



REVIEW OF ENERGY CUSTOMER CONTRACT REGULATIONS

Issues Paper

Department of Treasury | Public Utilities Office
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Glossary

Term	Definition
AGA Code	The Australian Gas Association Natural Gas Customer Service Code AG 755-1998. The AGA Code is no longer current and is not actively administered by any entity.
Authority	The Economic Regulation Authority
Code of Conduct	When used in the Gas Regulations, see definition of 'Gas Marketing Code'. When used in the Electricity Regulations, see definition of 'Electricity Customer Code'.
Compendium	The Compendium of Gas Customer Licence Obligations, which is a schedule to all gas licences. The Compendium is administered by the Economic Regulation Authority.
Customer	Refers to a small-use customer.
Distributor	For gas, the holder of the gas distribution licence for the distribution system through which gas is supplied to the customer. For electricity, the holder of the electricity distribution licence or the integrated regional licence for the distribution system through which electricity is supplied to the customer.
Electricity Customer Code	The Code of Conduct for the Supply of Electricity to Small-Use Customers. The Electricity Customer Code is administered by the Economic Regulation Authority.
Electricity Regulations	<i>Electricity Industry (Customer Contracts) Regulations 2005</i>
Gas Customer Code	Collectively, the Compendium and the Gas Marketing Code.
Gas Marketing Code	The Gas Marketing Code of Conduct. The Gas Marketing Code is administered by the Economic Regulation Authority.
Gas Regulations	<i>Energy Coordination (Customer Contracts) Regulations 2004</i>
Public Utilities Office	Department of Treasury – Public Utilities Office
Refundable advance	Another term used for a security deposit.
Retail supplier	See definition of 'retailer'.
Retailer	For gas, the holder of a gas trading licence. For electricity, the holder of a retail licence or an integrated regional licence who is selling, or intending to sell, electricity to the customer.
Small-use customer	For gas, a customer whose consumption of gas is less than 1 terajoule per year. For electricity, a customer who consumes not more than 160 MWh of electricity per year.
Supplier	See definition of 'retailer'.

1. Introduction

1.1 Purpose

The Department of Treasury – Public Utilities Office is conducting a review of energy customer contract regulations as they have been found to contain outdated references to other regulatory instruments. This creates confusing and unnecessary regulatory burden on retailers who are required to comply with the regulations. It also makes it more difficult for energy customers to understand what protections they should receive.

The *Energy Coordination (Customer Contracts) Regulations 2004* (the Gas Regulations) and the *Electricity Industry (Customer Contracts) Regulations 2005* (the Electricity Regulations) deal with certain customer protection measures for small-use gas and electricity customers¹, respectively. The Gas Regulations incorporate references to the *Australian Gas Association Natural Gas Customer Service Code AG 755-1998* (the AGA Code), an industry code which is no longer current. Many of the references to the AGA Code in the Gas Regulations duplicate provisions in other regulatory instruments.

In its 2016-17 Review of the Gas Marketing Code of Conduct, the Gas Marketing Code Consultative Committee recommended that the Economic Regulation Authority (the Authority) write to the Minister for Energy to express concern about outstanding matters in relation to outdated references to the AGA Code in the Gas Regulations. The Minister has requested that the Public Utilities Office take the necessary actions to address these regulatory inconsistencies.

This Public Utilities Office review of customer contract regulations is to address the outstanding matters identified by the Gas Marketing Code Consultative Committee, with a view to removing all references to the AGA Code from the Gas Regulations.

In its letter to the Minister, the Authority also identified that some provisions of both the Gas Regulations and the Electricity Regulations refer to since-deleted clauses in other regulatory instruments. The Public Utilities Office review will consider the removal of those outdated references.

1.2 Objective

The Public Utilities Office is reviewing the Gas Regulations and Electricity Regulations with the objective of removing outdated references within those instruments. Within the Gas Regulations, all references to the AGA Code will be removed and, where necessary, the substance of AGA Code provisions will be incorporated into the Gas Regulations.

The aim is to provide a more streamlined and consistent framework for delivering customer protections to improve regulatory certainty and reduce red tape. To that end, the Public Utilities Office will consider suggestions for improvements to the Gas Regulations and Electricity Regulations that go beyond the scope of removing outdated references. However, suggested changes that would require amendment to primary legislation (i.e. an Act of Parliament) are outside the scope of this review.

¹ A small-use gas customer is a customer who consumes less than 1 terajoule of gas per annum. A small-use electricity customer is a customer who consumes not more than 160 megawatt hours of electricity per annum.

1.3 Timetable and work program

The anticipated timetable to review the Gas Regulations and Electricity Regulations is as follows:

Table 1.1: Timetable for the review

Activity	Timing
Publish Issues Paper for consultation	July 2017
Submissions on Issues Paper due	August 2017
Publish Draft Recommendations Report for consultation	October 2017
Submissions on Draft Recommendations Report due	November 2017
Publish Final Recommendations Report	January 2018
Amend Gas Regulations and Electricity Regulations	April 2018

1.4 Invitation for submissions

The Public Utilities Office invites submissions on the issues explored in this paper by **5.00 pm (WST), Tuesday 8 August 2017**. Electronic submissions are preferred and should be emailed to: PUOSubmissions@treasury.wa.gov.au.

Alternatively, printed submissions may be posted to:

Ms Sarah Woenne
 Project Leader, Markets and Regulation Division
 Public Utilities Office, Department of Treasury
 Locked Bag 11
 Cloisters Square WA 6850

Submissions should address the specific questions asked in this paper.

Please indicate on the covering page of your submission if you wish part or all of your submission to be treated as confidential. Unless otherwise requested, submissions will be made available at www.treasury.wa.gov.au/Public-Utilities-Office.

Requests for information relating to the review will be treated in accordance with the Freedom of Information Act 1992 (WA) and Department of Treasury processes (please see <http://www.treasury.wa.gov.au> for further information).

Information on this paper, or the review process, can be obtained from Sarah Woenne, Project Leader, Public Utilities Office at sarah.woenne@treasury.wa.gov.au or on (08) 6551 4650.

1.5 Consolidated list of questions for consultation

This section consolidates the specific questions for stakeholder consultation into a single list for convenience. Further context for each question is provided in the remainder of this paper. A summary of the proposed changes to the Gas Regulations and the Electricity Regulations can be found in Appendix A.

1. Is there any reason why the existing protections regarding disconnection for emergencies would not be sufficient to also cover disconnection for health and safety reasons?
2. Should the requirement for distributors to use best endeavours to minimise interruptions and restore supply as soon as practicable be retained within the regulatory framework?
3. Does there need to be provision in the regulatory framework to allow gas retailers to disconnect customers for refusing to pay a security deposit, provided the retailer has given the customer written notice of its intention to disconnect?
4. Do there need to be customer protections in the gas regulatory framework regarding when a retailer may use a customer's security deposit to offset an amount owed, and the return of the balance of the security deposit to the customer?
5. It is proposed that a requirement for gas distributors to make supply available at new connections within 20 business days will be retained within the regulatory framework. What conditions should this requirement be subject to?
6. Does the *Energy Operators (Powers) Act 1979* provide sufficient customer protections regarding (a) a retailer and/or distributor giving notice prior to accessing the supply address; and (b) the retailer and/or distributor's representative carrying identification when seeking access to a customer's supply address?
7. Should any part of regulation 27 of the Gas Regulations be retained, given that the Australian Consumer Law contains more comprehensive protections regarding unsolicited consumer agreements?
8. Are there any other regulations within the Gas Regulations that create undue regulatory burden for retailers by duplicating or overlapping with requirements under the Australian Consumer Law?
9. Should any part of regulation 22 of the Electricity Regulations be retained, given that the Australian Consumer Law contains more comprehensive protections regarding unsolicited consumer agreements?
10. Are there any other regulations within the Electricity Regulations that create undue regulatory burden for retailers by duplicating or overlapping with requirements under the Australian Consumer Law?
11. Are there any further amendments to either the Gas Regulations or the Electricity Regulations that should be considered by the Public Utilities Office?

2. Current legislative framework

2.1 Overview of existing legislative instruments

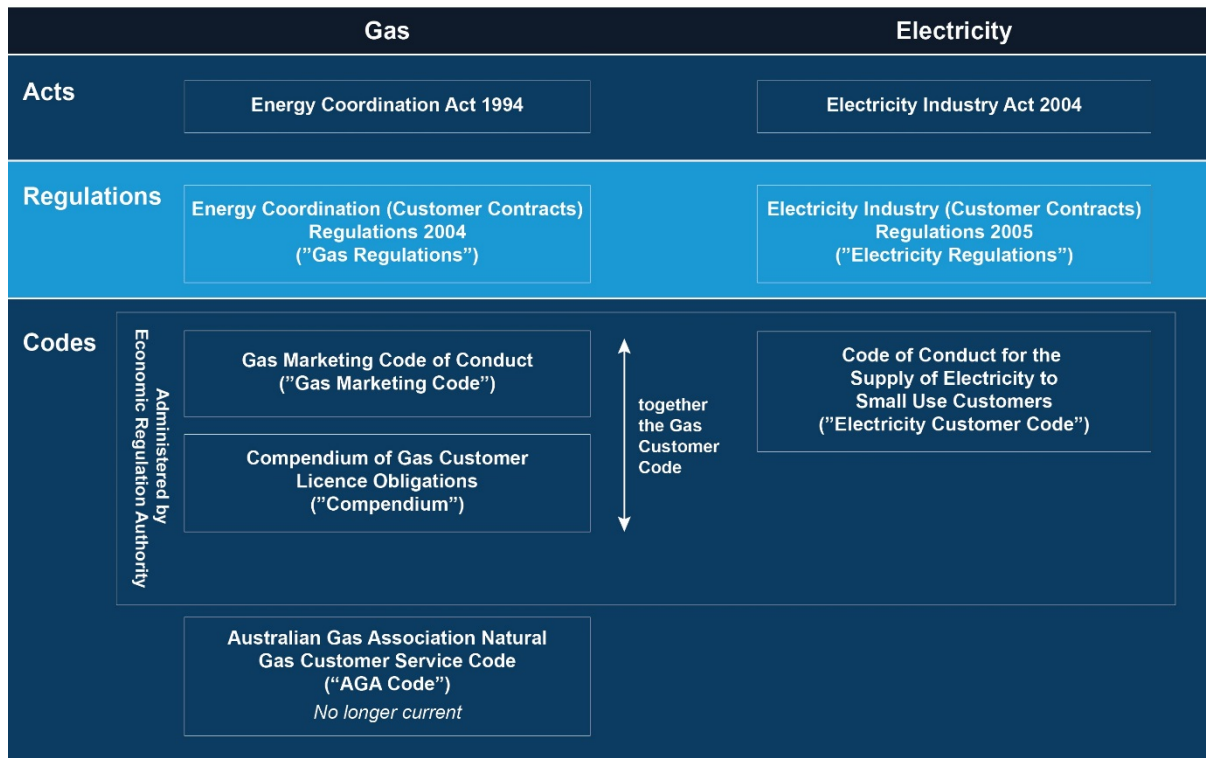
The Gas Regulations and Electricity Regulations form part of a suite of regulatory instruments that provide customer protection measures for small-use energy customers. There are parallel frameworks for gas and electricity customer protections.

The Gas Regulations are made under section 11WC of the *Energy Coordination Act 1994*. The Electricity Regulations are made under section 48 of the *Electricity Industry Act 2004*.

Other customer protection measures for small-use gas customers are set out in the *Gas Marketing Code of Conduct* (the Gas Marketing Code) and the *Compendium of Gas Customer Licence Obligations* (the Compendium). These two documents are administered by the Authority, and together form the Gas Customer Code. The Gas Customer Code mirrors the equivalent customer code for small-use electricity customers, the *Code of Conduct for the Supply of Electricity to Small Use Customers* (the Electricity Customer Code), which is also administered by the Authority.

Figure 2.1 maps out the gas and electricity customer protection instruments discussed in this paper.

Figure 2.1: Overview of the regulatory framework



The Gas Regulations reference provisions of the AGA Code in relation to matters that must be included in gas customer contracts. In many instances, the substance of those AGA Code provisions overlaps with or duplicates provisions within the Compendium. The Compendium has been subject to regular reviews and updates, with the benefit of stakeholder consultation. In contrast, the AGA Code has been static since 1998.

As a general principle, where the substance of AGA Code provisions and Compendium provisions overlap but do not perfectly align, the Public Utilities Office considers that the Compendium represents more up-to-date and fit-for-purpose regulation due to the frequent reviews and stakeholder consultation.

The Gas Regulations and Electricity Regulations also contain references to provisions within the Gas Marketing Code and the Electricity Customer Code, respectively, that have since been deleted. These deleted provisions related to marketing conduct that is now regulated by the Australian Consumer Law.

The Australian Consumer Law is Schedule 2 to the *Competition and Consumer Act 2010* (Commonwealth). It is implemented in Western Australia by way of the *Fair Trading Act 2010*. More information on the Australian Consumer Law is available from www.consumerlaw.gov.au

Electronic versions of the [Gas Regulations](#) and the [Electricity Regulations](#) are available on the State Law Publisher website. Electronic versions of the [Gas Marketing Code](#), the [Compendium](#) and the [Electricity Customer Code](#) are available on the Authority website. An electronic version of the [AGA Code](#) is available on the Public Utilities Office section of the Department of Treasury website.

