

Energy Retail Code review (obligations for exempt sellers)

Final decision

19 September 2018

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Summary

The commission's final decision sets out the provisions of the Energy Retail Code (retail code) that will apply to exempt sellers. This follows the Victorian government's decision to reform the rules for exempt sellers. Along with setting out new licence exemption categories, the rules require the commission to specify provisions in the retail code that apply to an exempt person under each category or class.¹

The government's final position paper considered that customers of exempt sellers should receive a level of protection comparable to customers of licensed retailers while continuing to have regard to the nature of exempt selling activities. We have applied this principle in our final decision.

In general, this final decision aligns with the obligations in place across other Australian jurisdictions as set out by the Australian Energy Regulator (AER) under its Retail Exempt Selling Guideline.²

The provisions of the amended retail code broadly relate to the following areas:

- explicit informed consent
- billing, including contents and information on bills, basis for bills, frequency of bills, payment methods, undercharging and overcharging, additional retail charges and merchant fees
- payment difficulties assistance and payment plan options
- restrictions on debt recovery for residential customers experiencing payment difficulties
- a prohibition on security deposits for residential customers
- general information about interpreter services
- provision of information to customers
- reminder notice and disconnection warning notice requirements
- disconnection and reconnection requirements
- life support equipment requirements.

Not all provisions apply to every category of exempt seller. Appendix B provides details of the specific clauses and the particular categories of exempt sellers to which they apply.

There are some areas where the provisions specified in the final decision do not align with the national framework. This largely reflects elements of the retail code that apply only in Victoria. One

¹ Clause 8 of the General Exemption Order 2017, no. S 390, p. 5.

² Australian Energy Regulator (Retail) Exempt Selling Guideline – version 5 – March 2018, available at: <https://www.aer.gov.au/retail-markets/retail-guidelines-reviews/retail-exempt-selling-guideline-march-2018>

particular example is found in the new payment difficulties framework that will apply from 1 January 2019. We believe these obligations are in the long term interests of consumers and important protections that should be available to residential customers of exempt sellers.

We have made this final decision following consultation with stakeholders on the proposed obligations for exempt sellers in our draft decision. In general, the approach set out in the draft decision was supported by stakeholders. A number of submissions made suggestions for changes to the application of particular clauses to exempt sellers. These include providing a 6 month period during which repayment of arrears are put on hold for a customer facing payment difficulty, allowing bill smoothing in caravan parks and retirement villages, additional information on bills, and publishing prices on a website. Stakeholders also requested some guidance material in general, and specifically for explicit informed consent and bill content obligations. We have adopted a number of these suggestions, including extending bill smoothing as an option for caravan parks and retirement villages, and creating guidance material for explicit informed consent and contents of bills. Stakeholders generally suggested specific changes to a range of different obligations, but there was limited uniformity in the issues raised. With this in mind, we are of the view that our proposals are consistent with our decision making criteria, outlined in chapter two of this paper, that balance the needs of consumers and exempt sellers. As such, we have retained most proposals from our draft decision in our final decision.

Compliance with the obligations established in the General Exemption Order 2017 (the order) is a condition of exemption from the requirement to obtain an electricity retail licence. This includes the obligation to comply with the provisions of the retail code that we specify as being applicable to an exempt person under a particular category or class. The obligations for exempt sellers in the retail code commence on 1 January 2019.

We thank all stakeholders who have participated in our consultations for their valuable contribution to this review. The changes outlined in this final decision are the focus for exempt sellers at this point in time. As part of our regular activities we may review obligations in the code from time to time. We will provide advance notice and consult widely where any changes are likely to affect exempt sellers.

1. Introduction

The commission is responsible for licensing companies in Victoria who sell, supply, distribute, transmit or generate electricity. We also set licence conditions for electricity companies which includes the requirement to comply with our codes and guidelines.

In Victoria, there are some electricity sellers who do not require a licence. Retail (selling) exemptions are for exempt persons who purchase electricity from a licensed retailer and then on-sell it to customers who are individually metered within the limits of a site that they own, operate or occupy. Exempt persons can also refer to people who supply electricity in an embedded network. For clarity throughout this final decision we refer to exempt persons with retail exemptions as exempt sellers. Exempt sellers may include caravan parks, retirement villages, shopping centres, apartment buildings, rooming houses and others who sell electricity to residential and small business customers through an embedded network.

1.1. Background

In September 2017, the Department of Environment, Land, Water and Planning delivered its final position paper that set out policy positions for improving the efficiency and effectiveness of the licence exemptions framework and formed the basis for updating the General Exemption Order.³

In November 2017, the Victorian Government gazetted the updated order that set out its regulations to amend the categories of licence exemptions. The categories of exemption now include deemed and registration exemptions for retail (selling) and network (supplying) activities. As part of the changes, the government increased the number of exempt activities covered by the order. This concluded a two year consultation process.

The Victorian Government also tasked the commission with:

- creating a register of exempt sellers and suppliers
- approving a dispute resolution scheme for exempt sellers and exempt suppliers
- reviewing and specifying obligations that will apply to exempt sellers and exempt suppliers
- formulating the maximum price that electricity may be sold at under an exemption.⁴

³ Department of Environment, Land, Water and Planning (2017), *Victorian Government's Review of the Victorian Electricity Licence Exemptions Framework, Final Position Paper*

⁴ The order sets out a transitional pricing rule that specifies that until the commission formulates a maximum price, prices must not exceed the standing offer tariff for the local retailer in the relevant distribution area in which the customer is being served.

On 19 March 2018, we approved the Energy and Water Ombudsman Victoria (EWOV) to be the dispute resolution body for exempt sellers and suppliers. We made this decision having regard to the matters the commission must consider in approving a customer dispute resolution body as required by legislation.

On 17 May 2018, we launched the register of exempt persons, supported by a registration guideline. The guideline specifies the information we collect and publish on the public register. It also outlines the information we collect but do not publish on the public register.

We have convened a number of stakeholder roundtables. These roundtables also provided the commission with preliminary stakeholder views on our work to specify the retail code provisions that will apply to exempt sellers. The views received in the stakeholder roundtables were complemented by feedback received in submissions to our draft decision that proposed obligations that would apply to exempt sellers. We have reviewed these submissions in conjunction with our draft decision in order to determine which obligations should be assigned to exempt sellers.

1.2. Purpose of the final decision paper

The purpose of this paper is to provide background on how the commission has reached its final decision, outline the proposals in our draft decision, describe the key issues raised in stakeholder submissions, and explain our final decision on which obligations in the retail code exempt sellers must comply with.

1.3. Process for reaching a final decision

We sought feedback from interested stakeholders on the proposed provisions set out in the draft decision and the draft amended retail code. Submissions closed on 10 August 2018. We have considered stakeholder feedback and have responded to key issues in this paper.

1.4. Structure of this document

Our final decision follows the following structure:

- Section 2 explains the background to our approach for developing the draft and final decision.
- Section 3 provides a high level summary of the obligations that will apply to exempt sellers and discusses stakeholder feedback.
- Section 4 sets out related work.
- Appendix A defines the categories of exempt seller as prescribed in the order.

- Appendix B contains a table of all specific clauses of the retail code we have included as obligations, including the particular categories of exempt sellers to which the clause applies to.
- Appendix C highlights the obligations from the order that apply to exempt sellers.
- Appendix D provides a reference guide to determine how retail code provisions apply across categories of exempt sellers.
- Appendix E lists the stakeholders who made submissions to our draft decision.

2. Approach

Through the order, the Victorian Government has asked us to assign protections to customers who receive their electricity from exempt sellers. In particular, we have been asked to specify which provisions in the retail code should apply to exempt sellers. The Victorian Government has also asked us to align, where possible, consumer protections with the protections under the Australian Energy Regulator's guideline.

In undertaking this task, we have regard to:

- the order and final position paper
- our legislative framework
- the national framework.

We also have regard to the views of our community and the expectations of the Victorian Government.

2.1. Requirements under the General Exemption Order

The order specifies that we must determine which clauses of the retail code will apply to each category or class of exempt seller.

Under the previous order, exempt sellers were required to comply with 'all applicable provisions' of the retail code as if they were a licensed retailer.

In making the new order, the government determined that:

- the new exemptions framework should provide customers of exempt sellers with a comparable level of protections and services as those afforded to customers of licensed retailers
- the diverse range of exemption categories means that a 'full suite' of protections may not be warranted
- the new obligations must establish a balance between ensuring appropriate levels of consumer protections and not imposing excessive or inappropriate regulatory burden⁵
- the new obligations should align closely with the protections linked to the national framework for each category of exemption.⁶

⁵ Department of Environment, Land, Water and Planning (2017) , *Victorian Government's Review of the Victorian Electricity Licence Exemptions Framework, Final Position Paper*, p. 9.

⁶ *ibid*, p. 11.

In addition, the order also specifies a range of obligations exempt sellers must meet with respect to explicit informed consent and provision of information. Appendix C provides a summary of these obligations.

2.2. Final position paper

In its final position paper, the department considered “that customers of exempt sellers should be given a comparable level of protection as customers of licensed retailers, having regard to the nature of the exempt selling activity, and that these protections should be clearly specified.”⁷ To achieve this, it stated that the commission would be referred the task of specifying the particular provisions in the retail code that would apply to particular categories of exempt sellers.

The commission was expected to consult with government and stakeholders in undertaking this role.

2.3. Legislative framework

Under the *Essential Services Commission Act 2001 (Vic)*, the objective of the commission is to promote the long-term interests of Victorian consumers having regard to the price, quality and reliability of essential services.⁸ In seeking to achieve that objective, in our approach to this decision, we have had particular regard to the following matters:

- consistency in regulation between states and on a national basis
- the benefits and costs of regulation (including externalities and the gains from competition and efficiency) for:
 - consumers and users of products or services (including low income and vulnerable consumers)
 - regulated entities
- the financial viability of the industry.⁹

2.4. Aligning the obligations with the national framework

The AER currently administers the regulatory framework for exempt sellers operating in jurisdictions outside of Victoria through its retail exempt selling guideline.¹⁰

⁷ *ibid.*

⁸ *Essential Services Commission Act 2001 (Vic)*, s8.

⁹ *Essential Services Commission Act 2001 (Vic)*, s8A.

To promote consistency in state and national regulation, regulatory efficiencies and the long-term interests of Victorian consumers, we have sought to harmonise our exempt selling regulatory framework with the AER's national framework as far as possible. This includes protections relating to billing, payments, disconnections, and life support equipment. Appendix B provides further detail setting out how the obligations align with the national framework.

However, in some cases the Victorian retail code provides additional protections to support consumers and users of electricity (including low income and vulnerable consumers) relative to the national arrangements. To promote the long-term interests of customers of exempt sellers and to ensure these customers have protections that are comparable with those for customers of licensed retailers, we have applied some additional obligations to exempt sellers. One example of this is the new payment difficulties framework that will apply from 1 January 2019.

The key protections are summarised in section 3.

2.6 Stakeholder feedback

We have been actively engaging with stakeholders, including representatives from caravan parks, retirement villages, rooming houses, shopping centres, owners' corporations and customer groups to understand which obligations should apply to exempt persons. This includes through roundtable conversations, written submissions, and one on one meetings as requested.

Since February, we have held roundtables with some of these representatives to discuss which obligations should apply from the retail code. Stakeholders have generally encouraged us to align the retail code obligations for exempt sellers with the national framework. However, customer groups also encouraged us to ensure the new Victorian payment difficulty framework and any other state specific protections were applied to customers of exempt sellers.

Fourteen stakeholders provided submissions in response to our draft decision on the proposed retail code obligations. Three submissions came from peak bodies, three from licensed retailers, three from individual consumers, two from caravan park owners, one from an embedded network service provider, one joint submission from two consumer groups, and one from EWOV. A list of all stakeholders that provided submissions is in appendix E.

¹⁰ Australian Energy Regulator (Retail) Exempt Selling Guideline – version 5 – March 2018, available at: <https://www.aer.gov.au/retail-markets/retail-guidelines-reviews/retail-exempt-selling-guideline-march-2018>

3. Key obligations

3.1. To whom do the obligations apply?

Our final decision is to amend the retail code to specify which provisions are applicable to exempt sellers. The retail code only applies to small customers (residential and small business customers) who use less than 40MWh per annum. A copy of the amended code is available at our website.

The order defines two broad categories of exempt sellers, deemed and registrable. Table 1 sets out the categories of deemed exemptions as defined in the order. Deemed exempt sellers do not need to register with the commission, but are still required to meet the relevant obligations.

