Western Australia

Energy Coordination Act 1994

Gas Marketing Code of Conduct Amendment Code 2025

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Gas Marketing Code of Conduct Amendment Code 2025

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Energy Coordination Act 1994

Gas Marketing Code of Conduct Amendment Code 2025

Approved by the Economic Regulation Authority.

1. Citation

This code is the *Gas Marketing Code of Conduct Amendment Code 2025*.

2. Commencement

This code comes into operation as follows —

(a) clauses 1 and 2 — on the day on which this code is published on the WA legislation website;

(b) the rest of the code — on 1 January 2026.

3. Code amended

This code amends the *Gas Marketing Code of Conduct 2022*.

4. Clause 3 amended

(1) In clause 3 delete the definition of ***distributor***.

(2) In clause 3 insert in alphabetical order:

basic plan information document has the meaning given in clause 9A(4);

distributor means —

(a) in relation to a small use customer who has entered into a contract — the person who holds the distribution licence for the distribution

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system through which gas is supplied to the customer under the contract; or

(b) otherwise — a person who holds a distribution licence;

gas plan has the meaning given in clause 9A(1);

generally available plan has the meaning given in clause 9A(2);

Housing Authority means the body renamed as the Housing Authority by the *Housing Act 1980* section 6(4);

(3) In clause 3 in the definition of ***contact*** delete paragraph (c) and insert:

(c) by post; or

(4) In clause 3 in the definition of ***gas marketing agent*** paragraph (c) delete "representative;" and insert:

representative or the Housing Authority;

(5) In clause 3 in the definition of ***retailer*** delete "licence under Part 2A of the Act;" and insert:

licence;

5. Clause 6 amended

(1) In clause 6(2):

(a) delete the passage that begins with "entering" and ends with "customer, a" and insert:

a retailer enters into a non-standard contract with a small use customer, the

(b) in paragraph (b) before "the difference" insert:

details of

(2) In clause 6(3)(e) delete "network operator's" and insert:

distributor's

6. Clauses 6A to 6F inserted

At the beginning of Part 2 Division 3 insert:

6A. Term used: comparative marketing claim

In this Division —

comparative marketing claim means a statement made in the course of marketing that —

(a) compares gas and electricity or implies a comparison between gas and electricity; and

(b) refers, or impliedly refers, to —

(i) cost effectiveness; or

(ii) energy efficiency; or

(iii) environmental health; or

(iv) environmental sustainability; or

(v) greenhouse gas emissions.

6B. Comparative marketing claims: standards of conduct

A retailer or gas marketing agent who makes a comparative marketing claim must ensure that the claim complies with clauses 6C to 6F.

6C. Comparative marketing claims: cooking

(1) A comparative marketing claim that relates to cooking must —

(a) contain only information that is true and accurate; and

(b) refer to a type of cooktop; and

(c) if the type of cooktop referred to is not an induction cooktop — include a comparison between the cooktop and an induction cooktop; and

(d) specify direct combustion products likely to be present during and immediately after the use of a gas cooktop; and

(e) if the claim refers to the cost of using a cooktop — state the cost relative to the output of the cooktop.

Examples for paragraph (b):

Gas cooktop, induction cooktop, electric resistive cooktop, gas hotplate cooktop and electric hotplate cooktop are types of cooktops.

(2) In subclause (1) —

induction cooktop means a device that uses metal coils to induce an electric field that heats the base of a cooking vessel.

6D. Comparative marketing claims: space heating

(1) A comparative marketing claim that relates to space heating must —

(a) contain only information that is true and accurate; and

(b) refer to a type of space heating appliance; and

(c) if the space heating appliance referred to is not an air conditioner — include a comparison between the appliance and an air conditioner; and

(d) if the claim refers to the cost of using a space heating appliance — state the cost relative to the output of the appliance.

Examples for paragraph (b):

Flued gas heater, unflued gas heater, oil column heater and reverse cycle air conditioner are types of space heating appliances.

(2) In subclause (1) —

air conditioner has the meaning given in the *Greenhouse and Energy Minimum Standards (Air Conditioners up to 65kW) Determination 2019* (Commonwealth) section 5.

