



**HARMONISATION PROJECT:  
CONSEQUENTIAL AMENDMENTS  
TO VICTORIAN ENERGY  
INSTRUMENTS**

CONSULTATION PAPER

**JULY 2013**



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# 1 INTRODUCTION

## 1.1 Background

On 7 December 2013, the Essential Services Commission (the **Commission**) released a draft *Energy Retail Code version 11* (**draft ERC v11**). This code amalgamates certain energy retail codes and guidelines and seeks to harmonise this new instrument where appropriate with the national requirements under the *National Energy Customer Framework* (**NECF**). This project is known as the 'harmonisation project'.

In preparing the draft ERC v11, the Commission adopted the wording and structure of the *National Energy Retail Rules* (**NERR**), except where such amendments were either precluded by Victorian legislation or were inconsistent with the Victorian Government's stated policy intentions.

As a result of the approach adopted by the Commission, the draft ERC v11 consists primarily of the NERR drafting but with amendments to incorporate Victorian specific provisions such as the inclusion of additional consumer protections that were prescribed by Victorian legislation or the deletion of NERR provisions which were prohibited by Victorian legislation. Amendments were also made to include provisions of the Victorian codes and guidelines which the Victorian Government identified were intended to be retained when Victoria transitioned to the NECF.

The Commission noted in the Consultation Paper in relation to the harmonisation of retail codes and guidelines,<sup>1</sup> that the draft ERC v11 was limited to harmonising the Victorian regulatory instruments with the provisions of the NECF so far as they related to retailer requirements and did not adopt the provisions of the NERR that related to distributor obligations. It was further noted that there are some retailer obligations which overlap with distributor obligations and therefore additional work would be undertaken by the Commission to identify any consequential amendments required to be made to other Victorian energy instruments as a result of the drafting adopted in the draft ERC v11.

## 1.2 Purpose of this paper

This paper outlines the Commission's approach to reviewing certain Victorian energy instruments outside the scope of the harmonisation project but which may contain retailer obligations that are inconsistent with the drafting of the draft ERC v11 and

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<sup>1</sup> Essential Services Commission 2012, *Harmonisation of the Energy Retail Code and Guidelines with the National Energy Customer Framework (NECF) – Consultation Paper*, December 2012



therefore should be amended (the **Victorian energy instruments**). The Commission seeks comment on the proposed consequential amendments to the Victorian energy instruments as a result of the drafting adopted in the draft ERC v11.

The Victorian energy instruments which were considered by the Commission for the purposes of this review are as follows:

1. Electricity Distribution Code;
2. Gas Distribution Code;
3. Electricity Retail Licences;
4. Gas Retail Licences;
5. Electricity Distribution Licences;
6. Gas Distribution Licences;
7. Deemed Electricity Distribution Contract;
8. Electricity Metering Code;
9. Public Lighting Code;
10. Electricity Customer Transfer Code;
11. Guideline 11 Voltage Variation Compensation;
12. Guideline 14 Provision of Services by Electricity Distributors;
13. Guideline 15 Connection of Embedded Generation;
14. Electricity Industry Guideline 17 Ring Fencing;
15. Retailer of Last Resort Manual August 2011;
16. Default Use of System Agreement;
17. Retail Market Procedures;
18. Retail Compliance Reporting Manual – September 2012; and
19. Operating Procedure Compensation for Wrongful Disconnection.

If any additional Victorian instruments require amending as a result of the harmonisation project, the Commission will amend them accordingly.

Section 2 of this paper outlines the approach adopted by the Commission in assessing the need for and drafting the consequential amendments to the Victorian energy instruments set out above.

A detailed table of the proposed consequential amendments is attached in Appendix A to this consultation paper.



## 1.3 Regulatory power of the Commission

The Commission has responsibility for licensing electricity and gas retailers and distributors in Victoria. The Commission's powers are outlined in the *Electricity Industry Act 2000 (EIA)*, the *Gas Industry Act 2001 (GIA)* and the *Essential Services Commission Act 2001 (ESC Act)*.