2.2 Function of the Gas Regulations and Electricity Regulations within the legislative framework

For the most part, the Gas Regulations and Electricity Regulations provide customer protections by prescribing types of information that must be contained within gas and electricity customer contracts, respectively. Customer contracts are agreed between retailers and end-use customers for the sale of energy. As such, the majority of obligations within the Gas Regulations and Electricity Regulations are only relevant to retailers, not distributors, as the distributor is not a party to a customer contract.

Some of the outdated code references in the Gas Regulations nevertheless place obligations on distributors. In undertaking this review, the Public Utilities Office will seek to move those obligations out of the Gas Regulations and into other suitable instruments. One instrument that could be used to impose obligations on gas distributors is the gas distribution licence, whether through specific licence conditions or amendments to the Compendium.

The Authority administers gas licences and is an independent regulator. To insert new obligations into the gas distribution licence, the Public Utilities Office would need to request that the Authority consider amending the licence and the Authority would need to come to its own decision about whether the licence should be amended.

The Electricity Regulations operate predominantly on the basis of including obligations for contracts to contain information on a particular topic, with details of the retailer customer protection obligations in relation to each topic largely being located in the Electricity Customer Code.

The Gas Regulations, on the other hand, tend to also incorporate detail of the customer protection obligations within the regulations. In many cases, this is done through references to the AGA Code. As the Compendium contains details of many of the equivalent customer protections (being modelled on the Electricity Customer Code) there are material overlaps between the Gas Regulations and the Compendium.

The proposed approach for the removal of references to the AGA Code is to ensure that the Gas Regulations require relevant information to be included in gas customer contracts, with detail of the customer protection obligations to be left to the Compendium wherever possible. This is consistent with the approach taken in the Electricity Regulations.

2.3 Use of terminology in legislative instruments

There are common concepts within the regulatory framework that are referred to by different terms in different instruments. For instance, the Gas Marketing Code and the Compendium refer to 'retailers', whereas the Gas Regulations refer to 'retail suppliers' and the AGA Code to 'suppliers'. These terms are all used to mean to same entity – the holder of a gas trading licence who retails gas to the customer. To avoid confusion, this paper uses the term 'retailer' to refer to this entity. This review will consider amending the term used within the Gas Regulations to 'retailer' to improve consistency with the Electricity Regulations.

In addition, some regulatory instruments refer to other instruments by a short title different to that used in this paper. Within the Gas Regulations, the Gas Marketing Code is referred to as the 'Code of Conduct', and this reference is specifically to the (since-repealed) 2004 version of that code. Similarly, within the Electricity Regulations, the Electricity Customer Code is also referred to as the 'Code of Conduct'. While these terms are reasonable for use within gas-specific or electricity-specific legislation, they cause confusion when comparing provisions between gas and electricity legislation, so this paper uses different terms to refer to each of the codes. This review will consider amending the reference to the Gas Marketing Code in the Gas Regulations to refer to the most up-to-date version of that code.

Please refer to the glossary at the beginning of this paper for clarification on terminology.

3. Removal of references to the AGA Code

3.1 Overview

The Gas Regulations contain references to the AGA Code in relation to the following matters:

- disconnection and reconnection;
- security deposits;
- providing the customer with notice of tariffs and tariff variations;
- billing;
- payment difficulties;
- dispute resolution;
- a retailer's obligations in relation to supply;
- access to the supply address; and
- a customer's obligations when vacating the supply address.

Each of these matters is discussed further below. For ease of reference, Appendix B contains tables setting out the text of the relevant AGA Code provisions alongside the equivalent provisions in the Compendium and other instruments.

3.2 Disconnection and reconnection

Regulations 12(6) and (7) of the Gas Regulations reference and modify several AGA Code provisions relating to customer disconnection and reconnection. The majority of these provisions of the AGA Code duplicate clauses within the Compendium. Table 3.1 sets out the equivalent clauses within the Compendium and the Public Utilities Office's preliminary recommendation in relation to the AGA Code provisions in the Gas Regulations. See Table B.1 in Appendix B for a comparison of the full text of the relevant provisions.

Regulation 12(1) of the Gas Regulations contains a requirement for the customer contract to deal with matters relating to disconnection.

Table 3.1: AGA Code provisions regarding disconnection and reconnection

AGA Code provision	Equivalent clause in Compendium	Comment	Preliminary recommendation for changes to the Gas Regulations
5.1.1 Disconnection for unpaid bills	7.1, 7.2; see also 6.11	Compendium clauses on disconnection do not distinguish between business and residential customers, except in 7.2(1)(b).	Delete and do not replace AGA Code reference.

AGA Code provision	Equivalent clause in Compendium	Comment	Preliminary recommendation for changes to the Gas Regulations
5.1.2 Disconnection for denying access to the meter	7.4		Delete and do not replace AGA Code reference
5.1.3 Disconnection for emergencies	7.5		Delete and do not replace AGA Code reference
5.1.4 Disconnection for health and safety reasons	N/A, although see 7.5	Compendium definition of “emergency” includes “actual or imminent” occurrences that endanger health and safety.	Stakeholder feedback requested (see discussion below)
5.1.5 Disconnection for planned maintenance	N/A	Planned maintenance conducted by the distributor, not retailer. Not suitable for inclusion in customer contract regulations.	Stakeholder feedback requested (see discussion below)
5.1.6 Disconnection for unauthorised utilisation	7.6(3)		Delete and do not replace AGA Code reference
5.1.7 Disconnection for refusal to pay refundable advances	N/A	Compendium does not deal with refundable advances or security deposits.	Stakeholder feedback requested (see discussion below)
5.1.8 When a supplier shall not disconnect	7.2, 7.6		Delete and do not replace AGA Code reference
5.2.2 Time and response for reconnection	8.1, 8.2	Under the Compendium, the total timeframes for reconnection are longer than under the AGA Code as there are separate timeframes for the distributor to reconnect the supply address.	Delete and do not replace AGA Code reference

There are several AGA Code provisions which do not map easily onto equivalent clauses in the Compendium. Each of these is discussed in more detail, below. Although stakeholder feedback is only requested in relation to some items in Table 3.1, stakeholders are welcome to make comments in relation to all items in the table.

3.2.1 Disconnection for health and safety reasons

Clause 5.1.4 of the AGA Code requires a retailer or distributor to give a notice to a customer of an intended disconnection of the customer's supply address for a health or safety reason. If there is an emergency or a fire risk, the AGA Code allows for disconnection without notice. The AGA Code provides for the retailer or distributor to give the customer time to rectify the reason for the disconnection notice.

There is no equivalent clause in the Compendium. However, clause 7.5 of the Compendium is broad enough to permit a distributor to disconnect a customer's supply address if there is an "actual or imminent" occurrence that endangers the safety or health of any person in Western Australia. This is equivalent to a disconnection for an emergency, and the distributor is not required to give the customer notice or time to rectify the reason for disconnection. Clause 8.2(3)(b) requires a distributor to reconnect a customer's supply address within two business days after the emergency ceases to exist, so there is an avenue for a customer to be reconnected if the reason for disconnection is something the customer can rectify.

In practice, it is difficult to envisage a situation where there is a health and safety concern that is severe enough to warrant disconnection, yet where there is no actual or imminent occurrence of an event that threatens to endanger a person's health and safety.

For this reason, the preliminary recommendation of the Public Utilities Office is that this reference to the AGA Code may be deleted, without replicating the substance of the provision in another regulatory instrument.

1. Is there any reason why the existing protections regarding disconnection for emergencies would not be sufficient to also cover disconnection for health and safety reasons?

3.2.2 Disconnection for planned maintenance

Clause 5.1.5 of the AGA Code permits a retailer or distributor to disconnect or interrupt supply to a customer's supply address for the purposes of planned maintenance to, or augmentation of, the distribution system. It requires the retailer or distributor to use best endeavours to give the customer at least four days' notice of its intention to disconnect, and to use best endeavours to minimise interruptions and restore supply as soon as practicable.

There is no equivalent clause in the Compendium. However, sections 46(11) and (12) of the *Energy Operators (Powers) Act 1979* contain requirements for an energy operator to give five days' notice of its intention to exercise its powers (such as undertaking works) to the owner or occupier of the premises affected. Schedule 2 of the *Energy Coordination Act 1994* applies these provisions of the *Energy Operators (Powers) Act 1979* to gas retailers and distributors.

There is no equivalent obligation in the Compendium or elsewhere for the retailer or distributor to use best endeavours to minimise interruptions and restore supply as soon as practicable. While it is important that disruptions to supply are minimised, it is in the distributor's commercial interests to minimise such disruptions to its customers and to recommence gas supply as quickly as possible. Further, it is difficult to prove compliance with a 'best endeavours' obligation.

The preliminary recommendation of the Public Utilities Office is that the reference to clause 5.1.5 of the AGA Code in the Gas Regulations may be deleted. Subject to stakeholder feedback, the Public Utilities Office could request that the Authority consider inserting a requirement into the Compendium for distributors to use best endeavours to minimise interruptions and restore supply as soon as practicable.

2. Should the requirement for distributors to use best endeavours to minimise interruptions and restore supply as soon as practicable be retained within the regulatory framework?

3.2.3 Security deposits

Clause 5.1.7 of the AGA Code permits a retailer to disconnect a customer where the customer refuses to pay a security deposit or provide a bank guarantee (referenced in the AGA Code as a refundable advance). This clause requires the retailer to give the customer at least five business days written notice of its intention to disconnect.

Further, regulations 13(1) and (2) of the Gas Regulations reference and modify clause 4.4.6 of the AGA Code relating to the use of a security deposit. This provision permits a retailer to use a security deposit (and any interest accrued) to offset any amount owed by the customer to the retailer in circumstances including failure to pay a bill resulting in disconnection; default on a final bill; and in certain circumstances where the customer agrees to the use of the security deposit. The Gas Regulations also permit a retailer to use a security deposit for any amounts owed by the customer where the customer transfers to another retailer.

Clause 4.4.6 of the AGA Code also requires a retailer, when it uses a security deposit, to provide the customer with an account of its use and pay any residual balance of the security deposit to the customer within 10 business days. See Table B.2 in Appendix B for a comparison of the full text of the relevant provisions.

There is no equivalent clause in the Compendium, which does not deal with security deposits. In practice, security deposits are not typically required from customers in the Western Australian retail gas market. Nevertheless, there is the potential that gas retailers may request security deposits from their customers in the future. It is reasonable that some customer protections are in place regarding the use of security deposits.

The Public Utilities Office does not consider that such customer protections need to be onerous for retailers. The improvement in the level of competition in the gas retail market in recent years – from a single retailer licensed to supply small-use gas customers to four licensed retailers – means that customers have more choice and are likely to be able to switch retailer if they are requested to provide a security deposit and they do not wish to do so.

The preliminary recommendation of the Public Utilities Office is that the references to clauses 5.1.7 and 4.4.6 of the AGA Code in the Gas Regulations may be deleted, and be replaced with equivalent provisions within the Regulations. However, the Public Utilities Office is seeking stakeholder feedback as to whether these protections remain necessary.

3. Does there need to be provision in the regulatory framework to allow gas retailers to disconnect customers for refusing to pay a security deposit, provided the retailer has given the customer written notice of its intention to disconnect?

4. Do there need to be customer protections in the gas regulatory framework regarding when a retailer may use a customer's security deposit to offset an amount owed, and the return of the balance of the security deposit to the customer?

3.3 Notice of tariffs and tariff variations

Regulations 14(3) and (4) of the Gas Regulations reference and modify clauses 4.1.2 and 4.1.3 of the AGA Code that require retailers to give notice of their tariffs and any variations to these tariffs. The requirements under the AGA Code are largely equivalent to the requirements of clause 10.1 of the Compendium, with the Compendium provisions being less prescriptive about how notice is to be given. See Table B.3 in Appendix B for a comparison of the full text of the relevant provisions.

The Public Utilities Office's preliminary recommendation is that references to the AGA Code in the Gas Regulations regarding the notification of tariffs and tariff variations may be deleted, without replicating the substance of the provision in another regulatory instrument.

3.4 Billing

Regulation 15 of the Gas Regulations references and modifies provisions of the AGA Code that relate to billing. These AGA Code clauses duplicate provisions within the Compendium. Table 3.2 sets out the equivalent clauses within the Compendium and the preliminary Public Utilities Office recommendations in relation to the AGA Code references in the Gas Regulations. See Table B.4 in Appendix B for a comparison of the full text of the relevant provisions.

Table 3.2: AGA Code provisions regarding billing

AGA Code provision	Equivalent clause in Compendium	Comment	Preliminary recommendation for changes to Gas Regulations
4.2.1 When bills are issued	4.1	The Compendium is more comprehensive and applies a minimum billing period as well as a maximum.	Delete and do not replace AGA Code reference.

AGA Code provision	Equivalent clause in Compendium	Comment	Preliminary recommendation for changes to Gas Regulations
4.2.3 Contents of a bill	4.5, 10.2	The AGA Code deals with goods and services; the Compendium only deals with services (not goods such as gas appliances). The AGA Code requires some additional items on a bill but this information is generally available to customers via other channels.	Delete and do not replace AGA Code reference
4.2.4 The basis of a bill	4.6, 4.7, 4.8, 4.9, 4.10	Clause 4.2.4.2 of the AGA Code is more generous to the customer where a meter reading by the customer turns out to be in error, but may encourage gaming. Clause 4.2.4.3 of the AGA Code is more prescriptive about why a retailer is unable to base a bill on a meter reading; the Compendium is more general.	Delete and do not replace AGA Code reference
4.2.10 Calculation of consumption	N/A	The AGA Code provision allows the retailer to calculate consumption as specified, but it does not oblige it to do so. The distributor must calculate energy consumption in accordance with the gas Retail Market Procedures (WA). ²	Delete and do not replace AGA Code reference
4.3.2 Methods of making payment	5.2, 5.3, 5.4, 5.5	Compendium reflects common payment options that were not available when the AGA Code was developed.	Delete and do not replace AGA Code reference

² The Retail Market Procedures are part of the approved retail market scheme. Section 11ZOC of the *Energy Coordination Act 1994* requires that the distributor must comply with the relevant provisions of an approved retail market scheme for the distribution system.

