



**Final Decision**

**Reporting Requirements and Special  
Meter Readings**

**Electricity and Gas Industry Code  
Reviews**

**February 2010**

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**PREAMBLE**

The Electricity Industry Code and Gas Industry Code require that retailers and distributors periodically report a range of information to the Authority.

Following two years experience with the current reporting requirements and in response to suggestions from the Authority's Consumer Advisory Committee, the Authority has reviewed those requirements and proposes to make a number of amendments to them.

In arriving at this Final Decision, the Authority has tried to strike a balance between the compliance burden placed on retailers and distributors and the interests of consumers and others in accessing useful information on key aspects of the market.

The amendments include:

- (a) customer disconnection and complaints data to be reported on a quarterly basis rather than annually and the data to be reported to the Authority within one month of the end of the quarter;
- (b) some additional reporting obligations related to financial hardship to be required, namely:
  - (i) the number of a retailer's customers that are participating in a hardship program and their average debt;
  - (ii) the number of a retailer's customers denied access to the retailer's hardship program;
  - (iii) the average debt of those retail customers entering the hardship program; and
  - (iv) the average length of time a customer remains in the hardship program.
- (c) distributors to be required to report distributor-initiated disconnections and disconnections performed at the request of each retailer; and
- (d) the reporting requirements of the Electricity and Gas Codes to be aligned.

The Authority will also lift the current restriction on a retailer requesting a special meter reading to affect an in situ customer transfer, subject to the retailer:

- (a) obtaining explicit informed consent from that customer to both conduct the special meter reading and to charge the customer for it; or
- (b) not charging the customer for the special meter reading.

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**GLOSSARY**

|           |   |
|-----------|---|
| ACL       | Australian Consumer Law                                       |
| AER       | Australian Energy Regulator                                   |
| AEMC      | Australian Energy Market Commission                           |
| Authority | Queensland Competition Authority                              |
| CAC       | Consumer Advisory Committee                                   |
| COAG      | Council of Australian Governments                             |
| DEEDI     | Department of Employment, Economic Development and Innovation |
| EOQ       | Energy Ombudsman Queensland                                   |
| ESCOSA    | Essential Services Commission of South Australia              |
| ESCV      | Essential Services Commission (Victoria)                      |
| FRC       | Full Retail Competition                                       |
| ICN       | Interim Consultation Notice                                   |
| IPART     | Independent Pricing and Regulatory Tribunal (NSW)             |
| MCE       | Ministerial Council on Energy                                 |
| MWh       | Megawatt hour   |
| NECF      | National Energy Customer Framework                            |
| NEM       | National Electricity Market                                   |
| SBR       | Standard Business Reporting                                   |
| TJ        | Terra Joule   |

## 1. INTRODUCTION

### 1.1 Reporting Requirements

The Electricity Industry Code (Electricity Code) and Gas Industry Code (Gas Code) require that retailers and distributors periodically report a range of information to the Authority.

Following feedback from the Authority's Consumer Advisory Committee (CAC) on the usefulness of data being received, the Authority sought stakeholder views on the desirability of making a number of amendments to the Electricity and Gas Codes.

In this respect, following receipt by the Authority of the first annual reports from retailers on the number of disconnections and complaints for the 2007-08 financial year, the CAC indicated that it considered the reports received did not give a clear indication of the underlying dynamics in the retail energy market because the information lacked sufficient detail and were not received within a reasonable timeframe.

The CAC was also concerned by the increasing number of complaints being recorded by the Energy Ombudsman Queensland. The CAC concluded that improving the reporting requirements under the Electricity and Gas Codes would potentially help the Authority and consumer groups identify whether the increase in complaints received by the Ombudsman was due to greater consumer awareness of the Energy Ombudsman or an indication of a deeper systemic problem in the market.

The Authority released a Consultation Notice in August 2009. In response, 13 submissions were received from interested parties. A Draft Decision was released in October 2009. Nine submissions were received in response to the Draft Decision.

The Consultation Notice, Draft Decision and all individual submissions can be accessed on the Authority's website at [www.qca.org.au](http://www.qca.org.au). A list of submissions received is provided in **Appendix 2**.

#### *Retailer and distributor reporting requirements*

The current reporting requirements are set out in clause 8.5 of the Electricity Code and clause 5.5 of the Gas Code. Changing data collection or reporting frequency requires changes to the applicable Industry Code.

Clause 8.5 of the Electricity Code requires the Authority to review the development of the Queensland electricity market following the introduction of full retail competition (FRC) by monitoring and publishing quarterly data on the number of small and large customers who are on market contracts and annual data on customer disconnections and complaints collected from retail entities.

Similar provisions are also contained in clause 5.5 of the Gas Code which requires monitoring and publishing of small customer complaints and disconnection data. A small customer is defined in the Gas Supply Regulation 2007 as a customer consuming less than 1 Terra Joule (TJ) annually.

### 1.2 Special meter readings

The CAC had also suggested that the Authority canvass views on the limitation (contained in clauses 6.6(c) and 6.6(d) of the Electricity Code) on the ability of a retailer to request a special meter reading in order to give effect to an *in situ* transfer of a customer. An *in situ* transfer is one where a customer changes retailer but remains at the same premises. At present, customers are only able to be transferred to a new retailer at the time of their next scheduled meter reading.

### 1.3 Final Decision

This Final Decision presents the Authority's conclusions with respect to the proposed amendments to the Electricity and Gas Codes. **Appendix 1** to this Final Decision contains the Code amendments that the Authority will make to give effect to the changes outlined in this Final Decision.

### 1.4 Relevant documents

The following references provide important information regarding the legislative framework that the Authority is required to consider in reviewing the Gas and Electricity Industry Codes.

The Gas Supply Regulation 2007 can be obtained from:

<http://www.legislation.qld.gov.au/LEGISLTN/SLS/2007/07SL123.pdf>

The current Gas Industry Code can be obtained from:

<http://www.qca.org.au/files/GR-GIC-0609.pdf>

The Electricity Regulation 2006 can be obtained from:

<http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/E/ElectricR06.pdf>

The current Electricity Industry Code can be obtained from:

<http://www.qca.org.au/files/ER-EIC-Ver4-0808.pdf>

## 2. PROPOSAL TO AMEND REPORTING REQUIREMENTS

After some experience with reporting under both the Electricity and Gas Codes, the Authority is concerned that the data it is receiving is inadequate and is not provided in a sufficiently timely manner to enable it to adequately monitor the development of the electricity and gas markets in Queensland, as required under the Codes.

The Authority's CAC has also commented that the annual disconnection and complaints data received by the Authority did not readily support informed consideration of retailer performance or market conditions. The CAC was of the view that increasing the frequency and type of data being reported by energy retailers would greatly assist the Authority in its monitoring role and provide more useful information to the community in identifying cases of consumer hardship and wider systemic issues affecting consumers in the energy markets.

In addition, the CAC noted that current reporting requirements regarding disconnections only related to those initiated by retail entities and the CAC felt that requiring distributors to report on disconnections that they initiated would provide further insight into the operations of the energy market in Queensland.

The Authority's Draft Decision proposed a number of specific changes to the Electricity and Gas Codes in response to the concerns noted above and canvassed in the Consultation Notice. In summary, the Draft Decision proposed:

- (a) requiring retailers to report customer complaint and disconnection data quarterly, rather than annually, as currently required under clauses 8.5.3 and 8.5.4 of the Electricity Code and clauses 5.5.2 and 5.5.3 of the Gas Code;
- (b) requiring distributors to report distributor and retailer initiated customer disconnection data;
- (c) requiring retailers to further disaggregate customer complaints data required under clause 8.5.4 of the Electricity Code and clause 5.5.3 of the Gas Code;
- (d) requiring data to be provided specifically identifying cases where customers have been reconnected because of hardship considerations, with this requirement to go beyond the current requirement to report customers reconnected within seven days under clause 8.5.3 of the Electricity Code and clause 5.5.2 of the Gas Code, which may or may not be due to hardship considerations; and
- (e) requiring gas retailers to report disconnections and complaints data for all small customers, as well as separately reporting residential and business customers under clauses 5.5.2 and 5.5.3 of the Gas Code, to bring these requirements into line with those currently in the Electricity Code.

