

Electricity Industry Participation Code Amendment (Requirements to Improve Awareness of Dispute Resolution Scheme and the Electricity Plan Comparison Site) 2020

Under section 38 of the Electricity Industry Act 2010, and having complied with section 39 of that Act, I make the following amendments to the Electricity Industry Participation Code 2010.

At Wellington on the 7th day of October 2020



Dr Thomas Brent Layton
Chair
Electricity Authority

Certified in order for signature:



Thomas Hannah
Senior Legal Counsel
Electricity Authority

6 October 2020



Nick Crang
Partner
Duncan Cotterill

6 October 2020

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Amendment

1 Title

This is the Electricity Industry Participation Code Amendment (Requirements to Improve Awareness of Dispute Resolution Scheme and the Electricity Plan Comparison Site) 2020.

2 Commencement

This amendment comes into force on 1 April 2021.

3 Code amended

This amendment amends the Electricity Industry Participation Code 2010.

4 New clauses 11.30A to 11.30E inserted

After clause 11.30, insert—

“11.30A Provision of information on dispute resolution scheme

- “(1) Each **retailer** and **distributor** must provide information in the circumstances specified in subclauses (2) and (3) about the dispute resolution scheme identified under clause 3 of Schedule 4 of the Act.
- “(2) The information required by subclause (1) must be clearly and prominently published on any website that—
- “(a) is maintained by, or on behalf of, the **retailer** or **distributor**; and
 - “(b) deals with, describes or offers the supply of **electricity** or **line function services** by the **retailer** or **distributor**, or by an agent or related entity of the **retailer** or the **distributor**.
- “(3) The information required by subclause (1) must also be clearly and prominently provided—
- “(a) as part of or accompanying any communication personalised for a specific named **consumer** (whether in print, electronic or other medium) from the **retailer** or **distributor**, or by an agent or related entity of the **retailer** or **distributor**, about—
 - “(i) billing or charges to, or payments owed by or made by, the **consumer** for the supply of **electricity** or **line function services**, including any invoice, request for payment or statement of account; or
 - “(ii) the terms and conditions for the supply of **electricity** or **line function services** to the **consumer**, including the prices, tariffs, energy plan, price plan, tariff plan and terms of service for the **consumer**; and
 - “(b) in association with or in the course of the **retailer** or **distributor**, or any person on behalf of the **retailer** or **distributor**, responding in any form, to any query from a **consumer**, including—
 - “(i) in association with or in the course of any telephone call from a **consumer**; or
 - “(ii) in any emails.
- “(4) A **retailer** or **distributor** may meet the requirement in sub-paragraph (3)(b)(i) by providing the information as part of initial automatic answering systems or call

holding systems, provided in each case the information is reasonably likely to come to the attention of the **consumer**.

“11.30B Provision of information on electricity plan comparison site

- “(1) Each **retailer** that supplies **electricity** at any **ICP** for which the relevant business classification code for the purposes of clause 9(1)(k) of Schedule 11.1 is “000000” or “Residential” must provide clear information in the circumstances specified in subclauses (2) to (4) about the electricity plan comparison website or other platform, as identified on the **Authority’s** website.
- “(2) The information required by subclause (1) must be clearly and prominently published on any website that—
- “(a) is maintained by, or on behalf of, the **retailer**; and
 - “(b) deals with, describes or offers the supply of **electricity** at any such **ICP** by the **retailer**, or by an agent or related entity of the **retailer**.
- “(3) The information required by subclause (1) must also be clearly and prominently provided as part of or accompanying any communication personalised to a specific named **consumer** (whether in print, electronic or other medium) from the **retailer**, or by an agent or related entity of the **retailer**, about—
- “(a) billing or charges to, or payments owed or made by, the **consumer** for the supply of **electricity** at any such **ICP**, including any invoice, request for payment or statement of account; or
 - “(b) the terms and conditions for the supply of **electricity** at any such **ICP**, including the prices, tariffs, energy plan, price plan, tariff plan and terms of service for the **consumer**.
- “(4) The information required by subclause (1) must also be clearly and prominently provided at least once every calendar year to each customer whose **electrical installation** is connected to an **ICP** referred to in subclause (1).
- “(5) If the **Authority** changes the web address of the electricity plan comparison website, establishes a new platform to perform the same purpose, or changes that platform or its location descriptor, each **retailer** must change the information published or provided under clause 11.30A to refer to the new address, platform or location descriptor as soon as reasonably possible and no later than 3 months from the date the change is notified on the **Authority’s** website.

“11.30C Specific requirements for information provided on websites and by other electronic means

- “The information provided under clauses 11.30A(2) and 11.30B(2)—
- “(a) must be prominently provided on, or linked to, a page or pages of the **retailer’s** or **distributor’s** website, which a **consumer** seeking information on or in relation to the supply of **electricity** or **line function services**, or on the complaint processes of the **retailer** or **distributor**, is reasonably likely to view; but
 - “(b) does not need to be provided on every such page or every part, provided a **consumer** seeking such information is reasonably likely to come across the information in the course of visiting the website.

“11.30D Limitations on required information disclosure under clause 11.30A and 11.30B

- “(1) If a **retailer** or a **distributor** has provided the information required by clause 11.30A or 11.30B to a **consumer**—
- “(a) in a **consumer** communication under clause 11.30A(3)(a) or 11.30B(3), the **retailer** or **distributor** does not need to continue to provide the information in any subsequent **consumer** communication on the same matter; or
 - “(b) in response to any query under clause 11.30A(3)(b), the **retailer** or **distributor** does not need to continue to provide the information in any further responses to the same or related queries.
- “(2) Under subclause (1):
- “(a) an invoice and any request for payment, reminder notice, notice of late payment, demand, or disconnection notice in respect of the amount in the invoice are on the same matter; but
 - “(b) invoices that apply to different periods are not on the same matter.

“11.30E Meaning of “related entity”

“For the purposes of clause 11.30A and 11.30B, the term “related entity” has the meaning set out in section 2(3) of the Companies Act 1993, where the reference in that section to “company” is read as if it referred to either a “company” or a “body corporate”.”

Explanatory Note

This note is not part of the amendment, but is intended to indicate its general effect.

This amendment to the Electricity Industry Participation Code 2010 ("Code") comes into force on 1 April 2021.

This amendment inserts new clauses into Part 11 of the Code relating to the provision of information to consumers on the dispute resolution scheme and on the electricity plan comparison site. The amendment:

- (a) provides a framework for the provision of information by identified participants to consumers on the dispute resolution scheme and on the electricity plan comparison site;
- (b) sets out specific requirements for the information that is provided;
- (c) places some limitations on the required disclosures; and
- (d) defines the term “related entity” for the purposes of the new clauses.

Date of notification in the *Gazette*: 14 October 2020