Table 1: Retail activity deemed exemptions

Exemption code	Retail activity deemed exemptions
VD1	Persons selling metered electricity to fewer than 10 small commercial/retail customers within the limits of a site that they own, occupy or operate.
VD2	Persons selling metered electricity to fewer than 10 residential customers within the limits of a site that they own, occupy or operate (excluding retirement villages, caravan parks, holiday parks, residential land lease parks and manufactured home estates).
VD3	Persons selling metered electricity to occupants of holiday accommodation on a short-term basis (excluding caravan parks, holiday parks, residential land lease parks and manufactured home estates).
VD4	Persons temporarily selling electricity on construction sites, where the sale is an incidental supply to facilitate bona fide construction and commissioning of new facilities on the same or an adjoining site.
VD5	Persons selling electricity to a related company.
VD6	Persons selling electricity on or within the person's premises to customers in conjunction with, or ancillary to, the provision of telecommunications services. Includes internet, telephone, mobile phone, fibre optic, hybrid fibre cable, television, radio, Wi-F or other communications technology. ¹¹
VD7	Government agencies selling metered electricity to non-residential customers for purposes that are ancillary to their primary functions or objectives under the laws under which they are established.

¹¹ This category covers situations where the sale of electricity is incidental to communications services provided by telecommunication companies to business customers using those companies' data centres. It does not cover situations where a customer chooses to buy their electricity and telecommunications services from a single business.

If an entity is eligible for a registrable exemption they are required to register with the commission and have their details published on a public register. Table 2 sets out the categories of registrable exemptions as defined in the order. As the retail code only applies for small customers using less than 40 MWh per annum, the obligations specified in this final decision do not apply to exempt persons in category VR5.

Table 2: Retail activity registration exemptions

Exemption code	Retail activity registration exemptions
VR1	Persons selling metered electricity to 10 or more small commercial/retail customers within the limits of a site that they own, occupy or operate.
VR2	Persons selling metered electricity to 10 or more residential customers within the limits of a site that they own, occupy or operate, excluding sales to residents of retirement villages, caravan parks, holiday parks, residential land lease parks and manufactured home estates.
VR3	Retirement villages selling metered electricity to residential customers within the limits of a site that they own, occupy or operate.
VR4	Persons selling metered electricity in all caravan parks, holiday parks, residential land lease parks and manufactured home estates.
VR5	Persons selling metered electricity to large customers.

3.2. Overview of applicable retail code provisions

At a high-level, and consistent with our draft decision, our final decision is to include the following classifications of obligations from the retail code for exempt sellers:

- explicit informed consent
- billing, including contents and information on bills, basis for bills, frequency of bills, payment methods, undercharging and overcharging, additional retail charges and merchant fees
- payment difficulties assistance and payment plan options
- restrictions on debt recovery for residential customers experiencing payment difficulties

- a prohibition on security deposits for residential customers
- general information about interpreter services
- provision of information to customers
- reminder notice and disconnection warning notice requirements
- disconnection and reconnection requirements
- life support equipment requirements.

The following sections outline our draft decision for the application of particular clauses of the retail code to exempt sellers, how stakeholders responded to those proposals, and our final decision to specify the obligation that will apply to exempt sellers. For more detail on the particular clause of the retail code or the categories of exempt sellers to which it applies, readers should refer to the relevant appendix of this final decision.

Stakeholder feedback

Overall, there was support for the proposed obligations.

The Registered Accommodation Association of Victoria, a peak body for the private rooming house sector, stated:

*On the whole we find that the proposed changes are fair and balanced.*¹²

Network Energy Services, an embedded network service provider which works with retirement villages and over 55s' living resorts, stated:

*We support the provisions identified in the Energy Retail Code for the respective Exemption Classes. These will continue to strengthen the regulatory framework and consumer protections surrounding embedded networks.*¹³

Red Energy and Lumo Energy, licensed retailers, supported the commission's approach:

*The Commission's proposed approach – to apply relevant provisions of the Energy Retail Code to different categories of exempt sellers – is proportionate and pragmatic.*¹⁴

¹² Registered Accommodation Association of Victoria, 2018, *Submission to the ESC draft decision: Energy Retail Code obligations for exempt sellers under the General Exemption Order 2017*, 10 August 2018, p.2.

¹³ Network Energy Services, 2018, *Submission to the ESC draft decision: Energy Retail Code obligations for exempt sellers under the General Exemption Order 2017*, 5 August 2018, p.1.

¹⁴ Red Energy and Lumo Energy, 2018, *Submission to the ESC draft decision: Energy Retail Code obligations for exempt sellers under the General Exemption Order 2017*, 13 August 2018, p. 1.

Stakeholders raised some concerns, or sought clarification on some specific matters. However, there generally was no consistent commentary on specific clauses. The rest of this section addresses feedback and general comments requesting further guidance on applying the obligations.

3.2.1. Explicit informed consent

The order requires exempt sellers to provide information to customers to enable explicit informed consent before the sale of electricity. The order defines explicit informed consent as consent given by a customer to an exempt seller where:

- the exempt seller has clearly, fully and adequately disclosed, in plain English, all matters relevant to the customer's consent
- the customer gives consent to the arrangements:
 - in writing, signed by the customer, or
 - verbally, if the verbal consent is evidenced in a way that can be verified or recorded, or
 - by electronic communication generated by the customer.¹⁵

These obligations in the order are strengthened and supported by the retail code, which also sets out the need for a record of explicit informed consent. We will apply the relevant explicit informed consent obligations in the retail code to most exempt seller categories that serve small customers.

These key protections ensure that customers receive sufficient information about their electricity arrangement prior to making a decision about their electricity supply and giving their consent. We consider these provisions are critical for giving customers of exempt sellers the opportunity to make a choice about their electricity seller.

The national framework does not require explicit informed consent for entering a sale agreement. It specifies the information that an exempt seller needs to provide to a customer prior to an electricity arrangement coming into effect. However, there is no requirement for explicit informed consent to be obtained prior to sale.

Draft decision

In the draft decision, we proposed to apply the relevant explicit informed consent obligations in clauses 3C-3D and 3F of the retail code to the following exemption categories: VR1-4, VD1-2 and VD7. Clause 3F was also proposed to apply to exempt sellers in category VD6.

¹⁵ Clause 9 of the General Exemption Order 2017. No. S390.

Stakeholder feedback

In its submission, the Shopping Centre Council of Australia sought clarification on how the proposed explicit informed consent obligations in the retail code align with the order. Specifically, the submission notes the definition in the order is different to the code, and the obligation applies to the category of activity selling to large customers, whereas the code does not.¹⁶

The Shopping Centre Council also sought clarity on whether the obligation to obtain explicit informed consent would be required for existing customers within an embedded network. Its position is that applying this requirement would be impractical.¹⁷

The Shopping Centre Council requested protections for exempt sellers be added to the code with respect to obtaining explicit informed consent. These included the requirement for a customer to provide consent in a timely manner, customers cannot reasonably withhold consent, and where consent has not been provided, the exempt seller should not be considered to be in breach if they can demonstrate that they have taken all reasonable steps and best endeavours to obtain it.¹⁸

Response to feedback

Explicit informed consent requirements in the order and code

The obligation to obtain explicit informed consent is in the order and applies to all exempt persons with a retail exemption of any class and category. As such, the absence of an exemption category where explicit informed consent is applied in the code should not be interpreted as removing the requirement to comply with the obligation made in the order. Although the provisions in the code do not apply to exempt selling to large customers (category VR5), an exempt seller undertaking that activity must nonetheless obtain the explicit informed consent of their large customers in the manner specified in the order.

The definition in the order and the code largely align. However, the code includes additional requirements, including that a person must be competent to give consent and that a record of consent is kept for at least two years. The obligations relating to record keeping benefit an exempt person in the event a dispute arises as it allows them to demonstrate that they met their obligations. We have also applied these clauses to ensure that obligations requiring explicit informed consent for bill smoothing or bill estimation are in place for exempt sellers.

¹⁶ Shopping Centre Council of Australia, 2018, *Submission to the ESC draft decision: Energy Retail Code obligations for exempt sellers under the General Exemption Order 2017*, 10 August 2018, p.2.

¹⁷ *ibid.* p. 3.

¹⁸ *ibid.*

Explicit informed consent for existing customers

Explicit informed consent to an arrangement for the sale of electricity is not required where the arrangement was entered into before 1 April 2018.¹⁹ However, if a different or new arrangement is made, or any variations to an existing arrangement (where the code requires a customer to consent to such a variation) are made, explicit informed consent must be obtained.

It is important to note that the information provision obligations in the order must also be provided to customers once a year and any other time the customer requests it. Accordingly the information provision obligations will apply to existing customers.

Protections for exempt sellers

The proposal put forward by the Shopping Centre Council to create protections for exempt sellers using best endeavours to obtain explicit informed consent attempts to resolve a fundamental question about consent. Two submissions made by caravan park owners also raised a similar question of what the appropriate actions are for exempt sellers where a customer does not provide consent.

We acknowledge the tension created by the requirement in the order and supported in the code, to obtain explicit informed consent and the obligation proposed in clause 17 to sell electricity except in specific circumstances. However, we consider that the tension is not best addressed by creating additional requirements. The obligation to obtain consent is made in the order and accordingly it is beyond the commission's jurisdiction to remove the requirement. If a dispute arises, we consider that given the exempt seller has an obligation to sell, if an exempt seller can demonstrate that they have used best endeavours to meet their obligation to obtain consent that would be an important consideration in a dispute resolution process.

We will monitor this matter and reconsider our position if it is necessary to do so in the future.

Final decision

The commission does not propose to make any changes to the proposal in our draft decision. As such, clauses 3C-3D and 3F of the retail code will apply to the following exemption categories: VR1-4, VD1-2 and VD7. Clause 3F will also apply to exempt sellers in category VD6.

¹⁹ 1 April 2018 is the date clause 9 of the order, providing for informed consent and provision of information, took effect.

3.2.2. Support for customers experiencing payment difficulties

From 1 January 2019, the retail code will include a new payment difficulties framework that provides minimum entitlements to assistance for residential customers anticipating or facing payment difficulties. Residential customers are a subset of small customers, which do not include small business customers.

There are two forms of assistance available:

- **Standard Assistance** is designed to assist customers who are anticipating payment difficulties and are not yet in arrears for non-payment of a bill.
- **Tailored Assistance** is designed to assist customers who are in payment difficulties and have arrears of \$55 or more due to non-payment of a bill.

Customers are entitled to receive the minimum standard of assistance from their retailer. Retailers cannot choose whether or not they provide assistance to customers, but they have some flexibility in how they provide that assistance. While the new framework contains similar protections as the existing obligations (e.g. payment plans, provision of information to customers about assistance available and flexible payment options), it aims to have assistance tailored to customer needs. The aim of the new framework is to reduce the frequency of payment difficulty, provide customers with timely and tailored information and assistance, and empower customers to propose how they might repay arrears and manage their finances.²⁰ The new framework continues to state that disconnection of an essential service, such as electricity, should only occur as a last resort.

Draft decision

In our draft decision, we proposed to apply certain provisions of the payment difficulties framework to exempt sellers serving residential customers from 1 January 2019. We did not propose to apply all provisions that are to be applied to licensed retailers because some obligations could exceed the capacity of some exempt sellers, particularly those serving a small number of customers.

In taking this approach, we sought to balance protections particularly for vulnerable customers while not placing an excessive burden on exempt sellers. Although these obligations represent a level of protection above what is set out in the national framework, the commission believes they are important protections for customers to maintain access to an essential service in a way they can afford. Moreover, the Australian Energy Market Commission is currently considering a rule change proposal to strengthen protections for customers facing hardship.

²⁰ Essential Services Commission, Payment difficulty framework: Final decision, October 2017, pp. x-xiii.

Stakeholder feedback

Stakeholders expressed a range of positions on the proposed payment difficulty framework obligations.

Cost burden for small exempt sellers

EnergyAustralia, which owns a subsidiary company that operates as an agent for on-sellers of electricity, The Embedded Network Company, considered that the proposed payment difficulty framework obligations are too onerous, particularly for small exempt sellers.

EnergyAustralia raised concerns about the cost burden that would be faced by many smaller exempt sellers in adhering to the payment difficulties framework.

EnergyAustralia considers the Commission should consider removing the need for exempt entities to comply with some of the more detailed clauses where the service benefits to customers are outweighed by disproportionate costs across all customers.²¹

The submission noted the flexibility provided by the exemption framework, such as not being required to comply with many provisions of the retail code. In particular, it

...allows customers of exempt sellers to benefit from lower prices than they would if these small businesses were subject to the full range of provisions of the Code and the resulting higher operating costs.²²

Six month hold on arrears

One option available to customers under tailored assistance in the new payment difficulty framework is the requirement to provide an initial period of at least six months during which repayment of the customer's arrears is put on hold. During this period the customer pays less than the full cost of their on-going use while working to lower the cost of arrears. A retailer is only required to provide this measure of assistance to residential customers who are in arrears and cannot pay the full cost of their on-going energy use. In our draft decision, we did not propose to apply this to obligation to exempt sellers.