The Authority proposed the following specific amendments to give effect to the above proposals (see Table 2 below).

**Table 2: Code Amendments Proposed in the Draft Decision**

| <i>EIC Clause</i> | <i>GIC Clause</i> | <i>Current Requirement</i>  | <i>Proposed Amendment</i>   |
|-------------------|-------------------|---|---|
| 8.5.1             | 5.5.1             | the Authority must publish on an annual basis information on customer disconnections and complaints by retail entity.   | the Authority must publish on a quarterly basis information on customer disconnections and complaints by retail entity.   |
| 8.5.2             | N/A               | Electricity retail entities are required to provide the Authority with the number of large and small market NMIs on a quarterly basis within two months of the end of each quarter.   | Electricity retail entities are required to provide the Authority with the number of large and small market NMIs on a quarterly basis within one month of the end of each quarter.  |
| 8.5.3             | 5.5.2             | Retail entities are required to supply the Authority with customer disconnection data within two months after the end of each year.   | Retail entities are required to supply the Authority with customer disconnection data within one month after the end of each quarter.   |
| -                 | 5.5.2             | Retail entities are required to supply the Authority with small customer disconnection data.  | Retail entities are required to supply the Authority with small customer disconnection data, disaggregated into residential and small business customers.   |
| 8.5.3             | 5.5.2             | Retail entities are required to report on the number of small residential and small business customers that were disconnected due to non-payment, and who were reconnected within seven days with the same name and premises. | <p>Retail entities are required to report on the number of small business customers that were:</p> <ul style="list-style-type: none"> <li>- disconnected in total;</li> <li>- disconnected due to non-payment;</li> <li>- disconnected due to non payment and reconnected within seven days with the same name and premises; and</li> <li>- disconnected due to non payment and reconnected with the same name and premises.</li> </ul> <p>Retail entities are required to report the number of small residential customers that were:</p> <ul style="list-style-type: none"> <li>- disconnected in total;</li> <li>- disconnected due to non payment;</li> <li>- disconnected due to non payment and reconnected within seven days with the same name and premises;</li> <li>- disconnected due to non payment and reconnected with the same name and premises;</li> <li>- disconnected due to non payment and were pensioners or concession card holders;</li> <li>- pensioners or concession card holders disconnected due to non payment and reconnected with the same name and premises;</li> <li>- hardship program participants and their average debt level on entry to the program and the average length of time they were (or have been) in the program; and</li> <li>- denied access to a hardship program</li> </ul> |

**Table 2 (Cont.): Code Amendments Proposed in the Draft Decision**

| <i>EIC Clause</i> | <i>GIC Clause</i> | <i>Current Requirement</i>  | <i>Proposed Amendment</i>  |
|-------------------|-------------------|---|--|
| 8.5.4             | 5.5.3             | Retail entities are required to supply the Authority with data on the number of complaints received from small customers within two months after the end of each year.  | Retail entities are required to supply the Authority with data on the number of complaints received from small customers within one month after the end of each quarter  |
| 8.5.4             | 5.5.3             | Retail entities are required to supply the Authority with data on: <ul style="list-style-type: none"> <li>- total number of complaints;</li> <li>- billing or account complaints; and</li> <li>- other complaints.</li> </ul> | Retail entities are required to supply the Authority with data disaggregated into small residential customers and small business customers on: <ul style="list-style-type: none"> <li>- total number of complaints;</li> <li>- billing or account complaints;</li> <li>- marketing complaints; and</li> <li>- other complaints.</li> </ul> |
| 8.5.5             | N/A               | Electricity distribution entities are required to supply the Authority with data on the number of large and small NMI premises on a quarterly basis within two months of the end of each quarter.                             | Electricity distribution entities are required to supply the Authority with data on the number of large and small NMI premises on a quarterly basis within one month of the end of each quarter.   |
| 8.5.6<br>(new)    | 5.5.4<br>(new)    | Currently there is no requirement under either code for distributors to report disconnections data  | Distribution entities must report the number of disconnections initiated by them, in total and classified by broad reason for disconnection.<br><br>Distribution entities must report the number of disconnections that they have performed at the request of a retailer, in total and due to non-payment.                                 |

## 2.1 The National Energy Customer Framework

In response to the Consultation Notice, several stakeholders (see section 2.2) raised the issue of compatibility of any changes to reporting requirements under the Codes with future requirements currently envisaged under the National Energy Customer Framework (NECF).

As part of the national reform agenda, the Council of Australian Governments (COAG) has proposed to replace state-based regulations in the retail electricity market with a national framework. COAG has fostered this agenda through various schemes and legislation including the NECF, and the more generic Australian Consumer Law (ACL) and Standard Business Reporting (SBR) framework.

The main objectives for the creation of a NECF are to:

- (a) streamline the regulation of energy distribution and retail regulation functions in a national framework; and
- (b) develop an efficient national retail energy market including appropriate consumer protection.

The legislation to give effect to the NECF is expected to be introduced to the South Australian Parliament in 2010.

Under the proposed NECF, certain non-price retail regulatory functions will transfer to a national regulatory framework administered and enforced by the Australian Energy Regulator (AER) and the AEMC. The proposed NECF comprises the following:

- (a) National Energy Retail Law;
- (b) National Energy Retail Regulations;
- (c) National Energy Retail Rules, including:
  - (i) Model terms and conditions for standard retail contracts;
  - (ii) Model terms and conditions for deemed standard distribution contracts;
  - (iii) Retail support terms and conditions; and
  - (iv) National Energy Market Rules.

This reform process will result in the transfer of some current state and territory responsibilities to the national framework.

## 2.2 Submissions

The views expressed in submissions received in response to the Consultation Notice and the Draft Decision are summarised, by issue, below.

### *Quarterly reporting of complaints and disconnection data*

Submissions from retailers expressed concern that any change to the frequency of reporting requirements would require the establishment of new reports, data queries and procedures. AGL stated that system and procedure changes would “impose significant costs”. AGL considered the current practice of reporting within two months to be adequate and it was not in favour of reducing the reporting timeframe to one month as proposed in the Draft Decision. Origin Energy and APG questioned whether the benefits from providing additional information to the Authority outweighed the costs to retailers of collecting and reporting the data. Neither retailer suggested what their implementation costs might be.

On the other hand, Energy Australia stated that “it already has the reporting capability to comply with the increased reporting frequency”.

Submissions from distributors suggested they could comply with the revised reporting requirements. Ergon Energy saw “no issues” in any move to reporting on a quarterly basis but noted that increased reporting would demand some additional resources. Energex indicated that it would be able to meet the quarterly reporting requirements.

Submissions from consumer groups supported the proposals to change the frequency of reporting, particularly since this would support more rapid identification and resolution of systemic problems. The Queensland Council of Social Service (QCOSS) provided a comparison of reporting requirements across Australian jurisdictions showing that the reporting burden in Queensland is relatively low (see Tables 3.1, 3.2, 3.3 and 3.4 in section 2.2). QCOSS suggested that it may be possible to increase market information available to the regulator and consumers, while minimising costs, by adopting reporting measures used in other jurisdictions.

### *Timing*

Submissions from distributors and most retailers noted that increased reporting requirements would require modification of existing systems. AGL, Ergon and Energex requested that the proposed changes be implemented from 1 July 2010, with first reports to cover the September Quarter 2010, in order to allow for the establishment of revised internal procedures and to conduct system testing to ensure accuracy of data and compliance with both Codes.

*Format*

Submissions from consumer groups raised the issue of the format of information to be reported under the proposals in the Draft Decision. QCOSS requested that data be reported as a percentage or as a rate per 100 customers.

