

# Western Australia Alternative Electricity Services Code of Practice 2026

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## **Alternative Electricity Services Code of Practice 2026**

Issued by the Minister.

### **Part 1 — Preliminary**

#### **1. Citation**

This code is the *Alternative Electricity Services Code of Practice 2026*.

#### **2. Commencement**

This code comes into operation as follows —

- (a) Part 1 — on the day on which this code is published on the WA legislation website;
- (b) the rest of the code — on the day on which the *Electricity Industry (Alternative Electricity Services) Regulations 2026* regulation 4 comes into operation.

## Part 2 — OPS AES

### 3. Terms used

(1) In this code —

**ABN** means ABN (Australian Business Number) as defined in the *A New Tax System (Australian Business Number) Act 1999* (Cth) section 41;

**business day** means a day other than a Saturday, a Sunday or a public holiday throughout the State;

**electricity industry ombudsman** means the Energy and Water Ombudsman Western Australia performing the functions of electricity industry ombudsman under a scheme approved under Part 7 of the Act and an agreement under the *Parliamentary Commissioner Act 1971* section 34;

**family violence** has the meaning given in the *Restraining Orders Act 1997* section 5A;

**family violence policy** has the meaning given in clause 31(1);

**hardship customer** has the meaning given in clause 27;

**hardship policy** has the meaning given in clause 28(1);

**licensed network** has the meaning given in the *Electricity Industry (Alternative Electricity Services) Regulations 2026* regulation 3;

**nested network** has the meaning given in the *Electricity Industry (Alternative Electricity Services) Regulations 2026* regulation 4(1);

**OPS contract** —

(a) means a contract entered into between an OPS service provider and a customer for the provision of an OPS AES; and

(b) for a small use customer, is an AES customer contract;

**OPS meter**, for an OPS system, means a meter used to measure and record electricity —

(a) produced or stored by the OPS system; and

(b) used from the OPS system;

**OPS service provider** means a registration holder in relation to an OPS AES;

**OPS supply address** means the land on which an OPS system is installed;

**payment plan** has the meaning given in clause 4;

**private network** has the meaning given in the *Electricity Industry (Alternative Electricity Services) Regulations 2026* regulation 4(1);

**residential customer** means a customer who consumes electricity solely for domestic use;

**vulnerable customer** has the meaning given in clause 30(1).

Note for this subclause:

A word or expression used in this code has the same meaning as it has in the Act. See section 59Y(1) and the *Interpretation Act 1984* section 44.

- (2) A word or expression used in this code has the same meaning as it has in the *Electricity Industry (Alternative Electricity Services) Regulations 2026*.

#### 4. Payment plans

- (1) In this code, a **payment plan** means an arrangement between an OPS service provider and a customer to pay, by periodic instalments, any amounts payable by the customer to the provider for, or in relation to, the provision of the OPS service.
- (2) The payment plan must not include —
- (a) fees or other charges for the establishment or ongoing administration of the payment plan; or
  - (b) any interest on amounts payable under the payment plan.

**cl. 5**

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**5. OPS service provider must ensure third party complies with code**

(1) In this clause —

*electricity marketing agent* —

(a) means a person who acts on behalf of an OPS service provider —

(i) for the purpose of obtaining new customers for the provider; or

(ii) in dealings with existing customers in relation to OPS contracts for the provision of an OPS AES;

and

(b) includes a representative, agent or employee of a person referred to in paragraph (a).

(2) An OPS service provider must ensure that any third party engaged by the provider to act on its behalf complies with this code as if the code applied to the third party.

(3) Anything done or not done by the third party on behalf of the provider, that if done or not done by the provider would be a breach of this code, is taken to be a breach of this code by the provider.

(4) For the purposes of this clause, a third party engaged by an OPS service provider to act on its behalf includes an electricity marketing agent.

## Part 3 — OPS service provider requirements

### Division 1 — Pre-contractual requirements

#### 6. Contact for purposes of marketing

(1) In this clause —

*identifying details*, of an OPS service provider, means the provider's name, telephone number and ABN.