In response to our draft decision, the EWOV noted that,

²¹ Energy Australia, 2018, *Submission to the ESC draft decision: Energy Retail Code obligations for exempt sellers under the General Exemption Order 2017*, 10 August 2018, p. 3.

²² *ibid.*, p. 1.

In relation to the support under the payment difficulty framework ... for the most part we think the ESC strikes a reasonable balance (between developing obligations that provide appropriate consumer protections without being an excessive burden for the diverse range of exempt sellers).²³

However, it suggests that,

...there is an opportunity for the ESC to consider a flexible approach to clause 79(1)(f) (the tailored assistance measure that provides at least a six month hold on arrears) – one that reflects the diversity in exempt seller size and sophistication.²⁴

Similarly, in their joint submission, Consumer Action Law Centre (CALC) and Victorian Council of Social Services (VCOSS) also urged the commission to reconsider its position on the clauses relating to a six month hold on arrears when a customer is unable to afford ongoing use.

The Draft Decision proposal that households in embedded networks should not be eligible to a six month hold on arrears when they are unable to afford their ongoing usage, while their neighbours who access energy through a licensed retailer are entitled to that protection is unacceptable. This proposition contradicts the key principle of providing a comparable level of consumer protection.²⁵

Full suite of entitlements

CALC and VCOSS believe the full suite of entitlements in the payment difficulty framework should be applied because it would improve outcomes for many Victorian households in financial difficulty.

We urge the Commission not to be overly cautious in imposing obligations on exempt sellers. All consumers deserve comparable consumer protections regardless of where they buy their energy ... (comparable protections) are vital for households in embedded networks given that many households in these arrangements are captive customers.²⁶

The two consumer groups also suggested the commission consider requiring businesses operating with a large customer base to have financial hardship policies that comply with the retail code,

²³ Energy and Water Ombudsman (Victoria), 2018, *Submission to the ESC draft decision: Energy Retail Code obligations for exempt sellers under the General Exemption Order 2017*, 16 August 2018, p. 5.

²⁴ *ibid.*

²⁵ Consumer Action Law Centre and Victorian Council of Social Service, 2018, *Submission to the ESC draft decision: Energy Retail Code obligations for exempt sellers under the General Exemption Order 2017*, 10 August 2018, p. 2.

²⁶ *ibid.*, p. 1.

noting that some already have policies in place. EWOV, CALC and VCOSS also supported the inclusion of Centrepay as a payment option.²⁷

Provision of information about assistance available

The Registered Accommodation Association of Victoria considers that requiring an exempt seller to provide information to a customer experiencing payment difficulty about government and non-government assistance available to customers to help them meet their energy costs and approaches to lowering energy costs is too onerous. The association considers that these clauses require an in-depth knowledge of the assistance that is available to customers. Since the sale of electricity is not the core business of rooming house operators, they would find it difficult to provide that information.²⁸

Response to feedback

Customer protections provided by the payment difficulties framework are an element in maintaining affordability of an essential service. For this reason we have appreciated the attention of stakeholders on these important obligations and how they are applied to exempt sellers. While we acknowledge the feedback raised in submissions and the basis for those arguments, we believe that our proposals balance protections for consumers with the capabilities of exempt sellers without introducing further complexity to the framework.

Cost burden for small exempt sellers

We have heard feedback from some smaller exempt sellers, such as caravan parks, who apply the principle that disconnection of an essential service is a last resort and are sympathetic to vulnerable customers' circumstances in spite of the costs to their business. We would also note that most exempt sellers did not raise concerns that these obligations would lead to a large cost increase as suggested by EnergyAustralia. As such, we believe we have appropriately balanced the protections for customers, particularly vulnerable consumers, while not placing an onerous burden on exempt sellers.

EnergyAustralia also noted that an exemption framework that does not apply the full range of obligations in the retail code allows customers of exempt sellers to benefit from lower prices. However, we note that customer submissions to this consultation process and general embedded

²⁷ Energy and Water Ombudsman (Victoria), op. cit., p. 5, and Consumer Action Law Centre and Victorian Council of Social Service, op. cit., p. 5.

²⁸ Registered Accommodation Association Victoria, op. cit., p. 6.

network customer complaints received by EWOV highlight that high prices are a major primary concern. We believe this provides a different perspective on EnergyAustralia's position that a flexible exemption framework with less compliance obligations results in lower prices for customers.

Six month hold on arrears

We acknowledge EWOV's suggestion to amend the clauses relating to a six month hold on arrears so that the period during which arrears is on hold is proportionate to the size and complexity of the exempt seller. Applying obligations to a targeted set of exempt sellers within a specific category would require the commission to alter the relevant category of exemption. The categories of exempt sellers are established in the order, which is not established by the commission. However, the payment difficulties framework is due to be reviewed within two years and we will review if any changes are required at that point in time.

Full suite of entitlements

In its submission, consumer groups advocated for the entire payment difficulty framework to apply to customers of exempt sellers. We agree that where possible, every Victorian energy consumer should have the same level of consumer protections. However, in saying that, we must also balance the cost to the regulated industry of providing that level of protection. We believe the approach outlined in the draft decision provides the appropriate balance whereby customers will be entitled to standard and limited tailored forms of assistance under the payment difficulty framework. In limiting the tailored forms of assistance, we have had regard to the cost burden the full suite could impose, particularly on smaller exempt sellers. We also consider this approach is consistent with the objective of the framework, which is to ensure disconnection is a last resort. There continue to be an appropriate set of steps that apply before proceeding to disconnection.

Provision of information about assistance available

The commission acknowledges the concerns that some exempt sellers may have limited knowledge of information about government and non-government assistance and approaches to lowering energy costs. Our Energy Compliance and Enforcement Policy: Guidance note – Payment difficulty and disconnection, provides guidance and examples of compliant conduct with the payment difficulty framework.²⁹ This guidance document may assist exempt sellers understand how they can provide information to their customers about the assistance available.

²⁹ Essential Services Commission, Energy Compliance and Enforcement Policy: Guidance note – Payment difficulty and disconnection, available at: https://www.esc.vic.gov.au/sites/default/files/documents/payment-difficulty-framework-energy-compliance-and-enforcement-policy-guidance-note-20171222_v2.pdf.

Final decision

Consistent with the draft decision we continue to apply certain payment difficulties framework obligations to exempt sellers.

3.2.3. Billing obligations

The retail code contains a range of billing obligations that provide transparency and valuable information for Victorian electricity customers. These include obligations relating to the frequency of bills, dispute resolution, overcharging or undercharging and payment options.

It is important for customers to be issued bills on a regular basis and that bills include relevant information to help a customer understand the charges and their usage. We also consider it important for customers to have a specified timeframe to pay their bills. We consider that a minimum of 13 business days for payment from the date the bill was issued, which is the minimum for customers on a standard retail contract, provides customers with an appropriate period of time to pay the bill before a reminder notice can be issued.

Additionally, we believe that procedures for handling billing complaints in a standard manner to be important for customers to assist with the timely resolution of disputes.

Customers should receive timely refunds of any overcharged amounts and should have protections if an exempt seller's error results in undercharging for an extended period. Without regulation, customers may be subject to a lengthy period of cost recovery despite not being the cause of the undercharging error. This has the potential to create financial harm and payment difficulties for customers through high bills.

Customers should also have options about how they pay their bill, including at least one method that does not require access to the internet or direct debit. This is particularly relevant for vulnerable customers. Accordingly, our final decision is to include a range of billing obligations.

These provisions provide important information to customers to understand and manage their electricity usage, as well as providing them with reasonable timeframes in which to pay bills. It also provides customers with certainty about how they can pay their bills, to query how their bill has been developed and how they will be reimbursed when overcharged. We believe these provisions are necessary protections for customers to manage their finances.

We have aligned the obligations as closely as possible with the national framework. Conditions 3, 4 and 5 of the AER's exempt selling guideline contain similar obligations to the provisions we are applying to exempt sellers.

Draft decision

We proposed including a range of billing obligations including:

- contents and information on bills
- basis for bills (including estimations)
- frequency of bills
- historical billing information
- billing dispute procedures
- undercharging and overcharging
- payment methods for customers of exempt sellers
- receipts for cash payments
- additional retail charges and merchant fees.

We proposed applying these obligations to the following exemption categories: VR1-4, VD2 and VD7.

Stakeholder feedback

Generally, stakeholders were supportive of the proposed billing obligations overall. However, stakeholders requested the commission reconsider applying or excluding specific clauses.

Billing frequency, contents of bills, and bill smoothing

The Victorian Caravan Parks Association stated that it has no concerns with the proposed obligations. It noted that current invoices already include all the required information and residents are generally billed fortnightly to keep the amounts manageable and prevent large arrears developing.³⁰

The Registered Accommodation Association of Victoria highlighted some inconsistencies between the draft decision paper and the draft amended retail code with respect to how clause 25, contents of bill, was applied to exempt sellers in categories VR2 and VD2. In doing so, it also stated its preferred position with respect to those clauses.³¹

The submission also proposed that we make changes to, or do not apply, certain obligations relating to billing frequency (by allowing for bills less frequently than every three months), payment methods, receipts and information about rebates or grants.

³⁰ Victorian Caravan Parks Association, *Submission to the ESC draft decision: Energy Retail Code obligations for exempt sellers under the General Exemption Order 2017*, 2 August 2018, p. 3.

³¹ Registered Accommodation Association of Victoria, op. cit., p. 4-5.

The submission requested a longer billing period with the consent of the customer, noting that bills for customers of rooming houses can be very small and some tenants such as university students prefer to receive bills at the end of the semesters instead of receiving them regularly.³²

It also raised concerns that the obligation to provide historical billing data or metering data to customers who request it may encourage exempt persons to purchase lower quality meters.

Meanwhile, CALC and VCOSS proposed that certain subclauses relating to the contents of bills should be included. Their submission seeks to include rebate, concessions, relief scheme or payment plan amounts, a separate 24 hour telephone number for fault enquiries and emergencies, and contact details of interpreter services in community languages.

The submission also requests the commission to reconsider the proposed exclusion of the choice to offer bill smoothing for exempt sellers on-selling to customers in the caravan park and retirement village exemption category.³³

Recommendation from the independent review of the retail energy market

Red Energy and Lumo Energy noted the ongoing work the commission is undertaking to implement the recommendations from the Independent Review of the Electricity and Gas Retail Markets. Their position is that code amendments being made to change the information presented on bills and marketing present an opportunity to align workstreams.³⁴

In this context (of the independent review and recent changes seeking to facilitate access to the market for customers of exempt sellers), it is entirely appropriate that any revised obligations with respect to bills and marketing also apply to registered exempt sellers so consumers can undertake meaningful comparisons.³⁵

Response to feedback

Contents of bills, and bill smoothing

We have clarified the subclauses that apply from clause 25 regarding contents of bills to the various exemption categories, particularly to create consistency between the VR2 and VD2 exemption categories. The obligations we have applied are generally those that were proposed in the draft decision, rather than in the draft amended code.

³² *ibid.*, p. 4.

³³ Consumer Action Law Centre and Victorian Council of Social Service, *op. cit.*, p. 5.

³⁴ Red Energy and Lumo Energy, *op. cit.* p. 1.

³⁵ *ibid.*

Billing frequency

Regular billing is important for assisting customers to manager their energy costs. We therefore do not propose to extend the billing cycle beyond what is required at minimum for other Victorian energy customers.

Meter quality

We acknowledge concerns about minimum standards for meters installed in embedded networks. However, we do not agree with comments that providing historical billing data or metering data, where it is available and requested by a customer, will encourage the purchase of lower quality meters. We note that exempt distributors must comply with metering standards set by the Australian Energy Regulator's network service provider registration exemption guideline.³⁶

Contents of bills

We note CALC and VCOSS' comments regarding itemised payments made from concessions, rebates and payment plans. The commission understands from some stakeholders that exempt sellers have limited or no role in processing credits or amounts received under government funded rebates, concessions or relief schemes. This is because government concessions for customers in embedded networks function as a rebate. This differs from licensed retailers who have the ability to apply the concession on behalf of their customers. In embedded networks, the exempt seller cannot. Rather, the customer applies for financial government assistance separately. We believe that other obligations we have applied to exempt sellers to provide customers a written schedule of payments under a payment plan and to contact the customer to discuss a revised proposal where they have missed a scheduled payment provide sufficient information and protection to customers.³⁷

We consider that requiring an exempt seller to include contact details of interpreter services in community languages may impose an excessive cost burden on smaller entities as they would likely have to pay to join an interpreter service scheme to provide that service. We also believe that the obligations for exempt sellers to refer a customer to interpreter services if necessary or appropriate provide sufficient protections.