*Disconnection data*

Submissions from distributors did not raise any objections to being required to report disconnections that were self-initiated. In response to the request in the Draft Decision for distributors to suggest appropriate reporting categories for self-initiated disconnections, Ergon Energy suggested four broad categories: debt, safety, legal and other. Energex stated that it made self-initiated disconnections predominately for safety reasons or to protect revenue.

AGL submitted that its systems were currently unable to distinguish between actual physical disconnections performed by distributors and ones recorded within AGL's internal systems for purposes such as transfers between subsidiaries or from non-market to market offers. As such, AGL questioned the value of reporting the total number of disconnections.

*Retailers providing further disaggregated customer complaints data*

Submissions from retailers expressed concern that any change to current customer complaint reporting requirements would impose additional costs on retailers.

Submissions from retailers and the Department of Employment, Economic Development and Innovation (DEEDI) highlighted the desirability of any new reporting requirements being consistent with those contained in the upcoming NECF, so that transition costs could be minimised when the framework is adopted by jurisdictions. Submissions from AGL, APG and Origin Energy opposed any changes to reporting requirements prior to the introduction of the NECF, to avoid duplication and conflict and to minimise costs of transition to the national regulatory framework.

Consumer groups also addressed the issue of increased reporting in a competitive market context. These groups argued that providing more detailed information on retailer performance would allow consumers to gain a greater understanding of retailer performance levels, increasing the ability of consumers to make informed choices regarding their energy supplier. Such an outcome would benefit competition. TRUenergy also supported performance reporting that facilitated competition by allowing consumers to make informed comparisons.

Consumer groups highlighted that other jurisdictions have more extensive reporting requirements than those currently in place in Queensland. They therefore argued for increased reporting requirements than those envisaged in the Draft Decision, on the basis that consumers in other jurisdictions appear to have significantly more market information available to them. QCOSS suggested that any additional costs could be minimised if any additional reporting requirements for Queensland replicated those currently in operation in other jurisdictions.

*Retailers identifying reconnections because of hardship considerations*

In response to the Consultation Notice, Ergon Energy noted that there are differences between the hardship policies of the various retailers which would make a simple comparison of customers on retailer established hardship programs difficult and, ultimately, not productive. Origin Energy noted that the only way it could identify a customer experiencing hardship was through the customer identifying themselves by seeking access to the hardship program.

### *Aligning the Gas Code with the Electricity Code*

There was no specific opposition to the alignment of reporting requirements between the Gas and Electricity Codes and support from some parties; for example, Energy Australia was of the view that aligning reporting requirements between the Electricity and Gas Codes would be sensible.

### **2.3 Other Jurisdictions**

Information on reporting requirements in other jurisdictions provided by QCOSS is presented below, categorised into the following groups:

- (a) Financial Information – Table 3.1;
- (b) Information about Financial Stress (Hardship) – Table 3.2;
- (c) Disconnections and Reconnections data – Table 3.3; and
- (d) Customer Service and Complaints data – Table 3.4.

**Table 3.1 – Performance and Compliance Reporting in Other Jurisdictions (Financial Information))**

| <i>Financial Information</i>                                | <i>QLD</i> | <i>VIC</i> | <i>NSW</i> | <i>ACT</i> | <i>TAS</i> | <i>SA<sup>a</sup></i> |
|---|------------|------------|------------|------------|------------|-----------------------|
| Average value of bill                                       | -          | Y          | -          | -          | Y          | -                     |
| Estimated accounts  | -          | -          | -          | -          | Y          | -                     |
| Customers paying by due date                                | -          | -          | -          | -          | Y          | -                     |
| Reminder notices sent                                       | -          | -          | -          | -          | Y          | -                     |
| Disconnection notices sent                                  | -          | -          | -          | -          | Y          | -                     |
| Late payment fees charged                                   | -          | -          | -          | -          | Y          | -                     |
| Value of late payment fees                                  | -          | -          | -          | -          | Y          | -                     |
| Late payment fees waived                                    | -          | -          | -          | -          | Y          | -                     |
| Direct debit defaults or terminations                       | -          | Y          | -          | Y          | Y          | Y                     |
| Refundable advances/security deposits                       | -          | Y          | Y          | Y          | Y          | Y                     |
| Security deposits held for more than 12 months              | -          | -          | Y          | Y          |            | -                     |
| Value of security deposits held                             | -          | -          | -          | Y          | Y          | Y                     |
| Customers repaying debt (includes other than payment plans) | -          | -          | -          | -          | Y          | -                     |
| Customers owing more than \$500                             | -          | -          | -          | -          | Y          | -                     |
| Value of debt   | -          | -          | -          | -          | Y          | -                     |

*Note: Y = Currently Required, P = Proposed Requirement.*

*a - SA: data reporting requirements currently under review.*

**Table 3.2 – Performance and Compliance Reporting in Other Jurisdictions (Financial Hardship)**

| <i>Indicators of Financial Stress (Hardship)</i>   | <i>QLD</i> | <i>VIC</i> | <i>NSW</i> | <i>ACT</i> | <i>TAS<sup>b</sup></i> | <i>SA<sup>a</sup></i> |
|--|------------|------------|------------|------------|------------------------|-----------------------|
| Number of hardship program participants  | P          | Y          | -          | -          | -                      | -                     |
| Number referred by third party   | -          | Y          | -          | -          | -                      | -                     |
| Number of concession card holders  | -          | Y          | -          | -          | -                      | -                     |
| Number denied access to hardship program   | P          | Y          | -          | -          | -                      | -                     |
| Average debt on entry to hardship program  | P          | Y          | -          | -          | -                      | -                     |
| Average debt on exit from program  | -          | Y          | -          | -          | -                      | -                     |
| Average length of time on program  | P          | Y          | -          | -          | -                      | -                     |
| Number exiting by agreement with retailer  | -          | Y          | -          | -          | -                      | -                     |
| Number removed from program for non-compliance   | -          | Y          | -          | -          | -                      | -                     |
| Number of former hardship program participants disconnected within 12 months                       | -          | Y          | -          | -          | -                      | -                     |
| Number of former hardship program participants reconnected within 12 months                        | -          | Y          | -          | -          | -                      | -                     |
| Number of energy field audits conducted at no cost   | -          | Y          | -          | -          | -                      | -                     |
| Energy field audits conducted at partial costs   | -          | Y          | -          | -          | -                      | -                     |
| Average cost contributed where required  | -          | Y          | -          | -          | -                      | -                     |
| Number of energy saving appliances provided under hardship programs                                | -          | Y          | -          | -          | -                      | -                     |
| Expenditure on concessions (state government)  | -          | Y          | -          | -          | -                      | -                     |
| Utility relief grants – number of applications initiated, received and approved (state government) | -          | Y          | -          | -          | -                      | -                     |
| Customers receiving concessions  | -          | -          | -          | -          | -                      | Y                     |
| Instalment plans   | -          | Y          | Y          | Y          | Y                      | Y                     |
| Customers using each payment method offered  | -          | -          | -          | -          | Y                      | -                     |
| Using Centrepay  | -          | -          | Y          | Y          | -                      | -                     |

Note: Y = Currently Required, P = Proposed Requirement.

a - SA: data reporting requirements currently under review.

b - ACT: hardship data not collected as hardship programs are not included under the ACT Consumer Code.

