



Extending the Electricity Price Review's Final Recommendations to the Gas Market – Final Gas Market Guidelines for:

- (1) Dealing with Vulnerable Consumers;**
- (2) Raising Consumer awareness of Utilities Disputes and Powerswitch; and**
- (3) Saves and Winbacks.**

9 November 2021



Gas Industry Co.



Executive summary

In April 2018, the Government appointed an advisory panel to investigate whether the current electricity market delivers “efficient, fair and equitable prices [to customers]” (Electricity Price Review or EPR). That panel issued its final report in May 2019 (Report).

Gas Industry Company established a workstream to investigate the application of the 32 EPR recommendations to the natural gas and LPG (Gas) markets.

Gas Industry Company conducted a consultation process on these EPR recommendations and published its final recommendations on 8 March 2021.

Gas Industry Company has also conducted a consultation process on new Gas market guidelines for:

- dealing with vulnerable Gas consumers (EPR recommendation B6);
- raising Gas consumer awareness of Utilities Disputes and Powerswitch (EPR recommendation C2); and
- saves and winbacks behaviour in Gas markets (EPR recommendation C5).

Gas Industry Company has finalised these new Gas market guidelines, as set out in this paper.



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1. Purpose and Process Update

1.1. Purpose

This paper assesses the submissions received by Gas Industry Company on the draft Gas market guidelines for:

- dealing with vulnerable Gas consumers (EPR recommendation B6);
- raising Gas consumer awareness of Utilities Disputes and Powerswitch (EPR recommendation C2); and
- saves and winbacks behaviour in Gas markets (EPR recommendation C5),

as published by Gas Industry Company on [1 June 2021] (Guidelines).

1.2. Process Update

Gas Industry Company has analysed submissions received on the Guidelines and has amended the Guidelines to take account of stakeholder submissions.

1.3. Submissions overview

Gas Industry Company received submissions from:

- Contact Energy Limited (Contact);
- Genesis Energy Limited (Genesis);
- National Building Financial Capability Charitable Trust (FinCap);
- Nova Energy Limited (Nova);
- Powerco Limited (Powerco);
- Utilities Disputes Limited (UDL); and
- Vector Limited (Vector).

Broadly, the submissions were very supportive of the new voluntary Guidelines and associated implementation proposals from Gas Industry Company.



2. Gas Consumer Care Guidelines

2.1. Revised Gas Consumer Care Guidelines

Revised guidelines for Gas retailer behaviour when dealing with vulnerable Gas consumers (Gas Consumer Care Guidelines) are set out in Appendix A.

These revised Gas Consumer Care Guidelines are marked up to show the changes made by Gas Industry Company in response to stakeholder submissions.

2.2. Submissions summary

A summary of all submissions received on the Gas Consumer Care Guidelines is set out in Appendix D.

There was broad support for the Gas Consumer Care Guidelines. However, the following issues were raised by submitters:

2.3. Do you agree with the proposed content of the Gas Consumer Care Guidelines? Are there items that should be added or deleted, and why?

2.3.1. Medically dependent consumers

FinCap submitted that protections in the Electricity Authority's Consumer Care Guidelines (EA CCGs)¹ for medically dependent consumers should be replicated for customers who currently rely on gas appliances.

FinCap explains that a person may be medically dependent on gas appliances such as gas space and water heating and gas refrigeration devices, referencing the equivalent rules in place in Australia².

A Analysis

Australia's National Energy Retail Rules (Retail Rules) define life support equipment to mean any of:

- an oxygen concentrator;
- an intermittent peritoneal dialysis machine;
- a kidney dialysis machine;
- a chronic positive airways pressure respirator;
- crigler najjar syndrome phototherapy equipment;
- a ventilator for life support;

¹ <https://www.ea.govt.nz/assets/dms-assets/28/Consumer-Care-Guidelines.pdf>

² <https://www.aer.gov.au/retail-markets/compliance-reporting/aer-life-support-registration-guide> and <https://www.esc.vic.gov.au/electricity-and-gas/inquiries-studies-and-reviews/strengthening-protections-life-support-customers-2019>

- and in relation to a particular customer, *any other equipment that a registered medical practitioner certifies is required for a person's 'life support'.*

There is no list of relevant gas-fuelled life support equipment set out in the Retail Rules, but the following are given as examples of eligible, potentially gas-fuelled, equipment in the Australian Energy Regulator's Life Support Registration Guide:

- Hot water;
- Medically-required heating; and
- Medically required refrigeration.³

The Victoria Gas Distribution System Code also makes it clear that "life support equipment" may be fuelled by electricity or gas.⁴

Under the Retail Rules, a customer must be registered as a life support customer once they notify the retailer or distributor that life support equipment is required at the premises.

Although structured differently, the EA CCGs deliver essentially the same outcome as the Australian Retail Rules (although the EA CCGs apply only to electricity).

The EA CCGs define a medically dependent customer (MDC) as a person who is *dependent* on mains electricity for *critical medical support* such that a loss of electricity *may result in loss of life or serious harm*. They go on to provide that, *for the avoidance of doubt, medical dependence on electricity could be for use of medical or other electrical equipment needed to support the treatment regime (eg, a microwave to heat fluids for renal dialysis).*

Thus, electricity-fuelled equipment that supports a treatment regime (such as medically required heating or refrigeration), would qualify a person for medical dependence.

Much like the Australian system, the EA CCGs require a customer's medical dependency to be verified by a health practitioner with an appropriate scope of practice (clause 79 of the EA CCGs).

B Gas Industry Company – preliminary decision

Gas Industry Company accepts Fincap's proposition that it is possible that a person may be medically dependent on gas:

- Gas Industry Company accepts that gas-fuelled equipment that supports a critical health treatment regime (such as medically required heating or refrigeration) exists (although Gas Industry Company does not have data on the number of Gas customers that might be reliant on Gas to fuel equipment needed to support a critical medical treatment programme);
- regardless of how widespread reliance on such Gas-fuelled equipment is, the consequences of being denied access to the fuel necessary to operate this equipment are potentially grave.

It is Gas Industry Company's preliminary view therefore that it is prudent to change its earlier advice and extend the protections in the EA CCGs for medically dependent electricity consumers, equally to Gas customers (including customers that rely on a mix of Gas and

³ AER Life Support Guide 2019, p 5.

⁴ Victoria Gas Distribution System Code V 13.0 January 2020, clause 13.

electricity to fuel medical or other equipment necessary to support a critical medical treatment regime).

Initial drafting has been added to the Gas Consumer Care Guidelines to reflect this preliminary decision.

Gas Industry Company will seek further submissions from stakeholders on this preliminary decision, and the associated guidelines drafting.

2.3.2. Tariff comparisons

Fincap submitted that:

"The Gas Consumer Care Guidelines [should] prompt retailers to include discussions around options for disconnecting from gas or changing the use of energy appliances in discussions around the best pricing plans or approaches to energy efficiency."

Gas Industry Company does not support this submission, principally because giving accurate advice on whether a consumer should switch to an alternative fuel source for a particular application, is complex and involves multiple considerations, beyond mere tariff comparisons.

Accurate advice on fuel switching would, in Gas Industry Company's view, require detailed capital costings for the relevant replacement household appliances, the costs of rendering the old appliances safe or removing and disposing of them, the consumer's use patterns, cost of capital and so on.

The provision of this sort of complex advice goes beyond a traditional gas retailer – consumer relationship.

Gas Industry Company also considers this issue to be beyond the scope of the original EPR recommendation (B6 - set mandatory minimum standards to protect vulnerable and medically dependent consumers), and would extend the scope of the Gas Consumer Care Guidelines beyond the scope of the EA CCGs.

Gas Industry Company notes that the Gas Consumer Care Guidelines currently state that retailers should advise each prospective residential consumer of:

- the range of gas supply plans (natural gas and LPG) and solutions available from the Retailer, and help each person understand which of the Retailer's gas offerings best meet the person's needs (Guideline 6 b)); and
- of any cost differential between the Retailer's post-pay and pre-pay bottled LPG payment arrangements, including, but not limited to, fees, bonds, equipment charges and the cost of Gas purchased under each arrangement (Guideline 6 i)).

Gas Industry Company considers these provisions require retailers to provide consumers with adequate pricing information.

2.3.3. Word for word matching EA CCGs

FinCap recommend that the Gas Consumer Care Guidelines be amended to better match the EA CCGs, particularly in relation to situations where whānau have missed a payment, face disconnection or seek reconnection.

FinCap state "The protections for whānau having difficulty paying in the Electricity Authority Consumer Care Guidelines from part 6 onwards have been crafted following extensive

consultation and should be *better mirrored, more 'word for word'* than the current proposed Gas Consumer Care Guidelines".

Gas Industry Company does not support this submission. Gas Industry Company considers that the Gas Consumer Care Guidelines adequately replicate the substance of Part 6 of the EA CCGs with any modified wording intended to better align with the characteristics of the gas industry.

Gas Industry Company has however adopted the equivalent "customer" and "consumer" definitions as are used in the EA's CCGs, for consistency between the two sets of guidelines.

2.3.4. Nova submissions

- (a) *Guideline 8) d)* – Nova considers that the obligation to monitor consumer gas consumption (with the aim of helping the Retailer anticipate which consumers may be about to be, or are already experiencing, payment difficulties) "would require a significant investment in systems, and as such would be uneconomic to implement".

Gas Industry Company notes the submission but sees no evidence that the costs of monitoring consumption would be uneconomic to implement, with technology such as advanced gas metering making consumption data easier (and presumably, cheaper) to access.

Gas Industry Company has however amended the Gas Consumer Care Guidelines to reflect the approach taken in the EA CCGs – referencing retailers working towards having the capability to monitor individual customer consumption to help them anticipate which customers may benefit from assistance.

- (b) *Guideline 9) b) ii) (1)* – Nova considers retailers need to be able to disconnect uncontracted premises where consumption is recorded and residents prove to be intractable when it comes to signing up with the retailer.

Gas Industry Company agrees with this submission. The EA CCGs enable disconnection in these circumstances, following the retailer making reasonable efforts to contact the consumer, issuing disconnection notices at the address, etc (clause 64 of the EA CCGs).

New drafting has been added to the Gas Consumer Care Guidelines to reflect this decision.

- (c) *Guideline 9) b) iv)* – Nova considers it is not possible to separate debt for individual services provided and wants the right to disconnect gas supply or other 'non-essential' services when there is an overdue balance on an account.

Gas Industry Company disagrees with this submission, for the following reasons:

- The EA CCGs do not permit the disconnection of electricity services for non-payment of other services.
- The Retail Gas Contract Benchmarks (Benchmarks) provide that a Retailer may only disconnect a Consumer for non-payment where the non-payment relates to validly invoiced charges for the supply of gas, gas retail services, line function services, and/or gas related bonds.
- Consumers should have the flexibility to prioritise their payment for different services, without risking the loss of all services (essential or not). Gas Industry

Company sees no reason why the bundling of utility services by retailers should enable increased contractual enforcement leverage for retailers in their consumer relationships.

2.3.5. Consumer Care Policy Template

Vector suggests that Gas Industry Company:

"develop, or engage an independent party to develop, a "consumer care policy template". The relevant gas industry participants can use such template in its entirety or tweak it to suit the needs of their business and customers while remaining compliant with the Guidelines. This will facilitate early compliance and give participants the confidence that the changes they are making to their processes are compliant from the outset and will not be wasted. Gas Industry Co could also consider adopting an amended version of the ERANZ template for gas industry participants".

Gas Industry agrees in principle with this submission. It supports in principle the idea of preparing a gas market template based on the ERANZ template for electricity consumers, subject obviously to a review of the ERANZ electricity template. Gas Industry Company will liaise with ERANZ on the development of a gas market template based on the ERANZ template for electricity consumers.

2.3.6. Mandatory Guidelines

FinCap recommends that the Gas Consumer Care Guidelines be made mandatory. It submitted that "Mandatory requirements would mean there is certainty for whānau and people assisting them (such as financial mentors) when seeking a solution to avoid harm from energy hardship or a clear basis for redress where mandatory requirements are not met".

Gas Industry Company considers that the proposed voluntary model is consistent with the gas market co-regulatory model, which requires preference to be given to non-regulatory solutions. The non-regulatory solution also allows for the guidelines to be more readily changed in future, to respond to changes to the EA CCGs and also to adjust to market or technology changes.