6E. Comparative marketing claims: water heating

(1) A comparative marketing claim that relates to water heating must —

(a) contain only information that is true and accurate; and

(b) refer to a type of water heating appliance; and

(c) if the water heating appliance referred to is not a heat pump water heater — include a comparison between the appliance and a heat pump water heater; and

(d) if the claim refers to the cost of using a water heating appliance — state the cost relative to the output of the appliance.

Examples for paragraph (b):

Tankless gas heater, gas storage heater and electric resistive storage heater are types of water heating appliances.

(2) In subclause (1)(c) —

heat pump water heater (also known as a vapour compression type water heater) means a water heater with a mechanical device that uses cyclic adiabatic compression of a vapour, followed by expansion, to force phase changes which result in heating of the water through a heat exchange process.

6F. Comparative marketing claims: environmental sustainability or greenhouse gas emissions

(1) A comparative marketing claim that refers, or impliedly refers, to environmental sustainability or greenhouse gas emissions —

(a) must not specify information about greenhouse gas emissions unless the information relates to customers' use of cooking appliances, space heating appliances or water heating appliances; and

(b) must specify the carbon dioxide equivalence of an amount of greenhouse gas relative to the output of any appliance referred to in the claim; and

(c) must not claim or imply a benefit from the use of gas only by reference to the *National Greenhouse and Energy Reporting (Measurement) Determination 2008* (Commonwealth).

(2) In subclause (1)(b) —

carbon dioxide equivalence, of an amount of greenhouse gas, has the meaning given in the *National Greenhouse and Energy Reporting Act 2007* (Commonwealth) section 7.

7. Clause 8 replaced

Delete clause 8 and insert:

8. Contact for purposes of marketing

(1) A retailer or gas marketing agent who contacts a small use customer for the purposes of marketing must —

(a) provide the following information to the customer —

(i) the name of the retailer or the retailer on whose behalf the contact is being made;

(ii) if the contact is face to face — the first name and a photograph of the person who is contacting the customer;

(iii) if the contact is face to face by a gas marketing agent — the agent's marketing identification number;

and

(b) on request by the customer, provide the following information to the customer —

(i) the complaints telephone number of the retailer or the retailer on whose behalf the contact is being made;

(ii) the business address and Australian Business Number or Australian Company Number of the retailer or the retailer on whose behalf the contact is being made;

(iii) a link to, or a paper copy of, a basic plan information document about any of the retailer's generally available plans;

(iv) the contact details for the gas industry ombudsman;

(v) if the contact is by a gas marketing agent and is not face to face — the agent's marketing identification number.

(2) A retailer or gas marketing agent who meets with a small use customer face to face for the purposes of marketing is taken to have met the requirements of subclause (1)(a) if the retailer or agent displays a clearly visible and legible identity card that shows the information referred to in that paragraph.

(3) If a small use customer requests information referred to in subclause (1)(b) in writing, the retailer or gas marketing agent must comply with the request as soon as practicable after it is made.

8. Part 2 Division 3A inserted

After Part 2 Division 3 insert:

Division 3A — Basic plan information documents

Subdivision 1 — Contents of basic plan information documents

9A. Gas plan, generally available plan, restricted plan and basic plan information document

(1) A ***gas plan*** is a plan by a retailer to supply gas to small use customers under a contract.

(2) A ***generally available plan*** is a gas plan that is —

(a) generally made available only to residential customers in 1 or more supply areas or 1 or more parts of a supply area; and

(b) not a restricted plan.

(3) A ***restricted plan*** is a gas plan that is —

(a) only available to specific small use customers in 1 or more supply areas or 1 or more parts of a supply area; and

(b) tailored to meet the specific circumstances and needs of those customers.

Examples for this subclause:

1. A gas plan available to a small use customer who is an employee of the retailer.
2. A gas plan available to a small use customer who negotiates the plan with the retailer based on the retailer supplying gas to multiple locations for the customer.
3. A gas plan available to a small use customer for the purpose of the customer on-selling the gas to others, such as the operator of a commercial building or apartment

complex who on-sells gas to individual tenants or occupants.