**Table 3.3 – Performance and Compliance Reporting in Other Jurisdictions (Disconnections and Reconnections)**

| <i>Disconnections and Reconnections data</i>             | <i>QLD</i> | <i>VIC</i> | <i>NSW</i> | <i>ACT</i> | <i>TAS</i> | <i>SA<sup>a</sup></i> |
|--|------------|------------|------------|------------|------------|-----------------------|
| Disconnections – total                                   | P          | Y          | -          | -          | -          | -                     |
| Disconnection for non-payment of account                 | Y          | Y          | Y          | Y          | Y          | Y                     |
| Reconnection in same name                                | Y          | Y          | -          | Y          | Y          | Y                     |
| Disconnection of customers previously on instalment plan | -          | Y          | Y          | -          | Y          | Y                     |
| Reconnection of customers previously on instalment plan  | -          | Y          | -          | -          | -          | -                     |
| Multiple disconnections                                  | -          | Y          | Y          | -          | Y          | -                     |
| Multiple reconnections                                   | -          | Y          | -          | -          | -          | -                     |
| Disconnection of concession card holders or pensioners   | -          | Y          | Y          | -          | Y          | Y                     |
| Reconnection of concession card holders                  | -          | Y          | -          | -          | Y          | Y                     |

Note: Y = Currently Required, P = Proposed Requirement.

a - SA: data reporting requirements currently under review.

**Table 3.4 – Performance and Compliance Reporting in Other Jurisdictions (Customer Service and Complaints)**

| <i>Customer Service and Complaints data</i>                              | <i>QLD</i> | <i>VIC</i> | <i>NSW</i> | <i>ACT</i> | <i>TAS</i> | <i>SAa</i> |
|--|------------|------------|------------|------------|------------|------------|
| Customer numbers   | Y          | Y          | -          | Y          | Y          | Y          |
| Standing vs market contracts   | Y          | -          | -          | -          | -          | Y          |
| Number of customers transferring (AEMO)                                  | Y          | -          | -          | Y          | -          | Y          |
| Calls to account lines not forwarded to an operator                      | -          | Y          | Y          | Y          | Y          | Y          |
| Calls to account lines forwarded to an operator                          | -          | Y          | -          | Y          | -          | Y          |
| Calls answered within 30 seconds   | -          | Y          | Y          | Y          | Y          | Y          |
| Average waiting time   | -          | -          | -          | Y          | Y          | Y          |
| Number of calls in each category   | -          | -          | -          | -          | Y          | -          |
| Written enquiry responsiveness   | -          | -          | -          | -          | -          | Y          |
| Number of customer complaints  | Y          | Y          | Y          | Y          | -          | Y          |
| Number of affordability/billing complaints                               | Y          | Y          | Y          | Y          | Y          | Y          |
| Marketing complaints   | P          | Y          | Y          | Y          | -          | Y          |
| Transfer complaints  | -          | Y          | -          | -          | -          | Y          |
| Other complaints   | Y          | Y          | Y          | Y          | Y          | -          |
| Complaints resolved or agreed to timeframe for resolution within 10 days | -          | -          | -          | Y          | Y          | -          |

*Note: Y = Currently Required, P = Proposed Requirement.*

*a - SA: data reporting requirements currently under review.*

### 3. PROPOSAL TO REMOVE THE RESTRICTION ON SPECIAL METER READS

At present, most electricity meter readings are scheduled quarterly. If a customer elects to change retailer they are transferred at the time of their next scheduled meter reading at no cost to the customer.

To effect a transfer on a date other than the next scheduled meter reading, a special meter reading is required and a fee may be charged. Special meter reads are conducted by the distributor, which charges the retailer a fee for this service. This fee is normally passed through to the customer by the retailer. The maximum Special Meter Reading fee is set by the Queensland Government in Schedule 8 of the Electricity Regulation 2006. The fee is currently \$28.77 for a special meter reading by Energex in its distribution area, and \$33.34 in the Ergon Distribution Area.

Clause 6.6(c) of the Electricity Code prohibits a retailer from requesting a special meter reading where the main purpose is to give effect to an *in situ* transfer of a customer. That is, where the customer is not vacating or moving into the premises but is simply transferring from one retail entity to another at the same premises. There are allowable exceptions to this clause where a scheduled meter reading that was attempted after the customer entered into the new retail contract failed to take place or no other actual meter reading is available and the customer is new to the premises. However, these exceptions are not at issue here.

Similar restrictions do not apply in New South Wales, ACT, Victoria, South Australia or Tasmania.

The current restriction on special meter reads prevents a retailer from immediately transferring a customer who has entered into a market contract with them, which would be to the retailer's advantage, at the cost to the customer of a special meter reading fee.

While the CAC supported the removal of this restriction, it was also of the view that this should be accompanied by a requirement added to the Code to ensure that a special meter read could only be requested by a retailer to affect an *in situ* transfer where the customer had given explicit informed consent.

#### *Removing the Restriction*

Clause 6.6(c) of the Electricity Code allows the Authority to terminate the restriction on special meter readings in respect of *in situ* transfers by nominating an end date after which requesting special meter readings to enable in-situ transfers would be allowed. A code change is not required because clause 6.6(c) is worded in such a way that it would become redundant upon the Authority notifying stakeholders of a date to end the restriction.

Clause 6.6 (d) is a related clause which requires the Authority to consult with distribution entities, retail entities and other relevant stakeholders before notifying a date in accordance with clause 6.6(c). This current consultation process satisfies this requirement.

#### 3.1 Submissions

##### *Terminating the restriction*

Submissions generally supported removing the restriction on special meter reads in respect of *in situ* customer transfers. For example, TRUenergy suggested that removing this regulatory requirement would facilitate competition in the Queensland Energy Market.

Energex, while generally supportive of removing the restriction, noted that a change of this nature would likely lead to an increase in its resourcing and organisational requirements due to the need to source more meter readers and to make changes to associated management and

information systems. While Energex considered the proposed amendments were appropriate, it requested that the restriction be removed effective 1 July 2010 to allow time for implementation issues to be addressed.

Ergon Energy was of the view that allowing customers to transfer on a special read would not have a significant impact on it due to the comparatively low levels of customer churn in its distribution area.

QCOSS suggested that retailers who wished to offer customers the option to change retailer immediately after the cooling-off period should bear the cost of the special meter reading that would be required.

The Financial Counsellors' Association of Queensland (FCAQ) suggested that, if the restriction was to be terminated, the Code should include the following requirements before a special meter reading transfer be made:

- (a) explicit consent from the customer;
- (b) how much the meter read will cost; and
- (c) expected date of the meter reading.

#### *Customer consent*

The majority of submissions supported the removal of the current special meter read restriction, and broadly accepted the need to obtain explicit customer consent before charging a customer for a special meter read. However, submissions were divided on the need to make a change to the code to enforce the requirement for gaining explicit informed consent.

Submissions from AGL, Energex, Origin Energy and Ergon Energy suggested that, in their opinion, clause 6.3 of the Electricity Code already addressed the issue of explicit informed consent, making a code change unnecessary. Origin Energy also stated that retailers would be required under national consumer protection legislation to disclose special meter read fees as part of the offer to a customer.

APG suggested that most retailers generally absorb the cost of special reads and that explicit consent should only be required in circumstances where the retailer intends to pass on the cost of the special meter read through to the customer. In a similar vein, AGL was of the view that customer consent should not be required if a special meter reading fee is not passed through to that particular customer.

## 4. FINAL DECISION

In preparing this Final Decision, the Authority was cognisant of the regulatory frameworks in other National Electricity Market (NEM) jurisdictions which retailers operate in as well as the objectives of COAG in achieving inter-jurisdictional consistency in a nationally regulated retail energy market.

One advantage in aligning the various jurisdictional regulatory frameworks is the opportunity to find the right balance in the regulation of retail electricity markets between the minimum necessary amount of information and data reporting required by regulators and the associated cost due to the regulatory burden on electricity retailers.

As noted by the Productivity Commission in its *Annual Review of Regulatory Burdens* (Productivity Commission 2009), there is a genuine concern in the business community that the overall reporting burden is increasing, both at a national and state level. That said, society is becoming ever more complex, especially in the provision of certain services such as energy, which often require long detailed contracts between retailers and customers that many customers may not have the capacity or the time to understand (Productivity Commission 2008).

In their submissions, retailers have accepted that a certain amount of information must be provided in order for the Authority to make informed decisions. However, there is a balance to be found between the provision of sufficient information and an overly burdensome reporting regime. The Authority has endeavoured to find this balance between regulatory burden and too little consumer protection.

