



Queensland Government
Department of **Mines and Energy**

Electricity (Retail Billing Guaranteed Service Level Scheme) Code

made under the *Electricity Act 1994*

**First Edition: made 15 September 2008
effective 19 September 2008**

This First Edition of the Electricity (Retail Billing Guaranteed Service Level Scheme) Code—

- was made under section 120B of the *Electricity Act 1994* (**'the Act'**) by the Minister for Mines and Energy, as Minister under the Act on 15 September 2008. Pursuant to section 120D of the Act, a notice was published in the Queensland Government Gazette on 19 September 2008 stating the Minister had made the Code; and
- pursuant to section 120D(2) of the Act, came into effect on 19 September 2008.

Contents

CHAPTER 1: THIS CODE	2
1.1 Introduction	2
1.1.1 Code objective	2
1.1.2 Scope of the Code	2
1.1.3 Authority	2
1.1.4 Date of effect	2
1.1.5 Application	2
1.1.6 Obligation to remedy	3
1.1.7 Amendment of Code	3
1.1.8 Interpretation	3
1.1.9 Other relevant instruments	3
CHAPTER 2: RETAIL BILLING GUARANTEED SERVICE LEVEL	4
2.1 Application of this Chapter	4
2.1.1 Application of this Chapter	4
2.1.2 Reference to <i>retail entity</i> includes <i>Country Energy</i>	4
2.2 <i>Guaranteed service level</i>	4
2.2.1 Application	4
2.2.2 Billing errors	4
2.2.3 Claiming a GSL rebate	6
2.2.4 How a GSL rebate is paid	6
2.2.5 Processing claims	6
2.2.6 GST	6
2.2.7 Effect of a GSL rebate	7
2.2.8 Disputes about GSL rebates	7
2.3 Reporting and monitoring	7
2.3.1 Retail entity must monitor compliance	7
2.3.2 Reporting requirements	7
CHAPTER 3: GENERAL	9
3.1 Definitions and interpretation	9
3.1.1 Definitions	9
3.1.2 Interpretation	10

CHAPTER 1: THIS CODE

1.1 Introduction

1.1.1 Code objective

The objective of this *Code* is to:

- (a) promote *small customers*' confidence in the billing processes and systems of electricity *retail entities*; and
- (b) in turn, promote *small customers*' confidence in the competitive electricity market in Queensland,

for the long-term interests of Queensland *small customers*.

1.1.2 Scope of the Code

The scope of this *Code* is to:

- (a) set a *guaranteed service level* with respect to the accuracy of bills to *small customers* for *customer retail services*, which require a *retail entity* or specified *special approval holder* to provide a *GSL rebate* to a *small customer* where that service level is not met; and
- (b) require each *retail entity* and specified *special approval holder* to report to the *QCA* on its performance against the *guaranteed service level*.

1.1.3 Authority

This *Code* is made by the *Minister* under section 120B of the *Electricity Act*.

1.1.4 Date of effect

In accordance with section 120D(2) of the *Electricity Act*, this *Code* takes effect on and from 19 September 2008.

1.1.5 Application

- (a) Each *retail entity* must comply with this *Code* as a condition of its *retail authority*.
- (b) *Country Energy*, in respect of *customers* provided with *customer retail services* under its *special approval* number SA21/98, must comply with this *Code* as a condition of that *special approval*.
- (c) To avoid doubt, this *Code* does not apply to a *special approval holder* other than *Country Energy*.

1.1.6 Obligation to remedy

If a *retail entity* or specified *special approval holder* breaches this *Code*, it must remedy that breach as soon as practicable.

1.1.7 Amendment of Code

This *Code* may only be amended in accordance with the procedure and consultation processes set out in the *Electricity Act* and *Electricity Regulation*.

1.1.8 Interpretation

Words appearing like *this* are defined in clause 3.1.1.

1.1.9 Other relevant instruments

Not all aspects of a *retail entity's* or specified *special approval holder's* obligations are regulated by this *Code*. Their obligations and some aspects of their relationships with a *customer* are also affected by a number of instruments, including:

- (a) the *Electricity Act*;
- (b) the *Electricity Regulation*;
- (c) the *Electricity Industry Code*;
- (d) the *National Electricity Law*;
- (e) the *National Electricity Rules*;
- (f) a *retail entity's retail authority*;
- (g) a *retail entity's retail contract*; and
- (h) a *special approval holder's special approval*.