Finally, the voluntary approach is consistent with the voluntary approach taken with the EA CCGs.

As stated previously, Gas Industry Company will monitor participant compliance with the Gas Consumer Care Guidelines and regulatory change recommendations will be considered if this voluntary compliance approach proves unsuccessful.

2.4. Do you agree with the proposed timeframe for Gas Retailers to align their processes to ensure voluntary compliance with the Gas Consumer Care Guidelines?

There was broad agreement on Gas Industry Company's proposed timing for the introduction of the Gas Consumer Care Guidelines. The only dissenting voice was FinCap whose view is the Gas Consumer Care Guidelines should be implemented by 31 December 2021 to better align with the electricity market process for the introduction of retailer consumer care policies.

Gas Industry Company considers that more time is needed by retailers to comply with the newly introduced Gas Consumer Care Guidelines and proposes to retain its original timing proposal, with the Gas Consumer Care Guidelines being phased in over 24 months, as follows:

- Gas Industry Company will survey Gas Retailers that also supply electricity to consumers 12 months after publishing the Gas Consumer Care Guidelines, to monitor compliance. Regulatory change recommendations will be considered if this voluntary compliance approach proves unsuccessful.
- Gas Industry Company will survey Gas Retailers that do not also supply electricity to consumers (Stand-alone Gas Retailers) 24 months after publishing the Gas Consumer Care Guidelines, to monitor compliance. Regulatory change recommendations will be considered if this voluntary compliance approach proves unsuccessful.

Retailers publishing consumer care policies in compliance with the EA CCGs can of course voluntarily introduce a gas consumer care policy in alignment with the Gas Consumer Care Guidelines, in advance of the Gas Industry Company's timelines.

2.5. Do you agree with the Gas Consumer Care Guidelines applying also to Stand-alone Gas Retailers?

There was broad agreement that the Gas Consumer Care Guidelines should apply equally across all natural gas and LPG (45kg bottle) retailers, to ensure consistency and avoid consumer confusion.

2.6. Are any modifications required to the Gas Consumer Care Guidelines to take account of the unique characteristics of the bottled LPG market?

No significant issues were raised by submitters.

2.7. Retail Gas Contracts Oversight Scheme

Gas Industry Company has reviewed the Gas Consumer Care Guidelines to ensure they are consistent with the Benchmarks. The Benchmarks were issued as part of the Retail Gas Contracts Oversight Scheme and were introduced by Gas Industry Company in 2010 with the aim of delivering improved outcomes for small gas consumers - those using less than 10 terajoules of gas per year.⁵

Drafting changes have been made to the Gas Consumer Care Guidelines to ensure consistency with the benchmarks and to make it clear these benchmarks apply in addition to the guidelines, and take precedence over the guidelines (to the extent there are any remaining inconsistencies between the Gas Consumer Care Guidelines and the Retail Gas Contract Benchmarks).

2.8. Gas Information Exchange Protocols

The new clause 10(m) of the Gas Consumer Care Guidelines references gas industry protocols for the exchange of information in relation to MDCs. No such protocols exist currently in the Gas Information Exchange Protocols (GIEP).⁶

Gas Industry Company recommends the development of new GIEP, addressing the exchange of MDC information, tracking the corresponding information exchange protocols in the electricity market.⁷

⁵ The Retail Gas Contracts Oversight Scheme addresses the GPS objective of ensuring that 'contractual arrangements between gas retailers and small consumers adequately protect the long-term interests of small consumers'.

⁶ <https://www.gasindustry.co.nz/work-programmes/gas-information-exchange/file-formats/>

⁷ EIEP4 - Customer Information: <https://www.ea.govt.nz/operations/retail/eiep/non-regulated-electricity-information-exchange-protocols/>



3. Utilities Disputes and Powerswitch Guidelines

3.1. Final Utilities Disputes and Powerswitch Guidelines

Final guidelines for Gas retailers and distributors raising Gas consumer awareness of Utilities Disputes, and Powerswitch (Utilities Disputes and Powerswitch Guidelines), are set out in Appendix B.

These final Utilities Disputes and Powerswitch Guidelines are marked up to show the changes made by Gas Industry Company in response to stakeholder submissions.

3.2. Submissions summary

A summary of submissions received on the Utilities Disputes and Powerswitch Guidelines is set out in Appendix D.

There was broad support for the Utilities Disputes and Powerswitch Guidelines. However, the following issues were raised by submitters:

3.3. Do you agree with the proposed content of the Utilities Disputes and Powerswitch Guidelines? Are there items that should be added or deleted, and why?

FinCap submitted that more work should be done to ensure whānau can know they are paying fair prices for gas and identify if it is in their best interests to change providers or plans. FinCap is not confident that there is enough transparency around the pricing of gas and is concerned that the Utilities Disputes and Powerswitch Guidelines do not resolve this.

FinCap strongly recommends that further work is done beyond what is proposed in the Consultation Document, to provide fairer information about what gas tariffs are available for all whānau regardless of method of supply.

Gas Industry Company considers the transparency of residential Gas pricing will be enhanced through the following new guidelines:

- Gas Consumer Care Guidelines – clause 6) b) of those guidelines provide that: *Retailers should advise each prospective residential consumer of the range of Gas supply plans (natural gas and LPG) and solutions available from the Retailer, and help each person understand which of the Retailer's Gas offerings best meet the person's needs; and*
- Utilities Disputes and Powerswitch Guidelines – these guidelines recommend retailers continue to provide retail natural gas pricing information to Powerswitch, and Gas Industry Company is reviewing the addition of adding 45kg LPG bottle pricing to Powerswitch.

Gas Industry Company considers that its proposed pricing-related guidelines are broadly consistent with those being implemented by the EA for electricity consumers. However, Gas Industry Company's oversight of the guidelines may, over time, identify opportunities to make

enhancements to the guidelines to further improve residential and small business price transparency.

Gas Industry Company's Information Disclosure workstream is separately looking at issues around wholesale gas pricing transparency.

3.4. Do you agree with Gas Industry Company's proposed narrower approach than that implemented for the electricity market in relation to the provision of Utilities Disputes information (focussing on "complaints" rather than "queries")?

Whilst there was broad support for Gas Industry Company's focus on complaints rather than "queries", UDL is strongly in favour of the approach in the EA CCGs whereby UDL's details must be provided in respect of all consumer "queries", and not only "complaints".

UDL further notes that if the Gas Industry Company approach is to be limited to "complaints", that it should include all complaints and not just the subset proposed by Gas Industry Company in the draft Utilities Disputes and Powerswitch Guidelines. UDL points out that the current drafting would mean that many common complaint types referred to UDL would be excluded.

FinCap also considers that that Utilities Disputes Limited should be promoted to all whānau with gas supply, as consistent with the requirements on electricity providers.

Gas Industry Company agrees with UDL that the Utilities Disputes and Powerswitch Guidelines should not catch only a subset of consumer complaints to retailers, and that all complaint types should be covered, consistent with the definition of "Complaint" in the Utilities Disputes Rules.

Gas Industry Company does not, however, agree with extending the scope of the Utilities Disputes and Powerswitch Guidelines to apply to all consumer "queries". Gas Industry Company considers that this extension is not necessary to achieve consistency with the Utilities Dispute Rules.

New drafting has been added to the Utilities Disputes and Powerswitch Guidelines to ensure *all complaint types* are covered by the guidelines.

Gas Industry Company notes Vector's support of the decision not to require compliance with the Utilities Disputes and Powerswitch Guidelines in relation to emergency related consumer communications, made during an emergency.

3.5. Do you agree with the proposed timeframe for Gas Retailers and Gas Distributors to align their processes to ensure voluntary compliance with the Utilities Disputes and Powerswitch Guidelines?

There was broad agreement on Gas Industry Company's proposed timing for the introduction of the Utilities Disputes and Powerswitch Guidelines, acknowledging that Gas Industry Company is yet to confirm incorporation of LPG into Powerswitch.

The Utilities Disputes and Powerswitch Guidelines will be phased in over 24 months, as follows:

- Gas Industry Company will survey Gas Retailers that also supply electricity to consumers and Gas distributors 12 months after publishing the Utilities Disputes and Powerswitch

Guidelines, to monitor compliance. Regulatory change recommendations will be considered if this voluntary compliance approach proves unsuccessful;

- Gas Industry Company will survey Gas Retailers that do not also supply electricity to consumers (Stand-alone Gas Retailers) 24 months after publishing the Utilities Disputes and Powerswitch Guidelines, to monitor compliance. Regulatory change recommendations will be considered if this voluntary compliance approach proves unsuccessful.

Gas Industry Company is still investigating the associated costs and implementation complexities of adding LPG pricing (45kg bottles supplied to residential consumers) to Powerswitch. The timing of the implementation of the Powerswitch provisions of the Utilities Disputes and Powerswitch Guidelines to 45kg LPG retailers awaits completion of this work.

Compliance with the Utilities Disputes and Powerswitch Guidelines is voluntary.

3.6. Do you agree with the Utilities Disputes and Powerswitch Guidelines applying also to Stand-alone Gas Retailers?

There was broad agreement that the Gas Consumer Care Guidelines should apply equally across all natural gas and LPG (45kg bottle) retailers, to ensure consistency and avoid consumer confusion.



4. Saves and Winbacks Guidelines

4.1. Final Saves and Winbacks Guidelines

Final guidelines for managing saves and winbacks behaviour amongst Gas market retailers (Saves and Winbacks Guidelines) are set out in Appendix C.

These final Saves and Winbacks Guidelines are marked up to show the changes made by Gas Industry Company in response to stakeholder submissions.

4.2. Submissions summary

A summary of submissions received on the Saves and Winbacks Guidelines is set out in Appendix D.

There was broad support for the Saves and Winbacks Guidelines. However, the following issues were raised by submitters:

4.3. Do you agree with the proposed content of the Guidelines? Are there items that should be added or deleted, and why?

FinCap submitted that compliance with the Saves and Winbacks Guidelines should be mandatory, not voluntary.

Nova also supports this view, submitting that either the Saves and Winbacks Guidelines become mandatory, or they are not implemented at all. Nova considers the likely net result of a voluntary restriction will potentially have retailers restrict their saves & win-backs activity to just their most valuable customers, i.e. it may have little overall impact of increasing competition between retailers.

Nova also submits that Gas Industry Company should wait until the Electricity Authority completes its evaluation of the ban of saves & win-backs in the electricity sector before implementing it for gas.

While Gas Industry Co's recommendation in relation to saves and winbacks takes the form of a guideline, its expectation is that Gas retailers will comply with the Saves and Winbacks Guidelines. As signalled previously, Gas Industry Company will monitor Gas retailer compliance with the Saves and Winbacks Guidelines and regulatory change recommendations will be considered if adequate compliance with the Guidelines is not demonstrated. Gas Industry Company also encourages market participants to notify Gas Industry Company of any identified non-compliant behaviour in the market. We believe that this approach will enable us to understand the nature and extent of any issues around saves and winbacks before determining whether regulation is required.

Note that Gas Industry Company has adopted the equivalent "customer" and "consumer" definitions as are used in the EA's saves and winbacks Code changes, for consistency between the two sets of requirements.

4.4. Effective Date of Guidelines

The Saves and Winbacks Guidelines will be phased in over 12 months. Gas Industry Company will survey Gas Retailers 12 months after publishing the Saves and Winbacks Guidelines, to monitor compliance. Regulatory change recommendations will be considered if this voluntary compliance approach proves unsuccessful.

Compliance with the Saves and Winbacks Guidelines is voluntary.



Appendix A – Gas Consumer Care Guidelines

Definitions

"alternate contact person" means a person who has been authorised by a consumer/customer, or an MDC or unverified MDC who permanently or temporarily resides at the customer's premises, to operate as either the primary contact person for the consumer/customer or as an alternate contact person if a Retailer is unable to contact the consumer/customer. The alternate contact person must be independent of the Retailer.

"consumer" means an end user of gas and distribution services used fully or partly for domestic (residential) purposes..

"customer" means a person who is-has entered into a contract with a Retailer for the supply of Gas, other than for resupply, and/or the provision of distribution services, where the Gas supplied natural gas or LPG for consumption, as defined in the Gas Act 1992 to the customer's premises is used fully or partly for residential uses.

"emergency" means an event that threatens the health or safety of a person, or damage to property.