The preliminary recommendation is to delete and not replace the AGA Code references in the Gas Regulations, which contain substantive customer protections, as they duplicate clauses in the Compendium. However, the customer contract should still contain information about billing arrangements. The Public Utilities Office's preliminary recommendation is that regulation 15 of the Gas Regulations is replaced with a general requirement for a customer contract to describe the procedures to be followed by the retailer in relation to the preparation, issue and review of a customer's bills. This is equivalent to the requirement under regulation 14 of the Electricity Regulations in relation to electricity customer contracts.

3.5 Payment difficulties

Regulation 20(2) of the Gas Regulations references clause 4.3.5.1 of the AGA Code which provides that when a residential customer advises a retailer of difficulties being experienced in payment of a bill, the retailer must offer instalment plan options, the right to have a bill redirected to a third person, information about and referral to Government assistance programs, and information on independent financial counselling services.

The requirements under the AGA Code are largely equivalent those under clause 6.7 and 6.8 of the Compendium. Part 6 of the Compendium also provides more comprehensive provision for the assistance to be offered to customers experiencing payment difficulties or financial hardship. See Table B.5 in Appendix B for a comparison of the full text of the relevant provisions.

The Public Utilities Office's preliminary recommendation is that references to the AGA Code regarding payment difficulties may be deleted from the Gas Regulations, without replicating the substance of the provision in another regulatory instrument. Regulation 20(1) will still ensure that there is information in the customer contract about the procedures that the retailer must follow if the customer has difficulty paying a bill.

3.6 Dispute resolution

Regulation 21 of the Gas Regulations references and modifies clauses 2.5.1 and 2.5.2 of the AGA Code, which relate to dispute resolution. These clauses place obligations on a retailer regarding its complaints handling process and confer rights on a customer to make a complaint, refer it to a higher level, and refer it to the gas industry ombudsman.

Clause 12.1 of the Compendium provides more comprehensive and up-to-date provision for complaints handling. See Table B.6 in Appendix B for a comparison of the full text of the relevant provisions.

The Public Utilities Office's preliminary recommendation is that references to the AGA Code regarding dispute resolution may be deleted from the Gas Regulations and replaced with a general requirement that customer contracts must describe the procedures to be followed by the retailer in responding to a complaint made by the customer. This would be equivalent to the requirement under regulation 18 of the Electricity Regulations in relation to electricity customer contracts.

3.7 Retailer's obligations in relation to supply

Regulation 28 of the Gas Regulations references clauses 3.1.1, 3.1.2 and 3.1.3 of the AGA Code, relating to a retailer's obligations regarding the supply of gas. This regulation only applies to standard form customer contracts. Each of these AGA Code clauses is discussed below. See Table B.7 in Appendix B for a comparison of the full text of the relevant provisions.

3.7.1 Supply and metering equipment

Clause 3.1.1 of the AGA Code requires a retailer or a distributor to provide, install and maintain equipment for the supply of natural gas up to the point of supply, and provide, install and maintain metering equipment at the supply address.

The Compendium does not contain equivalent obligations, but other existing regulatory instruments do. For instance, clause 134 of the Gas Retail Market Procedures (WA) requires a gas network operator to provide, install, operate and maintain a meter at each delivery point.

The Public Utilities Office's preliminary recommendation is that the reference to clause 3.1.1 of the AGA Code in the Gas Regulations may be deleted, without replicating the substance of the provision in another regulatory instrument.

3.7.2 Existing connections

Clause 3.1.2 of the AGA Code places obligations on the retailer in relation to existing connections, including a best endeavours obligation on the retailer to connect a customer at an existing supply address within one business day or a period agreed with the customer, subject to certain conditions being met. Some of these conditions relate to the circumstances at the supply point (e.g. the meter being available for use, adequate supply being available and the installation complying with regulatory requirements).

Other conditions relate to the customer complying with certain requirements (e.g. the customer making an application, agreeing to pay relevant fees and charges and providing contact details, et cetera). The AGA Code further requires the retailer or distributor to connect the address in accordance with distribution standards.

There are obligations within other regulatory instruments that overlap with the AGA Code requirements. Part 3 of the Compendium contains an obligation on retailers to forward connection applications to the distributor within prescribed timeframes. The Gas Retail Market Procedures (WA) place obligations on distributors in relation to connections, for instance clause 119 obliging a distributor to reconnect a delivery point within two business days on receipt of a valid reconnection notice.

There is not a perfect overlap between other regulatory instruments and the requirements of clause 3.1.2 of the AGA Code. Arguably, the AGA Code provision implies an obligation on retailers to offer to supply gas to any customer who requests supply – other regulatory instruments do not contain an equivalent general obligation to offer supply. However, it is difficult to see how a term of a customer contract could bind a retailer to offer supply to a customer before a customer contract had been agreed between both parties. Further, there does not appear to be sufficient heads of power for the Gas Regulations to impose a general obligation on retailers to offer to supply gas to a customer on request. This is in contrast to electricity legislation, where there is a specific head of power to allow regulations to oblige retailers to offer to supply electricity to any customer who requests supply, reflecting the consideration of electricity as an essential service.

Changes to the *Energy Coordination Act 1994* to amend the heads of power for the Gas Regulations are beyond the scope of this review. The Public Utilities Office's preliminary recommendation is that the reference to clause 3.1.2 of the AGA Code in the Gas Regulations may be deleted, without replicating the substance of the provision in another regulatory instrument.

3.7.3 New connections

Clause 3.1.3 of the AGA Code places obligations on retailers and distributors regarding new gas connections, including a best endeavours obligation to make supply available at a new supply address at a date agreed with the customer, or otherwise within 20 business days. This obligation is subject to certain conditions. Some of these conditions relate to the circumstances at the supply point (e.g. adequate supply being available and the installation complying with regulatory requirements). Other conditions relate to the customer complying with certain requirements (e.g. the customer making an application, the customer agreeing to pay relevant fees and charges, the customer providing contact details, et cetera). The AGA Code further requires the retailer or distributor to connect the address in accordance with distribution standards.

As mentioned above, Part 3 of the Compendium contains an obligation on retailers to forward connection applications to the distributor within prescribed timeframes. Schedule 3, clause 3 of a gas distribution licence places an obligation on the distributor to offer to connect residential premises if requested to do so by a retailer. This obligation is subject to certain conditions, such as proximity to the distribution system.

There is no equivalent requirement in the Compendium or elsewhere for supply to be made available within 20 business days, subject to adequate supply being available at the required volume and pressure at the boundary of a new supply address and the natural gas installation at the supply address complying with regulatory requirements.

There is also no equivalent condition on the obligation to make supply available at new gas connections that would require the customer to provide necessary safe, convenient and unhindered access to the supply address.

The Public Utilities Office's preliminary recommendation is that while reference to clause 3.1.3 of the AGA Code in the Gas Regulations may be deleted, certain elements of the AGA Code provision should be inserted elsewhere into the regulatory framework. The Public Utilities Office could request that the Authority consider inserting new requirements into the Compendium or Schedule 3 of gas distribution licences to require that distributors are obliged to make supply available at new connections within 20 business days, subject to:

- adequate supply being available at required volume and pressure at the boundary of a new supply address;
- the natural gas installation at the supply address complying with regulatory requirements; and
- the customer providing necessary safe, convenient and unhindered access to the supply address.

5. It is proposed that a requirement for gas distributors to make supply available at new connections within 20 business days will be retained within the regulatory framework. What conditions should this requirement be subject to?

3.8 Access to supply address

Regulation 33(3) of the Gas Regulations references clause 3.5.2 of the AGA Code, which relates to obligations on a retailer or distributor when seeking access to a supply address. This regulation only applies to standard form customer contracts.

The obligations under clause 3.5.2 of the AGA Code include a requirement to give a customer a certain amount of notice (except in the case of emergency, suspected illegal use, or a routine meter replacement) prior to accessing the supply address to undertake inspections, repairs, testing or maintenance. The clause also obliges the retailer's or distributor's representative to wear identification when seeking access to a customer's supply address.

Sections 46(11) and (12) of the *Energy Operators (Powers) Act 1979* contain requirements for an energy operator to give notice of its intention to enter onto land, and section 48 gives the energy operator rights to enter onto lands in an emergency. Schedule 2 of the *Energy Coordination Act 1994* applies these provisions of the *Energy Operators (Powers) Act 1979* to gas distributors, and applies section 46(11) to gas retailers.

Section 46(16) of the *Energy Operators (Powers) Act 1979* also contains requirements for the officers of an energy operator to produce evidence of their appointment and the authority under which the energy operator claims a right of entry. Schedule 2 of the *Energy Coordination Act 1994* applies these provisions of the *Energy Operators (Powers) Act 1979* to gas retailers and distributors. However, this requirement is less clear than the requirement in the AGA Code for a retailer's or distributor's representative seeking access to a supply address to wear official identification and show it to any customer at the supply address. See Table B.8 in Appendix B for a comparison of the full text of the relevant provisions.

The Public Utilities Office's preliminary recommendation is that while reference to clause 3.5.2 of the AGA Code in the Gas Regulations may be deleted, certain elements of the AGA Code provision should be inserted elsewhere into the regulatory framework. The Public Utilities Office could request that the Authority consider inserting new requirements into the Compendium or Schedule 3 of gas distribution licences to require that a distributor's representative wear identification, including a name tag and photo, when seeking access to a customer's supply address.

6. Does the *Energy Operators (Powers) Act 1979* provide sufficient customer protections regarding (a) a retailer and/or distributor giving notice prior to accessing the supply address; and (b) the retailer and/or distributor's representative carrying identification when seeking access to a customer's supply address?

3.9 Customer leaving supply address

Regulation 35(2) references clause 4.3.10 of the AGA Code, which states that a customer contract may require the customer to give the retailer at least three business days' notice of the date on which the customer intends to vacate the supply address and a forwarding address for the final bill. This regulation only applies to standard form customer contracts.

Clause 5.7 of the Compendium contains more comprehensive customer protections regarding a customer vacating a supply address.

The Public Utilities Office's preliminary recommendation is that the reference to clause 4.3.10 of the AGA Code may be deleted from the Gas Regulations. Regulation 35(1) will still be sufficient to ensure that the customer contract contains relevant information about the customer leaving the supply address.

4. Removal of references to deleted code provisions

Both the Gas Regulations and Electricity Regulations contain references to code provisions that have since been deleted. The regulations that contain these references have similar content to, but impose different requirements to, provisions of the Australian Consumer Law. The Gas Regulations and Electricity Regulations were developed prior to the introduction of the Australian Consumer Law, and so regulations that overlap with the Australian Consumer Law may now be obsolete and contributing to regulatory burden and red tape for the industry, without contributing meaningfully to protections for customers.

4.1 Overlap between the Gas Regulations and the Australian Consumer Law

Regulation 27 of the Gas Regulations provides for the content of standard form gas contracts in relation to a cooling-off period for contracts entered into as a result of door-to-door sales. Among other things, it specifies a cooling-off period of 10 days after the contract is entered into.

Regulation 27 also refers to clause 13(4) of the 2004 version of the Gas Marketing Code. This version of the Gas Marketing Code has since been repealed and replaced, and clause 13(4) does not exist in the current Gas Marketing Code. Clause 13(4) of the 2004 version of the Gas Marketing Code is reproduced below:

- 13(4) A contract is entered into as a result of door to door marketing if the following conditions are satisfied –*
- (a) negotiations leading to the formation of the contract (whether or not they are the only negotiations that precede the formation of the contract) take place between the marketer and the customer in each other's presence in Western Australia at a place other than trade premises of the marketer;*
 - (b) the marketer attends at that place –*
 - (i) in the course of door to door marketing; and*
 - (ii) otherwise than at the unsolicited invitation of the consumer.*

An equivalent clause remained in the 2008 replacement version of the Gas Marketing Code but was subsequently deleted as part of the 2011 review of the Code to remove duplication with the Australian Consumer Law.

Part 3-2, Division 2 of the Australian Consumer Law contains customer protections regarding unsolicited consumer agreements. These are more comprehensive than the protections in the Gas Regulations or the 2004 version of the Gas Marketing Code. There are also differing requirements imposed by the Gas Regulations and the Australian Consumer Law; for instance, the Gas Regulations imposes a cooling-off period of 10 days, whereas section 82 of the Australian Consumer Law imposes a termination period (equivalent to a cooling-off period) of at least 10 *business* days.

The Public Utilities Office's preliminary recommendation is that regulation 27 of the Gas Regulations may be deleted in its entirety to remove duplication with the Australian Consumer Law and reduce regulatory burden arising from differing requirements under different regulatory instruments.

7. Should any part of regulation 27 of the Gas Regulations be retained, given that the Australian Consumer Law contains more comprehensive protections regarding unsolicited consumer agreements?

8. Are there any other regulations within the Gas Regulations that create undue regulatory burden for retailers by duplicating or overlapping with requirements under the Australian Consumer Law?