The ESC Act outlines objectives to which the Commission must have regard in undertaking its functions across all industries. The Commission's primary objective is to protect the long-term interests of Victorian consumers with regard to the price, quality and reliability of essential services. In seeking to achieve this primary objective, the Commission must have regard to the following objectives:

- to facilitate efficiency in regulated industries and provide the incentive for efficient long-term investment;
- to facilitate the financial viability of regulated industries;
- to prevent the misuse of monopoly or non-transitory market power;
- to facilitate effective competition and promote competitive market conduct;
- to ensure that regulatory decision making observes the relevant health, safety, environmental and social legislation applying to the regulated industry;
- to ensure that users and consumers (including low income or vulnerable customers) benefit from the gains from competition and efficiency; and
- to promote consistency in regulation between states and on a national basis.

The Commission also has specific energy sector objectives under the EIA and GIA. These are:

- to promote a consistent regulatory approach between the electricity industry and the gas industry, to the extent that it is efficient and practicable to do so; and
- to promote the development of full retail competition.

Our approach to consultation and regulatory reviews is set out in our Charter of Consultation and Regulatory Practice which is available on the Commission's website at the following address: <http://www.esc.vic.gov.au/getattachment/About-Us/Consultation-Policy/CharterofConsultationforWeb.pdf.aspx>



## 1.4 Submissions

Submissions are invited from interested parties on the proposed consequential amendments to Victorian energy instruments described in section 2, and the proposed amendments to retail licences described in section 3.

Please note that the Commission is not seeking submissions on matters of policy as part of this consultation, or on the future distribution arrangements. Submissions should focus solely on the proposed consequential amendments.

Submissions on this consultation paper are preferred in electronic format and should be provided to the Commission by **5pm on Friday 16 August 2013**.

By email to: [energy.submissions@esc.vic.gov.au](mailto:energy.submissions@esc.vic.gov.au)

By mail to:

Level 37  
2 Lonsdale Street  
Melbourne 3000

Submissions will be made available on our website, except for any information clearly identified as commercially confidential or sensitive. Any material that is confidential should be clearly marked as such.

The Commission proposes to publish a Final Decision in late September/early October 2013.

Questions regarding this Consultation can be directed to:

Ms Victoria Rosen, Energy Regulatory Manager on (03) 9032 1379 or  
[victoria.rosen@esc.vic.gov.au](mailto:victoria.rosen@esc.vic.gov.au)



## 2 THE COMMISSION'S APPROACH TO AMENDING VICTORIAN ENERGY INSTRUMENTS

This section sets out the approach adopted by the Commission in reviewing the Victorian energy instruments set out in section 1.2 of this consultation paper and proposing consequential amendments to those instruments as a result of the drafting adopted in the draft ERC v11.

### 2.1 Limitation to retailers obligations

As referred to above, the approach adopted by the Commission in harmonising the energy retail codes and guidelines to the NECF was to adopt the provisions of the NERR to the extent permitted by Victorian legislation and the Victorian Government's policy intention.

Notably, the provisions of the NERR which relate to distributors' obligations were excluded from the draft ERC v11 because the harmonisation project was limited to harmonising the retail codes and guidelines and did not extend to harmonising the distribution codes and guidelines.

While the NERR sets out obligations in relation to both retailers and distributors, the Victorian regulatory regime for retailers and distributors are contained in separate instruments. The obligations set out in the draft ERC v11 are limited to retailers obligations with respect to customers. The instruments which outline the obligations as between distributors and customers and between distributors and retailers exist in separate instruments which were not amended as part of the harmonisation of energy retail codes and guidelines.

### 2.2 Impact on distributors of the amendments to draft ERC v11

The Commission expects that the amendments made to the draft ERC v11, as a result of harmonising the energy retail codes and guidelines with the NECF, will have a limited impact on distributors.

However, the Commission had identified a number of linkages or 'interfaces' between the various Victorian energy instruments and the draft ERC v11. Accordingly, as a result of the proposed changes to draft ERC v11, it is necessary to make consequential amendments to other Victorian energy instruments, including instruments which impose obligations on distributors.



The key areas in which distributors will be affected by the amendments to the draft ERC v11 are as follows.