"Gas" means natural gas or LPG.

"Gas Information Exchange Protocols" means the information file formats that have been approved and published from time to time by the Gas Industry Information Exchange File Formats Working Group.

"Gas Switching Rules" means the Gas (Switching Arrangements) Rules 2008.

"GP" means general medical practitioner.

"Guidelines" means these Gas Consumer Care Guidelines.

"health practitioner" or "HP" means a person who is, or is deemed to be, registered with an authority as a practitioner of a particular health profession, provided the authority is a body corporate appointed, by or under, the Health Practitioners Competence Assurance Act 2003,

as the body that is, in accordance with the Health Practitioners Competence Assurance Act, responsible for the registration and oversight of practitioners of a particular health profession.

"HP Notice" means a notice completed by a health practitioner with an appropriate scope of practice, as that term is defined in section 5 of the Health Practitioners Competence Assurance Act 2003, which verifies that a person is a medically dependent consumer. The standard form of HP Notice is available on the Gas Industry Company's website.

"LPG Bottle" means a 45kg LPG bottle.

"LPG Retailer" means any person who supplies LPG to a ~~consumer~~customer by reticulated distribution network or in ~~45kg bottles~~LPG Bottles.

"medically dependent consumer" or "MDC" means a residential consumer, whether a customer of a Retailer or a person permanently or temporarily resident at a residential customer's premises, who depends on Gas for critical medical support, such that loss of Gas may result in loss of life or serious harm. For the avoidance of doubt, medical dependence on Gas could be for use of medical or other Gas equipment needed to support the critical medical treatment regime (e.g., where hot water, medically-required heating or medically required refrigeration are required as part of a critical medical treatment regime).

"Natural Gas Retailer" means any person who supplies natural gas to a ~~consumer~~customer.

~~"residential consumer" means a domestic and not a business consumer of Gas.~~

"Retailer" means a gas retailer (natural gas or LPG) as defined in the Gas Act 1992.

"social agency" means a government agency with a statutory function or role to assist low income consumers or consumers facing payment difficulties.

"support person" means a person who has been authorised by a ~~consumer, to operate as either the primary contact person for the consumer or as an alternate contact person if a Retailer is unable to contact the consumer.~~customer or an MDC who permanently or temporarily resides at a customer's premises, to assist the customer or MDC with any issues related to the customer's Gas supply. The support person must be independent of the Retailer.

"support agency" means a non-government agency that offers assistance to low-income consumers or consumers facing payment difficulties, including in relation to budgeting, financial assistance, energy efficiency, and counselling.

"uncontracted premises" means a residential premise that a Retailer is supplying Gas to, without a current Retailer supply contract.

"unverified MDC" means:

(a) a person who has applied for MDC status but a decision on the application has not yet been made in accordance with clause 10) by the Retailer to whom the application was made; or

(b) a person whom a Retailer believes could be an MDC, unless the Retailer has made reasonable efforts to contact the person in accordance with clause 10) k) and the person has not made an application for MDC status.

1) Purpose

- a) The purpose of Gas Consumer Care Guidelines is to guide Retailers in helping residential Gas consumers minimise harm caused by insufficient access to Gas or by payment difficulties in relation to the supply of Gas.
- b) These Gas Consumer Care Guidelines should always be read to favour an outcome that achieves their purpose.

2) Scope

- a) These Gas Consumer Care Guidelines apply to all Retailers selling natural gas, reticulated LPG and/or ~~bottled LPG (in 45kg bottles)~~ Bottles to ~~residential consumers~~ customers.
- b) Compliance with these Gas Consumer Care Guidelines is voluntary.
- c) The Gas Industry Company's Retail Gas Contract Benchmarks (as restated on 8 June 2011 and amended) (Retail Gas Contract Benchmarks) remain in effect. Retailers must ensure their residential consumer contracts comply with Gas Industry Company's Retailer Contracts Scheme Benchmarks (as amended from time to time). To the extent there is any inconsistency between the Retail Gas Contract Benchmarks and these Gas Consumer Care Guidelines, the Retail Gas Contract Benchmarks shall prevail.

3) Principles

- a) Retailers should engage with ~~residential-consumers~~customers in a manner consistent with the following four principles (Principles):

i) Consumer care:

- (1) Retailers will work to minimise the harm caused by a ~~residential consumer~~customer losing access to Gas (including by disconnection of natural gas, or disconnection and repossession of LPG ~~bottles~~Bottles).
- (2) ~~Residential-consumers~~Customers facing difficulties paying for Gas supply should be supported by their Retailer, including by helping:
 - (a) ~~consumers~~customers to be on the most appropriate pricing plan and payment plan; and
 - (b) prevent ~~consumers~~customers accumulating debt over Gas supply.
- (3) Retailers will seek to keep ~~residential-consumers~~customers connected, avoiding disconnection for an unpaid Gas invoice, by implementing these Gas Consumer Care Guidelines, and only use disconnection (or disconnection and repossession) as a last resort measure and only in relation to a customer's undisputed debt over Gas supply.

ii) Positive consumer and retailer engagements:

- (1) Retailers will engage with ~~residential-consumers~~customers and persons permanently or temporarily resident at such a ~~consumer's~~customer's premises, with care and respect.
- (2) ~~Residential-consumers~~Customers interacting with Retailers should receive at least a minimum standard of treatment regardless of the Retailer and regardless of whether they are a customer of the Retailer.
- (3) ~~Residential-consumers~~Customers should engage with Retailers in good faith and respond to Retailer communications to avoid or minimize non-payment issues.

iii) Retailers have a right to be paid for services delivered and competition and innovation are supported:

- (1) Retailers are entitled to be paid for Gas services supplied to a ~~residential consumer~~customer.
- (2) Retailers operate on a level playing field where all competitors align with these Gas Consumer Care Guidelines.

- (3) These Gas Consumer Care Guidelines should not place undue costs or constraints on Retailers, or limit competition or innovation.
- (4) Retailers have clear, predictable, consistent and effective processes and interfaces to use when engaging with support/social agencies and health agencies about matters covered by these Gas Consumer Care Guidelines.

iv) Monitoring performance:

- (1) Retailers should reasonably cooperate with Gas Industry Company to ensure efficient and effective monitoring of compliance with these Gas Consumer Care Guidelines.

4) Retailers to publish a consumer care policy

- a) Retailers should publish a consumer care policy, which:
 - i) explains the arrangements they have in place or are putting in place, and the actions they are undertaking to:
 - (1) achieve the Principles; and
 - (2) align with these Gas Consumer Care Guidelines; and
 - ii) commits the Retailer to:
 - (1) working with its ~~residential consumers~~customers in a respectful, collaborative and constructive manner, recognising the contribution of Gas supply to the wellbeing of ~~such~~ consumers;
 - (2) having timely and clear communications with ~~residential~~ consumers;
 - (3) seeking ~~residential consumer~~customer agreement for referrals to support/social agencies should the ~~consumer~~customer experience payment difficulties; and
 - (4) clearly explaining in a prominent place all fees, conditional discounts and bonds charged by the Retailer to the ~~residential consumer~~.customer.
- b) Retailers should review and, as reasonably appropriate, update their consumer care policy at least every two years.

5) Information and records relating to consumer care

- a) Retailers should have and use processes and systems to request, record, allow them to access and ensure that they use information on ~~residential consumers'~~customers' communication preferences (communication type and method, timing and language), invoicing preferences (frequency, timing and communication means) and alternate contact and support person communication details.

- b) Retailers should have and use processes and systems to record, allow them to access, and ensure that they use, information that relates to a ~~residential consumer's~~customer's potential to experience payment difficulties and/or harm arising from difficulty accessing Gas (including by disconnection of natural gas, or disconnection or repossession of LPG ~~bottles~~Bottles).

6) When a ~~residential consumer~~customer signs up to, or is denied a contract

- a) Retailers should make information easily available so that persons signing up to the Retailer, or considering doing so, are able to make informed decisions.
- b) Retailers should advise each prospective ~~residential consumer~~customer of the range of Gas supply plans (natural gas and LPG) and solutions available from the Retailer, and help each person understand which of the Retailer's Gas offerings best meet the person's needs.
- c) If a ~~residential consumer~~customer nominates an alternate contact person, Retailers should seek the contact person's agreement to act in that capacity.
- d) Retailers should reasonably satisfy themselves that new ~~residential consumers~~customers have reviewed the Retailer's terms and conditions, and agree to the same.
- e) Each Retailer should advise new ~~residential consumers~~customers of the existence of the Retailer's consumer care policy and the Retailer's commitment to offer support if the ~~consumer~~customer faces payment difficulties.
- f) Retailers considering entering a ~~residential~~ consumer contract with any person enquiring with the Retailer should carefully consider all relevant information rather than just the person's credit record.
- g) Retailers that decide not to enter a ~~residential~~ consumer contract with a person enquiring with the Retailer should:
 - i) advise the person of the reason for the Retailer's non-supply decision; and
 - ii) reasonably support the person to find an alternative Retailer, or if the person indicates that they are struggling to find a Retailer, refer the person to a reputable support/social agency.
- h) Retailers should advise each new ~~residential consumer~~customer of the process that will be followed if a Gas invoice is not paid when due and the ~~consumer~~customer does not engage with the Retailer about payment.

- i) For ~~bottled-LPG consumers~~Bottle customers, LPG Retailers should advise ~~residential consumers~~customers:
 - i) of any cost differential between the Retailer's post-pay and pre-pay ~~bottled-LPG~~ Bottle payment arrangements, including, but not limited to, fees, bonds, equipment charges and the cost of Gas purchased under each arrangement;
 - ii) the ~~consumer's~~customer's obligations and liability in relation to the Retailer's LPG ~~bottles~~Bottles supplied to the ~~consumer~~customer including the Retailer's rights to repossess its LPG ~~bottles~~Bottles (and how any LPG contained within such bottles at the time of repossession is dealt with); and
 - iii) that when the pre-paid LPG ~~bottle~~Bottle is used up, resupply will only occur if an order is placed and pre-payment for the replacement LPG ~~bottle~~Bottle is received (and in the absence of resupply, the ~~consumer~~customer will cease to have access to LPG).

7) Account management

- a) Retailers should interact at least annually with each of their ~~residential consumers~~customers and:
 - i) mention that the ~~consumer~~customer can request access to consumption data; and
 - ii) advise the ~~consumer~~customer of the existence of the Retailer's consumer care policy; and
 - iii) confirm the consumer information recorded by the Retailer in accordance with clause 5 remains current.
- b) If a ~~residential-consumer~~customer enquires about changing a pricing plan, Retailers should notify the ~~consumer~~customer of the range of Gas pricing plans and payment plans the Retailer offers.
- c) Retailers should, if they become aware that a ~~residential-consumer's~~customer's nominated alternate contact person no longer agrees to act in that capacity, inform the ~~consumer~~customer of this.
- d) Retailers should use actual meter readings for invoicing, if these are reasonably available, either through each Retailer's manual meter reading cycle or through remote meter readings. Retailers should in the case of ~~bottled-LPG consumers~~Bottle customers, use agreed LPG ~~bottle~~Bottle prices and charges for invoicing.
- e) Retailers should prepare plain English, easy to understand Gas invoices.

8) Payment issues

- a) For ~~residential-consumers~~customers on a monthly invoice cycle, Retailers should follow the process set out below when a ~~consumer~~customer has missed a payment, with each step occurring on or after the number of days specified from the invoice date:

Day 1: Invoice issued, allowing a minimum of 14 days for payment.

Day 14: On, or any time after day 14, if payment has not been made, the Retailer may issue a late payment notice or a reminder notice to the ~~consumer~~customer as soon as payment is overdue and start the recommended actions in clause 8 c). The late payment notice should have the purpose of engaging the ~~consumer~~customer to resolve the payment issue and avoid disconnection, and describe the actions the customer can take to avoid disconnection.

Day 21: If payment has not been made, from day 21 the Retailer should make at least three separate attempts to contact the ~~consumer~~customer via both the ~~consumer's~~customer's preferred communication channel and their alternate contact person (if provided under clause ~~6) c5)~~) for the purpose of seeking payment and avoiding disconnection: (including describing the actions the customer can take to avoid disconnection). The contact attempts should ideally be at different times of the day and spread over a period of more than seven days.