Retailers have expressed concern that the increased reporting obligations proposed in the Draft Decision were poorly timed given the expected introduction of nationally consistent reporting frameworks under the NECF. The Authority has addressed this issue in this Final Decision.

QCOSS provided a comprehensive review of the type of data collected in other NEM jurisdictions. The Authority sorted the QCOSS data into four categories (see section 2.3 above). Of these four categories, the Authority considers that three are directly relevant to this review. These are considered below.

The fourth category, concerning financial information, includes general financial information and is reported almost solely in Tasmania. The Authority considers that the data included here went well beyond the scope of data it had envisaged in the Consultation Notice and is not directly relevant to this review. The Authority also notes that some of the data in this category would probably be considered commercial-in-confidence in a competitive retail market such as in South East Queensland.

### 4.1 Format of data reporting

Other NEM connected jurisdictions report data as a percentage or a rate per 100 customers. In its submission, QCOSS recommended the Authority adopt a similar reporting format to allow comparison of retailers within Queensland and across other jurisdictions. In Queensland, the Electricity Code, Gas Code and the Electricity (Retail Billing Guaranteed Service Level Scheme) Code require retailers and distributors to report absolute figures to the Authority and the Authority has released information in similar fashion to date.

Nevertheless, given the changes that are to be made to the Codes, the Authority will have sufficient information to allow it to calculate rates or percentages for performance measures such as disconnections and complaints. However, it would not be appropriate for information to

be published in both formats as this could allow market sensitive information to be derived for individual retailers.

The Authority accepts that consistent reporting of information across jurisdictions is a desirable objective and will, once the amendments come into effect, report data on the basis most consistent with that adopted in other comparable jurisdictions.

#### **4.2 Quarterly reporting of complaints and disconnection data**

The Draft Decision proposed that the Electricity and Gas Codes be amended to require the reporting of complaints and disconnections data on a 'quarterly' rather than 'annual' basis and that the data be provided within 'one month of the end of the quarter' rather than 'within two months of the end of the year'.

Consumer groups supported these proposals. Broadly they were of the view that the proposed reporting timeframes would allow the Authority to act more swiftly if an issue, such as a large increase in disconnections or complaints, were to arise.

Some retailer submissions also offered qualified support for the proposed change, with Energy Australia noting that, while it would prefer to wait until the NECF were finalised, it had systems already in place to make the transition to quarterly reporting for complaints and disconnections data.

However, most retailers did not support the proposed changes because they were concerned about:

- (a) the potential cost of the system changes that would be necessary to ensure the new quarterly reporting obligations were met; and
- (b) potential inconsistencies with the NECF.

The Authority does not accept the arguments put forward by retailers that a change in the reporting timeframes from annual to quarterly and requiring the information be provided within one month rather than two months would be overly burdensome or costly. The Authority considers that, as the retailers are already required to collect this information throughout the year in almost every jurisdiction in which they operate (for provision in end of year reports), it is unlikely that merely requiring that they provide information they have already collected more frequently would impose a significant additional cost.

TRUenergy suggested that, if new reporting requirements were to be implemented, that retailers be given time to implement and test the required system changes. The Authority considers this to be a reasonable suggestion which should go some way to meeting other retailers' concerns.

The Authority agrees with the views of consumer groups that, in order for the Authority to make the best use of the complaints and disconnections data, the information should be provided on a more timely basis. Currently, the Authority does not receive this data until the end of August which is 14 months after the start of the reporting period. This delay in the provision of complaints and disconnections information may result in the Authority being unaware of an issue that may have detrimentally affected customers for over a year.

In relation to retailer concerns that the proposal to change from annual to quarterly reporting may be inconsistent with the proposed NECF requirements, the Authority notes that the reporting requirements contained in the second exposure draft of the NECF require the AER to release retail market reports annually. However, the explanatory notes for this section specifically recognise that, while the current intent of the section is to require annual reporting

by the AER, other jurisdictional regulators require reporting of issues on a more frequent basis, and indicate that the requirements on reporting frequency are still to be finalised.

On this basis, the Authority is of the view that the Code should be amended to require that electricity retailers provide complaints and disconnections data quarterly rather than annually and within a month of the end of the quarter. The Authority's proposal in this regard is not adding to the range of data required to be collected but simply requiring that it be reported more frequently.

In line with the suggestion by TRUenergy and comments in response to the Draft Decision by others, the new quarterly reporting obligations will commence from 1 July 2010 with the first quarterly reports due for the September quarter 2010.

### **4.3 Distributors reporting disconnection data**

The Authority proposed in the Draft Decision that electricity and gas distributors should be required to separately report:

- (a) the number of distributor-initiated disconnections of small customers, in total and classified by broad reason for disconnection; and
- (b) the number of disconnections the distributor performed at the request of a retailer, in total and due to non-payment.

Neither Energex nor Ergon Energy objected to providing the information but did request the new requirements commence from 1 July 2010, to allow sufficient time to establish processes and systems to comply with the proposed reporting requirements.

The gas distributors APT Allgas and Envestra did not provide submissions.

This information will enable the Authority to establish a complete picture of the number of disconnections for non-payment that occur in Queensland as well as enable it to verify data supplied by retailers. Currently, much of this data is provided to the Authority on a confidential basis at the Authority's request.

In light of its experience to date, the Authority is of the view that this change is necessary in order for it to address its responsibilities under the Codes and, hence, will amend the Codes to require that distributors report this information quarterly. Where relevant, this information would be made publicly available.

After considering the views of distributors, the Authority will require distributor initiated disconnection data to be classified into three categories for each customer group, these being disconnections for:

- (a) revenue protection;
- (b) safety; and
- (c) other.

The Authority proposes that this new obligation commence from 1 July 2010 with the first quarterly reports due for the September quarter 2010, reflecting the timing concerns raised by Energex and Ergon Energy.

#### 4.4 Retailers providing further disaggregated customer complaints data

The Authority considered increasing the reporting requirements for customer complaints data, including further disaggregating complaints and call centre responsiveness data.

When considering the collection of this information, it is important to bear in mind the different market characteristics across the NEM jurisdictions, ranging from full competition in Victoria, where the case for increased consumer protection (via more prescriptive reporting obligations) in a deregulated market has been made, to little or no competition in Tasmania.

On balance, the Authority does not consider there is a strong case at this time to support the increased reporting burden this would place on retailers. The Authority is also aware that the Energy Ombudsman (EOQ) is taking steps to better classify and disaggregate data collected by that office and that this type of data may be better collected and handled by EOQ, but then shared with the Authority.

#### 4.5 Retailers identifying disconnections and reconnections because of hardship considerations

Some retailer submissions raised doubt about the usefulness of some hardship data, as it is currently collected, in terms of truly identifying customers in genuine financial hardship. For example, Origin noted that, in its case, these customers are self-identified and not usually those that are disconnected.

However, the concerns initially raised by the CAC in this respect and noted in the Consultation Notice were more directed at identifying those customers who had been disconnected and were subsequently reconnected due to hardship considerations being taken into account or due to entering into a hardship program with their retailer.

The Authority has considered the suggestions of QCOSS in terms of collecting extra data on hardship programs that retailers might provide and considers that some of this data could be useful in identifying issues affecting the most vulnerable consumers.

In terms of whether any new reporting obligations are compatible with the NECF, the Authority notes that the second exposure draft of the framework contains minimum requirements for retailers in developing and maintaining a customer hardship program.

Customer hardship program requirements are described in proposed section 226 of the National Electricity Retail Law, NECF. A retailer's customer hardship policy must contain:

- (a) Processes to identify customers experiencing payment difficulties due to hardship, including identification by the retailer and self-identification by a residential customer;
- (b) Processes for the early response by the retailer in the case of residential customers identified as experiencing payment difficulties due to hardship;
- (c) Flexible payment options (including a payment plan) for the payment of energy bills by hardship customers;
- (d) Processes to identify appropriate government concession programs and appropriate financial counselling services and to notify hardship customers of those programs and services;
- (e) An outline of a range of programs that the retailer may use to assist hardship customers; and
- (f) Any other matter required by the Rules.