1. In relation to the Electricity and Gas Distribution Codes:
  - issues relating to disconnection of premises registered as a life support machine address (definitional only);
  - the timing of disconnection of supply; and
  - reimbursement by the distributor to the retailer for meter testing.
2. In relation to the Electricity Metering Code:
  - handling customer complaints;
  - responsibility for metering testing;
  - costs of testing metering equipment; and
  - costs of providing customers with metering data.

## 2.3 Proposed consequential amendments

Following its review of the Victorian energy instruments set out in section 1.2, the Commission is proposing to amend the following instruments:

- Electricity Distribution Code;
- Gas Distribution Code;
- Electricity Metering Code;
- Electricity Customer Transfer Code;
- Retail Compliance Reporting Manual; and
- Operating Procedure Compensation for Wrongful Disconnection.

The Commission had determined that a consequential amendment is required where a direct inconsistency arises between the existing requirement under a Victorian energy instrument and the draft ERC v11.

Where there is an overlap between an obligation contained in a Victorian energy instrument and the draft ERC v11 which does not result in a direct inconsistency, no amendment to the Victorian instrument has been proposed and the two obligations will be left to operate alongside each other. Where this arises, the Commission proposes to include a note in the draft ERC v11 indicating that a related obligation is contained in a separate instrument and identifying the instrument in which this obligation is contained.



A table describing the proposed consequential amendments to these instruments, other than the retail licences, is provided in Appendix A to this consultation paper. The proposed form of the amendments will be available on our website.

The proposed changes to the retail licences are discussed in section 3 of this consultation paper.



### 3 CONSEQUENTIAL AMENDMENTS TO RETAIL LICENCES

This section sets out the approach adopted by the Commission in reviewing the electricity and gas retail licences and describes the approach proposed by the Commission to address consequential amendments to those licences as a result of the drafting adopted in the draft ERC v11.

The Victorian electricity and gas retail licences are not uniform and there are a number of individual variations between each licence. The Commission intends to conduct a separate consultation process in relation to streamlining and updating retail licences which is not related to the harmonisation project.

Until this review occurs, and given the differences between the licences, the Commission proposes to consult with retailers individually in relation to the proposed variations to their licences as a result of the drafting adopted in the draft ERC v11.

However, set out below is some general information in relation to the proposed amendments to the retail licences which the Commission expects will be common to most retail licences. The Commission proposes to:

- amend the definition of Energy Retail Code to refer to the additional functions that the draft ERC v11 serves compared to ERC version 10 (for example the draft ERC v11 also incorporates certain guidelines);
- specifically identify the draft ERC v11 as an instrument with which retailers must comply (where the licence does not already provide for this);
- amend licence conditions which require that a licensee must not enter into a contract for the sale of electricity with a relevant customer unless the terms and conditions of the contract expressly deal with each matter which is the subject of a term or condition of the ERC. Given that the draft ERC v11 is now broader than contractual terms and conditions and incorporates other guidelines, it is no longer appropriate to require that retail contracts expressly deal with each matter which is the subject of a term or condition of the ERC; and
- amend licence conditions which require that each term or condition of the draft ERC v11 to be a term or condition with which a contract for the sale of electricity or gas must not be inconsistent, as it is no longer appropriate to provide that each term or condition of the draft ERC v11 is a term or condition with which a contract for the sale of electricity or gas must not be inconsistent.



# ANNEXURE A – TABLE OF PROPOSED CONSEQUENTIAL AMENDMENTS TO VICTORIAN ENERGY INSTRUMENTS

## 1. Introduction

The list in paragraph 1.1 sets out the Victorian energy instruments reviewed by the Commission to identify any relevant interfaces with the draft ERC v11. Proposed amendments to the instruments to align them with the draft ERC v11 are described in the table at paragraph 1.2 below. The table only includes the instruments for which consequential amendments are proposed.