4. A gas plan available to a small use customer as part of a pilot program for the supply of gas by the retailer.

(4) A ***basic plan information document*** is a document that provides basic information about a generally available plan.

9B. Contents of basic plan information documents

A basic plan information document must include the information specified in Schedule 1 about the plan to which it relates.

9C. Display requirements

(1) A basic plan information document must be in Portable Document Format (PDF).

(2) The words in a basic plan information document must appear in black on a white or lightly coloured background.

(3) The information included in a basic plan information document under clause 9B must appear in the same order in which it is set out in Schedule 1.

(4) Despite subclause (3) —

(a) information may be displayed left to right, rather than top to bottom, on a page; and

(b) information about discounts may be displayed beside information about charges.

9D. Language requirements

A basic plan information document —

(a) must not include a term specified in column 1 of the Table in Schedule 2; and

(b) may instead use a term specified in column 2 of the Table opposite the term in column 1 of the Table in Schedule 2.

9E. Permitted inclusions

Clauses 9B to 9D do not prevent —

(a) the inclusion in a basic plan information document of —

(i) an item, such as a logo, to associate the document with the retailer; or

(ii) a link to the retailer's website or social media account;

or

(b) the use of a colour in the document that is not a colour specified in clause 9C(2) for —

(i) information other than information required to be included under clause 9B; or

(ii) table lines or decorative marks.

Subdivision 2 — Obligations on retailers

9F. Retailers must make basic plan information documents available to small use customers

(1) A retailer must make available to small use customers a basic plan information document about each of the retailer's generally available plans.

(2) A basic plan information document must be made available within 5 business days after —

(a) the plan becomes available; or

(b) if the plan is already available — any of the information included in the plan under clause 9B changes.

9G. Retailers must provide link to basic plan information documents on retailers' websites

If a retailer publishes information on its website about a generally available plan, the retailer must provide a link to a basic plan information document about the plan that is —

(a) clearly and prominently displayed on the website; and

(b) immediately proximate to any link on the website that allows a small use customer to enter into the contract to which the plan relates.

9H. Retailers must ensure third party comparison websites provide link to basic plan information documents

(1) In this clause —

third party comparison website means a website on which retailers arrange to place information about generally available plans so that customers can compare those plans.

(2) This clause applies if information about a retailer's generally available plan is published on a third party comparison website.

(3) The retailer must ensure that a link to a basic plan information document about the generally available plan is —

(a) clearly and prominently displayed on the third party comparison website; and

(b) immediately proximate to any link on the website that —

(i) allows a small use customer to sign up to the plan under a contract; or

(ii) redirects a small use customer to the retailer's website.

9I. Retailers advertising generally available plans must provide link to basic plan information documents

(1) In this clause —

advertise includes publish or display, or cause to be published or displayed, by television, radio broadcast, a website, social media, a billboard, a newspaper or a magazine;

website means a website other than a website referred to in clause 9G or 9H.

(2) If a retailer advertises a generally available plan, the retailer must ensure that the following statement is included as part of the advertisement in a clear and legible way —

A basic plan information document about this plan is available at [*insert details of a link on the retailer's website to a basic plan information document for the generally available plan*].

(3) If a retailer advertises 2 or more generally available plans in 1 advertisement, the retailer must ensure that the following statement is included as part of the advertisement in a clear and legible way —

Basic plan information documents about these plans are available at [*insert details of a link on the retailer's website to basic plan information documents for the generally available plans*].

9. Schedules 1 and 2 inserted

After clause 14 insert:

Schedule 1 — Contents of basic plan information documents

[cl. 9B and 9C]

1. Introductory statement

(1) The name of the generally available plan.

(2) The date of publication of the basic plan information document.

2. Eligibility criteria

(1) The name of the distributor for the distribution system through which a small use customer must receive gas under the generally available plan.

(2) Any requirement about metering for a small use customer to be eligible for the generally available plan, including, for example, if a small use customer is required to have a particular meter.