4.2 Overlap between the Electricity Regulations and the Australian Consumer Law

Regulation 22 of the Electricity Regulations provides for the content of standard form electricity contracts in relation to a cooling-off period for contracts entered into as a result of door-to-door sales. It is substantively equivalent to regulation 27 of the Gas Regulations, discussed in section 4.1, above.

Regulation 22 of the Electricity Regulations refers to clause 2.5(4) of the Electricity Customer Code. The original version of clause 2.5(4) was equivalent to clause 13(4) of the 2004 version of the Gas Marketing Code, as reproduced above. Provisions within the Electricity Customer Code were renumbered during the 2007 review of the Code such that clause 2.5(4) was renumbered as clause 2.2(5). This clause was then deleted in the 2011 review of the Electricity Customer Code to remove duplication with the Australian Consumer Law.

As is the case with regulation 27 of the Gas Regulations, the requirements of regulation 22 of the Electricity Regulations have been overtaken by more comprehensive customer protections within the Australian Consumer Law.

The Public Utilities Office's preliminary recommendation is that regulation 22 of the Electricity Regulations may be deleted in its entirety to remove duplication with the Australian Consumer Law and reduce regulatory burden arising from differing requirements under different regulatory instruments.

9. Should any part of regulation 22 of the Electricity Regulations be retained, given that the Australian Consumer Law contains more comprehensive protections regarding unsolicited consumer agreements?

10. Are there any other regulations within the Electricity Regulations that create undue regulatory burden for retailers by duplicating or overlapping with requirements under the Australian Consumer Law?

5. Other amendments to the Gas Regulations or Electricity Regulations

This paper has focussed on the required amendments to the Gas Regulations and the Electricity Regulations to remove outdated references to the AGA Code or deleted provisions in other codes.

The making of amendments to address these specific problems creates an opportunity to make further amendments to the Gas Regulations or the Electricity Regulations if there are any additional regulations that are problematic or out-of-date.

The Public Utilities Office will consider the merits of any requests for amendments to the Gas Regulations or the Electricity Regulations that fall outside the scope of this paper.

11. Are there any further amendments to either the Gas Regulations or the Electricity Regulations that should be considered by the Public Utilities Office?

6. Disclaimer

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Appendix A : Summary of proposed changes

A.1 Summary of proposed changes to the Gas Regulations

Table A.1: Summary of proposed changes to Energy Coordination (Customer Contracts) Regulations 2004

Regulation	Proposed change	Effect of change
Regulation 3 – Terms used	Replace term ‘retail supplier’ with ‘retailer’	Improve consistency with equivalent electricity regulations
Regulation 3 – Terms used	Amend definition of ‘Code of Conduct’ to refer to the most recent version of the Gas Marketing Code	Update this reference to the current version of the Gas Marketing Code
Regulation 12 – Disconnection and reconnection	<p>Delete regulations 12(6) and 12(7)</p> <p>Stakeholder feedback is sought regarding:</p> <ul style="list-style-type: none"> • Disconnection for health and safety reasons (Q1) • Disconnection for planned maintenance (Q2) • Disconnection for refusal to pay security deposit (Q3) <p>Potential for the Public Utilities Office to request that the Authority consider inserting a provision regarding minimising interruptions to supply into the Compendium.</p> <p>Potential for new provision in Gas Regulations that permits a retailer to disconnect a customer for failure to pay a refundable advance, providing the retailer has given the customer at least five days’ written notice of its intention to disconnect.</p>	<p>Removes out-of-date references to the AGA Code.</p> <p>Removes duplication with protections within the Compendium and the <i>Energy Operators (Powers) Act 1979</i>.</p> <p>Where the content of AGA Code provisions is not replicated in the Compendium or other instruments, potential to insert equivalent provisions into the Compendium or Gas Regulations (subject to stakeholder feedback).</p>
Regulation 13 – Refundable advances (security deposits)	<p>Delete regulations 13(1) and 13(2)</p> <p>Stakeholder feedback is sought regarding whether the Gas Regulations should include provisions on security deposits (Q4)</p> <p>Potential for new provision in Gas Regulations regarding</p>	<p>Removes out-of-date references to the AGA Code.</p> <p>Potential to insert equivalent provisions into the Gas Regulations (subject to stakeholder feedback).</p>

Regulation	Proposed change	Effect of change
	customer protections around security deposits	
Regulation 14 – Fees and charges	Delete regulations 14(3) and 14(4)	Removes out-of-date references to the AGA Code. Removes duplication with protections within the Compendium.
Regulation 15 – Billing	Delete regulation 15 in its entirety to be replaced with a general requirement for a customer contract to describe the procedures to be followed by the retailer in relation to the preparation, issue and review of customer’s bills	Removes out-of-date references to the AGA Code. Removes duplication with protections within the Compendium. Retains requirement for the customer contract to describe billing arrangements.
Regulation 20 – Payment difficulties and debt recovery	Delete regulation 20(2)	Removes out-of-date references to the AGA Code. Removes duplication with protections within the Compendium.
Regulation 21 – Dispute resolution	Delete regulation 21 in its entirety and replace it with a general requirement that customer contracts must describe the procedures to be followed by the retailer in responding to a complaint made by the customer	Removes out-of-date references to the AGA Code. Removes duplication with protections within the Compendium. Retains requirement for the customer contract to describe dispute resolution arrangements.
Regulation 27 – Cooling-off period for door to door contracts	Delete regulation 27 Stakeholder feedback is sought regarding: <ul style="list-style-type: none"> • Whether any part of regulation 27 should be retained (Q7) • Whether there are any other provisions of the Gas Regulations that cause undue regulatory burden through overlap with or duplication of the Australian Consumer Law (Q8) 	Removes out-of-date references to the Gas Marketing Code. Removes duplication with the Australian Consumer Law.
Regulation 28 – Retail supplier’s obligations in relation to supply	Delete regulation 28(2) The Public Utilities Office to request that the Authority consider inserting a provision	Removes out-of-date references to the AGA Code. Removes duplication with protections within the

Regulation	Proposed change	Effect of change
	<p>into the Compendium regarding new connections to be made within 20 business days, subject to certain conditions.</p> <p>Stakeholder feedback is sought regarding any conditions this requirement should be subject to (Q5).</p>	<p>Compendium and other regulatory instruments.</p> <p>Retains obligation on distributors to connect new premises within 20 business days, subject to certain conditions.</p>
Regulation 33 – Access to supply address	<p>Delete regulation 33(3)</p> <p>Stakeholder feedback sought regarding obligations on distributors and retailers to give notice before accessing the supply address, and to wear identification when accessing the supply address (Q6).</p> <p>Potential for the Public Utilities Office to request that the Authority consider inserting a provision into the Compendium regarding the retailer's or distributor's representative wearing and showing suitable identification.</p>	<p>Removes out-of-date references to the AGA Code.</p> <p>Removes duplication with protections within the <i>Energy Operators (Powers) Act 1979</i>.</p> <p>Where content of AGA Code provisions are not replicated in the Compendium, potential to insert equivalent provisions into the Compendium (subject to stakeholder feedback).</p>
Regulation 35 – Customer leaving the supply address	Delete regulation 35(2)	<p>Removes out-of-date references to the AGA Code.</p> <p>Removes duplication with protections within the Compendium.</p>
All	Stakeholder feedback sought regarding whether any further amendments to the Gas Regulations should be considered (Q11).	

A.2 Summary of proposed changes to the Electricity Regulations

Table A.2: Summary of proposed changes to the Electricity Industry (Customer Contracts) Regulations 2005

Regulation	Proposed change	Effect of change
Regulation 22 – Cooling-off period for door to door contracts	Delete regulation 22 Stakeholder feedback is sought regarding: <ul style="list-style-type: none"> • Whether any part of regulation 22 should be retained (Q9). • Whether there are any other provisions of the Electricity Regulations that cause undue regulatory burden through overlap with or duplication of the Australian Consumer Law (Q10). 	Removes out-of-date references to the Electricity Customer Code. Removes duplication with the Australian Consumer Law.
All	Stakeholder feedback is sought regarding whether any further amendments to the Electricity Regulations should be considered (Q11).	

Appendix B : Comparison of AGA Code provisions against other existing instruments

The tables in this Appendix contain provisions copied from the relevant legislative instruments at the time of writing this document and are not an authoritative statement of those provisions. No assurance is given as to the accuracy of this information and it is the responsibility of the reader to verify and make his or her own decision on the accuracy and correctness of this information for themselves. Where AGA Code provisions are modified by the Gas Regulations, the modification is incorporated in square brackets. The State of Western Australia, nor any of its employees or agents shall be responsible or liable for any loss or damage of any kind howsoever arising from the use or reliance of this information.

B.1 Disconnection and reconnection

Table B.1: AGA Code provisions referenced in regulation 12(6) and as modified by regulation 12(7) of the Gas Regulations

AGA Code provision	Equivalent provisions in other instruments
<p>Clause 5.1.1 – Disconnection for unpaid bills</p> <p>5.1.1.1</p> <p>Subject to this Section a supplier may disconnect supply to a customer’s supply address, or may notify the distributor that it no longer supplies gas to a customer at a supply address, if a customer has not</p> <ul style="list-style-type: none"> a. paid; or b. agreed to an offer of an instalment plan or other payment option to pay; or c. adhered to the customer’s obligations to make payments in accordance with an agreed payment plan relating to, <p>the service to property charge, natural gas usage charge or other charge of the kind allowable under this Code (other than a charge in respect of the sale or installation of appliances) incurred at the current or any previous supply address.</p> <p>Where a supplier notifies the distributor that it no longer supplies gas to a customer at a supply address in accordance with this clause, the distributor may disconnect the supply address without further notice to the supplier’s customer.</p> <p>5.1.1.2</p> <p>Where a residential customer, because of a lack of sufficient income or other means on the part of that customer, is unable to pay a supplier’s service to property charge or natural gas usage charge or other charge of the kind allowable under this Code, the supplier shall not disconnect the supply to the customer’s supply</p>	<p>Compendium</p> <p>7.1</p> <p>1. Prior to arranging for disconnection of a customer’s supply address for failure to pay a bill, a retailer must –</p> <ul style="list-style-type: none"> a. give the customer a reminder notice, not less than 14 business days from the date of dispatch of the bill, including – <ul style="list-style-type: none"> i. the retailer’s telephone number for billing and payment enquiries; ii. advice on how the retailer may assist in the event the customer is experiencing payment difficulties or financial hardship; and iii. requiring payment to be made on or before the day not less than 20 business days after the day on which the bill was issued; b. use its best endeavours to contact the customer to advise of the proposed disconnection; and c. give the customer a disconnection warning, not less than 22 business days from the date of dispatch of the bill, advising the customer – <ul style="list-style-type: none"> i. that the retailer may disconnect the customer not less than 10 business days after the day on which the disconnection warning is given; and ii. of the existence and operation of complaint handling processes

AGA Code provision	Equivalent provisions in other instruments
<p>address or notify the distributor that it no longer supplies gas to a customer at a supply address until:</p> <ol style="list-style-type: none"> a. the supplier has: <ol style="list-style-type: none"> i. offered the customer alternative payment options of the kind referred to in this Code; ii. given the customer information on government funded concessions as outlined in this Code; iii. used its best endeavours to contact the customer personally, or by lettergram, facsimile or mail, or by telephone; and iv. given the customer, by way of a written disconnection warning, 5 business days notice of its intention to disconnect or cease supplying gas to the customer (the 5 days shall be counted from the date of receipt of the disconnection warning), <p>and</p> <ol style="list-style-type: none"> b. the customer has: <ol style="list-style-type: none"> i. refused or failed to accept the offer within the time specified by the supplier; or ii. accepted the offer, but has refused or failed to take any reasonable action towards settling the debt within the time specified by the supplier. <p>5.1.1.3</p> <p>A supplier shall not disconnect the supply to a business customer's supply address or notify the distributor that it no longer supplies gas to a customer at a supply address unless</p> <ol style="list-style-type: none"> a. the supplier has: <ol style="list-style-type: none"> i. used its best endeavours to contact the customer personally, or by lettergram, facsimile or mail, or by telephone; ii. offered the customer an extension of time to pay beyond the original pay-by date on terms and conditions (which may include interest at a rate approved by the Authority); and iii. given the customer, by way of a written disconnection warning, 5 business days notice of its intention to disconnect or cease supplying gas to the customer (the 5 days shall be 	<p>including the existence and operation of the gas ombudsman and the Freecall telephone number of the gas ombudsman.</p> <ol style="list-style-type: none"> 2. For the purposes of subclause (1), a customer has failed to pay a retailer's bill if the customer has not – <ol style="list-style-type: none"> a. paid the retailer's bill by the due date; b. agreed with the retailer to an offer of an instalment plan or other payment arrangement to pay the retailer's bill; or c. adhered to the customer's obligations to make payments in accordance with an agreed instalment plan or other payment arrangement relating to the payment of the retailer's bill. <p>7.2</p> <ol style="list-style-type: none"> 1. Notwithstanding clause 7.1, a retailer must not arrange for the disconnection of a customer's supply address for failure to pay a bill – <ol style="list-style-type: none"> a. within 1 business day after the expiry of the period referred to in the disconnection warning; b. if the retailer has made the residential customer an offer in accordance with clause 6.4(1) and the residential customer has – <ol style="list-style-type: none"> i. accepted the offer before the expiry of the period specified by the retailer in the disconnection warning; and ii. has used reasonable endeavours to settle the debt before the expiry of the time frame specified by the retailer in the disconnection warning; c. if the amount outstanding is less than an amount approved and published by the Authority in accordance with subclause (2) and the customer has agreed with the retailer to repay the amount outstanding; d. if the customer has made an application for a concession and a decision on the application has not yet been made; e. if the customer has failed to pay an amount which does not relate to the supply of gas; f. if the supply address does not relate to the bill, unless the amount outstanding relates