(2) An OPS service provider must —

(a) comply with any clearly visible signs at premises that indicate that —

(i) canvassing is not permitted; or

(ii) no advertising or marketing material is to be left at the premises;

and

(b) when contacting a customer, or a potential customer, for the purposes of marketing, provide —

(i) the identifying details of the provider to the customer or potential customer; and

(ii) the contact details of the electricity industry ombudsman.

(3) A person who carries out face-to-face marketing for an OPS service provider must wear a visible and legible identification card displaying the following —

(a) the name of the person;

(b) a photograph of the person;

(c) the name of the provider.

**7. Disclosure statement**

(1) In this clause —

*ACL* means —

- (a) the Australian Consumer Law as defined in the *Competition and Consumer Act 2010* (Cth) section 4(1); and
- (b) the Australian Consumer Law (WA) as defined in the *Fair Trading Act 2010* section 17(1).

(2) Before entering into an OPS contract with a person who will be a customer under the OPS contract, an OPS service provider must give the person a written disclosure statement.

(3) The disclosure statement must contain the following information —

- (a) that the OPS contract is separate from, and additional to, any contract for the supply of electricity to the customer from a licensed network, nested network or private network;
- (b) a statement that this code and the ACL applies to the provider;
- (c) how a customer can access a copy of this code;
- (d) a summary of the main rights and obligations of the customer and the provider under the OPS contract, including the rights of each party to vary or terminate the OPS contract;
- (e) the circumstances under which a customer may, or may be required to, purchase an OPS system outright;
- (f) the following costs, prices, fees and charges payable by a customer —
  - (i) the estimated costs over the first 12 months of an OPS contract, including how the costs are calculated;

- (ii) the price per unit for electricity or any applicable subscription fees, membership fees or other charges, including their frequency;
- (iii) any other fees and charges (such as late payment fees or early termination fees) that might be charged under the OPS contract;
- (g) a description of a customer's entitlement to consume or use electricity from an OPS system and, if the entitlement is limited in any way, a clear summary of the limitation and the circumstances in which the limitation applies;
- (h) whether the OPS system can operate independently of the supply of electricity to a customer from a licensed network, nested network or private network;
- (i) a general schedule of maintenance for an OPS system including —
  - (i) the type of access that is required to be provided by a customer for the provider to maintain the OPS system; and
  - (ii) how the customer will be notified about maintenance work on the OPS system;
- (j) the contact details of the person who will perform maintenance of, or repairs to, the OPS system;
- (k) information about how the provider will assist if a customer is —
  - (i) a hardship customer; or
  - (ii) experiencing family violence;
- (l) how a customer can make a complaint to the provider;
- (m) how a small use customer can refer a complaint or dispute to the electricity industry ombudsman;
- (n) the telephone number for interpreter services, identified by the National Interpreter Symbol and services that can assist customers with a speech or hearing impairment.

## **Division 2 — Contract requirements**

### **8. Content of OPS contract**

- (1) An OPS service provider must ensure that an OPS contract includes the following information —
  - (a) the payment options available to the customer;
  - (b) the frequency at which the customer will be billed;
  - (c) the prices, or the fees or charges (including membership or subscription fees), that apply in relation to the production, consumption or use of electricity under the contract;
  - (d) any other fees or charges that may be payable by the customer under the contract;
  - (e) any right of the provider to unilaterally vary prices, fees or charges, including an explanation of the circumstances in which they may be varied;
  - (f) the rights of the parties to terminate, vary or assign the contract;
  - (g) how the customer may, or may be required to, purchase the OPS system at the end of the contract term and a description of the cost of the purchase (such as a depreciated schedule), if applicable;
  - (h) a description of the customer's entitlement to consume or use electricity from the OPS system and, if the entitlement is limited in any way —
    - (i) a clear summary of the limitation and the circumstances in which the limitation applies (the *control event*); and
    - (ii) an estimate of how often the control event may occur in a year; and
    - (iii) an outline of the practical impact of the control event on the customer; and

- (iv) whether there are penalties or compensation for the customer in connection with the control event; and
  - (v) whether the customer will be notified before, during or after, the control event;
  - (i) whether the OPS system operates independently of the supply of electricity to the customer from a licensed network, nested network or private network and, if it does, its capacity to supply electricity under those circumstances;
  - (j) the circumstances in which the provider may disrupt the supply of electricity from the OPS system to the customer.
- (2) The contract must include a cooling-off period of at least 10 business days during which the customer may, by written notice to the provider, terminate the contract.