Day 24: If payment has not been made, nor contact made by the ~~consumer~~customer, at or after day 24, the Retailer should use the remaining contact attempts to also discuss the ~~consumer's~~customer's situation and payment options and actions to avoid disconnection. This timing allows six days for receipt of late payment notice and four days for a response.

- b) For ~~consumers~~customers on a non-monthly invoice cycle, the timing of each step above may be proportionally altered to align with the above step duration.
- c) Retailers should, for a ~~residential-consumer~~customer not on a payment plan, who is in payment arrears and/or is having payment difficulties:
- i) clearly communicate its willingness to engage with the ~~consumer~~customer to resolve the payment issue by finding a suitable payment plan;

- ii) encourage the consumercustomer to engage with the Retailer over resolving the payment difficulties;
 - iii) confirm the situation is not yet at the disconnection stage and the steps that the Retailer will go through to assist the consumercustomer to make payments for the supply of Gas and avoid disconnection; and
 - iv) provide such advice (or reference to suitably qualified, independent advice) on budgeting, energy efficiency, suitable Gas tariffs available from the Retailer, and Government social and support agencies, reasonably considered to be of benefit to the consumercustomer.
- d) Retailers should work towards having the capability to reasonably monitor residential-consumers'customers' Gas consumption via the consumption data normally collected by Retailers with the aim of helping the Retailer anticipate which consumerscustomers may be about to be, or are already experiencing, payment difficulties, and proactively engage with consumerscustomers based on such insight to help ensure consumerscustomers receive appropriate support and advice.
- e) Retailers should, within a reasonable time of a residential-consumercustomer falling behind in their repayments under an agreed repayment plan, contact the consumercustomer to understand the reason for non-payment, offer to review the repayment plan to align with what the consumercustomer can reasonably afford and offer to refer the consumercustomer to reputable support/social agencies offering budgeting and energy efficiency advice.

9) Disconnection

- a) Retailers should make sure they have followed the recommendations set out in clause (9 before carrying out the recommended actions in this clause (10. The recommendations in this clause (10 shall not apply in the event a Gas disconnection is required for the purpose of responding to an emergency.
- a)b) _____ Subject to clause 9)-b10) c), Retailers may only commence the notification process for disconnecting a residential-consumer'scustomer's premises, or disconnection and repossessing a residential-consumer'scustomer's LPG bottlesBottles, for non-payment of a Gas invoice if:
- i) the Retailer's invoices to the consumercustomer are overdue for payment and:
 - (1) the Retailer has made reasonable but unsuccessful attempts to engage with the consumercustomer under clause (9 to arrange payment or discuss a

repayment plan (including the provision of budgeting and energy efficiency advice, as reasonably appropriate); or

(2) the ~~consumer~~customer is not adhering to an agreed debt payment plan that, over time, is reducing the customer's debt; and

(3) the Retailer has the contractual right to disconnect the premises; ~~or~~and

~~ii) a consumer is in material breach of a Retailer's terms and conditions for supply of electricity (other than breach for non-payment of an invoice).~~

~~(4) Disconnection of a residential consumer's~~the Retailer has taken all reasonable actions to make sure the customer, or any consumer permanently or temporarily resident at the customer's premises, is not, or may not be, an MDC or an unverified MDC.

~~b)c) Retailers may only commence the notification process for disconnecting a customer's premises, or disconnection and repossessing a residential consumer's~~customer's LPG bottles, ~~shall not occur~~Bottles:

i) for non-payment of an estimated invoice, ~~except~~ if, in the Retailer's reasonable opinion, the estimated reading is a reasonable estimation of actual consumption and:

(1) an accurate meter reading is not available due to a ~~consumer~~customer obtaining Gas in breach of the Retailer's terms and conditions; or

(2) the ~~consumer~~customer is denying the Retailer reasonable access to the metering installation; or

(3) the Retailer cannot get reasonably safe access to the metering installation, despite its reasonable efforts; ~~and~~

~~(4) the Retailer has taken all reasonable actions to make sure the customer, or any consumer permanently or temporarily resident at the customer's premises, is not, or may not be, an MDC or an unverified MDC; or~~

ii) in respect of an uncontracted premise, ~~unless~~if:

(1) the Retailer has reasonably satisfied itself that a consumer is unlikely to be in occupation of the premises; ~~or~~

~~(2) if Gas consumption data indicates to the Retailer that a consumer is likely to be in occupation of the premises, and the Retailer has first made reasonable efforts to contact the consumer and, if applicable, the consumer's alternative contact person, about the pending disconnection; and~~

- (2)(3) the Retailer has confirmed the premises ~~is~~are not being switched to another Retailer (with a switch date effective at the start of the ~~consumer's~~customer's occupancy); and
- (4) either the Gas meter can be safely disconnected, or the LPG ~~bottles~~Bottles can safely be disconnected and repossessed; and
- (3)(5) the Retailer has satisfied itself, acting reasonably, that disconnection of the premises will not disconnect an MDC or an unverified MDC;
- iii) at a time that is not reasonably likely to endanger the wellbeing of the ~~consumer~~customer or any consumer at the premises being disconnected; or
- iv) if the debt due ~~does not relate~~relates to Gas supply (e.g., it ~~relates~~does not relate to electricity, telephone, broadband or other services); or
- v) if there is ~~no~~ genuine dispute ~~over the debt between the Retailer and the customer (of which the Retailer has been notified).~~
- e)d) Before disconnecting a ~~residential consumer~~customer for non-payment of a Gas invoice, a Retailer must:
- i) make reasonable attempts to inform the ~~consumer~~customer and, if applicable, the ~~consumer's~~customer's alternative contact person, of the pending disconnection; and
- ii) issue the ~~consumer~~customer with ~~a final notice~~notices of disconnection, which should be provided at least 44 days after the invoice was issued; ~~and not less than 24 hours nor more than 10~~with the first notice provided at least seven days before the disconnection: and the second at least 24 hours before the disconnection.
- d)e) For ~~consumers~~customers on a non-monthly invoice cycle, the timing of each step in clause 9) ~~ed~~) may be proportionally altered to align with the above step durations.
- f) Retailers should make sure that the content of any notice or final notice of disconnection for non-payment or for non-registration of any premises to which the Retailer supplies Gas, aims to engage the customer to resolve the non-payment issue by containing at least the following information:
- i) a description of the actions the customer can take to avoid disconnection;
- ii) the contact details necessary for payment of some, or all, of the debt;

- iii) payment options available (e.g., smooth pay or redirection of income);
- iv) details of the Retailer's dispute resolution process and the contact details of Utilities Disputes;
- v) details of all the charges, fees and penalties that must be paid, if disconnection and reconnection occur, in addition to charges for Gas supply;
- vi) the contact details of Work and Income or other support/social agencies that can help the customer to pay their Gas invoice;
- vii) the contact details of one or more reputable budgeting advice agencies (one of which must be funded by the Ministry of Social Development); and
- viii) where to obtain information on applying to have MDC status and a summary of what it means to be an MDC.

e)g) Retailers should only move to disconnection of a ~~residential~~ consumer's premises, or disconnection and repossession of a ~~residential~~ consumer's LPG ~~bottles~~Bottles, for non-payment of one or more Gas invoices, as a last-resort measure.

f)h) Retailers should satisfy themselves that any of their representatives who visit a ~~residential~~ consumer's premises or uncontracted premises for the purpose of contacting the consumer about the non-payment of Gas or to make a disconnection/repossession:

- i) make a reasonable effort to contact any consumer at the premises (unless there is a health and safety risk to the representative or the customer or consumer);
- ii) advise the ~~customer or~~ consumer at the premises to contact the Retailer, including, if necessary, provide information to the consumer to help them to do this;
- iii) informing the ~~customer or~~ consumer that, if they make contact with the Retailer at any point before disconnection, the Retailer should actively work with the ~~customer or~~ consumer to avoid disconnection occurring, even if ~~customer or~~ consumer has failed to act on prior attempts by the Retailer to engage with them;
- iv) provide information to the ~~customer or~~ consumer at the premises regarding reputable support/social agencies offering budgeting and energy efficiency advice; and

i.v) make a reasonable effort to ascertain and consider whether there are any reasons why the disconnection should be put on hold (e.g., there is, or may be, a MDC or an unverified MDC at the premises, there is a dispute in progress between the consumercustomer and the Retailer, or the consumercustomer provides reasonable evidence to show they are making genuine efforts to arrange payment of the debt).

i. An LPG bottleBottle running out of LPG, is not considered a disconnection under these Guidelines. This is because the residential-consumercustomer has understood and accepted the risks associated with being on an LPG bottleBottle service where disconnection effectively occurs automatically once a consumer'scustomer's LPG bottlesBottles are depleted to the extent that LPG will no longer discharge from the bottle.

10) Additional recommendations for medically dependent consumers

a) Retailers should have and use processes and systems to request and record sufficient information on MDCs and unverified MDCs to make sure, as far as practicable, that no premises at which an MDC permanently or temporarily resides is disconnected, or LPG Bottles at the premises at which an MDC or unverified MDC permanently or temporarily resides, are disconnected and repossessed, for reasons of non-payment of a debt to the Retailer, or the consumer obtaining Gas services by or involving deception, and in particular:

i) the Retailer should request and record information on whether a customer or consumer permanently or temporarily resident at the customer's premises:

(1) is potentially medically dependent; and

(2) is verified as medically dependent via a HP Notice completed by a health practitioner with an appropriate scope of practice; and

ii) if a customer or a consumer permanently or temporarily resident at the customer's premises is or could be an MDC or unverified MDC, the Retailer should collect the following information:

(1) the name of the actual/unverified MDC; and

(2) the name of the actual/unverified MDC's GP; and/or

noting Retailers may choose to verify a customer's MDC status if the customer falls into payment arrears.

- f) If a customer or a consumer permanently or temporarily resident at the customer's premises is an MDC, Retailers should advise the customer that the supply of Gas to the premises cannot be guaranteed and that the MDC needs to develop an individual emergency response plan to use during any Gas outages.
- g) Retailers should not proactively recommend an LPG Bottle service to a customer if the customer, or a consumer permanently or temporarily resident at the customer's premises, is an MDC or an unverified MDC.
- h) Retailers may agree to providing an LPG Bottle service for the premises of an MDC or an unverified MDC if requested to do so by the customer at the premises. This is to avoid discriminating against MDCs wanting an LPG Bottle service. However, the Retailer should suggest the MDC or unverified MDC first discusses the LPG Bottle service option with their health practitioner (on the basis that a bottled LPG service shall automatically be interrupted on the LPG Bottle running out of LPG).
- i) If an LPG Bottle service is provided at premises where an MDC or unverified MDC permanently or temporarily resides, the Retailer should make sure the MDC or unverified MDC understands the risk of there being no LPG supply if the LPG Bottle runs out of LPG.
- j) Retailers should use reasonable endeavours to make sure:
 - i) they have effective and agreed processes with Gas distributors to support and prompt a Gas distributor to:
 - (1) coordinate with Retailers for a planned Gas outage or disconnection, if Retailers notify the distributors of any MDCs or unverified MDCs on the Gas distributor's network; and
 - (2) not vary the time or date of a planned electricity outage or disconnection without conferring with the Retailers whose MDC or unverified MDC customers or consumers are affected; and
 - ii) their service level agreements with metering service providers (MSP) prevent the MSP, subject to health and safety requirements, from:

- (1) disconnecting a Retailer's customer without the express consent of the Retailer; and
 - (2) varying the date or materially varying the time of a consented disconnection.
 - k) Retailers may, at their discretion and subject to the customer's agreement, allocate the status of MDC to a customer who may be medically dependent or to the customer's premises if a consumer who permanently or temporarily resides there may be medically dependent. The Retailer's view may be based on information gathered under these guidelines, provided by an unverified MDC, the customer, a consumer permanently or temporarily resident at the customer's premises, or a third party.
 - l) Retailers should make all reasonable efforts to contact, as soon as practicable, a customer, or a consumer permanently or temporarily resident at a customer's premises, who the Retailer believes could be an MDC, to obtain an application, in any form, for MDC status from the customer or consumer resident at the customer's premises.
 - m) Retailers should, upon receipt of an application for MDC status from a customer or a consumer permanently or temporarily resident at the customer's premises:
 - i) confirm the Retailer is responsible for supplying Gas services to the premises; and
 - ii) if the Retailer is responsible for supplying Gas services to the premises:
 - (1) ask for the unverified MDC's consent to record and hold relevant information relating to the MDC application and to advise the relevant Gas distributor and MSP of relevant information (since these parties can disconnect the unverified MDC's premises); and
 - (2) put in its records the application for MDC status; and
 - (3) confirm that the unverified MDC is permanently or temporarily resident at the premises; and
 - (4) ask the unverified MDC for a valid HP Notice if one has not been provided with the application for MDC status; and