These obligations require retailers to collect and maintain detailed data on their customer hardship programs. The additional reporting obligations proposed by the Authority are no more burdensome than the above national requirements and would appear to be compatible with the NECF as it is currently structured.

#### 4.6 Quarterly reporting of non-market NMI's

Retailers and distributors are currently required to report quarterly the number of large and small market customer NMIs for which they are responsible at the end of each quarter. To provide a complete picture of customer numbers, the Authority has added a requirement to also report non-market customer NMI numbers on a quarterly basis. While this proposal was not specifically canvassed in the Draft Decision, it is consistent with other matters discussed therein and is also consistent with the proposed requirement in the second exposure draft of the National Energy Retail Rules that the AER report market and non-market customer numbers in its retail market performance reports.

#### 4.7 Retailers to classify customers as small business or small residential

In its submission, Ergon Energy noted that there was no proposed requirement, under clause 4.7.4 of the Electricity Industry Code, for retailers to specify if a customer was a small residential or small business customer when initiating a change of customer at a premises. This requirement would be necessary for distributors to comply with reporting requirements proposed in the Draft Decision. The Authority has included such a requirement in the amendments at **Appendix 1**.

#### 4.8 Aligning the Gas Code with the Electricity Code

In its Draft Decision, the Authority proposed requiring gas retailers to provide disaggregated complaints and disconnections data by residential and small business customer groups to bring it into line with the requirements for electricity retailers.

Most stakeholders supported this proposal on the grounds that it would be sensible for the two Codes to be aligned. Origin (one of the three gas retailers in Queensland) noted that it already takes this approach in its reporting.

#### 4.9 Final Decision – amendments to reporting requirements

##### *Proposal to Amend Reporting Requirements*

Set out in Table 4 below are the amendments the Authority will be making to the reporting obligations for electricity and gas retailers and distributors in Queensland.

**Table 4: Reporting Obligations for Electricity and Gas Retailers and Distributors**

| <i>EIC Clause</i> | <i>GIC Clause</i> | <i>Current Requirement</i>   | <i>Proposed Amendment</i>   |
|-------------------|-------------------|--|---|
| 4.7.4             | N/A               | Retailer must supply customer details to the appropriate distributor to initiate a connection for a customer.                                    | Retailer must supply customer details, including their classification as a small business customer or small residential customer, to the appropriate distributor to initiate a connection for the customer. |
| 8.5.1             | 5.5.1             | the Authority must publish on an annual basis information on customer disconnections and complaints by retail entity.                            | the Authority must publish on a quarterly basis information on customer disconnections and complaints by retail entity.   |
| 8.5.2             | N/A               | Electricity retail entities are required to provide the Authority with the number of large and small market NMIs on a quarterly basis within two | Electricity retail entities are required to provide the Authority with the number of large and small market, and non-market, NMIs on a quarterly basis within one month of the end of each quarter.         |

|             |             |   |   |
|-------------|-------------|---|---|
|             |             | months of the end of each quarter.  |   |
| 8.5.3       | 5.5.2       | Retail entities are required to supply the Authority with customer disconnection data within two months after the end of each year.   | Retail entities are required to supply the Authority with customer disconnection data within one month after the end of each quarter.   |
| -           | 5.5.2       | Retail entities are required to supply the Authority with small customer disconnection data.  | Retail entities are required to supply the Authority with small customer disconnection data, disaggregated into residential and small business customers.   |
| 8.5.3       | 5.5.2       | Retail entities are required to report on the number of small residential and small business customers that were disconnected due to non-payment, and who were reconnected within seven days with the same name and premises. | <p>Retail entities are required to report on the number of small business customers that were:</p> <ul style="list-style-type: none"> <li>- disconnected in total;</li> <li>- disconnected due to non-payment;</li> <li>- disconnected due to non payment and reconnected within seven days with the same name and premises; and</li> <li>- disconnected due to non payment and reconnected with the same name and premises.</li> </ul> <p>Retail entities are required to report the number of small residential customers that were:</p> <ul style="list-style-type: none"> <li>- disconnected in total;</li> <li>- disconnected due to non payment;</li> <li>- disconnected due to non payment and reconnected within seven days with the same name and premises;</li> <li>- disconnected due to non payment and reconnected with the same name and premises;</li> <li>- disconnected due to non payment and were pensioners or concession card holders;</li> <li>- pensioners or concession card holders disconnected due to non payment and reconnected with the same name and premises;</li> <li>- hardship program participants and their average debt level on entry to the program and the average length of time they were (or have been) in the program; and</li> <li>- denied access to a hardship program</li> </ul> |
| 8.5.4       | 5.5.3       | Retail entities are required to supply the Authority with data on the number of complaints received from small customers within two months after the end of each year.  | Retail entities are required to supply the Authority with data on the number of complaints received from small customers within one month after the end of each quarter   |
| 8.5.4       | 5.5.3       | Retail entities are required to supply the Authority with data on: <ul style="list-style-type: none"> <li>- total number of complaints;</li> <li>- billing or account complaints; and</li> <li>- other complaints.</li> </ul> | Retail entities are required to supply the Authority with data disaggregated into small residential customers and small business customers on: <ul style="list-style-type: none"> <li>- total number of complaints;</li> <li>- billing or account complaints;</li> <li>- marketing complaints; and</li> <li>- other complaints.</li> </ul>  |
| 8.5.5       | N/A         | Electricity distribution entities are required to supply the Authority with data on the number of large and small NMIs premises on a quarterly basis within two months of the end of each quarter.                            | Electricity distribution entities are required to supply the Authority with data on the number of large and small NMI premises on a quarterly basis within one month of the end of each quarter.  |
| 8.5.6 (new) | 5.5.4 (new) | Currently there is no requirement under either code for distributors to report disconnections data  | <p>Distribution entities must report the number of disconnections initiated by them, in total and classified by:</p> <ul style="list-style-type: none"> <li>- Non payment;</li> <li>- Safety; and</li> <li>- Other.</li> </ul> <p>Distribution entities must report the number of disconnections that they have performed at the request of a retailer, in total and due to non-payment.</p>  |

#### 4.10 Removing the restriction on special meter readings

In its Draft Decision, the Authority proposed terminating the current restriction on special meter readings in respect of *in situ* transfers. No objections were raised to this proposal. However, concerns were raised regarding the issue of obtaining customer consent before a special meter read could be used to affect an *in situ* transfer and the resource implications for distributors of lifting the current restriction.

##### *Customer Consent*

Clause 6.3.1(a) of the Electricity Code outlines the obligation upon retail entities to obtain a customer's consent when transferring that customer from another retailer:

##### **6.3 Consent**

###### **6.3.1 Obligation to obtain consent**

- (a) *A retail entity must not initiate the creation of a NMI or initiate or effect the transfer of a customer without obtaining the explicit informed consent of that customer.*

Several submissions argued that the wording of clause 6.3.1(a) was sufficient to incorporate the requirement to disclose any charges passed through to the customer resulting from a special meter read.

##### *Impact on distributors*

In considering the removal of the current restriction on *in situ* special meter reads, the Authority notes the views expressed by distributors that this may increase the number of special meter reads requested and require increased resources to be deployed, as well as the potential financial impact due to the fee for special meter reads being capped at less than full cost recovery.

In line with the suggestion by Energex (the distributor most likely to be affected), the Authority proposes to delay removing this restriction until 1 July 2010 so that the distributors have some time in which to put in place necessary arrangements. As to any financial impacts flowing from this decision, the Authority is not introducing a new provision into the Code but rather exercising a discretion that has always been provided in the Code. Energex has already been provided with substantial additional funding to cover any additional costs it may incur in meeting its obligations under FRC. Furthermore, the setting of the fee is a policy matter for the Government and the financial consequences of that policy are a matter to be addressed between the Government and the distributors.

