QCOSS	Considers that matched payments should be included in the flexible payment options listed in Standardised Statement 3.	The need for retailers to consider payment matching as part of their customer hardship policies is captured under Part 2.6 of the Guideline.
Steps used to identify customers experiencing payment difficulty due to hardship		
PIAC	<p>Considers that the Guideline should specify that the steps taken by retailers to undertake early identification of customers experiencing payment difficulties must include (but are not limited to):</p> <ul style="list-style-type: none"> (a) Identifying customers carrying a debt of more than \$55 (b) Identifying customers who have paid late on more than 2 consecutive billing occasions (c) Identifying rebate customers who are carrying any debt (d) Identifying rebate customers who have paid late (e) Identifying customers who have used emergency support relief (f) Identifying customers who have been disconnected or served with a disconnection notice in the past 12 months (g) Identifying customers on a payment plan who have not met the terms of their payment, or have requested a reduction in their payment plan amount (h) Identifying customers who have requested an extension on 2 or more occasions in a 12 month period (i) Identify customers on Centrepay, life support or medical support rebates 	<p>We refer to the discussion above in this attachment, under the theme 'ESC framework for (a) and (b). For items listed at (c)-(i) we consider these are covered by the standardised statements, with additional protections provided in clause 31 of the Guideline.</p> <p>Standardised Statements 1 & 2 will work in combination with clause 31 of the Guideline to allow for early identification of customers experiencing payment difficulties due to hardship, and references a number of the same trigger points as proposed by PIAC.</p>

	(j) Identify customers receiving a government rebate (or any kind) whose bills or usage has increased by 20% relative to a comparable period.	
PIAC	Considers that the steps used to identify customers experiencing payment difficulty due to hardship set out in the Guideline should be more specific.	We consider that the focus of section 2.2 in the Guideline is to ensure consumers have the information they need. Further measures may be over-prescriptive.
Retailer training		
QCOSS	Recommends the AER set a clear training standard for accreditation in the Guideline, with a review process and timeframe attached to the training requirements.	As required under rule 75A(2)(a), the Guideline must set out 'processes, timeframes and requirements' related to approval of retailer hardship policies. We do not currently see a need to prescribe the training required, however we will monitor the implementation of the Guideline. We note the purpose of the Guideline is to set out requirements in relation to retailer hardship policies, rather than retailer conduct outside of policies.
Accessibility of customer information		
PIAC	Considers that clause 36 of the draft Guideline should be expanded to include a wider requirement for retailers to include the general provision of direct contact information for their hardship support staff, on the appropriate section of their website, on bills, and potentially in direct communications (such as via SMS) with customers they believe to be in payment difficulty (subject to the earlier clauses on how a retailer must identify when they are required to provide information to a customer).	As referred to in the Notice, we have included guidance at footnote 19 at clause 47 in the Guideline to encourage best practice in this regard. This will assist in customer self-identification and promote customer awareness of their rights and entitlements, and awareness among retailer staff and agents.
PIAC	Recommends specific minimum measures retailers should undertake to achieve, should be set out in section 3.1 of the draft Guideline including 'required' and 'preferable' measures: Required <ul style="list-style-type: none"><i>The hardship policy (or a summary version of</i>	We agree with PIAC that effective communication of a retailer's hardship policy, and the assistance available to customers under a policy, is key. We consider the points raised by PIAC are addressed in other sections of the Guideline: <ul style="list-style-type: none">Clauses 46 and 47 of the Guideline requires retailers to ensure their hardship policy can be easily accessed by all