### **Division 3 — General requirements**

#### **9. OPS service provider must give customer copy of OPS contract**

An OPS service provider that enters into an OPS contract with a customer must give to the customer, at no charge, a copy of the OPS contract at the time the OPS contract is entered into.

#### **10. Pricing**

- (1) An OPS service provider must, on the request of a customer, give the customer information about the provider's prices, fees and charges.
- (2) An OPS service provider must not charge unreasonable late payment fees for late payment of an amount due under the OPS contract.

- (3) An OPS service provider must not demand payment of any amount from a customer otherwise than in accordance with —
  - (a) the OPS contract to which the provider and customer are both parties; or
  - (b) this code.

**11. Variation to prices, fees or charges**

- (1) An OPS service provider must give a customer notice of any variation of the prices, fees or charges payable by the customer.
- (2) The notice must be given to the customer at least 5 business days before the variation applies.
- (3) The notice must include the following information —
  - (a) the date on which the variation will apply;
  - (b) the customer's existing prices, fees or charges;
  - (c) the customer's prices, fees or charges after the variation applies.
- (4) The variation to the customer's prices, fees or charges must not apply before —
  - (a) the first day of the next billing period after the day on which the notice is given to the customer; or
  - (b) if another day is agreed between the provider and the customer — the agreed day.
- (5) The provider must not vary a price, fee or charge except as provided under the OPS contract.

**12. Obligation to notify customer of change of OPS service provider**

- (1) This clause applies if —
  - (a) a person becomes the OPS service provider for an OPS system because the person is granted a registration for the OPS AES under Part 3A of the Act; and

- (b) immediately before the person becomes the provider for the OPS system, another person was the provider for the OPS system.
- (2) The person must, within 48 hours after becoming the provider for the OPS system —
  - (a) give the customer in relation to the OPS system written notice that the person is the provider for the OPS system; and
  - (b) provide the customer with the name and contact details of the provider.

**13. Disruption of supply for maintenance or repairs**

An OPS service provider carrying out maintenance or repairs on an OPS system must —

- (a) at least 3 business days before the maintenance or repairs, give the customer notice of any period during which the supply of electricity from the OPS system will be disrupted and the reason for the disruption; and
- (b) as soon as reasonably practicable, restore the supply of electricity from the OPS system to the OPS supply address.

**14. Policies must be published on website**

- (1) An OPS service provider that maintains a website must publish the following information on its website —
  - (a) the provider's hardship policy;
  - (b) the provider's family violence policy;
  - (c) the provider's complaints and dispute resolution procedure;
  - (d) the contact details for the electricity industry ombudsman;
  - (e) an electronic link to access a copy of this code.

- (2) The provider must, on the customer's request, give a hard copy of the information to the customer without charge.

**15. Written information must be easy to understand**

Written information given to a customer by an OPS service provider under this code must be —

- (a) expressed in clear, simple and concise language; and  
(b) provided in a format that is easy to read.

**Division 4 — Metering requirements**

**16. Meter must be installed at OPS supply address**

- (1) An OPS service provider must ensure that an OPS meter is connected to an installed OPS system.
- (2) The OPS meter must comply with —
- (a) any applicable specifications or guidelines specified by the National Measurement Institute under the *National Measurement Act 1960* (Cth); and
- (b) any other applicable standard required under a written law.

**17. Meter testing**

- (1) This clause applies if a customer requests an OPS service provider to test an OPS meter.
- (2) The provider must test the OPS meter no later than 10 business days after the request is made.
- (3) The test must —
- (a) determine whether the OPS meter is measuring (as applicable) the production of electricity by, or the consumption or use of electricity from, the OPS system; and
- (b) measure the accuracy of the OPS meter.

- (4) If the test determines that the OPS meter is not faulty, the provider may require the customer to pay a reasonable charge for carrying out the test.