### 1.1 The following instruments were considered in this review:

- |   |  |
|---|--|
| 1. Electricity Distribution Code            | 11. Guideline 11 Voltage Variation Compensation                    |
| 2. Gas Distribution Code                    | 12. Guideline 14 Provision of Services by Electricity Distributors |
| 3. Electricity Retail Licence               | 13. Guideline 15 Connection of Embedded Generation                 |
| 4. Gas Retail Licence                       | 14. Electricity Industry Guideline 17 Ring Fencing                 |
| 5. Electricity Distribution Licence         | 15. Retailer of Last Resort Manual August 2011                     |
| 6. Gas Distribution Licence                 | 16. Default Use of System Agreement                                |
| 7. Deemed Electricity Distribution Contract | 17. Retail Market Procedures                                       |
| 8. Electricity Metering Code                | 18. Retail Compliance Reporting Manual – September 2012            |
| 9. Public Lighting Code                     | 19. Operating Procedure Compensation for Wrongful Disconnection    |
| 10. Electricity Customer Transfer Code      |  |



1.2 The table below sets out the instruments that the Commission proposes to amend and details of the proposed amendment.

Clause number	Description of clause	Analysis of inconsistency	Action
<b>1. Electricity Distribution Code</b>			
5.6.1	<p>Where a customer or retailer provides a distributor with confirmation from a registered medical practitioner or a hospital that a person residing at the customer's supply address requires a life support machine, the distributor must:</p> <p>(a) register the supply address as a life support machine supply address;</p> <p>(b) not disconnect supply to the customer's supply address while the supply address remains registered as a life support machine address; and</p> <p>(c) give the customer:</p> <ul style="list-style-type: none"> <li>• at least 4 business days written notice of any planned interruption to supply at the supply address (the 4 business days to be counted from the date of receipt of the notice), unless a longer period of notice is requested by the customer and provided that the longer period of notice: <ul style="list-style-type: none"> <li>- is reasonably necessary; and</li> <li>- can be accommodated by the distributor;</li> </ul> </li> </ul>	<p>The draft ERC v11 adopts the term 'Life Support Equipment' from the NERR, whereas the Electricity Distribution Code uses the term 'Life Support Machine'. There is no definition of life support machine provided in the Electricity Distribution Code.</p>	<p>Replace the references to 'life support machine' in the Electricity Distribution Code with the term 'Life Support Equipment' and insert the following definition from the draft ERC v11:</p> <p><i>life support equipment</i> means any of the following:</p> <p>(a) an oxygen concentrator;</p> <p>(b) an intermittent peritoneal dialysis machine;</p> <p>(c) a kidney dialysis machine;</p> <p>(d) a chronic positive airways pressure respirator;</p> <p>(e) crigler najjar syndrome phototherapy equipment;</p> <p>(f) a ventilator for life support;</p> <p>(g) in relation to a particular customer—any other equipment that a registered</p>



Clause number	Description of clause	Analysis of inconsistency	Action
	<ul style="list-style-type: none"> <li>advice to assist the customer to prepare a plan of action in case an unplanned interruption should occur; and</li> <li>an emergency telephone contact number.</li> </ul>		medical practitioner certifies is required for a person residing at the customer's premises for life support.
12.6.1	<p>A distributor must not disconnect supply to a customer's supply address except in the case of an emergency or under clause 12.5 or otherwise as agreed with a customer:</p> <p>(a) after 2pm (for a domestic customer) or 3pm (for a business customer) on a weekday; or</p> <p>(b) on a Friday, a weekend, public holiday or on the day before a public holiday.</p>	The draft ERC v11 adopts the NERR drafting in relation to time for disconnection to the extent that it provides that the start of the protected period is before 8am.	<p>Insert equivalent provision in the Electricity Distribution Code as follows:</p> <p>A distributor must not disconnect supply to a customer's supply address except in the case of an emergency or under clause 12.5 or otherwise as agreed with a customer:</p> <p>(a) before 8am or after 2pm (for a domestic customer) or 3pm (for a business customer) on a weekday; or</p> <p>(b) on a Friday, a weekend, public holiday or on the day before a public holiday.</p>
12.6.2	<p>A distributor must not disconnect supply to a customer:</p> <p>(a) if the customer's supply address is registered as a life support machine supply address except in the case of an emergency;</p>	The draft ERC v11 refers to Life Support Equipment rather than life support machine.	Replace the reference to 'life support machine' with 'Life Support Equipment'.
19. Definitions	Energy Retail Code means the Code of that name setting out	The draft ERC v11 serves further	Amend definition of Energy Retail Code