- (5) where applicable, confirm the validity of the HP Notice held by the unverified MDC; and
 - (6) if the unverified MDC's consent has been given, advise the relevant Gas distributor and MSP of the application at the time of receipt and at the time of approval, using standard New Zealand Gas industry protocols and in compliance with all relevant law.
 - n) Retailers should, if they are not the responsible retailer under the Gas Switching Rules for the premises an unverified MDC permanently or temporarily resides at:
 - i) make reasonable attempts to determine who the current retailer is for the premises and advise the unverified MDC of the retailer's name and contact details; and
 - ii) encourage the unverified MDC to contact the appropriate retailer as soon as practicable.
 - o) Retailers may, if an unverified MDC does not provide a valid HP Notice verifying MDC status, after a period of at least 21 business days after making a request under clause 10) m) (ii)(4):
 - i) request the valid HP Notice directly from the District Health Board, private hospital, GP or health practitioner the unverified MDC says provided the HP Notice if the unverified-MDC has provided appropriate consent and contact details; or
 - ii) if the unverified MDC has not provided appropriate consent or contact details, advise the unverified MDC they should obtain the valid HP Notice from the relevant health practitioner that issued the HP Notice as soon as practicable.
 - p) Retailers should advise unverified-MDCs who do not agree to the Retailer recording and holding information relevant to the application and/or HP Notice, or who do not provide a valid HP notice within the time frame set out in clause 10) o):
 - i) that the Retailer may not treat the unverified-MDC as an MDC/unverified MDC; and

- ii) that the unverified-MDC should, as soon as practicable, inform the relevant health practitioner that the retailer may not treat the unverified-MDC as an MDC/unverified-MDC.
- q) Retailers should advise an unverified-MDC that their application has not been approved if, within a period of at least 21 business days of a Retailer making a request, the unverified MDC does not respond to queries from the Retailer sent via the agreed method of communication between the Retailer and the unverified MDC.
- r) Retailers should, if the HP Notice for a customer, or a consumer permanently or temporarily resident at the customer's premises, is not current or is potentially invalid, have and follow a process to review and confirm the MDC status of the customer or consumer resident at the customer's premises.
- s) Retailers may choose to confirm the validity of a HP Notice verifying a customer or a consumer permanently or temporarily resident at the customer's premises as medically dependent. This should be no more frequently than once every 12 months unless the HP Notice is valid for less than 12 months or has no expiry date on its validity or the Retailer, acting reasonably, has good reason to believe an MDC should not have MDC status.
- t) Retailers should explain to an unverified MDC that the unverified MDC and Retailer each pay their own costs associated with the unverified MDC gaining MDC status, unless a Retailer wishes while an HP notice remains in force to confirm or reconsider the MDC status of a customer, or a consumer permanently or temporarily resident at a customer's premises. In that case, the Retailer should reimburse the customer or consumer resident at the customer's premises for the reasonable costs incurred if the Retailer confirms the customer's or consumer resident at the customer's premises MDC status.
- u) Retailers that do not agree an MDC or an unverified MDC is medically dependent should inform the MDC/unverified MDC of the Retailer's view and:
 - i) advise the MDC/MDC applicant of the dispute process the MDC/unverified MDC may follow, including:
 - (1) making a complaint to the Retailer through the Retailer's dispute resolution process; and

- (2) making a complaint to Utilities Disputes if the MDC/unverified MDC considers its dispute remains unresolved following the conclusion of the Retailer's dispute resolution process; and
 - ii) if a complaint is made, treat the premises where the MDC/unverified MDC permanently or temporarily resides as housing an MDC for at least the duration of the dispute concerning the MDC's/unverified MDC's status as an MDC.
- v) Retailers should:
- i) make all reasonable efforts to confirm whether an MDC or unverified MDC is permanently or temporarily resident at a customer's premises which the Retailer intends to disconnect; and
 - ii) not disconnect a post-pay Gas customer's premises for non-payment of debt even where Gas supply services were obtained by deceptive means if an MDC or unverified MDC is permanently or temporarily resident at the premises, including where the customer or consumer permanently or temporarily resident at the customer' premises:
 - (1) has been confirmed as medically dependent by the Retailer; and
 - (2) has applied to the Retailer for MDC status.
- w) Retailers should use reasonable endeavours to make sure they have effective and agreed processes with Gas distributors to support and prompt a Gas distributor undertaking a disconnection of a domestic premises in an emergency, if practicable and if there is sufficient time, to proceed with the disconnection only if:
- i) no consumers are at the premises or the distributor receives no response to its reasonable attempts to contact persons at the premises during the distributor's onsite visit(s); and
 - ii) the distributor has advised any MDCs at the premises of the reason for the disconnection and has advised any such MDCs to enact their individual emergency response plan.

10)11) Reconnection

- a) Retailers that disconnect Gas at a ~~residential-consumer's~~customer's premises or disconnect and repossess LPG bottles from a ~~residential-consumer's~~customer's premises should reconnect Gas to those premises or resupply and reconnect LPG ~~bottles~~Bottles to those premises as soon as reasonably practicable, if:
 - i) the disconnection or repossession was inadvertent or in breach of the Retailer's terms and conditions (in which case the reconnections shall be at no cost to the ~~consumer~~customer); or
 - ii) the disconnection or repossession was for either non-payment of debt or a material breach of the Retailer's conditions for supply of ~~gas~~Gas, and the ~~consumer~~customer has satisfied the Retailer's (reasonable) requirements for reconnection/resupply.
- b) Remote Gas reconnections should only occur if the Retailer can reasonably satisfy itself that the reconnection can be completed safely.
- c) A Retailer should, within a reasonable period, revisit support options with a ~~residential-consumer~~customer that remains disconnected and remains contracted to that Retailer.

11)12) Fees and bonds

- a) Retailers should, in their consumer care policy, provide easy-to-understand detailed information on all fees, charges (including disconnection and reconnection charges), conditional discounts and bonds charged or made available to ~~residential consumers~~customers, even if the Retailer has published them elsewhere on its website.
- b) Retailers should make sure all ~~residential-consumer~~customer fees, charges, conditional discounts and bonds are reasonable. Bonds should be returned within a reasonable time.
- c) Retailers should consider the Commerce Commission's guidance on unfair contract terms, including regarding break fees, under the Fair Trading Act 1986. Retailers must also make sure that they do not, using break fees or any other fees, act in a manner inconsistent with Gas Industry Company's Saves and Winbacks Guidelines.

12)13) Information disclosure and monitoring

- a) Retailers should provide to Gas Industry Company such information as is reasonably requested by Gas Industry Company to assess compliance with these Gas Consumer Care Guidelines.

- b) Gas Industry Company will advise a Retailer of any non-compliance with the Gas Consumer Care Guidelines identified by Gas Industry Company. The Retailer will work reasonably with Gas Industry Company to remedy any non-compliance.
- c) Gas Industry Company may publish the details (including Retailer names) of any identified non-compliance with the Gas Consumer Care Guidelines.

Gas Consumer Care Guidelines Guidance Notes

1. These Guidance Notes are designed to support Gas Industry Company's Gas Consumer Care Guidelines, to help Retailers comply with the Gas Consumer Care Guidelines.
2. The focus of these Guidelines is to help natural gas and LPG (Gas) retailers to understand the context and goals of the Gas Consumer Care Guidelines, and to support a meaningful increase in protection for vulnerable ~~residential~~ Gas consumers, consistent with changes made in the electricity market.
3. The following table summarises the scope of the Gas Consumer Care Guidelines:

The Gas Consumer Care Guidelines apply to the following Gas market participants				
Natural Gas Retailer	LPG Retailer (45kg bottles)	LPG retailer (reticulated)	Distributor (Natural Gas)	Distributor (LPG)
✓	✓	✓	✗	✗

The Gas Consumer Care Guidelines apply to the following Gas market consumers		
Residential	Small business	Commercial & industrial
✓	✗	✗

- 1.
4. The Gas Consumer Care Guidelines are closely aligned with the EA's Electricity Consumer Care Guidelines, to help deliver consistency and efficiency across electricity and Gas markets.
5. The Gas Consumer Care Guidelines should be interpreted with common-sense, giving words their plain English meaning, and having regard to the intent of the Gas Consumer Care Guidelines.
6. Gas Retailers that also supply electricity to ~~consumers~~customers will be familiar with the Electricity Consumer Care Guidelines and will be implementing measures to ensure alignment with the Electricity Consumer Care Guidelines. Extending equivalent alignment measures to Gas ~~consumers~~customers will ensure compliance with Gas Consumer Care Guidelines.
7. Gas Retailers that do not also supply electricity to ~~consumers~~customers (Stand-alone Gas Retailers) will be less familiar with the EA's Electricity Consumer Care Guidelines and may have less well-developed consumer care systems in place. Acknowledging the more nascent state of Stand-alone Gas Retailers' consumer care systems, ~~Gas Industry Company recommends~~ Stand-alone Gas retailers be given an extended

period for implementing the Gas Consumer Care Guidelines, as reflected in

~~paragraph~~clause 12 below

8. Compliance by Retailers with the Gas Consumer Care Guidelines is voluntary but compliance with the Gas Consumer Care Guidelines does not absolve participants of any other legal or contractual obligation to Gas consumers.
9. The Gas Consumer Care Guidelines are deliberately non-prescriptive. This non-prescriptive approach is intended to provide a framework within which participants can innovate.
10. If Retailers are unsure about anything relating to the Gas Consumer Care Guidelines they can discuss the same with Gas Industry Company.

Alignment timing

11. Gas Industry Company will survey Gas Retailers that also supply electricity to ~~consumers~~customers 12 months after publishing the Gas Consumer Care Guidelines, to monitor compliance. Regulatory change recommendations will be considered if this voluntary compliance approach proves unsuccessful.
12. Gas Industry Company will survey Gas Retailers that do not also supply electricity to ~~consumers~~customers (Stand-alone Gas Retailers) 24 months after publishing the Gas Consumer Care Guidelines, to monitor compliance. Regulatory change recommendations will be considered if this voluntary compliance approach proves unsuccessful.



Appendix B – Utilities Disputes and Powerswitch Guidelines

Definitions

"complaint" has the meaning given in the Utilities Disputes Rules (being an expression of dissatisfaction made to or about a Retailer where a response or a resolution is explicitly or implicitly expected). For example, a complaint may be made by letter, email, phone call, text message or a post on a social media page maintained by the Retailer, but not on a social media page maintained by the complaining consumer or a third party.

"consumer" means a person who is supplied natural gas or LPG for consumption, as defined in the Gas Act 1992.

"directed outbound communication or notification" means a communication or notification for a specific named consumer (i.e., not a general communication or mass advertising), personalised for that consumer (i.e., contain information that is specific to that consumer). Where there are a series of related communications between the participant and a consumer, participants need to provide this information in at least one communication in that series.

"Gas Distributor" means any person who supplies line function services (in respect of natural gas or LPG), whether by means of a distribution system or by other means, to any Gas Retailer.

"Gas Switching Rules" means the Gas (Switching Arrangements) Rules 2008.

"Guidelines" means these Utilities Disputes and Powerswitch Guidelines.

"ICP" has the meaning given in the Gas Switching Rules.

"line function services" has the meaning given in the Gas Act 1992.

"LPG Bottle" means a 45kg bottle.

"LPG Retailer" means any person who supplies LPG to a consumer by reticulated distribution network or in LPG bottles.

"Natural Gas Retailer" means any person who supplies natural gas to a consumer.

"Powerswitch" is the electricity and gas plan comparison website as contracted by the EA for this purpose from time to time.

"registry" has the meaning given in the Gas Switching Rules.

"residential consumer" means with respect to a natural gas consumer, a consumer assigned the load shedding category of "DOM" in the registry, and with respect to an LPG consumer, a domestic and not a business consumer of LPG bottles.

"Retailer" means a Natural Gas retailer or ~~ean~~ LPG Retailer.