**18. OPS service provider must read meter on request**

- (1) An OPS service provider for an OPS system must, at the request of the customer, read the OPS meter for the OPS system.
- (2) If the OPS meter is read on a day other than a day on which the meter would have ordinarily been read, the provider may require the customer to pay a reasonable charge for the meter reading.

Consultation Draft

## **Part 4 — Billing**

### **Division 1 — Bills**

#### **19. Issue of bills**

- (1) An OPS service provider must issue a bill to a customer —
  - (a) at regular intervals in accordance with a billing period agreed between the provider and the customer; or
  - (b) otherwise — at least once every 60 days.
- (2) The bill must be issued to the customer —
  - (a) in paper form or electronic form; or
  - (b) using a mobile application or an electronic communication portal, but only if the customer consents to its use.
- (3) The provider must not charge a customer a fee for the provision of a bill in paper form.

#### **20. Contents of bill**

- (1) In this clause —

*ACN* has the meaning given in the *Corporations Act 2001* (Cth) section 9;

*customer details*, of a customer, means —

- (a) the customer's name; and
- (b) the customer's email address; and
- (c) the OPS supply address for the customer; and
- (d) whether the customer is an individual or a body corporate;

*GST* has the meaning given in the *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

- (2) An OPS service provider must include the following information on a customer's bill —
- (a) the name (including any trading name), ABN or ACN and contact details of the provider;
  - (b) the OPS supply address for the customer;
  - (c) the customer details of the customer;
  - (d) the customer's account number or unique identifier;
  - (e) the meter identification number of any OPS meter installed at the OPS supply address;
  - (f) the amount of electricity —
    - (i) produced by, or consumed or used by the customer from, the OPS system; or
    - (ii) if the bill is based on an estimate — estimated to be produced by the OPS system;
  - (g) the telephone number for interpreter services, identified by the National Interpreter Symbol and services that can assist customers with a speech or hearing impairment;
  - (h) a telephone number and email address for billing and payment enquiries;
  - (i) if the customer is a residential customer — information about the provider's hardship policy and family violence policy;
  - (j) the contact details for the electricity industry ombudsman.
- (3) The bill must include the following information in relation to the amount due —
- (a) the total amount due;
  - (b) the start and end dates of the period covered by the bill;
  - (c) the date by which the bill must be paid or, if the provider and customer have agreed that payment may be made by direct debit, the date when the amount due will be debited;

- (d) the price per unit for the electricity used or consumed by the customer, if applicable;
  - (e) the amount owed by, or held to the credit of, the customer;
  - (f) a description of any other fees or charges payable, including the amounts payable;
  - (g) if the customer is under a payment plan — payments made under the payment plan and the total amount still owed under the payment plan;
  - (h) that a late payment fee may be charged if payment is not made by the due date;
  - (i) the methods for payment of the bill.
- (4) For the purposes of subclause (3)(b), the date for payment must not be earlier than 7 days after the date on which the bill is issued.
- (5) Each amount shown on a bill must indicate whether it is inclusive of GST and the amount of GST payable.

**21. Calculation of certain amounts for supply of electricity**

- (1) This clause applies to an OPS service provider required to calculate an amount payable for the production, consumption or use of electricity from an OPS system based on a cents per kilowatt hour rate.
- (2) The provider must —
- (a) read the customer's OPS meter; or
  - (b) if the provider is not reasonably able to read the OPS meter — estimate the production of electricity by the OPS system.

- (3) If subclause (2)(b) applies, the customer's bill must be accompanied by —
  - (a) a statement that the amount due is based on an estimate of the production of electricity from the OPS system; and
  - (b) an explanation of the method used to determine the estimate.

## **22. Billing data**

- (1) An OPS service provider must keep a record of billing data for at least 2 years after the record is made.
- (2) The provider must, on request by a customer, give the customer a copy of the customer's billing data.
- (3) The provider may require the customer to pay a reasonable charge for the billing data only if the request is made within 6 months after the customer's previous request for the billing data.

## **23. Payment methods**

- (1) An OPS service provider must accept payment for a bill —
  - (a) by electronic funds transfer; or
  - (b) by at least 1 other method of payment nominated by the provider.
- (2) This clause does not limit any other method for the payment of a bill that may be agreed between the provider and the customer, including the option of payment by direct debit.