Clause number	Description of clause	Analysis of inconsistency	Action
	terms and conditions relevant to contracts for the supply or sale of electricity certified by the Commission under section 36(1) of the Act.	statutory functions in addition to those under section 36(1) of the EIA.	as follows: <i>Energy Retail Code</i> means the code of that name determined by the Commission under the Electricity Industry Act and Gas Industry Act.
<b>2. Gas Distribution Code</b>			
7.2.2(b)	A Distributor may seek payment from the Affected Party of the anticipated costs of testing the metering installation, including the cost of replacing any seal used to protect the metering installation broken to allow the test to be carried out, prior to the commencement of testing, provided that if the metering installation is defective and fails to meet the accuracy standards prescribed by the Distribution System Code then the Distributor must refund the payment made by the Affected Party within 5 business days of completion of the test.	Clause 29(5)(b) of the draft ERC v11 was amended to provide that the retailer may not request that a customer pay the cost of a meter test up front as the ERC v10 does not permit meter testing fees to be paid up front. This is inconsistent with the provisions under the Gas Distribution Code.	Amend clause 7.2.2(b) of the Gas Distribution Code as follows:  A Distributor may seek payment from the Affected Party of the anticipated costs of testing the metering installation, including the cost of replacing any seal used to protect the metering installation broken to allow the test to be carried out, if the metering installation is not defective and meets the accuracy standards prescribed by the Distribution System Code. A distributor must not seek payment from the Affected Party prior to the commencement of the test.
13.1 Glossary	Energy Retail Code – The Energy Retail Code being a determination of the Commission under section 43 of the Gas Industry Act.	The draft ERC v11 performs further statutory functions to those under section 43 of the GIA.	Amend definition of Energy Retail Code as follows: <i>Energy Retail Code</i> means the code of that name determined by the Commission under the Electricity



Clause number	Description of clause	Analysis of inconsistency	Action
			Industry Act and Gas Industry Act.
<b>3. Electricity Metering Code</b>			
1.7(a)	A distributor, retailer or responsible person must handle a complaint by a customer in accordance with the relevant Australian Standard on Complaints Handling or "Benchmarks for Industry-Based Customer Dispute Resolution Schemes".	<p>Clause 50(1)(b) of the draft ERC v11 requires retailers to include in their market retail contracts provisions to the effect that a retailer is obliged to handle a complaint in accordance with the retailer's standard complaints and dispute resolution procedures rather specifically referring to the relevant Australian Standard. Section 19 of the model terms also provides that complaints are to be handled according to the retailer's standard complaint handling system.</p> <p>Clause 28.1 of the ERC v10 required a retailer to handle a customer complaint in accordance with the relevant Australian Standard on Complaints Handling.</p>	<p>Incorporate requirement from clause 81 of the NERL into the draft ERC v11 as follows:</p> <p>A distributor, retailer or responsible person must develop, make and publish on its website a set of procedures detailing the retailer's, distributor's or responsible person's procedures for handling small customer complaints and dispute resolution procedures. The procedures must be regularly reviewed and kept up to date. The procedures must be substantially consistent with the Australian Standard AS ISO 10002-2006 (<i>Customer satisfaction – Guidelines for complaints handling in organizations</i>) as amended and updated from time to time.</p>
2.6	A distributor, retailer or responsible person must provide sufficient written information to the customer so that the customer can access, at a minimum, the cumulative total energy measured by an interval meter that is a type 5* metering	Clause 25(1)(y) of the draft ERC v11 provides that if a customer's bill is derived from smart meter interval data, the customer's bill must contain:	Insert note into the draft ERC v11 which states that additional obligations in relation to the provision of metering information to customers are contained