AGA Code provision	Equivalent provisions in other instruments
<p>counted from the date of receipt of the disconnection warning);</p> <p>and</p> <p>b. the customer has:</p> <p>i. refused or failed to accept the offer within a time (not less than 5 business days) specified by the supplier; or</p> <p>ii. accepted the offer, but has refused or failed to take any reasonable action towards settling the debt within a time (not less than 5 business days) specified by the supplier.</p>	<p>to a supply address previously occupied by the customer; or</p> <p>g. where a residential customer has been assessed by a retailer under clause 6.1(1) as experiencing payment difficulties or financial hardship, without the retailer having provided the customer with information on the types of concessions available to the customer.</p> <p>2. For the purposes of subclause (1)(c), the Authority may approve and publish, in relation to failure to pay a bill, an amount outstanding below which a retailer must not arrange for the disconnection of a customer's supply address.</p> <p>6.11</p> <p>A retailer must consider any reasonable request for alternative payment arrangements from a business customer who is experiencing payment difficulties.</p>
<p>5.1.2 – Disconnection for denying access to the meter</p> <p>5.1.2.1</p> <p>Where a customer fails to provide access to the supply address as contemplated by this Code or a supplier is denied access to the customer's supply address for the purposes of reading the meter for the purposes of issuing 3 consecutive bills in the customer's billing cycle, the supplier may disconnect supply to the customer's supply address or may notify the distributor that it no longer supplies gas to a customer at a supply address.</p> <p>5.1.2.2</p> <p>A supplier shall not exercise its rights to disconnect or notify the distributor that it no longer supplies gas to a customer at a supply address, unless the supplier has:</p> <p>a. given to the customer an opportunity to offer reasonable alternative access arrangements;</p> <p>b. on each of the occasions it was denied access, given to the customer written notice requesting access to the meter at the supply address;</p> <p>c. used its best endeavours to contact the customer personally, or by lettergram, facsimile or mail, or by telephone; and</p>	<p>Compendium</p> <p>7.4</p> <p>1. A retailer must not arrange for the disconnection of a customer's supply address for denying access to the meter, unless –</p> <p>a. the customer has denied access for the purpose of reading the meter for the purposes of issuing 3 consecutive bills;</p> <p>b. the retailer has, prior to giving the customer a disconnection warning under subclause (e), each time it was denied access given the customer in writing 5 business days' notice –</p> <p>i. advising the customer of the next date or timeframe of a scheduled meter reading at the supply address;</p> <p>ii. requesting access to the meter at the supply address for the purpose of the scheduled meter reading; and</p> <p>iii. advising the customer of the retailer's ability to arrange for disconnection if the customer fails to provide access to the meter;</p> <p>c. the retailer has given the customer an opportunity to provide reasonable alternative access arrangements;</p>

AGA Code provision	Equivalent provisions in other instruments
<p>d. given the customer, by way of a written disconnection warning, 5 business days notice of its intention to disconnect the customer (the 5 days shall be counted from the date of receipt of the disconnection warning).</p>	<p>d. the retailer has used its best endeavours to contact the customer to advise of the proposed disconnection; and</p> <p>e. the retailer has given the customer a disconnection warning with at least 5 business days' notice of its intention to arrange for disconnection.</p> <p>2. A retailer may arrange for a distributor to carry out 1 or more of the requirements referred in subclause (1) on behalf of the retailer.</p>
<p>5.1.3 – Disconnection for emergencies</p> <p>5.1.3.1</p> <p>Notwithstanding any other clause in this Section, a supplier or distributor may disconnect or interrupt supply to a customer's supply address in the case of an emergency.</p> <p>5.1.3.2</p> <p>Where a supplier or distributor exercises its disconnection right under clause 5.1.3.1, either the supplier or distributor (but not both) shall:</p> <p>a. provide, by way of its 24 hour emergency line, information on the nature of the emergency and an estimate of the time when supply will be restored; and</p> <p>b. use its best endeavours to reconnect or secure reconnection at the customer's supply address as soon as possible.</p>	<p>Compendium</p> <p>7.5</p> <p>If a distributor disconnects a customer's supply address for emergency reasons, the distributor must –</p> <p>a. provide, by way of a 24 hour emergency line at the cost of a local call (excluding mobile telephones), information on the nature of the emergency and an estimate of the time when supply will be restored; and</p> <p>b. use its best endeavours to restore supply to the customer's supply address as soon as possible.</p>
<p>5.1.4 – Disconnection for health and safety reasons</p> <p>5.1.4.1</p> <p>Notwithstanding any other clause in this section, a supplier or distributor may disconnect or interrupt supply to a customer's supply address for reasons of health and safety.</p> <p>5.1.4.2</p> <p>Except in the case of an emergency, or where there is a need to reduce the risk of fire or where relevant regulatory requirements require it, a supplier or distributor shall not disconnect a customer's supply address for a health or safety reason unless the supplier or distributor has;</p> <p>a. given the customer written notice of the reason;</p> <p>b. where the customer is able to do so, allowed the customer 5 business days to remove the reason; and</p>	<p>Compendium</p> <p>7.5</p> <p>If a distributor disconnects a customer's supply address for emergency reasons, the distributor must –</p> <p>a. provide, by way of a 24 hour emergency line at the cost of a local call (excluding mobile telephones), information on the nature of the emergency and an estimate of the time when supply will be restored; and</p> <p>b. use its best endeavours to restore supply to the customer's supply address as soon as possible.</p>

AGA Code provision	Equivalent provisions in other instruments
<p>c. at the expiration of those 5 business days given the customer, by way of a written disconnection warning, another 5 business days' notice of its intention to disconnect the customer (the 5 days shall be counted from the date of receipt of the notice) or in the case of a supplier, notify the distributor that it no longer supplies gas to a customer at a supply address on the basis of health and safety reasons.</p>	
<p>5.1.5 – Disconnection for planned maintenance</p> <p>5.1.5.1</p> <p>A supplier or distributor may disconnect or interrupt supply to a customer's supply address for the purposes of planned maintenance on, or augmentation to, the distribution system.</p> <p>5.1.5.2</p> <p>A supplier or distributor shall not exercise its right to disconnect for the purposes of planned maintenance on, or augmentation to, the distribution system unless the supplier or distributor has used its best endeavours to give the customer notice of its intention to disconnect. The notice period shall be at least 4 days or such other period as specified by regulatory requirements.</p> <p>5.1.5.3</p> <p>A supplier or distributor shall use its best endeavours to minimise interruptions to supply occasioned by planned maintenance or augmentation and restore supply as soon as practicable.</p>	<p><i>Energy Operators (Powers) Act 1979</i></p> <p>s.46</p> <p>11. Where an energy operator intends to exercise any of the power conferred by this section or section 49, notice in writing of that intention shall, where practicable, be given by the energy operator to the owner or occupier of the land, premises or thing to be affected not less than 5 days before the power is to be exercised, save where this Act otherwise provides.</p> <p>12. An energy operator responsible for the operation of existing distribution works may without prior notice enter on any street under the control of a local or other statutory authority and there exercise such of the powers conferred by section 49 as are of a minor or routine nature and are related only to the maintenance or extension of those works, but where any exercise of the powers conferred by that section is likely to affect the use or surface of any such street or the position or use of any pipe, sewer, drain or tunnel then notice in writing of the intention to carry out the works specified therein shall be given by the energy operator to the authority concerned unless subsection (13) or section 48 applies.</p>
<p>5.1.6 – Disconnection for unauthorised utilisation</p> <p>Notwithstanding any other clause in this Section, a supplier or distributor may disconnect supply to a customer's supply address immediately where the customer has obtained the supply of natural gas at the supply address otherwise than in accordance with this Code or in breach of any regulatory requirement.</p>	<p>Compendium</p> <p>7.6 (3)</p> <p>A retailer or a distributor may arrange for disconnection of a customer's supply address if the disconnection—</p> <ol style="list-style-type: none"> was requested by the customer; was carried out for emergency reasons; was the result of a planned interruption; or was to prevent unauthorised utilisation.

AGA Code provision	Equivalent provisions in other instruments
<p>5.1.7 – Disconnection for refusal to pay refundable advances</p> <p>5.1.7.1</p> <p>A supplier may disconnect supply to a customer’s supply address or notify the distributor that it no longer supplies gas to a customer at a supply address, where the customer refuses to pay a refundable advance or provide a bank guarantee which a supplier requires in accordance with this Code.</p> <p>5.1.7.2</p> <p>A supplier shall not exercise its right to disconnect or notify the distributor that it no longer supplies gas to a customer at a supply address, for failure to pay a refundable advance or provide a bank guarantee unless the supplier has given the customer not less than 5 business days written notice of its intention to disconnect or give notice to the distributor (the days shall be counted from the date of receipt of the notice).</p>	N/A
<p>5.1.8 – When a supplier shall not disconnect</p> <p>5.1.8.1</p> <p>A supplier shall not disconnect supply to a customer’s supply address or notify the distributor that it no longer supplies gas to a customer at a supply address:</p> <ul style="list-style-type: none"> a. for non-payment of a bill where the amount outstanding is less than an average bill over the past 12 months and the customer has, in accordance with this Code, agreed with the supplier to repay this amount; b. where the customer has made a complaint, directly related to the reason for the proposed disconnection, to the [gas industry ombudsman] and the complaint remains unresolved; c. where a customer has made an application for a government concession or grant and the application has not been decided; d. where the customer has failed to pay an amount on a bill which does not relate to the service to property charge, the natural gas usage charge or other charge of the contemplated by this Code; e. after 3 pm on a weekday; or 	<p>Compendium</p> <p>7.2</p> <p>1. Notwithstanding clause 7.1, a retailer must not arrange for the disconnection of a customer’s supply address for failure to pay a bill –</p> <ul style="list-style-type: none"> a. within 1 business day after the expiry of the period referred to in the disconnection warning; b. if the retailer has made the residential customer an offer in accordance with clause 6.4(1) and the residential customer has – <ul style="list-style-type: none"> i. accepted the offer before the expiry of the period specified by the retailer in the disconnection warning; and ii. has used reasonable endeavours to settle the debt before the expiry of the time frame specified by the retailer in the disconnection warning; c. if the amount outstanding is less than an amount approved and published by the Authority in accordance with subclause (2) and the customer has agreed with the retailer to repay the amount outstanding; d. if the customer has made an application for a concession and a decision on the application has not yet been made;

AGA Code provision	Equivalent provisions in other instruments
<p>f. on a Friday, on a weekend, on a public holiday or on the day before a public holiday except in the case of a planned interruption.</p>	<p>e. if the customer has failed to pay an amount which does not relate to the supply of gas;</p> <p>f. if the supply address does not relate to the bill, unless the amount outstanding relates to a supply address previously occupied by the customer; or</p> <p>g. where a residential customer has been assessed by a retailer under clause 6.1(1) as experiencing payment difficulties or financial hardship, without the retailer having provided the customer with information on the types of concessions available to the customer.</p> <p>2. For the purposes of subclause (1)(c), the Authority may approve and publish, in relation to failure to pay a bill, an amount outstanding below which a retailer must not arrange for the disconnection of a customer's supply address.</p> <p>7.6</p> <p>1. Subject to subclause (3), a retailer must not arrange for disconnection of a customer's supply address if:</p> <p>a. a complaint has been made to the retailer directly related to the reason for the proposed disconnection; or</p> <p>b. the retailer is notified by the distributor, gas ombudsman or an external dispute resolution body that there is a complaint, directly related to the reason for the proposed disconnection, that has been made to the distributor, gas ombudsman or external dispute resolution body, and the complaint is not resolved by the retailer or distributor or determined by the gas ombudsman or external dispute resolution body.</p> <p>2. Subject to subclause (3), a distributor must not disconnect a customer's supply address –</p> <p>a. if:</p> <p>i. a complaint has been made to the distributor directly related to the reason for the proposed disconnection; or</p> <p>ii. the distributor is notified by a retailer, the gas ombudsman or an external dispute resolution body that there is a complaint, directly related to the</p>

AGA Code provision	Equivalent provisions in other instruments
	<p>reason for the proposed disconnection, that has been made to the retailer, gas ombudsman or external dispute resolution body,</p> <p>and the complaint is not resolved by the retailer or distributor or determined by the gas ombudsman or external dispute resolution body; or</p> <p>b. during any time:</p> <ol style="list-style-type: none"> i. after 3.00 pm Monday to Thursday; or ii. on a Friday, Saturday, Sunday, public holiday or on the day before a public holiday. <p>3. A retailer or a distributor may arrange for disconnection of a customer's supply address if the disconnection—</p> <ol style="list-style-type: none"> a. was requested by the customer; b. was carried out for emergency reasons; c. was the result of a planned interruption; or d. was to prevent unauthorised utilisation.
<p>5.2.2 – Time and response for reconnection</p> <p>5.2.2.1</p> <p>Where a supplier is under an obligation to reconnect a customer and the customer makes a request for reconnection before 3pm on a business day, the supplier shall use its best endeavours to make the reconnection or cause the distributor to make the reconnection on the day of the request.</p> <p>5.2.2.2</p> <p>Where a supplier is under an obligation to reconnect a customer and the customer makes a request for reconnection after 3pm on a business day, the supplier shall make the reconnection or cause the distributor to make the reconnection as soon as possible on the next business day.</p>	<p>Compendium</p> <p>8.1</p> <p>1. If a retailer has arranged for disconnection of a customer's supply address due to –</p> <ol style="list-style-type: none"> a. failure to pay a bill, and the customer has paid or agreed to accept an offer of an instalment plan, or other payment arrangement; b. the customer denying access to the meter, and the customer has subsequently provided access to the meter; or c. illegal use of gas, and the customer has remedied that breach, and has paid, or made an arrangement to pay, for the gas so obtained, <p>the retailer must arrange for reconnection of the customer's supply address, subject to –</p> <ol style="list-style-type: none"> d. the customer making a request for reconnection; and e. the customer – <ol style="list-style-type: none"> i. paying the retailer's reasonable charge for reconnection, if any; or ii. accepting an offer of an instalment plan for the retailer's reasonable charges for reconnection, if any.