CHAPTER 2: RETAIL BILLING GUARANTEED SERVICE LEVEL

2.1 Application of this Chapter

2.1.1 Application of this Chapter

This Chapter applies to:

- (a) all *retail entities*; and
- (b) *Country Energy* in respect of *customers* to whom it provides *customer retail services* under its *special approval* number SA21/98,

in relation to *small customers* only and irrespective of whether the *small customer* is a *market customer* or a *non-market customer*.

2.1.2 Reference to *retail entity* includes *Country Energy*

Hereinafter in this Chapter, any reference to a *retail entity* includes *Country Energy* in respect of *customers* to whom it provides *customer retail services* under its *special approval* number SA21/98.

2.2 Guaranteed service level

2.2.1 Application

- (a) This clause 2.2 applies to a *small customer* who is the named electricity account holder for *premises*.
- (b) A *retail entity* is required to give only one *GSL rebate* per electricity account for each event giving rise to a *GSL rebate* regardless of the number of account holders or *premises* listed on the account affected by the event.

2.2.2 Billing errors

- (a) If:
 - (i) a *retail entity* issues a *small customer* with an electricity bill that contains a material error; and
 - (ii) before the *small customer* receives from the *retail entity* a replacement electricity bill that does not include the material error, the *small customer* pays the full amount of the electricity bill inclusive of the material error,

then the *small customer* is eligible for a *GSL rebate* from the *retail entity* as follows:

- (iii) if the error is at least \$0.40 but less than \$10 — a *GSL Rebate* of \$15;
 - (iv) if the error is \$10 or more — a *GSL Rebate* of \$40.
- (b) In this clause, material error means the *small customer* has been overcharged by at least \$0.40 as a result of an error on the part of the *retail entity* in relation to one or more of the following:
- (i) the electricity bill did not include the whole or part of a *Queensland Government Electricity Rebate* to which the *small customer* is entitled;
 - (ii) the electricity bill included a charge for the *Ambulance Levy* when the customer is exempt from paying the *Ambulance Levy*;
 - (iii) the electricity bill included an incorrect price or rate for *customer retail services*.
- (c) To avoid doubt, in this clause, material error does not include an error resulting from one or more of the following events:
- (i) a *meter* reading error;
 - (ii) a faulty or inaccurate *meter*;
 - (iii) if the *small customer* was advised by the *retail entity* of the need for the customer to inform the *retail entity* of the *small customer's* eligibility for the *Queensland Government Electricity Rebate* and *Ambulance Levy* exemption and either:
 - (A) the *small customer* did not so inform the retail entity; or
 - (B) the *small customer* provided incorrect or insufficient information to the *retail entity*;
 - (iv) incorrect information having been provided to the *retail entity* by a third party (e.g. Department of Communities or Centrelink);
 - (v) an adjustment to the *small customer's* electricity bill because:
 - (A) the previous electricity bill was issued to the *small customer* on the basis of an estimate of electricity consumption; and
 - (B) the current electricity bill was issued to the *small customer* on the basis of a *meter* reading;
- (d) For the purpose of paragraph (a)(ii), an electricity bill is deemed to have been received by the *small customer*:

- (i) on the date it is handed to the *small customer*, left at the *small customer's premises* or successfully faxed to the *small customer* (which occurs when the *retail entity* receives a transmission report to that effect);
 - (ii) on the date two business days after the *retail entity* posts it to the *small customer's premises* or contact address; or
 - (iii) where use of email has been agreed between the *small customer* and the *retail entity*, on the date of transmission unless the *retail entity* receives notice that delivery did not occur or has been delayed.
- (e) For the purposes of paragraph (c) (iii), advice by the *retail entity* to a *small customer* may be given in writing or by telephone, by the *retail entity* or a *marketer* or *salesperson* acting on behalf of the *retail entity*.