	<p><i>it), and information regarding the purpose of the hardship policy (including that it is a legal requirement for the retailer to have one) be accessibly provided on the retailer's website, and in any initial contract commencement material.</i></p> <ul style="list-style-type: none"> • <i>Plain English terminology information about the existence of support measures, including direct contact information for hardship specialist support, to be made available or inserted with regular billing communications, provided by email (where appropriate), and made available to community and emergency support organisations, financial counsellors and other assistance providers.</i> 	<p>customers.</p> <ul style="list-style-type: none"> • Clause 42 requires a retailer to include in its hardship policy how it will effectively communicate about its hardship policy with customers with diverse communication and other needs. Providing information about its hardship policy within billing communications, and to third parties such as financial counsellors, would be considered good practice. • We have revised the standardised statements in the Final Guideline in accordance with 'plain language' – this will make the standardised statements more accessible and easy to understand for customers. <p>We consider PIAC's feedback regarding the inclusion of different prompts is adequately captured under a retailer's responsibilities to identify and contact customers experiencing payment difficulties due to hardship and offer them timely assistance.</p>
Communication of customer rights		
NCOSS	<p>Submitted that the language in the Guideline should be less process-based and more outcome oriented, and should focus more on rights rather than information.</p> <p>NCOSS recommends that [referring to clause 40 of the draft Guideline], instead of 'this section of the Guideline sets out the requirements to be included in a customer hardship policy with regard to customers having equitable access to a retailers hardship policy' state 'this section of the Guideline sets out the requirements of retailers' customers hardship policy in order to achieve equitable access...'</p> <p>NCOSS recommends that to undo the implied restriction of retailers to one accessible format, at section 3.1 of the Guideline, the Guideline be revised to read "A retailer must ensure that its customer hardship policy is easily accessible on its website via an appropriately named and clearly marked URL/hyperlink from the retailer's homepage, and is</p>	<p>We have taken on board NCOSS' drafting changes where feasible within the meaning of the rule and noting previous consultation steps. The intention of clause 45 in the Guideline is that customers have equitable access to the hardship policy.</p>

	available in printable formats”.	
Use of the term ‘hardship’		
NCOSS QCOSS COTA PIAC	Multiple stakeholders were opposed to the use of the word ‘hardship’ in the standardised statements. PIAC specially considers that the general statement should have ‘due to hardship’ removed, and refer simply to those experiencing difficulties paying their energy bills.	As noted in section 1.3 of this Notice, this Guideline works with the terminology of the Retail Law and Retail Rules. However we have noted that it is good practice to ensure that communications with customers is guided by customer needs and preferences and to avoid potential stigma associated with the term ‘hardship’.
Additional suggestions outside of scope of the Hardship Guideline		
Stakeholder workshop participants	There was general interest among workshop participants about how the impact of the Guideline will be measured, after it is implemented.	The AER will measure the impact and effectiveness of the Guideline over time, including by monitoring our performance data after the Guideline commences.
Origin Energy	Origin Energy considers the current performance metrics to evaluate Hardship assistance do not effectively reflect this and focus too much on debt. Origin Energy believes that a Hardship Framework is successful when it results in a customer being able to pay their bills on time. This is best measured by metrics which capture a reduction in the gap between the cost of energy consumed and the customers’	

	capacity to repay.	
Queensland Farmers Federation (QFF)	Supports the extension of hardship protections to small and medium enterprises (SMEs). QFF acknowledges this will require changes to the Retail Law, however in the interim QFF supports retailers going beyond the minimum requirements to extend support under hardship policies to SMEs.	This submission is noted.
Simply Energy	<p>Recommends the AER set up 'a separate website dedicated to informing and educating energy retailers about best practice approaches to managing customer hardship... rather than imposing further binding requirements on energy retailers.'</p> <p>Recommends 'establishing an online educational repository for industry participants could be used as the basis for all interested stakeholders... to interact in a collaborative manner to promote a mutual goal of protecting vulnerable customers... [and] provide the AER with a more dynamic means of communicating with industry and a basis for assisting retailers refine their own policies in accordance with industry-leading practices.'</p>	This submission is noted.
AGL	Would support the roll-out of industry-wide training for retailer call-centre staff facilitated by consumer groups/advocates (as discussed at Stakeholder Workshop).	This submission is noted.

Appendix B: Standardised Statements – comparison of draft Guideline version and final Guideline (plain language) version