AGA Code provision	Equivalent provisions in other instruments
	<p>2. For the purposes of subclause (1), a retailer must forward the request for reconnection to the relevant distributor –</p> <ol style="list-style-type: none"> a. that same business day, if the request is received before 3pm on a business day; or b. no later than 3pm on the next business day, if the request is received – <ol style="list-style-type: none"> i. after 3pm on a business day, or ii. on a Saturday, Sunday or public holiday. <p>8.2</p> <ol style="list-style-type: none"> 1. If a distributor has disconnected a customer's supply address on request by the customer's retailer, and the retailer has subsequently requested the distributor to reconnect the customer's supply address, then, subject to the retailer complying with any retail market rules applicable to that retailer, the distributor must reconnect the customer's supply address. 2. Subject to subclause (3) and for the purposes of subclause (1), a distributor must reconnect a customer's supply address within 2 business days of receipt of the request. 3. Subclause (2) does not apply – <ol style="list-style-type: none"> a. where a retailer has notified a distributor of a later date for reconnection, in which case, subject to this subclause, the distributor must reconnect a customer's supply address within 2 business days of that later date; b. in the event of an emergency, in which case a distributor must reconnect a customer's supply address within 2 business days of the emergency ceasing to exist; c. if a distributor's access to the supply address has been restricted, in which case the distributor must reconnect a customer's supply address within 2 business days of becoming aware that access to the customer's supply address is unrestricted; d. if it is unsafe to reconnect the supply address, in which case a distributor must reconnect a customer's supply address

AGA Code provision	Equivalent provisions in other instruments
	<p>within 2 business days of becoming aware that the safety issue has been resolved; or</p> <p>e. if the reconnection requires excavation, in which case a distributor must reconnect a customer's supply address within 10 business days of receipt of the request to reconnect.</p> <p>4. If any of the circumstances described in subclauses (3)(b) to (e) apply, a distributor must notify a retailer of the relevant circumstance that applies within 2 business days of receipt of the reconnection request made under subclause (1).</p> <p>5. Notwithstanding subclause (1), if a distributor becomes aware that there has been unauthorised utilisation of gas at a customer's supply address, the distributor –</p> <p>a. must notify a retailer of the unauthorised utilisation as soon as practicable; and</p> <p>b. is not obliged to reconnect the customer's supply address until the issue is resolved.</p>

B.2 Security deposits

Table B.2: AGA Code provisions referenced in regulation 13(1) and as modified by regulation 13(2) of the Gas Regulations

AGA Code provision	Equivalent provisions in other instruments
<p>4.4.6 – Use of a refundable advance</p> <p>4.4.6.1</p> <p>A supplier may use a customer's refundable advance and interest (if any) which has accrued to it to offset any amount owed by a customer to the supplier;</p> <p>a. if the customer fails to pay a bill resulting in disconnection of the supply address;</p> <p>b. if the customer defaults on a final bill;</p> <p>c. if the customer defaults on a bill and comes to an agreement with the supplier regarding the refundable advance to avoid possible disconnection;</p> <p>d. at the request of a customer who is vacating the supply address or requesting disconnection of supply to the supply address; [or</p> <p>e. in circumstances where the customer transfers to another supplier.]</p>	<p>N/A</p>

AGA Code provision	Equivalent provisions in other instruments
<p>4.4.6.2</p> <p>Where a supplier uses a refundable advance in accordance with clause 4.4.6.1, the supplier shall provide to the customer an account of its use of the refundable advance and pay the balance (if any) of the refundable advance to the customer within 10 business days.</p>	

B.3 Fees and charges

Table B.3: AGA Code provisions referenced in regulation 14(3) and as modified by regulation 14(4) of the Gas Regulations

AGA Code provision	Equivalent provisions in other instruments
<p>4.1.2 – Notice of tariffs</p> <p>4.1.2.1</p> <p>A supplier shall give notice of its tariffs [(where tariffs mean any fees or charges payable by a customer under a customer contract)] upon which it supplies or sells natural gas in the Government Gazette, newspaper, a notice to each customer or as agreed with the Authority.</p> <p>4.1.2.2</p> <p>A supplier shall on request by a customer send to the customer free of charge a copy of its tariffs.</p>	<p>Compendium</p> <p>10.1</p> <ol style="list-style-type: none"> 1. A retailer must give notice to each of its customers affected by a variation in its tariffs no later than the next bill in a customer's billing cycle. 2. A retailer must give a customer on request, at no charge, reasonable information on the retailer's tariffs, including any alternative tariffs that may be available to that customer. 3. A retailer must give a customer the information referred to under subclause (2) within 8 business days of the date of receipt. If requested by the customer, the retailer must give the information in writing.
<p>4.1.3 – Variations</p> <p>4.1.3.1</p> <p>A supplier shall give notice of any variation to its tariffs [(where tariffs mean any fees or charges payable by a customer under a customer contract)] in the Government Gazette, newspaper public notices, a notice to each customer or as agreed with the Authority.</p> <p>4.1.3.2</p> <p>In addition to notice under clause 4.1.3.1, a supplier shall give notice to each of its customers affected by a variation in its tariffs as soon as practicable after the variation is gazetted or published and, in any event, no later than the next bill in a customer's billing cycle.</p>	<p>Compendium</p> <p>10.1</p> <ol style="list-style-type: none"> 1. A retailer must give notice to each of its customers affected by a variation in its tariffs no later than the next bill in a customer's billing cycle. 2. A retailer must give a customer on request, at no charge, reasonable information on the retailer's tariffs, including any alternative tariffs that may be available to that customer. 3. A retailer must give a customer the information referred to under subclause (2) within 8 business days of the date of receipt. If requested by the customer, the retailer must give the information in writing.

B.4 Billing

Table B.4: AGA Code provisions referenced in regulation 15(1) and as modified by regulation 15(2) and (3) of the Gas Regulations

AGA Code provision	Equivalent provisions in other instruments
<p>4.2.1 – When bills are issued</p> <p>A supplier shall issue a bill at least every three months to a customer except where the customer:</p> <ul style="list-style-type: none"> a. has agreed to a longer billing period; or b. has a prepayment meter installed at the customer’s supply address. 	<p>Compendium</p> <p>4.1</p> <p>A retailer must issue a bill –</p> <ul style="list-style-type: none"> a. no more than once a month, unless the retailer has – <ul style="list-style-type: none"> i. obtained a customer’s verifiable consent to issue bills more frequently; ii. given the customer – <ul style="list-style-type: none"> A. a reminder notice in respect of 3 consecutive bills; and B. notice as contemplated under clause 4.2; or iii. received a request from the customer to change their supply address or issue a final bill, in which case the retailer may issue a bill more than once a month for the purposes of facilitating the request; and b. at least every 105 days unless – <ul style="list-style-type: none"> i. the retailer has obtained the customer’s verifiable consent to issue bills less frequently; ii. the customer has a pre-payment meter installed at the customer’s supply address; iii. the retailer has not received the required metering data from the distributor for the purposes of preparing the bill, despite using best endeavours to obtain the metering data from the distributor; or iv. the retailer is unable to comply with this timeframe due to the actions of the customer where the customer is supplied under a deemed contract pursuant to section 11WK of the Act and the bill is the first bill issued to that customer at that supply address
<p>4.2.3 – Contents of a bill</p> <p>4.2.3.1</p> <p>The supplier shall separately itemise the following charges on any bill issued by it:</p>	<p>Compendium</p> <p>4.5</p> <p>1. Unless a customer agrees otherwise, a retailer must include at least the following information on the customer’s bill –</p>

AGA Code provision	Equivalent provisions in other instruments
<ul style="list-style-type: none"> a. any service to property charge; and b. any natural gas usage charge; and c. any other charge in connection with the supply of natural gas, such as a reconnection fee or a charge for services provided, either at the request of the customer or due to the failure of a customer to perform an obligation under this code. 	<ul style="list-style-type: none"> a. either the range of dates of the metering supply period or the date of the current meter reading or estimate; b. the current meter reading or estimate; c. the customer's consumption, or estimated consumption; d. the number of days covered by the bill; e. the dates on which the account period begins and ends, if different from the range of dates of the metering supply period or the range of dates of the metering supply period have not been included on the bill already;
<p>4.2.3.2</p> <p>Where a supplier provides goods or services additional to those referred to in clause 4.2.3.1, the supplier may bill those goods or services separately. Where a supplier chooses not to bill separately, unless the customer and supplier have agreed to different terms and conditions, the supplier shall;</p> <ul style="list-style-type: none"> a. include the charges for such goods and services as separate items in its bills[, together with a description of those goods or services]; and b. apply payments received from a customer as directed by the customer; and c. [where a customer does not direct how the payment is to be allocated, the supplier shall apply the payment – <ul style="list-style-type: none"> i. unless subparagraph (ii) applies, to the charges referred to in clause 4.2.3.1 before applying any portion of it to such goods and services; or ii. if such goods or services include electricity, to the charges referred to in clause 4.2.3.1 and the charges for electricity in equal proportion before applying any portion of it to any other such goods or services.] 	<ul style="list-style-type: none"> f. the applicable tariffs; g. the amount of any other fees or charges and details of the service provided; h. with respect to a residential customer, a statement that the residential customer may be eligible to receive concessions and how the residential customer may find out its eligibility for those concessions; i. if applicable, the value and type of any concessions provided to the residential customer that are administered by the retailer; j. if applicable, a statement on the bill that an additional fee may be imposed to cover the costs of late payment from the customer; k. the average daily cost of consumption, including charges ancillary to the consumption of gas, unless the customer is a collective customer; l. the average daily consumption, unless the customer is a collective customer;
<p>4.2.3.3</p> <p>A supplier shall include the following particulars on each bill in a customer's billing cycle and may include any additional particulars on a bill;</p> <ul style="list-style-type: none"> a. the dates of the previous and current meter readings or estimates; b. the previous and the current meter readings or estimates; c. consumption, or estimated consumption; d. the relevant tariff or tariffs; e. the meter or property number; 	<ul style="list-style-type: none"> m. a meter identification number (clearly placed on the part of the bill that is retained by the customer); n. the amount due; o. the due date; p. a summary of the payment methods; q. a statement advising the customer that assistance is available if the customer is experiencing problems paying the bill; r. a telephone number for billing and payment enquiries; s. a telephone number for complaints;

AGA Code provision	Equivalent provisions in other instruments
<ul style="list-style-type: none"> f. the amount due; g. the pay-by date; h. a summary of the payment methods and instalment payment options set out in Section 4.3; i. the telephone number for billing and payment enquiries; j. a 24 hour contact telephone number for faults and emergencies; k. the supply address and any relevant mailing address; l. the customer's name and account number; m. the amount of arrears or credit; n. the amount of any other charge and details of the service provided; o. on residential customer's bills only, a reference to any supplier's concessions available to that customer during the relevant period and any Government concessions that may be available; p. the availability, upon payment of a charge, of an Authority approved meter accuracy test and the refund of the testing charge if the meter is found to favour the supplier by more than allowable in the relevant distribution standards; q. the availability of interpreter services; r. a telephone number to contact is the customer is experiencing financial difficulties; [and s. the amount of any refundable advance paid by the customer to the retail supplier.] 	<ul style="list-style-type: none"> t. the contact details for the gas ombudsman; u. the distributor's 24 hour telephone number for faults and emergencies; v. the supply address and any relevant mailing address; w. the customer's name and account number; x. the amount of arrears or credit; y. if applicable and not included on a separate statement – <ul style="list-style-type: none"> i. payments made under an instalment plan; and ii. the total amount outstanding under the instalment plan; z. with respect to residential customers, the telephone number for interpreter services together with the National Interpreter Symbol and the words "Interpreter Services"; aa.the telephone number for TTY services; bb.to the extent that the data is available, a graph or bar chart illustrating the customer's amount due or consumption for the period covered by the bill, the previous bill and the bill for the same period last year; and cc.the Meter Installation Registration Number for the property. <p>2. Notwithstanding subclause (1)(bb), a retailer is not obliged to include a graph or bar chart on the bill if the bill is –</p> <ul style="list-style-type: none"> a. not indicative of a customer's actual consumption; b. not based upon a meter reading; or c. for a collective customer. <p>3. If a retailer identifies a historical debt and wishes to bill a customer for that historical debt, the retailer must advise the customer of –</p> <ul style="list-style-type: none"> a. the amount of the historical debt; and b. the basis of the historical debt, before, with, or on the customer's next bill. <p>10.2</p> <p>1. A retailer must give a customer on request the customer's billing data.</p>
<p>4.2.3.4</p> <p>Where a customer requests and the data is available, a supplier shall provide to the customer free of charge the customer's historical billing data for the previous two years. Where the customer requests historical billing data beyond the previous two years, the supplier may impose a reasonable charge for providing that data to recover the direct costs of providing the information.</p>	