#### 4.11 Final Decision – removal of the restriction on special meter reads

The Authority will remove the current restriction on the use of special meter reads to implement *in situ* customer transfers, effective from 1 July 2010.

Concomitant with lifting the special meter reading restriction, the Authority will clarify section 6.6 of the Electricity Code around the meaning of obtaining explicit informed consent such that:

- (a) *A retail entity must not transfer a customer on the basis of a special meter reading, unless it obtains explicit informed consent from that customer to:*
- (i) conduct the special meter reading; and
  - (ii) charge the customer for that special meter reading a fee which must be disclosed to the customer.

- (b) A retail entity is not obliged to obtain explicit informed consent if it does not charge the customer for that special meter reading.

## 5. REFERENCES

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Queensland Council of Social Service (2009), *Submission on the Consultation Notice*.

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TRUenergy (2009), *Submission on the Consultation Notice*.

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## APPENDIX 1 – AMENDMENTS TO THE CODES

This Appendix contains the amendments that the Authority will make to the Electricity Industry Code and the Gas Industry Code, to come into effect on 1 July 2010.

This Appendix is a “final version of the proposed amendments to the Code” for the purposes of section 222O(b) of the Electricity Regulation 2006 and for the purposes of section 39(b) of the Gas Supply Regulation 2007.

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### A1.1 Electricity Industry Code

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#### 4.7.4 Retail entities’ obligations to advise the distribution entity of connection applications

Subject to the *small customer* complying with clause 4.7.1, as soon as possible after receiving an application from a *small customer* to start providing *customer retail services* to the *small customer*, or a request from a *small customer* to arrange for connection, a *retail entity* must forward relevant details of a *small customer*, **including their classification as a *small business customer* or *small residential customer***, to the *small customer’s distribution entity* for the purpose of:

- (a) updating the *distribution entity’s* records for that *premises* and *small customer*, if the *small customer’s premises* is already connected; or
  - (b) arranging for the connection of that *premises*, if the *small customer’s premises* is not already connected to the *distribution entity’s supply network*.
- 

#### 6.6 Meter read methods

- (a) All permitted forms of *meter* readings used for the purposes of transferring a *customer* must be performed in accordance with the *electricity legislation*.
  - (b) Subject to paragraph (c), a transfer on an *actual meter reading* date must be based on an *actual meter reading* that is a *scheduled meter reading* or a *special meter reading* which:
    - (i) conforms with the *CATS Procedures* retrospectivity rule; or
    - (ii) occurred after the *customer* entered into the new *retail contract*.
  - (c) **A *retail entity* must not transfer a *customer* on the basis of a *special meter reading*, unless it obtains *explicit informed consent* from that *customer* to:**
    - (i) conduct the *special meter reading*; and
    - (ii) charge the *customer* for that *special meter reading* a fee which must be disclosed to the *customer*.
-

- (d) A retail entity is not obliged to obtain *explicit informed consent* under clause 6.6(c) if it does not charge the customer for that *special meter reading*.
- ~~(e) Until a date notified by the QCA, the new retail entity must not raise a service order request for a special meter reading where the main purpose is to give effect to a in situ transfer of a customer (i.e., where the customer is not vacating the premises), except where a scheduled meter reading attempted after the customer entered into the new retail contract fails to take place or no other actual meter reading is available and the customer is new to the NMI premises.~~
- ~~(d) The QCA will consult with distribution entities, retail entities and other relevant stakeholders before notifying a date in accordance with paragraph (e).~~

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## 8.5 Review of developments in full retail competition

### 8.5.1 QCA monitoring and reporting role

The QCA must, ~~following the FRC commencement date:~~

- (a) monitor the development of the Queensland electricity market by reviewing the data provided by all retail entities under clauses 8.5.2 to 8.5.4 and by all distribution entities under clause 8.5.5 and 8.5.6;
- (b) publish on a quarterly basis in aggregate:
- (i) the number of LARGE and SMALL NMIs;
  - (ii) the indicative number of market NMIs relating to large customers; and
  - (iii) the indicative number of market NMIs relating to small customers;
- (c) publish on ~~an annual~~ a quarterly basis by retail entity the information on customer disconnections provided by retail entities under clause 8.5.3; and
- (d) publish on ~~an annual~~ a quarterly basis by retail entity the information on customer complaints provided by the retail entities under clause 8.5.4.

### 8.5.2 Retail entities to supply the number of market and non-market customers

- (a) Each retail entity must, within ~~two months~~ one month after the end of each quarter, provide to the QCA the number of large and small market NMIs as at the end of that previous quarter ~~the relevant reporting period.~~
- (b) Each retail entity must, within one month after the end of each quarter, provide to the QCA the number of large and small non-market NMIs as at the end of that previous quarter.
- ~~(b) A retail entity is not required to remove from the data provided in paragraph (a) former market NMIs where the customer has elected to revert back to the standard retail contract and move in customers (for a NMI premises) who have not yet entered into a negotiated retail contract for those premises.~~

### 8.5.3 Retail entities to supply customer disconnection data

Each retail entity must, within ~~two months~~ one month after the end of each ~~year~~ quarter ~~following the FRC commencement date~~, supply to the QCA data that details:

- 
- (a) the total number of the *retail entity's small business customers* that were disconnected ~~due to non payment~~;
  - (b) the number of the *retail entity's small business customers* that were disconnected ~~due to non payment~~ in each of the following categories:
    - (i) due to non payment;
    - (ii) at a *premises* due to non payment but who have been reconnected with the same name at the *premises*;
    - (iii) at a *premises* due to non payment but who have been reconnected within seven days with the same name at the *premises*;
  - ~~(b)(c) the total number of the *retail entity's small residential customers* that were disconnected ~~due to non payment~~;~~
  - ~~(c) — the number of the *retail entity's small business customers* that were disconnected at a *premises* due to non payment but who have been reconnected within seven days with the same name at the *premises*; and~~
  - ~~(d) — the number of the *retail entity's small residential customers* that were disconnected at a *premises* due to non payment but who have been reconnected within seven days with the same name at the *premises*;~~
  - (d) the number of the *retail entity's small residential customers* that were disconnected in each of the following categories:
    - (i) due to non payment;
    - (ii) at a *premises* due to non payment but who have been reconnected with the same name at the *premises*;
    - (iii) at a *premises* due to non payment but who have been reconnected within seven days with the same name at the *premises*;
    - (iv) at a *premises* due to non payment and who hold a pensioner or concession card; and
    - (v) at a *premises* due to non payment and who hold a pensioner or concession card, but who have been reconnected with the same name at the *premises*;
  - (e) the number of the *retail entity's small residential customers* that:
    - (i) are participating in a hardship program;
    - (ii) were denied access to a hardship program; and
    - (iii) have exited a hardship program.
  - (f) the average debt on entry to a *retail entity's* hardship program, of the *retail entity's small residential customers* that are participating in that hardship program,
  - (g) the average length of time the *retail entity's small residential customers* that are participating in a hardship program remain in that program
-

for the previous ~~year~~ quarter.

#### 8.5.4 Retail entities to supply customer complaint data

Each *retail entity* must, within ~~two months~~ one month after the end of each ~~year~~ quarter ~~following the FRC commencement date~~, supply to the *QCA* data that details the number of complaints received from *small customers* (separated into those received from *small business customers* and *small residential customers*) in respect of their actions or omissions as a *retail entity*, for the following categories:

- (a) total number of complaints;
- (b) billing or account complaints; ~~and~~
- (c) marketing complaints; and
- (c) other complaints,

for the previous ~~year~~ quarter.

#### 8.5.5 Distribution entities to supply number of NMI premises

- (a) Each *distribution entity* must, within ~~two months~~ one month after the end of each *quarter* provide to the *QCA* the number of large and small *NMI premises* *as at the end of that previous quarter*.
- (b) *Ergon Energy* and its subsidiaries will exclude all *NMI premises* on *supply networks* not forming part of the national grid from the information provided to the *QCA* under clause 8.5.5(a).