(3) Any requirement that a small use customer must purchase additional products or services to be eligible for the generally available plan, including, for example, a combined gas and telecommunication plan.

(4) Any requirement that, to be eligible for the generally available plan, a small use customer must hold or be eligible to hold any of the following cards, issued on behalf of the Commonwealth and known by the following names —

(a) a pensioner concession card;

(b) a Commonwealth seniors health card;

(c) a Veteran Gold Card.

3. General plan information

(1) The cooling-off period for the generally available plan.

(2) Either —

(a) the period for which the contract for the generally available plan has effect; or

(b) if there is no period for which the contract for the plan has effect — that fact.

(3) If the retailer will automatically place the small use customer onto a new generally available plan after the end of a benefit period or the term of the contract for the generally available plan — that fact.

(4) If the retailer may change charges under the generally available plan —

(a) that fact; and

(b) how and when the retailer will notify the small use customer of the change.

(5) The nominal billing period for the generally available plan.

(6) If an alternative billing period to the nominal billing period is available under the generally available plan — that fact.

(7) Payment methods for the generally available plan.

(8) How and where a small use customer can access the full terms and conditions of the generally available plan.

(9) The retailer's telephone number and website address.

4. Charges

(1) The charge for gas supplied under the generally available plan, including any levied GST.

(2) In subclause (1) —

GST has the meaning given in the *A New Tax System (Goods and Services Tax) Act 1999* (Commonwealth) section 195-1.

5. Discounts and incentives

(1) In this clause —

conditional discount means a discount that requires a small use customer to meet particular conditions to receive the discount;

GST has the meaning given in clause 4(2);

guaranteed discount means a discount other than a conditional discount.

(2) If a discount applies under the generally available plan —

(a) the discount percentage; and

(b) the charges under the plan to which the discount applies; and

(c) whether the discount is applied before or after GST is levied; and

(d) whether the discount is a guaranteed discount or a conditional discount.

(3) If a conditional discount applies under the generally available plan, in addition to the information specified in subclause (2) —

(a) the conditions a small use customer must meet to receive the discount; and

(b) if the discount will be disapplied if a small use customer ceases to meet those conditions — that fact.

(4) If an incentive, other than a discount, is available for entering into, or remaining in, a contract for the generally available plan, including, for example, a one-off benefit — that fact.

6. Fees not part of plan charges

(1) The fee, if any, for account establishment, specified in dollars.

(2) The fee, if any, for account keeping or servicing, specified in cents per day.

(3) The fee, if any, specified in dollars, for —

(a) non-payment of a bill; or

(b) the issue of a written notice for an overdue bill.

(4) The interest, if any, charged in relation to an overdue bill, specified as —

(a) a percentage of the amount overdue under the bill; or

(b) a percentage of the amount overdue under the bill and the Australian Stock Exchange Bank Bill Swap Rate (BBSW).

(5) The fee, if any, for paying a bill at a physical outlet, including, for example, Australia Post (as defined in the *Australian Postal Corporation Act 1989* (Commonwealth) section 3), specified in dollars per payment.

(6) The fee, if any, specified in dollars per copy, for —

(a) a paper copy of a bill; or

(b) a subsequent paper copy of a bill.

(7) The fee, if any, for processing of a payment, specified as a percentage of the amount paid.

(8) The fee, if any, for a service by a distributor that is in addition to a fee charged by the distributor to the retailer.

(9) Any other fee charged under the generally available plan and the circumstances in which that fee is payable.

Schedule 2 — Terms permitted and not permitted in basic plan information documents

[cl. 9D]

Table

Column 1 **Terms not permitted**	**Column 2** **Terms permitted**
unconditional discount non-conditional discount base discount	guaranteed discount
termination fee early termination fee	exit fee
consumption charge	usage charge
standing charge fixed charge	supply charge
evergreen fixed benefit period	ongoing contract with benefit period ongoing contract with [*insert number of months*] benefit period

Note: The heading to clause 7 is to read:

Other standards of conduct

S. EDWELL
Chair, Economic Regulation Authority

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