Draft Guideline Standardised Statements	Final Guideline Standardised Statements (marked up)
<p>STANDARDISED STATEMENT – GENERAL</p> <p>This policy applies to all residential customers residing in [<i>retailer to add state/territory</i>] experiencing difficulties paying their energy bills due to hardship.</p> <p>This policy:</p> <ol style="list-style-type: none"> 1. Explains what we will do to help you manage your energy bills. 2. Explains how we will take your circumstances and needs into account when working out how we can assist you; and 3. Explains your rights as a customer in our hardship program. <p>If you have a financial counsellor or other person who is helping you, you can ask them to contact us on your behalf. We need your permission to speak to them on your behalf.⁷⁴</p>	
	<p>Introduction</p> <p>This policy applies to all residential customers living in [<i>retailer to add states/territories</i>] experiencing difficulties paying who find it hard to pay their energy bills due to hardship.</p> <p>You might experience hardship because of factors like:</p> <ul style="list-style-type: none"> • death in the family • household illness • family violence • unemployment • reduced income. <p>This policy explains:</p> <ul style="list-style-type: none"> • explains what we will do to help you manage your energy bills • explains how we will take your consider your circumstances and needs into account when working out how we can assist you • explains your rights as a customer in our hardship program. <p>If you have a financial counsellor or other person who is helping you, You can ask them a support person to contact us on your behalf, such as:</p> <ul style="list-style-type: none"> • a financial counsellor • someone who helps you manage your energy bills.

⁷⁴ This 'Standardised Statement – Introduction' should be read in conjunction with clause 38 of this Guideline.

	We need your permission to talk to your support person on your behalf.
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STANDARDISED STATEMENTS 1 AND 2:

What we will do:

We will tell you about our hardship program and how it can help you if:

- you tell us you are having trouble paying your bill; or
- you are referred to our hardship program by a financial counsellor or other community worker; or
- we are concerned that you may be experiencing financial hardship.

We will recommend that you speak to a staff member who handles enquires about how you might join our hardship program if:

- we see that your payment patterns show late payments, broken payment plans and/or requests for payment extensions; or
- we have sent you a disconnection warning notice or you have been disconnected for non-payment; or
- you let us know you may be eligible to use a relief grant or other emergency assistance to pay your bills; or
- you mention personal circumstances (eg. death, household illness, family violence, unemployment or reduction in income) or any other circumstances that suggests hardship support may help.

Our specially trained staff members will ask you a few questions about your circumstances and let you know if you might be able to join the hardship program.

[Retailer can insert its timeframes for assessing a customer's application for hardship assistance]

What we will do to help you:

We will tell you about our hardship program ~~and how it can help you if:~~

- you tell us you are having trouble paying your bill; ~~or~~
- you are referred to our ~~hardship~~ program by a financial counsellor or other community worker; ~~or~~
- we are concerned that you may be experiencing financial hardship.

We will recommend that you speak to a staff member ~~who handles enquires about how you might~~ **to help you** join our hardship program if **you have:**

- ~~we see that your payment patterns show~~ **a history of** late payments
- broken payment plans
- ~~requeste~~**ds** for payment extensions; ~~or~~
- ~~we have sent you~~ **received** a disconnection warning notice ~~or you have~~
- been disconnected for non-payment.

We can also support you to join our hardship program if you tell us:

- ~~you let us know you may be~~ **are** eligible ~~to use for~~ a relief grant or other emergency assistance ~~to pay your bills; or~~
- you mention **have** personal circumstances ~~or any other circumstances that suggests~~ **where** hardship support may help. e.g. **For example,** death **in the family or job loss,** household illness, family violence, unemployment or reduction in income.

<p>We will let you know if you are accepted onto our hardship program within <i>[retailer to insert timeframe to advise customer, eg. x business days]</i>.</p> <p>If you are accepted onto our hardship program, we will:</p> <ul style="list-style-type: none"> • let you know if you are on the most suitable plan for your circumstances or if there is a plan that may better suit your needs • talk to you about government concessions, relief schemes or energy rebates you may be able to receive • give you ideas on how you might be able to reduce your future energy use • talk to you about a payment amount that takes into consideration your circumstances. <p>We will offer to send you a copy of our hardship policy at no cost.</p>	<p>You may have trouble paying your bills for different reasons. Please contact us so we can discuss your individual situation.</p> <p>Our staff members are specially trained to help you with hardship. Staff will:</p> <ul style="list-style-type: none"> • ask you a few questions about your circumstances and • let you know if you might be able to work out if you can join the hardship program. <p>We will assess your application for hardship assistance by <i>[retailer can insert its timeframes deadline for assessing a customer's application for hardship assistance]</i>.</p> <p>We will let you know if you are accepted into our hardship program within <i>[retailer to insert timeframe to advise customer, eg. x business days]</i> from receipt of the application.</p> <p>If you are accepted into our hardship program, we will:</p> <ul style="list-style-type: none"> • let tell you know if you are on the most suitable right energy plan for your circumstances or if there is a better plan that may better suit your needs for you • talk to tell you about government concessions, relief schemes or energy rebates you may be able to receive • give you ideas about how you might be able to reduce your future energy use • talk to you about a payment amount that takes into consideration suits your circumstances. <p>We will offer to can send you a free copy of our hardship policy at no cost.</p>
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STANDARDISED STATEMENT 3:

<p>There are different payment options available to hardship customers, including:</p> <ul style="list-style-type: none"> • payment plans • the use of Centrepay 	<p>Payment options</p> <p>What we will do:</p> <p>There are different payment options available to hardship</p>
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[Retailer to add additional payment options].