AGA Code provision	Equivalent provisions in other instruments
	<ol style="list-style-type: none"> 2. If a customer requests billing data under subclause (1) – <ol style="list-style-type: none"> a. for a period less than the previous 2 years and no more than once a year; or b. in relation to a dispute with a retailer, the retailer must give the billing data at no charge. 3. A retailer must give a customer the billing data requested under subclause (1) within 10 business days of the date of receipt of – <ol style="list-style-type: none"> a. the request; or b. payment for the retailer’s reasonable charge for providing the billing data (if requested by the retailer). 4. A retailer must keep a customer’s billing data for 7 years.
<p>4.2.4 – The basis of a bill</p> <p>4.2.4.1</p> <p>Except where the customer’s supply address is subject to an unmetered tariff or a prepayment meter is installed at the customer’s supply address and subject to the ability to use a customer reading under clause 4.2.4.3, a supplier shall:</p> <ol style="list-style-type: none"> a. base a customer’s bill on a reading of the meter at the customer’s supply address; and b. read the meter at the customer’s supply address as frequently as is required to meet its obligations under this Section and, in any event, at least once in any 12 months. <p>4.2.4.2</p> <p>To comply with the requirement of clause 4.2.4.1 to read the meter at the customer’s supply address at least once in every 12 months, the supplier may, at its discretion, accept a customer’s reading as its own reading. The supplier shall not make any adjustment to the bill for the billing cycle based upon this customer reading where the supplier subsequently reads the meter and finds an error in the customer’s favour.</p> <p>4.2.4.3</p> <p>Where a supplier is unable to base a bill on a reading of the meter at a customer’s supply address because:</p>	<p>Compendium</p> <p>4.6</p> <ol style="list-style-type: none"> 1. Subject to clause 4.8, a retailer must base a customer’s bill on – <ol style="list-style-type: none"> a. the distributor’s or metering agent’s reading of the meter at the customer’s supply address; or b. the customer’s reading of the meter at the customer’s supply address, provided the retailer requested and the customer agreed that the customer will read the meter for the purpose of determining the amount due. <p>4.7</p> <ol style="list-style-type: none"> 1. A retailer must use its best endeavours to ensure that metering data is obtained as frequently as required to prepare its bills. 2. A retailer must ensure that at least once every 12 months it obtains metering data in accordance with clause 4.6(1)(a). <p>4.8</p> <ol style="list-style-type: none"> 1. If a retailer is unable to reasonably base a bill on a reading of the meter at a customer’s supply address, the retailer must give the customer an estimated bill. 2. If a retailer bases a bill upon an estimation, the retailer must clearly specify on the customer’s bill that – <ol style="list-style-type: none"> a. the retailer has based the bill upon an estimation;

AGA Code provision	Equivalent provisions in other instruments
<p>a. access is denied as a result of action by the customer, a third party, weather conditions, an industrial dispute or other reasons beyond the supplier's control;</p> <p>b. the customer is vacating the supply address and requires a final account immediately;</p> <p>c. access is denied for safety reasons;</p> <p>d. the meter or ancillary equipment has recorded usage incorrectly; or</p> <p>e. the meter has been tampered with or bypassed,</p> <p>the supplier may provide the customer with an estimated bill based on:</p> <p>i. the customer's reading of the meter; or</p> <p>ii. the customer's prior billing history; or</p> <p>iii. where the customer does not have a prior billing history, the average usage of natural gas at the relevant tariff; or the average usage for the type of natural gas installation or the average usage at the supply address.</p> <p>4.2.4.4</p> <p>Where, because of circumstances referred to in clause 4.2.4.3 (a)-(c), a supplier has provided a customer with an estimated bill, and the supplier is subsequently able to read the meter, the supplier shall adjust the estimated bill in accordance with the meter reading unless the estimated bill was used to finalise the customer's account.</p> <p>4.2.4.5</p> <p>Where a customer has denied access to a supplier for the purposes of reading a meter at the customer's supply address and subsequently requests the supplier to replace an estimated bill with a bill based on a reading of the meter, provided the customer allows access to the meter, the supplier shall comply with the request and may impose a reasonable charge for doing so.</p>	<p>b. the retailer will tell the customer on request –</p> <p>i. the basis of the estimation; and</p> <p>ii. the reason for the estimation; and</p> <p>c. the customer may request –</p> <p>i. a verification of an estimation; and</p> <p>ii. a meter reading.</p> <p>3. A retailer must tell a customer on request the –</p> <p>a. basis for the estimation; and</p> <p>b. reason for the estimation.</p> <p>4.9</p> <p>If a retailer gives a customer an estimated bill and the meter is subsequently read, the retailer must include an adjustment on the next bill to take account of the actual meter reading in accordance with clause 4.19.</p> <p>4.10</p> <p>If a retailer has based a bill upon an estimation because a customer failed to provide access to the meter and the customer –</p> <p>a. subsequently requests the retailer to replace the estimated bill with a bill based on an actual reading of the customer's meter;</p> <p>b. pays the retailer's reasonable charge for reading the meter (if any); and</p> <p>c. provides due access to the meter,</p> <p>the retailer must do so.</p>
<p>4.2.10 – Calculation of consumption</p> <p>a. A supplier may calculate energy consumption by the measurement of volume (cubic meters) and applying the heating value to represent the bill in energy units (e.g. megajoules, kilowatt hours).</p>	<p>The distributor must calculate energy consumption in accordance with the gas Retail Market Procedures (WA)</p> <p>The Retail Market Procedures are part of the approved retail market scheme. Section 11ZOC of the <i>Energy Coordination Act 1994</i> requires that the distributor must comply with the relevant</p>

AGA Code provision	Equivalent provisions in other instruments
<p>b. A supplier may calculate consumption through the measurement of gas from a master meter and utilise other measurement devices to calculate bills for individual usage of a product.</p>	<p>provisions of an approved retail market scheme for the distribution system.</p>
<p>4.3.2 – Methods of making payment</p> <p>4.3.2.1</p> <p>A supplier shall offer the following payment methods and may offer additional methods:</p> <ul style="list-style-type: none"> a. in person at a network of agencies or payment outlets; b. by mail. <p>4.3.2.2</p> <p>Where a customer is to be absent for a long period (e.g. on a holiday or due to an illness) and is unable to arrange payment by one of the above methods, the supplier shall also offer:</p> <ul style="list-style-type: none"> a. payment in advance facilities; and b. redirection of the customer's bill as requested by the customer. 	<p>Compendium</p> <p>5.2</p> <p>Unless otherwise agreed with a customer, a retailer must offer the customer at least the following payment methods –</p> <ul style="list-style-type: none"> a. in person at 1 or more payment outlets located within the Local Government District of the customer's supply address; b. by mail; c. for residential customers, by Centrepay; d. electronically by means of BPay or credit card; and e. by telephone by means of credit card or debit card. <p>5.3</p> <p>If a retailer offers the option of payment by a direct debit facility to a customer, the retailer must, prior to the direct debit facility commencing, obtain the customer's verifiable consent, and agree with the customer the date of commencement of the direct debit facility and the frequency of the direct debits.</p> <p>5.4</p> <ol style="list-style-type: none"> 1. A retailer must accept payment in advance from a customer on request. 2. Acceptance of an advance payment by a retailer will not require the retailer to credit any interest to the amounts paid in advance. 3. Subject to clause 6.9, for the purposes of subclause (1), \$20 is the minimum amount for which a retailer will accept advance payments unless otherwise agreed with a customer. <p>5.5</p> <p>If a residential customer is unable to pay by way of the methods described in clause 5.2, due to illness or absence, a retailer must offer the residential customer on request redirection of the residential customer's bill to a third person at no charge.</p>

B.5 Payment difficulties

Table B.5: AGA Code provisions referenced in regulation 20(2) of the Gas Regulations

AGA Code provision	Equivalent provisions in other instruments
<p>4.3.5.1 Payment difficulties</p> <p>Where a residential customer indicates to a supplier that the customer is experiencing difficulties in paying a bill or requires payment assistance, the supplier shall offer the following options:</p> <ul style="list-style-type: none"> a. instalment plan options; b. the right to have a bill redirected to a third party; c. information about, and referral to, Government assistance programs; and d. information on independent financial counselling services. 	<p>Compendium</p> <p>6.7</p> <p>If a customer experiencing financial hardship, or a relevant consumer representative, reasonably demonstrates to a retailer that the customer is unable to meet the customer's obligations under a previously elected payment arrangement under clause 6.4(1)(b), the retailer must give reasonable consideration to –</p> <ul style="list-style-type: none"> a. offering the customer an instalment plan, if the customer had previously elected a payment extension; or b. offering to revise the instalment plan, if the customer had previously elected an instalment plan. <p>6.8</p> <p>A retailer must advise a customer experiencing financial hardship of the –</p> <ul style="list-style-type: none"> a. customer's right to have the bill redirected at no charge to a third person; b. payment methods available to the customer; c. concessions available to the customer and how to access them; d. different types of tariffs available to the customer; e. independent financial counselling services and relevant consumer representatives available to assist the customer; and f. availability of any other financial assistance and grants schemes that the retailer should reasonably be aware of and how to access them.

B.6 Dispute resolution

Table B.6: AGA Code provisions referenced in regulation 21(1) and as modified by regulation 21(2) of the Gas Regulations

AGA Code provision	Equivalent provisions in other instruments
<p>2.5.1 – Obligations on a supplier</p> <p>A supplier shall:</p> <ol style="list-style-type: none"> a. manage a complaint made to it by a customer in accordance with the Australian Standard on Complaints Handling (AS 4269) 1995; b. publish information which will assist its customers in utilising its complaints handling process; and c. when requested by a customer, provide the customer with information about <ol style="list-style-type: none"> i. the supplier’s complaints handling process; and ii. the [gas industry ombudsman scheme of which the retail supplier is a member]. 	<p>Compendium</p> <p>12.1</p> <ol style="list-style-type: none"> 1. A retailer and distributor must develop, maintain and implement an internal process for handling complaints and resolving disputes. 2. The complaints handling process under subclause (1) must – <ol style="list-style-type: none"> a. comply with Australian Standard AS/NZS 10002:2014; b. address at least – <ol style="list-style-type: none"> i. how complaints must be lodged by customers; ii. how complaints will be handled by a retailer or distributor including – <ol style="list-style-type: none"> A. a right of a customer to have its complaint considered by a senior employee within each organisation of the retailer or distributor if the customer is not satisfied with the manner in which the complaint is being handled; B. the information that will be provided to a customer; iii. response times for complaints; and iv. method of response; and c. detail how a retailer will handle complaints about the retailer, gas marketing agents or marketing; and d. be available at no cost to customers. 3. For the purposes of subclause (2)(b)(ii)(B), a retailer or distributor must at least – <ol style="list-style-type: none"> a. when responding to a complaint, advise the customer that the customer has the right to have the complaint considered by a senior employee within the retailer or distributor (in accordance with its complaints handling process); and b. when a complaint has not been resolved internally in a manner acceptable to a customer, advise the customer –
<p>2.5.2 – Rights of a customer</p> <p>A customer may:</p> <ol style="list-style-type: none"> a. make a complaint to a supplier about the supplier’s acts or omissions; b. where the customer is not satisfied with the supplier’s response to the complaint, raise the complaint to a higher level within the supplier’s management structure; and c. where, after raising the complaints to a higher level, the customer is not satisfied with the supplier’s response, refer the complaint to [the gas industry ombudsman], as appropriate. 	

AGA Code provision	Equivalent provisions in other instruments
	<ul style="list-style-type: none"> i. of the reasons for the outcome (on request, the retailer or distributor must supply such reasons in writing); and ii. that the customer has the right to raise the complaint with the gas ombudsman or another relevant external dispute resolution body and provide the Freecall telephone number of the gas ombudsman. <p>4. For the purpose of subclause (2)(b)(iii), a retailer or distributor must, on receipt of a written complaint by a customer –</p> <ul style="list-style-type: none"> a. acknowledge the complaint within 10 business days; and b. respond to the complaint by addressing the matters in the complaint within 20 business days.

B.7 Retailer's obligations in relation to supply

Table B.7: AGA Code provisions referenced in regulation 28(2) of the Gas Regulations

AGA Code provision	Equivalent provisions in other instruments
<p>3.1.1 – Supply and metering equipment</p> <p>A supplier or distributor shall, in accordance with the distribution standards:</p> <ul style="list-style-type: none"> a. provide, install and maintain equipment for the supply of natural gas up to the point of supply; and b. provide, install and maintain metering and necessary ancillary equipment at a location at the supply address suitable to the supplier, giving due consideration to the customer's wishes. 	<p>Gas Retail Market Procedures (WA)</p> <p>134</p> <ul style="list-style-type: none"> 1. A network operator must provide, install, operate and maintain a meter at each delivery point within its GDS in accordance with all applicable laws. 2. Upon installation of a meter at a delivery point under clause 134(1), the network operator must provide the user with the meter standing data and MIRN standing data for the delivery point before providing the metering data under clause 158.
<p>3.1.2 – Existing connections</p> <p>3.1.2.1</p> <p>Subject to:</p> <ul style="list-style-type: none"> a. adequate supply being available at the required volume and pressure at the boundary of the supply address: b. the natural gas installation at the supply address complying with regulatory requirements; and 	<p>Compendium</p> <p>3.1</p> <ul style="list-style-type: none"> 1. If a retailer agrees to sell gas to a customer or arrange for the connection of the customer's supply address, the retailer must forward the customer's request for connection to the relevant distributor for the purpose of arranging for the connection of the customer's supply address (if the customer's supply address is not already connected).