2.2.3 Claiming a GSL rebate

- (a) A *retail entity* must use best endeavours to automatically give a *GSL rebate* to a *small customer* eligible for it under clause 2.2.2.
- (b) However, a *small customer* may make a claim for a *GSL rebate* under clause 2.2.2 where a *retail entity* has not done so.
- (c) Any claim by a *small customer* for a *GSL rebate* under clause 2.2.2 must be made within four months of the customer paying an electricity bill that contains a material error.

2.2.4 How a GSL rebate is paid

- (a) A *retail entity* must give a *GSL rebate* to a *small customer* entitled to it by crediting that *customer's* next electricity bill (after allowing for the time necessary to process that *GSL rebate*).
- (b) Subject to paragraph (c), if a *small customer's* *GSL rebate* exceeds the amount owing on its next bill, then the *retail entity* must continue to apply any remaining amount of the *GSL rebate* against future bills of the *small customer*.
- (c) If a *small customer* is no longer the account holder for the *premises*, a *retail entity* does not need to pay out any amount of a *GSL rebate* remaining after the final bill, and that remaining amount is cancelled.

2.2.5 Processing claims

A *retail entity* must process a claim for a *GSL rebate* promptly.

2.2.6 GST

All amounts specified in this clause 2.2 include *GST* (if any is payable).

2.2.7 Effect of a GSL rebate

- (a) The making of a *GSL rebate* by a *retail entity*, and the receipt of a *GSL rebate* by a *small customer*, does not in any way alter or diminish the obligations and rights of the *retail entity* and the *small customer* under the *Electricity Industry Code* in relation to billing, meter reading, and undercharging and overcharging.
- (b) A *small customer*'s receipt of a *GSL rebate* does not in any way alter or diminish any rights which it may have against any person under trade practices or other applicable legislation, common law or contract.
- (c) A *retail entity* does not make any admission of legal liability or a breach of the *Code* in giving a *GSL rebate*.

2.2.8 Disputes about GSL rebates

- (a) If a *small customer* has a dispute about a *GSL rebate* under this clause 2.2, it must be dealt with in accordance with the *retail entity*'s complaint handling process under clause 4.6.3 of the *Electricity Industry Code*.
- (b) If the dispute is not resolved under the *retail entity*'s complaint handling process, the *small customer* may refer the dispute to the *Energy Ombudsman*.
- (c) To avoid doubt, the *Energy Ombudsman* may decide whether a *GSL rebate* is payable or not without referring the matter to the *QCA*. A decision by the *Energy Ombudsman* that a *retail entity* must make a *GSL rebate* is not evidence that the *retail entity* has breached the *Code*.

2.3 Reporting and monitoring

2.3.1 Retail entity must monitor compliance

A *retail entity* must monitor its compliance with the *guaranteed service level*, to enable it to provide the reports to the *QCA* specified in clause 2.3.2.

2.3.2 Reporting requirements

- (a) Within two months of the end of each *quarter*, a *retail entity* must submit a report to the *QCA* detailing the following for the preceding *quarter* and for the *financial year* to the end of that *quarter*:
 - (i) compliance with the *guaranteed service level*, including:
 - (A) the number of *GSL rebates* given and the amount of such rebates;
 - (B) the number of *GSL rebate* claims; and
 - (C) the number of rejected *GSL rebate* claims; and

- (ii) any other matter reasonably notified by the *QCA*.
- (b) However, a *retail entity's* report under paragraph (a) for the *quarter* ended 30 September 2008 need not be submitted to the *QCA* until the *retail entity* submits its report for the quarter ended 31 December 2008.
- (c) The *retail entity* must also provide any other further reports reasonably required by the *QCA* in respect of the *guaranteed service level* from time to time.
- (d) Each report must be submitted in the format determined by the *QCA*.
- (e) When a *retail entity* submits a report to the *QCA* under this clause, the *retail entity* must also send a copy of the report to the *Regulator*.

3.1 Definitions and interpretation

3.1.1 Definitions

Ambulance Levy means the community ambulance cover levy imposed under the *Community Ambulance Cover Act 2003*.

Code means this Electricity (Retail Billing Guaranteed Service Level Scheme) Code.