The order requires an exempt seller to provide its customers with contact numbers in the event of an electricity fault or emergency, before they enter the agreement for sale, once a year, and at any other time requested by the customer. As such, we are not proposing to apply the requirement in

³⁶ <https://www.aer.gov.au/networks-pipelines/guidelines-schemes-models-reviews/network-service-provider-registration-exemption-guideline-march-2018>

³⁷ Clause 81(5) and 81(6) of the Energy Retail Code.

the retail code for an exempt seller to provide its customers a 'separate' phone number for fault enquiries or emergencies. This may result in additional costs for exempt sellers, which does not provide additional protections compared with what is already available under the order.

Bill smoothing

The commission agrees with CALC and VCOSS that there is no reason that the option of bill smoothing should not be available to customers of caravan parks and retirement villages. As such, the final decision will include the option for exempt sellers in those categories to also offer bill smoothing with the explicit informed consent of the customer.

Recommendation from the independent review of the retail energy market

The intent of this final decision is to specify how the obligations currently in the code apply to exempt sellers. At this point in time, we are not proposing to apply any changes that respond to recommendations from the independent review of the retail energy market to exempt sellers, noting that these changes have not been finalised. Many of the proposed requirements relate to marketing and are unlikely to be relevant for exempt sellers. Nonetheless, we will continue to review the obligations set out in the code to ensure they are in the long term interests of consumers. If we identify the need for any changes likely to affect exempt sellers we will provide advance notice and consult widely.

Final decision

The commission's final decision relating to billing provisions remains largely consistent with the draft decision. We do however propose to include clause 23 (bill smoothing) for exempt sellers in categories VR3-4.

3.2.4. Protections for customers who require life support equipment

The life support provisions of the retail code require a licensed retailer to notify the licensed distributor about a customer who has life support equipment. These clauses set out the circumstances where a licensed retailer must register a premise as having life support equipment, provide the relevant distributor with relevant information and not arrange for de-energisation of the premise.

Requiring an exempt seller to notify their licensed retailer (who in turn notifies the licensed distributor) about a customer in the embedded network who requires life support equipment is critical for these customers. This will ensure that the licensed distributor works with the exempt seller regarding planned outages in the wider distribution network.

Requiring the exempt seller to notify the exempt supplier (if they are separate entities) to ensure that the exempt supplier works with the customer regarding a planned outage within the embedded network ensures that all parties are aware of these customers.

We consider the life support provisions to be critical protections for customers who reside at a property and require life support equipment. These obligations will help protect customers against losing supply during planned outage events and the risks this could pose to their health and wellbeing.

Our approach aligns with condition 20 of the AER's exempt selling guideline.

Draft decision

We proposed to apply clauses 123 and 125 to exempt sellers who serve residential customers in the following exemption categories: VR2-4 and VD2.

Stakeholder feedback

No stakeholders raised any objection to the proposed obligations regarding protections for customers who require life support equipment.

Final decision

Consistent with our draft decision we will apply clauses 123 and 125 to exempt sellers who serve residential customers in the following exemption categories: VR2-4 and VD2.

3.2.5. Disconnection obligations

The disconnection clauses of the retail code we have applied specify when a licensed retailer or exempt seller can and cannot disconnect a customer's supply in a variety of circumstances.

Clauses 111-116 and 118 include provisions for:

- protections for customers from disconnection for not paying a bill
- the ability of exempt sellers to disconnect regarding security deposits or refusal to provide acceptable identification
- an exempt seller's right to disconnect when a customer denies access to the meter
- an exempt seller's right to disconnect if a customer is illegally using energy
- protections for customers regarding when a retailer must not arrange disconnection
- a customer's right to request disconnection of their supply.

We consider these to be important protections for customers because they clarify the circumstances where they may be disconnected and provide strong protections that guard against disconnection from an essential service.

Equally, the provisions provide exempt sellers with the ability to disconnect a customer's electricity supply in certain circumstances.

Clause 117 is not relevant to exempt sellers as it relates to dual fuel contracts (i.e. electricity and gas combined in one contract).

Without clear rules and requirements regarding disconnections, customers and exempt sellers could be negatively impacted. These obligations and customer protections clearly outline when and in what circumstances supply of an essential service can be disconnected.

Draft decision

We proposed to apply clauses 111, 112(2), 113-116 and 118 to the following exemption categories: VR2-4, VD2.

We proposed to apply clauses 111-116 and 118 to the following exemption categories: VR1, VD1 and VD7.

Stakeholder feedback

No stakeholders raised any objection to the proposed obligations regarding disconnection obligations.

Final decision

Consistent with our draft decision we will apply clauses 111, 112(2), 113-116 and 118 to the following exemption categories: VR2-4, VD2.

We will also apply clauses 111-116 and 118 to the following exemption categories: VR1, VD1 and VD7.

3.2.6. Other issues

Request for guidance material

Various stakeholders requested guidance material to assist exempt sellers in understanding their obligations. This included the EWOV's request for a billing template, and Registered Accommodation Association of Victoria's request for a list of all items that require explicit informed consent and a model agreement as set out for standard retail contracts.³⁸

CALC and VCOSS stated that,

³⁸ Energy and Water Ombudsman (Victoria), op. cit., p. 6, Registered Accommodation Association of Victoria, op. cit., p.6, and

It is imperative that the new obligations are communicated broadly and thoroughly and that communications are pitched in such a way that they connect across the range of the intended audience.³⁹

While we do not intend to develop a template for exempt sellers as set out for standard retail contracts, or a billing template, we do propose to provide clearer information in separate documents that sets out the information to be provided when seeking explicit informed consent and billing. These documents will be targeted to particular exempt selling categories including VD1 and VR1, VD2 and VR2, VR3, and VR4.

Definition of a small customer

In its submission, the Shopping Centre Council raised concerns about a potential lack of alignment between the order and the retail code, specifically relating to which exempt sellers are required to comply with the code.⁴⁰ This particularly relates to the customer types specified in the order, code and Electricity Industry Act. In particular the submission seeks clarity that the code does not apply to large customers.⁴¹

Under the order the commission has discretion over which categories and class of retail exemption we apply specific provisions of the retail code. The retail code does not apply to large customers of licensed retailers. Accordingly, we do not consider it should apply to large customers of exempt sellers and have not applied any clauses to category VR5. We consider that large customers have bargaining power to negotiate contracts with their on-seller. They are also afforded protections in the order, including the information provision specified in the order, and access to the dispute resolution scheme.⁴²

Our amendments to the code include an additional definition of a small customer as,

(b) a person:

(i) who purchases electricity from an *exempt person* principally for personal, household or domestic use; or

(ii) whose aggregate consumption of electricity purchased from an *exempt person* has not been, or is not likely to be, more than 40 megawatt hours in any calendar year;

³⁹ Consumer Action Law Centre and Victorian Council of Social Service, op. cit., p. 5.

⁴⁰ Shopping Centre Council of Australia, op. cit., p. 2.

⁴¹ *ibid.*

⁴² The commission has approved the Energy and Water Ombudsman (Victoria).

This definition has been included to ensure the retail code applies to a residential customer as defined in the order, and to a small retail customer being sold electricity under the order but within the electricity consumption threshold of the code. We consider that this definition of a small customer, which specifically relates to an exempt person, ensures the definition of a small customer that relates to customers of licensed retailers does not conflict with the order.

Application of the code

The Shopping Centre Council is concerned that the current drafting may suggest exempt persons are licensed retailers. In particular, it notes that clause 3B(6)(a) may be interpreted to mean that all clauses in the code that apply to a licensed retailer would also apply to exempt persons.⁴³

That clause needs to be read in context with all of clause six. The clause provides that the code (emphasis in bold added),

applies to an exempt person in one or more categories only where a clause states it applies to an exempt person in a relevant category, and only in respect of that exempt person's activities in relation to small customers. Unless the context otherwise requires, a reference:

(a) to retailer in any such clause includes exempt persons to the extent they engage in the relevant category of activity in relation to small customers;

We consider that this limits the application of the code to those clauses that have been specified as applicable to an exempt person undertaking a relevant category of activity. Only in such clauses does reference to a retailer include a relevant exempt person.

Commencement of the code

In our draft decision, we proposed the new obligations would take effect on 1 January 2019.

The Shopping Centre Council noted it is unclear whether the code will apply to new embedded networks or if it applies to existing embedded networks, will it only apply to new customers within those networks.⁴⁴

The code takes effect on 1 January 2019 for all exempt persons in the relevant categories specified as applicable, and in respect of that exempt person's activities in relation to small

⁴³ Shopping Centre Council of Australia, op. cit., p.2.

⁴⁴ *ibid.*, p. 3.

customers as defined in the code. This includes existing and new embedded networks, and all customers in those networks.

Publishing prices on website

In the draft decision, we proposed to exclude the clauses relating to price and product disclosure for exempt sellers. The order requires an exempt seller to provide price information to a customer before they enter an agreement for the sale of electricity, once a year, and at any time at the request of the customer.

EWOV suggested that,

Presuming that an exempt seller has a public website, we think it's reasonable that the prices it charges for electricity are displayed there... greater market visibility around price should remain a goal in the long term interests of consumers.

Generally we have observed that requiring exempt sellers to maintain a website where they did not already have one is likely to impose costs on the exempt seller. While we recognise that there would be value in exempt sellers publishing their prices on websites, we do not propose to apply these clauses (15A and 15B) to exempt sellers. This is because the subclauses in question refer to standing offer tariffs and requirements for prices to be presented in a very specific format, which could not be applied directly to the prices of exempt sellers. However, nothing in the code prevents an exempt seller who has a website, or wishes to create a website, from publishing information about its pricing on their websites.

Customer details and meter access

In their submission, EWOV sought clarification on why we proposed not to apply obligations on customers to provide their personal details and access to the meter to the exempt seller.⁴⁵ We consider that the nature of exempt seller and customer relationships are of a different nature to the relationship between a market customer and a licensed retailer. Even in circumstances where an account holder and resident or business are different parties, we do not consider it appropriate to impose an obligation on a customer with limited choice over who they obtain their electricity from.

With respect to removing the requirement for an embedded network customer to provide access to their meter, our understanding is that the standard scenario in embedded networks is that the exempt person controls access to the meter and therefore the customer does not have the ability to hinder access. In circumstances where the customer controls access to the meter and hinders

⁴⁵ Energy and Water Ombudsman (Victoria), op. cit., p. 3.

an exempt seller's access to it, the exempt seller has protections under clause 113 to initiate de-energisation proceedings. This requires the exempt seller to give the customer an opportunity to offer reasonable alternative arrangements to provide access and give the customer notice requesting access and informing them of their ability to arrange for de-energisation.

Undercharging a parent meter

EWOV also raised concerns about undercharging where consumption on a parent meter is over 40MWh a year, and the parent meter is back-billed by the licensed retailer. Because the parent meter consumes more than 40MWh a year it would not be covered by the retail code. The ombudsman's concern is that an exempt seller may pass on the back-bill (which isn't bound to undercharging protections) to its smaller customers within the embedded network.⁴⁶

We do not consider there is an issue with undercharging in the circumstances raised by the ombudsman's office. An exempt seller would be required to abide by the obligation to its customers regardless of their own arrangements with their licensed retailer. An exempt seller is not able to recover undercharged amounts to a customer whose own consumption was not undercharged.

Policy issues

- Two caravan park owners made submissions raising objections to the requirement to obtain explicit informed consent and the payment of fees.⁴⁷ These are matters of policy established in the order and beyond the scope of this review and the commission's jurisdiction.
- In its submission AGL notes that there should be a greater amount of information provided to customers by third party service providers. Due to the conditions of exemption in the order, third party service providers in embedded networks are generally not the exempt person. In this review we are specifying obligations that are applicable to the relevant exempt persons and responsibility ultimately lies with the exempt seller.
- Consumers who made submissions also raised issues about high prices paid compared to those who access the competitive market, and the barriers that prevent them from accessing that market. Those matters are beyond the scope of this review. However, we note that the order provides the commission with the power to formulate a maximum price or range of prices at which electricity may be sold or supplied under an exemption. We also note that the AEMC is working on further changes that would improve access to

⁴⁶ *ibid.*, p. 4.

⁴⁷ Email submissions received from Damien Daly and Delia Jackson.

the competitive market for embedded network customers. We will continue to monitor these changes, as some of them would apply in Victoria.

3.3. Application of provisions to different exempt sellers

Exempt sellers are categorised depending on who they sell electricity to, the context in which that occurs and the scale of their operations. Where a retail code provision has been applied to exempt sellers, the commission has specified which categories of exempt seller are relevant in Appendix B, with a quick reference guide in Appendix D. The categories of exempt sellers are defined in Appendix A as specified in the order.

It is important to note that these obligations will not apply to every category of exempt seller.