What we will do:

When you are in our hardship program, we will offer you flexible payment options, based on your individual circumstances.

When discussing a payment plan with you, we will take into account:

- how much you are able to pay
- how much you owe; and
- how much energy we expect you will use in the next 12 months.

This will be used as a guide to help us figure out a suitable payment plan.

We will offer you a payment plan best suited to your situation. This will include instalments which cover what you owe, and an amount that aims to cover your future energy use.

Once we agree to a payment plan that is right for you, we will send details including:

- contact details if you need further assistance
- how long it will run
- the amount of each payment, how many payments you need to make, and when you need to make them (that is, the frequency of the payments), and
- how we calculated your payments (in advance or in arrears).

If you are eligible and would like to use Centrepay, we will make this available.

In addition, we will review your energy plan to determine whether there is another energy plan that you may be better suited for. If there is, with your consent we will transfer you to that plan at no cost.

We may waive any debt, fees or charges in accordance with this

customers, including:

- payment plans
- ~~the use of~~ Centrepay.

[Retailer to add additional payment options].

When you are in our hardship program, we will offer you flexible payment options, ~~based on your~~ **to suit** your individual ~~circumstances~~ **situation**.

~~When discussing a~~ **To make your** payment plan ~~with you,~~ we will ~~take into account~~ **consider**:

- how much you ~~are able to~~ **can** pay
- how much you owe; and
- how much energy we expect you will use in the next 12 months.

~~This will be used as a guide to help us figure out a suitable~~ payment plan **that is right for you**.

~~We will offer you a payment plan best~~ **to** ~~suited to your situation.~~ This will include instalments which **payments to** cover:

- what you owe, and
- an amount ~~that aims to cover your future energy use.~~

~~Once we agree to a payment plan that is right for you,~~ we will send details **you information** including:

- **who you can** ~~contact details if you need further assistance for more help~~
- how long ~~it will run~~ **the payment plan will go for**
- the amount ~~of each payment~~ **you will pay each time**
- how many payments you need to make, ~~and~~
- when you need to make your payments (this is; **also called** the frequency of the payments), ~~and~~
- how we ~~calculated~~ **worked out** your payments (~~in advance or in arrears~~).

~~If you are eligible and would like~~ **You can choose** to use Centrepay, ~~we will make this available if you are eligible.~~

hardship policy.

If we notice you have missed a payment, we will contact you to see if your current payment plan is still suitable for you.

[Retailer must set out contact process when a hardship customer misses a payment plan instalment.]

What we need you to do:

- If your circumstances change and you may not be able to make the payments agreed to under your payment plan, please contact us. We can then review your payment arrangements.
- You also need to let us know if you have new contact details.

If you cannot meet the payments agreed to under your payment plan and cannot be contacted, we may not be able to continue to offer you assistance. If that happens, you will be at risk of disconnection.

If you have had two payment plans cancelled, due to non-payment in the last 12 months, we do not have to offer you another payment plan.

Centrepay is a free service you can use to help pay your bills. Centrepay can automatically take an amount of money from your Centrelink payments to go toward energy bills and expenses.

~~In addition, We will review your~~ **see if another** energy plan to determine whether there is another energy plan that you may be better suited for **you**. If there is **you agree**, ~~with your consent we will~~ **we can** transfer you to that a better energy plan at no cost for free.

~~In accordance with this~~ **Depending on the rules in our** hardship policy, we may ~~waive any~~ **be able to remove some** debt, fees or charges **you owe**.

~~If we notice you have missed a payment, we will contact you to see if your current payment plan is still suitable for~~ **need help**.

We will contact you by ~~[retailer must set out~~ **explain** contact process when a hardship customer misses a payment plan instalment.]