"Utilities Disputes" is the dispute resolution scheme as defined in section 43E of the Gas Act 1992.

"Utilities Disputes Rules" means the scheme rules for the Energy Complaints Scheme under the Gas Act 1992.

"website" means a website maintained by a Retailer or a Gas Distributor that deals with, describes or offers the supply of Gas or line function services by the Retailer or Gas Distributor.

1) Purpose

- a) The purpose of these Guidelines is to improve consumer awareness of Utilities Disputes and Powerswitch, giving Retailers guidance on how to achieve this through effective communications.
- b) These Guidelines should always be read to favour an outcome that achieves their purpose.

2) Natural Gas Retailers

Utilities Disputes

- a) All Natural Gas Retailers shall provide clear and prominent information about Utilities Disputes:
 - i) on their website;
 - ii) when responding to complaints from consumers ~~about:~~
 - ~~(1) billing or changes to payments for the supply of natural gas; or~~
 - ~~(2) the terms and conditions for supply of natural gas;~~
 - iii) in directed outbound communications to consumers about the Retailer's natural gas services; and
 - iv) on consumer natural gas bills.

Powerswitch

- b) All Natural Gas Retailers with residential consumers of natural gas shall provide clear and prominent information about Powerswitch:
 - i) on their website;
 - ii) in directed outbound communications to those residential consumers about natural gas price and service changes;
 - iii) to those residential consumers on an annual basis; and
 - iv) in directed outbound communications about a bill of a residential consumer of natural gas.

3) Gas Distributors

Utilities Disputes

- a) All Gas Distributors shall provide clear and prominent information about Utilities Disputes:
 - i) on their website;

- ii) when responding to complaints from consumers ~~about line function services~~; and
- iii) in directed outbound communications to consumers about ~~changes to~~ the Gas Distributor's line function services.

4) LPG Retailers

Utilities Disputes

- a) All LPG Retailers shall provide clear and prominent information about Utilities Disputes:
 - i) on their website;
 - ii) when responding to complaints from LPG consumers (LPG ~~bottles~~Bottles or reticulated LPG);
 - ~~iii) in directed outbound communications to consumers about:~~
 - ~~(1) billing or changes to payments for the supply of~~ LPG (LPG ~~bottles~~Bottles or reticulated LPG); ~~or~~
 - ~~(a) iii) the terms) services; and conditions for supply of~~ LPG (LPG ~~bottles or reticulated~~ LPG);
 - ~~(2) iv) on~~ LPG (LPG ~~bottles~~Bottles or reticulated LPG) bills.

[Powerswitch

- b) All LPG Retailers that supply LPG in LPG ~~bottles~~Bottles to residential consumers shall provide clear and prominent information about Powerswitch:
 - i) on their website;
 - ii) in directed outbound communications to residential consumers of LPG ~~bottles~~Bottles about price and service changes;
 - iii) to residential consumers of LPG ~~bottles~~Bottles, on an annual basis; and
 - iv) in directed outbound communications about ~~the~~g bill for residential consumers of LPG ~~bottles~~Bottles.]

[Note: Inclusion of the above provision subject to Gas Industry Company's review of adding LPG bottle pricing to Powerswitch]

5) Gas pricing information on Powerswitch

- a) Natural Gas Retailers shall continue to add natural gas pricing details to Powerswitch.

- b) [LPG Retailers with residential LPG consumers of ~~45kg~~-LPG ~~bottles~~Bottles shall with effect from XX add ~~45kg~~-LPG ~~bottle~~Bottle pricing to Powerswitch.]

[Note: Inclusion of the above provision subject to Gas Industry Company's review of adding LPG bottle pricing to Powerswitch]

Utilities Disputes and Powerswitch Guidance Notes

1. These Guidance Notes are designed to support Gas Industry Company's Utilities Disputes and Powerswitch Guidelines, to help Retailers comply with the Utilities Disputes and Powerswitch Guidelines.
2. The focus of these Guidance Notes is to help natural gas and LPG (Gas) retailers and Gas distributors understand the context and goals of the Utilities Disputes and Powerswitch Guidelines, and to support a meaningful increase in consumer awareness of the Utilities Disputes and Powerswitch services, consistent with changes made in the electricity market.
3. The following table summarises the scope of the Utilities Disputes and Powerswitch Guidelines:

The Utilities Disputes and Powerswitch Guidelines apply to the following Gas market participants				
Powerswitch components				
Natural Gas Retailer	LPG Retailer (45kg bottles) *	LPG Retailer (reticulated)	Distributor (Natural Gas)	Distributor (LPG)
✓	✓	✗	✗	✗
Utilities Disputes components				
Natural Gas Retailer	LPG Retailer (45kg bottles)	LPG Retailer (reticulated)	Distributor (Natural Gas)	Distributor (LPG)
✓	✓	✓	✓	✓

* [Note: Inclusion of the above provision subject to Gas Industry Company's review of adding LPG bottle pricing to Powerswitch]

The Utilities Disputes and Powerswitch Guidelines apply to the following Gas market consumers		
Powerswitch components		
Residential	Small business	Commercial & industrial
✓	✗	✗
Utilities Disputes components		
Residential	Small business	Commercial & industrial

The Utilities Disputes and Powerswitch Guidelines apply to the following Gas market consumers		
✓	✓	✓



4. These Utilities Disputes and Powerswitch Guidelines are closely aligned with the EA's guidelines for electricity market participants, to help deliver consistency and efficiency across electricity and Gas markets.
5. The Utilities Disputes and Powerswitch Guidelines should be interpreted with common-sense, giving words their plain English meaning, and having regard to the intent of the Utilities Disputes and Powerswitch Guidelines - to increase consumer awareness of the Utilities Disputes and Powerswitch services.
6. Compliance by participants with the Utilities Disputes and Powerswitch Guidelines is voluntary provided that compliance with the Utilities Disputes and Powerswitch Guidelines does not absolve participants of any legal or contractual obligation to Gas consumers.
7. The Utilities Disputes and Powerswitch Guidelines are deliberately non-prescriptive. They set out when information must be provided. The content and form of the communication are not prescribed. This non-prescriptive approach provides a framework in which participants can innovate and align communications with their business and communication processes.
8. These Guidance Notes include some examples of good practice to help guide thinking. It is possible that alternative approaches that still meet the Utilities Disputes and Powerswitch Guidelines requirements may be a better solution for some Retailers.
9. If Retailers are unsure about anything relating to the Utilities Disputes and Powerswitch Guidelines they can discuss the same with Utilities Disputes, Powerswitch or Gas Industry Company.

Utilities Disputes explained

10. Utilities Disputes help to resolve complaints about electricity, gas water and access to shared property for fibre installations. Its service is free, independent, and fair.
11. Utilities Disputes can support participants complaint processes (including consumer enquires) by handling complaints and enquiries at any stage, including:
 - helping parties understand each other;

- facilitating conversations or negotiation;
 - making sense of information on notices or invoices;
 - answering questions about the relevant industry;
 - providing an independent third-party perspective;
 - independent validation of a participant's statement(s);
 - referring enquirers to more appropriate forums;
 - communicating the complaint issues and desired resolution in a clear way;
 - managing expectations about outcomes.
12. Under the Gas Act 1992, Gas Retailers, LPG Retailers and Gas Distributors must be members of the Utilities Disputes Scheme and abide by the Utilities Disputes scheme rules.

Powerswitch explained

13. Powerswitch is a free and independent energy plan comparison site. Powerswitch makes it easier for consumers to compare energy plans and find a deal that suits their needs.
14. Powerswitch is operated by Consumer New Zealand and has been engaged by the EA to provide an energy plan comparison service.

Summary of when information needs to be provided

15. The following table summarises when information needs to be provided to a consumer.
16. Note that Gas Industry Company is proposing a narrower approach than that implemented for the electricity market in relation to the provision of Utilities Disputes information, to simplify compliance while retaining a focus on Gas service consumer complaints, consistent with the scope of the Utilities Disputes Rules.
17. Responses to consumer "complaints" are the focus for the provision of Utilities Disputes information in Gas markets (in addition to requirements around Retailer websites, directed outbound communications and Gas bills), rather than the wider "query" category applied by the EA to the electricity market:

Type of communication	Utilities Disputes (Natural Gas and LPG Retailers and Gas Distributors)	Powerswitch (Natural Gas and LPG Retailers* only – excluding reticulated LPG pricing)	When to provide the information
Website	✓	✓	Permanently displayed on website – must be clear and prominent
Responding to complaints	✓	✗	Include in the directed outbound communication – must be clear and prominent
Bill	✓**	✓	Displayed on each consumer bill - must be clear and prominent
Billing changes	✓**	✓	Displayed on directed outbound billing change notification – must be clear and prominent
Terms and conditions for supply	✓**	✗	Displayed on directed outbound service notification – must be clear and prominent
Service changes	✓	✓	Displayed on directed outbound service change notification – must be clear and prominent
Annually	✗	✓	Annual communication to customer (Powerswitch only) –

Type of communication	Utilities Disputes (Natural Gas and LPG Retailers and Gas Distributors)	Powerswitch (Natural Gas and LPG Retailers* only – excluding reticulated LPG pricing)	When to provide the information
			must be clear and prominent

**[Note: Application of Powerswitch provisions to LPG Retailers subject to Gas Industry Company's review of adding LPG bottle pricing to Powerswitch]*

****** Excluding Gas Distributors who do not bill, or have direct contractual relationships with, consumers.

Providing information about Powerswitch is only required for contestable residential connections (natural gas) and residential consumers of LPG from 45kg bottles*

18. The provision of information about Powerswitch is only required for:

18.1 Residential natural gas connections. These ICPs will generally have load shedding category of "DOM" in the registry; and

18.2 residential consumers of LPG from 45kg bottles.

19. Reticulated LPG pricing does not need to be added to Powerswitch. Reticulated LPG networks are not open access so there are no competing retailer offers for consumers to compare against, and making price comparisons against bottled LPG alternatives is likely difficult to achieve in practice.

The amount of information required to increase consumer awareness will depend on the context

20. Communication to consumers takes many forms and the level of information required to raise consumer awareness will depend on the context and form of the communication. As a minimum, the information should include the name of the service and what the service does.

21. For example a text message may include a short link for the consumer to follow while a telephone call may use the service name and phone number or website.

22. It is important to note that the amount of information required is to raise consumer awareness of these services.

Specific wording is provided to help implementation, but is not mandatory

23. The following wording can be used when communicating with consumers. This is suggested wording only and not mandatory. The exact wording will depend on the communication medium and brand being portrayed. It is possible to meet the requirements in other ways. Retailers should be clear on how they are meeting the goals and requirements within their communications:

23.1 Powerswitch

Consumer Powerswitch is a free and independent energy price comparison site. Visit powerswitch.org.nz to check you're on the right plan for your needs.

23.2 Utilities Disputes:

If you have a complaint, please call ([retailer/distributor] contact details) or email ([retailer/distributor] email details) to access our free complaints process. If we cannot resolve your complaint, you can contact Utilities Disputes on 0800 22 33 40 or go to www.utilitiesdisputes.co.nz. Utilities Disputes is a free and independent service for resolving complaints about utilities providers.

Emergency Communications

24. During an emergency it is likely that participants will be engaging directly with consumers to help support them through the emergency. During this time there will be a consumer expectation that the participant will be responding to the emergency and focussing on the consumersconsumer's immediate needs.
25. Compliance with the Utilities Disputes and Powerswitch Guidelines is not required in the context of these emergency-related consumer communications.

Alignment timing

26. Gas Industry Company will survey Gas Retailers that also supply electricity to consumers and Gas distributors 12 months after publishing the Utilities Disputes and Powerswitch Guidelines, to monitor compliance. Regulatory change recommendations will be considered if this voluntary compliance approach proves unsuccessful.
27. Gas Industry Company will survey Gas Retailers that do not also supply electricity to consumers (Stand-alone Gas Retailers) 24 months after publishing the Utilities Disputes and Powerswitch Guidelines, to monitor compliance. Regulatory change recommendations will be considered if this voluntary compliance approach proves unsuccessful.