Additionally, the retail code obligations do not apply to exempt sellers who do not bill customers for electricity as a separate, discrete charge based on consumption and therefore who do not need a retail exemption. Nor do they apply to the large customer retail exemption category.

3.4. When will the code amendments take effect?

The amendments to the retail code and the new payment difficulties framework will take effect for exempt sellers on 1 January 2019. This approach provides EWOV with a guide in relation to the relevant provisions of the retail code for dispute resolution as soon as possible and ensures customers of exempt sellers receive access to the new payment difficulties framework at the same time as other customers. It also provides exempt sellers with a period of transition to develop and implement new practices to meet these obligations.

4. Next steps

The obligations set out in this final decision will apply to exempt sellers from 1 January 2019. Over the next 12 months the commission will progress work in the following related areas:

- Assisting exempt sellers and customers to understand how these proposed obligations apply to them. We will publish information on our website along with this final decision, to assist stakeholders in particular areas, including the obligations for explicit informed consent and the contents of billing.
- Our broad review of the Electricity Distribution Code, which will likely have implications for the obligations on exempt persons who supply electricity in embedded networks.
- Our review of the competitiveness and efficiency of the Victorian retail energy market (to be delivered by the end of 2019) is expected to provide the commission with more insight into the prices available to customers. This review will help to inform our formulation of the maximum price exempt sellers can charge.
- The government has also asked the commission to review our regulatory codes to ensure a focus on customer outcomes and to account for new business models. We will consult widely with stakeholders during this project, particularly to identify how this may impact exempt sellers.⁴⁸

⁴⁸ <https://www.esc.vic.gov.au/project/energy/57108-retail-market-reform-program/>

Appendix A – Retail exemption categories

Table 1: Retail activity deemed exemptions

Exemption code	Retail activity deemed exemptions
VD1	Persons selling metered electricity to fewer than 10 small commercial/retail customers within the limits of a site that they own, occupy or operate.
VD2	Persons selling metered electricity to fewer than 10 residential customers within the limits of a site that they own, occupy or operate (excluding retirement villages, caravan parks, holiday parks, residential land lease parks and manufactured home estates).
VD3	Persons selling metered electricity to occupants of holiday accommodation on a short-term basis (excluding caravan parks, holiday parks, residential land lease parks and manufactured home estates).
VD4	Persons temporarily selling electricity on construction sites, where the sale is an incidental supply to facilitate bona fide construction and commissioning of new facilities on the same or an adjoining site.
VD5	Persons selling electricity to a related company.
VD6	Persons selling electricity on or within the person's premises to customers in conjunction with, or ancillary to, the provision of telecommunications services. Includes internet, telephone, mobile phone, fibre optic, hybrid fibre cable, television, radio, Wi-F or other communications technology. ⁴⁹
VD7	Government agencies selling metered electricity to non-residential customers for purposes that are ancillary to their primary functions or objectives under the laws under which they are established.

⁴⁹ This category covers situations where the sale of electricity is incidental to communications services provided by telecommunication companies to business customers using those companies' data centres. It does not cover situations where a customer chooses to buy their electricity and telecommunications services from a single business.

Table 2: Retail activity registration exemptions

Exemption code	Retail activity registration exemptions
VR1	Persons selling metered electricity to 10 or more small commercial/retail customers within the limits of a site that they own, occupy or operate.
VR2	Persons selling metered electricity to 10 or more residential customers within the limits of a site that they own, occupy or operate, excluding sales to residents of retirement villages, caravan parks, holiday parks, residential land lease parks and manufactured home estates.
VR3	Retirement villages selling metered electricity to residential customers within the limits of a site that they own, occupy or operate.
VR4	Persons selling metered electricity in all caravan parks, holiday parks, residential land lease parks and manufactured home estates.
VR5	Persons selling metered electricity to large customers.

Appendix B – Table of retail code obligations for exempt sellers

This section of the final decision outlines the clauses of the retail code that apply to each category of deemed and registration retail exemption. We have generally applied the same obligations to the deemed and registrable categories relating to residential customers (VD2, VR2, VR3, and VR4). Similarly, we have applied the same obligations to the deemed and registrable categories relating to non-residential customers that are likely to have separate electricity sale arrangements (VD1, VR1, and VD7).

We have not applied many, and in some cases, any obligations to some of the deemed categories for which the nature of the relationship between the exempt seller and customer is such that it requires minimal regulatory oversight. This includes the categories relating to short term holiday accommodation, construction sites, related companies, and data centres (VD3-VD6). The agreement for the sale of electricity in those scenarios is likely to be negotiated under a different agreement and the nature of the sale of electricity does not require prescriptive obligations on matters such as contents of bills, information provision, payment difficulties and disconnection.

We have not applied the code to the category relating to the sale of electricity to large customers. The retail code does not apply to large customers of licensed electricity retailers. To maintain consistency, we have not applied it to large customers of exempt sellers. We consider that large customers have bargaining power to negotiate contracts with their exempt seller.

The table follows the sequential order of the retail code.

Clause	Final decision	Exemption categories clause applies to	Aligns with national framework?
Clause 3	We have updated the definitions to include new terms that relate to exempt sellers and amend terms to make them applicable to exempt sellers.	VR1-5 and VD1-7	N/A

Clause	Final decision	Exemption categories clause applies to	Aligns with national framework?
Clause 3B	We have included new and amended subclauses in clause 3B of the retail code. This will give effect to the requirements of the order and provide an easy reference point in schedule 8 for readers of the retail code to readily identify which obligations apply and which do not.	VR1-5 and VD1-7	N/A
Clauses 3C-3D	We have applied clauses 3C and 3D to certain exemption categories. We consider these explicit informed consent obligations to be appropriate protections for customers. These directly relate to obligations in the order and are needed for the effective resolution of disputes.	VR1-4, VD1-2 and VD7	Partial
Clause 3E	We have not applied clause 3E to any exemption categories. Given the nature of the relationship between exempt sellers and their customers we do not think it makes sense to apply this clause.	N/A	N/A
Clause 3F	We have applied clause 3F to certain exemption categories. We consider that clause 3F underpins the application and effectiveness of many other clauses in the retail code, such as reminder notices, disconnection warning notices, and the obligation to provide information in plain English to customers as required by clause 9 of the order. Clause 3F of the retail code clarifies how notices and other documents can be provided	VR1-4, VD1-3, VD6, and VD7	Partial

Clause	Final decision	Exemption categories clause applies to	Aligns with national framework?
	to customers under the code. Condition 2 of the Australian Energy Regulator's exempt selling guideline contains similar obligations regarding the provision of information.		
Clauses 12-15	We exclude these clauses relating to terms and conditions of contracts for exempt sellers as they are only relevant to licensed retailers.	N/A	N/A
Clauses 15A-15F	We exclude these clauses relating to price and product disclosure for exempt sellers because a condition of the order is that customers are provided with information about tariffs, fees and charges before they enter an agreement for the sale of electricity, on an annual basis, and at any other time at the request of the customer. We note that we are proposing to apply clause 46(3)-(4) to relevant exempt sellers which requires them to notify customers of a price variation as soon as practicable and no later than the next bill.	N/A	N/A
Clauses 16-	We exclude clauses 16, 18 and 19 relating to pre-contractual procedures from applying to	VR1-4, VD1-3, VD6	Yes

Clause	Final decision	Exemption categories clause applies to	Aligns with national framework?
19	<p>exempt sellers, as they are designed for licensed retailers.</p> <p>However, we have inserted a new clause 17 that applies to exempt sellers and requires them to provide electricity supply to a customer.⁵⁰ Clause 17 is largely consistent with condition 1 of the Australian Energy Regulator’s exempt selling guideline and clause 121 of the retail code.</p>	and VD7	
Clause 20	We have applied the obligation in clauses 20(1)(a), 20(2), and 20(3) relating to basis for bills to certain exemption categories. We consider the requirements in these clauses to be key expectations of customers. The obligation also aligns with the conditions 3 and 4 of the Australian Energy Regulator’s exempt selling guideline.	VR1-4, VD1-3 and VD7. VD6 – only subclause (3)	Yes
Clause 20A	We exclude this clause as bulk hot water is not applicable to exempt sellers under the order.	N/A	N/A
Clause 21	We apply conditions on how estimations are calculated and when they can be used as the basis of a customer’s bill. This obligation largely aligns with condition 4 in the	VR1-4, VD1-3 and VD7	Yes

⁵⁰ Clause 17 is currently not used in the Energy Retail Code (version 11b)

Clause	Final decision	Exemption categories clause applies to	Aligns with national framework?
	Australian Energy Regulator's exempt selling guideline.		
Clause 22	We apply clause 22 to certain exempt sellers. We consider it appropriate that customers are billed proportionately and fairly when there is a tariff increase mid-way through a billing cycle.	VR1-4, VD1-2 and VD7	No
Clause 23	We apply clause 23 for exempt sellers who choose to offer bill smoothing.	VR1-4, VD1-2 and VD7	No
Clause 24	<p>We apply clause 24(1)(a) to certain exempt sellers. This will ensure customers receive bills at least every three months. For simplicity, we do not apply clause 24(2) to any exempt sellers.</p> <p>We consider it important for customers to receive regular electricity bills. We understand that the frequency of these bills may be weekly or fortnightly for some exempt sellers, while other exempt sellers may issue bills monthly or quarterly.</p>	VR1-4, VD1-2 and VD7	Yes
Clause 25(1)	We apply particular subclauses to certain exempt sellers. We have aligned the contents of bills obligations in this clause as closely as possible with conditions 3 and 15 of the Australian Energy Regulator's exempt selling guideline. We consider some of the	Partially applies to VR1-4, VD1-3 and VD7	Yes

Clause	Final decision	Exemption categories clause applies to	Aligns with national framework?
	<p>obligations in the code to be too onerous for many exempt sellers and accordingly we have not included them in the obligations. We exclude these subclauses from the following exempt seller categories:</p> <p>VD1 – k)-m), o)-p), s), v)-w) are excluded</p> <p>VD2 – k)-m), nn)-p), q), v)-w) are excluded</p> <p>VD3 – a)-c), i)-q), s), v)-y) are excluded</p> <p>VD4-6 – all subclauses are excluded</p> <p>VD7 – k)-m), nn)-p), s), v)-w) are excluded</p> <p>VR1 – k)-m), o)-p), s), v)-w) are excluded</p> <p>VR2 – k)-m), nn)-q), v)-w) are excluded</p> <p>VR3 – k)-m), nn)-q), v)-w) are excluded</p> <p>VR4 – k)-m), nn)-q), v)-w) are excluded</p> <p>VR5 – all subclauses are excluded</p>		
Clause 25(2)	We apply clause 25(2) for certain exempt sellers. Clause 25(2) requires amounts billed for goods and services (other than the sale and supply of energy) to be in a separate bill or as a separate item in an energy bill.	VR1-4, VD1-3 and VD7	No

Clause	Final decision	Exemption categories clause applies to	Aligns with national framework?
Clause 25A	We exclude the greenhouse gas obligations as we consider that clause 25A is too onerous for many exempt sellers.	N/A	Yes
Clause 26	<p>We apply this obligation as it directly links to the requirements for disconnecting a customer's electricity supply for non-payment of a bill. It also provides customers with a reasonable opportunity to pay the bill after it is issued and sent to them. Additionally, this provides exempt sellers with a reference point in relation to compliant disconnections for non-payment of a bill.</p> <p>Clause 26 also aligns with condition 5 in the Australian Energy Regulator's retail exemption guideline and represents what is required in a standard retail contract. We consider the pay-by date to be crucial information for both customers and exempt sellers. We believe that a minimum of 13 business days for payment, from the date the bill was issued, provides customers with an appropriate period of time to pay the bill before a reminder notice can be issued.</p>	VR1-4, VD1-2 and VD7	Yes
Clause 27	We apply clause 27 to certain exempt sellers. We consider that clause 27 is an important inclusion as electricity is an essential service and therefore any payments made towards a bill that include other goods or services should first be applied to the electricity charges.	VR1-4 and VD1-2 and VD7	No

Clause	Final decision	Exemption categories clause applies to	Aligns with national framework?
Clause 27A	We apply clause 27A relating to In Home Displays only to exempt sellers that sell to 10 or more residential customers. All other categories of exempt sellers do not need to comply with this obligation.	VR2	No
Clause 28	We apply clause 28 to certain exempt sellers to ensure customers have access to their historical billing and metering data information. Access to historical billing information will also be important for the resolution of customer complaints and to demonstrate compliance with the disconnection obligations in the retail code.	VR1-4, VD1-2 and VD7	No
Clause 29	<p>We apply clause 29 to certain exempt sellers. This clause is vitally important to underpin the efficient and effective resolution of disputes, where possible. We also believe that these will help mitigate complaints being pre-maturely escalated to the Energy and Water Ombudsman (Victoria).</p> <p>The exempt seller is also required to inform the customer that they may lodge a dispute with the ombudsman if they are not satisfied with the outcome of the review. This requirement is consistent with condition 16 of the Australian Energy Regulator's exempt selling guideline.</p>	VR1-4, VD1-2 and VD7	Yes
Clause 30	We apply clause 30 to certain exempt sellers. We consider rules regarding undercharging	VR1-4, VD1-2 and	Yes