What we need you to must do:

Tell us if your circumstances **situation** changes and you ~~may not be able to~~ **can no longer** make the payments agreed to under **in** your plan, ~~please contact us~~. We can then review your payment arrangements.

~~You also need to let us know if you have new~~ **Tell us if you your** contact details **change**.

~~We may not be able to continue to offer you assistance~~ **stop helping you if you:**

- ~~cannot meet the~~ **stop making** payments agreed to under your payment plan
- ~~cannot be~~ **do not tell us when your-contacted** details **change**.

~~If that happens, you will be at risk of disconnection.~~

~~If you have had two payment plans cancelled due to non-payment~~

	<p>in the last 12 months because you did not follow your plan:</p> <ul style="list-style-type: none"> • we do not have to offer you another payment plan • we might disconnect your energy.
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STANDARDISED STATEMENT 4:

<p>Depending which state or territory you live in, you may have access to Government schemes, concessions and rebates that are designed to help with your energy bills.</p> <p>What we will do:</p> <p>We will tell you about government relief schemes, energy rebates, concession programs and financial counselling services that may be available to you.</p> <p>What we need you to do:</p> <p>If you find out you are eligible for these programs, please let us know as soon as possible so that we can help you.</p>	<p>Other supports to help you pay your energy bill</p> <p>Depending which on the state or territory you live in, you may have access to Government schemes, concessions and rebates that are designed to help with there are other supports to help you pay your energy bills.</p> <p>What we will do:</p> <p>We will tell you about services that may be available to you other ways you can get help to pay your energy bill, such as:</p> <ul style="list-style-type: none"> • government relief schemes • energy rebates • concession programs • financial counselling services. <p>What we need you to do:</p> <p>If you find out you are eligible for these programs, please let us know as soon as possible so that we can help you.</p>
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STANDARDISED STATEMENT 5:

<p>We have a range of programs and services to assist you whilst you are participating in the hardship program: [<i>insert other services/products offered to hardship customers</i>].</p> <p>What we will do:</p> <p>We will take into account your individual circumstances to find the programs (e.g. including concessional programs) or services that can best help you.</p>	<p>Our programs and services</p> <p>As a hardship customer, you can access we have a range of programs and services to assist help you whilst you are participating in the hardship program: [retailer to insert other services/products offered available to hardship customers].</p> <p>What we will do:</p>
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	We will take into account consider your individual circumstances situation to find the right programs (e.g. including concession programs) or services that can best help you meet your needs .
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STANDARDISED STATEMENT 6:

<p>What we will do:</p> <p>When you join our hardship program, we will discuss your energy usage and whether you are on the most suitable plan for your circumstances.</p> <p>If we think changing to a new energy plan might better suit your needs, we will explain it to you and ask if you'd like to transfer to the new plan at no cost. We will only ask you about plans that our business offers.</p>	<p>We want to check you have the right energy plan</p> <p>What we will do:</p> <p>When you join our hardship program, we will discuss talk to you about your energy useage and whether you are on the most suitable right plan for your circumstances.</p> <p>If we think changing to a new energy there is a better energy plan might better suit your needs for you, we will:</p> <ul style="list-style-type: none"> • explain it to you why the plan is better and • ask if you'd like to transfer to the new plan at no cost for free. <p>We will only ask talk to you about energy plans that our business we can offers.</p>
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STANDARDISED STATEMENT 7:

<p>What we will do:</p> <p>When you join our hardship program, we will let you know about ways you may be able to improve your energy efficiency (how much energy you use). This may vary according to what state or territory you live in.</p>	<p>We can help you save energy</p> <p>Using less energy can save you money.</p> <p>What we will do</p> <p>When you join our hardship program, we will let you know about ways you may be able to improve your energy efficiency (how much energy you use) can give you tips to use less energy. This may vary according to what can be different depending on the state or territory you live in.</p>
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STANDARDISED STATEMENT 8:

[Not applicable]

[Not applicable]

STANDARDISED STATEMENT 9:

For customers on our hardship program, we will not:

- charge late payment fees;
- require a security deposit; or
- put you on a shortened collection cycle without your consent.

We will work with you

~~For customers on our hardship program,~~

If you have joined our hardship program, we will not:

- charge late payment fees;
- require a security deposit; ~~or~~
- make changes to your plan without your consent agreement. For example, we will not put you on a shortened collection cycle unless you agree first.