Country Energy means Country Energy established under the *Energy Services Corporations Act 1995* (NSW).

customer has the meaning given in the *Electricity Act*.

customer retail services has the meaning given in the *Electricity Act*.

Electricity Act means the *Electricity Act 1994* (Qld).

Electricity Industry Code means the Electricity Industry Code made by the Minister on 28 June 2007 under section 120B of the *Electricity Act* and including any subsequent amendments made to that Code.

electricity legislation means the *Electricity Act*, the *Electricity - National Electricity Scheme (Queensland) Act 1997* (Qld) and regulations, standards, codes, protocols and rules made under those Acts.

Electricity Regulation means the *Electricity Regulation 2006* (Qld).

Energy Ombudsman means the Energy Ombudsman established by the *Energy Ombudsman Act 2006* (Qld).

GSL rebate means a *guaranteed service level* rebate to be given in accordance with clause 2.2.

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

guaranteed service level means a guaranteed service level set out in clause 2.2.

market customer has the meaning given in the *Electricity Act*.

marketer has the meaning given in the *Electricity Industry Code*.

meter has the meaning given in the *National Electricity Rules*.

Minister means the Minister under the *Electricity Act*.

National Electricity Law has the meaning given in the *Electricity - National Scheme (Queensland) Act 1997* (Qld).

National Electricity Rules means the rules made under the *National Electricity Law* applied as the law of Queensland.

negotiated retail contract has the meaning given in the *Electricity Act*.

non-market customer has the meaning given in the *Electricity Act*.

premises has the meaning given in the *Electricity Act*.

QCA has the meaning given in the *Electricity Act*.

Queensland Government Electricity Rebate means the rebate on electricity charges payable to eligible pensioners and other concession card holders and which is the subject of a community services agreement under section 55DA of the *Electricity Act*.

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

Regulator has the meaning given in the *Electricity Act*.

retail authority has the meaning given in the *Electricity Act*.

retail contract means either a *standard retail contract* or *negotiated retail contract*.

retail entity means an entity that holds a *retail authority*.

salesperson has the meaning given in the *Electricity Industry Code*.

small customer has the meaning given in the *Electricity Act*.

special approval has the meaning given in the *Electricity Act*.

special approval holder means an entity that holds a *special approval*.

standard retail contract has the meaning given in the *Electricity Act*.

Other grammatical forms of words defined in the dictionary are taken to have a corresponding meaning.

3.1.2 Interpretation

Unless the contrary intention appears, a reference in this *Code* to:

- (a) **(headings)** headings are for convenience only and do not affect the interpretation of this *Code*;
- (b) **(variations or replacement)** a document (including this *Code*) includes any variation or replacement of it;
- (c) **(clauses, schedules and annexures)** a clause, schedule or annexure is a reference to a clause in, or schedule or annexure, to this *Code*;

- (d) **(reference to statutes)** a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them;
- (e) **(law)** law means common law, principles of equity, and laws made by parliament (and laws made by parliament include State, Territory and Commonwealth laws and regulations and other instruments under them, and consolidations, amendments, re-enactments or replacements of any of them);
- (f) **(singular includes plural)** the singular includes the plural and vice versa;
- (g) **(person)** the word “person” includes an individual, a firm, a body corporate, a partnership, a joint venture, an unincorporated body or association, or any government agency;
- (h) **(dollars)** \$ is a reference to the lawful currency of Australia;
- (i) **(calculation of time)** if a period of time dates from a given day or the day of an act or event, it is to be calculated exclusive of that day;
- (j) **(reference to a day)** a day is to be interpreted as the period of time commencing at midnight and ending 24 hours later;
- (k) **(meaning not limited)** the words “include”, “including” or “for example” are not used as, nor are they to be interpreted as, words of limitation, and, when introducing an example, do not limit the meaning of the words to which the example relates to that example or examples of a similar kind;
- (l) **(next business day)** if an event under this agreement must occur on a stipulated day which is not a *business day* then the stipulated day will be taken to be the next *business day*;
- (m) **(reference to anything)** anything (including any amount) is a reference to the whole and each part of it; and
- (n) **(footnotes)** footnotes are for reference only and do not affect the interpretation of the *Code*.