Clause	Final decision	Exemption categories clause applies to	Aligns with national framework?
	to be important customer protections. We also consider that exempt sellers should have restrictions on recovering undercharged amounts from a customer. Without regulation, customers may be subject to a lengthy period of cost recovery despite not being the cause of the undercharging error. This has the potential to create financial harm and payment difficulties for customers through high bills. Clause 30 largely aligns with condition 8 in the Australian Energy Regulator's retail exemption guideline.	VD7	
Clause 31	We apply clause 31 to certain exempt sellers. We consider rules regarding overcharging to be important customers protections. Without these protections, customers may not receive a refund in a timely manner. Clause 31 largely aligns with condition 8 in the Australian Energy Regulator's retail exemption guideline.	VR1-4, VD1-2 and VD7	Yes
Clause 32	We exclude this clause for exempt sellers and amend it so it only applies to licensed retailers. However, we have inserted a new clause 32A that will apply to exempt sellers.	N/A	N/A
Clause 32A	We have inserted a new clause to provide particular obligations for exempt sellers to offer different payment methods to customers that support their business models and practices. This obligation aligns with condition 3 of the Australian Energy Regulator's retail guideline.	VR1-4, VD1-3 and VD7	Yes

Clause	Final decision	Exemption categories clause applies to	Aligns with national framework?
Clause 32B	We consider it important that an additional clause is inserted to support the new types of exempt sellers that may be accepting payments from customers in ways not envisaged by the current code, particularly cash payments that are made directly to the exempt seller. This obligation mostly aligns with the Australian Energy Regulator's condition 6, however, we have added 'internet' to subclause (2)(b).	VR1-4, VD1-3 and VD7	Yes
Clause 33	Repealed in the retail code that takes effect on 1 January 2019.	N/A	N/A
Clause 34	<p>We are prohibiting shortened collection cycles for residential customers, as we do not consider shortened collection cycles appropriate for residential customers of exempt sellers.</p> <p>Additionally, shortened collection cycles for residential customers will become largely redundant once the amended Energy Retail Code commences on 1 January 2019. However, we are applying this provision for other small customers who are not residential customers.</p>	VR1, VD1 and VD7	No
Clause 35	We apply clause 35 to certain exempt sellers. We consider basing a final bill on an actual meter read and providing a final bill to a customer to be an essential obligation. This clause links to clause 118 (customer request for de-energisation). This clause partly	VR1-4, VD1-2 and VD7	Partial

Clause	Final decision	Exemption categories clause applies to	Aligns with national framework?
	aligns with condition 4(2) of the Australian Energy Regulator’s retail exemption guideline.		
Clause 35A	We apply clause 35A to allow certain exempt sellers to impose additional retail charges that fairly and reasonably reflect the costs incurred by the seller. This clause is similar to condition 7 of the Australian Energy Regulator’s retail guideline.	VR1-4, VD1-2 and VD7	Partial
Clause 35B	We apply clause 35B to certain exempt sellers. We consider it reasonable for exempt sellers to be able to recover a merchant service fee from the residential customer.	VR1-4, VD1-2 and VD7	No
Clause 35C	We apply clause 35C to certain exempt sellers. We consider it reasonable for exempt sellers to be able to recover a dishonoured payment fee from a customer if the payment was dishonoured due to a fault of the customer.	VR1-4, VD1-2 and VD7	No
Clause 36	We exclude clause 36 from applying to exempt sellers as it is specifically designed for customers on standard retail contracts and therefore is not relevant.	N/A	N/A
Clause 37	We exclude clause 37 from applying to exempt sellers. Clause 37 is designed for licensed retailers that offer a variety of tariff options. Therefore, it is not relevant for exempt sellers.	N/A	N/A

Clause	Final decision	Exemption categories clause applies to	Aligns with national framework?
Clause 38	We exclude clause 38 from applying to exempt sellers as we do not believe that it is relevant for customers in embedded networks because we do not envisage an apartment or caravan site becoming a small business.	N/A	N/A
Clauses 39-45	We do not consider it appropriate for exempt sellers to be able to request a security deposit from residential customers as it can be difficult for a residential customer, particularly tenants, to exercise their right to choose a licensed retailer. Exempt sellers will still be able to pursue debt collection and disconnection for non-payment of a bill, in line with the requirements of the retail code. However, we do consider clauses 39-45 appropriate in relation to small business customers and therefore we only apply those clauses to exempt sellers that serve business customers.	VR1, VD1 and VD7	No
Clause 45A	We have amended clause 45A to include references to 'exempt person arrangements'.	N/A	N/A
Clause 46	We apply clause 46(1)-(4) to certain exempt sellers. Clause 9 of the order requires exempt sellers to provide customers with information about tariffs and charges prior to obtaining their explicit informed consent to commence an arrangement for sale of electricity. The obligations reinforce the requirements in the order. Additionally, we consider it appropriate for exempt sellers to notify customers of changes to tariffs and	VR1-4, VD1-2 and VD7	Yes

Clause	Final decision	Exemption categories clause applies to	Aligns with national framework?
	charges as soon as practicable. This obligation aligns with condition 7 of the Australian Energy Regulator's exempt selling guideline. Additionally, this clause supports the obligation in the order for exempt sellers to provide information to customers about tariffs and charges (and other matters) on an annual basis, and at any other time at the request of the customer.		
Clause 46A	We exclude this clause as it is designed for licensed retailers and mainly relates to gas and dual fuel contracts.	N/A	N/A
Clause 47	We apply this clause to certain exempt sellers. We consider clear information about a customer's right to withdraw from electricity arrangements within the cooling off period to be an important customer protection. This largely aligns with condition 22 of the Australian Energy Regulator's retail exemption selling guideline, which includes the various scenarios where an energy supply agreement can be terminated.	VR1-4, VD1-2 and VD7	Yes
Clause 47A	We apply clause 47A(1)-(2) and 47A (3)(a)-(b) to certain exempt sellers. We consider the requirement for sellers to notify customers of changes to benefits to be an important customer protection.	VR1-4 and VD1-2 and VD7	No
Clause 48	We apply clause 48(1)-(5) to certain exempt sellers. We consider requiring sellers to	VR1-4, VD1-2 and	No

Clause	Final decision	Exemption categories clause applies to	Aligns with national framework?
	notify customers about the end of their sale arrangement to be an important consumer protection as it allows customers to take action and arrange a new agreement in a timely manner.	VD7	
Clause 49	We apply clause 49(1)-(3), and 49(5) to certain exempt sellers. We consider clause 49 to be essential for both exempt sellers and customers to end an arrangement for the sale of electricity. This clause largely aligns with condition 22 of the Australian Energy Regulator's exempt selling guideline.	VR1-4, VD1-2 and VD7	Yes
Clause 49A	We exclude this clause regarding early termination fees for customers of exempt sellers. We do not consider it appropriate to penalise customers in embedded networks with an early termination fee if they end their electricity sale agreement.	N/A	N/A
Clause 50	We exclude clause 50 for exempt sellers as it relates to similar requirements in clause 9 of the order. Clause 50 outlines that a licensed retailer must provide a customer with information about its complaints and dispute resolution procedures, including access to the energy ombudsman, in an electricity agreement. Clause 9 of the order also specifies that exempt sellers must provide similar information to customers prior to commencement of the arrangement for the sale of electricity, on an annual basis and at any other time at the request of the customer.	N/A	N/A

Clause	Final decision	Exemption categories clause applies to	Aligns with national framework?
Clause 51	We apply clause 51 to certain exempt sellers as we consider it to be an important customer protection.	VR1-4, VD1-3 and VD7	No
Clause 52	We apply clause 52 to certain exempt sellers as we consider it to be an important customer protection.	VR1-4, VD1-3 and VD7	No
Clause 53	We exclude clause 53 for exempt sellers as it is designed for licensed retailers. However, we have inserted a new clause 53A that is designed for exempt sellers.	N/A	N/A
Clause 53A	We apply clause 53A to certain exempt sellers. We consider clause 53A to be an important requirement so that customers are notified that they do not have an agreement in place and that this could result in the disconnection of their electricity supply. Due to the nature of embedded networks, we do not envisage that this clause will need to be used regularly but we do consider it important in case a customer starts taking supply without providing their details.	VR1-4, VD1-2 and VD7	No
Clause 54	We exclude clause 54 as it relates to standard retail contracts and is therefore not relevant to exempt sellers.	N/A	N/A

Clause	Final decision	Exemption categories clause applies to	Aligns with national framework?
Clause 55	We apply clause 55 to certain exempt sellers. We consider this to be an important obligation as it requires exempt sellers to refer customers who need assistance from an interpreter to a relevant service to enable the customer to readily interact with their electricity seller. This referral could be providing the customers with the name and contact details of the federal government's Translating and Interpreting Service. ⁵¹	VR2-4 and VD2	No
Clause 56	We exclude this obligation for exempt sellers. We consider clause 56 to be too onerous for many exempt sellers due to the requirement to publish information on a website – many exempt sellers will not have a website to do so. Additionally, exempt sellers are required by clause 9 of the order to provide information about complaints and dispute resolution including access to the energy ombudsman prior to commencement of the arrangement to sell electricity to a customer, on an annual basis and at any time at the customer's request. Additionally, we have included the obligation for exempt sellers to advise customers about the energy ombudsman if they have not been able to resolve a billing complaint.	N/A	N/A

⁵¹ <https://www.tisnational.gov.au/>

Clause	Final decision	Exemption categories clause applies to	Aligns with national framework?
Clauses 57-59	We exclude the obligations in clauses 57-59 from all categories of exempt sellers as they are not relevant. Additionally, the requirements relating to transfers of customers out of an embedded network are in the national framework.	N/A	N/A
Clause 59A	We apply clause 59A to certain exempt sellers which requires them to develop standard complaints and dispute resolution procedures. However, we consider the publishing of the procedures on a website to be too onerous for many exempt sellers so have excluded this particular requirement.	VR1-4, VD1-2 and VD7	Yes
Clauses 60-68	We exclude these clauses related to energy marketing as they are not relevant to exempt sellers.	N/A	N/A
Clause 69	We apply clause 69 to certain exempt sellers. We consider clause 69 to be an important customer protection, particularly in situations involving embedded networks in apartment buildings or shopping centres where the tenant may not have easy access to meters and common property.	VR1-4, VD1-2 and VD7	No
Clause 70	We exclude clause 70 from the obligations for exempt sellers as we have already included relevant provisions regarding the end of contracts (clause 49) and the obligation	N/A	N/A

Clause	Final decision	Exemption categories clause applies to	Aligns with national framework?
	for an exempt seller to send a final bill to the customer (clause 35).		
Clause 70A	We exclude clause 70A as deemed contracts are not applicable to exempt sellers and the termination of these contracts is intrinsically linked to requirements in the relevant industry acts.	N/A	N/A
Clause 70B	We apply clause 70(B)(1) to certain exempt sellers to protect customers from being charged termination fees in the case of a last resort event.	VR1-4, VD1-2 and VD7	No
Clauses 71-73	These clauses set out the operation, application and interpretation of Part 3 of the updated code, which relates to assistance for residential customers anticipating of facing payment difficulties. These clauses are critical for understanding and applying the new payment difficulties framework. As such, we apply these clauses to exempt sellers who serve residential customers.	VR2-4 and VD2	No
Clauses 74-76	These clauses deal with the objective, application and obligations in relation to standard assistance for residential customers under the payment difficulties framework. Customers of exempt sellers should have standard assistance available to them. We believe this is an important protection that assists customers who are not yet in arrears with affordability of an essential service, but experiencing difficulty. Exempt sellers are required to take	VR2-4 and VD2	No

Clause	Final decision	Exemption categories clause applies to	Aligns with national framework?
	<p>steps to provide residential customers forms of assistance to help them avoid getting into arrears. At least three of the following must be made available to a residential customer:</p> <ul style="list-style-type: none"> • making payment of an equal amount over a specified period • option for making payments at different intervals • extending by a specified period the pay-by date for a bill for at least one billing cycle in any 12 month period • paying for energy use in advance. <p>We apply these clauses to exempt sellers who serve residential customers.</p>		
Clause 77-78	<p>These clauses deal with the objective and application of tailored assistance for residential customers under the payment difficulties framework. The objective of tailored assistance is to give residential customers an entitlement to minimum forms of flexible and practical assistance to help them pay for their ongoing energy use, repay their arrears, and lower their energy use. Tailored assistance is applicable to customers who have arrears of \$55 or more due to non-payment of a bill. We apply these clauses to exempt sellers who serve residential customers.</p>	VR2-4 and VD2	No
Clause 79	<p>This clause relates to the obligations with regards to tailored assistance. We believe that customers should have tailored assistance available to them to assist with affordability of</p>	VR2-4 and VD2	No