**[Note: Application of Powerswitch provisions to LPG Retailers subject to Gas Industry Company's review of adding LPG bottle pricing to Powerswitch]*

Frequently Asked Questions

Q#	Question	Answer
1	I get my metering equipment owner (MEQservice provider (MSP)) to contact the customer for a Gas meter change. Do they need to comply with the requirements?	Yes. Natural gas retailers need to make sure agents agent communicating on behalf of them meet these requirements. In this case the MEQMSP is acting as an agent for the retailer in arranging access to the site. The retailer should ensure the MEQMSP communicating on their behalf complies.
2	I am a gas retailer and broadband supplier. Does this requirement apply to communications solely about broadband?	No. This requirement only relates to your role as a gas retailer. Communications that are unrelated to your role as a gas retailer are not covered by these requirements, including broadband and other services. Note however that similar requirements apply to electricity suppliers.
3	Do I need to be putting information about Utilities Disputes and Powerswitch on advertisements?	No. General advertising or marketing campaigns including print mail drops are not covered by the Utilities Disputes and Powerswitch Guidelines. To apply, the communication must be

		personalised for a specific named consumer.
4	I use an app to communicate with customers. Do I have to promote Utilities Disputes and Powerswitch on my app?	If you use the app to present the bill, respond to queries or to push directed outbound communications to named consumers then you should provide information about Utilities Disputes and Powerswitch in the app. If the app does not have these features or the information has already been provided via the same communication sent through traditional channels then you should not need to also provide this information on the app.
5	How do I prove my communications meet the Guideline requirements of clear and prominent?	In most cases this should be evident. Users will be able to easily find and understand the information within the wider communication. Retailers and distributors can demonstrate this by testing communications with consumer groups for clarity and prominence.
6	Do I have to use Utilities Disputes / Powerswitch branding and messaging?	No. The Utilities Disputes and Powerswitch Guidelines require the information to be clear and prominent. We believe using the Utilities Disputes and Powerswitch branding and messaging will achieve this, but it does not prevent participants from innovating. We recommend testing innovative solutions with consumers to ensure it will meet the goals of raising consumer awareness of Utilities Disputes and Powerswitch. We also expect communications will not mis-represent the services or undermine their relevancy for the consumer.
7	Do I need to use colour logos?	No. The Utilities Disputes and Powerswitch Guidelines require the information to be clear and prominent. We believe using colour versions of the Utilities Disputes and Powerswitch branding and messaging will achieve this but it does not prevent participants from innovating or using greyscale versions if necessary. We recommend testing any non-colour solution with consumers to ensure it will meet the

		goals of raising consumer awareness of Utilities Disputes and Powerswitch.
8	How should I make consumers aware of Utilities Disputes and Powerswitch if English is not their first language?	We recommend retailers and distributors provide information on Utilities Dispute and Powerswitch in the same language as the rest of the communication.
9	How do I contact Utilities Disputes and Powerswitch if I have any questions?	Powerswitch can be contacted at: feedback@powerswitch.co.nz 0800 CONSUMER or 04 384 7963 Utilities Disputes can be contacted at: communications@utilitiesdisputes.co.nz or info@utilitiesdisputes.co.nz
10	How will these requirements be audited?	Compliance with the Utilities Disputes and Powerswitch Guidelines is voluntary. However, Gas Industry Company will survey gas retailers and distributors 12-24 months after making this recommendation, to monitor compliance. Regulatory change recommendations will be considered if this voluntary approach proves unsuccessful.
11	If Gas Distributors are mentioning Powerswitch at their own discretion, must they follow the same guidelines?	No. Promoting Powerswitch is at the distributor's discretion. This is because the Utilities Disputes and Powerswitch Guidelines do not recommend gas distributors provide information about Powerswitch.
12	A consumer claims to have not received the initial communication. What should I do?	Retailers should be using reasonable endeavours to ensure consumers receive the communication. If the information was included in a communication that the consumer claims they have not received, it should be included when responding to the enquiry.
13	What are the penalties for not providing clear and prominent information about Utilities Disputes and Powerswitch to consumers?	Compliance with the Utilities Disputes and Powerswitch Guidelines is voluntary. There are no penalties. However, Gas Industry Company will be monitoring non-compliance and will take account of the same in recommending future regulatory change.



Appendix C – Saves and Winbacks

Definitions

"consumercustomer" means a residential consumercustomer or a small business consumercustomer.

"Gas" means natural gas.

"Gas Switching Rules" means the Gas (Switching Arrangements) Rules 2008.

"Gaining Retailer" means a Retailer who has entered into an arrangement to supply Gas to a person where, at the time the arrangement is entered into, the person is a consumercustomer of another retailer (being a Losing Retailer) (the party known as the "new retailer" under the Gas (Switching Arrangements) Rules immediately prior to the switch).

"Guidelines" means these Saves and Winbacks Guidelines.

"Losing Retailer" is defined as set out in the definition of Gaining Retailer (this party would be the "responsible retailer" under the Gas (Switching Arrangements) Rules immediately prior to the switch)

"registry" has the meaning given in the Gas Switching Rules.

"residential consumercustomer" means a consumerperson who has entered into a contract with a Retailer for the supply of Gas, other than for resupply, and who is assigned the load shedding category of "DOM" in the registry.

"Retailer" means a ~~Gas~~-gas retailer" as defined in the Gas Act 1992.

"small business consumercustomer" means a consumerperson who has entered into a contract with a Retailer for the supply of Gas, other than for resupply, and who is assigned the load shedding category of Band 6 in the registry.

"switch" means the process of a consumer of a Losing Retailer changing from receiving the supply of Gas from the Losing Retailer to receiving the supply of Gas from a Gaining Retailer, and the term **"switching"** has a corresponding meaning.

"switch protected period" means the period that:

(a) starts on the earlier of—

- (i) the day on which a Losing Retailer receives notice or otherwise becomes aware that a consumercustomer is switching to a Gaining Retailer; and
- (ii) the day on which a Gaining Retailer assumes responsibility for billing a consumercustomer of a Losing Retailer for Gas; and

(b) ends on the earlier of—

- (i) the date that is 180 days after the relevant date specified in paragraphclause (a); and
- (ii) the date on which the Losing Retailer receives a withdrawal notice from the registry.

1) Purpose

These Guidelines —

- a) set a period of protection for Gaining Retailers during which a Losing Retailer may not approach a consumercustomer to persuade the consumercustomer to stay with the Losing Retailer or to switch back to the Losing Retailer; and
- b) impose restrictions on the use of consumercustomer information held by a Losing Retailer during a switch protected period.
- c) should always be read to favour an outcome that achieves their purpose.

2) Restrictions during switch protected period

- a) A Losing Retailer must not, by any means, including by using a third party or agent acting on its behalf, contact any consumercustomer who is switching from the Losing Retailer to a Gaining Retailer to attempt to persuade the consumercustomer to terminate the arrangement with the Gaining Retailer during the switch protected period including by—
 - i) making a counter-offer to the consumercustomer; or
 - ii) offering an enticement to the consumercustomer.

3) Retailer may communicate with consumerscustomers for certain purposes

- a) Despite clause 2) above, a Losing Retailer may contact a consumercustomer who is switching to a Gaining Retailer for any of the following purposes—
 - i) contacting a consumercustomer to advise the consumercustomer of any termination fees that the consumercustomer is required to pay as a result of the consumercustomer ceasing to buy Gas from the Losing Retailer; or
 - ii) to contact a consumercustomer regarding administrative matters, including—
 - (1) any fees the consumercustomer owes the Losing Retailer;
 - (2) the consumer'scustomer's final meter reading;
 - (3) how the Losing Retailer will return any keys it holds on the consumer'scustomer's behalf; or
 - iii) the effect of the consumercustomer ceasing to buy Gas from the Losing Retailer on other contracts between the consumercustomer and the Losing Retailer, for example, for the supply of electricity; or
 - iv) providing a factual response to a question asked by a consumercustomer; or
 - v) to make a counter-offer or offer an enticement to a consumercustomer where the consumercustomer has:
 - (1) contacted the Losing Retailer without the Losing Retailer having first prompted the consumercustomer to do so; and
 - (2) invited the Losing Retailer to attempt to persuade the consumercustomer not to complete the switch to the Gaining Retailer but to remain with or return to the Losing Retailer instead; or
 - vi) to offer an enticement to a consumercustomer as part of a general marketing campaign; or
 - vii) to contact the consumercustomer to address Gas network fault issues or to follow up a complaint from the consumercustomer.
 - b) If a Losing Retailer contacts a consumercustomer under clause 3 a) above the Losing Retailer must not communicate with the consumercustomer for any other purpose other than a purpose specified in clause 3 a) above.
 - c) Without limiting any of its other obligations, a Retailer (whether a Gaining Retailer or a Losing Retailer) must not harass or coerce a consumercustomer.
- 4) Restrictions on use of consumercustomer information by Retailer prior to or during switch protected period**
- a) A Losing Retailer must not use information relating to a consumercustomer that it obtained prior to or during the switch protected period, including information that

may be used to contact the consumercustomer, during the switch protected period to do any of the following:

- i) contact the consumercustomer for any purpose other than a purpose specified in clause 3 a) above:
 - ii) include the consumercustomer in a marketing campaign other than a general marketing campaign:
 - iii) enable any other Retailer, except the Gaining Retailer, to contact the consumercustomer.
- b) This clause does not limit any other requirement to maintain the confidentiality of any information relating to a consumercustomer that is imposed by the contract entered into between the Losing Retailer and the consumercustomer or otherwise by law.

5) Gas registry codes – Gas switching withdrawal notice

- a) Losing Retailers shall not use the "CR" reason code for gas switching withdrawal notices for consumerscustomers that have changed their mind about, or who wish to cancel, a switch, as a consequence of save or winback activity by or on behalf of the Losing Retailer made during the switch protected period for the consumercustomer, in breach of the Guidelines.

6) Insolvency

Nothing in these Guidelines shall apply to, or otherwise limit, the transfer of consumerscustomers to a Gaining Retailer as a result of the insolvency of a Retailer.

Saves and Winbacks Guidance Notes

1. These Guidance Notes are designed to support Gas Industry Company's Saves and Winbacks Guidelines, to help Retailers comply with the Saves and Winbacks Guidelines.
2. The focus of these Guidance Notes is to help natural gas Retailers understand the context and goals of the Saves and Winbacks Guidelines.
3. The following table summarises the scope of the Saves and Winbacks Guidelines:

The Saves and Winbacks Guidelines apply to the following Gas market participants				
Natural Gas Retailer	LPG Retailer (45kg bottles)	LPG retailer (reticulated)	Distributor (Natural Gas)	Distributor (LPG)
✓	✗	✗	✗	✗

The Saves and Winbacks Guidelines apply to the following Gas market consumers customers		
Residential	Small business	Commercial & industrial
✓	✓	✗

4. The Saves and Winbacks Guidelines are closely aligned with the EA's Code amendments to prohibit saves and winbacks. Like the EA's Code amendments, they apply to residential and small business ~~consumers~~customers.
5. The Saves and Winbacks Guidelines should be interpreted with common-sense, giving words their plain English meaning, and having regard to the intent of the Saves and Winbacks Guidelines (to prohibit save and winback approaches by Losing Retailers during a switch protection period, for the long-term benefit of consumers).
6. Compliance by Retailers with the Saves and Winbacks Guidelines is voluntary provided that compliance with the Saves and Winbacks Guidelines does not absolve participants of any legal or contractual obligations to natural gas (Gas) ~~consumers~~customers.
7. This non-prescriptive approach is intended to provide a framework within which participants can innovate.

8. If Retailers are unsure about anything relating to the Saves and Winbacks Guidelines they can discuss the same with Gas Industry Company.