**24. Review of bill**

- (1) An OPS service provider must, on request by a customer, review the customer's bill.
- (2) If the provider determines that the bill is correct, the provider —
  - (a) may require the customer to pay the bill; and
  - (b) must advise the customer that the customer may request a meter test; and
  - (c) must advise the customer about —
    - (i) the provider's complaints and dispute resolution procedure; and
    - (ii) how to make a complaint to the electricity industry ombudsman.

**Division 2 — Undercharging and overcharging**

**25. Undercharging**

- (1) This clause applies if a customer has been undercharged as a result of —
  - (a) an act or omission of an OPS service provider; or
  - (b) a fault in, or incorrect operation of, the OPS meter installed at the customer's supply address.
- (2) The provider must, as soon as practicable after becoming aware of the undercharging, inform the customer about —
  - (a) the amount undercharged; and
  - (b) whether the customer must pay the amount; and
  - (c) if the customer must pay the amount — a description of the services covered by the amount.
- (3) The customer is not required to pay —
  - (a) any amount undercharged more than 12 months before the customer is notified about the undercharging; or

- (b) any interest on the amount owed as a result of the undercharging.
- (4) If the customer is a residential customer, the provider must offer the customer time to pay the amount under a payment plan for a period at least equal to the period during which the undercharging occurred.

**26. Overcharging**

- (1) If a customer is overcharged by an OPS service provider, the provider must inform the customer of the overcharged amount within 10 business days after becoming aware of it.
- (2) The provider must, within 20 business days after informing the customer —
  - (a) if requested by the customer — pay the overcharged amount into a bank account nominated by the customer; or
  - (b) otherwise — credit the overcharged amount to the customer, including towards payment of the customer's debt to the provider, if any.
- (3) No interest is payable on an overcharged amount.

## **Part 5 — Financial hardship and family violence**

### **Division 1 — Financial hardship**

#### **27. Hardship customers**

A *hardship customer* is a residential customer identified by the customer's OPS service provider as a customer experiencing payment difficulties due to financial hardship.

#### **28. Hardship policy**

- (1) An OPS service provider must develop, maintain and implement a *hardship policy* to assist hardship customers to manage their payments to the provider on an ongoing basis.
- (2) The hardship policy must include the following information —
  - (a) a statement encouraging customers to contact the provider if they are experiencing difficulties paying their bill;
  - (b) processes for identifying hardship customers including —
    - (i) how a customer may nominate a person to communicate with the provider on their behalf; and
    - (ii) the information about a customer that the provider may reasonably request from the customer to assess whether the customer is a hardship customer; and
    - (iii) how and when the customer will be notified about whether the customer is a hardship customer;
  - (c) that the provider will treat all customers sensitively and respectfully;
  - (d) that the provider will offer hardship customers additional time to pay an amount due through a payment plan;

- (e) that the provider will consider reducing or waiving the fees, charges or debt of hardship customers;
  - (f) how to identify appropriate financial counselling services and programs to assist customers;
  - (g) how the provider will treat information disclosed by the customer to the provider and information held by the provider in relation to the customer.
- (3) The provider must, as soon as practicable after identifying the customer as a hardship customer, inform the customer about the provider's hardship policy.

**29. Non-residential customers**

- (1) In this clause —  
*non-residential customer* means a customer who is not a residential customer.
- (2) An OPS service provider must consider a reasonable request for a payment plan from a non-residential customer that is experiencing payment difficulties.

**Division 2 — Family violence**

**30. Customers affected by family violence**

- (1) An OPS service provider must identify a residential customer as a customer affected by family violence (a *vulnerable customer*) if —
- (a) the customer informs the provider that the customer is affected by family violence; or
  - (b) the provider otherwise has reason to believe that the customer is affected by family violence.
- (2) The provider must inform vulnerable customers about its family violence policy.
- (3) The provider must not require written evidence of family violence from a residential customer.