Clause	Final decision	Exemption categories clause applies to	Aligns with national framework?
	<p>an essential service. However, we believe that some clauses are likely to be too onerous for exempt sellers. As such, we apply subclauses 1 (a), (b), (d) and (g) to exempt sellers who serve residential customers. We consider it important for customers to be advised of payment options that would allow them to pay their arrears and manager their ongoing consumption. Information about government and non-governments assistance, including energy concessions and utility relief grants, is also very important for customers facing payment difficulties. We do not consider it too onerous for exempt sellers to at least provide general guidance such as referring the customer to the Department of Health and Human Services Victoria’s energy concessions and benefits website⁵², and to community financial counselling program services such as those listed in Consumer Affairs Victoria’s website.⁵³</p>		
Clause 80	<p>This clause sets out the obligations on retailers in relation to the provision of information about assistance available. We believe that providing information to customers about this assistance is essential and for this reason we apply this clause to exempt sellers who serve residential customers.</p>	VR2-4 and VD2	No

⁵² <https://services.dhhs.vic.gov.au/non-mains-energy-concession>

⁵³ <https://www.consumer.vic.gov.au/clubs-and-fundraising/funded-services-and-grants/financial-counselling-program/financial-counselling-program-providers>

Clause	Final decision	Exemption categories clause applies to	Aligns with national framework?
Clause 81	We consider minimum specifications for payment arrangements to be critical so that both customers and exempt sellers know exactly what constitutes a payment arrangement. This clause sets out the minimum specifications, the situations when a retailer may deviate from the minimum, the requirement for a written schedule of payments and the requirement to make timely contact with a customer when a payment has not been received. Given it is an important element of the tailored assistance we apply this clause to exempt sellers who serve residential customers.	VR2-4 and VD2	No
Clause 82	We exclude this clause because it directly relates to clause 79(1)(f)(i), which we do not apply to exempt sellers.	N/A	N/A
Clause 83	This clause sets out the situations when a retailer can stop providing assistance. We believe this is critical to ensure that assistance is not withdrawn from vulnerable customers, while also providing options for exempt sellers to address customers who refuse assistance. As such, we apply this clause to exempt sellers who serve residential customers.	VR2-4 and VD2	No
Clause 84-85	We believe that it is too onerous for exempt sellers to prepare a financial hardship policy. Further, these clauses contain a number of obligations from the Electricity Industry Act	N/A	N/A

Clause	Final decision	Exemption categories clause applies to	Aligns with national framework?
	2000 that only apply to licensed retailers. We exclude these clauses for exempt sellers.		
Clause 86	The obligation to provide information to customers is a critical element of the payment difficulties provisions. However, a number of subclauses relate to a financial hardship policy and publishing information on a website, which we believe is too onerous for exempt sellers. As such, we include clauses 86(3)(b-d) and 86(4)(b) for exemption categories VR2-4 and VD2.	VR2-4 and VD2	No
Clause 87	This clause relates to written communication of financial hardship information. We believe that this is important for record keeping purposes and dispute resolution. As such, we apply this clause to exemption categories VR2-4 and VD2.	VR2-4 and VD2	No
Clause 88	This clause sets out that nothing in this division limits obligations related to the provision of information that occur elsewhere in the retail code. This assists exempt sellers with understanding that the information provisions required under the payment difficulties framework is in addition to what is required elsewhere in the code and under the order. We apply this clause to exempt sellers who serve residential customers.	VR2-4 and VD2	No
Clause 89	This clause sets out retailer obligations under the payment difficulties framework and gives effect to many of the obligations. As such, we apply this clause to exempt sellers	VR2-4 and VD2	No

Clause	Final decision	Exemption categories clause applies to	Aligns with national framework?
	who serve residential customers.		
Clause 90-91	These clauses relate to the ability for retailers to provide assistance beyond the minimum and a restriction on retailers from applying any conditions to the provision of assistance. We believe that these are important protections for customers to ensure they are provided with the best assistance. As such, we apply this clause to exempt sellers who serve residential customers.	VR2-4 and VD2	No
Clause 92	This clause outlines the restrictions on debt recovery and the sale of debt, specifically for customers receiving assistance. It also restricts the sale of debt for 10 business days following the disconnection of supply a last resort for non-payment. We believe these are important protections that should be available to customers of exempt sellers. As such, we apply this clause to exempt sellers who serve residential customers.	VR2-4 and VD2	No
Clause 93	This clause prohibits a retailer from using a supply capacity control product for credit management purposes. We consider the prohibition on supply capacity control products for credit management to be important customer protection in the context of the Victorian energy market and with the proliferation of smart meters. As such, we apply this clause to exempt sellers who serve residential customers.	VR2-4 and VD2	No

Clause	Final decision	Exemption categories clause applies to	Aligns with national framework?
Clause 94	This clause relates to the provision of Centrepay to customers experiencing hardship. We believe this requirement is too onerous for exempt sellers and have excluded it.	N/A	N/A
Clauses 107-110	We apply clauses 107-110 to certain exempt sellers as we consider them to be important protections for customers that also underpin elements of the payment difficulties provisions. Clauses 109 and 110 specify the minimum information that must be included on reminder notices and disconnection warning notices and partly align with condition 9 of the Australian Energy Regulator's retail guideline. These clauses also specify the minimum number of days that an exempt seller must give a customer before moving to the next stage of the disconnection process.	VR1-4, VD1-2 and VD7	Partial
Clause 111	We apply clauses 111-116 and 118 to certain exempt sellers. We consider clauses 111-116 and 118 to be important protections for customers and equally they provide sellers with the ability to disconnect a customer's electricity supply in certain circumstances. Clause 117 is not relevant to exempt sellers as it relates to dual fuel contracts (i.e. electricity and gas combined in one contract). These clauses specify when an exempt seller can and cannot disconnect a customer's supply in a variety of circumstances. These clauses partly align with condition 10 of the Australian Energy Regulator's exempt selling guideline.	VR1, VD1 and VD7	Partial

Clause	Final decision	Exemption categories clause applies to	Aligns with national framework?
Clause 111A	This clause reiterates that residential customers are to be disconnected as a last resort for non-payment. We believe this is an important protection for maintaining access to an essential service and apply it to exempt sellers who serve residential customers.	VR2-4 and VD2	Partial
Clause 112	This clause relates to obligations around de-energisation for not paying a security deposit or refusal to provide acceptable identification. As we are prohibiting security deposits for residential customer, subclause 1 does not apply to those exemption categories. However, subclause 2 that relates to the refusal to provide acceptable identification applies to exempt sellers.	Clause 112(1) – VR1, VD1, VD7 Clause 112(2) – VR1-4, VD1-2 and VD7	Partial
Clauses 113-118	We consider clauses 113-116 and 118 to be important protections for customers and equally they provide sellers with the ability to disconnect a customer’s electricity supply in certain circumstances. Clause 117 is not relevant to exempt sellers as it relates to dual fuel contracts (i.e. electricity and gas combined in one contract). These clauses specify when an exempt seller can and cannot disconnect a customer’s supply in a variety of circumstances. These clauses partly align with condition 10 of the Australian Energy Regulator’s exempt selling guideline.	VR1-4, VD1-2 and VD7 (excluding clause 117)	Partial
Clauses	We apply clauses 121-122A to certain exempt sellers as we consider them to be	VR1-4, VD1-2 and	Partial

Clause	Final decision	Exemption categories clause applies to	Aligns with national framework?
121-122A	important customer protections and, equally, they provide sellers with clear expectations about reconnecting an essential service. These clauses partly align with condition 11 of the Australian Energy Regulator’s guideline.	VD7.	
Clauses 123 and 125	<p>We apply clauses 123 and 125 to certain exempt sellers. We consider clauses 123 and 125 to be critical protections for customers who reside at a property and require life support equipment. The requirement for a retailer to notify the distributor of a customer with life support equipment is essential to ensuring that the distributor works with the customer regarding planned outages.</p> <p>In order to ensure that these obligations work effectively for customers who live in embedded networks and require life support equipment, we have included a new clause 125. The new clause makes it clear that an exempt seller must notify the licensed retailer they purchase electricity from about a customer requiring life support equipment. This will result in the licensed retailer notifying the licensed distributor about the customer with life support equipment. We also require the exempt seller to notify the exempt supplier of the customer’s requirement for life support equipment. The exempt supplier in turn has obligations regarding life support customers in the Electricity Distribution Code. This approach largely aligns with condition 20 of the Australian Energy Regulator’s exempt selling guideline.</p>	VR2-4 and VD2	Yes

Clause	Final decision	Exemption categories clause applies to	Aligns with national framework?
Schedule 8	We have inserted a new schedule 8 to apply the relevant obligations in the retail code to the different categories of exempt sellers by including the tables from the General Exemption Order 2017.	N/A	N/A

Appendix C – Obligations under the General Exemption Order 2017

Clause 3 of the order – Definition of explicit informed consent

Clause 3 of the General Exemption Order 2017 (the order) sets out definitions.

In the order, **explicit informed consent** means consent is given by a customer to an exempt person where:

- (a) the exempt person, or a person acting on behalf of the exempt person, has clearly, fully and adequately disclosed, in plain English, all matters relevant to the consent of the customer, including each specific purpose or use of the consent; and
- (b) the customer gives the consent to the arrangement or transaction,
 - (i) in writing, signed by the customer; or
 - (ii) verbally, if the verbal consent is evidenced in a way that it can be verified and recorded; or
 - (iii) by electronic communication generated by the customer;

Clause 9 of the order – Informed consent and provision of information

We provide the following information to help stakeholders understand how the obligations in the order and retail code intersect. Some of the provisions in the order complement provisions in the retail code and vice versa.

In summary, the order requires exempt sellers to provide customers with certain information, in plain English, before obtaining explicit informed consent for the arrangement for the sale of electricity.⁵⁴ This information includes:

1. The customer's right to elect to purchase electricity from a licensed retailer and information on the options for metering that would allow this choice.
2. That exempt sellers are not subject to all of the obligations of a licensed retailer and the customer will not receive the same protections as they would if they were purchasing from a licensed retailer.
3. The customer's rights in relation to dispute resolution including:

⁵⁴ Clause 9(1)-(2) of the General Exemption Order 2017

- a) the contact details of the exempt person as the initial point of contact for disputes
 - b) the exempt person's procedures for handling disputes and complaints
 - c) from 1 July 2018, access to the external dispute resolution body approved by the commission.
4. The forms of assistance available if the customer is unable to payment electricity bills due to financial difficulty, as well as the process the customer should follow to seek these forms of assistance.
 5. The tariffs and all fees and charges that will apply to the customer for the sale of electricity.
 6. The flexible payment options that are available to the customer in relation to the sale of electricity, such as arrangements for payment by periodic instalments (bill smoothing).
 7. Contact numbers in the event of an electricity fault or emergency.

Appendix D – Summary tables of obligations for each category of exempt seller

The table below outlines which clauses of the retail code are applicable to exempt sellers who are in the retail exemption registration categories.