Clause number	Description of clause	Analysis of inconsistency	Action
	<p>installation or smart meter at the customer's premises: when the meter is installed at a customer's premises; and anytime the information is requested by the customer.</p>	<ul style="list-style-type: none"> <li>• the index read at the end of the billing period;</li> <li>• the index read at the start of the billing period (starting 1 July 2012);</li> <li>• the actual tariffs; and</li> <li>• the total amount of electricity/gas consumed in each period or class of period in respect of which a relevant tariff applies to a customer.</li> </ul>	<p>in the Electricity Metering Code.</p>
5.1	<p>Subject to clause 5.2, a distributor, a retailer or a responsible person (whichever is responsible for providing the metering services) may at any time, and must within 15 business days of a request from a customer, customer's representative or a distributor (if it is not responsible for the metering services), test the metering equipment which has been installed to measure and record the amount of electricity supplied to an electrical installation of the customer to ascertain whether or not the metering equipment is defective.</p>	<p>Clause 29(5) of the draft ERC v11 provides for customer requests for meter testing in reviewing a bill and requires the retailer to arrange for a check of the meter reading or metering data or request the responsible person to test the meter. The draft ERC v11 does not provide a time period for testing the metering equipment.</p>	<p>Insert note into the draft ERC v11 which states that additional obligations in relation to the meter testing are contained in the Electricity Metering Code.</p>
5.3(b)	<p>For tests conducted following a request from a customer, a distributor, a retailer or a responsible person (as the case may be) may seek payment of the anticipated costs of testing</p>	<p>Clause 29(5)(b) of the draft ERC v11 was amended to provide that the retailer may not request that a customer pay the</p>	<p>Amend clause 5.3(b) of the Electricity Metering Code as follows: For tests conducted following a request</p>



Clause number	Description of clause	Analysis of inconsistency	Action
	metering equipment prior to the commencement of testing, but if the metering equipment fails to meet the accuracy standards prescribed under the Metrology Procedure, the distributor, the retailer or the responsible person (as the case may be) must refund the payment made by the customer within 5 business days of completion of the test.	cost of a meter test up front. This is inconsistent with the provisions under the Electricity Metering Code.	from a customer, a distributor, a retailer or a responsible person (as the case may be) must not seek payment of the anticipated costs of testing metering equipment prior to the commencement of testing.
9. Definitions	<i>“Energy Retail Code”</i> means the code of that name certified by the <i>Commission</i> .	For consistency the new definition of draft ERC v11 should be adopted in Electricity Customer Metering Code.	Amend definition of Energy Retail Code as follows: <i>Energy Retail Code</i> means the code of that name determined by the Commission under the Electricity Industry Act and Gas Industry Act.
<b>4. Electricity Customer Transfer Code</b>			
1.1	The purpose of this Code is to facilitate and regulate aspects of the process by which customers can choose to change retailer or (in certain circumstances) can be transferred to another retailer. The data access rules and the transfer rules contained in this Code operate in conjunction with the National Electricity Rules and the national CATS retail transfer procedures which operate under the National Electricity Rules.	<p>A number of other applicable laws and codes are set out at Appendix A to the Electricity Customer Transfer Code, and clause 1.6 of the Code notes that the Code does not comprehensively set out all rights and obligations of people participating in MSATS, market data or customer transfers.</p> <p>The AEMO MSATS Procedures: CATS Procedure Principles and Obligations are referred to in the Electricity Customer Transfer Code as the CATS</p>	Appendix A of the Electricity Customer Transfer Code should be amended to include reference to the draft ERC v11.



Clause number	Description of clause	Analysis of inconsistency	Action
		<p>retail transfer procedures. Chapter 6 of the CATS retail transfer procedures is the equivalent to the Electricity Customer Transfer Code.</p>	
4.1(a)	<p>(a) A proposed transfer of a customer to a new retailer must be initiated by the proposed new retailer as soon as practicable after the expiry of the cooling-off period (if any) applicable to the contract between the customer and the new retailer:</p> <p>(1) with the explicit informed consent of a relevant customer or otherwise the consent of the customer;</p> <p>(2) in accordance with the CATS retail transfer procedures;</p> <p>(3) by nomination of a proposed date in accordance with clause 4.2.</p>	<p>Clause 57(2) of the draft ERC v11 provides that a customer transfer is permitted prior to completion of the cooling off period provided that the transfer can be reversed if the customer elects to withdraw.</p> <p>Clause 6.4(n) of the CATS retail transfer procedures provide that the new Financially Responsible Market Participant may withdraw a change of retailer transaction request at any time until the transfer is completed in CATS. It is unclear whether this clause will allow a transfer to be reversed in the event it is permitted prior to the cooling off period. It is likely that should clause 57(2) of the draft ERC v11 apply, and once a transfer has been completed, a new transfer will need to be initiated to effect a reversal of a transfer. This clause should therefore not restrict the</p>	<p>Amend the Electricity Customer Transfer Code to permit a transfer to occur prior to completion of the cooling off period if the transfer can be reversed if the customer elects to withdraw.</p>