**31. Family violence policy**

- (1) An OPS service provider must develop, maintain and implement a *family violence policy* to assist vulnerable customers.
- (2) The family violence policy must contain the following information —
  - (a) a statement that the provider will, on the customer's request, take reasonable steps to protect the vulnerable customer's information;
  - (b) processes to establish, record and use a safe method of communication with a vulnerable customer;
  - (c) flexible payment options (including payment plans) for the payment of bills by vulnerable customers;
  - (d) processes to ensure that a vulnerable customer does not have to refer to, or disclose, their situation during each contact with the provider or another person acting on behalf of the provider;
  - (e) processes to review, and reduce or waive, any fees and charges payable by a vulnerable customer;
  - (f) processes to consider the potential impact of debt collection on a vulnerable customer;
  - (g) processes to determine whether another person is responsible for an amount owing for electricity supplied to a vulnerable customer's supply address;
  - (h) processes to review the circumstances of a vulnerable customer before taking action for failure to pay an amount due.

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## Part 6 — Disconnection and reconnection of OPS system

### 32. Disconnection for failure to pay bill

- (1) In this Part —  
*disconnect*, in relation to an OPS system, means to take action in order to prevent the flow of energy from the OPS system to a customer's OPS supply address.
- (2) This clause applies if a customer of an OPS service provider does not —
  - (a) pay an amount owed to the provider by the due date, including any instalment under a payment plan; and
  - (b) enter into a payment plan or other payment arrangement with the provider to pay the amount due.
- (3) The provider must, at least 15 business days after the amount is due, give the customer written notice of the following —
  - (a) the provider's telephone number for billing and payment enquiries;
  - (b) if the customer is a residential customer — the provider's hardship policy and family violence policy;
  - (c) that the provider may, at least 10 business days after the notice is given, arrange to disconnect the customer's OPS system if the customer does not pay the amount due;
  - (d) the provider's complaint handling processes, including information about the electricity industry ombudsman.
- (4) The provider may arrange for the disconnection of the customer's OPS system if, at least 10 business days after the notice is given, the customer has not paid the amount due or entered into a payment plan with the provider to pay the amount due.

**cl. 33**

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- (5) This clause does not apply to a customer if —
- (a) the amount due does not relate to the supply of electricity; or
  - (b) the amount due does not relate to the customer's OPS supply address, other than an OPS supply address previously occupied by the customer; or
  - (c) the amount due is less than \$100; or
  - (d) each of the following applies —
    - (i) the customer has made a complaint to, or lodged a dispute with, the OPS service provider;
    - (ii) the complaint or dispute is unresolved.

**33. Obligation on OPS service provider to arrange reconnection**

- (1) This clause applies if an OPS system at a customer's OPS supply address has been disconnected by, or on behalf of, an OPS service provider under clause 32.
- (2) The provider must arrange for the OPS system to be reconnected if the customer —
- (a) pays the provider the amount or instalment owed; or
  - (b) enters into a payment plan or other payment arrangement with the provider for the amount owed.
- (3) The OPS system must be reconnected within 2 business days after the customer makes the payment or enters into the plan or arrangement (as applicable).
- (4) The provider may charge a reasonable fee for reconnection of the supply address.

## Part 7 — Complaints and dispute resolution

### 34. Complaints and dispute resolution procedure

- (1) An OPS service provider must develop, maintain and implement a complaints and dispute resolution procedure.
- (2) The complaints and dispute resolution procedure must include the following —
  - (a) how complaints may be made by customers;
  - (b) how complaints and disputes will be handled by the provider;
  - (c) how and when the provider will provide a response to the complaint or dispute;
  - (d) how to escalate a complaint or dispute to the electricity industry ombudsman.
- (3) The complaints and dispute resolution procedure must be consistent with AS/NZS 10002:2022.
- (4) The provider must not charge a fee for dealing with a complaint or resolving a dispute.

### 35. Advice about outcome of complaint

An OPS service provider must, within 20 business days after receiving a written complaint from a customer, inform the customer of the following —

- (a) the outcome of the customer's complaint, including the reasons for the outcome;
- (b) that the customer may refer the complaint or dispute to the electricity industry ombudsman;
- (c) the contact details for the electricity industry ombudsman.

Minister for Energy

Consultation Draft