Obligations for registration exemptions – Energy Retail Code

Energy Retail Code Clause	VR1 – 10 or more small business	VR2 – 10 or more residential	VR3 – retirement village	VR4 – caravan parks	VR5 – large customers
3	Y	Y	Y	Y	N/A
3B	Y	Y	Y	Y	N/A
3C	Y	Y	Y	Y	N/A
3D	Y	Y	Y	Y	N/A
3E	N/A	N/A	N/A	N/A	N/A
3F	Y	Y	Y	Y	N/A
12-16	N/A	N/A	N/A	N/A	N/A
17	Y	Y	Y	Y	N/A
18-19	N/A	N/A	N/A	N/A	N/A
20	Some	Some	Some	Some	N/A
20A	N/A	N/A	N/A	N/A	N/A
21	Y	Y	Y	Y	N/A
22	Y	Y	Y	Y	N/A
23	Y	Y	Y	Y	N/A
24	Some	Some	Some	Some	N/A
25	Some	Some	Some	Some	N/A
25A	N/A	N/A	N/A	N/A	N/A
26	Y	Y	Y	Y	N/A
27	Y	Y	Y	Y	N/A
27A	N/A	Y	N/A	N/A	N/A
28	Y	Y	Y	Y	N/A
29	Y	Y	Y	Y	N/A

Energy Retail Code Clause	VR1 – 10 or more small business	VR2 – 10 or more residential	VR3 – retirement village	VR4 – caravan parks	VR5 – large customers
30	Y	Y	Y	Y	N/A
31	Y	Y	Y	Y	N/A
32	N/A	N/A	N/A	N/A	N/A
32A	Y	Y	Y	Y	N/A
32B	Y	Y	Y	Y	N/A
33	N/A	N/A	N/A	N/A	N/A
34	Y	N/A	N/A	N/A	N/A
35	Y	Y	Y	Y	N/A
35A	Y	Y	Y	Y	N/A
35B	Y	Y	Y	Y	N/A
35C	Y	Y	Y	Y	N/A
36-38	N/A	N/A	N/A	N/A	N/A
39	Y	N/A	N/A	N/A	N/A
40	Y	N/A	N/A	N/A	N/A
41	Y	N/A	N/A	N/A	N/A
42	Y	N/A	N/A	N/A	N/A
43	Y	N/A	N/A	N/A	N/A
44	Y	N/A	N/A	N/A	N/A
45	Y	N/A	N/A	N/A	N/A
46	Some	Some	Some	Some	N/A
46A	N/A	N/A	N/A	N/A	N/A
47	Y	Y	Y	Y	N/A
47A	Some	Some	Some	Some	N/A
48	Some	Some	Some	Some	N/A
49	Some	Some	Some	Some	N/A
49A-50	N/A	N/A	N/A	N/A	N/A
51	Y	Y	Y	Y	N/A
52	Y	Y	Y	Y	N/A
53	N/A	N/A	N/A	N/A	N/A
53A	Y	Y	Y	Y	N/A

Energy Retail Code Clause	VR1 – 10 or more small business	VR2 – 10 or more residential	VR3 – retirement village	VR4 – caravan parks	VR5 – large customers
54	N/A	N/A	N/A	N/A	N/A
55	N/A	Y	Y	Y	N/A
56-59	N/A	N/A	N/A	N/A	N/A
59A	Some	Some	Some	Some	N/A
60-68	N/A	N/A	N/A	N/A	N/A
69	Y	Y	Y	Y	N/A
70	N/A	N/A	N/A	N/A	N/A
70A	N/A	N/A	N/A	N/A	N/A
70B	Some	Some	Some	Some	N/A
71	N/A	Y	Y	Y	N/A
72	N/A	Y	Y	Y	N/A
73	N/A	Y	Y	Y	N/A
74	N/A	Y	Y	Y	N/A
75	N/A	Y	Y	Y	N/A
76	N/A	Y	Y	Y	N/A
77	N/A	Y	Y	Y	N/A
78	N/A	Y	Y	Y	N/A
79	N/A	Some	Some	Some	N/A
80	N/A	Y	Y	Y	N/A
81	N/A	Y	Y	Y	N/A
82	N/A	N/A	N/A	N/A	N/A
83	N/A	Y	Y	Y	N/A
84-85	N/A	N/A	N/A	N/A	N/A
86	N/A	Some	Some	Some	N/A
87	N/A	Some	Some	Some	N/A
88	N/A	Y	Y	Y	N/A
89	N/A	Y	Y	Y	N/A
90	N/A	Y	Y	Y	N/A
91	N/A	Y	Y	Y	N/A
92	N/A	Y	Y	Y	N/A

Energy Retail Code Clause	VR1 – 10 or more small business	VR2 – 10 or more residential	VR3 – retirement village	VR4 – caravan parks	VR5 – large customers
93	N/A	Y	Y	Y	N/A
94	N/A	N/A	N/A	N/A	N/A
107	Y	Y	Y	Y	N/A
108	Y	Y	Y	Y	N/A
109	Y	Y	Y	Y	N/A
110	Y	Y	Y	Y	N/A
111	Y	N/A	N/A	N/A	N/A
111A	N/A	Y	Y	Y	N/A
112	Y	Some	Some	Some	N/A
113	Y	Y	Y	Y	N/A
114	Y	Y	Y	Y	N/A
115	Some	Some	Some	Some	N/A
116	Y	Y	Y	Y	N/A
117	N/A	N/A	N/A	N/A	N/A
118	Y	Y	Y	Y	N/A
121	Y	Y	Y	Y	N/A
122A	Y	Y	Y	Y	N/A
123	N/A	Y	Y	Y	N/A
124	N/A	N/A	N/A	N/A	N/A
125	N/A	Y	Y	Y	N/A
Schedules 1-7	N/A	N/A	N/A	N/A	N/A

Obligations for deemed exemptions – Energy Retail Code

The table below outlines which clauses of the Energy Retail Code are applicable to deemed retail exemptions.

Energy Retail Code Clause	VD1 – less than 10 small business	VD2 – less than 10 residential	VD3 – short-term holiday	VD4 – temporary selling on construction sites	VD5 – related company	VD6 - ancillary selling for telco services	VD7 – government agencies
3	Y	Y	Y	N/A	N/A	N/A	Y
3B	Y	Y	Y	N/A	N/A	N/A	Y
3C	Y	Y	N/A	N/A	N/A	N/A	Y
3D	Y	Y	N/A	N/A	N/A	N/A	Y
3E	N/A	N/A	N/A	N/A	N/A	N/A	N/A
3F	Y	Y	Y	N/A	N/A	Y	Y
12-16	N/A	N/A	N/A	N/A	N/A	N/A	N/A
17	Y	Y	Y	N/A	N/A	Y	Y
18-19	N/A	N/A	N/A	N/A	N/A	N/A	N/A
20	Some	Some	Some	N/A	N/A	Some	Some
20A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
21	Y	Y	Y	N/A	N/A	N/A	Y
22	Y	Y	N/A	N/A	N/A	N/A	Y
23	Y	Y	N/A	N/A	N/A	N/A	Y
24	Y	Y	N/A	N/A	N/A	N/A	Y
25	Some	Some	Some	N/A	N/A	N/A	Some
25A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
26	Y	Y	N/A	N/A	N/A	N/A	Y
27	Y	Y	N/A	N/A	N/A	N/A	Y
27A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
28	Y	Y	N/A	N/A	N/A	N/A	Y
29	Y	Y	N/A	N/A	N/A	N/A	Y
30	Y	Y	N/A	N/A	N/A	N/A	Y
31	Y	Y	N/A	N/A	N/A	N/A	Y
32	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Energy Retail Code Clause	VD1 – less than 10 small business	VD2 – less than 10 residential	VD3 – short-term holiday	VD4 – temporary selling on construction sites	VD5 – related company	VD6 - ancillary selling for telco services	VD7 – government agencies
32A	Y	Y	Y	N/A	N/A	N/A	Y
32B	Y	Y	Y	N/A	N/A	N/A	Y
33	N/A	N/A	N/A	N/A	N/A	N/A	N/A
34	Y	N/A	N/A	N/A	N/A	N/A	Y
35	Y	Y	N/A	N/A	N/A	N/A	Y
35A	Y	Y	N/A	N/A	N/A	N/A	Y
35B	Y	Y	N/A	N/A	N/A	N/A	Y
35C	Y	Y	N/A	N/A	N/A	N/A	Y
36-38	N/A	N/A	N/A	N/A	N/A	N/A	N/A
39	Y	N/A	N/A	N/A	N/A	N/A	Y
40	Y	N/A	N/A	N/A	N/A	N/A	Y
41	Y	N/A	N/A	N/A	N/A	N/A	Y
42	Y	N/A	N/A	N/A	N/A	N/A	Y
43	Y	N/A	N/A	N/A	N/A	N/A	Y
44	Y	N/A	N/A	N/A	N/A	N/A	Y
45	Y	N/A	N/A	N/A	N/A	N/A	Y
46	Some	Some	N/A	N/A	N/A	N/A	Some
46A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
47	Y	Y	N/A	N/A	N/A	N/A	Y
47A	Some	Some	N/A	N/A	N/A	N/A	N/A
48	Some	Some	N/A	N/A	N/A	N/A	Some
49	Some	Some	N/A	N/A	N/A	N/A	Some
49A-50	N/A	N/A	N/A	N/A	N/A	N/A	N/A
51	Y	Y	Y	N/A	N/A	N/A	Y
52	Y	Y	Y	N/A	N/A	N/A	Y
53	N/A	N/A	N/A	N/A	N/A	N/A	N/A
53A	Y	Y	N/A	N/A	N/A	N/A	Y
54	N/A	N/A	N/A	N/A	N/A	N/A	N/A
55	N/A	Y	N/A	N/A	N/A	N/A	N/A

Energy Retail Code Clause	VD1 – less than 10 small business	VD2 – less than 10 residential	VD3 – short-term holiday	VD4 – temporary selling on construction sites	VD5 – related company	VD6 - ancillary selling for telco services	VD7 – government agencies
56-59	N/A	N/A	N/A	N/A	N/A	N/A	N/A
59A	Some	Some	N/A	N/A	N/A	N/A	Some
60-68	N/A	N/A	N/A	N/A	N/A	N/A	N/A
69	Y	Y	N/A	N/A	N/A	N/A	Y
70	N/A	N/A	N/A	N/A	N/A	N/A	N/A
70A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
70B	Y	Y	N/A	N/A	N/A	N/A	Y
71	N/A	Y	N/A	N/A	N/A	N/A	N/A
72	N/A	Y	N/A	N/A	N/A	N/A	N/A
73	N/A	Y	N/A	N/A	N/A	N/A	N/A
74	N/A	Y	N/A	N/A	N/A	N/A	N/A
75	N/A	Y	N/A	N/A	N/A	N/A	N/A
76	N/A	Y	N/A	N/A	N/A	N/A	N/A
77	N/A	Y	N/A	N/A	N/A	N/A	N/A
78	N/A	Y	N/A	N/A	N/A	N/A	N/A
79	N/A	Some	N/A	N/A	N/A	N/A	N/A
80	N/A	Y	N/A	N/A	N/A	N/A	N/A
81	N/A	Y	N/A	N/A	N/A	N/A	N/A
82	N/A	N/A	N/A	N/A	N/A	N/A	N/A
83	N/A	Y	N/A	N/A	N/A	N/A	N/A
84-85	N/A	N/A	N/A	N/A	N/A	N/A	N/A
86	N/A	Some	N/A	N/A	N/A	N/A	N/A
87	N/A	Some	N/A	N/A	N/A	N/A	N/A
88	N/A	Y	N/A	N/A	N/A	N/A	N/A
89	N/A	Y	N/A	N/A	N/A	N/A	N/A
90	N/A	Y	N/A	N/A	N/A	N/A	N/A
91	N/A	Y	N/A	N/A	N/A	N/A	N/A
92	N/A	Y	N/A	N/A	N/A	N/A	N/A
93	N/A	Y	N/A	N/A	N/A	N/A	N/A

Energy Retail Code Clause	VD1 – less than 10 small business	VD2 – less than 10 residential	VD3 – short-term holiday	VD4 – temporary selling on construction sites	VD5 – related company	VD6 - ancillary selling for telco services	VD7 – government agencies
94	N/A	N/A	N/A	N/A	N/A	N/A	N/A
107	Y	Y	N/A	N/A	N/A	N/A	Y
108	Y	Y	N/A	N/A	N/A	N/A	Y
109	Y	Y	N/A	N/A	N/A	N/A	Y
110	Y	Y	N/A	N/A	N/A	N/A	Y
111	Y	N/A	N/A	N/A	N/A	N/A	Y
111A	N/A	Y	N/A	N/A	N/A	N/A	N/A
112	Some	Some	N/A	N/A	N/A	N/A	Some
113	Y	Y	N/A	N/A	N/A	N/A	Y
114	Y	Y	N/A	N/A	N/A	N/A	Y
115	Y	Some	N/A	N/A	N/A	N/A	Y
116	Y	Y	N/A	N/A	N/A	N/A	Y
117	N/A	N/A	N/A	N/A	N/A	N/A	N/A
118	Y	Y	N/A	N/A	N/A	N/A	Y
121	Y	Y	N/A	N/A	N/A	N/A	Y
122A	Y	Y	N/A	N/A	N/A	N/A	Y
123	N/A	Y	N/A	N/A	N/A	N/A	N/A
124	N/A	N/A	N/A	N/A	N/A	N/A	N/A
125	N/A	Y	N/A	N/A	N/A	N/A	N/A
Schedules 1-7	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Appendix E – List of stakeholder submissions

AGL Energy

Charlie Sorel

Consumer Action Law Centre and Victorian Council of Social Service (single submission)

Damien Daly

Delia Jackson

EnergyAustralia

Energy and Water Ombudsman (Victoria)

Hugh Mathews

Network Energy Services

Peter Hatley

Shopping Centre Council of Australia

Red Energy and Lumo Energy (single submission)

Registered Accommodation Association of Victoria

Victorian Caravan Parks Association