Clause number	Description of clause	Analysis of inconsistency	Action
		operation of the draft ERC v11.	
6. Definitions	<i>Energy Retail Code</i> means the code of that name determined by the <i>Commission</i> .	For consistency the new definition of draft ERC v11 should be adopted in Electricity Customer Transfer Code.	Amend definition of Energy Retail Code as follows: <i>Energy Retail Code</i> means the code of that name determined by the Commission under the Electricity Industry Act and Gas Industry Act.
<b>5. Retail Compliance Reporting Manual – September 2012</b>			
Appendix A Table A.1	Appendix A to the Retail Compliance Reporting Manual contains detailed references to clauses within the Code of Conduct for Marketing Retail Energy in Victoria, Energy Retail Code (v.10), Guideline 13: Greenhouse Gas Disclosure on Electricity Customers' Bills, Guideline No. 19: energy Price and Product Disclosure and Guideline No. 21: Energy Retailers' Financial Hardship Policies.	The references to these instruments have changed due to the drafting of the draft ERC v11.	Update Appendix A Table A.1 as per track changes set out in mark up version of the Retail Compliance Reporting Manual published on the Commission's website to reflect changes to the draft ERC v11.
Appendix A Table A.1	Appendix A to the Retail Compliance Reporting Manual also contains references to Electricity Retail Licence clauses 9.1 to 9.3 under Type 2 obligations.	As identified in section 3 of the consultation paper, a further consultation process has been proposed in relation to amendments to the retail licences and retail licences will be amended based on individual variations between licences.	Further amendments to Appendix A of the Retail Compliance Reporting Manual may be required once amendments have been made to the retail licences.
<b>6. Operating Procedure Compensation for Wrongful Disconnection</b>			
Clause 2.3	This clause of the Operating Procedure refers to and replicates	The reference to clause 36.1 should be	Delete the words:



Clause number	Description of clause	Analysis of inconsistency	Action
	clause 36.1 of the ERC which has not been adopted in the draft ERC v11.	removed from the Operating Procedure as it has not been adopted in the draft ERC v11.	'Consistent with clause 36.1 of the Energy Retail Code'.
Clause 3.1	This clause refers to certain clause numbers from the ERC v10 which have changed numbering in the draft ERC v11.	The clause references should be updated for consistency with new clause numbering adopted in the draft ERC v11.	Delete the references to clauses 11.2, 13.1 and 13.2 and replace with clauses 33(1), 111, 112, 113 and 116.
Interpretation	Sets out the interpretation of terms in the Operating Procedure.	Certain terms have been given new definitions in the draft ERC v11.	Incorporate new definitions adopted in the ERC v11 where appropriate.
Appendix A	Appendix A to the Operating Procedure refers to certain clause numbers from the ERC v10 which have changed numbering in the draft ERC v11.	The clause references should be updated for consistency with new clause numbering adopted in the draft ERC v11.	Amendments to clause numbers are indicated in track changes in the marked up version of the instrument available on the Commission's website.
Appendix C	Appendix C to the Operating Procedure refers to clause 11.2(1) of the ERC v10 which is not set out in clause 72(1)(a)(ii) of the draft ERC v11.	This clause should be updated for consistency with new clause numbering adopted in the draft ERC v11.	Delete the references to clause 11.2(1) and replace with clause 72(1)(a)(i).
Appendix D	Appendix D to the Operating Procedure refers to clause 11.2 of the ERC v10 which is not set out in clause 72(1)(a)(ii) of the draft ERC v11.	This clause should be updated for consistency with new clause numbering adopted in the draft ERC v11.	Delete the references to clause 11.2 and replace with clause 72(1)(a)(i).