#### 8.5.6 Distribution entities to supply disconnection data

Each *distribution entity* must, within one month after the end of each *quarter*, provide the *QCA* data that details:

- (a) the total number of *small business customers* that were disconnected at the instigation of the *distribution entity*;
- (b) the number of *small business customers* that were disconnected at the instigation of the *distribution entity* for non payment;
- (c) the number of *small business customers* that were disconnected at the instigation of the *distribution entity* for safety reasons;
- (d) the number of *small business customers* that were disconnected at the instigation of the *distribution entity* for other reasons;
- (e) the total number of *small residential customers* that were disconnected at the instigation of the *distribution entity*;
- (f) the number of *small residential customers* that were disconnected at the instigation of the *distribution entity* for non payment;
- (g) the number of *small residential customers* that were disconnected at the instigation of the *distribution entity* for safety reasons;

- (h) the number of *small residential customers* that were disconnected at the instigation of the *distribution entity* for other reasons;
- (i) the total number of *small business customer disconnections*, and the number of *small business customer* disconnections due to non payment, that the *distribution entity* performed at the request of each *retail entity*; and
- (j) the total number of *small residential customer disconnections*, and the number of *small residential customer* disconnections due to non payment, that the *distribution entity* performed at the request of each *retail entity*.

for the previous *quarter*.

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## **10.1 Definitions and interpretation**

### **10.1.1 Definitions**

*marketing complaint* means a complaint associated with a retailer's actions in seeking to sign up a small customer to a market contract.

*non-market NMI* means a NMI for which the *customer* is a *non-market customer*

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## A1.2 Gas Industry Code

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### 5.5 Review of developments in full retail contestability

#### 5.5.1 QCA monitoring and reporting role

The QCA must, ~~following the FRC commencement date~~:

- (a) Monitor the Queensland gas market;
- (b) Publish on ~~an annual~~ a quarterly basis by *retailer* the information on *customer disconnections* provided by *retailers* under clause 5.5.2; and
- (c) Publish on ~~an annual~~ a quarterly basis by *retailer* the information on *customer complaints* provided by the *retailers* under clause 5.5.3.

#### 5.5.2 Retailers to supply customer disconnection data

Each *retailer* must, within ~~two months~~ one month after the end of each ~~year~~ quarter ~~following the FRC commencement date~~, supply to the QCA data that details:

- ~~a) the number of the retailer's small customers that were disconnected due to non payment; and~~
- ~~b) the number of the retailer's small customers that were disconnected at a premises due to non payment but who have been reconnected within seven days with the same name at the premises;~~
- (a) the total number of the *retailers small business customers* that were *disconnected*;
- (b) the number of the *retailers small business customers* that were *disconnected* in each of the following categories:
  - (i) due to non payment;
  - (ii) at a *premises* due to non payment but who have been reconnected with the same name at the *premises*;
  - (iii) at a *premises* due to non payment but who have been reconnected within seven days with the same name at the *premises*;
- (c) the total number of the *retailers small residential customers* that were *disconnected*;
- (d) the number of the *retailers small residential customers* that were *disconnected* in each of the following categories:
  - (i) due to non payment;
  - (ii) at a *premises* due to non payment but who have been reconnected with the same name at the *premises*;
  - (iii) at a *premises* due to non payment but who have been reconnected within seven days with the same name at the *premises*;

- (iv) at a *premises* due to non payment who hold a pensioner or concession card; and
- (v) at a *premises* due to non payment who hold a pensioner or concession card, but who have been reconnected with the same name at the *premises*;
- (e) the number of the *retailers small residential customers* that:
  - (i) are participating in a hardship program;
  - (ii) were denied access to a hardship program; and
  - (iii) have exited a hardship program.
- (f) the average debt on entry to a *retailers* hardship program, of the *retailers small residential customers* that are participating in that hardship program; and
- (g) the average length of time the *retailers small residential customers* that are participating in a hardship program remain in that program.

for the previous ~~year~~ *quarter*.

### 5.5.3 Retailers to supply *customer complaint data*

Each *retailer* must, within ~~two months~~ *one month* after the end of each ~~year~~ *quarter* ~~following the FRC commencement date~~, supply to the *QCA* data that details the number of complaints received from *small customers* (separated into those received from *small business customers* and *small residential customers*) in respect of their actions or omissions as a *retailer*, for the following categories:

- (a) total number of complaints;
- (b) billing or account complaints; ~~and~~
- (c) marketing complaints; and
- (c) other complaints,

for the previous ~~year~~ *quarter*.

### 5.5.4 *Distributors to supply disconnection data*

Each *distributor* must, within one month after the end of each *quarter*, provide the *QCA* data that details:

- (a) the total number of *small business customers* that were disconnected at the instigation of the *distributor*;
- (b) the number of *small business customers* that were disconnected at the instigation of the *distributor* for non payment;
- (c) the number of *small business customers* that were disconnected at the instigation of the *distributor* for safety reasons;

- (d) the number of *small business customers* that were disconnected at the instigation of the *distributor* for other reasons;
- (e) the total number of *small residential customers* that were disconnected at the instigation of the *distributor*;
- (f) the number of *small residential customers* that were disconnected at the instigation of the distributor for non payment;
- (g) the number of *small residential customers* that were disconnected at the instigation of the *distributor* for safety reasons;
- (h) the number of *small residential customers* that were disconnected at the instigation of the *distributor* for other reasons;
- (i) the total number of *small business customer disconnections*, and the number of *small business customer* disconnections due to non payment, that the *distributor* performed at the request of each *retail entity*; and
- (j) the total number of *small residential customer disconnections*, and the number of *small residential customer* disconnections due to non payment, that the *distributor* performed at the request of each *retail entity*.

for the previous *quarter*.

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## 6.1 Definitions and interpretation

### 6.1.1 Definitions

[INSERT THE FOLLOWING DEFINITIONS]

*marketing complaint* means a complaint associated with a retailer's actions in seeking to sign up a small customer to a market contract.

*quarter* means a period of three months commencing 1 January, 1 April, 1 July or 1 October as the case may be.

*residential customer* means a *customer* who acquires gas for domestic use ~~whose primary use of gas is for household purposes.~~

*small business customer* means a *customer* who is both a *small customer* and a *business customer*.

*small residential customer* means a *customer* who is both a *small customer* and a *residential customer*.

**APPENDIX 2 – SUBMISSIONS****Table A2: Submissions received in response to the Interim Consultation Notice**

| <i>Submission No.</i> | <i>Organisation</i>   |
|-----------------------|---|
| 1.                    | AGL   |
| 2.                    | Aurora Energy   |
| 3.                    | Australia Power and Gas                                       |
| 4.                    | Department of Employment, Economic Development and Innovation |
| 5.                    | Energex   |
| 6.                    | Ergon Energy  |
| 7.                    | Energy Australia  |
| 8.                    | Financial Counsellor's Association of Queensland              |
| 9.                    | Integral Energy   |
| 10.                   | Origin Energy   |
| 11.                   | Queensland Consumers Association                              |
| 12.                   | Queensland Council of Social Services                         |
| 13.                   | TRUenergy   |

*These submissions can be accessed on the Authority's website at [www.qca.org.au](http://www.qca.org.au)*

**Table A3: Submissions received in response to the Draft Decision**

| <i>Submission No.</i> | <i>Organisation</i>                              |
|-----------------------|--|
| 1.                    | AGL  |
| 2.                    | Energex  |
| 3.                    | Ergon Energy                                     |
| 4.                    | Financial Counsellor's Association of Queensland |
| 5.                    | Origin Energy                                    |
| 6.                    | Queensland Consumers Association                 |
| 7.                    | Queensland Council of Social Services            |
| 8.                    | TRUenergy  |

*These submissions can be accessed on the Authority's website at [www.qca.org.au](http://www.qca.org.au)*