AGA Code provision	Equivalent provisions in other instruments
<p>c. the meter at the supply address being available for use by the supplier where necessary,</p> <p>a supplier shall use its best endeavours to connect the customer at a supply address previously supplied by any supplier within one business day or within a period agreed with the customer.</p> <p>3.1.2.2</p> <p>The obligation of the supplier to connect the customer within one business day is subject to the customer complying with the following requirements:</p> <ol style="list-style-type: none"> the customer making applications (in person, by telephone or in writing) and provide acceptable identification as required by the supplier; if requiring connection within one business day, the customer making the application by 3pm on the previous business day; the customer agreeing to pay the supplier all relevant fees and charges; the customer providing contact details for billing purposes; if the request is made in respect of a rental property, the customer providing contact details for the property owner or the owner's agent; if required by the supplier, the customer satisfying the supplier that necessary safe, convenient and unhindered access to the supply address, the meter and the natural gas installation is available; if required by the supplier, the customer providing the supplier with information on the number and types of appliances installed, number of household occupants and anticipated usage of appliances; if required by the supplier under this Code, the customer providing a refundable advance, bank guarantee or entering into a payment arrangement; and the customer not having an outstanding debt relating to the supply of natural gas or any other form of gas supplied by that supplier to that customer at a previous supply address (other than a debt the subject of a dispute, or for which 	<ol style="list-style-type: none"> Unless the customer agrees otherwise, a retailer must forward the customer's request for connection to the relevant distributor – <ol style="list-style-type: none"> that same day, if the request is received before 3pm on a business day; or the next business day, if the request is received after 3pm or on a Saturday, Sunday or public holiday. In this clause – “customer” includes a customer's nominated representative. <p>Gas Retail Market Procedures (WA)</p> <p>119</p> <ol style="list-style-type: none"> Upon receipt of a valid reconnection notice, subject to clause 117(5), a network operator must: <ol style="list-style-type: none"> forthwith accept the reconnection notice; and immediately notify the user that the reconnection notice has been accepted. A network operator must (subject to law) at the same time, within 2 business days after receiving a valid reconnection notice, reconnect the delivery point and undertake a meter reading of, and obtain the meter reading data for, the delivery point. Within 2 business days of reconnecting a delivery point under clause 117(1) or 119(2), the network operator must: <ol style="list-style-type: none"> calculate the actual value for the delivery point using the information obtained under clause 119(2); and change the MIRN status in its MIRN database to commissioned; and notify the user that the MIRN is commissioned and provide the user with the metering data under clause 158 for the meter reading undertaken in accordance with clause 119(2). lodge a reconnection confirmation notice with AEMO; and provide AEMO with the metering data under clause 158 for the meter reading undertaken in accordance with clause 119(2).

AGA Code provision	Equivalent provisions in other instruments
<p>repayment arrangements have been made).</p> <p>3.1.2.3</p> <p>The supplier or distributor shall connect the customer's supply address only in accordance with the distribution standards.</p>	
<p>3.1.3 – New gas connections</p> <p>3.1.3.1</p> <p>Subject to:</p> <ul style="list-style-type: none"> f. adequate supply being available at the required volume and pressure at the boundary of a new supply address; and g. the natural gas installation at the supply address complying with regulatory requirements <p>a supplier or distributor shall use its best endeavours to make supply available at a new supply address on the date agreed with the customer or, where no date is agreed with the customer, the supplier shall connect the new supply address within 20 business days from the date of application.</p> <p>3.1.3.2</p> <p>The obligation of the supplier to connect the supply address under clause 3.1.3.1 is subject to the customer complying with the following requirements:</p> <ul style="list-style-type: none"> a. the customer shall make application (in person, by telephone or in writing) and provide acceptable identification as required by the supplier; b. if required by the supplier, the customer shall ensure that the notices of installation or completion of natural gas installation work from a gas installer are provided to the supplier; c. if required by the supplier, the customer shall satisfy the supplier that necessary safe, convenient and unhindered access to the supply address, the meter and the natural gas installation is available; d. if the request is made in respect of a rental property, the customer providing contact details for the property owner or the owner's agent; e. if required by the supplier, the customer shall provide the supplier with estimated natural gas load information for the 	<p>Compendium</p> <p>3.1</p> <ol style="list-style-type: none"> 1. If a retailer agrees to sell gas to a customer or arrange for the connection of the customer's supply address, the retailer must forward the customer's request for connection to the relevant distributor for the purpose of arranging for the connection of the customer's supply address (if the customer's supply address is not already connected). 2. Unless the customer agrees otherwise, a retailer must forward the customer's request for connection to the relevant distributor – <ol style="list-style-type: none"> a. that same day, if the request is received before 3pm on a business day; or b. the next business day, if the request is received after 3pm or on a Saturday, Sunday or public holiday. 3. In this clause – "customer" includes a customer's nominated representative. <p>Gas distribution licence, Schedule 3</p> <p>Clause 3</p> <ol style="list-style-type: none"> 3.1 This clause applies in respect of residential premises located within the licence area if the licensee is requested by a trader to connect the premises to the distribution system. 3.2 Subject to clause 3.3, the licensee must offer to connect the premises to the distribution system. 3.3 The licensee's offer to connect the premises under clause 3.2 is subject to the following: <ol style="list-style-type: none"> a. The offer to connect applies: <ol style="list-style-type: none"> i. only in respect of connections which require 20 metres or less of service pipe; and ii. only where the gas main is so located that it is practicable in accordance with good industry practice to connect the relevant premises to the main,

AGA Code provision	Equivalent provisions in other instruments
<p>customer's proposed use at the supply address;</p> <ul style="list-style-type: none"> f. the customer shall agree to pay the supplier all relevant fees and charges; g. the customer shall provide contact details for billing purposes; h. if required by the supplier under this Code, the customer shall provide a refundable advance, bank guarantee, or enter into a payment arrangement; and i. the customer shall not have an outstanding debt relating to the supply of natural gas or any other form of gas supplied by that supplier to that customer at a previous supply address (other than a debt the subject of a dispute, or for which repayment arrangements have been made). <p>And in any agreement between the supplier and the customer, the supplier may impose these obligations on the customer.</p>	<p>and accordingly, the licensee may decline to undertake a connection that requires:</p> <ul style="list-style-type: none"> iii. more than 20 metres of service pipe; or iv. any extension to a main, unless the customer bears the cost. <ul style="list-style-type: none"> b. The connection is, unless otherwise agreed between the licensee and the trader, to comprise a standard residential delivery facility. c. The offer to connect is limited to connections to the medium pressure/low pressure part of the distribution system. d. If, in the course of establishing a connection under this clause 3, the licensee opens or breaks up any sealed or paved surface, or damages or disturbs any lawn, landscaping or other improvement at the premises, then the licensee must if necessary fill in any ground to restore it to approximately its previous level, but (unless the licensee agrees otherwise with any person) the licensee is not otherwise obliged reinstate or make good, or pay compensation in respect of any damage to any such surface, lawn, landscaping or other improvement. e. The licensee is not obliged to offer to connect a premises, if that premises is already connected to a distribution system. f. Before establishing the connection, the licensee may require the trader to procure the agreement of the owner of any land through which the service pipe is to pass and on which the delivery facilities will be installed, that the connection may be established. g. Before establishing the connection, the licensee may require the trader to enter into (or to procure its gas supplier to enter into) a gas transportation contract with the licensee. h. Before establishing the connection, the licensee may require the person who is to enter into the gas transportation contract referred to in clause 3.3(g) to meet the licensee's reasonable minimum prudential requirements and credit standards.

AGA Code provision	Equivalent provisions in other instruments
	3.4 Nothing in this clause 3 limits the licensee's ability to recover any connection cost through tariffs for access to the distribution system, or requires such recovery

B.8 Access to supply address

Table B.8: AGA Code provisions referenced in regulation 33(3) of the Gas Regulations

AGA Code provision	Equivalent provisions in other instruments
<p>3.5.2 – Obligations on a supplier or a distributor</p> <p>3.5.2.1</p> <ul style="list-style-type: none"> i. Except in the case of an emergency, suspected illegal use, or routine meter replacements, or the customer consenting to a shorter time, a supplier or distributor intending to undertake inspections, repairs, testing or maintenance of the distribution system at the supply address, shall give the customer at the supply address notice of its intention. ii. Where the notice relates to planned maintenance work being carried out at the customer's supply address, or to planned maintenance on the distribution system, the notice period shall be 4 days, or such longer period as specified by regulatory requirements. iii. Where the notice relates to any work other than that specified in sub-clause (ii), the notice period shall be at least 24 hours or such longer period as specified by regulatory requirements. <p>3.5.2.2</p> <p>A supplier's or distributor's representative seeking access to a customer's supply address under clause 3.5.1.1 shall</p> <ul style="list-style-type: none"> a. wear in a visible manner and in accordance with the supplier's or distributor's requirements, official identification (eg. the supplier's or distributor's name tag with photo); or b. carry such identification and show it to any customer present at the supply address. 	<p><i>Energy Operators (Powers) Act 1979</i></p> <p>s.46</p> <p>11. Where an energy operator intends to exercise any of the power conferred by this section or section 49, notice in writing of that intention shall, where practicable, be given by the energy operator to the owner or occupier of the land, premises or thing to be affected not less than 5 days before the power is to be exercised, save where this Act otherwise provides.</p> <p>12. An energy operator responsible for the operation of existing distribution works may without prior notice enter on any street under the control of a local or other statutory authority and there exercise such of the powers conferred by section 49 as are of a minor or routine nature and are related only to the maintenance or extension of those works, but where any exercise of the powers conferred by that section is likely to affect the use or surface of any such street or the position or use of any pipe, sewer, drain or tunnel then notice in writing of the intention to carry out the works specified therein shall be given by the energy operator to the authority concerned unless subsection (13) or section 48 applies.</p> <p>16. Whenever an energy operator, by its officers, servants or agents, enters or has entered onto any land, premises or thing the officer of the energy operator responsible for the conduct of the entry shall, on request, produce evidence of his appointment and of the authority under which the energy operator claims a right of entry.</p>

B.9 Customer leaving supply address

Table B.9: AGA Code provisions referenced in regulation 35(2) of the Gas Regulations

AGA Code provision	Equivalent provisions in other instruments
<p>4.3.10 – Vacating a supply address</p> <p>4.3.10.1</p> <p>The supplier in any agreement with a customer may require the customer to give the supplier at least 3 business days notice of the date on which the customer intends to vacate the customer's supply address and a forwarding address to which a final bill may be sent.</p> <p>4.3.10.2</p> <p>Where a customer gives notice of vacating a supply address, the supplier may require the customer to remain responsible for paying for natural gas supplied to the supply address and otherwise remain responsible to the supplier in respect of the supply to the date notified under clause 4.3.10.1 unless the customer can demonstrate to the supplier that they were forced to vacate the supply address earlier (eg an eviction).</p> <p>4.3.10.3</p> <p>If a customer does not give notice in accordance with clause 4.3.10.1, the supplier may require the customer to remain responsible for paying for natural gas supplied to the supply address and otherwise remain responsible to the supplier in respect of the supply until 3 business days notice is given, or until a new customer commences to take supply at the supply address, whichever occurs first.</p>	<p>Compendium</p> <p>5.7</p> <ol style="list-style-type: none"> 1. Subject to – <ol style="list-style-type: none"> a. subclauses (2) and (4); b. a customer giving a retailer notice; and c. the customer vacating the supply address at the time specified in the notice, the retailer must not require the customer to pay for gas consumed at the customer's supply address from – <ol style="list-style-type: none"> d. the date the customer vacated the supply address, if the customer gave at least 5 days' notice; or e. 5 days after the customer gave notice, in any other case, unless the retailer and the customer have agreed to an alternative date. 2. If a customer reasonably demonstrates to a retailer that the customer was evicted or otherwise required to vacate the supply address, the retailer must not require the customer to pay for gas consumed at the customer's supply address from the date the customer gave the retailer notice. 3. For the purposes of subclauses (1) and (2), notice is given if a customer – <ol style="list-style-type: none"> a. informs a retailer of the date on which the customer intends to vacate, or has vacated the supply address; and b. gives the retailer a forwarding address to which a final bill may be sent. 4. Notwithstanding subclauses (1) and (2), if – <ol style="list-style-type: none"> a. a retailer and a customer enter into a new contract for the supply address, the retailer must not require the previous customer to pay for gas consumed at the customer's supply address from the date that the new contract becomes effective; b. another retailer becomes responsible for the supply of gas to the supply address, the previous retailer must not require the customer to pay for gas consumed at the customer's supply address from the date

AGA Code provision	Equivalent provisions in other instruments
	<p>that the other retailer becomes responsible; and</p> <p>c. the supply address is disconnected, the retailer must not require the customer to pay for gas consumed at the customer's supply address from the date that disconnection occurred.</p> <p>5. Notwithstanding subclauses (1), (2) and (4), a retailer's right to payment does not terminate with regard to any amount that was due up until the termination of the contract.</p>