Alignment timing

9. Gas Industry Company will survey Gas Retailers that also supply electricity to consumerscustomers 12 months after publishing the Saves and Winbacks Guidelines, to monitor compliance. Regulatory change recommendations will be considered if this voluntary compliance approach proves unsuccessful.
10. The following table summarises when a Losing Retailer may or may not contact a consumercustomer who is switching to a Gaining Retailer, during the switch protection period for a consumercustomer:

Communication made by Losing Retailer during switch protection period	Permitted or not permitted	Comments
Making an unsolicited counter-offer to the <u>consumercustomer</u> .	✗	Unsolicited counter-offers may persuade the <u>consumercustomer</u> not to complete the switch to the Gaining Retailer, but to remain with or return to the Losing Retailer instead, and are prohibited
Making an unsolicited enticement to the <u>consumercustomer</u> .	✗	Unsolicited enticements may persuade the <u>consumercustomer</u> not to complete the switch to the Gaining Retailer but to remain with or return to the Losing Retailer instead, and are prohibited
Contacting a <u>consumercustomer</u> to advise the <u>consumercustomer</u> of any termination fees that the	✓	The Guidelines do not restrict communications with <u>consumerscustomers</u> on the

Communication made by Losing Retailer during switch protection period	Permitted or not permitted	Comments
<u>consumer</u> is required to pay as a result of the <u>customer</u> ceasing to buy Gas from the Losing Retailer.		contractual effects of the <u>consumer</u> switching to another Retailer.
Contacting a <u>consumer</u> regarding administrative matters, including— any fees the <u>customer</u> owes the Losing Retailer; the <u>consumer's</u> final meter reading; or how the Losing Retailer will return any keys it holds on the <u>customer's</u> behalf.	✓	The Guidelines do not restrict communications with <u>consumers</u> on the contractual effects of the <u>customer</u> switching to another Retailer.
Contacting a <u>consumer</u> to explain the effect of the <u>customer</u> ceasing to buy Gas from the Losing Retailer on other contracts between the <u>consumer</u> and the Losing Retailer, for example, for the supply of electricity.	✓	The Guidelines do not restrict communications with <u>consumers</u> on the contractual effects of the <u>customer</u> switching to another Retailer.
Contacting a <u>consumer</u> to provide a factual response to a question asked by a <u>customer</u> .	✓	The Guidelines do not restrict how Losing Retailers provide factual answers to switching <u>customer</u> questions.
Making a counter-offer or offer an enticement to a <u>consumer</u> where the <u>customer</u> has: contacted the Losing Retailer without the	✓	The Guidelines do not restrict <u>consumers</u> from initiating contact with the Losing Retailer – a <u>customer</u> might

Communication made by Losing Retailer during switch protection period	Permitted or not permitted	Comments
Losing Retailer having first prompted the <u>consumer</u> customer to do so; and invited the Losing Retailer to attempt to persuade the <u>consumer</u> customer not to complete the switch to the Gaining Retailer but to remain with or return to the Losing Retailer instead.		contact a Losing Retailer looking for a 'reason' to remain with the Losing Retailer. Losing Retailers are entitled to respond to these requests.
Contacting a <u>consumer</u> customer to make an enticement to a <u>consumer</u> customer as part of a general marketing campaign.	✓	The Guidelines relate only to communications directed at a specified switching <u>consumer</u> customer during the switching prohibition period for that <u>consumer</u> customer.
Contacting a <u>consumer</u> customer to address Gas network fault issues or to follow up a complaint from the <u>consumer</u> customer.	✓	The Guidelines do not restrict communications with <u>consumers</u> customers on Gas network issues or <u>consumer</u> customer complaints.
Contacting a <u>consumer</u> customer in an emergency with essential Gas safety or Gas supply information.	✓	The Guidelines do not restrict communications with <u>consumers</u> customers in emergencies on Gas safety or Gas supply issues.



Glossary

EA	Electricity Authority
EPR	Electricity Price Review
ERANZ	Electricity Retailers Association of New Zealand
Gas	Natural gas and LPG
Gas Act	Gas Act 1992
Gas Switching Rules	Gas (Switching Arrangements) Rules 2008
GIC	Gas industry Company
LPG	Liquefied Petroleum Gas
MBIE	Ministry of Business Innovation and Employment



Questions

Title of Report

Submission prepared by: <company name and contact>

Question	Comment
Do you agree with the changes made to the Gas Consumer Care Guidelines to address persons medically dependent on gas?	
Do you support the development of new Gas Information Exchange Protocols, adopting relevant provisions from the corresponding information exchange protocols in the electricity market, addressing the exchange of MDC information?	



Appendix D – Analysis of Submissions

ANALYSIS OF SUBMISSIONS

EXTENDING THE ELECTRICITY PRICE REVIEW'S FINAL RECOMMENDATIONS TO THE GAS MARKET – NEW GAS MARKET GUIDELINES FOR:

- (1) DEALING WITH VULNERABLE CUSTOMERS;
- (2) RAISING CONSUMER AWARENESS OF UTILITIES DISPUTES AND POWERSWITCH; AND
- (3) SAVES AND WINBACKS.

1. Purpose

The purpose of this paper is to provide an analysis of the submissions that Gas Industry Company (GIC) has received on the "Extending the Electricity Price Review's Final Recommendations to the Gas Market – New Gas Market Guidelines For: (1) Dealing with Vulnerable Customers; (2) Raising Consumer Awareness of Utilities Disputes and Powerswitch; and (3) Saves and Winbacks, dated 1 June 2021 (Paper).

2. Introduction

In April 2018, the Government appointed an advisory panel to investigate whether the current electricity market delivers "efficient, fair and equitable prices [to customers]" (Electricity Price Review or EPR).

That panel issued its final report in May 2019 (Report).

Given the similarities and links between the electricity and natural gas and LPG (Gas) markets, and GIC policy objective "To ensure that gas is delivered to existing and new customers in a safe, efficient, fair, reliable and environmentally sustainable manner", GIC considers it prudent to consider extending the EPR recommendations to the Gas market.

GIC has established a workstream to investigate the application of the 32 EPR recommendations to the Gas market.

GIC published the Paper on 1 June 2021. Submissions closed on 13 July 2021. GIC received six submissions in response to the Paper.

3. Submissions received

Submissions were received from:

- Contact Energy Limited (Contact);
- Genesis Energy Limited (Genesis);
- National Building Financial Capability Charitable Trust (FinCap);
- Nova Energy Limited (Nova);
- Powerco Limited (Powerco);
- Utilities Disputes Limited (UDL); and
- Vector Limited (Vector).

4. Submissions analysis

Gas Consumer Care Guidelines

Question 1: *Do you agree with the proposed content of the Gas Consumer Care Guidelines? Are there items that should be added or deleted, and why?*

Submitter	Comment Summary
Contact	Broad support. Consistency over time with EA CCGs.
Genesis	Overall, supports collaborative process and voluntary approach to guidelines. They note that regulated options remain "on the table" if, upon review, GIC is not satisfied that the policy objectives are being met.
FinCap	Protections in the Electricity Authority CCGs for medically dependent consumers should be replicated for customers who currently rely on gas appliances (refer to gas heating and gas refrigeration devices being relevant for some medically dependent customers, and reference
Nova	Broad support, except:

Submitter	Comment Summary
	<ul style="list-style-type: none"> - 8(iv)(d) uneconomic to implement. - 9(b)(ii)(1) - retailers need to be able to disconnect uncontracted premises where consumption recorded and residents are intractable. - 9(iv) – cannot separate debt from individual services; need ability to disconnect gas or other non-essential services if there is an overdue balance on the account.
Powerco	-
UDL	Yes.
Vector	We suggest that Gas Industry Co develop, or engage an independent party to develop, a "consumer care policy template". The relevant gas industry participants can use such template in its entirety or tweak it to suit the needs of their business and customers while remaining compliant with the Guidelines. This will facilitate early compliance and give participants the confidence that the changes they are making to their processes are compliant from the outset and will not be wasted. Gas Industry Co could also consider adopting an amended version of the ERANZ template for gas industry participants.

Question 2: Do you agree with the proposed timeframe for Gas Retailers to align their processes to ensure voluntary compliance with the Gas Consumer Care Guidelines?

Submitter	Comment Summary
Contact	Yes. Consistent approach with EA's CCGs.
Genesis	-
FinCap	Gas CCGs should be mandatory requirements and gas suppliers are expected to prove alignment by 31 December 2021. Gas CCGs should align with electricity CCGs, for efficiency purposes.
Nova	Yes
Powerco	-
UDL	-
Vector	Yes

Question 3: *Do you agree with the Gas Consumer Care Guidelines applying also to Stand-alone Gas Retailers?*

Submitter	Comment Summary
Contact	Yes.
Genesis	-
FinCap	Yes.
Nova	Yes.
Powerco	-
UDL	Yes.
Vector	Yes.

Question 4: *Are any modifications required to the Gas Consumer Care Guidelines to take account of the unique characteristics of the bottled LPG market?*

Submitter	Comment Summary
Contact	Yes. Consistent approach with EA's CCGs.
Genesis	-
FinCap	In principle the level of protection should remain the same.
Nova	-
Powerco	-
UDL	-
Vector	No. We particularly support the Guidelines' objectives of ensuring energy affordability and ensuring that small gas customers are disconnected only as a last resort. Vector's LPG business already supports energy affordability by providing discounts to pensioners (65 years old and over). Our LPG business also keeps a record of vulnerable and medically dependent customers so we can respond appropriately when and where there is a scarcity of LPG.

Utilities Disputes and Powerswitch Guidelines

Question 1: Do you agree with the proposed content of the Guidelines? Are there items that should be added or deleted, and why?

Submitter	Comment Summary
Contact	Yes.
Genesis	-
FinCap	FinCap is not confident that there is enough transparency around the pricing of gas and is concerned that the proposed approach from the GIC does not resolve this. FinCap also strongly recommend that Utilities Disputes Limited is promoted to all whānau with gas supply as consistent with the requirements on electricity providers.
Nova	Yes.
Powerco	-
UDL	Yes, but if the GIC intends to restrict provision of UDL's information to "complaints" only, we believe it should include all complaints rather than the subset proposed by the GIC.
Vector	Yes.

Question 2: Do you agree with Gas Industry Company's proposed narrower approach than that implemented for the electricity market in relation to the provision of Utilities Disputes information (focussing on "complaints" rather than "queries")?

Submitter	Comment Summary
Contact	Yes.
Genesis	-
FinCap	-
Nova	Yes.
Powerco	Supports focus on "complaints" and not "queries".
UDL	UDL considers that UDL details should be provided clearly and prominently with every "query" to increase gas customers' awareness of UDL. If this is to be restricted to "complaints", we believe it should include all complaints rather than the subset proposed by the GIC.
Vector	Yes. We support its decision not to require compliance with the Utilities Disputes and Powerswitch Guidelines in relation to emergency related consumer communication. This would allow our gas

Submitter	Comment Summary
	businesses to focus more on resolving the problem and responding to customer calls expeditiously during an emergency.

Question 3: *Do you agree with the proposed timeframe for Gas Retailers and Gas Distributors to align their processes to ensure voluntary compliance with the Utilities Disputes and Powerswitch Guidelines?*

Submitter	Comment Summary
Contact	Yes.
Genesis	-
FinCap	-
Nova	Yes. The GIC should confirm with Consumer NZ to confirm its lead time for incorporating LPG into Powerswitch, plus any enhancements required for natural gas before confirming the appropriate timeline.
Powerco	Yes – recommend GIC contact affected parties in 2022 for an industry wide interpretation of implementation issues.
UDL	-
Vector	Yes.

Question 4: *Do you agree with the Utilities Disputes and Powerswitch Guidelines applying also to Stand-alone Gas Retailers?*

Submitter	Comment Summary
Contact	Yes.
Genesis	-
FinCap	-
Nova	Yes.
Powerco	-
UDL	Yes.
Vector	Yes.

Saves and Winbacks Guidelines

Question 1: *Do you agree with the proposed content of the Guidelines? Are there items that should be added or deleted, and why?*

Submitter	Comment Summary
Contact	Yes.
Genesis	-
FinCap	Recommends mandatory prohibitions on saves and winbacks that mirror the prohibition for electricity providers are implemented.
Nova	Does not support voluntary regime – either mandatory or non-existent. Nova suggests that the GIC should wait until the Electricity Authority completes its evaluation of the ban of saves & winbacks in the electricity sector before implementing it for gas.
Powerco	-
UDL	Yes.
Vector	Yes.

About Gas Industry Co

Gas Industry Co is the gas industry body and co-regulator under the Gas Act.

Its role is to:

- Develop arrangements, including regulations where appropriate, which improve:
 - the operation of gas markets;
 - access to infrastructure; and
 - consumer outcomes;
- Develop these arrangements with the principal objective to ensure that gas is delivered to existing and new customers in a safe, efficient, reliable, fair and environmentally sustainable manner; and
- Oversee compliance with, and review such arrangements.

Gas Industry Co is required to have regard to the Government's policy objectives for the gas sector, and to report on the achievement of those objectives and on the state of the New Zealand gas industry.